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THE OFFICE OF SECRETARY OF STATE
STATE OF GEORGIA
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IN THE MATTER OF:
STATE ELECTION BOARD MEETING
Zoom Audio-conference
MARCH 16, 2022
10:00 A.M.
MARY K MCMAHAN, CCR, 2757
STEVEN RAY GREEN COURT REPORTING LLC
ATLANTA, GEORGIA 30324
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## APPEARANCE OF THE PANEL

Matt Mashburn, Acting Chair

Sara Tindall Ghazal

Janice Johnston

Ed Lindsey

## ALSO PRESENT:

Ryan Germany, General Counsel

Maggie Haisty, Legislative Affairs Director

Charlene McGowan, Assistant Attorney General

James Callaway, Deputy Chief Investigator

Vincent Zagorin, Investigator

Paul Braun, Investigator

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Transcript Legend
(sic) - Exactly as said.
(ph) - Exact spelling unknown.
-- Break in speech continuity.
. . . Indicates halting speech, unfinished
sentence or omission of word(s) when reading.
Quoted material is typed as spoken.
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MR. MASHBURN: Welcome. This is the meeting of the Georgia State Election Board.

My name is Matt Mashburn. As the senior member of the board, $I$ will call the meeting to order. And the first thing I'll do is call the roll in order to establish a quorum. I am here. Matt Mashburn.

The next senior member is appointed by the Democratic party. Sarah Tindall Ghazal.

MRS. GHAZAL: Here.

MR. MASHBURN: The next junior member is Ed Lindsey, appointed by the House.

MR. LINDSEY: Here.

MR. MASHBURN: The next and our newest member, Dr. Jan Johnston is appointed by the Republican party.

DR. JOHNSTON: Present.

MR. MASHBURN: So the entire board is here and a quorum is present.

So the next thing on our agenda is to do our invocation. And I'll invite our newest member to do the invocation if she'd like.

DR. JOHNSTON: Yes. Thank you. (Invocation)

MR. MASHBURN: And at this time I'll ask those in attendance to stand and ask Dr. Johnston if she'd like to lead the Pledge of Allegiance. (Pledge of Allegiance)

MR. MASHBURN: Thank you. Please be seated.

The next thing on our agenda is the election of the acting chair.

For those that don't follow this every minute of every day, the vice chair was appointed to the commissioner of the department of administrative services and therefore ended her tenure of the board. And that left the board without a vice chair and an acting chair.

So the first thing on our agenda now is to elect an acting chair. I will put my name in nomination as acting chair simply because when $I$ was in seventh grade we asked our teacher if we could vote for ourselves and the teacher said: If you don't think you should do it, you shouldn't be in nomination.

So are there any other nominations for acting chair? Hearing none, $I$ will call for a vote. All those in favor of Matt Mashburn being the active chair say aye.

THE BOARD MEMBERS: Aye.

MR. GERMANY: Needs to be a second.

MR. MASHBURN: Oh, I'm sorry. Is there a --

DR. JOHNSTON: Second.
MR. MASHBURN: Thank you, Dr. Jan Johnston.

Thank you, Ryan, for bringing that to my attention.

All those in favor say aye.

THE BOARD MEMBERS: Aye.
MR. MASHBURN: All those opposed say nay.

Motion -- or the election carries, four zero.

The next item on the agenda is the introduction of the new members.

And I'd like to introduce the Honorable Ed Lindsey, the appointee of the House.

Anything you'd like to say? We welcome you, but is there anything you'd like to say?

MR. LINDSEY: Well, thank you very much. And $I$ think we have a very full calendar here and I know there's a lot of folks online who want to hear some of the evidence, so I'll keep it short. I'm very humbled that the Speaker and the House have named me as a member of this committee.

And for those who are listening, I think I speak for everyone that I've talked to on this board. Our sole concern is that we make sure


#### Abstract

that our elections in this state are open and fair and transparent and that people in Georgia have confidence in the outcome because that's a cornerstone of democracy as was stated so eloquently by Dr. Johnston in prayer.

I thank you for having me and I look forward to working with everyone on the committee and on the staff.


MR. MASHBURN: Welcome.

Next I'll introduce our newest member, Dr. Jan Johnston. And anything you'd like to say? We welcome you to the board.

DR. JOHNSTON: Thank you. Well, let me share a story with you. I started as a citizen who had some free time and wanted to volunteer. My interest and curiosity was working as a poll watcher/monitor/observer in absentee ballot processing. This experience was followed by participation in as many aspects of the election process as $I$ could do from the grass-roots level.

These interests then broadened to
understanding the larger picture of elections processing, operations, and conduct. Naturally this led to a study of elections law, election systems, and oversight of our elections.

Prior to this so-called free time, I had been a physician in the Atlanta community, serving and learning from colleagues and patients for over thirty-five years. Medicine is demanding, requiring dedication, advocacy, objectivity, critical-thinking, thoroughness, continual learning, and constant review and improvement.

The practice of medicine may seem different than the administration of elections, however both share a commitment to fair, ethical, legal, and orderly conduct. Additionally, both provide for uniform and nondiscriminatory standards, whether for a patient or for an elector.

My special interests are (indiscernible) maintenance for security and outside contracts, absentee voting safeguards security, and working toward the same requirements as in-person voting; vulnerable elector advocacy and protection; protection of election department from outside influences, money, or manpower, partisan or private, direct or indirect; ballot security and voting systems.

Thank you for your time. I look forward to working with each of you and to guard the
election process every step of the way so the outcome is a trusted successive entry.

MR. MASHBURN: Welcome. We welcome you to the board.

The next item on our agenda is the approval of the board minutes. The board has had a package delivered to them and made available.

Has everyone studied it in sufficient detail that they are ready to consider a motion to approve the board minutes?

MRS. GHAZAL: I so move.
MR. MASHBURN: Sara Ghazal has made the motion. Is there a second?

MR. LINDSEY: Second.

MR. MASHBURN: Ed Lindsey has seconded. All those in favor say aye.

THE BOARD MEMBERS: Aye.
MR. MASHBURN: All those opposed?

So the minutes are approved unanimously.

The next item is we move to public comment.

The time for public comment is two minutes. We should have a timer set up. And so the excellent staff here -- the board has no staff and no budget, so we rely heavily on the secretary of state's staff. And the secretary of state has
made excellent staff available to us and we thank them for all their hard work and their participation.

So we'll let y'all run the -- one of the things they do is they set up how people sign up, and so we let them control that -- and let you announce the first speaker.

MS. HAISTY: All right. Our first person signed up for public comment is Lindsey Favero.

MR. MASHBURN: Are you there? Lindsey?
MS. FAVERO: Hi. Lindsey's here. Good --
MR. MASHBURN: We can hear you. Please go ahead.

MS. FAVERO: Good morning. My name is Lindsey Favero and I'm a resident of Cobb County. I encourage the state election board to support counties, including Fulton, with running free and fair elections and help them prepare for the upcoming primary and general election.

The performance review could threaten local control of Fulton County which is the county with the most voters of color. And last fall a state monitor found no evidence of dishonesty or fraud. And claims of fraud are driven by misinformation campaigns. Local control of election

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administration should not be taken away from
Fulton County or any other county. And instead
of entertaining partisan misinformation, the
state election board should focus its time and
energy on ensuring every county has resources and
support to enable every registered voter to
exercise their freedom to vote in all twenty-two
election -- all 2022 elections.
    And that's all. Thank you all for your
time.
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MR. MASHBURN: Thank you for your comment.
The next speaker?
MS. HAISTY: The next speaker is Dr. Ngina Sydney Jemmott.

DR. JEMMOTT: Good morning.
MR. MASHBURN: Please go ahead. We can hear you.

DR. JEMMOTT: Okay. Okay. My name is Dr. Ngina Sydney Jemmott, and I've been a resident of Fulton County for ten years.

The state election board should focus its time and energy on ensuring every one of Georgia's 159 counties has the resources and support needed to enable every eligible registered voter to exercise their freedom to
vote in all of the 2022 elections. Rather than helping counties prepare for the upcoming primary general election, the state election board is entertaining a performance review board. From the start, advocates warned a performance review board could threaten local control of Fulton County which is the county in Georgia with the most voters of color.

The state election board should not serve as a partisan-fueled obstacle. Irrespective of what the Fulton County Review Board recommends, I encourage the state election board to support counties like Fulton in their endeavor to run free and fair elections.

Thank you for your time.

MR. MASHBURN: Thank you.

Our next speaker?

MS. HAISTY: Our next speaker is Kent Buis. You're allowed to speak now.

MR. MASHBURN: Please go ahead.

MR. BUIS: Good morning. My name is Kent Buis --

MR. MASHBURN: We can hear you.

MR. BUIS: All right. My name is Kent Buis and I'm a resident of Cobb County.

Instead of helping counties to prepare for the upcoming primary and general election, the state election board is entertaining a performance review board that could threaten the local control of Fulton County over its own elections. Whatever the Fulton Review Board recommends, $I$ encourage the state election board to support counties like Fulton in their endeavor to run free and fair elections.

The current trends in Georgia, making it harder to vote and easier to carry a gun, must be reversed. The state election board should focus its time and energy on ensuring every one of our hundred and fifty-nine counties has the resources and support needed to enable every eligible registered voter to exercise their freedom to vote in all of the 2022 elections.

Thank you.
MR. MASHBURN: Thank you.
Next speaker?
MS. HAISTY: The next speaker is Naomi Bock.
MR. MASHBURN: Naomi Bock, please proceed.
DR. BOCK: Thank you. Can you hear me?
MR. MASHBURN: We can hear you. Please proceed.

DR. BOCK: Thank you. My name is Dr. Naomi Bock. I am a resident of DeKalb county where $I$ went to elementary school a few years back.

I urge the board to focus its time and energy on ensuring every one of our 159 counties has the resources and support needed to enable every one of our eligible registered voters to exercise their freedom to vote in all of the twenty-two -- 2022 elections.

Thank you.

MR. MASHBURN: Thank you.

Next speaker?

MS. HAISTY: Our next speaker is Patty Pflum. Give me one second to ... you should be able to unmute now.

MR. MASHBURN: Patty Pflum?
MS. PFLUM: Can you hear me?

MR. MASHBURN: Yes, we can hear you. Please proceed.

MS. PFLUM: I'm a resident of Fulton County. I tried to follow the counting of votes in the 2020 election and all of the things that happened after the election. And $I$ have seen no evidence that there are any significant problems with the Fulton County system.

I was glad to hear Dr. Jan Johnston say in her introduction that she is a doctor. And the idea of a Fulton review board and potential takeover by the state reminds me of a doctor prescribing a -- prescribing something to cure a disease that the patient doesn't have.

I hope that the state board of elections will wait until there is solid factual evidence of election fraud before they decide to review any county's systems and take it over.

Thank you.
MR. MASHBURN: Thank you for your comment.
The next speaker?
MS. HAISTY: Our next speaker is Opal Baker.
MR. MASHBURN: Opal Baker?
MS. BAKER: Yes. Good morning. My name is Opal Baker and --

MR. MASHBURN: We can hear you.
MS. BAKER: -- I'm a resident -- okay. I'm a resident of Fulton County. As a Georgia voter, I am really fed up and really extremely anxious about the direction that voter rights has taken in Georgia and $I$ feel under attack by the legislature in this state. And I'm very confused about why this board is wasting valuable time and
resources on the farce of a performance review board for elections officials.

And why is Fulton County such a priority for this nonsense? It is not lost on me that Fulton County has the highest population of eligible registered voters of color. Your attention should be focused on the upcoming primary and the general elections and making sure that all of our counties have the support and resources that they need to help voters exercise their right to vote in free and fair elections.

Fulton County needs your help, not your harassment. Since petty Republican politics has made it harder for -- to vote by mail for Georgians -- voters have to have -- put their lives and livelihood at risk to come out to vote. In case you've forgotten, we're still in a pandemic and we -- and you should be helping all our counties prepare to get voters safely through the polls and to cast their -- our ballots in a safe manner and in a safe environment.

Many of us are terrified about standing in line for long periods around people we don't know because our polling stations are understaffed, underequipped, underresourced, and overworked.

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    Please stop the nonsense. Just stop -- just
stop and get rid of the ridiculous petty things
that make it harder for our elections workers and
support all of our counties, all of our counties
including Fulton, with the resources needed to
ensure free and fair elections for all eligible
and registered voters.
    Thank you.
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MR. MASHBURN: Thank you for your comment. Next speaker?

MS. HAISTY: Our next speaker is Pamela Reardon.

MR. MASHBURN: Pamela Reardon, you should be unmuted. Pamela Reardon?

MS. HAISTY: Pamela Reardon, you've been given the ability to speak now. We'll ask you to unmute your microphone if you'd like to be heard.

MS. REARDON: I should've known that. I haven't done Zoom for a while. Sorry. All right.

MR. MASHBURN: We can hear you. Please proceed.

MS. REARDON: Okay. Thank you. Thank you. I'm on Fulton County -- or sorry, I live in Cobb County and heavily involved with elections.

I'm -- I'm -- it's comical. It's comical -let's just call it comical -- that the Democrats have their talking points of this morning and they're all saying the same thing.

Well, mine's not going to be a talking point. This is reality. In Fulton County, the elections have been poorly run and they needed a review. In fact, in the municipal, my son-in-law went to vote at a place for the mayor's election and they didn't even ask for his photo ID.

So you can't tell me -- and another poll manager didn't know that a hundred and fifty ballots cannot be dropped off by a ballot harvester. So there is plenty of room for improvement.

I really called because $I$ do not think that the secretary of state had the authority without the backup of the board. I did not see a meeting where the board authorized the expense of five million dollars for a system called salesforce, who has also just recently been -- had a huge breach of data and they were hacked. So I really want this reviewed by the board and that decision revoked.

Thank you very much.

MR. MASHBURN: Thank you for your comments. The next speaker?

MS. HAISTY: Our next speaker is Michael Garza.

MR. MASHBURN: Michael Garza, you should be unmuted. Please proceed.

MR. GARZA: Hi. Can everyone hear me?

MR. MASHBURN: We can hear you.

MR. GARZA: Hi. My name is Michael Garza and I'm a resident of Cobb County. I promise I don't have any talking points here. I'm here to advocate for the board and legislators to do more to protect the voting rights of Georgians, in particular for seniors and those with disabilities throughout the state that have been impacted by changes to the absentee voting rules.

Last year $I$ went door to door for a local special election to alert people that an election was taking place in their district. In that time I met many seniors living in retirement and assisted-living communities in the area.

One in particular was Beverly who has multiple medical issues including having just had a life-saving organ transplant just a month earlier. She did not receive her absentee ballot
automatically and was shocked to learn that it was past the time that she could resolve her issue and her only method to vote would be in person. That was problematic as she doesn't drive and could barely walk, even with the assistance of a walker.

She's not alone. This is the story of countless other Georgians in similar situations. And as it stands now, there are even fewer options for these people than in previous elections. The online portal is no longer available. A message says: Our online portal is undergoing maintenance to better serve you for future elections. All other options require a printer that many may not have, a fax machine that most do not have, or a drive to a registrar's office that many will not be able to make.

This is not a right or left tissue. These are people from our greatest generation and span all political ideologies. They fought in wars for our country. They've lived through Jim Crow and immigration. They fought for the right to vote besides others who died for that right. They deserve better and $I$ am asking that this
board and this state provide them better access to the ballot box in 2022 and future elections.

Thank you for your time.

MR. MASHBURN: Thank you for your comment. Next speaker?

MS. HAISTY: Our next speaker is Larry Lesueur.

MR. MASHBURN: Larry LeSueur, you should be unmuted.

MR. LESUEUR: Yes. Hello. My name is Larry LeSueur. I live in Cherokee County. And I just presented a list of questions regarding statistics for the voting fraud cases that is currently being handled by the secretary of state and turned over by the state election board.

I actually was not expecting to speak. I
just presented these data points I'm looking for. And I'm wondering if we can't get information as to the total number of cases that have been turned over to the attorney general and what we can expect to hear back from the disposition of those cases.

There's lots of talk about and legislation being passed that supposedly address these issues, but no one has any statistics that they
can provide, such as where these voter fraud cases occurred, were they stopped. We have voter fraud cases that made it to the ballot box. Did they -- were there actual votes cast that were fraudulent? Were they stopped before they could vote? Were these people stopped after they registered or before they registered? Without this information, we can't make informed decisions as to how we address the problems and how we make the system better.

There's one case that was on the secretary of state's website. Bill Price, who was in Florida, caught on camera, conspiring to travel and convince others to travel to Georgia just to vote in the special election in 2021. I still haven't heard anything about the disposition of that case either.

But in -- the last thing I want to note is without this information, it's just impossible to make an informed decision as to how well the system is working or it's not working. There's an old adage for carpenters: Measure twice, cut once. And what we're seeing now is that we haven't even measured and people are trying to make decisions on how to change the system and
it's obviously going to be problematic down the road.

Thank you.

MR. MASHBURN: Thank you for your comment. Our next speaker?

MS. HAISTY: Our next speaker is sally Larrick.

MR. MASHBURN: Sally Larrick, you should be unmuted.

MS. LARRICK: Hello. Good morning. My name is Sally Larrick. I'm a resident of DeKalb County. Thank you for giving me the opportunity to speak this morning.

I'm a citizen concerned about the access to voting for all voters in Georgia, in all hundred and fifty-nine counties. I believe the state election board should spend its valuable time making sure that every county has the resources it needs to administer elections instead of threatening to take away local control of elections in Fulton County.

Please focus on supporting all county boards of elections to enable all of their voters to cast ballots. Please focus on ensuring voter access to elections in Georgia.

Thank you.
MR. MASHBURN: Thank you for your comment.

The next speaker?
MS. HAISTY: Our next speaker is Latonia Jenkins.

You should be able to unmute yourself now.
MR. MASHBURN: Proceed.

MS. JENKINS: Oh, good morning. My name is Latonia Jenkins. I'm a resident of Gwinnett County.

The state election board should be focused on ensuring the resources and support needed to enable every eligible registered voter to exercise their freedom to vote. And as mentioned by earlier members, they said open, fair, and transparent and guarding the election process.

But here, instead of helping the counties, it -- to prepare for the primary general election, it appears we're entertaining a performance review board in Fulton County, which is the county with the most voters of color, registered voters of color.

So whatever you recommend, we encourage that.

MS. HAISTY: It supports counties like

Fulton in their endeavor to run free and fair elections. And we hope that you will focus your time and energy ensuring every one of the hundred and fifty-nine counties have the resources they need to enable every voter to exercise their freedom to vote in the 2022 elections.

Thank you.

MR. MASHBURN: Thank you for your comment.

The next speaker?
MS. HAISTY: Our next speaker is Jane Mezoff.

MR. MASHBURN: Please proceed. You should -••

MS. MEZOFF: Can you --
MS. HAISTY: You should be able to unmute --
MS. MEZOFF: -- hear me?

MS. HAISTY: -- yourself now. Yes.
MR. MASHBURN: we can hear you.
MS. MEZOFF: Great. Good morning. My name is Jane Mezoff and I've been a resident and a voter in Dekalb County for twenty-seven years. I've also never made public comment before 2022, but $I$ think it's really important that all of us get involved.

I would like to begin by thanking you and
saying welcome to the two new board members. I want to thank you all for everything you've done and everything that you're going to be doing to help keep our democracy safe and secure.

I would like to take issue with one thing that an earlier commenters said. It's not a right or left issue. It's not Democrat or Republican. It's American, it's democracy, and it's important. So I'd just like to say I'm commenting today because, as others have mentioned, I'm concerned about this issue of a performance review board. I think, as others have mentioned, we -- we are all concerned about the fact that it's targeting Fulton County, which, as everyone has pointed out, is one of the most diverse counties in terms of registered voters in the state. Whatever the Fulton review board ends up doing, I encourage the state election board to support counties in Georgia that are striving to run free and fair elections. And $I$ strongly urge you not to fall prey to attempts to make you a partisan obstacle that is fueled by the big lie about the election of 2020 being unfair.

I urge the state election board to do
everything it can and use all of its energy and resources to ensure that every single registered voter has the opportunity to exercise this most precious right. It matters not -- it matters now more than ever.

Thank you. I appreciate it.
MR. MASHBURN: Thank you for your comment.
Next speaker?
MS. HAISTY: Our next speaker is Daniela Sullivan-Marzahl.

You should be allowed to unmute now.
MS. SULLIVAN-MARZAHL: Hi. I'm a chaplain. Can you hear me?

MR. MASHBURN: We can hear you. We can hear you.

MS. SULLIVAN-MARZAHL: I'm a chaplain and I hear many things. And I'm definitely praying for this election and all that you're doing.

My family came out of the Holocaust. And one of the things that $I$ have to say is that they always warned me about politicians and keeping people accountable. So what $I$ want to encourage you as a board to do -- and I think you're trying to do it -- is to hold people accountable. Because one of the things that really bothers me
is what is happening to the all of the evidence.
I heard Patrick Witt has a computer with 1600 documents on it that nobody has seen because of death threats. My husband worked with Homeland Security and just retired; I know death threats are real. And nobody's talking about that.

I also know with the propaganda that Hitler did that the media twisted a lot of things. And people later said, well, if we would've just known. People were blinded.

So what I want to encourage you as a board to do is to restore the integrity to the elections. Because people shouldn't be afraid if you look at stuff if it's not there. You know, if there's no sin, you don't have to be concerned. But if there is sin, you need to ask God's forgiveness because we are one nation under God, indivisible, with liberty and justice for all.

This isn't a partisan-fueled issue. It's an issue of concern. And it happens around the world. And now it's happening in America because we have changed. And are we still doing in God we trust? I am. I think a lot of people are.

So I'm trusting that God will use you to uncover what's out there. And if people are being threatened with their lives and politicians are afraid that they're going to get killed, you need to take a look at that because Hitler bumped people off when they disagreed with him.

So things haven't changed in history. We're going through things right now in the world and we all know that bullies are bullies. So what we need to do is get back to the heart of the matter.

So I applaud you for having the guts to have both sides come together and look at this issue. But $I$ really pray that you do because the feedback I'm getting from everybody is they don't even want to vote because they don't think their vote matters. And that doesn't matter whether you're a person of color --

MR. MASHBURN: Thank you.

MS. SULLIVAN-MARZAHL: -- or a person who's voting, you know?
(Timer sounds)

MS. SULLIVAN-MARZAHL: That it's the --

MR. MASHBURN: Thank you for your comment. Thank you for your comment.

MS. SULLIVAN-MARZAHL: So thank you.
MR. MASHBURN: Thank you for your comment. Thank you.

MS. SULLIVAN-MARZAHL: God bless you.
MR. MASHBURN: Who's our next speaker?
MS. HAISTY: Our next speaker is Sonia Frix.
You should be allowed to unmute now.
MR. MASHBURN: Sonia Frix, please proceed.
MS. FRIX: Thank you. I've -- I'm nervous. My concerns are --

MR. MASHBURN: Don't need to be nervous.
MS. FRIX: Well, my concerns are primarily about people with disabilities, the elderly, and caregivers and shift workers because that's my family. And I'm concerned that disabled voters are not going to have time to get -- if there's a problem with their mail-in ballot, they're not going to have time to get that mail-in ballot corrected before -- before the cutoff date.

And I'm also concerned that -- I'm also concerned that -- well, let me put it this way. I heard gov -- that Governor Kemp -- under these new rules, Governor Kemp would not have been able to vote in the last election because he got sick. And if our own governor can't vote in an
election, that's telling us something isn't working right. I mean our governor needs to be able to vote. And if we've got laws such that the governor can't vote, what's that saying about the rest of us? That's just not right.

And I live in DeKalb County. And I hear that Fulton County's going under some kind of election review. And I'm concerned if Fulton County goes under review, DeKalb County's going to be next. All my years of living in Dekalb, I have never been concerned about my vote. I have always had confidence in my vote in DeKalb County.

And I'm wondering who is going to pay for all of this. As a taxpayer, $I$ do not want to have to pay for this. And I would rather the state spend its resources getting voter regis -(Timer sounds)

MS. FRIX: -- getting voter education out and -- about these --

MR. MASHBURN: Thank you.
MS. FRIX: -- new voting rules.
MR. MASHBURN: Thank you. Thank you for your comment. Thank you.

Next speaker?

MS. HAISTY: Our next speaker is Kyle Carter.

You should be allowed to unmute now.

MR. MASHBURN: Kyle Carter, please proceed.
MR. CARTER: Hello? Can you hear me?
MR. MASHBURN: Yes, we can hear you. Please proceed.

MR. CARTER: Yeah. Hello. Thank you. Good morning, everybody. I'm a resident of Cobb County. And my concerns are that, like, if there is a -- $a$ voter issue in Fulton County, I think it's unfair to say that it's isolated in just that one county.

If there is going to be a performance review, it should be throughout all 159 counties. And then it is a disservice to the rest of the counties to not give them the ability to improve their voting process.

Now, I do understand that this would be a -a very thorough process. And for that reason, I think with the upcoming elections, it is more pressing to ensure that we have resources and accessibility for all voters -- all voters across the state of Georgia.

Thank you. Thank you.

MR. MASHBURN: I thank you for your comment. Next speaker?

MS. HAISTY: Our next speaker is John James.
MR. MASHBURN: John James, you should be unmuted. Please proceed. John James? Be sure you've unmuted yourself, please. John James?

MR. CROSS: Sorry. Sorry. I apologize.
MR. MASHBURN: We can hear you.

MR. CROSS: I don't - -

MR. MASHBURN: We can hear you. Please proceed.

MR. CROSS: I don't know why I said John James. My name is David Cross. I'm a resident of Gwinnett County and I'm part of a team, working in support of Voter $G A$, investigating the 2020 election -- general election in Fulton County.

Contrary to public opinion about the big lie and the unwitting blind trust of the public, our findings so far have revealed so many errors in Fulton County that the vote count cannot be replicated with any of Fulton County's data.

For instance, Fulton County deleted 374,000 ballot images, which is a violation of election procedure and publishable by state law with a
fine of $\$ 100,000$ per ballot image.
Fulton County is also missing security files for over 511,000 ballot images that authenticate nearly every vote cast.

Last, Fulton County recently provided our group with tabulator tapes that were not signed for over 311,000 advance votes, another violation of election procedure.

I truly appreciate the board members volunteering their time. I know it's a thankless effort sometimes. And $I$ hope you'll take the citizens' complaints and requests for investigation seriously and follow through with reviewing the facts that show the processes and procedures were willfully ignored.

Our goal is the same as yours. Not to hinder voters but to secure election integrity and protect our Democratic Republic.

Thank you.
MR. MASHBURN: Thank you for your comment.
MS. HAISTY: That's our last speaker.
MR. MASHBURN: That completes the public comment portion of our agenda.

And at this time, we will move to an update on rulemaking by Ryan Germany.

Mr. Germany, please go ahead.
MR. GERMANY: Thank you, Mr. Chairman. This is Ryan Germany from the secretary of state's office. We wanted to give a quick update to the board on rulemaking procedures as we get into this election year. We did some rule updates last year as y'all remember regarding SB202.

I believe there's still some updates and clarifications that could be made to help ensure that the voting process this year goes well. The process that we have in place is we have a rules working group that consists of some board members, some county election officials, some members of the secretary of state's staff. And we have tried to work out language in that group and then bring it to the board for posting and for public comment and then for adoption after that.

So the types of rules that we're looking at are rules regarding -- there's a requirement in SB202 to use security paper for ballots, which was something that $I$ think we were looking at doing anyway. And we've been working with the system vendor on security paper. But $I$ think it'd be helpful for counties as well as the
public to -- you know, if we can kind of define what -- what exactly that paper is going to be like -- of course, you know, not in a way that, I think, the security -- parts of that paper were no longer copyable, but that -- so the people can know what -- what exactly we're dealing with. And that -- that's -- I think that's something we should take up with the working group, plus verifying reconciliation and canvassing procedures that really occur after elections. We want to make sure that counties are doing those procedures that are -- that are not new, that have been in law, frankly, for a long time, but to make sure that that's being handled in a way that's transparent and consistent throughout the state.

I think another thing we're going to see this year that we'll probably see to or that we've seen in the past is poll watchers. You know, I think this year everyone kind of knows that Georgia is going to have a close and high-profile election. So both parties should be interested in making sure that they are taking advantage of their poll watcher program that the law allows. But as that happens, then we've got
to make sure that it works for, one, the poll watchers can have appropriate access and, two, that the election officials are able to do their duties safely, without interference.

So we want -- kind of think the rules to help -- to help clarify that would be helpful. Then I think we'll also probably see some rules regarding the absentee ballot process as -as we implement the requirements of SB202.

And I would say to the people who are here, if there's other things or particular rules that we should be looking at, please let us know -let the secretary of state's office know -- and then we can add those to the agenda for things we should be looking at.

And so finally, on rulemaking, I think we do want to have rules in place prior to the May primary, which is May $24 t h$. So that really means from a timing perspective we need to bring some rules next month to the board. And that's what we're working on doing. I do think we'll probably have to continue to work on rules and change rules, even though these are posted or adopted, throughout the year, as we kind of see how they're working with what we need to adjust
to. But $I$ think as to the rules, at least we'll get them posted. So then we can have an idea of the things that we're looking at for this year. Happy to take any questions, Mr. Chair.

MR. MASHBURN: Any comments or questions from the board for Mr. Germany?

MR. LINDSEY: Yeah, I guess I do just in terms of the timetable that we have. If you could sort of help us for those of us that are new to the board. You've got to post it for so much time frame before we can actually vote on it. What's the time frame? When can we expect this to be posted so it can make the -- May 24 th is only two months away. And, you know, all these counties have got to be set up and ready based on those rules. So just if you could help me out with that.

MR. GERMANY: So the process for the rules we promulgate follow the process set out in the Administrative Procedure Act. And the first part is posting rules for public comment. So we would bring rules and present rules to the board to post for public comment.

At that point, they have to be posted for thirty days. We had another meeting thirty days
later to vote to adopt the rules. And what we've done in the past when we've been in these situations is we hear public comment and a lot of times we get some good public comments, like, oh, we should change some language to fix it.

And what we've done in the past that $I$ think has worked is we'll adopt the rule that we posted so it's in place. And the public comment is usually, you know, kind of a minor change to that rule. And then we -- and then you vote at the same time to post that amended rule. And then you have to come back thirty days later and adopt that amended rule.

So it is -- I do envision this being a throughout-the-year process. And then after -after we go to adopt it, it's effective twenty days later. So I think, you know, a lot of these of rules would not be, you know, quote, unquote, effective for the primary.

But the idea was to get the counties and the parties and everyone involved. Here are the rules that are going to be in place and, you know, they essentially have been passed. They'll go ahead and follow them to the best of their ability. And then we can learn from them to see
if we need to -- to adjust anything. We'll have a May primary, a June runoff thirty days after the May primary -- or twenty-eight days after the May primary. And then, of course, a November election and then $a$-- potentially a December runoff as well.

MR. MASHBURN: Ryan, that jogged something in my mind in that we do constantly adjust and constantly look at things or how things are working. And one thing that we had started with, but we didn't have enough time to get it done before a previous election was the introduction of pictograms on some of the ballots that were to tell the voter don't -- you know, fill in the circle, don't put "x" marks and things like that.

So if $I$ could just get that on the top, back on the agenda, I'd like to -- for us to look at that again and get that back on the top, top of the stack if we could. Because I thought we had some really good proposals that we were looking at and we were up against some time frames. So - -

MR. GERMANY: For what -- for, like, what the -- instructions on absentee ballots?

MR. MASHBURN: Yeah, correct. Yeah,
correct.
So thank you for that report. Y'all do a great service to the people of Georgia and we appreciate all of the hard work that goes on behind-the-scenes every day, all day long. So thank you for that.

You don't get any respite, though, because the next item on the agenda is the update of the Fulton County Performance Review Board -- or panel.

And Ryan Germany is also is on that panel. So I ask for an update on that.

MR. GERMANY: Certainly, Mr. Chairman. There's not much of an update to give on the performance review. The goal, when we started, was to have it completed by the end of the last calendar. I think we all knew that was an aggressive goal.

But the reason it was a goal is because we knew -- or $I$ knew once the calendar year started and the legislature came back and we had other kind of litigation items the agenda, it'd be very hard to continue to complete that process.

So that is potentially what happened is we -- $I$ say "we," it's really me who's been sort of
caught up with other duties. And so we have observed the municipal elections last year, conducted interviews of Fulton staff. We had additional interviews to conduct of Fulton staff and other people as well who have things they want to share with us about Fulton County elections.

And so we hope to finalize that quickly. And I would say before the May primary would be a new goal so that we can bring that to you guys -to the board for -- for then the board to consider.

MR. MASHBURN: Well, again, I thank you for your hard work in that regard.

Any questions or comments from the board?
Well, we thank you. We thank you for all of the hard work that you and your panel put in on that.

At this time, the agenda moves to investigations and reports. And so I'll just ask the board, does anyone need a ten-minute break or ready to press on. It's kind of a nice breaking point if anybody needs a break, but $I$ think we'll press on. Okay.

So we begin with the investigation reports.

And the first one on the calendar that I -- oh, we've got the consent cases. And just to familiarize the new members of the board to this, we normally take the consent cases as a block. But if the board members want to pull a particular one out to discuss it in particular, they're free to do so. And otherwise they're usually handled as a block.

But I'm informed -- nope, we don't have any continuances. So at this point, I'll entertain a motion regarding the consent cases.

MRS. GHAZAL: I move to consider them as a block, but $I$ also think it would be helpful to explain what a consent case means. Not just for the folks here at the table but for other people who are listening. Because when they see the agenda and see the complaints here, it can be very confusing to folks who don't understand the language.

MR. MASHBURN: I think that's an excellent suggestion and we have Charlene McGowan of the attorney general's office who negotiates consent orders among her many duties. If she'd like to give an overview of --

MRS. GHAZAL: Not the cases --

MR. MASHBURN: Not a particular case, but how --

MRS. GHAZAL: -- per se, but what does it mean. What does a consent case mean?

MS. MCGOWAN: So if we're talking about the consent cases that the secretary of state's investigative division is presenting, these are cases where the secretary of state's office investigative division have investigated the complaint that was received by the office and made a determination that no violation of the elections code has occurred.

When we were talking about consent cases presented by the attorney general's office, those are cases where the board previously voted to refer the case over to the attorney general's office because they determined that there was probable cause a violation has occurred.

And those cases where I'm presenting a consent order, then the attorney general's office has negotiated a resolution by agreement with the respondent that was referred to our office for any election code violation.

DR. JOHNSTON: I have a question about a case.

MR. MASHBURN: Dr. Johnston, well, let's -hang on just a second and I'll -- and I'll recognize you in just a second.

I think Charlene very gently was able to correct me that she doesn't do the consent cases, that her -- but $I$ appreciate her kindness directed toward the chair.

But thank you for that explanation.
She did a good job with it.

MRS. GHAZAL: Absolutely. And that is exactly my point so that people who are listening and seeing the agenda understand that while some of the words on the agenda look alarming, the point that the invest -- these have all been investigated and no violations have actually been found in these cases.

So I move that we consider them as a block.

MR. MASHBURN: Let's -- I put Dr. Johnston on hold. So let me let her ask her question first.

DR. JOHNSTON: So, yes. So are these the consent orders from --

MR. MASHBURN: No, that was my mistake. I confused everybody, confusing consent cases and consent orders. So these are the consent cases
from the secretary of state's investigative office.

DR. JOHNSTON: No question.
MR. MASHBURN: Okay. Thank you.
So now we're --

MRS. GHAZAL: Yes. And I --
MR. MASHBURN: I appreciate everybody's patience with the chair as I mumbled my way through this. But thank you.

So now we're ready for Mrs. Ghazal's motion.
MRS. GHAZAL: Yes.

MR. MASHBURN: And your motion is to --
MRS. GHAZAL: I move that we accept the investigations as a block.

MR. MASHBURN: There's been a motion to approve the consent cases from the secretary of state's investigators as a block. Is there a second?

MR. LINDSEY: There is a second from me. And I think it's worth letting the folks who are online know that these were matters that were sent to the board members prior to give us a chance to review them to take a vote on it. I just -- I think I just wanted the folks who are listening in to know that and that we have
reviewed those prior to the hearing.
MR. MASHBURN: There's a motion and a second. Discussion? No discussion.

Is the board ready to vote? Okay. All those in favor say aye.

THE BOARD MEMBERS: Aye.

MR. MASHBURN: All those opposed say nay. Motion passes unanimously to adopt the consent cases as a block.

The next thing on the agenda is new cases. With regard to new cases, SEB case number 2021-129, DeKalb County, has been continued based on a notice issue. So that's been continued.

So we move to SEB case number 2021-181.

MR. CALLAWAY: Yes, sir. Thank you, Mr. Chairman, members of the board.

SEB 2021-181, Fulton County, data review. The complaint was that there was a report of errors in risk-limiting audit numbers uploaded from Fulton County elections to the Georgia Secretary of state.

We conducted an investigation using two of our investigators with our office. We reviewed the findings of the complaints and there was thirty-six issues and there was numerous examples
of human error while inputting data into the Arlo open source software system. But there was no evidence discovered to suggest criminal behavior. I believe the errors were due to batch sheet being entered twice under different headings.

And at this time, we're going to do something a little different. Instead of me sitting here, reading finding, finding, finding, we're going to have the actual investigators that worked the case tell you here today what their findings were and go through the case that they worked.

So Investigator Braun and Investigator Zagorin.

MR. MASHBURN: Any objections? Without objection, that's how we'll do it.

Please proceed.
MR. ZAGORIN: I'm Investigator Vincent Zagorin, Georgia Secretary of State's Office. So we -- when this complaint came in, we had to look at all the batch sheets that were listed online in the system. There was four or five different dropdowns we had to go into. None of these were in order. Nothing was in order by scanner or by batch sheet. There might be a scanner 1, let's
say, that had, like, five or six in row 20 through 26, but then it would jump to 200 or then it would jump to a completely different scanner. We had to go through and kind of figure all this out.

So when $I$ went through from the complaint that was submitted -- so, for instance -- there's a way you can follow. I don't know if you guys have a copy of this. They're in this white book. There is a copy of these sheets.

The first one on there was absentee scanner 3 and scanner 1 both had batch 111s. What happened was it showed that scanner 3, batch 111 was entered twice. We can go to that page. It's in the section that's marked $3-B$ and $3-C$ on the little tab. In the next, like, three pages over, you'll find out where I'm at.

MR. MASHBURN: Okay. Everybody -- everybody caught up?

Okay. Please proceed.
MR. ZAGORIN: If you look at this, it says absentee scanner 3, batch 111 is in there twice. So when I looked at this and we found this, I was able to determine that the first one, the scanner 3, batch 111, was actually scanner 1. So once I
started going through this and figured it out, I looked at it as if you had each scanner lined up in a row and every batch, from one to whatever the bottom number is, they all had different amounts, 320 or (indiscernible).

So in scanner 3, you would've had two batch 111s but you wouldn't've had a 111 in scanner 1 . So you would've been able to conclude that one of those should be moved over to scanner 1 as you go down the list. So there were some that were like that.

There was another one in here -- put it in the right order -- if you go next to the last two pages in this section, it's be scanner 1 dash 97 , second to the last page. That was one that I located pretty quickly. When you look at that, there's two scanner 1 s, number 97. However we pulled the batch sheet, one of them was actually number 47. And the four was written kind of oddly, so the person thought it was 97.

So once again, just going down the list, there'd be two in the 97 spot. You have to take one of those out and move it to the 47 spot. So now it's starting to -- to fall into place. So there was that issue with some of these where
they were just put in the wrong section.
If you go back to the beginning and flip the page, it'll have scanner 1, batch 18 is entered twice. And it was entered twice because if you look at the top part in the section, it says --

UNIDENTIFIED SPEAKER: Let's back up.
MR. ZAGORIN: Back to the beginning?
UNIDENTIFIED SPEAKER: Yes. Eighty-three -UNIDENTIFIED SPEAKER: No, three of four, okay.

MR. ZAGORIN: So the first was entered as absentee scanner 1, batch 18. That's all written out. The next one was entered scanner 1, batch 18. So the system did not catch that. So they were entered. It was a -- an enter error, but if you look at it, where someone had typed it all the way out, and the next person probably thought, "I'm not going to type all that," so they abbreviated it. The system didn't catch it.

Arlo is aware of that and there's ways to fix that, but at the time it wasn't found. So that's how that one -- those were handled.

We had a few -- the next one, page 4, she has the same issue: One printed out, one is abbreviated. So there was a few of those that
are like that in there. Just like the other ones, they were just put in the wrong spot.

Then the other issue that came up was -- if you go to page -- I guess it would be page 5 is -- so it shows a hundred for Candidate $A$ and zero for Candidate $B$, which the way the specifics work, regardless of what part of the state you're in, you're not going to have completely a hundred or two hundred for one candidate.

So the county said what could've happened is they took the batch and they divided it by candidate and then they just scanned it by candidate. So somewhere in here we would have the other candidate with numbers that would be a hundred to zero the other way, which we do in one of these sections.

But those do not match -- those batch sheets do not match what this complainant went in and looked at and actually said that they looked at. They don't match. So there really isn't a determination on was someone just rushed for time or did they just put a hundred and moved on. And that looks like what could've happened here. But, like I said, that did happen both ways. You know, maybe if you go over to page 7 -- or no --
yeah. So page 7's the same, where it did that. Now, there was one that wasn't in here that I found myself where Candidate B had in the neighborhood of 230 to nothing, going the other way. And the complainant told us: We found that but we didn't add it in here. So to me, if I'm looking at this objectively and $I$ have to look at everything, it has to go both ways. You can't just play this where it helps one side and you see something else on the other side and leave it out. So that was -- kind of got our attention. Then if you continue through this, there is page 8. The same one is entered twice, but $I$ had found where the first one was actually scanner 1 , batch 210 . So that was going to the scanner 1 , it wouldn't have been part of scanner 2. So this scanner 2, 237 was actually correct.

Some of the other ones, the number were off just a little bit. With 238, those numbers were off. You know, on here it has candidate -- and one of the candidates, 2259 and zero. It was actually four and forty-nine is what the numbers would've been. But even on -- for the batch she showed, but even on there -- well, the complainant found those numbers were a little bit
off.

The next one, page 10 , the top one's going to be a different batch or scanner. At the bottom one, we were able to find the match of two two forty.

So I don't know if there's anything in here that's different from those three different scenarios where they just had the different -oh, this was interesting too.

So number 12, so number 12 is a -- there's two of these in here that showed several different batches and then one total here.

MR. MASHBURN: Are you on -- I'm sorry to interrupt you. Are you on page 12 or inconsistency 12?

MR. ZAGORIN: So twelve of forty.
MR. MASHBURN: Okay. Page 12. Okay. Thank you. I'm sorry to interrupt.

MR. ZAGORIN: No worry. So the totals at the bottom are correct. But the problem is when they show their work on how they got there. So if you look -- like, it says number 243. At the top, it shows seven ninety and one. At the bottom, it shows twenty-one seventy-three and two. Like I said, the bottom numbers all match.

They all get to the right total at the bottom. It's just the numbers in between for some reason don't match. So $I$ don't know how they got the correct number at the bottom but the numbers were wrong in individual batches.

And there's a couple different ones -- those are in here -- that did the same thing, where the totals always matched, just the numbers in between didn't match. Like, some of them where they would do -- like, it shows two -- 244 to 249 and it has the numbers which match the numbers at the bottom. They just didn't add the 243 in there. Once you added 243, it would've corrected it and it's lined up properly.

So, like I said, the total number was correct, just when they showed their work it was off. We couldn't figure out how they put the number wrong at the top and got it right at the bottom.

So that was all the different -- like I said, each one of these basically has one of those three different scenarios of what went wrong. Either it was entered wrong because they didn't fill it out and do it the same way -- they didn't put absentee scanner instead of AB scanner
or they went to a different batch than what they showed -- and you could -- you can show that and find those.

Like I said, on the totals, the ones that had the big totals, they were all -- they matched even though the other numbers didn't.

And then there was -- I believe there was one where they inverted the numbers. They inverted Candidate C. In Candidate B, they -they just inverted those numbers. You can see where the numbers were inverted. So if you switched them over, it wasn't really a major thing.

But most of it was the data entry and when they -- they put it in. So you can see where the issues were on all of these.

Any questions on anything?
MR. MASHBURN: Questions from the board?

MRS. GHAZAL: I don't have any questions, but $I$ have grateful thanks that you were able to spend the amount of time it must've taken to sort through this and understand it. And I appreciate you spelling it out so clearly. I understand exactly what you're saying and what happened here. I don't think I could have come to these
conclusions. So I appreciate everything that you've put into this.

MR. ZAGORIN: (indiscernible)
DR. JOHNSTON: So I have a question. How much off were these numbers when you looked at all of this again?

MR. ZAGORIN: I just looked at these that were sent in in the complaint. Like I said, a few time I would find others that $I$ would stumble across it. But I didn't pull those into this.

But I didn't go back through to take out the ones that were in there twice and try to figure out exactly what the number was. But $I$ could tell what the issue was. I could that, like I said, 97 wasn't in there twice; it was actually 97 and 47. Then the ones that were in there twice, I didn't sit there and write out the -the specific number. I didn't go that far with this.

MR. LINDSEY: Well, my comment actually is going to echo some of the public comments that we've heard. Some of the public comments in which they expressed concern on the resources, being how people voted rather than helping out at the next election. And it would be helpful if
our local county folks had a consistent entry system so that we would not -- so when citizens have a reasonable complaint when they see these inconsistencies that we do not have to devote as many man-hours -- and I don't even want to think about how many man-hours you had to devote to these.

And so it sort of goes to the importance of getting our local counties -- employees trained properly so that there is a consistency out there so that, you know, when citizens understandably go in and do a review, that we don't come up with these kind of issues that then come to the board for a complaint and they'll be used for an investigation.

And so we need to figure out a way to rectify that. This is the sort of thing -- you know, I'm sitting there, writing down various things as you go along: Inconsistent entry and garbage in, garbage out. I'm not a computer expert but $I$ do remember that from my computer classes. And we need to figure out a way to get our local county folks to be able to enter things consistently so that others can have confidence in the outcome and we don't have to devote
resources that you're having to devote to kind of untangle when you have a simply entry problem.

MR. ZAGORIN: There was one other issue that came up with the system. I think Ryan Germany was going to address that.

MR. GERMANY: Well, yes. Thanks, Ed. Additionally as part of the investigation, we looked at not just what -- what Zagorin just -Investigator Zagorin just went through but trying to look at the context of where these occurred.

As part of that, we, of course, talked to -to Fulton County, and they're here. And also, a Mr. Rossi, the complainant, is here and $I$ know would like to address the board after the investigator's presentation.

But we also reached out to Voting Works, who they assisted Georgia in implementing our audit procedures. And software that was used is a software called Arlo that Voting Works utilizes.

You guys remember that a full hand count was not, $I$ think, completely contemplated in our audit. It was a risk-limiting audit. It's supposed to be a review of -- of basically particular ballots and you compare them to see what the machine count is. And then there's a
formula that comes up with how many you have to review to reach a statistical confidence level.

And I'm already getting outside of my area.
But the problem is if the result is so close, the -- the number of ballots you have to pull individually becomes so large, that it's -frankly, you just have to look at every ballot. It's actually more manageable.

And so we had to -- with the result being so close and the secretary determining that he wanted to audit the presidential election, which, of course, would be the closest results, then we had to move to a full hand count. And we also put in a time in. So you've got to be done counting by this time. We actually had to extend that time by twenty-four hours so that fulton County could finish -- finish their audit because as has been pointed out by multiple people today, they have the -- the largest number of ballots in the state.

And so I think what we -- we found a few things kind of is what I'm getting at. One, that time crunch, of course, contributed to that Fulton County did not have -- and Voting Works was working with every county. In other counties
they had time to go back and do a -- you know, essentially proofread their data entry and catch mistakes.

Data entry mistakes happen. Whenever we've got humans entering data, we're going to have data entry mistakes. In a hand count, there's going to be human error, not just in the count but also in the data entry.

So Voting Works put out a couple things that I think are relevant for you guys. One, that these are the type of data entry issues that they see in an audit. At Fulton County, the level was higher because of that time crunch. They didn't have time to do that kind of quality assurance check that a lot of counties do.

But then, three, that the -- nothing that they are seeing here changes the overall conclusion in their minds of the audit, which is to confirm the result. The audit is not meant to get the exact same count. In fact, that would not be expected. It's going to be -- the whole point is to confirm, though, the -- the winner won and that they've -- and Voting Works saw nothing here that would change that conclusion, the -- of the audit in their minds.

They also did mention that there were some, I think -- they're making some improvements to Arlo to kind of make these kind of data entry errors lessen in the future. And so I believe, I think, we will have that benefit in the future, these improvements to Arlo. It had to do with basically naming conventions and kind of not allowing people to -- to double-enter these. And what happened in Fulton is they initially -- you want to have one person entering all the data. That's ideal. In Fulton, we have -- they can't do that. They don't -they're not going to have the time. So they had to bring another person in to enter data, at least one more person. And when you have that, that's when you start having maybe some confusion about, hey, has this already been entered or has this not been.

So I just wanted to provide that context from Voting Works. And $I$ do know that both Mr. Rossi and Fulton County are here as well.

MR. MASHBURN: Questions from the board?
MRS. GHAZAL: Well, just while I definitely appreciate that a hand count audit was not anticipated, $I$ think we need to look down the
road and make sure that we do have proper procedures in place for naming protocols so that it's standardized.

And if -- if the Arlo platform can have drop-down menus as opposed to having to hard key things in, that could help prevent some of these errors and just clean it up on the -- on the front end.

And training beforehand, before literally on the fly. I was there and saw how it was being done and I admire how hard everybody worked to make it work, but if we can prepare and anticipate that we may come down to this again -I hope to God we never do, but, you know, an ounce of prevention and all of that.

So I think this board needs to be working on that, looking down the road.

MR. GERMANY: And that's a good point. And I should have something about that in the rulemaking --

MRS. GHAZAL: Yeah.
MR. GERMANY: -- update. I think that's something we need to look at in rules because the main thing from Voting Works is in order to do that, to have a drop-down menu, which they --
they've actually -- they mentioned they've put in extra tools in Arlo to have -- to prevent entry of duplicate batches and flag missing batches. I think --

MRS. GHAZAL: Yeah.
MR. GERMANY: -- both of which occurred here. But in order to do that, you've got to have a really good what they call ballot manifest, which is where you're -- where you're tracking that -- that stuff on the front end. And so $I$ think we can do things as a board, y'all can do things as a board, to, you know -- the law only requires the audit after the November general election.

But I think the board can probably require audits more often than that to help counties be prepared for that audit, and especially the ballot manifest. I think that should be done every time. You know, the more -- the more time someone does something, the better at it they'll get. So I think that's another thing we should look at from a rulemaking perspective.

MR. MASHBURN: I think you mentioned that you were splitting your presentation between two investigators. Is the other investigator
expected to be --
MR. BRAUN: No.

MR. CALLAWAY: Mr. Braun, do you have anything else to add?

MR. BRAUN: No.

MR. CALLAWAY: But if he doesn't have anything else to add, we can ...

MR. MASHBURN: Okay. All right.

MR. CALLAWAY: So our recommendation from investigations is to bind the case over to the attorney general's office for $S E B$ rule violation 183-1-15-.04(2)2, preparing for audits, when Fulton County election employees and staff misidentified and duplicated audit batch sheet data when it was being entered into Arlo.

And that's going to be our recommendation to the board.

MR. MASHBURN: And I believe you mentioned Mr. Rossi is the complainant who would like to speak on this topic.

MS. HAISTY: Yes. We have multiple people who have signed up to speak to this case.

MR. MASHBURN: All right.
MS. HAISTY: First person who signed up to speak is Lindsey Favero who should be able to
unmute herself now.

MR. MASHBURN: Lindsey Favero?
MS . FAVERO: I am -- I --

MR. MASHBURN: Unmute and you can speak.

MS. FAVERO: I was signing --
MR. MASHBURN: Can you hear me?

THE BOARD MEMBERS: I was signing up for public comment before, and $I$ was -- I'm really new to this so I didn't realize I accidentally signed up for this part. So I don't have anything to say. Thank you.

MR. MASHBURN: Okay. Thank you. Thank you.
MS. HAISTY: All right. Next we have Joseph Rossi and Jack James signed up. You'll have to forgive me; there are multiple John James on the list of attendees. So I'm unsure which one is the correct one.

So please identify yourself.
MR. ROSSI: Okay.
MR. MASHBURN: This is Mr. Rossi?

MR. ROSSI: Yes. This is Joseph Rossi. Can you hear me?

MR. MASHBURN: Yes, sir, we can hear you. Go ahead.

MR. ROSSI: And I have attorney Jack James
here with me. And he goes by John also, so... Well, wow, if you listen to the investigators -- is it my time to speak now? MR. MASHBURN: Hang on, Mr. Rossi. Mr. Rossi, let me interrupt you for just a second.

Is John James here as your attorney or is in his private as a citizen? (Audio interference)

MR. MASHBURN: Or -- we're trying to unmute you.

UNIDENTIFIED SPEAKER: Mr. Chair?

MR. MASHBURN: Just a second. We're having a little technical difficulty. Hello?

UNIDENTIFIED SPEAKER: I think it would be better to handle Mr. Rossi first and get Mr. James to figure out --

MR. MASHBURN: Okay. Yeah.

UNIDENTIFIED SPEAKER: -- next.

MR. MASHBURN: Yeah. Is the problem on

Mr. James's end? If so, we'll let Mr. Rossi
proceed and then we'll let Mr. James speak after Mr. Rossi.

UNIDENTIFIED SPEAKER: He appears to have left the stream.

MR. MASHBURN: They -- are they going to re-sign in probably?

MS. HAISTY: They're re-signing in.

We have Cheryl Ringer from Fulton County who would like to speak.

MR. ROSSI: I'm on, if Mr. Rossi can speak.
MR. MASHBURN: Okay. Mr. Rossi, please go ahead.

MR. ROSSI: Okay. Well, hopefully we get ample time to share with you a lot of the documents we have. And just to answer your question up front, attorney Jack James is a personal friend. He's not acting as my attorney on this case.

But is it now time for us --

MR. MASHBURN: Okay. Thank you for that clarification.

MR. ROSSI: Is it now time to present our data?

MR. MASHBURN: The floor is yours.
MR. ROSSI: Thank you.

Wow. Listening to the inspectors, if your head's not spinning from an accounting standpoint, $I$ don't know what would make it spin. But before $I$ introduce ourselves and go
through our data, $I$ just wanted to clarify one thing. As we did and as they did a very thorough job, but one of the comments he made was that we did not go back and take care of both sides. And I believe he referred to a number of 230 s, the zero was on the other side.

When we get to the report that $I$ presented to you, I will show you in Error 31, out of a spirit of being factual, we did account for both sides and I did go back. The actual number was zero to one thirty, not zero to two thirty. But anyways, $I$ wanted to clarify that up front. But we were not -- we were looking at this strictly from a factual standpoint, not a partisan standpoint.

But anyways, I will proceed. And I believe there was -- one other question which was asked was what was the totality of the errors, and I will speak to that and tell you what we found with the totality of the errors. I don't think the inspectors were able to provide that number. But anyways, let me introduce myself again. My name is Joseph Rossi. I'm a retired executive from PepsiCo, 34 years. I'm a chemical engineer by degree. And I now teach at a local technical
college here.
Mr. Jack James is a mechanical engineer and an attorney and a good friend of mine. And again he's not acting on my behalf as my attorney. We do not work for each other. That's how we know each other out.

When we went into this, we used ground rules that $I$ used in my executive career which is, number one, stick to the facts, no smoke-blowing. Be respectful but be persistent. And those that I've communicated with from the governor's office to the secretary of state's office hopefully will attest that we've been respectful but we've certainly been persistent.

And then the last thing is to take action and get results. And we could talk about this, but the goal is to take action and get results.

Those were our ground rules.
So what I'd like to do to start with is refer you to that white three-ring binder. I presume the state election board has a copy of that by now; is that correct?

MR. MASHBURN: Yes, we have a copy of a three-ring binder.

MR. ROSSI: Okay. So a picture is worth a
thousand words and I'm going to go through a lot of data. And if you get bored or overwhelmed with the data, the message $I$ want to send is you've got the governor on the top of that cover and --

MR. MASHBURN: Well, I'm actually going to stop you right there, Mr. Rossi.

MR. ROSSI: Yep.

MR. MASHBURN: I did have a reaction to that. And in my opinion as the chair, it is highly irregular for a complainant to make statements regarding parties that are not respondents to the motion or to the matter at hand. So I'm going to ask you to keep your comments to the respondent at hand rather than third parties that are not respondents to this action, please.

MR. ROSSI: Okay. But didn't the governor issue the letter requesting that the board do the investigation?

MR. MASHBURN: That -- that's fine.

MR. ROSSI: Okay. I was just referring --
MR. MASHBURN: That's part of the record.
MR. ROSSI: I think part of the data and part of the record is that the governor said that
the hand audit was sloppy and inconsistent. And my point was that the secretary of state's office said the hand audit was accurate. And we have to reconcile that for the citizens of Georgia, being the odds between the two highest officials was my point.

MR. MASHBURN: That's not before the board on this issue.

MR. ROSSI: Okay.
MR. MASHBURN: So the respondent in this action is Fulton County.

MR. ROSSI: Okay. Well, let me -- can I proceed with our data then?

MR. MASHBURN: Sure.

MR. ROSSI: Okay. So our objective, if you go to the table of contents, was to align on resolution plan for the publicly posted RLA report for Fulton, which we have determined has errors which the governor has determined is inconsistent and sloppy and does not build public confidence, to quote his letter, and which now the investigators per their investigation have verified that.

The background I'll share is if this were an annual report for a company, it would not be left
standing as a credible accounting document. And I would say an annual report is as important or a -- the presidential election is as important as a company's annual report.

And then on that letter there, you do see the governor's -- quotes from the governor's office and you see the posting on the secretary of state's office which says that it's accurately portrayed. And that's where I say that. The two public officials, the highest authority in this manner, are in opposite positions from that standpoint.

So now what I'll do is I'll refer you to the batch tally sheets, how this all started. And I'm not a -- I'm not an expert in this, but $I$ got interested in the numbers. So I started to try to understand what was going on.

And the first thing $I$ found that there was what I'll call signs of incompetence in the secretary of state's office. And I'll refer you to sections one eighty one --

MR. MASHBURN: All right. Mr. Rossi, I'm
going to have to -- I'm going to have to caution you again. Fulton County is the respondent. This is not a hearing about the secretary of
state.

MR. ROSSI: Okay. The errors reside on the secretary of state's website. So we believe they have some responsibility for the errors being on their website, even though they may have been generated in Fulton County.

MR. MASHBURN: But that question is not before the board.

MR. ROSSI: Who determines the questions before the board?

MR. MASHBURN: We -- what is your -- I do, as the chair.

MR. ROSSI: Okay. So we're not allowed to ask questions about errors that are posted on the secretary of state's website?

MR. MASHBURN: It doesn't help your case.
MR. ROSSI: But does that mean $I$ can't present my case and let people decide whether it helps my case? You're going to just cancel it?

MR. MASHBURN: Your case -- your case is to be presented against Fulton County as the respondent. It's not fair to bring in third parties that don't have notice that this hearing is about them, that they may prepare a response. So it's just not -- it's not fair to present
evidence against people that haven't had a chance to review your evidence and have notice that they're parties to the hearing. And so I'm just not going to admit evidence about other people's actions or nonactions. This is about Fulton County.

MR. ROSSI: Well, we -- we beg to disagree with that. I don't know all the rules and regulations, but since the very beginning of this, we have been adamant about that we don't know where the errors were generated but we do know the errors exist on the secretary of state's public website. So that should be part of the case. And we --

MR. MASHBURN: My ruling and your objection are on the record. So please proceed.

MR. ROSSI: Okay.
MR. MASHBURN: Keep your comments limited to the respondent to this action and not third parties who don't have notice of this hearing.

MR. ROSSI: Okay. Should I go to the -section 2, then, the thirty-six errors? Election code --

MR. MASHBURN: The floor is yours.
MR. ROSSI: Okay. So if you refer to --
well, I mean, section 2 has to do with e-mails that were sent, correspondence between the secretary of state's office and myself. And you're saying we do not want to review those; is that correct?

MR. MASHBURN: My statement is that Fulton County is the respondent to this action and not the secretary of state. If it is germane to the action against Fulton County, such that Fulton County has notice that they should respond to this, that's fair -- that's fair. But it's not -- it's not a fair forum right now for you to say that the secretary of state or the attorney general did something correctly or incorrectly. That's outside the scope of this hearing.

MR. ROSSI: Okay. Well, $I$ will jump down to number 3 on our section there. And basically the thirty-six errors, sections $3-A$, it starts with -- is the -- basically it's the Excel spreadsheet that was on the secretary of state's website and that document highlights the thirty-six errors very similarly to what the governor's report did as well as the prior investigators that were reporting out on those errors. And I don't know if I need to go through any
of those errors, but they're similar in manner to what the investigators thought were somewhat misidentified, some were duplicated. So the only thing $I$ would add, other than if you want to go through every one of those errors, I'd be glad to do that. When I added up those thirty-six
errors -- I think there was a question earlier to the investigators which they didn't have a response to: What was the net impact of those errors? And I found the net impact of those thirty-six errors was 4,081 net incremental for Candidate Biden. And that would be shown on the last page of that audit report.

MR. MASHBURN: You're in 3-A?

MR. ROSSI: I would be in three -- no, I would be -- let's see. Yeah. 3-A. Okay.

MR. MASHBURN: Last page was 3-A?
MR. ROSSI: No. Hold on a second. I'm sorry. Yeah, that would be 3-A, the very last page. I think you should have a circled number at the bottom right --

MR. MASHBURN: Yes.
MR. ROSSI: -- is that correct?
MR. MASHBURN: Bottom right corner. It's circled in blue ink. Yes, sir.

MR. ROSSI: 4,081 false delta total.
So at least when I added up the thirty-six errors, I found the answer to the question from earlier. I found that gave one candidate a 4,081 vote error. If you add up the --

MR. MASHBURN: Okay.
MR. ROSSI: And $I$ just wanted to highlight that so someone may be able to go back and review and determine if that's correct. But that's what I was able to determine.

MR. MASHBURN: Got it. Thank you.
MR. ROSSI: Okay.
MR. MASHBURN: I think that was in answer to Dr. Johnston's question.

DR. JOHNSTON: Yeah.
MR. ROSSI: Right.
MR. MASHBURN: Do you any further questions, Dr. Johnston, about this topic? Or is that what you were looking for?

DR. JOHNSTON: I'll wait till --
MR. MASHBURN: Okay.
DR. JOHNSTON: -- Mr. Rossi finishes.
MR. MASHBURN: Okay. Please go ahead.
MR. ROSSI: Okay. 3-B was the governor's letter, which I'm sure you've seen. And the only
thing $I$ wanted to highlight on that, that he did make the comment that our findings were factual in nature. And $I$ just wanted to reiterate that.

3-D is the report that the investigator was referring to earlier. $3-\mathrm{E}$ is a statement on the secretary of state's website that says the hand audit accurately portrayed the results of the election. And $I$ would challenge that, based on the 4081 number that we found.

3-F, I think Voter Works was referred to. So I have a section in there that shows what Voter Works was responsible for doing, if you go to that. It says $3-F$, the Carter Center. And $I$ really don't know what the chain of command was or who hired who. Maybe you guys could shed light on that. But somehow the Carter Center was involved and Voter Works was involved.

And then, if you go to the third page of that $3-F$ section, there is a comment in their report about data entry and results. And then there's a footnote down at the bottom that talks about their responsibility for checking missing and duplicated batches, which I would ask the question -- it was pretty easy to find these errors on that -- on that Excel spreadsheet if
someone would've just gone in afterwards and checked themselves. I wonder what their responsibility was and who hired them and who paid for them. But I'm not sure what they did, but obviously they didn't catch the accounting errors that we referred to and the investigators referred to earlier, which is something I think that needs to be looked at as well.

And then the $3-G$ j just put in there because -- $I$ know this is being set as a Fulton County issue only -- I do want you to know that we looked at Dekalb County and there's very similar errors with the Dekalb County hand audit. And I've got, in $3-G, i f$ you want to go through that, you can see that those errors add up to over a thousand incremental false votes there as well.

So it tells me it's much broader than just Fulton County, that this is a systemic issue which $I$ continue to ask the question. We can't have a hundred and fifty-nine county free-for-all in Georgia. At some point, some entity has to be responsible for the accuracy of the original count or the hand audit count.

I mean, at this point, you're saying $I$ can't
bring up the secretary of state's office but it seems to me logically that they would be that responsible entity. But $I$ won't bring -- bring up anything on that further.
$3-H$ is just a follow-up letter from my local representatives Mr. Shaw Blackmon and Larry Walker. I appreciate their support.

So before $I$ get into my recommendations, are there any questions? Or should I finish with the recommendations and then go for questions?

MR. MASHBURN: I think you should go ahead and continue because that might raise the questions. So go ahead.

MR. ROSSI: Okay. Well, you know, you could bring up a lot of errors, but $I$ think that's just whining and complaining unless you come up with potential recommendations and leave it to you guys to be the group that decides what's the right actions to take. But hopefully there'll be some good solid actions coming out of the hard work that we did and, obviously, the governor's office did and the secretary of state's investigators.

So the first thing that we feel pretty strongly about is, $I$ think, at the end of this
we'll all agree that -- that that publicly announced, publicly displayed hand audit as the governor's letter says is sloppy, inconsistent, and does not build public confidence. And, in fact $I$ think $I$ heard someone say it's inconsistent, someone says it has errors. But I believe we owe it to the public for someone to footnote or put a disclaimer on that report, that it is under investigation for those errors. I think the public deserves that. So that is our first recommendation.

We had asked that the secretary of state -until we get to the bottom of this, one way or another, that that statement that says that the hand audit for Fulton County accurately reflected the results of the election -- based on the numbers we've come up with, we think that statement should be retracted.

And then the last invest -- the last recommendation is -- based on the accounting, this document that's extremely difficult to follow and has a lot of errors, inconsistencies, and is sloppy, $I$ don't think we're ever going to understand what really happened until somebody releases and counts the absentee ballots from

Fulton County. I think that's the only way to really answer the question as to how many ballots there really were and were all of those ballots legal ballots.

At the end of the day, if it comes out perfectly fine, then great, we've established credibility. And if the end of the day, it doesn't come out perfectly fine, then we know that we've got a lot of work to do.

So those are my recommendations.
MR. MASHBURN: Thank you for your
presentation. And $I$ know you put in a ton of work in doing this, and so we always appreciate citizens devoting their time and effort to work on election-related matters. So thank you very much for your efforts as a citizen.

Questions for the board? Questions from the board?

MRS. GHAZAL: Yes. This is Sara Ghazal.
Mr. Rossi, I do appreciate your interest and concerns with elections. But you said you looked at Fulton and DeKalb. Is there any reason in particular you chose those two counties? Are you a resident of either of those counties?

MR. ROSSI: No. I'm a resident of Houston,
but I looked at Houston as well, ma'am. And their numbers were almost perfect.

MRS. GHAZAL: Are you -- I also want to reiterate what Mr. Germany said, that -- and I think the word "audit" is extremely confusing for folks, especially people who've been in the corporate world and understand what corporate audits look like.

As Mr. Germany said, an election audit is a different animal, and it's really -- the outcome of an election audit is simply to identify the proper -- that the count was accurate and identified the right candidate. And I think that's important for people to understand. And the terminology makes it very confusing.

It's not supposed to be a one-to-one recount. A recount was also conducted and that's a different thing altogether. The recount looked at the number of votes and, in fact, the count was valid.

The audit is to identify whether or not the right candidate won. So $I$ just want to leave it at that.

DR. JOHNSTON: Well, I'd like to add --
MR. ROSSI: Am I allowed to respond to that
or -- or I'm not allowed to respond?
MR. MASHBURN: No. Dr. Johnston has the floor.

DR. JOHNSTON: This is a char -- was characterized as risk limiting audit which is really just a statistical tool. And it's just a shortcut to avoid a full audit recount, although risk limiting audit can proceed on to a full recount, which according to Ms. Jones, that happened.

But with a difference of over 4,000 count, I would wonder about whether we can actually rely on the veracity of the Fulton county risk limiting audit. I'm concerned about this organization. I'm concerned about this confusing record-keeping, whether it's scanner destination or input errors or system errors or maybe ballots were grouped or whether it was not enough time or multiple employee data entry designation.

There are so many issues to consider with this case.

MR. MASHBURN: Thank you, Dr. Johnston.
Mr. Rossi, if you'd like to comment briefly and then we'll turn the floor over to Mr. James -- attorney James.

MR. ROSSI: Okay. I was just responding to the board member that was saying that it determined the right outcome of the election. And I would put that in question based on the number of errors that we found for one county in one subset of the total 525,000 votes.

MR. MASHBURN: All right.

Mr. James? Is that right? Your last name is James? Or is your first name James?

MR. JAMES: Last name is James.

MR. MASHBURN: Am I insulting you unintentionally?

MR. JAMES: No, that's fine.

MR. MASHBURN: Jack James. It's attorney James, okay. Attorney James, do you -- you have anything you'd like to add, sir?

MR. JAMES: (indiscernible)

MR. MASHBURN: Hey, Mr. James, we're having trouble hearing you. It sounds like you're on a speaker phone.

MR. JAMES: Can you hear me better now?
MR. MASHBURN: There you go. There you go. Yes, sir. Perfect.

MR. JAMES: Thank you. My presentation was going to be directed at the responsibility --
overall responsibility for elections in Georgia. And you've already stated that that's really not the issue to be presented to the board today.

But it has come up in our previous conversations with members of the secretary of state as to who is alternately responsible for the elections in Georgia. And we just believe that while Fulton County counts the votes, the ultimate responsibility for assuring that the votes are correct falls with the secretary of state. And that is per the Georgia Constitution and per different Georgia code sections which assign the responsibility to the secretary of state, in particular -- let me just get here a second. In particular, code section 21-2-50(b) clearly states that the secretary of state is the chief elections officer.

And then we also believe that per the code where the errors were noted, the results should have been returned to Fulton County to correct the errors. And this was never done. These errors were reported to the secretary of state in February of 2021, these errors on the risk limiting audit, which you've also talked about. So we believe that Fulton County should've
been required to correct these errors that we've been talking about all day. And this did not happen and we're concerned that the code section, which is O.C.G.A. 21-2-499, was not followed specifically and the errors were not corrected. MR. MASHBURN: Okay. Thank you.

I think we have Fulton County signed up as the respondent. Are there any more signed up on behalf of the complainant?

MS. HAISTY: Yes. There is Cheryl Ringer from Fulton County.

MR. MASHBURN: Okay. Cheryl Ringer, respondent from Fulton County, you have the floor.

MS. RINGER: Thank you, Chair.
MR. MASHBURN: You can unmute yourself.
MS. RINGER: Can you hear me, sir?
MR. MASHBURN: Yes, we can hear you clearly. Thank you.

MS. RINGER: Okay. Thank you. So I would note that if Fulton County had been aware of the recommendation of the investigators, we would have moved to have this matter continued because we weren't provided with the investigative report or the recommendation.

When I talked to members of the secretary of state's staff, $I$ was told that because of the findings of Voter Works and that what happened in Fulton County was similar to what they saw in other counties, that the recommendation would not be to bind this over.

And so I would express to the board that that's exactly what we've heard. That Fulton County is a larger county, we required more licenses and that should've been provided to us up front. It wasn't and so we had to play catch-up to meet the deadline that was put upon us by the secretary of state.

In doing so, we had other people who tasked -- who were tasked with inputting the information. They were -- there was no training provided. And so we come to find out later that there were different name conventions. There was not a way to go back and do Q\&A. There was not a drop-down menu to go back. And so we had issues that we did not have the ability to go back and fix because of time problems.

This is not an issue that was just one of Fulton County. In fact, Voter Works told us that they saw these issues in other counties, but

Fulton County did not have the time to go back and fix the errors because of the number of votes that we had to get into the system in the timeline that was given to us. Because the same thing happened at other counties, Fulton County should not be penalized. Because this happened in DeKalb County, Fulton County should not be penalized.

Instead what should happen -- and I don't remember if it was member Ghazal or member Dr. Johnston that gave you exactly the recommendations that Fulton County had provided in response to the governor's letter.

There should be training provided to the counties for whenever we're going to have a risk limiting audit. If ever we have a risk limiting audit in the future, we need to have training so everyone is on the same page. That didn't happen with this. There needs to be naming conventions that everyone across the state uses and that didn't happen in this instance. And there should be drop-down menus so that there will be an easy way to go and access what has already been entered so that the counties can do $Q \& A$ and do some searches on their own. That was not part of
the system.
And so because we know that there were issues with the system, Fulton County should not be penalized.

I will note as well not only were we not provided with the investigative report that the investigator read, we also were not provided with the three-ring binder that Mr. Rossi spoke to. That was just provided to us by your secretary of state's office, Mr. Germany.

So Fulton County, in fact, although we were made aware that this matter would be on the agenda today, we were not provided with sufficient information really to prepare ourselves and to defend ourselves as the chair noted when referring (indiscernible) third-party.

So we were hampered, one, with the audit, and, two, we've been hampered with the way in which this hearing was conducted. Again, we ask that the matter not be bound over to the AG, instead that there will be some work done to implement the recommendations to assist the counties and to support and upgrade the Arlo system.

Are there any questions for Fulton County?

MR. MASHBURN: Any questions for Fulton County from the board? Okay.

Seeing no questions, thank you for your presentation. We appreciate it.

At this time --
MR. ZAGORIN: Mr. Chairman, if I could?
MR. MASHBURN: Yeah.
MR. ZAGORIN: When you're doing these
numbers, as the other board member had mentioned earlier -- and I don't know if Mr. Rossi did this when he came up with the total of 4,000 , but the ones that we noted that they listed as a double, where they actually went in in two different spots, that he actually took those out so they were no longer doubles. So there wasn't as many doubles as these sheets do because we know that, like, 97 wasn't doubled. One was 47. One was 97. So we can't count that as a double.

I don't know if -- and there was one in here that was completely off. It was 950 to zero because on the sheet someone wrote 95 batches when it should've been just 95 votes. So you can take a hundred and five from there because that's not what it was.

So it's -- when you go back and take all
those numbers out, $I$ don't know if you still have that 4,000 number because some of them are not doubles.

So just to address that ...
MR. MASHBURN: Okay. At this time -- Ryan?
MR. GERMANY: May I make one --
MR. MASHBURN: Sure.
MR. GERMANY: -- one point. The only thing I was going to say, our elections director Blake Evans is here. It might be helpful if you would allow him to talk a little bit about the training that was provided to counties for risk limiting audits. And then of course, there was a pivot to doing a full hand count. But I think that's more, you know, (indiscernible) to ...

MR. MASHBURN: Any objection by the board? Without objection, please proceed.

MR. EVANS: So in preparation for a postelection recertification audit in 2020, one of the -- couple of the things we did is with several counties our office was able to do smaller pilots of what an audit could be like. This was going to be our first statewide audit with paper. And so we did -- we tried out a couple different styles of audits, a more
traditional audit where you simply randomly select a container of ballots from a scanner and then you count those and you compare it to the scanner tape.

But essentially what is considered widely to be the best type of audit in the elections business is the risk limiting audit. And so we audited -- or we piloted that in a couple of counties. We piloted it in Fulton County after the presidential preference primary. Piloted it in Glynn County among others. And then we also had webinars and a series of trainings leading up to the risk limiting audit following November 2020 .

There was a state election board rule that was put out that kind of created a more specific framework of what the audit was going to be like, how the contest would be collected and things like that.

Following the election, due to the -- as has already been discussed, due to the margin -there could've been another contest that was selected with a wider margin and it would've been a sampling of ballots that would've been selected, which is what Arlo was built for is a
sampling of ballots. But, you know, I think in my opinion it was in the public's best interest to choose the presidential contest with that narrow margin, to audit it, and to confirm the outcome of the election.

And so counties were trained on how to create ballot manifests on how to use Arlo. And then, when the decision was made to choose a presidential contest, we did develop a training that was given about 24 to 48 hours after the decision was made about the adjustments that were being made to the process since it was going from a random sampling to a full hand count.

And that training was delivered, and then the audit commenced essentially. Immediately following that, the counties had about six days to complete the audit.

MR. MASHBURN: Thank you.
Questions by the board?
DR. JOHNSTON: I have a question. If Fulton County is responsible for their counts and they're responsible for their audit, I would -- I guess $I$ would say they're accountable for results. If they weren't aware of a problem and they were rushed and they're large and they say

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they weren't trained and there were issues with
the system, did anybody in Fulton County follow
up and recheck their numbers after all was said
and done? Or did they take it upon themselves to
recheck --
MR. EVANS: So the order of events that happened was, first, the machine count, and then the hand audit. And then following the hand audit, there was a recount by the machine of all -- of all the ballots.
And so I don't know if they went back and checked their hand count, but there was a subsequent machine count following the hand audit.
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DR. JOHNSTON: Right. So it seems that Fulton County had so many issues and they were so rushed and pressed for time and it was definitely a highly contested election. Did they after the fact go back and check themselves like an accountant would do?

MR. EVANS: I feel like that would be better asked of Fulton.

MR. MASHBURN: Refresh my recollection of Fulton's representative's name, please.

MS. HAISTY: Cheryl Ringer.

MR. MASHBURN: Attorney Ringer, would you like for -- I assume you're an attorney; correct? Attorney Ringer, are you with us?

MS. RINGER: Yes, I am with you, but I am not able to answer that question. I do know that the members of our staff are attending a meeting. Okay. I'm sorry getting a message from one of the members. Hold on.

MR. MASHBURN: Take your time. Take your time.

MS. RINGER: Okay. So I am -- so our elections director is saying that we rechecked Arlo as much as possible. You know, I assume that is while they were putting it in. I don't know about the ability to go back and recheck after. We do not have the ability to put anything else in Arlo.

Is it a possibility to unmute Nadine Williams?

MR. MASHBURN: We're checking. We'll let you know.

MR. GERMANY: One thing I'll add, while Maggie is looking at that, is keep in mind that -- this is for the board -- the certified results of the election are, you know, the
initial machine count and then the recount from the machine already certified. So the audit numbers are not part of any certified results.

MS. HAISTY: Nadine Williams should be allowed to speak now.

MR. MASHBURN: Ms. Williams, we should be able to hear you if you're unmuted --

MS. WILLIAMS: Can you hear me now?
MR. MASHBURN: -- on your side. Yes, we hear you clearly.

MS. WILLIAMS: Okay. I'm sorry. We did have a team that went into the system to attempt to doublecheck Arlo before the deadline. The problem with the system for Arlo is that if you did not -- let me go back, I'm sorry.

Since it -- since it doesn't have a drop-down box with our batch titles in it, although the secretary of state asked for our batch names prior to the -- the audit, the batch names were not in the system.

So each person had to type in the batch name. But if you did not enter the batch name exactly as a person typed it, with exactly the capital letter, the space, any symbols, you could not find that batch name exactly. So as we tried
to go back and check for balances, if you were not able to find that exact way it was typed, it could cause a duplicate.

So we attempted to go back in and do a checks and balances, but if you were not -- and you took out any duplicates that were -- if there were any possibility of a duplicate or any type of double entry, you took those out. But, again, if the system would've had a drop-down box, it would've eliminate -- it would've helped to recheck some ballots.

But we did do -- we did try to do -- we did do a -- like I said, we did do some checks and balances before we submitted the final before the deadline. And that's why there were so little inconsistencies. We had over one -- over 1,900 batch sheets that we entered and there was, like, (indiscernible) inconsistencies found by Mr. Rossi, but that's where -- but we didn't check a lot of this because -- before the deadline. But a drop-down box would have eliminated -- would've eliminated that situation.

DR. JOHNSTON: Ms. Williams, I understand that. But after the deadline, when you had the leisure of time and the opportunity to relook at
the data entry and the total, did anybody in the office circle back and check the numbers?

MS. WILIIAMS: The results -- like I said, the -- as the person stated, the results were not -- the results did not change. The winner was the same. So there was nothing to go back and check.

So that's why -- we knew that the -- we know that there was nothing -- that nothing had changed. So there was nothing to go back and -we wanted to make sure everything was as consistent as possible, but, no, we -- we didn't -- everything balanced out over all of the numbers and we did not go back and check anything else. No, ma'am.

If it would've changed any of the results, it would've been a concern. But there was no concern as far as anything (indiscernible), anything more than (indiscernible). The results did not change.

MRS. GHAZAL: This is Sara Ghazal. Have you had a chance to sit down with your board and come up with any -- and this is a suggestion not just for fulton but any other county that may be listening, but to, perhaps, come up with a series
of recommendations on, moving forward, what would improve the process and what you need -- and I'm sure you've been working with the secretary of state's office on this, but $I$ think from my perspective, as we move forward and look at rulemaking, it would be really helpful to understand from the county perspective the tools that you feel like you need, moving forward, so that we can have confidence in the process and so that we minimize errors moving forward.

MS. WILLIAMS: I believe our attorney noted that in the letter that was sent back in response. But our concern would be mainly for us to have -- as was said, to have more than one license so we could've started off with more than one person entering batch sheets. Because it was such a large county, we would've had to have more than one person being allowed to enter batch sheets from the onset. And, of course, for us having a bigger -- we could have the same deadline. We wouldn't miss that deadline, but we would just have to have more licenses and start from the very beginning.

And, of course, this is a better system that would just be able to not -- to be able to
catch -- the system itself, it just doesn't allow for human error in data entry. If the batch titles would've been there, it wouldn't have allowed you to make your own title for the batch sheets and it would've been our biggest concern. But we did express those things in the letter, I believe, in the response letter.

MRS. GHAZAI: Thank you.
MR. GERMANY: I would add too -- this is Ryan Germany -- that the recommendation for the tools that Fulton County made specifically, having kind of a drop-down to eliminate double-entry and also to eliminate, I think, missed batches, are some of the tools that Voting Works said that they have added to Arlo.

Now, Voting Works said that, you know, the efficacy of those tools depends on the quality of the ballot manifest.

MRS. GHAZAL: Yep.
MR. GERMANY: That's where they're drawn from. So there's no system that's going to eliminate human error in data entry. It's going to hopefully make it harder -- make it easier to catch, but, you know, that's, I think, something really for whatever type of audit we end up doing
is that, $I$ think, as the board considers rules, the ballot manifest is really crucial. And that's a data entry thing as well.

MRS. GHAZAL: And that's backing up a couple of steps and looking at the reconciliation and canvass process.

MR. GERMANY: Even before that --
MRS. GHAZAL: Right. Right.
MR. GERMANY: -- because the ballot
manifests are made kind of as --
MRS. GHAZAL: Right.
MR. GERMANY: -- kind of as things are scanned. But, yes, that's correct.

MRS. GHAZAL: Thank you.
MR. MASHBURN: Do we have a recommendation from the investigators to bind the case over to the --

MR. CALLAWAY: This is Jim --
MR. MASHBURN: No, I'm sorry.
MR. CALIAWAY: One other thing worth
noting -- and if $I$ understand correctly and I'll ask some folks to correct me if I've got my data wrong -- you know, basically, what we're doing here is the sufficiency of the hand count when it comes to these batches. And I do think it's
worth noting that in the -- that in the original reporting, in terms of it's done electronically, the difference between the original and then the hand recount were only 634 votes in Fulton County out of 525,000 votes cast, possibly 525,000 votes cast.

But that said, you know, I do appreciate that Mr. Rossi has brought this forward because I do see some inconsistencies in how the process was done and that does -- that will always raise concerns for citizens who want to make sure that the -- the elections are accurate.

