

MINUTES
STATE ELECTION BOARD MEETING
<https://vimeo.com/showcase/8988933>
Tuesday, December 13, 2022
9:00 a.m.

Pursuant to O.C.G.A. § 50-14-1 *et seq.*, the State Election Board (“Board”) conducted its public meeting with the minutes of such recorded as follows:

BOARD MEMBERS PRESENT:

William S. Duffey Jr., Chair
Matthew Mashburn
Sara Ghazal
Edward Lindsey
Dr. Janice Johnston

SECRETARY OF STATE STAFF

MEMBERS PRESENT:

Blake Evans, Elections Director
Nic Northen, Election Systems Manager
Steven Ellis, Deputy General Counsel
Meaghan Kelling, Legal Affairs Coordinator

ATTORNEY GENERAL’S OFFICE

COUNSEL PRESENT:

Charlene McGowan, Assistant Attorney General

I. CALL TO ORDER AND INTRODUCTORY REMARKS

Chair William Duffey called the State Election Board (“Board”) meeting to order at approximately 9:02 a.m. A quorum was present for each Board action taken. The following Board members attended the meeting: Chair William Duffey, Matthew Mashburn, Sara Ghazal, Edward Lindsey, Dr. Janice Johnston. Chairman Duffey delivered the invocation and led the Board in the Pledge of Allegiance.

II. APPROVAL OF BOARD MEETING MINUTES

Mr. Lindsey moved to approve the minutes of the August 22, 2022, State Election Board meeting. Dr. Johnston seconded the motion. The motion passed 5-0.

Mr. Lindsey moved to approve the minutes of the September 28, 2022, State Election Board meeting. Mr. Mashburn seconded. The motion passed 5-0.

III. REPORT AND RECOMMENDATION ON METHOD FOR THE ACCEPTANCE AND EQUITABLE DISTRIBUTION OF GRANT FUNDS FOR ELECTION ADMINISTRATION

Mr. Edward Lindsey provided background on the report and made recommendations regarding the distribution of funds. After Board discussion, Mr. Lindsey moved to accept the report. Mr. Mashburn seconded the motion. Dr. Johnston moved to accept the first amendment. Mrs. Ghazal moved to accept the second amendment. Mr. Lindsey accepted both amendments. Motion passed 5-0.

IV. REPORT ON REVIEW, EVALUATION, AND PROPOSED CHANGES TO SEB RULE 183-1-12-.13

Mrs. Sara Ghazal provided described proposed changes to State Election Board Rule 183-1-12-.13.

* The Board took a break at approximately 10:35 a.m. and returned at approximately 10:45 a.m.

V. INVESTIGATIONS REPORTS

The investigation reports to be considered are listed below according to the disposition recommended by the investigation staff.

A. Cases Recommended to be Dismissed

1. After discussion, the Board voted to continue the complaints below as follows:

Case No. 2020-225 Henry County (Public Viewing)

Mr. Lindsey moved to continue this case. Mrs. Ghazal seconded the motion. The motion passed 5-0.

Case No. 2021-118 Multi-State (Registration Issues)

Mr. Lindsey moved to continue the case. Dr. Johnston seconded the motion. The motion passed 5-0.

Case No. 2021-120 Houston County (Excess Voting)

Dr. Johnston moved to continue the case. Mr. Lindsey seconded the motion. The motion passed 5-0.

Case No. 2021-151 Fulton County (Absentee Ballot Processing)

Mrs. Ghazal moved to continue the case. Mr. Mashburn seconded. The motion passed 5-0.

Case No. 2021-166 Fulton County (Handicap Accessibility)

Mrs. Ghazal moved to continue the case. Mr. Lindsey seconds. The motion passed 5-0.

After discussion, the Board voted to issue the respondents in the following case a letter of instruction:

Case No. 2021-175 Cobb County (Photographing Ballot)

Mrs. Ghazal moved to issue the respondent a letter of instruction. Mr. Mashburn seconded the motion. Motion passed 5-0.

The Board voted to dismiss the following cases. Mrs. Ghazal moved to dismiss the following cases. Mr. Mashburn seconded the motion. The motion passed 5-0.

Case No. 2020-288 Greene County (Excess Voting Attempt)
Case No. 2021-101 Morgan County (Polling Issue)
Case No. 2021-123 Multiple Counties (Voter Eligibility)
Case No. 2021-133 City of Forrest Park (Polling Place Change)
Case No. 2021-134 Floyd County (Absentee Ballot Dropbox Procedures)
Case No. 2021-135 Cobb County (Public View of Opening of Polls)
Case No. 2021-136 Cobb County (Security of Election Documents)
Case No. 2021-145 Hall County (Vote Review Panels)
Case No. 2021-153 City of Fort Gaines (Problems at Polling Location)
Case No. 2021-154 Muscogee County (Residency Issue)
Case No. 2021-155 Fulton County (Receiving Gifts for Voting)
Case No. 2021-161 Blue Ridge (Voter Eligibility)
Case No. 2021-167 Lumber City (Absentee Ballot Fraud)
Case No. 2021-169 City of Comer (November 2021 Election)
Case No. 2021-170 City of Atlanta (Candidacy Dunn)
Case No. 2021-183 Forrest Park (Campaigning Obstruction)
Case No. 2022-001 Glynn County (Alleged Deceased Voter)
Case No. 2022-002 City of Nicholls (Unqualified Voter)
Case No. 2022-007 Floyd County (Miscellaneous Board Complaints)
Case No. 2022-009 Gwinnett County (Absentee Ballot Dropbox)

