

THE OFFICE OF THE SECRETARY OF STATE
STATE OF GEORGIA

IN THE MATTER OF:
STATE ELECTION BOARD MEETING

THE OFFICE OF THE SECRETARY OF STATE
SECRETARY OF STATE PROFESSIONAL
LICENSING BOARD
237 COLISEUM DRIVE
BUILDING B
MACON, GA 31217
WEDNESDAY, FEBRUARY 5, 2014
9:30 A.M.

PRESIDING OFFICER: BRYANT P. KEMP
SECRETARY OF STATE
STATE OF GEORGIA

*DEBORAH L. MERIDETH, CCR
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POST OFFICE BOX 1063
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APPEARANCES:

Brian P. Kemp, Secretary of State, State of Georgia

David J. Worley, Member, State Election Board

Ralph F. Simpson, Member, State Election Board

Rebecca Sullivan, Member, State Election Board

ALSO PRESENT:

Chris Harvey, Esquire

Russ Willard, Esquire

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TRANSCRIPT LEGEND

[sic]	--	Exactly as spoken.
(phonetic)	--	Exact spelling unknown.
--	--	(Dash) Interruption in speech.
. . .	--	(Ellipsis) Indicates halting speech, unfinished sentence, or omission of word(s).
Uh-huh	--	Affirmative response.
Uh-uh	--	Negative response.

Quoted material is typed as spoken.

9:30 a.m.

PROCEEDINGS

SECRETARY KEMP: Good morning, everyone. Let me go ahead and call the State Election Board meeting for Wednesday, February 5, to order. Ms. Sullivan, one of our board members, will be here in 5 minutes. We are going to go ahead and get started.

First we will do our invocation and Pledge. Mr. McIver will be leading us in that today.

- - -

INVOCATION

- - -

PLEDGE OF ALLEGIANCE

- - -

SECRETARY KEMP: Thank you, Mr. McIver. Just a couple of housekeeping things. I've got to step out at 10 o'clock this morning for a conference call that I hope will not last much more than an hour. But when I do that, I will state that for the record. We will still have a quorum because Ms. Sullivan has just arrived. Mr. McIver will run the meeting, as he has done before, while I'm gone. I just want to make that note so that when I step out I won't be disruptive to the meeting.

Also, we're fixing to move into our public comment period. Just for those of you who have not been to a State Election Board meeting before, or have not made a public comment before, we will hear from any person that is here today who would like to speak to us for two minutes just about any issue they would like to present to the board. This is not a time to talk about a specific agenda item. If you are here either as a respondent or complainant, or involved in one of the cases, we will have time for you to address the board during that agenda item when we call it up. If you are here to make a public comment, we will be glad to let you do that for two minutes. You just need to fill out a little form so we have your name and address for the record.

At this time, I'll ask and see if anybody has public comment for us today. Yes, ma'am. Ms. Stevens, welcome back. I know you know the drill. Just make sure you speak loudly, slowly, and clearly so we can get our reporter to be able to reflect this in the record correctly. When anybody comes up to speak to us today, just give us your full name and address for the record.

Thank you, and welcome.

MS. STEVENS: Nancy Stevens; 389 Roy Smith Road, Sparta, Georgia 31087.

I am Nancy Stevens, a board member of the Hancock County board of elections and registration. I would again ask for your help. There are quite a few cases pending with the Atty. Gen.'s office

as well as the Secretary of State's office in regards to election code violations in Hancock County. For quite a few years there have been any complaints filed in regards to he County elections. So our county problems are definitely not new to the State Election Board or the Atty. Gen.'s office.

We have a five-member board. Of those five members, we have three who have continually conspired to keep Hancock County elections as they always have been. Our elections supervisor is the same employee that had worked in the registrar's office for approximately 30 years. Her assistant had been in the same position for about 20 years. Nothing has changed.

When two board members, James Yeomans and myself, try to bring items to the attention of the board to try and bring us in compliance with the Georgia election code, we are voted down by these three board members. What we try to review records to ensure we are complying with the Georgia election code, we are voted down and told we must request open records and pay for these documents. When I do request open records, I either do not get the records requested or the cost is so inflated I cannot afford the request.

Board members are not allowed to review any action of the staff or any documents without board approval. In the past, when I have tried, the Sheriff has been called to remove me from the office. I have been told I am not allowed in the office. My actions have always been respectful, and there was no reason, other than these board members and staff did not want me to see what was happening.

At our last meeting, the three board members voted that early voting would again be held in the lobby of the county courthouse. In the last election this was also done. There were several violations with the setup of the DRE machines and voter privacy. The DRE machines were not secured at night, but left in the lobby of the courthouse. This will be happening again. We voiced our opinion that we would again be in violation and were again voted down by these three board members.

The only option we have is to file complaints with the Secretary of State's office, and we have filed many. I know a lot of things are still pending, and I am, at this point, begging you to help us. There is nothing else two board members could do.

Several times in the past you have fined Hancock County \$500. There was even one \$5000 fine. They don't care. The county just pays the fine, and business goes on as usual.

One board member has said that if we don't review anything there's nothing to file a complaint on, and therefore we are in compliance with the law.

I have previously asked the State Election Board get involved with Hancock County elections per O.C.G.A. 21-2-603 and 21-2-32, and any other help you can offer. Our situation is that serious. Thank you.

SECRETARY KEMP: Thank you, Ms. Stevens, for being here this morning. Anyone else wishing to address us during the public comment period?

(Whereupon, there was no response)

SECRETARY KEMP: Okay. Seeing none, we will move on to the approval of the minutes from the board meeting we had on September 24, 2013. Are there any corrections or additions to that? If not, I will take a motion.

MR. WORLEY: I make a motion to approve the minutes of the September 24th meeting.

MR. McIVER: Second.

SECRETARY KEMP: Mr. Worley makes a motion that we approve; Mr. McIver seconds. Any other discussion?

(Whereupon, there was no response).

SECRETARY KEMP: Hearing none, all in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

And in your binder, number two, you've got the minutes from the special called board meeting on Tuesday, December 17. Were there any additions or corrections to those minutes?

(Whereupon, there was no response)

SECRETARY KEMP: If not, I will accept a motion.

MR. McIVER: I so move.

MR. WORLEY: Second.

SECRETARY KEMP: Mr. McIver moves that we approve, as written; Mr. Worley seconds. Any other discussion?

(Whereupon, there was no response).

SECRETARY KEMP: Hearing none, all in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. We have accepted the minutes of the last two meetings.

Now we're going to move on to our consent cases. Our regular practice for quite some time on the consent cases -- all of these cases on the consent agenda are recommended to be dismissed. We'll vote on that in block.

However, if there is a board member, or if there's someone here today who would like for us to discuss this case or make comment on it, we are glad to pull that off the calendar and move that to our regular caseload.

But if not, we'll vote to dismiss these cases in a block vote. The cases are: 2012-194, McIntosh County; 2012-171, Chatham County; 2012-185, Marion County; 2012-186, Macon County; 2012-190, Talbot County; 2012-150, Lowndes County; 2012-68, Pierce County; 2012-41, Stewart County; 2012-129, McDuffie County; 2012-157, Chatham County.

Is there anybody on the board that wants to pull any of these cases out?

(Whereupon, there was no response)

SECRETARY KEMP: Is there anyone here in the audience that would like for us to discuss one of these cases?

(Whereupon, there was no response)

SECRETARY KEMP: If not, we'll be voting to dismiss. Seeing none, Mr. Harvey, anything you want to add about these?

MR. HARVEY: No, sir. Just to reiterate that these were all fully investigated and no violations were found. So I recommend closure.

SECRETARY KEMP: Okay. With that I'm prepared to have any discussion with the board or accept a motion on this block of cases.

MR. SIMPSON: I move to dismiss all these cases.

MS. SULLIVAN: Second.

SECRETARY KEMP: We have a motion by Mr. Simpson and a second by Ms. Sullivan to dismiss the consent calendar on the cases I previously named. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. We have dismissed those cases and we will now move on to our new cases.

As has been customary, to try to benefit those who take the time to show up at our meetings, I will now go through this list of cases. If you are here either as a complaint or a respondent, or if you are interested in this case, if you will just let me know, raise your hand or just say "Here"

when I call these cases. What we will do, for people who were here, we will call those cases first. And for the cases where no one is here, we will wait and hear those after we get through with you all. That way you all -- hopefully, when you get done with your business, you can get out of your little bit quicker. Especially if you are at the bottom of today's agenda.

On our new cases, 2012-141, we granted a customary continuance for that case. So we will not hear that today. That is number 12 in your binder.

The next is 2012-103, Sumter County.

UNIDENTIFIED MALE: Yes, sir.

SECRETARY KEMP: 2012-76, Atkinson County.

(Whereupon, there was no response)

SECRETARY KEMP: 2010, Stewart County, City of Louvale.

(Whereupon, there was no response)

SECRETARY KEMP: 2012-81, Berrien County.

(Whereupon, there was no response)

SECRETARY KEMP: 2012, number 87, Johnson County.

UNIDENTIFIED FEMALE: Here.

SECRETARY KEMP: Okay. 2012-136, Peach County.

(Whereupon, there was no response)

SECRETARY KEMP: 2012-134, Irwin County.

UNIDENTIFIED FEMALE: Here.

SECRETARY KEMP: Mr. Harvey, were we going to move the Ben Hill case up too?

MR. HARVEY: Yes, sir. We're going to put that with the Irwin County case.

SECRETARY KEMP: Let me go ahead and call the Ben Hill. 2012-147, Ben Hill. Y'all are here, aren't you?

UNIDENTIFIED FEMALE: Yes.

SECRETARY KEMP: 2012-140, Sumter County?

UNIDENTIFIED MALE: Here.

SECRETARY KEMP: 2012-139, Jeff Davis?

(Whereupon, there was no response)

SECRETARY KEMP: 2012-138, City of Zebulon.

UNIDENTIFIED MALE: Here.

SECRETARY KEMP: 2012-195, Bleckley County?

UNIDENTIFIED FEMALE: Here.

SECRETARY KEMP: 2013-2, Candler County?

UNIDENTIFIED MALE: Here.

SECRETARY KEMP: 2012-191, Bibb?

(Whereupon, there was no response)

SECRETARY KEMP: 2012-187, Crawford County.

UNIDENTIFIED MALE: Here.

SECRETARY KEMP: 2012-126, Peach County.

(Whereupon, there was no response)

SECRETARY KEMP: 2012-123, Early County.

UNIDENTIFIED FEMALE: Here.

SECRETARY KEMP: 2012-165 Lincoln County.

UNIDENTIFIED FEMALE: Here.

SECRETARY KEMP: 2012-115, McIntosh County.

UNIDENTIFIED FEMALE: Here.

SECRETARY KEMP: 2012-121, Putnam County.

UNIDENTIFIED FEMALE: Here.

SECRETARY KEMP: I think we're set. Kayla, if you see somebody else come in, you check and see where they're from and mark them off.

With that, Mr. Harvey, we will move into our new cases. The first one will be number 13 in our binder; number 2012-103, Sumter County case.

MR. HARVEY: Yes, sir, Mr. Secretary, members of the board. This case involves a runoff election that occurred after the general primary in 2012. At the conclusion of the July 31 primary, their election was certified on August 3, 2012, and the need for a runoff was apparent.

The Sumter County board of elections and registration was notified by the Secretary of State's office on August 6 that they would have to have a runoff, at which point, the newly-appointed elections director, Robert Brady, began the process to order ballots and make sure the election could go ahead.

In the process of preparing that, in ordering ballots, the ballots did not arrive until the last day of early voting, and therefore, there was no advance in-person voting that was scheduled for August 21, 2012.

As a result, we've got the Sumter County board of elections and registration and Mr. Brady cited for violations of 21-2-385(D)(1) for failure to make sure that a period of in-person advance voting took place before election.

Other facts that may be pertinent to this case, one is that Mr. Brady had just been appointed to this position about 30 days before. And once they were notified of the runoff, they did everything they could to get ready. Nonetheless, I'm not sure what the delay was between the 31st and the 6th in terms of preparing for the runoff. They obviously lost about a week in getting ready at that time. It's always a challenge to get advance voting for a runoff election.

But that is the case as we have it. We've got the board and Mr. Brady cited for the list of violations. And in this case, I recommend it be bound over to the AG's office for some kind of consent order.

SECRETARY KEMP: All right. Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak on this matter? Yes, sir. Just a reminder if you'll give us your name and address for the record.

MR. BRADY: Good morning. My name is Robert Brady. I am the supervisor of elections for Sumter County.

This event took place; there is no doubt it took place. I'm not denying it. A lot of the problems that were there came about due to my inexperience at the time and inability to prevent these

things from happening. I took every action that I knew to take believed that I completed everything in a timely fashion. All of the people involved in the state and Kennesaw State performed their duties as timely as was expected. The ballots, unfortunately didn't arrive. And as you know, without ballots, we can't do our L&A testing and we can't have absentee in-person balloting. There's nothing that I can say beyond, yes, that did happen.

Beyond that, the steps that I have taken to prevent this from happening again are to change our ballot providers; to streamline my means of communications with these people; I have a whole new organization that is currently handling our L&A testing; and I have made every change in the office that is possible for me to change.

And while it is impossible for me to say it will never happen again, I can truthfully say that I have done everything I know to be sure it doesn't happen again. Unfortunately, that's an event that took place that I regret. But all I can do is try to fix it for next time.

And I appreciate the time for you listening to me.

SECRETARY KEMP: Yes, sir. Hold tight one second. Any questions? Mr. McIver.

MR. McIVER: Mr. Brady, did you undergo all the training that has been afforded to you by the division of elections?

MR. BRADY: Since that time or prior to that time, sir?

MR. McIVER: Prior to that time.

MR. BRADY: Prior to that time, no, sir. I attended all the training that was made available prior to that point. But it was a very incomplete education due to the fact that I came on board 29 days -- well, 27 days later this event took place. And there just simply had not been time for me to conduct the duties of running the office and setting it up and attend the training. So the training, as it was made available, was attended, yes, sir, at the earliest opportunity.

MR. McIVER: Did you call on the division of elections?

MR. BRADY: I'm sorry, sir?

MR. McIVER: Did you call on the division of elections for advice or support when it was apparent that you had a problem?

MR. BRADY: Yes, sir. Actually, the truth of the situation is that I am the one that called and told them we had a problem. I brought it to the attention of the board and said, I've got a real problem down here. What can I do? And I was given advice that was sound advice. I attempted to follow it. But unfortunately I was not able to remedy the situation in a timely enough manner.

MR. McIVER: Looking backwards, is there anything you could've done that you didn't do at the time?

MR. BRADY: Sir, after considerable soul-searching about this matter, No, sir. I really believed I did everything I could do; I asked everybody I could asked; I got all the assistance I could get. The timeline was so short that the people who would -- and they were most helpful -- made every effort to help me with the situation. There was simply not time for anything to be done to correct this. I had already gotten as far as I could get in this and there wasn't anything I could do.

MR. SIMPSON: Where was the delay? Where was the time delay? Was it in the printing of the ballots or was it in requesting the ballots? I mean, there's got to be something that caused it not to happen.

MR. BRADY: I can only speculate as to the exact reason, okay. But the cause, the root cause of this was that the order for the ballots were placed in a timely fashion. Kennesaw State supplied the information in a timely fashion. The ballot providers and printers did not provide me with the ballots in a timely fashion. I told them of my situation. They told me they would get me as quick as they could. It is my own personal opinion, and that is all I can say that it is personal opinion, that much larger ballot orders had been placed and those were processed before mine was. In other words, they were not especially concerned with my problem.

MR. SIMPSON: You changed providers?

MR. BRADY: Yes, sir. I have since changed providers.

SECRETARY KEMP: Any other questions for Mr. Brady?

MR. McIVER: I do have one for Mr. Harvey.

MR. HARVEY: Yes, sir.

SECRETARY KEMP: Again, your recommendation, Mr. Harvey? I don't see it on the presentation here in front of me.

MR. HARVEY: It's to bind over for a consent order, possibly a cease and desist. I would mention that Mr. Brady, since becoming elections director, has been in regular communication with me on other matters. He appears to take his job very seriously and appears to be very conscientious. This happened very early in his stint. I think either a simple cease and desist or a letter of instruction will be okay this case.

MR. McIVER: Mr. Chair, I wonder if we shouldn't continue to burden the law department with cases like this that seem to have easy answers. I wonder if a motion for a letter of instruction which could be drafted and go forward without further heavy engagement by the law department.

SECRETARY KEMP: I certainly could support that. I think it says a lot that Mr. Brady is here this morning and has taken accountability for his actions. And I think the fact, too, that he was only therefore 29 days prior, you know, and I'm certain we will not see him again, except for maybe a training.

MR. McIVER: I thought I would put in my motion that if he came back he would have to buy lunch.

SECRETARY KEMP: Mr. McIver, I would not advise that as part of your motion.

Thank you. Anything else for Mr. Brady?

(Whereupon, there was no response)

Let me just ask real quick, is there anyone else wishing to speak before we get to making a motion?

(Whereupon, there was no response)

SECRETARY KEMP: Seeing none, if there are no more questions from the board, we can accept a motion. Thank you, Mr. Brady, for being here.

MR. BRADY: I appreciate your time. Thank you very much.

MR. McIVER: Mr. Secretary, I will move that a letter of instruction be prepared and administered to Mr. Brady and his staff, and, of course, a copy to the commission of that county.

SECRETARY KEMP: We've got a motion by Mr. McIver for a letter of instruction. Do we have a second?

MR. SIMPSON: Second.

SECRETARY KEMP: Mr. Simpson seconds. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

SECRETARY KEMP: Mr. Harvey, we've got 2012, number 76, Atkinson County. Before you start, I'm going to go ahead and step out before we get started on that and let Mr. McIver take the helm and continue to work through the agenda.

MR. HARVEY: Mr. McIver, I believe no one is here from Atkinson County.

SECRETARY KEMP: I'm sorry. I made the wrong . . .

MR. HARVEY: By my count, we should be on Johnson County.

MR. McIVER: Before we do that, let's let the record reflect the Secretary is leaving the room. We will identify when he returns so that our record will remain accurate. We continue to have a quorum with Messrs. Sullivan, Worley, Simpson, and myself present.

We will proceed on with the business at hand, and that would be, at this point -- is it 76; 2012-76?

MR. HARVEY: I believe we're going to skip down to 2012-87, Johnson County.

MR. McIVER: I now have my agenda in front of me.

MR. HARVEY: This case involves multiple complaints coming from both the 2012 general primary and the November 6 general election.

