THE OFFICE OF SECRETARY OF STATE
STATE OF GEORGIA

IN THE MATTER OF:
STATE ELECTION BOARD MEETING

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      Tuesday, February 7, 2023
      Mercer University School of Medicine Auditorium
      Macon, Georgia
      9:00 a.m.

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APPEARANCE OF THE PANEL

William Duffey, Chair
Sara Tindall Ghazal
Janice Johnston
Ed Lindsey
Matt Mashburn

ALSO PRESENT:
Ryan Germany, Performance Review Panel
Stephen Day, Performance Review Panel
Ricky Kittle, Performance Review Panel
Meaghan Kelling, Elections Legal Affairs Coordinator
Charlene McGowan, Assistant Attorney General
Sara Koth, Deputy Chief Investigator
Mike Brunson, Investigator
Kelly Monroe, Investigator
Mark Wright, Investigator
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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PROCEEDINGS

JUDGE DUFFEY: Good morning, everybody. My name is Bill Duffey. I'm the chair of the board. We have four other board members. Their placards are in front of them: Dr. Johnston, Mr. Mashburn, Mr. Lindsey, and Ms. Ghazal. We are all pleased to be here. We're especially pleased to be in Macon. They had such a fine facility.

Before we get started, I'll please ask for you to silence your phones. This is being live-broadcast as you know. And those people that are -- that are watching, we invite you to the meeting and we're glad that you're attending by video, Zoom.

So with that, I'm going to call the meeting to order. All five board members are here; therefore, we have a quorum.

And as is our tradition, we will begin with an invocation by Ms. Ghazal.

(Invocation)

JUDGE DUFFEY: Thank you, Ms. Ghazal. If y'all will rise, we will say the Pledge of Allegiance. Dr. Johnston, will lead us in that.

(Pledge of Allegiance)
JUDGE DUFFEY: I was thinking and listening to the invocation. Regardless of what your faith background might be, the two important things that I think we all appreciate and yearn for is grace and wisdom. And certainly as members of the board as we go about our work, sometimes we need some grace and we appreciate that when it's offered.

But most of all, our work is important. What we do we do because we have a passion and an interest in having trust and confidence by the electorate in Georgia and our system. And we have to make a lot of different decisions, all of which are better informed if we have wisdom to take the time to listen to people from the outside, including the people that come to these meetings.

We get lots of communications from people and those are helpful and we appreciate all of the input that we receive from the public as well as those that are professionals involved in the election process.

One of our goals has been this year to take what we do out into the state. We are a state board; we are not an Atlanta board. We've been
somewhat Atlanta-centric lately, and this is a way for us to make it easier for people in other parts of the state to attend.

So we called Mercer a couple -- a couple months ago to ask whether they could host this meeting. You know, sometimes you wonder what the response is going to be. You know, here's another stadium. There's some other entity that wants to use our facilities.

But the only question they had was: We can but we have to check on the dates and make sure that the facilities that we have are not taken up by some other academic -- or promised to somebody else. I think within a week John Patterson who's been our contact here at Mercer said: We're on; you just tell us what you need. And so we did. And we explained to them what our -- what our process was in Atlanta where we're hosted by the -- at the Capitol by the General Assembly staff.

And then from there, everything has been utterly seamless. This is exactly how I envisioned this to be. This is exactly what we as a board want. The facilities and the ability to broadcast the proceedings in the meeting here
today to people outside of Atlanta has worked extremely well. And that was all done really without us having to do anything.

    Now, John Patterson was responsible for arranging us here, but we all know that the real people are the ones that are on the ground that had the responsibility for putting this together.

    And, Becca, if you'll stand. Becca Neese?

    I think Becca's working so ... 

    So Becca and Larry Smith have been responsible for all of the logistics here and have had very little need to ask us what they needed to do because they knew.

    So to Becca and Larry, thank you very much for your on-the-ground support. And we could not have done this without you in particular.

    We will have at least one out-of-Atlanta meeting later in the year. We haven't decided on that -- that facility and host yet. What I know is that it will probably be north of Atlanta as opposed to south of Atlanta. But it will be our model, at least for the foreseeable future, that we will meet both in Atlanta and get outside of Atlanta. I will say that one of the benefits of being here today is that we are not in the middle
of the General Assembly in the statehouse.

The other thing I want to do is I want to commend the counties. And I want to commend the Elections Division of the Secretary of State's Office, from what was by all accounts -- whether it's public opinion or whether it's the evaluation of us or the evaluation of the Secretary of State's Office and other people in government, including members of the General Assembly, of the experience that we all had as voters and people involved in the elections process this year in the midterm elections.

And you look at that there were close races; there were contentious, hard fought races; there were a lot of voters at all different stages of voting. And I think the most interesting thing was the public opinion poll that the University of Georgia did lately, trying to find out from the people who really matter, which are those people that exercise their participation in democracy by voting, what their experience was and across the board the experience as reported by the public. And those who participated in the process have been strongly supportive of the efforts of everybody to make voting available
with lines that were relatively short over the
course of the primary elections and the general
elections and the runoff elections.

A lot of that work -- as you all know, there
are a hundred and fifty-nine counties in Georgia.
It's counties who actually are responsible for
providing the election process to people within
the county. And everybody that votes has to pay
a debt of gratitude to the people who are
responsible for the day-to-day operations and
offering of the voting process to those that
participate in it.

And I extend to the counties a deep
appreciation on behalf of those of us in Atlanta
at the Secretary of State's Office and on the
State Election Board who are working as hard they
did, cooperating as much as they did with the
Secretary of State's Office, and Mike Evans and
his election division because the effort and the
interest and the adjustments that they made for
the midterm elections produced a process that I
think we can begin to see that the ability of us
in state government and those of us in county
governments can, in fact, put on elections and
offer the opportunity for people to vote in a way
that is -- that is -- allows people to exercise
the most fundamental freedom we have in democracy
which is to elect those people that will lead us.

Now we'll turn to the agenda. The first
item on the agenda is to review and approve the
minutes of our last two meetings. The first are
the minutes for the December 3, 2022, meeting.
Those have been distributed to the members of the
board. They've had a chance to review them.

Does anybody have a motion to approve the
minutes of the December 3, 2022, meeting?

DR. JOHNSTON: I have corrections.

JUDGE DUFFEY: Okay.

DR. JOHNSTON: It's says, Dr. Johnston
opposed executive session.

JUDGE DUFFEY: Okay. Can you correct it?

Is -- is that yours --

MS. KELLING: That is correct. I can
correct it.

JUDGE DUFFEY: All right. And we will make
that correction into the minutes. It will show
that the -- the vote to go into executive session
was unanimous.

Any other corrections?

Do we have a motion to approve the minutes
as amended?

**MS. GHAZAL:** I so move.

**MR. LINDSEY:** Second.

**JUDGE DUFFEY:** It's been moved and seconded that we approve the minutes of the December 3, 2022, meeting. Is there any discussion? There being no discussion, all those in favor of approving of the minutes say aye.

**THE BOARD MEMBERS:** Aye.

**JUDGE DUFFEY:** All those opposed, no?

And the motion carries unanimously.

Next are the minutes of our last meeting we held in which we considered complaints. That was on December 13, 2022.

First, are there any corrections to those minutes? There not being any, is there a motion to approve the minutes of our December 13, 2022, meeting?

**DR. JOHNSTON:** Move to approve.

**JUDGE DUFFEY:** There's been a motion to approve the minutes. Is there a second?

**MR. MASHBURN:** Second.

**JUDGE DUFFEY:** It's been approved and seconded that the December 13, 2022, minutes be approved. Is there any discussion? There being
none, all those in favor of approving the
December 13, 2022, minutes please say aye.

THE BOARD MEMBERS: Aye.

JUDGE DUFFEY: All those opposed, no? That motion passes unanimously.

The next item on the agenda is the report of the Fulton County Performance Review, and I'll give you a little of background on that. But I want you to know that the process that we have decided is that the report that was offered by those that were on panel will be made today.

And all of the panel members are here, and in a second I will call on them to present a summary of the report. The report is on the website if anybody wants to read it and the attachments. They're publicly available to you.

But what we'll do after the report is offer -- to the extent that board members have questions about the report, those question will be offered to and asked of the members of the panel for their response. They might want more time to respond. We will allow them to do that in writing to us if they can't answer any question. Or if they want to make any further comment, they may do that.
Thus, we will make that available to
everybody on our website, but we will not take
any action on the report today because of this.
The report is long and it has consequences to it.
The county has the right to have everything that
we've asked, whatever information might be
provided to us, in the next couple weeks before
they are asked to respond and before we will be
in position to make a decision on what to do with
respect to the panel's report.

So today will be more of a reporting
function and a chance for the members of the
board, all of whom have had a chance to review
and scrutinize the report, to ask questions that
we might have. But then it will be on the agenda
of the next meeting, which will be in April, at
which time we will hear from the county's --
their response to the report. And only then will
we have the information necessary for us to make
a decision on the recommendations under the
statute that we are required to follow.

So let me give everybody just a little bit
of background. At the request of a number of
members of the Senate and House of
Representatives in 2021, and basically on
July 27th and July 30th, on August 18, 2021, the State Election Board, under O.C.G.A. 21-2-106, which is the statute that governs performance reviews, appointed what is known as a performance review board composed of Steve Day, who is a member and former chair of the Gwinnett County Board of Electors; Ricky Kittle, who is chair of the Catoosa County Board of Elections; and Ryan Germany, who was then general counsel at the Secretary of State's Office.

Mr. Germany has been general counsel, I think, for six or so years. He'll correct me if I'm wrong on that when he speaks to you today. But he, within the last couple of weeks, has left his position to go into private practice in the area of providing election assistance as a lawyer to people who need that assistance in the state.

The statute provides for this process and the result of amendments to the law in Senate Bill 202. But O.C.G.A. 21-2-106 states that the duty of the performance review board, the board that we will hear a report from today, is to, quote, make a thorough and complete investigation of the local election official with respect to all actions of the local election official
regarding the technical competency and the maintenance and operation of election equipment, proper administration and oversight of registration and elections, and compliance with state law and regulations.

You will recall that I read that it had to do with the investigation of a local election official. That too is defined within the statute as a county board of elections or a county board of elections and registration.

So if you summarize that with respect to the performance review panel that was convened for this matter where there was concerns about the election processes and the equipment that was used by Fulton County, it was a review of the Fulton County Board of Elections with respect to their competency in the maintenance and operation of election equipment, proper administration and oversight of registration of elections, and complies with state law and regulations. That's what the panel has been doing over the course of the time that they had before they produced this report. It was published on January 13, 2023.

So with that, Mr. Germany, if you would please come to the podium. We would like to hear
your summary and explanation of the process and the report that you have now filed with us, with the Secretary of State's Office, and with Fulton County.

**MR. GERMANY:** Thank you, Judge.

Can y'all hear me? Okay.

Thank you. As Judge Duffey said, I am Ryan Germany. I was previously general counsel at the Secretary of State's Office, a position I held for nine years.

**JUDGE DUFFEY:** Time flies when you're having fun, doesn't it?

**MR. GERMANY:** I told my wife when I took the job I thought it was a two- to three-year job. So not the first or last time I was wrong. And I appreciate the shout-out Judge Duffey gave my new private practice. So thank you, but I'm enjoying that.

And, yeah, to pick up from where you left off, and this is -- presentation is really for the board. So I'll look at you guys. But in August 2021, myself, Mr. Day, and Mr. Kittle were appointed by the State Election Board to a performance review board to evaluate Fulton County in accordance with the statute you just
read.

And so I'll start a little bit going through the details about -- about the process. This, of course, is a -- was a new law. So this performance review board is the first one. So there was definitely some, okay, how are we going to go about this; how are we going to approach this; how are we going to accomplish our goal? So I'll tell you how we went through that first.

First of all, I really just want to say thank you to Stephen Day and Ricky Kittle. They have been just excellent additions to this board in really providing that vital county perspective that we don't often get in the Secretary of State's Office. We work with counties all the time but we're not on the ground there.

And so having their perspective and especially their perspective -- Ricky is the -- he's the chairperson in Catoosa County which is in Northwest Georgia. And Catoosa is a smaller county than Fulton and Gwinnett, obviously, where Stephen comes from. But I think because of that, Stephen -- Ricky really is involved day to day more so than chairmen of large counties. So he brought that level of knowledge. It was really
just vital.

And then Stephen, in addition to being on
the elections board and former chair in Gwinnett
County, by training he's an engineer. And so,
you know, sometimes us lawyers can get a bit
similarly thinking. And I know Dr. Johnston
knows that it's difficult being surrounded by a
bunch of lawyers all the time, but Stephen's
thought process really was focused on procedures
and processes and just how engineers think about
something and really building something. So
he -- he brought that approach to the -- to this
board, the Performance Review Board, and it
was -- it was just crucial. And he came from a
large county similar to Fulton. So that
perspective I think was really vital.

So thank you. Thank you both, you guys, for
your service.

So about the process, there's more to it
than just, you know, sitting down and running
through Fulton and talking to people a couple
times.

And one thing that I also want to say is
Fulton County was from the outset cooperative
with this process. And they have very able
counsel assisting them. They were cooperative
with the board to allow us to do our job. So I
want to say thank you to them also.

The way that we -- that Stephen, Ricky, and
I first went about it was we started with reading
a report from Seven Hills Strategies which was a
report of the State-Election-Board-appointed
monitor who was in Fulton during the 2020
November election and also the 2021 January
runoff. He had -- he spent a lot of time there,
had a lot of insight and knowledge, and he wrote
a very fulsome report. So we reviewed that.

We also talked with Carter Jones, who wrote
that report, to give us some background and
insight into, hey, what -- you know, you've
basically done some of this monitoring in Fulton,
how -- what have you learned; what insights do
you have for us? So that was our first -- the
first thing we did and that was very helpful.

The second thing we did -- because we were
appointed in August 2021. So not long after
that, Fulton County was administering municipal
elections for its cities. And we had the
opportunity to observe the processes in both. I
think this was really helpful that we observed
with the municipal election first because they're smaller, lower turn-out elections. And from 2020 through 2021, there was a lot of change in Fulton County, particularly in personnel, particularly with regarding absentee ballots which was a real challenge in 2020 for all counties given the massive increase but especially for a large county like Fulton. So we observed that process and then we also observed in-person voting during advance voting at the precinct level and also on the election day.

The other thing Fulton County allowed us to do was to be part of their kind of "election day" situation room where they're monitoring all of their precincts on election day. This was for the municipal elections in 2021. And Ricky manned that and Ricky was kind of our quarterback and basically said, Hey, here's what -- here's what's happening here.

Stephen was out, going to the polling places. He was able to go and see kind of in-person, okay, here's the report they're giving at headquarters; here's how the polling place really married those two things together. So that was a really valuable thing.
One thing I'll mention really quickly --
it's a slight digression -- is the challenge to
this process is that at the time Fulton County is
doing elections, other counties are doing
elections too, including Catoosa County, Gwinnett
County, and including the Secretary of State's
Office have -- doing their election duties. In
the 2021 municipal elections, the Secretary of
State's Office is less involved. So we were able
to really kind of dive into that, working in
Fulton. Gwinnett does not do municipal elections
with their cities. So Stephen, I think, was a
little more available. I can't remember if Ricky
had a municipal election or not that year, but he
still made himself available.

That's just one thing to think about and it
definitely gets back to this going into 2022.
That's the first thing that we did and then we
did some -- some interviews with Fulton County
staff, including old staff and new staff. So we
interviewed both the -- the former elections
director, the deputy director, the person who's
now the election director -- she was not at the
time -- and we interviewed the new absentee staff
and new voter registration staff as well. So
that was really helpful.

Following that, we -- Fulton provided documents we requested regarding their processes. And we received those, we reviewed those. Stephen especially led up looking at those from a process perspective and comparing it with how they do things in Gwinnett. The Gwinnett County Board of Elections was -- or elections staff, I think, was a resource to Stephen to help him kind of think through, okay, here's how they -- they're doing it; here's how we're doing it; what do you guys think?

And the Secretary of State's Office was really a resource, mostly for me as well, where I could run things by and say, hey, what do you guys think of this? Because there's a lot of people in our elections division who have a much more kind of day-to-day knowledge of kind of best practices than I do. And so they were helpful. And they worked really closely with Fulton throughout the 2020 election until -- continuing to this day, the Secretary of State's Office. And they were helpful to me to, you know, allow them -- allowed me to kind of observe and be involved in those issues so we could see, okay,
what's working well in Fulton; what's -- what needs improvement? And then that played a role in the report as well.

The other -- one other thing that happened shortly after the 2021 municipal elections was redistricting. Redistricting is a once-every-ten-year process and like a lot of kind of once-every-ten-year processes in anything, it can sort of show some -- some weaknesses or some things that have potentially been -- been ignored.

So we saw a couple of things in Fulton where there was challenges in redistricting, but we also saw a lot of, I think, dedication and improvement and really jumping on any identified issues to -- to resolve them after -- after the redistricting process. Where Fulton did the redistricting in our office, the Secretary of State's Office assisted. Our deputy elections director, Dr. Jesse Harris, said that he thinks Fulton County's rolls are in the best shape -- were in the best shape after that process than it had been in a really long time. And that's because of the dedication of Fulton and because of the assistance of the Secretary of State's
Office. So we observed that, going through that process.

And then we did additional observation going into the 2022 election cycle. Now, as I mentioned earlier, this was more difficult because in that cycle Catoosa County and Gwinnett County, they have their elections duties happening at the same time as Fulton. And the Secretary of State's Office as well kind of gets busier around the same time. So our observation was more limited. We figured that out at the primary and then we talked about -- this is kind of a good segue into my -- my next topic.

But we conducted that observation of the 2022 primaries, conducted some additional observations in the 2022 general election, and we also conducted interviews with Fulton County board members. And those were very helpful as well.

One thing that -- a solution and a resource that presented itself, actually, after giving an update to the State Election Board and talking about -- I believe it was in between the June primary and the November election and talking about how, hey, this is a -- the fact the board
has all their election duties -- or the Performance Review Board at the same time as Fulton is making it a bit difficult to observe this year, I received a call from the Carter Center basically saying, Hey, maybe that's something we can help with. And that's something the Performance Review Board decided to do.

The Secretary of State's Office had worked with the Carter Center before on observing a risk-limiting audit, and so we knew the people. And I'm just really grateful that they offered their services because the amount of time they issued a full report as well that they put into observing was just massive and really increased the reach of the Performance Review Board.

I think the three of us have each spent hundreds of hours on this process throughout the time period. And I think the Carter Center calculated from a person-hour perspective they had spent 5,000 hours just giving all of the -- all the observation and training and everything they did.

And so I'm really grateful for their support as well, and I'll get into a little bit about what they found later.
One thing that I did want to address, too, is the question of did we have enough resources to conduct this job? Because, you know, it was a big job, as I just went through. We certainly wished to have more resources. That was a difficulty. It was a lot of essentially, you know, volunteer time where it's you -- you guys with the State Election Board, I know, are no stranger to it and on the county election board as well.

So the Carter Center reaching out and saying, Hey, we -- Here's how we can help, and essentially volunteering that -- because we had raised -- we'd talked about the possibility of, hey, could we bring in some outside election consultants to help us with this process? They kind of got mired in who's going to pay for that, for those services? So that might be something the State Election Board or the General Assembly could think about going forward, about how that's going to -- going to work and if that's something that can be done.

At the end of the day, I think that we were able to accomplish what we were trying to accomplish with the resources that we had. And I
think there was value in having the involvement really come from people involved in Georgia elections as opposed to, you know, bringing in people from out of state, especially kind of out-of-state-consultant-type people who maybe wouldn't have had the same background and just base knowledge by being there. So I think we did have enough.

And the other thing is, you know, this -- we were appointed in August 2021 and observing municipal elections was -- wasn't helpful. I think to really accomplish our statutory duties, we needed to observe the election in 2022. So we wanted to make sure that our report went through that time period, and I'm glad that it did. And we were able to do our observation and then the Carter Center came in and did their observation too.

The one thing the Carter Center was very clear about from the beginning is we're -- we're happy to help, but we are going to -- this is going to be an independent observation that they conduct. It's not going to be driven by any outside forces with their -- that's how they did it.
And so we were -- we were good with that.
And that's what the Carter Center did. That's what Ricky, Stephen, and myself did as well. And I think that's also what Carter Jones did back when he was observing the Fulton County report -- Fulton County elections in 2020.

One thing that I think actually adds to this process is when you look at all three of those reports, whether it's Carter's report from 2020, our report that you guys have, or the Carter Center's report, there's a lot of similarities throughout those reports in terms of, I think, every single one of them notes -- noted the dedication of Fulton County staff. They noted things that can be improved.

And they all noted that they were witnessing improvements happening. Carter Jones reported this with the 2020 general election to the January 2021 runoff where they implemented certain things. And in that case one of the main things that really -- the early processing of ballots that would allow early processing of absentee ballots. And we saw additional improvements from January -- from January 2021 to the end of 2021 municipal elections and
processes. And then I think the Carter Center saw the same thing, as did we, going through 2022.

So I think that's -- the fact that three independent boards have looked and seen, you know, reached similar conclusions, I think adds some credence to the process.

I'm going to quickly go through our findings and recommendations for this board, and then I'm going to turn it over to -- I know Ricky and Stephen just have a brief -- brief comment to make, and, you know, of course, we're happy to take some questions from the board.

What we saw was that in prior years disorganization and a lack of a sense of urgency in resolving issues had plagued Fulton County elections. However, Fulton County has shown improvement in administering elections from 2020 to 2022. That improvement, we think, is due to a multitude of factors, including new staff and training in processes, new procedures, and overall organization have all improved.

The Fulton County Board of Elections and Registration is engaged in helping to drive these improvements. Our recommendation is that
replacing the board would not be helpful and
would, in fact, hinder the ongoing improvements
in Fulton County elections.

One thing that has also been the case since
2020 is the county manager's office in Fulton
County has continued to be involved in planning,
strategizing, and preparing for upcoming
elections and working with the Fulton County
Board of Elections on the county side and Fulton
County elections staff. That involvement has
positively contributed and improved execution of
elections in Fulton.

One thing that we certainly observed is --
like election officials across the state, Fulton
elections staff showed daily dedication and
effort in carrying out and seeking to improve the
administration of elections in Fulton County.
And so we want to -- we want to go back and get
credit for that.

And a couple final things. I do think this
process, while it was, you know, sometimes
difficult, especially as I was writing this
report over the Christmas holidays -- but I think
it was valuable for everybody. It was valuable
for me. It's really allowed me to kind of get an
inside look at maybe certain challenges that we
don't always see from the Secretary of State's
vantage point. I hope that it was valuable for
Fulton as well. And they were very cooperative.
But I do think that, you know, having this
process helped in making sure, hey, let's make
sure we're good in our processes, thinking about
how we really want to accomplish these things as
we move forward in election administration.

I'm going to let Stephen, I think, talk
about -- I'll say this and Stephen might have
more to say on it. One idea that we thought
about over time is we wished we could do -- there
was a way to do this type of evaluation or kind
of -- not an audit but something like that on a
more positive proactive and kind of periodic
review process. As opposed to coming in kind of,
okay, there's a problem; let's see what it is,
but more, hey, let's go through each of our
counties and really figure out, hey, what can we
improve? Because there's always improvements
that can be made in election administration.
It's a difficult logistics challenge. Excuse me.

And the other thing, the thing that kind of
I want to leave on is while we have seen
improvements, you know, next year's a presidential election. And I'm giving a speech to GAVREO next weekend. And I'll preview it for some of those election officials here who are going to hear it again. But 2024 is really the first presidential election where, okay, now both parties, both campaigns and whoever they end up being are going to be very aware, very focused on Georgia from the outset, frankly probably starting now wherever those conversations are happening.

And so in Georgia we're used to some scrutiny of our elections. I think more so here than in other states, and I think that's going to serve us well. But I really don't think we've seen anything like what we're going to see next year as the first presidential election where this is really understood that if Georgia is a major kind of state in play for that election, it's going to be really important to both parties.

So I said that to say, you know, we started with a municipal election; we went to a midterm election; and next year we're going to a presidential election. And it's going to be
bigger.

And I'll turn it over now to Stephen, who's had a little bit to add, and then Ricky. And then, of course, happy to take questions.

**MR. DAY:** I've got about three minutes of time.

Mr. Chairman, members of the State Election Board, my name is Stephen Day, and I'm a member of the Performance Review Panel and I'm from Gwinnett County. It's my pleasure to be here with you today and to speak about the efforts of the Performance Review Panel.

First, I do want to thank my colleagues on the Performance Review Panel -- Ryan Germany, Ricky Kittle -- for their dedication, insight, and collegiality. I do offer that our efforts show that people from different political perspectives when operating in an open-minded, analytical, and systematic manner, as we did, can cooperatively and effectively resolve issues before us. And it was a real pleasure working with these two gentlemen.

But I'm from a different political perspective from them. So I also want to acknowledge while I do have the floor,
Mr. Lindsey, coming into Gwinnett County and observing our elections, both in November and December. We appreciate any member of the election board coming out and observing our processes. Any member is welcome at any time to come and visit us in Gwinnett and we appreciate the initiative that it shows from the election board that members would come and participate with us in our election processes.

I also want to thank your board colleague, Sara Ghazal, who politely but firmly convinced me to take this position on the panel, a position I neither sought nor wanted, but she really strongly made the case that when we are all called to service we do have an obligation to respond as all of y'all well know by your example here today.

So I did request of her that there would be no ideological strings attached to my service and she gave me a very firm assurance that there wasn't and that's the way all of us operated on this panel.

There are several points of consideration. Ryan's done an excellent job of going over them. And also I'd to commend him. He's an excellent
writer. He was the lead sled dog on putting -- pulling all of the report data together. We have some memorandum and stuff in the background but Ryan did an excellent, excellent job on that. We did some editorial efforts on it, but y'all should feel proud of the work that he did and thankful that you had somebody as accomplished as Ryan doing the report.

But of all of the points that were in it, the one that I would like to emphasize -- Ryan touched on it and I'm going to read the point that the existence -- the bullet point that's in the report. The existence of the performance review helped incentivize Fulton County to make improvements to their election.

But it took an enormous amount of donated work. Now, I'm going to say it because I didn't get paid one penny for all of these hours, no reimbursement of travel, nothing, nada. So anybody -- if this continues, you have to understand that you're asking a lot of people. Fortunately I'm a small business person and I control my own time in my small company. So I had the flexibility trying to adjust it.

But I'm not sure you're always going to have
that case if this process continues as it is right now. And in our bullet point, we say it's difficult to see how this process is sustainable and can continue to positively influence election administration in Georgia without some reforms.

And I agree that a positive, proactive, and periodic review process, appropriately funded, designed to support and assist all counties with election process improvements could be more effective than the performance review process in its current iteration. And I do want to strongly encourage the State Election Board, perhaps in cooperation with the Secretary of State and the Georgia Association of Voter Registration and Election Officials, to consider formulating and institutionalizing such an approach.

