

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, OCTOBER 7, 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

Tex McIver, Member, State Election Board (by telephone)

David J. Worley, Member, State Election Board

Rebecca Sullivan, Member, State Election Board

ALSO PRESENT:

Chris Harvey, Esquire

Ryan Germany, Esquire

Russell Willard, Senior Assistant Attorney General

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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. If we could go ahead and get started, let me call the State Election Board meeting for Tuesday, October 7 to order.

Our first order of business is the invocation, and I'm going to lead us in the invocation today, and then Mr. McIver is going to lead us with the Pledge of Allegiance.

INVOCATION

PLEDGE OF ALLEGIANCE

Thank you to Mr. McIver. Our first order of business is public comment. As I mentioned earlier, you'll have two minutes to address the State Election Board. We'll let you come up front to this first microphone here and you can sit or stand, whatever pleases you the best. Just remember, if you would, to speak clearly into the microphone where our person taking a transcript of the meeting can hear you and make sure we get all that down so we have a correct public record.

We also need you -- when you first get there, give us your name and address so we can have that as part of the record.

Our first speaker will be Rev. Timothy McDonald. Rev. McDonald, welcome.

REV. MCDONALD: I am Rev. Jim McDonald, the founder of the African-American Ministers Leadership Council.

SECRETARY KEMP: I'm sorry to interrupt you. If you would, just us your name and address for the record and we'll get you going.

REV. MCDONALD: Rev. Timothy McDonald, pastor of the First Iconium Baptist Church in East Atlanta; 542 Moreland Avenue, 30316. Also the founder of the African-American

Ministers Leadership Council of People for the American Way. We are in 16 states across the United States and we deal primarily with voter empowerment issues.

I come today to express my concern of what is happening with the New Georgia Project, particularly the tens of thousands of people who registered and are still waiting for their confirmation of their registration. We are aware that there have been some questions raised regarding the New Georgia Project. However, we are deeply concerned that those who legitimately felt they were registering to participate in our democratic process have not yet been processed by the Secretary of State's office, and we are wondering what is the holdup and why is this happening.

A few years ago in the State of Ohio these same kind of tactics were tried spearheaded then by Mr. Blackwell, who was the Secretary of State of the State of Ohio. He is no longer there, by the way, because of some of the actions that he took.

This kind of voter suppression -- there's no other way to define it -- is not good for our state; it's not good for our democracy; it's not good for the citizens of Georgia who believe in democracy, who believe in our democratic process.

I would hope, and I believe you to be fair men and women, that you would do the right thing and that you would expeditiously move forward and ensure that these tens of thousands who have registered will, indeed, be able to vote.

Thank you so much.

SECRETARY KEMP: Thank you for being here today, Reverend.

The next person that signed up is Rev. George Tatro.

REV. TATRO: I'm Rev. George Tatro, pastor at Memorial Drive Presbyterian Church, 5140 Memorial Drive in Stone Mountain, Georgia. I was born at DeKalb Medical Center back in 1967, so I'm a Georgia Peach, and I'm here still.

I am concerned about this voter registration that is being held up. I think it is an issue of justice I'm concerned for the people who are being denied their rights of citizenship, which is a theological issue for me; rights of citizenship here in the State of Georgia. I'm here for those people and for the eight people we signed up on Saturday concerned that their applications are not going to get processed.

So I think the group of clergy that I'm with, with ABLE and other groups, we are all very

concerned that the State of Georgia process these applications as they come in.

We are thankful that the State of Georgia has been so wise that they had the law passed that you have to have proper ID so we don't have to worry about much fraudulent applications being made and people being able to vote because they have to present proper ID.

We would just like to see the board act on this and go ahead and make sure those applications that have been submitted are processed.

Thank you.

SECRETARY KEMP: Thank you for being here, Pastor.

The next person we have is Roger Wise, Jr.

MR. WISE: Thank you, Mr. Secretary. I want to compliment you on what you have to do. I'm Roger Wise, Jr., 215 Back Tea Court, Roswell, Georgia. I'm not representing any organization, or whatever. I'm just a Georgia Citizen that's been working under this dome for forty-plus years and I want to see the right thing happen for the State of Georgia.

I compliment you. I'm not here to talk down to you and threaten you in way, shape, or form. I'm one that pays my civic rent. Voting is a very precious thing.

I grew up in eastern North Carolina and I remember the days when we had what they called power brokers. They went to graveyards and took names off the tombstones and registered and voted for them. They thought that was a good process. I didn't think it was a good then, and I don't think it is now.

For 40 years I've been here. I've been paying my civic rent. I want you to do the right thing and not the wrong thing.

There are some individuals and organizations that try to make this process black and white. It's not black and white; it's wrong and right. I would expect you and hope that you will do just that.

I'm very concerned that we're trying to put voting booths in churches. That's not the place to put them. They use peer pressure. They use one-on-one to make feel they've got to vote. If people want to vote, they should vote. If they choose not to participate in the process, that's them. That's what they do.

So all I've got say is I think you -- I'm sure you're going to do right thing; you're doing the right thing -- let's not make it black and white. Let's make it wrong and right and do the right thing

for Georgians.

Maintain the integrity of our process. Give everybody the opportunity that wants to vote, the right to vote. Let's not push them into it and pressure them into it and try in any way, shape, or form to influence their vote.

Thank you very much.

SECRETARY KEMP: Thank you, Mr. Wise.

The next person we have to is Rev. Brown. Do we have Rev. Brown?

REV. BROWN: Thank you so much Mr. Kemp and committee. I am Rev. Frank Brown, pastor of the Mount Olive Missionary Baptist Church, 2685 Barge Road here in the City of Atlanta; president of Concerned Black Clergy Metropolitan Atlanta located at 1583 Westhaven Drive, also here in our great city.

I am here, as so many others are, to express our concern over so many persons who have attempted to register to participate in the voting process here in our state, but for whatever reason, it seems they are being inhibited from fully participating in a process that is our constitutional right.

When we began this meeting today you opened with a prayer. And, certainly, we recognize that our faith guides us. I would hope that as you consider these things today that your faith will indeed guide you to do what is right. Our faith calls upon us to be open to all people and to make sure that all people have the opportunity to fully participate in those things that affect them each and every day. And the political process in our state and throughout this nation and the world affects people each and every day. And all those persons are attempting to do is make sure their voice is heard concerning those men and women they would choose to allow to sit in seats that will make decisions on their lives each and every day.

So all we are asking, Mr. Kemp, is that we allow those persons who are attempting to register, even with the registration process closing on yesterday, to have that opportunity to register and participate in the process as move forward, recognizing that the early voting process begins next week and we will proceed towards voting day on November 4. Looking forward to having all of those persons who in the past have not been willing to participate but now, because their conscience has been pricked to the issues that permeate in our society each and every day, desire to participate fully in this process.

We pray, indeed, that this committee will do the right thing. Thank you so much.

SECRETARY KEMP: Thank you, Rev. Brown. We appreciate you being here today.

Next we have Nancy Saunders.

MS. SAUNDERS: Nancy Saunders. I am at 3060 Far Court North, Atlanta, Georgia 30305.

I am just here to say thank you. Thank you for protecting the voter process; thank you for doing everything necessary to make sure everyone who is legitimately registered to vote has that opportunity. Also making sure people are identified. We know these are people who are Georgians who are eligible to vote.

There is nothing more sacred in this country than the right to vote. There is nothing more important than keeping the integrity of all elections because we know if we cannot depend on you guys to make sure everyone registered is appropriately registered and is rightfully registered, that we then come to question our government.

We must be able to have faith in our elections and election board and the process. And for that and for taking care of the things in democracy that sometimes are messy, I just want to say thank you.

SECRETARY KEMP: Thank you for being here this morning.

Next is David Lewiki.

PASTOR LEWIKI: My name is David Lewiki. I am the co-pastor at the North Decatur Presbyterian Church in Decatur, Georgia; 611 Matlock Road 30033.

I'm standing here because I made a phone call last week to the Secretary of State's office after hearing through the news that there were maybe upwards of 40,000 new voter registrations that had not yet appeared on the eligible voter rolls. That was concerning to me and I called the Secretary of State's office and asked for an explanation. I was told I would get a call back. I'm still waiting for a call back.

So I'm here today to ask you all to explore this situation and ask the Secretary of State's office to provide an explanation for why these, perhaps upwards of 40,000 legally registered voters, are not appearing on the voter rolls.

This is, as I know you know, an urgent matter. Voting is the foundation of our democracy. Voting is what establishes what the Declaration of Independence calls the consent of the

governed. There can be no consent of the governed unless those who are eligible to vote can cast their votes. Abraham Lincoln, in the Gettysburg Address, which I know you know, said we have a government of, by, and for the people, but that we are engaged in a great struggle always to make sure that such a government exists.

That government that all of us believe in only exists unless [sic] people who want to vote are able to vote.

Please ask our Secretary of State to do his job to serve the residents of Georgia and to ensure that those who have registered are able to vote on election day.

Thank you for your time today.

SECRETARY KEMP: Thank you for being here this morning, Pastor.

That's all the forms I've got.

We will now move on to our next agenda item, which will be the approval of the minutes.

First we have the special called State Election Board meeting from August 12, 2014. This will be number two in your binder. I will take a motion to approve, or if there are changes or edits we need to make, we can do that as well.

MR. WORLEY: I move that we approve the minutes.

MR. MCIVER: Second.

SECRETARY KEMP: Mr. Worley moves, 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 also need to approve the special called State Election Board meeting of September 17, 2014.
I will again take a motion.

MR. WORLEY: I move we approve the minutes of that meeting.

SECRETARY KEMP: Mr. Worley approves. Do we have a second?

MS. SULLIVAN: Second.

SECRETARY KEMP: We have a second by Ms. Sullivan.

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. Thank you very much.

Our next agenda item is our investigative report, our consent cases. If you haven't been here before, on our consent cases we have a block of cases that the board votes on all in one vote for dismissal on those cases because there was no violation found and the investigative team has recommended that we dispense of these cases.

However, if any board member or if anyone in the audience is concerned about any of these cases or whatnot, if they will just notify us now, we will pull those cases out and let Mr. Harvey give the board an explanation on that and we will move forward with that like we normally do. Actually, we will move those to our new cases part of the agenda.

Any board members want to pull out any cases?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone in the audience wanting to pull out any of the cases on the consent agenda at this time?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, I would entertain a motion that we -- anything you want to add, Mr. Harvey?

MR. HARVEY: No, sir.

SECRETARY KEMP: I'll entertain a motion that we dismiss the cases on the consent agenda, Items 3 through 14.

MR. WORLEY: So moved.

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

MR. MCIVER: Second.

SECRETARY KEMP: 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.

Next on our agenda is a status update on the SEB case 2014 number 14 regarding the New Georgia Project, which is number 15 in your binder. Mr. Harvey, do you want to give us a quick update?

MR. HARVEY: Mr. Secretary, members of the board, I'm here to report a brief status update on what our investigation has determined to date regarding the New Georgia Project.

Currently, as of last evening we have confirmed 50 incidences of forgery with voter registration applications that have been submitted by the New Georgia Project. We have 49 voter registration applications that are still determined to be suspicious, meaning we can't determine yet whether or not it's a legitimate application.

We have also confirmed that there are 34 legitimate bona fide voter registration applications that have been turned in. I would point out that these 133 applications we have examined in detail so far have all been provided by county election officials.

Just last week our office started receiving documents from the New Georgia Project that were ordered under the subpoena. We began receiving copies of voter registration applications and the canvassing sheets that identify the canvassers who recovered the voter registration applications. We are still working to work with those documents to categorize them and investigate them.

But, again, I want to point out that the documents we've worked with so far have all come from county election officials.

I want to make clear something that I believe has maybe been misunderstood or misspoken regarding the people that are in pending status or the people who believe they have registered who have not appeared on the voter lists. On the 17th when we had the meeting before, the representatives from New Georgia Project brought I think what they identified as 41- or 51,000 copies of people that had claimed they had registered to vote and were not on the voter list. Again, want to make sure that it's very clear those were not voter registration applications.

The Secretary of State's office has not received voter registration applications from the New Georgia Project except as they may have come in through the regular mail process. Any applications that have been received by the Secretary of State's office, as is required by the law, have to go to the county registrar. The county registrar is the agency that registers people to vote. The Secretary of State does not register anyone from vote. The Secretary of State does not prevent anyone from getting registered to vote.

Our only mission upon receiving voter registration applications is to transfer them immediately to the respective counties. We don't evaluate them; we don't inspect them. We transmit them directly to the counties.

If there is any lag in any county in Georgia, it is as a result of that county working to process voter registration applications, and that has to be addressed at a county level. The Secretary of State can provide guidance, they can help answer questions. But the Secretary of State, the elections office, investigators, cannot process voter registration applications. And I think that's a

critical thing to understand in this process.

In talking with county election officials, we have determined, and it have been reported, I believe, in the media, that there are very high numbers of voters -- uncharacteristically high number of voters that were in pending status. A pending status voter is someone who has submitted a voter registration application either online or with a paper card, and whether it was done by the New Georgia Project or voluntarily or some other group, that card is submitted, and as I explained last time, the data is put into the voter registration system.

If that data has a conflict with previous data, or there is a problem with the citizenship recognition; or if the date of birth is different; or if a drivers license doesn't match, that applicant is put in a pending status. Again, each of the 159 counties then is notified of that status. That county has to make contact with the voter to determine what is wrong with the application: Is the date of birth missing?

I can tell you of the documents we've looked at from New Georgia Project -- and they have provided thousands of documents -- we have seen multiple cases of cards being incomplete, whether it's a date of birth missing; or whether it's an address missing; whether it's an address missing; whether it's a signature missing. Any of those omissions, whether accidental or intentional, we don't know -- not making a judgment on that -- but any of those omissions or errors is going to cause a problem with pending status.

So anybody who has registered to vote with the New Georgia Project, with a party, with any organization, or just by themselves that can't find themselves on the voter list accessible through the Secretary of State's office or through the county, needs to contact their county registrar and determine what the issue is.

Again, the counties should be contacting all these voters in pending status and saying, "Mr. Voter, when we submitted your application we got a conflict on the date of birth; we got a conflict on the Social Security number; we got a conflict on the drivers license number. We need you to provide information so we can correct this and get you registered to vote."

I believe that is the sincere mission of every county registrar and every election official in the state. I know that it's the goal of the Secretary of State's office to facilitate that process as much as we can with the limitations I mentioned before about our being able to process any applications.

Again, I would refer anybody that's interested to the Official Code of Georgia, 21-2-220, paragraph (d), which describes the process for county registrars handling incomplete voter registration applications.

Since the meeting on the 17th, we have received additional complaints and suspicious voter registration applications, and those have come largely from DeKalb, Douglas, and Muscogee Counties.

As I mentioned before, we have complaints on erroneous information being given to voters in two counties. We have one complaint so far on a delay of transmittal of completed registration applications from one county.

We are aware of the many voters still in pending status. Again, those are voters we can look at if the New Georgia Project will give us the database we've asked for under subpoena, which they say is coming. If they would give us the database that contains all of those 41- or 51,000 people they say are not registered to vote, we could determine very quickly how many of those people are in pending status, what counties they're in, and work with the counties to get those resolved.

Again, I want to emphasize that nothing we are doing in this investigation, not a single thing that's going on in this investigation, is stopping, slowing down, impeding, affecting anybody's ability to register to vote. Anything we are looking at on a suspicious voter registration application is being done to the side of the regular legal process a voter registration application follows. The fact that Muscogee County may have give us six applications that for whatever reason they determined to be suspicious or they've gotten feedback on does not prevent those from being processed by the county registrar. If we determine a violation has taken place later, the board will certainly learn of that and be able to take appropriate action at that time. But, again, that in no way impedes the applicant from going through the registration process.

