

In The Matter Of:
SECRETARY OF STATE
STATE ELECTION BOARD

April 28, 2021

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THE OFFICE OF THE SECRETARY OF STATE

STATE OF GEORGIA

IN THE MATTER OF:
STATE ELECTION BOARD HEARING

2 MLK JR. DR. SE
SUITE 810 WEST TOWER
ATLANTA, GEORGIA 30334

April 28th, 2021
9:00 A.M.

PRESIDING OFFICER: REBECCA SULLIVAN
VICE CHAIR, STATE ELECTION BOARD

STEVEN RAY GREEN COURT REPORTING, LLC
Kaitlin Walsh, CCR, CVR

Atlanta, Georgia

APPEARANCE OF THE PANEL

Rebecca Sullivan, vice chair

Anh Le

David Worley

Matthew Mashburn

ALSO PRESENT IN ORDER OF PRESENTATION

Ryan Germany

Frances Watson

Transcript Legend

(sic) - Exactly as said.

(ph.) - Exact spelling unknown.

(???) - Audio feed unclear

-- Break in speech continuity.

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

Quoted material is typed as spoken.

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P R O C E E D I N G S

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2 MS. SULLIVAN: It appears that we have a quorum, so I
3 will go ahead and call this meeting to order. For
4 purposes of the record, I'll go ahead and call roll. Mr.
5 Mashburn?

6 MR. MASHBURN: Present.

7 MS. SULLIVAN: Mr. Worley?

8 MR. WORLEY: Present.

9 MS. SULLIVAN: Ms. Le?

10 MS. LE: Present.

11 MS. SULLIVAN: This is Rebecca Sullivan, and I am
12 also here. Again, good morning. I currently serve as
13 Vice Chair of the State Election Board. Due to the
14 vacancy in the position of Chair of the State Election
15 Board created by SB202, which was passed into sign -- and
16 signed into law last month, I will serve as acting Chair
17 for today's meeting. On behalf of the Board, I would like
18 to thank Secretary Raffensperger for his service and
19 leadership as the Chair of the State Election Board for
20 the past almost two and a half years.

21 On behalf of the Board, I would also like to thank
22 the Secretary of State's staff, who provide a significant
23 amount of support to this Board. The countless hours of
24 work they do on behalf of the Secretary and to support
25 this Board and their efforts to ensure fair and uniform

1 elections in the State often is underappreciated and often
2 goes unrecognized. I think that I speak for the Board
3 when I say that we appreciate you very much and look
4 forward to a continued strong working relationship with
5 the Secretary and SOS staff as we continue our work to
6 fulfill our statutory responsibilities. The first item on
7 our agenda today is the invocation and Pledge of
8 Allegiance, and I would like to ask Mr. Mashburn if he
9 would lead us.

10 (Invocation)

11 (Pledge of Allegiance)

12 MS. SULLIVAN: Moving on, we have the February 10th
13 and February 17th Board meeting minutes from those
14 hearings, and at this time, I would entertain a motion to
15 approve those minutes.

16 MR. WORLEY: Ms. Sullivan, this is Mr. Worley. I
17 would make a motion.

18 MS. SULLIVAN: Thank you.

19 MR. MASHBURN: Second.

20 MS. SULLIVAN: Is there any discussion? All in
21 favor, please prove by saying aye.

22 THE BOARD MEMBERS: Aye.

23 MR. WORLEY: Ms. Sullivan?

24 MS. SULLIVAN: Motion passes. Yes?

25 MR. WORLEY: If I could, my video function is not

1 working. It says because the host has stopped it. Could
2 we get that fixed?

3 MS. THOMAS: You're a co-host now. You should have
4 that option.

5 MR. WORLEY: Okay. And if I might be recognized, Ms.
6 Sullivan?

7 MS. SULLIVAN: For what purposes?

8 MR. WORLEY: To comment on your comments about the
9 Secretary.

10 MS. SULLIVAN: You may be recognized.

11 MR. WORLEY: Thank you. I would certainly join in
12 Ms. Sullivan's comments thanking the Secretary for his
13 service. This is the first Board meeting that we have had
14 since the passage of SB202, and I think it's incumbent
15 upon us as Board members to let the public know of our
16 views on that legislation.

17 First of all, it is always, always bad public policy
18 to base legislation on a lie. Unfortunately, that is what
19 happened with the passage of SB202. We know, as members
20 of this Board, better than anyone in this state, that
21 there was no fraud in Georgia's elections in 2020.

22 Everyone on the Board knows it, the Secretary of State
23 knows it, the Lieutenant Governor Duncan knows it, and
24 Governor Kemp knows it. Unfortunately, the problem is
25 that the Republicans in the General Assembly did not like

1 the results of the elections, and they pandered to those
2 who have been convinced by the former President of a lie
3 that there was fraud in Georgia's elections. The members
4 of the General Assembly lack the moral courage to simply
5 tell their constituents the truth, and Governor Kemp,
6 unfortunately, lacked the moral courage to veto the
7 legislation. The result is a mess.

8 There are lots of bad parts of SB202 that
9 cumulatively make it harder for Georgians to vote, but I
10 wanted to focus on the parts that affect the State
11 Election Board. Secretary of State Raffensperger made the
12 choice last year to send out 7 million absentee ballot
13 applications for Georgians in the pandemic. People got
14 used to voting absentee, and by November, 1.3 million
15 Georgians used absentee ballots to vote. As a result, the
16 Secretary was stripped of his membership on this Board by
17 the General Assembly, and frankly, that was done by
18 members of the General Assembly who were completely
19 ignorant about the operations of the State Election Board.

20 The State Election Board has no budget. We are
21 unpaid volunteers. The State Election Board has no staff.
22 The State Election Board is dependent on the Secretary of
23 State to conduct the hundreds of investigations it does
24 each year, and we are dependent on the Elections Division
25 to let us know what issues require changes and amendments

1 to our rules. The Secretary of State's Office will still
2 set the agenda for this Board and will still assist in
3 drafting rules and regulations, and the basic functions of
4 the Secretary of State's Office will not be changed. The
5 Secretary of State's Office will still -- will still
6 certify the State's elections. It will still oversee the
7 operations of local election boards through the Elections
8 Division, which itself, thankfully, has been nonpartisan.

9 Finally, SB202 stripped the Secretary of State of his
10 membership on this Board and gave the General Assembly
11 control of a majority of seats on this Board and gave us
12 the power to displace local boards of elections. I have
13 been a member of the State Election Board for 17 years,
14 and I have seen many issues and problems with local
15 election boards, but I have never seen anything that would
16 justify the State Election Board displacing members of
17 local election boards or local superintendents. We
18 already have the power of ruling on cases and passing
19 regulations to ensure that local boards follow the rules
20 and work effectively, and we do that at every meeting.

21 I, for one, will never use the power that the General
22 Assembly has given us to displace local boards of
23 elections, and frankly, I do not believe other current
24 members of this Board will either. Having worked with
25 them over the last several years, they are honest, good

1 people who will not trade their integrity under this
2 statute, but should the House of Representatives decide to
3 replace Ms. Le, should the State Senate decide to replace
4 Mr. Mashburn, or should the Republican Party decide to
5 replace Ms. Sullivan, we will all know what is about to
6 happen, so I would urge the citizens of this state to keep
7 a careful eye on the membership of this Board and watch
8 carefully what happens next. Thank you, Ms. Sullivan, for
9 the opportunity to speak out.

10 MS. SULLIVAN: Moving on, on the agenda, the next
11 item is an update on potential rule-making. We all know
12 that there is a lot of work that must be done by the
13 Secretary of State's Office, as well as this Board, to
14 implement Senate Bill 202, and I'd like to ask Ryan
15 Germany, who is General Counsel of the Secretary of
16 State's Office, to provide us an overview.

17 MR. GERMANY: Thank you, Madam Chair. This is Ryan
18 Germany, and I just wanted to give a quick update to the
19 Board on some of the things that our office is doing to
20 implement State Bill -- Senate Bill 202, as well as -- as
21 well as, I think, some of the things that are on the
22 horizon for the State Election Board.

23 One of the -- the first things that we're working on
24 from the Secretary of State's Office is the changes to
25 absentee balloting, especially the change going to

1 requiring a driver's license number verification or
2 another form of ID, so we're going to require a new
3 absentee ballot application form. It's also going to
4 require a new absentee ballot envelope, so we're looking
5 at -- we're looking at different states to get ideas for
6 envelopes that contain that kind of information, how we
7 can ensure that that is transmitted securely through the
8 mail. So that's what our office is doing first. We're
9 also looking at the instructions that we have to provide
10 with absentee ballots. Of course, I think, you know, the
11 best scenario would be to work cooperatively with the
12 Board on this, and we'll certainly keep the Board in the
13 loop on those changes.

14 The next thing that I think is really more in the --
15 in the court of the State Election Board is the law
16 changes I think will require some new rules and probably
17 some updates to our existing rules as well. What I would
18 propose if it -- if it meets the approval of the Board is
19 that we continue -- and I think this was always the idea
20 from last year -- is that we continue our Rules Working
21 Group that we used -- that we did last year when we redid
22 the rules based on House Bill 316 and the update to the
23 new voting system. That working group consisted of
24 myself, Mr. Harvey, we have a new attorney now in our
25 Elections Division whose name is Sarah Beck [ph.], and

1 then Mr. Mashburn and Mr. Worley from the State Election
2 Board. I have also asked Ms. Lynn Bailey, the Elections
3 Superintendent from Richmond County, if she would continue
4 serving as the county liaison to that Board where we would
5 share drafts and she would share -- she would then in turn
6 share those with other counties to get counties' feedback
7 on rules.

8 The types of things that I think are going to be --
9 where new rules are going to be needed are, of course,
10 some of the changes in absentee balloting. There are
11 rules about the process to suspend election
12 superintendents, create performance reviews for local --
13 local election officials, logic and accuracy testing, and
14 then -- let's see -- absentee ballot applications, the new
15 runoff -- the new blank choice runoff provision, and, of
16 course, the early scanning provision. Some of these
17 rules, I think, will look a lot like some of the rules
18 that we put in place on an emergency basis last year
19 because the legislature adopted some of those ideas in
20 code, so we'll have a starting point for that, but I just
21 wanted to update the Board on that.

22 The new law is effective, of course, July 1st. We do
23 have some municipal elections this November, so I think
24 the goal should be to have those in place, have new rules
25 in place at least from a beginning standpoint. Of course,

1 like we did last year, we sometimes have to amend a new
2 rule we make, and I expect that to happen here as well,
3 but I think the goal should be to have those in place
4 prior to November, which really gives us the summer to
5 work on -- to work on rules and then post them in -- in
6 early -- late summer of this year, and I'm happy to take
7 any questions from the Board on that process.

8 MS. SULLIVAN: Thank you, Mr. Germany. Do any of the
9 Board members have any questions for Mr. Germany? We
10 appreciate your update, and I think that the Rules Working
11 Committee worked well last year to help us accomplish our
12 work, so I think that's an excellent idea, and we will
13 plan to proceed unless any of the Board members object.

14 Moving onto the next item on the agenda is the
15 consent cases investigation reports. It is our general
16 practice to vote on these cases in a bloc unless there are
17 any members of the public or members of the Board who
18 would like to pull out individual cases for discussion. I
19 would like to pull out two cases that I think merit some
20 discussion this morning. One is SEB case number 2020-257,
21 Cobb County, and the second is case number 2020-289, Cobb
22 County. Those are items number 26 and number 33 on the
23 agenda. Is there anyone else who would like to pull any
24 cases off for individual discussion?

25 MR. WORLEY: Madam Chair, this is Mr. Worley. I

1 would also to pull those same two cases, but in addition,
2 I would also like to pull off --

3 MS. SULLIVAN: I'm sorry. You went out on me a
4 little bit there. You wanted to pull those two cases and
5 additionally what cases?

6 MR. WORLEY: And two additional cases, case number
7 2020-220 from Cobb County and case number 2020-283 from
8 Newton County.

9 MS. SULLIVAN: Mr. Mashburn, is there any cases you
10 would like to pull off?

11 MR. MASHBURN: No.

12 MS. SULLIVAN: Ms. Le?

13 MS. LE: Madam Chair, I -- when we do discuss -- I do
14 not want to pull this case out, but when it's up for
15 discussion or voting, I would like to recuse from case
16 2020-105, please.

17 MS. SULLIVAN: Are there any members of the public
18 who have indicated in the chat box they'd like to speak to
19 any of these consent cases? Well, if there are any
20 members of the public who would like to speak to any of
21 these consent cases, please enter your information on the
22 chat, but we'll go ahead -- while you're doing that, we'll
23 go ahead and get started discussing the individual cases
24 that have been pulled off the agenda, starting with case
25 number 2020-220, Cobb County. Ms. Watson, if you wouldn't

1 mind presenting that to the Board?

2 MS. WATSON: Okay. This case is 2020-220. The first
3 allegation is the complainant advised that a friend who
4 lives in Canada may be attempting to commit voter fraud by
5 sending her ballot to a friend in Marietta, Georgia. The
6 second allegation was the complainant alleged that Sumeet
7 Bahl is a resident of Cobb County and now lives
8 permanently in New York City and has no intention to move
9 back to Georgia. He requested an absentee ballot and
10 voted in the Georgia November 3rd, 2020 election. The
11 third allegation is the complainant alleged that Christine
12 King [ph.] may be a Canadian citizen and voted in Georgia
13 elections.

14 The investigation revealed the initial complaint
15 alleging that the respondent, Ms. Lapore [ph.] sent her
16 ballot to an unknown individual. This was due to a social
17 media post by the Respondent which shows her holding up
18 what appears to be an envelope with official absentee
19 ballot printed on it. The name and address printed on the
20 envelope were discovered to be that of the Cobb County
21 registration manager and the address of the Cobb election
22 office. An investigator contacted the complainant who
23 advised the Respondent may be a citizen of Canada and has
24 not lived at her listed voter address in Marietta for many
25 years. Investigator contacted the Respondent who

1 indicated that she is a permanent resident of Canada but
2 retains her US citizenship. She additionally advised that
3 she is unsure of her attempts to return to the United
4 States and stated that it was possible. Investigator
5 contacted Cobb County Elections Office and made them aware
6 of Ms. Lapore's status so that they could properly update
7 their records from a temporary to a permanent resident of
8 Canada.

9 The second allegation, the investigator contacted the
10 Respondent, Mr. Bahl, who advised that he retains his
11 permanent residency in Georgia and is living in New York
12 for medical training. He advised that he intends to come
13 back to Georgia at some point. Voter records show that
14 Mr. Bahl is registered to vote in Georgia and has not
15 registered to vote in New York.

16 Third allegation, the investigator contacted the
17 Respondent, who indicated that she is a permanent resident
18 of Canada but remains a United States citizen. We did not
19 find any election code violation in these instances.
20 We're -- the Canadian-United States citizens were eligible
21 to vote in the elections.

22 MS. THOMAS: We have someone who would like to speak
23 on the case. The person listed as Zoom user, you are
24 allowed to speak. You can unmute yourself, you can state
25 your name, and then go ahead and speak to the case.

1 MS. SULLIVAN: Is there a member of the public who
2 would like to speak regarding this matter? I believe
3 you've identified yourself -- you're not identified in the
4 system. You're identified as Zoom user. Mr. Worley, do
5 you have any questions regarding this case?

6 MR. WORLEY: I -- I did have questions. Who were the
7 people making complaints in this case, and what -- what
8 evidence did they bring to your attention?

9 MS. WATSON: The com -- right. The complainant
10 observed it on social media. That's the one from the
11 first allegation.

12 MR. WORLEY: I understand that, but the other two?
13 How did they make these cases?

14 MS. WATSON: Right. The second allegation was a
15 resident in Roswell and again, this was information that
16 was known to the Respondent.

17 MR. WORLEY: So these are just random people making
18 these accusations?

19 MS. WATSON: Yes. We received -- we received many
20 allegations during the -- November/January based on social
21 media posts where people showed their -- their I voted
22 sticker or their absentee ballot envelopes on social
23 media, but then it lists them as being in another state,
24 so they would make the -- make the complaints to us that
25 they were possibly ineligible.

1 MR. WORLEY: So these people had no personal
2 knowledge of who these people were, they just saw
3 something on social media and made an allegation?

4 MS. WATSON: Correct.

5 MR. BAHL: Hello. If I may speak, this is Sumeet
6 Bahl, one of the -- allegation number 2.

7 MS. SULLIVAN: Yes, you may speak.

8 MR. BAHL: Okay. Great. Thank you for giving us the
9 opportunity. So as Ms. Watson had said that I'm a
10 resident of Cobb County and permanently live in New York
11 City, and then I was given a phone call -- which is
12 correct, someone did call me -- and they wanted to know
13 what my situation is, so that's -- that's absolutely
14 correct. I am a physician, medical doctor in New York
15 City. I've been here a couple of years, and this is
16 because my medical training was all done here. My
17 permanent address is in Cobb County in Georgia. That is
18 where I vote. It's where I've got my driver's license.

19 I have no intention of staying in New York. It's way
20 too cold here. I don't like this space. I just want to
21 move back. So basically, I've been asked before how come
22 you haven't changed your driver's license, anything like
23 that? I said there's no reason to because Georgia is my
24 home. It's where my family is, and that's where I'm going
25 to move back ultimately, so this is why none of this was

1 formally changed to anything in New York. I don't vote in
2 New York, never have, don't plan to. Georgia has been my
3 home, always will be, once all of this -- this long
4 medical path is done. That's all I've got to say about
5 that.

6 MS. SULLIVAN: Thank you.

7 MR. WORLEY: Madam Chair, based on the investigative
8 report, I would make a motion that we dismiss case number
9 2020-220.

10 MS. SULLIVAN: Thank you. Is there a second?

11 MR. MASHBURN: Second.

12 MS. SULLIVAN: We have a motion and a second. Is
13 there any further discussion? All in favor of the motion,
14 please signify by saying aye.

15 THE BOARD MEMBERS: Aye.

16 MS. SULLIVAN: And there are no opposed. That motion
17 passes. The next case is SEB case number 2020-257, Cobb
18 County, and that is tab number 26. Ms. Watson?

19 MS. WATSON: Yes. 2020-257, on Monday, December
20 14th, 2020, Georgia Secretary of State Brad Raffensperger
21 announced that a signature audit of absentee by mail
22 ballot oath envelopes would be conducted in Cobb County.
23 The Secretary of State's Office partnered with the Georgia
24 Bureau of Investigation to review a statistically
25 significant sample of signatures on oath envelopes from

1 the November 3rd, 2020 general election. Signatures and
2 other identifying information on the absentee by mail
3 ballot oath envelopes would be compared to records in both
4 Cobb County Elections and Voter Registration department
5 database and the State of Georgia's Voter Registration
6 system. The audit would be performed by law enforcement
7 investigators with the Secretary of State's Office and the
8 GBI's special agents.

9 15,118 absentee by mail ballot oath envelopes were
10 evaluated by the inspection teams. The inspection teams
11 submitted 396 oath envelopes to the investigation team for
12 comparison with additional documents for follow-up with
13 electors. After evaluation by the inspection team,
14 envelopes -- 386 were accepted as valid. The remaining 10
15 envelopes were referred for contact with the electors for
16 the following reasons: eight elector signatures
17 identifying information did not appear to be consistent
18 with documents on record, one contained no signature or
19 mark, one contained a signature that was not the signature
20 of the elector. All 10 electors were located, positively
21 identified, and interviewed.

22 Those interviews found all eight electors whose
23 signatures were deemed valid by Cobb County Elections
24 Department staff but not consistent by law enforcement
25 officers conducting the audit acknowledged completing and

1 signing the absentee ballot by mail ballot oath envelope
2 in question, verifying that the initial Cobb County
3 Elections Department initial determination's was --
4 validity was correct. The elector whose envelope
5 contained no signature or mark acknowledged submitted the
6 absentee by mail ballot oath envelope in question but
7 reported signing the front of the envelope only. The
8 final envelope in question was found to be mistakenly
9 signed by the elector's spouse. The elector confirmed
10 that he filled out the absentee ballot himself.

11 Of the 15,118 envelopes sampled, two of the ten
12 previously identified absentee ballot by mail ballot oath
13 envelopes should have been identified by Cobb County
14 Elections Department as requiring an opportunity for the
15 voter to cure the ballot prior to acceptance. However,
16 there was no fraudulent absentee ballots that were
17 identified during the audit. We're recommending the case
18 to be dismissed.

19 MS. SULLIVAN: Thank you. Do any members of the
20 Board have any questions for Ms. Watson? Then, I believe
21 the recommendation in this case is to dismiss. Is there a
22 motion?

23 MR. WORLEY: Madam Chair, I make a motion that we
24 dismiss this case.

25 MS. SULLIVAN: Thank you. Do we have a second?

1 MR. MASHBURN: Second.

2 MS. SULLIVAN: We have a motion and a second. Is
3 there any further discussion?

4 MR. MASHBURN: This is Matt Mashburn. By way of
5 further discussion, I just want to point out and highlight
6 that this -- if I'm not mistaken, this was the largest
7 mobilization in the history of the GBI with regard to
8 examining signatures, so this was very expensive for the
9 State and very time-consuming for the State, but the
10 results showed that there was no massive, widespread
11 signature fraud in Cobb County, and the largest
12 mobilization in the history of the GBI was necessary to
13 tamp that down. So as we hear a lot about people want to
14 restore confidence in the system, I just want to highlight
15 that this is one of those confidence-building moments is
16 that this allegation was made, a formal complaint was
17 filed that there was massive wrongdoing in Cobb County,
18 and so the State engaged in the largest mobilization in
19 its history of this nature and proved there was nothing to
20 it.

21 So I just wanted to -- to bring that to people's
22 attention who are out there on the Internet complaining
23 that there was no audits or nobody was examining this is
24 that -- is that we did undertake the largest examination
25 of its nature in Georgia history at great expense, and

1 there was nothing to it in the final analysis.

2 MS. SULLIVAN: Is there any further discussion? We
3 have a motion and a second. All in favor of the motion,
4 please signify by saying aye.

5 THE BOARD MEMBERS: Aye.

6 MS. SULLIVAN: And there are none opposed. That
7 motion passes. The next case we would like to pull off is
8 case number 2020-283. Ms. Watson, if you would present
9 that case?

10 MS. WATSON: Yes. In 2020-283, the first allegation
11 that was received was Matthew Douglas [ph.] of Conyers,
12 Georgia complained via letter that the Newton County
13 Facebook page had both countings [sic] scheduled at 1113
14 Usher Street for Sunday, November 15th, 2020 at 8:30 A.M.
15 to 1 P.M. Douglas, his wife, and daughter arrived at the
16 location at 10:30 and both front doors were locked. On
17 November the 16th, Douglas called the Newton County Board
18 of Elections Office and spoke to someone named Pearl who
19 informed Douglas that the counting had ended midnight,
20 Saturday, November 14th, 2020. When Douglas asked Pearl
21 if any election ballot processing was occurring today, he
22 was told that absentee ballots were being signature
23 matched.

24 James Siblowksi [ph.] of Oxford, Georgia complained
25 via email that approximately a week prior to the 2020

1 general election he witnessed ballot harvesting.

2 Siblowski stated that an individual delivered 20 to 30
3 absentee ballots, that the incident occurred in Newton
4 County at the courthouse, and that the deputy on duty was
5 helping.

6 Investigation showed according to the former Newton
7 County Elections Director Angela Mantle, the risk-limiting
8 audit was conducted during the hours advertised with the
9 exception of Sunday, November 15th, 2020, in which no
10 count was conducted because they completed the initial
11 process by Saturday, November the 14th, 2020. They did
12 return on Monday, November 16th to recheck totals due to a
13 discrepancy in totals. This also occurred within the
14 hours posted, and individuals from both parties were
15 notified of this by the Chairman of the Board of
16 Elections. Also, there was no signature verifications on
17 absentee ballots taking place during the audits.

18 Signatures on absentee ballot oath envelopes were compared
19 with voter files prior to the absentee ballots being
20 accepted.

21 Upon review of the security footage of the drop box
22 James Siblowski observed, election workers were moving
23 ballots from the box, placing them in a white mail bin
24 sitting on top of the drop box, and taking them inside the
25 election office. No election code violations were

1 substantiated. We recommend that the case be dismissed.

2 MS. SULLIVAN: Mr. Worley, I believe you pulled this
3 off. Do you have any questions for Ms. Watson?

4 MR. WORLEY: I just want to be clear, Ms. Watson.
5 The -- essentially, someone thought that they had observed
6 something improper, but it turned out to only be the
7 election officials taking the ballots out of the drop box
8 at that point in time.

9 MS. WATSON: Yes, that's correct. Yes, that's
10 correct.

11 MR. WORLEY: Thank you. That's the only question
12 that I had.

13 MS. SULLIVAN: Are there any other questions from
14 members of the Board? If not, I will entertain a motion.

15 MR. WORLEY: I would make a motion that we dismiss
16 this case.

17 MS. SULLIVAN: Do we have a second?

18 MR. MASHBURN: Second.

19 MS. SULLIVAN: We have a motion and a second. Any
20 further discussion? All in favor, please signify by
21 saying aye.

22 THE BOARD MEMBERS: Aye.

23 MS. SULLIVAN: There are none opposed, and that
24 motion passes. The next case is SEB case number 2020-289,
25 Cobb County, destruction of ballots. Ms. Watson, would

1 you please present the case?

2 MS. WATSON: Yes. The first allegation, complaints
3 alleged that on 11/20/2020 at 11:10 A.M., Cobb County
4 hired a document shredding truck to destroy ballots at Jim
5 R. Miller Park in Cobb County. There was a video uploaded
6 to YouTube which gained popularity and showed bins of
7 opened absentee ballot security envelopes being destroyed.
8 Janine Eveler, the Election Supervisor in Cobb County, had
9 already responded to the allegation. A preliminary
10 investigation had already been conducted, and a new
11 complaint was forward to the Secretary of State by the
12 Georgia Bureau of Investigations regarding the issue.

13 The second allegation, on January 5th, 2020 [sic], the
14 Federal Bureau of Investigation along with the Federal
15 Homeland Security Agency were conducting an investigation
16 regarding a shred truck which allegedly held shredded
17 ballots from Dominion Voting Systems in Cobb County and
18 requested the assistance of the Secretary of State's
19 Office. The investigation showed that Gordon Lacoste
20 [ph.], after an interview with investigators, stated that
21 he had no firsthand information. He just observed the
22 information on YouTube and thus made a complaint. We made
23 contact with Salleigh Grubbs who advised that she had
24 already been interviewed by the Secretary of State's
25 Office and was not interested in being interviewed again

1 unless the investigator could guarantee that he would not
2 waste her time.

3 Investigations received a notarized declaration and
4 affidavit from a third complainant, Susan Knox. In it,
5 she advised that she observed shred trucks destroying what
6 she believed were ballots at Jim R. Miller Park where
7 election certification was taking place. Cobb Election
8 Director Janine Eveler advised that the shredding was
9 routine and what Ms. Knox saw photographed and placed on
10 the Internet were the privacy envelopes which had no
11 evidentiary value and were being shredded along with other
12 non-relevant materials.

13 In the second allegation, investigators responded at
14 the request of the FBI and Federal DHS to Marietta Police
15 Department regarding an alleged shred truck which
16 contained shredded ballots. An investigator went with the
17 DHS to their headquarters and obtained some intact
18 documents that DHS had originally pulled from the vehicle.
19 These documents were inspected, and while most were
20 unrelated, financial, or shipping documents, there were
21 several training manuals from Dominion Voting Systems, as
22 well as paper taped printouts from a Dominion machine.
23 After observing the tape, it was obviously a training
24 testing tape from 2019. Tom Feehan with Dominion was
25 interviewed and advised they were shutting down the rented

1 space here in Georgia and were shredding documents such as
2 training materials and test training ballots such as what
3 is your favorite ice cream. There is no actual election
4 documents that were observed in that material. We're
5 recommending that this case be dismissed as no violation
6 of election code has been substantiated.

7 MS. THOMAS: And Salleigh Grubbs and Susan Knox are
8 here to speak on the case.

9 MS. SULLIVAN: Ms. Grubbs, you may speak.

10 MS. GRUBBS: Yeah, it's unbelievable to me that
11 there's been no thorough investigation. I had that one
12 encounter and said I am certainly happy to talk to any
13 investigators. I -- Ms. Watson -- had conversations with
14 you, and there was no substantive information requested or
15 given. We've not -- we had not been advised that there
16 was any FBI investigation. There was evidence that was
17 destroyed. There's pictures of it that says, you know,
18 the ballot envelopes -- we don't know what was in the
19 envelopes, and this is a travesty of justice. This is a
20 failure to redress our grievances, and Georgia is in deep
21 trouble with you all just acting like cavalier cowboys
22 doing whatever it is you want and shoving it down our
23 throats.

24 We know there was fraud, and it is an insult to every
25 citizen of Georgia that you carry on this way, and we

1 demand a full investigation, and we demand further that
2 you show the evidence. I asked you about that, and you
3 said that I could do an Open Records Request. I've done
4 numerous Open Records Requests to the Secretary of State's
5 Office and not once have I gotten one bit of information.

6 MS. SULLIVAN: Thank you, Ms. Grubbs. Ms. Watson,
7 would you like to respond regarding the thoroughness of
8 the investigation?

9 MS. WATSON: The information that was available and
10 that was given to our office and that was posted only
11 shows these secrecy ballots, and that is --

12 MS. GRUBBS: Why is that okay? Evidence --

13 MS. SULLIVAN: Thank you, Ms. Grubbs, for your
14 comments. We have -- we have heard your comments. I
15 believe that Ms. Knox would also like to speak?

16 MS. KNOX: Yes, that's correct.

17 MS. SULLIVAN: You may speak.

18 MS. KNOX: Yes. So I have got pictures. Can we
19 share this screen because I would like to show you what I
20 have and then have you tell me what you think these are
21 that did get shredded, that I watched get shredded?

22 MS. SULLIVAN: I do not -- I do not believe that we
23 have the ability to allow you to share your screen, and I
24 would encourage you to submit any evidence that you
25 believe you have to the Secretary of the State's Office to

1 Ms. Watson for her review.

2 MS. KNOX: Do you know what? Doing that is like the
3 fox watching the henhouse. You all are a disgrace. I
4 cannot believe --

5 MS. SULLIVAN: Thank you for your comments. I would
6 like for us to maintain a level of decorum on this call
7 that is appropriate for this state-wide Board, so if you
8 would please keep your comments professional, I would
9 appreciate it. Thank you. Do any members of the Board
10 have any questions for Ms. Watson?

11 MS. LE: Ms. Watson, this is Anh Le. Have -- to Ms.
12 Knox's question, has she submitted those pictures, or do
13 we know what those pictures are?

14 MS. WATSON: The pictures that were presented at the
15 Senate hearing, we do have those, and we have reviewed
16 those, and again, we do not have any evidence of any
17 actual ballots being destroyed, and I don't know if Janine
18 is also on the line from Cobb County, but they do have to
19 and are allowed to destroy election documents that are
20 beyond the 24 month retention schedule.

21 MR. MASHBURN: Yeah. I --

22 MS. SULLIVAN: This is Matt Mashburn.

23 MR. MASHBURN: This is Matt Mashburn. To either of
24 the speakers, are the pictures that you want to show us
25 now the same pictures that you showed to the Senate

1 hearing, or are they additional, different pictures?

2 MS. KNOX: They're additional. They're additional.
3 I have some of the same and some additional, and I have
4 quite a few.

5 MR. MASHBURN: Okay. I've -- I've seen all of your
6 pictures that you submitted to the Senate hearing. I'm --
7 I'm satisfied with the investigation so far. There's a
8 theory that lawyers are very familiar with. It's called
9 without prejudice, and so if something is dismissed
10 without prejudice, that means that there may be additional
11 information or new information that hadn't been looked at,
12 so I'm going to make a motion based on the record today
13 and what's in the record today to dismiss this case, based
14 on the pictures that I saw from the Senate hearing.

15 I was the chief tabulation lawyer for the Georgia
16 Republican Party for almost 25 years, so I'm very familiar
17 with the tabulation process and how the tabulation process
18 goes and what is used in every aspect of tabulation, and
19 the pictures that I saw introduced to the Senate hearing
20 were the white envelopes that do have the word "ballot" on
21 them. That is absolutely true. They do have that, but it
22 says ballot is enclosed, so the envelope itself is
23 nothing. It's not a ballot. It's -- and so when I saw
24 that picture, you know, it took me 3 seconds to recognize
25 well, that's not a ballot at all. That's the envelope

1 that the ballots come in. So I -- that's, you know,
2 that's something -- that's just the way it is.

