

THE OFFICE OF THE SECRETARY OF STATE

STATE OF GEORGIA

IN THE MATTER OF:
STATE ELECTION BOARD HEARING

GEORGIA STATE CAPITOL BUILDING
ROOM 341
ATLANTA, GEORGIA 30334

AUGUST 21, 2019
9:00 A.M.

PRESIDING OFFICER: BRAD RAFFENSPERGER
SECRETARY OF STATE

STEVEN RAY GREEN COURT REPORTING, LLC
Kaitlin Walsh, CCR, CVR

Atlanta, Georgia

APPEARANCE OF THE PANEL

Secretary of State Brad Raffensperger, chair

Rebecca Sullivan, vice chair

David Worley

Anh Lee

Transcript Legend

(sic) - Exactly as said.

(ph.) - Exact spelling unknown.

-- Break in speech continuity.

... Indicates halting speech, unfinished sentence or omission of word(s) when reading.

Quoted material is typed as spoken.

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P R O C E E D I N G S

MR. RAFFENSPERGER: Good morning. Let's get started. We have a very extensive agenda today, as you can see. Let's begin with an investigation, if we're all ready.

(Invocation)

MR. RAFFENSPERGER: If y'all will stand for the Pledge of Allegiance.

(Pledge of Allegiance)

MR. RAFFENSPERGER: I see that there's 11 folks that signed up for public comments. If there's anyone else that hasn't signed the sheet, please step forward now, and put your name in there. And that's typical that we allow two minutes for that for people that have signed in. I guess do you want to get right into the approval of the board minutes? Members, have you had a chance to look at the board minutes from the April 17th meeting? Anyone have a problem or do you want to make a motion on that?

MR. WORLEY: I would make a motion that we approve the minutes of the meeting on Wednesday the 17th of April.

MR. RAFFENSPERGER: Is there a second?

MS. SULLIVAN: Second.

MR. RAFFENSPERGER: All those in favor?

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Motion carries.

1 Okay. On public comments, you'll have to have folks stand
2 up. Kevin -- Mr. Rayburn has a mic for you. Yeah, we do,
3 we have --

4 MR. RAYBURN: Check, check.

5 MR. RAFFENSPERGER: Okay. And before we get going, I
6 guess the people that are following the office closely --
7 we've reached an agreement a few days ago and yesterday
8 posted our comments on that. And basically, what we said
9 was we were requesting -- requesting the re-examination of
10 the new paper ballot voting system. Almost immediately
11 after it was thoroughly tested and passed by an
12 independent testing lab. It is a waste of everyone's time
13 and resources and frankly, it's silly.

14 At some point, people need to accept that the Georgia
15 General Assembly did not agree with their policy
16 preferences, and you can decide if you want to be a
17 hinderance or a help to Georgia moving to a new paper
18 ballot voting system. Our office will comply with the
19 legal requirements to conduct the re-examination and the
20 actors requesting the re-examination will help pay for it.
21 We have not yet posted the costs for re-examination
22 because this system was just secured and certified. We're
23 currently reviewing how the re-examination should proceed
24 and what that cost would be. The re-examination will not
25 at all interfere with the timing -- timeline for

1 implementing the new paper ballot system by the March 21
2 presidential primary. Thank you.

3 So our first person today is George Balbona.

4 MR. RAYBURN: Will you please state your name, where
5 you live? We have a transcriptionist, so try to talk
6 slowly and clearly and stand about here so that they can
7 see your mouth.

8 MR. BALBONA: Not my first rodeo, Kevin. Hey there.
9 My name is George Balbona. B-a-l-b-o-n-a. I live in Cobb
10 County. I wanted to talk about the Secretary of State
11 Office hiring Teresa Payne's company Ford Elise Solutions
12 to conduct three ostensibly cyber security
13 evaluations/risk assessments. This was done in October
14 2017, February 2018, and November 2018.

15 In October 2017, Ford Elise found 22 vulnerabilities.
16 In February 2018, Ford Elise found 15 security risks
17 including significant risk to the voter registration
18 database. In November 2018, 19 of the 22 vulnerabilities
19 had failed to be remediated for the 2018 mid-term
20 elections. A penetration test successfully obtained
21 domain administration rights over the Secretary of State's
22 network. That's not good. All right, Ford Elise was told
23 about the breach of the CES server at KSU but was not
24 asked to investigate and -- investigate it or conduct a
25 breach assessment which is something that they do. At no

1 time -- at no time during these assessments did the scope
2 of these evaluations include any evaluation of Georgia's
3 current election system, DREs, memory cards, scanners, or
4 the GENS database. So forgive me if I don't think that
5 your certification of the BMD is worth the paper it's
6 printed on.

7 This is the equivalent to having a heart attack and
8 having a cardiologist give you a clean bill of health
9 without looking at your heart or checking your blood
10 pressure. You haven't looked at the security whatsoever.
11 That's Georgia law. You should look into it, Brad.

12 MR. RAFFENSPERGER: The next speaker is Mr. Garland
13 Favorito.

14 MR. FAVORITO: I'm Garland Favorito. I'm here today
15 from Roswell, Georgia. Mr. Chairman, in February 2002, I
16 wrote to Professor Williams and Assistant Secretary Barnes
17 that the machines that were under evaluation had
18 constitutional problems, and they could not produce
19 results that could be verified by voters, audited by
20 election officials, or recounted for candidates. We were
21 ignored. I even asked if they would authenticate it on
22 their own and trial and went to the Georgia Supreme Court.
23 The Georgia Supreme Court failed to apply a legal standard
24 of strict scrutiny to our constitutional right to vote and
25 dismissed the case.

1 In 2009, I took the evidence in that case to this
2 board and gave it to the Inspector General. She confirmed
3 that she had my evidence, and then wrote to me to explain
4 that she had lost my case in its entirety. In 2017, 20
5 computer scientists wrote to the office to urge them to
6 get off of these machines and offered them help for the
7 same reasons that I gave in 2002 15 years earlier.

8 Last week the U.S. District Court banned our current
9 voting system because it impairs our constitutional right
10 to vote just as I said 17 years ago. Now, the legislators
11 and the Secretary of State's office wants to give us a new
12 unverified voting machine that hides the votes in an
13 embargo so that the voter cannot verify. I'm predicting
14 right now that that voting machine will be declared
15 unconstitutional same as the old. So folks, I want to
16 appeal to the County Election Directors here. I told you
17 the truth for 17 years and you have been lied to. If you
18 don't believe me, read the U.S. District Court ruling. It
19 is absolutely unequivocal. Thank you.

20 MR. RAFFENSPERGER: Ms. Elyisa Goldklang.

21 MS. GOLDKLANG: Well, it's Elyisa --

22 MR. RAFFENSPERGER: Elyisa.

23 MS. GOLDKLANG: Goldklang. I'm German and it's a
24 beautiful sound.

25 MR. RAFFENSPERGER: I'm sorry.

1 MS. GOLDKLANG: Good morning. My name is Elyisa
2 Goldklang, and I'm from Cobb County. First of all, I want
3 to thank the board members for their service to the people
4 of Georgia. Overseeing the administration of elections in
5 159 counties and adjudicating problems that arise is an
6 overwhelming task, but we're here to talk specifically
7 about a certain list of your duties.

8 First of all, to promulgate rules and regulations so
9 as to obtain -- excuse me -- uniformity in the practices
10 and proceedings of superintendents, registrars, deputy
11 registrars, poll officers and other officials as well as --
12 - of course this would happen, right? -- as well as the
13 legalities and purity protecting voters' privacy in all
14 primaries and elections.

15 Two, to formulate, adopt and promulgate such rules
16 and regulations consistent with law, as will be conducive
17 to the fair, legal, and orderly conduct of primaries and
18 elections.

19 Three, to make such recommendations to the General
20 Assembly as it may deem advisable relative to the conduct,
21 administration of primaries and elections.

22 And, four, finally, to promulgate rules and
23 regulations to define uniform and nondiscriminatory
24 standards concerning what constitutes a vote, and what
25 will be counted as a vote for each category of voting

1 system used in this state and the following of those will
2 be discussed in detail. Thank you.

3 MR. RAFFENSPERGER: Thank you. Ms. Aileen Nakamura.

4 MS. NAKAMURA: I'm Aileen Nakamura from Fulton
5 County. Last September, Ms. Rebecca Sullivan wrote in a
6 declaration in federal court that there is little
7 institutional memory in Georgia to serve as a guide as to
8 the best practices to secure an election without DRE
9 machines. But in November of this year, there will be
10 pilot elections without DREs -- some with BMD devices,
11 some with hand marked paper ballots. And in less than 30
12 days, those elections will effectively begin from a
13 process standpoint.

14 There are no rules to guide the conduct of those
15 elections and the responsibility for that falls on you,
16 the Board. What is your plan? After 2019, no elections
17 may be conducted in Georgia using DRE machines. While
18 most attention is focused on the March presidential
19 primary, we all know that in Georgia it's pretty regular
20 to have elections in January and February. But there are
21 no rules to guide the conduct of those elections and the
22 responsibility for that falls on you. What is your plan?

23 The Secretary of State has agreed to reexamine the
24 new dominion voting machines upon the request of 1,450
25 Georgia voters from 100 counties. The citizens' petition

1 demonstrates that the correct procedures were not carried
2 out in certifying the dominion system earlier this month.
3 Merle King, who developed the role for certifying new
4 voting machines in Georgia, wrote that the 2002
5 certification of the DREs took six weeks. And once the
6 machines are legally certified and procured the acceptance
7 testing of the machines must occur. In 2002, that took
8 three months for 23,000 pieces of equipment, one thousand
9 of which failed testing, were removed, replaced by the
10 vendor, and tested again. The rigorous testing process
11 required under Georgia law must be performed for the
12 70,000 new pieces of equipment to be used in 2020. How
13 long will that take? How long should that take? And will
14 all the testing just be rushed to have the equipment in
15 place by March? If the timeline flips, what will you do?

16 (Timer sounding)

17 MR. RAFFENSPERGER: Thank you. Susan McWethy.

18 MR. RAYBURN: Susan.

19 MS. MCWETHY: Good morning. My name is Susan
20 McWethy, and I'm from DeKalb County. Your rule-making
21 process is governed by the Georgia Administrative
22 Procedure Act. Where rule-making is a deliberative and
23 publicly transparent process generally requiring public
24 proposal of a rule, public inspection, notice to
25 interested parties with reasonable opportunity to submit

1 data, use, or arguments, deliberation before enactment,
2 and delayed effectiveness of the rule. It's hard to
3 imagine that rules can be properly implemented in less
4 than 100 days from the time you have the first proposal
5 for the public. And it takes time to develop that first
6 proposal. It's clearly impossible for you to follow that
7 process in time for the November pilot elections using
8 valid marking devices and hand-marked paper ballots and
9 not likely in time for any January or February elections.

10 MR. RAFFENSPERGER: Thank you. Shea Roberts.

11 MS. ROBERTS: Good morning. Shea Roberts from Sandy
12 Springs, Georgia. So what is your plan? Will the pilot
13 elections for both -- the two different modes of voting,
14 BMDs and hand-marked paper ballots, be governed by a
15 uniform set of rules? How will you come up with them?
16 Has work begun to draft such rules? Can pilot elections
17 be run under provisional rules? How will you adjudicate
18 any complaints or irregularities that come up in the pilot
19 elections? Both the counties operating pilot elections
20 and the voters casting ballots in those elections deserve
21 the protection and clarity of a uniform set of rules.
22 Whether provisional or final, for you to come up with the
23 uniform set of rules to govern future elections, you must
24 reach outside Georgia.

25 As we were reminded by Ms. Sullivan's declaration,

1 there is little institutional memory in Georgia to serve
2 as a guide to best practices. And surely Georgia voters
3 deserve elections run in accordance with best practices in
4 and of the 21st century and not but a few Georgians
5 remember it from the 1900s. If this were a private
6 business facing your problem, you would find well-regarded
7 jurisdictions outside Georgia who have developed model
8 rules and shown in practice that they work well. You
9 would review their rules to be sure they comply with
10 Georgia laws and rules and modify them as necessary.
11 But our unique challenge, we require a uniform set of
12 rules to govern elections in 159 counties that serve as
13 many as 700,000 voters and as few as 5,000 voters. But
14 this also means that the rules and procedures of a well-
15 regarded jurisdiction survey as few as 40 to 50,000 voters
16 could be very relevant to Georgia because most of our
17 counties are smaller, and it will not be hard to determine
18 how you would adapt the rules to accommodate our largest
19 counties. For hand-marked paper ballots, you may consider
20 the rules and procedures developed by Virginia, Martin,
21 and Columbia County, New York, for example. There's no
22 need to reinvent the wheel when so many jurisdictions have
23 field-tested procedures already in place.

24 One more point about the pilot elections. The
25 fundamental purpose of a pilot is to do something on a

1 small scale that can be reviewed and adjusted --

2 (Timer sounding)

3 MS. ROBERTS: -- before implemented on a large scale.
4 Who's responsible for deciding if the pilot election
5 worked properly? What criteria will be used for the
6 review? Who develops it? How will the success and
7 failure be evaluated? And how will those learnings be
8 incorporated before the presidential primary and beyond?
9 Thank you.

10 MR. RAFFENSPERGER: Thank you. Cam Ashling.

11 MS. ASHLING: Distinguished State Board of Election
12 members and Chairman, my name is Cam T. Ashling. I am the
13 chairman of the Georgia Mess and Farmers' Pact from Fulton
14 County, a political action committee. I should be
15 spending my time venting to candidates and gaining them
16 support, but I'm here because we have to make elections
17 safe, secure, and honorable again before we can invest in
18 candidates and voters. We believe the measure of success
19 -- of a successful election is this: It should be easy
20 for all eligible citizens to easily register and cast a
21 vote, and every vote should be counted as cast, and our
22 ballot must be secret as guaranteed by the Georgia
23 Constitution.

24 Robust audits are the cornerstone of confidence of
25 every voter -- every vote is being counted as cast. HB316

1 does require audits to be implemented as soon as possible
2 or no later than 2020. How will you enforce this? It is
3 your responsibility under HB316 to develop all the
4 standards to formulate, adopt, and vote as such. Rules to
5 be implemented statewide no later than November 2020.
6 Georgia has never required election audits statewide. How
7 will you do this? When will you do this? We urge you to
8 seek out best practices from jurisdictions around the
9 country and to consult with experts on election audits
10 such as Professor Philip Star.

11 If you're not beginning public hearings on your
12 proposal by the beginning of the first quarter of 2020, we
13 will likely not be prepared to have all these sets of
14 rules for audits in time, and we don't want that to
15 happen. Georgia voters are counting on you to get the
16 standard of process right. Confidence that every vote is
17 counted as cast is essential to election integrity and our
18 democracy. As you learn more about election audits from
19 experts, you will hear one common thread that will pose a
20 significant problem for us in Georgia and that is valid
21 summary produced by ballot-marking devices --

22 (Timer sounding)

23 MS. ASHLING: -- are apparently unauditable [sic].
24 How will you overcome this challenge? Thank you.

25 MR. RAFFENSPERGER: Thank you. Ms. Rhonda Martin.

1 MS. MARTIN: Good morning. My name is Rhonda Martin.
2 I'm a voter in Fulton County, Georgia. In order for any
3 audit to be valid, you must have trusted source documents
4 showing the votes that have been cast. HB316 describes
5 the process where the voter verifies their selections on
6 the paper summary produced by the electronic marking
7 device so that these documents can then be considered
8 trusted. There are a number of problems with this
9 approach.

10 First of all, research has shown that less than half
11 the voters take the time to carefully review their votes
12 when asked to do so.

13 Secondly, even if the voter tries to check the
14 results, less than half notice when errors have been
15 introduced. At this point in the process, the touchscreen
16 no longer shows the voter's choices, and therefore is not
17 available to reference when checking the machine printout.
18 Voters cannot be required to have a photographic memory of
19 the full ballot so that they can verify the summary
20 document against memory. Few, if any, voters can
21 accurately recall every race and choice on a ballot that
22 contains a dozen or more races in addition to referenda
23 and the constitutional amendments.

24 If a voter cannot recall every race -- sorry -- and
25 choice, she cannot identify whether the machine printout

1 accurately reflects her intentions or instead added,
2 dropped, or changed one of her choices. This problem is
3 further exacerbated when the voter's choices are embedded
4 in unreadable codes and the tabulation machines count the
5 codes and not the words. Bottom line: the paper trail the
6 electronic ballot marking devices offer cannot be used as
7 a basis for an audit because voters cannot verify the
8 accuracy of the ballot summary cards. No valid audit can
9 be conducted on the basis of unverified source documents.
10 It is therefore impossible to meet the legal requirements
11 of HB316.

12 MR. RAFFENSPERGER: Ms. Bonnie Lyle.

13 MS. LYLE: I cede my time to Rhonda.

14 MR. RAFFENSPERGER: No. It's okay. We're moving on.
15 We have -- right now 52 cases and so we're going to move
16 on to the next person: Isabel Hidalgo.

17 MS. HIDALGO: Good morning. My name is Isabel
18 Hidalgo, concerned citizen from Georgia, Fulton County.
19 This switch to one of your most important duties defining
20 what constitutes a vote, to promulgate rules and
21 regulations to define uniform and nondiscriminatory
22 standards concerning what constitutes a vote, and what
23 will be counted as a vote for each category, voting
24 systems used in the state. The change from the earlier
25 machines to ballot marking devices requires a fresh look

1 at what constitutes a vote. The dominion BMD produces a
2 paper ballot summary that includes both a bar code and a
3 human readable text that the BMD scanner reads the bar
4 code while the human readable text is used for recounts
5 and audits. O.C.G.A. 21-237(9)(2)(3) states the paper
6 ballot printed by the electronic ballot marker shall
7 constitute the official ballot and shall be used for and
8 governed in result in any recount that pursuant to Section
9 21 2 495 and any other conducted pursuant to Section 21 2
10 498.

11 A fatal problem with the dominion system is that the
12 portion of the ballot that is readable by the elector is
13 not the portion that is machine-tabulated, and by law the
14 bar code is not to govern any result at any stage of the
15 ballot processing, which means that the bar code cannot
16 legally use the tally in vote counts. As a result, the
17 dominion system cannot comply with the Georgia elections
18 code. When you write the rules and regulations for one
19 constituent to vote, how would you resolve the problem of
20 a printed vote summary that contains voters' selections in
21 two forms, one human readable and one not? Which
22 constitutes the vote? There surely cannot be one vote for
23 scanning and another vote for recounts and audits. How
24 will you resolve this dilemma? We urge you to advise the
25 General Assembly that you find it impossible to formulate

1 --

2 (Timer sounding)

3 MS. HIDALGO: -- a rule stating what constitutes the
4 vote -- when there are actually two versions of the
5 voter's choices printed on one paper ballot. Thank you
6 very much.

7 MR. RAFFENSPERGER: Thank you. Ms. Jeanne Dufort.

8 MS. DUFORT: Good morning. My name is Jeanne Dufort.
9 I am from Morgan County, from beautiful Madison. There's
10 one more concerning issue about ballot secrecy. Georgia
11 voters enjoy a constitutionally protected right to
12 absolute ballot secrecy. The rules that govern New York
13 mandate include a command to protect the legality and
14 purity of all primaries and elections.

15 Election superintendents in the 159 counties are
16 sworn to conduct all elections in a manner as to guarantee
17 the secrecy of the ballot. According to the dominion's
18 response to the state of Michigan's certification process,
19 the scanners used by the dominion system appear to violate
20 Georgia's secret ballot laws and the Georgia Election
21 Code. The dominion precinct scanner records the ballots
22 in chronological order of scanning with timestamps which
23 are retained on memory cards and encrypted records.
24 Although the timestamp for information may not be exported
25 during routine reports writing, it appears that election

1 insiders or hackers with access to decrypted data on the
2 cards could replay scanned ballots in order to connect the
3 voter with his or her ballot.

4 It's absurd, isn't it, to think of you writing the
5 rule that says don't look for those who have access to the
6 voting system and just as absurd to imagine that rule
7 would offer protection from hackers. It is impossible for
8 you in the 159 counties to do your duty under the law to
9 protect Georgia's absolute right to a secret ballot if the
10 dominion scanners are deployed. We ask you to advise the
11 Secretary of State that the use of the dominion scanners
12 violates the Georgia Constitution and may not be used.
13 In summary, we're very concerned about the very difficult
14 timeline challenges you face to formulate, adopt, and
15 promulgate such rules and regulations consistent with the
16 law for conducting elections with ballot marking devices
17 and hand marked paper ballots and for conducting audits.
18 We urge you to find a balance that keeps the voter at the
19 center of the process.

20 (Timer sounding)

21 MS. DUFORT: Do not sacrifice transparency,
22 thoughtful deliberation, and assessment of current best
23 practices in the rush to meet deadlines. Thank you.

24 MR. RAFFENSPERGER: Board members, it's not on the
25 agenda, but if any of you would like to share a few words

1 right now? I think now is the appropriate time.

2 MR. WORLEY: I would. Thank you, Mr. Secretary. I -
3 - I just wanted to say a few words. First of all, I'd
4 like to thank those members of the public who made the
5 comments just now. We take our responsibility very
6 seriously. And we're certainly -- I, for one, can
7 certainly very seriously consider everything that's been
8 put before us today as we go forward in considering this
9 new system and our responsibility to make rules to carry
10 out the -- the new voting systems that the statements have
11 said.

12 I also wanted to say a word about Judge -- as has
13 been mentioned Judge Totenberg's recent order in the
14 election litigation. I have read it very carefully, and I
15 know the other members of the board have as well, and,
16 frankly, much of what the judge has said in her order is
17 disturbing and casts the previous administration of the
18 Secretary of State's Office in a very unfavorable light.
19 I'm particularly concerned with the many, many instances
20 that the judge has highlighted of problems with the
21 state's election database as used by the express poll
22 system in this state. The judge has clearly pointed out
23 flaws in that that we as members of this board need to
24 examine very carefully as this process moves forward.
25 Thank you.

1 MR. RAFFENSPERGER: Thank you.

2 (Applause)

3 MR. RAFFENSPERGER: We have -- the next item on the
4 agenda I really think will help answer some of your
5 questions, but if I could have our Chief Counsel Ryan
6 Germany speak to that, if you would like to speak?

7 MR. GERMANY: Yes. I'm Ryan Germany. The General
8 Counsel to the Secretary of State's Office.

9 MR. RAFFENSPERGER: Is it on?

10 MR. GERMANY: Is it working?

11 COURT REPORTER: It's not.

12 MR. GERMANY: Can you hear me now?

13 (no response)

14 MR. GERMANY: Okay.

15 MS. SULLIVAN: No.

16 MR. GERMANY: No.

17 MR. RAFFENSPERGER: Make sure it's on.

18 MR. GERMANY: It says it's on.

19 MR. RAFFENSPERGER: Yeah.

20 MR. GERMANY: I hear it on now. All right.

21 MR. RAFFENSPERGER: Good.

22 MR. GERMANY: My name is Ryan Germany, General
23 Counsel of Secretary of State's Office. I wanted to give
24 a quick update on the rule making process. As some of the
25 commenters mentioned, we need to overhaul our State

1 Election Board of Rules as we move to the new system.
2 Moving to a paper ballot system from a non-paper ballot
3 system is a very big change. We have obviously been
4 discussing the rules in our office internally for quite
5 some time.

6 Now that we have -- the procurement process is
7 complete, and we've selected a vendor, we can move forward
8 with the specifics. That vendor is sending us rules from
9 other jurisdictions that use this system for
10 consideration. I think some of the types of rules that
11 we'll be considering are polling place setup, storage, and
12 security of the equipment and the paper ballots, transport
13 of the voting equipment and paper ballots, ballot
14 handling, chain of custody, storage of paper ballots after
15 election. We'll be looking at early voting, absentee
16 voting, provisional voting, adjudication, audits,
17 recounts, and even -- and even possibly some voter
18 registration certification issues, if we need to look at
19 those as well. In addition to that, we'll be reviewing
20 forms like the recap sheets and reconciliation sheets that
21 we use -- those will need to change with the new system.
22 We've been discussing them internally.

23 We've recently formed a rules working group that
24 consists of Jordan Fuchs our Deputy Secretary, myself,
25 Chris Harvey the Elections Director, Kevin Rayburn our

1 Assistant Elections Director and Assistant General
2 Counsel, as well as Lynn Bailey, who's an Elections
3 Director in Richmond County. And Ms. Bailey heads up a --
4 an equivalent rules working group and the EAC Standards
5 Board. So I think through her we'll be able to get input
6 from additional counties and that was the idea behind
7 that. And also, Ms. Sullivan and Mr. Worley have agreed
8 to serve on -- on that working group.

9 So just one thing for -- for y'all to know. And we
10 do envision there will be numerous additional meetings for
11 the rest of this year to resolve that so just from a
12 scheduling side. And we'll continue to keep everyone
13 updated. Yes, the rules will be posted -- or proposals
14 will be posted for comment, so we'll go through that
15 process, as well.

16 I'd be happy to take any questions from the board.

17 (no response)

18 MR. RAFFENSPERGER: Thank you, Mr. Germany. I want
19 to thank everyone that has volunteered to be on that rule
20 making process. It's going to be very extensive and
21 obviously a quick timeline. And I just know it's a demand
22 an awful lot of your time, so really I just want to thank
23 you for making time and the people of Georgia are grateful
24 for you stepping up and volunteering for that. Thank you.

25 Okay. On the investigation reports, we have several

1 consent cases. It is 2 through 13. All right. Are there
2 any of those that we want to pull off?

3 MR. WORLEY: Yes, Mr. Secretary. On the consent
4 list, I would like to pull off to discuss individually the
5 following cases: Case Number 2016-135, Lee County; Case
6 Number 2016-165, Chatham County; Case Number 2018-013,
7 Fulton County; Case Number 2018-071, DeKalb County; and
8 Case Number 2019-003, Walton County.

9 MR. RAFFENSPERGER: Any other members want to pull any
10 other cases off?

11 (No response.)

12 MR. RAFFENSPERGER: So I'll go ahead --

13 MR. THOMAS: Sir, I'm representing a consent case
14 that was not called out that I'd like to speak to.

15 MR. RAFFENSPERGER: Which -- which case?

16 MR. THOMAS: Case Number 2015--

17 MR. RAFFENSPERGER: Which -- which --

18 MR. THOMAS: The City of Davisboro.

19 MR. RAFFENSPERGER: Okay. In the consent cases, are
20 there any other people that are here that would like to
21 speak to any cases in the form of a consent other than
22 Davisboro. Anyone else? All right. The representative
23 from Fulton, you'd like to speak to which case?

24 MR. HOLCOMB: I'm here for a private capacity here --

25 MR. RAFFENSPERGER: Yes, sir.

1 MR. HOLCOMB: -- Mr. Raffensperger. But yes, it's
2 already been pulled off the calendar, but it was for Mr.
3 McLaurin's case.

4 MR. RAFFENSPERGER: Can you --

5 MR. HOLCOMB: It's 2018 --

6 MR. RAFFENSPERGER: Fulton County.

7 MR. HOLCOMB: -- -013. Yes.

8 MR. RAFFENSPERGER: House District 51?

9 MR. HOLCOMB: Yes.

10 MR. RAFFENSPERGER: Thank you. Well then, why don't
11 you start with those -- the ones that are not being pulled
12 out, we'll vote on those, but the gentleman from
13 Davisboro, if you'd like to step forward and speak to the
14 board.

15 MR. THOMAS: Good morning. Thank you.

16 THE BOARD MEMBERS: Good morning.

17 MR. THOMAS: My name is Daniel Thomas. I'm the City
18 Manager for the City of Davisboro. I have two letters I'd
19 like to share with the board. The first one is written
20 from Ricky Ford who is the son of the individuals who
21 referred it and are filing it. "I, Ricky Ford, request
22 the State Board of Election to look further in the case
23 regarding the voter violation that took place during the
24 2015 election in the City of Davisboro. Mr. Nathaniel and
25 Gloria Ford are my parents, and I represent my family in

1 expressing complete outrage of this attempt to violate
2 their voting rights. I request that Mr. Thomas submit
3 this letter on my behalf since I was not asked to attend
4 this hearing."

5 The second letter is from our City Council. "This
6 letter is served on behalf of the members of the City
7 Council of the City of Davisboro to express our adamant
8 disagreement with the recommendation of the SEB to close
9 this case with no violation status. We respectfully ask
10 that a more complete investigation take place and to
11 ensure the indemnification of the party who illegally
12 signed the absentee ballots of Mr. Nathaniel and
13 Ms. Gloria Ford during this election, signed sincerely the
14 Mayor and the City Council."

15 We feel that the violation occurred -- the two
16 parties involved were kin of mine -- and certainly there
17 should be further investigation to determine who actually
18 signed those ballots for the absentee status. They were
19 not signed by Mr. and Ms. Ford. They were taken from
20 their home, they were told that they would be returned to
21 the election board office, and basically the ballots would
22 be returned to them. I'm concerned about this because
23 these are two elderly individuals. It's -- a small
24 community, but that violation was sincerely felt by
25 everyone in it. So for us to simply say this was

1 no-status -- that you could not identify -- I think, one
2 person's handwriting was taken but the other one was not
3 which means that it's not a complete investigation, I
4 would think. So we ask that you continue to look into
5 this and come up with another solution.

