

THE OFFICE OF THE SECRETARY OF STATE
STATE OF GEORGIA

IN THE MATTER OF:
STATE ELECTION BOARD MEETING

THE OFFICE OF THE SECRETARY OF STATE
SECRETARY OF STATE PROFESSIONAL
LICENSING BOARD
237 COLISEUM DRIVE
BUILDING B

MACON, GA 31217

THURSDAY, MARCH 12, 2015
10:00 A.M.

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

*DEBORAH L. MERIDETH, CCR
HAPPY FACES COURT REPORTING
POST OFFICE BOX 1063
TUCKER, GEORGIA 30085
(770) 414-9071*

APPEARANCES:

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

David J. Worley, Member, State Election Board

Ralph F. Simpson, Member, State Election Board

Rebecca Sullivan, Member, State Election Board

ALSO PRESENT:

Chris Harvey, Esquire

Russ Willard, Esquire

- - -

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. Let me go ahead and call the March 12th State Election Board meeting to order. Our first order of business is Mr. Worley has volunteered to give the invocation, and then we'll do the Pledge of Allegiance.

- - -

INVOCATION

- - -

PLEDGE OF ALLEGIANCE

- - -

SECRETARY KEMP: All right. Thank you, Mr. Worley.

Our next agenda item is public comment. If anyone is here that would like to speak to the board about any election-related issues not pertaining to our cases that we have on the agenda, when we call each one of those cases, we'll give you an opportunity to speak at that time. So you don't have to feel like you need to get up now and talk to us about a specific case. We'll give you an opportunity to do that as we move through the agenda.

But if there are other issues that anyone would like to speak to us about, we'll give you two minutes to do that. You do need to fill out a comment card. We've got cards on the table if anybody's interested in that. If anybody's interested, I'll give you just a few more minutes to fill that out.

The other thing I just wanted to explain real quick, and first of all, welcome you all here to this board meeting. This is a probable -- we'll be having these hearings which are probable cause and we'll just give everybody an opportunity on all sides to speak to these issues as we move through the agenda. So don't worry about that. We'll give you ample time for that.

The individuals that have signed this sheet right here, do you all want to address us for the two minutes, or are you here on specific cases?

(Varied responses)

SECRETARY KEMP: All right. I don't believe we have any public comments today, so we'll move on the approval of our minutes, which is under Tab 1 and 2. If the board would like to give me a motion, or if there are any changes to the two sets of minutes we've got, the first one being from our board meeting on October 7, I'll take a motion for that.

MR. WORLEY: I move we approve the minutes of the board meeting of October 7.

SECRETARY KEMP: All right.

MS. SULLIVAN: Second.

SECRETARY KEMP: Mr. Worley moves and Ms. Sullivan seconds. Any other discussion?

(Whereupon, there was no response)

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

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. And now we have the minutes from our board meeting of October 20, 2014.

MR. WORLEY: Mr. Chairman, I would make a motion that we approve the minutes of our meeting of October 20.

MS. SULLIVAN: Second.

SECRETARY KEMP: Mr. Worley moves again, and Ms. Sullivan seconds again. 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 as well. We will now move on to our consent cases. For those of you that haven't been with us at a State Election Board meeting before, our consent cases are basically cases that we have investigated. The recommendation has been to dismiss all of these cases. We've got a very long list on the agenda. They go from number 3 in our binder through number 34.

Our protocol in doing this is that if there is anyone here that might disagree with us dismissing these cases or would like to make a comment on the cases in any regard, if you're here in the audience, we will pull off individual cases if somebody does want to hear these.

So at this time I would ask if there's anybody here this morning that wants to pull one of these cases out in the audience with us today, please raise your hand and I will call on you. Yes, sir.

UNIDENTIFIED MALE: Item number 12.

SECRETARY KEMP: Is that Long County?

UNIDENTIFIED MALE: Yes, sir.

SECRETARY KEMP: Okay. Who else do we have? Yes, sir.

UNIDENTIFIED MALE: Item 21, Clayton County Primary 2014.

SECRETARY KEMP: All right. Anyone else?

MR. HARVEY: Mr. Secretary, I would request that the Paulding County that is on the consent agenda actually be moved to the letter case. There is a violation

there. I confirmed with Paulding County that they are okay with that.

SECRETARY KEMP: Okay. Mr. Harvey, we removed item 29 from the agenda; is that correct? I may have an old agenda. Douglas County case.

MR. HARVEY: The Douglas County case is removed. I believe it's removed already.

SECRETARY KEMP: Okay. Anyone else wishing to remove one of these cases?

MR. WORLEY: Mr. Secretary, I wanted to talk about, or had a few questions about item number 17, the City of Atlanta case.

SECRETARY KEMP: We'll remove 2013, number 68, we'll move that to discuss.

Any other board members have a case they would like to remove?

(Whereupon, there was no response)

SECRETARY KEMP: Last call for anyone wanting to remove our consent cases.

(Whereupon, there was no response)

SECRETARY KEMP: Seeing none, I'll take a motion to dismiss the consent cases on our agenda excluding SEB case number 2013, number 23, which is Long County, number 12 in our binder; SEB case number 2013-68, which is the City of Atlanta, number 17 in our binder; SEB case number 2014-17, which is the Clayton County primary case, number 21 in our binder. We have moved SEB case 2014-23, which is number 22 in our binder, to the letter cases. And that was it.

MS. SULLIVAN: So moved.

SECRETARY KEMP: Ms. Sullivan moves for the dismissal.

MR. SIMPSON: Second.

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

(Whereupon, there was no response)

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

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. We have dispensed with the cases as described.

Mr. Harvey, I'll go ahead and call the -- you want to go ahead and go through these first before we move on to the letter cases?

MR. HARVEY: Yes, sir. I think that would be easiest.

SECRETARY KEMP: I'll call SEB case number 2013, number 23, which is a Long County case. That's number 12 in our binder. Mr. Harvey.

MR. HARVEY: Yes, sir, Mr. Secretary, members of the board, this case involved the filing of petitions for an alcohol referendum in the City of Ludowici. The complaint was filed by Mr. Sean Tucker.

He reported that he turned in petitions to call for an election for alcohol sales. Our investigation revealed two major issues. One issue was that the petitions that were submitted by Mr. Tucker were insufficient in that they did not have the requisite information regarding circulators and documentation about that.

Secondly, that the issue of the alcohol referendum, we determined, is not something that the State Election Board will have jurisdiction over. I believe that is a separate title in the Georgia code regarding alcohol referendum.

Regardless of that, the petitions he turned in were insufficient and they were rejected. So we found no violation and recommend this case be dismissed.

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

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak on this matter? Yes, sir. If you will, when you come into the microphone, these mics down here in Macon are not the greatest in the world, so please speak clearly and when you start, if you would, just give us your full name and address so we can have that for our record in our transcripts.

MR. TUCKER: My name is Sean Tucker. I'm a resident of Ludowici, Georgia. I am the owner of a beer and wine store called The Brown Bagger.

The reason I brought issue with this is I submitted documentation -- I requested from my county registered voting lists that they refused me my first go round. They wouldn't provide that information to me.

So I went to the state and paid, I think it was \$80, to receive some CDs that would have the voter registration list on there so I could go and obtain the signatures that they're requiring, the thirty-five percent of the city registered voters, not to include the county.

I did that. When I came back to the -- and I have newspaper articles as reference to this. When I brought those back, I was accused of forging signatures. I was told I had not provided enough information on there. I got birth date, signature of the person, and where they resided, whether it was city or county.

When I went back the second time to request to do a petition again if this was the improper information, I had requested from them to provide me with what the city as registered voters, which is supposed to be public information which, again, they made it very hard for me to get a hold of. They would piecemeal it to me. We had an election process coming up for city council board, and I submitted my petition to them for it to be counted. I don't have the actual regulation, but it's supposed to be counted within a 30-day period and responded back to me with that letter.

It was six months later past the election process that this should have been placed onto the ballot. Not only that, they only accounted for 257 signatures out of the 800 signatures I had provided to him. Not saying those were all registered voters. That many signatures should have been validated or not validated.

The other thing I also found is that James Durrence who worked in that office contacted me after I had posted that. The problem that I had, it was over 120 days since I had submitted my petition. At that time, there was supposed to be a supervisor supervising these young ladies that were going to count the signatures, or validate the signatures. The two young ladies there were both fresh out of high school, Lindsey Edge and a Brianna Lowe, and there was supposed to be a supervisor. At that time there was no supervisor. Her name was Leah Hughes. She was actually on medical leave.

So the petition wasn't counted by anybody that, in my vision of this, that would have been able to validate a signature whether it was correct or it's not correct. It wasn't validated by a supervisor. It was given to Vanessa Cunningham, which she was in charge of the voting elections and stuff that were going on at that time in Ludowici.

My reference to James Durrence, James Durrence had called me on the phone after he quit working with Long County and had moved away. He said those signatures were counted within that time period and Vanessa Cunningham had retained those on her desk for A time period.

I don't have anything other than him verbalizing that to me on the phone, but I did go down to the office yesterday and speak with -- let me get her name here. There was a young lady that was working yesterday and I can't remember her name at this time. But she was the one that had provided me the information about what counted and not counted.

Long County has had some issues in the past about voting and scenarios like this. All I'm tried to do is bring revenue and jobs to my community and I was met with the full force of Long County and how they do business there. I have had police harassment; they shut my business down; they sold an alleyway that was connected to my business. I've been in a heck of a struggle for two years trying to just get the people of Ludowici to have the right to vote for the things that we -- and I had the signatures. And there are people who want liquor in the community.

It's not so much the liquor; it's about the revenue. We have no jobs in our community; our tax bases are raising every year; school buses don't have enough space for our kids.

I'm a business. I can bring them \$100,000 in tax revenue. I can bring tax revenue to the state and it's being pushed away because it's not either somebody's idea, or

they can't get their hands on the financial side of it. I'm not sure.

SECRETARY KEMP: Any questions for Mr. Tucker?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you for being here this morning.

MR. TUCKER: Yes, sir.

SECRETARY KEMP: Do we have any complaints in regard to the city, Mr. Harvey, and the claims that Mr. Tucker was making?

MR. HARVEY: If you notice, on the agenda there are several cases for Long County on here. Long County does have some issues that we'll talk about in later cases with the elections office. The key point in this case is that the petitions he turned in were not legally sufficient; they weren't certified. He may have had a proper number, but the petitions on their face were invalid.

We've had petition cases before. They have to be notarized by the circulator, and that was not done in this case. I think that is the basis for the invalidation.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Mr. Tucker, do you want to address that?

MR. TUCKER: Yes, sir. I was not provided with the proper information for my county. They withheld that information from me. The first petition I had done, I went on to LEXIS-NEXIS website and it said in there what information I was supposed to provide on the second petition. On the first petition, this county wouldn't even allow me to have my voter -- the right to the voter registration list of our community that is public information.

So -- and in all reality here, sir, the information was not provided to me, so therefore I couldn't provide to them what their requirement was.

SECRETARY KEMP: We understand that. But that still doesn't -- just because that was the case, we can't legally accept a petition.

MR. TUCKER: The second petition, though, I followed the guidelines provided to me by the county with the voter registration list that they had piecemealed to me to push me past this election process for the city. It was supposed to be counted within 30 days. It was 120 days later that I was going to a city council meeting asking where is this petition, and where are my signatures.

SECRETARY KEMP: Mr. Harvey, have you seen the second petition, too?

MR. HARVEY: I don't know if we've got the second petition. But my understanding is that neither of the petitions were certified where the circulator who circulated the petitions signed the petitions. I can check the file to see if they're in there.

Investigator Archie, do you want to speak to that? Investigator Archie handled the case.

SECRETARY KEMP: Glenn, just give us your name and address.

MR. ARCHIE: Investigator Glenn Archie, Secretary of State's office. It's 237 Coliseum Drive, Macon, Georgia 31217.

Pretty much in reference to the second petition, that is a big part of the record. They were not notarized by the circulators. Also, when I went through the number of signatures -- just give y'all a brief about that -- there were 582 signatures, 84 signatures were verified.

SECRETARY KEMP: What was that number again?

MR. ARCHIE: Five hundred and eight-two signatures.

SECRETARY KEMP: And what was the second number?

MR. ARCHIE: Eighty-four signatures were verified; 37 signatures were non-verifiable signatures; 155 signatures were voters that were registered but they lived in the county; 315 signatures were classified as "Other." So I also checked those, of course. Two hundred and six signatures were citizens that were not registered to vote out of that number; 58 signatures were not legible; 11 signatures were electors that resided in the City of Ludowici; and 25 signatures were electors registered to vote, but they resided also in Long County.

SECRETARY KEMP: Any questions for investigator Archie from the board?

(Whereupon, there was no response)

MR. HARVEY: Mr. Secretary, Mr. Willard has informed me this would be -- even if it was an issue, it would be a Title 3, not a Title 21 case. So I don't believe we have jurisdiction.

SECRETARY KEMP: Mr. Willard, do you want to explain that to Mr. Tucker just so he knows what we're talking about here?

MR. WILLARD: Mr. Tucker, the State Election Board has jurisdiction to consider violations of Chapter 2 of Title 21. The procedure for referendum, or petition to get a referendum on the ballot for alcohol is found in Title 3. It's O.C.G.A. 3-4-41. This board does not have jurisdiction to consider violations of Title 3, the same as the board in the past has realized it doesn't have authority to consider violations of Chapter 4 of Title 21, which relates to recall petitions. We just don't have jurisdiction. The board doesn't have jurisdiction to consider those violations.

The General Assembly has not empowered this board to consider violations of the petition to get an alcohol referendum on the ballot because they place that in Title 3, and have not given this board authority to consider violations of Title 3.

SECRETARY KEMP: Mr. Willard, if Mr. Tucker wanted to file a complaint for some of the allegations that he is alleging, would he want to do that to us or another entity, or do have any advice for him on that?

MR. WILLARD: Well, I can't give Mr. Tucker advice. I can try to answer your question. Without having researched it in depth, I would say the recourse for an elector who believes they have complied with 3-4-41 would be to file a mandamus petition seeking a court order directing local officials to comply with Title 3 provisions.

SECRETARY KEMP: Okay. Mr. Tucker, I know that's a lot of legal jargon there.

MR. TUCKER: I'm following, sir.

SECRETARY KEMP: While Mr. Willard is correct that we cannot give you legal advice, hopefully this will send you in the right direction should you want to continue to pursue this. Do you understand that?

MR. TUCKER: Yes, sir. I do.

SECRETARY KEMP: Did you have anything else for the board?

MR. TUCKER: No, sir.

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

MS. MCCLELLAN: I'm Cindy McClellan; 380 South Main Street, Ludowici, Georgia.

I work with the City of Ludowici and, as you know, our records are kept with the county. So we had to rely on the county to verify the signatures on the petitions. But once he filed the petition for the referendum, you know, we forwarded it on to the Chairman of the Board of Elections with the county, Long County. You know, we followed the procedure as far as forwarding it to them.

SECRETARY KEMP: Okay. Any questions for Ms. McClellan?

(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: Hearing none, Mr. Harvey, do you want to give us a recommendation again just to make sure the board understands?

MR. HARVEY: I recommend this case be dismissed by the State Election Board.

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

MR. SIMPSON: So moved.

SECRETARY KEMP: Move to dismiss?

MR. SIMPSON: Yes.

SECRETARY KEMP: Mr. Simpson moves to dismiss. 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: We have dismissed that case. Thank you both for being here this morning.

We'll now move to SEB case number 2013, number 68, which is number 17 in the binder. Mr. Harvey.

MR. HARVEY: This case is the City of Atlanta, allegations of vote buying.

It was reported that in a high-rise residential facility prior to the election, there were flyers posted by the staff where people could sign up, or being notified of rides to the polls. With those notices for rides to the polls, there were names of candidates, and to the side, or on the same advertisement, there were -- so you have Candidate X and then there would be a gift card next to that person's name, and the next candidate with a gift card next to their name.

What our investigation revealed was that in talking to the people that put up those notices, they were offering people rides to the polls regardless of who they were planning to vote for and how they were planning on voting. The reason they put the gift cards next to the candidate's names was because those candidates had

come to those facilities previously and had provided gift cards and the people putting up the advertisements wanted people to associate the candidates with their previous visits and what they provided to the facility.

The awarding of any gift cards had been done prior to the campaign or the election, so I did not see it as a violation of offering something in exchange for voting. So we didn't find a violation there.

The main purpose was to advertise rides to the polls. The candidates were listed with things that had been associated with previous visits to the facility.

SECRETARY KEMP: Any questions for Mr. Harvey?

MR. WORLEY: Mr. Harvey, the reason I wanted to talk about this case in particular is that the report didn't indicate the name of the complaining party, and generally your reports do.

I wanted to know that information because -- in order to determine whether I or other members of the board should recuse themselves in a particular case, we need to know the names of the parties. So that was one issue.

The other issue, I was interested in seeing the actual flyer, if you have it in your file.

MR. HARVEY: Well, to the first issue, on the report the complainant is listed, maybe not on the summary, but on the . . . It is on my copy.

MR. WORLEY: It doesn't appear to be on ours. It just says a resident of the address.

SECRETARY KEMP: Oh, there is.

MR. WORLEY: Thank you. All right. Okay.

MR. HARVEY: Let me see if we have the flyer.

SECRETARY KEMP: Mr. Harvey, while you're doing that, I'm going to see if Anyone else wishing to speak. Is anyone else wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: All right.

MR. HARVEY: Yes, sir. I do have a copy.

MR. WORLEY: (Reviewing).

SECRETARY KEMP: Mr. Worley, anything else?

MR. WORLEY: No.

SECRETARY KEMP: Mr. Harvey, just to be clear about this, the gift cards were given to the facility, not the individuals in the facility?

MR. HARVEY: It's unclear exactly what was -- who was given or who they were given to, if they were given to individuals. The key point was they had been given sometime in the previous year. Whether they'd been given to the facility to distribute to individuals, or individuals, there was no evidence or indication that there was any type of condition when the gift cards were given prior to the election.

SECRETARY KEMP: Were both the candidates on the flyer in the runoff against each other?

MR. HARVEY: I know they were both candidates.

SECRETARY KEMP: Mr. Worley says no.

MR. WORLEY: I don't believe so. I believe one was running in the district and the other was running at-large.

SECRETARY KEMP: Mr. Simpson.

MR. SIMPSON: Do we know whether or not those gift cards were given before or after the candidates qualified for the election?

MR. HARVEY: My understanding -- I don't know that I could say absolutely when they were given.

MR. SIMPSON: Seems like to me that would make a difference.

MR. HARVEY: Yes, sir.

MR. SIMPSON: If the person gave the card knowing they were running and then had it put on the flyer, that's obviously a gift to encourage people to vote for him.

But if they had not qualified and didn't know they were going to run and they just gave the gift cards, that would be an entirely different matter, in my mind.

MR. HARVEY: Yes, sir. I agree.

What happened, those candidates had given gift cards to the facility to be used as prizes in events that had happened earlier in the year. So whether it had taken place before or after qualifying, I don't know.

But they had not been given to individuals. They were given to the facility so if the facility had something like a bingo game, or something like that, the winner would win a gift card.

MR. SIMPSON: What's the difference in me giving Mr. Worley a card and him giving it to you; or me just giving it directly to you in terms of the intent and why it's given and whether or not that might bear on how somebody voted?

MR. HARVEY: I suppose you could make an argument that if somebody is giving something to an entity to distribute to somebody -- they can't control, the candidate can't control who gets that gift card. So they're giving it to a facility who is using it as a prize for something like a bingo game. The candidate is not giving it to somebody in exchange for a vote.

Again, I understand your point and you or the board may have a different understanding and that's why I'm presenting it in this way. I don't see a direct connection between the giving of a gift card and voting.

MR. WILLARD: I think in your example, Judge Simpson, in effect you're making Mr. Worley your bag man to carry out your wishes. And in this, there is a slight nuance there. But it would be similar to a candidate who buys an ad in a charitable program or contributes to a gift that's going to be raffled off. They're giving something of value, but it's to the organization. They have no control over it.

In this sort of example, theoretically, you might have the residents who didn't win bingo upset that the candidate didn't give more cards. There's not necessarily a nexus between a candidate handing the gift card to the committee that's going to award the bingo prizes and actually getting a vote on their behalf.

MR. SIMPSON: I don't agree, but I certainly understand your point.

MR. WILLARD: I understand, and I've taken a look at 570 which is the vote buying provision and there may be some, for lack of a better word, some gray area activity on the part of the board. But I don't think, unless there was a quid pro quo that it doesn't appear we have evidence of, that the candidate, when he gave them the gift card, the association said we'll make sure that you're recognized and everybody knows. At that point, the candidate hasn't done anything wrong, at least under the way 570 is worded.

MR. SIMPSON: Just doesn't smell right to me.

MR. WILLARD: I understand. And I think the Secretary has some legislation pending. That might be something to clean up.

SECRETARY KEMP: Anything else from the board?

(Whereupon, there was no response)

SECRETARY KEMP: Let me just make sure there was no one else to speak on this case.

(Whereupon, there was no response)

SECRETARY KEMP: Well, we had a recommendation originally from Mr. Harvey to dismiss, but board members can certainly make a motion to their purview.

(Whereupon, there was no response)

We could always table this and ask Mr. Harvey to see if we can get one of our folks to go back and find out exactly when the gift cards were given if that would make you all feel better.

MR. WORLEY: I make a motion to dismiss the case.

SECRETARY KEMP: Mr. Worley moves to dismiss. Do we have a second?
I'll second. Any other discussion?

(Whereupon, there was no response)

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

MR. WORLEY: Aye.

MS. SULLIVAN: Aye.

SECRETARY KEMP: Aye.

All opposed, same sign.

MR. SIMPSON: No.

SECRETARY KEMP: That motion carries. We have dismissed 2013, number 68.

Mr. Harvey, case number 2014, number 17, which is the Clayton County primary case.

MR. HARVEY: This case involved the Clayton County primary in May of 2014. The complainant was Mr. Jeffrey Benoit who complained there were some voters who were improperly districted and/or got the wrong ballot in the election. There is another complaint that somebody was not allowed to view tabulation.

We did an investigation in coordination with the Clayton County elections office and determined that the voters who allegedly got the wrong ballots were in the proper district and all the evidence appears to be that they got the ballot they were entitled to.

As far as the inability to view the tabulation, we found no evidence there was a violation of State Election Board rules or law.

We recommend this case be dismissed.

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

(Whereupon, there was no response)

SECRETARY KEMP: Seeing none, is there anyone else wishing to speak on this matter? Good morning.

MR. BENOIT: My name is Jeffrey Benoit, 5783 Rex Mill Drive, Clayton County.

The information you just received is incorrect. I have statements from the family, the Beddingfields, husband, wife, and daughter living at the same address, and it's a good idea, good suggestion, they had been living together all their life.

The husband got a ballot with my name on it, candidate for District 8. The wife and daughter got a ballot with the District 9 candidate on it. I can't recall the candidate for District 9. This is the same family living in the same house at the same address and gets two different ballots in the same house.

I don't care how they ran their districting line, you cannot run it through the house; you can't run it through the bedroom; you can't run it through the bathroom that the wife is in District 8 and the husband is in District 9. That's impossible. That's impossible.

So what we're saying here is that this is a systemic problem that is going on in Clayton County that has been going on in Clayton County. And all too often we don't talk about who we voted for, so you probably would never know that. But this was a family that generally voted Republican. But they live in my district and we have a very good relationship. They chose to vote Democratic because they had seen the systemic problems on our school board and they wanted to see a change.

They changed from Republican to Democrat to vote for me, which they called me and told me -- and if you give me a few minutes I can find the email, should I say the voicemail that the wife sent saying, I feel like my vote has been stolen from me from Clayton County because my husband had you on his ballot, myself and my daughter had the other candidate and we live in the same house. How does that happen?

Now, not only was that part of the problem, Janice Scott, in 2012, brought the issue to Ms. Bright about getting the wrong ballot. She got no response from that and they dismissed it as a fallacy of dramatic instance. Well, here again in 2010, Mr. Jones, who ran for school board, got the same problem, and these issues have been brought to Mr. Harvey. For whatever reason that they are not being brought up in this situation, I don't know.

But the facts remain that in Clayton County there has been a systemic problem as it applies to voting and as it applies to applying the right ballots in the right homes, or to get the right districts on the individuals to know where they might vote for [sic].

I ask the question do you know you live or do you know your address? They're two different things. Your address is where you get your mail; your district [sic] is where you vote and who you vote for and who the candidates are in that district that you vote for. And all too many times people don't know where they live, they just know their address.

So we have to do a better job of letting people know where they live by giving them new voter registration cards when we redraw the lines so they know who they are voting for and who should be on their ballots. And I really would ask that the board push this issue.

The Clayton County school board is having a special election because they are trying to fill an absentee from a board member who did the right thing and resigned. I would ask that this board would see fit to put this back on that particular board to have another special election because this issue is systemic.

Again, I did talk to Mr. Harvey about this; I did send him this information; and he does have this information. For what reason this should be dismissed, that is simply saying the voter fraud, no matter what the issue is, is okay in this country and we're not going to address issues no matter how much information we have.

So I say to the board this is still a problem. I come to address this problem. Not that I'm hurt. I'm fine. But our kids are hurting. Our communities are hurting. The economics of our community as opposed to a bad school board -- bad school board policy is hurting our community. If we don't address this issue, we may as well go ahead and close up shop.

SECRETARY KEMP: Thank you. Any questions from the board for him?

MR. WORLEY: The statements you have from the Beddinfields, have those been provided to Mr. Harvey?

MR. BENOIT: Yes, and I have a copy right here. I also have Ms. Beddingfield on a very frantic voicemail that I've been keeping since 2014. If you give me a few minutes I can pull that out for you to hear it.

MR. WORLEY: That's not necessary for me to hear.

MR. BENOIT: And I'd like to ask the board how do someone go about submitting to get on this Board of Elections that they might be able to serve their community at your level to be able to speak on these issues? I'd be very interested in that.

SECRETARY KEMP: We can follow up with you on that.

Is there anyone else wishing to speak on this matter? Ms. Bright. Welcome back to Macon.

MS. BRIGHT: Thank you. Good morning, Board. My name is Annie Bright. I'm the director of elections and registration in Clayton County. My address is 19985 Scottish Court, Fayetteville, Georgia.

In regards to Mr. Benoit's complaint, the Beddingfields are in school board District 9. According to our records, our GIS maps, our school board maps, they are registered to vote in school board District 9. They've always been registered to vote in school board District 9.

According to Mr. Benoit, the Beddingfields came -- Mr. Benoit brought them into my office on May 16, actually May 22, claiming they voted on May 16 at the Carl Rhodenizer Recreation Recreation Center. According to Mr. Benoit, Mr. Beddingfield claimed that he got a ballot for school District 8, which was Mr. Benoit's district, and Mrs. Beddingfield and her daughter got a ballot for school board District 9.

Well, we did not have any calls on May 16 from any of the Beddingfields Stating they got the wrong ballot. They came into our office alleging the husband got one ballot and the wife and daughter got another ballot.

We took the Beddingfields to the map to show them what school board district they were in and showed that they were in school board District 9 and they had received, according to us, the right ballot.

So I don't know -- all this allegedly, you know, from Mr. Benoit regarding the ballots. According to our records, everything we have says they are in school board District 9 and that's the ballot they received when they voted early.

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

(Whereupon, there was no response)

SECRETARY KEMP: Thank you for being here this morning.

Mr. Harvey?

MR. HARVEY: Sir?

SECRETARY KEMP: Do you have anything else you want to add about anything anyone else said that could continue to enlighten the board?

