

STATE OF GEORGIA

CHATHAM COUNTY

THE OFFICE OF SECRETARY OF STATE

STATE ELECTION BOARD HEARING

SAVANNAH CITY HALL

SAVANNAH, GEORGIA 31401

TUESDAY, JUNE 28, 2016

9:17 A.M.

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1 A G E N D A

2 I. CALL TO ORDER

Invocation and Pledge of Allegiance

3 II. APPROVAL OF MINUTES

4 State Election Board Meeting - March 23, 2016

5 III. PUBLIC COMMENT UNRELATED TO CASES OR OTHER
AGENDA ITEMS

6 (Please fill out and submit comment card)

7 IV. INVESTIGATION REPORT (R. Lewis and F.
Watson)

8
9 Consent Cases

10 SEB Case Number 2010-052 Brooks County Jail
Primary

11 SEB Case Number 2013-050 City of Waycross

SEB Case Number 2014-108 Wayne County

12 SEB Case Number 2015-017 Glynn County

SEB Case Number 2015-035 DeKalb County

13 SEB Case Number 2015-077 City of Scotland

SEB Case Number 2015-096 City of Savannah

14 SEB Case Number 2016-011 Fulton County

SEB Case Number 2016-012 Fulton County

15 SEB Case Number 2016-024 Fulton County

16 V. INVESTIGATION REPORT (R. Lewis and F. Watson)

17 New Cases

18 SEB Case Number 2013-042 City of Keysville

SEB Case Number 2014-007 Wayne County SPLOST

19 SEB Case Number 2014-015 Candler County BOE
Qualifying

20 SEB Case Number 2014-030 Chatham County-Pooler

SEB Case Number 2014-031 Effingham County

21 Ballot

SEB Case Number 2014-038 Jeff Davis County

22 Absentee

SEB Case Number 2014-056 Long County Poll

23 Worker

SEB Case Number 2014-057 Glynn County Felon

24 Voters

25

A G E N D A (continued)

SEB Case Number 2014-092 Atkinson
County-Willacooche
SEB Case Number 2015-009 Wayne County-Odum
SEB Case Number 2015-040 Appling County-GEMS
Server
SEB Case Number 2015-041 Echols County
SEB Case Number 2015-048 City City of Register
SEB Case Number 2015-070 Brantley County Ballot
Error
SEB Case Number 2015-082 Chatham County
Redistricting
SEB Case Number 2015-091 City of Waycross
SEB Case Number 2016-001 Tybee Island Candidate

VI. EXECUTIVE SESSION AND/OR BREAK

VII. ATTORNEY GENERAL REPORT

Consent Orders

SEB Case Number 2012-108 Michael Jerome
Ferguson
SEB Case Number 2012-144 Ales Campbell
SEB Case Number 2013-029 Olivia Ware
SEB Case Number 2012-201 Jasmine Costincia
Lawson
SEB Case Number 2011-088 Judy Martin

VIII. ADJOURNMENT

STATE ELECTION BOARD MEMBERS

SECRETARY OF STATE, BRIAN KEMP,
CHAIRPERSON

State Capitol
Atlanta, Georgia 30334

404.656.2881

TEX MCIVER, VICE CHAIRPERSON

603 Pea Ridge Road
Eatonton, Georgia 31024
404.403.8137

1 DAVID WORLEY, OF COUNSEL
2 Harris Penn Lowry, L.L.P.
3 400 Colony Square
4 1201 Peachtree Street, NE
5 Suite 900
6 Atlanta, Georgia 30361
7 404) 961-7650

8 JUDGE RALPH F. "RUSTY" SIMPSON
9 Simpson Mediation Services
10 Post Office Box 327
11 Tifton, Georgia 31794
12 229.388.8420

13 ALSO PRESENT:

14 Russ Willard
15 Russell Lewis
16 Frances Watson
17 Chris Harvey

18
19
20
21
22
23
24
25 CERTIFICATE ----- 234
 DISCLOSURE ----- 235

1 MR. KEMP: All right. Good
2 morning, again, everyone. I'm going to
3 officially call the June 28th, 2016
4 state election meeting to order.

5 Our first order of business is our
6 invocation and Pledge of Allegiance,
7 and Mr. Mciver is going to lead us
8 today.

9 (Invocation and Pledge of
10 Allegiance preceded the meeting.)

11 MR. KEMP: All right. Thank you
12 very much, Mr. Mciver.

13 Our next order of business is
14 approval of the minutes for the state
15 election board meeting of March 23rd,
16 2013. The minutes are in your book.
17 Do we have any additions or corrections
18 to the minutes or motions to approve?

19 MR. MCIVER: Move to approve the
20 minutes.

21 MR. KEMP: Mr. Mciver moves we
22 approve the minutes.

23 MR. SIMPSON: Second.

24 MR. KEMP: Mr. Simpson seconds.

25 Any other discussion? Hearing

1 none, all in favor signify by saying
2 aye.

3 (An affirmative vote was cast by
4 saying aye.)

5 MR. KEMP: All opposed, same sign.
6 That motion carries, and we have
7 approved amendments. Thank you.

8 We'll now move on to our public
9 comment period. As I mentioned
10 earlier, if anybody wants to address
11 the board about any specific issue,
12 we'll give you a couple of minutes to
13 do that.

14 As of right now, I have two folks
15 that are signed up to speak. If anyone
16 else would like to do that, we're glad
17 to hear from you. Again, if you're
18 here for a specific case, you also have
19 the opportunity to call that case on
20 our agenda for you to be able to do
21 that.

22 And our first speaker will be Tom
23 Mahoney. So, Mr. Mahoney, if you'd
24 just come on up to the mic right here.
25 And what we'll -- want to do with all

1 our speakers, for our court reporter,
2 is if you'll just introduce yourself by
3 giving your name and your address,
4 speaking a little slowly so she can get
5 all that, and give you two minutes.

6 MR. MAHONEY: Mr. Secretary, thank
7 you. My name is Tom Mahoney, III, and
8 I am the chairman of the board of
9 elections here. My address is on the
10 card. We're located on Eisenhower.

11 And I just wanted to speak. I've
12 got Collin McCray who's joining me as
13 well, and Collin is the chairman of the
14 board of registrars, and we just wanted
15 to welcome you to Savannah, and
16 appreciate y'all being here.

17 I want to thank you personally for
18 being here and taking time to travel
19 the state and make Savannah part of
20 your -- your travels, and we appreciate
21 working together with y'all to make
22 sure that the elections are fair and
23 follow the laws of the state of
24 Georgia.

25 MR. KEMP: Thank you very much for

1 being here. We appreciate the welcome
2 from both of you-all. And I will just
3 say, for the record, as well we're very
4 appreciate to Mayor Deloach and the
5 city council here in Savannah for
6 letting us use this beautiful room and
7 being so accommodating for us.

8 Martin Sullivan, the mayor's of
9 staff, has been a great help to us with
10 logistics, so we're very appreciative
11 of that. It's great to be in Savannah.

12 We've held a state election board
13 meeting here before, so we're glad to
14 be back, and one of the reasons that we
15 move these meetings around the state is
16 because it helps raise awareness to
17 this process, how serious this board
18 takes the cases that are before us
19 today and really how transparent and
20 open we are from hearing from people on
21 both sides of the case where we can
22 make an educated decision. So thank
23 you-all for being here today.

24 MR. MAHONEY: Thank you, Mr.
25 Chairman.

1 MR. KEMP: And our next speaker is
2 Liz Overton.

3 And, again, I'll just remind you
4 if you'll give us your name and address
5 for the record, please.

6 MS. OVERTON: Hi. My name is
7 Elizabeth Overton, Liz. My address is
8 7 Aberstone Lane, 31411. And I'm the
9 past chairman of the Chatham County
10 republican party and the current and
11 past president of the Savannah area of
12 republican women.

13 And I am a poll manager, so I'm
14 actually in the -- in the field
15 managing the polls. Been a poll worker
16 for quite awhile.

17 One of the things that I wanted to
18 do, just like Mr. Mahoney, is thank you
19 for coming. Because of you going
20 around, everybody realizes you take
21 this very seriously, and the voting,
22 what we do in Chatham County, also,
23 very much.

24 But I'd like to ask of you -- and
25 I will provide it to you later -- is

1 that y'all consider -- and maybe you
2 already have, and I'm not knowledgeable
3 of it -- but do mandatory things within
4 each office.

5 One, mandatory audits, that you
6 have an audit like every other year.
7 Okay. It's not just something that the
8 local board will vote on, but that you
9 demand.

10 And I don't know if you do
11 mandatory criminal background checks on
12 every poll worker that you have. I
13 think that's something that needs to be
14 mandatory, and I think if you do
15 mandatory, the poll workers should be a
16 mix. Not just one certain group or one
17 certain party or whatever, but
18 mandatory that they aren't -- they're
19 mixed, so that you can ensure that, you
20 know, everything's been fair and going
21 on.

22 Because sometimes there's a group
23 that works at one for ten years
24 straight, and they don't flip them out
25 or change them around, and, you know,

1 I've been a poll watcher and sent to
2 different polls and reported things
3 going on.

4 And if these things were broken up
5 and had been spread out fairly, I don't
6 think the things that I acknowledged
7 possibly would happen.

8 But -- and one of the things that
9 we have, and maybe you can help us
10 with, is help us get more poll workers.

11 So, anyway, thank you.

12 MR. KEMP: Thank you for being
13 here.

14 MR. MCIVER: I have question of
15 her.

16 MR. KEMP: Ms. Overton, if you
17 don't mind, Mr. Mciver had a question
18 for you if you want to come back to the
19 mic.

20 Mr. Mciver.

21 MS. OVERTON: Hi.

22 MR. MCIVER: Thank you for coming
23 back.

24 MS. OVERTON: Yes, sir.

25 MR. MCIVER: Are you recommending

1 that we do these background checks or
2 audits every election cycle? You
3 mentioned that some people have served
4 for ten years, and there could've been
5 a blip in the -- in their life within
6 that tenure.

7 MS. OVERTON: Well, what Chatham
8 County's done, okay, recently with a
9 new board and new chairman and all is
10 that they did a background check,
11 okay -- because it hadn't happened
12 before -- and they lost 30 percent of
13 the workers because of that.

14 And I wrote a letter to the editor
15 recently that said they lost them
16 because they were felons or had
17 criminal records.

18 You know, if you don't do those,
19 you don't know. You're putting felons
20 in the schools, in churches and that
21 sort of thing.

22 Audits, I think, should be, at
23 least, every two or three years. I
24 mean, that's a lot of money you're
25 paying now. You know, you have checks

1 that just have bear on them. I mean,
2 you know, if you don't do one for ten
3 years, how do you know? Did I answer
4 your question?

5 As far as, if someone signs up to
6 be a poll worker, I think at that point
7 in time, they should be screened, yes.

8 MR. MCIVER: Okay. How frequently
9 afterwards, after the initial
10 background check would you do it?

11 MS. OVERTON: Honestly, I haven't
12 thought about that.

13 MR. MCIVER: Thank you,
14 Mr. Chairman.

15 MR. KEMP: All right. Thank you.

16 MS. OVERTON: Okay.

17 MR. KEMP: All right. Anyone
18 else, public comments? All right.
19 Seeing none, we'll move on to our
20 investigative report part of the
21 agenda.

22 And for those of you that haven't
23 been to a state election board meeting
24 before, as we move into our consent
25 cases -- we have a number of cases, as

1 you can see, on your agenda, and the
2 recommendation by the investigative
3 division is for these cases to be
4 dismissed, so we'll take no further
5 action on these cases and dismiss them.

6 It's been the purview of the board
7 to do this, vote in block when we do
8 this, to speed up our -- our meetings
9 for those of you who have traveled a
10 long way to get here.

11 However, if there's a board member
12 or a citizen that would like us to pull
13 an individual case or cases off of the
14 agenda where they can speak to those,
15 we're glad to do so.

16 So if -- I'm going to just go
17 down -- first, I'm going to ask the
18 board if there's -- a board member that
19 would like to pull any of the cases off
20 the consent agenda.

21 Okay. Hearing none, is there
22 anyone that would like for us to --
23 and, again, these were recommended for
24 dismissal, so this will be the end of
25 the process and no further action taken

1 on these.

2 The first is a 2010 Number 52,
3 Brooks County -- okay -- the second is
4 2013, Number 50, City of Waycross; the
5 third is 2014-108, Wayne County; the
6 fourth is 2015, Number 17, Glynn
7 County; 2015, Number 35, Dekalb County;
8 2015, Number 77, City of Scotland;
9 2015, Number 96, City of Savannah;
10 2016, Number 11, Fulton County; 2016,
11 Number 12, Liberty County; 2016, Number
12 24, Fulton County.

13 Okay. Hearing no objection to
14 vote and block on the consent cases,
15 the chair is prepared to take a motion.

16 MR. SIMPSON: I move these cases
17 be dismissed.

18 MR. KEMP: All right. Mr. Simpson
19 moves that the consent agenda and the
20 cases on the consent agenda be
21 dismissed.

22 Do we have a second?

23 MR. MCIVER: Second.

24 MR. KEMP: Mr. Mciver seconds.

25 Any other discussion?

1 Hearing none, all in favor signify
2 by saying aye.

3 (An affirmative vote was cast by
4 saying aye.)

5 MR. KEMP: All opposed, same sign.
6 That motion carries, and we have
7 dismissed all the cases on the consent
8 calendar.

9 That will move us now to our
10 investigative report. Now, these cases
11 we will have an investigative report
12 made to the board, and then I will call
13 on any of the respondents or
14 complainants or anyone else that's here
15 that would like to speak to these
16 cases, and give you an opportunity to
17 address the board.

18 What we've done in the past is
19 just gone down the roll real quick, and
20 if you're here, if you'll just say,
21 here, or raise your hand if you're here
22 on that specific case. And if we have
23 cases that no one's here or bothered to
24 show up for, we'll move those to the
25 foot of the calendar; therefore,

1 hopefully, getting you-all back on the
2 road a little quicker today.

3 So if you're here for the City of
4 Keysville case.

5 UNIDENTIFIED SPEAKER: Here.

6 MR. KEMP: You're here? Okay.
7 Wayne County?

8 UNIDENTIFIED SPEAKER: Here.

9 MR. KEMP: Okay. Chatham County,
10 Pooler pre --

11 UNIDENTIFIED SPEAKER: Here.

12 MR. KEMP: Okay. Effingham
13 County? Effingham ballot case? All
14 right. Jeff Davis County, Absentee
15 Ballot case? The Long County Poll
16 Worker Training Case? The Glynn
17 County -- I'm sorry. So nobody was
18 here from Long, correct?

19 UNIDENTIFIED SPEAKER: Correct.

20 MR. KEMP: Glynn County Felon
21 case?

22 UNIDENTIFIED SPEAKER: Here.

23 MR. KEMP: Atkinson County, City
24 of Willacoochee?

25 UNIDENTIFIED SPEAKER: Here.

1 MR. KEMP: Okay. Thank you.

2 The Wayne County, City of Odum?

3 Appling County, GEMS Server case?

4 Echols County case?

5 UNIDENTIFIED SPEAKER: Here.

6 MR. KEMP: The City of Register?

7 UNIDENTIFIED SPEAKER: Here.

8 MR. KEMP: Okay. Brantley County?

9 UNIDENTIFIED SPEAKER: Here.

10 MR. KEMP: Chatham County's here,
11 correct, for redistricting? The City
12 of Waycross, and then the Tybee Island?

13 UNIDENTIFIED SPEAKER: Here.

14 MR. KEMP: Okay. We've got our
15 order set here. We'll start off with
16 the SEB Case Number 2013 -- yes sir?

17 UNIDENTIFIED SPEAKER: Excuse me,
18 Mr. Chair. As far as the consent
19 cases, I apologize. I didn't
20 understand the process. I thought
21 someone wanted to get participants to
22 be able to speak. You know, I thought
23 you were asking just about the board
24 members consent to dismiss it, but
25 we -- we did want to speak, my wife and

1 I.

2 MR. KEMP: Well, we've -- we --
3 and I feel like I've made myself clear
4 on the --

5 UNIDENTIFIED SPEAKER: Okay. And
6 you did -- excuse me.

7 MR. KEMP: -- on the -- just hold
8 on one second -- on the process, so I
9 can't go back and undo an action of the
10 board, because the board has already
11 taken action to dismiss. But I'm glad
12 to give you a couple of minutes if you
13 would like to speak to that --

14 UNIDENTIFIED SPEAKER: Okay.

15 MR. KEMP: -- to that case.

16 UNIDENTIFIED SPEAKER: Fair
17 enough. Yes, sir.

18 MR. KEMP: So if you want to come
19 up, we'll go ahead and do that real
20 quick. I apologize for the confusion.

21 UNIDENTIFIED SPEAKER: Well, I
22 apologize for my admission and my
23 ignorance of the process. We just
24 wanted to have our say.

25 MR. KEMP: Yes, sir. And if you

1 would, just give us your name, both --
2 whoever's speaking at the time, when
3 you first come to the mic, just give us
4 your name and address for the record,
5 please.

6 MS. MURRAY: My name is Audrey
7 Murray, and I live at 1535 Pendleton
8 Street, in the Fifth District, in
9 Chatham County. It's the Fifth
10 District in the city of Savannah.

11 MR. KEMP: If you could give us
12 your address just a little slower where
13 she can get that.

14 MS. MURRAY: 1535 Pendleton
15 Street, Savannah, Georgia.

16 MR. KEMP: Is that Tindolton?

17 MS. MURRAY: Yes, Pendleton.

18 UNIDENTIFIED SPEAKER: Pendleton.

19 MR. KEMP: Pendleton Street.

20 Okay. Thank you.

21 MS. MURRAY: I wanted to speak,
22 and I understand clearly from the
23 letter that was sent that there was no
24 violation in trying to prevent me from
25 voting. I registered to vote. I am

1 registered and have been since I was 18
2 years old.

3 MR. KEMP: Ma'am, if you wouldn't
4 mind, just let me ask you, which case
5 are you referring to?

6 MS. MURRAY: The case is 2015-096.

7 MR. KEMP: Okay. City of
8 Savannah.

9 MS. MURRAY: Yes.

10 MR. KEMP: Okay. Ma'am, go ahead.
11 I'm sorry.

12 MS. MURRAY: And, no, I was not
13 intimidated to try to keep from voting.
14 I do vote, and I vote often, and I'm a
15 registered voter and have been since I
16 was 18.

17 My position was, is that there
18 what intimidation, and I was trying
19 to -- Shaundra McKeithen, who was
20 running for alderman, Fifth District,
21 was trying to intimidate me and my
22 husband to be silenced and not to
23 support the candidate of our choice.

24 And I felt like she crossed the
25 line when her and her campaign manager,

1 Zeke Brown, decided to tape a letter to
2 my door, and things that was in the
3 letter. And I think that, no, she
4 wasn't trying to keep us from voting,
5 because I'm going to vote, but at the
6 same time, to come out your door and
7 find a letter taped on there, that --
8 that -- that is too much.

9 I felt like she crossed the line.
10 I felt like she should be reprimanded
11 some type of way for that. She was a
12 candidate running for office. If you
13 don't like what I'm saying or what I
14 have said on public media, then it's
15 okay. You don't have to come on my
16 page. I don't come on hers. I never
17 did.

18 My husband do not, and we have
19 not, and I think that if you don't like
20 what we're saying and you don't like us
21 because we support a candidate, that's
22 okay, but don't come on my porch and
23 tape a letter to my door, threatening,
24 talking to the house we live in, where
25 we live and also saying that my husband

1 can be a -- a lawsuit can be taken out
2 on him through his job where he work.
3 If he say GOP or republican, it's
4 ridiculous.

5 But at the time, I was very upset
6 when I came out to find that. I was on
7 the way to pick my grandson up from
8 school. And to come outside and to
9 find a letter taped on your door, it's
10 unexpected, and I thought it just
11 utterly ridiculous, and it was just too
12 much for a person to do with election,
13 and I never experienced anything like
14 that before, supporting any -- any
15 candidate of my choice.

16 And I think that when people do
17 those things and cross those kind of
18 lines, it shouldn't just be okay, and
19 there's nothing that you can do.

20 So I did try to take out a warrant
21 on her and Mr. Brown, but I was told
22 that because I did not see them do it,
23 you know, that I couldn't do it. I
24 would have to have seen them leave that
25 on my porch.

1 But Mr. Brown, he said that he did
2 it. And I know that this came from a
3 Facebook back and forth from -- with
4 Will Cubbage (phonetic) and my husband
5 who was -- Will Cubbage was running for
6 office at one time, during that time,
7 but he dropped out of the race.

8 But that was between Will Cubbage
9 and my husband. And if she don't like
10 what was said, then she don't have to
11 be on that page. There is no reason to
12 inbox my husband at 11:00 at night and
13 insult him and me, and then talk about
14 the home that I live in, and I didn't
15 appreciate that.

16 And it was following that when the
17 note was put on my door. I know that
18 Zeke Brown couldn't have known anything
19 about it, because I know him. We live
20 from in the same neighborhood.

21 When he first came to volunteer
22 for the democratic party in 2012, he
23 did not even have an e-mail address.
24 My husband was the one to help him with
25 that, because he does not have the

1 capacity to do something like that
2 online, open up an e-mail address.

3 So I know he wasn't on Facebook.
4 He does not have a Facebook page. His
5 address is her campaign headquarters,
6 so it's no way that he didn't know
7 about it.

8 And when she found out about it
9 and knew about it, she did not
10 apologize. She didn't say, well, I'm
11 sorry, Ms. Murray, that it happened,
12 that Zeke Brown did that to you or put
13 that letter on your door. She was
14 there when he admitted to it, and she
15 did none of that. So I felt like she
16 was fully aware of it, and that also
17 she participated in the decision about
18 that being put on my door.

19 And I just wanted that to be on
20 the record and it be stated and known
21 that I don't think any candidate
22 running for office should participate
23 in any type of conduct like that.

24 MR. KEMP: Well, thank you for
25 being here this morning. It will --

1 your comments will definitely be on the
2 record.

3 MR. MURRAY: Well, my name --

4 MR. KEMP: Yeah, just name and
5 address.

6 MR. MURRAY: I'm sorry. My name
7 is Carl Murray, 1535 Pendleton Street,
8 Savannah, Georgia, 31405. I'd just
9 like to reiterate what my wife said.
10 One of the public speakers meant --
11 well, spoke about integrity, you know,
12 as far as the electoral process, and I
13 agree with her.

14 I would like to also state that I
15 do believe in F-1 (phonetic) who's had
16 a crime, and maybe that's just society.
17 And they have the right to vote.
18 They're not -- I do believe that they
19 should be afforded the right to vote.

20 But that's, kind of, where I
21 sidetrack. I just wanted to put that
22 in there. I just wanted to put a face
23 with what's happening. That's really
24 why we came here. We understood that
25 it was going to be dismissed. And,

1 sure, I could have took out a Peace
2 Warrant on Ms. McKeithen and Mr. Brown,
3 but that -- that wouldn't have served
4 the purpose.

5 If you're running for public
6 office, you're supposed to have a
7 certain amount of integrity. I don't
8 have to believe in your political point
9 of view, but we still should respect
10 one another. That was total
11 disrespect.

12 I imagine -- you know, you
13 gentlemen sitting on the panel right
14 now, imagine the frustration of your
15 wife call you on your job. She's
16 having a panic attack, because there's
17 a threatening letter on your door.

18 Let's put a face on it. This is
19 not a normal prank. This is something
20 I would -- someone who's evil to even
21 put -- to print that, but I -- maybe
22 I'm overreacting.

23 But still, the point is,
24 hopefully, this is some type of vehicle
25 to stop people who have shown a pattern

1 of doing stuff like this. She's not
2 fit for public office in my humble
3 opinion.

4 I hope that -- that's all I have
5 to say at this time. Totally
6 frustrated. She should not be running
7 for public office. She's unfit. Thank
8 you.

9 MR. KEMP: Well, Mr. And Ms.
10 Murray, thank you for being here today.
11 I can assure you that this board likes
12 putting faces with the things that are
13 going on, and that's a big part of our
14 job is make sure we're listening to the
15 citizens.

16 So your comments will definitely
17 be on the record, and I would encourage
18 you in the future, if you're facing
19 similar things, that right when that
20 happens to let our investigative
21 division know, and we'll be glad to
22 look into that.

23 MR. MURRAY: Thank you very much.

24 MR. KEMP: Thank you for being
25 here today.

1 MS. MURRAY: Thank you.

2 MR. KEMP: Okay. We're going to
3 move now to, again, our Investigative
4 Report. The first case I'll call is
5 2013, Number 42, City of Keysville.

6 Mr. Lewis?

7 MR. LEWIS: Mr. Secretary, this
8 case was presented the last --

9 MR. KEMP: No. Mr. Lewis, this is
10 Number -- excuse me one second.
11 This'll be Number 12 in our binder.

12 MR. LEWIS: Yes, sir. This case
13 was amended the last day the election
14 board meetings were held in Macon, and
15 returned to the investigation division
16 so that we can assure the city
17 Keysville to participate in these
18 findings.

