

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

DECEMBER 17, 2019
9:00 A.M.

PRESIDING OFFICER: BRAD RAFFENSPERGER
SECRETARY OF STATE

STEVEN RAY GREEN COURT REPORTING, LLC
Steven Ray Green, CCR
Atlanta, Georgia

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APPEARANCE OF THE PANEL FROM LEFT TO RIGHT

Secretary of State Brad Raffensperger, chair
Rebecca Sullivan, vice chair
David Worley
Anh Le

ALSO PRESENT IN ORDER OF PRESENTATION

Frances Watson, Chief Investigator
Charlene McGowan, Assistant Attorney General
Ryan Germany, SOS General Counsel

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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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1 **P R O C E E D I N G S**

2 **MR. RAFFENSPERGER:** Good morning everyone.

3 We'll begin -- we'll begin in a minute. Our
4 other member will be here shortly. And there are
5 some sign-up sheets there. I'm sure everyone has
6 seen those.

7 Good morning. I would like to welcome
8 everyone. Thank you for attending. I know
9 traffic was tough on everyone this morning. I'd
10 like to open up with a prayer and pledge and then
11 I'll have a few comments and some of our members
12 may have a few comments also.

13 (invocation)

14 **MR. RAFFENSPERGER:** If y'all will stand for
15 the pledge, please.

16 (Pledge of Allegiance)

17 **MR. RAFFENSPERGER:** Okay. Folks, we're
18 going to have a very full agenda today as you all
19 can see. We'll have some public comments in the
20 front and then we're going to have a presentation
21 of the cases and actions. That was reversed
22 before, but when you look at some folks who for
23 their cases are driving three, three-and-a-half,
24 four hours away, and some of those cases have
25 been on for a while, I just thought to respect

1 their time, I wanted to go ahead and get that
2 done.

3 I know that many of you are here for the new
4 SEB rules, and, you know, we'll be going into
5 that. So it's going to be a very full agenda
6 today.

7 As we always do, we allow two minutes for
8 our speakers to speak on any topics they wish to
9 bring to our attention. And we have allocated
10 about 30 minutes. We'll see how that works. And
11 if you have any SEB rule changes, we have
12 allotted also 15 minutes for public input at the
13 time from one of the presenters and then maybe
14 other public comments.

15 Our office is very pleased to announce that
16 yesterday we began voting demonstrations with our
17 new ballot-marking device voting system at the
18 King Center. We are excited that visitors will
19 have the opportunity to try out the new system.

20 Our office has been -- has done many voting
21 machine demonstrations that have included
22 Gwinnett County, a senior center in Clayton
23 County, the state fair in Perry where 3,700
24 Georgians tried it out, the Columbia County Fair
25 in the Augusta area where a thousand people tried

1 it out, the State Farm Bureau Conference in
2 Jekyll and ACCG Conference in Athens, and just
3 last week the Hall Business Chamber Meeting up in
4 Gainesville.

5 And I also note that county election
6 officials are also inviting opportunities in
7 their counties for voters to try the new system.
8 We are ahead of schedule for the March 24
9 presidential primary and excited that Georgia
10 continues to lead in innovations in voting.

11 And that is my comment for this morning.

12 Do any board members wish to offer any
13 comments before we get started?

14 **MR. WORLEY:** No.

15 **MR. RAFFENSPERGER:** Okay. Well, you have
16 the approval of the board minutes meeting before
17 you, do we have a motion?

18 **MR. WORLEY:** I'll make a motion that we
19 approve the minutes of the August 29th meeting.

20 **MR. RAFFENSPERGER:** Do we have a second?
21 Sorry.

22 **MS. SULLIVAN:** I'll second it.

23 **MR. RAFFENSPERGER:** All those in favor?

24 **THE BOARD MEMBERS:** Aye.

25 **MR. RAFFENSPERGER:** Motion carries.

1 Okay. First thing we have is the
2 investigation of consent cases. And one of our
3 board members - public comments, I'm sorry.

4 Okay. We have two sheets and the first one
5 we have Hillary Holley on proposed rules. Do you
6 want to speak now or do you want to speak later
7 when we just talk about the proposed rule change
8 at that time?

9 **MS. HOLLEY:** Now is fine.

10 **MR. RAFFENSPERGER:** Pardon me?

11 **MS. HOLLEY:** Now is fine.

12 **MR. RAFFENSPERGER:** Okay. If you'd come
13 forward.

14 **MR. RAYBURN:** When public commentators
15 speak, please start with your name and where you
16 live. If you'll come into this area so the
17 transcriptionist can get it down.

18 **MS. HOLLEY:** Good morning. My name is
19 Hillary Holley and I live in Atlanta, Georgia.
20 So I'm the organizing director of Verified
21 Action.

22 I'm here today to say that 2020 is an
23 important year for Georgians. We are electing a
24 president, two U.S. senators, state
25 representatives, and many local elected

1 officials. In Georgia's 2020 elections,
2 historically high turnout is expected beyond even
3 what we saw last year where too many of our
4 systems failed voters. Because two weeks out --
5 two weeks out from here Georgia is unprepared.

6 I am here this morning to raise concerns on
7 how Georgians can ask the state election board
8 and the secretary of state to do its job to
9 prepare for the 2020 elections, because what we
10 saw in 2018 certainly cannot happen again.

11 In 2018, the state election board and the
12 secretary of state's office had massive
13 administrative failures which caused extremely
14 long lines, registered voters missing at the
15 polls, insecure and insufficient number and
16 malfunctioning voting machines, insufficient
17 provisional ballots, poorly trained election
18 official staff who were ill-equipped to meet
19 voters' needs. This all occurred -- this all
20 occurred because the secretary of state and the
21 state election board failed to do its job.

22 And now Georgia is implementing an entirely
23 new voting system during a presidential election
24 year. Responsible states took years to implement
25 these new voting systems, yet the Secretary of

1 State of Georgia has given counties less than
2 three months to prepare. The Colorado Secretary
3 of State told the AJC and I quote: What Georgia
4 is trying to do is basically -- basically blowing
5 my mind. We had two-and-a-half years to do it
6 and that was challenging. I cannot imagine
7 implementing with the number of counties Georgia
8 has in it, what -- in what two or three months?

9 But despite this our county election
10 officials are working hard to keep up with the
11 state's ever-evolving timeline and package of
12 resources. County officials have asked for the
13 secretary of state's support to only receive more
14 vague responses and unclear commitments. We have
15 a presidential primary in three months and
16 machines are delivered in early February.
17 Counties will have less than two months to train
18 poll workers, while required properly -- to
19 properly manage the election on new technology.
20 (timer sounding)

21 **MR. RAFFENSPERGER:** Thank you for your
22 comments.

23 **MS. HOLLEY:** All right.

24 **MR. RAFFENSPERGER:** James Wood -- Woodan; is
25 that right?

1 **MR. WOODALL:** Woodall.

2 **MR. RAFFENSPERGER:** Woodall. Gotcha.

3 Sorry, James.

4 **MR. WOODALL:** Yes. James Woodall, pres --
5 well, I live in Atlanta, Georgia and I'm the
6 president of Georgia NAACP.

7 I come for two reasons in -- in addition to
8 what my colleagues have share -- will share and
9 have shared already is that the Georgia NAACP is
10 concerned about the direction of the election
11 here in this state.

12 As we go across the entire state, people are
13 -- are -- are disavowed with the process. They
14 don't want to vote quite frankly because the
15 process, they believe, is corrupt and does not
16 serve their best interests. And so there are two
17 specifics acts that Georgia NAACP is asking this
18 board and the secretary of state's office to
19 consider.

20 One being that the directives that are given
21 to local boards of election, those be given
22 primarily from the secretary of state's office as
23 opposed to being deferred to the local
24 jurisdictions of the boards of election.

25 The other is allowing for expanded access of

1 language for the ballot process so that we can
2 have those who don't have English as a first
3 language or those who are not able to articulate
4 in English what they desire as an election
5 result.