MR. HARVEY: Just to reiterate that our investigation revealed what Ms. Bright revealed, that they were in the proper district and all the records indicate they had the right ballot. I know that this board has seen cases before where individuals claim somebody was or wasn't on a ballot.

My experience has been that if that is a large systemic problem it's going to affect more than one person, and the board has seen many cases where multiple people have gotten the wrong ballot in the wrong precinct.

In the absence of any other complaints, and with the system backing it up, I am personally inclined to believe maybe Mr. Beddingfield overlooked something, or -
- I can't explain it definitively. But I just don't see any evidence that would show they got the wrong ballot or they are in an improper district and, therefore, that Clayton County did anything improper.

MR. BENOIT: I submit this as evidence --

SECRETARY KEMP: Hold on one second. We've got to do this in an orderly way so the person keeping the transcripts knows who's talking and when.

Ms. Bright, did you have anything else?

MS. BRIGHT: Yes. Additionally, Chairman and Board, in all of our precincts -- in all of our voting machines, inside the voting machine as well as above the voting machine, there are signs provided by the Secretary of State's office stating that if you feel you have received the wrong ballot, you need to notify the poll manager to let them know. So if one of the Beddingfields did receive the wrong ballot or that thought they were in the wrong district, they should have notified the poll worker.

Like I said, this notification -- Mr. Benoit brought this into our office with the Beddingfields six days after they had voted the ballot.

SECRETARY KEMP: Mr. Simpson.

MR. SIMPSON: There would be a different precinct location to vote in District 8 or District 9, would there not?

MS. BRIGHT: That precinct is split. So there's a possibility -- that's Morrow 5 voting precinct. So you would have some people that would be voting in District 8 and some people that would be voting in District 9.

MR. SIMPSON: So you couldn't tell geographically where they went to vote as to whether or not they voted in the correct district?

MS. BRIGHT: The precinct is the same precinct for school board District 8 and in District 9. So they would be at the same voting precinct, except in this case these individuals voted at one of the advanced voting sites, which, you know, anyone can go to. Anyone in the county can go there and vote in the early voting period.

MR. SIMPSON: Okay.

SECRETARY KEMP: Any other questions for Ms. Bright?

MR. WILLARD: Mr. Chairman, based on your testimony, and just to clarify, the Beddingfields should not have had Mr. Benoit on their ballot, right?

MS. BRIGHT: Absolutely. In school board District 9, the candidate for them

was Carlton Bivens.

MR. WILLARD: And Mr. Benoit was in District 8?

MS. BRIGHT: Yes.

SECRETARY KEMP: All right. Mr. Benoit, come on back up to the microphone.

MR. BENOIT: Two points here. One, the Beddingfields signed a certified document, Mr. Beddingfield, Mrs. Beddingfield, and the daughter, indicating that they got one with my name on it, one with Mr. Bivens.

A certified document is something that I would think that would be somewhat evidence to say they are not embellishing this or they're doing this for any other reason other than the fact that they felt that their votes were squandered in this particular process. I think Mr. Harvey has this. I sent this to you as well.

SECRETARY KEMP: We can accept that document.
If you want to, we can look at it and give it back to you.

Do we have a motion to accept the documents?

MR. WORLEY: So moved.

MR. SIMPSON: Second.

SECRETARY KEMP: We have a motion and a second to accept the documents.

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: Motion carries.

MR. BENOIT: The second thing, Ms. Bright made -- that if you should get an

incorrect ballot that they should notify the poll worker, or notify something. Here I have a document from Ms. Janice Scott, who notified Ms. Bright three times, herself, about the incorrect ballots that she's gotten and got absolutely no response from her, personally, as to this. And I can submit this to you as well. And he has a copy of this as well.

SECRETARY KEMP: Let me ask you a question about that. Is that the same election?

MR. BENOIT: No, sir. This election was 2012. And then I have another from 2010. So it's been going on 2010, 2012, 2014. And all these documents have been submitted to Mr. Harvey. These are three different candidates that ran at three different times: myself, Janice Scott, and Mr. Jones.

SECRETARY KEMP: Do we want to accept those documents?

MR. BENOIT: And I would ask that the board consider putting a special election on this upcoming election for District 8 and District 9 for school board representative.

SECRETARY KEMP: I don't think we're going to need those documents because they're relating to a whole separate election.

MR. BENOIT: It just goes to speak to the fact that where they do make these comments, they're getting absolutely no response.

SECRETARY KEMP: Your remarks on the record and the board certainly knows your position. Is there anything else you would like to add?

MR. BENOIT: It'd like to add that the board strongly consider putting District 8 on its special election board (unintelligible) run in Clayton County to fill a seat for District 9.

SECRETARY KEMP: We appreciate your advice, but I don't think we have the authority to decide when county elections would be.

Are there any other questions for Mr. Benoit?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you very much.

Mr. Benoit, we're going to get a copy of that to keep and we'll give you that back.

Anyone else wishing to speak on this matter?

(Whereupon, there was no response)

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

MR. HARVEY: No, sir. It's certainly not unheard of to have cases where somebody gets an incorrect ballot. In this case, the record seems to indicate they would have gotten the right ballot, and I just don't know that there's enough to justify a citation in this case. But I certainly leave it at the discretion of the board.

SECRETARY KEMP: Have you talked to the Beddingfields?

MR. HARVEY: The investigator did. I personally have not. I've spoken with Mr. Benoit several times.

MR. BENOIT: They were going to come this morning. But due to some other issues, they couldn't be here. But they definitely wanted to be here this morning.

SECRETARY KEMP: Hearing no one else wishing to speak, I'll be glad to take a motion.

MR. WORLEY: Before we do that, could I ask Mr. Harvey a question?

SECRETARY KEMP: Absolutely. Mr. Worley.

MR. WORLEY: Mr. Harvey, ordinarily when there is a dispute over the facts of a case, and one party says one thing and another party says another, we refer on to the Attorney General's office for further review.

But in this case, is there any other evidence that could be found other than what we've heard here today?

MR. HARVEY: I think there is not. The state of the evidence is evidence what it is. But -- and I understand and that's generally my practice is if there's a dispute in the evidence we do that. In these cases, I try to consider all the other

circumstances. And there have certainly been plenty of cases where, you know, City of Atlanta and Fulton County have had cases where precincts have wholesale problems with people getting wrong ballots. I just don't know that there is much for Mr. Willard to do with it if it were bound over.

But certainly, that's why we're here so you all can consider that. But I don't think there's any additional evidence to be gained.

MR. WORLEY: And to my recollection, we have not had -- unlike, say, Fulton County, we have not had a history of problems on this kind of issue in Clayton County.

MR. HARVEY: That's correct. And, again, you get odd cases in different precincts of different counties, even in counties that normally have pretty stellar records where occasionally there will be an individual mistake.

But, no, Clayton County does not historically have an issue with this kind of problem.

SECRETARY KEMP: All right. Any other -- Mr. Benoit, I'm giving you a lot of leniency. This is the last time. You need to close out right here because we're fixing to move on.

MR. BENOIT: I appreciate the leniency and the reason for it because I'm very passionate about the vote in our county. If we don't do anything about it and we pass this off as a passive issue, we never will correct it and never will address it.

Yes, there is evidence; yes, there is a reason to investigate. And I would ask that it be investigated that we get to the bottom of it that we don't have to come back and revisit it.

But if we pass it off as a systemic issue that is a fallacy of dramatic instance, we'll see it again and again.

I've shown you three cases that goes back to 2010. At what point do we finally decide to look at this because as we go forth, if we don't do anything today, then it's our fault.

SECRETARY KEMP: Thank you for being here. You've made your position very clear and the board appreciates it.

Do we have any recommendations from the board or a motion?

MR. WORLEY: I make a motion to dismiss this case.

MS. SULLIVAN: Second.

SECRETARY KEMP: We have a motion to dismiss by Mr. Worley and a second by Ms. Sullivan.

Any other discussion by the board?

(Whereupon, there was no response)

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

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: We have moved to dismiss. Thank you all for being here today.

Mr. Harvey, I'm showing that we've moved past our consent cases and we are now to our letter cases.

MR. HARVEY: That's correct.

SECRETARY KEMP: This is the first time we've done this. As you all know, several years ago we decided having the consent calendar to try to speed the meetings up and get people on the road quicker, or have them not have to come to this meeting at all by voting certain cases in block.

Mr. Harvey has recommended to the board that we start doing the same with our letter cases. There are certain cases we get that are more technical in nature, not as serious of potential violations, and the recommendation is for a simple letter of instruction.

What we have decided to do is to go through the same process with these cases as we have with our consent cases. We believe this will help the board clear our case load quicker, be more efficient, and hopefully be a little easier on you all that have to travel to the meetings.

That being said, we'll go through the same process for the letter cases. If there is anyone here who does want to hear a case, either in the audience or the board, we'll pull them out and hear them. But if not, we're going to vote in block to recommend a letter of instruction in all these cases.

Case 2013, number 36 is a Pierce County case; 2013, number 27 is Burke County ballot case; 2012, number 102 is a Marion County case. And we added SEB case 2014, number 23, which was on the consent calendar that we moved down, which is a Paulding County case.

MR. HARVEY: Yes, sir.

SECRETARY KEMP: Is there anyone that wants us to pull one of these cases out to discuss it where you can comment on it? Yes, sir.

UNIDENTIFIED MALE: Marion County.

SECRETARY KEMP: We'll pull the Marion County case off. Anybody else?

(Whereupon, there was no response)

SECRETARY KEMP: Any board members want to pull a case out?

(Whereupon, there was no response)

MR. HARVEY: Mr. Secretary, for the record, Pierce County and Paulding County submitted responses to the State Election Board regarding these cases. Paulding County sent an email acknowledging their error and saying they would accept the letter of instruction, and largely the same with Pierce County.

So, for the record, I was submit that to the State Election Board.

SECRETARY KEMP: Okay. Is there any board member wanting to pull a case out or are you all ready to go?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, we are ready to take a motion on doing letters of instruction to 2013, number 36, number 27; and 2014, number 23.

MS. SULLIVAN: I move the board issue a letter of instruction in those cases.

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

MR. SIMPSON: Second.

SECRETARY KEMP: Mr. Simpson 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.

Mr. Harvey, I call on you for you for 2012 number 102, the Marion County case.

MR. HARVEY: Yes, sir. This case involved about 14 different allegations of problems. There were allegations that people were seen -- a poll officer was seen carrying absentee ballots; that a commissioner was seen in the room where tabulation was taking place; tabulation was improperly done; there is a complaint about not responding to open records request, which, of course, the board does not have jurisdiction over; there is an allegation that somebody didn't receive a candidate on a ballot; somebody had problems with the voting machines; somebody complained they did not think the vote was right because they had gotten 800 phone calls from people saying they voted for him and he only got 555 votes; allegations that vote printouts were not properly posted; and that the elections office failed to post a notice of accuracy testing.

After doing an investigation of all those allegations, we found that in one case, the second allegation regarding a county commissioner being in the election office area during tabulation, he was in the office area. There is no indication that he

was actually touching any ballots or participating in the tabulation. So I'm not sure that even constitutes a violation.

The potential violation we did identify was 21-2-483, entering into the tabulation area without being deputized is a violation. I'm not sure that would be sustained. But that was the only violation we found in the allegations, that he was in the tabulation area, he was not deputized. There was no indication he was performing duties as an election official.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

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

MR. DIXON: My name is Anthony Dixon. I'm the elections supervisor of Marion County. My address is 98 Village Lane, Mauk, Georgia 31058.

A statement of interest from the Marion County Board of Elections and Registration to our State Election Board in reference to O.C.G.A. 21-2-48(b) [sic].

The first paragraph reads: "All proceedings at the tabulation center and precincts shall be open to the view of the public . ."

Mr. Larry Olden, the Commissioner, along with others, had the right to view the tabulation proceeding, but not participate in the tabulation proceeding.

Mr. Olden was merely coming through the main entrance of the election office after a full day on the job to make inquiry regarding the completion of the voting tabulation and when those results would be announced.

It is our understanding that after the inquiry, Mr. Olden proceeded through the area of the office which is utilized for daily operation of the Board of Elections and Registration to adjoining waiting room where the tabulation results would be announced. Those present at the tabulation area during the scanning of the ballots and proceedings was members of the Board of Elections and Registration which consist of a board member and -- which consist of the board chair and two board members; chief deputy register [sic]; the ballot review panel, which consist of

Democrats and Republican; the ENS technical service representative; and, of course, the elections supervisor.

I would like to reiterate, the scanning of the ballots is open to the view of the public, and at no time did Mr. Olden participate in the tabulation proceedings. There was, therefore, no need for any board member or elections supervisor to deputize Mr. Larry Olden.

SECRETARY KEMP: Thank you for being here. So in your opinion, there was no violation and there is no need for a letter?

MR. DIXON: Absolutely, sir.

SECRETARY KEMP: Okay. Any other questions for Mr. Dixon?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you for being here.

Mr. Harvey, anything you would like to add?

MR. HARVEY: I think I tend to agree with Mr. Dixon. I don't see a specific violation. I recommend this case be dismissed.

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

(Whereupon, there was no response)

SECRETARY KEMP: I'm ready for a motion.

MR. SIMPSON: I move to dismiss this case.

MS. SULLIVAN: Second.

SECRETARY KEMP: Mr. Simpson moves to dismiss; Ms. Sullivan seconds. Any other discussion?

(Whereupon, there was no response)

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

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. Thank you, Mr. Dixon, for being here.

Mr. Harvey, we are now going to move to the new cases; is that correct?

MR. HARVEY: That's correct, sir.

SECRETARY KEMP: For those of you here today, one of the other things we've been trying to do to help the folks that take the time to come to our meetings is to go down the list of cases and if there are people who have not showed up, we'll move them to the bottom of the calendar so we can get to the folks that are here quicker.

So if you will just raise your hand or say "Here" when I call these cases, we'll move through these real quick. You don't have to say anything about them. Just say you're here or raise your hand and we will try to put some of these at the back if nobody showed up.

2012, number 31, Telfair County; Fulton County Shoji case; Brooks County absentee ballot case; Floyd County voter districting; Cook County; Long County case; City of Ludowici; Jefferson County; Montgomery County; Dooly County; Stewart County; 2012, number 182, which is absentee ballot via FedEx case; 2013, number 6, Long County; City of Valdosta; Crisp county felons case; City of Ocilla; City of Lumpkin, which is Stewart County; Sumter County; City of Woodland; Tift/Colquitt County, City of Omega; City of Brunswick, Glynn County; Toombs County qualifying case; Sumter County residency case; Long County qualifying BOE case; Camden County case.

Thank you all very much for that.

Mr. Harvey, the first one is 2012, number 31, which is Telfair County, number 38 in our binder.

MR. HARVEY: Yes, sir. This case had three major areas of complaints. The first complaint regarded allegations of absentee ballot mishandling fraud; the second centered around problems that the Lumber City precinct, actually, on election day; and the third was something our investigators discovered during the process of the investigation. It had to do with administrative areas errors and failures with election documentation.

Regarding allegations that absentee ballots were being improperly handled and processed and illegally assisted, we had cross-complaints. We had several different sides alleging that absentee ballots were being improperly handled.

We were unable to determine that there was any large conspiracy, that there was any type of organization involved. We interviewed approximately 50 individuals regarding absentee ballots. We did come across several cases where individuals either illegally assisted people with absentee ballots and/or illegally failed to document assistance. There were several cases where people illegally possessed absentee ballots once they had been voted.

We had gotten reports from people that absentee ballots had shown up in bundles at the post office. However, there was no indication of who may have handled those ballots and collected those ballots.

So as far as the general allegations of absentee ballots being improperly handled, while there is some indication there may have been something going on, in all the investigation we did we were unable to determine if it was a concerted effort.

We ended up interviewing 33 absentee ballot electors in terms of trying to see if there was any connection, and what we found was there were 13 instances of those 33 of illegal activity. We found out that the following people illegally possessed absentee ballots: Beulah Dollar, Linda Clemmons, Patsy Vaughn, and Alice Strong.

We found that several people either illegally assisted or failed to sign as assisting when completing absentee ballots. Those were Inez Carnes, Linda Clemmons, Beulah Dollar, Alice Strong, and Margaret Williams.

As far as allegations with the Lumber City precinct, our office received several complaints from people about the Lumber City precinct. Interestingly, as far as I can tell, we didn't receive any complaints from individuals who actually

experienced the problems. We got a lot of sort of general complaints about what happened in the Lumber City precinct, and most of them involved people who have requested absentee ballots who were attempting to vote on election day.

We interviewed four out of the five poll workers and what we found was that when people either requested an absentee ballot and had not returned it, when they came into the polls and wanted to vote on election day, they, of course, were told they had an absentee ballot outstanding and they had to cancel that. The people at the poll officer reported that they had difficulty getting in touch with the registrar's office to verify that someone still had an outstanding absentee ballot.

So that caused some delay in I think that contributed to the report that people were not being allowed to vote because, of course, if you show up to vote at the polls with an outstanding absentee ballot, you should be stopped from voting until they clarify whether or not the ballot is still outstanding and you cancel it. But as the board knows, there is certainly a procedure for doing that.

All voters were allowed to vote provisional ballots if necessary.

There were reports that people came in wearing shirts that had candidates' name on them. In every case those people were intercepted and told to turn their shirt inside out or go out or fix it, and in every case we followed up on, people complied with that.

At one point there were some contraband flyers found near the front of the polling place at Lumber City. As soon as the items were identified by election officials, they were confiscated and destroyed. There is no indication as to who put that campaign literature there. But that would certainly be a violation of the law.

Again, the complaints -- we didn't receive a lot of specific complaints from specific individuals.

As far as the administrative errors, when we started to examine these absentee ballots to attempt to detect any fraud, we also found there were problems with voter certificates, which, of course, people fill out when they voted in person. We found that there were two voter certificates accepted without a voter signature; 13 accepted without voter date of birth; 14 accepted without poll worker signatures; 33 accepted that indicated there was some assistance but did not provide a reason for assistance; there were 49 certificates accepted without the elector's address;

51 certificates accepted with no indication that the voter's ID was checked or what form was presented.

There was one case where a voter named Fred Haymans the third went in to vote. He was not registered to vote, however when he filled out his application, the poll worker pulled up his -- actually, his grandfather who was registered to vote, who was Fred Haymans the first. They allowed Mr. Haymans the third to vote in place of his grandfather when he was not registered to vote.

I think it was an error on the poll worker. He or she saw the same name and allowed Mr. Haymans to vote when he was not registered.

We do have in the citations a Michael Allen cited for failing to correct a voter's ballot. In this case, there was a voter who went to vote and she contacted the poll worker and said, I'm not sure if I have the right ballot because I think I might have this candidate and I should have that candidate. Michael Allen told her, you know, you may not know what district you're in. You might have the right ballot; you might not. She went and voted.

Initially, we have him cited for violation of not correcting her ballot. On further review and going through the case, I don't know there is evidence to sustain that. He did not tell her you have to vote that ballot. I think the voter equivocated as to whether or not she had the right ballot or not.

So I don't think there is a charge to sustain on Michael Allen. I recommend that specific violation be dismissed.

To bring it all to a close, for the respondents, I recommend the Telfair County Board of Registrarss, elections superintendent Rebecca Weidner, Betsey Johnson, and Linda Cartwright all be bound over to the AG's office on the citations listed in the report.

I recommend that Fred Haymans the third, Alice Strong, Beulah Dollar, Patsy Vaughn, Linda Clemmons also be bound over to the AG's office on their listed violations.

And then for Inez Carnes and Martha Williams, these are women who assisted their disabled husbands in voting their absentee ballots. They did not sign as assisting. There is no indication there was anything nefarious or malicious in

doing that, and I recommend they receive letters of instruction reminding them about the proper necessity to document assisting with an absentee ballot.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

MR. WORLEY: I had a question. Mr. Harvey, the 162 counts about improperly completed voter certificates, did those relate to more than one precinct?

MR. HARVEY: Yes. Those were more than one. That is the total we looked at.

SECRETARY KEMP: Anything else, Mr. Harvey?

MR. HARVEY: No, sir.

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

MS. SAWYER: My name is Toni Sawyer. I am the county attorney for Telfair County. My address is 311 West Central Avenue, Fitzgerald, Georgia 31750.

I am here to speak on behalf of Telfair County Board of Elections, the current Telfair County elections superintendent, as well as Ms. Cartwright, the former Telfair County elections superintendent, which is also Probate Judge. Ms. Johnson is actually here today and she is represented by her own personal attorney.

I did provide a response to Mr. Harvey and we communicated by email. If I may, I would like to address Ms. Linda Cartwright first and the allegation that she allowed Mr. Haymans to vote, the cast his ballot.

Ms. Cartwright was not the individual who actually was up front that assisted Mr. Haymans. There was another individual, another poll worker. What occurred was that there were actually three individuals named Fred Haymans that were registered to vote for that particular precinct that lived in the same household. There was a Fred Haymans senior, Fred Haymans junior, and Fred Haymans the third.

When this individual came in to vote, he gave the name Fred Haymans and provided his ID. The gentleman that assisted him did, in fact, look at the ID, but

he did not check the date. We do not in any way deny that that occurred. From that point, Fred Haymans the third was, for whatever reason, allowed to vote under Fred Haymans senior. We do apologize for that.

So we just want to make it clear it was not Ms. Cartwright. So we would ask that the charge against her be dismissed. She was the poll manager, but she was not aware of what was going on.

Let me just move forward with the Telfair County Board of Registrars with regard to the issues with the absentee ballot applications as well as issues with absentee ballots. The only thing we can say is that we sincerely apologize this occurred.

At the time of this July 2012 primary we had a new, completely new staff. The chief registrar had just been hired in December. She had not received any type of training other than the two-week training in house with the prior registrar. She had not had the opportunity to attend any kind of VRAG training or any type other type of training offered. So at that time, staff just really, honestly, did not know.

What we can say now is as far as training, the chief registrar has been trained with VRAG. She has been trained in the 2012, 2013, 2014. She's coming up on the 2015 training. She does the (unintelligible) net training. She now does the mandatory continuing education for the registrars, which I think is 12 hours. Her new assistant is also signed up to attend two sessions of VRAG training this year.

Now when there is an issue with an application ballot, we send out letters informing the voter that there is an issue with the ballot application, absentee ballot application, and explain to them what the issue is. We send them a new absentee ballot and ask them to complete it.

If we get a ballot and there is a problem with the ballot, we send them a letter explaining why the ballot was rejected and then we will allow -- tell them their options that, you know, either if time permits they can come and vote inhouse absentee or vote at the polls. We have worked on that.

It's my understanding -- I was not the county attorney in 2012; Mr. Marchant who represented Ms. Johnson was actually the county attorney at that time. But since I have been appointed county attorney, I don't think there has been any other complaints as far as registrar's office that I'm aware of.

The issue with the elections superintendent's office, which is also the Probate Judge, again, all we can say is these errors occurred and we apologize. We have new poll workers and these poll workers are now being trained four to five hours for each election. In addition to that, the poll workers are individually trained on their individual duties at the polls. So if somebody is to be up front and working on the voter certificates, they are shown individually that this needs to be completed, this needs to be completed. Of course, they have to complete the (unintelligible) net training.

So we are working on making sure that what occurred does not occur again. Again, as far as I'm aware, there have been no further complaints with regard to the elections superintendent's office or any elections after the 2012 primary.

SECRETARY KEMP: Thank you for being here, Ms. Sawyer. Any questions for the counselor?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you.

MR. HARVEY: Just for the record, I will submit what Ms. Sawyer submitted to me for the board's consideration.

I also have an email from Michael Alan who is the person I suggested be dismissed explaining his position.

SECRETARY KEMP: All right.

MS. SAWYER: Thank you.

SECRETARY KEMP: Thank you. All right.

MR. MARCHANT: Mr. Chairman, my name is Joseph Marchant. My address is 303 Main Street, PO Box 4218 is my mailing, Eastman, Georgia 31023.

I am here only on behalf of Ms. Betty Johnson, who was the Probate Judge and elections superintendent at the time of this election. She has since retired.

Just a little background on Ms. Johnson. She has served our county as a public servant for over 30 years. She served two terms as clerk of Superior Court. Our

county has the two-term tenure act, which is something that is kind of rare in Georgia. I don't think very many have that. So -- had it not been for that, she would have continued, probably, at the clerk's office.

But at some point, she made a transition in to the Probate Court. She actually served as the clerk there in the Probate Court for eight years, but during that time she didn't really handle elections and wasn't really involved in that.

When the Probate Judge, who is actually now the current Probate Judge, previously served two terms and Ms. Johnson ran for office and was elected. This was also one of the first elections she held, certainly, a large-scale election.

Essentially, we don't disagree with anything Mr. Harvey said with regard to the two issues that affect Ms. Johnson. But the only two issues that really affect Ms. Johnson's office is the discrepancies in the voter certificate cards and some information missing from those. We went through and looked at those ourself and we would agree that it was the type of information, various things, missing from those cards.

Obviously, the poll workers look over there. She is not actually going to examine 3500 cards, but it is her responsibility as the elections superintendent. I think as has been previously discussed, it appears those they are being corrected or have been corrected through the current election officials.

The other issue is this issue with Mr. Haymans. This is an issue that could have happened anywhere. I had something very similar almost happened in my office this week.

There were three Mr. Haymans. The first -- the older two died and left the grandson, and the grandson actually inherited the house of the grandfather. So he moves in this house so he's getting his mail there and he's also gets a voter registration card. It's his grandfather's card, apparently, but he believes it's his and that's why he went to vote. It's a matter of the third versus a senior and not checking a date of birth.

There was no criminal intent with any of this stuff. We certainly do admit that a mistake occurred.

Ms. Johnson has since retired. She has no plans to return to public office that I know of. We would ask that the case be resolved with a letter of instruction and

not be referred to the AG's office as it relates to Ms. Johnson only.

SECRETARY KEMP: Any questions for Mr. Marchant?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you for being here. Anyone else? Yes ma'am good morning.

MS. DOLLAR: I am Beulah Dollar. My address is 58 East Ranch Street, Post Office Box 75, McRae, Georgia 31055.

I have been cited for having possession of absentee ballots. The persons that were mentioned were Yvonne Studdard, who is blind; Randolph Freeman suffers from a stroke and has paralysis in his hand; Grady Hamilton is blind; and Johnny Fuller.

Okay. I assisted these persons. I also signed these absentee ballots that I assisted them. Yvonne Studdard always makes an attempt to write her name by having a finger on the piece of paper and put it on the line and then she signs (unintelligible). But I signed my name that I assisted her and I wrote on there the reason, because of blindness.

So when the investigator came, she said that they had her write her name. She said she wrote it and that she wrote it whenever she was doing an absentee ballot. I assisted her because she could not see how to mark the candidates. I signed my name that I assisted her and each time.

On Grady Hamilton, the same thing transpired. He said that he could not -- he could sign his name, but he could not make the choice of the candidates because of the blindness. He signed his name but I signed my name that I assisted him.

Then on Randolph Freeman, this is something like my relative because my son has been with his sister 37 years. He had a stroke and I'm almost like his caretaker. I go to visit him several times a week. He has someone has to place him in the bed at night and help them in the morning. I make. I take meals for him and on Sunday, along with 12 other people, I fix dinner and take to him.

But he has paralysis in his hand and he cannot write. He can't even understand his handwriting. When I registered him to vote, I signed that I registered him because

you couldn't understand his handwriting. I filled in his candidates. He told me who he wanted to vote for and I filled it has candidates. Then I assigned [sic] my name that I assisted him.