The complaints involve allegations of illegal assistance and possession of absentee ballots; an allegation that the Sheriff and a county commissioner were exchanging ballots in people's homes; an allegation that a candidate had transported voters and had been allowed to assist in a precinct; and that a voter was allowed to vote even though she was no longer a resident of Johnson County.

After the investigation, we determined, first of all, that the allegations involving respondent Berneda Darrisaw showed that she did assist without signing and took possession of at least four absentee ballots. We got statements from these four people that Ms. Darrisaw completed the top of the absentee ballot envelope and then took possession of the ballots to return them to the election office. Ms. Darrisaw denies possessing the ballots.

As far as the allegation that the Sheriff and a commissioner had anything to do with exchanging absentee ballots, our investigation revealed there was no evidence to support that. There were some meetings that took place, but there is no evidence that anything was done with absentee ballots, or that money or any other items changed hands.

Candidate Jerroney Darrisaw transported voters to the polls, which is, of course, completely legal. However, he was allowed to assist seven of those voters, and also illegally entered the polls in order to assist those voters while he was a candidate on the ballot. So we found Mr. Darrisaw in violation for those two facts.

Monica Roberts is cited in the report as voting without changing her residence after two years of moving away. By her admission, she had moved out of Johnson County for two years; had come back and had voted. And in the act of voting, had not changed her residence as required under code 21-2-218. So we've got her cited for that violation.

In addition, we've got -- the report lists Hiram Johnson and Stacy Johnson as violations for receiving illegal assistance. The practice of the board is generally not to cite electors who receive unauthorized assistance as it is largely done without their real knowledge or consent that they can't do that. So I recommend that as far as Hiram Johnson and Stacy Johnson goes, their citations be dismissed.

As far as Ms. Hutchinson and Leticia Holland, they possessed a box of -- well, ballots from the 2004 election that had been left in the office when the elections office moved. It had apparently been sitting in the hallway for years. Ms. Holland took the box home and planned on using the box for storage. She didn't realize it had election documents in it. They were not properly destroyed by Ms. Hutchinson, however, we are talking about something that happened eight years prior. I would recommend that the violations against Ms. Hutchinson and Ms. Holland also be dismissed.

As far as Patricia Glover, who is the clerk, and Debbie Killingsworth, who is the elections supervisor, we've got them cited for failure to transmit or accept the election materials as required post-election.

And I believe that brings us to the end of the Johnson County case.

MR. McIVER: I'll try to do this in an orderly way. Who is here to appear on this matter, either you are with the county or you're with the respondents? There how many people?

UNIDENTIFIED MALE: We have three.

MR. McIVER: Let's have the county go first. So whoever will be the spokesperson on behalf of the county. Let me remind you as you approach the microphone, please give us your name and address.

MR. NORMAN: My name is Shay Moorman. I'm with Matthew L. Waters, PC. We are the county attorneys. Our address is 8653 South Market Street, Wrightsville, Georgia 31096; or PO Box 151.

With regards to the issue of the election materials transferred to the clerk of court, there is no dispute that the materials were not kept by the clerk of court; they were instead kept by the elections officials.

The reason for that, back in 1999, a resolution was passed creating the Johnson County Board of Elections. Beginning in 2000, prior to the time our current clerk of court took office as the clerk, the election materials have been kept there, is our understanding. After the elections board was formed, they stopped coming to the clerk. I can't stand here today and tell you what happened and how it happened, but that fell through the cracks. Someone was not bringing them to the clerk. So our current clerk was not aware that she was supposed to be keeping them.

When Mrs. Killingsworth, the current elections supervisor took over, the first election she took

them to the clerk of court and left the materials with the clerk. The clerk then contacted Ms. Killingsworth and told her, "I don't keep these," you know. "And I am designating you to keep them." That had been what was happening. It happened in this last election.

Since that time, we have two resolutions that will be passed by the county at next Monday's meeting. We are designating, or redesignating, an official county records manager. And I can assure you from this point on, either the clerk of court will be keeping them or, as authorized by statute, she will be designating the county -- official county records manager to keep those records.

MR. McIVER: Any questions of the board to Mr. Norman?

(Whereupon, there was no response)

MR. McIVER: Thank you, sir. May we have the next speaker on behalf of the county.

(Whereupon, there was no response)

MR. McIVER: All right. Anyone wish to come forward and speak on behalf of respondents? Sir, please, again, give us your name and address.

MR. HOLLAND: Yes, sir. My name is Daniel Holland, 36 Union Hill Church Road, Wrightsville, Georgia.

I didn't hear him mention in the charges for my wife, Patricia Holland, I didn't hear him at the fact that her supervisor at the time gave her this box and both of them have been in this office for quite a while. I believe my wife had been there seven or eight years. This box has just been playing around, and they assumed that it was trash.

It would also be hard if a later round that long for Ms. Killingsworth to be responsible for the box. She didn't have no idea that the box was laying there because Ms. Hutchinson had left the box when her employment was discontinued with the county. From what I understand, it was not a happy situation when she left, or whatever the circumstances was, and she just dropped her responsibility and didn't make sure that everything was where it was supposed to be when she left. Thank you.

MR. McIVER: Any questions for Mr. Holland?

(Whereupon, there was no response)

MR. McIVER: Mr. Holland, I'm just a little confused. You heard Mr. Harvey recommend the dismissal, but is your wife Leticia Holland?

MR HOLLAND: Yes, sir.

MR. McIVER: So what is it you would have us do?

MR. HOLLAND: I just wanted you to know that she didn't just decide to take that box on her own decision. It was given to her by her supervisor.

MR. McIVER: So you would agree with Mr. Harvey's recommendation that this matter be dismissed with respect to your wife?

MR. HOLLAND: Yes, sir.

MR. McIVER: Thank you. Anyone else wishing to speak on this matter?

(Whereupon, there was no response)

MR. McIVER: Does the board have any questions of Mr. Harvey?

(Whereupon, there was no response)

MR. McIVER: This looks like it might be bifurcated into two pieces. One, Mr. Harvey's request that we consider dismissal of Hiram Johnson, Stacy Johnson, Lucy Hutchinson, and Leticia Holland. I think the Chair will accept a motion one way or the other on that matter first.

MS. SULLIVAN: So moved to dismiss those.

MR. SIMPSON: Second.

MR. McIVER: We have a motion by Ms. Sullivan for the dismissal of the four that I earlier indicated earlier, with a second by Judge Simpson. Any discussion?

(Whereupon, there was no response)

MR. McIVER: We will then have a vote on that.

MR. McIVER: All in favor of the motion, signify by saying "Aye."

(Whereupon, the vote was unanimous)

MR. McIVER: Those opposed?

(Whereupon, there was no response)

MR. McIVER: That then leaves us with the remainder of 2012-87. Is there any discussion on that?

(Whereupon, there was no response)

MR. McIVER: A motion, please, from a member of the board.

MR. WORLEY: Mr. McIver, I had understood there were other people here who wanted to

Speak on this case.

MR. McIVER: I thought I had indicated an opportunity to for them, but I will certainly renew it.

UNIDENTIFIED MALE: There's no one here who wishes to speak, sir. It's just we have four in attendance.

MR. WORLEY: Oh, okay.

MR. McIVER: Anyone on the board have a motion for us on this matter?

MR. WORLEY: I would make a motion that we bind over the remaining charges in this case to the Attorney General's office.

MS. SULLIVAN: Second.

MR. McIVER: We have a motion from Mr. Worley, second from Ms. Sullivan, that 2012-87, with the exception of those four individuals dismissed, being bound over to the law department. Any discussion on the motion?

MR. WILLARD: Mr. Chairman, I believe there may be some individuals listed as respondents in your tab who no finding was found. In addition, you've got some of the individuals Mr. Harvey indicated received improper assistance, but it's the board's policy typically to issue letters of instruction.

I just want to clarify that we are binding over everyone, including those individuals who received improper assistance.

MR. WORLEY: No. Those were dismissed.

MR. WILLARD: No, actually --

MS. SULLIVAN: Hiram Johnson and Stacy Johnson.

MR. WILLARD: All right. So we are binding over Johnson County, Ms. Killingsworth, Mr. and Mrs. Darrisaw -- yeah. The Willises are listed as respondents in your tab, but there are no violations found.

I just want to make sure that the record accurately reflects who is being bound over.

MR. McIVER: Well, I've got a motion on the table. So we either need to vote the motion or have a motion to amend Mr. Worley's motion.

MR. WILLARD: Mr. Chairman, I'm saying that the motion is deficient for purposes of binding over to OSAH. We need to identify who the respondents are that are actually -- probable cause

was found.

MR. WORLEY: All right. I will withdraw my motion to make another motion.

MR. McIVER: Ms. Sullivan, do you withdraw your second?

MS. SULLIVAN: Yes.

MR. McIVER: Mr. Worley.

MR. WORLEY: I would make a motion that we bind over the charges in the case against Berneda Darrisaw, against Debbie Killingsworth, against Jerronney Darrisaw, against Patricia Glover, and Monica Roberts.

UNIDENTIFIED FEMALE: Before y'all vote, I thought you were just doing the court report thing. May I speak?

MR. McIVER: I need your name and address.

MS. KILLINGSWORTH: Debbie Killingsworth, 2417 Snail Bridge Road, Wrightsville, Georgia.

MR. McIVER: Go ahead. It's out of order, but please go ahead.

MS. KILLINGSWORTH: Thank you. When I allowed the commissioner to come in and assist, yes, technically his name is on the ballot, and I do apologize. But he had no opposition at that time. I know it's ignorance, but he was not soliciting votes because he had already won the election, if that helps my case any.

MR. McIVER: Any questions for Ms. Killingsworth?

(Whereupon, there was no response)

MR. McIVER: Anything else, Ms. Killingsworth?

MS. KILLINGSWORTH: No, sir.

MR. McIVER: Thank you. All right. I believe you completed your motion, Mr. Worley.

MR. WORLEY: I did.

MR. McIVER: Is there a second to Mr. Worley's motion?

MS. SULLIVAN: Was Johnson County included in that motion?

MR. WORLEY: No. Actually, I would add Johnson County elections and registration office to

that motion.

MR. McIVER: All right.

MS. SULLIVAN: Second.

MR. McIVER: Johnson County elections and registration office has been added. Now do I have a second before discussion?

MR. HARVEY: Second.

MR. SIMPSON: May I ask a question?

MR. McIVER: Go ahead.

MR. SIMPSON: Basically, what we're doing is we're binding over all the other respondents other than the Willises; is that correct?

MR. WILLARD: And the ones that you previously dismissed.

MR. SIMPSON: Right. Yes.

MR. HARVEY: That's correct.

MR. SIMPSON: All right. I understand.

MR. HARVEY: The Sheriff is not being bound over. So Willises and Sheriff --

MR. SIMPSON: Are the ones that are being excluded from this motion?

MR. HARVEY: Yes, sir.

MR. SIMPSON: And we will deal with that in a separate motion, is that --

MR. HARVEY: They're not even cited for anything.

MR. McIVER: They're just listed as respondents.

MR. SIMPSON: Thank you.

MR. McIVER: We have a motion and a second. Any discussion by the board?

(Whereupon, there was no response)

MR. McIVER: Hearing none, let's put it to a vote. Those who are in favor of the motion, please signify by saying "Aye."

(Whereupon, the vote was unanimous)

MR. McIVER: Those opposed?

(Whereupon, there was no response)

MR. McIVER: That motion carries. Mr. Harvey, we will go to -- stand by to support me, Mr. Willard -- 2012-134, Irwin County. And that is going to be considered with Ben Hill County; is that correct?

MR. HARVEY: Well, Ben Hill County is going to be next because they're -- Irwin County also has Ben Hill as a respondent. So we're going to hear 2012-134, and then immediately, 147 after that.

MR. McIVER: Proceed, please, with 134.

MR. HARVEY: Case 134 involves an elector who was registered to vote in Ben Hill County; was a long time Ben Hill County registrant. She was residing temporarily in a facility to deal with a medical issue in Irwin County. This woman's daughter requested an absentee ballot from Ben Hill County, which was issued by Ben Hill County.

In the meantime, somebody from Irwin County came to the facility where this voter was living and registered her to vote and requested an absentee ballot in Irwin County, not knowing that the voter was already registered in Ben Hill. and there were some cognitive issues that could have easily explained why the voter would not have remembered that she had already voted a ballot in Ben Hill County.

So when Irwin County got the ballot, the absentee ballot back, they noticed on the system that there was a ballot on the system that had already been issued in Ben Hill County. So they called the election office to see if there was some kind of problem with the system. It turned out that the elections office was able to void the ballot in Irwin County, allow the ballot in Ben Hill County to go forward, whereupon, the voter was allowed to vote in Ben Hill County as she originally intended, as she was originally registered.

The registration and voting attempt in Irwin County was essentially unintentional on the voter's part and on the person who registered her.

Basically, at the end of the day, the election took place; the voter was allowed to vote in the County where she was originally registered.

Several other allegations in this election, they were all unsubstantiated with the exception of one of the precincts had a door unlocked at one of the voting precincts.

You'll see on your violations that the first violation I have listed for Ben Hill County and Cindy Dunlap, I would argue that was actually not a violation.

So the violation of O.C.G.A. 21-2-381 as listed in the summary report, I would request be dismissed. She was temporarily residing out of the County and, I think, was entitled to vote her Ben Hill ballot.

The other violation that is cited is a State Election Board rule regarding securing a door at a voting precinct and one count of a voter who was allowed to assist her son without signing as assisting.

So what ended up happening is you had an unlocked door and one voter being allowed to assist her son without signing as assisting.

Based on all that, I would recommend dismissal of the first charge, and I believe a letter of instruction could be issued to Ben Hill County regarding the unlocked -- the single unlocked door and one person assisting without signing. That would be my recommendation.

MR. McIVER: Anyone here to speak on this matter?

MS. SWAYER: Yes, sir. Good morning. I am Toni Sawyer. I'm the county attorney for Ben Hill County. My office is located at 311 West Central Avenue, Fitzgerald, Georgia. I also have Ms. Cindy Dunlap, who is the elections supervisor. Their office is located at 115 West Pine Street, Fitzgerald, Georgia.

With regard to the issue of the voter registration, unfortunately Mr. Harvey was a little bit confused. What occurred is that the voter's daughter came to our office in Ben Hill County and requested an absentee ballot. She received an absentee ballot and that ballot was sent back to our office in Ben Hill County. When we attempted to put the voter in the system, we were unable to do it.

We contacted the Secretary of State's office and spoke to Rochelle Simmons and Erica Hamilton and we advised them of what occurred. In their system they showed that the voter was registered in Irwin County. We were advised to stand by and they would get back with us.

In the meantime, we did not know that the voter was actually an Alzheimer's patient residing in a nursing home in Irwin County. But in the meantime, Rochelle and Erica did contact us back and told us what occurred was there was some glitch in the State's system. They don't know how it occurred, but the voter was somehow registered in Irwin County after she was issued an absentee ballot in Ben Hill County.

We were advised that the State's office would have to delete the voter from the Irwin County system and put her back in the Ben Hill system, and they would notify us when that was done. We were, in fact, notified later that the voter was deleted from the Irwin County system and placed back in the Ben Hill system, and her ballot was, in fact, counted in the November 6, 2012, general election.

So we were not at fault at all with regard to that issue. We don't know how it occurred. Like I

said, immediately upon not being able to put the voter in the system, we immediately contacted the elections division at the Secretary of State's office.

With regard to the issue of the door being locked at a precinct, we contend that is not true.

In Ben Hill County, the precinct they're referring to is our west precinct. Our west precinct is actually housed in the social hall of a church. Unfortunately, Ben Hill County is not a large county. We have to really rely on the benevolence of organizations and churches to allow us to use their buildings for elections because we don't own a building in these areas that are large enough to hold an election.

The west precinct is located in the social hall. The social hall is located in a building separate from the actual sanctuary that houses the social hall and a couple of classrooms that are used for -- on Sundays for nursery classroom and a couple of other classrooms.

But in that building, the social hall is an enclosed area. Meaning that it is -- when you lock -- there are stairs that lead into the social hall from the other classrooms. So when you lock the doors in the social hall, you cannot get back and forth from these other buildings.

It's our understanding that the door that was unlocked was a door that was on the side near the classrooms. So even if that door was unlocked, nobody could still access the social hall, which is the voting precinct.

We actually have a diagram for you, if we may approach and show you the diagram; actually, two diagrams of what we are referring to.

If you will allow, I will have Cindy come up and show you the diagram of the building.

MR. McIVER: Do we have a motion to receive this document?

MR. SIMPSON: So moved.

MR. WORLEY: Second.

MR. SIMPSON: Both documents.

MR. McIVER: Thank you. Both documents. I'm going to mark them BH1 and BH2. We have a second?

MR. WORLEY: Second.

MR. McIVER: All right. I have a motion and a second to receive the documents. Anyone opposed?

(Whereupon, there was no response)

MR. McIVER: I will consider this motion is passed. Are those our copies, or do you want to refer them in your remarks?

MS. SWAYER: Those are your copies. Ms. Dunlap, if you could just stand there and show them exactly where the voting precinct is and the locked doors and unlocked doors.

MS. DUNLAP: On the front page, the way it's set up, these are the front doors here. These are the double doors that lead down to the second division of the precinct, which the staircase is right here. These are the classrooms here.

It is our understanding that this door here was the door that was left unlocked, or that was being used at the time. But the double doors that lead down those stairs to that door, were locked. And that is the only way you can get in from this section of the Sunday school rooms into the social hall.

So all the doors -- the front doors and the step doors going down to the part of the building the door was supposedly unlocked was not accessible to where the machines were or the precinct.

MS. SWAYER: And as to the third issue of the voter assistance, truthfully, we don't know anything about it. We do know the voter in question was let out at the precinct by her son. She is an elderly lady. We do have the poll manager here with us.

The poll manager actually went and got a chair for the voter to sit down while she registered -- well, completed her voter certificate. Her son was not with her at that time. We have submitted documentation showing that the son did not sign off as assisting her. The person that assisted the voter in completing the voting certificate says the son was not with her. So unless the son somehow or another slipped past our barrier, we don't know how that occurred. So we don't know if the voter is confused with another election. But all our workers said this voter was not assisted; the son was not with her whatsoever.

That's all that we have.

MR. McIVER: Anyone else wishing to speak on this matter?

(Whereupon, there was no response)

MR. McIVER: Mr. Harvey, do you have a retort for us?

