

THE OFFICE OF THE SECRETARY OF STATE
STATE OF GEORGIA

IN THE MATTER OF:

STATE ELECTION BOARD MEETING

GEORGIA STATE CAPITOL BUILDING
ROOM 341
ATLANTA, GEORGIA 30334

TUESDAY, JUNE 10, 2014
10:00 A.M.

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

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APPEARANCES:

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

David J. Worley, Member, State Election Board

L. Kent Webb, Member, State Election Board

Ralph F. Simpson, Member, State Election Board

ALSO PRESENT:

Mr. Chris Harvey

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.

10:00 a.m.

PROCEEDINGS

SECRETARY KEMP: Good morning, everyone. Welcome again.

I will call the Tuesday, June 10, 2014 State Election Board meeting to order. Our first order of business is for Mr. Worley to lead us in the invocation and the Pledge of Allegiance.

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INVOCATION

- - -

PLEDGE OF ALLEGIANCE

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SECRETARY KEMP: Thank you, Mr. Worley. We're going to change a couple of things on the agenda today. We are going to move into public comment period next, which is number 3 on the agenda. If anybody has filled out a card and would like to address us in the public comment period, we're going to use this front desk for public comment and our speakers today.

Ms. Sally Fitzgerald wants to address us this morning for two minutes. Welcome back.

Today, too, all speakers give us your names clearly and your address so we can record that in the record of our transcripts.

Welcome back, Ms. Fitzgerald.

MS. FITZGERALD: Thank you. I'm Sally Fitzgerald. 7604 Van Eyck Way in Sandy Springs. I am here today as a poll manager. Have a copy of my comments for the transcriber as well.

I have three things to share with you. I don't know whether you can do anything about them but I think you should know about them.

In Fulton County where I live three incumbents filed for reelection using government-provided e-mail addresses. And I have given a copy of that qualified candidate listed Mr. Kemp.

One was a State Court judge who was unopposed; a county commissioner and a school board candidate, both opposed. The judge and school board candidate were nonpartisan.

If the government funds it, it is taxpayer provided and thus it is prohibited by O.C.G.A. 21-5-30.2(B) from being utilized in any campaign. I reported this to the local Board of Registration and Elections. They did their due diligence and researched it. Two lawyers on the board and the county lawyer who serves the board concluded there was no authority provided in law for this board, local board, to correct the situation, either to remove the information as it was posted on the website or to require the candidate to request removal.

I'm not sure what the remedy is, whether the law has to be changed or whether there's this is something you as a board can do or the Elections Division can do administratively. But someone needs to designate a policing effort to give that law enforcement teeth. And someone needs to let the citizenry know how they can report such things.

The second thing I'd like to talk about is online voter registration. It is certainly an upgrade and it attracts voters who are busy, computer literate in need to register or reregister.

Prior to the May 20 I got on with my personal information just so I could see the screens to and be able to explain the process to voters who might want to use the system. I never got past entering my address. The software uses a verification file for the address, perhaps the U.S. Postal Service file. It insisted my street address was in the city of Atlanta when it is within the boundaries of the city of Sandy Springs.

SECRETARY KEMP: Ms. Fitzgerald, your time is up. So if you can wrap up, we'll appreciate it.

MS. FITZGERALD: I was unable to override or delete it in any way. I would ask that you allow the voter who knows their address to override that.

And the third thing I would ask is the voter certificate has the reduced font on the front side. It makes it very difficult for voters with writing impairments to fill in the facts and information that needs to be filled in, and it's also difficult for the poll workers. I would hope that we can get that changed.

Thank you.

SECRETARY KEMP: Thank you for being here. We'll look into those issues for you.

Anyone else wishing to make a public comment?

(Whereupon, there was no response)

SECRETARY KEMP: Seeing and hearing none, I will close that part of the meeting and move on to approval of minutes from the State Election Board meeting on February 5, 2014. If there are no additions or corrections, I'm ready for a motion.

MR. McIVER: I move.

SECRETARY KEMP: Mr. McIver moves to approved the minutes.

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. We have approved the minutes.

I'm also going to move the board rule amendments that we have. It's a been a tradition of the State Election Board to discuss that after our case load to try to help get you all out of this room quicker if that's your objective today. So we are going to move agenda item number 4 to the bottom of the calendar today after the Attorney General report. Just so you know, those of you that are not here, that would only be a vote, should the board decide to do so, on posting the rules so we can receive comments. It is not final passage. It will only be to post the proposed rules.

Mr. Harvey, we're going to move to the investigative report. First on that agenda is the consent cases. Our posture here at the State Election Board is for any board member that would like to discuss one of these cases, the details of it, we can pull it out. Also, if there is anyone in the audience that would like to have a discussion on a case, we will pull it out. If no one does, these cases will be voted on in block to be dismissed per the recommendation of the investigative team and Mr. Harvey's report.

For the agenda items under the consent cases, is there any board member that would like to pull a specific case or two, or however many, to discuss today?

MR. WORLEY: I would like to pull out case number 2012-00132, Clayton County.

SECRETARY KEMP: We'll pull that out for Mr. Worley. Anyone else?

MR. HARVEY: Mr. Secretary, I was going to ask that the last case on the consent calendar, Towns County, 2012-168, be reset. I got a phone call yesterday from a complainant who had additional information we need to look at. I recommend we take that off the calendar and present that at a future date.

SECRETARY KEMP: We will make note that SEB case number 2012, number 168 is going to be pull off the calendar. We will discuss that hopefully at our next meeting.

Is there anyone in the audience that would like to hear a specific case on our consent calendar?
Yes, ma'am.

UNIDENTIFIED FEMALE: 2012-000127, Fulton County.

SECRETARY KEMP: That will be pulled out for discussion.

UNIDENTIFIED FEMALE: Troup County, number 2012, number 93.

SECRETARY KEMP: Troup County, 2012, number 93 will be pulled out.

UNIDENTIFIED FEMALE: There are actually two other cases for Troup County, too, 161 and 151. Perhaps all can be discussed at one time.

SECRETARY KEMP: We will pull those off as well. Anyone else? Yes, ma'am.

UNIDENTIFIED FEMALE: 2011- 00085, East Point.

MR. WILLARD: That's on the regular calendar, Mr. Secretary.

SECRETARY KEMP: This is just consent cases. We will hear that case.

Any other consent cases?

(Whereupon, there was no response)

SECRETARY KEMP: Okay. We've got our calendar set. I will take a motion to dismiss the following cases under the consent calendar: 2012-15; 2012-92; 2012-160; 2012-166; 2012-174; 2012-175; 2012-179; 2012-188; 2012-189; 2011-111.

Do we have a motion to dismiss these consent calendar cases?

MR. SIMPSON: So moved.

SECRETARY KEMP: Mr. Simpson moves to dismiss. Do we have a second?

MR. WORLEY: Second.

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

MR. WILLARD: Mr. Secretary, before we move on, did Baldwin and Floyd County, 2012-130 and 2012-143, did those get pulled off?

SECRETARY KEMP: They did not. Did I miss those?

MR. WILLARD: Yes, sir. You omitted those.

SECRETARY KEMP: Let the record show -- Mr. Simpson, would you just withdraw your motion?

MR. SIMPSON: Yes.

SECRETARY KEMP: Mr. Simpson has withdrawn his motion. Let the record show that in addition to the cases I mentioned for dismissal under the consent cases, we need to add 2012-130, 2012, number 143. Now I will take a motion to dismiss those named cases.

MR. SIMPSON: So moved.

SECRETARY KEMP: Mr. Simpson moves.

MR. McIVER: Second.

SECRETARY KEMP: Mr. Worley seconds.

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. We have dismissed the recorded cases.

Mr. Harvey, 2012, number 93.

MR. HARVEY: This case involved the Troup County special election July 31, 2012. The allegation was that several districts -- during redistricting there were some voters that were redistricted and get the wrong ballots. Our investigation revealed that there was redistricting done and some voters were unaware they had been assigned to new districts.

There were two individuals that had their ballot cards improperly coded, however they brought to the attention of the election workers who were able to reassign them their proper ballot and they were able to cast them properly.

One voter was incorrectly listed as having voted absentee ballot. They were given a provisional ballot and it was determined they had not voted and so their provisional ballot was vote was counted.

Other than the temporary violation -- temporary problems of issuing the wrong district cards, everything was corrected at the polls and everyone was able to vote and we did not find any other violations.

I recommend this case be dismissed.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak on this case? Yes, ma'am. If you will,

just come up to this microphone and give us your name and address for the record.

MS. GILMORE: Thank you. My name is Ellen Gilmore, 210 Old Gabbottville Road, West Point, Georgia.

Mr. Harvey mentioned the redistricting problem. I understood in addition to what you said about the card being encoded incorrectly, that was the case in one of the issues where the voter was an astute voter. He knew immediately the person he was supposed to -- he wanted to vote for was not on the ballot, and immediately called that to the attention of the election officials. And that was corrected by changing the person who was encoding the cards.

I would like to ask about the redistricting because we had in that particular race in District 2, seven votes would have made a runoff. There were people who were not put in the right district at the very last minute because of the federal -- the federal order was not received in a timely manner. And right up until the last minute I think that was an issue as far as putting people in the right districts and some were in District 2, some in District 3. To this day we would not know whether or not seven votes cast in the wrong district could have caused a runoff one of those districts.

Did you find anything about that?

MR. HARVEY: We did not find any evidence that people had been improperly districted.

UNIDENTIFIED FEMALE: Thank you very much. I appreciate your time.

SECRETARY KEMP: Any questions from the board?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak with this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, ready for a motion or further discussion.

MR. SIMPSON: I move this case be dismissed.

SECRETARY KEMP: Mr. Simpson moves that we dismiss 2012 , number 93. Do we have a second?

MS. SULLIVAN: Second.

SECRETARY KEMP: 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. We have dismissed that case.

SECRETARY KEMP: Mr. Harvey, 2012-127, Fulton County, East Point.

MR. HARVEY: This complaint, looking back, is sort of melded into the Fulton County complaint that this board has dealt with earlier in the year from the 2012 elections.

The specific complaint from the City of East Point was the city clerk in East Point was having a hard time getting communication back and forth from Fulton County regarding problems they saw in their district.

In the time span from her filing the complaint in 2011 until the current date, East Point has reported they have received assistance from Fulton County. They believe errors have been corrected. They didn't have any specific issues except to just complain that Fulton County was unresponsive.

The current response from the City of East Point is they get much improved service from Fulton County.

So we don't have a specific violation here and I recommend this case be closed. I believe in dealing with Fulton County's larger issues the board will address any issues that may have been involved in this case.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Is there anyone else wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, do we have a motion or further discussion.

MR. McIVER: Move to dismiss.

SECRETARY KEMP: Mr. McIver moves we dismiss case 2012, number 127. Do we have a second?

MR. SIMPSON: Second.

SECRETARY KEMP: We have a motion and a second to dismiss. 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 that case.

Next we have 2012-132, Clayton County.

MR. HARVEY: This case involved an election in Clayton County November of 2012. The issue is that there was a voter in line in line waiting to vote and he overheard a conversation between the poll worker and two elderly voters who were getting their certificates, or asking about voting. They asked about voting for a specific Sheriff candidate, a write-in candidate, and the complainant overheard the poll worker say, "Oh, you don't want to vote for him." The complainant interjected and said you shouldn't tell people who to vote for and not to vote. He made a complaint.

The elections director, Amy Bright, responded pretty much immediately. She interviewed the poll worker who denied saying that nobody should vote for any person and denied any type of

advocacy or talking down a candidate. The complainant insisted what he heard. We were left with sort of a he said/she said scenario. I understand Mr. Worley's concern that in a lot of these cases we do bind them over if there is a conflict in the evidence.

Ms. Bright responded immediately, so my initial recommendation was that I just didn't have evidence of a violation. It wasn't spoken directly to the complainant. He may have misunderstood something about voting for a write-in candidate who wasn't qualified. We just don't know.

It is certainly to the wisdom of the board, but I recommend the case be dismissed.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

MR. WORLEY: I didn't have any questions for Mr. Harvey, but Mr. Harvey is correct that I asked that this be discussed because it is a situation where we have two conflicting reports and in that situation our policy is to bind it over rather than determine the truth of the allegation. So that's why I asked that it be pulled.

SECRETARY KEMP: Any other questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Did anyone else wish to speak on this case today?

(Whereupon, there was no response)

MR. WORLEY: It is clear that -- it seems clear from the report that Ms. Bright, the elections supervisor, handled this appropriately and immediately. But I would still argue that this is a case that needs to be reviewed and bound over. So I would make a motion that it be bound over to the Attorney General.

SECRETARY KEMP: Who would we be binding over, so I can make sure we're clear on that.

MR. WORLEY: The respondent would be Betty Simonds, the poll worker who made the alleged comment.

SECRETARY KEMP: Okay. We've got a motion by Mr. Worley to bind over Betty Simonds. Do we have a second?

(Whereupon, there was no response)

SECRETARY KEMP: I'll second the motion. Do we have any other discussion?

MR. WORLEY: A little further discussion, and I appreciate your second of the motion.

The reason that it seems it was recommended for dismissal was that the investigator couldn't find any other witnesses to verify the complainant's account. But we do have the complainant's account and the only thing we have to contradict that is the statement from Ms. Simonds. So, again, it's just a straight he said/she said situation and our policy in those cases has been in the past to bind those over to the Attorney General.

SECRETARY KEMP: Let me just say I certainly don't disagree with Mr. Worley, obviously, as I seconded the motion. I want to thank Ms. Bright for her quickly responding to the issue. But I think also we have to consider, too, the workload we are giving the AG's office when the complainant doesn't show up at the meeting to give their side of the story. So I understand this is an interesting dilemma, if you will, that we are in. But I think it's just something the board needs to vote on and we'll see what the wisdom of the board is.

Judge Simpson?

MR. SIMPSON: Is there some sort of training that is given to poll workers about comments and communications to voters?

SECRETARY KEMP: There is. Ms. Ford can elaborate on that if you need her to.

MR. SIMPSON: You think maybe there was a breakdown in that communication and the training wasn't given to that poll worker? Or do we know whether or not the poll worker was talked to about this or if there was any training given in this instance?

MR. HARVEY: The poll worker was spoken to by Ms. Bright. The poll worker denied saying it. I know Ms. Bright does conduct training with poll workers and, you know, I think if the poll worker had said, oh, I said it because I didn't realize I couldn't say that, it would be an indication the training wasn't effective.

MR. SIMPSON: I thought you said earlier the matter was tended to on the spot, so to speak. Apparently, something had to be done if it was tended to on the spot. Was the poll worker talked to?

MR. HARVEY: Yes, sir.

MR. SIMPSON: Was the complainant there when that conversation was had?

MR. HARVEY: I do not know whether or not the complainant was there. I got the impression it happened almost instantaneously. Ms. Bright is here if you would like to address that.

MS. BRIGHT: Good morning, Chairman of the Board and board members. My name is Annie Bright. I am the director of elections and registration for Clayton County. My address is 11985 Scottish Court, Fayetteville, Georgia.

On the date that this incident occurred, I called Ms. Sims into my office once I got the complaint from the complainant and spoke with Ms. Sims. Ms. Sims stated she did not make that remark. We do have poll worker training and my poll workers are trained not to address any voters in any such manner as to who to vote for.

So Ms. Sims continues to say as of this date that she never said that to the voter. They are trained not to tell a voter who to vote for or how to vote.

MR. SIMPSON: Was the complainant there when you talked with Ms. Sims?

MS. BRIGHT: No, sir. The complainant was not there.

MR. SIMPSON: Has he ever come back and followed up on the complaint at all?

MS. BRIGHT: No, sir.

MR. SIMPSON: Nobody has approached your office and he's not come back?

MS. BRIGHT: No, sir. No.

MR. SIMPSON: Thank you.

SECRETARY KEMP: Ms. Bright, did the complaint come to you at the main office?

MS. BRIGHT: Yes. It came to me and said that Ms. Sims had said that she told him not to vote for Mr. Watkins; not to vote for a write-in candidate. I called Ms. Simpson immediately into my office to discuss that. Ms. Sims said she never did say that. As far as I was concerned, they must have misunderstood or it was a he said/she said conversation. I was not there and I didn't hear the conversation.

Once the complaint was filed with the State, the investigator came out and questioned Ms. Sims in my office and that was the same situation. Ms. Sims stuck to her word and said that she never said that to the voter because she has never said that to any voter. Ms. Sims has worked with me for 12 years as an assistant manager at the precincts and I've never had a complaint from her or about her.

SECRETARY KEMP: Okay. Mr. Worley?

MR. WORLEY: Given Ms. Wright's explanation and given the fact that the complainant is not here to contradict that, I will withdraw my motion.

SECRETARY KEMP: Okay. Thank you, Ms. Bright.

MS. BRIGHT: Thank you.

SECRETARY KEMP: Mr. Worley has withdrawn his motion. Do we have another motion?

MR. SIMPSON: I move the case be dismissed.

MS. SULLIVAN: Second.

SECRETARY KEMP: Mr. Simpson moves for dismissal and 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 have dismissed that case.

Mr. Harvey, 2012-151, another Troup County case.

MR. HARVEY: This involves the election in November of 2012. We got complaint that Jane

McCoy was interfering with poll workers by asking questions and giving directions to poll workers during early voting.

The investigation revealed that Ms. McCoy had been asked, I believe, by the county manager to observe the election process and see if she could come up with improvements or find areas -- this was in the pendency of the board taking over from the Probate Judge, Judge Boyd.

Ms. McCoy went to where the voting was taking place. She denied interfering with poll workers or telling them what to do. Judge Boyd came down and spoke with her and asked her to leave, and she complied and left.

We didn't find any evidence that Ms. McCoy was interfering with poll workers by asking questions. She was simply observing. She left upon being asked by Judge Boyd and we don't find violation.

We recommend this case be dismissed.

SECRETARY KEMP: Any questions from the board for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Is there anyone else wishing to speak on this matter? Yes, ma'am. Just give us your name and address again.

MS. GILMORE: Ellen Gilmore, 210 Old Gabbottville Road, West Point, Georgia.

I have a question about the indication that the county manager gave this individual the authority to go observe. And, obviously from Judge Boyd's analysis of that, she was giving some kind of direction or some kind of information that was incorrect.

My question is about the county manager having the authority to do that.

MR. HARVEY: I think anybody would have the authority to ask anybody to observe the election. So I don't think this board has any jurisdiction over the county manager making that request. I think a county official could reasonably ask somebody to observe the process and report back to them. If in doing that she interfered with the election, then I think this board would get jurisdiction.

I think the facts are that she went down, either at the direction of the county manager or somebody else, and was involved with the observation. For whatever reason, Judge Boyd came down and asked her to leave. I'm not sure she would have had to have left at that point. But she chose to leave there were no other issues.

So I don't know whether the board would be able to make any determination about the authority of a county official asking somebody to observe the election process.

MS. GILMORE: I just wanted that cleared up. Thank you.

SECRETARY KEMP: Any questions for Ms. Gilmore from the board?

(Whereupon, there was no response)

SECRETARY KEMP: Is there anyone else wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, I'll take a motion.

MS. SULLIVAN: Move to dismiss.

SECRETARY KEMP: Ms. Sullivan moves to dismiss. Do we have a second?

MR. WORLEY: Second

SECRETARY KEMP: Second by Mr. Worley to dismiss case 2012, number 151. 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 that case.

Mr. Harvey, I believe the last one on our consent calendar is 2012, number 161, another Troup County case; number 34 in our binder.

MR. HARVEY: This is November 6, 2012 election. We got several complaints. One was that a voter claimed they did not have President Barack Obama on their ballot at early voting, and also that the poll watcher was asked to leave the polls.

The investigation revealed that there was no reason to believe that President Obama was left off of the ballot. There were no other complaints. How somebody may have missed it is, I guess, anybody's guess. But if he had been left off the ballots, I'm sure we would have gotten more the one complaint. So we didn't find anything to substantiate that allegation.

As far as the poll watcher, a poll watcher was in the precinct. She apparently would roam around the poll and was looking over shoulders of poll workers; was creating a general issue. Judge Boyd used his discretion and asked her to leave the polling place. She left and I think at that point the matter was finished.

I recommend this case be closed and dismissed.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, is there anyone else wishing to speak or address us on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, I'm ready for a motion or further discussion. I move we dismiss. Do we have a second?

MR. McIVER: Second.

SECRETARY KEMP: We have a second by Mr. McIver. 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 now, Mr. Harvey, we have one case under our re-presentation part of the investigative report agenda. It is case 2011, number 30, Murray County, Rayburn case; number 17 in our binders.

MR. HARVEY: Yes, sir. This case was presented at a previous meeting. The allegations were that two individuals had influenced a voter to vote absentee. They had taken his ballot. And that case was presented and all the respondents, save one, were bound over to the Attorney General's office. The one person not bound over due to a notice issue was Laney Peterson.

Just to refresh the board's memory, the complainant in this case was a mentally disabled man. Laney Peterson was his caseworker. She assisted him with his absentee ballot application and signed properly as assisting. There was a question as to whether or not she was able to verify the other individuals took possession of the absentee ballot. She wasn't sure about that. But there was never any indication that Ms. Peterson had done anything improper or that she had influenced a voter.

So we re-noticed her. I'm presenting the case again. I don't see that Ms. Peterson has done anything wrong. The complainant never alleged that she forced him to vote for somebody.

I recommend that she be dismissed as a respondent, and that the case that is currently bound over stay with the Attorney General's office and the rest of the issue be closed.

SECRETARY KEMP: Okay. 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: Any other discussion or motion.

MR. WORLEY: I make a motion that Ms. Peterson be dismissed.

SECRETARY KEMP: We have a motion by Mr. Worley that Ms. Peterson be dismissed. Do we have a second?

MS. SULLIVAN: 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. We have dismissed that individual in the case.

We're moving on to our regular investigative report, our new cases. What we have tried to do with these cases is go through the roll real quickly and see who is here representing or being a respondent or complainant or anything else regarding these cases. That way we can call the cases where people bother to show up first and hopefully get you home a little quicker. The ones which no one is here, we will move to the bottom of the calendar. If somebody is here for one of these cases, when I call, if you would raise your hand we'll make note of that and move through the agenda.