6 So we're asking for those two specific
7 things because we believe that those will allow
8 for us to have more fair and accessible elections
9 and we're willing to work with the secretary of
10 state's office and this board to ensure that
11 those things happen. Thank you.

12 **MR. RAFFENSPERGER:** Thank you.

13 Sean Young. Sean Young.

14 **MR. YOUNG:** Hello. My name is Sean Young
15 and I'm the legal director of the ACLU of
16 Georgia. The ACLU of Georgia is a nonpartisan
17 organization whose goal is to protect the sacred
18 and fundamental right to vote, especially for
19 those who are the most vulnerable among us. We
20 take our nonpartisan status very seriously. In
21 fact, we have sued and are suing both democrats
22 and republicans in various counties for failing
23 to protect our elections.

24 I want to focus primarily on two issues that
25 plague our elections -- long lines on election

1 day, particularly in the lower income
2 communities; and the belated processing of
3 absentee ballots -- and to that end, I'm going to
4 make four recommendations.

5 First, all polling places must be tested
6 well in advance to ensure that they can carry the
7 substantial electrical capacity required for
8 e-poll books and new voting machines. In fact
9 the clerk -- the elections director of Jackson
10 County is -- is actually doing that now and I
11 think all of our counties should be doing that.
12 A lot of people can't afford to take off four to
13 five hours of work to wait for malfunctioning
14 machines to be up and running again.

15 Second, the regulations must provide that
16 emergency paper ballots be available to all
17 voters in case of an emergency, which should
18 include malfunctioning machines. And, in fact,
19 that's exactly what Georgia law requires in
20 Section 2 -- 21-2-281. But right now the
21 regulations aren't implemented yet.

22 Third, regulations should require every
23 polling place to have an easy mechanism for poll
24 workers to determine a voter's correct polling
25 place. And poll workers should be required to

1 tell voters that if it's not practical to go to
2 the right polling place, that they can vote a
3 provisional ballot on the spot.

4 Fourth and lastly, absentee ballot
5 processing is haphazard and dysfunctional. We
6 recommend that the regulations require all
7 absentee ballot applications, absentee ballots,
8 and registration form be processed within 24
9 hours of receipt and that voters be called or
10 e-mailed immediately if there are any problems.
11 Promptly means promptly and 24 hours is more than
12 enough to do this promptly.

13 2020 gives Georgia the chance to rise above
14 partisan politics and ensure that everyone,
15 especially the most vulnerable among us --
16 (timer sounding)

17 **MR. YOUNG:** -- can participate in our -- in
18 our democracy. Thank you.

19 **MR. RAFFENSPERGER:** Thank you.

20 Marissa Dodson.

21 **MS. DODSON:** Good morning. My name is
22 Marissa Dodson. I am the attorney and the public
23 policy director of the Southern Center for Human
24 Rights. I'm here today to call your attention to
25 an issue around voting as it relates to people

1 who have been convicted of a felony.

2 The Southern Center for Human Rights is a
3 nonprofit, nonpartisan law firm. We are
4 committed to litigation and public policy reforms
5 that address injustice in our criminal legal
6 system in the state.

7 We want to bring to your attention that over
8 250,000 people were disqualified in Georgia in
9 2018 due to a felony conviction. What the law is
10 in this state is that people who were convicted
11 of a felony involving moral turpitude are denied
12 the right to vote until they have completed their
13 sentence. The right to vote is supposed to be
14 automatic -- automatically restored in Georgia.
15 However, there are fundamental problems with the
16 way the law is being implemented.

17 First and foremost, there is no definition
18 of moral turpitude. So therefore, every felony
19 is disqualified in Georgia which includes drug
20 possession and other things that people don't
21 assume would be -- there would be such a -- such
22 a severe consequence for their action.

23 The other issue is what it means to complete
24 your sentence. What we know is that Georgia has
25 some of the longest probations -- not some of --

1 the longest probation sentences in the country.
2 We have the most number of people per capita that
3 are under correctional control. And what happens
4 is that fines and fees and other criminal justice
5 debt stop people from being able to be restored.

6 We believe that these are modern poll taxes
7 designed to exclude or continue to perpetuate
8 wealth-based discrimination. Thus, those who
9 have the money to pay, can vote. But those who
10 do not, cannot vote.

11 Tomorrow there is a senate study committee
12 that has been meeting to address some of these
13 problems. Their final meeting where they will be
14 -- where they will consider recommendations and a
15 report will happen tomorrow. It will be in the
16 Coverdell Legislative Office Building in Room
17 307. We expect or are hopeful that there will be
18 some recommendations that come out of this
19 committee that will improve clarity and expand
20 the right to vote for people in this state who
21 are living in our communities --

22 (timer sounding)

23 **MS. DODSON:** -- and paying taxes and leading
24 productive lives in our -- in our state. Thank
25 you very much.

1 **MR. RAFFENSPERGER:** Thank you.

2 Mr. John Cusick.

3 **MR. CUSICK:** My name is John Cusick. I'm an
4 attorney with the NAACP Legal Defense and
5 Educational Fund.

6 In Georgia some polling place changes have
7 made it harder, if not impossible, for voters to
8 vote. In 2013, following the Shelby County
9 decision, Baker County considered closing four
10 out of five polling locations, a majority of
11 which would've impacted black voters.

12 More recently we saw in Randolph County
13 seven of nine polling place closures being
14 considered, again disproportionately impacting
15 black voters. In both of these cases, LDF along
16 with other civil rights organizations and
17 communities wrote in opposition and worked to
18 make -- ensure that these proposals would not be
19 considered. To this end, we continue to monitor
20 voting places throughout the state of Georgia.

21 In 2018, in the lead-up to the mid-term
22 elections, along with ACLU of Georgia, we wrote
23 to all 159 counties with a list of our
24 recommendations.

25 One, that they should make sure that there

1 are mechanisms to ensure that community members
2 have input in any decision to move or to close a
3 polling precinct.

4 Second, that the board must study and
5 analyze any disproportionate impact to black
6 voters, disabled voters, or elderly voters.

7 Third, that alternate proposals should be
8 considered during this review process, and
9 proposals that make it harder for racial
10 minorities should not be defended for cost
11 justifications or end runs around to complying
12 with the American Civil Liberty -- American
13 Disabilities Act.

14 We urge this board to adopt some of these
15 recommendations and issue guidance to all of the
16 counties moving forward to the 2020 elections.
17 We're concerned, given House Bill 316, that
18 certain board of elections are not going to be
19 able to comply with the new mandate, especially
20 given the Fair Fights analysis and that best
21 might be used as a justification to further
22 reduce polling place closures.

23 So we urge you to make these recommendations
24 and issue guidance to the different boards of
25 elections and make sure that they're in

1 compliance with their legal obligations in the
2 U.S. Constitution and Georgia state law and make
3 sure some of these recommendations are in place
4 so community members have a seat at the table
5 during and after the process. Thank you.

6 **MR. RAFFENSPERGER:** Thank you.

7 Ms. Laura Walker.

8 **MS. WALKER:** Hi. My name is Laura Walker.
9 I live in Columbus, Georgia. I'm the chair of
10 the Muscogee County Democrats. I'm here because
11 of a couple of different things.

12 I completely support what has all just been
13 said, especially of felony voting rights. I
14 spoke to the senate hearing that -- when it came
15 down to Columbus earlier this fall.

16 I want to implore you not to set up your
17 local county election boards for failure. From
18 what we understand, there's not enough funding
19 for the training, that there is not enough
20 machines purchased for the recommended standards
21 by the -- the people who implement the system,
22 it's not up to standard. And why we would not
23 fully fund and support that effort in an
24 election, right after such a -- an election year
25 of kind of failure is beyond me. Don't set them

1 up to be in a similar position this year.

2 I also want to talk a little bit about the
3 purges. We, as a county committee, were able to
4 get the list of canceled voters from the last
5 list that went out. And we decided to do a
6 little test of it and we whittled it down to the
7 voters who had been canceled. So they had
8 already been dropped, but who had voted in the
9 last election cycle in 2018. And for our county,
10 there was 306 people.