6 MR. RAFFENSPERGER: Members?

7 MR. WORLEY: Could we hear from Ms. Watson about the
8 facts of this case?

9 MS. WATSON: Certain -- certainly. Basically, I
10 agree with the majority of what the gentleman advised
11 except that we did get handwriting samples from all of the
12 appropriate parties.

13 The facts of the case are that the Washington County
14 Board of Elections and Registration reported illegal
15 possession of absentee ballots of two voters. Nathaniel
16 and Gloria Ford applied for and received absentee ballots
17 for the December 1st, 2015 General Special Runoff Election
18 in Davisboro, Georgia.

19 It was reported that a candidate for mayor had
20 contacted the Fords and said that a representative was
21 going to pick up their ballots. The representative
22 allegedly came to the couple's home and picked up their
23 two unvoted and unsigned ballots. When the Fords said
24 they had not voted the ballots, the representative
25 allegedly said they would be filled out for the couple.

1 Mr. and Mrs. Ford advised that Sandra Braswell called them
2 on the phone and asked if they had gotten their absentee
3 ballots in the mail. They said they had not and she said
4 that they were mailed and should be in the mailbox.

5 A Ms. Mamie Lou Pinkston went to the Ford residence,
6 picked up the absentee ballots at the request of Sandra
7 Brown -- I mean Braswell. The Fords have repeatedly
8 stated that they had not opened or completed the absentee
9 ballots. Mamie told them that it was okay because Sandra
10 would take care of the ballots.

11 Mamie Lou Pinkston left the Ford's residence with the
12 absentee ballots that were not completed or signed. Mamie
13 Lou denies that she signed anyone's ballots. She states
14 that Sandra Braswell picked up Gloria and Nathaniel Ford's
15 absentee ballot from her.

16 Sandra Braswell denies signing the absentee ballots
17 of Gloria and Nathaniel Ford. The absentee ballots of
18 Gloria and Nathaniel were reviewed for their signatures,
19 but the signatures clearly did not match the signatures on
20 file for the Fords. The Fords cancelled the absentee
21 ballots and were re-issued new absentee ballots that were
22 voted and counted.

23 We recommend the case be dismissed as there was no
24 evidence to determine who actually signed the absentee
25 ballots of Nathaniel and Gloria Ford. Both were able to

1 cancel the absentee ballots and cast ballots in the
2 election.

3 MS. SULLIVAN: Ms. Watson -- I'm just going to ask
4 Ms. Watson directly -- it appears that there's over 34
5 attachments and exhibits to this investigation. Is there
6 any more investigation that you could do that would help
7 identify who signed those ballots?

8 MS. WATSON: We could take it back and -- and request
9 further handwriting analysis to be conducted to -- to
10 compare to see if we can conclusively rule Mamie and
11 Ms. Braswell as not the contributors and that would be the
12 -- the final thing we could do.

13 MR. RAFFENSPERGER: On this particular case what is
14 the will of the committee? Ms. Le.

15 MS. LE: I say given that there is acknowledgement
16 here that someone else signed those documents and ballots
17 that it should go back for further investigation.

18 MR. WORLEY: I would second that.

19 MR. RAFFENSPERGER: We have a second.

20 (no response)

21 MR. RAFFENSPERGER: Any further discussion?

22 (no response)

23 MR. RAFFENSPERGER: All those in favor, say aye.

24 THE BOARD MEMBERS: Aye.

25 MR. RAFFENSPERBER: Motion carries. Okay. All the

1 other cases that were not pulled out -- I'll read those
2 off, and we could vote for those in a block.

3 MS. SULLIVAN: Sure.

4 MR. RAFFENSPERGER: So that would be SEB Case Number
5 2015-080, 2017-016, 2017-054, 2017-067, 2018-075,
6 2019-007. Do we have a motion?

7 MS. SULLIVAN: I'll move the motion that the listed
8 cases be dismissed.

9 MR. WORLEY: And I would second that.

10 MR. RAFFENBERGER: Is there any further discussion on
11 those cases?

12 (no response)

13 MR. RAFFENSPERGER: Hearing none. All those in favor
14 of dismissing the cases that I just presented?

15 MS. SULLIVAN: Aye.

16 MR. RAFFENSPERGER: Say aye.

17 THE BOARD MEMBERS: Aye.

18 MR. RAFFENBERGER: Any opposed?

19 (no response)

20 MR. RAFFENBERGER: Motion carries. Okay. So the
21 next case we'll call right now, if that's okay, 2018-013,
22 Fulton County, House District 51 Candidacy. Mr. Holcomb.

23 MR. WORLEY: Mr. Secretary, the reason that I asked
24 for this case to be pulled off is because I need to recuse
25 from that.

1 MR. RAFFENSPERGER: Okay.

2 MR. WORLEY: So I wanted to separate it.

3 MR. RAFFENSPERGER: Mr. Holcomb.

4 MR. HOLCOMB: I anticipated that's what Mr. Worley
5 was going to say. Mr. Worley, we thank you for doing
6 that. Very quickly, I represent Mr. McLaurin. I'm his
7 attorney, so I'm here in that capacity today. And the
8 evidence shows unequivocally that Mr. McLaurin was legally
9 qualified to be a candidate for House District 51 having
10 satisfied both the constitutional and statutory
11 requirements.

12 We agree with the investigator's finding recommending
13 no violation, and we've offered for the board's
14 consideration perhaps a tweak to the affidavit to make the
15 language more clear -- in -- in terms of what is being
16 sought should be the time period that the individual had
17 been in Georgia at the time of the election. What isn't
18 operative is the date that you sign the affidavit or even
19 the date of the primary, it's the amount of time for
20 residency that you had been here for the general election.
21 So to avoid confusion going forward, we recommend that you
22 update that affidavit form NC-S-0924. But in conclusion,
23 we agree with the investigator's recommendation that no-
24 violation by him occurred. Thank you.

25 MR. RAFFENSPERGER: Members of the Board, would you

1 like to speak to that case?

2 MS. WATSON: We agree with the -- the gentleman's
3 interpretation and we did discuss the -- the issue with
4 the form and that has been in the process.

5 MR. RAFFENSPERGER: Thank you very much.

6 MS. WATSON: Mmm-hmm.

7 MR. RAFFENSPERGER: That one we'll vote on. Mr.
8 Worley, are there any other cases that you we need to
9 recuse yourself on?

10 MR. WORLEY: No.

11 MR. RAFFENSPERGER: Let's vote on that one, then.
12 What is the will of the committee?

13 MS. SULLIVAN: I move that Case Number 2018-013 be
14 dismissed.

15 MR. RAFFENSPERGER: Is there a second?

16 MS. LE: Second.

17 MR. RAFFENSPERGER: All those in favor?

18 THE BOARD MEMBERS: Aye. (All members but Mr. Worley
19 who recused.)

20 MR. RAFFENSPERGER: Motion carries and that case is
21 dismissed. Okay. The next case: 2016-135.

22 MS. WATSON: Yes. This is the Lee County Suspicious
23 Voter Registration. Lee County Elections Supervisor
24 Veronica Johnson reported that someone submitted a
25 fraudulent registration application for a person that was

1 already registered for the county.

2 Veronica talked to an employee that she received four
3 voter registration applications with questionable
4 information on them. Veronica thought that she knew one
5 of the individuals was already registered in Dougherty
6 County because she personally knew this individual. She
7 contacted them and stated that she had not completed the
8 voter registration. The only information on that
9 application that was correct was the name with the
10 remaining information being fabricated.

11 The remaining three applications were checked and
12 found that, similarly, the names were actual names, but
13 the other identifying information was fictitious. The
14 applications were originally submitted to the Secretary of
15 State's Office and then forwarded to the counties listed
16 on the application.

17 The applications were processed, however, failed in
18 the verification process. The applications were submitted
19 by Field Works, LLC, an organization operating out of
20 Washington D.C. providing canvas services in Georgia. The
21 canvasser was identified as a Wendy Howard. We -- she was
22 interviewed. She denies that she completed the
23 application but states that she allowed individuals to
24 complete applications for others that were not present and
25 their forms could have been completed without their

1 knowledge.

2 We recommend the case be dismissed because there was
3 no means of identifying the specific person that completed
4 the fictitious applications.

5 MR. RAFFENSPERGER: Board members, do you have any
6 questions?

7 MR. WORLEY: Yes, Mr. Secretary. I have a question.
8 Ms. Watson, the report indicates that -- that there is
9 more investigation that could be possibly be done. A
10 portion of the report read that the findings state that on
11 April 23rd, the investigator called the New Georgia
12 Project to see if they could assist in the retained copies
13 of the transmittal sheets. No one answered the phones, so
14 the investigator left a message. It goes on to say that
15 the investigator did not receive a reply, so they mailed a
16 certified letter. At this time the investigator has not
17 received a reply from the New Georgia Project. If the
18 investigator receives any additional information, we will
19 reopen the investigation.

20 From reading your report it seems like there is --
21 there are additional documents which if retrieved could
22 establish how these applications were completed. And so
23 to me I -- I would -- it would be my preference to have
24 the investigation continue and attempt to get those
25 documents.

1 MS. SULLIVAN: Is that the motion?

2 MR. WORLEY: Yes. I would move that we return this
3 case to the investigations division to attempt further to
4 -- to obtain those crucial documents.

5 MS. SULLIVAN: I'll second that.

6 MR. RAFFENSPERGER: Okay a first and a second. Do
7 you have anything to further comment?

8 (no response)

9 MR. RAFFENSPERGER: Hearing none. All those in
10 favor, signify by saying aye.

11 THE BOARD MEMBERS: Aye.

12 MR. RAFFENSPERGER: Any opposed?

13 (no response)

14 MR. RAFFENSPERGER: Motion carries. It's returned
15 for further investigation. Next case?

16 MS. WATSON: Yes. 2016-165 which is Chatham County,
17 Board of Election member conduct.

18 In November 2016, the Chatham County Board of
19 Elections Chairman Tom Mahoney reported one of the Board
20 of Elections members Deborah Rauers had interfered with
21 voters in Southside Baptist Church polling precinct.

22 On November 8th, 2016, Mr. Mahoney reported that
23 during check-in at the National Guard Armory, Ms. Rauers
24 had intimidated the same polling precinct assistant
25 manager. Mr. Mahoney also reported that he was told by

1 Collin McBray, the chairman in the Chatham County Board of
2 Registrars, about an incident that happened during early
3 advanced voting involving Ms. Raders where it was alleged
4 she interfered with voters also.

5 During the investigation, we did not identify any of
6 the voters that were interviewed or identified as having
7 been interfered with or prevented from voting, and we're
8 recommending the case be dismissed.

9 MR. RAFFENSPERGER: Any comments or any questions
10 from the members of the board?

11 MR. WORLEY: Well, I guess I read the investigative
12 report somewhat differently. It -- it seems that there
13 was a lot of testimony that this member of the Elections
14 Board had interfered in the -- the voting of several
15 voters.

16 And the -- the general standard that we have followed
17 on this Board in the past is that if -- that we are here
18 to determine whether there's probable cause for further
19 investigation by the Attorney General's office and
20 possibly holding a hearing and that if an allegation is
21 made that is credibly supported by witnesses, and it is
22 correct under the -- under our interpretation of the law
23 that we would forward it to the Attorney General's office,
24 and it seems to me that this case fits that standard of
25 establishing probable cause to send it to the Attorney

1 General's office based on the descriptions of the
2 testimony of -- of the events that happened.

3 MR. RAFFENSPERGER: Mr. Worley, before -- I didn't
4 know if I was going to have a motion.

5 MR. WORLEY: No.

6 MR. RAFFENSPERGER: But, I'm sorry, but this -- this
7 lady is -- wants to speak.

8 MS. RAUERS: My name is Deborah Raders. I'm the
9 person who's cited in this situation.

10 MR. RAFFENSPERGER: If you could come forward --

11 MS. RAUERS: Thank you.

12 MR. RAFFENSPERGER: -- and we'll give you a
13 microphone.

14 MS. RAUERS: Thank you. Hello. Thank you so much
15 for hearing my side of the story. My name is Deborah
16 Raders. I'm an elected official in Chatham County. I was
17 appointed, and then I have been elected twice to four
18 separate -- to four-year terms -- two four-year terms.
19 The situation that has become the toxic situation is the
20 one with the board in Chatham County. To go backwards so
21 I can go forwards, please indulge with me, as I let you
22 know that I brought to the attention of the board over a
23 six-month period of time the abuse of bearer's checks,
24 made to the bearer of, which were to be paid all poll
25 workers. These had no accounting, and on two separate

1 occasions, I walked through the office subsequent to an
2 election and saw stacks of these checks not being checked
3 in, not being guarded, no accounting from the county, and
4 no accounting from my office. I found this to be
5 reprehensible, and as it worked out, one the county
6 commissioners happened to be in the office one day when I
7 was there and saw me upset that we couldn't find these
8 checks because they weren't in a safe, and they weren't in
9 a safe place.

10 He took that information to our county commission and
11 at that point Mr. Mahoney, an attorney, and the chairman
12 of our board sit up in front of the Chatham County
13 Commission and said there's no problem. As an elected
14 official, I have a problem with people who are not open to
15 rectifying potential problems -- probable cause if that's
16 what you would call it.

17 I spoke to the County Commission. I told them we
18 were \$10,000 in arrears in paying our polling places, and
19 I told them that we had an issue with the bearer's checks.
20 Subsequent to that the \$10,000 was paid, and it turned out
21 that upon forensic accounting, we were 30 years behind the
22 law -- the IRS law -- in putting people's names on checks
23 and handing them to them. It's a long time. That was a
24 lot of years of no audit and no accountability for those
25 bearer's checks.

1 I walked out of that meeting at the county commission
2 office, and Mr. Mahoney told me that he had a report about
3 me that he was going to take to our commission meeting.
4 At that commission meeting, I found out that he had --
5 this is hearsay -- that he had contacted or been contacted
6 by the Board of Registrars -- which is separate from
7 Chatham County Board of Elections -- that I had interfered
8 with people voting in line for early voting. That was not
9 the case.

10 What had happened was that I went to one of the two
11 people sitting, checking people in, and said you have
12 elderly people in line who are incapable and not
13 ambulatory and need to get to the front of the line. He
14 chose to bring that up. I talked to Collin McBray, who is
15 and was chairman of the Board of Registrars. The Board of
16 Registrars elected to take it up as a rule case and they
17 passed on it in their justice. They thought it was nothing
18 [sic]. I thank them.

19 Subsequent to this and -- and please understand, this
20 is right at Hurricane Matthew, so there was a lot going on
21 on the coast of Georgia. A lot of issues with voting,
22 machines that didn't work, electric -- electricity that
23 didn't work. It was a mess. I walked in as it is in our
24 habit for the Board of Elections in Chatham County to
25 Southside Baptist Church where they were voting. There

1 were about 20 people there. Two of them were -- I don't
2 know -- challenged voters. One of them -- the -- was with
3 his caregiver and she would talk and say dah, dah, dah and
4 hit the vote. Dah, dah, dah, dah, and hit the vote. And
5 then at the end, he hit to cast the ballot vote and I
6 asked -- I was standing behind the woman who was a poll
7 worker and I said can he do that because I really did not
8 know.

9 I then asked the manager, and I also called the
10 office to ascertain if we were treating this disadvantaged
11 voter correctly. And they gave us the okay to go ahead
12 and let it count. I in no way spoke to him. I in no way
13 did anything in that room at Southside Baptist to
14 interfere with any kind of an election process. There
15 were two voters like that. They both voted. I did not
16 speak to them. The woman who was there as the assistant
17 manager handled it. That night at check-in I asked her
18 how things were. She said fine -- we had a cordial
19 conversation -- and then as I turned around three of our
20 board members made a beeline for her. I mean, it was like
21 she had, you know, a beacon on her head. They went
22 straight for her to chat with her. The next day, there
23 was a complaint against me at the board meeting.

24 I would like to submit to you that my behavior has
25 been above-board. I am guilty of a lot of things in life

1 but interfering with voters' capabilities and voters'
2 rights is not one of them. I am a strong supporter of
3 voter rights. And if anything, I have been proactive in
4 making sure we do things better in Chatham County. And
5 for that I am censured. Do you have any questions?

6 MR. RAFFENSPERGER: Does the board have any questions
7 for the person speaking today?

8 MS. SULLIVAN: I have a question for Ms. Watson.

9 MS. WATSON: Yes.

10 MS. RAUERS: Do you want me to sit down?

11 MR. RAFFENSPERGER: You're -- you're fine. Yes. You
12 may sit down.

13 MS. RAUERS: Thank you.

14 MS. SULLIVAN: Thank you. Ms. Watson, I noticed that
15 the date of this event is November 2016. Are you aware of
16 any additional complaints since that time or during --

17 MS. WATSON: No.

18 MS. SULLIVAN: -- this case or referring to that kind
19 of --

20 MS. WATSON: Not involving --

21 MS. SULLIVAN: -- Ms. Raders.

22 MS. WATSON: No.

23 MR. RAFFENSPERGER: What is the will of the
24 committee?

25 MR. WORLEY: I would just make a comment first. I

1 appreciate Ms. Raders being here and stating her view of
2 the events. But the report, which is quite lengthy, has a
3 different version of the events than hers in terms of what
4 was said at the two locations that the report mentions.
5 And it's -- it's always been the policy of this board that
6 if there are two different versions of an event that it
7 gets referred to the Attorney General's office to
8 investigate further and perhaps a hearing. So I would
9 make a motion that we refer this case to the Attorney
10 General's office.

11 MR. RAFFENSPERGER: Do we have a second? Do we have
12 a second?

13 (no response)

14 MR. RAFFENSPERGER: Motion dies for lack of second.
15 Any further action going forward?

16 MS. SULLIVAN: Before I make a motion, are any of the
17 complainants here regarding this matter -- none of them
18 are here to address the board?

19 (no response)

20 MS. SULLIVAN: I'll make a motion that the case is
21 dismissed.

22 MR. RAFFENSPERGER: Do we have a second?

23 MS. LE: I'll second.

24 MR. RAFFENSPERGER: We have a first and a second.
25 All of those in favor say aye.

1 MS. SULLIVAN: Aye.

2 MS. LE: Aye.

3 MR. RAFFENSPERGER: All those opposed?

4 MR. WORLEY: No.

5 MR. RAFFENSPERGER: Motion carries. The case is
6 dismissed. Next case.

7 MS. WATSON: The next case is 2018-71, DeKalb County.

8 MS. JONES: On October 29th, 2018, a complainant
9 reported that -- the Ku Klux Klan-related literature had
10 been located near the Reid Cofer Library polling station
11 in DeKalb County and that a possible case of voter
12 intimidation was involved.

13 The facts of the case are that plastic sandwich
14 baggies containing literature of the KKK had been
15 distributed in and around the Tucker area to include the
16 edge of the Reid Cofer Library polling station the week of
17 the November 6th, 2018 election.

18 The Homeland Security Unit of DeKalb County Police
19 Department investigated and found no connection between
20 the literature and any attempt to intimidate voters. We
21 recommend the case be dismissed as there is insufficient
22 evidence to support a violation of the election code.

23 MR. RAFFENSPERGER: Any members like to ask any
24 questions?

25 MR. WORLEY: Ms. Watson, you had very kindly sent me

1 a copy of the flyer. Oh, I'm sorry, excuse me.

2 MS. JONES: It's all right.

3 MR. WORLEY: But Ms. Watson sent me a copy of the
4 flyer, and the flyer itself had a phone number to call the
5 person from the Klan. Essentially they were soliciting
6 membership in the Klan and this was distributed around an
7 election precinct -- did the office attempt to call that
8 number and find out the intent of the person who was
9 distributing the literature? I couldn't tell from the
10 reports that I saw.

11 MS. JONES: The report reflect that, that I can tell,
12 but I am aware of that he actually went to the area and
13 walked the area to see if there were any additional
14 information or flyers in the area, like the neighborhood,
15 or in the library area, trash cans, and didn't find
16 anything else. I'm not certain that the people that --

17 MS. WATSON: We did do some research with that
18 particular phone number, and we did not receive a
19 response, as far as getting anyone to call us back.

20 MR. WORLEY: Is -- is there -- is there a way to
21 contact law enforcement officials in Alabama and find that
22 out who that number belongs to so that you could follow up
23 with that person?

24 MS. WATSON: Right. We -- we -- we certainly can do
25 that. In our investigation we found that they were

1 distributed in areas not just particular to the -- to the
2 polling place. We did not see anything with the flyer or
3 with any information that -- that we had that connected it
4 in any way to be particular to the polling station. We
5 didn't connect it with that at all. But it certainly --
6 if you -- the board would like for us to contact them or
7 make more efforts in order to identify the person that
8 distributed it then we can certainly do that.

9 MR. WORLEY: That's what I'm -- I would like to do.
10 I would like to see if you could identify who that person
11 was and that -- and then at that point make a
12 determination of whether they intended to intimidat the
13 voters. So I'm going to make a motion that we return the
14 -- the case to the investigations division for that
15 purpose.

16 MR. RAFFENSPERGER: Do we have a second?

17 MS. SULLIVAN: I second.

18 MR. RAFFENSPERGER: We have a second on the motion
19 before us. All those in favor say aye.

20 THE BOARD MEMBERS: Aye.

21 MR. RAFFENSPERGER: Any opposed?

22 (no response)

23 MR. RAFFENSPERGER: The motion carries. It's going
24 back to the investigations division. Next case.

25 MS. JONES: It's 2019-003 Walton County.

1 In December 2018, Joe Mickle reported that he was
2 removed from a polling place during the general election
3 for wearing a ballcap that had Trump 2020 on it. The
4 complainant stated that the candidate was not on the
5 ballot for the election and that he feels he was wrongly
6 treated.

7 Mr. Mickle went in to vote at the Walker County --
8 Walker Park School polling location in Walker County on
9 November 6, 2018 wearing a ballcap with Trump 2020 written
10 on it. He received his voter's access card and a female
11 poll worker advised him that he could not wear the ballcap
12 in the location. He removed the ballcap and placed it
13 under his shirt.

14 Mr. Mickle voted and was returning the voter access
15 card to the poll worker when he placed the cap back on his
16 head. The poll worker told him that he would need to
17 leave the polling location. Mr. Mickle ran into some
18 neighbors in the parking lot and stopped to talk. He says
19 that he was on the other side of the 150-foot campaign
20 sign. The poll manager, Mr. Stewart, approached Mr.
21 Mickle and told him he needed to leave the property
22 because of the ballcap or that he would have to call the
23 police.

24 Mr. Mickle left the polling location. Mr. Stewart
25 agrees with Mr. Mickle's account, but states that he

1 believes Mr. Mickle was within the 150 feet of the poll.
2 Mr. Mickle was contacted by the County Election
3 Supervisor, Laurie Wood, and advised that as long as a
4 person whose name is displayed is not on the current
5 ballot that it is acceptable.

6 Mr. Stewart called and apologized to Mr. Mickle. The
7 election supervisor, Laurie Wood, called a meeting of all
8 the poll workers to provide training with regard to
9 campaign-based clothing at the polls. We recommended that
10 the case be dismissed as there is insufficient evidence to
11 support violation. The poll workers have received further
12 training regarding the code section and made apologies to
13 Mr. Mickle.

14 MR. RAFFENSPERGER: Is there anyone here to speak?
15 Ma'am.

16 MS. WOOD: I'm Laurie Wood. I'm the Chairman of the
17 Board of Elections for Walton County for the past two
18 years. I'm just here for questions. We did have poll
19 worker training as soon as we, you know, we became aware
20 that this had happened. So we offered apologies, you
21 know, several of my colleagues went to speak with him to
22 try, you know, find some resolution. And I'm here so --

23 MR. WORLEY: I have a question. And -- and to your
24 knowledge is Mr. Mickle satisfied with this outcome?

25 MS. WOOD: I have not spoken with him since this

1 investigation came about. He has not called me or reached
2 out so I -- I'm unaware of his status at this time.

3 MR. WORLEY: Mr. Secretary, the reason that I ask for
4 this case to be pulled off is because I was concerned that
5 the Board be clear -- that our board and your board be
6 clear -- that it's okay to wear a Trump 2020 hat --

7 MS. WOOD: Oh, absolutely.

8 MR. WORLEY: -- or anything else as long as it
9 doesn't relate to the election that you're voting on.

10 MS. WOOD: Absolutely.

11 MR. WORLEY: -- and ord - ordinarily, I'd say, you
12 know, ask that we send you a letter of instruction, but it
13 seems pretty clear that you've done everything --

14 MS. WOOD: We did.

15 MR. WORLEY: -- to correct the situation --

16 MS. WOOD: Yes.

17 MR. WORLEY: -- to train people and I appreciate your
18 coming today to tell us that.

19 MS. WOOD: Yes. Absolutely. Yeah. We had the poll
20 worker training like, I want to say, it was in three --
21 within three weeks of the election in November that we had
22 -- we had all the managers.

23 MR. RAFFENSPERGER: Any other board members to
24 comment on this case? What is the will of the committee?

25 MR. WORLEY: Give -- given what Ms. Wood has been

1 said -- or has said I would move that we would dismiss
2 this case.

3 MR. RAFFENSPERGER: Do we have a second?

4 MS. LE: Second.

5 MR. RAFFENSPERGER: We have a second. All those in
6 favor say aye.

7 THE BOARD MEMBERS: Aye.

8 MR. RAFFENSPERGER: None opposed?

9 (no response)

10 MR. RAFFENSPERGER: Motion carries. All right.
11 That's our consent cases, so the letter cases. On letter
12 cases, do we have anyone here that will be speaking before
13 we start the case reviews, please show your hands. Yes,
14 sir.

15 MR. TAYLOR: Mr. Secretary, I'm from the City of
16 Adrian and it is case number 2016-017.

17 MR. RAFFENSPERGER: Okay. Anyone else here to speak
18 on this case? Okay. Mr. Holden? Paulding County, 2018-
19 024. Anyone else?

20 MS. BRUMBAUGH: Good morning. I'm -- my name is Anne
21 Brumbaugh and I'm here on behalf of 2016-035, Cherokee
22 County.

23 MR. RAFFENSPERGER: Pardon me.

24 MS. BRUMBAUGH: 2016-035 --

25 MR. RAFFENSPERGER: Cherokee County.

1 MS. BRUMBAUGH: -- Cherokee County.

2 MR. RAFFENSPERGER: Anyone here to speak for any of
3 these cases -- in the letter cases?

4 (no response)

5 MR. RAFFENSPERGER: Would you just close that door,
6 please? There's a lot of background noise. Thank you.
7 Ms. Watson, we're going to start with I guess 2017-135.
8 Anything to report? Unless any board members want to pull
9 off any additional cases?

10 MR. WORLEY: I do not have any additional cases.

11 MS. WATSON: Mr. Secretary, we do have additional
12 cases that -- that we would like to pull for change of
13 recommendations.

14 MR. RAFFENSPERGER Okay. Please.

15 MS. WATSON: Yes. We have 2016-038, and of note:
16 2016-042, DeKalb County asked for a continuance that was
17 granted. And that's -- that's all for my district.

18 MR. RAFFENSPERGER: So you want to pull those two?

19 MS. WATSON: Yes.

20 MR. RAFFENSPERGER: Okay. Is there anything else?

21 MS. WATSON: No. So we'll start with 2018-024?

22 MR. RAFFENSPERGER: Sure. Although I think that this
23 gentleman -- what do you want to start with?

24 MS. WATSON: I can start with 2016-17. That's fine.

25 MR. RAFFENSPERGER: Okay. You can present first --

1 she'll present first.

2 MS. WATSON: This is the City of Adrian case, polling
3 place staffing issue.

4 On February 23rd, investigator Lynn Archie conducted
5 a polling place inspection in the City of Adrian precinct
6 during advanced voting. The investigator learned there
7 were only two people assigned to work the poll in advanced
8 voting. The City Elections Superintendent Lori Ann
9 Trammell advised she could not find a third person to work
10 during the election. And we are recommending a change in
11 recommendation to a bind over to the Attorney General's
12 office for 21-290, appointment of too few assistant
13 managers in that during advanced voting there were only
14 three poll officers working that precinct.

15 MR. RAFFENSPERGER: And the gentleman from Adrian?

16 MR. TAYLOR: Thank you, Mr. Secretary and members of
17 the Board. My name is William Taylor. I'm an attorney
18 from Dublin, Georgia and I represent the City of Adrian.
19 I'll -- what I would like to point out is that
20 Ms. Trammell, who was the City Clerk and the Election
21 Superintendent at the time, no longer works with the City
22 of Adrian. She's been gone for approximately a year. She
23 left under not unfavorable circumstances, but it -- it was
24 a situation where she was asked to leave.