The first is 2008-107, Dodge County; 2010-18, City of Nicholson; 2011-53, Tingle, Paulding County case; 2011-75, Lake City, Clayton County; 2011-85, City of East Point; 211, number 95, City of Waynesboro; 2011-96, Clarke County, Thomas case; 2011-101, Paulding County, felons case; 2012-141, Fayette County Board of Elections; 2012-145, DeKalb County; 2012, number 146, Fulton County; 2012-148, Lincoln County; 2012-149, Pierce County; 2012-153, Gwinnett/Peach County; 2012-158 Gwinnett County again; 2012-161 -- I'm sorry that was moved; 2012-162, Rockdale County; 2012, number 163, Union County; 2012-164, another Gwinnett; 2012-168 was moved; 2012-169, Coweta County.

All right. Mr. Harvey, we've got our agenda.

Mr. Harvey, our first one will be 2008- 107, Dodge County; number 18 in our binder.

MR. HARVEY: Mr. Secretary, members of the board, this case involves a 2008 election for Sheriff. It is unusual to get a case that this in front of the State Election Board. Let me offer some explanation as to why.

This case was originally opened by our office and then was co-joined by the FBI the Georgia Bureau of Investigation. They did an extensive investigation stretching over several years. They interviewed hundreds of people and gathered hundreds of documents. At the end of their investigation, two individuals pled guilty in federal court to charges. The former Sheriff , Lawton Douglas and the former chief deputy, (Unintelligible) Gibson, pled guilty in federal court to violations that happened in 2004 involving vote buying and other charges.

The case was then forwarded on the local District Attorney who recused himself to consider state charges. The case was then transferred to an additional District Attorney, District Attorney Kelly in south Georgia, whose office had the case for several years. They, at different times, said they were going to prosecute it. At other times didn't. They eventually did not prosecute the case in State Court.

So at the conclusion of that process, we got the file. We went through and identified the primary offenders and we've got them cited for the violations that are listed.

The primary allegations are that of paying people to vote, voter intimidation, illegal possession and distribution of absentee ballots. I believe those are the primary charges.

Former Sheriff Lawton Douglas is cited for intimidating voters, paying a voter to move her registration to Dodge County and cast a vote, and possessing multiple absentee ballots.

The chief deputy Gibson is cited for two illegal possessions of absentee ballots and five counts of paying voters for votes.

Deneen Gordon, a.k.a. Betty McLeod, is cited for illegally possessing six absentee ballots and offering to pay for one voter for a vote.

Alice Wimby illegally possessed three absentee ballots.

Faith Howell illegally possessed four absentee ballots.

Darlene King offered one offered one person money in exchange for voting.

And Deborah Seay illegally possessed 13 absentee ballots.

I believe the board members are aware that the history in Dodge County is one that is not absent of allegations of election fraud and people paying to vote. The investigation done by the GBI, primarily by the GBI, did indicate this was a problem at the time. We believe that in citing these individuals even at this late date, it will have some effect. I would say that in the last years we have not had these similar allegations in Dodge County. But I believe in binding these individuals over on these allegations to the AG's office to put a final touch on these issues from the 2000 election may signal a new day for Dodge County.

So I recommend these respondents be bound over on the allegations as listed.

SECRETARY KEMP: Thank you, Mr. Harvey. One other note in regard to this being a 2008 case, as we have had a lot of people question why it is been so long. It is our posture that the State Election Board cannot get out in front of a criminal investigation, which is what has been going on up until this point. So that's why we're just now acting on these matters. We have other cases where it had been dealt with, or still being dealt with in a criminal matter, that this board will hear at some point in time. But just to make sure the record is clear on that.

Any questions from the board for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, anyone wish to address the board in regard to this case? Yes, sir.

MR. CARROLL: Mr. Secretary, Mr. Harvey, members of the board, my name is Ken Carroll, 346 Gum Swamp Road, Eastman, Georgia.

Sadly, as was alluded to, Dodge County does have a lengthy and well-earned reputation for voter fraud. In fact, we've become somewhat of a punch line for jokes, and I'm concerned that the tendency to write this off as a culture of corruption at times in the past has encouraged people not to pursue things because they feel it's not warranted based on that.

Any time a candidate or a poll worker or a campaign worker makes a decision to break the law, that is an individual decision and not based on culture. And if there has been a culture of corruption, the truth is, it's only encouraged whenever we readily accept quick answers and quick excuses for that. And the fact that it's gone on for so long, I mean, there was a front-page story in the local paper back in early 60's where two political camps had called a truce on vote-

buying and it was reported on the front page of the paper.

So it's been going on for 50 years, at least, and I appreciate what the board is doing. I really recommend you go forward on this because it does make a difference. There are people down there who truly want this to be a non-corrupt county, and as citizens of this state, we deserve that.

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

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, anyone else wishing to speak?

(Whereupon, there was no response)

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

MS. SULLIVAN: I move that we bind over all of the respondents in this case to the Attorney General's office.

MR. WORLEY: Second.

SECRETARY KEMP: We have a motion and a second to bind over all the respondents in this case. Any other discussion?

MR. WILLARD: Mr. Secretary, before you proceed, I did want to apprise the board we had had discussions in our meeting before on this issue. We have since had internal discussions in the Attorney General's office. I will say that as of today I am not ready to tell the board as a matter of law that the board cannot proceed with this case. But I do want the board to be aware of the issues that are in this case that may arise and may result in us coming back and making that presentation to the board.

Specifically, it centers around a plea agreement reached in federal court that the charges were dismissed for the 2008 because of their willingness to enter the plea on the 2004 charges. That also resulted in an agreement not to go forward on the state charges at the time.

Given that, and given the age of this case, I don't know whether the board can proceed in an administrative hearing in good conscience and with some legal footing.

Once again, we are not prepared to make that statement today. But I did want the board be

cognizant of that before it bound the case over.

SECRETARY KEMP: Thank you, Mr. Willard. I know that doesn't change my opinion of binding over. Any other discussion?

MR. McIVER: It is charge of the board to go forward with matters like this. In this process, we are of one face. This is the phase where we conclude if there's enough evidence, we bind it over. And if the Law Department sees it differently, we'll come back and (unintelligible). But at least I, for one, speaking only for myself, we should bind over this case given the egregious nature of these findings.

SECRETARY KEMP: That's the motion and the second we have. Any other discussion?

MR. WORLEY: I agree with Mr. McIver.

MR. SIMPSON: I agree we need to bind this case over. I'm not sure a plea agreement in federal court relating to criminal charges would preclude us from moving forward administratively. I feel confident that the board was not represented to discuss those plea arrangements. I don't know, an individual does not have the authority to find a public (unintelligible). So unless we move forward ourselves as a board, I don't see that any plea agreement that was made in federal court would preclude us from moving forward. I encourage us to move forward with this case.

SECRETARY KEMP: Okay. Any other discussion from the board?

(Whereupon, there was no response)

SECRETARY KEMP: We have a motion and a second to bind this case over. 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 that over.

Mr. Harvey, 2011, number 85, City of East Point, which is number 22 in our binder.

MR. HARVEY: This case involved the November, 2011 election and the allegation was that a candidate, Karen Renee, allegedly entered a polling place and was heard offering people food in exchange for votes and offered to assist people voting.

Our investigation revealed the candidate did come to the polling place, however, she brought her family members who needed assistance and she stood at the entry of the polling place and asked that they be allowed assistance while voting. I don't believe there is evidence that she entered the polling place, but she was certainly around the polling place. We found no evidence that she was offering food or anything in exchange for voting or illegally assisting people with voting.

The finding in the report is that she entered the polling place. I would maybe back off of that a little bit and recommend that she actually did not enter the polling place. She appeared at a polling place. She did not enter the polling place.

I think given the circumstances, a letter of instruction to her regarding entering a polling place or appearing at a polling place maybe proper.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, anyone else wishing to speak on this case? Yes, sir.

If you're wanting to speak on this case, when Mr. Harvey gets finished you can make your way up front and we will be glad to hear from you. Use these chairs if you have to wait on us. Please just give us your name and address for the record.

MS. GOLSON: My Name is Erica Golson; address is 10786 Spring Creek Drive, Hampton, Georgia 30228.

I was the poll watcher for that polling place. I did see Karen Renee inside the polling place. She came inside the polling place. I was only inside; I never left the polling place. I let, I guess it's the manager of the polling place know that she was she was a candidate running and he asked her to leave.

That's all I have.

SECRETARY KEMP: Any questions for Ms. Golson?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you. Anyone else wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Mr. Harvey, does that change recommendation or did you have anything to add?

MR. HARVEY: I think this is the first time we've heard from this witness. I think the facts and the evidence are still that the reason she was at that polling place was to secure assistance for her family members. I think, based on this witness, she may have crossed the plane into the polling place. She did leave when asked by the poll manager. She was there to request assistance.

I think a letter of instruction would be an appropriate resolution to the respondent in this case.

SECRETARY KEMP: Anything else from the board? Any other questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: No one else wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: We're ready for a motion or further discussion.

MS. SULLIVAN: I move that the board issue a letter of instruction in this case.

SECRETARY KEMP: We've got a motion from Ms. Sullivan for a letter of instruction. Do we have a second?

MR. McIVER: Second.

SECRETARY KEMP: We have a second by Mr. McIver. Any other discussion?

MR. SIMPSON: I there was a violation, and I think we ought to bind this case over.

SECRETARY KEMP: Was it clear there was a violation?

MR. SIMPSON: We just heard from the lady who was a direct witness.

SECRETARY KEMP: What were the details of the polling location, Mr. Harvey, and why the respondent was there?

MR. HARVEY: She was there to bring her family members and request that they receive assistance when voting. Like I said, based on this witness, she may have physically entered the polling place.

I think in light of the circumstances of her being -- now, if there were not an explanation for being there and she had to be asked to leave, in my mind that might create a slight difference of intent on why someone would be there. But I think the evidence is that she was there to secure assistance for her family members and then left when confronted by the poll manager.

It's certainly up to the judgment of the board as to whether or not that's something to be bound over.

MR. SIMPSON: There is no exception in the statute.

MR. HARVEY: No, sir. There's not.

SECRETARY KEMP: There is also -- you also have in the statute where you can assist somebody, correct?

MR. HARVEY: You can certainly request assistance. Candidates are prohibited from entering a polling place. The different circumstances in these cases, sometimes the board considers extenuating circumstances and issues letters in cases without malicious intent, or evidence of a malicious intent.

SECRETARY KEMP: Any other discussion or comments from the board?

(Whereupon, there was no response)

SECRETARY KEMP: We do have a motion and a second for a letter, correct?

MR. McIVER: Correct.

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

MR. McIVER: Aye.

SECRETARY KEMP: Aye.

MR. McIVER: Aye.

SECRETARY KEMP: All opposed, same sign.

MR. WORLEY: No.

MR. SIMPSON: No.

SECRETARY KEMP: The motion carries 3 to 2 so we will issue a letter of instruction in case number 2011, number 85, correct?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: Our next item is 2011, number 95, City of Waynesboro; number 23 in our binder.

MR. HARVEY: The allegation in this case was that a woman reported that there was large-scale absentee ballot mishandling and collection and tampering.

When we met with the complainant, she was unable to provide much specificity with her allegations. We did, however, review the absentee ballot applications and envelopes, themselves, and spoke to some people that may have evidence of illegal possession.

What we determined was that one person, Annette Walker Williams, did illegally possess an absentee ballot. She took possession of the ballot of (Unintelligible) Jones and turned it in.

We also found the Board of Elections and Registration improperly handled five absentee ballots in terms of failing to reject. There were five absentee ballots that were accepted when they should have been rejected for failure to include signatures and addresses on the absentee ballot envelope, itself.

The board will note there is a second allegation under Annette Walker Williams alleging assistance. Upon further review, it was determined that Ms. Walker Williams did not provide illegal assistance in that case, and I recommend that allegation be dismissed.

So I recommend that Annette Walker Williams be bound over for illegal possession of an absentee ballot, and then the board and other listed respondents be bound over regarding the improper rejection of five absentee ballots -- actually, the failure to properly reject five absentee ballots.

SECRETARY KEMP: Did you recommend dismissal for one of them?

MR. HARVEY: Just dismissal of the one charge, the second charge under Annette Walker Williams, the illegal assistance.

SECRETARY KEMP: Still recommending bind over for the other charges.

MR. HARVEY: On the possession, yes, sir.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Any other discussion? We've got a recommendation to bind over all the respondents. Do we have a motion?

MR. McIVER: I move we bind over the respondents consistent with the recommendation of Mr. Harvey.

MR. WORLEY: Second.

SECRETARY KEMP: Motion by Mr. McIver, second by Mr. Worley. 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 bound that case over.

Next I've got 2012-141, Fayette County Board of Elections; number 27 in our binders.

MR. HARVEY: This case involves a residency challenge. It's a little bit unusual in Fayette County. The allegation was that Marilyn Watts and Lane Watts, who were both members of the Fayette County Republican Party had conspired to have Lane Watts falsely registered to vote at an address where he did not live in order to maintain a position on the board. A residency challenge was given to the Fayette County Board of Elections and Registration.

In the time that this allegation was made, Mr. Watts -- at one point he was living at an address on Patricia Lane. In September of 2011, he registered to vote at an address on Gelding Garth Drive, which is in Fayette County in a different district. And then in March of 2012, he registered to vote again at Patricia Lane.

By the time this case got to the Board of Elections and Registration in Fayette County, he had returned to his original registration. There was no question he was living there.

So the board had a hearing, and I think you'll hear from counsel on both sides, both the plaintiff and respondent, that the board had a hearing -- Mr. Sawyer is here also -- and they were asked to determine whether or not he had properly registered to vote when he registered to vote on Gelding Garth. Gelding Garth was a property he owned. The allegation was that Lane Watts never lived there; that he falsely registered at that address.

What our investigation concluded was that, first of all, Marilyn Watts, there is no evidence Marilyn Watts had conspired to commit election fraud or do anything regarding anything Lane Watts had done.

As regards to Lane Watts, our investigation revealed that witnesses were spoken to that lived at the Gelding Garth Drive. They denied that Lane Watts lived there during the time he was registered to vote. There were two people that lived there that said they didn't know him; he didn't live at the house. The next door neighbor who was dating one of the people that lived at that house said she did not know him; he didn't live there.

When the report was done, that was what we found regarding Lane Watts. We determined that he did not live at the Gelding Garth address when he changed his voter registration.

On Thursday and Friday of this past week, Mr. Watts' attorney contacted me. He had contacted me before, but he contacted me and provided affidavits from three individuals, two of which live in Florida. They say that on one or two occasions in December of 2011 they visited Mr. Watts at the home on Gelding Garth and they spent the night there and that he appeared to be living there also.

They provided a third witness, Peggy Perkins, who was deposed by the complainant and Mr. Watts' counsel, and she said that she visited him there at the Gelding Garth address twice in November or December of 2011 and it appeared he lived there.

So, again, we've got -- there are a lot of internal issues among these parties. I believe there is civil litigation that is continued on them over some of these issues and some party issues I don't think the board has jurisdiction over.

The question for the board today is that when Lane Watts changed his voter registration to Gelding Garth, did he actually live there. The evidence in our investigation is he did not.

And so on that explanation, I would recommend that Lane Watts be bound over to the AG's office for falsely registering to vote.

I'll also point out that once the Fayette Board of Elections and Registration heard the case, they forwarded the matter to the District Attorney's office. The District Attorney's office contacted me and asked what would normally be done in these cases and I explained to the D.A. that the State Election Board often handled these kinds of issues and often resolved them. So in lieu of any criminal action by the District Attorney, he referred it to us and asked that we handle it in a manner consistent with how we would normally handle these things.

The long way around is it appears Lane Watts did not live at the address where he registered to vote, although he did own the house there. And I recommend that he be bound over to the AG's office on that violation.

I suspect several people will want to speak, Mr. Chairman.

SECRETARY KEMP: Mr. Harvey, we've got Ms. Watts listed on the respondents. You recommend nothing there, right?

MR. HARVEY: Yes, sir. Dismissal or no violation regarding Ms. Watts.

SECRETARY KEMP: Any questions from the board for Mr. Harvey?

(Whereupon, there was no response)

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

MR. SPARKS: John Sparks. I'm an attorney at Austin Sparks at 2974 Lookout Place, Atlanta,

Fulton County, Georgia. I represent Lane Watts and Marilyn Watts.

Briefly, this is a dispute between Richard Hobbs, a lawyer in Fayetteville, and the Watts family. It's been going on since at least 2007. For reasons that I don't know, Mr. Hobbs started and continued a campaign of harassment using the law, using Fayette County Republican Party, to do whatever he could use to pursue his personal vendetta.

I got involved in this case in September of 2012 -- in the summer of 2012 when there was a challenge filed on the Fayette County Board of Elections concerning Mr. Watts' residency. Mr. Hobbs was able to obtain subpoenas in blank from that board. We believe the evidence presented was that the board did not vote on granting those subpoenas. Subpoenas were served on Mr. Watts, Ms. Watts, and other people.

We had the hearing and the hearing determined that it was a denial. The Board of Elections in Fayette County denied the challenge. The problem was for us, was the board went on and included superfluous language in that determination. Mr. Watts appealed to the Fayette County Superior Court.

At that time, the county got a new attorney and he and I negotiated a resolution that resulted in a Consent Order and Judgment by the Fayette County Superior Court that determined that the challenge and determination was incorrect and a new determination should be entered simply denying the challenge. This order was entered on August 8, 2013. It was a consent order and not appealed, and I have a copy for the board.

SECRETARY KEMP: Do we have a motion to accept the document?

MR. WORLEY: So moved.

MR. McIVER: Second.

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: We have accepted the document.

MR. SPARKS: You would think this would end the matter because the Superior Court of Fayette County has already resolved this issue. But it did not. The Fayette County Republican Party sent a letter to the Fayette County Board of Commissioners nominating a new member to the Fayette County Board of Elections, even though there was no vacancy. The county, of course, had to either accept or deny. They didn't have much authority.

I filed a motion for temporary restraining order preventing the county from proceeding with that nomination. And in that, they were trying to remove Marilyn Watts based on the same allegations heard by the Superior Court.

Judge Hankinson, in Fayette County Superior Court, entered the temporary restraining order, and I have a copy of that for the board as well, if I may approach.

SECRETARY KEMP: Do we have a motion to accept the document?

MR. WORLEY: So moved.

MR. SIMPSON: Second.

SECRETARY KEMP: We have a motion and a second to accept that document. 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 have accepted the document.

MR. SPARKS: Again, you would think that would resolve this matter. It did not. Mr. Hobbs -- I'm sorry -- Scott Fabricius, who then was the Chairman of the Fayette County Republican Party, filed a petition, again based upon the exact same allegations that were heard and resolved by the Fayette County Superior Court, again seeking to remove Marilyn Watts from the Fayette County Board of Elections, and I have a copy of that for the board as well.

SECRETARY KEMP: Do we have a motion to accept the document?

MR. WORLEY: So moved.

MR. SIMPSON: Second.

SECRETARY KEMP: We have a motion and a second to accept that document. 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 have moved to accept the document.

MR. SPARKS: Significantly, I point out that I deposed Mr. Fabricius. He was the petitioner seeking to remove Marilyn Watts based upon the allegation that Lane didn't live in Gelding Garth. Mr. Fabricius has no personal knowledge, whatsoever, about that, and yet he signed the petition. I've marked everywhere he says, "I have no personal knowledge about that" in a copy of his deposition transcript right here, and I would ask to present that as well.

SECRETARY KEMP: Do we have a motion to accept the document?

MR. WORLEY: So moved.

MR. SIMPSON: Second.

SECRETARY KEMP: We have a motion and a second to accept that document. 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 have accepted the document.

MR. SPARKS: Mr. Harvey mentioned the affidavits and the deposition that I submitted to him. He seems, however, to completely disregard them. He said his evidence shows that Mr. Watts did not live there. I don't know if Mr. Hobbs revealed to the investigator the identities of Debbie Heard and Jeff Heard. These are people who have lived in Fayette County a long time. They

present affidavits, sworn testimony, that they spent the night at the house on Gelding Garth and Mr. Watts was in the bedroom next door. He was living there. No one apparently told Mr. Harvey about the identity of these folks until I told him just recently.

I have their affidavits here for the board.

SECRETARY KEMP: Do we have a motion to accept the two affidavits?

MR. WORLEY: So moved.

MR. SIMPSON: Second.

SECRETARY KEMP: We have a motion and a second. 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. SPARKS: The witnesses listed in the report from the investigator include Keegan Overton. Keegan Overton was a friend of Lane Watts, and Keegan Overton, in the litigation that's pending, provided an affidavit. He, of course, says that he never lived at Gelding Garth and he says that Lane Watts didn't live there.

However, I point out to the board an item that apparently Mr. Harvey did not notice, and I told him about it recently. Keegan Overton admits in his sworn affidavit that he filled out a voter registration saying he lived at Gelding Garth and never lived there.

The question I have is why isn't Keegan Overton sitting out here being investigated when he swears that he filled out a false registration.

May I present that affidavit to the board?

SECRETARY KEMP: Do we have a motion to accept this affidavit?

MR. WORLEY: So moved.

SECRETARY KEMP: Do we have a second?

MR. McIVER: Second.

SECRETARY KEMP: We have a motion and a second to accept another document. 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. SPARKS: The last document I have is the final determination by the Fayette County Board of Elections. This is the one that was signed after the consent judgment was entered by the Fayette County Superior Court. It simply denies the challenge without superfluous language in it, and I submit that to the board.

SECRETARY KEMP: Do we have a motion to accept the document?

MR. WORLEY: So moved.

SECRETARY KEMP: I'll second. 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 have accepted this last document.

MR. SPARKS: I think what we have here is the latest step in a vendetta that's been going on since at least 2007. It is a personal war between Mr. Hobbs and the Watts. It has nothing to do with elections. It has something to do with the relationship between these parties. I don't know what that relationship is. I don't know why it fell apart. But I don't think it's proper what's going on here.

There are currently two lawsuits pending concerning this matter. There is a defamation lawsuit Mr. Lane Watts has filed concerning some allegations that were published by various members of the Republican Party in Fayette County accusing Mr. Watts of perjury. We believe that letter was written by Richard Hobbs. He didn't sign it, but we believe he wrote it and it was published by other people. We filed a defamation action against the people who signed it.

