

In The Matter Of:
State Election Board Meeting

Vol. One
December 9, 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 9, 2025
9:01 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 Chair

Ms. Janelle King, Member

Rick Jeffares, Member

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.

P R O C E E D I N G S

DR. JOHNSTON: The State Election Board will come to order. Good morning to all of you. Welcome to the State Election Board meeting for December 9th and 10th, and Lord willing, not the 11th. The invocation today will be given by Executive Director, James Mills.

MR. MILLS: Thank you. Let's pray. Father, we thank you for this day that you given us. Thank you that you allow us to give a lot of things in this life, but none of us can give a day and you've chosen, God, to give us this day. So we pause to say thank you. We pause to say that we recognize that you're the greatest giver that there's ever been. In this time of season and year, Lord, we thank you for giving us your Son, Jesus and God, we thank you for all that this season includes. And we ask now for wisdom as we proceed in this meetings. Father, your word tells us if we lack wisdom to ask and so we ask for wisdom and discernment. Father, we pray that you would bless Georgia. Pray that you would bless our leaders. Pray that you bless this

1 Board and give them wisdom and discernment as
2 they make decisions. Be with each person
3 that's here. Bless their homes, their
4 families and their lives. In Jesus name.
5 Amen.

6 DR. JOHNSTON: I'd like to ask former
7 Senator Rick Jeffries to lead the room in the
8 Pledge of Allegiance. Would you all please
9 stand?

10 MR. JEFFARES: I pledge allegiance to the
11 flag of the United States of America. And to
12 the Republic for which it stands, one nation
13 under God, indivisible with liberty and
14 justice for all.

15 DR. JOHNSTON: Thank you. We have a very
16 full agenda of hearing cases today, but I'd
17 like to say a few words. I'm Dr. Janice
18 Johnston, Vice Chair of the State Election
19 Board and will be chairing the meeting and
20 hearing -- and the hearing of cases in the
21 absence of Chairperson, John Fervier. The
22 Chairman notified the Board by email 36 hours
23 ago that he would not be able to attend the
24 meeting due to personal reasons. We have been
25 unable to reach him and will share with you

1 information concerning Mr. Fervier as soon as
2 we are able to make contact. Fortunately, Mr.
3 Fervier did not plan the meeting agenda. Did
4 not plan or participate in pre-meeting reviews
5 of cases for the meeting and has not been in
6 the State Election Board Office for five
7 months. The State Election Board staff has
8 been phenomenal, enthusiastic and the hardest
9 working bunch of people at the Capitol. They
10 each deserve an award for doing what it takes
11 to get the job done. I will speak more about
12 each of our staff members tomorrow, but we
13 have work to do, and want to respect the
14 attendees' time and effort to be here. The
15 minutes are not finalized for reading and
16 approval and with the absence of Chairman
17 Fervier and Ghazal do I hear a motion to delay
18 the reading of minutes until the next meeting?

19 MS. KING: So moved.

20 DR. JOHNSTON: Is there a second?

21 MR. JEFFARES: Second.

22 DR. JOHNSTON: Any discussion?

23 (No response.)

24 DR. JOHNSTON: All in favor?

25 THE BOARD MEMBERS: Aye.

1 DR. JOHNSTON: The agenda for today's
2 meeting is before the Board. Are there any
3 amendments or additions to the agenda
4 scheduled for today?

5 (No response.)

6 DR. JOHNSTON: If there are no
7 objections, then we'll proceed with the orders
8 of the day. First, is the report of the
9 Attorney General. Ms. Young, welcome. Thank
10 you for being here.

11 MS. YOUNG: All right. I'll start with
12 the consent orders that we have on our agenda.
13 We have two -- two consent orders under case
14 number 2021-168. It's a related case
15 involving two sisters, one of whom was running
16 for City Council in Lyons, Georgia. This case
17 involves allegations of improper handling of
18 absentee ballots. The candidate is alleged to
19 have come to a couple of people's houses and
20 had them either assisted them or filled out
21 the ballot for them depending on which witness
22 you were talking to. And then her sister,
23 apparently, collected a number of ballots was
24 not alleged to have done anything to fill them
25 out, but improperly took them to drop them

1 off. We have worked out a consent agreement
2 for the candidates to pay a \$600 fine, and for
3 her sister who's doing the drop offs, to pay a
4 \$500 fine. We think this is likely to be a --
5 a good result, particularly given the fact
6 that, you know, we -- the cost of taking it to
7 an administrative hearing would probably eat
8 into the the recovery of that and would
9 recommend that the Board approve and -- and
10 acknowledge the consent orders.

11 DR. JOHNSTON: Are there any questions
12 for Ms. Young?

13 (No response.)

14 DR. JOHNSTON: Do I hear a motion to
15 accept the consent order for SEB2021-168?

16 MS. KING: So moved.

17 DR. JOHNSTON: Is there a second?

18 MR. JEFFARES: Second.

19 DR. JOHNSTON: Any discussion?

20 (No response.)

21 DR. JOHNSTON: All in favor of approving
22 the consent order say aye.

23 THE BOARD MEMBERS: Aye.

24 DR. JOHNSTON: Any opposed?

25 (No response.)

1 DR. JOHNSTON: The motion passes
2 unanimously. Next.

3 MS. YOUNG: Okay. Moving on to final
4 order cases. Our first case, 2022-336, comes
5 from Whitfield County. The Respondent is
6 Angelica Angeles. She is the owner of a lash
7 business, a lash salon, and decided to conduct
8 a raffle where people could enter to win a set
9 of free lashes if they would take a selfie
10 with their I Voted sticker and post it on
11 social media. That violates the provision of
12 incentivizing people by giving them goods or
13 services to vote whether -- whether or not
14 it's for a particular candidate. In speaking
15 with the investigator, she acknowledged that
16 she had done this. She did not have any
17 particular intent to incentivize for any
18 particular candidate, and quite frankly, said
19 that she thought this would be a good way of
20 drumming up business for her lash studio,
21 rather than trying to actually influence the
22 outcome of the election because of that, we
23 think that a cease and desist with a reprimand
24 is the appropriate remedy in this case, rather
25 than trying to take her to OSAH to impose a

1 penalty for her conduct.

2 DR. JOHNSTON: Are there any questions
3 for Ms. Young?

4 (No response.)

5 DR. JOHNSTON: Do I hear a motion to --
6 to accept the final order for SEB2022-336?

7 MS. KING: So moved.

8 DR. JOHNSTON: Is there a second?

9 MR. JEFFARES: Second.

10 DR. JOHNSTON: Any discussion?

11 (No response.)

12 DR. JOHNSTON: There's no discussion.

13 All in favor say aye.

14 THE BOARD MEMBERS: Aye.

15 DR. JOHNSTON: Any opposed?

16 (No response.)

17 DR. JOHNSTON: None opposed. It's
18 unanimously passed to accept final order,
19 2022-336. Next.

20 MS. YOUNG: Our next case is 2022-285,
21 this comes from Ware County. The Respondent
22 is named Margaret Grant -- Gant. There's no
23 dispute that she voted twice in the November
24 8th, 2022 election. She voted in-person at
25 the polls. Once on October 17th and another

1 time on October 25th. This was permitted to
2 happen due to an inadvertent error made by the
3 poll manager that checked her in. In terms of
4 the charges against Ms. Gant, although she
5 very clearly did vote twice, her family
6 members were -- multiple family members gave
7 testimony that she has mental disabilities
8 along the lines of dementia that she wonders
9 frequently, has memory issues. And they
10 believe that she didn't intend to vote twice,
11 but simply did not remember that she voted the
12 first time. The testimony was sufficiently
13 compelling that we feel like it would be
14 believed by an administrative law judge, and
15 that it would be unlikely that any penalty
16 would be awarded if we were to take her to a
17 hearing. And that there's really no reason to
18 put her through that given her disabilities.
19 So we would recommend that final order with a
20 cease and desist and a reprimand would be the
21 appropriate remedy for her in that matter.

22 DR. JOHNSTON: Thank you. Are there any
23 questions for Ms. Young?

24 (No response.)

25 DR. JOHNSTON: Do I hear a motion to

1 approve the final order for SEB2022-285?

2 MS. KING: So moved.

3 DR. JOHNSTON: Is there a second?

4 MR. JEFFARES: Second.

5 DR. JOHNSTON: Any discussion?

6 (No response.)

7 DR. JOHNSTON: There's no discussion.

8 All in favor --

9 THE BOARD MEMBERS: Aye.

10 DR. JOHNSTON: -- say aye.

11 THE BOARD MEMBERS: Aye.

12 DR. JOHNSTON: No opposed. Passed
13 unanimously. The next case SEB2021-178.

14 MS. YOUNG: Yes. This is a case coming
15 from Clarke County. It is a registration
16 case. The Respondent's name is Cheryl Chase.
17 Ms. Chase did attempt to -- actually did
18 successfully register to vote under the name
19 of a previous tenant that was living at her
20 address. The interesting fact in this case is
21 that her registration was not made in an
22 attempt to vote. She was attempting to get
23 that voter ID card to use for fraudulent check
24 cashing purposes for which she was caught.
25 She was charged with third degree forgery and

1 pled guilty, sentenced to probation for that
2 crime. She -- given that -- that she has
3 already been criminally sentenced and tried
4 for -- for the -- those matters. We think
5 that a final order with a cease and desist and
6 a reprimand is appropriate in this case. We
7 have done that in similar cases in the past
8 and would recommend that the Board enter that
9 final order of cease and desist with a
10 reprimand to close the case.

11 DR. JOHNSTON: Thank you. Are there any
12 questions for Ms. Young?

13 (No response.)

14 DR. JOHNSTON: Do I hear a motion?

15 MS. KING: So moved. I make a motion
16 that we accept the final order.

17 DR. JOHNSTON: Is there a second?

18 MR. JEFFARES: Second.

19 DR. JOHNSTON: Any discussion?

20 (No response.)

21 DR. JOHNSTON: With no discussion. All
22 in favor for accepting the final order for
23 2021-178 say aye.

24 THE BOARD MEMBERS: Aye.

25 DR. JOHNSTON: Any opposed?

1 (No response.)

2 DR. JOHNSTON: Passed unanimously. Next
3 case, SEB2024-092.

4 MS. YOUNG: So this case and the two
5 cases that come after are kind of part of one
6 group. Those cases are 2024-022, and 2023-
7 073. This is a group of cases that Henry
8 County's Board of Elections and Registration
9 self-reported for a couple of very minor
10 irregularities that happened. First thing had
11 to do with some wrong assignments of city
12 council districts that happened in the
13 migration from ENET to Jarvis. I'm not sure
14 exactly the technicalities of that happened,
15 but somehow in that transition, a couple of
16 electors got put in the wrong district.

17 The second thing that happened was they
18 had a broken electronic lock on a door to a
19 room that contained voting equipment. They
20 fixed it as soon as they became aware of it
21 and self-reported. There's no evidence that
22 any actual tampering took place. The third
23 thing that happened was they were transporting
24 two ballot scanners to two different precincts
25 in the same vehicle, and accidentally dropped

1 scanner one at location two, and scanner two
2 at location one. They very quickly figured
3 out they had done that and were able to
4 correct it and I don't believe that that's
5 caused any delays or major problems during
6 voting day, itself.

7 One thing that's noteworthy about this
8 case is that the Board Members, during their
9 commentary, had indicated that ordinarily they
10 would do a letter of instruction in this case,
11 but they referred it -- felt like because
12 Henry County did not attend, they would refer
13 it to our office instead. There are couple
14 problems with this and so when we spoke to
15 Henry County, you know, they let us know that
16 they had attended when the matter was noticed
17 for the May meeting. They sat there all day,
18 and their case was not reached. They made the
19 decision not to come back for the July meeting
20 because they didn't really contest anything.

21 They cooperated with investigators and
22 didn't feel like they had anything that they
23 needed to say in their defense because they
24 were not disputing these -- these self-
25 reported and agreed upon actions. If the

1 Board is going to impose consequences for
2 Respondents for nonappearance that really
3 needs to be made clear to those Respondents in
4 advance. The letters that the Board currently
5 sends out concludes by saying you are not
6 required to attend, but are welcome to attend
7 if you wish. If the Board is going to treat
8 people differently because they did not attend
9 the meeting, we would strongly encourage the
10 Board to change that language to let
11 Respondents know what the consequences for
12 non-attendance would be.

13 Going back to the substance of the
14 violations themselves, you know, as the Board
15 indicated on the frontend, these really
16 probably would have been appropriate for a
17 letter of instruction, but given that it's
18 been referred to our office now, you know, we
19 do not, generally, recommend on referring the
20 case back to the Board, a letter of
21 instruction. Our option is to recommend a
22 cease and desist and a reprimand. So that is
23 what we're referring -- recommending in this
24 case.

25 DR. JOHNSTON: Thank you. Are there any

1 -- any questions for Ms. Young? So, Beth,
2 does -- so your report includes 092, 022 and
3 073?

4 MS. YOUNG: Correct.

5 DR. JOHNSTON: Correct. So if there no -
6 - no questions, do I hear a motion to accept -
7 - to approve -- to approve the final orders
8 for SEB2024-092, 2024-022 and 2024-107 -- I'm
9 sorry, 2023-073.

10 MR. JEFFARES: So moved.

11 DR. JOHNSTON: Is there a second?

12 MS. KING: Second.

13 DR. JOHNSTON: Is there any discussion?
14 (No response.)

15 DR. JOHNSTON: There's no discussion.
16 All those in favor for approving these three
17 cases, final order say aye.

18 THE BOARD MEMBERS: Aye.

19 DR. JOHNSTON: Any oppose?
20 (No response.)

21 DR. JOHNSTON: None. Passes unanimously.
22 Moving on to the last final order, SEB2024-
23 164.

24 MS. YOUNG: All right. This is on a case
25 coming from Glynn County. Respondent's name

1 is Martin Polus. We're recommending an
2 administrative dismissal here. Although this
3 is -- does appear to allege a attempt to
4 register on behalf of a felon while he was
5 still on probation. The issue here is we have
6 not been able to find the Respondent and the
7 Respondent has had no notice of these
8 proceedings. We have been in touch with his
9 parole officer who has also not been able to
10 find him. We don't see any indication that if
11 local law enforcement and his parole officer
12 are unable to find him, that we're going to be
13 able to find him either. We see no, you know,
14 reason to believe that -- that we're going to
15 be able to track him down. And without being
16 able to serve him with notice of this hearing
17 and notice of these proceedings, we can't
18 really proceed any further. He has not even
19 received notice of the original proceeding in
20 which this case was bound over to our office,
21 which, in and of itself, is a problem.

22 So what we would recommend is that the
23 Board administratively dismiss this case
24 without prejudice at this time. And if Mr.
25 Polus ever resurfaces, the case could be

1 reinstated at that time.

2 DR. JOHNSTON: Thank you. Are there any
3 questions for Ms. Young?

4 (No response.)

5 DR. JOHNSTON: Do I hear a motion to
6 administratively dismiss without prejudice
7 case 2024-164?

8 MS. KING: So moved.

9 DR. JOHNSTON: Is there a second?

10 MR. JEFFARES: Second.

11 DR. JOHNSTON: Any -- any discussion?

12 (No response.)

13 DR. JOHNSTON: There's no discussion.

14 All in favor say aye.

15 BOARD MEMBERS: Aye.

16 DR. JOHNSTON: Any opposed?

17 (No response.)

18 DR. JOHNSTON: Passes three to zero. And
19 that concludes the cases from the Attorney
20 General's Office. Thank you so much.

21 MS. KING: Thank you.

22 DR. JOHNSTON: Next on the agenda are the
23 investigations reports and hearings. The --
24 the Board has had several weeks to review
25 these reports and request information from the

1 Secretary of State investigators. There are
2 completed reports and cases that the Board has
3 recommended for dismissal. For the purposes
4 of keeping the public informed and the process
5 transparent, I would like to inform the
6 audience that a dismissal of the case does not
7 necessarily mean that there is no violation of
8 election law. Dismissal may mean as, Ms.
9 Young just referred, to a -- an individual
10 that cannot be found. Dismissal may mean
11 there was no violation found, or there was no
12 election statute pertaining to the complaint
13 that was violated, or the complainant provided
14 no evidence of a violation, or the complainant
15 could not be contacted to obtain more
16 information to assist in the investigation, or
17 the respondent could not be found or
18 contacted, or a respondent refused to be
19 interviewed, or the investigator could not
20 obtain the necessary or sufficient election
21 documents, or the case became too old and
22 election documents may have been destroyed, or
23 the respondent may have died. There are many
24 reasons for dismissals of cases and there is
25 not the assumption that there is no election

1 law violation, but I just wanted to be on the
2 record that there are -- there are many
3 factors to consider.

4 We have -- we have reviewed -- had time
5 to review these cases and there's a new
6 procedure. Two months ago, the Secretary of
7 State investigators announced that they would
8 not be present at this State Election Board
9 meeting to present cases orally. This was a -
10 - a change -- certainly a change in a long
11 established policy. However, I thought it was
12 a win-win situation because it might save the
13 State Election Board many minutes or perhaps
14 hours of time of hearing the cases read that
15 we had already just -- we had read and
16 reviewed ourselves.

17 So then -- so the new procedure today is
18 that there -- we will have a hearing docket.
19 We will call -- I will call out the case
20 number and ask if the complaint -- if the
21 Respondent is here or the Complainant is here.
22 Please raise your hand if you are and you
23 would like to speak. We will hear the
24 Respondent first and they may present their
25 response to the case and the alleged

1 violation. And then if the Complainant is
2 here and would like to speak, we will hear the
3 Complainant also. So that is the -- the --
4 the -- the method that we will use today. And
5 we hope that it will work well. We've worked
6 hard and we will do our best to consider each
7 and every case fairly and impartially and
8 without prejudice.

9 So first on -- on the agenda are cases
10 for possible dismissal. There are a large
11 number of cases. We were given over 250 cases
12 of completed investigations. And we have
13 meticulously gone through many of these and
14 for all of the -- and many other reasons I
15 just mentioned, as far as the reason for
16 dismissal, these cases have been recommended
17 to be dismissed. I'd like to ask the fellow
18 Board Members if there are any cases that
19 you'd like to pull to be heard individually.
20 The cases are before -- before the Board
21 Members right now.

22 Member King?

23 MS. KING: No.

24 DR. JOHNSTON: Let's see. I have five
25 cases that I would like the Board to address

1 that are in the recommended to be -- to be
2 dismissed grouping. S -- first is SEB2022-
3 325, Cobb County, improper ballot issue. Give
4 us a minute to pull the case up.

5 Member Jeffares, you have your notebook,
6 correct?

7 MR. JEFFARES: I do.

8 DR. JOHNSTON: And, Member King, you have
9 your digital notebook, correct?

10 MS. KING: Yeah.

11 DR. JOHNSTON: 2022-325, this is -- this
12 is a case of a last call absentee ballot drop
13 location in Cobb County during November 8th,
14 2022 election. The question I have -- some of
15 the questions I have concerning this case are
16 the issue of whether there was adequate notice
17 given for establishing absentee ballot drop
18 offs for the voters in Cobb County and for the
19 parties to provide poll watchers. Any
20 location that's considered an absentee ballot
21 drop off location is considered a polling
22 place -- polling place. It's considered a
23 polling place that provisions should be
24 allowed or arranged or provided for poll
25 watchers to be present. And I was unclear

1 with the report -- with the investigator's
2 report whether those issues had been addressed
3 and requirements of notice had been followed.
4 So I would like to recommend to continue this
5 case and add Cobb County as the Respondent and
6 hear this at the next meeting in January. If
7 -- if one of my Board Members agrees, perhaps
8 a motion could be made?

9 MS. KING: Yeah. I make the motion that
10 we continue SEB 222 [sic] 325 until the next
11 meeting in January.

12 DR. JOHNSTON: Is there a second?

13 MR. JEFFARES: Second.

14 DR. JOHNSTON: A motion has been made to
15 continue case 2022-325, Cobb County, improper
16 ballot issue or -- is the title of the case.
17 And presented at the -- add Cobb County as the
18 Respondent and present it at the January
19 meeting. Is there any discussion?

20 (No response.)

21 DR. JOHNSTON: There's no discussion.
22 All in favor say aye.

23 THE BOARD MEMBERS: Aye.

24 DR. JOHNSTON: Any opposed?

25 (No response.)

1 DR. JOHNSTON: None opposed. Passes.
2 The next case is SEB2024-245, Cobb County,
3 photo, case. 2024 -- this is a case of 2024-
4 245 is a case of an -- an election worker
5 taking a photo of a voter's passport with
6 their personal mobile device to verify
7 citizenship during the November 2024 election.
8 The -- the question that I have about this
9 case is perhaps not particularly an election
10 law violation case, but bringing up the point
11 that taking a photo of someone's personal ID
12 can only be done with their consent. And I
13 wasn't clear if this voter gave their consent
14 to have their -- their passport photo taken
15 with a personal phone of an election worker
16 and then sent to the election office to
17 confirm citizenship that it raises the
18 question of what counties do to provide
19 information back to the election office to
20 confirm identity or voter -- voter
21 registration information. I just want to
22 raise that question and I would -- would like
23 to continue this case for the January meeting,
24 if -- if the Board agrees?

25 MS. KING: Yeah. I make a motion that we

1 continue SEB2024-245 until the January
2 meeting.

3 DR. JOHNSTON: Is there a second?

4 MR. JEFFARES: Second.

5 DR. JOHNSTON: Any discussion?

6 (No response.)

7 DR. JOHNSTON: No further discussion.

8 All in favor of continuing case 2024-245 until
9 the January meeting say aye.

10 THE BOARD MEMBERS: Aye.

11 DR. JOHNSTON: No opposed. Passes
12 unanimously. The next case is 2022 -- and -
13 062 and 2022-261, both involve observation of
14 election conduct of polling places.

15 MS. KING: So 202 -- that's 06 --

16 DR. JOHNSTON: 062 and 261.

17 MS. KING: Okay.

18 DR. JOHNSTON: The point I'd like to make
19 concerning both of these cases is that every
20 election we receive complaints that poll
21 watchers, or observers, or the public are not
22 allowed to watch the conduct of an election
23 and are prevented from legal and proper
24 observation of election processes. Granted
25 no, it's not proper to watch out -- how people

1 vote or to observe private identifying
2 information concerning voters, but the
3 election processes are public. There -- they
4 should be available to the public and that's
5 and we have poll watchers that are
6 representatives of both political parties or
7 other political parties that, by law, should
8 be granted meaningful observation of all
9 election processes.

10 So my -- my concern is for -- for future
11 complaints, I think we need to look at these
12 and ask the county election workers to make
13 sure and -- and their election supervisors to
14 instruct counties that observation is not only
15 allowed, it -- it's required. And -- and poll
16 worker -- poll watchers should not be
17 prevented from observing these processes. And
18 I would ask both parties to be respectful and
19 professional and be open to transparency in
20 our elections in the state of Georgia. I -- I
21 do not have a motion or recommendation to
22 continue this, but I just wanted to make a
23 point of those two cases so we would include
24 those as recommended for dismissal.

25 The final case I'd like to ask -- bring

1 up is SEB2022-338, Fulton County, out-of-state
2 registrant. I would recommend that this case
3 continue as a recommended dismissal case, but
4 we'd like to ask our investigators to check
5 the current voter registration status of one
6 of the Respondents, Ms. Emily Freeman, whether
7 she is still an active voter in the Fulton
8 County voter registration system since she has
9 since moved to New York and registered to vote
10 in New York.

11 MS. KING: (Inaudible)

12 DR. JOHNSTON: That's just a follow-up
13 for our investigators. Thank you. Okay, so -
14 -

15 MS. KING: Do I need to make a motion to
16 continue that?

17 DR. JOHNSTON: All right. So case 2022
18 325 and 2024-245 will be continued, and the
19 rest of the cases that are recommended to be
20 dismissed. I will not read the long list of
21 cases to be dismissed, but they will be in the
22 summary of the meeting in a few days, and they
23 -- as you may see, they're on the agenda.
24 Okay. So do I hear a motion to accept the
25 cases for dismissal as listed in our agenda?

1 MR. JEFFARES: So moved.
2 DR. JOHNSTON: Is there a second?
3 MS. KING: Second.
4 DR. JOHNSTON: All -- is there a
5 discussion?
6 (No response.)
7 DR. JOHNSTON: If not, all in favor say
8 aye.
9 THE BOARD MEMBERS: Aye.
10 DR. JOHNSTON: Motion passes unanimously.
11 MS. KING: Madam Chairwoman, can you
12 repeat the last case that you Ms. Freeman,
13 what number that was?
14 DR. JOHNSTON: Yes. SEB 2022-338.
15 MS. KING: Thank you.
16 DR. JOHNSTON: All right. Now -- now,
17 we'll move on to cases for possible violations
18 beginning with SEB202-322, multiple counties,
19 33 counties failed election night reporting.
20 Are there any Respondents or
21 representatives for Respondents in the room.
22 UNIDENTIFIED SPEAKER: (Inaudible).
23 DR. JOHNSTON: Thank you. The
24 Complainant was the Secretary of State. Is
25 there a representative from the Secretary of

1 State's Office?

2 (No response.)

3 DR. JOHNSTON: Okay. So would -- would
4 you raise your hand if you'd like to speak,
5 and I will turn on the microphone and call --
6 I'll start left to right. How about that?

7 MR. MARKS: Yes, ma'am. Madam Chairman
8 of the Board, my name is Ryan Marks, I
9 represent Franklin.

10 DR. JOHNSTON: And turn it on --

11 MR. JEFFARES: There's a button there.

12 DR. JOHNSTON: -- at the desk.

13 MR. MARKS: My name is Ryan Marks. I
14 represent Franklin County in this matter. I
15 would just to update the Board on what
16 Franklin County has done since we received
17 this investigative report. I've reviewed the
18 investigative report. I've reached out to the
19 investigator, as well as to the Board to try
20 and get more information. The Respondent in
21 this matter, Franklin County, no longer works
22 as our supervisor in Franklin County. We have
23 since replaced her as a supervisor. This --
24 the Board of Elections now has full-time legal
25 representation for all the matters, as well as

1 we hired a 20-year veteran, Christine Royston
2 (ph) to help supervise and provide oversight
3 to the processes of our elections. So we
4 looked into the processes for the Respondent.
5 We could not find any processes that she'd
6 actually written down and so we're
7 implementing all new processes and providing
8 those in a very transparent way not only to
9 our Board, but to the State Election Board, as
10 well. Of course, if we find anything, we'll
11 then report it to the State Election Board, as
12 well, but I did speak to -- did an internal
13 investigation. I spoke to several of the
14 Board Members that are still on this -- on the
15 Board since 2022 and their recollection is
16 that everyone was very late getting out from
17 the election. Sometimes between 1:00 and 2:00
18 in the morning. And so that may have led to
19 the possible violation that we have in front
20 of us.

21 DR. JOHNSTON: Thank you. And next to
22 you?

23 MS. WILSON: Good morning, Members of the
24 Board. Melanie Wilson for Gwinnett County
25 Voter Registration and Elections. I have some

1 material I'd like to distribute before I make
2 a presentation. Board Members, section 21-2-
3 41, requires, at the time, required reporting
4 of election results at by -- before -- by ten
5 -- 10:00, I think it's 9:59. And so what I
6 just distributed to you are copies of emails
7 from November 8th, 2022. Our essential
8 representation this morning is that we, in
9 Gwinnett, did submit our election results.
10 They were submitted at 9:28 p.m. and you'll
11 see an email there -- there from Calvin
12 Williams, the Deputy Elections supervisor for
13 Gwinnett County. When Mr. Williams submitted
14 the email, he asked for confirmation. He did
15 not get a response until after midnight and at
16 that point, the then Deputy Elections
17 Director, Dr. Jesse Harris, explained to him
18 that they had they hadn't received it. When
19 we sent the email at 9:28 and didn't get a
20 confirmation. We did what we thought was the
21 next best thing. We took a photograph of the
22 report that we had posted in the window of the
23 main office at 55 Grayson Highway. That
24 photograph was taken at 9:46 p.m. If you look
25 at the photograph, look on the right side of

1 the picture in fairly dark -- it's fairly dark
2 and you can see it. It says 9:46 p.m. So in
3 short, for those reasons, because we believe
4 that we did everything within our power to
5 comply with the law, we respectfully ask that
6 this Board dismiss the violation alleged
7 against us. I was hoping that our -- oh, I
8 see my Election Supervisor's here, Zach
9 Manifold. If you have any additional
10 questions, he's available to answer them, but
11 for the simple reason that we submitted the
12 report, to the best of our ability, asked for
13 a confirmation at 9:28 p.m. Did not get a
14 confirmation, but instead were told, oh, we
15 didn't get it. We did the next best thing.
16 So we believe in these circumstances that our
17 -- the allegations that's made against us
18 should be dismissed, but Zach is here.

19 DR. JOHNSTON: Thank you. Do you have
20 something to add, Zach?

21 MR. MANIFOLD: Just that I do think there
22 was a -- an issue with the portal, I do think.
23 So the reason we emailed is the SOS -- I think
24 this is the first election where they had the
25 online portal that you had to submit through.

1 And we actually tried out different computers
2 in Gwinnett County. I don't know if it was,
3 like, a security issue or what, but we kept
4 hitting submit and we couldn't tell if it went
5 through or not and so that's actually why we
6 emailed at 9:28. So I do wonder how many
7 counties out there ran into that, as well. We
8 just kind of take -- took the step of -- we
9 were uncomfortable with not having a
10 confirmation that night. So we went ahead and
11 posted it to the picture so that we make sure
12 we had documentation of the 10:00 -- that
13 we're -- that we were compliant. So I just --
14 I do wonder a lot of these counties may run
15 into, essentially, what we did, but, you know,
16 I don't know if they all took that as
17 additional steps to document what was going
18 on. So I just wanted to share that.

19 DR. JOHNSTON: Thank you. Any other
20 Respondents? Yes.

21 MS. PACHUTA: Can you hear me? Yeah. My
22 name is Karen Pachuta and I represent several
23 counties. I did email the Board yesterday.
24 Dawson County -- they actually -- and I do
25 have copies if the Board would like it. The

1 Director emailed her liaison at 9:57 saying
2 she had submitted the report, but believed she
3 had made an error on the absentee ballots
4 because she had not included the ones that
5 were not yet duplicated and had asked about
6 changing it. So by 9:57 she had already
7 submitted that report. So, you know, this was
8 done via Survey Monkey. So I'm not sure if
9 that software is, you know, appropriately
10 tracking the timeline. Also, there's no kind
11 of confirmation that they received. There's
12 no confirmation that they received. So
13 yesterday when I was talking to some of our
14 clients, I said, start taking a photo and
15 noting the time, and just put it in the
16 records what time that was. Newton County,
17 they had an issue -- she -- I don't have
18 copies. I have it on my phone. She was
19 emailing Jesse Harris. She couldn't get the
20 report through and when he replied, by this
21 time it was after the deadline. She had
22 entered the test environment too early so when
23 she tried to go back in to submit, it was
24 looking at her IP address and thought she had
25 already submitted. It would not let her

1 submit again. He said she needed to go to a
2 different computer, a different IP address, to
3 do that. So that was that issue. And then
4 Pickens County, she's aware she had issues
5 that evening. She realized too they needed to
6 start opening absentee ballots earlier and I
7 think the Legislature recognized too that this
8 10:00 p.m. deadline was more difficult because
9 in 2023 they extended it for two hours. So I
10 think some of those problems did help us.
11 Screven County is also one of our clients.
12 The staff that was there in 2022 are no longer
13 there, so we don't have any information on
14 that. For 2024 the Director's here and she
15 can speak on that. Then also Quitman County,
16 Judge Self is here. He was the superintendent
17 at that time and he wanted to speak on that.

18 DR. JOHNSTON: Thank you.

19 MR. SELF: Good morning. I am Judge Self
20 from Quitman County. I was the Election
21 Superintendent up until January the 1st of
22 2025 when our Legislature so kindly took that
23 away from probate judges. At that point in
24 time, I was very upset that they took that
25 away from me because I enjoy doing elections,

1 as most of you do. At the present time, I am
2 glad they took that away from me. The reason
3 that I am here today is -- is two reasons.
4 I've got a 2022 case where we failed to report
5 on time. The accounting group was left off by
6 the Secretary of State's Office and I did not
7 catch that until we were tallying our votes in
8 the computer. There was no spot for that
9 counting group to go. Absentee ballots had no
10 place to go in the counting group. So I had
11 to call the Secretary of State's Office and
12 let them walk us through that. We were using
13 a Dominion representative -- a Dominion tech
14 at that point in time who I don't think she
15 knew how to turn on the computer. She --
16 everything that she did they -- a Dominion
17 individual had to tell her what to do. Of
18 course, she was not familiar on how to add a
19 counting group, so the Secretary of State's
20 office walked her through that. That is the
21 reason that I'm here today. It was a
22 legitimate reason. There was no -- no intent
23 to do wrong. It was just we couldn't get it
24 done in time. And I think the Legislature and
25 y'all saw that there was a -- a time frame

1 that needed extending and that's the reason
2 the next year it was extended by two hours.
3 DR. JOHNSTON: Thank you.
4 MR. SELF: And that's the reason I'm
5 here.
6 DR. JOHNSTON: Any other Respondents to
7 speak?
8 MS. SCOTT: Yes. I'm from Screven
9 County.
10 DR. JOHNSTON: Screven?
11 MS. SCOTT: I have some materials.
12 MS. SCOTT: Yeah.
13 MS. KING: Screven. What --
14 DR. JOHNSTON: And what is your name?
15 MS. SCOTT: Stacey Scott. I'm the new
16 Election Supervisor since 2024.
17 MR. MILLS: If you would stop and -- and
18 yes, mash the button on that microphone right
19 there.
20 MS. KING: Was Dawson-- are you -- were
21 you speaking about Dawson County? Who -- who
22 did we just hear from? Were you Dawson
23 County?
24 MS. SCOTT: Yes.
25 MS. KING: Dawson and Quitman?

