

THE OFFICE OF THE SECRETARY OF STATE
STATE OF GEORGIA

IN THE MATTER OF:

STATE ELECTION BOARD HEARING

PROFESSIONAL LICENSING BOARD
BUILDING B, EXAM ROOM
MACON, GEORGIA 31217

WEDNESDAY, MARCH 23, 2016
10:00 A.M.

PRESIDING OFFICER:

BRIAN KEMP
SECRETARY OF STATE
STATE OF GEORGIA

LATASHA D. BETHEL, CCR
HAPPY FACES COURT REPORTING
POST OFFICE BOX 1063
TUCKER, GEORGIA 30085
(770) 414-9071

APPEARANCE OF THE PANEL FROM LEFT TO RIGHT:

Rebecca N. Sullivan, Board Member, State Election Board

David J. Worley, Board Member, State Election Board

Brian P. Kemp, Chairperson, State Election Board, Secretary of State, State of Georgia

Tex McIver, Vice Chairperson, State Election Board

Ralph F. Simpson, Board Member, State Election Board

ALSO PRESENT IN ORDER OF PRESENTATION

Russell Lewis, Sr., Chief Investigator, Investigations Division, Secretary of State Office

M. Frances Watson, Investigations Supervisor, Investigations Division, Secretary of State Office

Pam Jones, Investigations Supervisor, Investigations Division, Secretary of State Office

Cristina Correia, Office of the Attorney General, State of Georgia

Chris Harvey, Elections Director, Secretary of State Office

Glenn Archie, Investigator, Secretary of State Office, State of Georgia

P-R-O-C-E-E-D-I-N-G-S

MR. SECRETARY: Good Morning, again everybody. We will go ahead -- it is ten o'clock. It is time to convene our Wednesday, March 23rd, 2016 State Election Board meeting. So let me again welcome you to the Macon office of the Georgia Secretary of State this morning. Our first order of business is our invocation and Pledge of Allegiance and Mr. Worley is going to lead us in that this morning.

Mr. Worley?

INVOCATION

PLEDGE OF ALLEGIANCE

MR. SECRETARY: Thank you, Mr. Worley. Our second item on the agenda, we have two sets of minutes that we need to approve this morning. The first being the October 21st, 2015 State Election Board meeting. I will take a motion to accept or if we need to make any changes to the minutes, when the Board is ready.

MR. MCIVER: I move we accept the minutes.

MR. SECRETARY: We have a motion to approve the October 21st meeting by Mr. McIver. Do we have a second?

MR. WORLEY: Second.

MR. SECRETARY: Second by Mr. Worley. Any discussion? Changes?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, "aye".

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries. Our second set of minutes that needs approving is from our special-called State Election Board meeting on December the 9th, 2015. Do we have a motion?

MR. WORLEY: I move we approve those minutes.

MS. SULLIVAN: Second.

MR. SECRETARY: Mr. Worley moves we approve. Ms. Sullivan seconds. Any other discussion?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, “aye”.

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries.

Our next agenda item is public comment. Do we have any public comment, Kayla? For those of you that came in, we do allow for two minutes for public comment on issues not related to the cases that will be called today. So, if anyone is wishing to speak during the public comment period, if you will quickly sign the sign-up sheet, here, we will be glad to hear from you.

First, we have Mr. Rhynes. If you will just speak in that mic there and just give us your name and address for the record, please. Welcome.

MR. RHYNES: My name is George Boston Rhynes. 5004 Pope Drive, Valdosta, Georgia. I am with the Ghetto Free Press. In my two minutes I just want to use it to highlight -- because I can't get into detail within two minutes but Mr. Secretary and all you important people dealing with voting rights here in the State of Georgia I just want to say and I want to be on the record that there are major problems throughout the State of Georgia, that I have identified, that the news media mainstream will not report. I have been reporting it and you can see it on my Boston G.B.R YouTube channel.

In Brooks County, Georgia, we have major problems with voting as well as trying to remove Black mayors across the state. I have worked in about sixteen cities, Mr. Secretary, Whitman, Meigs, Lumpkin, Warrenton, Gordon, Davisboro, Homerville. In Homerville, we have a sitting elected city councilperson who has two homestead exemptions. One in the State of Florida, one in Lowndes County, Georgia and he's holding office in Homerville, Georgia. These are impediments to the voting rights process and across the State, the people and places that I have gone to, people are asking a question, what the Secretary of State and others is doing to resolve these problems that seem to impact and suppress the black vote throughout the State of Georgia.

Also, in Middle Georgia -- I may not be able to call them all. There is approximately sixteen cities and I believe that myself, a retired military veteran, I have no idea that this would be going on in 2016 to give the appearance of suppressing and controlling the Black vote and then after they get elected the Black mayors seem to be under attack throughout this State. Now, I can prove this through video. I go to all these cities and meetings and it has been well documented. I am going to take my seat. I think my two minutes should be up and I always like to abide by the law because I am a law-abiding citizen. Thank you my beautiful Secretary and to all of you who represent voting processes in the State of Georgia in the United States of America we have evidence here and I do believe that they should have a right to vote without the impediments of suppression. Thank you so much for this space my beautiful brothers and sisters.

MR. SECRETARY: Thank you for being here this morning.

MR. MCIVER: I think we should thank Mr. Rhynes for your service to America, Sir.

MR. SECRETARY: Absolutely. We appreciate your service, as well. Next, we have Mr. Roscoe Allen, Jr.

MR. ALLEN: My name is Roscoe Allen, Jr. My address is 765 East Commercial Road. My P.O. Box 1906, Douglas, Georgia. I do think the State needs to put more heat on these supervisors and election boards when we go to vote because a lot of stuff is going on and the reason that it is going on is because y'all are not putting the heat where they be at. Seems like every year when it comes to elections the same things happen in these different cities y'all don't do nothing about it. It is time to get up and do something. If you don't do nothing it is a big problem in the State of Georgia especially around like where I live at in that area it is a big problem. Y'all need to put the heat where they be at, we wouldn't have all these problems. Anybody, friends or whoever is in charge it is about doing what you are supposed to do. (Indiscernible) it is a big problem in the State of Georgia. Believe me down in my area it is a serious problem. Every time an election comes up it is always legal stuff going on with the elections board. Supervisors, all of them -- and that is a fight because I subpoenaed people in elections that live twenty miles out of town. That is right, I did it myself. Fifteen miles out of town, they don't even live in the city there. It is a big problem I'm telling you now. Y'all need to put the heat where it be and I don't care who it is. That is what y'all are supposed to do, am I right? That is all I have to say.

MR. SECRETARY: Thank you for being here this morning. Our last speaker during public comment is Reverend Larry O'Hara.

Welcomed, Reverend.

MR. OHARA: My name is Reverend Larry O'Hara. I reside at 1326 Roosevelt Street Waycross, Georgia. I want to talk about Homerville, Georgia as well. Well, not just Homerville, I want to talk about all the little towns where the big problems are. You may say well, Atlanta, Augusta or Columbus that is where the city is and that is the most populated but where the most populated is not where the problem is. The problem is little towns like Waycross, Homerville, Douglas, towns like that and the reason I am talking about Homerville so much is because I called the Secretary of State's office several times myself. I have been calling for the last ten years for voting fraud. Basically, it is like Willacoochie and Homerville. Homerville is so bad there that we caught this gentlemen who resides in Florida, also reside in Georgia but holding office in the town that he don't have a domicile in. I called the Secretary of State's office three months when we found out what he was doing and nothing was done about it. However, nothing was done about it. He went on and we went to their office. We talked to them and gave them the information, information that could not be denied and they still allowed this man to run for office and he was elected. Now that would not have happened in Atlanta. If I had went to a city commissioners office or meeting in Atlanta they would have stopped it right then but this is little Georgia, a little county. The town that nobody pays attention to.

Mr. Secretary, what I am asking is that you would pay more attention to little towns and not so much the big towns. I think a lot of your problems would subside and that's all I have as a comment.

MR. SECRETARY: Thank you for being here, Reverend. That is all the cards I had.

Let me just address just a couple of things, just for those of you that don't know, maybe, some of the processes. First of all, if there is any voter suppression or anything like that going on I would hope that anybody in this room or anyone else that even knows about this discussion would contact our office immediately. I can assure you that we will open an investigation wherever that may be, big town or small town as we have done in the past.

Also, as you know in every election cycle, every single complaint that the Secretary of State's office receives and you can imagine with small town and big town politics that go on during the election cycle and certainly a Presidential Year it's heightened as well but we take every single complaint very seriously. We open an investigation or look into every one of those matters when it comes before the State Election Board. If there's those types of things going on during an election, I would hope that you would contact our office. We have even got a stop voter fraud website where you can email us about that. We have a one eight hundred number that you can contact.

Lastly, I just wanted to address candidate challenges. There may be a little bit of confusion on that. A lot of the local races the Secretary of State's office does not actually have the jurisdiction on candidate challenges. That needs to be done by a local elector and the county elections board would be responsible for a lot of the local races. Now we do have jurisdiction on, certainly, the State legislative seats and things of that nature but if anybody has any questions about that when we break if you will just let us know. We will be glad to follow up with you and try to give you as much direction as we can on how that process works.

With that, we will move on to the rest of our agenda for the day. Our next item is our investigative report-- our consent cases and just for those of you in the audience, the way we have been handling consent cases for quite awhile now, is the consent cases that we have listed on our agenda will be voted on in block. There is a recommendation that these cases be dismissed. We will pull individual cases off. If there is anyone here in the audience that would like to speak to one of these cases or if there is a State Election Board Member that would want to pull one of these cases off for any reason to discuss it or if there are other matters we will be glad to do that. So at this time let me ask the audience is there anyone here that would like for us to pull any of the consent case agenda items off?

(No response)

MR. SECRETARY: Seeing none, is there any Board Members that wish to remove one of the consent cases?

(No response)

MR. SECRETARY: Hearing none, I will take a motion to dismiss the consent cases we have on our agenda and I'm just going to run through these real quick. The 2012-183 Towns County, 2014-034, Sumter County precinct change, 2014-080 Candler County, 2014-082 Meriwether County, 2014-089 City of Warwick, 2014-097 Laurens County, 2014-101 Cobb County, 2014-103 Chatham County, 2014-105 Houston County, 2015-044 City of Tiger in Rabun County and 2015-045 City of Forest Park. Do we have a motion?

MR. SIMPSON: So moved. I move that these cases be dismissed.

MR. SECRETARY: Mr. Simpson moves for dismissal. Do we have a second?

MS. SULLIVAN: Second.

MR. SECRETARY: Ms. Sullivan seconds. Any other discussion?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, "aye".

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries and we have dismissed the entire consent case agenda.

Our next item will be our investigative report. The way that we have been doing the investigative report to try to help those that take the time to come to our meetings, is to go through and ask if anyone is here regarding these cases where we can -- if someone is not here we'll move that case to the foot of the calendar to help speed the process up for those of you that are in attendance. So if you can just raise your hand or signify, here, if you are here for one of the following cases. We have 2012-107 Montgomery County? 2014 Montgomery County?

(Signifies)

MR. SECRETARY: 2012 Coffee County? 2012-198 Coffee County?

(Signifies)

MR. SECRETARY: 2012 number 170 Richmond County?

(Signifies)

MR. SECRETARY: 2012-200 Gwinnett County?

(Signifies)

MR. SECRETARY: 2013-005 Randolph County?

(Signifies)

MR. SECRETARY: 2013-040 City of Leslie in Sumter County?

(Signifies)

MR. SECRETARY: 2013-042 City of Keysville in Burke County?

(Signifies)

MR. SECRETARY: 2013-043 City of Willacoochie?

(Signifies)

MR. SECRETARY: 2013-044 City of Americus in Sumter County?

(Signifies)

MR. SECRETARY: 2013-048 City of Donalsonville?

(Signifies)

MR. SECRETARY: 2013-054 Lumber City -Telfair County?

(No response)

MR. SECRETARY: Is anybody here from Telfair County- Lumber County?

(No response)

MR. SECRETARY: 2013-066 City of Bronwood in Terrell County

(Signifies)

MR. SECRETARY: 2014-002 Twiggs County?

(Signifies)

MR. SECRETARY: 2014-039 Glynn County?

(Signifies)

MR. SECRETARY: 2014-110 Glynn County?

(Signifies)

MR. SECRETARY: Okay. We only have one that we will move to the foot of the calendar.

All right, Mr. Lewis, we can go ahead and get started. We will start with number fourteen in our binder.

MR. LEWIS: Yes, sir. The SEB 2012-107 Montgomery County, the complainant Okario Conner (phonetic) reported that candidate Jim Hall Poole (phonetic) and others were illegally assisting and possibly taking possession of absentee ballots. While we were unable to substantiate the original allegations a review of the election material did reveal a number of concerns such as, during our investigation we found that some electors, Mr. Meadows (phonetic), Ms. Glasbur (phonetic) and Mr. Brewer (phonetic) received assistance from their wives when completing their absentee ballot envelopes. The wives did not know they were supposed to sign that they were assisting. Election personnel provided a ballot log, which did not contain the (indiscernible) elector listed on the log. The Montgomery County absentee ballot recap sheet showed five spoiled ballots. Those ballots, the elections officials were unable to provide the documentation that showed some of those ballot envelope (indiscernible) were not kept and a provisional ballot was not kept separate and apart from the other ballots and the documentations and the elections material.

We recommend that Ruby Mill Sanders (phonetic), Joe Hamilton (phonetic), Bobby Carpenter (phonetic) and Elizabeth Hughes (phonetic) be bound over to the attorney general's office.

We also recommend that letters of instruction be issued to Gail Meadows (phonetic), Clara Glasbur (phonetic) and Faye Brewer for assisting their husbands with absentee ballots without signing that they assisted as such.

MR. SECRETARY: Any questions for Mr. Lewis from the Board?

MR. MCIVER: I have a question of the law department.

MR. SECRETARY: Mr. McIver?

MR. MCIVER: Can we ask for some guidance from you with respect to family members assisting in absentee ballots?

MR. SECRETARY: I can answer that question. We have and we are working on that.

MR. MCIVER: Would that impact this case at all?

MR. SECRETARY: I don't believe it would.

MR. LEWIS: No, sir. In the past, cases that we've presented in this particular violation with family members we have been issuing letters of instruction to those family members.

MR. MCIVER: But however the guidance would come out, it would not impact this case?

MR. SECRETARY: Not this case.

MR. MCIVER: Okay.

MR. SECRETARY: Any other questions for Mr. Lewis from the Board?

(No response)

MR. SECRETARY: Anyone else wishing to speak in regards to this matter?

MS. CARPENTER: I am Bobby Carpenter (phonetic) and I was thinking that the absentee ballots were dismissed on the minutes of two, fifteen and I don't have the date. It says--

MR. SECRETARY: Ms. Carpenter, I am sorry. I forgot to tell you. Will you give us your address for the record?

MS. CARPENTER: 621 Charlotteville Road, Uvalda, Georgia 30473.

MR. SECRETARY: Thank you. Go right ahead, sorry about that.

MS. CARPENTER: I have copies of minutes and I don't have the date but its page 152 . It was about the absentee ballots and they were just minutes but the letter that we got in 2016 all these people were charged again with the same thing but these ladies and gentlemen, they are all disabled and it is husband and wife who they sign ballots for or didn't sign but, we were under the impression that this had been dismissed, that part of it. You want to see the minutes?

MR. LEWIS: You refer to our previous State Election Board meeting?

MS. CARPENTER: Uh-huh.

MR. LEWIS: This is the first time this case has been presented.

MS. CARPENTER: It came up in 2015.

MR. LEWIS: With a different case?

MS. CARPENTER: It was 2012-00107.

MR. LEWIS: I will look at what you've got.

MS. CARPENTER: I'm not trying to be ugly or anything. We just thought we were through with it but then all of them got letters again.

MR. LEWIS: I'm going to present this to the Board. She has a letter that was sent to her by Mr. Harvey.

MR. SECRETARY: Let me ask the Board for a motion to accept the letter.

MR. MCIVER: I so move.

MR. SIMPSON: Second.

MR. SECRETARY: Have a motion and a second. All in favor signify by saying, “aye”.

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries. We have accepted the documents.

MR. SIMPSON: Mr. Chairman, may I ask a question while you are looking through that?

MR. SECRETARY: Yes.

MR. SIMPSON: Are you referring to the Meadows, Glasbur and Brewer cases?

MS. CARPENTER: Yes, sir.

MR. SIMPSON: Those are the only ones you are referring to?

MS. CARPENTER: Well, I think that’s all that the potential violations were.

MR. SIMPSON: Right, but then there are additional violations with regard to Ruby Sanders (phonetic) and Joe Hamilton (phonetic) and Bobby Carpenter (phonetic).

MS. CARPENTER: Yes, sir.

MR. SIMPSON: So what you are saying only applies to Meadows, Glasbur and Brewer; is that correct?

MS. CARPENTER: The absentee ballots? That is correct.

MR. SIMPSON: Was that in a different election?

MS. CARPENTER: No, sir. It was all in the same.

MR. SIMPSON: It was a 2012 case. Was that in a different election?

MS. CARPENTER: It was altogether. Same complaint.

MR. SIMPSON: Thank you.

MR. SECRETARY: Do we have (indiscernible) to go back and verify that?

MR. LEWIS: We’ll have to go back and check. I don’t know how that could have happened in a case. Our records indicated it had not been presented. We would have to double check the information we have in the office and review that.

MR. SECRETARY: Can we do this quickly?

MR. HARVEY: I can work on that now, sir.

MR. SECRETARY: Let me do this, let's see what Mr. Harvey -- will you give that to Mr. Harvey. If there is no objection, let's move this case off of our agenda or suspend this for just a few minutes and we will move on to the rest of our agenda and let's look and see what we have going on here. Thank you.

Alright, Mr. Lewis, we have another -- let me go ahead and call SEB case number 2014-021 another Montgomery County case, which is number fifteen in our binder.

MR. LEWIS: Yes, sir, on June 2nd, 2014 Karen Poole (phonetic) filed a complaint with multiple allegations and some of those allegations were, the candidate being Clark and John Carpenter (phonetic) were being allowed inside the courthouse during early voting period, that unqualified electors were allowed to vote during the May 20th, 2014 election and that an elector was given an incorrect ballot style when she went to vote at the polling place. We were unable to substantiate most of the allegations but we did find evidence to support that the poll worker inadvertently coding the incorrect ballot style for Ms. Candice Powell (phonetic) during the early voting on May 20th, 2014. The voter did not realize that a mistake had been made with the ballot before it was cast into the DRE.

We recommend that Ruby Mill Sanders (phonetic) and Bobby Carpenter (phonetic) and Maureen Reynolds (phonetic) be bound over to the AGs office for the listed violations.

MR. SECRETARY: So can you explain exactly what happened there?

MR. LEWIS: She presented herself at the polling place to vote and when the poll worker encoded the card, they did not encode the correct ballot style for that elector for that election.

MR. SECRETARY: And the ballot was cast; did you say?

MR. LEWIS: Yes, sir.

MR. SECRETARY: Any other questions for Mr. Lewis?

(No response)

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

MS. CARPENTER: Bobby Carpenter, 621 Charlotteville Road, Uvalda. In this complaint, it was a human error. I have a letter here from the poll worker that the couple came in and the lady -- the Maureen Reynolds, did her card for -- and she did know that she had not voted the correct person until -- or the correct card until she went out and had a conversation with her husband and she didn't tell us that the person she wanted to vote for was not on her ballot, when she was inside but she was outside, talked with her husband and then came back inside and told us that she had the wrong ballot and there was nothing we could do at that time.

MR. SECRETARY: Any questions for Ms. Carpenter?

MR. MCIVER: Yes, Ms. Carpenter, was the husband's ballot correct?

MS. CARPENTER: Yes.

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

(No response)

MR. SECRETARY: Any questions or anything else from the Board? Recommendation -- we have a recommendation to bind over, I guess. Do we have a motion?

MR. WORLEY: I would make a motion that instead of binding it over we send a letter of instruction to the election's office.

MR. SECRETARY: We have a motion by Mr. Worley for a letter of instruction.

MR. SIMPSON: Second.

MR. SECRETARY: We have a second by Mr. Simpson. Any other discussion?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, "aye".

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries and we will send a letter of instruction.

If y'all can just hang on, we will see what we can find out. Mr. Harvey, you just let me know when you get ready.

MR. HARVEY: I will.

MR. SECRETARY: Alright, Mr. Lewis, we are going to move to 2012-133. It is a Coffee County case and number sixteen in our binder.

MR. LEWIS: Yes, sir. On October the 16th, 2012, we received a complaint from Wendell Coffman (phonetic) with three separate allegations. One of the allegations is that she had identified a woman as being seen forcing voters, illegally taking possession of ballots and possibly altering absentee ballots, that Louis Baker (phonetic) was paid seventy thousand dollars by Sheriff Gary Pope (phonetic) and his supporters to assist with absentee ballots and that Ms. Wooten (phonetic) was told by Mr. Peavy (phonetic) the chairman of the board of elections and registration that she would be not allowed to document the voter DRE machine numbers each morning and each evening during the early voting period.

We were unable to substantiate allegations one and two but we did in reference to allegation three find that Mr. Peavy did in fact deny the request by Ms. Linda Wooten to observe the DRE machines in the morning and the afternoon because that activity would impede the work of the poll workers in the opening and closing process. The county attorney was consulted with that decision and they had already complied with a number of request from Ms. Wooten in the way of documentation and copies being made. So they felt like they had been cooperative with her asking.

Additional findings in the case revealed that there was one voter who received two voter access cards while voting that caused the numbers to be off on the absentee ballot recap sheet and furthermore there were seventy-six voter registration certificates that were viewed by the investigator, which resulted in ninety-two different violations. Some of those issues were the voter certificates had to do with the poll workers not initialing, not signing off on the names, incomplete information on the voter certificate in reference to the elector with voter information provided, incorrectly listing the people who were assisting in those situations.

We recommend the respondents, the Coffee County board of elections and registration, Judy Fosky (phonetic), Ladrona Strozier (phonetic), Vicky Kitchens (phonetic), Frances Hobby (phonetic) and Kathy Roberson (phonetic) be bound over to the attorney general's office for the violations listed.

MR. SECRETARY: Can you give me those names one more time?

MR. LEWIS: Yes, sir. Coffee County board of elections and registrations, Judy Fosky, Ladrona Strozier, Vicky Kitchens, Frances Hobby and Kathy Roberson.

MR. SIMPSON: What about Mr. Peavy?

MR. LEWIS: No, we have the Coffee County board of elections and registration and Mr. Peavy is the chairman of the board.

MR. SECRETARY: Any other questions for Mr. Willis?

(No response)

MR. SECRETARY: Anyone else wishing to speak?

MS. HERZOG: Good Morning, my name is Jennifer Herzog. 1564 King Road Tifton, Georgia. I am counsel for the Coffee County board of elections and registration. I also have Mr. C.T. Peavy (phonetic) here who is the superior of that board and Misty Hayze (phonetic), who is the elections supervisor. Ms. Fosky is no longer employed with that office.

I just want to give you -- I'll be very brief. As I said, Ms. Fosky is no longer employed. Ms. Hayze has taken over that position. I have her here today to answer any question that you may have. She is very knowledgeable, very detail oriented. We had, during this election, a record

number of voter turnout. We had fifteen new poll workers and at that time they had a part-time position in that office which they have since advocated and through budgetary issues been able to increase which has allowed training to increase. I do want to, if possible, provide you all with some documentation that evidences exactly what steps they have taken in the last four years to remedy the issues that were discussed this morning and if I may hand those over.

(Presenting)

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

MR. WORLEY: So moved.

MR. MCIVER: Second.

MR. SECRETARY: We have a motion and a second to accept the documents. All in favor signify by saying, "aye".

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries.

