

In The Matter Of:
Georgia State Election Board Meeting

July 30, 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

JULY 30, 2025
9:00 A.M.

DAY 2 OF 2

PRESIDING OFFICER: Mr. John Fervier
Chairman, State Election Board

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

APPEARANCE OF THE PANEL

Mr. John Fervier, Chairman
Ms. Sara Tindall Ghazal, Member
Ms. Janelle King, Member
Dr. Janice W. Johnston, 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.

1 P R O C E E D I N G S

2 MR. FERVIER: Good morning. We will continue
3 yesterday's meeting. This meeting is now out of
4 recess. We went into recess this afternoon (sic). We
5 have a whole new group of people today. It's good to
6 see all of you. Let me just make a couple of comments
7 about what we did. As you'll notice, we split the
8 agenda into two days this time to try to accommodate
9 people who have to travel distance so we -- all the
10 counties that traveled for distance were put on the
11 agenda for yesterday and then all of you that live
12 close to home here we put on for the second day. I
13 hope you find that a little bit better than sitting
14 through two days and all -- we grouped all the cases
15 for each individual county together so all of DeKalb
16 will be together, all of Fulton will be together, all
17 of Gwinnett so we just go from one case to the other.
18 We don't have a whole lot on the agenda for cases
19 today. Let's hope we can get through them as quickly
20 as possible. Thank you for being here. We have our
21 quorum in attendance and we're just going to jump
22 right into this and see if we can move along as best
23 we can.

24 The first case on the agenda today is SEB2024-
25 044, Hall County, city of Oakwood special election

1 March of --

2 (Brief pause.)

3 MR. FERVIER: The first case is SEB2024-044, Hall
4 County, city of Oakwood special election March 2024.
5 It's tab number 72 in your binders. Investigator
6 Koth, if you would like to proceed.

7 INVESTIGATOR KOTH: The Secretary of State's
8 Office --

9 MR. FERVIER: Hang on a second. Hang on a
10 second. All right. Let's try it.

11 INVESTIGATOR KOTH: So it is the microphone.

12 MR. FERVIER: Okay.

13 INVESTIGATOR KOTH: So the Secretary of State's
14 Office opened the investigation after receiving a
15 report from a Hall County Elections Office that there
16 was a balloting issue discovered during the March
17 12th, 2024 city of Oakwood special municipal election
18 which was held in conjunction with the 2024
19 Presidential preference primary election. Hall County
20 reported that during the advanced voting period and
21 continuing throughout the remainder of the election
22 they, ultimately, identified 293 voters who did not
23 reside in the city limits of Oakwood yet received
24 ballots that included the city of Oakwood special
25 election race. Inversely, it was also learned that

1 there were approximately 22 city of Oakwood residents
2 who were issued ballots that excluded the city of
3 Oakwood race. The allegation that incorrect ballots
4 were issued to voters was substantiated. The
5 investigation determined that voters who resided
6 outside the city of Oakwood received ballots to
7 participate in that municipal election and vice versa.
8 Those who resided within the city limits did not
9 receive ballots for the election. In late 2023, the
10 court handed down an order that required Hall County
11 to create new combo codes to reflect the new re-
12 district mapping. This placed the county in a
13 precarious position because redistricting went into
14 effect after the initial ballot bill and was completed
15 after the county completed the logistic and accuracy
16 testing. Upon the discovery of this wrong balloting
17 issue during an internal audit on or about March 4th,
18 2024. Hall County immediately began communicating
19 with poll pad vendor KNOWiNK and the Secretary of
20 State in an attempt to identify the root cause of the
21 problem and correct the issue prior to election day
22 which was March 12th. However, the root cause of the
23 problem was not identified until Hall County
24 investigated the issue using post-election data to
25 analyze what occurred. Once the problem was

1 identified, the findings were shared with the other
2 entities involved, Secretary of State and KNOWiNK
3 which included recommendations for future processing
4 improvements. It was determined that the newly
5 created voter combination, combo codes, were not
6 included in that initial data extraction. Therefore,
7 the new combos were not properly mapped or assigned to
8 the ballot style appropriate for that combo. The
9 ballots that were not assigned to the ballot by
10 default were automatically mapped to the ballot style
11 of the lowest combos within the same precinct, a party
12 specific. This resulted in several voters receiving
13 incorrect ballots. In all, 293 voters, who did not
14 live within the city limits of Oakwood received
15 ballots containing the city of Oakwood contest and 22
16 voters who lived inside the city limits of Oakwood did
17 not receive a ballot containing the city contest on
18 it. The margin of victory in the city of Oakwood
19 council member race was 88 votes, but there was no
20 record of any petitions filed with the Hall County
21 Superior Court to contest the election results. Hall
22 County stated that the Secretary of State and KNOWiNK
23 were both aware of the redistricting changes and
24 believed that following redistricting updates by the
25 counties they would have each taken the appropriate

1 actions within their purviews to reconcile the
2 election project or ballot build with the voter
3 registration system. The Secretary of State and
4 KNOWiNK mutually concurred that each county possessed
5 the most comprehensive understanding of its unique
6 circumstances and should assume responsibility for
7 notifying relevant stakeholders of modifications to
8 the voter registration system that could potentially
9 impact the election. This is, especially, pertinent -
10 - current context where changes had to be implemented
11 after the ballot was constructed and the logic and
12 accuracy process was completed. Moreover, Hall County
13 had the option to perform a reprocessing of the LNA
14 testing which would have allowed them to select a
15 voter for each precinct combination to verify that all
16 configurations were correct. Had the county chosen to
17 reconduct the LNA testing, it is highly probable that
18 the issues with the ballots would have been
19 identified. There were potential violations for Hall
20 County Elections, State Election Board Rule 183-1-
21 12.19, preparation of the electors list and use of the
22 electronic poll book.

23 MR. FERVIER: Are there any questions of the
24 Board for the investigator? Member Ghazal.

25 MS. GHAZAL: Thank you for the report, Chief

1 Investigator Koth, and -- and thank you to the county
2 for -- for self-reporting and for working all along to
3 try to resolve this. Can you tell me, at what point
4 in the post-election process the actual issue was
5 identified and the -- the number of ballots wrongly
6 issued were -- were identified? Was it before or
7 after certification of the election? Do -- do you
8 know? Is that in the report?

9 INVESTIGATOR KOTH: Was it -- what? I don't --

10 MS. GHAZAL: Do -- when -- when they discovered
11 that 294, I believe, ballots were wrongly provided to
12 people who did not -- to -- to voters who did not live
13 within the district. When was that discovered? When
14 was that number discovered? Do we need --

15 INVESTIGATOR HUMES: During the advanced voting
16 period.

17 MS. GHAZAL: During the advanced voting period.

18 INVESTIGATOR HUMES: Yes.

19 MS. GHAZAL: Okay. Thank you.

20 MR. FERVIER: We'll -- we'll get to Hall County
21 in a minute.

22 INVESTIGATOR KOTH: Yes, during the advanced
23 voting.

24 MS. GHAZAL: Thank you. That was -- that was the
25 only question that I had.

1 MR. FERVIER: Any further questions from the --
2 from the Board for the investigation team?

3 (No response.)

4 MR. FERVIER: Hall County is listed as a
5 Respondent. Hall County's here. If you'd like to
6 make a comment, please press the button and I will --
7 there you go and please identify yourself for the
8 court reporter.

9 MS. WURTZ: Thank you. My name is Lori Wurtz.

10 MR. FERVIER: If you'll -- if you'll speak into
11 the microphone.

12 MS. WURTZ: (inaudible) do this.

13 MR. FERVIER: Yeah.

14 MS. WURTZ: Okay. I don't usually need this. My
15 name is Lori Wurtz, and I'm currently serve as the
16 Director of Elections for Hall County since 2018,
17 prior to that I served ten plus years in Jackson
18 County. And with me I have our attorney, our
19 Elections Manager, Tom Braatz, Paige Thompson, Justin
20 Lawhon, Paige Thompson. And I have Tom Braatz who is
21 our Senior Elections Specialist and Dr. Wimpy who is
22 our Senior Registration Specialist here with me today.

23 I am here to respond to the allegation the
24 potential violation of SEB Rule 183-1-12.19,
25 preparation of the electors list and use of the

1 electronic poll book and, specifically, I would like
2 to begin by responding to the communication portion of
3 that rule and I would like to list the communication
4 by beginning with this information. On Monday,
5 February 26th, 2024, at 1:36 p.m. Michael Barnes
6 released a Buzz post statewide. In this post, he
7 advised all counties to contact the following
8 stakeholders if redistricting efforts result in new
9 combos or in new combo numbers. In this post, he --
10 he advised us to contact the following people which is
11 our ballot builder, Samantha Sheldon. KNOWiNK, David
12 Greenwald, that's our poll pad vendor and our election
13 liaison, Nicholas McCannon and our election
14 information systems team, Amanda Dearing, and these
15 are the stakeholders that Michael Barnes had
16 identified that we needed to contact if we found
17 ourselves in this -- in this situation. So I have a
18 lot of emails here where we have contacted. And I
19 would like to begin by saying, as early as January the
20 8th, 2024 we had an email where we notified David
21 Greenwald that we were anticipating changing our combo
22 numbers to a -- an intelligent numbering system. And
23 we communicated with him via email and asked, you
24 know, what would he advise us and -- and how can we do
25 that and then we asked him if there's anything we need

1 to know moving forward before the PPP and there was no
2 response. So our communications began as early as
3 January 8th regarding that Hall County was wanting to
4 change the -- the numbers. February 12th through the
5 16th, I have a thread of emails between our ballot
6 builder and various Hall County Elections staff,
7 mainly, Tom Braatz, having discussions regarding the
8 creation of new combos as required by the federal
9 court ordered redistricting and the re-naming of
10 combos. We first notified David Greenwald with
11 KNOWiNK by phone of this issue. We -- we called him
12 pretty much immediately. We notified him, as well as
13 we did -- I spoke with Blake Evans and Michael Barnes,
14 as well on February 26th. And there -- there are many
15 emails with David where we're discussing this issue.
16 I'm not going to read those to you, but I have them
17 here. And on March 6th, I have an email exchange
18 where Blake Evans tells me he knows that David is
19 continuing to research the issue and that David's
20 going to follow up with us the next morning. On March
21 7th, I have emails with Amanda Dearing who is the
22 election information systems team that we were asked
23 to notify. And in that email, specifically, she is
24 verifying our combo information for the purposes of
25 making sure that the information displayed on MVP is

1 accurate where voters can go in and look at their
2 sample ballot, those were accurate. So I wanted to --
3 to give you that information. I have just a little
4 bit more information that I would like to share with
5 you regarding the communications. And -- and -- and I
6 want to say if the -- the PPP and in conjunction with
7 Oakwood special election was unusual for a lot of
8 reasons. Not only the court ordered -- the federal
9 court order redistricting, but for a lot of reasons --
10 but it remains that we communicated strategically and
11 urgently throughout this process and asked for
12 assistance and asked for help to identify what was
13 going on. The number was much lower during early
14 voting, and we wanted to do to identify it so it
15 didn't continue. And we were unable to do that.
16 Other noteworthy information on December 29th, 2024
17 Blake Evans released the Buzz post talking about the
18 redistricting deadline. The deadline was February the
19 9th and we completed on January 27th. And the Buzz
20 post states, and I am quoting this, as long as you are
21 not adding or removing precincts, your PPP election
22 project should not be impacted. We didn't add or
23 remove any precincts. Kay, Dr. Wimpy, she first
24 noticed what appeared to be an issue on February 22nd
25 when she discovered a voter who voted on February 21st

1 received the ballot that she was or he was ineligible
2 to receive. And that put us on notice. We had an
3 office meeting and we decided it's -- it's one person
4 right now we're going to watch it and if it continues
5 we have to make some phone calls. So it continued and
6 we -- we went through a process of elimination that
7 Tom can share the details of that with you, but it --
8 it wasn't LNA related. Our ballot proofing was
9 smooth. It went fine. And never was there ever an
10 opportunity to go back and redo LNA testing. LNA
11 testing is required to be done before we deploy our
12 equipment into the field. And, obviously, our
13 equipment is in the field and not only are we required
14 to complete LNA before the equipment goes into the
15 field, but we're required to advertise that. And I
16 don't think it would be a good look any county to say
17 we're going to pause voting and drag all our equipment
18 back in re-LNA everything because we think there might
19 be a problem. That wasn't ever a reasonable
20 suggestion that's the first I've heard of that when I
21 read it in the complaint. And I also want to point
22 out that with communication, the Secretary of State is
23 aware of everything we do as far as redistricting go.
24 The system notifies them. We begin the process of
25 redistricting. We submit a spreadsheet. They look at

1 it. They approve everything we're doing. We -- we
2 begin it and the redistricting process is not complete
3 until the Secretary of State staff pushes the button
4 and publishes that information. So any time we have
5 done any redistricting which is what is required to do
6 the -- the data changes that we did with the combo
7 numbers. They are aware of it and just to back that
8 up I want to read to you from a Buzz post by Michael
9 Barnes on February 26th, 2024 at 1:25 p.m. (Reading):
10 We have noticed that a number of counties have active
11 redistricting efforts underway in Jarvis. And that's
12 all I'm going to read because they can look right into
13 Jarvis and see a status so any county that is in
14 redistricting they are aware of it. And the vendor,
15 KNOWiNK, we have an email dated January the 8th where
16 we informed them we were changing combo numbers. We
17 reached out repeatedly. We got -- we got some -- some
18 reach back to us, but we didn't get any answers. I
19 know you probably have a lot of questions. Tom Braatz
20 conducted our internal research. He's the one that
21 can explain to you how he discovered and what he
22 discovered and -- and he has data with him that you
23 can view, as well, if you'd like to.

24 MR. FERVIER: Do you have copies of the emails
25 with you?

1 MS. WURTZ: I do.

2 MR. FERVIER: Can we see those, please?

3 (Brief pause.)

4 MS. KING: Do we have -- did these individuals
5 vote in the election incorrectly? Or they just
6 received the ballot?

7 MS. WURTZ: They voted.

8 MS. KING: They voted?

9 MS. WURTZ: Uh-huh. We don't know -- they cast a
10 ballot. So we don't know if they cast a blank ballot
11 or --

12 MS. KING: Okay.

13 MS. WURTZ: -- or in what manner they voted, but
14 we do know they cast a ballot.

15 MS. KING: Okay.

16 MS. GHAZAL: If I -- if I can follow up on that,
17 do you have a record of under votes in the municipal?

18 MS. WURTZ: I'm sorry. Will you repeat that?

19 MS. GHAZAL: Of course. Do you -- did you happen
20 to track under votes in the -- or -- or drop off?

21 MS. WURTZ: I'm going to defer to Tom.

22 MR. BRAATZ: No, we did not track them.

23 MS. GHAZAL: Understandable. My -- I -- I have
24 been able to follow this. I understand what happened
25 and I think that that this is -- this is sort of a --

1 from -- from my perspective, this is a series of
2 unfortunate events that -- that you have done
3 everything in your power and everything according to
4 statute and regulation that you needed to do to
5 correct for this, but my issue lies in what happened
6 after the election and the fact there were more --
7 that -- that the number of ineligible voters far
8 exceeded the margin. So my question is -- my
9 questions are: Were the candidates in this
10 competitive race made aware of the issue prior to the
11 deadline for filing a challenge?

12 MS. WURTZ: Yes, ma'am.

13 MS. GHAZAL: So they knew -- they were aware and
14 they chose -- the -- the candidate who received fewer
15 votes chose not to contest the election?

16 MS. WURTZ: It is my understanding based on
17 article that was in the newspaper that he -- he stated
18 publicly that he was told he needed an attorney and he
19 could not afford one. And he really didn't want to
20 move forward with it. The Board of Elections were
21 made aware. I -- I notified them immediately and they
22 included a statement on the certification page that
23 they had been made aware of this information. That
24 they were certified that those were the numbers as
25 reported by the machines as they're required by law to

1 do.

2 MS. GHAZAL: Okay.

3 MS. WURTZ: And -- and I -- I asked this legal,
4 it was a different attorney at the time, but I asked
5 our legal representation, can I go to the judge and
6 ask for a new election. No, that's not how it works.
7 So I -- I would not be able to do that as the Director
8 of Elections and neither would the Board of Elections
9 and -- and I don't know about the city of Oakwood what
10 they can or can't do, but --

11 MS. GHAZAL: But you -- you actually actively
12 sought that as a --

13 MS. WURTZ: Yes.

14 MS. GHAZAL: Well, I have no further questions.

15 MS. WURTZ: We also -- thank you. We also have
16 identified some corrective action that would prevent
17 this from happening, but we haven't been able to gain
18 an audience with the Secretary of State's Office to
19 make that happen.

20 MS. KING: What is --

21 MR. FERVIER: I'm sorry. Go ahead.

22 MS. KING: What was the difference in votes
23 between the winner and the loss, the loser?

24 MS. WURTZ: Eighty-eight.

25 MS. KING: Eighty-eight.

1 MS. WURTZ: Yes.

2 MS. KING: So it's quite possible this could have
3 effected the outcome of the elections?

4 MS. WURTZ: It is.

5 MS. KING: And the candidate who lost the
6 election didn't have the financial -- the finances,
7 basically, to sue?

8 MS. WURTZ: Yes.

9 MR. FERVIER: So the -- this whole thing started,
10 my understanding, is with the change to alpha numeric
11 combos, correct?

12 MS. WUURTZ: We didn't change the alpha numeric,
13 but we were considering changing to either alpha or
14 numeric or a combination, but we wanted to go to an
15 intelligent combo numbering system where we could look
16 at a combo and know immediately what Senate district
17 it's in without having to refer to a list. And so
18 that's what we did.

19 MR. FERVIER: Did -- was the change made to the
20 alpha numeric --

21 MS. WURTZ: The change was made to -- to an
22 intelligent numbering system and I'll let Tom speak.
23 He -- he's the one who designed that and -- and
24 implemented it and it was approved by the Secretary of
25 State's Office.

1 MR. FERVIER: So would this have happened if the
2 change hadn't been made?

3 MR. BRAATZ: I'm not sure I understand the
4 question, you say the change. We -- we -- Hall County
5 implemented a -- a meaningful combo numbering system
6 and -- and it is all numeric. There is not alpha
7 numeric.

8 MR. FERVIER: Okay. I am just reading --

9 MR. BRAATZ: Well, we -- we explored alpha
10 numeric, initially. And then thought to ask the
11 question, you know, has that been implemented. And we
12 received a response that indicated that a alpha
13 numeric had not been tested in the equipment. So that
14 made it precarious, to say the least, to move to a
15 alpha numeric so we reverted and went to -- back to an
16 all numeric which is not nearly as descriptive in the
17 meaning of -- of coding, but it still works.

18 MR. FERVIER: Okay.

19 MR. BRAATZ: If I could, Member Ghazal asked the
20 question about the -- the when the timing of the
21 discovery quantification of the wrong balloting, it
22 did happen before certification.

23 DR. JOHNSTON: Ms. Wurtz?

24 MS. WURTZ: Yes, ma'am.

25 DR. JOHNSTON: The redistricting order from the

1 court came out on December 28th; is that correct?

2 MS. WURTZ: It is. We learned about it when we
3 were at the conference in December.

4 DR. JOHNSTON: Okay. Which is New Years weekend
5 at the end of the year. And you were -- and the --
6 you were given February 9th as the deadline?

7 MS. WURTZ: Yes.

8 DR. JOHNSTON: For -- for ballot build?

9 MS. WURTZ: To finish the redistricting so that
10 we would have -- then have time to -- to do ballot
11 building, get the ballot builder involved with all the
12 changes created by redistricting.

13 DR. JOHNSTON: Correct. So to complete the maps,
14 the redistricting maps.

15 MS. WURTZ: Yes.

16 DR. JOHNSTON: Right. And how long does it take
17 to ballot build?

18 MS. WURTZ: The process of ballot building is
19 after the candidates qualify, we submit that
20 information via Jarvis and the -- the ballot builder
21 builds the ballots and they -- they're with the Center
22 for Election Services. It -- it depends on the
23 complexity of the ballot. There were other counties
24 that had special elections, as well. I -- I know that
25 those ballots are a little more complex or should be

1 more complex to build if you do the proper mapping and
2 get all the districts in that need to be in, but they
3 do that on their end. We -- we submit the
4 information. Ballot building happens at the Secretary
5 of State's Office. Then we proof the ballots. They
6 -- they are -- we get a -- a package a ballot proofing
7 package and we proof the ballots.

8 DR. JOHNSTON: Correct. And when did early
9 voting start for the PPP?

10 MS. WURTZ: February 19th.

11 DR. JOHNSTON: Therefore, you had less than six
12 weeks to ballot build, re -- provide proper
13 redistricting maps and load -- load the poll pads,
14 correct?

15 MS. WURTZ: That is correct.

16 MS. GHAZAL: Mr. Chairman? It seems to me that
17 the -- the errors were committed inadvertently by
18 KNOWiNK, not by the county. I would -- I have not
19 done the research on this. I would like to do some
20 research whether you got proper legal advice in terms
21 of requesting a new election because that is -- that
22 is what should have happened. Whether or not you are
23 in a position and have standing to do that, I'm not
24 prepared to say. I do believe that the Secretary of
25 State could have stepped in or even the Governor.

1 Although getting the Governor involved in a municipal
2 election is raising -- raising issues quite high. I
3 think it is -- it's exceedingly unfortunate that this
4 is the outcome and that it was due to lack of
5 resources to challenge the election, but I can't see
6 where you've done anything wrong in this process. I
7 believe that you exercised appropriate due diligence
8 along every step of the way.

9 MS. WURTZ: Thank you.

10 MS. KING: I kind of want to piggy back off of
11 that. I am impressed at how well you've documented
12 this process. That's extraordinary. I will say that
13 I actually -- I absolutely agree with Member Ghazal.
14 My question for the attorney is, did you reach out to
15 the Attorney General's Office to get guidance on
16 whether or not you can redo the election?

17 MR. FERVIER: I'm sorry. I'm trying to read this
18 extensive list of emails that was provided to us.

19 MR. LAWHON: So I -- I am the current --

20 MR. FERVIER: Please identify yourself for the
21 court reporter.

22 MR. LAWHON: I am Justin Lawhon. I am the
23 interim county attorney for Hall County. I cannot
24 speak as to whether my predecessor that was advising
25 the Board at that time if he did reach out to the

1 Secretary of State or Attorney General to get any
2 guidance on this. It's my understanding he did look
3 at the code section and he determined that the
4 election superintendent did not have standing to bring
5 an election challenge that that had to be an aggrieved
6 candidate or a citizen who was residing in the
7 district of special election. And since no one did
8 that, either the candidate or a citizen that was
9 eligible to vote that there was no proper grounds for
10 us to act on that.

11 MS. KING: Okay. So you're unsure as to whether
12 or not they reached out to the Secretary -- well, do
13 you know if the Attorney General's Office was notified
14 of this matter at all?

15 MR. LAWHON: I cannot speak to that myself.

16 MS. KING: Okay.

17 MR. LAWHON: I -- I do not know.

18 MS. KING: Okay. The -- the attorney that was
19 providing you with guidance, when did he leave his
20 position?

21 MR. LAWHON: So Van Stephens was our attorney.
22 He was working for Hall County on a part-time basis.
23 He was our former county attorney. He was
24 representing the Board of Elections during that time
25 and in the transition process. I was assisting and we

1 were -- I do recall doing some legal research for --
2 for Van and talking to Van about the issues. So he
3 actually stopped working with Hall County elections
4 after the general election in November of 2024. And
5 so I effectively been their counsel since that time.

6 MS. KING: After this particular election
7 occurred?

8 MR. LAWHON: After the general election in 2024.
9 This was in March of 2024.

10 MS. KING: Right. Okay. So he just stayed
11 through that cycle.

12 MR. LAWHON: He stayed through that cycle -- that
13 election cycle and I assisted --

14 MS. KING: And then he left?

15 MR. LAWHON: -- him at that time and I can't say
16 that he didn't make an informal phone call someone.

17 MS. KING: Yeah.

18 MR. LAWHON: Van is not known to email people,
19 but he make a phone call, but I do remember doing
20 legal research for him and giving him some case law
21 and code citations.

22 MS. KING: And you said he was there on a part-
23 time basis?

24 MR. LAWHON: Yes. So Van had retired from Hall
25 County beginning in, I believe, it was January 2023,

1 but then -- but then he formed his own LLC and the
2 county continued to use him as a contract attorney and
3 he worked on a part-time basis for Hall County on
4 special projects. Mainly having to do with the
5 transportation local option sales tax that we were
6 trying to get passed that year and he also continued
7 to advise elections during that time. And so any --
8 any matter that involved election T-SPLIST and there
9 might have been a few other projects maybe White
10 Sulphur Road, I think we were working on at the time.
11 They would bring him in; he would work about 20 hours
12 a week on that and bill the county for services.

13 MS. KING: So this particular election had a T-
14 SPLIST?

15 MR. LAWHON: It -- it -- the -- the T-SPLIST was
16 on the general election ballot in November '24.

17 MS. KING: Right.

18 MR. LAWHON: But this particular election was in
19 March and he -- so any -- all elections that year he
20 advised the Board of Elections.

21 MS. KING: Just for that year?

22 MR. LAWHON: Just on -- for 2024, yes and maybe
23 in 2023, if we had anything. I can't recall if we had
24 --

25 MS. KING: He was there in 2023, as well?

1 MR. LAWHON: Yes. Both -- those two years he was
2 -- he was working on a part-time basis for Hall County
3 and elections was one of the things that he focused
4 on.

5 MS. KING: And in 2022, he was there full time?

6 MR. LAWHON: He was.

7 MS. KING: But then he came back in 2023 --

8 MR. LAWHON: Right.

9 MS. KING: -- as a LLC for special projects?

10 MR. LAWHON: Right. We have a very small law
11 department at that time we only had two attorneys and
12 so we needed Mr. Stephens assistance to help cover all
13 of these other areas that he had expertise in and that
14 -- that I didn't have at the time and our former
15 county attorney who's transition recently didn't
16 happen either.

17 MS. KING: And there's no documentation of him
18 reaching out to the Attorney General's Office or the
19 Secretary of State's Office regarding this matter?

20 MR. LAWHON: I do not have any documentation of
21 that, no.

22 MS. KING: Okay. Thank you.

23 DR. JOHNSTON: Ms. Wurtz?

24 MS. WURTZ: Yes, ma'am.

25 DR. JOHNSTON: Did -- did you contact the

1 Secretary of State's Office about whether you should
2 have certified the election knowing that errors had
3 occurred?

4 MS. WURTZ: Yes. We were told that certification
5 was not optional. It had to be certified and
6 therefore the Board felt compelled to write a
7 statement above their signature and sign underneath it
8 stating that they were aware of the issues that had
9 occurred and that they were certifying the numbers.
10 Those were the numbers that the machines reported when
11 we reconciled.

12 DR. JOHNSTON: Is there an area on the
13 certification form for you to write in your concerns
14 about the -- the certification of numbers where you
15 know errors have occurred?

16 MS. WURTZ: No, ma'am. I have a copy of that
17 certification with me, I believe. If you'd like to
18 see it --

19 DR. JOHNSTON: I would like to see it.

20 MS. WURTZ: -- it's --

21 (Brief pause.)

22 MR. FERVIER: I want to ask you a question real
23 quick. Can you just explain to me one more time why
24 LNA didn't pick this up?

25 MR. BRAATZ: So logic and accuracy testing one of

1 the things that I didn't appreciate previously, but in
2 the process of investigating this logic and accuracy
3 testing is -- is performed on one of three data loads
4 that are loaded on the poll pads. The initial data
5 load for LNA purposes is where LNA is -- is executed
6 for preparing the election equipment for the active
7 election event for voting. Then there's a subsequent
8 update to that for early voting which is a repeat of
9 the same process with a, I guess, another run, if you
10 will, to catch any updates and that is at a precinct
11 combo level. There are no individual voter details in
12 those data loads. The third data load is the election
13 day data load and that's where this wrong balloting
14 actually was impacted was on election day. And that
15 data set does have voter specific detail and that
16 occurs after LNA is all done and the equipment is out
17 in the field and voting -- and voting has been
18 occurring. So the -- the assumption that LNA will
19 catch everything, I think needs to be revisited.

20 MR. FERVIER: So you -- you discovered that there
21 was an issue early on in the voting, right? And you
22 proceeded --

23 MS. WURTZ: Yes.

24 MR. FERVIER: -- and you went ahead with it
25 anyway?

1 MS. WURTZ: We had one voter, initially, that we
2 noticed that there was an issue with and that was
3 because Dr. Kay is constantly sitting at her desk and
4 -- and auditing everything that is happening during
5 early voting and on election day and she noticed an
6 irregularity when a voter had -- was indicated that a
7 voter had received an NP ballot, meaning a nonpartisan
8 ballot, meaning city of Oakwood because the PPP was
9 not nonpartisan, only the city of Oakwood was
10 nonpartisan. And so she pulled that voter up to look
11 and they were not -- they lived across town -- across
12 the county from Oakwood, on the other side of the
13 county. And she's like, this is really weird, so we
14 huddled together and tried to figure out what
15 happened. Is it an anomaly and -- and then we
16 continued to watch and then as the number grew we're
17 like okay something's really going on here. We have
18 to report this. We didn't know what the spread was
19 going to be between the winner and the loser, but we
20 knew that it could be very close as any small or
21 municipality election. So we reported it that Monday.
22 That was on a Wednesday that she discovered it and we
23 huddled for Thursday and Friday and, I believe,
24 probably spoke over the weekend and on -- on Monday we
25 all gathered in Kay's office and made a phone call

1 directly to Blake Evans. Normally, I would call our
2 liaison with anything, but this was a significant
3 matter with severe consequences, potential
4 consequences so I went straight to Blake Evans and
5 called him and he said I'll call you back. I'll loop
6 in Michael Barnes and so Michael got looped in and he
7 returned by phone call. I called him from my personal
8 cell phone, but I did print my bills, the calls are on
9 there. So I wanted to be able to prove that I called
10 him. And we spoke numerous times, you know, and I --
11 I believe that what happened was unintentional. I
12 believe that, but I also believe it's time to become
13 intentional about what we're doing. And as Tom hasn't
14 had an opportunity to say yet, I don't think. We have
15 no visibility to the information that is loaded into
16 our poll pad. No visibility. We sign -- we have
17 forms that say, is the light green? Put a check mark.
18 There's nine bullet points, I think, to -- to
19 performing that process. And then you sign it. We
20 have no visibility. When we're proofing our ballots,
21 we have to look at the spelling of the candidate's
22 name, make sure there's not over 25 characters in
23 that, the commas are in place, and the dot at the end
24 of Junior. We have to make sure everything is right.
25 We're told to read them frontwards and read them

1 backwards and we do, but with our data load into EPOL
2 -- into the poll pad, it's just sign right here that
3 you received your -- your import because it's imported
4 to us. And we have no visibility to it. So we -- we
5 have no idea what's in there. Since this happened,
6 and we have tried to, like I said earlier, meet with
7 the Secretary of State's staff to help resolve this
8 issue for any county for everyone in the state of
9 Georgia with no response, but we now can ask for
10 visibility for that data and we receive it. So it's
11 available, we just don't receive it unless we ask for
12 it. It's not part of the process.

13 MR. FERVIER: What -- what guidance were you
14 given when you contacted the Secretary of State's
15 Office on that Monday?

16 MS. WURTZ: Let -- we're looking into it. We're
17 going to get back with you. We had several phone
18 calls and -- and emails. And, you know, they said,
19 we're working on it. We don't know what happened.
20 We're trying to get it fixed. Actually, Michale
21 Barnes told me on the phone that, you know, he -- he
22 did not think there was going to be a problem on
23 election day. He said, I think the problem's ended.
24 We still didn't know what the problem was, but on
25 election day is when the real problem happened because

1 as it turns out, the voters that we were seeing in
2 early voting that was an entirely different situation
3 then what happened on election day. And Tom can
4 explain that.

5 MR. FERVIER: Have you -- have you determined
6 what -- what caused the problem?

7 MS. WURTZ: Yes.

8 MR. FERVIER: Okay.

9 MR. BRAATZ: The -- the mapping, the methodology
10 and I've got the data to try and explain it in a very
11 granular detail if you care to.

12 MR. FERVIER: Yeah. I'm not sure I'd understand
13 that. So...

14 MR. BRAATZ: So they, basically, arbitrarily took
15 every -- every combo in -- in a given precinct and
16 mapped whatever that ballot was if it was a new combo
17 number that was created due to the court ordered
18 redistricting, mapped it to the lowest combo number
19 that existed in that precinct. And so if -- if a
20 combo was -- a ballot was the lowest number is -- is
21 Oakwood relevant it -- it was in the city of Oakwood,
22 but what did happen in Precinct Number 9, which is
23 our, Morgan 2 precinct, every -- every voter that
24 voted in that precinct, their ballot was cast as
25 Oakwood relevant even if they were in the county and

1 not in the city of Oakwood.

2 MR. FERVIER: Is -- is that -- is that a manual
3 process or is that --

4 MR. BRAATZ: It had to be. We had no --

5 MR. FERVIER: -- Technological issue?

6 MR. BRAATZ: It -- it -- that was manually
7 imparted. Somebody, you know, impacted that by
8 deliberate means, is the way I would put it.

9 MR. FERVIER: And who does that?

10 MR. BRAATZ: It's not at the county level. We
11 have no visibility to that. So that must have come
12 from inside the Secretary of State's Office because
13 the vendor is along for the ride.

14 DR. JOHNSTON: Mr. Braatz?

15 MR. BRAATZ: Yes.

16 DR. JOHNSTON: Does the Secretary of State send a
17 paper back up poll list?

18 MR. BRAATZ: Yeah.

19 DR. JOHNSTON: Would -- was that reviewed or
20 referred to to see if --

21 MR. BRAATZ: Well, that -- that would not have
22 balloting information on it.

23 DR. JOHNSTON: It would not.

24 MR. BRAATZ: I don't believe so because that's
25 going to be your back up for your voter rolls.

1 DR. JOHNSTON: Right.

2 MR. BRAATZ: Yeah.

3 DR. JOHNSTON: But we've not --

4 MR. BRAATZ: -- precinct and combo, but it would
5 not necessarily tell you which ballot they're going to
6 get.

7 DR. JOHNSTON: Okay. Would not have ballot --

8 MR. BRAATZ: Would not have ballot -- what I
9 would call ballot determination information.

10 DR. JOHNSTON: Okay.

11 MS. WURTZ: I have a theory and it's only that,
12 but I'm going to share it with you. I believe that
13 our election was created as if every voter in the
14 state of Georgia got the same ballot. And in a lot of
15 counties every voter would get the same ballot because
16 it's the PPP. And there were a few counties that had
17 special elections, and I don't believe that mapping
18 was performed as it should have been for the counties
19 -- or at least for Hall County. I can only want to
20 speak for us. I believe our election was created as
21 if we were not having a special election although it
22 appeared on the ballot and we know that because we
23 ballot proofed and voters voted that should not for
24 that election. However, I believe our -- our election
25 in Hall County was set up by whomever, not us, we

1 executed the election as if there was -- there was no
2 mapping that would set aside the city of Oakwood
3 voters for a special ballot. They just let every
4 voter come in and get a ballot and it -- the default
5 is it goes to the lowest combo number in the precinct
6 they're voting in. That's the default that you see if
7 it's a statewide election.

8 MR. FERVIER: Yeah. I'm sorry, if this has been
9 asked before, is it -- has -- have y'all asked for a
10 new election?

11 MS. WURTZ: We were not allowed to ask for a new
12 election. You have to ask the judge for a new
13 election and I -- I inquired with legal about that and
14 I was told you don't have the authority.

15 MR. FERVIER: Y'all were told you didn't have
16 standing to ask for a new election?

17 MS. WURTZ: We didn't have standing and the Board
18 of Elections did not have standing either. We conduct
19 the election, but we... It's what we were told.

20 MR. FERVIER: Any further questions from the
21 Board?

22 MS. GHAZAL: Now, this is -- this is kind of
23 really getting into the weeds and it's less related to
24 this and more looking forward. How many -- how many
25 split precincts do you have with multiple combos?

1 MS. WURTZ: Oh, all of our -- all of our
2 precincts have multiple combos.

3 MR. BRAATZ: Twenty-eight of 31. We have --

4 MS. WURTZ: Twenty-eight?

5 MR. BRAATZ: We have three that are single combo
6 to the full combo to a precinct.

7 MS. GHAZAL: And it would be untenable to try to
8 move towards single combo precincts?

9 MS. WURTZ: We discussed it in-house.

10 MR. BRAATZ: But we prefer to move to vote
11 centers.

12 MS. GHAZAL: I -- I would prefer to move to --
13 yeah, to vote -- vote centers are -- resolves this
14 whole stuff.

15 MR. BRAATZ: Yes, please.

16 MS. GHAZAL: Yes. Thank you.

17 MS. KING: I would like to make sure that we're
18 on record that and I'm not speaking for the entire
19 Board, although, I feel that the Board may support
20 this, that although we do not have the authority to
21 instruct you to issue a new -- another election, a
22 correct election should happen. I strongly encourage
23 it if you're able to get your -- get the guidance and
24 the approval from the Secretary of State's Office, but
25 I do think that this Board should, at least, even send

1 a letter to the Secretary of State's Office informing
2 them that this needs to be redone because this is a
3 perfect example of a disenfranchisement of voters and
4 their votes what they want. The fact that there was
5 any type of involvement in this process at all
6 manually is concerning to me. I'm not accusing, but I
7 am very concerned about this election. And this is
8 what we talk about when we say things like, we can't
9 run around telling everybody that we have a perfect
10 election system. And perfect election process and
11 that everything is going well. And everything is
12 great and no one has anything to worry about. And we
13 have a candidate who unfortunately did not have the
14 financial means to contest an election where he could
15 have been the rightful winner. This is a major
16 problem and I commend you. I commend your staff for
17 what you've done. The documentation, the data, the --
18 just all of it. You've done a fabulous job and it's
19 not fair that you have to sit here and kind of take
20 the arrows of this when you were given misguided
21 information or no support at all. It's really
22 unfortunate.

23 MS. WURTZ: Thank you.

24 MR. FERVIER: Any further questions from the
25 Board or comments?

1 (No response.)

2 MR. FERVIER: The Chair will entertain a motion
3 at this point.

4 DR. JOHNSTON: Mr. Chair, I have a motion.
5 Considering the circumstances and the timeline and the
6 efforts that have been demonstrated that -- that were
7 made to provide and conduct an accurate election and
8 the understanding that the -- there were shortfalls,
9 not through the fault of Hall County. I recommend we
10 dismiss this case.

11 MR. FERVIER: Doctor Johnston has made a motion
12 to dismiss.

13 MR. JEFFARES: Second.

14 MR. FERVIER: Let me finish, please. Dr.
15 Johnston has made a motion to dismiss SEB2024-044. Is
16 there a second?

17 MR. JEFFARES: Second.

18 MR. FERVIER: We have a second. Any discussion?

19 (No response.)

20 MR. FERVIER: Hearing no discussion.

21 (Crosstalk.)

22 MR. FERVIER: All those in favor of dismissing
23 this case signify by saying aye.

24 THE BOARD MEMBERS: Aye.

25 MR. FERVIER: Any opposition?

1 (No response.)

2 MR. FERVIER: Hearing no opposition, so moved.
3 This case is dismissed.

4 MS. KING: Mr. Chair? Is it possible that we do
5 send something to the Secretary of State's Office
6 about this because this is -- this is gross neglect
7 and I'm really concerned about this.

8 MR. FERVIER: Is there a third member of the
9 Board that wants to send that letter?

10 MR. JEFFARES: Absolutely.

11 MR. FERVIER: Then I --

12 MR. JEFFARES: I would also like to add, you
13 know, we talked about this about a year ago about
14 certification. It is in my true belief they should
15 have never signed that certification.

16 MS. KING: Yep.

17 MR. JEFFARES: They came and met with the
18 Secretary of State's Office. It should have just
19 never been signed. You knew it was wrong --

20 MS. KING: Yep.

21 MR. JEFFARES: -- it shouldn't have never been
22 signed.

23 MS. WURTZ: The -- the certification that I gave
24 you, you'll notice that there are two of them, they're
25 different. And I -- in my ignorance, but following my

1 heart, I suggested to the Board that they not certify
2 the election.

3 MS. KING: Thank you.

4 MS. WURTZ: And I was told I don't have the
5 authority to do that, but the Board did say we're
6 going to write a statement and then they -- they
7 amended their statement to make it -- make more sense
8 and so we had two meetings and we had two
9 certifications, but the last one was the one that
10 still stands.

11 MS. KING: So, basically, again, going on record,
12 the rule that was shot down by the Georgia Supreme
13 Court to give election officials reasonable inquiry
14 time to look at data. To ensure that the -- that what
15 they're certifying is accurate. If that was in place,
16 it may have helped in this scenario, but because we
17 believe that though -- there are those who believe
18 that certification is ministerial that you just
19 certify regardless of whether the data's correct or
20 not. That's how we end up in this situation. Thank
21 you. Man...

22 DR. JOHNSTON: It --

23 MS. KING: Thank you.

24 DR. JOHNSTON: -- it is unfortunate the courts
25 had ordered Boards of Election -- county Boards of

1 Election to violate the law and sign an oath, a
2 document, that the election was correct and accurate.

3 MS. KING: When it was not.

4 MS. WURTZ: Thank you.

5 DR. JOHNSTON: But it -- but knowing that it was
6 not -- or not providing an explanatory section that
7 they're signing to the best of their -- that they have
8 reservations about the accuracy of the election.

9 MS. WURTZ: Thank you.

10 MS. KING: Thank you.

11 MR. FERVIER: So Director Mills, it's the will of
12 this Board that you prepare a letter to deliver to the
13 appropriate party, Secretary of State, maybe
14 legislation, legislators and perhaps the Governor's
15 Office expressing our concern over the results of the
16 election that occurred in Hall County. If you would
17 prepare that and just deliver it to the Board for our
18 review.

19 MR. MILLS: And who would you like to send it to?

20 MR. FERVIER: I think it would certainly go to
21 the Secretary of State, possibly copied to the
22 Governor's Office and maybe the Speaker and Lieutenant
23 Governor.

24 MS. KING: And please include that it was
25 suggested not to certify it.

1 MR. FERVIER: Thank you. The next item on the
2 agenda, Hall County, SEB2024-021, security of election
3 equipment, absentee voting 2024, Presidential
4 Preference Primary. Please proceed.

5 INVESTIGATOR KOTH: On Saturday March 2nd, 2024,
6 the Glade precinct located at the East Hall Community
7 Center ceased operations for early voting at 5:00 p.m.
8 Once workers left for the evening an alarm was
9 activated. A Hall County deputy responded to the
10 scene and found the community room which housed the
11 polling precinct and its voting equipment unsecured.
12 The poll manager stated that the door securing the
13 polling precinct had a malfunction that he was not
14 aware of. It wasn't until the morning of March 4th,
15 2024 that he learned of this malfunction. He said
16 that when he arrived at the polling precinct on
17 Monday, March 4th he instructed one assistant manager
18 to check the seals on all poll pads and instructed
19 another assistant to do the same with all the
20 tabulators. He, himself, checked the seals on all
21 BMDs. Everything was still sealed. The poll manager
22 reported that he spoke with Ms. Wurtz and she informed
23 him that a community center employee found that the
24 locking pins on the door did not work. He reported
25 that Hall County maintenance personnel arrived and

1 repaired the door's locking pins. Potential violation
2 of 183-1-12(04).

3 MR. FERVIER: Thank you. Any questions for the
4 investigator from this Board?

5 DR. JOHNSTON: Question.

6 MR. FERVIER: Member Johnston?

7 DR. JOHNSTON: Perhaps the investigator would
8 know where it states that the process of -- that they
9 were verifying the seals and confirming there were no
10 breaches of the voting equipment. What was done to
11 confirm there were no breaches of the voting
12 equipment?