He had to be moved from one apartment to another. I had to do a re-registration form because of the change of address. I signed my name but I assisted him with that because he had had a stroke and he could not write.

On Johnny Fuller, he lived next door to Arthur Randolph. And Johnny Fuller asked me to watch him to see if he was filling out the back of his absentee ballot correctly. He said he had filled out one time before they threw it out and said it wasn't complete. I did not put my hand on his ballot. The other three I had to put my hands on because I had to do the ballots for them. But for Johnny Fuller, he filled it out himself. I watched him while he signed it.

All of these persons, I left the ballots with them once they were completed. So Yvonne Studdard, I think her daughter came in one or two times, but she told me to check on her mother because she was moving away and she could not do her own ballot and she wished that U would assist her mother. So I left the ballot in their possession and whoever mailed it, I do not know.

I think Arthur said his sister that is with my son put his in the mail, and Johnny Fuller. So I had to have them in my possession, those three because I had to assist those persons.

But Johnny Fuller, I did not touch his ballot. I just observed while he was doing it to make sure he filled it in correctly.

I just pray and trust that you will take under consideration somebody that is totally disabled. Thank you.

SECRETARY KEMP: Any questions for Ms. Dollar?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you, ma'am.

MS. STRONG: My name is Alice Strong. My address is PO Box 324, Lumber City, Georgia 31549.

I have been cited for -- it says Ms. Lois Wright said I took her ballot when she did not require any help, but she did require help. I have a letter from her son stating that she required help because she had had a stroke. She was also housebound. She's an avid voter, but she couldn't get to the poll because she has a motor wheelchair and it was torn up at the time and I was asked to go and help her vote.

The only thing I did, she did her own marking of her ballot. But I signed the oath that I assisted her and filled out the back of the oath with her information.

I have this letter from her son.

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

MR. SIMPSON: So moved.

MR. WORLEY: 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: If you'll just hand that to Mr. Harvey.

MR. HARVEY: Thank you, ma'am.

SECRETARY KEMP: Ms. Strong, do you have anything else you would like to add?

MS. STRONG: No, sir because that was -- I did not receive a letter from the election board. But I saw someone else's letter and I saw my name was on there so I decided to come and let you know what happened.

SECRETARY KEMP: You're saying you did not receive notice of this hearing?

MS. STRONG: No, sir. I did not.

SECRETARY KEMP: Any questions for Ms. Strong?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you.

MS. STRONG: The investigator, Ms. Pam Jones, came to my house one day but I was not home. My girlfriend told her I was at work. But she never contacted me. And she also sent me a letter asking me to call her and called her several times, but I never got her and I left messages on her voicemail and she never contacted me.

SECRETARY KEMP: Okay.

MS. STRONG: Thank you.

SECRETARY KEMP: All right. Anyone else? Yes, sir.

MR. STEVERSON: My name is Chris Steverson. My address is 16 Mimosa Lane, McCrae, Georgia 31055. I serve as the Sheriff of Telfair County.

Mr. Secretary, I have a folder that has the letters you just get a copy of along with some other sworn affidavits. With your permission, I'll approach and give it to the board.

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

MR. SIMPSON: So moved.

MS. SULLIVAN: Second.

SECRETARY KEMP: We have a motion and a second. All in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

MR. STEVERSON: I appreciate the opportunity to come before this honorable board. I don't represent any particular person here but after I looked in to the facts involved in this investigation of the case, I felt it my duty to come and speak to the board. I don't represent a certain individual, but I do represent law and order in my county and executing it fairly on the citizens of my county.

Due to time constraints, I had written a letter to the board, but with such little notice we didn't get it off. So with your permission, I would like to go over my letter and just point out some facts of the case. There are some attachments exhibits attached to your folders. I hope you will follow along and stop me at any point if I can answer a question.

I will say, also, the Secretary of State's office, the investigation division, has some of the most competent investigators in the State of Georgia. I know this because I was one of them at one time and I know these investigators and I have worked with these investigators. They are very competent.

Unfortunately, the investigator that got this case left a lot of questions unanswered and, in my opinion, this investigation was sloppily done. And I point out some of those instances in my letter.

“It is my understanding that several citizens of Telfair County have matters pending before this body. I would like to take this opportunity to address the board concerning my firsthand knowledge of the fine ethic and good character of many of the individuals named in this report, as well as the obvious investigative deficiencies evidenced throughout this case.

Firstly, this complaint originated from an individual well-known to my office. As a matter of fact, your complainant, John Dopson, is currently being investigated by the GBI for recklessly and repeatedly pointing a pistol to the head of a local senior citizen while threatening the gentleman's life only because he disagreed with Dopson's outlandish and slanderous rants.

John Dopson is a very outspoken critic of our county, our elected officials, our churches, community and bank boards, our schools, our teachers, our county workers, and every other local entity. The complainant in this case, John Dopson

is a belligerent fool, plain and simple.

On June 12, 2012, John Dopson emailed the Secretary of State with several incredible accounts of election fraud. As a matter of protocol, the Secretary of State's investigative division looks into every complaint of election fraud, as they should.

In this particular case, none of the complainant's allegations could be corroborated by any factual evidence by the assigned investigator.

However, the investigator assigned to Dopson's complaint seems to have bought in to his nonsensical banter and, when all else failed, proceeded to go on a fishing expedition. This young lady obviously sought to find the evidence of Dopson's ridiculous claims of rampant countywide corruption by conducting a three-year, one-sided, incompetent investigation which appears as only a desperate attempt to appease Dopson's desire to smear myself and many of the good citizen is of our county, and to paint our county is a hotbed of political corruption.

I was told the investigator randomly selected individuals to scrutinize. Out of seven respondents, she randomly selected my mother, my mother-in-law, and a dear friend of our family. Out of seven respondents, three were from my closest family circle.

Sworn affidavits reveal a sloppy or nonexistent investigation aimed only at smearing my family. See attachment number 1, pages 4, 5, 6, and 7, which are sworn affidavits that counter the allegations made against these individuals.

I have been a criminal investigator for well over 20 years. I have investigated every crime from shoplifting as a local police agent detective, election fraud as a member of the Secretary of State's investigative division, to war crimes as a criminal investigator working overseas for the United Nations.

In every case I've ever investigated, all witnesses and all of those accused were interviewed wherever possible. An investigator should never submit to a prosecutor, or in this case, to this board, an investigative report that reflects solely the uncorroborated allegations of the initial complainant. This is not the former Soviet Union and this is not Saudi Arabia.

The agent assigned to this case had three years to interview all the parties related to this case. I was told the agent claims she could not find them. I was told the

agent insinuated that many of the individuals mentioned in her report avoided her attempts to interview them. This is simply not the case.

These people are honest and forthright in all their affairs. They're definitely not the felons this investigator has accused them of being.

After casually investigating this case for three long years, the respondents were notified they were being accused of committing various felonies by chief investigator Chris Harvey, and their cases would be brought before the board in 30 days. I, as Sheriff of Telfair County, was contacted by several of the little old ladies and gentlemen named in the report. Many of these individuals are some of the dearest and sweetest elders of our community, hard-working, honest, taxpaying citizens who came up through the Great Depression and fought in our wars. Some are still involved in serving their communities in some way. They are proud Georgians who up until this time, believed in our system. They believed in our election process.

One 92-year-old widower, a World War II veteran, often boasted proudly to his family and friends that he has voted in every election since he was 18 years old. This same gentleman told me that he will never vote again because of the ridiculous accusation against his 65-year-old daughter, a retired schoolteacher, widow, and loving grandmother who has never had even the slightest encounter with law enforcement.

Another, Mr. Henry Carnes, a 75-year-old respondent who is also a pillar of our community, stated in his sworn affidavit, "I doubt I will vote again based on how this investigation has been handled. It's just not worth the hassle." You can see his statement on attachment 1, page 2.

As a trained career investigator, and at the request of some of the respondents, I read through the investigative findings of regarding this case. I quickly realized that there was absolutely no evidence of criminal intent or fraudulent acts, but what appeared to be only minor errors in filling out the absentee ballot envelopes.

I also felt compassion for the senior citizens because most are not physically or financially able to defend themselves before this board. I personally hired a private investigations firm to locate and interview the witnesses in this case and to obtain sworn affidavits from them. I merely provided the investigative firm the names of the respondents and witnesses and a copy of the complaint.

Promptly, in the course of two afternoons, these witnesses and respondents were interviewed and sworn affidavits were obtained.

The private investigation revealed that the first time many of the respondents were notified of this accusation was when they received notice from Chief Chris Harvey less than 30 days before their scheduled hearings. It also revealed that at least some of the respondents repeatedly reached out to the investigating agent after her card was left on their door and left messages, but never being contacted back.

At least one lady, Ms. Carnes, a 71-year-old lady -- see attachment 1, page 3 -- reported that she recently contacted Chris Harvey directly. The respondents and witnesses in this case obviously did not elude investigators, but instead attempted to reach out to them.

There are several factors responsible for any errors that may have been detected by the State's investigator in this case. However, even the slightest insinuation of criminal intent and/or fraud is grossly unjustified and not supported by the facts.

At best, many of the scenarios described in the investigator's report can be attributed to common errors in innocent mistakes, mistakes such as: poll worker did not check the box that an elector's drivers license was inspected, 33 times countywide. You know, with almost 35 [sic] ballots cast, that's not bad. Elector did not fill in the blank for their street address, 18 counts countywide; elector sign their name on the wrong line, one count; poll worker did not check box that elector was physically disabled, ten counts. These and similar violations go on and on to equal some 162 counts.

I think this board would agree that the fine print regarding the oaths on the absentee ballot envelope is very tiny at one-sixteenths of an inch. See attached sample number 2.

The oath of person assisting elector states that only if the person assisted in marking such elector's absentee ballot are they required to sign the oath. Obviously, the investigator assigned to this case also had trouble reading the fine print, as many of those accused of committing a felony by not signing the oath had not assisted in marking the elector's ballot. They may have assisted in filling out the oath of the elector and/or assisted addressing the envelope properly. But in those cases, signing the oath of the person assisting elector is not required.

However, if investigator were to ask an elderly elector if anyone helped them fill out their ballots, of course they will say, yes, because in their mind they did have help with their ballot; the help was in filling out the oath and address correctly and maybe applying postage for it.

When the private investigators specified to witnesses using exhibits to demonstrate what is considered assistance with their ballots, they quickly clarified their answers and not one of the witnesses interviewed thus far has corroborated any of the accusations of wrongdoing.

We also had a new, and at that time, inexperienced registrar who had a lot to learn rather quickly. She was in constant communication with the Secretary of State's office staff as she navigated her first election, nervously trying to do everything just right. I'm sure she probably made a few mistakes. But after this horrible experience she will probably seek other employment

There is not one single element of this case that rises to the level of election fraud. There is not one single element that can support any claim of an elector not freely voting for the candidate of their choice. There is not one single element to support any claim of an eligible voter not being allowed to cast their ballot. There is not one single element to support political corruption in our county.

I would bet that if the State investigators scrutinized any county election in the state as closely and as for as long as they have scrutinized ours they would find similar number of these mistakes, and probably more. People are not perfect and temporary employees who may work one election day every few years are bound to err . But as long as they err on the side of not denying a single eligible voter to cast their ballots, we have accomplished our goal as a free democracy.

I feel it's very unfortunate that innocent law-abiding Georgians can be dragged before this board and accused of committing felonies when a fair and competent investigation has not been completed. These matters will forever be a part of the public record and these good and proud members of our community will forever be shamed and ridiculed for being undeservingly accused of criminal behavior by having their names attached to this report.

I am hopeful the members of this board, Secretary Kemp, along with our legislators will explore measures that might prevent other Georgians from suffering through such an embarrassing ordeal in the future.”

Attached to my letter, you will find several sworn affidavits that clarify and contradict the information that you've been presented by Mr. Harvey in his report. Sworn affidavits will stand up in any court of law anywhere.

To give you an analogy of what is has happened here, we had a gentleman -- we're known for our big deer and world record bass in my part of the state. This gentleman lured an investigation down here with tales of the big game we have.

Well, once they came looking for that big game, they didn't find any because the guy was a fraudster. Before going back with an empty sack, they stopped off and bought a few packs of baloney. And that's what you have here is baloney. You can't make big game stew off baloney.

I appreciate you all giving me the time to address you. It's upsetting to me. We have so many negative issues surrounding our county, historically. We've got new people in office. You know, we're trying to change things because our economic plight is so bad. We don't have much industry. We'll take the rap for what we do, and we'll punish those who violated the law. But in this case, there is nothing here. This was a fishing expedition.

When the complaints didn't pan out initially, for whatever reason, they decided to dig until they could find something. All you've got here is a few mistakes. If you've ever been involved in filling out one of these absentee ballots, I'm sure you made a mistake, too.

But I hope the board will consider the evidence that I presented. This case hasn't been adequately investigated; witnesses have not been adequately interviewed. This case was thrown together and it was sloppily done, and innocent Georgians have been dragged through the mud by being attached to this report as a result of that, and I think that should never happen to any Georgian, or anyone in this nation as far as that goes.

Any questions you have, I'll be glad to answer.

SECRETARY KEMP: Any questions for the Sheriff?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you, Sheriff. Anyone else wishing to speak?
Yes, ma'am.

MS. FLOYD: My name is Linda Floyd. My address is 180 Spaulding Drive, McRae, Georgia.

I also received a letter. But they said that I assist Mr. Albert McRae and (Unintelligible). During that year, as far as I can remember, if I assist anyone with their ballot, I would sign my name. I can't remember back in 2012.

I just wanted to come and to say if I assist someone, I did sign my name. Thank you.

SECRETARY KEMP: Any questions for Ms. Floyd?

(Whereupon, there was no response)

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

(Whereupon, there was no response)

SECRETARY KEMP: Mr. Harvey --

MR. HARVEY: Can I respond to the Sheriff's comments?

SECRETARY KEMP: I'm going to let you do that. I have a question for you, though. We had one person that said they were not noticed?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: Do we have record of sending the notice?

MR. HARVEY: We do. We've got -- we scan all the notices we send out before we do it. I don't have all those copies with me. But we can certainly verify that a letter was sent. Whether it's a good address or something has changed or it got lost in the mail, we can verify every respondent that was sent a notice.

SECRETARY KEMP: I just want to make sure that it's clear that we did notice the individual so they could be here this morning to give us their side of the story.

MR. HARVEY: If I may respond to Sheriff Steverson, I think I understand Sheriff Steverson's passion. However, I think his argument proves our point and

discredits his own point.

His basis seems to be that these are all good people and the complainant is a nut, I guess to paraphrase what he said, and we shouldn't have considered the allegations of a nut, and we should have known better; and we should have somehow made some sort of subjective analysis that this person is making a complainant and we should have known he was crazy and not done anything about it.

Instead, what we did was take the complaints from this person -- and we don't know anyone in Telfair County whether they're unhinged or have an agenda. Mr. Steverson made a complaint also that we investigated. We investigated the initial allegation about absentee ballots.

How you investigate absentee ballot fraud is if there are specific people that are alleged to have had their ballot taken, you go talk to as many of those people as you can.

If those names do not come up, you've got two choices. You can either say nothing we can do here, or you take the extra additional and very time-consuming step of getting copies of all the absentee ballot applications, copies of the absentee ballot envelopes, going through them individually, identifying voters who have some type of discrepancy, randomly interviewing voters -- now, he indicated that we sort of randomly selected the people to interview. We did not. We randomly selected absentee voters and we interviewed them, in many cases, on tape with a standard interview form with experienced law enforcement investigators. And I would certainly dispute the allegation that Investigator Jones is anything but a top-notch an investigator. She is one of our best investigators and I would stand behind her a hundred percent.

But we interviewed these individuals. From these individual interviews of the voters is where we got the names of people that had supposedly assisted them.

Contrary to Sheriff Steverson's understanding, filling out an absentee ballot envelope oath of elector is assisting under the law. So if somebody fills out an absentee ballot envelope, they are assisting the voter. He indicated that was not a violation of the code. I put to the board that it is and the board has always upheld that it is.

The fact that the names of the people assisting came back to the investigators and

we went and made contact with as many of those people as we can, and, again, over 45 interviews, letters sent to people -- yes, they were some people we were not able to contact and people that didn't respond and opportunities might have been missed. But anybody, by any objective standard, looking at what we did, can say we did exactly the opposite of what Sheriff Steverson suggested. That we went out to tar and feather somebody or to brand somebody's name, we followed the evidence regardless of who was involved.

As a matter of fact, it was, I think, two days ago when Sheriff Steverson contacted our office. I didn't even realize that one of the respondents was his mother. There is no specific indication that that is the case. I called the investigator and said, hey, in going over this case and getting ready, I see there's some connection, there's some mention. Is that person a respondent? The investigator said, yes, it's this person.

So there was no attempt to brand anybody; there was no attempt to go after anybody. We simply followed the voters who related their experiences with absentee ballots and led us back to individuals that assisted them.

So the fact that we followed the facts -- and, again, to say that we have somehow branded these people as felons, before this meeting today, the board will hear 25 to 30, 40 cases of individuals who are accused of doing the exact same thing that the individuals were doing. No specific recommendation has been made, nor will be made, that any of these people are handled any differently than people in the same circumstance. And I think the board would recognize that that's the case.

If somebody illegally possesses an absentee ballot, the board has a very long-standing practice of generally binding those people over to the AG's office. The board can certainly vary from that if they want, and I don't mean to tell the board what they can do.

But I understand his passion and I understand it is unfortunate that people that presumably have good intentions, and I have no reason to believe any of these individuals who spoke had the intention of doing anything wrong. But the fact is, in some cases they did not sign as assisting. They may think they did. We have copies where they did not sign as assisting.

I'm completely confident in submitting this to the board and the board taking action on it. If the board decides to send it to the AG's office, the AG's office will have sufficient information to take appropriate action for these violations.

And, again, just lastly to say this shows there is no consideration of who the respondents are. We followed allegations and we followed violations. And when we find a violation, make a citation. We have cited state senators, we've cited state representatives, we've cited candidates, we've cited family members.

SECRETARY KEMP: Any questions for Mr. Harvey?

MR. SIMPSON: Mr. Harvey, look at the oath of a person assisting elector.

MR. HARVEY: Yes, sir.

MR. SIMPSON: It says that I have assisted the elector in marking such elector's absentee ballot as such elector personally communicated such elector's preference to me.

It doesn't say anything about filling out envelopes or putting addresses on envelopes. This is talking about assisting the elector in choosing the candidate, just like the Sheriff has said.

Now, you know, if the oath should say something else, then is it needs to be amended on the form. But this just says that you're helping mark a ballot. And we've heard -- and I don't know that your investigator went that far in her investigation to determine whether the assistance was marking the ballot or just filling out an envelope or putting a return address on it, or something like that. But I think it makes all the difference in the world.

MR. HARVEY: Respectfully, under 21-2-2, Definitions, ballot -- and I'll read it from the code -- "ballot means official ballot or paper ballot and shall include the instrument whether paper, mechanical, or electronic by which the elector casts his or her vote."

MR. SIMPSON: Right. But you're not reading what the oath says. The oath says -- it doesn't say anything about saying that you have to -- this oath doesn't say that I helped fill out some other part of the ballot.

MR. HARVEY: Yes, sir.

MR. SIMPSON: It says making the choice of the candidate the elector chooses.

Now, if you didn't do that, you know, why would you sign this affidavit?
Because it doesn't say I helped in any way with the ballot.

MR. HARVEY: Well, it says ballot and under the definition of ballot, the envelope --

MR. SIMPSON: Yeah, but you got to look at what the oath says, not what the statute says.

MR. HARVEY: I understand, sir. If the board wants to direct us to follow that -- this is the standard that we've used for years, and we can certainly reconsider. I can talk with Mr. Willard if that's something we need to reconsider.

I think if you look at the Memorandum of Interviews that we did, they do indicate in pretty great detail what the person did. The person -- you don't have that. But in these files, when we do interviews, we do a question-and-answer form and then it's summarized by the investigator. In some cases it's audio recorded. And the investigators do go into specific detail about what was done. In many cases, it was just that: it was that the assistor marked the ballot envelope.

If the board doesn't believe that was a violation, we can certainly adopt that. But it has been standard practice that is considered assisting with an absentee ballot.

MR. SIMPSON: Regardless of the standard practice, looks to me we need to go with the language of the oath rather than some standard practice, particularly when some of these affidavits say my, daughter-in-law only filled out the mailing envelope in order to mail my absentee ballot. It doesn't say that daughter-in-law helped her select her candidate. The oath says that I helped select the candidate.

MR. HARVEY: In some cases I understand individuals have told us they gave the ballot to one of these individuals, and now I'm hearing the person has recanted and is changing their story, which is something that would have to be determined at trial to determine witness credibility.

I have not seen those affidavit so I don't know what they say.

But when Sheriff Steverson said Ms. Carnes called me -- she called me, I think, Tuesday of this week -- she was interviewed in 2013. So she was interviewed. She may not remember being interviewed, but we've got a documented interview with her at the time.

Like I said, we've got three accordion folders full of interviews and evidence and documents that have gone through to come up with these.

Again, that's been one of our applications of assisting with absentee applications. If that's incorrect or improper, we'll make changes immediately. And I would submit that Mr. Willard could determine whether, if the board wanted to send it over, whether that is something he proceed on.

But the allegation that this was some kind of sloppy haphazard witch hunt investigation is completely belied by the facts.

MR. SIMPSON: I'm not saying that.

MR. HARVEY: I understand, sir.

MR. SIMPSON: I'm not interested in that. All I'm saying is look at the oath, look at what the oath says to determination whether or not there is a violation of the law. That's all I'm saying.

MR. HARVEY: Understand. Yes, sir.

SECRETARY KEMP: Any other questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Ms. Jones, I'd like to ask you a couple of questions, if you don't mind.

MS. JONES: Pam Jones, investigator for the Secretary of State's office, 237 Coliseum Drive, Macon, Georgia 31217.

SECRETARY KEMP: I had a few questions I wanted to ask you.

How long have you been an investigator with the Secretary of State's office?

MS. JONES: Six years.

SECRETARY KEMP: Do you believe when you were doing this investigation you were one-sided in it?

MS. JONES: No.

SECRETARY KEMP: Do you believe you randomly selected the individuals that you talked to or interviewed in this process?

MS. JONES: I know I did. Yes.

SECRETARY KEMP: And why would you do that?

MS. JONES: To get an adequate sampling of the alleged violations. So that -- not to take too many people from one district. I went through the stack of applications or ballots and every fifth person I pulled the application to review until I could get the number that I needed.

SECRETARY KEMP: So when I say randomly selected, it wasn't like you went down there and picked the people you thought you should talk to.

MS. JONES: No.

SECRETARY KEMP: You had a process on how you would do the investigation that would give --

MS. JONES: Yes. We decided that twenty percent would be an adequate review in discussing it with our supervisor and Mr. Harvey, we decided twenty percent would be a sufficient number.

SECRETARY KEMP: Do you feel like anyone has been dragged through the mud on this investigation, or have you handled this like you've handled the other investigations you've done in the six years you've been working for us?

MS. JONES: It's been handled exactly the same way. There have been numerous investigations regarding the same allegations, and we always handle them the same way.

SECRETARY KEMP: Could you tell us about how you went through the contacting process of the individuals that claim that they were never contacted, that they were never talked to, that they called you back and left messages and then you didn't call them back?

MS. JONES: Primarily, the initial contact is done in person if you can. The distance issue with us was a problem because we are almost two hours away and time constraints and . . .

But I would initially try to make contact in person. If that wasn't possible, I would research to try to get phone numbers. I would contact by phone and leave messages. In some cases you can't leave messages. In some cases the phone has been disconnected.

The last resort is to send a letter. Typically, it's done by certified letter. We do have issues sometimes getting the green cards back, lost mail. We have a huge mailroom here. So that's the case sometimes.

SECRETARY KEMP: Okay. Anyone else have a question for Ms. Jones?

MR. SIMPSON: When you interviewed these people, did you ask them exactly how they assisted the person with absentee ballots?

MS. JONES: Yes, sir.

MR. SIMPSON: How many of them -- do your notes reflect which one said they assisted in selecting the candidate?

MS. JONES: I would have to review the MOI's because that's usually done as a collective number because we've always treated assistance including the ballot as well as the envelope because it is considered one document.

MR. SIMPSON: Well, it's confusing here. It says -- your findings in your report just say they assisted. It doesn't say how, and you see where we are.

MS. JONES: And that's something that can be reviewed. We can review the MOI's to tell the difference. But -- because that is a specific questions that is asked.

But typically that's considered a violation because it's considered one document.

MR. HARVEY: The MOI's do generally indicate if the person assisted, they helped me choose the candidate. In some cases, I believe Ms. Studdard was blind, and she said that Ms. Dollar, or whoever assisted her, she told her who to assist [sic].

So it indicates in the MOI that Ms. Dollar marked the ballot for me and then showed me where to sign.

So if you look at each individual's interview, it generally indicates to what extent they assisted.

SECRETARY KEMP: Thank you. Anyone else wishing to speak that hasn't spoken yet?

(Whereupon, there was no response)

SECRETARY KEMP: Sheriff, did you have something you wanted to add?

MR. STEVERSON: Just to add that in the report that you all have, it says, basically, that the complainant's allegations could not be corroborated. At that point, I don't understand why they went on such a fishing expedition and brought us all here today with a bunch of errors on the voting process.

Also, if one does not understand the law or the rules for the absentee ballots, themselves, I don't understand how they could be expected to investigate it and bring these good people before this board.

I stand by that the investigation was done sloppily. The investigator has no criminal investigation experience besides her experience simply being hired with this board. There's a lot more that could have been done. You all must agree with me that the verbiage on the absentee ballot as far as oath is very confusing. And you'll hearings from now to the end of time to cover everybody that makes mistakes on those.

These people tried to do the right thing. They are not criminals. They don't have criminal records or histories, and it's unfortunate they're here today.

SECRETARY KEMP: Thank you, Sheriff.

I would just say that these technical errors on voting and forms and procedures, we have laws, rules, and training for a reason. We have had cases before where we had people who didn't do those things properly which calls into question those ballots and those votes. And I know the Sheriff and I would both agree, as elected officials, that if the election doesn't go the right way, we can have election

contested over such matters.

So I would disagree with allowing small details to slide in the elections process because it can create some big problems down the road.

MR. MARCHANT: Mr. Chairman, I may not should interject this because I don't know anything about the absentee ballot situation; my client was not involved in that. But I just felt like I need to get this out there.

When Ms. Jones stands up there and says that she contacted everyone or attempted to, the former elections superintendent, who was elections superintendent at the time, was not contacted and she's been living at the same address in Helena and has the same phone number for 30 years.

Just want to get that out there.

SECRETARY KEMP: Yes, ma'am.

MS. DOLLAR: I'm Beulah Dollar, and I want to find out if it's proper for the investigator to harass and intimidate relatives that are deceased about an absentee ballot.

SECRETARY KEMP: I think if you have a complaint about someone harassing or anything else --

MS. DOLLAR: Would I need to write to the Secretary of State?

SECRETARY KEMP: Yes.

MS. DOLLAR: Okay. Thank you.

SECRETARY KEMP: Anyone else?

(Whereupon, there was no response)

SECRETARY KEMP: Mr. Harvey, did you have anything else to add?

MR. HARVEY: No, sir.

SECRETARY KEMP: Let me ask you this. On the more serious potential

allegations, do you feel like it would be beneficial for us to table those parts of the case where you could pull out and look at the investigative documents and give the board some more detail in the future on those?