There is also the petition to remove Marilyn Watts as a Board of Elections member of the Fayette County Board of Elections. Again, they are all based on the exact same allegations.

I believe that the matter is not proper here, and we have testimony from other people. And I believe what you'll see is that, again, this is simply a vendetta.

And I believe Mr. Watts is here to explain his move to Peactree City.

SECRETARY KEMP: Any questions for Mr. Sparks?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you

MR. WATTS: Good morning, Mr. Secretary and members of the board. My name is Lane Watts. I reside at 201 Patricia Lane, Fayetteville, Georgia.

I cannot not improve upon what my legal counsel said. But I would like to add one thing contained in Mr. Harvey's preliminary report was that the allegation that I moved from the Third District -- from Patricia Lane to Gelding Garth to maintain some kind of power or control I had in the Third District. As chairman of the Fayette County Republican Party during this timeframe, I would have had the same amount of power whatever Congressional district I lived in.

Also, another allegation made was that I did it because I was trying to gain some power and because the Governor had signed the redistricting bill in that period, September of 2011. My moving had nothing to do with redistricting. I simply wanted to move to a house I had owned since 2003.

So I ask for your consideration, members of the board.

SECRETARY KEMP: Any questions for Mr. Watts?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you. Anyone else?

MS. WATTS: Good morning. I'm Marilyn Watts. I'm Chairman of the Fayette County Board of Elections. I reside at 201 Patricia Lane, Fayetteville, Georgia.

I want to reiterate that this is a personal grudge that's been going on since 2007. Mr. Hobbs protested the county convention and the district convention on to the State in 2007. He was denied at each time. Then in 2012, he filed two entirely separate actions to try to remove Lane Watts as chairman of the Fayette County Republican Party, both of which failed.

Then he challenged Lane's residency to the Fayette County Board of Elections, which was denied. And now they've filed a petition to remove me.

He has been denied at everything he's filed and tried to do, but yet he persists.

As far as me being a respondent, in January I received a letter saying I was a respondent in this case, and see attached. But there was nothing attached. It took a phone call to Secretary Kemp for me to get what the findings finally in May, and the findings were dated July of 2013. So the case had already been investigated without ever contacting me in any way, whatsoever. I did not have an attorney at that time; didn't think I needed an attorney because I didn't know I had a challenge.

I noticed on the list of witnesses there are two people that know absolutely nothing about Lane or his residency. Yet there are no witnesses that know about his residency. So I don't think this was a thorough investigation and I don't see how they could conclude that he didn't live there without ever talking to his witnesses.

That's all I have to say. Any questions for me?

SECRETARY KEMP: Any questions for Ms. Watts?

MR. McIVER: Ms. Watts, how long have you served as an election official?

MS. WATTS: Since 1998.

MR. McIVER: Thank you for your service to Fayette County.

MS. WATTS: Thank you.

SECRETARY KEMP: Yes, ma'am.

MS. MANGAN: My name is Jean Mangan. I am currently practicing with Mr. John Sparks. The address is 2974 Lookout Place, Atlanta, Georgia.

I would like to address the issue of determination that has been made in this case already.

Mr. Harvey did allude, or did state that the board had a hearing and they were to determine if Mr. Watts was properly registered. That determination was made. As Mr. Sparks said -- that's in your Exhibit 1 -- that was signed August 8, 2013. You will see that's two weeks after this date of the report issued by Mr. Harvey that we have been provided. This resolution did occur afterwards.

If you look at Exhibit 1, look at -- well, let's start here. This is a Consent Order and Judgment. One of the purposes of a Consent Order and Judgment, there is a reason we have settlements. It's in order to resolve cases without having to go through the entire process of litigation. It was referred to earlier that there is a substantial work load for the AG's office. There is also a workload for the whole judicial system.

One of the ways that we practice judicial economy is by ensuring that when parties reach a resolution, that resolution is honored. I have a case cite for you. It's *City of Demorest vs. Roberts and Dunahoo Properties*.

SECRETARY KEMP: Do we have a motion to accept the document?

MR. SIMPSON: So moved.

MR. WORLEY: Second.

SECRETARY KEMP: We have a motion and a second to accept that document. 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.

MS. MANGAN: This case is not the only case pulled. I just thought it summarizes very well the position here.

It states in the case such compromises are upheld -- talking about a settlement agreement that was reached between the city and a construction company -- such compromises are upheld by general policy, as tending to prevent litigation, in all enlightened systems of jurisprudence.

So there is a preference, a heavy favoritism, towards accepting these consent orders and judgments that, for instance, have been entered because of what they do.

Another thing that is brought up is, well, okay, how do you know what the intent of the parties is? And that case will go on to say that while the cardinal rule of construction is to determine the intention of the parties, no construction is required or permitted when the language employed by the parties in the contract -- a settlement is a contract -- is plain, unambiguous, and capable of only one reasonable interpretation.

I would ask that you look at the first document presented by my co-counsel, the Consent Order and Judgment.

If you look at paragraph 2, it states that the purpose of this Consent Order and Judgment entered into was to resolve this litigation. It further goes to say that a material part of resolving this litigation, in paragraph 3, was an order to modify the determination to show appropriately what the facts were they were saying had occurred; what determination had been made.

In paragraph 4, which is where the Judge orders what had occurred, particularly in what I've labeled subpart (D), is the third item that has been decreed ordered and adjudged, is that all issues raised in this appeal have been satisfied in their entirety by the parties, and this Consent Order and Judgment operates to completely resolve all issues brought forth in this appeal.

Attached to the Consent Order and Judgment you'll see an unsigned determination that was subsequently signed and that signed document has been provided to you labeled as Exhibit 8.

The pertinent part there is that there's factual findings that are presented that are, without passing judgment on what fact occurred, that Mr. Lane lived at Patricia Lane; he moved to Gelding Garth; six months later he moved back to Patricia Lane.

The finding that is in that determination that is signed by the Fayette County Board of Elections is that having heard evidence presented, the board determined that the challenge must be and is denied.

Something that has also been brought up previously in the hearing today is talking about conflicting reports. My understanding is that it's the position of the board that when there are conflicting reports, simply a he/said, she/said, that y'all prefer to bind them over.

However, this is not just a he/said, she/said case. This is not just a war of affidavits. There has already been a determination made in this case that has been consented to and has been signed by a Superior Court Judge as of August 8, 2013. The finding of facts and the weighing of the truth has already been performed in this case.

At a bare minimum, the fact that Mr. Watts did not falsely register, did not register to vote fraudulently, has to be taken as true because those facts have already been accepted, consented, and have been entered in a court. That is what the facts are.

By allowing this case to go forward, it would essentially say this doesn't matter; that the weighing of the facts that has already been done and already been found doesn't matter. And that defeats the purpose of being able to negotiate, being able to resolve, and I believe Mr. Sparks has certainly shown that these facts have been gone over again and again, and no one is buying them.

I would respectfully request that at the end of y'all hearing all of this evidence, that y'all would move to dismiss this case and allow Mr. Watts to proceed forward with his life unencumbered by these very poor charges.

SECRETARY KEMP: Any questions for Ms. Mangan?

MR. McIVER: Following the consent decree, the Fayette Republican Party then petitioned the Court in a novation, or new matter, altogether.

What was the response of the Watts at that time? What did they do by way of answering that petition?

MS. MANGAN: I would have to allow Mr. Sparks to speak to that.

SECRETARY KEMP: We'll certainly allow Mr. Sparks to speak.

MR. SPARKS: Ms. Mangan wasn't with me at the time. I wish she was.

What happened was we got the temporary restraining order preventing the County Commission from hearing the nomination of this new person. The TRO was entered.

Subsequently, the petition that you have was filed by Mr. Fabricius and that matter is still pending.

MR. McIVER: But what was your response to the petition? You had a certain amount of time to answer.

MR. SPARKS: Oh, yes. We answered it. It's frivolous. There is absolutely no basis.

MR. McIVER: Did you move to dismiss? I mean, what did you do?

MR. SPARKS: It's an odd situation. It goes only before Judge Hankinson. We are in discovery the period right now. We are gathering information, we're taking depositions. I took the deposition of Mr. Fabricius; I've taken -- planning the deposition of the Heards. Our position is, number one, there's no credible evidence to say he was not living there. In fact, the evidence is absolutely overwhelming that he was living there.

Secondly, is that it's been resolved. There is no reason to have this matter before the court.

MR. McIVER: Counsel, it sounds like you're turning a little bit here to me. Respectfully as I can, let me put it this way. When they file a petition, why wouldn't you cite the consent decree and move to dismiss? Why is discovery necessary? Why do the lawyers have to churn this thing some more? She speaks of judicial economy. I very much agree with that concept.

MR. SPARKS: Yes, sir.

MR. McIVER: We give up our days here as practicing lawyers trying to make sure of judicial economy, or at least administrative economy, in this process.

MR. SPARKS: Here's why.

MR. McIVER: Do you have an easy way to get rid of this?

MR. SPARKS: I don't believe there is an way. He's presented affidavits from Keegan Overton, an affidavit from Keegan Overton, who is now, I believe, in the Army. That affidavit -- Keegan Overton provided an affidavit which says that Lane Watts wasn't living there creating a question of fact, I believe, that we have to counter with facts.

MR. McIVER: Well, look, you're the representative of your client. It occurs to me we've not gone down the most efficient road possible.

MR. SPARKS: Perhaps.

MR. McIVER: So this matter reaches us so we can do something we're supposed to do.

SECRETARY KEMP: Mr. Simpson.

MR. SIMPSON: I'm confused about one thing. What is the jurisdiction of the local election board? The matter would have been subject to the jurisdiction of this board. What gives -- what statute gives the local election board any jurisdiction in this matter at all? And if it had no jurisdiction at all, the Superior Court order is void.

Tell me where the jurisdiction -- how jurisdiction is grounded in the local election board?

MR. SPARKS: I believe -- and I can't cite the statute; I apologize -- under Title 23, I'm sorry, 21, there is a procedure for an elector, the voter, to challenge another person's registration. There is a procedure set forth in that that allows the county Board of Elections, they call registrars in the statute, to hear --

MR. SIMPSON: Where is that?

MR. SPARKS: I apologize. I don't have the citation with me.

SECRETARY KEMP: Ms. Ford, does any of your team happened to know where that is?

MR. HARVEY: 21-2-229 speaks about -- that's the challenge. 228 is the examination rights of appeal. 229 and 230.

MR. SIMPSON: As I look at the statute, that would have to do with a challenge to the registration.

MR. SPARKS: Yes, sir.

MR. SIMPSON: Would the criminal matter be subject to another investigation? I mean, this only deals with the limited issue of the challenge to the registration. It does not have to do with the legality of the registration, itself, or the violation of the statute which precludes false registration.

MR. SPARKS: Our position is that the board made the determination of the facts, and those facts have been determined and concluded by the Superior Court of Fayette County. If those facts would result in a criminal charge, they are still the facts that have been resolved.

Here, the facts, as they've been resolved, do not result in charges.

MR. SIMPSON: Well, you can try a civil case and try a criminal case. One is not binding on the other. That seems to me where we are. We've got a civil matter of whether or not someone was properly registered. And then you've got a criminal matter of whether or not somebody falsely registered.

MR. SPARKS: Perhaps.

MR. SIMPSON: Seems like we're dealing with two separate issues. I don't think -- that's what I'm struggling with is you're telling us that your position is that the Superior Court order is res judicata and we can't proceed. That's which are telling us.

MR. SPARKS: Yes.

MR. SIMPSON: Thank you.

SECRETARY KEMP: Any other questions for counsel?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you Mr. Sparks. Who's next? Yes, sir.

MR. HOBBS: Richard Hobbs; 205 Tinsley Mill Road, Peachtree City, Georgia.

There's a lot of issues here, and there's a lot of complications. I'm here to answer any of your questions. This is very confusing. The whole case is confusing. But confusion benefits the Watts and that's what they're wanting to do, which is why, after 18 months of investigation, they don't provide us any affidavits or any evidence until the day before this hearing.

Confusion has helped them from the beginning. So I'll tell you the story and it will help fill in the gaps of what has been going on.

In February of 2012, I was called by several people from the Republican Party. I hadn't been involved in politics for years; didn't want to get into it anymore. It's nasty stuff. I don't like it. I was told that Marilyn, who was part of the party, had been going around looking at voter elector list of people coming to vote. She was looking at Ron Paul voters and seeing whether or not their proper registrations were correct and somebody got wind of this.

One of the Ron Paul people went up and said, wait a minute, Marilyn. You're trying to knock off our people? Your own son doesn't even live where he says he lives. He's been living with you the whole time. Immediately, she backed off.

They go to the convention. Steve Brown, the chairman of the board of Fayette County, approaches Lane at a hearing and says, Lane, you don't live there. He says, oh, oh, oh; I moved back home recently. So he said he moved back home in February at that hearing.

Later we find out he changes his registration. But I want you to go back in time to understand how ridiculously funny and silly and shameful this is.

In September of 2011, Governor Deal signed a bill redistricting. Now, Lane Watts has lived with his mother his entire life. I've known them since '81, I suppose. He's lived there the whole time.

They brought a witness in last week, an 80-year old woman with a heart condition who couldn't go through the deposition; doesn't even remember her own attorney; doesn't know where Lane's lived for 40 years, but gave a testimony in an affidavit that he lived there. She's known him for that many years and didn't know he lived with his mother for 40 years, or thirty-some years.

So in September, we provided an affidavit from Keegan Overton who lived Marilyn, who lived with Lane, at their home on Patricia Lane. Keegan Overton had come into the party some time before, and because of his associations with Marilyn and with Lane, he was allowed to learn how to get into the business of politics and was on the Third District.

So when they changed everything around, when they moved the lines, Keegan Overton couldn't maintain that particular position and Lane wanted to have (unintelligible). Lane had been on the board many times in the Third District. It was important to him for whatever reason. I thought it was ridiculous, but that's what they chose to do.

If you read Keegan Overton's affidavit, which I have a problem with how Chris is defining some of these things -- excuse me -- Mr. Harvey has defined these things. Keegan said Marilyn and Lane worked with me about changing my registration to that and he said I wanted to move there. I was living with them. I wanted to go to this other house. But they had three renters in there and I didn't understand how they were going to do this.

So this all of a sudden has come to our attention, and we're going, my goodness. You got your hand in the cookie jar.

So we went to them and said, hey, you've got all this. You gotta get out of here; you gotta

resign. I mean, this is ridiculous. But he wouldn't do that. He just kept on going on. So we filed -- he fought it all the way until August.

Well, I filed a challenge. Let me tell you what they did during this challenge because this is the kind of stuff that's embarrassing for this kind of stuff to go on.

I filed a challenge. What do they do? They go behind my back and they appear before the board on their own and they challenge themselves. Lane Watts challenges himself, and found that determination, what they're trying to do today. They found the determination that his records were in order that day. Nobody was there to object to it.

So they filed that motion with the Court to try to keep us from going before the Board of Elections. So they filed that motion, and that's where they got me. I made a mistake at that point. I filed a response.

I said, listen, according to the law, when you didn't really move from the home with your mother, you were no longer an elector at that time. Since you became, or you re-filed in February or March and said I'm living back with my mother, you didn't provide proof of residency. You didn't provide that. You don't have to do that normally if you're moving from one residence to another. But if you ever get into a status of where you are not a qualified elector, when you re-register, you have to show proof of residency.

So I brought that before the board in a motion. Sure enough, a week later, Lane appears before the Board of Elections and he provides his passport. So just a few days before this hearing he comes before the board and provides the last tidbits of information. I subpoena everybody and their son to get there.

Now, here's what -- I don't know how some of this was missed. But we asked for subpoenas. We go before the board. Tom Sawyer is there; Ms. Watts is there; everybody's there. They allow them to be issued. We go through the procedures. What did they do? They file a motion with the Superior Court to have them thrown out.

Now, how do they do that? They get Ms. Watts to sign an affidavit saying they never had to vote on it. We had to get Tom Sawyer -- somebody got Tom Sawyer to sign that affidavit saying, yes, we did. We had to provide the minutes of that hearing to show that, yes; they did vote on this. They were trying to keep the subpoenas out because we subpoenaed Lane; we subpoenaed Marilyn; we subpoenaed all of these friends they said they had. We subpoenaed and asked them to produce any records that showed anybody lived there. Show us the leases of the three people that we brought to court, that came to this hearing we, that testified under oath that they lived there. They didn't even know who Lane Watts was. They knew who Marilyn was, but they

didn't know who Lane was.

So to try to quash these subpoenas, Marilyn signs an affidavit on behalf of her son and then accepts service on behalf of the Board of Elections waiving civil defenses. She is assisting her son to quash the subpoenas from her own attorney.

Coincidentally, she then hired Mr. Sparks to represent her and he advised them not to testify; to ignore the subpoenas. Now, they can listen to the advice of her counsel, but she is a member of the Board of Elections. She was subpoenaed by her board to come to court. She chose not to come. I don't care what her attorney says. That subpoena was valid. She ignored it.

She filed an affidavit denying what Mr. Sawyer had signed and the minutes said, and she signed an affidavit in acknowledgement of service furthering this ridiculous attempt to thwart justice.

I go to court that day and Ms. Peggy Perkins, who showed up here in an affidavit today, was there. I gave her a subpoena. She went over to Mr. Sparks and he said, I have retained her as my client -- I've been retained by her, and I am advising her to leave. She's not going to be testifying today.

This is the stuff we've been dealing with.

So, of course, the board listens to all of this and they look at it and they say, well, shoot. Just last week he brought us a passport. So technically, as of today, as of this moment, it appears to be in order and we don't really have the right -- if you read the original order -- we don't have the right to go back and challenge something that's already been taken care of. We don't have that opportunity.

So that is what they ruled upon. They said we believed the credibility of these witnesses and we referred it over to the District Attorney.

Well, then here they come again doing something I find very questionable. They filed a motion to appeal. Did they tell me about this? No. Am I served papers with this? No. Did I know anything about this attempt to change the very challenge I brought in the determination? No. I didn't find out about this until six or eight months later after everybody had been taking care of. I'm not on any of the pleadings. He never served me with these papers. This is the way -- this is what we've been fighting.

So they can say this is personal agenda. Fine. I was on the Board of Elections. I resigned because I refused to work in that sort of environment where this kind of stuff is going on. I walked away. But I can't stop and not stand up when people come to me and say it's continuing

to happen.

So, yes, you didn't find determination that Marilyn did anything wrong. I say she did. She wasn't allowed to accept service for her own son's case; she wasn't allowed to file affidavits which were in direct violation of the facts; she was supposed to answer the subpoenas. Tell us, Marilyn, where is the leases for these three people? You won't provide it to us. Show us where they moved out. Shows these things. Show us that he has changed his driver's license. Show us a utility bill from that particular area. Show us anything other than a couple of people who were dear friends.

Ms. Perkins says she's known her all of her life. She loves her; she is the most wonderful woman in the world according to Ms. Perkins. She didn't even know her attorney. She said, I just met him here the first day. Well, she had forgotten she had hired him two years before. So, I mean, she was just -- admitted she did remember much.

And the Heards, that's the first time we've heard of the Heards. We -- they get to testify the first time. They've been given all this opportunity. They have given no evidence at all and then they have the audacity of Lane Watts filing a defamation suit against the people who said he did exactly what he did. I will say here today, you filed a false affidavit. Sue me. I've said that here. If that's defamation, sue me.

That's what they're doing here. They're using all of the processes, all of this hearing detrimentally. And we don't need Board of Elections numbers to behave this way. Come on, guys. She shouldn't have done all these things, and she's been thwarting it from the very beginning. Even today, no evidence other than a couple of superfluous people saying he lived there. You didn't Marilyn say he lived there. You didn't hear her contradict anything Keegan Overton said. He didn't hear her contradict anything. No. Because she knows it's the truth.

So I would ask you, for God's sake, Lane Watts should be bound over. But Marilyn Watts should not be on the Board of Elections. She should be fined for her behavior or removed, if at all possible. If not, I'm moving forward on the matter before the Superior Court.

But all this other stuff, this consent judgment that they did not my back, that was against Lane. That wasn't against Marilyn. Marilyn was assisting him, which she shouldn't have. She should have recused herself. She has an ethical duty to do that. But I didn't hear any of that coming down here today. So I'm embarrassed that didn't come forward.

So I'm asking you, again, if you've got any questions about the particulars, I'll tell you. But there is underhanded stuff being done here. You need to know the truth, not with these wonderful written briefs are saying. But what the actual facts are.

SECRETARY KEMP: Any questions for Mr. Hobbs?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak?

MR. FABRICIUS: My name is Scott Fabricius. I reside at 760 Birkdale Drive, Fayetteville, Georgia. I am the Republican Party Chair for Fayette County.

SECRETARY KEMP: Mr. Chairman, if you don't mind, would you spell your last name?

MR. FABRICIUS: Sure. F-A-B-R-I-C-I-U-S.

Let me say this right from the start. This is not vindictiveness. This is an attempt to clean up the Board of Elections of Fayette County. Let me explain why.

You've heard a little bit of the background on this -- I'm going to be very brief -- I just want to give you an update so you can clearly understand what we're talking about here.

Ms. Watts appointed by her son to be the Republican Party's representative to the Board of Elections. As soon as he was out as Chairman, the executive board and the county committee voted overwhelmingly to remove her as our representative to the board because she had brought disgrace and dishonor to the Board of Elections of Fayette County.

Hardly a meeting goes by where I'm not questioned by people coming up to me saying, why is Marilyn still allowed to be on the Board of Elections? And I have to tell them, first the District Attorney was investigating them; now the Secretary of State is investigating. Thank God we came before a hearing today to finally get this before you because it's dragging on much too long.

Indeed, after the Fayette County Republican Party voted to immediately remove her, we asked the board of county commissioners to get involved and honor that request. They had it on their agenda and were planning to do so. But on the eve of that meeting, Mr. Sparks, their attorney, filed a motion for a temporary restraining order to keep the county commission from going forward and removing her as our representative on the Board of Elections.