I can report to the board that on the 22nd September myself and Mr. Germany from the Secretary of State's office met with attorneys for the New Georgia Project and we wanted to talk about our subpoena and we wanted to assist in prioritizing the information we were asking for in the subpoena -- that you were asking for in the subpoena. We identified the areas we thought were most important which were the copies of voter registration applications; the copies of the canvas sheets; and their electronic database -- every application they have reported.

As I said, we've gotten -- at last count it was approximately 60,000 copies from those, and I understand we got some additional documentation late yesterday afternoon noon or evening we haven't had a chance to look at yet.

But I want to be clear there was no negotiation or backing down or compromise on what we were asking for. The information that was demanded in the subpoena is information we believe is important and critical to have so we can conduct as thorough an investigation as possible.

As soon as we get that database they say they have, I believe it will speed up our investigation and it will also allow for a continuing evaluation of problems as they come up.

As I mentioned before, one of the problems with forged voter registration applications even if all the information is the same is that a forged voter registration application changes the signature of the voter so that in two years or four years or six years a voter who may vote in person in November and has no idea there is an issue with their voter registration signature, maybe in two years when they go to vote for president, they're going to be out of town so they request an absentee ballot. When the absentee ballot is rejected because the signature doesn't match, I presume they will come to the county and they will come to us and they will demand an answer as to why their absentee ballot was rejected.

Presumably, with this database we'll be able to go and see if this was something that happened with New Georgia Project or any other group that has turned in voter registration applications, and that may answer questions for years to come.

Lastly, getting the database will again be instrumental in determining how many of these pending applications are the result of applications that have been turned in by the New Georgia Project. I've spoken to county election officials that say it's normal for them to have maybe 50 to 70 voters in pending status this late in the registration process that now have 2000 or 3000 voters in pending status, which is very unusual for them.

Again, I'm not saying that all those, or I don't know for certain how many of those were the result of New Georgia Project, but we would like to know that and I think that would go a long way towards answering what's happening with these folks.

Lastly, I'll give an example that I think illustrates the problem that can come with these forgeries.

There is a county election official who is one of the senior election officials in the state who was processing a voter registration application. And in processing it, she looked at the previous voter registration application and saw different address and saw the handwriting was very different. The original handwriting was from a woman born in the 30's, and it was, as you may expect, a signature, handwriting for someone born in the 30's, an older person. It was a little shaky.

When they processed the new one, they saw that the handwriting and signature were all very flowing and very fluid and very almost elegant. In contacting the voter, because there was a different address change with three different addresses, we have yet to hear back from the voter.

Again, we don't know whether this is a mistake; whether it's a forgery. It's clear this voter did

not sign the voter registration application. Their address has been changed and that is one of the 49 unknowns that we are still working on right now.

So, again, our investigation is continuing. It's helpful to get these documents from New Georgia Project. It will be more helpful as we continue to get them. But I just want to emphasize again that any delay in voter registration has nothing to do with this investigation; has nothing to do with the actions of the Secretary of State's office; and has nothing to do with anything we're doing. Everything we are doing is on the side of the regular voter registration process.

I can answer any question you may have.

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

MR. WORLEY: I had some questions, Mr. Secretary.

SECRETARY KEMP: Go ahead, Mr. Worley.

MR. WORLEY: You indicated that the county should be contacting voters in the pending status. First of all, how many people statewide are in this pending status?

MR. HARVEY: I don't know the number. Linda, do you know if we've got a number of the statewide pending status?

MS. FORD: We don't have the statewide number.

MR. WORLEY: Is that a number that can be obtained?

SECRETARY KEMP: Well, I think probably it can once things close out. The problem is it's probably changing daily as people are entered and we're still getting applications that may have been mailed yesterday and postmarked, which those will get processed, too.

But we should have those numbers shortly and we'll be glad to get them to the board.

MR. WORLEY: You had indicated that they the counties should be contacting the people in pending status. How do the counties do that; what is it that counties are supposed to be doing; and how long is that process going to take?

MR. HARVEY: That's the process outlined in 21-2-220. The counties are supposed to contact voters by mail if there is an issue with a pending status or information that is not complete on the voter registration application and get whatever clarification they can regarding that voter.

In a lot of cases, that has been the basis for referring voter registration applications to us. The county will send a letter to a voter who will contact them to say, "What are you talking about? I didn't register to vote."

They'll show them a copy of the registration and confirm that's not your signature, they didn't do it. And so they may refer it to us.

Again, we don't even know yet exactly every county that New Georgia Project has been active in. We've got complaints from 13 counties. That may be it. There may be other counties, but I don't know.

SECRETARY KEMP: One other point on that, Mr. Worley, I think, too, is why it's important as Mr. Harvey said earlier -- and hopefully the members of the press that are here will talk about this, as well -- it's important -- you know, some of the problems we've heard from the counties is that the voter registration has incomplete addresses or addresses that don't exist. Obviously, if that's the case, that letter is not going to get to them from the county.

So it's important for people to know, whether it's New Georgia Project, individual voters, or other groups, to let people know if they did register to vote or try to register and they're not showing up in the system -- and they can check the Secretary of State's MVP page for that -- to contact their county registrar and they can help them finish up the process if there's something missing.

MR. WORLEY: Does the MVP webpage indicate that, that they should contact their county registrar if it's not working?

SECRETARY KEMP: I just know the individual part of the MVP where you put your information in, and if you're a registered voter it pulls up your information. If you're not the system that's your clue that your registration has not gone through for the reasons discussed and that you should contact the county. Linda is saying it does say contact the county.

MR. WORLEY: Mr. Harvey, does the Secretary of State's office have any procedure in place to make sure the county officials are being notified they need to be following up with these kinds of applications?

MR. HARVEY: A procedure in the Secretary of State's office to remind counties to follow up?

MR. WORLEY: Yes.

MR. HARVEY: I know there is regular communication with the Elections Division and county election officials. That's kind of outside of my area of operations, so I can't specifically to what kind of communication that is.

I know if you think back to the Fulton County case two years ago when we had the meeting and they had the problem with the provisional ballots, the voter registrations weren't handled properly and that caused that problem.

But I just can't answer the question as to specifically how or how often or in what manner the elections office communicates with county election officials.

MR. WORLEY: When do you expect to get this database from the New Georgia Project which would allow you to further check the pending applications?

MR. HARVEY: As soon as they deliver to us we'll work on it. I believe Mr. Germany was in conversation with their attorneys yesterday afternoon. If they were able to print off 41- or 51,00 forms and deliver to us, I imagine that came from a database they could put on a thumb drive or disk and give to us this afternoon, tomorrow morning, and let us start to work with some of that.

As soon as they get it to us, will be happy to work on it.

MR. WORLEY: All right. Getting to the suspicious or fraudulent applications that you have discovered, you found 99, which is about one out of every 85 the New Georgia Project submitted?

MR. HARVEY: Again, we don't know what the New Georgia Project has submitted. They haven't given us a database of the numbers they have submitted. And, again, we haven't looked at what they have submitted independent of what the election offices have provided to us. So this is 99 out of 133 that we're looking at.

I can tell you yesterday afternoon we were pulling some canvassing sheets and pulling voter registration applications that just on the surface looked suspicious and gave us cause to do some additional investigation. We're dealing with thousands and thousands of documents. So we're still in the process.

MR. WORLEY: Have you been able to link the 50 incidents of forgery that you have found to specific canvassing sheets?

MR. HARVEY: We have not because we just started getting the canvassing sheets. So now

we're just going to be able to connect canvassers with voter registration applications. We haven't been able to do that.

The data we've gotten from the counties has just been the application, and it was really at the end of last week and the beginning of this week that we're getting copies of these forms. It takes a while to categorize them and organize them so we can work with them. That's what we're in the process of doing right now. That's one of our top priorities.

MR. WORLEY: That's all the questions I have.

SECRETARY KEMP: Mr. Worley, thank you. Mr. McIver.

MR. MCIVER: Mr. Harvey, I'm very encouraged by this report. It sounds as if things are going well; is that correct?

MR. HARVEY: They're going well in the sense that the counties are doing a good job of identifying problems and reporting those problems to us. We're able to follow up pretty quickly in cases where we got complete information and were able to confirm or (unintelligible) -- as I said, we've confirmed 34 bona fide voter registration applications which I think is success also.

So, yeah, I think it's successful so far. I think we're getting ready to move into a new level in terms of scale where we're going to have lots and lots of data to work with. So we will have to get our arms around that and I'm confident we can do it.

MR. MCIVER: Let remind you, in our meeting on the 17th of September on my motion by unanimous vote this board voted to issue a subpoena and you cared for that as best I know.

MR. HARVEY: Yes, sir.

MR. MCIVER: So I'll put this question to you, but I wouldn't be surprised if Mr. Germany wanted to respond. But have you or your staff or the Secretary of State's office encountered any resistance or any attempt not to fully I with our subpoena in this investigation so far?

MR. HARVEY: I wouldn't characterize anything we've encountered as refusal. It has taken them time to get us documents. I don't know exactly what their document retrieval system is and storage system is. They have gotten us four or five CDs that have mostly digital copies of canvass sheets and voter registration applications.

We knew when we issued the subpoena we were requesting a lot of information and that's why we met with them so we could prioritize and say we'd rather get this stuff as you get it done than

wait two months and get everything at one time. So they're aware of the priority we've place on things and we're expecting additional compliances as soon as possible.

But I would not characterize anything as obstructive or resistant. Like I said, I don't know how long it takes them to retrieve this data, but I hope that we get the database very, very soon.

SECRETARY KEMP: Mr. Harvey, I did have a question. The 133 number, is that the number of complaints we got from the counties?

MR. HARVEY: Those are the number of applications that have been submitted by the counties.

SECRETARY KEMP: So they saw an issue, submitted those, and our investigators have confirmed 50 forgeries; is that correct?

MR. HARVEY: That's correct.

SECRETARY KEMP: Anybody else on this part of agenda?

(Whereupon, there was no response)

SECRETARY KEMP: If not, we're going to move forward.

Let me say quickly in wrapping this up, on a slightly different topic, I know we've got a lot of county election officials and registrars in the audience and I just want to say thank you for how hard you have been working. There's been a lot of things that in the paper. But one thing's for sure: we know in the Secretary of State's office how hard the counties are working to process the applications that are being delivered to their office and the applications that we daily sent to the counties.

I just appreciate the efforts that you all have been through and will continue to go through to make sure we get people who properly submitted an application and registered to vote for the November election.

So I hope you'll pass that along to your colleagues back in your home counties and your neighboring counties if they are not here today. Thank you very much.

Mr. Harvey, we're going to move on to new cases, correct?

MR. HARVEY: That's correct. Are you going to call the agenda to identify people?

SECRETARY KEMP: We'll do that.

Under our new cases, which will start with 2011 number 69, the Douglas County case, what our posture is is that we want to try to accommodate people who have taken time to come to our meeting today. So I'm going to just call these cases real quick, and if you're here on that case as a respondent, complainant, or as the attorney, just let us know; just say, "Here" and we will call your cases in order from the agenda.

For the cases where no one is here, we will move those to the foot of the calendar. That way it'll speed up the process for you all that did take time to show up this morning.

City of Lithonia, case 2011 number 91; Douglas County, presidential preference primary; Paulding County George Klein case; Paulding County registered felons case; Fulton County Shoji case; Madison County affidavit case; Clayton/Dooly County registration; Clarence Johnson candidacy affidavit case; Twiggs County case; Fulton County photographing in booth; Cobb County wrong ballot case; 2012 number 84, Floyd County; number 86, Floyd County again; Cobb County district issues; Toombs County; Baker County; Clay County absentee ballots; Meriwether County; Dodge County; Talbot County; and Dougherty County.

Mr. Harvey, let's start with 2011-169, the Douglas County case.

MR. HARVEY: Mr. Secretary, members of the board, this case involved the November election of 2011. There is a candidate and two co-workers of the candidate at a polling place offering free hotdogs to voters coming out of the polling place on Chapel Hill Road. They were set up outside of the 150 feet no campaigning zone, but they were in the parking lot of the polling place.

The elections director, Lori Fulton, responded to the scene and had a conversation with Ms. Robinson and they pack up and they left. There was no specific direct indication that somebody had to vote in order to receive a hotdog.

Based on the response of the candidate upon being confronted by election officials, I think this is a case that is appropriate for consideration of dismissal. I think they were approaching the line, but I think it is one that based on the response and based on the lack of specific positive requirement that somebody vote in order to get food, it is a candidate for dismissal by the board.

I believe there is an attorney for the respondent here to speak to the board.

SECRETARY KEMP: Yes, sir, if you would, give your name and address.

MR. FOWLER: Joe Fowler, Douglasville, Georgia; 6622 East Broad Street.

We encourage you to adopt the recommendation. Thank you for the consideration. We appreciate our interview with Chris and would urge you to adopt the recommendation.

It was a gift from somebody that we did not realize could result in this type of circumstance. But we'd appreciate your adoption of the recommendation. Thank you.

SECRETARY KEMP: Mr. McIver.

MR. MCIVER: Are you satisfied this is not likely to occur again?

MR. FOWLER: Quite certain it will not occur again. Someone offered to do it, and the candidate didn't realize it should not be done and stopped immediately when it happened. Hot dogs were given to some agency somewhere else where people needed food.

MR. MCIVER: The board can rely but your assertion.

MR. FOWLER: If you knew the candidate, you certainly could, and I believe you can rely on my assertion as well.

MR. MCIVER: Thank you.

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

(Whereupon, there was no response)

SECRETARY KEMP: Do you have any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, I'm prepared to take a motion.

MR. MCIVER: On Mr. Fowler's assertion, I'll move this matter be dismissed.

MR. WORLEY: I'll second that.

SECRETARY KEMP: We have a motion to dismiss by Mr. McIver and a 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. Thank you for being here today.

Mr. Harvey, the 2012 number 21, Douglas County PPP case; number 18 in our binders.

MR. HARVEY: This case involved the presidential preference primary in 2012. There was a voter who was given the wrong ballot in the primary election. Also, there were voters who reported they were told they could not vote in the Democratic election, or that it was useless for them to vote in the Democratic primary because there was only one candidate.

Douglas County conducted their own investigation. They determined that a single poll worker, Mr. Hugh Bremmer, did make a comment or comments to the effect of there was no point in voting on the Democratic because there was only one person on the ballot. And at one point accidentally issued a Republican ballot to a voter who requested a Democratic ballot.

Douglas County responded by terminating Mr. Bremmer. There was no indication that it has gone any further than that.

It is my recommendation that Mr. Bremmer is no longer working in Douglas County elections that Douglas County be dismissed and that the State Election Board issue a letter of instruction to Mr. Bremmer regarding any -- should he work in any future elections about propriety of giving advice to voters regarding their election choices.

SECRETARY KEMP: Questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak?

MR. COLE: My name is David Cole. I'm with the law firm of Freeman, Mathis & Gary, 100 Galleria Parkway, Suite 1600, Atlanta, Georgia 30329. I represent the Douglas County Board of Elections and its elections supervisor, Ms. Fulton.

We do agree with the facts as recited by Mr. Harvey and also the recommendation with respect to the Board of Elections.

There was no intent by Mr. Bremmer to do any wrong, but he did say what he said. The facts are undisputed. It was contrary to his training, contrary to the policy of the city, of the county.

Without any knowledge of the poll manager of the board, all this occurred. As soon as they found out they fired him. They are not going to hire him again. It will not happen again.