MR. HARVEY: Well, I don't know that would necessarily be helpful. My thought is with the -- the allegations that have been cited are pretty clear. If it's determined that those are not good citations, then I think the easiest way to go forward would be for Mr. Willard to evaluate each of them and then, you know, close cases or dismiss respondents as necessary.

Sheriff Steverson said there is no real fraud going on down there. And, frankly, we didn't find evidence of real fraud down there, and I don't dispute that with him as far as our evidence goes.

But as you said, little things matter in elections and details are important. And I don't know that there's any more detail we could gather. I think a better use would be for us to, maybe in consultation with Mr. Willard if you bind it over, is to determine how far this assistance gets -- perhaps to clarify that so that we can look at each case. In some cases people did say that this person marked their ballot for them. In other cases, as Judge Simpson said, they admitted addressing the envelope.

I think if use this case as a marker to clarify those standards, that may be more beneficial than us just going back, because, essentially, what we would do would be to go back and pull out MOI's and say specifically, okay, this person did this, and all of that information is already in here.

So I don't think there's anything else we can do.

SECRETARY KEMP: My question was if you thought the board would benefit from seeing that in light of everything that's going on.

MR. HARVEY: Certainly, I'll be happy to do anything the board wants.

By way of resolving it, again, if Mr. Willard were to go through and say this person, based on this level of assistance does not constitute a violation, that would be sort of a marker so the board would see -- of course, the board would have to agree with that when Mr. Willard brings it back and say, hey, we're dismissing this case against Joe Smith because all they did was address the envelope and that's not a violation.

And I think that will distill this back out. So we've got approximately ten respondents on various charges of assisting and possessing. And I think when he brings it back to you at some point in the future you can say, okay, I'm recommending you dismiss those three people because the only thing they did was address the envelope.

SECRETARY KEMP: Do you have any response to Judge Johnson not being contacted?

MR. HARVEY: I don't except that I know we contacted the -- we contacted four of the five poll workers at the precinct where there was an allegation. I don't have a response to that, and that would not be something that would normally be an omission we would make.

The only other thing I would say is that I guess the absentee ballot issue is handled by the registrar. So I think that was more of our focus.

SECRETARY KEMP: Okay.

MR. HARVEY: But in hindsight, talking to the elections superintendent regarding voter certificates would have been -- would always be advisable.

SECRETARY KEMP: Anybody else have questions?

MR. WORLEY: Well, Mr. Chairman, I had a position and possibly some questions.

I tend to agree with Mr. Harvey that there's enough evidence here that has been raised, even though there are affidavits that have been presented opposition to it. It seems to me the most efficient way to deal with this case would be to bind a lot of it over and have Mr. Willard look at these affidavits and the other information the investigators have brought forward.

There are a couple of things I would like Mr. Willard, speaking for myself, not for the board, to -- a couple of issues to look at.

One is the sufficiency in the issue of the oath on the envelope and whether, as Judge Simpson has raised, whether that is a violation. That's the main thing.

Also the interrelationship which I'm having a little problem with between assisting an elector and possessing the ballot. It seems there are some of these people that have been charged who may have properly assisted an elector, but they were charged with improperly processing the ballot. I'm having a little trouble understanding how that works.

MR. HARVEY: In every case where somebody is cited for processing a ballot, the voter has told us that person who assisted them took the ballot with them. So nobody is cited for possessing for merely touching the ballot while assisting.

So any person cited as possessing is alleged to have taken ballot in their possession away from the voter.

MR. WORLEY: Well, I would like Mr. Willard to look at the issue of how that really works as a practical matter, and is that really what the statute intended as a violation, for somebody who is allowed to assist, but then can't walk the ballot to the person that they're assisting's mailbox, which seems to be an issue here.

MR. HARVEY: I understand that.

MR. WORLEY: That's generally the position I would take.

It may be that there are couple of these people and issues as Mr. Harvey has suggested who could be dismissed at this point, and I would be happy to look at those. But generally speaking, I would vote to bind it over.

And I was also particularly disturbed with what appeared to me the large number of voter certificates not properly completed.

SECRETARY KEMP: Anyone else? Mr. Simpson.

MR. SIMPSON: I'd just like say that the absentee ballot area is the one area we have to be very, very careful about looking at, and we need to look at it under a microscope because that's where fraud is the easiest to perform and it's the easiest to affect the outcome of elections. That is an area where voters are most vulnerable. That's an area where it's easier to commit a voter fraud than anywhere else. And I think we need to be especially careful in that regard.

But I do think we have a problem in this case about not knowing, based on what we've been provided today and what the Sheriff has provided us, whether or not

these people that assisted and didn't sign an oath are really in violation of the law or not. Without knowing specifically in my mind whether somebody helped an elector check a candidate or just addressed an envelope makes a world of difference.

Secondly, I don't see how someone that is blind and homebound, the person assisting that person that takes the ballot with them to mail it, how is that person going to get the ballot back? How is the disabled person going to get the ballot back if you don't have that transmittal by the person assisting?

I wonder about that.

And also what bothers me is to make sure that every citizen gets the opportunity to vote, particularly those that are disabled and can't do it in a normal manner. We need to be very open to making sure the assistance they get, that they get the same protections that all the other voters get in casting their ballots.

But under these circumstances with regard to these assisting charges and things like that, I don't think I could vote bind this case over based on this record.

The second thing is, with regard to the superintendent and the Board of Registrars, Lawyer Sawyer has done a good job in her response and shows that the county has taken substantial remedial action, already.

I wonder if this -- if that portion of the case is bound over, I would encourage an attempt to come to a consensual resolution of that based on the remediation the county has already taken, which I think certainly shows good faith.

SECRETARY KEMP: Mr. Willard, if you can, explain who can legally assist and who can legally handle an absentee ballot. Is that something you can do on a --

MR. WILLARD: Well, I can point you to 21-2-385, Mr. Chairman. A physically disabled or illiterate voter may receive assistance in preparing the ballot from any one of the following: an elector who lives in the same county; an attendant care giver or a person providing attendant care; a relative defined as a mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law of the disabled or illiterate elector.

That's who can provide them with assistance in the ballot.

I will confess, Mr. Chairman, this is the first time I've ever seen a case in my representation of the board where we've dealt with they're not telling them who to pick, or they're not helping them write their pick. There are some allegations that they just filled out return addresses.

I was talking to Mr. Harvey during the presentation, and while Judge Simpson raised the issue of the oath, that is corroborated by how the General Assembly has defined 385(b) where they distinguish a person assisting in completing a ballot and then they mark that assistance on the envelope. So the General Assembly has bifurcated the terms and refers to a ballot and then refers to the envelope that you execute the oath on.

So I think the General Assembly has, whether you argue it's through omission or what, has said it is not assisting an elector if you're making a mark on the envelope. You are not assisting them with the ballot. I think that is clear on both the language of the oath as well as in 385 (b).

Now, I think you also asked, and Mr. Worley alluded to it earlier, who could actually possess the ballot.

I have had some colloquial conversations with representatives from your office. We're going to be coming back to the board with a bundle, presumably at the next meeting, where we are going to take a position on that. But it's going to be premised on the use of the terms the General Assembly has elected to use. And they talk about that the elector must mail, and then they employ the disjunctive "or" and then they employ the term "personally deliver." The adverb "personally" does not modify or relate to mail.

I think that's critical when you look at the rules of statutory construction.

So I think the General Assembly has actually taken care the issue of how a disabled voter or an illiterate voter, actually, as well, gets their ballot back to election officials, and that is, they have not restricted mail to include the term "personally."

But like I said, we do not have those cases from our office for recommendation back to you but I think that's going to be where our advice is going.

SECRETARY KEMP: Well, I guess my question to that would be, in the past, we've had people that have maybe not filled the ballot out, but they have taken bundles of 50 absentee ballots and mailed them, and we have cited them and come to a consent order with them that they've violated the law being in possession.

MR. WILLARD: I understand, Mr. Chairman. That's why I'm not saying that as a matter of law I'm telling you today you can't bind these cases over. I'm just saying that this is probably going to be a full and vigorous conversation with the board at a point in the future.

But the General Assembly has employed specific terms -- and I have talked to Ms. Brumbaugh when she was with our office and then she was she left our office and was working on legislation about this issue. She has been cognizant of this fact and the General Assembly is to considered to have known that it meant when it used the adverb "personally" to modify only one of those verbs.

SECRETARY KEMP: Well, I think, at the end of the day, we've got the law and the State Election Board rules that we have to have them follow and we have to enforce. One thing I think I've seen the five plus years I've been chairing this board is that we have been very consistent in how we handle these type of things. I think that's good for us as a board; I think it's good for the elections officials; and I think it's good for the public as far as us having secure, accessible, and fair elections.

When we start picking and choosing how we're going to do that, I think it can get us in some trouble down the road.

All right. Anybody else got anything?

MR. WORLEY: I wanted to say one thing to be clear on the record. I don't fault the investigator in this case or any of the investigators that work with the Secretary of State. They do very good work. But they are only following the rules as they understand them that we've been operating on up to this point.

I just wanted to make that clear.

I did have some questions about some of the specific charges that maybe we could deal with today, and I apologize.

But Mr. Harvey had mentioned there were a couple of items he thought might be dismissed in his initial presentation.

MR. HARVEY: There was -- I recommended that for Inez Carnes and Martha Williams that they receive letters of instruction for assisting without signing. They assisted their husbands.

SECRETARY KEMP: What was the reasoning again for the letter?

MR. HARVEY: Again, because it was a family member. It was, you know, I think in the past, the board has viewed a distinction between assistance among family members. It might technically be wrong when you don't sign, but it's different than a candidate or a member of the campaign coming and assisting somebody.

SECRETARY KEMP: So you're saying this is more of a technical violation and in the past we've written letters to make the technical violators aware of what the law is for information purposes. There's no other penalty along with that, correct?

MR. HARVEY: Correct. Just a letter restating the requirements for assisting a family member.

SECRETARY KEMP: All right. You want to keep going on down the list?

MR. WORLEY: The other questions I had related to Fred Haymans and this idea that, or the charge against Linda Cartwright, that she permitted Mr. Haymans to vote. And the testimony was that another poll worker, and not Ms. Cartwright, had handled that.

How do we generally handle these cases? It is generally the poll manager responsible?

MR. HARVEY: Usually the poll manager is the person. So often in the course of a day different people do different jobs and it's impossible to determine who gave him his card or checked his ID. So the poll manager is generally cited for an event like that.

SECRETARY KEMP: What was the recommendation on Mr. Haymans the third?

MR. HARVEY: That he be bound over also for voting while unregistered.

SECRETARY KEMP: He was not registered?

MR. HARVEY: Correct.

SECRETARY KEMP: And he voted because they used the other name?

MR. HARVEY: Well, he went in to vote and he put his name on there and his name happened to be the same as his grandfather who was registered to vote. So they pulled up Fred Haymans and said, okay, you appear to be at this address. So they gave him a card and he voted.

SECRETARY KEMP: So he voted not being a registered voter?

MR. HARVEY: Correct.

MR. WORLEY: And I guess the Sheriff indicated it was -- either he did or it's possible that he had received his grandfather's or his father's voter registration card and voted on that basis?

MR. HARVEY: Yes, sir.

MR. STEVERSON: Mr. Chair, may I clarify something about Mr. Haymans?

I was told that Mr. Haymans and his grandfather or father, when he became deceased, the board, or the elections commission or whatever, took the wrong name off the registration form. I'm under the impression he was registered and was mistakenly purged so when he went to vote, he was allowed to vote.

MS. SAWYER: Toni Sawyer on behalf of the Board of Elections and Registration.

Again, there were three Fred Haymans registered at the same household. Fred Haymans the third [sic] did not pass away until August of 2012, which was after the July primary. There were three Fred Haymans at that one address and that's where the confusion came in.

The senior was how many ever years old, 90-something years old. There was

junior, who may have been deceased. And then there was the third, which is the grandson, which is where the issue arises.

SECRETARY KEMP: So the grandson was registered?

MS. SAWYER: Yes, sir.

SECRETARY KEMP: And then was taken off the rolls because the registrar thought that he had deceased, mistaking him for either the senior or junior?

MS. SAWYER: Junior, probably; his father. But then -- and, again, I wasn't there at the time. I only know what I was advised by my client, which, unfortunately they weren't able to be here because of doctors' appointments for spouses, family members. But the confusion came about with just the name Fred Haymans. You know, it didn't have junior, senior, the third. It was just Fred Haymans and they didn't check the birth date, unfortunately.

SECRETARY KEMP: We've also got the issue with the registrar.

MR. HARVEY: According to the report, he was not registered; Fred Haymans the third was not registered. And he wasn't registered at the time when he was interviewed in September of 2013. At that time he was advised by the investigator that he still wasn't registered to vote.

SECRETARY KEMP: Was he registered before and taken off by mistake, is that what happened? I'm trying figure out what happened.

MR. HARVEY: During break we can check to see if he was ever registered before. But, again, based on the report, he was never registered.

MS. SAWYER: Well, I can follow up with my client just to make sure and provide the information to you all.

SECRETARY KEMP: Did you get your question answered about the poll manager?

MR. WORLEY: Yes.

SECRETARY KEMP: All right. Mr. Harvey --

MR. WORLEY: Actually, I did have one more thing.

When we get to the point of discussing who to bind over, what to bind over, Ms. Carnes and Ms. Williams, it would be my preference not to send them a letter of instruction until we have figured out exactly what the board's position is going to be with the advice of the Attorney General on these kinds of issues because I don't want to send them a letter -- even though it's only a letter of instruction, I don't want to send them a letter of instruction if it turns out they really didn't violate the law.

MR. SIMPSON: The affidavits we have said they only filled out the envelope. Ms. Carnes only filled out envelope. She did not help with selecting a candidate.

So I would agree. I would not be in favor of binding that over or issuing a letter of instruction. I would be in favor of dismissing those two.

MR. WILLARD: And to avoid any confusion about what I said, and I realize sometimes I'm a little obtuse in what I say, in terms of signing the oath and assisting on the ballot, there is no equivocation on our part. If you do actually not assist them on the ballot, if all you do is assist them in filling out the envelope, that is not something they are required to execute the oath for.

MR. WORLEY: That would deal with Carnes and Williams.

SECRETARY KEMP: You want to go back through the recommendations real quick?

MR. HARVEY: Based on that, it might make more sense -- that may be something we can do in the background of this meeting and bring it back at the end of the meeting and get those answers to who exactly did what with this assistance. So we may be able to resolve it later today if you want to table it temporarily. We can come back with each of these individuals and say, okay, this person assisted with the actual ballot and this person just signed the envelope. And that will answer your questions.

While I can't do that right this second, we can certainly get that done in the next hour or so and bring it back later this afternoon and resolve it that way.

SECRETARY KEMP: Let's do that. Let's take a lunch break. It's 12:35. We'll try to come back at 1:25.

- - -

(Whereupon, there was a lunch break)

- - -

SECRETARY KEMP: Welcome back everybody. It's 1:25 so we will reconvene our meeting.

Mr. Harvey, you want to give us what you've got from our break?

MR. HARVEY: We are still compiling the specific issues with assistance. And we should have that very soon. I can say we checked the statewide voter registration system and the person who voted as his father or grandfather place, Mr. Haymans, I believe, has never been registered to vote. So Fred Haymans voted when he was not registered to vote through the error or fault of the election people who apparently mistook him for a family member.

SECRETARY KEMP: So do we know why he went and tried to vote and do we know if you got the card just thought he was registered for some reason?

MR. HARVEY: I believe that's what Ms. Strong or somebody mentioned earlier. I don't remember who said it, there have been so many people talking. He moved into his father's or grandfather's house and a precinct card had come. So he thought he was entitled to vote when, according to State records, he has never been registered to vote.

SECRETARY KEMP: Ms. Sawyer.

MS. SAWYER: Yes, sir. I think Mr. Marchant made that statement as far as a registration card coming for Mr. Haymans.

I did speak with my client and Mr. Harvey is correct. I was a little confused, too. But Fred R. Haymans the third had not been registered to vote in Telfair County. He did vote at the July primary as a result of the voter list, again, just said Fred R. Haymans. There was no distinction between the junior or senior. The poll worker just did not check the birth date.

SECRETARY KEMP: Thank you. Do we want to try to take some action here

where we can until we get the rest of your report?

MR. HARVEY: I've still got the recommendation regarding the county and the election officials.

SECRETARY KEMP: Do you want to go back through that again for us.

MR. HARVEY: Regarding the Telfair County Board of Registrars, Rebecca Weidner, Betsy Johnson, Linda Cartwright be bound over to the AG's office.

SECRETARY KEMP: Why don't you go through the potential violations page.

MR. HARVEY: Okay.

SECRETARY KEMP: I think we've already talked about Ms. Carnes and Ms. Williams.

MR. HARVEY: Right. And then Clemmons, Vaughn, Strong, Dollar are pending review.

Haymans I would recommend being bound over for voting while unregistered, as well as Cartwright for allowing him to vote while unregistered; Judge Johnson for the voter certificates; and the Board of Registrars and Rebecca Weidner for the failure to certify the absentee ballots.

And I would point out, I forgot to mention, the last violation we have under those for not rejecting the absentee ballot application (unintelligible) date of birth, I think that should be dismissed. I don't think that is -- I think the law requires there be sufficient information to identify the voter. But there's not a specific requirement that the date of birth be present. So I would actually make a recommendation that the last count regarding Mason Spires be disregarded, or dismissed.

SECRETARY KEMP: Where is that?

MR. HARVEY: That's at the very bottom under Telfair County Board of Registrars, Rebecca Weidner. It's the second charge. The first one is for four counts for acceptance of the ballots. And right below it it talks about the absentee ballot application of Mason Spires.

SECRETARY KEMP: All right. Do we know if Judge Johnson is coming back?

MS. SAWYER: Yes.

SECRETARY KEMP: How much longer do you think it will be before we have the other information; do you know?

MR. HARVEY: (Unintelligible) just a second, sir.

SECRETARY KEMP: Does the board want to go ahead and take any of these issues up that we can while we wait?

(Whereupon, there was no response)

SECRETARY KEMP: Does anyone have a motion?

MR. SIMPSON: Mr. Chairman, I move that we bind over Fred Haymans and Linda Cartwright, the poll manager, Betty Johnson, former Judge and elections superintendent, and Telfair County Board of Registrars, and Rebecca Weidner on the charges set out for them, except with regard to the charge of accepting an elector's ballot without the date of birth, which I recommend be dismissed.

SECRETARY KEMP: We have a motion. Do 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. Thank you all for being here today.

Sorry it took so long.

Mr. Harvey, you want us to move on while we're waiting?

MR. HARVEY: I would recommend we do.

SECRETARY KEMP: We will call 2012, number 38, Fulton County Shoji case. Mr. Harvey.

MR. HARVEY: This is a Fulton County -- one of the respondents is Mr. Shoji. The board heard this case at the last meeting and Fulton County was not noticed, so we re-noticed Fulton County.

This was a case where non-US citizen, Mr. Shoji, have registered to vote. He filled out and completed an application that marked that he was not a US citizen. He was -- his application was accepted by Fulton County. He was registered to vote and he voted, I believe, five times in the course of about 13 years.

The board dealt with Mr. Shoji at the last meeting.

Fulton County was being cited for the violations of allowing -- failing to reject the application and allowing him to vote even though he was not properly registered, or he should not have been registered to vote. I believe counsel for Fulton County is present and submitted a response yesterday. I don't know if she still here or not. But in her absence, I would submit to the board Fulton County's response regarding this issue.

SECRETARY KEMP: What was the response?

MR. HARVEY: Briefly, they said that the violation associated with the alleged failure is almost 14 years old and is time-barred. And then that Fulton County was required to let him vote because he was in the voter registration system. I think that is the basis of their argument.

She says that as far as the application goes, while the application box does have the "No" box checked in response to the question "I'm a citizen of the United States and Georgia," there also are initials in very close proximity of the check mark. The employee that handled the application doesn't have any specific recollection.

So I don't think they're really denying that it maybe should have been rejected. But they are essentially saying it happened a long time ago and that once he was in the system, they had no reason to question him being in the system so they let them vote every time he showed up to vote.

SECRETARY KEMP: And how is it we found out about this, again?

MR. HARVEY: Mr. Shoji actually reported to our office. I don't remember the exact specifics of what brought him to our office, but he came -- he somehow learned that he was not supposed to be registered to vote, so he basically turned himself in.

And for the record, I'll give this to the board on behalf of Fulton County.

SECRETARY KEMP: The attorney was here earlier, right?

MR. HARVEY: I believe so.

SECRETARY KEMP: I would think we might want to just hold on for a minute and see if she comes back for some reason. I would hate to move on this if we are not -- if they haven't addressed the board.

Let's go ahead and move -- do we have any other information yet on anything else?

MR. HARVEY: One second, sir.

I do have a report on the rest of the Telfair County. As far as --

SECRETARY KEMP: Okay. Let's go back and deal with that so we can get these folks on the road here. All right. Go ahead.

MR. HARVEY: As far as Linda Clemmons Floyd, she actually assisted with the ballot, itself, and took possession of the ballot. Patsy Vaughn took possession of two ballots, but I don't believe she was alleged to have assisted. Patsy Vaughn took possession of two ballots. Beulah Dollar --

SECRETARY KEMP: Let me ask you. When you say took possession, what are you saying there?

MR. HARVEY: The voters are saying she came to their house and they physically handed the ballots to her, presumably, to deliver.

SECRETARY KEMP: And --

MR. HARVEY: But she did not assist them in marking them. And I believe neither of those voters were disabled or handicapped.

SECRETARY KEMP: So you're saying that would be illegal assisting?

MR. HARVEY: I would say it was illegal possession. I think she's just cited for possession. Beulah Dollar marked three ballots and had possession of four ballots. In addition, one of the voters, Mr. Friedman, said that he just gave her the ballot. He signed the envelope and he didn't even vote his own ballot. He does not know who she voted for.

SECRETARY KEMP: Okay.

MR. HARVEY: Alice Strong helped fill out a ballot and transported a ballot.

And as I said, Carnes and Williams both only assisted with the envelope.

I believe that covers it.

SECRETARY KEMP: What about Martha Williams?

MR. HARVEY: Only assisted with the envelope.

SECRETARY KEMP: Okay. Does the board have anything else?

MS. SULLIVAN: I make a motion that Ms. Carnes and Ms. Williams be dismissed.

MR. WORLEY: I second that.

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

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor of dismissing those, 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.

Another motion?

MS. SULLIVAN: I move that we bind over Ms. Floyd, Vaughn, Strong, and Dollar to the Attorney General's office.

SECRETARY KEMP: We have a motion to bind over Ms. Floyd, Ms. Vaughn, Ms. Strong, and Ms. Dollar to the Attorney General's office.

MR. SIMPSON: May I ask a question?

SECRETARY KEMP: Yes, sir.

MR. SIMPSON: Did we decide that we have to know whether the person possessed it to mail or possessed it to deliver before we can determine whether there was a violation?

MR. WILLARD: Mr. Simpson, I said that I would be coming to the board at a future meeting with a policy recommendation on that as well as a disposition to the cases we have received where that is an issue.

MR. SIMPSON: You went through the legislative history and explained it.

MR. WILLARD: I went through basically the statutory analysis of how the general assembly chose to phrase that language.

MR. SIMPSON: Well, if you accept that explanation, wouldn't it make a difference as to whether they had it to mail or whether they had to deliver?

MS. SULLIVAN: It's my understanding that these questions will be resolved at a

future date and these cases will be consistent with that recommendation; is that correct?

MR. WILLARD: That is correct.

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

MR. WORLEY: Second.

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

(Whereupon, there was no response)

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

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

All right. Mr. Harvey, that's got everybody?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: Thank you all for being here today. We appreciate you showing up. Sorry it took so long on those cases.

We will go back to 2012, number 38, the Shoji case.

MR. HARVEY: Fulton County is present. Just to reiterate, the board heard this case regarding Mr. Shoji. Mr. Shoji registered to vote indicating he was not a US citizen. His application was accepted. He was registered to vote by Fulton County and he voted multiple times before turning himself in and identifying himself as a violator.

I gave the board copy of the response sent to me, so the board has that. That is the summary of the case.

SECRETARY KEMP: Let me just give the floor to Mr. Worley real quick.

MR. WORLEY: I want to say for the record I am recusing myself from consideration of this case.

SECRETARY KEMP: Let the record reflect that Mr. Worley has recused himself but we still have a quorum of three members present.

MS. MILLER: Good afternoon. My name is Shalonda Miller. I am here on behalf of the Fulton County Board of Registration and Elections, Fulton County, and the Department.

I am here requesting that this matter be dismissed for two reasons. One, the application at issue was submitted 14 years ago. Once the applicant was registered and showing as an eligible voter on the roll, Fulton County did not have the discretion not to allow him to vote.

I'll start with the second one just because I believe that one is more summary.

The statute itself, 21-2-590, states that once an elector is registered, the poll officer does not have the discretion not to allow someone on the rolls to vote. There is Georgia Supreme Court precedent supporting that. That's all in the response that was prepared. But, *Briscoe v. Between Consolidated School District*, which can be found at 171 Georgia 820, once he was showing on the rolls, once he was shown on the eligible elector list, Fulton County did not have an opportunity to not permit him to vote.

So we are asking that it be dismissed.

Further, that statute applies to poll officers. The allegation here is that -- the allegation here is against Fulton County Board of Registration and Elections. So by the plain language of the statute, it should be dismissed.

Moving to the second part of the allegations with regard to the application, itself, we acknowledge that an application was submitted that on the face of it says it was checked -- he checked no, he is not a United States voter and that he was registered to vote. We acknowledge that much.

However, because this occurred 14 years ago, there is little documentary evidence

we can go back to investigate. Actually, the employee who processed it is still with the county, but she doesn't have any actual memory of processing it. All she could provide us was what the typical process was normally. And you have an affidavit from Ms. Karen Ficklin. Normally, she would not intentionally process someone who was not a United States citizen.

Importantly, in 2001 when this happened, we did not have any of the documentary requirements for proving citizenship. We didn't have any of these systematic checks against the drivers database or Social Security database. So there was nothing systematic to catch it.

We believe that because of the time lapse it is severely prejudicial to Fulton County. There is no way for us to definitively say whether or not a phone call was made to follow up. At that time, like I said, there was no requirement for documentary evidence. So there might have been a follow-up. But because of the 14 years that have elapsed, we don't have any way to go back and get that information.

I feel like the prejudice was also compounded by the fact that there was a hearing without Fulton County present. Mr. Shoji was here. He gave testimony. But Fulton County did not have an opportunity to examine him. Fulton County did not get the opportunity to ask any questions to follow-up on how long he'd been here; whether or not he had taken citizenship classes.

In the quick investigation the county was able to conduct, it looks like he has been here since 1989 and owns a domestic business here. So he might have been familiar, given what it seems, with the laws of the State.

Further, there is conflicting evidence, given the testimony he provided. There was a statement that he voted five times. Then there was another statement that he voted twice. Well, the documentary evidence shows he voted five times. There was also some inconsistency with regard to his knowledge of whether or not he could register. I don't know that it is in your records. I can't recall offhand.

But the Department followed up with the Department of Driver Services to see what his license says. And his license, when he renewed his license and put his new address, that he had never registered in that he did not want to register. So there is some discrepancy. We're not saying that any of that is -- it could all be memory. I mean, it's been 14 years. But there was no opportunity to follow-up on any of that.

The passage of time, the loss of witnesses, the loss of memory of the actual facts of the case makes it difficult to find the truth of what really happened here. Even though there is no specific statute of limitations, under this code section title 21, typically we have a two to four-year range. We are 14 years out.

So we are respectfully asking that you all dismiss the charges as to Fulton County.