1 MR. SELF: Quitman.

2 MS. KING: Oh, yeah.

3 DR. JOHNSTON: Go ahead.

4 MS. SCOTT: So I was not at the county at
5 that time and when I tried to ask about it, no
6 one had any recollection, but I did just want
7 to show that we take it seriously and that we
8 have made steps to try to keep that from
9 happening again by adding a checklist.

10 DR. JOHNSTON: Thank you. Any other
11 Respondents? Yes. You're on.

12 MR. BRITT: Madam Vice Chair, Members of
13 the Board. Thank you. I'm Russell Britt, on
14 behalf of Baker and Madison County for this
15 matter. I'd like to start with Madison
16 County. And if I may approach with some
17 documents, please?

18 DR. JOHNSTON: Yes. Thank you.

19 MR. BRITT: So what is being handed out
20 is the submitted Survey Monkey for Madison
21 County. The Election Supervisor, once she
22 submitted it, she printed it out, which
23 included the Bate stamp that was generated by
24 Survey Monkey showing that it was, in fact,
25 timely submitted at 9:26 p.m. And so based on

1 that evidence, we respectfully ask that the
2 claim against Madison County be dismissed.

3 DR. JOHNSTON: Thank you.

4 MR. BRITT: And then, second is Baker
5 County. Baker County, I've got Janet Thompson
6 here with me, who is the Election Supervisor
7 for Baker County. She was not the Election
8 Supervisor during this election. That
9 supervisor has changed jobs and they were
10 using a long time consultant, Mary Beth
11 Tucker, for that election, but, unfortunately,
12 I've learned that she passed away in 2023 and
13 so I was not able to talk to her in order to
14 see if there's any evidence to show that Baker
15 County had, in fact, applied. Now, I did
16 speak with the former Election Supervisor, and
17 she indicated, obviously, they relied on their
18 outside consultant heavily, who had been doing
19 that work for years and years. They had never
20 had any hiccups or issues, and they had no
21 reason to believe that there was any issue
22 with submitting because they had nothing to
23 convey to the county. So otherwise, we have
24 no record of that, but, obviously, our current
25 Election Supervisor is here. She understands

1 the process, or understands the timely
2 submittals and she has that process in place
3 to make sure that it doesn't occur. And so
4 for that reason, we would respectfully ask
5 that this matter be dismissed, or at most, a
6 letter of instruction entered. Thank you.

7 DR. JOHNSTON: Thank you. Any other
8 Respondents?

9 MS. MARTIN: Good morning, Board Members.
10 Grace Martin, on behalf of the Macon, Bibb
11 County Board of Elections. I don't have any
12 paperwork or a big spiel for you because I'm -
13 - I'm pretty sure that we did that. So we
14 just wanted to say that we're sorry. I think,
15 as other people have indicated, it was just a
16 difficult deadline to meet. There was no
17 intention for us to -- to not meet it and I
18 have not been aware of any other issues since
19 then. So we just ask that, you know, it not
20 be referred for anything else that there be a
21 letter of instruction and, again, we
22 apologize.

23 DR. JOHNSTON: Thank you. Any other
24 Respondents? Yes.

25 MR. PRETORIUS: Good morning, Board. My

1 name's Andre Pretorius. I am representing
2 Chatham County. In this case --

3 MR. MILLS: Hold your mic a little
4 closer, please.

5 MR. PRETORIUS: I'm sorry. In this case
6 for the 2022, one, all of our correspondence
7 and emails show that we had submitted
8 everything by 10:00. We had no idea that it
9 was something that showed that it was
10 submitted after. We have no confirmation that
11 showed that. We can't find the link to show
12 that we submitted after. Everything that we
13 have, all our evidence that we have shows that
14 it was submitted before 10:00. So we're a
15 little confused as to why it shows that it was
16 after 10:00. Thank you.

17 MS. KING: Do you have copies of any of
18 that?

19 MR. PRETORIUS: We did not provide it
20 because we only have the emails between the
21 staff to show that it was done and the post --
22 we have the posting, but I didn't bring
23 anything with me, specifically, for this case,
24 no.

25 MS. KING: For which county?

1 MR. PRETORIUS: This is Chatham County.

2 DR. JOHNSTON: Thank you.

3 MR. PRETORIUS: Thank you.

4 DR. JOHNSTON: Any other Respondents?

5 Yes.

6 MR. REED: Good morning.

7 DR. JOHNSTON: Good morning.

8 MR. REED: Madam Vice Chair, Board

9 Members. Charles Reed with Clayton County. I
10 have here Election Director Shauna Dozier (ph)
11 and Deputy Director Scott Brown, like most of
12 the others, we used Survey Monkey. We didn't
13 get any confirmation that it had been sent.
14 We just have some internal emails that were --
15 they show after that, you know, we reported
16 to, like, our Election Board, hey, we sent it,
17 but we don't know for sure that it was done.
18 And -- and we just know our practice normally
19 send out the reports. Then we tell our Board,
20 hey, everything is done. So what we're going
21 to do now in the future, is make sure we send
22 ourselves or take a screenshot or something to
23 make sure that we don't -- that we keep a
24 paper trail, but we've never had any issues
25 with reporting after or anything along these

1 lines since 2022. So we would just ask either
2 for dismissal, it sounds like it's a common
3 issue or a letter of instruction, at best, but
4 they're both here if you have questions for
5 them.

6 DR. JOHNSTON: Any questions?

7 (No response.)

8 DR. JOHNSTON: Thank you. Any other
9 Respondents?

10 (No response.)

11 DR. JOHNSTON: Other Respondents and the
12 Secretary of State does not have a
13 representative here. Do I have a motion from
14 the Board?

15 MS. KING: Yes. I make a motion,
16 actually, it's a two-part motion. I make a
17 motion that we dismiss Counties Gwinnett,
18 Dawson, Quitman, Screven, Baker, Madison,
19 Chatham, and Clayton. And that we issue a
20 letter of instruction to the remaining
21 counties.

22 DR. JOHNSTON: You'll give me that list?

23 MS. KING: Yes, I will.

24 DR. JOHNSTON: Is there a second?

25 MR. JEFFARES: Second.

1 DR. JOHNSTON: Is there a second?

2 It's been moved and seconded that we
3 dismiss the named counties by Member King and
4 send a letter of instruction to the other
5 counties concerning case 2022-322. Are there
6 -- is there any discussion?

7 (No response.)

8 DR. JOHNSTON: No further discussion.
9 All in favor say aye.

10 THE BOARD MEMBERS: Aye.

11 DR. JOHNSTON: It passes unanimously.
12 And we'll move on to the next case. SEB2024-
13 232. Multiple counties, election night
14 reporting for the 2024 election. Are there
15 any Respondents here? Yes. And Secretary of
16 State is not here. Quickly, could we hear
17 from the Respondents, briefly. Thank you.

18 MS. PACHUTA: Thank you, Board Members,
19 again, I'm representing Fannin County in this
20 case, and they did email the Board, I believe
21 it was last Thursday or Friday, affidavits
22 from the Board Members that they did timely
23 submit this affidavit of Marianne Coomer (ph)
24 one of the Board Members, per her affidavit it
25 was submitted at 10:16 p.m. that evening.

1 Screven County. They don't have, again, a
2 printout of anything. I do have copies of
3 text message. She's also here. She can speak
4 to this. She was texting with her Secretary
5 of State liaison at 11:46 that everything had
6 been submitted. And then Judge Self, again,
7 is here for Quitman County. He can also
8 speak, but we do have an affidavit from his
9 Board Members also, but also he was the one
10 who submitted it, and knows it was submitted
11 timely.

12 DR. JOHNSTON: Thank you. Another
13 Respondent? Yes.

14 MS. BRUMBAUGH: Good morning. Can you
15 hear me?

16 DR. JOHNSTON: Yes.

17 MS. BRUMBAUGH: Yes. This is Ann
18 Brumbaugh on behalf of Fulton County. Like
19 many of these other counties, Fulton County
20 believes that it did submit timely and the
21 summary of investigation even acknowledges
22 that Fulton County submitted evidence to show
23 that they had access to browser history. For
24 some reason, the summary doesn't consider this
25 sufficient information. That's really the

1 best information, absent the people who were
2 prescient enough to make the screenshots,
3 that's really the best information that could
4 be provided. Certainly, in the future, Fulton
5 will start doing screenshots just to, you
6 know, double, you know, make -- make doubly
7 sure, but Fulton is of the opinion and -- and
8 believes that they did submit timely and
9 request that this case be dismissed. Thank
10 you.

11 DR. JOHNSTON: Any questions? In 2024,
12 the law had been changed, frankly, till
13 midnight -- to 11:59 for reporting.

14 MS. BRUMBAUGH: Yes, but Fulton maintains
15 that they did report timely.

16 DR. JOHNSTON: Okay. Thank you. Any
17 other Respondents? Yes.

18 MR. BRITT: Madam Vice Chair, Members of
19 the Board, Russell Britt, again, this time on
20 behalf of Mitchell County. I have my Election
21 Supervisor, Ms. Laura Hartsfield, here with
22 me. We acknowledge that the information was
23 not submitted timely. This was Ms.
24 Hartsfield's first major presidential election
25 since taking the position and it was also the

1 first election that she had not had the
2 assistance of the longtime consultant that I
3 referenced before that had passed away in
4 2023. And I don't think she appreciated the -
5 - the amount of work that she was scrambling
6 to complete coming up to that deadline. When
7 she was getting close to the deadline, she
8 reached out to the Secretary of State's Office
9 liaison because she was unable to locate the
10 link. She was finally able to locate the link
11 and submitted the information at approximately
12 12:15 the -- that morning and so it was
13 submitted. She recognizes the error. She has
14 corrected it. She's now put a process in
15 place that she has moved the link over to her
16 desktop so it's ready to go for any future
17 election, and is making sure that everything
18 is filed timely. So with that, we would
19 respectfully ask for dismissal or, at most, a
20 letter of instruction. Thank you.

21 DR. JOHNSTON: Thank you. Any other
22 Respondents? Yes.

23 MS. SCOTT: I'm Stacey Scott, Screven
24 County and --

25 MR. MILLS: If you would mash your

1 button, please, there on the desk. Thank you.

2 MS. SCOTT: Okay. Stacey Scott, Screven
3 County. We believe that we submitted it on
4 time, but I will say that that was my first
5 election without support from Dominion and we
6 have taken steps to make sure that we -- like
7 we have a checklist now to make sure that we
8 get everything on time.

9 DR. JOHNSTON: Thank you. And what
10 county?

11 MS. SCOTT: Screven County.

12 DR. JOHNSTON: Yes.

13 MR. OCK: Morning, my Michael Ock. I'm
14 the -- I'm the Supervisor of Carroll County,
15 Georgia. We, too, submitted the -- ours. We
16 -- we went back and sent the Secretary of
17 State's Office a screenshot of our history
18 because we, myself and my -- my deputy, were
19 both in there. Both recall submitting our
20 results in a timely fashion. We didn't even
21 find out about this issue, of course, until
22 the next day when we submitted that, but this
23 -- we didn't find out about this until about
24 two weeks ago that we were even on this list.
25 So we're surprised. We -- we had thought we'd

1 done everything we should have done. So it'd
2 be nice if we had a receipt or -- or some sort
3 of confirmation, I guess, from Survey Monkey
4 to prevent this in the future, but thank you.

5 DR. JOHNSTON: Sounds like that would be
6 nice. Thank you. Any other Respondents?
7 Yes.

8 MR. PRETORIUS: Good morning, again. Our
9 Election Supervisor sent the Board his account
10 of the event that night. It showed that we
11 submitted our results at 10:27. The staff had
12 submitted to the wrong link, and that is why -
13 - when -- but the problem was that the link
14 didn't say or wasn't expired -- didn't -- not
15 accept it. So accepted those results so we
16 assumed that it was correctly done. And it's
17 not until later that evening that we found out
18 that it was the wrong link and we had to
19 resubmit it, but all those things were
20 submitted to you for consideration by our
21 Election Supervisor.

22 DR. JOHNSTON: Thank you. Can you give
23 me your name and county?

24 MR. PRETORIUS: Yes. Andre Pretorius,
25 Chatham County. Thank you. Sorry.

1 MS. KING: Can you say your name one more
2 time?

3 MR. PRETORIUS: Andre Pretorius.

4 MS. KING: Andre?

5 MR. PRETORIUS: Yes. I can just go by
6 Andre.

7 MS. KING: Can you spell it for our court
8 reporter?

9 MR. PRETORIUS: Yes. The last name is P-
10 R-E-T-O-R-I-U-S, and the first name is Andre,
11 A-N-D-R-E. Thank you.

12 DR. JOHNSTON: Thank you. For other
13 speakers, please state your name, and if the
14 spelling is unusual, please spell for our
15 court reporter. We would appreciate it. Any
16 other Respondents?

17 (No response.)

18 DR. JOHNSTON: Seeing no others. I'd
19 entertain a motion from the Board.

20 MS. KING: Yeah. I make a motion that we
21 dismiss Counties Fannin, Quitman, Fulton,
22 Carroll and Chatham and that we issue a letter
23 of instruction to the all remaining counties.

24 DR. JOHNSTON: Is there a second?

25 MR. JEFFARES: Second.

1 DR. JOHNSTON: Is there any discussion?

2 (No response.)

3 DR. JOHNSTON: Hearing no discussion.

4 All in favor of dismissing Fannin, Quitman,
5 Fulton, Carroll and Chatham Counties and
6 issuing a letter of instruction for the
7 remaining counties say aye.

8 THE BOARD MEMBERS: Aye.

9 DR. JOHNSTON: No opposition. Passes
10 three to zero. Thank you very much. It's
11 nice -- interesting -- nice to report to the
12 group that the first violation, 322 had 33
13 counties listed, and this one had 12. So
14 that's two years later. So I think either the
15 Secretary of State's improving their
16 communication lines or the counties are doing
17 a better job of getting the communication in
18 and I would recommend that screenshots be
19 taken to document that you've sent a report in
20 on time. Thank you very much. Next case --

21 MR. JEFFARES: Madam Chair?

22 DR. JOHNSTON: Yes.

23 MR. JEFFARES: If we could take five
24 minutes?

25 DR. JOHNSTON: A five-minute break? Yes.

1 Five-minute break.

2 MS. KING: I make a motion that we take a
3 five-minute comfort break.

4 DR. JOHNSTON: Is there a second?

5 MR. JEFFARES: Second.

6 DR. JOHNSTON: All in favor?

7 THE BOARD MEMBERS: Aye.

8 (The session recessed at 10:00 a.m.)

9 (The session resumed at 10:22 a.m.)

10 DR. JOHNSTON: Order to resume the State
11 Election Board meeting. The next viol --
12 possible violation case is 2021-10 -- I'm
13 sorry. 2024-221, Chatham County, election
14 night results. Is the Respondent here? Is
15 the Complainant here?

16 (No response.)

17 DR. JOHNSTON: So Chatham County.

18 MR. PRETORIUS: Good morning, again.
19 Andre Pretorius for Chatham County. This
20 case, the investigative report we had notified
21 the investigator that there is an issue with
22 the way that it was written up because we have
23 two separate Boards. We have a Board of
24 Registrars and a Board of Elections. And in
25 this case the Board of Elections did

1 everything that they were supposed to do. The
2 Board received the memory cards from the early
3 in-person voting sites. The registrar and
4 staff of voter registration managed early in-
5 person voting so that's where the -- the issue
6 came in.

7 I spoke with the Board of Registrars and
8 the issue with them was when they closed out
9 the machines, they did not power it down which
10 resulted in the -- the card not being able to
11 be submitted under the new election reporting
12 software. It used to be EMS and we had to put
13 it in ENR, but ENR would not accept it. We
14 called the Secretary of State's Office. They
15 directed us on how to get the early in-person
16 things done correctly. We had to go back in,
17 reinsert all the cards, power down the
18 machines and then we were able to put all
19 those things in. That process of doing the
20 additional steps made us beyond the 11:00 p.m.
21 deadline, but the Board of Elections,
22 themselves, had everything in prior to that, I
23 want to say it was before 9:00 is when they
24 already submitted those.

25 The issue was with the Board of

1 Registrars not closing down that and the Board
2 of Registrars said they've been using that
3 equipment since 2019 and never had an issue.
4 For some reason, there was an issue on this
5 night, but they have now retrained everybody
6 there on the actual procedures on how to do
7 that and they'll ensure that this does not
8 happen again. So we're asking that the Board
9 of Elections in this one be dismissed, but the
10 Board of Registrars may receive a letter of
11 counseling, instead. Thank you.

12 DR. JOHNSTON: Could you please describe
13 the -- the Board of Registrars function in
14 this complaint?

15 MR. PRETORIUS: Yes. They do the early -
16 - the early voting. So they do the machines
17 for early in-person voting. They -- they
18 control and maintain those and so they're the
19 ones that would have downloaded everything and
20 you -- since you can't put anything in until
21 the end of the election time, nobody knew that
22 they had not powered down those machines for
23 the early voting. Board of Elections does
24 elections day and so that's where the thing
25 is. The election day itself, Board of

1 Elections had done everything correctly.
2 There was no issues with the election results
3 for day of voting. It was the early election
4 votes that created a problem to be submitted.

5 DR. JOHNSTON: Thank you.

6 MR. PRETORIUS: Thank you.

7 DR. JOHNSTON: Are there questions for
8 Chatham County? I have a question.

9 MR. PRETORIUS: Yes, ma'am.

10 DR. JOHNSTON: For the Board of
11 Registrars --

12 MR. PRETORIUS: Yes.

13 DR. JOHNSTON: -- if they are in charge
14 of early voting, it appears that they -- they
15 closed -- they tabulated the results of the
16 election from different scanners --

17 MR. PRETORIUS: Yes.

18 DR. JOHNSTON: -- then the votes were --
19 were taken on?

20 MR. PRETORIUS: Yes. They have their own
21 in-person voting is mobile and so they have
22 their own machines that they move around.
23 It's all under the, you know, Election
24 Supervisor, all the machines. They just move
25 the election -- the in-person machines to

1 where they go for early voting.

2 DR. JOHNSTON: So they have tabulators
3 that are collecting ballots and collecting the
4 votes and -- and do I understand that they
5 take the memory cards out of those tabulators
6 and close the -- the election on a different
7 tabulator?

8 MR. PRETORIUS: No. I don't believe that
9 is the case. It's all done on the same day of
10 election. So early voting is completed and
11 they take it to the Board of Elections where
12 everything is, at the end of the election,
13 collected and try to put in. All the
14 information was correct. The problem was that
15 when they tried to insert into the ENR it said
16 that there was an issue with the early voting
17 part, not with other election part. And so
18 that's why there's a -- a discrepancy there.

19 DR. JOHNSTON: So the report -- as I read
20 the report -- the -- the election was closed
21 from that -- from early voting tabulators not
22 closed on the same tabulator where the votes
23 were collected.

24 MR. PRETORIUS: I believe so, yes.

25 DR. JOHNSTON: Okay, because that is a

1 problem. That's a basic election problem. If
2 the -- if -- the memory card must stay in the
3 tabulator for the entire period of early
4 voting and be removed on election day when
5 it's time to tabulate the votes and closed out
6 on the very same scanner -- or tabulator, same
7 -- same thing, by that -- by that tabulator,
8 otherwise there's a loss in the chain of
9 custody of the votes. You've -- you've lost
10 the chain of custody. You -- you have -- you
11 lost that documentation that there were zero
12 votes when early voting started and the votes
13 were collected and -- and reported it with the
14 -- with the scanner tapes as they're printed
15 out at the end of early voting on election
16 day.

17 MR. PRETORIOUS: And -- and that is why
18 we asked for this case to be continued prior
19 to today because when we talked to the
20 Secretary of State's Office they said that we
21 had followed all the correct procedures.
22 Their only thought was that the new ENR
23 program the SOS, Secretary of State, put in
24 place would not allow the cards from the early
25 in-person polls to be loaded until the polls

1 were closed. This would explain why once we
2 loaded those cards in a scanner on election
3 night and closed the poll, we were able to
4 successfully upload the results into the ENR.
5 And this also explains why this had not been a
6 problem in the previous elections and so we
7 just wanted to have some time to maybe dig
8 into what specifically it was and we had
9 requested that continuance for this and we
10 were denied the opportunity to continue it so
11 we could get some more information on
12 specifically the questions that may asked.

13 DR. JOHNSTON: All right. I have a slide
14 I'd like to put up of two tabulator tapes. I
15 wish I could see it.

16 MR. MILLS: Yeah.

17 DR. JOHNSTON: If the audience would look
18 carefully at these tabulator tapes. This is
19 what every election official should be looking
20 at the close of polls. It should have the
21 opening, zero tape, right next to -- to
22 closing zero tape on the tabulator where the
23 ballots were cast. And as you -- as you can
24 see, on this example, there's a serial number,
25 AAFAJJY0048, it's the same serial number on

1 the left side as the right side meaning that
2 it's the same tabulator that is used to open
3 the polls and close the polls. It has a
4 software version not to worry about, and you
5 can see that the one on the left is zero tape
6 opening -- opening of the polls and there are
7 zero votes. It says total scanned and total
8 voters, zero, zero. So that tells you, it
9 reassures a person that there are -- there are
10 no ballots that have been cast already on that
11 scanner that are already in the ballot box.
12 So that's your -- your -- your odometer
13 starting at zero, so to speak. And then when
14 early voting is completed and the tabulator is
15 now closed, officially, for the close of -- of
16 -- of the election. On election day the tape
17 is run and a tape is printed out and you can
18 see that the election -- it has the date, the
19 report date printed December 6th, 2022. It
20 has the same serial number of the tabulator.
21 It's the same one that it was opened on and it
22 has the protective counter which is
23 incrementally increased by 627 votes, total
24 scanned, total voters, 627. You can see the
25 protective counter on the left was 3134 add

1 627 to that and you get 3761. So that is a
2 proper way to close a tabulator, open and
3 close a tabulator. And every superintendent
4 in 159 counties should be looking at these on
5 election -- election night or during their
6 canvass to ensure that every vote is accounted
7 for from every tabulator. Thank you. Are
8 there any other questions?

9 MS. KING: Yes. The -- what's the
10 communication like between the Registrar
11 Office and the Election Office? Is there no
12 communication?

13 MR. PRETORIUS: No. There -- there is
14 communication, but they have their own
15 supervisor and the Board of Election has their
16 own supervisor. So there's, generally, some
17 communication, but I feel like sometimes they
18 don't work together the best and I believe
19 this is one of those situations where that
20 occurred.

21 MS. KING: Continuing this case wouldn't
22 change the fact that the error was made,
23 correct?

24 MR. PRETORIUS: That -- that is correct.

25 MS. KING: Okay.

1 MR. PRETORIUS: My -- they said they had
2 two separate tabulators on there. Is it
3 because we had resubmit it later on? I -- I
4 wasn't sure what the the issue was with the
5 (inaudible) because we did have to go back,
6 reopen and resubmit on those voting machines.
7 I wasn't sure if that was the case and why
8 there's two separate ones and -- but since
9 you're saying there's two separate tabulators
10 that was entered into.

11 (Brief conversation off the record.)

12 MS. KING: Okay. We -- I would like to
13 see -- I would like to see the tapes -- the
14 tabulator tape results. So I will make a
15 motion that we continue this to the January
16 meeting and then that way you can show us
17 those tapes.

18 MR. PRETORIUS: Okay. Thank you very
19 much.

20 MS. KING: Yeah. Please bring those to
21 the next meeting.

22 MR. PRETORIUS: Yes.

23 MS. KING: Thank you.

24 MR. PRETORIUS: Thanks.

25 DR. JOHNSTON: So perhaps you could bring

1 the opening and closing tape for every
2 tabulator that was used in early voting --

3 MR. PRETORIOUS: Okay.

4 DR. JOHNSTON: -- for that -- that
5 election.

6 MR. PRETORIOUS: Yes, ma'am. Thank you.

7 DR. JOHNSTON: Thank you very much. Is
8 there a second?

9 MR. JEFFARES: Second.

10 DR. JOHNSTON: Is there a discussion?

11 (No response.)

12 DR. JOHNSTON: The motion is to continue
13 case 2024-221 to the January meeting. We're
14 requesting that Chatham County return to
15 respond to this case and -- and provide the
16 opening and closing tabulator tapes for early
17 voting in that election. Any further
18 discussion?

19 (No response.)

20 DR. JOHNSTON: If there's no discussion,
21 all in favor say aye.

22 THE BOARD MEMBERS: Aye.

23 DR. JOHNSTON: Passes unanimously. Next
24 case, SEB2021-105, Fulton County, Chatham
25 County, DeKalb County, Harris County,

1 Dougherty County, Mitchell County, Walker
2 County, double voting. Are the Respondents
3 here for any of those counties? Thank you.
4 Is a -- is there a Complainant that wishes to
5 speak?

6 (No response.)

7 DR. JOHNSTON: Thank you. So starting -
8 Ann.

9 MS. BRUMBAUGH: Good morning, again.

10 MR. MILLS: Will you mash your button?
11 Is it -- microphone.

12 DR. JOHNSTON: Yeah. She's she's on.

13 MR. MILLS: Okay.

14 MS. BRUMBAUGH: Can everybody hear me?

15 DR. JOHNSTON: Yes. Can you state your
16 name and county?

17 MS. BRUMBAUGH: Sure. Ann Brumbaugh on
18 behalf of Fulton County. This is a situation
19 which some double voters were potentially
20 identified. Part of the problem was they had
21 multiple voter registration numbers in the
22 system. The reason that Fulton County is been
23 listed as a Respondent is because when the
24 investigator asked for documentation regarding
25 these potential double voters, apparently,

1 Fulton County did not provide that information
2 and it was within the two-year window that
3 they should have been able to provide the
4 documentation. This is a situation which
5 doesn't -- is unlikely to recur, both because
6 of Fulton's changed standard operating
7 procedures and the new technology, the Jarvis
8 system. And that is going to be a theme, I
9 think at least for Fulton, if not for other
10 counties today. The ENET system which is the
11 old registration system really had limited
12 functionality and Jarvis permits the counties
13 to do a lot more.

14 So, for example, Jarvis now allows
15 counties to scan in voter applications and
16 attach them to voter files. ENET did not do
17 that. So in this -- in these cases, we had
18 voters who, for one reason or another, whether
19 it was voluntary or a DDS, you know, they were
20 changing their license, who knows, they ended
21 up with several voter registration numbers a
22 piece and then somehow votes got credited to
23 multiple numbers, but under the Jarvis system,
24 if there were multiple people with -- with
25 multi -- no, one person with multiple voter

1 numbers and -- and the absentee ballot
2 application was scanned in, you could go
3 through. You could look at your absentee
4 ballot application, and you could clear up
5 your records very -- very quickly. And that
6 is the standard operating procedure now in
7 Fulton County. As for these two voters,
8 Annabella -- Annabella Fairabaugh (ph) had two
9 numbers, one was canceled and one is inactive.
10 Simone Thomas/Michael actually had four
11 numbers, three of them have been canceled and
12 one is still active. We would also state that
13 the -- the GIS system that Fulton County
14 employs that does a monthly check about pretty
15 much everything whether it's precinct lines or
16 it also looks for duplicates and so the GIS
17 scrub helps catch potential duplicates.

18 DR. JOHNSTON: Any questions for Fulton
19 County? My question is: If -- if in election
20 net there were two voters registered under two
21 different voter registration numbers, how
22 would those two voters get vote credit when --

23 MS. BRUMBAUGH: Well, that is a good
24 question and I wish Ms. Williams had not just
25 walked out to take an emergency phone call,

1 but I think that is part of what was happening
2 under ENET. That's why we have this case,
3 but, again, with the Jarvis system, once you
4 catch that problem, if you have -- if you
5 scanned your voter application, you can look
6 at that application and you can say is this --
7 is this two different people with two
8 different applications or is this one
9 application? Additionally, Jarvis, I think,
10 is better at pulling up potential issues.

11 The third thing that Jarvis allows that
12 ENET didn't allow is the Jarvis, when you --
13 when you go to vote in-person, you submit your
14 license or your identification and Jarvis
15 actually scans it. So it pulls something up
16 as opposed to allowing the poll worker to make
17 the mistake and pull the wrong person up and
18 nobody catches it. Now, we've got somebody
19 who's been given credit for voting because
20 their name was John -- John James Edwards and
21 it was really John Andrew Edwards. So Jarvis
22 is much better, between Jarvis, again, and the
23 procedures that Fulton has been put in place,
24 these issues should be minimized, if not gone
25 entirely.

1 DR. JOHNSTON: Thank you. So I remember
2 election net and when you would login to
3 election net and pull a name up, it might pull
4 up this -- a double name, two -- two name --
5 the same name twice in the system, but still
6 to assign a ballot to that person, you had to
7 click one. You didn't click two. You didn't
8 automatically click both names. The -- the
9 poll clerk would tell the -- the voter say,
10 hey, it looks like you're in here twice, which
11 -- which one are you or something like that,
12 but you didn't give -- you didn't give two
13 ballots to the person. You didn't assign vote
14 credit to both those -- both duplicated names.
15 So that -- I still have the question: How did
16 vote credit get assigned to two registration
17 numbers that happened to be the same person?

18 MS. BRUMBAUGH: Well, I'm not prepared to
19 answer that and part of the reason is that we
20 only get summaries we do not get the full
21 report and the summary that we received only
22 involved the fact that they couldn't get the
23 documentation they were looking for so we were
24 not -- when we were trying to prepare for
25 today and we were not looking at that issue.

1 And maybe it's in the full report, but we
2 didn't get that in the summaries.

3 MS. KING: From my view, it appears that
4 while the names are the same, the date of
5 births are not, as well as the voter ID
6 numbers. Are those -- is only the name that
7 is -- just a name that shows up? Is there an
8 -- no other verification?

9 MS. BRUMBAUGH: I -- I -- I'm not an
10 expert on ENET, number one. And number 2,
11 like I said, we weren't apprised of this in
12 the summary.

13 (Brief conversation off the record.)

14 DR. JOHNSTON: All right. Thank you.
15 Another Respondent? Yes.

16 MS. PACHUTA: Sorry, Karen Pachuta,
17 again, for Walker County and we have some
18 information that may help clear that up. So
19 with Walker County, this particular voter --
20 and I did submit, hopefully it's in your
21 packets some exhibits in advance. It was
22 someone who got, basically, DDS processed two
23 voter registration. It's clearly the same
24 person. It's the same birthdate, same
25 address. It actually got entered 20 minutes

1 after the first one. He submitted an absentee
2 ballot. We produced a copy of that ballot, as
3 well as the return envelope. So you can see
4 on the top of that absentee ballot
5 application, staff ripped down two places that
6 they issued ballot 109 to voter -- the
7 registration number that ended in 101. When
8 the ballot was returned, we submitted a copy
9 of the envelope. You can also see at the top
10 it's -- the registration number 101. It also
11 says ballot 109. That is the only ballot --
12 so the report we received says that we don't -
13 - we didn't produce evidence of a second vote
14 under registration that ended in 99 and that's
15 because it didn't occur. When staff was first
16 contacted in 2022 by the Secretary of State's
17 Office they still had access to ENET. So the
18 two registrations numbers, the ones ending in
19 99 and 101 were merged after the election on
20 February 1st, 2021. I believe it is Exhibit
21 E, when you -- at that time in ENET when you
22 pulled up 101 which is the -- what staff
23 issued the ballot to. It shows no voter
24 history. When you pulled up 299, which is
25 Exhibit F, it shows ballot 109 was issued to

1 that voter. So, basically, when they merged
2 the records it sort of made 99 the dominant
3 one, but ENET clearly showed that that person
4 had two registration numbers only credit was
5 given one time with ballot 109 that was
6 submitted and returned. For whatever reason
7 when this data had got transferred to Jarvis,
8 both registration numbers now show both
9 histories.

10 So both registration numbers show that an
11 absentee ballot was requested and that an
12 absentee ballot was submitted. It was correct
13 in ENET, but Jarvis now, basically, duplicated
14 both histories to both numbers even though one
15 was used one was voted. It was properly shown
16 in ENET, and, you know, that's beyond the
17 county, you know, we -- state handled that
18 transfer. I -- there's -- I would imagine
19 maybe that's also what happened with Fulton.
20 I can't imagine that Walker County is the only
21 one that this happened to. So, again, we
22 would ask that this be dismissed. I mean, the
23 reason why we didn't produce records of that
24 second vote was because it didn't occur and I
25 think the ENET records also reflect that, but

1 for whatever reason that transfer to Jarvis
2 duplicated the -- that history to both
3 numbers. Thank you.

