

STATE ELECTION BOARD MEETING AND HEARINGS
STATE OF GEORGIA

The above-entitled State Election Board meeting was held before Patrick Stephens, Certified Court Reporter, in and for the State of Georgia, commencing at 10:02 a.m. on this, the 11th day of September, 2018, in the State Capitol Building, Room 341, Atlanta, Georgia 30334.

TRANSCRIPT LEGEND

- (Interjection of thought for clarification)
- (Interruption of thought)
- ... (Trailing off or did not complete thought)
- (ph) (Phonetically)
- [sic] (In its original form)

(P R O C E E D I N G S)

9:02 A.M.

VICE CHAIR SULLIVAN: Good morning. We'll go ahead and call this meeting -- the State Election Board meeting to order. We'll start with the invocation and pledge of allegiance. Judge Simpson's agreed to give the invocation this morning.

JUDGE SIMPSON: Let us pray. Lord, we come today remembering the victims and first responders that perished in the attacks on 9/11, 17 years ago. We pray for their -- and we pray for their souls and ask continuing comfort and peace to their families.

We also thank you for the brave men and women who have stood and defended us from further similar attacks these last 17 years. Continue to bless and protect them and us from further harm. We thank you for the freedoms we enjoy as a result of their sacrifices and protections we've been privileged to have as a result of their service.

Soften the hearts of our enemies, guide their thoughts toward reconciliation and peace and away from terror and retaliation. In our work today, keep us devoted to our obligation to strive to ensure open, fair, honest and accurate elections for our citizens and our leaders, and bless our leaders as they lead us in the right.

Keep us always mindful of the principles for which the Georgia flag stands -- wisdom, justice and moderation --

and let these principles guide us in all of our actions today. In Jesus name, we pray. Amen.

AUDIENCE: Amen.

JUDGE SIMPSON: Please stand.

AUDIENCE: (Complies with request.)

JUDGE SIMPSON: (Collective.) I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

VICE CHAIR SULLIVAN: The first item on our agenda is the approval of the minutes from the State Election Board meeting of April 3, 2018, and the Special Called State Election Board meeting of August 7, 2018. I believe all of the board members have -- have those minutes. If there are not any suggestive changes to those minutes, I'd entertain a motion to approve them both.

MR. WORLEY: I'll make a motion that we approve the minutes of April 3rd and August 7th.

SENATOR HARP: And I second that.

VICE CHAIR SULLIVAN: Motion and second. Any discussion? All in favor, please vote by saying, Aye.

JUDGE SIMPSON: Aye.

MR. WORLEY: Aye.

VICE CHAIR SULLIVAN: Aye. Any opposed? And that motion carries. The next item on our agenda is public

1 comment unrelated to any of the cases that are listed here.

2 Each person who has signed up to speak will be allowed 2
3 minutes to speak, and we'll go ahead and get started with
4 that. Mr. Raymond Davis, if you would, raise your hand.

5 MR. DAVIS: (Complies with request.)

6 VICE CHAIR SULLIVAN: Someone will bring the mic to
7 you. Thank you.

8 MR. DAVIS: I'm Raymond G. Davis, Jr. I would just
9 like to say --

10 VICE CHAIR SULLIVAN: Okay. If you could go ahead and
11 speak -- and say your name and your address for the record.

12 MR. DAVIS: I'm Raymond G. Davis, Jr, and my address
13 is 1214 Bethany Road, Covington, Georgia. I'm the precinct
14 manager of Downs precinct in Newton County -- it's a very
15 large precinct with well over 6,000 registered voters.

16 My people are most upset about the fact that you-all
17 released what party they voted for in the primary. They
18 feel like, first of all, that's unconstitutional and,
19 secondly, that they (inaudible) -- that you're going to be
20 accused of colluding with the Russians anyway.

21 The second thing is that in the last meeting, when I
22 was here, was where you cut me off. I told you I was
23 hiring students from the high school to work at my
24 precinct. I got them from the AP Government class. I gave
25 you three reasons why I did it.

1 There was a fourth reason, and the fourth reason is
2 that it benefits the students because each one of them
3 receives a letter from the Chairman of the Board of
4 Elections in Newton County, which I encouraged them to keep
5 and, when they apply to college, to include that letter in
6 their -- in their file.

7 The other thing that I want to talk to you about has
8 to do with truth. The Atlanta Journal-Constitution is
9 printing articles almost every day about our voting
10 process. I can tell you, as a precinct manager for many,
11 many years, that the people writing those articles simply
12 have never served in a voting precinct in Georgia in the
13 last 20 years.

14 What they're saying is not true. I would refer you to
15 the August 20th newspaper front page, where it states that
16 we had no paper backups. We've got yards, and yards and
17 yards and -- of paper backups. In addition --

18 (Alarm chiming.)

19 MR. DAVIS: In addition to that --

20 (Alarm chiming.)

21 VICE CHAIR SULLIVAN: You can finish your sentence.

22 MR. DAVIS: In addition to that, we have a signed
23 piece of paper with signatures from every single voter that
24 comes into our precinct and information about them to back
25 that up with paper backups.

1 It's no longer possible for us to be a Oregon, or a
2 Washington, or a Southern California, or Illinois or any of
3 these states where they come up with more voters or more
4 ballots than they have eligible voters in the territory.

5 VICE CHAIR SULLIVAN: Thank you, Mr. Davis, for your
6 comments. The next person who signed up is Mr. Gray. If
7 you would, identify yourself.

8 MR. GRAY: Okay. My name is Karl Gray.

9 VICE CHAIR SULLIVAN: If you could, please state your
10 address for the record.

11 MR. GRAY: Oh. 1656 Harbin, H-A-R-B-I-N, Road, and
12 that's Atlanta 30311. And I do have a case, so I don't
13 think it's proper for me to be speaking at this time. So
14 the case number is 2017-079, so I will reserve my comments
15 until that case comes up.

16 VICE CHAIR SULLIVAN: Thank you. The next person
17 signed up is Ms. Hall from Ware County. She's up here at
18 the front. If you would, just state your name and address
19 for the record.

20 MS. HALL: My name is Virginia Hall, address is 1564
21 King Road, Tifton, Georgia 31793. I actually have a case
22 as well. The case number is 2015-078. I'll hold my
23 comments until then.

24 VICE CHAIR SULLIVAN: Thank you. For those of you who
25 are here to speak on cases, we will take those cases before

1 the other cases that no one is here to speak on in the
2 interest of your time. Mr. Tony Paulk?

3 MR. PAULK: Good morning.

4 VICE CHAIR SULLIVAN: Morning.

5 MR. PAULK: My name is Tony Paulk. That's P-A-U-L-K.
6 I live at 242 Miller Road, Douglas, Georgia 31535, and we
7 also have a case. I was just told to sign up.

8 VICE CHAIR SULLIVAN: Okay. Can you tell me what case
9 number it is?

10 MR. PAULK: Yes, ma'am. It is Case Number 2015-067.

11 VICE CHAIR SULLIVAN: Thank you. I've made a note of
12 that.

13 MR. PAULK: Okay. Thank you.

14 VICE CHAIR SULLIVAN: Ms. Aretha Hills [sic] has
15 signed up. Would you like to speak in public comment or to
16 one of the cases that are on the agenda?

17 MS. HILL: A case on the agenda.

18 VICE CHAIR SULLIVAN: You do want to go ahead and
19 speak in public-comment period or would you wait -- would
20 you like to wait and speak about the cases?

21 MS. HILL: I'll wait until -- I'll wait.

22 VICE CHAIR SULLIVAN: Okay. Is anyone else here who
23 would like to speak during this public-comment period to
24 the Board? Okay. That brings us to the next item on
25 our agenda, which is the July 26, 2018, petition from

1 Ms. Dana Bowers and Ms. Marilyn Marks.

2 Before we get to consider this petition, I would like
3 to point out that the petition does not comply with SEB
4 Rule 183-1-1.01 for submitting a petition. That rule
5 requires the petition be verified under oath and this
6 position -- petition is not.

7 It contains no verified signatures; it doesn't list
8 the post office address of the petitioners; it doesn't list
9 the full text of the rule it's asking to be repealed.
10 Despite the fact that the petition is procedurally
11 insufficient, I think we can and should still hear from the
12 petitioners on their request, so we will do that.

13 The petition asks that we require the use of paper
14 ballots statewide for the upcoming November election. I
15 will note that the same group that submitted the petition
16 is asking for the same relief in an ongoing lawsuit they
17 have filed against this Board.

18 That request for a relief will be heard in court
19 tomorrow and the Board has already set forth its position
20 on that request in our court filings. So I do not expect
21 that you will see any change in our position today, but we
22 will proceed with allowing people who have signed up to
23 speak to the petition, and we'll go ahead and do that now.

24 I have Ms. Bowers signed up to speak. If you would,
25 come up to this front desk here. I'll be able to turn on

1 that microphone. Thank you, and if you'll state your name
2 and address for the record.

3 MS. BOWERS: Thank you. My name is Dana Bowers. I
4 live at 3514 Debbie Court, Duluth, Georgia 30097. I'm a
5 native Georgian, a regular Georgia voter and a very
6 concerned citizen.

7 Just -- just to put on the record, you know, I would
8 like to submit to the Board our petition with our
9 signatures. It is not a state-registered petition, so it
10 is through Change.org, but we have -- we're nearing 5,000
11 signatures on it.

12 So I would also just like to reiterate what the
13 petition says. It says: We, the undersigned, respectfully
14 petition the State Election Board to immediately require
15 the use of hand-marked paper ballots beginning in the
16 November 2018 election.

17 Additionally, we would -- we request that the state
18 board -- the State Election Board immediately conduct an
19 audit of the voter-registration rolls to ensure that all
20 voters are properly assigned to the electoral districts in
21 which they are eligible to vote.

22 We ask that you consider the following points: That
23 you support the requirement of secure paper ballots and
24 accurate voter assignment to electoral districts for all
25 Georgia elections. Please consider that the US national-

1 security agencies, DHS, voting-system experts, cyber-
2 security experts and the US Senate Select Committee on
3 Intelligence agree that paper ballots are required for a
4 secure election.

5 Georgia uses touchscreen voting machines which cannot
6 be audited, nor can the election results be verified.
7 Hand-marked paper ballots are simple for voters to use
8 and can be rapidly counted by optical scanners. Georgia
9 officials use paper ballots and optical scanners for
10 mail-in ballots and can also use them at polling places
11 for paper ballots beginning in November.

12 Hundreds of voters have been disenfranchised because
13 they were assigned to the wrong district -- wrong electoral
14 district. Appropriate ADA-complaint accommodations should
15 be made for voters who are unable to have a hand-marked --
16 to have hand-marked paper ballots.

17 We understand that the State Election Board has been
18 supplied with detailed information supporting the
19 feasibility and the immediate use of hand-marked paper
20 ballots. We respectfully request that your immediate
21 action to stop the use of touchscreen voting machines and
22 protect the future for our elections with hand-marked paper
23 ballots and a thorough audit of the voter electoral-
24 district assignments [sic].

25 VICE CHAIR SULLIVAN: Thank you, Ms. Bowers. Do I

1 have a motion -- you would like to submit this to the
2 Board?

3 MS. BOWERS: I would.

4 VICE CHAIR SULLIVAN: Do I have a motion to accept Ms.
5 Bower's --

6 JUDGE SIMPSON: So move.

7 VICE CHAIR SULLIVAN: -- poll? Motion, second?

8 MR. WORLEY: Second.

9 VICE CHAIR SULLIVAN: Any discussion? All in favor...

10 MR. WORLEY: Aye.

11 VICE CHAIR SULLIVAN: Aye. Any opposed? No? We'll
12 accept that.

13 MS. BOWERS: Thank you very much.

14 VICE CHAIR SULLIVAN: Thank you. I have
15 Ms. Jeanne Dufort signed up to speak. Thank you. If you
16 would, please state your name and address for the record.

17 MS. DUFORT: Good morning. I'm Jeanne Dufort and I --

18 VICE CHAIR SULLIVAN: If you could, pick up the
19 microphone.

20 MS. DUFORT: Okay. Pick this up.

21 VICE CHAIR SULLIVAN: Thank you.

22 MS. DUFORT: Does that work?

23 VICE CHAIR SULLIVAN: Yes.

24 MS. DUFORT: All right. Jeanne Dufort. I am here
25 replacing Marilyn Marks. I live at 1360 Apalachee River

1 Road in beautiful Madison, Georgia 30650.

2 The question we're raising today is one of duty. Will
3 you do your duty and return election integrity to Georgia?

4 Since 2012, citizens have regularly appeared before this
5 board raising questions about the lack of requiring paper
6 trails and then to the DRE devices and, yet, your minutes
7 reflect no public discussion of election security.

8 And does it surprise anyone that we, the people, care
9 about election integrity? The best minds in the country,
10 the National Academy of Science, the -- the Department of
11 Homeland Security and the National Security Agency and
12 more, they're all calling for paper ballots now.

13 The SAFE Commission heard nearly two hours of expert
14 testimony all concluding paper ballots were the safest.
15 When they say, Now, we don't mean in a couple of years when
16 the SAFE Commission finishes its work. We mean now,
17 because the hackers aren't waiting and neither should we.

18 According to the Secretary of State's website, you're
19 charged with promulgating rules and regulations so as to
20 obtain uniformity of practice, but you're also charged with
21 making sure they're consistent with the law. That's Number
22 2 in your duties. And O.C.G.A. 21-2-81 explicitly reserves
23 the option to use paper ballots where voting equipment is
24 impossible or impractical to local election boards, and
25 O.C.G.A. 21-2-366 explicitly gives authority to local

1 governing bodies to authorize and direct the use of optical
2 scanners.

3 Yet, Chris Harvey, on your behalf, has told local
4 authorities that your Rule 183-1-12.01 mandated the use of
5 DRE devices for in-person voting and optical scan for
6 absentee overrides that statute. But don't we all know
7 that agency rules do not trump state statutes?

8 So your mandate is clear: Your rules must comply with
9 state law and, if you don't like the law, talk to the
10 legislature, work with the legislature and change the law.

11 Don't make rules that conflict with it and then
12 aggressively tell local authorities to listen to you and
13 not the statutes.

14 (Alarm chiming.)

15 MS. DUFORT: I'll wrap up. It's rare for experts to
16 agree, but they do in this case: Paper ballots are the
17 only safe way to conduct elections right now. And we're
18 aware Judge Totenberg is going to, you know, have a hearing
19 tomorrow and she might order paper ballots for all
20 Georgians, but aren't you embarrassed that the failure to
21 lead -- heed the calls of citizens who have asked you to
22 secure our elections -- it's the primary duty you have and
23 it's led us to this point.

24 And -- and why wait? You can do your duty; it
25 shouldn't take the power of a federal judge to make this

1 board act. Thank you.

2 VICE CHAIR SULLIVAN: Thank you for your comments. Do
3 any of the board members have any questions for either one
4 of our speakers?

5 MS. DUFORT: Thank you for your time.

6 VICE CHAIR SULLIVAN: Thank you. Is there any
7 discussion among the Board regarding this petition? If
8 not, I think we're ready for a motion.

9 JUDGE SIMPSON: I'd like to make a motion but, before
10 that, I have a few comments that I'd like to make.

11 VICE CHAIR SULLIVAN: Please pull your microphone up.

12 JUDGE SIMPSON: First -- first, I think that it's
13 entirely too close to the election to make a massive
14 change, especially given that we've heard no evidence that
15 any of the things you've described has actually occurred in
16 Georgia. They're either manufactured or imagined, and this
17 Board has put in place numerous regulations that speak to
18 the security of the voting machines in terms of how they're
19 stored and how they're maintained.

20 There are safeguards that are in place to guard
21 against what you say could happen. And I know these
22 processes are constantly being reviewed by the Secretary of
23 State's election division and by the county election
24 officials to add additional safeguards.

25 Also, I think it's important to mention that, at your

1 request, the Secretary of State's Office has reexamined the
2 machines last year, and that reexamination in three
3 different counties, three different days, three different
4 sets of DRE units, 600 randomly-selected votes were cast
5 using the GEMS database and -- as it would be for all
6 elections in Georgia -- and, in all instances, the ballot
7 -- ballot images, tapes and GEMS reports showed all of the
8 votes were cast accurately and they were recorded
9 accurately and preserved on each DRE unit.

10 There's no way to replace our voting machines
11 responsibly, and that is except through a process where all
12 of the stakeholders have input --

13 (Phone ringing.)

14 JUDGE SIMPSON: -- much like the SAFE Commission --
15 pardon me.

16 (Phone ringing.)

17 VICE CHAIR SULLIVAN: Judge Simpson.

18 JUDGE SIMPSON: If I were in court, I would have to
19 pay a fine. When I was on the bench, that cost 50 bucks.

20 VICE CHAIR SULLIVAN: I'll take it.

21 JUDGE SIMPSON: I guess I'll hand it up when we're
22 finished. But we -- we've got the SAFE Commission, which
23 is working to go through to have -- have all of the
24 stakeholders respond to -- to the -- to the request that we
25 review and revamp our voting election system.

1 And -- and it's not like a manufactured or imagined
2 crisis that we're talking about today. It's a -- it's a
3 detailed, lengthy process where everyone's entitled to
4 speak and be heard and so that we can get the best possible
5 method of obtaining accurate elections.