We want to let you know we are in the process of removing Mr. Shoji from the role. His challenge hearing will occur at the next regularly scheduled Board of Registration and Elections meeting.

As I mentioned earlier, there are no systems in place that prevent this from happening. So even if someone checks the box or doesn't check the box, that Social Security number, which, in fact, Mr. Shoji does have a Social Security number and he also has a drivers license's number, which is not always typical with a non-citizen -- but now we have systems in place. So if that happened, there is actually a verification against the Department of Driver Services; there is actually verification against the Social Security Administration.

I believe it has been addressed in the earlier part of the hearing, but the goal is to correct behavior that is inconsistent with election laws. Here, the behavior has already been addressed. The systems are now in place that prevent this sort of thing from happening. Mr. Shoji is in the process of being removed from the voter rolls.

So we request that you dismiss the County.

In closing, I just want to remind everyone that the county has over gone -- the Board of Registration and Elections has undergone overhaul. We have on the board members. I think we have one board member that has remained over the last two years. We have a new director of our department and we have been moving in a positive direction: better early voting, fewer complaints. We are addressing the issues of our past. But something from 14 years ago being able to keep pulling us back really casts a shadow over the Department and doesn't allow the Department to move forward.

So we are requesting that you dismiss, or alternatively, similar to what Mr. Shoji received, we are requesting a letter of instruction. I think that would be absolutely appropriate because, as I mentioned, this is already been remediated. And it

would be a way to wrap up something from 14 years ago without needing to pursue further litigation.

Thank you for your time.

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

(Whereupon, there was no response)

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

(Whereupon, there was no response)

SECRETARY KEMP: Does the board have any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Mr. Willard, what would your thoughts be on the second part of the potential violation about that if he was registered and on the rolls, then really the poll workers, I don't guess, would have any way to not know that as far as letting him vote.

MR. WILLARD: I will defer to this board, but I don't believe there's any way to check unless it was somehow disclosed on his voter certificate that he was not a US citizen. Then a poll worker would be able to ascertain from that. But if he executed a voter certificate and turned it into them, I don't think there would be a question raised until he was caught in a back office or background check to show he was not a US citizen.

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

MR. HARVEY: No, sir.

SECRETARY KEMP: We have the original registration form that shows that Mr. Shoji checked "No"?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: You have a copy of that?

MR. HARVEY: I do. I think it's in the packet.

SECRETARY KEMP: What is the will of the board? Mr. Harvey, you want to remind us of your recommendation or recommendations?

MR. HARVEY: I'm not sure that I remember making a recommendation. I think this is a case where the board could go either way. I think there is -- clearly this happened in a different time. However, it's a pretty serious oversight to allow somebody to vote five times. I don't think it would be completely out of the realm of reasonableness to issue a letter of instruction. I don't think it would be overly harsh to bind it over based on the nature of the integrity of the voter registration system. I suspect that is not helpful.

SECRETARY KEMP: Judge Simpson.

MR. SIMPSON: In view of the time constraints -- this happened 14 years ago -- and the chances of the personnel that committed this error not being there any longer and the issue about whether or not the poll worker would have had any discretion to not allow him to vote at this time, I would move we issue a letter of instruction to the county.

MS. SULLIVAN: Second to.

SECRETARY KEMP: We have a motion by Mr. Simpson to do a letter of instruction, 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.

2012, number 47, Brooks County case.

MR. HARVEY: This is a 2012 case. Just to be clear, this case does not involve any of the allegations that have been the result of -- that resulted in criminal prosecution due to the 2010 election. So this is a completely different set of complaints and I don't want people to be confused.

Also at the outset I want to say that I got a phone call from (Unintelligible), who is the attorney for Brooks County who sent his response to the State Election Board and asked me to present it to you. So I will do that at this time.

MS. SULLIVAN: I move we accept his response.

MR. WORLEY: Second.

SECRETARY KEMP: We have a motion and a second to accept the documents. 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: There are several allegations in this case. One was that the elections office was not sending out absentee ballots properly and in a timely manner; that there were voters in the wrong district; that voters were not given privacy while voting on DRE's; that election officials were acting confrontationally towards a candidate when she showed up at the election office. There was a second complaint regarding sort of the internal conduct of the board in terms of following parliamentary procedures. That would not be something that SEB would generally have jurisdiction over. Applications for poll workers were not being processed by the board, and that a candidate name was left off the list of qualified candidates.

We investigated and found several problems that need to be addressed.

The first was that when a candidate -- when an applicant would request an absentee ballot for a family member, as they are certainly allowed to do, the elections office was checking -- was attempting to verify the signature of the

person requesting it. So, for example, if I were requesting an absentee ballot for my son to be sent to his college address, they were trying to verify my signature on the application, and that is not required. So that was unnecessarily delaying the sending of absentee ballots. That was a problem on the part of Brooks County.

Once they were informed that was not necessary and it was slowing the process down, they corrected that. That was brought to the retention by the original complainant.

We did find there were approximately 30 or 40 voters who were placed in an improper district and got the wrong ballot during this election. There were several complaints about the proximity of the DRE's to the entry and exit points of the voting area. Eventually, Brooks County did correct that after it was brought to their attention.

The allegation that the election officials acted aggressively and refused entry to a candidate, that was not substantiated, exactly. The candidate came to the office to check on the issue of the absentee ballots, the one I mentioned earlier. And in trying to make sure the candidate did not go into the voting area, they met with the candidate outside. They directed the candidate to an outer officer they could have the conversation. Apparently, another Board of Elections member, Charles Dave, had a heated discussion with the candidate and they eventually were able to conclude their business. But I don't think that amounted to a violation of the election code.

The allegation regarding the Board of Elections not following parliamentary procedures was not something the board has jurisdiction over.

The complaint about a poll worker not being applied for actually ended up being a poll watcher issue and not a violation.

And when the Republican Party turned in their list of qualified candidates, they inadvertently left a name off the list. The original list was posted and then it was corrected by the party. The subsequent list was posted and there was some concern that there was some type of malfeasance done in that. But there is no evidence that there was a violation of the code on the part of the election officials.

There was a complaint that election officials were told that people could only distribute absentee ballot applications if they had received training from the Board

of Elections. There were several people who said they were told that by members of the Board of Elections, that they couldn't give out absentee ballot applications unless they received training. The Board of Elections said they never gave that information. Whether they did or did not, it is certainly not accurate information. But there is no indication that even if it happened there would be there would be a violation of the election code.

Lastly, there is an allegation that Ken Collins, who is the elections director, had told a candidate that there was a problem with unpaid taxes and he had to be removed from the ballot. As it turned out, Mr. Collins did have a conversation with the candidate about unpaid taxes. It turns out that the taxes issue had never been adjudicated. It was not something that would have disqualified him from the ballot. So no action was taken on behalf of Mr. Collins. So there is no violation there even though, again, it was a case where the information that was being acted on by Mr. Collins was inaccurate.

At the end of all that, it is recommended that the Board of Elections staff listed in the report be bound over to the AG's office for the violation of 21-2-381, in terms of getting out the absentee ballots, placing voters in their proper districts, not providing privacy for DRE voters, and the last violation, I think that is mentioned, I think is something -- if you look at the last page, second to the last page of the report regarding Michael Allen, the poll watcher, there was an issue where there was a voter voting. She was unsure whether she had the right ballot because she wasn't sure if there was a candidate on it. She asked him what she should do with it and he said, you may not have the ballots you want or the candidates you want because it may be redistricting issue. She went ahead and voted and I think the voter's equivocation a whether she had the right ballot or not makes it difficult to sustain the violation that Michael Allen violated the election code by doing that. She didn't state emphatically that she had the wrong ballot.

As far as the violation on the page above that where we've got violations prohibiting candidates from entering polling places, I think neither of those are violations that should be sustained. 21-2-414, the candidate was going there in order to conduct legitimate business. And they ended up, to avoid appearance of a problem, they met her outside and were able to conduct their business outside. So I don't think they prevented her from entering a polling place. I don't think she ever intended to enter a polling place to do other than to conduct legal business.

Lastly, on the 21-2-154, certification of political party candidates, that is an obligation that is on the party and not on the election officials. I don't need that

constitutes a violation of the election code for Brooks County.

So when you look at the violations page, I recommend binding over those respondents on counts 1, 2, and 3, and on the second page, 1, 2, and then the second one be dismissed.

SECRETARY KEMP: Any questions for Mr. Harvey?

MS. SULLIVAN: Mr. Willard, the number 1 violation --

MR. WILLARD: Would you specify which number 1?

MS. SULLIVAN: The first page, the very first violation on page 1, 21-2-381, I agree the law does not require that the application signature be verified in this case. But would this actually be a violation of that law?

MR. HARVEY: I believe it has to be sent out within 48 hours.

MS. SULLIVAN: Okay. So that would probably be a violation of a different code section.

MR. WILLARD: I think my recommendation to the board, just to let the board know, you bind over allegations regarding conduct that you think violates the election code. It's up to our office to pigeonhole it into the appropriate code section or election rule, or come back to you and say it doesn't fit within one of the code sections.

What you're doing by saying on page 2, 1, 2, and 1, if you elect to not bind it over, you're saying that that conduct is not something we need to look at; only the conduct on page 1 is something we need to look at.

But I agree with you 381(c) does not prohibit the conduct they did. It was misapplying that code section which caused them to violate the 48-hour send out provision.

SECRETARY KEMP: Mr. Worley?

MR. WORLEY: I wanted to follow up with Mr. Willard on that because that is not how we've done it in the past. It would seem to me that we bind something over, we are saying it is a violation of a particular statute and that by doing that,

we are letting the respondent know what it is they are alleged to have violated.

MR. WILLARD: Except that you are putting them on notice of what conduct they have undertaken. If you don't feel what is in this form in terms of the investigative summary puts them on notice that we are saying their failure to promptly send out the absentee ballot was a violation of the election code, that's the board's prerogative and they can determine whether to either re-notice the case or dismiss for lack of proper notice.

But in terms of what you put that individual on notice, there are times that you bind over a case on a -385 violation and we end up actually putting in the NCO that it was a -574 violation as the facts are more appropriate for that code section than they may be for the -385, or adding, so the NCO actually talks about -385 and -574.

MR. WORLEY: Okay.

SECRETARY KEMP: Anything else for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wish to speak?

MR. COLLINS: Mr. Secretary, distinguished members of the board, I am Ken Collins, the elections supervisor for Brooks County. Our elections office is located at 610 South Highland Road in Quitman, Georgia 31643.

I want to start off by saying a lot of change has taken place in Brooks County since July of 2012. As I told the investigator Glen Archie, we did make some mistakes. There were mistakes that were done without forethought or intention and certainly without purpose. Done, none the same.

Since that first six months, we have made many strides (unintelligible) to the voters of Brooks County. All of the aforementioned mistakes were corrected as soon as they were pointed out to us and measures have been implemented to avoid such errors in the future. I hate to admit it, but I had to have to at the time. The violations named in today's SEB case outline were done. They were done because we were either too inexperienced to know any better or too dumb to ask the appropriate question to the right people to prevent us from making those mistakes.

Much study has gone into O.C.G.A. and the rules of the SEB since that time. So those similar mistakes or mistakes anywhere close to will not be repeated.

Whenever I was hired in Brooks County in 2012, January, I was hired into a tsunami. There was a presidential year. Not to make excuses, but to just give you some general background.

It was a presidential year. For the first 45 days, I was sick and working 60-hour weeks. It wasn't going to let up. I was being coached because of the simple fact that I was brought in in the middle of the first set of elections there. The March PPP was on us before we knew what was going on. I was brought in to do that.

I was also brought in at a time when ever there was a great deal of controversy in the county. And even though I was a part of it, I inherited the animosities that grew out of that alleged misconduct. It has since been adjudicated and those who were accused have been exonerated. Brooks County is now in the process of trying to put itself back together.

We have, since this time, gone through several elections where we had no problems and everything has been corrected. Like I said, we were either too dumb to ask the appropriate questions or too inexperienced. So basically, for the first six months, we were, you know, we were up to our nose and water and trying to keep it above water.

Since that time, we have worked with the voters and they have worked with us. We have worked with both the Democrat and Republican parties to address issues to make it better for the voters of Brooks County and those things have been implemented. We are constantly taking on new projects to hopefully promote the elections process in Brooks County and make it better.

SECRETARY KEMP: Very good. Any questions for Mr. Collins?

(Whereupon, there was no response)

SECRETARY KEMP: Just tell you we appreciate you and the board's efforts to keep moving things forward down here. Keep up the hard work.

MR. COLLINS: Thank you.

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

(Whereupon, there was no response)

SECRETARY KEMP: Anything to add, Mr. Harvey?

MR. HARVEY: No, sir.

SECRETARY KEMP: Do we have a recommendation.

MR. HARVEY: A recommendation or a motion?

SECRETARY KEMP: I'm sorry. Motion.

MS. SULLIVAN: I make a motion that on page 1 of the violations, 1, 2, and 3 be bound over to the Attorney General's office.

And I believe, consistent with Mr. Harvey's recommendation, that the allegations against Brooks County Board of Elections, Chairman of the Board of Elections, elections supervisor, with regard to 21-2-414(d) and 21-2-154(b), that the those be dismissed; as well as the allegation against the Brooks County Board of Elections, Chairman of the Board of Elections, elections supervisor, and assistant poll manager with regard to State Election Board rule 183-1-12.02 (4) be dismissed as well.

MR. SIMPSON: Second.

SECRETARY KEMP: Ms. Sullivan has a motion. Mr. Simpson seconds that. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: I would just add again that we appreciate the work, Mr. Collins, of you and the board. I think it is appropriate to send it to the AG's office for the rule violations. But we appreciate you being here and appreciate your honesty and work that you all continue to do down there. I know Mr. Willard will reflect that in his recommendation's that to the board. So thank you all for being here today.

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.

Were skipping over the Floyd County case. They are not here, correct?

We're going to move to SEB case number 2012-95, which is Cook County.

MR. HARVEY: This case involved a voter registration application -- I wouldn't call it a drive -- but an effort at the Cook Senior Living Center.

Cook County received a batch of voter registration applications from elderly voters and some of them were marked -- they were filled out with a computer, meaning they were preprinted voter registration applications. Some of them were marked with an "X" or a mark and there is no sign of anyone signing as assisting.

So Cook County reported to us and we did an investigation. We determined that a caseworker at the facility named Christina Hayes, whose job it was to work with the residents, most of whom are elderly, to get with them and see if they wanted to register to vote and assist them with that, in their system an "X" constituted a signature. So when she was completing these forms and someone did an "X" mark, in her mind that was a signature. So she didn't think she had to sign as assisting.

In the long run, she ended up submitting these voter registration applications. She assisted people in completing them. They needed assistance because they couldn't sign and she neglected to sign as assisting.

The investigation doesn't show there was any type of improper activity. And based on that, I believe it would not be inconsistent to issue a letter of instruction to Ms. Hayes. I believe there is an attorney present for Ms. Hayes. But that's

about it.

SECRETARY KEMP: Any questions for Mr. Harvey?

MR. WORLEY: I have a question for Mr. Harvey. That particular code section applies to people who are registering to vote who are disabled or illiterate. Were any of these 11 people actually disabled?

MR. HARVEY: I think they were all disabled based on the fact they couldn't sign their names.

SECRETARY KEMP: Anyone else wishing to speak? Welcome.

MS. BRANCH: My name is Tamara Branch. I am an attorney at Reinhardt Whitley Summerlin & Pittman in Tifton, Georgia. I'm here today representing Cook Senior Living Center in Adele, Georgia, specifically, the employee, Christina Hayes.

All 11 voter applications were residents of Cook Senior Living Center. Regulations require that senior living centers allow residents who are able to register to vote and to exercise their right to vote. Ms. Hayes is the social services coordinator, so it's part of her job to facilitate that there.

I believe in that particular situation it wasn't so much they could sign their name as much as they don't actually have access to computers. So they were signing these online application processes and she was gathering the information from the residents, and then she would actually fill it out for them, print it out, and allow them to sign.

At some point during the registration process, it actually asked her for her (unintelligible) an e-mail address. So she did provide that not trying to hide that she was putting information in.

They signed and she submitted the forms. She did not sign as assisting the assisting because she didn't realize it was necessary. She now understands that it is necessary.

I'm not sure if they are all disabled in the sense that the law recognizes disabled for elections. But she will sign. And we are actually creating in writing policies at Cook Senior Living Center to ensure this does not happen again.

We are interested in y'all's findings on the assistance and possession of applications and actual ballots so that that will assist us in our policies.

But it was a mistake. It was not intentional. It was done to fulfill her federal requirement at Cook Senior Living Center. We apologize to the State and we are working to ensure that does not happen again.

SECRETARY KEMP: Thank you, Ms. Branch. Any questions?

MR. WORLEY: I had a question. So they actually signed their names. They do more than put an "X"?

MS. BRANCH: I believe -- we actually have not seen the applications since 2012. But Ms. Hayes believes that maybe three or four signed "X." She's not positive. A lot of times they either are slow in signing their signature or, in some cases, the person does not like how their signature looks anymore. So it's not the fact that she can't write, it's just a comfort level for them.

And I believe when they signed the "X" Ms. Hayes actually notated that it was the patient's signature. So, again, not trying to hide that -- her involvement in any way.

SECRETARY KEMP: All right. Any other questions?

(Whereupon, there was no response)

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

(Whereupon, there was no response)

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

MR. HARVEY: In some cases they did sign, but in some cases --

SECRETARY KEMP: The issue is signing as assisting, correct?

MR. HARVEY: Correct.

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

(Whereupon, there was no response)

SECRETARY KEMP: Ready for a recommendation or motion.

MS. SULLIVAN: I make a motion that a letter of instruction be issued in this case.

MR. SIMPSON: Second.

SECRETARY KEMP: All right. We have a motion for a letter of instruction 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 will move to SEB 2012, number 98, which is Long County.

MR. HARVEY: This is a case that actually involved three elections: July 31, 2012; March 12, 2013; and June 18, 2013.

There were multiple allegations including (unintelligible) ballots not being delivered; candidates being at polling places; electors being in the wrong district; problems with public tabulation; correspondence not being sent regarding ballots; convicted felons voting; not all vote totals been gathered, etc.

During the course of our investigation, we found multiple violation. We did find that a candidate (unintelligible) entered a polling place while she was transporting while she was transporting a voter to vote. She had driven a voter up to vote. The voter was taking a while and she went inside the polling place and waited while

the voter voted.

We had two voters, Roger and Margaret Houston, placed in the wrong districts. Elton Cummings junior voted while serving a felony sentence. The Long County elections office failed to notify a challenged voter of their status and rights of appeal. Long County failed to keep -- complete absentee ballot log for the July 31 general primary. Long County failed to print the election office return address on absentee ballot return envelopes for at least three electors. Long County failed to document received absentee ballots from four electors. Copies of DRE tapes were not filed with the clerk of Superior Court. Long County challenged two electors and determined they should be removed, but then failed to remove them from the electors' list.

So there was a long list of persistent problems that went on in this election.

I recommend that Long County and Vanessa Cunningham be bound over to the AG's office for the listed violations.

Elton Cummings should be bound over for attempting to register and vote while serving a felony sentence.

Janet Watford, who is a candidate who entered a polling place while working waiting for someone else to vote, I think is one that is a candidate for a letter of instruction. There is no allegation she was doing any type of campaigning while she was there, and she was there transporting a voter.

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

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak?

MS. WATFORD: My name is Janet Watford and my address is 99 Power Line Road, Northeast, Ludowici, Georgia 31316.

Mr. Secretary and board, I'm privileged to be able to speak before you today. I just want to tell you my version and I appreciate the letter of instruction. But my version was just a little bit different.

During the early voting period of 2012 primary election, I was approached by an

individual named Dora Canty. I have known Ms. Canty since she was in high school. While conversing with her, she requested a ride to the courthouse so she could vote and I was happy to assist.

In addition to serving as the polling place for Precinct 4, the Long County courthouse is home to almost all governmental functions in Long County. This includes the Board of Elections, registration, planning and zoning, State Court, Probate Court, Magistrate Court, Superior Court, licensing, land, records, and the Board Of Commissioners.

The courthouse is also within 150 feet and shares the same parking lot with the Sheriff's office, the tax assessor's office, and the tax commissioner's office. Additionally, within 150 feet is the office of the Board of Education of which I'm a member.

At no time during the drive from Ms. Canty's apartment complex to the courthouse did the two of us discuss anything regarding the election. What we arrived at the courthouse, Ms. Canty went inside and I waited in my truck. However, it was a hot day and I soon became concerned that my truck would overheat. I turned my truck off and went inside in the lobby of the courthouse. At no time did enter the actual polling place where the machines were set up and the business of the election was being conducted.

Within minutes of entering the courthouse, I was approached by Vanessa Cunningham, the elections superintendent, and she informed me that I was breaking the law and I had to leave. I immediately left.

From the time I left my truck until being approached by Ms. Cunningham, only two or three minutes had elapsed. At no time while in the courthouse did not discuss the election or my candidacy with any individual.

I knew then it was not permissible for anyone, including candidates, to campaign within 150 feet of the outer edge of the building containing a polling place. I ran in my first election in 1992 and the law was in place then. It was not and is not my interpretation that the mere physical presence of a candidate constitutes a violation. But if my actions and/or interpretations are in error, I certainly want to apologize. It has not been my intent to violate the law or be perceived as doing so.

My sole purpose for being in the Long County courthouse that day was to assist a

friend and get out of the South Georgia heat.

SECRETARY KEMP: Thank you, Ms. Watford. Any questions?

(Whereupon, there was no response)

SECRETARY KEMP: I have a question. So you were on the ballot at the time, correct?

MS. WATFORD: Yes.

SECRETARY KEMP: Did you have opposition?

MS. WATFORD: Yes.

SECRETARY KEMP: Thank you. That's all I have. Anyone else?

(Whereupon, there was no response)

JUDGE ARNOLD: I name is Jeffrey Arnold. My address is PO Box 339, Hinesville, Georgia. I think I am number 10 in the report, but I escaped scrutiny.

I want to first say that Mr. Harvey was very much a gentleman and very cooperative. I represent Ms. Watford, as well as I am a State Court judge for Long County. My primary reason is not to embellish upon or add to what she said. I am more concerned about just understanding because during this period of time, I'm holding State Court upstairs and walking back and forth across the area.

For those not familiar with Long County courthouse, it's fairly small like most south Georgia courthouses and the voting machines are in two separate secured and close rooms. The hallway she is talking about, oftentimes the people identified identifying who you are, they sit out there. But people were walking back and forth.

So I guess what I'm asking just for clarification because I've tried to find it in the law and I've tried to find an AG opinion as to what constitutes a polling place, especially in a situation like we have where they are using the courthouse and the courthouse is not exclusive to voting poll.

And I do want to underscore that the voting machines were secure and they were

in two separate rooms, but the rest of the courthouse is open and have access to. Thank you very much.

SECRETARY KEMP: Thank you for being here, Judge. Anyone else?

(Whereupon, there was no response)

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

MR. HARVEY: No, sir. I think to the Judge's question about what he's allowed, I think the board and the law allows, you know, prohibiting entering a polling place except to conduct business. I think the board generally recognizes if somebody is conducting business. If you have to go and pay your water bill, you know, my experience is that most candidates will make every effort to maybe have someone go in to do it to avoid the appearance of it. Obviously, if you are the presiding judge, you can send somebody in your place. I think the board recognizes that if a complaint were to be made and somebody were to say that, the law specifically allows probate judges to -- you might be coming out to conduct their business. So I think by extension, without taking Mr. Willard's place at the AG's office, I think other judges would certainly be given that same consideration.

SECRETARY KEMP: Okay. Anyone else wishing to speak? Ms. Sullivan.

MS. SULLIVAN: The way our violation is written for Ms. Watford, it states that she violated 21-2-414 in that she was within 150 feet of a polling precinct.

I just want to clarify, is it accurate to state that a candidate is prohibited from physically entering the polling place and campaigning within 150 feet. Is that accurate?

MR. HARVEY: Yes ma'am. You're correct. I think -414 is prohibiting campaigning.

SECRETARY KEMP: So you can be within 150 feet as long as you're not campaigning?

MS. SULLIVAN: Right. But the candidate cannot enter the polling place. That's my understanding.

MR. HARVEY: Well, that's -- paragraph (d) of -414 says no person whose name appears as a candidate, except a judge of Probate Court, shall physically enter any polling place other than the polling place which person is authorized to cast his or her ballot.

So it is -414(d) that would prohibit Ms. Watford from entering a polling place.

MR. WORLEY: But, Mr. Harvey, this was -- she took someone there to do early voting. Ms. Watford would have been allowed to vote in that.

MR. HARVEY: Ms. Watford would have been allowed to vote.

MR. WORLEY: Yes. So she would have been allowed -- it says shall physically enter any polling place other than the polling place at which the person is authorized to cast his or her ballot for their primary.

Well, she would have been authorized to cast her ballot in early voting at that location.

JUDGE ARNOLD: Additionally, I want to make clear the voting machines are away. So what constitutes a polling place? That's all I'm asking.

MR. SIMPSON: Judge, I think that's the point that's hanging us up, is when you have a multi-purpose, multi-use building, where's the polling place? I mean, if the voting machines are on the first floor that courthouse and there is an elevator on the outside entrance and you go up to the courtroom on the second floor like you would do in Tifton, you know, if our voting machines were down in the basement or the first floor, and you go to the courtroom, you'd be in the courthouse but you wouldn't be anywhere near where the actual voting machines are.

So is the polling place where the machines are? I think that's your question.

JUDGE ARNOLD: Yes sir. That's her question, too.

SECRETARY KEMP: Mr. Harvey, the complainants in this case, why were they -- what were their issues?

MR. HARVEY: The complaint regarding Ms. Watford was that she was in the polling place while she was a candidate on the ballot. That was the --

SECRETARY KEMP: Who made that complaint?

MR. HARVEY: I would have to -- let me see.

SECRETARY KEMP: Ms. Watford, you just said the elections superintendent came and told you you couldn't be there and asked to you leave and you left, correct?

MS. WATFORD: Yes.

SECRETARY KEMP: Who was that?

MS. WATFORD: Vanessa Cunningham.

MR. HARVEY: Marla Redish was the complainant regarding Ms. Watford.

JUDGE ARNOLD: Mr. Chairman, Marla Redish is the daughter of who she was running against.

SECRETARY KEMP: That's what I was trying to get to. I knew there had to be something else going on here.

JUDGE ARNOLD: We were trying to stay away from personalities.

SECRETARY KEMP: You gotta get it out there, Judge. We hear at all. We listen to at all, too. So that's good to know.

Are any of the complainants here?

(Whereupon, there was no response)

SECRETARY KEMP: All right. That's good to know, too. Mr. Harvey -- Mr. Willard, were you going to interject?

MR. WILLARD: I was just going to ask Ms. Watford, you had already voted when you -- you had not voted yet?

MR. WATFORD: I had not voted. I could have voted that day. All I was cared about was the heat. I'm 68 years old.

MR. WILLARD: I appreciate that.

SECRETARY KEMP: You weren't still trying to make up your mind who you were going to vote for?

MS. WATFORD: If we have enough time, I could answer that. I actually ran twice for the same office.

SECRETARY KEMP: Does anyone else have any questions?

(Whereupon, there was no response)

SECRETARY KEMP: So the recommendations again, Mr. Harvey, were to bind over the Board of Elections and registration, Ms. Cunningham, the superintendent or chairperson, and then Mr. Cummings for being a felon?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: And then, of course, the issue with Ms. Watford.

I'm ready to take some motions if you all have any.