MR. HARVEY: Our investigator spoke with Ms. Taylor and she said she assisted her son by reading the ballot -- I'm sorry. That her son assisted her by reading the ballot to her. She also verified that her son did not sign anything indicating he assisted. And then we've got the copy of the voter certificate and it did not show any indication of assistance. So we have the statement of the voter that she was assisted.

MR. McIVER: Do we need to hear from your investigator, Ms. Jones?

MR. HARVEY: I don't necessarily think so. She's here, but, I mean --

MR. McIVER: I'm leaving that to you, Mr. Harvey.

MR. HARVEY: I don't believe so; no, sir.

MR. McIVER: Anyone else wishing to speak on this matter?

MS. SWAYER: I would actually like to call our poll manager, is Ms. Hannah, so she can speak on it.

MR. McIVER: Ms. Sawyer, again, if you would assist her in reminding her that we need her name and address.

MS. SWAYER: Okay.

MS. HANNAH: My name is Melody Hannah. My address is 323 Delta Road, 31750; Fitzgerald.

I seen the lady when she pulled up, or I seen her son when he pulled up to the door. I recognized the lady. She was trying to come in. I went and got a chair for her. She sat down. She was given the little slip that you fill out, and from there, I was called somewhere else. I don't know what happened. I was busy somewhere else in the room. I just -- I don't know what happened.

MR. McIVER: You don't know whether or not her son would have assisted her in voting?

MS. HANNAH: No, sir. We had people that was coming in that was from different precincts -- you know, that was not in the right place to vote. And so I was having to help verify that. We had some provincials that come in and I was having to help with that. That day, I was all over the place.

MR. McIVER: Anything else?

MS. HANNAH: No, sir.

MR. McIVER: Any member of the board wish to ask a question of Ms. Hannah?

MR. SIMPSON: Ms. Hannah, are you saying you don't know whether or not the son assisted?

MS. HANNAH: Yes, sir.

MR. SIMPSON: So you can't say he did or did not.

MS. HANNAH: Once the lady was seated, I just got up and went to do something else.

MR. SIMPSON: So you can't say whether the son did or did not help?

MS. HANNAH: No, sir.

MR. SIMPSON: Okay. Thank you.

MR. McIVER: Any other questions for Ms. Hannah?

(Whereupon, there was no response)

MR. McIVER: Counsel, anyone else?

MS. DUNLAP: Again, Cindy Dunlap, supervisor. When this came to our attention, I did contact Ms. Hannah, both assistant managers, and other poll workers, and I asked them if they recalled Mr. Taylor coming into assist his mother; if they recalled anything of the incident. There was nobody that recalled Mr. Taylor coming into the precinct. We currently had ten poll workers including a manager and two assistants that don't recall him coming in. Again, we can say it did happen; we can't say it didn't happen. But out of the ten polling workers, they don't recall him coming into the precinct.

Unfortunately, I wasn't there so I can't say either way. We just kind of talked to everybody that was there to see if they could go recall anything, and they could not recall anything as well.

MR. McIVER: Okay. Any member of the board wishing to direct remarks or a question to Ms. Dunlap?

MS. HANNAH: May I add something?

MR. McIVER: Yes, ma'am.

MS. HANNAH: When the lady come in and I assisted her to a seat, her son walked back out to park the vehicle somewhere. And after that, you know, I didn't see him. He could have been in there; I don't know.

MR. McIVER: Any questions of Ms. Hannah?

(Whereupon, there was no response)

MR. McIVER: Counsel, any other remarks?

MS. SWAYER: No, sir.

MR. McIVER: Any questions of the county attorney?

(Whereupon, there was no response)

MR. McIVER: Thank you, Ms. Sawyer. We appreciate that.

MS. SWAYER: Thank you.

MR. McIVER: Mr. Harvey, anything else you want us to consider?

MR. HARVEY: No, sir. Again, my recommendation would be a letter of instruction.

MS. SULLIVAN: And to dismiss the violation of 21-2-381?

MR. HARVEY: And to dismiss the first violation cited.

MR. McIVER: Let's see if I can get a motion first. Any other discussion?

(Whereupon, there was no response)

MR. McIVER: All right. I will entertain a motion on 2012-134.

MS. SULLIVAN: I make a motion that we dismiss the case regarding the violation of O.C.G.A. 21-2-381 against the board of elections and Cindy Dunlap.

MR. McIVER: Is there a second to the motion?

MR. WORLEY: I second that.

MR. McIVER: We have a motion from Ms. Sullivan and a second by Mr. Worley with respect to the recommended dismissal of Ms. Dunlap. With respect to 21-2-381. Any discussion on the motion?

(Whereupon, there was no response)

MR. McIVER: No discussion, we will put it to a vote. All in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

MR. McIVER: Those opposed?

(Whereupon, there was no response)

MR. McIVER: Motion carries. Now for the matter -- Judge Simpson has a question.

MR. SIMPSON: On this remaining allegation with regard to the storage of the equipment and whether the door was locked or not?

MR. HARVEY: Yes, sir.

MR. SIMPSON: Can your investigator say that she can dispute what counsel has said about

that maybe one door was unlocked but it was not the door that someone could have gained access? I mean, if the door the county attorney says was locked you could not have gotten access to the equipment. Was that told to your investigator?

MR. HARVEY: I'm checking on that now.

MR. WILLARD: Mr. Simpson, if I could interject here. The State Election Board rule requires the DRE machines be in a locked and secure room. So even though the room may have been secure from outside access, part of the reason that State Election Board has required adopted the rule that requires the machines to actually be within a fully locked room is you can't control access into that room. We are not certain who may have had access to the classroom. But if they can gain access to the classrooms, based on the diagrams, they could get in.

They couldn't access the -- so who could access -- where's the unlocked door? If I can ask the --

MR. SIMPSON: As I understand what she said, you could not access the room where the equipment was stored because the access -- you had to get through the locked door before you could get to the unlocked door. So that would have barred access to the equipment. The fact that the closest door to the equipment was unlocked, if there was another door further away that was locked that would have prevented access, it seems like to me the statute is complied with.

MR. McIVER: It's actually a rule, though. It's an SEB rule.

MR. WILLARD: If the board would permit, can I ask the county attorney one question?

MR. McIVER: Sure. Would you return to the podium, please, and state your name.

MS. SWAYER: Toni Sawyer, county attorney, Ben Hill County.

MR. WILLARD: Thank you, Ms. Sawyer. What is in the area outside of the unlocked door?

MS. SWAYER: Let me first answer your first question.

As I stated earlier, the precinct is in an enclosed area like this room.

MR. WILLARD: Right.

MS. SWAYER: All the doors in the precinct were locked. There is a building and in the building there is a stairwell. So the doors that -- to the stairwell were locked. Now, when you go down the stairwell to the classrooms, it's our understanding, because we don't even know; we just know that we secured the building that enclosed -- where the DRE equipment was being held.

Now, there is a stairwell that goes down. And then it's our understanding that possibly the door at the bottom of the stairwell that led in to the classroom may have been unlocked.

But our employee secured the area where the DRE equipment was held, where people were

voting, and that area was locked. You have the front door; you had the door that led to the stairway. Those doors were locked.

Now, you go down the stairwell and there is another door that leads into -- that you access the classrooms. We don't know for sure, but it is our understanding that those doors were locked. That is not part of the precinct. That's part of where the church does their classrooms. We only use that one part of the building as the voting precinct.

MR. HARVEY: For what is worth, the groundskeeper at the church said that he entered the building and found the rear door of the church unlocked. He stated that the door can only be locked an Allen wrench and he locked the door and left the building. He said that the social hall that is used as the voting precinct was accessible from the church through a set of double doors that cannot be locked.

MR. WILLARD: And the point I'm trying to make to the county attorney is, while somebody would have to normally go through a door to get into that room, it is sounding like, based on the diagram you had and witness statements, if somebody broke in through a window in another area of the church, they could access the DRE machines and the poll manager who is present in the room that the DRE machines are in would have no knowledge that a window had been broken and somebody had come into that area.

MS. SWAYER: But what I'm trying to get you to understand is that it's in an enclosed space, and if somebody broke a window, it's downstairs. That's no different than being in a regular building. If somebody broke a window, you still would not know.

MR. WILLARD: Exactly. But the rule requires that the machines be kept in a locked room.

MS. SWAYER: And they were kept in a locked room.

MR. WILLARD: All right.

MR. WORLEY: I make a motion that we dismiss this rule violation charge.

MR. SIMPSON: Second.

MR. McIVER: I have a motion and second that the alleged violation of 183-1-12 -- in that, do you have the assistance of the son?

MR. WORLEY: No. I'm talking only about the storage.

MR. McIVER: So rule 183-1-12 be dismissed. Second by Judge Simpson. Any discussion?

(Whereupon, there was no response)

MR. McIVER: No discussion. We will put it to a vote. Those in favor of Mr. Worley's motion to dismiss 183-1-12, please indicate by saying "Aye."

(Whereupon, the vote was taken)

MR. McIVER: Opposed? I'm opposed. That motion carries 3 to 1.

Now, with respect to the assistance by the son, I guess Alan Taylor of Ruth Taylor, do we have a motion? Again, I think we have a recommendation from Mr. Harvey that letter of instruction be issued. Do I have a motion?

MR. SIMPSON: I move that we accept Mr. Harvey's recommendation and issue a letter of instruction.

MR. McIVER: Do we have a second to the motion?

MS. SULLIVAN: Second.

MR. McIVER: I have a motion by Judge Simpson that a letter of instruction be issued with respect to the alleged violation of 21-2-409, second by Ms. Sullivan. Any discussion?

(Whereupon, there was no response)

MR. McIVER: No discussion, we will put it to a vote. Those in favor of Judge Simpson's motion, please signify by saying "Aye."

(Whereupon, the vote was unanimous)

MR. McIVER: Opposed?

(Whereupon, there was no response)

MR. McIVER: That motion carries.

MR. HARVEY: I believe the next case is going to be 21 2012-147, which is number 27 in your binder; Ben Hill County.

MR. McIVER: Please proceed, Mr. Harvey.

MR. HARVEY: This case involves the general election in November. The Secretary of State's office got a complaint about people who were requesting assistance not being allowed to be assisted by a person of their choice.

We found out there were three people who had gone to vote that were entitled to assistance. And when they asked that the person they brought be allowed to assist them, they were told they could not because the Ben Hill election officials had interpreted the code that any person who had voted could not reenter a precinct. They had taken the prohibition against a candidate reentering a precinct and mistakenly applied it to individuals.

For these three people, it's important to note that they were all eventually able to vote and were able to be assisted. However, that had to come as a result of contact with the Secretary of State's office.

Ms. Sawyer provided a written response yesterday to this issue, and I believe they essentially acknowledged that it happened, and she reemphasizes the fact that nobody was denied the right to vote and they have reinstructed their poll workers according to the law.

At the risk of starting another debate, I would recommend a letter of instruction also be issued in this in the fact that nobody was disenfranchised; they were allowed to vote; and they have corrected the practice.

MR. McIVER: Mr. Harvey, we think debate is healthy.

MR. HARVEY: I agree.

MR. McIVER: We want to fully air these matters. But your recommendation is a letter of instruction?

MR. HARVEY: A letter of instruction. There was no real damage that was caused and they have corrected their practice.

MR. McIVER: And that is with respect to 21-2-409?

MR. HARVEY: Yes, sir.

MR. McIVER: Anybody wishing to speak on this matter? Ms. Sawyer, if you will reacquaint us with who you are.

MS. SWAYER: Tony Sawyer, County attorney for Ben Hill County, 311 West Central Avenue, Fitzgerald, Georgia 31750.

What Mr. Harvey said is correct. Our elections workers misinterpreted subsections (a) and (c) of 21-2-413. It was -- in their misinterpretation they believed that once you had already voted you could not come back and assist another person. They did have some voters to come with people to assist them that had already voted. These people, once the voter was advised of our board's interpretation of the statute, they were immediately allowed to have assistant from someone who had not already voted. No one was denied the right to vote. No one turned around and said, Hey, I don't want to do this; I don't want to vote. Everybody voted within minutes.

We were contacted by the Secretary of State's office back in November of -- excuse me -- prior to November during early voting, and advised that we were reading the statute wrong. We immediately corrected the situation. Our workers were immediately trained on the statute prior to the November 6 general election.

We just really truly apologize and will continue to train our workers on this voter assistance.

MR. McIVER: Anyone else wishing to speak on this matter?

(Whereupon, there was no response)

MR. McIVER: Members of the board have any questions?

(Whereupon, there was no response)

MR. McIVER: I'll first entertain a motion and then we will have discussion, should that be in order. This is case 2012-147; Ben Hill County. I will entertain a motion.

MR. SIMPSON: I move that we issue a letter of instruction.

MR. WORLEY: I second that.

MR. McIVER: Judge Simpson has moved in this matter we issue a letter of instruction. That has been seconded by Mr. Worley. Any discussion by members of the board?

(Whereupon, there was no response)

MR. McIVER: Hearing none, we will put it to a vote. Those in favor of Judge Simpson's motion, please indicate by saying "Aye."

(Whereupon, the vote was unanimous)

MR. McIVER: Those opposed?

(Whereupon, there was no response)

MR. McIVER: That motion carries. Thank you, Judge Simpson.

MR. McIVER: Next will be the Sumter County case. I'm looking at 2012-140, if I have that marked correctly.

MR. HARVEY: Yes, sir. This is a simple case. This involved early voting in the 2012 general election. The simple fact is that when the poll was opened in the morning, the person who arrived at the office forgot their key and had to return home delaying opening for about 15 minutes. There were only about one or two voters present and they waited until she was able to return.

Technically, there was a violation in terms of opening the polls. However, I recommend a letter of instruction is sufficient to remedy the problem.

MR. McIVER: Anyone wishing to be heard on this matter? This, again, is 2012-140. Yes, sir.

We need your name and address.

MR. SIMS: My name is Thomas E. Sims, Sr. My address is 1322 Faith Street, Americus, Georgia.

I would just like to say that I was present that morning that Mrs. Bryant forgot her key. It had been a very trying morning for Mrs. Bryant. Her mother was terminally ill; she found out at the last moment the visiting nurses association had terminated the nurses service.

So in getting ready to come to the office, she just really forgot and picked up the wrong bag that did not have the key to the office. No voters were turned away. We waited very patiently. And Mrs. Bryant was not reprimanded by the board because of the situation that she was in the morning.

That's all I have to say about that. It was just simply a morning where Mrs. Bryant just picked up the wrong bag that did not have the key to the office. Thank you.

MR. McIVER: Any member of the board?

(Whereupon, there was no response)

MR. McIVER: Sir, I assume you're one of the voters that were caught in this period of delay?

MR. SIMS: At the time I was Chairman of the board of elections and I was up there that morning because Mr. Brady was out of town and I was really there to assist her that morning in case we had anything to come up that needed my attention or Mr. Brady's attention.

MR. McIVER: Other than that the delay, you are not aware of any voter being impacted by this matter?

MR. SIMS: No. No. It wasn't but two voters there, and they were served as soon as she retrieved the key.

MR. McIVER: Any questions by the board other than mine?

(Whereupon, there was no response)

MR. McIVER: Thank you, sir.

MR. SIMS: Thank you.

MR. McIVER: Anyone else wishing to speak on this matter?

(Whereupon, there was no response)

MR. McIVER: We have Mr. Harvey's recommendation. I'll entertain a motion from a member

of the board.

MR. WORLEY: I will make a motion that we accept Mr. Harvey's recommendation and send a letter of instruction on this matter.

MR. McIVER: A second by anybody?

(Whereupon, there was no response)

MR. McIVER: That motion to dies for lack of a second. Any other motions?

MR. SIMPSON: I move that we dismiss this case.

MR. WORLEY: I will second that.

MR. McIVER: We have Judge Simpson moving that this matter be dismissed, seconded by Mr. Worley. Any discussion by the board?

(Whereupon, there was no response)

MR. McIVER: Those in favor of this motion, please signify by saying "Aye."

(Whereupon, the vote was unanimous)

MR. McIVER: Those opposed?

(Whereupon, there was no response)

MR. McIVER: There are none. The motion carries. Thank you, Judge.

Work with me, Mr. Harvey. The city Zebulon?

MR. HARVEY: That's right.

MR. McIVER: This is 2012-138.

MR. HARVEY: This is a slightly similar case to the last one. This involved early voting in the city election.

There was a delay in getting all the voters list and paperwork set up on time for the early voting to take place. However, through the county attorney -- I'm sorry. Through the city attorney and the elections supervisor's office, they were able to get with the Pike County registrar and they were going to be able to verify voters' information for people who came to vote early. So there was a system set up to allow early voting.

The system came apart when the elections supervisor had to go out of town and in

communicating it to other people in the office, the ball got dropped and the other people in the office said they were not able to do early voting. So when a voter brought her elderly mother to vote, they were told they could not vote early.

At the end, the people were able to return to vote and early voting did resume as was normal.

So while we've got violations for the City of Zebulon not performing duties in holding the early voting properly, I believe this is a case where they set up everything to work right and miscommunication prevented from doing that.

I think a letter of instruction would be appropriate to dispose of this case. Nobody was disenfranchised.

MR. McIVER: Anybody wishing to speak on this matter? Sir, may we have your name and your address.

MR. MORTON: Thomas H. Morton, city attorney, the Law firm of Morton Morton in Zebulon, Georgia; 200 Jackson Street, Zebulon, Georgia.

I just want to make some observations. I appreciated the recommendation of Mr. Harvey, a letter of instruction. I'm not sure I know what that involves and I would ask he take a moment to give me that information.

When this matter was called to my attention, I didn't receive Mr. Harvey's letter of January 7 until January 15. So I have not had a lot of time to get prepared for this hearing.

Things have transpired since this matter occurred. We do not dispute and we're not contesting the matter. There was an irregularity.

Contrary to what the perception was that the mayor and city council did not ensure matters being properly handled, that was not the case. The mayor, who is here with me, Mayor Mike Peres, will be able to ask any questions -- he personally met with the elections superintendent to make sure that everything was in place. The only thing that was missing was the voters' registration list. Everything else was there.

The mayor himself came down to make sure the voter forms were there; the voting box was there. He inspected the voter box himself. There was nothing done to the level of willfulness or intentional.

However, the mayor and city council are very concerned that this event took place. It should not have done so. Certainly, the one who filed the complaint expected to be able to vote early. She was not able to do so because of the mix-up in communications. She did vote. And when she arrived, the poll workers were in place; they were there.