Such an effort will keep counties up to speed with best practices, the latest technologies, and apply metrics for performance assessment. It is better to be a partner than an adversary, better to improve systems before disfunction rather than trying to fix them after the fact.

There are several different approaches something like this could take: From the peer
review process, maybe out of the Georgia 
Association of Elected -- Registration and 
Elected Officials where you have some retired 
folks and maybe some volunteers to engage in a 
process. There is a possibility of hiring folks, 
like the Carter Center or the Election Center 
that's in Texas. Or you could have paid staff, 
perhaps, associated with the Secretary of State's 
Office or some other office, maybe four or five 
analysts that would every week go to a different 
county and do an assessment. And over the course 
of three or four years, you could cover every 
county in the state.

And this assessment would transfer 
information about best practices as well as maybe 
do an assessment in what folks -- about where 
they need to buckle up a little bit and improve 
but also give them a pat on the back for a job 
well done where that's deserved. So I do offer 
that such a program for consistency, quality 
control, and operational improvement in elections 
is well worth the time and expense.

I welcome any questions. Thank you.

**JUDGE DUFFEY:** Thank you, Mr. Day.

**MR. KITTLE:** I didn't prepare a speech for
y'all. So I don't know what to do. Bear with me.

Thank you, members of the board, for having me. It was quite an experience. I'm from a county that has about 46,000 registered voters. And when I came to Fulton County, I was amazed at the number of precincts, machines, and everything they had.

I will say when I came I had no -- made up my mind either way whether to take it over or not, but I did think about the reports. One thing I thought about was how -- as a chairman of the board, how would I feel if somebody came into my county? And I think that's something we really need to think about before we ever do this again and see if there's not a better way that we can work with them instead of coming in.

But I will say Fulton County was amazing. The people tucked us in. They answered questions. I spent the day in their command center, which if you have never been, go on and go. It's -- it was -- it's a huge room with banks of phone where they have -- if they have a problem, they call in. I didn't see the sense of urgency that I thought I should've saw, but,
again, as we know, that night their director
retired. And so I guess he didn't have it. But
when talking to the members that replaced him,
the members of the board, we saw that they had a
desire to get things going in the right
direction. They're moving in the right
direction. It's important that we remember that
2020 was a disaster for every county. We seem --
we forget what happened in 2020. The pandemic
hit Fulton County. Both -- we stretched the
election from March till forever.

We called the election the year of the
eternal election. We started in March and we
just kept having elections. Schools closed.
Churches were closed. Workers didn't want to
work because of COVID. They had people who
passed away who were key elements of their teams,
who got sick and could not be there. You
couldn't break -- you couldn't have a group of
people like this. You had to try to train people
online. And I don't know if you've ever tried to
teach anybody online but it's hard to see them
eye to eye and see if they're even paying
attention to you. But I mean, you know, do they
care?
But they survived. They took problems they had with absentee ballots, which we never dreamed that we'd see in our small county, we were flooded with absentees that year. We didn't -- we wasn't prepared for it. Neither were they. But yet they survived and they did the best job -- sure, there was mistakes, but we're human. Elections are run by humans. It's never going to be perfect. I don't care how hard we try, there's always going to be something that falls through and that was a terrible year all the way around for everybody.

But then when I went to their -- to, I guess, observe, they had changed around their absentee ballot, the way they did it. It was amazing the way they had it where you could actually go in and follow the trail of how the absentees came in, how they were processed, how they were counted. You could actually see it and observe it.

So they are making great strides. Hopefully they'll continue on. But I really think we need to really think about how we did this because I, as a board member, would've been offended if you'd come into my county. I'm just glad Fulton
County did not take offense. They worked with us. I didn't -- like I said, I didn't prepare a speech, but I do -- I do think the people they have in place now are trying and that's the main reason -- in elections that's all you can do is try to improve daily.

**JUDGE DUFFEY:** Thank you, Mr. Kittle.

**MR. GERMANY:** Judge, happy to take any questions from the board.

**JUDGE DUFFEY:** So I'm opening it up to the board now for questions. Does anybody want to ask a question of any of the members?

Mr. Lindsey?

**MR. LINDSEY:** Well, first off, thank you, all three of you, for the time and effort that you put into it. And maybe a couple of questions and also a couple of observations and a couple of requests.

While Mr. Day's been donating his time, perhaps he could donate a little bit more time and then write his recommendations on how to do this audit situation, which I think you're absolutely right.

I think we know -- you know, I served in the legislature, and there are certain things that
come through the General Assembly that you think are really great ideas, then the problem sometimes happens in how it gets implemented. I don't think that when folks foresaw an audit like this or a review like this that they would think it would take a year and a half. But having read your report, I can understand exactly why it took a year and a half.

And so to the extent that we can do things to be proactive by the state and this board to assist our counties and be, you know, in a more cooperative relationship, I think that that would be extremely beneficial so that a review like this would be something of the last resort rather than the first resort. So I agree.

So, Mr. Day, I'm going to show up and I'm going to ask you for a little bit more of your donated time. And to the rest of the three of you as well, if y'all could help us work something out like that to help us go back to -- and now is the time because, you know, the General Assembly is in session. Usually if there are tweaks or changes in the laws, it usually happens on a number of -- odd-number year before -- on that -- the general election.
So to the extent that we could get before
the General Assembly, both in terms of financing
and in terms of any type of tweaks, now is the
time for us to do so. And so if you could help
us, I'd appreciate that.

MR. DAY: But can I say something to that?

MR. LINDSEY: Yeah.

MR. DAY: Because -- and Ryan may be
reticent to say it, but I'll say it. I don't --
didn't work at the Secretary of State's Office.
They've got to fund the Secretary of State's
Office. They've got to act like it's not the
redheaded stepchild but it's something that
should be valued.

If you value elections, then let's fully
fund the staff there and give them the
person-power they need to do the job rather than
begging for crumbs which they seem to have to do
every year in the budget.

And I can say that. Now, Ryan doesn't even
work for them anymore but he might get some
blowback if he said it. But I'm not afraid to
say it. And we did send back an envelope of
calculations in regards to if you have four or
five staff people working a year, that's probably
between a one- to two-million-dollar expense to
do something like that.

So if somebody wanted to look at that and
institutionalizing that, those are the kind of
numbers that you would -- might want to consider.

**MR. LINDSEY:** I appreciate -- I appreciate
that.

**MR. DAY:** Yes, sir.

**MR. LINDSEY:** That, as well as the other
things you were saying, I've had -- you know, I'm
a resident of Fulton County. I was born in the
City of Atlanta. And I actually have served on
the Fulton County Elections Board about
twenty-something years ago, before I got elected
to the House. So I do understand the
complexities.

And I've had some people from around the
state ask me why is Fulton County being singled
out; why is the focus on Fulton County? And I
go, Well, it's the biggest county in the state.
So, you know, they should expect to have a lot
more scrutiny than just about anywhere else. But
a lot of what you have in here are -- are
situations that I'm quite confident did not
happen exclusively in Fulton County.
And so one thing I would like to know and
maybe in your observations or maybe if something
could be sent to us on how to -- how to make sure
that something like that doesn't happen again. I
mean, the two hundred -- only two -- well, it was
200 votes were counted twice. I'm sure, you
know, if it happened in Fulton County, it could
happen somewhere else. How do we make sure that
that doesn't happen again? I mean, I do like the
observation that says it's something that should
never happen. Yes, it should never happen. And
fortunately it was 200 ballots and fortunately it
was caught, but how do we make sure that
something like that doesn't ever happen again?
What within our technology failed, to allow that
to happen?

So if somewhere down the line someone could
provide that, then we could make sure of --
perhaps, Mr. Germany, you can -- what corrective
steps do you know that the state could make or
the county could make to make sure that that
doesn't happen again?

MR. GERMANY: Yes, I'm happy to speak to
that, Mr. Lindsey. And that was something that I
spend a lot of time on because I -- I -- my sort
of initial reaction is why does the scanner even let that happen?

And there are some technological things that could be implemented to help that. I think some states have scanners. It's kind of an add-on to where it kind of does a physical imprint once it's scanned. Speaking to that, in looking at that solution, it's not without its downsides as well. So I think that's something to consider.

But the main thing really to stop it is basically -- first of all, I would say it happened in 2020. And so, like Ricky said, it was a massive amount of absentee ballots that people were not prepared for. So that was a big contributor. But then it really goes to the process and having a good management process.

One thing in Georgia where we were a little behind the eight ball previously was we did not have a paper ballot; we had DREs. So in 2020 in addition to when we had the COVID, this was the first time our counties were back using paper ballots for twenty -- twenty -- about 20 years.

And so I think some of those processes surrounding, okay, how are we going to manage the paper? And like just -- and it's COVID. So they
call it batch management. And we've seen improvements in that. We're going to see improvements in that. That's -- that's how we do good audits. So you have to have really good batch management. So that's, I think, how it -- that's how it happened. So I think there are technological things that can help, but really I think it's a process improvement. And if you have a good process, it's not going to happen.

**Mr. Lindsey:** Yeah. I guess my main thing that I would love to see -- once again what happened in Fulton, I'm sure, could happen anywhere and may very -- probably did happen elsewhere. I just want to make sure that we put in place and we inform the counties: Here's the way to make sure that that doesn't happen in your county.

Gets back to Mr. Day's comment. Let's be proactive and let's be helpful and a partner with these counties rather than be viewed as simply a stick.

**Mr. Germany:** And there might be some way sort of to jump in from a rule-making perspective. We could put in place some processes --
MR. LINDSEY: Yes.

MR. GERMANY: -- around -- around batch management.

MR. LINDSEY: Yeah. And if you could talk -- we have our new lawyer, who's taking your place, here. If you could chat with her.

MR. GERMANY: Yes, sir.

MR. LINDSEY: And we can start working on that. And the same thing -- I won't -- I won't go into detail. The same thing obviously happened when it came to the tally sheets, that sort of thing. I know it was a new process that was taking place and you were hand counting an enormous number of ballots, something that's unprecedented as well, but it -- same thing, which is essentially come up with a procedure, and even the rules necessary to make sure that that takes place. Because it's one thing to be accurate, but it's another thing for folks to have confidence in the accuracy.

MR. GERMANY: Well, that's one thing that we found, looking at that specific thing, that when you look at it, it is understandable how kind of in that time period basically data is going to get mistyped. The problem is, like you're
alluding to here, it really allows for people to
take that understandable mistake and turn it
into, Well, how do we have confidence in anything
then?

And what we found is it's actually quite
difficult. I'll give a shout-out -- I didn't
give one earlier, but to the SOS investigations
team because they're the ones that really dug
into those tally sheets and said, Okay, what is
this really? And they did a great job, saying,
Okay, well, he actually -- here's where this is
and here's where this is, and kind of -- okay, we
see what happened there. And I think that we --
at least when I heard their presentation it
really made me think, okay, that's what this is.

MR. LINDSEY: Yeah.

MR. GERMANY: This is not indicative of
anything else, but ...

MR. LINDSEY: It was a -- it was an
administrative error. It didn't change the
results. And, you know, we've already ruled on
that. I'm just simply saying that, you know,
let's -- let's help the counties make sure that
that goes with ...

And I'll shout out to my Fulton County
chair, election chair Cathy Willard is here and I appreciate the fact that she's here. And I will also say from a personal standpoint, I've known this board for a number of years and I'm very happy and grateful to Fulton County residents that she's the chair of that body.

And that's essentially what I have, Mr. Chairman. You know, when we meet again, I look forward to finalizing this process and I hopefully look forward to hearing a little bit more from this group as to how to -- how to be more proactive in the future.

But I thank all three of you for your service and I take very seriously the observations that were made.

**JUDGE DUFFEY:** Thank you, Mr. Lindsey.

I've been looking at a couple things here based upon what Mr. Day and Mr. Ryan said. And that is, as we've heard, there was a process by which we got to the performance review panel. And that process included an initial review by an outside consultant which then ultimately led to this change preventively to -- but the General Assembly decided that there needed to be a mechanism that they call the performance review
You know, in some day that will be necessary because somebody -- when we have improved processes that have more reliability, there will be people that make mistakes and we ought to have some mechanism to do an investigation of a county that has more systemic problems when, in fact, the Secretary of State's Office and the Board is trying to regularize the process and make it more uniform.

And I will -- I will say this, that I had discussions with the Elections Division; we had discussions with Secretary of State's Office, mainly through Ryan Germany, is that if you think that we would like to -- what we would like to create -- and I think that's true of the Board; I think it's true of counties; and I think it's true of the Secretary of State's Office, is that, one, I don't want the Board to be perceived as it continues to be perceived, as the sheriff that runs into a county because we found a problem there. I want the Board to be perceived as the collection of issues that need to be addressed and then working proactively with counties and the Secretary of State's Election Division to say
now that we're seeing these problems, what can we do to put into place a mechanism to resolve them and make that process and resolution uniform across all the counties? But any process that involves the creation of a process like Mr. Day is suggesting costs money.

And, you know, I'll give you my experience. When I was the United States Attorney, of course, I -- at some time in the past -- I don't know the full history of this -- but they came up with an ongoing inspection system. Wasn't my favorite thing to do to go through an inspection by the Department of Justice in Washington, but we understood what they were going to inspect. We understood what their expectations were of us. And it was my responsibility in leading that office to make sure that based upon the practices and procedures and policies that were in place that we complied with them. And if I wanted them changed, I would have to go and ask for changes to be made.

But every three years our office was inspected, not by people in Washington but by people from other offices across the country that would come in, usually for three days, and they
would -- they would test our processes and our
files and our procedures against what was
expected of all United States attorneys offices
in the country. And then they gave us a report
and told us when we did things well and when we
needed -- what they would call the "challenge
areas," areas where we needed to improve.

But it takes time and it takes money to
create that. Right now the Board and the
elections divisions in the counties don't have
sufficient resources even to design a process to
do that. And I think that where it has to begin
is that we have to -- we have to have the courage
to say if you want uniformity and integrity in
these processes, you have to give us the
resources necessary to create a system by which
we can regularize and make uniform the processes
that you expect of all of these hundred and
fifty-nine counties. And then let us deploy that
with a mechanism that makes economic and
practical sense and where we share information
and experiences in other counties with the
counties we're in and looking at what they do.

Now, I hate to say this to Ms. Willard, but
the best, maybe, to do that would be Fulton
County because we have this body of information. We have people that have looked at the processes that are now in place. I'd be reticent if I didn't say that there are a number of things in this report where the people that have done this report have said that there are still shortcomings that need to be addressed. And I suspect that everybody recognizes and is willing to address those. But isn't this at least an opportunity?

And, Mr. Day, I was going to give you a compliment. I was going to say you're an engineer and you told us three minutes and that you would keep to three minutes. Well, you didn't. So maybe what we'd call on you now is to give those -- that time back to us by staying engaged to some extent to use what Mr. Lindsey has said is your body of information with Mr. Germany, who now has his -- he's building his practice. This would a great learning experience for Mr. Germany to continue in this area in working with, I think, the best dressed of the panel members here, which is Mr. Kittle, and give us the opportunity to build upon that experience and come up with a template that we can use and
apply to all counties.

2024 is going to be really hard. We are going to be under a microscope. But we have the capacity and, I think, the will to say, As critical as you want to look at us, we will be prepared for that. And the citizens of the state are entitled based upon what's happened in the past to be able to leave the 2024 elections and say, We learned; we were educated by our failings; we created remedies to those things where we had not done what we were supposed to do or what we were criticized for even though we had done what we were supposed to do; and have people say that the gold standard can be this state.

You know sometimes -- my mother used to say behind every dark cloud there's a silver lining. And maybe that's our silver lining. I'm glad I didn't say how long I was going to talk because I probably violated that.

Dr. Johnston?

**DR. JOHNSTON:** Well, I do have some questions. And I wholeheartedly agree with Judge Duffey -- well, Chairman Duffey about establishing processes and review and investigation that can be used uniformly
throughout the state. And this is the real
opportunity to have this occur, I believe.

But some questions -- just some questions
about the report that I'd like to ask. Was the
Carter Center, Fulton County agreement intended
to be used or substituted for this investigation?

MR. GERMANY: It wasn't substituted. It was
intended to basically expand the reach of the
three members of the Performance Review Board.

DR. JOHNSTON: To augment it.

MR. GERMANY: Yes, ma'am.

DR. JOHNSTON: Okay. And what procedure
manuals were reviewed in Fulton County?

MR. GERMANY: I'd have to defer to Stephen
on that, but we asked for basically all of their
kind of process -- processes and we received a
lot of them.

MR. DAY: They gave us a whole litany of all
their standard operating procedures. And
basically what I did, I scanned through the ones
that I thought were most relevant and printed
them out, looked at them, talked to the people in
Gwinnett, showed them to them, asked them about
what we did.

But this sort of goes back to this limited
resource thing. We're basically sampling -- the
idea that you would expect a $500,000 consultancy
from three guys volunteering their time is not --
is not reasonable. So what we had to do was make
our best judgment about what to look at and the
time that we had available and see what kind of
insight it gave to us.

And in particular the case of the chain of
custody and standard operating procedures, they
had some that didn't match up exactly with
Gwinnett but they had some that looked logical.
In other words, our charge was to see whether
there was systemic failure in Fulton County.
This did not show systemic failure. Are there
things that could be improved upon? Yes.

Now, if you want to get down into the
details about how to improve that, that's going
to require the -- what we were just talking
about, a process where you go into that. But the
way I understood our charge -- and I think we all
agree -- we were there to basically say are we
going to blow it all up or not? Does it deserve
to be blown up and the whole board removed and a
new supervisor put in?

And Fulton County actually was proactive in
instituting things that eliminated a lot of the
issues that had popped up that -- prior to us
serving on this board. So that's -- that's where
it is. I'm not trying to dodge your question but
I'm just trying to give you the context it is.

And I want to say this about the Carter
Center report. What it did was it gave us a much
wider statistical base. I was always concerned
when I went out there. And I'm looking at these
precincts, okay, maybe I'm looking at the nine
best ones and everybody else is, you know,
chaotic.

So the idea that the Carter Center was out
there and had a much broader reach than we did --
and it almost to the tee validated independently
what we had observed. Their verbiage was almost
identical to what I had written up in memorandums
and distributed to Ryan and Ricky about I didn't
see anything catastrophic when I was observing at
these precincts.

As a matter of fact, what I observed was
precinct workers responding to crisis and getting
the job done. Maybe the main office wasn't
responding as quickly as they should have -- and
Ricky addressed that -- but the people on the
ground took care of business.

   I'll give you one example. You know, the precinct, I think, was Independence High School. The equipment was late getting there. Then they put it in the basement level. It had to go all the way up a hill and then up a ramp and then up into the room. And the wrong room was designated and this was a facility manned strictly by females. And I'm only saying that because it wasn't a bunch of muscular guys. And these ladies took it upon themselves to shove all of that heavy equipment up that hill, up the driveway, up the ramp, and then move it from the first room to the second room. And they got the job done and they got it done on time.

   So it's those kind of people that I observed. And I'm going to even say this and I may get in trouble. In one of the poorest areas I went into, it was the best run precinct. Those people were on top of it. I saw what they were doing and it was going like that (indicating). So it didn't matter whether it was on the affluent side of town or the more depressed side of town, there were dedicated poll workers in Fulton County doing the job.
Are there mistakes that are made? Sure. I'm from Gwinnett; we made mistakes. We've been before -- I think we had our attorney here back in December, if -- I'm not sure, about a mistake that we had made. So as we said, we're fallible but the -- the mentality, the new chairman of the elections board, the new supervisor of Fulton, the people that are there, they're working hard for improvement. So ...

I'm sorry. I didn't mean to get on a soapbox. Thank you.

**DR. JOHNSTON:** I think that was more than three minutes.

(Cross-talking)

**MR. KITTLE:** I want to touch on something. I know our job was to oversee Fulton County. But, again, I want to say Fulton County workers, poll workers, went out of their way. The workers in the command center went out of their way to answer the questions being called in to them: I'm at the wrong precinct or we can't find this voter on our roll -- rolls, what do we do? They had manuals there in that control room that told each person on that phone how to respond, how to look it up. When I met -- when we interviewed
the chairman, you could tell she was concerned
about what was going on and wanted to improve.

We can go back and beat up -- just like you
said, the 200, it was a mistake, a human error.
I think we're better off now that we have better
controls already in place. The state's helped us
get new controls on batch management. We'd never
seen a batch management in our life before 2020.
Never even heard of it.

DR. JOHNSTON: Thank you.

MR. KITTLE: But I think they -- you know,
we have -- we're starting to get more things in
place.

DR. JOHNSTON: So the interviews, did you --
did anybody interview the chair of the Democrat
or Republican party for Fulton County?

MR. GERMANY: We did not.

DR. JOHNSTON: Okay. Did anybody interview
poll watchers, observers, monitors?

MR. GERMANY: We did not. When we first
embarked on this, we had, I think, grand plans to
conduct more interviews, including those types of
people. What we found was that was not something
we could reasonably accomplish within the time
period --
MR. DAY: Ryan, Ryan, I want to say this. When I was doing the observing in the precincts, I did informal conversations with the poll managers, assistant managers, and from time to time I would bump into an observer that would talk to me about it and I would ask him. So there was a lot of informal conversations that were going on with people that were in the various precincts and early voting centers that we went into.

MR. GERMANY: That's a good point. I meant we did not conduct any formal interview, but we did, of course, have informal interaction with those people. And I had quite a lot of interaction with -- maybe not poll watchers themselves but people that the parties had overseeing the poll watchers who would call into the Secretary of State's Office just in general. So we had a lot of interaction with those people but not formal interviews.

DR. JOHNSTON: Was there a system or a way to review called-in compliance to Fulton County Elections?

MR. GERMANY: So the way we did that was essentially -- I mentioned, you know, Stephen or
Ricky was in the command center at the time, seeing, okay, what's being called in, and -- and he was actually relaying that to Steve who went to where they were being called in.

And, you know, a lot of time I think Stephen arrived there before Fulton County just based on the kind of -- the nimbleness. And so that's how we did that.

DR. JOHNSTON: So is there a process for logging those calls or ...

MR. GERMANY: In Fulton County?

DR. JOHNSTON: In Fulton County.

MR. GERMANY: Yes. Yes, there is.

DR. JOHNSTON: Okay. And in referral to the recount inconsistencies that you had mentioned in your report, I think it's actually a complaint case that is under investigation right now. I think the count error of 4,000 is -- 4,081 was mentioned and not just 200. And there's a question about a vote total discrepancy or difference or alleged of 16,000. So I --

MR. GERMANY: You're talking about in the 2020 election?

DR. JOHNSTON: In the 2020 election, right.

And if there -- you mentioned independent audit
experts. Could you share who those were?

MR. GERMANY: I'm sorry, what?

DR. JOHNSTON: Independent audit experts.

MR. GERMANY: What are you referring to?

DR. JOHNSTON: It's was mentioned in the report that there were independent audit experts.

MR. GERMANY: Okay. So you're asking about on the hand-count audit after 2020.

DR. JOHNSTON: Right.

MR. GERMANY: As part of that investigation, which was essentially the -- because there's two separate issues here. When you do a hand count of ballots, you're not going to get the same -- exact same number as the machine count did. The reason that you do that is to say, okay, is there some problem here that -- with the machines? And that's the same -- that's the same thing when after that hand-count audit, you do a -- we did the machine recount in 2020, the presidential election. You're going to get a slightly different number there too.

The point of each of those things is to see, hey, is this result correct? And so going back to the hand-count audit -- in that investigation we did -- we did two things. One, I worked with
Secretary of State investigators and listened to them. And they went through kind of each allegation of, okay, on this -- this tally sheet says this and it's input here as this and it's in here twice and that type of thing. So they looked at that individually.

And the other thing that we did is we talked to -- the audit experts I'm referring to who work at a company called Voting Works that has helped Georgia establish its risk limiting. And we said, hey, is what you're seeing -- does this basically change the overall effectiveness of the audit or is it basically what we would expect in a hand count?

And so what they confirmed was, no, that -- like this type of data entry errors doesn't change the overall effectiveness of an audit, which remember is a statewide activity. And so the whole point of it is to confirm the results of the election. And the question is does any of these data entry things that we're seeing change that conclusion? And they said, no, that that's very much expected.

They did mention that one problem that happened to Fulton was a lot of counties have
data entry errors initially. And what they were able to do is go back and check them basically before submitting their results and see, oh, what are we -- what's the problem here? And kind of do a doublecheck of did I type it from the tally sheet into the cell sheet, essentially, correctly?

With Fulton, 2020, we had a deadline for the hand audit. Secretary of State's Office did. We already extend -- we extended it, I think, an additional day for Fulton and Fulton was still, I think, struggling to finish. And so they -- basically once they finished, they didn't have time to do that kind of quality assurance check that other counties did.

So I think that's why we saw more data entry errors in Fulton than other counties in that instance.

DR. JOHNSTON: So who were the audit experts?

MR. GERMANY: Voting -- the people at Voting Works.

DR. JOHNSTON: Voting Works, okay. It's not -- well, it may be understandable but if there's an election complaint that alleges that
the Fulton County election official reported the
vote count of all precincts on election day in
2020 of being 21,800 and something, and then
posted an hour later an election count of
59,143 -- and this is not -- I don't think it's
been investigated yet. I'm not sure. But the --
a number as different as that, it's
understandable that that might create doubt or
mistrust or confidence issues.

And was the audit -- the audit, was it a
surprise to the State of Georgia?

MR. GERMANY: Are you talking about the
hand-count --

DR. JOHNSTON: The twenty --

MR. GERMANY: -- audit in 2020?

DR. JOHNSTON: Right. Right.

MR. GERMANY: So in 2019, the legislature
put in place --

DR. JOHNSTON: Correct.

MR. GERMANY: -- audits. And we put in
place risk limiting audits. The way that
generally works is you do a sample of ballots and
then there was a statistical formula that
basically says, okay, here's how many ballots you
have to look at in each county and here's the
statistical confidence level that this gives us that the result of the election was correct. The number of ballots is based on the margin of the contest to be audited.

So what the State Election Board did back at the time in instituting its audit rule was it left it up to the Secretary of State, okay, here you -- the Secretary of State chooses a race to be audited based on these criteria. After the 2020 election, Secretary Raffensperger decided we need to audit the presidential contest. In making that decision, which I think was the right decision based on the scrutiny that election was frankly receiving, the margin was so close that the risk limiting factor of the audit -- you basically had to do a hand count. So the complete hand-count aspect was not anticipated. That was something that basically we had to pivot to. I think it was the right decision. I'm glad we did it. But the hand count was not -- the full hand count was not anticipated.

**DR. JOHNSTON:** Right. So full recounts are sort of a, you know, kind of ultimate RLA. It's a hand -- you know, a contested election results in a full recount. So I would think every county
should and would be prepared to proceed with a recount if their contest was questioned seriously. So I don't -- I just don't understand the issue about it was a surprise.

    MR. GERMANY: The hand -- a recount -- there's two different things. There's an audit of an election.

    DR. JOHNSTON: Right.

    MR. GERMANY: And then there's a recount.

    DR. JOHNSTON: Right.