13 INVESTIGATOR KOTH: All the seals were still
14 intact.

15 MS. WURTZ: We both have our microphones out.

16 MR. FERVIER: The Respondent in this case is
17 Phillip Lavallee. And my understanding is he's not
18 available in Hall County and wants to respond on
19 behalf of --

20 MS. WURTZ: He is not here today. He came to our
21 office when he got the letter and said that he was
22 going to be on a family vacation and I thought that I
23 could respond for him and I assured him that would be
24 okay. I mean, if you want to continue it to where he
25 can -- can testify, you can, but I'm the one who

1 received the phone call and I was not there when he
2 left the polling place on that Saturday, but I was
3 there for all of the other events that happened --
4 following that, the discovery of it. I was notified.

5 MR. FERVIER: Well, let's move forward and see
6 how far we get with this.

7 MS. WURTZ: Okay. So on Saturday, March 2nd, I
8 got a phone call from one of our Board Members, Gayla
9 Sheats, and one of her friends who was a deputy, who
10 worked for Hall County called her and said, hey, I
11 just responded to an alarm at East Hall Community
12 Center. And I went in to secure the building. See if
13 the building was secure and the door to the room where
14 the voting equipment is stored was not locked. I
15 pushed it. It opened, I went in. I know you're on
16 the Board. I'm calling you to tell you. There was
17 not a report filed. I have no report with Hall County
18 about this. I went over there, and they had left and
19 the building was secure from the outside. It's a
20 small community center. It has a couple of basketball
21 courts and a kitchen. And the room that -- I didn't
22 get to go inside. I went over there and I made sure
23 the -- the exterior of the building was secure and
24 that was between 5:30 and 6:00 o'clock. Then I spoke
25 with the -- that building is county-owned building so

1 I was able to contact the department -- director over
2 that department and he assured me that the building
3 was not going to be reopened again until Monday
4 morning when poll workers arrived. So the building
5 was secure from that point and we know it was secured
6 prior to that point because the alarms sounded. It
7 was determined that there was some kids who hung out
8 in the gym to finish the basketball game when they
9 exited the building, it sounded the alarm. And I
10 think that was approximately 5:20 and the poll workers
11 had probably left just right before that. So I -- I
12 don't really know the timing of that to be sure, but I
13 do know that that's what happened. The deputy went
14 in, found that the room was not locked. Mr. Lavallee
15 went through the motions of locking the door. It
16 appeared to be locked what he didn't do was push or
17 pull on the door to make sure that it had latched and
18 it was a faulty lock which was replaced Monday
19 morning. On Monday morning at 6:30, Tom and I were
20 there when the poll workers arrived and went in with
21 them and we checked all of the seals ourselves to make
22 sure they matched the paperwork that they were
23 recorded on the night before -- and -- or on the
24 Saturday before and they all matched. Further, which
25 is how I believe this got reported, we contacted the

1 Center for Elections Services, Michael Barnes'
2 department and spoke with Chris Baloo and Chris walked
3 Tom through the process of accessing the log files and
4 those log files show you if the machine's been turned
5 on. And so Tom was able to walk through that with
6 Chris on the phone and we got the okay verbally on the
7 phone. Go ahead and open the polling place.
8 Everything is fine. And so we reached out to them and
9 said, what can you do to help us? We've checked the
10 seal numbers, they're all good, but is there a step
11 that we can do -- what would you do if you were here?
12 And he walked Tom through it. And so that -- that's
13 the entire story. Unless Tom has something to add.
14 Tom always has something to add.
15 MS. KING: Nothing to add?
16 MS. WURTZ: So the room was unsecured for a short
17 minute, but the building was not.
18 MR. FERVIER: Well, the room was unsecured, but
19 there were kids in the building that could have
20 accessed the room, correct?
21 MS. WURTZ: Yes, they could have.
22 MR. FERVIER: Okay.
23 MS. WURTZ: That is true.
24 MR. FERVIER: Thank you.
25 MS. KING: And you said when you test it --

1 DR. JOHNSTON: So you did say the log files were
2 checked on the scanners?

3 MS. KING: Yes.

4 MS. WURTZ: Yes.

5 DR. JOHNSTON: And the BMDs? Were they checked?

6 MR. BRAATZ: The log files were checked on the
7 BMDs. The ICPs all the -- the covers were -- the
8 seals were intact and were locked. So there was -- we
9 didn't have any -- any need for, like, a check and
10 pull apart the ICPs to pull log files. We tend to
11 leave those cards in so -- because we don't want to be
12 pulling those out, you know, and then putting them in
13 another computer and then putting them back into the
14 tabulator. That's a practice we would avoid, but we
15 did check the log files and provided those to the CES
16 because one of the things that's really confusing
17 about the current environment is with the -- the BMD
18 battery failures and not maintaining date and time is
19 -- log files get very confusing to -- to decipher.

20 DR. JOHNSTON: Were you able to look at the log
21 files yourself?

22 MR. BRAATZ: I -- all -- all the log files for
23 all, I believe, it was 22 BMDs were reviewed by myself
24 and also provided to CES to look at it, as well.

25 DR. JOHNSTON: Were the date, times correct?

1 MR. BRAATZ: No, because the BMDs --

2 (Crosstalk)

3 MR. BRAATZ: -- Yes, the don't -- they don't keep
4 the -- the correct date and time.

5 DR. JOHNSTON: Date and time has to be corrected
6 every time you turn it on?

7 MR. BRAATZ: That is correct.

8 DR. JOHNSTON: That's a problem.

9 MR. BRAATZ: It is.

10 MS. KING: I mean --

11 MR. BRAATZ: It's a nuisance. And if you have a
12 situation like this, it is problematic because when
13 you turn it on the BMD, you don't know if it reverted
14 back to the date of creation of the device which would
15 have been 2017 in most cases, or it was the last time
16 it was turned off which would have been yesterday.

17 DR. JOHNSTON: Correct. So when you're looking
18 at the log files, and there's a date time how do you
19 know because the -- which date time is correct? It's
20 -- it's what's on the BMD or what's --

21 MR. BRAATZ: What's on the BMD.

22 DR. JOHNSTON: So you have to interpret?

23 MR. BRAATZ: You do. When you look at the BMD,
24 you have to look at it and say is it yesterday and
25 then pull that log file or go back to 2017 if it went

1 back to an older date when it -- when it powered up.

2 DR. JOHNSTON: So how can you be sure that the
3 BMD was not turned on?

4 MR. BRAATZ: The log file unfortunately can't
5 show that and that, by the way, the log file is for
6 the ICX software it is not for the operating system.

7 DR. JOHNSTON: Interesting. How do you know that
8 someone could have had access to the flash drive in
9 the --

10 MR. BRAATZ: That's what we were trying to check
11 for.

12 DR. JOHNSTON: But you don't have the correct
13 date time on the log?

14 MR. BRAATZ: That is correct.

15 DR. JOHNSTON: This is a problem.

16 MR. BRAATZ: It's a limitation of the current
17 operation of the system.

18 DR. JOHNSTON: And the current operational system
19 will -- it run -- runs on Windows 10, correct?

20 MR. BRAATZ: That's Android. I don't know
21 specific -- specific version.

22 DR. JOHNSTON: And it will no longer be supported
23 as of next year:

24 MR. BRAATZ: That I don't know.

25 DR. JOHNSTON: Okay. Another problem.

1 MR. FERVIER: Any other questions from the Board?

2 (No response.)

3 MR. FERVIER: The Chair would entertain a motion
4 at this point.

5 MS. GHAZAL: I move that we issue a letter of
6 instruction regarding securing the doors. I would
7 suggest that folks check those doors. Make sure that
8 the -- they're locked and this is not just Hall
9 County, we've got 159, everybody needs to check the
10 locks to make sure they're actually functioning, but
11 my -- my motion is for a letter of instruction.

12 MR. FERVIER: We have a motion to issue a letter
13 of instruction on case number SEB2024-021. Is there a
14 second?

15 DR. JOHNSTON: Second.

16 MR. FERVIER: We have a motion and a second. Any
17 discussion?

18 DR. JOHNSTON: Discussion, yes. Mr. Chair, I --
19 I find this concerning, not -- not in particular about
20 Hall County's actions, although the doors do need to
21 be locked and all the equipment secured. The problem
22 is to -- to confirm or ensure that the equipment has
23 not been tampered with which is a quite problematic
24 for this voting system that we have. I -- I think --
25 I -- I saw two weeks ago a flash drive inserted into

1 an old Dominion ballot marking device that only took
2 seconds to change the ballot design. And create a
3 ballot that would alter the votes on this system. It
4 only took seconds and it -- and all it needed was
5 access to the back of the BMD or -- or the flash drive
6 insertion point. So this is very concerning, not --
7 not that your -- your actions are just a matter of
8 whether a room was secure or not, but -- but the issue
9 is if the room's not secure and the equipment is not
10 secure, it's subject to tampering and hacking and
11 altering an entire election. So that's where the
12 concern comes in.

13 MR. FERVIER: Well, we have a motion and a second
14 to issue a letter of instruction on SEB2024-021. Any
15 further discussion?

16 (No response.)

17 MR. FERVIER: Hearing no further discussion. All
18 those in favor signify by saying aye.

19 THE BOARD MEMBERS: Aye.

20 MR. FERVIER: Any opposition?

21 (No response.)

22 MR. FERVIER: Hearing no opposition, so moved. A
23 letter of instruction will be provided on this case.
24 Thank you, Hall County.

25 MS. WURTZ: Thank you.

1 MS. KING: Thank you.

2 MR. FERVIER: Have a pleasant drive back.

3 MS. WURTZ: Looking forward to it.

4 MR. FERVIER: All the way to Gainesville.

5 MS. WURTZ: Y'all are welcome there any time you
6 want to come see us.

7 MR. FERVIER: Is the lake still full?

8 MS. WURTZ: Yeah.

9 MS. KING: I will be there.

10 MR. FERVIER: It is? I need to get up there and
11 enjoy that. The next item -- if y'all will give me a
12 minute. I need to discuss something with the
13 Executive Director for a minute.

14 (Brief pause.)

15 MR. FERVIER: Sorry about that. The next item on
16 the agenda is SEB2024-222, Gwinnett County. Gwinnett,
17 we are so happy to see you here today. It's 2024-222,
18 Gwinnett County, improper processing of absentee
19 ballots by election officials. That is tab number 74
20 for the Board. Please proceed.

21 INVESTIGATOR KOTH: This is the Gwinnett County
22 improper processing of -- okay.

23 MR. FERVIER: Yeah.

24 INVESTIGATOR KOTH: The investigation was opened
25 after six absentee ballots were delivered to the

1 Secretary of State's Office that had been deemed
2 undeliverable by the US Post Office. The six ballots
3 were missing the city, state and zip code on the
4 mailing address, deeming them undeliverable. Zach
5 Manifold conducted an inquiry with his staff about the
6 ballots. They advised that this was the last set of
7 absentee ballots mailed from his office instead of
8 Fort Orange Press due to time constraints at the
9 deadline. His staff reviewed and determined that it
10 appeared an employee loaded the incorrect size label
11 into a dimo printer causing the city, state and zip
12 not to print on the bottom portion of the label. Mr.
13 Manifold advised he will update the work procedures
14 moving forward to audit these ballots before they are
15 being delivered for mailing. His staff stated that
16 they were only able to get in contact with one of the
17 six voters to explain the error. The investigation
18 determined that Gwinnett County voters intended to
19 vote by mail; however, the elections that didn't
20 properly mail out the absentee ballots is required due
21 to an employee error. Potential violation O.C.G.A.
22 21-2-386(a)(1)(f).

23 MR. FERVIER: This sounds like a US Post Office
24 issue to me. Just kidding. Any questions from the
25 Board for the investigator?

1 (No response.)

2 MR. FERVIER: The Respondents in this case is
3 Gwinnett County Voters Registration Election.
4 Gwinnett County is here. I see them.

5 MS. WILSON: Good morning.

6 MR. FERVIER: Would you please press that button
7 and then identify yourself for the court reporter.

8 MS. WILSON: Good morning, Mr. Chairman and
9 Members of the Board.

10 MR. FERVIER: And speak into your microphone.

11 MS. WILSON: Sorry. Good morning, Mr. Chairman,
12 and Board Members. Melanie Wilson from Gwinnett
13 County Board of Registration and Elections, the
14 county's law department. I have with me my colleague,
15 Zach Manifold, Election Supervisor and my -- my
16 colleague, Samantha Routh from the law department. I
17 feel at a significant disadvantage here this morning.
18 So I mentioned to Ms. Routh -- Ms. Koth before she
19 started that we would actually find it helpful to have
20 this matter continued. We have not had the benefit of
21 reviewing the summary. Certainly as counsel, I have
22 not -- I'm largely hearing these facts for the first
23 time. We pride ourselves on being prepared for
24 presentations to the State Election Board. It's not
25 our posture to come here and ask for a continuance in

1 circumstances where we have certainly me as counsel
2 have the requisite information to provide an adequate
3 response, but I don't feel able to do that this
4 morning because I don't have the benefit of the
5 investigation summary.

6 MR. FERVIER: Were you -- were y'all -- when were
7 y'all given notice of this?

8 MS. WILSON: So there was -- we're here a number
9 of other matters. We knew it was on the list, but we
10 never -- were never sent the investigation summary.

11 MR. FERVIER: Investigator Patton?

12 INVESTIGATOR PATTON: Let me check.

13 MR. FERVIER: Okay.

14 (Brief pause.)

15 MS. GHAZAL: If a continuance would allow for a
16 more wholesome discussion of precisely what happened,
17 in particular, I'm interested in what follow-up the --
18 the county may have done once the error was
19 discovered. I'm perfectly happy continuing this.

20 MR. FERVIER: I'm just waiting to hear when the
21 notification went out.

22 (Brief pause.)

23 DR. JOHNSTON: Sara, question for -- for you.
24 Was -- was the printer -- the printer label, is the --
25 was that the mailing label to the voter or the return

1 label for the absentee ballot to the -- to the office
2 -- the election office? Which -- which label was
3 incorrect?

4 INVESTIGATOR KOTH: The return label.

5 DR. JOHNSTON: The return labels should have gone
6 to Gwinnett Elections?

7 INVESTIGATOR KOTH: Yeah.

8 (Crosstalk.)

9 DR. JOHNSTON: So presumably the -- the absentee
10 ballot was sent to the voter correctly --

11 INVESTIGATOR KOTH: Yes.

12 DR. JOHNSTON: -- but the return label --

13 INVESTIGATOR KOTH: -- on the inside part to
14 (inaudible) --

15 DR. JOHNSTON: Thank you.

16 MR. FERVIER: Push your button.

17 INVESTIGATOR PATTON: Can you hear me?

18 MR. FERVIER: Yes.

19 MS. DELMAS: This is Elizabeth Delmas, State
20 Election Board. We -- this one shows the Respondent
21 as Gwinnett County. So I think a mailing -- we can
22 check in the letters to make sure a letter was sent on
23 this one, but we also reviewed. What we found was a
24 number of cases didn't necessarily have the county
25 listed so we went in and specifically, Mr. Patton and

1 I, and tried to notify the county. So you were
2 notified on some of the other ones I assume because
3 you got some emails.

4 MR. WILSON: We -- we were -- we were notified of
5 several of the other ones, but we did not get summary
6 for this -- for this item.

7 (Crosstalk)

8 MS. WILSON: So that puts me at a disadvantage here to represent the issues
9 appropriately to Members of the Board.

10 MS. DELMAS: This one would have probably been
11 mailed. So I can't -- because it's on the list that
12 would have been mailed. So that would have -- I --
13 the other ones I would have sent SOI, but on this one
14 -- it wasn't on my list of -- of emailing it to her.

15 MR. FERVIER: Yeah.

16 MS. DELMAS: Because the challenge is that
17 sometimes with the cases, the Respondent which --
18 well, the county who's involved may not necessarily be
19 listed as a Respondent. So it's confusing sometimes
20 when the letters are sent, but in this -- for this
21 meeting, Mr. Patton and I went through and tried to
22 make sure that the counties were properly notified.

23 MR. FERVIER: Okay. I -- I noticed in the report
24 that Mr. Manifold had been questioned about this by
25

1 the investigator. You know, obviously, this Board
2 will give you the continuance if you request it. I'm
3 not sure that it will change the outcome of it,
4 ultimately, as to what this Board decided and it'll
5 just delay the -- the inevitable. It seems to be a --
6 just a human error to me, which occurs all the time.
7 So, I mean, if you want a continuance, fine, but Mr.
8 Manifold was there and he was questioned about this.
9 He knew what happened -- or kind of figured out what
10 happened with it and so if y'all want a continuance --

11 MS. WILSON: Okay. So, Mr. Chairman, my
12 colleague and I -- we're -- we're going to -- we're
13 going to keep going. I -- we're going to continue --
14 we're going to defer to the Board's clear desire to
15 continue with this matter and have it heard today as I
16 said I don't have the benefit of --

17 MR. FERVIER: All right. I'm sorry.

18 MS. WILSON: As best as I can discern, based on
19 the information that I acquired this morning, there
20 was an error with loading a label -- loading the
21 labels into the printer. A printer generates labels
22 that are applied for the envelopes that are sent out
23 with an absentee ballot. And so the -- the address --
24 when it was printed, when the information is printed
25 on to the label less than the full address was -- was,

1 ultimately, provided on -- on -- on the label. As I
2 understand it, this matter was handled internally,
3 typically, our absentee ballots are mailed out through
4 a vendor, but for reasons that I'm not fully able to
5 share with the Board this morning, the printer -- the
6 printing was handled internally. We do know that
7 several ballots, ultimately, ended up in the Secretary
8 of State and not with the voter. I believe there were
9 six voters who were adversely impacted by -- by -- by
10 the omission, by the error, by the failure. That's
11 not something that we're able to hide from. It is my
12 understanding that efforts were made to contact each
13 of the six voters. I'm not sure how much success we
14 had with that. I believe it was one out of the six so
15 that meant that there were five voters that were
16 impacted by our failure, by our mistake. One of those
17 six voters were able to vote, but the other five were
18 unable to vote.

19 Gwinnett County prides itself on providing a high
20 standard of service. The Board takes pride, staff
21 take pride in how do we execute elections. And the
22 poor quality label that results in the
23 disenfranchisement of voters is never something that
24 we're going to be satisfied with without reference
25 there being a complaint or having to come before this

1 Board. That's our failure and so an apology is owed
2 absolutely because the voters who relied on us to
3 execute our responsibilities were let down. What I'm
4 unable to speak to this morning is the subsequent
5 remedial steps because it's always important, I think,
6 for us to communicate to this Board how we respond
7 when there's been an adverse event. How we move to
8 address the failure, correct it and take steps to
9 ensure it doesn't happen again. I'm going to ask Mr.
10 Manifold, the Election Supervisor, to speak to that.
11 May -- may I -- may I do so?

12 MR. FERVIER: Yeah. Dr. Johnston had a question
13 that may determine whether or not we move forward on
14 this. So Dr. Johnston, you want --

15 DR. JOHNSTON: Zach, maybe know the answer. I
16 know you were only able to contact one voter. Did the
17 other voters try to vote in person?

18 MR. MANIFOLD: I believe what happened is I think
19 we actually got contacted on election day by the
20 Secretary of State's Office at some point during
21 election day that they had six envelopes bounced back
22 to them and so our staff did immediately try to call
23 and -- and reach those six voters, but they were only
24 successful in reaching one out of the six. I know my
25 staff did say they also did written correspondence.

1 So I assume we also sent a letter that day or
2 something that notified them, but, obviously, that --
3 if you can't get them on the phone on election day to
4 let them know -- the one voter that we did contact did
5 go and vote. We did confirm that, but the other five
6 it looks like they did not cast a ballot.

7 MS. GHAZAL: Mr. Chairman?

8 MR. FERVIER: Member Ghazal.

9 MS. GHAZAL: Chief Investigator Koth, can we see
10 -- do you -- do you have copies of the PDFs of the --
11 of the envelopes?

12 INVESTIGATOR KOTH: -- pull it up.

13 MS. GHAZAL: I'm sorry. I know it's a -- it's a
14 disruptive request, but I think I -- I'll understand
15 exactly what happened if I actually see the envelope a
16 little bit better.

17 MR. MANIFOLD: And I would add, you may remember,
18 a lot of large counties had probably a couple thousand
19 applications submitted on that Friday evening before
20 that deadline. And so you may remember the Cobb issue
21 that popped up. A lot of us had to pivot because the
22 vendors weren't going to be able to get the ballots
23 out till I think midweek the next week.

24 MS. GHAZAL: Right.

25 MR. MANIFOLD: And so we did essentially have to

1 manually hand -- hand stuff and -- and process a
2 couple thousand absentee ballots that weekend to get
3 them out. We immediately kind of pivoted rather than
4 waiting around to see if the vendor was going to be
5 able to -- to get them out that next week. And from
6 what I understand, like I said, somebody loaded the
7 wrong label size in the -- in the outgoing ballot.

8 MR. FERVIER: So these all happened on the very
9 last day when voters --

10 MR. MANIFOLD: These would have all been voters
11 that submitted on that Friday.

12 MR. FERVIER: The last day?

13 MR. MANIFOLD: Yeah. And we worked all weekend
14 to get those out.

15 MR. FERVIER: Right.

16 MS. WILSON: Mr. Chairman, while the Board
17 Members review the sample that Ms. Koth provided, I
18 would ask that this Board issue a letter of reprimand
19 in these circumstances. Certainly, I understand this
20 is not a case that we can ask for a dismissal. We
21 made a mistake. We failed, but we do think it's
22 appropriate that this Board issue a letter of
23 reprimand. When we did -- when we don't do the right
24 thing, we should have our knuckles wrapped. So rather
25 than refer the matter to the Attorney General, I would

1 respectfully request that this Board issue a letter of
2 reprimand in these circumstances.

3 MR. FERVIER: Mr. Manifold, do you know how many
4 voters requested absentee ballots on that last day?

5 MR. MANIFOLD: I think -- I know we had close to
6 a couple thousand absentee ballots that we had to
7 process that Saturday and Sunday. We had staff in all
8 weekend to get that out by Monday morning.

9 DR. JOHNSTON: You mean the last day for --
10 (Crosstalk)

11 DR. JOHNSTON: -- requesting an absentee ballot.

12 MR. MANIFOLD: Correct. That last batch of
13 applications that came in.

14 DR. JOHNSTON: And what is the last day for the
15 vendor Fort Orange Press to handle the request for the
16 absentee ballots? It's probably in the contract with
17 Fort Orange Press?

18 MR. MANIFOLD: I think it -- I -- I'd have to
19 look at that contract. I can't remember. I think
20 they have to get it out essentially it -- as it gets
21 closer it has to go out within 24 hours kind of thing.
22 And I think at some point they let us know that if we
23 use them, because of the backup I think it was going
24 to be Wednesday before they were able to get any of
25 those ballots out. And so when we found out that it

1 was going to be Wednesday we immediately started that
2 weekend and moving to manual hand stuff of -- of
3 absentee ballots to -- to essentially process those
4 internally at the office.

5 DR. JOHNSTON: So you don't know the last day
6 that Fort Orange will process it -- an absentee
7 ballot?

8 MR. MANIFOLD: Typically, they mail them on
9 Monday. We -- we can, typically, get them out that
10 Monday, Tuesday, we can get that last batch out that
11 came in Friday night.

12 DR. JOHNSTON: Before Friday?

13 MR. MANIFOLD: Yeah, that came in. And so -- but
14 we knew, like I said, when we -- when we told them how
15 many we had and we heard -- got word that it was going
16 to be mid-week, I think we were concerned they just
17 weren't going to make it. So we -- we -- we did -- we
18 got those out on Monday, as best as we could.

19 DR. JOHNSTON: Correct. And I think echoing my
20 concern with the postal service. So the postal
21 service delivery from New York to Georgia and -- and
22 perhaps a postal service delivery from Lawrenceville
23 to Lawrenceville it's -- iffy with performance of the
24 --

25 MR. MANIFOLD: I will say we did add -- we have

1 added a step of having a manager who will actually, if
2 we have to do this, when we're doing manual, a manual
3 -- manual batch, we have added the process of having a
4 manager review, you know, flip through those to make
5 sure that there's no printing issues on the outgoing
6 envelope -- label.

7 DR. JOHNSTON: Correct. I'm -- I'm looking at
8 the -- the envelope that's provided with the
9 incomplete address -- return address, but -- but the
10 return to -- this is --

11 MS. GHAZAL: It's the out -- it's the outbound.
12 (Crosstalk.)

13 MS. GHAZAL: Mr. Manifold, do you know for
14 certain that the six that were received were the only
15 ones that were put on the wrong label stock?

16 MR. MANIFOLD: These are the only six that we
17 know that got returned -- that got returned. I'm
18 actually kind of surprised usually the post office can
19 even pick that up even without a city or state. Very
20 often I've seen ballots as long as it has that coding
21 in it with the -- with the barcode whatever. It's
22 usually not looking at that hand -- at that -- at the
23 text. It's usually reading it and delivering it. So
24 I'm actually surprised even without -- I've seen some
25 before where the -- some of the automated systems that

1 go out where it didn't even have the address at all,
2 and it still got delivered.

3 MS. GHAZAL: Right. So -- so it's highly likely
4 that these were the only ones that were --

5 MR. MANIFOLD: I suspect so.

6 MS. GHAZAL: Okay.

7 MR. FERVIER: Let me ask a question. I'm a
8 little ignorant towards this. So there's a barcode on
9 the top of that. Is the post office delivered by the
10 barcode or by the --

11 MR. MANIFOLD: So I haven't seen the actual --

12 MR. FERVIER: Do you want to see it?

13 MR. MANIFOLD: Yeah. Can I get a copy?

14 (Brief pause.)

15 MR. FERVIER: Can I see that real quick?

16 MS. WILSON: Absolutely.

17 MR. FERVIER: Yes. There's a barcode above the
18 address. My question is whether the post office
19 delivers by the barcode, reads a barcode or whether
20 they read the address --

21 MS. GHAZAL: And that -- and that -- that goes to
22 my -- my question and -- and the -- the change I just
23 had. I -- my belief is that these six are the only
24 ones that were -- because normally they would use the
25 barcode. And -- and --

1 MR. MANIFOLD: Correct.

2 MS. GHAZAL: And there's no indication that the
3 barcode is correct or incorrect. It -- so those got
4 bounced back to the Secretary of State's Office, but
5 none of the others did. So even if --

6 MR. MANIFOD: Typically, the USPS is reading the
7 barcode. It usually is not reading the text, the
8 address. So I'm actually surprised. Like I said,
9 I've seen ballots get delivered before without any
10 address. And the voter's like how did this get to me
11 because it's reading -- it's reading that barcode.

12 MR. FERVIER: Well, my question is if they read
13 the barcode, maybe it's more than six, but they just
14 didn't --

15 MS. GHAZAL: Well, then they got delivered. You
16 know, that -- that was exactly my point.

17 MR. FERVIER: Yeah.

18 MS. GHAZAL: I'm pretty confident that if there
19 was a mis -- miscoded address. I've used those before
20 back in Word Perfect days, right. I remember that.
21 And -- and that was a nightmare. So I -- I have
22 greatest sympathy, but to -- so as not to prolong this
23 at the appropriate moment, I am -- I'm prepared to
24 offer a motion.

25 MR. FERVIER: Any further questions from the

1 board?

2 DR. JOHNSTON: One question. Do you recall the
3 last date to apply for an absentee ballot for this
4 election?

5 MR. MANIFOLD: For that one? That -- so this was
6 the Presidential so I think it was that Friday the
7 11th day -- 11 days out. I can't remember whatever
8 the 11th -- whatever the 11 days on that Friday was.

9 MR. FERVIER: Yeah. I -- I recall that incident
10 happening with a lot of different counties just
11 receiving thousands of requests on that very last day.

12 MS. GHAZAL: October 25.

13 MR. FERVIER: (Inaudible).

14 MS. GHAZAL: It was October 25th.

15 MR. FERVIER: Pardon me?

16 MS. GHAZAL: October 25th.

17 MR. FERVIER: Yeah. Any further questions from
18 the Board?

19 (No response.)

20 MR. FERVIER: The Chair would entertain a motion
21 at this time.

22 MS. GHAZAL: I move that we issue a letter of
23 reprimand.

24 MR. FERVIER: We have a motion to issue a letter
25 of reprimand. Is there a second?

1 MS. KING: Second.

2 MR. FERVIER: There's a motion and a second to
3 issue a letter of reprimand on case SEB2024-222. Any
4 discussion? Should we send one to the US Post Office,
5 also?

6 (No response.)

7 MR. FERVIER: Hearing no further discussion. All
8 those in favor signify by saying aye.

9 THE BOARD MEMBERS: Aye.

10 MR. FERVIER: Any opposition?

11 (No response.)

12 MR. FERVIER: Hearing no opposition, so moved.
13 The next item on the agenda is SEB2024-198, Gwinnett
14 County, fraudulent voter registration. These don't
15 get progressively worse as we go by the way. Gwinnett
16 County, fraudulent voter registration, please proceed.

17 INVESTIGATOR KOTH: The complainant advised she
18 received a letter from the Voter Participation Center
19 in the name of unfamiliar person, Zaibrian Minter.
20 Mr. Minter's voter registration gave a nearby address
21 on the same street, and the investigator attempted to
22 make contact. A female had answered the video
23 doorbell and stated no one by that name had lived
24 there. Several numbers were called with negative
25 results. The address on Mr. Minter's handwritten

1 voter registration application is the complainant's
2 address. So she's saying he doesn't live there. We
3 were never able to make contact with Mr. Minter;
4 however, the allegation was substantiated. So we have
5 O.C.G.A. 21-2-561(3) for false registration for
6 Zaibrian Minter.

7 MR. FERVIER: The Respondent in this case is
8 Zaibrian Alan Minter. Minter.

9 (No response.)

10 MR. FERVIER: The -- does the Board have any
11 questions for the investigator?

12 DR. JOHNSTON: I have a question. When did
13 Minter register to vote? What was the date of voter
14 registration?

15 INVESTIGATOR KOTH: I think it was 2023. Let me
16 pull it up, 2/24/23.

17 DR. JOHNSTON: And how is the voter listed in
18 Jarvis? Active? Inactive?

19 INVESTIGATOR KOTH: Active.

20 DR. JOHNSTON: Active.

21 INVESTIGATOR KOTH: No voter participation
22 history, though.

23 DR. JOHNSTON: And no voter participation.

24 MS. GHAZAL: So I understand correctly, you were
25 never able to make contact with Mr. Minter?

1 INVESTIGATOR KOTH: No.

2 DR. JOHNSTON: Is there any flag or notation in
3 Jarvis about this voter?

4 INVESTIGATOR KOTH: My notes just say he's listed
5 as active.

6 DR. JOHNSTON: Sara, is there any indication that
7 the complainant notified Gwinnett County of the issue?

8 INVESTIGATOR KOTH: I believe she -- the
9 complainant called us, like, sent us the letter, you
10 know, the complaint through our division.

11 DR. JOHNSTON: Right. Did the complainant reach
12 out to Gwinnett County first?

13 INVESTIGATOR KOTH: I don't know.

14 MR. FERVIER: Mr. Manifold, do you know anything
15 at all about this case?

16 MR. MANIFOLD: All right. Can you hear me?
17 Yeah. I think this one came in -- I want to say like
18 October 24th which is like 12 days before the
19 election. And so it was too far inside the -- the
20 deadline to do a 230 voter challenge to tag them as --
21 as challenged for the election it was -- if it's
22 inside, you may remember I think it's 45 days now to
23 do a 230. We didn't have a lot of information at that
24 point. Other than the person had -- the -- that it's
25 actually Representative Don Tucci that had -- that --

1 that this is the -- the -- the person that received
2 the mailing. And we worked with her and she kind of
3 gave us some background and we went ahead and sent it
4 on to you all to investigate what was going on because
5 she said this person had never lived there. I can
6 tell you that I talked to her. She does plan to file
7 a 229 challenge on this voter. So I do think the
8 voter will -- I think there's enough evidence that we
9 have confirmed now. The investigator, I think, has
10 confirmed that this person never lived at that
11 address. There wasn't like a previous -- it wasn't
12 like one of those things where they had lived there in
13 the past. So I do think -- she's going to -- she has
14 told me that she plans to file a 229 challenge to have
15 the voter go before our Board for removal. So I do
16 think that'll happen hopefully sooner rather than
17 later. I -- I did tell her if she didn't file, that
18 our Board would probably start a 228, voter
19 examination process to -- to clean this up, as well.

20 MR. FERVIER: Any further questions from the
21 Board?

22 MS. GHAZAL: I would just like to comment. This
23 is precisely the -- the circumstance that 229
24 challenges are appropriate for. So I hope that --
25 that Representative Don Tucci follows through.

1 MR. MANIFOLD: Correct. This is actually kind of
2 one of those personal knowledge --

3 MS. GHAZAL: Yes.

4 MR. MANIFOLD: -- of a 229.

5 MS. GHAZAL: Precisely.

6 MR. MANIFOLD: So this is kind of a perfect 229
7 case.

8 MS. GHAZAL: Exactly. In the meantime, since we
9 have a Respondent who has not responded, at the
10 appropriate time I would like to make a motion.

11 MR. FERVIER: I don't think I called it. Is Mr.
12 Minter here by any chance? Mr. Zaibrian Minter.
13 Zaibrian?

14 (No response.)

15 MR. FERVIER: No. Okay. Member Johnston.

16 DR. JOHNSTON: Mr. Manifold?

17 MR. MANIFOLD: Yes.

18 DR. JOHNSTON: So if the challenges -- if the
19 challenge is upheld, what will you do with this
20 registrant?

21 MR. MANIFOLD: If a 229 challenge is filed and
22 upheld, the -- the voter would be removed from the
23 rolls.

24 MR. FERVIER: Any further questions from the
25 Board?

1 (No response.)

2 MR. FERVIER: The Chair would entertain a motion
3 at this time.

4 MS. GHAZAL: I would move that we refer Mr.
5 Minter to the AG's Office.

6 MR. FERVIER: We have a motion to refer this
7 individual to the AG's Office. Is there a second?

8 MS. KING: Second.

9 MR. FERVIER: We have a motion and a second to
10 refer the Respondent to the AG's Office on case
11 SEB2024-198. Any discussion?

12 (No response.)

13 MR. FERVIER: Hearing no discussion. All those
14 in favor signify by saying aye.

15 THE BOARD MEMBERS: Aye.

16 MR. FERVIER: Any opposition?

17 (No response.)

18 MR. FERVIER: Hearing no opposition, so moved to
19 be referred to the AG's Office. The Chair would
20 entertain a motion for a five-minute comfort break at
21 this time.

22 MS. KING: So moved.

23 MR. FERVIER: We have a motion. Is there a
24 second?

25 MR. JEFFARES: Second.

1 MR. FERVIER: All those in favor signify by
2 saying aye.

3 THE BOARD MEMBERS: Aye.

4 MR. FERVIER: We will take a five-minute comfort
5 break and come back at 20 till -- I said 20 till.
6 Thank you.

7 (The session recessed at 10:32 a.m.)

8 (The session resumed at 10:42 a.m.)

9 MR. FERVIER: Sorry. We're back in session. The
10 next item on the agenda is SEB2022-155, Gwinnett
11 County, P.O. Box voters. It's tab number 76 in your
12 binders.

13 MS. GHAZAL: Mr. Chairman?

14 MR. FERVIER: Yes.

15 MS. GHAZAL: Chief Investigator Koth, a number of
16 these voters have -- were researched and discovered to
17 be homeless. Can you refer to any voters who were
18 discovered to be homeless by their initials or by
19 number or something? I would prefer not to put their
20 names into the record because I think that is simply a
21 -- a disservice to the individuals. So when you -- as
22 -- as you're reading the report, I know that the -- if
23 -- I would prefer not to acknowledge them by name to
24 put their names out there.

25 INVESTIGATOR KOTH: Sure.

1 MS. GHAZAL: Thank you.

2 INVESTIGATOR KOTH: The Secretary of State's
3 Office opened this investigation after it was reported
4 that a possible 22 voters had registered to vote using
5 the addresses of several different Gwinnett County
6 commercial establishments rather than using the
7 address of a residential property intended for
8 habitation. The commercial sites included US Post
9 Office, UPS store and various storage unit properties.
10 The allegation that Georgia voters used for voting
11 purposes uninhabitable commercial address is
12 substantiated. Out of the 22 voters, 16 were
13 confirmed as having used a commercial establishment
14 address for their residential address. The remaining
15 six voters provided evidence that the address they
16 used for voting purposes was intended for habitation
17 or residential purposes. So the six of those were
18 unsubstantiated and then during the investigation it
19 was learned that one voter, Ms. Allen, voted twice in
20 Gwinnett County while she was a permanent resident in
21 Henry County. So potential violations for the 16 were
22 O.C.G.A. 21-2-217(a)(1) and O.C.G.A. 21-2-216 for
23 qualifications of electors. For Ms. Allen, O.C.G.A.
24 21-2-216(a)(4), for qualifications of electors
25 generally when they knowingly voted in Georgia county

1 which they were not a resident.

2 MR. FERVIER: There is a quite a number of
3 Respondents listed here. If you are here as a
4 Respondent on that case, would you please raise your
5 hand? Okay. Could you come forward for a moment so I
6 can know who you are?

7 MS. ALLEN: Gail Allen.

8 MR. FERVIER: Oh, you're Gail Allen. Okay. All
9 right. Are you -- well, you've already said your
10 name. So thank you. All right. Trying to be
11 sensitive. Does the Board have any questions for the
12 investigator?

13 DR. JOHNSTON: For the investigator, was Gwinnett
14 County interviewed about these -- this complaint?

15 INVESTIGATOR KOTH: My summary is much smaller
16 than the length of this report. Yes.

17 MR. FERVIER: Any further questions for the
18 investigator?

19 MS. GHAZAL: I have a question. Chief
20 Investigator Koth, can you estimate the number of
21 hours it took to complete this investigation?

22 INVESTIGATOR KOTH: I have the investigator here
23 who will attest that it was quite lengthy. Can you
24 give an estimate?

25 INVESTIGATOR KOTH: Approximately about 34, 35

1 hours that were logged for this part.

2 MS. GHAZAL: Thank you.

3 MR. FERVIER: So there -- there were 16 that were
4 confirmed as having commercial establishments addresses
5 as residential addresses and then six were -- are --

6 INVESTIGATOR KOTH: They were living there.

7 MR. FERVIER: Pardon me.

8 INVESTIGATOR KOTH: Six of them were living
9 there, like --

10 MR. FERVIER: Six of them were living in there.
11 So they -- they -- they were unsubstantiated on those
12 six. Okay. Ms. Allen, you're here to speak?

13 MS. ALLEN: Yes.

14 MR. FERVIER: Would you press your button on your
15 microphone, please? And please identify yourself for
16 the court reporter and then make your statements.

17 MS. ALLEN: Okay. I'm Gail Allen. And I was --
18 said I violated because of my living conditions at
19 that time. And I have -- I brought my rental
20 agreement. I was there from 2011 till 2020.

21 MS. KING: Is it a commercial business?

22 MS. ALLEN: It is a commercial business, but they
23 do have a rental unit.

24 MS. KING: Okay. So it was a multi-use?

25 MS. ALLEN: Yes.

1 MR. FERVIER: So you're -- you were not a
2 permanent resident of Henry County at the time?

3 MS. ALLEN: No. I didn't move to Henry County
4 till 2020 and I voted in Gwinnett County because I
5 moved in October and because of COVID I wasn't able to
6 change my voting status to Henry County and she said I
7 had to go back to Gwinnett and vote for that election
8 in 2020.

9 MR. FERVIER: Who told you that?

10 MS. ALLEN: The Henry County and Gwinnett County
11 because I went back to Gwinnett County to make sure
12 that I could vote because I had just moved to Henry
13 County in October. The voting was in November and I
14 said, nope, you don't have time to make the change so
15 you have to vote in Gwinnett County. They both told
16 me that.

17 MR. FERVIER: And you lived in a residential unit
18 above a commercial establishment?

19 MS. ALLEN: Yes.

20 MR. FERVIER: And you have evidence of that?

21 MS. ALLEN: Yes.

22 MR. FERVIER: What -- what is that evidence?

23 MS. ALLEN: I have a rental agreement.

24 MR. FERVIER: Can we see that? If you'll hand
25 that to our bailiff, please.

1 (Brief pause.)

2 MR. FERVIER: Feels like night court doesn't it?

3 (Brief pause.)

4 MS. KING: When you moved, what date in October
5 did you move?

6 MS. ALLEN: One moment. I moved that first week
7 in October because I closed on the end of September is
8 when I closed on the date of October.

9 MR. FERVIER: So these rental agreements are from
10 2011 to 2013.

11 MS. ALLEN: That's when I first moved there.
12 That's when I -- I just couldn't find because I had --
13 I was going month-to-month in that last year and I
14 didn't have a rental agreement (inaudible).

15 DR. JOHNSTON: Ms. Allen, when did you start
16 renting in Henry County?

17 MS. ALLEN: I purchased a home in Henry County in
18 October 2020.

19 MR. FERVIER: Was there an addendum to these
20 because this -- the first one terminated August of
21 2012 and the second one terminated --

22 MS. ALLEN: Right.

23 MR. FERVIER: -- September 2014.

24 MS. ALLEN: All I could find was my -- those
25 (inaudible) that I had originally. I didn't -- I

1 didn't end the lease in 2020 because my son is still a
2 resident there as we speak. Michael Allen is on
3 there. He's still there. So he picked up the lease
4 after that.

5 MR. FERVIER: He picked up the lease?

6 MS. ALLEN: Yes, he has it since (inaudible).

7 MR. FERVIER: So these aren't any good anymore
8 then?

9 MS. ALLEN: I'm sorry. I'm in Henry County.

10 MR. FERVIER: You're where?

11 MS. ALLEN: I'm in Henry County.

12 MR. FERVIER: Right now?

13 MS. ALLEN: Yes.

14 MR. FERVIER: When did you move to Henry County?

15 MS. ALLEN: October 2020. I closed on that house
16 around September 29th, 2020 and I moved to Henry
17 County that first week in October.

18 MR. FERVIER: And when did you vote in Gwinnett
19 County?

20 MS. ALLEN: In 2011. That was the first one I
21 gave you because I had voted in --

22 MS. KING: Wait a minute.

23 MS. ALLEN: -- Gwinnett County before.

24 MS. KING: The last time you voted in --

25 MS. ALLEN: In Gwinnett County was 2020 --

1 November 2020 --

2 MS. KING: 2021 -- 2020.

3 MS. ALLEN: 2020 because of COVID everything was
4 closed and they -- there was a office closed you
5 couldn't make that change. So when I went to Henry
6 County, they said, well, it's too late, the voting is
7 in a month, in November. You don't have time to
8 switch. You've got to go back to your previous county
9 and I had my voter's registration and I said, so I can
10 still vote in Gwinnett County. And she said, yes.
11 And when I went to Gwinnett County, they says, yes,
12 you can vote here because of time -- you don't have
13 time to switch.

14 MR. FERVIER: All right. So you moved to Henry
15 County and COVID you couldn't register down there so
16 you went back to Gwinnett County and voted there even
17 though you lived in Henry County at the time?

18 MS. ALLEN: One month.

19 MR. FERVIER: One month.

20 MS. GHAZAL: So as of October 6th you were still
21 a resident of Gwinnett County? October 6th, 2020.

22 MS. ALLEN: Yes.

23 MS. GHAZAL: Okay. And under -- under Georgia
24 law, that means that for that election, you were
25 qualified to vote in Gwinnett County even if you were

1 no longer a resident, as long as you're a resident 28
2 days before, then that is -- that is where you are
3 registered.

4 MS. ALLEN: Thanks.

5 MR. FERVIER: Let's deal with this -- with her
6 claim first. Is there anymore questions for the
7 Respondent in this case?