4 DR. JOHNSTON: Thank you. Any other
5 Respondents? Yes.

6 MR. BRITT: Madam, Vice Chair, Members of
7 the Board, Russell Britt, again. This time on
8 behalf of Harris County and Mitchell County.
9 I'll start with Harris County. The
10 investigative report notes that there was
11 insufficient evidence to suggest a duplicate
12 voting and the reason why is because that just
13 didn't happen. In fact, this is the case
14 showing that the processes and procedures that
15 were in place worked. Now, for whatever
16 reason two individuals had duplicate
17 registrations. My Election Supervisor
18 believes it could be due to the fact that
19 older registrations don't necessarily have the
20 same identification, materials such as
21 driver's license, social security number, et
22 cetera. And so it wasn't caught upfront, but
23 with the ongoing scrubbing checks that
24 occurred these duplicates were tagged. They
25 were then reviewed by the Election

1 Supervisor's Office and the duplicate was
2 immediately canceled and so, therefore, that
3 shows that the process in place worked and
4 then I do have, if the Board would like to
5 review, the election histories for those two
6 individuals that demonstrate that they only
7 voted on the older registration. So this is a
8 situation of no harm, no foul, but also more
9 importantly, a process in place that worked.
10 And so, based on that, we would respectfully
11 ask for a dismissal of the case against Harris
12 County.

13 If there are no questions on that, I'll
14 move to Mitchell County. It's the very
15 similar situation where we've got an
16 individual that had two registrations. When
17 that was discovered, the second registration
18 was immediately canceled, but also this is a
19 situation where I've got the voter histories,
20 if the Board would like to review, but it
21 demonstrates that there was not a duplicate
22 vote prior to that cancellation. So, again,
23 it's a no harm, no foul situation that we
24 would ask for a dismissal. The investigator
25 noted that the county was not able to produce

1 hard copy evidence to support the electronic
2 record. That shouldn't matter given the fact
3 that the electronic record establishes there
4 wasn't a duplicate vote. However, the current
5 Election Supervisor, Ms. Hartsfield, was not
6 in that position at the time of that election
7 and the prior supervisor has since passed away
8 and so she went and looked for the hard copy
9 documents, but could not locate them, but,
10 again, that was not her conduct, in the first
11 place. And she, of course, is well aware of
12 the requirements to maintain records for two
13 years and has processes in place to ensure
14 that that occurs. And so based on that we
15 would also ask for a dismissal of the case
16 against Mitchell County. Unless there are any
17 questions, that's all I have.

18 DR. JOHNSTON: Any questions for Mitchell
19 County?

20 (No response.)

21 DR. JOHNSTON: Any other Respondents?
22 Yes.

23 MR. HERRIN: Good morning, first the
24 Board, Madam Vice Chair. My name is Brent
25 Herrin, H-E-R-R-I-N, for the court reporter.

1 I represent DeKalb County. As I understand
2 the allegations against DeKalb County it is
3 failure to -- to maintain sufficient
4 documentation related to this matter. And I'm
5 going to report to the Board that we submitted
6 records of two votes that occurred to the
7 Secretary of State's Office on April 7th of
8 2022. That includes an application for an
9 absent advanced in-person absentee ballot for
10 Mr. Clarence Blackman and as well as an
11 election day vote for a Clarence Blackman who
12 signed Clarence Blackman, Jr., which is Mr.
13 Blackman's son. They reside at the same
14 address and for whatever reason when he
15 checked in to vote that day instead of
16 clicking on Mr. Clarence Blackman, Jr.'s
17 registration to give him credit, the election
18 worker clicked on Mr. Blackman who had already
19 cast an in-person absentee ballot. So there
20 were two votes cast by two different voters in
21 the same election. One advanced in-person
22 absentee ballot which we provided
23 documentation to the Secretary of State's
24 Office which they said we didn't. And the
25 documentation from the second voter which is

1 Clarence Blackman, Jr. it's clearly signed
2 Clarence Blackman, Jr. on -- on the form that
3 he signed. So we don't think we've done
4 anything wrong and we would ask that the Board
5 dismiss this case with respect to DeKalb
6 County.

7 DR. JOHNSTON: Any questions for DeKalb
8 County?

9 (No response.)

10 DR. JOHNSTON: Any other respondents?

11 MS. KING: Oh, we have one more.

12 MR. MILLS: We have one in the back.

13 DR. JOHNSTON: I'm sorry. Yes.

14 MR. BAUER: My name is Dan Bauer. Can
15 you hear me?

16 MR. MILLS: Yeah.

17 MR. BAUER: My name is Dan Bauer (ph),
18 I'm one of the Respondents. The -- the number
19 -- make certain that I'm at the right SEB2022-
20 068. Vincent Russo, my counsel, he said he
21 would be coming late and that he -- he would
22 be here shortly. Am I -- am I out of order
23 where I'm supposed to be in the agenda? Sorry
24 for my delay.

25 DR. JOHNSTON: Right. We -- we have --

1 this is a different case --

2 MR. BAUER: Okay.

3 DR. JOHNSTON: -- that we're discussing
4 and --

5 MR. BAUER: Right.

6 DR. JOHNSTON: -- we'll -- we'll call
7 that case and we're waiting for your attorney
8 also.

9 MR. BAUER: All right. Thank you.

10 DR. JOHNSTON: Thank you.

11 MS. KING: Does Chatham want to respond?

12 MR. PRETORIUS: No.

13 MS. KING: Okay. Madam Chair.

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

15 MS. KING: I make a motion that -- well,
16 in this case, it looks like there is
17 sufficient evidence to show that there was
18 double voting in Chatham. So for that
19 particular case I make a motion that we do
20 send it to the AG's office with the -- with
21 the request that the consent order is a \$2,000
22 fine. And then the Counties Harris, Mitchell,
23 Walker and DeKalb, I make a motion that we
24 dismiss those cases.

25 DR. JOHNSTON: Do I have a second?

1 MR. JEFFARES: Second.

2 DR. JOHNSTON: Second. And Investigator

3 Patton?

4 MR. PATTON: Yes.

5 DR. JOHNSTON: Turn on your mic.

6 MR. MILLS: Mash your button.

7 DR. JOHNSTON: Yes.

8 MR. PATTON: Jesse Patton with the

9 Georgia State Election Board. On the Chatham

10 County, are you referring to the Donald Quan?

11 MS. KING: Yes.

12 MR. PATTON: Okay.

13 MS. KING: Quan and Boatwright.

14 MR. PATTON: Boatwright has already been

15 adjudicated in a previous case.

16 MS. KING: Okay. Okay. Okay. So, yes,

17 Quan.

18 MR. PATTON: Thank you.

19 MR. MILLS: Chatham.

20 DR. JOHNSTON: Chatham County.

21 MR. PRETORIOUS: Can that be less than

22 the 2,000 at that point?

23 MS. KING: Well, the max if five.

24 MR. PRETORIOUS: Okay. I was just asking.

25 DR. JOHNSTON: So a vote -- motion has

1 been made and seconded to refer to the
2 Attorney General for Chatham County and
3 Respondent Donald A. Quan for violation of
4 double voting and document preserva --
5 violation of 21-2-73, preservation of primary
6 election documents. And to dismiss Harris,
7 Mitchell, DeKalb County.

8 MS. KING: And Walker.

9 DR. JOHNSTON: And Walker County.

10 MS. KING: I find it easier to just fine
11 because having the Attorney General's Office
12 invest hours, additional taxpayer dollars into
13 an investigation to me would be a waste of
14 money. So you got to pay up.

15 MR. PRETORIUS: Yes, ma'am.

16 MS. KING: Okay.

17 DR. JOHNSTON: And Board Member King, we
18 -- Fulton County is also listed in this
19 complaint.

20 MS. KING: Oh, that's -- Fulton is on my
21 list to dismiss, as well.

22 DR. JOHNSTON: And did to just -- and add
23 Fulton to that motion?

24 MS. KING: Yes.

25 DR. JOHNSTON: So --

1 MS. KING: Add Fulton to the motion to
2 dismiss.

3 DR. JOHNSTON: That has been seconded.
4 Is there any further discussion?

5 (No response.)

6 DR. JOHNSTON: No further discussion. All
7 in favor of the motion to find Chatham County
8 and Mr. Quan to the Attorney General for
9 further investigation and decision and dismiss
10 Harris, Mitchell, DeKalb, Walker and Fulton
11 County. All in favor?

12 THE BOARD MEMBERS: Aye.

13 DR. JOHNSTON: None opposed. Passes
14 three to zero. Next case is 2022-093.
15 Mitchell County did not open the polls on
16 time. Is there a Respondent for Mitchell
17 County?

18 MR. BRITT: Madam Vice Chair, Members of
19 the Board, Russell Britt on behalf of Mitchell
20 County. There were two separate complaints on
21 this investigation. I'll start with the
22 second because they were anonymous complaints
23 about the polling place. However, the
24 anonymous complainants didn't identify the
25 polling precinct locations where the reported

1 issues occurred, therefore, the investigator
2 found that it was unsubstantiated and,
3 therefore, we respectfully request a dismissal
4 of that second claim.

5 Now, the first claim involves a polling
6 place that there's an allegation that the poll
7 did not open on time, but that simply is not
8 true. The polling precinct opened at 7:00
9 a.m. after poll workers first got there at
10 6:00 a.m. to make sure that the equipment was
11 working correctly. However, when poll workers
12 arrived, they discovered that the -- the --
13 the printing was not working for the zero
14 report, and so they were on the phone with Ms.
15 Hartsfield, my Election Supervisor, who's here
16 with me today to try to fix the problem. Ms.
17 Hartsfield was on the other side of the county
18 at another precinct, and was working with her
19 over the phone to try to fix it. However,
20 they were not able to do it and so Ms.
21 Hartsfield then drove to the precinct to look
22 at the issue herself, when she discovered that
23 the roll of paper was actually put in upside
24 down or opposite that caused it not to print
25 out. She corrected the problem, and the

1 electronic voting then started to occur at
2 8:15. However, I would like to present to the
3 Board that this is also a no harm, no foul
4 situation, because the polls did open at 7:00
5 a.m. as required, and the precinct went into
6 the emergency response that is normal protocol
7 in this type of situation where they receive
8 anybody between the 7:00 a.m. to 8:15, they
9 allowed them to vote, and they placed their
10 votes in a secure vote box, and then, once the
11 problem was resolved, those votes were then
12 recorded properly. So everybody was able to
13 vote. There was nobody that was
14 disenfranchised by this and, therefore, based
15 on that, we respectfully request a dismissal
16 of this claim.

17 DR. JOHNSTON: Are there any further
18 questions for Mitchell County?

19 (No response.)

20 DR. JOHNSTON: No further questions.
21 Would entertain a motion.

22 MS. KING: Yes, Madam Chair, I make a
23 motion that we dismiss both of these claims.

24 MR. JEFFARES: Second.

25 DR. JOHNSTON: Second. Second by Members

1 Jeffares. Is there any -- there's a motion
2 made to dismiss both allegations for Mitchell
3 County in case 2022-093. Is there any further
4 discussion?

5 (No response.)

6 DR. JOHNSTON: All right. No further
7 discussion. All in favor to -- for dismissal
8 for both -- both allegations say aye.

9 THE BOARD MEMBERS: Aye.

10 DR. JOHNSTON: None opposed. It carries
11 three to zero. Next case. Next case is 2022
12 005. Multiple counties, DeKalb County, Floyd
13 County, Hall County, Chatham County, dual
14 registration/voting. Are there Respondents
15 here for those -- any of those counties?

16 Is the Complainant here?

17 (No response.)

18 DR. JOHNSTON: DeKalb County.

19 MR. HERRIN: Once again, Brent Herrin on
20 behalf of DeKalb County. I do not know if
21 DeKalb County is a Respondent in this case.
22 We did not receive a copy of this
23 investigative summary for this meeting today.
24 So we're not prepared. If we are a
25 Respondent, we aren't prepared to discuss it,

1 because no one in the elections office nor
2 anyone in the county attorney's office
3 received a copy of the investigating summary,
4 so for that reason, if we are a Respondent, we
5 would request this case get continued.

6 DR. JOHNSTON: Thank you. Are there any
7 questions?

8 (No response.)

9 DR. JOHNSTON: If there are no questions.
10 I'll entertain a motion from the Board.

11 (Brief conversation off the record.)

12 MS. KING: Yeah. Madam Chair, I'd like
13 to continue -- I -- I make motion that we
14 continue with this case, just in case there
15 aren't any other -- or just in case there
16 aren't any other counties that are in the same
17 --

18 DR. JOHNSTON: There's been a motion to
19 continue case 20222-005. Is there a second?

20 MR. JEFFARES: Second.

21 DR. JOHNSTON: Seconded by Member
22 Jeffares. Is there any discussion?

23 (No response.)

24 DR. JOHNSTON: No discussion. The case
25 will be continued. All in favor say aye.

1 THE BOARD MEMBERS: Aye.

2 DR. JOHNSTON: None opposed. Carries
3 three to zero. Next case, SEB2022-162,
4 Jefferson County, Lowndes County, Richmond
5 County. An Eric complaint of double voter
6 with Washington -- the state of Washington.

7 (Brief conversation off the record.)

8 DR. JOHNSTON: For -- for -- for the
9 Respondents -- for the Respondents that have
10 asked for continuance, these cases will be
11 continued until the January 21st meeting.
12 Hope will be in Winder or Barrow County, the
13 historic Barrow County courthouse because the
14 General Assembly will be in session at that
15 time.

16 So moving on, case 2022-162, are there
17 any Respondents for Jefferson County, Lowndes
18 County, Richmond County? Yes.

19 MR. WILLIAMS: Thomas Williams from
20 Jefferson County. I'm waiting for Vince
21 Russo.

22 DR. JOHNSTON: Beg your pardon.

23 MR. WILLIAMS: I'm Thomas William from
24 Jefferson County, and my counsel is Vince
25 Russo. I haven't seen him yet.

1 DR. JOHNSTON: Oh, I see. Then we will -
2 - well, there he is.

3 MR. WILLIAMS: On time representation.

4 DR. JOHNSTON: Vince, do you want to take
5 a minute?

6 MR. RUSSO: I'm not -- I'll do whatever
7 you'd like to do.

8 DR. JOHNSTON: We -- We just brought case
9 162 -- 2022-162. Find a mic.

10 MR. RUSSO: Yeah. Where would you like -
11 - I have my client here.

12 MS. KING: Are you prepared? Would like
13 a few more moments?

14 MR. RUSSO: Give me one second --

15 MS. KING: Sure.

16 MR. RUSSO: -- to catch my breath.

17 MS. KING: After sprinting across the
18 street from the courthouse.

19 DR. JOHNSTON: We'll put that on hold and
20 hear another case.

21 MR. RUSSO: Okay.

22 DR. JOHNSTON: All right. Board members,
23 if you'll allow me, let's move to case 2023-
24 014, Dougherty County, registration fraud.

25 MS. KING: You said 20 --

1 DR. JOHNSTON: Two --

2 MS. KING: 223 104?

3 DR. JOHNSTON: 104. Is there a

4 representative from Dougherty County?

5 Respondent, Monica Johnson?

6 MS. KING: What number is that again?

7 DR. JOHNSTON: 2023-014.

8 MS. KING: 014. Got it. Yeah.

9 DR. JOHNSTON: No Respondent is here. Is

10 there a Complainant that would wish to speak?

11 (No response.)

12 DR. JOHNSTON: Kamika Johnson, no

13 (No response.)

14 DR. JOHNSTON: No.

15 (Brief conversation off the record.)

16 DR. JOHNSTON: Has the Board had time to

17 review this case, 2023 014? Is there a motion

18 concerning this case?

19 MS. KING: There's no Respondent.

20 DR. JOHNSTON: There's no Respondent.

21 MS. KING: Yeah. I make a motion that we

22 issue a letter of reprimand in this case of

23 2023-014.

24 MR. JEFFARES: Second.

25 DR. JOHNSTON: So a motion made to issue

1 a letter of reprimand to Monica Johnson
2 concerning voter registration fraud allegation
3 and seconded by Member Jeffares. Is there any
4 discussion?

5 (No response.)

6 DR. JOHNSTON: No discussion. All in
7 favor of a letter of reprimand say aye.

8 THE BOARD MEMBERS: Aye.

9 DR. JOHNSTON: No opposed. Vote carries
10 three to zero. You ready?

11 MR. RUSSO: Whenever you are.

12 DR. JOHNSTON: The next case will be
13 2022-162, Jefferson County, Lowndes County,
14 Richmond County. I believe Mr. Russo's
15 representing Rich -- one Respondent.

16 MR. RUSSO: Is there somebody --
17 somewhere you'd like for me to --

18 MR. MILLS: If you'll mash your button
19 there the microphone will work.

20 MR. RUSSO: Got you.

21 DR. JOHNSTON: You're on.

22 MR. RUSSO: Thank you, Madam Chairman,
23 Members of State Election Board. My name is
24 Vincent Russo and I'm here to represent Mr.
25 Thomas Williams in SEB2022-162. A little

1 background about Mr. Williams, first before
2 getting in to the -- to the complaint in this
3 case. Mr. Williams is a veteran of the
4 military. He served 30 years, he's a
5 commissioned officer.

6 MR. MILLS: Can you hold your mic a
7 little closer? Thank you.

8 MR. RUSSO: Commissioned officer in the
9 military. He was living in eastern Washington
10 in 2020. He'd been married for about five
11 years at that time. His wife told him, in the
12 middle that year, that took to leave and they
13 were having marital issues. Mr. Williams in
14 August of 2020 drove back to Matthews, Georgia
15 to live with his mom, his 93-year-old mother,
16 in the house he grew up in. Which he is
17 registered to vote now. The state of
18 Washington, as you all probably know, is an
19 all mail voting state. So there's no in-
20 person voting. Everybody gets their ballots
21 by mail. Mr. -- Mr. Williams never requested
22 that for his ballot in Washington to be sent
23 to Georgia. He never updated his information
24 with the state of Washington. He has now
25 since it's going through the process of being

1 removed from the roles in Washington, but
2 moved here in 2020. He registered to vote.
3 He got a license in August of that year. Mr.
4 Williams has no recollection of -- of ever
5 voting his mail-in ballot in the state of
6 Washington. We don't know when the state of
7 Washington updated his mailing address. We
8 suspect it was due to him filing a notice of
9 change of address whenever he moved here and
10 paid his driver's license here. We -- we --
11 we don't know if his ex-wife possibly voted
12 his -- his ballot in the state of Washington
13 or not, but -- but Mr. Williams -- and Mr.
14 Williams has no votes in the state of
15 Washington other than this one at issue since
16 he has -- has -- has moved here. So he -- he
17 hasn't ever continued to -- to vote, even
18 though he doesn't believe he -- he did vote.
19 He has, again, he has no recollection, of
20 course, he was going through a lot at that
21 time with his divorce. As -- as anybody who's
22 been through that knows there's a lot going
23 on, just in terms of emotions and also, you
24 know, changing bank accounts, changing --
25 changing all kinds of information. But -- but

1 Mr. Williams has -- has no recollection of
2 ever receiving a ballot. No recollection of
3 ever mailing one back from the state -- to the
4 state of Washington. And Mr. Williams, again,
5 he -- he registered to vote here and went to
6 vote in-person on election day to exercise his
7 right to vote. The -- the complaint
8 references potential violation of 21-2-572,
9 which states that any person who votes in more
10 than one precinct in the same primary or
11 election, or otherwise fraudulently votes more
12 than once at the same primary election, shall
13 be guilty of a felony. The precinct, of
14 course, is a defined term under the State
15 Election Code, and -- and it refers to the
16 geographic area that State Election Code sets
17 for voters in Georgia. He, obviously, didn't
18 vote in more than one precinct, based on how
19 that term is defined in our State Election
20 Code. Even if he did vote in Washington, he
21 didn't vote in -- in -- in more than one
22 precinct. Whether he fraudulently voted more
23 than once in the same election or primary is -
24 - is really, I think, the only piece of that
25 statute that is left for consideration. Mr. -

1 - Mr. Williams had no intention of -- of
2 voting twice. Again, he doesn't believe he
3 did and -- and that's -- that's the -- the
4 case. That's the situation and those are the
5 facts. Mr. Williams is here. If you'd like
6 to hear from him. I'm happy to bring him up
7 to speak to you all and he -- and he can come
8 up.

9 MR. WILLIAMS: Thomas Williams.

10 DR. JOHNSTON: Good morning.

11 MR. WILLIAMS: I -- I don't have anything
12 to add to what Vince has said unless you have
13 any questions for me.

14 DR. JOHNSTON: Okay. Are there any
15 questions?

16 MS. KING: Just so I can be clear.
17 You're -- you're convinced that you weren't --
18 you weren't aware that you voted in both
19 states.

20 MR. WILLIAMS: I don't remember voting in
21 Washington. I have convinced myself that I
22 remember voting in Georgia in-person, but, I
23 mean, I, obviously, did, but I can't say that
24 I really remember walking in and doing that,
25 but I know I have voted at that precinct

1 multiple times since then, but I have no -- I
2 know that I did not request an absentee ballot
3 from Washington. And I don't remember voting
4 an absentee ballot or any kind of ballot for
5 the state of Washington. I had washed my
6 hands of the state of Washington and, you
7 know, brushed the dust off that place, off my
8 feet and moved on. Didn't want to have
9 anything to do with it anymore.

10 MS. KING: The ballot would have gone to
11 your address in Washington, right?

12 MR. WILLIAMS: I would assume that it
13 did. I do know that when I was living in
14 eastern Washington ballots did come to the
15 house that we were living in. And I would
16 assume that it did so in this case, but I -- I
17 -- I registered in Georgia, and I -- I have --
18 I don't know what that did with regard to my
19 registration in Washington. Whether there's
20 any kind of communication between states on
21 that. I didn't -- I didn't have any idea. I
22 just knew that I was a Georgia voter now.

23 MS. KING: Okay. And you're only
24 representing Mr. Williams in this --

25 MR. RUSSO: Yes, yes, ma'am. And -- and

1 I'll note that his ballot in Washington, I
2 believe had a date of October 6th as the
3 return date. So it would have been a pretty
4 quick time for it, you know, NCOA to process
5 it. I don't know how Washington does it,
6 given that it is an all mail state, they --
7 they may move pretty quickly on updating
8 mailing address. I do know his home address
9 is the same as it was before where he
10 previously received his -- his ballots.

11 MS. KING: Okay.

12 DR. JOHNSTON: Any further questions?

13 (No response.)

14 DR. JOHNSTON: I'll entertain a motion
15 concerning Respondent, Thomas Williams.

16 MS. KING: Oh, I make a motion that we
17 issue a letter of instruction so that you'll
18 be reminded that it's up to you to change your
19 voter registration -- for and this is in
20 reference to Mr. Williams in this case.

21 MR. JEFFARES: Second.

22 DR. JOHNSTON: There's been a motion to
23 issue a letter of instruction for Thomas
24 Williams and seconded by Members Jeffares
25 concerning this case. Is there any further

1 discussion?

2 MS. KING: Not with Mr. Williams. There
3 are two others.

4 DR. JOHNSTON: None. All in favor say
5 aye.

6 THE BOARD MEMBERS: Aye.

7 DR. JOHNSTON: None opposed. Motion
8 carries three to zero. Thank you, Mr.
9 Williams. Are there any other Respondents for
10 this case? Paul Branchers (ph), Carl Lansford
11 (ph)?

12 (No response.)

13 DR. JOHNSTON: The investigator's report
14 found sufficient evidence with Carl Lansford
15 and Paul Branchers to suggest double voting.
16 I'll entertain a motion from the Board.

17 MS. KING: I make a motion that we send
18 Branchers, as well as, Lansford to the
19 Attorney General's Office.

20 DR. JOHNSTON: Is there a second?

21 MR. JEFFARES: Second.

22 DR. JOHNSTON: There's been a motion and
23 second to bind over Paul Branchers and Carl
24 Lansford to the Attorney General for violation
25 of possible double voting and violation of 21-

1 2-572. Is there any further discussion?

2 (No response.)

3 DR. JOHNSTON: There's no further
4 discussion. All in favor of this motion say
5 aye.

6 THE BOARD MEMBERS: Aye.

7 DR. JOHNSTON: None opposed. Carries
8 three to zero. Thank you. Next case is
9 SEB2022-364, Troup County, residency issue.

10 MR. RUSSO: Thank you. Madam Chairman --
11 Chairwoman, Vince Russo here on behalf of the
12 Respondent Congressman Drew Ferguson.
13 Congressman Ferguson, I wanted to start out by
14 saying he -- he did not violate Georgia
15 Election Code when he -- when he voted 2022
16 using his residence on -- at 1011 Fourth
17 Avenue in West Point, Georgia. This is --
18 this isn't a typical situation where a voter
19 moves and doesn't update the voter
20 registration and then continues to vote using
21 their old address. We -- we -- this Board is,
22 of course aware there are probably 1000s of
23 people every year that move and continue to
24 vote at -- at their old address and -- and
25 that -- that's probably a systemic issue to

1 some degree, but that's not the issue here.
2 Congressman Ferguson got elected in -- in 2016
3 starting his first term in 2017. When he
4 voted in 2022, he had been elected to Congress
5 in -- in '21 for that term of Congress, and
6 moved himself to DC to serve his term. Under
7 the rules for determining residence under 21-
8 2-217(a)(11) states that if a person moves to
9 the District of Columbia or other federal
10 territory, another state or foreign country to
11 engage in government service, such person
12 shall not be considered to have lost this
13 person's residence in the state during the
14 period of such service. In the place where
15 the person resided at the time of such
16 person's removal shall be considered and held
17 to be such person's place of residence. And
18 that's, ultimately, what differentiates this
19 situation here. When Congressman Ferguson
20 removed himself to DC, even though he
21 continued to own a house here, and that was
22 his -- his house on voter registration that --
23 that -- that address, well, maybe not his --
24 his residency, technically, because he was in
25 DC and had removed himself there that

1 continued his residency for voting purposes.
2 In 2022, he -- and I believe it was in April
3 of 2022 he sold his house in West Point.
4 Congressman Ferguson had gotten married. He
5 and his new spouse did not know where they
6 were going to reside permanently, and -- but
7 he did -- he did sell his house. Now, the
8 fact that he sold his house, though,
9 ultimately, is -- is of -- of no concern here,
10 because under the statute -- because he
11 removed himself to DC, his place of residence
12 remained the place where he resided at when he
13 removed himself. And -- and at that time,
14 when he removed himself in '21, for that two
15 year term, it was a place in West Point,
16 Georgia. So this is a bit unlike a typical
17 voter who maybe sells their house, resides
18 somewhere else and doesn't update their
19 registration. The claims in this -- in this
20 complaint, one, are that Congressman Ferguson
21 didn't update his voter registration to his --
22 his new residency. Well, when he sold his
23 house, he -- he didn't have a -- he didn't
24 have a new permanent residency in Georgia to
25 begin with. His residency under the statute

1 remained, again, remained in the place that --
2 that he resided at when he -- he removed
3 himself. Now, Congressman Ferguson did,
4 ultimately, buy a house with his wife in late
5 2022 and he updated his voter registration
6 prior to taking office in 2023 in Washington,
7 DC removing himself again for his next term of
8 service for the federal government. And he
9 did update his voter registration then. This
10 -- this case has some other, you know, nuances
11 to it. I -- I don't think that they,
12 ultimately, change what should be the outcome
13 here, but when Congressman Ferguson did go to
14 vote in the primary of 2022, it turned out
15 that he had the wrong address. The wrong
16 address was in the -- in the system anyway.
17 We don't -- it wasn't an address he'd ever
18 lived at. We don't know how that address came
19 about. Looking at his voter history record,
20 it appears that maybe, you know, there was a
21 change sometime in March of -- of -- of 2022
22 and it might have been tied to redistricting.
23 The voter history file doesn't give you enough
24 information to determine what happened, but
25 when he went to vote, it was the wrong

1 address. It was an address in Pine Mountain
2 and the Registrar said, no, you know, vote
3 using your old address, which is, of course,
4 what -- what he did. The charges in addition
5 to not updating his registration, include
6 violation of 21-2-562 which is a person who
7 willfully inserts or permits to be inserted, a
8 false statement or fraudulent entry on any
9 registration card, elector's list, voters
10 certificate, so and so forth. Here setting
11 aside that, he -- he didn't violate the -- the
12 requirement to update his -- his residential
13 address. He didn't willfully insert a false
14 statement or other fraudulent entry when he --
15 he voted. Again, his -- his -- his residency
16 remained the West Point address. He could, of
17 course, change it. The fact that he sold his
18 house, ultimately, didn't matter for his
19 purpose, based on the plain language in the
20 statute. So we would ask that the Board
21 dismiss this matter.

22 DR. JOHNSTON: Are there any questions
23 from the Board?

24 (No response.)

25 DR. JOHNSTON: I'll entertain a mo --

1 just for the room to know I need to recuse
2 myself from this because of an old personal
3 relationship with the family, but I'll
4 entertain a motion from the Board.

5 MS. KING: Before I make my motion, I do
6 want to highlight that this is something that
7 is concerning, not just what happened with,
8 you know, what happed with the Congressman,
9 but just people not knowing that if you don't
10 change your registration within 30 days of
11 moving, that that will const -- that does
12 constitute a election violation. So I do
13 think it's important that you know. So my
14 motion is that we issue a letter of
15 instruction, just to make sure it's very clear
16 going forward and there be no other -- no
17 other issues. So I make a motion that we
18 issue a letter of instruction.

19 MR. JEFFARES: I second.

20 DR. JOHNSTON: There's a motion to issue
21 a letter of instruction concerning Congressman
22 Ferguson for case 2022-364. And it's been
23 seconded by Jeff -- Member Jeffares. Is there
24 any further discussion?

25 DR. JOHNSTON: I'd like to take a -- a

1 minute to discuss the general idea of the
2 problem of -- of voting at a previous address
3 or previous residence beyond a 30-day grace
4 period when one moves to a different
5 jurisdiction. This is probably the most
6 common violation that occurs in Georgia with
7 voters who have moved and time passes they
8 don't think about or neglect to register to
9 vote in a new jurisdiction or even a new state
10 and -- and go back to an old registration
11 address and -- and vote. There were, I
12 believe, in past elections, the -- these viol
13 -- these type of actions occurred in the range
14 of 30,000 votes in the, I think, in the 2020
15 election, around 28,000 in the '22 election,
16 and 30 -- over 30,000 perhaps in the 2024
17 election. This is a, what I would consider a
18 systemic problem, that the Georgia Legislators
19 need to address and see if they can provide an
20 adequate solution. We -- it -- it's -- it's
21 imperative that we have accurate voter roles
22 and current voter roles so that when one goes
23 to vote for a school board member or a sheriff
24 or a Legislator that they're voting in the
25 right jurisdiction and -- and -- voting

1 legally. So I would encourage our Board to
2 recommend to the General Assembly to address
3 this chronic and systemic problem that's just
4 a general discussion about that. The motion
5 at hand is for -- to issue a letter of
6 instruction. If there's no further
7 discussion, I'll ask for a vote.

8 (No response.)

9 DR. JOHNSTON: All in favor?

10 THE BOARD MEMBERS: Aye.

11 DR. JOHNSTON: The motion carries two to
12 zero to issue a letter of instruction for
13 Congressman Ferguson. The next case is 2024-
14 205, Fulton County. Photo case, a continued
15 case.

16 MR. RUSSO: Thank you Madam Chairwoman
17 and I -- I represent Matthew Stevens. In --
18 in this case, Mr. Stevens is -- is here if
19 you'd like to come up. This -- this case is
20 one that is frankly perplexing. And I think
21 it's a case of mistaken identity.
22 Investigative report refers to Matthew
23 Stephens with a PH. Mr. Stevens who's here
24 with me, as S-T-E-V-E-N-S, but setting that
25 aside, I said -- I mentioned that this -- this

1 one has been a head starcher for me. Mr.
2 Stevens lives with Sandy Springs. He has --
3 he early voted on October 24th, 2024 at
4 Heritage Hall, Sandy Springs the early voting
5 location. He's lived in Atlanta for 30 years.
6 He's never been to the Grant Park Recreation
7 Center, much less maybe even in Grant -- to
8 Grant Park maybe other than going into the zoo
9 or something with his -- his kids. The
10 investigation summary states that Secretary of
11 State's Office received a complaint of an
12 unruly voter who attempted to take a picture
13 of his ballot during the November 5th, 2024,
14 general election at the Grant Park Recreation
15 Center says that the vote was unsuccessful and
16 did not vote, but was able to record a video,
17 take pictures of the voter area. Findings
18 state that the evidence suggested the
19 Respondent did not take a photo because he
20 didn't vote at the Grant Park precinct. It's
21 -- it's -- it's -- it's hard to know what
22 exactly occurred based on the investigation --
23 the investigative summary. It -- it -- it
24 does appear that there was a voter who was
25 waiting in line. We thought, initially, was

1 on election day. After doing some digging, I
2 was able to discover that the incident
3 actually occurred on October 30th, 2024 during
4 -- during early voting. There's a city of
5 Atlanta incident report that that report
6 doesn't actually identify how they determined
7 who -- who this individual was, and to this
8 day, we -- we don't know how they came up with
9 Mr. Stevens as -- as the unruly voter.
10 Fortunately, for Mr. Stevens he uses an app
11 called Hurdlr for business purposes. And I'll
12 let him say something in a minute, but I
13 wanted to first say this -- this Hurdlr app,
14 it's -- it's for tracking mileage for
15 reimbursement purposes and it's tied to his
16 GPS on his -- on his phone. So as we were
17 thinking, you know, how -- how do we show that
18 this isn't you if there's not, you know, if
19 there's not a photo of a person or anything
20 else and just identifies you by name, we still
21 can't figure out how it's done. We -- we
22 pulled his -- pulled the app, pulled the
23 information from October 30th and in that app,
24 and I -- I have copies of it for you all if
25 that'd be helpful to see. I figure out how

1 best to (unintelligible) here. So if you take
2 a look at the printout from his Hurdler app, it
3 -- it's for October 30th, 2024. Look at the
4 bottom, you'll see it starts at the River
5 Chase address, at its home address,
6 ultimately, in -- in Sandy Springs. Now, the
7 GPS isn't exactly precise. So sometimes the -
8 - the address that shows up, yeah -- it's --
9 it's a nearby address, but it shows at 8:24
10 a.m. he was at his house leaving and he didn't
11 -- he returned home at -- at 9:03 a.m. with an
12 11 mile distance. That's the time that --
13 that Mr. -- that my -- that my client, Mr.
14 Stevens takes his children to school. So that
15 11 mile distance is -- is the round trip from
16 his home to Mount Bethel -- I'm forgetting the
17 --

18 MR. STEVENS: Christian Academy.

19 MR. RUSSO: Christian Academy. Thank you
20 and so luckily, we do have this -- the
21 incident report that -- that I obtained
22 through the city of Atlanta indicates that
23 this -- this incident occurred at -- at 8:30
24 in the morning at the Grant Park Recreation
25 Center. I do have copies of that incident

1 report if you'd like to -- to see it.