25 I've spoken with her about this incident and, of

1 course, I've carefully reviewed the facts and read the
2 summary that was provided to the city and then later to
3 myself. She indicated something somewhat different, you
4 know, of course her version would -- would be somewhat
5 different, but she and I did later speak about it. I know
6 that she communicated with all the investigators about
7 this case and about her need to appear here today. I
8 don't think she was able to do so.

9 And plain and simple, I was not the city attorney at
10 that time. The mayor who is now the mayor who is with me
11 here and the current city clerk, Kim Adams and Stephanie
12 Jean -- Ms. Jean is the clerk, Ms. Adams is the mayor.
13 She was not even the mayor. This was her election when
14 this occurred. This was three and a half years ago, and,
15 of course, there's some of these things that take a long
16 time to -- to see the light of day before this Board.

17 But we've had multiple elect -- well, we've had one
18 election that I -- I can recall since that time. We've
19 had no further violations or -- or you know any deviations
20 from -- from the standard of what -- what we should be
21 doing that I am aware of. Ms. Jean -- excuse me, Ms.
22 Trammell -- no longer works with us. Ms. Jean, however,
23 has undergone the appropriate training and has been
24 instructed obviously to make sure that we're do everything
25 that we need to do to comply. So certainly, you know, we

1 would ask that this matter remain a letter case and that
2 we be allowed to just receive instructions from the office
3 about what we need to do to comply in the future.

4 Again, this did happen quite some time ago. None of
5 the parties who were really in -- in charge of or involved
6 in this particular process are even involved with the City
7 of Adrian. It's a very small jurisdiction. What Ms.
8 Trammell indicated to me was that while there were two
9 people working in the room, City Hall is -- it's a very,
10 very small building. She was seated in a different room
11 from the people -- the two people who were working the
12 poll that day. I -- again I know that there were somewhat
13 from what the investigator has -- has said here today.
14 But those were Ms. Trammell's version of the facts which
15 again, you know, the Board can take -- take that for what
16 it is.

17 But again we're happy and -- and would welcome any
18 recommendations or direction that the board has, and I ask
19 that it remain a -- a letter case and not be referred for
20 prosecution as I -- because I don't -- I don't know who
21 would be prosecuted. But that's all. Thank you, sir.

22 MR. RAFFENSPERGER: Anyone else want to speak for
23 this case?

24 (no response)

25 MR. RAFFENSPERGER: Any of the board members want to

1 speak, any questions?

2 (no response)

3 MR. RAFFENSPERGER: It's before you. What is the
4 will? Letter case or AG? What is your option? What is
5 your choice?

6 MS. SULLIVAN: I'll ask a question of Ms. Watson, if
7 that's all right.

8 MS. WATSON: Okay.

9 MS. SULLIVAN: Can you explain to us why you changed
10 the recommendation from a letter to a violation case?

11 MS. WATSON: Yes. In further review of the code
12 section and the seriousness of the requirement that they
13 have three poll workers there at all times, and in looking
14 at the information and the discrepancy, as he was saying,
15 Lori says that if she was there and would go in and out,
16 but at the time she had actually called our office to --
17 to ask because she couldn't find a third person, so she
18 knew there was not going to be three people there ahead of
19 time, so she just said she could not -- could not find the
20 third person to -- to staff the poll. But she is no
21 longer working as a -- as a poll worker or poll -- or city
22 clerk.

23 MS. LE: Can you clarify what changes have been made?
24 You said that there have been changes made to ensure that
25 that doesn't happen again. Can you elaborate on that?

1 MR. TAYLOR: I -- I -- thank you, Ms. Le. We have
2 again, Ms. Jean is -- is the new city clerk. She's been
3 in that role for approximately a year. I know that there
4 was another election that occurred, I believe, in 2016
5 following that, and -- and I would think that was probably
6 before I came on as City Attorney, so I'm not familiar
7 with that particular election cycle.

8 But moving forward in our elections, we will have the
9 appropriate amount of people -- people working as I said.
10 I think Ms. Jean has -- has just recently -- just in July
11 undergone her election training, and I think that's
12 probably been through GMA and other organizations that --
13 that -- that, you know, certify all those -- those folks
14 and make sure that they're following up on things
15 properly.

16 But if -- and again, for the discrepancy with Ms.
17 Trammell, she and I just had a personal conversation a few
18 days ago on the telephone and -- and -- and -- and I
19 acknowledge that as I did before that her version of the
20 events is somewhat different from -- from what was
21 included in the investigative summary. So I can't speak
22 for Ms. Trammell. She and I haven't had a whole lot of
23 conversations and -- and discussions over -- over the last
24 -- the last few, I guess, last year or so since she left
25 the city's employment. But -- but we are making sure

1 those folks are properly trained in observing the law and
2 regulations that are in place.

3 MS. WATSON: Mr. Secretary, I wouldn't have any
4 problem with changing the recommendation to a letter of
5 instruction since the City is here and knows it is a
6 serious situation.

7 MR. RAFFENSPERGER: Do we have a motion?

8 MR. WORLEY: I'll make a motion given that the City
9 seems to be taking this very seriously that we send a
10 letter of instruction regarding this matter to them.

11 MR. RAFFENSPERGER: Can we get a second?

12 MS. LE: I second.

13 MR. RAFFENSPERGER: I heard a second. All those in
14 favor of sending a letter if so say -- vote aye.

15 THE BOARD MEMBERS: Aye.

16 MR. RAFFENSPERGER: Any opposed?

17 (no response)

18 MR. RAFFENSPERGER: Motion carries.

19 MR. TAYLOR: Thank you, Mr. Secretary.

20 MR. RAFFENSPERGER: Cherokee County -- 035?

21 MS. WATSON: Yes. 2016-35, Tab 16.

22 On March 14th, 2016, we received a complaint alleging
23 the Cherokee County Board of Elections and Registration
24 improperly recorded the ballots of Meredith Loos and her
25 father, David Loos. The complaints were submitted by

1 Meredith Loos and are as follows:

2 The poll worker mistakenly selected Meredith Loos'
3 name in the express poll when issuing a voter access card
4 to her father David Loos. When Meredith Loos went to
5 vote, she was shown as having already voted. The poll
6 worker issued Meredith Loos' voter access card then
7 perverted -- permitted her to vote in the name of her
8 father David Loos.

9 Investigation revealed that David Loos went to vote
10 during the March 1, 2016 election. The poll worker
11 inadvertently marked Meredith Loos in the express poll
12 instead of David Loos. Meredith Loos then went to vote
13 and was showed to have already voted. The County
14 Elections Office was contacted and advised to allow
15 Meredith Loos to vote by selecting David Loos in the
16 express poll in order to encode the voter access card.
17 Cherokee County later corrected the voter histories for
18 the two voters. And we're recommending that Cherokee
19 County Board of Election & Registration Supervisor Kim
20 Stancil and poll managers Steven Keith and Diane Keith and
21 Juliana Tewksbury be issued a letter of instruction for
22 21-2-451 when they failed to properly execute voter's
23 certificate for voters Meredith Loos and David Loos when
24 issuing the voter access cards.

25 MR. RAFFENSPERGER: I believe there's someone here

1 from Cherokee County.

2 MS. BRUMBAUGH: Good morning. My name is Anne
3 Brumbaugh. I am the attorney for the Cherokee County
4 Board of Elections and Registration. With me today is Kim
5 Stancil, the director, and Jennifer Aikens, the assistant
6 director. We concur with the facts as stated, and we
7 would ask that you issue the letter of correction. Thank
8 you.

9 MR. RAFFENSPERGER: Does the board have any
10 questions?

11 MR. WORLEY: I just want to clarify something, Ms.
12 Brumbaugh. The -- the report and the thing that troubles
13 me about the report and leads me to want to send it to the
14 Attorney General's office is that the -- it says the Board
15 of Elections instructed the assistant poll manager,
16 Juliana Tewksbury, to make a fraudulent entry in the
17 express polls electors list and that she, Tewksbury,
18 knowingly marked the name of David Loos when, in fact,
19 Meredith Loos was voting. And I can understand that a
20 mistake was made, and the first voter voted improperly,
21 but to basically commit a fraudulent entry to attempt to
22 fix the situation was clearly not the right thing to do.
23 And -- and it -- to me, you know, it's elevates this to
24 another level that I think warrants sending it to the
25 Attorney General's office.

1 MS. BRUMBAUGH: I see where that is written on the
2 report. Ms. Stancil and the rest of her office reviewed
3 their records and searched their memories. They don't
4 have a memory or a record of giving this instruction. So
5 they -- they don't know really how this got -- how Ms.
6 Tewksbury decided to make that decision on her own because
7 they don't remember it happening, and they don't have any
8 records of it. They have done more training since this
9 happened. Not only about making sure you're marking the
10 right member of the family when you check someone in on
11 express poll, but also ballot recording and logging phone
12 conversations so that there is a record in the future.
13 And Ms. Stancil would like to speak.

14 MS. STANCIL: Kim Stancil, 400 East Main Street,
15 Canton, Georgia. I did disagree with that part of the --
16 the report. We have no documentation of ever speaking to
17 that manager about this incident. Every poll manager has
18 a notebook in their supplies that they are to write down
19 any situations such as this and document it when it
20 happens. There was nothing written in the poll manager's
21 notebook about this incident. And the poll manager did
22 not -- when I was interviewing her -- she never said she
23 spoke to anyone in the office. So we would not have
24 instructed her to do that. That would not have been our
25 instructions to do. So I -- I have to believe that they

1 did not call our office.

2 They looked up the voter certificate of the father to
3 make sure that he had indeed voted that morning and they -
4 - they just marked him for the daughter, but then it
5 turned out that they voted -- they each voted different
6 parties so we had to go back and change the credit for
7 voting to reflect that.

8 MR. WORLEY: I'm sorry. Could you explain how you --
9 one voted in the Democratic -- voted on a Democrat ballot,
10 correct?

11 MS. STANCIL: They got the correct ballots. But in
12 their voter history, it reflected that they voted the
13 opposite party.

14 MR. WORLEY: Okay. So they -- they got the ballot
15 that each of them wanted --

16 MS. STANCIL: Yes.

17 MR. WORLEY: -- but the voting history --

18 MS. STANCIL: In the express poll --

19 MR. WORLEY: -- was --

20 MS. STANCIL: yes.

21 MR. WORLEY: -- was wrong?

22 MS. STANCIL: Yes. Yes. So we corrected that
23 immediately because we didn't want each of them to start
24 receiving political mail from the opposite party. It
25 appeared from their voting history that they always voted

1 a certain party, and so we wanted to get that corrected as
2 soon as possible. So we just corrected that as soon as we
3 found out.

4 MR. WORLEY: But --

5 MS. STANCIL: But we did not --

6 MR. WORLEY: -- what -- what -- what is wrong there
7 is not correcting it.

8 MS. STANCIL: Yes. It is now. Because we corrected
9 it, but the poll workers never -- never --

10 MR. WORLEY: -- but -- yeah. But it's not -- it --
11 it's -- it indicates the party that they wanted to vote in
12 but not how they actually voted.

13 MS. STANCIL: Yeah. They got the correct ballots
14 that day.

15 MR. WORLEY: Okay.

16 MS. BRUMBAUGH: So -- but --

17 MS. STANCIL: They got --

18 MS. BRUMBAUGH: Do you want me to re-explain or --

19 MR. WORLEY: Yes. I'm totally confused.

20 MS. BRUMBAUGH: Okay. So David Loos is a Republican.
21 David Loos goes to vote in the Republican primary. David
22 Loos gets a Republican ballot, but in the express poll, it
23 is marked that Meredith Loos has voted and that Meredith
24 Loos has received a Republican ballot.

25 MR. WORLEY: Gotcha.

1 MS. BRUMBAUGH: Meredith Loos comes in in the
2 afternoon. She's a Democrat. She gets a Democratic
3 ballot but they, you know -- first, they look and they're
4 like you already voted. You voted Republican. She's like
5 mmm-mmm. And so she gets the -- the Democratic ballot.
6 She votes for whichever Democrat she wanted to vote for.
7 And at the time was credited -- well, at the time then
8 David Loos was credited for the Democratic ballot. When
9 this all came to light, they corrected the express poll
10 history. Any other --

11 MS. LE: So what concerns me with this case is the
12 integrity of the voting process and the after-the-fact
13 corrections. Mistakes are made -- I get that -- and it
14 happens, but in this case, you know, the correction was
15 made and to some degree you're asking us to just trust:
16 oh, you made the right correction, maybe this case but not
17 in other cases -- can you elaborate on what changes have
18 been made in terms of training because election integrity
19 even with an honest mistake is very important?

20 MS. BRUMBAUGH: Absolutely. So they -- I think used
21 this precise situation in training classes now. They kind
22 of refer to it and say this is what happened. They talk
23 about checking the dates -- the date of birth because
24 Meredith was the -- the daughter of David so there --
25 there was no way that they were -- could have been

1 mistaken if anybody had looked beyond the last name.

2 They also have changed the policy in their election
3 that all election staff -- I guess, this started -- so
4 this was 2016. So since that election all election staff
5 keep a phone log of all calls including times, names, and
6 telephone, and descriptions so that, you know, to the
7 extent this Ms. Tewksbury makes a decision it can be
8 verified as to whether that was something that the -- the
9 central office endorsed or not. So that -- any other
10 comments?

11 MS. STANCIL: At the time it -- if they had called us
12 -- at the time, it could've all been corrected and
13 straightened out right then and there, and we would not
14 have had to go back and correct the voting history because
15 it would have been a simple matter to unmark the original
16 voter in the -- in the express poll, re-mark for the
17 correct party and -- and mark the daughter correct. It's
18 -- if -- it's a very simple matter. It's just a record-
19 keeping matter. It has nothing to do with the voting.
20 You can unmark and -- and mark, and we would have
21 instructed the poll worker how to do that.

22 But, like I said, we didn't get the call. There's no
23 record of the call in our notes or in their notes. So
24 this is not how we would have handled it. We had no
25 choice but to go back and correct it later because we

1 weren't called.

2 MR. RAFFENSPERGER: Any more questions?

3 MR. WORLEY: The -- the investigative report that Ms.
4 Watson has presented to us says that all the poll workers
5 there: the manager, Mr. Gies, the assistant manager,
6 Ms. Gies, and, Ms. Tewksbury, the assistant manager, all
7 said they called the elections office for directions on
8 how to handle the situation.

9 MS. STANCIL: Were you given a copy of my statement?

10 MR. WORLEY: I'm not -- I heard what you said.

11 MS. STANCIL: Yeah. I wrote a very detailed
12 statement at the time that when I interviewed them --

13 MR. WORLEY: And did they say something different to
14 you? Or what?

15 MS. STANCIL: They did not mention calling the
16 office.

17 MR. WORLEY: Okay.

18 MS. BRUMBAUGH: I have her statement if you would
19 like to take a look at it. I only have one copy, but I'm
20 happy to --

21 MR. WORLEY: No. I -- I accept the fact that that's
22 what she saying in it. I may -- can you offer any
23 explanation for why all three poll workers would say that
24 they had called when in fact they did not? Did, in fact,
25 lie?

1 MS. STANCIL: I cannot and I couldn't -- I could not
2 swear to the fact, I mean, we had a huge turnout on that
3 election day. I'm not -- I can't swear to the fact that
4 they didn't call. I'm saying we don't have a record and
5 they wrote nothing about it in the -- the notebook. So --
6 and this is not how we would've handled the situation. So
7 that's all.

8 MS. WATSON: Her coworkers not positive who they
9 talked to over the phone. They said that it could've been
10 Ms. Stancil or Anne that they are adamant that they called
11 the office, but they cannot be positive of who they talked
12 to.

13 MR. WORLEY: And was Anne Dove spoken to? Did you
14 all speak with Ms. Dove?

15 MS. WATSON: They didn't advise Anne who.

16 MS. STANCIL: I doubt they did because, you know,
17 she's kind of over the poll workers.

18 MR. RAFFENSPERGER: What is the will?

19 MR. WORLEY: I would make a motion that we refer this
20 case to the Attorney General's office.

21 MR. RAFFENSPERGER: Do we have a second?

22 MS. LE: I'll second that one.

23 MR. RAFFENSPERGER: There's a second. Motion before
24 us. All those that are in favor of turning this over to
25 the Attorney General's office, please state aye.

1 MR. WORLEY: Aye.

2 MS. SULLIVAN: Aye.

3 MR. RAFFENSPERGER: Those opposed?

4 (no response)

5 MR. RAFFENSPERGER: Motion carries. It's sent over
6 to the Attorney General's office.

7 MS. WATSON: The next case is 2016-38, Tab Number 17,
8 Fulton County, Voter Ballot Formatting.

9 MR. RAFFENSPERGER: You know, excuse me.

10 MS. WATSON: Sure.

11 MR. RAFFENSPERGER: We have Paulding County here. Do
12 we have anyone from Fulton?

13 MR. LOWMAN: Fulton County.

14 MR. RAFFENSPERGER: Oh, they're here too? Sorry.
15 Thank you.

16 MS. WATSON: On March 1, 2016, Richard Pileggi
17 reported that he had not received a proper ballot while
18 voting in the presidential preference primary in Fulton
19 County, March 1, 2016. Mr. Pileggi stated that he
20 requested a Republican ballot on his voter certificate but
21 that he received a non-partisan ballot.

22 Mr. Pileggi cast his ballot prior to notifying the
23 poll workers that he had received an incorrect ballot.
24 The specific poll worker that encoded the card could not
25 be identified as all the poll workers had coded cards.

1 We're recommending that Fulton County Board of
2 Registration & Elections and poll manager Naomi Davila be
3 bound over to the AG's office per state board rule 183-1-
4 4.024B when Richard Pileggi was provided with a ballot
5 that was contrary to his request of his voter certificate.

6 MR. RAFFENSPERGER: Is there anyone from Fulton
7 County?

8 MR. LOWMAN: David Lowman, Fulton County Attorney's
9 Office. I have Mr. Rick Barron, Director of Elections,
10 and Mr. Ralph Jones, Chief of Registration.

11 MR. RAFFENSPERGER: We'll get you a microphone.

12 MR. LOWMAN: Good morning, board. This -- in this
13 case, we -- we have in all of our DREs, a big prominent
14 sign in the wings that says that if you receive the wrong
15 ballot to please let a poll worker know before you cast
16 your ballot. And in this case, the -- the poll worker
17 activated the wrong ballot on the -- on the card, on the
18 activation card and then after -- the voter let the poll
19 workers know after he cast his ballot.

20 MR. RAFFENSPERGER: Do we have any questions from
21 members? What is the will of the board?

22 MR. WORLEY: I'd make a motion that we send a letter
23 of instruction to Fulton County on this matter.

24 MS. LE: I'll second that motion.

25 MR. RAFFENSPERGER: There's a second. The motion

1 before is we send a letter of instruction for 2016-017.
2 All those in favor?

3 THE BOARD MEMBERS: Aye.

4 MR. RAFFENSPERGER: Motion carries.

5 MS. WATSON: So the next case is 2018-24, Paulding
6 County, Poll Location Access.

7 MS. JONES: In May 2018, Robert Funk reported that
8 the Shelton Elementary School polling location in Paulding
9 County did not have appropriate handicap access. Shelton
10 Elementary School -- they went in the rear of the school
11 in gym area. Poll workers were in the parking lot
12 redirecting voters to the front of the school. Mr. Funk,
13 his wife, and an elderly neighbor all were there to vote
14 and found the distance to walk from the front of the
15 school to the gym to be difficult when other parking was
16 available closer.

17 He explained to a poll worker in the lot that they
18 required handicap parking access, and the voter -- and the
19 worker conceded and allowed him to park in the gym parking
20 handicap parking space. Deidre Holden, the Paulding
21 County Election Supervisor, advised that the complainants
22 arrived as the school was getting out and when the buses
23 and parents were picking up children. For safety reasons
24 and to reduce interference, the poll workers had been
25 stationed in the parking lot and were instructing voters

1 to park in the front and to watch for leaving students.

2 Ms. Holden advised that she tried to notify voters
3 regarding the congested times of drop-off and pickup at
4 the school, so voters could try to schedule around those
5 times. Ms. Holden stated that the parking issue had only
6 been a problem during the general primary and -- and would
7 not be a problem during the July and November elections.
8 We recommend that the Election Supervisor Deidre Holden
9 and Paulding County Board of Elections and Registration
10 violation be dismissed. The handicap parking issue was
11 only an issue for a short period of time, maybe 15
12 minutes.

13 MR. RAFFENSPERGER: Is there anyone from Paulding
14 County who would like to speak to this case?

15 MS. HOLDEN: Good morning. I just wanted to say to
16 this board that, you know, the complaints we get for
17 things such as this -- we take those very serious and we -
18 - we use complaints as a way to learn and a way to better
19 ourselves. And I wanted to inform the board that we knew
20 Shelton was going to be a issue. That area is very
21 populated. Our board -- we rented a van. We went into
22 this area to find polling locations way before the 2018
23 elections. It's kind of like that area wants us there,
24 but they don't want to give us a good facility to vote in,
25 so we had to use the school.

1 We are currently going through a precinct change. We
2 are going from 12 polling locations to 17, and we are
3 adding satellite voting locations. The Shelton precinct
4 has now been split into three polling locations -- three
5 precincts, and hopefully this will not happen. It's
6 unfortunate when we have a May primary: that is the last
7 week of school for Paulding, and the school system will
8 not allow us that Tuesday to -- yeah -- the students -- to
9 be out of school. But I brought maps to show you what we
10 are doing. I brought the precinct proposal that we are
11 currently working in and executing.

12 But I appreciate you listening to us because we do
13 listen to these complaints, and we never want to make
14 anything difficult for a voter. It's important that they
15 get to park where they need to park, especially our
16 handicapped and our elderly -- el -- elderly voters. So I
17 just wanted to come before the board and thank you and
18 just thank you for presenting this because it is serious.
19 And it is difficult for our elderly and disabled to walk a
20 distance to a precinct just -- just to get into vote. But
21 we are making changes, and we feel that these changes are
22 good changes and for the positive, so I just wanted to let
23 the Board know that -- that we are working on this.

24 MR. RAFFENSPERGER: Thank you. Oh, can you state
25 your name for the record?

1 MS. HOLDEN: I'm sorry. Deidre Holden, Supervisor of
2 Elections of Paulding County, 240 Constitution Boulevard,
3 Dallas, Georgia.

4 MR. RAFFENSPERGER: Thank you.

5 MS. HOLDEN: Do y'all have any questions?

6 MR. RAFFENSPERGER: Does the board have any
7 questions? Any further questions?

8 MR. WORLEY: I have a question for Ms. Watson. Ms.
9 Watson, initially you all had recommended the -- a letter
10 of instruction? Oh, sorry.

11 MS. JONES: It's okay.

12 MR. WORLEY: Excuse me. It's not Ms. --

13 MS. JONES: I can answer that.

14 MR. WORLEY: But -- but now you recommend a
15 dismissal, but why the change?

16 MS. JONES: After consideration, we felt like they
17 had made all the accommodations that they could because it
18 was just a temporary issue, and they did allow him to park
19 in the handicap access that he needed to park in. He
20 wasn't redirected to the front. He was able to park where
21 he wanted to park.

22 MR. RAFFENSPERGER: Do we have any further questions
23 from the board? What is the will of the board? Do we
24 have a motion?

25 MS. LE: I move to issue a letter of instruction for

1 those voters who don't get to have access even if it's
2 temporary, it's 100 percent difficulty for them, so I -- I
3 feel like it requires a letter of instruction.

4 MR. WORLEY: I would second that.

5 MR. RAFFENSPERGER: We have a second. The motion
6 before you. All those in favor, signify by saying aye.

7 THE BOARD MEMBERS: Aye.

8 MR. RAFFENSPERGER: Any opposed?

9 (no response)

10 MR. RAFFENSPERGER: Motion carries. Letter of
11 instruction. If no one objects, we'll vote on the
12 remainder. The remainder that I have is 2015-090, 2016-
13 045, 2016-068, 2016-087, 2016-0 -- 2016-156, 2017-057 and
14 2017-065. Did I miss any of those? And board, what do we
15 move?

16 MR. WORLEY: I would make a motion that we send a
17 letter of instruction in each of those cases, if the
18 secretary could just verify that.

19 MS. SULLIVAN: I second the motion.

20 MR. RAFFENSPERGER: Before you. All those in favor?

21 THE BOARD MEMBERS: Aye.

22 MR. RAFFENSPERGER: No one opposed?

23 (no response)

24 MR. RAFFENSPERGER: Motion carries. If you don't
25 object, I'm going to take a 10 minute break. I think

1 that'll be a good thing. We'll be back in 10 minutes.

2 (Break taken)

3 MR. RAFFENSPERGER: If we could get everyone -- we're
4 going to call -- go through the cases. If you are here on
5 a case, we'd like to know, and we're going to move those
6 to the front of the line. I know that some of you have
7 travelled 3, 4 -- 3 or 4 1/2 hours to get here, and we
8 want to be respectful of your commitment. So the first
9 case, 2013-046, City of Gordon. Is there anyone here for
10 this case?

11 MR. KENDALL: I'm here for that case. I represent the
12 party responsible. Wayne Kendall is my name.

13 MR. RAFFENSPERGER: Okay. We'll get to you in a
14 second. We're going to call them all out to see who's
15 here. 2013-052, City of Atlanta. Is anyone here for
16 that?

17 MR. LOWMAN: It's Fulton County.

18 MR. RAFFENSPERGER: Yes, sir. Okay. 2015-008,
19 Sumter County. Anyone here for that case?

20 MR. ARNOLD: Yes, sir.

21 MR. RAFFENSPERGER: 2015-059, Thomas County?

22 (no response)

23 MR. RAFFENSPERGER: No one here for that one. Okay.
24 2015-060, Baldwin County?

25 (no response)

1 MR. RAFFENSPERGER: It doesn't seem like that one.
2 2015-069, City of Sparta. Ma'am?

3 MS. GRANT: Hi, I'm Andrea Grant, attorney for
4 Hancock County and I'm here -- this is actually two-part
5 case. There's an individual -- Nancy Stephens was a
6 complainant and she's also the respondent. So I'm here to
7 represent the respondent. She's here to answer.

8 MR. RAFFENSPERGER: Okay. Put this one back. 2015-
9 079, City of Johns Creek.

10 (person indicating)

11 MR. RAFFENSPERGER: Yes, ma'am. 2015-089, City of
12 Snellville.

13 (no response)

14 MR. RAFFENSPERGER: Not that one. 2015-094, City of
15 Hazelhurst.

16 (person indicating)

17 MR. RAFFENSPERGER: Yes, sir. 2015-101, City of
18 Warwick.

19 MR. POWELL: Ralph Powell on behalf of the Warwick
20 County.

21 MR. RAFFENSPERGER: Yes, sir. 2016-016, Decatur
22 County.

23 (person indicating)

24 MR. RAFFENSPERGER: Thank you. 2016-018, Douglas
25 County?

1 MR. COLE: David Cole for Douglas County.
2 MR. RAFFENSPERGER: 2016-019, Tattnal County?
3 (no response)
4 MR. RAFFENSPERGER: No one here for that one. 2016-
5 025, Clarke County.
6 MR. HAWKINS: The petitioners are here from Athens-
7 Clarke County.
8 MR. RAFFENSPERGER: Certainly. And 2016-026, Hancock
9 County.
10 MS. GRANT: Andrea Grant.
11 MR. RAFFENSPERGER: Yes.
12 MS. GRANT: For the Hancock Board of Elections and
13 Registration.
14 MR. RAFFENSPERGER: Okay. 2016-027, Upson?
15 (no response)
16 MR. RAFFENSPERGER: Okay. 2016-028, Candler?
17 (no response)
18 MR. RAFFENSPERGER: No one from Candler. 2016-029,
19 Fulton County. Fulton County-030, you're here -- you're -
20 - 2016-034, Murray County?
21 (person indicating)
22 MR. RAFFENSPERGER: Oh, hey. 2016-036, Houston
23 County?
24 (no response)
25 MR. RAFFENSPERGER: No one from Houston. 2016-040,

1 Murray County, again. 2016- -- Fulton. That's you.
2 2016-043 from Ocone County.

3 MS. DAVIS: Good morning. Fran Davis, Director of
4 Elections.

5 MR. RAFFENSPERGER: Welcome. Okay. Those are --

6 MS. WATSON: Mr. -- Mr. Secretary, 2015-089, they
7 asked for a continuance and received it.

8 MR. RAFFENSPERGER: So there's no objection for it?
9 We will remove 2015-089. Okay. We'll start off at the
10 top. You got a list of who's here?

11 MS. WATSON: Yes. 2013-46, City of Gordon in
12 Wilkinson County. In November 2013, multiple complaints
13 were received regarding mentally incompetent and near-
14 comatose individuals being brought to the polls for the
15 November 5th, 2013 Gordon municipal election.

16 The investigation revealed that Total Care, Inc. was
17 owned by Ann Reeves, who is the sister of the then newly
18 appointed mayor Mary Culver Lou. The investigation
19 revealed eight individuals that were residents of the
20 facility that were assisted with voting. Of the eight
21 individuals, one had been adjudicated as incompetent. The
22 remaining seven were confirmed to have varying degrees of
23 physical and mental limitations. Their caregivers all
24 stated that the electors would not have been capable of
25 making a decision when casting a ballot.

