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THE OFFICE OF SECRETARY OF STATE
STATE OF GEORGIA

IN THE MATTER OF:

STATE ELECTION BOARD MEETING

<https://www.youtube.com/@merceruniversity/live>

Tuesday, February 7, 2023

Mercer University School of Medicine Auditorium

Macon, Georgia

9:00 a.m.

MARY K MCMAHAN, CCR, 2757
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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

1 Transcript Legend
2 (sic) - Exactly as said.
3 (ph) - Exact spelling unknown.
4 -- Break in speech continuity.
5 . . . Indicates halting speech, unfinished sentence or
6 omission of word(s) when reading.
7 Quoted material is typed as spoken.

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

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

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

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

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

21 (Invocation)

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

25 (Pledge of Allegiance)

1 **JUDGE DUFFEY:** I was thinking and listening
2 to the invocation. Regardless of what your faith
3 background might be, the two important things
4 that I think we all appreciate and yearn for is
5 grace and wisdom. And certainly as members of
6 the board as we go about our work, sometimes we
7 need some grace and we appreciate that when it's
8 offered.

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

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

23 One of our goals has been this year to take
24 what we do out into the state. We are a state
25 board; we are not an Atlanta board. We've been

1 somewhat Atlanta-centric lately, and this is a
2 way for us to make it easier for people in other
3 parts of the state to attend.

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

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

21 And then from there, everything has been
22 utterly seamless. This is exactly how I
23 envisioned this to be. This is exactly what we
24 as a board want. The facilities and the ability
25 to broadcast the proceedings in the meeting here

1 today to people outside of Atlanta has worked
2 extremely well. And that was all done really
3 without us having to do anything.

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

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

9 I think Becca's working so ...

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

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

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

1 of the General Assembly in the statehouse.

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

13 And you look at that there were close races;
14 there were contentious, hard fought races; there
15 were a lot of voters at all different stages of
16 voting. And I think the most interesting thing
17 was the public opinion poll that the University
18 of Georgia did lately, trying to find out from
19 the people who really matter, which are those
20 people that exercise their participation in
21 democracy by voting, what their experience was
22 and across the board the experience as reported
23 by the public. And those who participated in the
24 process have been strongly supportive of the
25 efforts of everybody to make voting available

1 with lines that were relatively short over the
2 course of the primary elections and the general
3 elections and the runoff elections.

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

13 And I extend to the counties a deep
14 appreciation on behalf of those of us in Atlanta
15 at the Secretary of State's Office and on the
16 State Election Board who are working as hard they
17 did, cooperating as much as they did with the
18 Secretary of State's Office, and Mike Evans and
19 his election division because the effort and the
20 interest and the adjustments that they made for
21 the midterm elections produced a process that I
22 think we can begin to see that the ability of us
23 in state government and those of us in county
24 governments can, in fact, put on elections and
25 offer the opportunity for people to vote in a way

1 that is -- that is -- allows people to exercise
2 the most fundamental freedom we have in democracy
3 which is to elect those people that will lead us.

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

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

12 **DR. JOHNSTON:** I have corrections.

13 **JUDGE DUFFEY:** Okay.

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

16 **JUDGE DUFFEY:** Okay. Can you correct it?
17 Is -- is that yours --

18 **MS. KELLING:** That is correct. I can
19 correct it.

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

24 Any other corrections?

25 Do we have a motion to approve the minutes

1 as amended?

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

3 **MR. LINDSEY:** Second.

4 **JUDGE DUFFEY:** It's been moved and seconded
5 that we approve the minutes of the December 3,
6 2022, meeting. Is there any discussion? There
7 being no discussion, all those in favor of
8 approving of the minutes say aye.

9 **THE BOARD MEMBERS:** Aye.

10 **JUDGE DUFFEY:** All those opposed, no?
11 And the motion carries unanimously.

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

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

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

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

22 **MR. MASHBURN:** Second.

23 **JUDGE DUFFEY:** It's been approved and
24 seconded that the December 13, 2022, minutes be
25 approved. Is there any discussion? There being

1 none, all those in favor of approving the
2 December 13, 2022, minutes please say aye.

3 **THE BOARD MEMBERS:** Aye.

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

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

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

17 But what we'll do after the report is
18 offer -- to the extent that board members have
19 questions about the report, those question will
20 be offered to and asked of the members of the
21 panel for their response. They might want more
22 time to respond. We will allow them to do that
23 in writing to us if they can't answer any
24 question. Or if they want to make any further
25 comment, they may do that.

1 Thus, we will make that available to
2 everybody on our website, but we will not take
3 any action on the report today because of this.
4 The report is long and it has consequences to it.
5 The county has the right to have everything that
6 we've asked, whatever information might be
7 provided to us, in the next couple weeks before
8 they are asked to respond and before we will be
9 in position to make a decision on what to do with
10 respect to the panel's report.

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

22 So let me give everybody just a little bit
23 of background. At the request of a number of
24 members of the Senate and House of
25 Representatives in 2021, and basically on

1 July 27th and July 30th, on August 18, 2021, the
2 State Election Board, under O.C.G.A. 21-2-106,
3 which is the statute that governs performance
4 reviews, appointed what is known as a performance
5 review board composed of Steve Day, who is a
6 member and former chair of the Gwinnett County
7 Board of Electors; Ricky Kittle, who is chair of
8 the Catoosa County Board of Elections; and Ryan
9 Germany, who was then general counsel at the
10 Secretary of State's Office.

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

18 The statute provides for this process and
19 the result of amendments to the law in Senate
20 Bill 202. But O.C.G.A. 21-2-106 states that the
21 duty of the performance review board, the board
22 that we will hear a report from today, is to,
23 quote, make a thorough and complete investigation
24 of the local election official with respect to
25 all actions of the local election official

1 regarding the technical competency and the
2 maintenance and operation of election equipment,
3 proper administration and oversight of
4 registration and elections, and compliance with
5 state law and regulations.

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

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

24 So with that, Mr. Germany, if you would
25 please come to the podium. We would like to hear

1 your summary and explanation of the process and
2 the report that you have now filed with us, with
3 the Secretary of State's Office, and with Fulton
4 County.

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

6 Can y'all hear me? Okay.

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

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

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

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

1 read.

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

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

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

1 just vital.

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

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

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

23 And one thing that I also want to say is
24 Fulton County was from the outset cooperative
25 with this process. And they have very able

1 counsel assisting them. They were cooperative
2 with the board to allow us to do our job. So I
3 want to say thank you to them also.

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

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

20 The second thing we did -- because we were
21 appointed in August 2021. So not long after
22 that, Fulton County was administering municipal
23 elections for its cities. And we had the
24 opportunity to observe the processes in both. I
25 think this was really helpful that we observed

1 with the municipal election first because they're
2 smaller, lower turn-out elections. And from 2020
3 through 2021, there was a lot of change in Fulton
4 County, particularly in personnel, particularly
5 with regarding absentee ballots which was a real
6 challenge in 2020 for all counties given the
7 massive increase but especially for a large
8 county like Fulton. So we observed that process
9 and then we also observed in-person voting during
10 advance voting at the precinct level and also on
11 the election day.

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

20 Stephen was out, going to the polling
21 places. He was able to go and see kind of
22 in-person, okay, here's the report they're giving
23 at headquarters; here's how the polling place
24 really married those two things together. So
25 that was a really valuable thing.

1 One thing I'll mention really quickly --
2 it's a slight digression -- is the challenge to
3 this process is that at the time Fulton County is
4 doing elections, other counties are doing
5 elections too, including Catoosa County, Gwinnett
6 County, and including the Secretary of State's
7 Office have -- doing their election duties. In
8 the 2021 municipal elections, the Secretary of
9 State's Office is less involved. So we were able
10 to really kind of dive into that, working in
11 Fulton. Gwinnett does not do municipal elections
12 with their cities. So Stephen, I think, was a
13 little more available. I can't remember if Ricky
14 had a municipal election or not that year, but he
15 still made himself available.

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

1 that was really helpful.

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

13 And the Secretary of State's Office was
14 really a resource, mostly for me as well, where I
15 could run things by and say, hey, what do you
16 guys think of this? Because there's a lot of
17 people in our elections division who have a much
18 more kind of day-to-day knowledge of kind of best
19 practices than I do. And so they were helpful.
20 And they worked really closely with Fulton
21 throughout the 2020 election until -- continuing
22 to this day, the Secretary of State's Office.
23 And they were helpful to me to, you know, allow
24 them -- allowed me to kind of observe and be
25 involved in those issues so we could see, okay,

1 what's working well in Fulton; what's -- what
2 needs improvement? And then that played a role
3 in the report as well.

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

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

1 Office. So we observed that, going through that
2 process.

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

14 But we conducted that observation of the
15 2022 primaries, conducted some additional
16 observations in the 2022 general election, and we
17 also conducted interviews with Fulton County
18 board members. And those were very helpful as
19 well.

20 One thing that -- a solution and a resource
21 that presented itself, actually, after giving an
22 update to the State Election Board and talking
23 about -- I believe it was in between the June
24 primary and the November election and talking
25 about how, hey, this is a -- the fact the board

1 has all their election duties -- or the
2 Performance Review Board at the same time as
3 Fulton is making it a bit difficult to observe
4 this year, I received a call from the Carter
5 Center basically saying, Hey, maybe that's
6 something we can help with. And that's something
7 the Performance Review Board decided to do.

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

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

23 And so I'm really grateful for their support
24 as well, and I'll get into a little bit about
25 what they found later.

1 One thing that I did want to address, too,
2 is the question of did we have enough resources
3 to conduct this job? Because, you know, it was a
4 big job, as I just went through. We certainly
5 wished to have more resources. That was a
6 difficulty. It was a lot of essentially, you
7 know, volunteer time where it's you -- you guys
8 with the State Election Board, I know, are no
9 stranger to it and on the county election board
10 as well.

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

23 At the end of the day, I think that we were
24 able to accomplish what we were trying to
25 accomplish with the resources that we had. And I

1 think there was value in having the involvement
2 really come from people involved in Georgia
3 elections as opposed to, you know, bringing in
4 people from out of state, especially kind of
5 out-of-state-consultant-type people who maybe
6 wouldn't have had the same background and just
7 base knowledge by being there. So I think we did
8 have enough.

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

19 The one thing the Carter Center was very
20 clear about from the beginning is we're -- we're
21 happy to help, but we are going to -- this is
22 going to be an independent observation that they
23 conduct. It's not going to be driven by any
24 outside forces with their -- that's how they did
25 it.

1 And so we were -- we were good with that.
2 And that's what the Carter Center did. That's
3 what Ricky, Stephen, and myself did as well. And
4 I think that's also what Carter Jones did back
5 when he was observing the Fulton County report --
6 Fulton County elections in 2020.

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

16 And they all noted that they were witnessing
17 improvements happening. Carter Jones reported
18 this with the 2020 general election to the
19 January 2021 runoff where they implemented
20 certain things. And in that case one of the main
21 things that really -- the early processing of
22 ballots that would allow early processing of
23 absentee ballots. And we saw additional
24 improvements from January -- from January 2021 to
25 the end of 2021 municipal elections and

1 processes. And then I think the Carter Center
2 saw the same thing, as did we, going through
3 2022.

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

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

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

23 The Fulton County Board of Elections and
24 Registration is engaged in helping to drive these
25 improvements. Our recommendation is that

1 replacing the board would not be helpful and
2 would, in fact, hinder the ongoing improvements
3 in Fulton County elections.

4 One thing that has also been the case since
5 2020 is the county manager's office in Fulton
6 County has continued to be involved in planning,
7 strategizing, and preparing for upcoming
8 elections and working with the Fulton County
9 Board of Elections on the county side and Fulton
10 County elections staff. That involvement has
11 positively contributed and improved execution of
12 elections in Fulton.

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

20 And a couple final things. I do think this
21 process, while it was, you know, sometimes
22 difficult, especially as I was writing this
23 report over the Christmas holidays -- but I think
24 it was valuable for everybody. It was valuable
25 for me. It's really allowed me to kind of get an

1 inside look at maybe certain challenges that we
2 don't always see from the Secretary of State's
3 vantage point. I hope that it was valuable for
4 Fulton as well. And they were very cooperative.
5 But I do think that, you know, having this
6 process helped in making sure, hey, let's make
7 sure we're good in our processes, thinking about
8 how we really want to accomplish these things as
9 we move forward in election administration.

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

24 And the other thing, the thing that kind of
25 I want to leave on is while we have seen

1 improvements, you know, next year's a
2 presidential election. And I'm giving a speech
3 to GAVREO next weekend. And I'll preview it for
4 some of those election officials here who are
5 going to hear it again. But 2024 is really the
6 first presidential election where, okay, now both
7 parties, both campaigns and whoever they end up
8 being are going to be very aware, very focused on
9 Georgia from the outset, frankly probably
10 starting now wherever those conversations are
11 happening.

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

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

1 bigger.

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

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

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

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

23 But I'm from a different political
24 perspective from them. So I also want to
25 acknowledge while I do have the floor,

1 Mr. Lindsey, coming into Gwinnett County and
2 observing our elections, both in November and
3 December. We appreciate any member of the
4 election board coming out and observing our
5 processes. Any member is welcome at any time to
6 come and visit us in Gwinnett and we appreciate
7 the initiative that it shows from the election
8 board that members would come and participate
9 with us in our election processes.

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

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

23 There are several points of consideration.
24 Ryan's done an excellent job of going over them.
25 And also I'd to commend him. He's an excellent

1 writer. He was the lead sled dog on putting --
2 pulling all of the report data together. We have
3 some memorandum and stuff in the background but
4 Ryan did an excellent, excellent job on that. We
5 did some editorial efforts on it, but y'all
6 should feel proud of the work that he did and
7 thankful that you had somebody as accomplished as
8 Ryan doing the report.

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

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

25 But I'm not sure you're always going to have

1 that case if this process continues as it is
2 right now. And in our bullet point, we say it's
3 difficult to see how this process is sustainable
4 and can continue to positively influence election
5 administration in Georgia without some reforms.

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

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

24 There are several different approaches
25 something like this could take: From the peer

1 review process, maybe out of the Georgia
2 Association of Elected -- Registration and
3 Elected Officials where you have some retired
4 folks and maybe some volunteers to engage in a
5 process. There is a possibility of hiring folks,
6 like the Carter Center or the Election Center
7 that's in Texas. Or you could have paid staff,
8 perhaps, associated with the Secretary of State's
9 Office or some other office, maybe four or five
10 analysts that would every week go to a different
11 county and do an assessment. And over the course
12 of three or four years, you could cover every
13 county in the state.

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

23 I welcome any questions. Thank you.

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

25 **MR. KITTLE:** I didn't prepare a speech for

1 y'all. So I don't know what to do. Bear with
2 me.

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

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

18 But I will say Fulton County was amazing.
19 The people tucked us in. They answered
20 questions. I spent the day in their command
21 center, which if you have never been, go on and
22 go. It's -- it was -- it's a huge room with
23 banks of phone where they have -- if they have a
24 problem, they call in. I didn't see the sense of
25 urgency that I thought I should've saw, but,

1 again, as we know, that night their director
2 retired. And so I guess he didn't have it. But
3 when talking to the members that replaced him,
4 the members of the board, we saw that they had a
5 desire to get things going in the right
6 direction. They're moving in the right
7 direction. It's important that we remember that
8 2020 was a disaster for every county. We seem --
9 we forget what happened in 2020. The pandemic
10 hit Fulton County. Both -- we stretched the
11 election from March till forever.

12 We called the election the year of the
13 eternal election. We started in March and we
14 just kept having elections. Schools closed.
15 Churches were closed. Workers didn't want to
16 work because of COVID. They had people who
17 passed away who were key elements of their teams,
18 who got sick and could not be there. You
19 couldn't break -- you couldn't have a group of
20 people like this. You had to try to train people
21 online. And I don't know if you've ever tried to
22 teach anybody online but it's hard to see them
23 eye to eye and see if they're even paying
24 attention to you. But I mean, you know, do they
25 care?

1 But they survived. They took problems they
2 had with absentee ballots, which we never dreamed
3 that we'd see in our small county, we were
4 flooded with absentees that year. We didn't --
5 we wasn't prepared for it. Neither were they.
6 But yet they survived and they did the best
7 job -- sure, there was mistakes, but we're human.
8 Elections are run by humans. It's never going to
9 be perfect. I don't care how hard we try,
10 there's always going to be something that falls
11 through and that was a terrible year all the way
12 around for everybody.

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

21 So they are making great strides. Hopefully
22 they'll continue on. But I really think we need
23 to really think about how we did this because I,
24 as a board member, would've been offended if
25 you'd come into my county. I'm just glad Fulton

1 County did not take offense. They worked with
2 us. I didn't -- like I said, I didn't prepare a
3 speech, but I do -- I do think the people they
4 have in place now are trying and that's the main
5 reason -- in elections that's all you can do is
6 try to improve daily.

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

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

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

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

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

24 I think we know -- you know, I served in the
25 legislature, and there are certain things that

1 come through the General Assembly that you think
2 are really great ideas, then the problem
3 sometimes happens in how it gets implemented. I
4 don't think that when folks foresaw an audit like
5 this or a review like this that they would think
6 it would take a year and a half. But having read
7 your report, I can understand exactly why it took
8 a year and a half.

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

16 So, Mr. Day, I'm going to show up and I'm
17 going to ask you for a little bit more of your
18 donated time. And to the rest of the three of
19 you as well, if y'all could help us work
20 something out like that to help us go back to -
21 and now is the time because, you know, the
22 General Assembly is in session. Usually if there
23 are tweaks or changes in the laws, it usually
24 happens on a number of -- odd-number year
25 before -- on that -- the general election.