MR. WORLEY: I would make a motion that we dismiss the charge against Ms. Watford.

SECRETARY KEMP: We have a motion by Mr. Worley. Is there a second?

MR. SIMPSON: Second.

SECRETARY KEMP: Second by Mr. Simpson. Any other discussion?

(Whereupon, there was no response)

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

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. We have dismissed that. So thank you for being here. That's got one of them.

Do we have a motion for the remaining respondents?

MS. SULLIVAN: I move that Long County Board of Elections and Registration, chairperson, Ms. Cunningham, be bound over for the listed violations, as well as Mr. Cummings.

SECRETARY KEMP: All right. We have a recommendation to bind over the three remaining respondents. Do we have a second?

MR. WORLEY: Second.

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

Ms. Ford, I have one question. I don't know if you know this or not. But do you know if the Long County superintendent or their folks were at the training February 27 in Hinesville?

MS. FORD: No, they were not. Vanessa Cunningham is no longer with Long County. But the people who are with Long County were not.

SECRETARY KEMP: So the new group didn't show up for the training right in their own backyard.

MS. FORD: That's correct.

SECRETARY KEMP: That's good to know, too.

All right. We've got a motion and a second. Any other discussion?

(Whereupon, there was no response)

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

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

Mr. Harvey, we've got 2012-101, City of Ludowici.

MR. HARVEY: This case might be a little bit similar to the previous case in Ludowici with the alcohol referendum.

The issue here is that a city council member resigned to run for another office and citizens wanted -- the city charter was unclear as to when an election had to take place. The election was delayed; the election wasn't called for. There is federal litigation going on with the Justice Department on districting and issues with the city. So an election was not held to replace the city council person.

Eventually, the complainant in this case file a writ of mandamus that was issued by a judge. The judge ordered the city election and the election was held.

Based on all that, I recommend the State Election Board consider dismissing this case. It's been resolved and, frankly, just a very convoluted legal mess in everything that preceded it. I'm not sure it's worth the board's time.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak on this case. We have a recommendation of dismissal. Yes, ma'am.

MS. MCCLELLAN: Good afternoon, Chairman and board members. Sandy McClellan, 380 S. Main Street, Ludowici, Georgia. I serve in the capacity as the city registrar. We're trying to get an elections superintendent for the upcoming election.

We followed the advice of the Board of Elections, Vanessa Cunningham. We need to be redistrict [sic], but we were in violation of the Voting Rights Act. Our districts were not reapportioned right. And we went by her recommendation to

hold off until we did a redistricting after the election.

SECRETARY KEMP: Are you in support of the dismissal the recommendation?

MS. MCCLELLAN: Yes, sir.

SECRETARY KEMP: Okay. Just wanted to make sure. Thank you very much. We appreciate you sticking around.

Any questions for Ms. McClellan?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you. Good luck in your new role. Anyone else wishing to speak on this matter?

(Whereupon, there was no response)

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

MR. SIMPSON: So moved.

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

MS. SULLIVAN: Second.

SECRETARY KEMP: Ms. Sullivan seconds for dismissal. Any other discussion?

(Whereupon, there was no response)

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

(Whereupon, the vote was taken)

SECRETARY KEMP: Aye.

MR. SIMPSON: Aye.

MS. SULLIVAN: Aye.

SECRETARY KEMP: All opposed, same sign.

MR. WORLEY: No.

SECRETARY KEMP: Mr. Worley votes no, and that motion carries to be dismissed.

Mr. Harvey, 2012, number 104.

MR. HARVEY: This case involves Jefferson County.

In 2012, initially, Jefferson County election officials were rejecting absentee ballot applications that were sent to them because there was no reason given on the application. As you know, you don't have to specify a reason to request an absentee ballot.

When this was brought to their attention, they corrected this. They contacted all the voters, got them their absentee ballots. All the voters were able to vote absentee ballots.

There was one case where an elector named Ricky Walton voted in person and he voted from an old address and did not complete the change of address form after moving. The poll officials did not require him to change his address, as they should have.

So the violation was improper rejection of absentee ballots, which was corrected before any damage was done; and one person failing to complete a change of address form when he voted from an old address.

Based on that, I would make the recommendation that Jefferson County and the poll worker be issued a letter of instruction. Jefferson County is not clear on the process for receiving absentee ballot applications. I think a letter of instruction is an appropriate resolution for this case.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, anyone else wishing to speak? Yes ma'am.

MS. GRAY: My name is Susan Gray from Jefferson County. I serve as elections superintendent. My address is 415 Green Street, Louisville, Georgia 30434.

I just wanted to come before you, Mr. Chairman and distinguished members of the board, and just say that there was no intent for us to keep anyone from voting. We had little experience in the voter registration side.

In July of 2011, Jefferson County went to a combined board and at that time, the current registrar became elections superintendent. I worked with the Probate Judge, which was also elections superintendent.

In January, the registrar resigned, the current elections supervisor, resigned. I took the job in June of 2012 as elections supervisor. With little experience on the voter registration side, I would just like to ask the board to -- just let the board know that we had no intent of breaking laws.

And thanks for letting me speak today.

SECRETARY KEMP: Thank you for being here and we appreciate your honesty and we appreciate your efforts in getting up to speed on everything. If we can help in our office, I hope you'll let us know. Does anyone have any questions for Ms. Gray?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak?

(Whereupon, there was no response)

SECRETARY KEMP: We have a recommendation for a letter of instruction. Do we have a motion?

MR. WORLEY: So moved.

MR. SIMPSON: Second.

SECRETARY KEMP: We have a motion for Mr. Worley to issue a letter and a

second by Mr. Simpson. Any other discussion?

(Whereupon, there was no response)

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

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

Nobody here from Montgomery County; is that correct?

(Whereupon, there was no response)

SECRETARY KEMP: Moving to Dooly County, 2012, number 119.

MR. HARVEY: The allegation in this case -- well, there will several allegations. The most serious was that DRE machines were unsecured and unsecured in the election office. There is also not an allegation that the L&A testing was not properly advertised and conducted.

Our findings revealed that DRE's were left unattended for a short period of time, approximately ten minutes, on occasion when a supervisor had to leave the office. This was before voting. The supervisor had to leave the office to take care of personal matters.

L&A testing was advertised a week after L&A testing started. So that's a violation, failure to notify the public of L&A testing.

The other allegations are unsubstantiated and, at this point, we're left with a very brief period of unattended DRE's and a week late advertising of L&A testing.

I believe someone is here from Dooly County.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

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

MR. GREGORY: I'm Burt Gregory. I'm the county attorney for Dooly County. I reside at 305 E. Union Street Vienna, Georgia.

Vernetta Cheney-Childs is with me, and she is our elections supervisor. Ms. Childs developed the elections office when we went out of the Probate Court after our long-standing Probate Judge was moved, or was encouraged to be removed by the JQC for punching out a deputy that was there to assist her in a tornado. We won't get into all of that because there was a trial on it. But that set in motion some stuff in Dooly County.

And when he resigned and we got a new Probate Judge, this office was set up separate and moved from the courthouse to a building that has adult education component and maybe an economic development office. There's about three separate small offices that have one or two employees in it and a classroom. It's handicapped accessible and it's easy enough to get to. So that was the location we chose.

At that time, there was one room that was allocated for Ms. Childs and she was given the assistance of a part-time employee. That led to these problems. But since then, I want to point out remedial measures that are in place that have corrected that.

Number one, once the budget was allotted, we have now upgraded to a full-time assistant to her who now has an outer office with a separate office for the counting and for machines, and then her office, both of which have locked doors.

So the problem will probably never happen again because we now have the office up and running appropriately and fully staffed and fully funded as far as renovations go. So we think that will take care of the issue of her leaving unattended for a moment to go to the restroom when the part-time employee was not there.

You need to also understand that the genesis of this complaint was during, pretty much during the early voting session as far as the locked door, or the unlocked door went. I believe that was on the 18th of October of 2012. On the 17th of October, 2012, the day before, the same person that made this complaint

complained that during the lunch hour one of the other entrances to the building was locked off because it had an office component to it. So they called the state fire marshal because we had a locked door. And we had to go down during the lunch hour and post an exit sign on another exit to satisfy that complaint.

The next day your complaint comes about an unlocked door for a few minutes.

So we have a lot of technical complaints. We think we are in compliance now.

We admit we were not technically in compliance then, but we would ask that the board consider a dismissal as to those.

As to the notice in the paper, Vienna, or Dooly County has one newspaper; there is a weekly paper. It's part of a group of other papers. So it has -- it shares a roving reporter with some other counties and has a part-time person that tends the office.

During 2012, the person who was in that office would not regularly attend that office and it resulted in, on the Superior Court Clerk's side, having grand jury notices of proceedings not being published even though those had been submitted. It resulted in my personal law practice with an adoption, where you have to run a certain notice and length on termination, and so forth, very time critical thing, they didn't run it.

In both of those instances much like this instance, the notice was submitted timely and directed as to when it should run. And the paper, on his own initiative, chose not to put it in the paper until the next cycle, which creates all kinds of problems when you have technical timing requirements.

So since then, I think they've changed the employee at the paper. That is beyond our control. What remedial action that Ms. Cheney-Childs took when she realized that it had not run in the paper was to post a notice. And I'll let her explain where she posted the notice.

MS. CHILDS: Vernetta Childs, 501 North 3rd Street, Vienna, Georgia 31092.

Once I realized that she hadn't published the notice, I made copies and published a copy of that in the office I work in and also published a copy at the courthouse.

I just want to add that all of these allegations that he has on here came because a

candidate failed to do the proper paperwork to have his name on the ballot. So he set out to do any and everything he could to get me in trouble.

But I did make an effort to publish the paper in a timely manner. It did not happen, though. So I did the next thing I knew to do and that was just publish it at the office and the courthouse.

MR. GREGORY: I participated in early voting at this one location. And at that time there was a gentleman seated on the floor with a backpack. And my uncle, who was on the Board of Elections, was in the hallway monitoring the situation. I walked by and said, what are you doing? And he said, this guy's been here all week. This is a guy who sat there all week, Mr. Potter. Mr. Potter and his wife are suing Dooly County because their house burned down while they were out of town and they live on a rural road with no neighbors. And they said we should have put the fire out. So that's what we are doing dealing with, folks.

I know it's local color, a little local flavor on things, but I don't think any of these allegations meet -- none of these allegations state that any voter was disenfranchised, and there is no complaint of any particular voter, other than what came through the poll watcher who was on the campaign staff of Mr. Williams, who was running for Sheriff. Who, incidentally, is running again and a special election for Sheriff to be held Tuesday.

MS. CHILDS: I also want to add that once I did leave the office and he did make notice of it, I checked the seals to make sure they hadn't been tampered with. I also told my poll workers to make sure the zero report showed zero counts for every last one of the candidates, which it did do.

SECRETARY KEMP: Any questions for Ms. Childs?

(Whereupon, there was no response)

SECRETARY KEMP: Let me just say I appreciate you all being here and explaining all this. I hope you can appreciate the process, the transparency of having notice on testing. That's a very important part of our voting system to ensure the public that we have a transparent process that this is done before the election to make sure that we have a secure election. And also, obviously, not leaving the machines unattended.

I certainly understand the circumstances you were in, but I think it's very

important to keep the public's integrity on our system. So whatever you can do to help us with that in the future, that's very important to.

MS. CHILDS: This did happen, but the times when I did leave to go to the restroom, it was after five o'clock. I was in the process of going to the restroom and at the time it's only two ladies in the building. As a courtesy to one another, we always let one know, okay, you're in the building by yourself. On my way back to my office, I stopped and let her know that and we did chit-chat for a few minutes and he was there by the time I got down there.

Normally, we would have already locked the doors so he wouldn't have even been allowed to even get in the building. But I was getting ready to head out at the time. So I was waiting till I got ready to leave.

MR. GREGORY: The point of it is we have made remedial measures and implemented policies so the office is not unattended, and if it is, if both she and her sister are gone, the door is locked.

And also on the newspaper issue, this was her third election, I believe, and she had had no problem with the newspaper before. But now that she has had that problem, just like my assistant has been instructed, hound them until you know it's in there. It's frustrating when you think you can trust the newspaper to put something in it they don't do it.

SECRETARY KEMP: I can imagine. Any other questions?

(Whereupon, there was no response)

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

(Whereupon, there was no response)

SECRETARY KEMP: Mr. Harvey, what were you recommending?

MR. HARVEY: I think this is a case that would be appropriate to consider a letter of instruction. As far as the notice to the paper, in the report -- and I have to say it appears that Ms. Childs was very responsive to our investigator and provided as much information as she could.

She said that she sent the L&A notice, but the paper did not receive it or must

have deleted it when it didn't go. I'm not exactly sure what that means. But in any event, I think if it was a technical email issue on her part or something with the paper, I think the fact that they are in a new building probably speaks for a letter of instruction for the issues they have probably outgrown with the new facility.

MS. CHILDS: Can I explain what I meant?

SECRETARY KEMP: Yes, ma'am.

MS. CHILDS: When he said I had deleted something, the investigator asked me to show him the email, that's what I was talking about. The email was deleted.

MR. GREGORY: So in other words, you're saying you sent a copy of the email, but you didn't save a copy of it.

SECRETARY KEMP: Okay. All right. Anybody else wishing to speak?

(Whereupon, there was no response)

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

MR. WORLEY: Mr. Chair, I would make a motion that the suggested violation related to the newspaper publication be dismissed and that a letter of instruction be sent on the other two proposed violations.

MS. SULLIVAN: Second.

SECRETARY KEMP: We have a motion and a second for a letter of instruction except for the newspaper issue. 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.

Let the record show Ms. Sullivan needs to step out for just a minute. We still have quorum with three remaining members.

Mr. Harvey, 2012, 128, Stewart County.

MR. HARVEY: This case involves absentee ballots.

Our office received a sort of bizarre complaint about somebody allegedly, a candidate allegedly possessing absentee ballots. So we looked into the absentee ballot issue and we found that Stewart County, as a practice, had problems accepting absentee ballots -- rejecting absentee ballots that did have proper addresses. One of the requirements for returning an absentee ballot is a signature and address on the return envelope.

We found that there were 50 cases where people returned absentee ballot envelopes, their own absentee ballot envelopes, and they didn't have either their residential address or complete residential address, and those were accepted by Stewart County.

There was a single incident where an elector, Carol Iverson, retrieved, mailed, and failed to sign the oath as assisting on two absentee ballots that belonged to non-related friends.

So we've got Stewart County cited for failing to reject absentee ballots, and we've got one voter cited for two counts of possession of absentee ballots.

I spoke with someone from Stewart County yesterday or the day before. She indicated that at this time they are in the process of going through a 911 address reorganization and they were not aware of how they had to distinguish between a residential address and a PO Box.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wish to address us?

MR. COLEMAN: Ladies and gentlemen of the board, my name is Franklin Coleman, my address being 212 North Westover Boulevard, Albany, Georgia 31707. I am with law firm Perry & Walters. We represent Stewart County. I'm here today on behalf of the county Board of Elections, elections supervisor, Diane Powell, and Ms. Mary Ann Bennett, who is also named here. We don't have an affiliation with the other party, Carolyn Iverson.

We would like to request that the board consider a letter of instruction. It is acknowledged that the 49 or 50 -- 50 ballots with PO Box, incomplete addresses, etc., were accepted. I don't have the exact numbers here. I haven't been through them specifically one-by-one to tell you how many had a PO Box, how many had incomplete address, etc.

But what Mr. Harvey said about the 911 reorganization and realignment, they were -- that was the initiation (unintelligible) 911 service, around that time. It wasn't exactly -- it had been done prior to the 2012 election, but not much prior. And that would have been the first time many people had a street address number at all in Stewart County. I mean, a great many of these homes.

Nonetheless, I mean, they could have put on location or the street name on their application or on the return envelope. But, you know, most everybody there at that time, and really, to a large extent now, receive their mail at a PO Box. So that's just one of those rural county thing that seems to be pretty frequent.

Nonetheless, we acknowledge that it is a violation. We've taken measures to correct. I've spoken with the chief -- the elections supervisor and the situation has been remedied. We know we won't have any similar problems in the future.

We just ask the board consider a letter of instruction.

SECRETARY KEMP: Any questions for Mr. Coleman?

(Whereupon, there was no response)

SECRETARY KEMP: Mr. Coleman, I will ask a quick question. You said the situation has been remedied or in the process of. Do you know exactly how they're doing that?

MR. COLEMAN: Well, they were computerizing everything. You know, I believe, again, I haven't been through every little piece of evidence on this yet. I

was hoping not to have to. But I believe at the time most of these voter registration lists were all on one system or a primitive type system, or even handwritten. They have computerized everything now in hopes of better organization.

But mostly just making everybody aware, poll workers and whoever else is working at the elections office, that we've got to have, you know, street address.

SECRETARY KEMP: Okay.

MR. COLEMAN: And it has to be sign -- just making -- sending everybody to training to make sure. I believe, now that I think about it, I can get you that information. But she indicated they would all -- that the poll workers and other personnel will be attending training.

SECRETARY KEMP: Ms. Ford, have they been coming to training, do you know?

MS. FORD: I believe that they have been to one training, not the poll workers, but (unintelligible).

SECRETARY KEMP: Thank you. Any other questions?

MR. WORLEY: I had a question for Mr. Harvey. Mr. Harvey, of these 49 or 50 absentee ballots, how many provided no residence address at all? It says some only provided a PO Box, others only provided a partial address.

MR. HARVEY: I don't know that I will be able to give you an absolute precise - - give me one second, please.

MR. WILLARD: Mr. Worley, the lengthier report does say that 40 of the absentee ballots had a PO Box and 10 were either partial or no residency address.

MR. WORLEY: That's good enough. So in my mind that's consistent with what Mr. Coleman says about the changeover that people were -- didn't have a street address were using a PO Box that they previously used.

MR. HARVEY: Right. I agree.

SECRETARY KEMP: Anyone else or any other questions?

(Whereupon, there was no response)

SECRETARY KEMP: Motion?

MR. WORLEY: Mr. Secretary, given that there were a limited number of people who did not provide any address at all, I would move that we send a letter of instruction to Stewart County and the elections supervisor, Diane Powell, and the deputy registrar Mary Ann Bennett.

SECRETARY KEMP: We've got a motion. Do have a second?

MR. SIMPSON: Second.

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

(Whereupon, there was no response)

SECRETARY KEMP: 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, Mr. Coleman, for being here. I would just make sure that they're getting things in order where we don't see you again on this issue.

Mr. Harvey, Ms. Iverson, the unlawful possession, we still have that out there; is that correct?

MR. HARVEY: Yes, sir. She went and picked up two completed absentee ballots from friends of hers to deliver for them. So she was in illegal possession of two absentee ballots.

MR. WORLEY: When you say "deliver," she actually mailed them, correct?

MR. HARVEY: Mailed or delivered them to the elections office; yes, sir.

MR. WILLARD: The investigative report says she delivered them to the post office.

MR. WORLEY: Post office. Right. So would that be consistent -- based on what you said earlier --

MR. WILLARD: I am going to present this issue at a future State Election Board meeting.

SECRETARY KEMP: I -- well --

MR. SIMPSON: We won't -- I mean, however that issue is resolved will determine the outcome of this case.

MR. WILLARD: Correct.

SECRETARY KEMP: Well, I would be very careful that we can't act on what may or may not happen in the future. I think it is very unfair for us to --

MR. WORLEY: Well, that's true. We may reject Mr. Willard's --

MR. WILLARD: Right. And that's --

SECRETARY KEMP: Well, and the legislature may as well.

MR. SIMPSON: I was going to move to bind it over.

SECRETARY KEMP: I was just saying, think we've got a -- I know we've had some conflicting things going on today. But -- I mean, when somebody is taking these ballots to mail them for somebody else, whether they are doing it maliciously or not, it's still -- it's no different than the person we bound over that's carrying 50 to the post office. I think we need to continue to be consistent when we can.

I'm sorry, Mr. Simpson.

MR. SIMPSON: I move to bind the case over.

MR. WORLEY: Second.

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

(Whereupon, there was no response)

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

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

We have bound Ms. Iverson over to the AG's office. That's got us on that, right, Mr. Harvey?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: We're moving to 2013, number 16, City of Valdosta.

MR. HARVEY: This is a case that was self-reported by Deb Cox, the election supervisor in Lowndes County.

This involves an election in 2011, the City of Valdosta election, in which there was a single precinct where the poll manager at that precinct allowed 118 county residents to vote in the city election. There were some voter certificates that had alterations where somebody had either checked "Am a city resident" or "Not a city resident" and that had been crossed out. There were five voter certificates for voters who did not appear on the list of electors, and there were 16 voters who appeared to have voted without completing voter certificates. So there was clearly a breakdown at this one precinct, precinct number 8.

Ms. Cox responded by firing the staff that worked there, training the remaining staff on the importance of requiring only qualified voters to vote.

It's an event that happened in 2011, and based on the response of Ms. Cox and the

corrective action taken, I think this is another one that might best be resolved with a letter of instruction.

SECRETARY KEMP: We received the original complaint from Ms. Cox, correct?

MR. HARVEY: We did. She self-reported.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wish to speak? Ms. Cox, welcome. Thank you for your patience.

MS. COX: Deb Cox, 318 Crestview Drive, Valdosta, Georgia 31602. I am the supervisor of elections for Lowndes County.

I would respectfully like to disagree with the letter of instruction. I feel like we did everything in our power to train our poll workers both before and after. We didn't have to change anything. This was an unusual event.

You have this in front of you, I hope. This is what I turned , and I'm just going to highlight a few things on there to show what we did to prevent this happening long before it did happen.

Document 1 is a copy of the letter of appointment for the poll manager, as is appropriate. Document 2 is a list of the poll manager's experience prior to November, 2011. She worked since 2006, both municipal and county election, without incident. So that has never occurred before and she has had the exact same situation.

Documents 3 through 6 are copies of certificates of training for all the poll workers, as is appropriate. Document 6.1, which I did not submit previously and I have if you wanted, is a sign-in sheet where they came to train. Our training is about six hours, sometimes more. We will do three hours for book training and then three hours of practical, as a minimum. So what we teach them, or what they learn online from the book, they have to come and demonstrate that they know what to do, not just take them for their word.

Document 6.2, which you don't have, either, shows training payroll where we paid her and her poll workers for training so it's established they were there.

The next few documents show part of what we covered in training. Much of what we teach in training we give them as a handout to take home and refresh on before the election. We also have all of those handouts in the poll manager's notebook for review on election day if there's any question. They also have a phone number available, including myself, if they can't get through to the office if they have a questions. And we have board members rotating through the precincts all day long. So if there is a question, there is somebody there at least every other hour.

Documents 9 and 10 are the notes I use to teach poll worker training. Item 15 and 24 both referenced no county voters for this election. A note to myself that you will see down there as well says, "Repeat ad nauseum until I'm sure the poll workers get it." I did. I repeated it until I couldn't stand it anymore.

Document 11 is a cheat sheet where we gave them special instructions for the referendum. It was a school consolidation referendum and only city voters were allowed to vote to give up their charter. It addressed residency requirements, gave possible scenarios on how to handle each one. The note at the bottom of the page said, "Under no circumstances were county voters be able vote on the school consolidation referendum. Call if you have any questions." So that's another place it was.

Again, this handout was both used in the classroom, given to poll workers to take home and review, and the poll manager's notebook for review on election day.

Document 12 is a copy of the supplemental issues for training with notes at the bottom about how to handle special situations. County voters are not listed as one of the available options.

Document 14 is a copy of the voter certificate (unintelligible) training. Again, this was used to train poll workers, given them to take home, put in the poll manager's notebook. And number 7 under training says, "County residents don't vote."

Document 15, again, training -- is the training and handout for county residents with information about why they can't vote on the school consolidation referendum. This is what the poll workers were supposed to give them when

came in and wanted to vote to explain why they could not vote that situation.

Document 16 is it copy of the affidavit of residency for city residents. Again, training handout and all that.

Document 16 [sic] is express poll notes and practical training directions, again, referencing no county voters.

The previously referenced items were not the only items the poll workers were trained on. They were trained on everything, but I'm just talking about those in specific. They take a test. They have to take and pass our test at ninety percent. If they don't pass it at ninety percent, they are scheduled for retraining. If they choose not to retrain, they don't work. Anything they missed between ninety and ninety-nine percent, we go over with them immediately to make sure they understand it.

All training materials are kept on file for each poll worker and each precinct for four years until we reach that election again in the cycle just so we can look back and see what we what happened four years ago.

All these measures ensure that all poll workers deployed on election day in Lowndes County are well-trained, competent in their ability to conduct an election, and that there is no question in our mind about the poll worker qualifications or their ability to do the job correctly.

These were not new poll workers or new manager. City county voter exclusion elections were not new. They've done that before. All previous elections had been handled correctly. None of the other polling places made the same mistakes before or after that incident occurred.

The Board of Elections did everything possible going well above and beyond minimum training requirements for poll workers to ensure they were trained and knew their jobs. All the training was documented and there was literally nothing else we could do to ensure the poll workers did their jobs correctly.

For these reasons, I feel like we should not be held responsible for the poll manager permitting the unqualified voters to vote and willful omissions by the poll officers. We did our job to the best of our ability to ensure fair and accurate elections. In this case, the responsibility lies solely with the poll manager.

That's all I have.

SECRETARY KEMP: Thank you for that. Any questions for Ms. Cox?

MR. WORLEY: Out of curiosity, could those 118 votes have made a difference in the election?

MS. COX: It was a landslide election. It made no difference, whatsoever.

MR. SIMPSON: What's her explanation for doing it, for letting people vote when they know they shouldn't vote?

MS. COX: I can't account for motive since I wasn't there and I'm not that person. But it was a very contentious election. It was a very hot button issue. Emotions ran high on this one. I don't know if you pay any attention to football, but that's all there is in Lowndes County, Valdosta football Wildcats. Everybody's heard about him.

The issue was whether they wanted to give up the team or not. It was hot on both sides. County residents did not want the city residents there; the city residents didn't want to go.

MR. SIMPSON: Seems like to me that's when you've got to be the most careful.

MS. COX: Right; exactly.

MR. SIMPSON: Do you know the names of the poll workers that actually allowed the people to vote?

MS. COX: Do we have the names of the poll workers in the polling place?

MR. SIMPSON: Yes.

MS. COX: One of the statements given by one of the assistant managers said that she spoke with poll manager, told her that was incorrect, that what she was doing should not be happening, and she was told to sit down and shut up and go sit in the corner.

MR. SIMPSON: By the poll worker?

MS. COX: By the manager.

MR. SIMPSON: Poll manager.

MS. COX: Right. Told the assistant.

MR. SIMPSON: That's Ms. Williams?

MS. COX: Yes.

MR. WORLEY: And did Ms. Williams offer any explanation as to why she allowed this to go on?

MS. COX: No explanation, whatsoever. She was very difficult to talk to, if at all. She didn't want to respond to any inquiries. The poll workers were very forthcoming in what they had to say. She was not.

The paperwork coming back, for the first time ever, was in such disarray it took us days to figure it out. As a matter of fact, our certification ran late because of that. We had to get to the bottom of it before we figured out how many votes were actually cast. But it's never been in that disarray before.

MR. HARVEY: Mr. Worley, just for the record, we did interview Ms. Williams and she said that she must have misunderstood the instructions and she is deeply sorry. That's her explanation.

SECRETARY KEMP: Do you believe she misunderstood, Ms. Cox?

MS. COX: No, sir.

SECRETARY KEMP: I thought you would answer that way. Thank you very much.

Anyone else wish to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else for Mr. Harvey?