1 The investigation was able to identify a staff
2 member, a registered nurse Chastity Harris Farrar who
3 completed the voter registration for Rene Carlisle, who
4 had been adjudicated as incompetent. And Ms. Farrar also
5 completed voter registration applications for John Dennis,
6 Irma Kursy (ph.) and Joseph Caseman (ph.) when she knew
7 their actual residence was Laurens County not Wilkinson in
8 the City of Gordon. She signed the voter registration
9 applications for Rene Carlisle, John Denise [sic], Irma
10 Kursy and Joseph Caseman knowing they did not possess the
11 qualification of electors. And we're recommending that
12 Chastity Harris Farrar be bound over to the Attorney
13 General's office for 21-2-216, 21-216-A4 and 21-2-560.

14 MR. RAFFENSPERGER: Is there someone here to speak to
15 this case?

16 MR. KENDALL: Yes.

17 MR. RAFFENSPERGER: Your name?

18 MR. KENDALL: My name is Wayne Kendall. I'm an
19 attorney. I represent Ms. Harris. Ms. Harris' sister ran
20 a personal care home in the City of Gordon. (person
21 speaking to him) Oh, I'm sorry. She's her aunt, not her
22 sister. I'm sorry.

23 This personal care home is operated in the City of
24 Gordon. These eight individuals who are listed here were
25 all residents of that particular personal care home which

1 is located in the City of Gordon. They were registered to
2 vote in the City of Gordon which is in Wilkinson County by
3 Ms. Harris because they were residents. And they intended
4 to stay at that particular facility because they were
5 under contract with the state of Georgia, who was paying
6 for their care at that particular facility located in the
7 city of Gordon, Georgia.

8 Now the fact -- the original claim here was that
9 these individuals were comatose. If you're comatose, by
10 definition, you can't walk into a polling place. So the
11 factual basis for these claims is patently false. These
12 individuals are not comatose. They were ambulatory. They
13 walked into that facility of their own volition or they
14 were in wheelchairs and were rolled into that facility.

15 Now, code section 21-2-216, which deals with
16 qualifications of electors -- as far as I can tell, it
17 does not speak to the mental capacity of the elector. And
18 there's no allegation here that anybody that was there in
19 that polling place is a healthcare or mental healthcare
20 professional to determine what the cognitive mobility of
21 any of these eight persons were in terms of their ability
22 to cast a ballot.

23 And because you have a known disability does not mean
24 that you give up your fundamental constitutional right to
25 vote. So to say that they were not qualified without any

1 medical evidence to prove that they were giving up their
2 right to vote due to some mental disability that they had
3 been adjudicated on a court of law is by per - per say,
4 unconstitutional.

5 So to apply this particular provision 21-2-216 to
6 these individuals and say that they were unqualified to
7 vote in my view is unconstitutional. So this statute
8 would be unconstitutional as applied even if - in fact the
9 State intends to apply this to these individuals to say
10 that they were unable to vote because of some mental
11 disability that they have that -- that indicated that they
12 do not have the cognitive ability to vote.

13 They were residents of the City of Gordon so 21-2-16-
14 A4 which talks about voter registration applications
15 because -- being in violation because they were residents
16 of Laurens County is factually false because they were
17 residents of the City of Gordon which is where they
18 registered to vote.

19 The 21-2-560 claim, making false statements, also
20 goes to -- apparently -- and I'm not sure from what's
21 written here, but apparently it goes to the fact that they
22 -- these individuals allegedly were residents of Laurens
23 County not Wilkinson County, but the facts are that they
24 were residents of this particular personal care home which
25 is located in the City of Gordon and that's where their

1 residence was and that's where they intended to stay
2 because they won the contract to live in that facility in
3 the City of Gordon.

4 Now with all of that said, my client has informed me
5 that she is nevertheless willing to accept a letter of
6 instruction if the state is willing to not refer this over
7 to the Attorney General's office.

8 MR. RAFFENSPERGER: Do any of the board members have
9 any questions for him? Please present them to the
10 speaker.

11 MR. WORLEY: I -- I just have one question for Mr.
12 Kendall. Had Rene Carlisle, who is one of the residents,
13 had she had been judicially determined to mentally
14 incompetent?

15 MR. KENDALL: Mr. Worley, I am not sure that she had
16 been determined to be mentally incompetent in my eye.
17 There's no evidence in the record of this case that that
18 is, in fact, the case. If that had been the case, then I
19 would expect that the investigator would have able to
20 prove that by showing some order that had been entered
21 indicating that this individual was mentally incompetent.

22 Now, even if she was mentally incompetent, I have a
23 question as to whether or not that obliterates your right
24 to vote, and unless there's some law somewhere that I'm
25 not -- that I'm not aware of that says that because of

1 your mental disability you do not have the right to vote,
2 then I will say it didn't matter if that was the case. I
3 know of no Georgia law that says that a person's
4 qualification to vote is dependent upon their mental
5 capacity.

6 MR. RAFFENSPERGER: Thank you. Do any other members
7 have any questions?

8 MR. WORLEY: I -- I have a question for Ms. Watson.

9 MS. WATSON: Yes.

10 MR. WORLEY: The file indicates that there are
11 incompetency documents --

12 MS. WATSON: Yes.

13 MR. WORLEY: -- in the file? Do those relate to Ms.
14 Carlisle?

15 MS. JONES: Yes.

16 MS. WATSON: Yes.

17 MR. WORLEY: And -- and what do they have to say?

18 MS. WATSON: Would you like me to read it or -- it
19 says that she --

20 MR. WORLEY: Well, just generally.

21 MS. WATSON: -- yes. She was -- she was adjudicated
22 as incompetent and needed a guardian.

23 MR. WORLEY: Okay. Then there is the document
24 relating to that in there?

25 MS. WATSON: Yes. That's from DeKalb County.

1 MR. WORLEY: Okay.

2 MR. RAFFENSPERGER: Any further questions or comments
3 from the board?

4 (no response)

5 MR. RAFFENSPERGER: What is the will of the board in
6 this case?

7 MS. SULLIVAN: I move that we bind this case over to
8 the Attorney General's office.

9 MR. RAFFENSPERGER: Do we have a second?

10 MS. LE: I second.

11 MR. RAFFENSPERGER: There's a second. It is the will
12 of the board to move this case 2013-046, City of Gordon,
13 to be binded over to the Attorney General's office. All
14 those in favor say aye.

15 THE BOARD MEMBERS: Aye.

16 MR. RAFFENSPERGER: Any opposed?

17 (no response)

18 MR. RAFFENSPERGER: Motion carries.

19 MS. WATSON: The next case is 2013-052, City of
20 Atlanta, Fulton County. In November 2013, there were a
21 total of 12 complaints regarding the City of Atlanta's
22 special election held November 5th, 2013. Of those 12
23 complaint allegations, six were substantiated during our
24 investigation.

25 Elector Dale Thomas reported that when she went in to

1 vote she was told that she could not, as she was listed as
2 a felon, and there was no provisional that was offered.
3 Fulton County was in error when they identified the
4 complainant as a felon and removed her from the roll.

5 Elector Ozgunes was challenged as a non-citizen when
6 she went to vote. Ms. Ozgunes is a citizen and voted in
7 2010 and 2012. Ozgunes reports that she has had to
8 provide citizenship documentation since 2009. Fulton
9 County failed to properly maintain their voter
10 registration files by continuing to show Ozgunes as a non-
11 citizen. This resulted in her being challenged as a voter
12 and not being able to vote.

13 Jon Heath and his wife Kelley (ph.) checked online
14 their voting precinct and were listed as Parson Recreation
15 Center in Grayson. This is not their usual precinct. The
16 Heaths know they live in District 1, but they received a
17 District 3 ballot. They notified the poll worker. The
18 poll worker did call the office to confirm and what we're
19 told that the Heaths had one ballot choice at the precinct
20 so they cast the ballot. In the December runoff election,
21 they again checked their poll and found that they were
22 moved back to their original precinct that they normally
23 vote at. They went to Parkside and were told they were
24 not on the list of electors for the runoff. The poll
25 workers called the elections office and were allowed to

1 vote on the DRE for District 1. Fulton County failed to
2 place elector Jon Heath and his wife Kelley in the proper
3 voting district.

4 Elector Jean Duncan went to vote and was told she was
5 not on the voter list. The poll workers asked if she was
6 a felon before providing her with a provisional ballot.
7 Fulton County misidentified the elector Jean Duncan as a
8 felon, causing her qualifications as an elector to be
9 challenged. She was able to vote a provisional and the
10 vote was counted.

11 Elector James [sic] Davingnon went to vote at his
12 regular voting precinct and was directed to a different
13 poll. The new poll location was in the City of Sandy
14 Springs. He knew he lived in the City of Atlanta so he
15 challenged the poll location. Fulton County placed
16 Jacques Davingnon into the wrong district. The elector
17 recognized the error and was provided a provisional ballot
18 that was counted.

19 Elector Pamela [sic] Myers went to vote and was told
20 voting location had changed to Chastain Park. This was
21 the City of Atlanta, and the ballot contained City of
22 Atlanta residents. Fulton County placed Patricia Myers
23 into the wrong district which resulted in her voting in
24 the wrong precinct and the wrong ballot. We're
25 recommending that Fulton County Board of Elections be

1 bound over for the listed violations.

2 MR. RAFFENSPERGER: Okay. Do we have someone from
3 Fulton County?

4 MR. LOWMAN: Thank you. David Lowman, Fulton County
5 Attorney's Office, and I have, to speak to the six alleged
6 violations, Mr. Ralph Jones, Chief of Registration. I did
7 want to point out that this is one of two 2013 cases on
8 the entire calendar. And as such, these violations took
9 place back in -- took place back in November of 2013.

10 We don't have -- I see there's an exhibit list -- we
11 don't have any of this information. So to be able to even
12 mount a decent investigation or defense in this case is
13 somewhat unclear -- to the extent that we are able to do
14 that I would have Mr. Jones speak to what he can.

15 MR. JONES: Complaint number four, we'll start with
16 complaint number four. And complaint number four: we
17 noticed that this person continuously went to vote, and at
18 that time, they were showing their -- they were marked as
19 a non-citizen, and when they went to go vote, they showed
20 their passport and what-have-you at the polling location.
21 Once they showed that information, the poll worker will
22 allow them to vote, but that information never got back to
23 our main office. So what we've done now is put something
24 in place that if a person shows that they are a citizen at
25 the polls, we have now put in place that information will

1 return back to our office so that we can update our
2 records. The records never got updated at our office
3 because the proof of citizenship was done at the polls
4 instead of at the office.

5 Complaint number two, that is office error. We had a
6 new employee at the time. We went through training again,
7 and he is now doing training. He made a mistake on four
8 voters and removed four voters incorrectly. We have since
9 then reinstated those four voters, and after training we
10 haven't had any problems.

11 The same thing with complaint number eight. It's the
12 same thing. The voter -- the person who was doing our
13 felony process -- this is one of the four people that he
14 removed. Two were reported to us. Once we understood the
15 error, we went back and corrected everybody who he had
16 mistakenly removed off the list.

17 Complaint number nine -- complaint number nine we
18 believe to have -- complaint nine, I think we believe that
19 we were okay with complaint number nine -- the person was
20 registered in a particular precinct, and we sent them to
21 the wrong poll based on express polls. When the election
22 on the express poll is not a county-wide election, express
23 poll does not allow you to use the precinct detail
24 function. The precinct detail function in express poll
25 should tell you where you will vote, what precinct that

1 you're in. But that only works if you are doing a county-
2 wide election. At this election, in complaint number
3 nine, in this election it wasn't county-wide, so the poll
4 worker then told them what they thought was the correct
5 polling place. We have since then notified our poll
6 workers not to use the precinct details and to call our
7 office to secure where a person should actually be
8 registered to vote. We updated his record and put him in
9 the correct precinct based on his provisional application.
10 When he voted provisional application, we then updated his
11 records based on his provisional voter registration
12 application, so that's why that information had changed.

13 Finally, complaint number 10: we agree with complaint
14 number 10. The person we questioned lived on Lake Forest
15 Drive Northwest. We -- when we were entering the voter
16 registration we put him on the Lake Forest Drive Northeast
17 which put him out of the district. It was an error on the
18 clerk's end.

19 If there is not any questions, that concludes my
20 report.

21 MR. RAFFENSPERGER: Do any of the board members have
22 any questions regarding what was presented?

23 (no response)

24 MR. RAFFENSPERGER: What is the will of the board?
25 Do we have a motion?

1 (no response)

2 MR. RAFFENSPERGER: Ms. Watson, this goes back to
3 2013. Do you have a recommendation?

4 MS. WATSON: Yes, sir. My recommendation is to bind
5 over Fulton County for the listed violations 21-2-226,
6 failed to determine the eligibility of the elector in
7 seven counts including Dale Thomas, Tuba Ozgunes. Failed
8 to place Jon Heath and Kelley Heath in the proper voting
9 district. And Jean Duncan and Jacques Davingnon, Patricia
10 Myers. And 21-2-418 as the failed to offer provisional
11 ballots to Dale Thomas and state board rule 183-112.064a
12 and 183. -- I'm sorry -1-12.064e of the Board of Election
13 rules as they failed to direct an elector Dale Thomas and
14 Tuba Ozgunes to the provisional station and 21-2-228(d),
15 examination of an elector's qualifications.

16 MR. WORLEY: I -- I would make a motion and here I'm
17 going by the numbers of complaints in the report but I
18 would make a motion to send a letter of instruction to
19 Fulton County regarding complaint two, complaint four,
20 complaint eight, complaint nine and complaint 10 and bind
21 over the remaining items to the Attorney General's office.

22 MS. SULLIVAN: Just to clarify, Mr. Worley, you mean
23 bind over whatever remaining complaints to which --

24 MR. WORLEY: It's --

25 MS. SULLIVAN: -- but which were substantiated.

1 Because some of them --

2 MR. WORLEY: Right. The -- the remaining complaints
3 that were substantiated, correct.

4 MS. SULLIVAN: I'll second the motion.

5 MR. RAFFENSPERGER: We have a motion before us for a
6 letter of instruction for claims two, four, eight, nine
7 and 10, if that's correct, and bind over the others to the
8 Attorney General's office. All those in favor, please
9 signify by saying aye.

10 THE BOARD MEMBERS: Aye.

11 MR. RAFFENSPERGER: Any opposed?

12 (no response)

13 MR. RAFFENSPERGER: Motion carries.

14 MS. WATSON: The next case I show is 2015-008, Sumter
15 County, City of De Soto, no election held.

16 MR. WORLEY: Excuse me. I'm sorry for interrupting
17 you, Ms. Watson. I need to recuse in this case.

18 MR. RAFFENSPERGER: That was Sumter County. Okay.
19 Let's continue.

20 MS. WATSON: Okay. In February 2015, the Chairman of
21 the Sumter County Commissioner, Randy Howard, reported
22 that the City of De Soto was not holding a special
23 election in March of 2015. The Chairman states this is a
24 violation of the City of De Soto city charter. It was
25 determined that the City of De Soto had contracted with

1 Sumter County in December of 2009 to cut -- conduct the
2 City Municipal Elections. The City retained the
3 responsibility to hold qualifying for candidates and were
4 required to keep and entertain voter registrar.

5 In 2014, the City of De Soto failed to retain a
6 registrar or hold qualifying for candidates for their
7 municipal election in 2015 -- 2014 -- or for the special
8 election in March of 2015. The City of De Soto hired
9 legal counsel and filed a petition to hold a special
10 election on June 16, 2015. However, Sumter County Board
11 of Elections voted against the contract to hold the
12 election for the City of De Soto on April 15th, 2015. The
13 court order was signed by Judge Smith, was admitted on
14 June 8th, 2015, and changed the date of the election to
15 September 15 of 2015. The City contracted Ms. Sherry
16 Ratcliff (ph.), the former Sumter County Election
17 Supervisor, to conduct their elections and then the
18 election was held on September 15th, 2015.

19 We're recommending that the City of De Soto be bound
20 over to the AG's office for 21-2-131, fixing and
21 publishing of qualification; 21-2-540(b)(c)1b, conduct of
22 special elections generally, when they failed to make
23 arrangements to hold a special election in March 2015; and
24 21-2-9, date of election for offices when they failed to
25 make arrangements to hold an election in 2014.

1 And of note, we noted that there were similar
2 complaints filed in 2005 and 2009 for failure to hold
3 elections in the City of De Soto, and our records indicate
4 a consent article was presented to the AG for the 2009
5 case for a \$500 civil penalty and a cease and desist and
6 public reprimand for failure to hold general municipal
7 elections in 2009.

8 MR. RAFFENSPERGER: Okay. I see someone from Sumter
9 County is here to speak to this case. Step forward and
10 identify yourself.

11 MR. ARNOLD: Good morning, Mr. Secretary and members
12 of the board. I'm Justin Arnold from Fairfax, Georgia in
13 Sumter County, here on behalf of the City of De Soto. I
14 was involved with the -- getting the City up to speed in
15 2015. They acknowledge that they did not hold an election
16 when they were supposed to in 2014, and I was involved in
17 making sure that they did end up having an election in --
18 in 2015.

19 As far as that election that was held, the -- the
20 report acknowledges that there were no problems or issues
21 with having that election that was found held in 2015. As
22 a part of that election, the mayor -- prior mayor -- who
23 had been the mayor during these past prior issues that had
24 come up with election issues was -- is no longer the
25 mayor. Here, the mayor who is currently the -- the Mayor

1 of De Soto is -- is here and present. A number of the
2 council members has changed over since -- since that
3 election was held in 2015 -- a situation where in 2018 the
4 election process was gone through and again. I think this
5 week is qualifying for a -- the -- the current runoff
6 election. So it's a situation where they acknowledged the
7 problems that they've had in the past, have taken steps to
8 -- to make sure that those issues don't come up again, and
9 have different elected officials that are taking this much
10 more seriously. We'd ask that rather than binding it over
11 to -- a letter of reprimand would be involved in this
12 case.

13 MR. RAFFENSPERGER: Any of the board members have any
14 questions for Ms. Watson or the attorney for Sumter
15 County?

16 MS. LE: What changes have you made because, I guess,
17 I -- I -- was it because the scope of contract didn't
18 cover qualifying and it has that incorrect -- can you help
19 me understand that?

20 MR. ARNOLD: Initially -- De Soto is a -- a small
21 town of less than 200 people, and there was issues I think
22 back in -- in 2005, 2009 related to who is going to pay
23 for these services and how much those -- these services
24 would be, and there was some significant discrepancies as
25 far as city and county issues between them about -- about

1 what -- what the appropriate fees would be in a situation
2 where there was sort of a standoff as far as dealing with
3 things and -- and a -- a prior administration that was
4 just willing to not do what needed to be done. And once
5 our office became involved and became the city attorney,
6 since that time they've tried to make sure to -- to hold
7 elections accordingly and make sure that the qualifying
8 process is taken into account even to -- or making sure to
9 -- to take those appropriate steps going forward with --
10 with -- at this point, different elected officials.

11 MR. RAFFENSPERGER: It's a simplistic analogy but
12 it's a little -- it's a little bit more serious than, you
13 know, your children just saying they're not going to do
14 their chores, like taking out the garbage, washing dishes.
15 Just saying we're not going to have an election -- I
16 don't think that's wise or will do well, especially in the
17 atmosphere that we're in right now. I think that everyone
18 recognizes the importance that everyone gets to choose to
19 vote. Maybe no one would run against the prior
20 officeholder, but maybe someone would have liked that
21 opportunity, so we consider it a very serious issue, and I
22 am troubled by how there could be, really, any excuse for
23 that. And so, what is the rule of the committee?

24 MS. LE: I hear your request for a letter of
25 instruction, but not holding an election is a pretty

1 serious violation, and it warrants something more than
2 just a letter. I move to send it to the AG's office.

3 MR. RAFFENSPERGER: We have a motion to bind this
4 over to the Attorney General's office. Do we have a
5 second?

6 MS. SULLIVAN: I'll second that.

7 MR. RAFFENSPERGER: The motion is before us. All
8 those in favor signify by saying aye.

9 THE BOARD MEMBERS: Aye.

10 (All except Mr. Worley.)

11 MR. RAFFENSPERGER: Anyone is opposed?

12 (no response)

13 MR. RAFFENSPERGER: It's going to the AG's office.
14 Thank you, sir.

15 MS. WATSON: The next case I show is 2015-069, City
16 of Sparta, tab number 31. During early voting for the
17 November 3rd, 2015 general election, the City of Sparta
18 Elections Supervisor Aretha Hill filed a complaint
19 alleging that Hancock County Election Board member Nancy
20 Stephens entered the enclosed voting area of a polling
21 place and refused to sit in the designated public viewing
22 area and that mayoral candidate R. Allen Haywood entered
23 the same polling precinct on several occasions while the
24 polls were open and that he did so without voting.

25 Hancock County Election Board member Nancy Stephens

1 also filed a complaint alleging that Sparta's polling
2 precinct violated several election laws regarding signage
3 and legal campaigning and activities inside the polling
4 place between the mayor William Edmonds, Junior and Aretha
5 Hill. Investigation revealed that Hancock Election Board
6 member Nancy Stephens entered into the enclosed area of
7 the polling place and refused to leave that area when
8 asked to do so by the Sparta Elections Supervisor Aretha
9 Hill.

10 There was a difference in opinions between the
11 parties as to the definition of the enclosed voting space
12 and authority to observe the election process. All the
13 other complaints were investigated and were not
14 substantiated. We're recommending that Nancy Stephens be
15 bound over for 21-2-413f, conduct of voters, campaigners,
16 and others in polling places in that she entered the
17 enclosed area poll -- polling place to observe voting when
18 she was not authorized to do so.

19 MR. RAFFENSPERGER: I believe there's someone here to
20 speak with us?

21 (no response)

22 MS. GRANT: Good morning. I think it's still
23 morning. I'm Andrea Grant. I'm an attorney for Hancock
24 County Board of Elections and Registrations and
25 specifically today for -- for Nancy Stephens. As she

1 mentioned correctly, this is a two-part case. There's two
2 complainants, and I am addressing the one where Nancy
3 Stephens was the respondent as far as the allegations of
4 entering into an enclosed polling place.

5 There's a couple of things that I'd like to share
6 with you that are -- are -- that creates some animosity
7 between Ms. Hill and Ms. Stephens. And then I will let
8 her explain to you about where she was sitting and how
9 everything went about. But Aretha Hill, the supervisor,
10 was fired by the Board of Elections and Registration in
11 Hancock County in 2015 and -- in the spring -- and then
12 this election occurred in the fall.

13 There's been a long history of Ms. Stephens wanting
14 to observe as a public member the activities going on in
15 the precinct. She is very, very versed in what is a
16 barrier, how far a barrier is located -- in fact, that can
17 be found in 21-2-267 and it does say part of which is
18 within the obstructed view of those present and shall be
19 furnished with a guardrail or barrier closing the inner
20 portion of such room, which guardrail or barrier shall be
21 so constructed and placed that only such persons as are
22 inside such rail or barrier can approach within six feet.
23 Well, you will hear from Ms. Stephens that they used
24 basically tape to mark off, and it moved from time to time
25 on different days of where that tape and chairs were

1 located.

2 Secondly and importantly, in that same statute in the
3 last sentence of sub-section a, it says the whole purpose
4 of this guardrail is to prevent the public to observe the
5 voting without affecting the privacy of the electors as
6 they vote. And that was all that -- that Ms. Stephens was
7 doing.

8 When Ms. Hill worked for the Hancock County Board of
9 Elections in 2012, the same situation occurred. I will
10 let her give you the details about calling the sheriff's
11 department, calling the Secretary of State, calling the
12 attorney, and she was ultimately permitted to stay in the
13 area. So after Ms. Hill was fired and running the city
14 elections, we had a repeat of the same situation. So it's
15 - it is our contention that it's the animosity between the
16 two persons that is the bottom of this which is not really
17 something you all have to -- should have to hear about,
18 but I think it's very important that -- that you do
19 realize that. It's a small town. There's a history of --
20 of -- of personal things going on between the two women,
21 but at no time did Ms. Stephens enter into the enclosed
22 area as defined as 21-2-267, and, furthermore, the -- the
23 supervisor continued to move the tapes and chairs around,
24 so it was a moving target from day-to-day which added the
25 additional confusion as to the enclosed area. I'm going

1 to let Ms. -- if it's the pleasure of the board, I'm going
2 to let Ms. Stephens tell you briefly about what happened.

3 MR. RAFFENSPERGER: By all means, go ahead.

4 MS. GRANT: Briefly.

5 MS. STEPHENS: Nancy Stephens, 389 Roy Smith Road,
6 Sparta, Georgia, and I am a board member. Let me say
7 first, I've been coming before the state elections board
8 for about 15 years trying to help Hancock County
9 straighten out their elections. I've been a board member
10 since the board was created in 2011. Beginning with
11 advanced voting during the primary for the 2012 election,
12 I began going to our office, sitting in a chair, and
13 observing advanced voting. I did not interfere with any
14 voters and do not speak to anyone while voters were
15 voting.

16 I saw many violations of the election code that I
17 reported to our board, and when no action was taken by the
18 board, I reported to the Secretary of State. Now, some of
19 these violations were advanced voting was being done in
20 our office, so absentee ballots were coming in at the same
21 time and people were bringing in stacks of absentee
22 ballots. Nobody was asking are you related. They were
23 just saying here, here they are, just take them. There
24 was also, in city elections -- and this has been going on,
25 it's been before the Attorney General's office since 2011.

1 Maxine Nevins, the mayor's sister, has assisted voters in
2 every city election. He is running in it, and she did in
3 2015 also.

4 On approximately three separate days, Ms. Hill called
5 the sheriff to have them resume -- remove me from the
6 office when I was observing. I filed a complaint with the
7 Secretary of State. Shortly prior to this time,
8 approximately 1500 voters had been removed from their
9 voting precincts in error of Hancock County by our office
10 staff. Around July 2012, board members and Ms. Hill were
11 asked to meet with then Secretary of State Brian Kemp and
12 Senator Johnny Grant and Representative Sissy Hudson.
13 During the meeting, the voters that were removed were
14 discussed, but also then Secretary -- then Secretary of
15 State Kemp advised Ms. Hill that we were allowed to
16 observe voting and that she could not have board members
17 removed. He also sent an investigator to inform the
18 sheriff of this.

19 Ms. Hill was hired by the City of Sparta to handle
20 their 2015 election. On October 13th, 2015, I went to the
21 city precinct to observe. Ms. Hill had set up a row of
22 several chairs in the precinct and I went in and sat down.
23 I observed for a while, not talking with anyone, and then
24 a city police officer politely came in and told me I had
25 to leave. I tried to explain to him what had occurred

1 during the 2012 primary, and if he would speak to the
2 sheriff, he could confirm that I could observe. Instead,
3 he said he was going to arrest me, and I had to leave. He
4 grabbed me by my arm and pulled me out of my chair and
5 across the room. When we got into the hallway, I again
6 told him I could observe. He took out his phone, and I
7 thought he was calling the sheriff. Instead, he called
8 his wife, board member Linda Clayton. He had the phone on
9 speaker, and he told her I was there observing and asked
10 if I could be there. Her response was hell no, get her
11 out of there, whatever you have to do get her out of
12 there.

13 I told Officer Clayton I had to retrieve my wallet so
14 I went back into the precinct, sat down, and started
15 putting my notebook -- notebook in my briefcase. I was
16 doing it as fast as I could. I was not just sitting there
17 and messing around. I was putting the stuff away. He
18 came back in and said I was not doing it fast enough,
19 grabbed my arm, and pulled me out of the chair and across
20 the room.

21 I went to our office where I checked with our board
22 attorney who said I could observe as could any member of
23 the public. I did return Sunday at 9:30 once it was
24 verified I could observe. Ms. Hill asked if I -- that I
25 sit in the hallway where I could not see anything. If I

1 moved to the location where I could observe, I was in the
2 way of people coming and going.

3 When I went back to observe on October 14th, 2015,
4 the row of chairs had been moved, and they were stacked
5 against the walls along with boxes and tables, taking up
6 most of the space in the polling place. Every attempt was
7 made to reconfigure the room to avoid people observing.
8 Surveyor's tape had been run around in the room, blocking
9 out most of the open space. The tape was approximately
10 eight feet from the DREs and covered the space where the
11 chairs had been. The only place that I could put my chair
12 to observe was about three feet inside the door next to
13 the surveyor's tape. I had to turn sideways to prevent
14 interference with voters coming into the polls. The
15 orange surveyor's tape was touching the tip of my shoulder
16 here (indicating). No part of my thigh was ever inside
17 the enclosed space. I did not at any time enter the
18 enclosed space. The only time I spoke to anyone was when
19 there was not -- were not any voters present, and I gave
20 Ms. Hill some open records requests.