    MR. GERMANY: Which are two separate things.

    DR. JOHNSTON: But this audit turned into a recount.

    MR. GERMANY: Well, I guess, it's probably the lawyer in me who's of quibbling, but an audit is a different thing than a recount.

    In 2020 we had an initial count. We had an audit which turned into a full hand count based on the margin, and then we had a recount. And there's two -- there's separate rules that the State Election Board has: One governing audits and how to conduct them; one governing recounts. Audits are hand counts, generally not of the entire -- every single ballot but a limited subset. Recounts are conducted using the
machines and rescanning every single ballot through those machines and getting a -- essentially another count.

    DR. JOHNSTON: Right. Unless the machines are not working properly and then it reverts to a full hand count which is what occurred.

    MR. GERMANY: That's not --

    DR. JOHNSTON: I mean, it's just --

    MR. GERMANY: That's not what occurred. The --

    DR. JOHNSTON: Well, it's not that the machines weren't working, but the decision was made to -- because the -- the results were so close that an RLA becomes a full recount. It wasn't an issue with machines not working properly.

    MR. GERMANY: The only thing I would say is it becomes a full count. It doesn't become a full recount.

    DR. JOHNSTON: Right.

    MR. GERMANY: If you look at the official results of the 2020 election, those official results are based on the requested recount from the Trump campaign. The hand audit is not official results. It's a check.
MR. KITTLE: May I say something, Germany? 2020 we were not expecting that. We do now. We have guidelines in place to do it, but in 2020 we were not expecting to count every ballot. We -- you know, we had --

JUDGE DUFFEY: Mr. Kittle, could you speak -- excuse me, because the people on the screen --

MR. KITTLE: Oh, I'm sorry.

JUDGE DUFFEY: -- need to hear you through a microphone.

MR. KITTLE: I understand.

In 2020 we were not prepared. We didn't think we was going to do a hand recount. When the Secretary of State decided that that's what we were going to do, we had to find people to do that. I mean, we wasn't expecting to count, you know, seven-whatever-million ballots there were in the State of Georgia.

But now we do expect to do a hand recount. So we have procedures in place now. We're not surprised like we were in 2020. So it's not -- it's still a problem because it costs money to do all this stuff and, like we were told earlier, unfortunately the State likes to make rules without putting money behind them.
DR. JOHNSTON: Right.

MR. KITTLE: But, you know, we -- 2020 was a surprise for all a hundred fifty-nine counties. We wasn't -- we wasn't prepared to have the manpower to hand count every ballot, but we do now. We look every year that we have to.


So, Mr. Germany, there's mention of an inventory tracking system. Is it functional? Is it being actively used?

MR. GERMANY: My understanding is -- and I might have to defer to Stephen again, but it is being actively used. I know based on our interviews with some of the board members and some staff, I think they're still figuring out, okay, how can we fully implement and utilize -- and utilize this system?

DR. JOHNSTON: And the advance waiting -- on to the 2022 election, advance voting wait times in the report are inconsistent with what was on the website, Geo Map, that showed wait times. So I'm not sure how the conclusion was made. It might've been in the Carter Center report.

MR. GERMANY: The advance voting wait times
in the Carter Center report were based on their own observations.

    DR. JOHNSTON: They must not observe the website.

    MR. GERMANY: They were observing the actual, like, on the ground. And you're talking about the Fulton County website that publishes wait times.

    DR. JOHNSTON: Right. Right.

    MR. GERMANY: So I think that, of course, comes from a different source. And both of those things are essentially snapshots, right? So, you know, I think that you are going to get a sense of how things are, but my understanding is that the -- on the website for Fulton County, it utilizes, which is a great for its voters -- you know, they're basically having poll workers track at different times -- Okay, what's the line length? -- and reporting that back in.

    The Carter Center report, I'm not exactly sure what their methodology was. I know -- I think given their charge of simply observing, they probably had a little bit more time to kind of measure throughout than a poll worker would. But I think that's going to explain the slight
differences.

Measuring wait times kind of throughout the whole day is difficult. I think about, like, driving down here, you know. Like, the wait time on 75 from Atlanta to Macon is going to be a little different depending on the exact time of day.

The one thing that I've talked with kind of academics who do this is, like, Yeah, we know that -- for instance, when they do surveys of wait times, they're not going to get exact numbers. What they are going to get is a good kind of overall sense of -- especially of sort of comparison. Basically, okay, these exact numbers might not be completely right, but it is going to give us a good sense of, okay, lines are shorter here and longer here or shorter at this election than this election.

**DR. JOHNSTON:** Actually I think the county did a pretty good job putting people out to just stand in the line and follow it.

**MR. DAY:** Dr. Johnston, I was just going to say that I'm an industrial engineer, so time study's part of my background. And I actually did some time studies at -- while at these
precincts.

And I would usually go on the last day of
early voting because that's the biggest stress
point, and I could watch what was going on. And
the average processing time at an issuing
station, which is almost always the bottleneck
that creates the lines, is -- was pretty much the
same everywhere I went. I think between two and
three minutes, sometimes quicker. But that's the
same in Gwinnett. I've done it many times in
Gwinnett.

I didn't see anything that was out of the
norm in the several time studies I did at the
different precincts or the different early voting
locations that I did.

And also, to speak to one of your other
points about the recounts and the audits and all
of that, I'm a nerd. I drew a line in 2020. I
counted what the original stuff -- the original
counts were, what the hand audit was, what the
recount was. And in statistics it's called
"random variance around the mean" and that's what
you had. If you have a bunch of numbers way
above the line, that means there's something
wrong in the count. But if you've got little
dots, you've got a line like this (indicating),
little points all around the dots, that's the
human error in the recount, maybe a little glitch
in the machine. But it showed that everything
was still in line. If you want to talk -- you
maybe have regression analysis. They were all
within the regression analysis confidence
interval. So anyway ...

Sorry I went off into that, but just wanted
to reassure you.

UNIDENTIFIED SPEAKER: I'd like to make --
can I make a comment on that?

JUDGE DUFFEY: No.

UNIDENTIFIED SPEAKER: Okay.

DR. JOHNSTON: So was there a review of
security measures or controls?

MR. GERMANY: Was there a review of security
measures? Now, that's a broad question. So I
think -- you know, we observed at many different
locations, including --

(Phone ringing)

MR. GERMANY: I hope that's not my phone
over there. But we observed at many different
locations from a security perspective. So I
would say specifically we weren't -- there
wasn't, like, a security checklist we were looking at. But it's more of, okay, what's going on here?

    The main -- I think there's a lot of ways to think about security. You know, in the election office where the voting machines are, it's definitely a -- okay, who had access? Who's allowed access and that type of thing and are things tracked? And that's one thing that we found in the observation is the security of the warehouse and the organization of Fulton County's warehouse just showed massive improvement from 2020 to 2022. Organization in -- you know, in and of itself isn't security, but I think it's kind of an indicator that when you have kind of a place for everything and everything in its place, everything else is going to -- is going to go better. So we've seen improvements in that.

    And then at the polling place, there's, you know, security of kind of systems, but, also, you know, a concern now is security of people -- Right? -- poll workers, voters, things like that. That's a difficult balance for every county.

    You know, one thing we did look at that
might be part of your question too is kind of the chain of custody of -- of especially the ballots, right? Especially absentee ballots as they're coming in. And that's one of the first things that we observed. And I thought -- I think Fulton probably saw after the 2020 election, and probably every county did too, Okay, we need to really think about kind of the process that these ballots are going to go through. And that's something that we saw, I think, as one of my colleagues mentioned earlier, a lot of improvement in that chain of custody of absentee ballots as they go through the process from 2020 until now.

**DR. JOHNSTON:** In the beginning of the report, you mentioned Fulton County has a long history of issues with voter rolls and alluded to a report from 2012 where 10,000 names are not on the rolls during an election. And they were -- Fulton County was fined the largest fine, I guess, ever, a hundred eighty thousand dollars. Did you review voter registration?

**MR. GERMANY:** You know, I think the best way that we approach that, as I mentioned earlier, was in the redistricting process because that's
essentially voter registration. And so the three of us did not, but that's something that I basically worked with the Secretary of State's Office on. They kept me in the loop.

We actually had a meeting with Fulton County on redistricting. And we did -- we did notice some, I think, sort of legacy issues that were making their redistricting harder. But, you know, I'll repeat what -- the conclusion of Dr. Harris, our deputy elections director who said -- because he worked very closely and he said that he thinks that Fulton's rolls are in the best shape they've been in in a long time.

**DR. JOHNSTON:** Was there a review of the county auditor's financial report of the deficiencies of Fulton County elections?

**MR. GERMANY:** No. We're aware of the report but we -- that was not -- we did not include that in our scope.

**DR. JOHNSTON:** I saw no mention of the report of possible break -- or an alleged break-in or a possible break-in of the election records warehouse, summer of 2021. Was that reviewed or investigated?

**MR. GERMANY:** If -- not as part of this
report. No.

**DR. JOHNSTON:** Okay.

**MR. GERMANY:** I think I'm familiar with that unless I'm confusing my counties in my role at Secretary of State's Office. And I believe if it's the same thing I'm thinking of, then, where, like, a door was left open, then -- and I think that was investigated through SOS investigations but not as part of this report.

**DR. JOHNSTON:** Okay. And the newspaper reported alleged shredding of 300 voter registration applications in the fall of 2021. Did you review or investigate that?

**MR. GERMANY:** I know that was also investigated through SOS investigations. I believe those people were fired pretty quickly as well.

**DR. JOHNSTON:** Okay. There was a breach of election workers' personal information. Was that reviewed or investigated?

**MR. GERMANY:** I'm not sure what you're referring to. So I don't know. We -- I did not investigate it. That's not even something I'm familiar with from a Secretary of State perspective. So I'm not sure what you're
referring to.

**JUDGE DUFFEY:** What are you referring to? What's the source document for that?

**DR. JOHNSTON:** I think the AJC reported it, and actually my personal information was breached as a previous election worker, I guess. But I received a letter and they asked -- they referred me to typical number you can call to check your financial protection for the future.

**JUDGE DUFFEY:** So this was a data breach of what data system?

**DR. JOHNSTON:** I think this story reports that some PII of poll workers -- I believe it was poll workers or maybe election workers would -- had a data -- it was data breach.

**JUDGE DUFFEY:** Was it poll workers or election workers?

**DR. JOHNSTON:** I'm -- the story -- I'm not clear.

**JUDGE DUFFEY:** This was a press report?

**UNIDENTIFIED SPEAKER:** That was January --

**JUDGE DUFFEY:** Excuse us. This is a board meeting. If you want to make public comment, you may at the end of the meeting.

**DR. JOHNSTON:** So it was in the paper, and I
received a letter from Fulton County that my
information was one of the -- one of the persons
whose information was one of the --

JUDGE DUFFEY: Maybe the best thing to do
would be for you to provide your letter and the
article to Mr. Germany and ask him to respond to
it.

DR. JOHNSTON: Thank you. Okay.

MR. GERMANY: Ricky, come up here.

MR. KITTLE: In some of our work, we relied
on the Secretary of State's Office investigators.
We did not have those powers that they had to
investigate individuals. So we sort of -- Ryan
sort of looked over stuff they had and would tell
us, you know, this is what the investigator saw.
Because we didn't have investigative powers to go
into individual cases, we were looking at
operations in Fulton County not individual
things.

DR. JOHNSTON: Thank you.

And was there a review of -- in relation to
operation of elections, was there a review of
staffing practices and policies of hiring,
training, outsourcing, performance, retention,
errors related to ...
MR. GERMANY: That -- that came up in some of our interviews, particularly regarding staffing of early voting locations, which is difficult because, you know, it's a three-week commitment basically. But there's also benefits too. Like, what we see in early voting around the state is on day one there might be some hiccups as people get used to it. Day two through seventeen generally go a lot smoother.

And then, at least Secretary of State's Office, we kind of hold our breath again because then generally on election day, you have a different set of staff that are running polling locations and they generally haven't done it for a while.

So that's a -- something that I know Fulton County is actively looking at and that came up in our discussions. It's not an easy sort of thing to solve and say, oh, here is the sort of best way to handle that. So that did come up, yes.

DR. JOHNSTON: For the engineer, would a consideration of a process audit be something that you might recommend?

(Phone ringing)

MR. DAY: Well, I'd like to put that just in
the larger context of my earlier remarks.

    JUDGE DUFFEY:   Excuse me.

    MR. DAY:     Sure.

    JUDGE DUFFEY:   I asked everybody to please silence their phones. That is now the fifth interruption. Would you please put your phones on silent. It's not fair to the speakers to be disrupted like that.

    MR. DAY: In other words, what you're requesting is -- I -- I believe in a holistic and systematic approach. Yeah. And I think that might be part of what we're advocating. But rather than individualize an assessment, I think it needs to be part of the greater process.

    If you were really going to try to help election offices improve, we need a holistic systematic approach to it.

    JUDGE DUFFEY: And I'm trying to figure out when we should take a break. How many more questions do you have since we have two other board members who are left?

    DR. JOHNSTON: That's all.

    JUDGE DUFFEY: Ms. Ghazal?

    MS. GHAZAL: Thank you, Mr. Chairman. And thank you all -- Mr. Kittle, Mr. Day --
especially you as volunteers in this process.
I'm intensely grateful to you and, of course,
Mr. Germany for your leadership in this process.
I want to take a step back, first, to correct the
record a little bit. I think some of the issues
that my colleague, Dr. Johnston, brought up in
fact were addressed in a prior case that the
board has seen and has disposed of, that apparent
tabulation problems were in fact largely
data-entry discrepancies and it was about batch
management which -- which I know Mr. Germany has
already mentioned.

And, again, thanks to the --

(Phone ringing)

JUDGE DUFFEY: Hold on a second. Whose
phone is that?

(No response)

MS. GHAZAL: Many thanks to the
investigators because that took a yeoman's effort
to work their way through that. And at the end,
I understood much better exactly what happened.
And I think the batch management improvements
that we've already seen will get to the bottom of
that. But that's not what we're trying to talk
about now, so I apologize a little bit.
But I do want to take a little bit of a step back and look more broadly at this process. I know we're not going to complete this until April but I want to strike while the iron is hot, and the General Assembly is still in session right now.

Mr. Day and Mr. Kittle, can you tell me -- the law allows for four of these performance review boards to be -- or four counties at one time to be under performance review. What is your assessment of the feasibility of that?

**MR. DAY:** Go ahead, Ricky.

**MR. LINDSEY:** Can I guess right now what he's going to say?

**MR. KITTLE:** It would be impossible to do four counties at one time. You could do four small counties at one time. The amount of hours we put in, the amount of time it takes to just get the interviews with the people you've got to talk to, I mean, you know, scheduling. We are busy people. I mean, I can't imagine somebody calling me up on a Monday and saying, Oh, we're going to be there Tuesday. Let's talk.

It would be impossible. It may have been a good idea somebody had, but they really didn't
think this out. They just, you know, you couldn't do four counties. The shear manpower, a three-person board would've been a joke in the election -- if Carter's -- if Carter Center had not come in and helped us. We couldn't have covered this county. Fulton County. There's no way we could've even see a fourth of the county. So maybe the -- it would be impossible to do four counties.

**MS. GHAZAL:** Thank you. My second question is how -- are the recommendations that you all put together that Fulton County -- for continued improvements, will they apply to your own counties?

**MR. KITTLE:** It applies to all a hundred and fifty-nine counties. I learned stuff from Fulton County, the way they do it. I learned something from watching their people work. The processes they had were different, some of them were different than ours. But I think -- as Stephen said earlier, I think that's one thing we need to work on as a collective body from the board here, the legislature and the Secretary of State's Office to the election officials in each county to try to get a standard so everybody -- you
know, it's a lot easier to follow directions if everybody's trying to do the same thing the same way.

And we're learning. You know, this was a whole -- 2020 was a whole new ball game with these machines and stuff, and we are getting better processes. But it's -- you know, it still has some room for improvement.

**MS. GHAZAL:** Thank you.

**MR. MASHBURN:** I'm fine. Thank you.

**JUDGE DUFFEY:** Thank you, Mr. Mashburn, for not having any questions.

You know, I have sort of pored over this report. And it's really helpful, especially when there are areas of improvement specified. There are specific things throughout the report that are helpful to understand what can be done and what should be done, although there's one thing that the Carter Center pointed out that I thought was interesting and it is a bit troubling to me because I came into this work and I've done it all of seven months with the view that elections are a process itself.

And the administration of elections and that process is nonpartisan, that you determine how
many people need to vote, you determine what resources you have, and you deploy those in a way that does not cater to any particular group.

But there is a comment in this that the -- that Fulton County -- and this is really -- I just want to know whether or not, Ryan, you saw this in other counties or have you heard about this in other counties, that there were certain outreach locations opened on college campuses for advance voting that had the most significant staffing challenges, the pole managers having to give inexperienced staff on-the-job training. And these locations were not initially planned which I understand was not planned by the Fulton County Election Board to be advance voting locations but were added at the request of activist groups.

Can you tell me more about that? That seems to me, number one, a disruptive thing in Fulton County where the people were doing a job that they weren't trained to do. And does that happen in other locations around the state?

**MR. GERMANY:** So I would say, and as I formulate my answer, I agree with your concern. And I noted that we noted it mostly from a
perspective of, you know, Fulton County, I think, came up with a plan for polling locations, looking at what -- what's our needs, what's our ability to staff these places? And that's what -- that's how you do that in that scrupulously nonpartisan way that you're -- that you just referred to.

In doing so, I think after that, then they were asked by -- Fulton County was requested by activist groups to basically add locations at -- at college campuses. And they call them outreach locations. It's basically, I think, early voting locations, but they're not open the entire early voting period. They're open only a portion of it.

So -- and I think, you know, kind of trying to avoid blowback in the sense of not wanting to be accused of trying to keep people from voting, they basically said, Okay, we'll do what you're asking us to do. I think that's a dangerous precedent because, you know, there -- and especially as we're heading into 2024, there's going to be a lot of, you know, activist groups who are, you know, coming from kind of both sides of the political aisle who are going to be
basically requesting election officials to do certain things. And then if you go -- if you do what one asks, then you're going to make the other one mad. And if you do what this one asks, you're going to make these people mad.

And so I really think, we -- as we get into it, that county election officials, you know, looking at -- with guidance from the State Election Board and looking at state law have to figure out, Okay, what can we realistically do to best serve all of our voters? That -- that's not going to make everybody happy.

And so -- but they have to make that plan. And the other reason I put that in the report is you've -- to execute a plan, you've -- you've got to have a plan early on and you really want to stick to it as much as you can. And I think that was something that -- that when the Carter Center noted that those locations that weren't planned for, that were added had the biggest challenges, that's not surprising. And frankly it's avoidable by having a good plan and sticking with it and executing it.

Now, I'm not saying -- you can't be completely inflexible, right? But to me that did
not raise to the level of, hey, this is a thing that we need to change on our plan.

**JUDGE DUFFEY:** Have you see this sort of request for special locations by outside groups being made to other counties?

**MR. DAY:** Ryan, I can speak to that from Gwinnett's experience.

**MR. GERMANY:** And I'll say from the State's side I think there is a -- you know, you hear from that sometimes kind of -- it's very, very rare basically.

I'll let Stephen speak to the point from Gwinnett.

**MR. DAY:** First off, to the plan, you do whatever you have planned in advance. And the staff, it's unfair to them at the last minute to say, We need a whole nother set of early voting staffing. So you've got to be proactive and be thinking -- and think ahead.

But we did have a situation with Gwinnett where we budgeted for twelve this last election, so twelve early voting centers. And the area where we wanted to get one, we couldn't find geographically suitable locations. So we still had in the budget the resources for another one
and we did try to do one late in the process but because of some issues there -- it was actually at Gwinnett Place Mall which is now owned by the county. It's shuttered but it's owned -- not the Mall of Georgia, Gwinnett Place at Pleasant Hill. It was infeasible with that little time to go ahead and do it. And there had been some people requesting stuff. So we did get some noise about that, but you're -- the point that Ryan's making, as somebody on the election board, you want to be proactive in your planning, think ahead, and have all of that lined up. And say, Now we've budgeted, we've got our people for it, and -- and that's it.

But the best thing to do is to look at the map of your county and make sure you're geographically treating everybody the same. And population centers, it may be denser over here, you may need more. So you've got to -- you've got to think.

And I did want to address Dr. Johnston's point earlier that there was the last day of early voting that I was observing. There were hour to hour and a half delays. The Carter Center report actually says that. They said
twenty-five delays except on the last day. So if you read down in there, they say that.

But anyway, yeah, the -- you don't want to be put in that position where you're doing stuff at the last minute if you can help it. Thank you.

**JUDGE DUFFEY:** You know, my last question had to do with the Carter Center. It's -- I know people that are on the board of the Carter Center, have a lot of respect for what the Carter Center does. I've lived in Atlanta since 1981. I've known people that have worked there and have known people that have been engaged there.

And it never occurred to me that the Carter Center would have the willingness to help, and, you know, try to be candid with everybody. I went to Ryan and I said it was taking too long to get this report done and if we needed more people on it. His response was, We don't have more people. And I agreed with him. And he said, But, you know, maybe the Carter Center which we have used in the past, which has helped us in the past and that we respect might be available to help us in this instance.

And having read now the Carter Center's
report, it's clear that -- not only that they agreed to help, but they agreed to help in a significantly material way by the number of people that they provided and the scope extension that they allowed to the panel. And at some point, as the chair of the committee, I'm going to send them a letter of appreciation because they do need to be appreciated. I don't think we would have this report. We wouldn't have the comparison of their observations with the comparison of the panel's observations which I think is a really good thing.

And the demand that they be independent is exactly what I would expect from them. And I respect them for making that demand. So on behalf of the board, I do want to extend our appreciation to the Carter Center for the significant work that they had making their work product available to the panel that has been included in this report. So ...

**DR. JOHNSTON:** I have one more thing. Not a question. I would like to give my sincere, profound thanks to the three of you for agreeing to do this and taking it on in a difficult time and with many people concerned about our
elections. Thank you very, very much.

MR. GERMANY: Thank you.

JUDGE DUFFEY: All right. That concludes this portion of the agenda. It is 11:00. Let's take a ten-minute break.

(Break taken)

CASES RECOMMENDED TO BE DISMISSED

JUDGE DUFFEY: I guess I'm as good as Mr. Day is keeping time since we went a little bit longer than I said we would go.

After having heard now the report of the Fulton County performance review, we will move on to the next items in our agenda which are the investigation reports.

For those of you who are not familiar with the process, any citizen who can provide sufficient factual information to the board about something that they believe is either not done properly, may be done improperly in the election process at any stage of it can file a complaint. There's a complaint form that a complaint must be filed on our website and by completing the form, that then gets into our investigation system.

The complaint is investigated by trained professional certified investigators and then
they provide the reports to us. And we are in
the portion of the meeting where the reports,
having been completed for those cases that are
listed, will be made now by the investigations
division. Sara Koth, who is with us at the
podium, is responsible for summarizing the
reports for us. And then we will discuss them as
a board.

Welcome back and thank you for your work.

**MS. KOTH:** Hello, thank you. Before we talk
about the cases recommended to be dismissed,
there are three that are on here that we did a
further analysis and would like to pull them
for -- for a few more things that we would like
to address in investigations.

And those cases are 2020-225, the Henry
County public viewing; 2021-106, DeKalb County
excess voting; and 2022-013, Fulton County ballot
harvesting. We'd like to continue those until
the April meeting, please.

**JUDGE DUFFEY:** I'm sorry, what was the last
one? 2022?

**MS. KOTH:** 013. Fulton County.

**JUDGE DUFFEY:** And you had made an
evaluation that you wanted to do more
investigation before you present it to us?

**MS. KOTH:** Yes. On one of them we just thought we'd have the information back in time and we didn't -- we did not. So we would just like to answer the questions for -- for us before we can answer them for you all.

**JUDGE DUFFEY:** Well, that's a good policy. All right. So let's begin with -- these are listed as cases because the -- the investigators make recommendations to us based upon findings, the factual findings, and their evaluation of the law as it applies to their findings, whether -- what disposition should be made of a case.

The first group are cases that they recommend being dismissed, but you should know that the only authority to dismiss a case resides with the board itself. And so we will now first consider those that are recommended to be dismissed for our evaluation of whether they should or should not.

So first, is any -- having read each of the complaints that are in this first section of complaints, is there any complaint that any board member would like the pre -- the -- Ms. Koth to present a summary?
MR. MASHBURN: I do not.

JUDGE DUFFEY: Ms. Ghazal?

MS. GHAZAL: Yes. Tab 15 on absentee ballot processing.

JUDGE DUFFEY: Okay. Tab 15 would be twenty -- 2021-151, Fulton County absentee ballot processing; is that correct?

MS. GHAZAL: Yes.

JUDGE DUFFEY: Okay. Would you summarize that for us, Ms. Koth.

MS. KOTH: Yes. Yes. August -- or I'm sorry, October 27, 2021, the Georgia Secretary of State's received a complaint regarding unsolicited absentee ballots from Fulton County for the November 2, 2021, general election.

This is the one -- the investigator obtained information from a statement from the deputy director of Fulton County Registration and Elections as to the explanation as to why the respondent received six absentee ballots at his address.

We went back and redid this one -- or checked back and it was they e-mailed the acting director, Miss Williams, at Fulton County, and they advised that AB processing -- the
information that could be contained in this case for AB processing, other than the e-mail statement that was originally obtained, was that this was the clerical issue -- I'm sorry, come on (inaudible).

   MR. BRUNSON: Yes. Hi, Board. I'm deputy chief investigator Mike Brunson. So we'll be copresenting today. Just to let you know, some cases we'll be taking turns.

   So this was a case in which the staff was in the actual module instead of the training module. And apparently what happened is that because they were in the actual module and it was cumulative, it continued to mail out the absentee ballots to this individual. And that's how he received those six ballots.

   So further conversations with Fulton County basically confirmed that. And they said that that was the information that they could provide. In the future, they did indicate what they would do to make sure this doesn't happen again as far as checks and balances, et cetera.

   So that's additionally what we found and their explanation as to how this would be prevented in the future when they do training
with their personnel?

**JUDGE DUFFEY:** So, okay, what I hear you saying is -- since I'm the most novice person on voting here, on the panel -- is that they're -- you train people on the machines and you have -- the machine has a training function. It also has an actual use function.

**MR. BRUNSON:** Yes.

**JUDGE DUFFEY:** And in this case, there was training being conducted. But it was being done using the actual module or as if it -- you actually were involved in an election. And because that happened, every time the trainee used it, a new absentee ballot was sent out to a voter.

**MS. KOTH:** Yes.

**MR. BRUNSON:** Yes. Yes.

**JUDGE DUFFEY:** Did you find out why that happened? I mean, what is it about the training that caused the county not to make sure or assure that the trainees were not using the actual module? I mean, how did that mistake come about?

**MR. BRUNSON:** So they explained how it happened. They didn't get into the specific as to, you know, the breakdown, the granular details
on that, but then they talked to us about what
they would do in the future to make sure it
doesn't happen again.