6 And -- and, as I commented in my prayer today, that's
7 what we seek. We seek open, fair, honest and accurate
8 elections, and that's what we strive for on this board.
9 We're doing the very best we possibly can. It is virtually
10 impossible to make a change at this point with the upcoming
11 election. And so, if we did that, we would throw the
12 upcoming election into chaos and -- and that's certainly
13 not what I want; I don't think it's what any of the board
14 members want. So I move that we deny the petition.

15 VICE CHAIR SULLIVAN: Is there a second?

16 SENATOR HARP: (Nonverbal response.)

17 VICE CHAIR SULLIVAN: Senator Harp seconds. Is there
18 any further discussion?

19 MR. DAVIS: I have a point to --

20 VICE CHAIR SULLIVAN: I'm sorry. This is not the
21 proper time for public comment.

22 MR. DAVIS: It's not? I should have been added. I
23 asked to have my name put on both lists and you didn't call
24 on me.

25 VICE CHAIR SULLIVAN: Okay. Mr. Davis, your name was

1 not on the list to speak to the petition, but I will allow
2 you 2 minutes now. We have a motion and a second on the
3 floor to deny the petition. If you can, come up to this
4 microphone here in the front.

5 MR. DAVIS: I cannot do that.

6 VICE CHAIR SULLIVAN: Okay. Could someone bring a
7 wireless microphone --

8 MR. DAVIS: I can -- I'll talk loud if you want me to.

9 VICE CHAIR SULLIVAN: Okay. And I believe you've
10 already said your name and address for the record, but --
11 Raymond Davis, go ahead.

12 MR. DAVIS: All right. Several things: Number 1 is
13 that we have had ballots before and we had people show up
14 on television who had announced that they and their entire
15 staff stayed up until 4 o'clock in the morning to make sure
16 the election came out the right way.

17 We all know, as a precinct manager, in addition to
18 that, we have paper backups that will back up any questions
19 you have. If you want to say, Well, they got into the
20 computers somehow at the state level, we can still back
21 that up with paper because we send the computer cards in in
22 the evening and then we turn right around and -- and count
23 up, on the paper backups, the same votes and send that in
24 by two days later, before you certify.

25 This thing of ballots, let's be serious: This case we

1 have tomorrow is going to be handled by a judge and a bunch
2 of people who all have one thing in common: They've never
3 worked in one of our precincts in the last 20 years.

4 There's one thing that you have to say when people ask you
5 about ballots: How can you stuff a ballot box if you don't
6 have any ballots?

7 VICE CHAIR SULLIVAN: Thank you, Mr. Davis. So we
8 have a motion and a second on the floor. Is there any
9 further discussion among the board members?

10 SENATOR HARP: I'm Seth Harp. I'm one of the board
11 members, but I would like to comment about how we got where
12 we are today. In 2001, I was elected to the state senate
13 and, in 2001, Governor Barnes was the governor of Georgia,
14 Ms. Cox -- Kathy Cox was the sitting -- was the Secretary
15 of State.

16 We were told then that we needed to have this
17 electronic voting method so that we could quickly and
18 accurately tabulate the results of what the elections were
19 doing. These machines were prepared by Diebold and the
20 people that make the vaults (alarm chiming) (inaudible) and
21 they assured us that it was absolutely safe and there would
22 absolutely be no impropriety and no way it can be done.

23 That was what the legislature was told. The
24 legislature then appropriated the money and the money was
25 put in and we purchased the voting machines. Little did we

1 know that the concerns that all of us had heard in the last
2 6 to 8 months would be out there because we hadn't heard
3 about it; nobody made that point.

4 But, quite frankly, the electronic method is extremely
5 accurate and it's extremely fast. The problem is, as I
6 recognize, is when it interfaces with the Internet. And,
7 when it interfaces with the Internet, there is a potential
8 for some of these things, but I think that the state has
9 done everything in its power to prevent that from happening
10 and making certain that it does not happen. The system
11 that's set up is extremely -- has safety features that
12 overlap one another so that we don't have potential for
13 voter fraud or anything such as that.

14 It is fast; it is quick and -- but, as far as
15 accurate, it certainly appears to be accurate in the time
16 that I have been both a senator and the time that I've been
17 a private citizen in Georgia for many, many years.

18 I know there's concern. I know many of you who are
19 here are deeply concerned that whatever we do will not be
20 sufficient but, considering the fact that we have a midterm
21 election in 50-something days, I don't think we do it.

22 First of all, we don't have the money -- the
23 legislature is the source of the money -- and the other
24 aspect of it is that, if we did have the money, we would
25 have to procure it. We would have to set out a method of

1 procurement of those things and all of that is just about
2 physically impossible.

3 Now, I'm a pragmatist. I look at it this way: Well,
4 what do we do? There are potentially... potentially some
5 problems. Everyone seems to think that the election is
6 going to be stolen or something. I don't know what it is,
7 but potential. I don't see it myself, and I realize that
8 many of you are upset that that is the situation, but the
9 other side of the question is: What is the alternative?

10 Do we call off the election? No. That would be a
11 catastrophe. So what can we do? I -- I'd say we're sort
12 of stuck in this thing and there's not any other way out
13 other than to go forward with what we have and, hopefully,
14 the legislature will enact and appropriate funds to give us
15 machines that have a paper trail and they will do this so
16 that we can do it for the 2020 election. But that's --
17 that's the only thing I see that's possible to us to be an
18 alternative.

19 One other comment: I looked carefully at the list of
20 folks that signed the petition. There were people on there
21 that are not Georgians; there are people on that list that
22 are from all over the place. I mean, they listed their
23 home as not even in the United States. And, while I'm
24 sympathetic, I -- I respond to the people of Georgia.

25 I was very amazed that my community, Columbus, only

1 have four or five people who signed the petition and I
2 thought that was very unusual. But how was that -- how was
3 that petition circulated? Was it done at the airport? You
4 know, I -- I'm curious how it happened.

5 But when you come up with a list of names like that,
6 I'm -- there -- there were real interesting gaps in there.

7 But that's my feeling and I will second your motion.

8 VICE CHAIR SULLIVAN: Thank you, Senator Harp. Any
9 further discussions from members of the Board?

10 MR. WORLEY: (Nonverbal response.)

11 VICE CHAIR SULLIVAN: Mr. Worley?

12 MR. WORLEY: Madam Chair, I'd just like to make a
13 couple of comments. First of all, I admitted very clear at
14 every opportunity that I believe we need to return to a
15 system of -- that would be entirely composed of paper
16 ballots. Not a combination of some electronic and paper
17 voting, but a pure paper-ballot system with an optical
18 scanner.

19 I think it's the cheapest, I think it's the easiest to
20 protect and I -- I think that that's the right solution,
21 and I was hoping that the General Assembly would pass
22 legislation to that effect, which was proposed in the
23 spring. That did not happen.

24 So that brings us to the position that we're in today
25 and raises, to me, two issues -- the petition raises two

1 issues: One is whether it's appropriate for a body like
2 ours, the State Election Board, to essentially impose its
3 own policy preferences on the General Assembly and on the
4 state in the absence of action by the General Assembly.

5 I don't think it's appropriate for us to do that. I
6 don't. And I'm speaking as a representative of the party
7 that doesn't control the General Assembly, but I think that
8 it is the General Assembly's job to do that. And this
9 board, to my knowledge, has never imposed its policy
10 preference on the General Assembly in the matter that's
11 been requested.

12 Secondly, one of the speakers asked a question of why
13 wait. My question to those who essentially filed the
14 lawsuit well over a year ago is why have they waited until
15 now to ask the federal court to impose a paper-ballot
16 system on the state? Because now it's not practically
17 possible to do it without mass chaos in the 3,000 precincts
18 that we have in the state.

19 It's just not practically possible to switch right now
20 to a paper-ballot system with 60 days or so before the
21 election. So that -- that issue will be determined by the
22 Court but, in my opinion, it's just not practical.

23 So -- so, while I am very, very sympathetic to the
24 goal of the petition and to the goal of having paper
25 ballots in the state -- and, were I a legislator, I would

1 definitely be supporting that -- I don't think it's
2 appropriate for this board to use its rule-making authority
3 at this point to impose paper ballots on all of the
4 election officials in the state.

5 VICE CHAIR SULLIVAN: Thank you, Mr. Worley. Any
6 further discussion from the board members? We have a
7 motion on the table to deny the petition and a second.
8 With there being no further discussion, all in favor please
9 vote by saying aye.

10 MR. WORLEY: Aye.

11 SENATOR HARP: Aye.

12 VICE CHAIR SULLIVAN: Aye. Any opposed? That's a no
13 and the motion carries.

14 We'll move on now to the investigations report. We
15 have two consent cases on the agenda. Let me first ask if
16 there's anyone here who would like to speak to either SEB
17 Case Number 2017-68, which is the City of Atlanta, Fulton
18 County, Campaign Activity. Is there anyone here to speak
19 to that case?

20 The second case is SEB Case Number 2018-03, Gilmer
21 County, Unqualified Registrant Voter. Is there anyone here
22 to speak to that matter? I understand that Mr. Worley
23 would like to pull off the first case, 2017-68, City of
24 Atlanta, for discussion. At this point, Mr. Lewis, if you
25 could present that case.

1 MR. LEWIS: Yes, ma'am, Madam Chair. Microphone?

2 VICE CHAIR SULLIVAN: It's on.

3 MR. LEWIS: Thank you. In November of 2017, the
4 complainant reported that during municipal elections for
5 the City of Atlanta, Mayor Kasim Reed engaged in campaign
6 activities within the 150-foot limit of the poll station in
7 Fulton County.

8 It was found that, on November 7, 2017, Mayor Reed
9 voted in the Atlanta mayoral election in the Fickett
10 Elementary polling location in Fulton County. With the
11 permission from the polling manager, Mayor Reed was filmed
12 while voting inside of the polling station, made some
13 comments regarding good voter turnout.

14 Outside of the polling location and away from the
15 voter entrance and exit, Mayor Reed and his family were
16 filmed and urging citizens to vote and endorsing candidate
17 Keisha Lance Bottoms.

18 The filming was within approximately 25 feet from the
19 sidewalk of the polling station and appeared to take place
20 away from the hearing of voters who were entering and
21 exiting the polling location. The poll manager stated that
22 no reports were made to him either by voters or his staff
23 that the mayor could be heard by any of the voters who were
24 entering and exiting and any comments that he would've made
25 about Ms. Bottoms.

1 There was insufficient evidence in this case that
2 would suggest a violation of the Georgia election code.
3 Our recommendation is to dismiss the case.

4 VICE CHAIR SULLIVAN: Are there any questions for
5 Mr. Lewis?

6 MR. WORLEY: (Nonverbal response.)

7 VICE CHAIR SULLIVAN: Mr. Worley?

8 MR. WORLEY: I don't have any questions, but I -- but
9 I do have a view of this case that is different from the
10 investigators. The alleged violation of 21-2-414(a), that
11 code section says that no person shall solicit votes in any
12 manner or by any means or method, and then it goes on to
13 state within 150 feet of the outer edge of any building.

14 I think having -- having -- you know, making a video
15 recording endorsing a candidate in the race that's being
16 conducted is, in effect, soliciting votes in some manner or
17 by some means or method. And so, I -- I think that that's
18 a violation of the code and ought to be referred to the
19 Attorney General for that reason.

20 MR. LEWIS: Mr. Worley, I will further point out that
21 further down in the code section -- what we applied to this
22 case was the restriction that did not apply to conduct that
23 was occurring in private offices where the conduct could
24 not be heard by the voters entering and exiting the
25 building. That was our position.

1 MR. WORLEY: Right. I understand that that's your
2 position, but that's not what the statute says. And, to
3 me, this is a very bright-line rule that should be applied
4 all of the time to anybody regardless of whether they're a
5 candidate or not.

6 If you're making a statement right next to a polling
7 place endorsing a candidate then, in fact, you're
8 soliciting votes in any manner or by any means or method.
9 And so, it would be my view that it ought to be referred to
10 the Attorney General and I would make that motion.

11 SENATOR HARP: I second the motion.

12 VICE CHAIR SULLIVAN: We have a motion and a second to
13 refer SEB Case Number 2017-68 to the Attorney General's
14 office. Is there any further discussion among the Board?
15 Hearing none. All in favor of that motion, please vote by
16 saying aye.

17 MR. WORLEY: Aye.

18 SENATOR HARP: Aye.

19 VICE CHAIR SULLIVAN: Any opposed? That's a no, and
20 that motion passes. Would any of the board members like to
21 discuss SEB 2000 -- SEB Case Number 2018-003, Gilmer
22 County? The recommendation in that case is to be
23 dismissed, but we can discuss it if any member would like
24 to. Okay. I'll hear a motion -- entertain a motion to
25 dismiss Case 2018-003.

1 MR. WORLEY: So move.

2 SENATOR HARP: Second.

3 VICE CHAIR SULLIVAN: A motion has been made and
4 seconded. Any further discussion? All in favor, please
5 vote by saying aye.

6 SENATOR HARP: Aye.

7 MR. WORLEY: Aye.

8 VICE CHAIR SULLIVAN: Aye. Any opposed? That motion
9 passes.

10 That moves us onto the letter cases. First, I would
11 like to see if there's anybody in the audience who would
12 like to speak to any of these letter cases. And these are
13 cases in which the recommendation is a letter of
14 instruction. The first case is SEB Case Number 2014-107,
15 Putnam County. Is there anyone here to speak to that?

16 MR. LEWIS: Madam Chair, I'm going to present that
17 case and recommend dismissal.

18 VICE CHAIR SULLIVAN: Okay. SEB Case Number 2016-119,
19 Jefferson County? SEB Case Number 2017-003? SEB Case
20 Number 2017-37? SEB Case Number 2017-66? SEB Case Number
21 2017-71? That's the City of Tucker, DeKalb County.
22 SEB Case Number 2017-78, Fulton County? SEB Case Number
23 2017-79? I believe we have someone here to speak to that.

24 MR. GRAY: Right here.

25 VICE CHAIR SULLIVAN: Okay. And SEB Case Number 2017-

1 80? We'll go ahead and take SEB Case Number 2014-107.

2 Mr. Lewis?

3 MR. LEWIS: Thank you, Madam Chair. This case has
4 to do with a voter ID issue. Putnam County voter,
5 Rachel Covington, presented her Georgia weapons-carry
6 license at a polling precinct when she went to vote in
7 the November 2014 election.

8 Poll workers told the voter that the license is not --
9 was not an acceptable form of identification, but allowed
10 her to cast a provisional ballot. The voter received a
11 letter in the mail after informing her that her -- that the
12 Putnam County Board of Elections had rejected her
13 provisional ballot because she did not provide proper
14 identification in the form of a photo ID.

15 The progression of Georgia weapons-carry license from
16 that of a non-photo license to one that does come with a
17 photograph has created some confusion on the part of the
18 counties as to whether or not it is an acceptable form of
19 ID for voting.

20 Additionally, there's been some discussion as to
21 whether or not a county probate court qualifies as an
22 issuing authority under Georgia's voter ID law. It would
23 be our recommendation at this time to dismiss this case and
24 recommend that the Georgia General Assembly clarify the
25 statutory language if the legislative intent is for a

1 Georgia weapons-carry license to be an acceptable form of
2 ID for voting.

3 JUDGE SIMPSON: My understanding -- excuse me. My
4 understanding is that it should have been accepted as a
5 proper form of identification.

6 MR. LEWIS: Well, that's the question we're asking the
7 legislature to clarify --

8 JUDGE SIMPSON: Well --

9 MR. LEWIS: -- as to that issue. It is not --

10 JUDGE SIMPSON: -- I don't -- I don't think that the
11 statute -- it just says a form of identification. That is
12 a form of identification. It's issued by the governor, so
13 I think that -- my opinion is that we should issue a letter
14 of instruction telling the county boards of election to
15 accept that until there is some change from the
16 legislature.

17 Because -- you know, because the way you read the
18 statute now, it may not be clear but we should interpret
19 the statute in favor of allowing the voter to vote, in my
20 opinion. So I move that we issue a letter of instruction
21 telling the county election boards to accept that form of
22 identification.

23 VICE CHAIR SULLIVAN: Thank you, Judge Simpson. I
24 think this might be an appropriate interval for our counsel
25 to speak regarding the statutory language that forms the

1 basis of Mr. Lewis' recommendation.