8 (No response.)

9 MR. FERVIER: Any questions for the investigator?

10 MS. GHAZAL: I -- I actually have one -- one
11 further question, Ms. Allen, where are you currently
12 registered to vote?

13 MS. ALLEN: Henry County.

14 MS. GHAZAL: Thank you.

15 MR. FERVIER: The Chair would entertain a motion
16 on Ms. Gail Allen.

17 MS. KING: Yeah. I make a motion that we dismiss
18 this particular Respondent in this case.

19 MR. FERVIER: We have a motion to dismiss Ms.
20 Gail Allen as a Respondent in this case. Is there a
21 second?

22 MS. GHAZAL: Second.

23 MR. FERVIER: We have a motion and a second. Any
24 further discussion?

25 (No response.)

1 MR. FERVIER: Hearing no discussion. All in
2 favor of dismissing Ms. Gail Allen signify by saying
3 aye.

4 THE BOARD MEMBERS: Aye.

5 MR. FERVIER: Any opposition?

6 (No response.)

7 MR. FERVIER: Hearing no opposition, so moved.
8 Ms. Allen, have a nice day.

9 MS. KING: Thank you.

10 MS. GHAZAL: Thank you for coming and providing
11 the information that you did. It was very helpful.

12 MS. ALLEN: (inaudible).

13 MR. FERVIER: We have two other -- we have six
14 voters -- was Ms. Allen part of those six voters,
15 Investigator Koth?

16 INVESTIGATOR KOTH: No. She was part of the ones
17 that we did find. No, no, that was she was not one of
18 the six for that. She was separate because of the
19 voting in another county.

20 MS. GHAZAL: Right.

21 MR. FERVIER: Okay. So there's 22 in addition to
22 her. Okay. So we have 22 names. We have 16 that
23 were confirmed as having used a commercial address and
24 we have six that were -- provide evidence that they
25 used the address where they -- the commercial where

1 they lived. Let's deal with the six that provided
2 evidence they lived at the commercial address. Were
3 there any questions from Board on that?

4 MS. GHAZAL: On the six? No.

5 MR. FERVIER: The Chair would entertain a motion
6 on these six individuals that provided a address where
7 they lived -- provided the address commercial -- that
8 they lived in at a commercial address.

9 DR. JOHNSTON: Did you provide those names?

10 MS. GHAZAL: I don't believe there -- there are
11 no -- they're -- they're not Respondents, correct?

12 INVESTIGATOR KOTH: They were not Respondents.

13 MS. GHAZAL: Okay. So those six --

14 INVESTIGATOR KOTH: Only 16 were.

15 MS. GHAZAL: Only the 16, right. I do have some
16 questions with regard to the 16.

17 MR. FERVIER: All right. We're going to deal
18 with the six.

19 MS. GHAZAL: But they're -- they're not
20 Respondents so I don't think we need to do anything
21 for them, correct?

22 DR. JOHNSTON: They are Respondents, they're to
23 be dismissed. Right?

24 MS. GHAZAL: Chief Investigator Koth just said
25 that the six who are -- were found to be resident, are

1 not officially Respondents; is that correct?

2 INVESTIGATOR KOTH: Yes. We put all 22 on the
3 initial part of the report, but the only ones we
4 focused on were the -- so they're listed in the
5 beginning part, but not in the end.

6 MS. GHAZAL: Okay.

7 INVESTIGATOR KOTH: We didn't separate those six
8 though --

9 MS. GHAZAL: Okay.

10 INVESTIGATOR KOTH: -- because we weren't really
11 discussing those ones.

12 MS. GHAZAL: Right. Well, for the sake of
13 completeness, I do think that we should -- I -- I move
14 that we officially dismiss any of the -- the six
15 Respondents who were found to be a resident at these
16 addresses. Just -- just for the record to make sure
17 that the record reflects that there are no violations
18 found.

19 MR. FERVIER: Correct. We have a motion to
20 dismiss the six individuals that were found to be
21 living at the commercial address that they listed on
22 their application. Is there a second?

23 MS. JEFFARES: Second.

24 MR. FERVIER: We have a motion and a second. Any
25 discussion?

1 DR. JOHNSTON: Yes. I -- I'd like to -- for --
2 I'd like to have the names of those individuals that
3 will be dismissed to make sure that we're being
4 complete. None of these are homeless, as far as I can
5 tell it's from the investigation. So we just need to
6 make sure that we're correct with who's being
7 dismissed.

8 INVESTIGATOR KOTH: Okay. I'm going to separate
9 those. I want to --

10 MS. GHAZAL: Thank you.

11 (Brief pause.)

12 INVESTIGATOR KOTH: Hang on. I'm almost done.

13 DR. JOHNSTON: Do you want me to help you?

14 INVESTIGATOR KOTH: I got three of them already.
15 Okay. I believe those six would be Michael Allen,
16 Jaylen Bullard (ph), Kenneth Thornton, Leonard Wilson,
17 Jade Brown -- that's on here -- that's one of the 16 -
18 - and then Gail Allen. So those 22, 16 of the list,
19 she was considered one that -- she had the address,
20 but she was violated for possibly voting from out of
21 county. So...

22 MR. FERVIER: So we have a motion and a second to
23 dismiss the above-named individuals. Any further
24 discussion?

25 (No response.)

1 MR. FERVIER: Hearing no discussion. All those
2 in favor dismissing that signify by saying aye.

3 THE BOARD MEMBERS: Aye.

4 MR. FERVIER: Any opposition?

5 (No response.)

6 MR. FERVIER: Hearing no opposition, so moved
7 those six individuals are dismissed. The next item is
8 to deal with the 16 named -- or 16 individuals that
9 were confirmed as having used commercial establishment
10 address for their residential purposes, but did not
11 live there. Any questions from the Board?

12 DR. JOHNSTON: Question.

13 MR. FERVIER: Yes.

14 DR. JOHNSTON: Mr. Manifold, were you aware of
15 that these voters on the list had commercial
16 addresses?

17 MR. MANIFOLD: Hello. So this is, I think, I --
18 is this a 2022 case? 2022? We have, you know, you
19 may know that the law changed July 1st, 2025 and a lot
20 of the, specifically, the P.O. boxes and USPS (sic)
21 stores are now strictly prohibited from being used for
22 registering purposes. So our Board actually is
23 currently undergoing a 228 voter examination process
24 for people that at these sorts of addresses to comply
25 with the new law that took effect. We've identified I

1 think 33 voters altogether that were kind of in the
2 process of that. I can tell you two, I believe, two
3 of these voters -- it -- it's kind of mixed bag on
4 some of these. A lot of these voters were -- were 230
5 challenged in September of '24 and so they went into
6 challenge status and then we -- if they don't vote,
7 they come back up as a 229 challenge and so we had a
8 229 challenge in May of this year for some of these
9 voters and I know Mr. -- oh, the two Defreitas' voters
10 on this list were canceled at a -- from a 229 hearing.
11 They were upheld -- the 229 challenge that our Board
12 held in May canceled those two voters. I think -- so,
13 yeah, so -- so we're kind of going through this
14 cleanup process right now with people that have, like,
15 if you don't know, the old ENET system did not have a
16 very good restricted address system. It was once one
17 voter got on on ENET on the Legacy system, there was
18 no way to block that -- that address from somebody
19 else getting on it. So you could have somebody
20 registered there using it as a, essentially, a
21 homeless voter or somebody like that using it as their
22 only address that they have an attachment to, but
23 there's no way to block somebody else. It was like a
24 wormhole. It was like once one person was on that
25 address, everybody else can pile on and the only way

1 you knew to block it or hold it was if you had a
2 registrar that was looking at it and knew this 30 or
3 40 addresses. So we do have like a registered -- we
4 have, like, a list of addresses that were issues, but
5 when you're talking about hundreds of temporary
6 employees and then trying to remember what was that
7 address that we needed to do. The good news is that
8 Jarvis, this is an improvement with Jarvis. We are
9 able to restrict addresses now and still keep a voter
10 that's allowed to be at that address can be at that
11 address. So I think this is kind of one of those
12 Legacy problems from the old system that -- that
13 existed where people were able to use some of these
14 addresses that we now can restrict. And so, like I
15 said, just -- January 1, the law did change on a lot
16 of these voters that are at these -- these addresses
17 and we are going through a cleanup process.

18 DR. JOHNSTON: Are you -- are you screening your
19 voter rolls for these commercial addresses?

20 MR. MANIFOLD: For these UP -- these -- the new
21 -- that new section, I think, it's something like C --

22 MS. WILSON: 21 -- 21-2 --

23 MR. MANIFOLD: Is it 218 -- C --

24 MS. WILSON: I think it's registration at P.O.
25 boxes 21-2-217 restricts registration at P.O. boxes

1 and UPS stores. It was one of the provisions from
2 SB189 and immediately upon it becoming effective the
3 Board -- 21-2-217(c), if you look in your purple book
4 it's on page 187. Proof of ownership or rental of a
5 post office box or private mailbox service within a
6 particular jurisdiction shall not constitute
7 sufficient grounds to establish a person's residency.
8 So the Board's been sending letters -- and that was
9 effective January 2025 coming out of SB189. So the
10 Board of Registration and Elections has been sending
11 letters to voters when they've identified their
12 addresses being impermissible under the law and that's
13 the process that Mr. Manifold's referring to.

14 MS. GHAZAL: I have a -- a question for Chief
15 Investigator Koth. Of these 16 that were
16 impermissibly registered at -- at commercial
17 addresses, how many of them were discovered to have
18 other grounds to justifiably be registered in -- in
19 Gwinnett County, for instance, they -- they were
20 unaware that they were not allowed to register at a
21 post box, but they still have a residence here?

22 INVESTIGATOR KOTH: I'd have to look at each
23 individual one because there's a write up for each
24 one, but a lot of them are, you know, quite a few were
25 DDS. So they changed their license to a post office

1 box and that --

2 MS. GHAZAL: Right.

3 INVESTIGATOR KOTH: -- automatically changed it.

4 MS. GHAZAL: And that automatically --

5 INVESTIGATOR KOTH: They didn't necessarily --

6 MS. GHAZAL: Right. So they -- they have other
7 grounds for remaining registered, but these grounds
8 are not adequate. So how are you dealing with -- with
9 that circumstance?

10 MR. MANIFOLD: The DDS specific where they
11 actually have a residential address --

12 MS. GHAZAL: Well, people who have a -- who still
13 reside, but they're registered at a post office box, I
14 mean, are you putting them into a 228 challenge
15 status, but allowing them to remain -- trying to reach
16 out to them so that they can correct that before they
17 get wholly removed?

18 MR. MANIFOLD: So our Board has a -- a 228 voter
19 examination policy. It -- it involves the first --
20 the first wish of the Board is that we send out a
21 letter to that specific voter, any address that we
22 have available to try to get them to update. The
23 voter's, essentially, given 30 days maybe it's -- I
24 think it's 40 to be consistent with the confirmation
25 process. And then if they don't respond, it's -- it's

1 the supervisor's brings it to the Board at the next
2 meeting and then the Board is going to decide if
3 they're going to set a hearing under 228 for possible
4 removal if they don't respond. So that's actually
5 where we're at. We're about through the 40 days and I
6 think in August, we'll probably have to -- the Board
7 will have to decide if they're going to set a hearing
8 for the voters that are still at those post office and
9 UPS stores.

10 MS. GHAZAL: And that -- that provides another
11 opportunity for notice to -- to the voters at that
12 point. Do you -- are you using any other means other
13 than snail mail? Are you -- if you have a phone
14 number or an email address, are you attempting to --
15 to reach out to them through that means?

16 MR. MANIFOLD: I will have to check that. That
17 is -- that is in our old policy. I think for 229 and
18 230 challenges. I'm not sure that's in our 228 policy
19 or not. I'm not -- I'm not certain. I'd have to
20 check that.

21 MS. GHAZAL: Okay. Thank you.

22 DR. JOHNSTON: Zach, do you -- do you flag Jarvis
23 that -- for a voter that has an ineligible address?

24 MR. MANIFOLD: So really there's not -- if they
25 didn't submit enough, it -- it depends. It depends on

1 what -- if -- if you submit, like, I'll -- I'll give
2 an example of this. Like, if somebody submitted a UPS
3 store address now, currently, that we are blocking
4 that address. It would be, essentially, they're not
5 able to get on it and so they get a letter and say,
6 hey, we got this registration for this address. You
7 have 30 days to respond. If you don't respond, we're
8 -- we're going to keep you -- if you're already
9 registered at a residential address, we're keeping you
10 at your current residential address. If you have, you
11 know, essentially, you have 30 days to explain to us
12 why you send in this UPS store. I would say most
13 people, as -- as Investigator Koth said, I think a lot
14 of people do it by accident at the DDS. They meant to
15 put it as their mailing address and instead they put
16 it as their residential.

17 MS. GHAZAL: Uh-huh.

18 MR. MANIFOLD: And so we get these -- so the
19 proper way for this to happen is if the old system had
20 worked, would have been that -- that -- that -- that
21 address is ineligible. We have it marked restricted
22 and we, essentially, send the voter a notice that they
23 have 30 days to -- to respond or we keep them at their
24 current address.

25 DR. JOHNSTON: I'm sorry. You mark restricted?

1 MR. MANIFOLD: Yes. So we can -- we can mark --
2 there are addresses that we can mark. There's
3 actually two types. We call it restricted or limited
4 -- limited residential address. And so -- because you
5 have a lot of mixed use properties anymore. A lot of
6 times it's marked limited residential. And so when
7 it's limited residential, it, essentially, tags it for
8 a higher level employee to research. So if you're at
9 a mixed use property, send -- send me in that -- that
10 address to register, it's going to go to, essentially,
11 a supervisor to confirm that -- that that mixed use --
12 that you're at the right spot. So there's a
13 restricted which is, essentially, what we use for UPS
14 stores or post office where you just can't be at that,
15 and then there's limited residential which is kind of
16 mixed use. There's a lot of these even have, like, a
17 maybe a UPS store on the first floor, and then -- and
18 then, you know, and then condos up above.

19 DR. JOHNSTON: Correct. The -- many of these, if
20 not most or all of these come from DDS, driver's
21 license services, where they do allow people -- they
22 -- they don't screen for commercial addresses and
23 allow post office boxes to be placed on driver's
24 licenses, but the voter registration application
25 clearly says, do not use post office box for your

1 residence. And on the one hand, I see -- I see this
2 as many voters who are eligible voters in Gwinnett
3 County that are simply using a -- a post office box or
4 UPS box, a -- a commercial address if they -- that
5 does not indicate their proper residence. So how --
6 they -- they don't know -- or you don't know that
7 they're getting the right ballot for an election.
8 That's the whole point of this, okay? You -- you want
9 to put your residence so that you'll get the right
10 ballot in an election. The right district, the right
11 -- and on the other hand, I know there are -- there
12 are many people who use a post office box and do not
13 live in Gwinnett County. They live in another county.
14 They live in DeKalb County. They live in some other
15 county. And they are -- they are in violation of
16 election law because they're voting in the wrong
17 county. They're getting the wrong ballot. They're
18 voting for the wrong offices. That -- that can be
19 very important. So my -- my issue is also with you
20 with Gwinnett County that you're not flagging
21 commercial addresses or post office boxes or UPS boxes
22 and that these need to be corrected or cured before --
23 before the voter votes. That -- but they -- there are
24 -- most of these I would assume, I would hope are
25 eligible voters. And I don't want any voters to be

1 prevented from voting if they're eligible. So how are
2 you going to fix this?

3 MR. MANIFOLD: Yes. I think -- I think it comes
4 down to, like I said, we do have this ability of
5 restricting -- I think the more specific the
6 legislature can get on what is a restricted address,
7 the better off we all are because, you know, as you
8 know, people can register at a commercial address, if
9 you're living there, you are to register there. If
10 that is where -- if you're laying your head in the
11 back of your bakery, I think we've had some of those
12 maybe pop up here where somebody is sleeping in their
13 bakery and that's where they should register. You --
14 the law says that you should register where -- where
15 you sleep and so I -- I think the more specific the
16 legislature can get on defining what is restricted, I
17 do think this post office. I think it's 218 -- what I
18 it 218(c)?

19 MS. WILSON: (Inaudible).

20 MR. MANIFOLD: I think the more specific they can
21 get to us and give us the tools to restrict addresses,
22 the better off we are. I think this is an improvement
23 because it now gives us some weight to be able to
24 restrict those addresses, not allow anybody on them.
25 And go back to that voter for additional information

1 when we need it. So I do think this is an improving
2 process, again, the more -- I think the legislature
3 can give us guidance on what they were -- on what they
4 want restricted, the better off our office is and --

5 DR. JOHNSTON: Well, certainly, I mean, that --
6 that's kind of distracting. If somebody lives at the
7 apartment at the -- the U-Haul storage facility, they
8 -- that is their residence and it's also commercial,
9 but it's simply involves a communication which is your
10 duty to contact that voter and say, hey, this looks
11 like a commercial address and all they say is, yes,
12 Mr. Manifold, this is my apartment also. And I live
13 here. Or I live at the barber shop. Or I'm living in
14 the office where an office building because I have a
15 shower and bathroom facility and I'm estranged from my
16 spouse. What -- whatever the excuse may be, but
17 that's the duty of the registrar. That's the duty of
18 you maintaining accurate voter rolls so that the right
19 people are voting in the right district with the right
20 ballot for the right offices. So I don't know how
21 explicit you -- you want the legislature to be, but
22 they very simply said, you know, you -- you can't live
23 in a post office box. You -- you can't just -- you
24 just can't.

25 MR. MANIFOLD: Yeah.

1 DR. JOHNSTON: Okay. Now, there might be an
2 explanation that there's a UPS -- and that's what --
3 that's what a mailing address is for. And it's not
4 what the residence is for. And I -- how much clearer
5 does it need to be because I'm -- I'm almost of the
6 mind that I really think that -- that Gwinnett County
7 should be a Respondent on this complaint also. If you
8 have the ability to search for commercial -- to
9 identify commercial addresses and you're not -- not
10 attending to that information and helping the voters
11 correct so that they are at the right residence, then
12 the county is part of the problem.

13 MR. MANIFOLD: I -- I -- I do think, again, I
14 come back to I do think the July -- this new law for
15 -- for January 1 of this year makes an improvement. I
16 think it finally kind of starts to give the county
17 some more guidance on -- on what can and can't be
18 used. I -- I think limited residential is a good
19 development too. The -- both the restricted and the
20 limited residential where we can go back to a voter
21 and inquire for more information on -- on why they
22 should be at -- at that address and it's just a -- it
23 -- it's very hard in a state that doesn't have any
24 guidance for homeless voters other than if you don't
25 have a mailing address, you can use the office -- our

1 office which, again, doesn't make a ton of sense, but
2 it's hard. I think it's something like 36 states that
3 have provisions about how to deal with homeless
4 voters. And we have definitely have seen a number of
5 times over the years that these UPS stores and -- and
6 stores like that quite often -- gosh, I think we had
7 -- we had a truck driver that is only in Gwinnett, you
8 know, five or ten percent of the year and -- and the
9 only address that he still attaches to is this UPS
10 store that he does mail, but when he's there, he parks
11 in the parking lot at this UPS store and that's his
12 right address for where he should vote. And so it's
13 just very complicated and I think the more guidance
14 counties can get both on homeless voters, which would
15 be a wonderful -- some -- some good development and
16 both restricted and -- and unlimited residential. I
17 think we do want to do this work. I think it's a --
18 it's a lot of matching, you know, federal law with
19 state law and -- and trying to really -- a lot of
20 times it's why we often have so many different
21 policies as a county Board is because we're trying to
22 interpret these different things together.

23 DR. JOHNSTON: How -- how to handle the homeless
24 is -- is a challenge. How to handle the homeless
25 residents and -- and where they vote and if you have

1 data on 30 something states that have this because I
2 could not find it and I've looked at all the states.
3 So please provide that.

4 MR. MANIFOLD: Yeah.

5 DR. JOHNSTON: Okay.

6 MR. MANIFOLD: (inaudible) happy.

7 DR. JOHNSTON: In Georgia, the legislature in
8 Georgia needs to address this issue how -- how you,
9 the county, can handle homeless people because they
10 certainly deserve the right to vote, but this
11 complaint has no homeless people on it. This
12 complaint has people that either live at UPS boxes,
13 P.O. boxes or -- or a -- a storage facility. They're
14 legitimate, but that's not your -- that's not this
15 complaint today.

16 MR. MANIFOLD: Yeah. And I will say a lot of
17 these voters, I believe, have gone through voter
18 challenge processes where people have challenged these
19 voters and the Board has either -- a lot of times the
20 Board has upheld a challenge under 230, put somebody
21 in challenged status, for a specific election, but
22 then there's another standard for removal. And so a
23 lot of times what we end up in this -- this process to
24 where the Board will -- will say, okay. There's
25 enough here for a 230. We will put them in challenge

1 status for this specific election, but then when we
2 get back to 229, you know, essentially, there's not
3 enough to carry the weight to remove the voter. So
4 then the voter's back up to a normal active status and
5 so we kind of end up in this circle and that's why I'm
6 saying that I do think this new code section does help
7 our office a lot on being able to -- to clean this up
8 because we are finally -- or -- but we had a May
9 challenge hearing with some of these voters and we
10 were able to finally remove some of these voters
11 because of this new law.

12 MS. GHAZAL: And -- and there's an inherent
13 tension between 229 and the NVRA. And I don't know
14 what the right answer there is and until somebody
15 actually brings that before a judge, I don't know that
16 we can -- we can resolve that. I think what would be
17 helpful for you-all would be for the legislature to
18 provide an affirmative duty for you to undertake an
19 evaluation for commercial addresses and under 228 that
20 is not -- we don't have the authority to do that as
21 the Board. We cannot require you to undertake that
22 evaluation because that is only a legislative
23 function, but I do think that that would be helpful.
24 I, personally, if I were writing the policy, I would
25 prefer to see a longer runway for voters to have to --

1 to confirm. It is particularly ironic that the
2 legislature made the -- is suggesting that homeless
3 voters need to use your office for their mailing
4 address when so often their only -- the only way they
5 can receive mail to know that they are being
6 challenged or to know that there is a problem is to go
7 to their post office. So if -- you cannot do a
8 blanket if there's a postal address that we -- we must
9 -- we must remove them because you have to do a case-
10 by-case evaluation. We, as a Board, have a
11 responsibility. We -- we have the jurisdiction over
12 the voters more so than jurisdiction over the county
13 and the way you conduct your maintenance. We cannot
14 tell you how to conduct 228 maintenance. That's just
15 -- that is not within our jurisdiction. What we can
16 do is issue letters of instructions. Letters of
17 reprimand to -- to individual voters, particularly,
18 now that we know that is unlawful to register. And I
19 think we're going to have to deal on a voter-by-voter
20 basis here because some of these voters have already
21 taken steps to update their addresses and are -- and
22 are now registered at residential addresses. Some of
23 them have not. So I think we're -- we'll just have to
24 -- to deal with these on a -- on a voter-by-voter
25 basis when we are prepared to move down this list.

1 MS. KING: I do have a question. So --

2 MR. FERVIER: Yes.

3 MS. KING: -- we -- you were talking about
4 determining residency and giving them steps to
5 determine residency, but it says right here in 21-2-
6 217, rules for determining residence.

7 MS. GHAZAL: Right. That -- that's the statute
8 that the counties do.

9 MS. KING: But it's --

10 MS. GHAZAL: Well, under --

11 MS. KING: Well, what -- what you're saying that
12 -- are you saying that they shouldn't do due
13 diligence?

14 MS. GHAZAL: Not at all.

15 MS. KING: Okay.

16 MS. GHAZAL: Not at all. Not at all. I don't
17 know where you got that from what I said.

18 MS. KING: Well, I mean, because it says here
19 that proof of ownership of -- or rental of a post
20 office box or private mailbox service address within a
21 particular jurisdiction shall not constitute
22 sufficient grounds to establish a person's residency
23 within a particular jurisdiction. So I think if -- I
24 mean, I don't know how much more clear the legislators
25 can make it.

1 MS. GHAZAL: I don't think you understood what I
2 was trying to say.

3 MS. KING: Help me.

4 MS. GHAZAL: Under 228, the counties have an
5 obligation to review -- this is as -- as voters are
6 applying for registration, but when they are already
7 registered and already on the rolls, there are other
8 laws that attach, including federal law. And so there
9 is a -- to remove a voter from the voter rolls, there
10 -- there are other standards not just this. I think
11 that if under 228 there is an affirmative obligation
12 for the -- for the counties to undertake that review
13 on that basis. Right now, if -- if a voter attempts
14 to register on that basis, they will be rejected and
15 those do -- there -- there's no question about that,
16 but as they're already registered, Gwinnett, I would
17 assume, does not already have a list of every single
18 commercial address that's already -- they have to go
19 in and manually identify every single address that is
20 a commercial address or mail -- mail address --

21 MS. KING: Wouldn't that be voter roll
22 maintenance?

23 MS. GHAZAL: That's my -- that's exactly what 228
24 is and that's my point is if they have an affirmative
25 obligation to review the -- the -- and identify,

1 specifically, those commercial addresses that would be
2 helpful because then they would know that that is part
3 of their legislative mandated activities. It is --
4 there's not an affirmative obligation to do that
5 specific task under 228 right now.

6 MS. KING: So just so I'm clear, you're saying
7 there's no obligation for them to clean up their voter
8 rolls?

9 MS. GHAZAL: No. That's not what I said.

10 MS. KING: Because that's what it would be,
11 right?

12 MS. GHAZAL: That's not what I'm saying.

13 MS. KING: If there are people --

14 MR. FERVIER: One -- one at a time --

15 MS. KING: Yeah.

16 MR. FERVIER: -- for the court reporter to --

17 MS. KING: Yeah, we're -- okay, sorry. So if
18 people are on the voter roll that should not be on the
19 voter roll, management and maintenance would be
20 identifying who those individuals are, correct?

21 MS. GHAZAL: There is a -- an obligation to do
22 maintenance. The more specific that obligation is,
23 the less question there will be and -- and the easier
24 it is for the counties to do their job. And -- and, I
25 would love to hear your response on this.

1 MR. MANIFOLD: I -- I do think -- I think what
2 you're hearing is kind of what we've dealt for the
3 last two or three years as a Board is that I think you
4 heard 35 hours of investigations for 20 some voters.

5 MS. GHAZAL: That -- that's also --
6 (Crosstalk.)

7 MR. MANIFOLD: -- and that's also an investigator
8 that actually has powers to --

9 MS. GHAZAL: Yes.

10 MR. MANIFOLD: -- do some of these things.

11 MS. GHAZAL: Right.

12 MR. MANIFOLD: Which we don't have very much -- a
13 whole lot of investigative powers. That's kind of the
14 tough thing we've been in --

15 MS. GHAZAL: Yeah.

16 MR. MANIFOLD: -- that -- that these are very
17 individualized cases a lot of times, like, the guy --
18 the -- the truck driver out in the parking lot. That
19 is -- at the UPS store. And our Board -- he,
20 specifically, came in and spoke to our Board and --
21 and we had -- I think we had somebody that was at a
22 storage unit that was living at, you know, by code you
23 probably shouldn't live at a storage unit, but he was
24 the storage unit. That was the only housing that he
25 had --

1 MS. GHAZAL: Right.

2 MR. MANIFOLD: -- for a time period. And so that
3 is where he should be registered to vote because
4 that's where he's laying his head. And so it just
5 gets -- they're very personalized and very individual
6 cases. Each one of these and so -- and a lot of times
7 even our Board, which five member Board, two
8 Democrats, two Republicans and -- and a fifth member
9 that they agree upon. A lot of times the Board isn't
10 even clear on -- it's not a -- sometimes it's a three-
11 two vote that we're going to keep somebody or it's a
12 five oh, it's not really -- it's not super clear on
13 the law and that's in different sections and -- and so
14 it -- the more guidance we can get specific, like, I
15 do think this new code section you read off is great.
16 This 218(c), about the post office boxes. The more
17 specific it gets, it -- it gives us more tools to be
18 able to say, hey, anybody at that address, I think --
19 I think my staff identified something like 51
20 addresses in Gwinnett early this year that met that
21 new code section requirement. And we were able to
22 either restrict them or make them limited residential
23 if it's a multi-unit kind of thing and we can do that
24 research so I do think the more -- the more we can
25 ally and -- and partner and -- and make better laws

1 and more guidance, it just helps I think. All
2 counties want to do this work, but it is very
3 individualized. When you start looking at individual
4 voters, it gets very -- it's tedious.

5 MS. KING: So are you saying this is a manpower
6 resources issue or is this a legislative issue?

7 MR. MANIFOLD: I think it -- it's -- it's both.
8 I think -- I think both. It think it's -- it -- the
9 legislature the more specific they get, the easier it
10 is on us to be able to implement, but it -- it -- and
11 I think it is. I think essentially these cases that
12 you're seeing that we've been -- maybe had challenges
13 in '22 and '23, now in '25, the clear law we can
14 actually do this -- do this examination and set these
15 voters for removal finally. And I -- I think our
16 Board has kind of gone back and forth and it's been
17 very hard at challenges with these voters over the
18 last two or three years, but the more specific we get,
19 the clearer, the fact -- the better we can clean up
20 these rolls.

21 MS. KING0: So, basically, you need legislation
22 to, basically, say that you have the authority to go
23 back and retroactively review your voter rolls to
24 ensure that each person on there is at a legitimate
25 address? Oh, and what would this -- what would this

1 law, like, what details would you need to be in this
2 new legislation that assist you with doing this
3 because -- and I'm -- and I'm not challenging you
4 because I do understand that a lot of our election
5 workers and staff and teams are in a very peculiar
6 position. And they don't get a lot of direction and
7 they don't get a lot of support. So I would like to
8 know, particularly, being an appointee of the House,
9 what -- what type of policy would benefit?

10 MR. MANIFOLD: I think Melanie wants to jump in,
11 but I'm going to say one thing. The one thing that
12 kind of overlays all of this on us is the National
13 Voter Registration -- registration form and so at --
14 at -- at -- at the end of the day, they have a map and
15 you can draw an X on that map and I -- I have to
16 register you at that X wherever -- wherever you put
17 that -- on that map. Like, if you're sleeping in a
18 park somewhere at the end of the day, your allowed to
19 register where -- if you just draw a X on a map,
20 that's NVRA. That is the National Voter Registration
21 form that people can use. And so when you get away
22 from that, and you start looking, oh, well somebody's,
23 you know, either sleeping in the back of their --
24 their bakery or -- or their business that they own, and
25 stuff -- it just gets very individualized and you have

1 to look at those to get more and more information and
2 it is very tedious with the amount of hours you have
3 to put into that. So -- but I'll -- I'll be
4 interested in seeing what --

5 MS. WILSON: So 21 --

6 MR. FERVIER: One moment, please. I -- I want to
7 be respectful, this is a great conversation. I think
8 that it's something that we ought to flush out. I
9 think it something that we ought to -- to -- to
10 potentially make recommendations on.

11 MS. KING: Well, I'm trying to figure out what to
12 make -- what recommendation to make?

13 MR. FERVIER: Well -- We're kind of getting away
14 from the case a little bit and I want to be respectful
15 to everybody that's waiting here all day long to kind
16 of be heard. So, I mean, I -- I -- I agree that we
17 have 16 individuals that we need to decide what to do
18 on and I -- I don't want to discourage the
19 conversation, but I also know there's a lot of --

20 MS. KING: It's an important conversation. It
21 would prevent what we're --

22 MR. FERVIER: I -- I agree totally.

23 MS. KING: -- right now --

24 MR. FERVIER: I agree totally with you, but it
25 doesn't have anything to do with these individuals and

1 I want to allow people to go -- to go home and I think
2 that this Board can call a meeting to bring experts in
3 to discuss that with us so we could talk about it and
4 maybe --

5 MS. KING: There's no greater expert than the
6 person that's actually having to do it, but --

7 (Crosstalk.)

8 MS. KING: I will -- I will defer -- I will defer
9 --

10 MR. FERVIER: Yeah. I just think --

11 MS. KING: -- to your advice or whatever you're
12 giving.

13 MR. FERVIER: That's fine.

14 DR. JOHNSTON: A couple more questions.

15 MR. FERVIER: Yes, Dr. Johnston.

16 DR. JOHNSTON: Mr. Manifold, did Eric identify
17 any of these commercial addresses found in this
18 complaint?

19 MR. MANIFOLD: I -- I don't know. I do not know
20 that.

21 DR. JOHNSTON: Does Eric screen them for
22 commercial addresses?

23 MR. MANIFOLD: I think Eric's only looking for
24 any registered voters -- any address -- any registered
25 voter in Georgia that has some sort of either

1 registration or I think DDS activity in another state.
2 I think is how Eric generally works. So anybody in,
3 essentially, match some sort of activity somewhere
4 else to -- to a voter here.

5 DR. JOHNSTON: All right. And I'm not quite
6 clear, does the Secretary of State screen for
7 commercial addresses?

8 MR. MANIFOLD: So we don't -- it'll be
9 interesting there is some new tool, another
10 development, hopefully, this gets better. I -- I know
11 the Secretary of State has -- has mentioned, I think,
12 and some of this list maintenance is ongoing this
13 summer that there is some sort of tool that they're
14 going to share with counties on voters that they said
15 it -- it's UPS stores, post box -- post office box and
16 commercial addresses. So I think we're all
17 interested. There's not been any training and we
18 haven't seen any of what's coming yet, but they --
19 they have mentioned there is some sort of new tools.

20 DR. JOHNSTON: That is not been performed yet or
21 --

22 MR. MANIFOLD: I haven't seen it yet.

23 DR. JOHNSTON: All right. Does the county screen
24 for the commercial addresses?

25 MR. MANIFOLD: We do. What ends -- what ends up

1 happening, typically, is that we don't -- it -- it
2 comes down to ranges, but we operate in ranges, like,
3 this -- this range of addresses is good so a lot of
4 times the way the county screens out commercial
5 addresses is that a certain range is -- isn't in the
6 system, like, if -- if you register at -- say we have
7 a, you know, 100 to 600 is a valid address at -- on a
8 -- on that street -- street number, on that -- on that
9 street. A lot of times the way the county screens out
10 is it never put in that range between 600 and 900
11 which was commercial never got -- never gets inputted
12 so when it pops up, somebody tries to register there,
13 it says, oh, something's wrong. So that's, typically,
14 how counties screen commercial addresses is because of
15 street ranges.

16 DR. JOHNSTON: So I think, I believe in code 21-
17 2-217(a) actually described the use of residence for
18 the requirement to register to vote not post office
19 boxes. So I'm just -- I wonder why Gwinnett County or
20 -- or these other cases that we'll be hearing in a
21 minute did not take active steps to identify
22 commercial addresses along the way and to help voters
23 correct so that they actually are registered at their
24 -- at their residence where they lay their head. And
25 I -- and also I'd like to mention there's an audit of

1 the voter rolls that's taking place now and this would
2 perhaps be an excellent data point for the auditors to
3 look at in voter rolls. Although, I -- I believe I'm
4 -- the Secretary of State sent some email to BuzzFeed,
5 something that said, don't let the auditors look at
6 the voter rolls only look at the processes, but this
7 would be an excellent audit tool to provide us more
8 information about the exact topic that we're talking
9 about.

10 MR. FERVIER: Any further comments from the
11 Board? Now, we have to deal with these 16 individuals
12 that were shown to be voting and have an address -- a
13 non-residential address.

14 The Chair would entertain a motion on these
15 individuals.

16 MS. GHAZAL: For the case of Denise Wilson
17 Dawson, do I understand correctly that -- that she is
18 still maintain her address as a -- at a commercial
19 address?

20 INVESTIGATOR KOTH: I have hers listed as
21 canceled so out of these 16, there's six of them that
22 are still on there with either -- there's two with the
23 United States Post Office and then four with UPS
24 stores out of those 16. So six of them, the rest have
25 residence or, you know, or apartments of some kind.

1 She's canceled according to --

2 DR. JOHNSTON: Dawson is canceled?

3 INVESTIGATOR KOTH: Uh-huh.

4 MS. GHAZAL: Then -- then I would -- I would move

5 that the six which I'm hoping we'll be able to name

6 afterwards. We should issue letters of reprimand and

7 a cease and desist that would include instruction to

8 -- that they must register at -- at residential

9 addresses.

10 INVESTIGATOR KOTH: Do you want those last names?

11 MS. GHAZAL: Yes, please.

12 INVESTIGATOR KOTH: So it's Thompson, Green,

13 Defreitas, Defreitas, Knight and Arthur.

14 MR. FERVIER: So we have a motion to issue a

15 letter of reprimand on the above six named

16 individuals. Is there a second?

17 MR. JEFFARES: Second.

18 MR. FERVIER: We have a motion and a second to

19 issue a letter of reprimand on the above-named

20 individuals. Any further discussion?

21 (No response.)

22 MR. FERVIER: Hearing no discussion.

23 DR. JOHNSTON: Mr. --

24 MR. FERVIER: I'm sorry.

25 DR. JOHNSTON: Mr. Chairman?

1 MR. FERVIER: You got to be quick.

2 DR. JOHNSTON: You got to be quick. I -- I would
3 beg to offer an amended motion that includes the --
4 the first motion that adds that the Gwinnett County
5 take action to address all of these Respondents that
6 have been found in violation to identify in -- in
7 Jarvis and to be aware that if any of these
8 registrants desire to vote that they need to correct
9 their correct mailing address.

10 MS. GHAZAL: As the county is not a --

11 DR. JOHNSTON: I'm sorry -- correct residence
12 address.

13 MS. GHAZAL: As the county was not a Respondent
14 to this, I believe that alerting the county would be
15 appropriate, but instructing them to undertake any
16 activity as, I think, has a notice requirement, but
17 was not met here.

18 MR. FERVIER: Okay. So Member Johnston had a
19 motion, are you -- Dr. Johnston had recommended an
20 amended motion. Are you accepting the amended motion?

21 MS. GHAZAL: Not at this time.

22 MR. FERVIER: Okay. So then we need to vote on
23 the original motion then Dr. Johnston's free to make a
24 -- a motion after that. The original motion is to
25 offer a letter of recommendation on the above-named

1 six individuals. Is there a second?

2 MR. JEFFARES: Second.

3 MR. FERVIER: There was a second by Member
4 Jeffares. Any further discussion?

5 (No response.)

6 MR. FERVIER: Hearing no further discussion. All
7 those in favor of sending a letter of reprimand to the
8 above-named six individuals signify by saying aye.

9 THE BOARD MEMBERS: Aye.

10 MR. FERVIER: Any opposition?

11 (No response.)

12 MR. FERVIER: Hearing no opposition, so moved.

13 DR. JOHNSTON: Mr. Chair, I offer --

14 MR. FERVIER: Just a -- please.

15 DR. JOHNSTON: Okay. I'll give you a minute.

16 MR. FERVIER: Yes, Dr. Johnston.

17 DR. JOHNSTON: I'd offer a second motion to alert
18 Gwinnett County as to the Respondents that are in
19 violation of residence address.

20 MR. FERVIER: How would you like to alert them,
21 Dr. Johnston?

22 DR. JOHNSTON: By letter, Mr. Chair.

23 MR. FERVIER: By letter from this Board?

24 DR. JOHNSTON: From this Board.

25 MR. FERVIER: Okay. There's a motion to alert

1 Gwinnett County by a letter from this Board to, I'm
2 sorry, to identify those individuals and alert them to
3 properly register.

4 DR. JOHNSTON: Correct. Identify that they are
5 in violation of proper residence address and to take
6 action to, if possible, correct residence address for
7 these -- these registrants.

8 MR. FERVIER: Did you get that, Mr. Director?

9 MR. MILLS: Can you repeat it one more time? I
10 got --

11 MR. FERVIER: Dr. Johnston, would you repeat that
12 part for Executive Director?

13 DR. JOHNSTON: Identify and correct -- and take
14 corrective action to contact the registrants to
15 provide the proper residence address.

16 MR. MILLS: Thank you.

17 MR. FERVIER: We have a motion. Is there a
18 second?

19 MR. JEFFARES: Second.

20 MS. KING: Second.

21 MR. FERVIER: We have a motion and a second from
22 Member Jeffares. Any discussion?

23 (No response.)

24 MR. FERVIER: Hearing no discussion. All those
25 in favor signify by saying aye.

1 THE BOARD MEMBERS: Aye.
2 MR. FERVIER: Any opposition?
3 (No response.)
4 MR. FERVIER: Hearing no opposition. So moved.
5 Does that leave us ten to deal with? I think, out of
6 the 16?
7 INVESTIGATOR KOTH: Do what?
8 MR. FERVIER: I think there was just ten
9 individuals to deal with it?
10 INVESTIGATOR KOTH: Yes. Those are the ones that
11 have changed.
12 MR. FERVIER: They what?
13 INVESTIGATOR KOTH: Those are the ones that
14 changed their registration.
15 MR. FERVIER: Yeah. So we have ten additional
16 individuals on that list to deal with.
17 The Chair would entertain a motion on them.
18 MS. KING: I just want to verify, just to be
19 clear, they've already corrected their address and --
20 INVESTIGATOR KOTH: Yes.
21 MS. KING: -- changed it and everything.
22 INVESTIGATOR KOTH: You voted on the six that
23 hadn't corrected it.
24 MS. KING: Okay. So I -- I make a motion to send
25 a letter of instruction to the remaining (sic) ten.

1 MR. FERVIER: The remaining Respondents?

2 MS. KING: Uh-huh.

3 MR. FERVIER: That we have a motion to send a
4 letter of instruction to the remaining Respondents.
5 Is there a second?

6 MS. GHAZAL: Second.

7 MR. FERVIER: We have a motion and a second from
8 Member Ghazal. Any discussion?

9 (No response.)

10 MR. FERVIER: Hearing no discussion. All those
11 in favor signify by saying aye.

12 THE BOARD MEMBERS: Aye.

13 MR. FERVIER: Any opposition?

14 (No response.)

15 MR. FERVIER: Hearing no opposition. So moved.
16 A letter of instruction will be sent to the remaining
17 Respondents. Thank you. Our next case on the agenda
18 is SEB2023-066, that is tab number 77 in your book.
19 This involves two individuals, the Respondents are
20 Wycliff Loveless (ph), Kevin Yarborough, attorney at
21 law, Kyle Porter, Wycliff Loveless had -- attorney had
22 requested a continuance and it'll be granted. So we
23 will continue the Loveless portion of this. And today
24 we'll just deal with second individual which is Kevin
25 Yarborough. Please proceed.

1 INVESTIGATOR KOTH: A complaint came in that
2 Kevin Yarborough had voted while he was no longer
3 residing in Georgia. Kevin voted absentee by mail in
4 November of 2020. November of 2022 after he sold his
5 residence in Snellville, Georgia in May of '19. The
6 investigator interviewed him and he advised he's a
7 contractor and was in California for months, but
8 considers Georgia his home state. He does not vote in
9 any other state, but he is hoping to move to Nevada.
10 He is an inactive voter.

11 MR. FERVIER: Any questions from the Board for
12 the investigator?

13 (No response.)