(Whereupon, there was no response)

MR. SIMPSON: I move we dismiss the case against the Board of Elections and Ms. Cox, and we bind over the case against Sheree Williams.

MR. WORLEY: I second that.

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

(Whereupon, there was no response)

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

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

Let the record show Ms. Sullivan is now back with us.

MR. HARVEY: Mr. Secretary, can we take a three-minute break.

SECRETARY KEMP: Absolutely. Let's take a five-minute break.

SECRETARY KEMP: Let me call the meeting back to order. Mr. Harvey, let's see, we are on 2013, number 33, City of Lumpkin, Stewart County.

MR. HARVEY: This case involved a municipal election in the City of Lumpkin. There was a long list of about 13 different complaints regarding election -- fabrication of election laws and everything from absentee ballots being secured to notices being posted to having certified elections personnel.

So multiple allegations: insufficient poll workers, absentee ballots not secured, oaths not being completed, no privacy for voters, poll workers not wearing name tags, proper results not kept, etc.

The city conducted its own election and when we looked at the overall election, we found about ten different violations, starting with the elections superintendent

was not certified to run the election; oaths were not completed by -- signed by poll workers; training was not offered and completed by poll workers; ID badges weren't worn by poll workers; they didn't have sufficient number of poll workers in attendance while voting was taking place; there was no provisional ballot preparation area set up; there was no secure ballot boxes in public view; there was no absentee ballot log maintained; notices about advance voting were not posted; and the required signage (unintelligible) in the polling place was not posted.

So they kind of failed across the board in terms of preparation and documentation and verification of the election.

I recommend that they be bound over on the listed violations.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, anyone here wishing to speak? Yes, ma'am.

MS. WILLIAMS: My name is Mary Anna Williams. Address 2304 Broad Street, Lumpkin, 31815.

I am guilty of not preparing. I guess -- my son did not give me a grandchild until I was 61 years old and it was her first birthday and I was going down there to see her and I just let things slide. When I got back, I got everything -- I got my notices up and everything going right.

As far as the certification, I thought I was. I have been up here with Kennesaw and taken the class. I had taken online classes in the year before that. So -- you know, I didn't realize I was not certified.

I'm in the process now of holding a special election and every I is dotted and every T is crossed, I can assure you. I have my three workers and they are there; (unintelligible) everything is being done in order.

I apologize for it. I throw myself on y'all's mercy and I asked for forgiveness.

SECRETARY KEMP: Any questions for Ms. Williams?

(Whereupon, there was no response)

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

(Whereupon, there was no response)

SECRETARY KEMP: Do we have a motion? I will move that we bind the case over to the Attorney General's office per the report of the violations. Mr. Willard is walking back in and we'll let him know that Ms. Williams was here today owning up to the violation. I think Mr. Willard can work with you to make sure we get a consent order that lets us know, lets the board know that you have things in order now.

MS. WILLIAMS: Have been working with Erin at the Secretary of State's office. I've got everything --

SECRETARY KEMP: I'll move that we bind over in that regard.

MS. SULLIVAN: Second.

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

(Whereupon, there was no response)

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

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. Thank you very much and congratulations.

2013, number 35 is Sumter County.

MR. HARVEY: Yes, sir. This involves the issue of illegal assistance and some of the same issues we dealt with earlier today.

In the last hour so I asked the investigator to go through the report and try to come back with a report that is consistent with what we did in Telfair County so we can clarify a little bit what we mean by assistance of ballot versus envelopes. I will do my best to convey that to the board.

The allegation was that people were -- a sister-in-law of a candidate was illegally assisting voters with absentee ballots. That was the nature of the complaint.

So following up on our investigation, we determined that there had been some illegal assistance and there had been some assistance that now appears -- at the time we thought it was illegal, but based on current application, the board is reconsidering.

If you will go to the potential violations page where it starts with Edith Green, the elector, what we determined is that on the first charge, filling out the voter registration application, we request that be dismissed. We don't find a violation there. She did assist the voter, but the voter signed it, themselves. So we did not find a violation there.

Likewise with the second violation, under Edith Ann Green, we recommend that be dismissed on the application. Again, she did help the voter. The voter was not disabled, and the voter did sign.

SECRETARY KEMP: Mr. Harvey, the first person you recommended dismissal for, who was that?

MR. HARVEY: I'm just on specific charges. I am on Edith Ann Green, which should be --

SECRETARY KEMP: Okay. I got you.

MR. HARVEY: So the first two violations listed under her, I'm recommending be dismissed.

SECRETARY KEMP: Okay.

MR. HARVEY: Now, the third one is a valid violation in that she did actually mark their ballots for them. They said that she helped bold them in and she failed to sign the oath as assisting. So I think that is a valid charge and would

recommend that go over.

Now, on Lashonda Williams, the first violation we've got listed, unlawful possession, again, this is a -- the board has ruled sort of strict liability. She did take possession of two votes -- two ballots and mailed them. So we've got two counts of illegal possession of absentee ballots.

The second violation under Lashonda Williams, I believe, is -- should be dismissed in that she was just assisting filling out the envelope.

The third violation regarding Ms. Williams, Ms. Williams assisted a voter while her aunt was a candidate on the ballot, which I believe is a violation of 21-2-409 (b). So she assisted a voter while her aunt was a candidate on the ballot.

And, lastly, on Betty Prince, Betty Prince, assisted her husband. Her husband made his mark and his wife wrote his signature on that space, again, essentially trying to help him. And I recommend that she be issued a letter of instruction just informing her that she can't complete her husband's name on the ballot, especially after he has made his mark.

So we've got the third violation under Green I recommend binding over; the third violation under Williams and the first violation under Williams bind over; and a letter of instruction to Betty Prince.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

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

(Whereupon, there was no response)

SECRETARY KEMP: Do we have a motion.

MS. SULLIVAN: I move that the allegations relating to O.C.G.A. 21-2-220 and 21-2-381 against Ms. Green be dismissed, and the allegation regarding 21-2-385 be bound over to the Law Department.

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

MR. WORLEY: Second.

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

(Whereupon, there was no response)

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

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries and we have dealt with Edith Ann Green.

MS. SULLIVAN: With regard to Ms. Williams, I would move that we dismiss the allegations against her relating to 21-2-385 (b), and bind over the other two allegations against her to the Attorney General's office.

SECRETARY KEMP: We have a motion by Ms. Sullivan. Do we have a second?

MR. WORLEY: Second.

SECRETARY KEMP: We have 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.

MS. SULLIVAN: I'll make a third motion that a letter of instruction be issued to Ms. Prince.

MR. WORLEY: Second.

SECRETARY KEMP: We have a motion and a second for a letter of instruction for Ms. Prince. 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, the City of Woodland. Is someone here for that?

UNIDENTIFIED MALE: Yes.

SECRETARY KEMP: I don't know what happened on that last case. 2013, 37, City of Woodland.

MR. HARVEY: This case is very similar to the case we just had in the City of Lumpkin. It's a municipal election that was pretty much inadequately conducted. There are lots of violations, again, a lot of them procedural.

The allegations were initially that the ballot box wasn't secure; there was improper signage; and people were not being allowed assistance in voting.

We did an investigation and found that the elections superintendent appeared to be unprepared to run the election and failed to follow most of the procedures and requirements, including not being certified to conduct the election; not using voter certificates; failing to print and document ballots; failure to provide privacy in the polling place; failure to certify absentee ballots; failure to have enough poll

workers while voting was taking place; failure to post necessary signage and notices in polling place.

I recommend the city and the city clerk and elections superintendent be bound over to the AG's office on all these listed violations.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak?

MR. BYRD: Yes. My name is Gary Byrd. I'm the city attorney for the City of Woodland. My address is 142 Village Court, Hamilton, Georgia 31811.

The background for the City of Woodland is that the city has been in very poor financial shape for very long time. However, there was a trained city clerk for 20 years that ran the elections for the City of Woodland and she retired. When 2013 came around and we knew we would have an election in November, in the spring of that year, actually I went out to an associate town because I knew we had nobody certified to run the election. I went out to associate towns nearby and said is anybody here interested to help us run this election. We couldn't find any other person in the area within driving distance that would help us hold the election.

So the next step was to contact the Talbot County Election Board. Woodland is in Talbot County, and we have a new election board. They quoted a fee of \$12,000 to help us run the election. Woodland counts its pennies and dimes. I mean, they couldn't afford \$1,000 to run an election, much less \$12,000.

So at that point, at the next council meeting, the council said to the new city clerk, would you be interested in trying to get trained to run the election? She said, yes, she would volunteer, and she would do that.

So over the course of the rest of the spring and summer and fall, I was in contact with her at least monthly: how's everything going; are you getting your certifications; do you understand what you need to do? And she said that she would do all those things, and, yes, she wanted to do all those things. At one point she reported to me that she was certified to run the election and that she thought she knew she needed to do and she was ready to run the election.

Just as a postscript to all of that, four months after the election, she decided to resign and she no longer works with the city. I have not talked to her in a year but she came today. She made the effort to come and she is here today and she wants to address all those concerns regarding the various violations. I had lunch with her today during the break and she was telling me how she thought she had done all these things that are being alleged that she did not do.

So I would like to turn the microphone over to her for just a minute and let her talk to you about those things and then come back with some other comments, if I could.

SECRETARY KEMP: Thank you, Mr. Byrd.

MS. ELLIS: My name is Charlie Ellis. My address is 321 Jackson Avenue, Talbotton, Georgia 31827.

Ms. Jones, the investigator for the board, came to my office prior to -- it was after qualifying, but before the actual election, and she said she had had a complaint that someone was concerned that the election was not going to be wrong properly and she asked to see all my forms and everything, and she did at that time, find several things missing. She gave me a list of things that needed to be corrected. I corrected all of those things.

She came back again prior to the November 5 election and she looked over all of my signage. She saw where our booths were set up. We had an office with a door that was available. All of our booths had screens on them, paper screens around them, and they were in corners so that no one can walk behind. We had signage up; we had the sample ballots up; we had the voter certificate.

She gave me a person to contact at the Secretary of State that was actually answering their phone, because the information I was given for a liaison, nobody was returning phone calls or answering the telephone. So I wasn't able to contact anyone at the Secretary of State to get any help or anything about what I was supposed to do.

I went through the e-learn certificate and took all of the assessments. I came up here to this room, actually, and took the Kennesaw class and passed the test. I sent in my scores to them and, as far as I knew, I had done everything I needed to do to be certified and I was waiting on them to send me a certificate that said -- there was a certificate that arrived once you finished and sent all your information

in.

The ballots -- it says here that the ballots were not preprinted. They were printed and kept a binder in a locked office and they were under my supervision the entire day of the election. And there was a running tally of the ballot number that was used and the ones that were not used. That was kept along with that.

It says these stubs were not kept separate, but we had a ballot box for stubs that was locked and kept in public view, and a box for the ballots. That was also locked and kept in the public view. So I'm not exactly sure why it says that the ballots and stubs were not kept apart.

I do know that I left prior to Ms. Jones returning to verify all the stubs and stuff were kept in the proper place. I left. I had quit already. So I was not in contact or in control of any of that, any of those materials after that; after I left and before she completed her investigation.

It said that the absentee ballots were not labeled as absentee ballots, but it was printed right on the top of the ballots because I printed all the ballots, and the absentee ballots had it printed across the top, Official Absentee Ballot. I followed the guidelines that were there in my election code according to LEXIS-NEXIS. I did not have an election book. They said they did not have any printed copies of those, so I used what was on LEXIS-NEXIS.

It says that voter certificates and voter voting rights posters and notice of penalties were not -- I didn't get those things. Like I said, I could not get it touch with anybody at the Secretary of State's office and I called our liaison and no one never returned my phone calls. When Ms. Jones came, she gave me the number of someone who may be able to help me, and he did send a box of all the voter certificates and forms that I needed to fill out, the proper forms that I needed to have filled out. He sent that prior to the election, weeks before the election, and I got all that stuff and begin using it immediately. So that was rectified as soon as I had a contact that would actually return the phone calls.

It says here that failed to print and display a sample ballot. I did that. It was printed smaller because our ballot was already legal size and our printer wouldn't print anything bigger than legal size. So we printed it twenty-five percent smaller and colored it -- a sample. When I talked to Ms. Jones on the phone, she said that would satisfy the requirement. So that was posted.

The newspaper guy came by and wanted a copy of the ballot, so I gave him a copy of that sample ballot. I think he actually ran it in the paper, as well. So it was available. It was there and available prior to the election.

I think that was all that was against me.

Oh, it said ensure there was a manager and two assistants. I was there on election day as well as two assistants. There was no one else available. We put an ad in the paper calling for volunteers; we put out the word throughout the town, at the post office, at the library in Talbotton, which is not even the City of Woodland; we put it at City Hall there in Woodland, a notice requesting anybody willing to work on election day. No one responded. It was myself, the assistant clerk, that already worked there, and her daughter were the only people we could get to come in and work because there was no allocation, no budget made for hiring somebody to come and work. So it had to be a volunteer, and nobody was willing to volunteer.

So in that situation, I didn't know what else to do other than work myself, and all three of us be there all the time. We packed a lunch and we ate right there on the premises so there were always three people there.

I don't see any other complaints or charges that are listed here for me.

SECRETARY KEMP: Okay. Thank you for being here, Ms. Ellis.

Mr. Byrd, do you want to finish up to you want us to ask Ms. Ellis questions?

MR. BYRD: Just ask questions, and I'll --

SECRETARY KEMP: Does anyone have a question for Ms. Ellis?

(Whereupon, there was no response)

SECRETARY KEMP: Ms. Ellis, I had a couple of things. Do you recall who your liaison was in the Secretary of State's office at the time?

MS. ELLIS: I want to say her name began with a "V" -- Vanessa or --

SECRETARY KEMP: Vernetta. Thank you.

MS. ELLIS: But I left several messages and never, ever got a return phone call. I went to the county and she did give me some advice. But she made it perfectly clear that she was not responsible for training me; she was not responsible for running the election; and she was unwilling to offer any advice in case something like this happened so she would not be involved.

SECRETARY KEMP: And do you remember about what time it was you resigned?

MS. ELLIS: It was March 20th the year after the election.

SECRETARY KEMP: Thank you.

MR. HARVEY: I was going to say for the record, the report indicates that Investigator Jones got her in touch with John Hallman in our office who was able to respond and provide her with a lot of the material she did not have initially during early voting.

SECRETARY KEMP: Any other questions?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you for being here. Mr. Byrd.

MR. BYRD: The gist of the story is that the City of Woodland was trying to conduct a fair and impartial election on a shoestring budget and thought -- certainly, the current city council at that time, the mayor, thought that everything was being done the way it was supposed to be done. They are obviously laymen and don't know election laws and rules.

But, again, Ms. Ellis was asked on several occasions, do you need any extra help; is anything going on. As a matter of fact, the only thing she ever reported to me that was a problem was that the first day after early voting, she did not have an electors' list which was to be provided by the county board. She had called them prior to that, way in advance of the election saying she was going to need this. They said they'll provide for her and they never did.

So for the first few days of early voting, she -- someone would come in and early vote and she would call the county election board and ask if the person was an elector who could vote in this election and they would tell her that. So that was

kind of the way this election transpired.

But there was no intent on the part of the council or the mayor or anybody to do anything other than to hold a fair and impartial election.

I will also add a couple of closing notes. The complainants in this case were losing candidates that complained about this election.

SECRETARY KEMP: Do you have some names of those people, Mr. Byrd?

MR. BYRD: They're actually attached to the report I got.

SECRETARY KEMP: Okay. I've got that.

MR. BYRD: There were ten complaints and they were both losing candidates in the election. And the election was a landslide.

It was an interesting result in the election because there are five city councilmen and a mayor, okay. The incumbent mayor won; the five incumbent council members lost. So it was a landslide in every election. Every election was won by a two-thirds to one-third vote. So I don't think any of these violations affected the outcome of the election, whether they were actually technical violations or not.

Certainly, Charlie -- like I said, I have not had a chance to talk to her in a year. But she was very sincerely telling me she thought she was doing everything she was supposed to be doing.

SECRETARY KEMP: Any questions for Mr. Byrd?

(Whereupon, there was no response)

SECRETARY KEMP: Thanks for your patience today. Mr. Harvey, did you have anything you wanted to add? I'm curious on the timing. Ms. Jones went in prior -- was that during early voting.

MR. HARVEY: Yes, sir.

SECRETARY KEMP: Then obviously, the requirements were not being met; is that correct?

MR. HARVEY: That's correct. When she returned -- do you have any specific memory of when you went back? I think most of the violations were observed during early advance voting.

SECRETARY KEMP: Come on up here let's get you on the record here again.

MS. JONES: Pam Jones, 237, Coliseum Drive, Macon, Georgia 31217.

The bulk of the violations were during early voting. That's when they didn't have the three people present at all times. Certainly, on the day of, her and her to workers would suffice.

But the other issue was, you know, she did have a voting area set aside, but the code says it has to be an enclosed space with curtain or door.

There were just a lot procedural things that just were not being done correctly. But she was put in touch with the liaison who attempted to give her ballots, I think even Michelle spoke with her couple of times as well. And if memory serves me correctly, she failed to follow through with some things they suggested.

SECRETARY KEMP: She failed to follow through?

MS. JONES: Yes.

MR. HARVEY: For the record, Investigator Jones went out there for the first time on October 24. So that would have been before the election during early voting. And she does document getting Rochelle Simmons and John Hallman involved. That's when she observed most of the violations.

MS. JONES: And I think there are some things as far as procedural issues afterwards that she is not necessarily responsible for. Because when I did not follow up, that's when they had hired the new clerk and, you know, the election documents weren't store properly and there were a lot of issues --

SECRETARY KEMP: That would have been after March?

MS. JONES: Yes.

SECRETARY KEMP: Okay. Thank you any other questions for Ms. Jones?

MR. WORLEY: I had a question for Ms. Jones or Mr. Harvey. How is it she was not certified? What was it that she lacked?

MS. JONES: In talking with Rochelle, I believe it was --

MS. FORD: I have that. She did go through the KSU classes in September. But she did not -- our records show she did not take the quizzes for the online portion until November 4, and there was one that -- there's nine total, and she took eight of the nine. There is one she's missing.

SECRETARY KEMP: Thank you. Mr. Byrd.

MR. BYRD: One quick note on the storage of records following the election. At the time that she resigned in March following the election, it was a total surprise to everybody. She actually resigned at a council meeting. There was a disagreement between her and the council. I think it was a surprise to her and the council she was going to resign. There was no indication she was coming to that meeting that night to resign. So the council was left without an employee.

The City of Woodland has a clerk and assistant clerk and a fire chief and a utility worker. So she and the assistant clerk resigned that night at the meeting. So, actually, City Hall had to be closed for about ten days until we could even get somebody to come in and (unintelligible). And after that, there was a selection process which we had notices put in the paper and we did interviews on the candidates.

The person that was hired, I think is very qualified. She's going to take courses and learn how to be a good elections superintendent. But she was a banking employee and she had no previous experience on handling voting records. So that probably is why the records may not have been stored correctly because she had no previous experience in there. She was a banker and decided to come and be our superintendent.

SECRETARY KEMP: Mr. Byrd, what kind of elections have you all got coming up? Do you have any this year?

MR. BYRD: Actually, the council, because we had nobody to run elections, there was a -- the council wanted to have a referendum election, but decided not to do it because we didn't have anybody qualified to run the elections this year. So they put all that off. There are no pending elections anytime in the near future.

The next two years, actually.

SECRETARY KEMP: Any other the question for Mr. Byrd?

(Whereupon, there was no response)

SECRETARY KEMP: Ms. Ellis, did you want to add anything else? You don't have to. I just wanted to give you the opportunity if you do.

MS. ELLIS: The only thing I wanted to add is I no longer work for the City of Woodland. I have absolutely no desire or intention to ever attempt to run another election.

SECRETARY KEMP: We hear that quite often.

MS. ELLIS: Also, I wanted to clarify that I was unaware there was one other -- one of the things I didn't do. When I looked the last time, I was rushing to get everything done. I thought they were all done. So I'm sorry.

SECRETARY KEMP: Anything else for Ms. Ellis?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you, again, for being here. Anything else from you, Mr. Harvey?

MR. HARVEY: No, sir.

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

(Whereupon, there was no response)

SECRETARY KEMP: Mr. Harvey, do you remember in the past how we've dealt with election officials who are no longer with a jurisdiction and have no plans to do elections again in the future?

MR. HARVEY: My memory is that in cases like this, and I'm not sure it's specific to former election officials, but we have had other very small cities who had election problems, and I believe in the past the board has bound the case over to the AG's office with the expectation that they provide a written remedial plan.

And that if that's presented and is satisfactory, then that can --

SECRETARY KEMP: I'm not worried about the City of Woodland. I am, but not right now. But in Ms. Ellis's circumstance.

MR. HARVEY: Generally, I think the board has bound over even if they are no longer in the capacity. I think that's happened a couple of times today, even.

SECRETARY KEMP: Okay. Do you all have anything else?

MR. WILLARD: Mr. Chairman, typically, unless there is a former official and the municipality or county have different violations pending, if they're the same violations for the time they were in office, unless there is some animosity between the two entities, we do try to resolve it in a single consent order.

SECRETARY KEMP: Okay. I don't want to speak for the rest of the board, but I certainly would not have an issue doing that. I greatly appreciate Ms. Ellis showing up today and giving us her comments, and certainly, Mr. Byrd. I think if the board were to vote to bind it over, we could reach an agreement that if for some reason that Ms. Ellis did decide to do elections again that she would make sure to get all her proper certifications and that we can work an agreement out with the city to make sure that before the next election that they are trained and meet the requirements and are ready to go. And we certainly stand ready to assist the city with that. That's my thoughts. I don't know if anybody else has a motion.

MS. SULLIVAN: I move that we bind this case over to the Law Department as to both respondents.

SECRETARY KEMP: We have a motion to bind over from Ms. Sullivan. 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. Thank you all again for being here today.

Mr. Harvey, we're looking at 2014, number 3, Toombs County qualifying.

MR. HARVEY: Yes, sir. The allegation in this case is that election officials did not publicize the qualifying for the office of solicitor.

The investigation revealed that it was, in fact, true they failed to publicize the solicitor position. The explanation was a solicitor had just been appointed and they didn't realize the term was coming up and they would have to have qualifying for a new position.

I've got my in notes -- I believe I spoke to someone from Toombs County, either an attorney or an election official, and they had implemented a remedial plan of reviewing every year all of their upcoming elections and qualifications that need to be done.

I don't know if there was any -- I can't recall if there was any court action as a result of this. But I recommend a letter of instruction be issued to Toombs County Elections Office.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, welcome.

MR. KAUFOLD: Good afternoon. Howard Kaufold. I'm the county attorney for Toombs County. I have with me the Judge of Probate Court, Larry Freckle, our superintendent of elections, Kerry Alligood, and John Jones, the county manager. I'll be very brief.

SECRETARY KEMP: Could I get your last name?

MR. KAUFOLD: Sure. It's Kaufold, K-A-U-F-O-L-D. My address is PO Box 1840, Vidalia, Georgia 30475.

What Mr. Harvey has stated is correct. I've got documentation of what happened. In fact, Mr. Freckle's son was our State Court solicitor. He resigned and the Governor appointed a gentleman, Justin Franklin, and what happened was the de minis that came out of the Governor's office went to the Probate Court and our elections superintendent was not aware the term was shorter than the full term that was -- Mr. Freckle's son had been elected for. So we advertised every other election, but we didn't advertise this one.

I think when Ms. Kerry got a hold of me I was trying a case up in Emanuel County and we were all was in a panic. So I called your office, sir, and got some information and we made a decision to go ahead and hold an election. Being one of the senior members of the Toombs County Bar, I kind of got the word out -- we've got a very small bar -- got the word out does anybody want to run for the election.

The way we found out about the situation was the gentleman, the State Court solicitor, he came in to qualify and that's when we realized that we had a problem.

I got the word out to the bar in we did have one other person that wanted to run. We had an election and the Governor's appointee prevailed. So that is the circumstances of this scenario.

We immediately passed a resolution through the county commission where the Probate Judge get the de minis from the Governor's office when someone is appointed meets with our elections superintendent and meets with our county manager so we have a complete understanding of what elections are going to be taking place so we can duly established the fee in December of the year before the election and go forward the way we need to go forward.

I understand and appreciate the position of a letter of instruction. I've got the resolutions by the commission that I can show the board, if they would like. But I would request that since we definitely have resolved the problem and it was a total misunderstanding, that the case be dismissed.

SECRETARY KEMP: Any questions for Mr. Kaufold?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you. Anyone else wish to address us?

(Whereupon, there was no response)

SECRETARY KEMP: Mr. Harvey, anything else you wanted to add with regard to the remedial plan?

MR. HARVEY: No, sir. As he indicated, they have established a way to prevent this from happening in the future.

MR. SIMPSON: I move this case be dismissed.

MR. WORLEY: Second.

SECRETARY KEMP: Mr. Simpson made a motion to dismiss and Mr. Worley seconds that. Any other discussion?

MR. WORLEY: I just want to say the reason I vote to dismiss it rather than send a letter of instruction is that they have done I think everything they can and they were all here today. I think everybody who's involved in that process is here today and I appreciate everyone coming. I think they've done everything they can do.

SECRETARY KEMP: I do, as well, and I agree. 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 dismissed the Toombs County case.

Case number 2014, number 5, Sumter County, residency case.

MR. HARVEY: Yes, sir. This case involves a voter and candidate, Linda Wright, who at some point was improperly placed in District 1 -- this is for board of education purposes.

She had lived at her address on Pecan Road for years and had always been advised issues in District 1. So she qualified as a candidate in District 1, Sumter County school board, and completed all the paperwork. Before the election, it was determined that she was actually in District 6, I believe, and was disqualified as a candidate in District 1.

Robert Brady, who was not the superintendent at the time this happened, he reported that in one system her address was listed as 463 Pecan Road, and in another instance it was 468 Pecan Road. It's unknown if there was a number transposed, or how it was done. So as it turns out, she ended up being in District 6.

When she went to vote, she was allowed to vote a provisional ballot, but Sumter County doesn't have an explanation as to why her address was in the system incorrectly.

It has been corrected since then. However, in talking to Mr. Brady last week, they still don't have a completed voter registration application that has the current address on Pecan Road for Ms. Wright.

So although nobody can say exactly how it happened, Sumter County did violate 21-2-226 for failure to have a voter in their proper District. They also have Supervisor Brady -- we've got him cited for 21-2-218, and we've got that for failure to receive a change of address form when he corrected her record. That's kind of a difficult violation in the sense that he knew the information was right -- the wrong information was in there. So he changed it. However, he doesn't have a form to go with it and he is still in the process of trying to get the handwritten change of address form so that he has something to back up that record change.

SECRETARY KEMP: Is it my understanding that Ms. Wright hasn't filled that form out, or won't fill that form out?

MR. HARVEY: That's my understanding. Mr. Brady is here.

SECRETARY KEMP: Let me ask if there are any questions for Mr. Harvey

(Whereupon, there was no response)

SECRETARY KEMP: All right. Mr. Brady, welcome.

MR. BRADY: My name is Robert Brady, supervisor of elections for Sumter County. I am also chief registrar. My address is 205 Webber Road, Americus, 31719.

The comments that I have to make about this first part of this took place two years before I took over this position. So I can only tell you what I've been told by the existing board members and that is that she was -- Ms. Wright was attempting to qualify for school board District 1. How she came to that belief is unknown, but she was told that the time she was in District 6. I can't count for why the address was different.