What should have taken place and did not was because we did not have the voter list in hand and you needed that to verify the person was on the list to be able to vote. They should have called

the county registrar. My office personally talked to the county registrar and she confirmed that she advised the elections superintendent of the city what the procedure should be if the voter list did not arrive from the State, and that was to call her office and she would verify the voter.

Unfortunately, Ms. Kathy Bernie, the elections superintendent at that time, was out of town because of the wedding of her son. And she stated, and so stated to the mayor, that she had so advised the poll workers exactly what the procedures was to be followed. It was not followed as it should have been and we regret that.

But we need to keep in mind that this was a special election. There was no one voting on any one person. The matter involved the sale of liquor in the City of Zebulon. That is the only thing that was on the agenda.

Notwithstanding, we do agree everyone has the right to vote when the polls are open. This did not quite happen.

What Mr. Harvey does not know, and I am representing to you, that the mayor and city council are very concerned and upset that this even happened. As a consequence, this past year, well before we received Mr. Harvey's letter of January 7, the city council had taken action.

The elections superintendent is no longer employed with the city. The city manager, who was one of the poll workers, no longer holds that position. In addition, the mayor plans to designate a specific, in the future, a specific counsel person out of the five that are on the board to be personally qualified in this matter and to oversee the administrative department, which includes the elections superintendent.

So we are putting into place a program of action.

As city attorney, I am also recommending to the mayor that we have a written protocol for future elections to handle and address matters such as occurred in this case. The mayor and the city council have taken corrective action, and my recommendation to you would be at this time to dismiss the matter, if you would.

I will ask the mayor, if you will, to come up and make any comment he would like to make.

MR. PERES: Mike Peres, P-E-R-E-S; 262 Woodland Drive, Zebulon, Georgia 30295.

As our city attorney, Mr. Tom Morton, so eloquently stated, we have done everything possible to ensure this does not happen again. This was a special called election.

The voter list that was in question was not presented to the county until approximately October 19 or the 22nd. Our early voting was supposed to schedule for October 15. Since there was no early voter registration list, we had to extend early voting to October 22. However, since the voting list had not been received from the State, the elections superintendent was instructed to call the county in case someone were to vote early, which she instructed our city clerk and the other two poll workers to do so.

Our city clerk, or someone, contacted the registrar's office in the County of Pike and this was basically told to her. But it was not followed. She also is no longer with the city. So we have a completely new staff. Our staff responsibilities have changed.

So we tried to correct this to make sure that nothing like this would happen in the future. We have had one election since then and everything went accordingly. Early voting was done properly. Everything was secure.

So, therefore, as our city attorney, we are requesting this be dismissed if possible. And I do thank you.

MR. McIVER: Any questions by members of the board?

MR. WORLEY: I had a question. How many days of early voting were not conducted because of this situation?

MR. PERES: The voting election was November 7. So actually the early voting started October 22 -- I'm sorry -- the 23rd. The 22nd was kind of two people came in that day and they were not allowed to vote because we didn't have the registry list and our city clerk failed to contact the county.

MR. WORLEY: But I thought I heard you say early voting was supposed to start October 15?

MR. PERES: It was three weeks prior to the election, which would have been the 15th. If I'm not mistaken, three weeks is what is required for early voting.

MR. WORLEY: And what is the reason voting was not taking place on the 15th?

MR. PERES: Our registration list from the State was not received by the county until either October 19 or October 22.

MR. WORLEY: But you had made arrangements, or the clerk or whoever had made arrangements with the county to check their list from the 15th going forward?

MR. PERES: Well, the county did not have a current voter registration list. When we first announced that we would have early voting on that and the ballots were prepared, we were under the assumption -- and I know everybody knows what assuming means -- but we were under the assumption that we would receive -- we would have received the voter registration list from the State before that period of time. When we did not, we had to postpone early voting until the next week when the list was supposed to be received.

MR. McIVER: Any other questions before I ask mine?

(Whereupon, there was no response)

MR. McIVER: Do either your counsel or you, Mr. Peres, Your Honor, is there any estimate of

the voters that would have been impacted by these circumstances?

MR. PERES: As far as I know, only two.

MR. McIVER: Did they ultimately have an opportunity to vote?

MR. PERES: Yes, sir. Both of them voted and also what hasn't been indicated is the wife and mother was a -- the councilman's wife and mother of one of our councilman.

MR. McIVER: So anybody who sought to vote had an opportunity and did vote?

MR. PERES: Yes, sir. No one was denied. It was just an inconvenience that they had to return at a later date, which they did.

MR. McIVER: Any other questions from the board? Mr. Martin, do you wish to be heard again?

MR. MORTON: No. I think between myself and the mayor we have addressed the issues forthrightly. The city council has taken action. They have employed to be the city clerk that is currently going through training. But this one that they have hired now has an in-depth background in city government. So we are looking for the future.

But the council did take action. I know it's pretty hard for a city manager to lose his position. The elections superintendent who had been an employee for many years lost her job. So I think what has been -- what the mayor and city council has done demonstrates the concern that the mayor and council in have on this matter.

We thank you for your attention and listening.

MR. McIVER: I must confess you gave me a start when you talked about the fact that the mayor had personally investigated the ballot box, and so on. Now, had you been a candidate, Mr. Mayor, we would have a huge problem.

MR. PERES: I would not even have been doing anything if I were candidate.

MR. McIVER: Nowhere and nowhere near there other than to vote. When I heard about the special election, that caused me to calm down. But I had some degree of angst when I heard that. There is lots of training you can participate in as well.

MR. PERES: Correct.

MR. McIVER: From the division of elections.

MR. PERES: And I do thank you for all of the training that is available and I encourage everyone to do so.

MR. MORTON: I might say that I have been the city attorney since 1992 and there is no finer group of elected officials, conscientious, as this particular board is.

MR. McIVER: I gather you and your brother both are city attorneys?

MR. MORTON: My son does practice with me.

MR. McIVER: I was thinking that is your brother.

MR. MORTON: He is the future.

MR. McIVER: Any other questions by the board?

(Whereupon, there was no response)

MR. McIVER: Having heard all this, Mr. Harvey, I assume your recommendation remains the same?

MR. HARVEY: Yes, sir.

MR. McIVER: I will entertain a motion from the board.

MS. SULLIVAN: I move a letter of instruction be issued in this case.

MR. McIVER: Ms. Sullivan has a motion for a letter of instruction consistent with the recommendation of Mr. Harvey. Is there a second?

MR. WORLEY: I will second it.

MR. McIVER: Seconded by Mr. Worley.

MR. McIVER: Any discussion by the board?

MR. WORLEY: Yeah, I would just like to say that ordinarily I would want to vote to have referred this to the Attorney General's office. I am disturbed that there was an entire week of early voting that was lost, for whatever reason. But I appreciate the fact that the city has taken steps to correct the situation and has terminated, or at least no longer employs the people that are responsible. So under those circumstances, I am willing to support a letter of instruction.

MR. McIVER: I failed to ask if anybody else wants to speak. Is there anybody else other than Mr. Morton or Mr. Peres who wanted to speak on this matter?

MR. SIMPSON: I would just say I think this case ought to be dismissed. I think the city has taken all the action it could take. They know what the problem was. The lady who was responsible has been removed, and I think the city well knows what its responsibilities are.

I don't think a letter of instruction is going to assist them in any way. I think that with the city having acknowledged fault and taken corrective action, I think that is adequate. I cannot support the letter of instruction in this case.

MR. McIVER: Any other discussion?

MR. WORLEY: Well, I would just say that I just think it's very serious that a week of voting was lost and that I think it's important for this board to go on record at times stating our position on these issues. I mean, that's why we have letters of instruction. In most cases, when we give a letter of instruction, it is a circumstance where the election body has actually taken some remedial action. Otherwise, we would send it on to the Attorney General's office.

So I would reiterate that I think a letter is the appropriate resolution in this case.

MR. SIMPSON: If I can respond to that, I may be under the wrong impression. I may have misunderstood what has been said. My thinking was the reason the time was lost was because the registration list did not get to the city from the State office.

Now, if that is the cause of the loss of the time of the early voting period, then I don't think that should be charged to the city. That devolves on the State's office. Am I correct in understanding that is what caused the delay?

MR. PERES: That's right.

MR. SIMPSON: I don't think you can fault the city for that.

MR. WORLEY: Well, my understanding was that arrangements had been made as of October 15 to contact the county and essentially use the county has the backup registration list. Is that not the case?

MR. PERES: May I clarify, please?

MR. McIVER: Sure.

MR. PERES: The original date was set forth according to law. We did not have, nor the county had, the new updated list. So the list that the county had was an old list. We were waiting on an update from the State. We could have used the old list, but there could have been complications there. So that was the reason that we chose to wait and -- for the new list to come from the state.

Like I said, this was a special election. It was only involving selling alcohol on Sunday. If it had been an election where actual candidates were involved, I don't really know the answer would be, really.

MR. WORLEY: I appreciate that and I appreciate that explanation. But there was still at least a day when you had the list, or the county had the list --

MR. PERES: Yes.

MR. WORLEY: -- or maybe three days when the county had the list when there was still no voting going on or available because the superintendent had left.

I don't . . . I don't accept any distinction between an election on an alcohol sale and election with candidates. The code does not make any distinction with that, and I would imagine there are a number of people in the City of Zebulon who care more about voting on alcohol sales than they do on who the city council and mayor are.

MR. PERES: Probably so.

MR. MORTON: We do not disagree with that. But in this particular situation, we don't think the situation calls -- we have done everything that is reasonably possible to do after we found that out, well before we received Mr. Harvey's letter.

MR. WORLEY: And I accept you have done everything at this point that can be done. I just think it is important to for this board to go on record with a letter of instruction.

MR. PERES: May I asked what the letter of instruction entails?

MR. WORLEY: It basically says don't do this again. It's the mildest --

MR. McIVER: It's the mildest of all the things, other than a dismissal, that we can do.

MR. PERES: We accept whatever you so choose to do.

MR. MORTON: We do that, but we would request and would prefer a dismissal under the circumstances in that action was promptly taken by the mayor and the council.

MR. McIVER: We appreciate your ardent defense of your client, Mr. Morton.

Any other discussion prior to our voting on Mr. Worley's motion?

MS. FORD: May have clarify one thing? I just want to clarify that whether or not a list was there, the county registrar has access at all times to the voter registration system an can check to see if a person is registered to vote in Zebulon or not, whether or not a paper list is available.

MR. PERES: I'm sorry. I was unaware of that.

MR. McIVER: Any other discussion?

(Whereupon, there was no response)

MR. McIVER: Thank you, gentlemen. I call for a vote on the motion, please. Those in favor of Mr. Worley's motion --

MR. WORLEY: For the record, it's Ms. Sullivan's motion. I seconded it, wholeheartedly.

MR. McIVER: Seconded by Mr. Worley. No disrespect intended, Ms. Sullivan. Those in favor of Ms. Sullivan's motion, please indicate by saying "Aye."

(Whereupon, the vote was taken)

MR. McIVER: Those opposed?

MR. SIMPSON: No.

MR. McIVER: It will be recorded the Judge Simpson opposed the motion. That carries by a vote of 3 to 1. Thank you.

Mr. Harvey, next case.

MR. HARVEY: The next case is going to be 2012-195, Bleckley County.

The Bleckley County registrar's office reported to the Secretary of State's office that a citizen voted twice in the election. It was determined that Dorothy Taylor requested and completed an absentee ballot for the November, 2012, general election. She also appeared and voted on election day. The way she was able to do that was that when she was entered into the State system by a registrar with her absentee ballots, she wasn't entered into the Easy Vote system.

So when she went to vote with her friend on election day, she didn't appear to have voted. They didn't discover it -- the registrars office didn't discover it until after the election.

They subsequently rejected her absentee ballot once they saw she had voted on election day. They, however, failed to notify her in writing of the rejection of her absentee ballot.

So at the end of the day, we've got the Bleckley County elections superintendent, Judge Powell, the Board of Registrars and the chief registrar's office cited for failing to notify her of the rejection of her ballot; allowing Ms. Taylor to vote twice in an election.

We've got Ms. Taylor cited for voting twice in an election. And we also have a friend of hers, Ms. Cummings, who assisted Ms. Taylor when Ms. Taylor was not entitled to assistance. Ms. Taylor is 80 years old and she did not meet the legal requirements for assistance. She was neither disabled or illiterate.

I would recommend that in Ms. Cummings' case, that a letter of instruction be issued to her, and in the case of Bleckley County, those three respondents, and Ms. Taylor, they be bound over to the Attorney General's office.

Ms. Taylor's explanation is that I thought if I was doing wrong they would have told me. She did not proffer that when she went to vote that, well, I've already voted. Is okay for me to do it

again. She just thought they would let her know if she couldn't vote twice.

So that is the recommendation: Bleckley County elections supervisor, Board of Registrars and chief registrar and Ms. Taylor, go to the AG's office, Ms. Elizabeth Cummings be issued a letter of instruction.

MR. McIVER: Anyone here to be heard on this matter?

MS. CUMMINGS: My name is Elizabeth Cummings. I live at 300 Limestone Road, Cochran, Georgia. And I would like to respond to some of the things he said.

I called -- she's not my friend; she's my cousin and I've known her all my life. I know she can read and write. We talk everyday. So I called in the evening and I told her, you know, tomorrow is the last day. I got to go to vote. I said, Did you vote yet? She said, no. So I said she could come on and go with me. So we went down. I did not know that someone had been to her home and had her fill out an absentee ballot. That's how it came about.

And how I came to the standing beside her, Ms. Yates, the staff in there, I had finished my vote. And I had to figure it out because I'm not a computer whiz. So I had voted and come back out that she had handed me my form to sign that I have voted.

So Ms. Taylor, she asked her, can you help me? And she said, no. I'm not allowed to. But Ms. Cummings could help you.

I did not go stand beside her and vote for her. She did her own vote. What she needed was where to put the card in, and that's the first time I had (unintelligible). I asked someone. I don't remember who it was, but someone was stepping out the booth beside me and I asked her, Where do you put this card? Oh, she said, right there. And she kept going. That's how I came to be into this. I didn't know she had voted and I didn't -- Ms. -- I think her name is Yates, 'cause her brother-in-law lived down the road from me. So I thought it was okay. But I didn't vote for her. She did her own vote.

Something in there about she couldn't read. That's not true. I been knowing her all our life -- all of my life, rather. And that's how this came down.

She did not indicate -- well, she made her statement that she said I could help her. And didn't know -- she wasn't supposed to do that, obviously. That's how I end up in this. No knowledge of mine about this that she had already voted. I did not know.

MR. McIVER: Mr. Worley?

MR. WORLEY: Ms. Cummings, so it is your testimony that the only thing you did with regard to your cousin was to point to where the card goes?

MS. CUMMINGS: That's all I did. She did her own voting. I didn't know she had filled out an absentee ballot.

MR. WORLEY: Thank you.

MS. CUMMINGS: Because the lady that went to her house, she don't come to my house. She know better. But I didn't know she had been to her house. That's my explanation for my involvement in it.

MR. McIVER: Any other questions from the board with respect to Ms. Cummings' statement?

(Whereupon, there was no response)

MR. McIVER: Anyone else wish to be heard in this matter?

MS. TAYLOR: My name is Dorothy Bell Taylor. I live on 172 Limestone Road, Cochran, Georgia.

I voted at home. The lady come to my house the lady I signed at home. But I didn't know I had made a bad mistake until Pam Jones come to my house, investigator. That's when I know I have voted twice for the same somebody, but I didn't know I was voting for the same somebody.

Here's what I thought. Just when you vote for a police, you vote for him and then you can vote for the chief. I thought I was (unintelligible) and somebody else at the same time.

But when we get to the courthouse -- I never signed nothing on a computer before. And the girl that work in there, I asked her, I said, can you tell me? She told me, no. Said Ms. Cummings can help you. She didn't help me. She stood on the right hand side of me. She hadn't did nothing.

So when I got through making my mistake, I took the paper back to her. She told me to sign my name to the top and told Ms. Cummings to put her name up under me. See, that's made them think she signed me up because she said I couldn't read and I couldn't write. I've been writing ever since I was 10 years old and now I turned to be 80 years old. And if you can't do your job and tell the truth, you don't supposed to lie on nobody. Because God is not pleased with that.

Now, this lady working in that courthouse, she got to give an account of lies she told on her. Now, I didn't know I made the mistake until Pam Jones come to my house and told me. And I told her then if I had of known I was voting for the same somebody, I never would have voted again, because I did know. And that's a mistake on me. But by the grace of God, it won't be made no more.

But she shouldn't put all that on her because I didn't ask this girl to help me. I asked her. Then I said, is you going to help me? And she said, no; I'm not going to help you. You get her to help you. And then told me to sign my name top when we get through and tell her to put her name on the bottom because I couldn't read are right. She signed the papers and everything. But God in heaven knows she didn't tell the truth.

MR. McIVER: One moment, ma'am. Any questions from the board?

(Whereupon, there was no response)

MR. McIVER: Thank you very much. Anyone else wishing to speak on this matter?

MS. DOUGLAS: My name is Glennis Douglas, chief registrar of Bleckley County; 1018 Reidy Road, Chester, Georgia 31012.

In order to protect the integrity of the system in Bleckley County, I felt it was necessary that this should come before the board.

I do admit that we did make an error in not sending this to her. But I would have to have a video to show you just exactly what transpired that day. Unfortunately, the girl that had a provocation with her could not come today because of a headache. But I am here to tell you we're just here to protect the integrity of the voters of our county. Nothing like this has ever happened before.

Yes, we did make a mistake. But, sir, you would have to have a video to see what was right. I have Ms. Ates here, and I will let her talk on her behalf.

MR. McIVER: Name and address, please.

MS. ATES: Good morning. My name is Cheryl Ates, 112 Mayor Street, Cochran, Georgia. I am a voter registrar in the Bleckley County board of registrar's office.

On that particular day, Ms. Taylor did sign a form. She did ask is that she needed assistance. Ms. Cummings did, in turn, filled out that part of the form that she needed assistance.

I did not do anything other than as the right of a voter registrar. And that is all I have to say regards to that.

MR. McIVER: Any questions by the board?

MR. WORLEY: Ms. Ates, did you -- what made you think that Ms. -- that the voter needed assistance, Ms. Taylor?

MS. ATES: I did not go to the machine. We do not go to machine with them. Ms. Cummings -
- Ms. Taylor did ask for assistance, and I told her that Ms. Cummings could assist her and that is why she assisted; signed that form.

MR. WORLEY: But you didn't see what Ms. Cummings actually did?