14 MR. FERVIER: Is Mr. Yarborough here? Kevin
15 Yarborough?

16 MR. YARBOROUGH: Yes, sir.

17 MR. MILLS: He's on Zoom.

18 MR. FERVIER: Pardon me?

19 INVESTIGATOR PATTON: He's on Zoom.

20 MR. FERVIER: Oh. Mr. Yarborough? Mr.
21 Yarborough?

22 MR. YARBOROUGH: Yes, sir.

23 MR. FERVIER: Thank you for joining us today.
24 Would you like to state your case, please?

25 MR. YARBOROUGH: Yes, sir. Thank you for the

1 opportunity to -- to do this -- participate via Zoom
2 from Nevada. I apologize if there's any extra noise
3 in the background. I'm just about a block away from
4 Nellis and they're quite active today. So hopefully
5 that's not a sign of anything. I -- I really have not
6 a lot to say. This was strictly out of my ignorance
7 of not understanding the requirements for a absentee
8 ballot. As was stated, I moved to California in early
9 -- January of 2019 to do some contract work and I --
10 so I kept my valid Georgia license and I knew I would
11 not be able to vote in California since I wasn't
12 registered so when the opportunity arose, based on
13 what I thought was just the understanding that I had a
14 valid Georgia license then I could request an absentee
15 ballot. So there were -- there was no intent or to be
16 fraudulent or to vote in multiple places. I totally
17 the respect the laws and appreciate the fact that
18 there's quite a bit of activity to keep us from --
19 from doing that. So I -- I do respect that, but that
20 is strictly my -- my case and I -- I was informed that
21 I had to actually to dis -- unregistered myself from
22 Gwinnett County which I did. I never registered in
23 California because COVID came up and all the DMVs were
24 shutdown. So then I found out I was -- was moving to
25 Nevada. So -- so I just -- I waited till I arrived

1 here in Nevada and now I am a resident of -- of Nevada
2 and am registered to vote here which I did in November
3 of this past year.

4 MR. FERVIER: Where did you live when you were in
5 California?

6 MR. YARBOROUGH: I lived in Ontario. In the
7 Ontario, California area.

8 MR. FERVIER: Did you -- did you live in a house?
9 Did you live in a trailer? Did you live in a, I mean
10 --

11 MR. YARBOROUGH: I was -- I was doing a month-to-
12 month just renting a room from a Airbnb.

13 MR. FERVIER: So it wasn't -- it wasn't a
14 permanent address. It was an Airbnb rental?

15 MR. YARBOROUGH: Yes, sir.

16 MR. FERVIER: Okay.

17 MS. GHAZAL: Mr. Yarborough, when you were
18 working on this contract in California, where did you
19 consider yourself a resident? It's -- it's a very
20 subjective question, I understand.

21 MR. YARBOROUGH: I, again, based on the fact that
22 the only legal license I had was Georgia, I considered
23 myself still a resident of Georgia.

24 MS. GHAZAL: Can -- can you describe a little bit
25 more about the nature of your contract? Was it -- was

1 a month-to-month contract? Was it a -- a fixed term
2 that was extended? How did that come about?

3 MR. YARBOROUGH: The company that I worked for we
4 manage pharmaceutical facilities for the strategic
5 national stockpile. And so the government had
6 requested to stand up a facility a small facility in
7 Ontario area. So the company I worked for, Metro,
8 asked me if I would be interested in going west and I
9 said, well, everything's west of Atlanta so can you be
10 more specific and they -- they were more specific at a
11 later date, but at the time I was -- my wife at the
12 time and I were separated and eventually divorced. So
13 it was an opportunity I thought to just kind of move
14 along and -- and start over in that regard, but the
15 understanding was that it -- it was strictly a year-
16 to-year contract and that it could easily be withdrawn
17 at the GSA's discretion which they, ultimately, did
18 and opted to open a much larger facility here in the
19 Vegas area. And so I was asked to move out here and
20 stand that facility up which we did about a year and a
21 half ago. And this is a more permanent, maybe more
22 permanent than I had hoped, but for it's -- it's a
23 more permanent situation. I'm living -- the last two
24 places I've lived have been the last two places I ever
25 thought I would.

1 MS. GHAZAL: At least it's a much drier heat out
2 there in Nevada than we've got here.

3 MR. YARBOROUGH: Yes. It's actually cooler here
4 right now I think I'm telling my kids who still live
5 there in Georgia, you need to come out and cool off
6 for a while and head back -- head back to Georgia.

7 DR. JOHNSTON: Mr. Yarborough?

8 MR. YARBOROUGH: Yes.

9 DR. JOHNSTON: Where -- where did you pay taxes
10 in 2019, 2020 and 2021? What state?

11 MR. YARBOROUGH: (Unintelligible).

12 DR. JOHNSTON: State of California?

13 MR. YARBOROUGH: California, yes, ma'am.

14 DR. JOHNSTON: I see.

15 MR. YARBOROUGH: I remember that painfully.

16 DR. JOHNSTON: California's pretty high.

17 MR. YARBOROUGH: Yes.

18 MR. FERVIER: Mr. Yarborough, did you maintain
19 any sort of residence at all in Georgia during this
20 time period?

21 MR. YARBOROUGH: No, sir. I -- I -- (inaudible)
22 then spouse in I believe in May of 2019. And then the
23 -- but the mortgage was under my name solely. So I --
24 I knew she would not -- she would not be able to
25 refinance at the time so I agreed to -- to keep the

1 mortgage in my name and she -- she maintained payments
2 and then she eventually sold the property. I believe
3 it was actually sold -- it was actually sold in
4 December of 2020 and closed in January of 2021. The
5 quit claim was done in May of 2019.

6 MS. GHAZAL: Did you receive any mail in Georgia
7 or did -- was all your mail forwarded to California?

8 MR. YARBOROUGH: I had everything forwarded to my
9 actual office, the warehouse address since I wasn't
10 sure how long I'd be at the Airbnb.

11 MS. GHAZAL: And you didn't really maintain a --
12 a permanent residence because you were in Airbnbs and
13 that sort of thing. And month-to-month.

14 MR. FERVIER: Speak louder so he can --

15 MS. GHAZAL: Yeah.

16 MR. FERVIER: Member King?

17 MS. KING: Yeah. I -- I'm ready to make a
18 motion.

19 MR. FERVIER: Any further questions from the
20 Board?

21 (No response.)

22 MR. FERVIER: Member King?

23 MS. KING: I make the motion that we issue a
24 letter of reprimand to in this case just to ensure
25 that this doesn't happen again. He did not vote in

1 both states, so...

2 MR. FERVIER: We have a motion to issue a letter
3 of reprimand in this case. Is there a second?

4 MS. GHAZAL: Second.

5 MR. FERVIER: We have a motion and a second from
6 Member Ghazal. Any discussion?

7 (No response.)

8 MR. FERVIER: Hearing no discussion. All those
9 in favor of issuing a letter of reprimand signify by
10 saying aye.

11 THE BOARD MEMBERS: Aye.

12 MR. FERVIER: Any opposition?

13 (No response.)

14 MR. FERVIER: Hearing no opposition. So moved.
15 Thank you, Mr. Yarborough. We appreciate your
16 attendance today.

17 MR. YARBOROUGH: Thank you very much. I
18 appreciate it.

19 MS. KING: Thank you.

20 MR. FERVIER: The next case on the agenda is
21 SEB2023-029, Gwinnett County, absentee ballots issues.
22 It's number 78 in the binder. The Respondent in this
23 case is Gwinnett County Elections and Registrations
24 Office. Please proceed.

25 INVESTIGATOR BRUNSON: So this is a case in which

1 the voter requested an absentee ballot by mail and
2 that absentee ballot was never sent by the county.
3 The investigator spoke with Mr. Manifold. Who
4 indicated after checking the system that this was due
5 to an internal error that the ballot was not sent out.
6 This voter, Mr. Pedro Marin, was able to vote in
7 person for this particular election and he also
8 complained that he received a ballot for the
9 subsequent runoff election. However, in checking he
10 had checked for a -- for the rollover list so that's
11 why he did receive that ballot. So that must have
12 been inadvertent on his part. So that's the gist of
13 the case and based on our investigation we found that
14 there was a potential violation of O.C.G.A. 21-2-
15 384(2) regarding the mailing of absentee ballots.

16 MR. FERVIER: The complainant is Pedro Marin, I
17 believe he's a State Representative or was at the
18 time, correct? Is Mr. Marin here today? Okay. Does
19 this Board have any questions for the investigator?

20 (No response.)

21 MR. FERVIER: Respondent in this case is Gwinnett
22 County. Would Gwinnett County like to make any
23 comments?

24 MS. WILSON: Good morning, again, Board Members
25 and Mr. Chairman. Melanie Wilson from Gwinnett County

1 Board of Registrations and Elections. We really have
2 to do a mea culpa here. We fell short. Mr. Marin
3 should have the expectation that when he submitted an
4 application that he would receive his ballot. That
5 did not occur in this situation. It is certainly --
6 we're grateful for the fact that he was actually able
7 to exercise his franchise and so there was no loss of
8 a vote here. And we did, in fact, as the investigator
9 pointed out, pursuant to his request, we fulfilled his
10 application for an absentee ballot for the December
11 2022 runoff. If you remember, that was the -- the
12 Warnock, Walker Senate race in December '22.

13 One of the things we pride ourselves on is -- is
14 learning lessons and so when we -- when it was
15 discovered that the application had been misplaced,
16 there were steps taken to correct the process in which
17 absentee ballot applications are received. There are
18 four things that have happened since this incident.
19 We have a dedicated staff person during the absentee
20 ballot period. There's a dedicated staff person at
21 the front counter to receive all applications. Those
22 applications are placed in a dedicated bin. At the
23 end of every day, there's a sweep of the counter to
24 make sure that there's no misplaced documents of any
25 kind. That everything has its proper place. And at

1 the end of the balloting period, the end of the period
2 of time within which people can submit an absentee
3 ballot application. The reception area is swept to
4 make sure that there's nothing missing. So we do feel
5 like we've taken significant important subsequent
6 remedial measures. We -- we pride ourselves on always
7 owning up to a mistake and we own up to the mistake
8 here. I think, as I said, again, thankfully no -- no
9 voter was disenfranchised. Mr. Marin was able to
10 exercise his vote. If I could ask, Board, if -- if
11 you feel it -- I'd ask if you issue a letter of
12 reprimand in this situation. It was a failure, but we
13 -- we've taken important steps to address it since
14 then.

15 During the absentee balloting period, during the
16 election cycle period as things get into this busy
17 phase, we often have a high number of temporary staff
18 working, but I think the lesson that we've learned is
19 that it's important to make sure that we have
20 dedicated staff at the front -- front counter for
21 something as important as receiving an absentee ballot
22 application. Everything we do during the election
23 process is important, but certainly making sure that
24 we can receive an application so that we can,
25 ultimately, provide the requested ballot.

1 MR. FERVIER: Are there any questions for
2 Gwinnett County?

3 MS. GHAZAL: I have one quick question.
4 Approximately how many applications do you receive in-
5 person like this? I find this quite an unusual
6 circumstance that a voter is -- is going to your
7 office and applying in person.

8 MS. WILSON: I'm going to defer to Mr. Manifold.
9 I would imagine we get more by mail than over the
10 front counter.

11 MR. MANIFOLD: Yeah, here. Yeah. Most come
12 through the portal anymore -- most of them are coming
13 through the -- the online portal. Still significant
14 because it's our main office. Significant I would say
15 -- I'm trying to think if that's probably the -- I
16 think -- I don't know -- I'd actually -- I'd be
17 surprised if the mail was higher than actually the
18 drop off at the front desk. We get a lot of walk-ins
19 at our front desk. It -- because it's our main
20 office. We have a lot of people stop by our main
21 office. So it's significant. Essentially, with this
22 one I think we believe what happened was this
23 application was placed in a sorting for the runoff.
24 It had gotten into the wrong, essentially, pile. It
25 was in the runoff pile and when they got to it, for

1 the runoff, they -- they issued because the -- the
2 rollover box was marked. They went ahead and issued
3 the runoff ballot which I think the complainant had
4 forgotten he marked that box. So then he got a ballot
5 for the runoff. So, but, yeah, we -- we've issued --
6 this was in November, yeah, November, December or
7 October. He probably brought it in October '22. I
8 think we changed a lot of processes at our office in
9 the last couple years. And this is one of those up
10 front -- at the front desk and I think having an
11 absentee by mail employee at the front desk during
12 balloting period just helps us get those -- those
13 applications to the correct place and -- and -- and
14 processed timely.

15 MS. GHAZAL: Thank you. That's helpful. I will
16 also add, I find it unusual that somebody go to the
17 office to apply for an absentee ballot when they can
18 just go to the office and vote during early voting
19 because it is a generous period, but, you know, some
20 people really prefer to have that piece of paper. So
21 at the appropriate time, I'm prepared to make a
22 motion.

23 MR. FERVIER: Any further questions from the
24 Board?

25 (No response.)

1 MR. FERVIER: The Chair would entertain a motion.

2 MS. GHAZAL: I move we issue a letter of
3 reprimand.

4 MR. FERVIER: We have a motion to issue a letter
5 of reprimand. Is there a second?

6 MS. KING: Second.

7 MR. FERVIER: We have a motion and a second. Any
8 discussion?

9 (No response.)

10 MR. FERVIER: Hearing no discussion. All those
11 in favor of issuing a letter of reprimand on SEB2023-
12 029 signify by saying aye.

13 THE BOARD MEMBERS: Aye.

14 MR. FERVIER: Any opposition?

15 (No response.)

16 MR. FERVIER: Hearing no opposition, so moved.
17 The next item on the agenda is SEB2023-011, Gwinnett
18 County, improper processing of ballots. It's your
19 last one, Gwinnett. It's been a long morning. That's
20 tab number 79. Please proceed.

21 INVESTIGATOR KOTH: This is a self-report that
22 the manager, Jennifer Fogle-Weekly was notified that a
23 ballot was rejected by the ICP scanner and the voter
24 who cast the ballot left and could not be identified.
25 Jennifer advised since they couldn't spoil the ballot

1 and have the voter create and cast a new one, she
2 decided to duplicate the ballot herself. She created
3 a new voter card that contained the same precinct
4 combination as the original ballot. She then made the
5 same candidate selections on the BMD as a voter has
6 made on the original ballot. Jennifer then printed
7 and scanned the ballot in the ICP scanner and spoiled
8 the original ballot. Jennifer stated there wasn't
9 anyone else present, but she double-checked that the
10 selections were the same. This was the Hershel Walker
11 and Raphael Warnock runoff. She advised in hindsight
12 this was probably not the best course of action, but
13 she was only trying to make sure that the voter's vote
14 counted. The allegation that a Gwinnett County
15 Election worker improperly duplicated a rejected
16 ballot which was found unattended and an imagecast
17 precinct scanner is substantiated. Potential
18 violations for Jennifer Fogle-Weekly O.C.G.A. 21-2-
19 483.

20 MR. FERVIER: And the Respondent is Stacy Jones
21 or Fogle-Weekly, area manager for Gwinnett County
22 Elections. Does the Board have any questions for the
23 investigator?

24 (No response.)

25 MR. FERVIER: Is Jennifer Fogle-Weekly here?

1 MS. ROUTH: On behalf of my client, Ms. Fogle-
2 Weekly, my name is Samantha Routh with the Gwinnett
3 County Law Department. I'm here on her behalf. She,
4 unfortunately, wasn't able to make it so I came. If I
5 may, Mr. Chairman and esteemed Board Members. To give
6 a little bit more factual basis for what happened on
7 this day, as the Board Members know this was the 2022
8 US Senate runoff, as previously stated, between
9 Senator Warnock and Hershel Walker. This was during
10 the advanced in-person period so it was not election
11 day. It was actually the Friday prior to the election
12 day, if my memory serves correctly. It was December
13 2nd of 2022. Ms. Fogle-Weekly was serving as the area
14 manager. This is actually my first foray in elections
15 so I wasn't 100 percent sure that area manager
16 corresponds to other counties. In Gwinnett County, an
17 area manager actually manages and is the first line of
18 defense for multiple precincts. So during this period
19 she actually had two precincts the specific incident
20 happened at Gas South precinct. She asked -- also had
21 a secondary precinct in another area of Gwinnett,
22 Pikneyville which is about a 30- to 40-minute drive.
23 She did receive a call from the assistant manager of
24 Gas South and was informed that a ballot was being
25 rejected by the scanner and that the voter, in fact,

1 had left. So the first failure occurred with the poll
2 official at the scanner who should have informed the
3 voter to wait until the scanner's either ticked up by
4 one or in this case would have rejected the ballot.
5 At that point then training would have kicked in which
6 would have allowed those on the scene to have been
7 allowed for the voter to get a new memory card, cast a
8 new ballot and the original ballot should have been
9 spoiled. Unfortunately, the voter was allowed to
10 leave or did not remain. We're -- we're not clear as
11 to that and so once they realized that the scanner had
12 rejected the ballot -- the assistant manager calls Ms.
13 Fogle. She was actually at another precinct so she
14 told them set the ballot aside. That she would deal
15 with it when she arrived. When she arrived, things
16 got busy. About approximately 47 percent of active
17 voters in Gwinnett turned out for this particular
18 runoff election. And so the ballot was not remembered
19 until closing. And at that point, she attempted to
20 call HQ, but, obviously, things were busy on that end.
21 She wasn't able to get ahold of anybody. So to add
22 some clarification, I wanted to impart to the Board
23 that Ms. Fogle fumbled. She absolutely should not
24 have duplicated that ballot. She was well aware of
25 that. She's, actually, causing her a great deal of

1 stress thinking that she messed this up, but in that
2 moment when she couldn't get ahold of somebody above
3 her understanding that they had already failed in
4 allowing the voter to leave the scanner. Her attempt
5 and her intention was to make this right for the
6 voter. So she had spoken with the other assistant
7 managers. Informed that she thought the best course
8 of action at that point was to duplicate the ballot.
9 She then also spoke with one of the poll watchers that
10 was there. So her duplication occurred very much in
11 the open at the precinct. At that point, she then
12 went over and duplicated the ballot. Then made the
13 correct selection according to what was on the ballot,
14 scanned it in. And then spoiled the secondary ballot.
15 When she arrived at HQ after closing of the Gas South,
16 she did inform another employee of the precinct or HQ
17 that what she had done. On December 3rd, she also
18 wrote a full statement which I believe the Secretary
19 of State investigator has. And then when county
20 reported this to the Secretary of State for
21 investigation, she also then spoke with the
22 investigator on the phone. I believe that was on
23 March -- or excuse me February 15th, 2023. So she has
24 been very forthcoming in all of this. She is very
25 apologetic. Her intention was just to correct the

1 mishap that occurred before her. She fully
2 understands that this should have never occurred. She
3 should have spoiled the ballot. I just want to give
4 just a little bit more background about Ms. Fogle.
5 She has been working elections since she was hired in
6 November of 2014 began working elections the following
7 year. This occurred in December of 2022. She has
8 worked very election also since then. This is her
9 only violation since her hiring. She has learned a
10 valuable lesson. She understands that she has -- that
11 this could have gone much worse. She is asking for
12 mercy from this Board and therefore is asking for a
13 letter of reprimand. A very strongly worded letter of
14 reprimand is what we're asking for today.

15 MR. FERVIER: Any questions from the Board?

16 MS. GHAZAL: I have a question for Mr. Manifold.
17 Have you -- are you using this as a training example?

18 MR. MANIFOLD: We do -- we do have a training
19 scenario where -- about how to spoil a ballot and --
20 and -- and how to properly spoil. I think -- I
21 remember running into her on election night and she
22 was kind of frantic on this election night of -- or it
23 was actually as you mentioned the Friday as we were
24 closing all the AIP locations. And she came back that
25 evening and I know she immediately felt remorse and

1 was, like, I -- I think I did something I shouldn't
2 have done. I don't know what. I just think everybody
3 was tired at that point. I think you're working --
4 this was the runoff. So in -- in many ways we already
5 -- we worked all the general, worked the runoff and
6 everybody was super tired and it's the last day and
7 they're closing at seven o'clock and I think this
8 happened right at closing and I know that she talked
9 to a poll watcher because then the poll watcher
10 actually called me even before Ms. Fogle-Weekly got
11 back to the office and so -- just I -- I -- I really
12 do think that she has been one of our best poll
13 officials over the past decade and she is very strong
14 in her good, but, yeah, we are trying to -- we -- we
15 have even kind of increase that spoiled ballot
16 training as well.

17 MS. GHAZAL: Thank you. I have no other -- no
18 further questions.

19 MR. FERVIER: Any further questions from the
20 Board?

21 DR. JOHNSTON: My only comment would be to be
22 sure to include the word unattended ballot as far as
23 spoiled ballots in the scenario. It'd be a great
24 example to share during your training process with
25 poll workers. And thank her for her many years of

1 working in the polls.

2 MR. FERVIER: The Board will entertain a motion?

3 MS. GHAZAL: I move we issue a letter of
4 reprimand.

5 MR. FERVIER: We have a motion to issue a letter
6 of reprimand. Is there a second?

7 DR. JOHNSTON: Second.

8 MS. KING: Second.

9 MR. FERVIER: We have a motion and it's second
10 from Dr. Johnston. Any discussion?

11 (No response.)

12 MR. FERVIER: Hearing no discussion. All those
13 in favor of issuing a letter of reprimand signify by
14 saying aye.

15 THE BOARD MEMBERS: Aye.

16 MR. FERVIER: Any opposition?

17 (No response.)

18 MR. FERVIER: Hearing no opposition. So moved a
19 letter of reprimand will be issued in case SEB2023-
20 011. Gwinnett County, you are finished for today.

21 MS. KING: Thank you.

22 MR. FERVIER: Have a great drive back. I'm going
23 to entertain a motion for a short lunch break, here in
24 a moment, but I want to let you know, we still have
25 DeKalb County and some Fulton County cases. There is

1 a particular Fulton County case, SEB2022-243 that has
2 15 Respondents, I believe, and it -- we'll go -- it's
3 not Fulton County as a Respondent, it's 15 individuals
4 that have incorrect addresses voter addresses similar
5 to the Gwinnett County case earlier and out of respect
6 for those individuals, that have some childcare
7 responsibilities and everything else. We will hear
8 that immediately after we get back from lunch and then
9 we'll go to the DeKalb County cases and then back to
10 Fulton County so we'll see if we can -- I'll let those
11 people go. I'm suggesting that we have a very short
12 lunch break today since we're a little bit behind.

13 So the Chair would entertain a motion for a 30-
14 minute lunch break at this time.

15 MS. KING: So moved.

16 DR. JOHNSTON: Second.

17 MR. FERVIER: So we have a motion and a second.
18 All those in favor signify by saying Aye.

19 THE BOARD MEMBERS: Aye.

20 MR. FERVIER: The vote is unanimous. We will
21 meet back here at 20 till one. 20 till one. And
22 we'll proceed with SEB2022-243.

23 (The session recessed at 12:08 p.m.)

24 (The session resumed at 12:44 p.m.)

25 MR. FERVIER: We call back to order the meeting

1 of the State Election Board. The first case that
2 we're going to hear is SEB2022-243, Fulton County,
3 absentee ballot fraud address. Very similar to the
4 case we heard earlier, it's tab 86 in your book.
5 Please proceed.

6 INVESTIGATOR BRUNSON: Okay. The Secretary of
7 State's Office opened an investigation after receiving
8 a report of 20 Fulton County voters who potentially
9 used non-residential commercial addresses which
10 included the post office, UPS stores, and other
11 commercial properties as their residential address for
12 voting purposes potentially violating O.C.G.A. 21-2-
13 217(a)(1). Additionally, one voter's alleged to have
14 duplicate registrations and two others were believed
15 to have incorrect birthdays listed on their voter
16 registration potentially violating O.C.G.A. 21-2-571,
17 voting by unqualified elector or giving false
18 information. Of the 20 voters who were alleged to
19 have used uninhabitable commercial addresses as their
20 residence for voting purposes, only two provided
21 evidence that they live on the site of the commercial
22 property. The commercial location is listed for the
23 remaining voters included United States Post Offices,
24 the UPS stores, and a mail center, etcetera. Four of
25 the voters indicated that they did not have a

1 permanent residence of their own and classified
2 themselves as homeless. All but one of the address
3 changes occurred through the Georgia Department of
4 Driver Services. The one different change occurred
5 using a federal post card as the voter was living in
6 Canada and used their previous Fulton County address
7 for voting purposes. It is -- it is unknown why two
8 voters addresses indicated missing address. It was
9 reported by Fulton County that one of the voter ID
10 numbers -- there was a clerical error which occurred
11 during the duplicate merge. The 2021 voter
12 registration transaction card for the second voter
13 received from the Georgia Department of Driver
14 Services showed the residential address of 2029
15 missing address. Both registrations have since been
16 corrected to reflect a residential address. The
17 allegation that a voter had two voter registrations
18 and voted under both ID numbers is unsubstantiated.
19 The voter in question did have a duplicate voter
20 registration created in error; however, the voter only
21 voted once in each election prior to the accounts
22 being merged by the county. The allegation that two
23 voters birthdays were fraudulently entered was
24 unsubstantiated. The investigation determined that
25 the voters birthdays were somehow entered incorrectly,

1 but have since been corrected to reflect both of those
2 voter's birthdays. So, ultimately, we determined that
3 there were 16 individuals that were in violation of
4 O.C.G.A. 21-2-217(a)(1) and I can read off this list
5 of individuals, the 16 individuals, I have if you want
6 me to do that. Now, three of the individuals we
7 identified as being homeless. So I can just go by
8 last names or initials for those individuals.

9 MR. FERVIER: Yeah. I'm -- I'm curious. You
10 said 16. I only see 15 Respondents listed.

11 INVESTIGATOR BRUNSON: Yeah. I counted 16.

12 MR. FERVIER: Yeah, 15. How many did you get?

13 MR. JEFFARES: I got 15.

14 INVESTIGATOR BRUNSON: I just counted 16 again.
15 (Brief pause.)

16 MR. FERVIER: The Board will need to add Vickie
17 Reynolds as a Respondent.

18 MS. GHAZAL: Yeah.

19 INVESTIGATOR BRUNSON: She should be in the back.
20 If you look under the violation in the follow-up,
21 she's listed on that.

22 MR. FERVIER: Yeah.

23 INVESTIGATOR BRUNSON: Does everyone see that on
24 the --

25 MR. FERVIER: Yeah.

1 INVESTIGATOR BRUNSON: Okay.

2 MR. FERVIER: All right.

3 INVESTIGATOR BRUNSON: So she must have been left
4 off the front page, but she's on the back page.

5 MR. FERVIER: Are you finished?

6 INVESTIGATOR BRUNSON: Yeah. I mean, I'm not
7 going to go -- so there's -- there's actually three
8 different violations here.

9 MR. FERVIER: Okay.

10 INVESTIGATOR BRUNSON: And then there's one
11 person that violated all law three. His name is Jason
12 Rome. So Mr. Rome we determined was in violation of
13 O.C.G.A. 21-2-217(a)(1), 21-2-216 and also -- he also
14 voted outside of the county which he resided. So he
15 was the one that we were able to determine actually
16 lived in another location while he was registered at a
17 business address. The other individuals we determined
18 that they were registered there. Which we knew that,
19 obviously, through the DDS registration and these
20 individuals the -- the second set of 16 individuals
21 actually voted while they were listed at that
22 commercial address and then Mr. Rome's the individual
23 we made -- we were able to, through our investigation,
24 determined that he had moved to Cobb County, actually,
25 and voted as a resident quote/unquote of Fulton

1 County. So he's the one that -- that was hit with all
2 three of the violations. So -- and, like I said, I
3 could go through the names if you want you -- want me
4 to list each name.

5 MR. FERVIER: Okay.

6 DR. JOHNSTON: Please.

7 INVESTIGATOR BRUNSON: Okay. All right. Last
8 names, I guess, okay.

9 DR. JOHNSTON: Or Beverly V. or --

10 INVESTIGATOR BRUNSON: Yeah.

11 DR. JOHNSTON: Yeah.

12 INVESTIGATOR BRUNSON: I can -- I can do that.
13 First name and last --

14 DR. JOHNSTON: Initial.

15 INVESTIGATOR BRUNSON: -- initial. So for
16 O.C.G.A. 21-2-217(a)(1), Beverly B., Emily F.,
17 Fredrick F.,

18 MR. FERVIER: Hang on a second. Beverly B.
19 What's the next one?

20 INVESTIGATOR BRUNSON: Emily F.

21 MR. FERVIER: Okay.

22 INVESTIGATOR BRUNSON: Next is Frederick F.

23 MR. FERVIER: Yep.

24 INVESTIGATOR BRUNSON: Chad H.

25 MR. FERVIER: Yeah.

1 INVESTIGATOR BRUNSON: Erin J.
2 MR. FERVIER: Okay.
3 INVESTIGATOR BRUNSON: Rickiesha M.
4 MR. FERVIER: Okay.
5 INVESTIGATOR BRUNSON: Michael M.
6 MR. FERVIER: Okay.
7 INVESTIGATOR BRUNSON: James M.
8 MR. FERVIER: Okay.
9 INVESTIGATOR BRUNSON: Vickie R.
10 MR. FERVIER: Okay.
11 INVESTIGATOR BRUNSON: Jason Rome who I already
12 mentioned. Marcia S.
13 MR. FERVIER: Okay.
14 INVESTIGATOR BRUNSON: Darcy S.
15 MR. FERVIER: Okay.
16 INVESTIGATOR BRUNSON: Joseph T.
17 MR. FERVIER: Okay.
18 INVESTIGATOR BRUNSON: Catherine T.
19 MR. FERVIER: Okay.
20 INVESTIGATOR BRUNSON: Ardra T.
21 MR. FERVIER: Okay.
22 INVESTIGATOR BRUNSON: Sharon W.
23 MR. FERVIER: Okay.
24 INVESTIGATOR BRUNSON: And then, basically,
25 everyone -- all that, again, for O.C.G.A. 21-2-216. I

1 can go through it again if you want, but --

2 MR. FERVIER: It's the same --

3 INVESTIGATOR BRUNSON: Same --

4 MR. FERVIER: Same individuals?

5 INVESTIGATOR BRUNSON: Same individuals. And

6 then, finally, Jason Rome.

7 DR. JOHNSTON: Michael?

8 INVESTIGATOR BRUNSON: Yes.

9 DR. JOHNSTON: Do you have information whether

10 these are active or inactive status voters?

11 INVESTIGATOR BRUNSON: So they're all active

12 except for -- yeah, he was the investigator

13 (inaudible).

14 INVESTIGATOR UNIDENTIFIED: (Inaudible).

15 DR. JOHNSTON: Except for who? Except for?

16 INVESTIGATOR UNIDENTIFIED: (Inaudible).

17 MS. KING: They're all active except for Milton.

18 MR. FERVIER: What was the third violation for

19 Mr. Rome?

20 INVESTIGATOR BRUNSON: It's going to be

21 qualifications of elector, but that's second -- second

22 count of that.

23 MR. FERVIER: So 216?

24 INVESTIGATOR BRUNSON: Yes, 216.

25

1 MR. FERVIER: Okay. And I take it that there's
2 no violation found against Marcus N.? Marin
3 Parkinson. I'm sorry, P.

4 INVESTIGATOR BRUNSON: Yes. Some of those were
5 the individuals that I listed, there was a mistake, as
6 far as --

7 MR. FERVIER: So Shatish V. So there's three of
8 them there were no violations, right?

9 INVESTIGATOR BRUNSON: Yes. Those are the
10 individuals that we determined it was a mistake of
11 administrative error, etcetera.

12 MS. GHAZAL: Mr. Chair, for the sake of
13 completeness I would move that we dismiss formally on
14 the record dismiss any allegations against these
15 three.

16 MR. FERVIER: Yep.

17 MS. GHAZAL: As per the investigation.

18 MR. FERVIER: Are you making a motion?

19 MS. GHAZAL: I so move.

20 MR. FERVIER: I'm sorry. We have a motion from
21 Member Ghazal that we dismiss any complaints against
22 Marcus N., Marin P. and Satish V. there are no
23 violations found. There's a motion to dismiss against
24 those three individuals.

25 DR. JOHNSTON: Mr. Chair, question first. In my

1 record, I -- in my record, I have Vickie R. had a
2 corrected residence update.

3 INVESTIGATOR BRUNSON: Vickie Reynolds?

4 DR. JOHNSTON: Yes.

5 INVESTIGATOR BRUNSON: November 3rd, 2022. So --
6 okay. You know what? That explains the -- why there
7 should have been 15 and not 16 and so that was a good
8 catch, actually, because --

9 MR. FERVIER: So what's the --

10 INVESTIGATOR BRUNSON: So she actually updated
11 her residential address on November 3rd, 2022.

12 MR. FERVIER: So there's no violation?

13 INVESTIGATOR BRUNSON: Yeah. No violations.

14 MR. FERVIER: Okay.

15 INVESTIGATOR BRUNSON: So Vickie Reynolds should
16 be no violation.

17 MR. FERVIER: Would you like to amend your
18 motion?

19 MS. GHAZAL: So amended.

20 MR. FERVIER: So we have an amended motion to
21 dismiss the claims against Marcus N., Marin P., Vickie
22 R. and Satish V. Is there a second?

23 MR. JEFFARES: Second.

24 MR. FERVIER: We have a motion and a second from
25 Member Jeffares. Any discussion?

1 (No response.)

2 MR. FERVIER: Hearing no discussion. All in
3 favor of dismissing the above-named individuals
4 signify by saying aye.

5 THE BOARD MEMBERS: Aye.

6 MR. FERVIER: Any opposition?

7 (No response.)

8 MR. FERVIER: Hearing no opposition, so moved.
9 We'll deal with the rest of them now. I know that we
10 have two Respondents here to speak. We have a Mr.
11 Michael Millben, and we also have is it Marcia Scott?

12 MS. SCOTT: It's Marcia Scott.

13 MR. FERVIER: Marcia Scott.

14 MS. SCOTT: Marcia.

15 MR. FERVIER: Ms. Scott, would you come on up
16 here and sit so we can talk to you?

17 MS. SCOTT: That's fine.

18 MR. FERVIER: Okay. Any -- any place is fine.

19 MS. SCOTT: Oh, okay.

20 MR. FERVIER: Just a little closer so we can see
21 you a little better. I appreciate y'all coming to --
22 it's been a long day for you to listen to this, but
23 Mr. Millben, would you like to proceed and tell the
24 Board exactly your explanation?

25 MR. MILLBEN: Thank you, Mr. Chairman and Board.

1 I appreciate you moving up the agenda for us. I'm 70
2 -- I will be 75 years of age on September 26th. I've
3 been a registered voter for 57 years in the state of
4 Oklahoma, the state of Georgia, the state of Michigan,
5 the state of Oklahoma again, the state of California
6 and the state of Georgia again. I want to thank you
7 for making me aware of a potential violation. And
8 that violation is the rules of determining residency
9 in Georgia when they use another address for their
10 fixed habitation. Now, as we would say in Oklahoma,
11 we could cut across the pasture if we could just
12 answer one question for me. When was this rules for
13 determination of residency, O.C.G.A. 21-2-217(a)(1).
14 When was it officially initiated?

15 (Brief pause.)

16 DR. JOHNSTON: Mr. Millben, the -- the code
17 specifically says no post office boxes -- I could read
18 it for you -- are acceptable was this year -- last
19 year. And -- but the codes for your proper residence
20 was written in 1981. It's where -- where you -- where
21 you sleep. Where you lay your head is your proper
22 residence. So that you will get the right ballot to
23 vote for the right offices or candidates for offices.
24 So you get to vote for the school board member where
25 you live or the sheriff where you live. Or the proper

1 State Representative or State Senator. It's so you
2 get the right ballot for the election.

3 MR. MILLBEN: Okay. So then that the fixed
4 habitation where a person lives and without any
5 present intention of moving therefrom?

6 DR. JOHNSTON: Correct.

7 MR. MILLBEN: As the rule reads.

8 DR. JOHNSTON: Correct.

9 MR. MILLBEN: Well, I did not know there was a
10 problem because last July I was called for jury duty
11 and because I'm over 70, I -- I exempted from it so I
12 did not know there was a problem with me in Fulton
13 County period. And so I see the error. Please let me
14 know where I can correct it and we can move along. I
15 see right here what has happened. When I moved back
16 to Georgia in 2005 I kept my California residency and
17 my California driver's license and I voted in
18 California until 2013 when I got my initial driver's
19 license which had my post office box on it. And when
20 asked to register to vote, of course, I did. So I
21 became a registered voter again in Georgia. Now, my
22 registration was to be renewed on my birthday
23 September the 26th, 2018. When I went to do that, I
24 was instructed I need to list a physical residence at
25 that time. Now, between 2005 and 2013 my residence

1 was 3187 Lovell Drive, Southwest, Atlanta, Georgia
2 30311 and that's what I listed. Now, there was a
3 change for a new license. Now you got to -- I don't
4 keep up with everything, but I catch it on the news
5 and I had to get a new license with a star on it and
6 so I did. I went to the DMV on February 24th, 2013,
7 and they wanted a physical address and so at that time
8 I did not have one as I reported in my 2020 census. I
9 reported I was homeless, and I reported the location
10 where it was which was around my post office box. And
11 in doing so, the person who waited on me said, you
12 need a physical address and suggested to me to list
13 the address of my post office box, 50 Sunset Avenue,
14 Northwest Atlanta, Georgia 30314. I did what the
15 representative told me at the DMV. And then I came
16 back downtown with my new license, and I registered
17 again with my new license. Doing what I thought was
18 right. I came back and I got a certified stamped
19 registration from Fulton County that I was a
20 registered voter on this new DMV card I had. Now, I
21 voted in the November general election, November 2024,
22 right down here at Fulton County and I was called for
23 jury duty last year. So I just need to know where
24 I've gone wrong so we can correct it because I've done
25 all I know to do going on 75 years of age as a

1 registered voter. Please help me.

2 MR. FERVIER: Thank you. Thank you for coming
3 down here today and explaining your story. It's
4 greatly appreciated by myself and sure the Members of
5 the Board and helpful in this decision. Are there any
6 questions from the Board?

7 MS. GHAZAL: Sir, do you have a -- a fixed
8 residence at this time?

9 MR. MILLBEN: When I became homeless, two pastors
10 who knew me and have known me for years got together
11 with some of their members to where I had to go take a
12 shower and they were kind enough to give me something
13 to eat. When the pandemic kicked in, the first part
14 of 2020, I was out there and one of the families said,
15 look, you just stay in and that's what I've been doing
16 in DeKalb County. Now, why I have not changed over?
17 From 1999 to 2015 I was without health insurance. In
18 California in 1999 they upped my health insurance 300,
19 400, 500, 600, \$700. I couldn't pay it. So I was
20 without health insurance, but my physicians in Alameda
21 County worked out where I can get my colonoscopies and
22 various care and etcetera, etcetera, etcetera because
23 whether you know it or not as a man and as an African-
24 American man, you can't take chances with your health.
25 You got to stay on top of it. Not only colon,

1 prostrate, everything and so consequently I moved here
2 in 2005, the Grady Hospital was so kind to work with
3 me to keep my healthcare going. So when I became 65
4 in 2015, Medicare kicked in. When Medicare kicked in
5 -- Medicaid then I was able to get Humana. Other
6 words I had health insurance for the first time in 16
7 years. You don't know the relief to know that if
8 anything happens, I can get my teeth, anything wrong
9 in my body taken care of. And that's because of
10 Fulton County and Grady Hospital. So that's one of
11 the reasons that I have stayed here because of the
12 fact that I know that I'm cared for and loved by
13 people down at Grady and Fulton's my home. That's all
14 it is to it. I used to be the student pastor at the
15 Ebenezer Baptist Church between 1975 and 1977 under
16 Pastor Joseph Lawrence Roberts, Jr. I used to drive
17 Martin Luther King, Sr. around after his family had
18 been assassinated. So this is home for me. This is
19 where I call home, and this is where I vote and I
20 appreciate that I can still keep voting here until my
21 days are over with.

22 MR. FERVIER: Thank you. Any other questions?

23 DR. JOHNSTON: Question. Mr. Millben, do you
24 live in DeKalb County now?

25 MR. MILLBEN: Yes. Since the pandemic, the

1 family that I was with, I was just coming and going,
2 they said to me, stay here and so I have a place to
3 stay and I'm thankful that I can do that right now.

4 DR. JOHNSTON: Right. I -- and I'm so glad. I
5 -- I'm happy to tell you that Grady Hospital is also
6 Fulton, DeKalb hospital authority so you can live in
7 DeKalb County and still use Grady Hospital if you --
8 if you want, if you so choose.

9 MR. MILLBEN: Thank you.

10 DR. JOHNSTON: I have spent many years at Grady
11 Hospital.

12 MR. MILLBEN: Thank you.

13 DR. JOHNSTON: Okay. And I'm so glad you're
14 registered to vote, but we want you to vote in the
15 right place so that -- that you get the right ballot
16 to vote for the right contests that are on the ballot.
17 So if you live in DeKalb County, you need to register
18 to vote in DeKalb County.

19 MR. MILLBEN: Okay. Thank you for that
20 understanding of Grady and DeKalb.

21 DR. JOHNSTON: And please do because I want you
22 -- I want you to register and I -- and I want you to
23 vote.

24 MR. MILLBEN: Thank you.

25 MR. FERVIER: Any other comments from the Board,

1 questions? The Chair would entertain a motion at
2 this point.

3 MS. GHAZAL: I would like to thank Mr. Millben
4 for coming down here. For sharing his story, for
5 being such an involved and engaged member of our
6 society when you have -- you're among the least of us
7 and yet you're giving more than most of us. So thank
8 you for coming down here. Thank you for voting.
9 Thank you for everything that you have done. I wish
10 that the systems had not failed you so terribly and I
11 am grateful that you were able to take advantage of --
12 of Medicare and that you have healthcare.

13 MR. FERVIER: The Chair will entertain a motion.

14 MS. KING: Yeah. I make a motion that we just
15 issue a letter of instruction so that you do have in
16 writing all the information needed to ensure that this
17 doesn't happen again. That's my motion a letter of
18 instruction.

19 MR. FERVIER: We have a motion to issue a letter
20 of instruction. Is there a second?

21 MR. JEFFARES: Second.

22 MR. FERVIER: We have a motion and a second. I
23 want to know the Chair fully supports that and gladly
24 vote in that favor when the time comes. Any further
25 discussion?

1 (No response.)

2 MR. FERVIER: All in favor of issuing a letter of
3 instruction to Mr. Millben signify by saying aye.

4 THE BOARD MEMBERS: Aye.

5 MR. FERVIER: The Chair also votes aye. Any
6 opposition?

7 (No response.)

8 MR. FERVIER: Hearing no opposition, so moved.
9 Mr. Millben, thank you for coming down today.

10 MR. MILLBEN: Mr. Chairman, I thank you. This
11 has been a great experience. I learned so much
12 sitting here. I mean, I wish every person would take
13 time to come down just hear what is going on with this
14 process.

15 MR. FERVIER: You are -- you are welcome to come
16 back and visit us any time you want to.

17 MR. MILLBEN: I'm going to do that.

18 MR. FERVIER: Yes.

19 MR. MILLBEN: And I thank you again for giving me
20 the opportunity to spend my last days as a voter.
21 Bless you all, thank you.

22 MR. FERVIER: Thank you.

23 DR. JOHNSTON: Mr. Millben, just so you'll know
24 the Election Director for DeKalb County is right there
25 in the beautiful green jacket.

1 (Crosstalk.)