But -- and -- I also want to express to Fulton County the fact that we have decided to turn it over to the attorney general's office, that's not a final determination, merely a request that they conduct a more thorough investigation. And $I$ think that that's something that needs to be pointed out to them. This isn't a final determination matter.

MR. MASHBURN: I thank you for your
comments. That's an excellent segue into me asking the view of the board. I'm ready to entertain a motion if any member of the board is ready to make one.

There's been a recommendation to bind the case over to the attorney general.

DR. JOHNSTON: Seconded.

MR. MASHBURN: Well, you would be making the motion.

DR. JOHNSTON: Oh, I'll make it.
MR. MASHBURN: Okay. Dr. Johnston makes the motion. Is there a second?

MR. LINDSEY: I'll second.

MR. MASHBURN: That's been seconded by Mr. Lindsey. Any discussion?

MRS. GHAZAL: I'm going to express some concern about sending to the attorney general a case that's been, as far as $I$ can tell, incredibly thoroughly investigated. And the errors that have been found are human data entry errors.

And I'm concerned about tying up resources with the attorney general's office looking at - when, in fact, the biggest problems were with the platform and the resource allocation and not any malfeasance or nonfeasance.

I think this is just a natural result of the processes that were put in place because of the time constraints. So I am not going to support
the motion.
MR. MASHBURN: Further discussion? All those --

MR. LINDSEY: My assumption is that that will be something that would be taken into account by the attorney general, given the level of inconsistencies that we're seeing here. And that could be part of any kind of determination by the attorney general as to what go forward to, working with the secretary of state's office, trying to formulate a solution here because we don't -- you know, while $I$ appreciate the time restraints that Fulton County was under, I do want to make sure that our elections are not just accurate but -- but have the necessary data that will make those like Mr. Rossi, who do -- do do citizen reviews and have done a very good one, you know, can have reasonable confidence in the outcome, not just that the recount is accurate but also that citizens have confidence in it.

And for that reason, while I'm not convinced that there's any kind of malfeasance going on here other than some errors, I do think that the errors were serious enough for further investigation.

And that's the reason for the motion. Thank you.

MR. MASHBURN: Further discussion? Ready to vote? All those in favor of the motion to bind the case over to the attorney general say aye.

THE BOARD MEMBERS: Aye.
MR. MASHBURN: All those opposed?

MRS. GHAZAL: Nay.

MR. MASHBURN: Motion is carried.

And that completes the agenda prior to executive session. And so at this point, I'll entertain a motion that the board enter into executive session.

MRS. GHAZAL: I so move.

MR. MASHBURN: Moved by Ms. Ghazal.
MR. LINDSEY: Second.

DR. JOHNSTON: Second.

MR. MASHBURN: Seconded by Dr. Johnston and Mr. Lindsey. So all those in favor?

THE BOARD MEMBERS: Aye.
MR. MASHBURN: So at this point, we will
mute the microphones and move into executive session. Thank you. (pause)

MR. MASHBURN: We're back on the record for
just a moment. Everyone has been so kind to point out the chair's errors in a diplomatic and kind way. It was pointed out to me that $I$ did not give a time that we were likely to adjourn -I mean reconvene.

And so the time is now 12:15. We are going to reconvene at 1:00. 1:00 we'll be back on the record. Thank you. (Executive session from 12:15 until 1:03.)

MR. MASHBURN: We'd like to welcome everybody back to the state election board, March $16 t h$ meeting. We are reconvening after executive session. I see -- there's no need to take roll. I can just put on the record that all of the board members are here. So a quorum is in order.

We went into executive session for purposes of discussing pending and potential litigation and for the board to authorize subpoenas in case number 2020-10, Dougherty County, and 2022-003, ballot harvesting.

And so with that, the next item on the agenda is the attorney general's report. And we have Charlene McGowan from the attorney general's office here. So I'll turn the floor over to

Charlene.

MS. MCGOWAN: Thank you, Mr. Chairman.

For the attorney general report today, I am presenting a number of consent orders and final orders that are listed in the meeting agenda.

Two of these are consolidated consent orders with Hancock County and Cobb County that resolve a number of outstanding cases in one order.

I also have a number of final orders that are issuing cease-and-desist orders or reprimands in the six cases that are listed on the agenda. And I'm happy to answer any questions that the board may have about individual cases, but otherwise we recommend that the board vote to approve the consent orders and final orders.

MR. MASHBURN: Thank you. Are there any board members that wish to take any particular case out of the block? Seeing none, are there any questions that the board members have for Charlene about those listed under consent orders?

DR. JOHNSTON: I have a question.
MR. MASHBURN: Okay.
DR. JOHNSTON: Ms. McGowan, on consent order 2021-062.

MS. MCGOWAN: Yes. The Walker County case,
yes.
DR. JOHNSTON: So there was a violation of 21-2-571. And $I$ just had a question as to the recommended fine -- the finding. That is the case that is a felony.

MS. MCGOWAN: Yes, a violation of 21-2-571 is a felony offense. The respondent in that case was also -- was referred to our office for civil administrative legal proceedings and that respondent was also referred to the local district attorney for possible criminal prosecution.

Our office does not handle the criminal prosecution side of things. So this is just resolving -- like $I$ said, it will just resolve the civil side of the matter and the case is -is still possibly going to be criminally prosecuted.

DR. JOHNSTON: Thank you.
MR. MASHBURN: Thank you. Any further questions by the board members about any of the cases? I'm prepared to entertain a motion to approve the consent orders as recommended by block. Anybody wish to make that motion?

MRS. GHAZAL: So moved.

MR. MASHBURN: Ms. Ghazal has made a motion. Is there a second?

MR. LINDSEY: Second.

MR. MASHBURN: Mr. Lindsey has seconded.

And all those -- any discussion?

MR. LINDSEY: I'll have discussion just for those who were listening in. These were provided to us prior and we have reviewed them.

MR. MASHBURN: Good point. All those in favor say aye.

THE BOARD MEMBERS: Aye.
MR. MASHBURN: All those opposed say nay. Passes unanimously.

Is there any -- or would you like to move to consolidated consent orders, Charlene?

MS. MCGOWAN: We're just voting on the consent orders?

MR. MASHBURN: Yes.

MS. MCGOWAN: Yes. We can move to the consolidated consent orders. And again, these are for Hancock County and Cobb County, resolving a number of cases that are -- the numbers are listed on the agenda. Again I'm happy to entertain any questions that the board may have about the specific orders, but otherwise our
office's recommendation is that the board vote to approve the consolidated consent orders.

DR. JOHNSTON: I have a question.

MR. MASHBURN: Dr. Johnston.

DR. JOHNSTON: The consolidated consent order 2017-033, there were stolen election materials. And $I$ couldn't quite understand from the wording. In the summary, says: Never recovered because -- they were never recovered because they were dumped into a dumpster or -and I wasn't sure whether they ultimately were recovered or just never recovered. There were poll pads, scanners, DRE memory cards, cell phones.

MS. MCGOWAN: My understanding is that there were -- some of the election components that had been stolen were not ultimately recovered is what we were able to glean from the investigation.

DR. JOHNSTON: Okay. So never recovered because they went to the dumpsite. I didn't know if an investigator had information on that.

MRS. GHAZAL: If $I$ could also clarify that we're talking about barcode scanners not ballot scanners. These are just the hand-held barcode scanners.

MS. MCGOWAN: Yeah. And this is back in 2017. So this is a prior. It was the DRE -DR. JOHNSTON: Okay.

MS. MCGOWAN: -- equipment.
This is a case where -- for the people listening, this is a case where there was some election mater -- election equipment that was in a vehicle that was stolen by an intervening criminal actor. And some of the election machinery or components were not recovered because of the theft.

DR. JOHNSTON: Okay. And we do not use that election material now?

MS. MCGOWAN: That's correct.
DR. JOHNSTON: Okay. Thank you.
MR. MASHBURN: Good question. Okay. Any board member like to pull out any consolidated consent order case for a particular consideration or mention? Okay. Hearing none, now I'll entertain a motion to approve the consolidated consent orders as proposed en bloc.

DR. JOHNSTON: Moved.

MR. MASHBURN: Dr. Johnston has made a motion. Is there a second?

MRS. GHAZAL: Second.

MR. MASHBURN: Ms. Ghazal has seconded. Any discussion? All those in favor say aye.

THE BOARD MEMBERS: Aye.

MR. MASHBURN: All those opposed would say nay. Passes unanimously.

Now move to final orders. Attorney McGowan.
MS. MCGOWAN: For the final orders section, we're presenting for the board's consideration five final orders. One of them goes along with 2011-059 out of Hancock County. While we resolved that case with the board of elections and registration in a consolidated consent order, there's some individual respondents they're issuing final orders against. And these are all orders where we are issuing a cease-and-desist order or a public reprimand.

I'm happy to answer any questions that the board may have, otherwise we recommend that the board vote to approve the final orders.

MR. MASHBURN: Questions or comments by the board? Any board member like to take any case out for particular discussion? Seeing none, now would be the time $I$ would entertain a motion to approve final orders listed in the agenda en bloc -- in a block.

DR. JOHNSTON: I move that we approve final orders.

MR. MASHBURN: Dr. Johnston has made the motion. Is there a second?

MR. LINDSEY: Second.

MR. MASHBURN: Mr. Lindsey has made the second. Any discussion? Seeing none, all those in favor say aye.

THE BOARD MEMBERS: Aye.

MR. MASHBURN: All those opposed would say nay. Passes unanimously. That completes the items on the agenda.

We would like to once again welcome our newest members to the unpaid and unstaffed role that you've now undertaken for the good of the citizens of Georgia. And we thank you for your willingness to serve the public in this capacity and we welcome you and look forward to working with you in the future. And thank you for your willingness to serve.

And at this point if we're ready to adjourn, I'll hear a motion to adjourn.

MRS. GHAZAL: So moved.

MR. MASHBURN: MS. Ghazal has made the motion.

DR. JOHNSTON: Second.

MR. MASHBURN: Dr. Johnston has seconded. All -- we have no discussion. All those in favor, aye.

THE BOARD MEMBERS: Aye.
MR. MASHBURN: Aye. We are -- all those opposed? We are adjourned.

Thank you, everyone.
(Concluded at 1:13 p.m.)

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STATE OF GEORGIA
I hereby certify that the foregoing meeting was
taken down via Zoom Webinar and was reduced to
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foregoing transcript is a true and correct record
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The above certification is expressly withdrawn
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thereon.
I further certify that $I$ am not a relative,
employee, attorney, or counsel of any of the
parties; nor am $I$ financially interested in the
action.
This, the 31st day of March, 2022.
**Mary K McMahan**
Mary K McMahan, CCR, CVR, RPR, FPR
Certified Court Reporter
Certificate Number 2757

## In The Matter Of:

## SECRETARY OF STATE STATE ELECTION BOARD HEARING

## May 17, 2022

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STATE ELECTION BOARD MEETING
                    Room 341
State Capitol Building
Atlanta, Georgia 30334
August 22, 2022
8:33 A. M.
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SHANA LEDING, CCR, 2757
STEVEN RAY GREEN COURT REPORTING LLC
ATLANTA, GEORGIA 30324
$(404) 733-6070$

Mr. William S. Duffey, Jr., Chair
Mr. Matthew Mashburn, Member
Mrs. Sara Tindall Ghazal, Member

Mr. Edward Lindsey, Member
Dr. Janice W. Johnston, Member

ALSO PRESENT:

Ryan Germany, General Counsel

Charlene McGowan, Assistant Attorney General

Sara Koth, Investigator

Mr. Evans

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## PROCEEDINGS

CHAIRMAN DUFFEY: Good morning, everybody. I'm going to call the meeting of the State Election Board on this day August 22, 2002 to order. We will begin with Dr. Johnston leading us in our invocation and the Pledge of Allegiance.

## DR. JOHNSTON: (Invocation.)

(Pledge of Allegiance.)
CHAIRMAN DUFFEY: Please be seated.
As I left my house this morning my wife Betsy said, it wasn't too long ago that you told me that you had retired. Said that you're not -- you're going out with two briefcases, it doesn't look very much to me like you have and then she said, but it doesn't surprise me.

When I was in undergraduate school, my undergraduate mentor taught a class and one of the lectures that he gave, he talked about the alignment of one's values with their conduct. And one of two examples he gave of his personal alignment was the act of voting. He said there's something incredibly important to engage in the fundamental act of participating in a democracy. And said that he believed deeply in the right of citizens to vote in the places where they have
that right whether it's the United States or some other country, but for him it was the United States. And it's the act of voting that said that such an important value to me that I got great satisfaction and fulfillment when I actually engaged in that process. I had just voted in my very first presidential election and I found myself that that was an important value for me. It was fulfilling, it was patriotic in the greatest sense of participation in the American democracy. I have voted in every election, including those when I served overseas, since 1970.

The importance of voting is the reason that $I$ decided to leave, actually, the comfort of being in retirement to accept the request made of me to chair the State Election Board with my fellow board colleagues. This is harder work than you will ever imagine. It has taken more time than $I$ ever expected. But there is something about doing something that's important in engaging in the conduct that aligns with your value that makes -that makes work not as onerous and burdensome as it would be if you didn't like or didn't believe in what you were doing.

Before I accepted this, I want to tell you I asked two questions. The first was would I and the Board be independent and would the Board have adequate resources to perform its public duties? The answer to both of those questions was yes. The members of the Board are an impressive group of public servants. They've been doing this a long time, much longer than me. Mr. Mashburn, Ms. Ghazal, Mr. Lindsey and Dr. Johnston are deeply committed to our state. We've had long conversations about why we do this, why we want to do this, why it's important to us. And their dedication is to ensure that there is integrity and fairness in our voting processes. They each bring a different perspective to the Board and I've been the beneficiary of their time and experience and wisdom as $I$ have begun my duties. They are exceptional people with exceptional commitment to you and to our state. The promise of our independence is being met. There are organizational changes that are required to be put into place, but there is the willingness on the part of the Board and the Secretary of State's Office to work collaboratively in what are changes that need to be made as we operate as we
are constituted now under Georgia law.
The promise of resources is moving forward. Not as quickly as I would like for it to move forward. One of the problems is that we're in-between legislative sessions. There's an existing budget, we have to work within a budget and make changes to it. But $I$ find a significant commitment to giving the Board and finding for the Board the resources that I have told them and the Board has told them that we need to operate as we want to operate in service to you and the State. We've been invited to amend the budget that I've already submitted to the General Assembly and to the Governor's office with a commitment that they will discuss with us our needs and based upon the amount of money that I think we need, they have -- they have not rejected it out of hand. And, in fact, I think they wonder whether or not we've asked for enough. Maybe I should correct that.

Like everybody else on the Board, I bring a different experience than they do to this process. First, my experience is largely, and it was until I took this assignment, very much like yours, what I knew about the voting process I learned as a
voter. Like you, I engaged the process expecting it to be operated with integrity and efficiency. I understand organizations, organizational change and its impact and the requirement to build a team focused on accomplishing objectives. I'm a lawyer and my work over my career has been varied, it's focused on developing an understanding facts in a variety and very complex situations and then interpreting those facts consistent with the law. My approach is guided always by the facts and the law and the exercise of discretion is undertaken only when it's allowed where the facts and the law permit it. My belief in public service is that public service means serving the public, that the leader of an organization does the work of the organization, and that integrity requires courage to do what is right even if unpopular.

One of our core duties is to hear and respond to complaints. That's how we learn of specific and systemic issues. I had never reviewed a complaint. I now can say that I've reviewed lots of complaints. And there is -- they're interesting not only in the specific instances that come up, but it's been really interesting to me that they tend to illustrate for me and
disclose to me some of the fundamental issues that arise in large counties and in small counties and that's given me a better sense of the value of complaints not with respect to just specific conduct, but what they tell me and I think what they tell the other members of the Board about the process within the state.

I'll also say this, that $I$ have been impressed with those occasions when counties in particular have reported to us that they have made a mistake and then told us what they have done to correct it. I spent a lot of time sentencing people when $I$ was a federal judge. It was always important to me to find out what a defendant's response was to a claim that they had engaged in wrongful conduct. I think anybody in a system like this that has the wisdom to tell us that they have done something wrong, explain the consequences of that and that they have done things to correct the action that they have self-identified and identified to us, that those counties ought to get credit for that and they will. And some other complaints, I've -- I've read those and I've read the response of counties and individuals as well as members of precincts

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that have worked elections. Their response is not
to admit mistakes and then their response is not
to cooperate. That is going to end.
    Let me finish by saying that it is our
privilege for each of us to serve in this
opportunity the citizens of our state and our
state in general. As I told you, the work is hard
and that is true of all work, though, that's
important. I would simply ask that you be patient
with us as we navigate our duties and the Board's
change of status. I want to thank everybody for
being here whether you're here in person or
whether you're watching this through our
technology and I pledge to you as the newest
member of the Board and on behalf of my other
board colleagues that we will do our very best to
serve you well honestly and with integrity.
    First item on the agenda is the approval of
the Board minutes. They have been distributed to
each of the Board members.
    Is there a motion to approve the minutes or
are there any suggestions for amendment?
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    MR. MASHBURN: So moved, Mr. Chairman.
    CHAIRMAN DUFFEY: Second?
    MS. GHAZAL: Second.
    CHAIRMAN DUFFEY: It's been moved and seconded that the agenda of the meeting of May 17 , 2002, be approved. Is there any discussion on the motion?

MR. MASHBURN: Mr. Chair, I think you said "agenda," but I think we approved "the minutes."

CHAIRMAN DUFFEY: I'm sorry, it's the minutes. Thank you. See, he was the acting chair so he's better at this than $I$ am and his job is to make sure that $I$ don't make mistakes.

SPEAKER: Mr. Chairman, please use your microphone. I'm very hard of hearing.

Thank you.
CHAIRMAN DUFFEY: Thank you. I'm sorry, it was on, but $I$ guess it wasn't close enough.

All those in favor of approving the minutes of May 17, 2022, say aye.

THE BOARD MEMBERS: Aye.
CHAIRMAN DUFFEY: All those opposed, no. (No Response.)

CHAIRMAN DUFFEY: The minutes are approved.
Next item on the agenda is an update on the Fulton County Performance Review and that will be given by Mr. Germany, the General Counsel of the Secretary of State's Office.

MR. GERMANY: Good morning. Judge Duffey, board members, thank you for your time this morning and for your service on the Board.

I'd like to give the Board a brief update on the status of the performance review of Fulton County. Because we have some new members of the Board from when this process was started, I'm going to give a little more in-depth update than $I$ have in past meetings.

First, I'll speak to the question that is probably foremost on everyone's mind which is timing. When we started this process, my -- which was almost exactly a year ago, the goal was to complete the review in the calendar year 2021. That was a known aggressive timeline. The reason we had it was because we knew once we got into 2022, it would be difficult to continue to move forward with all the election responsibilities of both the members of the performance review team and to Fulton County. Though unfortunately, the performance review is not going to be completed prior to the 2022 election or the certification of that election, and I'll explain the reasons for that after giving a little background on the process for the members who were not here when the
process begun.
The performance review team is myself, Ricky Kittle, chairperson of the Catoosa County Board of Elections and Stephen Day, a board member of the Gwinnett County Board of Elections and the former chair of that board. Both Ricky and Stephen have turned out to be excellent selections by the State Election Board. They have been invaluable throughout this process and I'm very thankful for their service.

The performance review was put in place by $S B$ 202 and the duty of the performance review team as spelled out in O.C.G.A. $\$ 21-2-106$ is to make a thorough and complete investigation of the local election officials with respect to all actions of the local election official regarding the technical competency and maintenance and operation of election equipment, proper administration and oversight of registration and elections, and compliance with state law and regulations. That's obviously a big job. After that thorough and complete investigation is complete, we are to issue a report of our findings to the Secretary of State, the State Election Board and the local governing authority which shall include such
evaluations, judgments and recommendations as the performance review team deems appropriate.

The performance review team was appointed by the State Election Board in August 2021, almost exactly a year ago. I told this board in our first update that the goal was to complete it in 2021. That was an aggressive timeline, we have not met it, unfortunately. We have made substantial progress, I believe, and we have -and we'll -- and have -- and we'll continue to do so. I'll explain a bit more about what we have done so far, but first $I$ want to say that Fulton County has been very cooperative with the review process. They have retained very competent counsel who have been helpful. They have opened up their staff and their facilities to the review team and they have produced requested documents. So far, the review team has observed the absentee ballot process in Fulton County during the 2021 elections as well as early voting and election day voting. We've also observed election day operations and postelection operations at Fulton County headquarters. We've interviewed staff members of Fulton County elections and we have a couple more interviews to conduct on that
front. We also plan to interview the current Fulton board members and potentially former board members as well.

We do want to be cognizant of the fact that Fulton County election staff and board members have a significant amount of work to accomplish right now in preparing for that November election. That's obviously their most crucial task right now. But I'm confident we can work with their counsel to complete our remaining tasks in a manner that does not interfere with their ongoing work to prepare for the upcoming election.

In addition to those tasks and in an attempt to expand our reach beyond the three of us, we have also utilized the work of the Secretary of State's Office investigations and elections teams. Secretary of State investigators have investigated numerous allegations regarding Fulton County so we are utilizing that work to assist in our review. And the same for Secretary of State elections team, they work closely with Fulton County and every county so we are able to incorporate what elections has learned into our review as well, particularly in regards to redistricting and reconciliation.
In terms of when I expect the team to finish
its review, I think that a goal of prior to the
end of this year is reasonable and doable, but I
don't believe it would be possible to complete the
report until after the certification deadline for
the November elections.
And I'm happy to take any questions.
CHAIRMAN DUFFEY: Mr. Germany, it seems that
since you're doing the review of their processes
that one way in which you could most critically
evaluate that is to have a number of people
observing the Fulton County operations during the
November 2022 election. Can you describe for us
what that would look like and how many people
might be involved and what specifically you might
be focusing on?

MR. GERMANY: Well, that's been something we -- the performance review team has been discussing. It is something that we would like to do. There's obviously three members of a performance review team, so that's not that many people. And the other challenge is the members of the performance review team, Mr. Kittle, Mr. Day and myself, they all have sort of competing election responsibilities in their own counties at
those times. I think we will be able to do some observation of each of the same things we did in 2021 and I think it's vital because 2021 is obviously a much smaller election so we want to be able to see, okay, how do these processes work in a general election environment and so we're discussing amongst ourselves how best to do that. There's three of us and so, you know, what I envision is something similar to what we did in 2021 and Fulton was cooperative in setting up, letting us visit certain polling places, walking us through different processes and essentially letting the team see whatever they wanted to see. So I envision doing the same thing. I think the scheduling part of it could be the most problematic part.

CHAIRMAN DUFFEY: I guess the other question
I have is -- maybe two -- is that with the work that you've done so far you must have at least some sense of where you would want to look more closely. So is it possible to say based upon what you know that there are certain places where you would -- if you did observe that you would want to -- you would want to observe more intently. And then secondly, $I$ know you've only got three folks,
but is there any way that you could enlist other people having those three people say that when you look at this particular part of the operation, I want you to look specifically at these things and report back to me so that they don't have to do it themselves?

MR. GERMANY: Well, to your first question, yes, I think we have kind of -- we do you have areas where we say, okay, these are things that we are seeing that we would like to observe in more detail and these are things where, okay, everything seems to be in order and you don't really require further observation.

In terms of expanding the number of people, I think that we'll be able to do hopefully some of what we've already done by using Secretary of State investigators and elections people that are obviously going to have the same challenge as the Board members. You know we did bring up the possibility with Fulton as bringing in some outside consultants and that was -- you were talking about resources earlier, so that wasn't something that the State had the resources to bring in. Fulton, $I$ think did not feel that they had to do that underneath the current law and so
we have not moved forward with that at this point. That would be a possibility, but as it is a bit unclear, $I$ don't know that the law allows it to be forced upon the county without their kind of cooperation. Especially because we were envisioning -- we were essentially asking them to pay for those outside consultants.

MR. LINDSEY: Mr. Germany, tell us exactly -SPEAKER: I'm sorry, I can't hear you. MR. LINDSEY: I'm sorry. Thank you. Tell us -- tell us what else needs to be done.

MR. GERMANY: I'm sorry?
MR. LINDSEY: What are the next steps that you need to be -- you and your group need to be involved in order to get to the completion?

MR. GERMANY: The next steps are basically scheduling remaining interviews. We have some people that we know we want to interview. I think what we'll find is there will be additional people as we complete those interviews and then observation of the 2022 election and then writing a report.

MR. LINDSEY: My recommendation to you at this point is to convey to the chair those needed additional resources to get you to the completion
line and also to assist you in observing whatever needs to be observed regarding the 2022 election. The chair has been pretty good about going to whoever we can to try to find the resources necessary, but $I$ do think it's very incumbent in terms of having folks to have faith in the outcome of this 2022 election that we -- that we apply whatever resources are necessary to get you to the finish line. And I think you'll find the Board very receptive if you can provide us with a list so it's not just the three of you, but any additional resources including possibly somebody from the outside because it's time for us to get to the complete -- to the finish line here.

DR. JOHNSTON: Mr. Chair?
CHAIRMAN DUFFEY: Dr. Johnston.
DR. JOHNSTON: Thank you. Fulton County has a budget of $\$ 37$ million and moving upward to conduct this election this year. It seems to me that they would be able to utilize some of these funds to enlist observers from the outside.

MR. GERMANY: I would agree. Thank you.
CHAIRMAN DUFFEY: There's a couple of management things that we might be able to do to help you. One is if you could sit down with
whoever you're interacting with at Fulton County with you three members and talk to Fulton County and say this is what we need, these are the people that we need to interview, these are the documents that we need to review and these are the operations that we need to review and let them know, and let them agree in that writing that those are the activities that you're going to undertake between now and whenever you're ready to write your report this year and tell them that the Board has asked for that so that we can monitor progress to the end. This has taken, you know, a long time to get there, but it is important for it to be completed and then when we get that we can say we think it's important for you to allocate the resources necessary to complete those things that you have agreed to do on behalf of your group. And let them know that we are actively involved. I mean, it's our performance review. We're actively involved in making sure that it gets done and that we're going to look at the progress because we want it to be completed.

And I'm encouraged by the fact that you think that it might -- that it's possible to get it done by the end of the year. We need to know that. We
have to make decisions based upon what you find and sometimes putting something in writing and knowing that the people who commissioned it are actually looking at the progress has an impact, especially when we weigh in and say it's necessary for you to find the resources to do what you want to do and need to do.

Ms. Ghazal.
MS. GHAZAL: I'd like to follow up that it's not just Fulton County that needs a sense of finality, but there are 158 other counties that are watching this and I think are deeply concerned about the process itself and the lack of clarity so having closure and moving forward is really critical overall $I$ think for a lot more than just Fulton and a lot more than just the voters.

CHAIRMAN DUFFEY: Anybody else have any questions?

Mr. Germany, one of the things that $I$ think that the Board wants to do, and this is in adjunct to what Ms. Ghazal said, which is accountability and knowing that there are people watching the processes and make sure that they are trustworthy and that there's integrity within them. It makes people look at their duties differently. And I
think what you all will produce to us and to show them that this process is rigorous and that we're involved will show other counties that that's what we want, that's what the citizens want and that's what any good organization that tries to do something well does, which is why every corporation has audit committees, have internal investigation committees and a lot of committees and that's all we're trying to build into this are some principles that tell people that in different counties that there's a process by which their conduct will be reviewed.

And to go back to my opening comments that those counties that say, you know, we do have problems, here's what the problems are, here's what we are doing to correct those. That's the attitude that we want is to create more of a collegiality, a collegiate relationship between us and them and to motivate them to say these are the issues that we have, but we recognize them. Here's what we need in order to address those issues and here's what we've done to begin that process. I just think that's important to the overall integrity of the elections. But $I$ know that you have that same commitment as we do.

Thank you.
Anything else?
All right. Thank you, Mr. Germany, but don't leave because we're going to have another report from you.

I want to give the audience some background on this. This is a report on what is called Proposed Methods for Acceptance and Equitable Distribution of Grant Funds for Election

Administration. Long title which isn't -- doesn't itself tell you what the issue is, so let me explain that to you.

There are some counties in the State that have been provided with funding while in connection to help fund their election activities. Not all counties receive money, not all counties had asked for money, but some counties have gotten money and in some cases it's been significant. So the General Assembly in SB 202 thought that there ought be some process for making sure that that money is deployed in a way where there's -- where it's most needed and where it can be used most efficiently so what they asked us to do is to look at that process and see whether or not there is a recommended way of taking money to -- that is
given for the purpose of election administration and finding a fair way of distributing that. There's probably also a fundamental question about how do we make sure that that money isn't given for the purpose of trying to influence conduct on the part of elections or election officials, or that matter, us. And that's -- and that's something that $I$ think we ought to have a little bit of a discussion with today. But what we've asked Mr. Germany to do is to help us fulfill the request -- well, help us fulfill the requirement that we have to make these recommendations and so that's the report that -- that he is going to give to us now and that's the background I wanted you to have before the report was given.

MR. GERMANY: Thank you, Mr. Chair. That's correct. So in Senate Bill 202, the General Assembly asked the State Election Board to study and report back a proposed method for accepting donations intended to facilitate the administration of elections. And I think, you know, the idea is to have those -- the idea that I think was really wanted to study was can these donations go through essentially a State Election Board and have that type of oversight, you know,
prior to just going straight to a county for all the reasons, Judge Duffey, that you just said. The model that we sorta looked at, first, we looked at different -- to see if it was something that was done in other states. We weren't able to find kind of an exact model from any other states. I think the closest model is how states disperse and distribute federal funds from HAVA, the Help America Vote Act. That's something currently that Secretary of State's Office does for Georgia and generally other secretaries of state or if it's not secretaries of state, the State Election Board would do that in other states. The, I think, takeaway of the report is, yes, something like that is possible, but it does -- it is going to require to go back to some of your opening remarks, significant resources from the kind of the grant review, grant distribution and then, you know, of course, the kind of reporting requirements that -- that are required. And so that's essentially the conclusion of the report that, you know, a legislative scheme could be put into effect that kind of models that for private grants. It would take significant resources from the -- that the Board -- you know for the Board to
essentially administer that.
CHAIRMAN DUFFEY: Everybody here on the Board has received the report. Are there any questions or comments on the report or suggestions beyond the report?

MS. GHAZAL: Yes. Thank you, Judge and Chair. Mr. Germany, from my perspective, I come from a background from nonprofit so I have dealt with grant application, grant administration, grant reporting. And $I$ know how critical it is that when you're involved in that, that you have real on-the-ground knowledge of how those funds need to be used.

I also want to acknowledge that every county is constrained by state law and board regulations, and so funds, no matter where the sources are, have to be expended according to Georgia statute. I would suggest that the State Election Board as a volunteer, part-time body is not best suited to oversee and administer these grants as much as the Secretary of State's Office is because you are the folks who are talking every day with county officials. You have your liaisons with the counties and you simply see the needs much more clearly than anybody on this board could possibly
do. So that would be my preference, that if the General Assembly decides to move forward with this model that the staffing is actually housed and overseen by the Secretary of State's Office with some oversight function from this board, certainly that the day-to-day administration really needs to happen with the folks who are working day to day with the counties. That's -- that's my suggestions.

MR. GERMANY: I think that's right that essentially it will be -- there will be involvement similarly from counties, of course, from the nonprofits you mentioned, from the State Election Board and Secretary of State's Office. I think the bottom line of the report -- of the -or this report is -- something which is more like kind of a -- I think a starting point for the General Assembly is you -- if we decide to put in place something like this, it is going to take significant resources to make sure money is being spent fairly, being distributed fairly and then being spent in the way -- and so I think that'll really be up to the General Assembly to see where do they want to allocate those -- you know, to whom do they allocate those resources, but the
gist of this is those resources are going to be needed somewhere.

MS. GHAZAL: One other point, I think there's still a lacuna in the law which is how counties manage in-kind donations which don't pose any sort of concern. And what $I$ mean by that is if a facility owner wants to donate the use of their -of their hall for an election, you just literally just as a precinct so that the counties don't have to expend tax funds in order to hold the election, there's still a little bit of silence there if -and I'd be interested in hearing from county election boards whether the current process of going through the county commissions is feasible for that and $I$ don't know if anybody has -- has undertaken any inquiries. I think we'll be -we'll see this November a lot more clearly how that process is working for them and how in-kind donations are being managed and whether or not there's a problem with that and so $I$ would like -after November, I think that deserves some follow-up as well.

MR. GERMANY: We have, I think, received, especially after SB 202 was passed, some questions along that same -- along those same lines from
counties. And I think you're right to point out that that's not the type of thing that $I$ think the General Assembly was really thinking when they put some of the restrictions in place. They were moving at the different types and amount of money that we saw in 2020 which we really hadn't seen before.

And another thing -- did -- it doesn't seem to be indication that we'll be seeing that type of funding into elections, at least this year either and so I think that's good. But in terms of the things that might have been like polling places and things like that, $I$ hope that that's kind of continuing as it has and $I$ think the law kind of allows for that, but some additional clarity would not -- would not hurt.

CHAIRMAN DUFFEY: This discussion suggests two things to me. First, I've only considered this -- that these are cash contributions that are being made so not that in-kind contributions aren't important, but let me just say that for a second.

In the report there are two options. One would be a pro rata distribution to counties based upon either the number of registered voters or the
number of people who vote. I'm not really in favor of that because, one, we know some counties don't want the money or don't need the money and I'm a firm believer that money ought to follow need and we ought to evaluate what the need is and find some process for which we determine where the money is best allocated. So that's my first comment on the report.

The second is I do think that there is a decision on who is it that will do the investigation to determine where the need is. I don't think that that ought to be wholly within the Board, us, nor do I think it should be wholly within the Secretary of State's Office for the resource issue to begin with. You know, maybe down the line if there was resource was made available we could spin this off. But my thought was this: Could we suggest to the General Assembly that we create a grant distribution commission made up of maybe two representatives of the Secretary of State's Office, two county representatives, somebody who has expertise in grant evaluation and distribution, maybe ultimately seven or nine people and charge them and ask them to do what we do which is to
volunteer their time just on this issue so that it's not all you, it's not all of us. And we involve some other people who have an interest in making sure the process has integrity and ask them to do the evaluation for us and make the recommendation that we would both receive, the Secretary of State's Office and the Board would ultimately receive, to ask them either to tweak their work or ultimately to approve it. And I think the more people we get involved in this, assuming we get people to volunteer do it, but we tell them that this work is really important because we don't want undue influence in elections. And would they agree to serve on this commission or whatever we call it. Maybe that's a solution for addressing the manpower needs without taxing either the Secretary of State's Office or us and put some people in place and say that's all we want you to do is focus on this issue. That's just a thought.

MR. GERMANY: To your first point, I would just add that what our office has seen in the HAVA grant distributions is they really are, I think, kind of a vital lifeline to smaller counties. Because a lot of these grants are smaller, it
might be $\$ 10,000$ or say, for some security upgrades or a reimbursement, sort of things like that. And Dr. Johnston made the point that Fulton County has a $\$ 37$ million elections' budget, so they can make those -- and they do apply for HAVA grants, but it goes a lot further, $I$ think, in a smaller county that might not otherwise have that. So that is kind of the model that $I$ think tends to be followed and HAVA -- because a lot of it as requires some matching and or, you know, and we pay three dollars for every one dollar the county pays. I say "we," it's really federal funds administered through Secretary of State's Office, but -- so, again, I think your first point is exactly right.

CHAIRMAN DUFFEY: Is this money that counties, whether large or small, go and approach organizations that have money or are these organizations saying we have money, we'd like to give it to you, but you've got apply for it or is it both?

MR. GERMANY: It's a hard question because we hadn't seen it until 2020 , it was an anomaly. What happened before that was the federal funds, that was kind of the -- that was where kind of the
grant money was and it was used for -- as spelled out by HAVA, it's used for kind of disability upgrades to make polling places more accessible. It's also can be used for security upgrades because a lot of that $I$ think would go to physical security in buildings and in offices and in things like that. And so the idea was there, the federal government has some money and they see some needs and so they're trying to fund that. And the model in 2020, it was just such an anomaly. I don't know that $I$ could really speak to it very well.

CHAIRMAN DUFFEY: So what $I$ hear you saying is that there was a lot of money in 2020, we just don't even know whether or not -- what the magnitude of the money is going to be in future elections.

MR. GERMANY: I would say the magnitude I think is going to -- I think 2020 was very much an anomaly because of COVID, because of a lot of reasons and so hopefully -- hopefully it is an anomaly for that reason. But what we haven't seen at least this year, those same types of things anywhere around the country really in terms of -in terms of that much money coming into elections.

CHAIRMAN DUFFEY: Which means it might not be
as big a project as we expect.
MR. GERMANY: Correct.

DR. JOHNSTON: Mr. Chairman, I'd like to share some of my views. Elections --

CHAIRMAN DUFFEY: I think it helps if I turn the mic on. This is technical requirement that $I$ didn't think $I$ had as the chair. Bear with me. I ask for your patience --

DR. JOHNSTON: I think it's on now.
CHAIRMAN DUFFEY: -- patience with this.
DR. JOHNSTON: It's on now.
Elections are not charities. The decisions that one makes with regard to grants is only as good as the bias of those in control. There are a number of issues to consider.

First, grants are gifts with strings attached. Gifts, especially money, that's not earned, influences behavior and it interferes with the accountability of the recipient to the elector or the taxpayer. And worst of all, they're addicting. The first grant is welcomed, the second is expected and the third is demanded. Grants encourage unnecessary spending and too quickly evolve from a want to a need to a demand. Grants come with requirements by the grantor and
carry significant risk that the integrity of the election process might be compromised. I'm very much against grants and $I$ think counties should live within their means. If we do eventually have to deal with grants, I think it should be under the control of the State Election Board and must be approved by the General Assembly. And further, I would recommend that if there are grants there be -- there can be no strings attached by outside parties or guidelines developed that would not enhance election integrity in every aspect.

CHAIRMAN DUFFEY: Thank you, Dr. Johnston. That's -- you know, this is a great example of different perspectives. I came from a profession where nobody ever gave lawyers money unless we did a lot of work for it. So nobody was coming to lawyers and saying we want to give you grants.

In the medical profession, that's different. I agree totally with Dr. Johnston that a process -- if this happens, if there's money that wants to be granted, where there's a gatekeeper and that that gatekeeper's responsibility would not only be for making sure that it goes to places where it's needed, but the gatekeeper's responsibility might be that we refuse your money
because of either the appearance of it or the subtext of it that you're trying to influence. I'll give you an example. We did some work with Kennesaw State with addiction center and one of the -- one of the organizations that wanted to give us a lot of money was a liquor distributor. And we said no because -- and they were surprised because it was a lot of money, but we said we are not going to have that relationship because of the public perception that it creates. And it ultimately with -- what we thought might be that the center would be used to promote their product, so. But I think a gatekeeping function that says, I know you've offered to make that available, but we -- we decline it would be a way of protecting against somebody trying to use grant money, if we decide to do this, in a way that would impede or tarnish the reputation of the State or its election processes.

Anybody else? Yeah.
MR. MASHBURN: Thank you, Mr. Chairman.
I, first want to kind of add on to the previous presentation, is Ryan, you -- the fact that you're presenting on these two important issues demonstrates the Board has a lot of
confidence in you and you do a great job and I think the citizens of Georgia benefit from your experience and your hard work and we put a lot on you and that's because we -- I think you're one of the finest election lawyers that Georgia has. Thank you for your service and we appreciate it very much.

The thing that troubles me on this private grant is the original purpose of it, as you well stated, was given to us as responding to COVID and so who can object that you're buying hand sanitizer. But as we look throughout the nation there are stories that some counties used the money, I think Green Bay, Wisconsin is one that $I$ have heard of where the money was used to hire private people to come in and take over the government. And so I think that one of the things or my input on this is the key to me on accepting this money is the people who allocate it have to stand before the people and let the people judge whether they made a good choice or not. And as you're talking about donated funds, you're responsible to the donors and those donors might not even be in Georgia. So if somebody in Oregon wants to give money in Georgia, what's -- you
know, what's going on there and is there an accountability if we're being responsible to donors in Oregon, did they get a -- did the people from Georgia like what they did? So I think one of the keys as the discussion keeps going for me is the one of accountability --
(Audio disruption)
CHAIRMAN DUFFEY: I told you that you should not let the Chair have responsibilities with technology.

MR. MASHBURN: But the key to me is whether these funds are allocated -- is the people ultimately doing the allocation, are they responsible to the people? And do the people get to come in every two years and say you made a good expense, you made a bad expense, we're going to throw you out, we don't like the way you spend money. So that's the input that $I$ would give in this forum where we're able to give our opinions of things, that's what I'm going to be primarily focused on and looking for is where is the accountability and who gets the ultimate final approval on whether that was a good expense or a bad expense?
And then one final, I said that was final,
but I have another one is, you know, a particular problem if you allocate it on a per capita basis, you have a particular problem in counties where there are very identifiable demographic issues where you have a 100 percent Republican precincts and 100 percent Democrat precincts in the same county. I don't think per capita there is sufficient and I think you got to dig even deeper and say is this county allocating it just to one party or another, so it even needs to dig deeper than that.

But to circle back, thank you for all your hard work and your contribution to this and I look forward to the discussions as we continue to wrestle with this, but $I$ think the general assembly was very wise and very smart to get a handle on it even if it was just a once-in-a-lifetime pandemic response as it seems to have been in Georgia mostly. Still, we can't have the Wild West out there and money flying around, so thank you. Thank you, Mr. Chairman. CHAIRMAN DUFFEY: You're welcome. Ultimately, we have a responsibility under SB 202 to report and to make recommendations to the General Assembly. My question is what's our
process from here if we have to do that, do we -do we want to approve this report, do we want to have some input on giving Mr. Germany comments about what we would like the report to look like and work collectively to do that before we finalize it and then ultimately at some point have to -- I guess have to vote on the report and we will and the recommendation we'll make to the General Assembly; does that make sense to everybody?

MR. MASHBURN: Yes.

MR. GERMANY: And then, Mr. Chair --

CHAIRMAN DUFFEY: Yes.
MR. GERMANY: I would just add that I think when any report is sent to the General Assembly, in my experience, you know, that would kind of be the beginning of it, so I think they would probably appreciate -- if they decide to take up the issue -- kind of additional input from the State Election Board. So I do think that there will be opportunity to kind of provide deeper input on kind of more specific questions as they come up with the General Assembly.

CHAIRMAN DUFFEY: So what would the Board think about us providing some editorial comment to
the report for Mr. Germany to consider that reflects some of the comments that we made here today and then try to work collectively on finalizing what we're comfortable with and what you're comfortable with before we submit it to the General Assembly?

MR. LINDSEY: If I may, Mr. Chairman, I view Mr. Germany's report as the -- as the first draft that is given to us and it's then incumbent upon us to take a look, to make any revisions and, certainly, I think it should fall on some board member to take that up and to take a look and then come back at the next meeting with a recommendation on what goes to the General Assembly.

What Mr. Germany said regarding the General Assembly is absolutely right, they're going to take this report and then decide for themselves what they like to hear, but it's incumbent upon us to do so. And since I have said "some board member," I guess that's going to be probably a good idea if I volunteer, so I'm more than happy to take the report and accept any input from the other board members and then come back to the Board with a recommendation at the next board
meeting.

CHAIRMAN DUFFEY: Does anybody have an objection to Mr. Lindsey volunteering and having responsibility?

MR. LINDSEY: And I would like to -- I would like to accept anybody else's nomination. I just feel like let's keep this thing moving.

CHAIRMAN DUFFEY: I think that makes a lot of sense. And, Mr. Lindsey, thank you for doing that.

MR. LINDSEY: Thank you.
CHAIRMAN DUFFEY: Anything else on the report?

MR. MASHBURN: Mr. Chair, I think one of the decision points that we need to make is on Dr. Johnson's point is the Board -- probably not now. We need some time to think about this. Is one of the -- there were previously two options how you allocate this or that, but $I$ think Dr. Johnson's comment is one of the options is no grants at all.

CHAIRMAN DUFFEY: Right.
MR. MASHBURN: So I don't think I'm ready to cast a vote on that today, but at a future meeting

MR. LINDSEY: That's the whole point of coming back is for you to be able to decide and now I plan on sitting down with each of you individually to get your input to see whether or not we can work out something.

I do worry about anytime a grant -- let me go back to -- to the Hope scholarship and to the lottery. Governor Miller in his wisdom decided that he was not going to simply devote lottery money to education in general because he had seen what had happened in other states in which the money went to education in general and went to the General Assembly -- then they reduced so much money came out of the general fund. So he instead went and looked at projects that the State does not already do. That's my view when it comes to how we handle grants. I don't want -- I don't want the grant money to ever be part of the core purpose of an election system because I have seen how legislatures do things. I have a little experience with that. And so, you know, we -- I plan on inputting my own thoughts as well as each of yours and Dr. Johnson's to sort of try to come up with something that the Board can work with that I plan on coming back with. And then you all
can decide if you like the recommendation or not. And I plan on -- I fully expect to -- be more changes once I make a proposal.

DR. JOHNSTON: Mr. Chair?

CHAIRMAN DUFFEY: Yes.
DR. JOHNSTON: One more comment. Mic.
I would also be interested in inquiring the use of grants that are funneled through counties for the express purpose of use in elections that have no control by the State Election Board so that, although out -- we've prohibited election offices from receiving grants, it seems to me that it may be a go-around for counties to receive grants and then utilize those monies as if it were directly to an election office.

MR. LINDSEY: Something else for us to take a look at.

Mr. Chairman, may I also add, I -- I also want us to take a good look at the statute because I do -- I am concerned about unintended consequences. I, personally, as I'm sitting here and it was raised a little while ago, I think I voted in a place that was donated by a private institution my entire life either a church or a synagogue, I've -- and a VFW place, and -- all of
which was donated and $I$ certainly don't want to -if the present statute would somehow limit those entities or other entities from being able to donate space to a county, I want to certainly make sure that we recommend to the General Assembly that they that we fix that. So that's something else $I$ want to take a look at.

CHAIRMAN DUFFEY: I think, Mr. Lindsey, the Board is giving you this charge -MR. LINDSEY: Yes. CHAIRMAN DUFFEY: -- that we begin with, don't make any grants at all or if we make grants, do they extend to grants that might be going directly to counties and everything in between and it's not just cash but it's any kind of contributions and we appreciate your willingness to talk to us individually about this and to draft something for us to review. Anything else on this issue?

SPEAKER: You may have to mic up.
CHAIRMAN DUFFEY: Mine is on.
The next order of business is our
investigation reports beginning with the consent cases. I'm going to give you a little bit of background before we get into that.

The Board receives a large number of
complaints for investigation review and the number of complaints is greater than it was in the past. The process for complaints is that because we are only five board members that we do not personally investigate complaints, but we use the services of the Investigation Division of the Secretary of State's Office. But I want to explain further what that relationship is. I will acknowledge that there has been -- as we move from a board being constituted the way it was before SB 202 to what it is today, that there are some technical things that need to be done and representational things that need to be done to communicate with everybody, including complainants, that the investigation is an investigation by the State Election Board. So, for example, as we tried to give notification to people about the complaints that were going to be on this agenda, it was -- I did not catch that the letters that went out to respondents went out on stationary that said that it came from Secretary of State's Office. We are moving towards everything being represented in what we communicate to the public and to others within state government that those communications
are on behalf of the State Election Board. For example, the agenda used to be the Secretary of State's agenda. Today it is the State Election Board agenda. And it's those sort of things which are important, I think, in giving you confidence that these investigations are investigations for us, we're just using the resources of the Investigation Division. But I have met personally with the investigators. I did that over a long session a couple of weeks ago. And I think the working relationship is good. They understand that these investigations are being done for us, even though they're employed by Secretary of State. And I want to give you confidence that we are intimately involved in the investigations. And if you look at these notebooks that we have, that these are recommendations to us, they are not final decisions. So it is our responsibility to take an investigation, which $I$ have reviewed, that are competently done by investigators, but either reviewed by us to tell them that we are not comfortable with the sufficiency -- and this is in a minority and very small minority of cases -- the sufficiency of what's been done. We've asked for them to go out and do additional work. I think
that that's the best example of the fact that these are our investigations and that the investigators want to help us do our investigations. They want to get for us anything that is unanswered in what they have done so far. And so in this case, $I$ think there were five or six investigations that we said we think that more work needs to be done and asked the investigators to do that and the response was, of course. And because I have the most investigative experience of members of the Board talking about different perspectives and experiences, that I have been doing that personally because I've done a lot of investigations in my life and I like working with investigators. Now, I am trying to come up with a way in which we can get the information that's necessary to make a decision. As I've told you, and everybody on the Board believes this, that we need to know the facts of an investigation before we can apply the law to the facts and so I'm very fact intensive. Every member of this board is fact intensive and the discussions that we are -- likely you're going to hear today are questions about facts before we get to how the law applies to them.

So I just want to emphasize that the cooperation and the collegial environment between the investigators and the Board is strong and that these investigations are perceived by all of us, perceived by Secretary of State's Office and perceived by the investigators, as work that's being done for us. It just happens to be resources that are in the Secretary of State's Office, but the Secretary of State has never said, well, we don't have time to do that, we don't have resources to do that, and by the way, we work for Secretary of State. That never comes up. What comes up is, what do you need? We agree that we can do some additional work. We understand why you want it. And we are -- we appreciate the fact that you're looking at things so carefully before we can make a decision on them.

So, we are now to the first order which are consent cases. The consent cases, if I were to generally explain how those are viewed or why they're on this consent, it's generally we have found that there is no violation that we could find.

There's two ways of not finding a violation. One is that the complaint is -- does not have very
much specific factual information in it and so to the -- and we don't quit there. We don't say, well, this is just not enough. What we say is, what can we do on our own to look at this conduct that occurred in a particular place because we need the facts to know what happened in that place to see if there's a violation. The second is that we have facts and when you have the facts and you believe that the facts are excitant with respect to that violation. Then we go look at the law and say, well, these facts are -- we think these facts are, in fact, the facts here, but there -- there is not a violation that these facts would show that there is a violation under the law. And there's actually a third way. One is that as in all cases, and I had plenty of those when I was on the bench and in the US Attorney's office is that you'd say here are the facts, but there's got to be a standard of moving forward. We can't just say these are the facts, that they're all true or if we interpret it in a specific way, we think there probably is a violation. "Probably is a violation" is not the standard. The standard is are there facts sufficient to prove a violation. And that's what we look at to make sure that if
we're going to go and have a hearing on something that we have facts that we can prove that a violation of Georgia law, in fact, happened and then we would allow the person to respond.

So these are cases where one of those
standards had not been met and we're suggesting that -- or the recommendation we have is that there's no violation. That's a recommendation. What we are doing today and all of us have read all these complaints, have read all the investigative reports, is to provide each of the Board members the ability to ask about specific cases or to ask for additional work to be done because they are not yet, and maybe the Board as a whole, is not yet prepared to make a decision on these cases that they are -- that they should be dismissed. So that's what the purpose of this hearing is.

And what $I$ 'm going to do is I'm going to first ask any member of the Board -- because if everybody agrees that the standard hasn't met, we can deal with it as a whole. And I trust that everybody has read these and so if nobody wants to single one out, I believe that everybody has made a decision that based upon what we have in the
investigative report shows that it's proper to dismiss it. But where we're going to start is I'm going allow each board member to say are there any of these cases -- because they've read it, they've got questions about it or they might want something else to be done, that they would like to discuss individually. When that happens, we'll ask the investigator to tell us, kind of, summarize the investigation and maybe we will have a discussion and questions can be asked by the person who wants to pull it or anybody else on the Board before we make a decision on that complaint. So that's a long explanation of the process, but you need to know the process and I want you to know the process and I want you to test our process that we -- that we are going to do what I told you we're going to do. If it's a really short question I'll take it, but...

SPEAKER: Do the persons here in these cases that we talk about do they have any input as to how the investigation was handled since -- my -- I told everyone on my case and I didn't hear the -CHAIRMAN DUFFEY: So are you a complainant or a respondent?

SPEAKER: I'm a complainant.
CHAIRMAN DUFFEY: A complainant, so you're the one that filed the complaint?

SPEAKER: I filed it, yeah --
CHAIRMAN DUFFEY: Well, after the Board has their questions if you want to say something, I'll give you a couple of minutes to do that.

SPEAKER: Okay. Thank you.
CHAIRMAN DUFFEY: But we've got a lot to do today.

SPEAKER: Just so that --
CHAIRMAN DUFFEY: So we'll let you -- as the complainant, let's get the answers from the Board members first. So who -- let's begin with the most senior board member, Mr. Mashburn.

MR. MASHBURN: I don't have any pull out, Mr. Chairman.

CHAIRMAN DUFFEY: Ms. Ghazal.
MS. GHAZAL: I have a few, but hopefully we will be able to take care of it very briefly.

One -- the first one is case 2020-225, Henry County and that's tab eight.

CHAIRMAN DUFFEY: Thank you.
MS. GHAZAL: Case --
CHAIRMAN DUFFEY: Let's take them as -- let's
take them one at a time.
MS. GHAZAL: Okay.
CHAIRMAN DUFFEY: Great. Sara. Let me give this a brief -- or maybe do you want to ask your question, have her direct her response to your question?

MS. GHAZAL: Yes. There were -- within the investigation, there was an indication from a voter that they had received multiple copies of absentee ballots, while they only voted one. There was a suggestion that four ballots were actually mailed to the voter.

CHAIRMAN DUFFEY: So was your question -MS. GHAZAL: Was that confirmed? And I also may have put my note on the wrong case. I put that in the wrong case, so I'm so sorry. It must be the wrong tab here. But there was -- there was a case in which there were four.

DR. JOHNSTON: That's the right one.
MR. LINDSEY: You have the right one.
MS. GHAZAL: Is that the right one? Okay.
That's right, yeah. They were all postmarked December 20th, all information on the envelopes are the same. Do you -- does the investigation file indicate that the investigator actually saw
all four envelopes?
MS. KOTH: I'm sorry, what was the question?
MS. GHAZAL: The facts suggest that the -that a voter had received four separate ballots due to some administrative error, but I would request that the investigators go back and inquire a little bit more as to how that happened. Basically, that shouldn't happen. The processes within the office, the registrar's office processing the absentee ballot application should not allow for four ballots to be issued to the same voter and I just -- I want some confirmation that that actually happened. That it's not entirely clear from my reading of the file that four absentee ballots were issued to the same voter so $I$ think it would be very helpful to me to determine whether or not that actually happened and if so, how, and what the county office has done to make sure this can't happen again.

MS. KOTH: This was a case that was taken over from another investigator that left and I was -- when you were saying that with the four, there was a case in Henry County where the investigator did go pick them up. I can't say for sure if this was this one because I'm not seeing it in the
narrative either, so --

MS. GHAZAL: Right.

MS. KOTH: -- I believe they did, but I can't say for certain because $I$ don't see it written on there.

MS. GHAZAL: It would be really helpful if you could confirm that and then just come back to the next meeting. And then if we can figure out what happened and where the fail safes failed because it shouldn't -- it shouldn't be possible for this to happen, so we just need to understand if there are -- there's additional training that the county needs or something like that.

MS. KOTH: Yes.

MS. GHAZAL: Thank you. I have three others.
MR. LINDSEY: So, Mr. Chairman, would the proper thing for us to simply move to continue this rather than dismiss to the next hearing?

CHAIRMAN DUFFEY: Yes.

MR. LINDSEY: Yes.

CHAIRMAN DUFFEY: Is that your request?

MS. GHAZAL: Yes, that's what I --
MR. LINDSEY: I would make that motion,

Mr. Chairman.

CHAIRMAN DUFFEY: Second?

DR. JOHNSTON: Second.
CHAIRMAN DUFFEY: Any discussion? All those in favor say "aye."

THE BOARD MEMBERS: Aye.
CHAIRMAN DUFFEY: Opposed?
(No response.)
CHAIRMAN DUFFEY: Then it's continued.
Next, Ms. Ghazal.
MS. GHAZAL: Yes. The next one was related
to tab 20 which is Brooks County, a voter
registration issue. And this case, I'll let you find it first.

In this case the voter had registered late in the process and therefore their names were not found on the electronic poll books and they were asked to submit a provisional ballot. I don't see any indication in the investigation whether or not the supplemental list of electors was present at the precinct on election day because that -- under Georgia Regulation 183-1-12.19 Subparagraph 10, every precinct should have a supplemental list of voters for -- that is a paper copy of voters who registered at the last minute. The electronic poll books don't necessarily contain these last-minute updates, but these lists do and when
voters appear on these lists they should be allowed to vote on a BMD, a regular ballot as opposed to a provisional ballot. But the investigational report doesn't reflect whether or not that was there at the precinct. Because that -- if it was there, then the poll worker erred and if it wasn't there then the county erred.

MS. KOTH: Okay.
MS. GHAZAL: So again, I would -- I would move that we continue this case to add that inquiry and then review it after that fact has been found one way or the other.

CHAIRMAN DUFFEY: I assume that you don't have any information to be able to confirm what happened as far as the listing?

MS. KOTH: No, I don't have that information.
CHAIRMAN DUFFEY: Is there a motion to continue this case?

MS. GHAZAL: I move to continue the case.
CHAIRMAN DUFFEY: Second?
(No Response.)
CHAIRMAN DUFFEY: All right. The motion fails for want of second. So let's go on to the next one.

MS. GHAZAL: I'm done.

CHAIRMAN DUFFEY: Ms. Ghazal is done. Next.
MR. LINDSEY: Yeah, two if I could. If I can, Mr. Chairman, I'd like to sort of talk about two of them.

One is simply just a comment. That is the Dougherty County matter, 2018-106.

CHAIRMAN DUFFEY: What tab is that?
MR. LINDSEY: And that's tab 2, that's the
first one. It's unclear, I don't -- I'm not seeking to continue this matter, but this is something that $I$ think that is for us to take a look at because part of our duty is to make recommendations to the General Assembly regarding any tweaks in the election law. And, you know, I'm assuming that these students are telling the truth, that they thought they had made an application to -- that some of them was doing the voter drive, but apparently those were not turned in and I think that the General Assembly needs to take a look at this sort of situation to determine whether or not -- because in effect, that's fraud that someone thought that they were making -doing what they should have been doing in order to be registered to vote and that someone didn't do -- didn't take their application and turn it in as
they promised to do. So, and that's simply a comment on my part, Mr. Chairman. I'm not -given the facts in the case, I don't have a problem with dismissing it, but I do think that we need to be looking at possible recommendations to the General Assembly on how to tweak the law to make sure that folks who are purporting to be part of a voter application drive actually do what they promise to the potential voter. That's my concern, Mr. Chairman.

DR. JOHNSTON: Mr. Chairman? CHAIRMAN DUFFEY: Yes.

DR. JOHNSTON: I also had marked this case and I echo the comments by Mr. Lindsey.

Actually, it seems -- it may be that voter registration drives may be misleading or failing to properly inform young voters of the requirements and thus disenfranchising a new registrant and to promise that they're registered and actually not send the registration in.

Further, I would hope that no young, inexperienced voter would accidentally register in two locations and be prompted or not know, but vote in two different locations. So, I think it would be good for the General Assembly to review
these guidelines.
CHAIRMAN DUFFEY: I think there's a lot of wisdom in that. It's -- and I think sometimes we treat all voters the same, new voters and infrequent voters, voters that haven't voted before and voters that have voted forever. I suspect most people in this world know how the voting system works or have had enough experience to be more intuitive about the process. But I do think that there is -- and a lot of it is public information being made available to people that are voting maybe for the first time and let's just take college kids to begin with. And I think that there might be a requirement that somebody who is in college, let's just take that population to begin with, that if we are -- if somebody seeks to provide voter registration information to them, have to give them a specific paper telling them what their rights are and how that process works might be in order. But $I$ agree with Mr. Lindsey which is $I$ do think that the General Assembly ought to look at this and see whether or not we ought to treat different voting demographics differently to make sure that they have accurate information about what they can and cannot expect
and what they need to do themselves or not need to do themselves.

So it will take -- do we make a motion?
MR. LINDSEY: It's not a motion so much as it's simply an observation and at the appropriate time before the General Assembly convenes in January, I believe that it's incumbent upon us as part of our duties to make certain recommendations for the General Assembly to take a look at certain things and this is certainly one that $I$ think that they should do so.

And for the audience's benefit because I'm sort of cutting, short, basically what had happened was several students at Albany State believed that they had registered to vote through a voter registration drive on campus and those applications were never apparently forwarded to Dougherty County and so the students thought that they were registered to vote, but it turned out that they were not. Most of them, it appears, were able to vote somewhere else, but what my concern was, was someone may very well have, you know, had this voter registration drive and then didn't do what they were supposed to do which is turn them in to Dougherty County and I want to
make sure that sort of thing doesn't happen in the future or at least we can do our best.

Anyway, no, Mr. Chairman, that's just simply an observation on my part. I'm not asking for a motion.

CHAIRMAN DUFFEY: Okay. Is the -- what is our process generally when we decide that we want to do something to make a recommendation to the General Assembly? How do we internally do that so that -- so that we don't leave here today without somebody having the assignment to address that and decide whether or not we're going to recommend anything to the General Assembly?

MR. LINDSEY: Well, I'm going to turn it over to Mr. Mashburn because he's been around longer than I have. Not recommendations made in the past. I do know that's part of the duties that are listed for us I think by statute and so, you know, we can assign one particular member or two members of this body to make proposals for the next meeting that would then go to the General Assembly.

MR. MASHBURN: Mr. Lindsey is correct. The Board does have the stated duty to make recommendations to the General Assembly and so it
would just be a communication that the Board would draft up and vote on and transmit that we think this would be good -- good law and here's why. So, Mr. Lindsey is exactly correct.

CHAIRMAN DUFFEY: Well, Mr. Lindsey had two comments. One was how do we do it and the second was his suggestion that you be gracious enough --

MR. LINDSEY: I took the last one, you take this one.

MR. MASHBURN: I'll be glad to work with Mr. Lindsey to draft that up.

CHAIRMAN DUFFEY: All right. And we will make -- since you've got -- Mr. Lindsey has an assignment, will --

MR. MASHBURN: I'll take the lead.
CHAIRMAN DUFFEY: Thank you.
MR. LINDSEY: If I'm able to continue, Mr. Chairman, my second point is, it's tab 13, it's DeKalb County. It dealt with allegations of issues when it came to dropping off absentee ballots at an absentee ballot box. My concern, once again not necessarily looking to continue because there's a want of evidence because they can't find the tape that would help the investigator be able to see whether or not the
allegations are correct or not. And my concern is there doesn't seem to be any kind of standard in terms of the preservation of the case. And I believe that's something for us to consider in terms of -- I think this is something we could actually do on a regulatory basis, something for us to take a look at in terms of requiring some conformity by the counties when they, you know -they have a -- they're supposed to have a surveillance, thank you very much, of the various boxes and in this particular case they can't discover -- they can't find the tape for the particular day in question. And that raises a very serious concern to me on why -- why they can't find the tape. And equally so that there is apparently no -- no uniformity when it comes to the counties in terms of how to make sure that they preserve that. I just want to -- I want to sort of raise this as a concern for us to look at and perhaps pull in our friends at the Attorney General's Office and other places to perhaps look at whether or not we can do a regulatory fix when it comes to this, so that we could put forth a uniform process for the counties to maintain and preserve the tapes so that should a question arise
such as this that it's accessible to do so.
CHAIRMAN DUFFEY: That's interesting. I had -- I was going to talk about this and then there's actually, there's another -- and it is when $I$ first read this, it's always suspicious to me that they have tapes except the tape we want, which is not to say that there is any mischief going on, but the whole purpose of the tapes is to answer this question and because we don't have the tape, we can't. And because we can't answer the question, we don't have the evidence, we can't move forward on a complaint which may or may not be valid. If we had the tape, we would know for sure. So I think that's a -- that's a good recommendation.

And the other -- the other interesting one was that we had -- we had an allegation involving a drop box. I'm not going to pull this. But just an illustration of how important these tapes are.

And there was a business that everybody believed had tapes, had recordings because they had cameras looking at where the drop box was. We didn't have information from the drop box camera, but the fellows -- the fellow, whose name we have, said that he did and said that he would pull the
tapes, but the tapes -- I don't think he became uncooperative. I just think he had other things to do. But it goes to the importance of these tapes when you're trying to get visual evidence of what happened or what didn't happen. Which I think underscores the importance of if we have official tapes, with official equipment that there ought to be some requirement and we ought to look into that.

MR. LINDSEY: And if I may, Mr. Chairman, just for the audience, by contrast, there are two other cases that we will be dismissing today in which there was adequate video to be able to actually track down the individuals who put the ballots in the box. Turns out in both cases they were simply putting ballots for members of their family who lived in their house so, you know, that dismissal, $I$ feel were -- taking place with good certainty that nothing nefarious happened.

In this situation, we're having to dismiss because we have no evidence to be able to go any further. That's the concern.

CHAIRMAN DUFFEY: Yeah. Any other comments? MR. LINDSEY: Those are my two, Mr. Chairman. CHAIRMAN DUFFEY: And just one final thing.

It shows to me as the new person on the Board, the value of people making complaints. We get a lot of them, but it doesn't mean that that doesn't help us to make evaluations about issues like this. We don't just determine responses to complaints, but we have to look overall of how the system works. And in this case, there -- maybe there is a requirement that if it had been in place that we might actually have evidence rather than dismissing a complaint to determine whether or not there was or was not a problem with the manner in which something was -- the conduct that occurred on a specific date which is not available because that date's not available. So, thank you, Mr. Lindsey, great example of our additional duties.

Dr. Johnston.
DR. JOHNSTON: Yes. So I have a question
about Case No. 230.

CHAIRMAN DUFFEY: Which tab?

DR. JOHNSTON: Tab ten. It's about voter registration drives which probably just emphasizes the need to look at voter registrations. This case included 184 complaints from 42 organizations or entities and included in these
complaints were 77 deceased people and a number of minors that received various communications. So, it just raises the issue of how we might revisit this and may need -- and make recommendations to the General Assembly as far as the due diligence or responsibilities or accountability of voter registration drives. It's not that I'm against voter registration drives, but I think there should be some consideration when so many deceased people, dead people, are sent communications.

CHAIRMAN DUFFEY: Any further comment on that before I make a comment? MS. GHAZAL: I do have one concern that we -about overreach on our part, particularly in this case.

People pass and the data is simply not corrected for many months sometimes. I would hazard to guess that the counties on a monthly basis are required in official voter registration lists to update according to death records. But between the time of a death and the records being updated, their voter registration lists will contain, through no fault of anyone, the information of people who are no longer eligible to vote because they're no longer alive. So to
blame organizations for using current voter registration lists within the scope of a few weeks, I feel it is real overreach on the part of the State Election Board if we are trying to lay blame that it takes time to update records. And we're talking about a state with 7 million registered voters and we're talking 77 people. I would hazard a guess that every few weeks at least that many registered voters pass and so I want to make sure that we are looking at the facts1 and not the rhetoric. These folks didn't try to vote. There is nothing wrong with the system if they're getting mail. I get mail for -- and I get text messages for different houses that I don't own because data is messy. And the public data sources that organizations use are messy and sometimes incorrect. So I want to make sure that we are not trying to hamper organizations undertaking First Amendment protected activities because it somehow can be misunderstood as -- as being inappropriate.

DR. JOHNSTON: With all due respect, I could account for someone being sent communications if they had been deceased one or two or three or maybe five years, but in this report there were
alleged solicitations from someone deceased 28 years, seven years, 47 years. What in the world is going on?

And the report does not include the information of whether any of these alleged complaints, if these deceased people were checked to see if they were on the rolls, if there was a voter history of these persons and I just question this targeted group. It makes me worry about the vulnerable voter. The vulnerable voter -- and a deceased person is the most vulnerable of all. So, I think it is something that we should think about and consider addressing with the General Assembly.

CHAIRMAN DUFFEY: This is a perplexing question and $I$ wonder if it has two components to it. Yeah.

I do think that a lawyer is going to have to look at this to see whether or not we can impose a requirement that is constitutional -- to dictate to people what list they can use. You know, my experience is that -- I get a call that I'm a member of a class action because my data has been breached at some company. And I say, well, that's interesting my data has been breached at seven
companies. So there's all this personal data about people out there and $I$ think people use those lists for a variety of purposes. The question for me is whether or not somebody decides that they are going to broadly distribute information about voting or encouraging people to vote based upon a list that's not a voting list, whether we have the authority or whether constitutionally we can prohibit somebody for using that information to communicate with somebody else. So that's one question.

The other question $I$ think is, $I$ know of one county that updates their voter lists every month. I know some counties don't do it that often. But if we had some requirement as to the frequency with which voter lists have to be updated and got communication out to people to say that anybody who is involved in a voter drive ought to use those lists. And those lists are available and I don't know if we charge people for them. But maybe one thing we could look at is do we have the authority to say that, you know, you can't wait six months because there's no election coming up before you update the list. One is it's more expensive to do that and more time intensive as --
if you get closer to an election, you shouldn't wait that long. And maybe we look at big counties have to do it more often than small counties because they won't have as much. But I think the idea of at least somebody looking at this and asking the Attorney General's Office to help us determine whether or not it's prudent or legal for us to impose those sorts of limitations is at least worth looking at and also looking at whether or not we can impose an obligation to more frequently update voter lists because it's important to the public and to those organizations that are trying to encourage voter registration.

But I'm happy to hear comments from other board members.

MR. LINDSEY: Well, in the attempt to cut the middle ground because $I$ share the concerns about trying to impose too many obligations on an organization that is simply trying to reach out to potential voters to encourage them to register. But at the same token, I would like to see those organizations when they do so, also provide a link or information on who is eligible.

I mean, you know, we've been talking about the folks who are reached out who had passed, but
there were also a number of folks who have been reached out to who were actually living out of state or under age or whatever else. And I think it would be incumbent in terms of -- and I want to think about this, I haven't thought it through, I'm just listening right now -- as to whether or not we would want to see those folks doing these voter registration drives to at least provide a link to the potential voter to say, hey, you know, this is the criteria for you to be entitled to vote. I don't think that would put too great a burden on them, perhaps another line on the text message that $I$ get, but other than that just something to think about because I do share the concern on trying to put too great a burden on an organization who is trying to rely on some list. But on the same token, I don't want to see an organization inadvertently, and I emphasize "inadvertently," send something to a person who would otherwise be not qualified to vote to believe -- to encourage that person to register to vote illegally. And I think simply just requiring that they provide some link or that sort of thing to sort of say here is the criteria. I don't how practical that is, but that would be sort of my
middle ground.
MS. GHAZAL: I think that suggests that this is right for rule-making --

MR. LINDSEY: Yes.
MS. GHAZAL: -- and public participation process in that.

MR. LINDSEY: Yeah, and, you know, to hear whether or not that's something that's practical or overly burdensome and -- or beneficial. I don't want to propose a regulation that's not beneficial.

CHAIRMAN DUFFEY: And I'll just add, you know, one more comment based upon this review which I think we all have is, that there's really interesting common misunderstandings about registration and voting. There are a number of these complaints where a number, a handful, where somebody used to live in Georgia, moved to a different place, what -- what is required of residency is not as crystal-clear as you would expect it to be. And so somebody who goes to a different state intending to live in that state, but because they haven't registered in that state, believe that they can vote in their former state. And I don't think that they believe that because
they're trying to vote illegally. I think they just believe that. But -- but you're registered where you're registered until you change it. So there is some misconceptions about things like that and we ought to do a good job or the best job that we can at making people aware that when they change their residency, that doesn't mean that they can go back to their past residency just because they have not yet registered to vote in the place where they are. I actually think that there's some people that say, well, I live here, but I really think my vote has more impact in Georgia and we want to discourage that as well because that's not permitted.

I think -- so in all of this discussion, I think that there is -- we're going to work with the Attorney General's Office about what we can and can't do and as a practical matter, what we can require or not require. Even if we -- even if we can't require it, we ought to at least encourage it or make the public -- somebody who's going to register to vote or somebody who wants to do an absentee ballot they ought to be able go someplace and see whether or not they can.

So let's see, so Mr. Lindsey has an
assignment, Mr. Mashburn has an assignment, would anybody like to take this as a project?

MS. GHAZAL: Yes.

CHAIRMAN DUFFEY: Thank you, Ms. Ghazal.
Ms. Ghazal will look into that on behalf of the Board.

Dr. Johnston, anything else from you?
DR. JOHNSTON: Yes, sir.
CHAIRMAN DUFFEY: Okay.
DR. JOHNSTON: Mr. Chairman, I'd like to look at a case on 33. It's tab 29, challenged voters. I really just want to make a comment, I don't think it needs a continuance.

But in this case of challenging voters, I would just like to state that the process of maintenance of voter rolls is only as good as the registrar that performs those maintenance duties. With the burden or the additional work that DDS provides to registrars to keep election rolls updated and current and with the verification and communication, updating and editing their rolls that they have quite a large amount of work to do all the time. And $I$ would just like to say that they need to be vigilant about the issue -- the possibility that when people get new licenses,
they may inadvertently be put on as another voter, a duplication so to say, of voters with driver's license's renewals and the verification of the qualification is sort of like when you register for -- to get a driver's license. It's kind of like a twofer, you get your driver's license and you also register to vote. And there verification of the eligibility of that person in the election office in register's office is very important and needs to be thorough and accurate and consistent. So $I$ would just like to make that comment. CHAIRMAN DUFFEY: Anything that you suggest needs to be done or?

DR. JOHNSTON: I think at some point it would be advisable to look at the uniformity of voter roll maintenance throughout the State in all of the counties, to maybe look at their processes and their policies of how they -- each county maintains and updates its rolls. It's -- it's their -- their responsibility.

CHAIRMAN DUFFEY: Mr. Germany, do you know if that data is available?

MR. GERMANY: I'm sorry.
CHAIRMAN DUFFEY: Do you know if there's data available for the 159 counties and their practices
with respect to frequency of updating voter rolls?
MR. GERMANY: Yes, at the risk of sort of putting them the spot -- there is not a microphone over here. So I will -- at the risk of putting them on the spot -- can speak to that but out-of-state voter system that's something we can look at every day to make sure counties are keeping up with their -- with their list maintenance.

MR. EVANS: So, in regards to list maintenance, we have regular list maintenance that counties conduct on a -- on a monthly basis. Those consist of processing felons, processing deceased records. We get deceased records from the Department of Public Health in the State of Georgia. We also get deceased records from -through our partnership with ERIC which compares our voter list to the Social Security death master list and so the good thing about that is it does capture people who move away to say, Alabama, Tennessee, Florida, anywhere in the country and then pass away. So we get that information that's processed on a monthly basis. I already mentioned felons.

Now, counties are updating and maintaining
the voter lists on a daily basis. We can pull audit reports and see what voters have been touched and by what user they were changed by, the record was processed by, and that happens every day, even late into the night and over the weekends, we'll, you know, we will notice that there's some activity -- I logged in yesterday to do a little bit of work and I noticed there were some people in the voter registration system. So county election officials, especially the closer that we get to the election, are working long hours and doing a lot. And I will tell you that one of the best tools that we have that we utilize fully is ERIC and we're a member of that. We just did --

CHAIRMAN DUFFEY: Can you explain for the audience what that is?

MR. EVANS: Yes. So ERIC is an organization made up of about 33 states where we -- the organization, we send them hash data so they aren't actually getting voter's private information, but they're able to do a comparison and a cross check to see if people have moved across state lines and we're able to get that data. And then what we just did towards the end
of June is we mailed notices to people who had moved out of state asking them to cancel their voter registration. We got several thousands of people saying, yes, I have moved out of state -because most of the time when people do move out of state, the average person doesn't think, okay, I need to contact my county registrar in my previous location so that $I$ can cancel my registration. So we got thousands of cancellations through that and without that resource, there's not -- there's not another good way out there to be able to get that data. And we had about a -- I would say a 15-day window to be able to execute that following the June 2021 runoff election and we were able to do that. And we also did a NCOA mailing. So, NCOA is the USPS National Change of Address Register. So ERIC takes our data, compares that to the NCOA list for anybody who filed a change of address with USPS and then we send those voters a mailer also and that includes people who filed a change of address out of state or if they moved within the state of Georgia. And then by state law we are able to, if they move within the state, we still mail it -- or within their county, we still mail them a notice,
but if they don't respond to it we can automatically move them. So we're able to do that as well. So that's just kind of a general -- we did the NCOA and the cross state mailers last year also and then we did them again this year.

I will say we also processed a list of duplicate registrations so not people who voted multiple times, but people who, as Dr. Johnston referenced a little earlier, occasionally, we will see instances where the same person has multiple registrations. Sometimes it's just because of a name change and the person processing the registration did not notice that there was already a record for that person and so ERIC and their data analyst sent us a list of duplicate registrations. We sent that list off to counties and then they were able to process the duplicates. And they did that towards the end of July, beginning of August. They were processing that and then we're about to get a new list of the duplicates as well that we'll send off to the counties and that should be coming in the next week or so or probably the next couple of weeks and we'll send that off.

CHAIRMAN DUFFEY: Here's what $I$ would
suggest. This is a lot to digest. Could you meet with somebody in the elections' division and find out how often their counties are updating their lists if for no other reason to see if there's a way that we could -- if we're thinking about people that are doing voter registration drives having -- being able to kind of get on the internet somewhere to see whether or not they're currently or not currently registered or to have somebody who's soliciting to go to that list and say this person is currently or not currently registered. It could be that we could couple that. And so if you would -- it's going to take a longer conversation $I$ think to totally understand the system, but I think that's worthwhile especially as Mr. Lindsey looks at his issue. DR. JOHNSTON: I'd be happy too. CHAIRMAN DUFFEY: Okay. All right. Thank you Mr. Evans I appreciate it. And thank you, Mr. Germany, for putting Mr. Evans on the spot. You did very well. MR. LINDSEY: He knows how to call a friend. CHAIRMAN DUFFEY: And in the course of our discussion, we've discussed the ones that $I$ wanted to talk about individually so I have none that I
want to pull.
There is -- can you tell me your name, please?

DAWN HINAES: Dawn Hinaes.
CHAIRMAN DUFFEY: Can you stand up? I can't hear you.

DAWN HINAES: It's Dawn Hinaes. It's spelled incorrectly on the letter that you sent me it was spelled -- but it's not. It's Hinaes.

CHAIRMAN DUFFEY: How do you spell that?
DAWN HINAES: $\mathrm{H}-\mathrm{i}-\mathrm{n}-\mathrm{a}-\mathrm{e}-\mathrm{s}$.
CHAIRMAN DUFFEY: What is the number of your complaint?

DAWN HINAES: 228.
CHAIRMAN DUFFEY: So it's SEB --
DAWN HINAES: Yeah, SEB 2020-228.
CHAIRMAN DUFFEY: 2020-228.
MR. LINDSEY: Tab nine, Mr. Chairman.
CHAIRMAN DUFFEY: Thank you, Mr. Lindsey.
This is about the updating of voter -- voting records in Fulton County.

DAWN HINAES: No -- mine -- I'm in relation to my son's absentee ballot being placed in the ballot box on November 3rd at 10:00 p.m. but --

CHAIRMAN DUFFEY: I'm just trying to find the
right paperwork. Is that in the complaint 20 -MR. LINDSEY: Mr. Chairman, she's complaint number one on page 2 of 7 .

CHAIRMAN DUFFEY: Right.
MR. LINDSEY: On report of investigation.
DAWN HINAES: (Inaudible.)
CHAIRMAN DUFFEY: So you are listed as a complainant along with some other people, but you want to talk about your son's.

DAWN HINAES: Yes, what I'm trying to understand how it can be settled that my son's ballot was placed in the box on November 3 at around 6:30 p.m., but his vote was cast on October 31st -- four days prior to actually physically prior to him having the ballot in the physical box. So -- I have all the pictures of putting in the box. He just asked if there was a camera that would show him putting it in the box -- placed it in the box November 3rd that evening. The postman rang my doorbell. He knew I was waiting for this -- letter for my son who was away at college to come in the mail, he brought it at 6:30, took a picture of it, because this was my son's first time to be able to vote for the president -- placed it in the box, took a picture
of it, texted it to him that. He was concerned that it wasn't going to get here on time. And then a couple of days later, he was just checking to make sure because his twin brother had sent his vote -- to make sure that they were both valid, that they had signed -- were signed and that their votes were counted and then when I saw the date that his vote was cast on October 31st, it didn't match when it was placed in the box. His brother's matched. His brother's was received by me on the 24 th of October and placed in the box and matched on the voter website was accurate, but for the poll, his was -- stated or written that the vote was cast on October 31st, but I did not validate the box -- so I'm just wondering how that has been settled as -- like, I don't know how that -- how it goes -- they made a distinction on how they settled on that how did the website state that October 31st was the date it was cast when -(inaudible.)

CHAIRMAN DUFFEY: So if I could synthesize that. It's -- the finding of the investigation was that he can't -- 34 of these people cast their vote and it was recorded. What I understand you asking is how -- that the timing is off for you

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that it was counted --
    DAWN HINAES: His vote was cast on October
31st, but his ballot was not placed in a ballot
box until four days later, so whoever cast the
vote on October 31st was not my son. He was away
in North Carolina at college and his ballot was in
the mail on the way to our house --
    CHAIRMAN DUFFEY: So, was all that
information provided in your complaint?
    DAWN HINAES: Yes, I have pictures. I have
pictures of putting it in the box. I have the
text messages between my son and I as he was
asking me, did you get it yet?
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CHAIRMAN DUFFEY: But that was all provided
to the Board?
DAWN HINAES: Yes, all the pictures and then
-- I have the --
CHAIRMAN DUFFEY: So here's -- I -- with
respect to that particular -- I think for that
particular complaint, we're going to continue that
to the next meeting.
MR. MASHBURN: Yeah, I'd like to hear further
investigation on that issue.
DAWN HINAES: I can get -- I was in New York
when it was updated, so I didn't have access to
the --
CHAIRMAN DUFFEY: I understand your issue. I understand that you don't know why the recommendation was as it is. We are supposed to make the decision on whether or not to vote on this one of 34. I don't know -- Ms. Koth, is there anything that you can add to this or otherwise, $I$ think we are inclined to continue it.

MS. KOTH: The only thing that $I$ can add is that the investigator that took this case over when he looked it up in it e-Net it was correct so it's possible that he was looking at -- it showed the vote counting on the correct day so it's possible that e-Net, you know, if there was a mistake, it had corrected itself.

MR. MASHBURN: Yes, Mr. chairman, I'd like -I'd like to make sure that this gets handled. And if you would get together -- apparently we have her name wrong as well and I apologize for that, but $I$ would move to continue on this issue.

CHAIRMAN DUFFEY: Is there a second?
DR. JOHNSTON: Second.
MR. LINDSEY: On just the one?
CHAIRMAN DUFFEY: On just the one, yeah.
Is there a second?

DR. JOHNSTON: Second.

CHAIRMAN DUFFEY: It has been moved and seconded that we continue the complaint of complainant number one as listed at page 2 of 7 of Complaint SEB 2020-228.

Is there any discussion on the motion to continue?

They're being done all those in favor and continuing on that one complaint say, "Aye."

THE BOARD MEMBERS: Aye.
CHAIRMAN DUFFEY: Opposed, no.
(No response.)
CHAIRMAN DUFFEY: It passes as will be continued and we'll put it on the calendar for the next meeting. It would be good at some point to touch base on Sara Koth our investigator and just have our discussion with her and see if she can figure out what happened.

DAWN HINAES: Okay. Thank you.
CHAIRMAN DUFFEY: Is there anybody else that would like to speak about their complaints? (No Response.)

