IN THE MATTER OF:
STATE ELECTION BOARD MEETING

Zoom Audio-conference

MARCH 16, 2022
10:00 A.M.

MARY K MCMANAHAN, CCR, 2757
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APPEARANCE OF THE PANEL

Matt Mashburn, Acting Chair
Sara Tindall Ghazal
Janice Johnston
Ed Lindsey

ALSO PRESENT:
Ryan Germany, General Counsel
Maggie Haisty, Legislative Affairs Director
Charlene McGowan, Assistant Attorney General
James Callaway, Deputy Chief Investigator
Vincent Zagorin, Investigator
Paul Braun, Investigator
Transcript Legend

(sic) - Exactly as said.

(ph) - Exact spelling unknown.

-- Break in speech continuity.

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

Quoted material is typed as spoken.


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MR. MASHBURN: Welcome. This is the meeting of the Georgia State Election Board.

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

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

MRS. GHAZAL: Here.

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

MR. LINDSEY: Here.

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

DR. JOHNSTON: Present.

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

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

DR. JOHNSTON: Yes. Thank you.

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

(Pledge of Allegiance)

MR. MASHBURN: Thank you. Please be seated.

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

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

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

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

THE BOARD MEMBERS: Aye.
MR. GERMANY: Needs to be a second.

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

DR. JOHNSTON: Second.

MR. MASHBURN: Thank you, Dr. Jan Johnston.

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

All those in favor say aye.

THE BOARD MEMBERS: Aye.

MR. MASHBURN: All those opposed say nay.

Motion -- or the election carries, four zero.

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

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

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

MR. LINDSEY: Well, thank you very much.

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

And for those who are listening, I think I speak for everyone that I've talked to on this board. Our sole concern is that we make sure
that our elections in this state are open and
fair and transparent and that people in Georgia
have confidence in the outcome because that's a
cornerstone of democracy as was stated so
eloquently by Dr. Johnston in prayer.

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

**MR. MASHBURN:** Welcome.

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

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

These interests then broadened to
understanding the larger picture of elections
processing, operations, and conduct. Naturally
this led to a study of elections law, election
systems, and oversight of our elections.
Prior to this so-called free time, I had been a physician in the Atlanta community, serving and learning from colleagues and patients for over thirty-five years. Medicine is demanding, requiring dedication, advocacy, objectivity, critical-thinking, thoroughness, continual learning, and constant review and improvement.

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

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

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

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

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

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

**MRS. GHAZAL:** I so move.

**MR. MASHBURN:** Sara Ghazal has made the motion. Is there a second?

**MR. LINDSEY:** Second.

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

**THE BOARD MEMBERS:** Aye.

**MR. MASHBURN:** All those opposed?

So the minutes are approved unanimously.

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

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

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

**MR. MASHBURN:** Are you there? Lindsey?

**MS. FAVERO:** Hi. Lindsey's here. Good --

**MR. MASHBURN:** We can hear you. Please go ahead.

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

The performance review could threaten local control of Fulton County which is the county with the most voters of color. And last fall a state monitor found no evidence of dishonesty or fraud. And claims of fraud are driven by misinformation campaigns. Local control of election
administration should not be taken away from Fulton County or any other county. And instead of entertaining partisan misinformation, the state election board should focus its time and energy on ensuring every county has resources and support to enable every registered voter to exercise their freedom to vote in all twenty-two election -- all 2022 elections.

And that's all. Thank you all for your time.

MR. MASHBURN: Thank you for your comment.

The next speaker?

MS. HAISTY: The next speaker is Dr. Ngina Sydney Jemmott.

DR. JEMMOTT: Good morning.

MR. MASHBURN: Please go ahead. We can hear you.

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

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

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

Thank you for your time.

MR. MASHBURN: Thank you.

Our next speaker?

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

MR. MASHBURN: Please go ahead.

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

MR. MASHBURN: We can hear you.

MR. BUIS: All right. My name is Kent Buis and I'm a resident of Cobb County.
Instead of helping counties to prepare for the upcoming primary and general election, the state election board is entertaining a performance review board that could threaten the local control of Fulton County over its own elections. Whatever the Fulton Review Board recommends, I encourage the state election board to support counties like Fulton in their endeavor to run free and fair elections.