19 In this case, Ms. Lamden
20 (phonetic) had reported that a lever
21 voting machine, and the votes in that
22 machine were not retrieved during the
23 November 5th, 2013, city of Keysville,
24 municipal election.

25 The city of Keysville was

1 operating two lever-style voting
2 machines during that election, and one
3 of the machines malfunctioned on
4 election day.

5 As workers were reporting votes
6 cast on the malfunctioned machine, they
7 inadvertently reported only four votes
8 for candidate, Ruby Rudman (phonetic),
9 instead of the 14 votes that the
10 machine had indicated she had received.
11 So she was, in essence, shorted ten
12 votes during that election.

13 We also reviewed the election documents
14 following up on the complaint, and we
15 found several things involved with the
16 election documents reviewed. The
17 current, at that time, election
18 superintendent was Youna Seigel
19 (phonetic), and she failed to enter the
20 date for the ballot applications
21 received and compared to identify
22 information and signature marks of the
23 elector to the voter registration card,
24 the 21 absentee ballots.
25 Fifteen of those were not signed or

1 certified. There were 44 absentee
2 ballot on the list received via mail
3 and during early, advance voting that
4 were accepted but not properly signed
5 as well.

6 There were 88 voter certificates that
7 had various issues such as no signature
8 of elector, no poll officer signatures
9 or initials, and type of indication on
10 the box was not checked, ID indication.
11 The city of Keysville was added as a
12 respondent in this case and provided an
13 opportunity to address the issues. I
14 think the city attorney, Mr. Pomeroy
15 (phonetic), is here today to speak to
16 this and provide a response on behalf
17 of the city outlining the corrective
18 action that's been taken regarding
19 these violations.

20 The city of Keysville continues to
21 make changes to ensure that these type
22 of violations do not occur in a future
23 election. Each of the board members
24 should have a copy of Mr. Forman's
25 (phonetic) response in your binders.

1 At the last meeting, we
2 recommended that this case be bound
3 over to the Attorney Generals office
4 with a list of violations of the
5 parties involved, which would have been
6 the city of Keysville, Union City, Roxy
7 Russell, who was a poll worker.

8 The board might also want to
9 consider accepting, in this case, the
10 city's corrective action plan enclosed
11 with a letter of instruction.

12 I would also just like to point
13 out, Mr. Secretary, that Youna Seigel
14 did call. She wanted to attend this
15 meeting, had attended and spoke to the
16 board at the last meeting and expressed
17 her, you know, sincere sorrowfulness
18 for being involved in this and the
19 mistakes that were made. She was
20 unable to attend today due to a
21 conflict.

22 MR. KEMP: Okay. All right.
23 Thank you.

24 Any questions for Mr. Lewis? Mr.
25 Mciver?

1 MR. MCIVER: What is your
2 recommendation?

3 MR. LEWIS: Well, my
4 recommendation was to bind over to the
5 Attorney General's office. That was
6 before we received a response from the
7 city of Keysville outlining their
8 corrective action plan.

9 So we're sticking to the original
10 recommendation but also offering the
11 board an opportunity to review the
12 responses provided.

13 MR. KEMP: Mr. Mciver, I'll note
14 for the record that one of the
15 questions I asked is that we refer to
16 the AG's office, what they would do,
17 and it was, you know, discussed with me
18 that they would -- they would probably
19 require the same remedial plan, which
20 the city has -- has already given us.

21 So I think if the board -- if the
22 board is comfortable with that, we can
23 accept the plan with a letter of
24 instruction. If they're not, we can
25 bind it over and let Mr. Willard and

1 his group address it.

2 But I think it would probably
3 speed things up to do a letter, but I'm
4 certainly open for whatever the board
5 decides.

6 MR. MCIVER: Has there been any
7 assessment of this plan measured
8 against the election code?

9 MR. WILLARD: Well, we looked at
10 it, sir, and it basically was
11 encouraged they replace the election's
12 supervisor with a -- with a new person,
13 and training has occurred, and the city
14 administrator has also received
15 training.

16 So we have more people who that
17 are trained now, and they've replaced
18 the machines. They're not longer using
19 the Jeep. They're using this election,
20 a paper-ballot system, so they've made
21 some changes that address the issues
22 that occurred.

23 MR. KEMP: Mr. Simpson?

24 MR. SIMPSON: Do we have any
25 history on the new election

1 superintendent? Has there been an
2 election since he or she was appointed,
3 and how do we know the training has
4 worked with the new superintendent?

5 MR. WILLARD: Yes, sir. To my
6 knowledge, since these changes
7 occurred, we haven't had any complaints
8 with the city of Keysville.

9 MR. SIMPSON: But have there been
10 any elections?

11 MR. WILLARD: Yes, sir.

12 MR. KEMP: City elections?

13 MR. WILLARD: Yes, sir.

14 MR. KEMP: Well, let me just --
15 let me just finish real quick with
16 the -- with the board member.

17 All right. Any other questions
18 from the board?

19 Okay. Anyone else wishing to
20 speak to this?

21 Good morning. Give us --

22 UNIDENTIFIED SPEAKER: Good
23 morning.

24 MR. KEMP: Give us --

25 MS. FLOURNOY: My name is Vanessa

1 Flournoy, and I'm the City attorney for
2 the city of Keysville. My address --
3 my office address is 1101 11th Street,
4 Augusta, Georgia, 30901.

5 On behalf of the City of Keysville
6 and the reason I attend today is they
7 wanted to make sure you understand that
8 they are committed this to this, and
9 they do not wish to disenfranchise any
10 voter or infringe any voter in any way.
11 So they're taking steps within the
12 realms of the city.

13 I'm just saying, this is a small
14 municipality, so resources are limited.
15 We're limited resources, but these are
16 the steps that we've taken.

17 It was not financially feasible to
18 purchase another voting machine, so
19 they would -- they opted with the paper
20 ballot. And since that time, we've had
21 elections without any problem.

22 The most recent election, we did
23 not have a -- any problems at all,
24 none. So it has been, I believe, two
25 or three elections since then that

1 they've had under the new system, and
2 we have not had a problem with them or
3 any problem.

4 And the City administrator is
5 trained, and she does monitor this to
6 ensure that there is compliance. So we
7 are committed to this, and we would ask
8 the board to take the appropriate
9 action, but -- and that we will honor
10 whatever action you take and look
11 forward to working with you to ensure
12 that every vote -- every vote is
13 counted, and we doesn't -- that this
14 city does not, in any way, hamper or
15 infringe upon any voter's rights.

16 MR. KEMP: Thank you for being
17 here. Any questions for Ms. Flourney,
18 Mr. Simpson?

19 MR. SIMPSON: No, I don't have any
20 questions. I have a question
21 concerning the process. Your letter
22 is, sort of, a showing of what the city
23 has done thus far to try to direct the
24 problems --

25 MS. FLOURNOY: Uh-huh.

1 MR. SIMPSON: -- as I understand
2 it.

3 MS. FLOURNOY: Yes, sir.

4 MR. SIMPSON: It would seem like
5 to me, and I -- that maybe the best
6 thing to do, rather than doing a letter
7 of instruction, is to have a Consent
8 Order which is enforceable. And if we
9 could go that route, then I think we
10 could probably relieve the case and
11 refer to the Attorney General and let
12 his office work out a Consent Order
13 with Ms. Flournoy that he can enforce
14 at a later date.

15 Because I think it's a little too
16 soon right now just to say, okay,
17 because this is a real egregious case
18 about violations. It looks like to me
19 that we need a little track record or
20 something that we can enforce before we
21 just do a letter of instruction and
22 move on, you know.

23 MR. KEMP: Okay. All right. Any
24 other questions for the council?

25 Thank you for being here.

1 MS. FLOURNOY: Thank you.

2 MR. KEMP: Anyone else wishing to
3 speak on this case? Okay. Hearing
4 none, do we have a motion, any further
5 discussion from the board?

6 MR. SIMPSON: Is the case bound
7 over at this time?

8 MR. WILLARD: No, sir.

9 MR. KEMP: No.

10 MR. SIMPSON: Well, I'd move to
11 bind the case over to the Attorney
12 General.

13 MR. KEMP: All right. Mr. Simpson
14 makes a motion to bind over to the
15 Attorney General's office. Do we have
16 a second?

17 MR. MCIVER: Second.

18 MR. KEMP: Mr. Mciver seconds it.
19 Any other discussion?

20 Hearing none, all in favor signify
21 by saying aye.

22 (An affirmative vote was cast by
23 saying aye.)

24 MR. KEMP: All opposed, same sign.
25 That motion carries.

1 Thank you for being here this
2 morning.

3 Our next case will be 2014, Number
4 7, the Wayne County SPLOST case. It's
5 Number 13 in our binder.

6 MR. WILLARD: Yes, sir. It was
7 alleged in the complaint that proper
8 notices were not published regarding
9 the East Lodge before the election. We
10 found that the notice was published for
11 five weeks prior to the election in
12 Wayne County, and present on five
13 different dates during the month of
14 October.

15 So we found no violations with the
16 complaint that we received; however,
17 during our investigation, we discovered
18 that the probate judge, Tammy Thornton,
19 had failed to complete her election
20 certification training after taking
21 office in January of 2003.

22 Judge Thornton was able to provide
23 copies of test scores and e-mail
24 correspondence with the state
25 election's office verifying she

1 initiated the certification process in
2 2011. The certification did not come
3 into July 20 -- July 16 of 2012.

4 We recommend that Judge Tammy
5 Thornton, the Wayne County probate
6 judge, be bound over to the Attorney
7 General's office to obtain her
8 certification in the year she was
9 appointed by the end of the year.

10 MR. KEMP: Mr. Lewis, what was --
11 when was this certification, did it
12 become --

13 MR. LEWIS: She was appointed in
14 January of 2009. She should've been
15 certified by the end of that year, by
16 December 31st of 2009.

17 MR. KEMP: And when did she became
18 certified?

19 MR. LEWIS: She was certified
20 officially July 16th of 2012.

21 MR. KEMP: All right. Any
22 questions for Mr. Lewis from the board?
23 Mr. --

24 MR. WORLEY: I have a question.
25 What --

1 MR. KEMP: I'm going -- I'm going
2 to call your name, so she -- because
3 she doesn't know who everybody is. Mr.
4 Worley.

5 MR. WORLEY: Thank you, Mr.
6 Chair.

7 What, if any, remedial action can
8 be taken at this time, or has that
9 already been done?

10 MR. LEWIS: Well, she's already
11 obtained her certification. At this
12 point, I don't know if there are any
13 remedial training options available.

14 MR. KEMP: Any other questions for
15 Mr. Lewis? Anyone else wishing to
16 speak.

17 MS. THORNTON: My name is Tammy
18 Thornton. I am the Probate judge and
19 election's superintendent for Wayne
20 County. My office address is 359
21 Walnut street, Jesup, 31506.

22 I, honestly, did not realize that
23 I was supposed to be certified by
24 taking the test. I attended every
25 training that was required. I even

1 attended district meetings. I had
2 already been to Kennesaw three
3 different times to certify with their
4 machines and what was mandated by the
5 law for that.

6 When the -- when the complaint was
7 filed and the investigator contacted
8 me, she said there was an issue with my
9 certification. And I told her that,
10 one day in my office, I was just
11 looking on the list, sir, and noticed
12 something about taking some tests.

13 And it clicked, and I contacted my
14 liaison, at the time was Michelle
15 Simmons, and I said, Michelle, I did
16 not realize that I was supposed to do
17 that.

18 So I set a week aside at my office
19 and took the time do the test. I had
20 to contact Kennesaw several times, sent
21 the test results to Rochelle. And long
22 story short, I thought it was completed
23 and over with until the investigation.

24 So I mean, that's -- it was an
25 honest mistake, but I did attend every

1 training that was required and even
2 additional training that was not
3 required.

4 MR. KEMP: All right. Thank you,
5 Judge Thornton, for being here and
6 taking the time to come down this
7 morning.

8 Let me see. Does any board member
9 have a question for the judge?

10 Okay. Thank you very much.

11 MS. THORNTON: Thank you.

12 MR. KEMP: Anybody else wishing to
13 speak on this matter? Hearing none, so
14 we have any further discussion or a
15 motion?

16 MR. WORLEY: Mr. Chairman, I think
17 a motion that we send a letter of
18 instruction --

19 MR. KEMP: Mr. Worley, let me get
20 you to restate that . Mr. Worley?

21 MR. WORLEY: Mr. Chairman, I would
22 make a motion that we send a letter of
23 instruction to Judge Thornton on this
24 matter.

25 MR. KEMP: All right. We've got a

1 motion for a letter of instruction from
2 Mr. Worley. Do we have a second? I'm
3 second. The Chair seconds. Any other
4 discussion, Mr. Worley.

5 MR. WORLEY: I would just say that
6 there doesn't seem to be much point to
7 binding it over given that the judge
8 has completed the training, has come
9 and admitted that she made a mistake,
10 and so I just think that that's a more
11 appropriate resolution of the case.

12 MR. KEMP: I would agree with
13 that, and, Judge Thornton, it may be
14 good to have the probate judge's
15 council maybe for new probate judges
16 that get elected or are appointed to
17 send a notice and make sure that the
18 judges are away that they do, for the
19 ones that have elections they have to
20 do, certifications or perhaps there's
21 something we could do on our end as
22 well.

23 So we'd love to work with you on
24 that in that regard.

25 MS. THORNTON: Yes, sir, I'd

1 certainly be honored. I think that
2 it's something that is in the making
3 some of the others will know. Thank
4 you.

5 MR. KEMP: Okay. All right. Any
6 other discussion from the board? We've
7 got a motion and a second. Hearing
8 none, all in favor signify signifying
9 by saying aye.

10 (An affirmative vote was cast by
11 saying aye.)

12 MR. KEMP: All opposed, same sign.
13 That motion carries.

14 We're now on SEB case, 2014,
15 Number 30. Let's see. Mr. Lewis, the
16 2014, Number 15, Candler County BOE,
17 we've got a continuance for that,
18 correct?

19 MR. LEWIS: That is correct, sir.

20 MR. KEMP: All right. So we'll
21 move to 2014, Number 30, the Chatham
22 County-Pooler Precinct case, will be
23 Number 15 in our binder.

24 MR. WILLARD: Yes, sir. Mr.
25 Secretary, Tiffany reported to us that

1 they had received nonpartisan ballots
2 instead of the republican ballots that
3 they requested, that the Pooler
4 precinct had in Chatham County.

5 The election involved a general
6 primary election on May 20th of 2014.
7 A Marion Jordan was interviewed by the
8 investigator and reported receiving a
9 nonpartisan ballot when he requested
10 the republican ballot.

11 We did not realize the mistake
12 until after he had already cast his
13 ballot. We made several attempts to
14 contact Tiffany Davis by phone, visited
15 her residence, Certified Mail, and were
16 unable to speak with her. She did
17 acknowledge receiving an e-mail but
18 ignored our request to respond.

19 Investigator Braver (phonetic)
20 will confirm, however, that Tiffany
21 Davis and Marion Jordan received
22 nonpartisan ballots. They were both
23 certificates for both individuals that
24 were clearly marked and indicated a
25 republican ballot selection.

1 Our recommendation would be that
2 the Chatham County Board of
3 Elections -- or Russell Bridges, the
4 election supervisor and Ruth Crawford,
5 the poll manager, be bound over to the
6 Attorney General's office for violation
7 of Court Rule 183-1-12-254(b).

8 MR. KEMP: Any questions for
9 Mr. Lewis? All right. Anyone else
10 wishing to speak?

11 UNIDENTIFIED SPEAKER: Good
12 morning, Mr. Secretary.

13 MR. KEMP: Good morning.

14 MR. BRIDGES: I'm Russell Bridges.
15 I'm the election supervisor for Chatham
16 County. The instance that had occurred
17 in Pooler, it did happen. It's an
18 unfortunate thing that happened. It
19 was a mistake; not a procedural error.

20 Whenever we hold a primary result,
21 you know we have multiple ballots to
22 deal with. And if the poles are busy
23 and they're kind of in a rhythm and
24 they're processing, sometimes they
25 don't pay as close attention necessary

1 to the process.

2 In the case of this particular
3 poll, the voter brought it to the man's
4 attention that the vote was received
5 and voted it. As you know, once it's
6 voted, there is no recourse. There's
7 nothing we can do on a poll, and it's
8 just not a pleasant conversation to
9 have with a voter that just the ballot
10 that wasn't their choosing.

11 But every poll machine we have has
12 a sign, that's mandated by law, that
13 says, please make sure you have what
14 you want before you press the green
15 button to cast your ballot.

16 Ms. Crawford find, during the day,
17 that she had this occur two or three
18 more times, and realized that one of
19 her express polls was evidently
20 slightly out of calibration. They took
21 it out of service. They notified us of
22 this.

23 We sent a replacement unit to the
24 poll, put it in service, and she had no
25 more trouble with the problem. But

1 they actually did have two or three
2 people who came up and said, I didn't
3 get the battle I wanted, but they had
4 not voted it.

5 They canceled it off the machine
6 and reissued the corrective ballot, and
7 that's how it came to her attention to
8 correct the problem.

9 MR. KEMP: Well, thank you for
10 being here, Mr. Bridges. So when you
11 say that it was a mistake, not a
12 procedure error, would the expressed
13 poll not being calibrated right cause
14 that to happen?

15 MR. BRIDGES: Well, it's like any
16 touch -- touchable device, including
17 the touch screens. And the touch
18 screens -- you know, we calibrate every
19 touch screen --

20 MR. KEMP: Right.

21 MR. BRIDGES: -- before it goes
22 into an election, but it's never been
23 part of the process to calibrate it in
24 express polls. That was not something
25 that was, you know, introduced as part

1 of the testing procedure, and it's
2 actually not in the processing flow
3 such as it is on a touch screen.

4 It takes a lot of extra work. You
5 have to take the unit and put it into a
6 maintenance mode and go several levels
7 in. So it's not something that we've
8 ever had to do.

9 MR. KEMP: What -- I guess --

10 MR. BRIDGES: In this case what we
11 found was when they -- when they put
12 their finger -- you know, visual
13 perception, you put your finger on
14 where you think it is, and then you
15 look away for the next action, you
16 touch it, it says put the card in, and
17 you put the card in, and you hit the
18 button, and it creates.

19 MR. KEMP: Okay. All right. Any
20 other questions for Mr. Bridges?

21 All right. Thanks for being here.

22 Anyone else wishing to speak on
23 this matter? Okay. Hearing none.
24 Mr. Simpson?

25 MR. SIMPSON: Are --

1 MR. KEMP: Mr. Bridges, I think
2 Mr. Simpson's got a --

3 MR. SIMPSON: All these machines
4 calibrated now to ensure --

5 MR. BRIDGES: We have calibrated
6 once in our inventory. And, in fact,
7 we're in the process of -- now of -- I
8 just got funding approval this last
9 Friday to replace the units with newer
10 devices.

11 But we went through, after this --
12 because we never really had this issue
13 occur repeatedly. Every poll, during
14 the primary, somebody's going to get
15 the wrong ballot. I mean, when you've
16 got three choices, you -- the voter
17 comes in and says, I want the
18 independent ballot, so they wind up
19 with a nonpartisan.

20 They realize, you know, that they
21 thought they we are going to get all
22 the democrats and republicans to pick
23 and choose from. So they're trained to
24 handle canceling off the machine,
25 reversing it on the express poll and

1 reissuing the corrected ballot, and
2 that's all part of their regular
3 training.

4 It's just unfortunate, if the
5 voter doesn't catch it before they cast
6 their ballot, they -- they leave us no
7 recourse, and that's -- I mean -- and I
8 mean, there was a way to, sort of like,
9 you code a card and go stick it in the
10 machine, and take it back and do it
11 over, but there's not. Privacy rules.

12 MR. SIMPSON: What do you do if
13 somebody says, I want an independent
14 ballot? There's no such thing.

15 MR. BRIDGES: Well, we have taken
16 -- because there's a lot of voter
17 confusion when it comes to the ballots
18 in the primary, we've basically put all
19 the ballots right at the check-in table
20 where they get their certificate.

21 And if they say, I want an
22 independent ballot, we show them the
23 nonpartisan and try to, you know, make
24 sure they understand it.

25 If it's a primary, you must choose

1 a party if you want to vote in a
2 party's candidates. But if you request
3 a ballot that's not one of the parties,
4 this is what you're going to get and
5 ask them to review it.

6 But we've had that issue time and
7 time again when there's a nonpartisan
8 election at the same time there's a
9 general primary. There's always some
10 measure of voter confusion. You know,
11 of course, it introduces the
12 possibility of three different ballots.
13 In this case, we had a unit that was
14 slightly out of calibration and issued
15 some wrong ballots.

16 MR. SIMPSON: What's the solution
17 for that?

18 MR. BRIDGES: Well, obviously, the
19 -- you know, the cleaner solution for
20 nonpartisans was the one we did years
21 ago where it aligned with the general
22 election.

23 But I know that then the general
24 election ballot became enormously
25 large, because you had the slates of

1 judges along with all the referendum
2 questions and all the constitutional
3 questions.

4 So we've been fortunate, over the
5 years, to never experience a problem.
6 I know some of the other counties have
7 had two-page ballots where they've had
8 multiple 21-inch pieces of paper.
9 We've been very fortunate in always
10 keeping them on a piece of paper.

11 So I understand the rationale why
12 the nonpartisan, packed the general
13 primary, because you don't have the
14 questions to deal with typically.

15 So I mean, there's -- there's no
16 perfect solution as long as there's a
17 paper document involved in the system,
18 and, you know, we can't do away with
19 that.

20 MR. SIMPSON: Seems like it would
21 be even worse with the -- with the
22 voting machines with the card in. But
23 if you, you know, ask for the
24 republican or democrat ballot and given
25 that one card that's just got those

1 candidates on it.

2 MR. BRIDGES: That's correct.

3 MR. SIMPSON: But if -- if you
4 wanted to vote, surely, an independent
5 ballot, it seems like you'd get a card
6 that had everybody --

7 MR. BRIDGES: Well, that --

8 MR. SIMPSON: -- and that way -- I
9 mean, we don't have a requirement to
10 declare a party, so you can vo -- as we
11 have open primary, so you -- you know,
12 if you're a republican, you can vote
13 for democratic primary and vice versa.

14 But -- so when an independent
15 comes in -- and apparently, they're are
16 a good number of those -- you've got to
17 have someway for them to be able to do
18 their -- you know, to vote their
19 conscience.

20 MR. BRIDGES: Well, that's true,
21 and I mean it --

22 MR. SIMPSON: That's why I'm here.
23 You're the man on the ground. I mean,
24 that's why I was asking what's your --
25 what's your solution?

1 MR. BRIDGES: Well, when we get a
2 call -- if somebody goes to the polls,
3 and we have the voter that goes to the
4 poll, and they request an independent
5 ballot, and they explain to them about
6 this is a general primary, this is an
7 election of the republican party or an
8 election of the democratic party, the
9 candidates who go to the general
10 election.

11 And we also have a nonpartisan
12 general election, so we try to explain
13 there's actually three elections on the
14 same day. If you wish to choose any of
15 the candidates in either of the
16 parties, you must select the
17 appropriate part; otherwise, you won't
18 see those candidates. What you will
19 see are the ones in the nonpartisan
20 general election.

21 And what about the independent
22 candidate? Well, that's what the
23 general election in November has.
24 Everybody from the various parties come
25 together, along with all of the

1 independent, political-bodied
2 candidates before it. There, you don't
3 have to choose who --

4 MR. SIMPSON: The both are posted
5 so --

6 MR. BRIDGES: Yes.

7 MR. SIMPSON: -- if somebody
8 wanted to vote as an independent, they
9 you could send them to both ballots,
10 and say, okay, now, look at these
11 ballots, and then you decide, and you
12 tell me what you want.

13 MR. BRIDGES: That's correct.

14 MR. SIMPSON: If you don't want
15 the voter thinking that they've been
16 pressured into taking a republican or a
17 democrat ballot.

18 MR. BRIDGES: Right. We know --
19 that's why I say, we have the ballots
20 -- we have -- always have the
21 nonpartisan ballot to make sure they're
22 not just thinking of nonpartisan as the
23 independent ballot.

24 And then we have the republican
25 and democrat ballots also posted right

1 there so that they can look and make
2 their choice.

3 We train our poll workers, don't
4 say, you need to vote democrat, you
5 need the vote republican, because now
6 I'm telling you how to vote.

7 MR. SIMPSON: Right.

8 UNIDENTIFIED SPEAKER: So there's
9 that fine line between guiding you to a
10 decision to make your choice or giving
11 you or telling you how to make the
12 decision, which we weigh very, very,
13 very hard, but -- and some people, I
14 mean, you just have line a way to
15 interpret that.

16 MR. SIMPSON: Thank you.

17 MR. KEMP: Mr. Mciver?

18 MR. WORLEY: One of our charges is
19 to deal with solutions. By the
20 purchase of this new equipment, I
21 gather it's a later general generation.