1 So to the extent that we could get before
2 the General Assembly, both in terms of financing
3 and in terms of any type of tweaks, now is the
4 time for us to do so. And so if you could help
5 us, I'd appreciate that.

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

7 **MR. LINDSEY:** Yeah.

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

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

20 And I can say that. Now, Ryan doesn't even
21 work for them anymore but he might get some
22 blowback if he said it. But I'm not afraid to
23 say it. And we did send back an envelope of
24 calculations in regards to if you have four or
25 five staff people working a year, that's probably

1 between a one- to two-million-dollar expense to
2 do something like that.

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

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

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

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

17 And I've had some people from around the
18 state ask me why is Fulton County being singled
19 out; why is the focus on Fulton County? And I
20 go, Well, it's the biggest county in the state.
21 So, you know, they should expect to have a lot
22 more scrutiny than just about anywhere else. But
23 a lot of what you have in here are -- are
24 situations that I'm quite confident did not
25 happen exclusively in Fulton County.

1 And so one thing I would like to know and
2 maybe in your observations or maybe if something
3 could be sent to us on how to -- how to make sure
4 that something like that doesn't happen again. I
5 mean, the two hundred -- only two -- well, it was
6 200 votes were counted twice. I'm sure, you
7 know, if it happened in Fulton County, it could
8 happen somewhere else. How do we make sure that
9 that doesn't happen again? I mean, I do like the
10 observation that says it's something that should
11 never happen. Yes, it should never happen. And
12 fortunately it was 200 ballots and fortunately it
13 was caught, but how do we make sure that
14 something like that doesn't ever happen again?
15 What within our technology failed, to allow that
16 to happen?

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

23 **MR. GERMANY:** Yes, I'm happy to speak to
24 that, Mr. Lindsey. And that was something that I
25 spend a lot of time on because I -- I -- my sort

1 of initial reaction is why does the scanner even
2 let that happen?

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

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

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

23 And so I think some of those processes
24 surrounding, okay, how are we going to manage the
25 paper? And like just -- and it's COVID. So they

1 call it batch management. And we've seen
2 improvements in that. We're going to see
3 improvements in that. That's -- that's how we do
4 good audits. So you have to have really good
5 batch management. So that's, I think, how it --
6 that's how it happened. So I think there are
7 technological things that can help, but really I
8 think it's a process improvement. And if you
9 have a good process, it's not going to happen.

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

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

22 **MR. GERMANY:** And there might be some way
23 sort of to jump in from a rule-making
24 perspective. We could put in place some
25 processes --

1 **MR. LINDSEY:** Yes.

2 **MR. GERMANY:** -- around -- around batch
3 management.

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

7 **MR. GERMANY:** Yes, sir.

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

21 **MR. GERMANY:** Well, that's one thing that we
22 found, looking at that specific thing, that when
23 you look at it, it is understandable how kind of
24 in that time period basically data is going to
25 get mistyped. The problem is, like you're

1 alluding to here, it really allows for people to
2 take that understandable mistake and turn it
3 into, Well, how do we have confidence in anything
4 then?

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

16 **MR. LINDSEY:** Yeah.

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

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

25 And I'll shout out to my Fulton County

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

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

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

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

17 I've been looking at a couple things here
18 based upon what Mr. Day and Mr. Ryan said. And
19 that is, as we've heard, there was a process by
20 which we got to the performance review panel.
21 And that process included an initial review by an
22 outside consultant which then ultimately led to
23 this change preventively to -- but the General
24 Assembly decided that there needed to be a
25 mechanism that they call the performance review

1 panel.

2 You know, in some day that will be necessary
3 because somebody -- when we have improved
4 processes that have more reliability, there will
5 be people that make mistakes and we ought to have
6 some mechanism to do an investigation of a county
7 that has more systemic problems when, in fact,
8 the Secretary of State's Office and the Board is
9 trying to regularize the process and make it more
10 uniform.

11 And I will -- I will say this, that I had
12 discussions with the Elections Division; we had
13 discussions with Secretary of State's Office,
14 mainly through Ryan Germany, is that if you think
15 that we would like to -- what we would like to
16 create -- and I think that's true of the Board; I
17 think it's true of counties; and I think it's
18 true of the Secretary of State's Office, is that,
19 one, I don't want the Board to be perceived as it
20 continues to be perceived, as the sheriff that
21 runs into a county because we found a problem
22 there. I want the Board to be perceived as the
23 collection of issues that need to be addressed
24 and then working proactively with counties and
25 the Secretary of State's Election Division to say

1 now that we're seeing these problems, what can we
2 do to put into place a mechanism to resolve them
3 and make that process and resolution uniform
4 across all the counties? But any process that
5 that involves the creation of a process like
6 Mr. Day is suggesting costs money.

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

22 But every three years our office was
23 inspected, not by people in Washington but by
24 people from other offices across the country that
25 would come in, usually for three days, and they

1 would -- they would test our processes and our
2 files and our procedures against what was
3 expected of all United States attorneys offices
4 in the country. And then they gave us a report
5 and told us when we did things well and when we
6 needed -- what they would call the "challenge
7 areas," areas where we needed to improve.

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

24 Now, I hate to say this to Ms. Willard, but
25 the best, maybe, to do that would be Fulton

1 County because we have this body of information.
2 We have people that have looked at the processes
3 that are now in place. I'd be reticent if I
4 didn't say that there are a number of things in
5 this report where the people that have done this
6 report have said that there are still
7 shortcomings that need to be addressed. And I
8 suspect that everybody recognizes and is willing
9 to address those. But isn't this at least an
10 opportunity?

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

1 apply to all counties.

2 2024 is going to be really hard. We are
3 going to be under a microscope. But we have the
4 capacity and, I think, the will to say, As
5 critical as you want to look at us, we will be
6 prepared for that. And the citizens of the state
7 are entitled based upon what's happened in the
8 past to be able to leave the 2024 elections and
9 say, We learned; we were educated by our
10 failings; we created remedies to those things
11 where we had not done what we were supposed to do
12 or what we were criticized for even though we had
13 done what we were supposed to do; and have people
14 say that the gold standard can be this state.

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

20 Dr. Johnston?

21 **DR. JOHNSTON:** Well, I do have some
22 questions. And I wholeheartedly agree with Judge
23 Duffey -- well, Chairman Duffey about
24 establishing processes and review and
25 investigation that can be used uniformly

1 throughout the state. And this is the real
2 opportunity to have this occur, I believe.

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

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

10 **DR. JOHNSTON:** To augment it.

11 **MR. GERMANY:** Yes, ma'am.

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

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

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

25 But this sort of goes back to this limited

1 resource thing. We're basically sampling -- the
2 idea that you would expect a \$500,000 consultancy
3 from three guys volunteering their time is not --
4 is not reasonable. So what we had to do was make
5 our best judgment about what to look at and the
6 time that we had available and see what kind of
7 insight it gave to us.

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

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

25 And Fulton County actually was proactive in

1 instituting things that eliminated a lot of the
2 issues that had popped up that -- prior to us
3 serving on this board. So that's -- that's where
4 it is. I'm not trying to dodge your question but
5 I'm just trying to give you the context it is.

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

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

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

1 ground took care of business.

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

16 So it's those kind of people that I
17 observed. And I'm going to even say this and I
18 may get in trouble. In one of the poorest areas
19 I went into, it was the best run precinct. Those
20 people were on top of it. I saw what they were
21 doing and it was going like that (indicating).
22 So it didn't matter whether it was on the
23 affluent side of town or the more depressed side
24 of town, there were dedicated poll workers in
25 Fulton County doing the job.

1 Are there mistakes that are made? Sure.
2 I'm from Gwinnett; we made mistakes. We've been
3 before -- I think we had our attorney here back
4 in December, if -- I'm not sure, about a mistake
5 that we had made. So as we said, we're fallible
6 but the -- the mentality, the new chairman of the
7 elections board, the new supervisor of Fulton,
8 the people that are there, they're working hard
9 for improvement. So ...

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

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

14 (Cross-talking)

15 **MR. KITTLE:** I want to touch on something.
16 I know our job was to oversee Fulton County.
17 But, again, I want to say Fulton County workers,
18 poll workers, went out of their way. The workers
19 in the command center went out of their way to
20 answer the questions being called in to them:
21 I'm at the wrong precinct or we can't find this
22 voter on our roll -- rolls, what do we do? They
23 had manuals there in that control room that told
24 each person on that phone how to respond, how to
25 look it up. When I met -- when we interviewed

1 the chairman, you could tell she was concerned
2 about what was going on and wanted to improve.

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

10 **DR. JOHNSTON:** Thank you.

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

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

17 **MR. GERMANY:** We did not.

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

20 **MR. GERMANY:** We did not. When we first
21 embarked on this, we had, I think, grand plans to
22 conduct more interviews, including those types of
23 people. What we found was that was not something
24 we could reasonably accomplish within the time
25 period --

1 **MR. DAY:** Ryan, Ryan, I want to say this.
2 When I was doing the observing in the precincts,
3 I did informal conversations with the poll
4 managers, assistant managers, and from time to
5 time I would bump into an observer that would
6 talk to me about it and I would ask him. So
7 there was a lot of informal conversations that
8 were going on with people that were in the
9 various precincts and early voting centers that
10 we went into.

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

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

24 **MR. GERMANY:** So the way we did that was
25 essentially -- I mentioned, you know, Stephen or

1 Ricky was in the command center at the time,
2 seeing, okay, what's being called in, and -- and
3 he was actually relaying that to Steve who went
4 to where they were being called in.

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

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

11 **MR. GERMANY:** In Fulton County?

12 **DR. JOHNSTON:** In Fulton County.

13 **MR. GERMANY:** Yes. Yes, there is.

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

22 **MR. GERMANY:** You're talking about in the
23 2020 election?

24 **DR. JOHNSTON:** In the 2020 election, right.
25 And if there -- you mentioned independent audit

1 experts. Could you share who those were?

2 **MR. GERMANY:** I'm sorry, what?

3 **DR. JOHNSTON:** Independent audit experts.

4 **MR. GERMANY:** What are you referring to?

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

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

9 **DR. JOHNSTON:** Right.

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

22 The point of each of those things is to see,
23 hey, is this result correct? And so going back
24 to the hand-count audit -- in that investigation
25 we did -- we did two things. One, I worked with

1 Secretary of State investigators and listened to
2 them. And they went through kind of each
3 allegation of, okay, on this -- this tally sheet
4 says this and it's input here as this and it's in
5 here twice and that type of thing. So they
6 looked at that individually.

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

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

24 They did mention that one problem that
25 happened to Fulton was a lot of counties have

1 data entry errors initially. And what they were
2 able to do is go back and check them basically
3 before submitting their results and see, oh, what
4 are we -- what's the problem here? And kind of
5 do a doublecheck of did I type it from the tally
6 sheet into the cell sheet, essentially,
7 correctly?

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

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

19 **DR. JOHNSTON:** So who were the audit
20 experts?

21 **MR. GERMANY:** Voting -- the people at Voting
22 Works.

23 **DR. JOHNSTON:** Voting Works, okay. It's
24 not -- well, it may be understandable but if
25 there's an election complaint that alleges that

1 the Fulton County election official reported the
2 vote count of all precincts on election day in
3 2020 of being 21,800 and something, and then
4 posted an hour later an election count of
5 59,143 -- and this is not -- I don't think it's
6 been investigated yet. I'm not sure. But the --
7 a number as different as that, it's
8 understandable that that might create doubt or
9 mistrust or confidence issues.

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

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

14 **DR. JOHNSTON:** The twenty --

15 **MR. GERMANY:** -- audit in 2020?

16 **DR. JOHNSTON:** Right. Right.

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

19 **DR. JOHNSTON:** Correct.

20 **MR. GERMANY:** -- audits. And we put in
21 place risk limiting audits. The way that
22 generally works is you do a sample of ballots and
23 then there was a statistical formula that
24 basically says, okay, here's how many ballots you
25 have to look at in each county and here's the

1 statistical confidence level that this gives us
2 that the result of the election was correct. The
3 number of ballots is based on the margin of the
4 contest to be audited.

5 So what the State Election Board did back at
6 the time in instituting its audit rule was it
7 left it up to the Secretary of State, okay, here
8 you -- the Secretary of State chooses a race to
9 be audited based on these criteria. After the
10 2020 election, Secretary Raffensperger decided we
11 need to audit the presidential contest. In
12 making that decision, which I think was the right
13 decision based on the scrutiny that election was
14 frankly receiving, the margin was so close that
15 the risk limiting factor of the audit -- you
16 basically had to do a hand count. So the
17 complete hand-count aspect was not anticipated.
18 That was something that basically we had to pivot
19 to. I think it was the right decision. I'm glad
20 we did it. But the hand count was not -- the
21 full hand count was not anticipated.

22 **DR. JOHNSTON:** Right. So full recounts are
23 sort of a, you know, kind of ultimate RLA. It's
24 a hand -- you know, a contested election results
25 in a full recount. So I would think every county

1 should and would be prepared to proceed with a
2 recount if their contest was questioned
3 seriously. So I don't -- I just don't understand
4 the issue about it was a surprise.

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

8 **DR. JOHNSTON:** Right.

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

10 **DR. JOHNSTON:** Right.

11 **MR. GERMANY:** Which are two separate things.

12 **DR. JOHNSTON:** But this audit turned into a
13 recount.

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

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

1 machines and rescanning every single ballot
2 through those machines and getting a --
3 essentially another count.

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

7 **MR. GERMANY:** That's not --

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

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

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

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

20 **DR. JOHNSTON:** Right.

21 **MR. GERMANY:** If you look at the official
22 results of the 2020 election, those official
23 results are based on the requested recount from
24 the Trump campaign. The hand audit is not
25 official results. It's a check.

1 **MR. KITTLE:** May I say something, Germany?
2 2020 we were not expecting that. We do now. We
3 have guidelines in place to do it, but in 2020 we
4 were not expecting to count every ballot. We --
5 you know, we had --

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

8 **MR. KITTLE:** Oh, I'm sorry.

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

11 **MR. KITTLE:** I understand.

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

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

1 **DR. JOHNSTON:** Right.

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

7 **DR. JOHNSTON:** It's kind of a perfect storm,
8 2020.

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

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

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

25 **MR. GERMANY:** The advance voting wait times

1 in the Carter Center report were based on their
2 own observations.

3 **DR. JOHNSTON:** They must not observe the
4 website.

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

9 **DR. JOHNSTON:** Right. Right.

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

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

1 differences.

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

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

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

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

1 precincts.

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

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

16 And also, to speak to one of your other
17 points about the recounts and the audits and all
18 of that, I'm a nerd. I drew a line in 2020. I
19 counted what the original stuff -- the original
20 counts were, what the hand audit was, what the
21 recount was. And in statistics it's called
22 "random variance around the mean" and that's what
23 you had. If you have a bunch of numbers way
24 above the line, that means there's something
25 wrong in the count. But if you've got little

1 dots, you've got a line like this (indicating),
2 little points all around the dots, that's the
3 human error in the recount, maybe a little glitch
4 in the machine. But it showed that everything
5 was still in line. If you want to talk -- you
6 maybe have regression analysis. They were all
7 within the regression analysis confidence
8 interval. So anyway ...

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

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

13 **JUDGE DUFFEY:** No.

14 **UNIDENTIFIED SPEAKER:** Okay.

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

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

21 (Phone ringing)

22 **MR. GERMANY:** I hope that's not my phone
23 over there. But we observed at many different
24 locations from a security perspective. So I
25 would say specifically we weren't -- there

1 wasn't, like, a security checklist we were
2 looking at. But it's more of, okay, what's going
3 on here?

4 The main -- I think there's a lot of ways to
5 think about security. You know, in the election
6 office where the voting machines are, it's
7 definitely a -- okay, who had access? Who's
8 allowed access and that type of thing and are
9 things tracked? And that's one thing that we
10 found in the observation is the security of the
11 warehouse and the organization of Fulton County's
12 warehouse just showed massive improvement from
13 2020 to 2022. Organization in -- you know, in
14 and of itself isn't security, but I think it's
15 kind of an indicator that when you have kind of a
16 place for everything and everything in its place,
17 everything else is going to -- is going to go
18 better. So we've seen improvements in that.

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

25 You know, one thing we did look at that

1 might be part of your question too is kind of the
2 chain of custody of -- of especially the ballots,
3 right? Especially absentee ballots as they're
4 coming in. And that's one of the first things
5 that we observed. And I thought -- I think
6 Fulton probably saw after the 2020 election, and
7 probably every county did too, Okay, we need to
8 really think about kind of the process that these
9 ballots are going to go through. And that's
10 something that we saw, I think, as one of my
11 colleagues mentioned earlier, a lot of
12 improvement in that chain of custody of absentee
13 ballots as they go through the process from 2020
14 until now.

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

23 **MR. GERMANY:** You know, I think the best way
24 that we approach that, as I mentioned earlier,
25 was in the redistricting process because that's

1 essentially voter registration. And so the three
2 of us did not, but that's something that I
3 basically worked with the Secretary of State's
4 Office on. They kept me in the loop.

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

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

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

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

25 **MR. GERMANY:** If -- not as part of this

1 report. No.

2 **DR. JOHNSTON:** Okay.

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

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

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

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

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

1 referring to.

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

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

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

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

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

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

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

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

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

25 **DR. JOHNSTON:** So it was in the paper, and I

1 received a letter from Fulton County that my
2 information was one of the -- one of the persons
3 whose information was one of the --

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

8 **DR. JOHNSTON:** Thank you. Okay.

9 **MR. GERMANY:** Ricky, come up here.

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

20 **DR. JOHNSTON:** Thank you.

21 And was there a review of -- in relation to
22 operation of elections, was there a review of
23 staffing practices and policies of hiring,
24 training, outsourcing, performance, retention,
25 errors related to ...