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

Thank you.

MR. MASHBURN: Thank you.

Next speaker?

MS. HAISTY: The next speaker is Naomi Bock.

MR. MASHBURN: Naomi Bock, please proceed.

DR. BOCK: Thank you. Can you hear me?

MR. MASHBURN: We can hear you. Please proceed.
DR. BOCK: Thank you. My name is Dr. Naomi Bock. I am a resident of DeKalb County where I went to elementary school a few years back.

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

Thank you.

MR. MASHBURN: Thank you.

Next speaker?

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

MR. MASHBURN: Patty Pflum?

MS. PFLUM: Can you hear me?

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

MS. PFLUM: I'm a resident of Fulton County. I tried to follow the counting of votes in the 2020 election and all of the things that happened after the election. And I have seen no evidence that there are any significant problems with the Fulton County system.
I was glad to hear Dr. Jan Johnston say in her introduction that she is a doctor. And the idea of a Fulton review board and potential takeover by the state reminds me of a doctor prescribing a -- prescribing something to cure a disease that the patient doesn't have.

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

Thank you.

MR. MASHBURN: Thank you for your comment.

The next speaker?

MS. HAISTY: Our next speaker is Opal Baker.

MR. MASHBURN: Opal Baker?

MS. BAKER: Yes. Good morning. My name is Opal Baker and --

MR. MASHBURN: We can hear you.

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

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

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

Many of us are terrified about standing in line for long periods around people we don't know because our polling stations are understaffed, underequipped, underresourced, and overworked.
Please stop the nonsense. Just stop -- just stop and get rid of the ridiculous petty things that make it harder for our elections workers and support all of our counties, all of our counties including Fulton, with the resources needed to ensure free and fair elections for all eligible and registered voters.

Thank you.

MR. MASHBURN: Thank you for your comment.

Next speaker?

MS. HAISTY: Our next speaker is Pamela Reardon.

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

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

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

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

MS. REARDON: Okay. Thank you. Thank you. I'm on Fulton County -- or sorry, I live in Cobb County and heavily involved with elections.
I'm -- it's comical. It's comical -- let's just call it comical -- that the Democrats have their talking points of this morning and they're all saying the same thing.

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

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

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

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

MS. HAISTY: Our next speaker is Michael Garza.

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

MR. GARZA: Hi. Can everyone hear me?

MR. MASHBURN: We can hear you.

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

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

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

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

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

Thank you for your time.

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

Next speaker?

**MS. HAISTY:** Our next speaker is Larry
LeSueur.

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

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

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

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

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

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

        Thank you.

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

        Our next speaker?

        **MS. HAISTY:** Our next speaker is Sally Larrick.

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

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

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

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

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

**MS. HAISTY:** Our next speaker is Latonia Jenkins.

You should be able to unmute yourself now.

**MR. MASHBURN:** Proceed.

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

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

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

So whatever you recommend, we encourage that.

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

Thank you.

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

MS. HAISTY: Our next speaker is Jane Mezoff.

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

MS. MEZOFS: Can you --

MS. HAISTY: You should be able to unmute --

MS. MEZOFS: -- hear me?

MS. HAISTY: -- yourself now. Yes.

MR. MASHBURN: We can hear you.

MS. MEZOFS: Great. Good morning. My name is Jane Mezoff and I've been a resident and a voter in DeKalb County for twenty-seven years. I've also never made public comment before 2022, but I think it's really important that all of us get involved.

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

I would like to take issue with one thing that an earlier commenter said. It's not a right or left issue. It's not Democrat or Republican. It's American, it's democracy, and it's important.

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

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

Thank you. I appreciate it.

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

MS. HAISTY: Our next speaker is Daniela Sullivan-Marzahlf.

You should be allowed to unmute now.

MS. SULLIVAN-MARZAHLF: Hi. I'm a chaplain. Can you hear me?