22 MR. BRIDGES: It's the Express
23 called 5,000.

24 MR. WORLEY: Yes, sir. Will that
25 prevent this in the future?

1 MR. BRIDGES: Well, it's a newer
2 machine. It's a little faster. It's
3 -- you know, it's a little more
4 capable. It has some features that
5 Express 4,000s don't. It has an
6 onboard battery for date and time and
7 several other things that more function
8 oriented. They're more stable.

9 You know, the Express 4,000 is
10 prone to having synchronization issues
11 in the polls. The Express 5,000, sort
12 of, eliminates that or, you know,
13 largely eliminates it so we can focus
14 more on serving the voter.

15 So the poles having equipment
16 issues with the older machine, and
17 they're sitting there dealing with it,
18 and somebody -- somebody's over there
19 rebooting the machine because it
20 wouldn't synchronize, well, then
21 they're all -- they're all rattled,
22 because they're trying to solve the
23 problems.

24 They're got customers standing
25 there to serve, and they're, kind of,

1 giving him a little bit of pressure.
2 So you eliminates that, and let them
3 focus on the mission at hand, which is
4 to serve the voters that come through
5 the door.

6 And I do believe, my experience,
7 is the Express 5,000 is a little bit --
8 you know, a little bit newer model and
9 is a little more stable, and we will
10 calibrate them when we get them.

11 MR. WORLEY: Thanks.

12 MR. KEMP: Now, I will say, too,
13 just for the record and for everybody
14 that's here today, one of the things
15 that we do and work with election
16 center at Kennesaw State with, is after
17 election, we do surveys with the
18 counties and do an equipment assessment
19 to keep up with, you know, any
20 equipment that failed, we have issues
21 with, and then I'll meet with them to
22 get a full report on that so we can
23 keep a really up-to-date status on --
24 on our equipment around the state, how
25 it's doing and, you know, it certainly

1 performed very well in the past.

2 Those -- that rate has been, I
3 believe, around one percent or lower,
4 so I think it's just good for people to
5 be aware that we do monitor that after
6 every election site.

7 Mr. Simpson?

8 MR. SIMPSON: What -- what kind of
9 training do we give to the election
10 people to deal with this, I want an
11 independent ballot? What -- how do we
12 deal -- how do we tell the people out
13 in the field to deal with it?

14 UNIDENTIFIED SPEAKER: You want me
15 to address that?

16 MR. SIMPSON: Yes, sir, I want
17 somebody from the election's office to
18 address it. Like Mr. Mciver said, one
19 of our things is to try to resolve the
20 problems.

21 MR. HARVEY: Yes, sir. Chris
22 Harvey.

23 MR. SIMPSON: It's going to be a
24 bigger problem in --

25 MR. HARVEY: Yes, sir. My name is

1 Chris Harvey, and I'm an election
2 director for the Georgia Secretary of
3 State's Office. The question of
4 independent ballots is always a
5 mystifying one for some people in
6 primaries.

7 I probably took about 25 phone
8 calls in the course of the May 24th
9 primary. People are angry or upset,
10 because they couldn't -- you know, they
11 said, well, if I want to vote for this
12 person for sheriff and he's running as
13 a democrat but the tax commissioner is,
14 you know, my cousin and he's running
15 republican, and what do I do?

16 And the only real answer is to try
17 our best to explain to people that a
18 primary is really the function of a
19 party, and they -- they ultimately have
20 to choose.

21 There is no, as you -- as you
22 mentioned and pointed out, there is no
23 political registration in Georgia
24 that's -- that's connected to voter
25 registration. Our office has no record

1 of, you know, whether somebody
2 considers themselves a republican or
3 democrat, independent member of any
4 party.

5 Their voter history shows in which
6 primary they've voted in the past, and
7 people -- as you pointed out, people
8 are certainly free to -- to jump back
9 and forth between primaries in
10 different years if they want to.
11 There's no restriction with that.

12 As far as what we try to convey to
13 the county election officials, as I
14 think Mr. Bridges pointed out, the best
15 thing you can do is really to -- to
16 present them ballots. Say, look, these
17 are the ballots that are available.

18 And I understand you may want to, you
19 know, cross pollinate your ballot with
20 different parties; however, that's not
21 the way our system works. You have to
22 choose, you know, one or two or three
23 issues that you think are most
24 important and choose the ballot to
25 correspond with that.

1 And -- and a lot of people weren't
2 happy about that, but that's simply the
3 way the system is set up. And, you
4 know, unless in legislator wants to
5 change, you know, some things, how the
6 election is based, there's really
7 nothing else we can do.

8 As Mr. Bridges pointed out,
9 election officials sometimes get into
10 trouble if it sound like they're
11 pushing you into your ballot. And in
12 some -- in some cases, we get those
13 complaints, too, where somebody comes
14 in and they say, you know, I can't wait
15 to vote for my cousin, Johnny who's
16 running for sheriff, and -- and then
17 they ask for the other party ballot.

18 And they say, well, if you want to
19 vote for Johnny, you've got to choose a
20 democrat ballot.

21 MR. SIMPSON: Yeah, I -- you're
22 infringing on that right to vote by
23 doing that. We don't -- if you don't
24 have to declare a party to vote in a
25 primary. When you have open primaries,

1 if you won't let me vote for whoever I
2 want to in either party, then you've --
3 you've restricted my ability to vote.

4 MR. KEMP: Well, that's what --
5 that's what the law says. I mean, we
6 don't have any --

7 MR. SIMPSON: Well, I -- I know
8 this, but I mean --

9 MR. KEMP: That's not our place.

10 MR. SIMPSON: You know, seems like
11 to me that there should be a process to
12 open that up somehow. That's my only
13 issue.

14 MR. WORLEY: Well, there is a
15 process that's called going to the
16 legislature and getting them to change
17 the law.

18 MR. KEMP: All right. Anything
19 else for Mr. Harvey?

20 Mr. Mciver?

21 MR. MCIVER: Just to clarify,
22 particularly for judge and me. These
23 are a function of the parties?

24 MR. HARVEY: Yes, sir.

25 MR. MCIVER: The parties advance

1 their candidates?

2 MR. HARVEY: Yes, sir.

3 MR. MCIVER: Mr. Worley was a
4 candidate once upon a time or maybe two
5 or three times.

6 But -- anyway, but they advance
7 their candidates. That goes on a
8 ballot, and then those are left to
9 propel. So it's party based?

10 MR. HARVEY: Correct.

11 MR. MCIVER: That's what the
12 audience and we need to clarify. So
13 it's party based. And candidates,
14 through their choices of what ballot
15 they want to be on -- declare as a
16 democrat or republican or an
17 independent, green party, whatever it
18 may be -- that's their choice. And by
19 virtue of that choice, they're now in
20 the bucket of a democrat or a
21 republican or whatever it may be,
22 depending on the ballot?

23 MR. HARVEY: Correct. And the
24 individual voter decides whether they
25 want to participate in any -- in any

1 primary or any one particular party
2 primary they want to. And that, of
3 course, is the general election.

4 And as a matter of fact, right
5 now, we're in the process of
6 independent qualifying where, you know,
7 independents and other party
8 candidates, political bodies,
9 qualifying, as we speak, to appear on
10 the general election. And they're, of
11 course, Judge Simpson, and people can
12 pick and choose and vote for the
13 individual that -- that suits their --
14 their desires.

15 MR. KEMP: All right. Thank you.

16 MR. MCIVER: Thank you.

17 MR. KEMP: Okay. Back to our case
18 we were discussing. Is there anyone
19 else wishing to speak on the Chatham
20 County case? All right.

21 Hearing none, do we have any
22 further discussion or recomend -- or a
23 motion?

24 MR. MCIVER: Believe the
25 recommendation was to bind over.

1 UNIDENTIFIED SPEAKER: That is
2 correct, sir.

3 MR. MCIVER: Ask them to --

4 MR. KEMP: All right. Mr. Mciver
5 moves that we bind over. Do we have a
6 second? I'll second. Any other
7 discussion? Mr. Worley?

8 MR. WORLEY: I think that this,
9 again, is a case that's appropriate to
10 send a letter of instruction on,
11 because it seems that the election's
12 officials have done everything that
13 they can to correct this problem from
14 happening in the future, and I'm not
15 sure that binding it over would change
16 that or add to that.

17 MR. KEMP: All right.
18 Mr. Simpson?

19 MR. SIMPSON: I agree with
20 Mr. Worley. I -- I think this is --
21 this is something, sort of, beyond the
22 elected official's control, because I
23 think it's equipment related.

24 And -- and I think maybe a letter
25 of instruction concerning the

1 calibration of the equipment and how to
2 deal with these issues when they come
3 up with a -- with a voter would be more
4 meaningful than just binding it over,
5 Mr. Chair.

6 MR. KEMP: Mr. Mciver?

7 MR. MCIVER: Well, to me, this
8 goes to the integrity of the ballot,
9 which is the really sacred nature or
10 entire process. That's the reason I
11 think that through the Attorney
12 General's office, they'll be able to
13 reach a better solution than we are
14 here with a letter of instruction. So
15 I'll continue to support my motion.

16 MR. KEMP: I had a feeling you
17 were going to support your motion.

18 All right. We've got a motion and
19 a second to bind over. All -- any
20 other discussion? All in favor,
21 signify by saying aye.

22 (An affirmative vote was cast by
23 saying aye.)

24 MR. KEMP: All opposed?

25 MR. WORLEY: No.

1 MR. SIMPSON: I abstain.

2 MR. KEMP: You're abstaining?

3 Okay. So that motion carries two to
4 one then, and we have voted to bind
5 that over.

6 All right. So we'll move on here
7 to Case Number 2014, Number 92, Atkins
8 -- or I'm sorry. 2014-57, Glynn County
9 Felon's case, which will be Number 19
10 in our binder.

11 MR. LEWIS: Yes. Mr. Secretary,
12 on August 26, 2014, Gina Edwards --
13 who's the Glynn County election's
14 supervisor -- reported that several
15 convicted felons had illegally voted in
16 recent elections.

17 Tina Edwards reported that six
18 individuals, believed to be convicted
19 felons, under sentence, had voted in
20 recent elections. Those individuals my
21 name were Germane Way, Maury Reid,
22 Lewis Mosley, Marcus Karmina, Donte
23 Walker, Joseph Gardner.

24 After a thorough examination of
25 the criminal history information and

1 election documentation, it was
2 determined that five of the original
3 six individuals were not, I repeat,
4 were not in violation of any election.

5 Trumane Way is the identical twin
6 brother a Germane Way and was found to
7 have been convicted of a felony on July
8 -- a felony on July 18th, 2005.

9 Registered to vote October 18th of 2007
10 and voted during the November 6th, 2007
11 Glynn County Special Election.

12 Dominique Walker was found to have
13 been sentenced for a felony on January
14 the 2nd, 2013 with ten years of
15 probation. He then voted during the
16 November 5th, 2013 Nonpartisan
17 Municipal Election in Glynn County.

18 Our recommendation would be that
19 Trumane Way unqualified Walker -- or
20 Dominique Walker unqualified Walker,
21 that we bound to the Attorney General's
22 office for violation of 21-2-216.

23 MR. KEMP: All right. Any
24 questions for Mr. Lewis? Hearing none,
25 anyone wishing to speak to this matter?

1 All right. Hearing none, the
2 recommendation is to bind over the two
3 individuals mentioned in the report.

4 MR. SIMPSON: So moved.

5 MR. KEMP: Mr. Simpson moves that
6 we bind over.

7 MR. MCIVER: Second.

8 MR. KEMP: Mr. Mciver seconds.
9 Any other discussion?

10 Hearing none, all in favor
11 significant by saying aye.

12 (An affirmative vote was cast by
13 saying aye.)

14 MR. KEMP: All opposed, same sign.
15 That motion carries, and we can bound
16 those individuals over.

17 We're now on the 2014, Number 92.
18 It's a Atkinson County, City of
19 Willacoochee case, Number 20 in our
20 binder.

21 UNIDENTIFIED SPEAKER: Yes, Mr.
22 Secretary.

23 MR. KEMP: Ms. Watson?

24 MS. WATSON: The complainant, Gary
25 Ball, who works the regulator, he's my

1 election supervisor, Lorraine White, in
2 the November 4th, 2014, general
3 election.

4 There were a total of 17 separate
5 allegations, which included such things
6 as UFI votes, not being counted during
7 the election, that Lorraine White
8 changed the last name of a voter on
9 their ballot. The other voter voted in
10 person and also by provisional ballot.

11 The de-voting, William Futch,
12 voted in the election when he no longer
13 resided in Willacoochee; the two
14 deceased voters, William Vickers and
15 Otis McDonald, might have voted in the
16 election; that some people were paid
17 for their votes and some were paid to
18 hold up campaign signs during the
19 election; that voters, Thomas and April
20 Walker, resided in Atlanta, Georgia,
21 and they voted in the election in
22 Atkinson County; that when election
23 supervisor, Lorraine White, duplicated
24 some ballots she might not have copied
25 them right; that a voter named Archie

1 Myers voted in the election, but he no
2 longer lived in Atkinson County; it was
3 also alleged that Mr. Myers was a
4 convicted felon; that a voter named
5 James E. Lott, Jr. Was registered to
6 vote in Willacoochee, Georgia, but
7 resided in Pearson, Georgia.

8 The investigation shows there were
9 four improper ballots that were
10 requested, and they were mailed out.
11 Two of those were returned, and the
12 votes were counted. As to the name
13 being changed on the ballot, the ballot
14 does not have a name listed on the --
15 on the ballot for the elector to be
16 changed, but it was determined that an
17 elector's name was updated by Lorraine
18 White at Election Net, which was not a
19 violation of the election code.

20 In reference to William Futch and
21 Archie Myers voting in the election but
22 no longer living in Willacoochee,
23 Georgia, it was found that the
24 complainant had followed the tab to the
25 -- to the voters with the Atkinson

1 County Board of Elections and
2 Registration, and this was heard in
3 November of 2015.

4 In reference to a voter possibly
5 voting twice, it was determined that
6 the voter was issued a voter access
7 card, and the card would not work in
8 the machine, so they were issued a
9 provisional ballot.

10 In regards to the allegation that
11 election supervisor, Lorraine White,
12 duplicated some ballots and may not
13 have copied them right, it was found
14 that one or two absentee ballots had to
15 be duplicated because the voters failed
16 to blacken the ovals in next to the
17 candidate's name. They marked it with
18 an X or a checkmark.

19 The vote review panel duplicated
20 the defective ballot -- or ballots but
21 failed to label the duplicated ballots.
22 And when the investigator asked to see
23 the duplicated ballots and the
24 defective ballots, they were unable to
25 locate them.

1 All remaining allegations were
2 either not or were proven and
3 unfounded.

4 The recommendation is to bind over
5 Atkinson County Board of Election
6 Registration and Lorraine White, an
7 election supervisor, for a violation of
8 21-2-43(f), preparation of duplicated
9 ballots, for failing to label the copy
10 or copies as duplicate, and also
11 21-2-43(f) for failing to prepare true
12 duplicated copy of the defective
13 absentee ballots and 21-2-43(f)(h), for
14 preparation of duplicated ballots that
15 they failed to retain and filed the
16 defective ballots.

17 MR. KEMP: Any questions for Ms.
18 Watson from the board? Anyone else
19 wishing to speak this matter?

20 UNIDENTIFIED SPEAKER: Yes.

21 MR. KEMP: Yes, sir.

22 MR. HALL: My name is Gary Hall,
23 and my present address is 40 Jerry Hall
24 Road, Willacoochee, Georgia. I was a
25 candidate in the election on the 24th,

1 and my thing is about this here, it's
2 been an ongoing process. There's been
3 a lot of cheating, different ones
4 coming from out of state voting, also,
5 out of the city and different counties.

6 And seem to me, you know, just --
7 I feel like that the board of elections
8 should come down on these elections and
9 try to do more, investigate it, you
10 know. At least, y'all should go ahead
11 and try to -- I can't put it in exact
12 words like I want, but should tighten
13 up on everything.

14 And I think that these peoples are
15 coming out of state voting, and the
16 ones from out of different cities and
17 counties should be prosecuted actually.

18 MR. KEMP: Well, thank you for
19 being here, Mr. Hall. I would just
20 encourage you now, or in the future, if
21 you've got specific names or know who
22 these individuals are, we're glad to
23 look into that matter. I know we
24 have -- already on some, but I would
25 encourage you, in the future, to

1 continue to stay in touch with us,
2 because we're glad to look into those
3 type allegations.

4 Any other questions for Mr. Hall?
5 Okay. Anyone else wishing to speak?

6 MR. ALLEN: My name is Rosco
7 Allen, Jr. I live at 765 East Ridge
8 Road (phonetic) in Douglas, Georgia.

9 MR. KEMP: Sir, what was your last
10 name again?

11 MR. ALLEN: Rosco Allen, Jr.

12 MR. KEMP: Allen. Okay. Thank
13 you.

14 MR. ALLEN: I live at 765 East
15 Ridge Road in Douglas, Georgia. The
16 reason I'm up here is because Mr. Hall,
17 when ran for mayor, he lost by one
18 vote.

19 Now, y'all got all your
20 allegations, which is true. I don't
21 know what Ms. Maureen (phonetic) said.
22 All the allegations is true. Now, I
23 subpoenaed -- me, I subpoenaed peoples
24 that voted 30 miles of Willacoochee,
25 doesn't even live in Willacoochee,

1 voted 20 miles from Willacoochee.

2 And number three, I went to
3 subpoena Mr. William F. Futch on that
4 issue now. I went to their address.
5 The address was his father. You got
6 me? He voted. He lived in New
7 Orleans. You understand that? New
8 Orleans, he lived at. His daddy vote a
9 absentee ballot for him.

10 This has been going on for years
11 down in Willacoochee. This board need
12 to take some action. If this is going
13 to election, it needs to be stopped.

14 Now, if that's what the state --
15 what y'all do, y'all need to be doing
16 it. Now, here's a -- this is serious.
17 There's a corrupt world in
18 Willacoochee.

19 Now, we didn't come for two and a
20 half hours just to tell y'all lies.
21 I'm telling you the truth. Id subpoena
22 people, you understand, y'all need to
23 do something here, so it can stop.

24 He the first one -- he'll
25 challenge the board and file a

1 complaint there. It's been going on
2 for years. He lost by one vote. All
3 the allegations, y'all need to put the
4 heat where it be at.

5 MR. KEMP: All right. Thank you.
6 Any questions for Mr. Allen?

7 Mr. Hall, I have one -- one other
8 question if you don't mind.

9 MR. HALL: Okay.

10 MR. KEMP: Did you file a
11 challenge in court to the election?

12 MR. HALL: Yes, sir, I did.

13 MR. KEMP: And what was the result
14 of that?

15 MR. HALL: Well, when we sent to
16 the Board of Elections, they, sort of,
17 like, brushed it over. The chairman of
18 the board, he be like -- he was in, I
19 think, Myrtle Beach, Carolina. And we
20 sat there, and they did a three-way
21 call, and he was trying to talk and
22 tell us, you know, how -- how to go
23 about doing the board election.

24 So Archie Miles, which is one of
25 the ones that voted 30 miles away, and

1 in William Futch, all right, what the
2 chairman of the board told the
3 supervisor that they were going to have
4 another meeting. They' rescheduled it.

5 And then we came down to the next
6 meeting. Wasn't nobody there. We was
7 there, like, 30 minute early, but we
8 never seen no one.

9 So just so happened, I knew one of
10 the election officer, so I went by her
11 house, and her husband told her to take
12 -- you know, he told us that the
13 meeting had been canceled, but no one
14 got in contact with us.

15 MR. KEMP: Okay. Was there -- was
16 there -- did you -- did you file a
17 challenge in Superior Court to overturn
18 the election?

19 MR. HALL: Yes, sir.

20 MR. KEMP: And what was the result
21 of that?

22 MR. HALL: Well, just like I said,
23 we were brushed off.

24 MR. KEMP: So -- so the --

25 MR. HALL: Somebody -- somebody

1 going -- through the chain of command,
2 somebody is --

3 MR. KEMP: So -- so did a judge
4 actually hear the case?

5 UNIDENTIFIED SPEAKER: Back in
6 2011, there was a case heard, but not
7 the one in 2014.

8 MR. KEMP: Okay. All right. Mr.
9 Allen, did you have something else?

10 MR. ALLEN: Yeah. Archie Miles'
11 name, I'm the one who subpoenaed him,
12 and he lived 30 miles away and don't
13 even live in Willacoochee. And I'll
14 bring you some more, too, who lives in
15 Pearson, Georgia, which is 20 miles
16 away that voted.

17 MR. KEMP: All right. Thank you.

18 All right. Anyone else wishing to
19 speak on this matter? Hearing none, I
20 believe the recommendation was to bind
21 over the county and Ms. White. No one
22 also wishing to speak? Okay.

23 Do we have any other discussion
24 with the board or a motion?

25 MR. MCIVER: Move we bind over.

1 MR. SIMPSON: Seconds.

2 MR. KEMP: Mr. Mciver moves that
3 we bind over. Mr. Simpson seconds.
4 Any other discussion? Hearing none,
5 all in favor signify by saying aye.

6 (An affirmative vote was cast by
7 saying aye.)

8 MR. KEMP: All opposed, same sign.
9 That motion carries, and we have bound
10 that over.

11 All right. Our next case will be
12 2015, Number 41. It's a Echols County
13 case, which is Number 23 in your
14 binder.

15 MR. WATSON: Yes, sir, this --
16 this case, the complaint is the Echols
17 County Elections failed to send
18 confirmation notices within the
19 allotted time. The 40-day deadline had
20 expired on the notices.

21 The investigation shows the box of
22 notices were mailed to Echols County by
23 the Secretary of State's Office and
24 received by Probate Judge Carlos
25 Rodgers. The notices were then given

1 to the deputy registrar, Terry Lassiter
2 (phonetic), and instructed to give them
3 to the chief registrar, Delores
4 Everett.

5 Terry Lassiter delivered the box
6 to the office of Delores Everett, and
7 called in to tell her about the box.
8 Delores said she was out of town and
9 would get to them when she got back.
10 The notices should have been mailed by
11 June 29th, 2015.

12 Echols County appointed a new
13 chief registrar on July 6th of 2015, a
14 Ms. Borshurt (phonetic). The new
15 registrar discovered the confirmation
16 notices in the previous chief
17 registrar's office that were never
18 mailed out.

19 The 40-day clock had expired on
20 the cards. There were 107 notices and
21 14 precinct cards that were not mailed.
22 Ms. Borshurt asked the Lowndes County
23 election supervisor, Deb Vass
24 (phonetic), on July 29th what she
25 should do about the notices, and she

1 was advised to contact the county
2 liaison, the Secretary of State's
3 office.

4 She did that. She was advised
5 immediately to mail out the notices.
6 She mailed them out the following day.
7 Investigators spoke with Delores
8 Everett, and Delores Everett
9 acknowledged that it would've been her
10 responsibility to make sure that the
11 notices were mailed out.

12 We recommend that Honorable Carlos
13 L. Rodgers, probate judge, election
14 superintendent be dismissed as a
15 respondent and that Delores Everett,
16 former chief registrar, be bound over
17 to the AG's office for violation of
18 21-2-234(a)(2), confirmation notice
19 requirement and procedure.

20 MR. KEMP: Any questions for
21 Ms. Watson? Hearing none, anyone else
22 wishing to speak? Yes, ma'am.

23 MS. EVERETT: Hello. I'm Delores
24 Everett, 234 Collier Lane, Statenville,
25 Georgia. Thank you.

1 MR. KEMP: Yes, ma'am.

2 MS. EVERETT: Well, I -- this is
3 unfortunate. I appreciate that I've
4 been given the opportunity to speak to
5 you. I'm sorry. I have a little
6 bronchitis. Can we you hear me okay?

7 MR. KEMP: Yes, ma'am.

8 MS. EVERETT: I -- I have served
9 as -- about 16 years as the registrar
10 in Echols County and enjoyed it very
11 much. It's a very small county, and
12 I've joked many times that I worked for
13 the funeral home part time, so I know
14 when people die, and I'm also kin to
15 most of the felons, so it was easy for
16 me to keep the role in Echols County.
17 But it is a hometown, and, you know,
18 I've appreciated working there.

19 And during this last -- in 2015,
20 July of 2000 -- all of them -- 2015, we
21 did not have a -- an election. In the
22 month of July, I had volunteered for a
23 mission trip up in Charlotte, North
24 Carolina, so I had looked ahead and
25 planned to be away and thought I had

1 everything covered.

2 And during that time, the
3 secretary to the probate judge
4 retired -- or not retired. She
5 resigned quickly. Did not give enough
6 time to really get a new deputy
7 registrar in. She was the deputy
8 registrar.

9 And so while I was away during the
10 month of July, the deputy registrar
11 left that position, and a new one was
12 appointed, which had not had the
13 training, of course, to know what to do
14 when the -- the envelope came with the
15 confirmation cards.