**JUDGE DUFFEY:** And what did they tell you?

**MR. BRUNSON:** So basically -- apparently
what happened is when the file was run, it was
run cumulatively. And so in the future, they're
not going to do that, as far as run the file
cumulatively. And also they're going to ensure
that they're in the training module of ElectioNet
and not obviously in the actual module. So this
will not happen in the future.

**JUDGE DUFFEY:** Okay.

**MS. GHAZAL:** If I could follow up. This --
this actually may be a better question directed
to our election director because this -- this is
now the first week, I believe, or the second week
that our new election system -- our new voter
registration system, GRVIS, is in place. And so
it's a whole new system, and I just want to get a
reassurance that there are sandboxes that have
been established for all counties to make sure
that they're conducting their training properly
and this doesn't happen. Sorry.

**JUDGE DUFFEY:** This is Blake Evans who is
the elections director in the Secretary of
State's Office.

MR. EVANS: Thank you. So, yes, Blake
Evans, elections director, Secretary of State's
Office.

So yesterday was our first day statewide in
GRVIS, which is the Georgia Registered Voter
Information System. It's our new voter
registration system. We do have, quote/unquote,
a sandbox or a training environment for counties
to go in. It is a completely separate URL that
counties have to go into to give the access. So
they -- when they're training new registrars or
new officials on a voter registration system,
they're able to go into that. And, essentially,
it's data that they can make changes to without
having any actual impact on real voter records.

MS. GHAZAL: Thank you. That's exactly what
I wanted to know. I don't have any other
questions. Thank you.

Was that for any of them or ... okay.

JUDGE DUFFEY: Any other complaints that any
board member would like to have presented by the
investigators?

DR. JOHNSTON: Tab 20.
JUDGE DUFFEY: Tab 20 is 2022-027. Would you summarize that for us, please.

MS. KOTH: The Georgia Secretary of State's received a complaint from the Newton County Board of Elections and Registration. The complaint was sent via e-mail from Miss Davis of Newton County Board of Elections and Registration.

On the findings the Georgia Secretary of State stated the following: Someone requested an absentee ballot registration form 2020. Witness Number 1 was and is not capable of requesting or filling out the forms. They advised she has dementia and has been living in a nursing home in Covington. If possible they wanted a copy of the form with the signature that she allegedly signed and the name of the person who assisted her at the time of signing.

The investigator was able to find information about Witness 1 and was able to follow her voter registration. Witness 1 had been living inside the facility since 2013, the nursing home located in Covington, Georgia. The sister of the complainant was concerned that voter fraud or identity theft may have taken place with her sister.
The investigator learned that the Newton County Board of Elections and Registration did not have any absentee ballot applications filed for -- for Witness 1 and that they had never voted in Newton County. The investigator found that the activity director of the facility at the nursing home filed the voter registrations during an activity in September of 2020. Newton County rejected Witness 1's attempt at registration. Newton County received further information voter registration did take place and that the -- Witness Number 1 had never voted in Newton County.

**JUDGE DUFFEY:** Any further information you'd like? Or --

**DR. JOHNSTON:** No further information. This is just a case that I think illustrates my concern about nursing homes or special care homes that -- you know, they're wonderful places to reach out and respectfully honor and assist the elderly that want to participate in elections. And voter outreach services provide that service. However, they're also full of vulnerable voters that are not comfortable or capable, maybe, in writing, using computers, and they need
assistance. But they're vulnerable and that they may be taken advantage of, and I just would propose to this board to think of the possibility of having special teams that would go to special care homes that are bipartisan and provide services, if requested, to assist the elderly and handicapped to register to vote or to even vote. But it would provide a witness and official structure in this -- in these circumstances.

It would be great for community service. It honors our elderly, protects the vulnerable. And it even -- if it was bipartisan, it would even improve party relations. That's all.

JUDGE DUFFEY: Thank you. And I think those are wonderful comments. And certainly there should be a way in which we can encourage people to help people that want to vote to make sure that those that can and have the mental faculties to do so are, in fact, enabled to vote. But also being careful that people are not just signing papers, not knowing what they're doing.

So that's something I think we ought to think about and see how we can deploy maybe a -- a beta test of that in a county or two, see how that might work.
Anything else on this complaint? 2022-027?

Are there any other complaints that any board member would like to have summarized?

DR. JOHNSTON: Tab 28.

JUDGE DUFFEY: Tab 28 is in the next grouping.

DR. JOHNSTON: Sorry.

JUDGE DUFFEY: So in the grouping of cases recommended to be dismissed, since we listened to summaries on two of those cases, I believe that we can handle these as a group if somebody wanted to move that each of the cases listed, with the exception of those that have been withdrawn, that those cases be dismissed. We could vote on that and dispose of all of the cases in this section. Is there such a motion?

MS. GHAZAL: I move that we dismiss the cases.

JUDGE DUFFEY: Is there a second?

MR. MASHBURN: Second.

JUDGE DUFFEY: There's a motion to dismiss those cases listed under cases to be dismissed, which are listed in the agenda for today's meeting. Is there a second?

MR. MASHBURN: Second.
JUDGE DUFFEY: There's a second. Is there any discussion on the motion?

MR. LINDSEY: I do have a question, Mr. Chair, and it is a punitive question. You know, on -- regarding 15, would it be better to send a letter to Fulton County about the problem rather than just simply dismiss it. I'm looking to -- to further -- I'm satisfied with the investigation; I'm satisfied with the results. I think when we do have an error like that, part of me says should we at least tell them, Look, you've messed up; don't mess up again? I'm asking --

JUDGE DUFFEY: And you're talking about --

MR. LINDSEY: Judge, I'm --

JUDGE DUFFEY: You promised it was only a question.

MR. LINDSEY: Yeah.

JUDGE DUFFEY: So I'll give you an answer.

MR. LINDSEY: Yeah.

JUDGE DUFFEY: You're suggesting with respect to somebody sending out multiple absentee ballots?

MR. LINDSEY: Yes, ballot -- yeah.

JUDGE DUFFEY: If the board would agree, I
would be -- I would write a letter to them, telling them that we considered this case, but while the case has been dismissed, we just wanted to observe to them that they ought to go back and look at their processes to make sure that absentee ballots are not sent to people that are not entitled to receive them and certainly multiple ballots should not be sent.

**MR. LINDSEY:** Yeah. I would -- I would make that motion, Mr. Chairman, regarding number 15.

**JUDGE DUFFEY:** So the motion as amended is that we dismiss all of the cases in the section that have not previously been withdrawn, in the section entitled Cases Recommended to be Dismissed. But with respect to 2021-151, that the board send a letter to Fulton County, asking them to implement a process by which they assure that ballots are not sent to people who are not entitled to receive them and that ballots not be sent to an individual on multiple occasions.

Is there a second to that motion as amended?

**MR. MASHBURN:** Second.

**JUDGE DUFFEY:** So moved and seconded. Is there any further discussion of the motion as amended to include the letter requirement?
MR. MASHBURN: Just a quick point of clarification. So what we're doing is placing a condition upon its dismissal, the condition that the letter go out.

MR. LINDSEY: Yes.

JUDGE DUFFEY: Yeah.

MR. LINDSEY: To be dismissed subject to a letter going out, recognizing the mistake that was made and encouraging the county to ensure that it doesn't happen again. That's simply putting it on the record. That's all.

MR. MASHBURN: And thank you to the judge for sending it.

MR. LINDSEY: Thank you, Judge.

JUDGE DUFFEY: Okay. All those in favor of the motion say aye.

THE BOARD MEMBERS: Aye.

JUDGE DUFFEY: Opposed, no? Motion passes.

The next group of complaints are those that are listed as violation cases, meaning if the investigator who investigated the case has concluded based upon their factual investigation that the facts support that a violation either of a board rule or a state statute was involved and that they recommend that the case, though, not be
recommended to referral to the Attorney General's Office but that a letter describing the violation and admonishing the respondent of the vi -- that they cannot violate those provisions and otherwise take whatever remedial action is necessary to ensure that the violation is not repeated.

So there are -- there are five of those cases, which are tabs 24 through 28, and is there -- and we would like a presentation on each of those, please.

**CASES NOT RECOMMENDED FOR REFERRAL**

**MS. KOTH:** Okay. So the first one is Bibb County. The Secretary of State's Office received a complaint where Bibb County self-reported a DRE memory card did not upload properly during tabulation and when election officials went to manual entry, the wrong data was input.

The investigation revealed that Bibb County Board of Elections failed to properly upload the DRE memory card which resulted in an inaccurate vote count. Election supervisor Miss Watson reported the issue was discovered on October 3, 2018. Two number two cards were created by mistake. On election night Miss Watson uploaded
the cards but one of them was not recognized.
The voter total was corrected by 11:30 p.m. on
November 8th.

So there was sufficient evidence to suggest
that Bibb County Board of Elections and
Miss Watson, the former elections supervisor,
violated SEB Rule -- SEB State Rule 183-1-12.02,
direct recording electronic voting equipment.

JUDGE DUFFEY: Do any of the board members
have questions about this investigation report?

MS. GHAZAL: I just -- just a point of
clarification for the audience. This is the
previous system which used a different election
management system; is that correct?

MS. KOTH: Yes.

MS. GHAZAL: And these are no longer in use
in Georgia.

MS. KOTH: No.

MS. GHAZAL: Thank you.

JUDGE DUFFEY: And this was self-reported --

MS. KOTH: Yes.

JUDGE DUFFEY: -- to the Secretary of
State's Office that this had occurred.

MS. KOTH: Yes. They reported it --

JUDGE DUFFEY: Self-reported meaning --
MS. KOTH: -- on themselves.

JUDGE DUFFEY: -- the county had reported it, that they had engaged in this conduct; correct?

MS. KOTH: Yes.

JUDGE DUFFEY: Okay. All right, do we have a motion on this case that a violation has occurred and that a letter be sent to them, instructing them to comply with all of the provisions and the rules of the board and that this conduct not occur again?

MS. GHAZAL: I move that we accept the recommendations of the investigators.

JUDGE DUFFEY: All right. Second?

Any discussion on the motion that we follow the recommendation of the investigators? There being none, all those in favor of accepting the recommendation of the investigators on Case Number 2'18-084 say aye.

THE BOARD MEMBERS: Aye.

JUDGE DUFFEY: And all of those opposed say no. The motion passes.

Case 2020-152.

MS. KOTH: Rockdale County, polling place change. The investigation division, Secretary of
State, opened an investigation concerning a complaint that Rockdale County mailed out reminder notices to voters with incorrect polling place information to them.

In April of 2020, Rockdale County moved five polling locations in response to the COVID-19 pandemic, resulting in several local church closures. The county followed the proper procedures, according to O.C.G.A. 21-2-265, whereby they ran an advertisement once a week for two weeks in the legal organ of the county and posted notices on the doors of the old polling locations. No boundary lines were changed and only poll site locations were moved. SEB Rule 183-1-7.01, they felt that did not apply.

In October of 2020, Rockdale County mailed polling place change notifications to the affected voters. Voter information was entered onto an Excel spreadsheet and due to an election worker missorting the polling place column on the spreadsheet, many voters were matched with incorrect polling place locations. This error was discovered after the notices had been mailed out.

Rockdale County election officials
discovered this error and in conjunction with the Elections Division of the Secretary of State's Office implemented a program to where each of the affected polling places functioned like early voting sites on election day. In this manner, any voter who presented at any polling place would be able to vote the correct ballot without any delay or confusion. The Rockdale County Elections Office has implemented an additional layer of oversight to the process of mailing voter notifications to ensure that this would not happen again.

**JUDGE DUFFEY:** Any comment on this?

**MS. GHAZAL:** Thank you, Judge -- Mr. Chairman. I actually think that this serves as an example of the enormous amount of resilience and flexibility in both the Secretary of State's Office and the county. There was not a single voter who was disenfranchised. Everyone was able to vote. They -- they made a human error. They responded and they were able to turn on a dime and use election day precincts as if they were early voting. And I think that both the Secretary of State's Office and the county deserves a commendation for their ability to do
I'm not saying that there was not an error. There was an error. It's been identified. And they -- they've adjusted for it. But I think they deserve recognition for what they were able to do for the voters.

**JUDGE DUFFEY:** Well, I agree with that assessment. As I tried to explain, our approach to processes is that we try to understand not only whether or not there was a violation but, secondly, what response we should have with that violation. And often the conduct of the county, and in this case in cooperation with the elections division, found a remedy for a violation.

But there is a remedy, and while the pivot was one that did not disenfranchise anybody, we should not have had to make a pivot to begin with. And that's the importance. If you're a voter, anybody sitting in this audience or watching us, when you get a notice about where you're supposed to go, you should be able to absolutely rely on that. And you should expect for that notice to direct you to the right place each time.
So while I think we have to take into consideration the consequence of this being that everybody still voted, there is a violation. We ought to find that there was a violation, in my opinion, and then we ought to send them a notice, telling them that there was a violation but giving them the credit for having found a solution to it.

Anybody else have any comments on this?

MR. LINDSEY: No.

JUDGE DUFFEY: No? So is there a motion -- and in this case, we can't accept the investigator's recommendation. So I would move that we find a violation of the board's rules in the conduct described and found by the investigator and that a letter be sent to them that they have to follow all of the rules as it relates to notification of voter precincts but making note that we appreciated their quick response so that nobody was disenfranchised.

And that's the motion that I would make.

MR. LINDSEY: So moved.

JUDGE DUFFEY: Is there a second?

DR. JOHNSTON: Second.

MS. GHAZAL: Second.
JUDGE DUFFEY: It's been moved and seconded that a violation be found and a letter be sent with the language that I just described. Is there any further discussion on the motion? There being none, all in favor say aye.

THE BOARD MEMBERS: Aye.

JUDGE DUFFEY: Opposed, no? The motion passes unanimously.

Next is 26 which is 2020-201.

MS. KOTH: Screven County, problems at the polls. November 18, 2020, Investigation received a series of complaints, alleging the following. The first one involved Ms. Bell. She alleged that her and her husband, Mr. Yates, appeared to vote at the Cooperville fire station precinct and the poll pad machine indicated both had already voted.

But staff allowed them to complete provisional ballots. They both forgot to sign before leaving the precinct. They later returned to the precinct to sign and they discovered Yates' ballot was already signed by someone other than him. The voter crossed out the signature on the ballot and signed next to it. The provisional ballot was tabulated with election
results.

Mr. Ward. He appeared to vote at the Bay Branch precinct and the machine indicated he had already voted. Mr. Ward was issued a provisional ballot and later tabulated with election results.

Ms. Starling. She alleged on November 3, 2020, while at the Hunter's Community House precinct, she along with several other voters were informed they had already voted when they had not yet voted in the election. Mr. Hendricks (ph), Miss Hendricks, Mr. Tillman (ph), Mr. Rivers and Miss Lee (ph) and Miss Burroughs (ph), Miss Weathers (ph), and Mr. Taylor.

Mr. Rivers, he alleged that his ballot of his preferred choice was rejected by the scanner. He consequently voted a provisional ballot.

The investigation indicated several voters populated in the system as having already voted and consequently voted provisional ballots. One elector's provisional ballot -- that was Mr. Yates' -- name was forged by a Cooperville fire station precinct poll worker.

The following voters appeared at precincts and were provided ballots to cast and were later accepted as the poll pad indicated -- told that
they had already voted. So all of the other names that were previously listed, their provisional ballot was accepted.

Mr. Yates' provisional ballot was signed by someone other than the elector. Poll workers Marilyn Harvey, Joyce Smart, and Erlingo Jackson neglected to ensure that Mr. Yates signed his ballot and denied having signed the ballot themselves. Ms. Jackson admitted completing the top portion of the provisional ballot but denied having signed Mr. Yates's name. There were three poll workers assigned to the precinct in question and all of them denied or could not recall having signed the provisional ballot in question. They did not ensure that Mr. Yates signed the provisional ballot and the individual responsible for signing his name could not be determined. Therefore, the county election staff and Cooperville precinct poll manager will be cited for the violation.

**JUDGE DUFFEY:** Okay. Any discussion of this violation? I would hope there is.

**DR. JOHNSTON:** So does this -- does this mean that seven other people or persons voted before these electors presented to the polls?
MS. KOTH: I'm sorry?

DR. JOHNSTON: So the information requiring
to them to vote provisionally suggests when
they -- when they presented to their precinct,
their polling place, that they had already voted?

JUDGE DUFFEY: If I could just add to that.
The notes that I have three times on this --

(Phone ringing)

JUDGE DUFFEY: -- says the underlying
question was never -- the underlying issue was
never really addressed, which is how could these
people have gone to the --

Can you please turn that off.

UNIDENTIFIED SPEAKER: It wasn't me.

JUDGE DUFFEY: Whose phone was that?

UNIDENTIFIED SPEAKER: I have no idea.

JUDGE DUFFEY: Please put your phones on
silence. It's hard to think about questions that
we're asking and it's hard for the responses with
those interruptions.

(Phone ringing)

JUDGE DUFFEY: When I was on the court, I
would have that lawyer give me the phone. But I
don't have that authority anymore. I'm asking
you as politely and as sternly as I can that that
should not happen.

So let me try again. Third time's a charm.

These people showed up to vote and they were told they had already voted. What happened that caused the records to show that they had voted? And did somebody somehow vote on their behalf in an improper way? That seems to not have been addressed in the report.

**MS. GHAZAL:** If I may. In some of these cases, if you dig into the facts, the problem lay with the voter access card and not with the check-in system, which means that the access card was not being properly programmed.

So that's -- that just means that they were unable to pull up the ballot on the BMD and therefore had to vote a provisional ballot. There are still errors in the system, but that -- there's no suggestion that anybody would have cast a ballot under their name.

Now, there are other cases, so this is -- it's not uniform under the facts here. And then there are a couple of these voters who did show up and it appeared that -- that there was a -- misin -- disinformation or in -- sorry, let me correct that. There was incorrect information
that came up, but it's not all due to the
check-in system.

**JUDGE DUFFEY:** Well, maybe -- I guess my
concern is maybe it wasn't incorrect information
that the system somehow recorded them as having
voted early. Or were people at the precinct
trying to come up with -- trying to say, well,
look, you've got to do it again because it shows
that you've already voted? And I guess my issue
is did we ever find out or should we find out
what happened?

**MS. KOTH:** I don't believe that was answered
in this report on what happened, just that their
provision -- they had not voted before and their
provisional ballot was accepted. So they had not
voted before.

**JUDGE DUFFEY:** Why were they told that they
had already voted? My concern here is if there's
anything that shakes your confidence in this
system, it would be to show up at the precinct
and have somebody tell you that you've voted.

**DR. JOHNSTON:** I would be interested in
knowing how the other person that may have voted
that -- whether it was absentee or in person and
checking the ballot application information and
signatures.

**MS. GHAZAL**: If I could move that we send this back for a little bit more investigation, and then we can -- we can review it again when we've got a little bit more background on these particular voters.

**MR. LINDSEY**: Second.

**JUDGE DUFFEY**: All those in favor of referring this back to the investigators to investigate the issues regarding why people -- why the system showed that certain people had voted and why -- and in each as to why other voters had to vote provisional ballots so that we can complete the record. Because there might be other people that should be held responsible for this.

So that's the motion to refer this back to the investigators. Is there a second?

**DR. JOHNSTON**: Second.

**JUDGE DUFFEY**: All those in favor say aye.

**THE BOARD MEMBERS**: Aye.

**JUDGE DUFFEY**: Opposed, no? The motion passes unanimously.

The next is 2021-157.

**MS. KOTH**: This is Stephens County. This is
another self-report. Stephens County election supervisor Miss Roberts self-reported that the EMS server computer was moved to another location without authorization. She advised via e-mail to the Secretary of State that the EMS server was accidentally moved to another desk the last week. The IT department thought the EMS server computer was the one that they were setting up downstairs. It was supposed to be a different computer. And once they realized, it was put back in its original spot upstairs.

The findings were that Stephens County election supervisor Miss Roberts reported this, that the EMS server was removed -- was moved. The server was returned to its original location and tested by a representative from the Secretary of State. The equipment passed with no issues.

JUDGE DUFFEY: But did Ms. Roberts acknowledge that the rule had been violated?

MS. KOTH: Yes.

JUDGE DUFFEY: Is there any -- any discussion on this report?

MR. LINDSEY: Move to accept, Mr. Chair.

JUDGE DUFFEY: Second?

MS. GHAZAL: Second.
JUDGE DUFFEY: Been a motion to accept the recommendation of the investigators and to send a letter advising that the Board of Elections and Voter Registration and Ms. Roberts comply with the rules of the board.

Is there any further discussion? All those in favor say aye.

THE BOARD MEMBERS: Aye.

JUDGE DUFFEY: All those opposed, no? The motion passes unanimously.

I think the next is 28, which is 2022-028, and if you would give us a report on that, please.

MS. KOTH: Yes. This one is Richmond County, voter registration. On March 31, 2022, investigations received a complaint alleging the New Georgia Project in Augusta, Georgia held a voter registration drive on a local college campus and failed to return a voter registration after a student and her mother expressed concerns of personal information being exposed and potentially shared with the public against her will.

In this one the investigation entered -- or centered on a staffer of the New Georgia Project
failed to release a voter registration form to a student, Miss Brown, and her mother, also Miss Brown. The mom and daughter requested the registration form to be returned as they shared concerns of their personal information being protected. Both the mom and the daughter witnessed the staffer shred the document but was not satisfied that their personal information remained legible.

The mother and daughter did not observe registration forms being secured in envelopes. The daughter stated that she did not observe anyone's personal information on the voter registration forms but felt that maybe she had been able to if she had looked hard enough.

As the investigator spoke with the staffer, she described the incident as strange and stated she obliged the mom and daughter by destroying voter registration documents by manually shredding it. She further stated it is not the organization's policy to give their documents to citizens but destroyed the document per the student and mother's request. She refused to meet with the investigator in person and referred him to the organization's front office.
JUDGE DUFFEY: Any discussion on this complaint?

MS. GHAZAL: I don't see where there's any violation of any election law or rule or regulation here.

MS. KOTH: There wasn't. This one was discussed on possibly a letter for best practices on what to do. And so it wasn't for a violation of itself but maybe a practice.

MS. GHAZAL: Okay. Thank you. Thank you for that clarification.

DR. JOHNSTON: My question is -- in the report, it refers to the volunteer -- I guess volunteers as registrars. Were these workers for this registration group registrars? Were they deputized registrars?

MS. KOTH: I don't think so. Let me look. I'm sorry, let me look for a second. No, they were part of a group doing voter registrations.

DR. JOHNSTON: Okay. Are they paid?

MS. KOTH: I'm not sure if they were paid or if they were volunteers.

DR. JOHNSTON: Just a question if they're paid per application. Would it be beneficial for this entity to provide their -- their written
policy regarding voter registration drives and training and financial records of payment to, quote, registrars?

MS. GHAZAL: I would object to that as being overly -- that would not be appropriate for this body. There's no -- no violation of any election regulation or law. I think that is being obtrusive to First Amendment activities.

JUDGE DUFFEY: I do think it goes outside the scope of the complaint that was made in that it -- at least with respect to the scope of what we're doing here, that's not something we -- I believe we are authorized to do or should do in making this -- in sending a letter to the New Georgia Project.

DR. JOHNSTON: (indiscernible) go ahead.

JUDGE DUFFEY: But you're welcome to do that. I guess any board member, if they want to communicate with the New Georgia Project about proper things that they should and shouldn't do, I suspect that you would have the authority to do that.

DR. JOHNSTON: I felt this case is a good case to talk about third-party voter registration organizations. I think they're -- they're useful
and -- and they're promoting participation in the electoral process by registering el -- the vote-eligible population. I just wondered if it's time to consider more accountability of an unregulated, nongovernmental entity that collects private information, personal information in the name of a worthy goal, yet requires no oversight or accountability by the government agency that they're supposed to be assisting. That's elections, and I just want -- I question what happens to the applicants' personal information.

**JUDGE DUFFEY:** So I think that that is within our jurisdiction, those sort of general policies. But the request that we send a letter to the New Georgia Project with respect to how -- what their people do and how much they get paid would not be consistent with the scope of this complaint. But we can certainly entertain a discussion about whether -- and not today but at another time, whether we ought look into providing best practices to volunteer voter registration groups.

And I'll say this. I do have a problem with this, and it goes back to one of the things that concerned me with some of the complaints that
we've seen. So here's a woman. For whatever reason, she had every right to say, I do not want you to process my registration. And the response was, at least as described in the report, a pretty terse response by the volunteer in questioning whether or not she should be allowed to do that. But in the end, it gets ripped up.

Now, when I rip something up with my personal information, I make sure that you can't piece it together and get it. So, one, I'm not confident that she -- that it was objectionable for her to say, Oh, no, I want it back; I want to destroy it myself.

But the other thing that I didn't appreciate in this is that when the investigators -- I mean, these people go out on our behalf when a complaint's filed to gather facts so we can determine what happened and to reach the appropriate response to the complaint. In this case there was an attempt to contact somebody at the New Georgia Project, and there was a text message that was sent from a phone number in which the message read: Do not continue to harass me. This is wildly inappropriate and you know good and well the proper channels to go
through at the New Georgia Project if you have questions.

The system only works if people cooperate and tell us what happened. And to say that no, you haven't jumped through the right hoops when an investigator says that they want to talk to you is not appropriate and doesn't allow us on your behalf for the audience here and the system in general to get the information that the investigator believes they need to tell us what happened so that we can make a decision.

So if any letter would be appropriate, it would be to send a letter to the New Georgia Project based upon this complaint and ask them to be more cooperative if they're contacted by our investigators. But I'm not going to move for that. I'm just going to mull it over whether or not I want to do it on my own, which I might.

Any further discussion on this complaint?

**MR. MASHBURN:** I would like to make a point, Mr. Chairman. And that is I'd like to encourage the staff that's investigating this to be more free in asking us for subpoenas because this board has the power to subpoena.

And so feel free to ask us. If somebody's
not cooperating and giving you the information
you need, feel free to come to us and ask us to
issue subpoenas. So I'd just like to encourage
you to use that remedy.

JUDGE DUFFEY: And that's true and I've
served -- signed a number of them.

All right. Is there a motion to, I guess,
discard this case?

MS. GHAZAL: I so move.

JUDGE DUFFEY: Is there a second? Is there
any discussion on the motion to dismiss Case
Number 2022-028 because there is no violation?

MR. MASBURB: I thought we were going to --
I thought we were going to send a letter. Is
that right? Wrong? Did I miss that? Because I
thought you asked is this one for -- is this on
for dismissal? In other words, is this in the
wrong section and it was explained that you --
that those -- because we were going to send a
letter? No? Am I wrong?

MS. KOTH: Yes. It was for -- yeah, a
letter for best practices on what to do for --
that's what we were -- we had put up there.

MR. LINDSEY: Mr. Case -- Mr. Chairman, it
sounds like your admonition to them in terms of
best practices may be a good idea.

JUDGE DUFFEY: You mean my -- the letter I --

MR. LINDSEY: Yeah.