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

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

My family came out of the Holocaust. And one of the things that I have to say is that they always warned me about politicians and keeping people accountable. So what I want to encourage you as a board to do -- and I think you're trying to do it -- is to hold people accountable. Because one of the things that really bothers me
is what is happening to the all of the evidence.

   I heard Patrick Witt has a computer with
1600 documents on it that nobody has seen because
of death threats. My husband worked with
Homeland Security and just retired; I know death
threats are real. And nobody's talking about
that.

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

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

   This isn't a partisan-fueled issue. It's an
issue of concern. And it happens around the
world. And now it's happening in America because
we have changed. And are we still doing in God
we trust? I am. I think a lot of people are.
So I'm trusting that God will use you to uncover what's out there. And if people are being threatened with their lives and politicians are afraid that they're going to get killed, you need to take a look at that because Hitler bumped people off when they disagreed with him.

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

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

**MR. MASHBURN:** Thank you.

**MS. SULLIVAN-MARZAH: **-- or a person who's voting, you know?

(Timer sounds)

**MS. SULLIVAN-MARZAH:** That it's the --

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

Thank you for your comment.
MS. SULLIVAN-MARZAH: So thank you.

MR. MASHBURN: Thank you for your comment.

Thank you.

MS. SULLIVAN-MARZAH: God bless you.

MR. MASHBURN: Who's our next speaker?

MS. HAISTY: Our next speaker is Sonia Frix.

You should be allowed to unmute now.

MR. MASHBURN: Sonia Frix, please proceed.

MS. FRIX: Thank you. I've -- I'm nervous.

My concerns are --

MR. MASHBURN: Don't need to be nervous.

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

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

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

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

(Timer sounds)

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

**MR. MASHBURN:** Thank you.

**MS. FRIX:** -- new voting rules.

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

Next speaker?
MS. HAISTY: Our next speaker is Kyle Carter.

You should be allowed to unmute now.

MR. MASHBURN: Kyle Carter, please proceed.

MR. CARTER: Hello? Can you hear me?

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

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

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

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

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

MS. HAisty: Our next speaker is John James.

MR. MASHBURN: John James, you should be unmuted. Please proceed. John James? Be sure you've unmuted yourself, please. John James?


MR. MASHBURN: We can hear you.

MR. CROSS: I don't --

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

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

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

For instance, Fulton County deleted 374,000 ballot images, which is a violation of election procedure and publishable by state law with a
fine of $100,000 per ballot image.

Fulton County is also missing security files for over 511,000 ballot images that authenticate nearly every vote cast.

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

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

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

Thank you.

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

**MS. HAISTY:** That's our last speaker.

**MR. MASHBURN:** That completes the public comment portion of our agenda.

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

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

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

So the types of rules that we're looking at are rules regarding -- there's a requirement in SB202 to use security paper for ballots, which was something that I think we were looking at doing anyway. And we've been working with the system vendor on security paper. But I think it'd be helpful for counties as well as the
public to -- you know, if we can kind of define what -- what exactly that paper is going to be like -- of course, you know, not in a way that, I think, the security -- parts of that paper were no longer copyable, but that -- so the people can know what -- what exactly we're dealing with.

And that -- that's -- I think that's something we should take up with the working group, plus verifying reconciliation and canvassing procedures that really occur after elections. We want to make sure that counties are doing those procedures that are -- that are not new, that have been in law, frankly, for a long time, but to make sure that that's being handled in a way that's transparent and consistent throughout the state.

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

So we want -- kind of think the rules to
help -- to help clarify that would be helpful.

Then I think we'll also probably see some
rules regarding the absentee ballot process as --
as we implement the requirements of SB202.

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

And so finally, on rulemaking, I think we do
want to have rules in place prior to the May
primary, which is May 24th. So that really means
from a timing perspective we need to bring some
rules next month to the board. And that's what
we're working on doing. I do think we'll
probably have to continue to work on rules and
change rules, even though these are posted or
adopted, throughout the year, as we kind of see
how they're working with what we need to adjust
to. But I think as to the rules, at least we'll get them posted. So then we can have an idea of the things that we're looking at for this year. Happy to take any questions, Mr. Chair.