11 According to the regulations, those people,
12 if they voted last year but had already been
13 dropped, should be either deceased or
14 incarcerated. And we've done the list. We --
15 we've searched, you know, just trying to identify
16 each person, and only about 85 percent of those
17 people can be identified in those ways. I just
18 wanted to let you know that these purges are not
19 infallible. They impact voters who may not know
20 until they get to the polling place that they've
21 been dropped.

22 (timer sounding)

23 **MS. WALKER:** There is room for error.
24 Please, please make sure that this election goes
25 well.

1 **MR. RAFFENSPERGER:** Thank you.

2 Mr. George Balbona.

3 **MR. BALBONA:** George Balbona, Cobb County.

4 Hey, Brad. So much for -- for suppression,
5 so little time.

6 Let's start with this article that you
7 posted on the SOS website on November 13th. It's
8 entitled *Risk Limiting Audits Concludes*
9 *Paper-Ballot System Accurate*. Yeah. You've --
10 you're pleased as punch. You say that you're so
11 happy they have verified voting and their
12 president, Marian K. Schneider, is endorsing you.

13 Then, amazingly, eight days later, Phillip
14 Stark, the man who invented risk limiting audits,
15 he sent in his resignation letter to Verified
16 Voting because he did not believe that you can
17 have a meaningful, risk limiting audit on the
18 BMDs.

19 I have three articles here I wanted to
20 submit into the record. One's his resignation
21 letter; one's the letter he sent before this
22 so-called SAFE commission; and the other one is
23 Wenke Lee, the only cyber-security expert on the
24 SAFE commission, saying we should not be using
25 BMDs. There's a copy for everybody. So you each

1 can spread it.

2 So let's read from this resignation letter.
3 He says, "This is security theater not election
4 integrity." And if it's theater, Brad, you're
5 going for an Academy Award and it's all fiction.
6 Okay? He says that, you know, Verified Voting is
7 promoting the shiny part of auditing the risk
8 limiting audit procedure at the expense of a far
9 more fundamental requirement for trustworthy
10 elections: a trustworthy paper trail. You do not
11 have that.

12 Those little summaries that the BMDs spit
13 out is bait and switch because, A, it's just a
14 summary, and, B, you know those scanners are
15 tabulating off the QR code and the barcode. And
16 there's not a person on this planet who can read
17 either of those and you know that. It's bait and
18 switch.

19 You have a very sprite expression on your
20 face right now, Brad. Why is that? Are you
21 happy because you purged 313,000 people last
22 night from the voter rolls, registered Georgia
23 voters who took the time before we had the
24 automatic BMD?

25 (timer sounding)

1 **MR. BALBONA:** Smug.

2 (applause)

3 **MR. BALBONA:** Oh, we have -- I have copies
4 of the resignation letter here if anyone wants to
5 pick it up.

6 **UNIDENTIFIED AUDIENCE MEMBERS:** Thank you.
7 Thank you. Thank you.

8 **MR. RAFFENSPERGER:** Ms. Page Dukes.

9 **MS. DUKES:** Hello. My name is Page Dukes
10 and I work for Southern Center for Human Rights
11 as an assistant of communications.

12 I'm also a re-entering citizen. In 2007, I
13 was convicted of a violent felony. After
14 battling an addiction to opioids for several
15 years and dropping out of college, I was released
16 from prison two-and-a-half years ago after
17 spending my 20s there. I'll graduate from
18 college in May and I plan to have my rights
19 restored this year, but I am just one of too many
20 blanketly excluded from policy decisions that
21 directly affect us.

22 Colorado adopted House Bill 1266 earlier
23 this year redefining the language to restore
24 voting rights upon release. If the expectation
25 is that re-entering people become productive

1 members of society, that productive --
2 productivity requires self-sustainability and,
3 least of all, autonomy. A person is just as tied
4 to individual responsibility to vote as it is to
5 hold a job and pay taxes. Depriving us of our
6 civic voice while simultaneously requiring civic
7 contributions, financial and otherwise, is in
8 direct contradiction and it sends a message that
9 we are less than fully human.

10 **MR. RAFFENSPERGER:** Thank you.

11 Mr. Garland Favorito.

12 (applause)

13 **MR. RAFFENSPERGER:** Do you see Mr. Garland
14 Favorito?

15 **THE COURT REPORTER:** Well, he needs to use
16 the microphone, please.

17 **MR. FAVORITO:** (approaching microphone) I'll
18 give it back.

19 Mr.~Chairman, before I start, there was a
20 ballot-marking device security study that we
21 introduced in (indiscernible) California two
22 months ago. I'd like to get this on the record
23 if that's okay.

24 **MR. RAFFENSPERGER:** Certainly.

25 **MR. FAVORITO:** Thank you.

1 Mr. Chairman, I'm -- I'm, of course, this
2 board (indiscernible) the constitution for me to
3 support the rule changes that matter, that are
4 very common sense and -- and very important. But
5 what I want to do is talk to you as the founder
6 of VoterGa and identify how (indiscernible).

7 We've been explaining to the SAFE commission
8 (indiscernible) for the last two years that the
9 voting systems and some of the ballot-marking
10 devices which include the ones you purchased will
11 accumulate votes that are cued in barcodes from
12 the voter. So this is a totally, 100 percent
13 unverifiable system, just like the last system
14 that we had and we're trying to get rid of and
15 one that was ruled unconstitutional and banned
16 for use in this incoming year.

17 Now, all of this -- all of this is to say
18 that auditability will cover, but it will not --
19 it will not cover to this because you can't
20 expect on only one percent of the ballots and
21 then compensate from 100 percent of
22 (indiscernible) under our voting system.

23 In addition, the procedures that you're
24 going to use do not (indiscernible) in the state,
25 house, judicial, nonpartisan county or municipal

1 elections. So auditing cannot possibly cover
2 unverifiability.

3 In addition, Phil Stark, the inventor of
4 risk limiting auditing procedures that we are
5 going to use here in Georgia, he said they cannot
6 be meaningfully audited to -- to use the audit
7 (indiscernible) ballot marking devices that are
8 Georgia -- that I have mentioned.

9 Fourth, there is no incentive on the state
10 elections board and the state elections
11 department to resolve security problems when they
12 come up. For example, in 2018, the lieutenant
13 governor's race lost a hundred and twenty-five
14 thousand or so ballots. There was no
15 investigation, no attempt to find out what
16 happened to those votes.

17 (timer sounding)

18 **MR. FAVORITO:** And finally, when the central
19 ballot (indiscernible) --

20 (timer sounding)

21 **MR. FAVORITO:** -- was exposed in 2017, there
22 was no investigation, nothing was done on that.
23 Thank you.

24 **MR. RAFFENSPERGER:** Thank you.

25 Okay. We had another sign-up sheet here and

1 if I could call, like, three names so we can line
2 up here (indicating), it might help expedite it.

3 So the first one is Ms. Aileen Nakamura.
4 Number 2 is Ms. Liz Troop (pronouncing), Throop,
5 T-h-r-o-o-p, and Ms. Joy Wasson and Ms. Dana
6 Bowers. And maybe that will help.

7 So Ms. Nakamura.

8 **MS. NAKAMURA:** Good morning.

9 **MR. RAFFENSPERGER:** Good morning.

10 **MS. NAKAMURA:** My name is Aileen Nakamura
11 and I'm a Georgia voter from Sandy Springs.

12 The secretary of state reports that there
13 were only a few glitches with the new Dominion
14 Voting System in the six pilot counties, using
15 phrases like: The system is running as designed.

16 I'm here to tell you that if it is running
17 as designed, we're in big trouble. I know this
18 because I organized a group of about 30
19 volunteers who went and observed during early
20 voting election day in the run-off elections in
21 six of the seven total pilot counties. We
22 visited over 50 different polling places and
23 spent a total of 185 hours as poll watchers or
24 observers. I personally spent 25 hours observing
25 and watching at 11 locations and I can tell you

1 this, these municipal elections were so small
2 that they were -- we're kidding ourselves if we
3 think these pilots were a true test of the
4 system.