21 Because of the actions of Ms. Hill and Officer
22 Clayton, I had extensive damage to both my knees. I'm
23 sorry (*crying*). In March 2016, I had to have replacement
24 surgery on one knee. In September 2016, I had knee
25 replacement surgery on the other knee. Their actions cost

1 me approximately \$5,000 for my portion of my medical bills
2 in about two years, directly from their actions. I was
3 also treated at the emergency room for swelling to my
4 knees and for bruising and pain in my arm and shoulder.

5 I did not enter the enclosed space during the 2015
6 City of Sparta election. I was told I could observe, and
7 it was verified that I could. I've been the victim of a
8 false complaint by Ms. Hill, and the Secretary of State
9 investigator found that Ms. Hill did not violate any
10 election laws when I was removed and injured at the
11 polling place. Thank you.

12 MR. RAFFENSPERGER: Thank you.

13 MS. GRANT: So unless there are any questions for --
14 for Ms. Stephens, I would ask that the Board reconsider
15 the -- her portion as being a complainant and dismiss the
16 portion where she is the respondent.

17 MR. RAFFENSPERGER: Are there any questions from the
18 board or Ms. Watson?

19 MR. WORLEY: Ms. Watson, what -- what is the evidence
20 that Ms. Stephens was in the enclosed space?

21 MS. WATSON: The room was a very small room, and it
22 was -- where she was sitting was -- we have -- have
23 photographs of the -- Pam observed the room. She can ad -
24 - advise you how close that she would have had to have
25 been, and in Ms. Stephens' statement back to us, she

1 states that they moved my chair position to where it was
2 on the other side of the threshold, and I could not see
3 into the room at neither to the registration table nor the
4 DRE machines which were turned so I could not see how
5 people could vote, which, you know, it was very tight and
6 people coming into to vote would -- would have concerns
7 for privacy with -- with someone sitting, you know, within
8 four feet of the DRE machines.

9 MS. GRANT: May I speak? If -- if her chair had been
10 within four feet, then they had it marked off incorrectly
11 because she at no time was on the other side of the red
12 tape. Now, I'll -- I think you probably have some
13 pictures after the fact with somebody sitting with their
14 hand over the tape in a -- in a chair. But that was not
15 the case. This was some type of re-creation that -

16 MS. WATSON: But there were two days that she was
17 there, not just one.

18 MS. GRANT: But there is -- there is no evidence that
19 she is -- if perhaps -- I'll -- I'm not there. I didn't
20 measure, but it sounds like its circumstantial. First, we
21 heard six; now, I -- we hear four and the -- and then at
22 one point we even heard eight.

23 MS. JONES: The tape was about eight feet from the
24 machines when I was there.

25 MS. GRANT: But she still was even two feet away

1 totally in compliance with -- with the law.

2 MR. RAFFENSPERGER: Any questions from any of the
3 members?

4 (no response)

5 MR. RAFFENSPERGER: What is the will of the
6 committee?

7 MS. SULLIVAN: Ms. Hill filed the complaint against
8 Ms. Stephens. Is that correct? Ms. Hill filed the
9 complaint against Ms. Stephens.

10 MS. WATSON: That is correct.

11 MS. SULLIVAN: Ms. -- Ms. -- Ms. Hill is not here,
12 right?

13 MS. WATSON: No, she's not.

14 MR. WORLEY: I'll make a motion that we dismiss the
15 complaint against Ms. Stephens.

16 MR. RAFFENSPERGER: There is a motion before us. Is
17 there a second?

18 MS. SULLIVAN: I'll second that.

19 MR. RAFFENSPERGER: There's a second. All those in
20 favor of dismissing the complaint in SEB Case 2015-069,
21 City of Sparta, just say by signifying aye.

22 THE BOARD MEMBERS: Aye.

23 MR. RAFFENSPERGER: Any opposed?

24 (no response)

25 MR. RAFFENSPERGER: Motion carries. Case dismissed.

1 MS. STEPHENS: Thank you.

2 MS. GRANT: Thank you very much.

3 MR. RAFFENSPERGER: Do we want to jump down to the
4 other case right now for Hancock County since there's so
5 many related, or do you want to just go in line?

6 MS. WATSON: Yes. That's fine. Tab Number 40 is
7 2016-026.

8 MS. JONES: Two complaints were filed involving the
9 Han -- Hancock County Elections Office regarding the March
10 1st, 2016 election. The first one was Ralph Turner
11 complained that the elections office repeatedly placed him
12 and his wife in the wrong voting district.

13 The second was that voter Kimberly Gore complained
14 that she had went to the precinct to vote. The poll
15 manager told her she was in the wrong precinct and
16 ultimately prevented her from voting.

17 A monitoring inspection of the Devereux Fire Station
18 Precinct 5 by an SOS investigator found numerous
19 violations, and a poll manager at the second Buelah
20 precinct discovered a sealed provisional ballot from the
21 previous election in the provisional ballot bag during the
22 May 24th, 2016 election.

23 Regarding the first complaint, the investigation
24 substantiated that Mr. Turner and his wife and their
25 neighbors were placed in an incorrect district, District

1 2, instead of the correct district, District 4. Kimberly
2 Gore, regarding the second complaint, received a precinct
3 card on January the 16th, 20- -- 2016 and reported to the
4 precinct listed on the card. She was told that she was
5 not on the list and that she was at the incorrect
6 precinct. She was instructed to go to the correct
7 precinct to vote as there would be time for her to do so.
8 Ms. Gore reported that she had to go to work and did not
9 have time to go to that precinct, and she was not offered
10 a provisional ballot.

11 Investigator Archie was conducting -- monitoring
12 during the 2016 -- March 2016 election and reported the
13 following: there were only two poll workers at the
14 Devereux Fire Station precinct. The poll manager knew
15 where the poll workers took or signed their oaths prior to
16 opening the polls. Election Board member Linda Clayton
17 left the key to the precinct under a battery instead of
18 waiting to hand it over to the poll manager. There was no
19 voter disability device connected to any of the DREs, and
20 no hourly inspection of the DRE machines was conducted
21 when the polls were open for voting.

22 As to the allegation that a provisional ballot from a
23 previous election was found, it was determined that Larone
24 Hawkins went to the second Beulah precinct on March the
25 1st, 2016, and cast an original ballot after he did not

1 receive his absentee ballot in the mail. That ballot was
2 placed in a provisional ballot bag where it remained and
3 not discovered until the May 24th, 2016 election.
4 Therefore, his vote was never counted, and he was -- he
5 never received credit for voting.

6 We recommend the following be bound over to the AG's
7 office. Wanda Jordan, the poll manager for the second
8 Darian precinct, Tiffany Medlock, the Board of Elections
9 Supervisor at the time, and Hancock County Board of
10 Elections and Registration for 21-2-590(3), poll officer
11 permitting an unregistered or unqualified person to vote -
12 - or refusing a registered or qualified person from voting
13 -- in that Wanda Jordan prevented Kimberly Gore from
14 casting her regular provisional ballot; Annette Lenahan,
15 poll manager for the Devereux Fire Station, Tiffany
16 Medlock, who was Elections Supervisor at the time, and
17 Hancock County Board of Elections and Registration for
18 21-2-93, oath of office for manager Tony Parks and that
19 the manager -- in that manager Annette Lenahan and the
20 assigned clerks did not take their prescribed oaths prior
21 to opening the polls; 21-2-450(f), opening the polls
22 without inspection of machines in that they failed to
23 ensure the machines were inspected at least once an hour;
24 21-2-379.7(d)(4), preparation of polling station places in
25 that Annette Lenahan failed to ensure the voters'

1 disability device was connected to at least one DRE
2 machine. The next one has a typo: it should read 21-2-
3 405(a) instead of 21-2-450(f). 21-2-405(a) is meeting of
4 poll officers in the polling place prior to a primary
5 election when they don't have at least two assistant
6 managers present at Devereux Road; Annette Lenahan, poll
7 manager, Linda Clayton, board member, Tiffany Medlock,
8 Elections Supervisor, and Hancock County Board of
9 Elections and Registration for violation of state board
10 rule 183-1-12.02(2)(b)(5), voting equipment receipt
11 management and storage when they failed to ensure the
12 security of the DRE machines; Denise Battle-Wynn, poll
13 manager of the second Beulah precinct, Tiffany Medlock,
14 Hancock County Board of Elections and Registration for 21-
15 2-418(f), provisional ballots when Denise Battle-Wynn,
16 poll manager, failed to give the elector written
17 information that informs the voter how to ascertain if his
18 or her ballot was counted; State Election Board rule 183-
19 1-12.06(7)(8)(9), provisional ballots given written
20 information including paperwork; and 21-2-492(b), when the
21 provisional ballot of Mr. Hawkins was not securely
22 maintained; and 21-2-215(i) when they failed to give voter
23 Larone Hawkins credit for voting.

24 MR. RAFFENSPERGER: Okay. Is there someone to speak
25 from Hancock County?

1 MS. GRANT: Andrea Grant again for Hancock County. 9
2 of 10 alleged allegations the board takes full
3 responsibility for. There's the improper conduct of their
4 poll workers and their supervisor Tiffany Medlock who was
5 thereafter terminated from her position with Hancock
6 County Board of Elections and Registrations. And I'm not
7 making excuses, but it's a very hard line for small
8 counties such as this. There's -- it's a very thin line
9 with the board members overseeing the staffs and the poll
10 workers and being involved in -- in, you know, reaching
11 yet still being able to supervise and conduct the
12 election.

13 And unfortunately, we had a renegade supervisor at --
14 at that time, and it's the fault of the board. There's no
15 doubt about it. They were in charge of hiring and firing,
16 but since then, they have hired Mr. John Reid (ph.). He
17 was -- he is a prior mayor in Georgia, and he is now the
18 supervisor. They have implemented additional training and
19 backup procedures in order to handle some of these items,
20 and the supervisor is being more open in communication
21 with the board members so items such as happened in -- in
22 that particular election, we are doing our best to keep
23 this from reoccurring.

24 There's one of the allegations which -- if you're
25 counting numerically now, is item number six which

1 involves the violation and the State Election Board rule
2 183-1-12.02. There are some extenuating circumstances --
3 still no excuse to this one. However, with being in a
4 rural community again, it's very difficult, and we've got
5 to come up with ways that we can address these situations,
6 but we've got limited budgets and limited personnel
7 available.

8 But the -- one of the board members was delivering
9 the key to the poll -- polling place, and the poll manager
10 again -- the county -- the county hired the poll manager.
11 She called and said I'm going to be late. And then Mrs.
12 Clayton gets a phone call from the other polling place
13 saying it's almost an hour before -- we don't have anybody
14 here. So she's like okay, what do I do. I can't get
15 anybody in here quick enough to open it up or transmit the
16 key, yet I can't leave that polling place un -- unmanned
17 as well.

18 So -- and she understands that this was not proper
19 procedure -- that she placed the key underneath a battery,
20 so that when the poll worker that had called and said I'm
21 going to be there in a few minutes that she could open it
22 up. There's no doubt that that violates maintaining the -
23 - the sanctity of the equipment and the polling place.
24 And then she quickly went over to the other polling place.
25 So what the Board is -- is trying to do and planning to do

1 is having better backup plans to avoid situations such as
2 this from reoccurring.

3 And again basically all I can do, and we can do, is
4 throw you all -- we're -- we're just asking for your
5 mercy, that we are -- we now have -- our board has changed
6 over. We have two new members, so it's kind of counter-
7 productive to punish the current board for what the prior
8 board has done, and I understand you don't have any way to
9 do it, but their time would be so much better spent fixing
10 what these problems are then being punished for what prior
11 boards had done. Any questions?

12 MR. RAFFENSPERGER: Do the board members have any
13 questions?

14 MS. GRANT: And of course, we would ask for a letter
15 of instruction if that --

16 MR. WORLEY: I don't have any questions, but I just
17 wanted to say that I'm very unsympathetic to Ms. Grant's
18 argument. Other counties of similar size manage to get
19 this done. Hancock County -- I will say, there's only one
20 other county in this state that I recall being as many
21 times in front of this board over the last 15 years that
22 I've been a member. Only one other county has been here
23 as often as Hancock County.

24 So -- so I'm -- I'm not very sympathetic to that
25 argument. I'm very glad that you're -- you're improving

1 things. But I can't be -- I would not describe this
2 process as punishment for Hancock County. I would
3 describe it as continuing to educate Hancock County on
4 what it is that they need to be doing. So I -- I don't
5 want to prevent other board members from commenting, but I
6 would make a motion that we bind over Hancock County to
7 the Attorney General's office on all of these violations.

8 MS. LE: I'll second that.

9 MR. RAFFENSPERGER: We have a second to bind over all
10 these to the Attorney General's office. All those in
11 favor, say aye.

12 THE BOARD MEMBERS: Aye.

13 MR. RAFFENSPERGER: Any opposed?

14 (no response)

15 MR. RAFFENSPERGER: Motion carries.

16 MS. GRANT: Thank you. And as far as I see, I don't
17 have anything else on the calendar for this county, so may
18 I be excused?

19 MR. RAFFENSPERGER: Sure. Well now we're back up to
20 the top I think the next one was SEB Case Number 2015-079,
21 City of Johns Creek.

22 MS. WATSON: Correct. Two complaints were submitted
23 regarding candidate Nazeera Dawood during the City of
24 Johns Creek special municipal election on November 3rd,
25 2015. Jennifer Jenson reported that candidate Dawood

1 submitted false information on her candidacy affidavit
2 when she used her married name before she was legally
3 married. And Stephanie Endres reported that candidate
4 Dawood on two separate occasions held a breakfast prior to
5 voting, inviting electors to have breakfast before or
6 after voting. Investigations revealed records to the legal
7 name of candidate Dawood. It was verified --

8 MR. RAFFENSPERGER: Excuse me, excuse me, I'd like to
9 -- I think in the interest of caution, make sure I mind my
10 P's and Q's. I'm going to recuse myself because I am from
11 the City of Johns Creek. I was on City Council of Johns
12 Creek. I think I need to recuse myself from this and turn
13 this one over to our Vice Chairman.

14 MS. WATSON: All right. In reference to the legal
15 name of candidate Dawood, it was verified that she married
16 after the candidacy paperwork was filed. There was no
17 documentation that she changed her legal name after the
18 marriage so the candidacy affidavit is correct.

19 In reference to the second complaint, it was
20 substantiated that candidate Dawood acknowledged the two
21 breakfast events and referred to them as networking
22 events. Ashandra Sivilangam (ph.) advised that Dawood had
23 contacted him and asked him to sponsor a breakfast
24 campaign. Evidence from social media also substantiated
25 the events with posting the body of electors to have

1 breakfast before or after voting. The quote from the
2 posting dated November 21st: early Saturday voting is
3 today from 8:30 through 5:00 p.m. at the OC Library, and
4 there is free breakfast at Bharathakala Academy. Come say
5 hi before or after you vote. On October 24th, the posting
6 read join us this morning for a nice south Indian
7 breakfast when you come to the OC Library for early voting
8 served across the street at Bharathakala Dance Academy.
9 We are recommending that Nazeera Dawood be bound over to
10 the AG's office for 21-2-570.

11 MS. SULLIVAN: Do we have someone here from -- to
12 speak to this case?

13 MS. ENDRES: I'm Stephanie Endres, from Johns Creek,
14 Georgia. I was one of the complainants, and the reason I
15 filed a complaint was because of the importance of an
16 individual who was running for office, especially today,
17 for them to not have integrity at the beginning of the
18 process had they won what that would indicate as a
19 candidate because you have to take an oath of office, so
20 I'm filing.

21 Ms. Jennifer Jenson would have been here, but her
22 spouse was relocated to the west coast about a month ago,
23 and so she's following this case through me. I think it's
24 important to follow through on the process because our
25 underlying premises for this republic is the rule of law

1 and if you, as a candidate, are going to file to run for
2 office it's critical that you -- that individuals be able
3 to rely and trust in the person who's running for office.
4 And so I'm very interested in following this case through
5 in light particularly of how easy it is for campaigns to
6 be able to manipulate on which you can't hold them
7 accountable to in office. It's very important for me to
8 follow this through, so that's why I'm here today. So if
9 you have any questions --

10 MS. SULLIVAN: Thank you for being here today. Do
11 any of the board members have any questions for her?

12 (no response)

13 MS. SULLIVAN: Is Ms. Dawood present here today to
14 speak to this complaint? What is the will of the board?

15 MR. WORLEY: I would make a motion that we bind this
16 case over to the Attorney General.

17 MS. LE: I'll second that.

18 MS. SULLIVAN: We have a motion and a second. Do we
19 have any further discussion? All in favor of binding
20 over, signify by saying aye.

21 THE BOARD MEMBERS: Aye.

22 MS. SULLIVAN: Any opposed?

23 (no response)

24 MS. SULLIVAN: Motion carries. And I'll turn it back
25 over to the Secretary.

1 MS. ENDRES: Thank you.

2 MS. SULLIVAN: Thank you.

3 MR. RAFFENSPERGER: Well, we have now before us the
4 board the City of Hazelhurst.

5 MS. WATSON: Yes. 2015-94, City of Hazelhurst. In
6 December of 2015, Hazelhurst's Chief of Police Steven Land
7 contacted the Secretary of State's Office regarding the
8 November 3rd, 2015 City of Hazelhurst's mayor's election.
9 Chief Land reported that on November 24th, 2015, a bench
10 trial was held in the Superior Court of Jeff Davis County.
11 And on November 30th, 2015, presiding Senior Judge Gary
12 McCordy issued an order of judgment nullifying the
13 election. Chief Land went on to report that the judgment
14 court had ruled was the two-vote margin and victory by
15 Bayne Stone was obtained by bribery and fraud.

16 On February 26th, 2016, another complaint was
17 received by the Secretary of State's Office from Chief
18 Land reporting that Dan Stone, son of mayor candidate
19 Bayne Stone was going to Hazelhurst Court Care and
20 Rehabilitation Center and intimidating patients to vote
21 for his father.

22 The investigation revealed the identity of two
23 individuals that gave statements in court testimony that
24 they received money for their votes. Kenneth Woods
25 received \$7 cash, and George McCray advised in his

1 notarized statement that he got paid \$20 and then in court
2 that he got \$10.

3 The poll worker he told and showed the money to said
4 it was \$20. The individuals were approached and paid by
5 Dan Stone, who gave them a ride to the polls. Mr. Woods
6 stated Mr. Stone paid him to vote for Bayne Stone. Mr.
7 McCray said he was paid just to vote and not specifically
8 who to vote for. Both Woods and McCray testified under
9 oath during the court proceedings, providing testimony
10 that was consistent with statements given to Chief Land
11 during his investigation.

12 Superior Court of Jeff Davis County nullified the
13 election as the vote of margin was only two votes and two
14 individuals reported having been paid to vote. Dan Stone
15 testified under oath that he did not pay anyone to vote
16 for his dad. Dan Stone argues that the two witnesses were
17 offered jobs by the Police Chief with the city for
18 incentive to testify that they received money. This seems
19 to be disproven by the statement of the poll worker that
20 reported immediately upon Mr. McCray telling the poll
21 worker of the payment. We're recommending Daniel Dukes
22 Stone and Bayne Stone be bound over for 21-2-570 as well
23 as George McCray and Kenneth Dawson Woods.

24 MR. RAFFENSPERGER: I believe there's someone here.

25 MR. BOLINES (ph.): Chairman, I'm Aubrey Bolines on

1 behalf of Dan Stone who's coming up here. My client, as I
2 said, is Dan Stone who is the son of the mayor Bayne Stone
3 in that election. And he has totally denied throughout
4 this process buying any votes. There were initially three
5 voters that he apparently or allegedly tried to give money
6 to. That was later changed too. Those two voters were
7 Mr. Woods and Mr. McCray, who were quickly and
8 miraculously identify right at the election and swept into
9 the Police Chief's office saw this and questioned by the
10 Police Chief.

11 This is the same Police Chief that Mayor Bayne Stone
12 had fired previously and was going to fire again. The
13 Police Chief did resign when Mayor Stone won the next
14 election. At that time, one of the witnesses Mr. McCray
15 said there was another man Mr. Jordan who was also paid to
16 vote. Mr. Jordan adamantly, bluntly denied being with Mr.
17 McCray and denied the pay. Mr. Woods and Mr. McCray have
18 both consistently changed their testimony throughout about
19 being paid to vote. That amount has changed from \$7 to
20 \$10 to \$20.

21 At the hearing -- well, Mr. Stone was not represented
22 by counsel at that hearing. It was also stated by
23 Mr. McCray that after his meeting at the Police Chief's
24 office and prior to the hearing he was given a city job
25 with Hazelhurst. He was given a city job with Hazelhurst.

1 Mr. Woods has since recanted his statement. Mr. Jordan
2 has denied that it ever happened. And Mr. McCray, as I
3 said, is inconsistent with his testimony. I realize these
4 are questions to credibility and motive, but I think it's
5 very important you get to the fourth floor. Danny, did
6 you have something you wanted to say?

7 MR. STONE: No. If you all have any questions, I
8 would be happy to answer any of them. But the information
9 there when the -- that the investigators departed, I'd be
10 glad to answer any questions you have for us.

11 MR. RAFFENSPERGER: Does the board have any questions
12 for Ms. Watson or --

13 MR. WORLEY: I have a question for Mr. -- Mr.
14 Bolines.

15 MR. BOLINES: Yes, sir.

16 MR. WORLEY: What was the basis for the judge's
17 determination that votes had been bought?

18 MR. BOLINES: I think the basis of the judge's
19 determination I have to ascertain was the credibility of -
20 - of the two witnesses. I read through the transcript and
21 there was -- as I said he was not represented by counsel,
22 so no one was there to challenge the fact that he got a
23 job offer or why did you change your -- your -- this
24 allegation from \$7 to \$10. Why did you change this
25 allegation from \$10 to \$20? I think because of that --

1 and I understand the credibility is a question for the
2 judge. But there was no one there to put their
3 credibility in question, and they're - there's just total
4 conflict of testimony, and I think he should have been
5 brought in about the relationship with the Police Chief
6 and the Mayor again. And that someone miraculously found
7 two voters immediately after the election that had
8 allegedly to have been paid to vote.

9 MR. STONE: I would really like to comment on that
10 just briefly. When we were in the witness room, it was
11 Chief Land and -- and George Woods and Kenneth -- George
12 McCray and Kenneth Woods. We were in there, and they
13 walked into the room, and Steve Land and I were already
14 sitting there. Well, when they came in, they said this
15 should be a Jack Cole trial not a Bayne Stone trial. I
16 was giving a job. They were laughing, carrying on. Chief
17 Land stood up and told them to shut up and I was just
18 taking notes, you know, because I knew Daddy wasn't
19 represented, so I wanted to take all the notes I could.
20 He stood up and told him to sit down, shut up, and quit
21 talking, and I told Chief Land. I said Chief Land, I've
22 been a warden for, you know, 20 years, and I said you
23 can't, I mean, your witness is not arrested in here. So
24 you know he sat back down and was quiet.

25 So during a break I told Dad. I said Dad, will you

1 please put me back on the bench and I can tell the judge
2 what's going on, what they're saying back there in the
3 back. He would have a very not-believable case to see.
4 He said oh no, we'd feel bad, whatever. And, you know,
5 Dad's old-school, and he didn't have any representation
6 like I've got today.

7 MR. BOLINES: Again, like I said, lack of counsel and
8 inability to follow-up with the police.

9 MR. STONE: That's me talking. I mean, it's
10 ridiculous. They could have been voting for Mr. Cole. I
11 -- I haven't a clue. I was just going to carry them to
12 the polls. I asked permission in advance if there was --
13 it was legal to do so. They said it was fine.

14 MR. RAFFENSPERGER: Anything else? Any other
15 questions? What is the will of the board?

16 MS. SULLIVAN: I'll make a motion to that we accept
17 the recommendations and bind this over in its entirety to
18 the Attorney General's office.

19 MR. RAFFENSPERGER: Do we have a second?

20 MR. WORLEY: I will second that, and I would just
21 like to say -- state for the record that as I said earlier
22 today, our practice here is to determine whether there's
23 probable cause to proceed further. And the judge making a
24 determination on whatever basis of that -- that votes were
25 bought is certainly enough probable cause to be sent to

1 the Attorney General's office which will in all likelihood
2 allow for -- to send it to an administrative law judge for
3 a hearing at which time that judge will be able to
4 determine or to assess Mr. Stone's credibility and so I
5 think that's just the appropriate way to handle this under
6 in practice.

7 MR. BOLINES: I could not disagree. I understand.
8 Thank you.

9 MR. RAFFENSPERGER: There's a second. All those in
10 favor of the motion to bind this over to the AG's office
11 signify by saying aye.

12 THE BOARD MEMBERS: Aye.

13 MR. RAFFENSPERGER: Those opposed?

14 (no response)

15 MR. RAFFENSPERGER: Motion carries. I notice that
16 it's right after 12 and I think it's -- it's appropriate
17 that we break for lunch now. We also -- if someone wants
18 to make a motion -- I understand, we have to make a motion
19 on an executive session, plus a legal matter, so we could
20 include that in the motion to take a break and go to
21 lunch.

22 MS. SULLIVAN: I'll make a motion that the board will
23 push back the executive session for the purpose of
24 discussing pending litigation.

25 MR. WORLEY: I'll second that.

1 MR. RAFFENSPERGER: Okay. Pending. Be back here in
2 one hour.

3 MR. RAFFENSPERGER: All those in favor?

4 THE BOARD MEMBERS: Aye.

5 (break for lunch)

6 MR. RAFFENSPERGER: Okay, everyone, if we're ready to
7 get started, I want to be respectful of everyone's time.
8 So I think the next case on dock is 2015-101, City of
9 Warwick in Warwick County, if that's correct?

10 MS. WATSON: That's correct. Warwick County voter
11 and City of Warwick resident, Yvette Miller filed a
12 complaint with our office, citing a respondent for the
13 February 23rd, 2015 election and the subsequent December
14 run-off election. The violation included individuals
15 voting out of district, illegal campaign activity and poll
16 manager precinct problems. Investigation revealed that,
17 upon further review of the allegations, it was determined
18 that the electors list provided that Worth County to the
19 City of Warnick did not list Hannah Welsh, Charles Howard,
20 Anthony Pike, Misty Pike, Roy Savage, Gary Linshu (ph.),
21 Cheryl Linshu. All were provided a provisional ballot
22 based on the provisional elector list. Worth County only
23 counted two of those provisional ballots, Gary and Cheryl
24 Linshu.

25 The improper rejection of five provisional ballots in

1 the general election in allowing voters listed in District
2 1 to vote in District 2 resulted in a challenge to the
3 general election and a court order to null and void both
4 the general election and the runoff election results as it
5 relates to a District 2 council seat in the City of
6 Warnick and a new election be held. We're recommending
7 Sheree Olson, Worth County Elections Supervisor, and Worth
8 County Board of Elections and Registration be bound over
9 to the Attorney General's office for 21-2-224(d) eight
10 counts and 21-2-419(c)(1) five counts of violation of
11 provisional ballots. And we originally had listed 21-2-
12 226(c). We're recommending to dismiss that because it was
13 related to the electors list which would be covered under
14 21-2-224.

15 MR. RAFFENSPERGER: And I believe we have someone
16 here from Worth County.

17 MR. POWELL: That's correct.

18 MR. RAFFENSPERGER: Can you give us your name?

19 MR. POWELL: Ralph Powell, County Attorney for Worth
20 County and Board of Elections. I appreciate,
21 Mr. Secretary, the opportunity -- and board members -- the
22 opportunity to address the issues that have been raised.
23 I would also -- I do have a couple of items I'd like to
24 give to the board, Mr. Secretary, if I could approach?

25 MR. RAFFENSPERGER: Please. Thank you.

1 MR. POWELL: (approaches the board) Mr. Secretary,
2 the -- Brandy Harris, who is the super -- current
3 supervisor for Worth County Board of Elections and
4 Registrations and also Registrar, sends her apologies for
5 not being able to be here today. She's a single mother
6 with two young children and we're about -- depending on
7 what Houston County is like driving up from south Georgia,
8 it's either a three and a half to a four and a half hour
9 drive. So she was not able to come up here to spend last
10 night, so she sends her apologies.

11 The -- I would also like to thank Deputy Investigator
12 -- Deputy Chief Investigator Watson. She was extremely
13 helpful in my contacts with her, finding out specifically
14 the facts that was supporting this and assisting me in
15 preparing for this presentation to the board.

16 There are two violations as Investigator Watson has
17 outlined, and we admit them -- it's -- you know, my -- my
18 firm belief is you admit when you make a mistake, and you
19 try to work on it and move on. In way of some, I guess,
20 explanation, Sheree Olson was the superintendent at the
21 time and I think what -- from what I've been able to
22 determine, she's no longer there. She's no longer
23 employed there. She's actually out in the Midwest or out
24 west, you know, -- that this was an election that occurred
25 on November 5th -- or -- November 3rd. The deadline is

1 October 5th for submitting the applications for
2 registration. The October 5th -- of course, the code
3 section talks about 30 days. Well, October 5th fell on a
4 Monday in 2015 and the 30th day actually was on Sunday.