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

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

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

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

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

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

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

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

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

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

**MR. MASHBURN:** Yeah, correct. Yeah,
correct.

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

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

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

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

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

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

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

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

Any questions or comments from the board?

Well, we thank you. We thank you for all of the hard work that you and your panel put in on that.

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

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

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

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

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

**MRS. GHAZAL:** Not the cases --
MR. MASHBURN: Not a particular case, but how --

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

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

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

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

DR. JOHNSTON: I have a question about a case.
MR. MASHBURN: Dr. Johnston, well, let's -- hang on just a second and I'll -- and I'll recognize you in just a second.

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

But thank you for that explanation.

She did a good job with it.

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

So I move that we consider them as a block.

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

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

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

**DR. JOHNSTON:** No question.

**MR. MASHBURN:** Okay. Thank you.

So now we're --

**MRS. GHAZAL:** Yes. And I --

**MR. MASHBURN:** I appreciate everybody's patience with the chair as I mumbled my way through this. But thank you.

So now we're ready for Mrs. Ghazal's motion.

**MRS. GHAZAL:** Yes.

**MR. MASHBURN:** And your motion is to --

**MRS. GHAZAL:** I move that we accept the investigations as a block.

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

**MR. LINDSEY:** There is a second from me. And I think it's worth letting the folks who are online know that these were matters that were sent to the board members prior to give us a chance to review them to take a vote on it. I just -- I think I just wanted the folks who are listening in to know that and that we have
reviewed those prior to the hearing.

    MR. MASHBURN:  There's a motion and a
second. Discussion? No discussion.
Is the board ready to vote? Okay. All
those in favor say aye.

    THE BOARD MEMBERS:  Aye.

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

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

    So we move to SEB case number 2021-181.

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

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

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

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

So Investigator Braun and Investigator Zagorin.

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

Please proceed.

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

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

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

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

Okay. Please proceed.

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

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

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

So once again, just going down the list, there'd be two in the 97 spot. You have to take one of those out and move it to the 47 spot. So now it's starting to -- to fall into place. So there was that issue with some of these where
they were just put in the wrong section.

If you go back to the beginning and flip the page, it'll have scanner 1, batch 18 is entered twice. And it was entered twice because if you look at the top part in the section, it says --

**UNIDENTIFIED SPEAKER:** Let's back up.

**MR. ZAGORIN:** Back to the beginning?

**UNIDENTIFIED SPEAKER:** Yes. Eighty-three --

**UNIDENTIFIED SPEAKER:** No, three of four, okay.

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

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

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

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

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

But those do not match -- those batch sheets
do not match what this complainant went in and
looked at and actually said that they looked at.
They don't match. So there really isn't a
determination on was someone just rushed for time
or did they just put a hundred and moved on. And
that looks like what could've happened here.
But, like I said, that did happen both ways. You
know, maybe if you go over to page 7 -- or no --
yeah. So page 7's the same, where it did that.

Now, there was one that wasn't in here that I found myself where Candidate B had in the neighborhood of 230 to nothing, going the other way. And the complainant told us: We found that but we didn't add it in here. So to me, if I'm looking at this objectively and I have to look at everything, it has to go both ways. You can't just play this where it helps one side and you see something else on the other side and leave it out. So that was -- kind of got our attention.

Then if you continue through this, there is page 8. The same one is entered twice, but I had found where the first one was actually scanner 1, batch 210. So that was going to the scanner 1, it wouldn't have been part of scanner 2. So this scanner 2, 237 was actually correct.

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

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

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

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

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

MR. ZAGORIN: So twelve of forty.


MR. ZAGORIN: No worry. So the totals at the bottom are correct. But the problem is when they show their work on how they got there. So if you look -- like, it says number 243. At the top, it shows seven ninety and one. At the bottom, it shows twenty-one seventy-three and two. Like I said, the bottom numbers all match.
They all get to the right total at the bottom. It's just the numbers in between for some reason don't match. So I don't know how they got the correct number at the bottom but the numbers were wrong in individual batches.

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

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

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

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

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

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

Any questions on anything?