16 So whenever I was called, of
17 course, it was something that if I able
18 or would've known put stamps on them
19 and sent them out. And so it was an
20 unfortunate event that they did not get
21 sent out.

22 However, whenever I got home, I
23 was preparing to come to the next
24 annual meeting, and called up the
25 county commissioner's office to get the

1 vehicle assigned for me to come to the
2 registrar meeting.

3 And at that time, the secretary to
4 the county commissioner said, well,
5 Ms. Everett, you don't know that you've
6 been replaced by someone else? Well, I
7 didn't know that. I do take -- I did
8 take offense at that, that someone
9 thought that I had said I was going to
10 retire.

11 I had said whenever I came back
12 from the mission trip that it was
13 something I was considering, that, you
14 know, whether or not to stay on. But I
15 had not given anything, no written
16 consent or anything in writing, that I
17 was resigning from my deputy -- from my
18 registrar position. So I will admit, I
19 was offended by that. Actually, hurt
20 but it.

21 And so whenever I got back in town
22 and there was someone else already in
23 the office, someone else already had
24 found the confirmation envelope,
25 someone else had already reported that

1 it wasn't done, and the activity that
2 you have in hand was initiated.

3 I had worked 16 years or so as a
4 deputy -- I mean as a chief of
5 registrar -- and I appreciate working
6 with Carl very much -- but there was
7 never a time in those 16 years that
8 Mr. Rodgers says, Delores, you're not
9 doing your job. There's never a time
10 when he come up to me and said,
11 Delores, you haven't done your job. So
12 I was offended by it.

13 At this point, maybe it was in
14 God's will that I'm not a chief
15 registrar anymore. I accept that, but
16 to go out under a cloud of not doing
17 what I should have done is offensive to
18 me and the work that I've done in the
19 past.

20 So I appreciate you being
21 considerate of this. It was an
22 unfortunate chain of events. No --
23 nothing intended whatsoever. I will
24 take whatever, you know, you hand down
25 for that, but I did want you to hear

1 from me how I feel about this.

2 And I appreciate the work that --
3 your board, you're doing, and I believe
4 in our -- in our voting system. It was
5 a delight of mine to be a part of that.
6 Thank you very much.

7 MR. KEMP: Thank you very much for
8 being here, Ms. Everett.

9 Mr. Simpson?

10 MR. SIMPSON: Could you help me
11 with a timeline on this now?

12 MS. EVERETT: Sure.

13 MR. SIMPSON: When you left on
14 your mission trip, do you remember the
15 date of that?

16 MS. EVERETT: Well, it was the
17 month of July, so it was --

18 MR. SIMPSON: In July?

19 MS. EVERETT: Right. So I did not
20 -- had not seen the cards before I
21 left, yes, sir.

22 MR. SIMPSON: That's -- that's my
23 question.

24 MS. EVERETT: And then April
25 resigned quickly, so when she resigned,

1 nobody knew what to do when those cards
2 came in.

3 MR. SIMPSON: Yes, ma'am. But the
4 cards had not come in --

5 MS. EVERETT: They had not come to
6 me, right.

7 MR. SIMPSON: -- before you left?

8 MS. EVERETT: I would not have
9 left them.

10 MR. SIMPSON: So the cards came in
11 after you were on vacation?

12 MS. EVERETT: After I left, yes.

13 MR. SIMPSON: Okay.

14 MS. EVERETT: Well, it was a --

15 MR. SIMPSON: And someone else was
16 appointed to your position during that
17 period --

18 MS. EVERETT: While I was away.

19 MR. SIMPSON: Yes, ma'am.

20 MS. EVERETT: So I never really
21 actually ever saw the cards.

22 MR. SIMPSON: Okay. And that --
23 that answers my question.

24 MR. KEMP: Okay. Any other -- any
25 other questions for Ms. Everett?

1 All right. Thank you for being
2 here.

3 Anyone else wishing to speak?
4 Judge, how are you doing?

5 MR. RODGERS: Good morning. My
6 name is Carlos Rodgers. My address is
7 282 Hickory Road, Lake Park, Georgia in
8 Echols County. I'm the election
9 superintendent and probate judge for
10 Echols County.

11 Yes, it has been a pleasure to
12 have worked with Ms. Everett for 16
13 years. Never had a problem one time.
14 But she is correct. The day I received
15 the box, it did not -- it just said
16 from the Secretary of State's office to
17 the registrar's office. It didn't have
18 on there what it was. If I'd seen that
19 it was some voter cards, I would've
20 instructed that girl to go ahead and
21 mail them out.

22 I told her to take it down there
23 and put it on -- on her desk and
24 contact Ms. Everett, which she did.
25 Ms. Everett said she'd get -- my

1 secretary had quit -- she'd told the
2 truth -- quit about two days or a day
3 before that without giving notice. She
4 had a baby and just called me and said,
5 hey, I'm not coming back to work, and
6 she was working at the registrar.

7 So my new girl, we appointed her
8 as the deputy registrar, which had no
9 training, though, so I told her to take
10 them down there and set it on the desk.
11 Ms. Everett said she'll get to it when
12 she comes back.

13 During that time, my Superior
14 Court clerk come over and says, we
15 elected Ms. Borshurt as the new chief
16 registrar. Well, first thing I asked
17 her, I said, did Delores already give
18 you a letter? I said, I know she spoke
19 to me and the -- the Superior Court
20 clerk about retiring, but I didn't know
21 she had a letter. She said, well, we
22 done appointed -- she said she was
23 going to retire and the -- well, you
24 heard -- what is it? Anyway, I can't
25 think. Have to appoint something.

1 The -- the grand jury appointed
2 Ms. Borshurt to take that office.

3 So I went down there and opened
4 the door for Ms. Borshurt. I seen the
5 box there. She said, what is this? I
6 said, I don't know. It's something
7 that come in. We opened it up and seen
8 what it was. I said, well, I don't do
9 much with the registrar work, because
10 they don't train us to do the registrar
11 part as the election superintendent.

12 I said call, Deb Cox, which she
13 did. I said either that or call
14 Secretary of State, Leanne, our
15 liaison. And they said, go ahead and
16 mail them out.

17 And it was a honest mistake. I
18 mean, if I'd known that they was that
19 important to be on there, I could've
20 done it.

21 But there is another thing of
22 this. Let's say if would've handed
23 them directly to Ms. Everett, and she
24 said she mailed them out, I would never
25 know if she did or didn't as the

1 superintendent.

2 Even though I know my case was
3 dismissed on my part, but as a
4 superintendent of elections, how would
5 I know? Because there's no
6 confirmation on this once you mail them
7 out, so there's is no way.

8 And a couple of questions. This
9 is not dealing with mine. I told Jim
10 Allair (phonetic) what y'all was asking
11 about and how you could put in
12 procedure on the ballots. In my
13 county, we had that problem (inaudible)
14 machine's company.

15 So now we actually have a poll
16 worker take that person to each
17 machine. Put the card in for them.
18 That way we're hear it click. Bring
19 the ballot up, and we say this is a
20 republican ballot, democratic or
21 nonpartisan. Is this how you want to
22 vote today?

23 If they say yes, we walk away. If
24 they say no, then we go over and take
25 the card back out and give them the

1 ballot they want. So -- and as far as
2 the express code, it is mandated that
3 they are LNA tests.

4 So, I mean, you still can have
5 errors. But that's all I got to say,
6 and I do appreciate the 16 years she's
7 worked with me. Like I said, I never
8 had no problem.

9 MR. KEMP: It was good to see you,
10 Judge. Thanks for being here.

11 MR. RODGERS: I'm sorry I missed
12 you the last time you come by.

13 MR. KEMP: Nah, that's all right.

14 Any questions for Judge Rodgers?
15 All right.

16 MR. RODGERS: Okay. Y'all have a
17 good day.

18 MR. KEMP: Thank you.

19 Anyone else wishing to speak on
20 this matter? All right. Any other
21 discussion or a motion?

22 MR. SIMPSON: I move we dismiss
23 the case against Ms. Everett.

24 MR. WORLEY: Second.

25 MR. KEMP: All right. We've got a

1 motion by Mr. Simpson and a second by
2 Mr. Worley to dismiss the case against
3 Ms. Everett. Any other discussion?

4 Hearing none, all in favor signify
5 by saying aye.

6 (An affirmative vote was cast by
7 saying aye.)

8 MR. KEMP: All opposed. That
9 motion carries, and we have dismissed
10 Ms. Everett.

11 All right. We still have the
12 judge cited as a respondent. The
13 recommendation was to dismiss.

14 Do we have a motion to do that?

15 MR. MCIVER: I'll so move.

16 MR. KEMP: Mr. Mciver moves. I'll
17 second. Any other discussion?

18 Hearing none, all in favor of
19 dismissing the -- Judge Rodgers as a
20 respondent, please signify by saying
21 aye.

22 (An affirmative vote was cast by
23 saying aye.)

24 MR. KEMP: All opposed, same sign.
25 That motion carries.

1 All right. That moves us to 2015,
2 Number 48, the City of Register, which
3 is Number 24 in our binder.

4 MR. WATSON: In this complaint,
5 the city of Register had an incumbent
6 qualify, and then went through before
7 the end of qualifying. The city of
8 Register failed to reopen qualifying
9 under 21-2-132(c)(4).

10 The investigation shows the city
11 registrar was conducting a general
12 special election on November 3rd, 2015,
13 and the city clerk handles qualifying
14 in Bulloch County as contracted to
15 handle the election.

16 On the last day of qualifying
17 period, the incumbent candidate for
18 Elaine Lee withdrew her candidacy. The
19 city of Register or city clerk, Rhonda
20 Deloach, a Bulloch County election
21 supervisor, stated they were not aware
22 of election code 21-2-132(c)(4), then
23 states that any case for an incumbent
24 that's filed notice of candidacy and
25 paid the prescribed qualifying fee in a

1 nonpartisan election to succeed himself
2 or herself in office but withdraws as a
3 candidate for such office prior to
4 close of applicable qualifying period
5 prescribed in this subsection
6 qualifying for candidates other than
7 such incumbents shall reopen at 9 a.m.
8 on the Monday next.

9 Following the close of proceeding,
10 qualifying period shall cease at 5 p.m.
11 on the Tuesday immediately following
12 such reopening, notwithstanding the
13 fact that any of these may be legal
14 holidays.

15 The city of Register had no
16 opposed candidates, and the
17 announcement was posted in a legal
18 order, that there would be no election.

19 The recommendation is for Rhonda
20 Deloach, City clerk, and the city of
21 Register be bound over to the AG's
22 office for the listed violation of
23 21-2-132(c)(4), filing notice of
24 candidacy nomination petition and
25 affidavit, and that candidate, Elaine

1 Lee, withdrew prior to the close of
2 qualifying, and the City clerk failed
3 to reopen the qualifying.

4 MR. KEMP: Any questions for Ms.
5 Watson? All right. Anyone else
6 wishing to speak?

7 Yes, ma'am.

8 MS. DELOACH: My name is Rhonda
9 Deloach. I'm the city clerk for the
10 town of Register.

11 MR. KEMP: Ms. Deloach, if you
12 don't mind, just bend that mic down a
13 little. There you go. Thank you.

14 MS. DELOACH: And my business
15 address is 37 Foster Road, Register,
16 Georgia. I'm not sure what I'm being
17 bound over to the Attorney General's
18 office. I just wanted -- I did bring a
19 statement from Pat Jones, the Bulloch
20 County superintendent, and my own
21 statement. They, pretty much, say the
22 same thing.

23 And I just wanted to say that I
24 had just taken a test to qualify or get
25 certification for a qualifying officer

1 probably 30 days before that, and this
2 law wasn't in any of the material I
3 studied. And it seems keep of
4 important. Of course, it's important
5 to me now, because, you know, I find
6 out we've messed up.

7 And I know that probably you can't
8 get everything into the training
9 material, but I -- I would like to say
10 that if it had been, I would have known
11 what to do and when to be here.

12 MR. KEMP: Okay. Any questions
13 for Ms. DeLoach? Mr. Mciver?

14 MR. MCIVER: Would you like for us
15 to look at those documents?

16 MS. DELOACH: Yeah. It's just a
17 statement from Pat Jones and myself
18 about what happened, what occurred.
19 It's, pretty much, what she --

20 MR. KEMP: Are you moving that we
21 accept the documents, Mr. Mciver?

22 MR. MCIVER: Yes, sir, I do.

23 MR. KEMP: Do we have a second?

24 MR. SIMPSON: Second.

25 MR. KEMP: All right. Mr. Mciver

1 moves that we accept the documents, and
2 Mr. Mr. Simpson seconds.

3 All in favor signify by saying
4 aye.

5 (An affirmative vote was cast by
6 saying aye.)

7 MR. KEMP: All opposed, same sign.
8 That motion carries, and we've accepted
9 the documents.

10 Let me just say -- we talked about
11 this case, Ms. DeLoach, and I know the
12 recommendation is to bind over, but I
13 think, too, it could be consideration
14 for a letter of instruction.

15 While it's clear the -- the law
16 was -- well, this is a new law, and I'm
17 sure there's probably a lot of people,
18 especially at that time, were not aware
19 of that. It is -- I think -- I think
20 the law has passed with our input for
21 very good reasons, but things --
22 depending on when potential candidates
23 that qualify and then decide to drop
24 out on when that happens, it does
25 affect different results, so I could

1 understand the confusion, and certainly
2 you may be not knowing that that was
3 the case.

4 Did any -- the board have any --
5 any other comments or questions?

6 All right. Thank you for being
7 here.

8 MS. DELOACH: Thank you.

9 MR. KEMP: Does anyone else wish
10 to speak in this -- on -- in matter to
11 this case?

12 All right. Hearing none, do we
13 have any other discussion with the
14 board or motion?

15 MR. MCIVER: Again, I'd like to
16 ask what's the recommendation, Ms.
17 Watson?

18 MR. WATSON: It was divided.

19 MR. MCIVER: It was
20 responsibility. I move we bind over.

21 MR. WORLEY: Second.

22 MR. KEMP: All right. Mr. Mciver
23 moves to bind over. Mr. Worley
24 seconds. Any other discussion?

25 Hearing none, all in favor signify

1 by saying aye.

2 (An affirmative vote was cast by
3 saying aye.)

4 MR. KEMP: All opposed, saying
5 sign.

6 MR. SIMPSON: Vote no.

7 MR. KEMP: All right. That motion
8 carries, but Mr. Simpson voted no.

9 All right. We move on to 2015,
10 Number 70, which is Number 25 in our
11 binder.

12 And, Ms. DeLoach, just so you'll
13 know what -- and anybody in the
14 audience, the binder over means that
15 the Attorney General will continue the
16 investigation or the prosecution on
17 this case. In the case of this matter,
18 it will be someone that'll be
19 contacting you to talk through the
20 issues and hopefully reach a Consent
21 Agreement that everybody agrees to
22 that'll sure that this doesn't happen.

23 So I didn't want you to --
24 don't -- don't worry too much about
25 this. I'm sure Mr. Willard understands

1 what we're dealing with, and his office
2 will as well. So thank you for taking
3 the time to be here.

4 MS. DELOACH: Thank you.

5 MR. KEMP: All right. SED case
6 2015, Number 70, the Brantley County
7 Case, Number 25 in our binder.

8 MR. WATSON: Yes, sir. In this
9 case, Brantley failed to have all the
10 candidates listed on the ballot for the
11 City of Nahunta November 3rd, 2015,
12 general municipal and special election.
13 The Brantley County election
14 supervisor, Christine Turner, advised
15 that she submitted the correct list of
16 candidates for the ballot to Kennesaw
17 State University.

18 When the ballot brief returned,
19 she did not notice that one of the
20 candidates, Diane Morgan, was not
21 listed on the ballot.

22 Early advanced voting started on
23 October 12th, 2015, and on October
24 16th, 2015, an elector noticed that
25 Diane Morgan was not on the ballot.

1 There had been eight electors that had
2 came in and cast ballots and three
3 absentee ballot requests.

4 The election's office contacted
5 Kennesaw State University, and they
6 corrected the ballot. Instructed
7 Christine on how to download the new
8 database, and this was completed, then
9 election was continued, and three
10 absentee ballots were sent out to the
11 three that had already requested them
12 with the corrected absentee ballots.

13 The result was that Diane Morgan,
14 the candidate, did end up winning the
15 seat on the city council.

16 We recommend Brantley County Board
17 of Election and Registration and
18 Christine Turner be bound over to the
19 AG's office for Election Board Rule
20 183-1-12.02383, preparation for
21 elections and that they failed to
22 ensure the ballots were printed
23 accurately for the election.

24 MR. KEMP: All right. Any
25 questions for Mr. Watson?

1 MR. WORLEY: I have a question --

2 MR. KEMP: Mr. Worley.

3 MR. WORLEY: -- Mr. Secretary.

4 Ms. Watson, what -- could you go
5 over again Kennesaw State's involvement
6 in this? Did they leave the name off
7 the ballot as they were putting it
8 together?

9 MR. WATSON: Yes.

10 MR. WORLEY: And --

11 MR. WATSON: And then they sent
12 the proof to the -- before they made
13 the final.

14 MR. WORLEY: Okay.

15 MR. WATSON: They sent the proof
16 to her, and she did not -- she approved
17 them, the -- approved the final ballot.

18 MR. WORLEY: And is there -- to
19 your knowledge, is there anything in
20 the election code that relates to
21 holding Kennesaw State liable for
22 mistakes in the balloting process?

23 MR. WATSON: I'm not familiar with
24 it.

25 MR. KEMP: Mr. Harvey, do you have

1 anything the add, because I know we've
2 had this issue before.

3 MR. HARVEY: There's nothing
4 specifically in the code as far as
5 Kennesaw State. I think as a state
6 entity, they would have some unity as
7 part of the Secretary of State's
8 office. It happens from time to time,
9 and that's why they always send it back
10 to the counties to give it the
11 once-over. It's rare, but it does
12 happen.

13 MR. KEMP: And I think, you know
14 -- and correct me if I'm wrong, but I
15 believe that we trained and stressed to
16 the local jurisdictions of the
17 counties, cities, whoever that they
18 have -- it's their responsibility to
19 double-check that ballot and make sure
20 it's correct.

21 MR. HARVEY: That's correct, yes.

22 MR. KEMP: And they have to do it.
23 They have the final sign-offs.

24 All right. Any other questions?

25 MR. MCIVER: Have one of the law

1 department.

2 MR. KEMP: Mr. Mciver?

3 MR. MCIVER: Mr. Willard, would
4 there be any problem with our
5 indicating a letter of instructions
6 should we issue to Kennesaw State?

7 MR. WORLEY: Mr. Mciver, Kennesaw
8 State has not been noticed as a
9 respondent. If you were to so choose
10 to notice them, come back and issue a
11 letter of instructions. I think this
12 may be better handled, given that they
13 are a state contractor with
14 substantively the same thing as a
15 letter of instruction, but an
16 additional guidance from the Secretary
17 of State Election's Division to
18 Kennesaw State would serve the same
19 purpose in this case, because they do
20 work for the Secretary of State in this
21 matter.

22 MR. KEMP: Well, I -- I would -- I
23 would say, I think, before we took
24 action on something like that, it might
25 be good to give them a opportunity to

1 let them explain that ballot-building
2 process.

3 I mean, you've got to think --
4 think of this situation. You've got a
5 county dealing with their races in
6 their county, you know, making sure
7 they've got everybody on the ballot,
8 then you've got Kennesaw State building
9 ballots for all 159 counties.

10 I mean, with the work and the
11 diligence that they have is extensive,
12 so I would -- I would hate to -- and we
13 don't see this happen much, but it does
14 -- it does happen, and I think it might
15 be -- you know, maybe that's something
16 we can discuss, would be getting the
17 presentation from them on exactly what
18 they do -- do for our office, if the
19 board would be open to that.

20 MR. MCIVER: Well, I'll certainly
21 yield on the due process issue if
22 they've not been noticed. We have a
23 double standard -- or a double
24 check-off here, and it appears that
25 we're going to hold the county

1 responsible for on error made by
2 somebody else as well.

3 But if -- I guess I would be
4 assuaged if I knew Mr. Harvey's office
5 had the appropriate discussions with
6 Kennesaw State.

7 MR. HARVEY: Mr. Mciver, I can --
8 I can assure you, we coordinate very
9 closely with Kennesaw State. I speak,
10 you know, almost daily with the staff
11 out there. We coordinate very closely
12 with them. They're very loyal partners
13 and generally very skilled on what they
14 do.

15 It's just one of those things that
16 happens with a proofreading error.

17 MR. MCIVER: All right.

18 MR. HARVEY: I can assure you that
19 I'll -- I'll go back to Kennesaw State
20 and convey the board's concern that
21 they do everything they can do to make
22 sure that they're as accurate as we
23 expect the candidates to be.

24 MR. KEMP: All right. Anyone else
25 wishing to speak on this matter?

1 MS. TURNER: Yes, sir.

2 MR. KEMP: Yes, ma'am. Come on
3 up.

4 MS. TURNER: Hi. My name is
5 Christine Turner, election supervisor
6 for the Brantley County. I live at 352
7 GW Highsmith Road, Nahunta, Georgia,
8 31553.

9 I'm very nervous.

10 MR. KEMP: Oh, no. You're fine.
11 Pull that mic down just a little bit.

12 MS. TURNER: Seeing Chris's face
13 kind of eases me. The day that I had
14 to turn in the names to KSU, there is a
15 Candidate Submission Form that we have
16 to go through on the computer, and I
17 submit these names to KSU during
18 through the submission form. KSU
19 receives it.

20 I believe that in the -- at that
21 time, we had a new person -- new ballot
22 over at KSU, so I think she was, kind
23 of, getting used it the process or
24 whatever at the time.

25 Anyway, I submitted it, the names,

1 whatever. We also had a very long
2 SPLOST question on the ballot at the
3 time. We had a special at the time.

4 And so when I received the proof
5 back from KSU, myself and a board
6 member, Ms. Betty Jo Morgan, sat down
7 and reviewed the ballot. There was
8 also, on the Municipal City of Nahunta
9 Election, two more candidates. And
10 when we reviewed the ballot, of course,
11 seeing one Morgan name and thought that
12 they were all there.

13 And then we proceeded to the --
14 making sure that everything was correct
15 on the SPLOST and making sure that
16 every word was in there. I assume we
17 did not pay -- you know, did not take
18 -- should have taken more time on you
19 and the city names.

20 We have corrected that now. When
21 we get a ballot proof in now, I have
22 three, you know, four of the -- at
23 least three or four of the board
24 members come in. We sit down and
25 review everything now. Name, we spell

1 it, pronounce it, everything. And so
2 we have made sure that that will never
3 happen again.

4 There was eight municipal voters
5 who did come in the first day of that
6 early voting on Monday, and we had
7 nobody come in to vote. The second
8 day, on Tuesday, we had one person come
9 in from the city to vote. Wednesday,
10 we had seven people come in to vote for
11 the city. On that Friday at ten till
12 five, a voter come in, and that's when
13 it was brought to our attention that
14 that person's name was not on the
15 ballot.

16 I immediately contacted KSU. Got
17 in touch with them. They instructed me
18 to -- how to download another corrected
19 database, and I worked and worked until
20 11:30, 12:00 that night to get
21 everything straightened out. I
22 contacted my county attorney. Let him
23 know everything that was going on.

24 And come Monday morning, we had
25 the corrected database, and everything

1 was good.

2 MR. KEMP: Ms. Turner, so there
3 was two Morgans on the ballot?

4 MS. TURNER: Yes, sir, there was
5 two Morgans' names.

6 MR. KEMP: So one of -- one of
7 them -- the one that was left off was
8 --

9 MS. TURNER: Ms. Diane Morgan.

10 MR. KEMP: And she had qualified
11 to run for city council. What was --
12 what race was the other Morgan running?

13 MS. TURNER: City council.

14 MR. KEMP: The same seat?

15 MS. TURNER: Yes, sir.

16 MR. KEMP: Okay. Man all right.

17 Thank you.

18 Any other questions for
19 Ms. Turner?

20 MR. SIMPSON: In the report, it
21 says the lady whose name was left off
22 the ballot won. Is that --

23 MS. TURNER: Yes, sir, she was
24 actually the highest-vote getter.

25 MR. SIMPSON: Okay.

1 MR. KEMP: All right. Any other
2 questions for Ms. Turner?

3 All right. Thank you for being
4 here.

5 MS. TURNER: Thank y'all.

6 MR. KEMP: Anyone else wishing to
7 speak on this matter?

8 Okay. Hearing none, do we have a
9 motion? Any other discussion?

10 MR. SIMPSON: Well, let's -- I
11 tend to agree with what Mr. Mciver said
12 earlier, that this lady has been blamed
13 for somebody else's problem and
14 mistake. But by the same token, this
15 is where the buck stops, you know, in
16 the election's office.

17 This is a difficult case for me to
18 decide, because there was no harm, no
19 foul. No one was injured by the lady's
20 name being left off, but I think we
21 have to uphold a very high standard
22 when it comes to making sure that the
23 names of the candidates, things like
24 incumbent, the names are spelt
25 properly. Whether they're junior or

1 senior or a third or a fourth, all that
2 has to be exactly perfect.