So it is with respect to the board we request the board adopt the recommendation of dismissal.

SECRETARY KEMP: Any questions from the board?

(Whereupon, there was no response)

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

(Whereupon, there was no response)

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, ready for motion.

MS. SULLIVAN: I move that this case against Douglas County Board of Elections be dismissed and a letter of instruction be issued to Mr. Bremmer.

MR. WORLEY: I'll second that.

SECRETARY KEMP: Do we have Mr. Bremmer as a respondent?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: Okay. We have a motion by Ms. Sullivan and a 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 now move to SEB case number 2012 number 22, Paulding County, George Klein case.

MR. HARVEY: This is a very simple case. A felon under sentence, Mr. Klein, had pled guilty a month prior to voting. He then went and voted in the presidential preference primary election. He admitted voting and simply said he didn't realize he couldn't vote while serving a felony sentence.

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

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

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

(Whereupon, there was no response)

SECRETARY KEMP: I'm ready for a motion if no one else wishing to speak.

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

MR. MCIVER: Second.

SECRETARY KEMP: Mr. Worley moves to bind over to the AG's office; 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 are on to 2012 number 28, the Paulding County registered felons case.

MR. HARVEY: Again, another fairly simple case. There were six felons in Paulding County who registered to vote while they were serving sentences. They were reported by elections supervisor Deidre Holden. All six did register to vote by hand. None of them voted after registering to vote, and I recommend all six be over to the AG's office.

SECRETARY KEMP: Any 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, I will take a motion.

MR. WORLEY: I move the matter be bound over to the Attorney General's office.

MR. MCIVER: Second.

SECRETARY KEMP: Motion by Mr. Worley, second by Mr. McIver to bind this case 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.

Mr. Harvey, next is case number 2012 number 38, Shoji case; it's number 21 in our binder.

MR. HARVEY: Mr. Shoji and his attorney, Attorney Waters, are present also.

This case involved Yasuo (phonetic) Shoji who registered to vote in 2001. However, on his voter registration application he marked that he was not a citizen. He is, in fact, not a citizen. He completed the rest of the form, submitted it, and Fulton County registered him to vote despite the fact that he indicated he was not a citizen.

Mr. Shoji has voted by his own admission at least twice, last in 2008. In speaking with his attorney, his attorney, I believe, will represent that he believed that when Mr. Shoji was sent a precinct card by Fulton County that he was allowed to vote, and that when he registered and voted, he was not aware that he could not do that.

Based on the circumstances, I would recommend that Fulton County be bound over for registering a voter who acknowledged they were not a citizen.

I believe Mr. Shoji is probably in sort of the gray area between a letter of instruction and a consent order for registering to vote and voting. I think the fact that he filled out the application truthfully goes towards indication he was not trying to do something he couldn't do. But the fact is he did register to vote and he was not eligible and he did vote at least twice.

I believe Mr. Waters is present to speak.

SECRETARY KEMP: Let me see if we have questions for Mr. Harvey first. Mr. McIver.

MR. MCIVER: Mr. Harvey, in your summary there is a sentence that says Mr. Shoji's voting history indicated he had voted five times since registering. There were several references to that.

Does that sentence connote, or at least may I assume that you have validated the fact that he voted five times?

MR. HARVEY: What we have learned since then is that he told the investigator he voted about five times. He has come back and said he only remembers voting twice. I don't know that we've got his voter history in the file. We could certainly --

MR. MCIVER: Was any attempt made to validate whether or not he voted?

MR. HARVEY: I believe there was, although as I stand here right now I'm not sure that I can swear to that.

MR. MCIVER: That's all I have.

SECRETARY KEMP: Any other questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to address us?

MR. WATERS: My name is Arthur Waters representing Mr. Shoji. My address is 555 Sun Valley Drive, Suite P-3 in Roswell, Georgia 30076. This is Mr. Shoji. Your address, please.

MR. SHOJI: 123 Equestrian Lane, Woodstock, Georgia 30188.

MR. WATERS: Thank you, Mr. Secretary, board members, for the opportunity to address you this morning. We'll try to be brief.

I'm here to select elicit testimony from Mr. Shoji, and if I may, ask him a few questions in your presence. I'd like to substantiate the fact that he did not knowingly register to vote without being a citizen. The testimony I'm about to solicit will show that Mr. Shoji registered to vote because he was mailed a voter registration in the mail and he thought he could by virtue of the fact he had a Georgia drivers license.

Yes, it was a mistake, but he did not knowingly register to vote, which is what the code section speaks to.

Mr. Shoji, are you a US citizen?

MR. SHOJI: No.

MR. WATERS: Have you ever represented to anyone at any time that you are a US citizen?

MR. SHOJI: No.

MR. WATERS: You registered to vote in Fulton County; is that true?

MR. SHOJI: No.

MR. WILLARD: Mr. Secretary, if I could interject. If we could put the witness under oath if he's going to actually present testimony to the board.

MR. WATERS: Yes, sir.

SECRETARY KEMP: Counsel, I think this board is very adaptive to hearing what your client is going to say if you would just like to tell us that. If we need to go further than that, we can. I think that might be the best way to address this.

MR. WATERS: Let me do that if I may, please. Firstly, we are here to request a dismissal and letter of instruction.

The code section refers to a violation for those that register to vote -- that knowingly register to vote despite the fact that they do not meet qualifications. As stated, Mr. Shoji did not do so. It was not knowingly. Yes, it was a mistake, but there was no intention to defraud.

He was honest. He said I am not a citizen and it was Fulton County that then processed it and issued a voter card. That's the essence of our case.

Again, we would request a dismissal; we request a letter of instruction. Mr. Shoji now knows he must be a US citizen to vote and he has no intention to vote or attempting to do so ever again.

Thank you.

SECRETARY KEMP: Any questions for Mr. Waters?

(Whereupon, there was no response)

SECRETARY KEMP: I have one. Does your client aware of where the form, voter registration form came from?

MR. WATERS: We have one with us. It was mailed to him -- this just came to your home by US mail?

MR. SHOJI: Yes.

SECRETARY KEMP: That's when he actually registered?

MR. SHOJI: No, sir. This received about three or four weeks.

SECRETARY KEMP: So somebody basically years ago sent it a voter registration form to your house and you thought you could fill that out, even though you were not a citizen; is that what happened?

MR. SHOJI: Yes, sir.

SECRETARY KEMP: And you don't know where that voter registration form came from; who mailed that to you?

MR. SHOJI: I do not know. Sorry.

SECRETARY KEMP: Any other questions?

MR. HARVEY: Mr. Secretary, just to respond to Ms. McIver's previous question, his voter history does show voting five times. I believe he said he remembers voting twice, but we did check his voter history and it does show five elections.

SECRETARY KEMP: Any more questions for Mr. Waters or Mr. Shoji?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you for being here. Anyone else wish to address us on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Mr. Harvey, we've got Fulton County cited as well for registering somebody that --

MR. HARVEY: Yes, sir.

SECRETARY KEMP: They basically registered the voter even though they checked they were not a citizen on their form?

MR. HARVEY: Correct.

MR. WILLARD: Question for Mr. Harvey. They are not listed as a respondent. Did they receive notice?

MR. HARVEY: They should have received notice. I personally e-mailed Mr. Brower a copy of the complaint several weeks ago.

SECRETARY KEMP: We don't have them listed as a respondent?

MR. HARVEY: That's correct. They are not listed as a respondent in the case before us. However, Mr. Brower contacted me via e-mail and saw that Fulton County was on twice and I sent him copies of the summary at that time.

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

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, any discussion from the board or a motion?

MR. MCIVER: To Mr. Willard's point, I think we need better confirmation, no offense to you, Mr. Harvey, that Fulton County is on notice. They've not been listed as a respondent here. Therefore, I'd be inclined to table the matter until we can confirm Fulton County has been noticed.

SECRETARY KEMP: Do you want to table Mr. Shoji, as well?

MR. MCIVER: No. I think we can go forward with that one.

SECRETARY KEMP: So is that a motion on the Fulton County part?

MR. MCIVER: I move that we table Fulton County until we determine they've been noticed as a respondent.

MS. SULLIVAN: Second.

SECRETARY KEMP: We have a motion and a second to table the Fulton county part of this case. 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 have them as a respondent at the next meeting.

Any discussion or motion on Mr. Shoji's part of the case?

MS. SULLIVAN: I move that a letter of instruction be issued to Mr. Shoji.

MR. WORLEY: I second that.

SECRETARY KEMP: We've got a motion by Ms. Sullivan, and a second by Mr. Worley to issue a letter of instruction. 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. Waters and Mr. Shoji, thank you for showing up today.

The next case is 2012 number 48, Madison County candidacy affidavit case.

MR. HARVEY: This case involves candidate Christopher Lee Parker who was a resident of Madison County. He originally registered to vote in 2008 at an address on Holman Autry Road. He voted on Holman Autry Road through March of 2012, and then he decided to change his registration and qualify to run as a candidate for board of commissioners. He claimed on his affidavit that he had lived at the new address for six years when he had only lived there approximately one year.

So we've got him cited for inaccurate information on a nomination candidacy affidavit. Mr.

Parker is present represented by Mr. Bowers.

Mr. Bowers has called me and we've spoken about the case, and he has indicated that his client would be amenable to resolving this case quickly with a cease-and-desist, public reprimand, and a fine of \$100 to \$200 if the SEB is inclined to accept that this morning.

SECRETARY KEMP: Thank you, Mr. Harvey. Any questions for Mr. Harvey?

MR. MCIVER: Would a \$200 fine be consistent with our pattern in the past?

MR. HARVEY: I believe, generally, yes or.

SECRETARY KEMP: Anything else, Mr. McIver?

MR. MCIVER: No, sir.

MR. WILLARD: Mr. Secretary, typically these cases if they go to an NCO for a false swearing on a candidacy affidavit, they've been settled for between 500 and \$1,000.

SECRETARY KEMP: Mr. Bowers? Would you like to address the board? Welcome.

MR. BOWERS: My name is Mike Bowers. I am an attorney; Balch & Bingham, 30 Ivan Allen Boulevard, Suite 700, Atlanta, 30308.

This is my client. There is no excuse for what he did. We agree with the recommendation. We ask your agreement with it.

That's all I've got to say.

SECRETARY KEMP: Any questions for Mr. Bowers?

MR. MCIVER: It will be a great honor to ask you a question. You've asked me a few, Mr. Bowers.

MR. BOWERS: That's right.

MR. MCIVER: It actually feels good.

We understand that you have offered a cease-and-desist and \$200; is that correct?

MR. BOWERS: Yes, sir.

MR. MCIVER: What would be the position of your client in the event Mr. Willard draws us to a more patterned direction which might be something in the zone of 500 to \$1000?

MR. BOWERS: Well, we're of course going to do exactly what you all say, but it will be with some regret. My client is a working man. He works for a living. He's a blue-collar worker, and we would ask that you make it just as reasonable as you can make it. We will much prefer 200. If you make it 500, we're going to do exactly what you say. We would ask for mercy. That's all I can say.

MR. WORLEY: Why should we give your client mercy, Mr. Bowers?

MR. BOWERS: Because you all are merciful folks. And I'll give you another one.

MR. WORLEY: Are there any extenuating circumstances?

MR. BOWERS: Yes there are. Today is my birthday.

MR. WORLEY: We're not fining you; we're fining your client. But my question was are there extenuating circumstances?

MR. BOWERS: Not really, no.

SECRETARY KEMP: Any other questions for Mr. Bowers?

(Whereupon, there was no response)

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

MR. PARKER: Christopher Lee Parker, 415 Buford Carey Road, Hull, Georgia 30646.

During this whole process I was building a house which was a quarter mile from the district lines which I did not know at the time. When I filled out the candidacy affidavit, I just for whatever reason put down the address of the property that I owned and was building the house on under the same line as how long I'd been in the county.

There was not intent to mislead. It was just an accident and a mistake in filling out the affidavit. That's all.

SECRETARY KEMP: Any questions for Mr. Parker?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you for being here.

MR. WILLARD: Mr. Secretary if the board is going to attempt to resolve this today as opposed to binding it over, we do need to perfect the record and get him under oath to state that he did violate O.C.G.A. 21-2-565 so we can wrap up the contested case under the ADA.

SECRETARY KEMP: Let's figure out what the recommendation is first and then we can see if Mr. Bowers and his client would like to do that. Will that work for the board?

(Whereupon, there was no response)

SECRETARY KEMP: Do we have a recommendation, motion?

MR. MCIVER: I move that consistent with Mr. Bowers' recommendation that the board determine and resolve this case today with a cease-and-desist and a \$200 fine, and take that position because of the convenience that has been made available to our investigative staff and the contrition evidenced by Mr. Parker. They've saved us time and money and we're able to move on to another case and I think that brings value to the process.

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

SECRETARY KEMP: I will second. Any other discussion?

MR. WILLARD: Was there a reprimand in that recommendation?

SECRETARY KEMP: Not in that motion, unless you want to restate it. I think the original recommendation was a cease-and-desist, public reprimand, and a fine. But the motion did not have all --

MR. MCIVER: I will amend my motion to the extent it can be seconded to include a reprimand.

SECRETARY KEMP: Okay. I will second again. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, Mr. Willard, before we vote what, legal process do we need to go through to make sure we're taking care of this today?

MR. WILLARD: If the court reporter or Mr. Bowers will swear in the respondent, all we need to do is get him to state on the record that he admits to violating O.C.G.A. 21-2-565 in that he made a false statement on his candidacy affidavit.

(Whereupon, the witness was duly sworn)

MR. WILLARD: Mr. Chairman, may in inquire?

SECRETARY KEMP: Pull that mic up just a little so she can hear you.

All right. Mr. Willard.

Whereupon,

CHRISTOPHER LEE PARKER

was called as a witness herein, and having previously been duly sworn, testified and was examined as follows:

EXAMINATION

BY MR. WILLARD:

Q You are Christopher Lee Parker?

A Yes, sir.

Q Your address is 1964 Holman Autry Road, Danielsville, Georgia?

A No, sir.

Q What is your address, please.

A 415 Buford Carey Road, Hull, Georgia 30646.

Q Mr. Parker, you've heard the dialogue between your attorney and the board today. Do you admit that in preparing your candidacy affidavit for the July 2012 primary you made a false statement on that candidacy affidavit?

A Yes, sir.

MR. WILLARD: Mr. Chairman, you may proceed.

SECRETARY KEMP: We are ready for a vote on the recommendation. All in favor, signify by saying, "Aye."

SECRETARY KEMP: Aye.

MR. MCIVER: Aye.

MS. SULLIVAN: Aye.

SECRETARY KEMP: All opposed, same sign.

MR. WORLEY: No.

SECRETARY KEMP: That motion carries. Thank you all for being here today.

Mr. Willard, the documents for this and payment of the fine, is that something you'll get together.

MR. WILLARD: I'll work with your staff on the order. There won't be a need for Mr. Parker's signature on it. It would just be a final order of the board.

SECRETARY KEMP: Very good. We'll be in touch.

MR. BOWERS: Do we give y'all a check today?

MR. WILLARD: You'll have 30 days from the time he receives the order.

MR. BOWERS: You'll notify me?

MR. WILLARD: Yes, sir. You'll receive a copy of the final order from the board.

MR. BOWERS: You know how to get in touch with me.

MR. WILLARD: I'll send folks after you, Mr. Bowers.

MR. BOWERS: Thank you.

SECRETARY KEMP: Thank you for being here today.

Mr. Harvey, case 2012 number 67, Clayton/Dooly County cases.