**MR. MASHBURN:** Questions from the board?

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

**MR. ZAGORIN:** (indiscernible)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

But then, three, that the -- nothing that they are seeing here changes the overall conclusion in their minds of the audit, which is to confirm the result. The audit is not meant to get the exact same count. In fact, that would not be expected. It's going to be -- the whole point is to confirm, though, the -- the winner won and that they've -- and Voting Works saw nothing here that would change that conclusion, the -- of the audit in their minds.
They also did mention that there were some, I think -- they're making some improvements to Arlo to kind of make these kind of data entry errors lessen in the future. And so I believe, I think, we will have that benefit in the future, these improvements to Arlo. It had to do with basically naming conventions and kind of not allowing people to -- to double-enter these.

And what happened in Fulton is they initially -- you want to have one person entering all the data. That's ideal. In Fulton, we have -- they can't do that. They don't -- they're not going to have the time. So they had to bring another person in to enter data, at least one more person. And when you have that, that's when you start having maybe some confusion about, hey, has this already been entered or has this not been.

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

MR. MASHBURN: Questions from the board?

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

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

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

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

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

**MRS. GHAZAL:** Yeah.

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

**MRS. GHAZAL:** Yeah.

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

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

**MR. MASHBURN:** I think you mentioned that you were splitting your presentation between two investigators. Is the other investigator
expected to be --

MR. BRAUN: No.

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

MR. BRAUN: No.

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

MR. MASHBURN: Okay. All right.

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

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

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

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

MR. MASHBURN: All right.

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

MR. MASHBURN: Lindsey Favero?

MS. FAVERO: I am -- I --

MR. MASHBURN: Unmute and you can speak.

MS. FAVERO: I was signing --

MR. MASHBURN: Can you hear me?

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

MR. MASHBURN: Okay. Thank you. Thank you.

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

So please identify yourself.

MR. ROSSI: Okay.

MR. MASHBURN: This is Mr. Rossi?

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

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

Go ahead.

MR. ROSSI: And I have attorney Jack James
here with me. And he goes by John also, so ...

Well, wow, if you listen to the
investigators -- is it my time to speak now?

**MR. MASHBURN:** Hang on, Mr. Rossi.

Mr. Rossi, let me interrupt you for just a
second.

Is John James here as your attorney or is in
his private as a citizen?

(Audio interference)

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

**UNIDENTIFIED SPEAKER:** Mr. Chair?

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

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

**MR. MASHBURN:** Okay. Yeah.

**UNIDENTIFIED SPEAKER:** -- next.

**MR. MASHBURN:** Yeah. Is the problem on
Mr. James's end? If so, we'll let Mr. Rossi
proceed and then we'll let Mr. James speak after
Mr. Rossi.

**UNIDENTIFIED SPEAKER:** He appears to have
left the stream.
MR. MASHBURN: They -- are they going to re-sign in probably?

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

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

MR. ROSSI: I'm on, if Mr. Rossi can speak.

MR. MASHBURN: Okay. Mr. Rossi, please go ahead.

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

But is it now time for us --

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

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

MR. MASHBURN: The floor is yours.

MR. ROSSI: Thank you.

Wow. Listening to the inspectors, if your head's not spinning from an accounting standpoint, I don't know what would make it spin.

But before I introduce ourselves and go
through our data, I just wanted to clarify one thing. As we did and as they did a very thorough job, but one of the comments he made was that we did not go back and take care of both sides. And I believe he referred to a number of 230s, the zero was on the other side.

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

But anyways, I will proceed. And I believe there was -- one other question which was asked was what was the totality of the errors, and I will speak to that and tell you what we found with the totality of the errors. I don't think the inspectors were able to provide that number.

But anyways, let me introduce myself again. My name is Joseph Rossi. I'm a retired executive from PepsiCo, 34 years. I'm a chemical engineer by degree. And I now teach at a local technical
college here.

Mr. Jack James is a mechanical engineer and an attorney and a good friend of mine. And again he's not acting on my behalf as my attorney. We do not work for each other. That's how we know each other out.

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

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

Those were our ground rules.