2 MS. CORREIA: Yes. It's our position -- (adjusts
3 microphone.) We've looked at this in house at the Attorney
4 General's office and it's our position that the current
5 statute does not allow a Georgia carry -- weapons license
6 to be a proper photo ID, and the -- the reason is that,
7 under 21-2-417(a)(2), it talks about voter identification
8 issued by a state agency or entity and a probate court is
9 not. It is a county --

10 JUDGE SIMPSON: It's a constitutional -- it's a
11 constitutional body of the State of Georgia.

12 MS. CORREIA: It is, but --

13 JUDGE SIMPSON: And so, in that sense, it's a state
14 agency. I certainly don't agree with that interpretation.

15 MS. CORREIA: Well, our review internally is that the
16 probate court is a county court and, therefore, a license
17 issued by that court --

18 JUDGE SIMPSON: Yeah, but it's a constitutional
19 office, isn't it?

20 MS. CORREIA: We -- you know, we can research this
21 further and come back to the Board with a --

22 JUDGE SIMPSON: Isn't it a constitutional office?

23 MS. CORREIA: -- with an official opinion.

24 JUDGE SIMPSON: It's like a superior court; it's like
25 a state court; it's like the sheriffs.

1 MS. CORREIA: It is -- it is a county agency, however.

2 JUDGE SIMPSON: Isn't that a -- isn't that a
3 constitutional --

4 MS. CORREIA: It is.

5 JUDGE SIMPSON: -- established court --

6 MS. CORREIA: It is established by the Constitution.

7 JUDGE SIMPSON: -- by the Constitution of the State of
8 Georgia?

9 MS. CORREIA: Yes.

10 JUDGE SIMPSON: Okay.

11 VICE CHAIR SULLIVAN: I think that it -- I'm sorry.
12 Judge Simpson, would you like to request an official
13 opinion from the AG's office on this matter?

14 JUDGE SIMPSON: Yes. But, in the meantime, I still
15 think we ought to give the benefit of the doubt to the
16 voter so that we make sure that every voter is allowed to
17 vote in Georgia and not prohibit somebody because of some
18 strange reading of the statute.

19 MR. WORLEY: I --

20 VICE CHAIR SULLIVAN: Go ahead.

21 MR. WORLEY: I agree with Judge Simpson, and I would
22 agree to second -- or I'll second that motion for the
23 reasons that he's given.

24 SENATOR HARP: Madam Chair?

25 VICE CHAIR SULLIVAN: Please, go ahead.

1 SENATOR HARP: There's a gentleman that's got his hand
2 up out there. I don't think it's in order, but I think we
3 ought to recognize him.

4 VICE CHAIR SULLIVAN: Sure. Right now we have a
5 motion and a second. Clarify your motion again, Judge
6 Simpson.

7 JUDGE SIMPSON: I move to issue a letter of
8 instruction to the county election boards to allow that
9 identification unless -- until such time as the legislature
10 prohibits it.

11 VICE CHAIR SULLIVAN: Okay. We have a motion and a
12 second to issue a letter of instruction in this case.
13 Mr. Davis, would you like to speak to this?

14 MR. DAVIS: Please. I am the one person that has to
15 deal with this at every election we have. In a big
16 election, I'll have 200 issues involved with whether they
17 have adequate ID or not. I would suggest that you stick
18 with the law exactly as it is, because I have every
19 imaginable kind of things that you could think of.

20 I have people who come in with nothing but a passport
21 from another country who speak no English and they've only
22 been in the United States for a few hours and they want to
23 vote. I had some guy who voted in New York, jumped on a
24 plane, flew to Atlanta, rented a car, drove out to my
25 precinct, came in there and wanted to vote again.

1 I deal with this problem in vast numbers and, if you
2 want to change it, have the General Assembly change it
3 because, if you don't, it'll be a slippery slope and it'll
4 drive all of us on the front line crazy.

5 JUDGE SIMPSON: Well, it would appear to me if
6 somebody showed up with a foreign passport, that would
7 indicate they weren't a citizen of the United States and
8 they wouldn't be entitled to vote, so I don't think that's
9 a comparable --

10 MR. DAVIS: Well --

11 JUDGE SIMPSON: -- situation at all.

12 MR. DAVIS: -- that's just one of hundreds of
13 different ones that I have had.

14 JUDGE SIMPSON: Well, the object is to allow people to
15 vote so we can have a fair and honest election --

16 MR. DAVIS: That's true, but if they don't have --

17 JUDGE SIMPSON: -- and, if they can be identified,
18 they ought to be able to vote.

19 MR. DAVIS: -- adequate ID --

20 JUDGE SIMPSON: And if it's a state agency that issues
21 the identification, that's all you have to -- that's the
22 end of the discussion, that's the end of the inquiry and
23 then you ought to let them vote. That's what we're there
24 for. That's why we're --

25 MR. DAVIS: Then why don't we --

1 (Crosstalk.)

2 VICE CHAIR SULLIVAN: Excuse me. Thank you. Thank
3 you, Mr. Davis, for your comments and your practical
4 experience. I think that this exchange may be getting a
5 little out of control, but we do appreciate your comments.

6 Is there anyone else who would like to speak to this
7 case that's in the audience? Okay. We have a motion to
8 issue a letter of instruction in this case and a second.
9 Is there any further discussion by the board members? All
10 in favor of the motion, please vote by saying aye.

11 MR. WORLEY: Aye.

12 JUDGE SIMPSON: Aye.

13 SENATOR SHARP: Aye.

14 VICE CHAIR SULLIVAN: Any opposed? And that motion
15 carries. The next case we have people here to speak to
16 would be SEB Case Number 2017-79, City of Atlanta. That's
17 Tab Number 13 in your binder. Mr. Lewis, if you would --
18 oh, please go ahead. You're not Mr. Lewis.

19 FRANCES WATSON: Case 2017-79: In November of 2017,
20 Mr. Karl Gray advised that the poll manager and workers had
21 refused to accept his government-issued photo -- picture
22 identification when he went to vote in the November 2017
23 election in the City of Atlanta, Fulton County.

24 Mr. Gray presented a government ID with no address
25 listed on the ID. When presented to vote, the poll worker

1 requested another form of ID with an address and Mr. Gray
2 refused. Mr. Gray was referred to the poll manager that
3 appropriately asked to confirm Mr. Gray's address and he
4 proceeded to vote.

5 The investigator discovered that Fulton County did not
6 give credit to Mr. Gray who voted in the state system
7 within 60 days of the election. We're recommending the
8 Fulton County Board of Elections and Richard Barron,
9 Fulton County election supervisor, be issued letters of
10 instruction for the listed violation, 21-2-215(i), and the
11 Fulton County Board of Elections and Registration and
12 Supervisor Barron failed to give Mr. Karl Gray credit for
13 voting in the state system within 60 days of the November
14 7, 2017, general election.

15 VICE CHAIR SULLIVAN: Thank you. I believe that
16 Mr. Gray would like to speak to this. If you would, please
17 come down to the front.

18 MR. GRAY: (Complies with request.)

19 VICE CHAIR SULLIVAN: This microphone right here is
20 on. Please state your name and address for the record.

21 MR. GRAY: Okay. It's Karl Gray, and my address is
22 1656 Harbin Road, Atlanta, 30311. And what I would like to
23 speak to is the poll workers had made a decision that they
24 want a driver's license, although that is not the only form
25 of identification that you can use.

1 You can use a passport; you can use a government ID.
2 I've been working for the government for 33 years and I
3 presented that government ID in numerous places. I took a
4 trip to Paris, France; I did some money exchanges. Over a
5 certain amount, they require photo IDs and they even said
6 that my government ID is one of the forms of
7 identification.

8 These poll workers, if you don't present a driver's
9 license, they will actually mark an X on this form and say,
10 Well, because you're not giving us a driver's license that
11 has your address on there, we want you to initial here. On
12 the form, it already states that -- under perjury that you
13 are saying that everything is correct and you do actually
14 live at that address.

15 So doing extra marks, they want to bully you because
16 if you don't want to present a driver's license -- and I --
17 I would love to have all of those poll workers line up in
18 here, one by one, and make them aware that the driver's
19 license is not the only acceptable form for identification.

20 And I presented one -- in fact, the government ID is
21 actually on the acceptable form prior to the state-issued
22 driver's license, but they only want the driver's license
23 and, if you don't want to present that, they want to bully
24 you.

25 And other people have been in there; I've seen them go

1 through it and they'll give them -- they'll say, Okay.

2 Well, here's -- here's the driver's license if that's what
3 you want. But in my case -- I can speak directly to my
4 case -- until I went to that poll manager and looked her in
5 the eye and I said, Are you telling me that you're not
6 going to allow me to vote? And now I found out today that
7 my vote didn't count even though I presented an acceptable
8 form of identification -- and I'd like to have a copy of
9 that letter so I can take that with me every time I vote as
10 well. I'd like to have a copy of that.

11 VICE CHAIR SULLIVAN: Thank you, Mr. Gray. The
12 recommendation in this case is to issue a letter of
13 instruction to the Fulton County Board of Elections and
14 Registration, and supervisor as well as the poll manager
15 and poll clerks involved in that case. Thank you for being
16 here.

17 Is there anyone else in the audience who would like to
18 speak to this case? Would any of the board members like to
19 discuss? Any questions? The motion -- the recommendation
20 in this case is to issue a letter of instruction.

21 MR. WORLEY: I move that we issue a letter of
22 instruction to Fulton County in this matter.

23 JUDGE SIMPSON: Second.

24 VICE CHAIR SULLIVAN: A motion has been made and a
25 second. Any further discussion? All in favor, please vote

1 by saying aye.

2 JUDGE SIMPSON: Aye.

3 MR. WORLEY: Aye.

4 SENATOR HARP: Aye.

5 VICE CHAIR SULLIVAN: Aye. Any opposed? None, and
6 that motion carries. Are there any other member -- are
7 there any other letter cases that any of the members of the
8 Board would like to pull off for further discussion?

9 MR. WORLEY: Madam Chair, I would make a motion that
10 we -- that for all of the remaining letter cases on our
11 agenda, that we send a letter of instruction as recommended
12 by the investigators.

13 VICE CHAIR SULLIVAN: I'll second that motion and I'll
14 go ahead and read those case numbers just for the record.
15 It's 2016-119, Jefferson County; 2017-3, Fulton County;
16 2017-37, Fulton County; 2017-66, Clayton County; 2017-71,
17 City of Tucker; 2017-78, Fulton County, and 2017-80, City
18 of Atlanta.

19 This motion's been made and seconded to issue a
20 letter of instruction in those cases. Considering no
21 discussion --

22 SENATOR HARP: Second.

23 VICE CHAIR SULLIVAN: Any further discussion? All in
24 favor, please vote by saying aye.

25 MR. WORLEY: Aye.

1 SENATOR HARP: Aye.

2 VICE CHAIR SULLIVAN: Aye. Any opposed? No, and that
3 motion carries. And that moves us onto the investigations
4 report. I'd first like to go through these cases and see
5 if there's anyone in the audience who is here to speak to
6 any of these matters.

7 2013-38, City of Sparta. Is there anyone here who
8 would like to speak to that case? 2014-09, Hancock County?
9 No. 2015-8, City of De Soto?

10 MR. WORLEY: Madam Chair, just for the record, I will
11 be recusing myself from the City of De Soto case.

12 VICE CHAIR SULLIVAN: It's noted for the record.
13 2015-20, Hancock County?

14 MS. STEPHENS : Madam Chair.

15 VICE CHAIR SULLIVAN: Yes.

16 MS. STEPHENS: I don't think you saw my hand on the
17 first one, 2013-038.

18 VICE CHAIR SULLIVAN: Right. I noted it.

19 MS. STEPHENS: Thank you.

20 VICE CHAIR SULLIVAN: 2015-46, City of Allenhurst?
21 2015-47, City of Damascus?

22 MR. COLEMAN: Madam Chair, I'm here on behalf of the
23 city.

24 VICE CHAIR SULLIVAN: Thank you. 2015-66, City of
25 Baconton?

1 MR. COLEMAN: Also here for that one.

2 VICE CHAIR SULLIVAN: 2015-72, City of Ivey? No one
3 here for that case. 2015-73, City of Sparta? Noted.
4 2015-74, City of Cordele? Thank you. 2015-75, City of
5 Guyton? No one here for that case. 2015-76, City of
6 Commerce? I see you. Thank you. And 2017-86, DeKalb
7 County? Thank you.

8 All right. The first investigation report case is
9 2013-38, City of Sparta. Mr. Lewis?

10 MR. LEWIS: Thank you, Madam Chair. The investigation
11 division in this case received nine complaints regarding
12 the November 5, 2013, municipal and special election held
13 in the City of Sparta in Hancock County.

14 The complaint alleged -- allegations include the issue
15 of poll location set up, Saturday voting hours, machine
16 storage -- voting-machine storage, not enough poll workers
17 on site and local election board members taking photographs
18 in voting areas.

19 All but one of the allegations in this case were
20 unsubstantiated. The remaining allegation was regarding
21 some of the electors that reside on Glen Ford Road and
22 Central Avenue that were placed inside of the City of
23 Sparta on the voting list when they were actually residents
24 of the county proper.

25 It was determined, in our investigation, that there

1 were 11 electors found to be listed on the municipal voting
2 list for the City of Sparta when they should have been
3 listed as Hancock County residents.

4 We would recommend that the Hancock County Board of
5 Elections and Registration be bound over for the listed
6 violation of 21-2-226(b), duties of the county board in
7 determining eligibility of voters.

8 Former elections supervisor, Aretha Hill, is also
9 listed as a respondent in this violation. We would
10 recommend dismissing the citation against Ms. Hill because
11 the violations are directed at Board responsibilities.

12 VICE CHAIR SULLIVAN: Thank you. I believe we have
13 some members of the public who would like to speak to this
14 case.

15 MS. GRANT: Good morning. My name is --

16 VICE CHAIR SULLIVAN: If you'll pick up the
17 microphone, please.

18 MS. GRANT: My name is Andrea Grant, address is 40
19 Jarrett Manor, Toccoa, Georgia. I'm the attorney for the
20 Hancock County Board of Elections and Registrations.

21 And the -- the request that I have for you-all today
22 -- and I apologize that I didn't get with the investigators
23 prior to this -- is, on this particular case where they
24 state that that they feel that 11 people were not supposed
25 to vote in the municipal elections, if -- if I can refer

1 you to 21-2-217, Subsection B.

2 It's -- the decisions of the registrar to whom such
3 application is made shall be presumptive evidence of the
4 person's residence for voting purposes. And so, at this
5 juncture, I can't see how the county would be -- it would
6 just be deemed that they are not residents without going
7 through the proper procedures under the statutes.

8 There are numerous -- and we've -- Hancock County's
9 recently been involved in a federal lawsuit for removing
10 electors' names from the list and there's a whole procedure
11 in order to do that under 2-2-228, 2-2-229 and -- I mean --
12 and 2-2-230. I may have got those semblance of numbers --
13 I think they're all 21.

14 But the bottom line is you have to give each person
15 notice if they are -- if you -- somebody challenges where
16 they live, then you have to give them certain hearings and
17 a whole sundry of other things.

18 So I would ask one of two things: Of course,
19 obviously, we would want to have this dismissed but,
20 secondly, I would ask for an opportunity to get with the
21 investigators and go over how they determined that these
22 were ineligible based on the statutes that the Board has to
23 go through to remove someone from the rolls.

24 VICE CHAIR SULLIVAN: Mr. Lewis, are these arguments
25 that you were presented with prior to this hearing?

1 MR. LEWIS: Well, the information we received was
2 these 11 electors were actually placed inside of the city
3 and voted in the city election or county elections were
4 ineligible to vote inside of the city. So there was a mix
5 up of the street.

6 And, in our report, Ms. Hill was asked about it by the
7 investigator, who conducted the election. After asking if
8 it was brought to her attention, she stated that she did
9 not know what happened. It wasn't brought to her attention
10 by the board members. There was some change that occurred
11 in the street file and she said, yes, that it was an
12 oversight on their part and the only streets that were
13 involved were the two streets that I mentioned.

14 VICE CHAIR SULLIVAN: Thank you. Ms. Grant's comments
15 do not change your recommendation in this case?

16 MR. LEWIS: (No response.)

17 VICE CHAIR SULLIVAN: Mr. Lewis, the -- Ms. Grant's
18 comments do not change your recommendation in this case?

19 MR. LEWIS: No.

20 VICE CHAIR SULLIVAN: Do any of the board members have
21 any questions for Ms. Grant?

22 JUDGE SIMPSON: What is the recommendation?

23 VICE CHAIR SULLIVAN: The recommendation is to forward
24 to the Attorney General's office.

25 JUDGE SIMPSON: So move.

1 VICE CHAIR SULLIVAN: Okay. We have a motion to refer
2 to the Attorney General's office, but we have several more
3 people who would like to speak regarding this case, so
4 we'll hold that motion. And the next person who would like
5 to speak -- nice to see you again. If you would, state
6 your name and address for the record.

7 MS. STEPHENS: I'm Nancy Stephens, 389 Roy Smith Road
8 in Sparta, Georgia. I'm on the board of elections and
9 registration and have been since it started in 2011. I
10 pointed out numerous times to Ms. Hill that these electors
11 were outside of the county and they were on the city
12 electors' list and she refused to take any action to remove
13 them or take any action to have meetings with them or
14 anything. She just left them alone. So she was aware and
15 had been for quite some time.

16 MR. LEWIS: Madam Chair, I will make one correction.
17 When I said -- I believe I indicated to the Board that the
18 voters did vote in the election. That is incorrect. They
19 did not.

20 VICE CHAIR SULLIVAN: Thank you. Ms. Hill, would you
21 like to speak to this? You're not required to. If you
22 would, please state your name and address for the record.

23 MS. HILL: My name is Aretha Hill, and former election
24 supervisor for Hancock County, and also election supervisor
25 for the City of Sparta in 2013 and 2015.

1 And I would like to say the cause of that -- I'm a
2 former supervisor -- I haven't had time to go in and access
3 the records in the file to clarify the findings right here.