MS. HERZOG: And, if I may, just to go a little bit through the allegations. Ms. Wooten is the wife of the Coffee County's current sheriff, Sheriff Wooten and he was successful in that election. This investigation began because of her perception of irregularities that were happening in that office. It is my understanding that Ms. Wooten has since contacted the investigator to advise that she does not believe there was any willful violation. She was happy with the service she received. She was satisfied that the board of elections has done their job and did it accurately. Ms. Wooten made approximately forty open records request during that 2012 election when her husband was running for sheriff. She was provided over seven hundred and fifty documents related to voter list, absentee ballot logs, advanced voting list and she did make a verbal request to be allowed to manually record the beginning and ending numbers each day on those TSX voting machines. Mr. Peavy, as he stated in his statement that was given, after consulting with counsel, advised her that because the election was so hotly contested -- they had folks up there all the time. He believed that if he granted her that request he would also have to grant others the same privilege and that would slow down opening and closing each day. He did advise her that she could obtain the same information through the daily recap of absentee voting which would be provided to her. Now, that's a request that she made verbally and responded to verbally. She never made any written request for documents, never talked to the records custodian of the county, you know, if there was any issue or anything like that. Also, I think it's relevant that she was not a candidate herself. She although was the wife of a candidate she was a voting citizen making that request. That is kind of the first issue we wanted to discuss.

The second of course was that Ms. Frances Hovey had issued a second voter access card. Just very briefly, Ms. Hovey I think inadvertently did that. She did not understand. She was told that

the first card was not working, the machine was spitting it out. This was a case of simple human error. There was no willfulness, no intent of malice or anything like that. We have, as you'll see in the packet that I provided you, doubled down on training in all of these areas through testing, through postings at office, all different type things to address these issues and those are all already in place for our 2016 election. While the investigators were down there they did find some issues with our forms that we had been filling out. The poll workers didn't properly check the box for voter assistance and didn't initial the certificate. Again, no malice, no willfulness, simple human error and a training issue which we have doubled down on and we fully expect we will not have those issues this election. I will be glad to answer any questions that you-all have.

MR. SECRETARY: Any questions for Ms. Herzog?

MS. HERZOG: And then Mr. Peavy and Ms. Hayze are also here if you had any questions for them.

MR. SECRETARY: Mr. McIver?

MR. MCIVER: Don't recognize Herzog. Are you recently married?

MS. HERZOG: I am recently married. My maiden name was Normandy (phonetic) and my husband's family was originally from Texas?

MR. MCIVER: Well, that is a good thing.

(Laughter from the gallery)

MR. MCIVER: Thank you. We always appreciate competent counsel coming to help us work through these issues.

MS. HERZOG: Thank you. I appreciate the opportunity to be here.

MR. MCIVER: You are a terrific law firm and pleased to see that you are on this case. Perhaps with that you can answer my question. On Exhibit D, there are two registration forms. Are these samples?

MS. HERZOG: These are samples that we simply used as training materials to provide for this election and you will see that we've got a test in there and some other documents but those are simply sample ballots that we use in training to show our group, you know, here is where you need to initial, here is what you have to fill out if there's assistance.

MR. SIMPSON: Mr. Chairman? Are you done?

MR. MCIVER: For the moment, yes.

MR. SIMPSON: What do you attribute all these irregularities to? I mean there is just a multitude of irregularities. How can you account for those?

MS. HERZOG: Mr. Simpson, I think that is a good question and honestly I asked that same question in the very beginning. I simply attribute it to, at that time Coffee County had a part-time and former election supervisor and I candidly believe our training was not up-to-snuff at that time. Since then, as I said, we have re-doubled our efforts. Mr. Peavy and Ms. Hayze have been very intentional about their training and I fully expect that we will not have these issues in our 2016 elections.

MR. SIMPSON: So what have you done to remediate the problem? Can you explain that to us?

MS. HERZOG: Yes, sir. If you will look through and we can go through this packet that I have provided you specifically but Exhibit A is an updated poll workers test and you can see the bolded questions, number ten specifically address some of the issues. Number thirty-five and number six specifically address the issues that we are here to talk about today. In Exhibit B, we've got special instructions to the express poll operators. In Exhibit C, special instructions for I.D. checkers. Those are documents that we created in office for them to use as references on Election Day. I am sure you-all are aware and I think it is especially pronounced in our smaller counties but I think it applies in any county, is these poll workers don't perform these duties every single day. They are trained to do it and then they are asked to come do it on Election Day. I do truly believe that any irregularities or any issues, they were not willful. There was no malice behind it and even the complainant herself has stated that. Simply just a lack of training, which has already been addressed.

MR. SIMPSON: So what you have done to remediate it, if I understand, is you've changed your training schedule or your training practices and then after that the people are given a test?

MS. HERZOG: No, we were doing that already. We simply have added specific questions to the test. Once these errors were eliminated and we realized although we were already training on that issue, we realized people just aren't getting it, obviously, and so we need to double down on that effort and make sure that it is something we concentrate on to make a point so that we know that they have gotten what they need to get.

MR. SIMPSON: The training was occurring before these violations occurred?

MS. HERZOG: Yes, sir, it was occurring but we have created these documents and made the specific effort to train on these issues since. But, yes, training was occurring even then. However as I said, we now have a full-time position and that allows for further training to occur where it didn't in the past.

MR. SIMPSON: So there has been personnel changes as well?

MS. HERZOG: Yes, sir. Ms. Fosky is no longer employed there and Ms. Hayze is our elections supervisor.

MR. SIMPSON: Thank you.

MR. MCIVER: Mr. Chair, do these unique instructions for Coffee County require any scrutiny from your office?

MR. SECRETARY: I don't believe they do. I mean, Mr. Harvey can speak to that, if he wants. To me, it kind of shows that the County is trying to address specific issues they had in their county and we have a host of new poll worker training videos that we've come out with and I think we've gotten really great reviews from the counties, which is just another tool that we have, to do trainings. I am sure they can use those, as well, but this document to me, I think, says that the county is addressing specific deficiencies that they had in prior elections, which I applaud.

MR. MCIVER: These instruction sheets are not the subject, Mr. Lewis, of the complaint?

MR. LEWIS: No, sir, this is something they did after the complaint was filed and the investigation was complete.

MR. SECRETARY: I think this is their remediation plan, if you will, to address the problem.

MR. MCIVER: Just trying to clarify. It occurred to me that it was after.

MR. SECRETARY: Yes, sir.

MR. SIMPSON: You said question number thirty-five on this document, Exhibit A--

MS. HERZOG: Yes, sir.

MR. SIMPSON: --specifically addresses the violations that are noted?

MS. HERZOG: Ms. Frances Hovey that's, obviously, not the first issue that we were talking about just now, but the second issue, about when an unknown voter was allowed two voter access cards. That was an isolated incident. One human error, which I think...

MR. SIMPSON: What addresses the violations about the thirty-seven counts, the fifty-two counts, the three counts, the twelve counts of those violations?

MS. HERZOG: Are we talking about the certificates that they filled out?

MR. SIMPSON: Yes, I want to know how your training materials address those issues.

MS. HERZOG: Yeah and may I allow Ms. Hayze to come up here and assist me but I believe the certificates that we included as Exhibit D, the examples of properly completed voter certificates, we actually go through these and Ms. Hayze can elaborate but when they do their training, which I believe they've already done for this election, they go through these step by step with their poll workers so that they understand what needs to be filled out so that we won't have a similar problem.

MS. HAYZE: She is correct. These are just the application that the voter fills out on Election Day.

MR. SECRETARY: If you don't mind, just give us your full name, so, we can get you on the record. Thank you.

MS. HAYZE: Misty Hayze, elections supervisor for Coffee County. My address is 830 Dennis Harper Road Ambrose, Georgia. When a voter comes in, this is the application that they fill out on Election Day and so these are the copies that we have made and the samples that we've went over with our poll workers, where the correct signatures need to be, where the correct check marks need to be, if that situation is occurring.

MR. SIMPSON: How did these violations impact the election? Was there any substantial impact?

MS. HAYZE: In no way there was no vote changed. There was no intent to have a vote changed. Like I said, no willfulness whatsoever. It was basically paperwork -- just inadvertent paperwork issues.

MR. SIMPSON: It did not impact the election at all?

MS. HAYZE: No, sir.

MR. SIMPSON: No voter was denied the right to vote?

MS. HAYZE: No ,sir.

MR. SIMPSON: And every vote was counted?

MS. HAYZE: Yes, sir.

MR. SIMPSON: Thank you.

MR. SECRETARY: Anything else?

(No response)

MR. SECRETARY: Is there anyone else wishing to speak regarding this matter?

(No response)

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

MR. MCIVER: Mr. Lewis, your recommendation again?

MR. LEWIS: We recommend that the individuals involved in the case and the County, that they be bound over to the attorney general's office for the listed violations.

MR. MCIVER: So moved.

MR. SECRETARY: Alright, Mr. McIver moves to bind over.

MS. SULLIVAN: Second.

MR. SECRETARY: Ms. Sullivan seconds. Do we have any other discussion?

MR. SIMPSON: I would like to say that in view of the remediation efforts that they've made and the fact that there was no impact on the election at all and the personnel in that office now seem to be aware of the necessity of making sure that all of these forms are completed correctly, that it seems like, to me, this is a matter that could be resolved with a letter of instruction rather than being bound over to the attorney general's office.

MR. SECRETARY: Well, that is certainly an option we have of course we do have a motion and a second. Any other discussion?

Mr. Worley?

MR. WORLEY: Mr. Secretary, I appreciate Mr. Simpson's comments and I think all of those are things that the attorney general's office can take into account in coming up with a consent order relating to this matter but I think the volume of violations are too great to deal with only a letter of instruction.

MR. SECRETARY: Anybody else?

MR. SULLIVAN: Mr. Secretary, I agree with Mr. Worley. I do appreciate the remediation that have gone into place, although, I do intend to vote in favor of this motion. I really appreciate those efforts and it looks like you have gone a long way toward resolving those issues.

MR. MCIVER: Mr. Secretary, I would like to add exactly the same remarks. I am very impressed with what you have done but we want to see a good clean election first without this volume of errors.

MR. SECRETARY: And I want to say the same too. Thank you-all for being here today. It is clear to me and, I think, to the rest of the Board, without me speaking for them, that y'all made a great deal of changes and I am sure that will be reflected with your ongoing workings with the attorney general's office. So thank y'all for being here today.

Alright, if there is nothing further we have a motion and a second to--

Yes, sir?

MR. HICKS: I would like to make a comment on what was said, please.

MR. SECRETARY: Alright.

MR. HICKS: My name is James Curtis Hicks. I stay at 1353 Edgewood Avenue, Douglas, Georgia 31533. I was listening to the comment that was made about the voting -- all the violations at the (indiscernible). We are forgetting one important thing, that the people that made those violations are still the same people that's sitting at the same offices that worked there before. Chairman of the board -- the same chairman. We have the same people that worked there at the board that is there now. The same people that are representing our (indiscernible) are the same people that did the same violations, but now, they say they straightening it up. That is something, I think, that the Board really should look at. It happened there that one person got fired but you still got the same key players in there, same chairman. So y'all make a change now while the same people are still there doing the same thing. I'd like to say thank you for your time.

MR. SECRETARY: Thank you for being here this morning. Any questions for Mr. Hicks?

(No response.)

MR. SECRETARY: Alright, anyone else wishing to speak before we move on here.

(No response)

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

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, "aye".

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries. Thank y'all again, all of you-all for being here.

Alright, Mr. Harvey is signaling that he has some information for us on SEB case 2012-107. Let me call that back to the agenda, which is number fourteen in our binder.

MR. HARVEY: Yes, sir, Chris Harvey. I am the elections director for the State of Georgia at 2 Martin Luther King, Jr. Drive Atlanta, Georgia 30334. It appears that this case actually was presented to the Board last year at this meeting and the Board did bind over Judge Sanders, Joe Hamilton and Bobby Carpenter and dismissed the cases against Gail Meadows, Clara Glasbur and Faye Brewer. That was voted and passed by the Board so, I believe this case should have gone to the AGs office and apparently, we just failed to send it to them. So I think this case has been resolved and it should be with the AGs office.

MR. SECRETARY: We will remove that from our agenda and I apologize for that having been on the agenda.

Now, we will move on to case number 2012-198. It is another Coffee County case, which is number seventeen in our binder.

MR. LEWIS: Yes, sir. In this complaint chairman C.T. Peavy of the Coffee County board of elections and registration filed a complaint with us and turned in some electors that were receiving assistance during the November 6th, 2012 general election. Our investigation revealed the respondents Charlie Mack Wooten (phonetic), James Curtis Hicks (phonetic), Evelyn Griffith (phonetic), Charles Woods (phonetic) and Olivia Pearson (phonetic) did, in fact, provide assistance to electors during the November 6th, 2012 general election when those electors were not disabled or illiterate. Additionally, some voter certificates were not marked as to the reason for the assistance when Olivia Pearson assisted some voters.

We recommend that following respondents, Coffee County board of elections and registrations, Judy Fosky and Charlie Mack Wooten, James Curtis Hicks, Olivia Pearson, Evelyn Griffin and Charles Woods be bound over to the attorney general's office for the listed violations.

MR. SECRETARY: Any questions for Mr. Lewis?

(No response)

MR. SECRETARY: Anyone wishing to speak?

MS. HERZOG: Good Morning, again. Jennifer Herzog counsel for Coffee County board of elections and registration. 1564 King Road, Tifton, Georgia. As to the case 198, this is an issue that was self-reported by the chairman of the board of elections in Coffee County when the office came to believe that certain poll workers might have provided assistance to voters that did not qualify for such assistance. Again, we recognized this as a training issue and I actually have brought extra copies of what was previously provided to you in case you needed it for this case also. I'm not sure if you can use the same copies.

MR. SECRETARY: We can.

MS. HERZOG: Some of the training that we have done in our former case also concentrated on this issue as to who you can provide assistance to and what paperwork needs to be filled out when in fact you do. Again, we have re-doubled our efforts to make sure that each and every poll worker understands that in Coffee County.

MR. SECRETARY: Any questions for Ms. Herzog.

MS. HERZOG: And just for the minutes, I apologize I don't have a copy for you-all. I just got this, this morning, but, this is a letter that Mr. Charles Wood sent with Mr. Peavy to provide for your minutes and it basically -- I will be glad to read it into the record. It explains that he assisted his wife and there was no malice or ill intent but I will be glad to read it, if you would like or I will just add it to the minutes.

MR. SECRETARY: We can accept that letter if you want or accept a copy of it. Do we have a motion to accept the documents?

MR. SIMPSON: So moved.

MR. MCIVER: Second.

MR. SECRETARY: We have a motion and a second. All those in favor signify by saying, "aye".

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries and we have accepted the documents.

Any questions for Ms. Herzog?

MR. MCIVER: How many of these, other than Mr. Wood, would have been relatives assisting?

MS. HERZOG: Can you-all speak to that. I am not sure that I know the answer to that right off hand. I may be able to look back through -- I don't know if the investigative report provided that information or not.

MR. ARCHIE: I can answer that question.

MR. LEWIS: I didn't hear the question.

MR. MCIVER: I will be glad to repeat the question. I want to know, other than Woods, how many of these assistance cases involved family members?

MR. ARCHIE: I am Investigator Glenn Archie with the Georgia Secretary of State's office. I investigated this case. There is one other person that assisted his daughter, which she voted during advanced voting.

MR. MCIVER: Was she in some way disabled?

MR. ARCHIE: No, sir, she was not disabled, she was not illiterate . He assisted her because it was her first time voting. He helped her go through the using the touchscreen during advanced voting but she was neither disabled nor illiterate .

MR. MCIVER: They allowed two people to do touchscreen?

MR. ARCHIE: Yes, sir, her and her father. He did sign the application for absentee ballot during advanced voting that he was assisting her. It was not marked on the bottom of the application why he was assisting her but he was still allowed to assist her.

MR. MCIVER: Who touched the touchscreen?

MR. ARCHIE: She did.

MR. MCIVER: Alright. Thank you.

MR. SECRETARY: Anything else for Mr. Archie?

(No response)

MR. SECRETARY: Anything else for Ms. Herzog?

(No response)

MR. SECRETARY: Alright, thank you. Anyone else wishing to speak on this matter?

MS. PEARSON: Good Morning, my name is Olivia Cody Pearson. I reside at 614 Taylor Circle Douglas, Georgia. I am one of the respondents of the allegations regarding this case and according to the letter that I received from Mr. Russell Lewis, it states that I did, as an elector, violate O.C.G.A. 21-2-409(a) assisting electors who cannot read English or have disabilities, two counts, in that I assisted Evelyn Ross (phonetic) and Antanies Harrison (phonetic) who are not physically disabled or illiterate during the general election on November the 6th, 2012.

I would like to respond to that allegation. I do, in fact, recall assisting Ms. Evelyn Ross. She is my aunt. She has difficulty seeing and she did not know how to operate the machine. Now, I do not have recollection about a Ms. Antanies Harrison but I can say that if I assisted anyone, I did not touch the screen and if I helped, they asked me to help them. I didn't volunteer my service. So if someone asked me will you show me how, then I would have done that.

I will also add that, according to what I read on the O.C.G.A. statute, it says that no elector shall receive any assistance in voting unless she or he is unable to read the English language or if she has a disability which renders him or her unable to see or mark the ballot or operate the voting equipment or to enter the voting compartment or booth without assistance. My response is, if someone asks me for help, I felt an obligation to try to assist if I could. At no time have I ever touched the screen or told them who to vote for. I could only relay to them what the screen says or whatever and give them an option as to how they would want to proceed. Now, I do want to state while I am up here, I have tried to represent the citizens of Douglas, Coffee County for sixteen years. At no time, at this election right here that we are referring to, was I a candidate that was running for office. I do serve as an elected official as a city council person but that was not the election in which I assisted. It was the Federal election, if I am not mistaken.

I feel that -- I don't know why Mr. Peavy made this complaint. The letter clearly states that the complaint was filed by Mr. C.T. Peavy, the chairman. I wish that I had been given an opportunity for him to ask me a question about why I was assisting someone prior to filing a complaint. Douglas is a small-town community and a lot of us, we do know each other, so, he is well aware of me and he knows I am very involved in the community. I just think that, as some

people have stated here earlier, I feel that sometimes things are done to try to maybe discourage or whatever other people from voting and I don't feel like that is fair. I feel like everybody who wants an opportunity to vote, if they are a registered voter, they should be provided that opportunity. I can say to you-all I know that I have not done anything wrong. I was really offended when I received this letter saying that I had violated the law some kind of way. I really took strong offense to that because that's really hurting to me being an elected official trying to do the best that I can to try to help our community to move forward and grow. I just feel like I needed to come here and state my position about what that letter said.

MR. SECRETARY: Ms. Pearson, thank you for being here. I have a question for you.

MS. PEARSON: Yes, sir.

MR. SECRETARY: Do you remember where you were when you -- you know, when these allegations were going on? Was it during early voting at your precinct?

MS. PEARSON: Honestly, I can't recall if it was early voting or regular. I really can't. I just remember that my aunt one day was walking and she wanted me to give her a ride. She saw me and I was giving her a ride and I asked her, I said, have you voted and she was like, no, I haven't voted and I said, do you want to vote and she said, yeah but you will have to help me. I remember that with her, other than that -- and the other person, I really honestly do not recall.

MR. SECRETARY: Do you recall a poll worker or poll manager saying anything to you when you were doing the assisting?

MS. PEARSON: No, sir. No, sir. Nobody said anything -- when I would go to the table with that person I remember them asking, you are helping this person and I would say, yes, ma'am or yes, sir and I had already signed because you have to sign your name and whatever. They might have had an issue with -- because some people cannot read or write fluently the English language. They have problems reading so if it was illiterate they would check that or I would check that or the poll worker would check it and if it was a physical disability they would check that because I believe with my aunt, with her not being able to see well, she did the physical disability.

MR. SECRETARY: Okay. Anybody else have any questions for Ms. Pearson?

(No response)

MR. SECRETARY: Thank you for being here.

MS. PEARSON: Thank you, sir.

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

MR. HICKS: My name is James Curtis Hicks. I stay at 1353 Edgewood Avenue, Douglas,

Georgia. Pertaining to the same matter about voting (indiscernible). I had forty-four counts, they say, but I have carried hundreds of people and I take my voting rights very seriously such as my (indiscernible) I do to help my community and as far as being one of them that help people, yes, I come in and help them people that have no idea about how to run the machine but I never once touched it or advised them on how to vote or anything such as that. It was no more than just assisting them in how to use the machine. One time, I think, Ms. Misty came out, herself, and told me that Mr. Hicks, you are not allowed to do that. That's our job. I said, well, no problem. I have no problem. So that was during early voting and I know for a fact that the people that I did help they can read, they can write. I am not denying that but some of them have never voted in years. Some of them have never used the machine so they asked me to help them use the machine -- show them how to use the machine. So, at that particular time there was nobody, really, in the office but two people and there was one taking the cards and one taking your information and the other one giving you the cards and there was no one assisting until Ms. Misty walked out and that is when she personally told me that was her job -- the voting people's job to assist people with the machines. We just heard what the law said so I am wondering was that right or wrong, if someone actually would help. If I am guilty, I am guilty of helping somebody who asked me. Like I told the investigator, some people can't read or write and my thing was do they know how to use the machine. Everybody is not computer savvy and that is my whole thing. I didn't touch it, I didn't (indiscernible) I didn't ask them to move the votes. I never once told them anything, no more than what to do with the machine and that is why I am here. As far as I can understand, I know I am (indiscernible) like Ms. Pearson, I am very offended by being here. I have brought hundreds of people, hundreds of people up there to go vote. For me to get caught with forty-four counts, your Honor, I done brought hundreds of people up there and it wasn't intended to deceive the vote or deceive anybody or break the law in any kind of way.

MR. SECRETARY: Mr. McIver has a question for you.

MR. MCIVER: Mr. Hicks, I obviously have an interest in family members being able to help but that is not the law yet but I do want to ask, since it does impact this case. Was Samuel Reed a family member?

MR. HICKS: No, Samuel Reed (phonetic) was a very good friend.

MR. MCIVER: Sharon Adams (phonetic)?

MR. HICKS: I don't really know her.

MR. MCIVER: But is she a family member?

MR. HICKS: No.

MR. MCIVER: Audrey Hosh (phonetic)?

MR. HICKS: No.

MR. MCIVER: Matekeetah Dahone (phonetic)?

MR. HICKS: No.

MR. MCIVER: Thank you.

MR. SECRETARY: Any other questions for Mr. Hicks?

(No response)

MR. SECRETARY: Alright. Thank you, sir.

MR. HICKS: Thank you.

MR. SECRETARY: Anyone else wishing to speak?

(No response)

MR. SECRETARY: Investigator Archie, I have a quick question for you.

MR. ARCHIE: Yes, sir.

MR. SECRETARY: Do we have any documentation about signing for assisting? How does that work? If somebody is legally assisting in a polling location is there a document they have to sign?

MR. ARCHIE: I know on the voter certificate the poll worker is supposed to mark the front of it the reason why that person is being assisted. The person, of course, that assist them signs the back of the voter certificate. Now, of course, during early voting the application for an absentee ballot is done and, of course, the person assisting signs the bottom and they are supposed to mark the reason why they are assisting along the bottom of that.

MR. SECRETARY: So was that done on all these cases?

MR. ARCHIE: We do have the signatures of the parties. When they assisted these people they did sign that they were assisting them, but, voter certificates involving Ms. Olivia Pearson, when she assisted Ms. Ross and Ms. Harrison, the poll worker did not mark the reason why they were being assisted. Now, Mr. Reed -- was it Mr. Reed?

MR. HICKS: Yes.

MR. ARCHIE: Mr. Reed. The people he assisted they were done during advanced voting. He signed the application that he was assisting them but he failed to mark the reason why. So I did interview those parties to find out why they needed assistance.

MR. SECRETARY: So there should be a check there by the poll workers--

MR. ARCHIE: Yes, sir, on the voter certificate.

MR. SECRETARY: --to figure out whether this should be a case of assisting or not?

MR. ARCHIE: Yes, sir, and that was not done.

MR. SECRETARY: That was not done?

MR. ARCHIE: Not on the two with Ms. Pearson when she assisted Ms. Ross and Ms. Harrison on Election Day.

MR. SECRETARY: Thank you. Any other questions for Mr. Archie?

MS. HAYZE: Misty Hayze, elections supervisor of Coffee County, 830 Dennis Harper Road, Ambrose, Georgia. Just a little correction, on the absentee ballot applications for advanced voting those are different than the voter certificates on Election Day. On advanced voting the voter themselves or the person assisting are the ones that sign and check and then Election Day is the ones that the poll worker checks.