1 **MR. GERMANY:** That -- that came up in some
2 of our interviews, particularly regarding
3 staffing of early voting locations, which is
4 difficult because, you know, it's a three-week
5 commitment basically. But there's also benefits
6 too. Like, what we see in early voting around
7 the state is on day one there might be some
8 hiccups as people get used to it. Day two
9 through seventeen generally go a lot smoother.

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

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

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

24 (Phone ringing)

25 **MR. DAY:** Well, I'd like to put that just in

1 the larger context of my earlier remarks.

2 **JUDGE DUFFEY:** Excuse me.

3 **MR. DAY:** Sure.

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

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

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

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

22 **DR. JOHNSTON:** That's all.

23 **JUDGE DUFFEY:** Ms. Ghazal?

24 **MS. GHAZAL:** Thank you, Mr. Chairman. And
25 thank you all -- Mr. Kittle, Mr. Day --

1 especially you as volunteers in this process.
2 I'm intensely grateful to you and, of course,
3 Mr. Germany for your leadership in this process.
4 I want to take a step back, first, to correct the
5 record a little bit. I think some of the issues
6 that my colleague, Dr. Johnston, brought up in
7 fact were addressed in a prior case that the
8 board has seen and has disposed of, that apparent
9 tabulation problems were in fact largely
10 data-entry discrepancies and it was about batch
11 management which -- which I know Mr. Germany has
12 already mentioned.

13 And, again, thanks to the --

14 (Phone ringing)

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

17 (No response)

18 **MS. GHAZAL:** Many thanks to the
19 investigators because that took a yeoman's effort
20 to work their way through that. And at the end,
21 I understood much better exactly what happened.
22 And I think the batch management improvements
23 that we've already seen will get to the bottom of
24 that. But that's not what we're trying to talk
25 about now, so I apologize a little bit.

1 But I do want to take a little bit of a step
2 back and look more broadly at this process. I
3 know we're not going to complete this until April
4 but I want to strike while the iron is hot, and
5 the General Assembly is still in session right
6 now.

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

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

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

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

24 It would be impossible. It may have been a
25 good idea somebody had, but they really didn't

1 think this out. They just, you know, you
2 couldn't do four counties. The sheer manpower, a
3 three-person board would've been a joke in the
4 election -- if Carter's -- if Carter Center had
5 not come in and helped us. We couldn't have
6 covered this county. Fulton County. There's no
7 way we could've even see a fourth of the county.
8 So maybe the -- it would be impossible to do four
9 counties.

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

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

1 know, it's a lot easier to follow directions if
2 everybody's trying to do the same thing the same
3 way.

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

9 **MS. GHAZAL:** Thank you.

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

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

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

24 And the administration of elections and that
25 process is nonpartisan, that you determine how

1 many people need to vote, you determine what
2 resources you have, and you deploy those in a way
3 that does not cater to any particular group.

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

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

23 **MR. GERMANY:** So I would say, and as I
24 formulate my answer, I agree with your concern.
25 And I noted that we noted it mostly from a

1 perspective of, you know, Fulton County, I think,
2 came up with a plan for polling locations,
3 looking at what -- what's our needs, what's our
4 ability to staff these places? And that's
5 what -- that's how you do that in that
6 scrupulously nonpartisan way that you're -- that
7 you just referred to.

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

16 So -- and I think, you know, kind of trying
17 to avoid blowback in the sense of not wanting to
18 be accused of trying to keep people from voting,
19 they basically said, Okay, we'll do what you're
20 asking us to do. I think that's a dangerous
21 precedent because, you know, there -- and
22 especially as we're heading into 2024, there's
23 going to be a lot of, you know, activist groups
24 who are, you know, coming from kind of both sides
25 of the political aisle who are going to be

1 basically requesting election officials to do
2 certain things. And then if you go -- if you do
3 what one asks, then you're going to make the
4 other one mad. And if you do what this one asks,
5 you're going to make these people mad.

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

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

24 Now, I'm not saying -- you can't be
25 completely inflexible, right? But to me that did

1 not raise to the level of, hey, this is a thing
2 that we need to change on our plan.

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

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

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

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

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

20 But we did have a situation with Gwinnett
21 where we budgeted for twelve this last election,
22 so twelve early voting centers. And the area
23 where we wanted to get one, we couldn't find
24 geographically suitable locations. So we still
25 had in the budget the resources for another one

1 and we did try to do one late in the process but
2 because of some issues there -- it was actually
3 at Gwinnett Place Mall which is now owned by the
4 county. It's shuttered but it's owned -- not the
5 Mall of Georgia, Gwinnett Place at Pleasant Hill.
6 It was infeasible with that little time to go
7 ahead and do it. And there had been some people
8 requesting stuff. So we did get some noise about
9 that, but you're -- the point that Ryan's making,
10 as somebody on the election board, you want to be
11 proactive in your planning, think ahead, and have
12 all of that lined up. And say, Now we've
13 budgeted, we've got our people for it, and -- and
14 that's it.

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

21 And I did want to address Dr. Johnston's
22 point earlier that there was the last day of
23 early voting that I was observing. There were
24 hour to hour and a half delays. The Carter
25 Center report actually says that. They said

1 twenty-five delays except on the last day. So if
2 you read down in there, they say that.

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

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

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

25 And having read now the Carter Center's

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

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

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

1 elections. Thank you very, very much.

2 **MR. GERMANY:** Thank you.

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

6 (Break taken)

7 **CASES RECOMMENDED TO BE DISMISSED**

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

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

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

24 The complaint is investigated by trained
25 professional certified investigators and then

1 they provide the reports to us. And we are in
2 the portion of the meeting where the reports,
3 having been completed for those cases that are
4 listed, will be made now by the investigations
5 division. Sara Koth, who is with us at the
6 podium, is responsible for summarizing the
7 reports for us. And then we will discuss them as
8 a board.

9 Welcome back and thank you for your work.

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

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

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

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

24 **JUDGE DUFFEY:** And you had made an
25 evaluation that you wanted to do more

1 investigation before you present it to us?

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

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

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

21 So first, is any -- having read each of the
22 complaints that are in this first section of
23 complaints, is there any complaint that any board
24 member would like the pre -- the -- Ms. Koth to
25 present a summary?

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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

1 information that could be contained in this case
2 for AB processing, other than the e-mail
3 statement that was originally obtained, was that
4 this was the clerical issue -- I'm sorry, come on
5 (inaudible).

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

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

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

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

1 with their personnel?

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

8 **MR. BRUNSON:** Yes.

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

16 **MS. KOTH:** Yes.

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

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

23 **MR. BRUNSON:** So they explained how it
24 happened. They didn't get into the specific as
25 to, you know, the breakdown, the granular details

1 on that, but then they talked to us about what
2 they would do in the future to make sure it
3 doesn't happen again.

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

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

13 **JUDGE DUFFEY:** Okay.

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

25 **JUDGE DUFFEY:** This is Blake Evans who is

1 the elections director in the Secretary of
2 State's Office.

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

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

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

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

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

25 **DR. JOHNSTON:** Tab 20.

1 **JUDGE DUFFEY:** Tab 20 is 2022-027. Would
2 you summarize that for us, please.

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

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

18 The investigator was able to find
19 information about Witness 1 and was able to
20 follow her voter registration. Witness 1 had
21 been living inside the facility since 2013, the
22 nursing home located in Covington, Georgia. The
23 sister of the complainant was concerned that
24 voter fraud or identity theft may have taken
25 place with her sister.

1 The investigator learned that the Newton
2 County Board of Elections and Registration did
3 not have any absentee ballot applications filed
4 for -- for Witness 1 and that they had never
5 voted in Newton County. The investigator found
6 that the activity director of the facility at the
7 nursing home filed the voter registrations during
8 an activity in September of 2020. Newton County
9 rejected Witness 1's attempt at registration.
10 Newton County received further information voter
11 registration did take place and that the --
12 Witness Number 1 had never voted in Newton
13 County.

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

16 **DR. JOHNSTON:** No further information. This
17 is just a case that I think illustrates my
18 concern about nursing homes or special care homes
19 that -- you know, they're wonderful places to
20 reach out and respectfully honor and assist the
21 elderly that want to participate in elections.
22 And voter outreach services provide that service.
23 However, they're also full of vulnerable voters
24 that are not comfortable or capable, maybe, in
25 writing, using computers, and they need

1 assistance. But they're vulnerable and that they
2 may be taken advantage of, and I just would
3 propose to this board to think of the possibility
4 of having special teams that would go to special
5 care homes that are bipartisan and provide
6 services, if requested, to assist the elderly and
7 handicapped to register to vote or to even vote.
8 But it would provide a witness and official
9 structure in this -- in these circumstances.

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

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

22 So that's something I think we ought to
23 think about and see how we can deploy maybe a --
24 a beta test of that in a county or two, see how
25 that might work.

1 Anything else on this complaint? 2022-027?

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

4 **DR. JOHNSTON:** Tab 28.

5 **JUDGE DUFFEY:** Tab 28 is in the next
6 grouping.

7 **DR. JOHNSTON:** Sorry.

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

17 **MS. GHAZAL:** I move that we dismiss the
18 cases.

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

20 **MR. MASHBURN:** Second.

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

25 **MR. MASHBURN:** Second.

1 **JUDGE DUFFEY:** There's a second. Is there
2 any discussion on the motion?

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

14 **JUDGE DUFFEY:** And you're talking about --

15 **MR. LINDSEY:** Judge, I'm --

16 **JUDGE DUFFEY:** You promised it was only a
17 question.

18 **MR. LINDSEY:** Yeah.

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

20 **MR. LINDSEY:** Yeah.

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

24 **MR. LINDSEY:** Yes, ballot -- yeah.

25 **JUDGE DUFFEY:** If the board would agree, I

1 would be -- I would write a letter to them,
2 telling them that we considered this case, but
3 while the case has been dismissed, we just wanted
4 to observe to them that they ought to go back and
5 look at their processes to make sure that
6 absentee ballots are not sent to people that are
7 not entitled to receive them and certainly
8 multiple ballots should not be sent.

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

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

21 Is there a second to that motion as amended?

22 **MR. MASHBURN:** Second.

23 **JUDGE DUFFEY:** So moved and seconded. Is
24 there any further discussion of the motion as
25 amended to include the letter requirement?

1 **MR. MASHBURN:** Just a quick point of
2 clarification. So what we're doing is placing a
3 condition upon its dismissal, the condition that
4 the letter go out.

5 **MR. LINDSEY:** Yes.

6 **JUDGE DUFFEY:** Yeah.

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

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

14 **MR. LINDSEY:** Thank you, Judge.

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

17 **THE BOARD MEMBERS:** Aye.

18 **JUDGE DUFFEY:** Opposed, no? Motion passes.

19 The next group of complaints are those that
20 are listed as violation cases, meaning if the
21 investigator who investigated the case has
22 concluded based upon their factual investigation
23 that the facts support that a violation either of
24 a board rule or a state statute was involved and
25 that they recommend that the case, though, not be

1 recommended to referral to the Attorney General's
2 Office but that a letter describing the violation
3 and admonishing the respondent of the vi -- that
4 they cannot violate those provisions and
5 otherwise take whatever remedial action is
6 necessary to ensure that the violation is not
7 repeated.

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

12 **CASES NOT RECOMMENDED FOR REFERRAL**

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

19 The investigation revealed that Bibb County
20 Board of Elections failed to properly upload the
21 DRE memory card which resulted in an inaccurate
22 vote count. Election supervisor Miss Watson
23 reported the issue was discovered on October 3,
24 2018. Two number two cards were created by
25 mistake. On election night Miss Watson uploaded

1 the cards but one of them was not recognized.
2 The voter total was corrected by 11:30 p.m. on
3 November 8th.

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

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

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

15 **MS. KOTH:** Yes.

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

18 **MS. KOTH:** No.

19 **MS. GHAZAL:** Thank you.

20 **JUDGE DUFFEY:** And this was self-reported --

21 **MS. KOTH:** Yes.

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

24 **MS. KOTH:** Yes. They reported it --

25 **JUDGE DUFFEY:** Self-reported meaning --

1 **MS. KOTH:** -- on themselves.

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

5 **MS. KOTH:** Yes.

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

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

14 **JUDGE DUFFEY:** All right. Second?

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

20 **THE BOARD MEMBERS:** Aye.

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

23 Case 2020-152.

24 **MS. KOTH:** Rockdale County, polling place
25 change. The investigation division, Secretary of

1 State, opened an investigation concerning a
2 complaint that Rockdale County mailed out
3 reminder notices to voters with incorrect polling
4 place information to them.

5 In April of 2020, Rockdale County moved five
6 polling locations in response to the COVID-19
7 pandemic, resulting in several local church
8 closures. The county followed the proper
9 procedures, according to O.C.G.A. 21-2-265,
10 whereby they ran an advertisement once a week for
11 two weeks in the legal organ of the county and
12 posted notices on the doors of the old polling
13 locations. No boundary lines were changed and
14 only poll site locations were moved. SEB Rule
15 183-1-7.01, they felt that did not apply.

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

25 Rockdale County election officials

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

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

14 **MS. GHAZAL:** Thank you, Judge --

15 Mr. Chairman. I actually think that this serves
16 as an example of the enormous amount of
17 resilience and flexibility in both the Secretary
18 of State's Office and the county. There was not
19 a single voter who was disenfranchised. Everyone
20 was able to vote. They -- they made a human
21 error. They responded and they were able to turn
22 on a dime and use election day precincts as if
23 they were early voting. And I think that both
24 the Secretary of State's Office and the county
25 deserves a commendation for their ability to do

1 this.

2 I'm not saying that there was not an error.
3 There was an error. It's been identified. And
4 they -- they've adjusted for it. But I think
5 they deserve recognition for what they were able
6 to do for the voters.

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

16 But there is a remedy, and while the pivot
17 was one that did not disenfranchise anybody, we
18 should not have had to make a pivot to begin
19 with. And that's the importance. If you're a
20 voter, anybody sitting in this audience or
21 watching us, when you get a notice about where
22 you're supposed to go, you should be able to
23 absolutely rely on that. And you should expect
24 for that notice to direct you to the right place
25 each time.

1 So while I think we have to take into
2 consideration the consequence of this being that
3 everybody still voted, there is a violation. We
4 ought to find that there was a violation, in my
5 opinion, and then we ought to send them a notice,
6 telling them that there was a violation but
7 giving them the credit for having found a
8 solution to it.

9 Anybody else have any comments on this?

10 **MR. LINDSEY:** No.

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

21 And that's the motion that I would make.

22 **MR. LINDSEY:** So moved.

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

24 **DR. JOHNSTON:** Second.

25 **MS. GHAZAL:** Second.

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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

1 results.

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

6 Ms. Starling. She alleged on November 3,
7 2020, while at the Hunter's Community House
8 precinct, she along with several other voters
9 were informed they had already voted when they
10 had not yet voted in the election. Mr. Hendricks
11 (ph), Miss Hendricks, Mr. Tillman (ph),
12 Mr. Rivers and Miss Lee (ph) and Miss Burroughs
13 (ph), Miss Weathers (ph), and Mr. Taylor.

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

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

23 The following voters appeared at precincts
24 and were provided ballots to cast and were later
25 accepted as the poll pad indicated -- told that

1 they had already voted. So all of the other
2 names that were previously listed, their
3 provisional ballot was accepted.

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

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

23 **DR. JOHNSTON:** So does this -- does this
24 mean that seven other people or persons voted
25 before these electors presented to the polls?

1 **MS. KOTH:** I'm sorry?

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

6 **JUDGE DUFFEY:** If I could just add to that.

7 The notes that I have three times on this --

8 (Phone ringing)

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

13 Can you please turn that off.

14 **UNIDENTIFIED SPEAKER:** It wasn't me.

15 **JUDGE DUFFEY:** Whose phone was that?

16 **UNIDENTIFIED SPEAKER:** I have no idea.

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

21 (Phone ringing)

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

1 should not happen.

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

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

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

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

20 Now, there are other cases, so this is --
21 it's not uniform under the facts here. And then
22 there are a couple of these voters who did show
23 up and it appeared that -- that there was a --
24 misin -- disinformation or in -- sorry, let me
25 correct that. There was incorrect information

1 that came up, but it's not all due to the
2 check-in system.

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

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

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

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

1 signatures.

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

7 **MR. LINDSEY:** Second.

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

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

19 **DR. JOHNSTON:** Second.

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

21 **THE BOARD MEMBERS:** Aye.

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

24 The next is 2021-157.

25 **MS. KOTH:** This is Stephens County. This is

1 another self-report. Stephens County election
2 supervisor Miss Roberts self-reported that the
3 EMS server computer was moved to another location
4 without authorization. She advised via e-mail to
5 the Secretary of State that the EMS server was
6 accidentally moved to another desk the last week.
7 The IT department thought the EMS server computer
8 was the one that they were setting up downstairs.
9 It was supposed to be a different computer. And
10 once they realized, it was put back in its
11 original spot upstairs.

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

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

20 **MS. KOTH:** Yes.

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

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

24 **JUDGE DUFFEY:** Second?

25 **MS. GHAZAL:** Second.

1 **JUDGE DUFFEY:** Been a motion to accept the
2 recommendation of the investigators and to send a
3 letter advising that the Board of Elections and
4 Voter Registration and Ms. Roberts comply with
5 the rules of the board.

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

8 **THE BOARD MEMBERS:** Aye.

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

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

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

24 In this one the investigation entered -- or
25 centered on a staffer of the New Georgia Project

1 failed to release a voter registration form to a
2 student, Miss Brown, and her mother, also Miss
3 Brown. The mom and daughter requested the
4 registration form to be returned as they shared
5 concerns of their personal information being
6 protected. Both the mom and the daughter
7 witnessed the staffer shred the document but was
8 not satisfied that their personal information
9 remained legible.