JUDGE DUFFEY: -- was thinking about sending?

MR. LINDSEY: Since we're -- since that's the recommendation, is to discuss -- is to send to them best practices, I would move to -- to dismiss, if I may make an alternative motion, with a letter to the New Georgia Project regarding them following best practices and seeking them in the future to further cooperate with us to be able to expedite an investigation.

MR. MASHBURN: Because the question -- because the question here is I've just given these people my personal information, and then I felt uncomfortable about it. And then I asked them for the form back and they won't give me the form back with my personal information. So the question is whose personal information is it? And it's the voter's personal information. So they ought to be entitled to have that back and then they go destroy it in whatever method they feel is the best way to do it.
MR. LINDSEY: Yeah.

MR. MASHBURN: You know, I -- I either shred it or I -- I carry it in two different garbage cans in two different locations so that the potential wrongdoer has half the information over here and half the information over there. But the question is whose information is it? And it's the voter's.

So if the motion is to send a letter and then dismiss it, I second that motion.

MR. LINDSEY: Then that's my -- that's my motion.

MR. MASHBURN: Okay. I second it.

JUDGE DUFFEY: All right. It's been moved and seconded that we dismiss 2022-028 upon the sending of a letter advising that the voter information belonged to the student who had a right to request that the document on which it was written be returned to her and for further comment that the New Georgia Project ought to be more cooperative in our investigations.

Any discussion on the motion? All those in favor say aye.

THE BOARD MEMBERS: Aye.

JUDGE DUFFEY: Opposed, no? The motion
passes.

I will say I'm beginning to wonder,
Mr. Mashburn. What are you throwing away that
you have to get two trash cans?

**MR. MASHBURN:** Social security number, bank
account numbers.

**JUDGE DUFFEY:** All right. So that concludes
the cases that were not recommended for referral
to the Attorney General's Office. Since we're
going into a new section, I want to have us break
for lunch until 1:00. At 1:00 we'll reconvene
and deal with the final two groups. Is there --
okay, we're adjourned until 1:00.

(Break taken)

**JUDGE DUFFEY:** The first thing I want to do
is clarify specifically on the cases that we just
went over that were not referred to the Attorney
General's Office. Those would be cases 2018-084,
2020-152, 2020-201, and 2021-157, that those
cases we found a violation but the cases were
resolved with letters that we described, which I
think is the precise technical explanation of
what we did with those cases.

**CASES RECOMMENDED FOR REFERRAL.**

**JUDGE DUFFEY:** We are now to the cases where
the investigator has found a violation and
recommended the cases be referred to the Attorney
General's Office.

First is Case 2020-104. And if we could
have a report on that, please.

MR. BRUNSON: Okay. This is involving
Decatur County, wrong absentee ballot. And we
received a complaint regarding that election, the
November 3, 2020, general election. And outlined
below is a self-reported incident involving an
absentee ballot mailed to an elder -- or elector,
Joan Marie Lashley (ph), but was voted, signed,
and returned by another elector, Myrtle Lois
Sellers Hale (ph).

Keith B. Sellers, Mrs. Hale's son, signed
the oath envelope as having assisted Mrs. Hale.
Mr. Sellers was also the chairman of the Decatur
County Board of Elections. This appears to be a
violation of Title 21, Article 10, absentee
voting, more specifically 21-2-385.

The second complaint is an improper Facebook
post by election board chairman Mr. Sellers
regarding social media comments in reference to
the local election. This is believed to show
unethical behavior and a violation of his oath.
And then the third complaint, public view of tabulation. A candidate stated he was not allowed to observe tabulation. Another candidate on the ballot for clerk of court was allowed to go inside and obtain stats. But when he tried to enter, he was stopped by election board chairman Mr. Sellers.

So ultimately the finding after doing an investigation was that Mr. Sellers assisted his mother, Myrtle Lois Sellers Hale, with completing the wrong absentee ballot, addressed to Joan Marie Lashley. This allegation is sustained.

Now, apparently Mrs. Lashley used to live with Mrs. Hale. And so Mrs. Hale has a disability, her son was assisting in filling out that ballot. And he basically stated that it was an oversight. He didn't pay attention when he was filling it out and so he sent it out. When the investigators interviewed him regarding it, he admitted to such.

The second one could not be determined that Mr. Sellers violated Georgia election code with a post that he made. He indicated that he did that on this own time and it had nothing to do with his duties as the county election board chairman.
However, the second part of the complaint revealed that Mr. Sellers held office at Decatur County Election Board while also being a co-vice chairman of the Decatur County Republican Party which is a violation of Georgia Election Code and that particular allegation was sustained.

And then, finally, the third allegation could not be sustained. It was basically one word against another and so because of that, that third allegation could not be sustained.

**JUDGE DUFFEY:** All right. Thank you. Do any of the board members have comments about this complaint and the investigation of it?

**MS. GHAZAL:** I have -- I have one question. Does Mr. Sellers remain on the election board for Decatur County at this time?

**MR. BRUNSON:** He did at the time of this investigation, but he did resign his position as the vice chairman of the Decatur County Republican Party during the investigation. I'm not sure if he is currently -- let's see. Yeah, he wasn't the actual supervisor, but we can follow up on that and find out.

**MS. GHAZAL:** Thank you. I would just ask that that be part of the investiga -- if we vote
to send this forward to the Attorney General's Office, that that form part of the further investigation.

**JUDGE DUFFEY:** Any other comments about this report on this complaint?

So two violations have been found. Is there any motion that we find the violations and refer to the Attorney General's Office?

**MR. LINDSEY:** So moved, Mr. Chairman.

**MS. GHAZAL:** Second.

**JUDGE DUFFEY:** It's been moved and seconded that Complaint 2020-104 be referred -- that we accept the investigator's recommendation that the two findings of a violation are referred to the Attorney General's Office for further action.

Is there any discussion on that motion? There being none, all those in favor of the motion say aye.

**THE BOARD MEMBERS:** Aye.

**JUDGE DUFFEY:** Opposed, no? The motion passes unanimous.

  2020-108.

**MR. BRUNSON:** Okay. This is a three-allegation complaint, Charlton County, unauthorized voter registration.
Allegation 1, Charlton County elections supervisor Brenda Hodges reported Jennifer Mitchell fraudulently completed an online voter registration application for Shalonda White.

Second allegation, Mrs. Hodges reported that Jennifer Mitchell may have also fraudulently completed an online voter registration application for Shakena Maynor.

And then the third allegation made by Mrs. Hodges reported that Alina (ph) Maynor moved to Colorado but still requested and voted an absentee ballot in the November 2020 election.

So in our findings, we found that there was evidence to suggest that Mrs. Mitchell fraudulently completed an online voter registration for Mrs. White. Jennifer Mitchell spoke with the elections supervisor, Mrs. Hodges, who questioned her about the online voter registration. Initially she denied it. However, ultimately she said that Mrs. White gave her her ID.

Now, Mrs. Mitchell apparently took part in a voter registration drive sometime before the November 3, 2020, general election. She claimed that Latosha, a.k.a. Shalonda White, attended the
voter registration drive and gave her consent and provided her a copy of her ID. And she said that she used to be her neighbor and she knew her as Latosha not Shalonda.

So ultimately the other two allegations were not sustained. The second one, it couldn't be proven that she actually registered Mrs. Maynor.

And the third allegation, the investigator actually was able to contact and find out that basically Alina Maynor is actually a traveling nurse and so there was no validity to that, that she was not allowed to register to vote. So we sustained the one count, the one allegation for this particular investigation.

**JUDGE DUFFEY:** And that was Count 1?

**MR. BRUNSON:** Yes, the first allegation.

**JUDGE DUFFEY:** Any discussion about Complaint 2020-108?

Is there a motion that we find a violation of the first allegation and refer it to the Attorney General's Office for further action?

**MR. LINDSEY:** So moved, Mr. Chair.

**JUDGE DUFFEY:** Is there a second?

**MS. GHAZAL:** Second.

**DR. JOHNSTON:** Second.
JUDGE DUFFEY: It's been moved and seconded that Complaint 2020-108 -- that we find a violation and refer it to the Attorney General's Office for further investigation.

Any discussion on the motion? There being none, all those in favor of the motion say aye.

THE BOARD MEMBERS: Aye.

JUDGE DUFFEY: Opposed, no? The motion passes by unanimous vote.

The next is Complaint 2020-122. And can you please summarize that.

MR. BRUNSON: Okay. This is regarding Dougherty County, illegal campaigning. Did I pronounce that right?

UNIDENTIFIED SPEAKER: No. Dougherty.

MR. BRUNSON: Dougherty, okay. Dougherty County, pardon me. So there were a multitude of allegations for this particular investigation. So the initial was regarding possible campaigning inside the 150-foot limit of the advanced early voting polling location at the Riverfront Resource Center, also called the Candy Room in Albany, Georgia.

It's alleged that individuals were giving water, snacks, and other campaign-related items
to voters as they waited in line to vote. It is alleged a group of people and volunteers set up an awning, table, and parked a van outside the polling location. They were identified by the complainants as wearing black T-shirts with the writing, "Black Voters Matter," on the front and "It's all about us" on the back. That was the first allegation.

The second allegation, a voter stated they went to vote October 15, 2020, at the Riverfront Resource Center, Albany, as I stated earlier. A lady who was handing out snacks and water took her cell phone and took the voter's picture while they were standing in line. She approached to within two to three feet of them and said, Now I have your photo.

Allegation 3, during the investigation it was revealed a voter carried a firearm into the polling location to vote, which is unlawful.

So upon investigating this, to Allegation 1, there was no violation that we noted. One of the things about this is that this situation occurred in October 2020. We all know that SB202 was promulgated and instituted in March of 2021 which is after this incident occurred. And so that's
why looking at this complaint, we took a closer
look at it because initially that obviously would
apply now if this was to happen as far as the
allegation within the 100-foot, giving out the
candy and food, et cetera, et cetera.

The second allegation revealed no violation
occurred.

And the third allegation, regarding
Mrs. Weber (sic), it was sustained, as she did
possess a firearm. What ended up happening,
apparently Mrs. Weber was ultimately arrested for
disorderly conduct for that weapon after a
confrontation occurred between her and some of
the individuals that were there attending from
the group.

JUDGE DUFFEY: So are you saying that with
respect to the handing out of the --

MS. WEBSTER: It's me.

JUDGE DUFFEY: It's -- I'm sorry, did you
try to say something?

MS. WEBSTER: Well, I thought I would be
able to respond as a respondent and a claimant in
this case.

JUDGE DUFFEY: You cannot as a claimant but
as a respondent you can when we get to that
point.

   MS. WEBSTER: Yes, dear. Thank you.

   JUDGE DUFFEY: So let me try to remember where I was with respect to these that because there were no limits as far as -- at the time any distance limits from the polling place for a hundred and fifty feet, you didn't find a violation of handing out any food or water; is that correct?

   MR. BRUNSON: That's correct.

   JUDGE DUFFEY: And but you did find that because a weapon had been taken into the polling place, that that was a violation.

   MR. BRUNSON: Yes, Judge.

   JUDGE DUFFEY: Okay. All right. Is there any respondent that would like to respond to the claims brought against them?

   MS. WEBSTER: Is it me now?

   JUDGE DUFFEY: Well, I don't know. I don't know who you are.

   MS. WEBSTER: I'm both the claimant and the respondent in this case.

   JUDGE DUFFEY: Well, you may speak as a respondent, but as the letter you received said, the claim --
**MS. WEBSTER:** Would you like for me to respond here?

**JUDGE DUFFEY:** And who -- what's your name?

**MS. WEBSTER:** My name is Sarah Webster. I am the respondent and a claimant in this case. And I was completely, absolutely in horror when I pulled up to the polls to vote on October the 13th. I got there at around 3 p.m. and there was a line winding all the way around from the front of the building where you go to vote; through a narrow passageway, which may have been about 10 feet, the width of an alley or a road. And on one side was the voting place, the Candy Room, and on the other side was -- a throw-down was going on. They were playing hip-hop music, which there's a noise ordinance in Albany as well; they were running back and forth, up and down the line, talking to voters in the line; they were passing out food and water.

Now, I've been voting probably about 50 years and I've never seen that. I've also known about the ordinance, about the state law which requires no electioneering, no passing out water or food or anything within a hundred and fifty feet. That's always been the law. Back in
2000, I believe, I went -- because we were
suspecting -- some of my friends and I suspected
that one of the candidates for office at that
time was going to try to electioneer with the
people in line. And so I made myself familiar
with law at that time. But that has always been
the law. It was reactivated in SB2020 (sic), but
it has always been the law. No electioneering,
no handing out food or water unless you are a
poll worker.

Now, I had to take advantage of some of that
because I was assaulted while I was in line
waiting to vote. And it got me on -- here I go
again. Every time I talk about it, I've been
upset and traumatized. When I pulled up, all I
could -- remember the Black Panthers that stood
in front of the polling place with their guns?
That's how I felt when I pulled up to vote in
Albany, Georgia. That's what I felt.

I'm seventy-one years old. I don't run as
fast as I used to and I was totally intimidated.
I'm still intimidated. I'm shaking. And it
continued after that day. I was intimidated that
day by the people in line. A friend -- and I
will forward it to you as soon as I get it -- has
a video of one of the people who were associated
with the Black Voters Matter and SOWEGA Rising
who was working the line, going up and down the
line, working the line.

And there were three complaints. So
Mr. McCoy who was a county administrator
complained that he was intimidated.

The other complaint that he read was from
the assistant DA who was also intimidated.

And I -- I keep up pretty well with
politics. I follow what's going on. I know what
happened in 2020. And y'all can sweep it under
the rug all you want to, but I know what
happened, and it was a combination of a lot of
different things. There was a lot of voter
intimidation. When I went into -- when I was
going into the -- I had to pass a little tent and
the van and the hip-hop music and the people
running back and forth, passing out this, that,
and the other. They had a piece of paper in
their hands. They were passing that out as well.

Now, later I was told that that was a voter
information sheet that told who was -- who was on
the ticket. But the other thing that was on
their T-shirts was "fair fight." I know who
Black Voters Matter is. I think everybody in this room, if you ask them, would be willing to volunteer that they know which political party BVM is affiliated with.

"Fair fight" was on the back of their T-shirts. I sent an image of that as well. And I know who that candidate is associated with. And I -- you know, I -- when I was going through -- when I noticed what was going on, I tried to report it. I think the ACLU lists that as something that you do. If you see something, say something and report it. And I did.

And I started with a volunteer. His name is Reverend Donny Green and he may have saved my life that day. He said, There's nothing I can do about all of this, I'm just a volunteer. And I said, Okay, well, thank you. He was the one who took me inside after I was assaulted because I was shaking so badly. And then he stopped the people who were chasing me to my car after I left the polls. But anyway so he couldn't help me.

So the next person I saw was a young black police officer. And I told him, I said, Do you know that all of this is against the law? And he said, Ma'am, you can go down to the police
department and file a report. And I decided to stay in line because I needed to vote that day.

My life was completely disrupted at that time. I had been called back from Florida to stay with my mother, who was 96 at the time, and she was failing. So I was watching her. My siblings were upset that I was going to get the lion's share of the estate. They were giving me a hard time. I was working part-time. My sister, who decided to move in, had assaulted me. We were -- in the neighborhood that I'm in, it's getting worse and worse. We have break-ins every -- you know, every week. Every few days somebody's house was getting broken into. And I'm here in this house alone with a 96-year-old woman. So --

JUDGE DUFFEY: We really need to constrain your remarks --

MS. WEBSTER: Well, I'm sorry.

UNIDENTIFIED SPEAKER: (indiscernible) do.

JUDGE DUFFEY: -- to what happened on that day --

MS. WEBSTER: When I left the --

JUDGE DUFFEY: Excuse me. I expect everybody to be respectful of the speakers who
speak.

    MS. WEBSTER: I'm very nervous. I'm sorry.

    JUDGE DUFFEY: And when you speak, we will
    be respectful of you if you want to speak. But I
    would just ask that courtesy, that sense of
    dignity we have with each other that we listen to
    each other, we try to understand what they're
    saying as we will try to do with anybody who
    makes comments.

    MS. WEBSTER: Thank you, sir. I'm sorry I'm
    wandering. I'm a little nervous today --

    JUDGE DUFFEY: Well --

    MS. WEBSTER: -- as you can well imagine.

    JUDGE DUFFEY: -- this is an official
    proceeding --

    MS. WEBSTER: But every --

    JUDGE DUFFEY: -- and I need for talk to the
    complaint.

    MS. WEBSTER: Yeah. After I passed through
    the narrow -- the ten foot -- they had it
    arranged so that you had to go by in order to get
    to vote. The line was long and winding around
    the road. Ginger Nickerson came out a couple of
    times and said, I'm sorry about the wait; there's
    a glitch in the machines.
However, I believe that the whole thing was to intimidate people from coming to vote, except for --

JUDGE DUFFEY: Well, what I need for you is not to guess and speculate on what people were doing --

MS. WEBSTER: Well, that was my speculation at the time. And that's from --

JUDGE DUFFEY: But you need to tell me the facts that you know.

MS. WEBSTER: No, I don't. The only -- the only fact that I have is that it was going on and I polled five or six of my friends and asked them if they had seen that and asked them, Did it intimidate you? Did it -- did it deter you from going to vote? And they all said, Yeah, I wasn't going down there. No way I was going there.

JUDGE DUFFEY: Those people are not here today. So -- so you --

MS. WEBSTER: Those people are not here. I couldn't find --

JUDGE DUFFEY: -- need to tell me --

MS. WEBSTER: -- anybody who wanted to do this with me today.

MR. MASHBURN: You're Ms. Webster, right?
MS. WEBSTER: I am. Webster, not Weber, yeah.

MR. MASHBURN: Webster, okay.

MS. WEBSTER: Yes, sir.

MR. MASHBURN: If you would concentrate please on you did have a gun or you didn't have a gun at the polling place.

MS. WEBSTER: Okay. Well, let me just tell you about being assaulted between the time that I passed by --

JUDGE DUFFEY: No --

MS. WEBSTER: I was assaulted.

JUDGE DUFFEY: No. Answer the question.

MR. MASHBURN: You did or you did not?

MS. WEBSTER: Okay. Well, my lawyer has told me to plead the Fifth Amendment with you people for my own protection. However --

JUDGE DUFFEY: Okay. You may do that.

MR. MASHBURN: I respect that.

JUDGE DUFFEY: And we will respect that.

MS. WEBSTER: I understand. However, it's more -- it's about more than just me. It's not just me who was affected by this. It's not just me who suffered from this and it's not just me.

But I will tell you this. I am a licensed
carry. It was in my purse. And I put it in my purse because I was intimidated when I pulled up in the lot. I was scared for my safety. And I knew -- as a concealed-carry permit holder, I knew that I could relinquish it at the door of the polling place before when I went in to vote.

However, when I got to that door, there was no sign about wearing masks; there was no sign about six-foot separation; there was no sign -- there was no security person; there was no metal detector at that door. There was no one to surrender it to. And when I left, it was still in my purse. I was getting cat-calls.

I sent you the video. If you'll notice the video has -- the audio's been removed from the video. And the reason for that is because they were chasing me, hollering at me, mobbing me. I took -- at that time, something kicked in and I took my pistol from my purse. It's an antique. It's a hundred-and-twenty-year-old .32 Long. And I put it on my hip --

**JUDGE DUFFEY:** Does it work? Does it operate?

**MS. WEBSTER:** No. I was -- it was in my car because I was taking it to be repaired so that it
would work. And I put it on my hip in its
holster. Then I said, Well, maybe if they see
this, they'll leave me alone.

But they were chasing me to my car, mobbing
me, calling me all sorts of names, and Donny
Green came up and said -- and pulled -- pulled
them away from me. But I was in fear for my life
that day. I was intimidated and I'm not the only
one.

As I said, Mr. -- Mr. McCoy and
Mr. Tattlerocks (ph) also were imitated that day.
Is there anything else you want to know?

JUDGE DUFFEY: No. Thank you very much.
Was Ms. Webster interviewed in connection
with your investigation?

MR. BRUNSON: Yes, she was.

JUDGE DUFFEY: And where did that interview
take place?

MR. BRUNSON: Where?

JUDGE DUFFEY: Where.

MS. KOTH: It was over the phone.

JUDGE DUFFEY: Do you know how long the
interview was?

MR. MONROE: We haven't even -- it's --
we've got it. We've got the recording on file,
but --

JUDGE DUFFEY: About how long did it take you to interview her?

MR. MONROE: Maybe 30 minutes.

JUDGE DUFFEY: And you conducted --

MR. MONROE: Yes, sir.

JUDGE DUFFEY: I'm sorry, your name?

MR. MONROE: I'm Investigator Kelly Monroe with the Secretary of State's Office.

JUDGE DUFFEY: And you conducted the interview with Ms. Webster?

MR. MONROE: Yes. Yes, sir.

JUDGE DUFFEY: And the information that you -- that she provided, was that information also provided to you in the interview?

MR. MONROE: Yes.

MS. WEBSTER: Could I add one more thing, Judge Duffey?

JUDGE DUFFEY: When I'm done with him.

MS. WEBSTER: Sure.

JUDGE DUFFEY: At any time did -- did you terminate the interview, did she terminate the interview, or did it just complete as a result of the discussion being completed?

MR. MONROE: The interview ended, I guess,
cordially. It wasn't cut off or anything of that sort.

**JUDGE DUFFEY:** And was that interview and the content of the information that you received considered in connection with your investigation?

**MR. MONROE:** Yes, sir.

**JUDGE DUFFEY:** And as a result of that, did you do any investigation about specifically the conduct in line by the people that were --

**MR. MONROE:** Yes, sir.

**JUDGE DUFFEY:** And what did you do with respect to that part of the investigation?

**MR. MONROE:** I interviewed several of -- first of all, there was an incident that happened. After she had came out from voting, there was an incident that happened and she went back up to the tent where the volunteers were. And then there was an argument, a confrontation. And from that, the people that were there, the volunteers, called the police department. And the police department came and file -- they filed a report.

**JUDGE DUFFEY:** All right. And was this before or after Ms. Webster voted?

**MR. MONROE:** This was after she voted.
JUDGE DUFFEY: Okay.

MR. MONROE: And I got the names of the -- there were four people that were there. I interviewed them. I got it from the police report, and -- and I had interviewed them. And based on -- in terms of assault, if anything, it was -- it might've been verbal assault when she said she was being assaulted by people. There was no physical assault.

But one of the witnesses is the one that reported her seeing the gun, taking the gun out of her purse. She carried the gun inside the polling place. She told me she forgot to give it to the person. And by that time, she went in to vote, she came back out, and then went up to the tent and they got into the -- got into the argument, confrontation. And then at that point, she walked back to her car and she was being followed by the individuals but not chased. Because initially when she reported it, she was being chased. And I did not see where that occurred.

JUDGE DUFFEY: When you refer to "them," do you mean people that were at this tent?

MR. MONROE: The volunteers, I'm sorry. The
volunteers who were there, handing out water and
snacks to the people standing in line, waiting to
vote at the Candy Room.

JUDGE DUFFEY: And were one or more of these
people wearing black shirts --

MR. MONROE: Yes.

JUDGE DUFFEY: -- that said, Black Lives
Matter?

MR. MONROE: Yes.

JUDGE DUFFEY: And something on the back?

MR. MONROE: Yes. They were wearing black
T-shirts. And the front was Black Voters
Matters --

JUDGE DUFFEY: Right.

MR. MONROE: -- and on the back, "It's all
about us." That's just the way it's printed up.

JUDGE DUFFEY: Okay. All right, thank you.

MR. MONROE: Okay.

MR. MASHBURN: I -- if I could ask a
question. If I could ask a question, please.
Were you able to determine -- I can't find it in
the report, but were you able to determine
whether the tent was within the hundred and fifty
feet or not within the hundred and fifty feet?

MR. MONROE: One of the -- I did not see it
after -- when I interviewed a Mr. Hand who is a county election board member, he went out there and he -- I based my determination on what the statements were made. It was inside a hundred and fifty feet. Mr. Hand came out -- after the disturbance was reported inside, he came out and talked to the volunteers and they moved. They -- they agreed to move farther out and outside the hundred-and-fifty-foot limit.

JUDGE DUFFEY: But based upon what -- whatever you -- whoever you talked to --

MR. MONROE: Yes, sir.

JUDGE DUFFEY: -- did you conclude that the tent and the activity that was described by Ms. Webster occurred within a hundred and fifty feet of the polling place?

MR. MONROE: Initially, my report, yes.

JUDGE DUFFEY: But you -- but now you -- are you saying you've changed your evaluation of the distance? Whether they were within the hundred and fifty feet?

MR. MONROE: I was -- I was -- I, in my determination, was -- I determined it was inside the hundred-fifty foot, but it was later --

MR. LINDSEY: How did you determine then the
MR. MONROE: Based on witness statements. That was what it was based on.

JUDGE DUFFEY: And did they -- did anybody admit that they were within the hundred and fifty feet and that's the reason why they moved? Or did they just move because you ask them?

MR. MONROE: The volunteer -- the volunteers, they -- they -- they -- the ones I interviewed stated they did not -- they were not -- they were not too close. It was based on what Mr. Hand stated and also what -- we had several other complainants that I had interviewed during the investigation.

These were people totally independent of Ms. Webster, and they had came down to vote. In fact, one of the witnesses wasn't even there to vote, had -- did business in Albany, but because they saw what was going on, they drive down right in front of the Candy Room, they decided to report it because they thought it was -- it -- there was something not right. So it was -- it was based on those interviews.

JUDGE DUFFEY: All right. And how did you identify these other, what you say, objective
people?

MR. MONROE: They had filed complaints with the Secretary of State's Office. And it wasn't just one individual. There was a number of them. And Ms. Webster was one of the complainants. She filed online to the Secretary of State's Office as well.

But that's how I -- I was able to identify them and contact them. Because they leave their phone number, their e-mail, and -- and their address.

JUDGE DUFFEY: So, Ms. Koth, do you know where we are in these other complainants?

MS. KOTH: No.

JUDGE DUFFEY: Do we have other complaints about this incident?

MR. BRUNSON: No. This was the investigation of -- involving those complaints. And I interviewed all of the witnesses there. And based on the investigation, that's why -- that's why I made the recommendation that I did.

JUDGE DUFFEY: But I think the only -- isn't the only complaint in this -- well, none of the complainants on this -- hold on a second. I actually had -- so there's one, two, three, four,
five, six, seven complaints; correct?

    **MR. MONROE:** Yes. Including the election supervisor Ginger Nickerson, she had reported it as well.

    **JUDGE DUFFEY:** Okay. And for the -- all seven of those people, did all seven describe what was going on that day at the polling location similarly to the way that Ms. Webster has described it?

    **MR. MONROE:** The fact that they were there. That was -- that was pretty much it. Ms. Nickerson did not witness what happened because she was inside working, but she reported it to the Secretary of State's Office because she's the supervisor. And then the other people who made the reports -- some of these people actually they reported the -- they filed the report and they came to vote. And they thought it was odd that -- that they were handing out water and snacks and they were standing out there while they were waiting in line. And many of the people that were there said they -- you know, they've been going to vote for a number of years and that's never happened until now.