3 Now, if you -- if you have a picture that you want to
4 submit and make a -- make a new allegation, my motion
5 today is not to preclude you from adding any new
6 information or making a new complaint, but based on the
7 record and based on my experience of -- of tabulation over
8 many, many years, I'm going to make a motion to dismiss
9 this case, and I also want to add -- there was a question
10 about well, why -- why is that okay to shred documents?
11 Well, people with no history on this Board and no history
12 in election law don't know that counties have been brought
13 up on charges because they did not shred evidence. There
14 was a -- there was a case a while back where a county just
15 discarded an old desk and was selling it for junk for \$50.
16 Well, inside the desk was all kinds of voter information
17 with Social Security numbers and date of birth and
18 anything you needed to get a credit in that person's name,
19 and that county was brought up on charges.

20 So it is not unusual for counties to shred
21 information, and in fact, it is desirable and preferable
22 that they do that. So there is no presumption of fraud or
23 illegality or improper behavior that a shredding truck was
24 shredding things that needed to be shredded, so I've got
25 no problem with that at all with all the years of

1 experience that I spent advising the Party on tabulation.
2 So I'm going to make a motion that this case be dismissed,
3 but if you have new pictures that nobody has seen before,
4 you're certainly welcome to make a new complaint.

5 MS. SULLIVAN: Thank you, Mr. Mashburn. We have a
6 motion on the table. Is there a second?

7 MS. LE: This is Anh Le. I'll second that.

8 MS. SULLIVAN: We have a motion and a second. Is
9 there any further discussion among the members of the
10 Board? If there is not, please all in favor of the
11 motion, please signify by saying aye.

12 THE BOARD MEMBERS: Aye.

13 MS. SULLIVAN: And there are none opposed. That
14 motion passes. That is the last case that we have pulled
15 for individual discussion on the consent cases. Let's go
16 ahead, and I'll entertain a motion on SEB case number
17 2020-105, DeKalb County. That is the case that Ms. Le has
18 recused from so that we have a separate vote for the
19 record. If there's a motion to dismiss that case as
20 recommended, I would entertain that now.

21 MR. WORLEY: I would make that motion.

22 MS. SULLIVAN: Is there a second?

23 MR. MASHBURN: Second.

24 MS. SULLIVAN: We have a motion and a second. Any
25 further discussion? All in favor, please say aye.

1 THE BOARD MEMBERS: Aye.

2 MS. SULLIVAN: Any opposed? And let the record
3 reflect that Ms. Le did not vote on that motion, which
4 passes. At this time, it's appropriate to vote on the
5 remaining cases on the agenda. On consent cases, the
6 recommendation is to dismiss the remaining cases that we
7 have not pulled out for individual discussion. Is there a
8 motion?

9 MR. WORLEY: Ms. Sullivan, this is Mr. Worley. I
10 make a motion that we dismiss the remaining cases.

11 MS. SULLIVAN: Thank you. We have a motion. Is
12 there a second?

13 MR. MASHBURN: Second.

14 MS. SULLIVAN: Any further discussion? All in favor,
15 please say aye.

16 THE BOARD MEMBERS: Aye.

17 MS. SULLIVAN: And there are none opposed. That
18 motion passes. Moving on to the letter cases, are there
19 any cases on this list that one of the Board members would
20 like to pull off for individual discussion?

21 MR. WORLEY: Ms. Sullivan, this is David Worley. I
22 would like to pull off case number 2021-010, Houston
23 County, photographing ballots.

24 MS. SULLIVAN: Okay. Anything else?

25 MR. MASHBURN: None for me.

1 MS. SULLIVAN: All right. Ms. Watson, if you
2 wouldn't mind presenting case number 2021-010, Houston
3 County? That is tab number 53.

4 MS. WATSON: A complainant reported a Gordon Wayne
5 Lynch [ph.] had insisted on getting a copy of his ballot
6 after voting for the Senate runoff election on January
7 5th, 2021. The poll manager, Mary Singleton [ph.],
8 informed Mr. Lynch that the ballot could not be copied or
9 recreated. Mr. Lynch opted to photograph his ballot with
10 his cell phone before leaving. Ms. Singleton warned Mr.
11 Lynch not to photograph the ballot. The incident was
12 reported to law enforcement. The voter was adamant that
13 he wanted a copy of his ballot to take with him, which the
14 poll workers denied. Mr. Gordon then wanted to take the
15 ballot outside so he could photograph the ballot. He was
16 informed not to take a photo of the ballot and that taking
17 the ballot outside would invalidate the ballot. Two
18 witnesses state they observed the voter Gordon Lynch take
19 the photo anyway. Mr. Gordon was contacted by an
20 investigator and denied that he took the photo. Mr. Lynch
21 was very emotional in providing his statement. Our
22 recommendation is that we recommend Mr. Lynch be issued a
23 letter of instruction regarding violation of 21-2-413(e).

24 MS. SULLIVAN: Mr. Worley, do you have any questions
25 regarding this case?

1 MR. WORLEY: No. I -- I think the report is very
2 clear. The reason that I asked that it be pulled out is
3 that this is not the normal case of photographing a ballot
4 in which we send a letter of instruction. That is usually
5 the case where someone is excited about voting. They
6 might have a child with them at the polling place. They
7 take a picture of their ballot, and they have no idea that
8 photography in the polling place is not allowed. In this
9 case, the Respondent was told what the law was, knew what
10 the law was, chose to violate the law, so I don't think
11 it's appropriate that we have a letter of instruction, and
12 I would instead make a motion that we refer this case to
13 the Attorney General's Office.

14 MS. SULLIVAN: Okay. We have a motion on the table
15 to refer this case to the Attorney General's Office. Is
16 there a second for that motion?

17 MR. MASHBURN: Second.

18 MS. SULLIVAN: We have a motion and a second. Is
19 there any further discussion?

20 MR. MASHBURN: Yeah. With regard to discussion, I'd
21 like to add something in on that, and that is a lot of
22 people don't understand why this rule is in place, and one
23 of the reasons this rule is in place is to protect voters
24 from intimidation and harassment, and what would happen in
25 the old days is people would be paid to vote, and the

1 people who were doing the bribing for votes had no way to
2 verify that the person voted the way they were paid to
3 vote. And so there's always been an attempt to create a
4 system whereby the person making the bribe can verify that
5 the person voted in the manner in which they were paid to
6 vote, and so this prohibition has a very important tool
7 that the ubiquitous nature of cell phones now has made it
8 such that you take a picture of everything, but there's a
9 really important reason why this rule is in place, and so
10 what it is is to protect the integrity -- again, we're
11 talking about we want to restore integrity and trust in
12 the system. This photography ban is a very important tool
13 in that because it prohibits the person casting the vote
14 from being able to prove to the person that bribed them
15 that they voted in the manner in which they were paid. So
16 this is a -- this is a very protective -- protection of
17 the voter, protection of the integrity of the system --
18 rule, and a violation of it is a very serious matter, so I
19 agree with David Worley's sentiment on this, and that's
20 why I seconded his motion and will vote for -- in favor of
21 it.

22 MS. SULLIVAN: Is there any further discussion? We
23 have a motion to refer this matter, case 2021-010, to the
24 Attorney General's Office, motion and a second. All in
25 favor, please vote by saying aye.

1 THE BOARD MEMBERS: Aye.

2 MS. SULLIVAN: Any opposed? And there are none
3 opposed, so that motion passes. There are no more letter
4 cases pulled off the agenda to discuss individually, so at
5 this time it would be appropriate for a motion to issue a
6 letter of instruction in the remaining cases on the agenda
7 in this section.

8 MR. WORLEY: I would make that motion, Madam Chair.

9 MS. SULLIVAN: We have a motion. Do we have a
10 second?

11 MR. MASHBURN: Second.

12 MS. SULLIVAN: Is there any further discussion? All
13 in favor, please signify by saying aye.

14 THE BOARD MEMBERS: Aye.

15 MS. SULLIVAN: Are there any opposed? No. That
16 motion passes. At this point, we will move on to the
17 investigation cases, starting at -- is there a list of
18 people that are here to speak on behalf of these cases?
19 Okay. Thank you. We'll start with SEB case number 2016-
20 110. This is Long County.

21 MS. WATSON: This case was previously presented
22 during the February 10th SEB meeting. The portion of the
23 case pertaining to the remaining Respondent is that 18
24 absentee ballots were being mailed to a post office box
25 which was not the registered address for the individuals.

1 The post office box belonged to Harriet Smith, the
2 complainant's opponent's mother.

3 Investigation revealed that Harriet Smith, the mother
4 of the candidate, did list her post office box in the
5 space for out of county address on the listed absentee
6 ballot applications so she could make sure --

7 MR. MARCZ: Can you hear it? Oh. I've got one.

8 MS. WATSON: -- stated that she had stated that --

9 MR. MARCZ: They hear it and then they just, like,
10 dismiss everything.

11 MS. SULLIVAN: Just a moment. There's someone who we
12 can hear on the line, if you would please mute yourself.

13 MS. THOMAS: You'll be allowed to speak when the case
14 is done.

15 MR. MARCZ: Yeah, well, maybe if you could hear
16 people talk and stop muting them because they're not nice
17 enough. Maybe you should actually hear the people talk
18 when they're on cases. It would be nice not to mute peop
19 --

20 MS. SULLIVAN: We -- at the appropriate time, we will
21 recognize individuals here to speak on this matter. If
22 you would please let Ms. Watson continue presenting this
23 case to the Board. You may proceed, Ms. Watson. I'm
24 sorry. You may need to -- I know you were overlapping
25 there.

1 MS. WATSON: That's all right. So Harriet stated
2 that she had received complaints from voters not receiving
3 their absentee ballots so the post office box was used,
4 and when the absentee ballots would arrive, volunteers
5 would then take the absentee ballots to the voters. She
6 states they never opened or handled the ballots. Harriet
7 stated that one of the absentee ballots was for her
8 daughter and three were previous residents of the group
9 home she ran. Harriet denied paying any of the volunteers
10 to get the absentee ballots delivered. When asked if she
11 listed the post office box on the applications, she stated
12 that she was sure she did some of them but not all of
13 them. There were a total of twenty absentee ballots
14 mailed to the listed mailbox and 15 were documented as
15 returned to the elections office as voted. We're
16 recommending Harriet Smith be bound over to the Attorney
17 General's Office for 21-2-381(a)(1)(d), 17 counts, and 21-
18 2-562, 17 counts, and I believe that an attorney, Mr.
19 Evans, is available for Harriet Smith.

20 MS. SULLIVAN: Mr. Evans, now would be the
21 appropriate time to speak. Thank you.

22 MR. EVANS: Can you guys hear me okay?

23 MS. SULLIVAN: We can hear you.

24 MR. EVANS: Okay. Good. And for the record, that
25 was not me speaking earlier. I just want to make that

1 clear. Maybe someone else was let in, but that was not me
2 speaking, so I just want --

3 MS. SULLIVAN: Thank you. Duly noted.

4 MR. EVANS: But I appreciate Ms. Frances and her
5 working with us through the process and good morning to
6 the Election Board members. I appreciate all of you guys'
7 hard work. I know it is a thankless job, and it's not a
8 paid job, and it's a lot of work, so I want to appreciate
9 you guys. As Ms. Frances said, my name is Jake Evans. I
10 represent Ms. Harriet Smith, and I wanted to just briefly
11 talk and provide a little bit of context and what I regard
12 as a misinterpretation of the law, and I would
13 respectfully request a dismissal or at most a letter of
14 instruction.

15 And so briefly, just the context, and the context is
16 -- and I represented Ms. Harriet Smith's son, Mr. Bobby
17 Smith, who is the probate judge of Long County, in an
18 election contest case, and I'll tell you this was a very,
19 very contentious case. It was contentious back in 2016,
20 and so there is hostility between the two, and I think a
21 lot of that explains the complaints that were filed, and
22 there were six of them: some of them related to pizzas
23 being purchased and exchanged, some of them related to
24 allegedly someone's stairs being fixed, and all that
25 proved to be insufficient evidence. And so I think a lot

1 of these complaints were filed not necessarily because
2 they're meritorious, but because there is some disliking
3 between the two.

4 So next, I'll talk a little about -- bit about Ms.
5 Smith, so Ms. Smith lives in Long County, Georgia, and she
6 has a group home, and the address, the P.O. Box, is
7 actually the group home. Ms. Smith has had this group
8 home for over 30 years, and this group home helps either
9 teenage girls who don't have parents or teenage girls who
10 are going through a difficult time get on track and move
11 their life in a very productive way, to assist them in
12 moving closer to adulthood. Over the past thirty years,
13 Ms. Smith is regarded by many in the community as a mom.
14 She's not their maternal mother, but she is someone that
15 helped raise a lot of these -- these young women, and
16 through that, she has generated a lot of close
17 relationships, and she's kind of, I would say, a stature
18 in the community. So over the years, Ms. Smith has helped
19 people in many, many different ways from helping their
20 funeral, from helping them get through school, and as a
21 part of the civic training at the group home, Ms. Smith
22 also helps these people learn how to vote and register to
23 vote.

24 So with that background, what happened in this
25 context was there was a number of young teenage girls who

1 was [sic] having trouble either getting their absentee
2 ballot, having trouble voting, and Ms. Smith assisted
3 these people. A couple of them were older. One was
4 physically disabled. Another one was illiterate. Another
5 one had just recently had surgery, and so she assisted.
6 She did not think in any way anything she did was wrong,
7 and all that she did was the absentee ballot request --
8 she put the address for it to go to was the group home.
9 It wasn't her personal home. She also lives at the group
10 home, but it's primarily her group home, and so with that
11 context, it's nothing malicious here. There is -- it was
12 a simple mistake about trying to help many, many people
13 who she regards as her daughters and she helps in the
14 community vote, and so she thought by putting that in
15 there that she was going to assist them in the process.
16 There was nothing malicious about it.

17 Now, next, I will go to the two statutes that are
18 referenced. One is 21-2-381 and section D is the one that
19 Ms. Smith is alleged to have violated, and section D says
20 except in the case of physically disabled electors
21 residing in the county or municipality of electors in
22 custody. So effectively, except if you're physically
23 disabled, no absentee ballots shall be mailed to an
24 address other than the permanent mailing address of the
25 elector as recorded in the electors' voter registration or

1 a temporary out of county or out of municipality address.
2 So what this provision clearly shows is it's on the
3 election worker to look at an absentee ballot application
4 which has an address which is not the address of the
5 elector, that applicat -- that ballot should not be
6 mailed, and that is a clear obligation that is not
7 imparted on Ms. Smith or anyone requesting a ballot. It's
8 a clear obligation which is put on the local election
9 official that -- okay, here's this application. It
10 doesn't have an address that matches the registration.
11 Therefore, we don't issue an absentee ballot.

12 So the next provision Ms. Smith is alleged to have
13 violated is 21-2-562, and this one says inserts or permits
14 to be inserted any fictitious name, false figure, false
15 statement or other fraudulent entry on or in any
16 registration card and effectively any document. Ms. Smith
17 didn't put a fraudulent piece of information. She didn't
18 put a fake name, a fake number, a fake birthday. All she
19 did was put an address which was her group home in order
20 to assist these young ladies in getting their ballots
21 because they were having trouble getting them and then
22 allowing them to then vote them the way that they voted
23 them.

24 So with these two statutes, even assuming the facts
25 as alleged, there's no violation on behalf of Ms. Smith.

1 Ms. Smith was merely trying to help in the community. A
2 frivolous, retaliatory com -- complaint was made against
3 her. She's taken this very, very seriously, but in no way
4 does the law, the clear letter of the law, state that Ms.
5 Smith violated the election code, and she's with me today,
6 and Ms. Smith, do you want to make a quick statement or
7 anything?

8 MS. SMITH: Good morning. I'm Harriet Smith. I have
9 been the director and operator of a home for over thirty
10 years.

11 MS. SULLIVAN: Ms. Smith, if you could speak up a
12 little bit, we're having a little bit of trouble hearing
13 you.

14 MS. SMITH: Yes, ma'am. I'm Harriet Smith. I am 69
15 years old. I will -- I've had the privilege of helping
16 young ladies for over thirty years. I feel like I'm just
17 helping hands in the community wherever help is needed,
18 and by no means did I know that I had done anything wrong,
19 and thank you so much.

20 MR. EVANS: Okay, so, thank you, Ms. Smith. So given
21 that background, we would respectfully submit to the Board
22 that there was no violation of the clear letter of OCGA
23 21-2-381 and OCGA 21-2-562. It was an innocent mistake.
24 Ms. Harriet obviously takes this very seriously, but we
25 would request a dismissal or at the most a letter of

1 instruction, so thank you for the Board's consideration.

2 MS. SULLIVAN: Thank you, Mr. Evans. Do any of the
3 Board members have any questions?

4 MR. WORLEY: Just -- just to be clear, Mr. Evans, Ms.
5 Smith is the mother of the candidate who was running in
6 the election?

7 MR. EVANS: That's correct. She is.

8 MR. WORLEY: Thank you.

9 MS. SULLIVAN: Any more questions by any other
10 members of the Board? At this time, I would think it
11 appropriate to entertain a motion.

12 MR. WORLEY: This is Mr. Worley. I disagree with Mr.
13 Evans' interpretation of the statute, and I would make a
14 motion that we [sound cuts out].

15 MS. SULLIVAN: I'm sorry. We lost you after you said
16 that you disagreed with Mr. Evans.

17 MR. WORLEY: I make a motion that we refer this case
18 to the Attorney General's Office.

19 MS. SULLIVAN: We have a motion --

20 MR. MASHBURN: Second.

21 MS. SULLIVAN: We have a motion and a second by Mr.
22 Mashburn. Is there any further discussion?

23 MR. MASHBURN: By way of discussion, Ms. Smith, your
24 attorney has made an excellent presentation today and has
25 a good command of the facts and probably more command of

1 the facts of this particular case and this particular
2 election of anybody in Georgia, so this is more on the
3 state of a probable cause type hearing and not the -- not
4 the end of the case, but I agree that this a -- that a
5 prima facie case has been made, and there's enough
6 evidence here to refer this over to the Attorney General's
7 Office, and so that's why I seconded the motion and will
8 vote for it.

9 MS. SULLIVAN: Thank you. We have a motion and a
10 second. Is there any further discussion? All in favor of
11 the motion, please signify by saying aye.

12 THE BOARD MEMBERS: Aye.

13 MS. SULLIVAN: Is there any opposed? That motion
14 passes. Moving on, the next case on the agenda is SEB
15 number 2017-070, and that is the City of Sylvester. Ms.
16 Watson?

17 MS. WATSON: On November 7th, 2017, it was reported
18 that Henry Hall Woodard Center, a precinct in the City of
19 Sylvester, experienced computer issues and subsequently
20 delayed opening of poll until 8:15 to 8:30. In response
21 to the report, we sent an investigator to the poll
22 location. We met with the poll manager and the Board of
23 Elections Vice Chair. It was found that the voter access
24 cards would not load. Provisional ballots were offered
25 until the issue could be corrected with 11 voters voting

1 provisionally during that time. There were three voters
2 that chose to leave and come back later, with two of those
3 returning to vote on the machine. The issue was resolved
4 with new memory cards by approximately 8:15 to 8:30. Our
5 recommendation is for a letter of instruction be issued to
6 Worth County Board of Election and Registration and Cherie
7 Olson [ph.], Election Supervisor, for SEB rule 183-1-12-
8 .07(7).

9 MS. THOMAS: And Brandy Harris is on the line for
10 Worth County.

11 MS. SULLIVAN: Mr. Harris, you may speak.

12 MS. THOMAS: It's Ms.

13 MS. SULLIVAN: I'm sorry, Ms. Harris.

14 MS. HARRIS: Good morning. Thank you for hearing me.
15 I'm the supervisor. I've been here for about three years,
16 and as you know, the express polls are no longer used, and
17 Cherie is no longer with us, but steps that I've taken in
18 order to prevent any issues: I usually have two people in
19 place, you know, for example, one person reading the
20 instructions and one person completing the task at hand.
21 I've also spoke with the county attorney, Judge Powell,
22 about contacting the superior court judge in order to
23 extend times if we need to. Thank you for hearing me.

24 MS. SULLIVAN: Thank you very much. Does anybody
25 have any questions for her from the Board? Does anybody

1 have questions for Ms. Watson? Okay. Now would be the
2 appropriate time for a motion.

3 MR. MASHBURN: The recommendation has been for a
4 letter of instruction?

5 MS. WATSON: Yes.

6 MR. MASHBURN: Okay. I move that a letter of
7 instruct -- of instruction be issued.

8 MS. SULLIVAN: Mr. Mash -- Mashburn has moved that a
9 letter of instruction be issued in this matter. Is there
10 a second?

11 MS. LE: Anh Le, I'll second that.

12 MS. SULLIVAN: We have a motion and a second. Is
13 there any further discussion? All in favor of the motion,
14 please signify by saying aye.

15 THE BOARD MEMBERS: Aye.

16 MS. SULLIVAN: Any opposed? The motion passes. The
17 next case is SEB case number 2018-007. This is City of
18 Atlanta runoff election December of 2017. Ms. Watson?

19 MS. WATSON: Following the December 2017 runoff
20 election in the City of Atlanta, we received the following
21 reported allegations: first, that Judith Richards [ph.]
22 copied 500 to 600 absentee ballots for the December 5th,
23 2017 City of Atlanta runoff, that her supervisor Mark
24 Henderson [ph.] advised her to make the copies. It was
25 determined through interviews with Ms. Richards and Mr.

1 Henderson that these were sample ballots that were used to
2 pass out at campaign events and they had wording grade out
3 diagonally across the ballot. Hundreds of voters were
4 cast in the -- votes were cast in the runoff election by
5 voters that did not reside in the City of Atlanta. This
6 included individuals who resided in areas of Fulton County
7 that were not validly annexed into the City of Atlanta.
8 This allegation was not substantiated.

9 That votes were cast by individuals using private
10 mailbox similar to a post office box or virtual mailbox
11 address to claim residency in the city and vote: in
12 regards to this allegation, it was confirmed that there
13 were registered voters who utilized the post office box to
14 register and listed this as a residential address. Of
15 those that were listed, there were 55 that voted in the
16 November 7th, 2017 and December runoff elections with 38
17 voting in November and 46 voting in the runoff. Research
18 conducted to determine if these voters had a residential
19 address within the City of Atlanta confirmed those that
20 voted did have a City of Atlanta residential address
21 associated to them at the time.

22 Some voters that no longer resided in the city
23 continued to vote in city elections. There was no list of
24 -- provided to us to follow up on to verify. This was
25 unsubstantiated. Some voter used a business address or

1 abandoned property address to claim residency in the City
2 of Atlanta for voting. There was no list provided by the
3 complainant. Some inactive voters were turned away from
4 the polls by poll workers. Again, no list was provided by
5 the complainants or complaints reported. Some voters who
6 should have been on the automatic absentee list did not
7 have their ballots mailed until December 2nd, 2017.

8 The rate at which absentee ballots were returned in
9 the runoff election was significantly lower than the rate
10 of return in the general election, that Fulton County had
11 cited chronic problems with Atlanta -- Atlanta Post Office
12 which could cause delays in receiving absentee ballots.
13 It appeared approximately 168 ballots were rejected for
14 being returned late and that nearly 700 ballots in the
15 City of Atlanta remained outstanding. There was no list
16 of voters' names that were provided that state they did
17 not receive their ballot in a timely fashion.

18 We received an allegation in talking with voters that
19 voted the week before December 5th. It was their
20 understanding an identification was generally required,
21 yet the database field ID required in the spreadsheet
22 indicated no. This was a misinterpretation of the
23 spreadsheet. The indication in that field indicates the
24 voter has already provided identification to the
25 registrar, not that the poll worker did not have to check

1 the voter's ID.

2 Many voters were told that if they did not vote in
3 the November 7th election that they were not eligible to
4 vote in the December 5th runoff. There was no names
5 provided for voters that were told that they could not
6 vote, and we received no other complaints of that
7 allegation.

8 That 615 voters voting in the O2J were not given
9 credit for voting: the investigation found the voters were
10 given credit, but the report for the municipal election
11 provided to the complainant did not have precinct O2J
12 selected to be included in the report. When selected, the
13 information populated in the report. The votes were
14 included in the tabulation totals all along.

15 Some voters had been bused by Marta to the north end
16 of Fulton County to affect the vote in the runoff. The
17 complainant never consented to an interview or provided
18 any proof or documentation to the allegation. The voter
19 list provided to Justin Whetamin [ph.] in August of 2017
20 did not match the list of voters for the December 2017
21 runoff. The changes are regularly made to the list of
22 registrations, and this is normal. Some poll workers
23 voted in place of actual voters during periods of heavy
24 rain and that some voter certificates had been forged.
25 There was no evidence provided or located during review of

1 the voter certificates to substantiate this allegation.

2 We did review all of the voter certificates and the voter
3 list to verify that information.

4 Chief Registrar Ralph Jones transported absentee
5 ballots in his personal car to mail out for delivery
6 without an additional elections official with him. This -
7 - this was found that there was occasions of -- that Mr.
8 Jones did take the ballots that were being mailed out to
9 the post office without a second person, and that was not
10 listed as a violation of the code as it was written.

11 Some of the DRE voting machine recap sheets had
12 incorrect information on them or the poll officer failed
13 to record voting information on the forms. We did receive
14 and evaluate all of the DRE recap forms. In regards to
15 this allegation, it was determined that election personnel
16 failed to record or reported incorrect information on 120
17 DRE recap forms after the December 7th, 2017 election.
18 For example, precinct O3T, O4J: votes cast at DRE tape
19 were listed as 82 but were incorrectly recorded on the
20 recap sheet as 182, causing the total to be off by a
21 hundred. In precincts O6I, O7E, O7J, O7N listed totals
22 for one DRE as zero, but the tape indicates there were 75
23 votes on that DRE, so the total was off by 75 on the recap
24 sheet as compared to the tapes. Other omissions on the
25 recap sheet included the time the last voter voted, the

1 number of registered voters in the precinct, after the
2 polls closed seal numbers, after the polls closed count
3 numbers, and some not signed in triplicate.

4 The City of Hapeville may have voted in the City of
5 Atlanta mayoral race. The ballot in Hapeville was
6 reviewed, and no ballot included the city mayoral race.
7 That 14 oath envelopes were missing from the December 5th,
8 2017 runoff: a review of all of the oath envelopes shows
9 that they were all accounted for. The Chairperson of the
10 Board of Elections and Registration could not sign the
11 consolidated municipal certification that returned from
12 the December 5th, 2017 runoff, that the Superintendent
13 must sign the document. This was found as not a
14 violation.

15 Candidate Keisha Lance Bottoms' campaign paperwork
16 and \$3,600 to R.J. Mays Consulting whose registered agent
17 is Ralph Jones, Sr.: Ralph Jones, Sr. is the Chief
18 Registrar for Fulton County Board of Registration and
19 Elections. Both Ralph Jones, Sr. and Ralph Jones, Jr.
20 were interviewed in the Fulton County internal
21 investigation conducted by an independent company
22 regarding the allegation, and it was reviewed. It appears
23 that Ralph Jones, Sr. was not aware of his name and
24 address listed on the company filing prior to the
25 allegation. Our investigation did not find a violation of

1 the election code.

2 The Fulton County internal investigation does list
3 that with Jones, Sr. being listed as a registered agent
4 for a consulting business being paid by a mayoral
5 candidate's campaign during Jones' service as the Chief
6 Registrar gives rise to at least the appearance of a
7 conflict of interest between his private interests and his
8 public responsibilities. The report does state that there
9 did not appear to be any involvement by Mr. Jones, Sr. in
10 the day-to-day activities of the company nor to have
11 profited from the company or to have knowledge of his
12 status as a registered agent. The company was
13 administratively dissolved.

14 During their investigation, it was learned that 16
15 electors were issued absentee ballots even though they
16 failed to sign their signature on their absentee ballot
17 application. Our recommendation is for Fulton County
18 Board of Election and Registration, Fulton County Election
19 Supervisor Richard Barron be referred to the Attorney
20 General's Office for 21-2-589(2), willful admission by
21 poll officers when election personnel failed to record or
22 recorded incorrect information on 120 DRE machine recap
23 forms and Fulton County Board of Registration and Election
24 and Elections Supervisor Richard Jones [sic], Fulton
25 County Chief Registrar Ralph Jones be referred to the AG

1 for 21-2-381(4)(b)(1), determination of eligi --
2 eligibility by ballot clerks when elections personnel
3 found 16 electors eligible to receive absentee ballots
4 even though they failed to sign their signature and make
5 the mark on application for official absentee ballot.

6 MS. THOMAS: And Cheryl Ringer, the Fulton County
7 attorney, and Ralph Jones are on the line.

8 MS. SULLIVAN: Ms. Ringer, you may speak. Thank you
9 for being here.

10 MS. RINGER: Yes, ma'am, and thank you, Board, for
11 letting us speak. I wanted to point out some things
12 particularly with regards to the allegations that were
13 sustained. As you can see, there were several allegations
14 on this matter. But with regards to the incorrect and
15 erroneous information or lack of information that was
16 included on the recap sheets, so the evidence shows that
17 there was an error or, you know, a failure to complete the
18 forms, but there's no evidence of intentional or
19 deliberate action. The actual code section at 21-2-589
20 speaks to willful action by the poll workers. That's not
21 what we had here. I mean, we had information, and Ms. --
22 the investigator, Frances, just stated that, you know, in
23 some instances it was solely an error. Instead of 182,
24 they wrote 82, instead of -- you know, they failed to sign
25 some of the documents in triplicate. That is not evidence

1 of willful omissions that any sort of penalty should be
2 levied on the county.

3 You know, we are the most numerous county. For that
4 reason, we have more registered voters, and that requires
5 us to have more polling places and more workers. Workers
6 are human. They make mistakes. Yes, you know, there are
7 some things that we have to, you know, try and do to make
8 sure that mistakes are limited, but, you know, they do
9 happen. This code section, OCGA 21-2-589, is not meant to
10 penalize errors but rather intentional and deliberate
11 conduct, willful conduct, and so for that reason, we would
12 ask that any allegations with respect to -- I believe that
13 was maybe allegation number 3 -- would be dismissed, at
14 the very least a letter of instruction with regard to poll
15 worker training.

16 And let me think. I'm sorry. Let me just see about
17 the other allegations. We'd also ask for a letter of
18 instruction with regards to 21-2-381(4)(b)(1). This
19 appears also to be a matter of training and not willful
20 conduct. That's all that I had. I'm not sure if Mr.
21 Jones wanted to add anything.

22 MR. JONES: Yes. For allegation number 20, --

23 MS. SULLIVAN: If you could speak up, please.

24 MR. JONES: Okay. Can you hear me now?

25 MS. SULLIVAN: Yes. Just if you can speak up just a

1 little bit louder, I'm sorry.

2 MR. JONES: Okay.

3 MS. SULLIVAN: That's perfect. Thank you.

4 MR. JONES: For allegation number 20, we just wanted
5 to touch bases to say that our procedures have changed
6 since then, and now we are actually looking at the
7 signature verification of the process of absentee. We
8 didn't in the past mainly because anyone could request an
9 absentee application on behalf of another person, and what
10 we always have always done was to validate the ballot upon
11 return with the voter registration application, so just
12 wanted to interject that. On allegation number 20,
13 procedures have been updated to validate the request also,
14 so...

15 MS. SULLIVAN: Thank you. Do any members of the
16 Board have any questions for Ms. Ringer, Mr. Jones? If
17 not, any questions for Ms. Watson?

18 MR. WORLEY: I had a question, Ms. Sullivan.

19 MS. SULLIVAN: Go ahead.

20 MR. WORLEY: Is -- or who is the complainant in this
21 case?

22 MS. WATSON: The complainants in this case were Mary
23 Norwood [ph.] and Vincent Russo [ph.] and Justin Whetamin.

24 MR. WORLEY: Okay. And Mr. Russo was Ms. Norwood's
25 lawyer in this matter?

1 MS. WATSON: I believe that is correct.

2 MR. WORLEY: Okay. And how many total allegations
3 were made?

4 MS. WATSON: I show twenty.

5 MR. WORLEY: And how many did you find evidence to
6 sustain?

7 MS. WATSON: Three.

8 MR. WORLEY: And those were the minor allegations.
9 The major allegations of voter fraud were all
10 unsubstantiated, correct?