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

16 As the investigator spoke with the staffer,
17 she described the incident as strange and stated
18 she obliged the mom and daughter by destroying
19 voter registration documents by manually
20 shredding it. She further stated it is not the
21 organization's policy to give their documents to
22 citizens but destroyed the document per the
23 student and mother's request. She refused to
24 meet with the investigator in person and referred
25 him to the organization's front office.

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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

1 policy regarding voter registration drives and
2 training and financial records of payment to,
3 quote, registrars?

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

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

16 **DR. JOHNSTON:** (indiscernible) go ahead.

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

23 **DR. JOHNSTON:** I felt this case is a good
24 case to talk about third-party voter registration
25 organizations. I think they're -- they're useful

1 and -- and they're promoting participation in the
2 electoral process by registering el -- the
3 vote-eligible population. I just wondered if
4 it's time to consider more accountability of an
5 unregulated, nongovernmental entity that collects
6 private information, personal information in the
7 name of a worthy goal, yet requires no oversight
8 or accountability by the government agency that
9 they're supposed to be assisting. That's
10 elections, and I just want -- I question what
11 happens to the applicants' personal information.

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

23 And I'll say this. I do have a problem with
24 this, and it goes back to one of the things that
25 concerned me with some of the complaints that

1 we've seen. So here's a woman. For whatever
2 reason, she had every right to say, I do not want
3 you to process my registration. And the response
4 was, at least as described in the report, a
5 pretty terse response by the volunteer in
6 questioning whether or not she should be allowed
7 to do that. But in the end, it gets ripped up.

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

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

1 through at the New Georgia Project if you have
2 questions.

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

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

19 Any further discussion on this complaint?

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

25 And so feel free to ask us. If somebody's

1 not cooperating and giving you the information
2 you need, feel free to come to us and ask us to
3 issue subpoenas. So I'd just like to encourage
4 you to use that remedy.

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

7 All right. Is there a motion to, I guess,
8 dismiss this case?

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

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

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

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

24 **MR. LINDSEY:** Mr. Case -- Mr. Chairman, it
25 sounds like your admonition to them in terms of

1 best practices may be a good idea.

2 **JUDGE DUFFEY:** You mean my -- the letter
3 I --

4 **MR. LINDSEY:** Yeah.

5 **JUDGE DUFFEY:** -- was thinking about
6 sending?

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

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

1 **MR. LINDSEY:** Yeah.

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

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

11 **MR. LINDSEY:** Then that's my -- that's my
12 motion.

13 **MR. MASHBURN:** Okay. I second it.

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

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

24 **THE BOARD MEMBERS:** Aye.

25 **JUDGE DUFFEY:** Opposed, no? The motion

1 passes.

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

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

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

14 (Break taken)

15 **JUDGE DUFFEY:** The first thing I want to do
16 is clarify specifically on the cases that we just
17 went over that were not referred to the Attorney
18 General's Office. Those would be cases 2018-084,
19 2020-152, 2020-201, and 2021-157, that those
20 cases we found a violation but the cases were
21 resolved with letters that we described, which I
22 think is the precise technical explanation of
23 what we did with those cases.

24 **CASES RECOMMENDED FOR REFERRAL.**

25 **JUDGE DUFFEY:** We are now to the cases where

1 the investigator has found a violation and
2 recommended the cases be referred to the Attorney
3 General's Office.

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

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

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

21 The second complaint is an improper Facebook
22 post by election board chairman Mr. Sellers
23 regarding social media comments in reference to
24 the local election. This is believed to show
25 unethical behavior and a violation of his oath.

1 And then the third complaint, public view of
2 tabulation. A candidate stated he was not
3 allowed to observe tabulation. Another candidate
4 on the ballot for clerk of court was allowed to
5 go inside and obtain stats. But when he tried to
6 enter, he was stopped by election board chairman
7 Mr. Sellers.

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

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

21 The second one could not be determined that
22 Mr. Sellers violated Georgia election code with a
23 post that he made. He indicated that he did that
24 on this own time and it had nothing to do with
25 his duties as the county election board chairman.

1 However, the second part of the complaint
2 revealed that Mr. Sellers held office at Decatur
3 County Election Board while also being a co-vice
4 chairman of the Decatur County Republican Party
5 which is a violation of Georgia Election Code and
6 that particular allegation was sustained.

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

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

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

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

24 **MS. GHAZAL:** Thank you. I would just ask
25 that that be part of the investiga -- if we vote

1 to send this forward to the Attorney General's
2 Office, that that form part of the further
3 investigation.

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

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

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

10 **MS. GHAZAL:** Second.

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

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

19 **THE BOARD MEMBERS:** Aye.

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

22 2020-108.

23 **MR. BRUNSON:** Okay. This is a
24 three-allegation complaint, Charlton County,
25 unauthorized voter registration.

1 Allegation 1, Charlton County elections
2 supervisor Brenda Hodges reported Jennifer
3 Mitchell fraudulently completed an online voter
4 registration application for Shalonda White.

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

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

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

22 Now, Mrs. Mitchell apparently took part in a
23 voter registration drive sometime before the
24 November 3, 2020, general election. She claimed
25 that Latosha, a.k.a. Shalonda White, attended the

1 voter registration drive and gave her consent and
2 provided her a copy of her ID. And she said that
3 she used to be her neighbor and she knew her as
4 Latosha not Shalonda.

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

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

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

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

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

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

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

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

24 **MS. GHAZAL:** Second.

25 **DR. JOHNSTON:** Second.

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

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

7 **THE BOARD MEMBERS:** Aye.

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

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

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

15 **UNIDENTIFIED SPEAKER:** No. Dougherty.

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

24 It's alleged that individuals were giving
25 water, snacks, and other campaign-related items

1 to voters as they waited in line to vote. It is
2 alleged a group of people and volunteers set up
3 an awning, table, and parked a van outside the
4 polling location. They were identified by the
5 complainants as wearing black T-shirts with the
6 writing, "Black Voters Matter," on the front and
7 "It's all about us" on the back. That was the
8 first allegation.

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

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

20 So upon investigating this, to Allegation 1,
21 there was no violation that we noted. One of the
22 things about this is that this situation occurred
23 in October 2020. We all know that SB202 was
24 promulgated and instituted in March of 2021 which
25 is after this incident occurred. And so that's

1 why looking at this complaint, we took a closer
2 look at it because initially that obviously would
3 apply now if this was to happen as far as the
4 allegation within the 100-foot, giving out the
5 candy and food, et cetera, et cetera.

6 The second allegation revealed no violation
7 occurred.

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

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

18 **MS. WEBSTER:** It's me.

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

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

24 **JUDGE DUFFEY:** You cannot as a claimant but
25 as a respondent you can when we get to that

1 point.

2 **MS. WEBSTER:** Yes, dear. Thank you.

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

10 **MR. BRUNSON:** That's correct.

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

14 **MR. BRUNSON:** Yes, Judge.

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

18 **MS. WEBSTER:** Is it me now?

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

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

23 **JUDGE DUFFEY:** Well, you may speak as a
24 respondent, but as the letter you received said,
25 the claim --

1 **MS. WEBSTER:** Would you like for me to
2 respond here?

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

4 **MS. WEBSTER:** My name is Sarah Webster. I
5 am the respondent and a claimant in this case.
6 And I was completely, absolutely in horror when I
7 pulled up to the polls to vote on October the
8 13th. I got there at around 3 p.m. and there was
9 a line winding all the way around from the front
10 of the building where you go to vote; through a
11 narrow passageway, which may have been about
12 10 feet, the width of an alley or a road. And on
13 one side was the voting place, the Candy Room,
14 and on the other side was -- a throw-down was
15 going on. They were playing hip-hop music, which
16 there's a noise ordinance in Albany as well; they
17 were running back and forth, up and down the
18 line, talking to voters in the line; they were
19 passing out food and water.

20 Now, I've been voting probably about
21 50 years and I've never seen that. I've also
22 known about the ordinance, about the state law
23 which requires no electioneering, no passing out
24 water or food or anything within a hundred and
25 fifty feet. That's always been the law. Back in

1 2000, I believe, I went -- because we were
2 suspecting -- some of my friends and I suspected
3 that one of the candidates for office at that
4 time was going to try to electioneer with the
5 people in line. And so I made myself familiar
6 with law at that time. But that has always been
7 the law. It was reactivated in SB2020 (sic), but
8 it has always been the law. No electioneering,
9 no handing out food or water unless you are a
10 poll worker.

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

20 I'm seventy-one years old. I don't run as
21 fast as I used to and I was totally intimidated.
22 I'm still intimidated. I'm shaking. And it
23 continued after that day. I was intimidated that
24 day by the people in line. A friend -- and I
25 will forward it to you as soon as I get it -- has

1 a video of one of the people who were associated
2 with the Black Voters Matter and SOWEGA Rising
3 who was working the line, going up and down the
4 line, working the line.

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

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

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

22 Now, later I was told that that was a voter
23 information sheet that told who was -- who was on
24 the ticket. But the other thing that was on
25 their T-shirts was "fair fight." I know who

1 Black Voters Matter is. I think everybody in
2 this room, if you ask them, would be willing to
3 volunteer that they know which political party
4 BVM is affiliated with.

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

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

22 So the next person I saw was a young black
23 police officer. And I told him, I said, Do you
24 know that all of this is against the law? And he
25 said, Ma'am, you can go down to the police

1 department and file a report. And I decided to
2 stay in line because I needed to vote that day.

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

17 **JUDGE DUFFEY:** We really need to constrain
18 your remarks --

19 **MS. WEBSTER:** Well, I'm sorry.

20 **UNIDENTIFIED SPEAKER:** (indiscernible) do.

21 **JUDGE DUFFEY:** -- to what happened on that
22 day --

23 **MS. WEBSTER:** When I left the --

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

1 speak.

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

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

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

12 **JUDGE DUFFEY:** Well --

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

14 **JUDGE DUFFEY:** -- this is an official
15 proceeding --

16 **MS. WEBSTER:** But every --

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

19 **MS. WEBSTER:** Yeah. After I passed through
20 the narrow -- the ten foot -- they had it
21 arranged so that you had to go by in order to get
22 to vote. The line was long and winding around
23 the road. Ginger Nickerson came out a couple of
24 times and said, I'm sorry about the wait; there's
25 a glitch in the machines.

1 However, I believe that the whole thing was
2 to intimidate people from coming to vote, except
3 for --

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

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

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

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

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

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

22 **JUDGE DUFFEY:** -- need to tell me --

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

25 **MR. MASHBURN:** You're Ms. Webster, right?

1 **MS. WEBSTER:** I am. Webster, not Weber,
2 yeah.

3 **MR. MASHBURN:** Webster, okay.

4 **MS. WEBSTER:** Yes, sir.

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

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

11 **JUDGE DUFFEY:** No --

12 **MS. WEBSTER:** I was assaulted.

13 **JUDGE DUFFEY:** No. Answer the question.

14 **MR. MASHBURN:** You did or you did not?

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

18 **JUDGE DUFFEY:** Okay. You may do that.

19 **MR. MASHBURN:** I respect that.

20 **JUDGE DUFFEY:** And we will respect that.

21 **MS. WEBSTER:** I understand. However, it's
22 more -- it's about more than just me. It's not
23 just me who was affected by this. It's not just
24 me who suffered from this and it's not just me.
25 But I will tell you this. I am a licensed

1 carry. It was in my purse. And I put it in my
2 purse because I was intimidated when I pulled up
3 in the lot. I was scared for my safety. And I
4 knew -- as a concealed-carry permit holder, I
5 knew that I could relinquish it at the door of
6 the polling place before when I went in to vote.

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

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

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

24 **MS. WEBSTER:** No. I was -- it was in my car
25 because I was taking it to be repaired so that it

1 would work. And I put it on my hip in its
2 holster. Then I said, Well, maybe if they see
3 this, they'll leave me alone.

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

10 As I said, Mr. -- Mr. McCoy and
11 Mr. Tattlerocks (ph) also were imitated that day.

12 Is there anything else you want to know?

13 **JUDGE DUFFEY:** No. Thank you very much.

14 Was Ms. Webster interviewed in connection
15 with your investigation?

16 **MR. BRUNSON:** Yes, she was.

17 **JUDGE DUFFEY:** And where did that interview
18 take place?

19 **MR. BRUNSON:** Where?

20 **JUDGE DUFFEY:** Where.

21 **MS. KOTH:** It was over the phone.

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

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

1 but --

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

4 **MR. MONROE:** Maybe 30 minutes.

5 **JUDGE DUFFEY:** And you conducted --

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

7 **JUDGE DUFFEY:** I'm sorry, your name?

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

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

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

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

16 **MR. MONROE:** Yes.

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

19 **JUDGE DUFFEY:** When I'm done with him.

20 **MS. WEBSTER:** Sure.

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

25 **MR. MONROE:** The interview ended, I guess,

1 cordially. It wasn't cut off or anything of that
2 sort.

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

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

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

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

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

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

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

25 **MR. MONROE:** This was after she voted.

1 **JUDGE DUFFEY:** Okay.

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

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

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

25 **MR. MONROE:** The volunteers, I'm sorry. The

1 volunteers who were there, handing out water and
2 snacks to the people standing in line, waiting to
3 vote at the Candy Room.

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

6 **MR. MONROE:** Yes.

7 **JUDGE DUFFEY:** -- that said, Black Lives
8 Matter?

9 **MR. MONROE:** Yes.

10 **JUDGE DUFFEY:** And something on the back?

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

14 **JUDGE DUFFEY:** Right.

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

17 **JUDGE DUFFEY:** Okay. All right, thank you.

18 **MR. MONROE:** Okay.

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

25 **MR. MONROE:** One of the -- I did not see it

1 after -- when I interviewed a Mr. Hand who is a
2 county election board member, he went out there
3 and he -- I based my determination on what the
4 statements were made. It was inside a hundred
5 and fifty feet. Mr. Hand came out -- after the
6 disturbance was reported inside, he came out and
7 talked to the volunteers and they moved. They --
8 they agreed to move farther out and outside the
9 hundred-and-fifty-foot limit.

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

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

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

17 **MR. MONROE:** Initially, my report, yes.

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

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

25 **MR. LINDSEY:** How did you determine then the

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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

1 people?

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

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

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

14 **MS. KOTH:** No.

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

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

22 **JUDGE DUFFEY:** But I think the only -- isn't
23 the only complaint in this -- well, none of the
24 complainants on this -- hold on a second. I
25 actually had -- so there's one, two, three, four,

1 five, six, seven complaints; correct?

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

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

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

25 **JUDGE DUFFEY:** Did anybody that you talked

1 to state that any of the volunteers were
2 suggesting or telling people how they should
3 vote?

4 **MR. MONROE:** No.

5 **UNIDENTIFIED SPEAKER:** No.

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

9 **MR. MONROE:** The intimidation --

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

12 **MR. MONROE:** Right.

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

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

25 **MR. LINDSEY:** Okay. Which was -- was legal

1 at the time.

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

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

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

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

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

22 **UNIDENTIFIED SPEAKER:** Can we respond?

23 **MS. WEBSTER:** -- there were some things that
24 --

25 **MR. LINDSEY:** In a minute. Let's let them.

1 **JUDGE DUFFEY:** Let's let them speak first.
2 So if you'll please be seated.

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

9 **MS. MCGOWAN:** You want me to ...

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

12 **MR. LINDSEY:** You're the chairman.

13 **JUDGE DUFFEY:** I know.

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

24 In SB202 is specifically added a language --
25 so previously it said no person shall solicit

1 votes in any manner or by any means or method,
2 nor shall any person distribute or display any
3 campaign material within the
4 hundred-and-fifty-foot zone. SBA 202 added the
5 language about giving, offering to give,
6 participating in the giving of money or gifts,
7 including but not limited to food and drink. So
8 that -- that particular provision, the food and
9 drink provision, was added in SB202.

10 **MR. LINDSEY:** And that was in 2021.

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

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

16 **MS. MCGOWAN:** It varies. And also there's
17 other provisions in the code, specifically
18 21-2-570, that separately prohibits the giving of
19 any gift in exchange for voting, so which we
20 commonly refer to as the vote-buying statute. So
21 that is commonly used in connection with -- with
22 that. And it has been used in the past to
23 address contact by parties at a polling location.

24 **JUDGE DUFFEY:** Would that include
25 electioneering being defined as -- and do you

1 have to -- does it have to be a quid pro quo that
2 they'll give you the water?

3 **UNIDENTIFIED SPEAKER:** Yes.

4 **JUDGE DUFFEY:** Who shouted that out?

5 **UNIDENTIFIED SPEAKER:** I did.

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

9 **UNIDENTIFIED SPEAKER:** I did --

10 **JUDGE DUFFEY:** Do you understand that?

11 **UNIDENTIFIED SPEAKER:** Yes, Your Honor.

12 **JUDGE DUFFEY:** Thank you.

13 **UNIDENTIFIED SPEAKER:** Chair.

14 **JUDGE DUFFEY:** I answer to both.

15 **UNIDENTIFIED SPEAKER:** That's why I said
16 both.

17 **UNIDENTIFIED SPEAKER:** I said it too.

18 **MS. MCGOWAN:** I will say in -- for this
19 particular case in the investigative report,
20 21-2-570 was not cited in -- with respect to any
21 of the respondents. So I don't think they been
22 given notice of that.

23 **JUDGE DUFFEY:** Okay. Thank you.

24 **MS. GHAZAL:** In previous cases, the question
25 has always been whether or not provision of water

1 or things like that, comfort items, were -- was
2 contingent on voting or if it was freely
3 available to anybody in -- in the area.

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

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

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

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

24 **MR. MASHBURN:** Okay. Those were all
25 candidates, not nec --

1 **MS. GHAZAL:** That is exactly. Yes.

2 **MR. MASHBURN:** All right. I see.