There is no question that improper and illegal conduct was involved in the voter registration submitted by Ms. Watts' son. The Board of Elections conducted a hearing and found specifically that the un rebutted testimony of three witnesses was credible and found that based upon this

evidence, the board found it had an ethical obligation to report the matter to the District Attorney for further consideration. That is a quote from the first determination that we have for you.

The only reason it was changed -- they didn't give you that. What they gave you today was the second one which was changed, again, as you heard from Mr. Hobbs, without any notice to any other party to make an objection to that change.

But, again, remember what the determination was. The determination was they heard through the sworn testimony of the witnesses and found it was credible, and found they needed to go forward with an investigation by the District Attorney.

In addition to that, even after the hearing, a further affidavit has been provided to you and to Mr. Harvey from Mr. Keegan Overton, to his own detriment. Mr. Sparks would have you say disregard that affidavit because he, himself, admits that he filed a false affidavit -- a false registration with the Fayette County Republicans -- Fayette County Board of Elections. He was being honest. To the extent he might even be subject to some type of prosecution, he, himself, still came forward and honestly prepared an affidavit which set forth -- which has not been in any way rebutted -- saying that not only was he filing this false affidavit -- false registration along with Lane, but that Ms. Watts, the mother, knew about it.

Even when he questioned her about it, she said, oh, I'm very familiar with the procedures. I sit on the Board of Elections. It's okay. Lane owns that house. That's not sufficient, and she knew it wasn't sufficient. These are reasons that require her to be the one that is bound over.

What is further enlightening, as you heard, is that on the eve of that hearing, Lane Watts changed his registration back again to the address of his mother's home. Think about this. Here is someone who knew that if he changed it back at that late hour, the Board of Elections couldn't fine him or do anything to him because at that particular moment when the hearing came before them, he was properly registered at that point. But that doesn't take away from the fact that for the period of months before that where he claimed to live in that new address, he, in fact, did not live in the new address, an address that even his mother knew was not the right one.

Those actions, themselves, require the immediate withdrawal, or discharge of her from the Board of Elections for being involved in something like that.

Let me say this. As an attorney, I'm told I have to be at a higher -- treat everything at a higher level; that I am to avoid even the appearance of impropriety. I suggest to you that someone who is on the Board of Elections has even a higher duty to avoid even the appearance and to create a situation where there is no distrust for anyone involved in the voting process. But that is not what we have here.

Even if you felt there was some question as to whether or not Lane Watts lived at that other address, this is not a he said/she said. Again, it is unrebutted testimony from the people who testified.

But even if you felt that was the case, what is totally rebutted and under no dispute are her actions in thwarting the efforts of the board to get to the bottom of that issue. She had an opportunity to speak at the hearing. She knew what was going on. She knew where her son lived. She did not show up to testify despite the fact that she had been subpoenaed to testify. She chose not to help the board out. She chose to obstruct and disrupt their activities by not coming forward to testify as she knew despite the fact she had a subpoena.

She hired an attorney, again, a conflict of interest. She hired the same attorney who was representing her son in that matter to file a motion to quash the subpoenas. Even when that motion failed to court, she still refused to go forward and adhere to that subpoena and testify.

When people do things like that, it does, obviously, reflect in a negative way on the integrity of the whole voting process. Perhaps one of the most important rights we have as citizens is our right to vote. When there's doubt cast upon the integrity of the whole process, that needs to be adjusted and that needs to be changed immediately.

Not only did she refuse to testify at that hearing, not only did she refuse to comply with the subpoena, but there was another person there who also failed to comply, a person by the name of Peggy Perkins. And that name will come up again in just a moment.

But she also refused to testify at that hearing. So what was heard at that hearing was totally unrefuted. If they had any evidence at all to support that Mr. Watts lived at that address, they could have come forward at that time.

Even today, we continue to ask for any piece of evidence that shows he, in fact, lives there. Show us a driver's license change that is mandated by the State of Georgia indicating a change of address; show us a utility bill which demonstrated that he lived at that address. They have not provided anything because there is no such evidence to be provided.

Now, while it is understandable that a mother might not want to testify against her son, that does not override the oath that she took to carry out her responsibilities under the Constitution of the State of Georgia to faithfully adhere to the requirements of the person who is sitting as a Board of Elections member.

Now, again, we hear finally, on the eve of this hearing today, Peggy Perkins, the same woman

we talked about, 40-year-old friend, 40 year relationship with the Watts, who comes in and testified that she believed he lived there. She opined he lived there because she supposedly remembers visiting him there a couple of times.

But on cross-examination, if you look through the deposition, she admits that she really does not know where he lived during that time. It's her opinion that she thought he lived at that location.

There again, there is nothing in the record which shows the testimony given at the hearing has, in fact, been refuted.

One can only wonder now why Ms. Perkins would testify today when she waited over two years; when, in fact, she was at the hearing and left and wouldn't even honor that subpoena

I ask that the State Election Board restore dignity to the Fayette County Board of Elections and take all necessary steps immediately to effectuate the removal of Ms. Watts from the board.
Thank you.

SECRETARY KEMP: Any questions for Mr. Fabricius?

MR. WORLEY: I have a question. I'm having a hard time understanding what you all contend motivated Mr. Watts to falsely register in Peachtree City. Why did he do that?

MR. FABRICIUS: I can give you my opinion; that's all it would be. But I can tell you what I think it is.

I think that, yes, he could have still remained on the Third District in some capacity as a result of being Chairman of the Fayette County Republican Party. But that was coming to an end very quickly. He was not going to be reelected that position. In fact, even his successor, so to speak, the person who was his vice-chair, was overwhelmingly defeated at the following election.

My suggestion is even though he could have maybe stayed in the Third District as being a member because of his holding the position of Fayette County Chairman, he certainly wouldn't have been able to stay on not living in that particular district to hold any other position.

SECRETARY KEMP: Any other questions?

MR. McIVER: Do you think we have the authority to replace a member of the BOER in any particular county?

MR. FABRICIUS: I don't think so, to be honest with you. And that's why I've asked you to

take the steps that are necessary to effectuate that removal. If that means binding her over for further investigation by the AG's office, I'm all for that because I think it's a shame that we have to live with that cloud, not just over the Republican Party, but over the whole Board of Elections for people wondering what's going on with people like that serving in that capacity.

MR. McIVER: Counsel, why would you ask us to do something we don't have authority to do? Why would you confuse this process?

MR. FABRICIUS: I'm not trying to confuse the process. I'm just saying to you that if it is bound over, I think that ultimately that decision can be made. We are, as we've indicated already, we do have a lawsuit pending now to remove her for cause and we think we'll prevail on that.

But that does not mean there aren't other avenues to be approached. And I think that further investigation by the Attorney General will indicate that, in fact, she does deserve to be removed from office.

SECRETARY KEMP: Any other questions?

(Whereupon, there was no response)

SECRETARY KEMP: Is there anyone else wishing to speak on this matter?

MS. MANGAN: My name is Jean Mangan. I'm with Austin & Sparks.

Before I came back to civil practice, I practiced -- I was an Assistant District Attorney. Mr. Simpson has brought up we're looking at a potentially criminal matter. Is there an intent here. Something that has also being brought up, I believe by Mr. McIver -- Mr. Worley, actually, I believe -- is what evidence has been presented that there is any kind of criminal intent here?

The two possible violations that are stated by Mr. Harvey require a knowing or a willful intent. There has been nothing presented that there is any kind of criminal activity here. We need a preponderance of the evidence in order to go forward. Mr. Fabricius's opinion or suggestion alone is not sufficient in order to prove that.

A criminal case requires an actus reus and a mens rea. There has been plenty of argument that there is potentially an actus reus present here, but there is no basis for a mens rea to support a criminal case even by a preponderance of the evidence being bound over for a criminal matter.

I just wanted to take a little bit of emotion out of this and try and get back to the facts at hand,

which is should this be bound over under the proper standard.

SECRETARY KEMP: Any questions for Ms. Mangan?

MR. HOBBS: Again, to reaffirm, Ms. Watts did not get up here to testify under oath to anything denying any of these allegations. She has yet to give any testimony under oath denying any of these things.

Waiting 18 months before you do anything about this case -- let me just tell you. Last week during the deposition, I called Chris on the phone because they brought this 80-year-old woman who has a heart pacemaker, who had to get up and leave on several occasions; she didn't that she can make it through it. And I wondered why they were doing this deposition until the very end. And that's when he asked, did Chris Harvey ever call you and ask you about anything you knew about this? And that's when I knew. They wanted to bring forth evidence that Chris had not done his job; Chris had not asked people that they had.

That's the only reason they brought this particular deposition because Chris' investigation had nothing to do with the Superior Court matter. None at all. But he deliberately did that just to be able to put on the record and get up here and say, I told you so. That's why the only reason you got affidavits today was because during that deposition, I brought it to their attention with Chris Harvey on the phone. And I said here's Chris telephone number. He wants to talk to you. He has called you repeatedly.

Mr. Harvey, how many times -- I would ask you this. How many times did Mr. Sparks offer any testimony --

SECRETARY KEMP: Mr. Hobbs, we'll do the question asking. Thank you.

Anyone else have anything to add?

(Whereupon, there was no response)

SECRETARY KEMP: Any discussion among the board?

MR. McIVER: May we ask Mr. Harvey again just so that -- I'm confused about his -- what his recommendation is? And then, Mr. Willard, I'm going to ask if the Law Department would like to log in before we do what we are constitutionally required to do.

SECRETARY KEMP: Mr. Harvey, anything you want to add?

MR. HARVEY: My recommendation is that Lane Watts be bound over to the AG's office for 21-2-565, false registration.

MR. McIVER: Any recommendation with respect to Ms. Watts?

MR. HARVEY: I didn't find evidence that she's liable to be bound over for a violation of the election code.

MR. McIVER: She should be dismissed?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: Mr. Harvey, do we know where Keegan Overton is?

MR. HARVEY: I don't know where he is right now. His affidavit was provided by Mr. Hobbs, and upon reading his affidavit, he talked about the plan to move to that house. But I believe Mr. Overton left before Mr. Watts actually registered to vote there, or around that time. I don't know whether Keegan Overton -- I know Mr. Overton says he never lived in the house with Mr. Watts.

SECRETARY KEMP: Have you ever talked with Peggy Perkins?

MR. HARVEY: Yes, sir. I spoke with her on either Thursday or Friday of last week. She called me after the deposition with Mr. Sparks and Mr. Hobbs.

Her testimony was that she had visited Lane Watts twice at the house in November or December of 2011. She assumed that he lived there. She said she had heard from an unknown source, or possibly could have been Ms. Watts, the Lane had moved to that address. So when she visited twice, she said that it had all the appearance that he lived there in the sense that he opened the door, and . . .

But she just sat in his living room and they discussed some rules that he had provided to her, which is about all she knew. She was questioned pretty extensively and she said, you know, I never went into the -- never went through the house and saw if he had clothes in the closets or drawers. I don't think it was an issue in her mind. Somebody invites you to a house and they open the door when you knock on the door, she just assumed they live there, as I think many people would make that assumption.

The difficulty, or the contradictory evidence in that, which, as Mr. Hobbs pointed out, was in the hearing, where these people that actually lived there during that time, was that, look, we're there every day. We don't know who this guy is.

There is a difference if Mr. Watts owned the house. Whether he could have visited from time to time between tenants or with tenants being gone, we don't know. We asked, through Mr. Sparks, for a statement and have not gotten anything from Mr. Watts regarding evidence that he lived there.

SECRETARY KEMP: Are you familiar with the continuing legal issues or court cases that are going on in the county?

MR. HARVEY: You know, I have just sort of background knowledge about those things. I don't think those matters have anything to do with this specific issue. I think those are -- Mr. Hobbs' allegation Ms. Watts did things improperly as the Board of Elections person may have impact at a challenge hearing or a contest for her to stay on the board. That might be a board issue determined by a Superior Court Judge in Fayette County.

But our investigation, as far as whether she didn't honor subpoenas or something like that, I don't think that violates the election code.

I am not an attorney so I can't speak to all the documents that he gave you and a complete understanding of all the different challenges going on with the suits and pending suits and countersuits. We tried to stay pretty focused to the allegation that Lane Watts improperly registered to vote. We disregarded all the obvious personal animus and any political machinations. Like I said, we try to call balls and strikes and looked at just the facts that were presented; the evidence that he did not live there at the time he registered to vote.

And that's why I make the recommendation it be bound over.

SECRETARY KEMP: Anything else for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Any other discussion among the board?

MR. McIVER: I asked Mr. Willard if the Law Department would like to log on with any advice.

MR. WILLARD: Any specific aspect, Mr. McIver?

MR. McIVER: I'm inclined to think that we should send this back to Mr. Harvey for further investigation from all that we've heard here today. But you are the gentleman that would have to

try this case on our behalf.

MR. WILLARD: Mr. McIver, I appreciate that. I will say, as I have advised the board previously, you don't send it over to our office for further investigation when the case is fully concluded with its investigative purpose as far as the board is concerned before you send it to our office.

That being said, I have not seen the material that was presented today. I know what Mr. Harvey is saying about what their investigation has concluded up to this point. It's up to the individual board as board members to determine whether or not they think an additional investigation is appropriate or whether they are prepared to dispose of the matter or refer the matter today.

I don't -- I can't advise the board on what your individual conscience dictates you should do in this matter.

MR. McIVER: If we were to bind this over, are you ready to try it as you've heard it?

MR. WILLARD: I will say the difficulties in this case, Mr. McIver, I believe what Mr. Sparks and his co-counsel were attempting to argue is that the Board of Registration and Elections is given the responsibility under the code to determine the accuracy of a voter's registration. As Mr. Hobbs pointed out, though, the limitation of that is they are looking at it in a window in time on the date and time the challenge is heard whether an elector's registration is valid at that point in time.

In this instance, you have allegations that there were fraudulent statements made prior to that challenge that had subsequently been altered by the change in registration by Mr. Watts back to his mother's address. That would give rise to a viable case that we could take forward if the allegations could be proved.

I will say that it is going to be a difficult case, whether it's at the current stage of investigation or whether the board sends it back for additional investigation, given the fact that it is a knowing and willful violation; given the fact that you look to the voter's intent in registration to determine the appropriate residence address.

I don't know whether Mr. Watts would be able to establish that he had ever resided there or that he intended to return to that residence if he had, in fact, resided there.

I will say, and I think the board is cognizant of this based upon what they have heard today, this is not going to be an easy case to try or to prove.

MR. McIVER: Thank you.

SECRETARY KEMP: Mr. Worley.

MR. WORLEY: Mr. Willard, I just want a little more clarification on this, your view that the argument that Mr. Sparks and Ms. Mangan put forward that the Superior Court determined that Mr. Watts had not filed false information on his voter registration form. Is that going to be dispositive?

MR. WILLARD: Mr. Worley, I haven't seen a copy of the order. It has not been provided to me.

I will say to the extent that the Superior Court did anything beyond determining whether or not an elector was entitled to stay on the list of qualified electors, was beyond the scope of the matter before the Superior Court.

SECRETARY KEMP: Any other questions or comments?

MS. SULLIVAN: I have a question for Mr. Harvey.

MR. HARVEY: Yes, ma'am.

MS. SULLIVAN: Do you believe you would benefit -- that you would need to do further investigation; that you have not satisfied the investigation?

MR. HARVEY: I actually don't. I believe we've got -- there is convincing evidence from the people that were living there. If Mr. Watts and Ms. Watts wanted to provide evidence for us to consider, that may change the story. But on two occasions Mr. Sparks has not provided information. That may change. But, of course, that is their prerogative.

Absent that, I would say it's unlikely we would get new information about facts. It's always possible, and it's not unheard of for me to work with Mr. Willard and the AG's office on a case that is largely ready to go and may need one or two additional things looked at. We can do that after it is been bound over, as well.

MR. SIMPSON: My understanding is that through all these civil proceedings, the hearing before the Election Board, the hearings in Superior Court, all these affidavits that have been filed, neither Lane Watts or Marilyn Watts has testified directly that he did live in that house; is that correct? Is there any testimony given from either of those people throughout all of this -- these proceedings?

MR. HARVEY: It's my understanding that has not happened.

SECRETARY KEMP: Any other questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Mr. Sparks, would you like to elaborate?

MR. SPARKS: John Sparks, 2974 Lookout Place, Atlanta, Georgia.

A couple of points. First of all, Mr. Harvey has never asked me for an interview with Lane Watts or Marilyn Watts. That is simply not true. If he had asked, I certainly would have made them available.

Secondly, they didn't testify at the hearing on my advice. This was the hearing in August of 2012. We believed the subpoenas were invalid, number one.

Number two, there was no judge at that hearing. You've seen Mr. Hobbs, and my clients did not want to be subjected to a cross-examination by Mr. Hobbs were there was no judge to control him.

The litigation that is currently pending on the petition to remove Ms. Watts has a discovery period. Mr. Hobbs has never taken the opportunity to depose Ms. Watts. Even though she was scheduled, he canceled that deposition. He hasn't deposed Lane Watts.

He only sent discovery about two weeks ago for the very first time, written discovery, regarding the case. My clients do not have an obligation in those civil cases to provide Mr. Hobbs information he has never asked for. That's the way civil litigation works.

MR. SIMPSON: The documents we have in the investigation indicate that you sent an e-mail to Investigator Williams on June 19, 2013 saying that you would submit a written statement on behalf of your clients.

MR. SPARKS: Those were the affidavits that we just got. Yes, sir.

MR. HARVEY: And on the 16th of July, you also said you would provide a response from your client, which we have never received.

MR. SIMPSON: That was the next date I was going to suggest. You promised written

statements on behalf of your clients on July 16, 2013, and they have not been forthcoming.

MR. SPARKS: That's true. And I apologize for the mistake. I had forgotten those things. Mr. Harvey never called me to follow-up on that. But they were available for him to talk to.

We're involved in civil litigation right now and potential criminal litigation. I am protecting my clients from being harassed by Mr. Hobbs, and that's part of what we're doing. I apologize, Mr. Harvey, for the implication that you are not doing your job concerning those statements.

MR. HARVEY: Thank you.

SECRETARY KEMP: Any other questions? Mr. Worley.

MR. WORLEY: Mr. Sparks, the hearing the Board of Elections held on August 12, that was for the purpose of challenging Mr. Watts' registration?

MR. SPARKS: Yes. They were challenging his registration concerning his move to Gelding Garth in Peachtree City.

MR. WORLEY: Right. And the basis for that challenge was that he didn't actually live in Peachtree City?

MR. SPARKS: That was the allegation. Yes, sir.

MR. WORLEY: And that, in your view, is the determination that the Superior Court made, essentially, that that challenge was not proper, correct?

MR. SPARKS: Correct.

MR. WORLEY: So the only basis for the Superior Court's decision was -- would have been, in fact, that he lived did live in Fayetteville and not Peachtree City?

MR. SPARKS: Right.

MR. WORLEY: And that is the factual issue you contend determines this case?

MR. SPARKS: Yes, sir. We based it upon the challenge, itself; what the challenge was arguing, and that's what was heard by the board and heard by the Court. Thank you.

SECRETARY KEMP: Any other questions?

MR. McIVER: I have one.

SECRETARY KEMP: Mr. McIver, in the spirit of fairness, if you don't mind, we gave Mr. Sparks an opportunity to rebut. Mr. Hobbs, did you have anything else you wanted to add?

MR. HOBBS: We have not deposed her. I am ready to put her on the stand. I'm not going to sit in a deposition and have Mr. Sparks object to every single thing and we never get anything taken care of. That's what happened last week. We didn't get anything done in that deposition and it was all a ruse just so they could say Chris Harvey never called you, Peggy, and asked you about this investigation. You've heard Mr. Harvey say he's asked Mr. Sparks to provide him (unintelligible). They've not done anything.

I'm just asking you guys, we're supposed to have a fair playing field. We follow the rules. I subpoenaed them. I gave them interrogatories. I did everything I was supposed to.

Ms. Watts was not a party to this case. She did not need to retain John Sparks to represent her. She took his advice. She didn't have to. She chose not to cooperate on a matter before her own Board of Elections and Mr. Harvey doesn't seem to think that is a violation. I think it is a violation. She should have recused herself. She should not have acknowledge service on any of those papers. She should have acknowledged the subpoenas and provided us the production of any documents or told us if there was any.

She has denied everything and never given anything in any hearing that I know of, but she will be very shortly when I have her before Tommy Hankinson and she is not going to have the attorney to hide behind.

So I'm asking you to bind this back to Mr. Harvey and do an investigation dealing with these specifics. I've got the affidavits. I thought Mr. Harvey had all this. But it's pretty obvious that the mother of the challengee should not be accepting service nor signing affidavits that are in direct violation of the Board of Elections. And then it's in direct violation of the actual sworn testimony of this gentleman sitting next to Mr. Watts.

For Gosh sakes, why are we here? Why is this taking so long? Eighteen months and just this week they finally provide -- again, Ms. Watts, you can come and testify. You could --

SECRETARY KEMP: Mr. Hobbs, you need to be addressing us.

MR. HOBBS: That's all I have.

MR. FABRICIUS: Scott Fabricius. I just want to make one quick comment.

Mr. Sparks is so concerned about protecting his clients. Protecting them from what? I understand why he would want to protect Lane Watts who filed a fraudulent registration. But why would Marilyn Watts need representation?

Even assuming she had not received a subpoena to appear before her own committee, before her own board to testify to help them get to the bottom of the truth of the issue, she chose not to. And, in fact, sought to have the attorney, who is also representing her son, file a motion to keep her from having to testify before the board. What is she hiding?

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

(Whereupon, there was no response)

SECRETARY KEMP: Mr. McIver, before your motion, let me just say something for the record.

I want to make sure that everyone is clear, and I think most people know that this State Election Board wants to hear from all sides to make sure we're making the best educated decision that we can. That's my goal when I chair these meetings. But we are going to be respectful to the other parties or the opposite party in these cases. I just want to remind everybody that is how we're going to operate in these type meetings.

Mr. McIver.

MR. McIVER: I have a motion. It's in two parts.

I move that we dismiss Marilyn Watts from this matter. Again, I'll make my arguments later if that's necessary. And that we direct Mr. Harvey to reopen this investigation and to thoroughly pursue these various additional matters that have been brought before us today, some of which occurred as early as last week. But that that be reopened.