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

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

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

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

MR. ROSSI: Yep.

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

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

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

MR. ROSSI: Okay. I was just referring --

MR. MASHBURN: That's part of the record.

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

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

**MR. ROSSI:** Okay.

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

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

**MR. MASHBURN:** Sure.

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

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

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

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

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

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

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

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

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

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

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

MR. MASHBURN: It doesn't help your case.

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

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

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

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

**MR. ROSSI:** Okay.

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

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

**MR. MASHBURN:** The floor is yours.

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

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

**MR. ROSSI:** Okay. Well, I will jump down to number 3 on our section there. And basically the thirty-six errors, sections 3-A, it starts with -- is the -- basically it's the Excel spreadsheet that was on the secretary of state's website and that document highlights the thirty-six errors very similarly to what the governor's report did as well as the prior investigators that were reporting out on those errors.

And I don't know if I need to go through any
of those errors, but they're similar in manner to what the investigators thought were somewhat misidentified, some were duplicated. So the only thing I would add, other than if you want to go through every one of those errors, I'd be glad to do that. When I added up those thirty-six errors -- I think there was a question earlier to the investigators which they didn't have a response to: What was the net impact of those errors? And I found the net impact of those thirty-six errors was 4,081 net incremental for Candidate Biden. And that would be shown on the last page of that audit report.

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

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

MR. MASHBURN: Last page was 3-A?

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

MR. MASHBURN: Yes.

MR. ROSSI: -- is that correct?

MR. MASHBURN: Bottom right corner. It's circled in blue ink. Yes, sir.
MR. ROSSI: 4,081 false delta total.

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

MR. MASHBURN: Okay.

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

MR. MASHBURN: Got it. Thank you.

MR. ROSSI: Okay.

MR. MASHBURN: I think that was in answer to Dr. Johnston's question.

DR. JOHNSTON: Yeah.

MR. ROSSI: Right.

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

DR. JOHNSTON: I'll wait till --

MR. MASHBURN: Okay.

DR. JOHNSTON: -- Mr. Rossi finishes.

MR. MASHBURN: Okay. Please go ahead.

MR. ROSSI: Okay. 3-B was the governor's letter, which I'm sure you've seen. And the only
thing I wanted to highlight on that, that he did make the comment that our findings were factual in nature. And I just wanted to reiterate that.

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

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

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

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

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

I mean, at this point, you're saying I can't
bring up the secretary of state's office but it seems to me logically that they would be that responsible entity. But I won't bring -- bring up anything on that further.

3-H is just a follow-up letter from my local representatives Mr. Shaw Blackmon and Larry Walker. I appreciate their support.

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

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

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

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

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

And then the last invest -- the last recommendation is -- based on the accounting, this document that's extremely difficult to follow and has a lot of errors, inconsistencies, and is sloppy, I don't think we're ever going to understand what really happened until somebody releases and counts the absentee ballots from
Fulton County. I think that's the only way to really answer the question as to how many ballots there really were and were all of those ballots legal ballots.

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

So those are my recommendations.

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

Questions for the board? Questions from the board?

**MRS. GHAZAL:** Yes. This is Sara Ghazal.

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

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

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

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

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

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

**DR. JOHNSTON:** Well, I'd like to add --

**MR. ROSSI:** Am I allowed to respond to that
or -- or I'm not allowed to respond?

**MR. MASHBURN:** No. Dr. Johnston has the floor.

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

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

There are so many issues to consider with this case.

**MR. MASHBURN:** Thank you, Dr. Johnston.

Mr. Rossi, if you'd like to comment briefly and then we'll turn the floor over to Mr. James -- attorney James.
MR. ROSSI: Okay. I was just responding to the board member that was saying that it determined the right outcome of the election. And I would put that in question based on the number of errors that we found for one county in one subset of the total 525,000 votes.

MR. MASHBURN: All right.

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

MR. JAMES: Last name is James.

MR. MASHBURN: Am I insulting you unintentionally?

MR. JAMES: No, that's fine.

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

MR. JAMES: (indiscernible)

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

MR. JAMES: Can you hear me better now?