2 MR. FERVIER: The next Respondent we have is
3 Marcia Scott. Ms. Scott, will you press your button
4 there. Thank you.

5 MS. SCOTT: Hello, greetings everyone, thank --
6 first of all, thank you for the opportunity -- if I
7 could stand, please, I look --

8 MR. FERVIER: If --

9 MS. SCOTT: I like to stand. Amen. Praise the
10 Lord, but first of all, I want to give honor to God
11 who is the head of my life. And thank you so much for
12 the opportunity to move cases up. I know that this is
13 important to you, as well to me. As a Georgia
14 citizen, as a US citizen and as a registered voter.
15 Every time I get a chance, the opportunity, whenever
16 those voting rights are -- whether it's pre-election,
17 preliminary election, early election, I always
18 exercise my right to vote. My thing is -- yeah, I'm
19 kind of concerned of the fact I was, like, Lord I
20 register everything and I am active. I'm active --
21 I'm a former educator, as well and I do a lot of
22 community outreach coordinator with homeless and
23 everything and my thing is when I got this letter, I
24 was shocked. I was kind of, like, Lord what is this
25 because of the fact of the matter I stay on top of

1 stuff. I've been a registered voter ever since 2016
2 of Georgia. Every time there is an election, I always
3 it. I don't take it for granted like I'm not going to
4 vote today because every vote does count. Rather --
5 whatever -- whatever background, nationality or
6 whatever your last name, it does count because that's
7 what makes a difference in the community as well as
8 local government and in the national. So when I got
9 this, and I called down -- I called the number and I
10 said, hey, what is this because active on my Georgia
11 page before I go and vote, I always check everything
12 and if my residence is on there. My mailing address
13 is the P.O. box and that's where I get all of my mail.
14 I get all my mail and everything because I had
15 fraudulent activity at my residence and you should
16 know in the state -- Georgia is a scam state, as well
17 as any other state too, as well. And I had different
18 -- most documents when it come down to children
19 documents. I'm a single mom, super mom of three kids
20 and I'm -- I'm very, very knowledge and educated in
21 what I do. I'm very active in the community, Jose'
22 Feed the Hungry, anything and my church, as well. So
23 for me to take the time out -- see I don't take this
24 lightly because I could have been at home, but it's a
25 major concern for me because I do exercise my right to

1 vote. I will not -- I don't want my voting rights
2 taken because I do take pride in the state of Georgia
3 as a citizen, as a middle-class, working-class, a mom,
4 as well. And I -- I'm -- I'm very educated and I'm
5 very knowledgeable of what I do. And I do appreciate
6 you taking the time because I expect -- I took time
7 off my job, as well as took time for my kids, they do
8 summer camp and everything. People call, hey, I want
9 to make sure my voice is heard. My voice counts. I
10 have no written letter that's why I'm here because of
11 the fact of the matter, I am active and my residence
12 is not even the address on here. I get my mailing,
13 that's how I got the mail through my postal service,
14 as well. It -- it just -- my thing is, I'm, like, God
15 and I'm going to say this too, as I stand right here,
16 this is my -- I'm, like, Lord, what am I doing here?
17 I don't -- I exercise my rights to vote, why am I
18 here? As a mother, I work hard. As a single mother,
19 I work very hard. I don't take these things lightly.
20 And when I got the letter, I called Nadine Williams.
21 I called several times on there. Left voicemails. I
22 did as instructed on here. I did as instructed on
23 here. I even called Georgia -- see I know my stuff.
24 I was just saying I need to be a lawyer because I know
25 my stuff. My background is social work. Social work,

1 case management food stamp, Medicaid, so I know how to
2 deal with the working people and lower class. Nobody
3 is no exempt. We all are somebody and my thing is
4 when I saw this, I was, like, like, when you go on the
5 page, it's active. This address is not the residence.
6 It's the mailing -- mailing address. So I always said
7 and I told -- even when I add my address. I said,
8 please -- all my school records, everything, please
9 forward to my -- bank statements anything because of
10 the fact I had so much fraud activity, scam as a
11 single mom and I'm not just pointing that out, but a
12 lot of stuff is going on today. The world is
13 changing. Things are changing and if you can hear the
14 passion in my voice, I took the time out to be here.
15 I could have stayed at home and say, no, but because I
16 came here my voice matters because I came here my
17 voice count. I am a citizen here in Georgia. I'm a
18 citizen that takes pride. I'm first of all, I'm a
19 citizen of God because in God I trust, always. As a
20 single mom, didn't expect to be it, but life happens,
21 but I still roll with the punches. Also, fun fact, my
22 son is a student at Morehouse. Morehouse top elite
23 school. Now, you have to see all the fun facts. I'm
24 alumni of Clark Atlanta University. So these are
25 prestigious schools and universities that I don't take

1 pride -- and don't take it lightly. I'm very active
2 in this community, at my church. I go to Gen Care
3 Center, all these because I do -- they call me the
4 resource person because I make sure things happen. So
5 my thing is and I was, like, okay, Lord, I want to
6 continue to exercise my right to vote as the young
7 man, he's 75 years old and I deal with seniors all the
8 time. And the first thing, I was, like, he here and
9 I'm here. I'm, like, I didn't commit no crime. I'm
10 just a working person doing everything I can to do the
11 right thing and the first thing I came here. I looked
12 on there, God told me, I know about God, he led me
13 say, go check the online Georgia voter page. I said,
14 I checked it. This address is not my residence. It's
15 my mailing -- where I receive my mail. So this is in
16 error for me right here. I've been here ever since
17 8:30, paying for parking out here. I'm not -- this is
18 not jury duty for me because I'm not getting paid to
19 be here. I'm just here to voice this, as well.
20 Please continue to allow me to exercise my rights to
21 vote as a working mother, as an educated mother, as a
22 Christian mother and also my thing is this was in
23 error because of the fact, I'm, like, Jesus, God, I
24 look on the page and I see -- I can see if it was in
25 the residence, but if you pull it up, it's not in the

1 residence. It's actually in the mailing part.

2 MR. FERVIER: Yep.

3 MS. SCOTT: So my thing is right now, I do
4 appreciate the time, as well. I -- I'm very
5 passionate about what I do. I know everybody -- I
6 know some get paid to do this. I just want to make
7 sure, like, I told my son, my son, this is his second
8 intern at the mayor's office. He works with the
9 mayor. I told my son, I said, son, I got to be on
10 time because I want to make sure -- because I'm, like
11 --

12 MR. FERVIER: All right.

13 MS. SCOTT: So he was, like, mom --

14 MS. KING: You're fine.

15 MS. SCOTT: Overall, I just want to make sure
16 everything -- because of the fact of the matter is
17 this is error and I'm, like, kind of like --

18 MR. FERVIER: Yeah.

19 MS. SCOTT: -- what is it?

20 MR. FERVIER: Ms. Scott --

21 MS. SCOTT: Thank you for listening.

22 MR. FERVIER: -- thank -- thank you so much and
23 we're -- we're not here to take away your vote.
24 That's the last thing we want to do. We want to help
25 everybody vote right and -- and have you re-registered

1 now with your physical address or are you still using
2 the post office box?
3 MS. SCOTT: No, my address is the same it's just
4 on --
5 MS. KING: It's updated correctly.
6 MR. FERVIER: It's updated correctly. Okay.
7 Yeah. All right. All right.
8 MS. SCOTT: Yeah, everything I can show you.
9 MR. FERVIER: I -- that's not -- that's all
10 right.
11 (Crosstalk.)
12 MS. SCOTT: Okay. I just want to say one last
13 thing.
14 MR. FERVIER: Yep.
15 MS. SCOTT: Since it's already been updated, I
16 need to be compensated for my time here --
17 MR. FERVIER: I do too.
18 MS. SCOTT: -- because of the fact that -- no,
19 I'm just saying --
20 (Crosstalk.)
21 MS. KING: We can't do that.
22 MS. SCOTT: Okay, but I'm just saying, like, why
23 did I get this in error then when it was already in
24 the system? I just -- my thing is the ball dropped on
25 that side because of the fact --

1 MR. FERVIER: Well, my understanding is at -- at
2 the time --

3 INVESTIGATOR BRUNSON: I can -- I can explain the
4 facts.

5 MS. SCOTT: Yeah. Because my thing is because --

6 MR. FERVIER: Okay. Let -- let the investigator
7 --

8 INVESTIGATOR BRUNSON: Okay. So your residential
9 address that was listed on ENET at the time this
10 investigation was opened was the US Post Office. 794
11 Marietta Street in Atlanta, Georgia. Apparently,
12 between 2018 and 2023 when you changed it to reflect
13 the residential address, you -- you voted nine times
14 with the business of the post office being your
15 address. So that's why you're here because -- because
16 the fact that you registered initially was a violation
17 and then the fact that you voted while you were
18 registered at the post office is a violation. So
19 that's the reason why you're here. Now, you did
20 correct it --

21 MS. SCOTT: Yeah. I did --

22 INVESTIGATOR BRUNSON: -- in 2023, so currently
23 it's reflected as a residential address, but
24 originally, when we conducted this investigation, you
25 were in violation of the statutes. So that's why

1 you're here today.

2 MR. FERVIER: I understand. I got it.

3 MS. SCOTT: I just -- I --

4 MR. FERVIER: The Chair -- the Chair -- the Chair
5 will entertain a motion at this point.

6 MS. KING: Yeah. We -- we're just going to -- my
7 motion is to issue a letter of instruction that will
8 give you, like I said, more details around what the --
9 what's the right thing to do going forward. So I have
10 a motion to issue a letter of instruction.

11 MR. FERVIER: Yeah. And a letter of instruction
12 is not -- it's just telling you the proper way of
13 doing it, is all it does. We -- it's what it says,
14 it's a letter of instruction. It's not a letter of
15 reprimand. It's not a letter -- it just tells you the
16 proper way of doing that, okay.

17 MS. SCOTT: Yes. I want --

18 MR. FERVIER: It's -- it -- it is -- it's good.
19 All right. We have a motion --

20 MS. GHAZAL: Second.

21 MR. FERVIER: -- and we have a second to issue a
22 letter of instruction. Any discussion?

23 (No response.)

24 MR. FERVIER: Hearing no discussion. All in
25 favor of issuing a letter of instruction, please

1 signify by saying aye.

2 THE BOARD MEMBERS: Aye.

3 MR. FERVIER: The Chair also votes aye. A -- a
4 letter of instruction be issued on SEB2024-156 for
5 Marcia Scott. Thank you, Ms. Scott. Thank you for
6 coming.

7 MS. SCOTT: Say this too, as well.

8 MR. FERVIER: We appreciate --

9 MS. SCOTT: Thanks to God be the glory. Thank
10 God, but God knows all things. I can't -- I can't say
11 nothing else, but I want to make sure somebody sign on
12 this that I got a letter of instruction. I don't know
13 how long that -- I will get that in the mail, but to
14 satisfy this and to confirm when I walk out the door
15 --

16 MR. FERVIER: Our Executive Director will come
17 down and assist you with that.

18 MS. SCOTT: Yes. Would he sign this --

19 MR. FERVIER: The Board voted to --

20 MS. SCOTT: -- yes. If you sign --

21 MR. FERVIER: -- to get issued a letter of
22 instruction.

23 (Crosstalk.)

24 MS. SCOTT: The thing is, will I receive
25 something in the mail?

1 MS. KING: Yes.

2 MS. SCOTT: Saying everything is good.

3 MR. FERVIER: Yeah. Director Mills is going to
4 handle you right now.

5 MS. SCOTT: And also, I want to make sure that
6 elections coming up in August, everything is good?

7 MS. KING: Yes. You're fine.

8 MR. FERVIER: Thank you.

9 DR. JOHNSTON: Mr. Chair, I have a motion.

10 MR. FERVIER: Yes.

11 DR. JOHNSTON: For Melvin S, Catherine H. (sic),
12 Kenneth G. and Kienandra (sic) M. who had clerical
13 errors and duplication merge and missing address that
14 had been corrected, it's my understanding, that those
15 would be dismissed as part of this complaint.

16 MS. GHAZAL: We -- we did that already.

17 MR. FERVIER: We did. We already dismissed it.

18 DR. JOHNSTON: We did?

19 MR. FERVIER: We did dismiss it. You voted on
20 it.

21 DR. JOHNSTON: Oh, okay. Okay. Did you vote?

22 MR. FERVIER: Yes, yes. She voted.

23 DR. JOHNSTON: All right. Thank you.

24 MS. GHAZAL: You're welcome.

25 MR. FERVIER: So that leaves --

1 (Brief pause.)

2 DR. JOHNSTON: Mr. Chair?

3 MR. FERVIER: Thirteen, correct. Yes, there are
4 13 remaining cases.

5 DR. JOHNSTON: Correct. Who -- the complainant
6 in this case is --

7 MR. FERVIER: Jason Frazier.

8 DR. JOHNSTON: Jason Frazier. Is Mr. Frazier
9 here? Mr. Frazier, would you like to speak to the
10 remainder of potential violations?

11 MR. FRAZIER: Yes. This is Jason Frazier. I
12 would like to speak to these; however, as one of the
13 other Respondents mentioned, it would be nice to get
14 a, you know, a summary of the case. I submitted this
15 three years ago. Haven't heard anything since it was
16 submitted. To be honest, I'm taking notes as we're
17 going over this and learning what names there are and
18 cross-referencing some of the challenges. I mean,
19 I've turned in thousands of people with business
20 addresses in Fulton County and this is the first time
21 I've seen anything make it to this Board. I mean,
22 it's been, again, three years. I think the pace needs
23 to be increased greatly on this. As you heard
24 yesterday, I mean, two of the people had already
25 passed away by the time the cases actually made it

1 here, but, I mean, the biggest takeaway that I've got
2 out of this is it really seems like the counties need
3 to be a little more involved in where people are
4 registered. I mean this poor lady, she didn't know
5 she did anything wrong. And you can't, I mean, I
6 wouldn't expect that she would know. I mean, if DDS
7 is updating those addresses improperly, and the county
8 isn't actually checking addresses as they had stated
9 on the record. We -- we've got some problems and
10 there's a lot of gaps in the system that should be
11 corrected. So that's -- that's kind of my two cents.

12 DR. JOHNSTON: Mr. Frazier? I know you study the
13 voter rolls, how -- how many voter registrants in --
14 in Fulton County have commercial addresses?

15 MR. FRAZIER: I've turned in a little over 2,000
16 challenges for people registered at commercial
17 addresses and I think 98, 99 percent of those were
18 accepted. However, there were a couple of folks like
19 you heard earlier that maybe they live in an apartment
20 above the -- the -- the storage unit. So, you know,
21 there are -- there are going to be some of those
22 issues, but, I mean, literally, all I did in the
23 beginning was I got a list of all the UPS stores in
24 Fulton County. Checked to see if people were
25 registered there and every single UPS store, FedEx

1 store, Pack mail, virtual mail box, Cubesmart, you
2 know, every storage center that I looked up had people
3 registered to vote there. There was no active
4 checking out of Fulton County at that time to -- to
5 check any of this. In -- in my opinion, when somebody
6 registers to vote, you should check to see is it an
7 address? Is it a residential address? Is there a
8 clerical error? Like, if you compare business -- or
9 residential address to mailing address, you'll see
10 thousands of addresses for it might be a one number
11 off on the mailing to residential, but nobody checks
12 that. Nobody catches it. So they might not be
13 getting their mail or they might be voting in the
14 wrong spot. I mean, just a quick check on that would
15 go a long way or check either one of them to see if
16 that's a taxable address in the system. Just a quick
17 comparisons and you can find thousands of issues and
18 get them corrected so that way people are voting
19 properly. I mean, the -- the individual wants in
20 every case I've seen they want to vote properly, they
21 may not know there's an issue and I think the duty
22 falls on Fulton County and all these counties per 21-
23 2- was it 228? They're supposed to be maintaining the
24 voter rolls and I'm just not seeing a good job at
25 that.

1 DR. JOHNSTON: We've learned today that the --
2 the Secretary of State does not screen for commercial
3 addresses. Although, they may be beginning to do that
4 now in the audit that is currently underway, according
5 to Mr. (unintelligible) is looking at commercial
6 addresses in the voter rolls. So it's hopeful that
7 there will be some process that will be implemented
8 that will identify this because most of these voters
9 actually want to vote. They need -- they -- they have
10 the right to vote. They just need to be identified
11 where they reside. And we've learned today, also,
12 there's a -- there's a huge -- a large -- a very large
13 problem, especially, in Fulton County with -- with
14 homeless voters. And we -- the General Assembly needs
15 address that difficult situation of how to help
16 homeless people register properly, vote in a proper
17 jurisdiction and maintain the right to vote. So and
18 in -- in looking at the list of these challenges that,
19 I guess, originally came from you, it is curious that
20 there was one voter that has moved to Canada in 1997
21 and still votes in Georgia. This is now the third
22 case we've heard at the State Election Board of some
23 people that have long ago left the state of Georgia,
24 but continue to vote here and it's -- it's, you know,
25 this is not our job, it's the General Assembly's job

1 to address this issue, but, thank you.

2 MR. FERVIER: I -- I think that Fulton County
3 would like to respond also.

4 MS. BRADWELL: Good afternoon. Is this thing
5 working?

6 MR. FERVIER: Yes.

7 MS. BRUMBAUGH: Good to hear. My name is Ann
8 Brumbaugh for those of you who I haven't spoken to or
9 met previously. I represent Fulton County. I'm here
10 today with Nadine Williams who's the supervisor and
11 Sherry Allen who is the Board Chair. We just wanted
12 give everybody the reassurance that Fulton County does
13 take this very, very seriously. Since September 2024,
14 Fulton County has been able to work with their
15 geographic information systems and run a monthly scan
16 of all 900,000 voters. And so they're running a scan
17 for all these issues that have come up. If the scan
18 will notice a commercial address, so if -- if someone
19 has -- these two people here, the scan -- the scan
20 will compare the address and the voter registration to
21 the, you know, how these addresses are classified and
22 it will flag it. That is now, I think, the Gwinnett
23 supervisor said about this this morning. That is now
24 -- now that it has been moved to Jarvis, now that
25 registration is in the Jarvis system, this is

1 information that can be captured and that can be used
2 to flag subsequent addressees. The problem is in 2022
3 when all these cases were reported and Mr. Frazier was
4 doing his research, we were still using ENET and it
5 did not have the facilities to -- to capture this
6 information and then flag it going forward. So for
7 Fulton County, every month they ran a scan of all
8 900,000 voters. They compare commercial addresses,
9 you know, duplicates, all the things we've talked
10 about. The only problem is if there is a sort of a
11 new P.O. box or a UPS store because as we can tell
12 from this report, none of these say P.O. box, they
13 say, you know, 500 Roswell Road, so it doesn't look
14 like a P.O. box, but -- so if there's a new P.O. box
15 or a new UPS store that gets created, then until that
16 first voter registers with that new UPS address, and
17 then the monthly scan comes, it will -- it will -- it
18 will catch at that point, but once it is flagged, once
19 the GIS flags it, then all subsequent voter
20 registrations will be flagged. Fulton County -- once
21 they have flagged them, they send a letter with a
22 flyer -- I have a copy here, if y'all want to look at
23 it, that explains what the process is. How to fix
24 their address. We went through the Respondents
25 yesterday and we -- we sort of -- did our final check

1 on what the status was and, for example, Ms. Scott, I
2 think her name was -- yes. She had changed her
3 address as of 2023. So they are trying very, very
4 hard. They take this very, very seriously. They
5 actually tried to use a -- an outside vendor maybe
6 once you started bringing these issues to their
7 attention. Unfortunately, that outside vendor didn't
8 work. Took a little time to figure that out and then
9 it took a little more time to get their own GIS people
10 to develop the -- the technology to do this, but it is
11 being done on an ongoing basis. It's been done for
12 over a year and so we are hopeful that these issues
13 will not recur. And, like I said, we have reached out
14 to these voters when we can. They're able to come in
15 and change their address or even do it electronically.

16 MR. FERVIER: Thank you, Attorney Brumbaugh. I
17 want to commend Fulton County in taking those actions.
18 I think that's a great step forward and hopefully it
19 will help reduce some of this -- this stuff in the
20 future. So --

21 MS. GHAZAL: I would also like to -- to point out
22 that -- that commercial addresses, that's has to be an
23 individualized inquiry because as we've seen, I think
24 something like 25 percent of the voters identified in
25 Gwinnett County were, in fact, residents at these

1 commercial addresses and so it can't just be a
2 sweeping -- it's not a binary sort of inquiry. If I
3 could ask, Investigator Brunson, do you know how many
4 hours were spent undertaking the research for this
5 particular group of Respondents?

6 INVESTIGATOR BRUNSON: Yeah, we'll get it.

7 MS. GHAZAL: Thank you.

8 INVESTIGATOR BRUNSON: Twenty-six hours.

9 MS. GHAZAL: Twenty-six hours. I would like to
10 treat these voters who are identified as not having a
11 -- a primary residence somewhat differently as those
12 who likely do have a primary residence because we have
13 a number of the Respondents who do not have a -- a --
14 a fixed habitation. So I would move that for those
15 Respondents we issue a letter of instruction that is
16 sent to their --

17 DR. JOHNSTON: Could you be specific? The
18 homeless?

19 (Crosstalk.)

20 MS. BRUMBAUGH: I don't -- I don't know if you
21 want us to kind of give you the latest since we did
22 just look at these particular voters yesterday. We
23 can give you the latest information on their voter
24 status, but I don't know if that's something that
25 you're interested in or not.

1 MS. GHAZAL: Yes, please.

2 MR. FERVIER: Okay. Sure.

3 MS. BRUMBAUGH: Okay. So I'll do it the way you-
4 all did it. So the first one would be Beverly B.
5 Beverly B. updated to a residential address on July --
6 excuse me, June 11th, 2025. Emily F. updated to a
7 residential address on September 19th, 2024.
8 Frederick F. updated his address on January 20th,
9 2023. Chad Hill moved to Gwinnett, excuse me, I
10 didn't mean to say his name, moved to Gwinnett on
11 March 22nd, 2024. I need glasses. Evan or Erin --
12 Erin J. moved to Cobb on June 7th, 2023. Rickiesha M.
13 is registered as homeless in Fulton as of November
14 5th, 2024. For Mr. Millben, we had that he was in
15 challenge status, but hopefully he will work with
16 DeKalb and -- and get that fixed. James M., he
17 updated his address on February 21st, 2025. I'll skip
18 down to Jason R. transferred to Cobb November 18th,
19 2022. Ms. Scott, we have the same information that
20 her address was updated in March of '23. Joseph T.,
21 he's in challenge or review status as of April 8th,
22 which means that if he shows up to vote, he will have
23 to give some information about his actual address.

24 MR. FERVIER: There -- there's a -- there was a
25 Darce Stelly too.

1 MS. BRUMBAUGH: I thought he was --

2 MR. FERVIER: Darce --

3 MS. BRUMBAUGH: -- I thought he was dismissed.

4 Okay, sorry. Okay. Darce S., he is listed as
5 inactive. So once they're inactive, they're inactive
6 --

7 MR. FERVIER: Okay.

8 MS. BRUMBAUGH: -- until they show up or they get
9 removed.

10 MR. FERVIER: Joseph T., what was Joseph T.?

11 MS. BRUMBAUGH: Joseph T. is in challenge status
12 so if he shows up, he will have to give information
13 about his residence.

14 MR. FERVIER: Okay.

15 MS. BRUMBAUGH: Catherine T. is also in challenge
16 status as of June 5th, 2024. Andra T., she is in
17 challenge review status as of June 25th, 2025. So,
18 for example, if she shows up to vote on August 26th,
19 then she would have to show proof of actual where
20 she's sleeping at night residence before she be
21 allowed to vote. Sharon W. address changed January
22 11th, 2024. Melvin, oh, I think that's just -- that's
23 not a -- that's not a --

24 MR. FERVIER: That's all of them.

25 MS. BRUMBAUGH: Okay. All right. That's all.

1 MR. FERVIER: Is there a motion?

2 (Crosstalk.)

3 MR. FERVIER: Hang on a second. Dr. Johnston?

4 DR. JOHNSTON: One final question, Ms. Brumbaugh,
5 if the inactive voter, the one you said is now
6 inactive, if they requested an absentee ballot for the
7 next election, would they get it?

8 MS. BRUMBAUGH: Yes. If he's registered to vote,
9 they show up and they want to vote whether it's
10 absentee, by mail or in-person, then, yes, they are
11 allowed to vote.

12 DR. JOHNSTON: So would they be required to give
13 a residence address?

14 MS. BRUMBAUGH: So for this one because he's also
15 got the post office box, yes, I think he would.

16 DR. JOHNSTON: You think he would? Would -- Ms.
17 Williams, would he?

18 MS. WILLIAMS: Thank you. So, yes, he's in
19 inactive status due to returned mail. So if he were
20 to update his information before the voter -- the
21 deadline, he'd be able to receive an absentee ballot
22 as long as it's not that P.O. box.

23 DR. JOHNSTON: If he -- if he presented to the
24 polling place to vote and -- and -- and showed his new
25 driver's license with a residence address, would he be

1 able to vote?

2 MS. WILLIAMS: He's not challenged. So he -- we
3 would probably -- we would have our voter -- our poll
4 managers are instructed to call the registration
5 office. They would have to verify that information
6 and most likely offer him a provisional so we can make
7 we can confirm everything he provides.

8 DR. JOHNSTON: And correct his address?

9 MS. WILLIAMS: Correct. We would offer him a
10 provisional ballot more than likely.

11 MR. FERVIER: Member King?

12 MS. KING: Thank you. Ms. Williams, do you have
13 the list, the 2,000 individuals that Mr. Frazier
14 referred to?

15 MS. WILLIAMS: Again, Mr. Frazier's information
16 is over three years old. So over time we have been --
17 I don't have that information in front of me, but his
18 information is -- is three years past due. So these
19 -- all -- all this information has changed over time,
20 and again, we are doing a monthly audit of our voter
21 rolls. So if he wants to resubmit, or feel free to
22 review his 2,000 voters to see if they're up-to-date,
23 he could feel free to do so, but, again, our voters --
24 our voter roll is checked monthly. So I -- I would
25 assume at this point these 2,000 voters have been

1 updated at this time.

2 MS. KING: So you do have the list?

3 MS. WILLIAMS: I'm -- I'm sure it's in our
4 records, but, again, it's three years past -- it's
5 three years old.

6 MS. KING: Oh, no. No, I was just asking if you
7 had it.

8 MS. WILLIAMS: We -- we received several -- I was
9 -- I'm not sure which one. Mr. Frazier has submitted
10 several challenges, so I'd have to -- we'd have to
11 accumulate that information.

12 MS. KING: And when those challenges are
13 submitted, do you do -- you do check to see if they
14 are legit challenges or not?

15 MS. WILLIAMS: Yes. If he sends us an email
16 and -- and it's noted as a challenge, we proceed with
17 what the rules are to proceed with the challenge.

18 MS. WILLIAMS: Well, I'm asking because I feel
19 like this is a good partnership, so to speak, because
20 it sounds as though the county may be a bit
21 overwhelmed with the -- the lack of resources or labor
22 in order to go out and individually check all of these
23 individuals. We see that it takes of number of hours.
24 Mr. Frazier, as a citizen, was able to find 2,000
25 individuals. So I just, you know, I'm just trying to

1 see if there's a way to work together. I would think
2 that if you were handed a list of potential
3 violations, that that would be help -- the citizen's
4 helping the county.

5 MS. BRUMBAUGH: I -- I think that -- yes. I
6 think Mr. Frazier's lists have always been taken
7 seriously. I know last year when I was representing
8 the Board in a -- in a -- on a day-to-day capacity, he
9 sent us a list and it was reviewed. Again, with the
10 GIS monthly audit of all 900,000 voters, that is a
11 second thing. It -- it is unfortunate. I don't think
12 other counties maybe have that capacity, but Fulton
13 has been able to utilize that capacity to do a monthly
14 audit of all 900,000 voters to help with this process
15 and problem.

16 MR. FERVIER: Member Ghazal?

17 MS. GHAZAL: I wanted to let Ms. Brumbaugh and --
18 and the county know that according to our files a
19 number of the voters who are in challenge status have
20 no fixed habitation. So if they do attempt to vote,
21 it would be difficult for them to show their residence
22 because they don't have one.

23 MS. KING: Are you talking about the list? The
24 two --

25 MS. GHAZAL: The -- the list that -- no, I'm

1 talking about the list --

2 MS. KING: Oh, just in general?

3 MS. GHAZAL: This -- this list.

4 MS KING: Oh, that list. I'm sorry.

5 MS. GHAZAL: Specific list --

6 MS. KING: Okay.

7 MS. GHAZAL: -- that Ms. Brumbaugh read -- read
8 through because there's so many of them are updated.
9 Some of them are in challenge status. And -- and --
10 and, again, it just to highlight the problem of our
11 voters who do not have a fixed habitation. We don't
12 have a good solution for that.

13 MS. KING: I was referring to the commercial --

14 MS. BRUMBAUGH: So all I can say is, again, last
15 year on election day a number of people showed up to
16 vote, they were on the challenge status. They -- a
17 number of them were homeless. We did run little
18 hearings on election day starting at about three
19 o'clock in the afternoon. People came up, they
20 explained their situation. The Board listened to
21 them. If they had, you know, proof of some sort of
22 residence, then I think all of them were -- they --
23 they were all sent to the Registrar of Fulton County.
24 She changed their information and they were able to
25 vote. So, again, I think it is -- it's definitely a

1 work in process. The more -- the better and the more
2 technology we can get, and the better and more
3 technology that more counties can get, the less likely
4 this problem will occur, but certainly Fulton County
5 takes it seriously. They run these audits, again, to
6 your earlier conversation, they aren't waiting for the
7 legislature to say you must run an audit. They are
8 putting people in challenge status. That's why we had
9 so many people on election day in November because
10 they done this on their own. So it's a work in
11 process. Obviously, Mr. Frazier, any time you want to
12 send us a list, send a list. And hopefully we'll get
13 this right.

14 MR. FERVIER: Thank you.

15 DR. JOHNSTON: May I ask --

16 MR. FERVIER: Dr. Johnston?

17 DR. JOHNSTON: May I ask, where did these four
18 challenges come from? Were these challenges that the
19 county initiated? The ones that you -- the -- the new
20 update that you just gave us?

21 MS. WILLIAMS: Yes. I believe so, again, we do
22 our -- our examinations monthly. So these voters
23 would have come up on that list and we would send them
24 the notices in the mail.

25 DR. JOHNSTON: So they were -- okay. So they

1 were initiated from Fulton County?

2 MR. FERVIER: Member King?

3 MS. KING: Last question. Of the 2,000 that was
4 submitted, are they flagged and, if so, are -- how
5 many of them were removed and addressed?

6 MS. BRUMBAUGH: I don't think we're really ready
7 to answer that question. It wasn't part of this case
8 so we didn't prep anything like that, but again, all I
9 can say is from my own experience and then working
10 with this, every time they get a list they are looking
11 through it. You can go through old minutes which are
12 on the Fulton County website and go back through old
13 meetings and you will see that there were a number of
14 voter challenges over the last couple of years.

15 MR. FERVIER: Are there any further comments or
16 questions from the Board?

17 (No response.)

18 MR. FERVIER: The Chair will entertain a motion
19 on these final 13 individuals.

20 DR. JOHNSTON: Mr. Chair, I make a motion that we
21 issue a letter of instruction for the final 13 of this
22 complaint case.

23 MS. GHAZAL: Second.

24 MR. FERVIER: Let me make sure if I'm not -- I
25 think I'm getting confused here. Yeah. Final 13,

1 I've got. I'm sorry. Would you restate that motion?

2 DR. JOHNSTON: I move that we send a letter of
3 instruction to the final 13 Respondents that we have
4 been discussing --

5 MR. FERVIER: Yes.

6 DR. JOHNSTON: -- in this complaint case.

7 MR. FERVIER: Thank you. We have a motion to
8 send a letter of instruction to the final 13
9 Respondents. Can you -- is there a second?

10 MS. GHAZAL: Second.

11 MR. FERVIER: We have a motion and a second. Any
12 further discussion?

13 (No response.)

14 MR. FERVIER: Hearing no further discussion. All
15 those in favor of submitting a letter of instruction
16 to the final 13 Respondents, signify by saying aye.

17 THE BOARD MEMBERS: Aye.

18 MR. FERVIER: Any opposition?

19 (No response.)

20 MR. FERVIER: Hearing no opposition, so moved.
21 Motion carries four to zero.

22 MS. KING: Mr. Chair, I just want to state for
23 the record --

24 MR. FERVIER: Just a moment.

25 MS. KING: Oh.

1 MR. FERVIER: I'm just -- okay. Member King?

2 MS. KING: Just for the record, I know Mr.
3 Frazier who was one of those that was recommended to
4 be a part of the Fulton Election Board by the
5 Republican party was rejected by the county
6 commissioner's office. I think -- it sounds like he
7 may be needed, but I do think that I want to thank Mr.
8 Frazier for doing that as a citizen to assist the
9 county and I hope that you continue to do that.

10 MR. FERVIER: Thank you. The next item on the
11 agenda will be SEB2024-156 (sic), that is DeKalb
12 County, improper voter registration on college. It
13 was slated yesterday as a recommended dismissal case
14 and then moved it to be heard today because I believe
15 that Dr. Johnston wanted to propose something and the
16 attorney for -- or wanted to respond -- have the
17 opportunity to respond. So...

18 INVESTIGATOR BRUNSON: Yes. So this is a
19 continuation case from the May meeting. During the
20 follow-up I --

21 MR. FERVIER: this was actually in yesterday's
22 book --

23 MR. JEFFARES: Oh, yes. Oh, okay.

24 MR. FERVIER: Yeah. I -- which I didn't bring
25 today because --

1 (Brief pause.)

2 MR. FERVIER: Yeah. DeKalb -- DeKalb is up next.

3 MS. KING: Okay.

4 MR. FERVIER: So there's only three cases total.

5 So...

6 INVESTIGATOR BRUNSON: So, yeah, this case was
7 briefed during the May hearing and there was some
8 follow-up that was requested as it related to Emory
9 and their training. Our investigator went,
10 researched, spoke with Mr. James Rowland who's over
11 the initiative. He provided the training
12 documentation. Also included with that, was
13 documentation from another campus where they had very
14 specific instruction that was given to students. Our
15 investigator followed up with Mr. Rowland and through
16 their attorney they said that they'll be consistent in
17 the future providing that more explicit and definitive
18 specificity that the Oxford campus used to have that
19 consistency throughout to provide to students.

20 MR. FERVIER: Any questions for the investigator
21 on this case?

22 (No response.)

23 MR. FERVIER: I said this one was slated for
24 dismissal yesterday. The attorney is here. Do -- do
25 you have any comments you'd like to make, Ms.

1 Brumbaugh?

2 MS. BRUMBAUGH: Hello, again. So now I'm putting
3 on my Emory hat. I'm here with Mr. Rowland. He is
4 the Senior Director of the Emory Civic Engagement
5 Department.

6 MR. FERVIER: Okay.

7 MS. BRUMBAUGH: He is a little bit above the
8 Emory Votes -- the Emory Votes Initiative is a piece
9 of what he does. The person who was running the Emory
10 Votes Initiative on the Atlanta campus in -- last fall
11 has now moved out-of-state. So we're in one of these
12 situations where we're having rollover, but to provide
13 a little bit of context for what happened, the -- the
14 Higher Education Act requires that colleges and
15 universities make voter registration materials
16 available to students. In 2022, there was a dear
17 colleague letter that was written from the Federal
18 Department of Education which said, hey, you have to
19 provide voter registration materials to your students.
20 Please work with your local election officials to do
21 so. So the Emory Votes Initiative followed this dear
22 colleague letter. They reached out to DeKalb County.
23 The understanding in 2022, at that time, was that
24 every student who was living in a residence hall on
25 the Emory Atlanta campus was going to be in the same

1 precinct. So they -- every student on that Emory
2 Atlanta on-campus living was going to get the same
3 ballot because of that understanding the advice from
4 DeKalb which Emory then followed was to let these
5 students register with their own mailbox address. I
6 guess partly because, you know, kids were moving from
7 one dorm to another, but, again, they were going to be
8 in the same precinct they were going to get the same
9 ballot. So that is what happened. And then in 2024,
10 there was a reconsideration of that advice. Both
11 campuses sent out advice -- or guidance before the
12 November '24 election, before actually registration
13 cutoff in October saying, you know, kids, you got to
14 use your dorm address for your residence and then your
15 mailbox for your mailing. So that is what happened
16 and that is what is -- that was the advice that was
17 continuing to happen. Along the way, as part of the
18 investigation, it is learned that perhaps Emory Oxford
19 is more visual, I guess, than Emory Atlanta, and they
20 create a flyer and they are distributing a flyer.
21 There is no flyer that we are aware of. Again, the
22 woman was running the Emory Atlanta -- Emory Votes
23 (sic) Initiative has moved out-of-state, but there
24 isn't, you know, again, just like DeKalb, just like
25 Gwinnett, just like Fulton, I meant, not DeKalb

1 because DeKalb hasn't come up yet. Everybody takes
2 this seriously. Everybody wants to get it right.
3 Unfortunately, sometimes, you know, the advice changes
4 over time. People reconsider things, people bring up
5 new issues that other people are concerned about, but
6 certainly going forward, Emory Atlanta is going to
7 tell and is already and has been telling its students
8 if you are going to register to vote using your Emory
9 address, you must use your campus residence hall
10 address in that residence line. So, you know, we want
11 to work with you. We are sorry that this came up,
12 especially, because I think about the time the
13 complaint was made that's when, you know, it -- the
14 advice had changed. So we're sorry for the waste of
15 your time with this. I'm hoping that we can just
16 stick with the investigator's original recommendation
17 that it be dismissed, but certainly if you want to
18 issue us a letter of instruction that says, please
19 keep doing -- telling people to use their residence
20 hall address, we -- we certainly can understand.

21 MR. FERVIER: Any questions from the Board for
22 Ms. Brumbaugh, Attorney Brumbaugh?

23 DR. JOHNSTON: My only issue was to make sure
24 that Emory main campus gave the same instructions that
25 Emory Oxford -- the -- the junior college -- I guess

1 it's still a junior college, no -- it's four years.

2 Anyway --

3 MS. BRUMBAUGH: Yes. Apparently, freshmen and
4 sophomores and then they can transfer --

5 DR. JOHNSTON: And transfer, right. The way it's
6 always been, that -- but they had a great flyer and I
7 wanted to be reassured because you have a whole new
8 freshmen class full of 18 year olds who have never --
9 maybe had not -- had never registered to vote, but
10 they're now old enough to register to vote. They
11 don't know what is the right way to register or the
12 right -- what it means by residence and this is an
13 opportunity to help them have a positive experience
14 for their first time of registration and also it's
15 doing it right. So I -- thank you for coming. I'm
16 sorry to waste your time. I intended to dismiss this,
17 but I wanted to be reassured and a flyer, maybe a
18 visual aid would help an 18-year-old freshman.
19 They're -- they're just out of, you know, mom and
20 dad's house, I guess.

21 MR. FERVIER: Dr. Johnston, would you like to
22 make a motion?

23 DR. JOHNSTON: I move that we dismiss this case.

24 MR. FERVIER: We have a motion to dismiss this
25 case. Is there a second?

1 MS. KING: Second.

2 MS. GHAZAL: Second.

3 MR. FERVIER: We have a second from Member King I
4 think was first. Any discussion?

5 (No response.)

6 MR. FERVIER: Hearing no discussion. All those
7 in favor of dismissing case 2024-156 signify by saying
8 aye.

9 THE BOARD MEMBERS: Aye.

10 MR. FERVIER: Any opposition?

11 (No response.)

12 MR. FERVIER: Hearing no opposition, so moved.
13 Motion carries four to zero. DeKalb County. You're
14 up next. Case SEB2024-200 has been continued. It
15 will be taken off the record for this -- off the
16 agenda. So the next case will be SEB-2024-159, DeKalb
17 County, third-party pre-filled absentee ballot. And
18 that's tab number 81.

19 INVESTIGATOR KOTH: We received this complaint
20 from DeKalb County Director. The Complainant alleged
21 that America PAC, a political campaign, sent out a
22 partially pre-filled absentee ballot application to an
23 elector. The elector confirmed that the absentee
24 ballot application with sections 1, 2 and 4 were pre-
25 filled by America PAC. He acknowledged he handwrote

1 the email address, date of birth, license number, and
2 signature. The attorney, Wang, with Vantage Legal
3 provided an email which confirmed that the absentee
4 ballots were sent out only to the voters that
5 requested the forms on America PAC's website and who
6 filled in their information on the application.
7 America PAC took the information provided by the
8 voters and printed it on forms. The attorney advised
9 that that was the equivalent to the voters filling out
10 the forms themselves. This allegation was
11 substantiated potential violations O.C.G.A. 21-2-
12 381(a)(1)(c)(2) for the organization America PAC.

13 MR. FERVIER: The counties involved with Fulton
14 County and DeKalb County, apparently. The Respondent
15 is attorney, Eric Wang, from Vantage Legal. Is Mr.
16 Wang here?

17 (No response.)

18 MR. FERVIER: No, Mr. Wang. To the allegations
19 in America PAC to have mailed pre-filled absentee
20 ballot applications to Georgia electors. That was
21 substantiated, correct?

22 INVESTIGATOR KOTH: Yes. To also add, there was
23 also they failed to display in a conspicuous location
24 the statutory language. This is not an official
25 government publication and was not provided to you by

1 any governmental entity and this is not a ballot. It
2 is being distributed by America PAC on an absentee
3 ballot application sent to an elector for the November
4 2020 Board GE. So they didn't have that language
5 also. So it was pre-filled and then missed the
6 language.

7 MR. FERVIER: They're in violation of 21-2- --
8 21-2-381(a)(1)(c)(2) and 21-2-381(a)(1)(c), too. Any
9 questions for the investigator?

10 (No response.)

11 MR. FERVIER: The Chair will entertain a motion
12 at this time.

13 DR. JOHNSTON: Mr. Chair, I have a motion that we
14 refer this to the Attorney General.

15 MR. FERVIER: We have a motion to refer this to
16 the Attorney General. Is there a second?

17 MS. KING: Second.

18 MR. FERVIER: We have a second from Member King.
19 All those in favor -- oh, any discussion?

20 MS. GHAZAL: I would like to -- to -- make one
21 comment for the record which is that a district court
22 in Kansas and earlier this month found a -- a similar
23 provision of restricting the mailing of pre-filled
24 ballots as a violation of the First Amendment. So,
25 you know, there are some -- some federal

1 constitutional issues with this law. I don't know
2 that it is being challenged in this circuit, but I
3 just wanted to put that out there on the record.

4 MR. FERVIER: Okay. Any further discussion?
5 (No response.)

6 MR. FERVIER: We have a motion and a second to
7 refer this to the Attorney General. All those in
8 favor signify by saying aye.

9 THE BOARD MEMBERS: Aye.

10 MR. FERVIER: Any opposition?
11 (No response.)

12 MR. FERVIER: Hearing no opposition, so moved.
13 Motion carries three to zero. The -- it didn't even
14 affect DeKalb County. The next item on the agenda is
15 SEB2023-039, DeKalb County residency and voter
16 registration issues. It's tab 82. Just one moment,
17 please. The Respondent is Nadine Deed in this case.
18 Okay.

19 INVESTIGATOR BRUNSON: Yeah, there's actually
20 multiple --

21 DR. JOHNSTON: There are multiple --

22 MR. FERVIER: All right.

23 INVESTIGATOR BRUNSON: So this is a continuation
24 case from the May 2025 hearing. There were four total
25 allegations for this complaint. Allegation 1, was

1 heard and dismissed during the May hearing.
2 Allegation 2, is very similar to the complaints that
3 we've heard here today. 38 voters registered at
4 business addresses, UPS stores, post offices, and
5 Walgreens throughout the county. In the case -- in
6 this case, all the voters were registered through the
7 Department of Driver Services, except one. That voter
8 was registered through the Department of Community
9 Health. Some of the voters had not voted at all which
10 leads us to believe they had no intention to register
11 to vote. So it's the DDS automatic and these
12 individuals had no voting history. Some of the
13 individuals canceled their registration or have
14 updated their registration to a residential address
15 during the time of this investigation. So we mainly
16 focused on those voters who remained registered at the
17 business addresses and who we could not reach, and
18 also those voters that actually voted while they were
19 registered at these business addresses and also there
20 was one individual that we found that voted in a
21 location where they should not have. Similar to the -
22 - the last case and that individual is Nathan Powell.
23 So as it relates to allegation number 2, for this
24 complaint, there are 11 individuals that we found that
25 were in violation of O.C.G.A. 21-2-21 -- or, I'm

1 sorry, -2-216(a)(1), qualifications of electors.
2 There's also 16 individuals that we found that were in
3 violation of O.C.G.A. 21-2-217(a)(1), rules for
4 determining residency. And then there's one
5 individual, Nathan Powell, who we found was in
6 violation of 21-2-451(c), voting outside of precinct
7 or residence. And I can go ahead and give those names
8 now for the individuals for that or I can keep -- and
9 go through allegation 3 and allegation 4. So
10 whatever's --

11 DR. JOHNSTON: Finish this.

12 INVESTIGATOR BRUNSON: Okay. All right. So
13 David Knight -- or I don't know if any of these
14 individuals are homeless or not. We don't have the
15 investigator here. So I can just do the same thing
16 and just give first name, last initial.