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

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

7 **JUDGE DUFFEY:** We are.

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

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

19 **JUDGE DUFFEY:** (nodding)

20 **MR. SELLS:** Thank you, Judge Duffey and
21 members of the board. I'm Bryan Sells and I am
22 representing the four individuals who are the
23 subject of Ms. Webster's complaint. They are, I
24 believe, no longer respondents because the
25 investigators found no violation of law. We

1 agree with those findings. And I only got up to
2 speak to ask that when you make a motion, that
3 you distinguish between allegations 1 and 2 and
4 Allegation 3, which concerns Ms. Webster.

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

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

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

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

23 **JUDGE DUFFEY:** Okay.

24 **MR. MASHBURN:** Do you agree that this
25 behavior would be prohibited under SB202 as it

1 exists today?

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

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

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

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

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

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

21 **MR. SELLS:** Well, so --

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

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

25 **MR. MASHBURN:** Okay.

1 **MR. SELLS:** MAGA --

2 **MR. MASHBURN:** Go ahead.

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

10 **JUDGE DUFFEY:** Any other questions?

11 And your name again was?

12 **MR. SELLS:** Bryan Sells.

13 **JUDGE DUFFEY:** Any other questions for
14 Mr. Sells?

15 Okay, thank you.

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

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

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

1 respond.

2 **JUDGE DUFFEY:** You have one minute, okay?

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

5 **JUDGE DUFFEY:** In front of the microphone.

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

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

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

13 **JUDGE DUFFEY:** One moment.

14 And who are you, sir?

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

16 **JUDGE DUFFEY:** Okay. Well, would --

17 **MR. YOUNG:** -- in the complaint.

18 **JUDGE DUFFEY:** Would you please sit down
19 until --

20 **MR. YOUNG:** Yes, sir.

21 **JUDGE DUFFEY:** Okay. Go ahead.

22 **MS. WEBSTER:** All right. On the -- on the
23 T-shirts, the Fair Fight logo was there. Stacey
24 Abrams is the proponent of the Fair Fight. And
25 the Fair Fight logo was on the image that I sent

1 to Inspector Monroe along with the other -- the
2 other images that I sent him. You know, when
3 people tell me things that aren't true, I get
4 really upset.

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

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

22 But I think there are some things that
23 happened that need to be investigated deeper and
24 perhaps not by Investigator Monroe. James
25 Fitzgerald's comments, the fact that they videoed

1 me all the way to my car and yet there's no
2 audio, absolutely no audio. The only audio was
3 at the very beginning. When they stopped me at
4 the table, because I said, Communism is great
5 until you have to cook your puppy for dinner.
6 That's what I said. And one of them said, What?
7 And I repeated myself.

8 **UNIDENTIFIED SPEAKER:** One minute.

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

11 **JUDGE DUFFEY:** You need to wrap up.

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

15 **JUDGE DUFFEY:** Okay. You need to wrap it
16 up.

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

19 **JUDGE DUFFEY:** You need to wrap it up.

20 **UNIDENTIFIED SPEAKER:** One minute.

21 **MS. WEBSTER:** Okay.

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

24 **JUDGE DUFFEY:** Excuse me. The next person
25 that says one more minute is leaving.

1 **MS. WEBSTER:** Uh-oh.

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

4 **UNIDENTIFIED SPEAKER:** I said one minute.

5 **UNIDENTIFIED SPEAKER:** We all said one
6 minute.

7 **JUDGE DUFFEY:** Three times.

8 **UNIDENTIFIED SPEAKER:** Yes.

9 **UNIDENTIFIED SPEAKER:** Because that's a long
10 minute.

11 **UNIDENTIFIED SPEAKER:** Everybody in here is
12 saying one minute.

13 **UNIDENTIFIED SPEAKER:** My phone registered
14 here --

15 **JUDGE DUFFEY:** Let me tell you something --

16 **UNIDENTIFIED SPEAKER:** -- at one minute and
17 twenty-five seconds --

18 **UNIDENTIFIED SPEAKER:** Go ahead and tell us
19 something.

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

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

25 **UNIDENTIFIED SPEAKER:** And kneeling while

1 they were speaking.

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

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

6 **UNIDENTIFIED SPEAKER:** Period.

7 **UNIDENTIFIED SPEAKER:** You said one minute.
8 Let's adhere to one minute.

9 **UNIDENTIFIED SPEAKER:** Exactly, sir.

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

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

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

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

18 **UNIDENTIFIED SPEAKER:** We heard that.

19 **JUDGE DUFFEY:** Are you done?

20 **MS. WEBSTER:** I just wanted to read this.
21 Federal law protects voters --

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

24 **MS. WEBSTER:** I'm sorry, I do. Let me give
25 you --

1 **JUDGE DUFFEY:** Ms. Webster, we have gone
2 over -- most of what you have repeated has
3 said --

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

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

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

10 **JUDGE DUFFEY:** File it on the website.

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

13 **JUDGE DUFFEY:** File it --

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

16 **JUDGE DUFFEY:** File it on the website.

17 Ms. Webster, you need to sit down.

18 **MS. WEBSTER:** All right. I --

19 **JUDGE DUFFEY:** Ms. Webster --

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

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

24 **MR. YOUNG:** My name is Demetrius Young. I'm
25 actually an elected official in Albany. And I

1 just want to set the record straight. What
2 happened here was a coalition of citizens who
3 were just trying to help. That's all this was.
4 That's all this ever was.

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

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

19 Now, whatever T-shirt we were wearing,
20 whatever organization we were representing, it
21 had nothing to do with any campaign or
22 election -- electioneering. I got a phone call
23 at 11:00 that morning, saying, Commissioner, we
24 need help. People are out here passing out.
25 It's 90-degree -- it's 90 degrees in South

1 Georgia on hot pavement and people are simply
2 trying to cast their vote.

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

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

20 And I'm speaking today against the advice of
21 our attorney because I want to set the record
22 straight. We have been silent for far too long
23 and had to sit on all of this while the
24 accusations were made, while people came up here
25 and said we were somehow some kind of criminals,

1 thugs because we were playing music, trying to
2 help people get through a 90-degree day in South
3 Georgia, trying to simply cast their vote. And I
4 want you as a board to understand that.

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

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

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

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

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

25 **MR. YOUNG:** I was not a candidate on the

1 ballot. I was not running for anything. And
2 nobody associated with us was running for
3 anything or campaigning.

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

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

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

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

17 **JUDGE DUFFEY:** So you wanted to incentivize
18 them to vote?

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

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

22 **MR. YOUNG:** I wanted to help them through
23 the 90-degree heat, do what they came to do.
24 That's it. That's not incentivization or
25 whatever you want to call it. That's not

1 incentivizing anybody. That's helping them.
2 That's what more elections offices should do, is
3 help folks.

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

7 **MR. YOUNG:** Uh-huh.

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

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

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

1 water, they brought supplies, and they were just
2 trying to help, you know.

3 **MR. LINDSEY:** Well, I don't want any --
4 background because, you know, I've heard --

5 **MR. YOUNG:** Right.

6 **MR. LINDSEY:** -- Ms. Webster's allegations.
7 Do you know anything at all about this chasing
8 her to her car or anything like that?

9 **MR. YOUNG:** That didn't happen. That didn't
10 happen.

11 **MR. LINDSEY:** I just wanted to ask. I mean,
12 because we need to put that on the record.

13 **MR. YOUNG:** That didn't happen. Thank you.

14 **MR. LINDSEY:** Appreciate it.

15 **JUDGE DUFFEY:** Does any other respondent
16 want to speak against the advice of their
17 lawyers?

18 **MS. WEBSTER:** Against the advice of my
19 lawyer. May I? One more?

20 **JUDGE DUFFEY:** No more.

21 **MS. WEBSTER:** To rebut him?

22 **JUDGE DUFFEY:** No.

23 **MS. GHAZAL:** Mr. Chairman, if I can make
24 just one comment. And I think fundamentally what
25 this is about is the fact that long lines are

1 incredibly problematic for voters, for everyone
2 who wants to go cast a ballot. I think that the
3 Secretary of State's Office has done a yeoman's
4 job trying to help provide counties the tools to
5 reduce that.

6 I also want to encourage counties to plan
7 ahead when we're looking ahead for 2024, making
8 these decisions early so that you can have the
9 time to get the staffing at the locations so we
10 don't ever have to see a six-hour line again in
11 90-degree weather. It is unfair to voters; it's
12 unfair to counties; and that's -- that's what
13 this case is really about. And I hope the
14 counties are able to plan ahead and get the
15 support that they need to do this. Thank you.

16 **MR. LINDSEY:** Mr. Chairman, now is the time
17 to sort of reflect. The fact of the matter is
18 and, you know, we'll leave it to the courts just
19 whether or not 202 is -- is fair. But at the
20 time that the law -- in terms of the law, there
21 was no such prohibitions regarding what is --
22 what was alleged by black voters -- against Black
23 Voters Matter. And we'll let the courts decide
24 whether or not 202 and its restrictions were
25 appropriate.

1 The law, Ms. Webster -- and I understand,
2 and, you know, if we refer to the Attorney
3 General's Office, you'll have a chance to sort of
4 talk with them about it. But the law by contrast
5 was very clear in 2020. And I quote the law:
6 That no person except police officers regularly
7 employed by the federal, state, county, or
8 municipal government or certified security guards
9 shall be permitted to carry firearms within 150
10 feet of any polling place. That's provided for
11 in subsection (b) of Code 16-11-127.

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

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

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

1 **MS. WEBSTER:** Was what?

2 **JUDGE DUFFEY:** Wisdom.

3 **MS. WEBSTER:** Nothing about truth. Nothing
4 about truth. I'm sorry.

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

7 **MS. WEBSTER:** Justice. Thank you.

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

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

24 You know, the one really good thing that
25 happened here today is a politician didn't follow

1 the advice of his lawyer. Sometimes lawyers
2 interfere with what our job is which is to
3 evaluate people that make presentations to us to
4 determine what the just thing is to do and in
5 doing so offer grace and try to exercise wisdom.

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

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

19 And all we can do in this often ungrateful
20 job that we have is want to continue to press on
21 and persevere and to hope that someday people in
22 a room like this will say, Things in controversy
23 and acrimony needs to stop. We need to focus
24 more on grace and forgiveness and not saying, I
25 won.

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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

1 firearm by the respondent into a polling place be
2 referred to the Attorney General's Office?

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

5 **THE BOARD MEMBERS:** Aye.

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

7 The motion carries unanimously.

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

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

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

14 **MR. LINDSEY:** Second.

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

20 **THE BOARD MEMBERS:** Aye.

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

23 We now go on to SEB2020-190.

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

25 **JUDGE DUFFEY:** Yes.

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

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

16 All right. Can we start over.

17 **MR. BRUNSON:** Okay, this case is about
18 Colquitt County, polling place issue. It was
19 reported by Christopher Merritt that when he went
20 in to vote, he was told he could not vote because
21 he had already voted at 9:30 a.m. that same day.
22 He was told that he had turned in his absentee
23 ballot. Mr. Merritt reports that he informed the
24 poll worker he had not voted and that he had not
25 requested an absentee ballot. Mr. Merritt

1 reports that after several minutes and confirmed
2 with something via telephone, the poll worker
3 asked Mr. Merritt if he would be willing to vote
4 under his father's name because his father had
5 not voted. Mr. Merritt reports he was told that
6 he would be -- that would be the only way to
7 resolve the problem.

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

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

25 So ultimately during further investigation,

1 it was determined that Mr. Merritt actually did
2 not live where he was reported to live through
3 voting records. He actually had move some years
4 before but failed to change his address while
5 voting during this. And so ultimately, looking
6 at the violations, there's evidence to suggest
7 that Mr. Christopher J. Merritt violated O.C.G.A.
8 21-2-218(c), cancellation of registration in
9 former state or county, address changes and
10 corrections.

11 And then there's also evidence to suggest
12 for the initial part that multiple individuals
13 from Colquitt County violated general election
14 board rule 183-1-12-.11, 2(a) to 2(b) when
15 Mr. Christopher Jackie Merritt's identity was not
16 verified and he was issued a voter access card
17 and cast a ballot under the identity of his son,
18 Mr. Christopher J. Merritt, for the November 3,
19 2020, general election.

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

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

23 **UNIDENTIFIED SPEAKER:** Your Honor, I'm here
24 on that estoppel. Can I proceed (inaudible).
25 I'm one of the respondents (indiscernible) to

1 speak.

2 **MR. MASHBURN:** He's one of the respondents.

3 **JUDGE DUFFEY:** Okay. Give me a second.

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

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

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

16 **MS. GHAZAL:** Right.

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

19 **MS. GHAZAL:** Okay, thank you. Thank you
20 very much.

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

24 **DR. JOHNSTON:** The question I have is in the
25 investigation. It says both were challenged

1 voters. Do you have the grounds for a challenge?

2 **MR. BRUNSON:** What page is that on?

3 **JUDGE DUFFEY:** Could you repeat that,
4 Doctor?

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

7 **MR. BRUNSON:** Okay, let's see.

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

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

12 **JUDGE DUFFEY:** Is that the paragraph that --

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

16 **MR. BRUNSON:** Oh, it looks like, yeah, they
17 changed it at the -- so it looks like they
18 reached out to our office to get advice on what
19 to do because this was a unique situation and
20 looks like they attributed him as having voted a
21 regular ballot and his son as having voted a
22 provisional ballot and that, you know, accurately
23 reflects what occurred. So apparently they
24 reached out. They were unsure and then they got
25 that advice from our office.

1 **JUDGE DUFFEY:** Any other clarifications
2 before we get to the respondent?

3 All right, you may come speak.

4 **MR. LEWIS:** Judge Duffey and members of the
5 Georgia State Election Board, my name is Wes
6 Lewis. I'm the elected probate judge and
7 election superintendent of Colquitt County. I'm
8 here on behalf of our office. I just wanted to
9 point out that we admitted the violation in this
10 case.

11 To just kind of get the picture here, as
12 Larry Munson would say, this was a November
13 election. Lines are backed up. Father comes in,
14 Christopher J. Merritt, that morning. He comes
15 in to vote. Poll worker looks up on the poll
16 pad. You mainly type in a name. Generally
17 you'll type in the last three letters of the last
18 name, first two letters of the first name.
19 Christopher Jay -- Jackie Merritt is --
20 Christopher J. Merritt, excuse me, is pulled up.
21 The poll worker pulls that, he turns that screen
22 to the voter, says, This correct? He looked at
23 it, signed it, he went on to vote. That's what
24 happened.

25 That afternoon, Christopher Jack -- J.

1 Merritt, born in -- son, born in 1974, came to
2 vote the afternoon. He shows up to vote. Lo and
3 behold, the safe -- people don't realize all the
4 safeguards are on, on the system, but it shows
5 he's voted on the poll pad. Poll worker can't
6 change that. Your -- you have to make a call. I
7 think there was a comment made -- what do we do?
8 Lines are backed up, presidential election. The
9 son -- I think there was a comment made to vote
10 -- the dad's information where they both have a
11 chance to vote.

12 The proper thing was actually done here
13 which the son voted a provisional ballot. We
14 researched that, got him in, both votes properly
15 counted.

16 So I just wanted to point out a few things
17 that would -- we would point out that we admit a
18 violation, but we would respectfully ask the
19 board to treat it as a nonserious one for the
20 following reasons.

21 First of all, this was a busy, busy
22 election. And I just wish that I -- you know,
23 you can't fathom being over an election when the
24 lines are backed up and you make a call, a
25 comment, whatever, but, you know, this -- the

1 comment was made at the bottom line. Both these
2 voters, the father and the son, got the chance to
3 vote and their vote counted.

4 But we would point out that we admitted the
5 error on our part for allowing the father to vote
6 his son's registration. But we'd note that error
7 was based in part on the father and son's
8 actions.

9 First of all, the father reviewed the
10 information on the poll pad and signed the
11 verification, not noticing it was his son's
12 information. Secondly, the son was voting in the
13 wrong precinct. Given -- so they lived on the
14 same street. He would've been in the correct
15 precinct, this wouldn't have happened -- again
16 we're just pointing out that this was some things
17 to point out in the reason this was done. The
18 father's address was on Overlook Drive.
19 According to the son's old information, his
20 address was on Overlook Drive.

21 So you had the same -- and again this is
22 easy to do when you're in the heat of the moment.
23 You know, poll worker turns the screen, looks at
24 it, he signed it, you know. If the son had
25 properly given his change of address, it would've

1 been a lot more noticeable. And it would -- and
2 it really would've pointed out he couldn't have
3 even voted in that precinct. He would have had
4 to have gone to the Moultrie precinct versus the
5 Autreyville precinct.

6 This was an error, this was unintentional,
7 and most importantly both parties were afforded
8 the right to vote which is really the reason
9 we're all here. I would ask to entertain any
10 questions, but I would respectfully request that
11 you consider finding this be treated as a
12 nonserious violation.

13 We have used this as a poster child in our
14 training on what not to do to make a comment.
15 Voters crisscrossed the information. It was
16 probably a remedy -- and it was suggested by our
17 registrar. She -- Paula McCullough's the most
18 honest person in the world. She -- when I made
19 the comment, that probably led to the mistrust in
20 this situation.

21 Ironically, the choice, either that -- do
22 provisional, that was the right thing to do in
23 that situation based on what had happened that
24 morning. So I would want to point that out that
25 the remedy of what happened was correct in the

1 sense both got to vote.

2 I'd be willing to ask any -- entertain any
3 questions or comments or whatever.

4 **MR. MASHBURN:** I have a couple -- I have a
5 couple questions.

6 **MR. LEWIS:** Yes, sir.

7 **MR. MASHBURN:** Help me -- help me understand
8 if the -- if the son voted the provisional ballot
9 --

10 **MR. LEWIS:** Yes, sir.