CHAIRMAN DUFFEY: Apparently not.
DR. JOHNSTON: Mr. Chairman, just one more comment about these cases. There's -- a Mr. Cross

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contacted me and said that his cases, that are in
the consent list, he was not notified, so I don't
know if that's part of the process that we are
trying to organize and improve is to notify
complainants when their cases are brought.
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CHAIRMAN DUFFEY: That is a -- that is the process they all get a certified letter. Regular letters are not very prompt. Has he asked for continuance or is he satisfied with the result?

DR. JOHNSTON: I do not know.
CHAIRMAN DUFFEY: So when he communicated with you, is he -- he's just saying that he hadn't gotten his letter but --

DR. JOHNSTON: Right.
CHAIRMAN DUFFEY: -- and what did he want as a result of that?

DR. JOHNSTON: I don't know. He contacted me last night. I sent an email to the members of the Board.

CHAIRMAN DUFFEY: Right.
DR. JOHNSTON: -- and I don't know if there was a request to continue.

CHAIRMAN DUFFEY: You could make a motion to continue if you think that --

DR. JOHNSTON: I'll make a motion to continue

Case 033 and -- I'm sorry not 033 -- 074 and 113.
CHAIRMAN DUFFEY: What are the numbers again and what tab are they?

DR. JOHNSTON: Tab 35 and 38.
CHAIRMAN DUFFEY: And those are -- both of those are just -- he's that -- an individual complainant in those or are there others?

MR. LINDSEY: No, he's the individual.
DR. JOHNSTON: Individual.
CHAIRMAN DUFFEY: Okay.
MR. LINDSEY: Two points, Mr. Chairman.
Number one, Mr. Cross obviously knows about this hearing. Mr. Cross is also very familiar with the operations of this organization. He's usually here. Is he not here today?

SPEAKER: He's in Missouri. He's in Missouri.

MR. LINDSEY: He's in Missouri. All right.
CHAIRMAN DUFFEY: Just so we have a record, could we just have name because we might rely upon that?

SPEAKER: (Inaudible.)
CHAIRMAN DUFFEY: I'm new to this, remember, so I don't know everybody who is here.

SPEAKER: (Inaudible.)

CHAIRMAN DUFFEY: Thank you.
MR. LINDSEY: Did he contest at all as to the findings of the investigator in your discussions with him?

Basically, this was an allegation of -- about harvesting. The investigator was able to ascertain that the person who put the ballots in the box talked to the family -- talked to the individual and it turns out that those two individuals had simply deposited their family members, who lived in their household, ballots into the box.

DR. JOHNSTON: Exactly. Based on the information $I$ would agree with a dismissal, I mean, to proceed with dismissing this. It's just the process that Mr. Cross was not notified is the only issue.

MR. LINDSEY: I am concerned about that.
CHAIRMAN DUFFEY: How did he know? How did he find out that they were on the agenda?

DR. JOHNSTON: I'm not sure. Maybe he looked at the agenda.

SPEAKER: Mr. Chairman, may I ask a question? How did he know to show up at that hearing?

CHAIRMAN DUFFEY: How did he know that there
was a hearing? How did he know that there was a hearing and we don't know the answer to that.

SPEAKER: This hearing?
CHAIRMAN DUFFEY: We're talking about
Mr. Cross. My question was: How did he know there was a hearing to prompt him to send an email to -- and the answer to that is we don't know.

SPEAKER: The reason for my question was in previous hearings, for those challenges of those complaints were heard, in that hearing he previously said that he was not notified.

CHAIRMAN DUFFEY: Thank you very much, but we don't know that.

SPEAKER: I understand.
CHAIRMAN DUFFEY: All I'm doing is trying to determine for the purpose of this record, if he -if we know how he learned and we don't. And how he heard in past hearings is irrelevant to the matter here which is --

So there's been a motion to continue, is there a second? (No Response.)

CHAIRMAN DUFFEY: With there not being a second then the motion will not be voted on.

Does anybody else have any other specific
complaint that they would like to discuss individually?

All right. So we have a number on the agenda, there was a number of consent cases. We have continued --

MR. MASHBURN: My motion, Mr. Chairman, is to accept the recommendations of the staff on all of those that have not been continued in the section entitled "Consent Cases," under Section five.

CHAIRMAN DUFFEY: Have we agreed to continue -- just so that we're clear on what we're not voting on.

MR. MASHBURN: I've got number 8 being continued and that's the only one that I show.

CHAIRMAN DUFFEY: And then we have -- number 8 is the one person.

MR. MASHBURN: No, and then there was another one. You're right. Ms. Hinks, what case number was yours again?

SPEAKER: Mine was on the letter case --
DR. JOHNSTON: Number 9.
MR. MASHBURN: Number 9. So, I've got --
thank you -- -- so I've got number -- tab number eight and Case No. 1 of tab nine having been continued.

CHAIRMAN DUFFEY: All right.
MR. MASHBURN: So, my motion is to approve the recommendations of the staff on all those listed under Section 5 consent cases except for tab number eight and number -- complainant number one of tab number 9 .

DR. JOHNSTON: Mr. Chairman?
CHAIRMAN DUFFEY: First, is there a second?
MR. LINDSEY: Second.
CHAIRMAN DUFFEY: It's been moved and seconded.

Is any discussion on the motion?
DR. JOHNSTON: I believe Board Member Ghazal requested a continuance of Case No. 20.

CHAIRMAN DUFFEY: That was not seconded.
SPEAKER: It was not seconded.
DR. JOHNSTON: It was not, sorry.
CHAIRMAN DUFFEY: Any further discussion on the motion to accept the recommendations with respect to the consent cases listed on the agenda other than case 2022-25 which has been continued and complainant No. 1 of case 2020-228? All in favor say "Aye."

THE BOARD MEMBERS: Aye.
CHAIRMAN DUFFEY: All those opposed?

CHAIRMAN DUFFEY: Then that is our decision to accept the recommendations with respect to those cases.

Now, let's get to the next group of cases which are called letter cases.

Letter cases are different than consent cases because letter cases are cases where there's support for a violation, but the recommendation is to resolve the complaint by sending a letter to the respondent without any proposal for a sanction or referral to Attorney General or another law enforcement entity.

I'll ask my board colleagues, is that a fair description of letter cases?

DR. JOHNSTON: Yes.

CHAIRMAN DUFFEY: We'll go through the same process. Is there any board member that would like to discuss a letter case individually and we'll begin with Mr. Mashburn?

MR. MASHBURN: Yes, I'd like to pull out for discussion Case No. 2020-123 Hancock County, tab number 44 and Case No. 2021 --

CHAIRMAN DUFFEY: Let's start with --

MS. KOCH: We received a complaint from a
local democratic party that were inside the polling location preparing breakfast for poll workers. This was at 9:10 a.m. on the morning polls were open and people were voting. The complainant also reported that she spoke with the election supervisor and that he denied having any knowledge of this and he told her that he not approve of it. The complainant reports that she also spoke with other poll workers that were there and they didn't see anything wrong it. She said that someone must have approved it since it was happening. And that the individuals reportedly involved and are pictured in a photo that was used on Facebook.

The specific allegation in the complaint was not confirmed.

Ms. Hudson was on the ballot for the Hancock County Chairman of Commissioners and there was no evidence to indicate the actions --

CHAIRMAN DUFFEY: Ms. Koth, can you slow down just a little bit. MS. KOTH: Sorry.

CHAIRMAN DUFFEY: And speak up a little bit. MS. KOтн: Yeah, sorry. There was no evidence to indicate the actions
of Mrs. Hudson or anyone else violating the Georgia Code of Elections or the State Election Board rules regarding campaigning. Regarding this investigation the investigator did not find that Mr. McGowan nor the Hancock County Board of Elections were in violation of the Georgia Code of Election or State Election Board rules in any way. Because of the admitted conduct of the voter of using her cell phone to take a photograph at the polling place during voting, Ms. Hudson was
potentially in violation of O.C.G.A. §21-2-413(e) and there were no additional allegations complaints made or established regarding this investigation.

CHAIRMAN DUFFEY: All right, Mr. Mashburn. MR. MASHBURN: The reason I asked this to be pulled out is I don't want the wrong lesson to be learned from this case. And the lesson that the letter of instruction gives is that you shouldn't of taken the picture and you shouldn't have posted it on the internet. But to me, it's very troubling when a party and a county give the impression that one of the parties has taken over the function of the government. And so in this position we're required to make difficult choices
of allocation so I don't think it would be a good allocation of our resources to send it back just to have another hearing to send a second letter of the same thing. But $I$ think the lesson of this one is counties should be careful not to give the impression that one of the two parties or three parties or four parties or however many parties there are have taken over the official function of the polling place. And here, $I$ think the county -- I'm troubled when the response is "I don't see anything wrong with it." I disagree with that. I see something terribly wrong with this. And so I always ask people "How would you feel if the other party was allowed to do this?" So, if there was Magma breakfast in Hancock County, how would that have been received by the people who saw nothing wrong here. So, I support sending a letter of instruction on this one count, but had -- had I viewed it to be an advantageous, I would have it to go back and a letter of recommendation be sent on, you can't let the parties take control of your polling places. So, I'm fine to let it move forward as indicated, but I wanted to pull this for separate comments so I could make that comment. Thank you.

MR. LINDSEY: If I may, Mr. Chairman, an additional request. And once again, $I$ want to phone a friend here.

It's my understanding that one of the individuals was on the ballot?

CHAIRMAN DUFFEY: Right.
MR. LINDSEY: And she's in the polling place

CHAIRMAN DUFFEY: That's right.
MR. LINDSEY: -- doing breakfast.
Now, I've been on the ballot a few times. I was always under the understanding, except when I was voting, I was not supposed to be in the precinct again. Is that not correct?

SPEAKER: That's the law.
SPEAKER: That's the law.
SPEAKER: If you're a candidate on the ballot you are not allowed to be in the polling place unless you're voting.

MR. LINDSEY: Yeah, that's not included in this finding and that concerns me.

SPEAKER: One thing $I$ would like to point out is there is an exception for -- for instance in this case, it was on not during early voting, I don't know the specific facts here, but if you
have a job in a county office building, there is a law about if you are officially there because of your job, but in a separate office, but in the same building then you are allowed --

MR. LINDSEY: This would appear that the candidate was actually in the room with -feeding -- like I said, I don't know. I guess part of this, I would like to know whether or not the candidate was actually in the room where people were voting because that is a matter of serious concern to me.

CHAIRMAN DUFFEY: I have this on my list to
pull too. I found this troubling. I actually hadn't thought of the nuances of where they actually had this food, but $I$ do think we ought to know that.

MR. LINDSEY: Yes.
CHAIRMAN DUFFEY: Does anybody want to move to continue it?

MR. LINDSEY: I move to continue it.
CHAIRMAN DUFFEY: For further investigate seconded?

MR. LINDSEY: Yes.
CHAIRMAN DUFFEY: Second?
DR. JOHNSTON: Second.

CHAIRMAN DUFFEY: Any discussion on the motion?

All those in favor of the motion say "Aye."
THE BOARD MEMBERS: Aye.
CHAIRMAN DUFFEY: Opposed, "No."
(No response.)
CHAIRMAN DUFFEY: It passes.
So, Sara could you -- do you have enough
information, Sara, from the discussion to know to go back and find out where she was and the like?

MS. КОтн: Uh-huh.
CHAIRMAN DUFFEY: Okay. Thank you.
Just one other procedural thing. When we send the letter, who drafts the letter and who signs it?
(No response.)
CHAIRMAN DUFFEY: Well, obviously, nobody on the Board does.

SPEAKER: The letter is signed by the State Elections Director -- (inaudible.)

CHAIRMAN DUFFEY: All right. Thank you.
Yes, I will accept that as my assignment.
Which means the next assignment that comes up I'm not eligible for that one.

Mr. Mashburn do you have a second one?

MR. MASHBURN: My second one is 2021-031, it's tab number 45, Thomas County food for voting. Ms. Koth, can use summarize that for us? MS. KOTH: Sure. The complainant reported on Thursday, December 31, 2020, that a business in Thomasville, Georgia was giving away free lunches, 400 bunches of colored greens, corn bread mix and black-eyed peas. She advised it was sponsored by the NAACP and Black Voters Matter and they called it the "Collard Greens Caucus." The complainant states "Whether or not voter fraud is obvious, the aim of the giveaway was to re-enforce voting blue."

The investigation revealed no evidence to sustain the allegation of 21-2-570 giving or receiving, offering to give or receive or participating in the giving or receiving of money or gifts for registering in the voter -- voting -or voting for particular candidate. The investigator interviewed National Legal Director Acting Chief of Staff April England Albright with Black Voters Matter Fund about the even in Eastman and other locations in Georgia. Ms. Albright stated they did toy giveaways and food giveaways around Christmas time in different places. She
advised "They tried to be a part of giving toys out and helping with food issues." Ms. Albright advised, "The toy giveaways and the food giveaways were not to register people to vote -- voting for particular candidate." Ms. Albright advised they did not give people information generally on where their voting locations were -- I'm sorry, that they did give people information generally on where their voting locations were. She stated, "If someone needed to get more information about voting, they would offer them the Secretary of State's website and that was the extent of it." Ms. Albright advised they did not have any actual registrations going on and that was not the intent of these events. She advised they were a 501(c)(3) organization and they did not support candidates in what you call electioneering in the State. Ms. Albright advised they gave people general information about voting and the people could get the food if they wanted to and they were not required to vote. Ms. Albright stated she was sure many people did go and vote but they had the information and if they chose to go vote, they could go ahead and do that. She advised it was just a food giveaway.

Ms. Albright stated they created the Green Colored Caucus to help yet again offer people food during the time period when some people were struggling and it is not anything new. She advised they provided collard greens, black-eyed peas and cornbread to people in the communities. Ms. Albright stated that they just gave the food out and a flier where their voting location was and the date of voting. She advised it was a benevolent opportunity and major push to try to make people sure people during COVID that children had toys and to make sure people had food. And there were no violations.

MR. MASHBURN: My comment on that was the recommendation was there was no violation, so it would be in a consent agenda. But $I$ disagree with the finding in that $I$ think the grab a toy and then head to the polls, what we try to do here is we try to treat similar cases similarly and this case reminded me of the vote and get a rifle raffle that we sent off. We either sent off or issued a letter of instruction on that. So, this one, $I$ would think is in deserving of a letter of instruction in that they need to de-link the toy drive from the voting. And they need to de-link
grab a toy and then head to the polls. Those need to be completely separate things and not linked with the conjunction "and."

So, I would amend the recommendation here of potential violations nine and actually move that a letter of instruction be sent.

CHAIRMAN DUFFEY: Is there a second?
DR. JOHNSTON: Second.
CHAIRMAN DUFFEY: Any discussion?
MRS. GHAZAL: I'm recalling that there was another case specifically with the toy drive, but that it was dismissed with no violation, am I recalling that incorrectly in a prior meeting --

DR. JOHNSTON: I don't know.
MRS. GHAZAL: -- with the same parties?
Mr. Germany, do you happen to remember whether or not there was already a case dealing with these same respondents in a prior meeting?

MR. GERMANY: I don't recall if we are dealing with the same respondents. The fact patterns that he said rings a bell --

MRS GHAZAL: Yes.
MR. GERMANY: -- and I think what we discussed is -- and I think part of the letter would be some notification that since this time
period, the law in Georgia has changed, so in terms of at least the location of handing out anything needed to be outside the polling place buffer zone. And that kind of takes away the question -- well, whether it's the -- case or not -- that question of course still exists outside of the polling place or not -- I think that was -- that that case regarded a potential voter instruction.

MR. MASHBURN: Just for the record, I'm fully in favor of giving children toys at Christmas time that otherwise would not get them so, I do not have a problem with toy drives. I think they're wonderful. God bless the Marines that have been doing that for years and years, Toys For Tots, so God bless them all for that. But my problem is the linkage of -- if you took this and said "Grab a toy or head to the polls" and made it a choice, that would clearly be voter suppression, if you said you can have a toy, but you can't vote. So, I think you say -- switch it around and say, "Grab a toy and then go vote," that gives a clear impression that it's an inducement to go do something. And I don't recall the linkage being present in the previous case there. So, I'm in
favor of toy drives and giving out food, especially around Christmas time. God bless us one and all, but I -- the problem that I have is the linkage.

CHAIRMAN DUFFEY: I had pulled this to talk about it also and was in favor when $I$ first when through this about sending a letter.

It's -- sometime circumstantial evidence is as powerful in fact, in a legal instruction, it is as powerful as direct evidence. And I do think that there is an implied connection that the giving out of toys and the giving out of food was related to encouraging people to vote. And I think that we need to make it clear that that linkage and the time of the place of offering food and toys in connection with elections and voting, that it is inappropriate and that people ought to be very careful. And in this case there was linkage and we want to put them on notice that they ought to give out toys and foods in environments and couched around language that is unassociated with elections.

So we have a motion?
MR. MASHBURN: And a motion to send a letter of instruction.

CHAIRMAN DUFFEY: Is there a second? Did you second that, Dr. Johnson?

DR. JOHNSTON: Second.
CHAIRMAN DUFFEY: Any further discussion on the motion?
(Phone rings)
That is somebody calling in with some discussion I guess. Please at least mute whoever has the phone. Thank you.

All those in favor of the motion say "Aye."
THE BOARD MEMBERS: Aye.
CHAIRMAN DUFFEY: Opposed?
(No response.)
CHAIRMAN DUFFEY: The motion passes.
MR. MASHBURN: That is all I have, Mr. Chairman.

CHAIRMAN DUFFEY: Ms. Ghazal.
MRS. GHAZAL: Yes, I would like to pull out tab number -- case number 2022-105, tab 53, please.

CHAIRMAN DUFFEY: I'm sorry, tab what?
MRS. GHAZAL: 53.
CHAIRMAN DUFFEY: 53 thank you.
MS. Kотн: We received the complaint
regarding multiple counties in noncompliance
pursuant to O.C.G.A. §21-2-421.
MRS. GHAZAL: Yes, and I would like to highlight the number of counties that were simply unable, despite their best efforts, to meet the -and what this provision is, it is the 10:00 p.m. deadine for counties to submit the number of votes cast on the -- on an election day including provisional ballots and absentee ballots.

More than a third of Georgia's counties were unable to meet this deadline, so that tells me that the problem is not the counties. The problem is the deadline is unrealistic. And I think this is really of critical importance that the General Assembly understands that what they are doing is they are setting up counties for failure. And my job -- I view my job here as trying to make sure that counties and voters are well served. And I believe that this particular provision of the law does not serve voters and does not serve counties and that's why I wanted to pull it out.

When counties are having to use the resources to send numbers in at an artificial deadline that means they are not able to count those ballots and that's where those resources should be spent. I'm editorializing at this point. I believe that the
resources should be focused on counting the ballots and giving the actual outcome and the results of the votes instead of the number of votes cast. And I think that -- that the General Assembly must revisit this and revise this in the next session. I'm done.

MR. LINDSEY: Well, there's two questions here if I may, Mr. Chairman.

CHAIRMAN DUFFEY: Yes.
MR. LINDSEY: One is whether or not the requirement at all is proper. And the second one is whether or not the deadline is realistic.

The purpose that $I$ understand in terms of the requirement is to be sure that the number of ballots cast fits with the number of people who ultimately are counted. We've -- we've seen history throughout time of people playing games with that, so I can understand the concern over the time and perhaps that is something that $I$ could agree should be revisited.

I do however think that it's a good idea for them to let us know the number of ballots that were cast. You know, whether or not 10:00 p.m. is a realistic number or not, $I$ think perhaps that's something that -- that maybe that we ought to ask
the General Assembly to take a look at, but I do in general -- like -- like the requirement because it hopefully will withdraw some of the -- some of the many concerns that we hear about, about the integrity of the system.

MS. KOTH: We did revise this list because -we actually went back because we were taking that into consideration and the updated list unfortunately wasn't in here but we did one for the people that didn't report at all and then -I'll have to ask the attorney what the other criteria that was ordered, the ones that didn't do it on the runoff election as well. So it was -- I wanted to say it was like 13 instead of the eight. Do you have the list?

CHAIRMAN DUFFEY: I thought we change this and reduced the list significantly. And that we made the distinction -- this was that a pre-meeting where $I$ was reviewing this to determine what $I$ wanted to present to the Board. That we only -- it's only those people who did not respond, which would significantly reduce this list. And I don't know why that wasn't changed for the Board members.
Yes.

MR. GERMANY: (Inaudible.)
CHAIRMAN DUFFEY: I know it's a -- but you have to walk over here but if $I$ think everybody is going to hear you better if you are at a microphone.

MR. GERMANY: Thank you, Mr. Chair. So just to provide a little bit more background especially as to what Ms. Ghazal was saying. The impetus I think really for the 10:00 p.m. reporting rule was certain counties following the November 2020 election weren't able to say how many remaining -how many total absentee ballots have you received, how many do you have left. And I understand why that was difficult in 2020 given the volume, but I agree that that needs to be an answer that is readily available very soon after the 7:00 p.m. received deadline.

What we have found in working with counties is that's not really a problem. The problem that is that we are seeing working with counties is reporting the actual number of election-day votes. Which in thinking about this law element, I didn't really think about because that data is available at each polling place. When the polling places close, there's a tape that's printed out that has
not just the number of -- total number of votes, but actually how those votes were allocated among the candidates.

It has been more difficult than I imagined to actually get that data than -- than reported. And I think the reason is counties understandably want to do some quality control checks on that data prior to reporting it. It was a suggestion we brought up with the General Assembly last year, "Hey, maybe let's just focus on the absentee and the early voting because that's very doable by 10:00 p.m." And that was really what caused the question. Whereas, by getting -- by focusing on the -- I call it the denominator rule, those on the denominator for election-day voting, we really are taking away from actually just uploading the votes, which would -- which, if you upload the votes, you have not only the denominator, but also how the votes were actually cast, which is ultimately what people want. So, I think if the Board, you know, does see fit, Mr. Mashburn, to make recommendations to the General Assembly, something along those lines may be appropriate. On this specific case originally -- and I will just for the Board's knowledge, there were
members of the General Assembly asking about compliance with this rule following the May primary and the June runoff. So, the list of people who didn't -- who weren't able to get anything in by 10:00 p.m. for the May primary was quite large, almost a third if not more of the counties. So, I'm working with Judge Duffey, we determined -- what I thought we had determined was to put on this list of counties to receive a letter -- only counties that either didn't report at all. So, not just late, but didn't report at all or counties that were late both in May and June.

The June runoff, of course, is a -- is a smaller election so that -- the list of counties that is currently on here, $I$ think it's around ten reflects -- reflects that update.

CHAIRMAN DUFFEY: Okay. That was what I thought we had decided.

MR. LINDSEY: Question, Mr. Chairman, how many didn't report at all?

MR. GERMANY: I don't have that in front of me. It was -- it was not very many. And I know one of them actually had a power outage, so I think that sort of explained why that it didn't
come in at all.
CHAIRMAN DUFFEY: Well, $I$ think what $I$ hear you suggesting is -- first of all, it shouldn't be the same letter for everybody.

MR. LINDSEY: No. I mean quite frankly, Mr. Chairman, I'm a little concerned -- excepting the powder outage, I'm more concerned with counties that didn't report at all than $I$ am with counties that reported late. And like I said, I think the late issue is something getting back to -- what was raised a little while ago, maybe we need to ask the legislature to take another look at the timing requirements. But the counties that simply didn't report at all, I'm more concerned with them, to be candid.

CHAIRMAN DUFFEY: So, I do think it's two issues maybe it requires two motions.

One would be if somebody wanted to move that we make a recommendation to the General Assembly with respect to what has to be reported by 10:00 and consider whether or not 10:00 deadline is a realistic deadline. I will have to do some research on that. If we limit it to that, that might be a realistic deadline, so that would be the first motion.

The second would be a motion in which we say that anybody who failed to report at all ought to get a letter that, you know, you've got to report at some point, even if you are late, which is what we let other people do. And maybe a totally different letter by saying that you need to use your experience based upon filing the reports and so if you are repeatedly late, can you -- you need to explain what the problem is so that we can determine whether or not there is a reasonable explanation for that, including power outages for those people who didn't report at all. And then write back to them and appreciate -- thank them for the information and that we are satisfied that you're doing what you're supposed to do, but there were extenuating circumstances. So $I$ would say that it's letters only to people, one letter to the people who didn't report at all and a separate letter, different from the first, to those people -- those counties that were late for two consecutive elections. And then -and then the motion to investigate recommendations we might make to the General Assembly about what is reported by 10:00 and whether 10:00 is a reasonable deadline.

MR. GERMANY: I think you nailed it.
CHAIRMAN DUFFEY: What's that?
MR. LINDSEY: You nailed it. So moved.
CHAIRMAN DUFFEY: Let's begin first with the recommendation to the General Assembly. Is there a recommendation for that?

MR. LINDSEY: So moved.
CHAIRMAN DUFFEY: Is there a second?
DR. JOHNSTON: Second.
CHAIRMAN DUFFEY: Any discussion with that motion?
(No response.)
CHAIRMAN DUFFEY: All those in favor say,
"Aye."
THE BOARD MEMBERS: Aye.
CHAIRMAN DUFFEY: Opposed, "No."
(No response.)
CHAIRMAN DUFFEY: That passes.
And the second would be two separate letters to -- nine -- those people who did not report at all and those people that were reported late for two consecutive elections.

Is there a motion for those letters to be accepted?

MRS . GHAZAL: So moved.

CHAIRMAN DUFFEY: Second?
DR. JOHNSTON: Second.
CHAIRMAN DUFFEY: Any discussion with that motion?
(No response.)
CHAIRMAN DUFFEY: Being none, all those in favor say, "Aye."

THE BOARD MEMBERS: Aye.
CHAIRMAN DUFFEY: Opposed, "No."
(No response.)
CHAIRMAN DUFFEY: That passes.
Ms. Ghazal is done.
Mr. Lindsey, are there any that you wanted to
discuss individually?
MR. LINDSEY: No, Mr. Chairman.
CHAIRMAN DUFFEY: Dr. Johnson?
DR. JOHNSTON: No, Mr. Chair.
CHAIRMAN DUFFEY: Is there a motion to
approve?
MR. MARK REED: I'd like to speak on that, please.

CHAIRMAN DUFFEY: And your name -- I'm sorry, I should have asked you that. Your name and what case is yours?

MR. MARK REED: My name is Mark Reed and my
case is 2022-020 Habersham County, tab 49.
CHAIRMAN DUFFEY: Tell me again -- tab 49, thank you. All right. We are ready for your comments.

MR. MARK REED: Mr. Chairman, members of the Board, I respectfully request this be moved to consent list based on the investigation, which I complied with freely, fully and honestly. The recommendations of the investigator which states that there is no evidence that suggests that I made any verbal attempts to solicit votes and that this be moved to the consent and this case be dismissed. I know that this was just a letter that you all were talking about sending, but my mom always told me that you want to keep stuff off your permanent record.

CHAIRMAN DUFFEY: And she's right.
MR. MARK REED: I have been elected official for many years. I've been the mayor of for Baldwin 13 years and most recently I ran for the City Ward in Cornelia and I've participated in a lot of elections and $I$ know what the rules are so I did not violate the rules. Thank you.

CHAIRMAN DUFFEY: Thank you very much.
MR. LINDSEY: If I can, can I ask a question?

MR. MARK REED: Yes, sir.
MR. LINDSEY: They did say that you talked to two people within the 150 foot --

MR. MARK REED: It was -- when the investigator came we looked and it was -- we couldn't really determine if it was possible -- it was possible, but they -- I was there when he got brought the reel and -- there was no photographic evidence, in fact, the only way they knew about me speaking to Mr. Miller was that I told them myself.

MR. LINDSEY: Sure. Thank you. That's all.
I was just curious.
CHAIRMAN DUFFEY: Thank you.
MR. MASHBURN: If I can ask a question to Mr. Reed. Can I ask a question, Mr. chairman?

CHAIRMAN DUFFEY: Yes, you may.
MR. MASHBURN: Let me ask you a question, Mr.
Reed. There was one part that I remember reading
where somebody was making a joke about "Should they vote for you or not.

And you were like, "Well, maybe I can help you out with that." Do you remember that? Does that ring a bell?

MR. MARK REED: No, sir.

MR. MASHBURN: Okay. I might have it confused with another case, but that wasn't your case?

MR. MARK REED: No, sir.
MR. MASHBURN: Okay. And so your point that you're making to the Board is all of this is a question over 147 feet versus 150 feet and not stuff that was going on 25 feet?

MR. MARK REED: Yes, sir, that's absolutely correct. I went into -- I was like number four voter in a municipal election, special election, there's not a lot of turnout. I went in and voted, I came out, I went back to my car. I observed people leaving -- I marked my list. I drove around town looking for votes. I saw somebody at the -- house, I pulled in and parked, see who they were, marked them off my list. That was pretty much what happened that day.

MR. LINDSEY: All right. Your testimony before the Board is you were always pretty careful that you were 150 feet?

MR. MARK REED: Yes.
MR. MASHBURN: I'm not quibbling over three feet.

MR. MARK REED: Yes, sir. Yes, sir,
absolutely.
MR. LINDSEY: All right. The thing I'm worried about is I've got candidates inside the buffer, well inside the buffer, and you're saying that is not true?

MR. MARK REED: No, sir. No, sir.
MR. MASHBURN: And you've been a candidate for a long time and you know the rules?

MR. MARK REED: Yes, sir.
MR. MASHBURN: And you know the best response when somebody wants to talk to you within the 150 feet is say, "We've got to move within -- outside the feet of 150 feet," right?

MR. MARK REED: Yes, sir.
MR. LINDSEY: You know, Mr. Chairman, we oftentimes place on the consent calendar questions where there may be a technical violation, but the individual have come forward and have worked to make sure that they understand the rules and that such a thing won't happen again and those usually end up on the consent calendar.

And so I would move to put this on the consent calendar but the -- and dismiss it. I guess consent calendar would be -- I would move to go ahead just dismiss this one.

CHAIRMAN DUFFEY: Is there a second?
MR. MASHBURN: Second.
CHAIRMAN DUFFEY: Any discussion?
MR. MASHBURN: And I'm -- my second is
contingent exactly on whether this is a 147-foot problem or whether we are quibbling over
three feet. You promise me you're not inside that circle?

MR. MARK REED: I promise you.
MR. MASHBURN: Okay. Good. Motion on the second. Discussion?

CHAIRMAN DUFFEY: Well, I'm thinking.
MR. LINDSEY: And I may, Mr. Chairman, as part of the discussion, let me say, because I raised concerns about the breakfast that was done. You know, I'll be the one to make the motion to dismiss when it comes back and it turns out that the person was well outside the polling place, but I wanted more investigation to be done because I don't know whether or not they were serving breakfast in the polling place or it was somebody down the street. Now by contrast here we know we've got hard evidence as to what exactly took place, so that's why I'm prepared to dismiss. And you know when this other issue comes back up and
we have more evidence, I may be very well be the one to dismiss that one, but I'm not there yet.

MR. MASHBURN: Mr. Reed, you said you were real careful about this and you're going to be even more careful in the future?

MR. MARK REED: Yes, sir.
CHAIRMAN DUFFEY: Here's what my mother used to tell me. I didn't come -- I didn't come over on the turnip truck yesterday. So, I read through all of this. I actually think that maybe I can help you with that -- it's in this, $I$ just couldn't find it. We live -- we have a house and we spend a lot of time in Habersham County, so I know the county well. And I've been a public official for a long, long time. I never get -would never get close to the 150 -foot mark because I always want to say in my conduct as a public official as somebody running for election that $I$ have gone beyond what the law requires. You know, I know Habersham is small and I know parking places are tight. I know where this election took place. But there's a lot of driving around and activity where you are actively involved in trying to look for votes. And the perception of the public is, I think that he's pushing just as hard
as he can to try to technically comply. So, while I'm going to support this motion, my suggestion to you, which is what this letter was going to say, I wasn't going to say you -- there was a violation. I would have said, "If you want to be in this business and want to represent people, we expect more of you." And I suggest that the next time you run is you say, "I'm not even going to have anybody suggest that $I$ was close or that I was engaged in too active campaigning and making it look like I really, really wanted to win." Which I think colors people's view about that if you want to win that much and are that active looking for votes, would you skirt a rule? And you always want to say, "I never skirted a rule."

MR. MARK REED: Mr. Chairman, this whole time this has been going on, I knew that I hadn't done anything wrong and $I$ don't think who reported this did anything wrong either.

CHAIRMAN DUFFEY: Right.
MR. MARK REED: I think because it's
important that if you see something that you don't understand that we report it and we get to the bottom of it.

CHAIRMAN DUFFEY: Right.

MR. MARK REED: So I have no animosities, no axes to grind, nothing like that. I trust the process and I trust in you and I appreciate what you are doing. Thank you.

CHAIRMAN DUFFEY: Well, I'm glad you spoke up and I hope to see you in Habersham.

Any more discussion?
MR. LINDSEY: I learned to practice law in Toccoa it's been a long -- spent a lot of my time in Habersham Courthouse.

CHAIRMAN DUFFEY: Sir, you're getting North Georgia goodwill here.

MR. MARK REED: Thank you. Thank you.
DR. JOHNSTON: Chairman, I fully support your words of advice, Mr. Chairman.

CHAIRMAN DUFFEY: Thank you. All right.
SPEAKER: I would like to inquire about the -- SEB 2021-

CHAIRMAN DUFFEY: Wait a second. We haven't voted on the motion that's pending.

SPEAKER: I apologize.
CHAIRMAN DUFFEY: There's no further
discussion of the motion, all those in favor of dismissing this matter which is 2022-020, say
"Aye."

THE BOARD MEMBERS: Aye.
CHAIRMAN DUFFEY: Oppose no.
(No response.)
CHAIRMAN DUFFEY: It is passed and it is
dismissed.
Now, your name and your matter.
SPEAKER: James Burns 2021-080.
CHAIRMAN DUFFEY: Hold on one second while we
find it. This is Carroll County?
SPEAKER: Yes.
CHAIRMAN DUFFEY: Is everybody ready. Go ahead Mr. Burns.

MR. BURNS: Well, I recognize the complaint
that I made -- procedurally -- for record this would be -- this was something that you were going to send a letter to someone -- I just wanted to know is it being dismissed?

CHAIRMAN DUFFEY: No.
MR. BURNS: I apologize it's not knowing more --

CHAIRMAN DUFFEY: The purpose of the letter is to say that the violation isn't serious enough for us to go to a hearing and offer a sanction, but it's -- it is to address the problem, how the law applies, and to put them on notice that what
they -- that it was -- it's just not serious enough for us to take a more serious action. It's not serious enough -- it doesn't reach the level of us taking more severe action.

MR. BURNS: Okay. I'm not sure I'm satisfied with that -- to some degree and the only reason is I've heard a great deal of discussion from the Board about updating voter rules and how big of an issue this is. If I use my residence and continue to vote in a precinct under an address that was -over and over. I'm not sure how $I$ can even blame the county board -- those responsible for updating voter rules, the election rules for my misconduct. That's incumbent upon me. That's -- I would think I'm the only one who knows that I'm violating the statutes of the state rules. We spent a lot of time talking about that.

CHAIRMAN DUFFEY: This is an odd case if I remember this correctly.

MR. BURNS: I'm worried that this is common.
CHAIRMAN DUFFEY: Well, this is --
MR. MASHBURN: Isn't this the one where the people were building the house?

CHAIRMAN DUFFEY: Yes. Somebody lives in a county. They are building a house in another
county, but they're not living in the other county. But they've sold their previous house, but that's the last place that they were registered to vote. And they are in temporary quarters until their new house -- so it's like they're in a registration-never-never-land. You know, they don't live in their old house and they don't live in their new house because it's not done. They are living in a place where they don't intend to reside except for a temporary period of time before they move to their new house.

MR. BURNS: Sir, I agree with that if they --
CHAIRMAN DUFFEY: You agree or don't agree with that?

MR. BURNS: I would agree but -- if you owner of record, bill of sale, October 6, 2019, still voting in the old residence, December 15, 2020, I'm not sure that's temporary. You call that a permanent change of station or an organization --

CHAIRMAN DUFFEY: Right. Well -- I am not sure that we would call that a permanent change of station. That would be like somebody who's on TDY.

MR. BURNS: For a hundred and -- that's over 365 days.

MRS. GHAZAL: I think there's another couple of distinctions here that are related specifically to voter registration. And one of them is the fact that if a voter moves within the same county, they do have an obligation to update the registration; however, the votes cast, if they have not updated their registration, are still, very specifically under Georgia statute, those are -- those are eligible votes. Those are lawful votes and they will count in the former precinct, even if the voter has not updated.

So, in this case, in this fact pattern, even though the voter was in temporary accommodations, that was still within the same county so every vote that they cast was still considered a lawful vote, even though they did not fulfill their duty to update their in-county move. I see this very similar to a UOCAVA vote in which the -- UOCAVA is the federal law that covers military and overseas voters. When I lived overseas and I had sold my house in Georgia, but $I$ was still eligible to vote at the address that I no longer owned because that's the way the federal law views a temporary move overseas. Now, this is obviously not an overseas move, but Georgia law does address
specifically in-county moves. So there is a technical violation but that the voter technically did not update that address, but the statute very clearly states that those votes are still valid votes. So I agree that it is absolutely critical that voters understand it is incumbent on them to update their registration when they move. Its most important because we want people voting for their representatives, the people who represent them.

People in temporary housing -- and I think we're seeing this more and more -- it's a very complicated issue because residence for purposes of voter registration is a subjective test to a certain extent. Do you expect, do you anticipate remaining in that location? Does this -- is this your -- do you have a present intent to leave or to remain? And when you're building a house, especially in the middle of a pandemic, timelines always slip. I should've moved myself two weeks ago, but I couldn't because we're not ready yet. So, I haven't updated my address because I'm not staying there. I'm not sleeping in my new place. So, I understand a certain amount of frustration, but $I$ believe that under the law, this is exactly
where we need to be.
MR. LINDSEY: If I may, Mr. Chairman.
You mentioned you don't want to see this sort of thing happen over and over and that's what the letters for to make sure it doesn't happen over and over, to make sure that they understand what the law is and that they don't do it again. That's sort of what I would call sort of the first step, going, okay, you know, based on the evidence, it appears that it was inadvertent on your part, you don't understand the law fully, but now you're on notice. That's what we're doing here is putting them on notice so that the next time they don't have the -- they don't have that excuse the second time.

Well, it has been more than a year. I will tell you this, when $I$ was building a house, it took me more than a year to get the damn thing build too.

CHAIRMAN DUFFEY: And, Mr. Burns, I want to say this: I have said this before, you filing this is helpful to us in this respect two ways. One, is for somebody who has not poured over these laws to hear Ms. Ghazal explain to me the technical distinction, I'll always remember that.

So that helps for us to have a discussion about why we are doing what we're doing.

The other important thing is that while we're not bound by precedent, we do want to be consistent and where there is -- in the tone in -the reason why I want to be able to have more say in the letters is $I$ think the tone of the letter is important. And here, the tone would be we want you to know that what you did is a violation. We hope that you don't do it again but now that you know and hopefully other people will know that we try to consistently apply the law and draw distinctions between something which is provable and something that is not provable. And I think we, based upon the discussion that Ms. Ghazal has given, shows that this is provable. It's just -it's not really significant, but it doesn't mean that we shouldn't at least take some action in a softly-worded letter saying that "We understand that there might've been some confusion and you should be on notice next time not to do this." But we deeply appreciate you taking the time to file this.

MR. BURNS: Thank you.
CHAIRMAN DUFFEY: You're welcome. And I
appreciate you being here.
Anybody else want to speak to their complaint?

SPEAKER: If you have a case that's going to be called, we don't speak until you call the case; is that correct?

CHAIRMAN DUFFEY: Well, if we --
SPEAKER: We are staying -- I didn't know if we were allowed to stand and ask about our case or if we have to wait to call our case.

CHAIRMAN DUFFEY: No. If your -- what we do is if we hear first -- we take them as a group except any board member that wants to take something individually, we do that, we have done that. And then some -- if we haven't mentioned anything about your case and you're in the group of cases that we call "the letter cases," now is your chance, if you want to say something about your case, you should do that if you are in the letter case group.

SPEAKER: We -- have a case number, but it's 2020-0034, Dade County.

CHAIRMAN DUFFEY: Do you know what category that's in.

SPEAKER: No, sir, I don't. That' why I was
asking.
CHAIRMAN DUFFEY: Okay. That's a violation case. We're not to that category yet.

SPEAKER: That's fine --
CHAIRMAN DUFFEY: That's fine. That's a fair question. We're just not to you yet. We are going to talk about the -- and when we get to the violation cases, we're going to discuss each of them individually so we will get to yours.

SPEAKER: Thank you.
CHAIRMAN DUFFEY: You're welcome.
All right. So, now is there a motion with respect to the letter cases to deal -- to move that the letters be sent?

MR. MASHBURN: Yes, Mr. Chairman, I would move that the letter cases be approved on the recommendation of the inspectors, other than case 45, which has been amended from no violation to a letter case. So, it's properly now in the letter case category. And I think that was the only one in --

MR. LINDSEY: There was also a dismissal.
MR. MASHBURN: And there was a dismissal.
MR. LINDSEY: And there was one continuance.
MR. MASHBURN: Help me out with those.

MR. LINDSEY: Mr. Chairman, we move to continue Thomas County matter which was in tab 45.

MR. MASHBURN: And we move to dismiss tab 49, right?

MR. LINDSEY: Yes.
CHAIRMAN DUFFEY: Yes.
So excluding the continued case 2021-31 and the dismissed case 2022-20, you moved to approve the recommendation for the remaining letter cases?

MR. MASHBURN: You nailed it.
MR. LINDSEY: Second.
CHAIRMAN DUFFEY: Any discussion on the motion? There not being any, all those in favor of the motion say "Aye."

THE BOARD MEMBERS: Aye.
CHAIRMAN DUFFEY: Opposed, "No."
The motion carries in the letter cases, recommendations are approved.

MR. MASHBURN: Mr. Chair, I don't want to impose on Your Honor's, Your Chair's prerogative but I would be appreciative of the ten minute break before we start the violation cases if that would be -- if that would be possible.

CHAIRMAN DUFFEY: Do you have a good reason for the break?

MR. MASHBURN: Yes. The Diet Coke I drank on my way in so it's time to take a break.

CHAIRMAN DUFFEY: We'll take a break until a quarter till noon.
(Off the record from 11:33 to 11:52 a.m.)
CHAIRMAN DUFFEY: We are now to the part of the agenda in which we discuss violation cases.

Violation cases are cases in which the investigator found facts to support a violation, which the Board must now decide what action to take on the violations found. Each of these will be reported on and considered individually.

There is one person who wants to respond to their case who has to get back to Troup County for a medical appointment. I am moving that case up to the first case that we will consider so that she has enough time to get to her appointment, and then we will take them up in the order in which they are listed, except for those that have been continued and that should be indicated on your updated agenda.

So we are going to begin on Case 2020-073 Troup County.

Yes, so why don't you stay there. I'm going to have the investigator report on the case, so
that you can just sit there and listen to the case as it's reported on by the investigator and then we will let you respond.

Ms. Koth, please.
MS. KOTH: Paulette Hall reported that Troup County Board of Election failed to properly follow Georgia Election Code when they allowed a voter to vote after she had already failed to place her original ballot in the scanner before exiting the polling precinct. That was --

CHAIRMAN DUFFEY: Slow down a little bit and speak up.

MS. KOTH: Allegation 2, Paulette Hall
reported that Troup County Board of Election and Registration member Lonnie Hollis took pictures in the courthouse during advanced voting. Those are the two allegations.

For Allegation 1, the investigator spoke with Troup County Election Supervisor Andy Harper who confirmed that voter, Mary Rimmer was able to bypass the scanner and exit the room encompassing the voting area. Mr. Harper said both he and the poll manager informed the voter of the ballot was spoiled. Ms. Harper[sic] spoiled the ballot in accordance with SEB Rule 183-1-12-.11(9).

However, the voter complained to the Board and they voted to allow the voter to vote again.

Investigator Blanchard interviewed all former Troup County Board of Election and Registration Members. All of the members confirmed that the complaint involving voter Mary Rimmer was brought before the Board. The Board consulted with an attorney before rendering their decision. The attorney's opinion was the more equitably defensible option would be to allow the voter to vote as opposed to strictly adhering to the regulation in this specific case; however, the final decision was ultimately up to the Board.

In the minutes from a Board meeting held on May 28, 2020, former board members Lonnie Hollis, Albert Prado and Detrick Higgins and Johnny all voted yes to allow voter Mary Rimmer to vote again. Former board member Paulette Hall
abstained from voting and the former chairman William Tatum did not vote because there was not a tie. Mary Rimmer's e-Net inquiry showed where she was given credit during the June 9, 2020, General Primary Election.

Allegation 2, the investigator Blanchard spoke with several Troup County Election staff
members. The first being election supervisor Andrew Harper. Although, Mr. Harper was not physically present when Lonnie Hollis took the pictures, he was on the phone with poll manager Denise Cotton and overheard Ms. Hollis say, "I can do what $I$ want to because I'm a board member." Investigator Blanchard spoke with Troup County Poll Manager Denise Cotton said that the incident involving Lonnie Hollis was brought to her attention Davida Dean. Mrs. Cotton called her supervisor Andrew Harper and had him on the line when she approached and spoke with Ms. Hollis. Mrs. Cotton asked Ms. Hollis if she was taking pictures and she responded by saying "Yes, ma'am, I am a board member." Troup County poll worker Davida Dean confirmed she witnessed Lonnie Hollis take pictures in the polling location, brought it to the attention of the poll manager Denise Cotton. Investigator Blanchard spoke with Troup County election's assistant Vanessa Griggs who met with Ms. Hollis and advised her she was not supposed to be taking pictures in the voting area and told her twice they needed to be deleted. Ms. Hollis told Ms. Griggs she would delete the pictures. Ms. Griggs said later during a Zoom
conference Ms. Hollis denied taking the photos. Ms. Griggs felt it odd since Ms. Hollis had told her earlier that she was going to delete the photos, but never denied taking them.

The investigator spoke with former Troup County Board of Election member Lonnie Hollis who denied taking the pictures. Ms. Hollis said she never discussed or spoke with anyone while inside the polling location and claims since her phone was in her hand, they assumed she was taking pictures. Ms. Hollis claimed two poll workers falsely said they talked with her, but neither she nor the Board were ever provided with a copy of the poll worker's written complaints. Ms. Hollis confirmed she spoke with Vanessa Griggs and told her "If I do have any, I will delete them, but I said I don't have any."

Ms. Hollis claimed according to the Georgia code she could take pictures as a poll official. Ms. Hollis was referring to Georgia Code \$21-2-413(e) where the last sentence states, "The subsection shall not prohibit the use of photographic or other electronic monitoring or recording devices, cameras or cellular telephones by poll officials for official purposes."

Ms. Hollis considered herself to be a poll official at the time of the allegation.

And then for the potential violations.
CHAIRMAN DUFFEY: Yes.
MS. KOTH: There is evidence to suggest that Lonnie Hollis, Albert Prado, Detrick Higgins and Johnny Freeman violated SEB Rule 183-1-12.11(9) when they voted to allow voter Mary Rimmer to vote again after she bypassed the scanner and exited the room encompassing the voting area with her paper ballot in hand.

There's evidence to suggest that Andrew Harper and Denise Cotton violated SEB Rule 183-1-12.11(7) when the voter Mary Rimmer was allowed to bypass the scanner and exiting the room that encompassing the voting area with her paper ballot in hand, that was a one count.

There is evidence to suggest that Lonnie Hollis violated O.C.G.A. \$21-2-413(e) conduct of voters, campaigners and others at polling places generally when she took pictures on her cell phone while inside the polling location during the advanced voting period of June 9, 2020, General Primary Election. The incident was witnessed by a poll officer who was present inside the polling
location.
CHAIRMAN DUFFEY: All right. Would you like to respond to the allegation? And remind me of your name, please. Come forward.

Would you take this microphone that's next to
that tripod. See if that's live. Okay.
MS. HOLLIS: Yes, at the particular time, this allegation was --

CHAIRMAN DUFFEY: And your name, let's have your name first, please.

MS. HOLLIS: Name my name is Lonnie Hollis and I'm from Troup County. I'm a former board member of the Troup County Board of Elections.

I -- on the allegation of the person bypassing the scanner, I have stressed several times about proper training of personnel. And we even had a meeting where we mentioned about poll workers being trained. We were told by the election supervisor that if the people wanted training, they could come in when they were already trained. But I had always expressed the fact that you need hands-on training. Do training like would be at a regular poll.

But the person that bypassed the scanner, what happened was, you say if that's the
entrance -- entrance there and this is the exit, she was allowed --

CHAIRMAN DUFFEY: So, you're pointing to an area that's where the window is against the wall?

MS. HOLLIS: No, like coming in from here.
Okay. Say, you come in this door.
CHAIRMAN DUFFEY: Yes.

MS. HOLLIS: And you go out this door.
CHAIRMAN DUFFEY: Yes.
MS. HOLLIS: So what happens, she wrote me a letter. She walked out this door and when she got to that door, she is still in the precinct. She -- they took her ballot and voided it. And she asked if she could vote again since she had walked out with it. But she should not have ever been able to walk out of that door with the ballot in her hand. And if they saw it in her hand when she got to this door, why didn't they see it when she walked out the exit door?

So, she got in touch with me, I contacted the other board members and we met. When we met, we -- one of the Board members suggested that we consult with the attorney. We sent the information to the attorney and he wrote back that in his opinion, she should be allowed to vote
again, but he's going to leave it up to the discretion of the Board.

So, four board members voted to allow her to vote again. And I'm thinking I don't know if Paulette Hall knew -- we didn't who she -- I didn't know who she was. But she probably thought she was a Democrat. But she wasn't. She was a Republican. In my opinion, every person has a right to vote on whoever's going to represent them. That's why we allowed her to vote.

I did go by the precinct to check out reasons why that she may have been able to walk out. And the only reason $I$ could figure out, you know, I looked at the signage. There were signs posted that tells her that she needs to put her ballot in the scanner or someone should have been right there at that door. And the lady was at the door. I did talk to her. I didn't talk to anyone else in the precinct. I did not talk to Denise Cotton or whoever the other person name was that $I$ know of. I don't need to tell them who I am. I've been on the Board since '13 so, I didn't need to tell them who I was that $I$ was on the Board. I could do this. I knew what the code violations were. As a board member, $I$ went in there to
investigate, but me being a black person on the Board, we have also been told by the chair of the election board who was picked by the commissioners, that we cannot go into a poll to -if we saw a violation, we had to contact him before we made a decision on what to do about it.

In fact, that was the first election that the new machines was used. And some of the people was thinking that the ballot that they pulled out of the machine was their receipt of who they voted for. They didn't know. So they should have been told that at the precinct or when they checked in, you have a ballot that's going to be printed out. It should be placed in the machine before you leave. That was not told to them.

The other thing -- I lost my train of thought. But, you know, it's just the practice that we should be able to, as a board members and the violation that they said that -- violation 21-2-413, the commissioners read the first part of that code which applies to an elector. That means the person that's in there to vote. But there is a subsection to that code that says that a poll official, and $I$ consider myself as a poll
official, can go in. I did not take any pictures.

I did have the phone in the hand when I was walking around. And I looked at the signage in there. But no one saw me take any pictures.

And as far as the complaint that was signed by two people in that poll, I never talked to either one of those. And I never got a copy of the signed complaint. I asked for it. Three times I asked the supervisor for a copy and he said I sent it to everybody. But nobody else on the Board said that they got it. So, I still don't have a complaint. And if I did I would have it, because I have loads of material that I have compiled at home, keep as my records and I have the minutes to the meetings that we had.

So, I think this is something that is -- they may be racial or something that against me as being a board member because I worked on the Election Board even before I went to LaGrange, for years $I$ worked on the Fulton County Election Board. I was even a poll evaluator. I would go around and check the polls and make sure all the signs and everything was correct and that's the way I am. I'm just like to the point and know that everything is going to be in the right place.

CHAIRMAN DUFFEY: Okay. I'll just ask a
couple of follow-up questions. Were you talking about the two doors into the polling areas, the two doors that which you can enter the polling area?

MS. HOLLIS: Yes, the entrance door and exit door.

CHAIRMAN DUFFEY: And so this woman that took her -- that did not put her ballot in the scanner. MS. HOLLIS: No. Someone was supposed to have been on the door when she walked out. If she had it in her hand -- if they saw it in her hand when she got to the entrance door, why didn't someone see it in her hand when she walked out the exit door?

CHAIRMAN DUFFEY: So she actually walked out of the polling area with her ballot?

MS. HOLLIS: In her hand.
CHAIRMAN DUFFEY: Okay. Was there anybody at the scanner telling people to scan their ballots?

MS. HOLLIS: No. No. And that happened at another precinct I also visited. On voting days, I'll go to different precincts and see how things are working. There was a man that was -- I was standing at the door with the manager of the precinct and this man was walking out and we saw
him folding up his ballot, putting it in his pocket. And so when he got to us, he said -- she said, "Sir, I need that ballot out of your pocket. You have got to put it in the scanner." So, he took it out and she carried him back to the scanner so he could put his ballot in.

CHAIRMAN DUFFEY: Well, the Board members ultimately after talking to their lawyer agreed that even though she had left the polling place, that she ought to be permitted to cast her vote?

MS. HOLLIS: Yes.

CHAIRMAN DUFFEY: What was the rationale behind that?

MS. HOLLIS: What was his rationale?
CHAIRMAN DUFFEY: No, what was your reasoning about why she should be allowed having left the polling area --

MS. HOLLIS: My reason was that there was a lack of training and a lack of observation of the people coming into vote.

CHAIRMAN DUFFEY: Right.
MS. HOLLIS: You know, if I'm standing at the door and she is coming out and she has it in her hand, I should question her, I ask her, I said, "You know, you are supposed to go back and put
your ballot into the scanner." But see a lot of people didn't realize that they were supposed to put that ballot in the scanner. Because they thought that maybe that was their copy since this was the first election that the scanner was being used.

CHAIRMAN DUFFEY: So were there a lot of people that left the polling place without scanning their ballots?

MS. HOLLIS: Not really because that was on the early voting, that was during early voting.

CHAIRMAN DUFFEY: During the early voting, were there a lot of people that left the polling area without scanning their ballots?

MS. HOLLIS: I don't think so. I think
because $I$ think on that polling was slow so I don't know if -- and some of the polls that -- on regular voting the people were catching the people doing that, they were observing.

CHAIRMAN DUFFEY: Now on the -- you said you had your phone with you in the polling place and it was in your hand and then you were looking at, I guess that notices --

MS. HOLLIS: I had gotten a call and I just had my phone walking through there looking at the
signage and if there was a sign saying that these people telling them that they need to put their printouts into the scanner.

CHAIRMAN DUFFEY: Did you take a picture of that so that you had a --

MS. HOLLIS: I did not.
CHAIRMAN DUFFEY: Did you take any pictures at all?

MS. HOLLIS: I didn't take any pictures.
CHAIRMAN DUFFEY: Okay. Any of the Board members have questions?

MRS. GHAZAL: I have one quick question and that's a follow-up. In the runoff -- the primary runoff in August and in the -- in the November election, did it continue to be a problem with voters not understanding or was there a training correction for your poll workers?

MS. HOLLIS: I think they did go back and do some training.

MRS. GHAZAL: Okay. Thank you.
MR. MASHBURN: Let me -- matt Mashburn, let me see if I can sum this up for my own purposes.

So you're saying that Denise Cotton, the poll manager, messed up in letting this person leave with her ballot without scanning it; right?

MS. HOLLIS: Yeah, I don't know -- there's a person that's always on the door that was on the door, she was the poll manager. But she messed up because she -- I -- you know, I told her, you know, I would want to see her name on that sign-off sheet and $I$ would see her in court because I never talked to her. And I wouldn't tell her that I'm a -- you know, I wouldn't tell her -- I'm going to brag on what I do. I would not tell her that I'm a board member, I can do this. I didn't need to tell her I was a board member. She knew already. I don't need to repeat that.

CHAIRMAN DUFFEY: Any other questions by anybody?

I guess not. Thank you, Ms. Hollis.
MS. HOLLIS: You're welcome.
CHAIRMAN DUFFEY: So I have a recommendation
from the -- from our investigator. Is there a motion with respect to this violation case?

It seems like we have to have a motion of some kind.

MR. MASHBURN: Yes, it does. The only evidence that we have in front of us is the testimony of Lonnie Hollis that Denise Cotton
allowed a voter to leave with a ballot. I think that's a clearly established violation.

CHAIRMAN DUFFEY: I think Ms. Hollis has acknowledged that.

MR. MASHBURN: The question is under our -were not bound by precedent. We make decisions each time. The question is to what extent does the Board get the responsibility for that or is it limited just to the poll manager?

MRS. GHAZAL: The way I read the recommendation here is that the Board's violation was in ignoring SEB Rule in allowing the voter to cast a ballot. They did so under advice of their attorneys, so I think that is a factor that needs to be considered. But I also think it is important that boards understand, poll workers understand that that is a rule. You leave the polling place with your ballot, that ballot is spoiled, it will not count and you don't get a second bite at that at apple as a voter.

MR. MASHBURN: Other than Ms. Hollis is there anybody here from the Board or attorney for the Board?

MS. HOLLIS: May I say something else on the SEB Rule? That SEB Rule --

CHAIRMAN DUFFEY: You have to use the microphone because we can't hear you.

MS. HOLLIS: Now, we were unaware on the SEB Rule but the attorney, you know, should have stated that in his letter, but he did not. And I'm thinking that because this is a new voting procedure, that had not ever happened before and that was another reason why we thought that she should be able to vote because she walked out of the precinct with her ballot, which is something that -- the voting machines was used before, you didn't get the printout. And a lot of people were thinking that the printout that they got would be their record of who they voted for. A lot of people didn't understand that. So, by her walking out with that in her hands, just like I said -and there was another person at another precinct that put the -- that folded the ballot up and put it in his pocket because he thought that was his receipt.

MR. MASHBURN: Ms. Hollis, another thing is when we lawyers that represent the County they will come to us and one of the questions we will pose to them is, do you think a letter of instruction would be an appropriate resolution of
this matter and they'll tell us whether they think yes or no. So, you don't have an attorney, but I'm going to pose you with the same question. The Board did something that they shouldn't have done, are you willing to accept a letter of instruction and say, well, we shouldn't have done it, but now we know better?

MS. HOLLIS: No, I still don't know better because I don't understand why this would -- I mean, what could happen with a ballot by the time she walk out one door and -- she was still right there at the precinct. So, if the person standing at that door saw her, why couldn't he have just taken that ballot and instructed her to go back and put her ballot in? I mean, why couldn't he have done that? Because she was not outside of the building. If she had been outside of the building, I would -- would -- quite understand, but she was not. She was right in the same room.

CHAIRMAN DUFFEY: Okay. Thank you.
MR. MASHBURN: I'm satisfied that there's a proof of a violation in that they allowed a voter to vote a second time who shouldn't have. And so I would move that that be referred over to the AG's office. And there is evidence to suggest
that Andrew Harper and Denise Cotton allowed the voter to bypass the scanner and so I move that that be referred over.

But I haven't heard any evidence that she took any pictures at the polling site so I move that be dismissed. So that's my motion.

MRS. GHAZAL: I second that motion.
CHAIRMAN DUFFEY: Any discussion?
So the motion is that we refer to the Attorney General's Office allegation number one. And the violation by -- of the board member of SEB Rule 183-1-12-21.9 and the violation of avoiding the scanner against Mr. Harper and Ms. Cotton which is a violation of SEB Rule 183-1-12-11.7 and that we dismiss allegation number three about the picture taking.

MR. MASHBURN: Correct.
CHAIRMAN DUFFEY: Here's the -- I would like to amend this by saying that it be referred to the Attorney General's Office -- that it be referred to the Attorney General's Office with the instruction that a prompt hearing be scheduled.

MR. MASHBURN: I consider that a friendly amendment and if my secondary agrees, we are duly amended.

MRS. GHAZAL: Agreed.
CHAIRMAN DUFFEY: Any discussion about referring this for a hearing?

All those in favor of the motion of referring these two allegations to the Attorney General's Office for a prompt hearing say "Aye."

THE BOARD MEMBERS: Aye.
CHAIRMAN DUFFEY: Opposed "No."
Motion passes.
MR. LINDSEY: And just for -- we dismissed the third allegation regarding the picture taking?

CHAIRMAN DUFFEY: Yes.
But when you go back and talk to your board members you might tell them that normally in the past sometimes we have referred something to the Attorney General's Office for further consideration and a recommendation to us, we have decided that this should go immediately to a hearing so that everybody can present their evidence and we can decide what action to take, if any.

But you need to get to your appointment, don't you?

MS. HOLLIS: Yes. Thank you.
CHAIRMAN DUFFEY: You're welcome.

We're going to take up one more violation and then we're going to break for lunch. And that will be Case No. 2020-30 Gwinnett County, which is at tab 56 .

Is there anybody here from Gwinnett County?
SPEAKER: (Inaudible.)
CHAIRMAN DUFFEY: All right. Thank you.
Ms. Koth.
MS. KOTH: The Secretary of State's Office opened this investigation after Gwinnett County Board of Registration and Election self-reported that during the June 9, 2020, General Primary Election it failed to deliver voting machines to a polling precinct at least one hour before the time set for opening of the polls potential violations of Georgia law and Board Rules. Georgia Secretary of State also received an additional 28 complaints from various Gwinnett County voters related to the June 9, 2020, General Primary Election. These additional complaints from Gwinnett County voters allege: Polling sites did not open on time; polling locations had an inadequate supply of voting machines; voting machines were not up and running at the time the polls opened; voters were denied the opportunity to cast paper ballots when
the polls encountered technical issues with the BMD units; unannounced polling place changes; provisional and absentee ballot issues; voting by unqualified elector; and polling locations failed to comply with COVID 19 Social Distancing Guidelines. So those were potential violations.

The investigation confirmed through self admission by the then election supervisor that the Gwinnett County Board of registration and Elections failed to deliver voting machines to 27 polling precincts in a timely fashion which violated General Election Code Laws as well as Georgia State Election Board Rules. The contradictory statements were made election office employees as to whose fault it was that led to the delay in delivery of voting equipment; however, the ultimate responsibility rest upon the superintendent/election supervisor. The investigation confirmed that two polling locations did not open on time and as a result was ordered by the Superior Court of Gwinnett County to remain open beyond 7:00 p.m. on election day.

The investigation also identified two incidents where the Gwinnett County Board of Registration and Elections delivered the incorrect
voting equipment to the wrong precincts on election day causing an undue delay in voting process for two voting precincts as equipment had to be swapped and transported to its appropriate location.

The investigation also identified four occurrences where Gwinnett County voters each casted a vote for the June 2020 General Primary Election via emergency paper ballot; however, the Gwinnett County Board of Elections and Registration failed to properly process emergency paper ballots resulting in an undue delay with these voters receiving the proper credit for voting. The investigation was unable to substantiate the allegation that polling locations in Gwinnett County failed to use emergency paper ballots when the use of voting equipment became impracticable due to delay in delivery of voting equipment.

All other allegation lacked merit. They were unsubstantiated or did not result in a violation of the Georgia State Election Board Rules or Georgia Election Code.

The potential violations where there is evidence to suggest that Gwinnett County Board of

Election and Registration and Christie Royston violated 27 counts of Georgia Election Code \$21-2-328 and State Election Board Rules 183-1-12.09(2) when it failed to deliver the proper voting machines to the polling places of the respective precincts at least one hour before the time set for opening of the polls.

There is evidence to suggest that Gwinnett County Board of Elections and Registration and Christie Royston violated two counts of Georgia Election Code $\$ 21-2-403$ when two polling precincts failed to open at 7:00 a.m. Eastern Standard Time on election day.

There's evidence to suggest that Gwinnett County Board of Elections and Registration and Christie Royston violated State Election Board Rules 183-1-12.09(2) and 183-1-12.09(c) when two voting precincts did not receive the correct voting equipment delivered on election day. The scanner intended for the Hebron Baptist Church was incorrectly delivered to Ebenezer Baptist Church and a scanner for Mason Elementary School was incorrectly delivered to St. Stephen the Martyr Catholic Church. The equipment had to be swapped back creating an undue delay in the voting
process.
There's evidence to suggest that Gwinnett County Board of Elections and Registration and Christie Royston violated two counts of Georgia Election Code \$21-2-586 and \$21-2-437 when it failed to properly process and account for the ballots of four electors who voted via emergency paper ballot.

CHAIRMAN DUFFEY: All right. Ms. Wilson. MS. WILSON: Thank you, Mr. Chairman. I have a big voice but -- microphone. Microphone is here.

CHAIRMAN DUFFEY: But you do have a big voice.

MS. WILSON: Good afternoon, Mr. Chairman, members of the Board, thank you for the opportunity to address this board regarding the issues, the allegations made against Gwinnett County. I'm going to take them in sequence.

And I'm first going to addressed the allegation pertaining to late delivery of equipment. We understand that the law requires us to deliver equipment at least an hour before the polls. We self-reported when we failed to meet both the law and our own standard. One of the
things that Gwinnett County takes great pride in is what call the "Gwinnett standard of excellence," and we know that the deployment of the equipment and hour late, at least an hour late, was a failure in that regard. But I have an explanation that I'm offering to the Board and in so doing, I'm going to be urging this Board on the count and the other counts to issue a letter of instruction.

With regard to the late delivery of equipment, the point $I$ want to make -- I want to make a couple of points on that. First of all, this was the very first time that we were using -I'll call it the BMD voting system, as compared to the old DRE. We always have a plan for delivery, timely. Without identifying the employee, the employee assigned to the responsibility of making sure that the schedule would work and making sure that the equipment was ready to be delivered when the trucks came to pick them up to deliver them to 156 precincts -- so that's kind of a highlight fact. We deliver machines for voting to 156 precincts around the county. The employee that was tasked with that responsibility and should have been ensuring that the equipment was ready in
sequence for delivery, not using the numerical machines and figuring out our work on equipment for number one precinct and then number two precinct, they were doing it out of sequence. So ultimately, on Sunday night when that was determined, the individual was promptly fired on Monday morning. So, the point I want to make is that our equipment was being prepared but not in keeping with the delivery sequence. Employees then took approximately 30 hours with their best effort to get the equipment ready to be picked up by the vehicles.

The second issue that we encountered was that the number of component parts and the size of component parts that used to be delivered with the DRE are larger in size and in quantity, in how much space they take up on the truck. So, if a truck used to be able to accept equipment for five precincts -- and that's just a random number I don't think that's actually the real number -trucks could now only take equipment for fewer precincts.

So, between the work that was needed to be done to get the vehicle -- to get the equipment ready for delivery and then the logistical
challenge of the equipment being loaded on trucks and taking up more space, those two things together combined to result in late deliveries. But we did self-report.

The point I also think is important to have this Board understand is that emergency paper ballots were available and in use so that no voter had their vote delayed or were unable to vote as a consequence of late delivery.

I want to spend a few more minutes talking about the equipment deployment and I'll move on to address the other issues.

Because Gwinnett aspires to a standard of
excellence former Chairman Nash at the time ordered an inspection or an audit to be conducted by National Association of Elected Officials, also known as the Election Center. Those professionals came in, they traveled -- I think they're based in California -- they traveled to our precinct, to our county and made a number of -- spent a number of days, including during the election, the August runoff to observe our processes and made a number of recommendation regarding the warehouse operation. As a consequence of that inspection, that audit, that consulting effort, as a result of
that, a number of changes were made both to staffing, to the warehouse space that's now dedicated. And so, I would offer to you that there's been significant improvements in the management and operation of the warehouse. I'll move on because $I$ think $I$ may be losing one of the Board members and I'm sorry about that.

Next. The next issue I want to discuss relates to the late opening of two precincts, Kanoheda Elementary School and the Beaver Ruin Baptist Church. I was personally responsible for filing those petitions with Superior Court to ensure that the polls -- hours were extended appropriately. I'm sure the members are aware that there is a statutory provision that says that there should be a Superior Court judge available to address any issues and we promptly filed petitions with the court to get extensions. The delay in time -- I think one precinct their opening was delayed by 14 minutes and the other precinct their opening was delayed by 20 minutes. I can tell specifically why that was.

There's a poll pad that's used at the precinct and literally there's a password associated with it and one of the poll
officials -- one of -- the password was one digit off. And she struggled for a while to figure it out. Ultimately, I think perhaps she called the main office on the helpline, got the four digit or whatever was needed and was able to access the poll pads but there was a delay.

The second delay arose because -- and I have it in my notes. A ballot scanner wasn't working. There was a delay in opening. In hindsight, the poll worker should've opened the polling place, allowed emergency ballots to be used until they got the ballot scanner operational. That didn't happen. There was a delay in opening, but we did promptly secure an extension order from Superior Court. So I offer that as an explanation for the delay in the polls opening.

With respect to the missed delivery of component parts to two precincts, that happened board members. That was tied to the late delivery. That was tied to the challenge -- the logistical challenges associated with our deployment of voting equipment.

And finally with respect to the allegation relating to emergency paper ballots. I think the thing that $I$ would emphasize to the Board is that
what you didn't hear from Chief Investigator, Ms. Koth, was that -- there was -- this is not a situation where a voter was disenfranchised. Unfortunately, there has been some turnover in our leadership, so Christie Royston, who was the election supervisor has been replaced and I was unable to get any detailed information that I can come to you say, "This happened and not that." I don't have any facts that $I$ can offer to counter the allegation. But $I$ will say that you didn't hear from the chief investigator that this was a situation where voters were disenfranchised so I invite you to consider that.

In sum, I think it's important that you heard that we self-reported on the late deployment. I think it's important that you heard that we promptly secured orders from the court to allow voters to vote additional time at those two precincts, Kanoheda and Beaver Ruin. I think it's important that you heard from me as to why that happened. There were technical issues, one was the poll pad, the other with the ballot scanner. I think it's important that you heard from me that the Board was supported by the County Commission to take proactive steps to address any warehouse
issues and to improve the servicing of the warehouse. In fact, there's a much larger space that's now available to the state in the equipment, for testing the equipment, that is likely to make those delays an isolated situation. Mr. Chairman, at the beginning of the meeting you were discussing specific and systemic problems. I'll offer to you that this is not -that the late deployment of equipment is certainly not a systemic problem. There was an isolated situation that we were literally adjusting to these additional component parts, the multiple component parts that now comes to the voting systems with the BMDs.

Mr. Chairman, members of the Boards, for those reasons, I would ask that you not refer this matter to the Attorney General, but that you offer the Board of Registration and Elections a letter of instruction.

One minor reference $I$ want to make. I think in your report it references the election supervisor is Kelvin Williams. I don't know if that's been corrected in the documents that you are looking at, but certainly the documents that we received, Kelvin Williams was identified as the

Respondent and because he is not the election supervisor, $I$ would ask if this Board does refer the matter on, that he not be named as a Respondent and perhaps be named the Board. He was not the election supervisor at the time.

Mr. Chairman, do you have any questions for me, members of the Board?

CHAIRMAN DUFFEY: Do any of the Board members have questions for Ms. Wilson? It is Wilson; correct?

MS. WILSON: Yes.
CHAIRMAN DUFFEY: Okay.
MRS. GHAZAL: Ms. Wilson, can you confirm that these equipment delays were not repeated in the runoff or in the general election?

MS. WILSON: Absolutely. I stand in my place as counsel for the Board to tell you that we have not -- subsequent to the June 9, 2020, election, had issues with deployment of election equipment.

MRS. GHAZAL: Thank you.
CHAIRMAN DUFFEY: What I'm curious about is that there are other large counties that have lots of precincts that didn't have problems. And the problem is really one where if somebody had gone out and looked at the machines and said these are
new machines, better go out and look at them, see what size they are, get trucks that we have enough capacity, it looks like that just kind of fell through the cracks totally.

MS. WILSON: Am I invited to respond to that, Mr. Chairman?

CHAIRMAN DUFFEY: You are.

MS. WILSON: I'm not offering that as the sole explanation. That was the second point that I made. The first point that $I$ made is that the equipment was prepared -- the equipment for deployment was prepared out of sequence such that the precincts that should've received equipment, let's say, earlier in the day or earlier on -this would have been Monday? Yeah, equipment was going out on Monday and early Tuesday morning -the equipment that should've gone out in sequence was not ready to go because the employee had not prepared it to go in sequence. He had prepared it in a completely different sequence. Consequently, he was terminated. So this is an employee whose making decisions about deployment that he should not have made.

CHAIRMAN DUFFEY: And had this employee done this before, the task and not necessarily making mistakes --

MS. WILSON: I cannot answer that question. I can tell you he was terminated.

MR. LINDSEY: But he's not making it anymore?
MS. WILSON: I beg your pardon?
MR. LINDSEY: He's not making it anymore, he was terminated?

MS. WILSON: Correct.
CHAIRMAN DUFFEY: Question, Ms. Johnson.
DR. JOHNSTON: I have question. So you hired a consultant to come in and look at the whole system. Do you actually have a report or numbers of subsequent failure to open on time for the November '20 election, November '21 election or the May '22 election, how many precincts did not open on time?

MS. WILSON: So, Dr. Johnson, I'll answer the questions in sequence.

The Election Center did during their audit or their -- the work that they did was not solely restricted to the warehouse operation. It was looking at everything, at all of the operational aspects of the election administration for Gwinnett County so -- and a report did come out of that to answer your question, first.

Your second question asked about subsequent late openings and I'll work my way back because I can go from memory and tell you that there were late openings in May. The May '22 election, we had four. Again, we secured orders. Please forgive me, $I$ don't remember the details of why there were delays in May of $2024\{s i c\}$. I can tell you that I believe from memory -- I may have an email -- I believe there were delays in 2020, November 2020, but I think that was limited to two precincts. I don't remember the details. Please forgive me.

DR. JOHNSTON: In November of '21?
MS. WILSON: In November of 2020 and January '21 for the runoff, there were none. So, we've had -- go ahead.

DR. JOHNSTON: And last November 2021?
MS. WILSON: Gwinnett County does not conduct Municipal elections on behalf of any of the sixteen cities so unlike, for example, DeKalb or Fulton, we were not engaged -- the Gwinnett County Board of Registration and Election does not engage in any election administration for the municipal elections because we don't conduct elections for other -- for our cities.

DR. JOHNSTON: And the handling of emergency ballots, that should be a process that is handled no matter what new equipment a precinct has.

MS. WILSON: I beg your pardon.
DR. JOHNSTON: The handling of the emergency ballots and the accounting for those and the counting of those, that process should easily take place no matter what type of equipment, whether it's new or.

MS. WILSON: Oh -- Dr. Johnson, absolutely correct. Whether we are using BMD or DREs or paper ballots or whatever, absolutely, there are clear regulations and laws governing the emergency ballot process. As I've mentioned before, I don't have the benefit of knowing the details regarding these allegations, either because when the investigation initially happened, we don't have records of what was discussed, what was agreed. But I want to emphasize the point that this is not a situation, as $I$ understand it, where voters were disenfranchised.

CHAIRMAN DUFFEY: Ms. Koth, didn't we find that voters were disenfranchised, that they were not permitted to vote? I think that was one your findings.

MS. KOTH: Under provisional ballots, it says that Ms. Marlow, she filed a complaint saying that she attempted to vote on a voting machine during June 2020 General Primary and then she was given a provisional ballot which she claimed -- they were saying she got one, but she said she never got one. According to -- after completing the provisional ballot, she deposited her ballot into the slot on the ballot box. And then in review of the Georgia Voter Registration System confirmed that her absentee ballot was canceled on June 9th, so.

CHAIRMAN DUFFEY: But there's.
MS. KOTH: She wasn't on the provisional
ballot numbered list of voters or the chart presented to the Board.

MS. WILSON: Mr. Chairman, may I made an inquiry here? I don't even know the names of the voters that are -- allegedly had some issues with their emergency ballots. If I could propose perhaps, if the Board with respect to this issue is inclined to refer the matter to the Attorney General, I would ask that you continue the matter to allow me, on behalf of the Board, to make inquiries with the specific facts because I don't
even have the facts regarding the allegations related to the emergency paper ballots, so I don't feel like I've been able to fully present the Board's case with respect to that issue.

CHAIRMAN DUFFEY: Any other questions?
Okay. Thank you.
MS. WILSON: Thank you.
CHAIRMAN DUFFEY: Any discussion about or a motion to be made?

MR. MASHBURN: I'll go.
The test of the lawyer is not when their client is innocent because that's -- that's easy. The question is what do you do when they are guilty. And so I think that was a tremendous presentation. I think you did a great job in presenting the case. The County was well served.

Here, I think it would benefit from a Cease and Desist Order that can be negotiated with the Attorney General. And so I think there is sufficient evidence of a violation here that $I$ think needs to be dealt with on a cease and desist basis. You did everything that's -- if you have a problem, you did everything that's right to do once you know there is a problem. You all responded perfectly, you self-reported, you came
here with, this -- here is why we don't think it's going to happen again, here's what we've done, perfect, perfect presentation, perfect case. So, I don't think there was anything wrong. There wasn't anything I think you could've done differently that you didn't do. There wasn't any information that you could have given us that you didn't give us. But $I$ think you can work all that out with the Attorney General's Office.

And, so there are some cases, at the time I've been on the Board, where the past chair or other people would be like, we're sending this over because we are really mad about this. And so this one is, $I$ think you all did everything right and so there's not any -- I mean, there were problems and that you have got to get fixed and we need as a cease and desist, but there's not a sense that you weren't -- that you weren't aware of it and you weren't doing your best. So, I send this over with no malice or anger. You did a great job in presenting your case. But $I$ do think it would benefit from a Cease and Desist Order and if there is other things. So, I move that the case be sent over to the Attorney General's Office.

CHAIRMAN DUFFEY: Here's my thinking on this. I said at the beginning, I still feel this way that when somebody -- when a county recognizes the problems, takes prompt corrective action, so that we are confident that it won't happen again, because of the remedial action that's been taken, that the county ought to be given credit for that. I guess what I was unaware of is that there were late openings after this event. And if that had not happened, I might agree that there ought to be a lot more leniency, but the value of a Cease and Desist Order is that those voters who get up early that go to vote because they want to get to work, trust the process that the precinct will be open and that happened afterwards that they weren't opened. And this is a process that you and we are responsible for facilitating the voting process. Now, I'm not sure that I'd say it's a matter of whether we are mad or not. It's a matter of what's the appropriate response. And I think there is something about having a meeting like this and having the resolution to be prompt. So, I would be in favor of referring it to the Attorney General's Office provided there's a representation that, one, you'd have to give up a
hearing because you're entitled to a hearing if we find a violation, but you want it resolved in a way that there is certainty and we want it resolved promptly. And if you would agree to a cease and desist without any other sanction or other consequence and did that in a relatively short period of time, $I$ would be in favor of using that as the remedy for this violation, even though we could do more. But the cease and desist, I think you have to understand that if this happens again, late openings, where we don't see repeat violations in counties that have had prior late openings, then that puts us on record and you accepting that it won't happen again, absent some extraordinary circumstance -- extenuating circumstances. So, I don't know what your thought is about that, but that's the way I think it's reasonable to proceed.

MS. WILSON: Mr. Chairman, I know you are deliberating --

CHAIRMAN DUFFEY: I am, yeah. Well, we are kind of deliberating but we are discussing within ourselves.

MS. WILSON: So, I am reluctant to agree to a cease and desist because I don't have instructions
from my client.
CHAIRMAN DUFFEY: I understand.
MS. WILSON: We have been through the consent order process with the Attorney General before and so I would -- if the Board is referring it to the Attorney General as I believe Mr. Mashburn has indicated that certainly that would be the motion that he proposes to make, and to the extent that that motion passes, I would be inclined to keep moving in that process. It's familiar. In the absence of any authority to agree to anything without my client present or have access to.

DR. JOHNSTON: Mr. Chairman.
So, if there's an uncertainty that the poll's
open on time, and the vote -- in -- like the voters are given the option to vote with an emergency ballot, but there's an uncertainty that that emergency ballot is counted, now there's a compounded uncertainty in the process of these elections. They don't open on time, you give voters emergency ballots that they may not have trust or the faith that they will be counted, that is my concern.

MS. WILSON: So, Dr. Johnson, I hear you concerned about a compounding problem that this
case presents whereby there were two polling places out of 156 , in a county that has over 500,000 registered voters, as somehow indicative of the Board of -- and then the two emergency ballots is somehow indicative of -- is potentially creating a lack of confidence that's what I'm hearing you suggest that those two things compound to leave the voter with the impression that their vote in Gwinnett County doesn't count. I think the evidence -- I would point to the record that I believe Gwinnett County has for conducting efficient elections, fair elections, I would point to that record as opposed to simply relying on the situation with the emergency ballots. And as I said, full disclosure, $I$ 'm in the unfortunate position that $I$ can't address the Board on the specifics, because I know that we have a process for handling provisional ballots, we have a process for handling challenged ballots, and so -and emergency ballots are not provisional ballots. Emergency ballots just get counted. They don't come to the Board like a provisional ballot or a challenged voter does, so. If I can respectfully disagree. I hear your concern and I don't think that that's where we are in Gwinnett County. And
that's my honest and best response.
DR. JOHNSTON: So, it's always attention to detail --

MS. WILSON: Absolutely and this is not -DR. JOHNSTON: And looking in the emergency ballot bin of every single ballot box.

MS. WILSON: And again, Dr. Johnson, I don't know what the facts are here because it wasn't provided to us in the document that I have. I think that $I$ hear your concern and when you asked me about subsequent late openings, I understand your concern. I would say this, that the ability to extend hours, it's a statutory mechanism. I think it's 21-2-414, don't hold me to that or 21-2-413. But the General Assembly provided that as a failsafe mechanism because they recognize that things happen at polling places. So, respectfully I don't -- late opening where there's been a technical problem that could arise from an individual poll worker or poll manager making one judgment call as opposed to another. The better judgment call in both of those situations at Kanoheda and Beaver Ruin would've been to open at 7:00 and let people come in, that would've been the better judgment call. Instead, we are here
because they kept the doors closed. That's the best I have to offer in response to your question.

CHAIRMAN DUFFEY: Any other comments?
So your motion is what, Mr. Mashburn?
MR. MASHBURN: To refer it to the Attorney General's Office because I think it would benefit from a cease and desist that I'm -- the way we've done in the past is we kind of say I'm sending it over with instructions. And so our instructions is, I'm more interested in the Cease and Desist Order part of it than $I$ am in any fine. So my motion is to refer to the Attorney General with the instructions.

CHAIRMAN DUFFEY: And the instruction being?
MR. MASHBURN: We're more interested in the Cease and Desist Order --

CHAIRMAN DUFFEY: As opposed to a fine?
MR. MASHBURN: Correct.
CHAIRMAN DUFFEY: Any other questions? That the motion. Is there a second?

DR. JOHNSTON: Second.
CHAIRMAN DUFFEY: Any discussion on the motion?

There being none, all those in favor of the motion say "Aye."

THE BOARD MEMBERS: Aye.
CHAIRMAN DUFFEY: All those opposed?
The motion has passed.
And is Charlene here? Wait a second.
Can you get to this promptly and see if we can't get it resolved in discussions with the county.

SPEAKER: Yes, our office will -- as soon as possible.

CHAIRMAN DUFFEY: So you all talk to each other and let's try to get this wrapped up.

Thank you.
MR. MASHBURN: Thank you. Good job.
CHAIRMAN DUFFEY: We're going to do two
things. One is we're going to break for lunch and we are going to go into executive session to discuss some pending litigation involving Board and we will be brief with our Board in executive session.

MR. MASHBURN: Mr. Chair, I think we need a motion to go into executive session so I hereby make a motion to go into executive session.

MR. LINDSEY: Second.
CHAIRMAN DUFFEY: I was actually going to do that.

MR. MASHBURN: I'm sorry. I'm sorry.
CHAIRMAN DUFFEY: But I'm glad you reminded me because I might not have.