The actual circumstances of the discovery were my poll worker called me on it on one of our special elections. They were there and it indicated that her address was different than that of her husband and daughter and that put her in a different district. I went out to the polls and spoke to her and she showed me her identification and it indicated that she did, in fact, live at 463 Pecan Road, not 468. So at that point, I indicated we should cancel ballot (unintelligible), and we gave her a provisional ballot.

On the strength of seeing her ID and the provisional ballot, when I got back to the office, I went ahead and made the change in the voting records. The truth of the matter is that I did not confirm that the change of address was accepted from her at the time. I was just busy trying to get this calmed down.

Since then, Ms. Wright has a very antagonistic attitude towards my office, towards me personally, towards a lot of people. Currently her husband -- not that this is related -- is in the process of suing Sumter County and my office. So he takes every opportunity to be as aggressive towards us as possible.

She has not shown any inclination at all to answer requests for information. I've attempted to -- I have mailed her two change of address forms, and the word I get from her is that she never received them. The second one that was mailed was mailed with a return receipt requested and it came back on open. So all I can say is they are either not accepting, not willing, not interested, not anything.

I am still attempting to do this. Her correct address has been put in to the election system and I confirm it with regularity to make sure it's all still there like it is supposed to be. This is one of those were, yes, I am at fault in that I did not get the change of address form at the time. But I was more concerned with diffusing a very hostile situation at the time. That's the only thing I can say in my defense.

I might also add on another note that Ms. Wright conveniently picks the District, or has attempted to in the past, that she wants to live in and that's part of the reason I try to make a very ironclad that we know where she is now and this won't happen again. And that has caused another set of animosities also.

So I guess what I'm saying is, yes, sir, I did it. I'm sorry, and if I can fix it, I would.

SECRETARY KEMP: Take you for being here, Mr. Brady, and for being so honest with us. I know you would do things differently if you had another chance to do it again. You don't, and we recognize that. Is there anything else you could do at this point to rectify the situation without cooperation of Ms. Wright?

MR. BRADY: Nothing that wouldn't get me trouble.

SECRETARY KEMP: The only reason I'm asking is to make sure -- we realize people are human; we are, too. There was a mistake made and you're trying to fix it. I'm just trying to see if there's anything else you think you could do.

MR. BRADY: I was only been partially facetious. My possibly getting in trouble would be standing there with a form to make her fill it out before I let her fill out a voter certificate. And really is not the right thing to do.

SECRETARY KEMP: Do you have any documentation of where you have done, or would other people in the office know of your efforts.

MR. BRADY: Would other people know that we were attempting to get this information?

SECRETARY KEMP: Yes.

MR. BRADY: Yes, sir. I have to part-timers, one who works exclusively in the morning, one exclusively in the afternoon. And they have both been briefed, if she comes in here, be sure to get this filled out.

SECRETARY KEMP: Did anybody else have any questions for Mr. Brady?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you, sir. Anyone else wish to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Ms. Ford, do you have any suggestions on how we can resolve the issue with Ms. Wright?

MS. FORD: I have two suggestions. I don't know if either one would work. We can look back -- Robert doesn't have access to the legacy system, but we do. We can look back and see -- maybe see who made the change of address. If it was a mistake, he can go in and just change it, you know, as he did, change it back, but with reason of user correction.

And the second thing, if there is a voter certificate she has filled out with the correct address, we can use that as a change of address form.

MR. BRADY: I have a completed voter certificate for the election which she was given a provisional ballot. I think the changes based on the strength of the address on the provisional ballot would essentially be the same thing.

SECRETARY KEMP: Well, you just coordinate with Ms. Ford and we'll try to get this resolved. If that doesn't work, we'll see how we can do something else.

MR. BRADY: Thank you, sir.

SECRETARY KEMP: Any other questions for Mr. Brady?

(Whereupon, there was no response)

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

(Whereupon, there was no response)

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

MR. HARVEY: I don't know I made a recommendation. But I think -- a letter of instruction may be a little redundant. But, you know, there is this inconsistency that exists. So as a matter of closing the case in some form, I think a letter of instruction may be appropriate. I don't think anything more than that is necessary.

SECRETARY KEMP: Okay.

MS. SULLIVAN: I'll make that motion.

SECRETARY KEMP: Ms. Sullivan moves for a letter of instruction.

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. Thank y'all again for being here.

2014, number 43, Camden County.

MR. HARVEY: There was an issue in the runoff election, primary runoff in 2014.

One precinct where four voters were originally turned away, they had voted nonpartisan in the general primary and were told they couldn't vote in a party primary on a runoff, which is incorrect.

Our office contacted their office. I believe we sent an investigator out -- we did send Investigator Jones out to Camden County on election day. She was able to

make contact with election officials. The election folks were able to contact the four people who have been given the erroneous information, and they were allowed to vote and they voted properly.

So this case had a happy ending, I suppose, once they were given the accurate information.

I think a letter of instruction reiterating the need to train all poll workers on primary runoff elections would be sufficient in this case. There was just one precinct where this was a problem.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak?

JUDGE SWEATT: Good afternoon. I'm Robert C. Sweatt, Junior, Probate Court Judge of Camden County; also elections superintendent.

I couldn't agree more that we made a mistake. We need to make sure we've got it right from here on out. You know, we tell them all the time, you know, if you're not sure, do a provisional. Ms. Wade did the next best thing, she called my office. Why Ms. Doddrell didn't ask me any questions -- I sit 30 feet away in office next door.

But Ms. Foddrell has followed up. She has actually taken the KSU this year and she is also going to do the election net. It's just our fault. We made a mistake. Like I said, we tried to do this during training, but always look at that stuff like it comes back to me; maybe I did get it across enough during that time.

I don't think I have anything else to say.

SECRETARY KEMP: Thanks for being here, Judge. Any questions for the Judge?

(Whereupon, there was no response)

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

(Whereupon, there was no response)

SECRETARY KEMP: We have a recommendation for a letter of instruction. Do we have a motion?

MR. SIMPSON: So moved.

MR. WORLEY: Second.

SECRETARY KEMP: Mr. Simpson moves for a letter and 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. Thank you. Safe travels.

We're going back to Floyd County, 2012, number 86.

MR. HARVEY: This was another case that was initially presented at the last meeting. Floyd County and Yvonne Billups had not been noticed or put on notice of the violations.

This was the case where you had voters that were placed in the wrong district. I think there were five voters affected during early voting, and they had a districting issue. They had to create a new database, and I think we also bound over the poll manager in the last case for leaving the memory card in the DRE.

I would recommend that Floyd County Board of Elections and registration and Yvonne Billups be bound over to the AG's office on the listed violations.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak?

(Whereupon, there was no response)

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

MR. WORLEY: I move to bind over this case.

MR. SIMPSON: Second.

SECRETARY KEMP: Mr. Worley moves to bind over; Mr. Simpson seconds.
Any other discussion?

(Whereupon, there was no response)

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

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

Now we've got 2012, number 107, Montgomery County case.

MR. HARVEY: Yes, sir. There's an allegation here that there was a candidate who was possibly manipulating or illegally handling absentee ballots.

We did not find any evidence of intentional ballot fraud on a large scale. However, again, as we've done before, we found several administrative problems with absentee ballots and some of the alleged paperwork when we started to look at it.

We found there were nine absentee ballots that should have been rejected when they were accepted, one that was not properly documented as received by the

elections office; they didn't properly separate provisional ballots from regular ballots; ballot recap forms and official statements of votes cast didn't reconcile completely, they were off by one; there were five reported spoiled ballots, but there was no documentation or evidence to go along with them. They didn't preserve any of that. Five voters had to vote provisional ballots due to machine errors. However, those ballots were not handled as provisional ballots. And we have the issue of three wives assisting their husbands with their absentee ballots but did not sign as assisting. And, again, I think that is going to be another case of assisting with the envelope and not assisting with the ballot. So I think when we look at the violations, we would want to adjust that according to the guideline.

So I recommend -- my recommendation is the Probate Judge, elections superintendent, Judge Sanders, Joe Hamilton, Bobby Carpenter, and Elizabeth Hughes be bound over to the AG's office on the citations for the absentee ballot errors.

And then with Meadows, Glasper and Brewer, originally I had them slated for recommended letters of instruction. I think based on the fact that they handled the -- completed with the assisting of the envelope, Meadows, Glasper, and Brewer be dismissed.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Do we have a motion? Mr. Harvey, I have one question. Do you happen to know why the nine ballots that were accepted, why they should have been rejected?

MR. HARVEY: In most cases it's because the elector did not put a date of birth or address. That's the only reason why I can think of an absentee ballot would not be accepted.

SECRETARY KEMP: All right. We have a motion?

MS. SULLIVAN: I will make a motion that is consistent with Mr. Harvey's

recommendation.

SECRETARY KEMP: Ms. Sullivan moves that we bind over Judge Sanders, Joe Hamilton, registrar, and Bobby Carpenter, the chief deputy registrar, and Elizabeth Hughes, the registrar, to the AG's office, and dismiss the complaint on Gail Meadows, Clara Glasper, and Faye Brewer. Do we have a second?

MR. WORLEY: Second.

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

(Whereupon, there was no response)

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

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

Mr. Harvey, 2012, number 182, FedEx.

MR. HARVEY: Yes, sir. This is an unusual case. There is a hospital in Muscogee county, West Central Georgia Regional Hospital was attempting to help voters vote absentee ballots and the staff collected the absentee ballots for the seven voters. Two of the ballots did to have the proper outer envelope. They put them all in one FedEx envelope and they FedExed it to the Secretary of State's office the day before the election. They were delivered to my office, actually, I think the evening of the election. And, of course, they were not be able to be counted because they weren't received by the county election offices.

In addition, the facility retained copies of the voter -- they also helped these folks registered to vote and they retained copies of their voter registration applications without a signed waiver allowing them to do so.

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

SECRETARY KEMP: Anyone wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Do we have a motion?

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

MR. SIMPSON: Second.

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

(Whereupon, there was no response)

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

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

MR. WILLARD: Mr. Chairman, I will just alert the board these appear to be State employees.

SECRETARY KEMP: I was wondering about that.

MR. WILLARD: We may need to have discussions with your staff about how these cases are handled. I'm not certain that our office will be able to handle that.

SECRETARY KEMP: Yeah, I asked Mr. Harvey about that. Okay.

Mr. Harvey, 2013, number 6, Long County absentee ballot case.

MR. HARVEY: This case is relatively simple. There was a -- when Long County sent out absentee ballots to voters for a local special election, they failed to print or stamp return addresses for the Long County election office on the return envelopes they sent and we had a complaint. Apparently it was just a one or two off error because they apparently hand-stamped them every time they went out and a couple just slipped through the cracks.

We also had two cases where voters were placed in incorrect districts in Long County.

Given everything else Long County is dealing with today, I would recommend this be bound over to the AG's office as well.

SECRETARY KEMP: Anyone questions for Mr. Harvey?

(Whereupon, there was no response)

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

(Whereupon, there was no response)

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

MR. SIMPSON: I move that we bind this case over.

SECRETARY KEMP: Mr. Simpson moves that we bind over. 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.

Next is 2013, number 25, Crisp County felons case.

MR. HARVEY: This case was reported by Crisp County. They received voter registrations from 13 people and on conducting their examination, they found that all 13 appeared to be serving felony sentences at that time they registered to vote.

When we did our investigation, we found that 12 of the 13 were, in fact, serving felony sentences. One of the 13, however, was not. They were serving a First Offender status and was eligible to register to vote. That person is Kourtney Javon Coley.

So I recommend the case against Kourtney Javon Coley be dismissed and that the remaining 12 respondents be bound over for the violation of registering to vote while serving a felony sentence.

SECRETARY KEMP: Any 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, I'm ready for motion. I move that we bind over the 12 respondents to the Attorney General's office.

MR. WORLEY: I would second that.

SECRETARY KEMP: We have a motion by the chair 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.

Case number 2013, number 32, City of Ocilla.

MR. HARVEY: The allegation here is that a candidate on the ballot, Reginald Miller, entered a polling place while his name was on the ballot and stayed there and also parked his vehicle with campaign materials within 150 feet of the polling place.

The investigation revealed that he did go into a polling place. He said he wanted to check on the list of electors. He sat in the polling place in the voting area for a while until it was brought to the attention of the election officials who moved him to another part of the office to do the paperwork, review the paperwork he was reviewing.

In addition, we found that the elections staff did not have three people working at all times and that the poll workers did not all complete oaths and were not all sufficiently trained.

So we've got Mr. Miller cited for entering a polling place while he is a candidate, and we've got the city and elections superintendent and Martha Sawyer cited for failing to complete oaths and failing to complete proper training.

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: Ready for motion?

MR. WILLARD: Mr. Chairman, I had a couple of quick questions for Mr. Harvey.

SECRETARY KEMP: Absolutely.

MR. WILLARD: Did your investigation determine whether or not Mr. Miller had already cast his vote when he was in the polling precinct?

MR. HARVEY: I don't know if we determined that. I don't see it in the report.

MR. WILLARD: Was it his polling precinct he was that, was it a polling precinct he was eligible to vote in?

MR. HARVEY: It was.

MR. WILLARD: Is my understanding from what you were saying that he may have been transacting business with the Board of Registrars?

MR. HARVEY: No. He was reviewing voter lists, I think, at the table where people checked in to vote. I think what he was doing would not be considered conducting business (unintelligible).

MR. WILLARD: But it may be that he was entitled to be there, Mr. Chairman, if he had not cast his vote. The prohibition is that a candidate cannot return once he has cast his vote. But if you send it over here, I may have Mr. Harvey do some additional investigation on that in terms of Mr. Miller. But it's possible that a - 414 violation would not be upheld depending on what additional information comes out.

SECRETARY KEMP: So as long as he wasn't campaigning?

MR. WILLARD: Well, my understanding is the campaigning -- and that's another issue. He apparently had a sticker on his door. And without more like it was a flashing neon sign or something -- we had this discussion -- to me, that's akin to a bumper sticker. And as I've said, that's not campaigning.

SECRETARY KEMP: The only thing -- the reason I'm asking -- it kind of concerns me a little bit if we're taking that position. A statewide candidate, like

myself, if I hadn't voted, legally I could go into every early voting precinct to -- well, I guess I couldn't.

MR. WILLARD: You could go in whatever your local county is.

SECRETARY KEMP: I could do them all, I guess, in Clark County.

MS. SULLIVAN: I wouldn't advise that.

SECRETARY KEMP: No. If anybody doesn't want to appear before y'all, it's me. Okay.

Anything else, Mr. Willard?

MR. WILLARD: No, Mr. Chairman.

MS. SULLIVAN: I move that we bind all these respondents over to the Law Department.

MR. WORLEY: Second.

SECRETARY KEMP: All right. We have a motion and a second. Let me just make sure there was no one else that wishes to speaker or ask questions. Let me make sure I ask that.

(Whereupon, there was no response)

SECRETARY KEMP: We have a motion and a second to bind over and let Mr. Willard figure all that out. Any other discussion?

(Whereupon, there was no response)

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

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

We're on to 2013, number 47, Tift/Colquitt, City of Omega.

MR. HARVEY: I do have a communication from the attorney for the City of Omega, as he pronounces it, regarding this case to present to the board of the board would accepted.

SECRETARY KEMP: Do have a motion to accept?

MR. WORLEY: So moved.

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

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: We have accepted the document.

MR. HARVEY: This is a simple case. They city self-reported that they allowed a voter who lived in the county, but not in the city, to vote in a city election. They just -- they knew the person and they knew the person had an Omega address and they came in and allowed him to vote before they looked him up on the system and the person cast a vote. They reported in to our office immediately and directly.

I recommend a letter of instruction be issued to them reiterating you shouldn't do that.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

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

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, ready for a motion.

(Whereupon, there was no response)

SECRETARY KEMP: Any other questions for discussion?

(Whereupon, there was no response)

SECRETARY KEMP: The Chair will move for a letter of instruction. Do we have a second?

MR. WORLEY: Second.

SECRETARY KEMP: We have a motion and a second. Do we have any other discussion?

(Whereupon, there was no response)

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

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

2013, number 61, City of Brunswick.

MR. HARVEY: This is back to the issue of absentee ballots. The city realized when they sent out some absentee ballots that they may have sent out some that did not have a return address stamped on it. So they called the people who requested absentee ballots to make sure they knew -- make sure there was a proper address. And they called our respondent, Eunice Wilcox, who said, well, I don't have my ballot anymore because I gave it to my friend to deliver for me. So that friend is Eunice Wilcox who received the absentee ballot from Ms. Johnson.

So we have her cited for illegal possession of an absentee ballot.

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: I assume Ms. Wilcox was noticed?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: Do we have a motion?

MR. SIMPSON: I move to bind this case over.

SECRETARY KEMP: Mr. Simpson moves to bind this case over. 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.

2014, number 6, Long County.

MR. HARVEY: Yes, sir. The allegations were that not all qualifying information was posted in the legal organ; L&A may testing was not completed

properly and securely; the Board of Elections wasn't properly sworn in; the polls opened late during early voting.

We did our investigation and came to the conclusion that the qualifying for the solicitor's office was not, in fact, posted in the legal organ as required; prior to L&A testing, the DRE units were unlocked and unsecured outside the courtroom; the door to the (unintelligible) was left open and unmonitored during L&A testing; and the polls opened two hours late on the 20th.

So I recommend the respondents be bound over on the allegations as cited in the report.

SECRETARY KEMP: Anyone -- any questions for Mr. Harvey?

MR. WORLEY: What's going on in Long County? I don't think I've ever had a board meeting where we had some many cases from a single jurisdiction.

MR. HARVEY: My understanding, a lot of it had to do with they have some kind of a divided board. There is a lot of animosity there, which is not unique to them, certainly. I think Ms. Cunningham, who was the former director, was sort of a lightning rod. And I think people were constantly making complaints.

This complaint was actually made by board member who is trying to -- has a little bit of -- you know how we have some counties that have watchdogs that report every single thing that happened? I think that's the attitude that has been in Long County is to say, okay, we're just going to smother you with complaints and allegations on every single thing you do wrong until you straighten out. We've had that in Hancock; we've had that in some other places, as well.

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

MS. JOHNSON: Good afternoon and thank you for listening to me. My name is Patricia Smith Johnson. My address is 29 Eula Drive, Ludowici, Georgia. I am the person who made the complaint.

I first wish to say that Ms. Vanessa Cunningham was the person in charge whenever I became a member of the board. One of the first things she taught me, and really I felt it was an insult, but I really appreciate it, was to take the code book and learn it like I do my Bible. I have a doctorate degree in Christian

education, and believe me, I found it very, very necessary.

On the complaints I have made, I feel that they were valid. And you did some accept some of those.

Whenever our elections supervisor was interviewed for the job, I was one of the persons that interviewed her. She understood what her job description was and her title. She was also told by me if she needed any help to let me know, and if I didn't know the answer, I would certainly try to help her find the answer.

As far as animosity is concerned right now and a watchdog, we, as longtime citizens want our legislators and those people in office to be transparent, and we are not really getting that and it has come from several complaints. Some people ask us questions and we refer those on.

Again, we went without a -- the county commissioners released Ms. Mildred Hopkins and we were without a third board member, which we are required to have at least three, for more than six months. And after addressing them on numerous occasions, two people were, in my opinion, hand-selected and put on the board. These people failed to -- one of them failed to come to any meetings or trainings because they have businesses, and I understand that. But when there is a job to be done, we have to put that aside and do our job.

The two ladies that are in question still have not had the opportunity to go to classes that have been held. But the L&A training, the (unintelligible) 101 and 102 training, they still have not had the opportunity to go do that because, again, they have businesses to run.

Now, whenever I brought to my supervisor's attention that -- number 2 and number 7, those were not accepted by the board -- when I brought to her attention that she is not the elections supervisor and she should not have sworn in the two board members, Ms. Woods and Ms. Smith, she said well, I was told that I could do so. And I asked her where she got that information from and she would not indulge that information to me.

I then went over to the Probate Court and I went to the county commissioners and asked if they would look into that. That was in December. Nothing was done. So five months later, I filed a complaint. I think that gave him ample time to make any changes if they wanted to make the changes. And they did not go and sign -- be re-sworn in until the 20th of May. So they had from December unto the

20th of May to go, which was after I filed this report that they were sworn in properly.

So there was a violation, and I have documentation for that.

So, again, I just feel I'm doing my job and I want to do what's right by all of the citizens of Long County without any threats or intimidation.

SECRETARY KEMP: Thank you, Ms. Johnson, for being here and being so patient today. Does anyone have a question for Ms. Johnson?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you. Mr. Harvey, on the paperwork she had for the other potential violation, did we rule that out?

MR. HARVEY: I think the fact that her allegation is that the board was not sworn in properly, I don't think is something the State Election Board --

SECRETARY KEMP: It's not our jurisdiction.

MR. HARVEY: Her other issue was that some of the board members had not been attending meetings and training. Again, that's sort of the internal workings of the board that I don't believe the State Election Board has any jurisdiction over.

SECRETARY KEMP: Ms. Johnson, I will also tell you, if you ever feel like you are being intimidated or treated improperly, let Mr. Harvey know.

MS. JOHNSON: Thank you, sir.

SECRETARY KEMP: Does anyone else wish speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, do we have -- Mr. Harvey, what was the -- let me ask you this. Ms. Ford, has Ms. Hamilton been coming to the training?

MS. FORD: She is certified. She has gotten certified and I believe she's going to come to one of the trainings in April.

SECRETARY KEMP: Very good. Anyone else have anything else?

(Whereupon, there was no response)

SECRETARY KEMP: Do we have a motion?

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

MS. SULLIVAN: Second.

SECRETARY KEMP: Mr. Worley moves to bind over and Ms. Sullivan 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, I believe that's got everything on your agenda.

MR. HARVEY: Yes, sir.

SECRETARY KEMP: I don't think we need a break. Hopefully, we can wrap up here rather quickly. We can move on to the Attorney General reports.

As you know, we've been doing these the same way. If no one wants to pull these one of these out, we have been voting to accept the consent orders in block. Is anyone in the audience that would like to remove one of these cases to discuss?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone on the board? Ms. Sullivan.

MS. SULLIVAN: Case number 66, I'm just wondering how we would have --

SECRETARY KEMP: Let's do this. We're going to pull off 2011, 123; is that it?

MS. SULLIVAN: No. Paulding County; number 101.

SECRETARY KEMP: All right. We'll pull that out, Paulding County. Was that the only one?

MS. SULLIVAN: Yes.

SECRETARY KEMP: Mr. Worley?

MR. WORLEY: I would like to pull out the Gwinnett County case, 2012, number 164, only because I'm going to recuse myself on that case.

SECRETARY KEMP: That's very appropriate. Anyone else want to pull one off and discuss?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, I will accept a motion to accept the consent orders for case number 2010, number 18; case number 2011, 123; case number 2010, 18 [sic]; case number 2012, 139.

MR. SIMPSON: So moved.

SECRETARY KEMP: Mr. Simpson moves. Do we have 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. We have accepted those consent order.

Then we'll go in order here, 2012 -- actually, let's go to 2011, 101, Paulding County case. Ms. Sullivan, I don't know --

MS. SULLIVAN: I just have a question regarding that. My question is how we ended up having to refer this to the Law Department if this person's probation had ended two years before they registered to vote.

MR. WILLARD: It's my understanding when our attorney I assigned this case to contacted probation, that he was granted an early discharge. So his probation had terminated prior to the time he registered.

MS. SULLIVAN: So our investigation just did not -- there was a mistake at some point in the investigation?

MR. WILLARD: It would not have been -- it would have appeared when they got a copy of the sentence that his sentence would have extended beyond the time that he actually served. But when we actually contacted probation, they showed that his probation had terminated.

MS. SULLIVAN: Okay.

SECRETARY KEMP: Any other questions on that case?

(Whereupon, there was no response)

SECRETARY KEMP: Do we have a motion to accept?

MS. SULLIVAN: So moved.

MR. WORLEY: Second.

SECRETARY KEMP: We have a motion to accept the consent order of case

number 2011, number 101.

MS. SULLIVAN: The final order.

SECRETARY KEMP: Excuse me. The final order. Motion by Ms. Sullivan, seconded by Mr. Worley. Any other discussion?

(Whereupon, there was no response)

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

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

2012, number 164. Mr. Worley?

MR. WORLEY: Well, I just need to recuse myself.

SECRETARY KEMP: Let the record show Mr. Worley has recused himself from the discussion and the vote on 2012, number 164, Gwinnett County case. Do we have any other questions or motion? Or do we want Mr. Willard to refresh us?

MS. SULLIVAN: I'll move that the board accept the consent order.

MR. SIMPSON: Second.

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

(Whereupon, there was no response)

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

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

I believe that's all of our work today on the agenda. Let the record show that Mr. Worley is now back with us as a voting member.

If nobody has anything else, I will take a motion to adjourn.

MR. WORLEY: I have a question. Is there anything we need to discuss with our attorneys in Executive Session?

SECRETARY KEMP: Mr. Willard?

MR. WILLARD: I did not have anything, Mr. Chairman, unless you have something.

SECRETARY KEMP: Mr. Germany, do you have something we need to talk about?

MR. GERMANY: No, sir, unless you guys want to get an update on Fulton County stuff.

SECRETARY KEMP: It's up to you guys.

MR. WORLEY: Well, if there's something to be updated on, I'd like to hear it.

SECRETARY KEMP: We can move to go into Executive Session real quick and get a quick date. That is certainly appropriate.

MR. WORLEY: I'll make a motion that we go into Executive Session.

SECRETARY KEMP: Mr. Worley moves that we go into Executive Session to discuss a pending legal issue. Do 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. We will move into Executive Session.

- - -

(Whereupon, the board moved to Executive Session)

- - -

SECRETARY KEMP: Okay I will accept a motion for us to move out of Executive Session back into our regular State Election Board meeting.

MR. WORLEY: So moved.

MR. SIMPSON: Second.

SECRETARY KEMP: Mr. Worley moves, Mr. Simpson seconds.

SECRETARY KEMP: 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.

Mr. Willard, we did that appropriately, I assume?

MR. WILLARD: Yes, sir.

SECRETARY KEMP: All right. We can now take a motion to adjourn.

MR. WORLEY: I move that we adjourn.

SECRETARY KEMP: Mr. Worley moves that we adjourn. Can I get a second?

MS. SULLIVAN: Second.

SECRETARY KEMP: Second by Ms. Sullivan. Any 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 are adjourned. Thank you all for being here today.

- - -

(Whereupon, the proceedings were concluded)

CERTIFICATE

STATE OF GEORGIA)

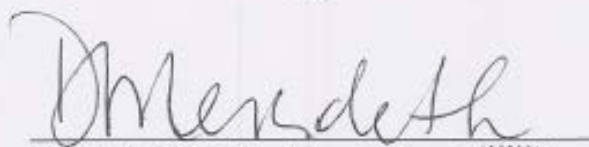
COUNTY OF DEKALB)

I, Deborah L. Merideth, hereby certify that the foregoing record was taken down in the stated caption; that the colloquies, questions and answers were reduced to print by me or under my direction; and that the foregoing pages represent a true, correct and complete record of the evidence given.

The above certification is expressly withdrawn and denied upon the disassembly and/or photocopying of the foregoing transcript or any part thereof, including exhibits, unless said disassembly and/or photocopying is performed by or under the auspices of the undersigned and the signature and original seal are attached thereto.

I further certify that in accordance with O.C.G.A. 9-11-28(a), I am not a relative, employee, attorney or counsel of any party, nor am I financially interested in the instant action.

This the 1st day of April, 2015.



Deborah L. Merideth
Certified Court Reporter 2708
State of Georgia