5 So I -- I'm surmising here -- I'm -- I've attempted
6 to contact her. I've not been able to contact her, but
7 I'm wondering if it was the belief that this was filed 29
8 days before the November election. I'm not sure because I
9 haven't been able to have contact with her. Either way in
10 my review, it is a situation where you're dealing with a
11 lack of training possibly in education number one, and
12 number two is what were the policies and procedures that
13 were in place at that time. Those were two of the errors
14 that I quite frankly think we probably were deficient in
15 my review of this. The -- of course, with the lack of
16 training and education is -- the concern is you don't know
17 what you don't know. And I'm -- I'm wondering if that's
18 what took place here regarding the -- the 29 days before
19 the election.

20 But there is really no excuse for Mr. Linshu, who was
21 not on the elector list for the runoff in -- in December
22 for not -- not being added to the supplemental list. So
23 that's the reason I say it sounded like a procedural
24 issue: lack of procedures number one and number two the --
25 there was a lack of training. So not to excuse what --

1 what transpired but what I've handed to the -- to the
2 board is a -- on the first page, is sort of an outline of
3 what's transpired over the last whatever 15, 18 years and
4 you can see that in the items -- the individuals that were
5 running the board of elections, Sue Potts and Brandy
6 Potts. Sue Potts was the supervisor from '04 to '15 and
7 at that time they had just a clerk, and Brandy Roberts --
8 who happened to be her granddaughter -- came in in 2011
9 and was working as a supervisor until 2015 -- on that day
10 on January 6th, 2015 and walked out of the office. No
11 notice. They simply walked out of the office and quit.
12 And that -- obviously that happened also to be a week
13 before I took over at the county attorney, so it was quite
14 eventful during this time period.

15 The board tried to find somebody to replace those two
16 individuals, who'd been there for obviously quite a bit of
17 time. Incidentally, there were apparently some papers and
18 that sort of thing and computers from -- a lot of the
19 items were wiped clean, so they were left in -- in a bit
20 of a lurch. It took three months for them to find
21 somebody to come in and replace those two individuals.

22 That person who was hired stayed for three months and
23 then Sheree Olson took over in June so this -- this was
24 the first election that took place after she took over in
25 June. So there was not a whole lot of time period

1 obviously to -- to get things taken care of. It doesn't
2 excuse it. I'm not attempting to excuse it. It simply is
3 -- is possibly an explanation of -- of how it happened,
4 but really the -- the issue as I said I -- I always think
5 that you can look at something that happened by mistake
6 and what have we done in the meantime.

7 And that's the other portion that I've given to you
8 is the lack of training and also the lack of education.
9 If you look on page 2 of what I handed to you, the -- that
10 is Brandy Harris' -- her training and her education since
11 taking over in 2015. She is motivated. She is
12 intelligent. She's got initiative. She wants to learn.
13 She doesn't want to make mistakes and she is showing that
14 through what she's doing with her training. Now, we
15 anticipate having her certified before the end of the
16 year. I've also put in there the trainings that she
17 intends on attending from now until the end of the year.

18 Behind that page is the Deputy Regis - Registrar.
19 One of the things that is changed in that office is that
20 there's a now deputy registrar rather than just a clerk.
21 Of course, that makes a difference because the deputy
22 registrar can do some of the functions of the registrar in
23 the absence of the registrar. So now we have somebody
24 else in the office if somebody comes in to -- to make an
25 application, if the registrar is on vacation that can be

1 taken care of. You can also see the training that the
2 deputy regis -- registrar has undergone. She is, in fact,
3 a certified person to conduct elections for the county.

4 Lastly is the board. The next page contains the
5 board members, the length that they've been on the board,
6 and also the training they're undergoing. You can see
7 from where the chairperson has been there for the last six
8 years and is certainly undergoing substantial training as
9 well as some of the other board members, so we're doing
10 our best to make sure that this -- that we resolve the
11 issue of not knowing what we don't know.

12 So the second thing that I talked about is the policy
13 and procedures that I -- in review seem to be missing, and
14 if you look at the next page after that, the -- the first
15 policy in place is something that was initiated by,
16 actually, Brandy Harris. This is a policy that sends the
17 list of the streets -- because this is -- Warwick is -- it
18 is a very small town. It's probably got maybe 500
19 electors. Streets sometimes have street signs, sometimes
20 they don't. And so what she has created is a policy where
21 she will send out to the superintendent for the city a
22 form with the list of the streets to make sure the streets
23 are accurately reported and then they have to sign that
24 and send that back to make sure we've got all the streets
25 that are necessary.

1 Now, the second -- and also below that you'll see in
2 the last portion of that policy is that if there is an
3 issue, if there is a change it is -- the -- the board is
4 to be brought in as well as the liaison of the Secretary
5 of State's Office or myself. If there's any questions
6 whatsoever they're -- that's how the policy is reading
7 that.

8 Now, the second policy that you see there is the
9 processing policy on how to handle applications, whether
10 they're coming into the office, whether it comes through
11 the Department of Driver Services, whether it comes
12 through the voting online, or whether it comes from the --
13 from the Secretary of State's Office. She has put in
14 there that obviously the input -- because I'm not sure if
15 my suspicion is that with Ms. Olson that there was not a
16 policy in place where you got an application and you put
17 that in as soon as practicable because obviously that's
18 important information to get on the list -- and the only
19 thing that I can imagine is it was not put on there, that
20 -- Mr. Linshu was not put on there for the supplemental
21 list and the runoff.

22 So her policy now is that as soon as possible she is
23 inputting the information. She's -- she told me when I
24 met with her there've been times when she has had four or
25 five hundred changes that have come in and that that takes

1 her -- she begins on it immediately and it takes her two
2 or three days to do that. But she begins immediately to -
3 - to get on to this information and input this
4 information.

5 So with the training component and the procedural
6 aspects that we have now changed, we're hoping, praying,
7 we're not going to have these issues anymore. I
8 understand what the investigators are recommending to the
9 board. I would respectfully request based upon what took
10 place, a little explanation that I'm not excusing, but
11 with what we've done also since then that the board
12 instead do a letter of instruction, specifically
13 requesting the board to implement these policies that --
14 that have been put before the board to make sure they are
15 in place with the board, and number two that they also
16 institute a policy of training for not only board members
17 but also for the superintendent and the deputy registrar.

18 MR. RAFFENSPERGER: Thank you.

19 MR. POWELL: Any questions?

20 MR. RAFFENSPERGER: Any of the board members have any
21 questions for the investigator or the presenter?

22 (no response)

23 MR. RAFFENSPERGER: What is the will of the
24 committee?

25 MS. SULLIVAN: Mr. Powell, thank you very much for

1 being here today. It's a very good explanation for all
2 the measures that you have taken, but as Mr. Worley said
3 earlier to be consistent with our practice, we'll have to
4 refer this to the AG's office. But thank you very much
5 for that very good explanation.

6 MR. RAFFENSPERGER: Do we now have a second?

7 MR. WORLEY: I'll second it.

8 MR. RAFFENSPERGER: There is a motion and there's a
9 second. All those in favor, signify that with aye.

10 THE BOARD MEMBERS: Aye.

11 MR. RAFFENSPERGER: Any opposed?

12 (no response)

13 MR. RAFFENSPERGER: Motion carries. It will be sent
14 over to the AG's office. Next case.

15 MS. WATSON: 2016-016, Tab Number 36, Decatur County.
16 It was reported that a Decatur County poll worker, Carla
17 Robinson, accidentally issued the wrong voter access card
18 to an elector during the March 2016 PPP. Decatur County
19 elections supervisor self-reported that the poll worker
20 selected the incorrect elector in the system, she selected
21 Ms. Sarah Jane Griffin instead of Sarah Colson Griffin.

22 When she issued the voter access card, it gave credit
23 to the incorrect person in the system. Trying to correct
24 this error, a new voter access card was created for Sarah
25 Colson Griffin and she was allowed to vote a second time

1 on a DRE. We're recommending that Decatur Board of
2 Election and Registration and Carla Robinson be bound over
3 to the Attorney General's office for 21-2-590 and state
4 board rule 183-1-12.4(b) and that the violations for Sarah
5 Colson Griffin be dismissed as she was following the
6 instruction that was given to her by a poll worker.

7 MR. RAFFENSPERGER: I believe we have someone from
8 Decatur County, Ms. Carol Heard.

9 MS. HEARD: Again, my name is Carol Heard. I'm the
10 Chief Elections Official in Decatur County. The minute or
11 approximately shortly after Carla realized what had
12 happened and she had only been -- she came immediately to
13 me and we, at that same time, pretty much reported it to
14 the Secretary of State's Office.

15 Carla had been employed with us only a month prior to
16 that. Since that time, we have two part-time workers who
17 work in the office. Carla is one of them, the other is
18 Margaret Bryant (ph). Both of them have stayed with us -
19 we've got them state certified. They came to a conference
20 with us. We're trying to do as much training to the poll
21 workers as possible about that -- of course, that is one
22 of the things we emphasize is that once the voter has
23 voted, that's it. So and again, we also have a mission
24 statement. Part of that is that we admit our mistakes, we
25 own our mistakes, and we try to learn from them.

1 MR. RAFFENSPERGER: Does anyone have any questions?

2 (no response)

3 MR. RAFFENSPERGER: Is there a motion?

4 MS. LE: Can you expand on the training program that
5 you have, in terms of -- how to get on board the new
6 employees as you roll them out? Sometimes it's a -- like
7 you said, it's difficult to learn from a mistake and
8 that's understandable, but even with a new job that person
9 is responsible. Ultimately, your office is responsible in
10 this case.

11 MS. HEARD: Yes, ma'am. Also, that was my second
12 election so a lot has progressed since that time. But
13 right now, we have separate poll worker training for
14 advance voters. We also have two separate trainings for
15 regular poll workers: one that entails the basics of poll
16 working like ID and e-polls and then another one for DREs
17 and provisional ballots. We -- so there's well over four
18 hours of training, maybe five hours if they work advanced
19 voting. I test all poll workers now so -- so that they
20 understand it and go through it. We do a lot of hands-on
21 as well and that was something on the computer. She got
22 the phone to call it in, you know, her background was in
23 banking, so she wanted to make sure everything was right,
24 and I think she was just caught up in a good intentioned
25 mistake, casting it.

1 MR. RAFFENSPERGER: And Ms. Watson, your
2 recommendation was again that the state --

3 MS. WATSON: Yes, for Decatur Board of Election and
4 Registration and Carla Robinson to be bound over for 21-2-
5 590 and state election board rule 183-1-4.40.

6 MS. SULLIVAN: I'll make that motion.

7 MR. RAFFENSPERGER: Is there a second?

8 MR. WORLEY: I'll second that.

9 MR. RAFFENSPERGER: It's before you now. We have a
10 second. All those in favor, signify by saying aye.

11 THE BOARD MEMBERS: Aye.

12 MR. RAFFENSPERGER: Any opposed?

13 (no response)

14 MR. RAFFENSPERGER: The motion carries.

15 MS. WATSON: The next case is 2016-018, Douglas
16 County voter identification. In February and March of
17 2016, there were three complaints received concerning the
18 March 1, 2016 general primary.

19 Ms. Stanberry reported during check-in during early
20 voting in February 22nd, 2016, she was asked by a poll
21 worker for her date of birth and felt it was
22 inappropriate. David Sims reported that he received and
23 voted a non-partisan ballot after receiving -- or
24 requesting a Republican ballot during early voting on
25 February 26th. Ron Gilbert reported that Douglas County

1 Elections and Voter Registration failed to mail absentee
2 ballots requested by him and his wife.

3 Investigation showed that Ms. Stanberry presented a
4 federal employee ID to the poll worker when early voting.
5 The poll worker requested the date of birth to positively
6 identify Ms. Stanberry in the elector poll before allowing
7 her to vote. There was no evidence to support a
8 violation.

9 David Sims completed an absentee application during
10 early voting on February 26th at the Deer Lick Precinct in
11 Douglas County when Mr. Sims checked the box requesting a
12 Republican ballot. The poll worker printed the
13 application and had Mr. Sims review it for accuracy. Mr.
14 Sims did not notice during the review that non-partisan
15 was selected on the front of it. He was issued a voter
16 access card with only the SPLOST question on it and no
17 choices for President. He cast the ballot, then went to
18 complain to the poll worker. The poll worker advised it
19 was possible that he selected the non-partisan instead of
20 the Republican in error.

21 Regarding the request of Mr. and Mrs. Gilbert for
22 absentee ballots, it was discovered that the request for
23 the ballots was acknowledged by elections supervisor
24 Laurie Fulton but was not forwarded to the absentee
25 ballots clerk. The error was not discovered until March

1 2nd, 2016 the day after the March primary.

2 And we're recommending that Douglas County Board of
3 Elections poll worker David Churchill and the Election
4 Supervisor be bound for violation of board rule 183-1-
5 12.02(4)(b) when he failed to provide David Sims with the
6 correct electronic ballot, and Douglas County Board of
7 Elections and Laurie Fulton be bound over to the AG for
8 21-234-(a)2 for mailing the ballots when she failed to
9 provide Ron Gilbert and his wife with absentee ballots.

10 MR. RAFFENSPERGER: I believe we have someone here
11 from Douglas County. Please step forward.

12 MR. COLE: Good afternoon. My name is David Cole
13 with the law firm of Freeman, Mathis, and Gary. I
14 represent Douglas County Board of Elections. We would
15 agree with the investigator's recommendation on the first
16 complaint there was no violation there and that that
17 should be dismissed.

18 We respectfully disagree with the recommendation in
19 the evidence presented on the second complaint. The
20 evidence in the file, submitted during the investigation,
21 established that the voter requested and signed written
22 absentee voter application a non-partisan ballot and that
23 is what he was issued. The issue is that when he first
24 approached the desk, he claims he requested a Republican
25 ballot and then when they printed out the form they had

1 inadvertently checked the non-partisan ballot box.
2 Nonetheless, he was instructed to review that application
3 for accuracy. He did so, he signed it, he then submitted
4 that absentee ballot application requesting a non-partisan
5 ballot. It was only at that point that he was then issued
6 the non-partisan ballot as he had just requested in
7 writing with his signature.

8 Furthermore, as he proceeded to the ballot box, there
9 was ample signage throughout the place instructing voters
10 to ensure the accuracy of the ballot they were issued.
11 The screen on the DRE machine always instructs the voters
12 to ensure that. He went through the process, clicked cast
13 ballot knowing that there was not a Presidential candidate
14 shown to him on that ballot, and it was not until after he
15 went all through this that he notified anyone that he
16 thought he was given the wrong ballot. We respectfully
17 submit that the voter has ultimate responsibility. He was
18 given the exact ballot he requested in writing. That's
19 the evidence that was submitted, and so we don't think
20 there was any violation here that warrants a letter of
21 correction or binding over. We believe that one should be
22 dismissed.

23 As to the third complaint, Douglas County has
24 acknowledged that a mistake was made. The former
25 elections supervisor, Ms. Fulton, did receive an email

1 request for the absentee ballots. She made a mistake and
2 did not issue those ballots to the voter in time. That
3 was acknowledged during the investigation, and since --
4 after that happened, Ms. Fulton implemented several new
5 procedures to prevent that from happening again. She
6 created a designated absentee ballot email account, and
7 now all members of the elections office staff receive
8 those emails. They no longer rely on forwarding email
9 requests within their office. They actually print them
10 out and log those absentee ballot requests to ensure that
11 they are satisfied, and they also track those requests in
12 the easy vote software application to have accountability
13 through that.

14 And so while we understand that the mistake was made,
15 we just want the board to consider those corrective
16 measures, and also there's another factor here that I
17 think that needs to be acknowledged which is this happened
18 over three years ago. And we're all here today -- in that
19 time Ms. Fulton has retired. She is no longer with the
20 board of elections. There is a new elections director --
21 oh, I couldn't find you then, Mr. Kidd -- who has taken
22 over since then. The entire board except for one person
23 is completely different than it was, and we would just
24 respectfully submit that there would be no remedial
25 purpose achieved in this situation by binding it over to

1 the AG's office and trying to seek some kind of monetary
2 penalty against people who no longer are there or had
3 anything to do with this particular situation. We
4 understand the board can't ignore the fact that a mistake
5 was made, but we feel that a letter of correction would be
6 the appropriate action to take in light of the fact that
7 nobody there now are the ones who participated in this
8 incident.

9 MR. RAFFENSPERGER: Thank you. Do any of the board
10 members have questions?

11 MR. WORLEY: I have a question. I just want to make
12 sure I understand the facts and the way you presented
13 them, and I want to talk about Mr. Sims. So what you're
14 saying is that Mr. Sims went to the polling place and
15 verbally asked for a Republican ballot?

16 MR. COLE: That's his allegation. The vote -- the
17 poll worker cannot recall exactly what was stated but I
18 think we can assume that that's what the voter intended to
19 request.

20 MR. WORLEY: Right. And then because this was an
21 absentee ballot, they printed out the form for him.

22 MR. COLE: Correct.

23 MR. WORLEY: And he signed it?

24 MR. COLE: Correct.

25 MR. WORLEY: And so you're attaching some particular

1 significance to the fact that he signed the form that had
2 been pre-filled out for him by the election official as
3 showing a non-partisan ballot.

4 MR. COLE: Absolutely. He was given that printed
5 form and said please ensure that this is what you want and
6 that it's all accurate. He did that and signed it and
7 said yes, this is the ballot I'd like, and then that was
8 what he was issued. So as far as the regulation goes, you
9 know, the regulation says the board should issue the voter
10 the ballot that he requested --

11 MR. WORLEY: And --

12 MR. COLE: -- and that's what they did.

13 MR. WORLEY: -- and how is it that you know that he
14 was specifically asked by the poll worker make sure this
15 is what you want. How do you know that?

16 MR. KIDD: Okay. That's part of our policy of -- I
17 don't know if -- well, you should have in the file too --
18 the form that the voter is given at the time and asked to
19 verify the information is correct. But part of our policy
20 is to instruct poll workers to ask that every potential
21 voter to verify the information that is presented before
22 them. The form does clearly indicate -- it's not like the
23 hand-written form, where you can't delineate between the
24 boxes for which ballot style you want. I have copies of -
25 - of the form that we're referring to that clearly

1 articulate which ballot style the voter would be getting.

2 MR. WORLEY: Can -- can I see a copy?

3 MR. KIDD: Yes.

4 (reviewing document)

5 MR. COLE: And for what it's worth, I believe even
6 the -- the voter, Mr. Sims, acknowledged that he was told
7 to verify the accuracy of the information on there. For
8 some reason he thought that only that meant to verify the
9 accuracy of his address, but he admits he was told that
10 and to see -- and he didn't understand what that really
11 meant.

12 MR. WORLEY: All right. Thank you.

13 MR. RAFFENSPERGER: Anyone else have any questions
14 from the board?

15 (no response)

16 MR. RAFFENSPERGER: What is the will of the board?

17 MR. WORLEY: I would make a motion that we dismiss
18 complaint one and that we send a letter of instruction on
19 complaint two involving Mr. Sims and that we bind over
20 Ms. Fulton to the Attorney General's office for failing to
21 provide requested absentee ballots.

22 MR. RAFFENSPERGER: Do we have a second?

23 MS. LE: I'll second that.

24 MR. RAFFENSPERGER: There's a second. All those in
25 favor of dismissing complaint number one, a letter of

1 instruction for complaint number two, and binding over on
2 complaint number three, signify by saying aye.

3 THE BOARD MEMBERS: Aye.

4 MR. RAFFENSPERGER: Any opposed?

5 (no response)

6 MR. RAFFENSPERGER: Motion carries. Yes.

7 MS. JONES: The next case is Clarke County
8 Provisional Ballots, Tab 39. In March 2016, there were
9 four complaints received concerning the Clarke County
10 March 1st, 2016 general primary. The first Clarke County
11 Board of Elections self-reported a problem with the manner
12 in which one of their poll managers processed the
13 provisional ballots that were received during the March
14 1st, 2016 general primary.

15 The ballots were placed in the white inner envelope
16 only without being double sealed in the outer orange
17 envelope. As such the identification of the voters was
18 impossible in most cases, making the county -- counting of
19 those ballots impossible.

20 The second complaint is Phillip Copeland reported
21 that a news reporter was present at Clarke County Precinct
22 3B in Athens. Mr. Copeland felt that the reporter was
23 positioned too closely to the DRE units and that his
24 presence was disruptive to the voting process.

25 The third complaint on March the 1st, 2016, it was

1 reported that the voting process at Clarke County Precinct
2 3B was disrupted by a malcontented voter. The voter had
3 been instructed by the poll manager to seek assistance at
4 the county elections office to correct an identification
5 problem. The voter became angry, began yelling at the
6 poll manager, and aggressively poked the poll manager in
7 the shoulder with his finger multiple times. All this
8 occurred within the polling station.

9 And the last one, on March the 1st, 2016, the poll
10 manager at Clarke County Precinct 6D discovered at close
11 of polls that a yellow voter access card was missing.

12 In regards to the provisional ballots, it was found
13 that on March 1st, 2016 at Precinct 4A, there were 50
14 provisional ballots issued. The poll manager Carrie
15 Jackson was unfamiliar with the procedure for handling the
16 -- and processing the provisional ballots. She sealed
17 each ballot in the white inner envelope only. She wrote
18 the voter's last name on the first 14 provisional ballots,
19 then became concerned with confidentiality and for the
20 remaining did not write the name on the envelope. Of the
21 14 with names recorded on the outside, they were checked
22 for eligibility and eight were found to be eligible and
23 they were counted. Six were not eligible Clarke County
24 voters, and their ballots were not counted. The remaining
25 36 sealed white envelopes with no outer envelope were not

1 opened or counted.

2 There was no substantiated violation in regards to
3 the media issue. It was approved by the poll manager with
4 -- with restrictions to maintain confidentiality.

5 In regard to the disrupted voter at Precinct 3B, it
6 was found that an individual was reporting that he had
7 legally changed his name to Simba Lion. His new name was
8 not listed on the voter list. The election office was
9 contacted, and they advised to have the voter come to the
10 elections office which was approximately five miles --
11 five blocks away. The voter became belligerent and poked
12 Ms. Ellis, the poll manager, several times with his finger
13 in her shoulder which was forceful enough to move Ms.
14 Ellis' entire body each time he did so. This deruption
15 [sic] -- this disruption was loud enough that voters
16 stopped what they were doing and wanted to view the
17 altercation. The altercation was pretty -- partially
18 witnessed by Investigator Hall of the Secretary of State's
19 Office.

20 Ms. Ellis was told that she could make a police
21 report with the local authorities as the physical contact
22 constituted sim -- simple battery and she advised that she
23 did not wish to do so.

24 We recommend that Carrie Jackson Clarke County
25 Precinct 4A manager, Gail Schrader Clarke County Elections

1 Supervisor, and Clarke County Board of Elections be bound
2 over to the AG's office for state election board rule 183-
3 1-12.06(4)(i), when poll manager Carrie Jackson failed to
4 double seal the 50 provisional ballots in the outer orange
5 envelopes; 21-2-419(a), validation of provisional
6 ballots, when the electors cast provisional ballots and
7 the ballots were not sealed and doubly closed; 21-2-
8 386(a)(5), when poll manager Jackson recorded 14 elector
9 names on the inner white envelope compromising the
10 confidentiality and secrecy of the ballot; and Gail
11 Schrader, Clarke County Elections Supervisor, and Clarke
12 County Board of Elections for 21-2-99(a), when elections
13 supervisor Gail Schrader failed to provide adequate
14 training with respect to the handling and processing of
15 the provisional ballots; Mr. Simba Lion for 21-2-566(2)
16 and (4), when he acted in an aggressive and belligerent
17 manner towards poll manager Janice Ellis by yelling at
18 her. This behavior interfered with Ms. Ellis' duties as
19 poll manager. And we also would like -- or recommend to
20 dismiss the listed violation for Terry Dole, Clarke County
21 Precinct 16 manager, Gail Schrader, Clarke County
22 Elections Supervisor, and Clarke County Board of Elections
23 regarding the yellow voter access card as it was located.

24 MR. RAFFENSPERGER: Okay. I think we have someone
25 here to speak in this case. Yes, sir.

1 MR. HAWKINS: Good afternoon. My name is John
2 Hawkins. I'm the Chief Assistant Attorney for Athens-
3 Clarke County. I represent the Athens-Clarke County Board
4 of Elections and Registration. Sitting to my right is Ms.
5 Lisa Long. She's one of the staff members of the
6 elections department in Athens-Clarke County and seated to
7 her right is Mr. Charles Knapper who is the Chair of the
8 Board of Elections and Registration.

9 I -- I don't plan to make a very lengthy initial
10 statement to the board. Certainly, if the board has any
11 questions that needs to be responded to that we'd be happy
12 do so. I did just want to note a couple of things. The
13 folks sitting at this table aside from Mr. Knapper, none
14 of us were with Athens-Clarke County at the time of the
15 allegations and therefore our knowledge of this is
16 somewhat limited. Both Ms. Schrader and Ms. Jackson are
17 no longer with Athens-Clarke County. So I just wanted to
18 point out those facts but certainly if the board has any
19 specific questions for us we'd be -- we'd be happy to
20 respond to those the best we can.

21 MR. RAFFENSPERGER: Thank you. Do any of the board
22 members have questions?

23 (no response)

24 MR. RAFFENSPERGER: What is the will of the committee
25 -- board?

1 MR. WORLEY: Well, I mean I'd just like to say
2 something. Causing 36 people to lose their vote is a
3 very, very serious thing. And I -- I don't think we've
4 ever had something come before the board where due to an
5 error by an election official that many votes were just
6 lost. So I think that's a very serious violation. I
7 think the incident of someone pushing an election official
8 is also very serious. And so -- so I think certainly
9 refer those to the Attorney General and the second we'd
10 like to dismiss -- apparently it's not a violation of the
11 law. And the third complaint, or the fourth complaint, in
12 this case, it seems -- it seems from the investigative
13 record that one of the 25 voter access cards was never
14 found. Two were missing but one was never found.

15 MS. JONES: Terry Doyle contacted the office in July

16 --

17 MR. WORLEY: Uh-huh.

18 MS. JONES: -- to let us know that the other one
19 actually was located as well. That both of them were.

20 MR. WORLEY: And how long as to -- how long after it
21 was lost was it found?

22 MS. JONES: About two and a half weeks.

23 MR. WORLEY: Well, I would make a motion to refer
24 complaint one, complaint three, and complaint four to the
25 Attorney General's office.

1 MR. RAFFENSPERGER: Do we have a second on that
2 motion?

3 MS. SULLIVAN: I'll second that.

4 MR. RAFFENSPERGER: As before us on the motion to
5 refer complaint one, complaint three, and complaint four
6 to the Attorney General's office, all those in favor,
7 signify by saying aye.

8 THE BOARD MEMBERS: Aye.

9 MR. RAFFENSPERGER: Any opposed?

10 (no response)

11 MR. RAFFENSPERGER: Motion carries. And -- and just
12 so the record is clear, and we'll -- we'll dismiss
13 complaint two.

14 MR. WORLEY: And I want -- do you want to make that
15 as a motion?

16 MR. RAFFENSPERGER: Yes.

17 MR. WORLEY: I'll make a motion to dismiss complaint
18 two.

19 MR. RAFFENSPERGER: Do we have a second for that?

20 MS. SULLIVAN: Second.

21 MR. RAFFENSPERGER: All those in favor of dismissing
22 complaint number two?

23 THE BOARD MEMBERS: Aye.

24 MR. RAFFENSPERGER: Motion carries. Next case.

25 MS. JONES: Upson County, it's 2016-027, Tab 41. It

1 was reported the Upson County polls were open past
2 7:00 p.m. on March the 1st, 2016 for the voters of the
3 presidential primary and special election.

4 The investigation determined that Brenda Dawson, the
5 Election Supervisor, made the decision and gave Bill
6 Westberry the authorization to relay information to a poll
7 manager to keep the poll open until 8:00 p.m. Ms. Dawson
8 stated that she received complaints about people being
9 turned away from the civic center and not being able to
10 vote. Ms. Dawson assumed that she was talking to someone
11 from the Secretary of State's Office when she received a
12 call from Julie Hope regarding people being turned away
13 and the need to keep the polls open later. We recommend
14 that Upson County Board of Elections and Brenda Dawson be
15 bound over to the AG's office for 21-2-403, times for
16 opening and closing the polls, when without proper
17 authorization the polls were directed to remain open until
18 8:00 p.m.

19 MR. RAFFENSPERGER: We have a gentleman from Upson
20 County.

21 MR. HANEY: Good afternoon. I'm Robert Haney. I'm
22 the Chairman of the Board of Elections and Registrations.
23 Also with me is Pam Rutherford, who is the Elections
24 Supervisor for our office. At the time Brenda Dawson was
25 the Elections Supervisor. She has since retired as of

1 earlier this year.

2 You know, we -- we acknowledge that -- that that was
3 a violation. Brenda assumed when this phone call --
4 because she was already speaking with the Secretary of
5 State's Office in the midst of all these phone calls. In
6 her mind, she assumed that this lady was from the
7 Secretary of State's Office. We also realize that that
8 being the case even if the Secretary of State's Office had
9 been the one calling and telling us to leave the polls
10 open that that was not proper thing to do.