2 (Brief conversation off the record.)

3 MR. RUSSO: I just printed out several.
4 Hopefully I got the numbers right when I was
5 doing it in my haste this morning, but -- but
6 you'll see from that incident report it's --
7 it doesn't identify how they -- how they
8 identified this person. It refers to photos,
9 we don't have any photos, of course, but what
10 we do have is documentation of his GPS showing
11 that he was nowhere near Grant Park at the
12 time of the incident. The only time he
13 appears to have left that day it looks like he
14 went -- he left again to go pick up his
15 children, and you'll see on that Hurdler,
16 there's a -- there's a couple entries, but
17 that's because he stopped long enough for the
18 GPS to calculate a new location. So we -- we
19 would ask, it seems to be a case of mistaken
20 identity. We'd ask that this is dismissed,
21 but I do want to give Mr. Stevens the
22 opportunity to speak because I know it's been
23 of much concern for -- for him.

24 MR. STEVENS: Mr. Russo hit the high
25 points. I left at 8:24 a.m. as I do on late

1 start Wednesdays, drove my children to school.
2 One of the joys of being a father. So I get
3 to do that because of the rigors of my wife's
4 law practice. She assigns me certain carpool
5 duties so I don't lose -- lose those in my own
6 personal calendar. I also have my Outlook
7 printout for the day, which affirms that I did
8 drop off and pick up because my wife is astute
9 enough to know if I couldn't miss those
10 carpool opportunities without that. So I was
11 over 25 miles away from Grant Park. I have
12 never been there. I did during that election,
13 which I do in every election, I voted in Sandy
14 Springs, very near my home. You can see I
15 voted a week before this incident took place
16 in Sandy Springs. The same way I always do.
17 I show my driver's license. I cast a ballot.
18 I get a sticker and I walk out the door. I've
19 been voting for nearly forty years now, I've
20 never -- that was long before cell phones had
21 cameras or before cell phones existed. I've
22 never tried to take a picture of anything.
23 Clearly, mistaken identity. I can't be of any
24 help to you on this case. I am sorry for
25 that.

1 MS. KING: What is your normal voting
2 location? Where do you normally --
3 MR. STEVENS: Yeah.
4 MS. KING: -- the library?
5 MR. STEVENS: I -- I can tell you --
6 let's see it is --
7 MS. KING: Well, I'm in Sandy Springs
8 area. So I recognize --
9 MR. STEVENS: I'm -- I'm in Riverside,
10 Mount -- Mount Vernon --
11 MS. KING: Mount Vernon. Yeah. Yeah.
12 MR. STEVENS: -- is where I voted --
13 MS. KING: Yeah.
14 MR. STEVENS: -- in the runoff election -
15 -
16 MS. KING: Yeah.
17 MR. STEVENS: -- last Friday. This was a
18 Heritage Green.
19 MS. KING: Right.
20 MR. STEVENS: (Inaudible)
21 MS. KING: Got it. Got it. I know
22 exactly. Okay.
23 MR. STEVENS: Yeah.
24 MS. KING: I like Hurdler. We -- we -- we
25 were considering using Hurdler.

1 MR. STEVENS: My -- my accountant swears
2 by it. And now, I do too.

3 MS. KING: Something -- some method --
4 this is a good method.

5 MR. STEVENS: Yeah.

6 MS. KING: Thank goodness you had it. So
7 for those who are part of the public, it's
8 very clear that you were at your home, 8:24.
9 You're back home by 9:03 and then you didn't
10 leave again, looks like until 2:52 p.m.

11 MR. STEVENS: That's right. 3:15 pickup.

12 MS. KING: With 3:15 --

13 MR. STEVENS: Yeah.

14 MS. KING: 3:10 you were there. So
15 that's Stevens.

16 MR. STEVENS: I will note there's 32
17 Matthew Stevens in the metro Atlanta area. I
18 don't have the investigative tools. I'm sure
19 the investigators have on this, but I was able
20 to find that with Google and social media
21 platforms, many of them are V, many are PH,
22 none of them to my knowledge were investigated
23 for this. The arrow was pointed directly at
24 me for some reason. It was not me.

25 MS. KING: All right.

1 DR. JOHNSTON: So you were not at Grant
2 Park on --

3 MR. STEVENS: I have for utter clarity,
4 I have never in my life been to the Grant Park
5 to be abundantly clear on that issue.

6 DR. JOHNSTON: I'll entertain a motion
7 from the Board.

8 MS. KING: In reference to Mr. Stevens in
9 case number 2024-205 I recommend that we
10 dismiss.

11 MR. JEFFARES: Second.

12 DR. JOHNSTON: There's been a motion and
13 a second to dismiss case 2024-205 and
14 Respondent Matthew Stevens. Is there any
15 further discussion?

16 (No response.)

17 DR. JOHNSTON: Hearing no further
18 discussion? All in favor of the motion to
19 dismiss say, aye.

20 THE BOARD MEMBERS: Aye.

21 DR. JOHNSTON: None opposed. Motion
22 carries three to zero. Thank you, Mr.
23 Stevens.

24 DR. JOHNSTON: Mr. Russo, do you have
25 another --

1 MR. RUSSO: I did have 2022-068. It was
2 on the agenda it was (inaudible).
3 MS. KING: We had to double voter.
4 MR. RUSSO: Fulton County double voter.
5 MS. KING: Got it.
6 MR. BAUER: Is that 068?
7 MS. KING: 2022-068.
8 MR. BAUER: Present and accounted for.
9 MS. KING: Is that your client?
10 MR. RUSSO: Yeah. I believe, Mr. Bauer.
11 I think that was multiple people.
12 MS. KING: Yeah.
13 MR. RUSSO: So I do represent Daniel
14 Bauer in that I don't represent the other --
15 MS. KING: Are you Mr. Bauer?
16 MR. BAUER: (Inaudible).
17 MS. KING: You're Mr. Bauer. Okay.
18 DR. JOHNSTON: So the next case is
19 SEB2022-068, Fulton County double voter
20 complaint. There are multiple respondents.
21 Are there any other Respondents here? One,
22 two, three. Okay.
23 MS. KING: There's two?
24 DR. JOHNSTON: Okay. So, Mr. Russo.
25 DR. YURFEST: Yes. How did you know.

1 DR. JOHNSTON: Who -- would -- would you
2 like to speak, sir?

3 DR. YURFEST: Yes. I'm prepared to speak
4 on my behalf.

5 DR. JOHNSTON: Please tell us your name.

6 DR. YURFEST: My name is Dr. Paul
7 Yurfest.

8 DR. JOHNSTON: Yes. Go ahead.

9 DR. YURFEST: I'm from Fulton County and
10 I received a notice that I was being
11 investigated or had been investigated for
12 possible double voting. So, in a sense, I
13 feel like I'm being asked to prove a negative.
14 I did not double vote and I didn't see any
15 evidence in the voter participation history
16 that I did do so. I did not double vote. I
17 did, however, move to Cobb County and
18 registered in accordance with the law. When I
19 moved to Cobb County, that it's possible that
20 I was issued an additional voter registration
21 number. I don't know. When I pulled up my
22 voter participation history, it indicates that
23 I only voted once. And to my recollection, I
24 only voted once in Sandy Springs on Mount
25 Vernon Highway, where I vote customarily, and

1 that's my story and I'm sticking to it.

2 MS. KING: Can I see your document?

3 DR. YURFEST: Yes, of course.

4 (Brief conversation off the record.)

5 MS. KING: Thank you. Good thing you had

6 that.

7 DR. JOHNSTON: Thank you.

8 DR. YURFEST: You betcha. Am I

9 dismissed?

10 DR. JOHNSTON: You can have a seat.

11 MS. KING: Not yet.

12 DR. YURFEST: Working on it?

13 MS. KING: We're working on it.

14 DR. JOHNSTON: Are there any questions

15 for Dr. Yurfest?

16 MS. KING: Does Fulton have anything else

17 that shows the opposite of what he has?

18 MS. BRUMBAUGH: No. Fulton doesn't.

19 MS. KING: All right.

20 DR. JOHNSTON: Is the Complainant, Mr.

21 Frazier, here? Yes. Would you like to speak?

22 MR. FRAZIER: If possible, I would like

23 to speak to you, I guess, all of these cases

24 at once, instead of individually, because it's

25 been about three years since I submitted

1 these, so I don't remember all the details on
2 each one of them, and I did ask for a summary
3 of the of the -- of the case. My
4 understanding is that summary is not given to
5 the complaints, only the board and the -- the
6 folks that possibly made violations. So I
7 haven't seen what you guys have found or which
8 makes it difficult to speak to it, but would
9 you like me to speak to the -- the overall
10 issue now or after you -- after you go through
11 each one? It's up to you.

12 DR. JOHNSTON: Go ahead.

13 MR. FRAZIER: All right. If possible,
14 I'd like to drop off some documents to the
15 Board. And then I'll -- I'll get to it.
16 Thank you. All right. These are three sets -
17 - sets of documents. It's to say they're --
18 they're different documents. So I only
19 printed them once, but I'll explain what they
20 are.

21 All right. So as you've -- you've been
22 hearing from some of these other cases, double
23 voting is a problem in the state of Georgia.
24 I would like to disagree with Anne Brumbaugh,
25 her statement that all is well, everything has

1 been fixed. There -- on those three sets of
2 documents, the first one is a stack of
3 addresses which are all the exact same
4 addresses of people registered within two
5 different counties. So what that means is
6 somebody might be registered with -- I'll make
7 up an address 1 Main Street, Fulton County,
8 and their wife is registered for 1 Main Street
9 in DeKalb. Clearly, these addresses should
10 only be in one county and that may not seem
11 pertinent in this case, but what happens is,
12 let's say I live in Fulton County, somehow I
13 got registered in DeKalb. I'm may reregister
14 in Fulton County. Now, I'm double registered.
15 Okay. So that is a problem. So we need to be
16 a little -- a little more thorough on that.
17 The next set are about 360 people that have
18 1800, and 1900 up to 1910 as their birthdays.
19 If you don't have a birthday a lot of times
20 you're not found in voter roles. Thus, you
21 end up registering twice. Whenever they say,
22 hey, we can't find you. You register again or
23 you go to my voter page. I don't know anybody
24 who was born in 1800. They probably didn't
25 put 1800 in there when they tried to find

1 themselves and, thus, they're registered
2 again. So, again, that's another issue. The
3 last stack of -- I prepared, of documents I
4 gave are approximately 1,000 people that are
5 currently registered in Fulton County more
6 than once. There's a few people registered
7 three times, but the bulk of those I just
8 found over the weekend. This is from the
9 December 1 voter role. A 1,000 people are
10 currently registered in Fulton County more
11 than once. I view that as problematic. What
12 -- what could happen there is if you're
13 registered more than once, which you might
14 hear from some of these folks, is you request
15 an absentee ballot under ID number one. You
16 get it. You turn it in. You go on my voter
17 page and look yourself up, did I vote? Was my
18 vote counted, but you're looking up ID number
19 2. It says you didn't vote. So I know I
20 would probably just go in person to make sure
21 my vote counted. These were all from 2020.
22 People are very excited to make sure their
23 votes counted. If you're registered twice,
24 you can easily be pulled up two different
25 times or be told nope, you didn't vote. So

1 you're going to make sure you vote. So I
2 believe that all this should be on the county
3 to prevent this, not on the individual. And
4 as we know well, on these cases, almost every
5 double voter I found, one of their votes is
6 the absentee. We know that's a gap. We know
7 that should be looked at. And whenever
8 there's lots of ballots coming out. I don't
9 know if these people filled out that absentee
10 ballot, or somebody else did, or it was lost
11 in the mail, or they sat on their counter and
12 their spouse turned it in. I -- I don't know
13 the ins and outs of what happened. All I know
14 is the root cause analysis. Again, my
15 background is mechanical engineering, so I
16 always try to find root cause analysis. We've
17 got to fix the problem. Everybody should be
18 registered one time in the state of Georgia.
19 One time in America. I have also let this
20 Board know that I found last year, 30,000
21 people that had moved to Florida register to
22 vote in Florida and they're still registered
23 in Georgia. That also is another problem,
24 which allows you to vote in two states, or
25 somebody to vote for them, if they mail -- get

1 an absentee ballot, it's lost in the mail and
2 somebody votes for them, either way, it allows
3 this to happen. Root cause analysis says
4 eliminate the possibility. Fulton County. If
5 you recall a couple of years ago, the Chair of
6 the Fulton County Board of Elections said at
7 the Board of Commissioners, Fulton County
8 never does an independent search for anybody.
9 That's a problem. They need to be looking at
10 this. I view this as a HAVA violation, also,
11 because HAVA requires a process of finding
12 double registrations. Maybe we have a
13 process. I've heard Eric claims they help
14 find double registrations, but if that's the
15 case, how was I able to find 10,000 people
16 registered more than once in Fulton County two
17 years ago and currently today, another 1,000?
18 Clearly, we have a problem. My focus here
19 today is that you guys will look at the
20 counties, or the state, or both to resolve
21 this so these people aren't drug through the
22 mud on double voting that they may or may not
23 have done. Eliminate the problem. Thank you.

24 DR. JOHNSTON: Thank you.

25 MS. KING: Thank you.

1 DR. JOHNSTON: Dr. Yurfest. I have a
2 question.

3 DR. YURFEST: Yes, ma'am.

4 DR. JOHNSTON: Did you -- do you know
5 that you have two voter registration numbers?

6 DR. YURFEST: No, ma'am. My only thought
7 on that is I moved from DeKalb -- from Cobb
8 County to Fulton County in 1996, just in time
9 for the Olympics. And that's the only
10 possibility that I can understand how I have
11 two registrations. So when I go to Sandy
12 Springs, Mount Vernon Church to vote, they
13 find me easily and don't say, hey, there are
14 two of you. So I'm not -- I was never -- I'm
15 not aware and I don't understand that.

16 DR. JOHNSTON: Mr. Frazier?

17 MR. FRAZIER: Very quickly. When -- at
18 the time that I found double voting associated
19 with his name, he was registered twice at the
20 exact same address. So that is the case with
21 each one of these folks, because they were
22 double registered at the same address or a
23 very close typo to the same address. A lot of
24 them might have a middle initial on one, a
25 full middle name or no middle name on the

1 other. Again, another violation. You're
2 supposed to have full legal name on the voter
3 registration. We don't -- that makes this
4 very difficult. It makes it difficult for
5 matching, but, again, I'm not claiming this
6 gentleman did anything wrong. I'm saying the
7 data shows he had two unique voter ID numbers.
8 Both of them were given credit for voting in
9 2020 and almost every single time, I believe
10 he -- the same case was for him, is one of
11 those was an absentee ballot.

12 DR. JOHNSTON: Ms. Brumbaugh.

13 MS. BRUMBAUGH: If I could just update
14 the Board. Mr. Yurfest does have two voter ID
15 numbers, however, the second one was canceled
16 as a duplicate on January 6, 2023.

17 DR. JOHNSTON: Thank you.

18 MS. KING: Mr. Frazier, how -- this list
19 of -- that you provided. When did you pull
20 this?

21 MR. FRAZIER: That was from a -- my mic's
22 isn't turning on. There we go. That was from
23 a December 1st voter role. So that's --

24 MS. KING: December 1st, 2024?

25 MR. FRAZIER: 2025, this year.

1 MS. KING: 2025?

2 MR. FRAZIER: A week or so ago. I -- I
3 work with a group of folks, and we get a voter
4 role at the wonderful price of \$485 a piece.
5 So we can do this voluntarily.

6 MS. KING: Is -- is there a reason why
7 there's so many duplicates? I mean, this is
8 kind of crazy.

9 MS. BRUMBAUGH: I mean, if Mr. Frazier
10 wants to -- or you want to give it to us,
11 certainly the --

12 MS. KING: Wouldn't you have it?

13 MS. BRUMBAUGH: No. We don't have it.

14 MS. KING: You don't -- you don't have
15 this?

16 MS. BRUMBAUGH: No.

17 MS. KING: Are you saying -- wait. Are
18 you saying that he was able to pull data that
19 Fulton County doesn't have?

20 MS. BRUMBAUGH: We --

21 MS. WILLIAMS: So, again, if Mr. Frazier
22 wants to submit those names to our county will
23 be as a challenge, and look them up, but often
24 we receive these -- this information. It
25 could be Juniors. It could be people of the

1 same name, but, again, we scrub our voter
2 roles every month to look for duplicates. So
3 I cannot comment on something I do not have to
4 research to see if that's even valid.

5 MS. KING: Okay. Have you scrubbed them
6 for December yet?

7 MS. WILLIAMS: These scrubs are monthly?
8 So, again, if he wants to submit that as a
9 challenge, we will submit it for review, but,
10 again, I don't want -- I can't comment on
11 something that I have not seen.

12 MS. KING: Have you -- but when do you
13 submit you said every month, is there a
14 certain particular time frame? So is it
15 possible that you just haven't scrubbed it?

16 MS. WILLIAMS: Our information -- or our
17 Information Technology Department has a system
18 where they scrub our voter -- voter roles for
19 duplicates. They look for addresses that may
20 be invalid. It is a monthly thing that we do
21 every month with our Information Technology
22 Department.

23 MS. KING: Okay. Yeah. the question I
24 was asking, is there a time -- is there a
25 certain time frame --

1 MS. WILLIAMS: I don't know what date of
2 the month, but it does done monthly, and,
3 again, I don't know when Mr. Frazier pulled
4 that list. If he wants to --

5 MS. KING: Well, can -- can you let me
6 finish the sentence, and then I -- I -- it may
7 help you a little bit. So this was pulled on
8 December 1st. So is it possible that you just
9 haven't scrubbed it? Is there a normal
10 timeframe when you get the -- is there a
11 certain time frame of the month when you
12 normally get the list that says this has been
13 scrubbed? I don't know. I feel like I -- I'm
14 not. I hope I'm not, you know, upsetting you.
15 I felt like it's basic questions. And I'm
16 looking at a list of 1,000s of duplicates. So
17 I have to ask these questions. I just -- I'm
18 actually trying to make you -- I'm -- I'm
19 actually helping you because I'm asking if --

20 MS. WILLIAMS: I understand what you're
21 saying. I cannot comment on a list I have not
22 seen. That list could say anything.

23 MS. KING: This is not about the list.
24 This is about what you just stated.

25 MS. WILLIAMS: So --

1 MS. KING: You said that, excuse me, just
2 give me one -- well, let me -- let me be
3 clear. Maybe I'm not clear. Let me be clear.
4 Everybody, just take a deep breath. I'm just
5 asking a simple question. It's not that deep.
6 You said that you scrub every month. Mr.
7 Frazier said he pulled this on December 1st.
8 My question was: Do you get a report? Do you
9 get something each month that says our IT
10 Department has scrubbed our voter roles, and
11 we see these duplicates? And if that's the
12 case, does it typically come around the end of
13 the month, middle of the month, first --
14 around the beginning of the month? That's all
15 I'm asking.

16 MS. BRUMBAUGH: We can't give you the
17 precise date. I'm not sure if it is the same
18 date every month, but --

19 MS. KING: Okay.

20 MS. BRUMBAUGH: -- in this case, December
21 1 was a Monday right after Thanksgiving.

22 MS. KING: Correct.

23 MS. BRUMBAUGH: So, yes. I think we can
24 all assume that the December scrub had not
25 occurred when he pulled this list on December

1 1st.

2 MS. KING: I don't make an assumption,
3 but that's why I was asking.

4 MS. BRUMBAUGH: Yeah.

5 DR. JOHNSTON: The -- the report also
6 indicates that Fulton County was unable to
7 provide the case investigator with documents
8 related to these complaints in their initial
9 request, which was made in June of 2022, and
10 that was well -- that was within the 24 month
11 mandated period of retaining documents. I --
12 I do not see Fulton County as a Respondent on
13 this complaint. So perhaps the Board would
14 want to consider a continuation and add Fulton
15 County as a -- as a Respondent and bring this
16 case up again next month with each of these
17 double registered and apparent -- what appears
18 to be double voting records of -- of all of
19 these Respondents. There are a fair number of
20 Respondents in this case.

21 (Brief conversation off the record.)

22 MS. BRUMBAUGH: So, yes, you're right.
23 It was a little confusing knowing how to
24 prepare for this case because they weren't
25 listed as a Respondent, but at the same time,

1 we did get the summary, and we did know that
2 there was a concern. This is identical to the
3 first case we looked at. It's the same
4 problem. All I can tell you is contrary to
5 what Mr. Fraser thinks, there are better --
6 there's better technology and there's better
7 processes. And so when there are different
8 voter numbers, if one has an application
9 that's attached to it, you can go in and you
10 can see and you can figure out which case --
11 which voter number needs to be canceled as a
12 duplicate. I'm not going to comment about the
13 1,000 that maybe older. This is a new
14 process, you know, and they are -- they are
15 going back and trying to do old ones, but
16 those are maybe old -- older cases. So my
17 point is just to save everybody time. That is
18 our response on this case. This is from --
19 and these -- these voters are from 2020.
20 We're almost five, six years into this. The
21 new Director, a new location, new technology
22 and new procedures. So whatever you want to
23 do today, I -- I don't think there's a need to
24 continue the case.

25 MS. KING: Well, it's interesting because

1 the list that we're looking at, you said scrub
2 every month, which is with the new system, I'm
3 assuming. And if this was December 1st, that
4 means this was in November. This -- these
5 people were probably in November. So I think
6 the November scrub missed a 1000 people. I
7 think it may be beneficial to look and see.
8 Look at this case and see if you may have
9 missed some of these people because, I mean,
10 I'm looking at it. And I know you mentioned
11 that the names can be exactly the same, but
12 majority of these are not exactly the same.
13 Majority of the people on this list, the first
14 name spell may be spelled correctly, even
15 maybe the middle name, but then there's -- or
16 there's middle initials. There's two
17 different spellings of the first name, but
18 there are very few that are exactly the same.
19 So I -- the reason why I'm saying that is
20 because if you're scrubbing every month, I
21 know that this case can be 2020 but this list
22 is 2025.

23 MS. BRUMBAUGH: Well, if the names are
24 different, then it's possible they can be
25 different people like Mr. Stevens, Matthew

1 Stevens, there were 32 Matthew Stevens, I
2 guess, I'm not understanding.

3 MS. KING: Well if they have middle
4 initials. And if you're supposed to use your
5 full legal name, correct? Then that means
6 that these need to be investigated to ensure
7 that they're two different people because how
8 would you know?

9 MS. BRUMBAUGH: Well --

10 MS. KING: Because they're not using
11 their full legal name, unless their middle
12 name is their middle initial, but I don't
13 think that's the case in most cases.

14 MS. BRUMBAUGH: Well, that's our --
15 that's our presentation for this morning on
16 this case.

17 DR. JOHNSTON: So, Ms. Brumbaugh, you
18 were not aware that -- that Fulton County was
19 a Respondent in this case; is that correct?

20 MS. BRUMBAUGH: What I got was a summary
21 which did not list Fulton County as a
22 Respondent, but did indicate that there were
23 potential violations, which was a little
24 confusing.

25 MS. KING: Okay.

1 DR. JOHNSTON: Confusing. I believe
2 there's one more Respondent here. Ms. --

3 MS. KING: Wait there's two more.

4 DR. JOHNSTON: Two more. All right. Ms.
5 Guimbellot.

6 MS. GUIMBELLOT: Susan Guimbellot, G-U-I-
7 M-B-E-L-L-O-T.

8 MS. KING: Say it one more time.

9 MS. GUIMBELLOT: Susan Guimbellot, G-U-I-
10 M-B-E-L-L-O-T. Thankfully there are not very
11 many of us.

12 DR. JOHNSTON: It's even spelled wrong in
13 our report.

14 MS. GUIMBELLOT: Right.

15 MS. KING: Let me explain it.

16 MS. GUIMBELLOT: I fit into the Florida
17 resident. I've been a Florida resident since
18 2018, just happened to be in town and saw this
19 in the mail yesterday thankfully. I did not -
20 - I don't believe when I first registered to
21 vote in Florida that I de-registered in
22 Georgia. I was part of the ignorant I would
23 say probably the majority of people didn't
24 realize you always have to always have to do
25 that. I've moved intrastate five times in my

1 life. And never done that and including the
2 first time I left Georgia. And never knew
3 that's a problem. So after the 2020 election,
4 I started getting Georgia voter texts and
5 things. I'm not a Georgia voter. So I
6 thought I submitted the proper paperwork to
7 Fulton County a while back, but, obviously, I
8 just checked the voter role, sitting here, and
9 obviously I didn't do that, correctly,
10 whatever happened. It does show I'm an
11 inactive voter. It does show my last vote was
12 in 2016. I absolutely have not voted in
13 Georgia since 2016. I did vote from Florida.
14 I have a extra form right here. If I can hand
15 it to the Fulton County folk or mail it, but I
16 don't believe there was any fraud involved, it
17 was just a mistake.

18 DR. JOHNSTON: Ms. Guimbellot, did you
19 know that you had two voter registration
20 numbers in Georgia voter roles?

21 MS. GUIMBELLOT: I did not know that.
22 And when I looked it up this morning, I didn't
23 -- it doesn't tell you that. I've lived here
24 twice. Once in DeKalb County 1995 to 2004 and
25 then I moved back to 2015 and left in 2018 and

1 that was Fulton County. So maybe that's what
2 it is. So do I need to do this form for
3 DeKalb County, as well?

4 MS. KING: Spelled wrong.

5 MS. GUIMBELLOT: I guess so. Okay. From
6 21 years ago?

7 MS. KING: Unfortunately.

8 MS. GUIMBELLOT: Still on the roles.
9 Okay. I will fill that form out, as well.

10 DR. JOHNSTON: Thank you.

11 MS. KING: And --

12 MR. RUSSO: We do. Mr. -- Mr. Danie
13 Bauer is here also. He's identified in the --
14 in the -- in the complaint and then the
15 investigator summary, excuse me. Mr. Bauer,
16 he did get a -- request an absentee ballot in
17 2020. He received it at his home address here
18 in town. He's been registered in Fulton
19 County, looking at his voter participation
20 history since at least 2000, but he -- he
21 received it. He completed it. Stuck it in
22 the house didn't -- didn't think about it
23 again. Thought he misplaced it and didn't see
24 that he voted when he looked on -- at his
25 voter registration information on MVP and he

1 went to go vote in person on election day.
2 Unbeknownst to Mr. Bauer, his wife, who works
3 from home and takes stacks of stuff sitting
4 around had taken his completed app -- excuse
5 me, his completed ballot and -- and mailed it
6 sometime in -- in October. I do have an -- an
7 affidavit from his -- his wife, if that's
8 helpful, stating that she did not speak with
9 Mr. Bauer about the fact that she had taken
10 his ballot. She did not speak with Mr. Bauer
11 about it and when she did it or before he went
12 to -- to vote. Mr. -- Mr. Bauer just didn't
13 have any idea that it had -- it had been
14 mailed in. He went to vote. He is listed
15 here as having two ID -- voter IDs. I will
16 tell you his MVP and his voter report only
17 indic -- only shows -- shows one voter
18 registration numbers, the 243 number, but he
19 went to vote and it didn't, you know, the
20 system check in didn't indicate that he had
21 already cast an absentee ballot. Absentee
22 ballot's dated back in October. So, you know,
23 Mr. -- Mr. Bauer had no intention of double
24 voting. This is an unfortunate problem that,
25 you know, had he spoken with his wife, he

1 wouldn't have voted twice, but when he went to
2 vote, you know, there was a -- a systemic
3 issue probably there and he should have been
4 flagged. He wasn't, but he had no intention
5 of voting twice.

6 MS. KING: It's a case of an efficient
7 wife.

8 MR. RUSSO: And so here's -- and I can
9 give you this affidavit so you have it for
10 your --

11 DR. JOHNSTON: Mr. Bauer, are you also
12 Daniel Henry Bauer, Jr.?

13 MR. BAUER: Yes. I'm the same.

14 DR. JOHNSTON: And Daniel H. Bauer.

15 MR. BAUER: My legal name is Junior. My
16 dad was a senior.

17 DR. JOHNSTON: Okay.

18 MR. RUSSO: Do you need copies?

19 MS. KING: No.

20 MR. RUSSO: There's extra copies.

21 MR. BAUER: But the first number there
22 that Mr. Russo referred to is the only one
23 that I'm aware of that I voted under. And my
24 voting history shows that number being used.

25 MR. RUSSO: But what's odd is his -- his

1 participation history, and I have copies of it
2 if you all would like that too, and it -- it
3 shows in 2020 he voted absentee by mail with a
4 date voted of October 19th. And then his
5 November 3rd vote which he -- he voted in-
6 person on a machine indicate absentee ballot
7 type. I -- I can't figure out how that
8 happened. I -- I -- I understand these things
9 occur. Look, I'm -- I'm not here to -- he's
10 Junior in one spot. It's not there. I can
11 understand why somebody as Junior, I wouldn't
12 want to be taken off the roles when I lived
13 with my dad also. So I can understand the
14 issue there, but the point for him is that he
15 had no intention of voting twice. He didn't
16 know and had he known that ballot had been
17 mailed in and had he known it had actually
18 been counted, then he -- he wouldn't have
19 voted. So we think it should be dismissed,
20 regardless of all these -- these other issues
21 being discussed.

22 MS. KING: I think this is another
23 example of why we should only have full legal
24 names that should be -- that should be
25 instructed to give the full -- because I see

1 where you did give your full legal name once
2 and then another time you didn't. So it's...

3 DR. JOHNSTON: Any further questions?

4 (No response.)

5 DR. JOHNSTON: Perhaps we could entertain
6 a motion to add Fulton County as a Respondent
7 and bring that back to the January meeting to
8 address the voter role -- voter role, double
9 registration, voter roles for these listed
10 other Respondents, individuals,

11 MS. KING: Madam Chair, is it possible to
12 dismiss these three?

13 DR. JOHNSTON: We'll -- we'll do the
14 rest.

15 MS. KING: Okay.

16 DR. JOHNSTON: So do I hear a motion for
17 --

18 MS. KING: Yes, I make a motion that we
19 dismiss Yurfest, I know I'm going to jack up
20 your last name, Guimbellot and Bauer.

21 DR. JOHNSTON: Is there a second?

22 MR. JEFFARES: Second.

23 DR. JOHNSTON: There's been a motion a
24 second to dismiss Mr. Daniel Henry Bauer, Jr.
25 and Paul Yurfest and Susan Elizabeth

1 Guimbellot as Respondents on this case. Is
2 there any further discussion?

3 (No response.)

4 DR. JOHNSTON: No further discussion.
5 All in favor of dismissal of these three
6 Respondents say aye.

7 THE BOARD MEMBERS: Aye.

8 DR. JOHNSTON: No no's, it passes three
9 to zero. And concerning the other
10 Respondents, do I hear a motion from the
11 Board?

12 MS. KING: Would that -- would that be
13 heard in the January meeting?

14 DR. JOHNSTON: Could be.

15 MS. KING: I think we should just
16 continue all of them.

17 DR. JOHNSTON: Do I hear a motion to
18 continue the rest of the case and add Fulton
19 County as a Respondent?

20 MS. KING: So moved.

21 MR. JEFFARES: Second.

22 DR. JOHNSTON: Is there any further
23 discussion?

24 (No response.)

25 DR. JOHNSTON: There's no further

1 discussion, all in favor of continuing the
2 case, excluding the three dismissed
3 respondents on case 2022-068 to be heard at
4 the January meeting and the rest of the
5 Respondents to be considered in Fulton County
6 and report on the double registration and --
7 and documents that need to be provided to
8 investigate this case. All in favor of this
9 motion say aye.

10 THE BOARD MEMBERS: Aye.

11 DR. JOHNSTON: No opposition. Passes
12 three to zero. Thank you, Mr. Russo.

13 MR. RUSSO: Thanks for letting me catch
14 my breath.

15 (Brief conversation off the record.)

16 DR. JOHNSTON: Well, we'll continue with
17 a couple of more cases. The next case is
18 SEB2022-066, Bibb County, wrong ballot. Is
19 the Respondent for Bibb County -- let's see
20 the Respondent is Bibb County and Tom Gillen.
21 Are either of the Respondents here?

22 (No response.)

23 DR. JOHNSTON: Is the Complainant here,
24 Melissa McCoy?

25 (No response.)