MS. ATES: No sir. It was other voters coming in. It's three of us working the voter registrar's office and all of us have different duties in regards to early voting. My position was we had different voters coming in, and that's where I was posted at that time.

MR. WORLEY: Thank you.

MR. McIVER: Any other?

MS. DOUGLAS: On behalf of the three of us, you would have had to have been there and saw the chaos that day that was created because my clerk could not let her vote without proper ID, and there was chaos concerning that because she could not find her drivers license. We were backed up in the hall, down the staircase. We were full. And, sir, it was just chaotic.

MR. McIVER: Any others questions?

(Whereupon, there was no response)

MR. McIVER: Thank you, ladies. Anyone else indicating an interest in making a statement to us? Ms. Cummings?

MS. CUMMINGS: I did not -- I just want to say I did not volunteer to help Ms. Taylor. I had voted and come out, and Ms. Ates gave me my paper to sign, you know, that I voted. I assume that's what it was. And I was just standing there when Ms. Taylor came and asked her if she could help her. Now, she is not saying she told me to help her but, God is my witness, she said, I can't help you because I'm not allowed. But Ms. comics can help you.

And I just walked back there with her, and I will be honest, I showed her the spot where to put the card in. And that's all I did. She can read, she can write.

And that form that I signed that I assisted her, Ms. Yates hand me that form: Ms. Cummings you signed here. I signed it. Now I know better. Never sign nothing. My mother always told me read before you sign, right? And that is what I did. I just signed. There was an area -- the officer that came to my house, she showed me that I put a check mark there that she couldn't read and write. I did not do that. I did what she told me: I signed my name. And that is it. That is all I did. How that check get there, I don't know.

But the officer and was comparing it, the pen I signed my name with was light. This was a dark check. I did not do that. I know she can read and write. Thank you.

MS. TAYLOR: Can I say one more something?

MR. McIVER: Please.

MS. TAYLOR: My name is Dorothy Bell Taylor. God is a good God. But that girl is not telling the truth, Your Honor. When this child was in the booth, I was standing over here. So when she stepped out, I told her, I say, you going to help me? She said, no. I can't help you. Ms. Cummings will help you. When I get in front of this Ms. Cummings was standing here. As God is my witness, I never used a computer because I ain't knowed how to do the thing. But I had already voted with Dorothy Harris and I never would have knowed I did something wrong if Ms. Pam Jones had not come to my house and had the ballot I had filled out and mailed back to

the courthouse.

But this girl know she's worked this girl know she's wrong 'cause God ain't pleased with what she stood up here and told y'all. She the one got to give account of that. Because I wouldn't stand in front of y'all and tell no lie, because I never would have did it if I knowed I was doing something wrong. But I thought I was voting for two people, but I did know I was looking for the same person.

I made the mistake, but God is going to correct it. Thank you.

MR. McIVER: Any questions for Ms. Taylor?

(Whereupon, there was no response)

MR. McIVER: Mr. Harvey, after hearing the statements, is your recommendation the same?

MR. HARVEY: Yes, sir. A letter of instruction for assisting -- actually, based on that, it may not be evidence of assisting if she just stood next to her and showed her where to put the card in. I think we might be able to dismiss the charge concerning the improper assisting.

However, the other charges on voting twice and on the county I believe should be bound over to the AG's office.

MR. McIVER: Clarify for me. What is your recommendation to us with respect to Ms. Cummings?

MR. HARVEY: Ms. Cummings, I recommend that case be dismissed.

MR. McIVER: Do we have a motion before we have any discussion?

MR. SIMPSON: I move to dismiss the case against Ms. Cummings, and refer the other cases to the Attorney General.

MR. WORLEY: I second that.

MR. McIVER: Motion by Judge Simpson to dismiss with respect to Ms. Cummings and bind over the other four respondents. Seconded by Mr. Worley. Any discussion by members of the board?

MR. WORLEY: Actually I just had a question, Mr. Chairman. I didn't hear any discussion from Ms. Douglas, the registrar, about the charges against the board relating to rejecting the ballot and I wonder if they have anything to say about that before we vote.

MR. McIVER: Is Ms. Douglas still in the room?

MS. DOUGLAS: Yes. I'm sorry. I did not hear his statement.

MR. McIVER: Would you come forward, please. Again, give us your name.

MS. DOUGLAS: My name is Glennis Douglas.

MR. McIVER: Ms. Douglas, we have a motion before us to bind over to bind over all this case except what involves Ms. Cummings' purported assistance to Ms. Taylor.

Mr. Worley may be able to clarify that even more, but we do want to hear from you with respect to how the Board of Registrars may have been involved here.

MR. WORLEY: Ms. Douglas, the alleged violations in this matter relating to you and the Board of Registrars are that you rejected Ms. Taylor's absentee ballot without promptly notifying her of the rejection, and that you allowed Ms. Taylor to cast a ballot in the general election after she had been previously issued an absentee ballot.

Before we voted, I wanted to make sure whether or not you have anything to say about that.

MS. DOUGLAS: Regarding to her voting a second time?

MR. WORLEY: Well, as to both. As to why you did not notify her of the rejection of her absentee ballot, and then she was allowed to cast a ballot after she had been issued an absentee ballot -- cast an election day ballot.

MS. DOUGLAS: There again, yes. I am aware after the second vote that she did vote absentee. At that point, she -- with the second vote, it was going to be counted. So I really didn't think twice about sending a letter, to be quite honest. But now I realize I should have.

But then again, if you're talking about the Board of Registrars, yes; I did take the matter to the Board of Registrars. We have five members and I did discuss it with the registrars and they, hearing all the details that surrounded this vote -- and recall, now, I said there was chaos. When I say chaos, I am referring to what happened when these two ladies initially came into our office. They were so intimidating to my clerk, that she actually was beginning to have some nervous effect from it. I think that's why she couldn't be here today because she knew this was going to involve something she would have to talk about.

You have to have a video just to see what happened that day. I really don't understand why we are being slapped on the hand for not sending that letter when the person that come in there was - - I didn't understand why Ms. Cummings was in there to start with because she was creating a lot of the havoc.

MR. WORLEY: Well, she was there to vote, right?

MS. DOUGLAS: We were full. Why did she walk in there with the lady? We had asked them to please stand behind the line until our machines are empty and she walks in just pushing herself in.

I mean, you would have to be there to see what happened.

MR. WORLEY: Are people over 75 allowed to go to the head of the line?

MS. DOUGLAS: Yes. But no one was aware she was over 75. It was not told to us at that point. We did see the application for ballot.

MR. WORLEY: Is her date of board birth on the voters list?

MS. DOUGLAS: She had not -- Ms. Cummings, the one we're talking about, had not completed the application at that time. We were just talking to Ms. Taylor.

As I said, you would've had to be there. You would have had to see it on the video to believe what happened that day. It interrupted the whole process. We were backed up.

MR. McIVER: Mr. Worley, any other questions?

MR. WORLEY: I don't have any further questions. I'm ready to vote.

MS. DOUGLAS: Is there anything else I can clear up?

MR. WORLEY: No. I think you have made it quite clear. Thank you.

MR. McIVER: Any other questions by the board?

MS. CUMMINGS: Sir, I would like to clear up the chaos part. When we went there, it was one lady -- the lady that I asked where did you put this car -- she said, oh, right there. And she kept walking. There was one other person sitting in the hallway. Only two was in there.

Now, when this other lady had went out, it was only me and Ms. Taylor. Please have her show you the video. Because she knows there was no chaos.

I am not a stupid woman. I don't go around disrespecting myself. My mother worked hard to send me to college. I did not vote twice and I did know she had voted twice. There was no chaos.

Now, if she has a video, have her show it to you. One man sitting in the hallway waiting to go in. One lady was leaving. Ms. Taylor and I was the only ones in there.

MR. McIVER: Thank you. Any other discussion by the board?

(Whereupon, there was no response)

MR. McIVER: Hearing none, we have Judge Simpson's motion. Those in favor of the motion as proposed and seconded by Mr. Worley, please indicate by saying "Aye."

(Whereupon, the vote was unanimous)

MR. McIVER: Those opposed?

(Whereupon, there was no response)

MR. McIVER: Hearing none, the motion passes. Mr. Harvey.

MR. HARVEY: Our next case is 2013-02, Candler County.

This case involves a convicted felon under sentence, Mr. Kerry Byrd, who voted six times while serving a felony sentence. He was under sentence from March 20, 1989, until March 19, 2004, and he voted six times elections in that time.

So it is recommended -- Candler County was not made aware of his felony status until 2009. When they were made aware that he was on the felons list, he was deleted, and he was not reregistered.

It is recommended that Mr. Byrd be bound over to the AG's office for voting while a convicted felon and the associated charges.

MR. McIVER: Let the record reflect the Chairman has returned to the meeting. Did you want to take over here?

SECRETARY KEMP: You go right ahead.

MR. McIVER: Thank you. Mr. Harvey, who was the complainant in this matter? Which entity?

MR. HARVEY: The chief deputy registrar, Kelly Boyette, of Candler County reported to the Secretary of State's office.

MR. McIVER: Anyone wishing to be heard on this matter?

MR. BYRD: Yes, sir. I am Kerry Byrd, 16116 Cool Springs Church Road, Metter, Georgia 30439.

I was convicted of a felony in '88, '89. But I was under the understanding that when you finished your probation and parole -- you know, I didn't realize.

What this really stems from is I didn't know that I couldn't vote. I registered to vote. But to make a long story short, I have been voting like he said. I have been voting. And I wasn't on probation or parole. I work, pay taxes; I thought I was good.

I got a notice that I was no longer registered to vote (unintelligible). So I went to this lady,

Boyette, registrar's office, and we sat down and I told her about that she said, oh, that's back 20-plus years ago. You don't have to worry about that anymore. And she said I could even get my gun rights back. She said all you got to do is get three signatures, and you can get your firearm license back, you know. I said, okay. Well, thank you. You know, everything was good. Everything was straight.

Well, then when I went to vote again, they pulled me out of the line and said I was not eligible to vote. And the reason I am standing here today is because I did not take that lightly. I went home and I called the State Board of Elections on election day, and they called them to take an absentee ballot for me. They said I was eligible to vote. So because I started, that is why I'm standing here today.

But -- and then Ms. Pam Jones called me one time.

Anyway, I done an absentee ballot, one of those ballots you do, you know. I did that. And I got a letter saying -- the elections board called me; they were nice -- a couple of times, making sure I got to vote, and I said I did. And then this Pam Jones called me one time and talked and I told her what I do. And then this other guy -- I can't remember his name -- the other detective -- but anyway, he told me he was working against me because I have voted prior. And I told him I was under the understanding I was eligible to vote.

But anyway, because I thought I was standing up for myself is why I am standing here today. I farm; my wife is a teacher; we raise children. I made a mistake. I went through hard time about life. I did not want to vote if I wasn't eligible. I registered. I feel like I was eligible to vote.

This happened 26 years ago what I'm standing here today four. I've not been in any trouble since, and I don't know what your recommendation is going to be. I pay taxes. I pay four different school taxes; see because I own four different pieces of property. I am a law-abiding, taxpaying citizen.

I made a mistake, but I'm sorry, and y'all do what you need to do. That's all I've got to say.

MR. McIVER: Let's see if anybody has questions for you. Any member of the board have questions for Mr. Byrd?

(Whereupon, there was no response)

MR. McIVER: Thank you, Mr. Byrd.

MR. SIMPSON: I'm thinking --

MR. McIVER: Just one second.

MR. SIMPSON: You were convicted on March 20, 1989?

MR. BYRD: Yes, sir. That's when I went before a judge, but I was incarcerated before then.

MR. SIMPSON: Okay. And then end date of your probation was March 19, 2004?

MR. BYRD: No, sir. When I was released from prison, I drove to Metter. I reported to a probation and a parole officer. I found work in Savannah, Georgia. I moved to Savannah, Georgia, and I had my probation and parole transferred to Savannah. And to be honest with you, sir, I can't remember with the probation. But I had to do it, or I would have been reincarcerated.

MR. SIMPSON: Right.

MR. BYRD: But they dropped my probation. But even before the parole, the probation officer said, Mr. Byrd, you're doing fine; you're working. So they dropped it. They said you no longer have to report or call in. Well, I thought that was over with.

MR. SIMPSON: Do you remember when that was; what date that was?

MR. BYRD: I moved back to Metter in 1992, in Candler County. I moved back from Chatham to Metter. I wasn't on probation or parole at that time.

MR. SIMPSON: Let me ask a question now. Was your probation transferred back to Metter when you moved back?

MR. BYRD: No, sir.

MR. SIMPSON: When do you have to quit reporting to the probation officer, while you were in Savannah?

MR. BYRD: It was while I was in Savannah. Yes, sir. I can't remember. You're asking me something that is 20-plus years ago. I really, honest to God, I couldn't give you an honest answer. But I know when I moved back to Candler County, I was neither on probation or parole. I was on neither. Because if I had violated either one, I would have gotten reincarcerated.

I had to make some restitution payments, and I think when they did that they dropped it. I got right out; I went to work; and I have been working ever since. I made the mistake. I was young and dumb. I went through a divorce and lost two children, and that's what's wrong with society today is broken homes. I see it myself. But that's no excuse for what I did. But, you know, I'm older and in hindsight, I know I'm a some stupid mistakes. But it's something to be standing here 26 years later.

According to my letter, they brought back in here for voting, and I didn't know I was doing anything wrong. I wouldn't have called the State Board of Elections if I thought I was in the wrong. But by me calling them, he got turned around on me. So here I stand.

MR. McIVER: Any other questions?

(Whereupon, there was no response)

MR. McIVER: Mr. Willard, are you in a position to opine to this gentleman, and perhaps even the board, about this particular situation, specifically with regard to restoration of rights?

MR. WILLARD: Well, it doesn't sound like he had his restoration of rights at the time that he was voting.

As the board is aware, looking at the facts, these elections have some age on them. It didn't come to our attention until over a decade had passed since the most recent violation. I leave it up to the board as to what they want to do. We have had some of these in the past that have come over to our office and we take the age of this into account when trying to reach a negotiated consent order with the individual.

We have not taken one with this age to OSAH yet. As the board is aware, there has been some litigation in another licensing board, or oversight board, dealing with complaints that have age on them. I leave it up to the board as to whether they want to bind it over to us or handle it administratively.

But I don't think restoration of rights was really implicated at the time he voted here. It sounds like it may have moved from a supervised or unsupervised probation. But it doesn't appear they discharged from probation so he still was under sentence at the time.

MR. McIVER: Do you have a recommendation for us as to what the position of the law department would be?

MR. WILLARD: I will leave it up to the board. If you bind it over, we will work on getting a consent order that reflects that he violated the election code at the time with a penalty we think is commiserate with both the violation as well as the age on the violation.

But whether the board wants to bind it over that will be up to the board. I don't have a recommendation on that.

MR. McIVER: Judge?

MR. SIMPSON: Do you have a copy of the sentence in your file?

MR. HARVEY: Yes, sir. we do.

MR. SIMPSON: May we see it?

MR. McIVER: Judge, I'm going to need a motion to accept that.

MR. SIMPSON: I move we accept the copy of this sentence.

MR. WORLEY: Second.

MR. McIVER: We have a motion and a second to accept the sentence of Mr. Byrd in this matter.

All those in favor of the motion, please indicate by "Aye."

(Whereupon, the vote was unanimous)

MR. McIVER: Opposed?

(Whereupon, there was no response)

MR. McIVER: That motion carries. Mr. Harvey, I would ask, in the interim, was there ever any evidence that Mr. Byrd filed for restoration of his rights?

MR. HARVEY: Not that I'm aware of, sir.

MR. McIVER: So your investigator did not determined that one way or the other?

MR. HARVEY: I don't believe so. Although he wouldn't have to have his rights restored to vote. He would simply reregister once his sentence --

MR. McIVER: But that process would have closed out everything.

MR. HARVEY: I don't believe so, sir. In the report, it indicates when he met with Ms. Boyette, she began to assist him with that process.

MR. WORLEY: Mr. Harvey, would you just clarify for us, the report says the end date of probation probationary supervision for Mr. Byrd was March 19, 2004.

MR. HARVEY: Yes, sir.

MR. WORLEY: What is your understanding about his ability to vote now?

MR. HARVEY: Now, if the 2004 time has passed and he registers after that date, he is completely entitled to vote. Once his sentence is completed, he can register the next day and vote.

MS. SULLIVAN: I have a question for Mr. Byrd. Mr. Byrd, it was your understanding that when you moved back to Metter in 1992 and you were no longer under active supervision that your sentence was completed at that time?

MR. BYRD: Yes, ma'am. That's what I thought. I mean, I never, you know, I thought everything was over with, you know?

MS. SULLIVAN: Okay.

MR. BYRD: I didn't even know anything about needing my probation -- I had been on probation before. I got a DUI in the past and I had been on probation. And I had a fine to pay and it was like a year of probation and in six months' time the probation officer said, you know, you pay this fine, you're off. So I thought everything was taken off and there was no more probation.

In 1992 when I moved back to Metter, I thought I was -- all that was in my past. That was my understanding; what I thought.

MR. HARVEY: Just for the record, I've got a printout from the Department of Corrections that was printed on February -- about a year ago, February, 2013, that shows his felony conviction end date of February 19, 2004, on a 1989 conviction in Dougherty County. It's not unusual that somebody's supervision necessarily ends before their sentence ends. That may have been the confusion with Mr. Byrd that he didn't realize there was a difference between having to report to the probation or parole officer versus having a sentence end.

But the records from the Georgia Department of Corrections indicate that he was -- his end date was 3/19/2004.

MR. McIVER: Okay.

MR. WILLARD: Mr. Chairman?

MR. McIVER: Mr. Willard.

MR. WILLARD: Just one point for the board's consideration in light of Ms. Sullivan's question. Mr. Byrd, at least in regards to the 571, voting violation, convicted felon or voting by someone not qualified as an elector, that is a specific intent provision where the voter must knowingly vote knowing that he does not possess the qualifications of an elector.

MR. SIMPSON: You know, we've talked about statute of limitations before. These are old, 2002. What's the statute of limitations?

MR. WILLARD: Judge Simpson, as I have advised the board previously, we do not have case law stating specifically that there is a statute of limitations for SEB violations. Like I said, it is possible we would get an opinion from the Supreme Court on a related board, not a related board, but a similar board, that would give this board guidance and our office guidance in providing that answer to you.

But right now, the State Election Board does not have a statute of limitations, per se, for finding a civil violation for the state election code.

MR. McIVER: Nor has the legislature chosen to.