Any discussion?
There's been a motion for us to go into executive session. All those in favor say, "Aye."

THE BOARD MEMBERS: Aye.
CHAIRMAN DUFFEY: Opposed, "No."
We are going to take about an hour to do this so will reconvene here at 2:00.
(Off the record from 12:55 p.m. to $2: 13$ p.m.)
CHAIRMAN DUFFEY: Please take your seats so we can continue. We are still in the violations cases. We are now in Case No. 2020-033, Stephens County.

And, Ms. Koth, if you would please brief us on that.

MS. KOTH: The Secretary of State's Office initiated this investigation based on a complaint received from Rebecca Bennett, chairwoman of Stephens County Republican Party. Bennett reported that she has filed numerous complaints against Stephens County Chief Registrar Erica Gover to report that Gover had continuously failed to adhere to the rules regarding the fundamentals
of the election process for the past few election cycles, which has caused confusion and raised questions about the integrity of Stephens County elections process.

Specifically, it was allegedly that chief registrar for Stephens County Board of Elections failed to:

One, properly communicate with board members of the Stephens County Board of Elections and Registration.

Two, failed to properly communicate with the media.

Three, failed to ensure a posted and/or communicated with official party representation, candidates, campaigns or other party officials that wished to observe.

Four, failed to complete a reconciliation and/or tracking of ballots with adjudication issues of potential violation of Georgia Code O.C.G.A. §21-2-493.

And, five, properly ensure absentee ballots went through the proper verification process.

Based on the evidence provided, there was not enough evidence presented to conclude with certainty that the Respondent did not properly
communicate with board members of the Stephens County Board of Elections and Registration; failed to properly communicate with the media; and failed to ensure posted and/or communicated with official party representation, candidates/campaigns or other party officials that wished to observe. Therefore, these allegations were unsubstantiated.

The allegation that Stephens County Board of Elections and Registration improperly handled and processed absentee ballots were substantiated. However, these violations were identified in case investigation SEB 2020-156.

The investigation identified sufficient evidence to suggest the Respondent failed to comply with the closing of the polls requirements when it failed to maintain a zero tape reflecting voting the devices -- reflecting voting devices were set to zero, verifying no votes were present on the voting equipment.

They did not prepare or maintain the proper election records to show a discrepancy was properly investigated and/or reconciled regarding the total number of ballots as a number of rescanned ballots reportedly did not match ballots
printed at closing.
The assistant registrar reported poll officials were not adequately trained and did not know how to perform certain functions related to the elections process.

Therefore, there's evidence to suggest that the Stephens County Board of Elections and Registration failed to comply with O.C.G.A. 21-2-99(a) that required the elections superintendent to ensure poll officers and workers received adequate training in all aspects of state and federal law applicable to conducting elections.

For potential violations, Ms. Gover, the chief registrar of Stephens County Board of Elections and Registration Board Members, Stephens County Board of Elections and Registration, the investigation identified there is no record of opening the polls, election records on file with the Stephens County Board of Elections and Registration or with the Georgia Secretary of State's Office, suggesting the Stephens County Board of Elections and Registration violated official election record document processes when it: one, failed to document all voting equipment,
had the appropriate seals, and that the electronic poll books, electronic ballot markers and ballot scanners, all indicated zero counts prior to the opening of the polls.

Georgia Election Code $\$ 21-2-450(c)(3)$, opening of polls procedure when ballot labels misplaced, certification by managers, machines to be locked until polls open, officers to be near machines, inspection of machines, broken machines, it stipulates: The manager shall sign a certificate showing the identifying number or other designation of the voting machine, the delivery of the keys in a sealed envelope, the number on the seal upon the machine, the number registered on the protective counter or device, and that all counters were at -- set to zero. Six, that the ballot labels are probably placed into the machine. This certain -certificate shall be returned by the chief manager to the superintendent with the other certificates as provided in this part.

Two, the investigation identified there is no record of closing of the polls, election records on file with the Stephens County Board of Elections and Registration, or with the Georgia

Secretary of State's Office.
This suggests that the Stephens County Board of Elections and Registration violated official election record document processes when it failed to complete a valid recap sheet and failed to properly investigate and/or reconcile the total number of ballots following the reported discrepancy and/or palpable error and as a result it violated Georgia Election Code §21-2-493(b), computation, canvassing and tabulation of returns, investigation of discrepancies and vote counts and recounted procedure or certification of returns, change in returns.

The superintendent, before computing the votes cast in any precinct shall compare the registration figures with the certificates returned by the poll officers showing the number of persons who vote in each precinct or the number of ballots cast.

If, upon consideration by the superintendent of the returns and certificates before him or her, from any precinct, it shall appear that the total vote returned for any candidate or candidates for the same office or nomination on any question exceeds a number of electors in such precinct or
exceeds the total number of persons who voted in such precinct or the total number of ballots cast therein.

Such excess -- excess shall be deemed to -should be deemed a discrepancy and palpable error, and shall be investigated by the superintendent.

Based on violations noted in case investigation SEB 2021-56, and on the statement by the assistant registrar that poll officials were not adequately trained and did not know how to perform certain functions related to the elections process, there is sufficient evidence to suggest that Stephens County Board of Registration and Elections Chief Registrar failed to comply with the provisions of the law that requires the election superintendent to ensure poll officers and workers received adequate training in all aspects of state and federal law applicable to conducting elections.

As a result, it appears Stephens County Board of Registration and Elections is in violation of O.C.G.A. §21-2-99(a), instruction of poll officers and workers in an election, procedures, certifications, notification of completion of training to Secretary of State.

CHAIRMAN DUFFEY: So those are the allegations in Case No. -- and they found -recommended violations in Case No. 2020-033. Was -- there was a second report of investigation, Ms. Koth, is -- should we take these up separately, do you think? Or ...

MS. KOTH: Yes. Yes.
CHAIRMAN DUFFEY: Okay. So, is -- is there -- is there anybody here from Stephens County that would like to comment on the violations that are -- that are proposed?
(No Response.)
CHAIRMAN DUFFEY: Apparently not.
Is there any discussion among the Board as to the proposed process that we'll undergo for the allegations in 2020-33?
(No Response.)
CHAIRMAN DUFFEY: We always start off this way when $I$ ask the question. There's this long pause.

MR. LINDSEY: And, Mr. Chairman, absent any additional evidence from Stephens County, I would move to accept the recommendations.

MR. MASHBURN: Second.
CHAIRMAN DUFFEY: The move to second it, that
we accept recommendation which -- is that the violations have been supported. But the -- the recommendation, here, I -- I guess would be to send it through the Attorney General's Office.

But, I'll tell you, it looks to me like the last case that we had similar to this, but the facts have been developed. There hasn't been any response to them. And I would say that we refer this to the Attorney General's Office with the request that it be set up for a prompt hearing.

MR. LINDSEY: I would accept that amendment to my motion.

DR. JOHNSTON: A what?
CHAIRMAN DUFFEY: A prompt hearing.
So, I would -- I would amend it in that way, that we have -- that the recommendation is to refer to the Attorney General's Office for a prompt hearing.

Is there any discussion on the motion?
Has it been seconded? Somebody said yes.
MR. MASHBURN: Yes. Mashburn, seconded.
CHAIRMAN DUFFEY: There being no discussion, all those in favor of the motion say, "Aye."

THE BOARD MEMEBERS: Aye.
CHAIRMAN DUFFEY: Opposed, "No."
(No response.)
The motion carries.

Next. Next, Ms. Koth, explain to me how -why we have the same number for two investigations but are labeled differently.

So the one next to what $I$ have is 2020-33, procedures for early tabulation of absentee ballots, also from Stephens County. Do we just combine those?

MRS. GHAZAL: Do you have --
CHAIRMAN DUFFEY: No, this was the last one I did.

MR. LINDSEY: Yeah, the next one, Mr. Chairman, should be Montgomery County.

CHAIRMAN DUFFEY: I'm -- I'm sorry. Excuse me.

Montgomery County, 2020-34. Duty to secure election records.

Could you brief us on that, Ms. Koth?
MS. KOTH: Yes, this one had four allegations. The first one is, Greg Palmer reported that two boxes of election records were in an unsecured closet in the Montgomery courthouse. Mr. Palmer alleged that someone could have used the records to fraudulently submit
absentee ballots.
The records were given to the Georgia State Patrol for safekeeping until they could review -be reviewed by a representative of the office of the Georgia Secretary of State.

The second allegation: Greg Palmer reported that Gary Brady called Robert Dixon multiple times and harassed him regarding picking up his absentee ballot.

Allegation three, Greg Palmer reported that Alston precinct failed to open on time and both Billy and Cathy Curl were not able to vote.

Allegation four, Greg Palmer reported that Darwin Williamson, Tyler Williamson and Peggy Williamson were moved to a different precinct without being notified. Greg Palmer also reported that Bobbie Carpenter notified the Williamsons that their absentee ballots had not -- had been lost, then later notified them that they had been found and would be shredded.

The findings are: Allegation one, there is evidence to suggest that Montgomery County election staff failed to properly secure two boxes of election records from 2013 and 2014. The records were in an unsecured closet in the men's
restroom on the second floor of the Montgomery courthouse.

Both Probate Judge Ruby Sanders and Chief Registrar Bobbie Carpenter stated that they did not know the records were in the closet and have never used the closet for storage. Both said all the election records were stored on the third floor.

There was no evidence to suggest that the records were used to produce fraudulent absentee ballots as originally reported by complainant Greg Palmer. There was no evidence to support violations of Georgia election law for allegations two through four. All voters mentioned in these allegations were not disenfranchised and were able to vote.

The potential violations were for Montgomery Board of Registrars Bobbie Carpenter, the Chief Registrar, and Probate Judge Ruby Sanders, Elections Superintendent.

There's evidence to suggest that Montgomery Board of Registrars Bobbie Carpenter and Judge Ruby Sanders violated O.C.G.A §21-2-500(a), delivery of voting materials, presentation to grand jury in certain cases in preservation and
destruction, destruction of unused ballots, when they failed to properly secure two boxes of election documentation from 2013 and 2014 until it could be destroyed.

The boxes were in an unsecured closet in the men's restroom on the second floor of the Montgomery Courthouse.

CHAIRMAN DUFFEY: So the allegations regarding Montgomery County's securing of election records has been summarized.

Is there anybody here from Montgomery County that would like to respond? And that microphone, if you'll speak in it at -- I don't know if you have to turn it on or not. Whoever is going to speak, is -- and is that on? Do you know?
(Simultaneous speakers.)
CHAIRMAN DUFFEY: Okay. Good. Thank you. (Simultaneous speakers.)

CHAIRMAN DUFFEY: Introduce yourselves.
MS. SANDERS: Okay. I'm Ruby -- Ruby Nell
Sanders, I'm the elections superintendent of Montgomery County, Georgia and probate judge. And this is -- Bobbie, will you --

MS. CARPENTER: I'm Bobbie Carpenter, chief registrar.

CHAIRMAN DUFFEY: Could you repeat your last name, I didn't get --

MS. CARPENTER: Carpenter.
CHAIRMAN DUFFEY: Carpenter?
MS. CARPENTER: Carpenter.
CHAIRMAN DUFFEY: Thank you. All right. Proceed.

MS. CARPENTER: Proceed?
CHAIRMAN DUFFEY: Yes.
MS. SANDERS: Ms. Bobbie is going to have to help refresh this because it's actually it's records that we had stored, or she had stored. We were a little puzzled, it, you know, been since 2013, so we were little puzzled as to why they were found in the men -- the -- the closet, it's not in the men's room, but it -- they kind of make it sound that.

It's a mechanical closet where tags and things like that are kept, because she normally started everything on the third floor. We've had prisoners in, moving out a bunch of stuff for the clerk's office and junk and all from third floor back during that time. We don't know if that's when they might have got moved to that room. Okay.

That room did always stay locked. The County was having cameras installed, it's an electrical room. The people installing the cameras had a key to go and come. We had no idea what was -- well, to start with, we really didn't notice things were in there, they're old, you know, we just, I don't know, you get busy and you, you know, just -- just didn't realize they were in there.

And so as far as we know, that's what -- I don't know exactly how they came about being in that room, but we do know that it -- that room is normally always locked, and it's just that as they were installing the cameras, they are going to come in after hours and everything, these people were, just doing the installation, and apparently had just left it open because they were constantly going in there to get -- to use the mechanical part of it.

Do you have anything else to say?
MS. CARPENTER: No.
MS. SANDERS: That's about it. Though we, you know, I will say Ms. Bobbie is very conscientious. Had she known there was anything wrong she would have cleared it up. She's -she's "Johnny on top" of everything.

MS. CARPENTER: I try to be.
CHAIRMAN DUFFEY: Any questions?
MRS. GHAZAL: Do you have a regular process for destroying the -- the documentation after two years?

MS. CARPENTER: I do.
MRS. GHAZAL: What -- what's -- what's the regular procedure that you do with that? After the statutory period the -- in which you may -have to maintain those records is -- is -- what's your normal procedure there?

MS. CARPENTER: I normally have them destroyed.

MRS . GHAZAL: Okay.
MS. CARPENTER: And disposed on-site --
MS. SANDERS: Now, the one's that were there --

MS. CARPENTER: At that time we didn't have a shredder. We had -- we would -- whenever we could get somebody to take them and dispose of them, but it's just like Judge Sanders -- like Judge Sanders says, we didn't know they were in there and we didn't know until the -- they brought it to our attention.

MRS. GHAZAL: Thank you.

CHAIRMAN DUFFEY: My concern is this, that, I mean, these are official records. There is a process by which you are allowed to dispose of them. You know you have an obligation to store them properly.

And -- and the -- I think that requires you to have a system, so that you know that all the records that are supposed to be where they're supposed to be are there. That somebody goes through every two years to see what it is that you can destroy, and that there's just accountability for the records and a -- and awareness of what records you have and which records are being destroyed.

And in this case, I'm not sure, exactly, what the system is that you have to make sure that you're tracing and tracking all the records, and secondly why it took so long to figure out that they were gone. And the reason why there is a rule is to protect the records that are created by voters.

MS. SANDERS: She can speak to that (low audio) normal (low audio) this is a unique -- a unique situation. There were the only two boxes that -- somehow they had gotten --

CHAIRMAN DUFFEY: Right.
MS. SANDERS: -- moved.
MS. CARPENTER: It is -- is a mystery. We did not know they had not been destroyed. If you look -- if you come to our courthouse, you check, everything has been destroyed up to 2020. But these two boxes were misplaced or forgotten or something. They were stored under lock and key until those workers went in and unlocked the door, and we didn't know. And then this person just came on-site, that had no business on -- in the courthouse, but he found those boxes.

CHAIRMAN DUFFEY: So what's your system for -- for maintaining and tracking records today?

MS. CARPENTER: Well, we have -- we destroy them as the years, you know two years, five years.

CHAIRMAN DUFFEY: You just keep them in boxes on shelves?

MS. CARPENTER: No, we have them stored on third floor, under lock and key.

MR. LINDSEY: Just so -- If I may, Mr. Chairman, and just build on that. I think what -what he's, perhaps, asking for and what I'm asking for is for instance, do you have a log --

MS. CARPENTER: Oh, yes.

MR. LINDSEY: That that -- that indicates, you know, not only where it was stored, but the date in which it can be destroyed, and -- and that -- and confirming that it has been. Does your log contain all that information on it?

MS. CARPENTER: Yes, sir.
MR. LINDSEY: And did your log contain a reference that the 2013, 2014 records had, in fact, been destroyed?

MS. CARPENTER: No.
CHAIRMAN DUFFEY: So if that record was -- if there was no indication of that, did somebody say, "Well, where are the 2012 and 2013 records? They're missing." Or to go look for them, just say "They haven't been destroyed when they were supposed to be destroyed. Where are they? Let's go look and see if they are still there." Because it sounds like somebody else found them, not them.

MS. CARPENTER: Well...
MS. SANDERS: It was some other -- going on, I can tell you that, but I'm not going to speak to that.

CHAIRMAN DUFFEY: Okay.
MS. SANDERS: (Inaudible.)
MS. CARPENTER: Would you like to see a video
of it?
CHAIRMAN DUFFEY: I -- I can't hear you.
MS. CARPENTER: Would you like to see a video of it?

CHAIRMAN DUFFEY: A video?
MS. CARPENTER: The way it got moved around.
CHAIRMAN DUFFEY: A video of what?
MS. CARPENTER: Of the way the boxes got
moved out of the room.
MS. SANDERS: The boxes (inaudible) Sharon
asked that they (inaudible) intend to try
(inaudible) and felt like, you know, it's -- it's something that happened, and we -- we do take full responsibility, even though we really don't have good explanation, because had no idea it was unlocked.

## CHAIRMAN DUFFEY: Right.

MS. SANDERS: So it was just sort of circumstances, I guess, that we should have kept up with, but, you know, when you have elections and you're doing everything else too, new elections come since 2013 and '14, you know, it's just hard to -- and it was just something that was an oversight. I'm sorry. Didn't intend to. It was not intentional.

CHAIRMAN DUFFEY: Sure.
MS. CARPENTER: But we do have a shredder on bay, on -- on the site now, so we -- this won't happen again.

CHAIRMAN DUFFEY: Any other questions?
(No Response.)
CHAIRMAN DUFFEY: All right. Thank you very much.

Does anybody have a motion on this matter?
MR. LINDSEY: I'll move to -- to accept the recommendations and to make a referral of a hope of working out some type of specific remediation, you know, in -- particularly in terms of records. So, yes.

MR. MASHBURN: Second.
CHAIRMAN DUFFEY: It's been moved and seconded to accept the recommendations, with the instruction that -- that the parties -- the Attorney General and representatives of the county promptly discuss with each other whether or not they can resolve this. So with -- with that motion, is -- is there any further discussion? (No Response.)

CHAIRMAN DUFFEY: There being no further discussion, all those in favor of the motion say,
"Aye."
THE BOARD MEMEBERS: Aye.

CHAIRMAN DUFFEY: All those opposed, "No." (No Response.)

CHAIRMAN DUFFEY: The motion passes.
The next is matter No. 2020-039, Sumter

County polling place issues.

Ms. Koth?

MS. KOTH: This case has six allegations. Allegation one, Kimberly Page reported that her name was listed incorrectly on the ballot and it should have been Kimberly Taylor Page. When she spoke with the elections supervisor, Randy Howard, he said it was too late because the ballots had already been printed. Ms. Page later discovered that another candidate was allowed to change her name after Ms. Page's request was denied.

Allegation two, Kimberly Page reported that a poll worker told voter Stephen Milledge (phonetic) not to vote for Kimberly Page.

Allegation three, Kimberly Page reported that she paid to have her political ad ran on local radio station. Ms. Page's opponent, Stephanie Bennett, completed a public service announcement honoring veterans on the same radio station
without purchasing a political ad.
Allegation four, Kimberly Page reported that the election supervisor's sister, Aletha, was hired as a poll manager for the Leslie voting precinct. Ms. Page alleged that around 8:00 p.m., Aletha was overheard saying she already knew Stephanie Bennett had won. Ms. Page also alleged a board member also said Stephanie Bennett had won. Ms. Page alleged this was done before all the ballots were counted.

Allegation five, Kimberly Page alleged the voting precinct located at Thompson, Southwest Volunteer Fire Station did not open at 7:00 a.m., and as a result a voter was unable to vote.

Allegation six, Kimberly Page alleged a lot of voters did not receive their absentee ballots until the day of the election.

The findings. The investigator interviewed all available witnesses, and there was no evidence to support any violations of Georgia election law for allegations one through five.

Allegation six, during the interview with
Ethel Hollis, she mentioned she lived in a rural part of Americus, Georgia, but used her mother-in-law's address on North Jackson Street to
receive mail. Ms. Hollis's e-Net inquiry showed she also used North Jackson Street as her registered voting address, which, through her own admission, is an address she no longer resided.

Ms. Hollis said she had a Post Office box in Americus, Georgia. Ms. Hollis's current address is on US Highway 280 in Americus, Georgia.

Ms. Hollis stated she was going to update her registered voting address. However, at the time of this report, the address still has not been updated.

The potential violation, there's evidence to suggest Ethel Hollis violated O.C.G.A. §21-2-218, cancellation of registration in former state or county address changing corrections when she failed to notify the Board of Registrar that she moved from Highway 280 West, Americus, Georgia, one count.

CHAIRMAN DUFFEY: Is there anybody here from -- is Ms. Hollis here? Or is there anybody else here to speak on behalf of the County?

MRS. GHAZAL: I have a question. Do you happen to know whether or not the address where Ms. Hollis actually resided was also in Sumter County, or was it outside the county limits?

MS. KOTH: It -- it's an Americus address, but it's just not entirely clear. Let me see.

MRS. GHAZAL: And the reason $I$ ask is because it seems to me that this is very similar to this morning's case, which we voted on a letter because there was not -- it was -- while it's a technical violation, any votes would still be valid from the former address.

CHAIRMAN DUFFEY: That was the one with the temporary address?

MRS. GHAZAL: Yes, yes. Exactly.
MS. KOTH: I don't have that in the report. If it was the same, it just says both Americus. It doesn't say.

MRS . GHAZAL: Okay.
CHAIRMAN DUFFEY: What would you like to do with this? We could continue it, and find out an answer to that question, or we could -- it's possible still to send a letter and say that that's an obligation.

MRS. GHAZAL: I think I would move to send a letter of instruction to the voter, with the -with the instruction that -- that every voter has an obligation to update their registered address as -- as their -- their current residence, but not
to refer this to the Attorney General's Office because it -- assuming that this address is still in the same county.

MR. MASHBURN: Seconded.
CHAIRMAN DUFFEY: Any discussion? It's been moved to send -- and seconded that we send a letter of instruction, instructing as to the obligations to change registrations by providing new addresses, and that we do that with a letter and not a violation.

Is there any discussion on the motion?
(No Response.)
CHAIRMAN DUFFEY: There being none, all is in
favor of the motion say, "Aye."
THE BOARD MEMEBERS: Aye.
CHAIRMAN DUFFEY: Opposed, "no."
(No Response.)
CHAIRMAN DUFFEY: The motion passes.
The next is Case No. 2020-048.
And Ms. Koth, if you would please brief us on that.

MS. KOTH: Election Supervisor Carol Heard reported that four Decatur County voters potentially voted twice in the June 9th, 2020, general primary. The voters were identified as

Pamela Rouse, Larry Clemens, Shirley Story, and Lloyd Story, Junior. There's evidence to suggest Decatur County voters Pamela Rouse, Larry Clemens, Shirley Story and Lloyd Story all voted twice during the June 9th, 2020, primary election.

Pamela Rouse voted advance, in person on October 19th, 2020, and in person on election day. Larry Clemens, Shirley Story and Lloyd Story all submitted an absentee ballot in addition to voting in person on election day.

Charles Murphy was identified as the poll manager for the Fairgrounds Exhibit Hall polling location, which was where voter Larry Clemens was allowed to vote in person on June 9th, 2020, after having already submitting an absentee ballot.

Mr. Murphy was aware of the proper procedure on how to call in and verify with the elections office if a voter was shown to have already voted.

Margaret Bryant was identified as a poll manager for the Memorial Coliseum polling location, which was where voter Pamela Rouse was allowed to vote in person on June 9th, 2020, after already voting in person during the advance voting period. This was also the polling location where voters Shirley Story and Lloyd Story were allowed
to vote in person on June 9th, 2020, after having already submitting an absentee ballot.

Ms. Bryant was aware of the proper procedure on how to call in and verify with the elections office if a voter was shown to have already voted. However, she claimed she was instructed not to do so by her supervisor, Carol Heard. Elections Supervisor Carol Heard did not recall ever telling polling staff, specifically, not call the office.

Ms. Heard said the weekend before the election, she and her staff went through the electors list and marked who had already voted, and a list were provided to each of the polling locations. Ms. Heard instructed the polling staff to check the electors list first because they may experience trouble getting through to the office due to high call volume. Ms. Heard said the polling staff could have called in if they had a question.

The potential violations for Pamela Rouse, Larry Clemens, Shirley Story, and Lloyd Story. There is evidence to suggest that Pamela, Larry, and Shirley and Lloyd violated O.C.G.A. §21-2-572, repeat voting in same primary or election, when they voted more than one time during the

June 9th, 2020, General Primary Election.
Voter Pamela Rouse voted advance in person on May 19th, 2020, in addition to voting in person on election day. Voters Larry Clemens, Shirley Story and Lloyd Story submitted absentee ballots, in addition to voting in person on election day. There's evidence to suggest Decatur County Board of Elections and Registration, Carol Heard, Charles Murphy, and Margaret Bryant violated O.C.G.A. §21-2-388(2), cancellation of absentee ballots of electors who are present in election precinct during primaries in elections when they failed to properly verify whether Larry Clemens, Shirley Story or Lloyd Story's absentee ballot had been received before allowing them to vote in person on election day.

This resulted in all three voters voting twice during the June 9th, 2020, General Primary Election.

There is evidence to suggest that Decatur Board of Elections and Registration Carol Heard and Margaret Bryant violated O.C.G.A. \$21-2-590, poll officer permitting unqualified persons to vote, when Pamela Rouse was allowed to vote on election day when she had already cast her ballot
during early advanced voting.
CHAIRMAN DUFFEY: Those are the potential violations against Pamela Rose -- Ross, Larry Clemens, Shirley Story, and Lloyd Story. And the recommended violations is against the Decatur County Board of Elections and Registration, the Election Supervisor Carol Heard, and Poll Managers Charles Murphy and Margaret Bryant, as well as the final recommendation of a violation against the -the Decatur Board of Directors and Registration, Carol Heard and Margaret Bryant.

Are Ms. Rouse, Mr. Clemens, Ms. Story or Mr. Story here today? And would they like to respond?
(No Response.)
CHAIRMAN DUFFEY: Apparently not.
Anybody here from the Decatur County Board of Elections and Registration, or Ms. Heard, Mr. Murphy or Ms. Bryant?
(No Response.)
CHAIRMAN DUFFEY: All right. Apparently not.
Is there a motion with respect to this recommendation?

MR. LINDSEY: So moved, Mr. Chairman.

Let me also, if I may -- well, do the motion
first, and then I'll...
CHAIRMAN DUFFEY: Okay.
MR. MASHBURN: Second.
CHAIRMAN DUFFEY: Okay. It's been moved and seconded.

MR. LINDSEY: You we -- it's understandable, someone is building a house, moves temporarily, and votes at their old location. It's wrong and it's -- and it warrants letting that voter know, you can't do that. I'm at a loss to figure out when any voter thinks he can vote twice.

And so, for that reason, $I$ do very strongly believe it needs to get to the Attorney General's Office. And for that matter, I can't figure out how an elections board could allow this sort of thing happen, either. We have safeguards in place to keep this sort of thing from happening.

So on both -- on both, when it comes to both
the Board and the voters, I look forward to hearing what the Attorney General comes up with.

CHAIRMAN DUFFEY: Well, I would say this, I can't imagine any four voters vote twice.

MR. LINDSEY: That's right. Four times.
CHAIRMAN DUFFEY: And one of the things that troubles me most is that it's not one election
supervisor, one poll manager who -- who says that they didn't call, but it's two, and they say they were told not to call. And that person said I never told them not to call. That's -- that, to me, doesn't make sense, and I'm not sure that somebody is not telling the truth, but -- and -and I would say that rather than -- I think we ought to put this on an -- on for an immediate hearing, straightforward, we need to get to the bottom of this and make sure that voters and election officials know that this won't be tolerated.

MR. LINDSEY: Yeah.
MRS. GHAZAL: I -- I agree, in particular with respect to the voter who voted in person twice.

MR. LINDSEY: Yeah.
MRS. GHAZAL: I cannot imagine the circumstances that would confuse.

CHAIRMAN DUFFEY: Yeah, I agree.
MRS. GHAZAL: I will say that the primary process in 2020 was extremely confusing because it initially was two different primaries, the presidential preference primary was separate from the general primary, and then it was consolidated
and put off. So, I can see where somebody may be confused that they received an absentee ballot, and thought it was a separate process. So I think the -- the fact-finding in this, in a hearing, will be very instructive for those voters who voted both in absentee ballot and in person, but voting twice in person within three weeks is unquestionably, I -- I don't see how that could happen without it being deliberate.

CHAIRMAN DUFFEY: I'd say there are strong feelings about this case.

MRS. GHAZAL: Yes. Yes.
CHAIRMAN DUFFEY: All right. Any further discussion on the motion to refer this to the Attorney General for an immediate hearing?
(No Response.)
CHAIRMAN DUFFEY: If not, all those in favor of the motion say, "Aye."

THE BOARD MEMEBERS: Aye.
CHAIRMAN DUFFEY: All those opposed, "No."
(No Response.)
CHAIRMAN DUFFEY: The motion passes.
The next is Case No. 2020-61, McIntosh County, poll problems, and would you please report on that for us, Mrs. Koth.

MS. KOTH: This one has two allegations.
Allegation one, Barbara Price reported she did not receive her absentee ballot in the mail, and when she tried to vote in person, was denied her right to vote. Ms. Price reported she was denied because she had requested an absentee ballot.

Allegation two, Barbara Price reported voter Gracie Townsend went to an incorrect polling precinct and wasn't allowed to turn in a completed absentee ballot or vote provisionally.

There is evidence to suggest that Delores Walker denied voter Barbara Price her right to vote, and during the June 9th, 2020, General Primary Election, Ms. Price requested an absentee ballot on May 29, 2020, but claimed she did not receive it and went to vote in person on election day.

In the original complaint, Ms. Price said she was denied her right to vote because she had requested an absentee ballot. Ms. Price's e-Net inquiry showed where she requested an absentee ballot, but has never returned to McIntosh County Elections Office.
In a conversation with McIntosh County

Election Supervisor Elenore Gale, Ms. Walker claims she was unaware of what to do in the situation involving Ms. Price. Ms. Walker attended multiple poll worker training sessions leading up to the June 9th, 2020, General Primary Election.

Ms. Gale reviewed Ms. Walker's notes from the election and discovered she had called the office for a similar issue and the voter was ultimately allowed to vote in person. There is no record in e-Net of Barbara Price voting during the June 9th, 2020, general election.

Allegation two, the investigator interviewed all available witnesses, and there was no evidence to support violation of Georgia election law.

The potential violations, McIntosh County Board of Elections and Registration and Elenore Gale, election supervisor, there's evidence to suggest that McIntosh County Board of Elections and Registration and Elenore Gale violated gave O.C.G.A. §21-2-3(d)(2), cancellation of absentee ballots of electors who are present in election precinct during primaries in elections, when poll manager Dolores Walker failed to properly cancel voter Barbara Price's absentee ballot and allow

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her to vote in person during the June 9th, 2020,
General Primary Election.
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    CHAIRMAN DUFFEY: That's the -- excuse me.
    Recommendation for those findings by Ms. Koth.
Is there anybody here to speak on behalf of
the Respondents?
We know, of course, Ms. Walker's not
available because she is deceased, but is Ms. Gale
or anybody else here on behalf of the McIntosh
County Board of Elections?
(No Response.)
CHAIRMAN DUFFEY: Apparently not.
Is there any motion on this matter?
MR. MASHBURN: I'll move, once again, to
accept the recommendations, and to refer to the
Attorney General.
CHAIRMAN DUFFEY: Is there a second?
MRS. GHAZAL: Second.
CHAIRMAN DUFFEY: Any discussion on the
motion?
(No Response.)
CHAIRMAN DUFFEY: There being none, all those in favor of the motion, say, "Aye."

THE BOARD MEMEBERS: Aye.
CHAIRMAN DUFFEY: Opposed, "No."

CHAIRMAN DUFFEY: The motion carries.
The next is Case No. 2020-64, involving -I'm sorry, that's been continued.

The last case is Case No. 2021-88, City of Arlington, and would you brief us on that, please.

MS. KOTH: The complainant reports Randolph County Election Supervisor Todd Black was contracted by the City of Arlington to conduct their March 16th, 2021, municipal special election.

Complainant states last week, in one day, Todd Black received 180 absentee ballot applications, all prefilled out, and then signed by the voter. The signatures were verified and ballots were sent out.

The complainant reports petitioners went to court two days ago, and argued that a judge should throw out the applications because the prefilled-out applications were not signed by the assister, presumably the person filling of the top of the application through the -- though the law doesn't require this unless the applicant is illiterate or disabled.

The complainant states the judge refused to
do that, but told the County registrars in Calhoun and Early to hold hearings on the applications. The complainant advises there is, so far, no written order that Calhoun County has seen.

The complainant reports Calhoun County sent letters to voters, telling them their absentee ballot applications were now rejected and their voted ballots were now provisional, and had to be dealt with at the hearing now scheduled for this Friday morning and the voters have to vote in person.

The complainant states Election Supervisor Todd Black has -- voted absentee ballots which have been signature verified, and he says they have -- they are not provisional, and that they will be counted, and will not let a voter who has voted absentee vote again, so those voters are being told two starkly different things.

Complainant advises that Calhoun and Early boards, though, don't, in my opinion, have authority to reject absentee ballots in an election they aren't conducting. They are merely verifying the signatures for Todd Black.

The investigation revealed that during the March 16th, 2021, special municipal election in
the City of Arlington, that Randolph County Election Supervisor Todd Black was contracted to supervise the election.

One day, when Election Supervisor Black checked the P.O. box for the City of Arlington he found a large amount of applications. It was reported there were 180 applications. Most of the applications had the voters' name, address, and date of birth typed on the top portion of the application.

Elections Supervisor Todd Black forwarded the applications to Calhoun and Early County, so they could determine if the voters were eligible to receive an absentee ballot.

Both Early and Calhoun Counties compared the identifying information on the applications with the information on file in the registrar's office. The majority of the voters were found eligible to receive an absentee ballot and they were mailed a ballot.

On March 3rd, 2021, Betty Murdoch, Carolyn Oliver, and Sam Robinson filed a petition in Superior Court of Calhoun County to contest election.

The petitioners requested the following:

Petitioners request for a hearing and in camera inspection of applications for official absentee ballot. The argument states that the City of Arlington has less than 1000 registered voters, and within less than three days of early voting, the Randolph County Board of Registrars received nearly 200 applications requesting absentee ballots.

The argument states, it is the petitioners' understanding that many of the applications requesting an official absentee ballot are typed on a computer. The petitioners requested an expedited hearing on Monday March 8th, 2021, at 10:00 a.m. Petitioners filed an emergency motion challenging the 2021 municipal voter registration list.

The petitioners state over 50 electors identified on the list, but whom no longer believed to be residents of Arlington, Georgia. The deficiencies and inaccuracies also include six electors who are known to be deceased. The petitioners requested an expedited hearing on Monday March 8th, 2021, at 10:00 a.m.

On March 3rd, 2021, Calhoun County Senior Judge Joe Bishop signed an order scheduling a
hearing on petitioners' emergency motion challenging the 2021 municipal voter registration list. The hearing was scheduled for March 8th, 2021.

On March 9th, 2021, the Chief Registrar Sarah Causey and Deputy Chief Registrar called a meeting with the Board of Registrars so they could discuss with Judge Bishop had said -- what he had said during the hearing on March 8th. Ms. Deal provided a copy of the Board of Registrar's meeting minutes and the following were discussed in new business.

The Board discussed the judge's ruling on Superior Court Case 19 V 103 on Monday considering the Arlington Municipal Election. They discussed the -- the included time constraints due to the election being one week from that day, and O.C.G.A. §12-2-381, the Board unanimously agreed to send the attached letter to those electors whose applications met the criteria of concern by the judge.

On March 9th, 2021, Deputy Registrar Brooke Deal had the following letter served by the sheriff's department to 24 electors that had requested an absentee ballot during the

March 16th, 2021, special municipal election:
Dear Elector, pursuant to Superior Court Case 19 V 103, on March 8th, 2021, in accordance with O.C.G.A. §21-2-381, you are hereby informed that your application for an absentee ballot for the Arlington Municipal Election on March 16th, 2021, has been rejected.

You may still vote during advance voting or on election day. If you've already received a ballot, please bring that with you when you arrive to vote in person. Only your in-person ballot will be counted.

Alternatively, you may complete a new absentee ballot application and mail it to Randolph County Elections, P.O. Box 23, Arlington, Georgia 39813. If you've already returned a completed ballot for Arlington municipality election on March 16th, 2021, that ballot has been declared provisional.

If you wish to appeal the status of your ballot before the Calhoun County Board of Registrars, please call the voter registration office in Morgan at phone number (229)849-2972. Calls for appointments will be received between the hours of 8:00 a.m. to 12:00 noon, and

1:00 p.m. to 5:00 p.m. on March 9th, 10 th, and 11th.

Hearings will be held on March 12th in Arlington, Georgia in the conference room of the Conner Insurance building, located on Highland Avenue South. Please, bring valid photo identification when you arrive for your hearing. Respectfully, Brooke Deal, Deputy Registrar.

And then has a list of the 24 voters that were sent that letter.

Brooke Deal reported that 24 electors were chosen because their names were listed on the court documents. On March 10th, 2021, Brooke Deal reported Elections Director Chris Harvey called her and asked, what is going on in Arlington? I keep getting calls about a letter you sent out regarding the city election.

Ms. Deal stated she informed Mr. Harvey of the judge's recommendation and instructions, which prompted the Board of Registrars to send a letter out to voters and ensure a fair and pressure-free election. She advised she then read the letter to Mr. Harvey, and she informed him the Board had secured a building in Arlington to make it easier for people come in and verify their application
for an absentee ballot, without pressure from anyone working for any of the candidates.

Ms. Deal stated Mr. Harvey had told her they could not do that, and the judge did not have the authority to order that. She advised Mr. Harvey asked her if she had that in writing, and she informed him, no. Ms. Deal stated she advised Mr. Harvey that she was in court, and she heard the judge's instructions and the election is next Tuesday.

She said she advised Mr. Harvey that they did not have time to wait for the written order.

Ms. Deal stated Mr. Harvey instructed her to stop the process immediately and send out a letter by the sheriff's office to let the voters know there will no longer be a hearing. She advised Mr. Harvey informed her of Elections Supervisor Todd Black said that he was counting all of the votes, and she said, okay.

On March 10th, Deputy Registrar Brooke Deal sent a second letter to the electors, and advising that they would no longer have the hearing.

Investigator reviewed the order that was
filed in Calhoun County Superior Court on March 12th, 2021, and the order states the
following:
A hearing -- a hearing having been held on petitioners' motion, challenging the 2021 municipal election voter registration list was pursuant to O.C.G.A. §21-2-230, and petitioners' request for hearing and inspection of applications for official absentee ballots. And upon consideration of the arguments presented by counsel for all parties, it is hereby ordered, adjuded and decreed as follows:

The Calhoun County Board of Registrars shall convene in a timely fashion, and is required, pursuant to Georgia law, to review any challenges posed by the petitioners as it relates to the 2021 municipal voter registration list for the City of Arlington, Georgia.

The Early County Board of Registrar shall convene in a timely fashion, and is required, pursuant to Georgia law, to review any challenges posed by Petitioners as it relates to the 2021 municipal voter registration list for the City of Arlington, Georgia.

In the court order, the judge did not address anything in reference to the application for a voter to receive an absentee ballot that were
typed on the top portion. The investigator met with Chief Registrar Sarah Causey, Deputy Registrar Brooke Deal and Calhoun County Attorney Ben Harrell.

Ms. Causey said they sent the letter out on March 9th, 2021, based on what the judge said on March 8th, 2021. She advised the election was on Tuesday, and it was a very small window to do it. The Attorney Harrell stated at the conclusion of the hearing that the judge gave an oral order to the parties.

Attorney Harrell advised that there was that pressure from the judge saying that in court, that they had an election coming up next week. He advised if they received a court order the next day it would have been really helpful.

Attorney Harrell stated that they felt that the court hearing that if the Board did not act immediately there would have been a violation of what the court was saying to do. He advised he would have advised the Board, if they did not do what the judge said they would have been in contempt of court. Attorney Harrell stated that their mindset -- this was their mindset. And there was definitely the sense that the judge said
to do this.
During the investigation, it was learned that Shirley Jackson provided assistance to Willie Barnes to request an absentee ballot. Mr. Barnes needed assistance because he was unable to read the English language. Shirley Jackson failed to sign application that she provided assistance to Mr. Barnes.

For potential violations, Shirley Jackson, elector, there is evidence to suggest that Shirley Jackson violated O.C.G.A. §21-2-381(a)(1)(a)(f), making of application for absentee ballot, and that Shirley Jackson assisted Willie Barnes to fill out an application to request an absentee ballot because he was illiterate. Shirley Jackson failed to sign the application that she provided assistance to Willie Barnes.

There is evidence to suggest that Calhoun County Board of Registers Sarah Causey and Brooke Deal violated O.C.G.A. §21-2-597, intentional interference with performance of election duties, in that Randolph County Election Supervisor Todd Black was contracted to supervise the March 16th, 2021, special election in the City of Arlington.

CHAIRMAN DUFFEY: Yeah.
MS. KOTH: That was it.
CHAIRMAN DUFFEY: Thank you. I wasn't quite sure, and I didn't want to interrupt you.

MS. KOTH: It was a lot.
CHAIRMAN DUFFEY: All right. Those are the allegations of the potential violations in this matter, which is 2021-088. Is there anybody here just to respond, either Ms. Jackson, somebody from Calhoun County Board of Registrars, Chief Registrar Sarah Causey or Deputy Chief Registrar Brooke Deal? Are any of those people here? (No Response.)

CHAIRMAN DUFFEY: So there's no response.
Is there any motion on this matter?
MR. LINDSEY: So move to accept the recommendations of the investigator.

CHAIRMAN DUFFEY: And to refer to --
MR. LINDSEY: And to refer to the Attorney General's Office.

MR. MASHBURN: Second.
CHAIRMAN DUFFEY: It's been moved and seconded to accept the recommendation of the investigator and refer this to the Attorney General's Office.

In this, $I$ think we just refer to Attorney General's Office because it's not entirely clear as far as what would be a proper resolution. MR. LINDSEY: Yeah.

CHAIRMAN DUFFEY: And $I$ think we need their advice. Does everybody agree with that? All right.

It's been moved and seconded that we refer matter 2021-88 to the Attorney General's Office. Is -- are there any discussion -- is there any discussion on the motion?
(No Response.)
CHAIRMAN DUFFEY: Not being any, all those in favor of the motion, say, "Aye."

THE BOARD MEMEBERS: Aye.
CHAIRMAN DUFFEY: All those opposed, "No."
(No Response.)
CHAIRMAN DUFFEY: The motion carries.
And that completes the violations list.
I do want to make say -- make one
clarification on our vote on the letter cases.

When we voted at the very end and those we could not deal with individually, there was a case which is 2022-28 Richmond County involving voter registration. Before the hearing, the parties in
that matter came to me and said that they hadn't received notice of this hearing, although they were here, but they were here mainly to ask if the case could be continued. And I agreed to continue it and failed to note that when we did the motion, but the motion would cover all of the cases that were not booted out individually except for 2022-28, which was previously continued upon my decision. So we will see them at the next meeting.

The next order of business on the agenda is the report to the Attorney General, who will report, as you know if you been here, we do you have a smaller crowd than we did before. You were, $I$ think, all here. You know that there are some matters that we refer to the Attorney General's Office. These are matters that were previously referred previous meetings to the Attorney General and now they're being reported back to us after they have considered them.

So Charlene McGowan is our lawyer, and she's at the podium and ready to start, I assume.

ATTORNEY GENERAL'S REPORT
MS. MCGOWAN: Thank you. Good afternoon, Mr. Chairman and members of the board. For the

Attorney General's report today we are presenting a number of consent orders which are resolutions that were negotiated with the named respondents in each case. Some of these are consolidated cases, specifically the consent orders with Hancock County, Peach County, and the City of Forest Park, those all resolve a number of cases that are listed in the agenda.

We also have two final orders which are cease and desist and reprimand orders for the two cases listed on the agenda, those involved individual respondents.

I'm happy to entertain any questions that board members have regarding any specific cases, but otherwise, on behalf of the Attorney General's Office, I recommend that the board approve these orders.

CHAIRMAN DUFFEY: And these have all been provided to us as board members before the meeting, so we've had a chance to review each of them. I don't know if -- I don't want to put you on the spot, but could you just generally describe what these matters are and what the recommendation is that you've made to us, the orders as they're presented, or is that too complicated?

MS. MCGOWAN: Do you want me to go through each case individually?

CHAIRMAN DUFFEY: Yes, if it wouldn't take too long to do each case. Well, I don't know. That would take a long time, wouldn't it?

MS. MCGOWAN: It's up to you, Mr. Chairman. I'm happy to go through each, if you'd like.

CHAIRMAN DUFFEY: You all are very differential to me. Sometimes you ought to say, "That's not really a good idea."

Since we all have read this, there is a motion to approve the orders as they have been submitted to us by the Attorney General's Office. Is there a second to that motion?

MR. MASHBURN: Second.
CHAIRMAN DUFFEY: Any discussion on the motion? There being no discussion, all those in favor of the motion please indicate by saying "Aye."

THE BOARD MEMEBERS: Aye.
All those opposed, "No." (No response.)

CHAIRMAN DUFFEY: The motion is carried and granted.

That is the last of the orders and the
matters on the agenda, but there are still some other things we need to do. And specifically those of you that have signed up for public comments, we would like very much to hear from you now. I'm going to call you up in the order that you signed up, and I would just ask for you to be succinct as possible and keep it somewhere between two and three minutes.

So the first person would be Frank Schneider.
MR. SCHNEIDER: Yes, thank you. Where would you like me to stand?

CHAIRMAN DUFFEY: Why don't you speak from mic number 5. Well, maybe it would be better, I think, for the videographer for you to go up to the podium. Okay.

MR. LINDSEY: Mr. Chairman, you have several members of this audience who are very well-versed in how these hearings are conducted. It would be good to always attend.

CHAIRMAN DUFFEY: Having never attended one, I'm learning a lot.

MR. SCHNEIDER: I've seen that to be the case, yes. My name is Frank Schneider. Thank you for the work you do and the value that you make for this state right here. It's important work
that you do.
A couple of things on my mind today. First off, we talked about keeping voter rolls clean, and I think you're aware of how critical this is in a fair election. And I'm glad that Mr. Evans earlier brought up ERIC the information system that's used keep data updated and synchronized across different states when people move. That's one of the things certainly that it does. I got the impression that a number of you perhaps may be getting a briefing from Mr. Evans at some point about the ERIC system, and there's a couple of things in particular that I'd like you to pay attention to: One is the founding of this company and who the founders are and the background of those founders; who's funding this organization and funded it from its beginning; who its leadership is today and their backgrounds. And two other things that I'd request as well, I looked for it and I didn't see it, but I'd be interested in seeing the contract that the State of Georgia has with ERIC. I think that that seems appropriate that it be publicly displayed where we can all read it and review it. And then $I$ think $I$ had one final matter too. Yes.

I'd like to see a process implemented by which -- if the voter rolls are updated on a monthly basis using the ERIC process, it seems reasonable that we would want to see not the specific individuals, but the number of people that are taken off the voter rolls and the number of people that are added to the voter rolls so we can kind of get an idea if voter registration is increasing - net voter registration - if it's staying the same, if it's decreasing. Does that make sense with population growth, that sort of thing. Okay?

Second point I'd like to make has to do with what we talked about earlier with the possible fraudulent entry of ballots into ballot boxes around the state. I know we talked about one specific example. And what I'd like to suggest -perhaps a question first. Are you all familiar with the movie " 2000 Mules"? And have you seen the movie? Okay, I see a few smiles coming up -I see a lot of smiles coming up. I would suggest that the information contained in this movie and the petabytes of the cell phone ping data should provide some insight as to people that were around the drop boxes in our state during that critical
time period three weeks before our election and up through election day. I won't talk about the runoff at this point right now, but I think you would find that movie very insightful. Okay. Thank you.

CHAIRMAN DUFFEY: Thank you very much. I appreciate it, Mr. Schneider.

Mr. Quinn.
MR. QUINN: Good afternoon. William Quinn. I am a resident of Forsyth County. So, I was thinking about how to -- sort of put a theme around my points today. I think it's going to be one of risk.

I want to make note of something, and I will thank Mr. Mashburn for a comment earlier today. "Those who govern must" -- if I got this right -"must be willing to stand before the people and answer for their judgments."

Sounds right to me. So, much of what we talk about in these meetings has to do with our law and our goals for elections. Georgia law prescribes that elections be secure and accurate. And in previous meetings, you all have taken great care to explain the steps you've taken to make sure that they are, in fact, safe, accurate, so forth.

Your own State Election Board duties list that you are to promulgate rules and regulations so as to obtain legally -- legality and purity in all primaries and elections.

So, on June 3rd of this year, two and a half months ago, the Cyber and Infrastructure Security Agency of the United States government released a report detailing nine separate vulnerabilities contained in the Dominion Voting Systems, and these are the same systems we use all across this state. These vulnerabilities open the systems to be exploited, and may be able to insert malicious code. So, in other words, taking control in some ways of the systems and manipulating data that may be contained in these systems. How would that appear if this were to occur? Perhaps as anomalies in the reporting, perhaps in anomalies in the way the votes appear after the fact.

I think you're aware many people across the state have brought forward anomalies. In our last meeting, I offered to deliver to the board reports from the cast vote records from a number of counties that show unusual patterns in votes, differences in the way the votes counted up based on the method that they were used to be cast.

That seems odd. So we are -- on one hand, you're told to secure the elections, make sure they're accurate, and yet these machines continue to be used all across the state. And yet we have this government report that says, "Oh, my gosh, they can be manipulated."

Now, add to that something that Frank brought up just a moment ago. Seven days ago, the same company that did the investigation surrounding "2000 Mules" held a meeting with over a hundred people to disclose a number of pieces of information, including some things that had come up in part during their investigation. Within that, they discovered a Michigan company whose selection software and apps had been sold and were in use across quite a number of counties and states in the United States. That software is said to be communicating information on 1.8 million pole workers. Their names, their children's names, finances, location, even poll location schematics, so the places that polls are located and how they're put together. The most concerning thing is they found this information residing on the UNICOM Internet Backbone on a server in China. More information has been

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surfacing since this first came to light about
eight days ago and has been on national broadcasts
as late as last night.
    If you think the people in Georgia aren't
paying attention to this, mistaken. Thousands
upon thousands of people are watching this very
closely. It's the reason that we have about three
times as many people in the room as we've had in
the past I think.
    Even the machine contracts itself here in
Georgia runs afoul of Georgia law. It prescribes
the use of nonhuman readable proprietary bar
codes, but more importantly allows a device that
is using software subroutines in computing, which
is prohibited for election device under O.C.G.A.
$212-2-7.1.
CHAIRMAN DUFFEY: Mr. Quinn, how much longer do you have? I've been pretty generous --
MR. QUINN: Just about -- just about 30 seconds.
CHAIRMAN DUFFEY: Great. Thank you.
MR. QUINN: But \(I\) can go as long as you would like.
CHAIRMAN DUFFEY: You know, I suspect that that's the case.
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MR. QUINN: So here's my question. This sounds like a lot of risk to me and it does to many of the people in Georgia. The question now falls to you all. What are you prepared to do to mitigate this risk? The solutions are not easy, but there are ways to mitigate this. One, I know you're not gonna like it, would be to go to paper ballots and make a change so that we could be assured of valid and accurate elections.

I have copies of the documents supporting everything I've said. I'm available at the Board's discretion at any time for questions.

CHAIRMAN DUFFEY: Thank you very much.
Mr. Balbona.
MR. BALBONA: I'll keep it short. I wrote it out for two minutes, so there we go. Oh, that's not two minutes.

So, I'm George Balbona, I'm from Cobb. I'd like to congratulate Sara Koth, recently Sara was promoted to SOS Chief Investigator. I hope she can now expedite my complaint regarding the Cobb County Elections Department unlawfully receiving boxes of ballots under seal. I submitted this complaint over $161 / 2$ months ago and it still has been not properly investigated or assigned a case
number. I want to know why Dekalb County's Elections Director -- former Election Director Erica Hamilton was placed on extended leave of absence prior to her resignation. DeKalb VRE didn't even respond to my first records request in brazen violation of O.C.G.A.

Sara, I submitted a complaint regarding this and it has not been properly investigated or assigned a case number.

When I finally received a response of record from DeKalb, some emails were completely redacted; no names, no dates, no words, nothing. This is untenable. Even the heavily redacted Mueller report informed you of who was being redacted.

I believe Erica Hamilton was forced to resign partially because she submitted a midyear budget that was $\$ 4.48$ million more than the approved budget. Perhaps Erica unlawfully allowed bad actors to access voting machines like Coffee County and she needed millions to purchase new voting machines. Who knows.

Erica definitely violated county purchasing policy by improperly continuing to employ a PR company after their grant had ended. In order to cover this up, Erica lied to the Board of

Commissioners regarding last-minute BOC substitute item 2021-3005. Erica made it seem that these funds were solely to pay for the marketing of upcoming elections when, in fact, $\$ 375,000$ were to pay for services already provided. Remember, by a company that did not have -- that was not properly hired. Long story short, is that a criminal offense? Misallocation of county funds? Negligent misrepresentation?

CHAIRMAN DUFFEY: Thank you, Mr. Balbona. Ms. Davenport.

MS. DAVENPORT: Good afternoon to the chair and the Board. Thank you for giving me an opportunity to speak to you this afternoon.

CHAIRMAN DUFFEY: You're welcome.
MS. DAVENPORT: My name is Karen Davenport.
I live in Decatur, Georgia, DeKalb County.
As I have sat through the hearings today, I'm here to encourage the State Election Board to make decisions as you noted in your opening prayer that are right. And as I read your task descriptions, actions that are in the service of the voter.

Among many of the items the State Election Board has considered today are cases based on unfounded claims of voter fraud. I want to
encourage the Board as you make decisions and recommendations, particularly the recommendations you make to the legislators, to look through the lens of how your decisions are impacting all voters. All voters don't have computers. All voters don't have iPhones.

As I listen to many of your responses in response to grants as well as voter registration, I encourage you to look at the infrastructure that currently exists for voters in Georgia. There are issues, in my opinion, that need thorough investigation, because some of the things that we have in place are very much voter suppression for many voters, handicap voters, voters that are not wealthy.

I also want to encourage you to look how the current infrastructure for voter registration, knowing where, when to vote, who is running. There are elements in our current structure that make it difficult for Georgia voters to vote. Please consider as you make decisions that there are serious, serious issues that the Board must deal with throughout Georgia to ensure election locations are open and operational for early voting daily from 7:00 to 7:00, helping voters
navigate the more difficult absentee process, voting on designated Saturdays and Sundays.

So I implore you, I beg you to definitely understand and take seriously, which I'm sure you do, some of the voting suppression issues that currently exist in Georgia. I encourage you to continue to make decisions based on truth, not unfunded -- unfounded claims of voter fraud which clearly undermines our citizens' trust in our elections and voter process.

Thank you.
CHAIRMAN DUFFEY: Thank you very much.
Ms. Adams.
SPEAKER: She's not Here.
CHAIRMAN DUFFEY: Ms. Hall.
MS. HALL: Good afternoon.

CHAIRMAN DUFFEY: Good afternoon.
MS. HALL: My name is Candace Hall, and I'm a Fulton County voter. I've been voting since I was 18 and watching my parents vote since $I$ was 4. I'm coming up on 40. Thanks for hearing me today. I appreciate the comments about data being messy. I make decisions based on complicated data daily, and messy is an understatement. I also appreciate and look forward to the standardization

> of processes and practices that surround the act of voting. I'd like to make comments and a request on behalf of democracy and free and fair elections in the State of Georgia. Georgians agree that we have the right to vote in free and fair elections. And I fully expect be able to exercise that right without threats or fear of intimidation of any kind. I want that for every single Georgian regardless of party affiliation or political affinity.

The 2020 election is settled. The results have been confirmed not once, not twice, but three whole times. Any entertainment or amplification of unproven claims that say anything else undermines the trust we have in our voting process. It also leads to unnecessary and problematic restrictions to the free and fair voting that is the right of the people. Logic tells us that if we examine the elements of an argument and find that the premise itself is false, the conclusion therefore must also be false. We've done that three times. I consider this matter to be settled. Instead, I would like to see the State Election Board refocus and commit their support to

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the elections officials in each county as they
prepare for what is sure to be a high voter
turnout election this fall. Chasing bad faith
allegations of voter fraud is a waste of
everyone's time and chips away at voters'
confidence. It's problematic. It's inefficient.
    At the very minimum, I would ask that the
State Elections Board consider promulgating rules
that will help counties better implement SB 202,
the Election Integrity Act of 2021, and take
intentional steps to make sure elections are
freely and fairly accessible to every eligible
voter in this state. Let's make the rules and the
messaging surrounding those rules clear for
Georgians, and let's do that with integrity.
    I'd like to offer the ABCs of writing, which
is what I do professionally; accuracy, brevity,
clarity.
    Thank you for your time and your attention to
this matter.
CHAIRMAN DUFFEY: Thank you. Could you tell all the lawyers that write to me those three ABCs?
MS. HALL: The ABCs; accuracy, brevity, clarity. Absolutely. Yes.
CHAIRMAN DUFFEY: Thank you.
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Ms. Reardon.
MS. REARDON: Good afternoon. Thank you so much for serving and all the work that you do. I just don't know where to start. Let's see.

No matter how many times you say there was no fraud in 2020, that doesn't make it true. I want to start there.

The duties of the State Board are to make sure we've had safe and fair elections. And I won't know where everyone was in the room, but we just went through a lot of cases today, and some were fraud, some were not, some were because they didn't know what they were doing. It was a new system in 2020. But you can't just say there was nothing, because $I$ think we've sat here through, what, five or six hours.

But some of the things that $I$ wanted to comment on were the private funds. Last session, there was a bill that the legislators tried to figure out how to equitably distribute the private funds. It got shouted down. I was in the room. And it didn't go any further. There seems to be a lot of controversy around just how to disseminate private funds, which is crazy. So you've got that to look forward to if you have any, you know, ways
that you can offer them, I'm sure it'll be appreciated.

The 10:00 p.m. deadline. I live in Cobb County, and I was -- just as an example, in primary 10:00 p.m., that is easy to meet. And we are, what, the second or third largest county in the state. It's really easy folks. There is a poll manager at every poll on day of. They pull the tape and look at the number. They call it in to the supervisor. That's day of number. Then they've got to 7:00 to get the ballots, the absentee ballots. Those can be counted very easily. They don't have to be scanned, they don't have to be opened, they can be counted. We have X number of ballots. So up to that point on election day, you have your advance voting, those tapes are pulled on election day and are counted between 4:00 and 6:00, 4:00 and 7:00 and those numbers are available. These are the number of people who have voted. Now, the absentee ballots, they start opening up, depending on how many we have, like a week, eight days, nine days ahead of time. Those numbers are known.

Now, we do not want to go back to 2020. We
do not want to go back to when we're sitting in the Secretary of State three days after the election, four days after the election, still can't say how many absentee ballots there are in Fulton County.

So, obviously, people are going to be up in arms about the fact that we don't know and we keep adding ballots. Where are they coming from? So that rule $I$ think is a very good rule that the legislators made for 10:00 on the day of voting, they can at least have the numbers. ERIC -- I do not like ERIC. I don't think I know anyone called Eric, but this ERIC system, I do not like and there are many reasons. And you can research it just like the gentleman before had said. Louisiana just canceled their contract. There are a lot of problems with ERIC.

I had a little discussion with Mr. Evans, and I look forward to having more open discussion on this topic. This is really important to me. I'm an immigrant. My vote is very sacred to me, and I went through a lot to get that privilege to vote. So this is very important.

So when we have inflated, bloated too many people on the voter rolls, there is -- that is the
whole source of fraud, and I saw it in 2020. So we do have to keep our voter rolls clean. In Cobb County, we been challenging voters, and there doesn't seem to be an adopted method of doing it from county to county to county, even though we have state law that says how it should be done and what should be done. So I suggest that you work with that and come up with the counties the method, because we go NCOA, the data against the list, find out there's 5,000 people on there that shouldn't be on there. That's about the number. This was a few months ago. So then we start running those against how many of these people have had an address change and move to all the different -- all the different states, okay. And then those people have registered to vote in those states. Take those -- and they've been sent to the Board and the supervisor. They sent out the letters. They did get letters back or responses back or they don't. And we're sitting there through all this work and they changed the rules twice now. This past meeting two weeks ago or maybe three weeks ago now, they decided -- they didn't even vote on the 106 that should've been removed before the 90-day deadline before an
election. Various reasons, "Oh, you can't use NCOA data." Well, yeah, you can. Mr. Evans just explained that earlier today. He use -- they use they run their voter rolls against the NCOA data.

And then it's like, "Well, you've got proved that they voted in another state." No, you can be registered to vote in multiple states, it's not illegal. But that's the things we get back.

It's really not illegal, but there should be a method that if somebody moves from our state or to a different county or within a county that they should know that they have to remove themselves from the voter rolls in Georgia. And that seems to be something that people just don't know. Okay. They did it in Fulton County. Just one more thing. I wish that that had moved faster, because my son voted in the mayor election in Atlanta and they didn't even ask him for his ID.

So, there is still a lot of problems in Fulton County, because you need to have an ID to vote. Dead people are still on the rolls, people with addresses -- having PO boxes, vacant lots are still on the rolls. This should not happen in our country.

We are really victim to be a third world country. I want an investigation into why Mr. Raffensperger had just on his own decided that he was going to spend $\$ 5$ million since February and with some consulting do something about the registrar and the rolls, use Salesforce. I mean, I asked questions; nobody knew the answers. But we really need to get to the bottom of this and really need to have a uniform way of removing people who do not live here, who are not -- who are dead off the rolls, because you can see them come back and vote again, and that happens as well.

So my name is Pamela Reardon. I'm open to discussion and helping and having a dialogue with everybody and helping with having some uniformity moving forward with some of these problems that we have. Thank you very much.

CHAIRMAN DUFFEY: Thank you, Ms. Reardon.
Mr. Walters.
MR. WALTERS: I want to address the Toys for Tots in the schools, my wife and I volunteered setting up the boxes and collecting for 46 years. And a couple of -- invited us to DC for the silent parades -- and the instructions we received --

CHAIRMAN DUFFEY: A little closer to the microphone, please. I can't hear you.

MR. WALTERS: I was flashing back to an earlier subject.

CHAIRMAN DUFFEY: Thank you.
MR. WALTERS: The headquarters in Quantico did tell us to keep our boxes away from -- because it's the voting season, right? Christmas collecting toys and voting but they did tell us to do that years. Yeah, that was on the punch list. So I'm hitting a subject that came up several times earlier today.

I retired 11 years ago and subscribed to as many obscure government newsletters and reports as I could, and they just pop up.

But Dominion Voting Machines has a list that this other gent referred to of vulnerabilities to the Dominion software. And, supposedly, the Department of Homeland Security prior administration had vetted them and decided this is an adequate machine and endorsement them and I think that's why most states wound up with them. But I'm not that sure about how that flowed but.

The Department of Homeland Security -offices organizations and I spoke before with Jen

Easterly, Director of Cybersecurity, had a charge to look at all computers that interact with our government, federal or state, in any way and look for any flaws that they -- that she finds. So that's the list of nine items on last week's report, it's been as high as 11 or 12 on the first reports that $I$ was copied on.

Let me just read one, the number one item here, and they're all kind of similar. Not only are they vulnerabilities to the system that are known, but they're undetectable, a machines built to be undetectable. And in speaking with the white hat, the good guy, programs at night in cybersecurity and part of Homeland, they said we can't call by department policy any of the Dominion voting machines to have caused any of the errors in the voting system because those hacks are undetectable. So we can assume that might be where it came from or we think that's where it came from. They kept backing away from it and June 6th of this year, Jan Easterly threw it over the wall to the states, Secretary of States and each of the 50 states asking for an inventory of all the machines in your state by county, who inventoried them, and machine ID number and have
you put in the patches that we requested between you and the vendor Dominion voting machines.

And it doesn't surprise me that there is hacks all over the place by any number of bad actors.

But just the first item here I'll read: The tested version of Dominion voting systems version ten does not validate application signatures to interested root certificate. So it's got no skills but it looks it doesn't validate itself anywhere. Use of a trusted use certificate insures software installed on the device is traceable to or verifiable against cryptographic key provided by the manufacturer to detect tampering. Well, the department of Homeland Security told me we didn't buy the fully protected version. We bought the unprotected version. And the question from the vendor is if you pay more money we will program anything you like. No, let's just stick with the machine we're looking at because that already sold it in other places to other governments.

An attacker could leverage this vulnerability to install malicious code which could also be spread to other the venerable image cast devices
via removable media.
So if a hacker can get in the first machine they can spread it through code all of the other machines in all of the other states. And it's very dangerous set up I would say and I think others are worried about it as well. So, is this Board going to have any oversight or control interest at all in the Dominion Voting Systems? I mean I would think you would. But I don't know if that's outside of your parameters or even talking with Secretary Raffensperger about Jen Easterly asking for an inventory of our machines and having the patches put in she suggests.

But, yeah, that little hand out I put together is just one out of about 75 pages of reports on various companies, but everybody's in there, Motorola, Apple, IBM, Hewlett-Packard -everybody I've forgotten about. But all the big names are in there. With vulnerable items and usually more fixable than this one, but it seems to be a danger.

And then the policy at Homeland Security and there cybersecurity branch is since you can't detect a hack and they're untraceable, we will
have to say we have never found one so that's the quick federal government answer. We've never identified it and they've hired research professors from Auburn, Michigan and I think they mention Stanford out on the West Coast, and they are really digging into it, but the running dead. And I thought the best answers were the fellows that call themselves the white hats. They said they were some of their finest and brightest but they need to be left alone to do their work on researching.

So that's all I wanted to tell you and any thoughts just get passed back to Secretary Raffensperger to answer the cybersecurity questions.

I, as a voter, and born and raised in DeKalb County, I got -- am interested in us and all of Georgians being safe in our votes; right?

The reports I -- obscure reports I subscribe to are mostly to do with national security, is something out of this department going to affect national security and $I$ think we all know from the 2019, '20 elections that elections count; right? That's what they always say, "Your vote counts." So since this is where you make the sausage I
thought I'd put that up in case you think it needs any further pursual.

CHAIRMAN DUFFEY: Thank you, Mr. Walters. I appreciate it.

Mr. Metz.
I'm sorry, have you signed up?
MS. JORGENSEN: I'm speaking on behalf of Mr. Metz, he's out running a class field security training program today. So I may as the Board to present to you what he has prepared if that's possible.

CHAIRMAN DUFFEY: Yes.
MS. JORGENSEN: Thank you very much, I appreciate it.

Public speaking is not one of my things to do, so I appreciate this. Ted Metz has a lot of confidence in me. My name is Betsy Jorgensen, and I'm actually in Forsyth County.

Real quick, he's given me something to -- to share with you, and this was a letter presented to Judge Paul Nally. It was a letter Mrs. Davis had asked -- she asked this question. Why is it our State Election Board will not authorize emergency hand-marked ballots? And Judge Paul Nally responded, "Because, Mrs. Davis, they don't have
to. Nor do they believe their paramount duty requires them to judicially challenge a void contract to protect the people of the state. They prefer for politically expedient view to assume that Raffensperger would not enter into a void contract." The law of O.C.G.A. §21-2-334 clearly gives the election superintendent, whether that be an individual or local board of elections, the authority to make the decision for any other reason to authorize the use of paper ballots for in-person hand-marking and the election. Of course Raffensperger continues his threats to lower election officials. That won't be a worry. You see, the original contract which brought us the Dominion solution signed by the parties on July 29 and August 12, 2019, is void both as a matter of law and of fact. That is due to the provision of the attached Exhibit B, Paragraph 3.1, which both parties agreed that Dominion would provide an illegal piece of equipment which would produce an illegally-formatted piece of paper defined as a ballot. Clear violation of O.C.G.A. §21-2-27.1. Of that fact Raffensperger was aware yet accepted it providing his certification of illegal conduct
even though he knew or reasonably should have known of an illegal piece of equipment, the BMD, and its illegal result.

This, as a matter of law, resulted in an intentional fraud being perpetrated upon -perpetrated upon all the legal voters of Georgia, which has been continuing over the last five elections, all of which are void.

Kemp v. Mitchell \& Company, 216 Georgia 276, 282 through 283 in 1960. With the collusion of multiple conspirators, including the U.S. Election Assistance Commission, the State Elections Board, Governor, Attorney General, Speaker of the Georgia House, the President of the Georgia Senate, various judges in the state, at least one federal judge, the GBI, and not to mention a multitude of lawyers, including the U.S. DOJ, aided and abetted by the indifference to their ignorance of the sheriffs and the grand jurors of the state and least we offend -- we offend by failure to mention the FBI, the 46 th, the U.S. Congress and leadership of the Georgia Republican Democrat parties. This has been, without a doubt, the most monumental fraud and theft perpetrated upon the people, and shall be recorded by historians and

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legal scholars for centuries to come as they
record the rise and fall of a second Roman
Republic in history.
    In conclusion, by the way, are you fluent in
Mandarin yet? Prepare ye for the second coming of
the dark ages -- of the second dark ages where you
can have your organs harvested for their vote.
Respectively Paul McNally -- Paul Nally.
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CHAIRMAN DUFFEY: I'm sorry. This was a judge who wrote --

MS. JORGENSEN: This was a judge, Paul Nally.
CHAIRMAN DUFFEY: Who is Judge Nally?
MS. JORGENSEN: I do not know. It was a -it was a -- this question by Ms. Davis was given to Judge Paul Nally, and this was a response forwarded to Mr. Metz which he's -- he's given to me to respond.

CHAIRMAN DUFFEY: Do you know Mr. Nally -Judge Nally?

MS. JORGENSEN: I do not know. I do not.
SPEAKER: He's a retired.
CHAIRMAN DUFFEY: Retired from what?
SPEAKER: I would say --
MS. JORGENSEN: And so, I guess in
conclusion, what I'm also want to share with you,
in October 2020, Curling v. Raffensperger, page 81. Final judgment of that was, ballots do not meet the definition of ballot prescribed in Georgia law. And the definition of a ballot 21-2-379.22 and 21-2.300(a)(c)(2 -- (a) (2), election system deemed critical in infrastructure.

And this is the last point he was going to make. Georgia Election Code mandates the use of BMD system as the uniform mode available for all in-person voters in federal and statewide elections. O.C.G.A. §21-2-300(a)(2). The statement is correct but does not notice the stipulation of as soon as possible and certified by SOS as safe and practical for use -- as safe and practicable for use -- the certification was, at the very least, a gross abuse of the SOS's discretion.

So thank you for your time. Ted thanks you for this time. We hope his live-streamed election training goes well. So, thank you for your time, I appreciate it.

CHAIRMAN DUFFEY: I appreciate your comments.
Mr. Le Sueur.
MR. LeSUER: Thank you. A real quick question on the grants. Are those outside grants
they come I guess lack of funds for those particular counties?

CHAIRMAN DUFFEY: I don't think we had any testimony or comment today about the source of the funds.

MR. LeSUER: I was curious why the grants were being offered in the first place. I just wondered if there was --

CHAIRMAN DUFFEY: I think, if you were here, the response was that these were mainly in 2020.

MR. LeSUER: Okay.
CHAIRMAN DUFFEY: There was no description of where they came from and that we hadn't seen very many grants --

MR. LeSUER: That's just a poi of question.
I did want to get with you on some statistics and data that I'm looking for and have been looking for for some time. I believe somebody had mentioned that you were from the business community and are familiar with business processes and so forth.

Data and information is really important, I think it would help with the transparency. I've been trying to get some data and statistics on some of these issues that you guys have been
talking about for about a year now. I contacted the Secretary of State, the Attorney General's office, and lately, your body as well. And I'm trying to get information regarding fraud, just basic stats as far as how many fraudulent cases are being heard, how many are being processed, how many have been found to be actual fraud, and how many have been found to be just fantasy. I think, if we had stats on this, it would help to clear up some of the confusion and conspiracies we see out there. At this point, $I$ don't know what percentage of these complaints are completely valid and how many are somewhere in between and some are just, as I say, conspiracies. Without information as to where this comes from, I don't see how we can make good decisions or the legislature.

If we can -- one thing I have asked is all of these bodies is, for these fraudulent claims that have been caught, where were they caught? Were they caught after the ballot was cast? During the attempt to cast a ballot? During registration? Or afterwards? Because, if 95 percent of the fraudulent cases are being caught at the ballot box, that means you need to tighten up the
registration. If the registration -- most of it has been caught there, then you don't need to expend resources to tighten it up. So having that information as to where these issues are coming up and where they're being found $I$ think is very critical.

In that same vein, if you can share some of this information in an easily accessible form, that would help as well, so people could see the work that you guys are doing and see what is coming from that.

The county I'm from, the school board put together a fact-versus-myth list, and that helped dispel a lot of conspiracies that people were spreading around out there. And they also did a good job of quantifying some of the issues so that people could see what they were addressing and that they were addressing them in an efficient way. So if there's any way that you can come up with some sort of dashboard online, sort of say, "Here's what we've processed. Here's what we're still looking at. This is where the disposition of these others ended up," I think that would be helpful to present to the people and see what's happened so far. I would appreciate you considering that.

CHAIRMAN DUFFEY: Thank you very much.
MR. LeSUER: Thank you.
CHAIRMAN DUFFEY: Mr. Riggins.
SPEAKER: Who?
CHAIRMAN DUFFEY: Riggins, R-I-G-G-I-N-S. Joseph Riggins. I guess he's not here.

Mr. Ferguson.
MR. FERGUSON: Earl Ferguson, Fulton County. I'm one of the group that is exercising the Section 229 challenges to remove voters. We've been moderately successful. I give this board some of the credit for that, because of the investigation of Fulton County, they've sort of had to cooperate with us. Unfortunately, our neighbors in Cobb and DeKalb haven't had that opportunity.

I would like to bring to your attention a situation which is really not covered in Georgia law. And that's the fact that a lot of our challenges we don't know the outcome of. I was a programmer, but that's what the statement means. And going into the election, there are going to be a lot more, because we're still submitting right now -- I have some next month.

And I'm concentrating on the people who have moved out of state. And if they register in another state, they are not qualified to be Georgia voters and they should be removed. I'm not trying to get anybody who's -- for any other reason except they are not qualified to be Georgia voters. There's a provision in the federal law that says you can't remove anybody basically within 90 days of an election, so we can't have anybody removed. And the county has come up with a temporary category now that we are fitting into with all of these other counties may be in the same situation, which is why $I$ wanted to bring it out in public to everybody's attention.

Going into the election, if one of those persons who we have challenged and the challenge has been approved shows up to vote, what do we do? Well, if you look at 230, it means the registrar has to make a decision. And if there are thousands of those, and there could very well be, that is going to be a real problem for delaying or providing the manpower -- extra manpower. So this is sort of a warning, is this is coming. I don't see any way to avoid it.

I'm the last speaker, I'm cold, and like the
rest of you, are ready to get out of you.
Thank you for listening.
CHAIRMAN DUFFEY: Thank you very much.
Although somebody snuck their name on after your name, so we've got two more speakers.

JJ Jorgensen. Are you related to Betsy Jorgensen?

MR. JORGENSEN: I am. She is my wiser half.
Good afternoon, Board and fellow Georgians. I didn't bring my glasses. I can't read without seeing.

CHAIRMAN DUFFEY: I won't take that out of your time.

MR. JORGENSEN: I'll be brief. My name is John Jorgensen. Again, thank you, Board, for doing what you do. I am realizing a lot of what it is to be a volunteer these days. I've been a citizen of Georgia since 1977, and I have voted ever since $I$ have turned 18 years old here in Georgia.

I am both ashamed and proud of myself to be here today. The shame part is because I have never been inside this capitol before today. I'm proud of myself for finally getting up out of my chair and coming out here to be with you all and
allow you to hear what $I$ have to say.
I talked to a lot of people across where I have lived in many counties across the state, and right now I think most of them will agree that our voting system just is not in order. Voting and election integrity are bipartisan issue; it's not just one side or the other or even the people that like to lie in the middle. I think the confidence of our people has really, really been destroyed. Many of us are not happy with what is going on, so I would like to request to the Board, to you guys, to you use your sphere of influence to the legislature to please restore that confidence with the citizens of Georgia.

I would like to request we move to a national voting day. And I would like to see the State of Georgia be one of the leaders in doing that. Not only would I like a national voting day where people -- like McDonald's and Waffle House say $365 / 7$ days a week -- they would not go out of business if you all shut them all down for one day where we all have a nice day to come and you don't have to worry about going to work, we all come and do our citizen duty, vote, and get this stuff straight. And I would love to see moving to paper
ballots as well.
Thank you very much.
CHAIRMAN DUFFEY: Thank you.
Is it Cindy Battles?
MS. BATTLES: Yes, sir.
Good afternoon. I commend everyone who has managed to make it through this marathon meeting.

My name is Cindy Battles. I am the Director of Policy and Engagement for the Coalition for the People's Agenda. I just want to address three quick things that we've talked about during this hearing today. I'll be as succinct and quick as possible.

SB 202 set up a system where county board of election, election offices, that kind of thing could be reviewed. We heard an update from Mr. Germany today about how the Fulton County review was going.

It was suggested during that discussion that Fulton County should have to pay for observers because the panel is not capable of completing its work because they themselves have election work to do. I'd like to say that $I$ think it's unfair, especially with everything else SB 202 has put on counties to fund, that Fulton County would have to
pay for its own observers. And I would also like to point out, if Fulton County was asked to do that, they could always request observers from the Department of Justice, because those would be free.

Regarding the information that y'all were talking about with voter registration and organizations that do voter registration, I want to point out a few things, because, yes, we send out voter education material to voter registration lists. Those voter registration lists are updated daily, so it's almost impossible to have an updated list of who's moved, who's died, who's registered, who's been purged, that sort of thing. And then, because of federal law, 90 days before an election you cannot remove people. So if they've died, if they've had a felony conviction or anything else, HAVA makes it to where you cannot remove those voters. So what you're going to do is penalize organizations that are doing their best to make sure folks exercise their right to vote, because this information is not available online, and I don't think most of us would like it if our information was put online like that. We're paying money for those lists. By the time
we get the list, those lists are out of date. And then we are going to be penalized for doing those things. So that, to me, is problematic.

Another thing, because we were talking about the Collards Caucus. Y'all, I have a question. How is giving folks collard greens and cornbread different than a PAC supporting Herschel Walker giving out gas cards and groceries? Because they're giving these people information with Herschel Walker's picture on it. And what Black Voters Matter and Georgia NAACP are doing is making sure folks have food, making sure there are toys, and giving them voter registration and voter education. It's nonpartisan. You don't even have to be a registered voter to get that information, to get all of the stuff that they're giving away; the collards, the cornbread, the toys, whatever. You don't have to be registered voter, you just have to be a member of the community who showed up. As a matter of fact, I showed up to one and I got collard greens.

So it feels like, in an effort to make sure that things are on the up and up, if we're not careful, we're going to penalize organizations that are doing our best to reach out to
disenfranchised voters, because there are plenty of them in the state. There are plenty of people who feel like their voices aren't being heard.

The work that we do is not only protected by the First Amendment, but it's encouraged by the National Voter Registration Act. So I want to be really careful when we're talking about these things that, $A$, we're not making it impossible for us to do our job, and B, we're not punishing us for trying to make sure that people make their voice heard.

And finally -- I know, I'm sorry, I'm almost done.

There was a conversation -- and I'm sorry I didn't write the case number down -- but about someone who had a temporary residence within his county or outside of his county. You've got Cook v. Board of Registrar of Randolph County. That went all the way to -- not just to -- it went to the Appeals Court, and he was temporarily displaced outside the county and he was still a resident of Randolph County. And I believe it was last year, and maybe it was the year before, because sometimes things... But in Hancock County someone whose home had burned was temporarily
displaced out of the county. And that case was brought before the State Election Board and he too was found that he was still a resident and a registered voter in his own county.

CHAIRMAN DUFFEY: I think we agree with you on that.

MS. BATTLES: Yeah. So, I just want to make sure that, like, people are understanding when we're talking about this that there is precedent for that.

Again, I really commend y'all. If you want any of our research that we've been doing on chain of custody stuff, the grant stuff, we're more than happy to meet with y'all. Thank you.

CHAIRMAN DUFFEY: Thank you very much. I'm glad you got on the list.

All right. That concludes the public comment section of the meeting.

I did want to report that we did, during lunch, have our executive session, we did talk about pending legislation against members of the Board to get an update on where those cases were. And we made no decisions or reached no conclusions about anything, it was just a report on the status of the cases.

So that means that we are done with the agenda.

Is there a motion to adjourn?
DR. JOHNSTON: So moved to adjourn.
CHAIRMAN DUFFEY: They are very quick about that motion. How about, is it seconded?

MR. MASHBURN: Second.
CHAIRMAN DUFFEY: All those in favor of the adjourning say "Aye."

THE BOARD MEMEBERS: Aye.
CHAIRMAN DUFFEY: All those opposed "No."
(No Response.)
CHAIRMAN DUFFEY: We are adjourned.
Thank you for coming.
(The Meeting adjourned at 4:11 p.m.)

## STATE OF GEORGIA ) <br> ) SS

I, SHANA M. LEDING, Certified Court Reporter in and for the State of Georgia, hereby certify that the foregoing record constitutes, to the best of my ability, a complete and accurate transcription of the proceedings of the Court which were accurately reported and transcribed by me or under my direction, and all exhibits admitted.

I further certify that I am neither related to nor counsel to the parties herein, nor have $I$ any interest in the outcome of the above-styled proceedings.

This certification is expressly withdrawn and denied upon the disassembly and/or photocopying of the foregoing transcript or any portion thereof, unless said disassembly and/or photocopying is done by the undersigned and my original signature and official seal are affixed thereon

WITNESS my hand and seal as such court reporter on September 20, 2022.


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# In The Matter Of: <br> State Election Board Meeting 

September 28, 2022

Steven Ray Green Court Reporting LLC
1579 Monroe Drive, NE
Suite F, Number 614
Atlanta, Georgia 30324
404-733-6070


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                    APPEARANCE OF THE PANEL
    Mr. William S. Duffey, Jr., Chair
    Mr. Matthew Mashburn, Member
    Mrs. Sara Tindall Ghazal, Member
    Mr. Edward Lindsey, Member
    Dr. Janice W. Johnston, Member
    Transcript Legend
    (sic) - Exactly as said.
    (ph.) - Exact spelling unknown.
    -- Break in speech continuity.
    ... Indicates halting speech, unfinished sentence
    or omission of word(s) when reading.
    Quoted material is typed as spoken.
    Inaudible - unable to be heard.
    Unintelligible - incapable of being understood.
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PROCEEDINGS
MR. DUFFEY: All right. Good morning, everybody. Is this is working? Can you hear me?

MR. MASHBURN: Yes.
MR. DUFFEY: Okay. I want to call to order the meeting of the State Election Board on this September 28th of 2022. Thank you for all being here, including those that are watching us by the livestream. As you know, we begin usually with an invocation and a Pledge of Allegiance. And I'm going to do that myself today.

Invocations in -- in the various jobs that I've had in public service I think serve the purpose that one, that it ought to reach across all religions and all beliefs. But it is the purpose I think of an invocation is before a meeting especially to make people think is there a higher purpose in our lives. And is there a higher purpose with respect to the -- to the content and -- and the meeting that is being conducted.

So I had a chance a couple of years ago to be on the Island of Iona in Scotland. And
there in Scotland when we were walking towards the Bay of Columba. The person who was leading us read us a poem and I'm going to read you that poem. It's by R. S. Thomas. I would ask you to just think about the words. You can view it as a prayer, if you'd like. You can view it as just something that's reflective, if you'd like. It's up to you. But the poem one, is beautifully written.