MR. SECRETARY: Okay, maybe you can help me. I am trying to understand how this went down when this was going on. So if they were not legally assisting then how would they have gotten through to actually assisting in the voting, if they shouldn't have been?

MS. HAYZE: At the time that they were assisting we did not know that they were -- one mistake is that they were not checking the applications as well during advanced voting as should have been.

MR. SECRETARY: When you say, they, you are talking about the poll workers?

MS. HAYZE: The poll workers, yes, because it is the right of the -- well, it is the responsibility of the voter and the assisted voter to check on the absentee ballot applications for advanced voting or advanced voting in-person applications. So that is where that mistake was but it is left to the voter themselves or the assisted voter to sign those applications during advanced voting.

MR. SECRETARY: So did you have any of these folks that were alleged to have assisted, that continued to try to do that after you told them not to?

MS. HAYZE: Yes, sir.

MR. SECRETARY: You did. Okay. Any other questions for Ms. Hayze?

(No response)

MR. SECRETARY: Alright, thank you. Anyone else wishing to speak?

MR. ALLEN: Roscoe Allen, I live at 765 East Commercial Road, Douglas Georgia. I live in the same county and let me tell you something, I help a lot of people too but what I am hearing is concerning this board of elections here, that's where the problem is to me. If this doesn't get corrected we are going to have the same problem--

MR. SECRETARY: Let me just caution you real quick. If you have something that pertains specifically to the case we're glad to hear it but we are dealing with specific allegations on this matter. It doesn't have anything to do with the local board of elections. This Board doesn't decide who serves on the county board of elections. So if you would--

MR. ALLEN: No, I'm saying if you get qualified people on this board, that is what I'm talking about, you wouldn't have this problem.

MR. SECRETARY: Okay, well, thank you for being here and I will just for the record, the local community decides how they pick their local board of elections. The State Election Board does not have any say so in that matter.

Ms. Pearson, did you have something?

MS. PEARSON: Yes, sir. 614 Taylor Circle, Douglas, Georgia. One additional thing, I can say, that I recall anytime that I have helped someone to vote or assisted them that Ms. Hayze and Ms. Fosky because I specifically remember in 2012 Ms. Fosky was in charge then and they had assisted a voter. They had a red card or something that you would get to let whoever know that you were helping someone to vote. So I recall that. So anytime I helped someone I had that card having permission to give someone some assistance.

MR. SECRETARY: Okay. Any questions for Ms. Pearson?

(No response)

MR. SECRETARY: Thank you.

MR. PEARSON: Thank you.

MR. HICKS: My name is James Curtis Hicks. I stay at 1353 Edgewood Avenue, Douglas, Georgia. I also recall the same thing during the voting. We had red cards to go back there and I repeat it again I am -- Ms. Misty made a comment that maybe someone that she told there continued to do it. I know for a fact I wasn't one of them. I know I'm one that she definitely told that was her job and I definitely didn't do it anymore because I didn't know. I was thinking anytime you assist someone that's (indiscernible) but I just want to put that on record about the card. That I was legally behind there, that the poll worker let me back there to assist the people. Thank you.

MR. SECRETARY: Anyone else wishing to speak?

(No response)

MR. SECRETARY: Any other discussion from the Board or questions for Investigator Archie or Mr. Lewis?

(No response)

MR. SECRETARY: Do we have a motion?

MR. MCIVER: I move we bind it over.

MR. SECRETARY: Mr. McIver moves we bind it over. Do we have a second? I'll second. Any other discussion?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, "aye".

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries and we have bound that over to the attorney general's office.

Next, we have SEB 2012-170. It is a Richmond County case, number eighteen in our binder.

MR. LEWIS: Yes, sir. We received a complaint on November the 14th, 2012 in reference to non-resident voters in Richmond County. The complaint was generated by an article in the Augusta Chronicle. Our investigation revealed that Greg Diggers (phonetic) was registered to vote using a business address instead of his home address and he voted in seven elections out of his district. Amy (phonetic) and Craig Bailey (phonetic) were registered using their restaurant address instead of their place of residence. Amy voted in twenty-six elections. Craig Bailey voted in thirty-seven elections. The Baileys did have an apartment at this location but they also had a home purchased in Thompson, Georgia.

Dallas Simone (phonetic) registered using his auto dealership business address and voted in fourteen elections. Shane (phonetic) and Sarah Thompson (phonetic) registered to vote in Richmond County but reside in South Carolina. Shane Thompson voted eight times and Sarah voted in the August 21st, 2012 election.

The Rayburn family, Lawrence (phonetic) voted in seven elections, Albert (phonetic) voted in thirteen elections, Isaac (phonetic) voted in two elections and Sarah (phonetic) voted in two elections. They were registered using the address of their dental practice, which was a converted house where they also stayed.

In preparation for this meeting we were contacted by a number of the parties that were involved in this case, as well as, Ms. Lynn Bailey the executive director for the Richmond County board

of elections. Ms. Bailey stated that each of these electors were contacted by mail on December the 18th, 2012 with a request that the voter contact the board so the information could be obtained to confirm their residential address and there was a follow up hearing for these individuals on January the 22nd of 2013. During that information gathering by Ms. Bailey and her staff, Mr. Greggers (phonetic) voluntarily updated his residential address on the voter registration for the (indiscernible) business at his home in Hephzibah, Georgia on November 13th, 2012 and has been voting at that address since that time.

Amy and Craig Bailey were removed from the list of voters in Richmond County with a hearing on February 11th, 2013 by the Board. Dallas Simone (phonetic) requested in writing that his name be removed from the list of voters in Richmond County on February the 6th, 2013. He is currently not registered in Georgia.

Daniel and Sarah Thompson requested in writing that their names be removed from the list of voters in Richmond County on January 14th, 2013 and November the 13th, 2012, respectively, and neither individual is currently registered in Georgia.

The Rayburn family, Lawrence, Albert, Isaac and Sarah provided satisfactory information to the board of elections regarding their residence slash dental practice on Washington Road. This is the address from which they were voting , were registered to vote and have continued to vote since that time.

We recommend the following respondents Greg Diggers, Amy Bailey, Greg Bailey, Dallas Simon, Shane Thompson and Sarah Thompson be bound over to the attorney general's office for the listed violations. We recommend the case against Florence Rayburn, Albert Rayburn, Isaac Rayburn and Sarah Rayburn be dismissed.

MR. SECRETARY: Mr. Lewis, do you know if we've checked to see if there was any double voting?

MR. LEWIS: Yes, sir, we did and there was not.

MR. SECRETARY: No double voting?

MR. LEWIS: No, sir.

MR. SECRETARY: Alright, any questions for Mr. Lewis?

MR. MCIVER: I have one.

MR. SECRETARY: Mr. McIver?

MR. MCIVER: Just describe what they did, somebody that votes in multiple elections.

MR. LEWIS: The issue was, they were registered at a business address as opposed to a

residential address and they were voting in elections from their business address as opposed to where they live.

MR. SECRETARY: So basically you had somebody that lived -- that their house is in South Carolina but they were registered at their business address so they were voting in Georgia because they had a Georgia address.

MR. MCIVER: But did they vote in South Carolina?

MR. LEWIS: No, sir. When they voted in Georgia they did not vote in South Carolina and vice versa.

MR. SECRETARY: Mr. Simpson?

MR. SIMPSON: What about the ones that lived in Georgia, was the residents address and the business address in the same precinct?

MR. LEWIS: I don't believe they were. Ms. Bailey can speak to some of those issues as she comes forth with the Richmond County board of elections. They were in separate districts.

MR. SIMPSON: If that was the case, it wouldn't make any difference.

MR. SECRETARY: As far as the outcome of the election?

MR. SIMPSON: Yes, as far as the outcome of the election. I mean they would have had a right to vote in that election had they used their residence address whereas if you live in a different precinct from where you registered, you wouldn't have had a right to vote in that election?

MR. LEWIS: Yes, sir.

MR. SIMPSON: Is that right?

MR. LEWIS: Well, that is correct as long as the same people were on the same ballots in every district.

MR. SIMPSON: If they were in the same precinct it wouldn't. You know, if the residence address and the business address were in the same precinct, same folks -- proper people would be on the ballot.

MR. LEWIS: Yes, sir, that is correct.

MR. SECRETARY: Mr. Worley?

MR. WORLEY: Mr. Lewis, you said that the Rayburns also stayed at their dental practice?

MR. LEWIS: Yes, sir.

MR. WORLEY: So that was an apartment? A home?

MR. LEWIS: It was a converted house.

MR. SECRETARY: But there is living quarters at the dental practice; correct?

MR. LEWIS: Yes, sir.

MR. WORLEY: So how is that different from the Bailey's case where they have an apartment--

MR. LEWIS: Well, the Bailey's they lived at their restaurant for a period of time. They purchased a home and moved. They continued to vote at the business address.

MR. WORLEY: So they didn't live at the apartment after they bought the house?

MR. LEWIS: That is correct.

MR. SIMPSON: If I am reading your recommendation in writing correctly, you are recommending that the Rayburns be bound over as well.

MR. LEWIS: No, sir. I am recommending that the Rayburns be dismissed.

MR. SIMPSON: Well it says -- you're saying you found a violation?

MR. LEWIS: We are saying that they were part of the allegation in the original case and it was addressed at the Board's level on their residency issues, that they voted from their dental practice, they are registered to vote at their dental practice and they have since voted -- they have supplied enough information to the board of registration for that address to be a valid address for them to be registered at.

MR. SIMPSON: Okay.

MR. MCIVER: This is the second time of me asking but I got to get it clear in my mind.

MR. LEWIS: Yes, sir.

MR. MCIVER: When somebody -- for example, Dallas Simon has voted fourteen times. That is fourteen election cycles?

MR. LEWIS: That is fourteen separate elections.

MR. MCIVER: So he is using his commercial address. He voted in fourteen different elections?

MR. LEWIS: That is correct.

MR. SECRETARY: So they could be a primary and a primary run-off.

MR. MCIVER: Cycles or whatever is the proper term. But no double voting, triple voting,

anything of that nature?

MR. LEWIS: Not that we could tell, sir.

MR. SECRETARY: Alright, any other questions for Mr. Lewis?

(No response)

MR. SECRETARY: Anyone else wishing to speak?

(No response)

MR. JOHNSON: I am Keith Johnson. I am the attorney representing Craig and Amy Bailey. My office address is 1450 Green Street Augusta, Georgia Suite 226 zip code 30901. Craig and Amy Bailey are long time business owners in Augusta. They opened up Rhinehart's Oyster and Seafood Restaurant in 1983 and at the early part of their business venture they actually lived full time in the apartment which is directly above the restaurant and they currently maintain that apartment until this day and for example, in about two weeks we will have a golf tournament in Augusta which will bring in a lot of visitors to the city and during that time period, because of the increased volume and because of the tournament, they will actually sleep over night from time to time to make sure they have adequately prepared for the increased business.

Now, to be quite frank they did buy a home in Thomson, Georgia McDuffie County, I think, back in -- I believe 1996 and that is where they filed their homestead exemption. This is something that they had no idea that they were running a fowl of the law. When they spoke with the Augusta Chronicle reporter they were very free and didn't hold anything back because they were not aware that they were in violation. When the article came out, they instructed me that they did not vote in the 2012 Presidential Election and they had not voted in Richmond County since that time period. This is something that they are embarrassed by. They are very influential in the community and I think that because there is no further risk of harm or any evidence of double voting or any deceit, I would ask that the Board consider a letter of reprimand or something to that sort or even just an instructional letter because this is ignorance of the law and I know that is not a complete defense but, I think, that it does go to show that they were operating in good faith. They were transparent about the entire thing. They've invested in representation because this is something that is very important to them and they don't want to be perceived as doing anything that is not honorable in that regard. Thank you.

MR. SECRETARY: Thank you for being here, Mr. Johnson. Any questions for Mr. Johnson?

(No response)

MR. SECRETARY: Thank you, sir. Anyone else wishing to speak on this matter?

MS. BAILEY: Good Morning, thank you for your time. Good Morning, Members of the Board. My name is Lynn Bailey and I'm the elections director in Richmond County and I thought I

would take a minute just to share a few things with you. First of all, I agree completely with what Mr. Johnson just expressed about his clients. I don't believe that there was ever any malice or ill intent by any of these voters to vote twice or to attempt to vote twice or do anything other than what you have stated here which is being registered from a business address which we know is not allowable under Georgia Law but nevertheless I believe that these cases were done out of ignorance of the law and not any bad intent. I will also say that when this matter came to the attention of the board of elections in the late fall of 2012 they began looking into the matter, conducted an investigation and were well satisfied that each one of these people were either eligible to be registered in Richmond County or either their names were removed off the list. Now at this point and for quite some time the board has felt comfortable with that decision and felt frankly that it was resolved .

I would also like to say that since that time in the last three or four years that we have had throughout the State great advances in technology that have provided election officials across the State with tools that we didn't have at our disposal before, including on a local level too, that we now have the tools to cross-reference our database with tax records, GIS records to help us identify not just addresses that are invalid because they are a business address but also because they may be vacant because of demolitions or other issues that we face as we try to maintain the accuracy of our voter registration list. So we are able to identify those addresses and then take that information and filter it through Georgia's, I must say, improved voter registration system, to try to catch these things in the front end of the process so that they don't get to the point where we find ourselves today. So those are the positives, I guess, and the good takeaways from all of this and then, of course, I'm glad to answer any questions that you have.

MR. SECRETARY: Thank for being here. Any questions for Ms. Bailey?

MR. MCIVER: Would this situation have been caught by the technology you are talking about? The original voting of the exact correct place and then they buy a home. Does the system catch that?

MS. BAILEY: In the case of the Rayburns, I am not sure if it ever would have come to our attention because that's in a fairly residential area. It's in a former home that's been converted to a dental office. It is possible in the other instances, with this technology, that these properties would have been identified through our tax records if the commercial properties cross-referenced against our list and eventually filtered down to the level that we could reach out and contact the voter. In fact, we have those processes in place now on a regular routine basis since we have the technology available. So I do think that eventually, perhaps, it would have.

MR. MCIVER: Mr. Chairman, I would like to point out that Ms. Bailey is probably one of the most renowned election officials we have in the State of Georgia, honored that she is here to present to us.

MS. BAILEY: Thank you very much. I appreciate your time and you know, again, I must

reiterate that I don't believe that there was any ill intent on behalf of our voters. I believe that, you know -- and I wouldn't dare speak on anyone's behalf but I believe that they honestly felt as property owners in the area that they could register to vote in Richmond County, if they chose to do so. We have no evidence -- even though some are now registered in other counties in Georgia, we have no evidence that anyone has made an attempt now or in the past to vote more than one time.

MR. SECRETARY: Alright, any other questions for Ms. Bailey?

(No response)

MS. BAILEY: Thank you.

MR. SECRETARY: I would agree with you, Mr. McIver, that is why I have appointed her to be one of Georgia's representatives on the U.S. Elections Assistance Commission. Ms. Bailey, I believe, will be representing us in a meeting in Carlsbad, California here coming up shortly. She does a lot of great duties for the State as well as a lot of our -- I know we have many registrars and superintendents with us today. So we appreciate all that you do.

Alright, anyone else wishing to speak on this matter?

(No response)

MR. SECRETARY: Any other questions for Mr. Lewis?

(No response)

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

MR. WORLEY: I make a motion that we dismiss the case against the Rayburns.

MR. MCIVER: Second.

MR. SECRETARY: We have a motion to dismiss the Rayburns and a second by Mr. McIver. Any other discussion?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, "aye".

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries and we have dismissed the case against the Rayburns.

MR. WORLEY: And then, Mr. Chairman, I would make a motion that we send a letter of

instruction to the other respondents. Given the fact that there doesn't appear to be any attempt to vote twice, that they were misinformed as to, for whatever reason, where they could vote that there hasn't been any indication that they're doing this again and that it has been four years almost since this happened. I don't see any point in wasting the resources of the attorney general's office in dealing with this matter when we can send them a letter of instruction indicating that this was a violation of the law and they shouldn't do it again.

MR. SIMPSON: Mr. Chairman, may I speak to that?

MR. SECRETARY: Yes, sir.

MR. SIMPSON: I disagree. I think the number of times that these people have voted and I think, it was just common sense that you register a vote where you live not where you work. So I think these violations are substantial and I think they should be bound over. Were it once or twice or just a few times, I would agree with Mr. Worley but in view of, one is fourteen counts, one is thirty-seven counts. I mean, they just go on for years and years voting in the wrong place so I cannot support the letter of instruction.

MR. SECRETARY: Alright. Thank you, Mr. Simpson.

MR. WORLEY: Could I?

MR. SECRETARY: Yes, sir. Mr. Worley.

MR. WORLEY: I certainly appreciate the Judge's view on that however I think this is a situation where if you don't know that you are voting in the wrong place there is no reason that you are going to change doing that unless you are told buy the newspaper or an official that you can't. So the mere fact that they did it multiple times, to me, is not an indication that they willfully violated the law.

MR. SIMPSON: Can I ask the election superintendent a question?

MR. SECRETARY: Yes, sir. Ms. Bailey?

MR. SIMPSON: The application for voter residence indicates that you are supposed to give your residence address, does it not?

MS. BAILEY: It does in fact. Yes, sir.

MR. SIMPSON: Okay, thank you.

MR. SECRETARY: Thank you. Any other discussion -- We do have a motion by Mr. Worley, we did not have time for a second there. Do we have a second?

(No response)

MR. SECRETARY: That motion dies for lack of a second. Do we have another motion?

MR. SIMPSON: I move that these cases be bound over to the attorney general.

MR. WORLEY: I'll second that motion.

MR. SECRETARY: We have a motion by Mr. Simpson and a second by Mr. Worley to bind over. Everyone else -- keeping in mind that we have dismissed all the Rayburns. Any other discussion?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, "aye".

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries.

Alright, let's see, we are moving on to 2012-200 Gwinnett County, number nineteen in our binder.

MR. LEWIS: Yes, sir. This is a case that the Board heard at our last meeting on October the 21st, 2015. Gwinnett County elections officials reported that there were eight subjects who were registered to vote in the November 6th, 2012 general election while under sentence for a felony conviction. We presented the case on October the 21st board meeting and Carlton Muldrow (phonetic) was present at the time and was dismissed by the Board for having gotten his life together and straightened out. Anthony Smith's (phonetic) mother, Annette Smith (phonetic) was present at the board meeting representing her son and indicated that he was a participant in a program called WECARE. The Board had interest in returning the case to investigations to determine if any of the other people that are involved at that particular health facility was involved with the WECARE program. We made attempts for the remaining six individuals to contact them to ask them that question about their involvement in WECARE. We were able to talk with four of those individuals who told us they were not involved in the WECARE program. Out of the original eight subjects we were able to determine that only one was involved in the WECARE program but that all were under felony conviction sentence at the time of voting.

We recommend that the following individuals be bound over to the AGs office for the listed charge and that is Sheron Crowder (phonetic), Ronald Foster (phonetic), Salita Austin (phonetic), Anton Frazier (phonetic), Joseph Musa (phonetic), Clifton Bets (phonetic) for voting under a felony sentence. We recommend a letter of instruction be issued to Anthony Smith (phonetic) for that same violation. Mr. Smith is currently under close supervision of his mother and Mr. Smith was a participant in the WECARE program.

MR. SECRETARY: Alright. Mr. McIver?

MR. MCIVER: Mr. Lewis, has any of these folks requested or sought restoration of their rights and that they were granted?

MR. LEWIS: No, sir, not that I know of.

MR. WORLEY: I had a question.

MR. SECRETARY: Mr. Worley?

MR. WORLEY: Mr. Lewis, we dismissed Mr. Muldrow's case?

MR. LEWIS: Yes, sir.

MR. WORLEY: Could you explain why his case would be different than Mr. Smith's and why you are recommending a letter of instruction instead of dismissing this?

MR. LEWIS: We recommend the letter of instruction because he did show up and voted. We are open to any other suggestion the Board would have on that. That was the violation that occurred and as I said, he is under close supervision of his mother to keep those kind of events from happening in the future.

MR. SECRETARY: So did Carlton Muldrow vote?

MR. LEWIS: He did.

MR. SECRETARY: And we have dismissed that case?

MR. LEWIS: Yes, sir. He was the gentlemen that showed up at the last meeting.

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

MS. DRUMGOLE: My name is Annette P. Smith-Drumgole (phonetic) now. My address is 4418 Pipemaker bluff, Douglasville, Georgia 30135. I represent my son Anthony L. Smith, Jr. At the time, Anthony was in a program called WECARE but he also attended a day program called Viewpoint. Viewpoint was a program that was supposed to help rehabilitate Anthony through Cobb County Superior Court, which he was sent there due to domestic violence but he was under the care also of mental health. At the time that he was sent to Viewpoint, viewpoint was supposed to help rehabilitate him, as far as domestic violence and anger management, mental health and parenting skills. At that time, that day, I was told that they had taken them all to vote and offered them the ride to vote and the WECARE program didn't even know that they had offered these gentlemen the opportunity to go vote. At that time, before Anthony went into the program, he already had a voter registration card. So once he got into the program and he is offered to vote he was like, well, I already have my card and at that time they went to vote and did what they had to do and later found out, like last year, when he came back home -- he was in the program from 2012 when Cobb County sent him, then he came back home last year of 2015.

By that time I had gotten married and my husband and I had agreed to try to help Anthony get back on the path of going and getting his life together.

I have a second son, which his name is Travis (phonetic). Anthony is thirty-three and Travis is twenty-three. I have been a single parent for twenty-six years. I worked for Fulton County superior court alcohol and drug treatment center and I worked for Cobb County Superior Court, with J. Stephenson. I now work at Delta Airlines. So I have been a committed parent and committed to abide by the laws of the land and I have never had a speeding violation or anything on my record. Just to give you a summary, I always told my kids never to want to come into the system. We never knew when Anthony was twenty-seven that he had a mental health condition and once we found this out we began speedily trying to get him some help. He is now on disability. We now make sure that the medicine and things are taken. He attends doctors and a psychiatrist and everything to follow-up. If Anthony had known at that time, going into that program, that he had no right to vote -- I didn't even know, working for J. Stephenson for four years, that a probationer didn't have that right. So once I got this letter in the mail I instantly called Mr. Russell's office and kept in touch with him. I changed my number recently and I gave him the number. I also went and followed up and what we did, went back to the probationer because Mr. Russell and them showed that he was still under probationer. So I have a letter here that the probation officer gave me to show that he has been cleared as far as his probation and all the things that he was supposed to do before he came home. Also I have a letter from the voter registration of Douglas County to show that he is a registered voter at this time. So we have been doing all the homework as much as I can, keeping up with me, in the last two years, overcoming breast cancer, my husband overcoming prostate cancer. So we do as much as we can to stay involved in this situation as far as Anthony and his life and doing what he has to do.

So I come today to represent -- coming from Douglas County this morning working a ten to six thirty in the morning shift, making sure that I am here to represent him and let them know that I am in pursuit of trying to get his life together and him helping as well. He is doing greatly now. We are just here in the hopes to get him released and get him back on the road to doing what he is supposed to do.

MR. SECRETARY: Thank you for being here. Could you give me your last name again?

MS. DRUMGOLE: Drumgole. D-r-u-m-g-o-l-e.

MR. SECRETARY: Alright, thank you Ms. Drumgole. Any questions for her?

I was just going to ask so when Anthony -- he was in the WECARE program and they took him to vote.

MS. DRUMGOLE: WECARE was the place where he resided in for three and a half years. The program that took him to vote was called--

MR. SECRETARY: Viewpoint?

MS. DRUMGOLE: Viewpoint health, yes. And the people that instructed him to do that at that time is no longer with the program.

MR. SECRETARY: So that is not something that he willingly went to do?

MS. DRUMGOLE: They offered him the opportunity and Anthony was used to -- although from twenty-seven up until now he was always used to voting still, you know, and we still discuss politicians and everything else and he says today on the way here, he says, mom, I will be able to vote again if they release me today. He still has that drive and the desire to do right and to get back on track.

MR. SECRETARY: Thank you. Any other questions? Mr. McIver?

MR. MCIVER: What a terrific mother you are. He is very, very lucky to have you.

MS. DRUMGOLE: I tell my kids that every day.