1 DR. JOHNSTON: No. The Members have had
2 time to review this case. Do I hear a motion
3 concerning 2022-066?

4 MS. KING: Let me make sure. There's no
5 one from Bibb County?

6 DR. JOHNSTON: No one.

7 MS. KING: I recommend we send this to
8 the Attorney General's Office with a consent
9 order to issue a fine.

10 DR. JOHNSTON: Okay. Is there a second?

11 MR. JEFFARES: Second.

12 DR. JOHNSTON: There's a motion and a
13 second to bind this case over to the Attorney
14 General for violation of 21-2-73 preservation
15 -- preservation of primary election records.
16 Is there any further discussion?

17 (No response.)

18 DR. JOHNSTON: Hearing no further
19 discussion. All in favor say aye.

20 THE BOARD MEMBERS: Aye.

21 DR. JOHNSTON: All opposed?

22 (No response.)

23 DR. JOHNSTON: None. Passes three to
24 zero. The next case is SEB2022-284, Brooks
25 County voter posts logic and accuracy testing

1 five days prior to testing. Is there a
2 Respondent from Brooks County --
3 representative of Brooks County?

4 (No response.)

5 DR. JOHNSTON: None. I do not see a
6 Complainant.

7 (Brief conversation off the record.)

8 DR. JOHNSTON: There are two allegations
9 in this. There are two complaints in this
10 case. Do I hear a motion for complaint number
11 one?

12 MS. KING: Let me make sure I'm looking
13 at the right one. Looks like according to the
14 statement they're agreeing to all them.

15 DR. JOHNSTON: Complaint number -- to
16 refresh the findings of the investigation
17 suggested that Brooks County failed to publish
18 at least five days prior to the -- in the
19 legal origin for logic and accuracy testing.

20 MS. KING: I make a -- I make a motion
21 that we submit this to the Attorney General's
22 Office at the request that there's a fine.

23 MR. JEFFARES: Second.

24 DR. JOHNSTON: There's a motion and a
25 second to bind this to the -- over to the

1 Attorney General for all allegation 1.

2 MS. KING: Allegation 1.

3 DR. JOHNSTON: All right. For failure to
4 publish logic and accuracy testing. Is there
5 any discussion?

6 (No response.)

7 DR. JOHNSTON: Hearing no discussion.
8 All in favor say aye.

9 THE BOARD MEMBERS: Aye.

10 DR. JOHNSTON: Passes three to zero.
11 Allegation 2 was unsubstantiated. Do I hear a
12 motion?

13 MS. KING: I make a motion that we
14 dismiss allegation 2.

15 MR. JEFFARES: Second.

16 DR. JOHNSTON: There's a motion and a
17 second to dismiss allegation 2 is there
18 regarding complaint 2022-284. Any further
19 discussion?

20 (No response.)

21 DR. JOHNSTON: No further discussion.
22 All in favor say aye.

23 THE BOARD MEMBERS: Aye.

24 DR. JOHNSTON: None opposed. Passes
25 three to zero. Next case SEB2022-183, Macon

1 County, missing absentee ballots. Is Macon
2 County here? A representative from Macon
3 County?

4 (No response.)

5 DR. JOHNSTON: Is the complainant, L.B.
6 Hayes here?

7 (No response.)

8 DR. JOHNSTON: No. There are in this
9 case -- there are four allegations.

10 (Brief conversation off the record.)

11 DR. JOHNSTON: No. This is 183.

12 MS. KING: Oh, 183.

13 DR. JOHNSTON: 2022-183.

14 MS. KING: Got it. Okay.

15 DR. JOHNSTON: Allegation 1 was against
16 Macon County Supervisor said a recount would
17 cost \$2,500. Allegation 2, six voters
18 submitted absentee ballots voting for him;
19 however, they were never counted and were
20 missing. Allegation 3, claims he never
21 provided a personal financial disclosure, nor
22 had his qualifying paperwork notarized. Mr.
23 Hayes alleged he paid \$180 qualifying fee with
24 cash. In allegation 4, Don Oliver solicited
25 votes for his brother and candidate Carl

1 Oliver. Only number 3 allegation is
2 substantiated. Do I hear a motion from the
3 Board? Yes.

4 MS. KING: I make a motion that we
5 dismiss allegations 1, 2 and 4 and that we
6 send allegation 3 to the Attorney General's
7 Office with the request to issue a fine.

8 MR. JEFFARES: Second.

9 DR. JOHNSTON: There's been motion and
10 seconded to dismiss allegations 1, 2 and 4 and
11 send out -- bind over to the Attorney General,
12 allegation 3 in case 2022-183. Is there any
13 discussion?

14 (No response.)

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

17 THE BOARD MEMBERS: Aye.

18 DR. JOHNSTON: None opposed. Motion
19 carries. Next case is Macon County 2022-263,
20 Macon County absentee ballot drop box issue.
21 The issue is an absentee ballot drop box would
22 stay unlocked 24 hours a day during early
23 voting and the box was located outside of the
24 elections office. So there was no security
25 cameras facing the drop box or the slot where

1 the ballots are dropped. There's evidence to
2 suggest -- suggest Macon County violated
3 O.C.G.A. 21-23-2(c)(1) concerning absentee
4 ballot drop boxes. Do I hear a motion from
5 the Board?

6 MS. KING: Same, I make a motion that we
7 send this to the Attorney General's office and
8 issue another fine to Macon County.

9 DR. JOHNSTON: Is there a second?

10 MR. JEFFARES: Second.

11 DR. JOHNSTON: There's been a motion and
12 a second to refer case 2022-263, to the
13 Attorney General and recommend a fine. Is
14 there any further discussion?

15 (No response.)

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

18 THE BOARD MEMBERS: Aye.

19 DR. JOHNSTON: Motion carries three to
20 zero. I think this time would be a good time
21 to stop for lunch and we'll return at ten
22 after 1:00? So it's almost 12:30, we'll
23 return at ten after 1:00 and resume. Do I
24 have a motion to break for lunch?

25 MS. KING: So moved.

1 DR. JOHNSTON: Do I have a second?

2 MR. JEFFARES: Second.

3 DR. JOHNSTON: All in favor say aye.

4 THE BOARD MEMBERS: Aye.

5 (The session recessed at 12:27 p.m.)

6 (The session resumed at 1:17 p.m.)

7 DR. JOHNSTON: The State Election Board
8 will come to order. I hope everyone had a
9 good lunch. Ready to work through some other
10 cases. Looking at the agenda, we missed a
11 case, so we'd like to go to that first. It's
12 case number 2023-021, cross state, double
13 voter fraud, November 2022, general election.
14 The complaint was following the November 2022,
15 general election. Florida Department of State
16 Office of Election Crimes and Security,
17 identified nine possible voters that were
18 involved in cross state double voting.
19 Georgia Secretary of State initiated an
20 investigation following the complaint and
21 exchanged information with Florida. The nine
22 Georgia voters were identified by name, date
23 of birth as voting in Georgia and Florida for
24 the same November general election. Potential
25 violation of 21-2-572 which prohibits repeat

1 voting in the same primary or election. Are
2 any of the Respondents here? Stephen Belk,
3 Jack Bryan, Robert Vinson, Victoria Vinson,
4 Mary Mann, Marvin Nolan, III, Jennifer
5 Rockhill or Robert Schill (ph)? I'm sorry,
6 Roger Schill?

7 (No response.)

8 DR. JOHNSTON: No. None of the
9 respondents? Is there a member of the
10 Secretary of State here to -- as a
11 Complainant?

12 (No response.)

13 DR. JOHNSTON: Following an investigation
14 by the Secretary of State investigators.
15 There's sufficient evidence to suggest that
16 these individuals below violated 21-2-572,
17 when they voted in Georgia, as well as in
18 Florida for the same November election. That
19 includes the names that I just read. I would
20 suggest that this Board might consider a
21 motion to refer these cases to the appropriate
22 district attorney. The Attorney General and
23 send a letter of communication to The
24 Department of Justice regarding cross state
25 double voting. I'll entertain a motion by the

1 Board, if they desire.

2 MS. KING: I make a motion that we send
3 each of these cases to the respective District
4 Attorney, as well as notifying the Attorney
5 General's Office and the Department of
6 Justice.

7 MR. JEFFARES: Second.

8 DR. JOHNSTON: There's a motion and a
9 second to refer the Respondents to the
10 appropriate county district attorney to the
11 Georgia Attorney General, as well as
12 communicate by letter to the Department of
13 Justice regarding the potential cross state
14 double voters. Is there any discussion?

15 (No response.)

16 DR. JOHNSTON: There's no discussion.
17 I'll call for a vote. All in favor say aye.

18 THE BOARD MEMBERS: Aye.

19 DR. JOHNSTON: The motion passes three to
20 zero. Next case is -- I promised Mr. -- is
21 Mr. Thomas here?

22 MR. THOMAS: Yes.

23 DR. JOHNSTON: I promised Mr. Thomas he -
24 - he kindly asked and has a medical condition.
25 So I'd like to -- if we could move to case is

1 tab number 7 in your paper book. It's SEB2024
2 178, DeKalb County, non-citizen voting. 2024
3 178. DeKalb County, non-citizen voting. Mr.
4 Thomas --

5 MR. THOMAS: Yes.

6 DR. JOHNSTON: If you'll turn on your
7 microphone, it's at the desk. There's a
8 button to push on the desk.

9 MR. THOMAS: Thank you, Madam Chair --
10 Vice Chair. May it please this honorable
11 Board. My name is Dwight Thomas. I'm an
12 attorney and I represent Ms. Janae Vernon who
13 is present today to respond to the allegation
14 on her behalf and I will start by indicating
15 to this honorable Board that Ms. Vernon is 30
16 years old and she is a permanent resident of
17 the United States, but she is a citizen of the
18 UK and her mother -- mother is a citizen,
19 naturalized citizen, of the United States. I
20 will be asking this honorable Board for a
21 administrative dismissal or a letter of
22 instruction for the appropriate resolution in
23 this matter and, for two reasons. The first
24 and primary reason, is because of the full
25 disclosure and the honesty that Ms. Vernon

1 provided to the government officials in DeKalb
2 County with respect to her status. And the
3 second reason being, that in Georgia and in
4 most states there is a concept that's kind of
5 rooted in a due process a notion of what's
6 called a official assurance when a person
7 relies on government officials or persons in
8 that capacity, and they rely upon them, and
9 they undertake certain steps and undertake
10 certain things they do. There is a due
11 process factor in their favor. And, of
12 course, based on the summary report, of
13 course, I (inaudible) have had an opportunity
14 to discuss that summary report with Ms.
15 Stevens, but based on that summary report, it
16 appears that the onus falls on DeKalb County.
17 When Ms. Vernon truthfully admitted she was
18 not an American citizen, but yet DeKalb County
19 started to register to vote anyway and told
20 her she could register to vote. And on two
21 occasions when that issue came up, Ms. Vernon
22 admitted to the jury pool, I'm not a citizen
23 and she was told me she could not serve as a
24 juror. So for those reasons, I will be asking
25 this honorable Board to administrative

1 dismissal or do a letter of instruction. I
2 don't think there was any malicious actions
3 involved, motivations involved in the voting
4 that she did back in 2020 election. And at
5 the same time this was not current in this
6 situation, and so we're asking this Board to
7 take the resolution that I proposed to the
8 Board.

9 DR. JOHNSTON: Questions from the Board?

10 MS. KING: Are you saying that your
11 client wasn't aware that she can't vote as a
12 non-citizen?

13 MR. THOMAS: That's not the response,
14 Madam Board Member. My response is that
15 whether she was aware or not and I don't think
16 she was fully aware of or totally aware of
17 what the requirements are. As a permanent
18 residence, she goes and she tells -- she --
19 she marked down truthfully I'm not a citizen.
20 At that point in time, the onus falls on the
21 DeKalb County government saying you can't, but
22 they informed her that she could. She was
23 encouraged and told by governmental entity
24 that she could vote. That she could register
25 to vote.

1 MS. KING: So she marked no on her
2 registration --

3 MR. THOMAS: (inaudible)

4 MS. KING: -- but then was still -- and -
5 - and still went and voted? So you're saying
6 there's no responsibility on your client?

7 MR. THOMAS: I don't think there's no
8 responsibility when the government tells you -
9 - if that was some private citizen right here
10 that's a different thing, but when the
11 government tells you you can vote and they
12 send you voter registration card and they send
13 you a precinct. You know, what do you do? I
14 mean, she's not a lawyer and she, I mean, of
15 course, if she's relying on those assurances,
16 as if the government is telling her your
17 status as a permanent resident is almost equal
18 or equal to being an American citizen.

19 MS. KING: Is that what they told her?
20 Well, that's what she would assume --

21 MR. THOMAS: Because I haven't had an
22 opportunity to talk to the investigator or the
23 Secretary of State's Office. That would --
24 that's the prime question that should have
25 been asked by the investigator. That's a good

1 point.

2 DR. JOHNSTON: Mr. Thomas, can -- can
3 your client read English?

4 MR. THOMAS: Yes, my client can read
5 English.

6 DR. JOHNSTON: Because every voter
7 application states that the voter must be a US
8 citizen to register to vote and every time we
9 vote, we sign a oath that we -- we fulfill the
10 requirements to vote in the state of Georgia,
11 which means, which also includes that we're a
12 US citizen.

13 MR. THOMAS: That's correct and when
14 you're -- and when you mark down that I am not
15 a US citizen, you're -- you're not giving
16 false information to the officials that are
17 registering you. And when those officials,
18 according to this summary report, tell you
19 what -- and your status is, as if you are a US
20 citizen, that you can vote and then you're
21 sent a -- a -- a voter registration card,
22 precinct notifications to where to go vote. I
23 think the onus fall back on DeKalb County in
24 terms of their training and what they should
25 know about the difference between a permanent

1 resident and a United States citizen that that
2 is not the same.

3 DR. JOHNSTON: Do you have evidence that
4 DeKalb County told her it was okay to vote?

5 MR. THOMAS: Based on the summary
6 investigation that I'm seeing here.

7 MS. KING: Is that based on her --

8 MR. THOMAS: Yes --

9 MS. KING: -- testimony.

10 MR. THOMAS: If you look at the summary,
11 page 2, that the investigation also identifies
12 the DeKalb County voter registration election
13 improperly registered the Respondent in 2017
14 as an eligible voter despite the voter
15 checking no on the Georgia registration
16 application. The DeKalb County, of course,
17 they -- DeKalb County Elections Director
18 implemented new policies and standard
19 operating procedures to prevent the
20 registration of non-citizen in the future.

21 DR. JOHNSTON: Are there any questions
22 for Mr. Vernon -- I mean for Mr. Thomas?

23 MS. KING: How many times did she vote
24 illegally? How many times did she vote
25 illegally?

1 MR. THOMAS: Madam Board Member, I
2 believe that my understanding, based on the
3 report I have, once. And this was a part, I
4 think some voter registration drive that was
5 going on at Georgia State or something.

6 DR. JOHNSTON: DeKalb County is listed as
7 a Respondent. Is there a representative from
8 DeKalb County?

9 MR. HERRIN: Once again, Brent Herrin on
10 behalf of DeKalb County Board of Voter
11 Registration and Election. What Mr. Thomas
12 has stated is true. She did check no on her
13 voter registration application. For some
14 reason, this was done in 2017 a temporary
15 worker registered her to vote. A common theme
16 I think you've heard from me in the past few
17 months since I've been here, is that when Ms.
18 Smith was hired as the Elections Director of
19 DeKalb County. DeKalb County changed a lot of
20 the ways that things happen in DeKalb County
21 is with respect to voter, voting and voter
22 registration. Since we've become aware --
23 aware of this, there's been enhanced training,
24 staff registration, staff to make sure that if
25 someone checks no on the voter registration

1 card, that we don't register them to vote. In
2 addition to that, DeKalb County has
3 implemented an audit procedure by which they,
4 as new registrations come in, there are
5 multiple levels of review that occur and they
6 go line by line on the voter registration
7 application and make sure that data that is on
8 that application has been properly entered
9 into the system. So this should not happen
10 again. And I would note that she has been
11 removed as a voter in DeKalb County as a
12 result of this investigation.

13 MS. KING: Just so I'm clear. Are you
14 saying that the new process is to read the
15 full registration card?

16 MR. HERRIN: Well, there's -- there's two
17 new processes. One is enhanced training to
18 make sure that staff understand that how they
19 enter that into the system, right? You should
20 be reading the full registration card. The
21 additional audit procedures are that, in
22 addition to the person that's entering that
23 information in other people in the office are
24 taking the voter registration card and
25 comparing it to what's been entered into the

1 system. And that's done at multiple levels, a
2 hierarchy, as you go up the chain of command
3 within the office. And those are all -- those
4 are all processes that Ms. Smith has
5 implemented since she's been the Director.

6 MS. KING: You know, to be clear, I
7 understand your defense. You're -- you're --
8 you're supposed to defend her. However, as a
9 adult, there's a responsibility that still
10 falls on every single voter to know what
11 they're signing. Not only did she complete a
12 registration card where she noted that she was
13 not a US citizen, she still decided to go
14 vote. That's two separate decisions. Fill
15 out the registration card, and then when it's
16 time to vote, you have the choice. Do I, even
17 though I know that DeKalb County said that --
18 or accepted my registration card because we
19 don't know. We weren't there, but accepted my
20 registration card. When it was time to vote,
21 she still went and voted as a non-citizen.
22 And there's that's just as bad. We can't
23 blame the County for allowing a non-citizen to
24 vote when the non-citizen knew that she wasn't
25 supposed to vote.

1 DR. JOHNSTON: I would entertain a
2 motion. If there are no further questions?

3 MS. KING: Because of that, I do make a
4 motion that we send this to the AG's Office
5 for further review and allow them to decide
6 what to do with it because the law was broken
7 and it was broken with her fully -- being
8 fully aware that she was not a citizen. So my
9 motion is that we send this to the AG's
10 Office.

11 MR. JEFFARES: Second.

12 DR. JOHNSTON: There's been a motion and
13 a second to refer this to the Attorney
14 General's Office for both Respondents. Is
15 that your motion?

16 (Brief conversation off the record.)

17 DR. JOHNSTON: DeKalb County is a
18 Respondent.

19 MS. KING: Oh, yes, both Respondents.

20 DR. JOHNSTON: For both Respondents. And
21 there's a second. Is there a discussion? I
22 would respectfully ask consideration to refer
23 this to the district -- district attorney and
24 report this to the Department of Justice.
25 Also, the Department of Justice is -- is

1 asking states -- all of the states, to provide
2 voter role information in order to inspect the
3 voter roles and to evaluate voter roles for
4 non-citizens and for accuracy of the voter
5 roles. This is a -- certainly is a -- a
6 serious violation and only US citizens should
7 vote in US elections, federal and US
8 elections.

9 MS. KING: I would like to amend my
10 motion.

11 DR. JOHNSTON: Would you like to amend
12 your motion?

13 MS. KING: Yeah. I -- I would like to
14 amend my motion to ensure that everyone is
15 notified that we will send it to the DA and
16 the AG, the DOJ, just so they can see.

17 MR. JEFFARES: Second.

18 DR. JOHNSTON: Motion has been made to
19 and seconded to send this to the DA, the
20 Attorney General, and a letter of
21 communication to the Department of Justice
22 concerning case 2024-178. Is there any
23 discussion?

24 (No response.)

25 DR. JOHNSTON: There's no further

1 discussion. All in favor of this motion say
2 aye.

3 THE BOARD MEMBERS: Aye.

4 DR. JOHNSTON: All opposed?

5 (No response.)

6 DR. JOHNSTON: No. Motion carries three
7 to zero. Thank you, Mr. Thomas.

8 MR. THOMAS: Yes, Madam Chair, Vice Chair
9 may we be excused?

10 DR. JOHNSTON: You may be excused.

11 MR. THOMAS: Thank you.

12 DR. JOHNSTON: Back to the schedule.

13 Next case is 2022-116, Oconee County,
14 residency issue.

15 (Brief conversation off the record.)

16 DR. JOHNSTON: Is there a Respondent for
17 -- here for 2022-116? Well, bear with me.
18 We'll go out of order and hear a requested
19 case.

20 (Brief conversation off the record.)

21 DR. JOHNSTON: So the next case will be
22 2022-248, Fulton County, illegal campaigning.
23 And you're the Respondent. That's tab number
24 3. Ms. Gillan?

25 MS. GILLAN: I'm Peggy Gillan with --

1 from -- I'm sorry from Fulton County. I
2 prepared what I wanted to say, so I'm kind of
3 going to read it so I don't forget anything,
4 but I went to vote in early -- I went to early
5 vote in October '22 when I was candidate for
6 the Georgia House. I went with my husband, my
7 son, some neighbors, and one of my neighbor's
8 son, who is autistic, and I'm telling you that
9 -- it will be relevant, in a moment why I'm
10 telling you that. So no one wore any campaign
11 anything. There was no campaigning being done
12 and there was no attempt whatsoever to talk to
13 anyone while we were there. It was a very
14 quiet time at the polls. We all went in to
15 vote. We all came out. We waited for a
16 little while for our friend's son to come out
17 and he took quite a bit of time to vote.
18 There is a -- there is something that says
19 that I went back in. It's been over three
20 years. I don't recall if I went back in, but
21 apparently when I spoke to the Secretary of
22 State's Office, I acknowledged I went back
23 into the polling place. The only reason that
24 I would have done that is because he was
25 taking -- it was a first-time voter, an

1 autistic child who is very functional and
2 allowed to vote, he was taking a very long
3 time. It had been about 20 minutes. His
4 mother was getting a little concerned. I
5 walked -- and I'm going to just go ahead and
6 said I did this, but I went in, and I
7 definitely never went past a foyer where you
8 look through glass to see -- you can look in
9 and see the polling place. So checked on him.
10 Went back out. We waited longer. All -- all
11 was fine there, but there was no attempt to
12 speak to anyone to go into the actual polling
13 place, none of that. So while we were
14 outside, we took some pictures. We went over
15 by my husband and my son went over by where my
16 signs were which is the perfect distance from
17 the polling place and to took pictures of
18 ourselves. And we were in the parking lot by
19 ourselves. I thought this would be a great
20 idea to take a picture of myself near the
21 early vote sign to post and encourage people
22 to get out and early vote. All good. There
23 was an idea tossed out there that since no one
24 was in the parking lot, I could put on a
25 campaign button, take the picture. No one saw

1 it. Take it off. You can't campaign to an
2 empty parking lot, but I understand the optics
3 now, right? At the time, there was no ill
4 intent. There was no one to see it. I put it
5 on. Took the picture. Took it right back
6 off. Did not have it on at any other point in
7 time. All the other pictures we took were
8 people with just their Georgia voters stickers
9 on, right and just encouraging people to go
10 out and vote. So that was -- that was the
11 entire story with the picture. So I was a
12 first-time candidate. It was the first time I
13 voted for myself in a general election. It
14 didn't register with me that there was any
15 kind of violation, or I wouldn't have done it,
16 period. There was no intent and as soon as I
17 learned that this was an issue, I took that
18 down. I spoke to a person at the Secretary of
19 State's Office. I acknowledged what had
20 occurred, and that was it. So every candidate
21 knows they can't campaign near polling place,
22 but we're really not given a lot of
23 instruction, otherwise. There's not some big
24 training as to what exactly like stepping into
25 the foyer, if that's an issue. We are not

1 told, right? There is not a lot of training
2 in that regard. So as far as my knowledge
3 interpretation I was not campaigning. I was
4 trying to operate by the letter of law with
5 good intent, and according to the guidelines.
6 I did not win the election. I am not an
7 elected official. I have not run again and I
8 do not intend to do so. If I were to do so, I
9 would take this information and this knowledge
10 forward, but, again, I don't intend to do so.
11 So I respectfully ask that this is a mistake
12 based on lack of knowledge, but also, there
13 was absolutely no ill intent and nothing
14 negative happened, right? No one saw me.
15 There was no campaigning. There was no
16 speaking to anyone in that polling place
17 except the people I was with. So I
18 respectfully ask this be dismissed, and if I
19 can submit an official letter of
20 acknowledgement, responsibility, notarized,
21 signed whatever you need. I'm happy to do
22 that also.

23 DR. JOHNSTON: Thank you. Are there any
24 questions from the Board? Is the complainant,
25 Jenna Kullis (ph) here?

1 (No response.)

2 DR. JOHNSTON: If there no other
3 questions, I'll entertain a motion by the
4 Board.

5 MS. KING: I make a motion that we issue
6 a letter of instruction.

7 MR. JEFFARES: Second.

8 DR. JOHNSTON: There's been a motion to
9 issue a letter of instruction, and seconded by
10 Members Jeffares for case 2022-248 to Peggy
11 Gillan regarding O.C.G.A. 21-2-414. Is there
12 any further discussion?

13 (No response.)

14 DR. JOHNSTON: None. No further
15 discussion. All in favor of issuing a letter
16 of instruction to Peggy Gillan say aye.

17 THE BOARD MEMBERS: Aye.

18 DR. JOHNSTON: Motion carries three to
19 zero. Thank you, Ms. Gillan.

20 MS. GILLAN: Thank you.

21 DR. JOHNSTON: Next case is 2024-175,
22 Clayton County, non -- non-citizen voting.
23 Tab 73.

24 MS. PICKETT: Good afternoon.

25 DR. JOHNSTON: Good afternoon.

1 MS. PICKETT: Hi, I'm Ms. Pickett. My
2 first name is Melanie. My last name is
3 Pickett, P-I-C-K-E-T-T.

4 DR. JOHNSTON: Welcome, Ms. Pickett.
5 Would you like to share with us your story?

6 MS. PICKETT: The story is very short,
7 sweet. I've been permanent resident for over
8 30 plus years. I've lived in Georgia for 30
9 something years of course. I -- I cannot tell
10 you how it happened. I just -- I don't know.
11 It came, I got a driver's license. I remember
12 that. And then I started getting notice --
13 notification in the mail, and I said, Oh,
14 okay. And then I got a jury duty. So I went
15 to jury duty, and in the end -- the
16 information you have to fill out it said, are
17 you US citizen? And I said, no. And they
18 told me I can go home. And I leave it at
19 that. And this year I think this was my
20 second time trying to vote and this year they
21 told me I couldn't vote and that's that was
22 about it, but I can't tell you when it
23 happened, but a man in the moon, I don't know.

24 DR. JOHNSTON: Are there any questions
25 for Ms. Pickett?

1 MS. KING: Ms. Pickett, when you -- when
2 you voted, previously, were you aware that you
3 were non-citizen voting in our election?

4 MS. PICKETT: I just -- all my kids vote,
5 all six of my children vote, my husband voted.
6 I said, Oh, I guess, I can vote too. So I
7 just didn't know I couldn't vote because I've
8 had that -- I didn't change my status. I've
9 been a permanent resident for all those years
10 since I moved from the Bahamas.

11 MS. KING: And when you registered to
12 vote, did you not read the -- was it opt in
13 through the Department Driver Services?

14 MS. PICKETT: I don't remember filling
15 out the form because I, you know, you go to
16 these places. I remember I was at the
17 driver's place and they were asking, and I
18 just walked out and when I went to renew my
19 driver's license again. I probably did it
20 then. I have no recollection. I have no
21 idea.

22 MS. KING: So you -- how -- how many
23 times have you voted?

24 MS. PICKETT: Maybe three times, I guess.
25 I lived in Fulton County for about for 15

1 years I lived in Fulton County.

2 MS. KING: Have you applied for
3 citizenship?

4 MS. PICKETT: No, not yet. My husband is
5 asking the same thing. No. I haven't applied
6 yet. I know. I know. I'm going to get to
7 it.

8 MS. KING: You're participating in our
9 election. You haven't even applied to be a
10 citizen?

11 MS. PICKETT: And I've worked here all
12 these years. I'm getting ready to retire.
13 That's probably -- maybe why I didn't apply
14 for it.

15 MS. KING: Are you on the work visa? How
16 -- how are you --

17 MS. PICKETT: I'm a permanent resident.
18 I'm a permanent resident.

19 MS. KING: Okay.

20 MS. PICKETT: I've had permanent resident
21 for over 30 something years.

22 MS. KING: Okay. That's all I have.

23 DR. JOHNSTON: Ms. Pickett, the
24 investigation states that a review of the
25 voting records suggest that you voted 23 times

1 between November 20 --2000 and December 2022.

2 Would that be correct?

3 MS. PICKETT: No. That should not be
4 correct, no. 22 times I voted? I don't think
5 so.

6 MS. KING: Do you vote in the primary,
7 run-offs, generals? Do you typically vote?

8 MS. PICKETT: I take my husband and if he
9 vote, I vote. And I -- I stayed in Fulton
10 County and I stayed in Clayton County and now
11 I'm in Clayton County. I've been in Clayton
12 County since, 2011.

13 DR. JOHNSTON: Ms. Pickett when you
14 signed the oath, when you register, when you -
15 - when you enter the polling place to vote,
16 and it states that you meet the requirements
17 to vote and that you're a US citizen. Do you
18 sign that?

19 MS. PICKETT: I don't remember reading
20 that, but I just gave them my -- my driver's
21 license, if that -- if that's the form I'm
22 supposed to sign when I -- when I give them
23 the driver's license?

24 DR. JOHNSTON: Right.

25 MS. PICKETT: And they gave me a paper to

1 sign. I just -- I don't -- I don't think I
2 read it. I just go straight through it.

3 MS. KING: In the Bahamas, is it allowed
4 to vote in the Bahamas -- the Bahamian
5 election without being a citizen?

6 MS. PICKETT: I haven't voted in the
7 Bahamas in years. I would think you'd have to
8 be a citizen to vote in the Bahamas. I don't
9 know if they do -- because we have a lot of
10 illegals now. I don't know. They get paper
11 or they get documentation so they can vote. I
12 don't know. I don't know about that.

13 DR. JOHNSTON: So that -- Ms. Pickett,
14 the oath -- when -- when we go to the
15 Department of Driver's Services, the
16 transaction card states, I swear or affirm,
17 under penalty or perjury, that I am a citizen
18 of The United States, in the state of Georgia.

19 MS. PICKETT: I don't remember reading
20 that.

21 DR. JOHNSTON: You don't remember reading
22 that?

23 MS. PICKETT: No.

24 DR. JOHNSTON: If there are no further
25 questions, I'll entertain a motion.

1 MS. KING: Ms. Pickett, unfortunately, we
2 have to do what we do for everyone that votes
3 illegally, particularly when they are aware
4 that they're not a citizen and they're voting.
5 So we -- I make a motion that we send this
6 case to the respective district attorney and
7 the Attorney General's Office. Also notifying
8 the DOJ.

9 MR. JEFFARES: Second.

10 DR. JOHNSTON: There's been a motion and
11 a second to refer this case 2024-175 to the
12 appropriate district attorney, the Attorney
13 General and inform the DOJ. Is there any
14 further discussion?

15 (No response.)

16 DR. JOHNSTON: Hearing none. All those
17 in favor say aye.

18 THE BOARD MEMBERS: Aye.

19 DR. JOHNSTON: All opposed?

20 (No response.)

21 DR. JOHNSTON: None. Motion carries
22 three to zero. Thank you, Ms. Pickett.

23 MS. KING: Thank you.

24 DR. JOHNSTON: Next case is SEB2022-116,
25 Oconee County, residency issue. Is there a

1 Ryan Chen (ph) or Charles Edward Wallace here?

2 (No response.)

3 DR. JOHNSTON: Is the Complainant, Ian --

4 Ian Camacho (ph) here?

5 (No response.)

6 DR. JOHNSTON: Do I hear a motion

7 concerning this case?

8 MS. KING: I make a motion that we send

9 both of the Respondents, Chen and Wallace to

10 the Attorney General's Office for further

11 review.

12 MR. JEFFARES: Second.

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

14 there's been a motion and seconded Members

15 King and Jeffares to bind this over to the

16 Attorney General's Office for violation of 21-

17 2-217, 21-2-216. Is there any further

18 discussion?

19 (No response.)

20 DR. JOHNSTON: Hearing no discussion.

21 All in favor say aye.

22 THE BOARD MEMBERS: Aye.

23 DR. JOHNSTON: Motion carries three to

24 zero. Next case is 2022-156, Oconee County

25 ballot harvesting. Mr. Sparks.

1 MR. SPARKS: Good afternoon. Do we have
2 a mic yet? Good afternoon, Madam, Vice Chair,
3 Members of your Board. Adam Sparks,
4 Respondent, Julie Crowe, in case 2022-156. In
5 the interest of time, I want to provide just a
6 little bit of background for the Board over
7 what this case is about. Goodness knows
8 you've got enough to hear today. And then
9 explain why it is that I'm asking for
10 dismissal or not, a dismissal and a letter of
11 instruction concerning O.C.G.A. 21-2-170.

12 So by way of background, this case
13 involves allegations regarding grassroots
14 effort to circulate petitions and ballot
15 access. This was back in the spring and
16 summer of 2022 involving Oconee County School
17 Board elections two independent candidates
18 were seeking access to the ballot. And my
19 client, Ms. Crowe, was one of the circulators
20 that was -- that were sending around and
21 trying to get eligible voters to enter their
22 information on the petition. And more,
23 specifically, this case really concerns
24 whether there's sufficient evidence to say
25 there was a violation of the only statute I

1 saw referenced in the summary investigation,
2 which is 21-2-563. Now, to be clear, this
3 case does not actually involve ballot
4 harvesting, as I understand the term to be
5 properly -- or -- or popularly used. There's
6 no ballot collection going on here. There's
7 no vote casting. No vote tabulation, voter
8 eligibility, registration only with respect to
9 the petitions. It's really not about ballots.
10 It's about how the petition process did or did
11 not occur properly. And I believe we have --
12 I only have the summary of investigation.