3 I know this is -- it's a difficult
4 case, but I think that it's serious
5 enough -- the result is serious enough
6 in that something slipped through the
7 cracks, so we need to bind it over to
8 make a statement to make sure that all
9 the other election -- local election
10 officers understand how serious this
11 problem could be.

12 We're lucky this time, but it
13 could be a very, very serious problem.

14 MR. KEMP: Would you like to make
15 a motion?

16 MR. SIMPSON: Well, I move that we
17 bind it over.

18 MR. MCIVER: Second it.

19 MR. KEMP: All right. Mr.
20 Simpson's got a motion to bind over.
21 Mr. Mciver seconds. I would like any
22 point of discussion just to say that I
23 think that is appropriate.

24 And I think that the -- in my
25 opinion, the Attorney General's office

1 could work with Ms. Turner and Brantley
2 County to basically put into a order
3 the remedial plan that she, kind of,
4 verbally gave us that the county has
5 now to make sure that this doesn't
6 happen in the -- in the future.

7 Anyone else? Mr. Worley?

8 MR. WORLEY: I just wanted to say
9 that I agreed with the comments of the
10 judge and your comments, Mr. Secretary,
11 that there are certain things in the
12 code that, to me, we have to be
13 especially careful with, and one of
14 those is not putting somebody's name on
15 the ballot. Another is not opening
16 qualifying when we need to qualify
17 people.

18 So I appreciate that the mistake
19 didn't originate with the election's
20 office, but I do think it's appropriate
21 to bind it over in this case.

22 MR. KEMP: Okay.

23 MR. WORLEY: And I also wanted to
24 say that -- that the fact that there
25 was no harm done is good, but I, for

1 one, have always tried to look at these
2 causes without regard to whether --
3 without regard to how the election
4 results turned out, that whether
5 somebody loses by one vote -- as
6 somebody here did earlier -- or loses
7 in a landslide if the rules are not
8 followed properly. It shouldn't matter
9 what the result was.

10 MR. KEMP: Great points, Mr.
11 Worley.

12 Anyone else?

13 All right. I believe we have a
14 motion by Mr. Simpson to bind over, and
15 a second by Mr. Mciver. Any other
16 discussion?

17 Hearing none, all in favor signify
18 by saying aye.

19 (An affirmative vote was cast by
20 saying aye.)

21 MR. KEMP: All opposed, same sign.

22 That motion carries, and we have
23 bound that case over.

24 Thank you, again, Ms. Turner, for
25 being here today.

1 MS. TURNER: Yes. Thank you.

2 MR. KEMP: All right. Let's see.

3 We've got 2015, Number 82, Chatham
4 County Redistricting Case that's in
5 our -- Number 26 in our binder.

6 MR. WATSON: Yes, sir. This case
7 has multiple complaints for the
8 November 3rd, 2015 municipal election.
9 They include that approximately 200
10 voters were unable to vote, because
11 they were in the wrong voting district.
12 Voters were turned away at one
13 precinct, because it did not have any
14 provisional ballots.

15 There was improper voter
16 assistance involving senior citizens.
17 Voters reportedly complained that they
18 did not see their candidate's name on
19 the ballot at the precinct. There was
20 illegal campaign activity at some of
21 the polling precincts, and DRE machines
22 at a polling station were stored in an
23 unsecured location.

24 The investigation shows, as to
25 Allegation 1, that Chatham County

1 Registrar's Office failed to update the
2 voting record for 272 residents of the
3 Sweetwater subdivision in the city of
4 Savannah. This resulted in them being
5 placed in the wrong voting district.

6 A plan of action was developed to
7 ensure these electors had an
8 opportunity to vote on Election Day by
9 provisional ballots.

10 As to Allegation 2, it was
11 determined that a voter, Tracy R. Eddy,
12 was not turned away at the polls when
13 she went to vote on November 23rd,
14 2015.

15 The evidence shows that she went
16 in to update her voting records with
17 the Department of Voter -- Department
18 of Motor Vehicles to change her
19 address, but she didn't update her
20 registration at that time. This left
21 her as a county voter instead of a city
22 voter in election net.

23 She was offered a provisional
24 ballot at a precinct, and she opted to
25 leave instead with the intent to return

1 later to vote. She alleged there was
2 no provisional ballots at the precinct.
3 There was insufficient evidence to
4 conclude that the Grace United
5 Methodist precinct did not have or ran
6 out a provisional ballots when she was
7 there to vote.

8 As to Allegation 3, the
9 investigators were unable to determine
10 the validity of any of the allegations
11 put forth by the complainant because of
12 the lack of information that she
13 provided.

14 As to Allegation 4, there was
15 evidence to show that, at least, one
16 individual was campaigning within
17 150 feet, no-campaigning area at the
18 Holy Spirit Lutheran Church leading up
19 to the November 3rd, 2015 election.

20 However, the investigators'
21 attempts to try to identify that
22 individual for who was responsible for
23 him being there were unsuccessful. We
24 were unable to identify that person.

25 As to Allegation 5, there was

1 evidence to show that the DRA machines
2 at Riverview Health and Rehab precinct
3 were not properly secure for the
4 November 3rd, 2015 election.

5 The doors to the voting area were
6 unlocked prior to the poll managers'
7 arrival. In addition, they were not
8 secure with any type of interlocking.
9 This was discovered by an investigator,
10 Glen R. Gee (phonetic), of the
11 Secretary of State's office during
12 monitoring on December 1, 2015.

13 Our recommendation is defined over
14 Chatham County Board of Registrars and
15 Sandra Williams, the director of voter
16 registration for violation of 21-2-226,
17 duties of county board, maps of
18 municipal boundaries, and then they
19 failed to provide the city of Savannah
20 with an accurate list of voters after
21 receiving changes to the city
22 boundaries from the City of Savannah.

23 Also, Chatham County Board of
24 Elections and Russell Bridges, an
25 election supervisor, for violation of

1 State Election Board rule
2 183-1-12.023-SD3 (phonetic) for voting
3 machines, transport to polls in that
4 they failed to ensure the voting
5 machines at the Riverview Health and
6 Rehab precinct were properly secured.

7 MR. KEMP: All right. Ms. Watson,
8 so the Allegation Number five --

9 MR. WATSON: Yes.

10 MR. KEMP: -- that was -- that was
11 Found during the run-off election
12 in December; did you say?

13 MR. WATSON: Yes, that's correct.

14 MR. KEMP: Okay. All right. Any
15 other questions for Ms. Watson?

16 All right. Anyone else wishing to
17 speak?

18 MS. WILLIAMS: Good morning.
19 Sandra Williams, 1117 Eisenhower Dr.,
20 Suite E, Savannah, Georgia, 31406. I'm
21 the director of the Chatham County
22 Voter Registration Office.

23 Once it was discovered that we had
24 the Sweetwater subdivision, which is
25 primarily at a county precinct, within

1 the city of Savannah, we immediately
2 went to the board to find out what
3 provisions we could put in place so
4 these individuals could get to vote
5 prior to the election.

6 So we were able to get a list
7 together on the Sweetwater subdivision,
8 and we put ballots into the poll, so
9 the individuals who showed up on
10 Election Day were able to vote.

11 It was most unfortunate that the
12 votes were annex'd, and we didn't catch
13 it prior, but we did have provisions in
14 place on Election Day that were able to
15 vote.

16 MR. KEMP: Any questions for Ms.
17 Williams?

18 Ms. Williams, I did have one
19 question. So this was -- was this
20 newly annex'd --

21 MS. WILLIAMS: Yes.

22 MR. KEMP: -- subdivision?

23 MS. WILLIAMS: Yes.

24 MR. KEMP: And so how -- how
25 was -- so were y'all not notified, or

1 did you just miss that, or how did
2 that --

3 MS. WILLIAMS: The City of
4 Savannah annex a lot of little areas.
5 You comes -- you're in a county, and
6 then they got a little portion that
7 they take into the city limits, so
8 you're in the county again.

9 And in looking at the maps, it was
10 inadvertently overlooked that they had
11 added that portion.

12 MR. KEMP: Okay. Thank you.

13 Anyone else have a question for
14 Ms. Williams? Okay. Anyone else
15 wishing to speak?

16 MR. BRIDGES: I'm Russell Bridges.
17 I'm the election supervisor for Chatham
18 County at 1117 Eisenhower Drive, Suite
19 F, 31406, and I'm here to speak on the
20 unsecured equipment.

21 The equipment that we have, our
22 transportation contractor delivers to a
23 secure location at each polling site.
24 Were we made aware by the investigator
25 who made this discovery on an Election

1 Day that when they got there, he
2 actually was at the poll when they
3 opened the doors.

4 And the equipment was secured in a
5 room that they don't use, but the
6 maintenance man, sometime during the
7 morning -- so that they didn't have to
8 wait on him to unlock the door prior to
9 their arrival -- so they were
10 unsecured.

11 We were not aware of that. The
12 equipment used to be delivered to the
13 director's office and then moved just
14 prior to the election to the space that
15 we were going to use, and the -- he had
16 changed that practice in putting them
17 in this unused space.

18 So we're looking into adding the
19 security change. We've not utilized
20 that in the past with our equipment,
21 because we just take steps to make sure
22 they're in secured locations. But
23 since things like this can happen and
24 you don't find out about this until,
25 you know, someone else discovers it,

1 the only remedy is to go forward.

2 So we're going to actually be
3 looking at all our of our locations
4 implementing use of security cable or
5 chains. The point to notice is the
6 equipment was secure and not tampered
7 with, which, you know, is part of our
8 main procedure.

9 MR. KEMP: Any questions for
10 Mr. Bridges? All right.

11 Thank you, sir.

12 Anyone else wishing to speak on
13 this case?

14 Okay. Hearing none, any other
15 discussion from the board, or do we
16 have a motion where --

17 I assume that, Ms. Watson, because
18 we can't find the individual and we
19 don't know who the individual was that
20 was campaigning within 150 feet of a
21 polling location, I mean, did we
22 dismiss that case, or --

23 MR. WATSON: Yes, sir. We found
24 it -- we couldn't substantiate that
25 individual --

1 MR. KEMP: So we don't even know
2 if it actually happened, or we do know
3 it happened --

4 MR. WATSON: We know it
5 happened --

6 MR. KEMP: -- we just don't know
7 who it was.

8 MR. WATSON: -- because there was
9 a photograph of -- of the individual
10 that was handing out flyers. So we do
11 know that it occurred, but we were
12 unable to locate that individual.

13 MR. KEMP: All right.

14 MR. WILLARD: Mr. Secretary?

15 MR. KEMP: Yes, Mr. Willard.

16 MR. WILLARD: Procedurally, you're
17 not dismissing that case, because
18 there's not a respondent, and I would
19 advise the board against making any
20 sort of motion to dismiss in a case we
21 already -- we can't identify somebody
22 who is a potential respondent. We
23 could go forward at that time.

24 MR. KEMP: So we just -- we do not
25 want to take action number -- it --

1 let's see, on Number 4 about the
2 illegal campaign?

3 MR. WILLARD: Correct. The only
4 thing the board should do is take
5 action on Allegation 1 and Allegation
6 5.

7 MR. KEMP: Okay.

8 MR. MCIVER: Or we can just bind
9 it over all together, and you can sort
10 that out.

11 MR. WILLARD: Bind it over as to
12 the individuals who were noticed, which
13 are the Board of Registrars and the
14 registrar who spoke, the election
15 superintendent, board of elections.
16 That's the board's . . .

17 MR. MCIVER: But if that person is
18 located who allegedly campaigned, then
19 there's the notices.

20 MR. WILLARD: Well, it would cut
21 you with -- after investigation, it was
22 being noticed and come back and forth.

23 MR. KEMP: Well, I don't think we
24 -- we wouldn't be binding that
25 individual over, because they would

1 just do --

2 MR. MCIVER: I don't think you
3 can.

4 MR. WILLARD: You could -- but you
5 could in a subsequent meeting.

6 MR. MCIVER: Yeah, but not right
7 now, because there's the notices.

8 MR. KEMP: All right. Any other
9 discussion? Did you want to make a
10 motion, Mr. Mciver?

11 MR. MCIVER: I was going to rely
12 upon Judge Simpson to do that one.

13 MR. SIMPSON: I move to bind over
14 the case against Sandra Williams and
15 the Board of Registrar office and also
16 Election Supervisor Bridges and the
17 Chatham County Board of Elections as
18 recommended.

19 MR. WORLEY: Second.

20 MR. KEMP: All right. We got a
21 motion by Mr. Simpson, a second my
22 Worley. Any other discussion?

23 Hearing none, all in favor signify
24 by saying aye.

25 (An affirmative vote was cast by

1 saying aye.)

2 MR. KEMP: All opposed, same sign.

3 That motion carries, and we have bound
4 over the Chatham County case.

5 All right. Case 2016, Number 1,
6 which is a Tybee Island candidate for
7 qualifications issue. It's Number 28
8 in our binder.

9 MR. WORLEY: It's the complainant,
10 Montey Parks alleges that Tybee Island
11 resident Stephen Friedman intentionally
12 filed a false candidate qualification
13 document when he ran for office in the
14 November 3rd, 2015 general election in
15 Tybee Island.

16 The investigation showed that on
17 September 12th, 2014, Mr. Friedman
18 purchased a home on Tybee Island in
19 order to establish residency.

20 On November 4th of 2014, Mr.
21 Friedman traveled to Cobb County to
22 vote, signing a voted certificate,
23 attesting that his residence was in
24 Cobb County.

25 On September 3rd, 2015, Mr.

1 Friedman submitted notice of candidacy
2 paperwork with an affidavit that he was
3 a Tybee Island resident in one year,
4 which would not have been for one year
5 from the date of this home purchase on
6 Tybee Island, nor would the election be
7 one year from the date that he
8 completed the voter certificate in Cobb
9 County pending election set for
10 November 3rd, 2015.

11 The requirement is for the
12 resident to be 12 months prior to the
13 election. Mr. Friedman was notified of
14 the challenge. He withdrew his
15 candidacy.

16 The recommendations is for Stephen
17 Friedman, candidate of Tybee Island
18 City Council, will be bound over to the
19 AG's office for 21-2-565(a), making
20 false statement of candidacy or
21 qualifying candidate.

22 MR. KEMP: Any questions for Ms.
23 Watson?

24 Hearing none, anyone wishing to
25 speak?

1 MR. PARKS: Gentleman, ma'am,
2 thank you for having me here today. My
3 name is Montey Parks. I live at 1014
4 Jones on Tybee Island. I'm also an
5 elected official serving on the
6 council.

7 I have learn that when somebody
8 takes a podium and says I'm not going
9 to take much of your time, it's a bad
10 sign.

11 MR. KEMP: Let me remind you, if
12 you would, if you could just me your
13 last name and your --

14 MS. PARKS: Parks.

15 MR. KEMP: Parks?

16 MS. PARKS: Like state national.

17 MR. KEMP: Okay. And your
18 address, please.

19 MS. PARKS: 1014 Jones.

20 MR. KEMP: Thank you.

21 MS. PARKS: It's Tybee. Mr.
22 Friedman is one of the most intelligent
23 and articulate and well-informed people
24 that I've had the pleasure to meat.

25 He's a graduate of one of the

1 finest law schools on the east coast.
2 He clerked for a federal judge. He's
3 an extremely successful entrepreneur in
4 a time-based/deadline-sensitive
5 business.

6 He's brought a new level of
7 professionalism to our island. His
8 family's got a history of distinguished
9 legal service in this community. With
10 his support on the island, it reads
11 like a variable oontz (phonetic) into a
12 significant business and community
13 leaders.

14 I'm not privy to the details of
15 the investigation on this. I don't
16 want to be. I don't know all the its,
17 ands or buts, but under my faith and
18 respect for Mr. Friedman, it tells me
19 that he knew full well what he was
20 doing when he signed that affidavit.

21 Now, I'm deeply involved the Tybee
22 politics. I did not run in the last
23 election. I was not a candidate. Our
24 island takes its politics very
25 seriously. I don't know if you're

1 familiar with Tybee politics, but it
2 tends to be spirited.

3 Our voter turnout is one of the
4 highest, at least, in Chatham County if
5 not in the surrounding area. And I
6 think we've got an obligation to
7 maintain a level of accountability, and
8 I think that these voters demand it.
9 They certainly demand it of me.

10 I contacted the election officials
11 out of concern about -- after I learned
12 about irregularities. I requested an
13 investigation to set the record
14 straight.

15 I was hoping that where there was
16 smoke, there would be no fire; however,
17 here we are today.

18 I know that a comment was made in
19 the investigative report about the
20 residency rule only being violated by
21 one day. If a contractor should submit
22 their bid to Tybee one day late,
23 unconsidered. If I show up for a job
24 interview one day late, it's a bad
25 deal. One day matters.

1 The election rules aren't
2 advertised. It's a plus-or-minus
3 factor. I'm not seeking to escalate
4 this. I'm not seeking any formal
5 charges. I'm just seeking a letter of
6 acknowledgment, or if there was a
7 family box, I'd ask Stephen voluntarily
8 go into it for a few years.

9 But I do feel that a consensus
10 would be a disservice to a passionate
11 and productive census. Thank you for
12 your time.

13 MR. KEMP: Mr. Parks, I had a -- I
14 have a question or two for you. So you
15 said, if I'm correct, you did not run
16 this election?

17 MS. PARKS: I did not.

18 MR. KEMP: So was Mr. Friedman
19 running for the seat that you hold?

20 MS. PARKS: No, no. Six council
21 members staggered four-year terms.
22 Three people were in the election.
23 Last year was not my turn. Mine's
24 coming up in a year and a half. I'm
25 probably sinking my career right now.

1 MR. KEMP: And you said that Mr.
2 Friedman was an attorney?

3 MS. PARKS: Yes, sir.

4 MR. KEMP: Okay. Thank you.
5 Any other questions for Mr. Parks?
6 All right. Thank you for being
7 here.

8 MR. PARKS: Thank you for your
9 time.

10 MR. KEMP: Anyone else wishing to
11 speak on this matter?

12 MR. RAY: Good morning, Mr.
13 Secretary. My time is Chris Ray. I'm
14 the counsel for the respondent. I just
15 did not know if the panel might wish to
16 hear from other complainants before --
17 before we begin. But you're ready to
18 hear from --

19 MR. KEMP: Well, we can hold.
20 Does anyone else wish to speak for the
21 council regarding this matter?

22 I think you're up, Counselor.

23 MR. RAY: Good morning, Secretary
24 Kemp and members of the State Election
25 Board. My name is Chris Ray, and I

1 practice law here in Savannah, Georgia
2 with the law firm of Oliver Maner. Our
3 professional address is 218 West State
4 Street, Savannah, Georgia, 31401.

5 I have the pleasure and the honor
6 this morning of representing the
7 respondent, Mr. Stephen Friedman, in
8 connection with this matter, and we
9 very much appreciate the opportunity to
10 be heard before the board today and to
11 address these charges, which we, in all
12 frankness, believe should not move
13 beyond this board and move to any other
14 level of investigation or adjudication.

15 Simply stated, Mr. Secretary and
16 members of this board, this is not a
17 case of fraud. This is not a case of
18 intentional misdirection. This is a
19 case of an honest mistake by the
20 candidate, and honest mistake alone
21 does not rise to the level of criminal
22 defense of false swearing, which is the
23 specific issue that's been referred
24 concerning Mr. Friedman in this case.

25 We believe that the clear weight

1 of the evidence in this case reveals
2 that Mr. Friedman has not violated
3 Georgia's election laws, and the only
4 appropriate outcome in the matter is
5 going to be an outright dismissal, and
6 that's what we're going to ask the
7 board to do today at the conclusion of
8 this hearing.

9 And Mr. Friedman is here today,
10 and he will and does wish to address
11 the board directly, but he's asked me
12 if I could first give an overview of
13 the basic facts and the underlying --
14 the underlying explanation as to why we
15 believe the evidence against him is so
16 scant that the case must be dismissed.

17 Just by way of background,
18 Mr. Friedman is a native of Savannah
19 and Chatham County, Georgia. He grew
20 up here. He spent much of his
21 childhood on Tybee Island. It's a
22 place that's special to him as a summer
23 residence for his family.

24 He spent much of his professional
25 life in metro Atlanta, living for most

1 the last eight years before he moved to
2 Tybee, in Cobb County, specifically in
3 Marietta.

4 He and his wife had a vacation
5 home on Tybee Island, which they
6 regularly used over the course of their
7 life in Atlanta.

8 But in the summer of 2014, they
9 made a specific decision and choice
10 that they were going to change their
11 residence and move to Tybee permanently
12 and full time and make Tybee their home
13 for the rest of their lives.

14 We know this, because on August
15 the 16th of 2014, the Friedmans sent
16 out an e-mail to all of their close
17 friends. The subject line was:
18 Friedmans are moving to Tybee. To our
19 dearest friends, hope the subject line
20 caught your attention. Annette and I
21 have been negotiating to purchase a new
22 house at Tybee, and today the final
23 counteroffer was signed by all the
24 parties.

25 Our plans are to sell our house in

1 Marietta and our current house at Tybee
2 and live full time in the new Tybee
3 house.

4 Our house here in Marietta will go
5 on the market in about two weeks once
6 some painting and minor repairs are
7 finished. We have 45 days of due
8 diligence on the new Tybee house
9 located at such and such an address
10 with a closing schedule for October of
11 '15. The rest of it's personal in
12 nature.

13 But one of the measures of
14 domicile in this state has always been
15 the clear intent of the individual for
16 where they wish to go and where they
17 wish to maintain themselves.

18 This was an overt act, making
19 clear to all the world that Tybee was
20 to be the new homes -- or the new home
21 of Mr. and Mrs. Friedman.

22 It may be helpful to see the
23 course of events in this timeline, and
24 I'll put that a little closer if I may
25 to the panel. Thank you, sir. Can

1 everyone see that?

2 The summer of 2014, Mr. And Mrs.
3 Friedman engage a real estate agent to
4 buy this new house on Tybee.

5 On August the 6th of 2014, they
6 send this e-mail that I just showed the
7 panel of their intent to move to Tybee.

8 In September of 2014, they listed
9 the Marietta house up for sale and
10 actually decamped to their old first
11 house on Tybee, their vacation home.

12 Now, it's important to understand,
13 and Mr. Friedman will address this
14 himself, when they left this house in
15 Marietta, they took every stick of
16 furniture, every personal possession
17 out of it, because the realtor,
18 instead, wanted them to buy what they
19 call staging furniture to stage the
20 home to make it appear more attractive
21 to potential buyers. It was no longer
22 readily habitable by the Friedmans.

23 And, in fact, Tybee became the
24 residence that they maintained over
25 that next year, up through and

1 including the time of this election.

2 Now, from time to time, the
3 Friedmans did have to return to Cobb
4 County. There were a number of reasons
5 for that.

6 For one, Mrs. Friedman was under
7 the care of a physician whom she was
8 still seeing in Marietta, and there
9 were times to go up for those visits.

10 Of the one of the visits that took
11 them back to the Marietta area, in
12 fact, fell around Election Day,
13 November the 4th of 2014, and it is
14 undisputed in this case that
15 Mr. Friedman did vote in Cobb County on
16 November the 4th of 2014.

17 But the case here today is not
18 about eligibility to vote or
19 ineligibility to vote or correctness of
20 voting or incorrectness of voting.

21 The case here today is what was
22 Mr. Friedman's knowledge and intent at
23 the time, nearly a year later, in
24 September of 2015 when he filled out
25 his notice of candidacy and represented

1 to the folks of Tybee that he had, in
2 fact -- and this was truthful -- been
3 living a Tybee for that entire year.

4 Mr. Friedman will tell you when he
5 has an opportunity to address you, he
6 did not recall, at the time he
7 completed the notice of candidacy, that
8 he had cast this vote in Marietta.

9 And he will also tell you that
10 even if he had recalled casting that
11 vote in Marietta, it's not clear that
12 he would recommend that it was an
13 impediment to the year-long residency
14 requirement which was established by
15 the notice of candidacy.

16 And, indeed, this is the document
17 that brings us here today. This is the
18 notice of candidacy which Mr. Friedman
19 was required to submit in city -- in
20 the city of Tybee Island.

21 And among the representations that
22 do have to be made by any candidate is
23 this one here that says, I am eligible
24 to hold such office. That's actually
25 the only language that specifically

1 attaches to what the eligibility
2 requirements are, and the residency
3 requirement is in the Tybee city chart.

4 And it is true, as was stated by
5 Ms. Watson -- and, indeed, by Mr.
6 Parks -- there is a one-year residency
7 requirement under the city charter by
8 which time someone must reside. And,
9 of course, it's measured up to the
10 Election Day.

11 So in order for Mr. Friedman to
12 qualify, he had to have been a resident
13 of Tybee Island for one year leading up
14 to the actual date of the election,
15 which was in November of 2015.