5 The voters who voted on BMDs in the pilot
6 elections represent less than one percent of the
7 voters expected in March of 2020. How can this
8 be looked at as a true test of the machines. I
9 saw a scanner stop working after scanning just
10 seven pieces of paper. And voters had to wait
11 40 minutes while poll workers, who not of their
12 fault, they just didn't know how to -- how to
13 handle the fix.

14 The voters ended up leaving with their paper
15 printouts in an emergency slot without scanning.
16 It took almost two hours for the scanner to get
17 fixed. But you know why this wasn't a big deal
18 even though there's only one scanner in each
19 polling place? Because there were only two
20 voters at that time.

21 But at the same precinct during the twenty
22 -- 2018 mid-terms, they had a record turnout with
23 a line that had doubled around a huge auditorium,
24 down the hall, and out the door. What happens
25 when the scanner fails in March or next November?

1 So let me repeat, all of the municipal
2 elections were so small that again and again when
3 poll booths, BMDs and scanners failed, it didn't
4 seem like a big deal. It's absurd to assume that
5 more training will overcome equipment failures
6 during the presidential primary with over two
7 million voters. So slow it down and let's get it
8 right.

9 (timer sounding)

10 **MR. RAFFENSPERGER:** Thank you.

11 Ms. Liz Throop.

12 (applause)

13 **MS. THROOP:** Hi there. I'm Liz Throop. I
14 vote in DeKalb County.

15 We need a solid contingency plan for 2020.
16 I spent 31 hours observing the Dominion system at
17 10 polling locations and I agree with Aileen.
18 These pilots were not the true test of the new
19 system. In fact, I was at a polling place long
20 enough to see that one of these claims made about
21 how things were fixed quickly simply wasn't true.

22 On election day in Carroll County, poll pads
23 were unable to format ballot access cards between
24 my arrival at 7:40 a.m. and when a vendor came to
25 fix them at 10:00 a.m. This differs from the

1 secretary of state's report that a fix was sent
2 out via Wi-Fi and that everything worked by
3 8:20 a.m. Until mid-morning I watched voters
4 fill out and sign paper certificates. The poll
5 manager had to go from machine to machine using
6 his own access card and password so voters could
7 vote. I also saw a BMD suddenly go black and it
8 couldn't be fixed so it had to be removed. Other
9 observers witnessed scanners that kept rejecting
10 printouts unless they were inserted just right
11 and other problems.

12 While many of these issues would have caused
13 a huge bottleneck on a large election, none of
14 these many problems we observed and documented
15 posed anything but a slight blip in these pilot
16 elections because the amount of available
17 equipment was so large, the staffing was extra
18 heavy, and the voting was extra, extra light.

19 It's urgent that you as a board allow
20 counties to only introduce new equipment that
21 they need -- that they can use with confidence,
22 that have been tested well, and that are known
23 not to fail. We need a solid contingency plan.
24 Unlike pilot elections, polling places in 2020
25 will be high stress.

1 (timer sounding)

2 **MS. THROOP:** Thank you.

3 **MR. RAFFENSPERGER:** Thank you.

4 (applause)

5 **MR. RAFFENSPERGER:** Joy Wasson.

6 **MS. WASSON:** Good morning. My name is Joy
7 Wasson and I'm a Georgia voter from Atlanta.

8 In the 2018 general election, a record
9 number of voters chose to cast their ballot by
10 absentee from home, using hand-marked paper
11 ballots. There are a bunch of steps involved.
12 You have to request the ballot by filling out a
13 form, which you mail or hand-deliver. Your local
14 election office mails the ballot to you, you
15 complete it, stuff it into two envelopes, sign
16 the outer envelope. You can then mail it back or
17 drop it at your election office. Once received,
18 election officials check your signature against
19 the electronic records before accepting the
20 ballot.

21 For many voters the system worked, but for
22 far too many the system failed and votes were not
23 counted. The signature match requires election
24 officials to have expertise they're not trained
25 for. Votes of Asian American, elderly and

1 disabled people are rejected at higher rates due
2 to signature mismatch. Mail delivery is not
3 always reliable. In large counties there have
4 been backlogs processing requests.

5 Today you'll be hearing a petition to adopt
6 four rules. Rule 1 allows voters to drop their
7 ballot off at their local precinct on election
8 day or at any early voting location. Show your
9 ID to the clerk, confirm you're an active voter,
10 and hand over the ballot. You leave with
11 confidence your vote has been accepted. I
12 support Rule 1 because it will reduce uncertainty
13 for voters while reducing workload for local
14 election officials. Thank you.

15 **MR. RAFFENSPERGER:** Thank you.

16 (applause)

17 **MR. RAFFENSPERGER:** After Ms. Dana Bowers,
18 we'll call John Peterson, Jasmine Clark, and
19 Terrence White. If they could line up also.

20 So Ms. Bowers.

21 **MS. BOWERS:** Good morning. My name is Dana
22 Bowers and I'm a Georgia voter from Gwinnett
23 County.

24 I've been working for fair elections in
25 Georgia for several years now, and in recent

1 years I have chosen to vote on hand-marked paper
2 absentee ballots. I fully understand the
3 procedures, but defi -- despite my best efforts,
4 my vote was not counted in the 2018 general
5 election. If Proposed Rule 1 was in effect, my
6 vote would have been counted. This rule will
7 make a difference for thousands of Georgia voters
8 like me.

9 I live in Gwinnett County which became
10 notorious for twenty -- in 2018 for the number of
11 absentee voters whose votes were not counted.
12 It's a perfect storm. Gwinnett is a fast-growing
13 and one of the most diverse counties in the
14 southeast. It's the only Georgia county required
15 to print ballots in both English and Spanish,
16 which makes the outer envelope of the absentee
17 ballot more complex.

18 Rule 1 has two big advantages for voters
19 like me. Number 1, we have the option to cast
20 our hand-marked absentee ballot on election day,
21 taking advantage of the latest information before
22 making our decision. When we hand our vote --

23 Number 2, when we hand our vote to an
24 election official, we will be confident that it
25 will be counted. I urge you to adopt Rule 1. It

1 -- it helps voters and reduces workload for
2 election officials.

3 **MR. RAFFENSPERGER:** Thank you.

4 (applause)

5 **MR. RAFFENSPERGER:** Mr. John Peterson.

6 Mr.~John Peterson.

7 Then Jasmine Clark and then Terrence White.

8 **MR. PETERSON:** Good morning. My name is

9 John Peterson and I'm a Georgia voter from
10 Cherokee County. I currently attend Georgia
11 State University here in Fulton County. And as a
12 college student, I'm deeply frustrated when the
13 health of our democracy makes speeches like ours
14 necessary. I know the problems that occur in
15 Georgia today on voting are not what our founding
16 fathers had in mind.

17 Our democracy is not healthy, Mr. Secretary.

18 As a voter in this state, I am very seriously
19 concerned about ballot secrecy. There are many
20 reasons why Georgia voters may want to keep their
21 votes private. For some, it's a workplace issue,
22 like for teachers. But for others, it's about
23 relationships with close family or friends. And
24 for others it's about being free from coercion or
25 intimidation over their votes, which has been

1 historically all too common in the state of
2 Georgia.

3 Our founding fathers felt so strongly about
4 this that they guaranteed absolute ballot secrecy
5 in the Georgia Constitution. So my question is:
6 Why are taxpayer dollars being spent on 33,000
7 ballot-marking devices that aren't keeping votes
8 secret? You can literally read the screen from
9 20 to 30 feet away. Ask anyone who watched the
10 pilot elections or attended a demo run by our
11 election office.

12 Could you dim the light?

13 **UNIDENTIFIED AUDIENCE MEMBERS:** (inaudible)

14 **MR. PETERSON:** When I first saw that, I
15 thought it was a joke. It's mind boggling. The
16 tablets are big, bright, and they stand upright.
17 When you choose a candidate, a bar lights up
18 across the screen and anyone familiar with the
19 ballot can easily tell the candidate selected
20 from a distance, anyone: poll workers, poll
21 watchers and observers or other voters.