4 And so, I'm going to have to ask the county to grant me a
5 continuance, that I may, you know, get legal counsel for
6 this -- these cases.

7 VICE CHAIR SULLIVAN: I understand. I believe the
8 recommendation is to dismiss the allegations that were made
9 toward you specifically and to refer the Hancock County
10 Board of Elections to the Attorney General's office; is
11 that correct?

12 MR. LEWIS: That is correct.

13 VICE CHAIR SULLIVAN: So that may change your --

14 MS. HILL: Okay.

15 VICE CHAIR SULLIVAN: -- decision.

16 MS. HILL: I had other cases on here, too.

17 VICE CHAIR SULLIVAN: Okay. We'll discuss those when
18 we get to those cases. Thank you.

19 MS. HILL: All right. Thank you.

20 VICE CHAIR SULLIVAN: So we have a --

21 MR. WORLEY: (Indicating.)

22 VICE CHAIR SULLIVAN: Go ahead, Mr. Worley

23 MR. WORLEY: Madam Chair, I have a question. This
24 indicates that the date of the report is November of 2014.

25 MR. LEWIS: Yes, sir.

1 MR. WORLEY: Has this been before the Board before?

2 MR. LEWIS: No, sir.

3 MR. WORLEY: And why is a report that was made in
4 November of 2014 just now getting to the Board?

5 MR. LEWIS: It's just in the cycle. We have a couple
6 of 2013 cases on this agenda and we'll probably have a
7 couple more. But those are the last remaining cases from
8 that cycle.

9 MR. WORLEY: Okay. Thank you.

10 MS. GRANT: May I make one other comment?

11 VICE CHAIR SULLIVAN: Yes, Ms. Grant.

12 MS. GRANT: And you'll see me -- there's a couple of
13 others cases also for Hancock County involving the same
14 employee that was terminated. Once the county found out of
15 the things that were happening, the employees were
16 terminated in April of 2015, so they took remedial action.

17 VICE CHAIR SULLIVAN: Thank you. Is there any other
18 questions by anyone on the Board? We have a motion -- and
19 let me clarify. Judge Simpson, your motion would be to
20 refer the board of elections to the Attorney General's
21 office and to dismiss the allegations against Ms. Hill?

22 JUDGE SIMPSON: That's correct.

23 VICE CHAIR SULLIVAN: There's been a motion. Do we
24 have a second?

25 MR. WORLEY: Second.

1 VICE CHAIR SULLIVAN: The motion's been made and
2 seconded. Any further discussion? All in favor, please
3 vote by saying aye. Aye.

4 SENATOR HARP: Aye.

5 MR. WORLEY: Aye.

6 VICE CHAIR SULLIVAN: Any opposed? None, and that
7 motion carries. Thank you. And the next case is SEB Case
8 Number 2014-009, Hancock County. Mr. Lewis?

9 MR. LEWIS: Thank you, Madam Chair. If you'll bear
10 with me. This is quite a lengthy case. Complainants
11 reported irregularities by the elections officials for the
12 May 20, 2014, primary election and the July 22, 2014,
13 primary in Hancock County.

14 There were a total of 23 reported allegations in this
15 case with nine of those being substantiated, and I'll
16 go over those and the findings as follows:

17 Allegation 1 is that 16 nonpartisan candidates
18 qualified as democratic candidates for the May 20, 2014,
19 primary election. Our investigation verified that 16
20 candidates seeking election in the nonpartisan election for
21 the local race filed their notice of candidacy and paid
22 their qualifying fees with the democratic party for the
23 May 20th primary.

24 The election supervisor accepted the notice of
25 candidacy for the 16 nonpartisan candidates from the

1 democratic party when they should have qualified with the
2 elections superintendent.

3 Allegation Number 3, that the sample ballots that were
4 scripted by the elections office during the May 20, 2014,
5 primary election were the same size as an actual ballot --
6 of an actual ballot printed on white paper. Our
7 investigation revealed that the sample ballots that were
8 scripted by the elections office during the May 20th
9 primary election were the same size as an actual ballot
10 printed on white paper when it should've been of different
11 size and different color.

12 Allegation Number 4, that some application for
13 absentee ballots for the November -- excuse me -- May 20th
14 primary election were not marked by the voter indicating
15 which party ballot they were requesting and the elections
16 office failed to issue them a ballot.

17 The investigation revealed that 33 applications for
18 absentee ballots were not marked by the elector indicating
19 party. They were requested for the election. The
20 investigation also revealed that Deputy Registrar Rhodes
21 processed the applications and sent absentee ballots to
22 the voters.

23 Ms. Rhodes stated that she knew some -- some of the
24 electors and she knew which party they were requesting.
25 She stated the other electors, she would check their

1 history and determine which party ballot to send them.

2 Allegation Number 8, that the election supervisor did
3 not request the printing of precinct cards until April 25th
4 of 2014. In light of this, the electors in Hancock County
5 that had been moved because of the redistricting issue did
6 not receive notification 30 days prior to the election.

7 When some of the electors went to the polls to vote,
8 they learned that they had been moved to another polling
9 precinct. Our investigation verified that the election
10 supervisor sent in a request on April 25, 2014, for the
11 precincts cards to be printed up for Hancock County. The
12 new precinct cards were requested due to boundary lines of
13 some polling precincts being altered. With the late
14 request for printing of new precinct cards, the affected
15 electors did not receive 30 days prior to the election.

16 Allegation 10: The complainant reviewed some of the
17 election material documents for the May primary election
18 and found errors and omission in violation of the code.
19 Our review of the election documents found the following:

20 That seven electors were assisted -- assigned the
21 wrong voting district during the May election; that five
22 electors submitted an application for absentee ballot and
23 the elections office failed to mark either eligible or not
24 eligible on the application; that seven electors listed a
25 different address on their application for official

1 absentee ballots than the address that they were registered
2 under; that, when three electors voted, their status was
3 inactive, that their status was not changed after the
4 election to active; that when two electors voted during
5 advanced voting, the poll officer failed to document what
6 type of identification they were provided.

7 Allegation 17, that an elector named Willie Paul
8 Justice (ph) was still listed on the voter's list as active
9 even though he had passed away on December 31, 2013. Our
10 investigation revealed that elector -- Mr. Justice did pass
11 away on December of 2013; his name was still on the list as
12 active over in Hancock County.

13 Allegation 19, that on July 17, 2014, the complainant
14 found the door open to the storage room where the DREs were
15 stored and she found the key in -- in the door lock. Our
16 investigation found that on July 17, 2014, the election
17 supervisor did leave the door open to the storage room
18 where the DREs were kept and, thus, failing to properly
19 secure elections equipment.

20 Allegation 22: The editor of the Sparta Ishmaelite
21 newspaper was told he could not stay inside of the room
22 where they were scanning absentee ballots through the
23 optical scan at the primary election. Our investigation
24 revealed that editor, Chuck Knowles, (ph) was told he could
25 not stay in the room while they're scanning the absentee

1 ballots through the optical scan and he should have been
2 allowed to do so.

3 Allegation Number 23, that the vote review panel was
4 not composed of one person appointed by the county
5 executive committee of each political party. Our
6 investigation confirmed that during the May 20, 2014,
7 election, the vote review panel was not appropriately
8 appointed by the code. The investigation revealed that
9 election supervisor, Aretha Hill, chose who was going to be
10 on the panel.

11 In addition to the original allegation and those
12 findings in the matter, there were additional investigative
13 findings per our report, and I'll just go over what those
14 issues were.

15 Our investigation revealed issues with the improper
16 rejection of Henry Ingram's absentee ballot, that
17 Barbara Lawrence received the incorrect ballot style, the
18 cancellation of electors Tommy Evans, Torez Evans and
19 Connie Evans' original absentee ballots without an
20 affidavit, failure to tabulate the absentee ballots of
21 Priscilla and Katie Chatman, the lack of poll-worker
22 signatures on DRE tapes; they failed to certify the
23 absentee ballots of Ms. Chatman and Ms. Priscilla Chatman,
24 Katie Chapman, Rosa Walls and Janita Jackson (ph) and
25 prepared 20 duplicate ballots and failed to mark them as

1 duplicate and the improper documentation on absentee
2 ballots -- the application for absentee ballots as they
3 failed to mark the reason why a third party was requesting
4 them.

5 We would recommend the Hancock County Board of
6 Elections and Registration, Aretha Hill, former election
7 supervisor, and Robin Rhodes, deputy registrar, be bound
8 over to the AG's office for the listed violations under
9 each of their names in the lengthy report.

10 We would also recommend -- we would also recommend
11 that the citations listed for Azzalee Askew be dismissed.
12 O.C.G.A. 21-2-409 is not applicable in this situation due
13 to the Attorney General -- due to the Attorney General
14 opinion of 21-2-574, we do not cite electors who assist in
15 mailing paper absentee ballots.

16 Additionally, former election supervisor, Aretha Hill,
17 is listed as a respondent in the investigative report
18 regarding O.C.G.A. 21-2-226(b), duties of the county board
19 in determining eligibility of voters. We would also
20 recommend dismissal of this particular citation against
21 Ms. Hill because the violation is directed at Board
22 responsibilities.

23 VICE CHAIR SULLIVAN: Are you finished?

24 MR. LEWIS: I hope so.

25 VICE CHAIR SULLIVAN: I'm sure we have members of the

1 public who would like to speak to this. Please go ahead,
2 Ms. Grant.

3 MS. GRANT: As to this particular Hancock County case,
4 I would just like to remind the Board that these three
5 cases -- you'll have -- you're going to hear one more --
6 2013, 2014, 2015 were while Aretha Hill was employed by the
7 Board of Elections and Registration and the board takes --
8 is very, very serious and understands that it ultimately
9 supervises its staff and needs to make sure that they're
10 following the right rules and regulations.

11 But sometimes, unless everybody stays in the office at
12 -- at one time, the duties delegated to the supervisor --
13 sometimes, in many of these situations, the supervisor
14 acted outside of her authority, her scope, that was granted
15 by the board or by the statutes.

16 And, therefore, we would request that you-all take
17 that into consideration and, secondly, not to dismiss
18 Ms. Hill from it because we believe that she acted
19 arduously despite being informed about the things that
20 she was doing that she continued to do.

21 VICE CHAIR SULLIVAN: Do any board members have any
22 questions for Ms. Grant? Would anyone else like to speak
23 to this case? Ladies first. Please state your name and
24 address for the record.

25 MS. ASKEW: I'm Azzalee Askew, and my address is 277

1 Springfield Road, Sparta, Georgia. And he did say that he
2 would dismiss one of my cases, so I thank you and
3 appreciate that.

4 VICE CHAIR SULLIVAN: Thank you. We have one more.
5 Okay.

6 MS. LEWIS: Madam Chair, let me clarify, in response
7 to the attorney's question, Ms. Hill would be dismissed on
8 that one citation for 21-2-226(b) only, not the other
9 citations that are applicable on the case.

10 JUDGE SIMPSON: I'd --

11 VICE CHAIR SULLIVAN: Does the judge make a motion in
12 this particular case?

13 JUDGE SIMPSON: I'd like to make a motion that we
14 accept the recommendation of the investigator with regard
15 to this. And I'd like to recommend that we refer to the
16 Attorney General those -- those cases that there is
17 evidence to support the allegations and that the ones that
18 there's not, they be dismissed.

19 Some impression has to be made on Hancock County that
20 they have to begin following the rules. This is a
21 continuing problem that's continued for a long time. We've
22 got three cases today that are outrageous. I think the
23 election board, regardless of the fact where they've
24 contracted with someone else to do their elections, they
25 have the responsibility and they're the ones who make sure

1 that the elections in Hancock County are fair and conducted
2 properly.

3 And I think that these cases definitely need to be
4 referred to the Attorney General and, hopefully, he will
5 follow up with them so that we can make some impression on
6 Hancock County and the City of Sparta.

7 VICE CHAIR SULLIVAN: Thank you, Judge Simpson. Judge
8 Simpson has made a motion to accept the recommendation of
9 the investigator. Senator Harp, would you like to speak?

10 SENATOR HARP: (Nonverbal response.)

11 VICE CHAIR SULLIVAN: Ms. Hill, would you like to
12 speak to this case?

13 MS. HILL: Yes. Again, my name is Aretha Hill; 377
14 Hancock Street, Sparta, Georgia. I'm Aretha Hill. As the
15 former supervisor of Hancock County as well as supervisor
16 for the City of Sparta, 2013 and 2015.

17 Now, because of that, I'm asking that the panel would
18 grant me a continuance because I haven't had time to access
19 files or records to these findings -- to clarify these
20 findings. So if the panel would grant me a continuance so
21 that I can have legal counseling, I would appreciate that.

22 VICE CHAIR SULLIVAN: Thank you. Ms. Hill, this
23 Board, we refer cases to the Attorney General. There would
24 be an opportunity, if that recommendation -- that motion
25 passes, for your counsel to speak with the Attorney

1 General's office in resolution of the matter. So I did
2 want to let you know that there would be an opportunity for
3 that if the recommendation is accepted.

4 MS. HILL: All right. Thank you.

5 VICE CHAIR SULLIVAN: Is there anyone else that would
6 like to speak to this particular case? I think we have a
7 motion to accept the recommendation. Do we have a second?

8 MR. WORLEY: I second.

9 VICE CHAIR SULLIVAN: Any further discussion among the
10 Board? All in favor, please vote by saying aye.

11 SENATOR HARP: Aye.

12 JUDGE SIMPSON: Aye.

13 VICE CHAIR SULLIVAN: Aye. Any opposed? None, and
14 that motion carries. And we have another Hancock County
15 case, SEB Case Number 2015-20.

16 MR. LEWIS: Thank you, Madam Chair. There were two
17 complaints filed in this complaint. The first complaint
18 alleged that former Hancock County election supervisor,
19 Aretha Hill, and her staff counted absentee ballots for
20 individuals who did not have a signature card on file and
21 that they counted ballots for individuals whose absentee
22 ballots came back after the office -- came back to the
23 office after the deadline.

24 The second complaint in this case had to do with
25 Hancock County improperly challenging the residency of some

1 Hancock County voters. Hancock County's office certified
2 and counted 284 mail-in ballots for the 2014 election. The
3 investigation determined that there were not signature
4 cards on file for 16 of those certified ballots for the
5 March 31, 2016, election.

6 And, also, the investigator discovered that four of
7 the voters were not credited for voting in that election.
8 That had to do with the first complaint. In regards to the
9 second complaint, there was nothing to suggest that the
10 Hancock County Board of Elections and Registration failed
11 to follow proper guidelines when they held hearings to
12 challenge some of the voters' residency qualifications.

13 We would recommend dismissal of the listed violations
14 for verifying signature marks on the absentee-ballot
15 envelopes with that of the voter-registration cards due to
16 the fact that these cards were destroyed in a fire at the
17 Hancock County Courthouse and have not been reestablished
18 by the electors.

19 We would dismiss those two cites, 21-2-381 and 21-2-
20 386. For the remaining citation, we would recommend that
21 Aretha Hill, former election supervisor for the Hancock
22 County Board of Elections and Registration be issued a
23 letter of instruction for violation of O.C.G.A. 21-2-215
24 for not giving proper credit for electors in the city.

25 VICE CHAIR SULLIVAN: Ms. Stephens, would you like to

1 speak to this case?

2 MS. STEPHENS: Thanks. Ms. Stephens, 389 Roy Smith
3 Road, Sparta, Georgia. The courthouse burned and it burned
4 everything. I took a copy of our electors' list. I worked
5 with Lynn Ford; she sent me blank voter-registration cards.

6 Jim Elmonds, who was on our board, drew up a list of
7 addresses of voters who were registered to vote in the
8 county and I personally mailed everybody a blank voter-
9 registration card and asked them to please fill it out,
10 put a cover letter with it, tell them the courthouse had
11 burned. Even though they were still registered to vote,
12 we did need their -- a copy of their signature on the
13 voter-registration card and asked them to return them
14 either to the Secretary of State's office or to our office.

15 So every -- everything that I knew to do was done to
16 try to get our signatures back. So I didn't know what else
17 to do.

18 VICE CHAIR SULLIVAN: Thank you. Mr. Worley has a
19 question for you.

20 MR. WORLEY: Ms. Stephens, do you have any idea how
21 many of those cards were returned or what percentage of the
22 people responded to you?

23 MS. STEPHENS: I know we moved -- we mailed out about
24 5600 and 702 were returned undeliverable. And I did have a
25 count, and I usually have them returned -- any

1 undeliverable mail, I put my return address on the envelope
2 so I know what was undelivered. I do not know how many
3 went to the office and to the Secretary of State's office,
4 but I know 702 were returned undelivered. But there was
5 one mailed out to the address on the voter-registration --
6 or the electors' list to every voter in Hancock County.

7 MR. WORLEY: But you don't have any reason to dispute
8 that there were some missing signatures --

9 MS. STEPHENS: Oh, no, sir. I'm sure there were.

10 MR. WORLEY: Okay.

11 MS. STEPHENS: I'm sure there were.

12 MR. WORLEY: Thanks.

13 VICE CHAIR SULLIVAN: Ms. Grant?

14 MS. GRANT: Thank you. The Board of Elections and
15 Registration do not disagree with the recommendations.
16 However, based on your comments regarding that, certainly,
17 Hancock County needs to wake up and smell the coffee, they
18 did that in 2015, and they regrouped their staff and hired
19 -- they hired -- they hired me after that and we have taken
20 great strides in trying to clean up the errors that were
21 made and learned from the past mistakes.