16 Now, in this particular case, it
17 was brought to Mr. Friedman's attention
18 on October 26th, he was provided with a
19 copy of his voter record from Marietta.
20 October the 26th of 2015, he was
21 presented with this document which
22 reflected that he had cast a vote up in
23 Marietta in Cobb County.

24 He immediately, upon being
25 provided with that information, that

1 same day, Mr. Friedman withdraw his
2 candidacy, recognizing that it could,
3 in fact, be an impediment to satisfying
4 the one-year rule.

5 And we know that not only because
6 there was a letter delivered to the
7 clerk of the city council in which he
8 posted his resignation, but Mr.
9 Friedman also posted an e-mail to his
10 friends on that date.

11 And I think the substance of this
12 is very important. The e-mail
13 reflects, quote, my dear friends, just
14 a few minutes ago, I submitted my
15 formal notice to Jan Leviner, Tybee
16 city clerk, that I was withdrawing from
17 the 2015 election for Tybee city
18 council.

19 I was notified earlier today that
20 I had voted in the November, 2014
21 elections in Marietta, Georgia. Upon
22 receiving a copy of my voting card for
23 that election, I became aware that as a
24 part of that voting process, citizens
25 swear a legal oath that the place they

1 are voting is their place of legal
2 residence.

3 Since my vote was cast on November
4 4, 2014, I cannot hold myself out as a
5 permanent resident of Tybee for the
6 full 365 days required.

7 From my perspective, once I saw
8 the document provided earlier today to
9 my attorney, there was no alternative
10 but to withdraw.

11 I sincerely apologize for letting
12 all of you down. I would never have
13 done so knowingly. I'm going to spend
14 just a few minute knowingly.

15 Tybee policy has reached a very
16 sad state of affairs. You have my
17 commitment that I will continue to work
18 to bring the truth about that to the
19 citizens of Tybee.

20 So as soon as he was confronted
21 with this information, which he will
22 tell you he did not recall, he
23 immediately withdrew his candidacy,
24 recognizing the potential disconnect.

25 But that, gentlemen, is not false

1 swearing, and that's what the
2 particular notice that has been sent in
3 this case is about. It's a
4 recommendation to refer Mr. Friedman to
5 the Attorney General's office for
6 possible consideration of criminal
7 prosecution for the false swearing
8 statute.

9 You heard Mr. Parks, the
10 complainant in this case, he got up
11 here and told you, I'm not looking for
12 a formal charge, but that's exactly
13 what that issue is. That's exactly
14 what the recommendation of the
15 investigative body is, that you should
16 turn this case, which does not involve
17 true/false swearing, because it lacks
18 intent over to criminal prosecution. I
19 beg you not to do that.

20 This is the statute at issue.
21 Official Code of Georgia, Section
22 21-2-565, false statement in connection
23 with notices of candidacy in qualifying
24 for party nomination.

25 Any person -- Sub A, any person

1 knowingly making any false statement in
2 connection with filing notice of
3 candidacy under Code Section 212-132 or
4 in connection with qualifying as
5 candidate for party nominations under
6 Code Section 21-2-153 commits the
7 offense of false swearing.

8 The knowing element is a scienter
9 requirement. The knowing element is an
10 intent requirement. And I went back --
11 because it's interesting to see how
12 courts in Georgia have dealt with this
13 issue.

14 And I went back to pull some case
15 law and take a look at how courts have
16 dealt with the issue of knowing false
17 hood in this state have addressed it.
18 And believe it or not, two of the most
19 trenchant and pithy statements I could
20 find are from two 1942 decision of the
21 Georgia Court of Appeals, but they're
22 very insightful.

23 I want to share them with you very
24 briefly. The essential elements of
25 false swearing consists in one,

1 willfully, knowingly, absolutely and
2 falsely swearing under an oath or
3 affirmation upon matters to which a
4 party could legally be sworn. On an
5 oath administered by a person illegally
6 authorized to administer it -- and this
7 is the key language -- the intent to
8 testify falsely and to the falsity of
9 the testimony must both appear.

10 Even if we concede, for sake of
11 argument, that Mr. Friedman was not a
12 resident of Tybee. I don't necessarily
13 have to concede it. Let's do it for
14 sake of argument. Even if that is
15 true, there is no evidence of intent on
16 his part to falsify, and that's why
17 this should not be a criminal
18 prosecution.

19 This second piece of language down
20 here, I think, is also very telling.
21 The offense consists in swearing
22 falsely and corruptly without probable
23 cause of belief, not in swearing rashly
24 or inconsiderably.

25 Now, that's an interesting use of

1 the word inconsiderate. You know, in
2 our modern term or phrase, we think as
3 inconsiderate as simply being rude, but
4 that's not what the Court of Appeals
5 meant here in 1942.

6 Their use of the word
7 inconsiderately means without due
8 consideration, without properly
9 thinking and reflecting.

10 Whether he knew he had voted or
11 not, he did not know it was an
12 impediment to his being a resident of
13 Tybee. He had all of the other indicia
14 of being a resident of Tybee. He had
15 moved there. He had set up a PO Box
16 there. He had his utilities there. He
17 had announced to the world that that's
18 where he wished to live. He came into
19 the foray of trying to join the
20 political process in Tybee. All of
21 that is consistent with someone who
22 genuinely believes they live on Tybee.

23 When questioned, though, and
24 pointed out to him, hey, this vote
25 could be inconsistent with that, he did

1 the only honorable and reasonable thing
2 he could do. He immediately withdrew
3 his candidacy. That, ladies and
4 gentlemen, is not a criminal act.
5 That's a person who's to do the right
6 thing.

7 Let me leave just one point, then
8 I'll let Mr. Friedman address you
9 directly, and it concerns the one-day
10 issue for Mr. Parks.

11 I want to go back to the one-day
12 issue, because I think it's remarkably
13 important. If we assume, for sake of
14 argument, that voting in Cobb County
15 on November 14th, 2014 somehow, for
16 lack of a better term, reset
17 Mr. Friedman's Tybee residency clock --
18 in other words, he's living on Tybee;
19 he's living on Tybee; he's living on
20 Tybee -- he votes in Marietta.

21 If we assume for sake of argument
22 that somehow that one act obliterated
23 everything he had done, the bottom line
24 remains, when he leaves Cobb, he
25 returns to Tybee as his residence, and

1 starts the whole process of
2 establishing his Tybee residency again.

3 If this was a restart, then he
4 only misses by one day by the time the
5 actual election came around. This is
6 not an indicia of fraud, and this is
7 certainly not something for which this
8 gentleman should be criminally
9 prosecuted.

10 Gentlemen, I'm going let Mr.
11 Friedman address you, if I may, but let
12 me just --

13 MR. KEMP: Mr. Ada (phonetic), I
14 have a question --

15 MR. RAY: Yes, sir.

16 MR. KEMP: -- if you don't mind
17 about your timeline there. Do you know
18 where on the timeline that Mr. Friedman
19 registered to vote in -- in the Tybee
20 district?

21 MR. RAY: Later in -- later in
22 that year, heading into the 2015 -- I
23 believe into the 2015 timeframe, but
24 I'll -- I can let him address that.

25 MR. KEMP: Okay.

1 MR. RAY: I mean, in fairness,
2 Mr. Secretary, there are all sorts of
3 things that change over that course of
4 a year. One must get a new driver's
5 license. One must register to vote.
6 He accomplished those things in
7 statements through 2015.

8 MR. KEMP: Okay.

9 MR. MCIVER: Should he have been
10 allowed to vote in Cobb County if he
11 wasn't resident?

12 MR. RAY: That is a fine question.
13 It absolutely is.

14 MR. MCIVER: That's a good
15 question.

16 MR. RAY: But it's also not the
17 matter that's referred here today on
18 this particular --

19 MR. MCIVER: Agreed. That
20 could've been a violation of --

21 MR. SIMPSON: I mean, one of these
22 statements is false.

23 MR. KEMP: Well, let me call on
24 y'all, if you don't -- if you don't
25 mind. Mr. Simpson?

1 MR. SIMPSON: Well, one of these
2 statements is false. You know, so
3 you're saying that we ought to forget
4 it, because -- and say the other
5 statement is false rather than the one
6 that we swore to follow.

7 MR. RAY: The only thing I -- the
8 only thing I can say, Judge, is that
9 the only specific matter that's been
10 referred to him is whether there was a
11 false statement on his candidacy, and
12 we would assert that as to that
13 statement on candidacy, there was no
14 false hood.

15 With regard to the statement made
16 on vote, obviously, I'm not here to
17 address that today, nor am I equipped
18 to do so. But all I can simply say is
19 it is clearly mistaken. Whether it
20 rises to level of false hood or not, I
21 don't know the answer to that question.

22 MR. KEMP: All right.
23 Mr. Friedman?

24 MR. FRIEDMAN: Mr. Secretary,
25 members of the board, thank you for the

1 opportunity to speak today. My name is
2 Stephen Friedman, F-r-i-e-d-m-a-n. I
3 live at Number 2 8th Terrace -- 8th
4 Place, excuse me, 8th Place at Tybee
5 Island, 31328.

6 MR. RAY: Stephen, would you give
7 the board just a very synopsis of your
8 professional background, please?

9 MR. FRIEDMAN: Sure. And let me
10 -- I going to apologize in advance.
11 Basically, what you're going to hear
12 from me, virtually all of what you're
13 going to hear from me -- you've heard,
14 to some extent, from Mr. Parks and
15 heard from my counsel, but it's
16 important, at least, to me to have the
17 opportunity for you to look me in the
18 eye and for you to hear it directly
19 from me.

20 So I was -- as you said, I was
21 born and raised in Savannah, Georgia.
22 I went to the University of North
23 Carolina in Chapel Hill where I
24 received an undergraduate degree in
25 psychology.

1 From there, I went to Georgia
2 Washington University, George
3 Washington University Law School in DC
4 where I was editor of the Law Review
5 and graduated at the top of my class.

6 From there, I had what can only be
7 described as a very rare and incredible
8 opportunity. I was allowed to serve as
9 the law clerk to Judge Peter T. Fay who
10 was on the US Circuit Court of Appeals.
11 At the time, it was the Fifth Judicial
12 Circuit. Subsequently, it became the
13 11th Judicial Circuit.

14 And I would only mention the
15 highlight of my career with Judge Fay,
16 given the topic, we're discussing
17 today. The judge and the Court asked
18 me to write the opinion for the court
19 regarding the cases called Leland
20 versus Buxton.

21 Going to the question of whether
22 the voting rights' laws, and certain
23 voting right laws, actually at-large
24 voting, are constitutional with respect
25 to the rights of the minority

1 assistance.

2 And I'm very proud to say that I
3 was able to write an opinion holding
4 under the circumstances within the
5 case, and that at-large voting was, in
6 fact, discriminatory against the
7 minority population and that which was
8 contrary to the laws of time, and
9 subsequently, the Supreme Court of the
10 United States adopted my opinion. It's
11 a true lifetime (inaudible).

12 Toward the end of my clerkship, I
13 was recruited by a gentleman named
14 Miles Long Sanders (phonetic) who
15 worked at the law firm Kilpatrick --
16 back then it was called Kilpatrick,
17 Cody, Rivers & Reinstein (phonetic). I
18 won't spell all those names for you,
19 but subsequently, it's now known as
20 Kilpatrick Stockton.

21 I did not practice long, for very
22 long. It didn't suit my personality
23 well. I left the practice and moved
24 back to Savannah. I was in Atlanta
25 when I practiced law.

1 I moved back to Savannah where I
2 worked with my father in the real
3 estate law firm business for about
4 eight years.

5 At that point, I actually moved
6 back to Atlanta and started a business
7 in my living room. I was a company of
8 one.

9 And over the following years, I
10 was able to grow that business to have
11 over 350 employees in Cobb County,
12 which I was extremely proud of.
13 Ultimately, my company was acquired by
14 a large publically held company, and I
15 retired to Tybee.

16 MR. RAY: When did you and your
17 wife decide to move to Tybee?

18 MR. KEMP: Mr. Ray, the way we do
19 this is we let you speak, and then
20 we'll get another person to speak. We
21 need that person just to speak to the
22 board to keep our transcript right.

23 MR. RAY: Of course, Mr.
24 Secretary.

25 MR. KEMP: So if you want to feed

1 him the questions in writing, that's
2 fine, but --

3 MR. RAY: I think he needs some
4 addressing.

5 MR. KEMP: We -- we have no
6 questions about your impeccable
7 credentials, so --

8 MR. FRIEDMAN: Thank you.

9 MR. KEMP: -- you know, if you
10 could move on to the matter at hand,
11 I'm sure the board would appreciate
12 that.

13 MR. FRIEDMAN: Sure. So I'll try
14 to be as brief as I can. My wife and I
15 decided in the May-June timeframe
16 that -- of 2014 that we were going to
17 retire. We were going to return to my
18 hometown.

19 At the time, we already owned a
20 home on Tybee. It was located at
21 Number 7 10th Court, and we had been
22 using it as a vacation home for our
23 family for, I think, about since 2010.
24 So at the time, that would've been four
25 or five years -- four years.

1 That home is not large enough to
2 serve as a permanent residence with all
3 the furniture we had, so we hired a
4 broker who lives at Tybee to help us
5 find a place we could buy that would be
6 larger.

7 She found us a place that we
8 currently reside in. We signed a
9 contract as, I think, the record
10 indicates sometime in July of that
11 year, and subsequently closed in
12 September.

13 At the same time -- at the same
14 time, I hired hear Harry Norman
15 Realtors in Atlanta, a woman named Judy
16 Funk, and this would've been in August
17 of 2014, to help us sell the house in
18 Marietta that we were leaving.

19 At the time, the real estate
20 market and, in general -- but
21 particularly the neighborhood that we
22 lived in -- was fairly soft, and Judy
23 recommended to us that we do what they
24 call a staging of the house.

25 In essence, it's to make it look

1 like nobody lives, so they require that
2 you take all your pictures off the
3 walls, remove the furniture, and they
4 -- you know, they bring in stuff.

5 So it was very -- I lived in the
6 home -- because we continued to stay
7 there -- in a home that really was no
8 longer our home. It sounded like a bad
9 idea to us, so we told Judy, no
10 problem. We have this house in Tybee.
11 It's not going to be where we stay
12 forever, but we own it, on 10th Court.
13 We'll just go ahead now.

14 In September of 2014, we'll just
15 move into that houses, and we did, so
16 we packed up every stitch of clothes
17 that we had. We took all of our
18 pictures off the walls. We had, you
19 know, personal photographs of our
20 children and et cetera, et cetera.

21 Took all -- packed all that up and
22 moved it to -- moved it to Tybee where
23 we planned to live.

24 So, you know, in response to the
25 question of when exactly -- you know,

1 I've been asked when exactly did you
2 consider yourself to be a resident of
3 Tybee Island, I don't know that there's
4 a date certain.

5 But for sure, we decided in
6 May-June. We told our friends in
7 August, and we moved all of our stuff,
8 all of our stuff. Cleaned out the
9 refrigerator. Cleaned out the pantry.
10 We did that in September. So from my
11 perspective in September of 2014, we
12 were residents of Tybee.

13 Okay. So now for the -- I think
14 the big question on everybody's mind,
15 if you considered yourself a resident
16 of Tybee, why did you vote in the
17 November 4th, 2014 election? I can
18 give you straightforward answer that,
19 you know, in retrospect sounds a little
20 kooky, but it's the truth.

21 It was an unfortunate but honest
22 oversight. My wife had the doctor's
23 appointment in Atlanta with this foot
24 specialist she was seeing on
25 November the 3rd of 2014. We had

1 purchased tickets to fly from Atlanta
2 to San Francisco for a family wedding,
3 and we were flying out on November the
4 5th. We weren't going to fly from
5 Savannah, because the ticket price to
6 fly Savannah to Atlanta to San
7 Francisco was just terribly experience.

8 So we went up on the 3rd. We saw
9 her doctor. We were in Marietta on the
10 4th. I had not yet registered to vote
11 in Chatham County. And apparently,
12 apparently, I voted in Cobb County.
13 I -- I can't dispute that, because
14 there's a signed affidavit to that
15 effect. We went to the wedding, then
16 we went back home to Tybee island.

17 So now I'm living on Tybee Island,
18 and the question comes, you know, did
19 you -- when you ran for office, did you
20 read the qualifications? Did you know,
21 in fact, what the rules were? And the
22 answer is absolutely, positively yes.

23 Mr. Secretary, I heard you were
24 questioning Mr. Parks was I an
25 attorney, and I think the implication,

1 and the correct implication, by the
2 way, is that I'm held to a higher
3 standard because of that, and I have no
4 problem with that.

5 The answer is I absolutely read
6 the one-year residency requirement, and
7 I had honestly, sincerely but
8 absolutely no recollection, no
9 recollection of having voted in
10 Marietta roughly a year prior.

11 I knew we had -- my wife and I
12 had, in fact, been living there. We
13 were getting our mail there. We had
14 all of the utility bills there, all the
15 things that one does when one lives in
16 a residence.

17 Now, was that an oversight? You
18 know, I think the answer is -- in
19 retrospect, the answer is clearly yes.

20 Okay. So to go to what I've been
21 accused of, which is not of making an
22 honest mistake, which, actually, I'm
23 okay with saying I made an honest
24 mistake. But I'm actually accused of
25 intentionally trying to deceive the

1 public, and absolutely nothing could be
2 further from the truth and let me tell
3 you what to me is the unequivocal
4 evidence in that.

5 On October 26th of the election
6 year 2015, and I've looked it up. It
7 was at 10:55 in the morning. My
8 attorney forwarded to me an e-mail that
9 he had gotten earlier that morning from
10 the Tybee City Attorney, Mr. Bubba
11 Hughes, and there was no text in the
12 e-mail at all. There was just an
13 attachment, and the attachment was a
14 copy of my voting card in Marietta,
15 Georgia.

16 It took me about 20 seconds to
17 realize that I had made a mistake. I
18 called my -- my wife was upstairs, and
19 I called my wife downstairs. I said,
20 honey, you and I both though we've been
21 living here for more than a year,
22 there's no question about it, but
23 because I voted on November the 4th,
24 2014, I cannot hold myself out to the
25 public as being eligible to be a

1 candidate 364 days later on Tybee
2 Island. She said she understood.

3 I immediately typed up a
4 two-or-three-sentence letter of
5 withdrawal that I took to the clerk's
6 office and submitted my withdrawal from
7 the race. And I just think it's
8 important to know that the from that
9 time at 10:55 that I received that
10 e-mail until the moment that I actually
11 withdrew from the race was less than 30
12 minutes.

13 So I would say, I guess, I want
14 you guys to know, I had an honest
15 mistake but an honest nonrecollection
16 of having voted a year earlier in
17 Marietta. The moment, the moment that
18 I discovered that, I immediately
19 withdraw from the race. From my
20 perspective, I corrected my error, and
21 it was my error, yeah.

22 Now, I have spent my entire life
23 building a career based on honesty,
24 integrity. I can tell you with
25 100-percent certainty that I would

1 never, ever, ever do anything to risk
2 that, and thank you for the opportunity
3 to speak with you today.

4 MR. KEMP: All right. Thank you,
5 Mr. Friedman.

6 Any questions from the board for
7 Mr. Friedman or Counselor Ray?

8 I did have one question for you.
9 Do you know when you registered to vote
10 here at Ty -- in Tybee?

11 MR. FRIEDMAN: I don't -- I --

12 MR. SIMPSON: Mr. Secretary, if I
13 may. I believe it's going to be
14 March 18th of 2015.

15 MR. FRIEDMAN: Thank you.

16 MR. KEMP: March the 18th of 2015.

17 So I guess that would lead to my
18 question of -- so the election was in
19 November of '15, correct?

20 MR. FRIEDMAN: The election from
21 which I withdraw?

22 MR. KEMP: Yes.

23 MR. FRIEDMAN: Yeah.

24 MR. KEMP: So did it occur to you
25 when you registered to vote in March

1 that you weren't a registered voter of
2 the district a year before the
3 election?

4 MR. FRIEDMAN: There's no
5 requirement that you be a registered
6 voter. The law specifically requires
7 that you be a resident for 12 months.
8 It has nothing to do with when -- you
9 can register. You can file your
10 qualifications and actually register
11 after that. I don't know why you would
12 do that, but, technically, you could.

13 MR. KEMP: Mr. Willard -- I have a
14 question for Mr. Willard. When you
15 look at 21-2-217, Number 2, how would
16 that factor into this situation, in
17 your opinion?

18 MR. WILLARD: A(2), Mr. Secretary?

19 MR. KEMP: Because, I mean, it's
20 my -- it's my understanding when we're
21 qualifying -- Mr. Harvey, you can
22 correct me if I'm wrong, but you've got
23 to be a registered voter of the
24 district you live, correct?

25 MR. HARVEY: You have to be a

1 resident,so --

2 MR. KEMP: A resident? Okay.

3 Yeah, so 21-2-217, Number 2.

4 MR. WILLARD: Are you referring to
5 A(2), Mr. Secretary?

6 MR. KEMP: Yes, A(2). I'm sorry.
7 21-2-217(a)(2).

8 MR. WORLEY: Are you asking
9 whether voting is performing other acts
10 indicating a desire to change his
11 residency back to --

12 MR. KEMP: Well, I guess I'm
13 asking more of your opinion on the
14 matter in regards to that versus what
15 Mr. Ray has put before us.

16 MR. WORLEY: Well, if I may be
17 permitted to can Mr. Friedman a
18 question --

19 MR. KEMP: Sure.

20 MR. FRIEDMAN: Sure.

21 MR. WORLEY: -- because there's --
22 we've, sort of -- we're talking about
23 both the notice of candidacy as well as
24 there's been some colloquy about the
25 execution of motion in the election.

1 What was the date that you
2 actually packed up, as you said, every
3 stick of furniture, cleaned out -- the
4 baking soda out of the fridge --

5 MR. FRIEDMAN: Sure.

6 MR. WORLEY: -- and moved out?

7 MR. FRIEDMAN: Sure. Sometime --
8 I can't give you a hard date, but
9 sometime in September of 2014.

10 MR. WORLEY: Okay. And was it in
11 the middle of the month? Was it the
12 end of the month? There's -- I'm
13 driving towards something.

14 MR. FRIEDMAN: Yeah, no. I mean,
15 I understand your question. I don't
16 want to just make up an answer just to
17 satisfy you, okay?

18 MR. WORLEY: Okay.

19 MR. FRIEDMAN: It was -- you know,
20 we met -- well, let's kind of go back.
21 It was Labor Day. We listed the house
22 just before Labor Day, I believe, the
23 day before, so it wouldn't have been
24 the first week of September. We were
25 already in Tybee by -- I think it was

1 the 18th of September when we got our
2 Post Office Box and had our mail
3 forwarded to, so it would've been
4 sometime -- we had to -- if you need a
5 tag on a date, maybe between the 5th of
6 September and the 18th of September.

7 It wouldn't have been -- it would
8 not have been the end of September. I
9 can say that.

10 MR. KEMP: Mr. Simpson?

11 MR. SIMPSON: When you say you
12 moved the stuff out of the house in
13 Marietta --

14 MR. FRIEDMAN: Yes, sir.

15 MR. SIMPSON: -- and moved it to
16 your rental house or --

17 MR. FRIEDMAN: It wasn't a rental
18 house.

19 MR. SIMPSON: You had to -- I
20 mean, your vacation home; is that where
21 you located?

22 MR. FRIEDMAN: So we did -- so we
23 did two things.

24 MR. SIMPSON: You had not moved in
25 the new house you had purchased?

1 MR. FRIEDMAN: No, the new house
2 was actually under remodeling. We
3 couldn't have moved in.

4 MR. SIMPSON: All right. So --

5 MR. FRIEDMAN: There was -- the
6 electricity had been turned off. The
7 -- the --

8 MR. SIMPSON: When did you move in
9 that house?

10 MR. FRIEDMAN: The first week of
11 -- first week of, I want to say,
12 February of 2015. I may be off by a
13 couple of days, but the first week of
14 February comes to --

15 UNIDENTIFIED SPEAKER: So when you
16 say you moved your stuff, you moved it
17 to your vacation home?

18 MR. FRIEDMAN: No, sir. Well, I
19 mean, to some extent, we're having --
20 we owned a piece of property, the home
21 in Tybee, which had historically been
22 our Tybee residence.

23 We decided to move permanently to
24 Tybee, and we already have a home that
25 could be that permanent residence while

1 our new permanent residence was being
2 completed.

3 MR. SIMPSON: But you had bought
4 the house that you were going to move
5 into as soon as it was renovated --

6 MR. FRIEDMAN: That's correct.

7 MR. SIMPSON: -- before you left
8 Marietta?

9 MR. FRIEDMAN: That is correct.

10 MR. SIMPSON: And that was going
11 to be your permanent residency?

12 MR. FRIEDMAN: Well, after we
13 moved out of our other permanent
14 residence on Tybee, that was going to
15 be our new permanent residence on
16 Tybee.