MR. WILLARD: Nor has the legislature chosen to jump into that breach.

MR. SIMPSON: But if we were to bind this over -- I'm just thinking out loud -- if we were to

bind this over, it would carry the same statute of limitation any felony would, which would be seven years, right?

MR. WILLARD: Actually, Judge Simpson, as you are aware, the provisions for the State Election Board exist independent and of any criminal violation. You are allowed to civilly fine someone, and the General Assembly has not specifically tied that into the felony statute of limitations.

But if the board wanted to use that as guidance in making a policy determination, I would not say that would be an unfounded determination.

MR. SIMPSON: Well, what I was thinking, if we bind it over to the Attorney General or if you go to the district attorney in that circuit to prosecute, if it were bound over criminally.

MR. WILLARD: Correct.

MR. SIMPSON: So then the statute of limitations would be seven years; it would be a felony statute of limitations.

MR. WILLARD: Yes. In terms of a recommendation --

MR. SIMPSON: So how can we have, as a policy matter or anything else, a statute of limitations greater than what the prosecuting attorney would have?

MR. WILLARD: I would say that is a policy -- I'm saying you are not legally bound by that, or there's nothing out there that says that you are. But if the board wanted to adopt that as a policy position, I think it would be a well-founded policy determination.

MS. SULLIVAN: Mr. Chairman, I would like to make around a motion when you are ready.

MR. McIVER: Just one moment. Mr. Chair?

SECRETARY KEMP: Mr. Willard, I know on 571 you were talking about intent, right?

MR. WILLARD: Yes, Mr. Secretary.

SECRETARY KEMP: Well, what about on 561 where it says after false registration knowingly gives? Is that the same?

MR. WILLARD: I cannot find in the report -- and I was looking for that earlier and may have just missed it -- I cannot find when he registered to vote; whether he registered to vote prior to his convictions or whether he registered subsequent to his conviction. But it is also knowingly for 561.

SECRETARY KEMP: Thank you.

MR. McIVER: Ms. Sullivan, you have a motion for us?

MS. SULLIVAN: Yes, I think considering both the fact that these alleged violations are so old, the earliest being 20 years ago, the most recent being 14 years ago, and the, I believe, lack of intent on behalf of Mr. Byrd, I would move that we issue a letter of instruction in this case.

MR. McIVER: Second.

MR. SIMPSON: Second.

MR. McIVER: Ms. Sullivan has a motion for a letter of instruction, seconded by Judge Simpson.

One point of order, does anyone else wish to speak other than Mr. Byrd on this matter?

(Whereupon, there was no response)

MR. McIVER: Thank you, Mr. Byrd. Appreciate it.

Any discussion by the board with respect to Ms. Sullivan's motion?

MR. WORLEY: I will support that motion. Given that a couple of these -- well, I was support that motion but only as to the first alleged violation, not the other two. I don't believe there is any intent there. So even for a letter of instruction, I don't think -- I think those are not supported by the facts.

MR. McIVER: That's not the motion, Mr. Worley. I appreciate your opinion. Rectory I understand that.

MR. SIMPSON: Before we vote, let me ask a question. Would you support a motion to dismiss the case?

MR. WORLEY: I was support a motion to dismiss.

MR. SIMPSON: Could we make it a motion to dismiss on all three counts?

MS. SULLIVAN: I withdraw my motion.

MR. McIVER: Do you withdraw your second?

MR. SIMPSON: I move to dismiss this case.

MR. WORLEY: I would second that.

MR. McIVER: We have a motion from Judge Simpson to dismiss this matter. By the way, this is 2013-02, and a second by Mr. Worley. Any discussion?

(Whereupon, there was no response)

MR. McIVER: All in favor of Judge Simpson's motion, please indicate by saying "Aye."

(Whereupon, the vote was taken)

MR. McIVER: Opposed? I am opposed.

That motion carries 4 to 1.

It is five minutes to 12. Mr. Chair, I'm going to return it back over to you. If you will let the record reflect the Chair has returned to the room and will be assuming the position of Chair.

And Mr. Chair, I'm hungry.

SECRETARY KEMP: I'm taking your lead. Mr. McIver. Mr. Willard, do we need to go into executive session?

MR. WILLARD: Not unless the board has something it wishes to discuss.

SECRETARY KEMP: Do we have something we wish to discuss?

MR. McIVER: There is no pending litigation that requires a report?

MR. WILLARD: Unless the board wants a report on pending litigation. I do not intend to report on any of my own volition.

MR. McIVER: When did we last have a report on pending litigation?

SECRETARY KEMP: I think we talked a little bit about that at the last meeting.

MR. WILLARD: Mr. Chair, do you want to talk about EAC? If so, we could move into executive session to talk about potential litigation on that.

SECRETARY KEMP: Sure. Why don't we have a motion to moved to executive session to discuss some legal matters in front of the board, and to return from lunch at 1:00.

MR. McIVER: I so move.

SECRETARY KEMP: Mr. McIver makes that motion. Do we have a second?

MR. McIVER: I second.

SECRETARY KEMP: Second by Mr. Worley. All in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: We will move into executive session. Enjoy your lunch, and we'll see you back at 1:00.

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(Whereupon, the proceedings were in recess)

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SECRETARY KEMP: Welcome back, everybody. We will reconvene the meeting. Mr. Willard, do we need a motion to come out of executive session?

MR. WILLARD: Yes, Mr. Chairman.

MR. McIVER: I so move.

MR. SIMPSON: Second.

SECRETARY KEMP: Mr. McIver moves and Mr. Simpson seconds for us to come out of executive session and to continue on with the regular agenda for the State Election Board meeting.

SECRETARY KEMP: All in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. We will start back with our cases. I believe, Mr. Harvey, we've got 2012-187, Crawford County.

MR. HARVEY: That is correct. This case involves the general election of November, 2012. It was reported that candidate Tom Wallace, who was a candidate for Sheriff, entered a polling place while voting was taking place and was passing out business cards.

Also that a supporter of Mr. Wallace's was within 150 feet talking to voters saying things such as, I hope you vote for my man, Wallace; and vote for Wallace.

The investigation revealed that Mr. Wallace and Claxton, who are both here today and are going to speak -- Mr. Wallace admits he did go into the precincts. He tried to give his cards to poll workers, not necessarily to voters. He tried to put his cards on the table.

Mr. Claxton acknowledges that he stood within 150 feet of the Friendship Community House precinct and was talking to voters expressing his support for Mr. Wallace.

I recommend this case be bound over to the AG's office.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak on this matter? Yes, sir.

MR. WALLACE: Thomas R. Wallace, 1856 Lower Hartley Bridge Road, Byron, Georgia; Crawford County. I was the candidate in question at this time.

It is true I did enter two of the precincts on the election day, unknowingly that I was not allowed in there. I did not know I was not allowed in there.

The reason I went by was to check on turnout, not the actual vote, because it was a rainy nasty day that day. I was just seeing how the general turnout was for the county. Like I said, I did not knowingly go in there violating any rules. I did not know I was not allowed to go around there.

As far as business cards, I did ask if I could some cards on the Zenith Mill precinct. The poll worker told me I wasn't allowed to do that. I said okay, and I left. I departed the building.

SECRETARY KEMP: Any questions for Mr. Wallace?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, thank you for being here. Anyone else wishing to speak?

MR. CLAXTON: I am Gary Claxton. My address is 9990 Highway 42 South, Fort Valley, Georgia, 31030.

I live right next door to the Friendship Community Center, which is also the voting precinct. The landline is a state -- it's about one inch wide. I did not know until -- I am 47 years old, and I did not know until I was approached this November 6th and told even though I am on my property, which I've owned this home for 21 years, and whatever candidate I've backed for the last 21 years, I have always put signs up and have always -- virtually the same ten to 20 foot where my driveway has always been the same spot.

I did not know, even though I'm on my own property, that being 134 foot away from a voting precinct where the voting (unintelligible). When the man come over and told me, the poll taker and manager, told me I had to be 150 foot away even though I am on my own property; my home is next-door, that I am in violation. I said I'm sorry, I didn't know it, and immediately walked away.

SECRETARY KEMP: Any questions or Mr. Claxton?

MR. WORLEY: Mr. Claxton, does the precinct post any signs that say no campaigning within 150 feet of --

MR. CLAXTON: No, it does not.

MR. WORLEY: Okay.

MR. CLAXTON: Had I saw that sign or it was there, I never would have done it, sir. I never heard in 47 years of my life -- I always heard of first constitutional right, in my own property, I could voice my own opinion. I did not know, even though my property line borders theirs, I had to be 150 foot away even on my own property. Otherwise, I wouldn't have done it.

SECRETARY KEMP: One question, Mr. Willard. Is there any freedom of speech First Amendment issues with somebody having a sign on their own property even if it violates the 150?

MR. WILLARD: I was actually talking to Mr. Harvey about it and we did not realize when we were reviewing the file that he was on his own property. A dismissal or an LOI as to Mr. Claxton would be appropriate action in this case.

MR. WORLEY: And that is because --

MR. WILLARD: And I really don't think an LOI is justified given that he's on private property. He's not on the public right-of-way. He did not consent to have an election office placed on his property. That's how you can restrict someone like a pastor of a church who actually agrees to have the election there.

In this case, I'll be honest with you, a dismissal would be appropriate as to Mr. Claxton.

MR. McIVER: But what is the rule?

SECRETARY KEMP: I think what we're saying if we agree to this, we're saying, as I think we should, that the Constitution trumps the law, correct?

MR. WILLARD: Correct.

SECRETARY KEMP: You've got a freedom of speech issue.

MR. WILLARD: What the Supreme Court has said, you have a sliding scale. The interest of government in ensuring an influence-free election fades the farther you get, especially when you're dealing with private property rights.

If you had where you have a polling precinct that was in an apartment right next door, I would argue that maybe we should take that case up. But where you're talking about something out where you have a building and 125 feet away is somebody's private property, I think there the sliding scale is going to come down more on the private property and free speech rights than it is on the right of the government to be free of influence in an election.

MR. McIVER: Is that unique to the property owner? Could a county come and say I want to lease six square inches of your property to put my sign on?

MR. WILLARD: I think in that case, I would be more than happy to take that case up.

MR. McIVER: So it would be unique to the property owner.

MR. WILLARD: It would be unique to the fact that his property interest exist independent of the decision of election officials to place the precinct there.

MR. McIVER: Okay.

SECRETARY KEMP: Any other questions on that legal matter?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak?

MS. PEACOCK: My name is Brenda Peacock, 3992 Sandy Point Road, Lizella, 30152. I am the elections supervisor in Crawford county.

I didn't understand what was said about him being on his own property. There is a sign, the rectangular red sign, No Campaigning. It's always posted to a pine tree that is right at the entrance to this particular voting precinct.

I didn't understand what you all were saying about him being on his own property.

SECRETARY KEMP: I think what we are saying is that if what we are being told is correct, his property borders the precinct. So if he is putting a sign in his own personal yard, that 150 feet rule would not apply to him because if we did apply that, we would be violating his First Amendment rights per the Constitution.

MS. PEACOCK: To have a campaign sign there?

SECRETARY KEMP: Right.

MS. PEACOCK: I wasn't there when this happened so I don't have first-hand information. But from what I understood from my poll manager, there was no sign -- I mean, he didn't have a political sign. But he was closer to the building.

But like I said, I was not there, so I don't know firsthand about that particular incident.

SECRETARY KEMP: It would be a different story, now, if he was in the parking lot of the precinct can campaigning versus being in his own yard or having a sign in his yard.

MS. PEACOCK: That's what I understood from my poll manager. But I would definitely not swear to it because I was not there.

SECRETARY KEMP: Any questions for Ms. Peacock?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you. Mr. Claxton, did you have something -- you're going to have to come back up.

MR. CLAXTON: If you look at the tab there for the investigator's investigations, it says I was 134 feet away. Every year -- there's been 16 elections since I've lived in this home for 21 years - I back my truck right there and I hold a sign up, and yes, I do say vote Wallace as you come out. I don't deny that. It's true.

SECRETARY KEMP: But you are on your property when you did that?

MR. CLAXTON: This is my particular property.

SECRETARY KEMP: Okay.

MR. CLAXTON: Where the truck is parked. Okay. All right.

He told me to move the sign. So we moved the sign; we got off the property. About ten minutes to six, I walk over to the precinct on -- after I voted, I walked to the precinct and the poll lady comes out and tells me that I am in violation of the law hanging around the outside of here and I need to leave. So I said I didn't know that, neither. I'm sorry. And I immediately left.

Later on I come back to speak with her and I said, ma'am, I'm sorry if I did anything wrong, whatsoever. She says that even though my property is one foot away, borders the property there, the precinct where the community center is, I cannot solicit or speak about any votes within 150 foot of the voting (unintelligible) even though -- she said even though it's on my property it has nothing to do with it.

SECRETARY KEMP: Thank you. Any questions for Mr. Claxton?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak?

(Whereupon, there was no response)

SECRETARY KEMP: Any other discussion from the board, or do we have a motion?

MR. McIVER: I will move consistent with Mr. Willard's advice from the law department that we issue a letter of instruction to Mr. Claxton.

SECRETARY KEMP: I think the last advice he gave was we shouldn't even issue a letter. If there had been, you know -- if he wasn't violating anything.

MR. WILLARD: That's correct, Mr. Chairman.

SECRETARY KEMP: But you can certainly make that motion.

MR. McIVER: It's just the hardness in me, I guess.

SECRETARY KEMP: Unlike most people, you're not getting soft. I won't say old age.

MR. SIMPSON: I move we dismiss the case against Mr. Claxton and bind over the case against Mr. Wallace.

SECRETARY KEMP: Let me ask you this, Mr. McIver? Did you withdraw your motion?

MR. McIVER: Yes. I am yielding to Judge Simpson.

SECRETARY KEMP: Mr. Simpson has moved that we dismiss. Do we have a second?

MR. WORLEY: Dismiss just as to Mr. Claxton?

SECRETARY KEMP: Yes. Just Mr. Claxton.

MR. WORLEY: I second that.

SECRETARY KEMP: Mr. Worley seconds. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: Mr. Claxton, we have dismissed your case. Thank you for being here today.

We still have to deal with Mr. Wallace. Do we have a motion?

MR. WORLEY: I move we bind over Mr. Wallace's case to the Attorney General's office.

SECRETARY KEMP: Mr. Worley moves that we bind over. Do we have a second?

MS. SULLIVAN: Second.

SECRETARY KEMP: We have a motion and a second to bind over. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: All in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries and we will bind that over to the AG's office. Mr. Wallace, they will be in touch with you about this matter.

We're moving to 2012-123, Early County.

MR. HARVEY: This case involves the allegation that a poll manager was family relation to two candidates on the ballot. It was determined that Denise Stewart, who was the poll manager in Early County, was related to the candidate for Probate Judge, Tonya Holly, and sister-in-law, Emily Ann Wilburn, who was the candidate for Superior Court. Each of those candidates appeared on the ballot when Ms. Stewart was a poll manager.

We've got the elections supervisor, Probate Judge Tonya Holly, cited for allowing that situation. We've got Denise Stewart, the poll manager, cited for failing to meet the qualifications of a poll officer.

Initially we had the Early County Board of Elections cited. In reconsideration of that, we are not sure that they would have known that an individual poll worker was a relative of the candidate.

So I recommend Early County Board of Elections be dismissed and that Tonya Holly and Denise Stewart be bound over to the AG's office.

SECRETARY KEMP: Any question for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak? Cookie

MS. HOLLY: I am Tonya Holly, 304 King Road, Blakely, Georgia. I'm the superintendent of elections.

We don't have a Board of Elections in Early County.

MR. HARVEY: Okay.

MS. HOLLY: I guess what I'm here to do is apologize. Denise Stewart is my sister. She has worked in elections for 20 years. I was unopposed in the primary.

My son-in-law was running in the primary for Sheriff, along with -- on the Republican ticket. There was four others on the Democratic ticket. So he was unopposed.

My sister-in-law -- I didn't think about her. My fault.

In defense of Denise, you know, she worked because I hired her. She is the chief, but she handles none of the memory cards. She just makes sure everything in the polls -- that is our central tabulation center. So I'm there most of the time and I'm always there during the calculation. So she has nothing to do with that part of it.

And what I've done to correct this problem is Monday night, the County commissioners, they have voted to create a Board of Elections and I am so excited.

So I guess that's all I have to say.

SECRETARY KEMP: Any questions for the Judge?

(Whereupon, there was no response)

SECRETARY KEMP: All right. Thank you for being here. Anyone else wishing to speak?

(Whereupon, there was no response)

SECRETARY KEMP: Okay. Any recommendations, other questions? Mr. Willard, while everybody is thinking about this, if we were to bind this over, what would your posture be on something like this for a consent?

MR. WILLARD: Well, any cases bound over that we reach agreement on a consent order, you will have a cease-and-desist and public reprimand. In a case like this, if the board bound that over, I would probably seek a monetary fine. But in this instance, it would probably be a de

minimis fine, unless the board directed me otherwise.

SECRETARY KEMP: I'm a little torn on this. I think clearly there has been a violation because the law is pretty clear with respect to the superintendent in charge to know those. I do have concerns about Ms. Stewart not knowing that and not knowingly violating. Anybody else have any thoughts?

MS. SULLIVAN: I would make a motion if you're willing to entertain it.

SECRETARY KEMP: Sure.

MS. SULLIVAN: I will move that we bind it over to the Attorney General's office.

MR. WORLEY: I would second that.

SECRETARY KEMP: On both individuals?

MS. SULLIVAN: Yes.

SECRETARY KEMP: We've got a motion and a second to bind over. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries and we have bound that over. They you all for being here today.

The next case is 2012-165, Lincoln County.

MR. HARVEY: This case involves the election in -- the November general election of 2012 in Lincoln County. There were a number of allegations brought forth by different parties. Then-Sheriff Lawson was one of the major complainants.

We had allegations of dead people voting; felons under sentence voting; over 100 absentee ballots being transported and submitted by a single person; allegations that a prominent lumber company was requiring their employees to vote a certain way; absentee ballots were allegedly observed outside of envelopes in the elections office; a door at the elections office was left unlocked; and two people voted twice were the allegations.

Upon concluding the investigation, we found out there was a single person who voted while under felony sentence, that is Sylvester Wright. He was actually a federally convicted felon, and he voted in the election while he was still serving a sentence.