11 **MR. MASHBURN:** -- what was the need to check
12 him in or vote him as the father? What --

13 **MR. LEWIS:** Well, what --

14 **MR. MASHBURN:** Tell me -- help me understand
15 that.

16 **MR. LEWIS:** Okay. You're probably asking
17 why -- what was the comment made to let him vote
18 as the father?

19 **MR. MASHBURN:** Oh, that was just a comment?
20 It didn't actually happen at least?

21 **MR. LEWIS:** Correct.

22 **MR. MASHBURN:** Okay. Okay, I misunderstood.

23 **MR. LEWIS:** Correct, yes, sir.

24 **MR. MASHBURN:** Okay. Okay. All right. All
25 right.

1 **MR. LEWIS:** And our registrar, we've been
2 together since '06. We -- she's admitted the
3 comment was not a -- you don't -- you don't --
4 you know, it was the wrong thing to do.

5 **MR. MASHBURN:** Okay.

6 **MR. LEWIS:** We've used this case as a poster
7 child in our training, what not to do as far as
8 when you have the wrong person.

9 **MR. MASHBURN:** So you don't think --

10 **MR. LEWIS:** Vote it provisional.

11 **MR. MASHBURN:** You don't think this will
12 ever -- you don't think this will likely come up
13 again in the same circumstances, but if it
14 does --

15 **MR. LEWIS:** You know --

16 **MR. MASHBURN:** -- if it does, y'all feel
17 that y'all are adequately staffed and trained and
18 prepared to deal with it.

19 **MR. LEWIS:** This -- yes, sir, we do.

20 **MR. MASHBURN:** And it -- and it won't happen
21 again?

22 **MR. LEWIS:** No, sir.

23 **MR. MASHBURN:** So you think it would be a
24 proper resolution of the matter today to just the
25 board find the violation which you admit but

1 issue a letter of instruction and not send it to
2 the attorney general; correct?

3 **MR. LEWIS:** I respectfully request that
4 because I do believe, based on the things I've
5 mentioned, we admitted our error and it was
6 nonintentional and both folks got to vote. And
7 again we -- we've learned our lesson with that
8 and this is -- we've used this in our training.
9 We would point out to any election folks here
10 probably they can sympathize how this could
11 happen with poll pad. But we would ask that,
12 Mr. Mashburn.

13 **JUDGE DUFFEY:** Any other questions or
14 comments of the respondent?

15 Thank you.

16 **MR. LEWIS:** Thank you, Judge Duffey.
17 Members of the board, thank you for your time --

18 **JUDGE DUFFEY:** You're welcome.

19 **MR. LEWIS:** -- and consideration.

20 **MR. LINDSEY:** You know, Mr. Chairman, we
21 send to the attorney's general office acts of --
22 intentional acts, sometimes borderline criminal
23 if not criminal. They are backed up. We've got
24 in this situation a respondent who's admitted to
25 it, seems to be taking remedial steps. I've

1 stood in line with my son Edward Harman Lindsey,
2 III, and have them ask, Well, are you junior? and
3 then having to correct.

4 I'm just not sure if this rises to the level
5 of sending it to the attorney general, given --
6 quite frankly, we send a lot of stuff to the
7 attorney general and -- and there are a lot of
8 things that need to go to the attorney general.
9 I'm just not so certain where justice will be
10 furthered in this situation if we send it to the
11 Attorney General's Office and have them come back
12 with -- with a recommendation pretty doggone
13 close to --

14 **JUDGE DUFFEY:** Cease-and-desist --

15 **MR. LINDSEY:** -- to a cease-and-desist,
16 don't ever do it again. If we could go ahead and
17 dispose of it here and now and let the attorney
18 general deal with some of the other more serious
19 issues that we've sent to them in the past.

20 So at the appropriate time, I'll make a
21 motion.

22 **JUDGE DUFFEY:** You know, there's a false
23 saying, no good deed goes unpunished.

24 The two things that I always look at when I
25 decide what we should do, one is was there an

1 admission, acknowledgment, or self-reporting of a
2 violation? And then the second is did it affect
3 what we are all here to do which is to protect
4 people's right to vote?

5 Here both people got to vote. I can
6 envision what it was like down there that day.
7 With this -- with the resources that they had,
8 they seemed to make a reasonable decision that
9 accomplished what they wanted to accomplish, is
10 to allow two people to exercise their right to
11 have a say in who were their leaders. And I
12 think I agree with that, that this -- I don't see
13 why we can't consider finding a violation but
14 resolving it with a letter.

15 **MR. MASHBURN:** Yeah. That was a
16 satisfactory answer to me that it was a bad idea
17 but it wasn't a bad act. We stopped -- we
18 stopped short of a bad act. I'm satisfied that
19 they're going to -- they're going to impose their
20 own cease-and-desist order and not do it again.

21 So at this time I'll make a motion that this
22 just be resolved with the issuance of a letter of
23 instruction.

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

25 **MS. GHAZAL:** If I could make a friendly

1 amendment, Mr. Merritt is also subject to a -- to
2 a count, a violation, but, again, because this
3 was a relatively minor -- a failure to update his
4 address and he was still qualified to vote in the
5 county and the violation was he voted in the
6 wrong precinct, I would also make a friendly
7 amendment that he als -- his case also be
8 resolved as finding a violation but with a letter
9 of instruction as opposed to binding him over to
10 the attorney general as well.

11 **MR. LINDSEY:** I'll second that amendment.

12 **MR. MASHBURN:** That's an acceptable --
13 acceptable amendment.

14 **JUDGE DUFFEY:** Right. So there's a motion
15 with respect to this complaint which is 2020-190
16 that for the respondents, each of them, that
17 we -- that we find a violation but resolve it in
18 separate letters, one stating the need to update
19 your address and the second with following the --
20 not allowing somebody else to vote under somebody
21 else's name.

22 And that's the motion. Is there any
23 discussion on it?

24 **DR. JOHNSTON:** The only thing I'd mention is
25 that if it's a move within the county, the

1 election office has the duty and the right to
2 just change the address if there's been a change
3 of address put -- an NCOA or a change of address.
4 So that's in the code as far as moves and the
5 ability of the county to -- to change the
6 address.

7 **JUDGE DUFFEY:** Yeah, but in this case,
8 didn't the county not do that because they
9 weren't -- the change of address had not been
10 identified to them by the voter?

11 **DR. JOHNSTON:** Beg your pardon?

12 **JUDGE DUFFEY:** I mean, they can do that when
13 you show up and you can say that's not my
14 address. They have the authority to change the
15 address.

16 **DR. JOHNSTON:** Right. But when the county
17 receives NCOA lists or data that they do now,
18 then they have the authority to go ahead and make
19 a change of address and issue that -- within the
20 county and issue that elector a new precinct
21 card.

22 **JUDGE DUFFEY:** But we don't have any
23 evidence that the county received notification.

24 **DR. JOHNSTON:** Right. Right.

25 **JUDGE DUFFEY:** And the young man or the old

1 man or whoever it was showed up and should have
2 look at the data and his address and recognized
3 that he hadn't changed it.

4 **DR. JOHNSTON:** Right. Both parties
5 should've checked the address.

6 **JUDGE DUFFEY:** So I think we're back to the
7 motion which is to find violations and with
8 respect to the -- Christopher Merritt, that we
9 send a letter saying that he has an obligation
10 under the law to advise county officials of his
11 change of address.

12 And then with respect to the other
13 respondents, that they have an obligation to
14 allow only those people who are registered voters
15 to vote.

16 Any further discussion on that motion?
17 There being none, all those in favor say aye.

18 **THE BOARD MEMBERS:** Aye.

19 **JUDGE DUFFEY:** Opposed, no? It passes
20 unanimously.

21 Next SB2021-120.

22 **MR. BRUNSON:** Okay. This is -- you know
23 what, I'm not originally from Georgia. Is this
24 Houston County or Houston?

25 **JUDGE DUFFEY:** Houston.

1 **MR. BRUNSON:** Houston, okay. Houston, all
2 right.

3 **JUDGE DUFFEY:** And by the way, it's not
4 Albany, it's Albany.

5 **MR. BRUNSON:** Albany, okay.

6 **MR. LINDSEY:** And given where we're meeting
7 right now, you better know where Houston County
8 is.

9 **MR. BRUNSON:** All right. So the complaints
10 on this particular investigation -- it is
11 reported that Brooke Taylor Walsh under the name
12 Brooke Taylor Cunningham voted in the states of
13 Georgia and Florida respectively. Mrs. Walsh
14 possesses both a Florida and Georgia driver's
15 license, and it appears as though she voted in
16 the November presidential election under the name
17 Brooke T. Cunningham in Florida, and then
18 Mrs. Walsh voted in Houston County, Georgia for
19 the January senate runoff election. But she did
20 so under the name Brooke Walsh.

21 So in looking at this particular case, we
22 were able to determine, looking at voting
23 records, that she actually moved to Georgia in
24 2020. I lost my case.

25 She moved to Georgia in 2020, February 26,

1 2020, registered to vote in Georgia July 24,
2 2020, and while she was visiting her father on
3 November 2nd in Florida, she used her Florida
4 driver's license to vote in that election. She
5 then returned to Georgia and voted in the senate
6 runoff election, January 5, 2021, in Houston
7 County, Georgia.

8 So based on that, her actions are a possible
9 violation of O.C.G.A. 21-2-216, sub (a), sub (4)
10 as she lost her Georgia residency with the
11 Florida vote one month prior to her voting.

12 **MR. LINDSEY:** Have you guys alerted Florida
13 because my guess is -- I know Florida has a lot
14 of different laws. In fact, my guess is they
15 probably don't like people voting twice there
16 either.

17 **MR. BRUNSON:** Yes. Well, now, she's
18 actually moved back to Florida.

19 **MR. LINDSEY:** Doesn't matter. She voted
20 twice in 2020. That's all I'm saying, is that
21 she's in trouble here in Georgia, and I'm about
22 to make a motion to that effect, but she should
23 also be in trouble in Florida. I just want to
24 make sure that they're also alerted in Florida as
25 to her actions as well.

1 **MR. WRIGHT:** We've made them --

2 **MR. BRUNSON:** Yes. The investigator's here.

3 **MR. WRIGHT:** They've been made aware --

4 **MR. LINDSEY:** Thank you. That's all I
5 wanted to know.

6 At the appropriate time, Mr. Chairman, I'll
7 move on it. I think this is pretty cut and dry.

8 **JUDGE DUFFEY:** Did you talk to her and did
9 she acknowledge that it was wrong to vote in two
10 states?

11 **MR. BRUNSON:** Well, the investigator did
12 talk to her.

13 **MR. WRIGHT:** I'll come down there. My name
14 is Mark Wright. I'm an investigator. I did
15 speak with her during that investigation. And
16 her comment was, I didn't vote in the same
17 election. So she was actually told by her
18 husband that she shouldn't have done so. But she
19 did anyway. And, like I said, her comment to me
20 was, Well, I did -- I didn't think I did anything
21 wrong. I did not vote in the same election. So
22 that was her thought process.

23 **DR. JOHNSTON:** Chairman, comment?

24 **JUDGE DUFFEY:** What?

25 **DR. JOHNSTON:** Comment? All 50 states have

1 agreed that having two regular active driver's
2 licenses is illegal and actually there's a
3 violation -- I would suggest a violation of
4 40-5-20(c)(1)(e) that says: For Georgia, no
5 person shall be permitted to have more than one
6 valid driver's license at any time. I know there
7 are exceptions as far as commercial license or
8 international license, but I just wanted to
9 emphasize the issue of two driver's licenses,
10 voter registration in two states is not
11 appropriate.

12 **JUDGE DUFFEY:** All right. Is there a
13 motion?

14 **MR. LINDSEY:** Mr. Chairman, I move that we
15 accept the recommendations of the investigator
16 and refer the matter for further investigation by
17 the State Attorney General's Office.

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

19 **MS. GHAZAL:** Second.

20 **JUDGE DUFFEY:** Is there any discussion on
21 the motion? The motion is to refer Case
22 SEB2021-120 to the Attorney General's Office
23 based upon its violation and its need for further
24 investigation. All those in favor say aye.

25 **THE BOARD MEMBERS:** Aye.

1 **JUDGE DUFFEY:** Opposed, no? It passes
2 unanimously.

3 Next case is SEB2021-126, City of Sumner,
4 qualification notice.

5 **MR. BRUNSON:** Okay. The complaint is the
6 City of Sumner city clerk did not publish the
7 qualifying notice in the newspaper in a timely
8 manner.

9 So in looking at this, Investigator Wright
10 confirmed that Mr. Jay Crowe and Mrs. Melissa
11 Dobbins -- that the newspaper article to announce
12 the qualifying period did not run prior to the
13 requalification as required. The dates for
14 candidate qualifying for the town of Sumner
15 November 2021 municipal election was August 16th
16 through August 20th, but the newspaper article to
17 announce the qualifying dates did not run in the
18 newspaper until August 18 which is obviously two
19 days -- and not -- did not meet the requirement.

20 **JUDGE DUFFEY:** Any questions about the
21 summary? Yes?

22 **MS. GHAZAL:** Just briefly, is this a
23 municipal -- a municipality that runs its own
24 elections and does not rely on the county to do
25 so? They don't contract with the county; is that

1 right?

2 **MR. BRUNSON:** Let's see. This is
3 Investigator Wright again. This is his case.

4 **MR. WRIGHT:** Yeah, that what I'm checking.

5 **MR. BRUNSON:** Oh, okay. Oh, we have the
6 attorney here, too, from Sumner County. Maybe
7 they can answer.

8 **MR. CROWE:** May it please the board, I'm Jay
9 Crowe, the attorney from the town of Sumner.

10 **JUDGE DUFFEY:** Thank you.

11 **MR. CROWE:** Thank you all for the
12 opportunity to speak. Thank you for your time.
13 And let me just also say thank you for having us
14 here today. You don't understand what kind of
15 chance this is to be able to have interaction in
16 Middle Georgia. Also, it cuts my driving time
17 down by about half.

18 **JUDGE DUFFEY:** Now we're getting to the real
19 reason.

20 **MR. CROWE:** That's right. In terms of this
21 case, to answer the first question, Sumner does
22 run its own elections or did at that time. We've
23 actually for some time been in the process of
24 negotiating with the county to take over our
25 elections. I spoke with the county attorney last

1 week, and he did tell me that the board had
2 agreed to enter in to undertake our elections for
3 us. We're in the process of hammering out an
4 intergovernmental agreement for that purpose.

5 I'll be glad -- I've got some other comments
6 I'd like to make. I'd be glad to respond to any
7 other questions but I'll be glad to sit down
8 until you finish your presentation.

9 **MR. BRUNSON:** Yeah, I mean, that was it.
10 It's pretty straightforward.

11 **JUDGE DUFFEY:** Okay. He's done.

12 **MR. CROWE:** Okay. I just didn't want to
13 step on anybody's toes.

14 This -- this incident happened in August
15 of -- I believe it was 2021. From the time it
16 occurred, we've admitted that we made a mistake.
17 We, in fact -- I was told by Ms. Dobbins who was
18 our clerk at the time that she contacted the
19 Secretary of State's Office to let them know what
20 was going on.

21 In addition the complainant actually
22 contacted my office. He actually was the city
23 council member for whose position the qualifying
24 notice was not run, Mr. Jesse Kelly. He
25 contacted the Secretary of State's Office on

1 the -- this was, again, the week of the 16th. On
2 the 18th and 19th, there were numerous
3 conversations back and forth with the Secretary
4 of State's Office. I believe I spoke with
5 several folks up there, swapped e-mails, ask for
6 any input as to how we could cure the -- the
7 deficit.

8 Ms. Dobbins indicated that she posted on the
9 door of the town hall the notice of elections and
10 qualifying. In addition, she posted on Facebook.
11 We actually had three people qualify for this
12 election. Mr. Kelly, who was the complainant,
13 whose seat it was, he qualified and ran; Jane
14 Long, she qualified and ran; Todd Spence
15 qualified and ran. Out of those three
16 individuals, the sitting councilman, the one that
17 complained because his seat was not advertised
18 actually lost the election and somebody else came
19 in.

20 So no one has come forward and complained
21 that they did not have an opportunity to qualify.
22 We did not have anybody say they were prevented
23 from doing that. The other thing to add on,
24 Sumner has a population, I think, a little over
25 500 people, so it's a fairly close-knit community

1 in terms of what all is going on.

2 And so in this situation we admit that the
3 notice was not run in a timely fashion. We would
4 ask that the board take that into consideration
5 and treat this as a minor infraction if possible.
6 Because, again, as far as we can tell, nobody was
7 hurt or impaired. And from the very get-go,
8 we've been in communication with everyone.

9 In addition Ms. Dobbins is no longer
10 employed with the town. She was terminated in
11 August of last year. We have a new clerk who in
12 fact passed her qualification requirements, I
13 believe, just January 30, 2023. So she's taken
14 over that role.

15 But even in that regards, we're doing
16 everything we can to let the county handle our
17 elections from now on as well. So we admit it.
18 We'd ask y'all to take that into consideration.
19 And, again, as far as we can tell, nobody was
20 hurt in this, disenfranchised, or anything like
21 that.

22 **JUDGE DUFFEY:** All right, thank you.

23 **MR. CROWE:** Thank you.

24 **MR. LINDSEY:** Have you spoken to the new
25 clerk about this?

1 **MR. CROWE:** I have, at length. In fact
2 she's already run a qualification notice because
3 we're in the midst of trying to get the county to
4 take over our elections. She's already sent a
5 qualification notice, again, to the paper for the
6 upcoming elections that are coming up. She's
7 young, she's undergone training, she's never done
8 this before but she's a go-getter and I'm doing
9 everything I can to work with her to, first, keep
10 her, and also make sure she understands what we
11 need to do.