    **JUDGE DUFFEY:** Did anybody that you talked
to state that any of the volunteers were
suggesting or telling people how they should
vote?

    MR. MONROE:  No.

    UNIDENTIFIED SPEAKER:  No.

    MR. LINDSEY:  Was there any allegations that
anybody -- you know, I guess trying to intimidate
those in other --

    MR. MONROE:  The intimidation --

    MR. LINDSEY:  Handing out water and handing
out snacks is not intimidation.

    MR. MONROE:  Right.

    MR. LINDSEY:  So I guess I just want to know
was there any allegation with any witnesses other
than what Ms. Webster said?  I've heard
Ms. Webster.  Were there any other individuals
who you interviewed who said that any -- any of
the voters were being intimidated?

    MR. MONROE:  Yes, some of the complainants.
But their feeling of intimidation was the fact
that they were there standing in line and people
were walking up and down the line, handing out --
to them, that's what they considered as
intimidation.

    MR. LINDSEY:  Okay.  Which was -- was legal
at the time.

**MS. GHAZAL:** Just for clarification, I think it's important for those who are listening and watching and possibly following up on this that the actual law concerning firearms is the same limit as electioneering which is one hundred -- the 150-foot zone. If you are not a certified peace officer, you're not allowed to have a firearm within a hundred-and-fifty-foot zone of a -- of a polling place. So ...

And I know that's -- I appreciate the fact that you -- that you cited that, but I wanted to make sure that anybody who's listening or watching is aware that that is Georgia code.

**MR. LINDSEY:** Mr. Chairman, there are other people listening here who are respondents. Do we have them -- are any of them here?

**MS. GHAZAL:** Mr. Sells is here to represent them.

**MS. WEBSTER:** May -- I'd like to respond please to Mr. Kelly Monroe. I think --

**UNIDENTIFIED SPEAKER:** Can we respond?

**MS. WEBSTER:** -- there were some things that --

**MR. LINDSEY:** In a minute. Let's let them.
JUDGE DUFFEY: Let's let them speak first.
So if you'll please be seated.

But before we get to that, can I ask -- put
Charlene on the spot, that before -- at the time
of this incident, which was in October 2020, what
was the law regarding what conduct was and was
not permissible for voters that were standing in
line to vote?

MS. MCGOWAN: You want me to ...

JUDGE DUFFEY: Yes, please. Am I allowed to
ask you to do that?

MR. LINDSEY: You're the chairman.

JUDGE DUFFEY: I know.

MS. MCGOWAN: But to be fair, our office
obviously has not received this case yet or the
investigative file. So without commenting on the
specific facts of this particular case, under
O.C.G.A. 21-2-414, which is the code provision
that has been cited in the investigative report,
that -- that did previously prohibit what we call
campaigning or electioneering within a
hundred-and-fifty-foot location of a polling
place.

In SB202 is specifically added a language --
so previously it said no person shall solicit
votes in any manner or by any means or method, nor shall any person distribute or display any campaign material within the hundred-and-fifty-foot zone. SBA 202 added the language about giving, offering to give, participating in the giving of money or gifts, including but not limited to food and drink. So that -- that particular provision, the food and drink provision, was added in SB202.

MR. LINDSEY: And that was in 2021.

MS. MCGOWAN: Correct. That was not in place during the 2020 general election.

JUDGE DUFFEY: Before SB202, were there any board actions or are there any board rules that talks about what electioneering conduct is?

MS. MCGOWAN: It varies. And also there's other provisions in the code, specifically 21-2-570, that separately prohibits the giving of any gift in exchange for voting, so which we commonly refer to as the vote-buying statute. So that is commonly used in connection with -- with that. And it has been used in the past to address contact by parties at a polling location.

JUDGE DUFFEY: Would that include electioneering being defined as -- and do you
have to -- does it have to be a quid pro quo that they'll give you the water?

    UNIDENTIFIED SPEAKER: Yes.

    JUDGE DUFFEY: Who shouted that out?

    UNIDENTIFIED SPEAKER: I did.

    JUDGE DUFFEY: In a moment if you don't -- if you don't adhere to the decorum required of this, I'm going to ask you to leave.

    UNIDENTIFIED SPEAKER: I did --

    JUDGE DUFFEY: Do you understand that?

    UNIDENTIFIED SPEAKER: Yes, Your Honor.

    JUDGE DUFFEY: Thank you.

    UNIDENTIFIED SPEAKER: Chair.

    JUDGE DUFFEY: I answer to both.

    UNIDENTIFIED SPEAKER: That's why I said both.

    UNIDENTIFIED SPEAKER: I said it too.

    MS. MCGOWAN: I will say in -- for this particular case in the investigative report, 21-2-570 was not cited in -- with respect to any of the respondents. So I don't think they been given notice of that.

    JUDGE DUFFEY: Okay. Thank you.

    MS. GHAZAL: In previous cases, the question has always been whether or not provision of water
or things like that, comfort items, were -- was contingent on voting or if it was freely available to anybody in -- in the area.

**MR. MASHBURN:** The case -- the case I'm remembering very recently that the board handled was a case involving -- a candidate was handing out pizza at Cross Keys -- Cross Keys precinct in DeKalb County. But -- go ahead.

**MS. GHAZAL:** That was a candidate wearing a candidate shirt. So that's -- that's distinguishable in this case.

**MR. MASHBURN:** Good point. Good point. There was a -- yeah, and the other -- the other one was a candidate who was -- again a candidate who went to Sam's and published on the Internet her trip to Sam's and her intention to commit electioneering in the videotape, if I'm not -- if I remember that correctly, and that everybody would know her by -- she didn't need to wear campaign material because everybody would know her by her hairstyle, if I remember that case correctly. Remember that one?

**MS. GHAZAL:** I'm not sure.

**MR. MASHBURN:** Okay. Those were all candidates, not nec --
MS. GHAZAL: That is exactly. Yes.

MR. MASHBURN: All right. I see.

JUDGE DUFFEY: Thank you. Helpful. Any follow-up with respect to those -- to those we just discussed?

MR. LINDSEY: No. But I guess we --

JUDGE DUFFEY: We are.

MR. LINDSEY: No, I was going to say -- going to ask could he -- could he -- part of this discussion could you focus on whether or not the water -- whatever the (indiscernible) it was -- water, candy, whatever was given to everybody or just to certain voters that they thought might vote for -- do you understand where I'm going here? Was it something that was given to anybody who was in line? Or was there preferences given to certain voters and not to others?

MR. SELLS: Could I -- may I speak?

JUDGE DUFFEY: (nodding)

MR. SELLS: Thank you, Judge Duffey and members of the board. I'm Bryan Sells and I am representing the four individuals who are the subject of Ms. Webster's complaint. They are, I believe, no longer respondents because the investigators found no violation of law. We
agree with those findings. And I only got up to
speak to ask that when you make a motion, that
you distinguish between allegations 1 and 2 and
Allegation 3, which concerns Ms. Webster.

The allegations against my clients should be
dismissed. They deserve that peace of mind,
knowing that they did nothing wrong and they're
no longer in legal jeopardy.

But to answer your question, there's no
indication whatsoever that my clients were
conditioning the water, the chairs on the basis
of -- of anything. It was a hot day in Dougherty
County and the water was available to anyone --
black, white, Democrat, Republican -- you name
it. There's no allegation, no finding of any
kind of quid pro quo with respect to the
provision of comfort items which, as has been
said several times, was legal at the time.

So we would ask that the case against my
clients be dismissed. I'm happy to answer any
other questions, but I want to try to be brief.

**MR. MASHBURN:** I have a couple.

**JUDGE DUFFEY:** Okay.

**MR. MASHBURN:** Do you agree that this
behavior would be prohibited under SB202 as it
exists today?

MR. SELLS: I believe that the text of SB202 would prohibit it. Whether SB202 is a lawful statute is, as you know, subject to litigation.

MR. MASHBURN: And not -- this will put you on the spot a little bit, but I have great faith in you. And that is do you remember our case where the guy was wearing a MAGA hat and the board issued a letter of instruction? And their question was whether that was campaigning to wear a campaign slogan at a precinct. Do you remember that?

MR. SELLS: I do not, I'm afraid. I --

MR. MASHBURN: Okay. That's a fair answer.

MR. SELLS: I may or may not have been present at that meeting.

MR. MASHBURN: Yeah, that's a fair answer, okay. I was going to get you to distinguish or compare and contrast that, but if you don't remember it, then that would be hard, right?

MR. SELLS: Well, so --

MR. MASHBURN: So let's not do that.

MR. SELLS: I don't think it's that tough to distinguish it, respectively.

MR. MASHBURN: Okay.
MR. SELLS: MAGA --

MR. MASHBURN: Go ahead.

MR. SELLS: MAGA was a campaign slogan --
slogan, you know, that identified with a
particular candidate using that slogan. Black
Voters Matter was not any candidate's slogan. It
is the name of an organization that is
nonpartisan. So I think they're very easily
distinguishable.

JUDGE DUFFEY: Any other questions?
And your name again was?

MR. SELLS: Bryan Sells.

JUDGE DUFFEY: Any other questions for
Mr. Sells?
Okay, thank you.

MS. WEBSTER: Can I defend myself, Your
Honor -- Judge? Please? I've heard some things
that just are a little bit ...

JUDGE DUFFEY: I'll give you one minute.
You've had a half-an-hour conversation with the
investigators and you've had -- I'm being patient
with you, but so long as you don't say anything
that repeats what you've already said.

MS. WEBSTER: He's misrepresenting me in a
couple of statements. So that's why I wanted to
respond.

JUDGE DUFFEY: You have one minute, okay?

MS. WEBSTER: All right. I was going to mention that --

JUDGE DUFFEY: In front of the microphone.

MS. WEBSTER: Okay. I was going to mention the MAGA hat. I think it was a --

JUDGE DUFFEY: First of all, that is not before us.

MS. WEBSTER: Okay. I understand. However, I have -- Inspector Monroe has an image that I sent him.

JUDGE DUFFEY: One moment.

And who are you, sir?

MR. YOUNG: I'm one of the respondents --

JUDGE DUFFEY: Okay. Well, would --

MR. YOUNG: -- in the complaint.

JUDGE DUFFEY: Would you please sit down until --

MR. YOUNG: Yes, sir.

JUDGE DUFFEY: Okay. Go ahead.

MS. WEBSTER: All right. On the -- on the T-shirts, the Fair Fight logo was there. Stacey Abrams is the proponent of the Fair Fight. And the Fair Fight logo was on the image that I sent
to Inspector Monroe along with the other -- the other images that I sent him. You know, when people tell me things that aren't true, I get really upset.

The other thing I wanted to say was had they not chased me -- and I also sent him testimony from someone who was there, who indicated that -- and I have it right here, that they did chase me to my car and that they were very upset with me and he didn't know why because they were very nice to him. I -- my life was in danger. I got death threats.

And as far as the pistol was concerned, it was never visible. The police report actually indicates that the person complaining said that I went to my car and then I took out my gun. No one ever saw it. It was never brandished, which was reported in the news. I'm being thrown under the bus because -- because I'm not able to imitate y'all. And I -- I say that with all respect.

But I think there are some things that happened that need to be investigated deeper and perhaps not by Investigator Monroe. James Fitzgerald's comments, the fact that they videoed
me all the way to my car and yet there's no audio, absolutely no audio. The only audio was at the very beginning. When they stopped me at the table, because I said, Communism is great until you have to cook your puppy for dinner. That's what I said. And one of them said, What? And I repeated myself.

UNIDENTIFIED SPEAKER: One minute.

MS. WEBSTER: And then I walked down to my car --

JUDGE DUFFEY: You need to wrap up.

MS. WEBSTER: -- and they chased me to my car. And I've got a witness that says that they chased me to my car. And video.

JUDGE DUFFEY: Okay. You need to wrap it up.

MS. WEBSTER: I've got all of that right here.

JUDGE DUFFEY: You need to wrap it up.

UNIDENTIFIED SPEAKER: One minute.

MS. WEBSTER: Okay.

UNIDENTIFIED SPEAKER: There's one more thing? No.

JUDGE DUFFEY: Excuse me. The next person that says one more minute is leaving.
MS. WEBSTER: Uh-oh.

JUDGE DUFFEY: When you're sitting up there, you're quiet. Who said one minute?

UNIDENTIFIED SPEAKER: I said one minute.

UNIDENTIFIED SPEAKER: We all said one minute.

JUDGE DUFFEY: Three times.

UNIDENTIFIED SPEAKER: Yes.

UNIDENTIFIED SPEAKER: Because that's a long minute.

UNIDENTIFIED SPEAKER: Everybody in here is saying one minute.

UNIDENTIFIED SPEAKER: My phone registered here --

JUDGE DUFFEY: Let me tell you something --

UNIDENTIFIED SPEAKER: -- at one minute and twenty-five seconds --

UNIDENTIFIED SPEAKER: Go ahead and tell us something.

JUDGE DUFFEY: Excuse me. I'm in charge of this meeting. If I'm going to --

UNIDENTIFIED SPEAKER: You asked a black man to sit down and she was standing the whole time while the attorney was speaking --

UNIDENTIFIED SPEAKER: And kneeling while
they were speaking.

    **UNIDENTIFIED SPEAKER:** Yes. So you need to be fair.

    **UNIDENTIFIED SPEAKER:** So we just ask you to be unbiased across the board. That's all.

    **UNIDENTIFIED SPEAKER:** Period.

    **UNIDENTIFIED SPEAKER:** You said one minute.

Let's adhere to one minute.

    **UNIDENTIFIED SPEAKER:** Exactly, sir.

    **UNIDENTIFIED SPEAKER:** So we can move on with the hearing.

    **UNIDENTIFIED SPEAKER:** And we're (indiscernible) --

    **UNIDENTIFIED SPEAKER:** Thank you. We appreciate it. Thank you.

    **MS. WEBSTER:** Y'all are going to have to walk me to my car.

    **UNIDENTIFIED SPEAKER:** We heard that.

    **JUDGE DUFFEY:** Are you done?

    **MS. WEBSTER:** I just wanted to read this.

Federal law protects voters --

    **JUDGE DUFFEY:** No, excuse me. Do you have anything else factually that happened?

    **MS. WEBSTER:** I'm sorry, I do. Let me give you --
JUDGE DUFFEY: Ms. Webster, we have gone over -- most of what you have repeated has said --

MS. WEBSTER: This is -- this is for you. I made this up for you. It has ACLU items on what intimidation --

JUDGE DUFFEY: Ms. Webster, if you want to give something to me, file it on the website.

MS. WEBSTER: Well, it's a lot.

JUDGE DUFFEY: File it on the website.

MS. WEBSTER: It's a picture of Fair Fight --

JUDGE DUFFEY: File it --

MS. WEBSTER: Fair Fight on the back of this T-shirt.

JUDGE DUFFEY: File it on the website. Ms. Webster, you need to sit down.

MS. WEBSTER: All right. I --

JUDGE DUFFEY: Ms. Webster --

MS. WEBSTER: -- have filed it but it was not investigated properly.

JUDGE DUFFEY: Thank you. Sit down, please. And your name is?

MR. YOUNG: My name is Demetrius Young. I'm actually an elected official in Albany. And I
just want to set the record straight. What happened here was a coalition of citizens who were just trying to help. That's all this was. That's all this ever was.

Now, we can't do anything if somebody's intimidated by a T-shirt that says the word "black." I can't do anything by -- about somebody who's imitated because I'm a 300-pound, six-foot black man. And just because I walk by, somebody's intimidated.

I spoke to Ms. Webster and explained to her what we were doing. We were simply trying to help people who were in 90-degree heat, standing in line for six hours, trying to cast their vote, many of them passing out on the sidewalk. She and others got water from us. The gentleman that she mentioned named Mr. Green, he was with us. The person that she said helped her was with us.

Now, whatever T-shirt we were wearing, whatever organization we were representing, it had nothing to do with any campaign or election -- electioneering. I got a phone call at 11:00 that morning, saying, Commissioner, we need help. People are out here passing out. It's 90-degree -- it's 90 degrees in South
Georgia on hot pavement and people are simply trying to cast their vote.

The Candy Room is about half the size of this room. Albany, Georgia is a town of 70,000 people. Many folks were showing up for a historic election, lines around the corner, most of which our elections office -- I just have to say it, they were not prepared for. And we came to their aid. We came to help. We have been dragged through the mud for three years about this.

We have been dragged, saying we electioneered, we did something wrong. Even some folks went as far as to say we somehow, you know, stole the election. I don't know how we could steal an election by handing out water. Everyone got water. Everyone got help whether you're a Democrat, whether you're a Republican. As the attorney said, that's all this ever was.

And I'm speaking today against the advice of our attorney because I want to set the record straight. We have been silent for far too long and had to sit on all of this while the accusations were made, while people came up here and said we were somehow some kind of criminals,
thugs because we were playing music, trying to help people get through a 90-degree day in South Georgia, trying to simply cast their vote. And I want you as a board to understand that.

Now, of course, we know this was before 202. We feel like 202 was written just because of what we did. There are a lot of things that 202 -- that does a lot more to damage people's faith in elections and their will to participate because it simply makes it harder. 90-degree weather, six hours.

But those people came, they stayed, they voted, they were happy, black, white. Whatever they wanted to vote for, they were happy. Those folks who saw black on the T-shirt were the ones upset. Those ones who saw a record number of black folks show up to vote were the ones who were upset.

**JUDGE DUFFEY:** You previously gave us a title when you first stood up.

**MR. YOUNG:** Yes. I'm a city commissioner in Albany, Georgia.

**JUDGE DUFFEY:** Were you a candidate on the ballot in that election?

**MR. YOUNG:** I was not a candidate on the
ballot. I was not running for anything. And nobody associated with us was running for anything or campaigning.

JUDGE DUFFEY: Okay. Did you hand out water to anybody within the hundred and fifty feet?

MR. YOUNG: We did. We did because we felt we were within the law to do that at that time.

JUDGE DUFFEY: Did you hand it out to them with the intention that you helped -- that you hoped that they would stay in line and vote?

MR. YOUNG: Absolutely not. We specifically had instructions and told people that we don't care who you want to vote for, take this water, stay in the line, vote. Stay in line and vote. That's all we were trying to do, help them get through that process and stay in line.

JUDGE DUFFEY: So you wanted to incentivize them to vote?

MR. YOUNG: No. I wanted to help them.

JUDGE DUFFEY: Not in any particular way, but to --

MR. YOUNG: I wanted to help them through the 90-degree heat, do what they came to do. That's it. That's not incentivization or whatever you want to call it. That's not
incentivizing anybody. That's helping them. That's what more elections offices should do, is help folks.

MR. LINDSEY: Let me ask another question because of an allegation. So I just want to clear it up --

MR. YOUNG: Uh-huh.

MR. LINDSEY: -- Councilman. Were there any pamphlets being handed out within a hundred --

MR. YOUNG: Absolutely not. Absolutely not. We didn't even have anything. I mean, I was stopped by a sheriff's officer who didn't even know who I was, saying I could not come up to the polling place with my Black Voters Matter T-shirt on. And I said, Why? He said, Because you're campaigning. I said, This doesn't say anything about a candidate. This doesn't say anything about, you know, who to vote for, you know. So there was a lot of confusion at that time about that.

So again that was never the case. These folks, you know, again, good folks. And it wasn't just the four of us. There was a community coming together of folks who were either -- they were either there passing out
water, they brought supplies, and they were just

Mr. Lindsey: Well, I don't want any --
background because, you know, I've heard --

Mr. Young: Right.

Mr. Lindsey: -- Ms. Webster's allegations.
Do you know anything at all about this chasing
her to her car or anything like that?

Mr. Young: That didn't happen. That didn't
happen.

Mr. Lindsey: I just wanted to ask. I mean,
because we need to put that on the record.

Mr. Young: That didn't happen. Thank you.

Mr. Lindsey: Appreciate it.

Judge Duffey: Does any other respondent
want to speak against the advice of their
lawyers?

Ms. Webster: Against the advice of my
lawyer. May I? One more?

Judge Duffey: No more.

Ms. Webster: To rebut him?

Judge Duffey: No.

Ms. GhaZal: Mr. Chairman, if I can make
just one comment. And I think fundamentally what
this is about is the fact that long lines are
incredibly problematic for voters, for everyone who wants to go cast a ballot. I think that the Secretary of State's Office has done a yeoman's job trying to help provide counties the tools to reduce that.

I also want to encourage counties to plan ahead when we're looking ahead for 2024, making these decisions early so that you can have the time to get the staffing at the locations so we don't ever have to see a six-hour line again in 90-degree weather. It is unfair to voters; it's unfair to counties; and that's -- that's what this case is really about. And I hope the counties are able to plan ahead and get the support that they need to do this. Thank you.

MR. LINDSEY: Mr. Chairman, now is the time to sort of reflect. The fact of the matter is and, you know, we'll leave it to the courts just whether or not 202 is -- is fair. But at the time that the law -- in terms of the law, there was no such prohibitions regarding what is -- what was alleged by black voters -- against Black Voters Matter. And we'll let the courts decide whether or not 202 and its restrictions were appropriate.
The law, Ms. Webster -- and I understand, and, you know, if we refer to the Attorney General's Office, you'll have a chance to sort of talk with them about it. But the law by contrast was very clear in 2020. And I quote the law: That no person except police officers regularly employed by the federal, state, county, or municipal government or certified security guards shall be permitted to carry firearms within 150 feet of any polling place. That's provided for in subsection (b) of Code 16-11-127.

**MS. WEBSTER:** Please scroll down. There is an exception.

**MR. LINDSEY:** The law is very clear, that code section. So, you know, I think that we're going to be bound by what was in place in the law at the time, not by what someone may or may not feel that the law should be in terms of going forward but what was in place in the law at the time.

**JUDGE DUFFEY:** Any other comments? I want to conclude by going back to the beginning of this meeting in which Ms. Ghazal offered two words in her invocation, one was grace and the other was wisdom.
MS. WEBSTER: Was what?

JUDGE DUFFEY: Wisdom.


JUDGE DUFFEY: No. But there was another word -- justice -- which invents truth.

MS. WEBSTER: Justice. Thank you.

JUDGE DUFFEY: What I want to say to everybody here is that there'll be a temptation to leave and say, I won this battle between these two forces that occurred this day in a line in Dougherty County. Grace argues against that as does wisdom.

We can make a choice even in meetings like this to decide that it's time to forgive and forget and mend fences between people that see things differently. And I would ask that all of you think about whether or not it is better for us to try to resolve differences in a meeting where people are not shouting and telling me that I can't keep time and allow people instead to defer to people who are trying to create an environment where people can speak.

You know, the one really good thing that happened here today is a politician didn't follow
the advice of his lawyer. Sometimes lawyers interfere with what our job is which is to evaluate people that make presentations to us to determine what the just thing is to do and in doing so offer grace and try to exercise wisdom.

And sometimes lawyers and the law get in the way of people trying to understand what happened and what their motivations were so that they can have whatever therapeutic effect that has so that people can get along with one another.

Now, I'm 70 years old. I don't have to do this. None of us have to do this. You know how much we get paid to do this? Nothing. We do this because we believe in the system. We believe in the rights of everybody and the truth that everybody has a right to vote and that we all have to encourage each other and not do anything to deter somebody from doing that.

And all we can do in this often ungrateful job that we have is want to continue to press on and persevere and to hope that someday people in a room like this will say, Things in controversy and acrimony needs to stop. We need to focus more on grace and forgiveness and not saying, I won.
So with that, we'll turn to 2020 --

**MR. MASHBURN:** You need a motion.

**JUDGE DUFFEY:** I'm going to ask.

**MR. MASHBURN:** Okay.

**JUDGE DUFFEY:** 2020-122. Is there a motion that there was finding of violation -- well, first, what motion do we have as to violations on which we should add? Does somebody have a motion?

**MR. MASHBURN:** I believe there's been sufficient cause to show that there has been a violation of Allegation 3 in that the respondent was in possession of a firearm within a hundred and fifty feet of a polling place. So I would move that that be referred over to the Secretary of State's Office for further processing.

**MR. LINDSEY:** To the attorney general.

**MR. MASHBURN:** To the attorney -- what did I say? Secretary of State? I'm sorry, Attorney General's Office for further processing.

**JUDGE DUFFEY:** Is there a second to that motion?

**DR. JOHNSTON:** Second.

**JUDGE DUFFEY:** Is there any discussion on the motion to refer the violation of carrying a
firearm by the respondent into a polling place be referred to the Attorney General's Office?

There being none, all those in favor of the motion say aye.

**THE BOARD MEMBERS:** Aye.

**JUDGE DUFFEY:** All those opposed, no?

The motion carries unanimously.

Are there any other motions with respect to the remaining allegations?

**MS. GHAZAL:** I move that we dismiss the remaining cases as per the recommendations from investigators.

**JUDGE DUFFEY:** Is there a second?

**MR. LINDSEY:** Second.

**JUDGE DUFFEY:** It's been moved and seconded that the remaining allegations against the respondents be dismissed. Is there any discussion? There being none, all those in favor of the motion say aye.

**THE BOARD MEMBERS:** Aye.

**JUDGE DUFFEY:** All those opposed, no? The motion carries unanimously.

We now go on to SEB2020-190.

**MR. BRUNSON:** That was 190, Judge?

**JUDGE DUFFEY:** Yes.
MR. BRUNSON: Okay. Okay, this is Colquitt County, polling place issue. The complaint: It was reported by Mr. Christopher Merritt that when he went in to vote, he was told that he could not vote because he had already voted at 9:30 a.m. that same morning. He was told that he had turned in his absentee ballot. Mr. Merritt reports that he informed the poll worker he had not voted and that he had not requested --

JUDGE DUFFEY: If you're going to leave, would you do so quietly so we can move on with the rest of the complaints. And if you're a member of the press and you want to interview somebody, could you do that outside the room, please.

All right. Can we start over.

MR. BRUNSON: Okay, this case is about Colquitt County, polling place issue. It was reported by Christopher Merritt that when he went in to vote, he was told he could not vote because he had already voted at 9:30 a.m. that same day. He was told that he had turned in his absentee ballot. Mr. Merritt reports that he informed the poll worker he had not voted and that he had not requested an absentee ballot. Mr. Merritt
reports that after several minutes and confirmed with something via telephone, the poll worker asked Mr. Merritt if he would be willing to vote under his father's name because his father had not voted. Mr. Merritt reports he was told that he would be -- that would be the only way to resolve the problem.

So in looking at this case, Mr. Merritt's father has the exact same name basically. His father's name is Christopher Jackie Merritt and apparently his name is Christopher J. Merritt. So at one point in time, apparently Mr. Merritt had a business on a street in which his father actually lived on that same street. So what happened is that when his father went in to vote earlier in the morning, the poll worker basically looked at it and entered him in as his son.

So therefore when Christopher Merritt goes in the poll, Hey, you've already voted. Well, actually, it was his father voting. So he was told at that point in time that, Well, do you want to vote on your father's record because your father hasn't voted, which obviously is not correct.