MR. MASHBURN: There you go. There you go. Yes, sir. Perfect.

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

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

And then we also believe that per the code where the errors were noted, the results should have been returned to Fulton County to correct the errors. And this was never done. These errors were reported to the secretary of state in February of 2021, these errors on the risk limiting audit, which you've also talked about.

So we believe that Fulton County should've
been required to correct these errors that we've been talking about all day. And this did not happen and we're concerned that the code section, which is O.C.G.A. 21-2-499, was not followed specifically and the errors were not corrected.

**MR. MASHBURN:** Okay. Thank you.

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

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

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

**MS. RINGER:** Thank you, Chair.

**MR. MASHBURN:** You can unmute yourself.

**MS. RINGER:** Can you hear me, sir?

**MR. MASHBURN:** Yes, we can hear you clearly. Thank you.

**MS. RINGER:** Okay. Thank you. So I would note that if Fulton County had been aware of the recommendation of the investigators, we would have moved to have this matter continued because we weren't provided with the investigative report or the recommendation.
When I talked to members of the secretary of state's staff, I was told that because of the findings of Voter Works and that what happened in Fulton County was similar to what they saw in other counties, that the recommendation would not be to bind this over.

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

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

This is not an issue that was just one of Fulton County. In fact, Voter Works told us that they saw these issues in other counties, but
Fulton County did not have the time to go back and fix the errors because of the number of votes that we had to get into the system in the timeline that was given to us. Because the same thing happened at other counties, Fulton County should not be penalized. Because this happened in DeKalb County, Fulton County should not be penalized.

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

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

And so because we know that there were
issues with the system, Fulton County should not
be penalized.

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

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

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

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

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

At this time --

MR. ZAGORIN: Mr. Chairman, if I could?

MR. MASHBURN: Yeah.

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

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

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

So just to address that ...

MR. MASHBURN: Okay. At this time -- Ryan?

MR. GERMANY: May I make one --

MR. MASHBURN: Sure.

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

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

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

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

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

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

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

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

**MR. MASHBURN:** Thank you.

Questions by the board?

**DR. JOHNSTON:** I have a question. If Fulton County is responsible for their counts and they're responsible for their audit, I would -- I guess I would say they're accountable for results. If they weren't aware of a problem and they were rushed and they're large and they say
they weren't trained and there were issues with the system, did anybody in Fulton County follow up and recheck their numbers after all was said and done? Or did they take it upon themselves to recheck --

**MR. EVANS:** So the order of events that happened was, first, the machine count, and then the hand audit. And then following the hand audit, there was a recount by the machine of all -- of all the ballots.

And so I don't know if they went back and checked their hand count, but there was a subsequent machine count following the hand audit.

**DR. JOHNSTON:** Right. So it seems that Fulton County had so many issues and they were so rushed and pressed for time and it was definitely a highly contested election. Did they after the fact go back and check themselves like an accountant would do?

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

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

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

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

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

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

Is it a possibility to unmute Nadine Williams?

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

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

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

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

**MS. WILLIAMS:** Can you hear me now?

**MR. MASHBURN:** -- on your side. Yes, we
hear you clearly.

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

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

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

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

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

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

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

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

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

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

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

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

MRS. GHAZAL: Thank you.

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

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

MRS. GHAZAL: Yep.

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

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

MR. GERMANY: Even before that --

MRS. GHAZAL: Right. Right.

MR. GERMANY: -- because the ballot manifests are made kind of as --

MRS. GHAZAL: Right.

MR. GERMANY: -- kind of as things are scanned. But, yes, that's correct.

MRS. GHAZAL: Thank you.

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

MR. CALLAWAY: This is Jim --

MR. MASHBURN: No, I'm sorry.

MR. CALLAWAY: One other thing worth noting -- and if I understand correctly and I'll ask some folks to correct me if I've got my data wrong -- you know, basically, what we're doing here is the sufficiency of the hand count when it comes to these batches. And I do think it's
worth noting that in the -- that in the original reporting, in terms of it's done electronically, the difference between the original and then the hand recount were only 634 votes in Fulton County out of 525,000 votes cast, possibly 525,000 votes cast.