MR. HARVEY: This is a case involving a voter, Mr. Smothers, who went to vote in 2012 and was told he was deleted from -- he went to vote in Clayton County and was told he was deleted from the system; that he had been deleted in Dooly County because he was showing up as a convicted felon.

Mr. Smothers actually came to our office in 2012 and met with us. After being released from custody in the 80's, he was -- he left Dooly County and was never told that his probation was continuous in Dooly County. So he left his probation in Dooly County in 1990.

Dooly County never indicated he was still under sentence -- the Department of Corrections never indicated he was under sentence. He said he had several encounters with law enforcement between that time and 2012. There was never any warrant for his arrest. He was never under any advisement that he was still serving a felony sentence. Dooly County said they tolled his felony sentence in 1990.

He did not appear on a felon until March 1 of 2012 which caused him to be deleted. Actually, when he left our office, he went to the tower next door to the Department of Corrections to find out what his status was and why he was listed as a felon when he had no indication that he was.

He was actually arrested by the Department of Corrections at that time and transported to DeKalb County jail and then to Doraville where he had an outstanding fine, and then ultimately back to Dooly County, where he reported paying a two dollar probation fine and his sentence was ended; his probation was ended at that point.

At this point, I believe his situation has been resolved. He is not a felon under sentence and I believe there is sufficient evidence that he has more than made up for any error that may or may not have been his fault, and I recommend this case be dismissed.

SECRETARY KEMP: Questions for Mr. Harvey?

(Whereupon, there was no response)

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

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, we will take a motion.

MS. SULLIVAN: I move this case be dismissed.

MR. MCIVER: Second.

SECRETARY KEMP: We have a motion by Ms. Sullivan and a second by Mr. McIver to dismiss this 2012 number 67 case. 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 moving to case 2012 number 74, Twiggs County case, which is number 25 in our binder.

MR. HARVEY: I would point out that in Twiggs County the -- one of listed respondents, Marette Fair, is deceased since this case was originally brought. So as far as that respondent goes, certainly not a respondent in this case any longer.

The allegations were that dead people voted and that people had absentee ballots cast without their knowledge. Some voters were allegedly told they could only vote a single party.

Our investigation found there was no substantiation to any allegations that deceased people voted or that people were having absentee ballots cast without their knowledge. It was determined that -- there was some question about the Sheriff's race and whether or not somebody wanted to vote for the Sheriff. If you wanted to vote for the Sheriff, they were told specifically they had to vote a Democratic ballot if they wanted to vote in local races.

So to the extent similar to the Douglas County case before where a poll worker was telling

people if you want to go for Sheriff you have to pull this ballot, I believe it is a technical violation of the system. However, I believe that a letter of instruction to the Twiggs County Board of Elections would suffice to resolve this case.

As far as the absentee ballot log, the absentee ballot log is kept in the system now. So the list of violations for failure to keep an absentee ballot log is not applicable.

So, again, I would recommend this case be resolved with the letter of instruction to the Twiggs County Board of Elections.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, anyone wishing to speak in regard to this matter?

(Whereupon, there was no response)

SECRETARY KEMP: All right. I'll take a motion if there is no more discussion. Recommendation is for a letter of instruction, correct, Mr. Harvey?

MR. HARVEY: That is correct.

MR. MCIVER: I move a letter of instruction be directed to Twiggs County Board of Elections.

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

MR. WORLEY: Second.

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

(Whereupon, there was no response)

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

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

MR. WILLARD: Mr. Chairman, did we not have additional respondents besides the board in that case?

SECRETARY KEMP: Ms. Fair was cited, but she has passed away.

MR. WILLARD: Yes, but we also had Deborah Stevens and Doris Blackshear cited.

MR. MCIVER: My motion went simply to the board.

SECRETARY KEMP: Do we need to discuss the other two, Graham and Blackshear, Mr. Harvey?

MR. HARVEY: Those were the poll manager and the poll watcher. We have them cited basically for the same thing, for informing people that they needed to vote a Democratic ballot in order to vote for local candidates.

I would recommend those respondents also be issued letters of instruction along the same lines.

SECRETARY KEMP: Any questions for Mr. Harvey in regard to that? Mr. Harvey, we're talking about Deana Graham and Doris Blackshear; is that correct?

MR. HARVEY: That's correct.

SECRETARY KEMP: Any other questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak in regards to the letter of instruction recommendation for Ms. Graham and Blackshear?

(Whereupon, there was no response)

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

MR. MCIVER: I move that Deana Graham and Doris Blackshear be included in our directive to have a letter of instruction issued.

MR. WORLEY: Second.

SECRETARY KEMP: We have a motion and a second for a letter of instruction to the two respondents. 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.

Now we will move to 2012 number 78, Cobb County wrong ballot case, which is number 27 in our binders.

MR. HARVEY: This is another primary case where a voter requested one ballot and was issued a nonpartisan ballot. The voter cast the ballot before notifying poll workers so that they could change and give them the proper ballot.

This did happen. It is an apparent single human error from a normally very fine office.

Cobb County responded with copies of their training that they give to their poll workers and also copies of notices that were placed about the polling place urging voters to make sure they had the proper ballot.

Given this is a one-off scenario, I would recommend that Cobb County receive a letter of instruction regarding issuing the proper ballot.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

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

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, ready for a motion.

MS. SULLIVAN: I move that the Cobb County elections office be issued a letter of instruction in this case.

MR. WORLEY: Second that.

SECRETARY KEMP: Mr. Sullivan moves, Mr. Worley seconds for a letter of instruction. 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 are moving to 2012 number 88, which is another Cobb County case; number 30 in our binders.

MR. HARVEY: This case involved allegations that there were districting errors in one of the precincts; the absentee ballots that were sent to some voters were not correct in Senate District 46; and that a candidate was denied a recount.

What we found in our investigation was there was an error in the districting that was discovered before the election and corrected by Cobb County. There were only four absentee ballots that were corrected that had to be mailed to voters who were impacted by the districting.

The allegation that absentee ballots were sent -- and that's different from the allegation that incorrect absentee ballots were sent out -- these were four correct ballots that showed the proper district.

The issue of incorrect absentee ballots was unable to be substantiated. Voters, after they voted the ballot, claimed they might not have gotten the right candidates. However, the issuing

software showed they got the right candidates, the right ballot for their district. The recount was denied and was not otherwise required by law.

Having all that, the fact that Cobb County basically corrected the error before the election, and was able to correct the absentee ballots, the four that were sent out, I think this is a case that I would recommend closing by the State Election Board.

SECRETARY KEMP: All right. We've got a recommendation for dismissal. Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak?

(Whereupon, there was no response)

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

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

MR. MCIVER: Second.

SECRETARY KEMP: Mr. Worley moves we dismiss; Mr. 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.

2012 number 89, Toombs County case; number 31 in our binders.

MR. HARVEY: This case involved a voter who was a regular voter who voted in most

elections. She went to vote and was told she was not in the VR system. She had an extended conversation with the election officials to try to figure out how she could vote, where she was in the system. She was there for 10 or 15 minutes and was not offered a provisional ballot.

The investigation revealed that there is really no explanation as to why she could not be located in the system. She was in the VR system. I don't know if the poll workers were having a hard time or there was something else going on. But she was not offered a provisional ballot until later in the day with the election supervisor was made aware of it and the election supervisor called the voter and said if you come back now, we'll let you vote a provisional ballot. At that point, the voter couldn't return to the polling place.

In this case I recommend that Toombs County be bound over for failing to offer a provisional ballot to a voter who believed they were properly registered.

SECRETARY KEMP: Any questions for Mr. Harvey?

MR. WILLARD: Is your recommendation only as to Toombs County, or are you also recommending that for Carey Alligood and Edie Rogers?

MR. HARVEY: All the respondents.

SECRETARY KEMP: Any other questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to address us?

MS. ALLIGOOD: My name is Carey Alligood. I'm the elections supervisor for Toombs County. My address is 125 West Lincoln Avenue, Lyons, Georgia 30436.

The events that took place for this were extremely unusual. The manager that's normally at that precinct had got sick. We had to restaff that precinct within a week before the election actually took place so everyone there was new. The lady that had agreed to be the manager had only worked one other election for me before and it was not a manager position.

They did come in and do training, but what it boiled -- they got nervous. They didn't -- you know, they were trying, but it just didn't work out. They had been calling me all during the day asking me questions and I think by that time of night, they felt they were bothering me, which they weren't. They did call me after Ms. Losolla left and they asked me what they should have done, and I -- they should have given her a provisional ballot

But in lieu of this happening -- we are a small county (unintelligible) a lot of precincts. So we went from 14 to five precincts which has alleviated our problems with having extra poll workers. We've also put in provisional training; that's a class all by itself. And before each -- when they come to pick up their poll boxes the day before election, the first thing they do is get my cell phone number make sure they have our office number and we assure them that they are to call us any time that they are in doubt.

So those are some steps we've taken to make sure this does not happen again.

SECRETARY KEMP: Any questions for Ms. Alligood?

MR. MCIVER: Ms. Alligood, the way we designed that training is it's abundantly clear over and over and over and over again if there is any doubt you are to issue a provisional ballot. In your accelerated and hurried training in this it appears they simply didn't get that message.

MS. ALLIGOOD: I would love to say -- I would love a great answer for that. But it seems like -- and in all honesty, everyone doesn't understand provisionals. And even though we've had classes and we've explained it over and over, it seems like precincts just struggle with provisional ballots and when to use it; that type thing. And that's one of the things we say now that if you just don't know, just please call the office and let us step you through.

I don't know what it is about provisional ballots. I don't know if it intimidates them; I don't know what it is. I've even started going out on election day and letting them walk me through and kind of go through the steps of if I had to a provisional ballot with them that day, just to kind of put it in place for them because it's not something they do a lot, I guess, and they get nervous and they just don't for whatever reason. And I hate that.

This the only time we've had this happen. Like I said, when she called and asked me to verify the registration, I said, you're there and you're more than welcome to come and do a provisional ballot. But she had to be back and work and she just couldn't turn around and go back.

MR. MCIVER: You anticipated my next question: This is the first time this has happened?

MS. ALLIGOOD: Yes, sir.

SECRETARY KEMP: Any other questions?

(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: Do we have a motion or recommendation or any other discussion?

MS. SULLIVAN: I appreciate Ms. Alligood coming in and explaining the County's position on this. As this was a first-time violation, I'll move that a letter of instruction be issued in this case.

MR. WORLEY: I would second that.

SECRETARY KEMP: We have a motion by Ms. Sullivan and second by Mr. Worley for a letter of instruction. Any other discussion?

MR. MCIVER: That would include the board and two individuals, Ms. Alligood and Ms. Roberts?

MS. SULLIVAN: Yes.

MR. MCIVER: Thank you.

SECRETARY KEMP: Okay. We have a motion and a second for a letter of instruction for all respondents.

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 on to the Baker County case.

MR. HARVEY: The original allegation in the Baker County case, primary allegation, was that people were being paid in order to vote; paid to vote for a candidate.

As is often the case in these incidences, there seem to be a lot of word on the street, but there were no witnesses who actually come forward to say they were paid or that knew somebody who was paid in order to vote for a particular candidate.

Particularly troublesome were that there were problems with some absentee ballots, specifically, when the absentee ballots were counted there were 14 ballots marked identically and they were marked so that -- for the Sheriff's candidate there were two candidates, and in 14 of them they were marked identically where it looked like somebody got a Sharpie magic marker and went completely across the ballot marking the bottom candidate, and then marking instead a vote for the top candidate. And there were 14 that were identical.

Of course, there is no way to tie absentee ballots back to the voters so there's no way to go back and find out who cast those absentee ballots. But it certainly casts suspicion on the absentee ballot process.

As I said, we were never able to determine whether or not people were paid. However, in going through the absentee ballot process, we found some problems that constituted violations.

One of these were that the respondent Jeanette Jackson, we compared the absentee ballots and we found that 27 have very consistent handwriting. We determined that 19 of these 27 had been assisted by Ms. Jackson.

We also found that Ms. Jackson assisted a voter who did not live there anymore. The voter had temporarily lived in Ms. Jackson's nursing home; had moved away years prior; and this voter voted absentee ballot in Baker County with Ms. Jackson signing as assisting.

We subpoenaed records from Ms. Jackson regarding this specific incident with Delores Gerald and we found out that she provided us documents that appeared to be manufactured or forged or copied improperly from her nursing home. We spoke with Ms. Gerald who was living in Albany at the time. She confirmed that she never voted by absentee ballot in Baker County and that Ms. Jackson never assisted her, and she only lived in Ms. Jackson's nursing home for a short time. And the documents backed her up.

As far as the violations go, we found that the county had some failures in terms of validating and certifying absentee ballots, and those are listed in the violations, in terms of accepting absentee

ballots didn't have the necessary data on the envelope; they didn't have all signatures; in some cases they didn't have dates of birth; they didn't have the address.

I would point out that I believe the final citation is for failure to accept signatures on the ballots where the voter made a mark and they were assisted by somebody who signs as assisting. I would dismiss that last violation because, of course, when people are legally assisted by somebody they are entitled to make a mark and then the assistor signs as assisting. So that's not an actual violation.

However, I would recommend that the county respondents be bound over for the failure to properly certify and handle the absentee ballots, and I recommend that Jeanette Jackson be bound over for the violations regarding improperly assisting, improperly possessed absentee ballots, and dealing with Delores Gerald.

In addition, after consultation with the Attorney General's office, I think it would be appropriate to refer the matter of the forged documents that were gathered under a subpoena to the District Attorney in Baker County to consider evidence of criminal violations regarding the documents that appear to be counterfeit or forged and were turned in.

So the recommendation is dismiss the last violation; bind over the county respondents for their failures to certify the ballots; bind over Ms. Jackson for her list of violations, with the exemption forwarding a copy of Ms. Jackson's report to the District Attorney for consideration of criminal prosecution.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wish speak? Yes, sir.

MR. COLEMAN: My name is Franklin Coleman. I'm with the law firm Perry & Walters in Albany, Georgia. Address is 212 North Westover Boulevard, Albany, 31707.

I'm here on behalf of the Baker County Board of Elections and the elections superintendent. I'm not here on behalf of Jeanette Jackson.

I would point out initially that in the findings and the information given to you by Mr. Harvey, it was indicated that the case, the investigation of this case was started because of a complaint, or a report, by some citizen that he had been paid, and they indicated that there was no evidence, or that no one had come forward about that.

There was an election contest filed just after this took place, just after this election, and there was a two-day trial and hearing in which -- let's see, one, two -- at least five, and perhaps a greater number of people, testified that they were given \$20; that they were given a bottle of gin; \$20 and a half-gallon of liquor and two beers; other things like that. One person was given \$25. I don't know why he got an extra five. But the evidence is there that it happened and these people testified under oath.

This then went to the supreme Court on appeal and the Supreme Court -- I should go back and say that the judge in this found that -- he did throw out the election and order a new election.

It then went to the Supreme Court on appeal, and the Supreme Court overturned it and let the election stand, but not because they determined no one was paid to vote. It was because there were not enough ballots to call the election into question.

So I don't know why. I mean, it may be just oversight, or what have you. But the transcript of this hearing is in the Supreme Court and the Superior Court down in Baker County and is easily accessible and the names of the people are on order right here from the Superior Court that said A, B, C testified under oath that they were paid \$20 to vote for a certain candidate. So I'm not sure why that was overlooked, but it is there.

I say that -- the county doesn't really have a dog in that fight. But, you know, this is the reason that . . . this is the reason that we are here because otherwise there wouldn't have been this complaint; we wouldn't have had this investigation. Certainly the county acknowledges the things that happened and the mistakes were made and accepting these absentee ballots did happen.