22 And they do take it -- the board does take it very
23 seriously and we're working diligently to make sure the T's
24 get crossed and the I's get dotted.

25 VICE CHAIR SULLIVAN: Is there anyone else who would

1 like to speak to this case? Okay. So the recommendation
2 is to dismiss the first two allegations and issue a letter
3 of instruction --

4 MR. LEWIS: Yes, ma'am.

5 VICE CHAIR SULLIVAN: -- in the third.

6 MR. LEWIS: Yes, ma'am, that is correct.

7 JUDGE SIMPSON: So move.

8 SENATOR HARP: Second.

9 VICE CHAIR SULLIVAN: The recommendation has been --
10 the motion's been made to accept the recommendation and
11 seconded. Any further discussion? All in favor, please
12 vote by saying aye.

13 JUDGE SIMPSON: Aye.

14 SENATOR HARP: Aye.

15 VICE CHAIR SULLIVAN: Aye. Any opposed? There are
16 none, and that motion carries. Thank you-all for being
17 here. The next case we have to consider is 2015-47, the
18 City of Damascus, and that is Tab Number 22 in your binder.

19 MR. LEWIS: Thank you, Madam Chair. It was reported
20 by the City of Damascus it was advertising the wrong
21 qualifying dates for one of the at-large city council
22 positions for an upcoming election in November of 2015.

23 The City of Damascus listed the qualifying dates from
24 8:30 on Monday, August the 24th, and closing qualifying at
25 4:30 on Friday, August 28th. The correct dates and times

1 should have been from 8:30 on August 31st, the last Monday
2 in August immediately preceding the general election, and
3 ending no later than 4:30 on September 4, 2015.

4 While conducting this investigation, it was discovered
5 that the city clerk, Denise Williams, had not completed her
6 election-certification training. Ms. Williams was placed
7 in her position in May of 2015 and had not completed her
8 training until August of 2017.

9 It would be our recommendation that the City of
10 Damascus and Denise Williams, city clerk, be bound over to
11 the Attorney General's office for the listed violations.

12 VICE CHAIR SULLIVAN: Is there anyone here who would
13 like to speak to this?

14 MR. COLEMAN: Yes, Madam Chair.

15 VICE CHAIR SULLIVAN: Thank you. Please state your
16 name and address for the record.

17 MR. COLEMAN: Sure. I'm Franklin Coleman. My address
18 is 212 North Westover Boulevard, Albany, Georgia 31707.
19 And my law firm represents the City of Damascus as well as
20 the City of Baconton, who both happen to be on your -- on
21 your agenda today.

22 But I'll -- as to the allegations, my understanding is
23 that there is -- essentially, what Mr. Lewis said is
24 correct, as I understand it. They issued -- I mean they
25 published the wrong qualifying dates. We don't know of

1 anybody that has claimed that they were unable to qualify
2 or run for that particular post because of the incorrect
3 date. I think they -- I'm not 100 percent sure of this,
4 but I think they republished it correctly after they --
5 after the fact.

6 And so, what we request is a letter of instruction or
7 something to that effect, and I'll -- if you don't mind,
8 I'll just stay here.

9 VICE CHAIR SULLIVAN: Do any of the board members have
10 any questions for Mr. Coleman?

11 MR. WORLEY: I had a question for Mr. Coleman.

12 MR. COLEMAN: Yes, sir.

13 MR. WORLEY: Do you know whether Ms. Williams
14 completed her training?

15 MR. LEWIS: She did, sir, in August of 2017.

16 MR. WORLEY: All right.

17 MR. LEWIS: I'm sorry.

18 MR. WORLEY: And what training was she missing at the
19 time of the violation?

20 MR. LEWIS: Her election-certification training.

21 MR. WORLEY: All of it or just part of it?

22 MR. LEWIS: All of it.

23 MR. COLEMAN: All of it. She had just been appointed
24 that -- like that same year just before the election. It's
25 a very, very small city.

1 MR. LEWIS: She was appointed in May of 2015 and did
2 not complete her training until August of 2017.

3 MR. COLEMAN: Correct.

4 MR. LEWIS: The code now states that has to be done
5 within six months. At that time, it was by the end of the
6 year, which would've been basically the same thing.

7 VICE CHAIR SULLIVAN: The recommendation is to bind
8 over the City of Damascus and the city clerk, Denise
9 Williams, to the Attorney General's office; is that
10 correct?

11 JUDGE SIMPSON: I would move that we issue a letter of
12 instruction.

13 MR. WORLEY: I would second that, and -- and just
14 state that I'm seconding it because this -- this is more
15 typical of the kinds of things that we issue letters of
16 instruction for, one-time clerical or other deficiencies
17 that have been corrected at the time of the case reaching
18 us.

19 VICE CHAIR SULLIVAN: We have a motion and a second to
20 issue a letter of instruction in this case. Is there any
21 further discussion? All in favor, please vote by saying
22 aye.

23 MR. WORLEY: Aye.

24 JUDGE SIMPSON: Aye.

25 VICE CHAIR SULLIVAN: Any opposed? Nay. Motion

1 carries. That moves us on to SEB Case Number 2015-66, the
2 City of Baconton.

3 MS. WATSON: The City of Baconton notified our office
4 that they had improperly printed paper absentee ballots for
5 the November 3, 2015, municipal election. The ballot in
6 question contained candidates for both District 2 and
7 District 4 city council seats. Only voters who resided in
8 District 2 or District 4 could vote for their district
9 seats, not both.

10 The error was discovered on October 13, 2015, during
11 the second day of early voting. The City of Baconton had
12 contracted with Mark Shiver to help with the municipal
13 election in 2015 just prior to early advanced voting. The
14 ballots had already been ordered by the City of Baconton;
15 Mr. Shiver found two days into early advanced voting that
16 the ballots for District 2 and District 4 council seats
17 were on one ballot and should've been separated out.

18 Mr. Shiver consulted with the city attorney and
19 suspended early voting and reprinted the ballots then
20 resumed early advanced voting on October 16, 2015. A copy
21 of the superior court petition filed in Mitchell County was
22 provided. The order authorized three ballots completed
23 prior to the correction being made to be canceled and the
24 electors were provided with the correct ballot.

25 We're recommending the City of Baconton, Annette

1 Morman, mayor of the City of Baconton, Sue Pate, city
2 clerk, and Deloris Daniels, election supervisor, be bound
3 over for 21-2-283.

4 VICE CHAIR SULLIVAN: Mr. Coleman?

5 MR. COLEMAN: Thank you, Madam Chair. On this matter,
6 what I understood was that we had seven ballots that were
7 voted in the early voting prior to the discovery of this
8 mistake.

9 What it was that she -- the facts that she recited are
10 almost exactly as I understand them but, once those seven
11 ballots -- once that mistake was discovered, they attempted
12 to -- they determined that only three of those ballots were
13 relevant to District 2 and 4, and what the problem was, if
14 -- if you didn't understand exactly, is that they have
15 residents in District 2 and residents in District 4 who
16 received a ballot that had both of the -- had candidates
17 for both of those on it and they -- they're not supposed
18 to, obviously, vote in the wrong district.

19 And so, it was a self-reported thing; the city called
20 -- I believe the Secretary of State, who may have -- I
21 believe they spoke with Mr. Harvey and he had kind of -- I
22 don't want to say instructed them as to what to do, but
23 sort of consulted with the city as to how to handle it.

24 I don't know that there is a statutory procedure, but
25 they did what they -- I guess what they all kind of -- the

1 consensus was that they had to file some kind of motion in
2 court to have the ballots invalidated. She mentioned that
3 -- I believe y'all have been provided with a copy of that
4 and then they reissued the ballots.

5 We don't have any indication that anybody -- I don't
6 -- I don't know what exactly -- right at the moment what
7 happened with the three ballots that resided in District 2
8 or 4 that were affected, whether they re-voted or not after
9 having been -- after having been sent a new absentee
10 ballot.

11 But we don't have any complaints that -- you know,
12 that the election results were tainted and I don't believe
13 that the three -- that three votes would have called the
14 result into question as -- as this was just a simple
15 mistake. The -- I'm not even 100 percent certain as to who
16 ordered the ballots but, as soon as it was discovered, it
17 was self-reported and corrected. And we'd request also on
18 this case a letter of instruction.

19 VICE CHAIR SULLIVAN: Do any of the board members have
20 any questions for Mr. Coleman? Is there anyone else in the
21 audience that would like to speak to this case? Any
22 discussion among the board members?

23 MR. WORLEY: I would move for a letter of instruction.
24 This is somewhat more serious than the case we just
25 discussed because it does involve the casting of ballots,

1 but I also think that we should encourage election
2 officials to self-report when they make a mistake and I
3 think, in this case, they did exactly what should have been
4 done.

5 They recognized the mistake, they went through court
6 to have it fixed and there's no indication that anyone was
7 denied casting a ballot. So, for those reasons, I would
8 move for a letter of instruction.

9 VICE CHAIR SULLIVAN: We have a motion that a letter
10 of instruction be issued in this case. Is there a second?

11 JUDGE SIMPSON: Second.

12 VICE CHAIR SULLIVAN: Motion's been made and seconded.
13 Any further discussion? All in favor, please vote by
14 saying aye.

15 MR. WORLEY: Aye.

16 JUDGE SIMPSON: Aye.

17 VICE CHAIR SULLIVAN: Aye. Any opposed? No, and that
18 motion carries. Thank you, Mr. Coleman, for being here.

19 MR. COLEMAN: Thank you, Madam Chair.

20 VICE CHAIR SULLIVAN: Next we have SEB Case Number
21 2015-67, Coffee County.

22 MS. WATSON: On October 15, 2015, we received a
23 complaint from Coffee County election supervisor, Misty
24 Hayes. Misty Hayes had alleged the following things
25 occurred during advanced voting for the City of Douglas'

1 general and municipal election: that several individuals
2 whose uncle was a mayoral candidate assisted voters and
3 those assisted did not fall into the rule or the category
4 provided by 21-2-409.

5 The investigation found that mayoral candidate,
6 Tony Paulk, was the uncle of a Vann Bailey, Greta Grady and
7 Jennifer Brockington. It was determined that Vann Bailey
8 had assisted Loride Jackson, Greta Grady assisted Evelyn
9 Graham, and Jennifer Brockington assisted Cathy Daniel,
10 Cathy Anderson and Katrina Stevenson.

11 It was verified that those assisted do not fall into
12 the listed relatives that can be assisted in 21-2-409. We
13 would recommend that Vann Bailey, Greta Grady and Jennifer
14 Brockington be bound over to the AG's office for the listed
15 violation.

16 VICE CHAIR SULLIVAN: Do you have any -- please come
17 forward. Would you like to speak regarding this case? Is
18 anyone here who would like to speak? Please come to the
19 front.

20 MR. PAULK: (Complies with request.)

21 VICE CHAIR SULLIVAN: Yes. There's a microphone right
22 there. If you would, just state your name and your address
23 for the record.

24 MR. PAULK: Good morning.

25 VICE CHAIR SULLIVAN: Morning.

1 MR. PAULK: Y'all have to forgive me for a second.

2 I've spent my --

3 VICE CHAIR SULLIVAN: If you can, pick up the
4 microphone --

5 MR. PAULK: Oh, I'm sorry.

6 VICE CHAIR SULLIVAN: -- and state your name and
7 address for the record.

8 MR. PAULK: My name is Tony Lamar Paulk. I live at
9 242 Miller Road, Douglas, Georgia 31535. Ma'am and Board,
10 y'all have to forgive me. I've spent my entire life trying
11 not to put myself in these positions, so I actually tried
12 to scribble down some stuff.

13 Good morning to the Board, chair and members. I thank
14 y'all for allowing me to be before you. I have not
15 actually talked -- I have not actually met Chief
16 Investigator Russell. I would like to thank him for
17 returning my call.

18 I was not going to appear before this council and
19 explain our position but, after talking to Chief
20 Investigator Russell Lewis -- Chief Lewis said the Board
21 should hear your side and just talk to the Board. So I
22 thank Chief Investigator Lewis for doing his job in a
23 professional manner and giving me the confidence to come up
24 here.

25 I find myself in front of this council to explain our

1 position. First, I'm unfamiliar with being before any such
2 council to explain my actions simply because I'm a rule
3 follower. I retired from the military; I'm a disabled vet.
4 Following the rules is just what I do.

5 I follow the rules of marriage: my wife is always
6 right; I followed the city's charter; I followed the rule
7 of law. But, today, I'm here asking you for mercy because
8 I did not do due diligence when I was a candidate.

9 I had communications from the election office during
10 early voting: Please tell your supporters not to wear
11 their campaign shirts into the polling place because it's
12 against the rules. I apologized and we started making our
13 supporters button up, or zip up jackets or just cover up
14 their campaign shirts.

15 I had another communications [sic] with the election's
16 office also during early voting. I think it was Misty that
17 said, Tony, your supporters must take their signs off
18 before they come vote. The signs were on their car. I
19 immediately jumped in my car and I drove down there. I was
20 going to have a conversation with Misty, we talked often,
21 but there was a big sign right there that said, No
22 campaigning within like a -- so many feet, so there was no
23 need to even have a consultation with her.

24 I went back and I talked with all of my supporters; I
25 immediately informed them to remove all campaign material

1 from their vehicles simply because I'm a rule follower. I
2 just like good order and discipline.

3 My final communication with the election office is in
4 reference to why we're here today. I had communications
5 with the election office informing me that no family member
6 is allowed to assist in voting. I immediately called all
7 of my volunteers and informed them of the rule and we
8 stopped because I'm a rule follower. It's just what I do.

9 I was told, on numerous occasions, to call the state
10 for an opinion. My response was always the same: I do not
11 have to call the state for an opinion. We'll make the
12 adjustments. Misty was in charge of the elections, she
13 said we couldn't do it and we stopped. That was just the
14 bottom line. There was -- there was nothing else to say.
15 She was in charge; she was my platoon sergeant. If she
16 said do it, we did it; if she said we could not do it, we
17 stopped.

18 My only thing that I say, I do apologize for taking up
19 your time. I just should've done due diligence. That's
20 all there is to this. There was no ill intent or anything
21 like that. We were working hard and Ms. Misty was very
22 respectful and if she said, Tony, you can't do this, we
23 stopped; Tony, you can't do this, we stopped.

24 In closing, you know, I've tried to be a role model
25 for my family. Today I failed them because I did not do my

1 due diligence. It is difficult trying to be a role model
2 and having to come here and admit that I did not do due
3 diligence and the only thing that I ask is that you show me
4 some mercy on behalf of my relatives.

5 If you can do that, I assure you this will not happen
6 again. I walked in here with my integrity. I intend on
7 leaving with my integrity. They told me to seek some type
8 of legal counsel. That's not relevant when you have
9 integrity. She didn't -- she didn't lie. We just stopped.

10 Thank you, Madam.

11 VICE CHAIR SULLIVAN: Mr. Paulk, I know I speak on
12 behalf of all of the members of the Board that we very much
13 appreciate you being here today and your comments regarding
14 this case.

15 MR. PAULK: Thank you.

16 VICE CHAIR SULLIVAN: Does anyone have any questions
17 for Mr. Paulk?

18 MR. PAULK: Oh, I'm sorry. I'm sorry.

19 VICE CHAIR SULLIVAN: There are no questions. You're
20 fine.

21 MR. PAULK: Thank you.

22 SENATOR HARP: Did he win the election?

23 VICE CHAIR SULLIVAN: Did you win the election?

24 MR. PAULK: Yes, ma'am.

25 VICE CHAIR SULLIVAN: Oh, okay. Mayor Paulk then.

1 MR. PAULK: Yes. We won, but it doesn't feel like it
2 today. It just doesn't feel like it today. And I'm sorry.
3 I really am. Thank you.

4 VICE CHAIR SULLIVAN: Thank you. We appreciate it.
5 Motion is that -- the motion is to bind over the three
6 respondents, Ms. Bailey, Ms. Grady and Ms. Brockington, to
7 the Attorney General's office?

8 MS. WATSON: That's correct.

9 VICE CHAIR SULLIVAN: I'd like to make a motion that
10 we issue a letter of instruction in this case.

11 JUDGE SIMPSON: Second.

12 VICE CHAIR SULLIVAN: Motion's been made and seconded.
13 Is there any further discussion? All in favor, please
14 vote by saying aye.

15 JUDGE SIMPSON: Aye.

16 VICE CHAIR SULLIVAN: Aye.

17 SENATOR HARP: Aye.

18 VICE CHAIR SULLIVAN: Any opposed? And that motion
19 carries. Mayor Paulk, just a letter of instruction will be
20 issued in this case.

21 MR. PAULK: Thank you.

22 VICE CHAIR SULLIVAN: Moving on to SEB Case Number
23 2015-73, City of Sparta.

24 MS. WATSON: Yes. In October and November of 2015, we
25 were notified of several concerns involving the November 3,

1 2015, City of Sparta election. The complainant requested
2 access to view advanced and absentee applications and other
3 Sparta November 3, 2015, municipal-election documents.