11 We have since put in place several office procedures
12 for election day to mitigate the risk of anything remotely
13 like this to happen again. We have had remedial training
14 for all of our office staff and any elections since we've
15 followed those procedures without any problems. And, you
16 know, we're here to answer any questions you might have
17 for us.

18 MR. RAFFENSPERGER: Thank you. Do any members have
19 questions or comments?

20 MR. WORLEY: How -- how long had Ms. Dawson been the
21 Elections Supervisor prior -- prior to this?

22 MR. HANEY: She worked in the office a total -- close
23 to 30 years I think. She was the Election Supervisor for
24 about seven years.

25 MR. WORLEY: And -- and essentially according to the

1 investigative report someone at a Washington number called
2 Ms. Dawson and started this whole chain of events by which
3 polls were all left open until ten o'clock?

4 MR. HANEY: Eight.

5 MR. WORLEY: Eight. Okay.

6 MR. HANEY: We -- actually the official time we told
7 -- that they were told to leave the polls open was eight.
8 About 7:20 is when we actually closed after -- about 7:15
9 is when Ms. Dawson called me and said I made -- I made a
10 bad mistake, and she told me what happened, and I said
11 just shut them down now, call all the poll managers and
12 shut them down. We already had extremely long voting
13 lines because of just that election. I think everybody in
14 the state did, and we could only in our internal
15 investigation -- we can only find where two people
16 actually were allowed to vote that should not have been
17 allowed to vote.

18 MR. WORLEY: Okay. And how many polls were -- were
19 held open?

20 MR. HANEY: Four.

21 MR. WORLEY: Four?

22 MR. HANEY: Right.

23 MR. RAFFENSPERGER: Any other members have any
24 questions or comments?

25 (no response)

1 MR. RAFFENSPERGER: Is there a motion for this case?

2 MR. WORLEY: I would make a motion that we bind this
3 case over to the Attorney General.

4 MR. RAFFENSPERGER: Do we have a second?

5 MS. SULLIVAN: I'll second that.

6 MR. RAFFENSPERGER: We have a second. All right. On
7 the motion before you to bind over to the Attorney General
8 Case Number 2016-027, all signify by --

9 MR. WORLEY: And -- Mr. Secretary, if I could -- I
10 just wanted to state for the record there is a very, very
11 clear process that there -- it often happens that polls
12 have to be held open because it didn't open on time, and
13 there's a very, very clear process that every election
14 official in the state should know. You have to get a
15 superior court order to keep the polls open, and you just
16 don't do it on your own initiative. So I think that just
17 a very hard line that we have to have and I -- and -- and
18 that's why it should be sent up.

19 MR. RAFFENSPERGER: Thank you for that additional
20 clarification. All those in favor of sending this to the
21 Attorney General's office for further action, signify by
22 saying aye.

23 THE BOARD MEMBERS: Aye.

24 MR. RAFFENSPERGER: Any opposed?

25 (no response)

1 MR. RAFFENSPERGER: Motion carries.

2 MS. JONES: The next case is 2016-029 Fulton County,
3 Miscellaneous, Tab 43.

4 On March 1st, 2016, the Secretary of State's
5 Investigations Division received the following eight
6 complaints related to the March 1st presidential
7 preference primary: handicapped voter access at the Summit
8 Elementary School in Milton, voter identification was not
9 accepted when voted at Price Middle School, qualified
10 voter turned away from voting at Washington Park Library,
11 a voter received the wrong ballot at Peachtree Christian
12 Church, Fulton County Board of Elections and Registrations
13 failed to properly process a voter registration, a voter
14 failed to receive their requested absentee ballot, a voter
15 turned away from being -- from voting at the Zion Lutheran
16 Church as they were identified as non-citizen, and voter
17 identification not accepted at Christian City Welcome
18 Center.

19 Of the eight complaints, only four were
20 substantiated. For allegation one, the investigation
21 found entrance to the poll at the Summit Elementary School
22 to be confusing which led to the wrong entrance being
23 selected. This was evident when Ms. Huddleston took her
24 82-year-old mother that uses a walker to Summit Elementary
25 School to vote. The handicapped markings led to a side

1 door marked with a handicap sign. The entrance led to
2 steps and then up onto a stage where voting was taking
3 place. A complaint was made to the poll worker and Ms.
4 Huddleston was told that the door marked with the handicap
5 sign was not the entrance to the poll. During the follow-
6 up, it was reported that the door marked with a handicap
7 sign is used for students with impaired mobility.

8 For allegation number three, the investigation found
9 that the elector Ms. Turner was misidentified with a Cobb
10 County voter having a similar name. The voter was turned
11 away from the poll in Fulton County having been
12 erroneously identified as being registered in Cobb County.
13 Ms. Turner left the poll, continued to follow-up
14 concerning her registration, then was found to be properly
15 registered in Fulton County. She returned to the poll and
16 was able cast her vote.

17 For allegation four, elector Jessica Powers went to
18 vote at Peachtree Christian Church and marked Democrat in
19 her ballot choice. She received a non-partisan ballot.
20 She noticed when she pulled up the ballot that the only
21 issue on the ballot concerned a water issue. She returned
22 to the poll workers to complain and noticed on her voter's
23 certificate that someone had changed the selection on the
24 certificate to non-partisan. Ms. Powers was given a
25 provisional ballot and allowed to vote. The voter

1 certificate provided by the county does not show any mark
2 for a Democrat choice, and it is not signed by either the
3 poll worker or the elector.

4 And for allegation number six, elector Mr. Ben
5 O'Callaghan reported problems receiving a requested
6 absentee ballot from Fulton County. He requested an absen
7 -- absentee ballot on 2/22/2016 to be mailed to him in
8 North Carolina where he was working. The absentee ballot
9 was instead mailed to his home address in Atlanta. Mr.
10 O'Callaghan contacted Fulton County, who had him complete
11 an affidavit concerning the first issued ballot and then
12 mailed him a ballot to the North Carolina address. He
13 returned the ballot, and it was counted.

14 We recommend that Fulton County Board of Elections
15 and Registration and Richard Barron, Elections Director,
16 be issued a letter of instruction for violation of board
17 rule 183-1-6.04(a)(b) as they failed to prominently mark
18 the handicap access path to the poll at Summit Elementary;
19 for a violation of board rule 1831-12.2(4)(b) as the poll
20 officer failed to properly verify the identity of the
21 voter; and 21-2-381(b)(2)(a) when making an application of
22 absentee ballots and failed to mail the absentee ballot to
23 the requested address -- out-of-county address filed on
24 the application.

25 We also recommend that the board -- Fulton County

1 Board of Elections and Registration and Richard Barron,
2 Election Supervisor, be bound over to the AG's office for
3 violation of 21-2-431(a) execution of voter's certificate
4 and for 21-2-590 for poll officers permitting unregistered
5 or unqualified persons to vote as the poll officer allowed
6 an unqualified elector Jessica Powers to vote a
7 provisional ballot while knowing the voter had previously
8 voted in -- in the same election. We also recommend that
9 the violation for Jessica Powers be dismissed as she was
10 following directions of the poll manager when she cast her
11 second ballot.

12 MR. RAFFENSPERGER: I believe we have someone here
13 for Fulton County.

14 MR. LOWMAN: Good afternoon. David Lowman, again,
15 with the Fulton County attorney's office and Mr. Rick
16 Barron, Director of Registration and Elections, in Fulton
17 County here.

18 I would like to point out that of the four
19 substantiated violations in two of them people were
20 allowed to vote provisional ballots so they voted. One we
21 admit, we sent the absentee ballot to the wrong place, so
22 we admit that. And the first one is a situation where the
23 handicap entrance -- so there were two handicap entrances,
24 and we don't control where the schools put their handicap
25 entrances. But we did have the required handicap access.

1 MR. BARRON: In remark on -- on allegation one, we
2 did have a handicap entrance marked. Evidently there was
3 another one at this building at which is where the voter -
4 - the voter went.

5 In allegation three, the poll worker misidentified
6 the voter, failed to offer a provisional ballot. The
7 voter did contact our office and then went back and was --
8 was able to vote. We train all of our poll workers to
9 offer provisional ballots.

10 The -- in allegation number four, we -- because of
11 retention statute, we don't have a copy of the voter's
12 certificate, so we are unable to see that anymore. We
13 don't have part of that in our records. The poll worker
14 did give the voter another provisional ballot which really
15 if you're going to turn a poll worker -- voter away, the
16 thing to do if there's any dispute is to offer a
17 provisional ballot which is what the poll worker did, but
18 he made the decision not to call it in, and we would -- we
19 have directed once we did the research that the voter
20 voted that provisional ballot would -- wouldn't have been
21 counted.

22 With regard to allegation six, that's -- that's our
23 error. We mailed it to the wrong -- the wrong address,
24 but we ended up correcting that and the voter was able to
25 vote. Does anybody have any questions?

1 MR. RAFFENSPERGER: Does the board have any other
2 questions or comments on these?

3 MR. WORLEY: I just have a question about allegation
4 number four so in -- in that case are -- are you agreeing
5 that there was a violation?

6 MR. BARRON: Well, as far -- we can't examine the
7 voter's certificate. We don't have it. We don't have
8 that record any more. With regard to what the poll worker
9 did with -- with handing out the provisional ballot, we
10 didn't -- we aren't privy to what the conversation was,
11 although if -- if a voter is going to get turned away, and
12 they do hand out a provisional ballot, it -- it's our job
13 once it comes in to do the research and decide whether a
14 provisional ballot is going to count.

15 MR. WORLEY: And do you know when this person was
16 given that credit for voting the provisional ballot?

17 MR. BARRON: We -- we don't know.

18 MR. RAFFENSPERGER: Any other questions or comments?

19 (no response)

20 MR. RAFFENSPERGER: Is the board prepared to make a
21 motion?

22 MR. WORLEY: Well, I'll -- I'll make one motion first
23 with one of the allegations and I would move that we
24 dismiss allegation number one about the handicapped voter
25 access since that's something completely outside the role

1 of the Board of Elections.

2 MR. RAFFENSPERGER: Is there a second for that one?

3 MS. LE: I second.

4 MR. RAFFENSPERGER: All those in favor of dismissing
5 allegation number one, please signify by saying aye.

6 THE BOARD MEMBERS: Aye.

7 MR. WORLEY: And then I would also move to dismiss
8 allegations two, five, seven, and eight since the
9 investigative report found no violations.

10 MS. SULLIVAN: I second.

11 MR. RAFFENSPERGER: There's a second. All those in
12 favor of dismissing allegations two, five, seven, and
13 eight, signify by saying aye.

14 THE BOARD MEMBERS: Aye.

15 MR. RAFFENSPERGER: Motion carries. We're left with
16 numbers three, four, and six.

17 MS. LE: I move to bind those.

18 MR. RAFFENSPERGER: Do we have a second?

19 MS. SULLIVAN: Can you remind me of the
20 recommendations -- the recommendations were to bind over
21 numbers three, four and six?

22 MS. JONES: Yes. Bind over.

23 MS. SULLIVAN: All three of those?

24 MS. JONES: Yes.

25 MS. SULLIVAN: I'll second that motion.

1 MR. RAFFENSPERGER: Okay. There's a second to bind
2 over allegations three, four, and six. All those in
3 favor, please signify by saying aye.

4 THE BOARD MEMBERS: Aye.

5 MR. RAFFENSPERGER: Anyone opposed?

6 (no response)

7 MR. RAFFENSPERGER: Motion carries. That closes that
8 case. Next case. Fulton County.

9 MS. JONES: The next case is 2016-030, Tab 44, Fulton
10 County, Precinct Changes. On March the 1st, 2016,
11 election date for the presidential preference primary, the
12 Office of the Secretary of State received multiple
13 complaints alleging Fulton County Board of Elections and
14 Registration had changed voters' polling places without
15 properly notifying the voters. Multiple issues were also
16 reported at the polls.

17 In total, there were 19 complaints, and at the
18 conclusion of the investigation, only five of those 19
19 were substantiated: allegation two, polling station at
20 Sandy Springs Christian Church changed to Abernathy Arts
21 Center, Sandy Springs without notice; allegation six,
22 voter directed from their poll location at the Zion
23 Lutheran Church to an incorrect poll of St. Andrews
24 Catholic Church; allegation eight, the voters at the Metro
25 Library had the polls changed without notification;

1 allegation 13, a voter being directed to an improper poll
2 as the voter was directed from her normal poll of St.
3 James Methodist Church to Christian Bell Community Center;
4 and allegation 17, a voter attempted to vote by
5 provisional ballot at a polling location other than the
6 assigned precinct and was refused a ballot.

7 In regards to allegation two, Fulton County failed to
8 publish in the legal organ the polling location change for
9 Precinct SS18B. In regards to allegation six, the
10 allegation was substantiated in that the elector was
11 misdirected to the poll location to St. Andrews Catholic
12 Church resulting in the voter being unable to vote in the
13 election. Diana Ryan, whose name appeared on the list of
14 electors for JC 04 polling place, was not allowed the
15 opportunity to vote. In regards to allegations number
16 eight regarding the poll change without notice for
17 Precincts 12E1 and 12A, it was confirmed that notice was
18 published and sent to electors for 12E1. However, there
19 was no verification for publication for change of Precinct
20 12A. In regards to allegation number 13, it was
21 substantiated that a voter was misdirected from Precinct
22 07C to Clifton Community Center approximately 30 miles
23 away. Princess Cunningham, whose name appeared on a list
24 of electors for the 07C polling place, was not allowed to
25 -- to vote. In regards to allegation number 17, elector

1 Joshua Griffiths went to a precinct knowing that it was
2 not his assigned precinct and requested to be given a
3 provisional ballot. Mr. Griffiths expressed that he did
4 not have time nor the ability to get to his assigned
5 precinct. He was not allowed to cast a provisional
6 ballot.

7 Our recommendation is that Fulton County Board of
8 Elections and Registration and Richard Barron, Elections
9 Director, be bound over to the AG's office for violation
10 of 22 -- 21-2-265(a), when the superintendent as he failed
11 to publish in a legal organ the county polling location
12 change in Precincts SS18B and 12A; 21-2-224(h), when they
13 failed to allow an elector Diana Ryan at Precinct JC04A
14 and Princess Cunningham at Precinct 07C, whose name
15 appeared on the electors list for the precinct, the
16 opportunity to vote; and 21-2-418(a), provisional ballots,
17 when they failed to offer a provisional ballot to the
18 elector Joshua Griffiths that presented himself as a
19 timely registered elector to vote in the election.

20 MR. RAFFENSPERGER: Okay. We have someone from
21 Fulton County.

22 MR. BARRON: With regard to allegations two and eight
23 failing to publish a legal organ, we agree with -- with
24 the investigation. That was a transitional period between
25 one staff member leaving a position and someone else

1 taking over the position, and although that's not an
2 excuse, that's what happened. With regard to allegation 6
3 and 13, those -- we were unable to get any information
4 from the poll workers because they don't remember these --
5 these items so we were really at a loss. We just have to
6 take what the investigator -- the investigator's word for
7 this. And then with regard to allegation 17, that was,
8 like, it was the poll worker error not to offer a
9 provisional ballot which they are trained to do.

10 MR. RAFFENSPERGER: Any members have any comments or
11 questions?

12 MR. WORLEY: I -- I have a question for Mr. Barron.
13 At least recently, I hear a lot of incidents of people who
14 don't have time to vote, the polls are about to close, and
15 they go to another precinct other than their own in their
16 county and ask to vote a provisional ballot. What kind of
17 training do you give and which they are -- which they are
18 allowed to do. What kind of training do you give poll
19 workers and poll managers about provisional ballots?

20 MR. BARRON: Well we -- we train all poll workers.
21 We -- we -- we train them not to turn voters away. I
22 mean, if it's up until probably four or five o'clock in
23 the afternoon, we try to encourage -- the -- the poll
24 workers should encourage voters to go to their own polling
25 place in order for them to be able to vote a full ballot.

1 Otherwise, they're going -- they aren't -- they're going
2 to be all disenfranchised in one way because they can't
3 vote a full ballot because we have to remake it for what's
4 in common with the precinct they're in, what's in common
5 with their own precinct.

6 After that, they are supposed to -- to offer a
7 provisional ballot until the polls close. So that, you
8 know, if a poll worker doesn't do that, then that's
9 something that we just have to re-double in our training.
10 And we have -- we are increasing our hands-on training
11 we're going -- they're going to be in four hours of hands-
12 on training. We're reducing the amount of online training
13 as a result of some of these things.

14 MR. RAFFENSPERGER: Any other members have any
15 comments or questions?

16 (no response)

17 MR. RAFFENSPERGER: I'll entertain a motion.

18 MS. SULLIVAN: I appreciate Fulton County coming in
19 and accepting responsibility for the mistakes. It's a lot
20 different from the last six years, and I'll state for the
21 board in saying I would thank them -- that being said, I
22 think I'm going to accept the recommendation and bind over
23 allegations two, eight, six, 13, and 17, to the AG.

24 MR. RAFFENSPERGER: And dismiss the other --

25 MS. SULLIVAN: -- and dismiss the remaining

1 allegations, correct.

2 MR. RAFFENSPERGER: Do we have a second on that
3 motion?

4 MS. LE: I'll second that.

5 MR. RAFFENSPERGER: Okay. That's before us to bind
6 over allegations two, eight, six, 13, and 17 and dismiss
7 all other allegations as there are no violations in those.
8 All those in favor, signify by saying aye.

9 THE BOARD MEMBERS: Aye.

10 MR. RAFFENSPERGER: Any opposed?

11 (no response)

12 MR. RAFFENSPERGER: Motion carries. Do we want to
13 jump down to the other Fulton County so they can leave?

14 MS. JONES: 2016-041 Fulton County, Poll Location,
15 Tab 48. The following complaint were recorded regarding
16 Fulton County during the March 2016 primary elections.
17 The complainant reported that the location for polling
18 place had been changed from Thicket Elementary to Ralph
19 Bunz Middle School with no prior notice given -- having
20 been presented. The complainant also stated that she did
21 not receive a new precinct card prior to the primary. A
22 complainant reported she voted at Lane Carson Rec Center.
23 When she checked in at the express poll, the poll manager
24 -- a poll worker informed her that the voter list showed
25 her an address where she lived over six years ago. A

1 complainant reported that he was denied his right to vote
2 while attempting to vote at Shakerag Elementary in Fulton
3 County. The complainant stated that he believed he had
4 successfully registered to vote and offered no explanation
5 as to why he was not showing on the voter list of the
6 election list. The complainant reported that his Fulton
7 County polling location had been changed from Young
8 Elementary School to West Manor Recreation Center. The
9 complainant stated that he had received no notification of
10 this and had not received a new precinct card prior to the
11 primary.

12 Regarding complaints one and four, there were no
13 violations to substantiate as Fulton County met their
14 required steps and made -- and made the full changes.
15 Several similar complaints stated these complaints -- that
16 they had received precinct cards after the election.
17 As to complaint number two, no violation was
18 substantiated. It was found that Fulton County was not
19 notified of the elector's address change.

20 As to complaint three, Matthys Serfontein, who was
21 the complainant, and he stated that he had not listed --
22 he was not listed as an active voter when he went to the
23 polls to vote. It was found that he received a letter
24 from the Fulton County elections prior to the March 1st
25 PPP to confirm his citizenship. He did this and returned

1 the information to the county. The information was not
2 updated in the system and the status remained canceled due
3 to citizenship verification. Due to the system's status,
4 he was told by poll worker that his status was not an
5 active voter and he was offered a provisional ballot. He
6 refused the provisional ballot and left the poll.

7 Ralph Jones, Fulton County Elections and
8 Registration, was contacted as a result of the
9 investigation. He located the documents and changed the
10 status in the system on June 15th, 2016. The Fulton
11 County Board of Elections -- or our recommendation is that
12 Fulton County Board of Elections and Registration and
13 Richard Barron, Fulton County Director of Elections, be
14 bound over to the AG's office for violation of 21-2-222(4)
15 registration, when they failed to prepare an update of
16 valid voter list that included Matthys Serfontein in -- as
17 active status.

18 MR. RAFFENSPERGER: Gentlemen.

19 MR. JONES: Mr. Ralph Jones, Chief of Registration.
20 Good afternoon, Board. It is true. We did receive the
21 documentation in a timely fashion. What happened was that
22 the documentation was actually implanted inside the voter
23 registration application. When it was processed, it was
24 not pulled out, we went back and researched and found out
25 that the certificate of naturalization was implanted

1 inside the voter registration application. Therefore, the
2 workers missed it. What we did after that one is to set
3 up a procedure whereby they have to sign the inside of the
4 voter registration application so that we know that they
5 actually looked inside at every one that comes in to our
6 office.

7 MR. RAFFENSPERGER: Are there any board members that
8 have any comments or questions?

9 MR. WORLEY: And -- and, Mr. Jones, in that case the
10 -- the complainant was offered a provisional ballot?

11 MR. JONES: The complainant was offered a provisional
12 and he did not -- that he did not want that type.

13 MR. WORLEY: Right. And had -- had he voted a
14 provisional ballot would you process -- the process you
15 use to research the provisional ballots have found that
16 evidence that he was --

17 MR. JONES: Yes, it would have -- we went back in --
18 if it's a citizenship issue, sometimes some of the people
19 will forget that the citizenship is in the pocket, so in
20 our procedures, our due diligence search, we search every
21 application and see what kind it was. If there's a pocket
22 in a paper application, one of the procedures is to go
23 inside to make sure that we did not make that mistake.

24 MR. WORLEY: And -- and is -- is it your opinion that
25 -- that your procedures have been changed so that this

1 kind of incident would not happen again?

2 MR. JONES: Well, let's hope so as we did the best we
3 can in making sure that person looks inside the
4 application by actually signing inside the application.

5 MR. WORLEY: All right.

6 MR. RAFFENSPERGER: Any other board members have any
7 questions or comments concerning this case?

8 (no response)

9 MR. RAFFENSPERGER: What is the will of the board?

10 MR. WORLEY: I -- I -- I appreciate Fulton County for
11 being here and I appreciate that they've made all the
12 changes that could be made, that it seems to me could be
13 made, to take care of that situation and that they offered
14 the voter a provisional ballot in such case. So with
15 regard to this case and the four different complaints
16 contained in this case I would move to dismiss complaint
17 one, complaint two, and complaint four and send a letter
18 of instruction to Fulton County on complaint three.

19 MS. SULLIVAN: Second.

20 MR. RAFFENSPERGER: Do we have any further
21 discussion?

22 (no response)

23 MR. RAFFENSPERGER: All those in favor of dismissing
24 complaint one, two, and four and sending a letter of
25 instruction for complaint number three, please signify by

1 saying aye.

2 THE BOARD MEMBERS: Aye.

3 MR. RAFFENSPERGER: Any opposed?

4 (no response)

5 MR. RAFFENSPERGER: Motion carries.

6 MS. JONES: We'll go back up to Murray County.

7 MR. RAFFENSPERGER: Yes. Murray County.

8 MS. JONES: 2016-034, Tab 35. In March 2016, it was
9 reported that Linda Fowler of the Murray County Republican
10 party had begun qualifying candidates on March 7th, 2016
11 prior to the prescribed time at 9am. It was reported that
12 qualifying started at 7:30 a.m.

13 The investigation found that qualifying procedures
14 for both Republican and Democratic candidates for Murray
15 County offices were conducted starting on March 7th, 2016,
16 at the Murray County Senior Center in Chatsworth, Georgia.
17 Separate rooms were utilized for each party. Linda Fowler
18 denied that qualifying started prior to nine. A Facebook
19 posting by Linda Fowler on March 6th, 2016 announced
20 qualifying would begin at 7:00 a.m.

21 A candidate Donna Flood stated that she arrived at
22 approximately 8:30 and was informed that candidate Connie
23 Reid had already qualified. Donna Flood advised that she
24 waited until nine -- eight a.m. to submit her paperwork as
25 she thought 9 was when qualification began. Candidate

1 Connie Reid confirmed to the investigator that she did
2 receive the Facebook post and arrived at approximately
3 8:00 a.m. and had completed qualifying by 8:15. Candidate
4 Sam Bright advised that he did not receive the Facebook
5 post but was told by Linda Fowler that qualifying began at
6 seven. He stated he began the process around 8:50 and was
7 completed by 9:05. Sheriff candidate Ricky Bishop stated
8 that he arrived at approximately 7:15 and that he
9 completed the process and left around 8:00 a.m.

10 The investigator re-interviewed Linda Fowler
11 regarding the obvious discrepancies in her claim that she
12 did not start qualifying until 9:00 a.m. She could not
13 explain why candidates would say they started earlier than
14 nine. She said that she did not have a clock in the room
15 and really didn't understand that -- wouldn't remember
16 qualifying anyone before 8:00 a.m. Linda Fowler stated
17 that time had passed since qualifying ended and had
18 clouded her memory. We recommend that Linda Fowler and
19 the Murray County Republican Party be bound over to the
20 AG's office for violation of 21-2-153(c)(1)(a)
21 qualification of candidates, when on March the 7th, 2016,
22 she initiated qualification procedures for Murray County
23 Republican candidates prior to the mandated 9:00 a.m.
24 start time.

25 MR. RAFFENSPERGER: Do we have someone from Murray

1 County?

2 MS. FOWLER: Yes.

3 MR. RAFFENSPERGER: Can you identify yourself?

4 MS. FOWLER: What was that?

5 MR. RAFFENSPERGER: Name, ma'am.

6 MS. FOWLER: My name is Linda Fowler, 331 Oliver Dill
7 Road, Chatsworth, Georgia in Murray County. I've always
8 volunteered for civic organizations. The last 10 years
9 I've worked in the political organizations. I've never
10 received any reimbursements for any time I've worked.
11 I volunteered to do the qualifying for the Republican
12 party in 2016 and engaged nobody to help in this process.
13 I've -- I've been employed by the same company for 29
14 years and maintain a busy schedule by working remote two
15 days a week, working early and late hours, and using my
16 vacation time. By doing this, I was able to conduct the
17 qualifying of 2016.

18 I always arrive at or before 7:00 a.m. daily and stay
19 as long as needed. I -- I have run a couple of elections
20 and several county district Republican conventions and in
21 our local NAACP unit, while I was the secretary. All have
22 stringent cutoff times but were flexible on allowing early
23 arrivals in the process. That being said if someone came
24 early I would probably qualify -- qualify them because
25 there seemed to be no advantage being given. I did not

1 realize that the importance of the start time.

2 When contacted by the investigator, I was concerned
3 the candidates would be penalized for my actions and I
4 acted accordingly, not thinking on my situation. I
5 realize good intentions and ignorance is not
6 justifications, but I hope and pray they're a
7 consideration in this issue. I've -- I've always tried to
8 follow the rules and regulations. I -- I did the best I
9 could, acted in good faith, but did make a mistake. I
10 respectfully request a letter of instruction to be
11 appropriate for my circumstance.

12 MR. RAFFENSPERGER: Okay. Do any of the members have
13 any comments or questions? I have one.

14 MS. FOWLER: Yes, sir.

15 MR. RAFFENSPERGER: I assume that there are multiple
16 candidates with that's -- in the partisan primary and
17 everyone still got to enter, just to sum it up.

18 MS. FOWLER: Yes.

19 MR. RAFFENSPERGER: Just two hours before they're
20 supposed to.

21 MS. FOWLER: Pardon me.

22 MR. RAFFENSPERGER: I see you had a couple of
23 candidates -- two or three or whatever.

24 MS. FOWLER: Yes.

25 MR. RAFFENSPERGER: But everyone got in, no one was

1 ever excluded.

2 MS. FOWLER: And a matter of fact, it is the
3 paperwork -- it was not printed correctly, and they got --
4 some had come back and requalified later during the week
5 or later that afternoon.

6 MR. RAFFENSPERGER: It did not affect the other
7 parties involved in that --

8 MS. FOWLER: No, sir.

9 MR. RAFFENSPERGER: -- registration or qualifying.
10 Any other questions? Or comments?

11 (no response)

12 MR. RAFFENSPERGER: What is the will of the
13 committee?

14 MS. SULLIVAN: I'll make a motion that a letter of
15 instruction be issued in this matter.

16 MR. RAFFENSPERGER: Is there a second?

17 MS. LE: The only reason why I'm hesitating on the
18 letter of instruction, even though I -- I appreciate you
19 taking, you know, responsibility. It's -- it's variance
20 on the part of published rules of the office so that
21 everyone knows when start time and end time is, and even
22 if no harm was done, you know, in this case it seems like
23 no harm was done. The principle of when something gets
24 published, it's -- it's about the -- that's known. It's
25 very important that everyone gets the same rules and --

1 for those who couldn't make it to those hours, you just
2 have to -- like, oh, I can only come at 7:30, so that
3 conceivably was out of bounds. It's the only reason why
4 I'm hesitant about a letter.

5 MS. FOWLER: And I hear you looking for additional
6 training. I will do what's needed, I mean, it was just a
7 mistake.