11 MS. WATSON: Yes, sir.

12 MR. WORLEY: And is Ms. Norwood or Mr. Russo here to
13 present their case today?

14 MS. SULLIVAN: They are not. They have not signed
15 in.

16 MR. WORLEY: Those are the only questions that I had.

17 MS. SULLIVAN: Would you like to make a motion, Mr.
18 Worley?

19 MR. WORLEY: I would -- if Ms. Watson could repeat
20 for us the allegations that were substantiated, the number
21 of those allegations in the report?

22 MS. WATSON: One second, it's at the end of the
23 report. Allegation 3, allegation 15, and allegation 20
24 were the ones that were substantiated.

25 MR. WORLEY: I would make a motion that we dismiss

1 all of the allegations except for numbers 3, 15, and 20 as
2 being unsubstantiated.

3 MR. MASHBURN: And this is Matt Mashburn. Would you
4 consider a friendly amendment that we send those three to
5 the AG?

6 MR. WORLEY: Well, no. I would just like to save
7 that for another motion -- for another motion.

8 MS. SULLIVAN: So the motion is to dismiss all of the
9 allegations except for those three. Is there a second?

10 MR. MASHBURN: Yeah. I'd just like to do them all
11 together in one motion, David, if I could --

12 MR. WORLEY: Well, I'd like to vote separately on
13 them, so I don't accept your amendment. I appreciate the
14 spirit in which it was offered, but I would like separate
15 votes on these.

16 MS. SULLIVAN: So there is not a -- at this time, we
17 do not have a second for Mr. Worley's motion. Is there a
18 second? The motion --

19 MS. LE: This is Anh --

20 MS. SULLIVAN: I'm sorry. Go ahead, Ms. Le.

21 MS. LE: I was just trying to understand, get
22 clarification. So Mr. Worley, is it your motion that you
23 want to dismiss all allegations but 3, 15, and 20, and is
24 it Mr. --

25 MR. WORLEY: That's correct.

1 MS. LE: And Mr. Mashburn, you're in agreement with
2 dismissing those, except you want to move forward with a
3 motion on 3, 15, and 20 as well; is that correct?

4 MR. MASHBURN: Correct. I think we should handle it
5 all as one case, and we should dismiss all but the three,
6 and the three that you've mentioned should go to the AG,
7 so if -- if David's motion does not go forward for lack of
8 a second, I will follow that up with a motion to dismiss
9 as David has indicated plus send the three to the AG.

10 MS. LE: I would second that motion, if that's a
11 motion, Mr. Mashburn.

12 MS. SULLIVAN: Well, at this time, we still have a
13 motion on the table from Mr. Worley. It sounds like there
14 is not a second, so that motion will fail for a lack of a
15 second. At this time, I can entertain a second motion.

16 MR. MASHBURN: I -- this is Matt Mashburn. I move
17 that the cases -- the allegations -- what were they again?

18 MS. SULLIVAN: 3, 15, and 20.

19 MR. MASHBURN: 3, 15, and 20 be referred to the
20 Attorney General's Office and that all other allegations
21 be dismissed, which I believe is the recommendation of the
22 investigator, so I move that we adopt the recommendation
23 of the investigator.

24 MS. SULLIVAN: We have a motion. Is there a second?

25 MS. LE: This is Anh Le. Mr. Worley, it seems that

1 we're in agreement that we should dismiss those
2 allegations in Mr. Mashburn's motion, so -- and it looks
3 like we're adopting the recommendations to send to the
4 Attorney General's Office. I'm not sure if there's a
5 discussion as to your reservation for that, but if there
6 isn't, I would like to go ahead and second this motion.

7 MS. SULLIVAN: Thank you for your second. Now would
8 be the time for any further discussion.

9 MR. WORLEY: I'll support that motion as it now
10 stands.

11 MS. SULLIVAN: Thank you. Is there any further
12 discussion? We have a motion and a second on the table.
13 All in favor, please signify by saying aye.

14 THE BOARD MEMBERS: Aye.

15 MS. SULLIVAN: And there are none opposed, and that
16 motion passes. At this time, we're going to take a 10-
17 minute break. We will be back at 10:45. Thank you.

18 (Meeting break)

19 (Meeting resumes)

20 MS. SULLIVAN: This is Rebecca Sullivan. Let's go
21 ahead. It's 10:45. We'll call this meeting back to
22 order. The next item on the agenda is SEB case 2018-039,
23 tab number 60. Ms. Watson?

24 MS. WATSON: Yes. 2018-039, a council member Koontz
25 stated when she was voting on May 22nd, 2018, she realized

1 something was wrong when the house representative she
2 wanted to vote for was not on her ballot. She then went
3 to the DeKalb County voter registration office and spoke
4 with an unknown person who advised her it was a mistake,
5 and she had been placed in the wrong district. Georgia
6 Representative Scott Holcomb, who represents House
7 District 81, reported scores of voters were moved out of
8 his district into House District 79 incorrectly.

9 Investigation revealed the DeKalb County
10 redistricting supervisor advised that in 2012 while
11 redrawing the district map in Doraville, she made a
12 mistake and overlooked moving 864 voters that were in
13 House District 79 into House District 81. The error was
14 not corrected until July 31st, 2018. There was 122 voters
15 that voted in the wrong district. The error did not
16 impact the election results. Our recommendation is for
17 DeKalb County Board of Election and Registration, Glenda
18 Woods, redistricting supervisor, be referred to the AG's
19 Office for 21-2-226 and also to dismiss the violation for
20 former Elections Supervisor Maxine Daniels.

21 MS. THOMAS: And on the line we have Irene Vander Els
22 and also Melanie Wilson.

23 MS. LE: Ms. Sullivan, this is Anh Le. Before we
24 proceed further, I'd like to recuse myself from this case,
25 please.

1 MS. SULLIVAN: Noted, thank you.

2 MS. VANDER ELS: Good morning. This is Irene Vander
3 Els. I'm here on behalf of DeKalb County, and I just
4 wanted to provide some information regarding our current
5 processes with regard to redistricting. First, as soon as
6 the matter was brought to the attention of the Board, an
7 extensive review was conducted to ensure that House
8 District 81 was the only area affected by this
9 redistricting issue. The districts were corrected
10 immediately upon the completion of an ongoing election at
11 the time, which was not affected by those issues. The
12 process now includes internal buffer deadlines to ensure
13 the staff has adequate time to review all districting
14 changes before they're finally implemented. The
15 redistricting will be made in teams of at least two people
16 to ensure that the changes are made correctly and reviewed
17 by management before they are finalized. And finally, our
18 current Elections Director Erica Hamilton as well as our
19 former Director Maxine Daniels and Ms. Glenda Woods are
20 all on the line if there are any questions.

21 MS. SULLIVAN: Was there anyone else who would like
22 to speak on this case?

23 MS. THOMAS: No, thank you.

24 MS. SULLIVAN: Do any of the Board members have any
25 questions? If not, now would be an appropriate time for a

1 motion. Ms. Watson, could you repeat the recommendation,
2 please?

3 MS. WATSON: Yes. The recommendation is to refer to
4 the Attorney General's Office DeKalb County Board of
5 Elections and Registration and Glenda Woods, redistricting
6 supervisor, for violation of 21-2-226 and dismiss
7 violation for Maxine Daniels, former Elections Supervisor.

8 MR. MASHBURN: Matt Mashburn, I move that we accept
9 the recommendation of the investigators.

10 MR. WORLEY: This is David Worley. I second that
11 motion.

12 MS. SULLIVAN: We have a motion and a second. Is
13 there any further discussion? All in favor of the motion,
14 please signify by saying aye.

15 THE BOARD MEMBERS: Aye.

16 MS. SULLIVAN: Any opposed? No. Let the record
17 reflect that Ms. Le recused herself from that case, and
18 the motion passes. Next is SEB case 2018-048, Sumter
19 County. Ms. Watson?

20 MS. WATSON: The complainant went to vote at the
21 Plains precinct at approximately 7:05 A.M. and left at
22 7:36 A.M. and still had not voted. The express polls
23 would not issue voter access cards. The complainant asked
24 for a provisional ballot. The poll manager called the
25 Elections Office to ask about issuing them and started

1 passing them out. She was asked about the provisional
2 envelopes, and the complainant reported the poll worker
3 did not have a clue. The manager looked in the supplies
4 and then called the elections office to ask about the
5 issue. There were no envelopes, and she then told them
6 that the Election Supervisor preferred that the voters
7 wait for him to get there to fix the express polls. In
8 addition, there were only six provisional ballots, and the
9 voters who were waiting would have used all of them. Four
10 of the voters left without voting.

11 It was determined that two express polls had gotten
12 placed back in the incorrect precinct case and was
13 delivered to the wrong precinct. Once they were switched
14 out, the express polls, voting was able to start as
15 normal. The precincts were on opposite ends of the county
16 and took until approximately 9:30 A.M. to complete the
17 change of polls for both precincts. The poll manager for
18 the Plains voting precinct advised that this was their
19 first election as the poll manager, and she recalls that
20 one express poll was working, and the other was not. She
21 stated that she could not recall if she could not locate
22 the provisional envelopes or if they did not have any.
23 She stated she issued only one provisional ballot. The
24 poll manager for the Plains precinct stated it took
25 approximately 45 minutes to resolve the issue and that she

1 did not feel that the one-hour training that she received
2 was adequate training for a poll manager.

3 Voter Mr. Duhall [ph.] reported that he completed
4 what he believed to be a paper ballot, and the poll
5 manager reported issuing a provisional ballot, but there
6 is no record of a provisional ballot being counted. Our
7 recommendation is for Sumter County Board of Elections and
8 former Elections Supervisor Robert Brady be referred to
9 the Attorney General's Office for violation of SEB rule
10 183-1-12-.02(4)(d), OCGA 21-2-403, 21-2-328(a), and 21-2-
11 418(a)(8).

12 MS. THOMAS: And Hayden Hooks is on the line to speak
13 on behalf of Sumter County.

14 MS. HOOKS: Can y'all hear me well?

15 MS. SULLIVAN: We can. Go ahead.

16 MS. HOOKS: Okay. Good morning. I'm Hayden Hooks,
17 and I'm the attorney for Sumter County Board of Elections,
18 and the Board and I just join the others who have thanked
19 y'all for your volunteer efforts this morning, and while
20 the Board does not dispute the majority of the facts that
21 Ms. Watson presented, we would ask that instead of a
22 recommendation for referral to the Attorney General that
23 the Board would issue either a letter of instruction or
24 dismiss this case.

25 Since this is from 2018, this complaint involves the

1 old voting machines, and I think, as Ms. Watson mentioned,
2 it is also the actions of the Board's former supervisor of
3 elections. When the Board was preparing for the primary
4 runoffs in July of 2018, the express poll cards were
5 placed into boxes -- into the wrong labeled boxes and that
6 meant that the poll cards for one precinct went to the
7 wrong -- the two precincts were switched, and so -- and
8 the poll manager involved in this complaint was a new
9 employee. The regular poll manager for the precinct was
10 not able to work the runoff, and so she -- she was new
11 that day and so that may speak to her lack of training,
12 but since then, both the former supervisor and the current
13 supervisor have trained employees on the importance of
14 tracking equipment and ensuring that the correct equipment
15 arrives at each precinct, and it is my understanding that
16 no employee of the Board has committed a similar error
17 since this election. While I have not contacted the
18 voters identified directly, the former supervisor did, and
19 it's his understanding that rather than the four
20 individuals who could not vote, there was only one
21 individual who was unable to vote due to these errors.

22 I spoke to Ms. Watson last week, and she explained
23 that her recommendation for a referral to the Attorney
24 General's Office rather than a letter of instruction was
25 based on an error in the January -- a similar error in the

1 January 2021 runoff election. In that election, a
2 representative of Dominion who was assigned to assist the
3 Board distributed the poll pads to two precincts
4 incorrectly, and so -- and when she was doing that, the
5 representative relied on the number that had been assigned
6 to each precinct rather than the name of the precinct, and
7 so to avoid that problem happening again, the supervisor
8 has labeled the new poll pads with the precinct name
9 rather than number and that led to a successful use last
10 election in March with no problems with equipment.

11 And again, because this complaint involves the old
12 voting equipment and the actions of a former employee and
13 because these remedial measures and training have been
14 implemented, I ask that the Board would honor the Sumter
15 County Board of Elections' request for a lesser sanction
16 than a referral to the Attorney General. And we're
17 available for any questions. I think Mr. Brady was trying
18 to participate as well, but I'm sure if he's still on the
19 line.

20 MS. SULLIVAN: Okay. Thank you. Mr. Brady?

21 MR. BRADY: Yes, ma'am.

22 MS. THOMAS: Mr. Brady, you're unmuted. You can
23 speak if you'd like to.

24 MR. BRADY: No, ma'am. I really don't have anything
25 to offer to this. This was something that was a one-off

1 error and a combination of errors. There wasn't any
2 intent to do anything incorrectly, and I really don't have
3 anything to comment beyond that. Thank you for the
4 opportunity.

5 MS. SULLIVAN: Do any Board members have any
6 questions?

7 MR. MASHBURN: This is Matt Mashburn. I don't have
8 any questions, but I think the attorney made a very good
9 presentation, excellent presentation, with the case, and
10 I'm sympathetic with the hardworking people who try to do
11 their very best to put on the elections. The only -- the
12 problem is -- is that they're the two worst things that
13 could possibly happen is the voter that presents
14 themselves at the poll to vote doesn't get to vote, and
15 the second equally worse thing is that somebody who
16 shouldn't be voting is allowed to vote. So you've got one
17 of the two here and so I don't think it's appropriate to
18 handle this with a letter of instruction. I think just
19 because of the gravity of the -- of sending a voter away
20 who presented themselves, and -- and not to respond to
21 public opinion but to reflect that this -- this potential
22 is treated very seriously by the Board, I think that we
23 should refer this to the Attorney General and make a
24 motion that we do so.

25 MS, SULLIVAN: Right. We have a motion on the table

1 to refer this matter to the Attorney General. Do we have a
2 second?

3 MR. WORLEY: I will second that motion for the same
4 reasons Mr. Mashburn expressed.

5 MS. SULLIVAN: We have a motion and a second. Is
6 there any further discussion? If not, all in favor of the
7 motion, please signify by saying aye.

8 THE BOARD MEMBERS: Aye.

9 MS. SULLIVAN: Any opposed? The motion passes. The
10 next case on our agenda is SEB case 2018-088, Bulloch
11 County.

12 MS. WATSON: In November of 2018, we received a
13 complaint alleging Bulloch County Election Supervisor
14 Patricia Jones failed to comply with the court order
15 injunction filed on October 25th, 2018. The court order
16 concerned absentee ballot applications and absentee
17 ballots where there was a rejection solely due to a
18 signature mismatch. Investigation revealed 30 voters were
19 identified that would be subject to the federal court
20 order filed during the November 6th, 2018 general
21 election. Four of those were identified as having voted
22 in person, leaving 26 voters. The remaining 26 had no
23 records of voting during the November 6th, 2018 election.
24 Out of the 13 that could be contacted, only 3 remembered
25 receiving a rejection letter, and two remembered receiving

1 an absentee ballot.

2 The Election Supervisor Patricia Jones advised she
3 could not recall if any additional letters or ballots were
4 sent to those voters who were rejected based on signature
5 mismatch. Patricia Jones stated that when they receive an
6 absentee ballot request with issues, they call or send
7 letters and do everything in their power to make sure
8 every vote counts. The county attorneys stated the
9 county's practice was to send out letters and do so prior
10 to the court order being filed. The election
11 documentation was reviewed, and no rejection letters were
12 located for three voters with rejected absentee ballot
13 applications. The rejection letters on file were all
14 dated prior to the date of the federal court order. Our
15 recommendation is for Patricia Jones, the Elections
16 Supervisor, and Bulloch County Board of Elections and
17 Registration be referred to the AG's Office for 21-2-381
18 (b)(3), for failing to promptly notify three voters in
19 writing that their application for absentee ballot had
20 been rejected due to a signature mismatch issue.

21 MS. SULLIVAN: We have no one on the line to speak
22 regarding this matter. Do any of the Board members have
23 any questions for Ms. Watson?

24 MR. MASHBURN: This is Matt Mashburn. I don't have
25 any questions, but I move that we ad -- adopt the

1 recommendation of the investigators and proceed
2 accordingly.

3 MS. SULLIVAN: Is there a second?

4 MR. WORLEY: I would --

5 MS. LE: Anh Le, second.

6 MS. SULLIVAN: Ms. Le has seconded the motion. Is
7 there any further discussion?

8 MR. WORLEY: Only that I found this a very disturbing
9 report in that the Superintendent seemed to be willfully -
10 - acting willfully, so I would concur in referring it.

11 MS. SULLIVAN: Thank you. We have a motion and a
12 second. All those in favor, please signify by saying aye.

13 THE BOARD MEMBERS: Aye.

14 MS. SULLIVAN: Is there any opposed? Motion passes.
15 Next case on the agenda is SEB case number 2018-109, and
16 this is Fulton County.

17 MS. WATSON: On November 6th, 2018, Nan Harmon [ph.]
18 advised that while voting at the Hopewell Baptist Church,
19 she filled out the initial form, and her information was
20 entered into the computer. She was asked if she had also
21 requested an absentee ballot. She stated that she had not
22 requested one. In researching the circumstances, it was
23 found that an absentee ballot application was submitted in
24 the complainant's name dated October 15th, 2018. The
25 signature appeared to be that of the complainant. The

1 complainant was shown the signature and acknowledged that
2 the signature is hers. The complainant voted via absentee
3 and then again in person during the November 6th, 2018
4 election. Our recommendation is for Nan Caroline Harmon
5 to be referred to the AG's Office for violation of 21-2-
6 572 and for Fulton County Board of Registration and
7 Elections, Elections Superintendent Richard Barron, and
8 Kenneth Sanford [ph.], the poll -- poll manager, be
9 referred for violation of SEB rule 183-1-14-.09 and also
10 for 21-2-590.

11 MS. SULLIVAN: There is no one here to speak on
12 behalf of this matter. Does any Board member have any
13 questions for Ms. Watson? If not, now would be the
14 appropriate time for a motion.

15 MS. LE: This is Anh Le. I move to adopt the
16 recommendation and send this to the Attorney General's
17 Office.

18 MR. MASHBURN: Second.

19 MS. SULLIVAN: We have a motion by Ms. Le and a
20 second by Mr. Mashburn. Is there any further discussion?
21 All those in favor, please signify by saying aye.

22 THE BOARD MEMBERS: Aye.

23 MS. SULLIVAN: And there is none opposed. That
24 motion passes. The next case is case number 2019-048,
25 City of Waynesboro.

1 MS. WATSON: In this case, the complainants were
2 candidates during the November 5th, 2019 municipal general
3 election in the City of Waynesboro. They alleged there
4 were 148 unaccounted absentee ballots. They believed some
5 absentee ballots were intentionally mailed late. They
6 alleged the number of voters on Election Day were fewer
7 than the number reported.

8 Investigators revealed the absentee ballot
9 documentation did not substantiate the specific listed
10 allegations. It was verified that many voters were mailed
11 absentee ballots, but they were never returned. The list
12 provided by the complainant of voters that she had
13 concerns about were investigated. 58 were mailed an
14 absentee ballot, and it was not returned, 9 were rejected,
15 and 5 voted. It was verified that 22 absentee ballot
16 requests were not processed and mailed within 3 business
17 days of receiving the applications.

18 The complainant also stated that the number listed as
19 voting on Election Day was not accurate. The number was
20 much less than what was listed. The investigator reviewed
21 the voter certificates from Election Day, and the number
22 was confirmed as reported as 487. Our recommendation is
23 for Burton County Board of Election and Registration and
24 Supervisor Laverne Sellow be referred to the Attorney
25 General's Office for SEB rule 183-1-14-.11, failing an

1 issuance of ballots, in that they failed to make a
2 determination and mail or issue absentee ballots to
3 eligible applicants with 3 days -- business days after
4 receiving the absentee ballot application, 22 counts.

5 MS. SULLIVAN: Thank you, Ms. Watson. No one has
6 signed up to speak regarding this case. Do any of the
7 Board members have any questions for Ms. Watson regarding
8 her recommendation or the investigation?

9 MR. MASHBURN: No questions, but I move that we adopt
10 the recommendation.

11 MR. WORLEY: Second.

12 MS. SULLIVAN: We have -- we have a motion and a
13 second by Mr. Worley. Any further discussion? All in
14 favor, please signify by saying aye.

15 THE BOARD MEMBERS: Aye.

16 MS. SULLIVAN: And there are none opposed. The
17 motion passes. Moving on, the next case is 2019-049, City
18 of Palmetto.

19 MS. WATSON: On November the 12th, 2019, we opened an
20 investigation concerning a complaint that the City of
21 Palmetto changed its municipal polling location without
22 notice. The investigation showed the assigned polling
23 location for Coweta -- Coweta County residents who reside
24 in the City of Palmetto is the Palmetto City Hall. The
25 assigned polling location for the City of Palmetto

1 residents that are in Fulton County is the Palmetto
2 Library, which is the same as their county's polling
3 location. The municipal elections are always held at City
4 Hall in Palmetto. The Election Net system was checked to
5 verify who made the change for Fulton County residents in
6 the City of Palmetto from the City Hall location to the
7 library location.

8 It was determined that Fulton County Elections
9 employee W. Moss [ph.] had made the change in Election Net
10 on March 11th, 2016. Ralph Jones with Fulton County
11 responded that they would have made the change in the
12 system if the Fulton County Board of Elections and
13 Registration approved it. Mr. Jones further stated that
14 no municipality has a different location in their
15 municipality than we have for the county. Mr. Jones
16 further stated that the municipalities were told that if
17 they have a different poll location than what they had for
18 other elections, they run the risk of disenfranchising
19 voters by confusing them as voters go to another location
20 for municipal elections. Mr. Jones further stated that
21 Wandrea Moss would have made the change at his direction.

22 The City of Palmetto wishes to keep the City Hall
23 location for listed municipal elections. The voter
24 registration cards issued to the City of Palmetto
25 residents that live in Fulton County list the incorrect

1 poll location, creating confusion among voters in the City
2 of Palmetto during the November 5th, 2019 election. Our
3 recommendation is to refer to the Attorney General's
4 Office Fulton County Board of Registration, Richard
5 Barron, Director of Fulton County Registration and
6 Elections, Ralph Jones, Chief Registrar, and Wandrea Moss
7 for 21-2-226, duties of county boards in the duty to place
8 in proper precinct.

9 MS. THOMAS: And Cheryl Ringer and Ralph Jones are on
10 the line.

11 MS. SULLIVAN: Ms. Ringer, go ahead.

12 MS. RINGER: Yes, Madam Vice Chair. We did not
13 receive the investigative report for case number 2019-049
14 or the previous matter that was discussed for Fulton
15 County. I just was slow to the queue. And so we would
16 ask that this matter would be continued until the next SEB
17 meeting date such that we could receive the information
18 and be prepared to respond. Mr. Jones, did you have
19 anything you want to say?

20 MR. JONES: No, thank you.

21 MS. SULLIVAN: Is there a motion to postpone this
22 case to the next meeting pursuant to the request?

23 MR. WORLEY: I'll make that motion.

24 MS. SULLIVAN: Is there a second?

25 MS. LE: Anh Le, I'll second it.

1 MS. SULLIVAN: Okay. We've got a motion and a second
2 to postpone 2019-049 until the next meeting. Any further
3 discussion? All in favor, please say aye.

4 THE BOARD MEMBERS: Aye.

5 MS. SULLIVAN: Any opposed? Then, that motion
6 passes, and we will continue that case. Next on the
7 agenda is case 2020-031, DeKalb County.

8 MS. WATSON: Yes --

9 MS. LE: This is Anh.

10 MS. WATSON: June 10th, 2020 --

11 MS. SULLIVAN: Just a second. Yes, Ms. Le? Ms. Le,
12 did you have something?

13 MS. LE: Yes. I'm sorry. I would like to recuse
14 from this case, please.

15 MS. SULLIVAN: Okay. We'll note it for the record.
16 Please go ahead, Ms. Watson.

17 MS. WATSON: Okay. On June 10th, 2020, a DeKalb
18 County poll manager reported an incident that occurred
19 during the 2020 primary election. It was alleged that a
20 voter at the First Baptist Church precinct in Clarkston
21 had arrived after 7 P.M., but the voter, James Emerson
22 [ph.], became irate that he was offered a provisional. He
23 then asked to use a table where a poll worker was
24 assisting another voter and was asked to wait. He then
25 kicked over the table and began cussing at the poll

1 worker. The voter completed the process and left while
2 the poll worker attempted to contact the Elections Office
3 for advice. The voter was contacted and stated that he
4 did kick over the table out of frustration. The voter
5 alleges that the poll worker told him to stay back and
6 pushed him as he attempted to use the table. The poll
7 worker was contacted for further detail and a response as
8 to the voter's account. She advised she was no longer
9 interested in participating in the investigation.

10 Other poll worker statements support the report that
11 Mr. Emerson kicked over the table and was cussing at the
12 poll worker. Our recommendation is for James Emerson to
13 be referred to the Attorney General's Office for a
14 violation of 21-2-566.

15 MS. THOMAS: And Trina Lipscomb is on the line to
16 speak on this case.

17 MS. SULLIVAN: Ms. Lipscomb, go ahead.

18 MS. THOMAS: Ms. Lipscomb, you may unmute yourself.
19 Ms. Lipscomb, you can unmute yourself using your toolbar.

20 MS. SULLIVAN: Does anyone have any questions
21 regarding this matter for Ms. Watson?

22 MR. MASHBURN: I don't have any questions. This is
23 Matt Mashburn. I don't have any questions, but so many
24 times on so much of these is us doing -- and taking care
25 of matters accused -- of poll workers doing something

1 wrong. I think this is an important case for us to let
2 the poll workers know and everybody out there that the
3 Election Board thanks them for their service, and there's
4 been a lot of stories about this recent election of people
5 being intimidated and threatened and death threats and
6 having their pictures put on the Internet, doxed, so I
7 think my motion will be to refer this to the Attorney
8 General's Office but also to make a comment at the time of
9 doing so that we want to make sure that the poll workers
10 who are doing this, a lot of them, out of the goodness of
11 their hearts -- that we have their back. So I move that
12 we refer this to the Attorney General as recommended.

13 MS. SULLIVAN: Thank you, Mr. Mashburn. I second
14 your motion as stated. Is there any further discussion?

15 MR. WORLEY: I would agree with Mr. Mashburn's
16 comments, and I -- I found this case to be very
17 disturbing. We don't often get reports like this from the
18 polls, and I think the Attorney General's Office, if
19 they're able to enter into a consent order with the
20 Respondent, should only do so if they have a -- along with
21 the imposition of a strong fine.

22 MS. SULLIVAN: Thank you. Ms. Lipscomb, it looks
23 like you were able to unmute yourself. Would you like to
24 speak at this time?

25 MS. THOMAS: You're unmuted. You can go ahead and

1 start speaking.

2 MS. SULLIVAN: Okay. The motion on the table is to
3 refer this matter to the Attorney General's Office. We
4 have a second, and if there's no further discussion, all
5 in favor please vote by saying aye.

6 THE BOARD MEMBERS: Aye.

7 MS. SULLIVAN: Were there any opposed? None. And
8 Ms. Le recused herself regarding that matter, and the
9 motion passes. The next case is 2020-032, Greene County.

10 MS. WATSON: Yes. Kathleen Mayers, the Election
11 Supervisor of Greene County Board of Elections and
12 Registration, reported that voter Lester Smith became
13 enraged, got loud and disruptive after he was informed he
14 had to cast a vote by provisional ballot due to a voter
15 registration issue during the June 2020 general primary
16 election. It was reported that Lester Smith and his wife
17 entered the poll to vote. Mr. Smith was informed that his
18 voter registration was in Franklin County. They offered
19 to register him in Greene, and he could vote by
20 provisional. Mr. Smith became outraged and began shouting
21 that he was registered in Greene County, had voted at that
22 location previously.

23 The voter's outburst created a situation in which the
24 poll manager stopped what she was doing and explained his
25 options which included returning to Franklin County to

1 vote. This made matters worse, and Mr. Smith advised he
2 had already voted, and he was not voting provisional, made
3 insults to the poll workers, and accused them of wrecking
4 the election. The poll manager went to call the sheriff's
5 office at which time Mr. Smith left the poll location. A
6 review of the voter history for Mr. Smith reveals his last
7 vote was in 2018 in Franklin County, Georgia. Going back
8 to 1996, there was no voter history for Mr. Smith in
9 Greene County. There was no history of a voter
10 registration being submitted for Mr. Smith in Greene
11 County.

12 Mr. Smith contacted me after receiving the notice for
13 this hearing, and after speaking with Mr. Smith, it would
14 appear he became defensive because he perceived the poll
15 worker called him a liar when he said he voted previously
16 in Greene County. He was at the voting location with his
17 wife that had some mobility and stability issues, and when
18 the poll worker told him to leave, he was adamant that he
19 was not leaving until his wife was through voting, and he
20 could escort her out. He did tell the poll worker that if
21 she wanted to call the police to go ahead. Having spoke
22 to the Respondent, I would recommend a letter of
23 instruction be issued to Lester Smith for 21-2-566(2), as
24 there appeared to be a conflict between him and the poll
25 manager, and he does realize that this was not the

1 appropriate response at that particular time but was
2 adamant that he was not going to leave without his wife.

3 MS. THOMAS: And Mr. Smith is on the line.

4 MS. SULLIVAN: You may speak, Mr. Smith.

5 MR. SMITH: Yes. Can you hear me?

6 MS. SULLIVAN: Yes. We can hear you. Please go
7 ahead.

8 MR. SMITH: Can you hear me?

9 MS. SULLIVAN: Yes. We can hear you. Can you hear
10 us?

11 MR. SMITH: Can you hear me?

12 MS. SULLIVAN: Yes. We can hear you.

13 MR. SMITH: Hello.

14 MR. MASHBURN: Can you hear us, Mr. Smith?

15 MS. SULLIVAN: Mr. Smith, we can hear you.

16 MR. SMITH: I am speaking.

17 MS. THOMAS: Go ahead. You can go ahead, Mr. Smith.

18 MS. SULLIVAN: He can't hear us.

19 MS. THOMAS: I'll write him and tell him that we can
20 hear him.

21 MR. SMITH: Can you hear me?

22 MS. SULLIVAN: Yes. We can hear you, but we believe
23 that you're unable to hear us.

24 MR. SMITH: Can you hear me?

25 MS. SULLIVAN: I'm sorry. You know what we'll do is

1 we'll go ahead and move on to the next case on the agenda,
2 if someone could let him know and try to work out that
3 problem. I'll like him to have the opportunity to speak
4 on his behalf in response to this case, so we will -
5 -

6 MS. THOMAS: He said all sound went away.

7 MS. SULLIVAN: Okay. So while we work out that --
8 that technical difficulty for that Respondent, we're going
9 to move back to SEB case number 2018-088, Bulloch County.
10 It's my understanding that there are two mem -- two people
11 that signed up to speak on that case that did not get an
12 opportunity to speak, and I would like to recognize them
13 now to do so.

14 MS. THOMAS: Pat -- Pat Jones is not on. Kathy
15 Anderson? No Kathy.

16 MS. SULLIVAN: Okay. While we look for -- try to
17 resolve those technical difficulties, we can go ahead and
18 move on to Floyd County, case 2020-041, and we will come
19 back to case 088, 2018-088 and 2020-032 later on in the
20 meeting. Ms. Watson, could you present 2020-041, Floyd
21 County?

22 MS. THOMAS: Is she under a phone number?

23 MS. WATSON: In May of 2020, Katie Dempsey and her
24 husband Frank Dempsey [ph.] reported that they received
25 multiple unsolicited applications for absentee ballots in

1 the mail. These applications reflected incorrect voter
2 registration numbers. After conducting research of their
3 voting records, Katie Dempsey made the following
4 allegations: Frank Lynn Dempsey has two voter registration
5 numbers, Katie Dempsey may have two voter registration
6 numbers, Katie and Frank Dempsey voted in the 2020
7 presidential primary in March and the presidential primary
8 selection also appeared on their 2020 primary election
9 ballot, Katie and Frank Dempsey requested absentee ballots
10 for the 2020 primary election, and their ballots were
11 mailed to Mrs. Dempsey's business address instead of their
12 home address as requested.