17 MR. SIMPSON: Well, you were
18 telling us that you have a permanent
19 residence on Tybee and a permanent
20 residence in Marietta?

21 MR. FRIEDMAN: No, sir, no. Sir,
22 to some extent, we're a little bit
23 parsing words, and I don't mean to do
24 that with you. But it's important,
25 because it's the truth. We had a

1 vacation. Home when the real estate
2 agent told us what she was going to do
3 with our house, we had to have a place
4 to live.

5 We had made, before that time, a
6 decision to move to Tybee on a
7 permanent basis, so we said, literally,
8 to the real estate lady, right, we
9 said -- when she told us what she
10 wanted to do, we said, that's not
11 problem. We will move to our house
12 that we already own on Tybee, right?
13 So in that sense, if you want to figure
14 it that way, you could say, well, the
15 vacation home became our permanent home
16 once we actually moved into it on a
17 permanent basis.

18 MR. SIMPSON: Did you -- when you
19 voted in Marietta --

20 MR. FRIEDMAN: Yes, sir.

21 MR. SIMPSON: -- and signed a
22 residency statement --

23 MR. FRIEDMAN: I did.

24 MR. SIMPSON: -- you knew you
25 weren't living in Tybee Island --

1 MR. FRIEDMAN: Right. So --

2 MR. SIMPSON: -- right?

3 MR. FRIEDMAN: Right. So it's
4 interesting, I mean, again --

5 MR. SIMPSON: Where were you
6 living at that moment when you since
7 that register?

8 MR. FRIEDMAN: I was living on
9 Tybee Island.

10 MR. SIMPSON: So -- so the
11 statement you made in order to vote in
12 Marietta was false?

13 MR. FRIEDMAN: I -- I would no say
14 that, sir.

15 MR. SIMPSON: What wouldn't you
16 say that if you didn't live there?

17 MR. FRIEDMAN: Sure. I think it
18 was an honest oversight on my part.
19 Very candidly, again, if you want the
20 -- the blunt answer to your question.
21 When -- on October the 26th, 2015, when
22 I received a copy of my voting card
23 from the lawyer who get to it from the
24 City attorney, the very first things I
25 did was read it, read it very

1 carefully, and I said to myself and
2 then, subsequently, to my wife, oh, my
3 God, I signed an oath in Marietta that
4 was inaccurate. Okay. Yeah.

5 Now, wait -- wait a minute. I
6 have to say, I don't know how many of
7 you, when you go to vote, you walk in,
8 you sit down, the nice man or woman
9 sitting behind the counter says, show
10 me your driver's license, sign your
11 name here, put your date and go get
12 your card, and that is what I did.

13 If what you're saying, sir, is
14 that I made an honest mistake, I would
15 agree with you. If what you're
16 suggesting is that I intentionally,
17 intentionally undertook to deceive
18 anyone about anything, I would have to
19 say, I will just dispute that till the
20 cows come home.

21 MR. SIMPSON: Are you a mem --
22 member of the state bar at present?

23 MR. FRIEDMAN: No, sir, I'm not.
24 I actually became inactive about 30
25 years ago.

1 MR. SIMPSON: Sir?

2 MR. FRIEDMAN: I became inactive
3 about 30 years ago.

4 MR. SIMPSON: So you're not a
5 member of the state bar?

6 MR. FRIEDMAN: I am a member of
7 the state bar. They have two statuses.

8 MR. SIMPSON: So you're an
9 inactive member?

10 MR. FRIEDMAN: I'm an inactive
11 member of the state bar, yes, sir.

12 MR. KEMP: Mr. Friedman, I have
13 another question for you. So when you
14 voted in Cobb in November, did you
15 still have your homestead exemption
16 with the Cobb County house?

17 MR. FRIEDMAN: In 2014? Sure,
18 because your homestead exemption runs
19 January 1st to December 31st no matter
20 what. Your homestead exemptions in
21 Georgia are established as of January
22 the 1st.

23 So we were living in the home on
24 January the 1st of 2014 all the way
25 till September of whatever of 2014.

1 MR. KEMP: Do you remember when
2 you changed your homestead exemption
3 when you took permanent at Tybee?

4 MR. FRIEDMAN: I -- I remember it
5 very, very clearly. So the first day I
6 was eligible to change my homestead
7 exemption was January the -- probably,
8 the 1st, they were closed -- the 2nd or
9 3rd, whatever the first business day
10 was of January, 2015.

11 And that week, I went in to the
12 Chatham County, I think, it's the Board
13 Assessor's Office -- wherever it is
14 that you go fill out your -- and I
15 said, hi, I'm here to apply for my
16 homestead exemption. And they said, no
17 problem. I said, but by the way, my --
18 my -- the valuation of my home is
19 higher, the tax -- the tax is higher
20 than what I paid for the house, and I
21 had a copy of my closing statement and
22 all that I could show them.

23 They said, fine, no problem. But
24 if you want the Stephens-Day, all the
25 rest going on -- on Tybee, you have a

1 Stephens-Day Exemption for people with
2 permanent residence. Does that ring a
3 bell? Okay. So she said, if you want
4 to get the value that you actually paid
5 as your value for Stephens-Day, you
6 can't file for your homestead exemption
7 today.

8 Go back -- the end of the
9 homestead-exemption period, when they
10 close the books, was the last day of
11 March. She said, come back here any
12 day from April the 1st forward. And,
13 in fact, I think came in, I think, it
14 was on April the 2nd or April the 3rd
15 and filed for my homestead exemption.

16 MR. KEMP: All right. Any other
17 questions for Mr. Friedman or Mr. Ray
18 from the board?

19 MR. WORLEY: I don't have a --

20 MR. KEMP: Mr. Worley?

21 MR. WORLEY: -- question, Mr.
22 Secretary, but I just need to recuse
23 myself in this case. I didn't realized
24 that when I read the report. But based
25 on some of the testimony here today,

1 I'm recusing.

2 MR. KEMP: All right. Let the
3 record reflect that Mr. Worley is
4 recusing himself.

5 Anything else from the board?

6 All right. Thank you, gentlemen
7 for being here.

8 MR. FRIEDMAN: Thank you, sir.

9 MR. RAY: Thank you.

10 MR. KEMP: Anyone else wishing to
11 speak on this matter?

12 All right. Any other discussion
13 by the board? Do we have a motion?

14 MR. MCIVER: Have a question for
15 Mr. Willard.

16 MR. KEMP: Mr. Mciver to Mr.
17 Willard.

18 MR. MCIVER: To the extent that
19 the investigation conducted by the
20 Secretary of State's Office did not
21 include any issues with respect to his
22 voting in Cobb, which, in my judgment,
23 raises some questions at 21-2-560 and
24 561.

25 In binding this over, would you

1 have the authority to look at that?

2 MR. WILLARD: No, Mr. Mciver.

3 MR. MCIVER: Because of the notice
4 issue?

5 MR. WILLARD: Because of the
6 notice in terms of -- you know, it's
7 one thing that it's a course of conduct
8 or a factual scenario, and the
9 investigation staff has just set over a
10 recommendation as to certain elements,
11 whether they're state election board
12 rules or code provision, concerning the
13 exciton of the notice of candidacy.

14 But when you start talking about
15 violations concerning the voting in
16 2014, that was not noticed. It would
17 be -- there's not anything sufficient
18 in the investigative report to put the
19 respondent on notice of those issues.

20 MR. MCIVER: All right. Well,
21 that's predicate over my concern. I
22 wasn't anticipating such a skillful
23 answer.

24 But I'm very guided by Ray's
25 remarks about intent with respect to

1 the Tybee Island issue. My motion, if
2 I'm provided the opportunity to do so,
3 will reflect that.

4 However, I'm very concerned about
5 the voting in Cobb, and I guess that
6 must be clear from my earlier
7 questions.

8 So I guess I would ask the chair,
9 if I were to propose a motion that we
10 send this back for further
11 investigation with respect to the
12 voting in Cobb and then, similarly, my
13 motion would deal with the dismissal of
14 the recommendations made by the
15 investigative group with respect to
16 21-2-565(a), I assume that would be a
17 proper motion in your view?

18 MR. KEMP: I'll -- I'll yield to
19 Mr. Willard, but I -- I don't even know
20 that we would have to have a motion to
21 do investigation on the -- on the
22 latter.

23 But you can certainly -- I don't
24 think it would be appropriate,
25 Mr. Willard, or inappropriate.

1 Do you think, Mr. Willard?

2 MR. WILLARD: If the board's
3 druthers are to send them back for
4 further investigation, I think they can
5 move to send it back. I don't think
6 you need to bifurcate it and move to
7 dismiss the 565 allegations now.

8 MR. KEMP: Just to --

9 MR. WILLARD: Just sent back for
10 further investigation.

11 MR. MCIVER: They can be done on
12 the same motion?

13 MR. WILLARD: Yes. Well, if --

14 MR. KEMP: Don't -- he's saying
15 don't bind over -- I mean, don't
16 dismiss on one and send it back on
17 another. If there's some questions,
18 just send the whole thing back. We'll
19 take the -- you know what I mean?

20 Mr. Simpson?

21 MR. SIMPSON: I think there's a
22 lot that we don't know. I think
23 Mr. Ray's presentation has been
24 effective. He's raised a lot of issues
25 that we don't know the answers to.

1 I think that the way to flesh this
2 out and to find out -- because I think
3 he's raised a lot of issues maybe that
4 the investigators did not consider.

5 So I think the way to flesh all of
6 this out is to get to a just resolution
7 is to bind it over and let the Attorney
8 General flesh out these allegations as
9 well as the issues that Mr. Ray has
10 raised.

11 MR. KEMP: So would that -- would
12 that be including the voting in Cobb?

13 MR. SIMPSON: No, I think that
14 that --

15 MR. KEMP: That's --

16 MR. SIMPSON: That would be
17 another matter. That if the election's
18 office wants to look into that, I think
19 they can do that on its own, but I
20 would -- I would think there would be
21 information coming out of the
22 investigation of the alleged issues,
23 which would shed light on the situation
24 in Cobb.

25 And so for that reason, I think

1 the best thing for us to do without --
2 or without acting in the dark is to
3 bind this over.

4 And I'd make it a motion.

5 MR. KEMP: All right. Mr. Mciver,
6 did you want to add anything else,
7 because I know you were wanting to make
8 a motion, yourself? I hate to cut you
9 off, but we did have -- we did have a
10 motion by Judge Simpson. But before I
11 could get a second, I feel like I ought
12 to give you the opportunity to weigh in
13 if you'd like.

14 MR. MCIVER: Well, no disrespect,
15 but I think we need to determine
16 whether or not there's a second for
17 this motion.

18 MR. KEMP: I --

19 MR. MCIVER: I'm certainly not
20 intending to second it.

21 MR. KEMP: All right. Do we have
22 a second? All right.

23 Hearing none, the information
24 fails to get a second.

25 Do you have anything else, Mr.

1 Mciver?

2 MR. MCIVER: Mr. Willard, I'm --
3 I'm a fan of bifurcation on an issue
4 like this, so I would move to dismiss
5 the matter before us which deals with
6 21-2-565(a), and in doing so, I intend
7 to follow with a motion that would ask
8 that the investigation be reopened with
9 respect to the voting in Cobb, and that
10 that be then referred to the AG.

11 MR. KEMP: But right at the
12 moment, you have a motion to dismiss?

13 MR. MCIVER: That's correct.

14 MR. KEMP: All right. All right.
15 We've got a motion to dismiss. Do we
16 have a second? That motion dies for
17 failure to have a second.

18 Any other discussion or perhaps
19 Mr. Worley can weigh in with a motion.

20 MR. WORLEY: No, I've -- I've
21 recused myself.

22 MR. MCIVER: He recused himself.

23 MR. KEMP: Oh, that's right. I
24 apologize.

25 MR. MCIVER: We're not going to

1 let him do that. We ought to ask him
2 why he recused himself.

3 MR. KEMP: Did you have a -- did
4 you want to make your second motion,
5 Mr. Mciver?

6 MR. MCIVER: Yes, sir. I -- I
7 will move that the -- we, the board,
8 request that Mr. Harvey's group,
9 through their investigative arm --

10 MR. KEMP: I believe Mr. Lewis
11 now.

12 MR. MCIVER: All right. Well, I
13 have no problem with Mr. Lewis. That
14 they investigate the entire matter of
15 whether or not the voting in Cobb
16 County by -- in this case, the
17 respondent, in the matter before us in
18 any way violated the code.

19 And I would refer you to, among
20 others, 21-2-560 and 561 and any others
21 that you might find.

22 MR. KEMP: So Mr. Mciver, just to
23 make sure the chair understands, your
24 motion is to include the Cobb voting,
25 plus the issue at hand, just continue

1 the current investigation as well?

2 MR. MCIVER: That's fine with --

3 MR. KEMP: Or send it back. That
4 way we're still in --

5 MR. MCIVER: I'm -- I'm willing to
6 include that in my motion --

7 MR. KEMP: All right.

8 MR. MCIVER: -- with the extent
9 there's anything else for them to find.
10 I think we've heard a lot here today
11 and --

12 MR. LEWIS: Mr. Chairman, can I
13 interject --

14 MR. KEMP: Yes, sir, Mr. Lewis?

15 MR. LEWIS: As we looked at this
16 case, you know, that was presented to
17 us, the affidavit for candidacy issues,
18 that was one of the -- to me, as far as
19 the charge in this investigation,
20 having to deal with the certificate of
21 vote in Cobb County, so we gave
22 Mr. Friedman the benefit of the doubt
23 in the move in not knowing exactly when
24 the move occurred and him still being a
25 registered voter in Cobb County.

1 He did not register to vote in
2 Tybee Island. That is why he wasn't
3 cited for the voting in Cobb County,
4 because we felt like he was still a
5 resident and still there. Swore that
6 he was a resident and still in the
7 process of moving his residency in Cobb
8 County, just as some insight as to why
9 we did not cite for voter certificate.

10 MR. MCIVER: Well, in all candor,
11 I think that's a shortcut if that's --

12 MR. LEWIS: Yes, sir, I understand
13 that. I'm just offering the
14 explanation, sir, as to why it went in
15 that direction.

16 MR. MCIVER: Okay. That's fine.

17 MR. KEMP: All right. So we've
18 got a motion. Do we have a second?

19 MR. SIMPSON: Second.

20 MR. KEMP: Mr. Simpson seconds.

21 Any other discussion? Hearing
22 none, all in favor of the motion,
23 signify by saying aye. (An affirmative
24 vote was cast by saying aye.)

25 MR. KEMP: All opposed, same sign.

1 That motion carries, and we'll
2 send that back for further
3 investigation.

4 Thank y'all for being here.

5 MR. RAY: Thank you, Mr.
6 Secretary. May we be excused?

7 MR. KEMP: Yes, sir.

8 Mr. Parks, thank you for being
9 here today.

10 It is 12:14, so we'll adjourn for
11 lunch, and we'll start back promptly at
12 1:15.

13 Do we have any matters of
14 executive session, Mr. Willard, that we
15 need to discuss?

16 MR. WILLARD: Yes. I believe that
17 we do need to discuss the matter
18 (inaudible).

19 MR. KEMP: All right. So do we
20 need to vote to go into executive
21 session?

22 MR. WILLARD: We do.

23 MR. KEMP: Do we have a motion to
24 enter into executive session over our
25 lunch break?

1 MR. WORLEY: So moved.

2 MR. SIMPSON: So moved.

3 MR. KEMP: Mr. Worley moves. Mr.

4 Simpson seconds. Any other discussion?

5 Hearing none, all in favor signify

6 by saying eye.

7 (An affirmative vote was cast by

8 saying aye.)

9 MR. KEMP: All opposed, same sign.

10 We have moved to go into executive

11 session, and we will you-all back at

12 1:15.

13 (Lunch break.)

14 MR. KEMP: Let me call the State

15 Election Board, the Tuesday, June 28th,

16 back into order.

17 Our first order of business, we

18 have to have a motion to come out of

19 executive session. I'll be glad to

20 entertain that.

21 MR. SIMPSON: I'll move.

22 MR. MCIVER: Second.

23 MR. KEMP: Mr. Simpson moves, and

24 Mr. Mciver seconds the motion to come

25 out of executive session.

1 All in favor, signify by saying
2 aye.

3 (An affirmative vote was cast by
4 saying aye.)

5 MR. KEMP: All opposed, same sign.

6 That motion carries, and we are
7 now back into our regularly scheduled
8 meeting. I've been -- been told that
9 the -- we've got cases that no one was
10 here this morning that we're going to
11 take up now.

12 And it's my understanding that
13 someone's here for the Appling County
14 case. I'm going to call that first,
15 which is Number 22 in our binder.

16 Ms. Watson and Mr. Lewis, I'm not
17 sure who's got that one, the Appling
18 County, 2015, Number 40.

19 MR. WATSON: Yes, sir. Case Number
20 2015-40. The complainant was Michael
21 Barns with Allstate University, and he
22 reported that the gym server in Appling
23 County was connected to the internet on
24 July 29th, 2015.

25 Mr. Barns took possession of the

1 gym server to perform an audit of the
2 machine and replaced the gym server.
3 The investigation reveals the election
4 supervisor for Appling County requested
5 permission to move the server from the
6 Appling County Courthouse to the new
7 election's office.

8 During the move, the gym server
9 was plugged into the internet, and the
10 audited sheet revealed no unusual
11 content in the machine.

12 We recommend Appling County Board
13 of Elections, Donna Guard, election
14 supervisor be bind over to the AG's
15 office for State Election Board Rule
16 183-1-12-026(e), access to gym server.

17 By inadvertently connecting the
18 gym server an internet port, this could
19 have comprised the security of the
20 server and allowed others to access the
21 election process.

22 MR. KEMP: Any questions for
23 Ms. Watson? Anyone wishing to speak?

24 Yes, sir, if you'll just come up
25 to the mic and give us your name and

1 your address for the record, please.

2 Welcome.

3 MR. CANE: Thank you, sir. My
4 name is Roy D. Cane. I'm the chairman
5 in Appling County. Y address is 8425
6 Zoar, Z-o-a-r, Zoar Road, Baxley,
7 31513.

8 And as was pointed out, this was
9 in judgment to move from an election's
10 board. The server was moved with
11 permission from the courthouse to the
12 courthouse annex.

13 And I would just add to the
14 findings this, that there was a -- the
15 old way of doing things was the dial-up
16 connection from the server to the
17 Secretary of State's office. And so
18 when were making the change, made a
19 diagram, I think they inadvertnt --
20 erroneously interpreted a telephone
21 connection to a need for that
22 connection and erroneously connected.

23 The occasion for Mr. Barns being
24 there was our request for
25 certification. It had not been placed

1 and used at that time, or turned on, we
2 believe, in that current location.

3 And so the beginning the whole
4 purpose of the exercise was moved from
5 one location to another, moved from the
6 Probate Judge superintendent to an
7 election's board to throw ourselves on
8 the mercy of the Court.

9 MR. KEMP: Thank you, Mr. Cane,
10 for being here. We appreciate your
11 service as a board chair. I'm sure you
12 can identify with the concern that we
13 have --

14 MR. CANE: Absolutely.

15 MR. KEMP: -- even though it was
16 by mistake being hooked up to the
17 internet --

18 MR. CANE: Sure.

19 MR. KEMP: -- and that is
20 something that is very concerning. But
21 I -- I appreciate you being here today
22 to own up to the -- to that.

23 Anybody have any questions for
24 Mr. Cane?

25 All right. Anyone else wishing to

1 speak?

2 Thank you.

3 Do we have a discussion
4 recommendation? I think the
5 recommendation was to bind over, I
6 believe.

7 MR. MCIVER: So moved.

8 MR. KEMP: All right. Mr. Mciver
9 moves that we bind over to the Attorney
10 General's Office. Do we have a second?
11 Okay. I will I would second Mr.
12 Mciver's motion, because I think -- as
13 I said earlier, I appreciate you
14 coming. I think this is serious, and I
15 think it can help to send a message to
16 everyone when they're moving that
17 you've got to pay close attention and
18 due diligence.

19 And I think it's something that
20 the Attorney General's Office can work
21 with the county on to reach an order
22 that will make sure that that is a
23 signal, strongly, but also recognize
24 that the county realizes the mistake
25 that was made, so it's not going to

1 happen again, Mr. Chairman?

2 MR. CANE: To the best of my
3 ability, it won't.

4 MR. KEMP: All right. So we got a
5 motion and a second. Any other
6 discussion, or anybody have a different
7 thought?

8 Hearing -- hearing none --
9 Mr. Willard, you're looking confused
10 down there.

11 MR. WILLARD: Mr. Secretary, I
12 would just ask the investigative staff
13 what provision and if there's a type of
14 -- I think you're referring to
15 183-1-12. That's .02(2)(e).

16 But what provision of 2(e) is
17 violated by plugging it into the
18 internet?

19 MR. LEWIS: Overall, in speaking
20 to the site that was listed in
21 particular court, the -- the board rule
22 specifies the security of the gym
23 server, and that particular site
24 indicated the best possible in line
25 with what occurred in this case.

1 There's no wording of actual
2 internet connectivity, but the overall
3 security of the gym service, itself,
4 protecting that information.

5 MR. WORLEY: And I agree that (e)
6 talks about physical security of the
7 gym server by placing it under lock and
8 key in a room of limited access, the
9 gym server.

10 But that -- you're saying it's,
11 sort of, the intent under the rule for
12 taking security to the gym server;
13 therefore, plugging it into the
14 internet violates, at least, the spirit
15 of the rule.

16 MR. LEWIS: That's my
17 understanding.

18 MR. KEMP: All right. We got a
19 motion and a second. Any other
20 discussion?

21 Hearing none, all in favor signify
22 by say aye.

23 (An affirmative vote was cast by
24 saying aye.)

25 MR. KEMP: All opposed, same sign.

1 MR. SIMPSON: No.

2 All right. That motion carries on
3 the 31 vote with Mr. Simpson voting no,
4 so that will be bound over to the AG's
5 office.

6 Thank you, Mr. Cane, for being
7 here.

8 MR. CANE: Thank you.

9 All right. Let's see. I
10 believe -- didn't we have someone here
11 for the Waycross case? Are they still
12 here?

13 Are y'all here for a specific
14 case?

15 MR. FERGUSON: I'm Jerome
16 Ferguson.

17 MR. LEWIS: He's here for the AG
18 calender.

19 MR. KEMP: Oh, okay. Sorry.

20 Anybody else here for a specific
21 case?

22 Okay. Very good. I just didn't
23 want to keep anybody waiting if I can
24 get you out of here quicker.

25 All right. We'll go back to the

1 top of the cases we have left. So
2 Effingham County, Number 16 in our
3 binder, that's 2014 14, Case Number 31.

4 MR. LEWIS: Yes, sir. Mr.
5 Secretary, there's a hearing reported
6 that he received the wrong ballot when
7 he went to vote May 20th, 2014 during
8 the general primary election in
9 Effingham County.

10 Mr. Herring completed the vote
11 sheet indicating his selection for a
12 republican ballot but was given voter
13 access party coded with a nonpartisan
14 ballot.

15 Mr. Herring did cast the cast
16 ballot tab in an attempt to change
17 screens, but it actually cast his
18 ballot.

19 The voter certificate did show
20 that Mr. Herring had selected a
21 republican ballot, but the poll worker
22 accidentally selected nonpartisan
23 instead what his choice was.

24 Mr. Herring reported the issue to
25 the poll worker, but was advised that

1 once the cast-ballot button was pushed,
2 they cannot correct the issue.

3 During the investigation, it was
4 learned that Mr. Herring refused to
5 return the voter access card to the
6 poll workers. The sheriff's department
7 was called and dispatched to the scene.
8 And even in the urging of the sheriff's
9 department, Mr. Herring refused to
10 return the voter access card.

11 We have been able to try -- to
12 contact Mr. Herring upon receiving the
13 complaint in this case to obtain the
14 voter access card from Mr. Herring.

15 He advised that he had it, but
16 when -- he later indicated that he had
17 lost it, so the voter access card was
18 never recovered.

19 We recommend that Effingham
20 County, Olivia Morgan, election
21 supervisor and Juanita Scott, the poll
22 manager and Donya Fryer (phonetic) be
23 bound over to the AG's office for the
24 illite violation of State Electric
25 Board Rule 183-112.02(4)(b), and also

1 that Joseph Herring to be bound over
2 for Violation of 21-2583, removal or
3 destruction of election supplies and
4 conveniences.

5 MR. KEMP: Any questions for
6 Mr. Lewis? Anyone wishing to speak? I
7 assume that Effingham County was
8 noticed.

9 MR. LEWIS: Yes, sir.

10 MR. KEMP: They're right up the
11 road. I'm surprised they not here.

12 All right. No one wishing to
13 speak?

14 The recommendation to bind
15 everyone over, do we have a motion?

16 MR. MCIVER: Move.

17 MR. WORLEY: So moved.

18 MR. KEMP: All right. Mr. Mciver,
19 and, I think Mr. Worley took the punch,
20 so I assume that he'll --

21 MR. WORLEY: I second it.

22 MR. KEMP: All right. Got a
23 motion by Mr. Mciver, a second by Mr.
24 Worley to bind everybody over.

25 All those in favor, signify by

1 saying aye.