It's R. S. Thomas was probably if you asked him, he considered himself more a poet than a theologian. But he was credentialed as a theologian, as well. And this is the poem: It's called The Bright Field.

I've seen the sun break through to illuminate a small field. For a while and gone my way and forgotten it. But that was the pearl of great price. The one field that had treasure in it. I realize now that I must give all that I have to possess it. Life is not hurrying on to a receiving future. Nor hankering after the imagined past. It is the turning aside like Moses to the miracle of the lit bush to a brightness that seemed as transitory as your youth once. But is the
eternity that awaits you.
And I think that puts in perspective of the issues that we're going to talk about today. But there -- it is a point in time of our lives, an important time in the history of our state and our country. And that we ought to consider how this point informs both.

So with that, if you'll all stand, we'll recite the Pledge of Allegiance.
(Pledge of Allegiance)
MR. DUFFEY: Be seated please. This is a different sort of meeting by -- for the Board. It was something that occurred to us after our last marathon nine-hour meeting. Where we went over a lot of complaints and made decisions. And I can't -- and I felt as if there was a need for an opportunity to communicate more fundamentally about things that were known to us. That I think are important to be known to you. And that we ought to have a meeting which I have called within -- within the Board in our discussions, a -- a informational meeting.

But I want -- but before we do the presentations, I want to first tell you an
incident that had a fundamental impact on me as a lawyer. I've been a lawyer for a long time. But when $I$ was very young, I had a case that taught me two important things which has guided us I think collectively as a Board but has certainly guided me in my life in my public duties.

So when I was a very young lawyer, one of the first cases I had was a case in Florida where I was to go down and try the case. I was -- at that time I was trying cases exclusively. And my job was to go down to -to Florida and try this case on the coast. It was a criminal case. I was going to prosecute the case. But $I$ was going to do it in a place where I wasn't living. I was a travelling lawyer. And so I'd go from location to location.

And when I got there, I knew enough about the case but when I got there, I talked to not only the defense counsel, but also to the local prosecutor who was helping me and had worked up the case to try. And I was there a week before to get prepared to actually do that. And it was interesting because I had
these two people with two fundamentally different views of the single issue.
(Phone ringing)
UNKNOWN SPEAKER: They're buying lunch.
MR. DUFFEY: In the court I would take that away, but $I$ don't think $I$ can do that in this position. And anybody else who have their phones on, if you would silence that would -- that would be a good idea.

So anyway back -- back to Florida. So I have -- I have the defense counsel and I had my local prosecutor who had this fundamentally different view of a particular issue in the case and that was the defendant's alibi. So this was a woman who had been charged with selling quaaludes which was the drug of choice at the time, cocaine and marijuana, fairly significant amounts. We had three counts against her. And one of the counts the defense lawyer had raised an alibi defense.

An alibi defense is a -- is a law defense, legal defense, and once it's raised, if there's a credible basis for the alibi, then the government has to prove the element of the offense. Which is they did, in fact,
the defendant was present when the crime was committed and committed the crime. So that's the law.

And I realized at that point when I had this contest that I had to always be cognizant that it was -- it was the government's burden of proof to prove that she was present and had the intent to commit the crime. Here was the problem and it was interesting because the prosecutor, the local prosecutor and defense lawyer totally agreed upon this. They said there was a woman, the alibi witness was going to testify that on the date of one of the charges that they were together not where the crime occurred. But in a city that was about an hour and a half away visiting a place in Florida called Wakulla Springs. You've heard of that it's sort of a resort sort of place where people travel for recreational purposes. But it's -- but it's -- I found out it's also a significant wedding venue. A lot of people get married at Wakulla Springs.

So I said, I need to know the facts of this case if $I$ have the duty to follow the law. And they said, well, she's very
believable. She tells about the day that they went which was the date in which the drug transaction had occurred. And I said, well, I know that that's your evaluation, but I need -- if I'm -- if $I$ am, in fact, going to think about giving up a count because I believe the alibi witness is telling the truth then I've got to talk to her myself.

So we -- so we spent about an hour and a half talking to the most delightful, honest witness that $I$ have ever had in a criminal case that was testifying on behalf of the defendant. But I couldn't understand why because the evidence of her presence was so strong. I couldn't understand why we had this conflicting evidence by somebody that I thought was incredibly believable and was trying to be as honest and forthcoming as she could.

So as we neared the end of the interview, I said, well, how -- how do I really know she was there. Not that I didn't believe her, but I just thought that I had to get more detail about the visit. And so I said, tell me about Wakulla Springs. Tell me about the weather.

The weather matched perfectly with the weather information that we had. How long did it take you to get there? She said who drove. She remembered -- she remembered all of that. And then I said, can you describe Wakulla Springs and she -- I hadn't been there, but I had enough information to -- to believe that that was an accurate description.

And then she said, and one of the things I really liked was the gazebo. I said, well, tell me about the gazebo. And she said, it's a gazebo. It was white, you know, it's kind of round. And I said, why did that -- why do you remember that? And she said, because of the wedding that was in the gazebo on that weekend. I said, well, tell me about the wedding. She said, God, it was beautiful. The bride had a long white dress. She had flowers that were blue and white. And -- and actually I think she had shoes, and she was taken by the fact that all this matched. Told about the husband, about the groom and what he wore. It was a traditional tux.

To me hearing that not only is she credible, but she's got good recollection of
the details of that day. And so I thanked her for coming in. Thanked her for her forthcoming description of everything that had happened. And then we left. And I -- and I told the -- the younger fellow who was helping me, I wasn't all that old, so he was -- actually he might have been older. I said, you know, we need to call the venue to at least confirm that there was a wedding that day.

He said, well, that's a good idea. I haven't done that yet. So we got the number for the manager of Wakulla Springs. And asked him was there a wedding. He had a book and said, well, let me check. He went through it. On that date that she said they were there, there was a wedding. And so all of this is, you know, we're trying to be fair and honest in this. But everything is lining up with respect to this alibi. So then I asked him this question: Do you -- is there anybody there that can tell me about the wedding? And he said, well, yes. I said, well, who that is. And he said, well, that's me. I said, well, why do you know about it? He said,
because one, I'm the wedding coordinator. And I'm the florist. So I'm intricately involved in all the details of the wedding.

And he said, and this book that I'm reading out of it shows the date of the wedding on the date that you asked about has -- I keep notes about the weddings, because I want to remember. And I said, okay. Well, go to the date that I gave him that she was supposed to have been there. I said, well, tell me about the wedding on that day. And he said, it's really interesting because I remember that really distinctly because it was unusual.

And I said, well, what was unusual about it? He said there was -- there were two things that one, as the florist I didn't think was in line with what you should do on a wedding in that -- in that season. And the second was that we didn't often have this. And I said, so what are the two things. He said, one, the bride was getting remarried and refused to wear a long white dress and she wanted a beige cocktail dress. And I said, so what's the other interesting thing? He said,
she insisted even though it was in the Spring of having fall colored flowers to go with her dress. I said, what do you mean by fall colors? Orange, brown, some yellow. And I said, what date was that wedding on? And he gave me the date which was the date that they were supposed to have been there. I said, well, can you look in your book and tell me about a wedding where there was a -- was there a wedding in which a woman wore a long white dress, had blue flowers and might have even worn blue shoes. He said that was the following weekend.

Completely honest witness. Simply wrong on the dates. And, in fact, it showed that our evidence was that she had, in fact, been present had no alibi and she was convicted of that offense. And why is that important? I think as a lawyer, and I think as all of us in life should do two things. One is to make sure we understand those things that guide and are required to be followed in an environment. We do that every day. We abide by laws. We know what the laws are. Sometimes we don't strictly abide by the laws because we have
some other motivation. But for the important laws we know what they are, and we abide by them.

And then second, the facts always have to show based upon the law that they support the law and the conduct that was abiding by the law or conduct that did not abide by the law. And I say that because this informational meeting is one of our purposes, is to do just that. We want you to know what the law it. And second, we want you to know what facts we know as we struggle with the intersection of the facts that are -- that are really important in this -- in this case having to do with an upcoming election. And frankly having to deal with the past election as they might reflect on the upcoming election.

But -- but secondly, to -- to know that when we agreed to do this job, one of the things that we agreed to do, is that we were bound by the law of the State of Georgia. And I -- and I went back and looked at it. We just haven't done a very good job of explaining that. We haven't done a very good job at all about telling you factually
information that might help you understand what it is that we're dealing with. Particularly how these machines work and we're not -- this is not an advocacy event.

We're -- we're not bringing in people to say, well, they work this way. No, we don't agree with that. This is just a description and it's the same description that the first thing that $I$ did when $I$ became Chair, is I said, I want to go and see these machines. And I want to look at them. I want to see what they're like and how do they operate. I don't want anybody to tell me about why they don't operate or do operate the way they're supposed to. I just want to understand the system. I want you to understand the system. So that's what we're going to do today. Remembering that the law has to be followed and the facts are important. And -- and I -and what I learned fundamentally from my -from my experience in Florida was this: That in order to find truth, requires objectivity and an open mind and a willingness to change your position one way or the other based upon what the law is and what the facts show.

And so I think the best organizations are one where people are open to information. And only after they get a full understanding of information do they reach a conclusion about what their belief is and what they want -- and what they ultimately want to advocate. And what facts are available to allow them to advocate.

So with that, I want to start with the law. Anybody who would like to can go and pull out Title 21. I would -- I would encourage all of you to read Title 21 having to do with elections. That's the Official Code of Georgia, Title 21 which is the title having to do with elections. And read it from the beginning to the end. Because that gives you the legal framework within which laws are conducted in our state as determined by the General Assembly.

And so what we're going to do this morning is take those portions of that, is -you know some of that is pretty formulating. It has to do with having to file certain things that are unrelated to the actual conduct of election. But I've asked Matt

Mashburn who was the acting Chair before I became Chair. But has served on this Board -how long?

MR. MASHBURN: I'm on two, three years.
MR. DUFFEY: Okay. So as the longest serving Board member, does election law work and does a lot of work as a lawyer with having to look at legal documents and I like to make sure that they're done properly. So I have asked him to just summarize for you. And in some cases, the summary is almost verbatim what comes out of the statute so that you can understand the Board. And you can understand the election process. So with that, I turn it over to Matt.

MR. MASHBURN: Thank you, Mr. Chairman. I'm going to move this monitor a little bit this way so that court reporter can actually see my -- me making the words. I think that's helpful rather than me being behind a monitor. So you can't see.

MR. DUFFEY: They can't hear you. Can you pull the microphone closer, please?

MR. MASHBURN: I don't think -- there we go. Okay. I tried to move it earlier. It's
not on. You might need to turn it on.
MR. DUFFEY: Maybe -- well, how do I do
that?
MR. MASHBURN: There's a --
MR. DUFFEY: Are you number one?
MR. MASHBURN: Yeah.
MR. DUFFEY: You mean I have control over everybody speaking?

MR. MASHBURN: Yeah. Power. Test, test, test, test, test, test.

MR. DUFFEY: Is that better? Can you
hear now? Okay.
THE AUDIENCE: A lot better. Thank you.
MR. DUFFEY: And in the back can
everybody hear in the back?
THE AUDIENCE: A little more. Not
really. It's a little low.
MR. MASHBURN: Test, test, test.
THE AUDIENCE: (Inaudible.)
MR. DUFFEY: Now try it.
MR. MASHBURN: My voice probably picks up
volume, as we go along. There we go. I'll back away now.

MR. DUFFEY: So now I can -- now I know I can turn the monitor on.

MR. MASHBURN: You've got all kind of power.

MR. DUFFEY: I can also determine how -whether they can be heard. Okay.

MR. MASHBURN: Well, one of the things we do is as -- as lawyers, we start with the law and read the law first. And rather than read all of Title 21 for everyone here today, I'm going to summarize only the applicable statutes and provisions. So we start with one of the things that you find out as a young lawyer with regard to the law, is that you can't just understand the law by reading one provision. Because many provisions lead you to another provision that leads you to another provision. So it leads you to another provision. So we're going to do a little bit of that today. It just -- so that everybody can have the same frame for it.

So we start with Title 21 , we start in Article 8A of the Georgia Election Code. And it's entitled: Statewide voting equipment. And it carries the sub-caption for 21-2-300, provision of new voting equipment by state. Uniform system for all elections to be
conducted with the use of scanning ballots marked by electric -- electronic ballot markers. Pilot programs authorize county responsibilities, education, county, and municipal contracts for equipment.

So within 21-2-300, we now proceed to 21-2-300(a)(2). And that provides that all federal, state, county, general primaries and general elections as well as special primaries and special elections in the State of Georgia shall be conducted with the use of scanning ballots marked by electronic ballot markers and tabulated by using a ballot scanner for voting at the polls and for absentee ballots cast in person unless otherwise authorized by law provided; however, that such electronic ballot marker shall produce paper ballots which are marked with the elector's choice in a format readable by the elector.

Thus 21-2-300(a) (2) has two requirements. The ballots must carry both the capability of being scanned and of being verified by the voter prior to it being scanned. And -- and also human readable in the event of a hand recount. So now we've introduced the
electronic ballot marker. Let's look at the definition of the electronic ballot marker.
O.C.G.A. 21-2-2 7.1, defines and electronic ballot marker as an electronic device that does not compute or retain votes, may integrate components such as -- such as a ballot scanner, printer, touchscreen monitor, audio output and a navigational keypad. And uses electronic technology to independently and privately mark a paper ballot at the direction of an elector. Interpret ballot selections, communicate such interpretation for elector verification. And print an elector verifiable paper ballot.

So now we move to -- we'll skip ahead to 21-2-381. And that provides: In any primary or election in which the use of voting equipment is impossible or impracticable for the reasons set out in Code section 21-2-334 the primary election may be conducted by paper ballot in the manner provided in Code section 21-2-334.

So now we have to turn to 21-2-334 and find out what the reasons are. And the reasons set out in 21-2-334 are if a method of
nomination or election for any candidate or office or a voting on any question as prescribed by law in which the use of voting machines is not possible or practicable or in such case at any primary or election the number of candidates seeking nomination or nominated for any office renders the use of voting machines for such office at such primary or election impracticable or if for any other reason at any primary or election the use of voting machines wholly or in part is not practicable.

So now we move ahead to 21-2-418(H), as in hotel. And that provides notwithstanding any other provision of this chapter to the contrary in the event that the voting machines or DRE units at a polling place malfunction and cannot be used to cast ballots or some other emergency situation exists which prevents the use of such equipment to cast votes, provisional ballots may be used by the electors at the polling place to cast their ballots. In such event, the ballots cast by electors whose names appear on the elector's list for such polling place shall not be
considered provisional ballots and shall not require verification as provided by Code section 21-2-419 provided; however, that persons whose names do not appear on the elector's list for such polling place shall vote provisional ballots which shall be subject to verification under Code section 21-2-419.

So now we're going to take a break from actually just reading statutes and move along in -- in the wake of the 2020 election, the General Assembly made public policy choices about the voting systems in use in Georgia. And did so in several ways. Two bills were filed in 2021 that would have variously required or allowed at the option of the County Election Superintendent the use of hand marked paper ballots rather than ballot marking devices. The bills were SB-233 and SB-273.

233 proposed to specifically delete ballot marking device and to change the method of casting votes to a non-electronic marking tool designed for electors to indelibly hand mark votes on paper ballots or paper ballot
card or cards that was assigned to a committee but did not advance to a hearing.

SB-273, the title of which was elections and primaries conduct elections by paper ballots in 2021. Authorize local governments proposed to specifically provide that in any primary or election conducted during 2021, the primary or election may be conducted by a county, municipality, or consolidated government, of the option of its election superintendent by paper ballot in the manner provided for in Code section 21-2-334. It was assigned to a committee but did not advance to a hearing.

In 2022, the Georgia General Assembly spoke directly about the application of the Board's emergency powers. And specifically in the context of the Board's exercise of emergency powers under the 2020 election. Unlike the United States Congress, and its congressional record that carries the proceedings of the Congress. And that a series called the U.S. Code Congressional and Administrative news that $I$ lived in when $I$ was an undergrad in law school.

In addition to special legislative findings that are sometimes made, the preamble to a bill is widely regarded as the definitive legislative history of laws enacted in Georgia. And the preamble to SB-202, the General Assembly wrote that some of its purposes in the bill were to limit the ability of the State Election Board and the Secretary of State to enter into certain consent agreements, settlements, and consent orders, to provide additional requirements on the State Election Board's power to adopt emergency rules and regulations. To provide for allocation of voting equipment by counties and municipalities. To amend Title 50 of the Official Code of Georgia Annotated relating to general provisions regarding state government so as to provide for the submission and suspension of emergency rules by the State Election Board. The General Assembly specifically created a brand new Code section which was O.C.G.A. -- Official Code of Georgia Annotated 21-2-35.

And that Code section carries the title, Imminent Peril Requirement for Adoption of

Emergency Rules or Regulations; Notice;
Certification of Strict Compliance;
Conflicting Provisions.
And, specifically, in 21-2-35(a), the law provides notwithstanding any other provision in this chapter, Chapter 3 of Title 38 relating to emergency management for Chapter 13 of Title 50, the Georgia Administrative Procedures Act to the contrary the State Election Board may only adopt emergency rules or regulations in circumstances of imminent peril to public health, safety, or welfare. To adopt any such emergency rule or regulation in addition to any other rule-making requirement in this chapter, or Chapter 13 of Title 50, the State Election Board shall give notice to the public of its intended action. Immediately upon the setting of the date and time of the meeting at which such emergency rule or regulation is to be considered give notice by email of its intended action to the Governor; the Lieutenant Governor; the Speaker of the House of Representatives; the chairpersons of the standing committees of each house of the General Assembly tasked with
election matters; legislative counsel and the chief executive officer of each political party registered pursuant to subsection (a) of Code Section 21-2-110.

And it must state in the notice as required by paragraphs (1) and (2) the nature of the emergency and the manner in which such emergency represents an imminent peril to public health, safety, or welfare. Upon adoption of promulgation of any emergency rule or regulation pursuant to this Code section, a majority of the State Election Board shall certify in writing that such emergency rule or regulation was made in strict and exact compliance with the provisions of this chapter and subsection (e) of Code Section 50-13-4.

And in the event of any conflict between the Code section and any other provision of Chapter 13 of Title 50, this Code section 21--- 21-2-35 shall govern and supersede any such conflicting provision.

So to close out the statutory portion we need to look at O.C.G.A. 50-13-4. And, specifically, 50-13-4 (b). If any agency finds that an imminent peril to the public health,
safety, or welfare, including but not limited to, summary processes such as quarantines, contrabands, seizures, and the like authorized by law without notice, requires adoption of a rule upon fewer than 30 days notice and states in writing its reasons for that finding, it may proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable to adopt an emergency rule. Any such rule adopted relative to a public health emergency shall be submitted as a promptly as reasonably practicable to the House of Representatives and Senate Committees on Judiciary provided that any such rule adopted relative to a state of emergency by the State Election Board shall be submitted as soon as practicable but not later than 20 days prior to the rule taking effect. Any emergency rule adopted by the State Election Board pursuant to the provisions of this subsection may be suspended upon the majority vote of the House of Representatives or Senate Committees on the Judiciary within 10 days of the receipt of such rule by the committees. The rule may be effective for a period of not
longer than 120 days but the adoption of an identical rule under paragraphs (1) and (2) of subsection (a) of this Code section is not precluded; provided, however, that such a rule adopted pursuant to discharge of responsibility under an Executive Order declaring a state of emergency or disaster exists as a result of a public health emergency as defined in Code section 38-3-3 shall be effected -- effective for the duration of the emergency or disaster and for a period of not more than 120 days thereafter.

So finally, case law also impacts our deliberations and our discussions. In Voter GA and Phillip Singleton versus State of Georgia, Judge Kimberly M. Esmond-Adams a judge on the Fulton County State Court considered whether electronic ballot marking devices complied with voting law requirements in O.C.G.A. 21-2-2(7.1) and O.C.G.A. 21-2-300(a)(2). In this case, the petitioners claim that the State's current electronic voting system does not comply with State law. They argued that the paper ballot generated by the Dominion ballot marking devices does not
comply with O.C.G.A. 21-2-2(7.1) and O.C.G.A. 21-2-300(a)(2), the two sections that were just described previously. Petitioners requested that the Court order the State switch to hand marked paper ballots counted by scanners.

The State of Georgia moved to dismiss the case. In dismissing the case on May 31st, 2022, the Court said, the fact that paper ballots include a $Q R$ code which the system uses to tabulate votes does not violate either statute's requirements that the paper ballots be produced, and that the interpretation of the elector's intent be produced in a readable fashion. These requirements are satisfied by the printed paper ballots produced by the ballot marking devices. The Court then decided the current devices comply with the statutes because they communicate the ballot scanner's interpretation of the elector's intent in a format readable by the elector through the printed paper ballot. There is no interpretation of the facts presented that would provide petitioner relief of their claim. The State Court of Fulton County is a
trial court. The decision of Judge Singleton -- the decision in Singleton of Judge Adams was not appealed. Thank you. MR. FAVORITO: It was appealed, Matt. That's not true. MR. MASHBURN: Well, we'll check on that. MR. FAVORITO: Okay. I'll tell them that.

MS. McGOWAN: It is pending appeal.
MR. MASHBURN: Well, I stand corrected.
MR. DUFFEY: So that's the --
MR. FAVORITO: There's many other (inaudible) --

MR. DUFFEY: -- excuse me. You have -we're going to the next part of the -- of the meeting which is after having described the statute that we comply with and have to comply with. I want now for you to understand not in a sense of advocacy but just understand how the Dominion democracy sweep machines work.

So I want -- I want you to understand as it was explained to us early on in the year how exactly the machines work. Because for me, I told -- I told the people that were on the Board, I said, what I know about voting is
that I voted. But I will tell you that when I go in, $I$ don't really scrutinize what it is that's happening. I do what I'm instructed to do. And I said, now I want to look at the system and how it operates as a -- as a whole. And I wanted to know what security devices that were on it because I -- because I knew that there were people that -- that had criticized the security. And -- and I -- I just wanted to know so I could reach my own conclusion about the security in -- in the machines and the system itself. So I want to present to you, Mr. John Poulos who is the CEO of Dominion voting to just explain to you how the system -- how the machines work. And he is --

MS. BRADSHAW: Garland said that some of the information he gave was -- was incorrect and I think we need to get that settled before we move on.

MR. DUFFEY: We're going to move on, but I will have something. If I can't -Charlene, would you -- could you -- do you have the appeal documents if there are any in the case that Judge Adams decided? And do you
know the status of the appeal?
MS. McGOWAN: It's been (inaudible) --
MR. DUFFEY: Is -- has there been oral argument on it?

MS. McGOWAN: It has not (inaudible) --
MR. DUFFEY: It has not been --
MS. McGOWAN: (Inaudible) -- oral
argument on it yet but could be.
MR. DUFFEY: Okay. So it's --
MR. FAVORITO: Mr. Chairman, I'm the lead (inaudible) on the case that Matt was talking about, and I would like the opportunity sometime today to clarify some of the false information that you just heard.

MR. DUFFEY: We'll let you do that during public comments section.

MR. FAVORITO: All right. I've already (inaudible) public comment. I'd like some extra time for that.

MR. DUFFEY: We're now going to move to a description of the democracy sweep machines by Mr. Poulos who will -- who will be presenting to you virtually. Can we do that now?

MR. MASHBURN: Mr. Chairman, if these screens don't work, I'm going to come down
here and watch.
MR. POULOS: Good day. Could you -- can you hear me?

MR. DUFFEY: Yes. Do we have him on camera?

MR. POULOS: I'm here, if you can hear me.

MR. DUFFEY: We -- can you hear us, Mr. Poulos?

MR. POULOS: I certainly can, yes.
MR. DUFFEY: Okay. Wait. We're trying to get your picture -- there we have -- I guess we have it now.

MR. POULOS: Can you -- can you hear me, Chairman?

MR. DUFFEY: Yes.
MR. POULOS: Wonderful. Well, thank you for having me. Do -- do you want me to start a description of what our system does?

MR. DUFFEY: Yes, please.
MR. POULOS: Okay. Great. Well, essentially, our system does one of two things in a precinct. And -- and I suppose the first comment that $I$ will make is that we don't really do anything -- any -- any of the checks
or provisions of a verifying voter's eligibility that is done by poll workers. But once a voter enters into a precinct and is verified by poll workers as an eligible voter who hasn't yet voted in this election.

In the State of Georgia, they are given access to a ballot marking device. And that -- that device is a stand-alone machine. It's not connected to the internet. It's not even connected to each other. It's a stand-alone device and essentially it is a screen connected to a printer. It allows a voter to go through the appropriate ballot so it keeps track to make sure that the ballot that a voter's view it -- viewing is from the appropriate district that they should be voting on. And it allows that voter to go through contest, by contest each of, yeah, viewing each contest and making selections along the way on -- on the ultimate way of producing a paper ballot that can be further reviewed. And I'll -- I'll talk about that in a minute.

So one of the advantages that the ballot marking device presents is that it allows the
voter to make selections in -- in a perfect manner. So there is no ambiguity on the paper ballot. It allows them to scroll through each contest all the way to the propositions and -- and also allows for accessibility features that ensure that every voter regardless of the level of physical ability that they may possess allows them to independently mark and create a paper ballot for which they are able to verify privately and independently that can be accurately counted and recounted and audited as the case may be.

So at the -- at the end of this stage and this is really, as I said, the first thing that Dominion machines really do, is we help voters mark paper ballots privately and independently. On this device, on the ballot marking device, votes are not stored. Votes are not cast. There is nothing at the end of this that is stored on the machine other than a paper ballot being presented to a voter.

Now, if a voter picks up that paper ballot and is able to verify their selections that -- and verify that the selections that are printed on that paper ballot are, in fact,
accurate. Are, in fact, the voter's selections. No more, no less. And once they verify that, which, Chairman, is the very important part of the process. Then they can walk it over to the ballot box. So as they leave the ballot marking station, they -- all that's left is a paper ballot that's now in the voter's hands. There's nothing stored or nothing cast. There's no record of any kind of votes stored on the ballot marking device. So as that voter walks over to the ballot box, the official cast record, it is important to note. This is not a backup part of the system. This -- the -- the paper ballot is the official ballot that gets cast. That goes into a ballot box by way of a digital scanner. And so that's -- that's the other piece of what Dominion does.

We have a digital scanner that scans that paper ballot and saves an image in triplicate in -- on the -- on the memory devices of that scanner. And all that scanner does is it accurately and objectively tabulates the votes that are on that paper ballot. So without any use of technology, the paper ballot would go
into a locked, sealed ballot box. The chain of custody of that locked and sealed ballot box is under the control of the election officials in that jurisdiction. And is, obviously, a very essential part of the mandated election protocols that go into place.

But in addition to the paper ballot that can be hand audited. It can be hand recounted. You also have a record of -- of -by way of digital image of what that voter verified and confirmed at the time of casting. So if you think through some of the legacy concerns about paper ballots and why many decades ago paper ballots fell out of favor for a period of time. There was allegations that during a hand count process or even during a recount process, somebody nefarious could have perhaps a piece of pencil lead under their fingernail and make a supplementary mark on that ballot at the time of a recount or a hand count.

And one of the great advantages of having a digital scanner in this process is not only does the official record remain that voter
verified paper ballot that can be hand counted and audited. But you would additionally have a scanned image of each ballot that has gone through the machine. So as the voting day continues, it is important to note that the day starts with an open ballot box where members of the public bi-partisan poll watchers, other stakeholders who wish to watch the election, can verify that the ballot box is, in fact, empty. And they can verify that the results tape that is printed -- we call it the status tape because it -- it shows a record of what is in that ballot box. And at the beginning -- beginning of the day the essential step in the process is to print the tape that shows the machine has no votes recorded on it for this election that is about to begin.

As the election day proceeds, ballots are cast by voters after they have had a chance to verify their paper ballots and choose to cast it. Once they are happy and sufficiently, they -- they -- they view that it is sufficiently voted, no more, no less. Then they cast it through the machine, digital copy
of the ballot is captured, as I mentioned. And at the end of the day, a poll official when voting closes, will close the poll. And immediately at the end of the day when the poll is closed, multiple copies of the results tape will be printed.

And the reason -- so what's on the tape? The tape shows a complete accounting of how many ballots have been cast with the machine during the day. And it also shows the results of those ballots that have been cast in that -- in that ballot box. And that is just one piece of -- of the entire chain of custody that comes together during the canvass process. And the reason why we print multiple tapes in the State of Georgia is because tapes can be given to political parties that are present in the precinct. A copy can be given to poll watchers, bi-partisan poll watchers and a copy of that which I'll state can be publicly posted on the wall of that precinct. And it really allows for an additional step of transparency that members of the public. The bi-partisan poll watchers, the candidates themselves now know the instantaneous results
before that entire package of election material gets securely transported back to the central location.

So I'll pause briefly there. And -- and happy to answer any questions as it pertains to this -- these two processes.

MR. DUFFEY: If you have a question, if you'll write it out, I'll ask it. Just bring it up here and put it on the table.

Can -- can you explain whether the actual machines have any security?

MR. POULOS: They absolutely do. So federal certification guidelines, Chairman, have a comprehensive list of requirements that any vendor is required to meet. And these are validated through the federal testing program. Through independently tested and accredited testing agencies as it pertains to our ballot tabulator, for example, there are physical security mechanism that protect the memory cards that I referenced so lock and sealed.

It's the same type of lock and seal concept that -- that -- that protect the actual paper ballots in the physical ballot box. So not only do you have a physical lock,
but then you have a seal that can be verified very easily. They're highly visible so they can be verified by any poll watcher or bipartisan stakeholder in the election even from a distance.

Beyond that the actual memory cards are both digitally signed and encrypted as per federal requirements. And -- and that -- that is only as it pertains to the security of -of the -- of the system sitting on the ballot box. Above and beyond that, jurisdictions have their local chain of custody and a host of physical security processes in public testing that layer on security on top of the actual machine's security.

MR. DUFFEY: And I -- I know that at some point for an election somebody has to put the ballot on to ballot marking devices for that particular precinct. How is that done and is it possible that somebody could put something else that would corrupt the ballot marking device after it's loaded with the ballots?

MR. POULOS: Sure. The -- the specific process is really best answered by -- by the State and basically the election officials
that are accountable for defining that process. But, essentially, the way to think about it is once an election is programmed there -- that the -- the -- the election specific nature, so candidates, the types of contest, you know, is it -- is it, basically, the specifics that change from election to election are loaded on to the ballot marking devices.

They -- they are loaded one by one into the ballot -- into the ballot marking devices so it's not by way of internet. And it's not done by network. They are done by physical cards and that process -- and the -- and the mandated protocols of physical security and checks are an essential part of this. And as I said, that is done by those who have accountability for that which is the election officials in that jurisdiction.

So there -- there are many protocols around from the federal testing standpoint that protect that process including password, including specific election security identification that is not given out. But the process doesn't end there. It's designed to
allow transparency not only for candidates but by bi-partisan poll watchers. But frankly any election stakeholder by way of public testing. So once these devices are loaded, there is a host of public testing that occurs on them to ensure that nothing nefarious has happened and just as importantly nothing has happened by way of a spelling mistake that is propagated through the -- through the checking of -- of election programming. And it gives not only the local county election jurisdiction a chance to but also any watchers the chance that the ballot marking devices presenting the choices accurately to the voters and -- and ultimately the -- the paper that is printed that allows them to review their -- their -their selections are accurate.

MR. DUFFEY: I'd like for you to go back. You keep talking about public testing. But you never told us what that is. What is -what is -- what do you mean by public testing?

MR. POULOS: All right. So that is a process that is controlled by the election jurisdictions themselves. MR. DUFFEY: I want --

MR. POULOS: And, essentially --
MR. DUFFEY: -- excuse me. I understand that. I want you to tell us what that is.

MR. POULOS: Sure. So once the election is loaded on to each of the machines, it, you know, immediately preceding an election. The public is invited in. The entire system is set up. So every single unit on every single -- every single tabulator, for example, is set up and this -- this is the part where it varies jurisdiction by jurisdiction, but there is -- the goal of the testing is to create a known test deck of -- of ballots. So as -- as a participant in -- in the testing, Chairman, if you were there, you would be asked to make -- make your selections. You would then be asked to verify that the paper ballot is accurate, and we would do this over and over and over, or more accurately, the county would do this and feed those paper ballots through the tabulator. And so there should be an expected result based on how you voted. And then once the polls are closed, in this public test, the print tape is printed and you can verify your expected result to -- the result
that it's printed on the print tapes and it often -- what is often the case, they'll do a hand count of the paper ballots in the ballot box just to make sure that the expected result is the same as the hand recount which is the same as the result tape on the tabulator.

And this is a process that --
MR. DUFFEY: When you say expected result, when you put them through the scanner, and you have somebody like me if I put my ballot through the scanner, could you see whether -- what my specific votes were to make sure that they were accurately recorded?

MR. POULOS: Yes, you can. So, you know, in a simple scenario, if we had a ballot -- if we had a ballot with one contest and four candidates. A sample test that might be candidate 1, on position 1, we might want four ballots that vote for this candidate 1. The next candidate we might want three ballots that vote for candidate 2. Two for candidate 3 and one for candidate 4. So they're all unique. We would probably want to complete blank ballot, as well, just to be sure and -and then we would feed all those five ballots
through the ballot box. So we should be expecting a result of four, three, two, one on that contest. And we'll keep it simple, and we'll say it's a one contest election. And we want to verify that the results tape exactly tells you four, three, two, one. And then we'll check in the ballot box to make sure that those ballots are, in fact, four, three, two, one.

MR. DUFFEY: And for how many ballot marking devices do you do that sort of testing?

MR. POULOS: Well, they should be done on all of them. So and at -- at -- at the bare minimum every tabulator needs to be tested in this way in the public to verify that the count is, in fact, accurate.

MR. DUFFEY: And when you say in the public, how do you know -- I'm probably not going to go down and watch the testing. I mean, how do you know that it's really public as opposed to just being people that work in the -- in the precinct?

MR. POULOS: It's a great question. It's a key part of the process. It's a key part of
the transparency and so that is -- that is certainly a question that needs to be asked in every election, every jurisdiction and encouraged -- the process needs to encouraged because that is a key part of the transparency that shows members of the public not only is -- are the machines accurate. But also educates those on how the process actually works.

MR. DUFFEY: Do any of the Board members have questions before $I$ get to the attendees' questions?

MR. LINDSEY: I'll have one at the end after the other questions.

MR. DUFFEY: Okay.
DR. JOHNSTON: Thank you so much for being here today and presenting this information. I have a question. Do the ballots in the test deck have $Q R$ codes on them?

MR. POULOS: In the State of Georgia, currently our certified system does feature QR codes.

DR. JOHNSTON: On the test deck?
MR. POULOS: And that because they're on
the ballots, the test deck is a sample of the real ballots in the election. So, yes, both the test deck would have that.

DR. JOHNSTON: Thank you. And another question. How -- how can you demonstrate to the public that the Dominion software reads the $Q R$ code accurately?

MR. POULOS: Sure. This could be done a number of ways. The simplest and way it could be done is through a risk-limiting audit. Or any -- any -- any type of hand verification of the paper ballots in the machine.

DR. JOHNSTON: So a risk-limiting audit will verify an accurate $Q R$ code?

MR. POULOS: It sure would. Because the ballots -- ultimately one thing that should be kept in mind is the official cast record is not the $Q R$ code. It never is. The official cast record -- the official part of that ballot which accurately -- which shows the voter's intent is the text and at the end of the day that is the official cast record. So the -- the accuracy of the tabulator is actually the easiest thing in the world to double check. And the way to do that is you -

- you -- you can either look at all machines. You can look at one machine. You can look at a subsec. So a risk-limiting audit is -refers to a certain process by which a certain percentage of tabulators or ballot boxes are chosen at random. And each ballot box that is chosen, regardless of what that number is, from more than zero to a 100 percent of the ballot boxes, you pull up the paper ballots, the voter verified paper ballots which is always the official part of the election. Those are the official results. Those are what can't be hacked, and you hand count them to verify the count on the tabulator.

MR. DUFFEY: Any other questions from the Board?

MS. GHAZAL: I have a question. Thank you. Thank you so much for -- for being here and answering our questions. I have a very simple one. Can you explain whether or not the security features and passwords are changed from election to election or is it carried through?

MR. POULOS: They should be changed election to election. That's ultimately
something that are -- is done by election jurisdictions.

MS. GHAZAL: Thank you.
MR. DUFFEY: Any other questions from Board members?

MR. LINDSEY: I'll have one at the end, Mr. Chairman.

MR. DUFFEY: Some of these questions are redundant so I'm not going to ask the redundant questions we have an explanation of --

MR. POULOS: I'm -- I'm sorry, Chairman, I can't hear what you're saying. I'm not sure if that was directed at me, but I -- I could barely make it out.

MR. DUFFEY: That's because my mic wasn't on. Now it is.

MR. POULOS: Okay.
MR. DUFFEY: All right. So I'm going through the questions that have been submitted to me are -- I'm taking out those questions which I believe have already been answered and there are some that are redundant. So here's -- here's one: Does the QR code assign a unique number to each ballot?

MR. POULOS: No. Absolutely not.
MR. DUFFEY: Here are two questions I'm going to ask it in a more general way that -what is -- what is the function of Dominion techs? What do they do on election day? What is their purpose?

MR. POULOS: Their purpose -- their primary purpose is to be available to ask any questions. And -- and provide help to election -- election officials who have any -any kind of need for troubleshooting. It really could be a number of things. A very common one, believe it or not, is, you know, the power -- the power seems to be on battery power even though the unit it plugged in. And a Dominion tech might come. They're -they're instructed never to perform in any official duty that is the accountability of the poll official. But you'd be surprised at how often this one happened to where it's plugged into an outlet in a precinct that is not live and, you know, that -- that type of thing is where a Dominion tech is sometimes helpful for jurisdictions.

MR. DUFFEY: Do your machines use blue
tooth or other technology that would allow it to be accessed by somebody using the internet?

MR. POULOS: No. They are specifically designed as per federal statute or federal certification standards to not have that capability and that is what they are tested against.

MR. DUFFEY: Thank you. And do your machines have any blue tooth, wi-fi chip sets? MR. POULOS: No. To the extent that any, like, our tabulator, for example, absolutely does not and to the extent that any other devices that we would have. So, for example, if we supplied a Windows PC for a central location, that -- that $P C$ is an off the shelf product. And -- and they change all the time so typically we use Dell computers and the Dell models keep changing as whatever Dell brings up new versions and so there is a specific hardening procedure that is approved by the certification bodies where any functionality that might have been on a -- a PC that perhaps does some ballot rendering at a central location, that that functionality is disabled in the appropriate way.

MR. DUFFEY: When the audiences can control themselves, I'll proceed. Or -- or if you can't, you might want to step out.

There's a question asking him to interpret Georgia statutes. I'm not going to -- I'm not going to ask him to do that because he -- that's not why he's here. This question I don't understand. It's -- it has one incomplete sentence. I'll ask, is there any circumstance where a -- a scanner has to be reset? And how do you do that?

MR. POULOS: I'm sorry, Chairman. Is the -- the tabulator? The digital scanner that sits at the top of the ballot box?

MR. BALBONA: Yeah.
MR. DUFFEY: The scanner that sits on top of the ballot box?

MR. POULOS: If it needs to be reset?
MR. DUFFEY: Yeah. Or start -- there are circum -- what might have scanners had to be reset and if so, how's that done?

MR. BALBONA: For the count.
MR. POULOS: I can't think of -- I can't think of anything sitting here right now why it would need to be reset. I mean, sometimes

I've seen ballot jams where a ballot is inserted for whatever reason the ballot has a torn -- a torn corner to it. Or there's -but you typically don't see that in precinct voting because the ballot -- it -- it doesn't travel very far. It goes from the marking area. The voter takes and looks at it. So really, $I$ can't think of anywhere -- any time where it would have to be reset.

MR. BALBONA: But can it.
MR. DUFFEY: Well, if -- if there is an instance say, for example, where there's a turned up corner and it jams --

MR. POULOS: Yes.
MR. DUFFEY: How do you -- what is the assurance that everything was counted after that including that jammed ballot is tabulated and included in the count?

MR. POULOS: Oh, okay. So if the ballot has not been read -- is not able to go through the scanner as -- as you say, it does not go in and fall -- and cast into the ballot box. The -- the -- the tabulator -- ballot tabulator will prompt the poll official with an instruction to clear that -- that ballot
jam. And if the ballot is torn in a way that makes it unscannable, the poll official will direct that voter to create another paper ballot. They have supplementary counting procedures to make sure that that torn ballot is properly accounted for that outside of the Dominion system. Because the Dominion tabulator that sits atop of the ballot box only counts the number of ballots that poll officials allow voters to feed in. So in the course of a day, if it's 100 ballots, the -the tabulator has no idea who the voters are. The tabulator has no idea how they've been verified. But all -- the only thing it's accountable for is to make sure that the ballots that have gone through that tabulator have been accurately counted for and not only in number of separate ballots, but also the interpretation of every -- of every vote on every contest. And that's -- that's -- that's the part that is verified independently through the use of hand count audits and hand recounts.

MR. BALBONA: I can give you a
hypothetical scenario if you want. It's
pretty nuanced.
MR. DUFFEY: This is a question about training of local officials. But he is not here to talk about how local officials were trained so I'm not going to ask that. This is a question about something that happened at a local precinct, so $I$ won't ask that. I mean, this is another question having to do with connection of machines to the internet. Can you go, I guess, could you go over again looking at your whole system. And the ballot marking devices and the scanners. If anything, else that is -- that is associated I have, in addition to that, with your system as opposed to some -- some supplemental process at the local election office. Is -- which devices have any ability to access the internet through blue tooth, wi-fi or any other technology.

MR. POULOS: Sure. Well, our ballot marking devices do not have that capability. And -- and that's what they're tested for. Not only by the jurisdiction, but by certification agencies. But -- but, again, a ballot marking device is a screen and a
printer. It doesn't store votes. It doesn't in any way. It has nothing to do with the tabulation process. It's a -- it provides a voter with a paper ballot to be verified.

On the scanner you have -- you -- you have a -- a scanner that is designed by federal requirements to operate in a -- in a -- in a -- in a air-gapped manner without connectivity. So at no point during -- after voting is there any capability of that device being connected to anything. It is -- it is a complete stand-alone system.

Now, the -- the tabulator is configured in some jurisdictions by law and Georgia is not one of those to be able to attach an external device to transmit unofficial results after the polls close. This is a process that requires breaking a physical seal and connecting something that's quite large. That -- that is -- that dongles out of that tabulator that is easily viewed. It's designed to be easily viewed by any poll watcher in that precinct. Be the -- be it a poll worker, a bi-partisan poll watcher or just a member of the public. And, again, the
most important point here is that Georgia is not one of these jurisdictions. So there -there are absolutely no ways of connecting that we -- we haven't sold this device in Georgia. Georgia doesn't have this device. And so in Georgia that locked port that is both locked and sealed never gets opened.

I will also add Chairman, that in other jurisdictions and these are typically jurisdictions that for geographical reasons takes several hours to physically transport everything. And they're looking to be transparent by -- by offering unofficial results. But $I$ will say is that even in those limited jurisdictions, which is just a few percent, I think now, it's rapidly declining in my view. It's going down to zero. But the physical device does not connect through the internet. It's through a private cellular network. And those results that are transmitted are only unofficial. They are never part of the official results record.

MR. DUFFEY: This question is about something happened in another jurisdiction and what caused it. He's not here to talk about
that. And I'm not going to ask that question.
Is there any -- does your system work in a way that a counter can erase a scanned ballot?

MR. POULOS: I -- I don't understand. Erase -- erase a ballot that is in the box or erase an image that's on one of the memory cards?

MR. BALBONA: On the counter on the -- on the scanner. The ballot scanner, the counter, it's kind of like the mileage is there any scenario where that number is adjusted?

MR. POULOS: I'm sorry, Chairman. I couldn't hear his question.

MR. DUFFEY: In your -- that -- that is not the question that you asked on this piece of paper. This is not a open forum for people to ask. If you want to ask a question, I will ask the question and determine whether or not it's appropriate.

We -- we asked for him to address certain things and I think it's unfair for the audience to expand this to ask questions that are not related to the way these machines work. And I think he's been generous and fair
in addressing the questions. And I've been fairly liberal in asking him things that $I$ thought you wanted to know.

MR. BALBONA: It was just a clarification of that question.

MR. DUFFEY: Pardon me.
MR. BALBONA: It was just a clarification of that exact same question.

MR. DUFFEY: Well, I would disagree with that. What's the purpose of air-gap connectivity? And is the air-gap --

MR. POULOS: Air-gap means no connectivity.

MR. DUFFEY: What -- tell me what air-gap -- tell me what air-gap is.

MR. POULOS: Air-gap means if -- if, Chairman, if you're holding a device that set to be air-gaped, I can see that device from the other side of the room. I know it's not connected to any other device because I can see that there's no -- there's no wires. I can actually see that with my own eyes. And -

- and -- and there's no connectivity through any means of electromagnetic communication such as wi-fi; such as blue tooth -- such as
some of these technology that you asked me earlier.

MR. DUFFEY: This is a question about his response to a report that is in litigation in the Curland case. Some of which has not been disclosed by the court so I'm not going to ask that question. And he was not here to respond to Mr. Halderman report.

Any further questions from the Board?
MR. LINDSEY: Yes, Mr. Chairman. If I may. I think you need to turn me on. While I do not want you to -- to discuss anything that's particularly regarding the Curland report and -- and regarding the Curland litigation. Nor I want you to and I want to make sure you understand where I'm going here. Nor do I want you to reveal anything that is presently under seal. Please make sure that you understand that. However, I do think it's important for the -- for the Board and for the general public to know that there was a -- a analysis done by an independent cyber security company called MITA that was submitted to the court in response to the Halderman report.

Were you aware of that?

MR. POULOS: Yes, I am.
MR. LINDSEY: Yeah. And you're aware that presently that Mitre report is under seal. But there have been requests that it be unsealed so that the general public can see the analysis that took place by the Mitre folks in response to the Halderman allegations, correct?

MR. POULOS: I believe that report is under seal, correct. I think that was your question.

MR. LINDSEY: Yeah. It is under seal. And -- and Dominion has asked for that to be made public, correct?

MR. DUFFEY: Well, that's -- that's a question --

MR. LINDSEY: I mean, it is -- well, let me put it this way: From a review of the records, it appears that Dominion has requested that report. And be made public and -- and the also that the State Election Board has made that request to be made public. I just wanted to know if you were aware of that fact.

MR. POULOS: Yes, I'm aware of that.

MR. LINDSEY: Yeah. Okay. I'll discuss that further later, Mr. Chairman. Okay. Oh, one other question. Mr. Chairman, if I may. You're -- are you aware that the United States Election Assistance Commission?

MR. POULOS: Yes, I am.
MR. LINDSEY: You -- you are, you are.
And -- and has your Dominion system been
tested and reviewed by that commission that's being used to (inaudible).

MR. POULOS: Yes. Yes, it has.
MR. LINDSEY: And has it been approved by the -- by this commission?

MR. POULOS: Yes, it has.
MR. LINDSEY: Could you just briefly tell the public and the Board generally what the US Election Assistance Commission is?

MR. POULOS: It is a bi-partisan commission that was created in -- in the years following the 2000 general -- general election. And it sought to create a list of definitive standards by which any voting system should adhere to. And the current certification guidelines I believe are thousands of pages long. That they tell you
exactly how a system should work. The types of security mechanisms that must be part of that system. And any company that wishes to market an election system in the -- in the United States submits their system for that testing.

That testing is done independently by any entity that -- that has applied and attained its own certification and accreditation by that same agency. And so really what that process does it -- it demonstrates that a testing lab is independent. The testing lab understands election protocols. And is able to independently test and verify compliance to EAC, the Election Assistance Commission standards. So typically, that process can take -- it's -- it's not uncommon for it to take years and it is very thorough. It involves any manufacturer, such as Dominion, to submit its entirety of the source code for a line-by-line code review. The entirety of its hardware platform for review. A list of manufacturing partners on the supply chain for any and all hardware parts. And ultimately at the end if certified that certified version
which is made up of the entirety of all of the hardware pieces that have been submitted and reviewed by that agency and its independent test labs. And the source code is deemed the certified version. So at any point in the future if a further change is required in any way, be it hardware, or even one line of source code, the entire package goes back to the Election Assistance Commission for another review and if deemed appropriate and compliant following certification.

MR. LINDSEY: And once again, has the Dominion system utilized here in Georgia been certified and approved by the commission?

MR. POULOS: Absolutely, yes.
MR. LINDSEY: Thank you.
MS. PRETTYMAN: Did you -- are you able to ask the question on the archived data?

MR. DUFFEY: And your name -- tell me your name.

MS. PRETTYMAN: Amanda Prettyman. Sorry, my handwriting is messy. MR. DUFFEY: But there are two questions. Nothing says -MS. PRETTYMAN: Primarily the archived
one -- archived data.
MR. DUFFEY: These questions both have to do with what Dominion testing and --

MS. PRETTYMAN: But there's no
(inaudible).
MR. DUFFEY: In your system, Mr. Poulos, what is it within the system that archives data? If there is more than one place --

MR. POULOS: I'm -- I'm sorry, Chairman. I'm having difficulty hearing that question. Can you repeat that? Maybe it's the mic problem again?

MR. DUFFEY: You're catching on. In your system, in what places is data archived?

MR. POULOS: Great question. So I'll -I'll start with the -- the ballot box which is obviously a critical piece of it. So the voter verified paper ballots is where -- the most important part of the election. And that is under locked and sealed -- physically locked and sealed ballot box. In addition to that, we now have images of every ballot and scanned image as it went through the tabulator. Immediately following that independent voter verified review of their
paper ballot. That is done in triplicate form. So on the tabulator we have three pieces of -- we have three discreet pieces of electronic memory that hold that information for every ballot cast in that ballot box on election day.

At the close of that election, so if you bear with me, I'm working from immediate close of election. Back to reporting official results. On that tabulator as I said we have three discreet pieces of memory. One that is -- so that they are separately locked and sealed in full view of the public. And on as far as how they're stored digitally on the electronic media, they are both signed -digitally signed and digitally encrypted per Election Assistance Commission's standards the so called BBSG standards.

At the close of election, we print multiple copies of the results tape. So now we at this -- at this immediate point maybe a minute following all polls closed, probably less. We have the physical ballots in the ballot box. We have three discreet copies all digitally signed and encrypted that -- that
have to -- that each set of results. So an independent copy of each of the ballots. And now we have multiple print -- print tapes that show the accumulated results of what's in the ballot box. So if there's a 100 ballots, it'll say there's a 100 ballots cast in the ballot box that can be independently verified. And then the results by candidate by contest for the entirety of the election that is sitting in that ballot box.

It's typical that you might have four or five copies of that. So one publicly posted. One given to parties perhaps another if there's -- if there's a bi-partisan poll watcher that happens to request a copy. And then a copy goes back with the ballot box. With the tabulator and with the ballot box that has the locked and sealed ballots.

When that; however, some jurisdictions do it differently, but ultimately one of the memory cards that sits in that tabulator is removed. So in -- in a -- in a -- in an open and transparent process, in front of poll watchers, the seal is physically cut and unlocked and that -- that memory card is
removed and then read into a central computer. And while it forms the basis of -- of results becoming official, through a very exhaustive process called canvas. It is just one part of it. So if anyone even has the allegation that the -- from the time that memory card is removed from the digital scanner and put into the computer. Or if there's an allegation that the computer somehow is -- has been corrupted, the chain of custody has been breached, you always can -- so not only do you have that version that sits there. And even the allegation is -- is -- is -- is a case worthy to discuss here because we still have the other memory card that is still locked and is still sealed and remains in the secure chain of custody of that jurisdiction. And up to at least a minimum of -- at least 24 months. And sometimes more if there's any kind of dispute. And above and beyond that, we have the physical print tapes that -- as a -- as a matter of protocol in the canvass process is they are compared.

And ultimately the last and, again, the most important part are the -- the actual
paper ballot that have been voter verified and locked and sealed in -- in the secure chain of custody of that election official. So by my count you have at least one being the paper ballots. You have two and three are the removable memory cards. The fourth one would be the other memory card that is -- that is yet another -- provides another copy of the tabulator and five would be the -- the print tape, which is actually five a, b, c, d, e because you have multiple copies that have been printed immediately following the poll close. And then distributed to candidates. To poll watchers and publicly posted.

MR. DUFFEY: All right. Thank you.
MS. PRETTYMAN: Can you ask him to verify if -- if it's not safe for the compact flash drive --

MR. DUFFEY: Excuse me -- are you a lawyer?

MS. PRETTYMAN: No. I'm not.
MR. DUFFEY: Are you a litigant in a case?

MS. PRETTYMAN: No. I'm a citizen. And it's an issue in my county and that's what
we're trying to figure out because Dominion told us this. So I -- so I appreciate (inaudible). I'm just trying to determine -because I didn't quite catch the heart of the matter which is -- the records that are missing because they weren't safe from the compact flash drive, we were told by Dominion that they're archived --

MR. DUFFEY: Well, that's -- that's --
MS. PRETTYMAN: -- irretrievable.
MR. DUFFEY: Because that's -- because that's specific to you, this presentation is not for specific questions about specific election offices. It's generally his description of the process and I think that he has -- he has --

MS. PRETTYMAN: It could be other places, like I said, if we're wondering if --

MR. DUFFEY: Well, what could be and is, you know, if you want to, you can send me in this dedicated email, send your question.

MS. PRETTYMAN: Okay.
MR DUFFEY: And I'll send it to them to see if he and, I mean, because they are involved in a lot of litigation too. I'll see
if they're able to answer that. I think that's the best way to handle that. Okay. UNKNOWN SPEAKER: But, we're interested too.

MR. DUFFEY: Well, I know there are a lot of interesting things that you're interested in, but the purpose of this meeting is informational. It's not about what's happening in specific election offices or specific counties or specific precincts. The purpose of this is to give you and I think he's actually been generous and going beyond what the explanation is of the system. And every question I've gotten that relates to the system, I've asked. But this --

MS. BRADSHAW: I did ask about the poll pads being count -- they're -- they were -there was poll pads that was wrong, had the wrong precinct on it.

MR. DUFFEY: Yeah. One particular precinct, correct?

MS. PRETTYMAN: Yeah. But in general -MR. DUFFEY: Because he has -- he doesn't -- his system doesn't include poll pads.

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MS. PRETTYMAN: Pardon?
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MR. DUFFEY: Does the Dominion system is a poll pad part of that system?

MS. PRETTYMAN: Yes. That's -- that's how you -- the person comes in. They give you their driver's license. And it -- it checks if they're a registered voter. And all that works together.

MR, DUFFEY: Okay. We're going to take a 10-minute break and we'll be back at quarter till.

MR. POULOS: Thank you very much, Chairman. I appreciate the opportunity.

MR. DUFFEY: Thank you, Mr. Poulos. Appreciate you being here and thank you for your answers.

MR. POULOS: Have a great day. Bye.
MR. DUFFEY: You too. Thank you.
(Break taken.)
MR. DUFFEY: Can everybody please take their seats. Sorry, would everyone please take their seats. Seats are those pieces of furniture that are in front of the desks.

The next is to give you a brief update on the Coffee County investigation. This is a little hard to do because there are really two
issues. So it might sound as if things are not being presented in chronological order. They're not exactly in chronological order because -- but I will tell you when something that comes up that's not in chronological order, why it's not in chronological order because what happened and when it was discovered are two different tracks. So I'll do my best on doing that.

As you -- and you inevitably know there is a ongoing criminal investigation and while I have -- I know who the investigators are, the GBI, and -- and the Secretary of State's Office investigators who are assigned to us to investigate and have great confidence in them. It is still a criminal investigation. When I was a United States attorney it was our policy that whenever anybody asked about where we were in the investigative process, you don't disclose that. For one principle reason is that investigations have to be conducted according to the investigative approach that the people that are actually responsible for the investigation want to take. And there are lots of reasons why they follow the path that
they follow in an investigation, and if we were give you an update as far as who's being interviewed. When they're being interviewed. What are the topics. They would -- they would lose the -- what the design of their investigative strategy which is to find out what happened and who is responsible for it. So almost everything that I'm going to tell you although hopefully it'll be somewhat more of a coherent fashion than the reporting that there has been on it. But when things went -- at one time were not known the fact that they are now known and have been publicly disclosed and there -- and there's been very little objection by anybody or correction as to what happened. I -- I think you'll find -what I hope is a more coherent presentation to give you an idea of what happened, when -when people knew about it and -- and who was involved in a -- in a broad sense.

To the extent that there might be information that I've learned, and if I can't, you know, somebody might say, well, who's that. And if I can't determine that, I'm not going to say. Because I don't -- I'm not
going to express to you anything where $I$ am not confident that the information is known and verifiable.

I will say that what has been reported by the national and local press, aligns with what I learned out -- outside the criminal investigation. And I think the conduct is -is fairly clear and that you'll see where Coffee County fits in a broader picture.

The conduct in Coffee County is similar to the conduct in Atrium County, Michigan and Clark County, Nevada. It's not entirely clear, there's been a fair amount of reporting on who was responsible for, you know, the orchestration of the conduct. But I think it is unclear as to who had specific responsibilities within the organization and -- and for our purposes what happened is what's relevant. And not who was behind it. Because what I want you to know is what happened in Coffee County. So the focus of this review is going to be not of Michigan or Nevada. It will be on Coffee County, Georgia.

So the facts show that in March of 2021 a phone call was disclosed in federal court
litigation was that a person by the name of Scott Hall stated that he had arranged for a plane to travel to Coffee County. To image hard drive information from voting equipment in Coffee County. In the call, Mr. Hall claimed that he received permission from officials in Coffee County to do so. And that Coffee County officials allowed people to enter the office to obtain hard information on hard drives.

The Secretary of State's Office became aware of Mr. Hall's telephone remarks in February 2022. So although that was available, it was not known to the Secretary of State's Office until February of 2022. And the Secretary of State's Office reached a conclusion a couple of months later that based upon Mr. Hall's telephone conversation which was had a lot of other information that he was passing along in this call, only a part of which dealt with this trip to Coffee County and based upon what was known at that time, the Secretary of State's Office concluded in April of 2022 that there had not been a breach of any equipment. Okay. So I just talked
about what somebody learned in February 2022. Now, let me go back to 2021. In June of 2021, which, of course, was after the 2020 election, when the new Coffee County Elections Director became responsible for the Coffee County Elections Office. Because the prior director whose name is Mr. Campton was no longer working there. And the circumstances of that are unclear to me about why that happened. There's been some reporting on it but I don't have any independent information about that.

But anyway, when this new elections director came in, they were unable to access a computer server because of password had been changed. They tried to -- with the -- with the help of one Dominion employee they -- they tried to bypass the new password to get access to the -- to that server but couldn't. So a decision was made that the Secretary of State's Office would take possession of the server. Bring it back to Atlanta. Maintain it in Atlanta and to replace the server that was taken to Atlanta with a new server. Again, that's in June 2021. In August of

2022, so now we're back into the current year, information became publicly available showing that on January 7th of 2021 a -- an Atlanta firm that does forensic work and consulting by the name of Sullivan|Strickler entered into a retainer agreement to perform work to image information on various types of devices in Coffee County's election office.

Further, in -- in recent months there has been video footage that -- that shows that Coffee -- Coffee County permitted people to enter the elections office and those same videos, and some still pictures show that Sullivan|Strickler employees were in the Coffee County election office with local officials. The images show Sullivan|Strickler employees working in front of computers in the office. Don't know exactly what they were doing. But that's something that you -- that you can see in these images.

And there -- and there were video depict -- there were depictions -- visual depictions of -- of hard and thumb drives tagged and lying on the table. It looked like they had been laid there in a orderly way. In -- so
now, on July 28th -- so now we're before August of 2022, so I'm going back in time a bit. This is a disclosure when -- when people found out about what happened in Coffee County. But on July 28th, before any evidence of the activities that $I$ just described was known to State officials. I was advised that evidence showed that the server retrieved from Coffee County in 2021 and maintained by the Secretary of State's Office had been forensically examined. And there was evidence the data on it was downloaded to an external hard drive.

I required this information to be reported to the federal judge provided over the federal litigation I mentioned. And -and to be given detail about what was known about -- about the attachment of a hard drive to the -- to the computer in Coffee County. The Board and the Secretary of State requested that a criminal investigation be opened immediately and that occurred.

The investigation is currently being conducted for the Board by the investigations of the division of the Georgia Bureau of

Investigation with help from investigators in the Secretary of State's Office assigned to the Board. Because the conduct in Coffee County paralleled conduct in other states, we requested the Federal Bureau of Investigations Office in the Southern District of Georgia to participate in the investigation. Because the request involves an election, it has to be processed through channels that probably ultimately decided (inaudible) justice in Washington, D.C. I've called to get an update on that and have not received it yet. Which I'll just say from experience that doesn't mean that the FBI isn't doing something maybe in other states. So they could be involved, but I don't know. I don't know what they're doing, if anything, with respect to Coffee County.

There's more recent -- so now I'll move forward from July, there's more recent information that has been disclosed that shows that a different forensic firm visited the Coffee County offices on January 26th of 2021 and were allowed into the offices by local official, election officials. What happened
inside the office or what the firm did inside the offices in Coffee County is uncertain. One final thing which doesn't directly relate to Coffee County, but $I$ wanted you to know about it. On September 20th of 2022, I received documents from an individual who had obtained them through a Georgia open records request, and they involved Spalding County. These documents show communications between Sullivan|Strickler and Spalding County Board of Elections in August of 2021. And there is an unexecuted engagement agreement for forensic collection preservation of Spalding County Elections Managing Systems. And another Spalding County iPhone forensic collections preservation engagement letter. The purpose of the imaging is not clear, but it could have well have related to -- to Spalding County's desire to -- to have available information at the time of this collection was made because there might have been either issued or could be issued an order from a court requiring the information be preserved and it could be that they wanted to have an image because they thought they had a
legal obligation to do that. But we're investigating these communications and the relationship to see -- to understand why Sullivan|Strickler, a name which is now familiar to us, was the firm that was talking to them about that to see and assure us -- or to disclose to us how it related, if at all, to what happened in Coffee County or to -- or to assure that it was totally different and there for a different purpose.

As I said, a criminal investigation, while I don't know the details of it. I can tell you it is active and it's ongoing. I can't tell you when it will be done, but the purpose is to ultimately determine whether or not there has been conduct that warrants further review and then if necessary prosecution.

Now, you can ask questions, but I've told you everything I know. So I want to now go to the risk-limiting audits. I'm going to ask Blake Evans who's the Secretary of State's Elections Director for the State to explain -this is (inaudible) information to explain what a risk-limiting audit is. What place
they play in elections in Georgia? And while you can submit to me questions, I'm going to tell you that it has to pertain only to risklimiting audits and how they work. Thank you for coming. This is Blake Evans.

MR. EVANS: All right. Thank you, Judge. Does it sound okay? Can everybody hear me?

THE AUDIENCE: Turn the volume up.
MR. DUFFEY: Try that.
MR. EVANS: Testing. There we go.
THE AUDIENCE: That's good.
MR. EVANS: So I think what I would -what I would like to do to start off the discussion on risk-limiting audits is to take kind of a -- of a little bit of a broad approach on what audits are in elections. And talk a little bit about how risk-limiting audits came to be part of our practice in Georgia. And then transition from that to the risk-limiting audit that we have coming up after November and talk about how that will be conducted.

MR. DUFFEY: I think that's a good plan.
MR. EVANS: So why perform post-election audits period, at all? And a big reason why
we perform them is because we as election officials we want to catch errors. We want to -- we want to make sure that the outcome that was certified was correct. To make sure that the person that was -- that was indicated as having won the election by the machine count was the correct person.

And so typically when we talk about a post-election audit whether it be a risklimiting audit or otherwise, you're looking at a paper verifiable or a human readable -- human readable text on a ballot. And you're coming up with a hand tally that you can then compare to the machine count. And that's auditing the machines. You can't really audit machines with those same machines. That wouldn't be an audit. You do it separately, you do it with humans. You do it with eyes looking at ballots and the text on the ballot.

And then the other reason why we do it, obviously, we want to catch errors, we want to confirm the count. But we want to increase public confidence in the election. And -- and to me, you know, doing this, of course, we
started it in 2020, but the public confidence side of it, it's a little bit kind of exercising. It's doing it consistently over a long period of time that builds that habit. And that -- and that creates kind of that culture of auditing in Georgia elections. And I think that's important.

The objective is to verify that the machine count resulted in the correct winner, and this is done by reading human readable text that is on the ballot and coming up with a tally using that text. Post-election audits in the United States typically consist of sampling some number of ballots after the election to audit -- to audit the machine count.

There are typically two categories, we're talking about ballot audits that are used in the United States. One is a -- what most people call a traditional audit which is the method that's been used by many jurisdictions for -- for quite some time. And typically, that will come with -- with some kind of a -a random selection of a fixed percentage of ballots or precincts. For example, I've been
in a jurisdiction before in another state where we would select about two percent. We'd pull a couple of precincts out of a hat. And those would be the precincts that -- that we would audit. And that was a fixed percentage. It was about two percent of the total number of precincts.

And then there's the risk-limiting audit. So you have kind of the traditional and then you have the risk-limiting audit. So the risk-limiting audit you may hear me refer to it using the acronym RLA throughout the presentation because that's commonly what it's referred to as. But the RLA relies on statistics and mathematics to determine the number of ballots to be audited and whether the outcome of the audits supports the outcome of the machine count with a high degree of confidence.

So one way to think about it is if it's one of the things that impacts the number of ballots to be audited greatly, is the margin of victory in the contest. So if it's a wide margin, you're only sampling a relatively small number of ballots. If it's a small
margin, you're sampling a very large number of ballots. So one of the good things about RLAs is they do adapt to the margin that you're trying to audit in the county you're trying to audit.

And just to provide a little bit of background, my experience, when I first got into elections working for a county office, it was in Pensacola, Florida. And I can remember after the first election that -- that I was there for, it would have been in 2016. We had paper ballots. And we did that fixed percentage audit that I mentioned, and we did that after every, every single election.

When I came to Georgia in 2019, of course, our State was on the verge of getting a new voting system with paper ballots that would have human readable text. That could then be audited. And so part of that process was, and I wasn't necessarily a part of it, but what Georgia was going through at that time and the legislature and in the Secretary of State's Office and the counties was preparing for that new system. Preparing for those paper ballots and the legislature passed a law to put in place audits to audit the -the machines.

And that law is O.C.G.A. 21-2-498. And that Code section clearly defined what risklimiting audits were. And talked through some other things. And so what I'm going to do is there are a few portions of that law that I want to highlight. So 21-2-498, as soon as possible, but no later than November 2020 general election, the local election superintendents shall conduct precertification tabulation audits for any federal or state general election in accordance with the requirements set forth by rule or regulation by the State Election Board. Audits under this Code section shall be conducted by manual inspection of random samples of the paper official ballots.

In conducting each audit, the local election superintendent shall complete the audit prior to the final certification of the contest. Ensure that all types of ballots are included in the audit. This is important. So whether they were cast in person, by absentee ballot, advanced voting, provisional ballots
or otherwise. Then provide a report of the unofficial final tabulated vote provided for the unofficial final tabulated vote results for the contest to the public prior to the conduct of the audit. Complete the audit in public view. That's extremely important. Audits are -- are a very, very important part of the election system. I'll talk about it in a few minutes what we did in 2020. What we're doing upcoming to make sure that they can be viewed by the public. Provide details of the audit to the public within 48 hours of completion. And then it goes on to talk about in the law, the State Election Board promulgate rules. The Secretary of State shall conduct a risk-limiting audit pilot program with the risk limit not greater than 10 percent. And that the ending of the law states that if such risk-limiting audit is successful in achieving the specified confidence level within five business days following the election for which it was conducted, then all audits performed by the Code section shall be similarly conducted, beginning not later than November 1st, 2024.

So one of the things (unintelligible) the law was that we the State were to be working towards risk-limiting audits.

So that law was put in place, and I can remember when I came to Georgia, I participated in a pilot risk-limiting audit at the county level before coming to the Secretary of State's Office. And then after I came to the Secretary of State's Office, I participated in a pilot from the Secretary of State's side. And it became clear that one of the things that -- that we could do is instead of training election officials on traditional audits, and then down the road transitioning to risk-limiting audits, which was what the law wanted us to be at by 2024. That we could start out at -- with doing risk-limiting audits.

And so we -- we decided that that's what we're going to train on. That's what we wanted to do. And the State Elections Board drafted a rule, and that rule is 183-1-15-.04. And I'm going to highlight a few sections of that.

It starts with following the November
general elections in even numbered years, each county shall participate in statewide risklimiting audit with a risk limit of not greater than 10 percent. I'm going to pause there.

So just to -- I want to define and clarify what a risk limit is. And so when you're -- when you're talking about auditing, and you're talking about risk limits, you have to designate for the algorithms that are going to tell you how many -- how many ballots you have to sample. A -- a risk limit and because that will help determine how many ballots that you have to pull. And so the risk limit if it's 10 percent that means, essentially, would you be satisfied with a 90 percent confidence level at the end of your audit? And if the answer's yes, then you can set 10 percent risk limit you're auditing fewer ballots. If you would be satisfied with a 95 percent confidence level, then you can set it at five percent risk limit. You're going to be auditing a few more ballots but -- but you're going to have a higher degree of confidence in the outcomes of the audit.

And generally, what will happen is that is to kickstart the process and then at the end of the audit you'll have a report, and it will tell you what your actual risk limit was in the audit. For example, I remember one of the audits that we conducted after the Presidential preference primary in Fulton County. I remember that one specifically. I think it was a 10 percent risk limit or a five percent risk limit. And the actual risk limit after we audited the ballots was under one percent. And we had that in the report afterwards.

So going back to the State Election Board rule, prior to county certification the election superintendent of each county shall prepare a ballot manifest. So a ballot manifest is a document that lists all the ballot containers following the election and the number of ballots that are in each container. Another word for container could be batch. So a batch of ballots.

Going back to the rule, the contested audit shall be selected by the Secretary of State. The Secretary of State shall set a
date, time, and location after the November general election in even numbered years to select which contest to audit. Such meeting shall be open to the public. After selecting the contest to audit, the Secretary of State shall publicly announce which contest will be audited and published the selected contest on Secretary of State webpage.

In selecting the contest to audit, the Secretary of State shall consider the below criteria: The closeness of the reported tabulation outcomes. The geographical scope of the contest because we wanted it to be a statewide audit, so it needed be a contest across all counties. The number of ballots counted in the contest. Any calls for concern regarding the accuracy of the reported tabulation outcome of the contest. Any other benefits that may result in auditing certain contests or the ability of the county to complete the audit before the State certification deadline.

And then another key part that was reiterated in the State Election Board rule, was that the audit shall be open to the public
and public notice of the date, time and location of the audit must be posted on the county election office's website or if the county election's office does not have a website, in another prominent location. So that was the first half of the rule.

The next half of the rule got into the actual conduct of the audit. So the audit shall be open to the view of public and press, but no person except the persons designated by the election superintendent or the superintendent's authorized deputy shall touch the ballot or ballot container. Each election superintendents shall create audit teams comprised of at least two sworn designees, so they have to take an oath, and have to take an oath, to assist with the audit. Chain of custody for each ballot shall be maintained at all times during the audit, including but not limited to, a log of the seal numbers on the ballot containers. Before and after completing the manual audit.

For ballots marked by electronic ballot markers, the auditors shall rely on the printed text on the ballot to determine the
voter's selection. For ballots marked by hand, the auditor shall rely on the choices indicated by the voter filling in the oval adjacent to the candidate or question. So there are other parts of the rule. Those are the parts that I wanted to highlight.

And so with -- with the law and the -and the State Election Board rule being set and with -- with -- with those in mind, and knowing that we wanted to move forward in 2020 with a risk-limiting audit. We had to select a system or a vendor that could do a couple of things for us. One, we needed from a statistical and mathematic side, we needed a system that can consume ballot manifests from 159 different entities. And so, for example, Bartow County might have a ballot manifest with 200 batches of ballots in it. This system had to consume his ballot manifest along with that of every other county and create one long list. The total number of batches in the 2020 election was somewhere right around just -- just over 40,000 batches in the State.

And so the system had to do that and then
the system had to be able to run the algorithms to determine, okay, how many ballots based on the contest that's selected need to be audited so that we have a statistically significant sample and so that when we do the hand tally, the outcome will achieve the -- the confidence level that we want.

And -- and going back to 2020, obviously, the margin was very, very close. So what I said earlier, the narrower the margin, the more ballots there were to be sampled. So the number of ballots to be sampled was so large, well over two million ballots that it became much more simpler and faster to hand count all ballots statewide then to try randomly sample 2.5 million or however many ballots it was but right around that number.

So what that does, when you're not sampling anymore, your risk limit goes to zero because you're literally counting all ballots. So you have no risk limit set at that point. Typically audits are samples. This was not. The risk limit was set at zero.

Going back to the system that we use.

That system that we chose was through a company called Voting Works and the system that was used was called ARLO. In Voting Works some of the funding came from DHS and CISA in order to create the ARLO tool which they used in our jurisdiction as part of the pilot program that they were doing in cooperation with CISA and then a few other jurisdictions, as well.

So we trained counties. Counties went through and they -- there were 41,881 ballots that they hand tallied over the span of about six days, and they hand tallied those. The error rate in the hand count can typically be a little over one percent, around two percent. The error rate when compared to the original machine count that we had in 2020 , was .73 percent so we were well under that. We confirmed that outcome of the election through that.

And so if we fast forward to today -- so to be clear, that was according to the law, the -- the one and only time that counties, since the law was put into place, were required to conduct a risk-limiting audit.

The next election where they would be required to conduct a risk-limiting audit is this upcoming November 2022 election. There are some counties that have conducted risk-limiting audits since then. One of them is in the room, Joseph Kirk in the back, he conducts an audit after every single election that he has. And that's a typical but I think it is an excellent practice he's been able to earn a lot of public confidence that way.

So fast forward to today, and thinking about lessons that we've learned in 2020, and what we plan to do in 2022. So we're still using Voting Works. We're still using ARLO. And we will be conducting a batch comparison risk-limiting audit. Here's what that means: After the election, the Secretary of State will follow the State Election Board rule to select whatever contest it is that will be selected to audit. The counties will upload their ballot manifests so their list of their batch containers. Their list of ballots into ARLO. And we'll -- we'll select a risk limit because that's one of the things that we have to do. Typically other jurisdictions -- I'll
use Colorado for example, because they have been using this style of audit for a while. They set their risk limit around four to five percent. We'll set it at probably at least that, around five percent. We -- we may decide to get higher. But that's something we can discuss.

And then what counties will get is instead of getting back a list of specific ballots that they have to go pull, like we were training for in 2020, we're using a different style of risk-limiting audit. What they will get is a list of batches that they have to go pull. And they will be hand tallying complete batches. Here's the good thing about that. Is let's say that Appling County gets told, go pull the batch from precinct one in Appling County and do a hand tally for that. Appling County will go, they'll pull election day batch one. They'll hand tally those ballots. They'll have the results at the end. They can put the results of their hand tally into ARLO.

And then at the end of the audit, once all the counties have counted their batches,
we'll publish all that information on our website. We did that in 2020, but it will be a report of the results of every batch in the hand audit. And so anybody that wants to can go and they can look and they can find the batch from Appling County election day precinct one. This is what the hand tally was. They can look at scanner tapes, look at something that was produced by the machines themselves. And they can compare the results by candidate. And so they can do that for every -- any batch that's audited in the batch comparison risk-limiting audit that we're doing.

And so every county will be audited. I'll go ahead and tell you that before I go into more detail, we all know that the election is on November the 8th, Tuesday, November the 8th. Counties have to certify by November the 15th. The start of the audit is going to be Thursday, November the 17th and then all counties have to be finished by Tuesday, November the 22nd. So including the start and end dates that's six days that they have to complete the audit.

Following that, we have all the results we, again, just like we did in 2020, because we want to be as transparent as possible, we're going to put all that information, all the batch sheets, all the tally sheets, all the reports produced on the website so anybody can go and look at it. All ballot types will be audited. Every county will be auditing during that timespan so every county will be -- will have batches to audit. The audit will be open to the public. There will be audit monitors. One of the things that I will highlight specifically and then we'll probably be doing something very similar this time around. But if we go back in how we trained counties in 2020 and how we're training again. One of the official election bulletins that was put out by the Director of Elections for our office at that time in 2020, spoke specifically to public access and political party monitors.

And I'm going to read you some exert of that. The audit shall be open to the public and the press. But no persons except the persons designated by the superintendent shall
touch any ballot or container. The superintendent shall designate a viewing area from which members of the public and press may observe the audit for the purpose of good order in maintaining the integrity of the audit. The superintendent may also choose to make the audit proceeding available via livestream or webcast.

And then if $I$ fast forward to another official election bulletin that was put out just a couple days after that one. We put out an addendum that clarified that as an addendum to the rules of political parties monitors and because transparency should be a guiding principle throughout this process. If the election superintendent can safely allow -because this was in the time of COVID -- if election superintendents can safely allow more than the minimum number of designated political party monitors, consistent with maintaining an orderly process, space limitations and social distancing, public health guidelines if you should. Please allow as much transparency as you can while maintaining a secure, orderly process in
abiding your public health regulations.
So that's going to be the message again. As much transparency during the audit process as we can possibly get. It's going to be a little bit easier this year because of things related to the pandemic. But that's going to be our message again and has been our message so far.

So in order to start the audit, as randomly as possible. Because we don't want anybody to think that any of this was planned out or that we knew what batches were coming. As I mentioned, counties upload their ballot manifest into ARLO. And then the algorithm that runs has to have a -- has a random number generator that is used to select the -- the batches randomly.

But it's a little bit of fun thing, in order for that to happen, the random number generator needs to 20-digit number put into that. And so as part as -- of the kickoff process there will be 20, I think it's 10sided, 10-sided dice or die, that will be rolled. So if -- Mark (unintelligible) is in the room, I know you asked about that last
week, I think. We have public in that process, you know, we'll probably invite a few people up. They can take a dice, they can roll it, and the first number is three, the first number that -- of the 20 digit number will be three. And we'll go on until we have a 20-digit number. We'll put that into the system. ARLO will kickoff and that's when the counties will be given the -- their list of batches to go audit.

Then counties take their individual lists notating which ballots they must pull to be audited. Each county will have the number of audit teams they think they need to complete the audit. So we're giving counties six days. We're telling them prepare for a slim margin. And in the event that you have to count a lot of ballots, make sure you can complete in that timespan. And once counties receive the list to be audited, they will begin on November the 17th.

So when the audit begins, let's say it's the start of -- it's the start of the audit. Everybody's starting on November 17th. If -any county that you go into, you should see
that their ballots are securely stored. They have their batch sheet. So what they'll do is they'll bring their ballots out of storage with the proper chain of custody paperwork. They'll take their ballots in their batch to a check-in table, keep in mind every county, will do this a little bit differently depending on the size of the county. But essentially, they'll take it to a check-in table. A team at the check-in table will check the seal on the -- on the batch. And then that batch will be -- the -- the seal will be broken. The batch taken to an audit board team that's sworn an oath and then the audit board team will hand tally the batch. And they'll have results and then the results will ultimately be put in ARLO.

Once the batch has finished being audited, it will go to a check-out team. That check-out team will make sure that the ballots are stored in the batch. They'll seal it back. They'll record the seal number and then the batch will be returned to secure storage. If there are questionable marks or anything like that a ballot that needs to be looked at.

There will be -- counties will have vote review panels which are comprised just the same way vote review panels are comprised for any election. So the party nominees and the election superintendent.

So at the end, counties will enter their batch totals into ARLO. We will get the reports under results of batches with the batch names. One of the things I want to note at this time, is that the batch names, because I know a lot of folks like to go, they like to look at the batches. And they want to try to compare those to the machine tallies. So we heard that feedback from 2020. The batch names that are produced by ARLO should be very close to the same or the exact same as what comes out of the Dominion system. Again, that makes it possible for anybody that wants to go and compare what a Dominion machine got for the count to what humans got for the count. They can do that. So that makes that possible.

So, again, after -- it'll be the Tuesday before Thanksgiving that the audit will conclude and then we will release the reports
following that. Make them publicly available. The 2020 documents are still on our website. The Secretary of State's Election Division. You can go -- click on the election results, scroll down to the bottom, you'll see a link to risk-limiting audit 2020. You can click there and see all the documents.

We'll also start the process -- we'll immediately make the reports available for people go look at. And we'll also start the process of collecting the batch sheets that the counties use for -- because each individual batch has its own tally, and it goes on its own batch sheet, we'll work on collecting those and then posting those again.

So, again, the -- what we're -- what we're striving for goes back to -- we want to catch any errors, if there are any. We want to confirm the outcome of the contest. We want to build public confidence. That's what we want to do. And I think doing that consistently over -- over a period of time is -- is the way to do that. We're -- we're doing the audit in November. I know that I've heard from multiple county election officials
that there's a lot of interest even if the law doesn't require it to do an audit following the run-off as I mentioned Joseph in the back from Bartow County does an audit after every election, but audits are an extremely useful tool. Building public confidence. Auditing the machine. Being able to say that you looked at the human readable text and you confirmed the outcome based on that. It's important.

So with that I'll take any -- any questions that you have.

MR. DUFFEY: Well, I'm a little still unclear about what a batch is.

MR. EVANS: Yeah. Good question. So a batch. So the question was essentially what is -- what is a batch?

And so there are different types of voting methods. So you have election day. You have absentee. And then you have advance voting. For election day, typically, what a batch will refer to is however many ballots that were counted by a scanner. And so upon election day, you had one scanner at your polling place, 500 people came and voted, cast
their ballot through the scanner, the ballots drop into a ballot box. Then that batch for the election day precinct will be 500.

If your election day precinct had two scanners, then your election day precinct would have two batches. Because each scanner's going to print out its own individual results -- results tape and you want to be able to compare the results from the batch to the tape.

For advanced voting, similar concept. If you had over the course of three weeks, a scanner that takes 5,000 ballots, then that batch for that advanced voting location is going to have 5,000 ballots in it.

For absentee, let's say a county gets in 2,000 absentee batches (sic), they can have -generally what counties will do is they'll -they'll cap their batches --

MR. DUFFEY: You -- you mean 2,000 -- you mean 2,000 absentee ballots? You said batches.

MR. EVANS: Yes, I'm sorry. 2,000 -2,000 absentee batches (sic) beginning back in 2020 territory. I don't think we're going to
quite hit that. But -- but 2,000 absentee ballots -- generally what a county will do is they'll cap each batch at about 50. And so they'll take 50 ballots, they'll run those through the scanner. That'll be batch -that'll be absentee batch one. They'll take the next 50 and run those through the scanner, absentee batch two. And so on until they complete the process.

And then a similar process with provisionals. So if there are 25 provisionals after the election, that are to be counted, oftentimes those will be in their own batch. Counties will run those through. That'll be provisional batch one.

MR. DUFFEY: So the question is: Are the actual ballots, which I assume are the paper ballots? Is that what you're talking about? Isn't this your -- is this your question?

MS. BRADSHAW: Mine, yes.
MR. DUFFEY: When you say actual ballot, you mean the paper ballots that are --

MS. BRADSHAW: The paper ballots that go into the ballot box.

MR. DUFFEY: Right. Are they used for --
are those the ballots used for the audit?
MR. EVANS: Yes. Yes. Those are the -the ballots that the audit teams are doing the hand tally --

MS. BRADSHAW: And do people just tally or are those ballots run through the scanners again?

MR. EVANS: So the -- the audit will be -- that's a good question -- so the question was: Do people tally or are the batches -are the ballots ran through the scanner? The audit would be conducted completely separate from the machines. And so it will be generally what -- what folks will do is what we call sort and stack method.