So ultimately during further investigation,
it was determined that Mr. Merritt actually did not live where he was reported to live through voting records. He actually had move some years before but failed to change his address while voting during this. And so ultimately, looking at the violations, there's evidence to suggest that Mr. Christopher J. Merritt violated O.C.G.A. 21-2-218(c), cancellation of registration in former state or county, address changes and corrections.

And then there's also evidence to suggest for the initial part that multiple individuals from Colquitt County violated general election board rule 183-1-12-.11, 2(a) to 2(b) when Mr. Christopher Jackie Merritt's identity was not verified and he was issued a voter access card and cast a ballot under the identity of his son, Mr. Christopher J. Merritt, for the November 3, 2020, general election.

**JUDGE DUFFEY:** Are there any questions or discussion about this complaint?

**MS. GHAZAL:** Yes, Mr. Chairman.

**UNIDENTIFIED SPEAKER:** Your Honor, I'm here on that estoppel. Can I proceed (inaudible). I'm one of the respondents (indiscernible) to
MR. MASHBURN: He's one of the respondents.

JUDGE DUFFEY: Okay. Give me a second.

UNIDENTIFIED SPEAKER: I -- I'm sorry, I just want to make sure.

MS. GHAZAL: Mr. Chairman, I have one question. One question with regard to the first count. Did Mr. Merritt -- was his move inside the county or was it to a different county? Was he just simply in a different precinct? Or was his residence outside the county where he was voting?

MR. MONROE: I believe it was in the same county. It would just appear from his (indiscernible) it was in a different part --

MS. GHAZAL: Right.

MR. MONROE: -- which would have put him in another precinct.

MS. GHAZAL: Okay, thank you. Thank you very much.

JUDGE DUFFEY: Are there any other clarifications about the summary that we were just given?

DR. JOHNSTON: The question I have is in the investigation. It says both were challenged
voters. Do you have the grounds for a challenge?

    MR. BRUNSON: What page is that on?

    JUDGE DUFFEY: Could you repeat that, Doctor?

    DR. JOHNSTON: It's just before the findings. Next to -- next to the last paragraph.

    MR. BRUNSON: Okay, let's see.

    JUDGE DUFFEY: The paragraph that begins on nine thirteen two twenty twenty-one.

    MR. BRUNSON: Yes. (indiscernible) voted a regular ballot.

    JUDGE DUFFEY: Is that the paragraph that --

    DR. JOHNSTON: Correct. Correct. And just -- just (indiscernible) at the end of the paragraph.

    MR. BRUNSON: Oh, it looks like, yeah, they changed it at the -- so it looks like they reached out to our office to get advice on what to do because this was a unique situation and looks like they attributed him as having voted a regular ballot and his son as having voted a provisional ballot and that, you know, accurately reflects what occurred. So apparently they reached out. They were unsure and then they got that advice from our office.
JUDGE DUFFEY: Any other clarifications before we get to the respondent?

All right, you may come speak.

MR. LEWIS: Judge Duffey and members of the Georgia State Election Board, my name is Wes Lewis. I'm the elected probate judge and election superintendent of Colquitt County. I'm here on behalf of our office. I just wanted to point out that we admitted the violation in this case.

To just kind of get the picture here, as Larry Munson would say, this was a November election. Lines are backed up. Father comes in, Christopher J. Merritt, that morning. He comes in to vote. Poll worker looks up on the poll pad. You mainly type in a name. Generally you'll type in the last three letters of the last name, first two letters of the first name. Christopher Jay -- Jackie Merritt is -- Christopher J. Merritt, excuse me, is pulled up. The poll worker pulls that, he turns that screen to the voter, says, This correct? He looked at it, signed it, he went on to vote. That's what happened.

That afternoon, Christopher Jack -- J.
Merritt, born in -- son, born in 1974, came to vote the afternoon. He shows up to vote. Lo and behold, the safe -- people don't realize all the safeguards are on, on the system, but it shows he's voted on the poll pad. Poll worker can't change that. Your -- you have to make a call. I think there was a comment made -- what do we do? Lines are backed up, presidential election. The son -- I think there was a comment made to vote -- the dad's information where they both have a chance to vote.

The proper thing was actually done here which the son voted a provisional ballot. We researched that, got him in, both votes properly counted.

So I just wanted to point out a few things that would -- we would point out that we admit a violation, but we would respectfully ask the board to treat it as a nonserious one for the following reasons.

First of all, this was a busy, busy election. And I just wish that I -- you know, you can't fathom being over an election when the lines are backed up and you make a call, a comment, whatever, but, you know, this -- the
comment was made at the bottom line. Both these
voters, the father and the son, got the chance to
vote and their vote counted.

But we would point out that we admitted the
error on our part for allowing the father to vote
his son's registration. But we'd note that error
was based in part on the father and son's
actions.

First of all, the father reviewed the
information on the poll pad and signed the
verification, not noticing it was his son's
information. Secondly, the son was voting in the
wrong precinct. Given -- so they lived on the
same street. He would've been in the correct
precinct, this wouldn't have happened -- again
we're just pointing out that this was some things
to point out in the reason this was done. The
father's address was on Overlook Drive.
According to the son's old information, his
address was on Overlook Drive.

So you had the same -- and again this is
easy to do when you're in the heat of the moment.
You know, poll worker turns the screen, looks at
it, he signed it, you know. If the son had
properly given his change of address, it would've
been a lot more noticeable. And it would -- and it really would've pointed out he couldn't have even voted in that precinct. He would have had to have gone to the Moultrie precinct versus the Autreyville precinct.

This was an error, this was unintentional, and most importantly both parties were afforded the right to vote which is really the reason we're all here. I would ask to entertain any questions, but I would respectfully request that you consider finding this be treated as a nonserious violation.

We have used this as a poster child in our training on what not to do to make a comment. Voters crisscrossed the information. It was probably a remedy -- and it was suggested by our registrar. She -- Paula McCullough's the most honest person in the world. She -- when I made the comment, that probably led to the mistrust in this situation.

Ironically, the choice, either that -- do provisional, that was the right thing to do in that situation based on what had happened that morning. So I would want to point that out that the remedy of what happened was correct in the
sense both got to vote.

    I'd be willing to ask any -- entertain any
questions or comments or whatever.

    MR. MASHBURN: I have a couple -- I have a
couple questions.

    MR. LEWIS: Yes, sir.

    MR. MASHBURN: Help me -- help me understand
if the -- if the son voted the provisional ballot
--

    MR. LEWIS: Yes, sir.

    MR. MASHBURN: -- what was the need to check
him in or vote him as the father? What --

    MR. LEWIS: Well, what --

    MR. MASHBURN: Tell me -- help me understand
that.

    MR. LEWIS: Okay. You're probably asking
why -- what was the comment made to let him vote
as the father?

    MR. MASHBURN: Oh, that was just a comment?
It didn't actually happen at least?

    MR. LEWIS: Correct.

    MR. MASHBURN: Okay. Okay, I misunderstood.

    MR. LEWIS: Correct, yes, sir.

    MR. MASHBURN: Okay. Okay. All right. All
right.
MR. LEWIS: And our registrar, we've been together since '06. We -- she's admitted the comment was not a -- you don't -- you don't -- you know, it was the wrong thing to do.

MR. MASHBURN: Okay.

MR. LEWIS: We've used this case as a poster child in our training, what not to do as far as when you have the wrong person.

MR. MASHBURN: So you don't think --

MR. LEWIS: Vote it provisional.

MR. MASHBURN: You don't think this will ever -- you don't think this will likely come up again in the same circumstances, but if it does --

MR. LEWIS: You know --

MR. MASHBURN: -- if it does, y'all feel that y'all are adequately staffed and trained and prepared to deal with it.

MR. LEWIS: This -- yes, sir, we do.

MR. MASHBURN: And it -- and it won't happen again?

MR. LEWIS: No, sir.

MR. MASHBURN: So you think it would be a proper resolution of the matter today to just the board find the violation which you admit but
issue a letter of instruction and not send it to the attorney general; correct?

    MR. LEWIS: I respectfully request that because I do believe, based on the things I've mentioned, we admitted our error and it was nonintentional and both folks got to vote. And again we -- we've learned our lesson with that and this is -- we've used this in our training. We would point out to any election folks here probably they can sympathize how this could happen with poll pad. But we would ask that, Mr. Mashburn.

    JUDGE DUFFEY: Any other questions or comments of the respondent?

        Thank you.

    MR. LEWIS: Thank you, Judge Duffey.

Members of the board, thank you for your time --

    JUDGE DUFFEY: You're welcome.

    MR. LEWIS: -- and consideration.

    MR. LINDSEY: You know, Mr. Chairman, we send to the attorney's general office acts of -- intentional acts, sometimes borderline criminal if not criminal. They are backed up. We've got in this situation a respondent who's admitted to it, seems to be taking remedial steps. I've
stood in line with my son Edward Harman Lindsey, III, and have them ask, Well, are you junior? and then having to correct.

I'm just not sure if this rises to the level of sending it to the attorney general, given -- quite frankly, we send a lot of stuff to the attorney general and -- and there are a lot of things that need to go to the attorney general. I'm just not so certain where justice will be furthered in this situation if we send it to the Attorney General's Office and have them come back with -- with a recommendation pretty doggone close to --

JUDGE DUFFEY: Cease-and-desist --

MR. LINDSEY: -- to a cease-and-desist, don't ever do it again. If we could go ahead and dispose of it here and now and let the attorney general deal with some of the other more serious issues that we've sent to them in the past.

So at the appropriate time, I'll make a motion.

JUDGE DUFFEY: You know, there's a false saying, no good deed goes unpunished.

The two things that I always look at when I decide what we should do, one is was there an
admission, acknowledgment, or self-reporting of a violation? And then the second is did it affect what we are all here to do which is to protect people's right to vote?

Here both people got to vote. I can envision what it was like down there that day. With this -- with the resources that they had, they seemed to make a reasonable decision that accomplished what they wanted to accomplish, is to allow two people to exercise their right to have a say in who were their leaders. And I think I agree with that, that this -- I don't see why we can't consider finding a violation but resolving it with a letter.

**MR. MASHBURN:** Yeah. That was a satisfactory answer to me that it was a bad idea but it wasn't a bad act. We stopped -- we stopped short of a bad act. I'm satisfied that they're going to -- they're going to impose their own cease-and-desist order and not do it again.

So at this time I'll make a motion that this just be resolved with the issuance of a letter of instruction.

**JUDGE DUFFEY:** Is there a second?

**MS. GHAZAL:** If I could make a friendly
amendment, Mr. Merritt is also subject to a -- to a count, a violation, but, again, because this was a relatively minor -- a failure to update his address and he was still qualified to vote in the county and the violation was he voted in the wrong precinct, I would also make a friendly amendment that he als -- his case also be resolved as finding a violation but with a letter of instruction as opposed to binding him over to the attorney general as well.

MR. LINDSEY: I'll second that amendment.

MR. MASHBURN: That's an acceptable -- acceptable amendment.

JUDGE DUFFEY: Right. So there's a motion with respect to this complaint which is 2020-190 that for the respondents, each of them, that we -- that we find a violation but resolve it in separate letters, one stating the need to update your address and the second with following the -- not allowing somebody else to vote under somebody else's name.

And that's the motion. Is there any discussion on it?

DR. JOHNSTON: The only thing I'd mention is that if it's a move within the county, the
election office has the duty and the right to just change the address if there's been a change of address put -- an NCOA or a change of address. So that's in the code as far as moves and the ability of the county to -- to change the address.

JUDGE DUFFEY: Yeah, but in this case, didn't the county not do that because they weren't -- the change of address had not been identified to them by the voter?

DR. JOHNSTON: Beg your pardon?

JUDGE DUFFEY: I mean, they can do that when you show up and you can say that's not my address. They have the authority to change the address.

DR. JOHNSTON: Right. But when the county receives NCOA lists or data that they do now, then they have the authority to go ahead and make a change of address and issue that -- within the county and issue that elector a new precinct card.

JUDGE DUFFEY: But we don't have any evidence that the county received notification.

DR. JOHNSTON: Right. Right.

JUDGE DUFFEY: And the young man or the old
man or whoever it was showed up and should have
look at the data and his address and recognized
that he hadn't changed it.

DR. JOHNSTON: Right. Both parties
should've checked the address.

JUDGE DUFFEY: So I think we're back to the
motion which is to find violations and with
respect to the -- Christopher Merritt, that we
send a letter saying that he has an obligation
under the law to advise county officials of his
change of address.

And then with respect to the other
respondents, that they have an obligation to
allow only those people who are registered voters
to vote.

Any further discussion on that motion?
There being none, all those in favor say aye.

THE BOARD MEMBERS: Aye.

JUDGE DUFFEY: Opposed, no? It passes
unanimously.

Next SB2021-120.

MR. BRUNSON: Okay. This is -- you know
what, I'm not originally from Georgia. Is this
Houston County or Houston?

JUDGE DUFFEY: Houston.
MR. BRUNSON: Houston, okay. Houston, all right.

JUDGE DUFFEY: And by the way, it's not Albany, it's Albany.

MR. BRUNSON: Albany, okay.

MR. LINDSEY: And given where we're meeting right now, you better know where Houston County is.

MR. BRUNSON: All right. So the complaints on this particular investigation -- it is reported that Brooke Taylor Walsh under the name Brooke Taylor Cunningham voted in the states of Georgia and Florida respectively. Mrs. 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, and then Mrs. Walsh voted in Houston County, Georgia for the January senate runoff election. But she did so under the name Brooke Walsh.

So in looking at this particular case, we were able to determine, looking at voting records, that she actually moved to Georgia in 2020. I lost my case.

She moved to Georgia in 2020, February 26,
2020, registered to vote in Georgia July 24, 2020, and while she was visiting her father on November 2nd in Florida, she used her Florida driver's license to vote in that election. She then returned to Georgia and voted in the senate runoff election, January 5, 2021, in Houston County, Georgia.

So based on that, her actions are a possible violation of O.C.G.A. 21-2-216, sub (a), sub (4) as she lost her Georgia residency with the Florida vote one month prior to her voting.

**MR. LINDSEY:** Have you guys alerted Florida because my guess is -- I know Florida has a lot of different laws. In fact, my guess is they probably don't like people voting twice there either.

**MR. BRUNSON:** Yes. Well, now, she's actually moved back to Florida.

**MR. LINDSEY:** Doesn't matter. She voted twice in 2020. That's all I'm saying, is that she's in trouble here in Georgia, and I'm about to make a motion to that effect, but she should also be in trouble in Florida. I just want to make sure that they're also alerted in Florida as to her actions as well.
MR. WRIGHT: We've made them --

MR. BRUNSON: Yes. The investigator's here.

MR. WRIGHT: They've been made aware --

MR. LINDSEY: Thank you. That's all I wanted to know.

At the appropriate time, Mr. Chairman, I'll move on it. I think this is pretty cut and dry.

JUDGE DUFFEY: Did you talk to her and did she acknowledge that it was wrong to vote in two states?

MR. BRUNSON: Well, the investigator did talk to her.

MR. WRIGHT: I'll come down there. My name is Mark Wright. I'm an investigator. I did speak with her during that investigation. And her comment was, I didn't vote in the same election. So she was actually told by her husband that she shouldn't have done so. But she did anyway. And, like I said, her comment to me was, Well, I did -- I didn't think I did anything wrong. I did not vote in the same election. So that was her thought process.

DR. JOHNSTON: Chairman, comment?

JUDGE DUFFEY: What?

DR. JOHNSTON: Comment? All 50 states have
agreed that having two regular active driver's
licenses is illegal and actually there's a
violation -- I would suggest a violation of
40-5-20(c)(1)(e) that says: For Georgia, no
person shall be permitted to have more than one
valid driver's license at any time. I know there
are exceptions as far as commercial license or
international license, but I just wanted to
emphasize the issue of two driver's licenses,
voter registration in two states is not
appropriate.

JUDGE DUFFEY: All right. Is there a
motion?

MR. LINDSEY: Mr. Chairman, I move that we
accept the recommendations of the investigator
and refer the matter for further investigation by
the State Attorney General's Office.

JUDGE DUFFEY: Is there a second?

MS. GHAZAL: Second.

JUDGE DUFFEY: Is there any discussion on
the motion? The motion is to refer Case
SEB2021-120 to the Attorney General's Office
based upon its violation and its need for further
investigation. All those in favor say aye.

THE BOARD MEMBERS: Aye.
JUDGE DUFFEY: Opposed, no? It passes unanimously.

Next case is SEB2021-126, City of Sumner, qualification notice.

MR. BRUNSON: Okay. The complaint is the City of Sumner city clerk did not publish the qualifying notice in the newspaper in a timely manner.

So in looking at this, Investigator Wright confirmed that Mr. Jay Crowe and Mrs. Melissa Dobbins -- that the newspaper article to announce the qualifying period did not run prior to the requalification as required. The dates for candidate qualifying for the town of Sumner November 2021 municipal election was August 16th through August 20th, but the newspaper article to announce the qualifying dates did not run in the newspaper until August 18 which is obviously two days -- and not -- did not meet the requirement.

JUDGE DUFFEY: Any questions about the summary? Yes?

MS. GHAZAL: Just briefly, is this a municipal -- a municipality that runs its own elections and does not rely on the county to do so? They don't contract with the county; is that
right?

    MR. BRUNSON:  Let's see. This is
Investigator Wright again. This is his case.
    MR. WRIGHT:  Yeah, that what I'm checking.
    MR. BRUNSON:  Oh, okay. Oh, we have the
attorney here, too, from Sumner County. Maybe
they can answer.

    MR. CROWE:  May it please the board, I'm Jay
Crowe, the attorney from the town of Sumner.
    JUDGE DUFFEY:  Thank you.
    MR. CROWE:  Thank you all for the
opportunity to speak. Thank you for your time.
And let me just also say thank you for having us
here today. You don't understand what kind of
chance this is to be able to have interaction in
Middle Georgia. Also, it cuts my driving time
down by about half.

    JUDGE DUFFEY:  Now we're getting to the real
reason.

    MR. CROWE:  That's right. In terms of this
case, to answer the first question, Sumner does
run its own elections or did at that time. We've
actually for some time been in the process of
negotiating with the county to take over our
elections. I spoke with the county attorney last
week, and he did tell me that the board had agreed to enter in to undertake our elections for us. We're in the process of hammering out an intergovernmental agreement for that purpose.

I'll be glad -- I've got some other comments I'd like to make. I'd be glad to respond to any other questions but I'll be glad to sit down until you finish your presentation.

MR. BRUNSON: Yeah, I mean, that was it. It's pretty straightforward.

JUDGE DUFFEY: Okay. He's done.

MR. CROWE: Okay. I just didn't want to step on anybody's toes.

This -- this incident happened in August of -- I believe it was 2021. From the time it occurred, we've admitted that we made a mistake. We, in fact -- I was told by Ms. Dobbins who was our clerk at the time that she contacted the Secretary of State's Office to let them know what was going on.

In addition the complainant actually contacted my office. He actually was the city council member for whose position the qualifying notice was not run, Mr. Jesse Kelly. He contacted the Secretary of State's Office on
the -- this was, again, the week of the 16th. On
the 18th and 19th, there were numerous
conversations back and forth with the Secretary
of State's Office. I believe I spoke with
several folks up there, swapped e-mails, ask for
any input as to how we could cure the -- the
deficit.

Ms. Dobbins indicated that she posted on the
door of the town hall the notice of elections and
qualifying. In addition, she posted on Facebook.
We actually had three people qualify for this
election. Mr. Kelly, who was the complainant,
whose seat it was, he qualified and ran; Jane
Long, she qualified and ran; Todd Spence
qualified and ran. Out of those three
individuals, the sitting councilman, the one that
complained because his seat was not advertised
actually lost the election and somebody else came in.

So no one has come forward and complained
that they did not have an opportunity to qualify.
We did not have anybody say they were prevented
from doing that. The other thing to add on,
Sumner has a population, I think, a little over
500 people, so it's a fairly close-knit community
in terms of what all is going on.
And so in this situation we admit that the notice was not run in a timely fashion. We would ask that the board take that into consideration and treat this as a minor infraction if possible. Because, again, as far as we can tell, nobody was hurt or impaired. And from the very get-go, we've been in communication with everyone.

In addition Ms. Dobbins is no longer employed with the town. She was terminated in August of last year. We have a new clerk who in fact passed her qualification requirements, I believe, just January 30, 2023. So she's taken over that role.

But even in that regards, we're doing everything we can to let the county handle our elections from now on as well. So we admit it. We'd ask y'all to take that into consideration. And, again, as far as we can tell, nobody was hurt in this, disenfranchised, or anything like that.

JUDGE DUFFEY: All right, thank you.

MR. CROWE: Thank you.

MR. LINDSEY: Have you spoken to the new clerk about this?
MR. CROWE: I have, at length. In fact she's already run a qualification notice because we're in the midst of trying to get the county to take over our elections. She's already sent a qualification notice, again, to the paper for the upcoming elections that are coming up. She's young, she's undergone training, she's never done this before but she's a go-getter and I'm doing everything I can to work with her to, first, keep her, and also make sure she understands what we need to do.

MR. LINDSEY: That will have a bearing on the motion I'm about to make.

MR. CROWE: Thank you.

JUDGE DUFFEY: So when she did the qualification notice, did she do it on time?

MR. CROWE: Miss -- the new clerk?

MR. MASHBURN: The new one.

JUDGE DUFFEY: Yeah.

MR. CROWE: Yeah. I think we're well within the time limits this time.

JUDGE DUFFEY: I just wanted to make sure the remedial action took.

MR. CROWE: I -- as far as I understand, it was sent in well in time. I've had several
conversations with her about it.

**MR. MASHBURN:** If I might, there's --
there's a lot of cities and counties that listen
in to these hearings that don't have the fact
patterns that we have in front of us. So this --
this resulted all from some sort of system crash.
So she didn't actually know that her -- her
e-mail hadn't transmitted or -- or the -- she
didn't really know the failure until it just
didn't appear in the paper.

**MR. CROWE:** Yeah.

**MR. MASHBURN:** And that's when she found
out?

**MR. CROWE:** And, again, my information is
from Ms. Dobbins, who I do not represent -- I
represent the town -- and what she told me at the
time. She indicated to me that there was a
computer crash at some point. And, in fact,
we've been able to confirm the computer did

**MR. CROWE:** And it's my understanding this --
this was -- was known by her, communicated to
everybody, and basically from the beginning we
said, Okay, we made this mistake; this is what happened.

And she also -- she also told me she had had COVID, I think the week before. She was the only -- we had one full-time employee and one part-time who actually -- the clerk's a part-time clerk, my county maintenance folks. So it's my understanding from her city hall was not even open because nobody was available at that time, that week before.

MR. MASHBURN: Okay, thank you.

MR. CROWE: Thank y'all.

MR. LINDSEY: Mr. Chairman, similar to the matter two or three matters ago, I think clearly there's a violation. The city has acknowledged it. The city as taken remedial action to try to make sure that it doesn't happen again. I think it's appropriate for us to go ahead and resolve it today. Find a violation, send a letter to that effect, and then move on to the next matter.

JUDGE DUFFEY: Is there a second?

MR. MASHBURN: Second.

JUDGE DUFFEY: It's been moved and seconded to find a violation in Case Number 2021-126 against the respondent but that it be resolved
with a letter of instruction. Is there any
discussion on the motion? All those in favor of
the motion say aye.

    THE BOARD MEMBERS: Aye.

    JUDGE DUFFEY: All those opposed, no?

    Passes unanimously.

    MR. CROWE: Thank you, Chairman and the
    board.

    JUDGE DUFFEY: Thank you.

    MR. LINDSEY: Tell your client that you
    earned your keep today.

    JUDGE DUFFEY: SEB2021-128.

    MR. BRUNSON: Okay, this is the City of
    Meigs. I want to make sure I'm saying that
    right. Is that correct?

    MR. LINDSEY: Meigs.

    MR. BRUNSON: Meigs, okay. Candidate
    qualifying issue. Mr. Frank Scoggins, Thomas
    County election supervisor informed the Secretary
    of State's Office that the City of Meigs did not
    open candidate qualifying until the week of
    August 23, 2021. Mr. Scoggins advised that
    Thomas County has an intergovernmental agreement
    with all municipalities to conduct all of their
    elections. The municipalities themselves are
responsible for qualifying their respective
candidates and to report to the State
Transparency Department Ethics.

Mr. Scoggins advised that the clerk for the
City of Meigs who was responsible for opening the
qualifying is Mrs. Catawba Hill. He also advised
that Mrs. Hill was new at the time but that he
has insisted she become qualified and he
documented that she has.

So ultimately the finding is that the City
of Meigs should've opened the qualifying the week
of August 16 through August 20, 2021. But
qualifying wasn't opened until the week of
August 23rd. So this is a vi -- very similar to
the previous one, violation of O.C.G.A. 21-2-132,
sub (c), sub (3), sub (a).

**JUDGE DUFFEY:** Any questions about this
summary?

**MR. LINDSEY:** Is there any evidence that
someone was not able to qualify that wished to
qualify?

**MR. WRIGHT:** No.

**MR. BRUNSON:** No.

**MR. LINDSEY:** And they acknowledged that --
that they had -- that they had violated this
rule?

    MR. WRIGHT: Yes, sir.

    MR. BRUNSON: Yeah, I'm sorry.

    MR. LINDSEY: And is Ms. Catawba Hill still the city clerk?

    MS. KOTH: Did they self-report it?

    MR. BRUNSON: Yes. It was reported by Mr. Scoggins who's the Thomas County elections supervisor.

    MR. MASHBURN: Is there anyone here on their behalf?

    JUDGE DUFFEY: Are there any respondents for the City of Meigs or --

    MR. MASHBURN: So there's no -- there's nobody here to tell us, We're sorry, we won't do it again, and we apologize. So there's -- so this could be treated differently because we're not hearing the response that we have gotten from the previous cases, that they're taking it seriously, they're going to do something about it, and they're making sure it doesn't happen again. We didn't get that in this case.

    MS. GHAZAL: I think that to the extent that the election -- county election supervisor insisted that the city clerk did get training and
certified subsequent to this --

    MR. MASHBURN: Yeah.

    MS. GHAZAL: -- is evidence of remedial action. And also the fact that they have an intergovernmental agreement already. The county conducts these elections and the city clerk is only responsible for that. It's a good --

    MR. MASHBURN: Good point.

    MS. GHAZAL: -- opportunity to point out in 2023, as we're moving into a new round of municipal elections, that cities that choose to undertake their own elections, they're -- this is a heavy responsibility. It's not nearly as easy as it may seem. There's a lot going on with these and a lot of moving parts that whoever is responsible for has to make sure that they understand and are ready to fulfill these requirements.

    So I'll get off my soapbox now.

    MR. LINDSEY: I'm going to make a similar motion, but to Mr. Mashburn's point, I would like to see them come before us in the future. If you -- if you make a mistake, let's talk about it. Let's make sure that you acknowledge that you have, whether or not you'd be in person or
send something in writing to us. Particularly if you're a smaller jurisdiction -- it'd cost you money to send somebody up here -- to see some acknowledgment in writing to us.