4 On a number of occasions, the complainant alleged she
5 was told she could not look at the documents. The
6 complainant alleged she was told by City of Sparta election
7 supervisor, Aretha Hill, to file an open-records request at
8 least four times from September to November of 2015 before
9 she was granted access to the documents. The complainant
10 also alleged that a number of the election documents were
11 not completed correctly.

12 Two additional complaints were received by E-mail to
13 the Secretary of State's Stop Voter Fraud website on
14 November 1, 2015, alleging that advanced voting was held
15 on Saturday, October 31, 2015, which was in violation of
16 21-2-385(d)(1). The violation occurred because advanced
17 voting was supposed to end on Friday, October the 30th.

18 The investigation shows there was no evidence to
19 support a violation of the election code regarding access
20 to election documents, as access was granted during the
21 times they were available.

22 Regarding advanced early voting: On Saturday, October
23 31, 2015, it was confirmed that voting was held on that
24 date. It was Aretha Hill that stated that the Pine Tree
25 Festival was taking place and would be a good opportunity

1 for voter turnout.

2 During the investigation, it was discovered that 80
3 absentee-ballot envelopes and 45 absentee-ballot
4 applications were not certified with an initial or a
5 signature by the absentee-ballot clerk or the registrar
6 from the Sparta November 3, 2015, municipal election.

7 We recommend Aretha Hill, election supervisor for
8 the City of Sparta, be bound over to the AG's office for
9 21-2-381(b)(2) [sic], 45 counts, and 21-2-385(d)(1), one
10 count, and then 21-2-386(a)(1)(b), 80 counts.

11 VICE CHAIR SULLIVAN: Is there anyone here who would
12 like to speak regarding this case? It's the City of
13 Sparta, Hancock County, 2013 -- 2015-73.

14 MS. WATSON: There was a letter that was sent from
15 their attorney that I believe was passed to the board
16 members from Hitchcock and Hitchcock.

17 VICE CHAIR SULLIVAN: Thank you. That was provided to
18 the members this morning, I believe.

19 JUDGE SIMPSON: I move that we accept the letter.

20 VICE CHAIR SULLIVAN: Okay. We've got a motion to
21 accept the letter from Hitchcock and Hitchcock. Do we have
22 a second to that? I'll second that. All in favor, please
23 vote by saying aye.

24 JUDGE SIMPSON: Aye.

25 SENATOR HARP: Aye.

1 VICE CHAIR SULLIVAN: Aye. None opposed, motion
2 carries.

3 JUDGE SIMPSON: I move that we bind this case over to
4 the Attorney General.

5 VICE CHAIR SULLIVAN: Judge Simpson has made a motion
6 that we bind this case over to the Attorney General.
7 Ms. Hill, would you like to -- do you have any comments
8 regarding this case? Would you like to speak to it?

9 MS. HILL: No. I prefer just to get legal counsel.

10 VICE CHAIR SULLIVAN: Understood. We've got a motion
11 to bind this case over to the Attorney General's office.
12 I'll second that. Is there any discussion? All in favor,
13 please vote by saying aye.

14 MR. WORLEY: Aye.

15 JUDGE SIMPSON: Aye.

16 VICE CHAIR SULLIVAN: Aye. Any opposed? No, and the
17 motion carries. Let's move on to SEB Case Number 2015-74,
18 the City of Cordele.

19 MS. WATSON: The complaint was filed with the
20 Secretary of State's office regarding two voters who were
21 listed in the wrong voting district. The two voters had
22 cast ballots in the wrong district. Crisp County elections
23 office then instructed them to cast a second provisional
24 ballot for the district in which they lived.

25 The investigation found that 74 Cordele residents who

1 lived on Rainbow Drive and West 17th Avenue were placed in
2 the incorrect voting wards. Becky Perkins advised she
3 assumed the county election supervisor duties just prior to
4 the November 2015 election and was not aware of the change
5 in the district models and annexation.

6 Research into the change of the district lines show it
7 was done in 2011. There's only theories and speculation on
8 how the district lines did not get updated. However,
9 Ms. Perkins readily accepts that her office should have
10 caught the error and has taken steps to prevent the problem
11 in the future.

12 The council member in the affected ward was unopposed
13 until the 2015 election and no notice of error. The two
14 voters that had cast an incorrect ballot during early
15 advanced voting were then given a provisional ballot for
16 the correct ward for the City of Cordele's general and
17 municipal election. With the provisional ballot, they only
18 received credit from the city election and were rewarded
19 one vote.

20 Crisp County corrected the error prior to the November
21 3, 2015, election, placing all of the effected residents in
22 the correct ward and mailed the letters to each of those
23 electors.

24 We recommend the City of Cordele and the Crisp County
25 Board of Elections and Registration's office be bound over

1 for 21-2-226 and we're recommending to dismiss against
2 Becky Perkins for 21-2-226.

3 VICE CHAIR SULLIVAN: Is there anyone from the City of
4 Cordele who would like to speak to this case?

5 MS. PERKINS: Hi, I'm Becky Perkins.

6 VICE CHAIR SULLIVAN: Please come to the front.

7 MS. WATSON: There was also a second rule violation
8 that we're recommending.

9 VICE CHAIR SULLIVAN: Sorry.

10 MS. WATSON: That's okay.

11 VICE CHAIR SULLIVAN: You paused too long.

12 MS. WATSON: It's all right.

13 VICE CHAIR SULLIVAN: If you would like to go ahead
14 and continue your report.

15 MS. WATSON: Yes. The second violation was for Becky
16 Perkins and Crisp County Board of Elections and
17 Registration for Board Rule 183-1-12.02, in they allowed
18 two voters to cast another ballot after the voters had
19 already cast one ballot.

20 VICE CHAIR SULLIVAN: Ms. Perkins, would you mind
21 coming up? Please state your name and your address for the
22 record.

23 MS. PERKINS: I'm Becky Perkins. My address is 174
24 South Dorrough Road, Cordele, Georgia 31015. As to the
25 district and the boundaries for having the folks in the

1 wrong district, the people who set that up initially
2 reinvestigated and found out -- they weren't aware that our
3 city is split in half and, when you cross to the west side,
4 the addresses invert from even to odd on opposite sides of
5 the street. They don't go the same all the way across, and
6 the people who set that up in eNet didn't know.

7 So the man was unopposed the whole time it had been
8 set up. That's why nobody had voted in that race to know
9 that that boundary street was incorrectly set up. The city
10 annexation practices, that's why we didn't know that the
11 other two voters were never annexed into the city. We've
12 corrected all of that since then. We corrected that
13 immediately.

14 I notified the Secretary of State that was happening;
15 we notified the county attorney. He is who instructed us
16 to get in touch with that voter -- one voter left. The
17 next voter that came in, we were already in the process of
18 correcting this. She lived in one of those annexed areas
19 that we didn't know was annexed into the city.

20 She came out after voting and made us aware she should
21 have gotten -- the only thing on the ballot was the SPLOST
22 if you weren't in the city, and that's why our county
23 attorney instructed us to let them vote a second time.

24 And we instructed them to be honorable and not vote
25 twice for the SPLOST, to give them that provisional ballot

1 so they would get a chance to vote in their correct
2 district. That's really all I know.

3 VICE CHAIR SULLIVAN: Anyone have any -- any board
4 members have any questions for Ms. Perkins?

5 MR. WORLEY: So it was actually just one person who
6 was allowed to vote twice?

7 MS. PERKINS: It was two people. The one -- the first
8 person that came in lived on that border street that we
9 were not aware and had been put in eNet, you know, on the
10 opposite side of the street, so it was a different
11 district.

12 I contacted -- he came out to vote and said, I don't
13 see anything on the ballot for me. I looked him up
14 immediately and said, Well, you're not in that district,
15 and he smiled and walked out and I knew he was not
16 finished. And so, I immediately called to find out if
17 there was something I wasn't seeing. I called some people
18 I knew; we investigated and found -- that's when we found
19 the error.

20 VICE CHAIR SULLIVAN: So the only thing on the ballot
21 was the SPLOST?

22 MS. PERKINS: Yes. But -- but he didn't live in the
23 city. The only thing on the ballot was the SPLOST.

24 VICE CHAIR SULLIVAN: So --

25 MS. PERKINS: And that one race.

1 VICE CHAIR SULLIVAN: So were there any people here
2 that had the opportunity to vote for the SPLOST twice?

3 MS. PERKINS: No, just those two voters.

4 VICE CHAIR SULLIVAN: And they couldn't have voted --

5 MS. PERKINS: They -- they -- when they came in to
6 vote initially, the only thing on their ballot was the
7 SPLOST.

8 VICE CHAIR SULLIVAN: Uh-huh.

9 MS. PERKINS: So, when we gave them their provisional
10 ballots, they could have voted for that SPLOST twice but we
11 asked them, Please don't, since you already did vote for
12 that. Just vote for the race -- the commissioner race that
13 we were asking for.

14 VICE CHAIR SULLIVAN: Okay. Response?

15 JUDGE SIMPSON: That we issue a letter of instruction.

16 VICE CHAIR SULLIVAN: Judge Simpson's made a motion
17 that we issue a letter of instruction. Is there a second?

18 SENATOR HARP: Second.

19 VICE CHAIR SULLIVAN: We've got a motion and a second
20 to issue a letter of instruction in this case. Is there
21 any further discussion? All in favor, please vote by
22 saying aye.

23 SENATOR HARP: Aye.

24 VICE CHAIR SULLIVAN: Any opposed, vote by saying no.

25 MR. WORLEY: No.

1 VICE CHAIR SULLIVAN: And I vote no as well. We have
2 a tie. Counsel? She will consider what we do in the case
3 of a tie when we have an even number on the Board.

4 MS. CORREIA: Both motions fail and we could --

5 VICE CHAIR SULLIVAN: Okay.

6 MS. CORREIA: -- bring that back up at the next
7 meeting if there's another voter.

8 VICE CHAIR SULLIVAN: Okay. So both motions fail in
9 the case of a tie. So this case will be brought before the
10 Board at a future meeting. It's the first case I think
11 I've been to where we had a tie. I'm sorry this matter is
12 not resolved, but I expect that it will be brought to the
13 next meeting when we -- the next board meeting when we
14 consider cases. Thank you.

15 MS. PERKINS: I appreciate it.

16 VICE CHAIR SULLIVAN: I think this would be a good
17 time to take a break for lunch. It's also necessary for
18 the Board to go into executive session to discuss pending
19 litigation. So if I can have a motion from the Board to go
20 into executive session.

21 MR. WORLEY: So move.

22 VICE CHAIR SULLIVAN: A second?

23 JUDGE SIMPSON: Second.

24 VICE CHAIR SULLIVAN: All in favor, say aye.

25 JUDGE SIMPSON: Aye.

1 MR. WORLEY: Aye.

2 SENATOR HARP: Aye.

3 VICE CHAIR SULLIVAN: Aye. None opposed. We will
4 convene back here at 1 o'clock. Thank you all.

5 (A recess was taken from 12:05 p.m. to 1:01 p.m.)

6 VICE CHAIR SULLIVAN: Okay. We're going to call this
7 meeting back to order. It looks like we've lost our -- a
8 lot of our audience. The first thing we need to do is a
9 motion exiting executive session. Do I have a motion?

10 JUDGE SIMPSON: So move.

11 VICE CHAIR SULLIVAN: Second?

12 MR. WORLEY: Second.

13 VICE CHAIR SULLIVAN: All in favor, aye.

14 MR. WORLEY: Aye.

15 VICE CHAIR SULLIVAN: Unopposed, and we are out of
16 executive session. Ms. Aretha Hill left before -- right
17 after we adjourned for lunch and she asked that the Board
18 accept her request for a continuance in the cases that
19 she's involved in. I'll make a motion that we accept these
20 for the record.

21 MR. WORLEY: Second.

22 VICE CHAIR SULLIVAN: All in favor, aye. Not opposed.
23 Okay. And we're back to the investigations report. We
24 are now on SEB Case Number 2015-76, City of Commerce.

25 MS. WATSON: In October --

1 VICE CHAIR SULLIVAN: (Enables microphone.) Go ahead.

2 MS. WATSON: In October of 2015, Mr. Robert Waters and
3 his wife reported that he was not able to vote for his
4 board's councilman during the municipal election to be held
5 on November 3, 2015.

6 Jackson County election supervisor told Mr. Waters
7 that he and his wife were put in the wrong district in
8 combination. Robert and Deborah Waters (ph) voted in the
9 Commerce municipal election during early voting. Both
10 electors noticed that they did not have the option on their
11 ballot to vote for their board's councilman nor for the
12 school-board race.

13 Both cast their ballot prior to bringing the issue to
14 the attention of the poll workers. Mr. Waters contacted
15 the Jackson County Elections office and spoke with Lori
16 Wurtz. He was advised that he and his wife were placed in
17 the incorrect district code 336-42 instead of 337-43.

18 Lori Wurtz made the corrections in the system; the
19 area of Shankle Road was also checked for any other voters
20 that may have been listed in the incorrect district. There
21 were five others also incorrectly placed in the wrong
22 district and those were corrected in the system also. The
23 other five did not cast a ballot in the November 3, 2015,
24 election.

25 We recommend that the Jackson County Board of

1 Elections and Registration be bound over to the AG's office
2 for 21-2-226(b) and dismiss 21-2-226 against Lori Wurtz.

3 VICE CHAIR SULLIVAN: Is there anyone here who would
4 like to speak to this case?

5 MS. LOGAN: (Indicating.)

6 VICE CHAIR SULLIVAN: Please come to the front. If
7 you could, just state your name and address for the record.

8 MS. LOGAN: Jennifer Logan; 289 Delia Drive, Commerce,
9 Georgia. I just wanted to bring to the Board's attention
10 that Lori Wurtz is no longer employed at Jackson County and
11 the county has purchased new Pictometry to help us in our
12 districting efforts and we're working with the GIS
13 department to make sure that errors like this do not happen
14 or are very minimal.

15 VICE CHAIR SULLIVAN: Thank you, Ms. Logan. Do you
16 hold a position within Jackson County?

17 MS. LOGAN: Yes. I'm the supervisor.

18 VICE CHAIR SULLIVAN: Does anyone have any questions
19 for Ms. Logan? Does anyone have any motions for
20 Ms. Watson? Okay. The recommendation in this case is to
21 bind over Ms. Wurtz and the Jackson County Board of
22 Elections to the Attorney General's office for the
23 violations listed.

24 MS. WATSON: It's only the board.

25 VICE CHAIR SULLIVAN: I'm sorry, only the board.

1 MS. WATSON: That's correct.

2 VICE CHAIR SULLIVAN: I'll make that motion. Is there
3 a second?

4 JUDGE SIMPSON: Second.

5 VICE CHAIR SULLIVAN: Okay. We've got a motion and a
6 second. Is there any discussion regarding this?

7 MR. WORLEY: I wonder if this is a case that's
8 appropriate for a letter of instruction. Since the person
9 who made the errors is not a respondent but is no longer at
10 the board -- or the election and registration office and
11 that they appear to have corrected the situation.

12 VICE CHAIR SULLIVAN: Okay. Well, I think we have a
13 motion and a second on the table to bind it over. You can
14 vote against my motion and then entertain a new motion.

15 MR. WORLEY: Okay.

16 VICE CHAIR SULLIVAN: So we have a motion and a
17 second. Mr. Worley has recommended a letter of instruction
18 be issued in this case, but the motion on the table is to
19 bind it over. So all in favor of that motion, please say
20 aye.

21 JUDGE SIMPSON: Which motion?

22 VICE CHAIR SULLIVAN: Aye. The first motion, which is
23 to bind over. All in favor, aye. Any opposed? No?

24 JUDGE SIMPSON: Nay.

25 VICE CHAIR SULLIVAN: Okay. So that motion fails.

1 Mr. Worley, would you like to make a motion?

2 MR. WORLEY: I'd make a motion that we send a letter
3 of instruction to the Jackson County Election and
4 Registration office.

5 JUDGE SIMPSON: Second.

6 VICE CHAIR SULLIVAN: We've got a motion and a second
7 that a letter of instruction be issued in this case. All
8 in favor, vote by saying aye.

9 MR. WORLEY: Aye.

10 VICE CHAIR SULLIVAN: Aye. Any opposed? And that
11 motion carries.

12 MS. LOGAN: Thank you.

13 VICE CHAIR SULLIVAN: Thank you for being here. The
14 next case is SEB Case Number 2015-78, City of Waycross.

15 MS. WATSON: Yes. In October of 2015, candidate,
16 Alvin Nelson, reported concerns regarding the municipal
17 election in the City of Waycross on November 3, 2015.
18 Alvin Nelson reported electors Albert and Alice Boyd (ph)
19 were in his district. When they went to vote, their
20 ballots did not have a District 5 city commissioner's race
21 on it.

22 Alvin Nelson states the Boyds were, at first, told
23 they were not in District 5 and then they were told they
24 were in District 5. He states they were given incorrect
25 ballots and he felt there was a systemic problem.

1 In November of 2015, Jimmie Burke reported on election
2 day voters who had previously voted at the city auditorium
3 were being turned away and told to vote at other precincts.