(Laughter from the gallery)

MR. MCIVER: Tell them to call me up and I will tell them.

MS. DRUMGOLE: Okay and I tell them all the time. My youngest one, he works two jobs and he goes to school full-time and he recently got a ticket and I said, I told him, you don't want to start getting in the system. You want to take your time and leave early like I do. If you know the day before, prepare three hours before to drive, to take your time to avoid other drivers. You have to prepare and that is what I have learned in my twenty-six years of parenting.

MR. MCIVER: Well that was a predicate to my question. I think I asked this last time but is Anthony here.

MS. DRUMGOLE: Anthony is here.

MR. MCIVER: I am very honored to see that he came.

MS. DRUMGOLE: He follows me. Every day we walk, we change our health. Due to this medical scare with myself we changed our eating, we do things differently. He comes to help out. He helps in the house and I tell him, you know, keep walking. Keep your health up, do this -- you know if we can cut down on the smoking. The drinking, he stopped because he knows that is a no tolerance for me. I don't do it and I am not going to ask you to do something that I don't do, so. We are working on the smoking thing.

MR. MCIVER: Thank you.

MR. SECRETARY: Anyone else?

(No response)

MR. SECRETARY: Alright, thank you, Ms. Drumgole. Appreciate you taking the time.

MS. DRUMGOLE: Thank you guys. I appreciate what you do.

MR. SECRETARY: Alright. Is there anyone else wishing to speak on this matter?

(No response)

MR. SECRETARY: Do we have a motion or any other discussion?

MS. SULLIVAN: I move that the case against Anthony Smith be dismissed and the remaining cases be bound over to the attorney general's office.

MR. MCIVER: Second.

MR. SECRETARY: Alright, Ms. Sullivan moves that we bind over everyone except for Anthony Smith and that his case be dismissed. Mr. McIver seconds it. Any other discussion?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, "aye".

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries. Thank you all again for being here today.

Alright we are going to move on to 2013-005, which is the Randolph County case, number twenty in our binder. Ms. Watson?

MS. WATSON: Yes. 2013-005 Randolph County. The complainant in this case is Mr. Bobby Miller (phonetic) and he reported that residents of a nursing home were voting absentee when many of them were mentally incompetent to vote and individuals were collecting blank ballots and taking them to a central location for completion. A second complainant also reported that she was unable to vote during early voting and was told that she had already voted. During the investigation we were provided the name of one individual in a nursing home that was alleged to have voted absentee when mentally incompetent. The election records indicate that the individual did not vote in the March 19th election and she has since passed away.

We were provided the name of four individuals that were reportedly collecting blank ballots for completion. Two of those individuals were located but there was no supporting evidence to substantiate the allegations.

Ms. Fulhurd (phonetic) reported that she was not able to vote during early voting and was told

she had already voted however the issue was cleared up by the election officials and she was able to cast her ballot.

During the review of the special-election documents there were several procedural violations discovered involving the absentee ballot applications and ballot envelopes. Two ballots were accepted and processed without the signature of an elector. The election office did not certify twenty-seven absentee ballots and write the day and hour of the receipt of the ballot on the envelopes and an election official used a list from a previous election to mail fifty-two absentee ballots to applicants without their requesting a ballot and without determining eligibility for the current March 9th, 2013 special-election. Poll workers failed to sign or initial the voter certificates of at least sixty-two electors.

The recommendation is to bind over Randolph County board of election and registration and Sandra Johnson (phonetic) elections supervisor to the AGs office for 21-2-386(a)(1)(c) safe keeping certification validation of absentee ballots for accepting two absentee ballots (indiscernible) for electors, 21-2-386(a)(1)(b) for safe keeping of certification validation of absentee ballots for failure to certify the ballot and write the day and hour of the receipt of the ballot on twenty-seven absentee ballots and 21-2-384(1)(2) mailing of ballots when fifty-two official absentee ballots were mailed to applicants without their requesting a ballot and 21-2-451(a) execution of voter certificates. Poll officers failed to sign or initial on at least sixty-two of (indiscernible) voter certificates.

MR. SECRETARY: Alright. Any questions for Ms. Watson?

(No response)

MR. SECRETARY: Hearing none, anyone else wishing to speak?

MR. RAULERSON: Mr. Secretary and Members of the Board, Kelly Raulerson. R-a-u-l-e-r-s-o-n, first name Kelly. My address is Post Office Box 71209 Albany, Georgia 31708. I come to represent the Randolph County board of elections and registration and Ms. Thompson (phonetic). Ms. Thompson furnished a response which I think has been furnished and I am presume y'all have it. I don't have a whole lot more to say than what has been said in that response back in that time. This was a special election held for the sheriff of Randolph County. The sheriff passed away and they had a special election. She was under the impression that since this was a general election and the same cycle that she could send out these ballots without people requesting them. She took the list, as I understand, (indiscernible) and sent them out and that is a violation, no question about it and she readily admits it.

As far as the certificates not being signed, I think there was a technical violation because those people voted and they were not deprived of voting. The same way on the certification of the absentee ballots. Those people voted and there is nothing to indicate that they were not allowed to vote. Since this has been brought to attention, there has been a lot of additional training and

we assure you that we will work with them to try to ensure that these things do not happen in the future. One thing to keep in mind, shortly before this the board of registration and board of elections were separate entities. Ms. Thompson was on the board of elections but was not quite as involved with the day-to-day elections operation as she was. She then became election supervisor when the merge occurred. So you can't say anything except it was errors and there was no intent to deprive anybody of the vote or direct the vote and I don't think there was any of us that anybody was deprived and we just would request that , if possible, a letter of instruction be given but if you refer it to the attorney general we will certainly work to try to ensure that these things do not occur in the future and I don't think they have since that time and this is 2013. With poll workers we know that even with the best of training some of the things do not get checked off as should. So we just ask, if possible, to get a letter of instruction but we will certainly try to make sure that these things do not happen in the future. Any questions?

MR. SECRETARY: Any questions?

MR. MCIVER: Did this have any impact on the election?

MR. RAULERSON: No, sir, it did not. I think that in that election for sheriff, gosh, he won by a hundred -- I think it was a hundred and fifty or something. You may know what it is. Tremendous amount. The guy that got elected had none whatsoever and these people, in fact, voted. I mean they were not -- nobody was deprived of voting or kept from voting. It was just that things were not necessarily done.

MR. SECRETARY: Do you happen to know how many of the fifty-two absentee ballots that were sent out, incorrectly were voted?

MR. RAULERSON: I don't know. I tried to go back and couldn't find the records. I think they did. A good many of them voted but I can't give you the number, one-way or the other. I tried to find that out.

MR. SECRETARY: Okay. That's alright. Any other questions?

(No response)

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

MS. FULFUR: I am Virgi Fulfur (phonetic), 244 East Railroad Street Shellman, Georgia. I just want to clarify, the complaint is incorrect as to how I voted. I did actually go vote. It was stated in this that I was not able to vote and then go back to vote. That is incorrect. I did go vote and it was fine. I work in the government center also with the election supervisor. She came over to my office and told me that I had already voted and there was a witness in the lobby because I was out talking with him and he also notified someone that she did, in fact, tell me I had already voted. I later went back to her and I said, when was this that I voted, she told me, it was February 26th. I was not in the government center for two and a half days. I was out sick the

26th, 27th and on the 28th, I was in court. I work for the division of child support services so I was in court on the 28th. I did not get back to the office until lunchtime. So therefore I wasn't even in the government center to have voted on the 26th. I later went back to her after I had made the complaint to the State and I said, can I see the signature card where I voted. You need to drop this. I didn't tell you that. You misunderstood it. No, I didn't. My witness also heard her tell me that I had already voted. So I just want to clarify that what is written in this complaint is incorrect as to how it actually happened.

MR. SECRETARY: So did you make a complaint?

MS. FULFUR: Yes.

MR. SECRETARY: And what was your complaint in regards to?

MS. FULFUR: The fact that she told me that I had already voted and I wanted it looked into. Did someone actually vote as me or is it a machine malfunction and then I also notified where the two ladies who have the same initials T.W., T.D.W., voted. There was some conflict there and it's also in this letter that I received from Mr. Lewis where they talked to one of those ladies.

MR. SECRETARY: But you were able to vote; correct?

MS. FULFUR: Yes.

MR. SECRETARY: Now, did you vote early or on election?

MS. FULFUR: I voted early.

MR. SECRETARY: Okay.

MS. FULFUR: And I also want it noted, in this last election that we had the first of the month, Ms. Thompson was helping an elderly lady vote and when the lady was pressing one Ms. Thompson told her, no, no, no that's not right, you want to do this one. She was trying to tell her which person--

MR. SECRETARY: Ms. Fulfur, that doesn't have anything to do with this case. Now, as I said earlier if you have another complaint you let us know and we will be glad to look into that too.

MS. FULFUR: Okay.

MR. SECRETARY: Any other questions for Ms. Fulfur?

MR. WORLEY: I had a question.

MR. SECRETARY: Mr. Worley.

MR. WORLEY: Ms. Fulfur, were you able to look at the signature?

MS. FULFUR: No, she did not provide it. She kept saying that I had misunderstood her, which I did not.

MR. SECRETARY: Any other questions for Ms. Fulfur?

(No response)

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

(No response)

MR. SECRETARY: So, Ms. Watson, do we have the allegation for Ms. Fulfur is in -- do we have that?

MR. RAULERSON: It's discussed in there but I don't think there is anything substantiated or anything. It's discussed in the report. It's not cited, Mr. Secretary, as one of the violations.

MR. SECRETARY: It's not cited?

MR. RAULERSON: No, sir.

MS. WATSON: Mr. Secretary, did you want to see the original complaint?

MR. SECRETARY: Sure.

MR. SIMPSON: What was the nature of the court proceedings regarding this special-election? The report says a court order was obtained for review of special-election documents.

MS. WATSON: That's an order to unseal the election documents and an order for the investigator to review it.

MR. SIMPSON: I'm sorry. I didn't hear you.

MS. WATSON: They came to superior court for a court order in order to unseal the election documents.

MR. SIMPSON: Who did that?

MS. WATSON: The investigator.

MR. SIMPSON: Okay, so we've got it done. Y'all got it done?

MS. WATSON: Yes, sir.

MR. SIMPSON: Okay. What did you determine about Ms. Fulfur's voting status? I mean this paragraph in here is confusing.

MS. JONES: I'm Pam Jones, investigator with the Secretary of State's office and I did this

investigation. Part of the original complaint was that Ms. Fulfur was told that she voted two times -- well had already voted when she attempted to vote. As it turns out from the interview with Ms. Thompson there was no documentation to support anybody voted for her or there -- it was just a misunderstanding as far as Ms. Thompson was concerned. She had put a check mark on the list that somebody voted but it was the wrong name. So Ms. Fulfur was able to vote. Mr. Simpson, what was your question?

MR. SIMPSON: Well, this says that, about Ms. Wiley (phonetic) was a registered voter but was not listed on the active list and was told she was not allowed to vote?

MS. JONES: There were two people that Ms. Fulfur alleged to have the same name and the middle name being different. When I researched the names I was not able to find a Tiffany Drew Whatley (phonetic) listed anywhere in the database nor any other search engines that I used. I did contact Tiffany Devane Whatley (phonetic)--

MR. RAULERSON: Excuse me, Mr. Simpson. I think you are getting confused a little bit because they're unrelated to Ms. Fulfur's name. The top of the second page there's a report with Ms. Fulfur that she was allowed to vote. Now, did you say you were --

MS. FULFUR: I did vote.

MR. RAULERSON: She did vote. (Indiscernible) and all this other stuff has got nothing to do with her. She was initially told she had voted but she went back and she was allowed to vote. So there is nothing there.

MR. SIMPSON: Well, what about Ms. Whatley, I don't see anything in the complaint that mentions Ms. Whatley?

MR. RAULERSON: No, there is nothing -- I mean that is not a...

MR. SIMPSON: Well, why is that in the report?

MS. JONES: That was information that Ms. Fulfur provided when I spoke with her initially.

MR. SIMPSON: But we don't have any recommendation or status on that?

MS. JONES: There was no violation related to that information.

MR. SIMPSON: Ms. Whatley stated she completed a provisional ballot but it wasn't found.

MS. JONES: Later on with this investigation, we determined that this was the transition period for annex from the old election system to the new system so there was a lot of data that didn't get transferred over to ElectionNet for whatever reason and it couldn't be determined what happened. When I say that, I meant voter credit. A lot of the voters that voted in that election, don't show up in the databases, haven't been given credit for voting and we couldn't determine why. They

said it was a transition issue to the new system but Ms. Whatley did complete a provisional ballot.

MR. RAULERSON: Ms. Thompson, correct me if I am wrong, cooperated fully with Ms. Jones and the investigation, so, she was not trying to hide anything whatsoever. You mentioned about having to go to court to get the records. Those records are sealed. I had to go to superior court in order to get them and they did get them. So that was responding to that question.

MR. SIMPSON: Yeah, I just saw there was some contest concerning the election and that's why there was a court order.

MR. RAULERSON: Those records have to be sealed. According to law, after the election, they put it in the Superior Court Clerk's Office and the State Election Board's investigator or us, we have had to do that, if we were trying to defend the judge signing an order to let us look at it.

MS. JONES: Yes, sir.

MR. SIMPSON: I just didn't understand that. Thank you.

MR. SECRETARY: Anyone else wishing to speak?

(No response)

MR. SECRETARY: Any other questions for Ms. Jones or Ms. Watson?

(No response)

MR. SECRETARY: We have a recommendation to bind over. Do we have any other discussion? Motion?

MR. MCIVER: I move that we bind over.

MR. WORLEY: Second.

MR. SECRETARY: Mr. McIver moves to bind over. Mr. Worley seconds. Any other discussion?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, "aye".

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries.

I tell you, it is a little after noon, so, why don't we break for lunch and we will start back right at one o'clock. We will break for lunch and come back at one o'clock.

(Recess at 12:02)

(Reconvene at 1:00)

MR. SECRETARY: Welcome back everybody. We will reconvene our March 23rd State Election Board meeting. Next is SEB 2013-040, the City of Leslie and Sumter County, which is number twenty-one in our binder.

Ms. Watson.

MS. WATSON: The City clerk for Leslie (indiscernible) reported that a candidate repeatedly entered the early voting place even after he had been given instructions from the elections superintendent. The investigation revealed that the candidate for mayor, Ms. Linda Cobb, (phonetic) entered the polling place on three occasions to handle personal business and also went with her husband to vote. Ms. Cobb advised that she did go in to handle personal business but does not recall anyone being present to vote or telling her she could not be inside the City Hall during election. It was verified that the City clerk had advised the City Council Members at a council meeting prior to the election that candidates could not come into City Hall unless they had official business. It was verified that Ms. Cobb was present for that meeting.

The recommendation is to refer to the AGs office Linda Cobb for 21-2-414(b) prohibition of candidate from entering certain polling places.

MR. SECRETARY: Any questions from the Board for Ms. Watson?

(No response)

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

MS. COBB: I am Linda Cobb, 106 South Kemp Street, Leslie, Georgia. I did go into City Hall. I was not aware that, business, meant only official business. It was personal business. I made some copies, I sent some faxes and at one point I got Ms. Newcomb (phonetic) to notarize some papers. There was nobody in City Hall that voted in the times that I was there. There was no intent in doing anything wrong. I was just not aware that, business, meant only City business and I hope that you would take that into consideration. It was just human error.

MR. SECRETARY: Any questions for Mayor Cobb?

(No response)

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

MR. SMITH: Good afternoon, Mr. Secretary, Board Members. Bob Smith, 173 Lakeview Drive Collins, Georgia 31735. I would just like to speak on behalf of the City itself and first would like to say, thank you for hearing each and every one of us on this thing.

City of Leslie -- I just wanted to kind of expand out a little bit on this thing. The City of Leslie totals one point five square miles. You could throw a rock almost and hit somebody from one end to the other. Most of us there wear many hats. City Hall was actually -- that was the first time that our City Hall had been designated as an early voting place. We used to have the elections at a civic center which was away from City Hall and during this time -- during early voting there was several instances where, not only Mayor Cobb had came by or came in front of or went by or went by the end of the street or come by in front of the City hall itself, there were other members of the council that -- it's just inevitable when these things go on since it is such a small community. I have been down there since 2005 with law enforcement, since 2008 as chief of police. I have seen the law of elections take place and go forth but, I think, that in my personal opinion and I am just sharing my opinion here, that when we get everybody crowded into a small place and trying to conduct business in a small town, which that office is used for many things. It is the water office, it is the City Clerk's office and at that time was being used for the early voting for elections office. I think my biggest thing we would look for as law enforcement is whether or not there was any criminal intent that went on during that time, in my personal opinion and I would like to share it and say, no. I think if the Board would consider a letter of correction and what not. Mayor Cobb is no longer mayor. That has moved on and we actually have a another person now that is also an election supervisor or superintendent. I am not sure what the official call for that would be. So I think in a technical violation, from what Ms. Newcomb had reported, that probably, yes, by letter of that. We do have the technical violations but to get in any deeper into that to see if there was anything as far as a criminal attempt or wrongful violations to persuade early voting, it would not have gone on in that time. It would not have. Thank you very much.

MR. SECRETARY: Thank you, Chief.

MR. MCIVER: I have a question.

MR. SECRETARY: Mr. McIver.

MR. MCIVER: Does the City continue to run the elections?

MR. SMITH: Yes, sir, we do the local elections. That is correct, sir. There has been changes made now that going forward -- there has been discussions about early voting, that it would not be held in City Hall any longer, that a part-time city clerk could actually come in and fill-in, in the City Hall where the early voting could take place in an offside location whereas the mayor and council members, as needed, could still conduct business in City Hall whether it be personal or city business.

MR. MCIVER: When you say there have been discussions, can you tell me where the next city election will be?

MR. SMITH: We have a municipal building that's two doors down and that would probably put

it in violation of the -- I'm not sure what the specific -- maybe I should be well versed on the hundred and fifty -foot rule maybe as far as being able to get near a polling place but we still do have access to the civic center. We still have access to the municipal building where we hold court. It is actually located at 111 Commerce Street and City Hall is actually numbered 115 Commerce Street a few doors down so you would not interact with anybody that may be in the voting place for early voting. In fact, the early voting and the -- and Ms. Newcomb is here. She can tell you further on that. The actual regular voting did not take place in the City Hall. It actually took place in the municipal building during that election. Only the early voting had took place in the current City Hall.

MR. MCIVER: See, our journey here is toward solutions.

MR. SMITH: Yes, sir.

MR. MCIVER: So it occurs to me there's a solution here.

MR. SMITH: Absolutely.

MR. MCIVER: I am not hearing that it is being effective. Will it be effective?

MR. SMITH: Yes, sir, and--

MR. MCIVER: It is not your prerogative; is it?

MR. SMITH: No, it is not. I've watched a lot of these come and go, a lot of clerks come and go, a lot of employees come and go. I've worked for five different mayors now. Three, two twice and we will not hold any more early voting in the City Hall where city business needs to take place. People pay citations there, people pay water bills there, our city clerk in which Ms. Newcomb was our city clerk, she is our clerk of the court. She was actually our election supervisor. She read water meters. She wore many hats and when we, as a city, hold early elections or early voting in the City Hall, it kind of cripples some of the business that the day-to-day operations may need to go forward. So, therefore, the early voting will no longer be held in our City Hall.

MR. SECRETARY: Alright. Thank you, Chief.

Anyone else wishing to speak?

MS. NEWCOMB: Kelly Newcomb, 1832 Middlebrook Road, Americus, Georgia. Ms. Cobb and her husband came in to early vote then she came in -- the second time she came in for personal business that is when I advised her that she could not be in for early voting. That was on a Friday. The Monday morning her and her husband came back into the office to have something notarized and witnessed by one of my poll workers. I did notify before early voting started to all of the city council persons. I had a camera to go down, Chief Smith escorted the I.T. guy in and kept him in the closet while he fixed the camera so that he would not be open to

anybody coming in. When he got finished with the camera he walked out and the Mayor came in and signed the paychecks and did payables after early voting was finished for the day. That is all I have to say.

MR. SECRETARY: So, after you advised the Mayor, at the time, not to be in there, she came back to get something notarized?

MS. NEWCOMB: Yes, sir. Her and her husband were selling their home and she had to get me to notarize the sale of the home and get one of my poll workers to witness her and her husband's signature.

MR. SECRETARY: So why did she have to get the poll worker to notarize it?

MS. NEWCOMB: It was a witness. I notarized it and my poll worker witnessed it that following Monday.

MR. SECRETARY: So in your eyes was that a violation?

MS. NEWCOMB: Yes, sir, after I had told her not to come back in.

MR. SECRETARY: Well, why wouldn't you have just said, you need to go somewhere else to notarize it?

MS. NEWCOMB: Because she was one of my bosses at that time that needed something notarized.

MR. SECRETARY: Okay.

MS. NEWCOMB: And there was one other place in the City of Leslie that she could get something notarized fast and the police department has a fax machine. There is a lady over at Citizens Telephone that is right within walking distance that notarizes stuff. I have to get her to notarize stuff because I can't notarize my own.

MR. SECRETARY: Right. Alright, thank you. Any other questions?

MR. WORLEY: Yes, I had some questions.

MR. SECRETARY: Mr. Worley.

MR. WORLEY: You said that after she voted she came back and did some personal business?

MS. NEWCOMB: Yes.

MR. WORLEY: What kind of personal business?

MS. NEWCOMB: She came in and said that she had some IRS problems -- that she owed the IRS money. She had made phone calls, she faxed, she made copies of some stuff. She told

everyone in the office about her IRS problems.

MR. WORLEY: And you are the person who filed the complaint in this case?

MS. NEWCOMB: Yes, sir.

MR. WORLEY: Did you file that after the election was over?

MS. NEWCOMB: No, sir, it was in October. It was right after the violation took place.

MR. WORLEY: So she was your boss and you were uncomfortable telling her that she couldn't do it but you didn't have any problem while she was still your boss filing a complaint against her?

MS. NEWCOMB: She was a councilperson at the time and when I was the election superintendent I was not working for them at that time during the election part.

MR. WORLEY: Okay.

MR. SECRETARY: Any other questions for Ms. Newcomb?

(No response)

MR. SECRETARY: Thank you for being here.

MR. SMITH: Mr. Secretary, may I re-approach?

MR. SECRETARY: Yes. Let me see if anybody else -- anyone else wishing to speak?

(No response)

MR. SECRETARY: Alright. What you got, Chief?

MR. SMITH: Bob Smith, 173 Lakeview Drive, Collins, Georgia 31735. Mr. Secretary, I would just like to do a couple of clarifications. About the escorting the I.T. guy to the service closet to where Ms. Newcomb had made reference that I escorted him in. He was actually a candidate on the elections. He was a city councilperson but he did I.T. work. So I just wanted to clarify, you know, it kind of seemed to me like, why would he just escort an I.T. guy in during early voting. That's why I went in with the I.T. guy but I actually left the I.T. guy there. The only other thing I would like to just kind of put out there to Mr. Secretary and to the Board, is that the charter for the City of Leslie states that the department heads actually report to and work for the Mayor. They are supervised by the Mayor and the council as a whole. They do not work for any individual council members and we at that time Ms. Cobb was not the mayor and was not the direct supervisor of Ms. Newcomb at that time until after the election had took place. I just wanted to clarify a couple of things on that.

MR. SECRETARY: Any questions for the Chief?

(No response)

MR. SECRETARY: Thank you.

MR. SMITH: Thank you, sir.

MR. SECRETARY: Alright, anyone else?

(No response)

MR. SECRETARY: Any discussion from the Board? Motion?

MR. WORLEY: Just under discussion. Haven't we had cases in the past where elected officials who worked in the county courthouse that have had to go into the courthouses during early voting to perform their work?

MR. SECRETARY: Yes, one involved the sheriff.

MR. SIMPSON: I think we're probably fixing to draw a pretty fine distinction here. She said that she was not going into the voting place on business but it was personal business so I think that is a very fine distinction. I mean, if she was trying to get a deed signed and witnessed and notarized and faxed off to somebody connected with the sale of her house, I have a hard time saying that wasn't a legitimate reason to be in there just like a businessperson. I think that's a real fine distinction. So I just like for us to consider that when we make a motion.