12 **MR. LINDSEY:** That will have a bearing on
13 the motion I'm about to make.

14 **MR. CROWE:** Thank you.

15 **JUDGE DUFFEY:** So when she did the
16 qualification notice, did she do it on time?

17 **MR. CROWE:** Miss -- the new clerk?

18 **MR. MASHBURN:** The new one.

19 **JUDGE DUFFEY:** Yeah.

20 **MR. CROWE:** Yeah. I think we're well within
21 the time limits this time.

22 **JUDGE DUFFEY:** I just wanted to make sure
23 the remedial action took.

24 **MR. CROWE:** I -- as far as I understand, it
25 was sent in well in time. I've had several

1 conversations with her about it.

2 **MR. MASHBURN:** If I might, there's --
3 there's a lot of cities and counties that listen
4 in to these hearings that don't have the fact
5 patterns that we have in front of us. So this --
6 this resulted all from some sort of system crash.
7 So she didn't actually know that her -- her
8 e-mail hadn't transmitted or -- or the -- she
9 didn't really know the failure until it just
10 didn't appear in the paper.

11 **MR. CROWE:** Yeah.

12 **MR. MASHBURN:** And that's when she found
13 out?

14 **MR. CROWE:** And, again, my information is
15 from Ms. Dobbins, who I do not represent -- I
16 represent the town -- and what she told me at the
17 time. She indicated to me that there was a
18 computer crash at some point. And, in fact,
19 we've been able to confirm the computer did
20 crash, that she believed she sent the notice in.
21 She could never produce to me the e-mail where
22 she sent it. In fact, I disclosed that to the
23 investigators. But it's my understanding this --
24 this was -- was known by her, communicated to
25 everybody, and basically from the beginning we

1 said, Okay, we made this mistake; this is what
2 happened.

3 And she also -- she also told me she had had
4 COVID, I think the week before. She was the
5 only -- we had one full-time employee and one
6 part-time who actually -- the clerk's a part-time
7 clerk, my county maintenance folks. So it's my
8 understanding from her city hall was not even
9 open because nobody was available at that time,
10 that week before.

11 **MR. MASHBURN:** Okay, thank you.

12 **MR. CROWE:** Thank y'all.

13 **MR. LINDSEY:** Mr. Chairman, similar to the
14 matter two or three matters ago, I think clearly
15 there's a violation. The city has acknowledged
16 it. The city as taken remedial action to try to
17 make sure that it doesn't happen again. I think
18 it's appropriate for us to go ahead and resolve
19 it today. Find a violation, send a letter to
20 that effect, and then move on to the next matter.

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

22 **MR. MASHBURN:** Second.

23 **JUDGE DUFFEY:** It's been moved and seconded
24 to find a violation in Case Number 2021-126
25 against the respondent but that it be resolved

1 with a letter of instruction. Is there any
2 discussion on the motion? All those in favor of
3 the motion say aye.

4 **THE BOARD MEMBERS:** Aye.

5 **JUDGE DUFFEY:** All those opposed, no?
6 Passes unanimously.

7 **MR. CROWE:** Thank you, Chairman and the
8 board.

9 **JUDGE DUFFEY:** Thank you.

10 **MR. LINDSEY:** Tell your client that you
11 earned your keep today.

12 **JUDGE DUFFEY:** SEB2021-128.

13 **MR. BRUNSON:** Okay, this is the City of
14 Meigs. I want to make sure I'm saying that
15 right. Is that correct?

16 **MR. LINDSEY:** Meigs.

17 **MR. BRUNSON:** Meigs, okay. Candidate
18 qualifying issue. Mr. Frank Scoggins, Thomas
19 County election supervisor informed the Secretary
20 of State's Office that the City of Meigs did not
21 open candidate qualifying until the week of
22 August 23, 2021. Mr. Scoggins advised that
23 Thomas County has an intergovernmental agreement
24 with all municipalities to conduct all of their
25 elections. The municipalities themselves are

1 responsible for qualifying their respective
2 candidates and to report to the State
3 Transparency Department Ethics.

4 Mr. Scoggins advised that the clerk for the
5 City of Meigs who was responsible for opening the
6 qualifying is Mrs. Catawba Hill. He also advised
7 that Mrs. Hill was new at the time but that he
8 has insisted she become qualified and he
9 documented that she has.

10 So ultimately the finding is that the City
11 of Meigs should've opened the qualifying the week
12 of August 16 through August 20, 2021. But
13 qualifying wasn't opened until the week of
14 August 23rd. So this is a vi -- very similar to
15 the previous one, violation of O.C.G.A. 21-2-132,
16 sub (c), sub (3), sub (a).

17 **JUDGE DUFFEY:** Any questions about this
18 summary?

19 **MR. LINDSEY:** Is there any evidence that
20 someone was not able to qualify that wished to
21 qualify?

22 **MR. WRIGHT:** No.

23 **MR. BRUNSON:** No.

24 **MR. LINDSEY:** And they acknowledged that --
25 that they had -- that they had violated this

1 rule?

2 **MR. WRIGHT:** Yes, sir.

3 **MR. BRUNSON:** Yeah, I'm sorry.

4 **MR. LINDSEY:** And is Ms. Catawba Hill still
5 the city clerk?

6 **MS. KOTH:** Did they self-report it?

7 **MR. BRUNSON:** Yes. It was reported by
8 Mr. Scoggins who's the Thomas County elections
9 supervisor.

10 **MR. MASHBURN:** Is there anyone here on their
11 behalf?

12 **JUDGE DUFFEY:** Are there any respondents for
13 the City of Meigs or --

14 **MR. MASHBURN:** So there's no -- there's
15 nobody here to tell us, We're sorry, we won't do
16 it again, and we apologize. So there's -- so
17 this could be treated differently because we're
18 not hearing the response that we have gotten from
19 the previous cases, that they're taking it
20 seriously, they're going to do something about
21 it, and they're making sure it doesn't happen
22 again. We didn't get that in this case.

23 **MS. GHAZAL:** I think that to the extent that
24 the election -- county election supervisor
25 insisted that the city clerk did get training and

1 certified subsequent to this --

2 **MR. MASHBURN:** Yeah.

3 **MS. GHAZAL:** -- is evidence of remedial
4 action. And also the fact that they have an
5 intergovernmental agreement already. The county
6 conducts these elections and the city clerk is
7 only responsible for that. It's a good --

8 **MR. MASHBURN:** Good point.

9 **MS. GHAZAL:** -- opportunity to point out in
10 2023, as we're moving into a new round of
11 municipal elections, that cities that choose to
12 undertake their own elections, they're -- this is
13 a heavy responsibility. It's not nearly as easy
14 as it may seem. There's a lot going on with
15 these and a lot of moving parts that whoever is
16 responsible for has to make sure that they
17 understand and are ready to fulfill these
18 requirements.

19 So I'll get off my soapbox now.

20 **MR. LINDSEY:** I'm going to make a similar
21 motion, but to Mr. Mashburn's point, I would like
22 to see them come before us in the future. If
23 you -- if you make a mistake, let's talk about
24 it. Let's make sure that you acknowledge that
25 you have, whether or not you'd be in person or

1 send something in writing to us. Particularly if
2 you're a smaller jurisdiction -- it'd cost you
3 money to send somebody up here -- to see some
4 acknowledgment in writing to us.

5 And for those of you are listening in the
6 greater atmosphere or whatever, just in the
7 future, I would like to see some type of
8 acknowledgment before I make the motion I'm about
9 to make.

10 But I haven't made that -- that statement
11 before, so I couldn't enforce it today. But in
12 the future, you know, I'll say it goes a long
13 way.

14 Let me sort of back up about. About five or
15 six months ago, I made a motion to send something
16 to the Attorney General's Office on a technical
17 violation but in part because the people decided,
18 where it was clearly in violation, to lawyer-up
19 and refused to -- to acknowledge the mistake.

20 And that was one of the reasons why we had
21 to send it to the Attorney General's Office,
22 because we didn't see any evidence that that
23 local jurisdiction was correcting the problem as
24 opposed to several times that we've seen here
25 today in which people have acknowledged that they

1 made a mistake and they have made that assertive
2 step. And this apparently is what has happened
3 here.

4 And so for that reason, Mr. Chairman, I
5 would make a similar motion that I've made
6 before, that instead of referring the matter to
7 the Attorney General's Office that we resolve the
8 matter here. We find a violation and we send a
9 letter to the local jurisdiction.

10 (Phone ringing)

11 **MR. LINDSEY:** It's not my phone, I promise.

12 **MS. GHAZAL:** Oh, my apologies. It was me,
13 Your Honor, and I did not know that my iPad was
14 connected. I --

15 **MR. LINDSEY:** Anyway that's my motion,
16 Mr. Chairman.

17 **JUDGE DUFFEY:** Well, I'd fire Sara, except
18 that'd just leave one less person.

19 **MS. GHAZAL:** You're welcome.

20 **MR. MASHBURN:** Well, one of the -- one of
21 the comments that I hear from counties sometimes
22 is that they -- well, we're not going to -- we're
23 not going to send anybody down there because
24 y'all are going to send it to the attorney
25 general anyway, no matter what we do.

1 So I think there is a good lesson to be
2 learned that this hearing is important. But I'm
3 also sensitive to we're not going to put down a
4 rule until everybody gets notice of the new
5 regime.

6 **MR. LINDSEY:** And I'm a little more
7 understanding --

8 **MR. MASHBURN:** So that's fair.

9 **MR. LINDSEY:** -- of the City of Meigs --

10 **MR. MASHBURN:** Yeah.

11 **MR. LINDSEY:** -- because it was my home
12 city. If it was the largest city in the state,
13 I'd probably be a little less understanding than
14 I am of a small town.

15 **MR. MASHBURN:** That's fair. Okay.

16 **JUDGE DUFFEY:** So we have a motion to find a
17 violation but resolve it with a letter of
18 instruction?

19 **MR. LINDSEY:** Yes.

20 **JUDGE DUFFEY:** Is that your motion?

21 **MR. LINDSEY:** Yes.

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

23 **DR. JOHNSTON:** Second.

24 **JUDGE DUFFEY:** It's been moved and seconded
25 that -- that a letter -- that we find a violation

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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

1 negotiated by the Attorney General's Office, and
2 final orders. And Charlene McGowan who is from
3 the Attorney General's Office will make those
4 reports for us.

5 **MS. MCGOWAN:** Thank you, Mr. Chairman. For
6 the attorney general's report today, we have
7 three cases to present. The first was Case
8 Number SEB2020-1112(sic), Henry County. That
9 respondent is Kelly Rose Alderfer.

10 Mr. Mashburn, this is the -- one of the
11 cases you referred to where the candidate -- she
12 was cited for campaigning and handing out gifts
13 at a polling location.

14 This consent order includes a civil penalty
15 of \$250 as well as a cease-and-desist and public
16 rep -- excuse me, just a cease-and-desist.

17 For Case Number 2020-221, Worth County, that
18 is respondent Dylan Harris. That involved an
19 allegation of out-of-state voting. That
20 respondent has agreed to a consent order
21 containing a \$500 civil penalty, public
22 reprimand, and a cease-and-desist violation.

23 The final case is SEB2021-098, Troup County.
24 That particular case involved two different
25 respondents. One of the respondents agreed to a

1 consent order that includes a hundred and fifty
2 civil penalty. And both of these cases involved
3 individuals who signed voter registration
4 applications for others.

5 The other case involves a respondent who had
6 assisted her mother with filling out a voter
7 registration application and signing her mother's
8 name with her permission. So our office is
9 recommending a final order that includes a
10 cease-and-desist and a public reprimand but no
11 penalty.

12 I'm happy to entertain any questions that
13 the board members have, otherwise I would
14 recommend that the board approve these three
15 consent orders and a final order.

16 **JUDGE DUFFEY:** Are there any questions for
17 Ms. McGowan?

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

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

20 **MS. GHAZAL:** Second.

21 **JUDGE DUFFEY:** Well, thank you. Otherwise
22 we couldn't move forward.

23 So for consent orders 2020-112, 2020-221,
24 and 2021-98 and final order 2021-098, the motion
25 is to approve the consent order and final orders.

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

3 **THE BOARD MEMBERS:** Aye.

4 **JUDGE DUFFEY:** Opposed, no? Then the orders
5 are approved.

6 So that is the last of the complaint cases.
7 We have one final matter of business and that is
8 to receive public comment which I will remind --

9 **MR. LINDSEY:** Excuse me, Mr. Chairman, I
10 have a question. Not dealing with the order but
11 I had a question for the Attorney General's
12 Office.

13 Several months ago we authorized the
14 attorney general to enforce subpoenas that we had
15 issued regarding an allegation. I believe the
16 organization is True the Vote; is that correct?
17 And I'm just wondering if I could get an update
18 on has the -- has the respondent acknowledged
19 receipt of the subpoenas or -- well, in that
20 case, I mean Complainant acknowledged receipt of
21 the subpoenas and have they complied with our
22 demands?

23 **MS. MCGOWAN:** To answer your question, the
24 complainant, True the Vote, as well as a number
25 of their associated individuals, a lawyer for the

1 organization has accepted service of the
2 subpoenas on behalf of the organization as well
3 as the -- the named complainants that -- or,
4 excuse me, the individuals that were served with
5 subpoenas. To date, no, they have not complied
6 with the subpoenas and, as you mentioned, the
7 board did vote to authorize the Attorney
8 General's Office to seek court enforcement of the
9 subpoenas if necessary. I think the hope was
10 that the organization would comply with the
11 subpoenas after the board took that vote. That
12 unfortunately has not happened.

13 So unless the board members have any
14 objection, the AG's office can move forward with
15 moving to compel compliance with that subpoena.

16 **MR. LINDSEY:** Given the seriousness of the
17 allegations that were made, I'd simply ask that
18 the Attorney General's Office keep us apprised
19 and I'm going to ask the same question at the
20 next meeting.

21 **MS. MCGOWAN:** Okay. Certainly, Mr. Lindsey.

22 **MR. LINDSEY:** Thank you.

23 **MR. MASHBURN:** What was the return date for
24 the subpoenas?

25 **MS. MCGOWAN:** It was sometime in the spring

1 of 2022.

2 **JUDGE DUFFEY:** I'd say that was enough time
3 for them to respond.

4 Okay, thank you very much.

5 **MS. MCGOWAN:** You're welcome.

6 **JUDGE DUFFEY:** There have been a number of
7 people that have signed up to make public
8 comments. The public comment process is each
9 person will come and speak from the microphone in
10 front of us. And we'll do it in the order in
11 which people signed up on the sign-up sheets.
12 And the comments are limited to two minutes per
13 speaker.

14 The first is Erik Christensen.

15 **MR. CHRISTENSEN:** I could speak for two
16 hours on this but I'm going to make it two
17 minutes. So my name is Erik Christensen. I am a
18 resident of DeKalb County. And I have been
19 working on various pieces of this for the past 27
20 months. I've got some recommendations for the
21 board. I want to thank you guys for what you're
22 doing.

23 You are the keepers of Article I, Section 4
24 of the Constitution. I hope you get independent
25 status where you don't report to the Secretary of

1 State, rather the Secretary of State reports to
2 you.

3 I'm going to read my executive summary,
4 otherwise I will go way over two minutes. Okay,
5 I'm also a CPA. I worked for Arthur Andersen.
6 I'm a systems consultant with Deloitte. I own my
7 own business now. I'm able to be here because
8 one of my kids is running the business for me
9 right now. So ...

10 But the current system for administering,
11 processing, and accounting for elections is not
12 uniform and is currently unauditible. The
13 process lacks basic internal accounting controls,
14 chain of custody controls. And these problems
15 have allowed incorrect election results to be
16 posted by the Georgia Secretary of State and
17 certified by the governor in the November 2020
18 election.

19 A majority of Georgians lack confidence in
20 the integrity of Georgia elections, okay? And I
21 want to give a specific example here of why I say
22 that. In one specific example presented to the
23 governor, Fulton County absentee ballots were
24 counted, audited, recounted, and posted
25 incorrectly three consecutive times. This does

1 not lead to confidence and the governor has even
2 admitted this and said, you know, this is a
3 problem.

4 We talked about it this morning. And when
5 you have 36 rows in a spreadsheet and you get it
6 wrong one time, you get it wrong again at a risk
7 limiting audit, and then you get it wrong again
8 at the recount, it's virtually impossible to do
9 that unless you're totally incompetent. I mean
10 you have to catch one of those hundred and eight
11 mistakes, and we didn't catch any one of those
12 hundred and eight mistakes. They all passed
13 through three times.

14 So the Secretary of State is not qualified
15 to perform a risk limiting audit, and he's not
16 trained in it, and we need to hire somebody who
17 is.

18 So I'm going to go through the goal of the
19 recommendations:

20 To develop uniform processes and procedures
21 for the handling of all ballots in all counties
22 and all precincts in the State of Georgia.
23 Tedious but very imminently doable.

24 To require an annual independent audit
25 performed by a CPA or CPA firm of the processes

1 and procedures -- and we touched upon that
2 earlier too -- that are uniformly being followed
3 and they're compliant with not only the Georgia
4 Election Code but also the rules and regulations
5 that you guys promulgate.

6 To require that all ballots processed and
7 managed under the direct supervision of a CPA,
8 CPA firm and that preliminary and tentative
9 election results are posted on election night.
10 You guys represent the legislature. You need
11 somebody in every precinct that represents you to
12 make sure that we are doing things consistently
13 and uniformly. I can tell you we're not today.

14 To require an annual audit performed by a
15 CPA or a CPA firm of the election system
16 selected, used, or recommended by the Georgia
17 Secretary of State to print, scan, store, and
18 tabulate the ballots.

19 **JUDGE DUFFEY:** You just have a few seconds.

20 **MR. CHRISTENSEN:** Pardon?