SECRETARY KEMP: Mr. McIver when you say reopen, you mean just send it back for further investigation?

MR. McIVER: Continued investigation. Whatever the operative word would be. That it be returned to Mr. Harvey to bring back to us once he's really gotten his arms around all these additional things that, regrettably, have come up so late in the process.

SECRETARY KEMP: Mr. McIver's got a motion. Do we have a second?

MR. WORLEY: I'd be happy to second the first part of his motion about dismissing Ms. Watts.

MR. McIVER: I'm glad to bifurcate the motion.

SECRETARY KEMP: We've got a motion to dismiss Ms. Watts. Mr. McIver has made that motion.

MR. WORLEY: I second.

SECRETARY KEMP: Mr. Worley seconds that motion. Is there any other discussion amongst the board regarding that motion?

(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 Ms. Watts.

Mr. McIver, you want to make your second motion again?

MR. McIVER: That we send this matter back to Mr. Harvey for continued investigation.

SECRETARY KEMP: We have a motion to send the remaining case back to Mr. Harvey for further investigation. Do we have a second?

(Whereupon, there was no response)

MR. SIMPSON: I would like to say before we vote on that, or before there's a second, I don't know whether we can discuss it before there's a second or not --

SECRETARY KEMP: I'll second that motion.

MR. SIMPSON: Our determination here is a determination of probable cause. It is not a finding of guilt or innocence. It's just a finding that there's probable cause to go forward to do exactly what you've asked: do further investigation, and if it warrants, to prosecute the case.

We're not making a decision here today as to whether or not the case should be prosecuted. We're just making a motion that -- I mean, if we find it should be bound over, that's just a finding of probable cause to bring on further investigation.

So, in that sense, I would oppose a motion to retain the file with Mr. Harvey and would prefer that we take the step to find probable cause realizing that is going to bring on more investigation, but it's moving the case closer to resolution, which I think all the parties have indicate they need done. They need closure on this matter. It's been going on a long time. By finding probable cause, I think we would get one step closer to resolution.

SECRETARY KEMP: All right. Any other comments?

MR. WORLEY: Well, I would oppose Mr. McIver's motion to send it back to Mr. Harvey and I would also oppose sending it on to the Attorney General because while our job is to determine whether there is probable cause, oftentimes that means that one person says one thing and another person says something different and we send it on.

In this case, this seems to me as a matter of law there -- we can't find that Mr. Watts filed a false registration because Superior Court found that he did not. The only basis for the challenge to his registration was his residency. And when the Superior Court entered an order adopting the determination of the Election Board that he was eligible, that his registration was correct, essentially the Superior Court was ratifying the finding that he lived in Fayetteville and not Peachtree City. Therefore we're bound by that.

So that is my view. I would vote to dismiss the case as a matter of law.

SECRETARY KEMP: Anybody else?

(Whereupon, there was no response)

SECRETARY KEMP: We have a motion and a second to send the case back to Mr. Harvey for further investigation. Any other discussion?

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

MR. McIVER: Aye.

SECRETARY KEMP: Aye.

All opposed, same sign.

MR. WORLEY: No.

MR. SIMPSON: No.

MS. SULLIVAN: No.

SECRETARY KEMP: That motion fails 2 to 3. I will take another motion.

MS. SULLIVAN: I move to bind this case over to the Attorney General's office.

SECRETARY KEMP: We've got a motion by Ms. Sullivan to bind over to the AG's office. Is there 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."

MS. SULLIVAN: Aye.

MR. SIMPSON: Aye.

SECRETARY KEMP: Aye.

All opposed, same sign.

MR. WORLEY: Aye.

MR. McIVER: Aye.

SECRETARY KEMP: That motion passes 3 to 2. So we have bound that case over to the Attorney General's office.

Thank you all for being here today so far. It's 12:22. Mr. Willard, do we have any business we need to take care of in Executive Session?

MR. WILLARD: I do not, Mr. Secretary.

SECRETARY KEMP: We'll come back at 1:20 from lunch and continue.

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(Whereupon, the proceedings were in recess)

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SECRETARY KEMP: I think we're ready to reconvene our afternoon session. Let the record show that Mr. Worley is going to be away for just a few minutes dealing with some client business and he will return shortly.

Mr. Harvey, I believe we are on 2012, number 145, DeKalb County; number 28 in our binders..

MR. HARVEY: Yes, sir. This case was reported to us by a poll worker in DeKalb County. He told us he was required to sign the blank ballot recap sheets before the polls were closed the ballots were counted, and he felt that was a real problem because, of course, a ballot recap sheet is where you're listing the total number of votes that were in a precinct. So we did an investigation.

We spoke with people from DeKalb County and what we learned was that was, in fact, an isolated policy from one regional director. It was not DeKalb County Board of Elections and Registration policy to have forms, ballot recap forms pre-filled out. However, the people that came up with the idea were trying to avoid having forms left blank at the end of the night when a lot of work had to be done.

So DeKalb County acknowledged that they did this. They acknowledged that Billie Sherard, who was area manager, had sort of taken a policy on herself and promoted it.

They have since changed their practice and recommend that people do not sign recap sheets prior to the close of polls, and I believe people from DeKalb County are here to speak.

I recommend this case be bound over to the AG's office just because the ballot recap sheets, as we saw in the Fulton County case, are critical. That's really the score sheet. And I think

anything that involves improper use of them is something that should at least preserved with someone at the AG's office.

So I recommend the respondents be bound over and I would expect it that a reasonable consent order to be reached.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak?

MS. DANIELS: Good afternoon. I am Maxine Daniels, Director of Registration and Elections in DeKalb County.

I'm just here to speak on behalf of the two poll officials. They asked me to convey to the board that one of them, Ms. Sherard, is out of town because of a sick sister, so she could not be here. Ms. (Unintelligible) is actually tied up with work so she could not be here. I'm just here to represent that information to the board and to let you know they are not unconcerned about this, but they were unable to attend today.

SECRETARY KEMP: Thank you, Ms. Daniels. Any questions for Ms. Daniels?

(Whereupon, there was no response)

MS. BRILL: Good afternoon. My name is Lori Brill; 1300 commerce Drive, Decatur, Georgia. I am here on behalf of DeKalb County.

First, I want to say signing recap sheets prior to closing has never been a policy or procedure of the DeKalb County Elections Board or Ms. Daniels. Ms. Daniels never instructed anyone that this was okay to do. They knew that they should not sign them until after the polls closed.

When Ms. Daniels was made aware of this issue by the Secretary of State, she immediately took corrective action. What she did was the week before the July election at the area managers meeting, she reiterated what the procedures were as far as filling out the recap sheets, and under no uncertain circumstances could they ever be filled out prior to the close of the polls and tallying everything that needed to be tallied for the recap sheet.

Furthermore, Ms. Latasha Howard, who is the elections coordinator for the Elections Division, met individually with Ms. Sherard and made sure that she knew she was not supposed to do this.

She made sure she understood the proper procedure.

Furthermore, prior to the November election at the poll managers training session, again, they went over what the proper procedures were and how to fill out the recap sheets; when you are supposed to do it, when you can sign it.

Ms. Daniels thought that this had been stopped. She was unaware that there were any other further complaints until she received something from the Secretary of State. We have never had this issue come up. It is this one isolated incident with this one manager.

We would respectfully request that, at least against DeKalb County Board of Elections and Ms. Daniels, that this be dismissed. They took all corrective action that they were supposed to. They never told them they could do this. And they reiterated more than once and individually to Ms. Sherard that under no uncertain circumstances should it be ever be done how she was asking the poll managers to sign ahead of time.

SECRETARY KEMP: Any questions for Ms. Brill?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wish to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, do we have any discussion or a motion?

MR. McIVER: Let me ask Mr. Harvey again. Please tell us -- I read your recommendation. Is that consistent even now with what you've heard?

MR. HARVEY: Yes, sir. I would recommend that all respondents be bound over to the AG's office.

MR. McIVER: All right.

SECRETARY KEMP: All right. Anyone else wish to speak?

(Whereupon, there was no response)

SECRETARY KEMP: All right. Do we have a motion?

MR. McIVER: I move that we bind this matter over.

SECRETARY KEMP: Motion by Mr. McIver to bind over. Do we have a second?

MR. SIMPSON: Second.

SECRETARY KEMP: Second by Mr. Simpson. 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. Thank you all for being here today. I'm sure Mr. Willard can handle this in a good manner.

Mr. Harvey, case 2012-146.

MR. HARVEY: This case involves a person who took a photograph of their ballot in their polling place and posted it on Facebook. The respondent, Moriana Ivory, she approached me as we broke for lunch. She was here; she was here all morning. She wanted to be here to address the board, but she has to pick up her daughter from camp so she said she had to leave.

She did express that she was planning on apologizing to the board. She didn't know it was improper to do this and she would not do it again.

So given the past practice of the board, I recommend that she be issued a letter of instruction regarding the legality, or illegality, of taking photographs at polling places.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, do we have a motion?

MS. SULLIVAN: I move the board issue a letter of instruction on this matter.

SECRETARY KEMP: Ms. Sullivan has moved for a letter of instruction.

MR. McIVER: Second.

SECRETARY KEMP: 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. We will issue the letter.

2012-148, Lincoln County; number 30 in our binder.

MR. HARVEY: This case started in Cobb County where Mr. William Randall King wanted to vote and was told that he was not registered to vote. His voter registration had been transferred to Lincoln County. Having never lived in Lincoln County, he was concerned and reported it to us.

What we determined was that somebody else had registered with the same name. He was mistakenly pulled by Lincoln County. He was allowed to vote provisionally. His vote was accepted. The two counties worked well together to resolve the problem. Lincoln County technically violated 21-2-226 regarding proper eligibility determination of voters.

I would recommend in this case a letter of instruction be issued to Lincoln County. This is actually an example of counties working pretty well together to resolve problems on election day (unintelligible) correct the records.

SECRETARY KEMP: Questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak.

MR. JACKSON: Good afternoon, lady and gentlemen. I am Ben Jackson. I am the county attorney for Lincoln County. My address is 2812-A, (Unintelligible) Creek Court, Augusta, Georgia 30909.

We don't dispute anything the investigator just said.

I would like to point out that what happened was, as he said, there is an identical name in Lincoln County and in Cobb County. And apparently a former clerk at the office was looking at the Department of Driver Services reports and saw Mr. King in Cobb County's name identical to a gentleman she knew from Lincoln County. So she just saw the name and transferred it to Lincoln County.

I talked with her and she said she didn't look down to see the address or county or anything. She just saw an identical name to a good friend of hers and transferred it to Lincoln County, and then Mr. King in Lincoln County voted. And later, Mr. King from Cobb County went to vote and that's when he had a problem.

As Mr. Harvey said, everybody worked well together. So we would just ask the board to follow the recommendation of Mr. Harvey.

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

(Whereupon, there was no response)

SECRETARY KEMP: Anybody else wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Any discussion or motion from the board?

MR. McIVER: I move a letter of instruction be issued consistent with Mr. Harvey's recommendation.

MS. SULLIVAN: Second.

SECRETARY KEMP: Mr. McIver moves for a letter of instruction. Ms. Sullivan seconds that.

I would like to say, too, we appreciate the counties working together to resolve the issue. That's good stuff. Thank you for that.

We've got 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.

Mr. Harvey, we're jumping down to 2012, number 153; it is of Gwinnett County/Peach County case; it's number 32 in our binder.

MR. HARVEY: Mr. Chairman, members of the board, this case has almost the exact same fact pattern as the previous case. Somebody went to vote and told they were registered to vote in Peach County.

We found out the exact same thing happened again. He was erroneously pulled by Peach County. He was allowed to vote provisionally in Gwinnett, as he should have been. They resolved it.

I would make the same recommendation that a letter of instruction be issued to Peach County regarding verifying voters. But again, this is another case where the counties worked well together to resolve a dispute on election day and make sure that everybody got to vote.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wish to speak?

MR. LIIPERT: Mr. Chairman, my name is Jeff Liipfert. I am the county attorney for Peach County. My address is 202 Central Avenue, Fort Valley. I am with Michelle Riley, who is our elections supervisor with our Board of Elections. She has worked in elections for over 11 years, first in Probate Court in Peach County, and the Board of Elections now. She has done a diligent job, I would have to say, during her time working in elections there.

As Mr. Harvey said, this is almost the identical facts that happened in the last case in Lincoln County. In this case, the people -- the voters had the same last name and the same birth date. Therefore, the voter in Gwinnett County was pulled up.

We do have -- especially in 2012, we had a lot of student registrations in Fort Valley because of Fort Valley State College. And those student registrations, lots of them, I would say the vast majority of them, have local residence addresses, dorms and apartments. But the mailing address is somewhere else.

In this case, the lady that was a voter who had a mailing address in Fairburn, though she had a residence address in Fort Valley.

We made a mistake. That's all we can say. That's the only time in the time I've been the county attorney -- and I assisted a part of mine had died in 1987 for about 15 years prior to that as county attorney -- this is the only time I've ever seen it happened in the county that I'm aware of.

SECRETARY KEMP: Okay. Any questions for Mr. Liipfert?

(Whereupon, there was no response)

SECRETARY KEMP: We appreciate you all being here today and thank you for working with Gwinnett County to this resolve this. It's amazing they had the same birth date.

Anyone else wishing to speak or any questions?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, do we have a motion?

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

SECRETARY KEMP: All right. Mr. Simpson moves for a letter of instruction.

MR. McIVER: Second.

SECRETARY KEMP: 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. Thank you for being here.

Mr. Harvey, 2012-158. This is Gwinnett County deceased voter case; number 33 in our binder.

MR. HARVEY: Yes, sir. This came from Lynn Ledford regarding an absentee ballot that was received by a voter who had died prior to requesting the absentee ballot.

So the board can see the actual paperwork to look at the handwriting and see if they're alike, this is from the file so you can see the similarity of the handwriting.

Mr. Ronald R. Brannen, date of birth 4/16/28, died on October 16, 2012. On October 23, 2012, an absentee ballot application was sent in for him with a signature that appears to be his signature. There is nobody signing for a relative.

A ballot was issued and was returned to Gwinnett County Board of Elections with his date of birth, his address and a signature that matches -- appears to match what is on the absentee ballot application.

We did an investigation found that his son, Ronald R. Brannen, date of birth 11/13/56, had also completed an absentee ballot application on the same day, October 23, 2012, and submitted it with a signature that looks practically identical to the signature on the elder Brannen's.

We attempted to contact Mr. Brannen. We went out to his house and were unable to make contact with them. It appears as though the younger Mr. Brannen forged an absentee ballot application and sent it in -- voted absentee ballot for the deceased Brannen.

I believe Mr. Brannen is here today. He called me this morning and said he was coming.

But based on the evidence as it stands now, I would recommend the case be bound over to the AG's office.

SECRETARY KEMP: Any questions for Mr. Harvey?

MR. McIVER: Did the younger Brannen vote himself?

MR. HARVEY: I believe he also returned an absentee ballot. Yes, sir. He did.

SECRETARY KEMP: Any other questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Yes, sir

MR. BRANNEN: My name is Randall Brannen. My name is not Ronald Brannen, so there may be a misunderstanding on that.

When my father died and the family was gathering together with my mother there, she had a listing of a variety of things to have done.

SECRETARY KEMP: Mr. Brannen, can you give us your address. I'm sorry to stop you.

MR. BRANNEN: 1675 Terrace Lake Drive, Lawrenceville, Georgia 30043.

So the family was gathered together and my mother is almost -- she's 90 now, but she is very spry and able to do for herself. She had mapped out all the paperwork for my father as he had prepared and instructed.

And so, as the power of attorney for my father and my mother, I inadvertently signed paperwork and gave it back to her. She mailed items. I didn't send anything in to any insurance company -- we had about seven different either mutual funds, retirement account, life insurance -- a variety of different things that had to be done. So she laid them all out and the signing of that was done.

I suppose it was -- I don't recall at this moment even signing the document knowing that I did that. I did think I was voting for myself. I did not realize it was being voted for him. But I did not send anything. I gave it to her. She had the stack. She went through all the documentation

and what was done was done by her from the standpoint of mailing, and so on.

So it was certainly an oversight. It was not intentional at all. And I did not have any notification until I got this letter in May that there was even a problem.

So that's why I'm here today. I did call you this morning because I didn't want to be late. This is important. So I just wanted to clarify that my intention was 100% pure: taking care of my mother's business on her behalf. I had no intention, whatsoever, of any violation. I didn't even know, had no clue there was a violation of any sort until I got the letter.

I'm sorry I'm taking the time of this group, and I'm sorry for myself for the situation that's here. But that is the sincere and honest truth of what happened.

SECRETARY KEMP: Thank you for being here. You certainly don't have to be sorry for taking our time. We want to make sure that we're hearing from all parties. I believe Mr. McIver has a question.

MR. McIVER: It sounds as if what you've described was the application you had signed for an absentee ballot. The process is that then a ballot comes to your house and then the voting of the ballot occurs. Do you remember that?

MR. BRANNEN: I do not.

MR. McIVER: Did you, yourself, cast absentee ballot?

MR. BRANNEN: I did for myself.

MR. McIVER: But if you had done this twice in a short period of time, you would not recall?

MR. BRANNEN: Well, I don't know what date my absentee ballot went in. Was it on the very same day?

MR. HARVEY: The applications went in on the same day. The ballots, themselves --

SECRETARY KEMP: Mr. Harvey, while you are looking at that, let the record reflect Mr. Worley has returned.

MR. HARVEY: Your late father's was received -- I take that back. I don't see a postmark. I've only got the rear copy of front of me. So I can say what date the ballots were returned.

MR. McIVER: Ronald voted on the 26th of October, 2012. From this document, I can't tell when Randall voted. But the window for absentee balloting is relatively short.

The question I'm putting to your is, it sounds as if you applied, although inadvertently, for your father's absentee ballot. But then to cast an absentee ballot actually is a lot of work. That's the way I vote. And you have to sit down and think and read carefully through the referenda and things that appear there.

MR. BRANNEN: I didn't do any of the voting for my mother; I didn't do any voting myself. If she completed that, that was her doing. I did not complete that. Now, if she gave me paperwork to sign for him and documentation, because we were doing a number of business transactions for her because she did not know all of the specific details. But she would take things and give them to me and I would sign or -- she'd do the mailing. So there was a list of documents that were there. So if the signing was done, it was not intentional.

MR. McIVER: On an absentee ballot, Mr. Harvey, you sign the envelope, not the ballot, itself, of course, because otherwise you would be identifying yourself as the voter.

MR. HARVEY: Yes, sir.

MR. McIVER: Which is not what we want people to do. Nonetheless, casting an absentee ballot is a lot of work. From me it is. You have to read and study and check off and fold it up and put it in the envelope and sign my name and mail it, and so on. And you don't recall?

MR. BRANNEN: I did not do that.

MR. McIVER: Somebody would have had to sign the envelope in which the ballot was placed in the mail to return back to the polling place.

MR. BRANNEN: I don't recall doing that.

SECRETARY KEMP: Mr. Simpson?

MR. SIMPSON: What is the stamp on his this is October 23, 2012, faxed?

MR. HARVEY: I believe that is actually to the application underneath it. That's not the date the ballot came back, I don't believe. I did see --

MR. SIMPSON: Both of them are dated the 26th, but I'm trying to try to figure out what this fax on October 23, 2012 date is.

MR. HARVEY: That's the date it was received by the elections office. Ronald R Brannen --

MR. SIMPSON: How is it received by the election office three days before it says ballot mailed?

MR. HARVEY: The ballot was mailed to the voter on the 26th. It was received by the elections office on the 23rd. The ballot was mailed to the voter on the 26th.

SECRETARY KEMP: That is the application to ask for ballot.

MR. SIMPSON: Okay. So both of them --

MR. HARVEY: The applications were dated the same.

MR. SIMPSON: But the ballot was mailed to both of them on October 26, I thought.

MR. HARVEY: We have a front copy of our Ronald R. Brannen's absentee ballot envelope. The ballot, itself, was postmarked October 31. We don't have a copy of the front of the other ballot.

Mr. Brannen, would you be able to verify your signature on your father's absentee ballot application -- ballot to determine whether you signed it?

MR. BRANNEN: I don't know that I did. I don't know that I didn't. But I would say if you say it's there, I will look at it. I haven't seen what you're referring to.

MR. HARVEY: We attempted to reach you. If the board would like, he could review and confirm whether or not it's his signature.

SECRETARY KEMP: You talking about sending it back?

MR. HARVEY: I'm saying if I can show it to him now.

SECRETARY KEMP: What exactly are you doing?

MR. HARVEY: I'm showing him the back of the envelopes, the absentee ballot envelopes, for Mr. Brannen, date of birth 1928, and Mr. Brannen, date of birth 1956. 1956, this is you, correct?

MR. BRANNEN: Yes.

MR. HARVEY: Is that your signature?

MR. BRANNEN: Yes, sir.

MR. HARVEY: Okay. And this is your father's date of birth?

MR. BRANNEN: Yes.

MR. HARVEY: And is that your signature?

MR. BRANNEN: I don't know if it's mine. It could be. I don't know. It looks like mine.

MR. HARVEY: But you don't know for certain?

MR. BRANNEN: I didn't do that knowingly. I know that.

SECRETARY KEMP: Any other questions for Mr. Brannen?

(Whereupon, there was no response)

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

(Whereupon, there was no response)

SECRETARY KEMP: Any other discussion from the board or recommendation?

MR. McIVER: I will make a motion that we bind this matter over consistent with Mr. Harvey's recommendation.

SECRETARY KEMP: We have a motion by Mr. McIver. Do we have a second?

MS. SULLIVAN: Second.

SECRETARY KEMP: We have a second by Ms. Sullivan. Any other discussion?

(Whereupon, there was no response)

MR. WORLEY: Let the record reflect I'm going to abstain since I wasn't here for all of the

(unintelligible).

SECRETARY KEMP: Okay. Very understandable.

MR. WILLARD: Mr. Chairman, we had a lively conversation about this when we met earlier about the case.

I will point out to the board there has been no expert analysis conducted on the handwriting. There has been no admission today that the signature is, in fact, his. I would point to the board that there appears to be no credible evidence that we would be able to present at a hearing establishing that a violation has occurred.