4 Jimmie Burke states the voters were not told of the
5 changes.

6 The investigation revealed that Albert and Alice Boyd
7 voted on October 21, 2015; they were issued a ballot for
8 the District 1 city commissioner's race. The Boyds did
9 cast their -- did not cast their ballot but advised poll
10 workers that they were in District 5.

11 Poll workers checked the map and verified that they
12 showed the Boyds in District 1. The Boyds continued to
13 object and stated that they were in District 5. Attempts
14 were made to verify the correct district. No one was
15 reached and Betty Gillis made the decision to issue the
16 Boyds a District 5 ballot. It was later verified that the
17 Boyds were re-districted in 2012 to District 1.

18 As to the allegations of voters being turned away from
19 the polls, it was determined that, after redistricting,
20 voters were notified of the change in precincts. However,
21 some voters still went to their previous poll locations and
22 were instructed on the location of their correct precinct.

23 It was also verified that elector, Yvette Inman, was
24 placed in the incorrect municipal voting district when she
25 was placed in District 1 and should have been in District

1 5. This was discovered after Yvette Inman had already cast
2 her ballot on October 13, 2015.

3 We recommend the Ware County Board of Elections and
4 Registration and Betty Gillis, election supervisor, be
5 bound over for State Election Board Rule 183-1-12.06(4),
6 provisional ballots, and Ware County Board of Election and
7 Registration for 21-2-226(b) and dismiss 21-2-226(b)
8 against Betty Gillis.

9 VICE CHAIR SULLIVAN: Is anyone here to speak to this
10 case?

11 MS. HALL: (Indicating.)

12 VICE CHAIR SULLIVAN: Thank you. And if you would
13 please state your name and address for the record.

14 MS. HALL: Yes. My name is Virginia Hall. My address
15 is 4195 Quail Run Circle, Valdosta, Georgia 31601. I'm
16 with the law firm of Hall, Booth, Smith, and we represent
17 Ware County. I am here on behalf of Ware County as well as
18 Betty Gillis. Unfortunately, they are not able to be here
19 today.

20 As was stated by the investigator -- pretty much all
21 of the information she stated is correct. The Boyds did
22 appear to vote; they've had concerns that they were not in
23 District 1, that they were in District 5. Betty Gills was
24 not there at the time -- they were building a new election
25 office -- so she came back to the early-voting building.

1 She tried to get in touch with 911, the tax
2 commissioner, to confirm whether they were in District 1,
3 which were the records that we had, or if they were in
4 District 5 as was alleged by the Boyds. She was not able
5 to reach anyone, so a District 5 ballot was prepared for
6 the Boyds.

7 Ms. Gillis understands that she should have prepared a
8 provisional ballot, so that it was simply a mistake on her
9 behalf. She apologizes for that. She, you know, just said
10 that she had a lot going on with the new building that
11 was being built and she should have waited and gotten
12 confirmation and should've prepared a provisional ballot.

13 With regard to Miss -- oh, before I go on to
14 Ms. Inman, the Boyds were able to vote so it -- there --
15 and, even if there was a problem with their votes, there
16 were only two votes and that wouldn't have had any effect
17 on the outcome of the election.

18 With regard to Ms. Inman, it was a similar situation
19 where she is actually in District 1 for the county, but in
20 Municipal District 5 for the city, so there was some
21 confusion about that. And, initially, she was given the
22 incorrect ballot, but it was brought to the election's
23 attention [sic] that it was the incorrect ballot and she
24 was given the correct ballot and was able to vote.

25 Once again, Ms. Gillis indicates that, you know, it

1 was a mistake on their path, they apologize for that
2 mistake but she was given the correct ballot and was able
3 to vote. So, therefore, we're requesting a letter of
4 instruction to be sent.

5 VICE CHAIR SULLIVAN: Thank you. Does anybody --
6 either of the fellow board members have any questions for
7 Ms. Hall?

8 MR. WORLEY: I don't have a question, but I would make
9 a motion.

10 VICE CHAIR SULLIVAN: Go ahead.

11 MR. WORLEY: I -- as with others, I appreciate your
12 being here and making it clear that it was a mistake that
13 will not be repeated, so I would move that we issue a
14 letter of instruction.

15 JUDGE SIMPSON: Second.

16 VICE CHAIR SULLIVAN: We've got a motion and a second
17 that a letter of instruction be issued. And that's on all
18 of the violations?

19 MR. WORLEY: Yes.

20 VICE CHAIR SULLIVAN: Is there any further discussion?
21 All in favor, please vote by saying aye.

22 MR. WORLEY: Aye.

23 VICE CHAIR SULLIVAN: Aye. Any opposed? No, and that
24 motion carries. Thank you for being here.

25 MS. HALL: Thank you.

1 VICE CHAIR SULLIVAN: SEB Case Number 2017-86, DeKalb
2 County. Ms. Watson?

3 MS. WATSON: In December of 2017, DeKalb County
4 election supervisor, Erica Hamilton, self-reported that
5 during the December 5, 2017, general election, a DeKalb
6 County poll manager instructed three voters to write their
7 names on the reverse side of their original ballots, this
8 due to the fact that the polling station had run out of
9 provisional-ballot envelopes.

10 The investigation revealed Shadonna Greer, poll
11 manager, stated that at approximately 7:30 to 7:40 p.m.
12 during the extended hours of voting she discovered that,
13 although she had been provided with approximately 100
14 provisional ballots, she had only been issued 12
15 provisional-ballot envelopes.

16 She stated that three voters were attempting to cast
17 provisional ballots for which she had no envelopes.
18 Ms. Greer stated she called the area manager and requested
19 more envelopes, but that the area manager informed her she
20 had exhausted her supply at other polling stations.

21 Ms. Greer stated that she then called the elections
22 office and informed them of the situation, requested that
23 the supply team bring some more envelopes to her station.
24 Ms. Greer stated, however, that she was unable to receive
25 any more envelopes before the close of polls.

1 Ms. Greer stated she made a decision to have the
2 voters write their names on the reverse side of the ballots
3 and to fold the ballots in half in an attempt to protect
4 the voters' anonymity. Ms. Greer stated that she did not
5 want to disenfranchise any of the voters and that she felt
6 that this was her best course of action.

7 Erica Hamilton, election supervisor, stated that she
8 was advised of Ms. Greer's situation after it had occurred.

9 Ms. Hamilton advised that when the ballots were received
10 that they were duplicated in order to preserve the
11 anonymity of the electors.

12 We recommend DeKalb County Board of Registration and
13 Elections and Erica Hamilton, DeKalb County election
14 supervisor, Shadonna Greer, poll manager, be bound over to
15 the AG's office for the listed violations.

16 VICE CHAIR SULLIVAN: Thank you. We have someone here
17 on behalf of DeKalb County. Please state your name and
18 your address for the record.

19 MR. BRYAN: Madam Chair and Board, my name is Bennett
20 Bryan. I'm a senior assistant county attorney with DeKalb
21 County, 1300 Commerce Drive, Decatur, Georgia.

22 Generally, I agree with the facts as stated by the
23 investigator and I'd like to focus a little bit less on
24 that and a little bit more on what the county has done
25 since then to make sure that this doesn't happen again.

1 But, briefly, I will say that the poll manager in
2 question, she did have a duty under -- as a poll manager in
3 the poll manager's instructions, in her employee manuals --
4 she did have a duty to inform the -- you know, inform the
5 elections department if she was missing any ballots, any
6 envelopes or any other important voting equipment. She,
7 unfortunately, did not do that until pretty much the very,
8 very end of the day.

9 At that point, while it was -- or while the elections
10 department was trying to figure out a way to get the extra
11 envelopes to the polling location, the poll manager made a
12 decision to accept the ballots in the manner described.

13 Now, I will say that Ms. Hamilton and some of her
14 staff are here and Mr. Tillman, the chairman of the DeKalb
15 Board of Elections -- of Registrations and Elections is
16 also here. And, since then, the elections department has
17 taken several steps to ensure that this never happens
18 again.

19 I'll also note that, to my knowledge and to my
20 client's knowledge, this has never actually happened
21 before either. However, since then, what we've -- what the
22 department has done is created a couple of extra forms to
23 require poll managers to not just inform the elections
24 department, not just inform their supervisors, if they
25 don't have the equipment.

1 They actually have to affirmatively verify the day
2 before the election that they do have everything and they
3 actually have to list the number of ballots that they have,
4 the number of envelopes that they have and some other --
5 and other important equipment. And so, this will be
6 received before election day and I believe that will --
7 that alone will probably eliminate this problem from
8 happening again.

9 But also the warehouse manager has also created a form
10 for his -- for his staff in where they will, in every --
11 for every precinct, state the number of ballots that
12 they've put in -- they've put in the package for each
13 particular precinct and then initial and sign off on it.

14 One -- one last thing I'd like to say is that, again,
15 the fact that this poll manager, who also no longer works
16 for the DeKalb County elections department, she says that
17 there were only 12 envelopes except that the envelopes come
18 in packages of 25. And so, it just seems unlikely that she
19 actually only had 12 but, even if so, she should have
20 discovered that and mentioned it long before 7:40 p.m.

21 But, again, we -- the DeKalb board and the DeKalb
22 elections department have taken steps to make sure this
23 would never -- that this won't happen again and we would
24 request that you just issue a letter of instruction. I'm
25 happy to answer any questions.

1 VICE CHAIR SULLIVAN: Thank you, Mr. Bryan, for being
2 here. Thank you for sharing with us the remedial efforts
3 that DeKalb County has made. Does anyone have any
4 questions for Mr. Bryan?

5 JUDGE SIMPSON: I move that we issue a letter of
6 instruction.

7 MR. WORLEY: I would second that and I would actually
8 complement DeKalb County on coming up with those procedures
9 to ensure that it won't happen again. But, obviously,
10 they've put some thought into that and I would also just
11 note for the record that it -- while Ms. Hamilton was named
12 as a respondent, it strikes me from the description of the
13 facts that she -- she really did everything that she could
14 to correct this after the fact and preserve the anonymity
15 of the voters, so I -- I would complement her on that as
16 well.

17 VICE CHAIR SULLIVAN: I also would applaud all of the
18 efforts that have been taken in this case but I think, you
19 know, that the seriousness of them -- of the -- you know,
20 the preserving the anonymity of the voters to me is
21 significant in this matter. So I am going to vote against
22 it, but I do very much appreciate you being here and
23 sharing all of these measures that you've taken to correct
24 the problem.

25 So we have a motion and a second on the table to issue

1 a letter of instruction in this case. Is there any further
2 discussion? All in favor, please vote by saying aye.

3 MR. WORLEY: Aye.

4 JUDGE SIMPSON: Aye.

5 VICE CHAIR SULLIVAN: Any opposed? Nay. The motion
6 carried. Thank you so much.

7 MR. BRYAN: Thank you.

8 VICE CHAIR SULLIVAN: Okay. We're jumping back to --

9 MS. CORREIA: Excuse me. Madam Chair, that motion
10 doesn't carry if we don't have a quorum.

11 MR. WORLEY: We have a quorum.

12 VICE CHAIR SULLIVAN: We have a quorum.

13 MS. CORREIA: (Nonverbal response.)

14 VICE CHAIR SULLIVAN: We don't have a quorum in the
15 matter?

16 JUDGE SIMPSON: We have a quorum.

17 MS. CORREIA: That's why, in the other case, where
18 there were two votes for each motion -- oh, because it was
19 tied. I'm sorry.

20 VICE CHAIR SULLIVAN: Yes.

21 MS. CORREIA: I'm wrong.

22 VICE CHAIR SULLIVAN: Okay. Thank you. That jumps us
23 back to the top of the case -- the top of the page to City
24 of Desoto. We do not have a quorum in that case because
25 Mr. Worley has stated that he will be recusing himself from

1 that case, so that case will be continued until the next
2 meeting.

3 JUDGE SIMPSON: Which one is that?

4 VICE CHAIR SULLIVAN: That is 2015-008, the City of
5 Desoto, Number 18. So that'll be continued. I forgot to
6 state for the record when we returned from lunch that
7 Senator Harp had to leave and will not be with us for this
8 afternoon, so he was no longer present when we returned
9 from lunch.

10 The next case is SEB Case Number 2015-46, which is the
11 City of Allenhurst, Tab Number 21 in your binder.

12 MR. LEWIS: Thank you, Madam Chair. On August 31,
13 2015, Mayor Hines, City of Allenhurst -- for the City of
14 Allenhurst contacted his liaison, the Secretary of State's
15 office, with a report that his city was not prepared to
16 hold qualifying for the upcoming election because they did
17 not have anyone who was certified of the qualified
18 candidates.

19 Mayor Hines indicated that Liberty County normally
20 handles their elections and qualifying but, at the last
21 minute, the county said they would not be doing qualifying
22 for the November 2015 election. Liberty County election
23 supervisor advised they had notified all municipalities
24 within the county in September of 2011, that the county
25 would not be responsible for qualifying candidates in

1 municipal elections.

2 While Mayor Hines advised that he was not aware of the
3 letter from 2011 and since he was familiar with the
4 qualifying paperwork, he decided to handle the
5 qualifications for the November 2015 election himself.

6 Tina O'Connor, who is the city clerk hired in August
7 -- on August 31, 2015, had until December 31, 2015, to
8 complete her elections training but had not done so at the
9 time of this report and is still not certified at this
10 time.

11 Our recommendation would be that the City of
12 Allenhurst and Mayor Thomas Hines be bound over to the
13 Attorney General's office for the listed violation of
14 21-2-76, eligibility of a person who served as a county
15 election superintendent, and that the City of Allenhurst
16 and Tina O'Connor, city clerk, be issued a letter of
17 instruction for the certification program. I would say
18 that the City of Allenhurst currently has no certification
19 at all as of August of this year.

20 JUDGE SIMPSON: Move to bind the case over.

21 MR. WORLEY: Second.

22 VICE CHAIR SULLIVAN: We've got a motion and a second
23 to bind over the City of Allenhurst case. Let me verify
24 that there's no one here who wants to speak on behalf of
25 this motion. Okay. Any further discussion? All in favor

1 of the motion, please vote by saying aye.

2 JUDGE SIMPSON: Aye.

3 MR. WORLEY: Aye.

4 VICE CHAIR SULLIVAN: Aye. Any opposed? No, and that
5 motion carries. SEB Case Number 2015-72, the City of Ivey.

6 MS. WATSON: In October of 2015, Kevin Sturgeon
7 reported that the City of Ivey was open only one day
8 during qualifying period for the 2015 municipal election.
9 The posted qualifying period for the 2015 City of Ivey
10 municipal election was set for Monday, August 31, 2015,
11 through September 4, 2015.

12 The City of Ivey city clerk, Bonnie Sturgeon, was not
13 in the office Monday, August 31st, through Thursday,
14 September 3, 2015. Arrangements were made for those
15 wishing to qualify during those days to go to the McIntyre
16 City Hall.

17 The recommendation was for the City of Ivey and Bonnie
18 Sturgeon, city clerk, be bound over to the AG's office for
19 violation of 21-2-132(d)(3).

20 VICE CHAIR SULLIVAN: Let me verify there's no one
21 from the City of Ivey here. Okay.

22 MR. WORLEY: I'd move to bind over this case --

23 JUDGE SIMPSON: Second.

24 MR. WORLEY: -- to the Attorney General's office.

25 VICE CHAIR SULLIVAN: We've got a motion and a second

1 to bind the City of Ivey over and accept the
2 recommendation. Is there any further discussion? All in
3 favor, say aye.

4 JUDGE SIMPSON: Aye.

5 VICE CHAIR SULLIVAN: Aye. Any opposed? No. The
6 motion carries. And I believe that puts us at SEB Case
7 Number 2015-75, City of Guyton.

8 MS. WATSON: We received several complaints regarding
9 the November 3, 2015, election in the City of Guyton such
10 as poll workers not having proper training prior to the
11 election; that, during early voting, a male subject was
12 loitering outside of the polling location at city hall;
13 that Mr. Andrew Harville stated when he went to the booth,
14 one of the poll workers had placed a checkmark by his name
15 as if he had already voted; the city hall was closed and no
16 one was there to give directions about where to go vote;
17 the polling location had the right address but the wrong
18 building name; that the city manager, Robert Black, had
19 access to the ballot box while it was in his office.

20 During the investigation, there were no violations
21 substantiated in Allegations 1 through 5 and the
22 complainant retracted Complaint Number 6. However, during
23 the investigation, it was found that the city clerk and
24 election superintendent, Lauree Morris, had not completed
25 the certification program nor completed the paper-ballot

1 class for December elections at Kennesaw State University.

2 We're recommending the City of Guyton and Lauree
3 Morris, city clerk and election superintendent, be bound
4 over to the AG's office for 21-2-101.

5 VICE CHAIR SULLIVAN: Is there anyone here from the
6 City of Guyton? No.

7 JUDGE SIMPSON: Has she received certification or do
8 they have a certified officer now?

9 MS. WATSON: The certification was completed on March
10 23, 2016, and she was terminated in June of 2017.

11 JUDGE SIMPSON: What about currently? Do they have a
12 certified --

13 MS. WATSON: Alison Bruton, the current city clerk and
14 election supervisor, was certified on July 31, 2017.

15 JUDGE SIMPSON: I move to issue a letter of
16 instruction since the problem seems to have been
17 alleviated. Although I think it's a serious violation, I
18 think that time has -- too much time has passed and it's
19 been corrected, so that's why I would make that
20 recommendation and the motion.