21 **JUDGE DUFFEY:** You just have a few seconds.

22 **MR. CHRISTENSEN:** Okay. The goal of this
23 audit is to provide assurance any system is both
24 secure from hacking, data manipulation, and the
25 system produces complete and accurate results and

1 finally require a post-election audit to make
2 sure the results are correct.

3 And there's five pages of stuff in here,
4 but, like I said, I could talk for two hours on
5 it. But --

6 **JUDGE DUFFEY:** You can give that to us.

7 **MR. CHRISTENSEN:** Pardon?

8 **JUDGE DUFFEY:** You can send that to us.

9 **MR. CHRISTENSEN:** Can I give you a copy or
10 ...

11 **JUDGE DUFFEY:** Well -- okay, thank you.

12 All right, thank you, Mr. Christensen.

13 Next is Cliff Albright. Mr. Albright?

14 Hannah G? Protect the Vote Georgia? She's
15 not here.

16 Then Elaine Lucas?

17 So you didn't have to drive very far, did
18 you?

19 **MS. LUCAS:** Pardon?

20 **JUDGE DUFFEY:** You didn't have to drive very
21 far --

22 **MS. LUCAS:** Not far at all, just across
23 town.

24 Good afternoon.

25 **JUDGE DUFFEY:** Afternoon.

1 **MS. LUCAS:** My name is Elaine Lucas and I'm
2 a member of the Macon-Bibb Commission. And I --
3 first of all, I was thinking that this might be
4 earlier in your meeting because I wanted to
5 welcome you here to our wonderful city. We're
6 progressing, we're changing, and we're glad that
7 you're here, and we would like to invite you to
8 have these meetings here as often as you like
9 because people -- I don't like driving to
10 Atlanta. I'm sorry, Atlanta folks. But I -- and
11 a lot of these other folks don't either. So we
12 love having you come here to -- to Macon. And
13 we're glad that Mercer is hosting you. They're a
14 great institution.

15 This morning before my husband -- you
16 probably know my husband, Senator David Lucas,
17 who's served us for almost 50 years, served the
18 Macon area for almost 50 years. We had a
19 conversation and guess what our conversation was
20 about? It was about the Georgia State Election
21 Board meeting. Now, of all things, two
22 politicians in a household, you know, we didn't
23 talk about grandchildren, we talked about the
24 elections board meeting and what y'all were going
25 to do and how people were nervous about the

1 actions that you were going to be taking.

2 And, frankly, I came here -- I am so glad
3 that we got a chance to listen to all of the
4 issues that were brought before you. And I'm
5 glad that I got a chance -- after having worked
6 in voter registration for over 30 years myself,
7 here in Macon-Bibb, I am just so pleased to see
8 that you are a deliberative body, that you
9 discuss all of the details, that you have
10 investigators who get down to the nitty-gritty.
11 I'm real pleased with that.

12 The one thing I want to say, though, is when
13 you were -- with the new membership, the makeup
14 of the board, there are a lot of people who look
15 like me who are afraid that you were set up to
16 disenfranchise us. And women, a lot of women
17 feel that way. A lot of younger folks feel that
18 way. So when you mentioned earlier that you
19 didn't want to be the sheriff, that you didn't
20 want to be in that position, that resonated with
21 me because you shouldn't be.

22 And so the gentleman earlier mentioned the
23 fact of your becoming an independent group. And
24 I think that's the direction that we need to go
25 in, where you're free to make decisions and

1 nobody can skew things to make it seem like that
2 you're put in place to take away the right to
3 vote. I am as nervous as anything about my right
4 to vote and I hold on to it. It is very, very
5 important to me, as important as my children and
6 grandchildren because it impacts what happens to
7 them.

8 So welcome again to our wonderful city. But
9 I just want you to keep in mind that there are
10 some people who don't have positive and
11 altruistic intentions like you do. You're
12 intending to do what's right and to follow
13 through on your pledge to all of Georgia's
14 voters. They' are some other people who have
15 terrible, terrible motives in this state and we
16 all know that.

17 So protect all of us and thank you so much
18 for planning your meeting here, having it here.
19 We look forward to having you here again. So on
20 behalf of the mayor and the other nine members of
21 the commission, welcome and thank you.

22 **JUDGE DUFFEY:** Thank you.

23 **MR. MASHBURN:** Thank you.

24 **JUDGE DUFFEY:** And thank you for staying.

25 **MR. LINDSEY:** And please tell Senator Lucas

1 hello.

2 **MS. LUCAS:** I will.

3 **JUDGE DUFFEY:** This person took penmanship
4 lessons from the same person who taught me
5 penmanship.

6 **MS. WILLIAMS:** I bet I know who it is.

7 **JUDGE DUFFEY:** Are you Brenda?

8 **MS. WILLIAMS:** I sure am.

9 **JUDGE DUFFEY:** Okay. I'm not sure what your
10 last name is, but --

11 **MS. WILLIAMS:** It's Williams, Brenda
12 Williams. How're you doing?

13 **JUDGE DUFFEY:** I'm good. Thank you.

14 **MS. WILLIAMS:** I've got a bad knee. So if
15 it's not handicapped accessible, that's a --

16 **UNIDENTIFIED SPEAKER:** Hold the chair.

17 **MS. WILLIAMS:** But I'm coming. I'm sorry
18 about that.

19 **MR. LINDSEY:** You're doing fine.

20 **JUDGE DUFFEY:** You're doing good.

21 **MR. LINDSEY:** That's a lot of stairs for
22 someone with a bad knee.

23 **MS. WILLIAMS:** It is. It is.

24 **MR. LINDSEY:** We should've come out to you.

25 **JUDGE DUFFEY:** We could've done that.

1 **MR. MASHBURN:** If you know you've signed up
2 for public comment, you might want to go ahead
3 and start moving down to some of these closer
4 rows and that'll help us move along.

5 **MS. WILLIAMS:** Hello and I want to thank you
6 so much for giving me this opportunity to come
7 and speak before this body today. My name is
8 Brenda Williams, and I'm the president of Georgia
9 Women and Those Who Stand With Us. And I'm
10 excited to be here today.

11 I came here with -- with -- I won't say an
12 expectation, but just I wanted to make sure that
13 things were done so it was fair. I look at that
14 seal and it says: Wisdom, justice, and
15 moderation. That's what we stand for as a state.
16 And I look at the middle and that part says
17 justice. I just want to make sure as the voice
18 for women that we get justice and we get equal
19 representation.

20 One of the -- is -- one thing I want to talk
21 to you about -- or probably a couple, but one was
22 about older people who are a nursing home. I
23 don't know how many of y'all have got a mom in a
24 nursing home but I've got one. And I'm saying to
25 you that the laws that have been put in place --

1 which I know that some of them, I mean, you've
2 got to do what you've got to do, but it does put
3 a hardship on families because not only am I
4 taking care of my mother, I've got to go up there
5 and get Mama to write her name.

6 I've got to go -- and then I've got to do
7 this, and then I've got to go back and -- and I
8 just wish that while you were thinking about
9 those processes, you think about those caregivers
10 who have to go back up there once they get
11 those -- once they get those ballots in the mail.
12 Because everybody's not trying to cheat
13 everybody.

14 The other thing is this. I look at this
15 body -- I'm raising my grandbaby, and I always
16 tell her, look at leadership. This leadership
17 don't look like my grandbaby. It doesn't look
18 like me. And I know that there are people in
19 Georgia who look like me who are qualified to sit
20 on this board. So my hope in the future that
21 when you're making select -- so whoever's making
22 selections that it's more diverse. This board
23 does not represent the 38, 39 percent of people
24 who look like me.

25 And I'm not saying that it's not fair as far

1 as to the way that you've administered what it is
2 that you're doing because you've done an awesome
3 job. I just think it should be more inclusive
4 and just look like Georgia.

5 Thank you so very much for having me and
6 listening to me today. Y'all be blessed and have
7 a safe trip home.

8 **JUDGE DUFFEY:** Thank you so much. Go slow.

9 **MS. WILLIAMS:** You know I was trying to walk
10 fast.

11 **JUDGE DUFFEY:** I know. But you were getting
12 a little wobbly. That was why ...

13 Karen Carlisle.

14 **MS. CARLISLE:** It's the hips.

15 **JUDGE DUFFEY:** I got a new one. I'd
16 recommend it to you.

17 **MS. CARLISLE:** I got two.

18 **JUDGE DUFFEY:** Oh, I'm sorry.

19 **MS. CARLISLE:** Just recently too. Thank you
20 for your time. My name is Karen Carlisle and I'm
21 a concerned resident, a registered voter in
22 Lowndes County, Georgia.

23 My concern is with the rogue DeKalb County
24 Board of Registration and Elections Chair Dele
25 Lowman Smith who openly admits in a January 27,

1 2023, DeKalb County Board of Election meeting she
2 facilitated a two million-dollar noncompetitive
3 consortium contract agreement with the unvetted
4 organizations US Alliance for Election Excellence
5 and the Center for Civic Tech and Civic Life
6 through the DeKalb County Finance Department to
7 undermine passed legislation SB202 that states:
8 No superintendent shall take or accept any
9 funding, grants, or gifts from any source other
10 than the governing authority of the county or
11 municipality, the State of Georgia, or the
12 federal government. The State Election Board
13 shall study and report to the General Assembly a
14 proposed method for accepting donations intended
15 to facilitate the administration of elections and
16 a method for an equitable distribution of such
17 donations statewide by October 1, 2021.

18 The Alliance for Election Excellence
19 obtained eighty million dollars through
20 memberships, then awarded grants for scholarships
21 to the Center for Civic Tech and Civic Life that
22 in turn provide services to modernize and create
23 a voter-centric election process.

24 This ponzi-type scheme may have violated the
25 Election Protection Clause by violating the

1 spirit of SB202 legislation. The Secretary of
2 State's Office may now have disenfranchised
3 voters as well as other election offices who did
4 not receive a portion of the funding or counties
5 who may not wish to open this Pandora's box.
6 Thank you.

7 **JUDGE DUFFEY:** Thank you.

8 **MR. LINDSEY:** Thank you.

9 **JUDGE DUFFEY:** Is it Merronila Telford?
10 Forest Cooper? Anthony Saunders? I think this
11 is Carolyn Hargrove?

12 This is printed: Jennifer Lee.

13 **MS. LEE:** Good afternoon, Judge Duffey and
14 members of the board. I know it's been a long
15 day. So I thank you for your attention. My name
16 is Jennifer Lee and I am a policy director at
17 Asian-Americans Advancing Justice Atlanta.
18 Asian-Americans Advancing Justice Atlanta is a
19 nonprofit legal advocacy organization dedicated
20 to protecting the civil rights of Asian
21 Americans, Pacific Islanders, and Arab Middle
22 Eastern Muslim, and South Asian communities in
23 Georgia and the Southeast.

24 I would like to call your attention to a
25 letter that we sent to the board's counsel on

1 Friday and supported by 35 other organizations,
2 requesting that the board implement rules with
3 regard to procedures and standards that will
4 apply in the case of voter challenges.

5 As you know, hundreds of thousands of voters
6 in counties all across Georgia have had their
7 voting eligibility challenged in recent years.
8 And the county election boards have devoted
9 significant resources towards responding to those
10 mass challenges, many of which were determined to
11 lack sufficient evidentiary support.

12 We share the board's concern to administer
13 efficient elections that are trusted by Georgia
14 voters. And the subject of the letter and what
15 we would like to raise today are just -- are
16 concerns that the recent large challenges to
17 voter registration risks both the efficiency and
18 voter confidence and fair and accurate elections.

19 Additionally there seems to be some
20 confusion around what both state law and federal
21 law under the National Voter Registration Act
22 require in these cases and has resulted in
23 different approaches at the local level and
24 placed strain on election workers who in many
25 cases are already stretched very thin.

1 So we're invested in seeing the board
2 formulate some rules and -- that would reduce the
3 administrative burdens on counties responding to
4 these challenges while ensuring the voters whose
5 eligibility is challenged do have a fair
6 opportunity to respond.

7 We hope that implementing rules like this
8 will create some guardrails and will help ensure
9 greater consistency and uniformity in how these
10 challenges are handled across counties. Support
11 local boards in achieving compliance with state
12 and federal laws and also reduce the impact of
13 meritless or unsubstantiated challenges on a
14 county's limited resources, often at very
15 stressful times for counties administering
16 elections.

17 So we thank you for your attention and we
18 look forward to continued engagement with the
19 board about this matter. Thank you.

20 **JUDGE DUFFEY:** Thank you. I'll let you know
21 that we have already identified that as an issue
22 that we need to address, you know. It's a fairly
23 recent phenomenon of the mass challenges and the
24 residency registration law is not easy to
25 understand. It's certainly not easy to apply,

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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.

1 Again thank you for your time and attention
2 today.

3 **JUDGE DUFFEY:** Thank you very much.

4 Willie Dumas? Macon NAACP? Vikki Moody?

5 **MS. MOODY:** That would be me. And the
6 reason that my name is --

7 **JUDGE DUFFEY:** But they can't -- people that
8 are watching can't hear you.

9 **MS. MOODY:** They don't have to hear me.

10 **MR. LINDSEY:** Well --

11 **MS. MOODY:** Especially with what I have to
12 say.

13 **JUDGE DUFFEY:** -- if they don't hear you,
14 they just send us something saying that they
15 couldn't hear --

16 **MR. LINDSEY:** Can't hear. Trust me. We get
17 texts when they can't hear.

18 **MS. MOODY:** I am Vikki Moody and I signed
19 that list because this kind young lady who
20 greeted me this morning said I had to sign in.
21 So I had no idea that I was signing anything
22 (inaudible).

23 Therefore, while I'm here, may I just tell
24 you thank you for what you have said today and
25 what you've done today. I'm really excited to be

1 here and I'm very proud to have had the
2 opportunity to hear what you're doing and how you
3 do it. So thank you very much.

4 **JUDGE DUFFEY:** Well, thank you for taking
5 the time to come.

6 Make sure she's always on the list.

7 **MS. MOODY:** I was just going to say be
8 careful what you sign. So ...

9 **JUDGE DUFFEY:** Earl Ferguson? Gwen
10 Westbrook? Worth? I can't tell if that's an s
11 or an r. Is it Worthbrooks?

12 **MS. WESTBROOKS:** Westbrook.

13 **JUDGE DUFFEY:** Oh, I was right the first
14 time. Gwen, come on down.

15 **MS. WESTBROOKS:** I've got a bad knee too.

16 **JUDGE DUFFEY:** I'm sorry.

17 **MS. WESTBROOKS:** Good evening. Thank you
18 for allowing me to speak this evening. I am Gwen
19 Westbrook, president of the Macon-Bibb branch
20 NACP. And I wanted to speak today.

21 I came here today in support of the case for
22 the Black Voters Matters. A lot of times -- I
23 just want to say a lot of times that
24 organizations like that, organizations like the
25 NACP are often misunderstood because I know

1 especially with the NACP, they don't know -- they
2 don't your history. They haven't been educated
3 on actually what the organizations stand for and
4 the history of the organizations.

5 And I've got to admit that I was concerned
6 when I came because the panel didn't look like
7 the people that -- that was here being -- being
8 charged. But I do want to say I thank you all
9 for listening to the facts. And I appreciate you
10 all being here and listening to the facts and
11 making your decision and judgments on the facts.

12 I am concerned because I -- and also about
13 the nursing home, that was a concern to me. I
14 really -- I don't know if you've gotten concerns
15 or complaints about people being in a nursing
16 home but I don't think that we need to fix
17 something that's not broken. I do know that
18 people -- as far as giving out water, I think
19 that we -- different things like that, something
20 like that to me is a form of intimidation, and
21 you have to -- I want people to understand where
22 we're coming -- where I'm coming from because if
23 you know the history, people of color have not
24 always had the right to vote.

25 And even when we were -- the Vote Rights Act

1 was passed in 1965, we had to renew our voting
2 rights every 20 years to be able to continue to
3 vote. So giving out water, I -- you know, you're
4 talking about six hours in line. People giving
5 out water, I think that's -- that was just
6 horrific what happened to these people that they
7 had to wait a couple years not knowing what their
8 fate is.

9 I just -- I'm just hoping at some point that
10 the Georgia State Elections Board, our Secretary
11 of State, community leaders can come together
12 and -- with some type of reconciliation as to
13 what -- because it only hurts the voters when we
14 put things in place that kind of deters people
15 from voting.

16 But I want to thank you all for allowing me
17 here today. I just think we need to continue
18 to -- people should have access to the polls and
19 people that are there for support should not be
20 criminalized for being there for support. Thank
21 you.

22 **JUDGE DUFFEY:** Thank you very much.

23 **MR. LINDSEY:** Thank you.

24 **JUDGE DUFFEY:** Thanks for speaking.

25 Meaghan, is there anybody else that you made

1 sign up that's here?

2 Well, that is --

3 **MR. MASHBURN:** Is that a separate --

4 **JUDGE DUFFEY:** No. No. That's the
5 organization.

6 Well, is there anybody who signed up that
7 expected me to call their name so that they could
8 speak? No? That's the last order of business on
9 the agenda. And I will entertain -- first of
10 all, we -- we were delighted to be Macon. This
11 has been a good experience for us to be out of
12 Atlanta.

13 Somebody said they don't like driving here
14 from Atlanta. Well, sometimes I don't like
15 living in Atlanta. So this is a treat to get out
16 of the big city. We thank you for your attention
17 and helping us maintain decorum during the
18 meeting. We hope to be back. The president of
19 the university came down and said hello, and he
20 said we are invited back if we want to come back.
21 But we also need to go to other cities and give
22 them the advantage that you have had today.

23 But that's all that I have and I'll
24 entertain a motion to adjourn.

25 **MS. GHAZAL:** So moved.

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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.)

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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