22 You can't enforce a "just don't look" rule
23 for all of those people. We're asking you to
24 adopt a rule that reflects our constitutional
25 guarantee that our right to ballot secrecy must

1 be protected. I strongly support Rule 2.

2 (applause)

3 **MR. RAFFENSPERGER:** Dr. Jasmine Clark.

4 **DR. CLARK:** Good morning.

5 **MR. RAFFENSPERGER:** Good morning.

6 **DR. CLARK:** So for those who don't know, my
7 name is Dr. Jasmine Clark. I am a State
8 Representative in the Georgia General Assembly.
9 But today I'm actually coming here as a concerned
10 private citizen to express my concerns about the
11 new voting system in Georgia and, specifically,
12 to the electronic poll books used for voter
13 check-in and programming of voter cards.

14 I am asking you to consider Rule Number 3
15 that is being proposed in the petition this
16 afternoon which asks that there be paper backups
17 to the poll books at each polling precinct. This
18 is important to me because in the run-off
19 election of 2018, I experienced issues where I
20 was told I was at the wrong polling location
21 during the check-in process. It took several
22 minutes and phone calls before the issue was
23 mysteriously resolved. But I believe that if
24 there had been paper backups this could have
25 prevented a lot time and confusion during this

1 incident.

2 While I had the time to wait for the issue
3 to be resolved and I was sure about where I was
4 supposed to be, many voters could be discouraged
5 by being sent away or could end up filling out
6 provisional ballots while not understanding the
7 process of procuring those provisional ballots or
8 not being able to cast votes for their local
9 candidates.

10 Based on my personal experience, I implore
11 you to strongly consider protecting the integrity
12 of our elections by adopting Rule Number 3 and
13 providing paper backups to our electronic poll
14 books. Thank you.

15 **MR. RAFFENSPERGER:** Thank you.

16 (applause)

17 **MR. RAFFENSPERGER:** Mr. White.

18 **MR. WHITE:** Good morning. My name is
19 Terrence White and I'm a Georgia voter from
20 Paulding County. In addition, I am a member of
21 the Paulding County Board of Elections Support
22 Committee, the vice chair of the commun -- of
23 Community and Voter Outreach of the Paulding
24 County Democratic Party, and most recently a
25 declared candidate for Georgia House District 19.

1 For nearly over a decade I've dedicated
2 myself to being a voting activist in this state.
3 Paulding County has nearly 100,000 voters and our
4 four new voting sites will open in just 76 days.

5 We were a pilot county and experienced
6 equipment problems as noted in the secretary of
7 state's long executive summary. When the polls'
8 pads failed, lines formed, and voters left
9 without casting a vote. I think we can all agree
10 this is unacceptable. We do not know when we
11 will receive the balance of our new equipment.
12 We cannot schedule training. We're ready to do
13 our best to implement the new system, but time is
14 running short and there are more questions than
15 answers.

16 Mr. Secretary, you are predicting record
17 turnout for the 2020 elections. More than ever,
18 local election officials need to be confident
19 that they are using systems they can rely on.
20 Rule 4 permits all county election
21 superintendents to complete a smooth and
22 efficient transition from the Diebold GEMS Voting
23 System to the Dominion Voting System by choosing
24 the transition plan that best suits their
25 capabilities and resource availability without

1 using the old DRE machines.

2 It is simp -- it is a sensible solution and
3 one I urge you to adopt.

4 **MR. RAFFENSPERGER:** Thank you.

5 (applause)

6 **MR. RAFFENSPERGER:** The four next on the
7 list would be Libby Seger, Elisa Goldklang, Shea
8 Roberts, and Isabel Hidalgo. The first one will
9 be Libby Seger.

10 Ms. Seger.

11 **MS. SEGER:** Good morning. My name is Libby
12 Seger and I'm a Georgia voter from Roswell,
13 Georgia in Fulton County. I'm currently a
14 sophomore at Georgia State University pursuing a
15 double major in journalism and political science.
16 And the more I get involved and the more that I
17 learn the more and I -- the more I am concerned
18 about the future of our democracy, especially our
19 right to vote.

20 Now I am part of a rising generation of
21 Georgia young voters. Are you aware of the new
22 report that shows that Georgia leads the nation
23 with a 3-percent increase in the share of young
24 voters? That's right. We're willing and ready
25 to show up in record numbers in 2020.

1 And I am here today to speak in favor of
2 Rule 4 on incremental voting system conversion
3 because I know the problems in polling places
4 have unfair effects on young voters.

5 Now, a lot of us have crazy transportation
6 schedules and keeping polls open later because
7 the poll books didn't work in the morning isn't
8 really going to help us. And long lines don't
9 just disenfranchise young voters, they
10 disenfranchise all voters, not to mention that
11 most counties haven't even received their
12 equipment yet.

13 And the project manager shows that
14 deliveries will be complete sometime in February.
15 Early voting begins in 76 days. How can we --
16 sorry -- how can -- how can all a hundred and
17 fifty-nine counties train staff and set up
18 elections when they're still waiting for
19 equipment? It makes no sense the rush -- to rush
20 the transition from the old Diebold GEMS system
21 to the new Dominion system.

22 You have the authority to give counties
23 flexibility to choose a transition plan that they
24 can implement with confidence and that will give
25 voters the peace of mind and trust that our state

1 is doing what is the best for each county.
2 Please make the right decision. Thank you.
3 (applause)

4 **MR. RAFFENSPERGER:** Ms. Goldklang.

5 **MS. GOLDKLANG:** Good morning, sir. Good
6 morning, Board. My name is Elisa Goldklang and
7 in German that means beautiful sound, so we get
8 that right. I'm from Cobb County and I want to
9 talk about audits.

10 Robust audits are the cornerstone of
11 confidence that every vote is counted as voter
12 intended. HB316 requires audits to be
13 implemented as soon as possible, but no later
14 than November 2020.

15 And I agree with you, sir, when you said
16 audits are an important part of the new, secure
17 paper-ballot voting system because they give the
18 public confidence in how the election was
19 conducted and the integrity of the results. And
20 I fully agree with that.

21 And you did conduct one pilot test audit
22 last month, so thank you. But unfortunately, we
23 (indiscernible) the year ahead. But developing
24 robust standards, as you saw with other states,
25 can take up to a year. It requires a complex

1 series of questions and choices and we urge you
2 to seek out best practices from around the
3 country and to consult leading experts on
4 election audits, including Professor Stark who
5 was mentioned earlier who invented risk limiting
6 audits.

7 Stark says that risk limiting audits of
8 machine-marked ballots are only -- can only
9 confirm the tabulation is correct. That's
10 important to know. It's only getting the
11 tabulation. But it cannot confirm the election
12 outcome is right because the voter did not mark
13 the little receipt printout that we all get.
14 They didn't mark that, that's like a grocery
15 receipt. But the computer is only, you know,
16 calculating barcodes. So the voters really don't
17 know.

18 So most experts say you cannot have
19 meaningful audits when you use ballot-marking
20 devices except -- every cyber-security, every
21 computer scientist says that. So I'm a little
22 confused why we're using these and there are no
23 computer scientists on this board.

24 You are tasked with --

25 (timer sounding)

1 **MS. GOLDKLANG:** -- formulating --

2 **MR. RAFFENSPERGER:** Thank you for your

3 comments.

4 **MS. GOLDKLANG:** Okay.

5 **MR. RAFFENSPERGER:** Ms. Roberts.

6 (applause)

7 **MS. ROBERTS:** Good morning. My name is Shea

8 Roberts. I'm a Georgia voter and a lawyer from

9 Sandy Springs. I'm also a candidate for State

10 House 252.

11 I'd like to speak about one of your most

12 fundamental duties to find what constitutes a

13 vote. The code requires you promulgate rules and

14 regulations to define uniform and

15 nondiscriminatory standards concerning what

16 constitutes a vote and what will be counted as a

17 vote for each category of voting system used in

18 this state.