8 MR. WORLEY: Mr. -- Mr. Secretary --

9 MR. RAFFENSPERGER: Yes, sir.

10 MR. WORLEY: -- am I -- the -- the other thing that
11 concerns me is that I -- it doesn't appear to happen to be
12 -- it is certainly possible that -- that the candidate
13 that you allowed to qualify between 7:00 and 9:00 a.m.
14 could have their candidacy challenged by another candidate
15 because -- because of that. I don't know if the judge --
16 how a judge would enforce that -- and that's why it's
17 important that the rules have to be -- have to be uniform.
18 I'm not suggesting that -- I think something more than a
19 letter of instruction is required and I'm suggesting the
20 attorney general's office. They shouldn't be overly harsh
21 in what they ask you to do but I -- I do think I would
22 prefer a consent order so that that's what I'm not
23 supporting Ms. Sullivan's motion.

24 MR. RAFFENSPERGER: I don't hear a second for the
25 motion. Is there another motion?

1 MR. WORLEY: I make a motion to bind this case over
2 to the Attorney General's office.

3 MR. RAFFENSPERGER: Is there a second?

4 MS. LE: I'll second that.

5 MR. RAFFENSPERGER: All those in favor of binding
6 this over to the Attorney General's office, signify by
7 saying aye.

8 MR. WORLEY: Aye.

9 MS. LE: Aye.

10 MR. RAFFENSPERGER: Any opposed?

11 MS. SULLIVAN: No.

12 MR. RAFFENSPERGER: Motion carried.

13 MS. JONES: Moving to the second Murray County case,
14 2016-040, Ballot Format, Tab Number 47. The complainant
15 stated that she alleges she went to vote in Murray County
16 during the March 1st, 2016 presidential preference primary
17 and was given a non-partisan ballot when she requested a
18 Republican ballot. Stephanie McKee went to vote at the
19 Main Street Fire Station and was processed by poll manager
20 Steven Phillips. The voter's certificate indicates the
21 request for a Republican ballot. A non-partisan ballot
22 was issued. Stephanie McKee voted the non-partisan ballot
23 and then notified Mr. Phillips.

24 At first, she stated she could not do -- at first, he
25 stated he could not do anything as he had -- she had cast

1 her ballot. Stephanie McKee began -- became upset and Mr.
2 Phillips went into the express poll and canceled her first
3 election and re-issued her a Republican ballot making it
4 possible for Ms. McKee to vote twice regarding the local
5 SPLOST question which she acknowledges that she did vote
6 for the SPLOST question on both ballots.

7 As an addition, Murray County Election Superintendent
8 Larry Sampson sent a letter to the office making an
9 indication that this poll worker had made an honest
10 mistake and that it was not purposeful and explained that
11 the issue had been dealt with, and he had made assurances
12 that it would not happen again.

13 Our recommendation is Murray County Board of
14 Elections and Registration, Larry Sampson, Murray County
15 Election Supervisor, and Steven Phillips, the poll
16 manager, be bound over to the AG's office for violation of
17 21-2-451(a), execution of voter's certificate, when the
18 poll manager failed to properly execute the voter's
19 certificate of Stephanie McKee and issued the ballots she
20 was requesting on that certificate; 21-2-590, poll
21 officer permitting an unregistered and unqualified person
22 to vote when Steven Phillips permitted Stephanie McKee to
23 vote a second time; and 183-1-12.02(4)(b), when he failed
24 to properly encode the voter access card for Ms. McKee
25 that would allow her to vote a ballot of her choice.

1 We also recommend that after further consideration
2 this -- dismissing the violation against Stephanie McKee
3 as she was just following directions of the poll manager
4 when she voted twice.

5 MR. RAFFENSPERGER: Is there someone here from Murray
6 County for this one?

7 (no response)

8 MR. RAFFENSPERGER: Okay. I guess not. Do we have
9 any comments or questions in this case from the Board?

10 MR. WORLEY: Well, I wish Murray County was here to
11 talk about this. But I would make a motion that we bind
12 this case over to the Attorney General's office.

13 MS. SULLIVAN: I'll second that.

14 MR. RAFFENSPERGER: Is there any discussion on this?

15 (no response)

16 MR. RAFFENSPERGER: All those in favor for binding
17 over Case Number 2016-040, Murray County to the Attorney
18 General's office for further action, please state aye.

19 THE BOARD MEMBERS: Aye.

20 MR. RAFFENSPERGER: Any opposed?

21 (no response)

22 MR. RAFFENSPERGER: Motion carries. Next case.

23 MS. JONES: 2016-043, Oconee County, Provisional
24 Ballot, Tab 49. On March 21st, 2016, Oconee County
25 Elections Supervisor Pat Hayes self-reported that Oconee

1 County Registrar transferred a voter after the voting
2 deadline, and the voter was allowed to cast a provisional
3 ballot in the March 1st, 2016 presidential preference
4 primary and that the ballot was counted by Ms. Hayes
5 during the provisional ballot count.

6 Mary Beth Phillips registered to vote through the
7 online voter registration system on February the 2nd,
8 2016, one day after the deadline to be eligible to vote in
9 the March 1st, 2016 election. Carole Amos, the Oconee
10 County Registrar, processed the voter registration on the
11 county voucher for it, assuming that all -- all
12 applications had been entered overnight which was the
13 deadline of February the 1st. The precinct card was
14 issued to Mary Beth Phillips as an eligible voter with the
15 date of the registration printed on the card as February
16 the 2nd, 2016.

17 On the date of the March 1st, 2016 PPP, Mary Beth
18 Phillips went into vote and was not in the express poll as
19 an eligible voter, and she was sent to the provisional
20 ballot table where she completed a provisional ballot.
21 The provisional ballot along with a copy of her precinct
22 card was secured in a ballot bag and on March the 3rd,
23 2016, provisional ballots were being verified when Pat
24 Hayes noticed that Ms. Phillips had registered after the
25 deadline and had been allowed to vote in the election.

1 Ms. Hayes decided to count that provisional ballot due to
2 the original error being made by Oconee County.

3 We recommend that Oconee County Board of Elections
4 and Registration and Pat Hayes be bound over to the AG's
5 office for violation of 21-2-419(b)(c)(3), validation of
6 the provisional ballots, when Pat Hayes validated the
7 provisional ballot of Mary Beth Phillips in the March 1st,
8 2016 election in which she was not a qualified voter. And
9 after further consideration, we recommend that the
10 violation for Carole Amos, the former Oconee County
11 Registrar, Pat Hayes, the Oconee County Elections
12 Supervisor, and the Oconee County Board of Elections and
13 Registration -- the violation 21-2-226 be dismissed as the
14 processing of the voter registration was the appropriate
15 action. It was the counting of the provisional ballot
16 that was the violation.

17 MR. RAFFENSPERGER: And I believe we have someone
18 here from Oconee County.

19 MS. DAVIS: Good afternoon. I'm Fran Davis. I'm the
20 Director of Elections and also the Chairman of the Board
21 for Oconee County Board of Elections and Registration.
22 Any questions for me? Well, before you decide, I have a
23 little bit of an explanation. I was there with Ms. Hayes
24 and Ms. Amos, who are no longer employed by Oconee County.
25 Ms. Hayes is retired and Ms. Amos quit after this

1 happened.

2 But when this occurred we realized that the voter was
3 being transferred from Clarke County which is the
4 neighboring county to us. If the poll manager Mr. Hanson
5 had called us to research about the provisional ballot
6 before he issued the ballot, we would have been able to
7 tell that the voter was inadvertently, or in error, taken
8 from Clarke County to Oconee County. We would have been
9 able to send that voter back to Clarke, even though it
10 would have been an inconvenience. We would have been able
11 to send the voter back to Clarke County and then she would
12 have been able to vote either as a supplemental voter or
13 either as a provisional voter in Clarke.

14 But unfortunately, because Mr. Hanson did not call us
15 and let us know about the provisional, we did not know
16 about the circumstances until we started to do the
17 research. We have since then -- right after that,
18 actually -- put in place a remedy to now all the poll
19 managers are required to call us before they issue a
20 provisional ballot, so that we may be able to do a little
21 research right then and there to hopefully remedy a
22 situation where they wouldn't have to vote a provisional,
23 and we could do something to help the voter, to make it
24 easier for them and not have to worry about a provisional.

25 MR. RAFFENSPERGER: Thank you. Any questions or

1 comments?

2 MR. WORLEY: So essentially what happened was that --
3 the feeling was that the person should have been sent back
4 to Clarke County and would have had their vote counted
5 there, but because you all essentially mistakenly gave her
6 a provisional ballot that vote should be counted?

7 MS. DAVIS: The way that I guess Ms. Hayes decided to
8 make that decision was that at the time the provisional
9 ballot was issued, we -- the poll manager did not realize
10 that it was taken in error and her registration had been
11 transferred in error from -- from Clarke. So when
12 Ms. Hayes went into her research, she realized, you know,
13 that it was taken in error and that she should have been
14 sent over to Clarke. Her ballot would have counted at
15 Clarke County because she would still have been an
16 eligible voter as well as it was the same ballot as we had
17 in Oconee County as we're the same district and it was the
18 PPP. So that was part of her decision. She did not want
19 to disenfranchise the voter because of the error that our
20 registrar made. Thank you.

21 MR. RAFFENSPERGER: Do any of the members have any
22 questions or comments?

23 (no response)

24 MR. RAFFENSPERGER: What is the will of the board?

25 MR. WORLEY: I would make a motion that under this

1 circum -- particular circumstances in this case that were
2 just explained that we send a letter of instruction to
3 Oconee County.

4 MR. RAFFENSPERGER: Is there a second on that motion?

5 MS. SULLIVAN: I'll second the motion.

6 MR. RAFFENSPERGER: Okay. We have a second. All
7 those in favor of sending a letter of instruction for Case
8 Number 26 -- 206 -- 2016-043, Oconee County, please
9 signify by saying aye.

10 THE BOARD MEMBERS: Aye.

11 MR. RAFFENSPERGER: All opposed?

12 (no response)

13 MR. RAFFENSPERGER: Motion carries.

14 MS. DAVIS: Thank you very much.

15 MR. RAFFENSPERGER: Okay. We're going back up to the
16 top.

17 MS. JONES: There was a second violation to be
18 dismissed.

19 MR. RAFFENSPERGER: Oh, yes, we haven't.

20 MR. WORLEY: And -- yeah, and -- and I'll -- I'll
21 also make a motion that the violation of 22-2-216 be
22 dismissed.

23 MR. RAFFENSPERGER: Is there a second on that?

24 MS. SULLIVAN: I'll second.

25 MR. RAFFENSPERGER: All those in favor of dismissing

1 violation that has been stated, signify by saying aye.

2 THE BOARD MEMBERS: Aye.

3 MR. RAFFENSPERGER: Any opposed?

4 (no response)

5 MR. RAFFENSPERGER: Motion carries. Okay.

6 MS. WATSON: Okay. I believe that we going back to
7 2015-059, Thomas County.

8 MR. RAFFENSPERGER: Yes.

9 MS. WATSON: In this case, the Thomas County Board of
10 Elections and Registration reported voter identified as
11 Gloria Tillman, who registered to vote in 2003, wasn't a
12 U.S. citizen. Thomas County had contacted her again in
13 2012 where she checked she was not a U.S. citizen and
14 apparently she remained on the voter list. Ms. Tillman
15 went to the Thomas County Board of Elections and
16 Registration in October of 2015 and requested them to
17 remove her from the voter list so she could become a U.S.
18 citizen.

19 The investigation verified that the complaint, and
20 Ms. Tillman admitted to registering to vote while she was
21 not an American citizen and voted in two general elections
22 for presidential elections on November 2nd, 2004 and
23 November 6th, 2012. Ms. Tillman, a citizen from the
24 Philippines, stated that it was her ignorance thinking
25 when she married her husband that she automatically became

1 an American citizen and could register to vote. Ms.
2 Tillman was very apologetic and said she fully intends to
3 become an American citizen and will register to vote.

4 We recommend Thomas County Board of Elections and
5 Registration be bound over to the AG's office for 21-2-
6 226(a), duties of county board in determining eligibility
7 of voters, when they failed to determine the eligibility
8 of Gloria Tillman after she registered to vote in 2003 and
9 again in 2012 while she was not an American citizen. And
10 we are also recommending Gloria Tillman be bound over for
11 21-2-216(a)(2), qualifications of electors generally.

12 MR. RAFFENSPERGER: I don't think there's anyone here
13 from Thomas County.

14 (no response)

15 MR. RAFFENSPERGER: Does the board have any questions
16 or comments?

17 (no response)

18 MR. RAFFENSPERGER: What is the will of the committee
19 of this case?

20 MR. WORLEY: I'd make a motion that we bind over both
21 the respondents in this case to the Attorney General's
22 office.

23 MR. RAFFENSPERGER: Do we hear a second?

24 MS. SULLIVAN: Second.

25 MR. RAFFENSPERGER: All those in favor -- is there

1 any discussion from the board?

2 (no response)

3 MR. RAFFENSPERGER: Not hearing anyone. All those in
4 favor of binding Case Number 2015-059, Thomas County
5 forward to the Attorney General's office for further
6 action, please signify by saying aye.

7 THE BOARD MEMBERS: Aye.

8 MR. RAFFENSPERGER: Any opposed?

9 (no response)

10 MR. RAFFENSPERGER: Motion carries.

11 MS. WATSON: Okay. The next case is 2015-060,
12 Baldwin County, Deceased Voter, Tab 130. Baldwin County
13 Chief Deputy Registrar Elizabeth Rodgers reported the
14 following: On October the 6th of 2015, the Baldwin County
15 Voter Registration Office received by facsimile an
16 absentee ballot application for a Linda Clemons for the
17 November 23rd, 2015 special election. The facsimile stamp
18 was LC4784141924. The absentee ballot application date
19 was 9/26 of 2015. The application was rejected by the
20 registrar's office with the reason that Linda Clemons'
21 voter record was marked as deceased on 7/2/2015. The
22 election date as well as the application date appeared to
23 be altered on Ms. Clemons' application.

24 The registrar's office also received a call on 10/6
25 of 2015 inquiring if 37 faxed absentee applications were

1 successfully received. Ms. Clemons' application was one
2 of the applications faxed in that group. A number of
3 other applications for this election had had dates altered
4 on them as well.

5 On February 25th, 2016, Baldwin County Voter
6 Registrations Office received an absentee ballot
7 application for Ruthie May Ford who was later determined
8 to have died on the same day the office received it. The
9 application was to request an absentee ballot for the
10 March 1, 2016 presidential preference primary. The dates
11 on the application had also been altered as on Linda
12 Clemons' application. A number of other applications for
13 this primary had the dates altered on them as well.

14 During the investigation of allegation one and two,
15 the Secretary of State's Office learned that Baldwin
16 County Registrar's Office received a combined total of 360
17 absentee ballot applications for the November 3rd, 2015
18 special election and the March 1, 2016 presidential
19 preference primary that were faxed from the same number of
20 4784141924. 295 of the applications had altered dates
21 either on the date of the primary election runoff or
22 application dates sections.

23 The investigation revealed that Beverly Calhoun
24 stated that she changed the dates on Linda Clemons'
25 absentee ballot application and faxed it to the Baldwin

1 County Registrar's Office on October the 6th, 2015. She
2 states that Linda Clemons had given her approval to do so.
3 Beverly was not familiar that Linda Clemons had passed
4 away in July of 2015 when she faxed the application in
5 October of 2015.

6 As to allegation two, Beverly Calhoun also changed
7 the dates on the absentee ballot application for Ruthie
8 May Ford and faxed it to the Baldwin County Registrar's
9 Office on February 25th, 2016, and she states that Ms.
10 Ford gave her permission to do so.

11 Allegation three: from October 6th through October
12 29th, 2015, 256 absentee ballot applications for the
13 November 3rd, 2015 special election were faxed from the
14 same number. 190 of the applications had altered dates
15 either on the date of the primary, the election runoff, or
16 application date sections. From February 24th through the
17 25th, 2016, Baldwin County Registrar's Office received 107
18 absentee ballot applications for the March 1, 2016 PPP
19 that were faxed from the same number. 105 of the
20 applications had altered dates either on the date of the
21 primary, the election runoff, or application date
22 sections.

23 Claudia Pinetta Calhoun (ph.) advised the fax number
24 was her personal fax number and Beverly Calhoun is her
25 mother. Ms. Calhoun states that she always tries to help

1 citizens in the -- the Milledgeville-Baldwin County area
2 with voting and did not know that she could not change the
3 dates on the applications. We're recommending that
4 Beverly Calhoun be bound over to the AG's office for the
5 listed violations of 21-2-381(a)(1)(a), 190 counts;
6 21-2-381(a)(1)(b), 190 counts; 21-2-381(a)(1)(g), 190
7 counts; and 21-2-562, on 295 counts.

8 MR. RAFFENSPERGER: Okay. I don't believe anyone's
9 here from Baldwin County that's named in this case. Are
10 there any comments or questions from anyone on the board?

11 (no response)

12 MR. RAFFENSPERGER: This is my personal -- I'm going
13 to have to write this number down because it's a record
14 breaker for me, but some of you have been on this Board
15 for a while. That's not a big number to you.

16 MR. WORLEY: No, Mr. Secretary, that is a very big
17 number.

18 MR. RAFFENSPERGER: Well, that's what I thought.
19 What is the will of the committee?

20 MR. WORLEY: I make a motion that we bind this case
21 over to the Attorney General's office.

22 MS. SULLIVAN: Second.

23 MR. RAFFENSPERGER: Any comments? All those in favor
24 of binding this over to the Attorney General's office,
25 please let me know by signifying by saying aye.

1 THE BOARD MEMBERS: Aye.

2 MR. RAFFENSPERGER: Any opposed?

3 (no response)

4 MR. RAFFENSPERGER: Motion carries.

5 MS. WATSON: The next case is going to be 2016-019,
6 Tattnall County, Tab Number 38. In February 2016, it was
7 reported that a poll worker Ajamu Miller voted early
8 during early voting at the Reed School office in Tattnall
9 County for the March 2016 presidential preference primary
10 and special election. Later, he decided he did not like
11 who he voted for so by working at Glenville Voting Office
12 he went to the e-net system and canceled his ballot.

13 The investigation revealed that Mr. Miller confirmed
14 that he went to the e-net system to do what he believed
15 was canceling out his vote. What he actually did was
16 cancel out his credit for voting. The ballot he had cast
17 was not canceled. We recommend that Mr. Miller be bound
18 over to the AG's office for violation of 21-2-
19 562(2)(a)(2), unlawful altercation of voter registration
20 entries and 21-2-587(6), frauds by poll workers. We also
21 recommend that violations for Tattnall County Board of
22 Elections and Registration be dismissed as Mr. Miller went
23 outside the scope of his duties when he went into the e-
24 net system to cancel his credit for voting.

25 MR. RAFFENSPERGER: Okay. I don't believe we have

1 anyone here from Tattnall County, do we?

2 (no response)

3 MR. RAFFENSPERGER: Any comments or questions from
4 anyone on the board?

5 (no response)

6 MR. RAFFENSPERGER: Is there a motion?

7 MR. WORLEY: I move that we refer this case -- bind
8 this case over to the Attorney General's office.

9 MR. RAFFENSPERGER: Do we have a second?

10 MS. SULLIVAN: Second.

11 MR. RAFFENSPERGER: Any further discussion?

12 (no response)

13 MR. RAFFENSPERGER: All those in favor of binding
14 this case 2016-019, Tattnall County, over to the Attorney
15 General's office, please let me know by signifying aye.

16 THE BOARD MEMBERS: Aye.

17 MR. RAFFENSPERGER: Any opposed?

18 (no response)

19 MR. RAFFENSPERGER: Motion carries. Next case.

20 MS. JONES: This case is Tab 42, Candler County,
21 Election Officials, 2016-028. Several complaints
22 concerning possible fraud and irregularities during the
23 March 1st, 2016 PPP and special election in Candler County
24 were reported.

25 Candler County Board of Elections member Teresa Gay

1 was at a polling precinct influencing voters to vote for
2 John Miles (ph.) for Sheriff while performing her duties.
3 The second is that Candler County Board of Elections
4 member Teresa Gay took the absentee ballots to residents
5 at Cedar Plantation Assisted Living facility located in
6 Metter, Georgia. The ballots were given to residents who
7 suffer from dementia and are unable to make clear
8 decisions. It was also alleged that Ms. Gay gave ballots
9 to Patrick and Gloria Seals who resided at Cedar
10 Plantation.

11 Third is that Wallie Porter (ph.) photographed his
12 ballot and put it on Facebook. The fourth, Shannon Powell
13 Farlow registered to vote in January 2016 when she removed
14 her license from the Department of Driver Services. When
15 she went to early vote in February 2016, she was told that
16 she was not a citizen. She also stated that she was not
17 given a provisional ballot.

18 Number five, Faye Collins Lanier assisted Barney
19 Walker by filling out his ballot application, but she did
20 not sign it stating that she had assisted him preparing
21 the application. Number six, some poll workers counting
22 ballots were public with getting votes for John Miles.
23 Number seven that a poll worker Alley Ford publicly
24 published her support for John Miles for sheriff, but she
25 was still found to be a poll worker. Number eight, the

1 poll workers were giving a preliminary vote count of
2 candidates during the election for sheriff.

3 Number nine, poll workers were heard recommending the
4 name of candidates to voters that were undecided. Number
5 ten, that people were taking pictures of the ballot in the
6 ballot booths. Number eleven, that the office of the
7 registrar did not know how to conduct the election and
8 said everyone was new and obviously untrained.

9 The investigation revealed that all allegations
10 except number five had -- were unsubstantiated. It was
11 determined that Faye Lanier Collins, while visiting
12 friends at the care facility was asked to bring five
13 ballot applications for her friends. Another resident
14 Barney Walker asked for her assistance also. Faye Collins
15 Lanier did assist Mr. Walker with the application not
16 knowing that she had to sign that she assisted. She later
17 learned that Mr. Walker was not a registered Candler
18 County voter.

19 It was also discovered during the investigation that
20 the election supervisor Victor Fordham that was appointed
21 in August of 2015 had not completed his election
22 verification training nor had he requested a waiver from
23 the Secretary of State's Office.

24 We recommend that Faye Collins Lanier be bound over
25 to the AG's office for 21-2-381(a)(1)(f), when she failed

1 to sign as assisting Mr. Walker with his application and
2 that Victor Fordham, Candler County Elections Supervisor,
3 and County -- Candler County Board of Election for
4 violation of 21-2-101 because he failed to receive his
5 certification.

6 MR. RAFFENSPERGER: Okay. Do we have any questions
7 or comments?

8 (no response)

9 MR. RAFFENSPERGER: What is the will of committee?

10 MS. LE: They're not here to speak to this,
11 unfortunately, so I would ask we move to the office -- to
12 the Attorney General's office.

13 MR. WORLEY: I second that.

14 MR. RAFFENSPERGER: Any further discussion?

15 (no response)

16 MR. RAFFENSPERGER: All those in favor of binding
17 this over to the Attorney General's office please let me
18 know by saying aye.

19 THE BOARD MEMBERS: Aye.

20 MR. RAFFENSPERGER: Any opposed?

21 (no response)

22 MR. RAFFENSPERGER: Motion carries. Next one.

23 MS. JONES: The next one is Tab 46, 2016-036, Houston
24 County, Voter Registration. Rashaunda Chatmon said that
25 she went to the Veterans Hospital precinct for March 1st,

1 2016 shortly before the polling station was closed and was
2 unable to vote because she wasn't registered in Houston
3 County. The poll manager did not allow her to vote a
4 provisional ballot.

5 The second complainant Ciara White stated that she
6 registered to vote at DDS office in January of 2016. She
7 went to the My Voter website on March 1st, 2016 to get her
8 precinct signed up. The site indicated that she was not a
9 registered voter. She contacted Houston County Elections
10 Office and they told her there was nothing they could do
11 to resolve the issue.

12 Ms. Chatmon registered -- the investigation revealed
13 that Ms. Chatmon registered as a voter in 2008 in Bibb
14 County under her maiden name Rashaunda Logan. She updated
15 her name and address in Randolph County through DDS in
16 2014. Ms. Chatmon did not update her voter registration
17 information and thought that it would automatically go
18 through the DDS. Ms. Chatmon contends that she went to
19 the voting precinct her husband was assigned to and tried
20 to vote. She reports that she was told she was not on the
21 electors list. She protested, and she had her driver's
22 license to show that she actually lived in Houston County.
23 She was directed to the provisional ballot table and told
24 that she needed to go to the county she was registered in.
25 She said that she did not have time to get to Bibb County.

1 She stated in her interview that the poll worker told her
2 she could not vote a provisional ballot.

3 Poll workers at the precinct were interviewed and did
4 not recall any voters close to closing time that had any
5 issues such as Ms. Chatmon described. They recalled only
6 that one voter came in after the polls were closed and was
7 not allowed to vote.

8 As to complaint two, Ciara White: the DDS records
9 show that on her DDS application she did select to
10 register to vote. However, when she obtained her
11 temporary license on January 27th, it indicated that she
12 did not wish to register on her application. It is not
13 known how the error occurred, possibly a processing error
14 through DDS. Ciara White was officially registered as a
15 voter on April 15th, 2016.

16 We recommend that Stephanie Dixon, poll manager,
17 Joanne Shipes, Elections Superintendent, and Houston
18 County Board of Elections and Registration be bound over
19 to the AG's office for violation of 21-2-418(a),
20 provisional ballots, in that they did not allow a person
21 to vote a provisional ballot when that person believed
22 they were a registered voter.

23 MR. RAFFENSPERGER: And we have no one here from
24 Houston County.

25 (no response)

1 MR. RAFFENSPERGER: Any board members have any
2 comments or questions?

3 (no response)

4 MR. RAFFENSPERGER: Do we have a motion?

5 MR. WORLEY: I'll make a motion to bind this matter
6 over -- over to -- the charge related to Ms. Chatmon -- to
7 bind that over to the Attorney General's office and to
8 dismiss the complaint by Ms. White.

9 MR. RAFFENSPERGER: Do we have a second?

10 MS. LE: I second.

11 MR. RAFFENSPERGER: All those in favor of the motion
12 presented and want to move it over, please let me know by
13 signifying aye.

14 THE BOARD MEMBERS: Aye.

15 MR. RAFFENSPERGER: Any opposed?

16 (no response)

17 MR. RAFFENSPERGER: Motion carries. Okay. Or for
18 clarification, the City of Snellville case was continued?

19 MS. WATSON: Continued.

20 MR. RAFFENSPERGER: So that is the end of all of our
21 new cases. And let's turn it over to the Attorney
22 General's office.

23 MS. CORREIA (ph.): Does the board want me to discuss
24 any one of them or vote on them as a group? I'd be happy
25 to discuss any one of them on its own if the board wants

1 to.

2 MR. RAFFENSPERGER: What is the will of the board?

3 MS. CORREIA: I'm sorry?

4 MR. RAFFENSPERGER: I'm just asking.

5 MR. WORLEY: I'll make a motion that we accept in a
6 block the consent order reports from the Attorney General.

7 MS. SULLIVAN: I'll second that.

8 MR. RAFFENSPERGER: All those in favor of accepting
9 the consent orders in a block, signify by saying aye.

10 THE BOARD MEMBERS: Aye.

11 MR. RAFFENSPERGER: Any opposed?

12 (no response)

13 MR. RAFFENSPERGER: Motion carries. Any further
14 discussions?

15 MS. SULLIVAN: Have we voted on the dismissal?
16 Unless any of the other board members want any further
17 presentation or information, I move that we dismiss SEB
18 case number 2016-052.

19 MR. RAFFENSPERGER: Do we have a second?

20 MS. LE: I second.

21 MR. RAFFENSPERGER: All those in favor -- any
22 discussion? All those in favor of dismissing Case Number
23 2016-052, Gwinnett County, signify by saying aye.

24 THE BOARD MEMBERS: Aye.

25 MR. RAFFENSPERGER: Any opposed?

1 (no response)

2 MR. RAFFENSPERGER: Motion carries. Do any of the
3 board members have any additional comments they would like
4 to share before I make a motion to adjourn?

5 (no response)

6 MR. RAFFENSPERGER: Do we have a motion to adjourn?

7 MR. WORLEY: So move.

8 MS. LE: Second.

9 MR. RAFFENSPERGER: All those in favor of adjourning?

10 THE BOARD MEMBERS: Aye.

11 MR. RAFFENSPERGER: Any opposed?

12 (no response)

13 MR. RAFFENSPERGER: We are adjourned.

14 (Adjourned at 3:02 p.m.)

15

CERTIFICATE

STATE OF GEORGIA
COUNTY OF DEKALB

I, Kaitlin Walsh, Certified Court Reporter, hereby certify that the foregoing pages numbered 2 through 201 constitute a true, correct and accurate transcript of the testimony heard before me, an officer duly authorized to administer oaths, and was transcribed under my supervision.

I further certify that I am a disinterested party to this action and that I am neither of kin nor counsel to any of the parties hereto.

In witness whereof, I hereby affix my hand on this,
the 25 day of September, 2019.

Kaitlin Walsh, CCR, CVR
CCR #: 5910-3132-3171-2256