The first accusation is that two ballots were accepted that were not certified by -- well, I mean, at least one of those. I've gone and actually been through the box and looked at all the ballots. At least one of those, the certification mark was torn off the envelope. We have no way of knowing if it was torn off before or after.

There was a couple them where they said they didn't sign, that the voter didn't sign the absentee ballot. Well, at least one of those was a man by the name of Jaleel Assad. I don't know Mr. Assad, but he wrote on there "JA", and, you know, I'm guessing Mr. Assad meant for that to serve as his the nature. Whether it's insufficient or not, I don't know.

I say these things -- there are other similar things like that. For instance, they have accused the board of elections for accepting the absentee ballots without a street address, which they did do. All except for one, maybe two, had PO boxes listed.

Baker County, I don't know if any of you all have been to Baker County, but it is an extremely rural county. There is really no city in Baker County other than Newton, which is not as big as this building. So everyone in that county gets their mail at the PO box because some -- it's very -- land wise, acreage -- by acreage, or whatever you want to call it -- square miles; sorry -- it is enormous. But there are very few people actually in it.

And so people live -- you might live from one side of the county to the other and it would be 45 minutes away. And I know for those of you who live in Atlanta that's not a long trip. But in South Georgia, it's a pretty good ways.

So what I'm saying is they don't always get -- almost no one gets their mail at a mailbox at their house. They get it at a PO box at the -- they have little post offices in different sections of the county.

So to accept a ballot with the PO box is certainly a mistake. But it is very common for everyone's address to be a PO box.

I say that not as an excuse for this because it is in right there in the law and we understand that. But I'm saying that for the purpose just to demonstrate that there is no intent here and they were just simple mistakes that could be made by anybody.

There's, you know, there's one count of a person who didn't put his date of birth on the application or on the envelope of the absentee ballot. And that individual wrote the date that it was that he was voting on, I mean, whatever, August 12, 2012; I don't remember the exact date right off the top of my head. But the elections superintendent certainly should have caught that but it just was -- you know, slipped by.

So I don't know whether this board would consider a letter of reprimand or something like that to the county and Board of Elections. If you choose to bind over, we certainly accept that and would be looking forward to finding a way to resolve this matter.

But I do -- it would not be -- I don't -- I mentioned these other things with regard to the people being paid to vote because I just don't feel like this board can properly consider this without knowing everything. I don't know why it's -- again, I don't know why it's not included, but I wanted to bring that to your attention. Thank you.

SECRETARY KEMP: Thank you, Mr. Coleman. Any questions for Mr. Coleman?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you. Mr. Harvey, I know what Mr. Watson was saying about the violations of the county. The other vote buying violation, that's more of a criminal, correct?

MR. HARVEY: That is something we could look at. I was not aware of that testimony. If the board wants to return that issue to us we can certainly we go back and access those documents. I know -- what may have happened was that our investigation was done at the time before the election. And then if the election contest came later after the election, we could have just missed the events.

So if the board would like, we can certainly go back and look at the allegations of people being paid to vote because that is a violation of the election code and that is something this board could consider.

SECRETARY KEMP: Mr. McIver?

MR. MCIVER: Any evidence, Mr. Harvey, that the District Attorney in whatever circuit in which Baker County resides has taken any action with respect to paying for these ballots?

MR. HARVEY: I'm not aware of any criminal investigation outside of our investigation.

In speaking with people in Baker County, there seems to be a little bit of disbelief that a prosecution would go very far, for whatever reason. I don't know what the local politics are like. We have not been in contact with the DA as far as I'm aware, but we certainly could be.

SECRETARY KEMP: Anyone else wishing to speak?

MR. KING: My name is Maurice King. I'm an attorney in Albany, Georgia, and I represent Ms. Jackson. My mailing address is Post Office Box 72071, Albany, Georgia, and that's 31708-2071.

Basically, as I understand this, there are some allegations of vote buying and I don't know if they were made by someone who was with or against the Sheriff that eventually won the election.

You know, as I look at the charges against Ms. Jackson, if they were true, I think the election was won by 25 or less votes, I think. Don't quote me on that. And the Supreme Court did not even find that there were 25 votes at issue to even -- to uphold Superior Court Judge's decision to throw out those ballots.

It also seems to me if this was in 2012, this was a presidential year where the -- basically, where

the rules with regard to absentee ballots changed and I think with regard to the reasons also changed.

You know, I think you all referred something here recently down in Brooks County where there were maybe 10 or 11 black people who were basically charged with allegations such as this, and I think after two mistrials on maybe 25 counts there was an acquittal.

I tried a couple of years ago a case you referred against another black woman in Dooly County where there were 25 charges and they were acquitted.

It seems to me that when you start referring these type actions it always seems to be with regard to black people and also with regard to South Georgia. I'm not aware of any success with criminal prosecutions with regard to these cases. It seems to me that rather than referring black people for criminal prosecution with regard to these allegations, what you ought to try to do is to see if you could work it out with regard to the civil process that you have.

Basically, what you're going to have down in Baker County is a situation where you're going to have people who were for the Sheriff that won and people who were against the Sheriff that won. And what this basically is is a proxy fight between the opponents and the proponents of the people running for Sheriff, and I think you ought not to get into that, especially when it seems to me, based on what's going on in Brooks County and other counties in South Georgia, that the people you are referring for prosecution always just happen to be black. Thank you.

SECRETARY KEMP: Any --

MR. WORLEY: I'd like to say something regarding that.

I'm the Democratic member of this board, and, frankly, I think what you just said is insulting to every member of this board, Democratic and Republican.

We refer cases not because of the color of the skin of the particular person in front of us. We have referred -- I have been on this board for 10 years and I sat on more than 1,000 cases and we have always looked at the facts of the case and referred them based on the facts.

Now, I looked at this case and I see a nursing home operator who, it appears, has committed numerous violations of the law in getting people in her nursing home to vote for one candidate or another. I don't care which candidate it was and never care which candidate wins or loses.

The issue is not whether there are enough votes for us. The issue is not whether there are enough votes to call an election into question. The issue is whether there appears to be probable cause

that there was a violation of the law. To me, it appears that in this case there is plenty of probable cause that there was violation of the law and it should be referred to the Attorney General's office.

So this idea that we only refer cases because the respondents are African-American is just absurd and, again, insulting to every person here. You are wrong. It's not true if you look at the cases, and it's something I will tell you, Mr. King, that I, myself, am very, very sensitive to make sure that we do not do that.

We have tried to be -- I have tried to be extremely consistent in how respondents are treated in this forum for 10 years. Frankly, you are wrong and you do a disservice to the board. But more importantly, you do a disservice to your client. It's just a stupid argument to make.

MR. KING: Mr. Worley, I'm sorry you feel that way. But I'm in the trenches and I'm not going to let you or anybody else you tell me what I see.

(Overtalk)

MR. WORLEY: Have you seen every one of the thousand cases --

SECRETARY KEMP: Mr. King --

MR. WORLEY: that I have sat on in the last 10 years? Have you seen those cases? Can you testify to what happened in those cases; to the race of the respondent and how those cases were handled? Can you testify to that, yes or no?

MR. KING: You know, I don't --

MR. WORLEY: Yes or no?

(Overtalk)

SECRETARY KEMP: All right. Let -- hold on. Hold on.

MR. KING: You're not going to talk --

SECRETARY KEMP: Sir, sir -- now, let me tell you something. One other thing we pride ourselves on in this meeting is having civil conversations. So we're not going to start yelling at each other. I'm going to let everybody have their say, and we're going to go from there.

Mr. Worley, I'm going to let Mr. King finish and we'll continue our dialogue.

MR. KING: Let me say when it was pretty clear that Mr. Worley was attacking me, you didn't say anything to him. You know, I remember in 1996 when what you're talking about, a white nursing home operator I went to high school with did the same thing and nothing happened. Okay? So when I say what I'm saying, I'm saying it from being in the trenches actually dealing with these type cases. Whether you think that is true or not, I don't know. I don't see a black person's perspective on this board who might look at it a little bit different than you do, Mr. Worley.

And by the way, I voted Democrat every time I voted and I've never voted for one Republican. So your being a Democrat and saying that to me means nothing to me.

All I'm trying to say is down in South Georgia you have a case in Brooks County where I don't know how much money y'all have wasted in two mistrials, and then an acquittal, and you still got, what, nine, 10, 11 more black people to go.

I mean, you're not going to win these type cases in those circumstances, regardless of what you think, if people think you're being unfair.

MR. WILLARD: Mr. Chairman?

SECRETARY KEMP: Yes, sir.

MR. WILLARD: Can I address one issue, and I believe we may have started to tie some issues together.

Mr. King was objecting to the recommendation by the staff that one element of these charges be referred for criminal prosecution. Mr. King, you and I have litigated against each other. I would like to think that you thought I had been fair in my past dealings with you.

I will say that Mr. Harvey makes that recommendation after consultation with me. We are not referring any of the quote, unquote election violations to the District Attorney. What we are referring, or what is recommended being referred to the District Attorney is when Mr. Harvey's office issued a subpoena to Ms. Jackson, we have evidence that she falsely responded to that subpoena. And when you have allegations that someone was manufacturing evidence and falsifying evidence in response to a lawful subpoena, we felt that warranted a recommendation to the board that that charge and that charge alone be referred to the local prosecutor.

MR. KING: Well, I'm sort of puzzled by that because in your report you said that she was

represented by counsel and she didn't say anything and there was a subpoena. And I don't know -- I didn't represent her then -- I don't know if that came before or after she was represented by counsel.

SECRETARY KEMP: Mr. Worley, anything else?

MR. WORLEY: I just want Mr. King to tell me whether or not he's been here for each of the thousand cases that have --

SECRETARY KEMP: Well, let me just --

MR. WORLEY: Can you just answer that yes or no?

MR. KING: No, I have not. But let me ask you have you ever tried a case --

SECRETARY KEMP: Mr. King, I'd rather just stay on the case at hand. Y'all can argue, yourselves, after we're done on Brooks County and any other cases we have out there.

Do we have any other questions for Mr. King regarding this specific case and his client, Ms. Jackson?

(Whereupon, there was no response)

SECRETARY KEMP: Mr. King, anything else for us?

MR. KING: No. I just ask Mr. Worley will you spend a million dollars of taxpayer money trying to get convictions in this case and the cases down in Brooks County?

MR. WORLEY: I think we all need to be clear about what this board does. This board does not decide which of these cases need to be prosecuted. We decide whether there is enough evidence for probable cause to look at that issue and we refer it on to the appropriate authorities, either to the Attorney General or the local District Attorney. We are not the ones who make the decision whether those cases should be prosecuted or not. We merely decide if there is probable cause.

MR. KING: Well, let me do this. This case has gone to Superior Court which means -- I mean, 2012, it's two years old. Don't you think by now that the District Attorney in Baker County knows about it, and if the District Attorney in Baker County wanted to prosecute the case he could have by now?

MR. WORLEY: I don't know the answer to that question, but I know there are civil charges

that we deal with that we refer over that never get to the District Attorneys, that get to an administrative law judge.

MR. KING: And I understand. And as Mr. Willard said -- and we have dealt with many of these cases before -- basically, what I'm at is this criminal referral. When you talk about a DA for a case that had an election contest where the Sheriff was probably in the courtroom, and then you went all the way up to the Supreme Court of Georgia and you got a reversal and you're still talking about criminal charges two years later.

So if any criminal charges were to come now, you can't tell me this board would not have anything to do with it because if the DA wanted to do it, he could've did it two years ago?

MR. WORLEY: And so what's the harm in our referring it to the District Attorney who's going to make that ultimate decision?

MR. KING: But aren't you making that decision?

MR. WORLEY: No. It's the District Attorney who makes the decision.

MR. KING: It seems to me the DA has made his decision by not doing anything for two years.

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

(Whereupon, there was no response)

SECRETARY KEMP: Thank you, Mr. King. Anyone else?

(Whereupon, there was no response)

SECRETARY KEMP: Any other questions for Mr. Harvey?

MS. SULLIVAN: Mr. Harvey, could you please restate your recommendation in this case.

MR. HARVEY: Recommendation is that the county election officials be bound over to the AG's office for failure to properly process the absentee ballots; that Ms. Jeanette Jackson be bound over to the AG's office for the election absentee ballot issues; and that the issue of the production of counterfeit documents be referred to the District Attorney for consideration of criminal prosecution.

At this point, I would be willing to accept the case back from the board if the board would like us

to look at the issue of people's testimony regarding paying for -- we can keep that case and review that if the board is of a mind.

SECRETARY KEMP: Any other questions, comments, discussion, motions?

MR. WORLEY: I make a motion that we adopt Mr. Harvey's recommendation.

SECRETARY KEMP: We have a motion to bind over the respondents and also look into the other allegations.

MR. WILLARD: Is there also a component of referral to the local DA on the response to subpoena issue, Mr. Chairman?

MR. WORLEY: Well, that's what Mr. Harvey recommended.

SECRETARY KEMP: Right. Mr. Willard, why don't you lay out the -- what exactly we're doing here with Mr. Worley's motion.

MR. WILLARD: Mr. Chairman and any board member, correct me if I'm mistaken. I believe Mr. Worley's motion is that Ms. Jackson be bound over on all the charges except for the O.C.G.A. 21-2-560, making false statement in response to subpoena; that Baker County Board of Elections and Registration and Melissa Watson be bound over on all the violations listed in the complaint except for the O.C.G.A. 21-2-381(a)(1)(c) violation regarding a ballots; that Ms. Jackson be referred to Baker County District Attorney's Office in regard to the violation of O.C.G.A. 21-2-560.

MR. WORLEY: And that Mr. Harvey look into the issues of the payment for votes.

MR. HARVEY: Correct.

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

MS. SULLIVAN: Second.

SECRETARY KEMP: We have a second by Ms. Sullivan. Any other discussion? Let me just make sure there was no one else wishing to speak on this matter, correct? Make sure we didn't miss anybody.

MR. WORLEY: I would just like to make one point relating to referring over Baker County.

It seems to me the allegations here against Ms. Jackson are very serious, but it seems like many of them would not have been able to have been done without Baker County falling down on its job.

So I think the charges against them are equally serious and they should be bound over.

SECRETARY KEMP: 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.

It's a little after 12. Mr. Willard, do we need to have executive session for any legal matters?

MR. WILLARD: No, Mr. Secretary.

SECRETARY KEMP: Being that we don't need to go into executive session, we'll break for lunch and come back at 1:00 sharp.

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(Whereupon, the proceedings were in recess)

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SECRETARY KEMP: Welcome back, everybody. I think we are all ready to go. We will convene reconvene the meeting.

The first case, Mr. Harvey, is going to be 2012, 111, Meriwether County; number 34 in our binders.

MR. HARVEY: This case involved allegations that a nomination petition was not properly circulated, was not signed, and was not properly documented.

A petition was -- a nomination petition was circulated for a candidate and it was ultimately rejected by the election officials and a complainant alleged that there were forgeries and other irregularities with it.

The GBI actually investigated this and consulted with the DA's office and decided there was no evidence of any type of criminal action. However, they and we did find some problems.

The first was that of the signers, 51 of the signers were not registered to vote. One of the requirements to sign a nomination petition is be a registered voter in the county where one signed the petition.

We interviewed a number of those people, I think nine individuals we were able to contact, and they all essentially said we didn't know we had to be registered voters in order to sign the petition.

Thirty-eight signatures were rejected for not matching the voter registration applications. We ended up interviewing 13 of these individuals and found out that six of the signatures that were actually rejected were valid signatures of the people identified. Seven of the people acknowledged signing for family members.