17 MR. FERVIER: Let me -- let me ask this question
18 first. Is there anyone here that wants to speak on
19 this besides DeKalb County? Is there any Respondents
20 that are here to speak on this particular case?

21 (No response.)

22 MR. FERVIER: Okay.

23 INVESTIGATOR BRUNSON: So we have David K.,
24 Timothy S., Raymond G., David E., Christopher R.,
25 Nathan P., Kimberly D., Montario F., David R., Gloria

1 S., Chantel L. Is everybody ready for the next one?

2 MR. FERVIER: Yeah.

3 INVESTIGATOR BRUNSON: So O.C.G.A. 21-2-

4 217(a)(1), we have, basically, you know, it's a little

5 different, but mostly the same people. So David K.,

6 Alex R., Timothy S., Raymond G., Lakeisha L., James

7 S., Curtis S., David E., Christopher R., Nathan, I've

8 already said his name, Powell, Rodneika P., Kimberly

9 D., Montario F., David R., Gloria S. and Chantel L.

10 And then for 21-2-451(c) the one about Nathan Powell.

11 So that's allegation number 2. Allegation number 3,

12 was that 44 challenged voters were registered at Agnes

13 Scott College, the main campus address.

14 DR. JOHNSTON: Michael? Could -- could we deal

15 with --

16 MR. FERVIER: Yeah. Let's -- let's deal with

17 number 2.

18 INVESTIGATOR BRUNSON: Okay.

19 MR. FERVIER: So we have this is allegation

20 number 2, we have we have 13 individuals that have

21 violated -- apparently violated 21-2-216(a)(1),

22 qualification of electors generally. Are there any

23 questions from the Board relating to those individuals

24 it didn't appear they're here to respond?

25 DR. JOHNSTON: Was Chantel L. on that list?

1 INVESTIGATOR BRUNSON: Yes. So there should have
2 been 11, I believe.

3 MR. FERVIER: Yes.

4 DR. JOHNSTON: So she changed registration from
5 one P.O. box to Spaulding County P.O. box; is that
6 correct?

7 INVESTIGATOR BRUNSON: I have to go into the
8 actual report, that's not specifically in my summary
9 here. Let me find her, Chantel L., yes.

10 DR. JOHNSTON: Thank you.

11 INVESTIGATOR BRUNSON: Yeah. She updated her
12 address but apparently that was still a P.O. box.

13 DR. JOHNSTON: To the P.O. box.

14 MR. FERVIER: The Chair will entertain a motion
15 on these 13 individuals in violation of 21-2-216(a).
16 Anyone? Anyone?

17 DR. JOHNSTON: Mr. Chairman, I move that we send
18 a letter of instruction to these individuals.

19 MR. FERVIER: We have a motion to send a letter
20 of instruction to previously named individuals, 13 in
21 violation of 21-2-216(a)(1). Is there a second?

22 MR. JEFFARES: Second.

23 MS. KING: Second.

24 MR. FERVIER: We have a motion and a second from
25 Member Jeffares, I believe. Any discussion?

1 (No response.)

2 MR. FERVIER: Hearing no discussion --

3 DR. JOHNSTON: Discussion.

4 MR. FERVIER: Oh, I'm sorry.

5 DR. JOHNSTON: So for DeKalb County, the same
6 question applies. Are -- is the DeKalb County
7 reviewing their voter list for commercial addresses
8 and what are they doing about it?

9 MR. FERVIER: Press your button, please. Thank
10 you.

11 MR. HERRIN: Good afternoon, Members of the
12 Board. My name is Brent Herrin. I represent DeKalb
13 County, Department of Registrations and Elections.
14 Yes, we are reviewing commercial addresses. We have
15 identified all addresses for post office within DeKalb
16 County and have put those into Jarvis as flagged
17 addresses and so we -- we are in the process of doing
18 that. Again, as -- as I think we've heard today, the
19 problem we have with some these addresses, they're
20 multi-use property in which there are condos or
21 apartments that are above a UPS store or a post office
22 and that's going to be there and I think we'll talk in
23 a minute about Agnes Scott. That's going to be a
24 similar problem where you have a commercial address,
25 but yet you have people that are living at that

1 commercial address, but currently DeKalb is in the
2 process of identifying those and when we do identify a
3 commercial address it is flagged for further
4 investigation when the new registration comes in. So
5 that -- that's our current process.

6 DR. JOHNSTON: So the -- the -- the lesson here
7 is that we really want voters to register at a
8 residence address and that's why there's always a
9 mailing address on a voter registration that allows a
10 person to have their -- their election mail sent to
11 the mailing address. It may be the same place, but
12 it's -- it's a street address and it -- and it's the
13 -- the rationale is to make sure that people that are
14 using UPS boxes or postal -- post office boxes that
15 they actually live in -- in the proper jurisdiction
16 for voting. So that's -- that's why we're interested
17 in this and would like the counties to really work
18 toward providing the proper residence address where
19 people live.

20 MR. HERRIN: Yeah. And I would say that when we
21 get a new registration today at one of those
22 addresses, we send a letter out that says, this is a
23 -- has been identified as a commercial address and you
24 need to give us your residential address so we can
25 properly update your registration or so we can get you

1 registered to vote at your residential address, not at
2 this commercial address.

3 DR. JOHNSTON: Thank you.

4 MR. FERVIER: Any further questions from the
5 Board?

6 (No response.)

7 MR. FERVIER: There's a motion and a second to
8 send letter of instructions --

9 DR. JOHNSTON: The complaints, you're -- you want
10 --

11 MR. FERVIER: Does the Board want to hear from
12 the complainants in this -- okay. Press your --

13 MS. LEE: Thank you. I want to thank the Board
14 for dealing with this issue at long last. And the
15 measures that Mr. Herrin just stated are dealing with
16 people who are coming on. You know, they mark the
17 addresses and they'll send letters if the registrant
18 is not -- it's not a residence address, but there are
19 people on the voter roll, I think the last count was
20 161 that had post office boxes and UPS stores and
21 everything. And procedure needs to be done for those
22 people are addressed and that problem is resolved. So
23 I thank you for the instructions you gave to was --
24 what county, Gwinnett County earlier today and I -- I
25 just encourage DeKalb County to do likewise.

1 DR. JOHNSTON: Thank you.

2 MS. LEE: Oh, and one more thing. I did not
3 intend for this to be a challenge against the
4 individuals. It was a complaint against the Board for
5 not handling them. So, thanks.

6 MR. FERVIER: We have a motion and a second to
7 send a letter of instruction to the above-named or the
8 previously-named 13 individuals. Any further
9 questions or discussion?

10 DR. JOHNSTON: Another point of discussion would
11 be that this -- this seems to be a fairly recent
12 change in how the counties are looking at residence
13 addresses for voter lists. We've just heard now, this
14 is the third case, Fulton, Gwinnett and DeKalb where
15 they're -- they're just initiating this and hopefully
16 the Secretary of State will facilitate this also. So
17 that at some point, there will be an expectation that
18 the -- the county Registrar will be held accountable
19 for not addressing this. So I -- they've got a huge
20 task all the time. Ten percent of people move every
21 year and so they -- they are busy. I would expect
22 year round and they have to verify much information
23 and much data that's put into the voter -- voter
24 rolls, but there's a point where there's -- there will
25 be an expectation for the Registrars to provide

1 correct residence address for our voters. We want
2 accurate and current voter rolls for the elections.
3 Thank you.

4 MR. FERVIER: We have a motion and a second. Any
5 further discussion, comments?

6 (No response.)

7 MR. FERVIER: All those in favor of sending a
8 letter of instruction to 13 individuals named, please
9 signify by saying aye.

10 THE BOARD MEMBERS: Aye.

11 MR. FERVIER: Any opposition?

12 (No response.)

13 MR. FERVIER: Hearing no opposition, so moved,
14 four to zero. The next list is a list of 18
15 individuals that potentially violated O.C.G.A. 21-2-
16 217(a)(1), rules for determining residence. Any
17 questions on that list of individuals?

18 (No response.)

19 MR. FERVIER: The Chair will entertain a motion.

20 DR. JOHNSTON: Mr. Chair, I move we send a letter
21 of instruction to the 18 individuals that are listed.

22 MR. FERVIER: We have a motion to send a letter
23 of instruction to the 18 individuals listed as
24 violating O.C.G.A. 21-2-217(a)(1). Is there a second?

25 MS. KING: Second.

1 MR. FERVIER: We have a second from Member King.
2 Any discussion?

3 (No response.)

4 MR. FERVIER: Hearing no discussion. All those
5 in favor signify by saying aye.

6 THE BOARD MEMBERS: Aye.

7 MR. FERVIER: Any opposition?

8 (No response.)

9 MR. FERVIER: Hearing no opposition, so moved. A
10 letter of instruction be sent to those individuals.
11 The -- there was one individual that was alleged
12 violated 21-2-451(c), voting outside of precinct of
13 residence. Any questions from the Board on that?

14 (No response.)

15 INVESTIGATOR BRUNSON: Yeah. This particular --
16 just to provide a little context.

17 MR. FERVIER: Please do.

18 INVESTIGATOR BRUNSON: So this is Mr. Powell and,
19 ultimately, we were able to determine by interviewing
20 him that he actually voted in the 2020 and 2022
21 elections while he was a resident in Fulton County
22 instead of DeKalb so even though he was registered in
23 DeKalb at the time. So that's why he got the
24 additional charge is because of that.

25 MR. FERVIER: Did he admit to it?

1 INVESTIGATOR BRUNSON: Yes.

2 MR. FERVIER: Did he give a reason for it?

3 INVESTIGATOR BRUNSON: You know what? No, it's
4 not covered in the -- he was supposed to provide a
5 statement with further clarification, but he never did
6 that.

7 MR. FERVIER: So he voted outside the county --

8 INVESTIGATOR BRUNSON: Yes.

9 MR. FERVIER: -- that he lived in?

10 INVESTIGATOR BRUNSON: Yes.

11 MR. FERVIER: Any further questions from the
12 Board?

13 MS. GHAZAL: Has he updated -- has -- has this
14 voter updated his registration since he -- since he
15 voted outside his residence, actual residence?

16 INVESTIGATOR BRUNSON: Let's see.

17 MS. GHAZAL: Okay. Thank you.

18 INVESTIGATOR BRUNSON: You know what, it says
19 it's still active, but, you know what? This is a 2023
20 case --

21 MS. GHAZAL: Yeah.

22 INVESTIGATOR BRUNSON: -- so we would have to run
23 him right now.

24 MR. HERRIN: We confirmed yesterday, he is still
25 an active voter in DeKalb County.

1 MS. GHAZAL: While actually being a resident in
2 Fulton?

3 MR. FERVIER: And he's a resident in Fulton,
4 correct?

5 INVESTIGATOR BRUNSON: Yes, according to this.

6 MR. FERVIER: Okay.

7 MS. GHAZAL: And the investigators made him aware
8 of his statutory obligations?

9 INVESTIGATOR BRUNSON: What's that?

10 MS. GHAZAL: Did -- were you -- were -- part of
11 the interview process is make him aware of his
12 statutory obligations to -- to register in the county
13 where he is a resident?

14 INVESTIGATOR BRUNSON: Yeah. That's usually,
15 it's not -- it's not in the report, though.

16 MS. GHAZAL: Okay.

17 INVESTIGATOR BRUNSON: And the investigator's not
18 on hand so I don't want to say for sure that that
19 happened, but, generally, when we're following up and
20 asking questions about it, yes, that's part.

21 MR. FERVIER: Well, when you're --

22 INVESTIGATOR BRUNSON: (Inaudible).

23 MR. FERVIER: -- when you're interviewing him, he
24 knows why he's being interviewed.

25 INVESTIGATOR BRUNSON: Exactly.

1 MR. FERVIER: Yes.

2 (Crosstalk.)

3 MR. FERVIER: I understand, sorry. I just wanted
4 to clarify that this individual actually knew he was
5 being investigated. The Chair will entertain a motion
6 at this time.

7 MS. KING: I make a motion that we send this case
8 to the Attorney General's Office.

9 MR. FERVIER: We have a motion to refer this to
10 the AG. Is there a second?

11 DR. JOHNSTON: Second.

12 MR. FERVIER: We have a motion and a second. Any
13 discussion?

14 (No response.)

15 MR. FERVIER: Hearing no discussion. All in
16 favor sending this to the Attorney General signify by
17 saying aye.

18 THE BOARD MEMBERS: Aye.

19 MR. FERVIER: Any opposition?

20 (No response.)

21 MR. FERVIER: Hearing no opposition, so moved.

22 INVESTIGATOR BRUNSON: Just to circle back
23 briefly. He did refuse to provide his current
24 address. So he got a little, you know, uncooperative.

25 MR. FERVIER: Well, that -- that certainly helps

1 his case.

2 INVESTIGATOR BRUNSON: Right.

3 MS. GHAZAL: Thank you. That actually...

4 MR. FERVIER: So we're in the --

5 INVESTIGATOR BRUNSON: Allegation 3.

6 MR. FERVIER: Number 3, allegation number 3, yes.

7 INVESTIGATOR BRUNSON: Yes. So allegation 3, was
8 that 44 challenged voters were registered at Agnes
9 Scott College, the main campus. DeKalb County
10 Elections Office was able to provide a copy of 40 of
11 44 mail-in voter registration applications which were
12 dated from 2008 to 2019. So the students had
13 registered between those years, 2008 to 2019. So of
14 the 44 challenged voters, three of them Denisse
15 Alanis, Kaneesha Knight and Leah Troutman had changed
16 their voter registration address to another address in
17 Georgia. Of the remaining 41 challenged voters, 39 of
18 them are inactive, but still have the college as their
19 address. Two of them are active, actually, and did
20 vote in elections back in 2018. So we were able to
21 speak with one of those individuals, Gianna Rodriquez,
22 and Gianna had graduated from Agnes Scott College in
23 2022 and moved to New York. She was under the
24 impression because when she registered -- she moved
25 back to New York, got a driver's license in New York

1 and assumed that, hey, I'm registered to vote in New
2 York, my Georgia registration is canceled. So the
3 other individual Enyenihi, I guess, is her last name.
4 We weren't able to get in contact with her. My guess,
5 and this is just a -- a guess, is she maybe lives in
6 another country, potentially, because we weren't able
7 to find any trace of her using our various methods.
8 So, ultimately, from this investigation those two were
9 the ones cited -- her first name is Affiong N.,
10 Enyenihi. I guess is the last name. So maybe I'll --
11 well, you -- you have the report in front of you. So
12 -- and then Gianna Rodriguez we found both of them to
13 be in violation of O.C.G.A. 21-2-216(a)(1) and also
14 21-2-217(a)(1). Now, I will note that that is a
15 common belief among folks that do leave and go to
16 another state. When they go to another state and get
17 a driver's license and register to vote, and their
18 assumption is that it's automatically canceled.
19 There's some reciprocity between states where other
20 states are notified when you register to vote in that
21 particular state and so they're not thinking about
22 canceling it and to be honest with you, I think that's
23 pretty reasonable to think. I moved here from
24 Wisconsin in 2020 and, you know, yeah, I work in
25 elections now, but back then when I came and got my

1 Georgia's driver's license, I wasn't thinking to go
2 and cancel my Wisconsin, you know, voter registration.
3 I don't think any citizen unless they're really
4 immersed in election law and rules, knows to do that.
5 They just make that assumption that it's automatically
6 canceled. I -- I registered in this state. I'm not
7 trying to double vote, you know, I mean, that's -- to
8 me that's a reasonable assumption, just frankly, as an
9 aside.

10 MR. FERVIER: Let me ask -- let me ask you a
11 question here. This is actually an allegation against
12 DeKalb County right for allowing 44 voters to register
13 using Agnes Scott College's address instead of
14 residential address?

15 INVESTIGATOR BRUNSON: Pardon me?

16 MR. FERVIER: This allegation -- number 3, is
17 actually against DeKalb County, correct? For allowing
18 44 individuals to --

19 INVESTIGATOR BRUNSON: No, we didn't put them
20 down as a Respondent.

21 MS. GHAZAL: This allegation is against the
22 voters. So just -- just to -- to make it very clear
23 that -- so Ms. Rodriguez was a student at some point,
24 but --

25 INVESTIGATOR BRUNSON: Yes.

1 MS. GHAZAL: -- in 2016 and 2018?

2 INVESTIGATOR BRUNSON: Yes.

3 MS. GHAZAL: Ms. Enyenihi was a student at one
4 point and voted once, I believe, in 2018?

5 INVESSTIGATOR BRUNSON: Yes. While she was a
6 student there.

7 MS. GHAZAL: Right.

8 INVESTIGATOR BRUNSON: Yes.

9 MS. GHAZAL: So they voted when they were
10 students. So when they were residing somewhere in the
11 neighborhood of -- of the college, Agnes Scott
12 College?

13 INVESTIGATOR BRUNSON: Yes. They both voted.

14 MS. GHAZAL: And -- and they've not voted since?

15 INVESTIGATOR BRUNSON: They've not voted, no.

16 MS. GHAZAL: I --

17 INVESTIGATOR BRUNSON: Yeah.

18 MS. GHAZAL: -- I have no further questions.

19 INVESTIGATOR BRUNSON: Yeah. They are --

20 MR. HERRIN: I just -- we confirmed yesterday,
21 Ms. Rodriguez canceled her voter registration on June
22 the 23rd of this year. Presumably, she got notice of
23 --

24 INVESTIGATOR BRUNSON: Yeah. She did --

25 MR. HERRIN: -- this proceeding, she took steps

1 to cancel her registration.

2 MS. GHAZAL: And I will -- I will also note that
3 New York is not a member of the ERIC so we would not
4 have access to those voter lists and -- and to be able
5 to make that comparison. And as far as I know,
6 there's no reciprocity with New York in any way, shape
7 or form.

8 DR. JOHNSTON: That's the problem, ERIC, is --
9 does not participate in -- in the most common states
10 that Georgia voters move to. I was provided with a
11 list of these -- the other 39 Agnes Scott students
12 that were -- were listed or named and I was given a
13 date registered, but I think this is probably a birth
14 date for this list of Agnes Scott students. There --
15 they just -- the date -- it says, date registered, but
16 it ranges from 1992 to 2000. So those are probably
17 birth dates. However, to -- to further discuss this
18 particular case which is common to all of the colleges
19 in Georgia. Agnes Scott has 253 registrants that have
20 been registered there more than four years and 78
21 registered more than ten years. I know it takes a
22 long time for some folks to get through college, but
23 probably not Agnes not Scotty's. And they're actually
24 -- I have the list of all the college -- not all of
25 the colleges, but most of the colleges in Georgia and

1 there are thousands of students registered at the
2 college address, not a residence address, but the
3 college address more than four years and -- and quite
4 a large number registered there more than ten years.
5 So the -- the effort to keep our voter rolls current
6 for students who have enjoyed college and then moved
7 to other places, we -- we could improve on for sure.
8 And that is the challenge for the counties that have
9 Agnes Scott, Emory, Georgia Tech, the Spelman
10 Morehouse, the Clark University, for those that are in
11 the room. So this -- this is an issue and these --
12 these other 39 students are -- have a residence like
13 Emory, like the Emory case, needs to provide their
14 residents -- college students oftentimes live at a
15 dormitory the first year and then off they go to an
16 apartment or somewhere else. And they -- they need to
17 keep up with their residents as far as regis -- the
18 proper residence for a voter registration.

19 MS. GHAZAL: As this challenge was made against
20 the -- the students, themselves, I don't see that
21 following up with the students who voted, one's
22 already canceled her registration address. The other
23 one is no longer to be found. I mean, we could send
24 letters of instruction, but I don't know if the only
25 address we have is the -- is the --

1 INVESTIGATOR BRUNSON: College.
2 MS. GHAZAL: -- address on campus, it will simply
3 be return to sender.
4 MS. KING: Right.
5 DR. JOHNSTON: It will simply do what?
6 MS. GHAZAL: Be return to sender if they don't --
7 there's no forwarding address for these -- these
8 voters. The only one that we know where is, has
9 already canceled her address -- her -- canceled her
10 registration.
11 MR. FERVIER: Seems like a waste of time.
12 MS. GHAZAL: Seems -- seems like a waste of time.
13 MR. FERVIER: Yeah.
14 MS. GHAZAL: So I -- I move -- move to dismiss.
15 MR. FERVIER: Allegation number 3?
16 MS. GHAZAL: Allegation number 3.
17 MR. FERVIER: We have a motion to dismiss
18 allegation number 3. Is there a second?
19 MR. JEFFARES: Second.
20 MR. FERVIER: We have a motion and a second. Any
21 discussion?
22 DR. JOHNSTON: Yes. I think a letter of
23 instruction should go to these students. If it gets
24 returned, it's returned, but there'll be a record in
25 the voter registration system that a -- that a letter

1 was sent and that these are not appropriate addresses
2 if -- if nothing else, they'll -- they'll be a trail
3 for any future questions about these registrants.

4 MS. GHAZAL: Can I ask how it would actually show
5 up in the voter registration system?

6 DR. JOHNSTON: I believe all contacts with the
7 registrants are kept --

8 MS. GHAZAL: Right. But --

9 DR. JOHNSTON: -- in the system.

10 MS. GHAZAL: -- from the county, but not from us.

11 DR. JOHNSTON: Right.

12 MS.GHAZAL
 : Right.

13 DR. JOHNSTON: But it would be a record for us to
14 have should the -- should an issue come up again with
15 these -- with these students. If -- if we -- if a
16 complaint comes in two years from now with these same
17 names on the -- on the voter rolls, then we have a
18 record that -- that this was brought up as a complaint
19 case this year in 2025 and we'd have more questions of
20 the county of what -- what their information is and
21 what date -- updated information they have for these
22 -- these registrants.

23 MR. FERVIER: Any further discussion?

24 (No response.)

25 MR. FERVIER: We have a motion and a second to

1 dismiss the -- allegation number 3. All in favor
2 signify by saying aye.

3 THE BOARD MEMBERS: Aye.

4 MR. FERVIER: Did you vote?

5 MS. KING: Aye.

6 MR. FERVIER: Opposition? Any opposition?

7 DR. JOHNSTON: Nay.

8 MR. FERVIER: The vote carries three to one to
9 dismiss.

10 MS. KING: Mr. Chair, I do think we should keep
11 it on a record somewhere in our complaint files that
12 we dismissed it due to the fact that we just don't
13 want to initiate additional work that would be
14 unnecessary, but in case these individuals come up
15 again we do have something on record.

16 MR. FERVIER: Mr. Executive Director?

17 MR. MILLS: (Inaudible).

18 MR. FERVIER: Okay. Thank you. Allegation
19 number 4.

20 INVESTIGATOR BRUNSON: So allegation number 4
21 complainant alleges that voters that have been
22 reported to the national change of address system and
23 have registered to vote in another state should be
24 removed from the elector's list. The complainant
25 identified ten DeKalb County voters who were

1 identified moved to Florida and have been registered
2 with the Florida, Division of Elections. The voters
3 are Edward Stuart, Edward Stewart Nelson, Zanobia
4 Williams, Lacrishia Mae Drake, Sandra Marie Ison-
5 Woodall, Rosemary Lersa, Terry Daumers-Tanner, Hazel
6 McIntyre, Lamont Lawrence, I West, Paula L. Freeman
7 and Robert Wayne Blair. According to ENET as of June
8 30th, 2022 nine of the ten voters have been moved to
9 inactive or canceled status due to DeKalb County
10 saying -- sending out confirmation notices from the
11 NCOA notification. Voters Williams, Drake, Woodall,
12 Tanner, McIntyre, and Blair are canceled as they
13 responded to the confirmation notice. Voters Nelson,
14 Mersa, Freeman are inactive/cross-state, as these
15 voters did not respond to the confirmation notice and
16 then, apparently, there was only one voter, Lamont
17 West, that remained in an active status. At the
18 beginning of this investigation and Ms. Keisha Smith
19 from DeKalb County advised that her office did not
20 receive an NCOA notice regarding Mr. West and,
21 apparently, there was a name difference -- man these
22 flies again -- There was a name difference,
23 apparently, there was, apparently, his name is spelled
24 on his Georgia driver's license as a Lamont L. West.
25 And then the information came through as Lamont

1 Lawrence I. West. So nevertheless, our investigator
2 spoke with him over the phone. He was unfamiliar that
3 his voter registration in Georgia did not
4 automatically cancel when he received his Florida's
5 driver's license and opted in to register to vote in
6 Florida. She emailed him the link to the Georgia
7 Secretary of State's Office of Voter Registration and
8 cancelation form. He was able to resolve the issue
9 and cancel his voter registration on 8/4/2024. So,
10 basically, that whole situation is dismissed, so to
11 speak, or -- or we didn't find a violation.

12 MR. FERVIER: You found insufficient evidence
13 suggesting a violation occurred. Are there any
14 questions for the investigator in this case?

15 DR. JOHNSTON: I have a question for DeKalb
16 County.

17 MR. FERVIER: Ms. Lee wanted to make a comment
18 too. Ms. Lee?

19 MS. LEE: Should I speak to the ones on the
20 students part 3 or -- or part 4?

21 MR. FERVIER: Very briefly, please.

22 MS. LEE: Okay. On the students, or I should say
23 alleged students because we don't know their
24 residence. They just are using the main college
25 address. I suggested to the DeKalb Board when I

1 brought the challenges to them that the alleged
2 students be placed on what I called at that time
3 provisional status which probably means challenge
4 status so that the missing information could be
5 obtained when they attempted to vote. However, the
6 challenges were denied and that's why I'm bringing
7 this complaint. It's really on the handling of
8 challenges. And the whole point of it was on
9 handling, excuse me, on handling incomplete addresses.
10 I think incomplete addresses are an important issue.
11 Our rolls have many registrations that are incomplete
12 because they lack an apartment number or in the case
13 of students at this institution, for instance, a
14 residential mailbox or dorm. And as a newly seated
15 Board Member myself, I would like to hear your
16 recommendations as to how to handle incomplete
17 addresses of people who are already on the voter roll
18 and whether or not they should be sent an absentee
19 ballot if they request it. So that's that one.

20 MR. FERVIER: Any questions or comments from the
21 Board?

22 (Brief pause.)

23 MR. FERVIER: DeKalb County. Dr. Johnston has a
24 question.

25 DR. JOHNSTON: I have a question, the three --

1 three registrants Nelson, Freeman and Mersa are
2 inactive/cross state. Cross state I -- I expect is
3 notification that a person has registered to vote or
4 obtained a driver's license in another state; is that
5 correct?

6 MR. HERRIN: That's correct.

7 DR. JOHNSTON: That's correct. So those three,
8 if they've been given a driver's license or register
9 to vote in another state, they're not eligible in
10 Georgia, correct?

11 MR. HERRIN: That's correct.

12 DR. JOHNSTON: So if those three voters requested
13 an absentee ballot or showed up to vote, even though
14 they're still on the voter rolls, on the inactive
15 voter rolls, would they be allowed to vote?

16 MR. HERRIN: They shouldn't be allowed to vote.
17 I would have to look at -- to advise my client about
18 the -- the proper way to get them removed, right, from
19 the rolls in complying with the National Voter
20 Registration Act, as well as Georgia law, but they
21 should not be voting, if they're registered to vote in
22 another state, they should not be voting here. That
23 is correct.

24 DR. JOHNSTON: To be compliant with NVRA, there's
25 a -- a specified waiting period, but it involves

1 eligible voters. These are ineligible voters that are
2 still on the voter rolls and I -- I'm not clear of the
3 distinction of whether they're automatically allowed
4 to vote or reactivated with any contact.

5 MR. HERRIN: That's something that -- that I can
6 look into. I don't have an answer for you on that
7 right at this moment, but I certainly can look into
8 that and I will advise my client on the proper way to
9 comply with both state and federal law to make sure
10 that the voter roll is proper.

11 DR. JOHNSTON: Right. We want to be compliant
12 with NVRA, but also with Georgia law.

13 MR. HERRIN: Correct.

14 DR. JOHNSTON: That -- that they have lost their
15 eligibility or qualifications when they have moved and
16 registered in another state.

17 MR. HERRIN: Correct.

18 DR. JOHNSTON: Correct.

19 MS. GHAZAL: Mr. Chairman?

20 MR. FERVIER: Yes.

21 MS. GHAZAL: To -- to that end, I would like to
22 make sure it's very clear that the requirements of the
23 -- of a county and jurisdiction are very different
24 from the requirements of a voter. If a voter is no
25 longer a resident and they vote in the jurisdiction

1 where they are no longer a resident, they have
2 violated state law, potentially committing voter
3 fraud. That is not the same standard that -- that the
4 counties have to use in terms of maintaining voters on
5 the voter rolls. It's very clear under the NVRA that
6 if we don't have a wet signature from that voter,
7 either by a copy of their voter registration in
8 another jurisdiction a confirmation that they're
9 canceling their -- their registration, even the DOJ
10 confirmed this in a filing three weeks ago in a -- a
11 statement of interest in a case in Illinois that
12 that's the NVRA requires that they -- they -- that
13 jurisdictions maintain those voters on the lists,
14 probably in inactive status for two election cycles.
15 Now, we've been -- we're past that second cycle,
16 according to the dates in this. So I would imagine
17 that many of these voters are slated for removal right
18 now on -- through regular list maintenance processes,
19 but I don't want counties to be subject to litigation
20 due to violation of NVRA.

21 MR. FERVIER: Thank you. Anymore questions or
22 comments from the Board?

23 (No response.)

24 MR. FERVIER: We need to -- the Chair would
25 entertain a motion on allegation number 4 which has

1 been investigators found insufficient evidence to
2 suggest any violation occurred.

3 MS. KING: Say again.

4 MR. FERVIER: The Chair would entertain a motion
5 on allegation number 4 where the investigators found
6 insufficient evidence to suggest that a violation had
7 occurred.

8 (Brief pause.)

9 MS. KING: I make a motion to dismiss.

10 MR. FERVIER: We have a motion to dismiss. Is
11 there a second?

12 MS. GHAZAL: Second.

13 MR. FERVIER: We have a motion and a second to
14 dismiss allegation number 4. Any discussion?

15 (No response.)

16 MR. FERVIER: Hearing no discussion. All those
17 in favor signify by saying aye.

18 THE BOARD MEMBERS: Aye.

19 MR. FERVIER: Any opposition?

20 (No response.)

21 MR. FERVIER: Hearing no opposition. So moved,
22 by a vote of three to zero. Without descent, the
23 Chair would like to call for a five-minute comfort
24 break. Okay. We'll break until ten till three, ten
25 till three.

1 (The session recessed at 2:43 p.m.)

2 (The session resumed at 2:52 p.m.)

3 MR. FERVIER: This meeting is now back in
4 session. The next case on the agenda is SEB2024-017,
5 Fulton County, advance voting technical issues 2204,
6 residential primary preference primary. It's tab
7 number 83. Investigator, please proceed. Wait.
8 Okay.

9 INVESTIGATOR BRUNSON: All right. So this
10 complaint came in, it was a self-report from Fulton
11 County by Elections Director Nadine Williams. And
12 this involved a clerk, Lynnette Bassanti on February
13 21st, 2024 during the PPP early voting loaded three of
14 six BMD printers at the North Fulton Service Center
15 with regular paper instead of security paper and
16 printed out ballots on those subsequent papers that
17 were in the (inaudible). After review, it was 138
18 ballots that were printed on standard paper. Once she
19 was spoken with by the investigator, she indicated
20 that a co-worker, the machines were low on paper, a
21 co-worker directed her to standard paper, so she
22 thought that was the correct paper to put into the
23 printer. That's what she did. It was discovered when
24 she inquired with a supervisor, hey, I need to -- we
25 need to get more paper. And they're like, wait a

1 minute. We need to get more paper, why was that? And
2 then that was when they discovered the paper in the
3 printer. As far as the outcome, there was a audit
4 done. It was counted. There was no discrepancies as
5 it related to the counts. And so that's -- that's the
6 gist of this complaint. So based on that, we found
7 sufficient evidence to indicate that Ms. Bassanti was
8 in violation of 21-2-372 which requires the use of
9 security paper.

10 MR. FERVIER: The Chair has no questions for you
11 Investigate -- Investigator. The Respondents in this
12 case is Lynnette Bassanti. And I imagine that Fulton
13 County may be here to speak for Mr. Bassanti,
14 possibly? Do any of the Members of the Board have any
15 questions for the investigator?

16 (No response.)

17 MR. FERVIER: Fulton County, do you have a
18 response?

19 MS. BRUMBAUGH: So this is really a response on
20 behalf of the department. I am not personally
21 representing Ms. Bassanti. We -- fair -- mostly agree
22 with everything the investigator said. It was self-
23 reported. It was extensively -- inter -- there were
24 multiple statements of all the poll workers at the --
25 at the -- when the incident happened. Our information

1 was that it was more like 60 ballots, than 138, but
2 regardless, this happened and people voted with
3 regular paper. Just to give you all some assurance
4 that this was an isolated thing that is not likely to
5 happen in the future. Hopefully, never happen in the
6 future, the poll worker -- I think the poll worker
7 just misunderstood. She knew she was supposed to
8 check the levels and then she thought well, I'm
9 supposed to check the levels, I'm supposed to replace
10 them, but that wasn't the instruction that had been
11 given. It was just how she interpreted it. Anyway,
12 the point is neither the poll workers nor the poll
13 manager have worked for Fulton County in 2025.
14 Processes have been changed. The reason that there
15 was extra paper, such that this could happen in the
16 first place was because it was just sort of the -- the
17 process and it was given to printout recap sheets
18 which have to be printed out every night. The process
19 has since been changed. The only standard copy paper
20 that goes to a precinct is the paper for these recap
21 sheets, but the -- the standard copier paper is now
22 placed in the poll manager's printer and then that
23 printer is sealed. So you can't actually take any
24 paper out and you can't put any paper in. So there's
25 no extra paper for somebody to go replace.

1 Additionally, the -- while the training certainly
2 always said you're supposed to use the correct paper.
3 The -- the staff are now instructed to report the
4 paper -- paper levels -- paper levels to a poll
5 technician. So there's only one person now that's
6 allowed to change the paper on the BMDs. So we --
7 since the policy's been changed there have not been
8 any other issues. Again, if there's no paper to -- to
9 mess up with, I don't think it can get messed up
10 again. So, yes, Fulton -- this occurred. It's
11 unfortunate, but we're all trying to move on.

12 MR. FERVIER: Thank you. Are there any questions
13 for Fulton County?

14 (No response.)

15 MR. FERVIER: The Chair will entertain a motion
16 at this time.

17 MS. KING: I make a motion that we issue a letter
18 of reprimand because there was a violation, but it
19 seems to be rectified.

20 MR. FERVIER: We have a motion to issue a letter
21 of reprimand. Is there a second?

22 MS. GHAZAL: Second.

23 DR. JOHNSTON: Second.

24 MR. FERVIER: We have a motion and a second from
25 Member Ghazal. Any discussion?

1 (No response.)

2 MR. FERVIER: Hearing no discussion. All those
3 in favor signify by saying aye.

4 THE BOARD MEMBERS: Aye.

5 MR. FERVIER: Any opposition?

6 (No response.)

7 MR. FERVIER: Hearing no opposition, so moved. A
8 letter of reprimand will be issued on case number
9 SEB2024-017. The next case on the agenda is SEB2022-
10 354. It is tab number --

11 INVESTIGATOR KOTH: Eighty-four.

12 MR. FERVIER: Eighty-four.

13 INVESTIGATOR KOTH: The Georgia Secretary of
14 State initiated this investigation after it was
15 brought to our attention that a Georgia voter was
16 identified by name and date of birth as possibly
17 voting in Georgia and Florida for the same November
18 2016 and November 2018 general election. Adam
19 Leonard, they checked his voter registration, also
20 known as ENET at the time, revealed that this voter
21 voted advance, in-person for the Georgia November '16
22 and the '18 election. West Palm Beach Board of
23 Elections confirmed there was a match that Leonard
24 voted absentee by mail. October 26th, 2016, November
25 3rd, 2018. In Florida, the November '16, November '18

1 general election. No voting documentation was
2 available as a required 24-month retention period had
3 expired. The investigator attempted to make contact
4 with the Respondent by phone, but by the time of this
5 report, there was no contact made. As of November
6 17th, 2023 Leonard was listed as inactive on Jarvis
7 due to the NCOA. (unintelligible) checked law
8 enforcement databases. He looked like he resided in
9 Florida. And he didn't respond to any emails or phone
10 calls. I had him checked while I was sitting here and
11 he's now considered active as of 4/4/24. This was
12 originally written up as a dismissal only because we
13 didn't have any of the documentation so we couldn't
14 rule out an administrative or clerical error, but it
15 is a potential violation for 21-2-372.

16 MR. FERVIER: Thank you. You know my only
17 problem with this one is it's so old and there no --
18 if you go to investigate this thing, you're not going
19 to be able to get the proper information to really be
20 able to -- to convict anybody of anything and while it
21 is a serious violation if it did -- did occur, I'm not
22 sure that the time and energy and money used to
23 investigate this will result in anything and so I just
24 -- if -- if -- sure if -- if it was more recent we'd
25 send it to the AG in a minute, I think, but it's a 26

1 (sic), 2018. The documentation is no longer there.
2 What are they really going to be able to do with it,
3 you know. Maybe I'm wrong, surely --

4 MS. KING: Yeah. I just don't think that's up to
5 us to --

6 MS. GHAZAL: Well, I'd like to -- to make sure
7 it's -- it's really clear. The -- the AG has civil
8 jurisdictions, we would refer it to a DA for criminal
9 jurisdiction and -- and we don't have the
10 documentation so we can't go that far, but I would
11 still refer this to the AG's office --

12 MR. FERVIER: Okay.

13 MS. GHAZA: -- because there is -- it is more
14 likely than not based on the evidence that we do have.
15 I do, you know, there's clearly not enough for a --
16 for a criminal violation, but at least that this is
17 serious enough that I think having that documentation
18 with the AG's office. Can I clarify, Chief
19 Investigator Koth, did you say that the voter is
20 active now or --

21 INVESTIGATOR KOTH: As of 4/4/24.

22 MS. GHAZAL: In Georgia?

23 INVESTIGATOR KOTH: Now, he's living possibly --
24 this report was written so --

25 MS. GHAZAL: Right. But does it --

1 INVESTIGATOR KOTH: So as of '23 he was inactive,
2 for NCOA, but I had somebody check and it's now active
3 as of 4/4/24.

4 MS. GHAZAL: So this voter has done -- had some
5 contact with Fulton County in order to reactivate.
6 Now, I'm not saying that Fulton County has done
7 anything wrong whatsoever. You do not have this --
8 this any -- any information. Do you have access --
9 can you look up and see if this voter is active right
10 now because that -- I'm very --

11 INVESTIGATOR KOTH: Are you talking to me?

12 MS. GHAZAL: No, I'm asking -- is -- if Fulton
13 County can do anything.

14 MS. BRUMBAUGH: So according to our information,
15 this voter is currently active. He last voted on
16 November 8th, 2022 and he did, I think, a My Voter
17 page address update on April 4th, 2024. Is that
18 consistent with what you're seeing?

19 INVESTIGATOR KOTH: Yes.

20 MS. BRUMBAUGH: Okay. That's the information we
21 have.

22 MS. GHAZAL: Okay. I move that we --

23 MR. FERVIER: (inaudible).

24 MS. GHAZAL: -- refer this to the AG.

25 MR. FERVIER: Are you making a motion?

1 MS. GHAZAL: Yes.

2 MR. FERVIER: We have a motion to refer this to
3 the AG. Is there a second?

4 DR. JOHNSTON: Second.

5 MS. KING: Second, oh.

6 MR. FERVIER: We have a motion and a second from
7 Dr. Johnston. Any discussion?

8 (No response.)

9 MR. FERVIER: Hearing no discussion. All those
10 in favor of sending this to the AG signify by saying
11 aye.

12 THE BOARD MEMBERS: Aye.

13 MR. FERVIER: Any opposition?

14 (No response.)

15 MR. FERVIER: Hearing no opposition, so moved.

16 MS. GHAZAL: And thank you for the update.

17 MR. FERVIER: The next case on the agenda is
18 SEB2022-119, Fulton County, improper federal ballot.

19 (Crosstalk.)

20 MR. FERVIER: We did 243 earlier. Yeah, this is
21 119, tab number 87.

22 (Brief pause.)

23 MR. FERVIER: All right. 2022-119, number 87,
24 tab 87.

25 INVESTIGATOR KOTH: The Secretary of State

1 received a complaint alleging that Fulton County Board
2 of Elections and Registration issued voters absentee
3 ballots that omitted a required race which should have
4 been on the ballot. The allegation for Fulton County
5 that mailed out ballots and omitted the contests which
6 should have been included on the ballot was
7 substantiated. Fulton County had in their possession
8 the correct ballots that should have been mailed.
9 Those ballots contained both the race for the State
10 House of Representatives for District 50 and the race
11 for the US House of Representatives for District 7;
12 however, a Fulton County employee inadvertently picked
13 up ballots that only listed the race for US House of
14 Representatives for District 7 which were the ones
15 mailed to voters. Fulton County reported there were
16 approximately 75 Fulton County voters who were
17 adversely effected by this mistake in June of 2022
18 general primary runoff election. The absentee ballots
19 were printed correctly, therefore, did not need to be
20 corrected and the county went through the proper
21 process of mailing absentee ballots in a timely
22 manner, but they did not verify the ballot before
23 being mailed. Evidence to suggest that Fulton County
24 Department of Elections and Registration violated SEB
25 rule 183-1-12(.072).

1 MR. FERVIER: Are there any questions for the
2 investigator on this one? There's got to be questions
3 on this one. Yes, Member Ghazal.

4 MS. GHAZAL: So this was a -- a primary runoff.
5 Do you happen to have any information on the margin of
6 the -- the race that dropped? So, in other words,
7 were -- were these -- were these votes, could they
8 have been dispositive in the -- in the outcome?

9 INVESTIGATOR KOTH: I don't have that.

10 MS. GHAZAL: Okay. That's fine. Thank you.

11 MR. FERVIER: That may be a good question on
12 Fulton County. Any further questions for the
13 investigator?

14 (No response.)

15 MR. FERVIER: Fulton County.

16 MS. BRUMBAUGH: Yes. Thank you. So, once again,
17 kind of a ballot number issue. Our information is
18 that there was only 32 ballots that were sent
19 improperly, not 75. We have a letter that we sent to
20 the complainant at the time which says, 32 ballots.
21 We also have, I don't want to call this a spreadsheet,
22 but we, basically, what happened is there were ballots
23 that were printed for permanent for overseas voters.
24 Permanent overseas voters can only vote for federal
25 races. So these voters, these permanent overseas

1 voters, only got the United States House District
2 ballot. And then there was the ballots printed for
3 all the Fulton County residents who got both House
4 District -- US House District 7, and Georgia House
5 District 50. And, unfortunately, in our -- for our
6 records, somehow 32 of the permanent overseas ballots
7 got mailed to Fulton residents. This was sort of
8 caught at the time because people were calling and
9 saying I didn't get to vote for House District 50. So
10 Fulton did overnight the correct -- these were all
11 absentee mail-in ballots. They overnighted all --
12 overnighted all 32 voters -- Fulton County voters,
13 they overnighted the correct vote -- the correct
14 ballots. According to their records of these 32
15 people, 17 never returned either ballot. One person
16 voted in-person, early. That person would have gotten
17 the right ballot, in-person. Nine voters returned the
18 corrected ballot and five voters returned the
19 incorrect ballot even though they had received the
20 correct ballot. I don't -- we don't have the margin.
21 I feel pretty comfortable it wasn't five votes, but we
22 don't have that information. Once again, once they
23 realized what had happened, they now separate, they
24 isolate the ballots from the permanent overseas
25 voters, put them in separate tubs and mark those tubs

1 so nobody's just grabbing a -- a permanent overseas
2 ballot and sending it to a regular Fulton County
3 resident.