13 I did ask for more of the materials that
14 you have. Ms. Coan was extremely helpful in
15 making sure we had a complete summary, which
16 was not mailed to my client. Unfortunately,
17 had some of the pages that were included, but
18 after the Thanksgiving holiday, she very
19 quickly got us the full summary, which I
20 appreciate. I did ask for more. I was kindly
21 told that releasing more is not authorized,
22 and I'll make my standing objection for those
23 of who may not been here last time I was here.
24 I do think we should get the full file. We'll
25 continue to disagree on that, but I do

1 appreciate getting the full SOI.

2 Now, that said, there's a few reasons I'm
3 asking for dismissal. One is because, at
4 least from the summary of investigation --
5 from the investigation I've been to do since
6 getting noticed and hearing here today,
7 there's simply not sufficient evidence that a
8 violation alleged occurred. The only
9 reference, again, to level set. We're talking
10 about an amateur petition drive here. This is
11 not summer of 2024. This is not hoards of
12 paid circulators descending on Georgia to try
13 to get presidential candidates and their
14 electors on the ballot. This is a bunch of
15 friends and neighbors in Oconee County who
16 said, we want to see our friends and neighbors
17 on the ballot, as well. So we're going to do
18 our best to figure out how we're going to get
19 these petitions signed and submitted and
20 verified. There was no training that they
21 received. There was no training that was
22 offered. They're doing the best they can as
23 engaged citizens, which presumably you want
24 here in Georgia. In terms of what the summary
25 actually said, it said there were out of a 135

1 questionable signatures. I think is what the
2 language was. They're only four that they
3 confirmed that they said may have allowed
4 spouse A to sign the signature of spouse B,
5 "may have". That will be important in a
6 moment.

7 Beyond that, there's no other evidence
8 that I have been provided that would show the
9 violation actually alleged here. My point in
10 terms of the evidence is that, at worst, this
11 is a matter of mistake. These are a bunch of
12 folks working in their spare time to try to
13 get eligible voters to sign these petitions to
14 get a candidate on a ballot. And Ms. Crowe's
15 story is instructive in this regard. As I
16 provided in a letter to the investigator with
17 Whitley in July of 2023, 2023 Ms. Crowe's
18 practice was to verbally and physically check
19 that the -- everyone she asked to sign that
20 petition knew what it was for. Knew how to
21 enter their information and that they needed
22 to do so themselves. That was her pattern and
23 practice. That's what she did, as far as she
24 can recall, every time she asked one of her
25 friends and neighbors to sign that sheet as

1 she understood the law, that was her
2 obligation. That was her duty, and she wanted
3 to try to make sure her best, that that was
4 actually going to happen. Knowing consent was
5 the touchstone. Now, that doesn't mean that
6 every single signatory and every single
7 circulator in a similar position to her did it
8 exactly the same way. There were rumors that
9 such and such is over here at Golden Pantry
10 trying to get people who may or may not be
11 from the county to sign or they're going out
12 to different places and not as concerned about
13 making sure the compliance happens. To be
14 clear, that was not my client's practice. She
15 did her absolute best, and that's what we told
16 the investigator years ago. And keep in mind,
17 we're in the wider world here. As I think
18 other Respondents have said in the past,
19 certainly we want letter of perfection in our
20 practice of elections. And anything
21 tangentially related to elections like this
22 ballot access drive. That doesn't mean that
23 the wider world understands. It's common
24 practice, for example, if I get a package
25 that's addressed to my wife that needs to be

1 signed for at home, I'm probably going to sign
2 for her and say, yes, we got the package here
3 at this address, that's okay. I'm not saying
4 this is an equivalent situation. Trying to
5 convey that this is the way that people in the
6 world may see this obligation. That's what
7 Ms. Crowe was trying to make sure we're not
8 doing that. We're trying to do this the right
9 way. Even then there are gray areas in the
10 procedure. For example, what do you do when
11 you come across someone who wants to exercise
12 their First Amendment rights and sign the
13 sheet, but they're of advanced age and they
14 can't see very well, or if they're outright
15 blind. How are they going to sign the
16 petition in a way that's -- reflects the true
17 and knowing consent. What do you do with the
18 voter who's wants to sign, who has essential
19 tremors, or advanced arthritis, or is
20 suffering from a contagious illness? Recall
21 that this was during the omicron wave of the -
22 - of COVID epidemic, and that's not something
23 we take quite as seriously now, but back then,
24 it was something that was in the popular
25 imagination. It was something people were

1 concerned about.

2 So there were times when Ms. Crowe, the
3 way she addressed this, would be to call
4 ahead, make sure that someone understood what
5 the petition was asking for and that they
6 wanted to sign, and only then go over when she
7 had a chance to go outside of her job. And
8 then if the person was sick when she got there
9 she wouldn't always be allowed inside. So she
10 faced with a choice of either trespass, which
11 I don't think she's going to do or handing the
12 petition to a responsible adult and letting
13 the person she knows who wants to sign
14 petition actually had a chance do so
15 themselves. That means that she can't glue it
16 to her hand and watch the entire time, but
17 it's how you navigate the gray areas in this
18 procedure. This might be an interesting area
19 for rulemaking down the road. By the way, and
20 I'm happy to discuss that at another time.

21 My point is that, and I was trying to
22 make an analogy on the way over here about
23 what would best describe her practice, because
24 she was conscientious, and she did try her
25 best to do this as well as she could, as well

1 as she understood the law. And I settled on
2 this, I think she was trying to do this like a
3 robin building a nest. She wanted to find
4 sticks that would come together, only ones
5 that would fit, only ones that would actually
6 protect those signatures to achieve the
7 objectives here. And so she tried to go
8 around and put the sticks together, make sure
9 she did as well as she could. Maybe she
10 should have behaved like a hawk. Maybe she
11 should have been defending that nest
12 aggressively and handcuffing herself to the
13 two petitions that she was carrying around. I
14 don't know.

15 I know that she did her level best to
16 understand the law and execute on it as she
17 went around. And that's supported by the
18 other evidence that she has, her evidence to
19 comply. The best example of this I included
20 in the letter, it has to do with the voter
21 Wallace Drummond (ph). She went and got Mr.
22 Drummond's signature, sometime in the spring
23 of 2022. All good. Mr. Drummond
24 unfortunately passes away. She learns this,
25 and she says, well, how do I -- how do I

1 navigate this? She looked at the statute.
2 She wasn't really sure what to do. She said,
3 she asked the elections office and said, I got
4 this signature. This person passed away. I
5 want to make sure that this signature is not
6 counted improperly, that doesn't benefit the
7 candidates I support, that doesn't benefit the
8 state, that doesn't benefit free and fair
9 elections. I want to do this the right way.

10 So she went to the elections office. She
11 asked -- she submitted a sticky note with that
12 sheet making sure that Mr. Drummond's
13 signature would not be counted, even though he
14 wanted to and passed away. And you can see on
15 the sheet that -- at least my client's copy of
16 the sheet that the elections director put a
17 little note and made sure he was deceased and
18 made sure the signature was not counted. This
19 is inconsistent with any intent to try to
20 violate the law here. This is -- this is to
21 the contrary, consistent with a desire to
22 uphold the law and to comply with that. And
23 that -- that takes me to my other point about
24 why I think dismissal is warranted here. The
25 only statute referenced in the allegations, at

1 least on this SOI provided to me, I haven't
2 seen complaint was a violation 21-2-563. 21-
3 2-563 requires to find a violation that the
4 person knowingly and willfully committed one
5 of the acts that are forbidden in that statute
6 knowingly and willfully and these are high
7 bars. This is a criminal statute. These are
8 high bars to make these. Knowingly means that
9 an act was done voluntarily and intentionally,
10 and not because of a mistake or by accident.
11 Willfully, means that the act was committed
12 voluntarily and purposely, with the intent to
13 do something the law forbids that is the bad
14 purpose to disobey or disregard the law.

15 I submit that there's no evidence that's
16 been presented to me, at least, and certainly
17 none that I found in preparing to be here
18 today that there was any bad purpose to
19 disobey or disregard the law. There was no
20 intention to deceive. I cannot sit here now
21 and tell you that over three years ago, every
22 single entry on that petition was 100 percent
23 letter perfect. It was a while ago. I wasn't
24 there, Ms. Crowe wasn't there for any sheets
25 that she was not circulating, but I can tell

1 you that she made every effort to adhere to
2 the law. To do it right and had no intent,
3 demonstrated here otherwise, to deceive or
4 submit signatures that she would have known
5 were false, that were not entered properly.

6 This is consistent with some case law. I
7 won't bore you with too much, but the case
8 Spillers v. State, 299 Ga. App. 854. That was
9 a fault candidate affidavit case under 21-2-
10 565, incorporated what false swearing looks
11 like under Georgia law. And, again, affirms
12 you have to have bad purpose, both
13 subjectively and objectively when submitting
14 these sheets. So there's simply no evidence
15 that suggest an intentional act to deceive at
16 any point. I promise, I'm wrapping up. There
17 are two, at least, two cases and perhaps more
18 and more precedent that counsels for dismissal
19 or a letter of instruction in this case, both
20 in 2023 case 2020-001. That's an omnibus
21 complaint concerning voters signed their names
22 of other voters for absentee ballot
23 applications and envelopes. Some of you may
24 remember that case, and in that case, there
25 were a number of individuals who were

1 dismissed or given a letter of instruction,
2 most often in cases where they said they may
3 have or might have signed for one another, but
4 there was not evidence or even recollection to
5 say they absolutely did so. And also in cases
6 of disability, an infirm voter, or poor health
7 or someone assisted in a way that wasn't
8 letter perfect. And in December of that year,
9 case 2022-263. This was a Monroe County case.
10 You had a candidate, independent candidate,
11 going around with some petitions circulating,
12 trying to get signatures to get on the ballot.
13 One of their friend's neighbors he visited
14 them. She had her husband on the phone, her
15 husband said, absolutely, I want you on the
16 ballot. Sign me up. She didn't even think
17 about it. Put her name -- put his name
18 admitted it. It's a problem, but made very
19 clear, in no way did I intend to put someone's
20 name on there falsely who didn't want that
21 petition signed. It was a mistake. It was
22 not something I should have done. Wish I had
23 done it better and this Board said we can't
24 always be perfect, and, in fact, what we need
25 is, quote, we need to clean up this process

1 and that in terms of making sure that folks
2 running for office, folks administering the
3 office, folks being asked to sign off on
4 petition have a much clearer understanding as
5 to what they can and cannot do. That's --
6 that would be the case with the letter of
7 instruction here. I can't say it would be
8 about 21-2-563, but in terms of section 170,
9 it's not perfect. I looked at this for a
10 while last summer, there was a lot, excuse me,
11 not last summer, the summer before, there was
12 a lot going on. It can be improved, and this
13 might be a chance to learn, and if that's the
14 Board's will, I understand that. I think it
15 would be appropriate. That said, I don't
16 think there was a violation here. Certainly
17 not the one alleged and really not one of 170
18 either. So I would ask the Board to exercise
19 that wisdom and discernment you've ask for and
20 to dismiss this case.

21 DR. JOHNSTON: Thank you, Mr. Sparks.
22 Is -- is there a representative for the
23 Complainant Ocone County here?

24 (No response.)

25 DR. JOHNSTON: Mr. Sparks.

1 MR. SPARKS: Ma'am.

2 DR. JOHNSTON: In the investigative
3 summary, the investigators present a text
4 message from Ms. Crowe that states: And if
5 your husband is okay with it, we've had
6 several folks sign for spouses. FYI. End
7 quote. After this sentence, there's an emoji
8 with a zippered mouth, which commonly means to
9 keep something secret or not tell. That to me
10 suggests that there is some knowing about what
11 the petitioner was trying to achieve. And,
12 additionally, the circulator is required to
13 complete and sign an affidavit with each
14 petition. It says, I the undersigned, duly
15 sworn on oath due pose and say that I
16 personally circulated the foregoing petition
17 sheet that I reside at the address appearing
18 below by signature on that sheet. That each
19 signer manually signed this or her own name on
20 this sheet with full knowledge of the contents
21 of the petition. That each such signature was
22 signed on or after such date, but not later
23 than to the best of my knowledge and belief
24 that such signers are registered electors in
25 the state of Georgia qualified to sign such

1 petition. So I'm not sure if you have a
2 response to that, but this is included in the
3 investigator's report.

4 MR. SPARKS: Thank you, Madam Vice Chair.
5 I have three responses to that. First, this
6 is a great example of why the investigator's
7 report and other relevant materials should be
8 provided to Respondents so that we can address
9 and take care of these things for you when
10 they're brought up in a hearing. So I -- I
11 appreciate that.

12 Second with regards to the oath, that's
13 why I referenced the case earlier. *Spillers*
14 *v. State* that requires to show an offense of
15 false swearing, a -- a subjective belief and
16 intent, that this is what the oath says, this
17 is what I understand it to mean and I'm not
18 going to care about all that. I am intending
19 to deceive. I'm affirmatively saying I'm
20 going to sign this anyway, and that is
21 completely not present here. And I really
22 don't think there's much in a way of evidence
23 to show that from the false swearing
24 perspective.

25 Now, as to the message you described, I

1 think I actually saw that in my -- in my
2 notes, I did. It's actually a Facebook
3 message, I believe, from June of 2022, if I
4 have that right. And in terms of the
5 statement, I remember looking over that and
6 thinking, well, what could that mean? And we
7 talked about it.

8 First of all, I don't think the recipient
9 of that message or their spouse actually
10 signed any petition. So with regards to the
11 offense alleged under 563 that would have no
12 bearing. Secondly, as read, this is what I
13 refer to the rumors that were going around.
14 We is not I. We means I heard that other
15 people might be volunteering to do this.
16 There's a rumor going around that that's
17 happening.

18 Now, if I'm writing this message, I
19 probably don't use sign, and I probably don't
20 need to gain my understanding that this is not
21 the best letter perfect way to do it, but I
22 have heard many people do it, so, I guess,
23 it's out there. I don't think I express that
24 in an emoticon. I try not to use emoji. I
25 don't always understand what they mean. My

1 daughter tells me this all the time, but it's
2 -- it's imperfect. I don't think it shows
3 knowledge. I don't think it particularly
4 since the person didn't actually end up
5 signing the petition themselves. Again, the
6 touchstone here, the practice she undertook
7 was knowing consent, and in this case, at
8 least from the message, if I'm -- let me
9 review it is what I think it is quickly.

10 Yeah, the indication I get from reading this
11 is that the husband actually did want to sign
12 the petition. Not a perfect message by any
13 means, but hardly evidence of let's pull a
14 fast one on the voters of Oconee County. I
15 don't really think it's applicable here.

16 DR. JOHNSTON: All right. Thank you, Mr.
17 Sparks.

18 MR. SPARKS: Yes, ma'am.

19 DR. JOHNSTON: Additionally, in the
20 investigative report, the investigators wrote
21 of the 135 questionable signatures on the
22 petitions listed on the spreadsheet,
23 approximately 42 percent belong to circulator
24 Julie Crowe's petitions. That's 57 out of 135
25 signatures that also raises questions of

1 potential violations. Are there any --

2 MR. SPARKS: Well, to be fair, ma'am --
3 I'm sorry to interrupt. Just need to respond
4 to that briefly. I would hardly undermine my
5 client's energy and vigor in wanting to do her
6 part to help with the ballot access effort,
7 but we -- we actually went back and looked at
8 some the names that were declared invalid.
9 Many of them are ones that she remembers and
10 she calls them, talked to people and they all
11 remember signing themselves. Signature
12 validation is an inexact science. That's one
13 reason the Legislature, of course, did away
14 with it in favor of some other methods of
15 identity verification in the absentee ballot
16 process.

17 I can tell you from spending hours in the
18 Secretary of State's Office in the summer of
19 2024 there are a whole lot of signatures there
20 that when you are paid by the signature, it
21 turns out there's a whole lot more signatures.
22 This is a totally different factual situation,
23 factual predicate, not only because it
24 happened before then, but because, again, it's
25 friends and neighbors effort just trying to

1 get people on the ballot. So I understand
2 that there may have been a high percentage,
3 again, news to me because I haven't read the
4 investigator's report in full. I -- I would
5 hesitate to draw inference that there -- that,
6 therefore, means my client somehow did
7 something improper rather than trying to do
8 the proper thing as often as possible. That's
9 all.

10 DR. JOHNSTON: Is your client here?

11 MR. SPARKS: No, I'm afraid not. She's a
12 nurse practitioner back in Oconee County, in
13 the Clarke County area, so she has got plenty
14 to do. She retained me to come here today,
15 just as she did years ago, wanted to make sure
16 that this was handled appropriately.

17 DR. JOHNSTON: Are any of the other
18 respondents here, Mr. Gisler (ph), Mr.
19 Thompson, Ms. Pirkle (ph), Ms. Purnell (ph),
20 Ms. Morehead, Mr. Edy?

21 (No response.)

22 DR. JOHNSTON: I have no further
23 questions.

24 MS. KING: Question. Is your defense
25 that she didn't know what she was doing? Is

1 that your defense?

2 MR. SPARKS: Could you be more specific?

3 MS. KING: That she didn't know she was
4 doing anything wrong when she said, yes, you
5 can sign for your spouse?

6 MR. SPARKS: Well, I don't think she
7 said, yes, you can sign for your spouse. I
8 think she referenced the rumors that that had
9 happened in other cases. I think she --

10 MS. KING: Are you talking about the text
11 message?

12 MR. SPARKS: I'm talking -- if this is
13 the Facebook message that's being described,
14 if it's the same one, then yes, that's the one
15 I'm talking about.

16 MS. KING: The text message that says:
17 And if your husband is okay with it, we've had
18 several folks sign for our spouse's, FYI,
19 emoji with the zipper mouth.

20 MR. SPARKS: Yeah. The one I read that
21 there is if your husband's okay with signing
22 the petition, we've had, we've heard, we've
23 understood that this has happened in other
24 situations. Again, I think she was --

25 MS. KING: You're saying if your husband

1 is okay with the wife signing.

2 (Crosstalk.)

3 MS. KING: Are you interpreting that
4 she's asking if the husband can sign for
5 himself?

6 MR. SPARKS: I interpret this to say if
7 your husband's okay with it, to say if your
8 husband's okay with signing the petition, if
9 he gives his consent to signing the petition
10 and knows what it's for, then I've heard that
11 other people do this in a certain way.

12 MS. KING: Do you not have this text
13 message?

14 MR. SPARKS: I think I have the same one.

15 MS. KING: So are you --

16 (Crosstalk.)

17 MS. KING: Why are you -- are you
18 intentionally leaving out the part that says
19 we've had several folks sign for spouses?

20 MR. SPARKS: No, ma'am. I'm -- I'm not
21 intentionally leaving anything out. What I'm
22 saying is that the way I read that, and the
23 way I understood her to mean that is that when
24 she says, and if your hub's okay with it,
25 we've had several folks signed for spouses,

1 FYI, is to say, if your hub's, your husband,
2 is okay with including his name on this
3 petition, knowing that it's seeking ballot
4 access to these candidates, I've heard that
5 we, as a collective group of circulators,
6 trying to get this done, have had folks sign
7 for spouses, excuse me, several folks sign for
8 spouses. FYI. I'm not seeing that as an
9 importunement to say this is what you should
10 do in this case.

11 I am saying that it's possible this
12 happened. It's not letter perfect. And if
13 you notice, later on, the message he says,
14 okay, got it. We'll make it work. If I can't
15 come in, I'll get someone though. As I
16 understand it, neither this -- I won't read
17 her name into the record, this person or her
18 spouse ever signed any petition sheet. So
19 again, that would not go towards the 21-2-563
20 violation at all because neither of them
21 signed any petition sheet to my knowledge.

22 MS. KING: Okay. So, basically, from
23 what I'm seeing, it sounds like in one text
24 message, they're saying that we've had several
25 people sign for spouses, and then the defense

1 is that she wasn't aware, or then there's
2 another, yeah, the defense is that, you know,
3 she wasn't aware that this was wrongdoing and
4 this could be wrongdoing. However, it was
5 enough for her to drop an emoji that says, zip
6 your lips. Think we know what that means,
7 right? And because we -- you want us to
8 assume her intent, right? So it's -- since
9 we're all assuming. I'm going to assume her
10 emoji means, don't say anything. Not only
11 that, but she signed her name on an affidavit
12 stating that she knew not -- that that was
13 wrong.

14 MR. SPARKS: Again, I don't know that I
15 draw the same inferences from either the text
16 --

17 MS. KING: Okay.

18 MR. SPARKS: -- or the way that you are
19 (inaudible) the affidavit.

20 MS. KING: Okay.

21 MR. SPARKS: I will say, again, she's not
22 saying I have had several people sign for
23 spouses in my presence.

24 MS. KING: Well, her and her friends. So
25 none of the circulatory -- no -- nobody knows

1 that this is wrong, basically, is what you're
2 saying?

3 MR. SPARKS: Rumors that it's happened.
4 I think -- I think --

5 MS. KING: Well, it's not rumors, right?
6 If she --

7 MR. SPARKS: Well --

8 MS. KING: -- if she knows about it.

9 MR. SPARKS: No. I don't think that's
10 what it says, honestly.

11 MS. KING: She said, we've had people do
12 it.

13 MR. SPARKS: Yes. And --

14 MS. KING: You had several folks sign for
15 their spouses. We've had --

16 MR. SPARKS: We --

17 MS. KING: -- we means that she's a part
18 of the group --

19 MR. SPARKS: There are --

20 MS. KING: -- correct?

21 MR. SPARKS: -- circulators with whom she
22 has discussed on the process. She has hers.
23 They have theirs. I don't think she's eager
24 to throw anybody under the bus --

25 MS. KING: But she's throwing herself

1 under the bus, though.

2 MR. SPARKS: Well, no. I don't --

3 MS. KING: Well, she's part of the we,
4 right? Doesn't that include her?

5 MR. SPARKS: Well, if you're part of a
6 group of people and one of you hops a subway
7 turn style and nobody else pays. You'd then
8 say we've had someone hop in the past because
9 we're in a hurry. It's okay. She's not going
10 to throw them under the bus, I don't think.
11 It doesn't actually say, her.

12 MS. KING: If I ever need a defense, I'm
13 going to make sure I hire you.

14 MR. SPARKS: I appreciate the compliment.

15 MS. KING: You are good at that.

16 MR. SPARKS: This is really important.
17 If this were a complaint about 21-2-170, I
18 might agree with you, and I might say there's
19 a better way to do this. Let's do a letter of
20 instruction and leave it at that. That's not
21 what this alleges. This alleges knowing, and
22 willful, wrongful conduct. That's a high bar.
23 Whether you're looking at the 11th Circuit
24 pattern jury instructions. If you're looking
25 at the DOJ criminal manual, whatever, look at

1 the Spillers v. State and that evidence just
2 is not here. There just is not sufficient
3 evidence to say that happened. Again, if this
4 person's signature was on the sheet, I think
5 that's a tougher case, but that's not this
6 case.

7 MS. KING: Well, I'll just leave -- this
8 will be my last point, to your -- to your --
9 to what you just said --

10 MR. SPARKS: Yes, ma'am.

11 MS. KING: Having an adult sign a
12 document stating that they're not supposed to
13 allow other people to sign -- it's supposed to
14 be individual signatures, and then to then
15 send a text message stating that it has
16 happened in the past. So she didn't report
17 anybody else. So she's certainly not helping.
18 She's covering it up. Then to add the emoji,
19 that's like, don't tell anybody, that sounds
20 like she knew that this is -- could possibly
21 be wrongdoing, and that's just where I will
22 sit with this.

23 MR. SPARKS: I -- I understand what
24 you're saying. Again, I think the emoticon
25 was in artful. I don't think it came from an

1 intent to deceive. I really don't.

2 DR. JOHNSTON: Thank you, Mr. Sparks. So
3 potential violations, there's evidence to
4 suggest following nomination circulatory --
5 petition circulators allowed petitioners to
6 sign a nomination petition for someone other
7 than themselves, which is contrary to the oath
8 contained on the circulator's affidavit that
9 they sign. Julie Crowe, Eric Gisler, Harold
10 Thompson, in violation of 21-2-563, improper
11 signing and other evidence -- and evidence to
12 suggest the Petitioner signed the nomination
13 petition for someone other than themselves.
14 Nara Pirkle, Kathy Moorhead, Stacy Purnell and
15 Matthew Edy. Do I have a motion from the
16 Board, if there are no further questions?

17 MS. KING: Yeah. I'm -- I'm not an
18 attorney, so I don't want to have to go back
19 and forth. So I make a motion that we send
20 this to the Attorney General's Office and let
21 them sort this out. Let them determine
22 intent.

23 DR. JOHNSTON: Do I have a second?

24 MR. JEFFARES: Second.

25 DR. JOHNSTON: There's a motion and

1 second to bind this over to the Attorney
2 General for further investigation. Is there
3 any discussion?

4 (No response.)

5 DR. JOHNSTON: There's no further
6 discussion. All in favor of this motion say
7 aye.

8 THE BOARD MEMBERS: Aye.

9 DR. JOHNSTON: Motion carries three to
10 zero. Thank you, Mr. Sparks.

11 MR. SPARKS: Thank you.

12 DR. JOHNSTON: The next case -- the
13 following cases have been requested to be
14 continued until January meeting. That's 2024-
15 075, Cobb County, 2022-086, Cobb County, 2024-
16 176, Cobb County, 2024-214, Cobb County, 2022-
17 256, Cobb County, 2022-299, Cobb County, 2024-
18 332, Cobb County, and 2022-342, Cobb County
19 and 2022-352, Cobb County, Next case 2024-003,
20 Douglas County, double voting. That is tab
21 83.

22 MR. WHITE: Is -- is that a request by
23 the Respondent or by the Board to postpone?

24 DR. JOHNSTON: It is the request by Cobb
25 County to postpone.

1 MR. WHITE: (Inaudible).

2 DR. JOHNSTON: All right.

3 MR. WHITE: (Inaudible).

4 DR. JOHNSTON: Oh, well, thank you very
5 much.

6 MR. WHITE: And thank you so much. We --
7 I heard from Director Mills over the weekend
8 and said -- he indicated it might be better if
9 I come down and ask for the continuance in-
10 person. So I am here for the reason stated in
11 the email. I think three of these were
12 matters that are accomplices sort of named as
13 a responding party, but not a primary
14 Respondent, but I went ahead and included them
15 because staff's not aware of -- staff hasn't
16 had time to look at those either to the extent
17 that you would want to ask staff about those.
18 So just for the reasons we set forth in the --
19 really the two prior emails that we have sent
20 to the Board, we have an acting Director, so
21 he's -- he's learning facts from the Director
22 who learned about some of these 2022
23 violations from the prior Director. So we
24 were having a re-educate an acting Director
25 who's in the middle of running his eight

1 election this year. So we -- we did request
2 that that continuance until -- till January,
3 but I do think there might be some individual
4 Respondent too who might not have known about
5 that request for a continuance.

6 DR. JOHNSTON: Thank you. I'd like to
7 make a motion while we're considering the Cobb
8 County continuances to add Cobb County as a
9 Respondent on a couple of these cases. That
10 would be 202 -- 2022-86 and 2024-176.

11 (Conversation off the record.)

12 DR. JOHNSTON: Daniel?

13 MR. WHITE: Yes, ma'am.

14 DR. JOHNSTON: Consider case 2022-086,
15 the Complainant is Mindy Seager. Was she
16 representing Cobb County?

17 MR. WHITE: No, not -- not that I'm aware
18 of.

19 DR. JOHNSTON: Okay. And so -- so you're
20 not the -- you're not the Complainant or the
21 Respondent, right now, in that?

22 MR. WHITE: You know, it's listed on here
23 that it's a Cobb County case that's -- that's
24 why we included it -- we didn't have notice of
25 it. So I went ahead and asked for a

1 continuance for all Cobb County cases because
2 we didn't have notice -- there's three on
3 here. That must be individual Respondents who
4 live in Cobb County, but we didn't have those
5 notices, that I'm aware of.

6 DR. JOHNSTON: All right, but since --
7 since you currently are not the Complainant or
8 Respondent in that case. Would you have any
9 opposition to us hearing the case today?

10 MR. WHITE: I'm not aware of what the
11 subject matter is, but I know I don't see any
12 reason to object to it.

13 DR. JOHNSTON: Okay. With -- with --
14 with permission of the Board, the other cases
15 stand as far as Cobb County continuance, but
16 case 2022-086 was simply a Cobb County was
17 named -- named because the alleged violation
18 took place in Cobb County, but they're not a
19 Respondent or a Complainant. And it's been
20 requested to hear that today. So this is a
21 complaint of the Respondent is Matthew Kelly
22 Dollar. And I believe he's here.

23 MR. DOLLAR: Yes. Thank you, Madam
24 Chair, for hearing this, and thank you Board
25 for -- for bringing to y'all's attention.

1 This is going back a little ways, and I'm sure
2 that I'm the first case you ever had like
3 this, where somebody moved and then went to
4 vote and had not -- had their new information
5 updated. Back in -- we -- my wife and I moved
6 in mid-January of '22. I was still a Member
7 of the House of Representatives at that time,
8 and we moved within the, you know, the
9 District. We moved about four plus miles,
10 same district, same Senate District, same --
11 I'm pretty sure it was the same county
12 commissioner, you know, everything.

13 After moving, about two weeks after that,
14 I left the House of Representatives to assume
15 my new position at the Technical College, with
16 technical college system of Georgia. I
17 applied for my new driver's license, my
18 updated driver's license because I felt like
19 or at the time I thought that I needed, you
20 know, a new ID -- new ID to show that I had
21 moved to change my voter registration. So I
22 did that. And then in the interim that
23 arrived, which was months later, I had to
24 reapply. That's a different story. I kind
25 of, you know, put it on the back burner, moved

1 left 20-year legislative position, started a
2 new job about three days within, you know,
3 that was February 1, my wife and I found out
4 two days before that, we were pregnant with
5 our first child. A lot of life is coming at
6 me all at once. Then the elections come up in
7 the, you know, around May, and I said, oh, I
8 haven't got my new driver's license yet. So I
9 went and reapplied, but at that time they -- I
10 had to apply for a lost or stolen license
11 because they already had, like DDS, had my --
12 they already had my information. It had been
13 updated. I just never got it.

14 So then I called Cobb Elections, and I
15 explained the situation. I said, I'm still
16 registered at the old address, but, you know,
17 elections are coming up, you know, I said what
18 should I do. This call was on May 3rd, and I
19 was on went back and looked at the log. I was
20 on the phone with them for about nine or ten
21 minutes. They said, well, hang on. Let me go
22 find out. So they came back and they said
23 Cobb County had stopped processing address
24 changes months ago and that I could apply for
25 an address change, but I would have to go at

1 the address that I, you know, was registered
2 under.

3 So I said, okay. Well, I tested positive
4 for COVID about two or three days later. I
5 was asymptomatic, but this was still a time
6 that, you know, that was a thing. So I sat
7 out that one but then about three weeks later,
8 the primary came around, and Cobb County had
9 told me that I would also have to vote under
10 my -- under the -- the address that I was
11 registered at for the primary election on the
12 24th. In that time, I did apply for a new
13 registration and when I went to go vote early
14 on, I think, it was May -- I'll have to look
15 at my notes, May 11th or 12th or something
16 like that.

17 I went to the poll and I explained to
18 them the situation. I said, listen, I don't
19 live at, like, here's my -- here's my ID.
20 This is where I -- I live, but I'm registered
21 at my old address and they said, okay, they
22 got the -- the person who was in charge of the
23 poll over there, and they said, that's no
24 problem. This happens all the time. Just
25 vote. And so that's what I did. And, you

1 know, a few months later, I got a letter that
2 somebody had complained about it and that's
3 why we're here.

4 DR. JOHNSTON: Thank you. Questions from
5 the Board?

6 MS. KING: Just so I'm clear. You were
7 told to just continue -- go ahead and vote at
8 your old address, even though you informed
9 them that you had another -- that you already
10 moved?

11 MR. DOLLAR: Absolutely. In fact, I -- I
12 asked Cobb County on the phone, and then when
13 I went to the poll, I talked to the person
14 that takes the license and then lets you go
15 inside and sit down. And they, you know, and
16 then they -- they register you. I told that
17 person. I told that person. They brought
18 somebody over and they said it was -- they
19 said it was fine.

20 So at this point, I said, okay, I've done
21 everything I know to do. I just want to vote,
22 and I didn't know any other path. So that's -
23 - oh, and I also just for good measure, even
24 though I had already filed it online, I filed
25 a change in address -- in paper at the polling

1 place that day, as well.

2 MS. KING: Okay. After you filed that,
3 have you voted at the wrong polling place
4 since or?

5 MR. DOLLAR: No. It's -- it's gone
6 smoothly since then.

7 DR. JOHNSTON: Mr. Dollar, did you issue
8 -- did you fill out a national change of
9 address at the post office for your mail when
10 you put the -- sold your house and moved?

11 MR. DOLLAR: That's a great question. I
12 had to assume we did because we keep getting
13 mail, but, honestly, I don't know. Yeah. I
14 would say that we probably did. Yes. Yes,
15 ma'am.