So a petitioner would come to a door and the husbands would sign and say, "I'm going to sign for my wife too because I know she supports this guy." So he would sign his wife's name or cousin's name, or something along those lines. There were 19 circulators of the petition.

Like I said, at the end of the day, the GBI and the DA's office looked at it. They determined that although there were some technical problems, there was no real criminal intent.

Currently we have 51 individuals cited for basically unqualified signing of a petition. I would point out that one individual who is listed is named Victor Tuszyqski; I think he's in the third column. He actually -- I spoke with him -- he actually is registered to vote. He should be dismissed. So Victor Tuszyqski should be dismissed as one of the 51 people who are cited for unqualified signing.

I would recommend that those 50 individuals receive letters of instruction from our office pointing out the need that before they sign a petition they meet the legal requirements. We've got nine individuals cited for failing to properly verify that all the signers signed their own names. These are petitioners who allowed a husband to sign a wife's name, wife to sign their husband's names. And we've got eight people cited for signing somebody's name other than their own to the petition.

So nine cited for failure to properly verify that all signers only signed their own names; eight cited for individuals who signed, in most cases, a family member's name.

And, again, my recommendation would be to issue a letter of instruction for the 50 unqualified signers minus Victor Tuszyqski. And then for the nine who failed to properly verify that all signers signed their own names and for the eight cited for signing other people's names, I recommend both groups be bound over to the AG's office.

SECRETARY KEMP: Any questions for Mr. Harvey?

MR. WORLEY: I had some questions, Mr. Secretary.

Is there any requirement -- first of all, did the petition that these people signed indicate on it that they needed to be electors?

MR. HARVEY: I believe it did; yes, sir.

MR. WORLEY: And is that a requirement that the petitions need to let people know they to be electors before signing them? Is that a statutory requirement?

MR. HARVEY: The wording of the petition says each of the undersigned petitioners hereby declares that he or she is a qualified and registered elector in the State of Georgia.

What was your second question?

MR. WORLEY: The second question is, is that a requirement for the petitions to have that language?

MR. HARVEY: Yes, sir. If it's not -- if somebody is not qualified, the signature doesn't count.

SECRETARY KEMP: Any other questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone here to speak on this case? Yes, ma'am. Come on up. Just give us your name and address for the record.

MS. JONES: My name is Nancy Jones, 1062 Stribling Road, Woodberry, Georgia 30293.

As an elected official, I feel it is my duty to be here today to let you know that I did sign my husband's name who is standing to my left. I have signed his name on many documents and did not even think twice. We've been married 47 years.

I did not read or know the election law. Lack of knowledge is probably no excuse, but in no way was there any malfeasance or anything malicious or that was intentionally illegal done wrong.

This had been discussed between him husband and I and when the petition was brought before me, I signed his name without a second thought.

I am sorry for what I've done, but I can tell you I've signed his name many times in 47 years.

SECRETARY KEMP: Thank you Ms. Jones. Any questions for Ms. Jones? I appreciate you taking the time to come and explain that to us today.

MR. MCIVER: I have a question.

SECRETARY KEMP: Mr. McIver.

MR. MCIVER: What office do you hold, Ms. Jones?

MS. JONES: I am chairman of the Meriwether Board of Commissioners and up for re-election this term.

MR. MCIVER: Well, good luck.

MR. JONES: Thank you.

SECRETARY KEMP: All right. Thank you ma'am. Anyone else wishing to speak on this matter? Yes, sir. Come on up and make your way to the front.

MR. CARTER HUDSON: My name is Carter Hudson. My address is 789 Hudson Road, Manchester, Georgia.

Whether there was an intent to cause fraud or not, I'm not sure. But the acting chair's brother, who is also assistant vice-chairman of the county commissioners, called the Sheriff -- and this is all on tape -- telling the Sheriff to go over and get the signatures of the commissioners while they're over there.

So my understanding, and I wasn't there -- this is what I heard went on -- is the Sheriff actually

gave the petition to Mrs. Jones and he witnessed her sign her name and her husband's name; gave it to another commissioner, had him sign his name and his wife's name.

Now, if that's against the law, the acting chair, in my opinion, committed fraud also. And if it was probable cause, which I believe it is, then I think it should be turned over to the DA. Like he said, the GBI investigated and Pete Skandalakis did.

Pete said he didn't think it was serious enough fraud to prosecute. How serious does have to get? Either it's right or it's wrong.

That's what I had to say. Thank you.

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

(Whereupon, there was no response)

SECRETARY KEMP: All right. Yes, sir.

MR. CHARLES HUDSON: My name is Charles Hudson of Hudson Farm, 1680 Riley Road, Manchester, Georgia 31816.

My family has lived, or does live, in the county for seven generations and I'm appalled at the corruption of what's been going on lately in our county government.

Actually, the tape that he referred to was from Larry Whitlock. Larry Whitlock, the commissioner, is an ex-GBI employee so he should know the law. He called his brother Steve on this tape recording and said, "Bring some of those petitions to the commissioner's office. Nancy is here and she'll sign for her and Gary," which is her husband.

This evidence was given to the DA and his comment, like Carter says, in the paper was this is serious enough of a felony for me to prosecute.

Then a year-and-a-half later, the same DA, Pete Skandalakis, came before the county commissioners, not with his hat in hand, but demanding that they subsidize his office an extra 150- to \$200,000. Well, you know, that is the same three commissioners that he refused to prosecute.

They also, not only did they do that, they left petitions at liquor stores and convenience stores unattended, and then Sheriff deputies who worked for Steve Whitlock, former Sherriff, signed on the back of those petitions swearing he saw everyone on those petition sign it. And when law

enforcement will willingly and openly easily lie as much as they did, which the courts and everybody else takes law enforcement's word before they would mine, you know, it's appalling and something ought to be done about it. Thank you.

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

(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, motions?

(Whereupon, there was no response)

SECRETARY KEMP: We have a big group of folks we're dealing and two different recommendations. Mr. McIver.

MR. MCIVER: Mr. Harvey, I'm not finding on this list the individual you said we should dismiss.

MR. HARVEY: In Violations, it's the third column about halfway down; first name Victor, and then the last name begins with a "T."

MR. MCIVER: So it's your recommendation that this individual should be dismissed?

MR. HARVEY: Correct. He is a registered voter. I don't know how that happened.

MR. MCIVER: Everyone else should be bound over?

MR. HARVEY: Correct. Letter of instruction for the first 50.

SECRETARY KEMP: So if we want to vote on these separately, we could do that, Mr. McIver, if you're ready.

MR. MCIVER: I would move that -- I'm sure I'll mispronounce the last name -- but Victor Tuszyqski dismissed. I'll make that a single motion.

SECRETARY KEMP: We've got a motion by Mr. McIver to dismiss Victor, last name is T-U-S-Z-Y-Q-S-K-I.

MR. WORLEY: I'd second that.

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

(Whereupon, there was no response)

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

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. We have dismissed him.

MR. MCIVER: I don't know how to refer to this next section, those that you want subject to a letter of instruction.

SECRETARY KEMP: That'll be the rest of those.

MR. MCIVER: Did you want me to read them off?

SECRETARY KEMP: No. You can just make a motion.

MR. MCIVER: Well, I'll move that the remainder of the individuals who appear in this list from which Mr. Tuszyqski's name came be issued a letter of instruction.

MR. WORLEY: I will second that.

SECRETARY KEMP: All right. We've got a motion and a second to issue letters of instruction to the 50 individuals that are in the report that signed the nominating petitions and weren't duly qualified and registered voters.

MR. WILLARD: Mr. Chairman, for clarification of the minutes those would be the 50 individuals who were signatories to the petition who were not duly registered and qualified to

vote in Meriwether County.

SECRETARY KEMP: That's right.

MR. MCIVER: The first of which is Theresa Peterson, and the last Paula Dooly.

SECRETARY KEMP: Very good. 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 nine individuals left regarding petition circulators, and we have the eight that signed somebody else's name.

MR. WORLEY: I would make a motion that we bind over the remaining persons in the report who violated O.C.G.A. 21-2-163(b)(1) and (2) and O.C.G.A. 21-2-563(5) to the Attorney General's office.

SECRETARY KEMP: So that motion would include all 17 remaining people?

MR. WORLEY: Yes.

SECRETARY KEMP: We have a motion to bind over the other 17 respondents. Do we have a second?

MR. MCIVER: Second.

SECRETARY KEMP: 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.

That's it, isn't it, Mr. Harvey?

MR. HARVEY: That's correct.

SECRETARY KEMP: All right. We're going to move to 2012, 112, Dodge County case; number 35 in our binders.

MR. HARVEY: This case had allegations of illegal campaigning going on at polling places and family members of candidates were working at the polls, and allegations that voters were improperly moved in districts before the election.

We investigated all those allegations and found nothing to substantiate that.

In the course of our investigation as we were going through the paperwork, we did find that two poll workers did not sign their oaths after being sworn in on election day.

I recommend this case be resolved with letters of instruction to the respondents to make sure they signed their oaths and the case be resolved that way.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, we have a recommendation for two letters of instruction. Anyone else wish to speak? Yes, sir.

MR. DENNIS: My name is Charles Dennis. I'm at 1043 Log Cabin Road, Eastman, Georgia. Thank you for letting me come up here and speak you on this particular incident.

I was involved in this because I was one of the candidates running and I was the one that made

the complaint about the districts, how people were moved around during or just before this election in the precincts. There was no justification.

In Dodge County we have 16 precincts. And for such a small county population-wise, that's a lot of precincts. For years people have wanted them reduced, by nobody can do anything about it.

Well, these people that were moved, some of them live right on the outskirts of town. They had to drive right by our courthouse, which is the Lee voting precinct, one-quarter mile up the 5 miles. You drive right by the courthouse to go to a precinct that was called Rawlins Precinct. It was seven miles further out in the country, out in nowhere.

Now, Lee Precinct is a nice big courthouse and has about six to eight machines for voters. Out at Rawlins, they usually carry about two machines, and the actual precinct is about as big as an outhouse. It's got less room than this room right here for parking.

During that election, as I was campaigning around the edge of town and everything, and these people were being moved, I was recognizing person after person who said, I'm not going to vote this time. I says, why? Well, we've been moved out to a different precinct and we've got to drive way out there and we don't even know where this precinct is; it's lost out in the country. It's just about lost. It's not close anything; no towns, no nothing.

And another person would say, well, I guess I'm going to have to drive out there and vote because I don't trust this; I don't that. You'd hear all these stories.

But as I was going around I was getting this story from a lot of people. So I compared voting lists from the previous election against this election. It came up almost 100 people were moved from right around the edge of town seven miles out into the country.

I went to him and to Ms. Grimes, she's the chairman of the board of elections, I said, "Ms. Grimes, these people are complaining that they're being moved this year; this year, right now." "Oh, they don't know what they're talking about," was exactly her answer. "They've been voting out there all the time but they've been early voting and just didn't know anything about it."

So I'm a candidate running for office and she's telling me this.

Well, I go over to the supervisor of elections, John Kelly, whose office was right across from her office. I said what's the story on all these people getting move from this precinct to another precinct? He told me, he says, "Oh, that was a mistake and we're just getting around to correcting it." Well, how long has it been since this is going on? How long has it been going

on? He says, "Well, we redistrict back in 2006."

Here it is 2012, six years later, and they made a mistake of 100 people, which in our county is a lot of voters.

Well, I got to checking even further. On the other side of town in someone else's district, they were doing the same thing. They were moving people to Chauncey who were voting there (unintelligible). So I don't know how many people in that district got moved.

The gentleman I was running against, you mentioned about relatives, it wasn't a relative running their precinct, it's his sister sitting on the Board of Elections. I don't know if anything is wrong with that, but it's his own sister sitting on the Board of Elections and he's already a county commissioner and she is the city manager. And I just don't think that was right because he had an inside track anyway over anybody running against him.

But I'd like for you all to consider what I say and thank you for letting me speak.

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

(Whereupon, there was no response)

SECRETARY KEMP: Thank you for your time here. Anyone else wish to speak on this matter?

(Whereupon, there was no response) Any discussion.

SECRETARY KEMP: Any discussion from the board?

(Whereupon, there was no response)

SECRETARY KEMP: That recommendation, Mr. Harvey, was letters instructions to the two poll workers?

MR. HARVEY: Correct.

SECRETARY KEMP: Which of the four respondents are we --

MR. HARVEY: Margie May and Christine Graham.

SECRETARY KEMP: And the other respondents there are no violation.

MR. HARVEY: The elections superintendent Kelly and Melvin Graham, who is the chief manager. So the four are John Kelly, Melvin Graham, Christine Graham, and Margie May.

SECRETARY KEMP: So letters to all of them?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: Mr. Kelly has resigned, correct?

MR. HARVEY: Correct.

SECRETARY KEMP: So would that letter be to the new superintendent or the board, or how do we do that?

MR. HARVEY: I think it would still go to Mr. Kelly since it happened while he was there. Maybe a copy sent to the new elections superintendent just so they're aware of the issue.

SECRETARY KEMP: Okay. Any other questions or discussion or anyone else wishing to speak?

(Whereupon, there was no response)

SECRETARY KEMP: Do we have a motion.

MR. WORLEY: I make a motion we send a letter of instruction to the poll managers.

SECRETARY KEMP: That includes all four respondents, Mr. Worley?

MR. WORLEY: Yes.

SECRETARY KEMP: We have a motion to send letters of instruction to all four respondents. 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.

SECRETARY KEMP: Mr. Harvey, we've got Talbot County.

MR. HARVEY: This case also, unfortunately, has a respondent who is deceased. Ms. Pinkston, the elections supervisor in Talbot County passed away earlier this year, so she should not be considered a respondent.

The allegation in this case were the absentee ballot issues including improper handling, improper distributing, improper voting, and counting of absentee ballots.

Our investigation found that there was no improper mishandling or improper tabulation of absentee ballots by election officials with the exception of two individuals who illegally possessed absentee ballots, Fannie Heath and Alfreda Benning.

Ms. Heath possessed two absentee ballots; Ms. Benning possessed one absentee ballot; and the Talbot County board of elections accepted 51 ballots -- absentee ballots that did not have residential addresses, or in three cases, didn't have any address as required by the code. So they accepted those when those ballots should have been rejected.

As far as the possession goes, it appears that Ms. Heath and Ms. Benning were really more interested in assisting individuals rather than -- there is no indication they worked for any campaign or any type of organized group. They just took possession of the ballots to send them for other people.

Nevertheless, I would recommend that Ms. Heath, Ms. Benning, and the Talbot County board of elections be bound over to the AG's office.

SECRETARY KEMP: So in that recommendation you have all the board members listed, correct?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak on this matter? Yes ma'am.

MS. HOWARD: My name is Marjorie Howard. I am the new elections supervisor for Talbot County. Our address is 141 North Jefferson in Talbotton, and it's 31827.

I became aware of this when I received a letter intended for Cheyenne, and I wanted to come today because I just wanted to state that she did address what was a training issue shortly after this incident occurred. She had her chief registrar go through some intense training and it's still going on under my watch in terms of how absentee ballots should be handled.

Our circumstances were in Talbot County, being we're a very rural county also, most people didn't even have a physical address until our code red emergency system came into play, and at that point they were assigned physical addresses, and some of them even to this day don't know what it is. We have to look it up with they come to the office.

But it has been addressed, and I found details about this by going through Cheyenne's files when I moved into the office. I saw where each one of the, like, two of the ladies are no longer board members. Ms. Kathy (Unintelligible) resigned shortly after. (Unintelligible) Willis is also not a board member anymore.