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

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

**MR. MASHBURN:** I thank you for your comments. That's an excellent segue into me asking the view of the board. I'm ready to entertain a motion if any member of the board is ready to make one.
There's been a recommendation to bind the case over to the attorney general.

**Dr. Johnston:** Seceded.

**Mr. Mashburn:** Well, you would be making the motion.

**Dr. Johnston:** Oh, I'll make it.

**Mr. Mashburn:** Okay. Dr. Johnston makes the motion. Is there a second?

**Mr. Lindsey:** I'll second.

**Mr. Mashburn:** That's been seconded by Mr. Lindsey. Any discussion?

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

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

I think this is just a natural result of the processes that were put in place because of the time constraints. So I am not going to support
the motion.

**MR. MASHBURN:** Further discussion? All those --

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

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

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

THE BOARD MEMBERS: Aye.

MR. MASHBURN: All those opposed?

MRS. GHAZAL: Nay.

MR. MASHBURN: Motion is carried.

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

MRS. GHAZAL: I so move.

MR. MASHBURN: Moved by Ms. Ghazal.

MR. LINDSEY: Second.

DR. JOHNSTON: Second.

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

THE BOARD MEMBERS: Aye.

MR. MASHBURN: So at this point, we will mute the microphones and move into executive session. Thank you.

(pause)

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

And so the time is now 12:15. We are going to reconvene at 1:00. 1:00 we'll be back on the record. Thank you.

(Executive session from 12:15 until 1:03.)

**MR. MASHBURN:** We'd like to welcome everybody back to the state election board, March 16th meeting. We are reconvening after executive session. I see -- there's no need to take roll. I can just put on the record that all of the board members are here. So a quorum is in order.

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

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

MS. MCGOWAN: Thank you, Mr. Chairman.

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

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

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

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

DR. JOHNSTON: I have a question.

MR. MASHBURN: Okay.

DR. JOHNSTON: Ms. McGowan, on consent order 2021-062.

MS. MCGOWAN: Yes. The Walker County case,
yes.

**DR. JOHNSTON:** So there was a violation of 21-2-571. And I just had a question as to the recommended fine -- the finding. That is the case that is a felony.

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

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

**DR. JOHNSTON:** Thank you.

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

**MRS. GHAZAL:** So moved.
MR. MASHBURN: Ms. Ghazal has made a motion. Is there a second?

MR. LINDSEY: Second.

MR. MASHBURN: Mr. Lindsey has seconded. And all those -- any discussion?

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

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

THE BOARD MEMBERS: Aye.

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

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

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

MR. MASHBURN: Yes.

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

DR. JOHNSTON: I have a question.

MR. MASHBURN: Dr. Johnston.

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

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

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

MRS. GHAZAL: If I could also clarify that we're talking about barcode scanners not ballot scanners. These are just the hand-held barcode scanners.
MS. MCGOWAN: Yeah. And this is back in 2017. So this is a prior. It was the DRE --

DR. JOHNSTON: Okay.

MS. MCGOWAN: -- equipment.

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

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

MS. MCGOWAN: That's correct.

DR. JOHNSTON: Okay. Thank you.

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

DR. JOHNSTON: Moved.

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

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

THE BOARD MEMBERS: Aye.

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

Now move to final orders. Attorney McGowan.

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

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

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

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

MR. Lindsey: Second.

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

The Board Members: Aye.

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

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

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

Mrs. Ghazal: So moved.

Mr. Mashburn: Ms. Ghazal has made the motion.
DR. JOHNSTON: Second.

MR. MASHBURN: Dr. Johnston has seconded.

All -- we have no discussion. All those in favor, aye.

THE BOARD MEMBERS: Aye.

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

Thank you, everyone.

(Concluded at 1:13 p.m.)
CERTIFICATE

STATE OF GEORGIA

I hereby certify that the foregoing meeting was taken down via Zoom Webinar 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 31st day of March, 2022.

**Mary K McMahan**

Mary K McMahan, CCR, CVR, RPR, FPR Certified Court Reporter Certificate Number 2757