B. Violation Cases Not Recommended for Referral to the Attorney General's Office

- 1. Case No. 2020-123 Hancock County (Illegal Campaigning)**
After discussion of the investigative findings, the Board voted to issue Respondent Helen Hudson a Letter of Instruction for violation of O.C.G.A. § 21-2-413(e).
- 2. Case No. 2021-114 Greene County (Voter Registration Problems)**
After discussion of the investigative findings, the Board voted to issue Respondent Annie Louis Grant a Letter of Instruction for violation of State Election Board Rule 183-1-6-.02(7)(f). The Board voted to issue Respondent Bernice Dennis a Letter of Instruction for violation of State Election Board Rule 183-1-6-.02(9)(a).
- 3. Case No. 2021-180 Camden County (Security of Election Equipment)**
After discussion of the investigative findings, the Board voted to issue Respondents the Camden County Board of Elections and Registration, Shannon Nettles, and Deborah Felix a Letter of Instruction for violation of SEB Rule 183-1-12.05(5).

C. Violation Cases Recommended for Referral to the Attorney General's Office

1. Case No. 2020-003 Sumter County (Poll Watchers)

Chief Investigator Sara Koth presented the case and recommended that Respondents Randy Howard and the Sumter County Board of Elections and Registration be referred to the Attorney General's Office for violation of O.C.G.A. § 21-2-500(a), and Respondent Holly Lott be referred to the Attorney General's Office for violation of SEB Rule 183-1-12.04(6).

Mrs. Hayden Hooks and Mr. Randy Howard were recognized to speak about the case.

After discussion of the investigative findings, Chairman Duffey moved to issue Respondent Holly Lott a Letter of Instruction for violation of a SEB Rule 183-1-12.04(6), and accept the recommendation to refer Respondents Randy Howard and the Sumter County Board of Elections and Registration to the Attorney General's Office. Mr. Lindsey seconded the motion. The motion passed 5-0.

2. Case No. 2020-029 DeKalb County (Election Day Issues)

Chief Investigator Sara Koth presented the case and recommended that Respondents Erica Hamilton and the DeKalb County Board of Elections and Registration be referred to the Attorney General's Office for violation of O.C.G.A. § 21-2-562(b).

Mrs. Irene Vander Els and Mrs. Erica Hamilton were recognized to speak about the case.

After discussion of the investigative findings, Mr. Mashburn moved to continue the case. Dr. Johnston seconded the motion. The motion passed 5-0.

3. Case No. 2020-062 Chatham County (Absentee Ballot Processing)

Chief Investigator Sara Koth presented the case and recommended that Respondents the Chatham County Board of Elections, the Chatham County Board of Registration, Russell Bridges, Sabrina German, and Antwan Lang be referred to the Attorney General's Office for violation of State Election Board Rule 183-1-12-.07(2), State Election Board Rule 183-1-14-.14(2)(a)(i), O.C.G.A. § 21-2-403, State Election Board Rule 183-1-14-.14(5)(a), O.C.G.A. § 21-2-265(a), State Election Board Rule 183-1-14-.14(1)(a), O.C.G.A. § 21-2-388(1), and State Election Board Rule 183-1-14-.14(5)(a).

Investigator Glenn Archie, Mr. Andre Pretorius, and Mrs. Gwen Kazpezycki were recognized to speak about the case.

Mr. Lindsey moved to accept the recommendation refer the Respondents to the Attorney General's Office for violation of State Election Board Rule 183-1-12-.07(2), State Election Board Rule 183-1-14-.14(2)(a)(i), O.C.G.A. § 21-2-403, State Election Board Rule 183-1-14-.14(5)(a), O.C.G.A. § 21-2-265(a), State Election Board Rule 183-1-14-.14(1)(a), O.C.G.A. § 21-2-388(1), and State Election Board Rule 183-1-14-.14(5)(a). Dr. Johnston seconded the motion. Motion passed 5-0. Mr. Lindsey moved to send a letter to Chatham County Board of Elections and Board of Registration regarding steps taken to remedy ongoing issues. Mrs. Ghazal seconded the motion. The motion passed 5-0.

VI. EXECUTIVE SESSION

At approximately 1:05 p.m., the Board entered into executive session. The Board returned to the meeting at approximately 1:55 p.m. During executive session, the Board discussed hiring and employment matters. No action was taken.

VII. ATTORNEY GENERAL REPORT

Assistant Attorney General Charlene McGowan presented the Attorney General's Report. Mr. Lindsey moved to approve the action recommended by the Attorney General in the cases listed below. Mrs. Ghazal seconded the motion. The motion passed 5-0.

Consent Orders

SEB 2017-044	Jefferson County
SEB 2018-012	Sumter County
SEB 2018-037	Cherokee County
SEB 2019-044	Clayton County
SEB 2020-030	Gwinnett County
SEB 2020-111	Fulton County
SEB 2020-134	Newton County
SEB 2020-145	Colquitt County
SEB 2020-171	Taylor County
SEB 2020-202	Berrien County
SEB 2020-224	Laurens County
SEB 2020-243	Coweta County
SEB 2021-004	Dawson County
SEB 2021-097	McIntosh County

Consolidated Consent Orders

SEB 2016-023; Clayton County
2016-114

Final Orders

SEB 2012-080 Floyd County
SEB 2013-069 Walton County
SEB 2014-066 Elbert County
SEB 2020-008 Telfair County (City of Milan)

VIII. PUBLIC COMMENT

The following individuals provided comments: George Balbona, Cindy Battles, Vasu Abirahman, Julie Allen, and Ted Metz.

IX. ADJOURNMENT

Mr. Lindsey moved to adjourn the meeting at approximately 2:29 p.m. Mrs. Ghazal seconded the motion. The motion passed 5-0.