13 As to Frank Dempsey having two voter registration
14 numbers, it was found that the duplicate was created when
15 he completed a Department of Driver Services process and
16 listed his name as F. Lynn Dempsey, which was different
17 than Frank Lynn Dempsey, which generated a separate voter
18 registration number. Katie Dempsey was only found to have
19 one voter registration number in the system. As to Mrs.
20 Dempsey voting in the March presidential primary and then
21 receiving the presidential preference selections on their
22 June ballot as well, it appears that the credit for early
23 voting was not listed in Election Net for Mrs. Dempsey for
24 the March presidential primary until June 23rd, 2020,
25 after the June elections. This would have be listed as

1 eligible voters in the system for the March presidential
2 primary, allowing her to vote twice in the presidential
3 preference primary. As to Mr. Dempsey having the March
4 presidential preference primary listed again on the June
5 ballot, it was determined this occurred as a result of the
6 duplicate voter registration which allowed him to vote
7 twice in the March PPP.

8 The former Elections Supervisor Robert Brady advised
9 he recalled working with Mrs. Dempsey and locating and
10 entering the credit for voting for her for the March
11 presidential preference but could not recall any specific
12 details. The 2020 PPP in person applications for absentee
13 ballots for the Dempseys could not be located by Floyd
14 County elections staff. Our recommendation is for Floyd
15 County Board of Election and Registration and former Floyd
16 County Chief Clerk of Elections Robert Brady be referred
17 to the AG's Office for Board rule 183-1-12-.19, when his
18 office failed to enter 2020 presidential preference
19 primary election data into Election Net in a timely
20 manner, and 21-2-73, preparation of primary election
21 results when the County was unable to find two 2020
22 presidential preference applications for in person
23 absentee ballots and two 2020 primary election
24 applications for absentee ballots.

25 MS. THOMAS: And Virginia -- Virginia Harman is on

1 the line for Floyd County.

2 MS. SULLIVAN: Ms. Harman, go ahead.

3 MS. HARMAN: Yes, thank you. I am the Floyd County
4 attorney. I only came into this position in July, so my
5 personal knowledge about what happened at the time is
6 based on my conversations with our interim Elections Chief
7 Clerk, Ms. Vanessa Wadell, who's also on the line, and our
8 current Chair of our Board of Elections and Registration,
9 Dr. Melanie Conrad, who's also participating.

10 It does appear that Mr. Dempsey's duplicate
11 registrations had their genesis in his getting a new
12 driver's license. As we all know, the requirements for
13 those licenses changed, and as we began to use a
14 consistent name, Mr. Dempsey, who is a friend of mine and
15 who's a longtime friend, has gone by Lynn Dempsey for most
16 of his life, and so I think his initial registration used
17 his first initial, F, and then his name, Lynn, that he
18 goes by, Dempsey. And when he got his new driver's
19 license, it was changed, of course, to Franklin Lynn
20 Dempsey, which is his full name.

21 I -- I don't know why that wasn't caught earlier. I
22 do know as soon as it came to the attention of our current
23 interim Chief Elections Clerk, Vanessa Wadell, she
24 corrected those records, and I think -- believe she has
25 located the complete records that Investigator Watson was

1 just speaking of. I have not -- I did not receive a copy
2 of any recommendation from the investigator's office, so I
3 would like the opportunity to supplement the record, if
4 need be, to -- to add those records to the investigative
5 file. I believe that my Board and my current Elections
6 Chief have done everything that they could to address
7 these issues. I would ask on their behalf that if you
8 choose to go forward that a letter of instruction be
9 provided.

10 No intentional wrongdoing has been -- I don't know if
11 Mr. Brady is still on the line. He is our former Chief
12 Elections Clerk. I don't know what happened with the PPP
13 record of voting that's been address, but I do know that
14 our current Board and our current interim Elections Chief
15 Clerk are addressing any and all issues that have occurred
16 in regards to this matter, and perhaps, Vanessa, if you're
17 on, you might want to supplement that as well.

18 MS. SULLIVAN: Thank you, Ms. Harman. Is there
19 anyone else on the line that is asking to speak?

20 MS. THOMAS: No one is asking to speak, but Mr. --

21 MS. HARMAN: Dr. Melanie Conrad, I know is on the
22 line.

23 MS. SULLIVAN: She has not asked to speak. Do any of
24 the Board members have any questions for Ms. Harman?

25 MR. MASHBURN: I don't -- this is Matt Mashburn. I

1 don't have any questions. I'm -- I'm persuaded by the
2 attorney's argument here. I think it was an excellent
3 argument and would be inclined to accept their request for
4 a letter of instruction or their suggestion of a letter of
5 instruction, so I move that we adopt and issue a letter of
6 instruction in this case. Also, Katie Dempsey is a state
7 representative and was the one who brought the matter to
8 the Board's attention, and so I just want to just state
9 for the record clearly that she is in no way being accused
10 of having done anything wrong in any way other than to
11 have reported this issue, so I just wanted to be very
12 clear on the record with that. She's served in the
13 General Assembly in an exemplary fashion, so with that, I
14 move that we issue a letter of instruction as requested by
15 the county's attorney.

16 MS. SULLIVAN: Mr. Mashburn has made a motion that a
17 letter of instruction be issued in this case. Is there a
18 second?

19 MS. LE: This is Anh Le.

20 MR. WORLEY: I will -- I'm sorry, Anh.

21 MS. LE: Sorry. Go ahead, Mr. Worley.

22 MR. WORLEY: I -- I would second that.

23 MS. SULLIVAN: Okay. Mr. Worley has seconded Mr.
24 Mashburn's motion. Is there any further discussion?

25 MS. LE: This is Anh Le. I --

1 MS. SULLIVAN: Go ahead.

2 MS. LE: I was just going to make the comment that
3 given that the mistakes resulted in double voting, I'm
4 just more inclined to send this to the Attorney General's
5 Office with a request that, you know, any agreement or
6 consent that they come to with the county election
7 officials, that it includes training and clear evidence of
8 it, only because the error resulted in double voting of
9 electors. I do appreciate the attorney's presentation
10 today to articulate the changes that have been made, but I
11 do want to understand that they've put sufficient training
12 in place and evidence of it with the AG's Office.

13 MR. WORLEY: I -- I will withdraw my second and make
14 a motion that we send it to the Attorney General's Office,
15 based on Ms. Le's argument.

16 MS. SULLIVAN: Okay. The motion -- the second's been
17 withdrawn. The motion fails for lack of a second, and at
18 this point, I will make a -- entertain a second motion,
19 Mr. Worley.

20 MR. WORLEY: So moved to refer to the Attorney
21 General's Office because of double voting.

22 MS. SULLIVAN: Do we have a second?

23 MS. LE: This is Anh Le. I'll second that motion.

24 MS. SULLIVAN: Okay. We have a motion and a second
25 to refer the matter to the Attorney General's Office. Is

1 there any further discussion? All in favor, please
2 signify by saying aye.

3 THE BOARD MEMBERS: Aye.

4 MS. SULLIVAN: Any opposed? None opposed, and that
5 motion passes. The next case is 2020-045. I'm sorry.
6 Just a moment.

7 MS. THOMAS: We're going to go back to Bulloch
8 County, 2018-088.

9 MS. SULLIVAN: I understand that we're ready to go
10 back to the Bulloch County matter, which is 2018-088. I
11 believe we have two people on the line to speak, and I
12 apologize that you did not get the opportunity to speak
13 earlier. We would like to recognize you now.

14 MS. ANDERSON: Hello, this is Kathy Anderson, and I
15 apologize as well. I think that the technology failure
16 was also on our side. I do appreciate the opportunity to
17 come back to this case. I would like to say that here
18 with me personally are Patricia Lanier Jones, Election
19 Supervisor for Bulloch County. We also have Hadley
20 Campbell, Chair of Bulloch County Board of Elections and
21 Registration, and Jeff Akins, who is also a Bulloch County
22 attorney and whose name is how we're signed into this
23 meeting, and we sincerely appreciate you coming back to
24 this case. We would respectfully request that the Board
25 reconsider referring this matter to the AG's Office. We

1 couldn't speak, but we could hear that the concern was the
2 appearance of willfulness as far as this violation goes,
3 and I'm going to respectfully submit that there was
4 nothing willful about these errors.

5 We are requesting a letter of instruction for the
6 following reasons, and I will be brief. We have no
7 evidence to offer the Board disputing the claims that we
8 failed to send rejection letters to certain voters or to -
9 - or that we failed to comply with the court order
10 regarding sending provisional ballots and notices of the
11 right to cure. We're not going to dispute that because we
12 don't have evidence to present that would do so, but we
13 will say that the failure, any failure, to send such
14 material -- materials or in the alternative, the failure
15 to document that such materials were sent was absolutely
16 int -- unintentional. It was a result of the County's
17 election staff being stretched to its absolute limit.

18 Mrs. Jones, the Supervisor, had to oversee a remote
19 polling location at Georgia Southern University for three
20 days and was thus unable to be physically present in her
21 office for that period of time. Compounding the pressure
22 was the fact that the Secretary's directive regarding
23 Judge Mays' order was handed down less than two weeks
24 before the election and after early voting had already
25 started, and then on top of that, we had a staffer quit

1 just before the order came down, which stretched the
2 office's already strained capacity. I also want to say on
3 a personal note that Ms. Lanier Jones was dealing with
4 some personal issues as far as her mother having been
5 diagnosed with stage 4 cancer and the death of a sister
6 that lived in -- in Atlanta. And in addition to Georgia
7 7, we also had a satellite polling location known as the
8 Honey Polling, you know, that had to be staffed.

9 I will say that we did attempt to adjust and adapt
10 when the court order came down, but it appears we
11 neglected to adjust our procedure retroactively, meaning
12 that it looks like we did not go back and see the required
13 notices to pursuance with ballots rejected prior to the
14 date of the court order. None of this is an excuse. I
15 want to be clear on that. It is solely intended to show
16 that the failure here was not deliberate or willful, but
17 the result of human beings doing their best under
18 difficult circumstances and falling short. This isn't an
19 offer to justify the error but to explain it, and we will
20 do better, and we have done better.

21 This is the first complaint that Bulloch County has
22 had since the primary election in 2010, and we want to do
23 all that we can to make sure it never happens again. We
24 believe that procedures have been put in to accomplish
25 that purpose. Training -- staff has been trained to deal

1 with all of the absentee ballot applications and the --
2 and the ballots. To the best of our knowledge, there were
3 no issues of the sort that we had in 2018 for any cycle of
4 elections since then, so for that reason, we submit that a
5 letter of instruction is appropriate.

6 And in closing, I would just like to add that Mrs.
7 Jones has, in various capacities, run or helped to run
8 Bulloch County elections for three and a half decades.
9 She is resigning from her position as Elections Supervisor
10 as of June 30th to pursue other interests. She is a
11 valued public servant. We are sorry to see her go and
12 wish her well. We appreciate any and all guidance and
13 assistance the Board wishes to provide, but for all of
14 these reasons, we respectfully request that the Board
15 reconsider and issue a letter of instruction. Thank you.

16 MS. SULLIVAN: Thank you, Ms. Anderson, for your
17 comments. Unless there is any member of the Board that
18 would like to make a motion for reconsideration, we have
19 made -- voted to refer this matter to the Attorney
20 General's Office, but we appreciate you being able to
21 state your position for the record. Thank you very much.
22 We now will move on to SEB case number 2020-045. Ms.
23 Watson?

24 MS. LE: Madam Vice Chair, this is Anh Le. I just
25 want to recuse from this -- want to state for the record

1 that I'll recuse from this case as well, please.

2 MS. SULLIVAN: Okay. Thank you.

3 MS. WATSON: Between May and June of 2020, we
4 received 15 complaints regarding the processing of
5 absentee ballots during the DeKalb County 2020 primary --
6 presidential preference and primary election. According
7 to the complainants, voters did not receive their absentee
8 ballots in the mail, they received the incorrect ballot,
9 or they returned their absentee ballot to the DeKalb
10 County Board of Voter Registration and Elections Office
11 and they were not counted. The majority of the complaints
12 were not substantiated.

13 However, three individuals submitted their absentee
14 ballot applications via email and provided documentation
15 of the submission. The email address they emailed was not
16 the main or official absentee ballot address for DeKalb
17 County, but the voter registration submission email. The
18 email is actively monitored, and those absentee ballot
19 requests found submitted to the incorrect email were
20 forwarded when discovered. DeKalb County could not locate
21 the absentee ballot requests for the three individuals.

22 It was also determined that a voter, Max Markovitch
23 [ph.], submitted an absentee ballot request for the June
24 election and requested the ballot be mailed to a temporary
25 out-of-state address. The request was submitted on May

1 27th, 2020. The absentee ballot was mailed to his Atlanta
2 address. The absentee ballot application was located and
3 confirmed the address on the application for mailing was
4 the out-of-state address. The application was not dated
5 or time-stamped by the County. Our recommendation is for
6 DeKalb County Board of Voter Registration and Elections
7 Office and Erica Hamilton, the Director of Elections and
8 Registration, be referred to the Attorney General's Office
9 for a violation of 21-2-381(4)(b)(2), when the Elections
10 Office failed to issue absentee ballots to four eligible
11 voters during the 2020 primary election.

12 MS. THOMAS: And Irene Vander Els is on the line for
13 DeKalb County.

14 MS. VANDER ELS: Thank you, and good morning again.
15 With respect to the absentee ballot process for the
16 primary last year, DeKalb County received over a hundred
17 thousand applications for the June primary and due to the
18 pandemic conditions at the time had fewer in person staff
19 at the office as well as space constraints at the time,
20 which impacted their ability to process applications, but
21 did so successfully with regard to the vast majority of
22 applications received. They have worked with a non-profit
23 absentee voting consultant throughout the rest of the 2020
24 election cycle to improve their procedures, including
25 having designated staff monitoring these email accounts

1 and implementing procedures to ensure that all email
2 applications are processed to prevent any issues like this
3 in the future and also will implement a procedure to
4 ensure that any ballots that are to be sent to an address
5 other than the permanent address of the voter are
6 segregated out to ensure an additional look over or review
7 so that those ballots are sent to the correct address.
8 And for these reasons and given the volume of applications
9 processed and that two of the voters were able to cast
10 votes, we'd ask that a letter of instruction be issued
11 with regard to this case.

12 MS. SULLIVAN: Thank you. Do any of the Board
13 members have any questions for Mr. Van -- Ms. Vander Els?
14 Any questions for Ms. Watson? If not, now would be the
15 appropriate time for a motion. Ms. Watson, if you could
16 remind us of your recommendation.

17 MS. WATSON: Yes. The recommendation is to refer
18 DeKalb County Board of Voter Registration and Elections
19 and Erica Hamilton, the Director of Elections and
20 Registration, for a violation of 21-2-381(4)(b)(2).

21 MR. MASHBURN: We're going to refer allegations 2, 3,
22 8, and 10 and dismiss the others. Is that the
23 recommendation?

24 MS. WATSON: I don't have them separated according to
25 the -- the specific ones listed -- the ones for Karen

1 Goodlett [ph.], Hayden Brayette Brently [ph.], Thomas
2 Henderson [ph.], and Max Markovitch.

3 MR. MASHBURN: Matt Mashburn and I will move that we
4 accept the recommendation of the inspector and proceed
5 accordingly and refer that to the Secretary -- to the
6 Attorney General.

7 MS. SULLIVAN: We have a motion to accept the
8 recommendation. I'll second that motion, and is there any
9 further discussion? All in favor, please signify by
10 saying aye.

11 THE BOARD MEMBERS: Aye.

12 MS. SULLIVAN: And there are none opposed. Let the
13 record reflect that Ms. Le recused herself from that
14 matter. The next case on our agenda is 2020-068, Harris
15 County.

16 MS. WATSON: Harris County failed to start advance
17 voting on Monday, July 20th, 2020 for the August 11th,
18 2020 general primary runoff election for the Republican
19 County Commission District 4 seat. Two candidates, a
20 Richie Grantham and Bobby Irions, who were running for
21 County Commission District 4 Republican runoff election.
22 The Elections Supervisor was contacted and confirmed that
23 they did not start on time as she did not realize that
24 since they did not have a federal candidate on the ballot
25 that they needed to start on July 20th, 2020 for the

1 August 11th, 2020 general primary runoff. The advance
2 voting started the next day on July 21, 2020. I believe
3 there was a total of 138 votes cast in that entire
4 election, and there were only three votes that were cast
5 on the second day of early voting. We are recommending
6 Harris County Board of Election and Registration and
7 Sherrail Jarrett, the Election Supervisor, be referred to
8 the AG's Office for violation of 21-2-385(b)(1)(b).

9 MS. THOMAS: And Sherrail Jarrett is on the line for
10 Harris County. Ms. Jarrett.

11 MS. SULLIVAN: Ms. Jarrett, please go ahead.

12 MS. JARRETT: Yes. Our county attorney was supposed
13 to be on here as well, but yeah, it is true. We did not
14 start. I got that code section mixed up with the other
15 part where after a general election, that it's as soon as
16 possible, so I -- because it was just a local race,
17 Commission District 4, we -- I had planned on doing just
18 two weeks of early voting, but as soon as Robin Carr
19 [ph.], our liaison, contacted me, we -- I got in touch
20 with both of the candidates, got in touch with the local
21 paper, and put it on our website that we would start the
22 following day, and like Ms. Watson said, we only had three
23 people show up the second day. No one called. No one
24 came in the first day to ask if we were voting, and so as
25 far as, you know, last year, of course, as everybody

1 knows, was just a crazy year. I had some personal issues
2 going on as well, which doesn't excuse me, but, you know,
3 we had -- I have now made sure that I go back on each of
4 the code sections that it refers to for everything and
5 double check instead of just going by memory and would
6 like to have the case dismissed or at least just a letter
7 of instruction. Thank you.

8 MS. THOMAS: And Mr. Russell Britt is on the line as
9 well.

10 MS. SULLIVAN: Mr. Britt, go ahead.

11 MS. JARRETT: Mr. Britt, thank you for --

12 MR. BRITT: Yes.

13 MS. SULLIVAN: Go ahead, Mr. Britt.

14 MR. BRITT: Yes, thank you. Can y'all hear me?

15 MS. SULLIVAN: We can.

16 MR. BRITT: Great. Thank you, Madam Vice Chair and
17 members of the Board. I am the county attorney for Harris
18 County, and I appreciate being here today. I will just
19 reiterate beyond what Ms. Jarrett indicated. There is no
20 evidence that anybody who wanted to voted -- or who wanted
21 to vote couldn't because of the one-day delay in early
22 voting, and Ms. Jarrett, as soon as she recognized the
23 error, immediately corrected it, and as she indicated, she
24 is now moving forward with corrective measures, so because
25 of that, because one, most importantly, there was no harm

1 caused by this error, and two, because Ms. Jarrett
2 immediately accepted responsibility and corrected the
3 error, and three, because she's taken steps to ensure it
4 won't happen again, we respectfully request that the Board
5 dismiss this case or in the alternative, issue a letter of
6 instruction.

7 MS. SULLIVAN: Do any of the Board members have any
8 questions for Ms. Jarrett or Mr. Britt?

9 MS. LE: Ms. Jarrett or Mr. Britt, thank you for
10 being here today. This is Anh Le. Can you please clarify
11 what corrective actions have been put in place?

12 MS. JARRETT: Yes. In -- in the future, I will -- I
13 have planned to go back and check each code section
14 referring to the particular election going on at the time,
15 like this one being a primary, we'll go back and double
16 check the regulations on when you'll be starting advance
17 voting and make sure that it is done accurately and by the
18 code section.

19 MS. LE: Thank you for the clarification.

20 MS. JARRETT: Thank you.

21 MR. MASHBURN: This is Matt Mashburn. I think
22 there's evidence here that there was a violation, but I'm
23 persuaded by the attorney's presentation and the County's
24 presentation, so I move that we accept the County's
25 suggested letter of rec -- letter of instruction.

1 MS. SULLIVAN: Mr. Mash -- Mashburn has made a motion
2 to issue a letter of instruction in this matter. I will
3 second that motion. Is there any further discussion? All
4 in favor of the motion, please signify by saying aye.

5 THE BOARD MEMBERS: Aye.

6 MS. SULLIVAN: And there are none opposed, and that
7 motion passes. Thank you. Case number 2020-077 has been
8 continued, so we will move on to case 2020-111, Douglas
9 County.

10 MS. WATSON: In this case, Roger Bruce, a candidate
11 in District 61, was handing out snacks at the door of the
12 courthouse wearing his political shirt. Emails were sent
13 to the Secretary of State's Office with several pictures
14 of Roger Bruce giving out snacks and talking to voters
15 while in line at the courthouse. The District 3
16 Commissioner Tarenia Carthan was handing out snacks to
17 persons waiting in line to vote. The photographs were
18 reviewed and depict Roger Bruce in a shirt with Roger
19 Bruce, State Representative in big letters on the upper
20 left quadrant of the front of the shirt. The photographs
21 depict Representative Bruce and District 3 Commissioner
22 Tarenia Carthan carrying a tray containing various snacks
23 on the tray, offering them to those standing in line to
24 vote. Representative Bruce advised that nothing on his
25 clothing stated to vote for me and that he was unopposed

1 on the ballot.

2 The measurements were documented as to the location
3 of Representative Bruce and the photographs in relation to
4 the poll. The distances were all within a hundred and
5 fifty feet of the no campaigning area. Representative
6 Bruce violated the statute at the Douglas County
7 Courthouse, the Wolf Creek Library, and the Southwest Arts
8 Center. Representative Bruce stated that they took the
9 photos and did not believe they were violating the code
10 and were only trying to help those waiting in line. He
11 states he had been told by a voter that they had to wait 7
12 hours in line, and when his wife left to get them
13 something to eat, she had lost her parking space.

14 An investigator did find evidence that Commissioner
15 Tarenia Carthan violated 21-2-570, when she assisted
16 Representative Roger Bruce in passing out snacks to voters
17 in line at the Douglas County Courthouse. Our
18 recommendation is for Roger Bruce and Tarenia Carthan to
19 be bound over to the AG's Office for violation of 21-2-570
20 and for Roger Bruce for violation of 21-2-414(a)(1)(3), 3
21 counts, for handing out snacks wearing campaign attire at
22 the Douglas County Courthouse, Wolf Creek Library, and the
23 Southwest Arts Center.

24 MS. SULLIVAN: No one is on the line to speak
25 regarding this matter. Do any members of the Board have

1 any questions for Ms. Watson?

2 MR. MASHBURN: This is Matt Mashburn. I have no
3 questions, but I move that we refer this to the Attorney
4 General.

5 MS. SULLIVAN: We have a motion. Do we have a
6 second?

7 MS. LE: Anh Le, I'll second it.

8 MS. SULLIVAN: We have a motion and a second. Is
9 there any further discussion? All those in favor of the
10 motion, please sig -- signify by saying aye.

11 THE BOARD MEMBERS: Aye.

12 MS. SULLIVAN: And there are none opposed, and the
13 motion passes. Now, we're moving on to case number 2020-
14 126, Houston County.

15 MS. WATSON: In October 2020, a concerned citizen
16 reported Liz's Restaurant, located at 1746 Watson
17 Boulevard in Warner Robins, Georgia was offering a chance
18 to win a free gift basket for those who registered to
19 vote. The concerned citizen reported there were people
20 sitting by the table filling out paperwork where the gift
21 baskets were displayed. The complainant requested
22 anonymity. Complainant reports seeing three gift baskets
23 on a table at Liz's Restaurant being offered as incentive
24 to register to vote. If you completed the voter
25 registration or requested an absentee ballot, you would be

1 entered to have a chance to win one of the baskets.

2 The owner, Liz Hall [ph.] stated she was encouraging
3 voting registration to customers and her employees but
4 denied offering the gift baskets. An investigator
5 observed displayed on one of the tables a sign that said
6 elections are coming soon November 2nd, 2020, and it's
7 time to complete your census form. Houston County, let's
8 make history together, and a poster that stated get your
9 absentee ballot here. The complainant stated she saw the
10 offer of the gift baskets twice when picking up food. The
11 owner denied the offer of the gift baskets to begin with
12 but later advised that she did, in fact, offer the drawing
13 for the gift baskets to those who registered to vote or
14 applied for an absentee ballot. Our recommendation is for
15 Lizzie M. Hall to be referred to the Attorney General's
16 Office for violation of 21-2-570.

17 MS. SULLIVAN: We have no one on the line who has
18 signed up to speak in this -- for this case. Are there
19 any questions by any of the Board members?

20 MR. MASHBURN: This is Matt Mashburn. I have no
21 questions, but I move that we adopt the recommendation and
22 refer this to the Attorney General.

23 MS. SULLIVAN: We have a motion to refer this to the
24 Attorney General by Mr. Mashburn. Is there a second?

25 MR. WORLEY: This is Mr. Worley. I'll second that.

1 MS. SULLIVAN: Motion and a second. Is there any
2 further discussion? All in favor, please vote by signi --
3 signify by saying aye.

4 THE BOARD MEMBERS: Aye.

5 MS. SULLIVAN: Any opposed? And none opposed, and
6 that motion passes. The next case is 2020-131, Bacon
7 County.

8 MS. WATSON: On October 21, 2020 during early voting,
9 a voter wearing a Trump Train hat came into the polling
10 place. The Elections Supervisor caught it at the scanner.
11 When the voter was asked to remove it and the law was
12 explained, the voter refused, using profanity. He said
13 there was nothing posted when there were several signs on
14 the front door. The voter was told the Elections Office
15 would be contacting the State for failure to comply. The
16 voter refused to remove the hat, scanned his ballot, and
17 then left.

18 Investigation -- investigators interviewed Bacon
19 County Elections Supervisor Ann Russell and Respondent
20 Kenneth King [ph.] and determined that Mr. King went to
21 vote during early voting on October 21st, 2020 wearing a
22 hat that had Trump Train on it. Ms. Russ -- Russell said
23 it was not discovered until Mr. Russell [sic] was about to
24 put his ballot into the scanner. She asked him to take
25 the hat off, but Mr. King refused to do so, scanned the

1 ballot, and then left the polling place. Ms. Russell
2 wrote a report of what happened and then reported it to --
3 to our office. Mr. King told the investigator that he did
4 not see any signs posted in the polling place that stated
5 he could not wear his hat, and he wore the hat because it
6 is a free county.

7 After notices of the hearing were mailed out, I
8 received a statement from Mr. King that stated he was
9 unaware of the law and had not worn the hat intentionally
10 but just grabbed the hat as he went out the door that day.
11 Mr. King states that he decided to early vote while he was
12 out and did not consider which hat he was wearing. He
13 states he had gone through the check-in process at the
14 polling location, and no one had mentioned the hat until
15 he was about to scan his ballot. Mr. King reports that
16 the poll worker did not come over to him and ask him to
17 remove the hat but yelled across the room at him, which he
18 thought was rude and embarrassing. Mr. King did call the
19 commissioner's office to complain about the rudeness after
20 leaving the poll.

21 Our recommendation is for a letter of instruction be
22 issued to -- to Mr. King, as he now states that now that
23 he is aware of the code that he will make sure that he
24 complies with it in the future.

25 MS. SULLIVAN: There is no one here signed up to

1 speak regarding this matter. Are there any questions by
2 any Board members? If not, now would be a -- go ahead,
3 Mr. Worley.

4 MR. WORLEY: I don't have any questions, but based on
5 the past precedents that this Board has established and
6 the fact that the Respondent was asked to remove his hat
7 and did not do so, I don't think we have any choice but to
8 refer this to the Attorney General's Office and so move.

9 MS. SULLIVAN: We have a motion. Is there a second?

10 MR. MASHBURN: David, -- David, this is Matt
11 Mashburn. I -- I think on our previous case where we had
12 the MAGA hat, we issued a letter of instruction in that
13 case. Is that -- is that your recollection or not?

14 MR. WORLEY: That is not my recollection, but even if
15 that were the case, I don't believe in that case the
16 person had refused to follow the poll worker's
17 instructions.

18 MR. MASHBURN: Yeah, that is true. In that case, the
19 person was compliant and did -- did as they were told, and
20 I -- I got to say I am very disturbed by this trend of
21 just outright belligerence at the -- at the polls, so I'm
22 going to join -- I'm going to join you on this one and not
23 because, necessarily, because of the hat, but because, you
24 know, the poll workers are -- are doing the best they can
25 and should be treated with dignity and respect, and when

1 they give an instruction, that -- that should be complied
2 with, so I'll -- I'll join you in this.

3 MS. SULLIVAN: Is that a second?

4 MR. MASHBURN: Second. Sorry.

5 MS. SULLIVAN: We have a motion and a second. Are
6 there -- is there any further discussion? All those in
7 favor, please signify by saying aye.

8 THE BOARD MEMBERS: Aye.

9 MS. SULLIVAN: And there's none opposed. That motion
10 passes. The next case is 2020-141 against Cobb County
11 [sic - case 2020-137].

12 MS. WATSON: Janine Eveler received a complaint that
13 Mr. Louis Hunter who lives in Pickens County voted in
14 three elections in Cobb County. Ms. Eveler also received
15 an additional complaint that a voter received a precinct
16 card along with election-related flyers addressed to a
17 Lucinda Bleichner [ph.], but no such person resides at
18 that address. Investigation revealed Mr. Hunter stated he
19 did use an address that he no longer lives at on his Cobb
20 election application for early [sound distortion] dated
21 October 19th, 2020. The address he used is 3034 Andora
22 Drive Southwest, Marietta. Mr. Hunter stated he sold his
23 house on June 1st, 2020. Mr. Hunter stated he chose not
24 to fill out a change of address when he voted. Mr. Hunter
25 voted in the August 11th, 2020 general primary runoff and

1 the November 3rd, 2020 general election.

2 Mr. Hunter advised the investigator that he receives
3 his mail at 239 Heathersett Drive, Marietta, Georgia, but
4 does not stay there every night. Mr. Hunter advised that
5 he is a Cobb resident and has never tried to defraud
6 anyone in a voting situation. Mr. Hunter advised that his
7 daughter and grandson also reside at the Heathersett Drive
8 address. Hunter advised he resides between two locations,
9 the Heathersett Drive location and 442 Cutthroat Ridge in
10 Jasper, Georgia. Mr. Hunter advised when he completed the
11 absentee ballot application on October 19th, 2020 that he
12 had not yet been able to change his driver's license due
13 to COVID-19 but does not have a good excuse. The voter
14 registration address was changed to the Heathersett Drive
15 address on October 26th, 2020. Mr. Hunter is the owner of
16 the condo located at Heathersett Drive and paid the taxes
17 in 2019 and 2020.

18 Mr. Hunter works in Cobb County and states he
19 considers Cobb his county of residence even though he owns
20 other property in Bent Tree. One property was purchased
21 in June of 2020, and Mr. Hunter stated he is spending time
22 at that location to fix it up, and then will decide if he
23 will rent it or keep it.

24 Lucinda Bleichner fraudulently used an address that
25 she has never resided at on her vot -- voter registration

1 card dated September the 8th, 2020 and September 17th,
2 2020, and she also voted in the November 3rd, 2020 general
3 election using that address. Attempts to contact Ms.
4 Bleichner have been unsuccessful.

5 Our recommendation is for Louis Hunter -- Hunter be
6 bound over to the Attorney General's Office for a
7 violation of 21-2-562(a)(1) and 21-2-218 and for Lucinda
8 Bleichner be referred to the Attorney General's Office for
9 a violation of 21-2-562(a)(1).

10 MS. THOMAS: And Mr. Hunter and his attorney, Nathan
11 Wade, are on the line.

12 MS. SULLIVAN: You may go ahead.

13 MR. WADE: Good morning. Can you all hear me?

14 MS. SULLIVAN: We can.

15 MR. WADE: Thank you for your time and considering
16 Mr. Hunter's situation, and even thank you for the
17 recommendation. However, I would just ask that the Board
18 take the time to consider the situation in its entirety.
19 Mr. Hunter did indeed -- or had, in fact, sold the
20 property at the 3034 address a month or so prior to the
21 election. What he hadn't done is changed over his voter
22 registration or corrected the address on his driver's
23 license or anything of the sort. Now, he also hadn't re-
24 registered to vote in any other jurisdiction. We're just
25 asking that because there was no malicious intent behind

1 Mr. Hunter's action -- he only voted one time. He never
2 attempted to vote more than once, and he never attempted
3 to even gain voter status in any other jurisdictions.
4 We're asking that the -- the recommendation be
5 reconsidered and that Mr. Hunter be allowed to receive a
6 letter, as opposed to the case being bound over to the AG
7 for further consideration.

8 Also, I think it's important to note that the
9 complainant in the action, there have been a lot of prior
10 difficulties between that complainant and the agency in
11 which Mr. Hunter was employed at the time, that being the
12 Cobb County Sheriff's Department. So with that, Mr.
13 Hunter, do you have anything you want to add?