4 MR. FERVIER: Did you track the 32 overnight
5 ballots to see if they were actually delivered?

6 MS. BRUMBAUGH: Yes. That's how we got the
7 letter which I'm happy to give to the Board. So you
8 can see what we, you know, this is a -- this is an
9 investigation that was done at the time. This was a
10 contemporary record so we knew that, like I said, they
11 sent -- they overnighted them so there would have been
12 -- we would have gotten the tracking numbers and then
13 of this 32 that were sent only -- only five with the
14 original bad ballots were returned.

15 MR. FERVIER: So you were able to confirm all 32
16 had been received on the --

17 MS. BRUMBAUGH: Yes.

18 MR. FERVIER: -- receiving end, okay.

19 MS. GHAZAL: Attorney Brumbaugh, I want to thank
20 you that you've provided a contemporaneous report
21 because those are always going to be the most accurate
22 because memories are fresh. So I really appreciate
23 that. This is extremely helpful in contextualizing
24 exactly what happened. Out of curiosity, this is --
25 this is purely for my edification, how many federal

1 only voters can you estimate you have in -- in Fulton
2 County. And this, again --

3 MS. KING: That's a question I would to --

4 MS. GHAZAL: -- is slightly off topic, but --

5 MS. BRUMBAUGH: Well, I had that piece of paper,
6 but I'm really bad at losing -- oh, here it is. Okay.
7 So the way they figured out that it as 32 was they had
8 a -- and I can give this to you, too. They had --
9 they had gotten 25 -- they had ordered 25 ballots for
10 each of the precincts. Am I explaining this right?
11 So they ordered 25 ballots for each of the precincts
12 that -- for which these permanent overseas voters were
13 getting these ballots and then they sort of subtracted
14 out how many permanent overseas ballots that were left
15 after this came to light. And I will say you'll --
16 you'll see my notes in there, it says 34, two of the
17 ballots, I think it's in the letter I gave you. Two
18 of the ballots actually never made it out to the
19 mailbox and never got sent.

20 MR. FERVIER: Any further questions from the
21 Board.

22 (No response.)

23 MR. FERVIER: The Chair will entertain a motion
24 on 20 -- 2022-119.

25 MS. KING: Mr. Chair, I make a motion that we

1 issue a letter of reprimand and -- because it was a
2 violation. There was a violation.

3 MR. FERVIER: We have a motion to issue a letter
4 of reprimand. Is there a second?

5 MS. GHAZAL: Second.

6 MR. FERVIER: We have a motion and a second from
7 Member Ghazal. Any discussion?

8 (No response.)

9 MR. FERVIER: Hearing no discussion. All those
10 in favor of issuing a letter of reprimand on this case
11 signify by saying aye.

12 THE BOARD MEMBERS: Aye.

13 MR. FERVIER: Any opposition?

14 (No response.)

15 MR. FERVIER: Hearing no opposition, so moved.
16 The next case on the agenda is SEB2022-070, double
17 voter. Tab number 88.

18 INVESTIGATOR BRUNSON: On May 18th, 2022 the
19 Secretary of State's Office received a complaint from
20 Sharon Benjamin of Fulton County Elections and
21 Registration. The complainant advised that a voter,
22 Mr. William Fogarty, completed two voter applications
23 on two different dates and voted twice at the Robert
24 O.C. Library. The investigator spoke to the
25 registration clerk who waited on Mr. Fogarty the first

1 time on May 5th, 2022. She stated that on May 10th
2 she remembers what occurred. She advised that a new
3 poll worker, an individual by the name of Brian
4 Williams waited on Mr. Fogarty. He came to the
5 location and as he was going through the process an
6 error message popped up. This individual, Mr.
7 Williams, being new he didn't know what to do. He
8 asked for assistance. Apparently, there was some
9 miscommunication made and Mr. Fogarty was allowed to
10 vote that second time. Mr. Fogarty was asked about
11 voting twice. He did not deny it. He state -- stated
12 that he is having memory issues and did not intend to
13 vote twice. In a statement, he attributed him voting
14 twice to the barrage of candidate signs in the
15 vicinity of his voting place. And the signs caused
16 him to second guess if he voted. So based on the
17 investigation, there is evidence to suggest that Mr.
18 Fogarty violated O.C.G.A. 21-2-572, repeat voting in
19 the same primary or election and also that Brian
20 Williams of Fulton County Elections and Registration
21 violated SEB rule 183-1-12-.11 regarding conducting
22 elections which states the poll officer shall verify
23 the identity of the person (inaudible) registered
24 voter through the voting certificate. Basically, he
25 should have heeded that error message. It shouldn't

1 have been overrode, but it was and that's what allowed
2 Mr. Fogarty to vote that second time.

3 MR. FERVIER: Let me -- I'm going to recuse
4 myself from this case because I believe that I may
5 know this individual. I haven't confirmed it, but I
6 believe I may know him and I -- I do have information
7 related to his mental capacity. So at this time, I'm
8 going to turn over the Chair temporarily to Dr.
9 Johnston and let her handle this one.

10 DR. JOHNSTON: Are there any questions for the
11 investigator?

12 (No response.)

13 DR. JOHNSTON: All right. Fulton County?

14 MS. BRUMBAUGH: So, again, I'm representing the
15 department, but not Mr. Williams, the clerk.

16 MR. FERVIER: Fogarty?

17 MS. BRUMBAUGH: No, no. Ms. -- well, also not
18 Mr. Fogarty, but Mr. Williams is listed as a
19 Respondent. He was the one -- he was a clerk, yes.
20 So to provide, you know, the department's response, so
21 we agree with everything that the investigator said.
22 This did happen. Part of the problem, again, this is
23 from the -- this is the general primary May of 2022.
24 We're still using ENET. ENET is, obviously, not
25 nearly as good as Jarvis because if this happened

1 today, Jarvis would be, like, (makes alarm noise) You
2 can't do that and it wouldn't have happened, but back
3 then you had a -- and I spent a lot of time learning
4 this. So you're just going to have to learn it -- let
5 me tell you how smart I am. So back then you had
6 these poll pads which had the ENET which had the voter
7 history on it. And then you had a -- was that the
8 poll pads? The laptops. The laptops had the ENET in
9 them. You had the poll pads which gave you the card
10 which then get -- lets you go vote. They were not
11 linked so if you made a mistake on -- or you didn't
12 pay attention to your ENET history, you can still hit
13 the poll pad, plunk, and get the card and give it to
14 the person. And that's, essentially, what happened
15 here. This Mr. Fogarty had voted on May 5th. He
16 comes in, he -- the ENET shows the history,
17 unfortunately, the history starts with the oldest
18 history first. So instead of saying May 5th, 2022 at
19 the top, you've got to go all the way to the bottom.
20 And Mr. Fogarty is elderly so probably it's a long
21 list. So the training was that if you -- if you found
22 that somebody had voted early or you got some sort of
23 error message, you just didn't hand them a voter card.
24 You called the election hub and said, this is what's
25 going on. And if you weren't savvy enough to do that

1 for whatever reason, you still did not give them a
2 voter card. You maybe gave them a provisional ballot,
3 but you didn't just hand them a voter card. For
4 whatever reason the main manager was, I think, out to
5 lunch when this happened. So an assistant manager and
6 this new poll worker just sort of brain -- brain
7 freeze and ignore all their training and let this guy,
8 Mr. Fogarty, vote again. The election -- the poll
9 manager comes back from lunch. Does his hourly
10 reconciliation and pretty much immediately realizes,
11 hey, we've got a problem because we've got -- our
12 numbers are -- are off. We've got one extra vote. So
13 that's how it was reported and, you know, then we
14 self-reported it to the State Election Board. Since
15 then the poll worker and assistant manager no longer
16 work for elections. And this is actually used as a
17 training example. So we have the training. We have
18 the remediation and we also, fortunately, now have
19 Jarvis which links the poll pad with the laptop and so
20 you couldn't actually print out a card given this
21 information.

22 DR. JOHNSTON: Any questions?

23 (No response.)

24 DR. JOHNSTON: No questions.

25 MR. FERVIER: I -- I -- I do want to -- I want to

1 confirm one thing in this report. I have recused
2 myself from voting on this, but I -- I know an
3 individual with this exact name at this exact age that
4 I've known for quite some time that has some
5 significant memory issues and he lives in Fulton
6 County and that's the reason I felt that this is
7 probably somebody that I -- I know. So...

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

9 MS. GHAZAL: I move that we issue letters of
10 reprimand, both to Mr. Fogarty and to Mr. Williams.
11 Is Mr. Williams still serving as a poll worker?

12 MS. BRUMBAUGH: No.

13 MS. GHAZAL: Very good. Okay. That is my
14 motion.

15 MS. KING: Okay. Second.

16 DR. JOHNSTON: Any discussion?

17 (No response.)

18 DR. JOHNSTON: All in favor for issuing a letter
19 of reprimand to Mr. Williams and Mr. Fogarty, say aye.

20 THE BOARD MEMBERS: Aye.

21 DR. JOHNSTON: All opposed?

22 (No response.)

23 DR. JOHNSTON: Motion carries three to zero.

24 MR. FERVIER: You want to pass the mic back or do
25 you want to keep it?

1 DR. JOHNSTON: Here. Next case.

2 MR. FERVIER: Next item on the agenda is SEB2022-
3 050, Fulton County, required seals.

4 INVESTIGATOR KOTH: We received this complaint
5 alleging that Fulton County did not have the required
6 seals at the Sherwood Event Hall precinct. Margaret
7 stated that she was a poll watcher for the afternoon
8 and closed of the house -- and closed at the house --
9 for the House District 45 election on the third -- on
10 the 2022 election. At the close of the election, the
11 poll manager did not have the required seals for the
12 carriers. She had called the warehouse and asked them
13 to bring seals when they came for the equipment. When
14 the crew arrived from the warehouse they either had
15 not gotten the message or may have forgotten to bring
16 the seals. The clerks tried to reuse as many of the
17 seals as they could from the morning when they opened
18 the carriers, but not all of the seals were reusable.
19 Although the carriers were locked when loaded on the
20 truck, they did not have all the seals. The
21 investigator spoke with Derek Gillstrap and to follow-
22 up on the paperwork to know if the seals had never
23 been delivered. He stated that 50 seals were
24 delivered according to his assistant supervisor. He
25 also stated that there was a tech onsite all day and

1 he was not notified that any additional seals were
2 needed. He said there was also a dashboard where
3 requests for any assistance could be made and that
4 nothing was submitted according to Derek. There is
5 sufficient evidence to substantiate Fulton County
6 Elections and Registration did not send enough seals
7 to properly seal all of the equipment at the Sherwood
8 Event Hall precinct. Potential violations 183-1-
9 12(04) and this was for the May 3rd, 2022 runoff.

10 MR. FERVIER: Any questions from the Board --
11 sorry for the investigator?

12 (No response.)

13 MR. FERVIER: The Respondent's Fulton County.
14 Does Fulton County have a comment to make?

15 MS. BRUMBAUGH: Yes. So for starters, Mr.
16 Gillstrap no longer works for the DRE. He resigned
17 some time in the last year. Ms. -- Ms. Taylor still
18 works part-time. Ms. Taylor was the poll manager. I
19 think if this were to go to a hearing, there might be
20 some -- there might be some credibility issues because
21 Ms. Taylor would -- if -- were she here today, she
22 would tell you no. I knew there weren't enough seals.
23 I called the DRE. I said, there aren't enough seals.
24 Please bring us enough seals for tonight and then --
25 and she thought it was taken care of and then that

1 didn't happen. So Ms. -- Ms. Taylor was the manager
2 at that time. She noticed the issue. When the
3 warehouse people showed up and didn't bring the seals,
4 she -- she did what she could. She improvised on the
5 spot and she decided I'm going to prioritize. So she
6 took the seals that she had and she sealed all the
7 outside of the -- of the carriers and then she also
8 sealed the ballot bags, but there were interior seals
9 inside these carriers that didn't get done because
10 there wasn't enough. It's -- it's important to know
11 that this was a special election runoff. This was
12 literally, like, the only precinct that was having
13 voting that night. It was election day and so rather
14 than seal everything up and leave it and then
15 warehouse people come the next day and take everything
16 back to the hub, in this case the warehouse people
17 showed up that night and took all of the -- the
18 carriers and -- and everything. So there was never a
19 chain of custody situation in which this equipment was
20 not in the presence of a Fulton County employee. So,
21 you know, so you -- you can feel confident that there
22 was no seal issue here. Nothing was tampered with.
23 Ms. Taylor literally handed everything off to the
24 warehouse people and the warehouse people drove it
25 straight back to the hub. And then everything was

1 checked in at that time. So that is, again, this was
2 a kind of an isolated incident. It is certainly
3 unfortunate that it happened. I mean, they -- Ms.
4 Taylor knew, you know, by mid-morning I -- I got a
5 problem here and she tried to fix it and some sort of
6 breakdown in communication, but -- but, again, you
7 shouldn't have any concerns that there was an actual
8 security issue in this case given the -- the facts of
9 this election.

10 MR. FERVIER: Are there any questions for Fulton
11 County from the Board?

12 MS. GHAZAL: I've got a couple of questions.
13 Now, what is the mechanism for a -- a poll manager to
14 make a request in an instance like this? And how -- I
15 -- I want to learn a little bit more about that
16 breakdown.

17 MS. WILLIAMS: We have a platform called the BOC.
18 It's a electronic -- so the person puts in a request
19 in the tablet and then it comes into our call center
20 to say I need these particular supplies. So that's --
21 that -- so that would have been the response that
22 should have happened if it was inputted. I think the
23 problem that happened because the staff knew they were
24 picking up everything that evening. They didn't give
25 it priority to -- to send the seals because, again,

1 the equipment did not stay unaccompanied overnight
2 because usually we have 147 locations and stuff has to
3 get picked up two or three days later, but with this
4 election, everything was being removed. I mean, every
5 supply, every item completely removed from the
6 facility and brought directly back to the tabulation
7 center.

8 MS. GHAZAL: Has the -- have the personnel
9 responsible for the call center, has that changed now?

10 MS. WILLIAMS: We have streamlined that process
11 to make sure that the -- those dashboards are better
12 monitored. And we have also told poll managers that
13 if you ask for a supply in the morning and by maybe
14 one -- one or two o'clock we need to sound the alarm
15 and let us know that it has not arrived because it
16 might have gotten lost in transport. To make sure you
17 request it again to make sure it gets out there. So
18 we have emphasized that in training.

19 MS. GHAZAL: Okay. So that you -- you have
20 remediated --

21 MS. WILLIAMS: Yes.

22 MS. GHAZAL: -- the issue? Thank you.

23 MR. FERVIER: Any further questions for Fulton
24 County or the investigators?

25 (No response.)

1 MR. FERVIER: The Chair will entertain a motion
2 at this time.

3 MS. KING: I make a motion that we issue a letter
4 of reprimand in this matter.

5 MR. FERVIER: We have a motion to issue a letter
6 of reprimand. Is there a second?

7 DR. JOHNSTON: Second.

8 MR. FERVIER: We have a motion and a second from
9 Dr. Johnston. Any discussion?

10 (No response.)

11 MR. FERVIER: Hearing no discussion. All those
12 in favor of issuing a letter of reprimand signify by
13 saying aye.

14 THE BOARD MEMBERS: Aye.

15 MR. FERVIER: Any opposition?

16 (No response.)

17 MR. FERVIER: Hearing no opposition, so moved,
18 four to zero. The last case in the agenda today is
19 SEB2020-140, Fulton County, wrong ballot style. It is
20 the last tab in your book.

21 INVESTIGATOR BRUNSON: Okay. So this case
22 involves the November 3rd, 2020 general election. The
23 complainant, Ms. Johnnie Dixon, alleged that she
24 received an absentee ballot that had the wrong ballot
25 style. Apparently, she and her family received

1 different ballot styles although they live at the same
2 address. She was concerned she would not receive her
3 absentee ballot in time to vote. So she voted early
4 in-person at the East Point Library on October 14th,
5 2020 and she was not able to vote for the candidate in
6 the Fifth Congressional District. She did not notice
7 this error until after she cast her ballot.

8 Apparently, she talked to her husband and he had the
9 correct ballot. Upon further investigation there was
10 a mistake made when the ballot was built; however, as
11 a safeguard, the state -- Secretary of State provides
12 proofs to the county to check and validate. But
13 Fulton County officials did not catch the mistake.

14 They signed off on the ballot bill and there is an
15 exhibit in the investigation that indicates that and
16 that was on September 16th, 2020, signed off on by
17 Dwight Brower. So further investigation revealed --
18 it looks like there were 94 voters that were impacted
19 by this mistake. And in looking at the results of
20 that election, US House District 5 and US House
21 District 13 that were impacted by the error. The
22 candidates were separated in District 5 by 249,211
23 votes and in District 13 by 36,446 votes so there was
24 no impact to the election as a result of this error
25 that occurred. So based on the investigation what we

1 found was a violation of SEB rule 183-1-12-.07(2)
2 regarding failing to properly review and note the
3 ballot bill error.

4 MR. FERVIER: The complainant in this case is
5 Johnnie Dixon and the Respondent is Fulton County
6 Board of Elections and Registration. At the time the
7 Director was Richard Barron. Are there any questions
8 from the Board for the investigator?

9 INVESTIGATOR BRUNSON: And we would just like to
10 amend that to elections and registration, not the
11 Board. I know it says, Board, but it should be --

12 MR. FERVIER: Fulton County Elections --

13 INVESTIGATOR BRUNSON: -- Elections, yeah.

14 MR. FERVIER: -- and Registration. And Fulton
15 County, do you have a response?

16 MS. BRUMBAUGH: Very briefly. Essentially, we
17 agree with what the investigator says. We tried to
18 track down some of the former employees that were
19 working at the time to get more information. It's
20 been five years. They don't remember. We have
21 changed the standard operating procedures and the --
22 again, this geographic information systems now gets
23 the spreadsheet. The spreadsheets and sort of double
24 checks to make sure that all voters are in the right
25 precincts and we don't have this problem. GIS also

1 reviews the ballot so we have changed the system and
2 we are employing, you know, the best technology at our
3 services to try to prevent this from happening again.

4 MR. FERVIER: Are there any questions for Fulton
5 County from the Board?

6 (No response.)

7 MR. FERVIER: The Chair will entertain a motion.

8 MS. KING: I make a motion that we issue a letter
9 of reprimand for the violation.

10 MR. FERVIER: We have a motion to issue a letter
11 of reprimand for SEB2020-140. Is there a second?

12 DR. JOHNSTON: Second.

13 MR. JEFFARES: Second.

14 MR. FERVIER: We have a second from Dr. Johnston.
15 Any discussion?

16 (No response.)

17 MR. FERVIER: Hearing no discussion. All those
18 in favor signify by saying aye.

19 THE BOARD MEMBERS: Aye.

20 MR. FERVIER: Any opposition?

21 (No response.)

22 MR. FERVIER: Hearing no opposition, so moved. A
23 letter of reprimand issued on SEB2020-140. Thank you
24 Fulton County. I know you have a long drive home,
25 please be safe.

1 MS. BRUMBAUGH: Thank you.

2 MR. FERVIER: Thank you.

3 MS. BRUMBAUGH: Have a good day.

4 MS. GHAZAL: Mr. Chairman? Mr. Chairman, can I
5 -- can I soap box for one second?

6 MR. FERVIER: Can you do what?

7 MS. GHAZAL: May I soap box for one second?

8 MR. FERVIER: Soap box?

9 MS. GHAZAL: Soap box.

10 MR. FERVIER: Oh, please feel free to do so.

11 MS. GHAZAL: So this is -- I just want to use
12 this opportunity for anybody who's still hanging in
13 from the counties. Reviewing ballot bill is really,
14 really critical. This one had, like, a little twist
15 that they were a husband and wife were given different
16 ballots. I understand from -- from the report what
17 happened there, but if counties don't review the
18 ballot bills, it can change the outcome of an
19 election. Please, please take that. It is a
20 difficult, tedious task. Please take it seriously.
21 Thank you. Done so far.

22 MR. FERVIER: Thank you. We will proceed with
23 other items on the agenda at this point. Under
24 section 3, new business. The first time is personnel
25 matters. I believe when the agenda was made up there

1 was a personal issue that has subsequently been
2 resolved. Does the Board have any personal issues
3 they want to discuss?

4 (No response.)

5 MR. FERVIER: Then we will strike that from the
6 agenda. The next item is report from the Executive
7 Director. Mr. Executive Director, would you please
8 provide the Board with your report?

9 MR. MILLS: Thank you for this time. I'll be --
10 I'll be quick, but I started as Executive Director on
11 June the 2nd and, you know, I want to thank the Board
12 for this opportunity. The day I started, of course,
13 is the day that we lost Alex Harden from this agency
14 who, basically, was running everything inside the
15 agency and the -- the agency of the State Election
16 Board had been approximately four months without --
17 without a director. So you can imagine there -- there
18 was a lot of work to be done. There still is a lot of
19 work to be done. Here's a few things that we've been
20 able to accomplish along the way because when Alex
21 Harden left, we lost the contact phone for the agency,
22 basically. So I acquired a new phone for the office.
23 We now have that in place. Wi-Fi was installed for
24 the office. The problem that we had was that Wi-Fi
25 was being operated off the Georgia Building Authority

1 public Wi-Fi which didn't make it very safe. We -- we
2 put a firewall in place to protect our office. We
3 know sometimes it can be highly politically charged
4 and so that's in place. We were able to access the
5 laptops and get them given out to all the Board
6 Members that have been laying dormant for -- for
7 several months work being done that was -- that was
8 just not done very exponentially -- or done very fast
9 and all the Board Members now have their computer that
10 has SEB emails. In the past, they've been operating
11 prior to me coming on, they've been operating at that
12 time, as I understand, off of Gmails and now they have
13 a State Election Board, SEB emails. You can go on the
14 website, Secretary of State's page and then tab to the
15 SEB, you'll see the new emails listed there. We also
16 -- my first week, I was able to meet with our Office
17 of Planning and Budget. Governor's folks began to
18 just give a brief view of the budget, where we were at
19 as an agency. There were some extra funds, as you
20 know the state budget goes from July to July. So we
21 were about to lose some state funds that would go back
22 to the Treasury. We didn't want to be reckless and
23 just spend it because it was there. We wanted to be
24 prudent. Thanks to the legislature, the Governor,
25 this agency had been provided recently with two new

1 wonderful investigators. Jesse Patton and Ann Delmas
2 and we knew that it would not be long, matter of fact,
3 they were already in need of it of vehicles. Met with
4 OPB, they approved the purchase process to begin with
5 the vehicles and not to go into all the details, but
6 there's quite a bit that does go into that. Our
7 investigators will be traveling the state doing their
8 job for the SEB Board and OPB approved the purchase of
9 vehicles and we -- we are told that we're just days
10 away from getting the final approval of what we need
11 to take the last step and hopefully go pick out some
12 cars and -- and get going with that. I -- I want to
13 thank, especially, the Governor and the OPB for
14 approving that. You know, that was a need. It was
15 money on the table that would have been lost and doing
16 the way operating taking advantage of that in a way
17 that we were able to helps everybody in the long run.
18 Now -- now, let me just say this for a second. And I
19 really hate that the SOS investigators have already
20 gone because I wanted them to hear this. I trust
21 Jesse Patton and Ann Delmas. And they are two great
22 employees who are doing a great job. They have had to
23 crossover work that they were not hired to do. They
24 were hired to be investigators and a meeting like this
25 doesn't just happen. It's a team effort. I want to

1 especially give thanks to Addison Brooks, our intern
2 who has worked and done a tremendous job, done
3 everything that we asked her along the way and more.
4 And -- and we've done it as a team. And it hasn't
5 been easy because a lot of us didn't exactly know
6 where to go, but we've -- we're figuring it out as we
7 go and, you know, I think we've had good meetings
8 yesterday and today. Let -- let me just explain to
9 you the tools that the Secretary of State
10 investigators have and not to get in the weeds too
11 much on this, but Jesse and Ann, our investigators, of
12 course, I ask questions about the Secretary of State
13 investigators. They gave the highest marks that could
14 be given to the SOS investigators. They spend a lot
15 of time with them. They -- they've been working with
16 them. They've been building good relationships.
17 Jesse and Ann believe they're good at what they're --
18 they do. And I -- I really hate that they're not here
19 to hear me say that in person, but maybe they can
20 watch it at some point because I think it's important
21 because going forward we've got to learn to work
22 together to do what's best for the state of Georgia in
23 regards to the integrity of the voting system and --
24 and making it strong. When -- when Jesse and Ann came
25 on, I believe that since they've come on as

1 investigators, Chairman Fervier has -- has assigned
2 them five cases or -- or thereabout. Now, out of
3 those five cases, they had to hand off to the
4 Secretary of State those five cases. So why would
5 they do that? Because let me explain to you that SOS
6 investigators have these tools to investigate Jarvis,
7 GCIC, the voter rolls, they have something called
8 Tools. They have other investigative platforms on one
9 hand with the SOS investigators. Now, our
10 investigators on this hand, the tools that they have
11 to investigate, I'll say it again, they have zero
12 tools like the tools I just named. So when they're
13 given cases to investigate, what are they going to be
14 able to investigate them with if they don't have
15 access to those tools that I just named off to you.
16 That's not being critical of SOS in any way. They're
17 operating with the tools they've been given, but our
18 investigators need those same tools and the whole
19 reason for me sharing this is it's screams the need
20 for a memorandum of understanding to be reached
21 between the SEB and the SOS. If there's a memorandum
22 of understanding reached that we can share those tools
23 and work together on these cases, then it's better for
24 everybody. And, frankly, that's what I'd like to see
25 happen. Now, Jesse and Ann have come up with a -- a

1 very good memorandum of understanding plan. It's --
2 it's something that -- that I would encourage this
3 Board to let's move toward -- let's -- let's work
4 together on it. I understand from the Chairman that
5 there's some objections probably at some point and I
6 would say, that's okay, but let's --

7 MR. FERVIER: Two comments.

8 MR. MILLS: -- let's move what we can get. So --
9 I'm sorry?

10 MR. FERVIER: There's two comments I had on it.

11 MR. MILLS: Oh.

12 MR. FERVIER: Yeah.

13 MR. MILLS: We -- do you want to share with us?

14 MR. FERVIER: I sent them back to you already.

15 MR. MILLS : Yeah, yeah. I just wondered

16 MR. FERVIER: Well, one of them had to do with
17 the GCIC and whether we have access to it because
18 we're not a police agency and my understanding is you
19 have to be at a -- be a police designated agency to
20 have access to GCIC. That's -- that is something --

21 MR. MILLS: Or under the supervision of somebody
22 who is.

23 MR. FERVIER: Yeah. So that's something we'd
24 have to work out to have access to it and I -- I can't
25 remember what the other comment was at this time.

1 UNKNOWN SPEAKER: Firefly. (inaudible)
2 MR. MILLS: Firefly. Yeah.
3 MR. FERVIER: Firefly, yeah.
4 UNKNOWN SPEAKER: (inaudible).
5 MR. MILLS: So -- so Firefly is -- is another
6 tool that -- that SOS has and you actually hear it
7 come up sometimes in some of the cases that have been
8 presented in here. And, again, not -- I'm not being
9 critical in the least of -- of the SOS investigators.
10 I'm saying what we ought to be is supportive of both,
11 SEB's investigators and SOS, but, you know, you -- you
12 wouldn't give one policeman a badge, a weapon and a
13 patrol car and then you give the other policeman a
14 badge, and no car and no gun to do his job, no tools.
15 So we've got to work toward that and that's something
16 that -- that I'm committed to -- to working on. I
17 hope this Board will be committed and -- and I say
18 this to -- to the Secretary of State's Office, we --
19 we need their help because this is got to be a team
20 effort for it to work. And we can do it. I -- I
21 believe that. All right. The other thing is that,
22 you know, so -- so what have I might bring to mind,
23 well, what have our investigator's been doing?
24 They've been working their backsides off. They are
25 creating a state-of-the-art tracking program for all

1 complaints that come in. And that is a very, very
2 intensive piece of software that they're putting
3 together with a company called Windswept and they have
4 had multiple team calls, many times on the computer
5 back and forth and what that will do is when a
6 complaint comes in, that complaint will be tracked
7 from where it's logged and follow through the -- the
8 whole system so that someone will be able to look and
9 see, okay, this complaint was put in and right now
10 it's with the investigators. Or right now it's about
11 to go before the Board. Or right now it's already
12 gone before the Board and it's been dismissed. Or
13 there was a letter of instruction written. There's
14 not anything like that right now. And Ann and Jesse,
15 I say kudos to both of you for what you're working on.
16 You're pioneering it's something that -- that's not
17 out there and you are making it and that requires a
18 lot of work and I would like to just say to the Board
19 that when that is done, it's not like snapping your
20 fingers and saying, okay, we'll ready to roll.
21 Somebody's got to input that information. So when --
22 when that system is in place, there's got to be some
23 labor that's going to be needed to put that
24 information in the system, track it, keep up with it,
25 and -- and keep it moving and hopefully we won't have

1 situations like have happened in the past. I'm not
2 blaming anyone. I'm just stating reality. When a
3 complaint gets lost or a complaint can't be found.
4 And -- and sometimes it's a hodgepodge right now of,
5 you know, where do you find this. Sometimes we can
6 and sometimes we can't. This program, computer
7 software program, that they're creating will solve
8 that. You'll be able to look back and find out when,
9 for example, the Agnes Scott case that came up
10 earlier, somebody -- one of the Board Members brought
11 up an excellent point about well, what if one of these
12 people come back and they -- they want to vote. How
13 would we ever know? If we had this system in place
14 and we had those names of those students the next time
15 a complaint came in that had that -- one of those
16 students names in it, it would be in the system. You
17 would be able to track it and you would be able to
18 trace it back to that and -- and resolve that. That's
19 just one quick and I want -- I just want finish. I'm
20 -- I'm right at the end. The expectation for this,
21 Jesse and Ann, are telling me that toward the end of
22 the late of October we should be rolling out with this
23 and getting it started. I had the opportunity to go
24 to the Blue Ribbon Commission and I've got copies for
25 all the Board Members. The Blue Ribbon Commission

1 that's in place by the House and led by Tim Flemming,
2 some excellent information. I know the Chairman was
3 over here, I think, Vice Chair was here and Jennelle
4 was here, as well. There may have been others here I
5 didn't see, but were -- were you able to --

6 MS. GHAZAL: I was online.

7 MR. MILLS: So you were watching online and, you
8 know, it -- it had some great information that was out
9 there and I would say that the legislature recognizes
10 that, you know, we need to keep improving the system
11 and that's true with anything. It ought to be ongoing
12 improvement. In closing, I just want to say, I want
13 to welcome two new staff members that we -- we've got
14 in place now. Hope Cohen is now onboard and doing a
15 wonderful job. She has -- has already created some
16 really good things that we need in the office and will
17 continue to develop those. And then Autumn Miller.
18 Autumn, if you would just raise your hand. Autumn is
19 going to be coming on a part-time basis and she will
20 be -- Hope is full time, Autumn is part-time and
21 Autumn will be helping us -- main focus will be all of
22 these open records requests that we get and making
23 sure that they're tracked and done well, but she'll
24 also have some other crossover work as -- as well.
25 And Mr. Chairman, that's my report.

1 MR. FERVIER: Thank you. I -- I want to
2 reemphasize one thing. You -- you're building an
3 entirely new department here with the investigators.
4 And when they came in, they didn't have cars. They
5 didn't have email addresses. They didn't have
6 business cards. They didn't have phones. They didn't
7 have anything really and didn't have a report case
8 management reporting system. So all this is having to
9 be built from scratch and it's hard to do
10 investigations when you don't have any tools to do the
11 investigations with. And so people may be a little
12 bit concerned about the fact that the investigations
13 are not coming forth from the SEB, but you have to
14 build the department first. You have to have the --
15 the infrastructure to be able to do that kind of work
16 and that's what they've been focused on up till now is
17 just building that infrastructure and we expect to be
18 fully operational, hopefully, later this fall and then
19 be in the field doing some investigations at that
20 time. So the -- the work they're doing now is every
21 bit as important. We're lucky to have the resources
22 of the Secretary of State's Office right now to do
23 those investigations, continue the investigations
24 while we build this -- build for the future and build
25 this department. So...

1 MR. MILLS : And -- and I'll take this opportunity
2 to say MOU is critical. The memorandum of
3 understanding between us and SOS and I just hope that
4 we can get that resolved and find -- find a common
5 ground and then do what's best for Georgia.

6 MS. GHAZAL: Yes.

7 MR. FERVIER: Push your button, please.

8 INVESTIGATOR PATTON: Do what? Jesse Patton.

9 MR. FERVIER: Yeah. You've got to push the
10 button.

11 INVESTIGATOR PATTON: I would just like to add
12 one thing. The Secretary of State's Office and
13 investigators, that entire department is a great
14 resource and has been working great with us. We're
15 building a good relationship and they're helping us
16 some -- through some of this process to learn what we
17 need because, obviously, they're the -- right now
18 they're the experts. They're the one doing it.
19 They're the one doing the presentations. So I just
20 say with that, thank you to them and they are, you
21 know, they are doing a good job and they're working
22 with us on some of this stuff. So...

23 MR. FERVIER: Thank you, Jesse.

24 MS. KING: Mr. Chair?

25 MR. FERVIER: Yes.

1 MS. KING: I just want to quickly also say thank
2 you to Executive Director Mills for stepping in at a
3 very critical time with very little assistance. And
4 doing such a fabulous job. Pulling the team together.
5 We -- pulling off these meetings and doing it with
6 excellence. So thank you.

7 MR. MILLS: You're -- you're kind and I want to
8 -- I -- I cannot emphasize, Addison, you have really
9 outdone your age. Addison is leaving for California
10 to go to college and Addison, I can't say it enough
11 and I'm only saying what you deserve. You know me
12 well enough to know I try not to blow smoke. You --
13 you deserve that -- those applause. You really do.
14 Thank you.

15 MS. KING: Thank you, Addison.

16 MR. FERVIER: Thank you. Thank you, Addison, I
17 know that you've received an education you never
18 expected. So... Thank you for all your hard work.
19 Next item on the agenda is memory card rule discussion
20 Dr. Johnston, I think you added that.

21 MS. KING: I added that.

22 (Crosstalk.)

23 MR. FERVIER: I'm sorry.

24 MS. KING: Yeah. I added that. I brought this
25 to the Board and added this because I had an email

1 from Mr. Favorito in regards to a discussion that we
2 discussed a while back in -- in revolving -- involving
3 memory cards and the use of them. So I'm going to let
4 him present. You can come up and present now.

5 MR. FAVORITO: Thank you. I'm -- I'm going to
6 put the presentation up here. I think I'll work a
7 little bit with Addison to get this going for you.
8 Give me just a minute to get set up.

9 MS. KING: Mr. Favorito, please make sure you
10 speak in the mic for our court reporter.

11 (Brief pause.)

12 MR. FERVIER: Are you going to be a minute or
13 two, Mr. Favorito?

14 MR. FAVORITO: Okay. We're good. Sorry it takes
15 a couple minutes to get it set up. Do you want me to
16 start?

17 MS. KING: Yep.

18 MR. FAVORITO: Okay. Thank you. So this is just
19 a quick recap ten to 12 minutes just want to -- this
20 memory card retention rule. The memory card retention
21 rule was necessary, we believe, to make the current
22 State Election Board rule 183-1-12-13(c), comply with
23 federal and state law. Y'all approved this
24 unanimously on August the 6th of 2024. I want to
25 thank -- thank the Board and also thank Member Ghazal.

1 She's recognized as the attorney on the Board that
2 this was a legal issue. This was tabled due to
3 funding concerns on September the 20th, 2024. So just
4 to -- before we get into it, just a recap how this
5 works. I'm sure you all already know this, but the --
6 once the ballot marking device is -- prints a
7 selection summary. That selection summary is then --
8 or some -- some call it a ballot, but that's scanned
9 and then the in -- on the memory cards would
10 automatically are produced with in-person ballot
11 images, raw cast vote records and audit logs. That's
12 the actual data that's on these memory cards that
13 we're talking about that's eventually uploaded to a
14 server in different ways for different counties and
15 then the results are tabulated. So the problem right
16 now is that the -- the State Election Board's memory
17 card retention rule that I just mentioned doesn't
18 retain the ballot images, the cast vote records and
19 audit logs on the card long enough to comply with the
20 federal or state election record retention law. So
21 the solution is simply to modify the rule to comply
22 with the clear plain text of federal and state
23 election record retention law. Specifically, that law
24 is that all primary and election documents, this is
25 O.C.G.A. 21-2-73. All primary election documents

1 shall be preserved therein for a period of at least 24
2 months. I'm sure you all know this. Federal law also
3 requires, this is 52 USC 207-01. Federal law requires
4 every officer of election shall retain and preserve
5 for a period of 22 months all records and papers which
6 come into his possession relating to any act or
7 requisite to voting. So this came about, we
8 discovered this discrepancy when we surveyed all 159
9 counties for the 2020 election ballots -- the images,
10 excuse me. And we found out that there were over 1.7
11 million original ballot images missing. This was in
12 early 2021 and that was missing across 70 counties.
13 So you really cannot say that the results are correct.
14 You can't verify the results if you've only got 3.3
15 million out of the five million vote -- the ballot
16 images are cast. So, I know the Secretary of State
17 says that these -- the results are certified. No one
18 can actually verify what -- what happened in -- in
19 2020. So -- and so why is this rule change important?
20 The original scanned image of -- of the ballots were
21 destroyed and we believe that maybe there some are
22 continue to be. And when we surveyed the counties,
23 they say it's because of the State Election Board
24 rule. You know, well, the rule let's us do this.
25 Well, the rule is still subordinate, as you all know,

1 to federal and state law, but they used the rule as an
2 excuse. And the original -- the, you know, the
3 original ballots are still being secretly preserved.
4 Y'all know this as well as anybody. We have tried to
5 subpoena the ballots in Fulton County and they have
6 fought us for four years. They won't turn the ballots
7 over. You -- y'all had subpoenaed the ballots.
8 Criminal cases, such as the Harrison Ford case, have
9 subpoenaed the ballot and they have hid those from us
10 for four years and I think we all know why, but the
11 bottom line is, no one can verify any election results
12 if the ballot images are destroyed and the ballots are
13 being held secret. We're having secretly counted
14 election, secret proprietary software, secretly
15 preserved ballots. No one in their right mind should
16 think that's a legitimate way to vote, but that's what
17 we're up against right now, but we bring this back to
18 your attention because now you've got some funding and
19 you also got this eternal vigilance case that has --
20 where the Supreme Court has set a new standard. I'm
21 going to talk about this in a minute, but the -- what
22 we had when we found out about this, and some of the
23 counties, you know, again, even sent us open records
24 request emails that where the State Election Director
25 at that time, Chris Harvey, authorized the destruction

1 of the data on that was on the memory cards and reuse
2 of them and even current Deputy Director Michael
3 Barnes back then also authorized this and I'm showing
4 you their open records request here where they said,
5 you can clear this EF cards when you're ready. This
6 was just, literally, within weeks after they had been
7 used. So the proposal that we have here is simply
8 that the current text which is really the last
9 sentence in the rule says that the election
10 superintendent may use the memory cards for
11 programming ballot scanner units for the next primary
12 election runoff. Either the last sentence should be
13 struck -- stricken or simply could be changed that the
14 Election Superintendent shall retain memory cards for
15 a period of 24 months in accordance with Georgia law.
16 We're just simply trying to make the rule consistent
17 with the law. Now, the -- I know that y'all are
18 interested in the recent Supreme Court ruling in the
19 Internal Vigilance versus Georgia case. One of the
20 first things that a lot of people don't realize is
21 that the Georgia Supreme Court confirmed that
22 everything y'all did was correct based on 35 years of
23 precedents. So we've heard all these fake news
24 articles and all this complaining and that -- that the
25 Board overstepped its authority, but the first thing

1 that the State Election Board said in making the
2 Internal Vigilance ruling was that they recognized
3 that their -- their 35-year precedent which is case
4 called DOT versus city of Atlanta is reasonable and
5 necessary and in the public interest. That is the
6 test they used to determine if the rules are valid and
7 they said in the -- right off the bat if we applied it
8 would lead us to uphold all of the challenged rules.
9 So I think it's really important that everyone know
10 given all the attacks that y'all have been under is
11 that you did absolutely nothing wrong and the Georgia
12 Supreme Court confirmed that you've done the right
13 thing, but in doing that they also came up with the
14 fact that they needed to conduct a new three-point
15 test and that made some of the rules fail, some of
16 them pass. So -- but the new is, did the General
17 Assembly actually delegate authority at issue? Did
18 the General Assembly possess the delegated power and
19 was the delegated power permissible within the scope
20 of the statute? Based on my reading of 81 -- 8 --
21 183-12-13(c), it does not meet two of these three
22 points that the Georgia Supreme Court has identified.
23 So I just wanted to bring that to your attention. So
24 I know we talked a lot about costs. How much do these
25 memory cards cost? Here's a little bit of background.

1 There are roughly 4,000 ICP scanners in Georgia, about
2 2300 plus precincts are using them. Some of the
3 Georgia counties already comply with federal and state
4 record retention law. You don't have to do anything
5 there. Runoffs and (unintelligible) elections also,
6 as you know, require very less amount of information.
7 A lot less scanners and so on and the compact flash
8 memory cards that we are talking about are
9 standardized and interchangeable so that other states
10 buy cards directly from third-party vendors and they
11 can actually save money. So what are the actual
12 costs? Well, Dominion -- if we buy them from
13 Dominion, they resell these third-party cards, they
14 don't make their own cards. They're just buying
15 third-party cards themselves. They -- as we heard
16 before, Director Kahn (ph) found it was \$46 for a
17 single 16 gigabyte card. It is an industrial-grade
18 card, but it is a third-party card. We found an
19 industrial grade 16 bit (inaudible) cards, which is
20 the same as manufacturer, available for 26. Other
21 brands down to 19, pricing of a thousand cards or more
22 would be even cheaper. So if you figure out \$20 for a
23 bulk price third-party card that's 80,000 statewide or
24 an average of \$500 per county for a -- that's per
25 election to just simply add an extra card to their

1 existing scanners. So all that said, the Secretary of
2 State should have included the cost of media in the
3 initial purpose and media when I say that's for proper
4 record retention. That should have already been done.
5 That shouldn't be your responsibility. And, in fact,
6 it's not your legal obligation. We don't even know
7 what systems we're going to be using in 2026, yet. I
8 think that's still some issues given the legalities,
9 the study committee, and even the President's
10 Executive Order. So we don't really know exactly
11 what's going to. You don't want to go and spend money
12 right now, but you just need to be prepared. Now that
13 you've got some budget and I know that y'all are --
14 have offered to help out the counties on this, but,
15 quite frankly, that's just out of the goodness of your
16 heart. You don't have a legal obligation to do that.
17 So your -- y'all are not responsible for the cost of
18 the cards. The State Election Board is only
19 responsible for making the rules comply with the law
20 as y'all already know. And the -- it's up to the
21 counties to, basically, ensure that they are also
22 complying with -- with the law. So that's the bottom
23 line I just wanted to run through. So what we're just
24 asking you to do is to make the law -- to make the
25 rule comply with the law. I believe that you should

1 issue a letter of instruction to Deputy Director
2 Barnes, so he understands what the law is in this
3 case. As you saw from the email, he had authorized
4 the destruction of the data that was on those cards
5 within the federal and state retention periods. We
6 have had a difficulty subpoena the ballots. I know
7 y'all are having -- did that, as well. You could also
8 subpoena the ballots, as well as the other records.
9 And I would suggest that you could also issue a letter
10 to the Superior Court requesting that they make all
11 the 2020 ballots and 2022 primary ballots available to
12 the public since this two-year seal period has
13 expired. Now, they're not obligated to do that, but I
14 think that the State Election Board has a lot of
15 clout, and they might be willing to listen to you if
16 y'all decide to do that. So that's all I had. I
17 thank you for listening so intently and I'll flip it
18 back to you. I'm happy to answer any questions, if I
19 can.