Therefore, unless the board has some additional argument or evidence it wants to present, I would say as a matter of law, the board has not established that probable cause exists that this individual violated the law on this instance.

MR. WORLEY: I have a question for Mr. Willard. Mr. Willard, have you ever gotten a handwriting expert to give testimony of one of your hearings?

MR. WILLARD: Mr. Worley, we don't typically engage in handwriting analysis. We actually have witness statements that corroborate evidence. When you take a criminal matter, you must have expert handwriting analysis to establish that handwriting is in fact the individual's.

MR. WORLEY: So the Attorney General's office from time-to-time does consult with handwriting experts, hires them, and has them to give testimony?

MR. WILLARD: Once again, this goes back to an earlier conversation, Mr. Worley --

MR. WORLEY: Just yes or no. Do you do that or not do that?

MR. WILLARD: I would have to speak with our special prosecutions unit to see if they do that.

MR. WORLEY: Okay.

MR. WILLARD: I would say if the board wants to undertake that, that is a matter that needs to be referred back to Mr. Harvey for additional investigation.

MR. McIVER: I assume we would not object to your bringing back a consent order if that were affected through your negotiations with Mr. Brannen in this case. But in my view, we have enough to bind it over and that's the reason for the motion.

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. We have bound it over.

Mr. Harvey, 2012-162; Rockdale County.

MR. HARVEY: This case involved November, 2012 election. There was a complaint regarding a poll watcher's activity in Rockdale County. The allegation is the poll watcher was illegally assisting voters and advising voters and a voter was allowed to vote two times.

The poll watchers in question were interviewed as were the poll workers. It was determined that the poll watchers, who are Faye Hines and Francine Henderson, were in the polling place. They were poll watchers. However, they were seen following voters out of the voting polling place, talking to voters, and urging voters to come back into the polling place, and then correcting and admonishing election workers, poll workers, telling them things like you shouldn't have done that; that person is allowed to vote here; and essentially interfering with the poll workers.

I'm recommending those two poll watchers be bound over to the AG's office.

In addition, there was one voter who voted and reported to poll workers that her card ejected before she was able to cast her ballot. The poll workers reprogrammed her another card before they check to independently verify whether or not that vote had been cast. They allowed her to vote a second ballot and it turned out the first ballot had counted. So they enabled that voter to vote a second time.

So I recommend Cynthia Welch and Denise Stanfield for allowing a voter to vote twice; and Faye Hines and Francine Henderson violated the code section regarding poll workers interfering with elections.

I recommend all respondents be bound over to the AG's office.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak?

MS. WELCH: Good afternoon, board members. I am Cynthia Welch and I am the supervisor of elections with Rockdale County. Our address is 1400 Parker Road, Conyers, Georgia.

Board members, what I want to say in regards to this case as it relates to the voter being allowed to vote twice, the poll workers followed the procedures that we have in place. They were to man the voting units and any voter that has any problems, there is a notice that is placed into every voting unit that tells the voter if you have any problem, before pressing Cast Ballot, alert the worker manning the voting station.

The voter did that. The unit actually froze. The poll worker went over. He said he saw the card eject from the machine. That's when they called my office to get permission to issue another card.

The question that I asked the poll worker and the poll manager was did anyone see the card eject from the machine. The poll worker manning the voting station stated that he went over to assist and he saw the card eject without the voter pressing Cast Ballot. He even confirmed that it was not at the Cast Ballot screen so we knew there was some type of malfunction with the unit.

I also talked with the voter to confirm what happened and I talked with the poll manager.

So in that case, I authorized the poll worker to give the voter another ballot because the voter had not finished voting.

Also -- may I give you this?

SECRETARY KEMP: Do we have a motion to accept this document?

MR. WORLEY: So moved.

MR. SIMPSON: Second.

SECRETARY KEMP: We have a motion and a second. 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.

MS. WELCH: Thank you. Based on the summary report from the election results that we tabulated for that precinct, it does show that one ballot was cast, but it does not confirm that the voter actually voted for any other race other than President. So in that case, had we even issued a provisional ballot -- which we do not have a procedure that we do that in this type of case -- we would have also counted that provisional ballot because it could not be concluded that the voter actually had opportunity to vote their ballot.

SECRETARY KEMP: So the numbers, then, you had one more vote cast than people who checked into the precinct, is that what you're saying?

MS. WELCH: Right. We had one additional ballot cast but we also have to take into consideration total votes, which is the sum of all votes cast for a race indicating votes have been cast for a candidate. If you look at the report, outside of the President, you will see there were 657 total votes for President, but for all the other races, there are not 657.

So we could not conclude that voter had the opportunity to cast their (unintelligible) ballot.

SECRETARY KEMP: Any other questions for Ms. Welch?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak?

(Whereupon, there was no response)

SECRETARY KEMP: You have anything else, Mr. Harvey?

MR. HARVEY: No, sir.

SECRETARY KEMP: Okay.

MR. McIVER: What is your recommendation with respect to this particular issue?

MR. HARVEY: Based on the response of the election officials, I think -- I still think a provisional vote would have been a better option. But I think a letter of instruction might be appropriate for the election officials. They took it under consideration and they made -- they contacted the supervisor and made what sounds like a reasonable decision.

So I would change my recommendation regarding them to a letter of instruction.

SECRETARY KEMP: Mr. Harvey, so that instance Ms. Welch is talking about, that's separate from the other two, Henderson and Hines?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: So we have a recommendation for --

MR. HARVEY: A letter of instruction for the poll workers and bound over for the poll watchers.

MR. McIVER: What is it that this lady did wrong? What did she do that you would have done differently?

MR. HARVEY: I would have issued a provisional ballot because once a vote goes into the DRE, you can't -- if you determined later the ballot was cast properly, you cannot get the other vote back. With the provisional ballot, you can always -- if you determined the first vote did count, you can always discount the provisional ballot.

MR. McIVER: Then the voter has to come back within 72 hours.

MR. HARVEY: No, sir. Only if they do not have ID.

SECRETARY KEMP: If there was an issue where the person that had forgotten their ID, they might have to come back. But on an issue like that, I don't believe they have to.

MR. HARVEY: The voter would not have had any other obligations once they cast the provisional ballot.

MR. McIVER: I just don't want to do anything that diminishes the interest of the voter. They come to vote and that should be painless as much as we can make it.

MR. HARVEY: I agree. You asked me what I would do, and that's what I would have done. Whenever there is a question as to whether or not a vote counted or a card ejected, if you offer a provisional, you get days to go through and fact check it and decide what to do with it. You may make the same decision, but at least you buy yourself some time.

SECRETARY KEMP: Ms. Welch?

MS. WELCH: Board members, I agree with Mr. Harvey. But, however, in this case, nothing different would have changed in that the poll workers confirmed that they assisted the voter and saw the card eject from the unit.

If it was a case where something happened and the voter did not alert the worker and they came back with the card and I wasn't finished voting, but here's my card, that is a case where we have a procedure in place where we can check the card. There is no such procedure that we give a provisional ballot when we have a unit to malfunction. However, I do recommend that we take that under consideration.

But at this time, we did not have a procedure that gives us clear instructions on what is to be done when the voter has done their part and the unit ejects that card and what do we do.

Some counties may issue the card again and some may issue a provisional ballot. But in my particular case, had I done either, the provisional ballot would have counted based on the poll worker's statement, as well as we would have issued another card.

MR. McIVER: It seems to me Ms. Walsh and Ms. Stanfield did exactly what they were supposed to do.

MS. WELCH: They did.

MR. McIVER: What else could they do? They called their boss and got an opinion and then took the instructions and executed it.

MS. WELCH: Yes.

SECRETARY KEMP: Anything else for Ms. Welch?

(Whereupon, there was no response)

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

(Whereupon, there was no response)

SECRETARY KEMP: Do we have a motion?

MR. McIVER: I will move to dismiss Welch and Stanfield. Since these. Since Mr. Worley like these things bifurcated, I will do that one at a time. So my first motion will be that we dismiss Welch and Stanfield, and to the extent there was in the allegation against Rockdale County or their election officials, I would include the memo motion.

MR. SIMPSON: Second.

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.

You have another motion?

MR. WILLARD: Mr. Secretary, before we hear the other motion, I have a question for Mr. Harvey.

MR. HARVEY: Yes, sir.

MR. WILLARD: As to Ms. Hines, was there any allegation that she was actually speaking to voters, or just poll workers?

MR. HARVEY: I believe some were talking to voters and some were talking to poll workers.

MR. WILLARD: You've got in your summary that Ms. Henderson had spoken with voters and Ms. Hines had questioned poll workers.

MR. HARVEY: I'll stand by that. I don't have any other independent knowledge.

SECRETARY KEMP: Ms. Welch?

MS. WELCH: Both poll watchers were speaking with voters as well as they were interfering talking with poll workers. The poll manager did call me and I asked the poll manager to give both of them a warning that if they continued to interrupt that we would ask them to leave. What came back to us was that after that, they started following voters out to the parking lot and they would tell the voter, you don't have to go to your precinct. Go back in and request a provisional ballot.

As I recall for this particular precinct, we issued 29 provisional ballots, and over half of those they were voters that were voters in other precincts in our county. But because those poll workers went out to tell those voters you don't have to go to your precinct; just go back and request a provisional ballot, we felt that was interfering with our duties to direct that voter to their correct precinct.

SECRETARY KEMP: Thank you. Any questions for Ms. Welch?

(Whereupon, there was no response)

SECRETARY KEMP: We've got a motion and a second, to bind those two over, correct?

MR. McIVER: No. But I will move.

MR. SIMPSON: I will second.

SECRETARY KEMP: All right. We've got a motion and a second now 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. We have bound poll watchers Henderson and Hines to the AG's office.

Let the record reflect that Mr. McIver has some lawyering to do and he won't be with us the rest of the afternoon.

Mr. Harvey, 2012-163, Union County; 36 in our binder.

MR. HARVEY: This case involved a voter who was attempting to vote on the DRE. She asked for help from a poll worker to adjust the screen. It was tilted at an angle that was difficult for her. In doing that, adjusting the screen, the Cast Ballot button was hit and the vote was voted without the voter's full knowledge and consent.

There was also a second complaint from a voter did she got a ballot that only had federal candidates and didn't have any local candidates.

In both cases we determined -- in the second case we determined that the poll worker simply pulled up the wrong ballot.

In the first case where the poll worker acknowledged in trying to adjust the screen they may have hit the button and cast the ballot, they were both sort of independent errors.

I would recommend that the Union County respondents receive a letter of instruction regarding adjusting machines and making sure people get the proper ballot.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak?

MS. STEVENS: I am Libby Stevens, and I am the Board of Elections supervisor.

As soon as the incident where the lady complained about the issue of the screen not being right, that is not exactly what was called in to me.

The poll manager, Ms. Hudson, called me and said that the lady had come in to vote. She could not -- she had had her eyes dilated, or some such thing. She had some person assisting her and that the lady assisting her was reading the ballot out loud. So that doesn't sound like there was a screen issue. She was reading the ballot out loud to her and one of the poll workers went over to

assist her. And at that point in time, she said, I can't find the candidates that I want to vote for. And at that point, the Cast Ballot got hit and she said, well, I didn't get to vote for who I wanted to vote for. And then it went from there. Now, that's the story I have gotten on several occasions.

I will have to say that the poll worker that was there was my husband.

SECRETARY KEMP: Okay. I appreciate your honesty. Are you going to keep being a poll worker?

MS. HUDSON: My name is Carolyn Hudson. I am the poll manager at the Choestoe precinct in Blairsville. 237 Chantelle Lane is where I live in Blairsville, Georgia.

I had stepped away from where I had been working as the manager to take a phone call. When I stepped back in, they called me over to that -- to help with the situation.

When she registered her certificate, she signed in and I asked her daughter who was with her -- she was in a wheelchair -- I asked her daughter if she would need help and she told me she would. So her daughter signed to help her. She had, indeed, been reading it out loud to her because I questioned whether I could -- if it was going to disturb anyone else. But it didn't seem to be bothering anyone so I just let it continue.

It was a very slow process. The mother had a hard time understanding what was being said. She would say, what? And she would re-read it very patiently with her.

I received a phone call and I stepped away and I saw -- he happens to be my brother-in-law, too -- but I saw him get up to go over and help her and then he signaled for me and told me that the ballots have been cast. I shook my head and I said, I don't think there's anything we can do. But I called the supervisor and she said, no. If the ballot is gone, it's gone.

I apologized to her and I said, I'm so sorry. But there is nothing I can do now. She was angry and I can understand that she was angry. She told me sorry wasn't good enough. It just wasn't good enough.

She also was kin to one of the candidates, and I know she wanted to cast her vote. He lost by quite a margin, so that one vote did not make any difference.

I can't tell you who pushed the button. I don't know.

SECRETARY KEMP: Thank you, Ms. Hudson. Any questions for Ms. Hudson?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, do we have a recommendation or motion?

MS. SULLIVAN: I move the board issue a letter of instruction in this case.

SECRETARY KEMP: Ms. Sullivan is recommending a letters of instruction for the three respondents in the case. Do we have a second?

MR. SIMPSON: Is that in addition to the instruction, I'm sure he has already been given? 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.
Thank y'all for being here today.

Mr. Harvey, 2012-169, Coweta County; number 39 in our binder.

MR. HARVEY: This is sort of an interesting case where a soldier who is in Afghanistan e-mailed her mother and said will you request an absentee ballot for me. Have it come to the house and you can vote for me. Vote all Republican.

The mother requested an absentee ballot, as she was allowed to for a family member, but included the e-mail that her daughter has sent and it came to the registrar's office and they reject

it the absentee ballot, presumably on the idea that it was going to be voted by somebody other than the elector.

While that may make some form of sense, it is not a legal reason to reject an absentee ballot. The suspicion or the possibility, or maybe even probability that someone was going to vote a ballot is not a reason to reject the ballot. The mother was entitled to ask for it. She did ask for it and it was rejected for an invalid reason.

So the ballot should have been issued and if it was returned with an invalid signature or questionable signature, it could have been examined and could have been rejected for that reason. Or we could have gotten with the voter and they could have voted it themselves.

So we find a violation for the rejecting of an absentee ballot application for the wrong reason. I think this is one where a letter of instruction would not be out of order for the registrar's office.

So that would be my recommendation.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak on this matter?

MS HAMILTON: My name is Joan Hamilton. Address is 1484 Corinth Road, Newnan, Georgia.

Also in the e-mail, the soldier had also told her mother just to forge her signature. So that was another reason -- I based it upon strictly the fact that she had told her mother to vote for her and to forge her signature.

I did notify the mother to please instruct the daughter -- I did not have an e-mail address for her - - that she would be able to go to Secretary of State's website and request an e-ballot. The application was turned in on October 23. The election was November 6. It's a very short period of time. And I feel like if we had got the application back in an e-mail, we could have e-mailed her an e-ballot. She probably would have gotten it. We know she had communications by her e-mail. And we also have an extended period of time for our military to return. And then it would have been possibly back to us and counted that way.

From now on, she definitely will be mailed a ballot. I have not spoken with her mother. She has never contacted us and neither has the voter. Also, I checked the voter's history. She had never

voted and still has never voted.

So, that being said, we will definitely be sure -- we always try to go the extra mile for our military.

SECRETARY KEMP: We appreciate that, Ms. Hamilton. Any questions for Ms. Hamilton?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you. Anyone else wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, do we have a recommendation or a motion or discussion?

MR. WORLEY: Well, I'll have some discussion. I don't think what Ms. Hamilton did was wrong. I mean, when someone sends in an application and there's other information that indicates they are going to forge the ballot, I don't know that the appropriate thing is to send them a ballot, wait till it comes back, and check the signature to see if they did, in fact, forge it.

So I can understand if you want to send a letter of instruction, and I can support that. But really don't think the elections officials did anything other than what they ought to have done in this case.

SECRETARY KEMP: All right. Any other discussion or a motion?

MS. SULLIVAN: Mr. Harvey, is there any clear authority what to do? Is it very clear here?

MR. HARVEY: I think if you get an absentee ballot application, you send an absentee ballot and then you compare the signatures to make sure it is to the right person. I think if the application had come in without the e-mail, it would have been a valid application and it would have merited getting a ballot back.

I certainly don't disagree with Mr. Worley's overall assessment of the situation. But from a very procedural point of view, I believe she exceeded her authority. I would not recommend anything more than a letter of instruction given all the circumstances.

MR. SIMPSON: I have to agree with Mr. Worley that you don't need to have to wait until fraud occurs if you see something that indicates something fraudulent is going on, you ought to take

whatever action you can to stop it. I don't know whether that requires a rule change, but that seems to me the practical way to deal with these kind of issues. I think we have had other cases in the past where there was good reason to reject an absentee ballot, but technically it was improper to do so. So I wonder if we don't need to look at that rule again.

In the meantime, I agree with Mr. Worley. I don't think this warrants any action other than a dismissal.

SECRETARY KEMP: We are ready for a motion.

MS. SULLIVAN: So moved.

SECRETARY KEMP: What is your motion?

MS. SULLIVAN: That we dismiss.

SECRETARY KEMP: More ready than I thought. We've got a motion to dismiss. I feel certain we're going to get a second.

MR. WORLEY: I second that.

SECRETARY KEMP: Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: I will say that I saw Ms. Ford writing over there. So we will look at that as far as future training or potential rule changes, as well.

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. Thank you for being here, Ms. Hamilton.

Now, what I want to do is move from the new cases down to the UOCAVA cases. Let me go through those real quick. If you are here for one of these cases, let me know.

Mr. Harvey, who've we got on tap?

MR. HARVEY: On the first case, is one UOCAVA case that includes six or seven counties. The other cases are listed individually.

What I've done, I've got two charts that show each of the counties in the two separate matters. It shows the county involved, how many total UOCAVA ballots were issued, the electors, how far after the deadline they were issued, whether or not it was returned, and whether or not the voter voted.

I think if you look at that chart for the first case, it's actually the second sheet, 2013 UOCAVA violations is going to be what applies to -- I'm sorry; the first page starting with Bartow County, Brantley, DeKalb, Muscogee, Paulding, Polk, and Worth. In analyzing these, I looked at, like I said, the total number and how many of which there were a problem.

Several counties have provided letters. As you know, we're getting ready for a primary runoff. So some of the counties, especially from South Georgia, have sent letters acknowledging this meeting and explaining some of their actions.

As you go down the first page and you look at Bartow County, they have a total of 29 UOCAVA ballots that were issued. There was one issued two days late. I recommend a letter of instruction in that case. The issue here is the ballots were issued after the deadline.

The second case, Brantley, they had one voter who was UOCAVA. That was issued a couple of days late. They followed up with the voter and confirmed that the voter got the ballot. The voter then just decided never to send it in. So that voter did not vote, but the voter received the ballot in time to cast their vote.

Brantley County sent a letter, which is in the packet I gave you.

DeKalb County had a total of 240 --

SECRETARY KEMP: Mr. Harvey, what is your recommendation on Brantley County?

MR. HARVEY: A letter of instruction.

SECRETARY KEMP: Okay.

MR. HARVEY: DeKalb County, 245 total UOCAVA. They had problem with seven of them. Again, going out two days late. This is a difference between going out Friday afternoon and Monday morning. They have all but one of the UOCAVA voters vote. And even then, that's not saying they didn't get their ballot. That's just saying it wasn't return to DeKalb.

Again, seven out of 245. I recommend a letter of instruction.

Muscogee County had one of 78 that went out two days late. A letter of instruction would be my recommendation for Muscogee.

Paulding, again, one out of nine, two days late. The person voted. I recommend a letter of instruction.

Polk County had 11 total issued and they had five that were issued late. These were more along the lines of almost two weeks late. Four of those five voters did not vote.

I recommend that Polk County to be bound over to the AG's office for a consent order.

Worth County also send a letter, and I spoke with the elections director there on several occasions. She was very concerned that she couldn't be at the meeting. But she felt she had to be in Worth County. I said I would express her concern that she was not disregarding us at all.

They had five voters. They had two vote, and three not vote. I recommend bind over on Worth County.

SECRETARY KEMP: How late were those getting out?

MR. HARVEY: Again, they were just two days late, which, again, that would be one that I, frankly, I believe it would be appropriate to go either way with a letter of instruction or with a bind over.

So that covers the first case, 2012-40.

SECRETARY KEMP: Okay.

MR. HARVEY: If you want to just deal with this one first --

SECRETARY KEMP: Yes. I want to do with this one. Are there any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone here who would like to address the board on these from those counties or these cases?

(Whereupon, there was no response)

SECRETARY KEMP: Mr. Harvey, on Polk County, what feedback did you get from Polk County about the meeting, that they said they couldn't come?

MR. HARVEY: I have not heard from Polk County regarding the meeting.

SECRETARY KEMP: Okay.

MR. HARVEY: Polk County, they were the latest of all of them. They were 12 days after the deadline.

SECRETARY KEMP: Any discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Let me just say I don't have an issue with the recommendations that Mr. Harvey has given. You know, this is very important work of the county election officials getting these UOCAVA ballots out, as well as the Secretary of State's office. I know in the primary, Linda Ford and Erica and Ryan Germany, our counsel, and a number of other members of our team actually ended up working on Saturday to make sure we got all of that done. That's how important this is. One day when you're dealing with the federal legal deadline is important. I know we stress that a lot. So we cannot take these UOCAVA ballots for granted.

The position the State gets in is if you have a county that doesn't deliver, the State ends up getting -- potentially could get sued over that matter. So it's a little bit of a unique situation. And I appreciate all the counties are doing to make this happen and all of our team is doing that.

So I don't have an issue with letters of instruction for the first five counties listed. I don't necessarily have an issue with binding over Polk County.

I'm a little concerned about binding Worth County over being that they wanted to be here. I

would rather, if the board sees fit, maybe send that, or just hold that until they could appear before us. I feel like we owe it to the county elections officials if they would like to say something to the board to perhaps change the recommendation that we should offer to do that when they let us know they couldn't come. If they just decide not to show up, that's a whole other matter.

That's my feelings. I don't know if the board has feelings on that or if you want to add any other further to this case before a motion.