19 The change from DRE machines to

20 ballot-marking devices requires a fresh look at

21 what constitutes a vote. The Dominion BMD prints

22 out a paper ballot summary that includes both

23 barcode and human readable text. The Dominion

24 scanner reads the barcode to tally votes while

25 the human readable text is used for recounts and

audits.

However, O.C.G.A. 21-2-379 states that ballot-marking devices must produce a paper ballot which is marked with the elector's choices in a format readable by the elector. And O.C.G.A. 21-2-379 states the paper ballot printed by the electronic ballot marker shall constitute the official ballot and shall be used for another -- the result in any recount conducted pursuant to section 21-2-489 and any audit conducted pursuant section 21-2-498.

When you write the rules and regulations for what constituted a vote, how do you resolve a problem of a printed vote summary that contains voter selections in two forms, one human readable and one not. Which constitutes the vote? There surely can't be one vote for scanning and another vote for recounts and audits. How can you resolve the dilemma?

We urge you to advise the general assembly that you find it impossible to formulate a rule stating what constitutes the vote when there are actually two versions of the voter's choices printed on one paper ballot, one which is human readable and the other not. Thank you.

1 **MR. RAFFENSPERGER:** Thank you.

2 (applause)

3 **MR. RAFFENSPERGER:** Thank you.

4 **MS. HIDALGO:** Good morning. I'm Isabel
5 Hidalgo and I'm a Georgia voter from Atlanta.

6 Georgia is undertaking the largest, most
7 complex, fastest vote -- fastest voting system
8 transition ever attempted, and it's being
9 attempted in a presidential election year. That
10 is the -- that is being attempted without a
11 serious contingency plan and the equipment that
12 we will use are running quite late. Right now
13 there is every sign that a contingency plan and
14 relief valves are essential.

15 I'm here at the request of more than 500
16 Georgia voters from 54 counties that have signed
17 our petition in support of four rules that would
18 make Georgia elections better. These citizens
19 are choosing to be a part of the solution. They
20 understand that running good elections is hard
21 work and that rules play a critical role in
22 making that happen. The rules are common sense.

23 Rule 1 designates an absentee ballot clerk
24 at each early and election day polling place,
25 giving voters the option of delivering their

1 absentee mail ballot at any place they would be
2 eligible to cast their vote in person.

3 Rule 2 reiterates a guarantee found in our
4 constitution that Georgia voters are entitled to
5 absolute ballot secrecy.

6 Rule 3 requires carrying paper poll books to
7 be available in precincts on election day and to
8 be considered the very prime source in case of a
9 conflict with electronic poll books.

10 Rule 4 considers the new Dominion Voting
11 System an approved pilot program until it is
12 fully operational in all 159 counties and allows
13 local officials to choose a transition plan they
14 can reliably administer in 2020.

15 On behalf of these people who signed this
16 petition, I urge you to adopt these rules. Thank
17 you.

18 **MR. RAFFENSPERGER:** Thank you.

19 (applause)

20 **MR. RAFFENSPERGER:** Okay. If we could have
21 Megan My-set (pronouncing).

22 **MS. MISSETTE:** Missette.

23 **MR. RAFFENSPERGER:** Missette.

24 And then following her, last name is Blad,
25 B-l-a-d; is that right? And then Susan McWethy

1 and then Chris Chan.

2 Okay, Ms. Missette.

3 **MS. MISSETTE:** Good morning. My name is
4 Megan Missette. I'm a Georgia voter from Fulton
5 County.

6 I wholeheartedly support the four common
7 sense rules you're considering today which is the
8 result of a petition representing a coalition of
9 nonpartisan and politically diverse groups.

10 The rules reflect a deep understanding of
11 Georgia elections and a commitment to make
12 Georgia elections centered on voters and to
13 restore voter confidence that Georgia elections
14 are fair, run smoothly, are nondiscriminatory,
15 especially since we aren't going to be accepting
16 elections on any hand-marked paper ballots, which
17 is the gold standard.

18 The proposed rules were widely distributed
19 to the people responsible for running and paying
20 for our local elections in 159 counties and to
21 the general public prior to this meeting. More
22 than 500 Georgia voters from 52 counties have
23 already endorsed these rules.

24 Many local officials have said with
25 enthusiasm that they would welcome some of these

1 rules. They have concerns about the BMD rollout
2 and they appreciate some of these rules for
3 making their jobs easier, et cetera, and they
4 know that voters stand with them. This should
5 inform your decision as you consider the rules.

6 In contrast, the rules proposed by the
7 secretary of state staff have been drafted in
8 secret with the assistance from just a few
9 election officials. Many of us here today have
10 asked our election officials about these rules
11 and they have been kept in the dark. More than
12 one has commented that regular citizens seem to
13 be more informed than they are and that regular
14 citizens are pretty uninformed as it is, but ...

15 So I ask what would be a better process:
16 Help with gathering input from election officials
17 across the state and publishing the names of the
18 members of the rules work groups, advertise their
19 names, and allowing public input during the
20 drafting process, and gathering widespread
21 support of the rules before they come to you or
22 the process by which these rules arrived here
23 today from you, which is, frankly, a mystery to
24 most of us here today and most Georgia election
25 officials.

1 So as you consider --

2 (timer sounding)

3 **MS. MISSETTE:** -- which new rules to adopt,
4 I urge you to consider being more transparent and
5 more collaborative with local voters and local
6 officials or even to consider establishing a rule
7 that makes the rule-making process itself
8 (indiscernible). Thank you.

9 **MR. RAFFENSPERGER:** Thank you.
10 (applause)

11 **MR. RAFFENSPERGER:** Ms. Blad.

12 **MS. BLAD:** I'm Toche Blad from Sandy
13 Springs, a voter from there, and my concern with
14 the voting -- new machines is that you've
15 definitely got to look at adopting some rules
16 that will help mitigate this. Because you've
17 tried to roll this out in a rather quick way and
18 in doing so I think you're going to have some
19 shortcomings.

20 I know firsthand in 2018 my neighbor asked
21 me to register a friend of theirs to vote. He's
22 not computer literate, has problems getting to
23 the polls, et cetera. Between me and another
24 neighbor, we watched it firsthand. This -- this
25 person was registered. I pulled it up the day

1 that he was there voting. He was on the state
2 database, however, for whatever reason, that
3 Fulton County precinct did not have him on the
4 polls. Good news is it was all happening at the
5 North Annex. He could go back to the woman that
6 originally registered him there. She was able to
7 resolve the problem.

8 But that's why some of these rules, like
9 Rule Number 3, need to be implemented. We know
10 firsthand we had problems in 2018. You're coming
11 out with new machines and you've got to solve
12 this. This has got to be improved and we need
13 this for the most important election, which is
14 2020 where we're doing not only the presidential
15 but U.S. Senate seats. Thank you.

16 **MR. RAFFENSPERGER:** Thank you.

17 (applause)

18 **MR. RAFFENSPERGER:** Ms. McWethy.

19 **MS. MCWETHY:** Good morning. My name is
20 Susan McWethy and I'm a DeKalb County voter.

21 This is an example of what Georgia calls a
22 scanning ballot (indicating). You -- I know
23 you've all seen this up there. A ballot is
24 supposed to contain information that is
25 accessible to voters. Scanning ballots do not do

1 that. Scanning ballots provide only abbreviated
2 information about the candidates and initiatives
3 in summary lists that are difficult to read
4 because the print is tiny. And if you don't have
5 a really good memory, you're likely not to notice
6 that candidates were omitted from the list.

7 As for the ballot measures, these scanning
8 ballots will tell you something like this:
9 Amendment 1, you voted yes. Amendment 2, you
10 voted no. Does anybody remember ballot measures
11 by their number? In the 2018 election, there
12 were four amendments and you practically needed a
13 PhD just to read them. These ballots require you
14 to not only to remember what each one of them
15 said, but also its number on the ballot.

16 And, of course, the worst part of these
17 so-called ballots is the encrypted QR code that
18 allegedly embeds the voter's selections. No one
19 can verify that a QR code accurately reflects
20 what's in the barely readable summary lists. So
21 this is voter verifiability Georgia style.