16 DR. JOHNSTON: It's my understanding that
17 when -- when a person moves within the county,
18 the -- the county can just make a change of
19 address based on your national change -- your
20 -- your change of address with the post
21 office. And the county is often -- is
22 oftentimes the entity that makes that change
23 for you and issues you a new precinct card
24 without you having to request it.

25 Now, if you move to a different county or

1 out of a different state, it is certainly your
2 responsibility to register to vote again or to
3 update your -- a registration is sometimes
4 they'll call it, but within the county, that's
5 part of the -- the county's responsibility to
6 update people because it's such a frequent
7 event, people most often move close to where
8 they used to live they just changed their
9 house or something. But they did not issue
10 you a new precinct card?

11 MR. DOLLAR: No. And that's -- and
12 that's where the county said I was registered
13 to vote was with the old address. So then --
14 and I filed for that change, you know, they
15 told that Cobb County wouldn't even process
16 that for several months.

17 DR. JOHNSTON: For several months?

18 MR. DOLLAR: Yeah. Yeah. On the phone
19 call. That's why I couldn't get it done in
20 time for the May -- the May primary, which
21 was, you know, a couple weeks away from when I
22 reached out to Cobb County.

23 DR. JOHNSTON: So you -- you moved in
24 December?

25 MR. DOLLAR: No, ma'am, no. We moved --

1 we moved in mid-January around the 15th, 16th.

2 DR. JOHNSTON: Are there any other
3 questions?

4 (No response.)

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

7 MS. KING: I make a motion that we issue
8 a letter of instruction, which will make it
9 very plain going forward. You did change your
10 address up there and you were instructed to
11 vote. So letter of instruction.

12 DR. JOHNSTON: Is there a second?

13 MR. JEFFARES: Second. There's a motion
14 and a second to issue a letter of instruction
15 to Matthew Kelly Dollar concerning this case
16 in violation of 21-2-571. Is there any
17 further discussion?

18 (No response.)

19 DR. JOHNSTON: I'll only say that this,
20 again, is another case of the systemic problem
21 that we have in Georgia is change of address,
22 change of residence, and the problem of going
23 back to vote at a prior address for various
24 reasons, and not just always the fault of the
25 voter, but the counties are also charged with

1 updating any county address changes, and I
2 would hope that the Legislature would focus
3 their attention on this and improve the
4 election process. So this does not happen so
5 often. Since there's no further discussion.

6 I'll call the question. All in favor of
7 a letter of instruction say aye.

8 THE BOARD MEMBERS: Aye.

9 DR. JOHNSTON: Motion passes three to
10 zero. Thank you, Mr. Dollar.

11 MR. DOLLAR: Thank you, Madam Chair.
12 Thanks, y'all.

13 (Brief conversation off the record.)

14 MR. MILLS: Madam Chair, if I may, I just
15 wanted -- I did call Cobb County attorney, and
16 were notified. Did you -- I want to make sure
17 I heard you correct. Maybe I heard it
18 incorrectly. Did you say you didn't get
19 noticed?

20 MR. WHITE: Both the email and --

21 MR. MILLS: I just want to make sure
22 because we -- we -- you did get a note -- I
23 don't know if you got it. It was sent and
24 then I called, as well. So I just want to
25 make sure.

1 MR. WHITE: Yeah. The email from Sunday
2 afternoon that indicates that you thought that
3 it would be -- you felt sure the Board would
4 grant the continuance, but that maybe I should
5 come down and make a request in person in case
6 they had questions for me.

7 MR. MILLS: Right, but did you get a
8 notice? Did you not get a notice prior to
9 that?

10 MR. WHITE: No. I got a -- I got an
11 email on Sunday and a voicemail on Monday.

12 MR. MILLS: Okay. Well, so something
13 happened then you -- you -- I left another
14 voicemail a week prior to that and so I don't
15 know what happened, but I did do that. I just
16 wanted you to know that.

17 MR. WHITE: Yes, sir. Well, there was
18 two different -- there was the one case we had
19 notice of back in mid-November. So I did get
20 that one on that one singular case. And then
21 we get the notice for the other, well, six
22 cases that named Cobb on December 1st. So
23 then we made our motion to continue those
24 cases, and that's -- those are the ones, I
25 think, I assume you were calling about this

1 weekend.

2 MR. MILLS: No problem. Thank you. I
3 just wanted to make sure --

4 MR. WHITE: Yes.

5 MR. JEFFARES: Madam Chair, I make a
6 motion for a five-minute break.

7 DR. JOHNSTON: Yes, five-minute break.
8 Do I have a motion to take a break?

9 MS. KING: So moved.

10 DR. JOHNSTON: All right. Second?

11 MR. JEFFARES: Yes.

12 (The session recessed at 2:40 p.m.)

13 (The session resumed at 2:48 p.m.)

14 DR. JOHNSTON: Thank you for the break.
15 The meeting will resume. Next case 2024-003,
16 Douglas County, double voting. Is the
17 Respondent here, Dacquoise (ph) Cooper? Mr.
18 Cooper? Mr. Cooper?

19 (No response.)

20 DR. JOHNSTON: Is there a Douglas -- the
21 Complainant is Secretary of State and there's
22 no representative from the Secretary of State.

23 (No response.)

24 DR. JOHNSTON: This is an allegation from
25 the Eric cross-state voter participation

1 project provided to the Secretary of State for
2 possible double voter -- double voting between
3 a voter in Douglas County and Michigan. The
4 findings -- the findings are that -- that a
5 voter by the same name and identify --
6 identifiable evidence was attributed to a vote
7 in Georgia and Michigan. However, the
8 evidence does not substantiate an action here
9 at this time. So I assume the Board's
10 reviewed this and I will accept a motion.

11 MS. KING: I -- considering the fact --
12 considering the fact that this is a case that
13 involves another state, I make a motion that
14 we send this to the DOJ and see if they can
15 find anything else that they can do their own
16 investigation. Maybe there's something in
17 Michigan.

18 MR. JEFFARES: Second.

19 DR. JOHNSTON: There's been a motion and
20 a second to send this information to the DOJ
21 for them to review and act on if -- if they
22 find there's sufficient evidence between
23 Michigan and -- and Georgia voted by the same
24 individual. Is there any discussion?

25 (No response.)

1 DR. JOHNSTON: Hearing no discussion.

2 All in favor say aye.

3 THE BOARD MEMBERS: Aye.

4 DR. JOHNSTON: Motion carries three to
5 zero. Next case is 2022-067, Fulton County,
6 double voter. I'm sorry, wrong. 2022-158,
7 Fulton County, Douglas County, Eric
8 information, Pennsylvania, double voter. Are
9 any of the Respondents John Cardona, Gary
10 Johnson, Maggie Mack, Ty Rochester here?

11 (No response.)

12 DR. JOHNSTON: Is there a representative
13 from Fulton or Douglas County that would like
14 to speak?

15 (No response.)

16 DR. JOHNSTON: This complaint was
17 referred -- was pertaining to the 2020
18 election and allegations of voting in Georgia
19 and Pennsylvania. This complaint or
20 information was submitted from the Eric cross-
21 state voter participation project. They
22 provided 20 Georgia voters that were
23 identified by name and date of birth as voting
24 in Georgia and Pennsylvania for the same
25 November 2020 election. The potential

1 violation of 21-2-572. Out of the 20
2 identified voters four -- Pennsylvania
3 confirmed positively, four of the 20 may have
4 also voted in Pennsylvania. Further
5 investigation by the Secretary of State
6 investigators provided information that was
7 incomplete for the Respondent was unable to be
8 contacted. Therefore, there's insufficient
9 evidence to prove that any voter actually
10 voted more than once in this election -- in
11 this particular election.

12 All right. I'll take each the individual
13 four Respondents named, Mr. Cardona, the
14 findings suggest that he's an active
15 registered voter in Georgia, Fulton County was
16 only able to provide an absentee ballot
17 application. Fulton County could not provide
18 a signed oath envelope and Mr. Cardona -- the
19 investigators weren't able to make contact
20 with Mr. Cardona.

21 Gary Johnson, provided -- Fulton County
22 provided an advance in-person application from
23 the election involved and Mr. Johnson voted
24 in-person on election day in Pennsylvania, but
25 the Pennsylvania signature and the Georgia

1 signature do not match. And the conclusion is
2 there's insufficient proof that these are the
3 same voters, or the same persons, although the
4 vote was made in that voter's name.

5 Maggie Mack is number -- the third
6 Respondent, and a request was made for
7 absentee ballot application to Fulton County.
8 Oh, I'm sorry, a request by the investigators
9 made, but Fulton County is unable to provide
10 either an application or an oath envelope.
11 Ms. Mack is considered an inactive registrant
12 in Georgia and attempts to make contact with
13 Ms. Mack have been unsuccessful. Ms. Mack
14 voted in-person in Montgomery County,
15 Pennsylvania on November 3rd, 2020. The
16 conclusion is there's insufficient evidence
17 regarding this Respondent.

18 Ty B. Rochester was the fourth
19 Respondent from Douglas County address and
20 this -- and with the name change that was
21 involved, but looking at the poll book in --
22 in Pennsylvania, who keeps their poll books,
23 Ms. Rochester's signature was adjacent to
24 another voter signature and the suggestion is
25 that the -- the two adjacent signatures were

1 attributed to Ms. Rochester erroneously. Ms.
2 Rochester is still an active Georgia
3 registrant. Are there any other questions or
4 discussion?

5 (No response.)

6 DR. JOHNSTON: If there's no further than
7 the Chair will accept a motion.

8 MS. KING: Madam Chair, I make the motion
9 that we send each of these cases to the
10 respective DA, AG's Office, as well as
11 notifying DOJ considering that there are
12 additional states and additional state
13 involved.

14 MR. JEFFARES: Second.

15 DR. JOHNSTON: There's a motion and a
16 second to refer these cases to the respective
17 the District Attorney and Attorney General and
18 notify the Department of Justice regarding
19 these double voters -- potential double --
20 alleged double voters. Is there any further
21 discussion?

22 (No response.)

23 DR. JOHNSTON: No further discussion.

24 All in favor --

25 THE BOARD MEMBERS: Aye.

1 DR. JOHNSTON: -- of this motion say aye.

2 THE BOARD MEMBERS: Motion carries three
3 to zero. Next case is Fulton County, double
4 voter at Robert OC Library, SEG2022-067. Is
5 the Respondent here, James Junior Love, III.
6 Ann are you a Respondent? Fulton County?

7 MS. BRUMBAUGH: According to the summary
8 we received, we were listed as a Respondent,
9 but there was no violation cited. So we have
10 no notice of any violations.

11 MS. KING: James.

12 DR. JOHNSTON: I see no violation.
13 Sorry, this is a Secretary of State's
14 investigators report. So no Respondent. And
15 are the Complainants, Sharon Benjamin --
16 Sharon Benjamin or Cherone (ph) Benjamin,
17 Clemon (ph) Perry here.

18 (No response.)

19 DR. JOHNSTON: No. So the findings by
20 the investigators is that James Jr. Love, III
21 was in violation of O.C.G.A. 21-2-572 repeat
22 voting in the same primary election was
23 substantiated. However, it is believed that
24 James Jr. Love, III has an intellectual
25 disability. Therefore is likely -- therefore

1 is likely he had no intention of voting twice
2 the second in-person absentee ballot
3 application was caught and never counted.

4 (Brief conversation off the record.)

5 DR. JOHNSTON: Apparently, in the
6 investigator's report, there was some question
7 whether Mr. Love tried to vote three times in
8 the report concludes that he did not vote
9 three times, but there was two completed, two
10 in-person absentee ballot applications.

11 MS. KING: I make a motion we send this
12 to the Attorney General's Office and just let
13 them ensure that there are no violations.

14 DR. JOHNSTON: There's a motion to send
15 this -- this case, 2022-067, to the Attorney
16 General. Is there a second?

17 MR. JEFFARES: Second.

18 DR. JOHNSTON: Second by Member Jeffares.
19 Is there any discussion?

20 (No response.)

21 DR. JOHNSTON: Hearing no discussion.
22 All in favor say aye.

23 THE BOARD MEMBERS: Aye.

24 DR. JOHNSTON: Motion carries three to
25 zero. Next case SEB2022-076, Georgia, South

1 Carolina, Texas, double voter 2020 election.
2 This complaint was provided by an anonymous
3 Complainant alleging several voters had voted
4 twice, the others -- the other -- three of the
5 other voters have been dealt with, as far as
6 investigation leaving Beauty Fay Jackson as
7 the only Respondent. Is Beauty Fay Jackson
8 present?

9 MS. JACKSON-HENDERSON: Yes, ma'am.

10 DR. JOHNSTON: Can you get your mic?

11 MS. JACKSON-HENDERSON: Can you hear me?
12 Is that on? Thank you, Madam Vice and Members
13 of the chamber. I'm Beauty Fay Jackson
14 Henderson. H-E-N-D-E-R-S-O-N. And in this
15 case, it was just actually a mistake, an
16 honest mistake. I had just got married and my
17 husband mailed in -- I mailed -- well actually
18 he mailed in the absentee ballot in South
19 Carolina. I was actually in Georgia with
20 COVID and I had actually went and voted at the
21 library, like I normally do, because we was
22 going back and forth where we want to be
23 moving. Where we're going to be staying.
24 Where we're going to be staying Georgia,
25 Where we're going to be staying in South

1 Carolina. We were supposed to be staying in
2 Georgia, but then his dad passed. And we had
3 to take care of his mom. So we ended up
4 staying in South Carolina, which is where we
5 are now, but it was just an honest mistake.
6 He mailed it in. I had already voted here in
7 Georgia and then it all hit the fan. I'm
8 like, I learned two things here. I did not
9 know that you can't vote in two -- in two
10 different states. I mean, call it stupid,
11 whatever ignorance, lack of knowledge. I
12 didn't know that and I also learned that
13 listening to all these other cases that you
14 had register when you move within the 30 days,
15 and all that good stuff. So I've learned a
16 lot today just being here but the South --
17 thank God that South Carolina was rejected
18 because when he signed it, I guess, he didn't
19 get a witness or something when he sent it in.
20 So they rejected that vote. So, technically,
21 there was only one vote and it was here in
22 Georgia.

23 MS. KING: You said you voted in-person
24 while having COVID?

25 MS. JACKSON-HENDERSON: I did. Girl, I

1 take voting very seriously. Yeah. I -- I put
2 the mask on. I had everything, the gloves. I
3 was covered up when I went to the library.
4 Yeah, sorry.

5 DR. JOHNSTON: So to be clear, the vote
6 in South Carolina was not counted?

7 MS. JACKSON-HENDERSON: Yes, ma'am. It's
8 on the paperwork. It was -- it was rejected,
9 and then they already taken away all my, you
10 know, because I no longer live in Georgia, so
11 they've already cleared all of that too, as
12 well.

13 DR. JOHNSTON: And you understand now
14 that you cannot vote --

15 MS. JACKSON-HENDERSON: Do I understand?
16 Yes, ma'am. I totally understand.

17 DR. JOHNSTON: And you -- and you should
18 not even be registered to vote.

19 MS. JACKSON-HENDERSON: Tell me about it.
20 I understand. Don't you worry. I totally
21 understand. Yes, ma'am. And I also told my
22 husband, don't do nothing for me. I can do it
23 on my own. Thank you for trying to cover, but
24 I got it from here.

25 DR. JOHNSTON: That's what I tell my

1 husband all the time.

2 MS. JACKSON-HENDERSON: Thank God, I'm
3 not the only one.

4 DR. JOHNSTON: Are you ready for a
5 motion?

6 MS. KING: Yeah. I make a motion we
7 issue a letter of instruction that way you
8 have in writing going forward.

9 MS. JACKSON-HENDERSON: Thank you. I
10 appreciate it.

11 MS. KING: You're welcome.

12 MR. JEFFARES: Second.

13 DR. JOHNSTON: There's a motion -- motion
14 and a second to issue a letter of instruction
15 to Beauty Fay Jackson for attempted double
16 voting in the 2020 election. Is there any
17 discussion?

18 (No response.)

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

21 THE BOARD MEMBERS: Aye.

22 DR. JOHNSTON: Motion carries three to
23 zero. Thank you, Ms. Jackson.

24 MS. JACKSON-HENDERSON: (Inaudible).

25 DR. JOHNSTON: Next case, Fulton County

1 tabulation, issue, 2022-015. Fulton County's
2 the Respondent. Is there a representative for
3 Fulton County? Yes.

4 MS. BRUMBAUGH: Good afternoon.

5 DR. JOHNSTON: Good afternoon.

6 MS. BRUMBAUGH: This is my good afternoon
7 for the next ten or 15 cases.

8 DR. JOHNSTON: Yeah.

9 MS. BRUMBAUGH: Sticking with you here.
10 I am -- I've not seen the -- the tapes myself,
11 but I -- we do not dispute that the tapes were
12 not signed. It was a violation of the rule.
13 We -- since 2020, again, we have new
14 leadership and a new building and a new Board
15 and new standard operating procedures. And
16 since then, the training has been enhanced.
17 The poll walkers -- poll watchers are trained,
18 specifically. They've got to sign the tapes
19 in the morning, and they got to sign the tapes
20 when they're run at the end of the day. When
21 the tapes come back to the hub for, you know,
22 with all the -- the documentation, they are
23 checked again. And if somebody forgot to sign
24 a tape, then Fulton initiates an
25 investigation, but we don't have a -- we don't

1 dispute the allegation from the 2020 election.

2 DR. JOHNSTON: And the Complainant is
3 here. Would the Complainant like to speak?

4 MR. CROSS: I've got some exhibits for
5 you?

6 MR. MILLS: It's on the desk mash the red
7 button.

8 MR. CROSS: Good grief. I'm going to
9 have to sit down. All right. You got some
10 exhibits I'm giving to you up there. Good
11 afternoon, Board Members. My name is David
12 Cross. I filed this complaint in March of
13 2022, with the State Election Board
14 documenting systemic violations of Georgia law
15 and Fulton County's handling of advanced
16 voting in 2020.

17 Our group paid Fulton County \$15,800 in
18 open records request for the county turned
19 over 77 megabytes of records. Every tabulator
20 tape represented 315,000 votes. The State
21 Election rules are crystal clear. On page
22 two, you'll see the Georgia Rule 183-1-12.
23 112, or .12 requires every Dominion tabulator
24 to print exactly three tapes at the close of
25 each advanced voting day. All three tapes

1 must be witnessed and signed by -- by poll --
2 by three poll workers, or their reason for
3 refusal must be noted. One signed tape goes
4 on the polling place door. The second goes on
5 a sealed -- or goes in a sealed envelope with
6 a memory card, and the third goes in an
7 envelope with a polling place recap form.

8 These signed tapes are the sole legal
9 certification that the reported totals are
10 authentic. Fulton County produced zero signed
11 tabulator tapes and early voting, as you just
12 heard. Not one for early voting. Every
13 signature block is blank, ten of these
14 unsigned tabulator tapes are from Mr. Rossi
15 and Mr. (unintelligible) SEB2022-025 case on
16 page 3.

17 We found identical protective counters
18 across several different polling places.
19 Polls that were opened eight days late. Polls
20 closed at impossibly late hours like 2:09 a.m.
21 in the morning and poll closing times that do
22 not match the tapes on pages 4 and 5. On
23 pages 6, 7, 11, and 12, we found duplicated
24 scanner serial numbers where the memory
25 devices were removed from one scanner and

1 printed on an alternate scanner. These are
2 not clerical errors. They are catastrophic
3 breaks in chain of custody and certification
4 because no tape was ever legally certified,
5 Fulton County had no lawful authority to
6 certify its advanced voting results to the
7 Secretary of State, yet did.

8 The Secretary Raffensperger accepted and
9 folded those uncertified numbers into
10 Georgia's official total without questioning
11 them. This is not partisan. This is
12 statutory. This is the law. When the law
13 demands three signatures on the tabulator
14 tapes and the county fails to follow the
15 rules, those 315,000 votes are, by definition,
16 uncertified. Fulton County's deliberate or
17 grossly negligent destruction of the audit
18 trail for more than 315,000 votes is a
19 National disgrace.

20 The only honest remedy, five years
21 later, is for -- is for the State Election
22 Board to impose sanctions on Fulton County,
23 have them publicly acknowledge their
24 violations, and for the state to decertify
25 Fulton County's 2020 advanced voting results.

1 It's not to change who sits in the White House
2 or what the score was, but -- but instead to
3 place an indelible and permanent asterisk on
4 the record and finally, force accountability.

5 It is very clear from today's testimony
6 that there are numerous technological issues
7 plaguing Georgia voter systems that could be
8 remedied by hand-marked, hand-counted paper
9 ballots, counted by human beings, not
10 computers. I still have dozens of serious
11 complaints in these folders here that have not
12 yet seen the light of day and Georgians still
13 have no answers to the basic questions, which
14 is, why has the Secretary of State not acted?
15 Why has the Attorney General stalled for
16 years? Why has no one been held accountable?
17 And when will Governor Kemp finally step up
18 and lead on securing Georgia's elections?
19 Until those questions are answered and these
20 violations are officially recognized trust in
21 our elections will remain broken.

22 In closing, I respectfully request that
23 you refer this matter to the Attorney General,
24 Department of Justice, and I believe the
25 maximum civil penalty is \$5,000 per unsigned

1 tabulator tape violation. Assessed after
2 notice and a hearing under Georgia
3 Administration for Teacher's Act. These
4 penalties can be enforced by the Attorney
5 General and Superior Court, along with orders
6 for compliance, restitution, reprimands,
7 trainings and investigative costs, there are
8 134 unassigned tabulator tapes that would be a
9 fine of \$670,000. I know it's a lot of money,
10 but apparently it doesn't hurt enough for
11 Fulton County to follow the rules. Thank you.
12 And I'll take your questions, if you have any.

13 DR. JOHNSTON: Mr. Cross, I have a
14 question, do you how many memory cards there
15 were for early voting in Fulton County?

16 MR. CROSS: In Fulton County, I believe
17 there was 134.

18 DR. JOHNSTON: 148. Do you know how many
19 closing tapes were found?

20 MR. CROSS: We received 134 that were
21 unsigned. That doesn't mean we got them all,
22 but that's what Fulton County provided.

23 DR. JOHNSTON: 138 there were ten
24 missing. I reviewed the -- the exhibits that
25 go with this complaint, and there were two CDs

1 -- I have find a CD player still, the images
2 were provided for me, thankfully. And the --
3 the images of the -- the zero tapes were from
4 -- only zero tapes from early -- some early
5 voting, not all the early voting tabulators,
6 but some early voting tabulators. The closing
7 tapes that were provided on another CD were
8 from Election Day tabulators.

9 MR. CROSS: Correct.

10 DR. JOHNSTON: There were no bracketed
11 opening closing tapes and close -- and closing
12 tabulator tapes. In -- in the entire exhibit.
13 So the investigators asked for all of the
14 tabulator tapes, and there's a smattering of
15 tabulator tapes. So I -- you can't see where
16 the odometer starts at zero when the poll
17 opens and the odometer ends at 3,542 votes and
18 the poll closes. Every single person that
19 reviews and canvases the election must have --
20 must have -- must have the opening zero tape
21 and the closing of the poll tape side by side
22 to compare the date, the time, the protected
23 counter number, the serial number of the
24 tabulator. It must be closed on the same
25 tabulator or you've broken the chain of

1 custody and votes -- and the votes cannot be
2 guaranteed to be valid --

3 MR. CROSS: Correct.

4 DR. JOHNSTON: -- because that is the one
5 document that promises what's in the ballot
6 box and we don't count the ballots, you know,
7 but what's in the ballot box is the right
8 number. So if you open on a tabulator but you
9 close on a different tabulator, not going to
10 work. It's -- it's a break in the chain of
11 custody.

12 MR. CROSS: Correct.

13 DR. JOHNSTON: So I find this -- this
14 case very troubling. It was about signing the
15 documents, but as I looked at the evidence, I
16 was just trying to put the puzzle together and
17 say, well, these aren't signed, but what's
18 this from. Then I tried to match it up to
19 what the -- the opening and closing together,
20 and I could -- couldn't find it. I just
21 couldn't find it. It's -- it's not there.
22 And then -- so go back to the report, and I
23 read the report, and the investigator says we
24 asked for all of the opening and closing
25 tapes, and the county reported back this is

1 all they have, which is woefully incomplete.
2 And I -- I -- I just don't understand how one
3 could even provide a -- a canvas document to
4 say, you know, here are -- here are our
5 tabulators, and here are the votes. And these
6 add up to x number for the election. So I --
7 I find several issues about this case
8 troubling. Are there questions from other
9 Board members?

10 MS. KING: I want to just -- for those
11 who are not familiar with what you -- what you
12 mean when you talk about the odometer?
13 Basically, what's being said is, if -- if the
14 tabulator doesn't produce a zero, that means
15 that there's no way of telling if there were
16 ballots from previous elections still on that
17 memory card that could be counted, but we
18 wouldn't know, because we wouldn't know who to
19 ask because there's no signature. And we
20 certainly wouldn't know where it started
21 because there's no opening data, and when we
22 are closing on a different tabulator machine
23 or scanner machine, now, we -- we have an
24 issue with whether or not the results when we
25 close were accurate. So, I guess, my question

1 is -- then we have missing tapes where we have
2 no idea what's on those. So, I guess, my
3 question is: What was certified?

4 MR. CROSS: That -- that's my question
5 too. I -- I don't think that Fulton County
6 should have -- I don't think that Fulton
7 County had the ability to certify what they
8 counted in 2020 and I've been called crazy for
9 the last five years, because I said this, but
10 the reality is is that you can't duplicate
11 anything from the documentation that Fulton
12 County has provided, not just in this case,
13 but in the litany of others. And I sincerely
14 hope that you exact a huge price from Fulton
15 County because, as I said before, I -- I don't
16 think it hurts enough. We're still being told
17 today that they don't feel like they need to
18 provide anything to the Department of Justice.
19 I mean, that they got a letter from Harvey
20 Dillon recently and they just kind of said,
21 well, we disagree, and we're not going to send
22 you anything.

23 MS. KING: So, basically, we have members
24 of the public who have spent five years of
25 your life, \$1,000's of dollars to obtain just

1 proof that what they're being told is what
2 happened. That's what these documents are
3 supposed to be. And yet we have no proof, or,
4 at least if we do have it, it's not being
5 provided, it's being held. And yet you're
6 crazy? Well, I guess, my question for Fulton
7 County is: Do we have the additional tapes
8 that are missing?

9 MS. BRUMBAUGH: What I can tell you is
10 that there have been hours and hours looking
11 for these documents. It is undisputed from
12 2023-25 where there were ten tapes that were
13 missing. That's part of that case. Fulton
14 County has

15 UNKNOWN SPEAKER: Can't hear.

16 DR. JOHNSTON: Oh, sorry.

17 MS. BRUMBAUGH: Sorry. I still have the
18 microphone. Fulton County has spent hours and
19 hours, I mean, hours and hours, probably days
20 and weeks, searching this stuff. They've
21 provided what they can. And like I said, I'm
22 not disputing the allegations here. I'm not.

23 MS. KING: So you're saying that it's
24 possible that the tapes are lost or destroyed?

25 MS. BRUMBAUGH: I think that in 23-25,

1 which is not here.

2 MS. KING: Yeah.

3 MS. BRUMBAUGH: Yes. There were ten
4 tapes from ten scanners that were never
5 recovered. This case is about tapes that are
6 not signed, which is a violation of a rule not
7 a statute, but it's a violation of the rule.
8 They should have done it. I haven't been able
9 to go through and look at the tapes and
10 compare and see what -- what is there and what
11 isn't there. But I -- I can tell you from
12 SEB2325 there are ten tapes -- ten scanner
13 tapes that were not found, but my
14 understanding is everything else was turned
15 over. And this is about cases -- tapes that
16 weren't signed. Like I said, they weren't
17 signed. They were signed. So, you know, we
18 will not, like I said, procedures have been
19 updated. People are taking this very
20 seriously now.

21 MS. KING: So what -- so what is the
22 certification requirement? I mean, so, I
23 mean, I know -- I know according to the new
24 law, now you have to certify, even if there's
25 missing tapes, I get it, even if there's --

1 the data's wrong, even if we have elections,
2 like we saw in Oakwood, where there's clearly
3 been some improprieties where the Board
4 Members are -- do not want to certify, but
5 according to the law, you got to do it anyway.
6 And God forbid you challenge it. God forbid
7 you say, you know what, I don't have all the
8 data. You still got to certify in the state
9 of Georgia. That's insanity.

10 I think we need to just go ahead and call
11 it what it is. (applause)

12 Because for five years, there have been
13 people that said, I just have questions,
14 that's all. I have questions. Something
15 seems off. We're supposed to be able to
16 verify that the election results that was
17 provided are accurate, and now here we are,
18 five years later, we're hearing that we're
19 missing ten tapes that can't be found. And
20 we're -- and we're looking at data that is
21 certified without a signature. At best, this
22 is -- this is sloppy and it's lazy. At worst,
23 it could be egregious and it could have
24 affected an election. So, yeah, this is
25 terrible. This is just terrible. Okay. I'm

1 done.

2 DR. JOHNSTON: So let me point out on --
3 on this -- this slide.

4 MS. KING: This was 2022 and we're just
5 hearing this case.

6 MR. CROSS: I was going to bring a
7 birthday cake.

8 DR. JOHNSTON: This is a primer for
9 everybody that's watching this meeting, and it
10 works in elections. It, especially, works in
11 an election office. The -- the -- the people
12 that review the election results, the
13 Superintendent, the Board of Elections for the
14 counties, should have an opening tape on the
15 left and a closing tape on the right for every
16 scanner that is counting ballots -- that is
17 accepting or -- or receiving ballots. And the
18 -- the tape on the left is a zero tape. And
19 the zero the -- the odometer it's your, what's
20 called a protected counter, as you can see on
21 -- on this slide, 3134 is the number. That's
22 the total number of ballots that have been --
23 have been run through this tabulator, but
24 that's your odometer. That's like your
25 odometer in your car. And when the -- when

1 the election's over and the ballots have been
2 put through that scanner and dropped into the
3 ballot box, the odometer increments up, one --
4 one ballot, one tape, one -- one number up
5 till you -- the election is closed. The
6 election is over. The poll place is closed.
7 The tabulator is -- is closed, and the tape is
8 run, and it increments up, just like you see
9 on the right tape. There were 627 ballot scan
10 and the odometer, the protective counter goes
11 up by 627.

12 MR. CROSS: Correct.

13 DR. JOHNSTON: That is the proof that I
14 started it with zero ballots, hopefully zero
15 paper ballots in the ballot box, but we don't
16 count those, and you end up with 627 ballots
17 in the ballot box, or which will be trans --
18 translated into votes and uploaded on to the
19 election management server, but the people
20 that are reviewing the election, the
21 canvassers, should, if they don't have these
22 documents, they -- they really can't -- they
23 can't honestly certify the election. So I
24 expect every Election Director, every Election
25 Supervisor, to provide these documents to

1 their Board of Elections as soon as -- on
2 election night, as soon as these are run or
3 brought into the election office, and they
4 should have a checklist for every scanner that
5 was used in that election in that county, and
6 check it off and make sure every tabulator is
7 accounted for. And then somebody that loves
8 to do numbers can add those on it -- on an
9 adding machine and tabulate the votes for
10 those polling places.

11 MS. KING: And to be clear, I know the
12 Fulton is here, but this is not just a Fulton
13 County issue. I have seen --

14 MR. CROSS: They're just the worst at it.

15 MS. KING: I -- I have seen this problem
16 with other counties from the same election.
17 So, you know, while I hate, you know, you're
18 getting beat up right now. However, it's not
19 just Fulton County. This is statewide. And
20 when -- and while we often talk about
21 presidential they are municipal races where
22 the -- the race is determined by five, 12
23 voters, this can't happen. This can't happen.

24 DR. JOHNSTON: Question?

25 MR. MILLS: Yes, Madam Chair, if I may.

1 I've been in this position for six months now
2 as Executive Director. And I'm learning.
3 I've got a lot to learn. But as a citizen of
4 the state of Georgia, this case is one of the
5 most egregious things I've seen since I've
6 been here. I believe in the integrity of the
7 election process. It doesn't matter what
8 party you're a member of. Where you're from,
9 but it's this kind of junk, and that's a nice
10 word, that -- that violates our whole system.
11 How can anybody believe that something is --
12 is legit when you have this many breaks in the
13 chain of custody, and -- and, you know, it's -
14 - my whole life there's been a lot of problems
15 with a few counties in this state continually.
16 And it's time to change. Georgia's citizens
17 deserve better. They want better. And when
18 was this filed as a complaint, if you don't
19 mind me asking?

20 MR. CROSS: March of 2022.

21 MR. MILLS: So March of 2022. Today is
22 2025 you got the whole nation talking about
23 what went on in 2022. And the 2020 and -- and
24 the reason that -- that we're seeing this
25 today is because this Board has pushed the

1 envelope and said, you know what, it's time
2 that things are talked about that need to be
3 talked about so they can be corrected, not so
4 that anybody can beat their chest or one party
5 over another party. We just want fair and
6 true elections. And how can I tell anybody
7 when you have this many unsigned tabulation
8 sheets. When you have missing tabulation
9 sheets that you can't even found [sic]? And
10 I'm not getting into new ground, but, I mean,
11 this Board subpoenaed Fulton County for
12 ballots and you, basically, have thumbed your
13 nose at this Board. You've told the judge
14 you're not going to produce them. And -- and
15 you know what? You hold the key to election
16 integrity in the state of Georgia, if you
17 really have all those ballots, and you -- you
18 say you do, so I take you at your word,
19 produce them. And everybody that's been being
20 called crazy and everybody that's been being
21 called nuts, then guess what? You got the
22 evidence to say here's the evidence. But to
23 this very day, you -- you've thumbed your nose
24 at -- at this. I call Ms. Nadine. I don't
25 get calls returned. You call me and I take

1 them, and I say that with kindness, but -- but
2 the state is not going to tolerate you
3 thumbing your nose at the SEB, we're just not
4 going to do it. (Applause)

5 MS. KING: I would like to give Fulton an
6 option, would be the -- the -- the opportunity
7 to produce those tapes.

8 MS. BRUMBAUGH: Well, the tapes that are
9 at issue in this case, have been produced,
10 they just weren't signed. So the tapes, I
11 mean, I -- I just want to make sure we're all
12 clear.