14 MR. HUNTER: Well, I'd just like to say that this was
15 a mistake on my part, but there was absolutely no intent
16 to defraud the state or the county in any way. At one
17 time, I had -- I was in possession of an absentee ballot
18 and chose to vote in person. I took that to the polling
19 place and turned it in and watched while they got a
20 supervisor to come over and cancel out that ballot, and as
21 my attorney said, records will show that I never voted
22 more than one time in any election, and it was an
23 oversight on my part, which I'm very sorry, and I take it
24 very seriously, so seriously that I didn't vote in the
25 January 5th election in order to be sure that all of this

1 is cleared up and handled in a manner that -- that's
2 proper. It was never my intent to in any way defraud in
3 this situation.

4 MS. SULLIVAN: Thank you for being here. Is there
5 anyone else on the line to speak to this matter? Do any
6 of the Board members have any questions?

7 MR. MASHBURN: This is Matt Mashburn. I don't have a
8 question, but I move that we issue a letter of instruction
9 to Mr. Jordan...

10 MS. SULLIVAN: Hunter, Mr. Hunter.

11 MR. MASHBURN: Mr. Hunter and that we refer Ms.
12 Bleichner to the Attorney General.

13 MS. SULLIVAN: Mr. Mashburn has made a motion. Is
14 there a second?

15 MS. LE: This is Anh Le. I'll second that.

16 MS. SULLIVAN: We have a motion and a second. Is
17 there any further discussion?

18 MR. WORLEY: I'm going to vote against the motion
19 because I think both cases should be referred.

20 MS. SULLIVAN: Okay. All those in favor of the
21 motion, please signify by saying aye.

22 THE BOARD MEMBERS (except Mr. Worley): Aye.

23 MS. SULLIVAN: Are there any opposed?

24 MR. WORLEY: No.

25 MS. SULLIVAN: Motion passes. We're going to go

1 ahead and take a break for lunch right now. We're also,
2 during this time, going to enter into executive session
3 for the purposes of discussing pending litigation. I
4 think we will take about a 40-minute break, but we will be
5 back here at 12:45. Is there a motion to enter into
6 executive session?

7 MR. MASHBURN: So move.

8 MR. WORLEY: So move.

9 MR. MASHBURN: Second.

10 MS. SULLIVAN: We have a motion and a second. All in
11 favor, signify by saying aye.

12 THE BOARD MEMBERS: Aye.

13 MS. SULLIVAN: And there are none opposed, we will
14 exit into executive session, and we will return at 12:45.
15 Thank you so much.

16 (Meeting break)

17 (Meeting resumes)

18 MS. SULLIVAN: I'm going to go ahead and call this
19 meeting back to order. The Board did meet in executive
20 session during lunch time. No action was taken by the
21 Board. At this time, I would request a motion to exit
22 executive session.

23 MR. WORLEY: So move.

24 MR. MASHBURN: So move. Second.

25 MS. SULLIVAN: We've got a motion and a second. All

1 in favor, say aye.

2 THE BOARD MEMBERS: Aye.

3 MS. SULLIVAN: Any opposed? None. Okay. We are out
4 of executive session. We're going to go ahead and go back
5 to case number 2020-032, Greene County. We had -- Mr.
6 Smith was having difficulty being heard by the Board and
7 also Ms. Mayers would like to speak on this case, so let's
8 try it one more time. Mr. -- this case has already been
9 presented. Mr. Smith, can you hear us?

10 MS. WATSON: Is he on?

11 MS. SULLIVAN: Ms. Mayers, can you hear us?

12 MS. THOMAS: Ms. Mayers, you can unmute yourself.
13 Yeah, Mr. Lester has logged off. Yeah, he's logged off.

14 MS. SULLIVAN: Okay. We will come back to this case
15 later since we are unable to speak to the Respondents. We
16 will now pick up with case number 2020-141, Cobb County,
17 tab number 76.

18 MS. WATSON: In October of 2020, we received a
19 complaint regarding vote buying in Cobb County. According
20 to the complaint, Adventure Outdoors offered the chance to
21 win a free rifle to anyone who presented their I Voted
22 sticker for the 2020 general election. According to the
23 complaint, they posted an online ad offering the chance to
24 win to anyone who presented the I Voted sticker.

25 A view of the online ad showed the business

1 encouraged citizens to vote and offered a chance to win a
2 free M&P 15 Sport 2 rifle after presented the I Voted
3 sticker at their Smyrna, Georgia location. A follow-up at
4 the business location revealed the online ad was a
5 marketing tool to bring customers to the store. There was
6 a message posted on the front door of the business stating
7 voting was not required to enter the raffle for the free
8 rifle and anyone of legal age and able to pass a
9 background check may enter the raffle for the free rifle.
10 Our recommendation is for Jay Wallace [ph.] be bound over
11 to the Attorney General's Office for a violation of 21-2-
12 570, and I did receive a request from someone to be able
13 to speak.

14 MS. THOMAS: Bob Barr?

15 MR. BARR: Yes, ma'am.

16 MS. SULLIVAN: Please go ahead.

17 MR. BARR: Okay. Thank you so much. This is Bob
18 Barr. I represent Adventure Outdoors including Jay
19 Wallace, who is the proprietor. We would ask for a
20 dismissal of the case with a letter of instruction. As
21 the findings by the investigator make clear in the final
22 sentence of the second paragraph there was a message on
23 the door of the business stating that there was no
24 requirement to have voted, that anybody with a -- who was
25 of legal age and able to pass a background check could

1 enter the raffle.

2 While the establishment has had similar raffles in
3 the past, we recognize certainly that in today's
4 environment, balloting and voting come under legitimately
5 increased scrutiny, and I've already spoken with Mr.
6 Wallace, and in the future if they do, in fact, use a
7 similar method of encouraging people to come into the
8 store, they need to be a lot more careful and explicit in
9 any online representations so that there is, in fact, no
10 confusion that the -- you know, that there's no
11 requirement that you vote in order to enter the raffle.
12 Even though the notice on the board -- or on the door made
13 that clear, we feel that it is incumbent on us and would
14 comply with a letter of instruction to make that even
15 clearer and include it in the online representations that
16 there is, in fact, no requirement that the person vote or
17 have voted in order to enter the raffle. We would
18 respectfully make that request of this Board.

19 MS. SULLIVAN: Thank you for your comments. Do any
20 Board members have any questions?

21 MR. WORLEY: I had a question. Well, a couple of
22 questions. You say that this had been done in the past.
23 Do you mean that they had offered prizes for people
24 registering to vote or voting in the past?

25 MR. BARR: No. That they had -- that they had made a

1 similar representation that -- similar to this one, but
2 there was never in any prior year or in 2020 any language
3 that they used that required the person to have voted.
4 It's -- it's simply a matter, Mr. Worley, that they have
5 done this in the past. There's been no problem, but
6 certainly, you know, last year and moving forward in the
7 environment where, you know, there is greater scrutiny on
8 all aspects of voting, they recognize that they need to be
9 more careful, and if the Board elects to submit a letter
10 of instruction to that regard, they certainly will do
11 that, and they have already instructed me to say that they
12 are making those adjustments if there is any, you know, if
13 they do that in the future.

14 MR. WORLEY: One more question. You seem to
15 distinguish between what they posted online and what was
16 on the door of the establishment?

17 MR. BARR: No. There's -- oh, I'm sorry.

18 MR. WORLEY: What was online?

19 MR. BARR: Online was -- as I -- and I do not have it
20 in front of me. I asked Mr. Wallace to go back and try
21 and retrieve what was online. They were unable to. Mr.
22 Worley, by the way, it's very good to be with you again,
23 but they indicated that the same thing was online that was
24 on the door. On the door, they posted it simply to make
25 clear that anyone coming into the store for the purposes

1 of entering the raffle that there was no requirement to do
2 so other than being of legal age and passing a background
3 check.

4 MR. WORLEY: Thank you.

5 MR. BARR: Yes, sir.

6 MS. LE: This is Anh Le. I may have missed this, but
7 did you say how many rifles ended up being given out or
8 none?

9 MR. BARR: I'm not sure whether that -- whether -- I
10 don't know the answer to that, Ms. Le. I can certainly
11 find out, but I don't -- I don't have that information. I
12 just inquired of Mr. Wallace what were the specifics of
13 the online posting and to confirm with him that the notice
14 as found by the investigator was, in fact, posted on the
15 door.

16 MS. SULLIVAN: What's the pleasure of the Board?

17 MR. WORLEY: Well, I -- I think there appears to be
18 from the investigative report probable cause that a
19 violation occurs, so I would refer this to the Attorney
20 General's Office.

21 MS. SULLIVAN: I'm sorry. You faded out there
22 towards the end. Your motion is to refer to the AG's
23 Office; is that correct?

24 MR. WORLEY: Yes. That is correct.

25 MS. SULLIVAN: Is there a second?

1 MS. LE: This is Anh Le. I'm teetering on, you know,
2 the decision because this is the -- an enterprise that has
3 articulated that they've -- I've not sure how many guns
4 actually ended up being -- or rifles ended up being given,
5 but it seems like they've articulated that they've learned
6 their lesson, will not be doing this again. I'm wondering
7 what would be the benefit of sending it to the Attorney
8 General's Office, you know, other than to come to some
9 consent order to never do it again in a formal written
10 consent agreement, but --

11 MR. WORLEY: And that's why I want it sent to the
12 Attorney General's Office [sound distortion] in order to
13 formalize this agreement which seems somewhat vague at
14 this point.

15 MS. LE: So your motion is to send it to the Attorney
16 General's Office not for prosecution but for a consent
17 order to refrain from making any other violations?

18 MR. WORLEY: Well, I -- I wouldn't be opposed to the
19 Attorney General's Office considering an appropriate fine,
20 but I would just like the formality of a consent order.

21 MS. LE: I -- I think -- I'm sorry, Mr. Worley, do
22 you mind saying the last sentence again? I think it went
23 out. I didn't hear it.

24 MR. WORLEY: I'm sorry. I would not be opposed to
25 the Attorney General's Office considering a fine, but at

1 the very least, I would like a consent order so that the
2 company formally recognizes that this would not happen
3 again.

4 MS. SULLIVAN: So we have a motion. Do we have a --
5 Ms. Le, would you like to second that motion?

6 MS. LE: I would second that motion if the Attorney
7 General's Office could consider a consent order
8 formalizing the, you know, formalizing the entity's
9 agreement to comply with election law in the future and
10 refrain from making these violations again.

11 MS. WATSON: I think we have a motion and a second to
12 refer to the Attorney General's Office with some
13 additional commentary there which can be considered by the
14 AG's Office. Is there any discussion regarding this
15 matter? Any further discussion? All right. We have a
16 motion and a second. All those in favor, please signify
17 by saying aye.

18 THE BOARD MEMBERS: Aye.

19 MS. SULLIVAN: Any opposed? There are none opposed,
20 and that motion passes. Thank you so much. And moving on
21 to the next case has -- on the agenda has been continued,
22 which is 2020-148, so we will move on to 2020-156,
23 Stephens County. Ms. Watson?

24 MS. WATSON: Yes. Between November 2020 and January
25 2021, we received multiple complaints regarding the

1 administration of election duties by the Stephens County
2 Elections Office. The allegations include Stephens County
3 Chief Registrar Eureka Gober self-reported that her office
4 had not been able to complete entering all of the 2020
5 general election early voter data into Election Net prior
6 to the deadline. It was reported that Stephens County
7 Election Office did not process two applications for
8 absentee ballots for the 2020 primary and general
9 election. A Stephens County voter did not receive credit
10 for voting during the 2020 general election. Stephens
11 County Elections Office failed to register three voters in
12 a timely manner, which resulted in one voter not being
13 able to cast a ballot in the 2020 general election. It
14 was alleged that Stephens County election staff violated
15 ballot handling, collection, and transportation codes. It
16 was reported that Stephens County Elections Office did not
17 report the accurate number of mailed electronic absentee
18 ballots for the Georgia GOP during the 2020 general runoff
19 election. Stephens County Elections Office failed to
20 respond to open records requests in a timely manner. It
21 was reported that Rebeckah Bennet photographed her ballot
22 during the 2020 general runoff election at the polls.

23 Investigation reveals records indicate that Stephens
24 County did not meet the deadline in entering credit for
25 voting in E-net by the deadline of October 30th, 2020.

1 The former Elections Supervisor Eureka Gober contacted our
2 office to report the issue, and data continued to be
3 entered after the deadline but as of 11/04/2020, there was
4 still approximately 800 voters that had not been given
5 credit in the system for early voting. After the
6 election, the County worked with the liaison in their
7 office to get the credit for voting entered.

8 Michael Wacash [ph.] and his wife Mary reported that
9 they did not receive their absentee ballots from Stephens
10 County. They went to vote in person. As a result, it was
11 determined that Mr. Wacash and his wife were on the
12 rollover list and had not received their absentee ballots.
13 Eureka Gober, the Elections Supervisor, could not provide
14 an explanation.

15 As to failing to process voter registrations, it was
16 determined that Billy Stephens and his wife Sherry
17 Stephens [ph.] registered to vote at the Elections Office
18 in Stephens County on November 5th, 2020 with Eureka Gober
19 assisting them. On December 6th, 2020, Mr. Stephens
20 checked the status of his voter registration on the
21 MyVoter page online and found that he was still registered
22 in White County, Georgia. On December 7th, 2020, Mr.
23 Stephens went to the Elections Office and met with Nora
24 Waters [ph.] who advised that he still was registered in
25 White County with an absentee ballot issued to him for the

1 January 5th, 2021 runoff. Mr. Waters contacted the White
2 County Elections Office, requested the absentee ballot be
3 canceled, then the voter registrations were completed on
4 December 7th, 2020, allowing them to vote in the January
5 runoff election in Stephens County.

6 Brenda Dimetrick [ph.] advised that Stephens County
7 failed to register her son Jeffrey Dimetrick [ph.]. She
8 had brought her son to the Elections Office on September
9 the 30th, 2020 to register. On November 30th -- 3rd,
10 2020, when Jeffrey attempted to vote, a poll worker
11 advised that he was not registered. He was offered a
12 provisional ballot, which he voted. On January 13th,
13 2020, Eureka Gober advised Jeffrey in an email that his
14 registration was completed and his provisional would be
15 counted. Election Net records show Jeffrey being entered
16 as registered on November 23rd, 2020.

17 Rebeckah Bennett reported observing an absentee
18 ballot on the desk of Eureka Gober on November 4th, 2020.
19 She inquired as to why the ballot was on her desk and
20 whether it had been counted. Eureka advised she did not
21 know why it was there and that it had not been counted.
22 The ballot was then processed and included in the totals.
23 Rebeckah requested to review the absentee ballot drop box
24 footage and noticed that on August the 10th, 2020, Eureka
25 Gober collects absentee ballots by herself from the box at

1 70 North Alexander Street in Toccoa [ph.] .

2 The drop box collection logs were requested by the
3 investigator for the August 2020 runoff, the November
4 general elections, and the January runoff elections. No
5 logs were located for the August primary runoff election.
6 It was found that the drop box collection logs provided
7 were incomplete, with the section intended for the
8 registrar designee being not completed. It was noted that
9 Michael Nesbit [ph.] and James Odom [ph.] are listed as
10 part of the collection team but are not election
11 employees. Neither took an oath or signed an oath. The
12 January 2021 general runoff election collection logs were
13 completed in full and all collection teams were sworn poll
14 workers.

15 Eureka Gober states that she did collect the absentee
16 ballots on one day by herself because they were short
17 staffed, but it only happened once. As to the storage of
18 absentee ballots, Eureka advised that she stores absentee
19 ballots in her office from June 2019 through November
20 2020, with the door being locked at night, and she states
21 she was the only one with the key. They began using the
22 vault to store the absentee ballots again after the county
23 commissioners moved out of the building in November of
24 2020.

25 The Stephens County returns indicates 2,108 votes on

1 Election Day with Election Net showing 2,111 votes. This
2 discrepancy could not be explained by elections staff.
3 Rebeckah Stephens [ph.] filed a complaint that Stephens
4 County was not responding to open records in a timely
5 manner. It was determined that two requests had not been
6 completed and were not to have been provided to that
7 acting supervisor. Once notified, the acting supervisor
8 stated she would provide the information.

9 It was reported to our office that Rebeckah Bennett
10 had posted on Facebook that she took a photograph of her
11 and her mother's ballots at the polls. Rebeckah advised
12 she did take the photographs to ensure that her vote was
13 not changed or altered. She was aware of the code but
14 still because the media was allowed to photograph and film
15 the election process that she believed that to be a double
16 standard.

17 Our recommendation is for Stephens County Board of
18 Elections, Eureka Gober, the former Elections Supervisor,
19 be referred to the Attorney General's Office for violation
20 of 21-2-381(4)(b)(2)(a), when the Elections Office failed
21 to issue absentee ballots to eligible voters during the
22 June 2020 primary and general election, Election Board
23 rule 183-1-6-.01, when the Elections Office failed to a
24 qualified voter during the 2020 general election, 21-2-
25 386, safe-keeping of absentee ballots when elections staff

1 failed to properly secure an absentee ballot which was
2 left on a desk and open to the public during the 2020
3 general runoff election, Election Board rule 183-1-14-.06-
4 .14, when the absentee ballot collection team did not
5 consist of two sworn poll officers during the 2020 primary
6 runoff and the 2020 general election, 21-2-73, when the
7 Elections Office failed to maintain absentee ballot drop
8 box logs for the 2020 primary runoff election and the
9 ballot recap sheet for the 2020 general runoff election,
10 21-2-72, when the Elections Office failed to reply to two
11 open records requests during the 2020 general runoff
12 election, and SEB rule 183-1-12-.1(9)(3), when the office
13 failed to enter 2020 general election early voter data
14 into Election Net by the October 30th, 2020 deadline, 21-
15 2-500, when she failed to deliver the 2020 election cycle
16 records to the Stephens County Superior Court for storage,
17 and GOP member Rebeckah Bennet being referred to the AG
18 for 21-2-413(e), when she photographed her ballot during
19 the 2020 general runoff election.

20 MS. THOMAS: And Bill Stephens and Rebeckah Bennet
21 are on the line to speak on this case.

22 MS. SULLIVAN: Mr. Stephens, go ahead.

23 MR. STEPHENS: Can you hear me?

24 MS. SULLIVAN: Yes, we can hear you. Mr. Stephens,
25 you can go ahead.

1 MR. STEPHENS: Good evening, Board members. My name
2 is Bill Stephens. Billy Stephens is my legal name. My
3 wife is Sherry Stephens. We moved to Stephens County in
4 October of 2020. On November the 5th, I contacted the
5 Elections Registrar, Eureka Gober, asking what we needed
6 to do to register in Stephens County. She said come up
7 and fill out the registration form. We went up. We had a
8 little dog in our truck, so I went in first, left my wife
9 in the truck, and I filled out the registration form and
10 let her make a copy of my license, sitting in her office
11 in front of her desk, which her office looked like the
12 county dump. Anyway, while she's making a copy of my
13 license -- ma'am, my wife's in the truck with the little
14 dog. I'll go out. Let her come in. You can just give
15 her my license. My wife went in, filled out the
16 registration form in front of Ms. Gober and made a copy of
17 her license and gave her my license. My wife came out and
18 remarked as she came out my God, that office was awful.
19 She said no organization. I said, yeah, there's stuff on
20 the floor stacked knee-high.

21 Anyway, on December the 6th, a commercial came on TV
22 saying that deadline to register to vote in the January
23 5th runoff would be December the 7th at 12 midnight. My
24 wife looked at me, sitting in the living room, and said
25 you think everything's okay? I said, honey, it should be.

1 We went and registered. I logged on the Secretary of
2 State voter site, put in my information. It showed I was
3 still registered in White County. I done the same thing
4 with my wife. It showed White County.

5 Next morning, Monday morning, this is where Ms.
6 Watson is not correct on some things. I did not go to the
7 Election Office on Monday morning, December the 7th. I
8 called the Election Office. Nora Waters answered. I -- I
9 told her that it was saying I was registered in White
10 County. She looked and she said we don't have your
11 registration. I said you do because I've come up there
12 and done it. She said you're going to have to vote in
13 White County. I said, ma'am, I can't. We're residents of
14 Stephens County. We done changed our driver's license.
15 Everything was changed before we come registered up here
16 with y'all. Well, we don't have no records of you
17 registering. I said, ma'am, do you remember me coming in
18 telling you at the front window before I went in Ms.
19 Gober's office that my dog was in the truck. I would
20 register first, and then -- oh, yeah. I remember that
21 now. But she couldn't find those paperworks [sic].

22 I contacted the GOP Chair with Stephens County. She
23 was in a meeting at the sheriff's office. An hour later,
24 she went to the Registrar's office. They contacted me on
25 a three-way call, could not find my registration papers

1 nowhere, and my wife's neither. We got hit with identity
2 fraud back 15 years ago. It took us a year and a half to
3 straighten that mess out with law enforcement, Social
4 Security, credit bureaus. That -- when you register, your
5 registration and driver's license should be protected and
6 secure in an election office. We should have faith and
7 confidence in that.

8 Therefore, while we're on the phone, Ms. Waters and
9 Ms. Bennett contacted White County. They took me off the
10 voter roll. Then, Ms. Waters worked to get us on the
11 voter roll. I don't know. It was after lunch on December
12 the 7th before we finally got registered to vote in the
13 January 5th runoff.

14 MS. SULLIVAN: Mr. Stephens, sorry. This is Ms.
15 Sullivan. So you did register and you were able to vote?

16 MR. STEPHENS: Yes. On December the 7th, she
17 intentionally tried to disenfranchise us.

18 MS. SULLIVAN: I just wanted to make sure and confirm
19 that you were able to vote.

20 MR. STEPHENS: Finally, yeah. Okay. Then, I
21 contacted the county commissioners. I learned that there
22 had been a lot of issues since December 2018 in Stephens
23 County Elections Office. I contacted the county
24 commissioners on deaf ears. I started talking to them.
25 It was deaf ears with them. They didn't want to do

1 nothing to correct none of this.

2 I learned about Jeffrey Dimetrick. Here's a young
3 man. I know when I turned 16, I looked forward to getting
4 my driver's license. When I turned 18, I looked forward
5 to voting. Jeffrey, I found out about Jeffrey Dimetrick.
6 I contacted him and his mother. An 18-year-old who turned
7 18 in July of 2020, registered on September the 30th of
8 2020, went to vote on November 3rd of 2020, he was told he
9 wasn't registered. They let him vote a provisional
10 ballot, promising him that his vote would count. Well,
11 that night, at the Election Registrar's office, the
12 Election Board threw his -- threw his ballot out because
13 they said he wasn't registered.

14 Then, we all got together and started doing an
15 investigation to pull up open records. We met with the
16 district attorney, Mr. George Christian. We've had two
17 meetings with him and many, many phone calls. He is
18 waiting on y'all's decisions today before he takes action.
19 While we're sitting in the district attorney's office on
20 December -- they still hadn't found our paperwork.
21 Finally, on December the 17th, Eureka Gober finds mine and
22 my wife's paperwork. It was upstairs above her office
23 where the voting machines was, laying on the scanner,
24 unprotected. Then, they found -- on December 23rd, they
25 found Jeffrey's paperwork where he had registered back on

1 September the 3rd -- 30th. He had to go back then on
2 November the 23rd and register again for the January 5th
3 runoff.

4 Then, we're sitting in the district attorney's
5 office, the four of us, in a meeting with the district
6 attorney because he is familiar with all these illegal
7 activities, and we're sitting in his office in January. I
8 don't remember the exact date. I think it was January the
9 12th. Yeah, January the 12th. While we're talking to Mr.
10 Christian, the district attorney, Jeffrey, sitting there
11 too, gets an email on his iPhone from Eureka Gober saying
12 that his vote did count in the November 3rd election when
13 it did not count, Board members.

14 Then, we had a second meeting with the district
15 attorney. We've had, like I said, numerous phone calls.
16 It is a federal crime in a federal election to --

17 MR. MASHBURN: Mr. Stephens, this is Matt Mashburn
18 with the Board.

19 MS. SULLIVAN: Mr. Stephens, --

20 MR. STEPHENS: Yes?

21 MS. SULLIVAN: Thank you for your comments. One of
22 the Board members has a question for you, Mr. Mashburn.

23 MR. STEPHENS: Sure.

24 MR. MASHBURN: What I understand you're saying is
25 that you -- you feel that there's a lot of evidence

1 available for this Board to recommend this case over to
2 the Attorney General's Office; correct?

3 MR. STEPHENS: I am asking, sir, that this -- all
4 these cases because there's more wrongdoing that went on
5 in this office that ain't been investigated. I'm asking
6 that all of this be turned over -- all about me and -- me
7 and my wife and Jeffrey Dimetrick and, like, on the
8 January -- when they opened the ballots, Mr. Mashburn, on
9 absentee ballots, the first time they started opening them
10 for the January 5th election, I went up there and watched
11 and observed, and she had it listed that they had 1200 --
12 I'm sorry. Yeah, that they had 1297 ballots, absentee
13 ballots, but there was only 1100. That's another issue.
14 I was sitting there observing that.

15 MS. SULLIVAN: All right. Thank you, Mr. Stephens.
16 For the sake of time, we need to --

17 MR. STEPHENS: Let me -- let me say one thing to Mr.
18 Mashburn. Mr. Mashburn, I'm asking you Board members to
19 refer it to the Attorney General and the local district
20 attorney here where he can take actions. He's aware of
21 this. He's been working with us on my and my wife's case
22 and on Jeffrey Dimetrick's case. Please, sir.

23 MR. MASHBURN: Okay. Well, now, I appreciate your
24 comments, and I'm going to take them into my consideration
25 of making a motion in just a minute, but there might be

1 other people on this case that we need to hear from.

2 MR. STEPHENS: Yes, sir.

3 MS. SULLIVAN: I believe we have someone else. Thank
4 you, Mr. Stephens. Who else do we have?

5 MR. STEPHENS: All right. Thank you.

6 MS. THOMAS: Rebeckah Bennett.

7 MS. SULLIVAN: Ms. Bennett, you may speak now.

8 MS. BENNETT: I am just here as additional support
9 for Mr. Stephens if he was to need something from you guys
10 in regards to how I interfaced when the voters called me.
11 I think I have supplied a ton of data and have been very
12 compliant with the SOS's Office as to the disarray and the
13 continued issues that actually started in our county back
14 during qualifying of February 2020 before COVID hit, so
15 the office itself has had massive complaints in handling
16 from qualification of a sheriff all the way through to the
17 last election with protocol and processes.

18 MR. MASHBURN: This is Matt Mashburn. So I hear you
19 saying ditto -- ditto to Mr. Stephens; right?

20 MS. BENNETT: Correct.

21 MR. MASHBURN: Okay.

22 MS. SULLIVAN: Thank you. Is there anyone from
23 Stephens County here to speak?

24 MS. THOMAS: There's -- there's two people that have
25 their hands raised right now, Eric Wallace and Brenda

1 Newton. If you are wanting to speak on this case, please
2 write that in the Q&A box. I'm not sure by raising your
3 hand, so if you need -- if there's a case that you're here
4 to speak on, please write it in the Q&A box.

5 MS. SULLIVAN: I don't believe there are any more
6 people here to speak on behalf of this case.

7 MR. MASHBURN: And Ms. Bennett. Sorry to interrupt,
8 Rebecca.

9 MS. BENNETT: It's fine.

10 MR. MASHBURN: Ms. Bennett, do you want to say
11 anything about this photographing the ballot? Was that
12 you?

13 MS. BENNETT: It is.

14 MR. MASHBURN: Okay. Do you want to speak on that?

15 MS. BENNETT: I do. While I posted on Facebook that
16 I did, again, when Parish [ph.] asked me to actually send
17 him said photograph, I obviously don't have said
18 photograph and did not send to him. My issues and
19 concerns are every time the county voters -- and every
20 time they contacted me would send me screenshots of their
21 MyVoter page, none of the dates were matching up. In
22 fact, I even went and looked to see when I went and voted.
23 My mother is handicapped, so we both -- I have to take her
24 to the polls. Mine showed 10/18, and hers showed 10/27,
25 and we voted literally within a minute and a half of each

1 other.

2 MR. MASHBURN: So did you take --

3 MS. BENNETT: Wait just a minute.

4 MR. MASHBURN: I'm sorry to interrupt.

5 MS. BENNETT: Okay.

6 MR. MASHBURN: I'm sorry to interrupt, but did you
7 take this picture at the poll in the precinct?

8 MS. BENNETT: No. I did not -- I did not actually
9 take a picture.

10 MR. MASHBURN: Oh. Oh.

11 MS. BENNETT: I said that I did, but I did not
12 actually -- obviously, I couldn't -- Parish asked me to
13 send him a picture. I don't have a picture to send him.
14 Sorry.

15 MR. MASHBURN: Okay. So your -- your statement is
16 that you didn't take a picture at all. You just said that
17 you did, right?

18 MS. BENNETT: I said that I took a picture, but I do
19 not have a picture to send.

20 MR. WORLEY: This is Mr. Worley. I'm confused here.
21 Why did you say that you took a picture?

22 MS. BENNETT: Because it had been an issue within the
23 -- during the RLA and then during part of the voting
24 process where the media had been allowed to come in and
25 continually film and be intrusive, and the voters were

1 consistently coming to me, saying they felt like there was
2 not the correct privacy or booth-type materials within
3 Stephens County to allow them to vote in privacy and had
4 many issues with the poll workers who were standing over
5 their shoulders or looking or this, that, and the other,
6 and so I was really more or less looking for somebody to
7 come back and say something on my feet about one way or
8 the other about things that they had experienced there at
9 the polls based on the massive complaints that I was
10 having to handle. So not proper wordage per se, but --

11 MR. WORLEY: Well, --

12 MS. BENNETT: -- definitely just fielding issues that
13 were just continual and in a grievous manner all the way
14 through the 2020 process in Stephens County.

15 MR. WORLEY: I -- I just want -- I just want to be
16 absolutely clear. You're charged with a violation of the
17 election code. You're saying that -- I mean, who did you
18 tell that you took the picture? You just posted it online
19 or you actually told an investigator.

20 MS. BENNETT: He asked me did I -- he asked me did I
21 take a picture. I said I said I took a picture, and he
22 said can you send it to me? I said I don't have a picture
23 to send you. I don't know what more to tell you. I mean,
24 I don't have a picture to actually send you, which is what
25 he asked me to do.

1 MR. WORLEY: Well, I'm just interested in whether you
2 told the truth to the investigator.

3 MS. BENNETT: That was what he asked me. Did I say I
4 took a picture --

5 MR. WORLEY: Well, is the answer yes -- I'm sorry.
6 Is the answer yes or no? Did you tell the truth the
7 investigator?

8 MS. BENNETT: He asked me did I take a pic -- did I
9 say I took a picture. I said yes. I posted that I took a
10 picture. He says can you send that to me. I don't have a
11 picture to send him. I don't know how -- how differently
12 to state that. I mean, he asked me to send him something
13 that I don't have.

14 MR. WORLEY: Well, all I'm -- all I'm asking is
15 whether you actually told the truth to the investigator.

16 MS. BENNETT: He did ask me did I -- did I say that I
17 had taken a picture, and I said yes because I did post on
18 Facebook that I took a picture, but I do not have a
19 picture.

20 MR. WORLEY: Okay. Thank you. You've answered the
21 question.

22 MR. MASHBURN: So I think -- I think where David's
23 going is you might be able to say I don't have a picture
24 because I've deleted it, or I don't have a picture because
25 I never took one, and I wasn't telling the truth when I

1 said I took a picture of it, so that's just what we're
2 just trying to get to.

3 MS. BENNETT: Okay. Sorry. Yes. I lied on Facebook
4 and said I took a picture. I do not have a picture.

5 MR. WORLEY: But you did not lie to the investigator?

6 MS. BENNETT: He -- I mean, I don't know what you're
7 -- he asked me did I say that, and I said yes I did post
8 that, so I mean, it's not online --

9 MR. WORLEY: So -- according to you, you're answering
10 the question truthfully. You answered his question
11 truthfully.

12 MS. BENNETT: Based on what he asked me, yes.

13 MR. WORLEY: Okay.

14 MR. MASHBURN: Yeah. And here -- and here's why it's
15 important is because I wish it were, but it's not illegal
16 or against the election code to lie on Facebook, and if it
17 were, there would be a lot of people in a lot of trouble,
18 so that's why it -- that's why it makes a difference. It
19 is illegal to lie to the investigator, so that's why --
20 we're not just picking at small details for no reason,
21 it's that the essential matter of whether you committed a
22 violation or not, so do you see -- do you see what we're
23 asking?