MR. SECRETARY: Alright. Anybody else?

(No response)

MR. SECRETARY: Do you have a motion to go along with those thoughts?

MR. SIMPSON: Well, I would move to dismiss the case or issue a letter of instruction. I think she understands now what the problem is and you are not the Mayor any longer and so I tend to want to move to dismiss this. In fact, I guess, I ought to say I move to dismiss it.

MR. SECRETARY: We have a motion to dismiss. Do we have a second?

(No response)

MR. SECRETARY: That motion fails for lack of a second. Do we have another motion?

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

MS. SULLIVAN: Second.

MR. SECRETARY: Alright. Mr. McIver moves for a letter of instruction. Ms. Sullivan seconds. Any other discussion?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, “aye”.

(Whereupon the vote is unanimous)

MR. SECRETARY: All opposed same sign and that motion has carried.

Alright, Ms. Watson, we are on to 2013-042 the City of Keysville-Burke County.

MR. WATSON: In this case Claudia Lanhan (phonetic) reported that a voting machine malfunctioned and the votes from the machine were not retrieved in the November 5th, 2013 City of Keysville municipal election. The investigation shows, the City of Keysville utilized two lever-styled voting machines during municipal election. The poll worker stated one of the machines malfunctioned during Election Day, which shut down for the remainder of the day. Election workers were re-recording the votes cast from the malfunctioned machine. They inadvertently recorded four votes cast for Ruby Rucker (phonetic) instead of the fourteen the machine had indicated. Ms. Rucker was shorted ten votes.

The review of election documents showed that the election superintendent Eunice Cegill (phonetic) failed to enter the date the ballot application was received as well as to prepare the identifying information and the signature or marks of the electors on the voter registration cards for twenty-one absentee ballot applications and ballot envelopes. Fifteen of those were not signed or certified. Forty-four absentee ballot envelopes were received via mail and during early voting were accepted but not properly signed or certified, three absentee ballot envelopes were accepted without an address or other required information. The investigators identified eighty-eight voter certificates with various issues such as no signature of the elector, the voter certificates did not have a poll officer’s signature or initials and the type of identification box, not checked.

The recommendation is to refer Eunice Cegill (phonetic) the city clerk’s election superintendent be bound over to the AGs office for 21-2-381(b)(1) determination of eligibility by ballot clerk when she failed to compare the identifying information and signature mark of twenty-one absentee ballot applications to the information and signature mark on the voter registration card and failed to enter the date the ballot application was received on the application. 21-2-381(b)(2) determination of eligibility by ballot clerk when she accepted fifteen absentee ballot applications without certifying them by signing the proper place on the application, fifteen counts. 21-2-386(a)(1)(b) certification invalidation of absentee ballots, when she failed to write the day and hour of receipt for certification on forty-four absentee ballot envelopes, when she received them via mail and or during the advanced voting period. 21-2-386(a)(1)(c) certification and validation

of absentee ballots when three absentee ballot envelopes were accepted from electors, who provided no street address at all or failed to furnish required information on the ballot envelopes. 21-2-451(a) execution of voter certificates when she failed to enter the number of the stub of the ballot and or the number and order of admission to the voting machine on the voter certificate she approved for sixteen electors and poll workers under her supervision failed to sign his or her name or initials on the six voter certificates. 21-2-455(b) canvass and return of votes when elections personnel failed to properly check the voting machine count before the number was recorded on the tabulation document sheet. 21-2-589(2) willful admission by poll officers, when she failed to record voting information, type of identification box, voter signature, residence of address on the voter certificate of two electors and also refer poll worker Roxy Russell (phonetic) to the AGs office for 21-2-451(a) execution of voter certificate when she failed to enter the number of the stub of the ballot and or the number and the order of admission to the voting machine on sixty-five voter certificates. 21-2-589 willful admission by poll officer when she failed to record voting information on the voter certificate of six electors.

MR. SECRETARY: Alright. Any question for Ms. Watson?

(No response)

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

MS. CEGILL: Good afternoon, I am Eunice Cegill (phonetic) and my address is 2160 Faircrest Avenue Augusta, Georgia 30906. I know those things happened. I did not want to do this election because I didn't feel that I was adequately trained. I had done the election some years back and I let the council know that I did not want to do it but the Mayor -- it was a very important election coming up and they didn't give me a choice so I went on with it and all the ballots, absentee, early voting was done in City Hall. I run the City Hall. I do everything that is done in there. It was a one-girl office, trying to do that and carry on the daily business of the City and of course, I can't believe those things happened but I know they did. I am here to accept responsibility because I was the superintendent of elections.

MR. SECRETARY: Thank you for being here, Ms. Cegill. So you are not in that role currently?

MS. CEGILL: No, sir. I am retired as of 2014.

MR. SECRETARY: So, who is running the City elections?

MS. CEGILL: I have no idea. I don't know if they have anyone but I know they need training, they need up to date machines. Those machines are as old as me that they are using with the crank in the machine.

MR. SECRETARY: Is that the old lever machines?

MS. CEGILL: Yes, sir, and Mr. Leroy Daniels (phonetic) ran the machine. I don't know anything about the machine and it did jam. He went to the other machine and then when we took the total off he forgot to take -- the machine that broke down -- he didn't take the right number from that machine however, it shorted one of the candidates about ten votes but overwhelmingly the Mayor won sixty-nine votes to twenty-eight.

MR. SECRETARY: Is there anyone else from the City here today that you are aware of?

MS. CEGILL: No, I am the only one here.

MR. SECRETARY: Are they aware of this case?

MS. CEGILL: They are aware. I have spoken with the Mayor but since my name was on here, I decided to come and try to see what I can do, you know.

MR. SECRETARY: I certainly appreciate your willingness to show up and take responsibility. I know, speaking for myself, as a member of Elections Board, we want to make sure the City understands the seriousness of these violations so going forward this doesn't happen again.

Do you think they are aware of that?

MS. CEGILL: I believe they are and I didn't -- well, I talked with the Mayor and I said since my name was on here that I would just come and see what I could do since I was involved and I was the elections superintendent at the time and I would inform her what we need to do going forth. I don't know if they have anyone. They've had a change of administration just this year. They just had an election. The person who ran that election doesn't work there anymore so I don't know who they have now.

MR. SECRETARY: Okay. Did anybody have any other questions for Ms. Cegill?

(No response)

MR. SECRETARY: Thank you for being here, ma'am.

MS. CEGILL: Thank you.

MR. SECRETARY: Is there anyone else wishing to speak in regards to this matter?

(No response)

MR. SECRETARY: Ms. Watson, your recommendation was to bind over, I guess, Ms. Cegill and Roxy Russell (phonetic) but would that be including the City as well or just the individuals or maybe, Chris, can you...

MS. LEWIS: By extension, it should also include the City even though they weren't listed, particularly, as the respondent. They are the entity in charge of these elections.

MR. HARVEY: Normally that's what would happen, the City would be listed as the respondent and would be included.

MR. SECRETARY: Have we noticed the City?

MR. LEWIS: No, they're not.

MR. SECRETARY: Perhaps it would be good to send this back and let us notice the City because I hate to put Ms. Cegill through this all by herself especially since she is not the superintendent anymore. Would the Board have an objection with that?

MR. WORLEY: I think that is the best thing to do.

MS. CEGILL: I still would like to be involved, you know, in whatever the outcome of this because I still care about the City even though I don't work for the City. It is a small rural town with about three to four hundred people and they need lots of help and I am willing to do what I can to try to help them along, if I can. So I don't mind coming back if you want to get the other officials of the City to come and respond. Whatever you want I will be willing to help.

MR. SECRETARY: Thank you for that. Well, we will pull this off the agenda and send it back and notice the City and take this up at our next meeting.

Was there anyone else that's here? I just want to make sure I don't miss anybody that wanted to speak regarding this.

(No response)

MR. SECRETARY: Again, thank you Ms. Cegill for being here today.

MS. CEGILL: Yes, sir.

MR. SECRETARY: Alright, number 2013-043 City of Willacoochie .

MS. WATSON: In this case there were eight different allegations regarding the November 5th, 2013 general municipal elections. While we were unable to substantiate allegations such as during early voting there was only one poll worker and that three electors applied for absentee ballots but never received them and that councilman Glen Joyner (phonetic) had two residences with one of them being in Berrien County. The investigation did reveal concerns with the following allegations and issues. The name of candidate Jenny Nelson (phonetic) was misspelled on the ballot. Witnesses confirmed they were contacted just outside the polling location within the hundred and fifty no campaigning sign by Barion Fudge (phonetic) in order to prompt them to vote for Jenny Nelson. Other findings identified in the investigation include election supervisor Lorraine White (phonetic) failed to deliver election material to the city clerk after the November 5th, 2013 general, municipal and special election. and Atkinson County board of commissioners terminated Lorraine White after the November 6th, 2012 general

election and closed the election office. When the new county commissioners were sworn in January 2013 they hired Lorrain White back and opened the elections office.

The recommendation is to refer to the AGs office Atkinson County, Atkinson County board of elections and registration for 21-2-215(c) main office of board of registrars business hours, in that, the election office was closed for the entire month of December 2012 and Atkinson County board of elections and registration and elections supervisor Lorrain White for 21-2-383 printing and safe keeping of ballots and labels by superintendent for having misspelled a candidate's name and for 21-2-390 delivery of election materials to clerk of superior court or city clerk after primary of election, in that they failed to deliver all required documents to the city clerk upon conclusion of the election and Barion Fudge for 21-2-414(a)(1) restriction on campaign activities when he was within a hundred and fifty-feet of polling precinct when he asked electors Johnny Rogers (phonetic) and Hershey Rogers (phonetic) to vote for his niece, Jenny Nelson on Election Day as they were walking up to the polling precinct.

MR. SECRETARY: Mr. Lewis, did we grant a continuance to Mr. Fudge?

MR. LEWIS: I never heard back from his attorney. I don't know if she is here.

MS. CARVER: I am here and I talked to Mr. Fudge. He is unable to be here. I have a letter if you-all need it but he said--

MR. SECRETARY: No, that is good. I just wanted to make sure -- I know that had been discussed and didn't want to go through all that if that was the case. Alright, any questions for Ms. Watson?

(No response)

MR. SECRETARY: Anyone else wishing to speak?

MR. HALL: My name is Gary Hall (phonetic). I am from the City of Willacoochie. My residence is 40 Jerryhall Road, P.O. Box 201 and it is 31650. I was a candidate back then, as a matter of fact, 2011, '13 and '14. At this point in time, Barion Fudge, he was up there talking to people who were going trying to vote and he was also doing just like hindering because Mr. Rogers -- Johnny Rogers (phonetic) he was trying to help his father which is Mr. Hershey Rogers because he was on a walker. He was trying to get him into the poll and Mr. Fudge was like hindering him and talking to him for probably, like, eighteen to twenty feet from the doorway.

MR. SECRETARY: What was he talking to him about?

MR. HALL: Mr. Rogers stated that he was trying to get him to vote for his niece.

MR. SECRETARY: Did you hear that?

MR. HALL: No, Mr. Rogers spoke to me and also he told Mr. Archie, the investigator.

MR. SECRETARY: Alright any questions for Mr. Hall?

(No response)

MR. SECRETARY: Thank you for being here today. Anyone else?

MS. CARVER: Good afternoon, I am Brenda Carver (phonetic). My address is Post Office Box 1276, 54 South Main Street Pearson, Georgia. I am the attorney for the City of Willacoochie. I want to state that I am the attorney for the City of Willacoochie and I was also the county attorney at the time of this election, so, if any of the Board has any questions specific to any of the other allegations I might could shed some light on what happened and what was going on in that regard and would be glad to answer any questions that you may have.

I would like to speak first as to the allegations regarding Mr. Fudge. Chairman Fudge was not able to be here today. He's had a lot of heart problems here lately. He recently had neck surgery Tuesday the 15th so he is sorry he can't be here today to talk to the Board and answer any questions that you may have. Mr. Fudge doesn't remember whether he did this or not but he does, I think, but I talked to Mr. Lewis -- is that right? And he says that he does admit to doing that and if he did -- I was there that day and I am sure Chairman Kemp can verify the fact that Atkinson County has been the hotbed of political election contest recalling back -- Mr. Archie has been in Atkinson County probably more times than he wants to. There were allegations that some things were going on that day. I went down to City Hall that day. There had been a turnover in the board of elections therefore there were a lot of new poll workers. In fact, the person that had always been head supervisor of the Willacoochie polls was not there that day. He was familiar with who to get in contact and lock the doors and stuff after the polls closed. He knew everything. They had a new manager that day. I was standing out talking to Mayor Fudge because as you hear, a lot of these small communities say, when you have a polling place at the City Hall city business is kind of gone for the day and I couldn't fax him or email him what I needed to talk about. I was there that day to discuss some documents with him. We were standing there. He was outside of the polling area. The polling manager for the poll that day contacted him and asked him to come in to the poll. He had voted early that morning like at seven o'clock. I asked him to come into the poll. He walked into the poll. He said I need this locked at seven o'clock. He said here is the man that can be here to do it, gave him the number and he said I probably won't be here, left and I think on his way out he did see somebody and he could have possibly said something to them. My point to the Board is it wasn't like he was actively campaigning at the door or the poll. I mean he wasn't there all day. They had called him in there to ask him a question and he went in there to answer their question and to help them in any way he could. He wasn't on the ballot for any position, his niece was. Mr. Hall ran against his niece to sit on the city council and Mr. Hall won the election. So my statement to the court is that there was no harm created by what happened. Should he not have done it, I am sure but I mean I feel like it is kind of one of those things when you answer the phones all day long with your work -- This is Ms. Brenda Carver, attorney at law can I help you or whatever. It was

just kind of -- he slipped out and said it and I don't think he actively meant to do this.

I would like to state that Mayor Fudge was first elected to the Willacoochie City Council in 1977. He was elected mayor in '78. He served as mayor until Governor Zell Miller hired him to be an executive director of the Georgia Environmental Agency and he was over that and then later he was executive director of the South Georgia Regional Development Authority and after he retired from there he ran for mayor again in Willacoochie and won and he resigned as mayor of Willacoochie to run as chairman of Atkinson County in which he now serves in that capacity to this day. I say all this history to say that this is a man who served his hometown, his home county and his state honorably for almost forty-years in this capacity and I really feel like a letter of instruction, if you feel the need to do anything, would suffice.

I don't know if y'all have any questions about anything that happened with the county. I will state I think -- we had a lot of issues. At that particular time we had the chairman of our local election board was an attorney and he ruled that election board with an iron fist and we had problems -- and not just me as a county attorney. I was county attorney at this particular time but other county attorneys, if they said something, which there is a legal advisor for the county election board, he would override and he would say this is the way it is going to be. So I really think that was a lot of Ms. White's issues. She was listening to his instruction to her detriment and, in fact, I think her statement was that he had told her there was no storage. So he resigned, I think, between the primary election and the general election in November, dumped everything on her. She was new to the job and, in fact, I think, I actually called Linda Ford at your office because I think we had some deadline issues that she had not met and we were trying to get everything done and as I told you personally, Linda Ford is fabulous. I mean she has a wonderful staff and you should be very proud of that. So I think she is also someone who a letter of instruction would be beneficial, as well, because I don't really think she also intended to do anything ill or improper. I think she had been listening to the prior chairman and then when he didn't inform her or help her figure out some deadlines he resigned and left it with her to kind of take the brunt of the blame for it all.

MR. SECRETARY: Ms. Carver, can you help me understand why the elections office was closed? Sounds very concerning for somebody that may have been wanting to register to vote or other issues.

MS. CARVER: I mean, I guess, I am okay to go into this. There were huge issues and I don't know how to explain. We were really trying to investigate what had gone on. During the time--

MR. SECRETARY: Let me ask this before you get into all that. Are you representing the county now?

MS. CARVER: No, sir, I do not. I mean, I just said if I can help in any way I would be glad to help but what is disconcerting of all, is the whole time that this person served as chairman of the county election board, when we got to digging and looking, because county attorneys of small

counties don't act like great big brother. We only go look in stuff when there is a problem. We go to looking and they have not had minutes of a single meeting the whole time. There were a lot of problems that we were trying to figure out what was going on.

MR. SECRETARY: I don't want to put you in a bad spot if you are not representing the county. Is there any questions for Ms. Carver regarding Mr. Fudge or any of the issues regarding that?

(No response)

MR. SECRETARY: All right thank you for being here.

MS. CARVER: Thank you, sir.

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

Yes, sir.

MR. OHARA: Reverend Larry Ohara. 1326 Roosevelt Street Waycross, GA. When I was district coordinator for the NAACP in the area I was called upon to go down there to help investigate and try to make sure that the election went good over in Atkinson County because that is one of my districts. However I noticed -- I can go back to 2011 when Mr. Hall and Mr. Fudge was running neck and neck for the mayor position and after every election there is always a bunch of mess over there in Atkinson County when they have it. So I would call the Secretary of State's office to ask them to investigate and I went online to do it and one would win by one vote, two votes or whatever and so it was always really close. There have been times over there when they went to court and some of their votes was taken away from one or the other. So this been going on since 2011 and what I am going to say now is, there is something going on over there regardless of what anybody says. I been noticing this since 2011. It was a lot going on over there and I don't even believe they even touched a small percentage of it. I really don't. The last time they had an election and I went over there and a lot of people didn't like it because I wore my NAACP credentials and they didn't like the idea that I was sitting there watching and asking questions, who is this and why did this one go in there with that one and whatever. They didn't like that but I didn't care. All I wanted was that the election was done fairly and from what I've seen I don't think that election has been run fairly since I have been over there investigating and that is my view of it because that is what I saw.

MR. SECRETARY: Any questions for Reverend Ohara?

(No response)

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

MR. ALLEN: My name is Roscoe Allen, Jr. I live at 765 East Commercial Road in Douglas, Georgia. Well, in 2014 I subpoenaed folks in the middle of election on behalf of Mr. Gary Hall (phonetic). I have subpoenaed people that live in (indiscernible) Georgia that don't even live in

Pearson or Willacoochie that voted in this election. I subpoenaed people in Pearson, Georgia that don't even live in Willacoochie that voted in the election. Like Ohara said, it is a lot of problems down in Willacoochie with this election board. I am telling you. I couldn't believe it. I mean I subpoenaed over twenty-five or thirty people that voted illegally that don't even live in Willacoochie. That was what I was telling you earlier, something got to be done. It is a bad situation. I am telling you and I don't think it is fair and right, this same situation every time Mr. Hall run for mayor of anything it's always a big problem in Willacoochie dealing with this election board always and I am serious about it. I have subpoenaed people and I just couldn't believe what's going on down in Willacoochie. I am saying, I just couldn't believe it and I am asking, y'all listen and please, please do something about this here. I am very serious. If y'all can please that is all I'm asking y'all. Just want to do what is fair and right by, that is all. Thank you very much.

MR. SECRETARY: Thank you. Alright, Ms. Carver?

MS. CARVER: I hate to take a lot of time to belabor this. Brenda Carver, Post Office Box 1276, 54 South Main Street, Pearson, Georgia 31642. Let me say very quickly about this. There have been fair elections in Atkinson County and particularly the City of Willacoochie. They were very close elections, which often happens in really small communities. Mr. Hall filed an election challenge against Mr. Fudge when he ran against Mayor Fudge. That election challenge he was represented by an attorney that was heard by Judge Altman from the Southern Judicial Circuit and his election challenge was thrown out and this was not done on argument before the court, this was done after over a day of witness testimony. So all the people that he claims had information about impropriety were heard by Judge Altman that day.

Now, this last election in 2014 where he ran against Sammy Newsome (phonetic) our present mayor, he also filed an election challenge and that also was brought before the court and I just want to, very briefly, because I think there is some kind of confusing information and I will try to be very brief. I talk too much. I know that but I will try to be brief. We are a small community. We have three polling places in Atkinson County. We have Atkinson, Pearson and Willacoochie. Willacoochie polling for advanced and Election Day is done at the municipal city hall but some people vote there that aren't city residents. They're countywide residents. So when you have a situation where you have city and county people running you will have people vote at the City of Willacoochie polling place but they are voted properly. The municipal people are given a municipal ballot, the county people are given a county ballot and what happens in that situation sometimes is, we are really close to the Coffee County border. We are really close to the (indiscernible) county line. We are neighbors so sometimes people may have a Nashville postal address but their location is actually within the county. So he filed again with an attorney an election contest and alleged that people who were not municipal residents voted in that election. His attorney recently did a voluntary dismissal because when we went to court we explained -- she didn't understand. She thought everybody that voted there was voting in the municipal election. When she understood that people were voting county and municipal she

withdrew the petition because we were able to verify that they thought municipal people got municipal ballots and county people got county ballots. I just didn't want there to be some misperception but this has been litigated at superior court as well.

MR. SECRETARY: Anybody else wishing to bring any other matter to us?

Yes, sir

MR. HALL: Mr. Secretary...

MR. SECRETARY: Let me just warn everybody I don't want to rehash past challenges that this Board does not have on our docket today. So if you can let's just address the allegations that we have on this case.

MR. HALL: My name is Gary D. Hall, City of Willacoochie, 40 Jerryhall Road, 31650. Okay, she was talking about 2011. Sure enough I ran in 2011 against Barion Fudge and I lost by two votes. Four of the votes, one was convicted felon, one was his nephew that stays in Coffee County, so they threw them two out. These other two, one stays in Pearson, Georgia, which is (indiscernible) out of the county, and the other guy stays in Nicholls, Georgia. I know because that is my cousin. He has been there twenty-six years and he was also using his deceased uncle residence to come over and vote and then you go to 2014 when I ran against Sammy Newsom. I lost by one vote. They allegedly changed the vote right there in front of my face. Changed the ladies whole name and the lady hadn't voted in over fifteen years but they go back and counted her vote after they allegedly changed her name and everything. So, yes, I contested against them and beginning in 2011, when I did contest the elections supervisor said, they didn't get the proper paperwork. So in 2014 I presented the proper paperwork and everything. Mr. Archie, he came and investigated it and he had the whole thing and also like Mr. Allen said, it was people who voted and continue to keep voting that stays out in Coffee County and in the City of Pearson that always keep coming and voting and I always would tell the board of election people, I said, what is the use in me challenging y'all and you never investigate these people's name and also I took (indiscernible) records and showed them. Thank you.

MR. SECRETARY: Thank you, Mr. Hall. Alright, anyone else?

(No response)

MR. SECRETARY: Ms. Watson, I assume that we have noticed the county board of elections and registrations; correct?

MS. WATSON: Correct.

MR. SECRETARY: Is anyone here from the board or anybody representing the board?

(No response)

MR. SECRETARY: Alright, anyone else wishing to speak?

(No response)

MR. SECRETARY: Any discussion? Do we have a motion?

MR. MCIVER: I move we bind it over.

MR. SIMPSON: Second.

MR. WORLEY: Second.

MR. SECRETARY: We got a motion to bind over and a second -- several seconds. Any other discussion?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, "aye".

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries.

Alright, 2013-044 City of Americus - Sumter County.

MS. WATSON: In this case, Mr. Wright (phonetic) reported that Calvin (phonetic) and Virginia Mentor (phonetic) were not allowed to vote in the City election, November the 5th, 2013.

During investigation it was discovered that Calvin and Virginia Mentor attempted to vote but were told they were not on the list of eligible voters. Both were offered a provisional ballot. Mr. Mentor voted a provisional ballot. Ms. Mentor declined a paper ballot and was insistent that she be allowed to vote on the machine. The address for the Mentors was confirmed to be inside the City of Americus and had not changed for many years. It was later found there was a street with overlapping street numbers that may have caused the Mentors district to have been changed unintentionally. The elections supervisor Mr. Grady (phonetic) advised that the issue had been resolved and should not be an issue going forward.

We recommend a letter of instruction for Sumter County board of elections and voter registration and Robert Grady elections supervisor for 21-2-226(b) duties of county board in determining the eligibility of voter when they fail to ensure electors were placed in their proper districts.

MR. SECRETARY: Any questions for Ms. Watson?

(No response)

MR. SECRETARY: Anyone else wishing to speak?