20 MS. KING: Thank you. Mr. Chair, I wanted to
21 make sure we brought this back, as well. I do know
22 that we are in a bit of a limbo considering we are
23 waiting to hear more in reference to how the election
24 will be handled in 2026. However, I did want to put
25 it on our Executive Director's radar that we do need

1 to make sure we're in compliance with this rule. And
2 that our counties have the support necessary to
3 fulfill this requirement, as well. And to the best of
4 our knowledge, and to your point we are not
5 responsible for ensuring the counties do, but I also
6 understand that the counties' budgets are pretty tight
7 and asking them to find money to support this rule can
8 be a challenge. So if we do have the ability to keep
9 some monies to the side to ensure that there is funds
10 available once we know how to move forward that is
11 what I would like to see happen.

12 MR. FAVORITO: If I could add one -- one thing
13 there. The counties -- whether the rule is in place
14 or not, the counties' obligation is still to the state
15 and federal law. So I think your -- your main concern
16 is just to make sure the State Election Board's
17 complying with the law and -- and the counties are
18 going to have ensure that they comply whether or not
19 they were or not, the law still hasn't changed.

20 MS. KING: Right. Okay. Thank you, Mr.
21 Favorito.

22 MR. FERVIER: Thank you, Member King. Any other
23 comments from the Board on this topic?

24 (No response.)

25 MR. FERVIER: Okay. We'll move on to the next

1 item on the agenda which is discussion of purchase of
2 code books for election officials under O.C.G.A. 21-2-
3 31(3). Is this one of yours Dr. Johnston?

4 DR. JOHNSTON: It is.

5 MR. FERVIER: Okay.

6 DR. JOHNSTON: So one of the duties of the State
7 Election Board is to purchase code books for election
8 officials -- or provide --

9 MR. FERVIER: Boy, I screwed that one up.

10 DR. JOHNSTON: -- provide for code books. So I
11 want you to make sure that we had an opportunity to
12 discuss this.

13 MR. FERVIER: Excuse me for a minute. Addison,
14 please come bail me out of what I'm doing over here.

15 (Brief pause.)

16 MR. FERVIER: Thank you. You can't go to
17 college, Addison, you'll have to stay here and assist
18 me. I'm going to adopt you as my unofficial daughter
19 so that you can help me with my technology issues.

20 DR. JOHNSTON: And then -- this would be a --
21 this would be really fall under maybe the budget
22 planning for next year that we would ask our Executive
23 Director Mills, to include a request for a budget for
24 purchase of code books or coordinate with the
25 Secretary of State who might -- it's my understanding

1 they purchase code books in the past to coordinate
2 that purchase to make it available for election
3 officials.

4 MR. FERVIER: Which election officials? I mean,
5 are we talking about --

6 DR. JOHNSTON: I -- I think the Secretary of
7 State provides code books to county offices.

8 MR. FERVIER: Is it one per county or?

9 DR. JOHNSTON: I think it's more than one per
10 county.

11 MR. FERVIER: Do we know what the cost of these
12 are? Or are we going to leave it to the Executive
13 Director to figure that out?

14 DR. JOHNSTON: No, no, no. I -- I think
15 Executive Director could reach out to the Secretary of
16 State --

17 MR. FERVIER: Okay.

18 DR. JOHNSTON: -- and see, you know, coordinate
19 with them. I -- I would think that this probably
20 leftover from years past when the Secretary of State
21 and the State Election Board were, basically, one and
22 the Secretary of State has continued to handle that
23 part of the State Election Board's duty. So perhaps
24 he can look -- look into that and -- and discuss that
25 at the next meeting.

1 MR. MILLS: Absolutely.

2 MR. FERVIER: Good, report back to the Board on
3 the number and cost. Thank you.

4 DR. JOHNSTON: Additionally, as far as financial
5 or budget planning --

6 MR. FERVIER: That's the next item.

7 DR. JOHNSTON: Next one?

8 MR. FERVIER: Are we -- are we any -- any
9 comments on the discussion with purchase of code books
10 by this Board?

11 (No response.)

12 MR. FERVIER: Okay. Next item on the agenda is
13 financial report and budget planning.

14 DR. JOHNSTON: Right. In -- included in the --
15 the plan for budget for next year, I -- my question
16 is: Did we have a surplus or -- or how much was the
17 surplus that we had in this past fiscal year that
18 returned to the State?

19 MR. MILLS: My understanding is -- and, again,
20 I've -- I've gotten some mixed reports, but what I've
21 been told was there was roughly 179,000 and some --
22 those numbers as -- as it was shared with me from the
23 budget analysts of SOS it's possible there may be some
24 variations in those numbers simply because sometimes
25 there are holdovers. And holdovers are simply where a

1 commitment to buy a specific item or pay for a
2 specific item was made between July and July and they
3 just haven't paid the bill yet for billing purposes or
4 some other reason.

5 MR. FERVIER: Well, a lot of the reasons for the
6 surplus is the fact that we were budgeted for two
7 investigators and we didn't hire them till after the
8 first of the year after January. So we had all that
9 compensation wasn't used. We had a vacancy for the
10 Executive Director. So that compensation wasn't
11 counted against us so I -- that -- the majority of
12 that hundred plus thousand dollars is just positions
13 that weren't -- they were vacant at the time so...

14 DR. JOHNSTON: And I'd like to ask the Board if
15 there is a will to entertain a SAG appointment by the
16 Attorney General, a Special Attorney General, that
17 could provide legal advice throughout the year?

18 MS. KING: Yeah, I mean, I'm in favor of that.

19 MR. FERVIER: Of doing what? Of --

20 DR. JOHNSTON: An appointment by the Attorney
21 General's Office, a lawyer -- or some legal counsel
22 that the State Election Board could reach out to and
23 receive legal advice or answer legal questions off and
24 on through the year.

25 MS. GHAZAL: I'm sorry. Are you asking if we --

1 we should request that from the Attorney General's
2 Office?

3 DR. JOHNSTON: I'd like to hear thoughts from --
4 from the Board.

5 MS. GHAZAL: That -- that would be within the
6 discretion of the Attorney General's Office.

7 MS. KING: I mean, what I would really like is us
8 to be able to hire our own attorney. However, I know
9 that we -- we've already asked about conflicts counsel
10 and being able to do that. So if our only option is
11 to be appointed a attorney from the Attorney General's
12 Office that will be available throughout the year, I
13 will absolutely support that. I think we should
14 request that, like, we should have an attorney here at
15 our meetings so should we have any questions, they --
16 we can, at least, have someone we can reference.

17 MR. FERVIER: I think that it would be
18 appropriate for the Executive Director to pose that
19 question to the Attorney General if that's even an
20 option for us.

21 MS. KING: Yeah.

22 DR. JOHNSTON: All right. Thank you. And new --
23 new business, it's really old business, but it's
24 financial or budget planning. I have a question about
25 enhanced voting paper ballot image audit.

1 MR. FERVIER: That -- but it's old business.
2 DR. JOHNSTON: That is old business.
3 MR. FERVIER: Yes. We haven't got to that yet.
4 DR. JOHNSTON: Okay.
5 MR. FERVIER: Are you done with financial report
6 and budget planning?
7 DR. JOHNSTON: Yes.
8 MR. FERVIER: Any questions on that topic?
9 (No response.)
10 MR. FERVIER: Next item on the agenda is next
11 meeting date, time and place. I have inquired earlier
12 in the year with this Board on their available dates
13 for additional meetings. I also coordinated with the
14 Secretary of State and when they'd be available to
15 handle meetings and the dates that was provided to
16 this Board also in conjunction with the Secretary of
17 State's Office, the investigators being able to handle
18 it was September 23rd and 24th. We -- remember we had
19 to work around a couple of Board Members times when
20 they were on vacation or out.
21 MR. JEFFARES: Vegas.
22 MR. FERVIER: You're in Vegas then?
23 MR. JEFFARES: No, the week before.
24 MR. FERVIER: The week before. Right --
25 MR. JEFFARES: (inaudible)

1 MR. FERVIER: -- right. You were -- you were the
2 one that had issues then. So the September 23rd and
3 24th right now is scheduled as the next meeting. And
4 then December the 9th and 10th. The -- the plan is to
5 do something very similar to this one. Where we'll
6 hear 50 plus cases plus whatever business comes before
7 the Board on those two -- two dates -- of those
8 actually four days of meetings.

9 DR. JOHNSTON: All right. Mr. Chair, I have a
10 motion concerning the meeting date, time and place.

11 MR. FERVIER: Okay.

12 DR. JOHNSTON: I make a motion that the Executive
13 Director, James Mills, be given the approval and
14 consent of the Board to schedule date, time and place
15 of Board meetings. To contact the Secretary of State
16 IT if -- if necessary, directly to post meetings that
17 are called by the Chair or any two Board Members.

18 MR. FERVIER: I believe the statute says that the
19 Chairman of the Board, you know, notifies the Board of
20 the time and date of meetings.

21 DR. JOHNSTON: The statute says that the Chair
22 notifies the Board of time, and place of meetings.

23 MR. FERVIER: Correct.

24 DR. JOHNSTON: It does not say date. I would
25 like to make a motion that Executive Director Mills

1 will schedule date, time and place of Board meetings
2 and it is still the duty of the Chair to notify the
3 Board Members of such.

4 MR. FERVIER: There's a motion on the table. Is
5 there a second?

6 MS. KING: Second.

7 MR. FERVIER: Any discussion?

8 (No response.)

9 MR. FERVIER: All those in favor signify by
10 saying aye.

11 THE BOARD MEMBERS: Aye.

12 MR. FERVIER: Any opposition?

13 MS. GHAZAL: I'm not entirely confident that that
14 is congruent with the statute. So I oppose because
15 I'm not -- I'm not confident that -- that it adheres
16 to our statutory obligations.

17 MR. FERVIER: Yeah. The Chair will exercise his
18 right to vote and will vote no, too because I believe
19 that the AG would -- would agree, but I'll inquire
20 with the AG about that. So the vote -- the motion
21 carries three to two.

22 MR. MILLS: Can I ask a question because I want
23 to make sure what y'all are asking me to do, one, but
24 I -- I -- I will say that the -- the code says this is
25 21-2-30-3 with the consent of the Board schedule the

1 time, location of all meetings and hearings, as well
2 as maintaining schedule of all meetings and hearings
3 available for the public review. That is under the
4 duties of the Executive Director in -- in that code
5 section, but I work for the Board and -- and I say to
6 the Board I'm willing to do whatever the Board wants
7 me to do. I'm only pointing out that that is what it
8 says on the code.

9 MR. FERVIER: All right. Then a motion was made
10 and it was voted on by a vote of three to two. So...

11 MS. KING: Thank you.

12 MR. MILLS: So my -- my question would be, I
13 guess, you've already voted on the -- the meetings for
14 September 23rd and December 9th and 10th. Is that --

15 MR. FERVIER: No voting -- no vote has taken
16 place on that.

17 MR. MILLS: When is the Board's next meeting?

18 MR. FERVIER: Well, the Chair had scheduled
19 meetings for the 23rd and 24th of September and the
20 9th and 10th of December. That is when the Secretary
21 of State's Office is available to hold those meetings.
22 So if you want to do them other dates, the Secretary
23 of State will not be able to attend those meetings,
24 the investigators.

25 MS. KING: Well, you have to inquire. You

1 wouldn't know that.

2 MR. FERVIER: Well, I did because I inquired
3 about when they were available and they said --

4 MS. KING: (inaudible)

5 MR. FERVIER: They -- they have other obligations
6 too and those were the dates that they were available
7 to hold meetings. So, I mean, feel free to inquire
8 with them if you want to --

9 MS. KING: I don't have a problem with keeping
10 those meetings in place, but should we need to have a
11 special call meeting or an Executive session or
12 something of that nature, we will now reach out to
13 Executive Director Mills.

14 MR. FERVIER: Is there any further comments on
15 that?

16 MS. GHAZAL: I -- my -- my availability is quite
17 limited. You know, I have -- I have a job and I don't
18 get paid when I -- I don't work. So I just wanted to
19 make it clear that this is a sacrifice for me and --
20 and having additional called meetings is very
21 challenging. I missed chairing a meeting that I had
22 organized an hour ago, an hour and a half ago because
23 this one has gone on so long. So it is -- I would ask
24 that you be cognizant.

25 MS. KING: Of course.

1 MR. MILLS: I -- I did have a question about just
2 the -- the -- the method of this. If I'm going to be
3 asked to do this, then as I understand the method
4 works now the Chairman calls over to SOS, the attorney
5 for the Secretary of State and gets those dates put on
6 the website, then she contacts SOS IT and they put it
7 on the website, but that -- that doesn't happen unless
8 you make the call. So my -- my question to the Board
9 is and to the Chairman: If -- if I make the call
10 because you've asked me to, if I do that, then what is
11 the proper protocol? Am I going to be recognized when
12 I call over to the Secretary of State's Office to --
13 to have that authority to say, hey, here's the date
14 that they'd like to be and I'm -- I'm simply asking a
15 question.

16 MS. KING: I mean that's the understanding.
17 That's -- that's why we took this step to ensure that
18 it is on the record that you are responsible for that
19 so, yes, they should respond to you.

20 MR. MILLS: Mr. Chairman, do you see any issues
21 there if I --

22 MR. FERVIER: I -- I can't answer for the
23 Secretary of State.

24 MR. MILLS: I'm not asking you to, I'm asking do
25 you see any issues?

1 MS. KING: Would you support him? Would you back
2 this decision should the Secretary of State push back
3 on responding to our Executive Director after this
4 decision has been made?

5 MR. FERVIER: Well, I need to -- I -- I will
6 consider that. So I'm not prepared to answer that
7 right now.

8 MR. MILLS: Mr. Chairman, in all due fairness, I
9 understand that this a -- a new idea, and a -- a new
10 concept, but to say that you would consider what the
11 majority of this Board has just asked you and me to do
12 is to be in defiance of the Board.

13 MR. FERVIER: No, I did not say -- I didn't say
14 yes or no. I said that this was brought on me as a
15 surprise today at the Board and I want to consider
16 that and carefully consider it. So...

17 MR. MILLS: Well, I -- I want to be able to do
18 and I certainly don't want to be, you know, y'all
19 asked me to do this. I -- I -- this is not something
20 I'm -- I'm dreaming up. So I -- I want to be able to
21 do what I'm being asked to do. And I don't want to
22 call over to the Secretary of State's department and
23 say, can you put this meeting on schedule and then
24 have you behind the scenes saying, no, don't do it,
25 that -- that's not going to be a good working

1 relationship. So I want to clear -- clarify that
2 right now so there's no issues like that going on.

3 MR. FERVIER: No, I don't think it's proper for
4 you to make accusations like that against me right
5 now. And not knowing what my -- what I'm going to do
6 and to surprise me with things like this as a last
7 minute at a Board meeting, I -- I don't know how you
8 would expect me to respond to that without considering
9 it. So my answer is when I've considered it, I will
10 give you an answer.

11 MR. MILLS: Okay. And let me clarify. I'm not
12 making any accusations. I'm only giving an example
13 that if that happens, I -- I don't want it to happen.
14 So I want -- I'm asking the Board to think that
15 through so that when I call I'm able to do what I'm
16 asked to do, but that's only the only point I'm
17 making.

18 MR. FERVIER: You made a point. And I've made a
19 point that I will consider what had -- this Board has
20 voted on and I will consider that. So...

21 MS. KING: And to be clear, Mr. Chair, I was
22 under the impression that this would be something that
23 you would be open to considering the amount of work
24 that, you know, you've -- you've already discussed how
25 much extra work. How many hours you've put into this

1 volunteer job. You mentioned that several times so I
2 thought this would be us taking something off of your
3 plate that would allow you to free up some of your
4 time so the fact that there is so much push back on it
5 is a little -- is alarming.

6 MR. FERVIER: I -- I haven't pushed back on it.
7 I haven't given an answer on it yes or no.

8 MS. KING: Okay.

9 MR. FERVIER: So there -- there has been no push
10 back from me. There's been no answer from me. I said
11 that I would consider it. Like I said, this is a
12 last-minute request that I was not aware of prior to
13 five minutes ago and I will consider it.

14 MS. KING: (Inaudible).

15 MR. MILLS: Well, Mr. Chairman, you know, life's
16 full of last-minute things that happen. When I walked
17 into the SEB office and -- and, basically, had no
18 help, well, hello, that was a surprise.

19 MS. KING: Well, we just hope going forward we're
20 able to address this accurately.

21 MR. FERVIER: Any other comments or questions
22 from the Board on this?

23 (No response.)

24 MR. FERVIER: Let's move forward then with old
25 business. The next item on the agenda is enhanced

1 voting paper ballot image oversight.

2 DR. JOHNSTON: Yes, Mr. Chair, I added this to
3 the agenda. I just wanted clarification if there is
4 budgeting in the State Election Board budget for an
5 enhanced voting paper ballot image audit for this
6 year. And if there is, how much is in the budget and
7 is the State Election Board tasked with providing
8 oversight -- financial oversight of this audit.

9 MR. FERVIER: Yeah. I thought that we had
10 discussed this at ad nauseum back in, I believe, the
11 February meeting, but to my understanding there was an
12 original five million dollars that was budgeted. The
13 legislature took back three million of that, left a
14 balance of two million dollars approximately, and
15 don't hold me to this number, 1.85 million of it was
16 spent on the original budget, I mean, ballot audit
17 project leaving a balance of approximately 150,000,
18 give or take, and I don't know how that is to be fund
19 -- how -- how to be used other than to allow the
20 Secretary of State's Office to use that for future
21 audits, if necessary. So...

22 DR. JOHNSTON: Do you know if an audit is planned
23 this year?

24 MR. FERVIER: I do not.

25 DR. JOHNSTON: Okay. Pertaining to that and

1 other financial issues, I have a motion to -- to make
2 that the Executive Director, James Mills, be given the
3 approval and consent of the Board and require the
4 approval and signature of the Executive Director for
5 payment of any invoice less than \$5,000 and a
6 notification and consent of the Board for payment of
7 invoices greater than \$5,000.

8 MR. FERVIER: Be -- you said for be given notice
9 and he must approve any invoices less than 5,000 and
10 greater than 5,000?

11 DR. JOHNSTON: No. I'm sorry I miss -- probably
12 misstated that. Give the -- delegate the authority to
13 the Executive Director, James Mills, to approve and
14 provide signature for payment of invoices less than
15 \$5,000, but require the notification and consent of
16 the Board for payment of invoices greater than \$5,000.

17 MR. FERVIER: All right. There is a motion made
18 for the Executive Director will have the ability to
19 sign and consent to any invoices less than \$5,000 and
20 any invoices greater than \$5,000 will require approval
21 of this Board; is that correct?

22 DR. JOHNSTON: Correct.

23 MR. FERVIER: Is there a second?

24 MS. KING: Second.

25 MR. FERVIER: There is a motion and a second. Is

1 there any discussion?

2 MR. MILLS : Mr. Chair, I've have a question about
3 a word in that motion.

4 MR. FERVIER: Yes.

5 MR. MILLS: I was trying to write it down myself
6 and what I wrote down was approval and of consent of
7 an invoice. And my question is: Does consent mean a
8 -- a formal vote in a Board meeting or does it mean
9 that I have polled each one of the Members either
10 through email or by phone call or -- I -- I mean, even
11 the code, itself, uses the word approval and consent
12 back and forth and usually in the code of elections,
13 when it uses the word approval, oftentimes it means
14 there has to be a -- a vote, but when it uses consent,
15 then -- then that's sometimes different.

16 MR. FERVIER: My impression of that would be that
17 the -- it would require voting of the Board which
18 would have to take place in a public forum.

19 MR. MILLS: Well --

20 DR. JOHNSTON: Would it provide for an email --

21 MR. FERVIER: That --

22 DR. JOHNSTON: -- vote by the Board?

23 MR. FERVIER: -- that wouldn't be a public forum,
24 no. All votes of this Board require public meeting
25 and consent for voting in public.

1 MS. KING: Can we -- can we amend the motion to
2 say consent instead of approval? That way we will be
3 able to -- he can do it through email?

4 DR. JOHNSTON: We can do that.

5 MS. KING: Okay.

6 MR. MILLS: I -- I think so, if you use the word
7 consent, but not approval --

8 MR. FERVIER: I would want an opinion from the
9 Attorney General on that.

10 MR. MILLS: I -- I don't have a problem with
11 that. That's why I'm just asking the question.

12 MR. FERVIER: I would want an opinion, I mean,
13 y'all can vote for what you want to, but I would want
14 an opinion from the Attorney General on what the --
15 what's that comprised of. So...

16 DR. JOHNSTON: I think that's reasonable to ask
17 the Attorney General.

18 MR. FERVIER: Maybe Mr. Executive Director you
19 should pose that question to the Attorney General.

20 MR. MILLS: So -- so I'll ask -- or I'll ask the
21 question, approval or consent, and I don't -- I'll --
22 I'll get their opinion. Now, if I report back to the
23 Board, I guess, on that that would put me reporting
24 back to you on September 23rd, I guess, which is fine
25 with me.

1 MS. KING: Just hold all payments until this is
2 rectified.

3 MR. MILLS: Well, I mean --

4 MS. KING: Should there be any --

5 MR. MILLS: That, I mean, that's a Board
6 decision.

7 DR. JOHNSTON: Well, we -- why don't we table
8 that motion until the next meeting?

9 MR. FERVIER: Is there any further questions on
10 enhanced voting paper ballot image oversight?

11 (No response.)

12 MR. FERVIER: Next item on the agenda is human
13 resources.

14 DR. JOHNSTON: Human resources. We -- we've
15 hired -- the State Election Board has hired several
16 people this year and Secretary of State, Human
17 Resources has provided the administrative support of
18 that, but the -- the experience that -- that I have
19 had with that process has been somewhat incomplete or
20 awkward and some -- and there's been some question
21 about posting of -- of hiring for positions. I would
22 like to make a motion that Executive Director, James
23 Mills, be given the approval and consent of the Board
24 to contact Secretary of State, HR Department,
25 directly, to handle personnel matters and job posts

1 for replacement of any current staff positions. And
2 to use teams or other employment agencies or
3 individual search methods to search for the best
4 candidate to employ for the necessary operation of the
5 State Election Board.

6 MR. FERVIER: There is a motion by Member
7 Johnston to give the Executive Director the authority
8 to deal directly with the Secretary of State's HR
9 Department and also use whatever other resources he
10 deems are necessary to hire individuals. Is that
11 encompass what you're trying to do?

12 DR. JOHNSTON: Yes.

13 MR. FERVIER: Okay. Is there a second?

14 MS. KING: Second.

15 MR. FERVIER: Any discussion? I would like to
16 say that I have questioned -- asked questions of the
17 Secretary of State's Office about their HR and what
18 has happened. I have complete confidence in the --
19 what they've done for us and I think they've done a
20 great job and I appreciate it. The HR Department
21 receives -- when we post a job over there, receives
22 dozens, if not hundreds of applications, they go
23 through those applications and present to this Board
24 the qualified applicants based on the job description
25 that was put in place. So this Board has not received

1 in the past all the applications. We receive the
2 applications for those people that are qualified based
3 on the job description itself. And if we wanted to
4 receive all of those, then -- then we simply had to
5 ask and they would provide us with the however many
6 was, you know, applied which we would then be able to
7 sort through those if we chose to even -- even do
8 that. But that's been the process in the past and I
9 want to commend the Secretary of State's Office with
10 what they've done for us. And appreciate it so...
11 Are there any other comments?

12 DR. JOHNSTON: My own comment is that the
13 applicant -- applications that were provided to us or
14 forwarded to us were not complete and did not include
15 the most qualified candidates.

16 MR. FERVIER: Well, that -- that is certainly
17 your opinion to have, but I believe there were quite a
18 few qualified candidates or certainly, at least, 40 of
19 them that applied. So anyway any further discussion
20 on this?

21 MR. MILLS: Mr. Chairman, if I may, that's not an
22 opinion. That is a fact. My application, I had to
23 push when I was asked to apply for this job and it did
24 not show up until there was a push. Our two
25 investigators applications did not show up until there

1 was a push. And I have to ask the question or I'm not
2 doing my job. Why is anybody going through
3 applications when they're -- they're sent to the SEB?

4 MR. FERVIER: My understanding is that's a
5 standard practice for them that they go through and
6 they look at the applications, themselves. The ones
7 that are qualified based on the job description are
8 the ones that they forward to keep this or any agency
9 from having to go through hundreds of applications.
10 That's been their procedure up until now and if we had
11 wanted to see all the applications, all we had to do
12 is request them.

13 MR. MILLS: Well, don't you find it strange that
14 my application didn't make it? Our two investigators
15 applications didn't make it? You don't find that
16 strange?

17 MR. FERVIER: Well, I'm not familiar about all of
18 that. I can just tell you what the procedures were
19 and that they follow their procedures. So...

20 MS. GHAZAL: My recollection is that I've -- we
21 saw -- we requested all of the applications and we
22 received them and we reviewed them. I guess, I -- I
23 don't really understand how -- what we're proposing.
24 It differs from right now? If somebody can explain to
25 me the difference in where -- where we are now and

1 what you're proposing. I -- because I have not been
2 directly involved in this process.

3 MS. KING: Basically, we're just asking that
4 those who apply to work with the SEB that all those
5 applications go to the SEB and allow us to comb
6 through them and determine who's qualified and who's
7 unqualified rather than having the SOS acting as a
8 third-party.

9 (Crosstalk.)

10 MR. FERVIER: There's no -- there's no motion
11 necessary for that. I mean, they're willing to do
12 that.

13 MS. GHAZAL: Right.

14 MR. FERVIER: They said they would. If we just
15 ask them, they would provide us with all the
16 applications.

17 MS. KING: We don't want to have to ask.

18 MS. GHAZAL: Okay.

19 MS. KING: That is what -- we're just asking that
20 the SEB applications come to the SEB. I don't -- I
21 don't understand the --

22 MS. GHAZAL: Confusion?

23 MS. KING: -- the confusion around that.

24 MS. GHAZAL: That's what I was asking. I don't
25 know.

1 MS. KING: Yeah.

2 MS. GHAZAL: Are there --

3 MS. KING: We're just eliminating. We're
4 furthering, separating the SEB from the SOS by
5 ensuring that the agency acts as a full agency and
6 that being receiving our own applications and
7 reviewing them and deciding for ourselves who's
8 qualified and who's unqualified, not that the SOS has
9 done anything wrong. Or that they are, you know, we
10 -- we appreciate having them up until this point, but
11 we would like to be in a position where we can stand
12 on our own two feet.

13 MS. GHAZAL: Do we expect additional hiring this
14 year?

15 DR. JOHNSTON: I don't expect, but if we -- if we
16 need a replacement, my motion was to -- to delegate
17 the authority to the Executive Director, James Mills,
18 to post and review and interview for any replacement
19 of the current staff that we have, but I don't
20 anticipate we -- we don't have any plans for new
21 hires.

22 MR. FERVIER: I -- I don't how that changes
23 anything that -- that currently happens so, but your
24 motion -- there's a motion to designate Executive
25 Director Mills to post and hire individuals as he

1 deems fit. Is there a second?

2 MR. JEFFARES: Second.

3 MR. FERVIER: There's a motion and a second. Any
4 discussion?

5 (No response.)

6 MR. FERVIER: Hearing no discussion. All those
7 in favor signify by saying aye.

8 THE BOARD MEMBERS: Aye.

9 MR. FERVIER: Any opposition?

10 (No response.)

11 MR. FERVIER: Hearing no opposition. So moved.
12 The next item on the agenda is SEB investigators.

13 DR. JOHNSTON: Let's strike through that.
14 Executive Director Mills already spoke about the
15 investigators.

16 MR. FERVIER: Next item on the agenda is SEB
17 complaints.

18 DR. JOHNSTON: Mr. Chair, could we attend to the
19 last item first and then complaints last? IT update.

20 MR. FERVIER: Next item on the agenda is IT
21 update and website.

22 DR. JOHNSTON: Yes. As you know, the Secretary
23 -- the State Election Board website is on a platform
24 that is hosted by the Secretary of State. I called --
25 I went on the internet and went on our website and the

1 phone number is not a State Election Board phone
2 number. And the address is not the State Election
3 Board address. And there is not a State Election
4 Board email for -- for citizens to communicate, write,
5 email or send complaints to, in fact, the State
6 Election Board complaint portal goes through the
7 Secretary of State. So I would -- and I called the
8 phone number and it's a Secretary of State employee
9 that answers the phone and they were actually weren't
10 sure who the State Election Board was. And they
11 looked and looked and looked and they gave me a phone
12 number. They said, oh, here it is, State Election
13 Board and it was actually the Election Division Office
14 that answered -- actually it was Alex Harden's old
15 phone number. So there -- there definitely needs to
16 be an update on this SEB website and I would -- we
17 talked about this in the past, but I would like to
18 talk about it in our meeting today, to consider moving
19 forward with the development of an -- of our own
20 website for the State Election Board and include the
21 consideration of establishing social media for the
22 State Election Board in order to notify citizens of
23 upcoming meetings and proceedings and how to -- to
24 fulfill our duty as the State Election Board to
25 provide public information for explaining election

1 laws and voter education for voting procedures.

2 MR. FERVIER: I -- I don't know whether the
3 current budget allows for that or not. The last few
4 budgets the Governor line item vetoed funds out for
5 this Board to have its own website. I don't know if
6 that was in current budget or not, frankly, so that
7 would need to be something to be checked into. So...

8 MS. KING: To my knowledge, the current budget
9 states that we -- we can -- the only thing we cannot
10 do is hire additional people. So we are -- and we did
11 talk -- Dr. Jan and I did speak with the Speaker when
12 we asking for the additional funds we, specifically,
13 asked that these funds be utilized for the development
14 of a website and that was not -- that was not removed
15 from this current budget.

16 MR. FERVIER: Okay. I -- I, like I said, I do
17 not know. I did not -- I don't recall, specifically,
18 so... Do you have a motion?

19 DR. JOHNSTON: I move that the State Election
20 Board proceed with the development of its own website
21 to be managed by the State Election Board, including a
22 portal for election complaints and that the Board
23 consider social media for the State Election Board in
24 order to fulfill its duties with public information,
25 voter education.

1 MR. FERVIER: We have a motion. Is there a
2 second?

3 MS. KING: Second.

4 MR. FERVIER: Motion and a second. Any
5 discussion?

6 MR. MILLS: Again, I want to be clear if -- if I
7 may. We -- we're uncertain as to how much funds we
8 have in the budget and that I just heard this
9 discussion. So I think it -- I would like to suggest
10 that you consider maybe me getting some estimates and
11 coming back to the Board and me finding out how much
12 money we do have and can it be used for those
13 purposes. That's just a suggestion because I'd hate
14 for you to tell me to do it and it costs some amount
15 that we don't have.

16 MS. KING: To my knowledge, this would allow you
17 to start the process which would include obtaining the
18 in, you know, the -- the costs and then based on the
19 previous motion that would have to be approved by the
20 Board anyway. So, yeah, this just allows you to start
21 the process.

22 MR. FERVIER: Any further discussion?

23 MS. GHAZAL: I would strongly recommend Executive
24 Director Mills, that you also discuss with the AG's
25 Office any compliance issues. And anything that we

1 put up there must pass compliance.
2 MS. KING: Absolutely.
3 MR. FERVIER: Any further discussion?
4 (No response.)
5 MR. FERVIER: All those in favor signify by
6 saying aye.
7 THE BOARD MEMBERS: Aye.
8 MR. FERVIER: Any opposition?
9 (No response.)
10 MR. FERVIER: So moved. The last item on the
11 agenda is SEB complaints. Not, it's not the last
12 item. We still have public comments to go through.
13 DR. JOHNSTON: So SEB complaints, I'd like to
14 request a five-minute break and I have a resolution
15 that I would like the Board to hear and consider and
16 I'll pass a copy out to each of the Board Members.
17 MR. FERVIER: We will recess for five minutes.
18 (The session recessed at 4:39 p.m.)
19 (The session resumed at 4:45 p.m.)
20 MR. FERVIER: The Board's back in session. The
21 last item on the agenda is -- no, I'm sorry, SEC (sic)
22 complaints.
23 DR. JOHNSTON: SEB.
24 MR. FERVIER: SEB complaints.
25 DR. JOHNSTON: Mr. Chair and Board, I've given

1 you all a copy of a resolution that I would like --
2 that I would propose and ask the Board to vote on it.
3 Let me read it the entire room. Whereas the General
4 Assembly of Georgia, the state legislature of Georgia,
5 has charged the State Election Board with the duty to
6 promulgate rules and regulations as to obtain
7 uniformity in the practices and procedures for all
8 primaries and elections in Georgia. As well as the
9 legality and purity of those elections under O.C.G.A.
10 21-2-31(1), and whereas the Board is also charged to
11 investigate or have investigated the administration of
12 primary and election laws, and fraud and,
13 irregularities in primaries in elections in Georgia
14 under O.C.G.A. 21-2-31(5), and -- and whereas the
15 Board is charged to take other action consistent with
16 laws as the Board may determine to be conducive to the
17 fair, legal and orderly conduct of primaries and
18 elections in Georgia under O.C.G.A. 21-2-31(10), and
19 whereas considering the foregoing the elections in
20 Georgia in the state and local elections and federal
21 elections and the US Constitution further protects the
22 voting rights of all the citizens of Georgia and non-
23 discriminatory and equal manner and requires that
24 elections be conducted uniformly and off campus to
25 ensure equal protection of those rights. Whereas the

1 Board relies on assistance from other state actors
2 including the Attorney General and the Secretary of
3 State to assist it in the conduct of its operations
4 and the Secretary of State is charged with assisting
5 the Board under O.C.G.A. 21-2-31(h)(1)(1.1)(h) And
6 the Attorney General is charged with providing
7 independent and effective assistance of counsel to the
8 Board without conflicts of interest that may impair
9 its abilities. Whereas the Board has heard complaints
10 of potential violations of both Georgia and federal
11 election law over the last few years and the
12 investigation of some complaints, including SEB2023-
13 025 are still incomplete with respect to basic
14 documents required by law to be maintained despite the
15 extensive efforts of the Board to exhaust all remedies
16 available to it, including the lack of a response to a
17 subpoena issued by the Board issued to Fulton County.
18 Now therefore be it resolved that the Board calls on
19 the assistance of the Secretary of State to assist it
20 as fully as possible and suggests that the Secretary
21 of State and the Attorney General seek the assistance
22 of appropriate local authorities or federal
23 authorities, including the Department of Justice to
24 take any action necessary to bring a prompt resolution
25 of the -- of these issues, including obtaining all

1 necessary voting records and documents.

2 MR. FERVIER: Is there any discussion on this
3 resolution?

4 MS. GHAZAL: Dr. Johnston, since you had time to
5 type this up and make copies of it, don't you think it
6 would have made more sense to make it available to us
7 more than five minutes before you want to vote on it
8 so that we could actually read and understand what
9 you're asking here?

10 DR. JOHNSTON: Mr. Chairman, this was as soon as
11 I could put this together and -- and have it copied
12 and present it to the Board. And I felt strongly that
13 I wanted it to be presented to the Board rather than
14 present it to other parties before the Board
15 considered it.

16 MR. FERVIER: Any other comments on this
17 resolution?

18 MS. KING: I -- I think this is unfortunate that
19 we have to take this step, but once -- when you
20 subpoena, when you ask repeatedly and there's no
21 resolve, we're almost left to take the necessary step
22 and so I -- I fully support it. I hate that we're in
23 this position. I wish that our subpoena would have
24 just been answered. We're simply asking to see
25 documents that should be available and, again, it's

1 just -- it's unfortunate that it has to come to this.

2 MR. FERVIER: Any other comments or questions
3 from the Board?

4 MS. GHAZAL: Isn't our court case on this?

5 MR. FERVIER: Yes. I'd like to state for the
6 record that I am adamantly opposed to this resolution
7 for a number of reasons. Number 1, SEB2023-025 has
8 been adjudicated by this Board, previously. And the
9 resolution was achieved in that and therefore it
10 shouldn't be mentioned in this. Number 2, is the --
11 my understanding and I hope I got this correct is that
12 Fulton County filed a motion to quash the subpoenas
13 that were issued. At five o'clock on election day
14 without the knowledge of myself and it was reported by
15 former Executive Director that the reason they did not
16 tell me about it is because I was an obstructionist or
17 something to that matter and therefore I was not aware
18 that those subpoenas were being issued at five o'clock
19 on election day to Fulton County's headquarters. That
20 be so, Fulton County did respond to it with a motion
21 to quash. It's currently in litigation. This Board
22 has not had an opportunity to yet to discuss that
23 litigation -- ongoing litigation with the Attorney
24 General, but it is a matter that is being litigated
25 and, like I said, I oppose this on a number of reasons

1 and will not support this. So...

2 MS. KING: To be clear, that lawsuit was not
3 approved by the Fulton County Board of Commissioners.
4 So that's also another issue, another reason why we
5 need to move forward with this. And, again, we are
6 asking the Secretary of State's Office to -- to help
7 us with this, as well. So, hopefully, they will --
8 this will allow them to also help, as well.

9 DR. JOHNSTON: This is not about an issue about
10 Fulton County's motion to quash. This is about the
11 lack of production of any documents that I ask for
12 relating to this case and this case is not closed. It
13 is not dismissed. It is not been complied with and --
14 and to date, from the subpoena from November 5th,
15 2024, not a single document has been presented to this
16 Board.

17 MR. FERVIER: Well, your motion, I mean, your --
18 your -- the resolution says, including a lack of -- to
19 -- of a response to a subpoena issued by the Board
20 directly to Fulton County and -- and Fulton County has
21 responded with a motion to quash. I -- I believe on
22 -- I don't want to say it definitely, but I believe
23 that that was the -- the case, like I said, this Board
24 hadn't had an opportunity to speak with the Attorney
25 General about that yet, but I believe that there is

1 some active litigation on that. So... Is there any
2 other comments?

3 (No response.)

4 MR. FERVIER: Anything further on this?

5 (No response.)

6 MR. FERVIER: If there's nothing further, then
7 we'll move on to the next section.

8 DR. JOHNSTON: No.

9 MR. FERVIER: I asked if there was anything
10 further on it.

11 DR. JOHNSTON: I move that we -- we adopt this
12 resolution.

13 MR. FERVIER: There's a motion to adopt the
14 resolution. Is there a second?

15 MS. KING: Second.

16 MR. FERVIER: There's a motion and a second. Any
17 further discussion?

18 (No response.)

19 MR. FERVIER: All those in favor of adopting this
20 resolution signify by saying aye.

21 THE BOARD MEMBERS: Aye.

22 MR. FERVIER: Any opposition?

23 MS. GHAZAL: Nay.

24 MR. FERVIER: The Chairman will exercise his
25 right to vote and votes strong nay. Next item on the

1 agenda is public comment. We have three individuals,
2 Richard Schroeder is first up. Second up is Bill
3 Henderson. And third up is Jean Richards. If you
4 would please limit your comments to two minutes each.

5 MR. SCHROEDER: Okay. I'm so grateful for this
6 new Board and I thank you for the opportunity to speak
7 today. Nothing more important than our elections.
8 The future of our country depends on our elections.
9 We're guaranteed. Secret ballot and conducted in
10 accordance with procedures provided by law as stated
11 in our Constitution. The blatant disregard for any
12 privacy during our voting process on two-foot vertical
13 screen is very telling about the concerns for the
14 Georgia electors. This Board has failed to promulgate
15 the Georgia election laws and rules as written in
16 their duties, that's that 31. I took an oath on
17 election day to perform my duties to the best of my
18 judgment and ability and they wouldn't let me do it on
19 November 5th. We have just come out of the worse four
20 years in our nation's history because of rigged
21 elections and the vulnerabilities of the Dominion
22 voting systems. Our red state has turned blue. The
23 results of the mid-term elections will be dismal at
24 best. Remember President Trump narrowly won Georgia
25 with two percent margin. They're still cheating. We

1 have lost our God-given dominion given to us in the
2 first chapter of the Bible to a Dominion voting system
3 that is designed and built to control elections. We
4 need to ban the failed, expensive Dominion voting
5 systems and vote on paper ballots. They're one-tenth
6 the cost and very easy to audit. Thirty years ago I
7 received a word from the Lord. I want to share that
8 word with you today for such a time as this. It comes
9 from Psalm 1. Blessed is the man who does not walk in
10 counsel of the wicked or stand in the way of sinners
11 or sit in the seat of mockers. His delight is in the
12 law of the Lord. On his law he meditates day and
13 night. Whatever he does prospers. Not so with the
14 wicked. The wicked will stand the judgment, nor the
15 sinners in the assembly of the righteous. The Lord
16 watches over the way of the righteous, but the way of
17 the wicked will perish. Only God could orchestrate
18 this.

19 MR. MILLS: Mr. Richard, your time is up. I'm
20 sorry.

21 MR. RICHARD: I pray for this -- let's all pray
22 for this Board, its future and securing our elections
23 in this state and I pray for our Executive Director
24 and his ability to stand strong and lead this Board
25 into righteousness. Thank you. Thank you very much.

1 MR. MILLS: Thank you for your comments.

2 MR. FERVIER: Next up is Bill Henderson.

3 MR. HENDERSON: Good afternoon, I guess, this is
4 kind of off topic, but I wanted to say this. Last
5 week there was an event called the State of Election
6 Integrity in Georgia and beyond put on by a group
7 called the Democracy Defense Project at the Carter
8 Center. Some in this room were -- were in attendance
9 there, including you, Mr. Chairman. It seemed to me
10 that a very rosy picture of election integrity was --
11 was painted by the people that were allowed to speak
12 at that. There was -- it didn't seem to be any input
13 from anyone who might dispute the overall narrative
14 shared by everyone who was on the stage. I could say
15 a lot of things about that event, but I just want to
16 focus on one thing. If, as was stated, several times
17 during that Carter Center meeting. There are so many
18 behind-the-scene things that we in election integrity
19 hobbyists as we're sometimes called although we have
20 decades of real world experience don't know about or
21 take into account when we're doing things, why don't
22 Mr. Kirk or Mr. Sterling or whomever sit down with
23 some of us and show us some of these things to answer
24 our specific questions and convince us that maybe we
25 got it wrong, okay. I would like nothing better than

1 to know that our elections are safe, secure and
2 accurate. If I were convinced of that, I would praise
3 the system that we have and I would go away. All I
4 know for sure is that data that I can personally
5 analyze and information that I get from people that I
6 trust and who I have no reason to think are lying says
7 otherwise. If you can prove us wrong, please do it.
8 Otherwise, recognize, address and try and help us fix
9 the problems that we have identified. Thank you very
10 much.

11 MR. MILLS: Perfect timing. Thank you.

12 MR. FERVIER: Jim Richards.

13 (No response.)

14 MR. FERVIER: All right. Last item on the agenda
15 is adjournment. The Chair will entertain a motion to
16 adjourn.

17 MS. KING: So moved.

18 MS. GHAZAL: So moved.

19 MR. FERVIER: We have a motion is there a second?

20 MS. GHAZAL: Second.

21 MR. FERVIER: We have a motion and a second. All
22 those in favor signify by saying aye.

23 THE BOARD MEMBERS: Aye.

24 MR. JEFFARES: No.

25 MR. FERVIER: Motion carries three to one.

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(The session concluded at 5:10 p.m.)

CERTIFICATE

STATE OF GEORGIA
COUNTY OF GWINNETT

I, Rebecca Barr, Certified Court Reporter, hereby certify that the foregoing pages numbered 225 through 545 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 13th day of August 2025.

Rebecca Barr
My commission expires April 1, 2026

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