MR. SIMPSON: I move that we issue letters of instruction in accordance to Mr. Harvey's recommendation with regard to Paulding, Muscogee, DeKalb, Brantley and Bartow Counties; and that we bind over Polk County; and we table the Worth County matter and reschedule it for the next meeting.

SECRETARY KEMP: Mr. Simpson has moved. Is there a second? I'll second.

Ms. Sullivan, did you want to ask something?

MS. SULLIVAN: A little discussion. I understand were tabling the Worth case so that she can have an opportunity to appear. We are provided this letter here where they say they were aware that they were one day late and she doesn't have anything else to say. So I don't know if we're gaining anything by giving her another opportunity to present -- to be here to present. She is very concerned that she wasn't here, but I'm not sure that were going to get -- I'm sure she would apologize. I'm not sure we would get any more information that would help us resolve this case.

MR. WORLEY: I would agree with Ms. Sullivan. The letter says I've talked to the investigator numerous times and I don't have anything else to say. Since it's so far and gas is so high, I ask you all to accept my apologies for not being able to attend.

As Ms. Sullivan said, I'm not sure putting off one more time (unintelligible).

SECRETARY KEMP: Well, I seconded the motion and I will stand by that unless Mr. Simpson was to change it. But if that's the will of the board to go ahead and bind it over, I can support that as well.

But we've got a motion and a second so will vote on that. All in favor of Mr. Simpson's motion, signify by saying, "Aye."

MR. SIMPSON: Aye.

SECRETARY KEMP: Aye.

All opposed, same sign.

SECRETARY KEMP: That motion carries.

MR. WORLEY: No.

MS. SULLIVAN: No.

SECRETARY KEMP: We have a tie, so that motion failed.

MR. WORLEY: I would make a motion, Mr. Chairman, that we bind over Polk County and Worth County and that we issue letters of instruction to Bartow, DeKalb, Brantley, Muscogee, and Paulding.

SECRETARY KEMP: Mr. Worley moves. Do we have a second? Can you restate that motion?

MR. WORLEY: I would bind over Polk and Worth Counties to the Attorney General's office and issue letters of instruction to Paulding, Muscogee, DeKalb, Brantley, and Bartow Counties.

SECRETARY KEMP: Mr. Worley moves. Is there a second? I'll second.

Mr. Willard, before we vote, just want to make sure. I don't remember having a tie since I've been chairman of the State Election Board. But I just want to make sure I made the proper ruling that a tie would fail, correct?

MR. WILLARD: That is correct, Mr. Chairman.

SECRETARY KEMP: Now, back to the motion at hand by Mr. Worley. We have a motion and a second. Any other discussion?

(Whereupon, there was no response)

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

MR. WORLEY: Aye.

SECRETARY KEMP: Aye.

All opposed, same sign.

MR. SIMPSON: No.

MS. SULLIVAN: No.

SECRETARY KEMP: Okay. That motion fails, too.

MS. SULLIVAN: I will make a motion --

SECRETARY KEMP: Are you going to move that we adjourn?

MS. SULLIVAN: I move that we issue a letter of instruction on all of the cases except for Polk and bind them over to the Law Department.

SECRETARY KEMP: We have a letter of instruction for Bartow, Brantley, Dekalb, Muscogee, Paulding, and Worth; and bind Polk over?

MS. SULLIVAN: Yes.

MR. SIMPSON: Second.

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. We have issued letters of instruction for everyone except for Polk County. They have the bound over to the AG's office

Mr. Harvey, I want to go through the rest of this list if you will give me just one second. Is there

anybody here from Bryan County on the UOCAVA cases?

(Whereupon, there was no response)

SECRETARY KEMP: Chatham?

(Whereupon, there was no response)

SECRETARY KEMP: Clarke?

(Whereupon, there was no response)

SECRETARY KEMP: Columbia?

(Whereupon, there was no response)

SECRETARY KEMP: Dougherty?

(Whereupon, there was no response)

SECRETARY KEMP: Haralson?

(Whereupon, there was no response)

SECRETARY KEMP: Lowndes?

(Whereupon, there was no response)

SECRETARY KEMP: Stewart?

(Whereupon, there was no response)

SECRETARY KEMP: Thomas?

(Whereupon, there was no response)

SECRETARY KEMP: All right. Mr. Harvey, it looks like we can go with Clarke County first; number 43 in our binder.

MR. HARVEY: Mr. Secretary, I would make the recommendation we handle this kind of the

same way. It is basically the same issue. We can go down -- frankly, I wanted to point out that Columbia County sent a letter to the board along with a plan of correction they've implemented. Their excuse for being a couple of days late is the person handling had a personal emergency about a time she got back into the office, she was able to correct in.

Lowndes County also sent a letter. Ms. Cox said she was getting ready for the primary and could not come. She gave a remedial plan that the board has, and Ms. Cox pointed out that the first we she's sure this will happen again is because she did not get a performance raise this year because of this. So she is confident this will never happen again in Lowndes County.

As I look at all these cases, I see very similar scenarios to the first. I see, generally, a very large number of UOCAVA ballots that are handled by these counties and a relatively, in some cases, very small number of voters that were affected. And I see these cases, with the exception of one voter in Bryan County, everybody was able to vote.

My recommendation would be in all these cases, and even Bryan County, the Board of Elections went to extraordinary efforts to try to contact the voter. I would recommend, if possible, in all these cases that letters of instruction be issued to all of the respondents regarding the necessity of getting the UOCAVA ballots out by the deadline if the board would entertain such a presentation.

SECRETARY KEMP: Any questions for Mr. Harvey?

MR. WILLARD: Mr. Chairman, I just had one. Your recent for recommending LOI on Thomas County, which got there is out later than Polk County is simply because all of them were returned and the elector voted?

MR. HARVEY: Generally, yes. Even though it was late, we know they were successful.

SECRETARY KEMP: Any other questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Mr. Harvey, on the Thomas County, do we know why they were 32 days late versus a couple of days?

MR. HARVEY: They misfiled the applications. In some cases -- the person who normally handled them in Thomas County was on maternity leave with they began coming in. A temporary clerk was assigned. They just didn't advise her of the procedure for separating applications. They acknowledge that they overlooked that in the training with the team for every

worker.

SECRETARY KEMP: Any other questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone here wishing to speak of these matters?

(Whereupon, there was no response)

SECRETARY KEMP: Any other discussion by the board or a motion?

MS. SULLIVAN: I move that we issue a letter of instruction in each of the remaining UOCAVA cases.

MR. WORLEY: Second.

SECRETARY KEMP: Okay. We've got 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. We have issued letters there.

Mr. Harvey, we're going back to the first page of the agenda. We've got everything on the first page, correct?

MR. HARVEY: Yes, sir.

MR. WILLARD: Except for the rules change.

SECRETARY KEMP: At the top of the second page, we've got case 2010-18, City of Nicholson, which is tab 19 in our binder.

MR. WILLARD: Mr. Chairman, before we do that, would it be possible, since we're taking them a little out of order, and to accommodate anybody here, can we see if anybody is here for the Attorney General's report?

SECRETARY KEMP: Is there anyone here still waiting on a case?

MR. WILLARD: I think there was at least one individual here, at least this morning, on one of my cases.

SECRETARY KEMP: Oh, AG cases. Yes. We can do that. Good point. Who is here for Attorney General reports? It doesn't matter what order it is. Let the record reflect we are on the Attorney General reports, 2011-33, Coweta County.

MR. WILLARD: That is the first page and tab 50 of your report. There was a scrivener's error by the attorney handling this. It's actually the Coweta County SEB case 2011-33.

This is a case we have referred over at the February, 2013 meeting. The respondent had registered to vote in 2008 and did not vote in any subsequent elections, but the respondent was not a citizen. We had reached an oral agreement to execute a consent order in this case.

The consent order was never returned by the respondent. So we sent the case into OSAH. From that came point on, the respondent disappeared from sight. Neither our office nor OSAH were able to serve him with notice of the hearing, which is the prerequisite for going forward with the OSAH hearing. We have done searches on all of the asset and identification databases that we have access to at the Attorney General's office to attempt to locate this gentleman. I don't know whether he self-removed or what the circumstances may be as to why he has completely disappeared.

But in light of the lack of a viable service address, we are recommending the board dismiss the matter without prejudice until such time as Mr. Hernandez can be found.

SECRETARY KEMP: We have a recommendation to dismiss without prejudice because we can't find this gentleman. Any questions for Mr. Willard?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Any other discussion on the board or do we have a motion? I will move that we accept the recommendation.

MR. SIMPSON: Second.

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.

Is there anyone else here for one of the Attorney General's cases?

(Whereupon, there was no response)

SECRETARY KEMP: Okay. We can vote on the rest of those in block unless somebody wants to pull one out. But I think we can probably go back to the regular calendar, Mr. Harvey, if that's all right.

MR. HARVEY: Yes, sir.

SECRETARY KEMP: 2010-18, City of Nicholson, which is number 19 in our binder.

MR. HARVEY: This case involved a city election in Nicholson. The allegation is that non-city residents were voting and there was some campaigning that was taking place too close to the polls, and that absentee ballots were improperly transported to a nursing home.

What we determined was that there was no evidence of illegal campaigning within 150 feet. There was no evidence the ballots were improperly taken to or from the nursing home. As a matter of fact, three ballots were mailed there, and two of the three were returned with no evidence of any type of tampering or mishandling.

When we started examining some of the paperwork, we did find that the elections superintendent, Wendy Carter, had actually illegally provided assistance to two voters with absentee ballots and that she had two cases where she failed to certify absentee ballots when they came back with date and time.

In addition, when we looked at the absentee ballots to make sure there was no evidence of problems with them, we found five individuals who assisted -- legally assisted family members or people otherwise assisted. They all signed, however, they either did not put the proper relationship or didn't put the reason for the assistance.

My recommendation would be that the five people listed, which are Nelson Penia (phonetic), (Unintelligible) Barnett, Clarence (Unintelligible), Rhonda Gosnell, and Marilyn Hill either be dismissed or be issued letters of instruction.

Ms. Marilyn Hill did provide a letter to the board. She assisted her husband who is totally blind and also has other physical problems. So she acknowledged assisting him and apologizes for failing to fill out the form properly.

So I recommend those five individuals either be given letters of instruction or dismissed, and that Wendy Carter be bound over to the AG's office for illegally providing assistance to two voters with absentee ballots while she was elections superintendent, and two instances of failing to certify absentee ballots.

SECRETARY KEMP: Any questions for Mr. Harvey?

(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?

(Whereupon, there was no response)

SECRETARY KEMP: Do we have a motion?

MR. SIMPSON: Move to accept Mr. Harvey's recommendation.

SECRETARY KEMP: Mr. Harvey, could you go through those recommendations one more time.

MR. HARVEY: Yes, sir. I recommend binding over Wendy Carter, the elections superintendent on her violation, and on the other five, Penia, Barnett, (Unintelligible), Gosnell, and Hill, I will leave it to the board's discretion either to issue a letter of instruction or dismiss. They essentially complied with the law. They signed as assisting; they were entitled to assist. They just didn't check every proper box.

SECRETARY KEMP: And we had a recommendation to dismiss against Ronnie Maxwell, who was a respondent?

MR. HARVEY: Yes, sir. He's not cited for anything. He is listed as a respondent, but not cited.

SECRETARY KEMP: Okay. I just wanted to make sure we were missing anybody.

So Mr. Simpson, you recommend binding over Wendy Carter and the City of Nicholson and issuing letters of instruction for the others?

MR. SIMPSON: That's correct.

SECRETARY KEMP: We have a motion. Do we have a second? I'll 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.

All right. Mr. Harvey, 2011, number 53.

MR. HARVEY: This is a case with a very technical violation. Mr. Tingler, was a candidate in

the November, 2011 election. He appeared in the elections office with his aunt's absentee ballot to show the election superintendent, Deirdre Holden, that his name was on the ballot improperly. She had inadvertently put the middle initial in the wrong -- I believe it should have been -- it was C and should have been an A, or it was A and should have been a C. Marvin L. Tingler, not Marvin A. Tingler.

So in point that out to her, she acknowledged she made a mistake; she simply didn't read the ballot properly. And then she reported him for possessing his aunt's absentee ballot illegally in the polling place.

This is one of those cases where I know the board has a very strict interpretation of the possession of absentee ballots. He did possess it without authorization. He retained an attorney, Mr. Mason, who sent a letter to the board. He and I spoke briefly and I explained that the board generally has a very strict policy regarding illegal possession of absentee ballots.

He has requested that the board consider a letter of instruction given the circumstances. He never tried to vote the ballot. He was using it to illustrate a point. He realizes now it might just have been easier to say, would you pull one of those up and look at it, rather than bring it in.

But in this case, I would tend to agree with the recommendation, again, using the term judicial economy. I recommend letters of instruction issued to both Mr. Tingler and Ms. Holden regarding the relatively minor errors and otherwise dispose of the case.

MR. WILLARD: Mr. Chairman, if I may ask Mr. Harvey a question. Isn't it true that the investigator, when he contacted the aunt, confirmed that the aunt had actually accompanied him to the office?

MR. HARVEY: She accompanied him in the car. She stayed in the car. So she had arguably shared possession of her ballot until she he got out of the car. So I think it's clear there was no intent to do anything and he was using it for demonstrative purposes only.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, do we have a motion?

MR. HARVEY: Mr. Chairman, for the record, can I introduce a letter his attorney sent us?

SECRETARY KEMP: Yes. Do we have a motion?

MR. WORLEY: I make a motion we accept the letter.

SECRETARY KEMP: That's not the motion I was looking for, Mr. Worley. I'll take a motion and I'll second. All in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

MS. SULLIVAN: Mr. chair, what we have three alleged violations in this case. Do we have a recommendation on all three of them.

SECRETARY KEMP: Yes. Ms. Holden is the superintendent of elections, Board of Elections. Is that what you're asking?

MR. HARVEY: Are you referring to complaint number two?

MS. SULLIVAN: One, two, and three.

MR. HARVEY: I'm sorry. I neglected to say there was no evidence -- there was also an allegation that maybe his aunt was not eligible to vote and therefore she shouldn't have gotten a ballot in the first place. She was able to vote; she was eligible to receive ballot. So complaint number two is unsubstantiated.

MR. WORLEY: But complaint number two was made by Ms. Holden, the elections official?

MR. HARVEY: Yes, sir. There was a question of whether or not she was actually living at the address of her registration.

MR. SIMPSON: So your recommendation is a letter of instruction to Margaret Tingler and Deirdre Holden?

MR. HARVEY: Yes, sir.

MR. SIMPSON: So moved.

SECRETARY KEMP: Mr. Simpson moves for a letter of instruction for both.

MS. SULLIVAN: Second.

SECRETARY KEMP: 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.

Okay. 2011, number 75; tab 21.

MR. HARVEY: This case involved Lake City election in November of 2011. There were multiple allegations.

The biggest, most serious problem was that the election officials did not properly use voter certificates. They used provisional certificates instead of regular voter certificates. They had nine voters use notebook paper to write voter certificates. They then took the nine pieces of notebook paper and transposed the information and signed the voter signature on the voter certificates when they got them.

There were allegations that voters were not allowed to view the tabulation. That was found to be unsubstantiated.

On the last page of the summary, the last three violations, we did not find evidence in those. I recommend those be dismissed. They were somewhat inartfully written and we do not have evidence to support any of those things that were written.

So the violation is regarding execution of the voter certificates and the provisional ballot voter

certificates. I recommend that the respondents be bound over on the allegations regarding voter certificates.

SECRETARY KEMP: Would you just name the respondents.

MR. HARVEY: Roy Dunne, Eric Beckman, Francis Hill, Tamara Dunne, and Maggie Jervis.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, do we have a recommendation?

MS. SULLIVAN: I move that we accept Mr. Harvey's recommendation.

SECRETARY KEMP: Ms. Sullivan moves to bind over. Do we have a second?

MR. SIMPSON: Second.

SECRETARY KEMP: Second by Mr. Simpson. 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 2011, number 96; tab 24.

MR. HARVEY: This case involves a convicted felon who was registered three times illegally

using false names and Social Security numbers. The respondent in this case was actually turned in by the mother who discovered a lot of documentation of her house.

Melinda Thomas has been convicted and is serving a felony sentence. She registered on three separate occasions, and on one occasion -- three applications when she was serving a felony sentence and one with a fictitious name.

And discussing with Mr. Willard before this meeting, I would recommend this is a case the board might consider referring to the District Attorney's office in Clarke County for criminal prosecution. With the issues of identity theft and obvious illegal voter registration, it might be one the board would consider referring to the DA'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: Do we have a motion?

MS. SULLIVAN: I move we refer this case to Clarke County District Attorney for criminal prosecution.

SECRETARY KEMP: I'll 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. We ill refer that case to the DA's office.

2011-101, Paulding County; tab 25.

MR. HARVEY: This case involves eight people involved suspected of registering to vote while serving a felony sentence.

Our investigation determined that all of them, with the exception of respondent number two, that is Kimberly McMurray, all the other respondents, 1, 3, 5, 6, 7, 8, were serving felony sentence says when they registered to vote in Georgia.

Ms. McMurray, respondent number 2, was under the Florida equivalent of first offender status and therefore she was eligible to vote. So I recommend that Kimberly McMurray be dismissed and that Joseph (Unintelligible), Kevin McCraney, Anissa Crim, Elizabeth Hollis, Michael Holden, Michael Treadwell, and Dennis Stanley be bound over to the AG's office for false registration.

SECRETARY KEMP: Questions for Mr. Harvey?

(Whereupon, there was no response)

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

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, do we have a motion?

MR. SIMPSON: So moved.

SECRETARY KEMP: Mr. Simpson moves that we bind over respondents 1, 3, 4, 5, 6, 7, 8, and dismiss respondent 2. Do we have a second?

MR. WORLEY: Second.

SECRETARY KEMP: Seconded by Mr. Worley. 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, 2012-149; tab 31..

MR. HARVEY: This is an interesting case. The respondent, Leah Williamson, was not at the time, but is now the elections superintendent of Pierce county. I spoke to her several times since she got the notice and I got the letter that she sent explaining the situation to the board. I also have a letter of support written by (unintelligible) Lovett, the chairman of the Board of Elections in Pierce county with support for Ms. Williamson.

This incident came out of a divorce action. Ms. Williamson had been married for a long time, over 20 years, to her husband. She had a habit of signing his name -- they ran a business. She was in the habit of signing his name, requesting ballots for him.

When he voted in this election, he voted his ballot. She signed his name on the absentee ballot envelope and sent it in.

In the course of the divorce proceedings, that was brought up and it was alleged that she had voted his ballot without him. She says that she didn't know that she couldn't do that at the time. She certainly knows now that was wrong and she never intended to commit any kind of fraud. She puts this down to a nasty divorce, (unintelligible) allegations from another woman.

So I would, for the record, like to tender this letter from Ms. Williamson and the letter of support from the chairman of the Board of Elections for the board's consideration.

My recommendation is that this be bound over to the AG's office. I think there may be circumstances that can be considered by the AG when he gets it, but I think the fact that she acknowledges that she signed her husband's name to his absentee ballot and sent it in, I recommend that some type of formal consent order needs to be established in this case.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, do we have a recommendation?

MR. WORLEY: I make a motion we bind this over to the Attorney General's office.

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

MS. SULLIVAN: Second.

SECRETARY KEMP: We have 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.

All right, Mr. Harvey. Case number 2012-164, Gwinnett County.

MR. HARVEY: The voter in this case, Kenneth Roman, had voted very early during advance voting and was encouraged by his wife to vote on election day. He didn't realize he had voted. So he went to vote a second time. The poll worker saw that he had voted an absentee ballot. He told them he had not. He didn't remember doing it. So against her better judgment, the poll worker overwrote the system and allow him to vote the ballot. It was determined that he actually voted twice.

I've spoken with Mr. Roman and his wife. He sent a letter expressing his concern. He said he just started a new job after being unemployed for several months and would not be able to make the meeting. He says it was a case of lack of communication and misunderstanding. I assure you this will not happen again. So the board can consider that letter.

I would recommend that Mr. Roman be bound over for double voting. And although they were not listed as a respondent, I think it would be appropriate for the board to issue a letter of instruction to Gwinnett County regarding allowing a voter to vote who is already voted absentee.

I believe a letter of instruction would be appropriate for us to.

SECRETARY KEMP: Would it be appropriate for us to do that if they are not listed as a respondent and are not here?

MR. HARVEY: I think it would be appropriate. I think in a perfect world it would be that they be given a chance to answer. I don't think there's anything wrong with it. But rather than calling everybody back, I think it would be appropriate to do that. I think if the board wanted to not consider, that would be okay, too.

But I don't think they would be getting anything more than a letter of instruction to, as a result of that. If the board wanted to consider that or not, it would be appropriate.

MR. SIMPSON: I don't see how we can taken action with somebody has not been notified. I mean, we are America and we do have due process, which is the opportunity to be heard. Notice and the opportunity to be heard is the basis of that. So I don't see how we could do that.

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

(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak on this case?

(Whereupon, there was no response)

SECRETARY KEMP: Do we have a recommendation? I move that we delay action on Gwinnett County and just notify them and add that to our next meeting.

MR. WORLEY: Second.

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.

We still have the issue with the double voter, Mr. Roman. Do we have a motion?

MR. SIMPSON: I move we bind over that part of the case.

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

MR. WORLEY: Second.

SECRETARY KEMP: Second by Mr. Worley. Do we have any discussion?

MS. SULLIVAN: One question. This is a criminal provision. I don't believe Mr. Roman had any intent to vote twice in this election. I'm wondering if the intent to -- this is a criminal statute that we are proceeding under.

MR. SIMPSON: We just always seem to take the hard line on these type of cases and bind them over and if some mitigating or extenuating circumstances come out after it goes to the Attorney General's office, then we can deal with that later.

MS. SULLIVAN: Mr. Willard has clarified this is a -- stated as fraudulently does not state willingly (unintelligible).

MR. WILLARD: If the board elected to, the board could refer this case over to us based on this violation for the double voting. It's not a situation where he just walked in off the street and thought he hadn't voted a second time and they didn't catch it through express poll. They caught it, told him to go home, return with his unspoiled absentee ballot. He went home and couldn't locate his ballot. He came back. I think that establishes sufficient facts in support of a violation of the 572 provision.