MR. BRADY: Good afternoon, Mr. Secretary, ladies and gentlemen. My name is Robert Brady

(phonetic). My address is 205 Whett Road in the City of Americus, (indiscernible). As I understand it, the initial complaint here was that the Mentors were not allowed to vote. That, in fact, proved not to be the case. They were offered the opportunity to vote as soon as it was determined that they were eligible to. My records indicated that they were in a county precinct not a city precinct. They were able to show me that they were in fact in the city precinct. We offered them the opportunity to vote provisionally until we could get the records untangled. It was determined that the issue was a function of multiple street names and pre-ElectionNet information. Now ElectionNet is a wonderful system. It's probably the best thing we have going. I think it has streamlined and improved my ability in my job tremendously but unfortunately it requires conversion from information prior to that and unfortunately it is my belief that this is one of those times where the information presented to the ElectionNet system was either misinterpreted or misreported by the system. I made it a point to keep an eye on this particular set of addresses with this issue and it did in fact flare back up again. It was about that time after I repaired it the first time that I contacted the Secretary of State's office and they have fine folks and their I.T. folks that are topnotch. We went through looking for solutions and in the determinations made there was no possible way this could happen, yet it did. So what we did ultimately is we completely removed the Mentors and all of their records from the ElectionNet system. We replaced it with a replica of all of their information and made sure that they were correctly put in the precinct they were supposed to be in and we have not since then had any issues. I am not aware of any other places in Sumter County where this has happened. I guess this is the next question is, did I look. Yes, sir, I did. I looked around the edge of all the city precincts and county precincts and didn't find any other duplications of this particular situation but the initial complaint that they were not allowed to vote, actually was incorrect. They were encouraged to vote and given the opportunity to -- one of them choose to, the other one choose to decline and other elections since then, there has been voting activity by the Mentors without issue.

MR. SECRETARY: So really at the time your only option was to offer the provisional ballot.

MR. BRADY: Yes, sir. It couldn't confirm for me our legitimizing, for lack of a better word, systems that they were eligible to vote but it was my feeling that they were so the only option I had was to offer provisional ballots and that's what I did. That was done in the office in front of better part of the entire board of elections and full staff and office staff and all that and again Mr. Mentor availed himself of this opportunity. Mrs. Mentor choose not to.

MR. SECRETARY: Was she just upset because she wasn't in the system, I guess?

MR. BRADY: She somehow -- I got the impression, again, I have to give it to you as I got the impression, that she was somehow offended and felt somehow singled out and being forced to do something that she didn't think was the way that everybody else was doing it. Well, to a certain extent, yes, sir, that is true. It is a provisional ballot not a DRE ballot but it has nonetheless the same effect and the vote was counted.

MR. SECRETARY: There would have been no way for you to allow her to vote on the sheet?

MR. BRADY: No, sir, that is absolutely -- and to the best of my knowledge, that his correct.

MR. SECRETARY: Any other questions for Mr. Brady?

(No response)

MR. SECRETARY: Alright, thank you for being here.

Mr. McIver.

MR. MCIVER: I think you said, but you're satisfied that you have the solution to this issue?

MR. BRADY: The solution as near as we can tell was to not let the ElectionNet system believe the pre-ElectionNet information. So how we got around that was completely removing all reference to it and then putting it back in so they kept their voting history, they kept their precincts, they kept everything. This individual in the I.T. department is no longer with the Secretary of State's office to help me out with this and that would be Mr. Whiten (phonetic) but between the two of us we reasoned again that there was no possible way for us to do this so the only way to do it was to kill it all and put it all back in.

MR. MCIVER : My question is, since that time it has been successful?

MR. BRADY: I have not noticed this to be the case anywhere else and the information that this particular set of voting clients has not changed. Yes, sir. I guess the answer is yes to your question.

MR. SECRETARY: Alright, thank you. Anyone else wishing to speak in regards to this matter?

(No response)

MR. SECRETARY: Hearing none, do we have a motion?

MS. SULLIVAN: I'll move that a letter of instruction be issued.

MR. SECRETARY: Ms. Sullivan moves for a letter of instruction.

MR. WORLEY: I will second that.

MR. SECRETARY: Mr. Worley seconds. I'll just say I'll certainly vote for that but I appreciate Mr. Brady being here and working with us on this. I think he did exactly what you were supposed to in this situation to make sure that the citizens had the opportunity to vote. So we appreciate your work there.

Any other discussion?

MR. MCIVER: I would move to dismiss. It occurs to me everything has been done pursuant to what the system called for and this is a classic and perfect use of provisional ballots and that's how it was engaged. I don't know what they would have done differently at this point and therefore I move to dismiss and intend to vote against the motion.

MS. SULLIVAN: I will withdraw my motion.

MR. SECRETARY: Ms. Sullivan has withdrawn her motion.

MR. SIMPSON: I will second Mr. McIver's motion.

MR. MCIVER: I guess, for purposes of the court reporter I would move to dismiss.

MR. SECRETARY: Mr. McIver moves to dismiss and Mr. Simpson seconds again, correct, Judge?

MR. SIMPSON: Yes.

MR. SECRETARY: Have a motion and a second to dismiss. I will be glad to support that motion as well. All in favor signify by saying, aye".

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries and we have dismissed that case.

Alright we will move over to 2013-048 City of Donalsonville- Seminole County, number twenty-five in our binder.

MS. JONES: On November the 12th, 2013 Phyllis Blakeson (phonetic) did a complaint with multiple allegations regarding the November 5th, 2013 Donalsonville municipal election. While we were unable to substantiate allegations such as poll watchers who were not allowed at the front desk where people would sign in before voting and tabulation of votes was not conducted in public view. The investigation did reveal some concerns. A review of election documents revealed seventy-two voter certificates were not signed or initialed by the poll officer and that a Mr. Charlie Fred Hicks (phonetic) reported to the Seminole County adult learning center to cast his vote. He presented his I.D., which read Charlie Fred Hicks, but his name could not be located in the voter registration system. The workers then began the provisional ballot process. As they were doing the provisional ballot process one of the poll workers recognized him and asked him if he sometimes went by Charles Fayette (phonetic) and he said, yes. They located the name Charles Fayette in the VR system and compared his identifying information and allowed him to vote on the DRE and they stopped the provisional ballot process at that time and marked his name off the list. The voter certificate by Mr. Fayette was received by the poll worker Vera Manly (phonetic) and she failed to check the top of identification that was provided by Mr. Hicks.

We recommend the following respondents by bound over to the AGs office for the listed violations, Amos Sheffield, probate Judge and elections supervisor, Jack Herring (phonetic) the poll manager of the Lyons (phonetic) Hall precinct and Betty Brow (phonetic) the poll manager of the Seminole County adult learning center.

MR. SECRETARY: Any questions for Ms. Jones?

(No response)

MR. SECRETARY: Anyone else wishing to speak?

UNIDENTIFIED SPEAKER: Yes.

COURT REPORTER: Sir, May I have just one moment to change my battery?

MR. SECRETARY: Sure. We are going to suspend just one second.

(Suspended at 2:03 p.m.)

(Reconvened at 2:06 p.m.)

MR. SECRETARY: Okay, we'll get back on here. Sorry about that. Welcome.

MR. SHEFFIELD: Afternoon, my name is Amos Sheffield, 2978 Hall Drive, Donalsonville, Georgia, down in Seminole County. I am the probate Judge there, elections superintendent, magistrate and I do the vital records stuff there too. Kind of a jack-of-all-trades and a master at none it seems like. I have here with me David Faircloth (phonetic). I have in my notes to say that. David is my right-hand man, this big guy sitting behind me. Navy vet here and good guy. So anything that I talk about he knows about. He is usually right there with me. This comes from the Mayor's election. It was one of those real contested mayor's elections the lady was talking about in Atkinson County. We have them there in Seminole County from time to time. I don't know the lady that made the complained. Never heard her name before and I have asked around about her and nobody seems to know who she is but none of the allegations that she made, as I understood, it had any kind of foundation to it. Investigator Touchston (phonetic) came down and talked with us and he sifted through everything we had and he is a good guy to work with. We made available to him and he was real courteous to us.

The voter certificates with the voter there -- the voter certificates that was just a baldheaded thing for my poll workers to do. I got some really good poll workers that have been with me. They were there when I took office in 2010 and they will be there long after I am gone. They are really good people. This is one where it looks like early in the morning as we began to crank up, they didn't sign the voter certificates as the people came in. People still got to vote. All the votes counted, it didn't mess with the election. With Mr. Fayette, that is all on me or Charlie Fred Hicks, I guess. As election superintendent, I'll handle the stuff at the courthouse but I'll go around to all the polling places and check on things. I happen to be in there helping out in the

polling place when Mr. -- he's Fayette, is who he is. He came in there to vote and was there with his niece and he had his driver's license that said Charlie Fred Hicks. So he presents it to him and of course he's not on the list and so they looked at it. Ms. Bailey (phonetic) who has been working with elections forever and she lives near that precinct and she said, that's not your name. I always thought (indiscernible) the provisional ballot information later (indiscernible). Somebody else there and I forget who it was, they said, the same thing. They said, that is not your name and I looked at him and I recognized him as one of the Fayette. We got a bunch of them in Seminole County and that's when I got to talking to him and it was my decision to stop the provisional process and let him vote on the DRE because I knew that -- in hindsight it was not the thing to do but I knew him. I knew who he was. I knew he was on our voter rolls and had voted before. What happened and I looked into this -- the reason I recognized him -- as we do vital records in our office people come to get their birth certificates changed and corrected in the office and that is how I knew him. He was a Fayette and always gone by Fayette, was in school as a Fayette but when he went to renew his driver's license his birth certificate had Hicks on it, Charlie Fred Hicks. So ran into one of those situations. That's where my last contact was with him was in my office trying to -- this man who can't read and write good and all that -- trying to figure out how to get his birth certificate corrected so he could get his driver's license and his -- the name he had always been known by. So that was the initial confusion and in hindsight I should have let the provisional process go through. His vote probably wouldn't have counted because the names were different but I let him vote and that is completely on me. That was not right. It is also one of those things where it is his duty to update his voter registration information. I knew that's what the law says and when he got his new driver's license he should have said, hey, DDS renew my information on their and everything would have been clear but he didn't do that, probably didn't know to do that and I don't try to put any blame on him. He was at that point stuck in one of those situations where because his birth certificate was wrong, you know, whenever he was born, you now have a problem and in hindsight, there, I did that wrong. I should have let him vote a provisional. I tell y'all that just to let you know what was going on in our county. The poll workers were ready to let him vote provision. They are good folks. They know what to do. If I would have kept my nose out of it he would have voted provisional. So turned out, it didn't matter anyway. There was a three-vote difference in the election instead of a one-vote difference so I didn't have to suffer that. If y'all have any questions for me.

MR. SECRETARY: So, Judge, thank you for being here. So his driver's license has Charlie Fred Hicks on it?

MR. SHEFFIELD: Yes, sir.

MR. SECRETARY: And he is in the rolls as Charlie Fayette?

MR. SHEFFIELD: Yes, sir.

MR. SECRETARY: Could you issue him a voter I.D. card in the name of Charlie Fayette and

that would solve this problem?

MR. SHEFFIELD: I don't think so Mr. Secretary because he has a photo I.D. and I don't think we can--

MR. SECRETARY: Chris, couldn't as a voter, couldn't he get a free photo I.D.?

MR. HARVEY: In the code, if you're issued a driver's license or a State issued I.D. card you're not entitled to a photo I.D. card.

MR. SHEFFIELD: I think that is where the catch is there between--

MR. SECRETARY: So you've got a tough situation whereas if you've got a guy on your voter rolls in one name and a driver's license is in another name.

MR. SHEFFIELD: And it is not necessarily his fault. He should have corrected it but he's an elderly black gentlemen and he had his niece there helping him that day. He is just not one who is going to go through all the steps to get everything right. But at the same time I should have let him -- I don't think his vote would have counted if I would have let him vote provisional but--

MR. SECRETARY: Well that beats option two in my opinion. So speaking for myself I'm glad you let him vote. I had one more question, if you don't mind. So, Ms. Blake, was saying, here, alleging that the tabulation was not done in public and some voters were not allowed to cast provisional ballots. I assumed y'all did your tabulations in public?

MR. SHEFFIELD: We do. I know you've been to Seminole County. When you come towards my office there is an elections room I have off to the right. It is not a large room but we keep the door open and on election night and I stand out in the hall while my I.T. person and my registrars and everybody are in there actually doing the tabulation. I usually do crowd control and I invite especially candidates and the news people and the newspaper editor is always there by my side but I invite them, hey, y'all might want to come look at this. When we did the recount too because there was a requested recount and I went ahead and did it. I actually took the two mayoral candidates and I made room for them to sit them down in front of the machines where they could see everything that was going on.

MR. SECRETARY: I applaud you for going around on Election Day to the precincts. I know there is not many probate judges that have the time or make the effort to do that so I am very appreciative of that.

Does anyone else have any questions for the Judge?

(No response)

MR. SHEFFIELD: I will say and I don't want to be long-winded but on the voter certificate and provisional voting since then we have -- in all of our training we really stress, hey, ya'll sign

this. When you look at it, signed it and I am sure there is better training that we can do but I'm the one in charge of it so we've got the best we've got it seems.

Thank you.

MR. SECRETARY: We appreciate the confidence you have there.

(Laughter from the gallery)

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

(No response)

MR. SECRETARY: Do we have any discussion with the Board or motions?

MR. SIMPSON: I think that Judge Sheffield did the right thing by letting the man vote even though his documentation was incorrect. If he knew him and he was a registered voter and could identify and let him vote you said that might not have been the right thing to do. In my opinion that was the right thing to do, is to let the man vote. Everybody is entitled to vote. We don't want anybody to be prevented from voting and we want all the votes to count. I certainly don't think that was -- although technically improper I don't think it was wrong. So I will move to dismiss that allegation against him.

MR. SECRETARY: We have a motion by Mr. Simpson to dismiss the one allegation. Do we have a second?

MR. SECRETARY: I'll second. Any other discussion?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, "aye".

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries. Do we have a motion or discussion or any other items?

MR. SIMPSON: I'll move to bind those two charges over.

MR. SECRETARY: We have a motion to bind over the remaining charges. Do we have a second?

MS. SULLIVAN: I'll second it.

MR. SECRETARY: Ms. Sullivan seconds. Any other discussion?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, “aye”.

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries. Judge thanks for being here today. I know the AGs office will work with you to resolve this and appreciate y’all taking the time to be here and explain what happened.

MR. SHEFFIELD: Thank y’all much. Have a good day.

MR. SECRETARY: Thank you for your service.

Alright we moved number six to the foot of the calendar so we’re on to 2013-066. The City of Bronwood-Terrell County, that’s number twenty-seven in our binder.

MS. JONES: Debra Sapp (phonetic) submitted a complaint with a number of allegations regarding issues she observed at the City of Bronwood polling precinct during the November 5th, 2013 City of Bronwood general election and the December 3rd, 2013 City of Bronwood general run-off. She was a poll watcher. We were unable to substantiate a number of the allegations that she made such as the city superintendent took personal phone calls while working inside the polling precinct. The state of elections superintendent stated that they needed a new ballot box because she had used a piece of metal to push the ballots down inside. The city elections superintendent made a comment that a social security card was an acceptable form of I.D.

The investigation revealed out of the fifteen reported allegations, two were substantiated. Allegation number nine, it was confirmed that an elector was allowed to vote her ballot from her vehicle during the November 5th, 2013 municipal election. The polling precinct had adequate access to the precinct to allow a voter to use a walker to gain access. In allegation fifteen, the badge issued to poll watcher Debra Sapp (phonetic) did not display the required information such as the primary or election and precinct in which the poll watcher was serving.

We recommend the following respondents be bound over to the AGs office for the listed violations. The City of Bronwood and Devina Devilla (phonetic) the city elections superintendent.

MR. SECRETARY: Any questions for Ms. Jones?

(No response)

MR. SECRETARY: Anyone else wishing to speak? Yes, ma’am.

MS. SAPP: Good afternoon, I am Debra Sapp. My address is 174 Thornton Street Bronwood , Georgia, 39826. First off, I would just really like to commend this Board on this wonderful way that you hold hearings. My family often goes to city council meetings and your hearings are so

organized and pleasant and you actually want to hear from the citizens, which I think is a wonderful thing and you are to be commended. Thank you.

In regards to being a poll watcher, I was not given any training whatsoever. I was asked to be a poll watcher by one of the candidates. I was not given any training, I didn't know, but I had seen certain things in the past at elections that I thought were irregularities. So I went in there very cautious and I went in there with a lot of paper and I went in there with a pen. When I started taking notes -- I take copious notes. I took notes of just about everything. So some of these things that they said there isn't any evidence for. I would think that notes taken, in time, would be evidence. I'm not a lawyer, don't even play one on T.V. but I do have some of those, I have my handwritten notes. I still have them and so to me that would be evidence. I wish that an investigator had spoken to me. Mr. Archie was very good on communicating with me via email and that type of thing but when it got down to this part, I wish I had been able to ask a question such as what did you find and what did they respond to. For instance, an I.D. card that was red and black and I couldn't see any kind of photo on it. So what did they respond. What did they say they had used instead of that. When voter, Maxwell Johnson (phonetic), had said, you know, his I.D. said he lived in Albany but they allowed him to vote anyway and I wish could have been informed. So what evidence was presented to say that was not how it was. The ballot box has been a joke for years. It had a cardboard divider down the middle and Ms. Devilla would take this funky little flat piece of metal and just always make a joke about having to shove them down in there.

I did not know until I was sitting here listening to several of these things that a voter could request a poll watcher to aid them in voting, is that true? Did I misunderstand that?

MR. HARVEY: Yes, ma'am.

MS. SAPP: Thank you. I don't know the rules. Like I said, I was not trained in this. I try my best. I read the law but there seems like there are a lot of parameters that are expected that are not in the law. For instance, just a moment ago I heard Ms. Jones say that poll watcher was not allowed to sit where she could see what was going on. I didn't even know that was something that was supposed to be done. My seating was very firmly made clear across the room or I would have made that as an allegation but I didn't even know that was something...

I don't know what evidence was given that Terry Jenkins (phonetic) no longer -- or that she did live in Bronwood, when she made several comments there in the polling room, that she did not live in Bronwood. I don't know what evidence was given to say that Ruben Hawkins (phonetic), who was a candidate, had not come inside the polling precinct, I saw him. My note, in time, showed that he was there. You can ask anybody who votes in Bronwood he has always been there sitting, waiting for long periods of time in the polling precinct when he would be on the ballot. There was just an expected thing and even one of the poll workers, Ms. Terry Jenkins (phonetic) mentioned well, why haven't you been here, you're usually her to visit with us. We

don't know why you're not here. I don't know what kind of evidence was given that city elections superintendent, Devilla, did not make a comment about social security card was accepted form of I.D. when again my notes, in time, shows that she did file them with the other (indiscernible). I watched Sandra Jackson (phonetic) vote her husband's ballot. He was not even near her. She grabbed that ballot and said, here let me do that. He was still standing in the middle of the rug and she went over and voted for him. That's not assistance that is just voting for him. I did not know that this Eddie Bayston (phonetic), who is one of the candidates, I didn't know him by sight. I really didn't know him until later, that yes that was him who came in to check and see how his name was written on the wall and then he turned around and went back out. I saw a poll officer point out to the candidates that there was a write-in candidate. She pointed out, see, right her. I don't know what evidence was given that that did not happen but again I have my notes, in time. The part about the poll watchers badges I find very funny because I had no idea that they were supposed to be done in a certain way at all. We are a small, small, town, lots of times when you're not doing anything. At the second election I was not allowed to bring in anything other than my purse and my paper and pen to take notes on. Couldn't bring in any food, couldn't bring in a book or anything like that but the other poll workers got to. So, I'm reading some of the things on the wall and I saw the rules about poll watcher badges and I thought, what. Well, mine definitely didn't match that so I added that to my long list of allegations. Low and behold, I am really glad I did since you threw out all the others except for the fact that the ballot was allowed to leave the precinct room and go out to the voter's car.

Again, I am very thankful to be here. I am very thankful to be in front of a deliberative body that thinks and doesn't just take things at face value but I still do have my notes. I almost threw them away. Two weeks ago, before I got the letter, I almost threw away my poll watcher badges. I still have them with me because I didn't think anything was going to happen. It took so long. Mr. Archie was very good to warn me at the very beginning that it would take a long time. My idea for a long time would be less than a year but I was wrong. I didn't know some of these things were violations. There have been many violations, many violations going on at Bronwood and I think if the citizens knew some of the things, y'all have been really good about talking about sending letters of information. I think that there are some things that the citizens need to know that if you do have a problem even at -- I noticed the last time I went into vote that there was a sign on the door saying, if you have a problem call this number, the Secretary of State's office. I don't remember seeing that sign very often on the door and I am really thankful for that. Sometimes you encounter a problem that you don't know is a problem like I had as a candidate in the past I had the door shut in my face and was told I couldn't watch the counting but I didn't know that was illegal.

MR. SECRETARY: Alright. Anymore questions for Ms. Sapp?

(No response)

MR. SECRETARY: Thank you for being here today.

MS. SAPP: Thank you.

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

(No response)

MR. SECRETARY: Hearing none, we have a recommendation to bind over the City and the superintendent for the two potential violations.

MS. SULLIVAN: So moved.

MR. SECRETARY: Ms. Sullivan moves to bind over. Do we have a second?

MR. SIMPSON: Can I ask a question?

MR. SECRETARY: Yes, sir.

MR. SIMPSON: In your notes, you say that the registrar Rebecca Weiner (phonetic) told Ms. Floyd (phonetic) that there were not enough votes to change the outcome of the election and she didn't need to open the provisional ballot.

MS. JONES: That's a different case. We skipped over that one.

MR. SECRETARY: That's the one we moved to the foot of the calendar.

MR. SIMPSON: Okay, I am sorry. I apologize.

MS. SAPP: I forgot one thing. I am so sorry. In the first election that was held the difference -- one of the things was that the superintendent of the election made a determination on a ballot that we couldn't decide who had been voted for. She said let me see the signature. It was an absentee ballot. She said, oh this is how they voted. That election was a tie and we had to go to a run-off. So her decision made a decision in that election.

MR. SECRETARY: Okay, thank you. Let's see, Ms. Sullivan I believe you moved to bind over; is that correct?

MS. SULLIVAN: Yes, that is correct.

MR. SECRETARY: Do we have a second?

MR. WORLEY: Second.

MR. SECRETARY: We have a second by Mr. Worley. Any other discussion.

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, “aye”.

(Whereupon the vote is unanimous)

MR. SECRETARY: All opposed same sign and that motion carries and we have bound that over. Ms. Sapp, thank you for being here today. I would keep your notes because the attorney general’s office may want to discuss this as this investigation continues.

Alright, SEB case 2014-002, Twiggs County case which is number twenty-eight in our binder.

MS. JONES: On March the 10th, 2014 a complaint was received from Twiggs County elections supervisor Debra Stevens (phonetic). Ms. Stevens reported that Twiggs County election officials accidentally allowed a man to vote after confusing him with another family member. Marion Thomas, Jr. (phonetic) moved from Danville, Georgia to DeKalb County in 2008 where he registered to vote and obtained an I.D. card. Two years later he moved back to Danville to the same address as his father, Marion Thomas, Sr. (phonetic) but did not update his voter registration information regarding his change of address from DeKalb County. During early voting for the City of Danville municipal special election on March the 18th, 2014 Marion Thomas, Jr., reported to the polling place to vote. Mr. Thomas, Jr. completed an application for an absentee ballot and presented his photo I.D. to the Twiggs County elections superintendent Debra Stevens. A Mr. Thomas was located on the voter list at the same address provided by Mr. Thomas, Jr., and he was allowed to cast a vote on the DRE. Ms. Stevens was entering the voter’s registration information into ElectioNet when she noticed that the Marion Thomas registered in Danville must be Mr. Thomas, Sr. because of his date of birth and by this she determined that the Marion Thomas, Jr. was allowed to vote in error.

We recommend that the following individuals be bound over to the AGs office for the listed violations, Debra Stevens the Twiggs County elections superintendent and Mr. Marion Thomas, Jr.

MR. SECRETARY: So Marion Thomas, Jr., where was he registered?

MS. JONES: DeKalb County.

MR. SECRETARY: And he lives in Wilkinson?

MS. JONES: Wilkinson.

MR. SECRETARY: I mean Twiggs.