And so if it's candidate A and candidate B, and they have a batch of 50 , the first thing they'll do when they get that batch of 50 is they'll sort into candidate A, candidate A, candidate A, candidate B. And then once they've sorted the ballots that way, they'll count the pages. They'll count the ballots. And that's how they come up with their tally.

MR. DUFFEY: Well, this question, Mr.
Balbona, wants us to know whether or not
there's a specific article authored by a fellow by the name of Phillip Stark. I'm going to say this. I have read so much I don't know who wrote what. So I couldn't answer that question. I may have. I may not have.

MR. BALBONA: That was a personal letter. He's the creator of Risk Limiting Audits and gave a letter to Brad Raffensperger and talks about us using RLAs with the Dominion (inaudible). I just wondering if everyone up there on the podium has read it.

UNKNOWN SPEAKER: Is that the --
UNKNOWN SPEAKER: Could you speak into the microphone, please?

MR. BALBONA: He says it's election (inaudible).

MR. DUFFEY: I'm -- I'm going to say the same thing. I get so much paper and there have been a number of letters, I mean, I don't remember that. But I'm not saying -- and I'm going to say -- and I'm not going to make everybody else do this memory test about what they had --

MR. BALBONA: I mean, he's literally the
creator of Risk Limiting Audits he -- he came up with it.

MR. DUFFEY: Oh, I understand that.
The question is whether or not -- and who wrote this? This tiny little one.

MS. DUFORT: I'm sorry.
MR. DUFFEY: And your name, please?
MS. DUFORT: Jeanne DuFort. Jeanne DuFort.

MR. DUFFEY: Has a decision been made as to how many statewide contests are going to be audited?

MR. EVANS: So the -- the plan right now as the -- the law requires is to audit one contest statewide following November. And then as I -- as I mentioned, I have heard feedback from county election officials that there's interest in -- in auditing a contest following the runoff. And -- and I'll say again, I think the -- the best way to be able to -- to build public confidence by using audits is to do it consistently over a period of time. And so I think it's a very good idea in the future for us to look at ways how to audit after every contest similar to how

Joseph does. Similar to what, you know, other -- other county election officials are starting to do because there's -- there's a lot of county election officials that see the significance and the importance of audits. But to go back to the original question. Looking at one contest following November. MR. DUFFEY: And where does the -- how do you determine what the confidence rate that you're seeking is -- is going to be. Then how do you determine whether it's met or not. MR. EVANS: Yeah. That's a good
question. So that -- that goes back to the -the risk limit that -- that we were talking about. So the law says that it needs to be a minimum -- or that it they cannot be any higher than 10 percent. And then once you complete the audit, based on the -- the results of the hand tally. The report will -will tell you what you're actual risk limit was. So initially, the -- the number that you're selecting is to help kickoff the process. To help determine how many ballots you want to start auditing. It's not necessarily based on what the hand tally is,
what's your risk limit will end up being.
But, again, if we look at other jurisdictions, and what they typically do, with risk-limiting audits, ranges from four or five to 10 percent. So we might do something in lines with that. But what we want to do is we want to make sure that every county is -that we're auditing enough ballots and that every county's participating in the audit. We want to make sure that as the State Election Board rule and the law says, we're auditing every type of ballot, (unintelligible) ballots, absentee, hand marked ballots.

And so then -- then at the end once we do that and then like I said, we'll get that report that says what the actual risk limit was.

MR. DUFFEY: And when you quoted this 10 percent figure, you referred to a law. What law is that? Where's that law at?

MR. EVANS: So at the end of O.C.G.A. 21-2-498. It says the Secretary of State shall conduct a risk-limiting -- and this is talking about the pilot programs. But conduct a risklimiting audit pilot program with a risk of
not greater than 10 percent. And so that's typically what we used for the audit. And then if you go to the State Election Board rule 183-1-15-.04, following November general elections in even numbered years each county shall participate in a statewide risk-limiting audit with the risk limit of not greater than 10 percent as set forth in this rule prior to the certification by the Secretary of State.

MR. DUFFEY: Who -- how do you determine who's going to be on an audit team?

MR. EVANS: So how do you determine who's going to be on an audit team? So counties usually use that State Election Board rule that I referenced to be their -- their guide for who they could ask. And I'll read from that rule.

The election superintendent shall create audit teams comprised of at least two sworn designees to assist with the audit. The superintendent may designate non-employees to assist with the audit process. All persons who the superintendent designates to assist with the audit shall take and sign an oath that they will conduct the audit accurately
and securely prior to assisting with the audit. And $I$ know one of the things the county do in practice is they'll reach out to the poll workers first and give them the opportunity.

MR. FERGUSON: There's follow-up part to that question, sir.

MR. DUFFEY: It's a repeat question about Phillip Stark. He's here to explain how the audit process works.

MR. FERGUSON: No. If there is no --
MR. DUFFEY: Excuse me it's not --
MR. FERGUSON: -- if there is public access, can it be stated at the public can be placed on it and actually see what is going on. Like Fulton County won't let you within 30 feet.

MR. EVANS: Yes, for sure, that's what's outlined in the rule is that and it's -- put the official election bulletin was that everybody should have access to be able to see what's going on. Now, if it's, you know, and I say that knowing that where we were at in 2020. And having the audits of the ballots, if you have 75 audit teams and you're --
you're standing watching one audit team, you may not be able to see what the audit team way over on the other side of the room is doing. But if you find yourself in a position where you do not have access to be able to see -- to be able to see audit teams. Be able to see the audit, that is something our office would -- would want to know.

MR. DUFFEY: What have you done to ensure that these audits will, in fact, work in the Dominion system?

MR. EVANS: So the question was: What have you done to make sure they'll work with the Dominion system.

So work with Voting Works the ballots have human readable text. And so the audit itself, is conducted separate from any machine or equipment company period. So as long as there's a human -- human readable text that you have an audit team look at the ballot. See what the choices are and tally -- hand count that way. The audit would work with any kind of system.

MR. DUFFEY: So the -- the audit is really taking the produced paper ballot which
is reviewed by the elector who puts it into the scanner. Then you compare that paper ballot against the machine count?

MR. EVANS: Correct.
MR. LINDSEY: Quick question sort of leading part of the question that was asked a moment ago. If -- if there is a question that a -- that an authorized observer has regarding a county's compliance with public access, how do they get ahold of the Secretary of State's Office to have that addressed? And I think it'd be important for folks to know that.

MR. EVANS: Yes. So we do have our -and one -- one of the easiest ways to do it is just as far as what we put in public communication, is to go to our website and on our online form there. But we do have our -I'm going to call him out real quick. Nic what is our --

MR. LINDSEY: You can call a friend if you need to.

MR. EVANS: Yeah -- yeah. So -- so elections@sos.ga.gov that would be a great way to reach us that way. But, I mean, if you're having an issue with meaningful access at a --
at an audit location, the best thing to do is to talk to the superintendent -- the election superintendent there. And to -- to address -to try to address it that way. Because a lot of times if they know about it, they'll resolve it.

MR. LINDSEY: But if they don't, how do they get ahold of the Secretary of State's Office?

MR. EVANS: Yeah. A great way to do that would be call us.

UNKNOWN SPEAKER: What's the number?
MR. EVANS: You can call us. And then there's elections@sos.ga.gov.

MR. NORTHEN: There's also a really convenient contact us form on our website. And it is staffed, and those submissions do get circulated amongst our team and sent over to either investigations or our team will contact a county official based on, you know, an inquiry that was submitted that way. So there's -- there's a few -- a few ways to do it. Like, Blake mentioned, calling us. But -- but that -- that form on our website immediately triggers an email to multiple
members of the election staff. So it's kind of the -- the best way to reach multiple folks at once, if you will.

MR. LINDSEY: Thank you. MR. FERGERSON: What's the time limit? MR. NORTHEN: sos.ga.gov.

MR. EVANS: Yeah. Okay. What was the question?

MR. FERGERSON: The question dealt with a timely response. What you're talking about will take a month.

MR. EVANS: I wouldn't say that. I get -- we get stuff that comes to our office pretty -- pretty quickly. And if it's, I mean, if it's -- we respond to it as fast as we can. And if there's something that needs an urgent response like we're in the middle of an audit, and there are people that can't get access, which is something that qualifies as needing an urgent response. We'll get somebody on it. MR. DUFFEY: So this question is about the photography rule which Judge Brouillette struck down. I don't think he struck it down. MR. BALBONA: He said it was too broad. MR. DUFFEY: I think he struck it down.

Well, first of all, $I$ don't remember in the opinion how he described who -- what?

MR. BALBONA: He said it was too broad. MR. DUFFEY: Well, what I'm saying is, I think the details of what he struck down -MR. BALBONA: What he struck down was saying that you could never take a picture of any -- or video any ballot that's been cast. But there's no identifying information on the ballot or there shouldn't be. So it makes no sense.

MR. DUFFEY: Well -- well, you'll have to take that up with Judge Brouillette.

MR. BALBONA: My point is that the county won't do it and even when I handed DeKalb County the printout of the ruling, they still wouldn't let me.

MR. DUFFEY: I don't want to argue about your desire to video. But has that happened since Judge Brouillette's ruling which was really pretty recently?

MR. BALBONA: That was after. It was after.

MR. DUFFEY: What election was that?
MR. BALBONA: That was the (inaudible).

It was the democratic recount in DeKalb County.

MR. DUFFEY: What $I$ would do is I would talk to DeKalb County and ask why they did that in light of Judge Brouillette's ruling.

MR. BALBONA: I have, and I asked them if they could cite what O.C.G.A they are using (inaudible) and I said, you're not just pulling it out of your butt? And she said, yes. We're just pulling it out of our butt. And I have it on tape if you want to hear it.

MR. DUFFEY: Did you file a complaint on them?

MR. BALBONA: I did. And if Sarah (inaudible) was here maybe she could tell me the status of that. But apparently the system that $S O S$ uses can't look up complaints per complainant.

MR. DUFFEY: Yeah.
MR. BALBONA: That seems very archaic.
MR. DUFFEY: I'll talk to her and see where your complaint stands.

MR. BALBONA: Thank you.
MR. DUFFEY: Sara you wanted to ask a question?

MS. GHAZAL: Thank you, yes. I wanted to clarify that batch is not necessarily equal precinct, correct? So in the case of -- of election day voting, a batch of ballots may or may not be the total for the precinct if a precinct has more than one scanner it could be just one scanner. But in a case of early voting and absentee voting, those could be from any and all precincts across the county; that's correct, right?

MR. EVANS: Correct. So to -- to go back to the first part. If you have two scanners at an election day location, and you each -one scanner took in 600 ballots and the other scanner took 400 ballots those are two separate batches. So the 400 batch ballot -ballot batch gets selected to be audited, then the results from that -- will -- can be compared for the scanner tape for that one scanner, but it wouldn't be the -- the entire polling locations.

MS. GHAZAL: Right.
MR. EVANS: Same thing with absentees. There are reports. It's -- there are reports that break it out -- that break out results by
batch. And so somebody could take a report like that in the Dominion system and compare the results that way. If -- if they wanted to for the absentee batch.

MS. GHAZAL: Thank you. I just wanted to make sure that folks understand that it's not going to be a one to one comparison between what they find on the Secretary of State's website which reports by precinct versus reporting by a batch. Those are different groups of ballots and it's possible to make that comparison. But it -- it could be confusing if you're not -- if you don't understand what you're --

MR. EVANS: Correct.
MR. DUFFEY: This risk limitation audit you find some discrepancy, what's the process for addressing a discrepancy?

MR. EVANS: That's a good question. So you have the initial sample of ballots. So ARLO has given each county a list of batches to go and look at. And to report the results from. If when those results are put into ARLO, if -- if they don't align with the results from the machine count, what ARLO will
tell you is we're going to a second round of auditing. We're going to audit more batches. And you will continue that process if you continue to find errors and discrepancies until you have audited all ballots. And if you audit -- if you get to that point where you have audited all ballots, and you find there was an issue with the election, then it is before a State certification. So the counties who find errors could re-certify. And ensure that the State can certify the correct results.

MS. PRETTYMAN: I suppose is that what you're recommending for the discrepancies in hand counts ballots for the primary? Do you recommend counties pursue that?

MR. EVANS: What was that -- I could not hear.

MS. PRETTYMAN: My question: In -- in the primary there had been hand counts that had discrepancies. And so, I guess, what you're recommending is that we pursue that further and count more?

MR. EVANS: You said there was a hand count that had discrepancies?

MS. PRETTYMAN: Yes. Multiple counties and it hasn't been dealt with --

MR. EVANS: Hand -- hand counts are generally less reliant than machine counts. And so I wouldn't be surprised if they had discrepancies.

MS. PRETTYMAN: No. They were (inaudible) --

MR. DUFFEY: I'm going to let you take that up. That's not about generally, Risk Limitation Audits, that's a complaint you have with respect to a specific election. So your option is to bring that to the attention of whomever you want to. But this is not the place.

This -- this is -- your question has nothing to do with risk limitation audit so I'm not going to ask if it's a complaint about past elections.

MS. PRETTYMAN: Well, that --
MR. DUFFEY: It -- it says here, from previous elections and push back. So I'm not going to ask that question. But if you -- you also have options, if you want to be more precise about what your concern is, you can
submit to the dedicated email address, and I'll see that if it's -- it makes sense to have a response that will get in the hands of the right person.

Who asked this question?
MS. STEVENS: I believe that's mine, sir.
MR. DUFFEY: And your name?
MS. STEVENS: Nan Stevens.
MR. DUFFEY: This is a question of how -how -- well, I'll read it to you -- it's what is the use of the $Q R$ code in auditing if we're -- if the written ballot is being used to verify the vote.

MR. EVANS: So really the QR code is not used for anything in an audit. You're using the human readable text.

MS. STEVENS: So why do we even have it on the ballot?

MR. EVANS: So the machine reads the QR code. And then you audit to audit the machine count to confirm you've got the right outcome.

MS. STEVENS: Both you and the previous presenter have always stated that you're going to go back to written readable text when doing an audit. So my question is: Because they

| 1 | make machines that can read readable text. |
| :---: | :---: |
| 2 | What is the purpose of the QR code? |
| 3 | MR. EVANS: So our scanners can read the |
| 4 | ballots. |
| 5 | MS. STEVENS: So the scanners -- |
| 6 | MR. DUFFEY: Excuse me. |
| 7 | MS. STEVENS: -- are not reading the |
| 8 | readable text, they're only reading the $Q R$ |
| 9 | code? |
| 0 | MR. EVANS: The scanners read the QR |
| 1 | codes. |
| 2 | MS. STEVENS: Thank you, sir. |
| 3 | UNKNOWN SPEAKER: In violation of the |
| 4 | law. |
| 5 | MS. STEVENS: And both you and the other |
| 6 | fellow -- |
| 17 | MR. DUFFEY: Excuse me. Excuse me. This |
| 18 | is not your chance to argue with the |
| 19 | presenter. |
| 20 | MS. STEVENS: Yes, sir. |
| 21 | MR. DUFFEY: If you want to do something |
| 22 | that's more elaborate or make your point |
| 23 | again, you can do it in writing and submit it |
| 24 | to the website. |
| 25 | MS. STEVENS: Yes, sir. |

MR. DUFFEY: Thank you. Can counties do other kinds of audits if they so desire?

NR, EVANS: Yes. Yeah. There have been counties that have gone -- like Bartow but many others, I just say, Joseph because he's in the room, who can conduct audits. The -the preference especially if you're -- you're auditing a -- if you're auditing a state contest, like for counties that may have conducted audits in -- in May is to complete the audit before State certification. But I think, I don't know, Ryan, if you want to say anything more to that. But -- but, yes, counties can go above and beyond the rule that is written.

MR. DUFFEY: And who wrote the little note with the butterfly?

MS. CRUZ: That's my question.
MR. DUFFEY: And your name is?
MS. CRUZ: Victoria Cruz, Athens, Georgia.

MR. DUFFEY: Thank you. In case you haven't gotten the drift here your name should be on your question.

MS. CRUZ: I'm sorry. I didn't
(inaudible).
MR. DUFFEY: Okay. Any -- any other questions from the Board?

DR. JOHNSTON: Yes. So thank you so very much for this presentation. I think audits are the important piece of an election these days to confirm that the outcome is correct. And also, to provide some confidence in the outcome. There are -- there are some assumptions and requirements for RLAs that we -- we need to all be aware of and one of course is correct tabulation by the machines. We also need to make sure that all the results are complete and in and frozen and unchanged throughout the audit process. So that counties can't go back and rearrange their data. There needs to be an -- an accurate and trustworthy paper trail with proper and documented chain of custody for every step of the way involving the ballot -- all the ballots. Like you said, thank you, are included in the audit and very important is the ballot manifest and we need to make sure that all counties have an accurate ballot manifest or the RLA will fail. So things to
be aware of. I would encourage bi-partisan participation in witnessing of the chain of custody of the ballots even to the point of retrieval of the ballots from the secure storage brought to the audit table. I think there are plenty of willing bi-partisan folks that would sign up to be a part of that team. Not to touch the ballots, but just to witness the transfer. And I would encourage livestream video of the audit.

In the medical -- in the science world, statistical significance is generally agreed upon to be the point (inaudible) level . 05 percent -- . 05 which is a five percent max on as far as a risk limit. So I would be -- I would expect a -- a RLA to be that at least or better. And also, what do you see in the future, if you had a perfect world as far as audits? What would you recommend for -- for Georgia?

MR. EVANS: That's a big question. I didn't know I was going to get that. I want to see audits after every election. I think that's something we've discussed in our -- our office. And I think we -- I think we all like
that idea. I think it's good for -- for counties. I think one thing to keep in mind with this particular audit that we have coming up is for -- for many counties the -- the law is written such that the audit is conducted after even year general elections, so for many counties they have not conducted an audit since two years ago. And that audit was different because it was a full hand recount. So this is the first time that many of them will conduct kind of that sampling audit. So there -- we're training on them. We're -we're training on the audits. We're -- we're very confident. But it will be the -- the first time they've conducted an audit like this. So I think we should keep that in mind. But I think also going forward I think we need to look for ways to expand audits. A way to have audits after every election. Because it is -- it's good practice. It confirms the outcome. And it -- it builds public confidence.

MR. DUFFEY: Okay. Just one last
question. In an RLA audit, how are adjudicated ballots treated and handled?

MR. EVANS: So the question was: In a risk-limiting audit how are adjudicated ballots handled. So if it was a ballot that went through the adjudication process. So there was a teams of vote review panel initially in the original count that had to look at a ballot. Maybe it was -- maybe there was an error in a mark or for some reason had to look at the ballot and try to make a decision of voter intent. We see those on hand marked paper ballots. There are also vote review panels that are part of a risk-limiting audit process. And so if there's a ballot that needs to be quote/unquote adjudicated in a risk-limiting audit, it can also go to a vote review panel for a decision to be made on it.

MR. DUFFEY: There is one more question about why don't you transfer calls better in your office. But I'm going to let that person talk to you.

MR. EVANS: Working on it. I mean, we have a dedicated group of individuals that I'm very proud to work with them. You know, I think there's not many of us. We've got 20
full-time staff in our election division. You can look at North Carolina. They've got over 60. You know, there's not many of us. We serve the counties. And there's a lot of dedicated county election officials too that do a darn good job. And I know, you know, one was mentioned earlier and on the agenda. That is -- I do want to say publicly that we've got a lot of very dedicated, very good county election officials that have -- many of them who have dedicated their whole lives to public service. And they -- they want public confidence. The elections are at their heart. And they serve the public as best they can. So I want to say that.

MS. BRADSHAW: Could I say something else about the adjudicated? I know like in Fulton County in the 2020 election, Richard whatever his last name was, said there were 106,000 adjudicated ballots?

MR. EVANS: He was wrong.
MS. BRADSHAW: Okay. Well, that's good. But -- but do you get the -- the ballot image that someone came and revoted for them, or do you get the original ballot in a risk-limiting
audit?
MR. EVANS: The -- you get -- you're
looking at the original ballot. You're
looking at the original ballot to make your own determination as part of the audit.

MR. DUFFEY: All right. The last agenda item is a discussion amongst the members of the Board based upon any observations or insights that you had during the course of the presentations today. One thing I would like to know is was this exercise worthwhile? It took a fair amount of time to put it together. But -- but one of the things that we're trying to do for the Board and since all our meetings are open. I think ultimately, it's also a benefit to the public. But so I'd like -like that insight. And I'd also would like to know what your thinking is. Your insight you had as a result of what we've heard. I guess, let's start with -- somebody suggested that we start from the least senior to the most senior, except I'm taking myself out, even though I'm very least senior. Using my prerogative to wait until I hear everybody else. So that would be you, Dr. Johnston.

DR. JOHNSTON: Are you talking about age senior?

MR. DUFFEY: No, tenure on the Board. I would still beat you on age senior, too. DR. JOHNSTON: I don't know about that. Well, $I$-- this is certainly $I$ think a positive and gathering together to have this type of meeting and the presentations and I thank you for -- for organizing this and -and pulling it together. And I think everybody that's here that has questions and, I mean, maybe seem to have comments. My goal, as always, is election integrity. And whatever it takes to achieve that, and I think that's true of everybody here on the Board. I take this meeting as a maybe a springboard for us to have further discussions of things that we might do to make suggestions to the Assembly -- the legislature in the future. And to work with maybe some formulation of some new rules that would -- would help clarify areas that are maybe unclear. And I'll look forward to that process. Is everything perfect? No. Could it be better? Yes. Are we all working very hard toward
that? Yes. And once again, I thank you. MR. DUFFEY: Thank you. Mr. Lindsey, you're next.

MR. LINDSEY: I guess the next one falls to me, Mr. Chairman. A few comments here, if I may. We've discussed here today how the machines are supposed to work and how the system is supposed to work. But there are somethings that we're going to need the public here. And I want to reach beyond just the group here in this room. I think the group here in this room is pretty good at monitoring. Based on my observations and based on the emails that I get. But I want to sort of reach out to the folks beyond just this room to -- to encourage them to -- to let us know. And let the Secretary of State's Office know during the election process if you see something that is not correct to let us know as soon as possible so that it can be corrected. That's why I asked the question a moment ago on how to -- how folks should best get ahold of the Secretary of State's Office. During the audit process or any other part of the election process. So it's incumbent upon
all of us in the state of Georgia to make sure that the system that's been setup on how it ought to run, actually, does run. We need your help. All the way down to quite frankly looking at your ballot when it's printed out. I saw one, on (unintelligible) study not too long ago on the fact that a large number of people don't look at the ballots before they turn it in to the -- to the machine. And I find that appalling because there are a lot of us who have been advocating for that paper backup for a long time. I think I signed when I was serving the legislature. I believe it was 2006 was the first time I signed a bill asking for that paper backup. So the paper backup, which actually has now been raised to the paper ballot period. Is the -- the voter's best chance to make sure that his or her ballot is -- is accurate before it's submitted into the ballot box. So I'm going to encourage everyone to read the ballots. And then I'm going to encourage each of us if you see something at the polling places or at the counting station or at the audit process, to alert the Secretary of State's Office as
quickly as possible. And if it can't be rectified there, to file a complaint with us so that we can then deal with it. Because I think all of us together are necessary to make sure that the system as it should work, does work.

Secondly, Mr. Chairman, $I$ want to sort of -- sort of talk about a concern that I have, and I raised it first with the gentleman from Dominion. And $I$ want to raise it again to the Board here today. And also, to the general public.

There have been detailed studies that have been taken regarding our security of our election system. The latest one by -- called Mitre. And for those of you who aren't familiar. It is a extremely well regarded a National Election security laboratory that's independent. That has reviewed a lot of the allegations that contain both by the Federal Government and by other folks in lawsuits.

And I'll tell you right now, we've had a chance to read it but we can't tell you what's in it. Because -- because there is a gag order presently in place and it's secure.

I'm not comfortable with that. And I want to see that Federal Judge who has placed that restriction. While she reviews the reports to release it. If necessary, redact any parts that would compromise cybersecurity. But I want to see that report out as soon as possible. So that folks like you and the general public can have greater confidence in the system. Or can at least evaluate your level of confidence in the system. And so, Mr. Chairman, at the appropriate time I want to make a motion that $I$ want this -- this Board to be on record asking that the Federal -- respectfully asking because I'm a trial lawyer too. Respectfully, asking that the trial court expedite the release of those reports so that the general public can see and evaluate for themselves. I think that's the best way to ensure confidence. And so, Mr. Chairman, at the appropriate time, I'll make that motion.

MR. DUFFEY: I'd say, while we're on the subject. Does anybody else want to say anything about the requesting Judge Totenberg to allow, appropriately so, because there --
there could well be information that everybody contends would -- would be improper to disclose generally. I don't think there's much of that. I think most of it is the evaluation. But I do think that we ought to ask the Court whether it's -- gag orders where you can't talk about something in public is actually a protective order. But I think that that should be lifted.

MR. LINDSEY: I didn't mean gag order as a colloquial phrase but basically, it's underneath the restriction right now. And I think that -- and I've got a gentleman of the press over here. And I know some other members of the press too. How about going back and talk to your lawyers and having them file a motion to be -- be part of that attempt -- will you do that for me, Mark?

UNKNOWN SPEAKER: I'd love to see it.
MR. LINDSEY: All right. Good. Didn't mean to put you on the spot. But at the appropriate time, Mr. Chairman, I would move that the -- that the Mitre report or any other reports that are presently before Judge Totenberg that are under seal be released to
the general public subject to any needed redactions for cybersecurity reasons. So that we can have the public evaluate and have confidence in our election system. As we approach the November 8th, 2022 elections. That's my motion, Mr. Chairman.

MR. DUFFEY: Is there a second?
MS. GHAZAL: Second.
MR. DUFFEY: So it's been moved and seconded that the Board ask Judge Totenberg, who's the presiding judge in the Curling case where these two reports exist for her to release any report having to do with cybersecurity and the Dominion system.

MR. LINDSEY: Correct, Mr. Chairman. MR. DUFFEY: But that the -- that the Court in her discretion, she believes that there is sensitive information that should not be released to the public that she redact only those provisions and release the rest. So if -- it's a little recast. MR. LINDSEY: Yes. MR. DUFFEY: But any discussion on the motion?

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            (no response)
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MR. DUFFEY: All right. They're not being any discussion. All of those in favor say aye.

THE BOARD MEMBERS: Aye.
MR. DUFFEY: Opposed? No.
(no response)
MR. DUFFEY: Passes. Thank you, Mr. Lindsey. Next, Ms. Ghazal.

MS. GHAZAL: Thank you, Judge Duffey, for the opportunity to share my thoughts and to my fellow Board members and our presenters today for taking the time and effort. It helps to understand the issues that we're facing.

AUDIENCE MEMBERS: Microphone, please. Microphone. We can't hear. Turn all of them up.

MS. GHAZAL: Thank you. We are already well underway with the 2022 general election. Voting is already happening. I also appreciate that so many members of the public are here. You're demonstrating your interest in making sure that every eligible voter is able to cast their ballot. And every ballot is counted accurately. This meeting of the State Election Board was called to evaluate
what, if anything, could be done by this body in light of the very serious allegations emanating from Coffee County. Namely, that it appears that unauthorized persons may have been granted broad and extend -- extended access to every component of the voting system there.

The outcome of the election in 2020 is not in dispute by any reputable source. The only issue at hand today is what steps would be appropriate to ensure that every vote in the 2022 general election is cast according to the will of the voter and counted as cast given what we believe likely happened in Coffee County. So I want to start with my conclusion which is that Georgia law does not authorize the State Election Board to unilaterally change the -- the system of voting in person from machine marked paper ballots to hand marked paper ballots. But I also want to make clear that even if for the sake for argument, I did believe that we had the authority to change our statewide system of voting, I would not do so today. We've heard this morning from some of the experts
who are in charge of ensuring that our elections are secure. They detailed all the ways in which our votes are safeguarded and the overlap in security measures that would very quickly made apparent if there were nefarious actors or actions attempting to change the outcome of our elections. The most critical measures built into our system include logic and accuracy testing which is ongoing right now and is available and open to public observation. Documentation of chains of custody, our reconciliation and canvassing procedures, and most importantly the paper ballots and the pre-certification audits conducted with them.

Counties have heavy responsibility to implement and document these procedures and voters have a responsibility to verify that their ballots are accurate and reflect their choices. And to that end, a rule is already in place that requires counties to assign poll officers whose sole job is to remind voters to verify that their ballot is correct. This step is more important than ever, and I encourage counties to reinforce this reminder
to voters.
Make no mistake, the allegations regarding Coffee County and the damage that has been done to public confidence are very serious. Knowingly allowing unauthorized persons to access our voting system, our varied votes is a massive violation of the public trust and possibly state and federal law. I want to see every effort given to ensuring that law -- the law enforcement investigation is thorough, and justice is administered. Any party considering engaging in such serious violations of the public trust needs to understand that these actions will not be tolerated in Georgia.

A successful election must take into account three sometimes competing interests security, accessibility, and efficient administration. If the system neglects any one of these or if it's out of balance, then either the voter or the vote will suffer. Georgia system reflects an attempt to balance these issues and interests. I have trust in our election officials and in our voters to ensure that our elections will proceed
smoothly and securely, and that the outcome will reflect the will of the voters. Thank you.

MR. DUFFEY: Thank you very much. Mr. Mashburn?

MR. MASHBURN: Thank you. Thank you, Judge Duffey. If you could turn my mic on, please.

I'd like to thank you, Judge, for putting all your hard work and putting this meeting together today is -- is an incredible amount of work. I don't -- I don't think you understood the word retirement. Because of the incredible number of hours that you put into this. So I appreciate all your -- all your diligence and I thought this was very helpful. I thought the presenters were very kind with their time and their expertise. And I appreciated -- appreciated that very much. I promise -- promise every citizen of Georgia, I will protect your vote. Everyone here on -every person on this Board is going to protect your vote. If I see something wrong, I promise you I will raise it. Okay. If I don't see something wrong, I'll also tell you
that. But I promise you we will protect your vote. I promise you that. I will protect your vote. This Board will protect your vote. The only way we cannot protect it is if you do not cast it. So don't let anybody tell you you shouldn't vote for whatever reason they give you. All right. And with that, I use my seniority to say I have nothing further to add.

MR. DUFFEY: You know, one -- one of the privileges in life is -- is to work with people who are bright, bring different perspectives to -- to an issue. Who are hardworking. And do it not for any renumeration. They do it because they think that what we do in the form of voting is the most principle elementary participation of a citizen in their governments. And while it's -- that was nice to say how much time has been -- and that I've been spending. I tell a lot of people that this work has invigorated me because I think it's important. And it's totally in line with my values that I -- but we -- like everybody has said, we need your help and here are some specific things. You
know when $I$ opened with this description about what happened in Florida and the -- the fundamental principles to be they have to understand the law and they have to understand the facts. What's -- what overlays all of that is if we are -- we are trying to do that collectively, there's a productive way of helping us and a productive way of us communicating with you. And then there's an unproductive way.

The productive way is that if you think you have information that is important for us to look at, and not just us, but the Secretary of State's Office. Then you ought to give it to us as soon as you have it. And not wait until there's -- there's some maybe a time that you think is more calculated or at a time that's more convenient to you. It's easier even when you're not done with your analysis, to tell us what the analysis is so that we can see whether or not we can give you input to allow you to focus on the things that are -that would be important to us. As opposed to what you think is important to you.

So at some point this has to become not
adversarial, us against you, it has to be collegial. Which is if we want to work together, there's got to be respectful communication. And there's got to be this -this overlay which -- which I have -- which I regret a lot. And this overlay of suspicion of each other has to stop. You could disagree with us. If we could disagree with you. But if we don't communicate honestly, we will never know what we disagree about. And it's important to define those things.

The other thing I said, is we -- we need to know facts so that we can apply them to the law. I began our session with that -- with that discussion. You need to know facts before you apply it to the law. I know we've even had a couple of instances here where there's been a -- a -- an unequivocal statement about something that was wrong. And it's on us that one of those unequivocal statements made was about the status of the case heard by Judge Adams that it's not on appeal, it is on appeal.

I know that it's fully briefed on appeal.
It's an appeal that's before the Court of

Appeals. And when I -- and I have been a lawyer and I've been amazed at how well courts can ultimately evaluate a decision in our system to have a decision that then gets reviewed by another. It's sort of like an audit, looking at -- at an election to determine whether or not the count was correct. That we need to let the court system work. And then when the court system does work, we need to respect and trust it rather than saying the court got it wrong.

So for that, you know, and for any other misstatement, $I$ just want us all the backup and say, when we make an expression of something, let's be -- let's be more certain about it. One way of building trust is -- and -- and one thing that we are putting into place is -- and if anybody has emailed me in the last four or five days and a lot of you have, there are a lot of you outside have. Except for somebody who just makes a statement, anybody who talks to me about the Board and what it should do, I think everyone of those emails I've answered.

And a lot of it is because I think that
if we're the government, you have a right to hear from your government. There's -- there's no -- I don't have a little mailbox that says this is an email. I really don't have time for it. I'm uncompensated so therefore I'm going to put it -- put it somewhere and let somebody else deal with it. Or they had their say. I'm not going to respond. And we are -you will have our emails, if they're not already on the website, they should be on the website. Meaghan, are they restored to the SEB -- SEB website? So you have a way of communicating with us. And we will our best -- what we're going to try to do without inconsistencies by looking at it in a centralized way and then we will respond.

And the last is, I would just encourage you -- there -- there are a number of people who send things that are mean spirited to us personally and veil threats. I didn't stop sending emails when I got those, and I won't. But I wish that all of you who are inclined to do that, would cease sending them.

This is too important to get my hackles up about somebody who doesn't exercise great
discretion in their communications because $I$ want everybody to say, this guy, these women, or these men, got an email and they -- and they didn't -- what's the current term -ghost you. I'm not sure that's right, but it's kind of the spirit of it. But we need to work more collectively rather than uncollectively. During -- during -- I'm going to talk to the Secretary of State's Office that I am concerned about -- and I had these concerns even in my work when we had a big investigation, that we would -- we had a way where we had a group of people that if somebody saw something that needed to be responded to quickly, we had a place where that would go that was distinguished from the regular communication systems.

You know, I have seen at least in the last couple of days a couple of really troubling things which we will open an investigation on, or, at least, I think we have. That's the sort of thing that needs to be addressed right now and it can't go into some file and be put in line with other things that are not as critical. And I think during
an election year, he's had to deal with the upcoming election. We need to have a way to respond more -- more quickly and promptly to stop something that if it's not stopped in its infancy might develop into something that is more mature and thus more threatening to the election process. So I'll talk to the Secretary of State's Office about that. You know, Blake and Ryan and everybody at the Secretary of State's Office -- the one thing I've known for a while and one of the things we're going -- we're going to recommend to the General Assembly is we can't operate this State with as many people as we have with just 20 people in the elections division. That we've got to be more thoughtful about the priorities we have and where we staff.

Now, will -- will that happen? You know, sometimes it doesn't happen when the first time you -- you talk about it. It happens in successive years, but those are the sort of things that we're going to try to do to make the Secretary of State's Office have the capacity to respond to it. But I agree with Matt and with Edward that we need -- every
time you hear something that you think is going to impact an election and it's happening right now, we need to know. We're going to find a way to do that. If nothing else, you can send us an email. Send them to Mr. Lindsey. I don't mind those at all. And, in fact, I'm learning so much about this process by getting them. So I thank you for being here. I thank you for those that are watching. We are a citizen democracy and we -- and we appreciate very much your attention.

We're going to close out the meeting as we normally do with citizen comments. And -but -- but let's take -- this is going to be true this time. It's going to be a fiveminute break, but it's going to be a real five minutes as opposed to the 15-minute break that turned into a 20-minute break. We -- so five minutes. And we'll be back with your comments, and then we will be done.
(Break taken.)
MR. DUFFEY: All right. Let's everybody
take their seats. Please, would everybody please take their seats.

This is the public comment section. I
will call you up as you're listed with the exception of Cindy Battles who has to catch an airplane. I'm going to let her go first.

MS. BATTLES: Thank you so much for moving me up and to outing me to everybody.

MR. DUFFEY: Well, that's okay. So long as -- and so long as you remember it's a twominute time limit. It's a two-minute time limit.

MS. BATTLES: I do remember.
MR. DUFFEY: And I --
MS. BATTLES: And I'm very good with my time limit as a matter of fact. Believe it or not. My name is Cindy Battles, and I am the Policy and Engagement Director for the Georgia Coalition for the People's Agenda. I appreciate the effort that $y^{\prime}$ all have made with this meeting. I don't know if it changes hearts or minds. I think that the time to have inoculated misinformation and disinformation was when it first started instead Georgia Assembly gave it a platform. Which I think is why we're still trying to put out a dumpster fire with a teaspoon.

However, what I would like to ask about
is specifically something to do with $S B-202$ and State Election Board rules. A few months ago you revised several -- 183-1-14-. 12 which is the eligibility of application for an absentee ballot. And your revised rule states that quote: Any application for an absentee ballot sent to any voter by any person or entity except applications sent by the election superintendent or registrar at the request of the elector shall display the following disclaimer.

The rule goes on to describe the disclaimer but what we're asking is what is sent mean? Does that mean mailed? Does it also include delivery in person? We're asking because there's not enough guidance as to what an absentee ballot application forms volunteers should be using or what sent means.

We've got a number of people who have often helped people get absentee ballot requests. And just because Georgia is Georgia these days, I'm specifying we are helping people get absentee ballot requests not absentee ballots. Specifically, we have gone into Fulton County jails, not only registering
eligible voters to vote, but also helping them get absentee ballot requests. And with the ambiguity and the language, we're concerned that we're violating rules. So I understand that the State Election Board doesn't normally add -- answer questions, but we would love to have some sort of guidance on that definition. Thank you.

MR. DUFFEY: Tell me the rule number again, just so $I$ have it in my notes.

MS. BATTLES: The rule number again?
Hold on one second. It is 183-1-14-.12.
MR. DUFFEY: Thank you very much.
MS. BATTLES: Thank you. Have a good evening.

MR. DUFFEY: Have a good safe flight.
MS. BATTLES: Let's hope so.
MR. DUFFEY: Mr. Balbona?
MR. BALBONA: I'll try to be quick. I'm George Balbona from Cobb County. The Secretary of State's Office is moving money around from different POs, RPOs and VARs to pay for various items such as VM cloud-based services. SOS is also paying IT vendors that are not on Merritt Beavers IT vendors list.

Just a couple of months ago, on July 19th, 2022, Merritt Beaver SOS CIO sent an email entitled: No more presidio to the SOS agency procurement officer. Merritt explained before processing any new PO to presidio, please let Eric and myself know as we are moving all of these to CDW. She replied, I was going to ask a question because $I$ saw that presidio for 200K and the purchase of Haiku Neutronics licensed for CDW for 28K. Merritt responded there is one more presidio RPO left out there for neutronics that we are working on now to move to another. The other two Haiku and VM we moved to CDW, end quote.

Is this legal? I thought that when a purchase order was approved, those funds were to be used only for the purposes stated. Also, SOS is blatantly playing games with my open records request. SOS combined three of my open records requests into a single cost estimate. (Unintelligible) were ridiculously inflated from 832 to 2,921 in the processing cost estimated rocketed -- sky-rocketed from $\$ 235.77$ to $\$ 1,008.00$. SOS made me resubmit my ORs and these numbers are for the exact same
open records requests. SOS bundled five of my other ORs into a single open records request. This is not how SOS normally processes open records requests. SOS has deemed my open records requests abandoned because they will not do as I have requested. Which is simply process my open records requests properly.

The reason I'm concerned about VM is because it was started by two Russians Veeam. They're now billionaires. I can give you their names. It's right here: Ratmir Timasher and Andrei Baronoff. And in Forbes it says they're in estimated 1,000 plus US companies in Russia including household names like Apple, iHerb and the entirety of the back office of VM software.

The reason that's important is because SOS has decided it would be a great idea to put all of our Georgia voter registration up on the Cloud. Guess who has the contract? Yeah, VM. And I don't care if Nick Ayers, Mike Pence's former chief of staff is on the board. Who wrote the software were Russians.

MR. DUFFEY: Thank you, Mr. Balbona. Mr. Favorito?

MR. FAVORITO: Mr. Chairman, I'm the cofounder of Voter GA and we're plaintiffs in representative Phillip Singleton case that seeks relief against Dominion's $Q R$ code voting system. I needed to correct a few problems after the public comments today. The -- just to give you a little background, this QR code issue was adjudicated in Curling v.

Raffensperger by Judge Totenberg, and she reviewed the most comprehensive set of evidence ever assembled in a Georgia election integrity case to my knowledge. And she issued three -- two orders totaling 300 pages the stating orders that apparently the State, among other things, the Secretary of State's Office was "not credible". Specifically, she found in regards to the $Q R$ code says, if a Dominion system "does not produce an elector verifiable paper ballot and the elector's choices are not in a format readable by the elector. That's because they're accumulated in the $Q R$ code.

So she found that the system does not -does none of these things that are required by Georgia law. The Secretary of State's Office
appealed the decision. And -- or at least part of it, and the Eleventh Circuit heard the decision, but has not made a ruling yet. So the Secretary of State was able to use the system again in 2022. That's the background. And the bottom line or the take away the background is that the system that was issued to conduct in the 2020 election was found to be illegal by the United States District Court as not (unintelligible) or voter Georgia talking.

But now to -- with that background, we filed a case seeking relief not to readjudicate what had already been adjudicated, extraordinarily, by Judge Totenberg. And our judge, Judge Adams, never received any discovery evidence whatsoever. Never adjudicated anything. Her first task was to rule on the sufficiency of our complaint. And instead, she dismissed that on the same day that a hand count audit proved the dominion system picked the wrong winners in the -- in DeKalb County District Attorney --

MR. DUFFEY: Mr. Favorito, you need to wrap up.

MR. FAVORITO: -- commission race.
MR. DUFFEY: You need to wrap up.
MR. FAVORITO: Okay. Sure. So that audit in 2022, found that the third place candidate was shorted 3,000 votes. The first place candidate received 1,400 unearned votes and 1,800 votes the system failed to count all together.

MR. DUFFEY: All right. Thank you very much. I appreciate your comments. Tamara Seymoor?

MS. SEYMOOR: Thank you. I'm following up on May 17th, 2022 letter that asked you to make SEB rules compliant with federal and state retention law and the Board still has taken no action on that. When $\mathrm{SB}-202$ made ballot images public record, Voter GA submitted open records requests statewide for the original 2020 ballot images and found that 56 counties admitted destroying them and another 14 refused to legally comply with the ORR. We also found that 102 counties destroyed their drop box surveillance videos for 181,507 ballots received from those boxes.

When we pointed out that they violated
the state and federal election record retention laws, the counties blamed SEB rule that permitted destruction of those election records in defiance of O.C.G.A. 21-2-73 and U.S.C. 20701. Voter GA's letter simply asked you to make SEB rules comply with federal and state law. And to instruct the counties to preserve the original ballots in lieu of the images until all current litigation is resolved. After four months the Board has taken no action.

While I realize that the Board composition is new, this lack of action is giving us the impression that the newly structured Board has no concern for election integrity, transparency, and fraud prevention. You can demonstrate your concern by immediately adjusting these two rules in question and requesting the counties to preserve the 2020 election ballots before the 24-month retention period expires in November.

Otherwise, Voter GA must file suit in October to force you to comply with the law and to preserve the ballots from the most controversial election in Georgia's history.

Thank you.
MR. DUFFEY: Thank you very much. William Quinn?

MR. QUINN: Good afternoon, I believe it's afternoon. All right. I always try to make my comments match or meet something that was said during your hearing. I'm going to try to do that today. Let me start with this week someone that I admire greatly said that our country is in trouble. It can be saved. But some very important things have to happen and they have to happen very soon for it to avoid going over the precipice. Perhaps it's fitting that another Georgia is in the news this week. Giorgia Meloni who Italy just selected as their Prime Minister.

Her base looked to her for guidance in terms of the fundamentals they should be worried about. And they were three things: God, family and country. I think you're going to find that as this country gets more and more focused on the problems that we're facing, that you heard about through many of the things today, they are going to drop back to exactly those things. Because that, at the
end of the day, are the fundamentals that we all have to worry about. God, family and country. Truth is sometimes difficult, but it's enduring. We will see people try to paint it with various things they may call facts. But over time, information as it comes out will make that cheap paint crack off and the truth is going to be revealed.

One of the things I heard today is gosh, the counties and this Board can't take action absent law change. The fact is you've done it in the past. You did it in April 2020 by approving drop boxes. The problem is you didn't have the power of the law to do it. Right now, you say, well, we could act in an emergency. You have an emergency. It was just extended by the White House on September 7th. A National emergency with respect to foreign interference in and undermining public confidence in the United States elections. So you haven't taken action. I understand. I see you're resting on, we can't. Let me tell you how the people are going to fix this.

MR. DUFFEY: Okay. You need to wrap up here.

MR. QUINN: We need to -- we will vote like we have never voted before. MR. DUFFEY: Excuse me.

MR. QUINN: We will help other people get out and vote. And we will inform them why it works, and we will focus on things like what happened with Carrie Lake in Arizona and we will focus on our own future. MR. DUFFEY: Thank you.

MR. QUINN: Thank you. Remember, God, family, country.

MR. QUINN: JoEllen Shiver?
MS. SHIVER: Hello. I just wanted to say that I do have a lack of confidence in the Dominion machines. And that it's based on what I saw happen in the 2020 elections and even in the most recent primaries. I found a lot of the the results to be questionable and one example I want to cite is the -- that race in DeKalb County where there were three candidates and one candidate had -- came up with zero votes and demanded a recount, a hand recount. And she ended up winning and I found this very troubling as to how many more errors were there like this in how many races? How
many did we not catch? Is this human error? I've heard it was human error. But that concerns me that we would have machines that would, you know, have human error. But also, what other intervention can the machines get. If it's not just human error, what is -- what other human intervention can they get? My concern is also the software. Had we not -can we not audit the software? Can software not take one vote and equate it to . 76 percent of a vote or 101 percent of a vote or flip votes? That's part of my concern. So I just would say $I$ would love to get rid of these machines. Thank you.

MR. DUFFEY: Thank you, Ms. Shiver. Ginger Bradshaw?

MS. BRADSHAW: Hi. I just want to say that I learned a lot today which means that I've got a lot more to do on -- on my plate. But and some of the things I ask, you may not have control over, but I just think it would be good for you as the State Board being over all of Georgia and election to, I'm sure you know about it, but I just want you to let it -- let you know it's a concern of mine. The
representative from the Secretary of State's Office, I thought did a great job on talking about the -- the audits and how open and how transparent they were. But I know we were in several counties that was set up to do a hand recount of the votes. And the strong -strong arm from somebody came in and said, oh, no you can't do that. Well, part of the law, and everybody's been talking about the law today, why are we maintaining the ballots for 24 months if we can't get access to them? I know Garland has been in -- in a lawsuit that has just been pushed off, pushed off, pushed off. And then finally the Judge said, I'm going to dismiss it. So that's what gives us a bad taste in our mouth, the dishonesty. If everything is so open and apparent, give us the ballots and prove us wrong. So I don't know how much power y'all have over there, but you do have -- you do talk to people and whatever.

And the other thing, on another vote, I was a poll manager in the last couple of elections and the girl that $I$ worked with worked for Fulton County on the registration
side and she told me the redistricting updates weren't even done. And my school board race, like, a guy, Phil Chan, ran I think, and I live in $7 B$ and 7 C which is not in his district had his race on it. Nobody did anything about it. So somebody, somewhere has got to lay the law down and get -- and -- and you talk about following our laws, but we're not following them. And somebody needs to do something about it. Thank you.

MR. DUFFEY: Thank you very much. Tom Talbot? Mr. Talbot?

UNKNOWN SPEAKER: What's the name?
MR. DUFFEY: Talbot. T-A-L-B-O-T. He's not here. Mr. Nally?

MR. NALLY: Good afternoon, Your Honor, ladies and gentlemen. I'm a little bit disappointed in this body. Not you, Your Honor, you came along a little too late to get included. Back in April I filed a complaint concerning over 20 elected public officials who were held to be by our constitutional language of our Constitution not qualified to hold their offices by reason of being illegally in possession of public funds. In

May, I filed an inquiry. In June, I'm sorry. I didn't file, I emailed an inquiry. And in June emailed again. I haven't emailed since because I have been ignored from the very first filing. It would be nice if someone had the decency to pick up a phone, drop me an email. Let the citizen know that the law is going to be complied with or it is going to be ignored. I'd just like to know which. Now, that was my first comment. My second comment is that the -- it is my opinion that it is for a judge to determine whether or not a contract is void. The rest of us refer to it as being void or not -- or not voidable. The Dominion State of Georgia contract is void, as a matter of law. And as a matter of fact. I thank you, ladies and gentlemen.

MR. DUFFEY: Thank you, Mr. Nally.
Jeanne `DuFort?
MS. DUFORT: Thank you for this remarkable meeting. I -- I can't think of a meeting in the last 20 years that's had so much interaction from Board members. And I really want you to know, and the public, and I want you to know we noticed and I'm not the
only one that appreciates it. So thank you. Mr. Poulos' presentation reminds me of your story, Judge, about the witness who described perfectly a wedding. But the wedding was on the wrong day. If you review the substantial record in Curling v.

Raffensperger. Since, let's call it August of 2019 when it started to focus on the BMP, their expert declarations, their transcript of hearings. And there's the writings of Judge Totenberg herself that would challenge the rosy picture painted by Mr. Poulos. I would encourage you all to take a look at it from the perspective.

Nearly six months ago, as Vice Chair of the Morgan County Dems, I joined Salleigh Grubbs from the Cobb County GOP and Ryan Graham from the Libertarian party of Georgia and dozens of candidates to ask you act to minimize risk to our elections in a manner consistent with existing law. Not to make new law. As the evidence mounts of what happened and compromise our State's voting system, starting in Coffee County, I'm going to refrain from saying, I told you so and simply ask if not now, when? What would it take? If Georgia's elections software being pirated and distributed widely to well-funded characters from the Stop the Steal Movement. If that didn't scare you, what will? If CISA confirming the findings of Alex Halderman isn't sufficient, what would it take? If the urgent advice of 13 of our most well respected experts in the elections space, if that isn't compelling, what would you find compelling? And not one, not two, not three, but eight different days unauthorized individuals were in the Coffee County election office. An investigator was in the office with one of the perks and didn't bother to check his name as far as we know. So I'm asking you again, please use your authority under existing law, not new law to find the theft of our election software to be an emergency rising to the sufficiency to command the emergency paper ballot system. Thank you.

MR. DUFFEY: Thank you. Mr. Ferguson,
Earl Ferguson?
MR. FERGUSON: Earl Ferguson, a Fulton
County victim. I'm -- two years ago in

October of 2021 there was a ruling in the District Court of the Northern District of Georgia case is Curling v. Raffensperger and that investigated the security and capabilities of the Dominion machine. 174 pages of testimony. I read it all. And it indicated that there were several issues that even Dominion agreed with that required action. Two years later there has been no attempt by the Secretary of State or -- or Dominion to correct those problems. I would really like to know why? Thank you very much.

MR. DUFFEY: Thank you. Susie Thotochanel? Is that right?

MS. THOTOCHANEL: Yes. MR. DUFFEY: Close, right. MS. THOTOCHANEL: I would like to start by thanking the Board for their work especially in these thankless times. My name is Susie Thotochanel and I am a current resident and voter in Fulton County. I've lived in Georgia my entire life. And I have voted in every election in which $I$ was eligible. But for me it has always been easy. My career, my family, my location. The
environment in which I lived always made it easy. It's not always been easy for others. Their jobs, their communities and unfortunately the restrictions sometimes set by the State made it difficult. Voting in Georgia in 2020 was finally made a little easier for those who wanted to vote, but couldn't always make it work. And security and accuracy of the 2020 election in Georgia has been confirmed over and over and over again. It is time to move on. Reasonable people throughout Georgia, throughout our State agree that all eligible voters should be able to go to the polls and vote without fear or intimidation. And that all eligible voters should have equal access to the polls. It should be just as easy for any eligible voter to vote as it has always been for me. I'm asking the Secretary of State and the State Election Board to focus your attention on the current election by providing all counties and election administrators the assistance they need now to run free and fair elections. Despite increased restrictions let's make sure that easy access to the polls is available for
anyone. Thank you so much.
MR. DUFFEY: Thank you very much. Joseph Kirk?

MR. KIRK: Hello. My name is Joseph Kirk. I'm the election supervisor from Bartow County. A lot has been said today, but I want to briefly summarize what $I$ think matters most to election integrity as an election administrator with a history of secure transparent elections. First is pre-election testing. We have to test and verify not only the content, (unintelligible) ballots. But the hardware that we're going to use functions properly and accurately. And then we have the chain of custody. We need chain of custody for credible items as election technology, the blank, and most importantly voted ballots. And incidentally chain of custody for blank paper does not do a whole lot to increase election security. Third, reconciliation procedures. We should be constantly reconciling how many legal voters applied for ballots against how many have been issued, received and counted, both in person, as well as mail in ballots. And for bust canvassing
and consolidation procedures which happens election night and then the re-certification meeting. And that's the process of verifying that all and only legal votes have been counted and they have been reported accurately at all levels. Then finally, tabulation audits. We heard about today which are hand count procedures to compare results reported by the voting system to be human readable text on the ballots. And when done properly, these can and will detect issues with the voting system. We have to use election technology to facilitate our voting process. Hand counting is not nearly accurate or efficient enough to tabulate Georgia elections. But please know I do not mention how the ballot was marked or who makes that technology. Hand marked ballots are not a silver bullet that guarantees election integrity. Voters do, in fact, verify their ballots prior to casting them. Our system does count our votes accurately. And all these steps must happen no matter how the ballot is marked. I also wanted to mention -- was maintenance. It's a constant plus every county goes through to
keep our risk clean. Eric helps a lot with this. We -- we get information from our State and other states and it's worth noting that Eric does not add or delete voters just gives us information. And the last thing I want to mention is transparency and the importance of poll watchers. A well-trained poll watcher is incredibly important to this process. They have to be prioritized and valued. They are volunteering their time to observe a tedious and mountainous process. They should be thanked for their service. We should focus on things that truly matter if we want rebuild public confidence in our elections. Thank you very much.

MR. DUFFEY: Thank you very much.
MS. GHAZAL: Judge, may I break protocol and ask Mr. Kirk a couple of questions simply because he's not just a member of the public. But also an election supervisor?

MR. DUFFEY: Yes.
MS. GHAZAL: Thank you. Mr. Kirk, can you tell us a little bit more --

AUDIENCE MEMBER: (Inaudible)
MS. GHAZAL: Can us more about the
audits? The pre-certification audits that you've been conducting since 2020? How -- how do you conduct them? Have you identified any discrepancies? How many ballots are you using in -- in those exercises?

MR. KIRK: Absolutely. And I'll try to be brief. I use the same procedures we used in 2020 for every election that I've conducted since then. I -- I advertise the audit. I invite the parties to come as observers. I have an observation area. I have auditing teams of two people that sort and stack the ballots and counting the stacks of ten. Then count those stacks of ten. The nice thing is is with a little bit of practice it gets faster, it gets cheaper. The public has more confidence in the result. So and we actually count every ballot cast in Bartow County for a single race for every single election. To give you an example, we audited the gubernatorial from this year and -- and had a . 1 percent. So . 001 margin of error. And I have gone back in the past, not with that audit, but previous audits to confirm that the errors were made on the part of the auditors,
not the voting system. So I have a hell of a confidence in our system. Any major discrepancies would have been noticed in the audit both in the number of ballots cast as well as the -- the vote totals. And I've never seen anything question the results of the reported voters.

MS. GHAZAL: Thank you.
MR. DUFFEY: Thank you.
MR. KIRK: Thank you.
MR. DUFFEY: Victoria Cruz?
MS. CRUZ: Hello, my name is Victoria
Cruz. I'm from Athens, Georgia. And a lot of people have already mentioned some of the things that I wanted to talk about. I -- I do want to tell you, Judge, I was very impressed by the story you were telling about your time in Florida. Because I was driving through Atlanta traffic trying to get here on time. I was listening to you. And, yes, you do have to delve deeper. Back then, you made a phone call. Now, we have access to the internet. You all have access to the internet. So there's no reason why you can't research and get information everyone can. And -- and this
is where we are right now and why we distrust. It seems like the mainstream media is telling one story, Dominion is telling one story, the Secretary of State's Office is telling one story. But there are other stories out there and how do you decide which one you're going to listen to? Obviously, you trusted the wedding coordinator because he brought the goods. We need to delve a little bit deeper, especially, with regard to the Coffee County case. Because I don't think you're getting all the information you need from the mainstream media. My last thing, because the previous speaker brought it up, is Eric our voter registration system. You need to delve further into that too. Eric violates HAVA and the data that it collects because it asks for the States to give them all those people who decline to register to vote. That is a person's right. If they decline to register to vote, why does Eric need that data? What legal authority does Eric have to get that data? And how is that data being used? And it's being collected from all the places, not just the DMV, that do the registration of
voters. From social services. From fishing licenses. There are people who choose not to vote. Who choose not to share their information with Eric and I think it's incumbent upon the Board to find out what Eric is doing with that information and why they need it. Thank you.

MR. DUFFEY: Thank you very much. Ann O'Mara? O'Mara?

MS. O'MARA: O'Mara. Good afternoon, my name is Ann O'Mara. I'm from Cherokee County. I've been speaking to our county Board of Commissioners and Board of Elections since January of 2022 to try and convince them to move to hand marked paper ballots. They listen but continue to point me to this Board saying our best recourse is through the State officials who plainly have the authority to do what is being asked of them. According to O.C.G.A. 21-2-344 and 366, our two Boards do have the authority to use hand marked paper ballots and direct the use of this optimal scanning voting systems. Every President since Harry Truman who created the National Security Counsel in 1947 has been a concern
for national security. On October 26, 2001, the Patriot Act was signed into law. Here critical infrastructure was defined. Systems and assets whether physical or virtual so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety or any combination of these matters. In 2002, the US Department of Homeland Security was signed into law. From 2001 forward, the critical infrastructure continued to be strengthened and protected. On January 6, 2017, election infrastructure was designated as a critical infrastructure subsection. This allowed election infrastructure to fall under the umbrella of DHS. In September of 2018, then President Trump signed Executive Order 13848 a lengthy Executive Order titled Imposing Certain Sanctions in the Event of Foreign Interference in the US election. In 2018, CISA was created in the same agency that just found nine vulnerabilities in the Dominion systems in an article published in June. Finally, on

September 7th of 2002 (sic) Joe Biden signed a continuation of Trump's Executive Order titled Notice on Continuation of the National Emergency with respect to foreign interference in or undermining the public confidence in the US elections. So we have been under a national state of emergency for four years regarding the security of our elections. If the two most recent Presidents believe that the vulnerability of our election infrastructure is threatened, I believe the State of Georgia should, as well. Get rid of the machines and move to hand marked paper ballots for this upcoming election. Thank you.

MR. DUFFEY: Thank you. Vesu Abhiraman?
MR. ABHIRAMAN: Thank you, Judge Duffey, for this meeting and esteemed members of the Board. My name is Vesu Abhiraman. I'm senior policy counsel with the ACLU of Georgia. I'm also a Georgian native. I'm a former software and telecommunications engineer. So I'm interested in the subject matter. And I'm a proud poll worker I've worked about ten elections in the last three years since the
rollout of new equipment. And a poll manager, as well. My biggest beef with the current equipment is the power supplies are the heaviest things that I've ever carried. If I throw my back out, $I^{\prime} m$ going to come for the State of Georgia on a worker's comp claim. Mr. Lindsey and Ms. Ghazal, you -- both of you talk about voter verification, for the ballots. And I will say it doesn't feel like the most natural part of the process now. I believe there are things that can be done with more prominent signage encouraging voter verification of the ballots. Doing everything we can to take it from voter verifiable to voter verified, I think that's pretty important.

In general, I want to talk about the effect of persistent misinformation around elections that we've seen over the past couple of years. Our local election officials are bearing the brunt of it. We believe in the rule of law where things like the voter challenge procedure or open records the counties have had to deal with. We believe that what we're seeing right now is local
election officials having to deal with these laws and allowances being used in a way that they weren't intended to be -- to be used for. And we hope that is Board can stand with local elections officials like Joseph Kirk. Hats off to them. Or if it's Joseph Kirk, hats on to -- to Joseph Kirk. Right now, there's a holy trinity going on in our election system. Low pay, long hours, misinformation at best and threats of political violence, at worst. We encourage you to do everything you can to stand up for our local elections officials. We hope people take advantage of all the opportunities of public observation. Like with many other things that Mr. Kirk was talking about. So if there's more correct information about what's going on in the system.

A couple of concerns I have going forward. The week before early voting, elections officials have to send out all outstanding absentee ballots. They have to process all the outstanding registrations in the three days after the deadline. And then they also have to prepare for early vote the
next week. Which is the -- the method of choice for Georgia voters. And then in the four weeks between the election and the runoff, they'll have to deal with so much, as well. We hope you stand with these election officials and do whatever you can to make their lives easier. Thank you so much. MR. DUFFEY: Thank you very much. AnneGray Herring?

MS. HERRING: Hi, my name is Anne-Gray Herring. I'm the policy analyst at Common Cause Georgia. And I want to thank the Board and Mr. Evans for the presentation on the risk-limiting audits. We completely agree that these audits are only going to serve to help our elections and further the public trust in the election results. We would support, as was mentioned, an RLA after the runoff in addition to after the general election in November. And would even encourage the State and counties to strive to audit more statewide races then the one that's required, you know, two or more could be audited. But we acknowledge that that's difficult for counties and would encourage the

State Board and Secretary of State's Office to provide as much support and guidance to counties as possible on their role in the RLA process. And help them better plan and prepare for that. And while we think that a risk-limiting audits are an important step that can help dispel misplaced suspicions about our election. We do want to acknowledge that it's not a solution for all the problems that exist in our State and point out some things the risk-limiting audit cannot do. It won't resolve voter confusion or mask unfair challenges to individual voters. It won't resolve discriminatory practices and the results do not show the effects of voting barriers, like long lines, closed polling places and relocated precincts and ballot drops -- drop boxes. Nor can the RLA measure the desperate impact of heightened voter ID requirements and ballot rejections. Thank you.

MR. DUFFEY: Thank you very much. Ted Metz?

MR METZ: I am Ted Metz. I am a Cobb County voter. And I would just like to ask
the Board to encourage precincts and -- and voting centers to actually hand count the ballots that are being produced by the ballot marking device. And post those results before the go into the scanner. Then that's the best way to test the scanners to see if the scanners are actually creating accurate results. That way we also have a record of -of the votes, the voter intent from the paper ballot which is, you know, legally considered evidence of voter intent. And that will restore confidence. If the numbers match, then we can put the whole thing to rest. But we need to do this every election. So that is something I'm asking of you is to make sure that at the county level, the precinct level that they are encouraged to actually do a hand count. We've got plenty of volunteers that are willing to sit and count the ballots by hand using old fashioned tally sheets and -and that, again, having a record of what the votes are cast, voter intent before they go in the -- in the scanners. And then comparing that the hand count to the scanner count that those numbers are equal, everybody's good. If
they're not, then we know that there's a problem and -- and we need to solve the problem which is probably by getting rid of the ballot tabulators made by Dominion because we know that they can be hacked in about 37 different ways. The only other thing I would ask is that we actually restore some higher level of signature verifications for absentee ballots. And with that I yield.

MR. DUFFEY: Thank you very much. Amanda Pettyman? Prettyman?

MS. PRETTYMAN: Amanda Prettyman from
Bibb County. Thank you Board members for having this meeting today allowing public comment. A famous communist said, it's not who cast the vote, it's who counts the vote. And in the State of Georgia, who counts the vote is the Secretary of State's Office and a private company, Dominion. Maybe that's not communist, maybe it's more fascist. But the count is -- while casting the vote is done in localities and in precincts. The count is actually highly centralized so it may look like it's not, but it's all a façade. Because the programming is done for counting and then
it's -- it's shrouded in secrecy. We have no ability to check the code to make sure it's one person, one vote. How is that vote being counted? And you might refer to audits, but Phillip Stark in reading his paper in Curling versus Raffensperger has, first count audit and re-count differ substantially with the 2020 risk-limiting audit. And with the roughly 3,200 precincts in Georgia, three to four votes changed in each precinct. It can change the outcome of the statewide election. And yet with a five percent or less, when you look at just these spot checks, you just have a few off, you -- no one does anything about it. They say, well, that's within reason. But if you don't look statewide, and you don't make sure that those ballots are -- are a true voter and a number of other things, then you don't really have a true audit. And so I don't have confidence in our system. And I -I would very much prefer that we hand count. If you can't get rid of the system for this election, at least add full hand counting. Go beyond the risk-limiting audit. In -- in Bibb County there were 26 in one precinct from the
primary in the Secretary of State's race. And the hand count was accurate. It was counted three times with the same results. And no one has done anything. So we've asked to look more to see if that problem extends further into other precincts or if it's isolated to that one, and then from there determine what the cause is. But no one will do it and part of it is because they are scared of the Secretary of State. I would prefer more, I guess, more curiosity and let's just find the truth instead of being so scared. Thank you.

MR. DUFFEY: Thank you. David Cross?
MR. CROSS: Mr. Lindsey, I understand you missed me last time.

MR. LINDSEY: I always miss you, Mr. Cross. Good to see you.

MR. CROSS: That's weird it didn't count all the votes. Those words were spoken by an election worker last October in Williamson County, Tennessee. An election observer there learned that two precinct scanners did not tabulate the votes properly. One tabulator had 163 ballots in it, but only recorded 79 votes. The other tabulator had 167 ballots,
but only 19 votes were counted. Williamson County, Tennessee contacted the Tennessee Secretary of State. He conducted an investigation and found that seven of their 18 scanners did not count ballots accurately. The Tennessee Secretary of State contacted the United States government's Election Assistance Commission to investigate. The government conducted their own tests with Pro V\&V, S\&L Compliance and Dominion all present. After scanning the ballots, they got the same miscount of the ballots. Investigators reviewed the system log files which is nothing more than a diary that the machine keeps of every interaction it has with a person or a piece of paper. It showed multiple instances of an error called a $Q R$ code signature mismatch with a warning message of ballot format or ID is unrecognizable. Testers noticed that the machines counted the votes properly until the error was triggered. After the error was triggered, every current ballot in the machine was not counted and every ballot after it was not counted until the machine was reset. The EAC Dominion Pro V\&V
and S\&L compliance report the cause as inconclusive. After a month Dominion informed the government that the cause was an error in the scanner software. The government asked Dominion to fix it and a patch was made. As part of the government's investigation, two other states that used the same software were notified of the problem, Alaska and Iowa. The EAC tells us there were no other reports of this problem. It is isolated in Tennessee. I remember seeing that exact same error code in Gwinnett County's 2020 primary files when I was researching suspect results for Judge Kathy Schrader. Those Gwinnett finals from 2020 showed 84 instances of the Williamson error. We, the election oversight group, asked the US government if the Williamson error was found in any other states or counties. The author, please give me another moment. The author told us there were no reports of the Williamson error anywhere else in the United States. The election oversight group placed open records requests for scanner history files from all 159 counties. Judge, you wanted us to present this -- this
information sooner, but we were unlawfully blocked and significantly delayed by Ryan German and Blake Evans. As of today, we have only files from 66 of 159 counties. So far 64 of the 66 counties reporting have the Williamson error. That's 97 percent of the Georgia files.

MR. DUFFEY: You need to wrap up, Mr. Cross.

MR. CROSS: I'll get there. The software causing the error was originally written 2018. The software has not been updated on any Georgia scanners. The bottom line is is our work indicates the precinct scanners in Georgia have not counted ballots accurately since they were installed. The Secretary of State announced that he's going to be removing QR codes from the ballots. That will do nothing --

MR. DUFFEY: Mr. Cross.
MR. CROSS: -- to correct the issue.
MR. DUFFEY: Mr. Cross, honor the time limit please.

MR. CROSS: I'm sorry?
MR. DUFFEY: Honor the time limit.

MR. CROSS: I hope the press will take a look at this. I sent you files. Mark, I hope you will report on it.

UNKNOWN SPEAKER: They won't.
MR. DUFFEY: If those are all the public comments, on behalf of the Board and behalf of everybody who presented today who provided information, $I$ hope you found it valuable. For those that are watching, I appreciate your time and attention. And we look forward to seeing you at our next meeting. We'll be adjourned.
(Whereupon, the proceeding concluded at 1:47 p.m.)

## CERTIFICATE

STATE OF GEORGIA COUNTY OF GWINNETT

I, Rebecca, Certified Court Reporter, hereby certify that the foregoing pages numbered 3 through 199 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 19th day of October 2022.

Rebecca Barr
My commission expires April 1, 2023.


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# In The Matter Of: <br> State Election Board Hearing v. 

## December 13, 2022

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## APPEARANCE OF THE PANEL

Mr. William S. Duffey, Jr., Chair
Mr. Matthew Mashburn, Member
Mrs. Sara Tindall Ghazal, Member
Mr. Edward Lindsey, Member
Dr. Janice W. Johnston, Member

Transcript Legend
(sic) - Exactly as said.
(ph) - Exact spelling unknown. Spelled phonetically.
-- Break in speech continuity.
... Indicates halting speech, unfinished sentence or omission of word(s) when reading.

Quoted material is typed as spoken.

Inaudible - unable to be heard.
Unintelligible -impossible to understand.

PROCEEDINGS
MR. DUFFEY: Let me call the meeting of the State Election Board, this day, to order. I want to thank all of you that are here personally, and those of you that are on the camera welcome to the meeting. And as customary, we'll begin with an Invocation which $I$ will do. And the Pledge of Allegiance will be led by Mr. Lindsey.

UNKNOWN SPEAKER: Can you use your microphone for us deaf people?

MR. DUFFEY: I am using my microphone. Do you want me to turn it up?

UNKNOWN SPEAKER: Please. Thank you.
MR. DUFFEY: Is that better?
UNKNOWN SPEAKER: Yeah.
MR. DUFFEY: Now, I can hear myself talk which is one of my favorite things to do. So I'll begin with an Invocation.
(Invocation)
MR. LINDSEY: Would you please stand?
(Pledge of Allegiance)
MR. DUFFEY: Please be seated. Just a few
introductory remarks. I was going to say this is the end of the year which it technically is, it certainly -- it seems like the end of the year. Although I've only been on -- in this position for -- for five months. It seems
like we've done a year's worth of work. But I'm grateful for it.

I told you from the very beginning that this is something which I thought long about and really believe that working with really superb people on the Board and in the charity and goodwill with which they have taken on assignments is incredible. And I don't think you -- you understand how hard this job is and how much time it takes. With -- without colleagues like this we could not perform our public duties.

Meaghan, would you stand up? Meaghan? Meaghan? Would you stand up?

MS. KELLING: (Complies)
MR. DUFFEY: You don't see very much of Meaghan. But Meaghan is the person who puts all of our notebooks together. That makes -- which makes sure that we have all the administrative support that we need. And I just want to thank you, Meaghan, for everything you've done for us in the last several months.
(Applause)
MR. DUFFEY: She's a very shy person. I'm sure she'll come up and berate me for doing that to her. But, you know, sometimes people need to be recognized when they do a superior job and I wanted to do that.

Now, the last few months we've tried to be more
outward facing and -- and not inward facing which -because -- because I've told you, I think -- I -- I told our Board that public service to me is serving the public and you are the public. The citizens of Georgia are the public and therefore it's our responsibility to you and not necessarily just our responsibility to consider things inclusively and without your input. And we've tried very hard to reach out to people that are resources to us.

You know, I have this rule. I think I've met it in every occasion. And -- and even if I haven't -- even if you contacted another member of the Board, it gets to me. I try very hard to make sure that you're acknowledged within 24 hours. I've had a number of long conversations with people because $I$ want to dignify the input that you give to us. And so I -- I appreciate -- I appreciate the respectful way that those conversations have gone.

I think that it -- it was a way of us showing that we are not just an organization that hears complaints and -and decides things about people and sometimes the sanctions them. That we are all in this collectively. And I say that especially to the people in the counties. We understand that with the elections division and with them and with us that this is a collective effort. And working together is always better than working apart and we're trying to do that.

Sara Koth and Rachel Simmons. Sara, you'll see her later, is the Chief Investigator that we rely upon a lot. Sara understands that $I$ have this proclivity if I -- I send an email that I expect you to answer within four or five minutes. And while she's not always within four or five minutes, the ability to communicate especially on complaints with Sara and her -- and the investigative staff is vital to what we do. I think you'll see today that we are finally into -- into 2022 complaints. And that we -- I hope with your help that this is not a nine-hour session like the first one was or a seven hour session like the second one was.

But we have fewer complaints and I'm hoping that this, while it will be multi-hour, I'm hoping that it's not as long as we've been in the past. Because in fairness to the people who do the investigations and the reporting they have to do at this meeting. And fairness to you that $I$ know you -- you love being here or at least want to be here and are interested enough to be here. I -- I -- I want to be respectful of your time. And while the meetings in the past that were very long were necessary. I hope that we don't have to get into a pattern of that.

We will announce at the first of the year the meetings for -- for next year. There will be at least
five and they will not all be in Atlanta. In February, we will meet in our first 2023 session that will be on February 7th. And sometime probably in the next ten days or so we will put a list up with all of the meeting dates for all the meetings for 2023. And we will indicate at least the tentative location of those that will not be in Atlanta.

Now, I say that thinking that we can have meetings outside of Atlanta. But all of our technology is here. But -- but I'm confident and assured that we do have. But they have to be tentative until we make sure that we have the right arrangements and the right room.

So with that, the first thing we need to do is that we had to make an amendment to the draft of the August 22nd, 2022 minutes. We've never approved those minutes. So we're going to first take up the -- our State Election Board meeting and hearing the minutes from August 2022. Is there a motion to approve the minutes?

MR. LINDSEY: So moved, Mr. Chairman.
MS. GHAZAL: Second.
MR. DUFFEY: It's been moved and seconded that we approve the minutes of the August 22 nd, 2022 meeting. All those in favor say aye?

THE BOARD MEMBERS: Aye.
MR. DUFFEY: Opposed, no?
(no response)
MR. DUFFEY: The minutes are approved. And then we have the minutes for our September 28 th, 2022 meeting. Is there a motion to approve those?

MR. LINDSEY: So move, Mr. Chairman.
MR. MASHBURN: Second.
MR. DUFFEY: It's been moved and seconded that we approve the minutes of the September $28 t h, 2022$ meeting. All those in favor say aye.

THE BOARD MEMBERS: Aye.
MR. DUFFEY: Opposed, no?
(no response)
MR. DUFFEY: Then those are past. We have two reports this morning. The first of which you will remember if you attended the August meeting, that the General Assembly asked us to look at the acceptance and equitable distribution of grant funds for election administration. We received that report from Ryan Germany and since then Mr . Lindsey has -- has looked at the report to come up with what our recommendation will be to the General Assembly. So I'm going to turn the meeting over to Mr. Lindsey.

MR. LINDSEY: Thank you, Mr. Chairman. Thank you. If you'll hit the button there.

MR. DUFFEY: What are you, two?

MR. LINDSEY: Yeah. Thank you, Mr. Chairman. MR. DUFFEY: You're welcome.

MR. LINDSEY: First I think it'd be helpful to everyone to have a little bit of background.

The General Assembly in Senate Bill 202, in 2020 -2021, put out the following mandate to the State Election Board. The State Election Board shall study and report to the General Assembly a proposed method of accepting -rather for accepting donations intended to facilitate the administration of elections. And a method for the equitable distribution of such donations statewide.

The General Assembly undertook this because of their -- of the concern that there was an inequitable distribution of grants in which some counties received grants from private sources. While others did not and did not always necessarily reflect the particular needs throughout the state of Georgia. And so the General Assembly wanted the State Election Board to come up with a new plan on how such grants can be received and how such grants can be distributed statewide.

In the August report from the State -- from the Secretary of State's Office, they basically sent out various possibilities that we could consider. And what I want to do today is sort of make a specific recommendation. First off, regarding how the -- the funds
were to be distributed. The question was whether or not it should be distributed through the Secretary of State or through this Board.

And it's my recommendation that we take on that responsibility to grant the -- be the ones to -- to administer, basically, decide on which -- what grant should be given to what county and for what purpose. I think that that's probably more closely in tune with the intent of the General Assembly when they passed this -this requirement.

The second was whether or not how this -- these funds should be distributed. There -- there were two possible scenarios that were offered. The first scenario was that all the grants were to be collected and then to be distributed to the -- to all the counties based on population.

The second possibility was to instead -- in effect create a grant program in which we would take application from particular counties and -- and determine where the money should be spent based on the -- my concern with the first scenario is that the larger counties would thereby receive more of the funding. And quite frankly larger counties generally have more of the resources available. They are usually the wealthier counties of our state. A lot of the needs, specific needs, are usually in those
smaller counties with more limited population and more limited budgets in order to meet the constitutional requirements when it comes to voting.

There's also my -- there was concern that was voiced by some members of this Board in August and -- and I have taken it to heed in which we don't want grants to be -to, basically, end up supplementing the budget for the operation. Rather we prefer to see grants to be distributed to particular counties based on some type of specific need, usually, probably capital needs in particular. Rather than trying to supplement an operational budget which over time those counties would suddenly -- being more dependent upon grants rather than going to their own citizens to make sure they receive the necessary resources.

So my recommendation is that we go the latter. That we administer based on the grant program which application would be made by particular counties in which we take a look at the particular needs of that county. And quite frankly take a look at whether or not that county can meet those needs on its own versus having some supplemental help, particularly in the area -- some -- some type of capital need. So that's generally the recommendation.

I also have within the report pointing out to the General Assembly that should this become a fully
operational system, that some type of additional funding to us will be necessary in order to administer it. It's a little bit difficult to determine at this time how much is exactly needed until we actually see how much in various grants are provided to us from various private sources. But nevertheless, we need to alert the General Assembly that -- that should they want to move forward with this program that -- that we're going to need some additional resources by this Board. As we will in other areas where we're also asking for additional funding to meet the -the requirements of -- of Senate Bill 202.

That's essentially my -- my report, Mr. Chairman. MR. DUFFEY: Thank you, Mr. Lindsey. Now, let me open it up for comment from members of the Board, if there are any. Dr. Johnston.

DR. JOHNSTON: So as we had talked about in previous meetings, I am opposed to grants and the influence it has and the effect on behavior that results in -- for the recipients of such grants. However, I suspect I may be out voted in this proposal. So if there are grants, and the State Election Board is the one to administer this, then I think I would recommend that all of these -- all applications -- grant applications be posted publicly. So that the public can review such applications and continue transparency notices would be posted for at least 30 days
for public comment. So that every step of the grant application and award should be a matter of -- that's available to the public.

MR. DUFFEY: Any other comments? Okay.
DR. JOHNSTON: I have another.
MR. DUFFEY: Pardon me?
DR. JOHNSTON: Additionally, and a little research I found that Florida -- the state of Florida does have a grant program. And the elections division can be a recipient of grants. And they're restricted to certain items which are not included in operating budgets, but it would be such items as developing multi-factor authentication, vulnerability management, email security, network hygiene and cyber security needs. So those are just some suggestions that grants might be used for.

MR. LINDSEY: If I may, Mr. Chairman. In regards to the first recommendation, I agree and I've viewed -- view that as a -- a friendly amendment. And -- and I ask that you make it, and I will, indeed, second it.

As to the second, I like the categories that were mentioned. But we don't know what's going to be the need for the next generation -- or next time. So I would prefer that we have greater flexibility in terms of the grants, in terms of what the needs are out there. So as not to limit us in what areas that we could provide that.

So I would ask that we might take -- start to limit our -our range yet.

Let's see what goes on down the road. I do believe, as I stated earlier, that this ought to be based more on capital, sort of cyber security need and that category as opposed to operational, in nature. But I do -- I do have concerns about trying to restrict because we don't know what the particular needs in a particular county needs at a particular time.

MR. DUFFEY: Well, my view is this: That the purpose of government, especially, the elections context, is to allow in our state because elections are all conducted by counties. Is that we need to enable counties to -- to do what they are being asked by the General Assembly and by the state to do and that often requires resources. So the idea that we would look at grant applications and determine need, I think I wholly endorse that. And I wholly endorse the idea that the government has a responsibility to assist those counties that don't have the resources for the specific needs that they tell us, and they apply for in order to provide the services and election processes.

I too don't like the idea of saying it can only be used for certain purposes. I'll give you a perfect example of that is that we now know that security cameras
at offices where -- where election equipment and where election documents are kept, need -- we need to have a record of what goes on within those facilities. And so we don't know how many of the -- of the counties have that capability and how it intersects it -- with whatever internet provider records the -- the serve -- the videos that are taken at those places. So there will be a combination of hardware and I think software but it would be our responsibility and we would work with the elections division on this since they know the counties better than we do. That while we would, ultimately, once we gather the information make the final decision, the idea of having -- of a process where we continue to collaborate collegiately with the other people in the election process, including counties which would be their responsibility to tell us what we want. I -- I think is the right approach to this. And I really agree that -that the easy way is to say, well, let's just take all the money, divide it up according to population. I think that that would cause us to abrogate our responsibility to do the hard work that's necessary to find out what people need. And then to make the hard decision of who gets money even though that might open us to criticism from other countries, we're prepared to do that. Yes? MS. GHAZAL: I know I said I have no comments. But,
of course, I have come up with some comments. Which is while I -- I agree that the -- that grant funding should be used for capital projects. Because this is a report to the General Assembly, I would, I believe, that it's incumbent on the General Assembly. And I'm putting -- I want to put it in the record, that they get a greater understanding of the operational costs of the counties because with the implementation of the new system that we've now seen through two election cycles, the operational costs have grown significantly on the counties and I -- it's important that the General Assembly as they create mandates understand what the impact of their -their policies have been on the counties. Particularly smaller counties that have very little resources at hand.

I am concerned that the operational costs are reaching a point where it's unsustainable on counties and it's -- it's -- I think it's important that the General Assembly take that into account. And, in fact, invest some of their resources into really understanding what the impacts are.

MR. LINDSEY: If I may, Mr. Chairman?
MR. DUFFEY: Yes.
MR. LINDSEY: I agree. And I think maybe that's another report for another day. But, you know, that's part of our responsibilities. Many of you that have read
very closely what our various mandates are. And one of them is to report to the General Assembly particular needs that we think are necessary for the -- the operation of a -- of an election system. And -- and I do believe that that's -- that that's one area where we need to consider making sure that they are aware of the additional costs that have been -- that have been placed on the various counties. So that they can then take into account, not only what additional resources the counties have but they need to take into account what additional mandates they may offer to them in the future and that's particularly important in -- in the upcoming year, as a matter of practice, I think wise practice.

The General Assembly generally makes tweaks or changes to election laws in odd number years so as to give counties and the state a chance to be prepared for the next even year election. So the times for us to be able to -- to make those suggestions and recommendations to the -- to the legislature is coming up pretty quickly. Second Monday in January is -- is on our heels.

MR. DUFFEY: Yeah. It looks as though -- I really appreciate those comments. It's -- being new to this process but -- but finding a lot of disparity and resources of whether or not resources are being used for elections as opposed to -- and whether or not the -- the
grant money to counties for election purposes whether it's generous or stingy. We -- it doesn't work unless they have the resources. And so I do think as part of what Mr. Lindsey has proposed is that it would fall upon us when we made a request for funding for the purposes of making these grants to counties that we -- that we provide to them the background of the shortfall of resources in these counties and why it is that we would need additional funding to fund the grants that we receive. I mean, for us I think it's -- it's a heavy lift. But I think it's an important one and it's one I think that we should embrace and that should be our recommendations to the General Assembly. But all of you -- you two over here, you two over here, I mean, that's what's worked for us. But I've never seen anybody on this Board in the last five months ever shy away from an assignment.