21 MR. WORLEY: I would ordinarily support that, but it
22 concerns me that the city made no effort to come here today
23 and explain what had happened and how they have corrected
24 it, so I would not support the motion.

25 VICE CHAIR SULLIVAN: So Judge Simpson's motion is

1 going to fail for lack of a second. Mr. Worley, would you
2 like to make another motion?

3 MR. WORLEY: Yes. I would move to bind this case over
4 to the Attorney General's office.

5 VICE CHAIR SULLIVAN: And I would second that. Any
6 further discussion? All in favor, please vote by saying
7 aye.

8 MR. WORLEY: Aye.

9 VICE CHAIR SULLIVAN: Aye. Any opposed? No, and the
10 motion carries. Ms. Watson, does that complete the
11 investigations report?

12 MS. WATSON: It does.

13 VICE CHAIR SULLIVAN: Thank you. Next we have the
14 Attorney General's report. They are -- normally we take
15 these as a bulk unless anyone in the audience or any member
16 would like to discuss any of them individually. Is there
17 anybody in the audience that would like to discuss any of
18 these individually?

19 MR. WORLEY: (Indicating.)

20 VICE CHAIR SULLIVAN: Mr. Worley?

21 MR. WORLEY: I would like to discuss the following
22 cases before the Board: SEB Case Number 2014-079, Thomas
23 County; the Case Number 2014-111, Thomas County, and SEB
24 Case Number 2015-002, Cobb County, also the case SEB Case
25 Number 2012-109, Clay County, under consent and dismissals.

1 VICE CHAIR SULLIVAN: Judge Simpson, do you want to
2 pull any additional ones off to discuss?

3 JUDGE SIMPSON: I'm sorry.

4 VICE CHAIR SULLIVAN: Do you want to pull any
5 additional cases off to discuss?

6 JUDGE SIMPSON: No.

7 VICE CHAIR SULLIVAN: So I will go ahead and entertain
8 a motion to accept the consent orders in SEB Case Number
9 2011-88, 2012-31, 2012-172, 2013-26, 2013-63, and 2014-51
10 and 2015-14.

11 MR. WORLEY: So move.

12 JUDGE SIMPSON: Second.

13 VICE CHAIR SULLIVAN: The motion's been made and
14 seconded. Any further discussion? All in favor, say aye.

15 MR. WORLEY: Aye.

16 JUDGE SIMPSON: Aye.

17 VICE CHAIR SULLIVAN: Aye. Any opposed? And that
18 motion carries. Ms. Correia, would you like to discuss
19 Case Number 2014-79, Thomas County?

20 MS. CORREIA: Yes. This is a case where a former
21 election official voted -- fraudulently voted for his
22 mother. He was an election official at the time. The fine
23 for this consent order is \$1,000, and that's largely
24 because the individual is unemployed and we were doing an
25 installment plan. But that -- that is the rationale for

1 the \$1,000 fine. Are there specific questions about that
2 consent order?

3 MR. WORLEY: I don't -- I don't have a specific
4 question, but it's just my view that given that this was an
5 election supervisor who committed election fraud by
6 essentially forging an absentee ballot that was supposed to
7 be for his mother so that he could vote for her after he
8 had already voted on his own behalf, I think this is a
9 very, very serious violation.

10 I appreciate the fact that the Attorney General's
11 office understands that Mr. Mays (ph), you know, is not in
12 a position to pay a larger fine but, regardless of whether
13 he can pay it -- and I'm really not that interested in
14 whether he pays it or not, but I think we need to
15 establish, as a Board, that an offense of this nature is
16 more serious than what we traditionally fine someone \$1,000
17 for. So I would -- I would not vote for this consent order
18 unless the fine were at least \$2500.

19 JUDGE SIMPSON: Who specified the amount? Was it the
20 state Attorney General that offered that amount or the
21 respondent said he could not pay more?

22 MS. CORREIA: Actually --

23 VICE CHAIR SULLIVAN: If you'll speak into the
24 microphone, Judge Simpson.

25 MS. CORREIA: Actually, it's assistant Attorney

1 General, Susan Haynes, actually handled this one so I'm
2 going to let her talk about the negotiations.

3 MS. HAYNES: He did not specify the amount; it was the
4 amount that we suggested.

5 JUDGE SIMPSON: Well, then I'd -- I'd agree with
6 Mr. Worley. I vote we do not approve the consent order.

7 MR. WORLEY: Right. I move that we not approve the
8 consent order and recommend that the Attorney General
9 negotiate a consent order with a \$2500 fine.

10 VICE CHAIR SULLIVAN: We've got a motion and a second.
11 Any further discussion? All in favor, please vote by
12 saying aye.

13 JUDGE SIMPSON: Aye.

14 MR. WORLEY: Aye.

15 VICE CHAIR SULLIVAN: Aye. Any opposed? None, and
16 that motion carries. SEB Case Number 2014-111, also Thomas
17 County.

18 MS. HAYNES: This is a case with -- that was against
19 the City of Meigs and Metcalf. We recommended a consent
20 order in this case where the City of Meigs consented to
21 violations of multiple sections of the election code
22 including failure to hold a special election to fill a
23 city council vacancy that was created, failure to hold a
24 qualifying period for candidates to fill the vacancy
25 created, failure to give public notice of the qualifying

1 period and a failure to timely publish the call of an
2 election.

3 We also recommended -- and, as to the City of Meigs,
4 the consent order calls for a \$500 civil penalty, a cease
5 and desist and a public reprimand. As to respondent,
6 Vickie Metcalf, who was the city clerk in this case, we
7 recommended dismissal because the statutes do not assign
8 responsibility for any of the violations to her.

9 JUDGE SIMPSON: Why was it fined so lightly?

10 MS. HAYNES: In this case --

11 JUDGE SIMPSON: There's multiple violations.

12 MS. HAYNES: Yes.

13 JUDGE SIMPSON: That's almost barely \$100 per
14 violation.

15 MS. HAYNES: In this case, Judge Simpson, we
16 considered the size of the city -- this is a city of
17 approximately 1,000 people -- in determining the fine.

18 JUDGE SIMPSON: It seems like they're only a dollar a
19 piece per violation. I think that's entirely too light.

20 MS. HAYNES: Okay.

21 JUDGE SIMPSON: I think -- we're trying everything we
22 can do to make sure that the election officials comply with
23 the code and to make sure that we have fair and honest
24 elections, and we can't slap them on the wrist and expect
25 compliance because, if we're going to do a consent order, I

1 think it needs to be more than a slap on the wrist. I
2 don't think that's adequate.

3 MR. WORLEY: I would agree with Judge Simpson. That's
4 why I wanted to discuss the case. Does the judge have some
5 idea of what an appropriate fine would be?

6 JUDGE SIMPSON: How many violations were reported?

7 MS. HAYNES: Four, Your Honor.

8 JUDGE SIMPSON: Four?

9 MS. HAYNES: Yes.

10 JUDGE SIMPSON: I suggest a minimum of \$2,000.

11 MR. WORLEY: I would be in agreement with that, so I
12 would make a motion that we reject this consent order and
13 ask that the Attorney General negotiate a settlement of
14 \$2,000 with the city.

15 JUDGE SIMPSON: Second.

16 VICE CHAIR SULLIVAN: We've got a motion and a second.
17 Any further discussion? All in favor, vote by saying aye.

18 JUDGE SIMPSON: Aye.

19 MR. WORLEY: Aye.

20 VICE CHAIR SULLIVAN: Aye. Any opposed? No, and that
21 motion carries. SEB Case Number -- SEB Case Number 2015-2,
22 Cobb County.

23 MS. HAYNES: This is a case against three respondents,
24 the Cobb County Board of Elections and Registrations,
25 Janine Eveler, who is election supervisor, and Beth Kish,

1 the former chief registrar.

2 In this case, there were -- the complainant was given
3 a -- sorry -- has said that they submitted an address
4 change, was given and cast a provisional ballot. Later,
5 they learned that this person was informed that her vote
6 was rejected because she voted at the wrong poll. Voting
7 in the wrong poll is not a reason to reject a provisional
8 ballot. And so, therefore, there was a violation of the
9 state code and also of the rules.

10 During the investigation, it was determined that
11 approximately 340 provisional ballots were rejected for
12 voters voting in the wrong poll. Of those ballots, we
13 do not know how many of those electors were otherwise
14 qualified to vote.

15 JUDGE SIMPSON: What was the fine?

16 MS. HAYNES: 15 --

17 VICE CHAIR SULLIVAN: Judge, if you would, speak into
18 your microphone.

19 JUDGE SIMPSON: I'm sorry.

20 VICE CHAIR SULLIVAN: I think our court reporter's
21 having a hard time hearing you.

22 JUDGE SIMPSON: I'm sorry. What --

23 MS. HAYNES: \$1500.

24 JUDGE SIMPSON: What?

25 MS. HAYNES: \$1500.

1 JUDGE SIMPSON: Well, I -- I just believe that we've
2 got to make a better statement than that. I mean, we have
3 spent a good bit of time today dealing with Hancock County
4 who, apparently, has just never gotten it because they have
5 not taken the decisions of the Board or the Attorney
6 General seriously and I think that in order for our
7 election process to be run properly by the counties that
8 we've got to make a stronger statement and I just -- I'm
9 just not sure that's adequate when we have that many
10 provisional ballots.

11 And I know that there's a problem with election
12 officials accepting provisional ballots. I've personally
13 experienced that myself. I hope it doesn't prejudice me,
14 but I was refused one in Bibb County. And so, I believe
15 that we need to educate the people about the use of
16 provisional ballots, and the way you do that is with a
17 stronger consent order.

18 MR. WORLEY: If I might ask -- the reason I was
19 interested in this case was not necessarily because of the
20 size of the fine but because I think that this is a very
21 important issue to impress upon election officials that
22 the provisional ballot cannot be refused under these
23 circumstances.

24 Do you know of any action that the Attorney General's
25 office has taken or that the Secretary of State's office

1 has taken to inform election officials of this ruling, this
2 decision?

3 MS. HAYNES: My understanding from the county's
4 attorney was that they had taken steps to educate their
5 staff -- elections staff regarding this after in preventing
6 this -- is that what you're asking?

7 MR. WORLEY: No, that's not what I'm asking. What I'm
8 asking is what the Attorney General's office might have
9 done or the -- and maybe it's -- maybe they were going to
10 do it after this decision.

11 But what I wanted to know was what the Attorney
12 General's office might have done or the Secretary of
13 State's office might have done up to now to publicize that
14 this is the view of the Attorney General on the law on this
15 matter to make sure that local election officials are aware
16 of this.

17 MS. CORREIA: I believe the Secretary of State's
18 office -- I believe Mr. Harvey has sent out a bulletin to
19 the counties about the use of provisional ballots, but do
20 you --

21 VICE CHAIR SULLIVAN: If the Secretary of State's
22 office could check on that. I think Mr. Worley makes a
23 good point that we need to make sure that county election
24 officials and poll workers are aware of the acceptable uses
25 of provisional ballots. Thank you.

1 MS. BROCE: Would you like us to speak to that or
2 would you like us just to follow up?

3 VICE CHAIR SULLIVAN: If you have -- would like to
4 speak to it, that's fine.

5 MS. BROCE: Sorry. I'm Candice Broce from the
6 Secretary of State's office. So we put out extensive
7 guidance on the use of provisional ballots and it is part
8 of the annual training that we provide each year to
9 conferences for elections officials and registrars. We
10 also have information readily available online that
11 provides guidance on demand whenever it's needed, and I
12 know that our elections staff tries to be as helpful as
13 possible in this area.

14 So I would just say, from our perspective, we do
15 provide pretty clear guidelines on that. And, again, it's
16 all available on demand and we solicit questions from
17 people at conferences where we provide training and this is
18 regularly a topic that comes up and we always provide
19 guidance.

20 VICE CHAIR SULLIVAN: Thank you.

21 MR. WORLEY: All right. Well, what I would be
22 interested in doing is -- I don't have a problem accepting
23 this consent order, but I would like an understanding that
24 perhaps this particular order be publicized by the
25 Secretary of State's office to the local election officials

1 so that they know this is a very serious matter and it will
2 result in fines if they continue to fail to comply.

3 JUDGE SIMPSON: Well, the reason I feel so strongly
4 about this is because this is an area that is ripe for
5 fraud. If we give one person the ability to not count
6 these provisional ballots properly and handle them
7 properly, then we can have a lot of incorrect results or
8 potentially incorrect results if these ballots are
9 rejected, improper. And if we allow one person to do it,
10 like this supervisor did or these people did, then that
11 creates an environment which is ripe for fraud and I think
12 we ought to do everything we can to prevent that.

13 And so, therefore, I -- I still am of the opinion that
14 this message needs to be loud in terms of amount and -- and
15 clear to all of the election superintendents and boards
16 that you can't -- that you've got to strictly provide
17 provisional ballots and then you've got to count them
18 properly.

19 VICE CHAIR SULLIVAN: Would you like to make a motion?

20 JUDGE SIMPSON: No. I just wanted to make that clear.
21 That's -- that's my opinion.

22 VICE CHAIR SULLIVAN: Okay. Would you like to make a
23 motion, Mr. Worley?

24 MR. WORLEY: I'd make a motion that we accept this
25 consent order and would recommend that both the Attorney

1 General and the Secretary of State make every attempt to
2 publicize this decision to the local election officials.

3 VICE CHAIR SULLIVAN: I will second. Okay. Any
4 further discussion? We have a motion and a second. All in
5 favor, say aye.

6 MR. WORLEY: Aye.

7 VICE CHAIR SULLIVAN: And none opposed, and that
8 motion carries. That moves us to the dismissals portion.
9 Would any of our members like to pull off any of these
10 cases to discuss individually?

11 MR. WORLEY: Yes. I'd like to discuss SEB Case Number
12 2012-109, Clay County.

13 MS. CORREIA: This is a dismissal for a number of
14 voters for primarily possession of absentee ballots of
15 other electors, and this is pursuant to the Attorney
16 General opinion from 2016 where we stated that the
17 possession of another voter's absentee ballot was not
18 covered by 21-2-574.

19 MR. WORLEY: Okay. And could you just, for the
20 audience and for the public, just elaborate a little bit
21 more on that Attorney General's opinion and why you arrived
22 at it?

23 MS. CORREIA: The Attorney General's opinion from 2016
24 held that the provisions in 21-2-574 said you cannot
25 possess somebody else's ballot because they -- because the

1 statute itself refers to the polling location -- it cannot
2 leave the polling location -- and because it was a statute
3 that had -- that referred to an official ballot, not an
4 official absentee ballot, we held that that that was not --
5 it doesn't -- it is not against the law and it's not a
6 violation of the election code for voters to assist another
7 voter with an absentee ballots and to possess it. Now, if
8 you assist the voter in marking the ballot, you do have to
9 sign as assisting.

10 But most of these charges were for things like
11 walking -- taking them to the mailbox and mailing them --
12 collecting them and mailing them on behalf of other voters
13 and we felt that that is not a violation of the election
14 code.

15 Obviously, if you were doing something fraudulently or
16 if you are, you know, marking it for the voter and not
17 signing as assisting, that is a violation but that is not
18 what these folks were charged with doing. It was strictly
19 possession or assisting with the envelope, which is --
20 which we've also said is not a violation of the election
21 code because it's not part of the ballot.

22 MR. WORLEY: I just thought it was important to
23 clarify and explain that to the public. And so, I would --
24 I would move to dismiss Case Number 2012-109 as recommended
25 by the Attorney General and also to dismiss Case Number

1 2015-061, Cobb County, as recommended by the Attorney
2 General.

3 VICE CHAIR SULLIVAN: Second to that motion?

4 JUDGE SIMPSON: Second.

5 VICE CHAIR SULLIVAN: We've got a motion and a second.
6 Any further discussion? All in favor, please vote by
7 saying aye.

8 MR. WORLEY: Aye.

9 VICE CHAIR SULLIVAN: Aye. Any opposed? No, and that
10 motion to dismiss carries -- both of the last two dismissal
11 cases. At this time, I will entertain a motion to adjourn
12 this board meeting.

13 MR. WORLEY: I move that we adjourn.

14 VICE CHAIR SULLIVAN: All in favor, aye.

15 JUDGE SIMPSON: Aye.

16 MR. WORLEY: Aye.

17 VICE CHAIR SULLIVAN: None opposed, and we are now
18 adjourned. Thank you all for being here.

19
20
21
22
23
24 (Whereupon, the proceedings were concluded at 1:49 p.m.)
25

C E R T I F I C A T E

STATE OF GEORGIA

COUNTY OF GWINNETT

I, Patrick Stephens, hereby certify that the foregoing record taken down by me, as a certified court reporter, is a true, correct and complete record of the above-entitled State Election Board meeting.

This certification is expressly withdrawn and denied upon the disassembly or photocopying of the foregoing proceedings, unless said disassembly is done by the undersigning certified court reporter and original signature and raised seal is attached thereto.

This the 5th day of _ _ October_____, 2018.

Patrick Stephens

PATRICK A. STEPHENS, CCR, CVR

CERTIFICATE NO. 4672-1141-4562-4064

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