UNIDENTIFIED SPEAKER: It was a municipal election.

MS. JONES: But it’s split between (indiscernible) and Wilkinson.

MR. SECRETARY: Alright, so the recommendation is to bind an elector over because they

voted basically under a different name; correct?

MS. JONES: Correct.

MR. SECRETARY: And the wrong county. And the superintendent for allowing that to happen?

MS. JONES: Yes.

MR. SECRETARY: The superintendent did self-report; correct?

MS. JONES: Yes, she caught herself.

MR. SECRETARY: Anyone else wishing to speak?

MR. ANDERSON: Good afternoon, my name is Lars Anderson. I am an attorney here in Macon. My office address is 2476 Vineville Avenue, Macon, Georgia 31204. I represent the board of elections in Twiggs County. I am here with Ms. Debra Stevens. Just to clarify, the gentlemen I will refer to as Jr., moved and returned back home, moved into his father's house and he did report. Ms. Stevens will be here to tell you she was the one who made the error. She did not until after he voted match up the birth date and so, in essence, what happened the son had moved back to Danville, moved back to his father's address. The addressed matched up. We made an error. It was one certainly not of malice or willful wrongdoing. I think it's demonstrated by Ms. Stevens' immediate steps to self-report. Any further questions, I will have Ms. Stevens address. Any questions about how that happened I will ask that you direct to her.

MS. STEVENS: My name is Ms. Debra Stevens. My address is 194 Family Circle, Jeffersonville, Georgia 31044. 2013 I became the superintendent and in the year 2014. I am aware of the accident that I did do. Since then 2014 we have established new plans on verifying voter's license through voter registration, through the Enet system and making sure that voters get the accurate voter identification.

MR. SECRETARY: Alright, well, thank you both for being here. I had one question for you, Ms. Stevens. Did you know the Thomas'?

MS. STEVENS: No, sir, I didn't know the Thomas'. At that time when we did it, it was my first big election and just the rush of being a newly superintendent I did not verify his birth date as well as I should have.

MR. SECRETARY: Okay. That makes sense. Thank y'all for being here. Any other questions for Mr. Anderson and Ms. Stevens?

MR. MCIVER: (Signifies)

MR. SECRETARY: Mr. McIver.

MR. MCIVER: To either one of you whoever wants to answer, should Mr. Marion Thomas, Jr., have reported that his address had changed and changed his registration?

MS. STEVENS: No, sir.

MR. MCIVER: No, but should he have done so?

MS. STEVENS: Should he? Yes, sir. He should have--

MR. MCIVER: For the system to work, he should have reported he had a new residence?

MR. ANDERSON: He did physically change his residence. He did not report the change for voting purposes but had a driver's license, which reflected the address which was on the voting rolls unfortunately one was a Sr. and one was a Jr. He at the time lived with his father.

MR. MCIVER: But the driver's license showed the correct address for voting?

MS. STEVENS: Yes.

MR. MCIVER: In other words, it was not the DeKalb address it was the Twiggs address.

MS. STEVENS: Twiggs and Wilkinson share a municipality together so it would show Wilkinson County as his address.

MR. SECRETARY: How was he in Enet? Was he registered in DeKalb through Enet?

MS. STEVENS: Yes. Upon -- we weren't using Enet. We were just using our voter registration so now we are using Enet. When I went to verify, to put his information in after he had filled out his application I noticed he was in DeKalb based on the birth date after I pulled up the Senior and then in return called and reported that I had allowed a voter to vote under a number of the father and not the son.

MR. SECRETARY: Any other questions?

(No response)

MR. SECRETARY: Ms. Stevens, are you confident this won't happen again?

MS. STEVENS: Yes, sir, I am.

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

(No response)

MR. SECRETARY: Do we have any discussion? Motion?

MS. SULLIVAN: I'll move that a letter of instruction be issued to both respondents.

MR. WORLEY: I'll second that.

MR. SECRETARY: Alright, we've got a motion and a second for a letter to be issued to respondents. Ms. Stevens, can I ask you another question, if you don't mind?

MS. STEVENS: Yes, sir.

MR. SECRETARY: Marion Thomas, Jr., do you think he realized where he was registered to vote?

MS. STEVENS: I honestly don't think he realized where he was registered to vote at because he didn't come in as a person that was trying to do anything deceitful. It was a municipal election and he just wanted to vote.

MR. ANDERSON: Mr. Secretary, can I add to that. I just had a discussion with Marion Thomas on the phone and I honestly believe that he did not have any idea that he was doing anything wrong.

MR. SECRETARY: Well, that was what I certainly -- I just had some concern about not the letter for Ms. Stevens but with Marion Thomas which I am fine if he legitimately was confused about where he was registered. I can live with the letter. I just wanted to make sure that was the case. I know Ms. Sullivan and Mr. Worley will understand that. Thank you very much.

Any other discussion? We have a motion and a second for a letter of instruction for both respondents.

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, "aye".

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries and we will issue the letters.

2014-039, Glynn County that would be number twenty-nine in our binder.

MS. JONES: Our office received a complaint from Glynn County election supervisor Tina Edwards concerning Zack Lye (phonetic) causing a disruption at the Burroughs-Molette school polling precinct and that he had to be escorted out by local police. The incident occurred on May 20th, 2014 during primary election. Zack Lye entered the Burroughs-Molette polling location causing a disturbance in the May 20th, 2014 election. During the incident he became loud, aggressive and uncooperative with both poll manager and deputy that was assigned to the precinct. He was yelling at the poll manager that she was giving him misinformation and turned voter away. Mr. Lye also shouted at the deputy that he was going to have to shoot him or take him because he was not leaving. There were two electors voting when the incident occurred and

Mr. Lye refused to leave the polling location when asked to do so by the poll manager Elaine Harmster (phonetic) and Deputy Williams (phonetic). Deputy Williams reported that he informed Mr. Lye that he was causing a public disturbance and interfering with normal poll business at the precinct. Mr. Lye did not walk outside the polling location until additional deputies arrived on scene and Coronel Stacy Young (phonetic) escorted him out.

We recommend that Zack Lye be bound over to the AGs office for the listed violations.

MR. SECRETARY: Any questions for Ms. Jones?

(No response)

MR. SECRETARY: Anyone else wishing to speak?

(No response)

MR. SECRETARY: Ms. Jones, wouldn't that be criminal in nature? I assume it is under our jurisdiction and not the City?

MS. JONES: As I understand, they sent information to the D.A.s office and the D.A. wanted to wait until it was heard through our agency before they made a decision about whether to prosecute or not.

MR. HARVEY: Mr. Secretary, I am sorry, I was outside talking with somebody. Were you talking about the D.A.s role in this case?

MR. SECRETARY: Yes.

MR. HARVEY: Chris Harvey, Georgia Secretary of State's office. When the D.A. contacted me as the Chief Investigator a couple of years ago she asked what we would do with this case, what the State Election Board would do and I said, we would do an investigation and the State Election Board would consider it for administrative action. At that point she seemed fine with that. She indicated that she really didn't think it needed to go criminally as long as it would be addressed by this Board. I indicated, obviously, that the Board didn't have criminal jurisdiction but they would consider it and take appropriate administrative action and I think she was fine with that. I don't think, unless something is changed, she has intentions of pursuing any kind of criminal activity.

MR. SECRETARY: My concern would be us getting in front of a criminal investigation but if that's not the case then I certainly don't mind moving forward.

MR. MCIVER: What is significant to me is that they escorted him out and didn't place him under arrest.

MR. SECRETARY: Sounds like he ought to be thankful he didn't tazed. I'm sure that's what

you would have done, Mr. McIver.

(Laughter from the gallery)

MR. MCIVER: Let's not go there.

MR. SECRETARY: Anyone else wishing to speak?

MR. WOOD: I'm Richard Wood on the board of elections in Glynn County. The address is 1815 Gloucester Street, Brunswick, Georgia. The original intent of the board was to have this matter presented to the district attorney's office for two felony counts and one misdemeanor count and somehow the proceedings ended up in the Secretary of State's investigation. The Glynn County sheriff's office was doing an investigation into the matter and was reporting it to the district attorney for that county. I am not sure how in the process of things the investigation was diverted to the Secretary of State's office and it was my impression that the Board wanted it handled by the district attorney's office of Glynn County.

MR. SECRETARY: Any questions?

MR. MCIVER: (Signifies)

MR. SECRETARY: Mr. McIver.

MR. MCIVER: In whose capacity do you appear?

MR. WOOD: I am a board member for the board of elections in Glynn County .

MR. MCIVER: Thank you.

MR. SECRETARY: I guess, I am correct in assuming this, that the complaint originally came to us through the elections superintendent?

MR. HARVEY: I don't recall originally. I remember specifically that the district attorney called me personally and asked about us essentially taking the case from them.

MS. JONES: Ms. Edwards forwarded the complaint--

MR. SECRETARY: To us?

MS. JONES: --to us.

UNIDENTIFIED SPEAKER: She is also hear for the next matter if you have questions for her

MR. SECRETARY: Alright.

MR. WOOD: I believe that the Board directed her to send the letter to the district attorney's office before it being presented to her and in my opinion as a courtesy it was reported to Mr.

Harvey.

MR. SECRETARY: Well, I'm open to whatever the Board wants to do -- the State Election Board but I certainly am open to whatever the locals want to do as well but I know a lot of times it's tuff sometimes for the DAs to move forward on something like this but we're -- you know, Mr. Harvey, you were saying that she is alright with us moving forward?

MR. HARVEY: Well, again, when I spoke with her originally she was very happy that the State Election Board would handle this and she didn't indicate that she was planning on taking action either alongside or instead of the State Election Board. Like I said, she called me and essentially asked that the State Election Board handle this for her unless something has changed in that time. That was the last conversation I had with her.

MR. WOOD: I would like to add that this was at an elementary school and the classes were actually being let out at the time this incidence occurred.

MR. MCIVER: I had a question.

MR. SECRETARY: Mr. McIver has a question.

MR. MCIVER: Mr. Zack Lye, do we have notice on him?

MS. JONES: Yes, well--

MR. MCIVER: He's apparently not here.

MS. JONES: Yes. We attempted to contact him both by telephone, by certified letter and in person. Investigator Archie actually went to the residence and could hear activity inside and left a note on his door and we have never heard anything from him, so.

MR. SECRETARY: Thank you, Mr. Wood. Anyone else wishing to speak on this matter.

MS. EDWARDS: Good afternoon, I am Tina Edwards. My address is 1815 Gloucester Street Brunswick, Georgia 31520. I am the elections supervisor. I just wanted to report that Mr. Lye is aware. He came to my office with a friend of his and noted that he did receive his information and he was well aware of the hearing today. He didn't tell me if he was coming or not but I just wanted to let you know he is fully aware that he (indiscernible).

MR. SECRETARY: Thank you, Ms. Edwards. Anyone else wishing to speak?

(No response)

MR. SECRETARY: Do we have a motion?

MR. MCIVER: I move we bind it over.

MR. SECRETARY: Mr. McIver moves to bind over.

MS. SULLIVAN: Second.

MR. SECRETARY: Ms. Sullivan seconds. Any other discussions?

MS. SULLIVAN: I would just note, that I don't think the State Election Board actions here would (indiscernible) from proceeding if the DA so choose to do, so, but I hate to dismiss this case without the State Election Board taking any action without knowing whether or not the DA would prosecute it.

MR. MCIVER: It would come back to us once the law department has done what they've done.

MS. JONES: I can contact the district attorney's office to find out if they are going to take any action on it. It is my understanding in the past, the Board has not acted on cases that the district attorney acts on so that there isn't--

MR. SECRETARY: We don't want to get into double jeopardy.

MR. WOOD: One more comment if you don't mind, it's been my impression that the district attorney's purpose was waiting for Mr. Harvey to produce a report so she could determine whether or not there was prosecuting grounds here and our last contact with our the district attorney indicated that she had not receive that report.

MR. SECRETARY: Well, one thing that we can do and we've done this in the past is we could recommend that this be referred to the attorney general's office but we are getting, I think, mixed signals here. Mr. Harvey is saying that he spoke to the DA and she was saying that she was glad that we were taking this. So, I guess, one action we could take would be to vote to refer to the AGs office if that is what the Board wants to do and then if the DA doesn't want to move forward then we can take it up again. Of course, that is going to prolong the process but we do have a motion and a second.

MR. MCIVER: But under these circumstances it comes back to us so the law department does whatever they've done--

MR. SECRETARY: I think, the issue is in the past -- it is my recollection and you have been on the Board a lot longer than I have but it seems like that we have not taken actions to refer it to the AGs office if there was criminal -- you know, if there was a criminal element then we would refer it to the DA to see if they would prosecute and then if they didn't then that would still leave the door open for us to refer to the AG and let them prosecute on the civil side. I think if we take action to refer it to the AGs office that could jeopardize that.

MR. SIMPSON: Seems like to me if we send it to the attorney general's office then the attorney general has some input or say so about whether it goes back to the local D.A. or whether they recommend to us that we proceed administratively. Isn't that an option that the attorney

general's office would have?

MS. JONES: We can certainly talk to the district attorney to find out if whether or not they are pursuing the case. I don't know that--

MR. SIMPSON: We are not locked-in to an administrative action just because we refer it to the AGs office; is that correct?

MS. JONES: I believe that is correct.

MR. SIMPSON: So Mr. McIver's motion is appropriate.

MR. SECRETARY: Suits me. All in favor?

BOARD MEMBER: "aye".

BOARD MEMBER: "aye".

MR. WORLEY: I just want to say before we vote, I'm been on the Board now for twelve years and I never seen a situation like this where somebody was so -- seem to be so deliberately interfering with the election process in a polling place. So I think we need to do whatever we can to prosecute this person civilly or criminally and it sounds like the DAs office may just be happy to have had the Secretary of State's office do the investigation and hopefully we'll take the file and proceed with it but I'm going to vote yes.

MR. SECRETARY: I completely agree with Mr. Worley. Alright, anything else, we've got a motion and a second to bind over. All in favor signify by saying, "aye".

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries and we have bound that over. We've got one more Glynn County case 2014-110, number thirty in our binder.

MS. JONES: Our office received a complaint from Glynn County election board member Richard Wood (phonetic) with multiple allegations concerning irregularities by election supervisor Tina Edwards during the November 4th, 2014 general election and the July 22nd, 2014 primary run-off. There are several allegations centered on issues with the handling of provisional and absentee ballots for both elections. We were unable to substantiate one of the allegations made regarding the mailing of an absentee ballot out to the name of a deceased voter, Mr. Williamson Wheeler (phonetic), and his wife Edna Wheeler (phonetic) voting the ballot. That was unsubstantiated. However the investigation did reveal concerns with the remaining allegations. During the November 2014 general election allegation one, the investigation revealed that two provisional ballots were misplaced and not located until November the 10th, 2014. During the investigation, it was learned that two voters had reported to the incorrect polling precinct on Election Day. The poll manager Lavonia Clark (phonetic) issued the voters

provisional ballots so they could cast their ballots. The poll manager failed to ensure all the procedures were followed when the voters voted their provisional ballots. She failed to ensure the provisional envelope was inserted into the (indiscernible) salmon-colored envelope and that it was sealed. The poll manager also failed to have voters insert their ballots into the provisional ballot container and her actions contributed to the ballots being misplaced and not found until November the 10th.

Allegation two, the investigation revealed the election's supervisor Tina Edwards failed to have at least two assistants present on November the 10th, when the two-recovered provisional ballots were duplicated. During the investigation it was learned that on November the 10th assistant elections supervisor Monica Couch (phonetic) located the two missing provisional ballots and Tina Edwards advised that the ballots had to be counted by 5:00 p.m. and at that time it was 3:45. She stated she called the county attorney and he informed her that he needed at least two hours to render a decision. Ms. Edwards advised, it was already 4:45 by then and she was thinking she would be in huge trouble if she didn't get the ballots counted so she decided to duplicate the ballots with only one person present.

In regards to allegation three, twenty-five original voted provisional ballots were inserted back into their salmon-colored envelopes after they were duplicated. The secrecy of the ballots was not maintained by doing that. Our investigator also reviewed the documents and located twenty-five provisional ballots where the original ballot had been inserted back into the salmon-colored envelope. The investigator determined that the secrecy of the ballots was not maintained since the ballots had not been separated from their envelope with the elector's names written over them. During the review of the elections documents, the investigator also found eleven uocava envelopes from the November 4th, 2014 general election that contained marked ballots. The oath of the electors were attached to the envelopes so you could identify the voter. During a review of the election documents from July 22nd, 2014 primary run-off the investigator found four open uocava envelopes that contained marked ballots.

Allegation four, is related to the July 14th primary run-off. The investigation revealed that during the July 22nd, 2014 primary run-off an elector named Alice Crawford (phonetic) voted by absentee ballot but she failed to sign her name on the oath. The election office received Alice Crawford's ballot and it should have been rejected but it was certified and counted. Elections supervisor Tina Edwards advised that it was human error and should have been rejected.

We recommend that the following respondents be bound over to the AGs office for the listed violations, Glynn County board of elections and registration, Tina Edwards, elections supervisor and Lavonia Clark, poll manager.

MR. SECRETARY: And then -- is that it?

MS. JONES: And then Monica Couch, assistance elections supervisor.

MR. SECRETARY: And on the other absentee ballots we're holding on that?

MS. JONES: Yes, sir. We were going to make recommendation on that and hear it later.

MR. SECRETARY: Per our earlier conversation. Any questions for Ms. Jones?

(No response)

MR. SECRETARY: Anyone wishing to speak?

MR. PRIEST-GOODSETT: My name is Noah Priest-Goodsett. I am an assistant county attorney down in Glynn County, Georgia.

MR. SECRETARY: Can you spell your last name?

MR. PRIEST-GOODSETT: Sure. P-r-i-e-s-t hyphen G-o-o-d-s-e-t-t. Our office address is 701 G Street the Old Historic Courthouse, Brunswick, Georgia 31520. I'm not here to dispute any of the facts that are listed in the investigation report. However, I've heard several times today, specifically from Mr. McIver, that this Board is focused on solutions and resolution and that's exactly what the county did in the circumstance. With regard to the first potential violation that was discussed, with regard to Ms. Clark not assisting the voters in placing the ballots correctly in the envelopes, Ms. Clark has since been demoted and no longer has any input in the polls. She still works in the office but she doesn't have any poll responsibilities. Moreover, all workers now receive additional more detailed training on the handling of provisional ballots because of this issue being raised. I have both the elections supervisor, Ms. Edwards and Ms. Couch and our Chair and of course Mr. Wood, the complainant, is also here and they can answer any of those questions about how detailed the training has now become.

Now, with the second potential violation with regard to Ms. Clark's misplacement of the provisional ballots, them not going into the provisional ballot box because they should have. Glynn County has purchased ballot bags in which voters now place their own ballots. So they have taken the potential for human error and poll workers out of the equation to ensure that all ballots are placed by the elector into the proper ballot bag and the ballot bag is also an improvement from the former banker's box, is the thing they used to use. So again, Glynn County recognized this issue and responded.

The third potential violation was the lack of two consolidated assistants. As you can sort of note, these ballots were found on November 10th late in the day and Ms. Edwards was confronted with the situation where she had less than a few hours to decide how to act and because of that -- I think because of that shuffle and that emergency, she only had one consolidated assistant with her. She worked in the elections office for many years before she actually became the elections supervisor and was promoted as such and she has seen that before so she also believed that she was following protocol. In the two proceeding elections since this election in 2014 she just have always had two assistants with her and she is well aware of that requirement now.

With regard to the fourth violation, the twenty-five ballots that were placed back into the envelope such that their secrecy was not maintained, Glynn County again stepped up and said now board members have to be present when those ballots are dealt with. They assist with both opening and separating and monitoring all poll workers that deal with those ballots. So that will never happen again.

The fifth potential violation, the (indiscernible) ballots. This is sort of the same issue. The placement back of these emails back into the envelopes such that the secrecy wasn't maintained. Again, same thing where there is additional training now. There is complete board oversight and again, that also relates to the sixth violation which was the identical violation in the election previous. Again, board oversight and additional training and at that time those ballots were covered in the investigation so it is not, as if, we didn't act on the issue. As soon as the issue was raised and we realized there was a problem we acted.

With the seventh violation, with regard to Ms. Couch's failure to reject an absentee ballot that failed to contain signature on the oath, that was a human error. She missed a ballot. How do you solve that. Now, we have two staff workers who double-check each other which they didn't have at that time. The Glynn County board of elections and registration have had a municipal election in November of 2015 and a presidential primary election in March of 2016 without incident and with these new policies and procedures in place to ensure compliant and lawful elections. Every issue raised by the complaint have been addressed. If the State Election Board has any additional questions everyone is here to answer those questions and we all take the allegations extraordinarily seriously however in light of our response to these issues I would ask this Board to issue a letter of instruction or dismiss the complaint entirely. Thank you.

MR. SECRETARY: Thank you for being here. I have a question for you.

MR. PRIEST-GOODSETT: Sure.

MR. SECRETARY: I don't want you to have to speak for your board members but is it your opinion, would you say that they are satisfied with the new procedures that are in place?

MR. PRIEST-GOODSETT: I wouldn't want to speak in place of my board but what I would say is, that I think the board, as a whole, is satisfied and they've also been hands on in that when these issues were raised the board acted and all of these new procedures that I discussed and the changes that were made were with the oversight of the board and the desire of the board. So I think that the board is satisfied that the issues have been addressed.

MR. SECRETARY: Thank you. Any other questions for the counsel?

MR. MCIVER: Yes, sir.

MR. SECRETARY: Mr. McIver.

MR. MCIVER: Would any of this activity have impacted the results of the election?

MR. PRIEST-GOODSETT: There was no misplaced votes although the secrecy of the ballots weren't maintained in a technical sense, none of that information was disseminated publically. All provisional ballots that there was an issue with got properly counted and should have been counted. One thing that I think is notable is when those two provisional ballots were found Ms. Edwards jumped into action. First she called the Secretary of State's office to decide what to do, then she called Kennesaw State University to try to determine how she should re-open the machines so she could copy the ballots, then she called my office at 4:45 and said I got fifteen minutes, I need a legal determination now which I think everyone here that is an attorney realizes that is not a position you want to be put in and so we failed to render her an opinion because we were unable to do the research in that short window of time. I think what's notable about what she did was she made every effort to figure out how to do this correctly and ultimately she did the right thing. Those duplicates got back into an envelope and that's problem and we admit that that's a problem but she ensured that those votes got counted and that she did as appropriately as she could and she tried to ask all the experts when she felt that her own knowledge fell short. So, I think that she did everything in her power to do the right thing and ultimately those votes were counted appropriately and it didn't have any effect on the election.

MR. MCIVER: You cited two elections since these changes have been made.

MR. PRIEST-GOODSETT: That's correct.

MR. MCIVER: Are you aware of any complaints that have come from those two elections?

MR. PRIEST-GOODSETT: I am not.

MR. MCIVER: I guess I would extend that to Mr. Harvey's office.

MR. HARVEY: I'm not aware of any. I don't know about investigations.

MR. LEWIS: I'm not aware of any current complaints along those lines in Glynn County.

MR. MCIVER: Would you join us in concluding that perhaps that these have been effective these changes?

MR. PRIEST-GOODSETT: I would absolutely agree.

MR. MCIVER: No other questions.

MR. SIMPSON: I have one question.

MR. SECRETARY: Judge Simpson.

MR. SIMPSON: You said that none of the results of any of these elections was altered by any of these mistakes but with regard to allegation five in the investigative report it says that one

absentee ballot should have been rejected but it was certified and counted. So that would have changed the result in terms of count of the votes. Was that not sufficient to alter the outcome of the election?

MR. PRIEST-GOODSETT: That was not a close election. That was not an election where one vote would have mattered. There were appropriate (indiscernible)

MR. SIMPSON: That's what I was trying to find out.

MR. PRIEST-GOODSETT: Yes, sir.

MR. SECRETARY: Any other questions for the counsel?