24 MS. BENNETT: No. I mean, I agree. I mean, I guess
25 I'm trying to say I don't know how you -- I mean, he asked

1 -- Investigator Parish did ask me did you state you had
2 taken a picture of your ballot, and I can't say that I
3 didn't because there's a post on Facebook that says that I
4 did.

5 MR. MASHBURN: But you didn't post a ballot --

6 MS. BENNETT: So am I not telling him the truth?

7 MR. MASHBURN: You didn't post the ballot with that -
8 - with that statement, right?

9 MS. BENNETT: No. I don't have a ballot to actually
10 post.

11 MR. MASHBURN: Okay. But you never took a picture of
12 a ballot?

13 MS. LE: Ms. Bennett, --

14 MS. BENNETT: I have sample ballots that I posted,
15 but I do not have my ballot that I posted.

16 MR. MASHBURN: But your statement is that you never
17 took a picture of a ballot, correct?

18 MS. BENNETT: Correct.

19 MR. WORLEY: Ms. -- Ms. Bennett, this is Mr. Worley
20 again. Am I correct in understanding that you're a member
21 of the Stephens County Election Board?

22 MS. BENNETT: No, I am not.

23 MR. WORLEY: Okay. All right.

24 MS. SULLIVAN: Okay. Thank you. I think we probably
25 need to move on. There is no one else here to speak

1 regarding this matter, correct? And please remind me of
2 the recommendation, Ms. Watson.

3 MS. WATSON: To refer to the Attorney General the
4 listed violations.

5 MS. SULLIVAN: Now would be an appropriate time for a
6 motion if one of the members would like to make one. I
7 will move that we accept the recommendation of the
8 investigator -- of the investigator.

9 MR. WORLEY: I will second that.

10 MS. SULLIVAN: We have a second from Mr. Worley. So
11 we have a motion and a second. Is there any further
12 discussion regarding this matter? All right. Well, all
13 in favor, please signify by saying aye.

14 THE BOARD MEMBERS: Aye.

15 MS. SULLIVAN: Is anyone opposed? All right. The
16 motion passes. The next case on our agenda is case 2020-
17 158.

18 MS. WATSON: Yes. Danny Housley [ph.] reported there
19 was no controller -- this was on 11/03/2020 -- for the
20 machines so people with physical and visual disabilities
21 could not access the ballot at the Peachtree Hills
22 Recreation Center polling location. Four additional
23 polling locations were discovered by Secretary of State
24 investigators to be deficient of equipment for voters with
25 visual and physical disabilities.

1 Investigation revealed Mr. Housley advised he arrived
2 at Peachtree Hills Recreation Center at 9:15 A.M., and the
3 controller could not be located to allow him to vote. It
4 was determined that there was not one at the location. A
5 request was made for one in about 45 minutes. He was
6 advised it could be as long as two hours or more to wait
7 before one was delivered. He waited and after two and a
8 half hours, he was able to vote.

9 On November 3rd, 2020, there was no ATI located at
10 the Wolf Creek Library polling location. The poll manager
11 had requested one at 7 A.M. and again at 11:43 A.M., which
12 was documented in the notes for the precinct request was
13 for scanner keys, ATI control headset, and provisional
14 numbers list. On November 3rd, it was found that the
15 American Legion, JC Environmental Campus, and Northeast
16 Rural Oaks Library polling locations did not have an ATI
17 device present at the opening of polls. Devices were
18 requested by poll managers.

19 Derek Gilstrap [ph.] with Fulton County advised that
20 during the November election, every precinct had an ATI.
21 He states headphones were missing at two or three of the
22 precincts, but no ATI. This is contradictory to the poll
23 managers' statements, requests, and investigator
24 observations at these locations during site inspections on
25 November 3rd. We're recommending Fulton County Board of

1 Registration and Elections, Fulton County Elections
2 Director, Richard Barron, be referred to the AG's Office
3 for violation of 21-2-379(7)(b)(4) for five counts.

4 MS. THOMAS: And on the line we have David Lowman
5 with Nadine Williams and Ralph Jones on the line.

6 MS. SULLIVAN: Mr. Lowman, you can go ahead.

7 MR. LOWMAN: Yes. I would like Ms. Williams, who is
8 the Chief of Elections, to speak to this issue.

9 MS. SULLIVAN: Sure, go ahead.

10 MS. WILLIAMS: Good morning. Oh. Good afternoon,
11 Board. All precincts in the November 2020 election were
12 equipped with ATIs as required. Some of the precincts
13 were given two dual unit carriers. However, only one of
14 the carriers was equipped with an ATI. We believe that
15 some of the poll managers -- managers or poll workers
16 mistakenly thought that each dual unit was supposed to
17 have an ATI installed, which was not the case. In the
18 future though, we will ensure that each of our two-unit
19 carriers has ATI to avoid poll manager confusion, but we
20 believe that all the equipment -- all the equipment was --
21 all sites had ATIs. They were just looking in the -- in
22 the wrong carrier.

23 MS. THOMAS: Mr. Lowman, did you want to say
24 anything?

25 MR. LOWMAN: Yes. I will say that because we believe

1 that the correct ATI equipment was provided at each
2 precinct, we would ask that this case be dismissed or in
3 the alternative receive letters of instruction
4 specifically guided towards the poll workers and poll
5 managers so that they understand where the equipment would
6 be located. I think Ms. Williams has indicated that that
7 might not even be necessary since the ATIs will be
8 provided with both carriers from now on. Thank you.

9 MS. SULLIVAN: Are there any questions from any other
10 members of the Board?

11 MR. WORLEY: I'm -- I'm a little unclear here. Are
12 you saying that the equipment was at all the poll but not
13 all the poll workers were properly instructed on the
14 equipment?

15 MS. WILLIAMS: They were instructed on the equipment
16 and how to use the equipment. What they did not realize
17 is that they had more than one two-unit carrier, so that
18 it was in a -- in a different carrier. So we will ensure
19 that it's in every single carrier so actually the polls
20 end up having more than one ATI in the future, if they
21 have dual units -- more than one dual unit carrier.

22 MR. WORLEY: Okay. And just to be clear, could you
23 explain what you mean by dual unit carrier?

24 MS. WILLIAMS: I'm sorry. Our BMDs, because our
25 county is so big that if we have tabletop BMDs, it would

1 take up a lot of room inside of each of the polling
2 places, so we have purchased carriers. Some of them house
3 four BMDs, and the others are made to house two BMDs,
4 which has the one that is handicap accessible. Inside
5 that two-unit carrier, it holds two so that it's made to
6 where the handicap accessible units would be in that
7 carrier. Some of the precincts have more than one two-
8 unit carrier, so when they looked into -- unless they
9 looked into the one with the two-unit carrier with two
10 BMDs in it, you didn't see the ATI so you reported you had
11 no ATI, but if you looked -- would have looked in the
12 other two-unit carrier, they would have found it.

13 MR. WORLEY: Okay. And have -- have -- has poll
14 worker training been changed to make sure that poll
15 workers are now aware of this?

16 MS. WILLIAMS: Yes. We will ensure that the poll
17 workers en -- know where all their equipment is located.
18 We will ensure that the techs that are on site also are
19 knowledgeable of that, and just to avoid that altogether,
20 we're just going to have an ATI in every two-unit carrier,
21 so they'll just have additional ATI. If you have a two-
22 unit carrier, you'll just have two handicapped units at
23 your location.

24 MS. LE: And this is Anh. Just for a clarification,
25 did you -- were there -- how many voters were affected?

1 MS. WILLIAMS: I do not see where the number of
2 voters that were affected -- I see on the report there was
3 4 locations, but I think it was one voter on the report
4 that I see that we were given.

5 MS. SULLIVAN: Was that voter able to vote?

6 MS. WATSON: Yes.

7 MS. WILLIAMS: Yes.

8 MS. SULLIVAN: Are there any further questions? The
9 recommendation is to refer this matter to the Attorney
10 General's Office; is that correct?

11 MS. WATSON: That is correct.

12 MR. WORLEY: Madam Chair, this is David Worley. I --
13 given that problem appears to be fixed and the County is
14 undertaking training of the poll workers on where the
15 equipment actually is and that, in fact, the equipment was
16 present --

17 MS. SULLIVAN: Mr. Worley, you keep fading out. If
18 you could repeat yourself. I'm sorry.

19 MR. WORLEY: I'm sorry. I would make a motion that a
20 letter of instruction be sent because Fulton County has
21 corrected the problem, and I don't really see what else
22 would be gained by referring it to the Attorney General's
23 office.

24 MR. MASHBURN: David, this is Matt Mashburn. I
25 agree. Would you be amenable to a -- an amendment to add

1 a \$250 fine just for the inconvenience of the voter to
2 show that the Board takes his inconvenience seriously?
3 Would you accept that?

4 MR. WORLEY: Well, I would accept -- I would accept
5 that penalty, but I -- if we're going to consider a
6 penalty, I would refer it to the Attorney General's Office
7 because I think it's important that the Attorney General's
8 Office compare the penalty in this case to similar
9 penalties in other cases so that we can ensure --

10 MR. MASHBURN: I'll second your motion as stated, as
11 you stated it. I'll second it.

12 MS. SULLIVAN: So the motion on the table is to issue
13 a letter of instruction; is that correct? And it was
14 seconded by Mr. Mashburn.

15 MR. MASHBURN: Correct.

16 MS. SULLIVAN: Okay. Is there any further
17 discussion? All in favor, signify by saying aye, please.

18 THE BOARD MEMBERS: Aye.

19 MS. SULLIVAN: There is no one opposed. That motion
20 passes. The next case is 2020-174.

21 MS. WATSON: Yes. Election Supervisor Lisa Garrison
22 [ph.] for the City of Sale, Georgia reported their city
23 held an election on November 3rd, 2020. Lisa Garrison
24 advised they had a voter who was allowed to vote twice,
25 once during early voting and again on Election Day. The

1 investigation revealed that during the November 3rd, 2020
2 special election held in Sale City that Joseph Sessions,
3 Senior [ph.] voted twice in the same election. Joseph
4 Sessions, Senior voted during early voting on October the
5 19th, 2020, and he was a repeat voter on Election Day on
6 November 3rd, 2020. Joseph Sessions, Senior did not
7 remember voting two times in the special election. Our
8 recommendation is for Lisa Garrison, City Elections
9 Superintendent, Lynn Eckeridge [ph.] the poll manager be
10 referred to the AG's Office for 21-2-431 and Joseph
11 Sessions, Senior be referred to the AG's Office for 21-2-
12 572.

13 MS. SULLIVAN: There is no one here to speak
14 regarding this case. Does anybody have any questions?

15 MR. MASHBURN: I don't have any questions, and I move
16 that we accept the recommendation.

17 MS. SULLIVAN: I'll second that motion. We have a
18 motion and second to refer this to the Attorney General's
19 Office. Is there any further discussion? All in favor,
20 please signify by saying aye.

21 THE BOARD MEMBERS: Aye.

22 MS. SULLIVAN: None opposed. That motion passes.
23 The next case is 2020-175, DeKalb County.

24 MS. WATSON: Yes. This investigation was opened
25 after Sandy Romps [ph.] who alleged her -- a deceased

1 voter fraud perpetuated against her father-in-law John
2 Romps [ph.], who passed away on September the 19th, and
3 Louis Trammel [ph.], who passed away on April 30th, 2020.
4 According to the complainant, her father-in-law's Georgia
5 voter registration status was changed from deceased to
6 active after his date of death, and the address of record
7 was changed from Paulding County to a DeKalb County
8 address. The complainant also learned that another
9 deceased voter registration status was changed from
10 deceased to active and that the deceased voter's address
11 was changed to the same fraudulent address that was listed
12 for her father-in-law.

13 The investigation confirmed that deceased voters John
14 Romps and Louis Trammel were victims of identity theft and
15 that fraudulent Georgia driver's licenses were issued in
16 their names online. Because Georgia has automatic
17 registration through the Georgia DDS, an application for
18 voter registration was automatically generated and sent to
19 the queue for the rep -- reportedly new county of
20 residence. The investigation did not uncover any evidence
21 as to whether there was any election fraud and a query of
22 the Georgia voter registration system revealed that none
23 of the deceased individuals had votes cast under the
24 registration number after their date of death. The
25 investigation identified several criminal violations that

1 fell under the purview of the Georgia Department of Driver
2 Services, which were being investigated by the Department
3 of Driver Services.

4 However, it appears the DeKalb County Board of
5 Elections and Registration failed to perform its due
6 diligence when it did not conduct further inquiry on voter
7 registration numbers for the registration status as noted
8 in the Georgia voter registration system as deceased. Had
9 due diligence been performed, DeKalb County Board of
10 Elections and Registration could have challenged the
11 application or could have contacted the former county for
12 clarification. We're recommending DeKalb County Board of
13 Elections and Registration be bound over to the Attorney
14 General's Office for two counts of 21-2-217(b).

15 MS. THOMAS: And Irene Vander Els is on the line.

16 MS. LE: Ms. -- Ms. Sullivan, this is Anh Le. I'd
17 like to recuse myself from this case, please.

18 MS. SULLIVAN: Certainly. Ms. Vander Els, please go
19 ahead.

20 MS. VANDER ELS: Thank you, Board members. With
21 respect to our voter registration process, our permanent
22 and long-term temporary staff will be retrained and
23 refreshed on this registration process and will be
24 instructed to elevate to election supervisors any
25 applications that come through for a voter whose

1 registration has previously been canceled so that
2 additional research can be conducted at the supervisor's
3 level to ensure that issues like this don't occur in the
4 future, and our Elections Director Erica Hamilton is also
5 on the line, I believe, if you have any questions. And
6 because of these new procedures, we'd ask that a letter of
7 instruction be issued in this case rather than a referral
8 to the Attorney General.

9 MS. SULLIVAN: Do any Board members have any
10 questions? Are these new processes -- did you say that
11 are in place or will be in place?

12 MS. VANDER ELS: Well, these -- I believe these are
13 in place now, but they are going to do an updated
14 training, I think, in conjunction with the new law that
15 will ensure that these new procedures are -- that everyone
16 is made aware of them with respect to registration going
17 forward.

18 MR. MASHBURN: I don't have -- this is Matt Mashburn.
19 I don't have any questions. I would move that it be
20 referred over to the Attorney General's Office.

21 MS. SULLIVAN: We have a motion to refer this matter
22 to the Attorney General's Office. Is there a second?

23 MR. WORLEY: I will second that.

24 MS. SULLIVAN: We have a motion and a second. If
25 there's no further discussion, everyone who would like to

1 vote -- vote in favor of that motion, please say aye.

2 THE BOARD MEMBERS: Aye.

3 MS. SULLIVAN: And there are none opposed. Ms. Le
4 recused herself from that vote. That motion passes.
5 Okay. We are going to go back to 2020-141. This is the
6 Cobb County case which we have referred this to the
7 Attorney General's Office, but the complainant was not
8 able to speak and would like an opportunity to address the
9 Board, so we will do that now. Mr. Wallace, you have the
10 opportunity to speak.

11 MR. WALLACE: Okay. Can everybody hear me now?

12 MR. WORLEY: Yes.

13 MR. WALLACE: Okay. Thank you. We were having
14 technical difficulties, but I wanted to hopefully answer
15 any questions that possibly the Board had and hope for
16 some type of reconsideration, but I just wanted to say
17 that we've -- we've done -- had promoted this marketing
18 plan for the past 20 years, and we've done it the same way
19 and never had a problem before, and we've made it very
20 clear in all of our advertising that this was -- that this
21 was available or anyone was eligible if they could pass a
22 background check for this sweepstakes or raffle. We've --
23 we've never stated that someone was required to vote or
24 not vote to be a part of this raffle. We had about twenty
25 people come in the store to register. There was one rifle

1 that was given away to -- to someone. We don't know if
2 they voted or didn't vote.

3 And in our marketing, we often use current events to
4 attract attention to try to get new customers, and this is
5 just something that we were doing at the time. But -- and
6 it was very -- the actual complaint is a little -- is
7 misleading and really untrue because we never said that
8 someone has to vote to be eligible, and the print that was
9 on the sign on the front door that the investigator came
10 out, and I spoke with him personally, and he took a
11 picture of it. It said that you are not required to vote.
12 You are not required to not vote and for an issue or not
13 for an issue and that anyone is -- anyone is eligible of
14 legal age and that could pass a background check, and
15 there was one rifle given away.

16 MS. SULLIVAN: Mr. -- Mr. Wallace, this is Rebecca
17 Sullivan. I believe that the investigation materials
18 state that the online ad did say that you had to register
19 to vote or vote --

20 MS. WATSON: Show the I Voted sticker.

21 MS. SULLIVAN: -- show the I voted sticker in order
22 to enter the rifle, but it was at the store where you
23 advertised that no one was required to vote.

24 MR. WALLACE: Well --

25 MS. SULLIVAN: Is that a correct statement of the

1 facts?

2 MR. WALLACE: No, not totally. Because the online
3 ads, it was very general and generate where it just said
4 vote, win a rifle. See store for details, which we had
5 that on the ad. It did reference bring in a Georgia voter
6 sticker, but in no way did it say that they were required
7 to vote or not vote, and then we made that very -- it said
8 on the online ad see store for details because in our
9 marketing and advertising, we're not able to put all of
10 the -- of the rules of the marketing campaign, so that's
11 why we put it, you know, in print on the front door, where
12 it says see store for details.

13 MS. SULLIVAN: Thank you, Mr. Wallace.

14 MR. MASHBURN: This is -- this is Matt Mashburn. Mr.
15 Wallace, in retrospect looking back, you can now see how
16 vote, win a rifle is problematic, can't you?

17 MR. WALLACE: Well, in nature. I mean, we were using
18 that as a current event to, of course, you know, we try to
19 market to our customers out there possibly, but we often
20 use current events as part of our advertising, and this
21 was a current event at the time. Sometimes it could be,
22 you know, considered controversial, but that's what, you
23 know, gets attention, and we're just trying to get out
24 there and promote to, you know, new customers. Our real
25 intent was to get new customers in the door, collecting

1 addresses, and they fill out a, you know, a form with
2 their name and -- name and email address, and they have a
3 chance to, you know, win a rifle.

4 MR. MASHBURN: I appreciate your explanation. Thank
5 you.

6 MR. WALLACE: Yes, sir.

7 MS. SULLIVAN: Do any other Board members have any
8 questions? Thank you, Mr. Wallace, for being here. The
9 next case on our agenda is SEB case number 2020-181, Bell
10 Hi -- Ben Hill County.

11 MS. WATSON: In November of 2020, it was reported to
12 the investigations division that Ben Hill County failed to
13 hold a runoff following the June 9th, 2020 primary
14 election for the Board of Education race. Investigation
15 substantiated that there were three candidates in the race
16 for the Ben Hill County Board Education District 6 race.
17 There was no candidate that received a majority of the
18 vote. The Ben Hill Elections Supervisor advised that she
19 believed that the School Board race was decided by
20 plurality and not majority. The Elections Supervisor
21 Cindi Dunlap contacted the county attorney and the current
22 Board of Education to verify if the race was decided by
23 majority or plurality and was advised it was plurality.

24 Later, Cindi Dunlap received documents for the runoff
25 election from the Secretary of State and Center for

1 Elections on multiple times, at least one email on June
2 17th, 2020, at which time she responded that Ben Hill did
3 not have a runoff election. On August 5th, 2020, Cindi
4 Dunlap was informed that a runoff was required. A court
5 order was sought by Ben Hill to determine the date to hold
6 the runoff. Candidates were notified of the hearing and
7 the runoff. The court determined the runoff would be held
8 on December the 1st, 2020. Our recommendation is to issue
9 a letter of instruction for Cindi Dunlap, the Elections
10 Supervisor for Ben Hill County, and the Ben Hill County
11 Board of Elections and Registration for violation of 21-2-
12 501(a), as Cindi Dunlap did seek advice from the county
13 attorney and the Board of Education in reference to
14 whether a runoff was required.

15 MS. THOMAS: And we have four people here to speak on
16 this case. First is Cindi Dunlap and Tom Sawyer [sic].

17 MS. SULLIVAN: Ms. Dunlap, go ahead. Go ahead, Ms.
18 Dunlap. Can you hear us?

19 MS. THOMAS: You're unmuted. You can go ahead and
20 speak. Mr. Sawyer?

21 MS. SAWYER: Hi, can you hear me?

22 MS. SULLIVAN: Yes, we can hear you now.

23 MS. SAWYER: Actually, it's Ms. This is Toni Sawyer.
24 How are you doing?

25 MS. SULLIVAN: Okay. Ms. Sawyer?

1 MS. SAWYER: Yes, ma'am.

2 MS. SULLIVAN: Yes, thank you.

3 MS. SAWYER: Well, I represent the Ben Hill County
4 School District, and first and foremost what we would like
5 to express is that the school district nor the Board of
6 Education has any involvement in any election, you know.
7 Not only is it our charter that we are elected under the
8 Georgia election law, but there's nothing in the election
9 law that provides that the school district gets involved
10 in these elections. Our Board members qualify with the
11 Board of Elections. The Board of Elections holds these
12 elections for us, and actually, under Title 20 and Title -
13 - Title 20, which is the education law, and Title 21,
14 which is, of course, the election law, states that the
15 Board of Elections and Registration is the entity in Ben
16 Hill County that will hold the election and certify the
17 results locally and to the Elections Board -- I meant to
18 the State Board of Elections.

19 So with that being said, I would like to first advise
20 that there's been some misinformation. Unfortunately, Ms.
21 Dunlap did not contact the Board of Education as it
22 relates to how our members are elected. We were not
23 notified of anything until August 5th when Ms. Dunlap
24 actually contacted me after a conversation or a telephone
25 call that was made to her by Mr. Chris Harvey advising her

1 that she was supposed to have a runoff the next week.
2 That was the first contact that was made about this runoff
3 and how members are elected. Now, it has been said by Ms.
4 Dunlap that three of our Board members were asked, and our
5 Board members in the petition to hold the election -- to
6 hold the missed election -- provided affidavits stating
7 that that never occurred.

8 So, you know, I'm -- the State Board of Elections,
9 you know, it's up to you as to what you want to do, but we
10 just wanted to make it clear on behalf of the Board of
11 Education that one, we have no involvement in the
12 elections. Two, we were never contacted and never asked
13 until August 5th. My understanding is that the county
14 attorney was not contacted until much later, after the
15 August 5th communication with Mr. Harvey, and, you know --

16 MS. SULLIVAN: Thank you. The Board of Education is
17 not a Respondent in this case, correct?

18 MS. SAWYER: Correct. Correct. We just --

19 MS. SULLIVAN: Okay.

20 MS. SAWYER: -- wanted to clarify misinformation that
21 was provided.

22 MS. SULLIVAN: Thank you. Thank you. Is Ms. Dunlap
23 able to speak? Ms. Dunlap?

24 MS. DUNLAP: Can you hear me?

25 MS. SULLIVAN: We can hear you now, yes.

1 MS. DUNLAP: Okay. Actually, Nick Kinsley, our
2 county attorney, is on to speak for Ben Hill County.

3 MS. SULLIVAN: Okay.

4 MS. DUNLAP: Which, I mean, I'll answer any questions
5 if anybody has any for me.

6 MS. SULLIVAN: Sure. He's unmuted and give him the
7 go ahead.

8 MR. KINSLEY: Thank you. And we received the letter
9 and so the factual findings that I had were a little
10 briefer than the ones that were discussed at the hearing,
11 and -- but I think I typically agree with it. You know,
12 we're happy to answer any questions, but if it's the
13 Board's desire to issue a letter of instruction, you know,
14 we don't object to that. Thank you.

15 MS. THOMAS: All right. And then we also have
16 Kenneth Palmer on the line as well.

17 MS. SULLIVAN: Mr. Palmer, you may go ahead.

18 MS. THOMAS: You can unmute yourself using the
19 toolbar.

20 MR. PALMER: Yeah. On the night of the election when
21 I arrived, I guess after the election was over, I was
22 informed that, you know, I had won the election, so I
23 asked for a copy of the results, and it was effectively --
24 I had to discover myself that, in fact, that I had not won
25 the election that night. And so it -- there was banter

1 about, you know, I guess, people just trying to appease
2 me. Okay. Well, it ended up in a plurality. Is there a
3 runoff? Or -- or, you know, what's supposed to take place
4 now? Because, you know, I arrived and was greeted and
5 congratulated that hey, I had won this election, only to
6 have to, you know, get the election results myself and
7 then go back and inform them that hey, you know, if my
8 math is correct, you know, the incumbent had ten more
9 votes than I had, and it was, like, okay, well, okay.

10 Well, there was a brief pause and a separation.
11 Then, I was informed that okay, yeah, they had -- they had
12 had votes, I guess, that came in, absentee ballots must
13 have come in. And, you know, then, I guess -- in an
14 effort, I guess to -- you know, I wasn't -- I wasn't
15 upset, you know. I was willing to accept the results of
16 whatever -- for whatever they were, but at the time, I
17 guess, you know, there was still uncertainty of if this
18 was a plurality or if there were -- if there was supposed
19 to be a runoff when you have more than -- if you don't
20 have fifty percent of the vote, and -- and that never
21 occurred.

22 I didn't hear anything about a runoff until someone
23 contacted me about a local tele -- television station, I
24 guess, announcing, I guess, the runoff the next day. And
25 actually, you know, it was -- it was me having to contact

1 the Elections Office to find out, and then later, we go
2 to, you know, a trial, hearing, so forth and so on. It's
3 just that at that time, I guess, if there was uncertainty,
4 I mean, it should have been investigated, you know, then
5 to avoid, I guess, the confusion, I guess, it may have
6 caused later down the line. Thank you.

7 MS. SULLIVAN: Thank you, Mr. Palmer. When you say
8 they informed you that you won, who are you -- who told
9 you that you won the election at this point?

10 MR. PALMER: Well, when I walked in, I think I
11 remember the sheriff. I guess he was there, I guess, to,
12 you know, as security, you know, congratulated by him, and
13 there were, I think -- there were -- maybe I can't
14 remember the lady's name that was leaving as I came in. I
15 think she had -- I think she was in the other district,
16 and she had got her results.

17 MS. SULLIVAN: So that would just be members of the
18 public, not the actual County telling you that?

19 MR. PALMER: I think, you know, there were
20 congratulations from -- I think -- I don't know what their
21 name is. Maybe Heather, I think, or just the whole -- the
22 whole -- just the whole, you know, everybody that was
23 there, I guess, you know, for the most part, you know, was
24 in turn, you know, issuing congratulations and like I say,
25 I was set to walk out, but I asked for a copy of the

1 actual results to see the numbers, and when I get, you
2 know, to the door looking at the numbers and, you know, I
3 was ten votes, you know, behind the incumbent, and I'm
4 like, okay, hey, I'm not a math major, but, you know, if
5 he has ten more votes than me, then, you know, somewhere
6 there's a mistake. And I think somebody, you know, went
7 back and I guess got with the -- I guess whoever was
8 counting the votes, and they came back and said, you know,
9 I guess there was a mistake, and it must have been some
10 absentee -- absentee ballots came in, and then, you know,
11 just I don't know who or what -- how it was said, you
12 know, but I guess, you know, --

13 MS. SULLIVAN: I think we have sufficient -- we have
14 sufficient information regarding that. Thank you, Mr.
15 Palmer. Does any Board member have any questions for any
16 of our speakers or Ms. Watson?

17 MR. WORLEY: I have a question, Ms. Sullivan. I have
18 a question for Ms. Dunlap. Why was a runoff not held?

19 MS. DUNLAP: Okay. Well, it -- it kind of goes back
20 to what Ms. Sawyer said. This is going to get into a he
21 said, she said. I did ask a couple of the Board members
22 that night. One -- well, one particular that was in the
23 runoff if it was majority or plurality. I had left the
24 County and came back. I didn't know if there had been any
25 changes. There was a few contacts. They say we did not

1 contact them. You know, it's really not a matter of
2 getting he said or she said. Ultimately, it comes down to
3 me. I did take that word of plurality, contacted a few
4 others. I did contact the State through email, my
5 liaison, twice between the actual election and June 17th,
6 and numerous times -- or those two times through email
7 stated that we did not have one, and we didn't have one
8 through plurality.

9 I also had conversations with Dominion and No, Inc.
10 When they contacted me for information, I told them we did
11 not have one. It was -- nothing was, you know, ever said
12 or done. And then, it came about later on that it was
13 supposed to be done. It was by majority, and we
14 immediately petitioned the court to get a date.

15 Now, nobody in my -- affiliated with my office
16 congratulated Mr. Palmer. We actually didn't -- we don't
17 know the final results. We're so busy. There's only
18 three of us in the actual office to do the end of the
19 night stuff. We're so busy. We actually don't physically
20 sit down and look at everything until the day after. He
21 was correct. It was, I think, the sheriff, and there were
22 some other people that came in to get results. I make
23 sure all candidates get results. I hand them off to other
24 people to give to them. If Mr. Palmer didn't get one, I -
25 - you know, I do apologize for that. We also give our

1 media Election Night results as well and also statements
2 of votes cast if they request them.

3 MR. MASHBURN: This is Matt Mashburn. I'm sorry to
4 interrupt you. This is Matt Mashburn. So there's a court
5 -- there was a court suit, a lawsuit, that happened,
6 right?

7 MS. DUNLAP: No, sir. There was no lawsuit.

8 MR. KINSLEY: This is Nick Kinsley. May I explain
9 that?

10 MR. MASHBURN: Okay. I thought you were saying there
11 was a suit.

12 MR. KINSLEY: This is Nick Kinsley. May I explain
13 that?

14 MS. SULLIVAN: You may.

15 MR. KINSLEY: So -- so what happened was immediately
16 after Mr. Harvey called Ms. Dunlap, and she had spoken
17 with the liaison and whatnot, she called my office, and we
18 determined that, you know, there should have been a
19 runoff. We actually spoke with Ms. Harvey -- Mr. Harvey
20 with the county attorney office and, you know, decided the
21 best option was to -- to petition the court for another
22 date for a runoff, so we did that, and the -- Mr.
23 Herlovitch [ph.] and Mr. Palmer were both served and
24 attended the hearing, and at the hearing, we presented all
25 the information. There was no real arguments. We

1 suggested the November election just to save money and
2 just so -- since we were already holding another election
3 it would be easy. They preferred December, so we had no
4 problem with that. We did not object, and so the court
5 issued an order that a December election was held. So at
6 the December election, we didn't receive any complaints.
7 The -- the winner was Mr. Palmer, and he was able to take
8 his seat with the Board of Elections [sic - Education] so
9 the only, you know, difference was there was a delay from
10 let's say August to December. There was no actual harm,
11 and there were no complaints, and so, you know, in our
12 opinion, you know, remedial steps were taken.

13 MR. MASHBURN: Instead of a runoff, y'all just had a
14 new election, right?

15 MR. KINSLEY: Say that again. I was talking over
16 you. I apologize.

17 MR. MASHBURN: In place of the missed runoff, you
18 just had a new election?

19 MR. KINSLEY: That's correct. We -- we held it in
20 December instead of August. Correct.

21 MR. MASHBURN: Okay. Thank you.

22 MR. KINSLEY: You're welcome.

23 MS. SULLIVAN: What is the pleasure of the Board?

24 MR. WORLEY: Ms. Sullivan, this is David Worley. I -
25 - I cannot accept the investigator's recommendation of a

1 letter of instruction. This is -- this is the most basic
2 thing that election officials do which is to have an
3 election when you're supposed to have an election, and,
4 you know, this idea that well, we'll take a letter. It's
5 fine. No problem. No harm, no foul. That's -- that's
6 not how it works, in my opinion, so I would make a motion
7 that we refer this to the Attorney General's Office.

8 MS. SULLIVAN: I'll second your motion. Is there any
9 further discussion? All in favor of the motion to refer
10 this matter to the Attorney General's Office, signify by
11 saying aye.

12 THE BOARD MEMBERS: Aye.

13 MS. SULLIVAN: No opposition. That motion passes.
14 The next case -- thank you all for being here. The next
15 case on the agenda is 2020-191, Forsyth County.

16 MS. WATSON: [sound distortion] the Secretary of
17 State received multiple complaints regarding the
18 processing of absentee ballots and possible voter
19 registration fraud during the Forsyth County 2020 primary,
20 general, and general runoff election. The first
21 allegation was Forsyth County Voter Registration Office
22 did not process an absentee ballot that was placed inside
23 an absentee ballot drop box during the 2020 general
24 election. There was insufficient evidence to substantiate
25 that allegation.