But each one of them have written letters stating exactly what happened and how they had verified the identification; they verified signatures to make sure that the voter was who they identified themselves to be. But that was where the confusion came in in terms of them being so accustomed to being able to use those PO boxes that it was a major issue.

I brought a copy of Cheyenne's letter. Is it okay if I read it because she did talk about how she addressed this.

SECRETARY KEMP: You can just submit that and we can look at it.

MS. HOWARD: I think it would have gone to a Mr. Touchton, J. Touchton is who it looks like the letter went to.

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

MR. WORLEY: So moved.

MR. MCIVER: 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. HOWARD: That was written in 2013 after the investigation was completed because during that time there were over 697 absentee ballots that were handled and she talked about the ones that PO boxes and the three that came in and did not have any physical address on them.

But at the bottom of that she does talk about how they had an intense training that was done by Ms. Robinson, the registrar, to be able to address that issue. And I, myself, that's been something we have constantly already been training on for this forthcoming election.

SECRETARY KEMP: Any questions for Ms. Howard? Ms. Howard, do you feel confident this issue is resolved and people understand what they need to do now and we're not going to see you or anybody else here again in regard to this matter?

MS. HOWARD: I feel very confident about it. This is my first time coming and I like you all, but --

SECRETARY KEMP: We're glad to have you.
No questions. Thank you, Ms. Howard.

Anyone else wish to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Any other discussion by the board after you've had a chance to see the letter?

(Whereupon, there was no response)

SECRETARY KEMP: Any recommendations or further discussion?

MR. WORLEY: Mr. Harvey, the two persons who were accused of unlawfully possessing the ballots, they each handled only one ballot, or ballots for their relatives?

MR. HARVEY: One handled two, and one handled one.

MR. WORLEY: Okay. And they were for what they considered distant cousins but not someone who falls within the statute?

MR. HARVEY: Correct.

MR. WORLEY: I make a motion we send a letter of instruction to the Talbot County Board of Elections and Registration and also Fannie, aka, Peggy Heath and Alfreda Benning.

MS. SULLIVAN: 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 and we will issue letters.

All right. Mr. Harvey, we've got Dougherty County, 2012, 202; number 37 in our binders.

MR. HARVEY: This is a other nomination petition case a little bit similar to Meriwether County but not exactly.

In this case the candidate was trying to nominated via petition and when they did their nomination petition, they apparently just -- for lack of a better term -- they just sort of decided to wing it with the petitions. They didn't follow the statutory requirements for the petitions, themselves. They didn't have the proper labeling; they didn't have the proper documentation; they didn't have the backing where the circulator would sign the petition.

It turned out that the petition was rejected. They didn't get enough signature. We did not have the issue with allegations of people -- all the same issues with people signing improperly. Most

of the issues were with the circulators that improperly circulated the additions.

So it is my recommendation, with one exception that I will make, all of the circulators listed, and I believe there are 34 of them, and the candidate be issued letters of instruction regarding the proper circulation of the nomination petition.

One of the circulators, Mr. Teron Hayes, contacted our office after getting the letter and he said he never circulated a petition. He said somebody must have forged his name on five petitions that he's listed as circulator.

So I would ask that the board let us keep that part of the case and begin an investigation to see if we can determine who, if anyone, forged Mr. Hayes's name and resolve the rest of the respondents with a letter of instruction regarding the proper circulation of a nomination petition.

SECRETARY KEMP: Any questions for Mr. Harvey?

MR. WORLEY: Mr. Harvey, essentially the problem with these petitions was that the format was not correct?

MR. HARVEY: Largely, yes, sir. On the petitions, you've got to have a number. They don't have numbers. On the back of the petition, you've got to have a place for the circulator to sign.

I've got a sample here. You can see they've got original petitions, and then the backing is a separate piece of paper. And then when they copied them, they apparently got all mixed up. So there is no way to tie, which is why (unintelligible) one piece of paper, I think.

But that is essentially the problem. They did not have enough signatures at any rate to satisfy the petition requirements.

SECRETARY KEMP: So we've got -- Clinton Johnson was a commissioner or candidate or both?

MR. HARVEY: He was one of the circulators. I don't recall off the top of my head if he were was commissioner or a candidate. But he was one of the more prolific circulators of the petition. He claimed to have circulated a lot of petitions in a very short time, which he may have.

SECRETARY KEMP: And then we've got Rev. Lorenzo Heard.

MR. HARVEY: He was the actual candidate. But I believe Mr. Johnson may have been a city commissioner or elected official at the time.

SECRETARY KEMP: Any other questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wish to speak? Yes, sir.

REV. HEARD: Good day. My name is Lorenzo Heard. My address is 1210 Netherland Lane, Albany, Georgia 31705.

I have been in Albany for 21 years and I've pastured the same church for the last 21 years. I've been preaching for 34 years, pasturing a total of 31; at this church for 21.

I've got an ethical career. I've served my community. I've been a committed voter since 17. I attended Morehouse and drove back to Leesburg, Georgia every election because that's what I was taught by my great-grandmother, my grandparents, by my parents, and my family. I am a civic worker. Our church is extremely involved in our community.

The people who worked on the campaign were all honorable people. Some of them I knew; some of them I did not know. Some people saw the need to help, saw what our church and what I've done over the last 21 years. There were people in law enforcement; there were people -- chief of probation; there were teachers and principals; they were pastors. And all those people worked hard because they believed in me and they believed that I would have brought great value to the Dougherty County school board.

As I said to people when I ran, the only reason I was running was because I felt our community needed better representation. The real truth is our church and our outreach have probably, with furloughing, have hired more than 75 to 110 teachers to help them keep their income up through after school programs and summer camps that have been going on for 21 years: three sites of after school and three sites of summer camp.

So I ran. The powers that be did not want me, and that was fine. But I wanted to give my community a better option.

No one I know tried to do anything illegal or anything immoral or anything unethical. He is right. We didn't number the petitions, but we were not given some documentation to say number every petition. If we had known, we would have numbered every petition if we had known that.

They said -- we were told later we didn't photocopy the State emblem or something. Maybe Dougherty County should have given us a sheet to say this is how you do it. If they had given us

a sheet to explain steps one, two, and three -- I think initially we ran off some copies and we did them on letter. And then we had some on legal. If we had known to keep them all on legal, we would have done that.

There was never any interest in doing anything dishonest. I had parishioners young and old, retired teachers and all, who believed.

We did our best. We ran as hard as we could. As I told them, the position is \$250 a month. I wasn't running because I needed the money; \$250 certainly wasn't going to help my income. But I did it because I love the kids.

So I'm here today.

SECRETARY KEMP: Thank you, Reverend. We appreciate you being here. Any questions? Mr. McIver.

MR. MCIVER: Do you intend to run again?

Couldn't he man Lorenzo. There is a good chance.

REV. HEARD: There is a good chance. If I believe that the community needs me, I will. I don't have the time; didn't have the time them. But I can't say I'll never run again. I was always taught to give all you've got to make your community better.

So if it becomes what our community feels like they need me to do to help make our community better, then I will.

MR. MCIVER: Then let me ask a follow-up question. I'm going to assume your answer is partially yes.

To the extent you now or far more aware of our rules and requirements of the law in this area, can this board rest assured if you were to run again we would not have this before us?

REV. HEARD: Absolutely. I never intend to run as a write-in candidate again. So, absolutely, any errors were out of ignorance, never out of dishonesty or deception. And you're absolutely correct that we'll make sure if I ever had to do it this way again that we would make sure that we get every letter of the law whether it be reaching beyond the Dougherty County voter registration to Atlanta, or wherever, we would absolutely do that. Yes, sir.

SECRETARY KEMP: Anything else for Rev. Heard?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you for being here, Reverend.

REV. HEARD: Thank you, sir.

SECRETARY KEMP: Anyone else wish to speak? Yes, sir.

REV. JONES: My name is Rev. A.J. Jones, and my address is 1336 Route 1, Rochelle, Georgia.

What you've heard from today is my best friend and colleague. I'm a Methodist preacher; he's a Baptist preacher for over 30 years and he's been a man of integrity all of our relationship.

If you could see what happens -- East Albany is a poverty belt where his educational program are giving young people a hand up, and in our culture, you know you can't make it in this world without education. They spend a lot of money in their outreach programs. And if you could see his affordable housing project that's over millions and millions of dollars, and the work that he do to help the poor, you would better understand the advocate for children who stood here today.

I hope that you understand and take this with some level of integrity and understand the man that just spoke. Thank you just so much.

SECRETARY KEMP: Thank you for being here today, Rev. Jones. We appreciate that. Anyone have a question for Rev. Jones?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak?

(Whereupon, there was no response)

SECRETARY KEMP: Mr. Harvey, what was the recommendation, again?

MR. HARVEY: Recommendation was letters of instruction to everyone with the exception of Teron Hayes who is claiming to be the victim of forgery and we would like to follow-up on that. But everybody else would receive a letter of instruction.

SECRETARY KEMP: Anyone else wishing to speak?

(Whereupon, there was no response)

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

MS. SULLIVAN: I'll make a motion. As these violations all relate to (unintelligible), it seems the most appropriate sanction would be for the petitions to be rejected, which it was in this case. So I would make a motion that we dismiss this case.

MR. WORLEY: I would second that.

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

(Whereupon, there was no response)

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

SECRETARY KEMP: Aye.

MR. WORLEY: Aye.

MS. SULLIVAN: Aye.

SECRETARY KEMP: All opposed, same sign.

MR. MCIVER: Aye.

SECRETARY KEMP: That motion carries. So we have dismissed this case. Thank y'all for being here today.

Mr. Harvey, we're moving back, I believe, if I'm correct, to case number 2011 number 91, City of Lithonia.

MR. HARVEY: That's correct. The allegations in this case were that the municipal governing authority did not call for a special election, and that non-city residents voted and a non-city resident was elected to city council, and the elector's list was not reviewed by the city.

What the investigation revealed was that the -- there was no apparent call for a special election by the municipal governing authority. However, the election went forth, anyway. The city

contracted with DeKalb County to run the election.

There was a candidate who was living in -- registered to vote at a property that was partially within the city and partially within the county. I had been believed for years that was a city address. The landowner had been paying city taxes the entire time.

After the election it was determined that the county line went through the property and it was mostly in the county, and not in the city, although nobody really knew that prior to the election.

The call for election was published six days late, and I recommend that the city and the mayor, the then-mayor, be bound over to the Attorney General's office for failing to call for a special election. And then the city did not have and did not provide current and accurate maps to the county for their districting purposes.

Hopefully with binding it over, the city and county can make sure they are on the same page and prevent problems in the future.

SECRETARY KEMP: Any questions for Mr. Harvey? Mr. McIver.

MR. MCIVER: Is Tanya Peterson the current mayor?

MR. HARVEY: I do not know. They were the Mayor report was written.

MR. WORLEY: Under our rules, is the proper respondent the currently elected mayor.

MR. HARVEY: The way I believe we've done it in the past is whoever was in the position at the time the violation occurred would be the proper respondent. We could certainly copy the current mayor so they are aware of what's going on.

SECRETARY KEMP: We're binding the city over, too, correct?

MR. HARVEY: Correct.

MR. MCIVER: The recommendation is the former mayor and the city?

MR. HARVEY: That's correct.

SECRETARY KEMP: Anyone else wishing to speak?

(Whereupon, there was no response)

SECRETARY KEMP: Any discussions or a motion?

MR. MCIVER: I move consistent with the recommendation of Mr. Harvey that this matter be bound over and that covers both former Mayor Tanya Peterson and the City of Lithonia.

SECRETARY KEMP: We have a motion to bind over those two. Is there a second?

MR. WORLEY: Second.

SECRETARY KEMP: 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.

Mr. Harvey, 2012 number 73; number 24 in our binders.

MR. HARVEY: Clarence Johnson was a candidate for Superior Court judge. When he filed his candidacy affidavit in May of 2012, he stated he was not at fault on federal or state taxes.

At the time he filed his application, his candidacy affidavit, he was involved in a payment plan with the IRS for federal taxes. However, he had not yet entered into a similar agreement with the Georgia Department of Revenue.

Subsequent to filing his candidacy affidavit, he did enter into a payment plan with the Georgia Department of Revenue. He was challenged as a candidate, and because he had corrected the deficit, he was qualified as a candidate. He went on to face election and don't believe he was successful.

But we have him cited for the inaccurate information on his candidacy affidavit. Like I said, he did resolve it very shortly after filing his candidacy affidavit and I would recommend this case, if

anything, be issued a letter of instruction, or possibly be dismissed at the pleasure of the board.

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: One hearing none, do we have a motion?

MR. MCIVER: I move that a letter of instruction be issued to Mr. Clarence Johnson consistent with the recommendation of the investigator.

SECRETARY KEMP: We have a motion for a letter of instruction, and I will 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, 2012, 77, Fulton County.

MR. HARVEY: This is a classic case of a voter going in to vote and taking a photograph of his ballot at the DRE in the photo booth and posting it on Facebook.

Consistent with the previous practice of the board -- this is a first-time offense -- I recommend that he be issued a letter of instruction.

SECRETARY KEMP: Questions for Mr. Harvey?

(Whereupon, there was no response)

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

(Whereupon, there was no response)

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

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

MR. WORLEY: Second.

SECRETARY KEMP: Ms. Sullivan moves, Mr. Worley seconds for a letter of instruction. 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. I call case number 2012 number 80. It's the Floyd County case, number 28 in our binders.

MR. HARVEY: This case has two components to it. Again, it's like the Fulton County case.

A voter admitted taking a photograph of the DRE, but claimed ignorant of the prohibition.

I recommend he get a letter of instruction.

The elections superintendent, however, acknowledged that the DRE's where the voters were casting votes was across the hall from where they checked in and there was nobody actually monitoring or viewing the DRE's.

So I recommend that Floyd County Board of Elections be bound over on the failure to monitor DRE's while voting was taking place, and that a letter of instruction be issued to the voter who photographed the DRE.

MR. WORLEY: I just want to be clear, Mr. Harvey. The people checked in in one area, then they went across the hall to a different room where the machines were?

MR. HARVEY: Correct.

MR. WORLEY: And there would be more than one person in there at a time.

MR. HARVEY: There could be. There were multiple machines in that room. It was a small room but DRE's were not attended as required by -- not under the observation of the election officials.

SECRETARY KEMP: Any other questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak?

(Whereupon, there was no response)

SECRETARY KEMP: So, Mr. Harvey, the letter would go to Adam Clemmons for taking the picture?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: And then binding over Yvonne Billups?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: Okay. Anyone else wishing to speak?

(Whereupon, there was no response)

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

(Whereupon, there was no response)

SECRETARY KEMP: I move we issue a letter of instruction to Adam Clemmons. Do we have a second?

MR. WORLEY: Second.

SECRETARY KEMP: 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.

Do we have a motion in regards to the remaining respondent?

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

SECRETARY KEMP: Mr. Worley moves for binding over to the AG's office. 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 and we have bound Ms. Billups over.

The next case is also Floyd County, 2012 number 86, which is number 29 in our binders.

MR. HARVEY: This case involves a couple of issues. One was the districting. After starting early voting, Floyd County determined that they had some streets that were improperly districted.

They contacted the election officials at KSU who created a second database, which almost invariably causes difficulties with tabulation and delays.

It's probable that at least five voters voted out of their district during the election, and one memory card to a DRE was left at a polling place after the election materials were supposed to have been delivered to the election office. It recovered the same night by the poll manager.

Based on the failure to provide security for the election materials and districting issues, I recommend respondents be bound over to the AG's office on this case.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

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

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, any discussion or motion? We've got a recommendation to bind over the Floyd County Board of Elections and Voter Registration; the superintendent, Ms. Billups; and the poll manager, Robert Pegler. Is that correct, Mr. Harvey?