22 Colorado also purchased this Dominion system
23 -- excuse me -- but recently outlawed ballots
24 with QR codes. Secretary of state, Jena
25 Griswold, recognized the security risks,

1 acknowledging that QR codes could be among the
2 next target of attack and are potentially subject
3 to manipulation. She was also concerned that
4 voters could not verify the QR codes. With a
5 software upgrade, these machines are capable of
6 producing full-face ballots --

7 (timer sounding)

8 **MS. MCWETHY:** -- that count votes using only
9 marked votes.

10 Mr. Secretary, what Jena Griswold did for
11 Colorado, you can do for Georgia. You can bring
12 to the voters of this state a ballot that is
13 worthy of the name.

14 **MR. RAFFENSPERGER:** Thank you.

15 (applause)

16 **MR. RAFFENSPERGER:** Mr. Chan.

17 **MR. CHAN:** Hi. My name is Chris Chan. I'm
18 a resident of Atlanta and have been a resident of
19 Georgia for 35 years. I'm a lawyer and an
20 engineer and I represent the interests of many
21 Asian Americans here in Georgia.

22 I am in support of the four requests in the
23 rules petition that has been submitted to you and
24 will be considered by this board. The right to
25 vote is the right to be heard and the right to

1 choose who leads us. The right to vote is what
2 fundamentally distinguishes our country as a
3 beacon of democracy and an example for the world
4 to follow.

5 Please restore credibility and
6 accountability to Georgia's election procedures.
7 Please continue protecting our democratic ideals,
8 our country, and our state by adopting the four
9 proposed rule changes in the petition. Thank
10 you.

11 **MR. RAFFENSPERGER:** Thank you.

12 (applause)

13 **MR. RAFFENSPERGER:** Okay. Moving on to the
14 consent cases and we'll hear those. Again, we'll
15 -- after -- one of our members is going to recuse
16 herself and that's going to be on Case Number
17 2018-112, DeKalb County, cast ballot.

18 Are there any other members that will recuse
19 themselves?

20 **MS. SULLIVAN:** No.

21 **MR. WORLEY:** No. But I would like to pull
22 Case Number 5 or Consent Number 5, Case Number
23 2018-071.

24 **MR. RAFFENSPERGER:** Okay.

25 Ms. Watson --

1 **MS. WATSON:** Is it tab --

2 **MR. RAFFENSPERGER:** -- present it to -- zero
3 seven -- the first one?

4 **MR. WORLEY:** And it might -- it might save
5 time for Ms. Watson if I indicated why I wanted
6 the case pulled. This was a case that we had
7 looked at at a previous meeting.

8 **MS. WATSON:** Right.

9 **MR. WORLEY:** And sent it back for further
10 investigation. The reason that I wanted it
11 pulled is because the report that we have today
12 doesn't really describe what that further
13 investigation was.

14 **MS. WATSON:** Yes, sir. Are we going to ...

15 **MR. RAFFENSPERGER:** Great.

16 **MR. WORLEY:** That's all.

17 **MS. SULLIVAN:** So we're starting with that
18 one?

19 **MS. WATSON:** In the --

20 **MR. RAFFENSPERGER:** Do you want to start
21 with that one. We just did -- do you want to
22 finish (indiscernible). (indiscernible)
23 information on that from Ms. Watson.

24 **MS. SULLIVAN:** I can make a motion to vote
25 on the first three in block unless any of the

1 board members wanted to go ahead and discuss.

2 **MR. WORLEY:** Why don't we -- why don't we --
3 why don't I make a motion that we adopt -- or
4 that we dismiss all of the consent cases except
5 for 2018-071?

6 **MS. WATSON:** And I think we need to go ahead
7 and pull 112 off too so they can be voted on
8 separately.

9 **MR. RAFFENSPERGER:** Are you going to --

10 **MR. WORLEY:** And I'll take that as a
11 (indiscernible), sorry.

12 **MR. RAFFENSPERGER:** Okay. Do we have a
13 second?

14 **MS. SULLIVAN:** I'll second that.

15 **MR. RAFFENSPERGER:** All those in favor?

16 **THE BOARD MEMBERS:** Aye.

17 **MR. RAFFENSPERGER:** Okay. So those two are
18 culled and then 44, 96, and 13 stay on.
19 Ms. Watson.

20 **MS. WATSON:** Okay. I'm going to go ahead
21 and start with 44 or ... Let me just --

22 **MS. SULLIVAN:** I think we just --

23 **MR. RAFFENSPERGER:** Do want to --

24 **MS. SULLIVAN:** -- we just --

25 **MR. RAFFENSPERGER:** -- postpone --

1 **MS. SULLIVAN:** -- we'd just -- to either
2 dismiss all those.

3 **MR. RAFFENSPERGER:** Letter cases.

4 **MS. SULLIVAN:** We need to look at these
5 (indiscernible) --

6 **UNIDENTIFIED AUDIENCE MEMBERS:** Speak up.

7 **MR. RAFFENSPERGER:** Ms. Watson, if you would
8 present 71.

9 **MS. WATSON:** Okay. This was 2018-71, DeKalb
10 County voter intimidation. In this case -- and
11 it was in October of 2018 and a complaint was
12 reported that flyers had been distributed from
13 the Klu Klux Klan and it was located near a
14 polling place in DeKalb County. It was reported
15 that this would -- could possibly be voter
16 intimidation.

17 This was looked at through Homeland Security
18 of DeKalb County and they found no connection
19 between the literature and an attempt to
20 intimidate. As for further and -- further
21 follow-up, we did locate a -- an origin of this
22 flyer which was a website from a group that was
23 in North Carolina. I spoke with their leader.
24 He says these flyers are posted for anyone to
25 download and they have no knowledge of any being

1 distributed, the flyers or their intent.

2 **MR. WORLEY:** And DeKalb Homeland Security
3 found that --

4 **MS. WATSON:** No connection.

5 **MR. WORLEY:** No connection.

6 **MS. WATSON:** They were distributed in the
7 areas outside of the polling location
8 (indiscernible).

9 **MR. RAFFENSPERGER:** Does anyone want to
10 speak on this case?

11 **UNIDENTIFIED SPEAKER:** This lady
12 (indicating).

13 **MR. RAFFENSPERGER:** Give us your name.

14 **MR. RAYBURN:** (handing microphone)

15 **MS. TINDALL GHAZAL:** Thank you, sir.

16 **MR. RAYBURN:** You're welcome.

17 **MS. TINDALL GHAZAL:** My name is Sarah
18 Tindall Ghazal. I'm a voter in Cobb County and I
19 was the complainant in this case.

20 At the time that we issued the complaint, I
21 was the voter protection director for the state
22 party -- the -- the Democratic Party of Georgia.

23 The -- the state election board and the
24 secretary of state hold a sacred public trust in
25 overseeing the right and ability of all eligible

1 voters to cast their ballot freely with neither
2 fear nor favor.

3 When incidents occur that may impact that
4 right, they must be considered with the utmost
5 gravity. Voters called the Democratic Party of
6 Georgia's voter hotline on Saturday,
7 October 27th, to report these flyers were found
8 in Tucker, both in a housing complex nearby and
9 on the property of the Reid Cofer Library which
10 was used as an early voting location.

11 The voter sent a copy of the flyer as well
12 as photos of the lines of voters. It stretched
13 far past the doorway, in through the property.
14 Voters in line could easily have seen the
15 pamphlets which were placed in plastic baggies to
16 ensure that they would withstand the rain and be
17 read by passersby.

18 We understand it's difficult to attribute
19 blame or identify individuals who were
20 responsible for this cowardly, heinous act.
21 After all, the flyers were left anonymously,
22 likely under cover of darkness, although they
23 helpfully provided a telephone number.

24 What's not difficult to ascertain, however,
25 is the motive. These flyers were left precisely

1 where voters could see them. The message was
2 unmistakable and deliberate. The KKK was
3 watching. Any voter of color, ask them what
4 their reaction was and what they thought the
5 message was. It was an act of intimidation.