13 MR. CROSS: There's no more tapes. If
14 there were, they would have produced them.

15 MS. KING: That's -- oh, that's right,
16 it's 20 -- it 2023 02 025, right? That has
17 the missing tapes. Okay.

18 MS. BRUMBAUGH: That has been not an
19 issue. That -- that part of that case is --
20 they're -- that's --

21 MS. KING: You've just accepted --

22 MS. BRUMBAUGH: Yeah.

23 MS. KING: -- that they're missed?

24 MS. BRUMBAUGH: (Inaudible)

25 DR. JOHNSTON: Ms. Brumbaugh. I have

1 been informed that there are over 700 boxes of
2 election documents. How many boxes were
3 looked at to look for these tapes?

4 MS. BRUMBAUGH: I mean, my understanding
5 is there was a very detailed review that
6 included Secretary of State investigators back
7 in the spring of '24 or maybe the fall of
8 2023. That's what I know.

9 DR. JOHNSTON: Those hardworking
10 investigators looked through one or 200 boxes,
11 is my understanding. That leaves 500 boxes to
12 look at. Would Fulton County open their doors
13 to allow our investigators to look through
14 those boxes?

15 MS. BRUMBAUGH: Well, I think we're
16 getting into the issue of the subpoena, and
17 I'm not representing Fulton County on the
18 subpoena. So I'm not authorized to talk about
19 that -- that situation. You have to talk to
20 their --

21 DR. JOHNSTON: Considering this case,
22 we're looking for tabulator tapes.

23 MS. BRUMBAUGH: In this case, the tapes
24 have been produced. They just --

25 DR. JOHNSTON: How -- how do you know, if

1 you haven't looked in the boxes?

2 MS. BRUMBAUGH: Well, because the report
3 says that they were produced and they weren't
4 signed.

5 DR. JOHNSTON: Saying that that's all
6 that they found doesn't mean that that's all
7 that there are. Would there be any
8 possibility of the Fulton County team looking
9 into those boxes and finding more tapes?

10 MS. BRUMBAUGH: I feel like we're talking
11 at cross purposes. We're here on a case 2022-
12 015, in which the allegation was that the
13 tapes weren't signed. So and no one from
14 Fulton County is disputing that. So I'm not
15 sure what tapes we're still looking for when
16 the tapes, in this case, were produced. The
17 tapes were looked at for 2023-25 there were
18 ten tapes that were missing. That's been
19 something that has been not disputed for a
20 long time. There's -- there's -- let me --
21 let me just -- let me just sort of drill this
22 down. I can't make -- I can't bind my client
23 to any sort of agreement here today, number
24 one, because I'd have to talk to them. Number
25 two, because this issue is, basically, in

1 litigation, and it's being --other attorneys
2 are representing my client. So this is not
3 something that we address today under the
4 scope of my representation.

5 DR. JOHNSTON: This case is based on a
6 complaint from Mr. Cross concerning tabulator
7 tapes that were not signed, but it was based
8 on an open records request. Mr. Cross, what
9 did you request in that open records request?
10 Did you request a few tabulator tapes?

11 MR. CROSS: All. We -- we requested all.
12 We requested all tabulator tapes, we -- we --
13 also requested the zero tapes. We have no
14 zero tapes. We were -- we're at the point
15 right now where to the Executive Director's
16 comment, you know, there's a lot of people
17 that have no confidence in the system that we
18 have in Georgia right now, and it's because
19 we've been battling this for, like, the last
20 five years, and nothing has changed, and
21 you're getting pushback from Fulton County
22 right now. They don't -- they're done. They
23 don't want to hear from you. They don't want
24 to hear from me. They just want to go on
25 their merry way. And that is why I said in my

1 comments, I think you should exact on high
2 price. It, apparently, does not hurt enough
3 for Fulton County to follow the rules.
4 They're not accustomed to following the
5 process. I don't -- and I have no confidence
6 that they're going to continue that -- that
7 they will follow the process. They're telling
8 you they've got, you know, new people, new
9 everything that's in there, and we're seeing
10 the same repetitive things happening.

11 MS. KING: When you requested all the
12 tapes and they provided you with some of the
13 tapes. What was the explanation for not
14 giving you all the tapes?

15 MR. CROSS: They didn't give us an
16 explanation, but the -- the attorney for the
17 county, Steven Rosenberg, signed an affidavit
18 that said, this is it. We -- we've given you
19 everything. Don't ask for --

20 MS. KING: But we clearly know that's not
21 the case because we're missing tapes?

22 MR. CROSS: Correct.

23 MS. KING: So why is it that we can't
24 request to see the additional tapes of his
25 open records request with -- if -- if they

1 asked to see all the tapes. What we're
2 dealing with today, we're dealing with this
3 because this is what was provided, but maybe
4 this is telling me that it's a possibility
5 that there are additional tapes that are
6 unsigned, as well.

7 MR. CROSS: I'll go through the 700 boxes
8 myself. You can watch me on camera.

9 MS. BRUMBAUGH: Ms. Brumbaugh, what has
10 Fulton County done to correct this election
11 process that doesn't -- does not appear to be
12 followed?

13 MS. BRUMBAUGH: Fulton County. Fulton
14 County has enhanced its training and it has
15 instituted a -- a -- a review. Once all the
16 documentation is brought back to the hub, it
17 goes through, it checks the tapes, and it
18 makes sure that -- it makes sure that they are
19 signed. And if they are not signed, Fulton
20 County initiates its own investigation.

21 DR. JOHNSTON: Are -- are these all of
22 these tapes provided to the Board of Elections
23 for review during the canvas?

24 MS. BRUMBAUGH: I think -- I'd have -- if
25 they are requested, then they are provided.

1 DR. JOHNSTON: And, Ms. Williams, could
2 you provide the opening tape and the closing
3 tape side by side for review.

4 MS. BRUMBAUGH: I think yes, if a Board -
5 - according to Ms. Williams, yes, if a Board
6 member requests to see them and they will be
7 provided.

8 DR. JOHNSTON: Are there any further
9 questions?

10 (No response.)

11 DR. JOHNSTON: I'll entertain a motion
12 from the Board.

13 MS. KING: I do believe that we have the
14 right to request to see all of the tapes,
15 considering, that's -- was the original
16 request in the open records request. What
17 we're dealing with today is what we have
18 because that's all that was provided. So I
19 would like to make a motion that we continue
20 this case to January and give Fulton County
21 the opportunity to provide us with all of the
22 tapes.

23 MS. BRUMBAUGH: We have given everything
24 they can find.

25 MS. KING: Does that mean you don't have

1 it?

2 MS. BRUMBAUGH: If -- if they haven't
3 provided it previously, they -- they don't
4 have it. They haven't found it. I can't -- I
5 can't tell you what happened to those ten
6 missing tapes, but all I can tell you is ten
7 tapes were deemed missing over a year and a
8 half ago, they are still missing, and we have
9 given you everything else. So I would ask
10 that this not be continued. It is abundantly
11 clear to me that you have serious concerns
12 about this. So make whatever decision you
13 want to make today, and let's --

14 MS. KING: Okay.

15 MS. BRUMBAUGH: We have another ten cases
16 to do.

17 MS. KING: Okay. I make the -- all
18 right. I would like to amend my motion and I
19 make a motion that we send this to the
20 Attorney General's Office so that they can
21 request the case -- the tapes, as well as for
22 the tabulator tapes that we have -- that we do
23 have, that shows that there was a violation
24 meaning they were not signed. I would like to
25 send a request to the AG's Office to issue a

1 fine in the amount of \$5,000 per tape.

2 (Applause.)

3 MR. JEFFARES: Second.

4 DR. JOHNSTON: There's been a motion and
5 a second to refer this case to the Attorney
6 General, concerning 2022-015 for violation of
7 Rule 183-1-12-.12(a)(1), tabulating results.
8 Is there any discussion?

9 (No response.)

10 DR. JOHNSTON: With no further
11 discussion. All in favor say aye.

12 THE BOARD MEMBERS: Aye.

13 DR. JOHNSTON: Motion passes three to
14 zero. Next case, Fulton County, Chastain
15 Park, tabulation issue 2022-337.

16 MS. BRUMBAUGH: Do you want me to speak?

17 DR. JOHNSTON: Yes.

18 MS. BRUMBAUGH: Okay. Again, apparently,
19 the poll worker failed to start a new recap
20 sheet with new seal numbers after switching
21 out the BMD, and then instead continued to
22 report data on the old recap sheet containing
23 the old seal numbers. So, therefore, you have
24 a discrepancy of seal numbers on records
25 versus seal numbers on the BMDs. This poll

1 manager no longer works for the Fulton County
2 Department of Elections, and Fulton County
3 Department of Elections has enhanced its
4 training as a result of this situation.

5 DR. JOHNSTON: Are there any questions?
6 The Complainant is Joellen Shivers. Is Ms.
7 Shivers here?

8 (No response.)

9 DR. JOHNSTON: Are there any questions
10 from the Board?

11 (No response.)

12 DR. JOHNSTON: The findings are -- the
13 investigative findings are there sufficient
14 evidence to suggest the workers failed to
15 accurately document information on a ballot
16 marking device recap form. The -- is there a
17 motion from the Board?

18 MS. KING: I guess, I make a motion -- I
19 make a motion that we issue a letter reprimand
20 in regards to this particular case. It's
21 Fulton County.

22 DR. JOHNSTON: Is there a second?

23 MR. JEFFARES: Second.

24 DR. JOHNSTON: There's a -- motion and a
25 second to issue a letter reprimand to Fulton

1 County for case 2022-337 for violation of SEB
2 Rule 183-1-12-.122. Is there any further
3 discussion?

4 (No response.)

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

7 THE BOARD MEMBERS: Aye.

8 DR. JOHNSTON: Motion Passes three to
9 zero. Next case, Fulton County, Alpharetta
10 Library, scanner issue, SEB2023-017. The
11 Respondent is Laurie Dunaway. Are you
12 speaking for -- Is the complainant, Mark
13 Hirschfield here?

14 (No response.)

15 DR. JOHNSTON: Laurie Dunaway is poll
16 manager.

17 MS. BRUMBAUGH: She is. I'm not
18 representing her. Again, we can sort of give
19 you the same response that we gave you on the
20 most previous case. Ms. Dunaway is no longer
21 working for Fulton County and we have enhanced
22 our training materials, but we aren't listed
23 as a Respondent. So...

24 DR. JOHNSTON: And you're not listed as a
25 Respondent. There are two allegations in this

1 compliant. One is allegation of unsecured and
2 unsealed scanners. There's sufficient
3 evidence -- evidence to suggest the poll
4 manager failed to properly document the
5 replacement security skill -- seal numbers on
6 the daily recap sheet and seal numbers which
7 were required to be verified on the machines
8 each morning.

9 Allegation 2 is the poll manager using
10 phone in the overflow room.

11 MS. BRUMBAUGH: The -- the only thing I
12 would say about this, and, again, I'm not
13 representing this Ms. Dunaway, but 21-2-413
14 (E) does allow cell use by poll officials for
15 official purposes.

16 DR. JOHNSTON: Correct. I was just about
17 to say that same thing. I would entertain a
18 motion to dismiss allegation 2.

19 MS. KING: So moved.

20 MR. JEFFARES: Second.

21 DR. JOHNSTON: And I'll accept a motion
22 for allegation 1.

23 MS. KING: I make a motion that we issue
24 a letter of reprimand for allegation 1.

25 DR. JOHNSTON: Is there a second?

1 MR. JEFFARES: Second.

2 DR. JOHNSTON: There's a motion and a
3 second to issue a letter of reprimand for
4 allegation 1 and dismissal for allegation 2 in
5 case 2023-017. Violation is SEB Rule 183-1-
6 14-.02(8)(10). Any discussion?

7 (No response.)

8 DR. JOHNSTON: No further discussion.
9 All in favor say aye.

10 THE BOARD MEMBERS: Aye.

11 DR. JOHNSTON: Motion carries three to
12 zero.

13 MR. JEFFARES: Motion for a five-minute
14 break.

15 DR. JOHNSTON: Hearing a motion for a
16 five-minute break.

17 MS. KING: So moved.

18 DR. JOHNSTON: Second.

19 (The session recessed at 3:53 p.m.)

20 (The session resumed at 4:02 p.m.)

21 DR. JOHNSTON: Back to order. The next
22 SEB2024-027, Fulton County, provisional ballot
23 issue. The Respondent is Robert Chile. Is he
24 here?

25 (No response.)

1 DR. JOHNSTON: The Complainant Fulton
2 Elections. Do you want to speak?

3 MS. BRUMBAUGH: Well, this is, sorry, --
4 my microphone --

5 DR. JOHNSTON: You're the star.

6 MS. BRUMBAUGH: I am the star. Okay.
7 This is another one where the procedural
8 posture is a little wonky. Yes, this was
9 initially the -- Fulton County was initially,
10 I think, the Complainant, but, at least, the
11 summary and the Respondent was Mr. Chile, but
12 the summary did not find that Mr. Chile had
13 committed any violations and, instead, the
14 summary sort of suggested that Fulton County
15 had violated. So I'm here to discuss whether
16 or not Fulton County violated the law. I'm
17 not really here to discuss whether Mr. Chile
18 violated the law.

19 DR. JOHNSTON: Correct.

20 MS. BRUMBAUGH: Yeah.

21 DR. JOHNSTON: It appears that Mr.
22 Chile's case would be dismissed, I would
23 guess, but there was the additional note that
24 Fulton County should have provided a
25 provisional ballot to Mr. Chile.

1 MS. BRUMBAUGH: So we have a little bit
2 of an issue with that because it is undisputed
3 that Mr. Chile was registered in Rabun at this
4 time. He had tried to transfer his
5 registration, but he had done it too late. So
6 he could still registered in Rabun. So if
7 Fulton County had given him that provisional,
8 it wouldn't have counted and he would
9 effectively have been disenfranchised. By not
10 giving him a provisional, he was -- still had
11 the opportunity. He was informed, I think, at
12 the time that he was registered in Rabun, this
13 was several days before voting ended, he still
14 had the time to go down to Rabun and cast a
15 ballot vote. So we are asking that this
16 allegation be dismissed because had they given
17 him the provisional he would have relied on
18 it, and then he wouldn't -- it wouldn't have
19 counted and then he would have been
20 disenfranchised.

21 DR. JOHNSTON: Thank you. Do I hear a
22 motion from the Board?

23 MS. KING: Yeah. I make a motion. I
24 make a motion that we dismiss this case for
25 both the county, as well as Mr. Chile.

1 DR. JOHNSTON: Is there a second?

2 MR. JEFFARES: Second.

3 DR. JOHNSTON: There's been a motion and
4 second to dismiss case SEB2024-027 with the
5 Respondent, Chile, and then possibly Fulton
6 County Elections for question of residency
7 issue, and failing to provide -- offer a
8 provisional ballot. Is there any further
9 discussion?

10 (No response.)

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

13 THE BOARD MEMBERS: Aye.

14 DR. JOHNSTON: Motion carries three to
15 zero. Next case Fulton County, voter
16 registration challenge, refuse -- voter
17 registration challenge refusal, May 2024,
18 SEB2024-109. The Respondents are Fulton
19 County. I just left your mic on.

20 MS. BRUMBAUGH: I know. I'll just stand.
21 Okay. This is -- involves 1,800 voter
22 challenges that Mr. Ferguson filed in December
23 of 2023. Fulton County dismissed those
24 challenges. Mr. Ferguson -- but the main
25 issue here is who -- who considers an appeal

1 of those challenges. And on the merits, the
2 code is very clear 229(E) either party shall
3 have a regular appeal from the decision of the
4 Registrar -- Registrars to the Superior Court
5 by filing a petition with the clerk of the
6 Superior Court within ten days. So if Mr.
7 Ferguson felt that Fulton County had reached
8 the wrong decision on the merits, he should
9 have filed an appeal with the Superior Court.
10 There is a second code section, (F) that says
11 failure to comply with the provisions, you
12 know, you all have some jurisdiction here.
13 Your jurisdiction is more about the procedure.
14 For example, there is a requirement that these
15 hearings be held within 10 days of receiving
16 the filing. Mr. Ferguson is not alleging that
17 the -- that the procedural provisions were
18 violated and, in fact, they were not violated.
19 So we would ask that this case be dismissed
20 because his appeal is on the merits and the
21 Board does not have jurisdiction on the
22 merits. I wrote a letter, a very
23 comprehensive letter. It should be part of
24 your file on October 24th, 2024 it goes into
25 everything in much more detail.

1 DR. JOHNSTON: Any questions for Fulton
2 County? Thomas Ferguson.

3 MS. KING: No. I was going to see if Mr.
4 Ferguson wanted to speak.

5 DR. JOHNSTON: Oh. Yes. Turn it on at
6 the desk.

7 MR. FERGUSON: Yes.

8 UNKNOWN SPEAKER: Yeah. You got to push
9 the button.

10 DR. JOHNSTON: At the desk.

11 MR. FERGUSON: Am I on?

12 DR. JOHNSTON: Yes.

13 MR. FERGUSON: I'm Earl Ferguson. I'm a
14 registered voter in Fulton County. And I
15 challenge voter -- I challenge --

16 (Crosstalk.)

17 MR. FERGUSON: All right. I challenge
18 voters that have moved out-of-state and
19 register to vote, or done something else to
20 change their residence. And I have been doing
21 that for several years. In the past, all my
22 challenges have been accepted. I don't take
23 the vote away from anybody, by the way, for
24 the record. And so with this time when --
25 when it was turned down, I was curious about

1 why and I asked for the Board to reconsider
2 which they were committed -- they agreed to
3 do. And we got a later session where we
4 discussed why the things have changed. And
5 the bottom line is that there is a document
6 from the Secretary of State which establishes
7 the procedures to be used with challenges and
8 the -- and their issue is with the NVRA,
9 National Voter Registration Act. And Fulton
10 County apparently is using that as a basis for
11 turning my challenge down. So my challenge --
12 my complaint is not so much with the county as
13 it is -- but the fact that there is a document
14 floating around which is inaccurate. The --
15 and I'm not a lawyer, of course. So I don't
16 expect you to expect -- or accept my legal
17 position on this. However, I have gone to the
18 -- gone to the source of the well. The
19 Department of Justice, Civil Rights Division,
20 has addressed this same issue and they have
21 come up with a different answer. And in the
22 document pack that I passed out to you there -
23 - there are -- there are documents that
24 elaborate on these points. And I'll take
25 questions if you want to ask. If you look at

1 the Secretary of State's document, you will
2 see that it references section in NVRA,
3 Section 8(d) and that is the basis for their
4 decision that you cannot remove an unqualified
5 elector. Immediately you have to wait through
6 two federal election cycles. The answer I get
7 from the Department of Justice and you have a
8 copy of it. They have your question and
9 answer. And let's see -- and -- and this
10 particular question is always in this document
11 -- this question and answer. You can go to
12 the Department of Justice, and you can type
13 NVRA in the search, and you will get these
14 questions and answers. And I'm going to read
15 the question and answer. Does the NVRA create
16 a safe harbor procedure under which states can
17 satisfy their obligation to conduct a general
18 program that makes the reasonable effort to
19 remove the names of ineligible voters from the
20 voter roles due to a change of residence.
21 Their answer is yes. The NVRA gives one
22 example of a safe harbor procedure. Under
23 that procedure, states may utilize change of
24 address information supplied by the United
25 States Postal Service through its national

1 change of address program NCOA to identify
2 registrants who may have changed residence and
3 take one of two actions. That reference is a
4 change of address list exists in one section
5 of the National Voter Registration Act, and
6 that is Section 8, paragraph C. In paragraph
7 C does not relate back to paragraph D. They
8 are different paragraphs. Then this is the
9 section that the Department of Justice says
10 should be appealed and that's what I did
11 exactly. There is a second -- I haven't read
12 all this because they give a couple of
13 conditions, and the second one, if it appears
14 that the registrant has moved to any residents
15 outside the registrants jurisdiction to
16 Registrar uses the NVRA section A(B) notice of
17 process, and may remove the Registrant from
18 the voter roles after satisfying all the
19 requirements of that process. This -- this is
20 entirely contradictory to the document that
21 the Secretary of State has provided us.

22 When I found this document, I immediately
23 contacted the Secretary of State's Election
24 Division and asked them if it was still a
25 current document. I got no response. So I

1 wrote a letter to the Secretary of State, a
2 personal letter, and I detailed why I said, I
3 felt that this document was his document or
4 the Secretary of State's document was
5 incorrect. I received no answer to that. I
6 then filed a Freedom of Information Act and I
7 requested a list of any documents under this
8 subject, and I have received no response to
9 it. So I filed a complaint here and looking
10 for some help. Do I have some questions?

11 I might add that the motion in which said
12 that my challenges were not accurate was based
13 on the fact that they were an inadequate
14 number of replies to the notice -- there is no
15 requirement that the notice be replied to --
16 be replied to. And, typically, in this case,
17 out of 1,800 there were six replies. Four of
18 them said take me off on those roles. And
19 they did that. The other two said we're back
20 in Georgia, even though we were in North
21 Carolina for a while, and we're still
22 registered voters. So I withdrew that
23 challenge.

24 DR. JOHNSTON: Thank you, Mr. Ferguson.
25 Ms. Brumbaugh, were -- were all 1,800

1 challenges sent to voters were -- were
2 hearings heard for 1,800 voters?

3 MS. BRUMBAUGH: Yes. 1,800 -- that they
4 were all sent notice. It broke down, there
5 were 1,407 of the 1,802 were already inactive
6 status. And once you're in inactive status,
7 we can't -- you can't be taken from roles
8 until --until that period ends. So 1,407 of
9 these 1,802 people were already on their way
10 towards not being on the voter roles here in
11 Georgia. An additional 180 of the 1,802 were
12 duplicates. And, yes, Mr. Ferguson is
13 correct, four voters requested cancelation.
14 So of 1,800 there was only (inaudible) 211.
15 And, again, for a variety of reasons,
16 including at this point, they were in the 90-
17 day quiet period before federal election. The
18 federal election being the PPP, as well as
19 issues with the evidence that Mr. Ferguson
20 produced they dismiss the challenges. But.
21 again, Mr. Ferguson wanted to appeal that he
22 should have appealed it to the Superior Court.

23 DR. JOHNSTON: Ms. Brumbaugh, can an
24 inactive voter vote?

25 MS. BRUMBAUGH: An inactive voter could

1 go and show that they -- yes, they could go
2 and vote per (inaudible) 235.

3 MR. FERGUSON: May I respond to that?

4 MS. BRUMBAUGH: However, any electors
5 whose name appears on the inactive list shall
6 be eligible to sign a petition and such
7 petition signature is valid, and regardless of
8 the validity of the petition as a whole shall
9 be sufficient to return the elector to the
10 official list of electors. If the elector
11 still resides at the address listed on the
12 elector's registration records. That's 21-2-
13 235(a).

14 DR. JOHNSTON: If an inactive registrar
15 can vote, what's -- what's the difference at -
16 - what's the difference between an active and
17 inactive voter?

18 MS. BRUMBAUGH: Well, an inactive voter,
19 if you are on the inactive list, that's part
20 of the process to being removed from the
21 roles, which does import with the NVRA. If
22 you are an inactive voter, and you're put on
23 the inactive voter list because you're
24 inactive because you haven't been voting. And
25 if you decide you know what this election last

1 six elections and not interested, but this one
2 I'm going to vote. So, yes, you are allowed
3 to return to the active voter list. If you
4 show up, fill out the position, are still
5 residing at your same address.

6 DR. JOHNSTON: Ms. Brumbaugh, if you --
7 if you're on the inactive list and you've
8 moved to New York -- and you've moved to New
9 York, can you vote?

10 MS. BRUMBAUGH: That would depend on the
11 circumstances surrounding your move to New
12 York. 21-2-217 goes through all the various
13 permutations. If you move to New York because
14 you're still a student, or your in the
15 military, yes, you can vote. If you move to
16 New York, because it's a temporary place and
17 your -- your intent is that Georgia is your
18 permanent address, I would think yes, you can
19 vote. If you move to New York and you have
20 registered to vote in New York. No, you
21 shouldn't be voting. So depends on the
22 circumstances.

23 DR. JOHNSTON: You shouldn't be, but
24 could you?

25 MR. FERGUSON: Yes.

1 DR. JOHNSTON: Mr. Ferguson, I did not
2 ask you.

3 MS. BRUMBAUGH: If you show up to vote,
4 you're on the inactive list. You fill out
5 that petition. Yes, you'll be allowed to
6 vote. You show -- your license is still at
7 your Georgia address, which is the same
8 address on voter registration, that's what the
9 law permits.

10 DR. JOHNSTON: Mr. Ferguson, what were
11 your sources of information for providing --
12 for making this 1,700 voter challenge -- 1,800
13 voter challenge?

14 MR. FERGUSON: We obtained the list of
15 voter changes from a contractor approved by
16 the post office. If you look at the package
17 that presented the first doc -- first page
18 under my cover is a copy of their
19 certification.

20 DR. JOHNSTON: So are you saying that's
21 the NCOA, the National change of address?

22 MR. FERGUSON: Yeah. Yes, ma'am.

23 DR. JOHNSTON: Is that -- is that what
24 the Secretary of State uses as part of its
25 voter list maintenance?

1 MR. FERGUSON: I'm not sure I understand
2 that question, but the Secretary of State
3 document makes no reference to the change of
4 address list. I'm not sure, but it's -- it's
5 -- it's clear that it says that that result of
6 the challenge does not result in the immediate
7 removal of an inactive voter. May I comment
8 on the issue of inactive voters?

9 DR. JOHNSTON: Mr. Ferguson does -- does
10 the NVRA mention national change of address or
11 change of address?

12 MR. FERGUSON: NCRA mentions the national
13 change of address system by the post office in
14 paragraph C, and it is the only place that I
15 have found it in that document.

16 DR. JOHNSTON: Did you use any other
17 government produced data to bolster your
18 challenge of 1,800 voters?

19 MR. FERGUSON: No. I worked with Jason
20 Frazier, who has contracts for all of the
21 databases that are necessary plus he has the
22 computing power to do the sorting, I do not
23 and, frankly, I'm not sure I have the ability.

24 DR. JOHNSTON: Mr. Frazier is not a
25 government database. Did -- did this

1 information come from the State of Florida or
2 --

3 MR. FERGUSON: Oh.

4 DR. JOHNSTON: -- Pennsylvania?

5 MR. FERGUSON: He has a -- a voter list
6 from the state of -- well, we're not dealing
7 with Florida, but we have. And Florida will
8 provide the database to anybody at no charge
9 on a con -- on a CD. I've got one.

10 DR. JOHNSTON: Where did this information
11 come from? I still don't have an answer.

12 MR. FERGUSON: From Florida?

13 DR. JOHNSTON: I don't know, for your
14 challenges. Did you get -- did you use --

15 MR. FERGUSON: It starts with --

16 DR. JOHNSTON: -- a voter registration
17 database or a --

18 MR. FERGUSON: -- it starts with a
19 Georgia vote -- list of registered voters, and
20 that's matched against the NVR -- excuse me,
21 the national change of address list.

22 DR. JOHNSTON: Is that all you used?
23 National change of address and the Georgia
24 voter roles?

25 MR. FERGUSON: Georgia voter roles,

1 national change of address list and the
2 address list, address list of the state or
3 jurisdiction where you're searching.

4 DR. JOHNSTON: What states did you
5 search?

6 MR. FERGUSON: North Carolina several
7 times. The ones I've had approved in the past
8 have been North Carolina, also done Florida.
9 Those two states are easy to work with.

10 DR. JOHNSTON: Did you use North Carolina
11 voter roles? They're produced by -- by the
12 state of North Carolina.

13 MR. FERGUSON: Yes.

14 DR. JOHNSTON: You did?

15 MR. FERGUSON: They're -- they're online
16 accessible to anybody.

17 DR. JOHNSTON: Ms. Brumbaugh, so it looks
18 like Mr. Ferguson used North Carolina voter
19 roles, Georgia voter roles and national change
20 of address to -- to come up with 1,800
21 challenges. Does that meet the criteria for
22 probable cause for -- for no longer being
23 eligible to be on Georgia voter roles?

24 MS. BRUMBAUGH: Well, first of all, he
25 submitted this under 229 not 230. So the

1 probable cause issue was not part of --

2 DR. JOHNSTON: It was 229.

3 MS. BRUMBAUGH: It was 229. Number two,
4 he did not provide raw documentation or
5 admissible evidence. What he provided to
6 Fulton was a spreadsheet and that's hearsay.
7 And we can't -- I could provide -- I could
8 provide a spreadsheet with the four of you and
9 say, oh, they're registered to vote in North
10 Carolina. And you know what it would get
11 dismissed as it should, because that's
12 hearsay. I don't have the information and
13 there's ways to provide the information,
14 legally. And then there's -- there's certain,
15 you know, you can get certified documents.
16 You have in-person testimony, that sort of
17 thing. He didn't do this. He gave us just a
18 piece of paper with 1,800 names on it.

19 DR. JOHNSTON: That's a lot of names.

20 MS. BRUMBAUGH: It is a lot of names.

21 DR. JOHNSTON: Does -- does Fulton County
22 accept a certified voter role list from a
23 challenger?

24 MS. BRUMBAUGH: I don't know if Fulton,
25 the Board -- the Board has ever been presented

1 with that. So I wouldn't be able to speak to
2 that.

3 DR. JOHNSTON: Meaning, if -- if somebody
4 -- a challenger gave you a, I don't know,
5 flash drive from the state of Florida with
6 their voter roles. Would you accept that?

7 MS. BRUMBAUGH: I'd have to -- I can't --
8 I can't speak to it. The admissibility, first
9 of all, on behalf of my Board, and secondly,
10 without looking at an actual document. That's
11 why it's so important to have, you know, the
12 documents, the I's dotted with the T's
13 crossed.

14 DR. JOHNSTON: So, Mr. Ferguson, you
15 wanted to speak to something about inactive.

16 MR. FERGUSON: I'd like to discuss the
17 fact that the state of Georgia decides who is
18 eligible to vote. The criteria are crystal
19 clear in 21-2-216 and 217 and it says, if you
20 lose residence, you are no longer eligible to
21 be on the role and you should be removed
22 immediately. That's in 216, I think it's
23 paragraph F. There's no doubt about the fact
24 that people who are in this category are
25 ineligible Georgia voters. The question is

1 whether they can be removed from the roles or
2 not if you leave them on the roles, if they
3 are inactive, ineligible, but inactive. You
4 have left the opportunity for two federal
5 elections to be voted.

6 DR. JOHNSTON: Thank you, Mr. Ferguson.
7 Ms. Brumbaugh, if a -- if a voter moves to
8 another state and -- or there's a challenge to
9 a voter and the challenge is upheld, so
10 they're just put onto the inactive list; is
11 that my understanding?

12 MS. BRUMBAUGH: Well, at that point, no.
13 The inactive list is only, literally, if they
14 are inactive, but then, if the challenge was
15 upheld, then the -- they would follow the NVRA
16 D 1, which is where they 8 D 1, I guess, it is
17 where they send the notice. And then they
18 wait two federal election cycles, and then
19 either the person writes them back and says,
20 you're right, we moved we don't want to be
21 registered to vote in Georgia anymore, or the
22 two federal election cycles pass and then they
23 can be removed from the roles.

24 DR. JOHNSTON: Are those voters flagged
25 as challenged?

1 MS. BRUMBAUGH: Yes. If a challenge is
2 made, they are flagged.

3 DR. JOHNSTON: So that the 211 challenges
4 are flagged?

5 MS. BRUMBAUGH: Well, this was a 229.
6 Challenges are done for 230s. 229 you just
7 have the hearing because 229s are for outside.
8 230 is for right when you're about ready to
9 vote or voting is ongoing. 229 is earlier
10 than that. This was a challenge that was
11 submitted under 229. So all of -- all of
12 those voters, there was no probable cause
13 determination. So I don't think they would
14 have been put in challenge status. We just --
15 the hearing was held. A notice was sent. The
16 hearing was held and the case was dismissed.

17 DR. JOHNSTON: Okay. I'm just -- I'm not
18 clear about probable cause for termination or
19 determination? Are you -- if it's a 229
20 challenge and it's upheld, what happens to the
21 voter?

22 (Whereupon, the court reporter exited and
23 another court reporter was present to take
24 down the proceeding at 4:28 p.m.)
25

CERTIFICATE

STATE OF GEORGIA
COUNTY OF GWINNETT

I, Rebecca Barr, Certified Court Reporter, hereby certify that the foregoing pages numbered 1 through 273 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 31st day of December 2025.

Rebecca Barr
My commission expires April 1, 2026

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