1 The Forsyth County Voter Registration Office did not
2 process UOCAVA absentee ballot requests in a timely manner
3 during the 2020 general election. This was also
4 unsubstantiated. Elena Roderick [ph.] is a dental student
5 in Augusta living in -- just over the line in South
6 Carolina. She's registered to vote in Forsyth County, and
7 she requested an absentee ballot for the 2020 general
8 election. Danice Wang is a resident of Utah. She's
9 registered to vote in Forsyth County, and she regis --
10 requested an absentee ballot for the 2020 general runoff
11 election. Someone filed a fraudulent application for
12 absentee ballots for Robin and Robert Cookson for the 2020
13 primary election.

14 Investigation shows in allegation 3, the homeowner at
15 4650 Alistair Drive, Cumming, Georgia, reported that Elena
16 Roderick [sound distortion] resident. It was reported
17 that Elena Roderick is a student in dental school in
18 August, Georgia but resides in South Carolina. The voter
19 registration date at this address was October 16th, 2020.
20 An absentee ballot application was submitted for the 2020
21 general election and was issued to the South Carolina
22 address but was not voted or returned. Records indicate
23 Elena to have resided in South Carolina for the past two
24 years. Elena stated she has been living in South Carolina
25 for the last two years while attending dental school and

1 that her husband's family -- I believe it was her fiancé's
2 family owned a house in Forsyth prior to her moving which
3 was two years prior and not at the time that she
4 registered at that address.

5 As to allegation 4, Danice Wang, it was verified that
6 Wang moved from Forsyth to Utah in 2018 after graduating
7 college. Wang voted in the 2020 general election in Utah
8 and then requested an absentee ballot for the 2020 general
9 election runoff in Georgia. The ballot was not voted or
10 returned. Records indicate she is a resident at 3854 Sage
11 Meadow Drive, South Jordan, Utah and owns a vehicle that
12 is also registered at this address in Utah, and she has a
13 voter registration and voted in Utah in 2020. On December
14 15th, 2020, [sound distortion] her Georgia voter
15 registration.

16 As to allegation 5, Robert and Robin Cookson stated
17 that they believe someone had fraudulently submitted an
18 absentee ballot application in their name for the 2020
19 primary election. The application for the absentee ballot
20 listed the address for the Cooksons in North Carolina with
21 the street number being off by one number. Applications
22 for the Cooksons was obtained, and they verified the
23 applications were not submitted by them. Further
24 investigation determined the Cooksons had been associated
25 with a North Carolina address since 2014 and have vehicles

1 registered in North Carolina and registered to vote in
2 North Carolina in 2016 and voted [sound cuts out]
3 electors.

4 MS. THOMAS: And we have four people here to speak.
5 First is Bryan Sells on behalf of Elena Roderick.

6 MS. SULLIVAN: Mr. Sells, go ahead.

7 MR. SELLS: Thank you. Good afternoon, Madam Vice
8 Chair and members of the State Election Board. I'm Bryan
9 Sells. I represent Elena Roderick, one of the Respondents
10 in case number 2020-191. The complaint against Ms.
11 Roderick should be dismissed because she is not a resident
12 of South Carolina, and she certainly did not know that she
13 is a resident of South Carolina when she registered to
14 vote and requested an absentee ballot in 2020. Staff
15 alleges that Ms. Roderick violated section 21-2-561,
16 relating to voter registration, and in 21-2-573, relating
17 to absentee voting, by registering to vote and requesting
18 an absentee ballot in the 2020 election while she was a
19 resident of South Carolina. Both statutes require a
20 knowing violation. In other words, Ms. Roderick must have
21 known that she was a resident of South Carolina when she
22 registered to vote and requested an absentee ballot, but
23 Ms. Roderick is not a resident of South Carolina. She is
24 a resident of Georgia, and she has been since she was four
25 years old.

1 Since 2018, Ms. Roderick has been a full-time student
2 at the Dental College of Georgia, which is part of Augusta
3 University in Augusta, Georgia. Prior to her
4 matriculation at the Dental College of Georgia, Ms.
5 Roderick and her husband lived with her husband's parents
6 in Forsyth County. She intends to return to Forsyth
7 County following her graduation from the Dental College of
8 Georgia next year, and she's already begun looking to
9 purchase a piece of land to build a home in Forsyth
10 County, and she's been looking for an existing dental
11 practice to purchase in Forsyth County. Georgia law
12 provides that quote no person shall be deemed to have
13 gained or lost a residence by reasons of such person's
14 presence or absence while enrolled as a student at any
15 college, university, or other institution of learning in
16 this state. That's, of course, 21-2-217, subsection
17 (a)(8), the residency statute.

18 Ms. Roderick would be a Georgia resident in any event
19 because she has never left Georgia without an intention to
20 return, just like the physician from New York, Sumeet
21 Bahl, that the State Election Board considered this
22 morning --

23 MS. SULLIVAN: I think we've lost you. Mr. Sells, we
24 cannot hear you.

25 MR. SELLS: You can't -- what was the last -- can you

1 hear me now?

2 MR. WORLEY: I can hear Mr. Sells.

3 MS. SULLIVAN: We cannot hear you. We only see you
4 on the closed captioning, though.

5 MR. SELLS: I -- my microphone is working according
6 to my Zoom.

7 MS. SULLIVAN: He says his microphone's working. Is
8 there a problem with the phone?

9 MR. WORLEY: Ms. Sullivan, this is David Worley. I
10 can hear Mr. Sells just fine. Can you hear me?

11 MS. SULLIVAN: We are checking things are our end.
12 We cannot hear you.

13 MR. SELLS: I -- my words are showing up in the live
14 transcript.

15 MS. THOMAS: Mr. Worley, can you say something really
16 quickly?

17 MR. WORLEY: Sure. I can hear Mr. Sells, but I
18 cannot -- I can hear Mr. Sells.

19 MS. SULLIVAN: Okay. So it does appear to be on our
20 end.

21 MR. SELLS: Okay. Just let me know when I can
22 resume.

23 MS. SULLIVAN: Thank you. We'll take a ten-minute
24 break while we try to figure out the issue, the technical
25 issue. We'll be back in -- we'll be back by 2:20.

1 (Meeting break)

2 (Meeting resumes)

3 MS. SULLIVAN: This is Rebecca Sullivan. I believe
4 we've resolved our technical difficulties. Mr. Sells, I
5 apologize that that occurred in the middle of your
6 statement. If you're able to -- ready to resume, we are -
7 - should be able to hear you.

8 MR. SELLS: Madam Vice Chair, I am ready to resume.
9 Can you hear me?

10 MS. SULLIVAN: We can. Thank you, and I, again,
11 apologize for that.

12 MR. SELLS: Great. So I think there's a little bit
13 of uncertainty about when I may have dropped off, so I'm
14 going to recap a little bit, and I apologize if you're
15 heard it before.

16 MS. SULLIVAN: That's fine. Go ahead.

17 MR. SELLS: But my main point here is that Ms.
18 Roderick is not a resident of South Carolina. She's a
19 resident of Georgia, grew up in Cobb County, and has been
20 a Georgia resident for almost all of her life. Since
21 2018, she's been a full-time student at the Dental College
22 of Georgia in Augusta. Before her matriculation there,
23 she lived with her husband's parents in Forsyth County,
24 and she intends to return to Forsyth County after her
25 graduation from the Dental College of Georgia next year.

1 She's already looking to purchase a practice in Forsyth
2 County and is actively looking to buy a piece of land on
3 which to build a house in Forsyth -- Forsyth County.

4 Now, Georgia law provides that no person shall be
5 deemed to have gained or lost a residence by reason of
6 such person's presence or absence while enrolled as a
7 student at any college, university, or other institution
8 of learning in this state. That's 21-2-217, subsection
9 (a)(8), the residency statute. Ms. Roderick would be a
10 Georgia resident in any event because she has never left
11 Georgia without an intention to return, just like the
12 physician from New York, Mr. Sumeet Bahl, that the State
13 Election Board considered this morning, a long time ago
14 now, in case 2020-220. But Ms. Roderick also clearly
15 comes under the protection of the residency statute
16 because she has been enrolled at the Dental College of
17 Georgia since 2018. She cannot have lost her residency by
18 going away to school in Georgia, and she certainly could
19 not have had the level of knowledge required by the
20 statutes that Ms. Roderick is accused of violating.

21 The undisputed facts in this case simply do not add
22 up to a prima facie violation of either statute, and so we
23 respectfully ask the Board to dismiss this case as to Ms.
24 Roderick, and I'm happy to answer any questions that the
25 Board may have.

1 MR. WORLEY: Ms. Sullivan, I have some questions.

2 MS. SULLIVAN: Please go ahead.

3 MR. WORLEY: Mr. Sells, I appreciate what you're
4 saying, and I certainly agree with you as to Ms. Roderick
5 being a resident of Georgia, and I get your arguments
6 about the two statutes that she's been charged with. But
7 I had a question for you. The investigative report seemed
8 to indicate that Ms. Roderick registered to vote at an
9 address that had previously been owned by her parents; is
10 that correct?

11 MR. SELLS: Mr. Worley, it was previously owned by
12 her in-laws. That's correct.

13 MR. WORLEY: Okay.

14 MR. SELLS: And that's the address that was on her
15 driver's license at the time.

16 MR. WORLEY: Okay. But she was not a resident of
17 that location at the time she registered to vote; is that
18 correct?

19 MR. SELLS: Well, the history of her registration is
20 -- is quite convoluted. She, on September 6th, tried to
21 register in Cobb County, which is where her father lived
22 and still lives and where Ms. Roderick lived before moving
23 in with her in-laws and at the time fiancé. But after
24 they got -- but that registration did not, apparently, go
25 through in time under -- with the online voter

1 registration system, and she kept getting error messages,
2 and so she registered with the address that's on her
3 driver's license, and that went through.

4 MR. WORLEY: Which was no longer her in-law's
5 address?

6 MR. SELLS: At that time, no. They had sold that and
7 moved away.

8 MR. WORLEY: Okay. All right. There's a statute,
9 21-2-562, which says that any person who willfully inserts
10 or permits to be inserted any fictitious name, false
11 figure, false statement, or other fraudulent entry on any
12 registration card violates the law, so she may not have
13 been guilty of the two statutes in the report, but it
14 seems to me that she's certainly guilty of 21 -- of a
15 violation of 21-2-562, and I would make a motion that that
16 be referred to the Attorney General's Office.

17 MR. SELLS: May I respond to that?

18 MS. SULLIVAN: We have a motion on the table, and we
19 actually have a second.

20 MR. WORLEY: Ms. Sullivan, we do have a motion on the
21 table, but I think we should certainly let Mr. Sells
22 respond. I would hope the Board would let Mr. Sells
23 respond.

24 MS. SULLIVAN: Okay. So we have a motion and a
25 second. Right now, go ahead and -- you can go ahead and

1 speak.

2 MR. SELLS: Thank you. I'd like to make two points.
3 Number one, of course, is that we didn't have any notice
4 of that particular violation, and I would ask that if the
5 Board is inclined to move forward on that, that it
6 continue any discussion of that particular charge until a
7 future meeting so that I have time to prepare for that
8 particular charge.

9 But I also, Mr. Worley, I'm not sure that your --
10 that I agree with your interpretation of that statute.
11 And the reason for that is because it, in a way, conflicts
12 with the residency statute, and I think a fair reading of
13 the residency statute is such that, you know, if you're
14 someone in Ms. Roderick's position, and you go away to
15 school, and through no fault of your own, your -- your
16 parents sell the house, what are you to do? Are you to
17 register at the place or register at some other place? At
18 the very least, the law isn't clear on that, and I think
19 as a result of that there would be no clear violation of -
20 - of the statute that you referred to -- I think it was
21 562 -- in any event.

22 This is not an uncommon problem, I would suggest to
23 you, where kids go away to college, and their parents
24 move, and yet, they don't change their -- their driver's
25 licenses because they're away. They're not using them.

1 They don't come back. Arguably, Ms. Roderick should have
2 not tried to register in Forsyth County. She is currently
3 registered in Cobb County, but at the time that that
4 happened, it's not necessarily clear that what she did was
5 improper in my view.

6 MR. WORLEY: Well, yeah, I just happen to disagree.
7 I think it is improper. She shouldn't register at an
8 address that she no longer lives at or that no family
9 members live at. It would be a different situation if her
10 family still lived at that address, so I think this case
11 would benefit from an interpretation of these two possibly
12 conflicting laws from the Attorney General's Office, but I
13 appreciate the fact that you did not have an opportunity
14 to prepare for this particular issue, so I would withdraw
15 my motion to refer it to the Attorney General's Office and
16 instead ask that it be -- the case be sent back to the
17 investigative division for an analysis of whether a
18 potential violation of 21-2-562 [sound cuts out].

19 MS. SULLIVAN: All right. So you are withdrawing
20 your motion at this point in order to -- for it to be
21 reviewed again and for Mr. -- for Respondent to be placed
22 on notice of this new -- potentially this different charge
23 than she was originally placed on notice of; is that
24 correct?

25 MR. WORLEY: Correct. Yes.

1 MS. LE: Mr. Worley, is your motion just with respect
2 to Elena Roderick or is it the entire case?

3 MR. WORLEY: Yes. It's only with -- no. Only with
4 respect to Ms. Roderick.

5 MS. LE: Okay.

6 MS. SULLIVAN: So that is a motion to continue --
7 continue the case against Ms. Roderick as I understand it.

8 MR. WORLEY: Correct.

9 MS. SULLIVAN: Do we have a second of that motion?

10 MR. MASHBURN: Second.

11 MS. SULLIVAN: Seconded by Matt Mashburn. Any
12 further discussion? All in favor, please say aye.

13 THE BOARD MEMBERS: Aye.

14 MS. SULLIVAN: And that's none opposed, so that
15 matter regarding Ms. Roderick will be continued until the
16 next meeting.

17 MS. THOMAS: Next, we have -- next, we have Danice
18 Wang.

19 MS. SULLIVAN: Ms. Wang, you may go ahead and speak.

20 MS. WANG: Okay. Thank you. Hello. I requested the
21 absentee ballot in error. This is because I thought that
22 the runoffs were a different election from the general
23 election and because my Georgia registration was still
24 active, I thought that I could legally vote, so my mom
25 called the Secretary of State to clarify and told me this

1 is not true. Upon learning this, I corrected this by
2 cancelling my registration and by not returning the
3 ballot. I did not intentionally try to commit voter
4 registration fraud or anything like that, and I would
5 respectfully like to ask the Board to dismiss the case.

6 MS. SULLIVAN: Thank you, Ms. Wang, for being here.
7 So you did not actually return the ballot, correct?

8 MS. WANG: Correct.

9 MS. SULLIVAN: And did you receive that information
10 from the Secretary of State's Office clarifying the
11 information?

12 MS. WANG: Yes. Correct.

13 MR. MASHBURN: This is Matt Mashburn. And you admit
14 you're a resident of Utah, correct?

15 MS. WANG: Yes. But I thought, like, because my
16 registration in Georgia was valid that I could also vote
17 for a different election.

18 MR. WORLEY: How -- why would you think your
19 registration in Georgia would be valid if you already
20 voted in November in Utah?

21 MS. WANG: Oh, the website said it was still active.

22 MR. WORLEY: Well, I'm -- I'm sure that that's what
23 the website said that it's active, but as an actual fact,
24 when you register in one state, you're -- you're no longer
25 considered registered in the first state that you were

1 registered in, so just for your information.

2 MS. WANG: Okay. Thank you for the information.

3 MS. SULLIVAN: Has your registration in Georgia been
4 cancelled at this point?

5 MS. WANG: Yes, it has been.

6 MS. SULLIVAN: Thank you.

7 MR. MASHBURN: This is Matt Mashburn. I move that
8 this be referred to the Attorney General.

9 MS. SULLIVAN: We have a motion. Is there a second?

10 MR. WORLEY: I would second that.

11 MS. SULLIVAN: We have a motion and a second. Is
12 there any further discussion? All in favor, please
13 signify by saying aye.

14 THE BOARD MEMBERS: Aye.

15 MS. SULLIVAN: And none opposed. That motion passes.
16 Do we have another -- go ahead.

17 MS. THOMAS: And then on the last part we have Robin
18 and Bob Cookson.

19 MS. SULLIVAN: Mr. and Ms. Cookson, you may speak.

20 MS. COOKSON: Okay. Thank you very much. I am Robin
21 Cookson. I am a 73-year-old grandmother with three
22 daughters and five biological grandchildren. I worked
23 with the Air Force, and I worked in the Forsyth County
24 Schools Special Ed Department from 2004 to 2013. I'm a
25 member of the Georgia Teachers' Retirement System, and I

1 have had a 40-year career as a special educator. My
2 husband Bob is with me. I am speaking for him. If you
3 need him to say -- to give me permission to speak for him,
4 he's coming to the mic right now.

5 MS. SULLIVAN: That's fine. You --

6 MS. COOKSON: Okay. You want to say your name?

7 MR. COOKSON: Yes. Robert Cookson. I am right here.

8 MS. SULLIVAN: Hi, Mr. Cookson.

9 MS. COOKSON: Give me permission.

10 MR. COOKSON: I give Robin permission because she
11 keeps up with the dates, and she can tell you better the
12 dates than I can. I'm 87-years-old, and I'm a little hard
13 of hearing.

14 MS. COOKSON: And having -- and very fragile
15 medically.

16 MS. SULLIVAN: Well, thank you for -- thank you for
17 being on the call. Ms. Cookson, you may proceed.

18 MS. COOKSON: Thank you. Bob is an 87-year-old
19 grandfather with two sons and four biological
20 grandchildren. He is a Navy veteran and worked for
21 Gillette from 1965 to 1996, when he retired in Georgia, as
22 a regional sales manager. His two sons and two of his
23 four grandchildren graduated from Georgia Tech. His two
24 sons currently live in North Metro Atlanta. Robin and Bob
25 moved to -- got married and moved to Cumming -- or Bob

1 moved to Cumming in 1988 from Roswell, and Robin moved in
2 in 2002 when they got married, and they've lived since
3 then -- their residency since then has been at 6248
4 Library Way in Cumming, Georgia.

5 In February of 2013, Robin's father, the late Major
6 General Albert John Boli [ph.], U.S. Air Force, passed
7 away, and she inherited -- or I inherited their home in
8 North Carolina, which was just a summer home. It wasn't
9 winterized. Both Robin and Bob are strong patriots and
10 would never knowingly break the law. They are shocked
11 after their patriotic effort to prevent voter fraud to end
12 up -- causing them to be accused of voter fraud. The
13 accusations are extremely detrimental to Bob's health,
14 which I hope the Committee will take under consideration
15 and will understand better as I continue to discuss this
16 case.

17 Bob and Robin have always paid their taxes in
18 Georgia, since 2002 joint files. Bob and Robin both have
19 their drivers' licenses in Georgia. Bob has congestive
20 heart failure and has had severe blockage of his bladder
21 from his prostate. Since December of 2019, Bob has had to
22 recover from two surgeries on his prostate, one -- one
23 which led him to sepsis and caused him to be hospitalized
24 in Watauga Medical Center in North Carolina for a month
25 and at the Foley Center in Boone. In 2020, in additional

1 to spending January in the Foley Center, he had stretched
2 due to swelling problems. He was admitted to the Watauga
3 Medical Center for depression and suicidal ideation and
4 worsening congestive heart failure, causing extreme
5 swelling. After -- after four days in the Watauga Medical
6 Center, he was transferred to [sound cuts out]

7 MS. SULLIVAN: Ms. Cookson, we are not able to hear
8 out.

9 MS. THOMAS: She stopped talking.

10 MS. COOKSON: You can't hear me?

11 MS. SULLIVAN: Now we can hear you.

12 MS. COOKSON: In December he was released from
13 hospice and given a pacemaker defibrillator. In October,
14 he had two clamps implanted in -- on his mitrobowel to
15 stop it from leaking. That was done at the Sanger Clinic
16 in Charlotte. In December, he had another new pacemaker
17 defibrillator implemented in Watauga Medical Center. In
18 February of 2021, he had a Watchman FLX implanted into
19 his heart and appendage and afterwards started cardio
20 rehab at Sea Coast Hospital in North Myrtle Beach which is
21 where we are now.

22 Throughout this time, Robin and Bob have been --
23 Robin has been Bob's primary 24/7 caretaker and is
24 constantly driving him between Watauga Medical Center in
25 Boone, Sanger Clinic in Charlotte, and Sea Coast Hospital

1 in North Myrtle Beach. All of the medical procedures --
2 these medial procedures and COVID have prevented us from
3 returning to our residency in Georgia, but we never
4 thought -- never thought that it would -- it would make
5 our residency invalid. Robin has had fibromyalgia since
6 childhood, has irritable bowel syndrome and dyslexia. She
7 was hospitalized with small intestine blockage and dep --
8 depression caused by the stress of being Bob's 24/7
9 caretaker. She --

10 MR. MASHBURN: Hey, Ms. Cookson? This is Matt
11 Mashburn on the Board. I'm sorry to interrupt you, but if
12 you could answer a question for me, I'd appreciate it. Is
13 it correct that y'all both registered to vote in North
14 Carolina in 2016?

15 MS. COOKSON: That is true. I'm getting to that
16 point right in just a second.

17 MR. MASHBURN: Okay. If you could jump -- if you
18 could jump ahead to that point, it'd be great.

19 MS. COOKSON: Okay.

20 MR. MASHBURN: Because that's what I'm really -- I'm
21 really interested in what happened to your Georgia
22 registration when you registered in North Carolina.

23 MS. COOKSON: Okay. When -- in 2013 -- in 2016, Bob
24 and I had planned -- let me just get my -- find my right --
25 -- we're jumping ahead, so I have to find my place. In

1 2016, Robin and Bob had planned to sell their house in
2 Georgia that summer and retire up into the mountains, and
3 on May 25th, she and -- the two of us decided to register
4 to vote in North Carolina, and we were putting our --
5 planning to put our house on the market in July with --
6 with Norman -- with Norman Realty, Harry Norman Realty,
7 and so that summer -- that summer, when we were getting
8 the house ready and doing everything, I learned that I had
9 to have my hip replaced, and that I would not be [sound
10 cuts out]

11 MS. THOMAS: Ms. Cookson, we can no longer hear you.

12 MS. COOKSON: -- North Carolina in the spring. We
13 went ahead and registered and figured it would sell. In
14 October, we were going to sell, but we learned we could
15 not sell and that we -- because I was going to have
16 surgery on November 7th, and so I couldn't -- I couldn't
17 make it down to Georgia, and I didn't know what was going
18 on with the residency so we just voted there, and I did
19 not know until now, today, listening once you register in
20 one state, you don't register -- you're not registered in
21 the other state. I didn't know that. So we went -- so we
22 went ahead and -- and voted in that next election in
23 Georgia because we did not know that we couldn't. At that
24 time, --

25 MR. MASHBURN: This is Matt Mashburn again. Sorry to

1 interrupt, but it was your understanding, or it didn't
2 occur to you that when you registered in North Carolina,
3 you should cancel your Georgia registration?

4 MS. COOKSON: Well, we were planning on doing that
5 but we -- everything got thrown up in the air with all the
6 medical problems we were dealing with, and to be very
7 honest with you, I just didn't even remember that we had
8 done that by the time 2020 came around or 2018. I mean, I
9 just -- it -- my -- I have to tell you that my brain at 73
10 isn't what it used to be, and I have been overwhelmed
11 taking care of my husband 24/7, so it did happen, but it
12 was not done intentionally. It was done without my memory
13 of knowing what I was even to do.

14 MR. MASHBURN: So what -- this is Matt Mashburn.
15 Sorry to interrupt you again, but I'm just trying to focus
16 in on -- on this particular issue, and that is when is the
17 last time you remember voting in North Carolina.

18 MS. COOKSON: I just did that one time in 2016. Oh.
19 No, yeah, in North Carolina. It was 2016. That was --

20 MR. MASHBURN: Okay. So you registered -- you
21 registered in North Carolina, and then you voted once.

22 MS. COOKSON: Yes. And we decided to go ahead and
23 vote there because we didn't think that we could be back
24 down to Georgia where we thought we were also registered
25 and get me able to -- with my hip being replaced getting

1 me to be able to vote, so we just said well, we're
2 registered here. We're going to -- we're going to sell
3 our house. We're going to be up there. We might as well
4 just vote there, and we really expected to sell our house
5 the following year, so we were not really thinking about
6 it. But the following year, in 2017, went -- things went
7 from bad to worse, and let me just get my notes here
8 because I don't want to lose track of this. It's a lot of
9 time to think. I put a calendar together. I spent a week
10 putting a calendar together to try and remind myself of
11 where we were when, and so in 2017 --

12 MR. MASHBURN: And so you -- I'm going to interrupt
13 you. I'll let you look, but I'll interrupt and see if you
14 can multi-task and do this one for me, but so you lived
15 part of the year in Newland, North Carolina, right?

16 MS. COOKSON: We spend what's called summer camp
17 there to get away from the heat. We do not spend winters
18 there. We spend winters in -- in either Florida or North
19 -- South Carolina on vacation. We -- so we spend about
20 four months every year on vacation there, and then we
21 spend a lot of time travelling to Charlotte and even me to
22 Australia because I have a daughter that lived over there
23 until 2018.

24 MR. MASHBURN: So -- so who has more -- I'm sorry to
25 interrupt. Who has more impact on your life right now?

1 The Mayor of Newland, North Carolina or the Forsyth County
2 Board of Commissioners?

3 MS. COOKSON: The Forsyth County Board of
4 Commissioners in our mind because we consider ourselves
5 member -- we have Georgia licenses. We pay Georgia taxes.
6 We care about Georgia. We have not at this point got any
7 ability to move or sell a house because we're -- our
8 health is still deteriorating, and so, you know, our
9 dreams back in 2016 just didn't come to fruition. So we -
10 - we're -- right now, we have no intention of doing --
11 we'd like to, if we were healthy, to sell our house, but
12 we -- we can't, and we have no intention of doing so. We
13 plan to as soon as we can return. Now, I will tell you
14 that in 2020, we ended up with -- being in North Myrtle
15 Beach for the first four months vacationing, and then,
16 let's see. Then, Bob ended up in the hospital with two
17 surgeries and five weeks in the hospital. I was in the
18 hospital for one week.

19 All of this -- we went -- and in May, we had to
20 decide where to go from here -- from Myrtle Beach, and we
21 knew that up in Avery County there was no COVID, and we
22 were very much at risk. We knew that there was a lot more
23 COVID in the Atlanta area and in Cumming, so we decided we
24 would go up there for a little while and see what would
25 happen with COVID, so that we were sort of hiding up

1 there. And then, Bob's medical problems became
2 overwhelming. He ended up, as I said, in hospice,
3 palliative care. He was -- he had five -- four surgeries.
4 He had -- he was four weeks in Sanger Clinic in Charlotte.

5 It was -- he was not movable, and neither was I, but
6 we thought that it was okay to vote because we were still
7 residents of Georgia. We had our Georgia licenses, and we
8 were registered, we thought, to vote in Georgia, so we
9 requested our Georgia absentee ballots. We didn't know --
10 I mean, I'm assuming you're -- when you're in lockdown and
11 you're sick and you can't move, that doesn't negate your
12 residency. I guess that was what we thought. And -- and
13 so --

14 MS. SULLIVAN: Thank you.

15 MS. COOKSON: -- what happened --

16 MS. SULLIVAN: Thank you. Thank you, Ms. Cookson. I
17 think we understand your position on this matter, and I'm
18 sorry for all the health problems you and your husband
19 have suffered.

20 MR. WORLEY: Ms. -- Ms. Sullivan, I would make a
21 motion that we send a letter of instruction to the
22 Cooksons.

23 MS. SULLIVAN: Is there a second? Mr. Worley has
24 made a motion to send a letter of instruction in this
25 matter. I think that I will second that motion. Is there

1 any further discussion? All in favor of the motion,
2 signify by saying aye.

3 THE BOARD MEMBERS (except Mr. Mashburn): Aye.

4 MS. SULLIVAN: And all opposed?

5 MR. MASHBURN: No.

6 MS. SULLIVAN: Okay. So motion is 3 to 1 and does
7 pass. Is there anyone else to speak regarding this
8 matter? Okay. Is that the end of the allegations in this
9 case?

10 MS. WATSON: Yes.

11 MS. SULLIVAN: Okay. Thank you. The next matter in
12 this case -- the next matter on our agenda is 2020-199,
13 Walton County.

14 MS. WATSON: Walton County discovered a memory card
15 that was not uploaded with additional votes, official
16 certified totals being different by eight votes, and an
17 absentee ballot invalid signature letter was received too
18 late. Investigation confirmed that the Walton County
19 Board of Elections and Registration failed to verify that
20 all memory card votes were uploaded into the election
21 management system. During the hand audit, it was found
22 that they were over in the total number of ballots
23 compared to the total uploaded. It was determined that
24 the number of ballots from the Between precincts did not
25 match, and a second card scanner had not been uploaded.

1 It was verified that a rejection letter was not mailed to
2 Clarence Batty [ph.], in violation of 21-2-386(c).

3 Our recommendation is for Jennifer Felts [ph.],
4 Director of Walton County Board of Election and
5 Registration, and Walton County Elections be referred over
6 to the Attorney General's Office for violation of SEB rule
7 183-1-12-.12(6), for failure to verify and upload all
8 memory cards in the election management system for
9 official tabulation and consolidation, and to dismiss the
10 violation that was listed in the report as 21-2-379.11(g),
11 as that procedure for tabulation of votes refers to the
12 DRE results, although the procedure outlined is the same,
13 and also for 21-2-38 -- 386(c), for failure to send a
14 rejection letter to elector Batty.

15 MS. THOMAS: And we do have Lori Wood on the line on
16 this case.

17 MS. SULLIVAN: Ms. Wood, please proceed.

18 MS. THOMAS: You may unmute yourself. Ms. Lori Wood,
19 the floor is open for you to speak on this case.

20 MS. WOOD: Okay. Thank you. Can you hear me?

21 MS. THOMAS: Yes, we can.

22 MS. WOOD: Okay. Sorry. We do acknowledge that one
23 of the Between cards did not get uploaded. We have -- we
24 put corrective measures in place for the January runoff.
25 We created a chain of custody log so at this point we

1 would have three signatures on each -- you know, returned
2 by, accepted by, uploaded by to ensure that each memory
3 card was uploaded. And I -- I just -- I do want to add
4 that, you know, we -- we did miss the card. The Dominion
5 tech missed the card. And our old system, you know, it
6 would -- it wouldn't let us submit anything until all the
7 cards were in, so I just wanted -- I just wanted that to
8 be -- to be heard.

9 Consider -- you know, talking about this absentee
10 ballot, we did call Mr. Batty, and we did send a letter.
11 He said he didn't receive it. He said he didn't receive
12 it, but, you know, we received -- we received his ballot
13 on the 3rd. We called and we sent a letter on the 3rd, so
14 we had until that Friday to get that back in, and we -- we
15 didn't receive, you know, the cured affidavit back by
16 then, so we did -- we feel like we did our due diligence
17 on that part.

18 MS. SULLIVAN: Do any members of the Board have any
19 questions? Is there anyone else to speak on this case?
20 Ms. Watson, could you restate the recommendation?

21 MS. WATSON: Yes. The recommendation was to refer to
22 the AG's Office for SEB rule 183-1-12-.12(6), for failure
23 to verify and upload all memory cards, and dismiss 21-2-
24 379.11(g), and refer over 21-2-386(c), for failure to send
25 rejection letter to elector Batty.

1 MS. SULLIVAN: What is the pleasure of the Board?

2 MR. MASHBURN: I move to accept the recommendation.

3 MS. SULLIVAN: We have a motion. Is there a second?

4 MS. LE: Anh Le, second.

5 MS. SULLIVAN: We have a motion and a second. Is
6 there any further discussion? All in favor, please
7 signify by saying aye.

8 THE BOARD MEMBERS: Aye.

9 MR. MASHBURN: Did we lose David?

10 MS. SULLIVAN: Is there anyone opposed?

11 MS. THOMAS: No, he's there. He switched devices.

12 MS. SULLIVAN: I just heard two votes, so Ms. Le, did
13 --

14 MS. LE: That's an aye.

15 MS. SULLIVAN: Yes, and did Mr. Worley vote in favor
16 of that motion?

17 MS. THOMAS: Mr. Worley, are you able to unmute
18 yourself?

19 MS. SULLIVAN: Well, we will move on. We did have
20 three votes, so that motion did pass, and we'll move onto
21 the next case. Hopefully, we can work out whatever issue
22 is going on. The next matter is case number 2020-216.
23 Ms. Watson?