2 (An affirmative vote was cast by
3 saying aye.)

4 MR. KEMP: All opposed, same sign.

5 That's motion carries me to bound
6 that over.

7 Our next case, a new case, Number
8 2014, Number 38. It's Jeff -- jeff
9 Davis County absentee ballot case,
10 Number 17 in our binder.

11 MR. LEWIS: Yes, sir. Mr.
12 Secretary, Rhonda Merchant, a candidate
13 for the county commissioner's office in
14 the May 20th, 2014 primary in Jeff
15 Davis County reported that several
16 voters who she helped get absentee
17 ballot applications, and they never
18 received their ballot. Four letters
19 indication that their applications were
20 rejected.

21 In all, she gave us nine names of
22 individuals that she had helped
23 complete absentee ballot applications
24 who had not received their requested
25 ballot.

1 The election documents were
2 obtained, and it was determined that
3 seven out of the nine individuals were
4 mailed absentee ballots. Two of those
5 seven were returned as undeliverable
6 with incorrect addresses.

7 Four did not complete the ballots
8 or failed to return them. We don't
9 know which.

10 One of the individuals went to
11 vote in person but forgot they had
12 requested an absentee ballot and could
13 not locate it until it returned to the
14 election officials, and decided not to
15 vote on their own.

16 The remaining two applications
17 were rejected and not registered and
18 mailed a rejection letter to the
19 individuals.

20 During the review of the election
21 documentation, the election's office
22 could not provide an absentee ballot
23 application for one of these
24 individuals who's name is Margaret
25 Dennis.

1 There were no violations found in
2 regards to the original allegations
3 that were presented to us, but we
4 recommend that a letter of instruction
5 be used to the Jeff Davis Board of
6 Election and Registration, and Christy
7 Riner (phonetic), relation's
8 supervision, for violation of 21-2500,
9 and they failed to maintain the records
10 of absentee ballots.

11 MR. KEMP: All right. We've got a
12 let -- a recommendation for a letter of
13 instruction. Any questions for
14 Mr. Lewis? Anyone else wishing to
15 speak in regards to this matter?

16 Hearing none, do we have any other
17 discussion or motion.

18 MR. SIMPSON: We issue a letter of
19 instruction.

20 MR. KEMP: Any second?

21 MR. WORLEY: Second.

22 MR. KEMP: All right. Moves to
23 issue the letter of instruction. Mr.
24 Worley seconds. Any other discussion?

25 Hearing none, all in favor signify

1 by saying aye.

2 (An affirmative vote was cast by
3 saying aye.)

4 MR. KEMP: All opposed, same sign.

5 That motion carries.

6 If the board doesn't object, we do
7 have someone here for one of the
8 Attorney General report consent orders.
9 So if you wouldn't mind, I'd like to
10 get Mr. Willard to go ahead and call
11 that case or that -- yeah, that case,
12 so we can get these folks on the road.

13 MR. WORLEY: Well, I was going to
14 ask, Mr. Secretary, does the board
15 want to pull any of them? Because we
16 normally do these by consent.

17 MR. KEMP: Yeah. I'll need to ask
18 that. Which case are they here for?

19 MR. WORLEY: The first one,
20 Mr. Secretary of Michael Burns.

21 MR. KEMP: Yeah, actually, I was
22 wanting to pull that.

23 MR. WORLEY: All right.

24 MR. KEMP: So if you wouldn't mind
25 just give us the details on that. If

1 y'all don't mind, we'll go ahead and
2 move that.

3 Number 29 in our binders, the Case
4 Number 2012-108.

5 MR. WORLEY: You have a situation
6 where you had a permanent resident
7 alien who was permitted to register to
8 vote in Fulton County, and actually did
9 vote in 1996. This is not an
10 individual who ever checked yes on the
11 citizenship box. This is a situation
12 where Fulton County election officials
13 failed to properly read the form, and
14 realized tat he was not eligible to
15 vote.

16 So Mr. Ferguson got issued a
17 registration card and voted in 1996 in
18 Fulton County. He had a residency
19 change, and his voter registration was
20 switched to Dekalb County. And, once
21 again, Fulton and Dekalb didn't flag
22 that he had checked no on his
23 citizenship, and he was permitted to
24 then cast votes in the 2002, 2004, 2008
25 and 2010 elections in Dekalb County.

1 And in 2012, he was called in for
2 jury duty and reported that he was not
3 a citizen at which point he was flagged
4 in the system, and the investigation
5 began.

6 You have a situation where
7 Mr. Ferguson has completed the
8 citizenship process except for the
9 swearing in. He's awaiting the
10 swearing in, so he is going to become a
11 citizen.

12 But given the age of the
13 registration and the fact that
14 Mr. Ferguson had never tried to denote
15 that he was, in fact, a citizen, when
16 he either registered to vote or voted,
17 our attorney had negotiated a consent
18 order that falls for a cease and
19 assist, a public reprimand and a \$500
20 fine.

21 In addition, Mr. Ferguson is here.
22 He's more than happy to answer any
23 questions from the board and to express
24 his regret of what has taken place up
25 to this point.

1 MR. KEMP: Mr. Ferguson, you want
2 to address the board?

3 MR. FERGUSON: Sure.

4 MR. KEMP: Just come on up to that
5 mic right there, and give us your name
6 and address for the record, please.
7 Welcome.

8 MR. FERGUSON: Nigel Ferguson,
9 1102 West Chase Lane, Unit Number 637,
10 Apartment 637. It's in Atlanta,
11 Georgia.

12 Exactly what -- can I --

13 MR. WILLARD: All right. I'm
14 sorry. I'm not Van Johnson. I'm Mr.
15 Willard.

16 MR. FERGUSON: But what he said
17 happened, but when I was graduating
18 from high school, actually, someone
19 filled out the first form for me. And
20 that's the part where I didn't know the
21 American law as far as voting, and I
22 thought I was doing the right thing,
23 and perhaps I was actually doing the
24 wrong thing.

25 And onto the part where he said I

1 -- I -- 2012, I think, when they sent
2 me to -- the jury duty summons, you
3 know, and the assist part, of course,
4 is much more, and I know the law a
5 little bit better.

6 And I call and told them I'm not a
7 citizen, so there's no way I can be on
8 a jury, and that's when the whole
9 situation started to unfold.

10 And, of course, I have applied for
11 my citizenship. I've done everything.
12 Just waiting for the swearing-in date,
13 and that's about it.

14 MR. KEMP: Thank you for being
15 here.

16 Any questions for Mr. Ferguson?
17 Mr. Mciver?

18 MR. MCIVER: And what country do
19 you hail?

20 MR. FERGUSON: I'm sorry?

21 MR. SIMPSON: From what country do
22 you hail?

23 MR. FERGUSON: Which country do I
24 hate?

25 MR. KEMP: No, where are -- where

1 are you from?

2 MR. FERGUSON: Oh, Cape Knot
3 (phonetic).

4 MR. KEMP: Cape Knot.

5 MR. WORLEY: But, remember, Mr.
6 Mciver, at the time, he was a
7 permanent-resident alien, of he was a
8 resident of the United States. Just
9 not a citizen.

10 MR. MCIVER: Right.

11 MR. FERGUSON: Yeah.

12 MR. KEMP: Any other questions for
13 Mr. Ferguson?

14 Thank you for being here.

15 MR. FERGUSON: Thank you.

16 MR. KEMP: All right. I'll say
17 the reason I wanted to pull this off is
18 I didn't know from the two longest
19 serving members of the board if we hand
20 precedent for how we dealt with
21 situations like this and, you know, the
22 amount of the fines or what have you.
23 I just thought it would be worth
24 discussing, but I'm good with whatever
25 the board thinks.

1 MR. MCIVER: Well, I think that
2 fine is in the range of fines.

3 MR. KEMP: Okay. All right. Any
4 other discussion?

5 Hearing none, do we have a motion
6 to accept the consent order or --

7 MR. SIMPSON: So moved.

8 MR. MCIVER: Second.

9 MR. KEMP: Mr. Simpson moves to
10 accept the order. Mr. Mciver seconds.

11 Any other discussion?

12 Hearing none, all -- all in favor,
13 signify by saying aye.

14 (An affirmative vote was cast by
15 saying aye.)

16 MR. KEMP: All opposed, same sign.
17 That motion carries, and we'll accept
18 the consent order.

19 Thank you for being here today,
20 and good luck on your swearing in.

21 MR. FERGUSON: Y'all have a good
22 day. Thank you.

23 MR. KEMP: All right. We'll back
24 to our investigative report cases. I
25 believe we got the 2015, Number 9,

1 Wayne County, City of Odum, which is
2 Number 21 in our binder.

3 MR. LEWIS: No, sir. We need to
4 go back up to Long County, I believe.

5 MR. KEMP: I missed a Long -- oh,
6 yeah, sorry. I missed it. Yeah, Long
7 County. Sorry. It's 2014 Number 56,
8 Long County poll worker training,
9 Number 18 in our book.

10 MR. LEWIS: Yes, sir. The Long
11 County Board of Election's member,
12 Trisha Smith Johnson, reported that
13 multiple poll workers were working in
14 the July, 2014 run-off with no formal
15 training.

16 On the day of the July, 2014
17 run-off, two poll workers called in and
18 said that they cannot work. In
19 response, Ms. Hamilton called in
20 individuals to fill those vacancies.

21 One of the poll workers did not
22 have up-to-date training, and the other
23 poll worker had not received any
24 training at all.

25 While this situation is not ideal,

1 the Election Code 212-99(b) does allow
2 for the appointment of poll workers to
3 fill vacancies that arise on Election
4 Day.

5 As a result of these Election Day
6 shortages, it was determined that from
7 6 a.m. to 8 a.m., there was only two
8 poll workers in two different locations
9 within the voting districts.

10 Following a technical violation in
11 this case did occur, we believe Ms.
12 Hamilton did everything she could give
13 given the circumstances presented to
14 her on Election Day.

15 There was no documentation to
16 suggest, in our investigation, that any
17 of the electors were inconvenienced at
18 either poll location.

19 Our recommendation would be, at
20 most, a letter of instruction in this
21 case against Long Count or issued to
22 Long County Board of Election and
23 Registration, Carrie Hamilton. But I
24 believe it would also be appropriate
25 for the board to consider dismissing

1 the case altogether.

2 MR. KEMP: Any questions for
3 Mr. Lewis? Any else wishing to speak
4 on this case?

5 MR. MCIVER: I do.

6 MR. KEMP: Mr. Mciver?

7 MR. MCIVER: She did all she could
8 do, right?

9 MR. LEWIS: Yeah, yes, sir.

10 MR. MCIVER: What else would we
11 expect of her? Had she had a pool of
12 trained people, I would understand
13 that.

14 MR. LEWIS: Right. If she had
15 somebody else on call that she could've
16 called in, theoretically, I would --

17 MR. MCIVER: But she didn't.

18 MR. LEWIS: Right.

19 MR. KEMP: Anybody else got a
20 motion?

21 MR. MCIVER: I move for a letter
22 of instruction. I think it's important
23 we continue to send this message
24 throughout the state. It seems to be
25 the least of what we might do.

1 MR. KEMP: All right. We've got a
2 motion for a letter of instruction. Do
3 we have a second?

4 MR. SIMPSON: Second.

5 MR. KEMP: Mr. Simpson seconds.
6 Any other discussion?

7 Hearing none, all in favor signify
8 by saying aye.

9 (An affirmative vote was cast by
10 saying aye.)

11 MR. KEMP: All opposed, same sign.
12 That motion carries, and we'll
13 issue a letter.

14 All right. Now we're moving to
15 Wayne County, correct, Mr. Lewis.

16 MR. LEWIS: Yes, sir.

17 MR. KEMP: 2015, Number 9, Number
18 21 in your binder.

19 MR. WATSON: It's the city of Odum
20 in Wayne County. City of Odum was
21 having an election on November 3rd,
22 2015, but failed to publish an ad know,
23 by the public for qualifying fees.

24 The ad about qualifying fees
25 should've been posted by February 1,

1 2015. The ad was published on
2 February 14th in the Press Sentinel.
3 The city clerk for the city of Odum,
4 Karen Howard, advised that the deadline
5 went by.

6 We recommend Karen Howard and the
7 city of Odum be issued a letter of
8 instruction regarding
9 21-2-131(a)(1)(a), fixing and
10 publicizing of qualifications.

11 MR. KEMP: What was the
12 recommendation; do you know?

13 MR. WATSON: It was a letter of
14 instruction.

15 MR. KEMP: All right. Any
16 questions for Ms. Watson?

17 All right. Hearing none, do we
18 have a recommendation? I mean, we've
19 got a recommendation. Do we have a
20 motion? What -- what was the
21 thinking -- I know -- I think we talked
22 about binding over or a letter.

23 MR. SIMPSON: Yeah, we've -- we've
24 had some other situations today that
25 were, sort of, iffy that we bound over.

1 For example, the one that we bound over
2 where the election person did not know
3 about the change of the law, and it was
4 a new change of the law.

5 MR. LEWIS: That's correct.

6 MR. SIMPSON: And she hadn't been
7 advised of that or was not aware of it.
8 We bound that over, too. I think this
9 is just as important as that, and I --
10 so only for that reason, I -- to be
11 consistent when I make a motion to, you
12 know, bind it over.

13 MR. KEMP: All right. Before I
14 take a second, let me just ask, is
15 there anyone else wishing to speak in
16 regards to this? I want to give an
17 opport -- no, I should've done that
18 already.

19 Okay. Hearing none, so judge
20 Simpson moves that we bind over. Do
21 we have a second? I would second. Any
22 other discussion?

23 Hearing none, all in favor signify
24 by saying aye.

25 (An affirmative vote was cast by

1 saying aye.)

2 MR. KEMP: All opposed, same sign.

3 That motion carries, and we bound
4 that over.

5 All right. So we're on the 2015,
6 Number 40, the Appling County Gym
7 Certification. Is that -- no, we
8 already did that. I'm sorry. We
9 already did that. Okay.

10 MR. WATSON: The City of Waycross.

11 MR. KEMP: 2014, Number 15 -- I'm
12 sorry, 2015, Number 91, City of
13 Waycross, which is Number 27 in our
14 binder.

15 MR. WATSON: Yes. The complaint
16 alleges that John Tindol took a
17 photograph of the ballot that he cast
18 while he was inside the voting
19 compartment, and posted the image on
20 his Facebook page.

21 Mr. Tindol was running for a
22 commissioner seat in Ware County in the
23 November, 2015 general election. The
24 investigation revealed that Mr. Tindol
25 advised that he did take a photograph,

1 and did he post it on his Facebook
2 page, and he was not aware of the code
3 section, and immediately took the
4 posting down.

5 And we recommend a letter of
6 instruction be issued to John Tindol,
7 councilman, City of Waycross for
8 violation of 212-413(e), conduct of
9 voter.

10 MR. KEMP: Any questions for
11 Ms. Watson? I assume this is
12 consistent with other Facebook postings
13 in the past.

14 MR. LEWIS: No, sir.

15 MR. KEMP: Any other questions?

16 Anyone else wishing to speak in
17 regards to this matter?

18 MR. WATSON: The complainant, I
19 sent an e-mail that should've been
20 forwarded to be completed, also.

21 MR. SIMPSON: Haven't we bound
22 over a photograph on Facebook before?

23 MR. WILLARD: Not for several
24 years.

25 MR. MCIVER: Sent them all

1 letters.

2 MR. WILLARD: Not for several
3 years.

4 MR. SIMPSON: Okay. I thought I
5 remembered binding them over.

6 MR. KEMP: All right. Any other
7 discussion? Anyone wishing to speak?

8 All right. We want to have a
9 motion?

10 MR. WORLEY: I move that we send a
11 letter of instruction to Mr. Tindol.

12 MR. KEMP: All right. Mr. Worley
13 moves for a letter of instruction. Do
14 we have a second? I'll second. Any
15 other discussion?

16 Hearing none, all in favor,
17 signify by saying eye.

18 (An affirmative vote was cast by
19 saying aye.)

20 MR. KEMP: All opposed, same sign.

21 That motion carries.

22 That's got us for all for all of
23 our investigative reports, so we'll
24 move onto the rest of the Attorney
25 General report cases.

1 Has anybody on the board had
2 anything they want to pull out? Does
3 any -- I was just going to get case
4 2012-201 pulled out. It's Number 32 in
5 our binder and just to ask a quick
6 question, but -- so we'll pull that one
7 out.

8 Does anyone else in the audience
9 wishing to hear anything on the rest of
10 the remaining cases?

11 All right. Hearing none,
12 Mr. Willard, do you want to give us a
13 quick synopsis on the loss of the case?

14 MR. WILLARD: The loss in the
15 case, you have a legal permanent
16 resident who was serving in the US
17 military. She maintenance she received
18 a packet of information from EDS, and,
19 apparently, she did check that she was
20 a US citizen.

21 So we have actually done a
22 negotiated consent order that calls for
23 cease and assist, a public reprimand
24 and a \$500 fine for her registering in
25 that instance, because she did

1 actually, affirmatively, check she was
2 a US citizen.

3 She did not actually vote in any
4 election. She just registered.

5 MR. KEMP: All right. I just had
6 the same question on this. Whether
7 this was consistent with the others.

8 MR. MCIVER: I -- I believe it is.

9 MR. KEMP: Okay. All right. Does
10 anyone else wish to speak on this
11 matter?

12 Hearing none, do we have any other
13 discussion or a motion to accept? I
14 would move we accept.

15 MR. SIMPSON: Second.

16 MR. KEMP: We've got a motion by
17 the chair to accept and seconded by
18 Judge Simpson.

19 Any other discussion?

20 Hearing none, all those in favor
21 signify by saying aye.

22 (An affirmative vote was cast by
23 saying aye.)

24 MR. KEMP: All opposed, same sign.

25 That motion carries.

1 And then we've got Case 2012-144;
2 2013, Number 29; 2011, Number 88 that
3 we can vote in a consent fashion to
4 accept the orders in the Attorney
5 General's report.

6 MR. WORLEY: Mr. Secretary, I move
7 that we accept the remaining consent
8 orders for the Attorney General.

9 MR. KEMP: All right. Mr. Worley
10 moves. Do we have a second? I'll
11 second. So we got a motion and a
12 second to accept the rest of the
13 consent orders in the Attorney General
14 report.

15 Any other discussion?

16 MR. MCIVER: Just wanted to ask
17 Mr. Willard. In your view, are
18 these -- the results of these consent
19 orders that have been negotiated, are
20 they consistent with our past practice?

21 MR. WILLARD: They are.

22 MR. MCIVER: Thank you, Mr.
23 Secretary.

24 MR. KEMP: All right. Thank you.
25 So we got a motion and a second.

1 All in favor, signify by saying
2 aye.

3 (An affirmative vote was cast by
4 saying aye.)

5 MR. KEMP: All opposed, same sign.

6 That motion carries, and we have
7 accepted those consent orders.

8 So we have one bid of new business
9 that we'd like to bring up, and
10 Mr. Willard, I just want to make sure
11 that I'm doing this properly.

12 So under the new business of the
13 agenda before, we adjourn, we need to
14 take up an issue, and I can let
15 Mr. Germany speak to that. Would that
16 be correct?

17 UNIDENTIFIED SPEAKER: Well, you
18 know, and I apologize. Just make sure
19 we've got all our I's dotted and T's
20 crossed. If you would take a motion to
21 add an item to the agenda --

22 MR. KEMP: Very good.

23 UNIDENTIFIED SPEAKER: --
24 regarding Mrs. Feeman (phonetic) and if
25 the board so chooses to add to the

1 agenda, at that point, you would ask
2 for a recommendation.

3 MR. KEMP: So would that motion
4 need to be that we -- someone would
5 move -- move to add an agenda regarding
6 the discussion we had in executive
7 session dealing with subpoenas?

8 UNIDENTIFIED SPEAKER: It would.

9 MR. SIMPSON: Make the motion.

10 MR. KEMP: All right. Mr. Simpson
11 makes the motion to add the agenda item
12 dealing with the subpoenas that we
13 discussed in executive session.

14 Do we have a second?

15 MR. WORLEY: Second.

16 MR. KEMP: Mr. Worley seconds it.
17 Any other discussion?

18 Hearing none, we're voting to add
19 the agenda item.

20 All those in favor, signify by
21 saying aye.

22 (An affirmative vote was cast by
23 saying aye.)

24 MR. KEMP: All opposed, same sign.

25 We have now added the agenda item,

1 and I assume it'd be okay to call Mr.
2 Germany to speak to that?

3 MR. WILLARD: Well, it's never
4 okay unless it's not him.

5 MR. KEMP: Strike that from the
6 record.

7 Mr. Germany?

8 MR. GERMANY: Thank you,
9 Mr. Chairman. Brian Germany, general
10 counsel, from the Secretary of State's
11 office.

12 On behalf of the investigations
13 division, the Secretary of State's
14 Office is conducting an investigation
15 on Case Numbers SEB, 2015-085. Title,
16 Dekalb County districting issues.

17 It has to do with the hills
18 (phonetic) referendum election in
19 Dekalb County. Pursuant to that
20 investigation, the investigation
21 division would like to view the
22 election and terms that are kept at the
23 Dekalb County Superior Courthouse.

24 We would like to ask the board to
25 authorize the Secretary of State as a

1 chairperson, on the State Election
2 Board, to issue that subpoena to the
3 Dekalb County Superior Court to view
4 the returns of that election.

5 What was the date of that
6 election? The November --

7 MR. LEWIS: November, what was it?
8 Chris Hayden?

9 MR. KEMP: Six, wasn't it?

10 MR. WATSON: Six.

11 MR. GERMANY: November 6th.

12 MR. KEMP: All right. Any
13 questions for Mr. Germany?

14 Hearing none, do we have a motion?

15 MR. SIMPSON: So move we issue a
16 subpoena as requested.

17 MR. KEMP: I think Mr. Worley beat
18 you this time, Mr. Simpson.

19 MR. SIMPSON: Oh, okay.

20 MR. KEMP: So Mr. Worley -- would
21 you like to second?

22 MR. SIMPSON: I'll second.

23 MR. KEMP: All right. Mr. Worley
24 moves to direct the Secretary of
25 State's Office to issue subpoenas for

1 the election returns to the Dekalb
2 County Superior Court for the Lavista
3 Hills November 6th, 2015 election.

4 Mr. Simpson seconds. Any other
5 discussion?

6 Hearing none, all in favor,
7 signify by say aye.

8 (An affirmative vote was cast by
9 saying aye.)

10 MR. KEMP: All opposed, same sign.

11 That motion carries, and we will
12 get to the business of that work.

13 I believe that that concludes our
14 business here today in the great city
15 of Savannah. I, again, want to thank
16 the mayor and the council and Martin
17 Sullivan for their hospitality today.
18 I want to thank our security for a
19 great job that he has done looking
20 after us.

21 And if there's nothing else from
22 the, board I'll entertain a motion that
23 we adjourn.

24 MR. WORLEY: So moved.

25 MR. MCIVER: Second.

1 MR. KEMP: All right. Mr. Worley
2 moves. Mr. Mciver seconds for
3 adjournment.

4 Any other discussion?

5 Hearing none, all in favor,
6 signify by saying aye.

7 (An affirmative vote was cast by
8 saying aye.)

9 MR. KEMP: All opposed, same sign.

10 That motion carries, and I hope
11 everybody has a safe trip back. Thank
12 you.

13 (The proceedings were concluded at
14 2:15 p.m.)

C E R T I F I C A T E

STATE OF GEORGIA:

CHATHAM COUNTY:

I, Pamela V. Mizell, Certified Court
Reporter and Notary Public in and for the above
county and state, do hereby certify that the
foregoing testimony was taken before me at the
time and place herein-before set forth; that the
witness was by me first duly sworn to testify to
the truth, the whole truth, and nothing but the
truth, that thereupon the foregoing testimony
was later reduced by computer transcription; and
I certify that this is a true and correct
transcript of my stenographic notes so taken.

I further certify that I am not of
counsel to either party, nor interested in the
event of this cause.

Pamela V. Mizell CCR
Notary Public, B-1853
Savannah, Georgia

D I S C L O S U R E

Pursuant to Article 8.B. of the Rules
and Regulations of the Board of Court Reporting
of the Judicial Council of Georgia, I make the
following disclosure:

I am a Georgia Certified Court Reporter.
I was contacted by my office of Coastal Court
Reporting, Inc. to provide court reporting
services for this deposition.

I will not be taking this deposition
under any contract that is prohibited by
O.C.G.A. 15-14-37(a) and (b).

I have no contract/agreement to provide
reporting services with any party to the case,
any counsel in the case or any reporter or
reporting agency from whom a referral might have
been made to cover the deposition.

I will charge its usual and customary
rates to all parties in the case, and a
financial discount will not be given to any
party to this litigation.

Date: June 28, 2016

Pamela V. Mizell, CCR, B-1853