MR. LINDSEY: And -- and Mr. -- Mr. Chairman, I would -- I would accept this as a friendly amendment. Also to the report perhaps is in the area of the recommendations if -- to simply just point out to the General Assembly we'll be coming back talking about the additional operational burdens that are being placed on the counties for the -- for the General Assembly's consideration, something along those lines. I think that would be appropriate for us to sort of set that up for the next
step that a Board member has recommended.
MR. DUFFEY: Anymore discussion from members of the Board?

DR. JOHNSTON: I'll say one more thing. So I -- I thank you for that comment with the General Assembly and the budget and the most probably the most expensive voting system in the country that Georgia has. I just want to be very aware and careful that the Assembly doesn't become dependent on grants to fill the gap for the operation of this voting system.

MR. DUFFEY: But in a way, the General Assembly can't be dependent upon it because they have to give us the money to grant to -- to the counties. So, I mean, this -this whole -- the theoretical framework and structure of this is that the money does come from the General Assembly to the extent that it's needed to supplement the needs of the counties above and beyond what the people might want to contribute to a fund to help counties. But, ultimately, the -- the difference is the -- is -- would be our responsibility to explain to the General Assembly what the need is.

And secondly, explain to them what the -- what the revenue that's necessary to meet the need is. And then to ask the General Assembly to provide sufficient funds to allow counties to -- to meet the needs that they have
which I think, ultimately, if we get into the cycle, it will include changes that they make to election law that impose additional burdens. I suspect that there would be more counties say that we need more money if we have to do that. And that's something that we, I think, reserve the right to go to the General Assembly and explain what's necessary for the fund -- for the -- for the process to -to work correctly.

So with that, is there a motion to approve Mr. Lindsey's recommendation as amended?

MR. LINDSEY: I -- I -- I would, Mr. Chairman, make that motion and perhaps might be best for me to simply make the motion to accept the report and then I'll accept a couple of friendly amendments.

If I may?
MR. DUFFEY: You may.
MR. LINDSEY: So I -- I simply move for the -- for the Board to accept the report that had been tendered to the committee?

MR. DUFFEY: Is there a second?
MR. MASHBURN: Second.
MR. DUFFEY: It's been moved and seconded to accept the report given by Mr. Lindsey this morning. All those in favor in say aye?

MR. LINDSEY: I think you need to accept the
amendments first.
MR. DUFFEY: Well, we'll do that. Then we'll take the amendments.

MR. LINDSEY: We take the amendments and then (inaudible).

MR. DUFFEY: So you can tell I'm really new at this. So -- so before we vote on that. We'll accept whatever amendments members of the Board have to the report.

DR. JOHNSTON: So the suggested amendments are that the applications shall be posted publicly for public review with 30 days notice and public comments being made available to this Board.

MR. LINDSEY: Second Mr. Chairman.
MR. DUFFEY: Just one clarification, would -- would you also publicly report what the decision of the Board was on the applications?

MR. LINDSEY: Yes, Mr. Chairman.
DR. JOHNSTON: Yes, Mr. Chairman.
MR. DUFFEY: Okay. So that's the first amendment. And the second amendment, Ms. Ghazal?

MS. GHAZAL: I would like to propose a second amendment that we include a paragraph in the report to the General Assembly that with regard to operational burdens on the counties and that further it study is important to understand these costs in moving forward in the
(inaudible).
MR. LINDSEY: I'll accept that as a friendly amendment, as well, Mr. Chairman. So now we vote.

MR. DUFFEY: And so all those in favor of the motion as amended by the two amendments say aye.

THE BOARD MEMBERS: Aye.
MR. DUFFEY: Opposed, no.
(No response)
MR. DUFFEY: Then it passes unanimously.
Mr. Lindsey, I don't -- I don't know how you put something from an organization like us and present it to the General Assembly. So could you draft up whatever we would actually deliver to them and let us have a chance to look at that?

MR. LINDSEY: I will, Mr. Chairman. I'll get it back to the full -- to the full Board and -- and that's generally what happens is in the first week of the General Assembly such reports are -- that's when they are generally transmitted to the leadership and then to the full -- to the full house -- that's in the House and the Senate.

MR. DUFFEY: All right. Thank you. Can we put a date on that? That we would receive it for comment?

MR. LINDSEY: Well, you'll get it by the -- by the end of this week, Mr. Chairman, because I'm going -- I'm
going on -- I'm going to go have a holiday.
MR. DUFFEY: Oh, I see. He does the reports and then we have to look at it over the holiday.

MR. LINDSEY: That's right. Seriously, Mr. Chairman, I'll have it to you by the end of the week.

MR. DUFFEY: Yeah. Thank you very much.
MR. LINDSEY: These are -- these are fairly short amendments.

MR. DUFFEY: Thank you. All right. So the next matter that we have on the agenda is a -- is a report from Ms. Ghazal about Rule 183-1-12-.13. Before I turn this over to her to explain why we are considering this, one of the things that we will do after the first of the year is collect our thoughts about rules that we ought to consider. And this one came up later in the rules probably that might be as important as this one. But this one needs to be addressed. But we will continue to do that. We will prioritize our work and do those things first that need to be done first.

This is one that needs to be done first. And we've had a fair amount of input from people and with that, I'll turn it over to a Board colleague, Ms. Ghazal.

MS. GHAZAL: Thank you. Rule 183-1-12-. 13 is regarding storage of returns. This rule relates to the electronic storage of election-related data following the
certification of an election. And this is actually a really good opportunity that $I$ wanted to have -- have the time -- it's a reminder that, in fact, the counties are doing this right now. While elections are done for voters and for the candidates, the counties are still processing the -- the runoffs. And I just wanted to acknowledge that they are still hard at work, and I appreciate everything that they are doing. Because without the work of the counties, none of us would be here.

So this rule dictates exactly what and how the electronic data is stored. And the -- one of the reasons that we're looking at because we received a good bit of input on -- on how to adjust it. It's important that we standardize the process to make sure that every county is storing the same data in the same format. But also maintaining copies of information that are -- that need to be publicly available. Including the digital images of ballots which under Senate Bill 202 are now available to the public through open records requests.

So I just wanted to go through the process of where we are right now. After having consulted with a number of individuals, we have -- we redrafted the rule. It has been distributed to members of the Board informally along with staff of the Secretary of State's Office. It's important though before we publish this formally that we
understand that the impact on the counties and make sure that it is a practicable rule. That it does not create additional burdens that they are overly burdensome and that it's -- it's something that they can -- they can fit into their standard practices and without hugely -- huge disruptions in -- in their operations, post-election.

So once we have a fuller understanding of that. After consulting directly with some of the counties, we will publish this rule in probably in the next meeting is where -- is what $I$ anticipate. And it will be made publicly available for 30 days. And that means that it would be available for comment before and -- and input from interested parties before we would even vote on it.

So this rule wouldn't be in place until at earliest the April meeting that that's when it would be up, I think, for -- for final -- a final vote on the Board. But that's -- this is the process that we'll use also with additional rules as we -- as we open them up and try to review them. And I -- I don't want to speak on behalf of the Board. But I certainly welcome input from members of the public and interested parties on rules that you think other -- other folks think need further examination. And I'd be happy to answer any questions since I have sent everything out a few days ago. We haven't had a chance to --

MR. DUFFEY: So we're not taking any official action? MS. GHAZAL: No.

MR. DUFFEY: This was a report --
MS. GHAZAL: Just a report.
MR. DUFFEY: -- on why we are doing what we're doing and what the process will be.

MS. GHAZAL: Exactly.
MR. DUFFEY: The -- the one thing I -- I want to add to this is that we understand that while we have authorities that we have to exercise it with input from others. Like Evans who's Election Director has -- when we were talking about something that -- that I wanted and wanted the Board to do, his first thing was let's get some practical input on what the practical impact will be on the counties. And so we gathered together a collection of election officials. And it changed my mind about whether or not what $I$ wanted to do was practical or reasonable when imposed upon counties.

We went forward with a version of that, but and we will, $I$ think, in the future. But $I$ think all of us recognize that -- that we are not to direct people to do things without understanding what the impact is going to be in 159 counties in Georgia. And so one of the things that I want us to do is to have more task forces or whatever we -- we call them with election officials as we
vet our ideas with them to find out whether or not they are, in fact, practically achievable and -- and if they impose too much of a burden what amendments can we make to that to accomplish what we think is something that will improve the election and trust in the election system. But at the same time allow the counties to function knowing that the counties range from large counties in the metropolitan area to very small counties, the impact will be different, and we want to get that information before we go about the rule-making process. And I -- and I thank Mr. Evans for -- for his help in making me see that.

There's one -- just -- this is not an agenda item. I just want to report to you on -- on a follow-up. As you know there's a Fulton County performance review that was reported on previously. That the -- the performance review committee said that in order to evaluate Fulton's performance and -- and where it stands today, which would be important to us in making a decision on -- as far as how do we respond to the review. That because there was an upcoming election, that we wanted the ability to see their performance real-time under the stress of an election. Since -- since that's where it's most important for the county, any county, to function at its -- at its best.

So we held until the end of the year the draft is the
report to allow that to happen and, as you know, it's been publicly made available at the Carter Center assisted in looking at the evaluation in evaluating the conduct of the county during the -- the election, the mid-terms, as well as the runoff. And we want to get their information and have that available to the committee before they finalize their report. All of that, $I$ think, will be extremely helpful to us. And I -- I am reporting that we have been informed as of yesterday that -- that we will receive -the Board will receive a copy of the report on January 13th of 2023. And that we -- that assuming that the report is in a form that can be considered, I intend to put it on the February meeting agenda. So I just wanted you to know where were are in that process.

All right. Before we move on to the investigation report section, is there anything else that the Board members want to bring up before we move into complaints?
(No response)
MR. DUFFEY: No. Okay.
DR. JOHNSTON: Do -- do you want us to talk about this proposed rule or?

MR. DUFFEY: No.
DR. JOHNSTON: No. Okay.
MR. DUFFEY: And that -- that's because the rule has to be put into a form where we've had sufficient time to
provide input before it's finalized. And then present it in a meeting at which time we can -- we can then talk about the rule. And then we go through the process that once it's approved at the next meeting, that it will be published for 30 days and we would vote on it at the following meeting which would be in April.

MR. DUFFEY: Now, with the consent of the Board members, there's a lawyer from Chatham County who is right there (indicating). He has to go to a court hearing in Savannah this afternoon.

MR. MASHBURN: Oh, my.
MR. DUFFEY: So he's asked to be moved up on the agenda. And we have agreed to do that. He -- he is the last one on the list of reports where the recommendation of the investigators -- and you can sit down because we'll hear the report first -- for referral to the Attorney General's Office. So Sara, if you're prepared to do that on the Chatham County case which is 2020-062. And that's at tab 34.

See Ms. Koth is taking me at my word that when I ask her to respond to something that she has four minutes. So...

MS. KOTH: I'm ready.
MR. DUFFEY: I'm just kidding.
MS. KOTH: Is my mic on?

MR. DUFFEY: Yes. Oh, what is she? Can you try that?

MS. KOTH: Is it on now?
MR. MASHBURN: Yeah.
MS. KOTH: Okay. So this is case number 2020-062. The Secretary of State Office received the following complaints during the June 9th, 2020 general primary election. The August 11th, 2020 general primary runoff and the January 5th, 2021 general election runoff for federal offices from Bruce Snyder, Jean Seiver, George Sedberry, Celestine James and Gwen -- I'm not going to try and pronounce the last name, and others. There were a total of 20 different allegations. Do you want all of them read?

MR. DUFFEY: Can you summarize them?
MS. KOTH: They were all, I mean, completely -- I have the investigator here that's probably more knowledgeable on this case. Glenn, do you want to come up and maybe summarize so $I$ don't have to read all 20 of these?

MR. DUFFEY: So we're going to hear from Investigator Archie.

MR. ARCHIE: Good morning, everybody.
MR. DUFFEY: Good morning.
MR. ARCHIE: All right. Like the chief said there
were 20 total allegations in reference to this case. MR. DUFFEY: Can you pull the microphone -MR. ARCHIE: Oh, I'm sorry. MR. DUFFEY: -- and speak into it, please? MR. ARCHIE: Yes, sir. There was 20 allegations in reference to this case. And pretty much, I'll go -- I'll give a little brief on each one.

A voter named Bruce Snyder reported that he requested an absentee ballot for the June 9th, 2020 election. I did my inquiries and everything. I could find no record on Enet where he had requested an absentee ballot. Also talked with Ms. German and she checked her documents and applications and was -- and was not able to recover one in his name. He did tell me that he placed it in the mail so in reference to his allegation, I couldn't sustain anything because we don't know what happened to the application after it was submitted to the mail.

George Sedberry reported that he voted also in the June 9th, 2020 election. He requested an absentee ballot. He was issued the absentee ballot May the 21st, 2020. And he also had to submit a cure letter, evidently there was a question about his signature. So the cure letter was dated June the 1st of 2020. What happened with his, I guess, when he went to the website, he noticed that he received credit for voting in the August 11th, 2020
election. Not the June 9th, 2020 election. I conducted some more research in reference to that. Since they had to cure his signature, his ballot was not accepted until June the 10th of 2020.

Also talked with Ms. German because the county's are the one that entered the information in reference to the date that the ballots are mailed. We also requested when they're mailed and when they're accepted and returned. She had no idea what occurred. She said it wasn't on their end. And it may have been possibly something that occurred with the State in reference to that. And he -the voter's concern was that his vote did not count. But his vote did count. I obtained a copy of the oath envelope and verified that his vote did count for that election.

MR. DUFFEY: Mr. Archie, let me make this suggestion. MR. ARCHIE: Yes, sir.

MR. DUFFEY: In the interest of time because -MR. ARCHIE: Okay.

MR. DUFFEY: Let's focus on the ones where -- where your office is recommending referral where there were violations to be referred to the Attorney General's Office.

MR. ARCHIE: Okay, sir.
MR. DUFFEY: What you just said gives us a flavor of
the detail to which the investigators go into including on those that are claimed. But to see whether or not the claimed violations are, in fact --

MR. ARCHIE: Okay.
MR. DUFFEY: -- supported by the facts. Let's look at the ones that the -- the county would like to respond to.

MR. ARCHIE: All right. Okay. No problem, Your Honor.

MR. DUFFEY: Thank you.
MR. ARCHIE: Okay. This is a pretty extensive report. Okay. In reference, like I said, there's 20 allegations. I was able to sustain allegation number 3. When Chatham County Elections Office -- they proofed their District 4 ballot. What they failed to realize was that the -- the District 4 Board of Education races were all included on the District 4 ballot not included on the District 7 ballot.

Okay. In reference to allegation number 5, an Election Supervisor, Russell Bridges, failed to notify the Secretary of State in writing, I believe, seven days prior to processing absentee ballots prior to election day.

Sustained allegation number 11, in reference to a board member with the Board of Elections there in Chatham County. His name was Antoine Lang. While they were
processing the absentee ballots, he used his cell phone to post a live stream video on Facebook. This was witnessed by two people that gave me statements.

In reference to allegation number 15, this involved the -- when voters canceled their absentee ballots, the poll workers failed to write canceled, date and time and their initials across the face of these absentee ballots. There's approximately about 100 ballots that occurred with.

In reference to allegation number 17, 37 polls did not open at 7:00 a.m. on June the 9th, 2020, in reference to various reasons that occurred.

Also sustained allegation number 18, that when the clerks were processing absentee ballots prior to the June 1st, 2020 -- correction that's June 9th, 2020 general primary. They were allowed to keep their cell phones in their possession while they did that.

In reference to allegation number 19, reference to the June 9th, 2020 general primary. Election Supervisor, Russell Bridges, failed to post a notice of change at some previous polling places to inform voters where they needed to go vote. The investigation also revealed that while the clerks were processing the ballots on June the 14th, 2020 which was a Sunday, they did not sign an oath that day. They were not able to provide it.

MR. DUFFEY: So I'm going to -- and I'm not sure how the microphone -- I give him to. Or does he -- or do we have him come up here? Or can you come up to a microphone that we can turn on down here?

MR. MASHBURN: Turn on the microphone.
MR. DUFFEY: Do you have a number at your desk?
MR. PRETORIUS: I have a --
MR. MASHBURN: Test that microphone.
MR. DUFFEY: Try that microphone and see if that works.

MR. PRETORIUS: Can you hear me?
MR. DUFFEY: You can pull it up.
MR. LINDSEY: Yep. Pull it up.
MR. PRETORIUS: Okay.
MR. MASHBURN: There you go.
MR. DUFFEY: See now you can be a legislator. (Laughter)

MR. PRETORIUS: This is my first time here. Good morning, Mr. Chairman and Members of the Board.

MR. DUFFEY: Could you give us your name and your -and who you're -- who you're with and who you are speaking on behalf of.

MR. PRETORIUS: Yes, sir. My name is Andre Pretorius and I'm an Assistant County Attorney from Chatham County. I will be representing the Chatham County Board of

Elections in these matters.
As a -- just a start to this, I have spoken to members of the elections board and the registrar's office. And the 2020 elections was brand new because we had received -- that year -- well, we normally get maybe 2,000 absentee ballots. We got over -- around 50,000 that year. So we had new staff. The training that was conducted in that February, we didn't even have the machines yet. We were still waiting on those. So they didn't come in until late April.

And so people had forgotten what the training was. They never trained on the machines themselves. A lot of the things that we did in this case were self-reported, as well. And -- and so I'm kind of looking at these allegations. And I want you guys to understand that, yes, there is a statute. And the statute is very clear. But what we have is some things that we had done that we believe were in compliance and would be a factor that you would have to consider when you look at the allegation itself.

When we get to the -- the first allegation that was mentioned, and in that case it was talking about the ballot -- the District 4 and the District 7, one. Yes. In that case, the original ballot that went out and this was one where we had now over 130 -- I think it was 137
ballots (inaudible) that we had to do. Including the hand recount at the time. And somebody missed that District 4 designation. And it was immediately noticed after they sent out the ballots.

Those ballots were then fixed and sent back in. And everyone that received that ballot received the new ballot with the correction on it. It took people when the ballots came in to see the distinction between the two and then count each one of those. And no votes were affected in that matter. A total -- there was only a total of ten ballots that were affected, and all of those votes were counted. So I believe the process was fixed and it was immediately rectified because it was immediately noticed. And so, therefore, we're asking that you have some -- just look at that one again and see that all the votes -because the intent was to have all the votes counted. Even if there's a mistake that that is rectified and completed.

The second allegation that was mentioned was with the notification to the Secretary of State. And I spoke to Mr. Bridges, and he admits, he said, I did -- I did not do that. It was an oversight on his part. It was a new rule to him. He learned that he had not. Then he contacted the Secretary of State and let them know that he didn't send out the -- that he put -- but failed to do that. I
believe also in this case, the intent of that statute is to make sure that both the monitors are there from both parties, right? And they all had notice and they all were there, right? So the intent was to give the notice and both parties were there. And they had sufficient notice to be there. But, yes, you're correct. The notice itself was not given seven days prior to that.

I believe the next allegation -- let me go -- is the one with the -- Mr. Lang. Mr. Lang is no longer a board member. And to explain the situation is -- is interesting. We had a huge facility set up for this. First time we've ever done that. And we had media that came in and they had the same kind of situation where they are allowed to film. But Mr. Lang did use his Facebook live to do that. But it wasn't for the intent to show what the ballots or anything. His intent was to show the enormity of the process, that they were doing. It was a just a brand new thing. And I believe his intent was just, you know, show look how big this facility is. Look at all the things that we're going here. So I believe the intent behind that was good, but the process of that has been fixed in the meantime. We now require -- make sure everyone cannot do that. That they have to fulfill the requirements to be able to video any of those things. So I believe the process has been fixed since then. I think
this was more of a mis -- an error on his part trying to show that we are doing everything and look how big this place is.

The next allegation on that list and I think it was number -- okay. Number 17 which was that 37 polls did not open at 7:00 a.m. during the June 9th, 2020 general primary. Now, I -- when I was looking at the statute, it says that it had to open, and polling had to start. This was an issue when we came in with training. All the polls were open at the time. The issue was people were having problems with what they were doing at the polling stations so there was a delay there.

And what we did is we immediately contacted the judge and said, Judge, that it's a training thing. The polls are open. There's just not -- the people don't specifically know exactly what they're doing. So we're working with them to get that done. So he immediately did 37 polling stations and we did an order by the judge to extend all hours by an hour. So we believe we corrected that issue and training has now been done and everything else. So this has not been an issue and will not be an issue in the future.

MR. DUFFEY: Well, let me -- can I just ask for clarification.

MR. PRETORIUS: Yes.

MR. DUFFEY: When you say people didn't know what to do, you mean the people that were working in the precincts didn't know what to do?

MR. PRETORIUS: Yes.
MR. DUFFEY: And that the voters couldn't vote?
MR. PRETORIUS: Well, it's not -- it was just a delay. Yes, by a few minutes in some places. It's not that the polling places weren't open. It was just that somebody didn't know what do I do with this? What do I do that? And it's because they never -- some of them had never seen the machine. Because they were trained in February again. The machines didn't come in until April. So it was hard to train somebody about what the machine does and looks like when it's not there. And so some of them just didn't understand that little procedure so there had to be that quick. This is what you do.

MR. DUFFEY: But do you think a voter who is in line to vote at seven o'clock consider the polls open, but he couldn't vote?

MR. PRETORIUS: Would the voter consider --
MR. DUFFEY: I mean, we tell voters the polls open at seven o'clock.

MR. PRETORIUS: Yes.
MR. DUFFEY: Doesn't that tell them that that means they can begin voting at seven?

MR. PRETORIUS: Yes, I agree with you on that. MR. DUFFEY: And that didn't happen in these cases where people weren't ready?

MR. PRETORIUS: Yes. And it wasn't in all 37 locations. This was just a precautionary thing from the judge to make sure that those 37 locations had that -because we weren't exactly sure which ones was the ones so we included the ones around it.

The next allegation was number 18 which was some clerks that were processing absentee ballots prior to June 9th, 2020, general primary were allowed to keep their cell phones. And, again, this is one of those where it was 2020, I know you understand the rule was changed and it is -- it says that all cell phones, laptops, audio/video recording device, other communications shall be prohibited from the room where the processing of absentee ballots are taking place except for county election computers necessary. And the policy that we had was that they not use their phones.

It was a new situation for us. It's a much longer time frame now because it couldn't be processed until the day of the election. And we took the phones from them later on because we -- we found out that you cannot have a phone in there. But the problem that we had was, again, you had people that had to work multiple days. And,
again, this is during the pandemic and there's medical issues and family, other issues that they have. And so just to have that phone there would be something that we could do that we're not allowed to use them in the room. I think we have corrected that issue now and wouldn't be an issue in the future. I think it was just an error on our part to say that our policy was to not use the phones and not -- not have the phones.

The next one -- allegation was that Russell Bridges failed to post a notice and -- hold on. I believe -- let me make sure that's the correct one. The polling place changes, yes. So this is another one of those situations where we had multiple polling locations closed because they were afraid of getting COVID. We had (inaudible) hours that we're doing the -- and so we had about two dozen other polls that decided even at the last minute they did not want to have them there. And we corrected that, and we fixed that.

So the only thing that we did -- we had six separate workers to go around the county placing signs and notices. So we believe we put all the signs and notices up. If -when -- took down the sign that we didn't know about, then that may have been one of the things where somebody took down a notice that we didn't know about. And that would be the only other explanation for that. But we had six
workers that went around the county and placed notices on. We also sent postcards to everybody to say when the polling locations changed and the only time that we don't place notice if it's the not -- not this election cycle, but the next election cycle. So that you've already had an election cycle where the notice was posted. So I'm not sure exactly what the notice issue was because we believe we sent everybody out. We put up all of our notices. And that we sent out our postcards, even for the ones that were last minute, we also sent those out. And we also had our signs posted at those locations. So I'm not exactly sure what the notice issue was if there was one that dealt with a second election cycle or not. But, again, those processes were in place. We believe this would not be an issue in the future and we have ensured that those processes are changed for the future.

The next allegation dealt with Ms. -- oh, here we go. (Inaudible). Now, we spoke with the Secretary of State on that one. And they informed us that if you had done the oaths for those individuals prior to that date, you did not have to do a daily oath. So as if -- if the notice -or the statute says that we have to do daily notices then the Secretary of State let us know that we did not have to do a daily and that's what my confusion was with that. We even checked on it to verify that that was not the
issue. If they've already been sworn and there's an oath and they didn't have to do a daily oath.

The last one that we had was the allegation with the one with the absentee ballots. And the allegation states that general -- during the general election runoff for federal offices that some poll officers failed to process the cancellation of absentee ballots properly. Some of the poll officers failed to write canceled, the date and time, and their initials across the face of the absentee ballot. And this is the one that I -- I see what the statute says, and I understand the reason and the need for that. The problem that we have with them -- with the way that it's worded is that we cannot remove the absentee ballot from the envelope because then we would know what the person voted. And that's the main issue that we want to ensure is that you have confidentiality of your vote. So if somebody comes into the registrar's office and hands us their envelope with their absentee ballot in it, if we open it up and write on there, then we would know what their vote was. So what we did in this case, we checked with the Secretary of State and the local board. And what we were told was the process that we're doing was correct. When we would write on the envelope canceled. And then we also did an affidavit with it and submitted those. And the reason that we let -- that they told us too was that
that was a good process and that we have done that in many years and that we were doing it correctly.

So if there's a -- a change that we now want to open someone's ballot, then we just need to be informed that and we will comply with that procedure. We felt that it was a confidentiality with your vote issue, and we did not want to have people know what their votes were. And then, you know, you may have somebody sitting there looking at it and may not like who you're voting for. And send you to the wrong place or something like that. We don't know. But we're -- we're trying to be as open and clear as possible that we did not want to know what your vote was.

MR. DUFFEY: Can you -- can you tell me again who told you that procedure was okay?

MR. PRETORIUS: The Secretary of State's Office.
MR. ARCHIE: Can I -- can I add something about those canceled ballots? The -- the information that was written did not follow the statute. Some of them were missing the poll -- poll manager's name or they didn't use the word canceled. They would use something else. I made copies of all the ones that $I$ found. At -- at no time were any of those opened. You know, my understanding is they're not supposed to open those envelopes. They're supposed to just write on the outside, canceled, date and time, and then the poll worker or poll manager's name.

MR. PRETORIUS: Correct.
MR. ARCHIE: So that's where those errors occurred. They didn't put all -- some of them were maybe missing the poll manager's name. Some didn't have canceled, you know, involved all different type categories in reference to that.

MR. PRETORIUS: And -- and if that's the issue, then I would defer to his investigation.

The -- I do want to state further that in June of 2020, we were in a full blown COVID pandemic. Poll workers were trained in February for an election in March that occurred in June. More than 100 poll workers could not work or decided to retire. More than two dozen polling locations declined to serve as a poll. The election equipment was new and being used for the first time. We were extremely understaffed with only four full time staffing managing an election and this was an election of epic proportions. We -- Chatham County does not have a history of sloppy elections. Since then we have gotten a new elections director. A new deputy director of elections and we've added ten full time staff.

Again, we did not have the equipment when we were training in February. The first display of the machines was not until April. And we had our representative actually come out too when we were unveiling the machines.

And, you know, I voted for a machine that I had never even seen before.

The main issue for us is that all the votes were counted. Everything balanced. All of this had to be done. We also had to do a hand recount at this time. And so I think the intent of a fair election, yes, is to follow all of the laws, but also to make sure that all ballots were cast and all votes counted. Thank you.

MR. DUFFEY: Thank you, Mr. Pretorius. Does anybody have any questions for Mr. Pretorius?

MS. GHAZAL: First, thank you so much for coming up from Savannah and for having done so much research on -- on this before you came. It's extremely helpful to me to really understand exactly what happened. I did have a couple of questions and I'm not sure whether Investigator Archie or you are in a better position to answer them.

But particularly with regard to those absentee ballots that were -- that were brought in, turned in and canceled. Were they properly canceled in Enet? And I -but I think the -- the biggest concern with that is making sure that only one person's vote -- or one vote counted per voter.

MR. PRETORIUS: Yes. And that -- that is correct. We did everything correctly as far as that -- the affidavits were done, and they were sent because I think
most of these allegations were at the registrar's office and they were sent to the correct polling location.

MS. GHAZAL: Okay.
MR. ARCHIE: They did have an affidavit stapled to them. (Inaudible) in terms that --

MS. GHAZAL: So there's no way they could have been counted since they were stapled to that?

MR. ARCHIE: Yes, ma'am. And then there was something written. It may not say canceled. But there was something written on it. I think some of them said spoiled, you know, and they were missing some of the poll worker's or poll manager's names. But the letters were attached.

MS. GHAZAL: Thank you. Thank you. That's helpful. All right. Also with regard to that particular incident and that -- that accusation. There -- there seem to be some -- some real inappropriate behavior on the part of the poll watcher. Interfering, you know, with voters. Interfering with -- interfering with the -- the manager -poll managers and it's important to note that even though that was not a -- a case here. That is not appropriate behavior and at the appropriate time I would like to recommend that we send -- not -- not refer them to the Attorney General's Office, but at a minimum send a letter of instruction to the poll watcher, as well, because that
behavior can't happen in a polling place.
MR. PRETORIUS: Thank you.
MS. GHAZAL: Thank you.
MR. LINDSEY: If I may, Mr. Chairman, a question. Is now a perfect time to make a comment or do you just want questions at this point?

MR. DUFFEY: Both.
MR. LINDSEY: And I appreciate your research on this, I do. And I appreciate the difficult position you're in. As one trial lawyer to another, I've had to stand in front of governing authorities and had the feeling of wearing somebody else's wet bathing suit because my client had done something that he should not have done. And I want to make sure you understand that.

MR. PRETORIUS: Yes, sir.
MR. LINDSEY: I'm -- I'm debating quite frankly in my mind, and $I$ don't know if $I$ have enough information yet to -- to not only send this to the Attorney General's Office. But under O.C.G.A. 21-2-107, the State Election Board has the independent authority to create an independent performance review to see what's going on here. Because my concern here -- now, most of the violations we see are involving a isolated -- an incident that's somewhat isolated involving one entity that's done -- one individual or a small group of individuals does something
wrong.
In this situation, we seem to have a systemic breakdown by Chatham County to the degree that it -- that -- that very well probably did impact some people's ability to vote. You know, for instance, 37 polling places that opened late. Most counties that if they have a problem, it's one maybe two. In this situation we're dealing with 37. That's a systemic problem. And that some other issues, as well. At the appropriate time I am going to make a motion to -- to send it to the Attorney General. But I would also, Mr. Chairman, I don't know how to do this exactly. I'd like to -- while sending it to the Attorney General, I would also like to request that -that someone from the county itself, like the election supervisor come to us and provide us with an assurance that what happened in June 2020 did not happen again in November 2020. And did not happen again in subsequent elections. That remedial steps have been taken so that this did not happen again so that we don't have to send this exercise of power underneath the code section I just cited to ask for an independent review if you guys have already taken can of this. You all understand where I'm going --

MR. DUFFEY: I do and I think what I would ask Ms. Koth to do is I would like for you to go back and see
how many Chatham County complaints we've had in the last say three years to see whether or not we could see this as just, while egregious, but an isolated period of time or have we seen other issues. I think that would help us to decide on whether a performance review is appropriate or whether having somebody come up.

MR. LINDSEY: Yeah. And -- and including a discussion with the -- with the election officials themselves.

MR. DUFFEY: Right.
MR. LINDSEY: And I would like something whether or not they appear here or at least something in writing from them to -- to demonstrate that the -- that the training breakdowns. That the other breakdowns that we see -- saw here this year. Have we take -- they've taken remedial action to make sure that doesn't happen again. Because if it don't, I'm going to have make a motion at some other time that we have -- that have been reviewed (inaudible) now. But I want -- since it was two years ago. But this sort of thing should never happen.

MR. DUFFEY: Right.
MR. PRETORIUS: And -- and we agree. It's -- we didn't have those issues before. And we haven't had those issues now.

MR. LINDSEY: I -- I really understand the -- the --
the circumstances in June 2020.
MR. PRETORIUS: Yes.
MR. LINDSEY: I just want to make sure that what happened in June 2020, isn't a pattern conduct that is impacting the voters of Chatham County today. And if it is, then we need to be taking some -- some direct actions in addition to sending it to the Attorney General that -that's what I'm saying.

MS. GHAZAL: Just -- just to add a little bit of color on June 2020. I don't remember the exact number of counties that had extended hours. But I know that it was more than a dozen.

MR. LINDSEY: Yeah.
MS. GHAZAL: So this -- while, yes, it -- it appears egregious. I think that we could probably have similar reviews of other counties that look --

MR. LINDSEY: Yeah.
MS. GHAZAL: -- where the patterns are similar. Just before we -- I want to make sure we understand the context of that across the State.

MR. LINDSEY: That's entirely why I'm not making that motion today.

MS. GHAZAL: Yeah. Right.
MR. LINDSEY: I recognize the -- the -- the -- the nature of June 2020.

MS. GHAZAL: Yeah.
MR. LINDSEY: But $I$ just want to make sure that steps have been taken so that it hasn't happened since.

MR. PRETORIUS: Yes, sir.
MR. LINDSEY: That -- that's all I'm saying.
MT. DUFFEY: And the other thing I think I heard you say was that the Court extended hours for 37 precincts? MR. PRETORIUS: Yes.

MR. DUFFEY: That went beyond the precincts that did not open on time.

MR. PRETORIUS: That is correct.
MR. DUFFEY: Do you know how many precincts did not open on time?

MR. PRETORIUS: I -- I would have to -- and this would just be a guess -- it may have been five. But for extra safety and precaution the judge included 37 of them. MR. DUFFEY: Mr. Lindsey, I think maybe what we should do, talking about the 107 authority that we have, is to send them a letter. And say these are the concerns we would like for you to tell us and -- and explain what it is that we need to know to deliberate over whether or not to take an additional step.

MR. LINDSEY: Yes, Mr. Chairman. I think we should -- that I would support that that's exactly the sort of thing I'm looking for.

DR. JOHNSTON: Mr. Chairman, just to be clear, 21-2388 states the poll manager shall mark canceled and the date -- and the manager shall date and time across the face of the absentee ballot.

MR. PRETORIUS: Correct.
DR. JOHNSTON: And show initials.
MR. PRETORIUS: Yes, that's correct.
DR. JOHNSTON: So I'm -- I'm confused about a mixed message.

MR. PRETORIUS: No, no. It's not a mixed message. What we -- what we have done in the past and what we have gotten direction from the Secretary of State to do is to write on the envelope that the absentee ballot is in. The reason for that is that we want to protect the secrecy of the ballot. So once -- if you open the envelope then you would remove the absentee ballot and know what the person was voting. And so, therefore, to exclude that, we leave it in the envelope. Write on the outside of the envelope and attach an affidavit that the vote is now canceled.

DR. JOHNSTON: But the statute says the ballot shall be marked canceled.

MR. PRETORIUS: Correct. And that's why we checked with the Secretary of State that the procedure was proper and they told us that it was the proper procedure. Even if the statute says that. Correct. And that's why I
said, the statute says the thing when we call and make sure that we're supposed to do that. And they tell us, you know, for that reason what you are doing is the correct procedure. We -- we can only comply with -DR. JOhnston: Right.

MR. PRETORIUS: -- we were instructed.
DR. JOHNSTON: So -- so my understanding is poll managers take an oath.

MR. PRETORIUS: Yes.
DR. JOHNSTON: That they will abide by the law. MR. PRETORIUS: Yes.

DR. JOHNSTON: And they will not reveal any confidential information before the close of the polls. MR. PRETORIUS: That is correct. My only concern with that is even if you know if $I$ see you sitting there as a poll worker and I bring my absentee ballot to you, and I see you opening my ballot and then reading my ballot. As a citizen, I would feel that would be inappropriate because now my ballot's no longer secret. That's my only concern with that. I understand what you're saying about a poll worker taking an oath. But even certain things are hidden from most officials. Some officials are not allowed to look at certain confidential information that certain people (inaudible) declares to be secret. And this is one of the constitutional rights.

DR. JOHNSTON: So you're saying because you're concerned, you don't need to follow the law?

MR. PRETORIUS: No. I'm not saying that. I'm just saying what we did was comply with what the Secretary of State told us was correct procedure.

MR. DUFFEY: Well, let me remind everybody what the purpose of us hearing this complaint and any of these complaints is it's, especially those that are recommended to be referred to the Attorney General's Office is -- we don't make a finding --

MR. PRETORIUS: Yes.
MR. DUFFEY: -- whether or not --
MR. PRETORIUS: Correct.
MR. DUFFEY: -- there was a violation to refer to the Attorney General's Office. And if they need additional questions answered, they can investigate those additional matters. And, ultimately, because even if the Attorney General's representative is here and has listened to all these things which I would send you're offering in mitigation that might help them to determine what the appropriate disposition is. But it's --

MR. PRETORIUS: Yes, sir.
MR. DUFFEY: -- us referring to the Attorney General's Office should we choose to do so for additional investigation for purposed disposition.

MR. PRETORIUS: Correct. Thank you.
MR. DUFFEY: Any other comments? Questions?
MS. GHAZAL: One -- one last comment. This is not the first and it won't be the last case in which ballot proofing is a critical step that cannot be skipped by counties. And so for any counties that are listening, please remember how important this is. Because there is a cascading series of errors that happens if -- if mistakes are missed in the ballot proofing step. We've seen it over and over again in multiple counties and I just think that every time we see it, we need to highlight it so that counties understand they can't skip that step. Even with 136 ballots (inaudible).

MR. DUFFEY: Let me just ask you for those people that might be new to this. When you use the term ballot proofing, could you explain what you mean by that?

MS. GHAZAL: So a county has -- every voter has an assigned ballot which means that you have your district's -- your district races to vote in. The larger the county is, the more ballot styles they have and the harder it is to make sure that every precinct and every voter receives their appropriate ballot so that they get to vote on their representatives and not somebody else's. The -- the case here demonstrated that -- that some voters received a ballot that had two school district races on it. And some
voters received a ballot that had no school district races on it when they needed it. They corrected it midstream so that the -- the election itself was still valid. And voters had the correct ballot. But because they had to correct it, they had to create all new databases and -and, like $I$ said, there is a cascading series of problems that -- that will emerge if you have -- if you first have the ballots wrong. We've seen it in other counties that have resulted in the -- the tabulators being misprogrammed. And it creates an enormous sense of uncertainty with voters. If they don't understand what the problems are. So if you get the process right in the beginning, you'll get the right results at the end. So I just wanted to highlight that. This is yet another case where it's -- it's a tedious process, but perhaps counties need to make sure there is a backup review to make sure they get it right the first time.

MR. DUFFEY: And the purpose of this is to provide context. Not just for you --

MS. GHAZAL: Yes.
MR. DUFFEY: -- but for everybody --
MR. PRETORIUS: Yes, sir.
MR. DUFFEY: -- including those people that are watching because all of our collective interest is to make sure that if there are any -- if there -- if there's
conduct that has an unintended consequence, that the purpose of the rules is to make sure that -- that we don't have to suffer an unintended consequence because we've done it right the first time. But that's the only point. MR. PRETORIUS: Yes, sir.

MR. DUFFEY: Anything else?
DR. JOHNSTON: Thank you. I'm just concerned that there are -- they're valid ballots that could be used. They're -- they're not marked as canceled. And could be substituted at some point in the tabulation process or counting process. In an -- and a unwanted vote be discarded. And they've chosen a vote be substituted. So I am concerned that every canceled absentee ballot be marked canceled so that -- so that it could not be substituted at a -- at a later stage in the process of the election.

MR. DUFFEY: All right. Thank you, Dr. Johnston. Any other comments before -- then would somebody -- my proposal is that let's go ahead.

MR. LINDSEY: Yeah.
MR. DUFFEY: If there's an appropriate motion, we'll vote on that. And we can go back to our regular agenda. MS. KASPRZYCKI: Excuse me -- I'm sorry to interrupt, but I'm actually one of the complainants with this case. And --

MR. DUFFEY: I'm sorry, what?
MS. KASPRZYCKI: I'm one of the complainants in this case with Chatham County.

MR. LINDSEY: She's one of the complainants.
MS. KASPRZYCKI: And I received a letter that $I$ would be able to make a statement.

MR. LINDSEY: Yeah.
MR. DUFFEY: Okay.
MS. KASPRZYCKI: Sorry. I hate to interrupt but I'm not I've never done this before. I actually -- and I was a poll watcher in Chatham County for this election and I'm actually the individual that noticed --

MR. DUFFEY: Could you pick up your microphone please.

MS. KASPRZYCKI: Sure.
MR. DUFFEY: What's your -- is your number 26? 76?
MS. KASPRZYCKI: Hello?
MR. DUFFEY: What's your number?
MS. KASPRZYCKI: I'm -- I'm not -- I'm not sure what number. I actually witnessed the improper processing --

MR. DUFFEY: No. I mean the number on your desk.
MS. KASPRZYCKI: Oh, RT5. It says it's on. It says it's on but -- it's not --

MR. MASHBURN: Counselor, can you hand her your microphone?

MR. PRETORIUS: Yes.
MR. DUFFEY: Just -- just come forward and speak from his desk.

MR. PRETORIUS: Yeah. Mine's still on.
MS. KASPRZYCKI: Thank you very much. Thank you very much for reading that part of the legislative code section because I had it with me to read, as well. My name is Gwen Kasprzycki. And I was a certified poll watcher in Chatham County for the 2020 Senate runoff election, during early voting and on January 5th. You should have a copy of my signed affidavit. I would like to expound on that affidavit today.

Every voter that arrived at my polling locations and surrendered their ballot -- their absentee ballot to vote in person did so without their ballot being canceled, according to O.C.G.A. 21-2-388. The envelopes were taken by the poll workers, most unopened. There were two envelopes. The United States government envelope on the outside and the ballot envelope on the inside. As long -as long as the ballot -- the only envelope that was touched with the affidavit assigned to it -- or was stapled to it was the outer envelope. Not even the envelope with the ballot inside.

Let's see, they were stapled to an affidavit that the voter signed. They were placed in a wire basket and taken
away at the end of the day which who knows what happened to those ballots. Nobody knows, I mean, it -- it was a live -- actually they were live ballots. I talked to Russell Bridges, the Chatham County Elections Supervisor. And I asked him directly why the -- the poll workers were not following O.C.G.A. 21-2-388. And he looked me in the eyes and sarcastically said, don't worry about it. I'll take full responsibility. By failing to comply to code, no one can say for sure that those absentee ballots weren't cast. But $I$ can say with certainty that the code section set by the Georgia legislature was not followed. And I want to thank you for letting me speak.

MR. DUFFEY: Thank you.
MR. LINDSEY: Thank you.
MR. DUFFEY: Thank you, again.
MS. KASPRZYCKI: Thank you.
MR. DUFFEY: Anything else from members of the Board?
MR. LINDSEY: Yeah. At the appropriate time,
Mr. Chairman, I'll make a motion.
MR. DUFFEY: If you would, please.
MR. LINDSEY: The motion to refer the matter to the Attorney General.

MR. DUFFEY: All right. Is there a second? MR. LINDSEY: That would be the first part of my -DR. JOHNSTON: Second.

MR. DUFFEY: It's been first and seconded that we refer the matter of 2022-062 to the Attorney General's Office. Is there any discussion?

MR. MASHBURN: Just by way of clarification, Mr. Chairman, are we going to dismiss allegations 1, 2, 4, $6,7,8,9,10,12,13,14,16$ and 18? Their recommendation is that they be dismissed or not? No finding, are we going to dismiss those? Or are we going to send all the allegations to --

MR. LINDSEY: Thank you Mr. -- thank you. Let me clarify. I will -- I move that -- that we send the matter to the Attorney General in conformance with the recommendations of the -- of the investigator. And also, to dismiss those allegations that were -- that the investigator recommended be dismissed. Thank you.

MR. DUFFEY: Is there a second to that motion?
MR. MASHBURN: Second.
MR. DUFFEY: Any discussion?
(No response)
MR. DUFFEY: There being none. All those in favor of the motion say aye.

THE BOARD MEMBERS: Aye.
MR. DUFFEY: All those oppose no.
(No response)
MR. DUFFEY: The motion passes and it will be
referred to the Attorney General's Office. I hope you understand that that's the next part of the process.

MR. PRETORIUS: Yes, sir.
MR. LINDSEY: Yeah.
MR. DUFFEY: And the Attorney General's representative has, you know, has been here and listened to everything you had to say today.

MR. LINDSEY: And -- and if I may, Mr. Chairman, I would also like to -- to follow-up on -- on your suggestion. That -- that we direct you, I guess, to send a letter to Chatham County requesting information on how -- what steps they have taken to correct some of the alleged actions that took place in 2020 to ensure that this systemic issue that happened at that time has not continued. In order to ensure the people of Chatham County that their votes -- that they can -- that they can vote and that their votes will be accurately counted.

MR. DUFFEY: Is there a second to that motion?
MS. GHAZAL: Second.
MR. DUFFEY: Any -- any discussion?
(No response)
MR. DUFFEY: All right. It's been moved and seconded. That we -- that we draft a letter to Chatham County to address the deficiencies that were reported in the -- reported in the investigation on this matter which
is 2020-062. In addition to any other deficiencies that might be disclosed in a review of complaints against Chatham County for the last several years. And that's the motion.

All those in favor say aye.
THE BOARD MEMBERS: Aye.
MR. DUFFEY: Opposed, no.
(No response)
MR. DUFFEY: All right. Then --
MR. LINDSEY: And I don't believe it takes a motion, Mr. Chairman, just -- just if I may ask that the matter be placed back on the calendar in February to see what the reaction was to Chatham County. So that we can then determine whether or not a performance review is necessary and hopefully one will not be. But let's see.

MR. DUFFEY: Make a note of that and remind me when $I$ send out the agenda whether or not it's necessary to put that on as an agenda item.

MR. LINDSEY: Thank you, Mr. Chairman.
MR. DUFFEY: And, Ms. Koth, if you could please do that review for us, I'd appreciate it. Thank you for being with us. You may now travel back to Chatham County attend your hearing.

MR. PRETORIUS: Thank you, sir.
MR. DUFFEY: Thank you.

MR. PRETORIUS: Thank you.
MR. DUFFEY: All right. So we will now go back to the regular order of complaints. But I'm going to -- I'm going to recess for ten minutes. Ten minutes is when the big hand's at the top and the -- so that we can continue with a progress. So let's keep it to that time. So we'll be in recess for ten minutes.
(Whereupon, a brief recess was taken at 10:34-10:44 a.m.)

MR. DUFFEY: Let's come back to order, please. All right. Would everybody please be seated? Ms. Koth, are you ready?

MS. KOTH: Yes.
MR. DUFFEY: Okay. We will now move to those groups of cases which are cases recommended to be dismissed. And what $I$ will do is $I$ will ask whether any of the members of the Board would like to discuss specifically any of these cases. We have been provided with the investigator's summaries and reports. And so there are some that I believe members of the Board would like to discuss, as a Board, more specifically. I'll begin with anybody that would like to discuss any of them specifically. All right. Ms. Ghazal?

MS. GHAZAL: Yes.
MR. DUFFEY: We'll do them one at a time.

MS. GHAZAL: Very good. I would actually -- the -the first case $I$ would actually like to request that case SEB 2021-151, be continued and I would like to ask for some additional research on that specific case. And that was Tab 14.

MR. DUFFEY: All right. So let's talk about that individually and specifically what you observed about that and what you would like done in addition if it's pulled? MS. GHAZAL: In -- in this case, Fulton County absentee ballot processing due to an error in training. There were multiple absentee ballots issued to a single voter. And I would like that researched further because I believe that there were violations in that case. And I want to understand what steps have been taken to ensure that that cannot happen again.

MR. DUFFEY: Ms. Koth, would you like to maybe summarize this since we're discussing it for the group and for us. And then if you can respond to what Ms. Ghazal said. I'd appreciate that. You might not be able to, but if you could, that would be helpful.

MS. KOTH: Summarize the complaint. Is that what you said?

MR. DUFFEY: Yes.
MS. KOTH: Yes. This complaint -- the complainant received unsolicited absentee ballots from Fulton County
for the November 2nd, 2021 general election. And the findings were -- they researched the issue and resolved that during the training for the EV. The staff were likely provided voter records for the purposes of scenario training. But were in the active system of election net instead of the training module.

Thus the action caused the voter to have changes made to his actual record. An error appears that instead of marking in person, they mistakenly marked by mail. Which then added the voter to the absentee file that's pulled daily for mail out. When marking mail out, they also never clicked an issue date and therefore the voter was continually added to the file to be issued a ballot.

The manner in which the file was run which was commutatively cause for the voter with no issue date to continuously be included. They corrected the method in which the file was run to prevent future instances and have spoken to Ms. Benjamin to ensure future trainings must be verified that staff are working within the training module of election net. That was from the deputy director.

MR. DUFFEY: Right. So that seems one of the concerns that you had about the intended consequences -MS. GHAZAL: Yes. Yes. Exactly. And -- and I believe it's -- it would behoove us to -- to make sure
that Fulton has full notice of this and has an opportunity to to be represented once this is discussed more fully. Which is why I request that it be continued to a future meeting.

MR. DUFFEY: Is there any objection to continuing it at a future meeting?

MR. LINDSEY: No objection.
DR. JOHNSTON: I had the same questions.
MR. MASHBURN: No objection.
MR. DUFFEY: All right. So I'm going to remove that from the agenda. We'll put it on the February --

MS. GHAZAL: Thank you.
MR. DUFFEY: Next.
MS. GHAZAL: The next case I wanted to discuss separately, Ms. Koth, would -- would present Tab 15, SEB 2021-153, city of Fort Gaines.

MR. DUFFEY: Now, Ms. Koth, could you summarize that complaint for us, please?

MS. KOTH: Yes. This one had four allegations. The city of Fort Gaines is conducting a municipal election inside the City Hall and Mayor Kenneth Sumpter is running for re-election. Mayor Sumpter continued to work from City Hall and there's an allegation he spoke to some voters inside the poll area.

There's an allegation that Mayor Sumpter had been
observed looking out of the window blinds in his office to observe voters in the poll area. There's an allegation a voter named Willie Laine, a 93-year-old, told someone when she voted her absentee ballot that she was not able to vote for the people she wanted to vote for. At this time, it is unknown that that occurred during this election or a prior election.

There's an allegation when a voter named Rodney Gordon came into vote that poll workers, Jackie Jenkins and Cherry Smith, asked him who he was going to vote for. The findings did not reveal any evidence to support violations of Georgia Election Code in regards to any of those allegations.

MR. DUFFEY: So, Ms. Ghazal, tell us about your concerns.

MS. GHAZAL: So I -- I agree with the findings that there was insufficient evidence to find a violation. But I thought this might be a good opportunity to point out that particularly in 20 -- we're coming up on 2023 when we'll have more municipal elections. And best practices would suggest that elections not be held in the offices where officials who are up for re-election have to go to do their daily job. It's -- it creates an appearance of impropriety even if there is nothing that has been done wrong.

So having voters appear in the mayor's office to vote for the office of mayor, creates a bit of a conflict of interest. So I think -- I just wanted to, again, use the opportunity of this forum to suggest to counties that they find alternative polling locations that rather than the offices of -- that are up for election that year. So if -- if a county has a mayoral election, don't hold the office -- don't hold the election in city hall. Hold it in the -- in the courthouse or another location, if possible. I understand that it may not be possible in some locations. But just is better practice to make sure that voters are not in the vicinity of the official who's on the ballot. That's all. That's kind of my point here. MR. DUFFEY: Is that something in our prerogative that we could send out as a recommendation to the counties along the lines of what you just said. Or is that something that should come from the election division? MS. GHAZAL: I think election division could -- could send out a -- a directive that it's -- that simply it's -it's a best practice. Recognizing that in -- in small communities, it may not be possible. But it is -- it is an advisory -- just -- just as an advice. I think we probably would be the best. Because when we -- I don't think it necessarily lends itself to rule making because we don't know in 159 counties what facilities 159 counties
have available to them.
MR. DUFFEY: Could I ask you to draft a letter for us to send to Mr. Evans with that recommendation --

MS. GHAZAL: Yes.
MR. DUFFEY: -- and the reasoning for the recommendation. And say that it was generally as a result of this complaint. And ask him to do whatever is, you know, is customary out of his office to -- to make those sort of recommendations to the counties.

MS. GHAZAL: Yes, sir. I'd be happy to.
MR. DUFFEY: Great.
MS. GHAZAL: Thanks.
MR. DUFFEY: Anybody else have any comments? Questions? Yes.

MR. LINDSEY: If I may. When you said there's -there wasn't any evidence to support the violations, did the -- did you -- did you all speak to the complainant who, basically, made the allegation? Did they have firsthand knowledge or was this simply something that they heard from somebody else? I guess, that's what -- my question is no evidence. I'm sort of --

MR. ARCHIE: This is actually one of my cases also.
MR. LINDSEY: Thank you.
MR. ARCHIE: The witnesses -- the primary witness did not want to get involved. They wanted to remain
anonymous.
MR. LINDSEY: All right.
MR. ARCHIE: And that's why it was hard for me to prove any of the allegations.

MR. LINDSEY: Okay. But there is a -- did you talk to the mayor to find out whether he was, in fact, in -- in the city hall. Because $I$ know, you know, that one day out of the year that he shouldn't be in there, that's the day of re-election if that's where the election is taking place.

MR. ARCHIE: He said he would stop there during the day, but he would go straight to his office. And he said on election day he didn't go to city hall.

MR. LINDSEY: Okay. I mean, that's --
MR. ARCHIE: He denied the allegation.
MR. LINDSEY: Okay. So he, basically, denied the allegation.

MR. ARCHIE: Yeah.
MR. LINDSEY: You know, because I just -- I mean, if it is held at city hall, the mayor shouldn't show up that day or the city council shouldn't show up that day. That sort of goes without question. Thank you.

MS. GHAZAL: It's hard when you have three weeks of early voting.

MR. LINDSEY: Thank you. That -- that makes, yeah, I
didn't think about that.
MR. DUFFEY: All right. Dr. Johnston.
DR. JOHNSTON: So is there a move to continue that case? Or you just wanted to make a comment?

MS. GHAZAL: I just wanted to make a comment. I -- I agree with the recommendation that it be dismissed.

MR. DUFFEY: All right. So let's -- so on this case, is there a motion to dismiss the complaint?

MR. LINDSEY: Mr. Chairman, there's somebody...
MR. DUFFEY: Well, first of all, are you a complainant?

UNKNOWN SPEAKER: (Inaudible)
MR. DUFFEY: Well, because this case is -- so let me -- before you speak, as I've explained to others, in cases where a determination is made that it be dismissed because there's not sufficient allegation to move forward. We cannot allow a complainant to speak because the complainant is the one who initiates the action is supposed to have given us everything that we needed to know to make a determination on how to process it. And, in fact, we have been pretty generous with people that want to add information to their complaints after they file it for us to consider and so as far as we're concerned, a complainant in this case has had sufficient opportunity to present whatever they have for us to make a
decision.
UNKNOWN SPEAKER: Right. The letter that we received said we could come and speak if we wish to speak. MR. DUFFEY: All right.

MR. MASHBURN: (Inaudible)
MR. DUFFEY: I'm -- I'm sorry. The letter that you received said what?

UNKNOWN SPEAKER: This is on the campaign obstruction.

UNKNOWN SPEAKER: 183.
UNKNOWN SPEAKER: 183.
MR. DUFFEY: Well, we're not to 183, are we?
MR. LINDSEY: Not there.
MR. DUFFEY: We're not -- we're not talking about 183.

UNKNOWN SPEAKER: Thank you.
MR. DUFFEY: Okay. So with respect to case number 2021-153, involving the city of Fort Gaines, problems with the poll location. Is there a motion?

MS. GHAZAL: I move that we dismiss the case.
MR. DUFFEY: Is there a second?
MR. LINDSEY: Second.
MR. DUFFEY: It's been moved and seconded to dismiss case 2021-153. Is there any discussion?
(No response)

MR. DUFFEY: There being none. All those in favor of dismissing the case say aye?

THE BOARD MEMBERS: Aye.
MR. DUFFEY: Opposed, no?
(No response)
MR. DUFFEY: The case is dismissed. Do you have another case?

MS. GHAZAL: I have two other cases.
MR. DUFFEY: All right.
MS. GHAZAL: Tab 19, SEB 2021-166, Fulton County handicap accessibility.

MR. DUFFEY: Can you summarize that for us, Ms. Koth?
MS. KOTH: On 11/4/2021, the Georgia State -- Georgia Secretary of State's Office received a complaint from Raymond Sharpton who stated Fulton County denied him the right to vote during the November 2nd, 2021 election in Fulton County. The complainant is handicapped and has to use a wheelchair and was unable to gain access to a voting poll inside Fulton County.

The description of the violation is as follows: He is retired, has no car and uses a wheelchair. He spent hours using Marta to get there and when he went there. He went to Sarah Smith to vote this morning. He got off Marta to find all the doors to the school locked and no obvious voting there. He said the signs were confusing
and they told him to go to Peachtree Methodist Church. He heard that a few people had voted at the Sarah Smith today. When he discovered that they had moved voting to the rear of the school, the poll workers and poll manager seemed oblivious that the sign was confusing to voters. And disclaimed any responsibility for the sign.

The combination of the big sign at the normal entrance to Sarah Smith, the move of the voting location at the school and the significantly reduced signage of where to vote, he thought was a mess. He was exhausted trying to get to Peachtree Methodist Church only to be turned away. He couldn't and he did not vote.

MR. DUFFEY: All right. Ms. Koth -- I mean, not you, Ms. Koth, Ms. Ghazal, correct. Ms. Ghazal. MS. GHAZAL: Yes. Thank you. I was consulting with the Attorney General's Office. I actually -- here we go -- in addition to the potential federal ADA violation, there is also a state statute that requires that all of our polling places are accessible for handicapped persons and I -- I actually believe there may have been a violation in this case. And as -- as in the previous case where Fulton County has not been given full notice and opportunity to respond here, I move that we continue this case to give Fulton County the opportunity to -- to review this and provide a response.

MR. DUFFEY: Any other discussion?
MR. LINDSEY: Yes, Mr. Chairman, same question that I had before. You said, potential violation, none. I'm trying to figure out why there's no potential violation, given the allegation?

MS. KOTH: It said that the investigator spoke to Nadine Williams. She emailed the investigator her findings of the incident. And that he was unable to find any evidence that Fulton County violated any election laws. They had proper signage posted at Sarah Smith voting site.

A response from Fulton County explained the location and the change of voting sites, Fulton County stated the following: Please see attached the template of the signage that was placed at Sarah Smith. The signs were $4 \times 4$ and were placed per SEB 202 guidelines for sites involving a polling place change.

They had monitors in place to assist voters in finding the polling site on the SOS MyVoter page. Poll managers are also instructed and provided exterior arrow signs directing voters to the voting space. Although the sign advises 07A, voters they are able to vote at Sarah Smith where the sign was placed. They said they will attempt to revise the design to avoid any confusion. The investigator tried numerous times to get ahold of the
complainant and could not get ahold of for any further information.

MS. GHAZAL: I guess my question here is probably is -- is -- was the location where voting actually took place accessible for somebody in a wheelchair? That was not entirely clear to me from the -- from the facts presented.

MR. LINDSEY: Well, you know, are you -- if I may? Are you asking about 7A?

MS. GHAZAL: Yes.
MR. LINDSEY: And United Methodist Church?
MS. GHAZAL: Yes.
MR. LINDSEY: I can -- I can testify to that because that's my polling place. And yes it is --

MS. GHAZAL: It is.
MR. LINDSEY: -- all on the same floor. And it is accessible. And the question is whether or not these other allegations are true or not. And it sounds like you all weren't able to -- to get him to respond to -- to the inquiry? Is that the problem?

MS. KOTH: Yes. They tried to get -- they tried to email him and -- and call him. They couldn't get a statement from him. They were trying to get more information, but when they went out there, the signs were fine. I'm not sure if they did a polling site that day --

MR. DUFFEY: Well, he -- didn't it say that he -- I
mean, Sarah Smith used to be my polling place until they moved it to Peachtree Road United Methodist Church.

MR. LINDSEY: We have the same one.
MR. DUFFEY: And if you -- when he went to Peachtree Road after the effort to get there, they told him that was the wrong place. And if you had all these people that were at the polling place at Sarah Smith that were supposed to be helping people. What -- how could they have referred him to Peachtree Road when he goes there he finds out that that's not where he's supposed to be. He has to be back at Sarah Smith. None of this makes sense to me.

And -- and because $I$ know the back of Sarah Smith, I don't know how accessible that was. Because the parking for Sarah Smith is in front of the school. Parking along the road has been blocked -- has always been blocked off because it looks like a -- looks like a sidewalk, I don't know if it is or not, but then you have to go up a fairly steep hill to go to the back of the school if, in fact, that's where the polling place was. So I have the same concerns that you do. That there's -- that this -- we ought to do more to investigate this. Especially when somebody didn't get a chance to vote.

MR. LINDSEY: Yeah. I agree. Like I said, Sara Smith is problematic with other -- the church -- I am, you
know, I -- I will second your motion.
MR. DUFFEY: All right.
MR. MASHBURN: I -- I just -- I just have a thought. Now, that the Chair has worked so hard to actually get us letterhead, thank you for doing that, the Board previously had no way to communicate through the mail until Judge Duffey set that up so thank you for that. Can the -- can the Board as a board send a letter to this complainant and say if you don't assist with the investigation, your complaint stands at risk of being dismissed?

MR. DUFFEY: Well, we do and we should. But did anybody every go to his house to talk to him? Or was it --

MS. KOTH: Yes.
MR. DUFFEY: Or was it just by email?
MS. KOTH: Yes, they did. They could hear the TV on, but nobody came to the door.

MR. DUFFEY: Well, we don't know who that was, though.

MS. KOTH: No.
MR. DUFFEY: But I just think where somebody did not have a chance to vote and I will say that I'm bringing my personal knowledge of these two voting places, it's easy at Peachtree Road because it is all on the same level. And it's -- and it's about as handicapped accessible. But
they -- he was told he wasn't supposed to be there and that he had to go back to Sarah Smith.

And the description is about having all these monitors in place to assist voters in finding their polling place. And here's a fellow in a wheelchair never got pointed to the back of the school where -- because he was where he was supposed to be. But never got to the place within the place where he was supposed to be to vote. And I think we ought to do some more research on this. And I like the idea of sending a -- and a more official looking letter telling him that. And then if he doesn't do it, we can put back on the calendar for February and dismiss it if we can't get further information from the complainant.

MR. LINDSEY: Move to continue, Mr. Chairman. MR. MASHBURN: Second.

MR. DUFFEY: Is there is -- okay. It's been moved and seconded to continue this case to February with a letter to go to the complainant inviting him to provide more information or to meet with the investigators. And if he doesn't that his complaint would be dismissed at the February meeting. All those in favor say aye?

THE BOARD MEMBERS: Aye.
MR. DUFFEY: Opposed, no?
(No response)

MR. DUFFEY: It passes.
MS. GHAZAL: Two -- two more.
MR. DUFFEY: So -- so do I get credit for being -for multi-tasking to not only chairing meetings, but also to creating stationery?

THE BOARD MEMBERS: Yes.
MR. LINDSEY: Yeah you get credit and we'll double your salary.

MR. MASHBURN: I just gave you public credit, so, yes.

MR. DUFFEY: Well, thank you.
MR. MASHBURN: I'm very pleased with it.
MR. DUFFEY: Next.
MS. GHAZAL: Tab 23, SEB case 2021-175.
MR. DUFFEY: All right. Can you summarize that for us, Ms. Koth?

MS. KOTH: Yes. Oh, sorry, the wrong tab. The complainant observed Penton Fleming take out his cell phone while he was inside of the enclosed space. It appeared to them he was taking a photograph of his ballot. They were not able to confirm that Mr. Fleming took a photograph. Penton Fleming chose not to answer questions related to the investigation during our telephone interview.

MS. GHAZAL: In this case, I believe that the facts
strongly indicate that the voter took photographs not only of the ballot, but also of the equipment. I do not recommend referring this to the Attorney General's Office. But I do believe that a letter of instruction is advisable sent directly from the Board to the voter. Advising him that this activity is prohibited by state law, and it cannot be conducted at a polling place.

While I understand that -- that the evidence is -- is not sufficient for referral to the AG's office, it's strongly indicative of -- of voter ignoring instructions directly from the -- the poll manager and the poll worker. And that's I think a letter of instruction is sufficient to -- to ensure that the voter's aware of -- of his responsibilities and behavior.

So I -- I move to send a letter of instruction to the voter in this case.

MR. MASHBURN: Second.
MR. DUFFEY: It's been moved and seconded to send a letter of instruction to this complainant along the lines outlined by Ms. Ghazal. Is there any discussion?
(No response)
MR. DUFFEY: All right. All those in favor of the motion say aye?

THE BOARD MEMBERS: Aye.
MR. DUFFEY: Opposed, no?
(No response)
MR. DUFFEY: The motion passes. A letter of instruction will be sent.

MS. GHAZAL: I have one more case.
MR. DUFFEY: That's all right.
MS. GHAZAL: And with my apologies.
MR. DUFFEY: There's no reason to apologize, this is our job.

MR. LINDSEY: You've got a winning record so far.
MS. GHAZAL: Tab 26, SEB 2022-002, city of Nicholls.
MR. DUFFEY: And can you summarize that for us,
Ms. Koth?
MS. KOTH: It was reported that there were incidents of non-resident voting. Voting with a fake address and allegations that the elected mayor didn't reside within the city limits. The complaint also includes an allegation that there were early votes placed by people outside the city. The complaint alleges that one candidate paid for coffee for an elector if they came with his or her voting sticker and took a photo with him. They could then take their voting sticker to a local coffee shop and would receive a free cup of coffee or a snow cone.

MR. DUFFEY: All right. Ms. Ghazal?
MS. GHAZAL: We are privy to the investigation files
that -- that are not public. And it became clear to me when I was reading the files here that the allegations were not made in good faith. And I say that because there was a specific allegation that a street address was a fraudulent address being used by multiple people residing there. When the investigator went, he discovered not only was there an apartment building at this specific address. But one of the complainants had previously lived at that address.

So the complainant said it was a fraudulent address knowing that that was not true. So I'm -- I wanted to point out that -- I -- I wanted to discuss this a little bit more openly because there are no repercussions, right now, for complainants that are made in bad faith knowing that the information that they're complaining to is false. And they are, in fact, alleging that voters have conducted illegal activity when they have not.

If they put that in writing, then it's potentially libelous and I just -- this case made me upset. And I wanted to -- to bring it out to discuss it. Because it is a very serious thing to allege that a voter has committed fraud. And when those allegations are not done in good faith, when they are done for some other purpose to undermine the outcome of an election, I believe that there should be repercussions. And so I wanted to discuss it in

## -- in this session.

MR. DUFFEY: Anybody else have a comment along those lines?

MR. LINDSEY: Yeah. If I may, Mr. Chairman, unfortunately we've seen a pattern of this. This is not the first time that we've seen something like this. We've seen other situations in which complaints have been made and upon investigation the voter acted totally appropriately. And it showed either a -- either a willing -- willingness on behalf of the complainant to -- to file a false complaint or a -- a failure of their part to do any -- any kind of minimal investigation before filing a complaint.

And I believe there's even a lawsuit as a result of one of those. I don't know what the answer is in terms of -- of, you know, on one side we want people who see something that -- that is questionable to alert the Secretary of State's Office to do an investigation. And on the other side, we don't want to see a chilling effect take place either against a particular voter or attempt to question the validity of an election.

I -- I think it merits further investigation in terms of what other states do. I'm sure other states have faced similar issues. Georgia has -- I don't believe has any such law that deals with complaints that are filed in bad
faith. But I do think something needs to be done because we are seeing a pattern of conduct taking place. And -and I -- and I share in your concerns. I'm not sure what the answer is though, to be candid.

But I do think it probably merits us taking a look perhaps before the next meeting in February to see what kind of recommendations we would make to the -- to the General Assembly while it's still in session.

MR. DUFFEY: Any other comments?
(No response.)
MR. DUFFEY: I have --
MR. LINDSEY: That said, Mr. Chairman, I move to dismiss.

MR. DUFFEY: Well, let me have -- make my comment before we move to the motion. I think we have two responsibilities. One is to look at claims substantive violations of the law or rules and to hold people accountable when that happens. Which is generally what -what we do. But I share the concern that there -- that there are actually two types of people that -- that's filed complaints which corrupt the system itself. And those are people who make statements.

And I think there's a statement in our complaint -if you file a complaint online which we're going to require in the future. That you make it the penalty of
perjury, although we don't make them swear so the question is whether or not that's perjurious. And then there are a number of people that just file complaints without a scintilla of information that -- that shows that there is anything even to investigate.

And both of those are unfair to the people and it's -- it's not just for the people that are accused to have to go through this process. Including coming down here to see whether or not as a respondent they're going to be sanctioned or their case is really going to be dismissed. As you notice the -- the only way a case can be dismissed is by us. There -- it's a recommendation that comes from the investigator, but -- so even if they see that they're on the lesser category doesn't mean that that's going to happen.

So what would I do? I would come down and see if I have to defend myself. You know, at least under federal law if you file -- if you file a writing or make a statement to a law enforcement investigator, that can be a false official statement for which there's a criminal consequence. I don't know, Charlene, whether there's anything simply files a complaint with a state agency, and that that complaint is untrue whether there is -- maybe that's something that we can look at to see what a remedy might be for someone who does that.

Okay. So I wholly endorse that --
MR. LINDSEY: Yeah.
MR. DUFFEY: -- at least begin looking at people to maintain the integrity of the complaint making process. And -- and -- and to protect the reputations of people who are unjustly accused of something requiring them to go through this process which regrettably takes longer than it should so that they live under the cloud of that until it's disposed of.

So I think that we ought to put that as an item for the next agenda in February and that we with Ms. McGowan's assistance to see what our -- what the alternatives are available to us to hold somebody responsible. Until then, I'm inclined to send a letter by the Board to these particular complainants.

I'll have to go through and work with Ms. Koth to see where it is that somebody made something that was specific enough to have been false or allegedly false and just say that -- that the responsibility in filing a complaint is to be truthful. That they told us when they filed it that they were truthful.

But there are just -- there are facts that are apparently in direct contradiction which would show that they're -- that they may not be truthful, at least tell them that they have to be careful of -- but that we elect
not to take any specific action at this time. Is that acceptable to everybody?

THE BOARD MEMBERS: (collectively) Yes, Mr. Chairman. MR. DUFFEY: All right.

MR. MASHBURN: So do we need to dispose of that by motion?

MR. LINDSEY: I think the dismissal --
MR. MASHBURN: (Inaudible)
MR. LINDSEY: -- yeah. So we still need to dismiss it.

MR. DUFFEY: And you've made the motion, correct?
MR. LINDSEY: Yes, Mr. Chairman.
MR. DUFFEY: Has it been seconded?
MS. GHAZAL: Second.
MR. DUFFEY: Any discussion?
(No response)
MR. DUFFEY: All those in favor of dismissing case number 2022-002, say aye?

THE BOARD MEMBERS: Aye.
MR. DUFFEY: Opposed, no?
(No response)
MR. DUFFEY: It carries, and it is dismissed.
MR. LINDSEY: I have one, Mr. Chairman.
MR. DUFFEY: So you're done?
MS. GHAZAL: (No verbal response.)

MR. DUFFEY: Okay. Well, let me say it this Ms. Ghazal. It's -- I -- I think that in a short period of time we've begun to see patterns of the things where we see things that aren't necessarily violations. But I think it's our responsibility to do what you did today. And I -- I thank you for doing that which is to begin looking at the system as a whole. And trying to improve it not necessarily by acting on a specific complaint. And I appreciate that very much. You know, we'll do more of that in 2023. Mr. Lindsey?

MR. LINDSEY: My understanding is that it was 183. Was that it? Mr. Chairman, I would like for us to individually take up case number 2021-183. I think it's Tab 24 , to give the folks who -- who received a letter giving them an opportunity to come and speak. Give an opportunity to speak, Mr. Chairman.

MR. DUFFEY: Okay.
MR. LINDSEY: I would ask that we do so.
MR. DUFFEY: So let's have a summary first.
MS. KOTH: This complaint came in on 12/9/2021. We received a complaint from Tommy Smith. The complainant stated that the campaigning obstruction took place during the November 30th, 2021 runoff election in Forest Park, Georgia. The allegation is about the sign, the 150 foot rule being violated. And that a sign of his had been
covered up by the Mayor, Angeline Butler.
MR. DUFFEY: First, any comments from the Board on this one?
(No response)
You know, I made a note that it looked to me that while maybe not a specific -- specifically egregious case that there probably was a basis to proceed with it. The question is how we should proceed with it? Because, you know, I think -- I think sometimes we don't give enough credit to the reporting people.

And we say, well, you brought that to our attention, but we need -- we always need corroborating evidence or that somehow the evidence of the complainant themselves is not sufficient. Where somebody complains and gives specific information about conduct, I think we ought to at least rather than saying, well, we don't have enough and we're going to dismiss it. I think the trend that I see here that we're taking is that we -- that we're -- there has to be better communication by us to them that there are -- that -- that there are concerns that we have as a result of what we see.

We're -- we're not going to refer to the AG's office, but we are going to bring to their attention that what they did was -- should not ever happen again. And if it does, then we will be cognizant if there was a previous
violation. So before $I$ make a motion, I'll wait to hear from anybody else who wants to speak.

MR. LINDSEY: Like I said, Mr. Chairman, I -- I believe that -- that this was the case that -- that our friend out there --

MR. DUFFEY: I just want to make sure. Yeah. All right. You may speak.

MR. SMITH: Thank you. On this election -- I had ??? She was with me for every bit of it. We went and put our signs up outside the 150 foot boundary on the night prior. And when we got there at 6:30 the next morning, Ms. Butler had completely covered my signs up and kept going past the 150 mark. We complained about it and the superintendent just come over and took the sign from one side of the street to the other side of the street.

I don't know where everybody went to school, but 150 feet is 150 feet. It doesn't change. And, of course, there was a confrontation. The police department was called and there was a report made. And this -- this continues to happen in Forest Park over and over and over. And nothing's ever done. And you're going to wind up with the same thing happening over and over if something's not done. I would like to call my witness Dr. Wanda. She was there every bit of the way.

DR. WANDA: Good morning, I'm still on morning time,

Chair. I don't know if protocol is going to allow this, but, of course, I was on this journey throughout. I started out in the beginning; however, my choice and what we stand for in the city of Forest Park was way beyond what we saw on this particular morning. As the Plaintiff said, we got out there early that day. Then we returned that following morning to see that Ms. Butler had placed all her material and her team in front of Mr. Smith's, I guess you would say campaign signs. So to get a track record of this, I called the PD for that city which is Forest Park to come out. And if you look in your report, you always -- also should see pictures of the behavior that took place from an incumbent at that present time. And what that sent was a bad message when it comes to election.

We're always dealing with poll distance, 150 as Mr. Smith said, 150 is just 150. But if you brought something to the attention of that superintendent elect instead of marking it correctly, they lifted up the sign and moved it completely. I have never seen anything like this in my life. And I'm here today to plead with you that at least send this message back to Clayton County, the city of Forest Park that this is just unacceptable. The burden of proof is there. The pictures should be in the file. We made sure that everything will prove what we're standing
here today.
We used the chain of command to call our local public service to come out, take a report. But when we get back to the city, I can promise you and I hate to promise something, we'll be back here 2023, I can guarantee. Some of you are here back to you all. I just want to enlight you just speedily what is going on and we are here every other year for something of another. Somewhere we have to stop this -- this is where the buck stops. Coming here to say that we feel that our election is not being ran correctly, fair.

As constituents we have that right. Yes, we do have our city attorney here. But at the end of the day we the tax payers and we're not always wrong because we pay your taxes to pay you. But we come out and be the victim at the end when we are the constituents that trying to regulate the right policy. The law is the law. And if you abide by the law this should never come up where another candidate should have an incumbent place signs in front of his or move it. So I yield back unless my colleague here has something to add. So thank you all so much.

MR. DUFFEY: Thank you. And you are who?
MR. WILLIAMS: Mr. Chairman, my name is Michael Williams. I'm the city attorney. I'm here representing
the city clerk in her capacity as the Election Superintendent. I'm certainly not here to speak to any of the, you know, election exuberance or any of the behavior that the campaign between each other. I'm here to speak to the facts that were investigated by your investigator. The -- the fundamental issue that's stated was whether or not a 150 foot rule was violated. Your investigator went out. Went to the site and determined that the allegation was untrue. It's as simple as that. And so we would just humbly urge you to follow the recommendation of your investigator who was on the site to investigate, who interviewed all the witnesses. And determined that the allegation at heart was untrue. MR. DUFFEY: Well, wasn't there -- didn't I hear that what happened was that somebody had moved the sign from one location to another location?

MR. WILLIAMS: That -- and that was determined to be untrue by the investigator.

MR. LINDSEY: Tab 24, case number 2021-183. MR. DUFFEY: You may be seated. MR. LINDSEY: If I may, Mr. Chairman? MR. DUFFEY: Yes. MR. LINDSEY: The -- the struggle that I'm having here is trying to figure out under the election law what was violated. And -- and, you know, I -- I've been
through five, six, actually six different elections myself. And -- and campaign signs are always a contentious issue on -- in terms of -- of what takes place. But I'm trying to figure out, you know, our -- our jurisdiction lies with, you know, making sure that the poll workers and the -- and the county election folks and the candidates themselves at times operate within the election law.

And I'm trying to figure out, you know, and I understand the frustration that you have. You know, you put up the signs the night before the election. And somebody else comes along, you know, and either takes them down or -- or -- or -- or puts their sign directly in front of yours. It's -- it's a frustrating situation. But I'm -- I'm not sure where -- I'm still struggling to see where underneath the election law which is our narrow jurisdiction. We don't have broad jurisdiction. As opposed to, for instance, somebody committing criminal trespass or someone doing one of those other things with your signs.

I'm -- I'm just trying to figure what would -- where underneath our narrow jurisdiction we have jurisdiction. That -- that -- that -- that's my struggle. Not -- not that I'm approving of anybody else's conduct and so I guess I need to know what specifically you feel the poll
manager or the election official in that did. That's my -- that's my narrow concern here that $I$ think that if you can understand where I'm coming from.

MR. SMITH: The election superintendent was also the city clerk which also is a conflict of interest because she works for the city. She's superintendent of city election. There's an ethics violation here I'm sure.

MR. MASHBURN: If I could interrupt -- if I could interrupt. I appreciate you being here, and I appreciate everybody. But I have very specific questions with very specific answers and that is did anybody from the complainant's side -- is anybody from the complainant's side saying that the -- that the sign creating the 150 foot buffer was not 150 feet? Was it 150 feet? Or was it not? Or do you know?

MR. SMITH: I don't know -- it was -- we went behind the 150 foot sign when we put my banners up the night before. We complained to the superintendent about the people going past the 150 foot mark campaigning. She come out there and moved the sign from one side of the street to the other side of the street.

MR. MASHBURN: But if you don't know where 150 feet is, you don't know whether the sign is inside 150 feet or outside 150 feet, correct?

MR. SMITH: That's correct. All she said was she had
a buffer. Well, I don't know where that buffer's at so 150 feet across the street or is across this street. Nobody seen it.

DR. WANDA: If I may? I think $I$ can shine a little more light.

MR. DUFFEY: Look -- look this is not an evidentiary hearing. I mean, we -- we send an investigator out to do this and to get the information based upon the complaint. We can't change the facts that the investigator found and made their recommendation by having an evidentiary hearing which is inconsistent or in addition to the information that was submitted to us to make a decision. And if there's no evidence that you -- that of what the 150 feet was, it may be the only place to put a sign was 150 feet from the polling place where the signs were actually put. It's not like they were taken away and thrown away. They were just put to a different location.

But what I -- I agree with -- with Mr. Mashburn which is -- what is -- what evidence is there that -- that the sign was moved for the purpose of making sure that you met your obligation to be outside the 150 feet. And absent you having gone out with a, you know, with a -- with a tape measure, to say we're clearly outside the 150 feet mark.

MR. SMITH: Well, she had a sign that said 150 foot
no campaigning. We stayed inside that -- outside of that. And then when we complained about the other candidates going past the 150 foot mark, she came out there and just moved it from one side of the street to the other side of the street and said she had a buffer. Well, I don't know if that's 150 feet over here, $I$ don't know where your buffer's at. She moved -- she specifically moved that no campaigning sign from one side of the street to the other side of the street. Just, no tape measure, no nothing and just said she had a buffer. I don't know where that buffer is.

MR. DUFFEY: And did she take down your signs or did she leave them?

MR. SMITH: Sir?
MR. DUFFEY: Did she take down your signs?
MR. SMITH: She did not take down my signs. She moved the no campaigning sign from one side of the street to the other side of the street. So 150 --

MR. DUFFEY: But how are you aggrieved by that? If your signs were where you wanted them?

MR. SMITH: My signs were there. But the mayor at that time was a candidate came that morning and completely put her tent over my signs completely covering them up. Impeded my campaign completely. There was no possible way you could see any of my stuff. They come out there --

MR. DUFFEY: But everybody was outside the 150 feet, correct?

MR. SMITH: -- and then she -- and then after that she started campaigning outside -- inside the 150 foot mark. That's when the superintendent come and moved it.

MR. DUFFEY: But the -- but the campaigning within the 150 feet mark I don't think is part of your complaint.

MR. SMITH: The complaint was -- the way she -- the ethics violation -- that she -- that she did by covering up -- impeding my campaign. The superintendent --

MR. DUFFEY: Well, first of all, look, the -- the rule is -- now that $I$ know this more clearly, you can't campaign within the 150 feet.

MR. SMITH: That's correct.
MR. DUFFEY: You put your signs outside 150 feet, right?

MR. SMITH: (Inaudible) that's correct.
MR. DUFFEY: Then she put her signs so that your signs couldn't be seen. But she was also outside the 150 feet?

MR. SMITH: That's correct.
MR. DUFFEY: Right. So everybody complied with the 150 foot rule. What you're complaining about is that she was mean spirited and hid your signs?

MR. SMITH: That's correct. And then when we --

MR. DUFFEY: So what's the -- tell me what's that in violation of? What does that violate? What rule or statute does that violate?

MR. SMITH: Well, I talked to one campaign person that's here in Fulton County said it was an ethics violation. But --

MR. DUFFEY: But we're not an ethics --
MR. SMITH: -- the superintendent moved --
MR. DUFFEY: We're not an ethics commission. We are the Board that has defined authorities.

MR. SMITH: I agree.
MR. DUFFEY: And what I hear you saying is, basically, you're concerned about her unethical behavior, right?

MR. SMITH: Well, that and the superintendent moving the 150 foot mark.

MR. DUFFEY: But that didn't impact you; did it? I mean, if that's our -- if that was a 150 feet even though it was in a different location, your signs that you wanted to be put up were put up in the place where you wanted them.

MR. SMITH: That's correct.
MR. DUFFEY: And, in fact, that once she put up a new marker, you could have put another set of signs over outside the new boundary. But you didn't do that; did
you?
MR. SMITH: I couldn't do that because the street -the street's impeding that.

MR. DUFFEY: You mean, because it was in the middle of the street?

MR. SMITH: What it is there is a vacant lot here and this -- the 150 foot mark was here (indicating) and she come out here and moved it across the street because the city board built them. So the street was impeding that 150 foot mark.