(No response)

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

MR. WOOD: Richard Wood, board of election member, Glynn County, Georgia. 1815 Gloucester Street, Brunswick, Georgia. This board has had some problems since I have been on it in 2014 and the reason I brought this complaint initially was because those problems I could not seem to get addressed at the board meetings. I questioned the Wheeler matter. Ms. Wheeler, her name is Edna Wheeler (phonetic) the ballot sent to her address in her husband's name. She actually signed her name Edna Wheeler which is the proper name that she should have been registered under. It seems that Seminole County has opened the door for one of the problems that we have and has recently as our last meeting trying to get a determination as to what is a legal name for a voter registering. We've asked the county attorney to provide such and they cannot furnish a plausible answer. It seems that a legal name is pretty clear in my assumption but the problem is not that we are training and addressing these things. The problem is that we're not properly training and addressing these things. We have implemented programs that need more attention. I would like to see a lot easier access and cooperation from our board to make sure that these poll workers are properly trained and that the execution of these provisional ballots, especially, are handled properly. In our last election we just had March 1st, we didn't start the provisional ballot process until Friday (indiscernible) as it turns out there was a problem that had to be addressed on Saturday and just efforts from my person to get these slight matters handled were met with resistance. I think that what's needed is a more focused direction by this board to make sure that the voters of Glynn County are properly represented.

MR. SECRETARY: Mr. McIver.

MR. MCIVER: How would you characterize the quality of the oversight by the board into this process?

MR. WOOD: Not very good.

MR. SECRETARY: Any other questions for Mr. Wood?

(No response)

MR. SECRETARY: Alright thank you.

MR. PRIEST-GOODSETT: I am just sort of here to clarify, Mr. Wood is a valued member of our board and I personally appreciate what he's done today because I think that he has brought about positive changes in our board of elections and how they're run. However, I would just point out that he is a single member of our board and I think the board as a whole is satisfied with what's been done and I would also point out that many of the issues that Mr. Wood raised aren't actually before you. They're issues that he's continuing to investigate and I think that those issues really aren't before you now and just that all of you sit on the board and you know that you don't always agree on what the correct path for it and Richard may not always agree with the rest of the board and he may be frustrated by that but the board has, in fact, taken steps and does, in fact -- has participated in the oversight that is unprecedented in Glynn County and I am sure that these issues will never happen again. Thank you.

MR. SECRETARY: Anyone else wishing to speak?

MS. ROBINSON: I am Ruby Robinson (phonetic) chairman of the board of education. I've been on the board -- this is my second term. I can assure you that I have sat in on all of the training that has taken place since I've been chairman and--

MR. SECRETARY: Ms. Robinson, if you will just give us your address. My apologies.

MS. ROBINSON: My home address?

MR. SECRETARY: That would be fine.

MS. ROBINSON: 3030 East Third Street, Brunswick, Georgia 31520.

MR. SECRETARY: Thank you. Sorry about that.

MS. ROBINSON: Since this all has occurred or happened, I have been hands on, if you will, the rest of the board has been very engaged, if you will. We have put procedures in place that will remedy this. I have sat in on the provisionals. That was a big problem, it really was in not having a review, you know, person there to oversee that but in that I ask that she give out forms. She had forms that she did in her training step by step. The provisions are the steps that should be taken and those have been followed. I just sat through the ethics. I have gone through all of her training sessions and I have made notes and we have addressed them. So I feel that we are working together, yes, you know, maybe I have inherited some things or she did things that were not done properly but we are doing a concerted effort to come together as a board. We have opened communication which we have not had in the past and I think communication is everything when you try to work with a group of people. We have our disagreements but the proper and professional thing to do is to talk them out. We do not go outside of the board as a

single person to address those issues. Any time you work outside of the board you have your authority when you are in the board but when you go outside of that, you are treading very lightly.

MR. SECRETARY: Mr. McIver.

MR. MCIVER: Just so we will have a clear record, you mentioned that you are the chair of the board of education?

MS. ROBINSON: Yes.

MR. MCIVER: Would you prefer to say elections?

MS. ROBINSON: Yes, I did because I was chairman of the board of elections two years and served on that eight years. I do that all the time, excuse me. Yes, I am chairman of the board of elections. So sorry I do that all the time.

MR. MCIVER: It's alright. We just need a clear record.

MS. ROBINSON: You know, you get the education and the elections but it's all intertwined.

MR. SECRETARY: Ms. Robinson, I have a quick question for you. How many members are on your board and how are they appointed?

MS. ROBINSON: Well, we have five . The Republicans appoint two, the Democrats appoint two and it used to be the grand jury but the county commissioner appoints one.

MR. SECRETARY: Okay.

MS. ROBINSON: So we have five.

MR. SECRETARY: Any other questions for Ms. Robinson?

(No response)

MR. SECRETARY: Thank you for being here.

MS. ROBINSON: Thank you.

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

(No response)

MR. SECRETARY: Alright, hearing none--

MR. SIMPSON: I've got one question.

MR. SECRETARY: Mr. Simpson.

MS. ROBINSON: For me?

MR. SIMPSON: Yes, ma'am.

MS. ROBINSON: I know you. Make it easy. Make it light.

MR. SIMPSON: In your opinion, has the board reviewed the remediation efforts to correct these problems?

MS. ROBINSON: definitely, yes.

MR. SIMPSON: Is the board, as a whole, satisfied with that so the superintendent to correct these problems?

MS. ROBINSON: I think basically, yes. We always address them and come to the conclusion -- we come to a conclusion and then we relay that to the supervisor and hopefully--

MR. SIMPSON: Were these issues discussed in the board meetings before the complaint was made?

MS. ROBINSON: Somewhat, yes. Yes, but then you know majority rules. You know, when you talk about an issue and you bring it before and you vote on it and then sometimes people are not happy with the outcome.

MR. SIMPSON: Well, what I am trying to find out is if the issues were -- if the board was aware of some of these issues before it got to the point of having to bring it to the State Board of Elections or could the local board have corrected these problems without bringing it to us?

MS. ROBINSON: That's hard to answer, I mean, because we did have discussion and we did discuss the issues that were brought forward and we thought they were concluded.

MR. PRIEST-GOODSETT: I'll just say, I was lucky enough to sit in on those meetings and these issues were discussed at those meetings.

MR. SIMPSON: Thank you, ma'am.

MR. SECRETARY: Anything else from the board or thoughts on how to move forward here?

MR. SIMPSON: If this case were bound over then we might have an opportunity to see some plan for further remediation of these issues; is that correct, if there were consent orders discussed. Am I correct in that?

MS. JONES: Yes, sir. We could put that into a consent order if the respondents wished

MR. SECRETARY: Any other thoughts or motions?

MR. SIMPSON: Well, I feel this way. I think that the board as a whole needs to understand the

importance of making sure that the T's are crossed and the I's are dotted on all these proceedings that are required in office and that the training encompasses all of these issues in an attempt to correct them before something occurs that does impact an election. I think we are lucky in a sense that this has been brought to us now before there has been any adverse impact on the election in Glynn County, so. I do believe that a little more emphasis needs to be made on correction of these than just a letter of instruction. So what I would do is recommend that we bind this over and in doing that hoping that we could arrive at a consent order that would address further remediation and training on those issues.

MR. SECRETARY: Was that in the form a motion?

MR. SIMPSON: Yes, sir. Motion to bind it over.

MR. SECRETARY: Mr. Simpson has moved to bind over. Do we have a second?

MS. SULLIVAN: Second.

MR. SECRETARY: Ms. Sullivan seconds. Any other discussion?

(No response)

MR. SECRETARY: It is a well laid out motion. Hearing none, all in favor signify by saying, "aye".

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries. Thank ya'll for being here today.

Okay, we have to go back and catch 2013-054, which is the Lumber City-Telfair County case which is number twenty-six in our binder.

MS. JONES: (indiscernible) filed a complaint with our office that had several allegations about irregularities during the November 5th, 2013 City of Lumber City municipal elections, Telfair County. Some of the allegations were voters were turned away because they had a post office boxes listed on their driver's license as their home addresses. Voters were being placed in new (indiscernible) without being notified. Some voters were asked about past criminal activity. The investigation revealed that we were unable to substantiate those allegations but found another issue while reviewing the documents. During the election there were six provisional ballots that were not turned in by the city of elections superintendent Amy Floyd (phonetic). Ms. Floyd said she had never processed a provisional ballot before and when she contacted the chief registrar of Telfair County and the city attorney. She was told by the Telfair County registrar that she didn't have to open the provisional ballots because there weren't enough of those to affect the outcome of the election. The chief registrar was contacted by the investigator but denied the discussion with Ms. Floyd that she should not have counted the ballots.

We recommend that Lumber city and Amy Floyd be bound over to the AGs office for the listed violations.

MR. SECRETARY: I assume we did notice the City and Ms. Floyd?

MS. JONES: Yes.

MR. SECRETARY: Any questions for Ms. Jones?

MR. SIMPSON: Yes, sir.

MR. SECRETARY: Mr. Simpson.

MR. SIMPSON: This is a case I asked about out of turn, you know, I was on the wrong page but I am curious as to why the registrar Rebecca Weiner (phonetic) is not listed.

MS. JONES: Because the city conducted their own election. She only called Ms. Weiner just to get information.

MR. SIMPSON: Well, would it be nice for Ms. Weiner to know what the rule was?

MS. JONES: Ms. Weiner denied them having the conversation.

MR. SIMPSON: I know that but if we get into the point of saying what person told me is right and what this person told me is wrong then we are adjudicating the case. We are not just referring it for probable cause. You see, we can't decide the fact issue. All we can do is determine whether or not there is probable cause to believe that there has been a violation.

MR. SECRETARY: Ms. Jones, in my recollection, when you talked to the registrar she denied giving the information that Ms. Floyd said she did.

MS. JONES: Correct.

MR. SIMPSON: Mr. Chairman, that is the point I am making is I don't believe it is our job to make a fact decision. I think it is our job just to return on whether or not there is probable cause to believe that Ms. Weiner gave that information and what affect that would have had on the charge against Ms. Floyd.

MR. SECRETARY: I don't think we are making the fact determination. I guess, the findings of the case are that Ms. Floyd, who I don't believe is here, is saying that the registrar said one thing and we called the registrar and she said she didn't say that which from my view being what I've heard so far, that could change with anyone else who may be here to speak, I would say that is probable cause for me to send it to the AGs office and let them interview both these people and see what they come up with, not that they were necessarily saying, you know, exactly what happened but at least it's probable cause to continue the investigation and prosecution.

MR. SIMPSON: Well, I agree with respect to Ms. Floyd but I also thought that the case would be investigated with regard to the conduct of Ms. Weiner and her advice.

MR. SECRETARY: Well, I think the only reason Ms. Weiner was even mentioned was because Ms. Floyd said that was the advice that she gave.

MS. JONES: She only contacted Ms. Weiner because she was a person to contact. It wasn't that Ms. Weiner had anything to do with the election whatsoever. It was just in her role as chief registrar she thought, according to Ms. Floyd, that she could get information from Ms. Weiner. Of course, Ms. Weiner denies the conversation occurred. Lumber City conducted their own election. Ms. Floyd was the election superintendent. She was the city clerk.

MR. SECRETARY: Let me ask this if you don't mind. Is there anyone else wishing to speak in regards to this matter?

(No response)

MR. SECRETARY: It seems to me that in this case the superintendent obviously didn't open the ballots that they should have and then when that was revealed or got caught she went into CYA mood. That's what it appears to me.

Is there any other questions for Ms. Jones?

MR. MCIVER: I have one.

MR. SECRETARY: Mr. McIver.

MR. MCIVER: Would it have changed the result of the election? The not opening of the provisional ballots?

MS. JONES: No, sir, but those six votes didn't get counted.

MR. MCIVER: I understand that but it did not -- it wasn't determinative with respect to the results of the election.

MS. JONES: No, sir.

MR. SECRETARY: I can't imagine that -- well, they say that same thing can happen and it does in an election but I know our registrars are very well trained about how to deal with these ballots and I cannot imagine them saying you don't need to open those ballots because it wouldn't affect the outcome of the election. I mean, that is completely a one eighty from the way we treat every single ballot. It has nothing to do with whether the elections are in doubt or not.

Alright, anything else for Ms. Jones?

(No response)

MR. SECRETARY: We have a recommendation. I'm moving to bind over.

MR. SIMPSON: Second.

MR. SECRETARY: We have a motion by the Chair and a second by Mr. Simpson to bind over to the attorney general's office. Any other discussion?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, "aye".

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries and we have bound over.

Just before we move on to the attorney general's report just to make sure we have the record straight here, the only case we did vote on was the City of Keysville, 2013-042. We are going to re-notice and bring that up next meeting.

We will move on to the attorney general's reports. As we have done in the past we will vote on these on the consent calendar unless anyone is here, that would like to pull those out for individual discussion in the audience or if a Member of the Board wishes to pull one out. So at this time is there anyone in the audience that would like to pull out one of these attorney general reports.

(No response)

MR. SECRETARY: Any Board Member wish to pull one of these orders out?

MR. WORLEY: I would, Mr. Secretary.

MR. SECRETARY: Alright, what you got?

MR. WORLEY: I am not sure whether to pull out one or two but what I was interested in pulling out is the McIntosh County 2012-131 case...

MR. SECRETARY: Is that thirty..

MR. WORLEY: Burke County 2011-095 case, which is at tab forty. I guess my concern would be they both impose a one-hundred dollar penalty and it seems to me in the McIntosh County case there were a great many more violations than there were in the Burke County case--

MR. SECRETARY: We'll pull those out.

MR. WORLEY: -- violations of the same statutory provisions so I just wanted to make sure..

MR. SECRETARY: Pulling that. Anybody else?

(No response)

MR. SECRETARY: Let's go ahead and do this, is there anything else anybody wants to pull out if not we will go ahead and vote to accept the other recommendations.

(No response)

MR. SECRETARY: Y'all are good. So now on the consent calendar we have 2014 number thirty-five, 2014-059, 2009-061, 2011-071, 2011-023, 2010-111, 2012-007, 2012-121 and 2012-122. We can vote on those in block to accept the recommendation in the attorney general report if that is so moved.

MS. SULLIVAN: I'll make that motion.

MR. SECRETARY: Alright, Ms. Sullivan moves. Do we have a second?

MR. WORLEY: Second.

MR. SECRETARY: Have a second by Mr. Worley. Any other discussion?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, "aye:

(Whereupon the vote is unanimous)

MR. SECRETARY: All opposed same sign and that motion carries and we have moved to accept those recommendations.

Now, we will go to 2012-131 the McIntosh County, which is number thirty-three in our tab.

MS. JONES: It was initially referred over for violations both from the worker failing to initial the absentee ballots -- the absentee ballot clerk and also failing on some of those to put the date and time that they were received. They are more ballots than the Burke County matter. They are both similar in that they are violations of the same statutory codes. Both also included violations for accepting absentee ballots that were missing either a date of birth or a residence which we are recommending was missing on both of those. In Burke County they actually accepted absentee ballots without a signature which was the difference, I think, between the two. They were essentially the same statutory provisions but a different number of ballots and so I did not try to establish a find based on a per ballot but instead the type of error that occurred.

MR. WORLEY: Well, our practice generally in the past has been to assess fines essentially on the number of violations (indiscernible) in general (indiscernible) appropriate for a violation then multiply that times the number of violation we have. So on that basis, it seems to me that

the McIntosh County case warrants a higher fine.

MR. SECRETARY: Have a suggestion for that?

MR. WORLEY: Well, this is a consent order so I guess that is something McIntosh County would have to agree here.

MR. SECRETARY: Would the like to address the Board in this matter? You are welcomed to. You don't have to.

MR. WORLEY: If there is a reason that they don't think that is appropriate I would like to hear it.

MR. POPEL: We'd be glad to answer any questions. I am Ad Popel, attorney for the board in Glynn County and we would be glad to answer any questions that you have. I think we are kind of caught flat footed when we come to acknowledge a consent and an issue like this comes up.

MR. SECRETARY: If you would just give us your name and address for the record.

MR. POPEL: My name is Adam Popel. My address is Post Office Box 2332 Darien, Georgia. Also present here today is elections supervisor Doll Gale and the chairman of the board of elections Bob (indiscernible).

MR. WORLEY: If I may?

MR. SECRETARY: Sure.

MR. WORLEY: I can appreciate you feel like you're being caught a little flat-footed when a question like this comes up. I assure you, you are not the first person that this has happened to where a consent order has been submitted and addressed by the parties and the attorney general and then when it comes to us, you know, we have the final say.

MR. POPEL: I understand that.

MR. WORLEY: We have the ability to say whether we like it or not. So -- and I don't want to put you on the spot to say, you know, to have to agree to something at this point without considering it and I would like to hear from the other Board Members or they may disagree with me and whether they have a particular amount in mind.

MR. SIMPSON: Mr. Chairman?

MR. SECRETARY: Mr. Simpson.

MR. SIMPSON: In the past, for example, with the Barrow County case which we have not pulled out but it's on a per violation basis. The fine is based on a per violation basis. That's felon voting, those type cases have always been -- the fine has been based on the number of

times there was a violation and to me it is a departure to do it by the nature of the violation rather than the number of violations. Seems like to me the more times you disregard the rules the more egregious the offense becomes. So I agree with Mr. Worley.

MS. JONES: Our office can certainly talk to Mr. Popel and bring it up at the next meeting if the Board wishes to send it back. That is one option.

MR. WORLEY: Well, I'd certainly be agreeable to that.

MR. SECRETARY: Mr. Worley, if you don't mind me asking, what was -- because we've dealt with, you know, an absentee ballot before, when somebody was illegally handling we would charge, I think, a hundred dollars a ballot. That was our past but we are not talking about that here. We are talking about obviously a lot of violations but, I guess, in some respects, technical in nature. Certainly not to the level of illegally handling.

MR. WORLEY: Right.

MR. SECRETARY: So I don't remember what we've done in the past in that regard quite honestly.

MR. WORLEY: Well, if we are doing a hundred dollar fine in the Burke County case for three violations and in this case in one respect there were thirty-three violations and in the other there was an additional or another violation on twelve of those ballots. So, I mean, I would be willing to say we have twelve violations here and have a four hundred dollar fine so that it would be proportionate to the Burke County case.

MR. SIMPSON: If it is for thirty-three violations at a hundred dollars, civil penalty is three dollars a shot.

MR. WORLEY: Well, I'm not sure that the thirty-three violations there are consistent with the same kind in the Burke County case.

MS. JONES: In the Burke County case the absentee ballots were actually failing to not have the signature of the voter or the voter's card. So it was a little bit different even though it is the same statutory provision it was a different part of that statute on how the absentee ballots are marked.

MR. WORLEY: And in this case there were twelve ballots where both the date was left off and the ballot signatures were left off.

MS. JONES: In the thirty-three ballots from my understanding of talking with the county, was that they in fact had certified. What happened was somebody -- the poll clerk had not actually signed even though they had certified that the signatures matched on the ballot and the registration card on the -- ballot envelope, excuse me, and the registration card. So what was missing was they had not themselves signed it, not that -- it was the information from the ballot itself -- valid envelope missing for the thirty-three. The additional twelve are the ones where

they also failed to indicate the date and time received and that was twelve of the thirty-three not an additional twelve on top of it.

MR. SECRETARY: Any other Board Member have anything?

(No response)

MR. SECRETARY: Mr. Popel, you got anything for us?

MR. POPEL: Yes, sir, just briefly and I would ask that you entertain Ms. Gail also just briefly.

MR. SECRETARY: Absolutely.

MR. POPEL: It is my understanding that what this was, was a question of fact. There are two sides of the envelope. One side was preserved and one side was not. It is our position that it was written on the other side of the envelope and of course, now, the envelope because of the record keeping requirements of the clerk's office, those documents have been destroyed because it has been a while and we were unable to get them and provide that information to the AG. Having said that, we acknowledge it costs us more than four hundred dollars to drive up here today. So if that is the Board's decision. We are anxious to get this resolved today but I would ask that you hear--

MR. SECRETARY: The Board recognizes your time and I know y'all were here when this case was presented before the State Election Board. You are here today for the consent. A lot of people don't even show up for the consent so I am certainly willing to hear Ms. Gail explain the situation real quick and then we can -- if we can reach a resolution I am all for that because I don't want you guys to have to drive to another meeting if we can do that.

MR. POPEL: Thank you, Mr. Chairman.

MR. GAIL: Eleanor Doll Gail, 1150 Oakcane Avenue, Darien, Georgia 31305. What happened was we stamp -- when we receive the ballots in, we stamp the front side of the envelope and when it's received and then we go back and verify and the clerk that verified didn't initial on the side where the oath was. She had initialed on the front side and when I checked with Chris Correia I asked her if she had a copy of the front side of the envelope and she said no, all they had was a copy of the oath side of the envelope but I had a -- I call my cheat sheet because I list all the ballots that come and go when people deliver their ballots back in I make them initial it and put the date and time on my -- I call it my cheat sheet and when I went back to it and looked you could see who checked it in and it was one of the clerks in the office but since then we have gotten the 911 in place, we've gotten the auto precincting in place, which at that time people were still using P.O. Boxes instead of the physical address and I have all my office people now are certified. The last one we went through in October and we have made a lot of changes in our office as far as absentee ballots and voting concerns.

MR. SECRETARY: Any questions for Ms. Gail?

MR. WORLEY: I had a question. When you provided the copy of the one side to the attorney general--

MS. GAIL: We didn't provide them. They went and got a court order -- Ms. Pam Jones -- went and got a court order to open up the box and she made copies of the envelopes.

MR. SECRETARY: So we just copied one side of it.

MS. GAIL: Yes, sir. And when I went back to the superior court clerk, Ruby Goodrich (phonetic), she had told her girls not to destroy those two boxes of 2012 elections for that year and by accident they destroyed them so we had no way of going back to the box to get the copies of the envelopes.

MR. WORLEY: I would like to make a motion then under these circumstances if we would just accept the consent order already negotiated by the attorney general's office in both the McIntosh County case and the Burke County case.

MS. SULLIVAN: Second.

MR. SECRETARY: Well we are going to talk about the Burke County case just because we got it on the agenda now. So we do have a motion to accept the original consent on 2012-131 the McIntosh County case, a motion by Mr. Worley and a second by Ms. Sullivan.

Anyone else wishing to speak?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, "aye".

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries and we will accept that consent. Thank y'all for being here.

MR. POPEL: Thank you very much.

MS. GAIL: Thank you.

MR. SECRETARY: Safe travels. 2011-095 the Burke County case. Is there anyone wishing to speak regarding this matter? Is there any other discussion the Board needs to have on this?

(No response)

MR. SECRETARY: Hearing none, do we have a motion, Mr. Worley?

MR. WORLEY: I move that we accept the consent order (indiscernible).

MR. SECRETARY: Alright do we have a second?

MS. SULLIVAN: Second.

MR. SECRETARY: We have a motion by Mr. Worley and a second by Ms. Sullivan to accept the consent order in the 2011-095 Burke County case. Any other discussion?

(No response)

MR. SECRETARY: Anyone wishing to speak?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, “aye”.

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries. I believe that is all we have on our agenda today. So if there is nothing else I will take a motion to adjourn.

MS. SULLIVAN: So moved.

MR. SECRETARY: Second.

MR. SECRETARY: Ms. Sullivan moves that we adjourn, Mr. Worley seconds. All in favor signify by saying, “aye”.

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries and we are adjourned. Hope everybody has a safe trip back this afternoon. Thank you for being here.

(Meeting adjourned at 3:47pm)

CERTIFICATE OF COURT REPORTER

STATE OF GEORGIA

COUNTY OF DEKALB

I hereby certify that the foregoing was reported as stated in the caption and the proceedings were reduced to writing by me; that the foregoing pages represent a true, correct, and complete transcript of the proceedings given.

I certify that I am not disqualified for a relationship of interest under O.C.G.A. 9-11-28(c); I am a Georgia Certified Court Reporter here as a representative of Happy Faces Court Reporting Firm; I was contacted by Happy Faces Court Reporting Firm to provide court reporting services for this proceeding; I will not be taking this proceeding under any contract that is prohibited by O.C.G.A. 15-14-37(a) and (b) or Article 7.C. of the Rules and Regulations of the Board; and by the attached disclosure form I confirm that Happy Faces Court Reporting Firm is not a party to a contract prohibited by O.C.G.A. 15-14-37 or Article 7.C. of the Rules and Regulations of the Board.

This 13th day of April 2016

Latasha D. Bethel
Certified Court Reporter
Georgia Certificate#2660