MR. HARVEY: Yes, sir.

MR. MCIVER: I so move.

MR. WILLARD: Mr. Chairman, a question for Mr. Harvey before we proceed.

SECRETARY KEMP: Yes, sir.

MR. WILLARD: I see that you've listed Ms. Billups in the respondents, but the potential violations do not list her.

MR. HARVEY: We've got her under the Floyd County Board of Elections and Voter Registration. She is covered in that.

MR. WILLARD: She received notice. But I'm saying in the potential violations, she is not listed as committing any violation.

MR. HARVEY: Right. I think she is incorporated in the Board of Elections and voter registration. She is the chairperson of the board -- not chairperson. She is the elections supervisor.

MR. WILLARD: I understand all that. I'm saying --

SECRETARY KEMP: Are you saying that we need to list her?

MR. WILLARD: I'm saying she received -- they received copies of this?

MR. HARVEY: Yes.

MR. WILLARD: She did not receive notice that there was any potential violation against her for this case, is what I'm saying. She is not listed as having committed a violation.

MR. HARVEY: Okay.

SECRETARY KEMP: Well, that would be like saying we have to list every board member, too, right?

MR. WILLARD: No. You've got a corporate entity for the Board of Elections and Registration. I'm saying she received notice as a respondent, but we give notice all the time if someone is listed as a respondent, even if we're recommending dismissal against them. Here, you don't have -- you have not put her on notice that she is in peril for this case number. She was just bound over on the last case. But there's nothing in the complaint that would put her on notice that she was in peril for this case.

SECRETARY KEMP: She's listed as a respondent.

MR. WILLARD: I understand that and that's why she gets a letter. But over here, you actually say what violations of the law occurred and she is not listed.

SECRETARY KEMP: Well, we can notice her again, I guess.

MR. HARVEY: All right. I can do that.

SECRETARY KEMP: Do we want to go ahead and take action on the rest of the respondents?

MR. WORLEY: That would be my preference.

SECRETARY KEMP: Okay. I'll take a motion whenever anybody's ready.

MR. WORLEY: I'd make a motion that we bind over the Floyd County Board of Elections and Voter Registration, Robert Pegler to the Attorney General's office.

SECRETARY KEMP: Mr. Worley moves. Is there 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 and we have bound those two over and we will --

MR. HARVEY: Notice Ms. Billups.

SECRETARY KEMP: All right. Mr. Harvey, I believe our last one, if I'm not mistaken, is 2012, 109, Clay County case.

MR. HARVEY: This case involved allegations that individuals were taking advantage of elderly voters by manipulating -- taking possession of their absentee ballots.

Our investigation found that several individuals worked together to assist voters voting their absentee ballots, but in the process of assisting, also illegally possessed them and in some cases, illegally marked the absentee ballots.

Byron Sands was apparently the organizer, the -- I'm not sure I'd use the term ring leader -- but he was the leader of this group that went around to elderly voters and assisted them with absentee ballots.

He acknowledged illegally possessing 29 absentee ballots that he got after he assisted voters.

There were additional individuals, his wife Lavonne Sands, Jamar Smith, Angela Smith, and Randy Timson also illegally assisted voters and illegally possessed their absentee ballots as listed in the report.

There were -- it's a little bit strange because in some cases the people would sign as assisting when they didn't actually assist. We talked to a voter who said, yeah, I voted myself and I gave it to Mr. Sands, but nobody helped me with it. Well, when we checked the ballot, it came back with Jamar Smith or Angela Smith having signed as assisting that voter.

In some cases we had illegal possession, and in some cases we had illegally assisting or marking as having assisted when they actually did not.

I recommend all respondents, Byron Sands, Randy Timson, Lavonne Sands, Jamar Smith, and Angela Smith be bound over to the AG's office.

SECRETARY KEMP: Any 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 any other discussion or motion from the board?

MR. WORLEY: I make a motion we bind over all five respondents to the Attorney General's office.

SECRETARY KEMP: Mr. Worley moves we bind over. 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.

SECRETARY KEMP: Mr. Harvey, I believe we gotten through the new cases, correct?

MR. HARVEY: That's correct.

SECRETARY KEMP: Mr. Willard, we now move to the Attorney General's report. We have also been voting on the recommendations that are in your binders on the cases on our agenda which is tab 38 and 30, 40, 41, 42, and 43 in block unless there's a reason that we want to pull any of those cases out, or if there's anyone in the audience here on those cases that would like for us to pull that case out to discuss. We can do that as well.

Is there anybody that wants to pull any cases out at this time? Yes, ma'am.

MS. HOLLIS: I'd like to ask a question. How far out -- these cases are 2012. So does it take two years for cases to come to the board?

SECRETARY KEMP: That's a very good question. It depends a lot of times on the investigation.

I tell you what, if you don't mind, will you come up and just give us your name and address for the record? I hate to make you get up. I just want to make sure we have a good record for the meeting. That's a very, very good question.

MS. HOLLIS: My name is Lonnie Hollis. My address is 706 Ringer Street, LaGrange, Georgia 30241.

I am a member on the election board in LaGrange and we've sent in some complaints to the

board. As a matter of fact, one of the complaints you went over today about somebody taking pictures in the booth, but this person was asked to remove their Republican pin and he refused to remove it. And I understand this year was not the first time this has happened. So I wanted to know what case concerning Dale Jackson, who is the Republican chair of the (unintelligible) County Democratic [sic] party.

SECRETARY KEMP: We'll have to check on that case.

The way the cases work -- I don't know if Mr. Willard wants to interject. I'm sure Mr. Harvey will be back in a second -- Mr. Harvey, you might want to answer this question for us. I think I know the answer, but I know you do.

Ms. Hollis is on the board. She's from LaGrange, Georgia, and was asking does it take two years sometimes to get cases, and I thought you might be able to explain the process we go through and how that works.

MR. HARVEY: It does. Unfortunately, the way the cases work, and especially in large election years like 2012, we opened over 200 cases in 2012. When the case is completed, it takes several months -- it's usually completed within, you know, two or three months. But then there's a persistent -- I'm not sure I'd use the term backlog -- a persistent set of cases that are in front of it. Right now we've probably got 40 or 50 cases that are ready to go for another State Election Board meeting that we do as soon as the board could meet again.

So it's not that the investigations, themselves, take that long to do. It's getting them done and getting them in line to appear in front of the State Election Board.

SECRETARY KEMP: The second part of that is on the Attorney General's report that we're on right now, and certainly Mr. Willard can interject here, as well, if he would like. But after this board takes action like today when we've referred several cases to the Attorney General's office, then they have to work with the parties involved and try to reach agreements or consent orders and get those signed and collect the fines and sometimes the respondents are to get a hold of; they're hard to find. Sometimes they won't respond to us and they have to go and try to find them.

So there's a lot of reasons that there could be delays.

And then there are other cases if there has been potential criminal violations, the board doesn't act on the civil part of it until the criminal part has already been worked over and either prosecuted or decided not to prosecute. We don't like to try to get in front of a criminal investigation.

I hope that answers your question.

MS. HOLLIS: Kind of. But my next question is I talked to you last week and you didn't remember seeing that case. Did you ever find out if the case was filed?

MR. HARVEY: As I explained on the phone, when we get a complaint in a county where we get multiple complaints, we put them all in one case. I don't specifically remember the complaint you mentioned, but I did indicate we did have a case in Troup County assigned to an investigator and he would handle all the complaints for that case that were around that one election.

SECRETARY KEMP: Was that the Dale Jackson case you're referring to?

MS. HOLLIS: Yes.

MR. HARVEY: Again, as I stand here right now, I can't tell you all the different things that are in LaGrange. I know we've got several complaints in Troup County, and we do have least one open investigation in Troup County.

But I would have to go back and look at notes and look at the case file and talk to investigator to know what, specifically, has gotten -- if a complaint comes to our office in a form we can act on it in an e-mail or a written letter we add it to the file. You hear these cases. There are multiple different kinds of complaints.

Now, if somebody calls our office and talks to somebody and says something happened, I can't guarantee it gets to me and gets into a file. If they talk to me, it does, but if they talk to somebody, maybe in the elections office or the front office and they think they've reported something to them, you know, in Troup County, they're doing X, Y, and Z, and that doesn't make it to us in written form, I can't guarantee it will be part of an investigation.

But I do know we have a case in Troup County that our investigator is working as we speak.

MS. HOLLIS: I'm not sure if the elections supervisor did it in written form or he just made a phone call. The board there is kept in the dark about a lot of things that are going on. It seems we are totally ignored as being an election board.

SECRETARY KEMP: By who?

MS. HOLLIS: By the elections supervisor. We don't get accurate minutes because everything

that's discussed at a meeting is not reported in the minutes. And basically, to tell the truth about it, the election board is basically being run by the county manager because the chairperson goes to the county manager; the supervisor goes to the county manager. And a lot of things they go to the county manager about, the board does not know about.

SECRETARY KEMP: Ms. Hollis, I can sympathize with that, but that is a local county government issue that this board is not going to be able to help you with. But we're glad to get you information on cases. Unfortunately, the board be kept in the dark by the superintendent, I don't know that that violates any State Election Board rules.

MS. HOLLIS: That's why was here because I would make sure things work right.

SECRETARY KEMP: Yes, ma'am. We appreciate your service.

MS. HOLLIS: Who is it I can go to in the state to get this resolved so that we will know what our job is, what we're supposed to do.

I was thinking that even in the certification, the board members are responsible for the certifications. We don't sign the certification.

I'm not sure of everything that is supposed to be going on, so if anybody could give me that information, I would certainly appreciate it.

SECRETARY KEMP: We'll be glad to follow up with you. I know there's some training that we do for board members and there is no doubt about it, with elections there's a lot of moving parts and a lot of things that are going on, and there's certainly a lot to learn. We appreciate your service on the board.

If we can help answer questions, we're glad to do that. But if there's something that the superintendent or the county is doing that's violating a State Election Board rule or the Georgia State law and you make a complaint about it, you can rest assured we'll look into it.

MS. HOLLIS: Well, I'll stay in touch.

SECRETARY KEMP: Thank you for being here.

Is there anybody else that wishes to pull off any cases before we vote to accept the recommendations on the Attorney General's report? Any board members or anyone in the audience?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, I will accept a motion to approve the cases that are on the Attorney General's report under the consent orders.

MS. SULLIVAN: So moved.

MR. WORLEY: Second.

SECRETARY KEMP: Ms. Sullivan moves that we approve and accept. Mr. Worley seconds. Any other discussion?

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

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. We have accepted those recommendations.

The next item on our agenda is number VII, State Election Board rule amendments. I need to recuse myself on the first rule, 183-1-11-.02 because I will be voting on something that will affect the name potentially could appear on the ballot.

So I'm going to recuse myself and ask Mr. McIver to take the reins here and let Mr. Germany walk us through where we are with this rule and I can come back, I believe, for the last one. Mr. McIver.

MR. MCIVER: Mr. Germany, let the record reflect I'm chairing the meeting at this point.

MR. GERMANY: Thank you, Mr. Chairman. Ryan Germany, general counsel for the office of Secretary of State.

The first rule is an amendment to SEB rule number 183-1-11-.02, Appearance of Candidate's Name on the Ballot. As the board recalls, there is a rule we've worked with previously and the version in here reflects the slight edits to the rule made at our last meeting where we discussed this.

The purpose of the amendment is to clarify the procedures for how a candidate's name appears on the ballot and to allow the candidate flexibility to use a first name, a middle name, a full name, an abbreviated name, or a nickname as long as it's consistent with the rule.

If there any questions, I would be happy to answer them.

MR. MCIVER: Will you speak to the issue of notice of the rule, public notice?

MR. GERMANY: Yes. Public notice was posted on August 25, 2014, and it was published and sent to the interested parties list for the State Election Board as well as posted in the elections office and on the Internet.

We did not receive any comment in this posting.

MR. MCIVER: Is there any action the SEB needs to take at this point?

MR. GERMANY: At this point, the action would be to vote on whether or not the board would like to adopt the rule.

MR. MCIVER: Any discussion or questions for Mr. Germany?

(Whereupon, there was no response)

MR. MCIVER: I will entertain a motion that we adopt the rule or whatever our board decides.

MS. SULLIVAN: So moved.

MR. WORLEY: Second.

MR. MCIVER: A motion from Ms. Sullivan and a second by Mr. Worley that the board adopt the rule. Any other discussion?

(Whereupon, there was no response)

MR. MCIVER: All right. I'll call for a vote, then, on the motion. All those in favor of the motion, please indicate by saying, "Aye."

(Whereupon, the vote was unanimous)

MR. MCIVER: Those opposed?

(Whereupon, there was no response)

MR. MCIVER: Motion carries. Mr. Germany.

MR. GERMANY: The next rule is an amendment to State Election Board rule 183-1-14-.01, and this rule is entitled Absentee Ballot Envelope, Use of Symbols. The rule was posted on August 25, 2014, and sent to the State Election Board interested parties list, posted on the Internet as well is the elections office. We have not received any comments from this posting.

The purpose of the rule is to update the symbols that counties use when an absentee ballot comes in to reflect the symbols that are currently used. The previous rule had gotten a bit outdated, so this is just meant to update the symbols to something that better reflects current practices.

The second purpose is to amend the definition of advanced age from 75 years of age to 65 years of age. That would mean that a person 65 or over can make one request for an entire election cycle, as opposed to that currently kicks in at 75. This would change that down to 65.

Happy to take any questions.

MR. MCIVER: Were there any comments?

MR. GERMANY: No, sir. The previous meeting, I believe the board adopted, and this version reflects the edits made from those comments.

MR. MCIVER: Any questions for Mr. Germany?

(Whereupon, there was no response)

MR. MCIVER: Since there were no comments during the period, I'll entertain a motion with respect to this new rule.

MR. WORLEY: I make a motion we adopt the rule 183-1-14-.01.

MS. SULLIVAN: Second.

MR. MCIVER: Mr. Worley moved accordingly and Ms. Sullivan has seconded.

SECRETARY KEMP: Mr. McIver, could you let the record reflect I'm back so I can vote. I don't want to miss a vote that I don't need to.

MR. MCIVER: Let the record reflect the Chair has returned to the meeting. I'm not willing to give up the chair. But that will qualify Mr. Kemp to vote on this matter.

We have a motion and a second on the floor. Any discussion on the motion?

(Whereupon, there was no response)

MR. MCIVER: Hearing none, those in favor of Mr. Worley's motion, please indicate by saying, "Aye."

(Whereupon, the vote was unanimous)

MR. MCIVER: Those opposed?

(Whereupon, there was no response)

MR. MCIVER: Hearing no opposition, this motion carries and we have a new rule.

Mr. Chair, is there any other business to come before us today?

SECRETARY KEMP: I believe that's it.

MR. MCIVER: Well, moving much quicker than the Secretary, here, I'm going to entertain a motion that we be adjourned.

MR. WORLEY: So moved.

SECRETARY KEMP: I'll second that motion.

MR. MCIVER: Mr. Worley makes the motion; Mr. Kemp seconds the motion. Any discussion on the motion?

(Whereupon, there was no response)

MR. MCIVER: Those in favor of our motion that we be adjourned for today, please indicate by saying, "Aye."

(Whereupon, the vote was unanimous)

MR. MCIVER: Those opposed?

(Whereupon, there was no response)

MR. MCIVER: Motion carries and we are adjourned ladies and gentlemen.

SECRETARY KEMP: Thank you for being here.

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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 23rd day of October, 2014.

Deborah L. Merideth
Certified Court Reporter 2708
State of Georgia

SEAL