Sally Hawes, who has appeared before this board before, is a Lincoln County self-appointed election advocate who acknowledged assisting and transporting approximately 100 ballots, absentee ballots for people. She denied influencing them or affecting the way any person voted, but she acknowledged that she did it; she didn't see anything wrong with it.

There was an unsecured door in the building where the elections office was held. That was found late one night. It was not -- there are no other suspicious indicators and there is nothing to indicate that had anything to do with the election. No machines were tampered with.

No instances found of anybody double voting.

The Board of Elections is cited for two violations, one of which I think needs to be looked at again and dismissed. We do have the Board of Elections issuing absentee ballots to people where they were requested by a family member, but they were not -- it was not indicated why they were being requested by family members. There were 32 applications that were accepted and the ballots were sent out to a person even though there was no reason given why they were being requested for another person.

If you look under the violations, the second violation and the fourth violation which indicate allowing the electors accepting their absentee ballot applications even though they were not signed, I believe that is not a violation.

So I would recommend that the allegation of 21-2-381 and 21-2-431 against the board be dismissed, but that Sylvester Wright be bound over for voting while a convicted felon; that Larinda Bolton and the Board of Elections and Registration be bound over for failing to appropriately handle 32 absentee ballot applications; and that Margaret Sally Hawes be bound over on multiple counts of illegal possession and illegal assistance of absentee ballots.

SECRETARY KEMP: Any questions for Mr. Harvey?

MR. WORLEY: Mr. Harvey, you said Ms. Hawes had been before the board before? In what context?

MR. HARVEY: This exact same context in a previous election.

MR. WORLEY: What was the disposition of that?

MR. HARVEY: I don't believe that case has been resolved yet. I think it was in 2010 when she had the exact same situation that she had in 2012.

SECRETARY KEMP: Mr. McIver?

MR. McIVER: Mr. Harvey, on this chap registered to vote, the federal felon, aren't our system such that we would catch that?

MR. HARVEY: As a federal felon, there is no way -- there is a check for that. If he is a state convicted felon, he would be on the felon list that comes from the Department of Corrections. With a federal felon, there is no corresponding sharing of information.

MR. McIVER: Is this a correction we need to think about?

MR. HARVEY: It may be something the board wants to look at. I don't know how the Department of Justice or federal Department of Corrections, how they handle their information and if they disseminate to other states. My understanding is they do not. You have to find these yourself. It would be something I think would be wise to contemplate because there are certainly numerous people convicted of federal felonies in the state.

SECRETARY KEMP: Let me see if Ms. Ford or Ms. Anh have anything to add to that?

MS. FORD: From time to time sporadically from different districts we do get notification of people who are felons. But there is no systematic process we have set up like we do for state felons. But it's something we would certainly be more . . .

MS. LE: We have been contact with them about it and they have reached out to us to see if there's a way for them to set something up. But as of right now there is nothing. I think it's on the radar.

SECRETARY KEMP: Perhaps when you all see your congressperson, we can talk to them about that. We will do a little more due diligence on that and report back to the board. So put that on our list of things to follow up on.

MR. McIVER: I have one other question for Mr. Harvey. We see 32 electors in one instance and eight in another. By any chance would this have turned the election one way or the other? Does your file reflect what the margin of victory was?

MR. HARVEY: It doesn't reflect the exact. I don't believe either of those numbers would have affected the election. Actually, in those cases, the people did vote and, you know, minus the procedural mistake of not marking the box, it appears they were probably legally entitled to vote. So notwithstanding that technical legal violation, it doesn't appear that any improper votes were counted and my understanding is it was not close enough that 30 votes would have made a difference.

SECRETARY KEMP: Anyone else?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak? Yes, sir.

MR. JACKSON: Good afternoon. My name is Benjamin A. Jackson. I am the county attorney for Lincoln County. I am representing Ms. Bolton. My address is 2812-A Hillcreek Court, Augusta, Georgia 30909.

I would just like to reiterate what was just previously said. There were no issues of someone voting when they were not supposed to vote or someone being prevented from voting. This was strictly several clerical errors. I have spoken with Ms. Bolton and she has prepared a checklist for herself and for all the employees who work during the election time to make sure documents are signed properly and checked properly.

Again, everybody who wanted to vote did vote and no one was prevented from voting. If you have any specific questions as to the structure of how this occurred, Ms. Bolton is here today.

SECRETARY KEMP: Thank you all for being here. Any questions for Mr. Jackson?

(Whereupon, there was no response)

SECRETARY KEMP: All right. Thank you very much. Anyone else wishing to speak?

MS. BOLTON: My name is Larinda Bolton, 1268 Highway 220 West, Lincolnton, Georgia 30817.

I would like to say that on those 32 people that requested absentee ballots for other people, between myself and I talked with my poll workers, those were people who came in and said I want to request a ballot for my son or my husband, you know, or their brother -- you know. They were either in school or they would be working out of the county. And that was just an oversight in us not checking that little box at the bottom. But that is what those were. And I have put additional training that we will be doing that will prevent that. It was just that little box at the bottom and those people were eligible to vote.

SECRETARY KEMP: Any questions for Ms. Bolton?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you for being here. Anyone else wishing to speak?

(Whereupon, there was no response)

SECRETARY KEMP: Do we have a motion?

MR. WORLEY: I make a motion to dispose of some of these charges and move that we refer to the Attorney General's office the charge against Sylvester Wright for various violations of the election code, and that we refer to the Attorney General's office the charges against Margaret Sally Hawes for violation of O.C.G.A. 21-2-574 and 21-2-384(c)(1).

SECRETARY KEMP: We have a motion by Mr. Worley to bind over Sylvester Wright and

Margaret Sally Hawes. Do we have a second?

MR. McIVER: Second.

SECRETARY KEMP: Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries and we have bound over Mr. Wright and Ms. Hawes.

Do we have a motion on the other remaining potential violations?

MR. McIVER: I move we bind over all three allegations with respect to Ms. Bolton.

SECRETARY KEMP: Well, we had the recommendation to dismiss on two of them, right? Is that right Mr. Harvey?

MR. HARVEY: That is correct.

SECRETARY KEMP: You still want to leave your motion the same?

MR. McIVER: Yes.

SECRETARY KEMP: On all three violations?

MR. McIVER: Yes.

SECRETARY KEMP: We have a motion by Mr. McIver to bind over Ms. Bolton on all three violations that we have listed in our binder. Do we have a second?

MR. SIMPSON: Second

SECRETARY KEMP: We have a motion and a second. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: I'm going to oppose the motion, Mr. McIver, just because I don't think

we should be binding over two of those. But regardless of that fact, we will vote on your motion unless we have any other discussion.

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was taken)

SECRETARY KEMP: All opposed, same sign. No.

MR. WORLEY: No.

MR. WORLEY: That motion passes on a 3 to 2 vote and we have bound those over. Thank you for being here today.

Next on our agenda we have 2010-115, McIntosh County.

MR. HARVEY: This case involves the election in November, 2010.

The Sheriff's office in McIntosh County conducted their own investigation on allegations absentee ballot fraud in McIntosh County and the investigator from the Sheriff's office, Investigator Knudsen, interviewed postal employers that who said that Barbara Williams and Carolyn Quarterman had come in to the post office and bought a bunch of stamps and then later returned a bunch of absentee ballots. I say a bunch, I think approximately nine absentee ballots were returned by Ms. Quarterman and by Ms. Williams.

We actually took out arrest warrants and arrested Ms. Williams and Ms. Quarterman. They were subsequently indicted the McIntosh County grand jury on two occasions and then their cases were nolle prossed just recently.

So they have essentially acknowledged in their initial investigation possessing the ballots and delivering them to the post office. They denied influencing or otherwise improperly dealing with the ballots.

But I recommend both Ms. Quarterman and Ms. Williams be bound over to the AG's office for their counts of violations of possession of absentee ballots.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, anyone wishing to speak on this case?

(Whereupon, there was no response)

SECRETARY KEMP: Do we have a motion?

MR. McIVER: I move we bind over.

MR. SIMPSON: Second.

SECRETARY KEMP: We have a motion by Mr. McIver and a second by Mr. Simpson to bind over. Any other discussion

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

Case number 2012-121, Putnam County. Mr. McIver?

MR. McIVER: I would like the record to reflect that this is my home county. I am acquainted with Commissioner Reid, who is in the audience; the head of our elections board, Gary, also here; and one of the respondents, Dorothy Adams. So for that reason, and I can tell you I have absolutely no familiarity with this case or the facts; it's rather old, as I can see. But I wanted to offer to recuse myself and I am delighted to do that if any member of the board feels that would be in order.

SECRETARY KEMP: From my perspective, I think that is a decision you should make. It certainly does not bother me one way or the other.

MR. McIVER: Probably in the best interest of the board, I will recuse myself.

SECRETARY KEMP: Let the record reflect Mr. McIver is recusing himself on this case. Mr. Harvey.

MR. HARVEY: This case involved the nomination petition of a candidate. When a petition was circulated and turned in for a candidate, it was determined that there were several problems with the petition.

You had -- one of the problems was there was an instance of a person not registered and qualified to sign the petition that signed it, and that is Ms. Rosa Herring.

You had two individuals who signed the petition more than once, and that is William and Robin -

- William Rainey and Robin Manley Rainey. They each signed two petitions.

And then lastly, you had to circulators who circulated the petition who also notarized the petitions on themselves, which is in violation of 21-2-170.

Ultimately, the petition was rejected, however an appeal was filed to the Superior Court who put the candidate on the ballot anyway.

As far as the violations go, I would recommend as far as Ms. Rosa Herring goes, she was a resident but not registered, and therefore not entitled to sign. I recommend she receive a letter of instruction.

As far as Mr. and Mrs. Rainey, they signed more than once. I don't know if there was anything nefarious in that attempt or not. I would leave that up to the wisdom of the board as to whether or not they are to be bound over possibly receive letters of instruction.

Lastly, as far as Karen Shornhorst and Dorothy Adams go, I believe they should be bound over to the AG's office for failure to properly circulate and have the petitions notarized.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak on this matter?

MS. REID: My name is Janie Reid. I reside at 103 Beach Avenue, Eatonton, Georgia 31024.

I am the one who filed this complaint. First and foremost, I will say I'm very satisfied in the way the election turned out, although we had a number of things that in my very limited understanding of the law were wrong.

I'm disappointed in the fact that only three of the things that -- and I don't have all my notes -- only three of the several issues that I pointed out are going to be considered today.

Immediately after it was time to turn in, or the time expired, for a person to submit the petition to be an independent candidate and be allowed on the ballot, I went to the Board of Elections office here in Putnam and by open records request got a copy of all the petitions. To my surprise, almost all of the handwriting looked the same. I am somewhat familiar with the code; I have looked at it. I was, like, again, in my very limited understanding of it, could not believe what I was seeing.

Gary Sanders is here. Gary Sanders is our Board of Elections supervisor. And to his credit, he truly, truly did in our opinion, my opinion and the opinion of others, what he was supposed to, and that is to say, you know, to the opponent, this is not right; we cannot allow it. The opponent, as it was stated, did file in Superior Court, and the judge, in my opinion -- in my opinion -- blatantly disregarded the code and allowed the opponent to be placed on the ballots.

I'm sure this is very easy to investigate because the facts and there and they spoke for themselves.

In addition to the thing in addition to the three things that have been outlined here, one thing that really really struck me as just being wrong and to many people, not just my supporters, but many people in the county looking at it said how can this be; how that how can this be allowed when the opponent and another person were circulating these petitions stood in the courtroom and said, yes, I signed these positions. I filled it out and I went to the people to get them to sign. That's not the code says do.

I know without a doubt that if it had been me, I would have been charged with a felony count of filing or writing people's signatures. It's one thing for you to write my name, Mr. Harvey, as an example, and you ask me is that my signature. No. It's my name because I didn't sign it. And that's what these people did.

Unfortunately, I didn't -- the court did not rule in my favor. I didn't petition the court at that time. I tried my best to come back and to asked to allow me to be an intervener. At that particular time the judge denied it.

But these are truly code violation as stated in 21-2-170, and especially in 21-2-170(c) and 21-2-170(d)(4).

In regards to the recommendation from the investigator, especially with the two circulators, one of them was an attorney. I'm sure she knew what she was doing.

That's all I have to say. Thank you.

SECRETARY KEMP: Thank you, Ms. Reid. Just because they may have been an attorney doesn't always mean they know what they are doing. I hope my fellow board members will not take any ill will towards that comment.

MR. WORLEY: We should point out the only non-lawyer is the chair.

SECRETARY KEMP: Ms. Reid, I couldn't resist that opportunity. Any questions for Ms. Reid?

(Whereupon, there was no response)

SECRETARY KEMP: Mr. Harvey, -- well, let me ask. Have any others wishing to speak? Yes, sir.

MR. SANDERS: My name is Gary Sanders. I am the supervisor of elections for Putnam County, 100 South Jefferson Avenue, Suite 217 in Eatonton.

I did not intend to speak, but I do want to clarify the board's action in rejecting the petition was

exactly in agreement with Ms. Reid's contentions of the violation of a strict interpretation of the code for petitions. The violations that Commissioner Reid is stating were the same violations that the board rejected the petition. It was then put into the Superior Court hands. They overturned the Board of Elections decision and allowed Mr. Brown to be on the ballot.

So to clarify, the board agrees, in essence, with Ms. Reid's assertions about code violations and the technical defects of the petition. I just wanted to give that clarification.

I think Commissioner Reid, some of the actual complaint was with the Judge's overturning of the Board of Elections decision. It was not her disapproval of the board's actions.

SECRETARY KEMP: Thank you Mr. Sanders. That is very helpful. Any questions for the elections superintendent?

(Whereupon, there was no response)

SECRETARY KEMP: I appreciate you being here today. Ms. Reid, did you have something you wanted to add?

MS. REID: Yes, sir. I agree. That is exactly correct what Mr. Sanders is saying. I do not disagree at all with the way the Board of Elections handled it. Not at all.

But the add-on to that is if -- and the Judge, he made his decision -- if we are going to allow -- if the State of Georgia is going to allow the code to be disregarded, we don't have a strong code to follow in the elections.

SECRETARY KEMP: Thank you for that comment. I can tell you I don't think this board is going to allow the code to not be enforced. Anyone else wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Mr. Harvey, I got that Ms. Rosa Herron was not qualified and the Rainey signed twice.

MR. HARVEY: That's correct.

SECRETARY KEMP: The two circulators, the violation you found with that was that they signed and notarized?

MR. HARVEY: They circulated the petition and then notarized it as -- they're not allowed to do both. You either notarize it or you circulate it. But you are not allowed to notarize it and circulate it. Those are the two violations on Karen Shornhorst and Dorothy Adams.

SECRETARY KEMP: Have you spoken with them?

MR. HARVEY: I spoke -- I actually spoke with Ms. Adams last week, and we exchanged

emails yesterday.

SECRETARY KEMP: Do they contend, I'm sure, that they did not realize they could not do that?

MR. HARVEY: Ms. Adams, that was her position, that she just didn't realize that was a violation. I have not spoken with Ms. Shornhorst.

MS. REID: Mr. Chairman, Ms. Adams is the attorney.

SECRETARY KEMP: I won't reiterate my comment. Any other questions? Judge Simpson.

MR. SIMPSON: I just want to clarify one thing. There are some allegations from the podium that the petitions were not signed by the person whose name was on the petition.

MS. REID: Yes, sir.

MR. SIMPSON: Okay. And apparently that has been ruled on by the Superior Court Judge. So that takes it out of our bailiwick. I just wanted you to understand that we cannot move behind a Superior Court Judge on those issues. The only issues we are able to deal with are the ones here that Mr. Harvey was talking about.

MS. REID: Yes, sir. I understand.

MR. SIMPSON: I just want to make sure you understand that by not mentioning that, we are not condoning or making any decision whether your allegations are correct or not.

MS. REID: All right, sir.

SECRETARY KEMP: Any other questions comments or thoughts? I'm wondering if we ought not to just everybody letters. I know this doesn't happen a lot. It sounds like to me nobody really realized what they could and could not do.

Mr. Harvey, what did Rainey's say about signing twice?

MR. HARVEY: They verified their signatures on two different pages. I don't have any other information about whether they forgot they had signed it or -- I just don't have any of that information.

MS. REID: I have to bring this up. Ms. Adams is an attorney. She is the chairman of the Republican Party. She is also married to an attorney who is a member of the Board of Elections. She knew the rules.

SECRETARY KEMP: Any other? Yes, sir.

MR. SANDERS: Certainly notice no defense of the Rainey's. I don't personally know them.

Just a little background on this particular election cycle.

We had three nominating petitions for independent candidates circulating in the county at the same time. So, again, just for the full picture of that election cycle, we had multiple petitions going on around the county with multiple circulators supporting the different candidates. So there was not a singular petition that that cycle. There were three simultaneously collecting signatures.

Again, I cannot speak for the Rainey's, but that's a little bit of the background of what environment we had at the time.

SECRETARY KEMP: Very helpful, Mr. Sanders. Thank you.

MR. WORLEY: Mr. Secretary, just to comment, I am okay with sending a letter of instruction to people when they come and talk about what they did and admit they did the wrong thing and they understand it. I'm reluctant to do that in a case like this where we have five respondents who, as far as I can tell, have not deigned to appear.

MR. SIMPSON: I think in just talking about it, we would be better taking Mr. Harvey's recommendation of doing one letter of instruction and binding over the Rainey's and Shornhorst and Adams. That was your recommendation, wasn't it?

MR. HARVEY: That is correct.

MR. SIMPSON: Well I move we accept Mr. Harvey's recommendation.

SECRETARY KEMP: So we have a motion to give a letter of instruction to Rosa Herron, and in that motion we will bind over William Rainey and Robin Rainey and Dorothy Adam and Karen Shornhorst.

MR. SIMPSON: That is correct.

SECRETARY KEMP: Do we have a second?

MR. WORLEY: I will go ahead and second that.

SECRETARY KEMP: We have a motion and a second. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries and we have bound those folks over and we will do a letter of instruction to Ms. Herron.

That's got everybody, right, Mr. Harvey?

MR. HARVEY: Everyone who has shown up, yes, sir. I think we go back to Atkinson County.

SECRETARY KEMP: Let the record reflect Mr. McIver is back with us. Let's take a quick break until ten after two.

MR. WILLARD: Mr. Chairman, if I might, can we see if there is anybody here with the consent orders on the Attorney General's report? I realize we will be taking it a little longer, but that would allow anybody here on those cases --

SECRETARY KEMP: We can definitely do that. Is anybody here on the consent orders under the Attorney General's report from Hancock, Montgomery, City of Easton, or City of Pelham?