SECRETARY KEMP: All right. Any other questions?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, we do have a motion and a second, correct?

MS. SULLIVAN: Yes.

SECRETARY KEMP: Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor to bind over Mr. Roman, 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.

That got us, Mr. Harvey, on new cases?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: Mr. Willard, we are back on the Attorney General reports. We can vote on these recommendations in block or we can pull them out if board members want to pull out any of the remaining cases, absent the Coweta County one.

MS. SULLIVAN: Mr. Chairman, I would just like to note that in one of these cases, the memo is inconsistent with the consent order.

MR. WILLARD: Right. You're looking at tab 55. Mr. Chairman, you've got the memo on the Gilmer County case. Up in the proposed resolution, that is actually correct. But in the text of the recommendation, it says it just calls for a cease-and-desist and public reprimand. The proposed resolution up in the line items in the top is actually what the consent order calls for, and that's a cease-and-desist, a public reprimand, and a \$1000 fine.

SECRETARY KEMP: Okay. Duly noted. Anything else? That is the recommendation. Did any board member want to pull anything out?

(Whereupon, there was no response)

SECRETARY KEMP: Does anyone here in the audience want to pull out one of these cases for discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, I will accept a motion to accept the Attorney General reports and recommendations on case numbers 2011-73, 81, 105, 108, 2012-4, 2012-49.

MR. WORLEY: So moved.

SECRETARY KEMP: We have a motion by Mr. Worley. Second?

MS. SULLIVAN: Second.

SECRETARY KEMP: We have 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.

The last item on our agenda other than potential business will be rule changes. I'm inclined to take a five-minute break if you all would like to do that. Let's do 10 minutes. We will come back -- let's do nine minutes. Let's come back at 3:15. We will reconvene at 3:15 after a short break.

- - -

(Whereupon, there was a short break)

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SECRETARY KEMP: Ready to go, folks? We are now on page 1, part IV of our agenda, the State Election Board Rule Amendments. I wanted to take the second rule first. Mr. Germany's printing out some more stuff on the name changes we might discuss.

Mr. Willard, can you give us just a quick reminder of how this process works so everyone is clear on what we're doing here today.

MR. WILLARD: Yes, Mr. Chairman. The board, today, is going to consider tentatively adopting and promulgating the proposed version of new SEB rules, and I believe those rules are 183-1-14-.01, 183-1-11-.02, and 183-1-13-.06.

If the board agrees with staff recommendations to promulgate these rules out, there will be notice to the public and notice to the General Assembly.

The board will invite oral and written comment. The board is required to entertain oral comment after a certain threshold of requestors is met on the proposed revisions. But after receiving oral comment on the proposed rules, the board -- and any recommendations and advice from members of the General Assembly -- the board can ultimately adopt the rule at least 30 days after notice to the General Assembly has gone out.

SECRETARY KEMP: All right. So basically we are moving forward to post these rules for public comment. This is not final passage.

MR. WILLARD: That's correct. The board, though, does have to sort of agree with the writing. If the board, at a subsequent meeting, were to go back and change anything, you would then go into a re-notice provision and have the final adoption after that.

SECRETARY KEMP: I'm going to call on Mr. Worley if he is prepared to discuss one of the rule changes that he brought forward.

MR. WORLEY: Thank you, Mr. Chairman. This will be proposed rule 183-1-15-.06, Poll Watchers for Advance Voting. First of all, like to thank Mr. Germany for his assistance in helping draft this rule and the other board members for their helpful comments on this rule.

The purpose of this rule is very simple. When the statute relating to poll watchers in advance voting was passed, it set the numbers for poll watchers to be allowed. But it didn't seem to consider the fact that advance voting occurs over a long period of weeks so that, essentially, it seems like, although it's not entirely clear, but it could be read that it might be limited to two poll watchers, for instance, for an entire three-week period.

All this rule does is clarify that and say that anyone who is already entitled to designate or propose a poll watcher can propose a different poll observer, or set up poll observers if there's more than one, for each day of the campaign.

That is essentially the rule, the proposed role.

SECRETARY KEMP: All right. Any questions regarding that proposed rule or comments from any other board member?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone in the audience that would like to comment or has any thoughts on that?

(Whereupon, there was no response)

SECRETARY KEMP: If not, Mr. Worley, we need to accept a motion to post this rule?

MR. WORLEY: I would so move.

MR. GERMANY: Mr. Chairman, before we do that, I have one comment. Ryan Germany, General Counsel for the Secretary of State.

In the rule, as it's drafted -- and this is just a drafting error I wanted to bring to you all's attention -- it says for the purpose of applying O.C.G.A. 21-2-408 (a)(1)(2), it should just say, 408(a)(2), I believe. So we should strike that "(1)" from the rule when we post it.

MR. WORLEY: Thank you very much, Mr. Germany. That is correct.

SECRETARY KEMP: All right.

MR. WORLEY: With that change, I would move that we vote to post the rule, proposed role.

SECRETARY KEMP: We have a motion by Mr. Worley to post the proposed rule as amended. Do we have a second?

MR. SIMPSON: Second.

SECRETARY KEMP: A second by Mr. Simpson. 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 moved to post that rule.

The next rule, we will let Mr. Germany talk about that, regarding the absentee ballot envelope.

MR. GERMANY: Thank you, Mr. Chairman. This is a proposed rule amendment to State Election Board rule chapter 183-1-14-.01, and the purpose of this rule is to do two things.

One, to just update the rule to reflect the current use of symbols that the counties are already using. The old rule was updated.

Second, to lower the -- to define advanced age as meaning 65 years of age or older. And that means a person who is 65 years of age or older will receive an absentee ballot for the entire cycle with only one request. The rule also defines disability, and that same rule applies where a disabled person will receive an absentee ballot for the entire election cycle with just one request.

SECRETARY KEMP: Does anyone have any questions for Mr. Germany regarding the rule?

MR. WILLARD: Mr. Secretary, before we get too far down the road, I do want to point out to the board, and I apologize; I have been reading the substance of the rule as opposed to the synopsis and notice provision. The board is required as part of the notice to both the public and General Assembly to give specific dates for when oral and written comment can be received, as well as the date and time the final adoption of the rule will be considered. It is the board's prerogative that they're going to leave that up to the Secretary of State's office to determine when promulgating that, or does the board actually want to set a date and time that they will consider adoption of the rule as a vote of the board?

SECRETARY KEMP: I don't know that we could set the date because we don't know the State Election Board dates. I don't think we have those set.

MR. WILLARD: You can do this as we do when we are ratifying an ALJ decision. We can do it telephonic if the board wanted to set the date time and have a telephonic board meeting.

MR. SIMPSON: Do we delegate that to the Secretary of State's office? The board doesn't have

to do it. We can allow the Secretary of State's office to do it.

MR. WILLARD: That's correct. I just want to make sure the board is cognizant that before the notice is posted publicly, you must have a date and time that you will anticipate final ratification of the rule.

MS. SULLIVAN: I believe we can delegate that to the Secretary of State's office.

SECRETARY KEMP: We've got to coordinate that meeting date with you all, anyway.

MR. WILLARD: Right. But it has to be done before you post the notice and send a notice to the General Assembly.

SECRETARY KEMP: So do we need to put that into a motion? I guess we will wait to make that motion after we've talked about all these rules.

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

SECRETARY KEMP: Okay. Is there any other questions on the rules Mr. Germany just discussed?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak regarding the rule?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, I will accept a motion.

MR. WORLEY: Mr. Chair, I would make a motion that we post proposed rule 183-1-14-.01.

SECRETARY KEMP: We have a motion by Mr. Worley. Do we have a second?

MS. SULLIVAN: Second.

SECRETARY KEMP: 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.

The last rule that we have been working on, Ms. Sullivan has had a good deal of input on this, as well. It's an issue that came up during qualifying about the way the names appear on the ballot under the current rule that we have. And we've been working to try to bring a little bit of clarity to that and, I will let Mr. Germany speak to that.

But I also want him to speak to one of the parts that is not in the rule that we passed out that may warrant some consideration dealing with nicknames being in quotation marks. We'll just let him talk through that and we can decide what we think would be best to end up doing.

MR. GERMANY: Thank you, Mr. Chairman. This proposed rule is an amendment to SEB rule 183-1-11-.02 dealing with the appearance of a candidate's name on the ballot.

It came out that the rule as it is currently drafted, we just think needs some clarification to let candidates know their options. The point of this rule is to allow some flexibility for a candidate that might go by a nickname, middle name, or an abbreviated name to appear by that name on the ballot.

The proposed rule keeps in place the current restriction on nicknames that does not allow titles, military ranks, professional ranks, or any phrases designating business, fraternal, or religious, or professional affiliation of the candidate or any political slogan or message.

The rule also makes clear that the candidate's name will be cross-checked with the voter registration records as that is the database that both the county election officials and Secretary of State's office has access to.

The part the Secretary was talking about, I have in front of me a previous version of the rule I could circulate to the board, if that would be all right.

SECRETARY KEMP: All right. Thank you.

MR. GERMANY: The version I just handed you, I'll just go through it line by line. But it

deals with -- this rule states that a candidate's name on the ballot shall include the candidate's last name as shown on the candidate's voter registration records, and at least one of first name or middle initial; middle name or middle initial; an abbreviated name by which the candidate is commonly known in the community; or a nickname by which the candidate is commonly known in the community.

The purpose of this is to allow people that go by a nickname to include just that nickname. Examples include Sonny Perdue, who was on the ballot as Sonny Perdue; or Chipper Jones, for example will, could be just Chipper Jones.

Section 2 of the rule deals with nicknames as we previously discussed.

Section 3 of the rule, the one I just handed out, states that if a candidate chooses to include a nickname or abbreviated name in addition to the first and middle name, the abbreviated name or nick name shall appear set off within quotation marks immediately before the last name.

The purpose of that is to -- what that is trying to say is that if a candidate goes by just a nickname or abbreviated name, they do not need to use quotation marks. Like if someone wanted to just be Sonny Perdue, there would be no quotation marks; or Chipper Jones. But if somebody wanted to be Larry Chipper Jones, the nickname would be separated in quotation marks. And that's something the board can discuss.

The other part of the rule remains the same regarding just the number of spaces that are available to a candidate, and that has been the current practice and I don't believe there been any issues with that practice.

The final part of the rule just states that a determination as to whether a candidate's name complies with this subsection is within the discretion of the Secretary of State or the local election superintendent depending on who the candidate qualifies with.

SECRETARY KEMP: Thank you, Mr. Germany. In light of this rule could end up -- would definitely would affect the appearance of my name on the ballot, I'm going to recuse myself from this discussion and I will turn the meeting over to Mr. Worley to preside over these deliberations.

MR. WORLEY: I've been waiting for this for 10 years.

SECRETARY KEMP: Congratulations, Mr. Worley.

MR. WORLEY: Mr. Germany, do you have anything else?

MR. GERMANY: No, sir. I'm happy to answer any questions the board may have.

MR. WORLEY: Do any of the board members have any questions of Mr. Germany?

MR. WILLARD: Mr. Chairman, I have a question for Mr. Germany.

MR. WORLEY: Mr. Willard.

MR. WILLARD: Mr. Germany, we are going from the system where you designated a nickname in quotation marks, but getting away from using some variation of the first and middle name or the first and middle name [sic], which were capable of being checked against voter registration records.

The rule doesn't appear to give any guidance to an election superintendent whether on the state level or local level as to what is commonly known in the community.

Is it basically going to be if they affirm that the nickname is one they are commonly known in the community by that that is going to be accepted?

MR. GERMANY: That's how I envision it, yes. You're correct. There is not a way to check cross-check a nickname or an abbreviated name via records. But it would basically be if somebody says that's a nickname they're commonly known by, I envision there would be some deference to that.

The rule does leave it within the election superintendent's discretion. So if they know that's just not the case, then it would not be allowed.

The rule also includes the current restrictions on nicknames which doesn't allow for any spurious phrases, titles, or degrees. I think that would help check with that. So if someone wanted to say they are known by something they are not really known by, that couldn't get through. If it's a spurious phrase, title, or degree, or something that otherwise wouldn't be allowed, that would still not be allowed.

MR. WILLARD: Right. Let's say Bob Jones in Troup County wanted to be on the ballot as Dr. Chipper Jones. The Doctor would be disallowed, but Chipper Jones would be allowed under this version of the rule, correct?

MR. GERMANY: Assuming that local election superintendent is okay with that, yes.

MR. WILLARD: And I don't know, you may have given a different version of the rule to the board, but the determination language is just found within the current subpart that talks about business, fraternal, religious, or professional affiliations, not so much the propriety of the --

All right. So we're not going by what was in the folder today. We're going by what you handed the board currently?

MS. SULLIVAN: It's number 4 in the previous one.

MR. GERMANY: That section should be in the section you're looking at. It's the final section, determination as to whether a candidate's name complies with this subsection shall be within the discretion of the Secretary of State or elections superintendent, as appropriate, who may modify the candidate's name so that it complies with this subsection.

MR. WILLARD: So that's an additional discretion of the election superintendent in addition to the spurious title designation?

MR. GERMANY: Correct.

MR. WORLEY: Does anyone else have any questions for Mr. Germany?

MS. SULLIVAN: I think we need to discuss number 3; whether or not we include number 3 or delete number 3.

My thought, number 3 requires if you use a nickname in addition to your first and middle name, then your nickname has to be in quotes. My concern with that is if you just use your nickname, you don't have to put your nickname in quotes. So I didn't see why you would need to use quotes if you were going to use your real name as well.

I could be Becca Sullivan and not put my name in quotes. But if I wanted to be Becca Nash Sullivan, now I have to put Becca in quotes if we leave 3.

So I thought there was some inconsistency there. And it was my suggestion that we delete the requirement to use quotation marks for a nickname if you use it in addition to a first and middle.

I'd be happy to hear your thoughts on that.

MR. SIMPSON: Is there some way that you could add some language in the paragraph sub-4 to say that the -- it's within the Secretary of State's determination as to whether or not the name used on the ballot properly identifies the candidate? Because, you know, you could use Sammy Jones and, you know, that may be a nickname, but it may be a nickname that might not properly identify the person who is the candidate in terms of his name on the registration logs.

What I'm getting back to is the point Mr. Willard made about identifying the candidate as, you know, according to his voter registration. There's no cross-check there, so it would be within the Secretary of State's determination as to whether or not the name used on the ballot corresponded with a registered voter, elector.

Is that necessary?

MR. WORLEY: How would the Secretary of State determine that?

MR. SIMPSON: I guess you would -- well, for example, in my case. My voter registration says Ralph F. Simpson. If I tried to use -- say I tried to use Russ, that wouldn't work because the identifier there wouldn't correspond with my nickname, which would be Rusty. See what I'm saying? I may be worrying about something we don't need to worry about.

MR. WORLEY: Well, in that case you would want whatever nickname you put there to be the correct one.

MR. SIMPSON: Unless you had a name like -- I can't remember what it was, but we had two names on the ballot that were confusingly similar last election. I can't remember who they were. It may have just been in our local election. I think a school superintendent named Jones and then we had somebody running for county commissioner with the name Jones.

MR. WORLEY: Well, it seems to me that the person with the most incentive to get it correct is the candidate. (Unintelligible).

MR. GERMANY: One thing we did do, Mr. Simpson, I understand what you're saying, and I think an issue that we have to consider is one like Mr. Willard brought up where someone with the last name Jones might want to use the nickname Chipper for some reason. We could add a subsection (1) as just a starting point and say a candidate's name as it appears on the ballot shall properly identify that candidate.

MR. SIMPSON: Well you also have the situation like you have somebody -- you know, we run into cases a lot where somebody doesn't live in the district they're running in. And there's no way to determine that unless you get the right Sammy Jones or Chipper Jones. There may be a Chipper Jones in one district and Chipper Jones in the other district and people will think they're running [sic] for Chipper that lives in the right district, but the candidate is actually this guy that lives in a district he couldn't qualify.

MR. GERMANY: There are still mechanisms in place to make sure that you list your residency address and that sort of thing. So those would not be affected by this rule.

MR. WORLEY: Does anyone have any suggested changes to the text that we've been presented with? Any other changes in addition to the one Ms. Sullivan suggested?

MS. SULLIVAN: I'm curious as to the way the rest of the board feels about whether or not we use the number 3 or delete number 3 regarding abbreviations for nicknames.

MR. GERMANY: I will add, Mr. Worley, that when I drafted this, I was thinking of a situation where someone's nickname, you know, would kind of be in addition to their first name, like Larry Chipper Jones. I was not thinking of a situation like Ms. Sullivan brought up where she wanted to be Becca Nash Sullivan. This number 3 does state that she will have to put Becca in quotes, and that's not the real purpose of it.

So I'm trying to think of a way to put that in writing. But I think that would be a worthwhile change to make.

MR. WORLEY: Well, it seems, Ms. Sullivan, that your suggestion would be to adopt this rule change, post this new rule with the deletion of section 3; is that correct?

MS. SULLIVAN: That is correct. I will so move.

MR. WORLEY: We have a motion to post this rule 183-1-11-.02 as we have it here with the deletion of section 3. Is there a second to that motion?

MR. WILLARD: Actually, Mr. Chairman, if we could, just so we're clear and we know what to promulgate, Ms. Sullivan is proposing adopting a rule that revises subparagraph (1); retains unaltered subparagraph (2); deletes the existing subparagraphs (3) and (4); rennumbers the existing paragraph (5) as paragraph (3); and adds a new paragraph (4)?

MS. SULLIVAN: Correct.

MR. WORLEY: Is there a second to that motion?

MR. SIMPSON: Second.

MR. WORLEY: We have a motion and a second. Is there additional discussion of that motion?

(Whereupon, there was no response)

MR. WORLEY: All in favor of the motion as stated, say, "Aye."

(Whereupon, the vote was unanimous)

MR. WORLEY: All opposed, same sign.

(Whereupon, there was no response)

MR. WORLEY: The motion to post the rule as amended passes unanimously. With that, I will return the chair back to the Chair.

SECRETARY KEMP: Thank you, Mr. Worley. The last thing we have on our agenda, then, is we need to discuss a motion regarding the date of when we should post this or give that responsibility to the Secretary of State.

MR. SIMPSON: I move we delegate the responsibility determining the dates that need to go in the notice to the Secretary of State.

MR. WORLEY: I second that.

SECRETARY KEMP: We have a motion and a second.

Mr. Willard, would that motion suffice for everything we need?

MR. WILLARD: Yes, Mr. Chairman.

SECRETARY KEMP: Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak in that regard?

(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. I believe that's got us for today. Anything else we need to bring up?

MR. SIMPSON: Mr. Chairman, I'd like to bring up a matter that was brought to my attention by the county attorney for Decatur County.

Several months ago, probably in October or November, we did a letter of instruction to the Decatur County Board of Elections regarding some mistake that transpired in that office. The county attorney asked me to see if the board might reconsider that letter of instruction because the language in the letter was more like a letter of admonition. It was almost like it was indicating that the board had done something intentionally wrong, and they just wanted the board to reconsider that language and see if that letter of instruction, the language could be changed somewhat so that it did not imply intentional fault on the part of the Board of Elections.

I'd just like to see if the board will consider putting that issue on the agenda for our next meeting and that gives us an opportunity to look at the letter of instruction and then at that time we can decide whether or not to make some changes in the language.

SECRETARY KEMP: Mr. Willard, can we do that?

MR. WILLARD: The board has always taken the position in the past that the language of a letter of instruction is left to the discretion of the Chair and his staff. If you on your own volition want to reissue the letter of instruction, you are fully within your authority to do that. If the board were to consider adopting form language for a letter going forward, that's an item that would be proper for an item for the board to discuss much as we've discussed the rules changes here. It's whatever the board and the Chairman --

SECRETARY KEMP: So it wouldn't be an issue if we put that on the agenda to discuss the letter that we've sent to them?

MR. WILLARD: Correct. If the board wanted to reissue it, much like the board could go back at any point in any cases they bound over today, determine that it was an improper action and issue a letter of instruction.

SECRETARY KEMP: Mr. Harvey, I know you've gone back and forth with Mr. Brown on that letter. I remember us talking about that. Anything you want to add?

MR. HARVEY: I believe -- I didn't write the letter. I went back and forth with him, but not lately; not within six or eight months.

I can check with your staff --

SECRETARY KEMP: I'm sorry. I certainly don't mind looking at the letter and discussing why we wrote it that way.

MR. HARVEY: My initial conversation with him was he was concerned that they got one at all. I'm not sure I had a discussion with him about what's in the letter. I'm not sure I've even seen the letter.

MR. SIMPSON: I think he had sent a letter with specific complaints about the language.

SECRETARY KEMP: Seems to me he was disagreeing that we wrote the letter like it was a violation. But instead of -- it was a, I guess, small enough violation that we decided to handle it with a letter of instruction versus referring it to the AG's office. He had the impression that because we were issuing a letter, that there was not violation, which, to me, if there's not violation, we wouldn't need to issue a letter. We would dismiss.

But, look, I certainly don't mind looking back and putting that on the agenda and we can talk about it.

MR. SIMPSON: Thank you.

SECRETARY KEMP: Anyone have anything else?

(Whereupon, there was no response)

SECRETARY KEMP: I would like to comment real quick -- I know we've still got a few diehard local election officials back in the back of the room. We appreciate y'all being here.

As we post these rules, we've mainly gotten feedback from candidates and mostly legislators and people that are in this building. But now that we've moved forward on posting the rules, we would certainly like to have local officials speak back on those if you have thoughts on that, or if your folks back home do. So we'll look forward to getting those as we post everything.

That wraps up. We need a motion to adjourn.

MS. SULLIVAN: So moved.

MR. WORLEY: Second.

SECRETARY KEMP: We have a motion by Ms. Sullivan, second by Mr. Worley to adjourn. 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 are adjourned. Everybody have a safe trip home.

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(Whereupon, the proceedings were concluded)

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C E R T I F I C A T E

STATE OF GEORGIA)

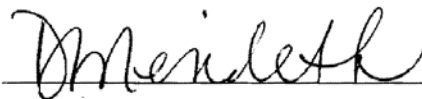
COUNTY OF DEKALB)

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 27th day of June, 2014.



Deborah L. Merideth
Certified Court Reporter 2708
State of Georgia