And for those of you are listening in the greater atmosphere or whatever, just in the future, I would like to see some type of acknowledgment before I make the motion I'm about to make.

But I haven't made that -- that statement before, so I couldn't enforce it today. But in the future, you know, I'll say it goes a long way.

Let me sort of back up about. About five or six months ago, I made a motion to send something to the Attorney General's Office on a technical violation but in part because the people decided, where it was clearly in violation, to lawyer-up and refused to -- to acknowledge the mistake.

And that was one of the reasons why we had to send it to the Attorney General's Office, because we didn't see any evidence that that local jurisdiction was correcting the problem as opposed to several times that we've seen here today in which people have acknowledged that they
made a mistake and they have made that assertive step. And this apparently is what has happened here.

And so for that reason, Mr. Chairman, I would make a similar motion that I've made before, that instead of referring the matter to the Attorney General's Office that we resolve the matter here. We find a violation and we send a letter to the local jurisdiction.

(Phone ringing)

MR. LINDSEY: It's not my phone, I promise.

MS. GHAZAL: Oh, my apologies. It was me, Your Honor, and I did not know that my iPad was connected. I --

MR. LINDSEY: Anyway that's my motion, Mr. Chairman.

JUDGE DUFFEY: Well, I'd fire Sara, except that'd just leave one less person.

MS. GHAZAL: You're welcome.

MR. MASHBURN: Well, one of the -- one of the comments that I hear from counties sometimes is that they -- well, we're not going to -- we're not going to send anybody down there because y'all are going to send it to the attorney general anyway, no matter what we do.
So I think there is a good lesson to be learned that this hearing is important. But I'm also sensitive to we're not going to put down a rule until everybody gets notice of the new regime.

MR. LINDSEY: And I'm a little more understanding --

MR. MASHBURN: So that's fair.

MR. LINDSEY: -- of the City of Meigs --

MR. MASHBURN: Yeah.

MR. LINDSEY: -- because it was my home city. If it was the largest city in the state, I'd probably be a little less understanding than I am of a small town.

MR. MASHBURN: That's fair. Okay.

JUDGE DUFFEY: So we have a motion to find a violation but resolve it with a letter of instruction?

MR. LINDSEY: Yes.

JUDGE DUFFEY: Is that your motion?

MR. LINDSEY: Yes.

JUDGE DUFFEY: Is there a second?

DR. JOHNSTON: Second.

JUDGE DUFFEY: It's been moved and seconded that -- that a letter -- that we find a violation
by the respondents and that a letter of
instruction be sent to them.

Is there any discussion on the motion?
There being none, all those in favor of the
motion say aye.

THE BOARD MEMBERS: Aye.

JUDGE DUFFEY: All those opposed, no?

MR. MASHBURN: No. Just to make a point.

JUDGE DUFFEY: The motion carries four to
one.

MR. LINDSEY: If I could, to our
investigators, you do an excellent job.

JUDGE DUFFEY: You do. Good presentation.

MR. LINDSEY: If you would, also when you
talk to them, you see a violation like this, tell
them if you either come or you at least send us
something in writing, acknowledging a mistake,
you're going to get treated a lot better. And
show us how you're fixing it.

MR. BRUNSON: Okay, will do.

JUDGE DUFFEY: Thank you.

MR. BRUNSON: All right. Thank you.

ATTORNEY GENERAL REPORT

JUDGE DUFFEY: So now we have one final set
of complaints, consent orders that have been
negotiated by the Attorney General's Office, and
final orders. And Charlene McGowan who is from
the Attorney General's Office will make those
reports for us.

**MS. MCGOWAN:** Thank you, Mr. Chairman. For
the attorney general's report today, we have
three cases to present. The first was Case
Number SEB2020-1112(sic), Henry County. That
respondent is Kelly Rose Alderfer.

Mr. Mashburn, this is the -- one of the
cases you referred to where the candidate -- she
was cited for campaigning and handing out gifts
at a polling location.

This consent order includes a civil penalty
of $250 as well as a cease-and-desist and public
rep -- excuse me, just a cease-and-desist.

For Case Number 2020-221, Worth County, that
is respondent Dylan Harris. That involved an
allegation of out-of-state voting. That
respondent has agreed to a consent order
containing a $500 civil penalty, public
reprimand, and a cease-and-desist violation.

The final case is SEB2021-098, Troup County.
That particular case involved two different
respondents. One of the respondents agreed to a
consent order that includes a hundred and fifty civil penalty. And both of these cases involved individuals who signed voter registration applications for others.

The other case involves a respondent who had assisted her mother with filling out a voter registration application and signing her mother's name with her permission. So our office is recommending a final order that includes a cease-and-desist and a public reprimand but no penalty.

I'm happy to entertain any questions that the board members have, otherwise I would recommend that the board approve these three consent orders and a final order.

**JUDGE DUFFEY:** Are there any questions for Ms. McGowan?

**MR. LINDSEY:** So moved, Mr. Chairman.

**JUDGE DUFFEY:** Is there a second?

**MS. GHAZAL:** Second.

**JUDGE DUFFEY:** Well, thank you. Otherwise we couldn't move forward.

So for consent orders 2020-112, 2020-221, and 2021-98 and final order 2021-098, the motion is to approve the consent order and final orders.
Is there any discussion on the motion? There being none, all those in favor say aye.

THE BOARD MEMBERS: Aye.

JUDGE DUFFEY: Opposed, no? Then the orders are approved.

So that is the last of the complaint cases. We have one final matter of business and that is to receive public comment which I will remind --

MR. LINDSEY: Excuse me, Mr. Chairman, I have a question. Not dealing with the order but I had a question for the Attorney General's Office.

Several months ago we authorized the attorney general to enforce subpoenas that we had issued regarding an allegation. I believe the organization is True the Vote; is that correct? And I'm just wondering if I could get an update on has the -- has the respondent acknowledged receipt of the subpoenas or -- well, in that case, I mean Complainant acknowledged receipt of the subpoenas and have they complied with our demands?

MS. MCGOWAN: To answer your question, the complainant, True the Vote, as well as a number of their associated individuals, a lawyer for the
organization has accepted service of the
subpoenas on behalf of the organization as well
as the -- the named complainants that -- or,
excuse me, the individuals that were served with
subpoenas. To date, no, they have not complied
with the subpoenas and, as you mentioned, the
board did vote to authorize the Attorney
General's Office to seek court enforcement of the
subpoenas if necessary. I think the hope was
that the organization would comply with the
subpoenas after the board took that vote. That
unfortunately has not happened.

So unless the board members have any
objection, the AG's office can move forward with
moving to compel compliance with that subpoena.

**MR. LINDSEY:** Given the seriousness of the
allegations that were made, I'd simply ask that
the Attorney General's Office keep us apprised
and I'm going to ask the same question at the
next meeting.

**MS. MCGOWAN:** Okay. Certainly, Mr. Lindsey.

**MR. LINDSEY:** Thank you.

**MR. MASHBURN:** What was the return date for
the subpoenas?

**MS. MCGOWAN:** It was sometime in the spring
of 2022.

**JUDGE DUFFEY:** I'd say that was enough time for them to respond.

Okay, thank you very much.

**MS. MCGOWAN:** You're welcome.

**JUDGE DUFFEY:** There have been a number of people that have signed up to make public comments. The public comment process is each person will come and speak from the microphone in front of us. And we'll do it in the order in which people signed up on the sign-up sheets. And the comments are limited to two minutes per speaker.

The first is Erik Christensen.

**MR. CHRISTENSEN:** I could speak for two hours on this but I'm going to make it two minutes. So my name is Erik Christensen. I am a resident of DeKalb County. And I have been working on various pieces of this for the past 27 months. I've got some recommendations for the board. I want to thank you guys for what you're doing.

You are the keepers of Article I, Section 4 of the Constitution. I hope you get independent status where you don't report to the Secretary of
State, rather the Secretary of State reports to you.

I’m going to read my executive summary, otherwise I will go way over two minutes. Okay, I’m also a CPA. I worked for Arthur Andersen. I’m a systems consultant with Deloitte. I own my own business now. I’m able to be here because one of my kids is running the business for me right now. So ...

But the current system for administering, processing, and accounting for elections is not uniform and is currently unauditable. The process lacks basic internal accounting controls, chain of custody controls. And these problems have allowed incorrect election results to be posted by the Georgia Secretary of State and certified by the governor in the November 2020 election.

A majority of Georgians lack confidence in the integrity of Georgia elections, okay? And I want to give a specific example here of why I say that. In one specific example presented to the governor, Fulton County absentee ballots were counted, audited, recounted, and posted incorrectly three consecutive times. This does
not lead to confidence and the governor has even admitted this and said, you know, this is a problem.

We talked about it this morning. And when you have 36 rows in a spreadsheet and you get it wrong one time, you get it wrong again at a risk limiting audit, and then you get it wrong again at the recount, it's virtually impossible to do that unless you're totally incompetent. I mean you have to catch one of those hundred and eight mistakes, and we didn't catch any one of those hundred and eight mistakes. They all passed through three times.

So the Secretary of State is not qualified to perform a risk limiting audit, and he's not trained in it, and we need to hire somebody who is.

So I'm going to go through the goal of the recommendations:

To develop uniform processes and procedures for the handling of all ballots in all counties and all precincts in the State of Georgia. Tedious but very imminently doable.

To require an annual independent audit performed by a CPA or CPA firm of the processes
and procedures -- and we touched upon that
earlier too -- that are uniformly being followed
and they're compliant with not only the Georgia
Election Code but also the rules and regulations
that you guys promulgate.

To require that all ballots processed and
managed under the direct supervision of a CPA,
CPA firm and that preliminary and tentative
election results are posted on election night.
You guys represent the legislature. You need
somebody in every precinct that represents you to
make sure that we are doing things consistently
and uniformly. I can tell you we're not today.

To require an annual audit performed by a
CPA or a CPA firm of the election system
selected, used, or recommended by the Georgia
Secretary of State to print, scan, store, and
tabulate the ballots.

JUDGE DUFFEY: You just have a few seconds.

MR. CHRISTENSEN: Pardon?

JUDGE DUFFEY: You just have a few seconds.

MR. CHRISTENSEN: Okay. The goal of this
audit is to provide assurance any system is both
secure from hacking, data manipulation, and the
system produces complete and accurate results and
finally require a post-election audit to make
sure the results are correct.

And there's five pages of stuff in here,
but, like I said, I could talk for two hours on
it. But --

JUDGE DUFFEY: You can give that to us.

MR. CHRISTENSEN: Pardon?

JUDGE DUFFEY: You can send that to us.

MR. CHRISTENSEN: Can I give you a copy or

...  

JUDGE DUFFEY: Well -- okay, thank you.
All right, thank you, Mr. Christensen.
Next is Cliff Albright. Mr. Albright?
Hannah G? Protect the Vote Georgia? She's
not here.

Then Elaine Lucas?

So you didn't have to drive very far, did
you?

MS. LUCAS: Pardon?

JUDGE DUFFEY: You didn't have to drive very
far --

MS. LUCAS: Not far at all, just across
town.

Good afternoon.

JUDGE DUFFEY: Afternoon.
MS. LUCAS: My name is Elaine Lucas and I'm a member of the Macon-Bibb Commission. And I -- first of all, I was thinking that this might be earlier in your meeting because I wanted to welcome you here to our wonderful city. We're progressing, we're changing, and we're glad that you're here, and we would like to invite you to have these meetings here as often as you like because people -- I don't like driving to Atlanta. I'm sorry, Atlanta folks. But I -- and a lot of these other folks don't either. So we love having you come here to -- to Macon. And we're glad that Mercer is hosting you. They're a great institution.

This morning before my husband -- you probably know my husband, Senator David Lucas, who's served us for almost 50 years, served the Macon area for almost 50 years. We had a conversation and guess what our conversation was about? It was about the Georgia State Election Board meeting. Now, of all things, two politicians in a household, you know, we didn't talk about grandchildren, we talked about the elections board meeting and what y'all were going to do and how people were nervous about the
actions that you were going to be taking.
And, frankly, I came here -- I am so glad
that we got a chance to listen to all of the
issues that were brought before you. And I'm
glad that I got a chance -- after having worked
in voter registration for over 30 years myself,
here in Macon-Bibb, I am just so pleased to see
that you are a deliberative body, that you
discuss all of the details, that you have
investigators who get down to the nitty-gritty.
I'm real pleased with that.

The one thing I want to say, though, is when
you were -- with the new membership, the makeup
of the board, there are a lot of people who look
like me who are afraid that you were set up to
disenfranchise us. And women, a lot of women
feel that way. A lot of younger folks feel that
way. So when you mentioned earlier that you
didn't want to be the sheriff, that you didn't
want to be in that position, that resonated with
me because you shouldn't be.

And so the gentleman earlier mentioned the
fact of your becoming an independent group. And
I think that's the direction that we need to go
in, where you're free to make decisions and
nobody can skew things to make it seem like that
you're put in place to take away the right to
vote. I am as nervous as anything about my right
to vote and I hold on to it. It is very, very
important to me, as important as my children and
grandchildren because it impacts what happens to
them.

So welcome again to our wonderful city. But
I just want you to keep in mind that there are
some people who don't have positive and
altruistic intentions like you do. You're
intending to do what's right and to follow
through on your pledge to all of Georgia's
voters. They' are some other people who have
terrible, terrible motives in this state and we
all know that.

So protect all of us and thank you so much
for planning your meeting here, having it here.
We look forward to having you here again. So on
behalf of the mayor and the other nine members of
the commission, welcome and thank you.

**JUDGE DUFFEY:** Thank you.

**MR. MASHBURN:** Thank you.

**JUDGE DUFFEY:** And thank you for staying.

**MR. LINDSEY:** And please tell Senator Lucas
hello.

    MS. LUCAS:  I will.

    JUDGE DUFFEY:  This person took penmanship lessons from the same person who taught me penmanship.

    MS. WILLIAMS:  I bet I know who it is.

    JUDGE DUFFEY:  Are you Brenda?

    MS. WILLIAMS:  I sure am.

    JUDGE DUFFEY:  Okay.  I'm not sure what your last name is, but --

    MS. WILLIAMS:  It's Williams, Brenda Williams.  How're you doing?

    JUDGE DUFFEY:  I'm good.  Thank you.

    MS. WILLIAMS:  I've got a bad knee.  So if it's not handicapped accessible, that's a --

    UNIDENTIFIED SPEAKER:  Hold the chair.

    MS. WILLIAMS:  But I'm coming.  I'm sorry about that.

    MR. LINDSEY:  You're doing fine.

    JUDGE DUFFEY:  You're doing good.

    MR. LINDSEY:  That's a lot of stairs for someone with a bad knee.

    MS. WILLIAMS:  It is.  It is.

    MR. LINDSEY:  We should've come out to you.

    JUDGE DUFFEY:  We could've done that.
MR. MASHBURN: If you know you've signed up for public comment, you might want to go ahead and start moving down to some of these closer rows and that'll help us move along.

MS. WILLIAMS: Hello and I want to thank you so much for giving me this opportunity to come and speak before this body today. My name is Brenda Williams, and I'm the president of Georgia Women and Those Who Stand With Us. And I'm excited to be here today.

I came here with -- with -- I won't say an expectation, but just I wanted to make sure that things were done so it was fair. I look at that seal and it says: Wisdom, justice, and moderation. That's what we stand for as a state. And I look at the middle and that part says justice. I just want to make sure as the voice for women that we get justice and we get equal representation.

One of the -- is -- one thing I want to talk to you about -- or probably a couple, but one was about older people who are a nursing home. I don't know how many of y'all have got a mom in a nursing home but I've got one. And I'm saying to you that the laws that have been put in place --
which I know that some of them, I mean, you've

got to do what you've got to do, but it does put

a hardship on families because not only am I
taking care of my mother, I've got to go up there

and get Mama to write her name.

I've got to go -- and then I've got to do

this, and then I've got to go back and -- and I

just wish that while you were thinking about

those processes, you think about those caregivers

who have to go back up there once they get

those -- once they get those ballots in the mail.

Because everybody's not trying to cheat

everybody.

The other thing is this. I look at this

body -- I'm raising my grandbaby, and I always
tell her, look at leadership. This leadership
don't look like my grandbaby. It doesn't look

like me. And I know that there are people in

Georgia who look like me who are qualified to sit

on this board. So my hope in the future that

when you're making select -- so whoever's making

selections that it's more diverse. This board
does not represent the 38, 39 percent of people

who look like me.

And I'm not saying that it's not fair as far
as to the way that you've administered what it is that you're doing because you've done an awesome job. I just think it should be more inclusive and just look like Georgia.

Thank you so very much for having me and listening to me today. Y'all be blessed and have a safe trip home.

**JUDGE DUFFEY:** Thank you so much. Go slow.

**MS. WILLIAMS:** You know I was trying to walk fast.

**JUDGE DUFFEY:** I know. But you were getting a little wobbly. That was why ...

Karen Carlisle.

**MS. CARLISLE:** It's the hips.

**JUDGE DUFFEY:** I got a new one. I'd recommend it to you.

**MS. CARLISLE:** I got two.

**JUDGE DUFFEY:** Oh, I'm sorry.

**MS. CARLISLE:** Just recently too. Thank you for your time. My name is Karen Carlisle and I'm a concerned resident, a registered voter in Lowndes County, Georgia.

My concern is with the rogue DeKalb County Board of Registration and Elections Chair Dele Lowman Smith who openly admits in a January 27,
2023, DeKalb County Board of Election meeting she facilitated a two million-dollar noncompetitive consortium contract agreement with the unvetted organizations US Alliance for Election Excellence and the Center for Civic Tech and Civic Life through the DeKalb County Finance Department to undermine passed legislation SB202 that states: No superintendent shall take or accept any funding, grants, or gifts from any source other than the governing authority of the county or municipality, the State of Georgia, or the federal government. The State Election Board shall study and report to the General Assembly a proposed method for accepting donations intended to facilitate the administration of elections and a method for an equitable distribution of such donations statewide by October 1, 2021.

The Alliance for Election Excellence obtained eighty million dollars through memberships, then awarded grants for scholarships to the Center for Civic Tech and Civic Life that in turn provide services to modernize and create a voter-centric election process.

This ponzi-type scheme may have violated the Election Protection Clause by violating the
spirit of SB202 legislation. The Secretary of State's Office may now have disenfranchised voters as well as other election offices who did not receive a portion of the funding or counties who may not wish to open this Pandora's box.

Thank you.

JUDGE DUFFEY: Thank you.

MR. LINDSEY: Thank you.

JUDGE DUFFEY: Is it Merronila Telford? Forest Cooper? Anthony Saunders? I think this is Carolyn Hargrove?

This is printed: Jennifer Lee.

MS. LEE: Good afternoon, Judge Duffey and members of the board. I know it's been a long day. So I thank you for your attention. My name is Jennifer Lee and I am a policy director at Asian-Americans Advancing Justice Atlanta. Asian-Americans Advancing Justice Atlanta is a nonprofit legal advocacy organization dedicated to protecting the civil rights of Asian Americans, Pacific Islanders, and Arab Middle Eastern Muslim, and South Asian communities in Georgia and the Southeast.

I would like to call your attention to a letter that we sent to the board's counsel on
Friday and supported by 35 other organizations, requesting that the board implement rules with regard to procedures and standards that will apply in the case of voter challenges.

As you know, hundreds of thousands of voters in counties all across Georgia have had their voting eligibility challenged in recent years. And the county election boards have devoted significant resources towards responding to those mass challenges, many of which were determined to lack sufficient evidentiary support.

We share the board's concern to administer efficient elections that are trusted by Georgia voters. And the subject of the letter and what we would like to raise today are just -- are concerns that the recent large challenges to voter registration risks both the efficiency and voter confidence and fair and accurate elections.

Additionally there seems to be some confusion around what both state law and federal law under the National Voter Registration Act require in these cases and has resulted in different approaches at the local level and placed strain on election workers who in many cases are already stretched very thin.
So we're invested in seeing the board formulate some rules and -- that would reduce the administrative burdens on counties responding to these challenges while ensuring the voters whose eligibility is challenged do have a fair opportunity to respond.

We hope that implementing rules like this will create some guardrails and will help ensure greater consistency and uniformity in how these challenges are handled across counties. Support local boards in achieving compliance with state and federal laws and also reduce the impact of meritless or unsubstantiated challenges on a county's limited resources, often at very stressful times for counties administering elections.

So we thank you for your attention and we look forward to continued engagement with the board about this matter. Thank you.

**JUDGE DUFFEY:** Thank you. I'll let you know that we have already identified that as an issue that we need to address, you know. It's a fairly recent phenomenon of the mass challenges and the residency registration law is not easy to understand. It's certainly not easy to apply,
but we appreciate the letter.

Leo Seyg Allen? Arena Franklin?

**MS. FRANKLIN:** Isn't it Ciara? Ciara Franklin?

**JUDGE DUFFEY:** Yeah. Could be, yeah. Might, yeah.

**MR. MASHBURN:** Common Cause Georgia?

**MS. FRANKLIN:** Yes.

**JUDGE DUFFEY:** Okay. Sorry. I didn't mean to mispronounce your name.

**MS. FRANKLIN:** No, you're fine. No worries.

May it please the board. Good afternoon, Judge Duffey, members of the board, and community members. My name is Ciara Franklin and I serve as the outreach and engagement organizer with Common Cause Georgia. We are a nonprofit, nonpartisan advocacy organization. I'm also a proud resident of Albany, Georgia.

I wanted to briefly take the time to thank you for your willingness to meet communities across our wonderful state where we are and also thank you all for your hard but very necessary work. I'm looking forward to the announcement of other meeting locations across the state as this meeting has been well attended and received.
Again thank you for your time and attention today.

JUDGE DUFFEY: Thank you very much.

Willie Dumas? Macon NAACP? Vikki Moody?

MS. MOODY: That would be me. And the reason that my name is --

JUDGE DUFFEY: But they can't -- people that are watching can't hear you.

MS. MOODY: They don't have to hear me.

MR. LINDSEY: Well --

MS. MOODY: Especially with what I have to say.

JUDGE DUFFEY: -- if they don't hear you, they just send us something saying that they couldn't hear --

MR. LINDSEY: Can't hear. Trust me. We get texts when they can't hear.

MS. MOODY: I am Vikki Moody and I signed that list because this kind young lady who greeted me this morning said I had to sign in. So I had no idea that I was signing anything (inaudible).

Therefore, while I'm here, may I just tell you thank you for what you have said today and what you've done today. I'm really excited to be
here and I'm very proud to have had the
opportunity to hear what you're doing and how you
do it. So thank you very much.

**JUDGE DUFFEY:** Well, thank you for taking
the time to come.

Make sure she's always on the list.

**MS. MOODY:** I was just going to say be
careful what you sign. So ...

**JUDGE DUFFEY:** Earl Ferguson? Gwen
Westbrooks? Worth? I can't tell if that's an s
or an r. Is it Worthbrooks?

**MS. WESTBROOKS:** Westbrook.

**JUDGE DUFFEY:** Oh, I was right the first
time. Gwen, come on down.

**MS. WESTBROOKS:** I've got a bad knee too.

**JUDGE DUFFEY:** I'm sorry.

**MS. WESTBROOKS:** Good evening. Thank you
for allowing me to speak this evening. I am Gwen
Westbrooks, president of the Macon-Bibb branch
NACP. And I wanted to speak today.

I came here today in support of the case for
the Black Voters Matters. A lot of times -- I
just want to say a lot of times that
organizations like that, organizations like the
NACP are often misunderstood because I know
especially with the NACP, they don't know -- they
don't your history. They haven't been educated
on actually what the organizations stand for and
the history of the organizations.

And I've got to admit that I was concerned
when I came because the panel didn't look like
the people that -- that was here being -- being
charged. But I do want to say I thank you all
for listening to the facts. And I appreciate you
all being here and listening to the facts and
making your decision and judgments on the facts.

I am concerned because I -- and also about
the nursing home, that was a concern to me. I
really -- I don't know if you've gotten concerns
or complaints about people being in a nursing
home but I don't think that we need to fix
something that's not broken. I do know that
people -- as far as giving out water, I think
that we -- different things like that, something
like that to me is a form of intimidation, and
you have to -- I want people to understand where
we're coming -- where I'm coming from because if
you know the history, people of color have not
always had the right to vote.

And even when we were -- the Vote Rights Act
was passed in 1965, we had to renew our voting
rights every 20 years to be able to continue to
vote. So giving out water, I -- you know, you're
talking about six hours in line. People giving
out water, I think that's -- that was just
horrific what happened to these people that they
had to wait a couple years not knowing what their
fate is.

I just -- I'm just hoping at some point that
the Georgia State Elections Board, our Secretary
of State, community leaders can come together
and -- with some type of reconciliation as to
what -- because it only hurts the voters when we
put things in place that kind of deters people
from voting.

But I want to thank you all for allowing me
here today. I just think we need to continue
to -- people should have access to the polls and
people that are there for support should not be
criminalized for being there for support. Thank
you.

JUDGE DUFFEY: Thank you very much.

MR. LINDSEY: Thank you.

JUDGE DUFFEY: Thanks for speaking.

Meaghan, is there anybody else that you made
sign up that's here?

    Well, that is --

    MR. MASHBURN: Is that a separate --

    JUDGE DUFFEY: No. No. That's the organization.

    Well, is there anybody who signed up that expected me to call their name so that they could speak? No? That's the last order of business on the agenda. And I will entertain -- first of all, we -- we were delighted to be Macon. This has been a good experience for us to be out of Atlanta.

    Somebody said they don't like driving here from Atlanta. Well, sometimes I don't like living in Atlanta. So this is a treat to get out of the big city. We thank you for your attention and helping us maintain decorum during the meeting. We hope to be back. The president of the university came down and said hello, and he said we are invited back if we want to come back. But we also need to go to other cities and give them the advantage that you have had today.

    But that's all that I have and I'll entertain a motion to adjourn.

    MS. GHAZAL: So moved.
JUDGE DUFFEY: Second?

DR. JOHNSTON: Second.

JUDGE DUFFEY: Okay. Four or three seconds which I -- I think I know how this vote's going to come out. There -- we have a motion to adjourn. All in favor say aye.

THE BOARD MEMBERS: Aye.

JUDGE DUFFEY: Those opposed, no?

MR. LINDSEY: No, because I don't want to drive back.

JUDGE DUFFEY: We're adjourned.

(Concluded at 3:26 p.m.)
CERTIFICATE

STATE OF GEORGIA

I hereby certify that the foregoing meeting was taken down and was reduced to typewriting under my direction; that the foregoing transcript is a true and correct record given to the best of my ability.

The above certification is expressly withdrawn upon the disassembly or photocopying of the foregoing transcript unless said disassembly or photocopying is done under the auspices of the undersigned and electronic signature is attached 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 6th day of March, 2023.

**Mary K McMahan**
Mary K McMahan, CCR, CVR, RPR, FPR
Certified Court Reporter
Certificate Number 2757