24 MS. WATSON: Yes. In Fayette County, 5 UOCAVA
25 ballots were not sent out by the deadline of 11/21/2020,

1 and allegation two, in Gwinnett County, 34 UOCAVA ballots
2 were not sent out by the deadline of 11/21/2020. The
3 Fayette County Registrar advised they missed the deadline
4 for 5 UOCAVA voters but did issue them on 11/23, two days
5 after the deadline to the voters, with three of the five
6 voting and returning them. Gwinnett County advised they
7 pulled the list for the 2020 election system and not the
8 2021 election cycle. That resulted in missing the 34
9 UOCAVA requests. All were issued on November 23, which
10 was two days after the deadline with 7 being returned, 4
11 of the voters voting in person, and 23 not returned. Our
12 recommendation is to refer Fayette County Board of
13 Elections and Voter Registration, Joy Jones [ph.], Agnes
14 Bridges [ph.] for 21-2-384(a)(2) and Gwinnett County Board
15 of Voter Registration and Kristi Royston, the former
16 Elections Supervisor for 21-2-384(a)(2).

17 MS. THOMAS: And we have Melanie Wilson and Patrick
18 Stough on the line. Ms. Wilson, you can go first.

19 MS. WILSON: Thank you. Good afternoon, members of
20 the Board, Madam Chair. I do appreciate Ms. Watson's
21 description of the facts in this matter. We do not
22 dispute the facts, but we are requesting a letter of
23 instruction in this case. I wanted to emphasize that this
24 simply -- well, simply isn't the right word. This was an
25 error. There was an official Election Board bulletin that

1 was sent out advising boards of registration and election
2 that they had to make -- in order to issue ballots, UOCAVA
3 ballots, in November for the January 2020 runoff, they
4 would have to select 20 -- the 2021 election cycle from a
5 drop down menu, and that didn't happen in this case. As
6 soon as the matter was brought to our attention, the staff
7 immediately ensured that the 34 ballots were issued.

8 Ms. Watson has directly -- correctly described that
9 11 people ultimately voted, and 23 people chose not to
10 vote. It seems to me that it's more likely than not that
11 the fact that they didn't vote is a function of their
12 choice as opposed to the delay, the two-day delay,
13 resulted in them being unable to vote, so I do think it's
14 important to emphasize because I know that the Board is
15 always concerned in ensuring that no one is
16 disenfranchised, and I respectfully submit that no one was
17 disenfranchised here. It was an error, and we would
18 respectfully ask that the Board issue a letter of
19 instruction.

20 MS. THOMAS: Okay. And then we also have Patrick
21 Stough on the line. You may speak now.

22 MR. STOUGH: Yes. Can you hear me?

23 MS. THOMAS: Yes.

24 MR. STOUGH: Okay. Patrick Stough with the Fayette
25 County attorney's office. Again, I echo what the previous

1 speaker spoke -- mentioned as far as this being an error.
2 I don't know the -- the actual facts of the error. The
3 employees that were involved are no longer employed with
4 the Fayette County Board of Elections. I do know that
5 three of the five ballots were eventually returned and
6 were counted, and we would respectfully request a letter
7 of instruction as well.

8 MS. SULLIVAN: Any of the Board members have any
9 questions for Ms. Wilson or Mr. Stough?

10 MR. MASHBURN: I -- I have a totally unfair question
11 for Gwinnett County, and it will catch you by surprise,
12 and I'm sorry, and I don't know what is the proper and
13 acceptable answer, but do you have a number of the total
14 absentee ballots in the county that were not returned?

15 MS. WILSON: Mr. Mashburn, I regret that I do not
16 have that information at my fingertips.

17 MR. MASHBURN: I'd be amazed if you did.

18 MS. WILSON: I will say that our county has
19 approximately 590,000 active registered voters. As you
20 well know, this is one of the largest counties in the
21 Metro area. We did have an exceptional turnout both at
22 the general and the runoff election. During the period in
23 November, I think that was a time around when the audit
24 was being conducted and/or the recount. This is not -- we
25 take pride in how we provide election services to our

1 citizens, and so this was certainly not up to our usual
2 standard, but we're confident this is not something that's
3 going to happen again. It's more than a teachable moment
4 for us because as I said, we do take great pride in the
5 service we provide, but it's critical for us to -- it's
6 critical that some recognition be made of the fact that --
7 the fact that the 23 people who did not vote, that should
8 not be attributed to the late mailing, respectfully.

9 MR. MASHBURN: So in your experience, in the County's
10 experience, it's not that uncommon for a ballot to be
11 unreturned.

12 MS. WILSON: Oh, certainly. It's always the voter's
13 right, having requested the ballot, to decide not to vote.
14 I mean, certainly amongst the list of people to whom the
15 ballots were issued on the 23rd, there were several people
16 who decided to vote in person, as is always their choice.

17 MR. MASHBURN: Thank you.

18 MS. WILSON: Thank you, sir.

19 MS. SULLIVAN: The recommendation is place was to --
20 I'm sorry, Ms. Le. Did you have something you wanted to
21 say?

22 MS. LE: Yes, I'm sorry. Can you refresh my memory
23 on how late it was sent out? I'm looking here, and I --

24 MS. WILSON: Two days.

25 MS. LE: Two days?

1 MS. WILSON: Two days. It should have been -- it
2 should have been sent on the 21st, and it was sent on the
3 23rd.

4 MR. STOUGH: And that's -- sorry.

5 MS. LE: And what was it -- what was it that caused
6 the miss in the first place and what has been done since?

7 MS. WILSON: So there's -- there's -- in generating
8 the UOCAVA report, they go into Election Net, and they
9 have to make a selection, and on the scr -- you can either
10 select for the -- in 2020 -- in November 2020, they should
11 have selected 2021 because the runoff was being held in
12 2021. As you appreciate, a runoff being held -- the
13 federal runoff was an unusual runoff, and typically,
14 runoffs would be held in the same year so it's almost a --
15 muscle memory kind of prompted the selection of 2020
16 because we were in the 2020 election cycle, but they
17 should have, in fact, selected 2021 because the federal
18 runoff was held in 2021.

19 MS. LE: So what has been done since? Because I do
20 appreciate muscle memory and how that could lead you to an
21 error, but I would hope that on major elections such as
22 these that there -- and even smaller ones because all of
23 them are important -- but that there will be checks and
24 reviews. What do you have in place to correct this and
25 catch this in the future?

1 MS. WILSON: There certainly will be -- so with
2 respect to review, we think that the review of the
3 election -- of the official election ballot by multiple
4 individuals and then before the ballot -- before the
5 report is actually done kind of pairing up with another
6 individual so that everyone is clear what has to be
7 pulled, so I think it's two things to make sure that the
8 appropriate management staff are aware of the contents of
9 official election bulletins as they are received and that
10 prior to something as important as the UOCAVA, running of
11 the UOCAVA ballots, that there be a pairing up to have
12 that work accomplished.

13 MS. SULLIVAN: What about -- has Fayette taken
14 actions as well?

15 MR. STOUGH: When this occurred in November of last
16 year, it was two days after our Director was placed on
17 administrative leave. The -- the Registrar at that time
18 was then thrust into the position of being the acting
19 Director, so I assume that any errors that occurred
20 occurred due to the workload that she was presented with
21 at that time. I don't know if any steps have been put in
22 place to prevent this in the future. We only found out
23 about this -- we being the Board of Elections itself --
24 only found out about this violation a few weeks ago when
25 we received the notice from the Secretary of State's

1 Office. But we certainly will look at putting in place
2 certain -- the steps necessary to prevent it from
3 happening again.

4 MS. SULLIVAN: Thank you. What's the pleasure of the
5 Board?

6 MS. LE: I recommend that -- this is Anh Le. I
7 recommend that we turn this over to the Attorney General's
8 Office for some review and consent order to the effect of
9 taking a closer look at the processes that get put in
10 place to make sure that -- that the counties would avoid
11 these errors in the future. I think that -- to Fayette
12 County's point, they have to take a look at this. We
13 don't have any procedures in place, so I would move to
14 refer this to the Attorney General's Office for a closer
15 look and a consent order.

16 MS. THOMAS: We do have Kristi Royston on that wants
17 to speak for Gwinnett about this case.

18 MS. SULLIVAN: Okay. So we do have a motion.

19 MR. MASHBURN: Second.

20 MS. SULLIVAN: And a second. We have one more person
21 who would like to speak, so we'll go ahead and take that
22 now. Who is that?

23 MS. THOMAS: Kristi Royston, you may speak now.

24 MS. SULLIVAN: Go ahead, Ms. Royston.

25 MS. ROYSTON: Thank you very much. I am Kristi

1 Royston, the former Elections Supervisor in Gwinnett
2 County. The only thing that I wanted to add to what Ms.
3 Wilson stated and what Ms. Le asked about was why the 2020
4 date was entered instead of the 2021 date. The January
5 election, even though held in 2021, is part of the 2020
6 election cycle, and so staff members pulled that. That
7 contributed to the error that was made in that, but again,
8 the OEB was received and just not followed, but I did want
9 to just comment that in addition to muscle memory, it's
10 because that election falls in the 2020 cycle. Thank you.

11 MS. SULLIVAN: Thank you, Ms. Royston. We have a
12 motion and a second. Any further discussion? All those
13 in favor, please say aye.

14 THE BOARD MEMBERS: Aye.

15 MS. SULLIVAN: Any opposed? That motion passes. Mr.
16 Worley, can you hear us? We cannot hear you. Okay.
17 Moving on, -- yeah. Go ahead.

18 MS. THOMAS: He doesn't have the audio option. He
19 says he has the option to do video.

20 MS. SULLIVAN: Okay. Moving on to the next case is
21 SEB case number 2020-218, Pike County.

22 MS. WATSON: On November 23rd, we received a
23 complaint alleging Pike County Registrar's Office failed
24 to mail out one UOCAVA ballot by the deadline. The
25 Respondent, Election Supervisor Lynn Vickers, failed to

1 mail out a UOCAVA ballot by the November 21st, 2020
2 deadline. The ballot was mailed on the 23rd of November
3 and was received by the voter and returned voted. Our
4 recommendation is for Pike County Board of Election and
5 Registration and Lynn Vickers, Pike County Elections
6 Supervisor, be referred to the Attorney General's Office
7 for one count of 21-2-384(a)(2).

8 MS. THOMAS: And Ms. Vickers is on the line.

9 MS. SULLIVAN: Ms. Vickers, you may go ahead. Ms.
10 Vickers, would you like to speak?

11 MS. THOMAS: Ms. Vickers, you're unmuted. You can go
12 ahead and speak. Ms. Vickers, you're unmuted right now.
13 You can go ahead and speak. She wants to speak. Yeah.

14 MS. SULLIVAN: We're trying to get in touch with Ms.
15 Vickers. She says her microphone will not unmute.

16 MS. THOMAS: I'm going to call her. Yeah. We're
17 calling her. Hi, Ms. Vickers. We have you on speaker, so
18 you can go ahead.

19 MS. VICKERS: Okay. I'm so sorry.

20 MS. THOMAS: You'll need to turn your computer volume
21 down.

22 MS. VICKERS: Gotcha. Okay. Yes. I was aware that
23 the UOCAVA did not get mailed when the State notified me,
24 my liaison notified me. I diligently worked that Friday
25 thinking I had gotten everybody, but I've only been in the

1 Election Supervisor position -- which is not an excuse --
2 but I've only been in that position for two and a half
3 years, and I pretty much just did not know or did not
4 think about doing an E-net report. I had all my UOCAVAs,
5 I thought, in a folder, and I thought I had got them all
6 out, but I did -- once I sent that ballot on the Monday
7 after the deadline, I did call the voter once I knew there
8 had been a delay, and she had received her ballot, and she
9 did return -- in fact, when I talked with her, she had
10 already returned it, and we received her ballot on
11 December the 18th, and it was counted, so in the future, I
12 know that I need to pull an E-net report to ensure that
13 all UOCAVA ballots are sent by the deadline.

14 So that's -- that's all I really have to say, but I
15 do appreciate the opportunity to speak in [sic] my behalf,
16 and just know that I'm listening to other people today and
17 during the Fayette County one, it just occurred to me, I
18 think I want to come up with some sort of a checklist so
19 that we can all know, you know, what our deadlines are
20 even though we have the calendars in place and all. If we
21 physically check off our list, hopefully that will prevent
22 us all from doing it in the future. Thank you.

23 MS. SULLIVAN: Thank you, Ms. Vickers. Does anyone
24 have any questions?

25 MS. THOMAS: Thank you, Ms. Vickers.

1 MS. VICKERS: Okay. Thank you.

2 MS. SULLIVAN: What is the pleasure of the Board?

3 MS. LE: This is Anh Le. I move to send this to the
4 Attorney General's Office for the same reason as our last
5 case, and perhaps the counties could share best practices
6 with one another through this process.

7 MR. MASHBURN: Second.

8 MS. SULLIVAN: We have a motion and a second. Is
9 there any further discussion? All in favor, please
10 signify by saying aye.

11 THE BOARD MEMBERS: Aye.

12 MS. SULLIVAN: Are there any opposed? Motion passes.
13 The next case is 2020-254, Hancock County.

14 MS. WATSON: On December 7th, 2020, 20 ballots were
15 recovered inside a scanner from the November 3rd, 2020
16 general election. On December the 7th, Hancock Board of
17 Elections and Registration was conducting logic and
18 accuracy testing for the 2021 January 5th runoff. During
19 the process, 20 ballots cast in the November 3rd, 2020
20 election were recovered from scanners. The affiliated
21 precincts and respective numbers collected are as follows:
22 Mayfield precinct 7, Power of God 7, St. Mark's 5, and
23 Warren Chapell. Gerald McCown, Election Supervisor,
24 submitted a sworn statement and explained Hancock County
25 Board of Election and Registration Board Member Nancy

1 Stephens and a Dominion technician discovered the total of
2 20 ballots inside of 10 scanners used in the November 3rd,
3 2020 election. Mr. McCown stated this was an inexcusable
4 and preventable error and has since conducted remedial
5 training with poll workers and hopes to prevent
6 reoccurrence.

7 Also, it was determined that Mr. McCown has not
8 completed the required elections certification training
9 required by the Secretary of State, and he did not request
10 a waiver. Our recommendation is for Hancock County Board
11 of Elections and Gerald McCown -- McCown, Hancock County
12 Election Supervisor, be bound over to the Attorney
13 General's Office for 21-2-500(a), 21-2-101(a), and 21-2-
14 101(c)(1).

15 MS. THOMAS: And Mr. McCown and Adam Nelson are on
16 the line to speak for Hancock County.

17 MS. SULLIVAN: Please go ahead.

18 MR. NELSON: Good afternoon. This is Adam Nelson,
19 and thank you to the Board for the opportunity to speak.
20 On behalf of the Hancock County Board of Elections, we
21 essentially agree with the recitation of the facts. I do
22 want to point out a little bit of context though and
23 respectfully request that in lieu of our matter being sent
24 to the Attorney General's Office, a letter of instruction
25 be issued instead. Gerald Lawson [sic] is the recently

1 appointed -- I'm sorry. Gerald McCown is the recently
2 appointed Elections Superintendent for Hancock County. We
3 also have a new Board Chairman for that committee. Both
4 Mr. McCown -- upon learning that we did not have his
5 certification correct, the Board directed and he has
6 complied and completed training for his certification in
7 county elections, so we have undertaken that to -- to
8 avoid that problem in the future.

9 We have also, with respect to the machines and the
10 ballots that were find, as was pointed out, we have gone
11 through remedial training with our staff, with our
12 volunteers, to ensure that this doesn't happen in the
13 future. I will point out that these are newer machines.
14 My assumption is that as volunteers and staff become more
15 familiar with these machines, these issues won't come up
16 in the future, and what I would really implore to the
17 Board is that Mr. McCown and the Board of Elections and
18 Registration are accepting responsibility, and they're
19 accepting accountability in this case. I believe that
20 they have fixed these problems. They're ready to move
21 forward with avoiding these in the future.

22 I'll also note that Hancock County is not a stranger
23 both to this body and the AG's Office. I think it's
24 important to note that the Board Chairman and, frankly,
25 the Board of Commissioners is prepared to wipe the slate

1 clean and to get away from the ongoing problems and start
2 focusing on us conducting elections and not having to deal
3 with reporting to you guys for issues in the future, so I
4 do believe you will see a renewed sense from all the
5 elected officials in Hancock County in an attempt to avoid
6 to have to find ourselves here again. Thank you. And
7 also Mr. McCown is on the call and can address the Board
8 or answer any questions the Board may have.

9 MS. SULLIVAN: Thank you. Does anyone have any
10 questions? Are we able to get Mr. Worley on the phone?
11 Can you hear us, Mr. Worley? Can you speak?

12 MS. THOMAS: Yeah, he's unmuted.

13 MS. SULLIVAN: We're going to go ahead and take a
14 five-minute break. We'll be back in -- right around 3:20.
15 Thank you so much.

16 (Meeting break)

17 (Meeting resumes)

18 MS. SULLIVAN: This is Rebecca Sullivan. I will call
19 the meeting back to order. We are at the point of a
20 motion in the Hancock County case. Ms. Watson, the
21 recommendation in that case is to refer the matter to the
22 Attorney General's Office.

23 MS. WATSON: That's correct.

24 MR. MASHBURN: This is Matt Mashburn. I move that we
25 accept the recommendation.

1 MS. SULLIVAN: Is there a second?

2 MS. LE: Anh Le, second.

3 MS. SULLIVAN: Any further discussion? All in favor,
4 please signify by saying aye.

5 THE BOARD MEMBERS: Aye.

6 MS. SULLIVAN: Ms. Le, did you vote on that?

7 MS. LE: Yes, I'm sorry. My mute button accidentally
8 came on. Yes. That was an aye.

9 MS. SULLIVAN: Thank you. Anyone opposed? Motion
10 passes. The next case is 2021-001, Forsyth County.

11 MS. WATSON: Yes. On January 4th, 2021, it was
12 reported that Edward Brine [ph.] posted on Facebook that
13 his company would provide a free termite inspection for
14 anybody who showed him that they voted for the two
15 Republican Senate candidates in the January 5th, 2021
16 election. The posting was verified. Attempts to contact
17 Mr. Brine by telephone, in person, email, and certified
18 mail have gone unanswered. Our recommendation is to refer
19 David Brine to the Attorney General's Office for 21-2-570.

20 MS. SULLIVAN: There's no one here signed up to speak
21 on this matter. What is the will of the Board?

22 MR. MASHBURN: I move that we accept the
23 recommendation.

24 MS. SULLIVAN: We have a motion to accept the
25 recommendation and refer this to the Attorney General's

1 Office. I'll second that motion. Is there any further
2 discussion? All in favor, please say aye.

3 THE BOARD MEMBERS: Aye.

4 MS. SULLIVAN: Any opposed? None opposed, and that
5 motion passes. Case number 2021-027, which is Cobb
6 County.

7 MS. WATSON: Okay. On December 26th, 2020, SOS
8 investigators responded to 4400 Lower Roswell Road,
9 Marietta, Georgia, where a voting precinct that is located
10 inside the building had an unsecured door leading to the
11 voting area. Cobb County police responded to check the
12 location and Georgia Secretary of State investigators also
13 responded. Officer Dehose [ph.] with the Cobb County
14 police department stated that when he arrived, he
15 discovered the doors to the polling station were unlocked
16 at which time he checked the rooms and discovered that no
17 others were inside the rooms. The investigator observed
18 the scanners, BMDs, and poll pads to all be secured in the
19 room with security seals in place.

20 The building is a governmental building that contains
21 a Cobb County police precinct with surveillance cameras in
22 place. It was originally reported that the door to the
23 room containing the polls were left unlocked for the
24 cleaning crew and that the poll workers did not have a
25 key. This was later reported to not be accurate and

1 documentation was provided indicating the door was, in
2 fact, locked and had been reported to have an issue with
3 the locking mechanism on December the 11th. That was
4 reported to have been corrected. After reviewing the
5 additional documentation provided, I would recommend a
6 letter of instruction as reasonable steps were taken to
7 secure the doors, and it appears to be a locking mechanism
8 failure that could not have been foreseen by the poll
9 officials. The doors were secured with a cable and a lock
10 until the locking mechanisms could be corrected. I'm
11 recommending a letter of instruction for Bo Gunn, Chief
12 Registrar Janine Eveler, Director of Cobb County Board of
13 Election and Registration.

14 MS. SULLIVAN: I believe Ms. Eveler has submitted a
15 written statement, but there is no one signed up to speak.

16 MS. THOMAS: She's on the call.

17 MS. SULLIVAN: No one has asked to speak regarding
18 this matter. The recommendation is a letter of
19 instruction be issued in this case. Do any Board members
20 have questions for Ms. Watson?

21 MR. MASHBURN: I don't have any questions, but I'll
22 move that we accept the recommendation.

23 MS. SULLIVAN: And I will second that motion. Any
24 further discussion? All in favor, say aye, please.

25 THE BOARD MEMBERS: Aye.

1 MS. SULLIVAN: Any opposed? That motion passes. The
2 next case is 2021-033, Crawford County.

3 MS. WATSON: Crawford County Elections Supervisor
4 Mrs. Brenda Peacock reported on January 4th, 2021 that
5 elector Jenncy P. West [ph.] had voted twice, once on
6 December 15th, 2020 and on December 31st, 2020 in the
7 January 5th, 2021 runoff election. Investigation revealed
8 the elector is 80-years-old. When the voter Jenncy P.
9 West went in the second time to vote, the poll worker
10 missed or misread the notice when checking in the voter
11 that indicated she had already voted in the election. She
12 had the voter complete a cancellation for an absentee
13 ballot, believe the voter had only requested an absentee
14 ballot and not -- had not voted it. The voter did not
15 question the process and did as requested and was issued a
16 voter access card and allowed to vote.

17 It was also observed when reviewing the voter
18 certificates completed by Ms. West on December 15th and
19 December 31st that the poll worker's name listed on the
20 form as the registrar clerk certifying the form was Mrs.
21 Paige Thomas [ph.]. However, Paige Thomas was not working
22 at the Crawford County Elections Office at all during the
23 January 5th, 2021 runoff election. Mrs. Peacock, the
24 Elections Supervisor, advised this was an oversight by her
25 office, and the name was automatically listed on the form

1 and should not have been. The recommendation is to refer
2 to the Attorney General's Office the Crawford County Board
3 of Elections and Registration, Elections Supervisor and
4 Registrar Brenda Peacock, and poll manager Tia Young [ph.]
5 for 21-2-381(b)(1) and 21-2-431(a) and elector Jenncy
6 Pearl Webb be issued a letter of instruction for 21-2-572,
7 as the poll workers allowed her to -- to vote a second
8 time.

9 MS. WATSON: There is no one who has asked to speak
10 regarding this matter, so unless there are any questions,
11 I will entertain a motion.

12 MR. MASHBURN: I have no questions, but I move that
13 we accept the recommendation.

14 MS. SULLIVAN: Do we have a second?

15 MS. LE: Anh Le, second.

16 MS. SULLIVAN: We have a motion and a second. Any
17 further discussion? All in favor, please say aye.

18 THE BOARD MEMBERS: Aye.

19 MS. SULLIVAN: Any opposed? That motion passes.
20 SEB case number 2021-056, Stephens County.

21 MS. WATSON: Yes. On January 4th, 2021, Stephens
22 County Chief Registrar Eureka Gober self-reported to the
23 Georgia Office of the Secretary of State that she
24 identified three double voters during the 2020 general
25 runoff election. On January 4th, former Stephens County

1 Chief Registrar Eureka Gober self-reported interviews with
2 election staff. Two of voters in question in a review of
3 election records confirmed the allegations of double
4 voting during early voting period. Voter Steve Bennett
5 [ph.] could not recall the instance of double voting due
6 to a medical issue that affects his memory. Voter Harry
7 Henry [ph.] admitted to voting twice via absentee ballot
8 and in person voting because he was under the impression
9 that his absentee ballot was not counted when he received
10 an additional application for an absentee ballot in the
11 mail. Voter Frances Merrit [ph.] was unresponsive to
12 telephone calls and in person attempts to interview her.
13 However, her signatures on her oath envelope and
14 application for in person absentee ballot were consistent
15 with her signatures on file in Election Net. The
16 recommendation is to bind over to the AG's Office former
17 Elections Supervisor Eureka Gober for 21-2-273 and voter
18 Steve Bennett, voter Frances Merritt, and voter Harry
19 Henry for 21-2-572.

20 MS. SULLIVAN: There is no one signed up with a
21 request to speak regarding this case. So unless anyone
22 has any questions, now is the appropriate time for a
23 motion.

24 MR. MASHBURN: I have no questions. This is Matt
25 Mashburn, but I move that we accept the recommendation.

1 MS. SULLIVAN: I'll second that. Any further
2 discussion? All in favor, please say aye.

3 THE BOARD MEMBERS: Aye.

4 MS. SULLIVAN: Is there anyone opposed? That motion
5 passes. The last investigation case on our agenda today
6 is 2021-066, Morgan County.

7 MS. WATSON: In February 2021, the Elections
8 Supervisor of Morgan County noticed that Brent Spear [ph.]
9 submitted a voter registration and voted while under
10 sentence as a felon during the January 2021 runoff.
11 Investigation determined that Brent Bernard Spear did
12 submit a voter registration that was postmarked December
13 7th, 2020, received it on December 28th, 2020, and the
14 application was processed. He became an active voter on
15 December 29th. On December 30th, Mr. Spear early voted.

16 On December 31st, Mr. Spear's name appeared on the
17 Morgan County Elections dashboard as a felon, and he was
18 entered into the challenge status. A felon letter was
19 mailed to Mr. Spear that went unanswered, so he was
20 cancelled on February 10th, 2021. The conviction was
21 confirmed, and the probation active until 2030. Mr. Spear
22 advised that he did vote and did not respond to the letter
23 from the office as he did not believe that the person he
24 voted for won anyway. Mr. Spear advised he would not be
25 responding to the investigator with a statement as he

1 believed this was voter suppression. Our recommendation
2 is for Brent Bernard Spear, Senior to be referred to the
3 AG's Office for 21-2-216 and 21-2-573.

4 MS. SULLIVAN: And there is no one here -- signed up
5 to speak regarding this case.

6 MR. MASHBURN: Matt Mashburn. I move that we accept
7 the recommendation.

8 MR. WORLEY: David Worley. I move that we second. I
9 second it.

10 MS. SULLIVAN: I believe that David Worley seconded
11 that motion. We have a motion to accept the
12 recommendation to refer it to the AG's Office and a second
13 by Mr. Worley. Any -- by Mr. Worley. Any further
14 discussion? All in favor, please say aye.

15 THE BOARD MEMBERS: Aye.

16 MS. SULLIVAN: Anyone opposed? And that motion
17 passes. And we're going to go back one more time to case
18 2020-032, Greene County. We had two individuals who
19 wanted to speak regarding that case, and I'll give them
20 one more opportunity. Mr. Smith or Ms. Mayers or any of
21 these -- if either of you are still on the call and would
22 like to speak.

23 MS. THOMAS: Ms. Mayers, you can go ahead.

24 MS. MAYERS: Yes. This is Kathleen Mayers from
25 Greene County. This particular situation, I was at the

1 poll when an individual, Mr. Smith, was speaking to one of
2 our poll workers, and she motioned me over because he was
3 agitated. He was on the poll pad screen, and the
4 gentleman's registration was in another county from Greene
5 County, and she asked him if he'd been previously
6 registered in another county. He said yes. Are you
7 registered in Greene? He told her he'd voted in the 2019
8 election [sound distorted] there was no translation. I
9 stepped in and I told him what his options were. [sound
10 distorted] Basically, he was to vote on the BMD. [sound
11 distorted] I explained to him that since he wasn't on our
12 roll, he couldn't vote. I gave him the two options. He
13 could go back to -- I believe it was Franklin County -- to
14 vote, or he could take a provisional ballot.

15 He became agitated. He asked -- I was calling him a
16 liar, and I had told him no. I was not calling him a
17 liar, but that the information that we had did not
18 indicate that he had been registered in Greene, and
19 therefore, he wasn't going to be able to vote on the
20 machine. He was extremely verbal and physically
21 confrontational. It's a small poll. He created quite the
22 scene. I explained to him that if he wasn't going to vote
23 provisional that he was going to have to leave the poll,
24 and he adamantly refused, and he said that his wife was
25 voting, that she had some sort of issue, and he was going

1 to wait until she was finished. However, she had not
2 declared that she needed any assistance. She was at the
3 machines voting, and I finally -- I went outside because
4 he challenged -- he just started challenging, and I went
5 outside. When I went outside to call the sheriff, she had
6 finished voting, the wife, and the gentleman decided to
7 leave the facility.

8 It's my understanding that approximately a month
9 after this election, he went online and registered to vote
10 in Greene County, but there was zero record of his
11 registration in Greene County, and he had never voted
12 previously voted in Greene County. This was June of 2020,
13 and he had last voted in 2018 in Franklin.

14 MS. SULLIVAN: Thank you, Ms. Mayer. Mr. Smith, are
15 you here? Are you able to speak? I do not believe he's
16 on the call. Do any Board members have any questions for
17 Ms. Mayers? What is the pleasure of the Board? The
18 recommendation in this case --

19 MS. WATSON: My recommendation was for a letter of
20 instruction for Lester Smith for 21-2-563.

21 MR. MASHBURN: We haven't already acted on this one,
22 and we're considering --

23 MS. SULLIVAN: We haven't.

24 MR. MASHBURN: Okay. I find this belligerence at the
25 polls -- the polling place...

1 MS. LE: I move that we send this to the Attorney
2 General's Office for further review. This is Anh Le.

3 MR. MASHBURN: Second.

4 MS. SULLIVAN: We have a motion and a second. Any
5 further discussion? All in favor, please say aye.

6 THE BOARD MEMBERS: Aye.

7 MS. SULLIVAN: Any opposed? None. Okay. That
8 motion passes. That brings us to the Attorney General
9 report, and it is our custom to vote on these cases as a
10 bloc unless there are any particular cases a Board member
11 would like to pull out.

12 MS. THOMAS: There's someone here to speak.

13 MS. SULLIVAN: And we do have someone to speak on --
14 okay. The Fayette County case, number 098, so we will
15 pull 098 off for separate discussion. Are there other
16 cases a Board member would like to pull off? Okay. So we
17 are going to pull off SEB case number 2016-079 and 2016-
18 155 to discuss separately. Do I have a motion with regard
19 to the remaining cases of the consent orders?

20 MR. WORLEY: This is Mr. Worley. I move that we
21 adopt the remaining consent orders.

22 MS. SULLIVAN: We have a motion to adopt the
23 remaining consent orders. Do we have a second?

24 MR. MASHBURN: Second.

25 MS. SULLIVAN: We have a motion and a second. Any

1 further discussion? All in favor, please say aye.

2 THE BOARD MEMBERS: Aye.

3 MS. SULLIVAN: Any opposed? None. That motion
4 passes. So with regards to SEB case number 2016-079 --

5 MS. THOMAS: He's just available for questions.

6 MS. SULLIVAN: Oh, okay. Apparen -- apparently, the
7 person who identified said they're available for questions
8 and does not need to speak to the consent orders, so I
9 will entertain a motion to accept the consent orders.

10 MR. MASHBURN: So moved.

11 MR. WORLEY: Second.

12 MS. SULLIVAN: We have a motion and a second. This
13 is to accept the consent orders in 2016-079 and 2016-155.
14 A motion and a second, any further discussion? All in
15 favor, please say aye.

16 THE BOARD MEMBERS: Aye.

17 MS. SULLIVAN: Any opposed? That motion passes. And
18 finally, unless there are -- is any new business that any
19 member would like to bring up, I will entertain a motion
20 to adjourn today's meeting.

21 MR. MASHBURN: Move to adjourn.

22 MR. WORLEY: Second.

23 MS. SULLIVAN: We have a motion and a second. I'm
24 assuming there is no discussion. All in favor, please say
25 aye.

1 THE BOARD MEMBERS: Aye.

2 MS. SULLIVAN: Thank you very much for those who
3 attended today. It was a lengthy agenda, and thank you,
4 fellow Board members. We'll see you next time.

5 (Meeting adjourned 4PM)

CERTIFICATE

STATE OF GEORGIA
COUNTY OF DEKALB

I, Kaitlin Walsh, Certified Court Reporter, hereby certify that the foregoing pages numbered 4 through 220 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 kin nor counsel to any of the parties hereto.

In witness whereof, I hereby affix my hand on this, the 25th day of May, 2021.

Kaitlin Walsh, CCR, CVR
CCR #: 5910-3132-3171-2256

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