(Whereupon, there was no response)

SECRETARY KEMP: There we go.

MR. WILLARD: That takes care of that.

SECRETARY KEMP: We'll see everybody here in 10 minutes.

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(Whereupon, the proceedings were in recess)

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SECRETARY KEMP: I think we're back ready to go from our break. We didn't have anyone here on our AG consent cases so we will just go back to our regular calendar. Mr. Harvey, we've got Atkinson County.

MR. HARVEY: Yes, sir. 2012-76. This case actually involved complaints from the primary election in July of 2012 and the general election in November of 2012.

You had two parties making cross-complaints. There ended up being 18 different complaints that were filed. As you can see, it's everything from people not delivering absentee ballots to machines not working properly to not allowing employees to be assisted to the chairman of Board of Elections representing himself as Probate Judge.

All but five of these allegations were unsubstantiated. The investigation revealed that we did

find five violations involving different folks.

The first involved Stacy Gillis. She took a photograph of her granddaughters who were voting as they cast a vote for their grandfather, Charlton Ellis. That was within the DRE closed space area. She acknowledged taking the photograph and she didn't know it was illegal.

The second violation involved vote tabulation in the Axon precinct. This is in the primary election in July. The primary workers made the general public wait outside while they tabulated the votes at the precinct, which is clearly a violation of an election code.

Allegation number 11 indicated that the county failed to advertise the announcement of the testing, the L&A testing of the DRE's. The elections supervisor didn't realize she had to do that.

Next is also with the Board of Elections and elections supervisor. She was allowing poll workers, I'm sorry, poll managers -- correction; I'll try again. She was allowing poll watchers to simply sign up for precincts and not go through the legally prescribed means of being put forth by parties and candidates.

Lastly, we have one candidate, Samuel Tommy Guthrie, who entered the Willacoochee polling precinct while voting was taking place during the general election. There was about 15 minutes left, and voting was going on.

It is recommended as far as Ms. Gillis, that she receive a letter of instruction regarding taking photographs in a polling place, and that the other respondents are bound over on the list of charges in the summary.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak? I have my doubts, if there are.

(Whereupon, there was no response)

SECRETARY KEMP: Do we have a recommendation?

MS. SULLIVAN: I move we dispose of these cases as recommended by Mr. Harvey.

MR. McIVER: Second.

SECRETARY KEMP: Does that mean we are dismissing the cases or dismissing and binding over?

MS. SULLIVAN: That would be a letter of instruction to Ms. Gillis, and to bind over the remaining allegations.

MR. HARVEY: That's correct.

SECRETARY KEMP: We have a motion by Ms. Sullivan and Mr. McIver has seconded. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. 2010-60, Stewart County.

MR. HARVEY: It says City of Louvale. It's not City of Louvale. It's the Louvale precinct which was indicated in the title. Just clear that up.

This case involved the July, 2010 primary election. Again, there were multiple allegation back and forth about provisional ballots being denied; ID not being required; voters loitering outside precincts and discussing candidates; payment for votes; voter solicitation; and unethical conduct, etc.

At the end of the investigation, we did identify some violations, some of them involving the elections office.

Theresa Nelson, who was then the elections superintendent for Stewart County, personally delivered an absentee ballot to a neighbor who was not in a hospital, but was elderly. She delivered his absentee ballot to him and then requested that her husband retrieve it and return it to her in violation of the code.

She also, as elections superintendent, gave two absentee ballots to a third-party to give to other people who were in their house, which is also clearly a violation of the election code.

She also did not return the election materials to the clerk of Superior Court after the election as required by the election code.

In addition, we've got three other people listed as respondents. One is William Nelson. That's her husband, and we have him cited for unlawful possession in that he retrieved the ballot from Mr. Riles, who was the person it had been delivered to by Ms. Nelson. He brought it back to her. That is -- that may be one of the sketchier unlawful possession cases that I've put forward. So I will let the board determine what they want to do with that.

Darrell Wilson is cited for illegal possession of ballots for transporting his wife's ballot to the

registrar's office.

Lastly, Kenna Webb Watson is the person who actually received the ballots to give to her boyfriend and other friend, and then returned those ballots back to the registrar's office after they were voted.

So I recommend that Theresa Nelson, Darrell Wilson and Kenna Watson be bound over for their allegations.

As far as William Nelson goes, collecting a ballot at the direction of the election superintendent might make a hard case for Mr. Willard to prove, although he did technically possessed the ballot.

Lastly, the last violation listed under Kenna Wasson, I would recommend dismissing 21-2-381(a). That doesn't appear to be a violation that Kenna Watson has committed.

SECRETARY KEMP: Darrell Wilson was transporting whose ballot? His wife?

MR. HARVEY: His wife's ballot.

MR. WILLARD: He basically carried his and his wife's into the office.

MS. SULLIVAN: (Unintelligible)

MR. HARVEY: That's been the practice of the board.

SECRETARY KEMP: Technically it is a violation. That's something we're working on. Beth Kish, our code rewriter back there, spent years of her life working on that.

Any other questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak?

(Whereupon, there was no response)

SECRETARY KEMP: Any thoughts from the board?

(Whereupon, there was no response)

SECRETARY KEMP: Mr. Willard, do you have an opinion on us writing a letter to Mr. Nelson in regards to transporting a ballot as directed by the superintendent, or an official?

MR. WILLARD: I'll be honest with you, given the language of 574, I think that is probably the better course than us trying to prove a violation.

SECRETARY KEMP: If no one objects, I will move to that we can settle that part of it.

MS. SULLIVAN: Second.

SECRETARY KEMP: Let the record show the Chairman moved to send a letter of instruction to William Nelson; Ms. Sullivan seconded. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. Is there any discussion or motion on the rest of these folks?

(Whereupon, there was no response)

SECRETARY KEMP: I move we bind them all over.

MR. SIMPSON: Second.

MS. SULLIVAN: We had a recommendation on the very last, 381, to dismiss. Do we need to include that?

SECRETARY KEMP: Right. We will still be binding that person over on one violation. Mr. Willard, I think you can figure out what violations we've got and not, right?

MR. WILLARD: Yes. It appears from the evidence we've only got a violation of 574 against Ms. Watson. I'll be taking that into account.

SECRETARY KEMP: All right. So I made the motion. Who was the first to second?

MR. SIMPSON: Second.

SECRETARY KEMP: Mr. Simpson seconds. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

MR. McIVER: Mr. Secretary, I wonder if I might take my leave as we had discussed.

MR. McIVER: I thought you told me 2:30, Mr. McIver. Thank you for your service, Mr. McIver. We appreciate you chairing the meeting in my absence this morning, and safe travels.

MR. McIVER: See my colleagues at the next meeting.

SECRETARY KEMP: Let the record reflect that Mr. McIver has had to leave us with pressing important business.

Mr. Harvey, we've got 2012-136, the Peach County case.

MR. HARVEY: I believe we have Berrien County, 2012-81.

SECRETARY KEMP: All right. 2012-81, Berrien County.

MR. HARVEY: This is a relatively simple case. A voter in Berrien County, Jeremy Roberts, was removed by the Berrien County office of elections.

In their auto-precincting, they were redistricting their voters. They mailed him two notices. They had a hearing and he didn't appear; didn't respond to any of the notices. After the hearing, he was deleted as a voter. He subsequently went to vote in an election and it was found that he was not eligible and he filed a complaint.

It was determined that the elections office did everything right up to the point of deleting him. However, they didn't send him a letter notifying him they had deleted him.

I recommend the elections office receive a letter of instruction with regards to that. They obviously made every attempt to comply with the law up to that point. And after deleting him for not being at his address, it's not unreasonable they may think, well, we're not going to send him a letter if he doesn't live at that address.

So I think a letter of instruction would be sufficient in this case.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak with?

(Whereupon, there was no response)

MR. WORLEY: I make a motion that we send a letter of instruction to the Berrien County board.

MS. SULLIVAN: Second.

SECRETARY KEMP: Mr. Worley moves to send a letter of instruction to the Berrien County board; Ms. Sullivan seconds. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. We're onto case number 2012-136, Peach County.

MR. HARVEY: The complainant in this case was the Peach County Sheriff, Sheriff Terry Deese, who reported that an individual was arrested in his jurisdiction and he was found to have nine or ten completed voter registration applications in his possession when he was arrested. He contacted our office and we conducted a joint investigation with him.

What we found was Quintarious Everett was the person arrested. He had collected nine voter registration applications from people on October 4th, 9th, and 10th, and had not turned them over to the elections office within ten days of receiving them.

He, himself, had completed a voter registration application among those he had while he was a convicted felon serving a felony sentence. We have him cited for 21-2-216 for not meeting the qualifications of an elector.

Lastly, Quintarious Everett told us the person who hired him to collect these voter registration applications was a man named Marvin Crafter. He said that Marvin Crafter had offered him \$50 for every 20 completed registration applications he returned.

Marvin Crafter was interviewed and he said that he was going to pay Quintarious Everett for collecting voter registration applications, although he denied there was any specific amount or number of applications he had to return.

Lastly, Michael Caldwell was one of the people who completed a voter registration application

that Quintarious Everett had retained. Michael Caldwell, who is a convicted felon, said that he told Quintarious Everett he was a convicted felon when offered the application and Quintarious Everett said that's okay; you can go ahead and register anyway. The application was never turned in.

At this point, I would recommend that Quintarious Everett be bound over to the AG's office; Michael Caldwell receive a letter of instruction regarding trying to register to vote while serving a felony sentence; Marvin Crafter is cited for solicitation to register people to vote for money. We have the word of Quintarious Everett that that happened. Marvin Crafter did I say. I recommend that Crafter be bound over as well to the AG's office.

SECRETARY KEMP: Judge?

MR. SIMPSON: Mr. Harvey, I'm a little concerned about the letter of instruction issue. I thought it was a standard policy that with felons registering that it was a consent order with a civil penalty. I don't remember us just giving a letter of instruction for a felon registering. It's always been bind it over to deal with a consent order.

MR. HARVEY: And certainly the board could take deposition. You know, it was never turned in, so I don't know whether or not --

MR. SIMPSON: That wasn't his fault, though. He tried to.

MR. HARVEY: And that is certainly an option.

SECRETARY KEMP: I think the reason the recommendation was made was because he told the guy, look, I don't want to register; I can't register. And the guy told him, well, yeah; you can.

MR. WILLARD: Mr. Simpson, in the past, if that has been the situation, we had that before at least at one meeting last year where the registrant had come in and said I was told that because I was on probation it was find that I register to vote. And the board has issued letters of instruction in those cases. Where it's not he's doing it with a government official, but they're doing it with a private registration and they're told something contrary to law, that's when the letters of instruction issue. It's not like you go into DDS and fill out the governmental forms.

MR. SIMPSON: Thank you.

SECRETARY KEMP: Anybody else? Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak?

(Whereupon, there was no response)

SECRETARY KEMP: Anybody have a motion?

MR. SIMPSON: I move we accept Mr. Harvey's recommendation.

SECRETARY KEMP: You want to give the letter of instruction?

MR. SIMPSON: Letter of instruction.

SECRETARY KEMP: To Mr. Caldwell and then bind over --

MR. SIMPSON: Bind over Everett and Crafter.

SECRETARY KEMP: All right.

MR. WORLEY: I will second that.

SECRETARY KEMP: Mr. Simpson has made a motion to bind over Everett and Crafter and do a letter of instruction to Caldwell. Mr. Worley seconds. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

MR. HARVEY: I believe we are on to 2012-139, Jefferson Davis County.

SECRETARY KEMP: That's what I've got. 2012-139, Jeff Davis County.

MR. HARVEY: This involves the general election in 2012. The allegation is the Probate Judge running for reelection was campaigning illegally within 150 feet of a polling place.

What happened is that the Probate Judge parked his truck outside the 150 foot mark. He had signs stickers. So that was not a problem. However, we had a complaint from an individual who said he went in to get a copy of his birth certificate from the Probate Judge and he didn't have the \$25 necessary to obtain it, and the Probate Judge gave him a campaign sign, a hat, and said, oh, you can have your birth certificate as long as you vote for me.

Mr. Fisher, the complainant, took the birth certificate and paraphernalia, however he did not vote.

The Judge stated he sometimes gave out birth certificates for free when people couldn't afford them. But he denied doing it in exchange for votes or political favors.

I believe the evidence shows that there's evidence that Judge Buford violated 21-2-570 in giving things of value in exchange for votes. I recommend he be bound over to the AG's office.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak?

(Whereupon, there was no response)

SECRETARY KEMP: Any discussion from the board or a motion?

MR. WORLEY: In terms of discussion, I think it's very unfortunate given the seriousness of the charge in this case that the respondent did not appear to answer the charges.

I move we bind this over to the Attorney General's office.

SECRETARY KEMP: We've got a motion to bind over the former Probate Judge to the Attorney General's office.

MS. SULLIVAN: I second.

SECRETARY KEMP: A second by Ms. Sullivan. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. Next is 201-191, Bibb County.

MR. HARVEY: This case also involved the general election of 2012. Voter Vanessa Lipke was formally registered in Fulton County, or maybe DeKalb County. She had come down here to Macon to receive medical treatment and turned in, she says, her voter registration change of address form to register in Bibb County. She did that through the nursing home where she was living.

She then went to vote in the election and was told her registration had never been received and never been processed. She said that she was sure she had sent it in. She was not offered a provisional ballot and left the polling place without voting.

We've got the Bibb County Board of Elections and Registration cited for violation of 21-2-418(a) for failing to provide a provisional ballot when a voter shows up and expresses they believe they are registered to vote.

I recommend that be bound over to the AG's office.

SECRETARY KEMP: Are we recommending that we bind over the poll manager, too?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: Do we normally do that?

MR. HARVEY: Yes. I can't say we do a 100% of the time, but it is not unusual for the poll manager in a case like this, where it's done sort of at the local level, to include the poll manager.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, do we have any discussion or a motion?

MR. SIMPSON: I move we bind over Bibb County Board of Elections and Registration and Faye Butts.

MR. WORLEY: Second.

SECRETARY KEMP: We have a motion by Mr. Simpson and a second by Mr. Worley to bind over Bibb County Board of Elections and Registration and Faye W. Butts to the AG's office. Any other discussion?

MR. WORLEY: I would be curious to know, Mr. Harvey, was there any discussion with Bibb County about the hearing here today since we are in Bibb County?

MR. HARVEY: No, Sir. I sort of expected them to be here. But I have not had any communication with them.

MR. WORLEY: I would have expected them to be here, too.

SECRETARY KEMP: Any other comments or discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. We have bound over the respondents. I believe we're down to 2012-126, Peach County.

MR. HARVEY: This case involves a candidate for county coroner.

Otis Lee Daniel was a candidate for corner. On his candidacy a affidavit, he swore he had never been convicted of a felony. He, in fact, had been convicted of a felony in 1972. He was sentenced to probation and a \$150 fine. It was challenged, and I believe he was taken off the ballot.

But we have cited for false information on a qualification affidavit, 21-2-562(a). I recommend he be bound over to the AG's office.

SECRETARY KEMP: Any questions for Mr. Harvey?

MR. SIMPSON: I do. What about the fact of the pardon?

MR. HARVEY: That was on a subsequent felony conviction.

SECRETARY KEMP: It wasn't the same one?

MR. HARVEY: No, Sir.

MR. SIMPSON: Okay.

SECRETARY KEMP: Any other questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, we can have discussion or a motion.

MS. SULLIVAN: I move that we bind this over to the Attorney General's office.

SECRETARY KEMP: Ms. Sullivan moves that we bind over to the Attorney General's office. Do we have a second?

MR. WORLEY: Second.

SECRETARY KEMP: Mr. Worley second.

SECRETARY KEMP: Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries, and we have bound that over to the Attorney General's office.

Mr. Harvey, I believe that's got all our business done.

MR. HARVEY: I believe so.

SECRETARY KEMP: And we can move on to the Attorney General reports.

As has been our posture, we can vote on these in block to accept the recommendations in our binder unless there is someone here in the audience or member of the board that would like to pull a case out. Is there anybody who wishes to do that?

MR. WILLARD: Mr. Chairman, if I may, tab 36, City of Eastman, the Attorney General's office is pulling that case. We will not be presenting it to the board today.

SECRETARY KEMP: I was going to pull that out let you discuss that, Mr. Willard. But I will hold that.

Let the record show we're going to pull off 2011-81, city of Eastman at the request of the Attorney General's office.

So we have 2010-40, Hancock County; 2010-83, Montgomery County; 2011-108, City of Pelham.

MR. WILLARD: Yes, sir, Mr. Chairman.

SECRETARY KEMP: Does anyone wish to pull those out and discuss? If not, I'll accept a motion to accept the consent orders in our binder.

(Whereupon, there was no response)

SECRETARY KEMP: All right. We are ready for a motion.

MR. SIMPSON: I move we accept those consent orders.

SECRETARY KEMP: Mr. Simpson moves we accept the consent orders from Attorney General's report.

MR. WORLEY: I will second.

SECRETARY KEMP: Mr. Worley seconds. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. We have accepted those recommendations.

I believe that's all of our business today on our agenda. Any board members have anything else?

(Whereupon, there was no response)

SECRETARY KEMP: I will accept a motion to adjourn.

MS. SULLIVAN: So moved.

MR. WORLEY: Second.

SECRETARY KEMP: Ms. Sullivan moves, Mr. Worley seconds. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: We are adjourned. Hope you all have safe travels back home or wherever you are going.

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(Whereupon, the proceedings were concluded)

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CERTIFICATE

STATE OF GEORGIA)

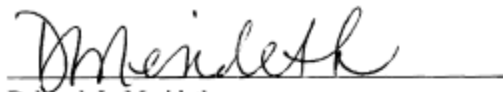
COUNTY OF DEKALB)

I, Deborah L. Merideth, hereby certify that the foregoing record was taken down in the stated caption; that the colloquies, questions and answers were reduced to print by me or under my direction; and that the foregoing pages represent a true, correct and complete record of the evidence given.

The above certification is expressly withdrawn and denied upon the disassembly and/or photocopying of the foregoing transcript or any part thereof, including exhibits, unless said disassembly and/or photocopying is performed by or under the auspices of the undersigned and the signature and original seal are attached thereto.

I further certify that in accordance with O.C.G.A. 9-11-28(a), I am not a relative, employee, attorney or counsel of any party, nor am I financially interested in the instant action.

This the 23rd day of February, 2014.



Deborah L. Merideth
Certified Court Reporter 2708
State of Georgia