MR. DUFFEY: So did any -- did anybody have -- well, the fact that there's a street, I don't think if it's -if you -- if they put a marker even though there might be a street between the place where the marker is and where the polling place is. I don't think that that means that you can't designate 150 feet across a street. Did anybody put campaign signs at the -- at the new boundary marker?

MR. SMITH: No.
MR. DUFFEY: So we're back to your complaint which is that somebody who was not very nice hid your signs with their signs?

MR. SMITH: In a word, yes.
MR. DUFFEY: And that, in your mind, is an ethical violation?

MR. SMITH: At least that.

MR. DUFFEY: Well --
MR. SMITH: But I -- I don't --
MR. DUFFEY: I mean there's --
MR. SMITH: The thing about it is if you mark 150 feet off, it doesn't change. When you start complaining about somebody going past the 150 foot mark, and you just come out there and move that 150 foot mark, well, where's -- where's the 150 foot mark? Is it here (indicating) or is it here (indicating)?

MR. DUFFEY: It's a 150 feet around the whole polling place. That's --

MR. SMITH: That's correct. So she's telling me that it changed during the campaign.

MR. DUFFEY: But they didn't take down your signs, sir. I mean, your signs were still there. Your complaint is that somebody hid your signs with their signs, right? MR. SMITH: That and evidently, they don't know how to read a tape measure. Because my complaint is -- part of it is how does a 150 feet change? I mean, if you marked off 150 feet the night before and you complain that people are going past it and you come and move that 150 mark ten feet in, then it's not 150 feet anymore; it's 140.

MR. DUFFEY: Can you help me?
UNKNOWN SPEAKER: That's how -- that's how we feel --

MR. LINDSEY: But -- but -- but the problem -- the problem is, like I said, it gets back to -- we have very limited jurisdiction. And, like I said, if someone is messing with your signs, that's possible theft, possible trespass, that sort of thing. Although both of them are sitting on public property so I don't -- not even sure if that qualifies. And the fact of the matter is and this is someone a former elected official, I've seen situations where people put a sign up, their opponent puts two signs on both sides of him. And then that person goes back and puts two signs on the outside. It's a -- it's -- it's a frustrating game that takes place for people trying to -to win a serious office.

The -- the -- the problem comes in here where I just haven't seen we're within our narrow jurisdiction. I'm not necessarily -- I'm not saying what -- what was done to you was right. I'm simply saying what this Board, within our narrow jurisdiction, I just can't see where anything that we have power over we could do anything about it. I mean, I just want to make sure you understand that and it's frustrating to you. You're going to be frustrated with -- with that answer, but I'm afraid that that probably is the only answer that -- that we have right now.

MR. DUFFEY: Anybody else?
(No response)
MR. DUFFEY: Is there a motion on this?
MR. MASHBURN: I'll -- I'll make the motion that I appreciate the complainant's concerns, but the burden of proof as to where the 150 foot sign was placed has not been met by the complainant's side. And so without the first fact that we got to know in a 150 foot case is where is 150 feet? And the complainant said he didn't know whether the sign was marked at 150 feet or not. So if the complainant can't establish the 150 foot marker, then we have no basis to go forward on the 150 foot case. So I move that it be dismissed.

MR. DUFFEY: Is there a second?
MS. GHAZAL: Second.
MR. DUFFEY: Any discussion?
(No response)
MR. DUFFEY: All those in favor say aye?
THE BOARD MEMBERS: Aye.
MR. DUFFEY: Opposed, no?
(No response)
MR. DUFFEY: The case is dismissed. Does anybody else want to discuss any of these cases specifically? DR. JOHNSTON: Yes, I do.

MR. DUFFEY: What -- what Tab number, please.
DR. JOHNSTON: I think Tab number 3.

MR. DUFFEY: Okay. Tab number 8 which is --
DR. JOHNSTON: Three.
MR. LINDSEY: Three, Mr. Chairman.
MR. DUFFEY: Three.
DR. JOHNSTON: Three.
MR. DUFFEY: Which is case 2020-225.
DR. JOHNSTON: 225.
MR. DUFFEY: Okay.
MS. KOTH: On 11/5/2020 the Georgia Office of the Secretary of State Investigations Division received several complaints regarding public viewing, the receiving of absentee ballots, and public notification of the 2020 primary election audit of votes in Henry County. The complaints are as follows: 1) John P. Herring, complaint regarding public viewing, chain of custody for ballots, and after hour voting. 2) Peter Christian reported complaints of public viewing. So did Dylan Kalos, Karris Ripple. And then number 5) is Jennifer Campbell reported receiving four absentee ballots, 6) Bob Jessup reported not -- he was not notified regarding the Henry County November 2nd, 2020 general election audit.

MR. DUFFEY: All right. Dr. Johnston.
DR. JOHNSTON: So I -- so my question is were -- were the complainants contacted?

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    MR. DUFFEY: Ask the -- Ms. Koth.
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MS. KOTH: It doesn't specifically say, but I would -- I will double check on that. But he's very thorough. DR. JOHNSTON: And were the -- were the election workers contacted to respond regarding your -- their views on public viewing?

MS. KOTH: I'm sorry. What was that question?
DR. JOHNSTON: So were the -- was the election
department contacted to ask about its policy of public viewing?

MS. KOTH: The report doesn't specify that.
DR. JOHNSTON: And I -- and I was unclear how House Bill 267 applied to this complaint.

MR. DUFFEY: What is House Bill 267?
DR. JOHNSTON: House Bill 267 relates to applications for absentee ballots determination of eligibility for furnishing these applications to colleges and universities.

MR. DUFFEY: Anything else on this?
(No response)
MR. DUFFEY: Any other Board members have a comment about the complaint?

DR. JOHNSTON: I just question since there were -there were four complaints that -- that it may be an attempt to contact these complainants. I just -- I could not see where that had been addressed.

MS. GHAZAL: Judge, on reviewing this, $I$ do have one question. One of the complaints suggested that a voter, J. Campbell, received four ballots. Was that substantiated?

MS. KOTH: It says the ballots she received were all postmarked on December 20th, 2020. That she couldn't recall if she requested an absentee ballot.

MS. GHAZAL: That suggests to me that she did, in fact, receive four separate ballots?

MS. KOTH: Uh-huh.
MS. GHAZAL: So if -- if -- if that is the case, I move that we continue this case to look into that further to find out exactly how it happened. And to give the -the county an opportunity to respond.

MR. DUFFEY: Is there a second?
DR. JOHNSTON: Second.
MR. DUFFEY: Any discussion?
(No response)
MR. DUFFEY: It's been moved and seconded that we defer to February -- our February meeting, complaint 2020-225. Is there any further discussion?
(No response)
MR. DUFFEY: Not. All those in favor of the motion say aye?

THE BOARD MEMBERS: Aye.

MR. DUFFEY: Opposed, no?
(No response)
MR. DUFFEY: It carries. Next.
DR. JOHNSTON: All right. Case Number 288, Tab 4. MR. DUFFEY: Ms. Koth, can you summarize that for us? MS. KOTH: On December 30th, 2020, Greene County Election Supervisor, Kathlene Mayors, reported that voter, Taylor Williams, voted in person on December 28th, 2020 during early voting. Williams had been issued an absentee ballot by mail and canceled the ballot when voting in person. On December 29th, 2020 he voted absentee ballot -- the voted absentee ballot was received via mail. According to the canceled affidavit Williams indicated that they had never received the ballot.

DR. JOHNSON: So the question here is: What is a voter to do if the ballot is -- is sent and not received or accepted by late in voting -- early voting period? And the -- the wording of -- of educating poll workers that they need to specifically ask and note whether the ballot was received by the -- the ballot received by the voter or received by the election office and by whom.

These are -- these are rather confusing scenarios, and it highlights the vulnerability of the Friday to Tuesday before the elections. At the end of early voting till election day on Tuesday, the cross up of mail
delivery and issues of ballots placed in drop boxes and ballots not received. And the dilemma of whether a voter who doesn't have credit or has not seen credit for their vote, whether they risk a vote in person hoping that their -- their ballot will be canceled or a violation of law by double voting or taking -- taking the risk that they -their vote just won't count if the ballot is permanently lost in the mail.

So it's to me it's just that sort of mind the gap warning for voters as far as putting a ballot in the mail versus voting in person. And once it's in the mail, it's sort of a point of no return in many situations. I -- I recommend the case be dismissed. But I just wanted to highlight the -- the issue of -- of voting by mail, early voting, recording the votes and the dilemma if your -- if your vote -- if you don't think your vote has been received.

MR. DUFFEY: Is there a second to the motion to dismiss?

MR. LINDSEY: Second.
MR. DUFFEY: It's been moved and dismissed (sic) that case number 2020-288 be dismissed. Is there any further discussion?
(No response)
MR. DUFFEY: There being none, all those in favor of
dismissing this complaint say aye.
THE BOARD MEMBERS: Aye.
MR. DUFFEY: Opposed, no?
(No response)
MR. DUFFEY: The motion carries. Next.
DR. JOHNSTON: Case number 101.
MR. DUFFEY: What tab is that?
DR. JOHNSTON: Tab 5.
MS. KOTH: This is Morgan County poll issues.
DR. JOHNSTON: Morgan County poll issues.
MS. KOTH: The complaint alleges that there were issues regarding poll workers not following proper procedures in Precinct Six, Centennial Baptist Church. They provided three issues that they believed disenfranchised voters. The first one, the precinct poll manager prevented effective public observation when the poll manager resisted attempts from a NAACP representative who was attempting to obtain the numbers of voters at that precinct. They advised that they heard about other poll watchers getting similar treatment and noted that the poll manager had a negative attitude with voters.

Two, voters were not allowed to scan their ballots into the machine due to an issue with the voter access cards so they had to use emergency paper ballots. Due to this, if a voter who accidentally marked multiple
candidates on a singular race would not be alerted to the error and could not correct it. They also noted that at least one voter's vote did not count due to this. They advised that they observed the poll manager later opened the secure ballot box and scanned the paper ballots while on site.

Third, in the West Morgan precinct while the cards were not working, some voters voted on the BMDs, when the poll manager used her supervisor card and manually entered the ballot style. They advised that approximately 36 voters were then given the wrong ballot because of this.

DR. JOHNSTON: So -- so in -- in regards to the allegations about poll watchers, O.C.G.A. 21-2-408 says that poll watchers may be permitted behind the enclosed space for the purpose of observing the conduct of the election and counting and recording of votes. So I don't -- so the point is poll watchers go through training and should be instructed on proper procedure. But they are entitled to be within the enclosed space and look at the counts on the machines that include poll pad check in numbers and BMD total numbers and scanner numbers while not interfering with voters, the view of voter's ballots or seeing personal information, identifying information. I just wanted that to -- to be clear and maybe a letter of instruction to this election office would be in order.

The other question is: The duplicating -- allegation number three, the duplication of ballots. In the investigation, were -- was the duplication witnessed or was it bi-partisan vote review panel utilized for the duplication of these ballots?

MS. KOTH: I'm sorry. What was the question?
DR. JOHNSTON: In allegation number 3 about duplicating ballots.

MS. KOTH: It said that 22 to 25 voter ballots to be the wrong style so they could not be accepted to the ballot scanner. This error was discovered and at the direction of the Secretary of State's Office. The precinct converted those ballots to the correct style and were able to successfully scan them. The election supervisor provided the poll workers with the correct activation code which fixed the error.

DR. JOHNSTON: So --
MS. KOTH: They had the wrong activation code in the beginning.

DR. JOHNSTON: My question would be: Were the -- the poll workers that were duplicating the ballots, was that witnessed?

MS. GHAZAL: Judge, I just wanted to note this was the 2020 election, so this was conducted prior to the passage of -- of Senate Bill 202. In which case
duplication panels under the preexisting law were -- were merely at the -- conducted by the county itself. So there is -- there was no requirement at that point that it be conducted with external monitors. That has changed and that is necessary under current law. But under the law that was in place when this took place, there -- there would -- there was no requirement for party monitors for that activity.

DR. JOHNSTON: Thank you. I -- I would request a letter of instruction to Morgan County Election Department regarding the poll watcher activity and -- and citing 21-2-408.

MR. DUFFEY: Well, what's the evidence that they weren't allowed to do that? I mean, when somebody says that they weren't allowed to watch. What does -- watch what? And what -- so what do I tell them if I were to write such a letter since there's no factual basis -other than the fact that they objected to the viewing? And they thought that one person had a negative attitude?

MS. KOTH: The investigator spoke to the -- the elections director. And asked her about any issues between poll managers and the poll watchers. And she said that the one poll watcher had so many questions for poll workers that she began to interfere with the work they were performing. And that a Board member spoke with the
poll watcher to let her know that she was interfering with the election.

So for the findings of allegation 1, it said the poll workers not providing the poll watcher with voter numbers did not prevent the poll watcher from effectively observing the election.

MR. MASHBURN: And I -- I seem to read that this poll watcher that we -- well, this person we've been referring to as a poll watcher, was from an outside group and not a credentialed poll watcher. Am I -- am I right in that? I understood it to be a representative of a group. But not -- not a credentialed poll watcher.

MR. DUFFEY: That's what my understanding was.
MR. MASHBURN: And so -- they should -- that -- if they're not a credentialed poll watcher, they should not be within the enclosed space. And so I'm not even sure they're entitled to have those numbers to be able to look at. Although the number of people who have voted is something that I frequently get whether or not credentialed or not. And -- and it's an important public number but $I$ don't think if this wasn't a credentialed person that their -- that their rights were violated, as a -- as a non-credentialed third-party representative.

DR. JOHNSTON: That's a good point. Were these credentialed poll watchers?

MS. KOTH: No. They were --
UNKNOWN SPEAKER: Public.
MS. KOTH: -- they should have been like an observer. They use that term.

DR. JOHNSTON: So these were observers?
MS. KOTH: It should have said observer, sorry. DR. JOHNSTON: Never mind. Then I would move we dismiss this case.

MR. DUFFEY: Is there a second?
MR. MASHBURN: Second.
MR. DUFFEY: It's been moved and seconded that case number 2021-101 be dismissed. Is there any further discussion?
(No response)
MR. DUFFEY: There being none. All those in favor dismissing the case, please say aye?

THE BOARD MEMBERS: Aye.
MR. DUFFEY: Opposed, no?
(No response)
MR. DUFFEY: Motion carries. Next.
DR. JOHNSTON: Okay. Case 118, Tab 6.
MS. KOTH: This is multi-state voter registration. The complainant reported voters having registered to vote for years in Georgia and registered to vote in 2020 in New York but still voted in Georgia.

MR. DUFFEY: Comments?
DR. JOHNSTON: Comments. So there -- these are 22 cases of people that are registered to vote in two states. In particular, registered in Georgia and New York. And five of these cases indicate that the voter voted in New York and then subsequently voted in Georgia. Which is a -- seems to me a violation of Georgia law. Once you vote in another state, you're -- you're canceled, your residency is canceled in Georgia.

So out of these 22 cases, it seems to me that there's a violation of 21-2-217. And so I would like these to be investigated further. In order -- in order to register in New York, the applicant claims -- has one of the requisites for registering in New York is to claim -- not claim the right to vote elsewhere. So when a person is already registered in Georgia and then vote -- and registers to vote in New York, they're -- they're claiming that they don't have the right to vote anywhere else and it actually asks that on the New York voter registration form. But once a person votes in another state, their -their residency status in Georgia is canceled and they are no longer an eligible voter. But these five individuals voted after -- voted in Georgia by absentee after they had previously voted in New York.

MR. LINDSEY: I have a question, Mr. Chairman. In
reference to Dr. Johnston's point, did they -- did the -they -- they vote in New York but they registered in Georgia at once -- I'm guessing, at one point were voters in Georgia then went to New York, registered in New York. Voted in New York. Did their -- did they come back to Georgia and register in Georgia again? Or was it simply did they try to use -- utilize their old registration in Georgia? That's -- am I making my question clear?

MR. DUFFEY: Yeah. That's not clear. I'll --
MR. LINDSEY: I want to know whether or not that they -- they then came back to Georgia, moved back to Georgia and registered again in Georgia, or not? That's my question.

MR. DUFFEY: Well, my motion is that we with -- that we remove this from the -- from the agenda and consider it in February. Because it does need more investigation to summarize what this is. I'll just take one example, that Mr. Zeb (ph) registered to vote in Georgia in 2019 and last voted as absentee on November 3rd of 2020 but the month before that he registered to vote in New York. And the question that we've always had in these cases is: When does their residency change? It's not necessarily what you claim in New York. But it's unclear to me that somebody who registers in New York and then does an absentee ballot in November --

MR. LINDSEY: Yeah.
MR. DUFFEY: Have they really -- where are they a resident? And where are they allowed to vote because they registered now in two -- two states?

MR. LINDSEY: Yeah. Well, and -- and -- and my understanding of the law -- where's my attorney general? MR. DUFFEY: She's hiding over there, I think. MR. LINDSEY: My -- my understanding of the law is that once you register in another state, your registration in this state is supposed to be -- to be wiped out. Isn't that -- you can't be registered in two different states. MR. DUFFEY: Well, the question is -MR. LINDSEY: (Inaudible).

MR. DUFFEY: -- it needs more -- it needs more -MR. LINDSEY: Let me -- let me put it this way -MR. MASHBURN: If I could? I was a complainant in the case so I have particular knowledge of this. What the Board has traditionally done is if you are registered and voted in another state --

MR. LINDSEY: Yeah.
MR. MASHBURN: -- and then came to Georgia. And registered in Georgia, but you still had that lingering registration that you just didn't -- didn't cancel. The Board has not find a violation there.

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    MR. LINDSEY: Oh, I understand that.
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MR. MASHBURN: And -- and -- and deemed you a Georgia voter. Even though you -- you should not be registered in two places. To me these are different because they're a long time in Georgia and they're doing both -- they're doing both at the same time.

MR. LINDSEY: That's my point.
MR. MASHBURN: And so it's very different than the ones we've dismissed in the past.

MR. LINDSEY: No, no. I'm agreeing with you --
MR. MASHBURN: Yeah.
MR. LINDSEY: -- that's --
MR. MASHBURN: Correct.
MR. LINDSEY: For that reason, you know, I guess, maybe a little bit more investigation. I do agree that let's continue this and have a little more investigation because --

DR. JOHNSTON: Well, the fact of the matter is you cannot be a resident in two states.

MR. LINDSEY: Correct.
MR. MASHBURN: Correct.
MR. DUFFEY: That's correct.
DR. JOHNSTON: It's mutually exclusive.
MR. LINDSEY: Yeah.
DR. JOHNSTON: And when -- and when you sign a -- a voter registration application, you're attesting --

MR. LINDSEY: I agree.
DR. JOHNSTON: -- under oath that you're giving -you're giving truthful information.

MR. DUFFEY: Well, that's in New York.
MR. LINDSEY: Agreed. As a --
DR. JOHNSTON: And then -- then you're a resident of this state that you're applying to vote in.

MR. DUFFEY: But under the -- under the law -- under the statute, that's one indication of what your residence is. So the fact is that I'm not going to -- we can't conclude whether or not these are or not -- I think where they are residents, we need to defer it for more investigation.

MR. LINDSEY: Yeah.
MR. DUFFEY: And we'll have to identify the ones that are really suspect. It's not all -- not all of them are suspect. And ask the investigation to focus on those. So my motion is that to defer this until February.

MR. LINDSEY: For further investigation.
DR. JOHNSTON: Right. So, yeah. Some of these cases the -- the voter actually voted in November in one state and January in the other state. Which needs to be investigated.

MR. LINDSEY: Yeah.
MR. MASHBURN: Agreed.

MR. DUFFEY: Agreed. Is there a second?
MR. LINDSEY: Second.
MR. MASHBURN: Second.
MR. DUFFEY: It's been moved and seconded to defer case number 2021-118 to February. All those in favor say aye?

THE BOARD MEMBERS: Aye.
MR. DUFFEY: Opposed, no?
(No response)
MR. DUFFEY: It carries. Next. Any others?
DR. JOHNSTON: The next case Tab 7.
MS. KOTH: Houston County, excess voting. It's reported that Brooke Taylor Walsh under the name Brooke Taylor Cunningham voted in the states of Georgia and Florida, respectively. Ms. Walsh possesses both a Florida and Georgia driver's license and it appears as though she voted in the November presidential election under the name Brooke T. Cunningham in Florida. Ms. Walsh did vote in Houston County, Georgia for the January 7th runoff election but she did so under the name Brooke Walsh.

DR. JOHNSTON: Same person, two different names, I believe. And it's the same issue that she voted in Florida which should have disqualified her from residency in Georgia. And not be eligible to vote in Georgia.

MR. DUFFEY: Well, I don't think per se disqualifies
her. The concern I have here is that she voted in two states seems to be the real problem, to me.

DR. JOHNSTON: Right.
MR. LINDSEY: Well, it gets back to my question earlier which is, Mr. Chairman, you know, did -- after she voted in Florida in November, remember this was a nine --nine-week runoff in which the registration period was opened back up. Did she move back to Georgia after that? MR. DUFFEY: That's a good point.

MR. LINDSEY: And then register in Georgia or not. Because if she did, then that would have been perfectly valid. But $I$ can't see that from this record.

MR. DUFFEY: In -- in -- at the time of this election, could you register for just the runoff or not? MR. LINDSEY: Yeah. MR. DUFFEY: You could?

MR. LINDSEY: Yes. Because of the -- the -- the lengthy time period between the general and the -- the runoff.

MR. DUFFEY: So what's your solution to this one? MR. LINDSEY: I want to see -- I want to know -- I want to know did she come back and moved to -- back to Georgia and register in Georgia.

MR. DUFFEY: So you want to defer this --
MR. LINDSEY: Yeah.

MR. DUFFEY: -- to February?
MR. LINDSEY: I do.
MR. DUFFEY: Is there a second?
DR. JOHNSTON: Second.
MR. DUFFEY: That was a motion, I assume?
MR. LINDSEY: Yes, it is, Mr. Chairman, sorry.
MR. DUFFEY: All right. It's been moved and seconded that 2021-120 be deferred to February. Is there any further discussion?
(No response)
MR. DUFFEY: All those in favor of deferral say aye?
THE BOARD MEMBERS: Aye.
MR. DUFFEY: Opposed, no?
(No response)
MR. DUFFEY: It carries. How many more do you have Dr. Johnston? Because it's noon.

DR. JOHNSTON: I have one more.
MR. DUFFEY: Okay.
DR. JOHNSTON: Case 167, Tab 20.
MS. KOTH: Lumber City absentee ballot fraud. The complainant, Nicki Stegall (ph) reports Alice Strong and Barbara Quinn, filled out Pete Clark's ballot and they did not sign as assisting. Mr. Stegall further alleged Alice Strong and Barbara Quinn took ballots to the poll of voters that they were not related to. He's here if you
have any questions.
MR. DUFFEY: So what's the issue on this one, Dr. Johnston that you have?

DR. JOHNSTON: So I -- I have questions about the assisted voters and Ms. Strong and Ms. Quinn.

MR. DUFFEY: And what -- specifically what?
MR. ARCHIE: Okay. In reference to Ms. Strong and Ms. Quinn, there was a complaint that they were assisting voters with their mailout ballots. But during my investigation, they only assisted voters at the poll during advanced voting and/or on election day. There was none when they assisted anyone with a mailout ballot. Also, Mr. Stegall -- Peter Clark is his father. And he was under the impression that Barbara Quinn and/or Alice Strong assisted him with his mailout ballot at -- at his home. But that turned out not to be accurate. Mr. Clark actually went down to the precinct and voted in person. And Alice Strong did assist him because he does have a disability. And all the other -- they -- they signed assisting all the voters at the poll. I was able to verify that also.

DR. JOHNSTON: So they did sign?
MR. ARCHIE: Yes, ma'am.
DR. JOHNSTON: All the forms were signed?
MR. ARCHIE: All the ones I found, they did sign as
assisting.
DR. JOHNSTON: Okay. And that's my only question. I recommend we dismiss that case.

MR. LINDSEY: Second, Mr. Chairman.
MR. DUFFEY: It's been moved and seconded to dismiss complaint 2021-167. Is there any further discussion?
(No response)
MR. DUFFEY: There not being any. All those in favor say aye.

THE BOARD MEMBERS: Aye.
MR. DUFFEY: Opposed, no?
(No response)
MR. DUFFEY: The motion carries. Does anybody else have any others?

MR. LINDSEY: No, Mr. Chairman.
MR. DUFFEY: So there's no other proposed to be dismissed recommend for dismissal cases to discuss. Is there a motion to dismiss the cases which have not been dismissed previously?

MS. GHAZAL: Absolutely.
MR. DUFFEY: Second?
MR. LINDSEY: Second.
DR. JOHNSTON: Second.
MR. DUFFEY: All right. It's been moved and seconded to dismiss all the cases that are proposed and listed
under cases recommended to be dismissed. Other than those that have already dismissed --

MR. MASHBURN: Or otherwise handled.
MR. LINDSEY: Or otherwise handled.
MR. DUFFEY: What's that --
MR. MASHBURN: Some we -- some we sent back for continuances, and some were sent back for more information.

MR. DUFFEY: Or otherwise handled. So let me start again, there's a motion to move to dismiss all the cases under cases recommended to be dismissed, other than those that have already been dismissed and other than those from which we have deferred to -- to the February meeting. Any discussion on that revised motion?

MR. LINDSEY: Or taking other action. We had one in which we dismissed, but with instructions to you to send a letter.

MR. DUFFEY: I promise to send the letter. Any further discussion?
(No response)
MR. DUFFEY: No. All those in favor say aye?
THE BOARD MEMBERS: Aye.
MR. DUFFEY: All those opposed, no?
(No response)
MR. DUFFEY: The motion carries. All right. It is

12 o'clock. There's been a late request from an attorney from Sumter County, is it? You should always let me know this earlier if you have a conflict letter.

MS. HOOKS: Sorry, Your Honor. I thought it would go faster. We -- we can wait. Mr. Howard has a board meeting this afternoon at 4:30. I thought we would be okay. We can be fresh after lunch, if that would be better for you or...

MR. DUFFEY: And what's the Board meeting you have to attend?

MS. HOOKS: He asked the Board Chair, please not to schedule their regularly scheduled quarterly (inaudible) today because we knew (inaudible) your time and she did (inaudible) be here to appear before the board.

MR. HOWARD: I have a 4:30 meeting, Your Honor. (Inaudible).

MR. DUFFEY: Is there any objection to taking this out of order?
(No response)
MR. DUFFEY: All right. Then we will now consider case number 2020-03 involving poll watchers at Sumter County. It's a case that's recommended for referral to the Attorney General's Office. So let's first have a summary of the complaint. Can you do that Ms. Koth?

MS. KOTH: Uh-huh. This is 2020-003, Sumter County
poll watchers. The complaint is Mr. Howard reported that individuals acting as poll watchers entered a polling location and went into an enclosed space and inspected Sumter County voting equipment. Sumter County Election Supervisor, Randy Howard, reported that members of the Constitutional Party of Georgia gained access and took pictures of election equipment the day prior to the March 3rd, 2020 special runoff election.

The election equipment was located at the airport polling location. And an employee thought the group was with the Sumter County Election Office and gave them access to the equipment. The employee was identified as Holly Lott who said she thought that the females presented themselves as if they were there to check the equipment and at the time she thought they were there with the local elections office. Ms. Lott felt that the females misrepresented themselves in order to gain access to the equipment.

Ms. Lott accompanied the females to the room where the election equipment was located and observed one take what appeared to be a selfie. Ms. Lott said the females never touched the equipment and she -- and she reported the incident -- she reported the incident to Randy Howard. The room where the election equipment was locked and only Ms. Lott and her boss had keys. Ms. Lott did not ask the
females for identification.
The election equipment was immediately checked by IT personnel, and everything was okay and none of the seals had been broken. Mr. Howard misplaced the file and the poll watchers information and supporting documentation regarding the incident. Investigator Blanchard spoke to Angie Ellison of the Constitutional Party of Georgia who claimed that they had no record of any poll watchers being in Sumter County during the March 3rd, 2020 special runoff election. The Sumter County Election Supervisor, Randy Howard, was unable to locate the file containing the poll watchers information and supporting documentation pertaining to this complainant.

So the potential violations: Sumter County Board of Election registration. Randy Howard, Election Supervisor. There's evidence to suggest that Sumter County Board of Election and Registration and Randy Howard violated O.C.G.A. 21-2-500(a), delivery of voting materials, presentation to grand jury in certain cases, preservation and destruction, destruction of unused ballots when Randy Howard failed to properly store the file containing poll watcher information and supporting documentation pertaining to this complaint. Mr. Howard ended up losing the file and the poll watchers were unable to be identified.

Sumter County Board of Election and Registration, Randy Howard, Election Supervisor, Holly Lott. There's evidence to suggest Sumter County Board of Election and Registration, Randy Howard and Holly Lott violated SEB Rule 1831 12.04(6), when Holly Lott failed to properly check identification before allowing two unidentified females to gain access to secure election equipment.

MR. DUFFEY: Okay.
MS. HOOKS: (Inaudible)
MR. DUFFEY: What is your number? 48.
MS. HOOKS: Well, I'm Hayden Hooks. And I'm Sumter County attorney. And I appreciate you all accommodating us so we can get back to Americus this evening.

I won't -- we don't disagree with the facts, but I would just submit to you that we don't believe that the facts match up with -- with the rule or the statute that Ms. Lott and Mr. Howard are being cited for. And, I guess, I said I don't -- we don't disagree with the facts, but we do to the extent that Mr. Howard lost any records.

You'll note that this took place in March 2nd of 2020 and shortly thereafter we all know we entered into lockdown and I do not know and it's not in the report. Mr. Howard went back through his emails and can't confirm when the investigator did come down to see him. So I'm not sure the amount of time that passed between the
initial self-report that Mr. Howard made and when the investigator came. But I have here, and I know this isn't an evidentiary hearing, but we have emails from Mr. Howard to Mr. Harvey, who you all know was the former elections chief, indicating who these ladies are. He has a copy of their business cards that were transmitted to them. And he also, you know, confirmed with Mr. Harvey because he was confused. There was a little bit of a disagreement because these women said they were official poll watchers. And Mr. Howard had never received any -- you know, anyone registering on the local level. The email shows that they had sent the email to his predecessor who had resigned in 2018 and then they -- Mr. Harvey's office also confirmed -- I don't know if it was Mr. Harvey or someone else, but that these were not statewide poll watchers.

These individuals had not been credentialed by the state. And so to the extent Mr. Howard was supposed to maintain records of the official poll watchers, these individuals were -- were not official poll watchers. But also the statute that is cited is the statute that Ms. Ghazal, I believe is how you say it, referenced earlier talking about the duties of storing information and that's -- that statute focuses on just securing your returns. There's nothing in that statute that says anything about your poll watcher records.

And then for Ms. Lott, she's cited with the -- the failure to secure equipment statute. Ms. Lott is an employee at the airport which is run by an independent -it's an independent authority. She's not a county employee. She's not an employee of the Board of Elections. And so I would submit to you that based on my reading of that rule, she doesn't fall within, you know, we've talked -- I've heard you all talk about in some of these other matters about jurisdiction.

She's not someone that's subject to jurisdiction under that rule, I don't believe. And even still, the duty under that statute is that reasonable steps should be taken to secure the equipment. And I would submit that reasonable steps were taken. These machines were placed in a secure location. They were in the conference room at the airport. And, you know, only a few people had access to that room. But when individuals come and, you know, she had an official badge and misrepresent who they are, and -- and people who aren't, you know, who aren't trained because they're just the employees at the places that we're, you know, we're getting for free. Just because our budgets are so limited to use that their guard is not up as much as if, you know.

These people were actually caught later at another polling place trying to do the same thing by someone who
was an official poll worker who had been trained on the importance of security. But this is a third-party who just hadn't gone through the training, and I heard you all earlier today talking about the need to have elections take place at non-official facilities. Well, you know, you think of -- if we're going to start citing these employees of theses non-affiliated facilities who haven't been trained. It's going to make our lives harder to try and find those facilities.

If -- if the -- the word gets out, I mean, we have -Mr. Howard and I have really -- we thought we were going to -- when this first came up in August and Mr. Germany accommodated us -- our schedule and moved this to December for us. We thought we were going to lose the airport as a November polling place because the airport officials were so upset about Ms. Lott getting dragged into this.

And so I would just submit that, you know, there's some unintended consequences from this -- this incident that Mr. Howard self-reported. He was trying to do the right thing. He was reaching out to the Secretary of State's Office for assistance. I believe the woman involved in this complaint is well known to the Secretary of State's Office as kind of being a little bit of a troublemaker. And -- and now he, you know, he's being -we spent our morning driving up here to Atlanta.

And we just ask that you would consider maybe a letter of instruction or dismissal. Since the facts don't really add up to what has happened here. And if you all want to look at the emails, you will see he actively participated in trying to get this information to the Secretary of State's Office. And I'm not sure where the disconnect came from.

MR. DUFFEY: Let me respond to that. I would say that somebody who elects to hire a third party to keep secure information that's critical infrastructure for voting would have taken further steps to say, if we do this, let me tell you, you cannot let anybody in this building. And I'll give you personal instruction rather than trying to excuse the failure to do that by saying that because they weren't a county worker that they weren't personally instructed.

MS. HOOKS: And I don't -- I don't disagree with you. But I would -- and I didn't want to go through the play by play, but I think -- Ms. Lott has the flu, and I think if she were here, she would tell you that there -- procedure we have, you know, we're in a small county. We don't have the resources that some of these larger counties have but -- and we're certainly understaffed on deputies. We couldn't have a deputy secure each of our 11 -- we just don't have enough deputies on each shift to have that be
an option.
But you -- but say, you know, Mr. Howard had talked to her. She knew she wasn't supposed to. But the procedure it -- that the county has done for years is that the inmates at the correctional institute bring the machines, they get locked up and then the poll workers come in and unlock them and get them ready before election day. And so the poll workers it's, any county attorney, any county official will tell you, it's hard to find poll workers.

It's not like they work 52 weeks out of the year like most people do. It's only a certain number of days and so they change a lot. And so when someone comes in, you're doing your job, and someone comes in and says, hey, I'm a poll watcher and not a poll worker, I find myself using those words interchangeably in a call last week. And so, I mean, I hear you. And we did, it was just kind of -people -- they actually caught them the next day trying to sneak in behind, you know, to watch the elections after they've had been told not to. They were coming in -trying to come in the back door of the airport. And so we're focusing on the wrong people, I would argue. When there are people who are trying to cause, you know, trying to interfere with the elections. But Mr. Howard can answer your questions about the training, if you'd like.

MR. DUFFEY: Well, this is, you know, as I've said earlier, and I think you were here. Our function is to determine whether there's something that we ought to refer to the Attorney General's Office and I believe there is. I mean, when you say we're focusing on the wrong people, I'd say we're focusing on the right people, just maybe not all of them. So, I mean, I will hear from the other Board members. But, you know...

MS. GHAZAL: Well, I -- I had placed a note in here that the real, if you'll forgive the term, the real villains of this case are the unidentified --

MR. DUFFEY: Right.
MS. GHAZAL: -- individuals who misrepresented themselves. And if you are telling me that you actually have the identity of those individuals --

MS. HOOKS: Yeah.
MS. GHAZAL: -- would it be possible to somehow add that information to this record as it's referred to the Attorney General's Office. And -- and it could be that that would require, yet another deferment to allow these individuals, if they are named, to come and represent themselves before the Board before we take any action. But if we know who it was, if someone has the information of -- on who these individuals were who misrepresented themselves, obtained unauthorized access and photographed
equipment, $I$ think that is really material to the case. MR. DUFFEY: Right.

MS. GHAZAL: I'm open as to what the proper next step would be.

MS. HOOKS: And -- and I apologize that we came here. I -- I've been reaching out to the Secretary of State's Office and they kind of told me that with the new change in the law their hands are kind of bound on their ability once we get to this point to take it off the agenda and investigate it further. That I needed to come to you all and present these arguments.

MR. MASHBURN: Okay. Yeah. That's -- that's right.
MR. LINDSEY: That's right.
MR. MASHBURN: But do -- do you have the -- do you
have the IDs of the two females in question, or not?
MS. HOOKS: I do. I have --
MR. MASHBURN: Okay.
MS. HOOKS: -- names.
MR. MASHBURN: You -- you don't need to come up.
That's okay. I believe you.
MS. HOOKS: (Inaudible).
MR. MASHBURN: I believe you.
MS. HOOKS: Yeah.
MR. MASHBURN: I want to check the Board's
temperature on this. But $I$ would like for your local DA
to consider whether to file charges against those two if they truly misrepresented themselves to get into secured locations. So I would like to invite your local DA to have a look at this. And whether we got to do that, or they'll do it on their own. Just see what the Board thinks about that.

MR. LINDSEY: Do we also, Mr. Chairman, have the authority -- doesn't the GBI have direct jurisdiction now --

MR. DUFFEY: They do.
MR. LINDSEY: -- sort of things?
MR. DUFFEY: Well, here's -- it's -- here's what I think we should do. We can ask -- I think we should vote on whether or not this gets referred to -- to the Attorney General's Office. Ask the Attorney General's Office to withhold on processing the case. We'll get those names. I think it's incumbent upon us to provide some investigation ourselves --

MR. LINDSEY: Yes.
MR. DUFFEY: -- of -- of these people before we refer to --

MR. LINDSEY: Okay.
MR. DUFFEY: -- an investigative agency, including a DA who's going to say, well, I don't have anything here. Therefore, I'm not going to pursue it. Whereas we give
them the information and allow them to make an assessment. And determine whether or not you're going to go ahead and -- and allocate the prosecutorial that sort of resources. It's more likely something will be done.

MR. LINDSEY: Okay.
MS. HOOKS: Mr. Howard --
MR. HOWARD: Your Honor, may I say something?
MR. DUFFEY: Yes.
MR. HOWARD: First of all, I want to thank you and the Board for allowing us to come here today and speak to you for a second. Can you all hear me okay?

MR. DUFFEY: Yeah.
MR. HOWARD: Hi, my name is Randy Howard. I'm Supervisor Sumter County Elections. On the date in question, we had a runoff March the 3rd and -- with Senator Carnes' office. I had five precincts to set up. We were setting those up. What we used is our work details, or inmates that is, state inmates out of (unintelligible) County correctional institute. And we was -- I pulled up in Andersonville and I realized my correction officer was having an issue with some folks.

And I confronted them, and they were throwing papers up, and they had a right to do this, and they had a right to do that. And they was intimidating the officers and the inmates sitting all around. And I said you're not
going into the precinct while they are setting up. You're not going to be around the inmates. And once we get things set up, you come in. If you have the proper credentials and we may, you know, I'll work with you, but otherwise you're not going in there till the inmates get everything set up.

And because the issue was there -- they was hollering and fussing at -- at the yard so I thought the best thing is they need to go on home. But at that time too is that's when Larry Chitwood who's the one I wrote, our supervisors was going behind and check to make sure everything is set up and come back and told me some ladies that had been at the airport and conned themselves into (inaudible). So I got to talking and I realized who they was. It was Marilyn Marks who's a Constitution party who actually had me in court at the time and was suing me. And Judge (unintelligible) Smith well, we meet the first part and the judge was considering dismissing the second part.

So I knew that I had a conflict and I could not get involved. So I called Chris Harvey who was the election official at the time, he told me call me anytime. I had his cell number. I said, I got a problem down here. And he told me -- and I explained to him what I had, and he knew about the situation with the election because they
were involved with us too. So he said I'll have an investigator come down there and work on it.

We know who the ladies are. One, Marilyn, and they have a group and they split up when they come into the counties. They hit Dooley County, Crisp all these other counties. Just -- just walk in and try to intimidate people and get into it. It's our procedure -- if you're a poll watcher, most people locally say, hey, Randy, I'm -I send them the information. And if you're going to be a poll watcher, I get them ID, I go out (unintelligible) I go write a letter. (Unintelligible) state poll watchers.

I don't think I had about two since I've been here since 2019. Come in -- we -- I meet them out there. The poll managers won't let them in. I check their credentials. If they are, I introduce them. We show them around the place. I answer any questions they want. You know, I -- I try to be very open. We -- it's our policy to have an honest election. Also to have -- be very transparent and not hide everything.

It's -- my background -- I was law enforcement 31 years. Sheriff 24 , also a county commissioner and also worked with homeland security for a while and I just don't want my name tarnished. And $I$ know it's wrong, but I do not have a case file -- I didn't investigate till Chris said, he would have an investigator come down there. I
provided him names.
Also, that same day, the county commissioners, James Gaston, Chairman, as well as Carson Walker and, I believe, it was Phil Deese talked to those ladies at the courthouse who came in. And it was Marilyn and the other -- it was one lady -- there was a lady (unintelligible). So I said -- there's a group of them. And there is another group of them too who comes travel around.

So what happened is we did not -- I did not turn away any poll worker. If they're a poll worker, If they're honest, you know, to work with them. And later on I did get the information from Chris when I got back. See I'm one person. I'm the only full time person that is there. At least at that time I had a part-time, but she was in the office. I use hourly people -- the whole county works together on our elections for security and setting up.

But at the airport, this young lady here, she's worked with us. She's always been honest, you know, she has to keep the key because of, you know, of fire or whatever it is. And also my poll workers come in we put all our materials at the doors and the walls the day before. So people going in and out, but they are elected officials. Here this young lady got conned with Marilyn. She's a sweet talker. She is well-dressed, clean and she knows all about elections. And she'll run a scam and a
con like she did with my commissioners. But prior to the lawsuit.

But anyway, so we went there. But I don't understand what he's talking about ballots. All my ballots, even if the -- if there's any leftover, they're blank. If they're -- if they're emergency ballots, everything we have goes back into the boxes. And they are heavy boxes. They got seals on them. They've got stuff on the front, well-documented and they are locked down and they stay there until the statute of limitations. We have -- I have not shredded the first ballot since I've been there. We know the statute of limitations is two and a half years or two years, but we have not shredded because we haven't had the time with so many elections we've had.

So it's been a very (unintelligible). You know, 2020 March I was, you know, not only doing the runoff but also getting ready for the next election. Plus, I was closing down one Chambliss precinct because we didn't have enough room and setting up a new place to take early voting. So it was very busy -- not counting -- next thing I know COVID pops in on us too. It's been a very hectic year. Plus, the presidential election and the cancellation of PPP. So, oh, yeah.

But I'll tell you -- I'll be honest with you, I don't know of anything that $I$ have destroyed and have been above
board. I didn't -- I didn't go out and do a case file because I didn't know I needed to do a full scale investigation. If I did, I would have called the sheriff's office. Who would probably refer me to the Secretary of State. But also at the same time I would have -- I thought you'll come in just be investigating them instead of investigating me. Like I said, (unintelligible). And I don't know of any documents that I would have destroyed.

And I don't know of any, you know -- I should go before the grand jury. I'll be happy to go before the grand jury to tell the facts. I think they'll be enlightened. Because $I$ got a lot of witnesses that will be present, you know, if $I$ have to to testify what did happen that day from the Boards as well as the workers and everything else.

So I just -- I just don't know where this investigation -- how it got turned around that I'm the the perpetrator of the crime where the person that created the issue from the beginning is walking around fancy free. So I'm just not sure and I just don't -- I'm open for any questions and I'm open for any investigation because I don't have anything to hide. I just don't -- I just don't know how $I^{\prime} m$ in this whirlwind with all this stuff.

I do appreciate you all for allowing us to speak.

Like I said, I got to get back to the board meeting as well, risk limitation and get ready to set up for tomorrow. And I thank you for your time and also to letting us go ahead of time before your break. Thank you very much.

MR. DUFFEY: Thank you. Well, first you -- one of the problems $I$ guess with citing a full statute is that the word grand jury is in there, nobody is asking you to appear before a grand jury. It's limited to the two things that are set out in the -- in the investigative summary. Any other Board members have input on this based upon the matters that are alleged?

MR. MASHBURN: I just want to reemphasize what Judge Duffey said previously and then come in and add to Sara's discussion earlier and so the problem that I'm having just to be very plain with y'all. The problem I'm having is you had this room that's supposed to be under lock and key. But you have to share it with the people whose room it is and so they have to have a lock and key.

But the problem there is that, in essence, makes them a deputy registrar because they're now in charge of election stuff. And so you can't -- you can't say, well, it wasn't our fault because -- because somebody who we don't control did something. When it's you all's control that's supposed to be the control. And so, you know, my
argument that she didn't do anything wrong because we have no jurisdiction over her, that points the target back at you. So that's why the investigation is looking at y'all because it's y'all's equipment and it's y'all's duty -MS. HOOKS: And I don't disagree that there was -was a failure. I mean, obviously, somebody got in that shouldn't have. But I guess I just also -- I'm pleading with you about the practical realities of this. MR. MASHBURN: Right.

MS. HOOKS: In a small town with limiting, I mean, we've got a lot of churches that aren't even handicap accessible. I've been practiced in Atlanta for five years and my precinct was a cathedral, St. Phillip. We don't have anything like that and -- and I would just -- I hear you but just think about the practical realities of it that's all.

MR. MASHBURN: Another thing I would like to add as for the counties that are listening to this, when $I$ started doing this 30 years ago, I would be the only person those people had ever seen. You mean -- you come to watch our election, yeah. We do this all by ourselves. You know, nobody's ever come down here before.

But we live in a different world now. And so you've got to be more careful and you can't take people at their word any longer. And it's sad that that's the case but
that's the case. So everybody needs to double down on their precautions because you -- you do have people and -and you do have people that'll post selfies and say, look at what I just did in this county. They don't have the proper protections. And so, you know, there -- there are people out there looking to embarrass you. And that's a sad fact but there we are.

MR. LINDSEY: Mr. Chairman, I'm -- I'm struggling with whether we'd be better off and I'm this -- and this is a question. We would be better off with a letter of instruction to the county on -- on what should be the proper procedures on handling this. And move on to the -for one of the better term, the bad guys who, basically, conned their way in and did something they shouldn't do. And whether or not there should be a further investigation there.

I'm just trying -- I -- I -- I do want to see and it to be clearly on the record that this can't happen again. And that, you know, this -- these are the procedures and the responsibilities of the county to ensure that it doesn't happen again. You know, regardless and perhaps good intentions that may have been involved. Whether or not that -- that can be -- that issue can be disposed of and then we can move on to the issues of those people who wrongfully were able to get their way into the system.

I'm -- I'm -- I'm asking.
MR. HOWARD: Your Honor, there is one thing I would like to say instead of Ms. Holly, you know, I am the supervisor of that and the buck stops with me and I'll -I'll accept all responsibility. Anything go wrong at the airport, that's my fault. That's not Ms. Holly's. And she should not be -- go through this. She's been very upset, the airport authority has been very upset.

That's the only precinct in that whole area and they've been wanting us out now. So I don't know where I'm going to move to. But if I do go -- unless I can persuade him to do something different. The people (unintelligible) been there for like 20 years (unintelligible) airport and this has created a serious issue for me right now trying to find another precinct if I have to move. At least $I$ got this year to do it.

And we have almost 3,000 voters go through there, you know, that whole place, they make coffee for the poll workers. The voters come in, they laugh, talk, get a cup of coffee. It's just a friendly precinct. People loved it. And now this happened and just messing the whole thing up for us. And we -- and I am responsible for what happened. So I don't think -- I think she should be removed because it's my responsibility for it -- her actions.

MR. MASHBURN: So if you -- you think if we send Ms. Lott a letter --

MS. HOOKS: They'll move the precinct.
MR. MASHBURN: -- of instruction and say don't do this again and $I$ think she's got it. But she's not -- she is or isn't doing it anymore. I don't know.

MR. HOWARD: I don't think she'll let anybody in there anymore after --

MR. MASHBURN: So she's got it.
MR. HOWARD: What she went through I ain't too sure she --

MR. MASHBURN: So you think -- you think an equitable resolution to this would be send her a letter say, don't do this again, letter of instruction, but hold the Board accountable that -- that somebody got into that room, right?

MR. HOWARD: I have no objection to that.
MR. DUFFEY: That's what we should do.
MS. HOOKS: I mean, obviously, you'd rather not have a consent order, but I've worked with the Attorney General's Office on some of these. So we -- we can work that out and find a favorable penalty, I'm sure.

MR. DUFFEY: Well, you know, that -- what has happened in just the past few months is the extreme danger of allowing people not allowed access to -- to the
machines. And -- and the havoc that's caused to the voting system and the people's trust in the voting system. So I think at some point, whether you're a big county or a small county, we have -- we have to make -- continue to make a point to people that the dangers out there that can, as Mr. Mashburn has said, are greater than they've ever been.

And in order to be consistent and everything that has been said here is more $I$ think in mitigation then it is excuse. And the idea of holding Ms. Lott by sending her a letter, which I guess I have to draft that one too, that gets her, I mean, I think that she's entitled to some peace from all this. But $I$ do think that the institution of the election process in Sumter County is the Board, and we need to refer that to the Attorney General's Office. But I will ask them because we -- because they're disposition might be informed by whatever investigation is conducted of the individuals.

Now, Ms. McGowan, really loves to move forward on things that we refer to her. So she's -- she might be a little offended but I'm not asking her not to work on this yet. But you'll accommodate me, won't you? Okay. So let me make the motion that we -- that we refer -- that we -that with respect to Ms. Lott, that we move to dismiss the allegations against her but send her a letter of
instruction.
MR. MASHBURN: Yeah. Sorry, sorry. I spoke too quick.

MR. DUFFEY: Okay.
MR. MASHBURN: You know, we can't send a letter of instruction if we dismissed -- we've dismissed it. We have to send a letter of instruction in accordance with it. So I don't think we can dismiss it and still give her a letter of instruction. I might be wrong.

MS. MCGOWAN: That's correct.
MR. LINDSEY: That's correct.
MS. MCGOWAN: (Inaudible).
MR. DUFFEY: So we just find a violation and the remedy is a letter of instruction?

MR. LINDSEY: Yeah.
MR. DUFFEY: So I'll move that we find the violation, but that we not refer to the Attorney General's Office and instead send a letter of instruction to Ms. Lott, which I will tell her that that she is not going to be held personally accountable, nor is the airport going to be held personally accountable for any conduct that's been alleged. And then I also -- and part of the motion, then would be to refer it to the Attorney General's Office the allegations against the county.

MR. LINDSEY: Second.

MR. DUFFEY: Any discussion?
(No response)
MR. DUFFEY: All those in favor of the motion, please say aye.

THE BOARD MEMBERS: Aye.
MR. DUFFEY: Opposed, no?
(No response)
MR. DUFFEY: Motion carries. All right. Do we have -- so we've taken that out of order. Now, DeKalb wants to take theirs out of order. But before we do that, does anybody want to pull any of the cases for violations not recommended for referral to the Attorney General's Office?

MR. LINDSEY: No, Mr. Chairman.
MR. DUFFEY: Because if that's the case, if there's anybody here they've been waiting in line and it wouldn't take very long for us to resolve those. So we'll move on to the cases not recommended for referral to the Attorney's General Office. Which is case 220-123, 220-114, and 221-180. Does anybody want to pull for discussion any of those three cases?
(No response)
MR. DUFFEY: Is there a motion then to move --
MR. MASHBURN: I move to accept the recommendation.
MR. DUFFEY: Is there any objection?
MS. GHAZAL: Second.

MR. DUFFEY: Second. Second. Any further discussion on the motion?
(No response)
MR. DUFFEY: It's been moved and seconded that we follow the recommendation to the Board regarding case number 2020-123, 2021-114 and 2021-180. All those in favor say aye.

THE BOARD MEMBERS: Aye.
MR. DUFFEY: Opposed, no?
(No response)
MR. DUFFEY: Motion carries. Now, we'll go to the final case which is case number 2020-029, DeKalb County, election day issues. Tab 33. And can you summarize that for us, please, Ms. Koth.

MS. KOTH: On 6/9/2020 Office of the Secretary of State Investigations Division received approximately 55 complaints regarding the management of the 2020 primary election in DeKalb County. The complaints are as follows: 1) One voting precinct was not handicapped accessible. 2) Five polling precincts had poll workers who appeared to be untrained and disorganized. 3) Two precincts experienced equipment failures, printers/scanners. 4) One precinct had a pest issue. 5) One precinct received its voting equipment after the precinct opened. 6) Seven precincts did not open on time. 7) Three precincts did not have
enough ballot marking devices. 8) Two precinct locations were changed without notifying voters. 9) One precinct had staff who interfered with the voting process. 10) Thirteen precincts experienced technical issues with the ballot marking devices.

Due to the limited responses from the poll managers and the refusal of former DeKalb County Election Supervisor, Erica Hamilton, to provide the necessary records to complete the investigation. The investigator was unable to substantiate or disprove allegations 2, 3, 5, 6, 8, 9 and 10. There was no violation of election code for allegations 1, 4 and 7.

The potential violations were for Erica Hamilton, former DeKalb County Election Supervisor. There's evidence to suggest that Erica Hamilton is in violation of O.C.G.A. 21-2-562(b), neglect or refusal to deliver documents when she failed to respond to the Georgia Office of the Secretary of State Investigations Division requests for records.

MR. DUFFEY: All right. Is the county attorney here?
MS. VANDERELS: Yes. Good afternoon. My name is Irene Vanderels. I'm here with Tristen Wade from DeKalb County Law Department. I'm here representing Erica Hamilton in her capacity as former Director of Elections and DeKalb County, as well as the DeKalb County Board of

Registration and Elections.
As a preliminary matter, I'd just like to note that $I$ -- I have requested a list of any documents that the investigators believe have been requested or are still outstanding because we would like to work with current staff to make sure that to the extent that we have that, those documents or information that they are provided. So I emailed Mr. Germany about that last week. And we'll certainly do everything we can to make sure that what is needed is provided.

And just for some context because this case came in after Ms. Hamilton left the county. We did run a search of emails between Ms. Hamilton and the identified investigator, and it does appear from those emails that at least some documents were produced in response to his requests. Ms. Hamilton and another staff member made themselves available for interview and were interviewed by the investigator. And that is consistent with

Ms. Hamilton's recollection as I understand it. So there's -- there's not any intent from our perspective to avoid providing information or documents.

And, again, we certainly on behalf of the Board and current staff want to try to provide what has been requested. And finally, I'd just like to note that the cited statute 21-2-562 refers to a specific category of
documents that may give rise to a violation. And because we don't have a specific body of documents identified in the -- the hearing notice or case report -- I don't know that there is a basis for a violation of the statute. And so until we have that list, we'd ask that the -the case be dismissed. But, again, do want to provide whatever documents and information may still be outstanding. And Ms. Hamilton is here with us today. I appreciate the Board accommodating hearing us before lunch. She is a current election official in Cobb County. And is preparing for the audit to begin tomorrow. MR. DUFFEY: Well, Ms. Koth, let me ask you this. You know, if you look at the ones where the investigator found that there was no evidence, we have uniformly held people accountable for that sort of violation. For example, the violation that precincts were not opened on time, are you saying that we couldn't find any evidence the precincts weren't opened on time? Then there's a violation claim that -- that one precinct received its voting equipment after the precinct opened. Is -- why don't we have information about when it was delivered and whether or not there's a violation of the not having the voting equipment there on time? And -- I mean, there's -there's an interview of Ms. Hamilton who was interviewed on I guess on the 2 nd of December -- I'm sorry, February

4 th of 2021 where she said she stated she was aware that some poll pads reverted back to advance voting data but there's nothing here about equipment not being delivered on time. I mean, these seem like such simple things to determine whether or not they were or were not true.

MS. KOTH: Which number was that?
MR. DUFFEY: That's allegation 5. Then there was an allegation that there were equipment failures.

MR. MASHBURN: Allegation 6.
MS. KOTH: For 5, he said that Patricia Young was a poll manager at Stone View Elementary School. He recorded the interview. She stated that the BMDs were delivered to the precinct prior to the election but the poll pads were programmed for early voting. She discovered the poll pads were inoperable during the setup process at 6:00 a.m. She immediately contacted the election office to request new equipment. She received the new equipment at approximately 9:00 a.m. All voters were offered provisional ballots until 9:00 a.m.

MR. DUFFEY: Did they change precinct locations without notifying voters?

MS. KOTH: That was -- that was for Brookhaven Christian Church and Briar Lake Elementary School were changed without notification. The poll manager at Briar Lake Elementary School was unresponsive to his telephone
and email requests for an interview. John Russell was the poll manager at Brookhaven Christian Church. He confirmed he had several voters appear at his precinct who had voted there for years, but they were not on his list of electors. Therefore, the precincts were, indeed, changed. He (inaudible) --

MR. DUFFEY: So -- so is the way that we get out of allegations is by having people in the county not cooperate with our investigations? And there's nobody else that could answer those questions? This person wouldn't cooperate, so we don't go any further?

MS. KOTH: He said on 2/4/21 he conducted the interview with Erica Hamilton an elections coordinator, Latasha Howard. In response to the allegation of lack of notice of precinct changes, they stated poll managers were notified of dual precincts during their training sessions. As the precinct list changed due to emergency COVID-19 related closures. This information was disseminated to poll managers via email. Voters received letters of precinct changes and there was a press release published on the county website of precinct changes, as well. In addition, signs were posted at the precincts that were changed up to a week prior to the election. Ms. Hamilton agreed to provide documentation of precinct change notifications.

MR. DUFFEY: Anybody else?
MR. LINDSEY: Just for the record, Mr. Chairman, my firm, and I do work for DeKalb County for that reason I need to recuse myself for any consideration on this matter.

MR. DUFFEY: Okay. Thank you.
MS. GHAZAL: It appears to me that we have a bit of a mixed bag here that in some of these cases, the allegations are simply not supported by the facts. In particular, the allegation of precinct changes, it appears that the -- both voters received notice. Whether they open the letters or postcards is -- is another question. Whether the postcards that we send out are, in fact, adequate notices. That's a policy issue.

So I think in some of these cases, like we've seen before, there will be a large number of allegations and not all of them are supported. But I think there's either sufficient question with many of them or it appears that there is sufficient factual basis to suggest that many of these allegations are widely true but it's sorting the wheat from the chaff here that we need to do. Such as late -- this is -- this is the same -- same -- the same election in which we had lots and lots of counties with late openings, equipment not delivered on time because the counties just weren't prepared. So that means that what
we see here is some more of what we saw in Chatham County. Which needs more development, I think, in some cases.

MR. MASHBURN: Yeah. Late openings are almost always be associated with a lawsuit and a judge's order. So that's one that to me should be capable of determining whether it happened or not because there's almost, I mean, I -- I can't imagine late openings that aren't some --

MR. DUFFEY: Sanctioned.
MR. MASHBURN: Yeah. Yeah.
MS. VANDERELS: I -- we did have a late openings and did obtain court order extending hours for the June primary. I can confirm that. And we're certainly glad to provide documentation to that effect. And, again, answer any questions or provide documents to the extent that we have them that may still be outstanding.

But Ms. Hamilton's no longer with the county so she, in her, you know, individual capacity is not able to provide that information and documentation. So if the Board feels that a continuance is appropriate, I can certainly -- glad to work with the investigators or the Secretary of State's counsel to flush out what they believe may still be outstanding. Which is what I understand the -- the -- the violation is here that we're hearing today.

MR. MASHBURN: Well, if I may? The thing -- the
thing that seems to be the issue with me and just kind of being the -- trying to play institutional memory here. Traditionally, when -- when an election director has an allegation against them and they leave and go do something else not related with elections, the Board is hesitant to pursue people to the ends of the earth and just -- and had them and just hound them. So the Board has traditionally just let that go and said, okay. They're gone, you know, then they knew -- they knew people were going to help.

But Ms. Hamilton is involved and still involved in elections over in Cobb County. So what since

Ms. Hamilton's here, I would like to hear her commitment to helping the investigators and helping the process as one who's still involved in elections. I think she can, you know, give the Board some comfort as her commitment to the -- to the process -- if she's comfortable or willing to do that.

MS. HAMILTON: Sure I can't go back to DeKalb County to get any information.

MR. MASHBURN: Right.
MS. HAMILTON: But as far as anything that comes up in Cobb County which I have to respond to, I am more than willing to provide that information.

MR. MASHBURN: Right. And so with regard to -- to things that you remember as a witness. Not whether you
have documents or not. But, hey, yeah, I remember about that pest thing or $I$ don't remember about that pest thing. You're willing and committed to talking to the investigators and getting them what they need, right? MS. HAMILTON: Correct. Yes. MR. DUFFEY: So is there a motion? MR. MASHBURN: I volunteer to make a motion. I move to continue this and let Ms. Hamilton and the investigators work together with DeKalb County and see what everybody can do and get a report on it in February. MR. DUFFEY: Is there a second?

DR. JOHNSTON: Second.
MR. DUFFEY: It's been moved and seconded to defer this complaint until our February meeting. Is there any further discussion?
(No response)
MR. DUFFEY: All right. All those in favor of the motion say aye.

THE BOARD MEMBERS: Aye.
MR. DUFFEY: Opposed, no?
(No response)
MR. DUFFEY: It passes. And Mr. Lindsey did not vote. And so that concludes all of the cases unless I've missed any. Have I missed any? MR. MASHBURN: You've done well.

MR. DUFFEY: Then we will adjourn for 45 minutes in which we will go into executive session.

MR. LINDSEY: And, Mr. Chairman, I think -- I think it needs -- I need to make a formal motion to go into executive session, if I may.

MR. DUFFEY: Yes.
MR. LINDSEY: I -- I move that we go into executive session to handle personnel matters.

MR. DUFFEY: Is there a second?
MR. MASHBURN: Second.
MR. DUFFEY: It's been moved and seconded to go into executive session. All those in favor of the motion say aye.

THE BOARD MEMBERS: Aye.
MR. DUFFEY: Opposed, no?
(No response)
MR. DUFFEY: Then we are in executive session. And we'll see everybody back here at quarter -- about quarter to two.
(Whereupon, a recess was taken at 1:04-1:54 p.m.)
MR. DUFFEY: All right. Do we have a motion to return from executive session?

MR. LINDSEY: I shall move, Mr. Chairman.
MR. DUFFEY: Is there a second?
DR. JOHNSTON: Second.

MR. DUFFEY: It has been moved and seconded that we retire from executive session. So we are now back into the meeting of the Board. And the next item of business are, you know, is those cases that are -- that are subject to the report of the Attorney General, Charlene McGowan. If you'd like to...

MS. MCGOWAN: Thank you, Mr. Chairman. From the Attorney General's report, I'm presenting a number of consent orders that the -- that our office negotiated with the respondents in the cases that are listed on the agenda. It includes one consent order with Clayton County that resolves two cases. SEB 2016-023 and 2016-114.

I also have four final orders to present to the Board. Three of them are orders dismissing the case. Two of the cases the respondents that are named are deceased. So we're recommending that those cases be dismissed. As well as SEB 2020-008 involving the city of Milan in Telfair County. Our office has concluded that no violation occurred in that case, and we're recommending that the Board dismiss the case. One of them is a reprimand and a cease and desist order.

So if the Board has any questions about any individual case, I'm happy to entertain your questions. Otherwise, we recommend that the Board approve the consent orders and final orders submitted by the Attorney

General's Office.
MR. DUFFEY: I just have a question looking at these as a coherent whole that we're looking at your recommended remedies. It looks like you have listened carefully to people who self-reported their violations and that that impacted what you're recommending that we do, and we had talked about doing that. Is that something that you're still looking at?

MS. MCGOWN: Yes, particularly cases involving county elections officials where they self-report we certainly take that into account and appreciate counties taking that action.

MR. DUFFEY: Good. Does anybody on the Board have any questions about the -- the cases in the proposed disposition by the Attorney General that are listed on the agenda?

DR. JOHNSTON: So I in the case of 030 where the Gwinnett County self-reported and I appreciate -- I really appreciate self-reporting and that adds an opportunity for improvement. However, there were multiple problems in that case where 15 of 27 poll precincts did not open on time. So given the -- that these multiple allegations were self-reported and hopefully the plan is provided that they won't -- that this won't happen again. What's really needed is just a cease and desist?

MS. MCGOWAN: So this -- this is the case you're asking about which is 2020-030, involving Gwinnett County. The -- the meeting when that case was presided, I believe it was, sometime over the summer at a recent meeting. At that particular meeting the county attorney was present and presented on behalf of the county and the Board at that time asked the county attorney if the county would be willing to agree to this particular remedy. So when the Board voted to send the case over to our office, that was the recommendation of the Board at the time. And so we just simply (inaudible) the remedy that the Board requested during this meeting.

DR. JOHNSTON: Okay. So it seems like violations and no penalty, what will -- but there will be a record of this that we might ask about it in the future.

MS. MCGOWAN: The signed consent order is a part of the record, that is correct.

MR. DUFFEY: Do those get filed in the county for -or do we file this in Fulton County?

MS. MCGOWAN: No. They're just maintained as part of our records and if there ever became a need to move to enforce the terms of the consent order, that's when it would be filed with the court.

MR. DUFFEY: Any other questions of Ms. McGowan?
DR. JOHNSTON: I have a question, Judge. In some of
these violations I'm looking for consistency and some of these there is -- they're similar violations rolled into one case. And I just, I guess, I question if there are two violations that occurred over three locations, but we only agreed to a minimal civil penalty, would it fair to consider that there are actually six violations that occurred?

MR. DUFFEY: Well, that's -- you can always do that. Recognize the process here and -- and anybody who's a respondent is -- is going to know what happened. Universal -- universal conclusive remedy and they often talk in general terms about all -- all the violations and what would be appropriate with respect to all of them. Of course, if we decide that we wanted to do that, we would have to send it back to the general -- Attorney General's Office. They would have to renegotiate a consent order.

DR. JOHNSTON: So maybe it could be for future cases in consideration of -- of multiple violations that are included in a single case could be considered maybe a stronger fine or penalty.

MR. DUFFEY: Maybe maybe not depends on what the Attorney General's Office believes would be a fair and just resolution based upon the totality of the content that's being resolved.

DR. JOHNSTON: Thank you.

MR. DUFFEY: Well, I don't -- I'm not speaking for you, well, $I$ guess, $I$ am speaking for you. But it's only -- because I've been a lawyer too, so...

MS. MCGOWAN: Well, talking about the specific case that you are referring to. I will say that we do take into account the nature of the infraction, the ability of the respondent to pay, a number of things. Any -- any extenuating circumstances and mitigating factors that may warrant a reduction and what the fine may otherwise be and these are all negotiated settlements.

MS. GHAZAL: If I may, Judge. One note I want to make sure that the public who is listening is aware of is that part of the -- the settlement with Gwinnett County and -- and the fact that we are issuing a letter, Gwinnett County also agreed to -- used its resources to hire a consultant to review their processes and that is part -that is part of the consent order. So that they are taking active -- additional active steps to ameliorate the circumstances that led to the violation in -- in the beginning and I think that is -- that is certainly a resolution that I'm in favor of. Is -- is putting the resources in -- in a way that we won't see this again and voters won't be inconvenienced again in -- in the future. And I think that's one of the sort of more unusual features of this particular agreement.

MS. MCGOWAN: Yes, that is correct. Gwinnett County did agree to retain a consultant that's part of this consent order and I appreciate you making a note of that. MR. DUFFEY: All right. Is there a motion to approve the consent orders -- consolidated consent orders and final orders recommended by the Attorney General's Office?

MR. LINDSEY: So moved, Mr. Chairman.
MR. DUFFEY: Is there a second?
MS. GHAZAL: Second.
MR. DUFFEY: It's been moved and seconded to accept the recommendations of the Attorney General's Office with respect to its consent orders and final orders. Is there any discussion?
(No response)
MR. DUFFEY: Well, there be no discussion. All those in favor of the motion say aye.

THE BOARD MEMBERS: Aye.
MR. DUFFEY: All those opposed, no?
(No response)
MR. DUFFEY: The motion carries. Thank you. Thank you.

MS. MCGOWAN: Thank you, Mr. Chairman.
MR. DUFFEY: So the final part of our meeting is the public comment section. I have more people on the list that are here. So I assume that this will be short and
fewer comments then we expected. We begin first with Mr. Balbona.

MR. BALBONA: Afternoon, Your Honor. I was just going to speak about one thing. I had a question. And I -- I'm an election nerd so on election night this midterm, I was just taking screen shots of the election night reporting website, (inaudible) website. And I sent a -- I -- I noticed something that was odd, and I sent an email to the Henry County Elections Director, Ameika Pitts last week.

And I sent another email yesterday and I cc'd it to Blake Evans who is here earlier but isn't here now. And in short, the totals for Warnock and Walker both went down. Warnock's totals went down 2,654 votes and Walker's went down 495 votes. The first screen shot I took was at 11:02 and the second one $I$ took was at 11:27. So within 25 minutes 3,149 votes disappeared out of Henry County. And I just wanted to know what happened?

Now, the second thing I wasn't going to talk about but since you guys brought it up, I will. I'm very glad to hear that the State Election Board is concerned about fraudulent complaints because I had a fraudulent allegation made against me. And I haven't done a complaint about it because $I$ don't know who to give that to. Either Cobb County's Elections Director or the SOS or
both made false felony allegations against me. They stated in 2020-077, that's the case number. I got a notification letter sent certified mail and as you were pointing out they bundled all seven of my complaints for Cobb County into one case.

And $I$ was very interested to see that $I$ was a respondent, seven of them, my complaints, complaint responded and they're charging me. And what they were alleging was that $I$ violated O.C.G.A. 21-2-566 which is interfering with an election. Which I had nothing to do and they also had put in subsection 2 which said I threatened violence. Which absolutely is not me. I'm a lover, not a fighter, okay. So when I provided to my investigator, his name is Gill Gaines, a digital audio recording taken on a digital recorder just like the one in front of you.

Of the entire time since the poll closed and all my time at the polling location that showed that shadow of a doubt that none of this was true. And he verified that that no it was not true. And I am trying to find what mechanism or agency I have to hold either (unintelligible) or the Secretary of State's Investigations Department accountable because they said four people accused me of this. The Marietta Police Department, which only spoke to one person who's the commanding officer. He's the guy who

I helped develop the training material on election code for Marietta Police.

MR. DUFFEY: Mr. Balbona, remember this is only two minutes.

MR. BALBONA: Okay. He said -- he said he didn't do it. He -- they said that they're a supervisor, that area supervisor didn't even run -- work that election. They said that a security guard. I spoke to him, he said he never said anything of such. The only person that I can't verify is the poll manager who's the one who told the security guard to get rid of me, okay.

So and I've also done a records request for the investigator's notes. Everything is in. It's stamped and it doesn't even say anything about any of that. So who's watching the watchman? You're going to get complaint about that very soon and I'm interested to see how you respond to it. Thanks for your time.

MR. DUFFEY: Thank you. Ms. Hillegas?
(No response)
MR. DUFFEY: Ms. Jensen?
(No response)
MR. DUFFEY: Mr. Massey?
(No response)
MR. DUFFEY: Ms. Sutton?
(No response)

MR. DUFFEY: Ms. Reboredo?
MR. BALBONA: Respreto?
MR. DUFFEY: Maybe. $\mathrm{R}-\mathrm{E}-\mathrm{B}-\mathrm{O}-\mathrm{R}-\mathrm{E}-\mathrm{D}-\mathrm{O}$ ?
(No response)
MR. DUFFEY: Ms. Abirahnan?
(No response)
MR. DUFFEY: Ms. Battles?
MS. BATTLES: Oh.
MR. DUFFEY: Mr. Buckner?
MR. DUFFEY: Sorry about that. You're Ms. Battle?
MS. BATTLES: Battles.
MR. DUFFEY: Battles. Thank you.
MS. BATTLES: Good afternoon, ladies and gentlemen. Thank you as always for the opportunity to make public comments. My name is Cindy Battles, and I am policy director for the Georgia Coalition for the Peoples Agenda and in addition along with our program director, we co-lead one of the largest bill programs in election protection in the state of Georgia.

And some of the things that $y^{\prime}$ all have mentioned today, including the unsustainable cost of elections is one of the reasons why $I$ wanted to talk to y'all. Because there seems to be this idea that there were not long lines on election day, there was not voter disenfranchisement. But there was and a large part of that came from the
unsustainable cost that SB 202 put on the counties. Including $\$ 1.8$ million for special ballot paper per election. Which for some reason we hardly ever talk about in this room. And that is an estimated cost by the sponsor -- the original sponsor of that bill.

So one of the things that we saw in early voting was counties not being able to hire additional staff because they didn't have the money to run these runoffs. I stood in line for two and a half hours and that was one of the shorter ones. In addition, you've got situations where staff are working too hard, and they've got things like voter challenges to deal with. Which by the way, most of those are unsustained, so going back to what we were talking about about consequences for frivolous accusations. These voter challenges are taking up like a large amount of time for election workers and boards of election.

But then we have things happening where the Secretary of State is either not providing adequate communication with the election supervisors of counties or those election supervisors aren't having the opportunity to talk to their poll managers and poll staff. So I don't know if $y^{\prime}$ all have been watching the number of -- of OPPs that had been dismissed because election staff weren't fully trained on how to do those. But there's at least 200 in
just three counties.
And we're still working on getting those numbers. And it's simple things, like the affidavit that was supposed to be filled out, wasn't filled out properly or it wasn't -- it wasn't filled out at all. Or election supervisors didn't realize that they couldn't give a new piece to someone before five. You've got counties where people didn't get their new precinct cards after redistricting who went to what they thought was their location and they had to fill out -- they had to vote at a provisional ballot and now they don't -- their ballot isn't counted at all.

I don't care who they voted for. I care about the fact that they made the effort to go vote and that vote wasn't counted. Whether it's a lack of staff, a lack of training, a lack of communication. One of the other situations that we had is we had talked to the Secretary of State -- one minute -- of the Secretary of State about providing guidance on voter challenges because they're allowed to submit to 30 challenges even up to five p.m. on election day. They didn't do that until Friday before early voting started.

And then when we were calling counties, election staff didn't know what they were supposed to do with those voter challenges. So you've got several different
problems. But all of them stem from a -- a system that is just being strained to a breaking point. So I would really appreciate it if the State Election Board would have conversations with both the Georgia Assembly and the Secretary of State to help alleviate that. That's all. MR. DUFFEY: Thank you, Ms. Battles.

MS. BATTLES: (Inaudible) You missed your turn.
MR. DUFFEY: This is what's called grace.
MR. ABRIAHNAN: Thank you for your indulgence, Chair Duffey, esteemed members of the Board. My name is Vasu Abriahnan, senior policy counsel with the ACLU of Georgia. I was also a poll worker last week at a polling location that served almost 1200 voters.

I want to piggyback off a couple of things that Cindy was saying. So I do appreciate that this Board and you Chair Duffey have set an intention to be deliberate, to be evidence-based, to be transparent and collaborate when it comes to elections policy. It could be intricate. It could be technical. We're talking about court rulings that had interplayed operations from the state and from localities and from the state legislature.

It's important that all of these things become compatible with each other and that's why these things take time. I think what we've seen in this past cycle are the results of a process that was not deliberate,
evidence-based and transparent. However, 202 was created was rushed, was closed door and was evidence free. And that's why we see things like a convoluted voter challenge statue where the interplay between 229 and 230 challenges is just very hard to discern and ten reasonable people can come to 20 different interpretations of that statute.

So anything that you all can do to help set that kind of methodology for everyone involved in elections policy making would benefit the system a lot. And I want to talk a little bit about the lines that we saw during the four-week runoff. The four-week runoff was just not a good idea. I think at this point we all know that it was implemented, again, in this rushed fashion because we didn't want any gap between election day and the registration deadline for the runoff. There were a lot of reasons on the other side to not do what the legislature did.

And we saw a system that was strained past its breaking point in this past cycle. I waited for two hours myself in order to cast my ballot. But it did also expose a couple of gaps in how things are set up in the system. For example, we have a requirement around the number of ballot marking devices in the system on election day. But the code and the rule, they're silent on a number of check-in stations and they're silent on for scanners that
you need in a location where a voter has to check-in and they have to mark their ballot and then they have to scan their ballot.

All three are important if a bottleneck is created at one station. It doesn't really matter how much you have at the other stations, and the point location where I voted, we had 20 ballot marking devices and at the most four or five people voting all at the same time. We have to show our ballot, of course, and we all know at this point that we should have had more check-in stations and I think the blame is shared among many different parties for why we didn't have enough check-in stations for early voting across the state of Georgia and why we saw that problem at check-in.

Now, we did see some progress in some of the counties. The county that started early voting before everyone, Douglas County, Cobb County, as well. They were running a poll pad pilot project that made check-ins much faster across the system and I would love to see some progress within the next two years, not only to get more people on that poll pad pilot project, but also to engage in the kind of technical and operational tweaks that make all the difference in this system. As we get down into the granular, technical details, if we have a commitment to go slow. To get these details right, we can make the
system better for election workers, and for voters alike. So, again, $I$ appreciate the intention that this Board has said. And I hope that that intention continues, and it spreads across all the policy making entities in our state for elections. Thank you.

MR. DUFFEY: Thank you very much. Mr. Buckner?
(No response)
MR. DUFFEY: Ms. Buckner?
(No response)
MR. DUFFEY: Protect the vote Georgia Cofounder, no name?
(No response)
MR. DUFFEY: Ms. Allen?
MS. ALLEN: Did you say Allen?
MR. DUFFEY: Allen.
MS. ALLEN: Yes. Thank you so much for the privilege to speak before you. Our elections are vital, and your work is incredible. I voted early in Fulton County for the Senate runoff election. I respectfully offer my feedback and experience. I'm a mid-town resident. I've been watching the Fulton Votes ad all week to determine when and how to vote. Much like that's been expressed here, I drove past Milton an Alpharetta library on Tuesday, no way did I have time to wait in those lines.

On Friday, we finally drove to South Fulton Service

Center where the wait time was shown to be zero minutes when we arrived. At the same time the wait was showing me 180 minutes at the Milton library. Were there really only ten early voting locations in North Fulton? On Wednesday somebody fainted at the Alpharetta Library. Thursday, the same in Roswell. Both required EMS to show up. The person in Roswell stated they were light headed due to lack of food.

Each county runs elections individually. The responsibility for this debacle is Interim Elections Director, Nadine Williams, alone, in Fulton County. Wait times of 120 minutes every day at the Milton Library, Alpharetta Library, screams of voter suppression. Four polling locations with wait times zero to 20 minutes all within close proximity within the city of South Fulton is great but what happened to the rest of Fulton?

My experience of just undeniably that Fulton County, Georgia voters are being driven to mail-in ballots. Early voting is promoted everywhere. Atlanta votes early signs are everywhere. However, how many voting locations have been reduced in the run off election. The High Museum, John's Creek Environmental Center are examples of reliable highly used early voting locations that were not used in the runoff election. Why?

Voters are being herded like cattle to mail-in
ballots by making voters miserable to vote early or be in -- in person. That's a reasonable conclusion based on our experience that others have shared. However, the voter can't even verify for whom their ballot's cast. Every voter has the unacceptable election day challenge regarding the fact that no human can verify their votes within the two dimensional barcode unlawfully printed on the ballots and used by the ballot tabulators to count the votes. $Q R$ codes need to go. Voting machines need to go. Voting centers need to go. We need local precinct voting. Early voting needs to go. Mail-in ballots need to go except for verifiable need-based examples, such as the military and those who are ill or unable. Democracy dies in the darkness.

Fulton County needs to stop manipulating voters. This is on Nadine Williams. Nadine must own this voter suppression experience in North Fulton. Counties have full authority over the number of locations, number of voting machines, number of staff members they provide in each location. The Fulton County failure to (inaudible) Interim Elections Director, Nadine Williams. I spoke yesterday before the Fulton County Board of Elections and Registrations. Their comments and response to my comments was to dilute North Fulton concerns by dividing Fulton into thirds. Instead of (unintelligible) this out, they
compared North Fulton with South Fulton and eliminate Atlanta from the conversation.

MR. DUFFEY: Ms. Allen, you only got a couple more seconds.

MS. ALLEN: Okay. (Unintelligible) stations don't solve the problems. I ask this Board and our state legislators to clean out Fulton County. Hiring two of Georgia's top criminal defense attorneys and filing paperwork to halt the audit proceedings previously ordered by a judge, doesn't inspire confidence in the Fulton County Board of Elections. We need to see that you all are committed to free and -- elections and clean up the mess in Fulton County. I've proposed ways to do that. Thank you so much.

MR. DUFFEY: Ms. Wall?
(No response)
MR. DUFFEY: Mr. Metz?
MR. METZ: Judge, you might want to turn this microphone down a little bit. We're getting some booming before. Greetings State Election Board members. Thank you for hearing me. I've only got seven pages to get through so listen in a hurry. I am pretty sure --

MR. DUFFEY: You've got two minutes.
MR. METZ: I know.
MR. DUFFEY: Read fast.

MR. METZ: I'm fairly certain you all got a copy of what we call the verified notice of forthcoming voidable election bla, bla, bla. We sent it to each of you and each of the 159 counties regarding (unintelligible) rule. And Georgia statute O.C.G.A. 21-2-320 and 321. Which essentially says that all municipalities are supposed to put forth any changes in the voting from paper ballots to machine. They're supposed to pass a referendum on that.

Furthermore, it also states in 321 that a referendum must be passed in order to increase the taxes to pay for stuff like all the traditional stuff that goes with the Dominion voting system. You've already heard testimony today and we're spending millions on -- on special paper. I saw an invoice from Fulton County for $\$ 800,000$ for one election for -- for the special paper used by the ballot marking devices. And when it comes down to it, if you trace the bread crumbs back to the very beginning of all of this.

The original voting system put in place the Diebold DRVs were put in place without such a referendum. So there have not been any counties from our canvass of open record requests that had shown that they have put forth the prescribed referendum to go from paper ballots to machines. Furthermore, they have not put forth a referendum to increase the budget to accommodate for the
increased costs. Now, I'm just letting you know this because we are still fighting to get rid of the Dominion system and go back to pre-printed paper ballots like they did for 200 years. They're still doing it in Europe. Every developed country, except the United States, only votes on paper.

You know, the most top secret materials in all of the Department of Defense and everywhere else only uses paper for their most vital, important records. They don't use anything electronic. And I just want you to know that you guys have the authority under the SEB rules to force statewide and recount of the paper ballots. On September 28th (unintelligible) couldn't be any more explicit when he said the official records of the election are the paper ballots printed by the ballot marking device. Why not leave it paper ballots printed by the ballot marking device and hand count. We've hand counted for over 200 years in this country alone.

So I'm just begging you to please consider allowing counties to get rid of the whole other side of the Dominion system and go back to paper ballots. Unless and until they pass the referendum. And that's all I have to say today. Thank you very much for your time.

MR. DUFFEY: Thank you very much. Ms. Hayden Hooks?
(No response)

MR. DUFFEY: Mr. Randy -- I can't read this. Can you read this?

MS. KELLING: He's not here. That was the Sumter matter.

MR. DUFFEY: What's that?
MS. KELLING: That was the Sumter matter.
MR. DUFFEY: What's his last name?
MS. KELLING: Howard.
MR. DUFFEY: Howard. Really? And Garland Favorito?
(No response)
MR. BALBONA: He may be parking his car.
MR. DUFFEY: This is the last of the list. Is there anybody who had signed up who's not been called?
(No response)
MR. DUFFEY: Okay. So that's the last order of business on the agenda. Is there anything else that the Board wants to bring up before we adjourn?
(No response)
MR. DUFFEY: Is there a motion to adjourn?
MR. LINDSEY: So moved.
MR. DUFFEY: Second?
MS. GHAZAL: Second.
MR. DUFFEY: All those in favor of adjourning say aye.

THE BOARD MEMBERS: Aye.


## CERTIFICATE

STATE OF GEORGIA
COUNTY OF GWINNETT
I, Rebecca, Certified Court Reporter, hereby certify that the foregoing pages numbered 3 through 189 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 12th day of January 2023.

Rebecca Barr
My commission expires April 1, 2023.

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