6 The broader context is also clear. Voices
7 nationally are fanning the flames of racism.
8 Brushing aside actions which were designed with
9 precision to target voters of color in an
10 historic election for the first black governor of
11 Georgia does nothing to quench those flames.

12 This isn't a warning bell; it is a siren.
13 Racism should never be a political issue or a
14 weapon. And weaponized white supremacy at the
15 very moment that Georgians exercise their
16 democratic votes should never be ignored.

17 On behalf of voters across Georgia, we ask
18 that you treat this matter with the utmost
19 seriousness that it deserves and ensure that
20 every investigation is as thorough as possible.
21 State led leadership, including the secretary of
22 state, must denounce these threats and the
23 organizations that fuel them and take steps to
24 protect Georgia's voters from intimidation and
25 threats designed to stop them from participating

1 in our democracy. Thank you.

2 **MR. RAFFENSPERGER:** Thank you.

3 (applause)

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

6 **MR. WORLEY:** Well, I -- I certainly agree
7 100 percent with Ms. Ghazal's comments. Not only
8 that, I think this kind of voter intimidation's
9 outrageous which is why I asked that the case be
10 further investigated at the last meeting.

11 Unfortunately, there's -- there's very
12 little that can be done to identify the people
13 who are responsible for this. But I think we can
14 all be vigilant and conduct thorough
15 investigations any time something like this
16 happens again.

17 But under the circumstances, I know we had
18 no choice other than to dismiss the case. And so
19 I would make a motion that we dismiss the case,
20 unfortunately.

21 **MS. SULLIVAN:** I'll second that motion.

22 **MR. RAFFENSPERGER:** All those in favor?

23 **THE BOARD MEMBERS:** Aye.

24 **MR. RAFFENSPERGER:** The case is dismissed.

25 (audience making nonverbal sounds)

1 **MR. WORLEY:** For those -- for those of you
2 who are in the audience that were not here for
3 the last meeting and perhaps did not hear all of
4 the facts that were introduced at the last
5 meeting, we should make it clear that there was
6 no way to find the people who were responsible
7 for these flyers. That's just a fact. And so
8 there was nothing more that we could do other
9 than condemn this action.

10 **MR. RAFFENSPERGER:** So Case 2018-112,
11 Ms.~Watson.

12 **MS. WATSON:** Yes. In this case it was
13 reported that November 1, 2018, a voter, Brittany
14 Bentson, submitted an online complaint. She
15 states that she requested an absentee ballot
16 approximately one month and hadn't received it.
17 She explained that she was working temporarily
18 out of state and requested her absentee ballot be
19 mailed to a New York address. Ms. Benson said
20 she had not received her ballot and was concerned
21 that she would not be able to vote.

22 DeKalb County was notified of the complaint
23 by our office. It was determined that a ballot
24 had been issued but had not been received by the
25 complainant. The -- an additional absentee

1 ballot was overnighted to the complainant who was
2 able to vote and return the ballot which was
3 (indiscernible).

4 We see no election violation and we're
5 recommending this case be dismissed.

6 **MR. RAFFENSPERGER:** And Ms. Le will be
7 recusing herself from this vote. What is the
8 will of the committee on this? Do we have anyone
9 that wants to speak to this case?

10 (no response)

11 **MS. SULLIVAN:** I'll make the --

12 **MR. RAFFENSPERGER:** I just --

13 **MS. SULLIVAN:** Oh, I'm sorry.

14 **MR. RAFFENSPERGER:** I'm sorry. Sorry. A
15 little too quick about that.

16 **MS. MOMO:** Good morning. My name is Shelley
17 Momo and I'm here on behalf of the DeKalb County
18 Board of Registrations and Elections. We agree
19 with the preliminary findings. We received a
20 complaint that she had not received her absentee
21 ballot and overnighted it to her.

22 We would ask that it be dismissed.

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

25 **MS. SULLIVAN:** I'll make a motion that

1 2018-112 be dismissed.

2 **MR. RAFFENSPERGER:** Do we have a second?

3 **MR. WORLEY:** I'll second that.

4 **MR. RAFFENSPERGER:** All those in favor say
5 aye.

6 **THE BOARD MEMBERS:** Aye.

7 **MR. RAFFENSPERGER:** Motion carries.

8 We next move on to the letter cases, page --
9 Tab 7.

10 **MS. WATSON:** Yes. This is 2016-50, Jasper
11 County, felon case.

12 In March of 2016, we opened an investigation
13 into a felon under sentence having registered to
14 vote in Jasper County. It was verified that the
15 individual, Mr. Clifton, did register on
16 February 23, 2016 while under sentence in Jasper
17 County. We also verified that he's currently
18 serving a sentence in a Georgia correctional
19 facility. We're recommending that Mr. Clifton be
20 issued a letter of instruction for the violation
21 of 21-2-216 (b) and 21-2-516.

22 **MR. RAFFENSPERGER:** Is there anyone here to
23 speak on this case?

24 (no response)

25 **MR. RAFFENSPERGER:** Then any comments or

1 what is the will of the committee? Any comments
2 from the committee?

3 **MR. WORLEY:** I'll make a motion that we send
4 a letter of instruction.

5 **MR. RAFFENSPERGER:** Do we have a second?

6 **MS. LE:** I'll second that.

7 **MR. RAFFENSPERGER:** There's a second. Any
8 other comments?
9 (no response)

10 **MR. RAFFENSPERGER:** All those in favor say
11 aye.

12 **THE BOARD MEMBERS:** Aye.

13 **MR. RAFFENSPERGER:** Any opposed?
14 (no response)

15 **MR. RAFFENSPERGER:** Motion carries.

16 Ms. Watson, new cases?

17 Yes. First off, Ms. Le, I believe, will be
18 recusing herself from eight and ten. So we have
19 it on record.

20 And do we have any folks here in the crowd
21 that are here to speak on any of these cases?
22 (audience indicating)

23 **MR. RAFFENSPERGER:** Okay. We'll try and do
24 those first if we can.

25 **MR. WORLEY:** Mr. Secretary, I received an

1 e-mail this morning from one of the complainants
2 in this case, Linda Edmonds, who said that, you
3 know, that she was not able to attend this
4 morning due to a doctor's appointment but asked
5 that the election board accept a statement into
6 the record that she wished to make. And I have
7 it here and I would make a motion that we accept
8 this statement into the record.

9 **MR. RAFFENSPERGER:** There's a motion there.
10 Do we have a second?

11 **MS. LE:** I'll second that.

12 **MR. RAFFENSPERGER:** Any others who want to
13 speak to that?

14 (no response)

15 **MR. RAFFENSPERGER:** All those in favor?

16 **THE BOARD MEMBERS:** Aye.

17 **MR. RAFFENSPERGER:** That statement is, you
18 know, submitted into the record. Okay.

19 **MS. WATSON:** Mr. Secretary, are we starting
20 at 2018[sic]-85?

21 **MR. RAFFENSPERGER:** 85. Are we -- is there
22 a motion now to pull that also and -- Mr. Worley?

23 **MR. WORLEY:** No. I think all of those are
24 under the new cases.

25 **MR. RAFFENSPERGER:** All right.

1 **MR. WORLEY:** So that case and the following
2 cases. So they're under the new cases --

3 **MR. RAFFENSPERGER:** Okay.

4 **MR. WORLEY:** -- taken.

5 **MR. RAFFENSPERGER:** We'll start with -- go
6 ahead.

7 **MS. WATSON:** Okay. I had opened -- an
8 investigator, Officer Hall, investigated this
9 case and he is wanting to present this case and
10 the facts to you.

11 **MR. HALL:** Are you ready?

12 **MR. RAFFENSPERGER:** Yes, sir.

13 **MR. HALL:** (indiscernible)

14 **MR. RAFFENSPERGER:** Okay.

15 **MR. HALL:** Case Number SEB2015-085 is the
16 DeKalb County redistricting issue, tab 8. And
17 that case is involved in -- in 2015, we received
18 multiple complaints with reference to the
19 November 3, 2015, DeKalb County election. There
20 were a total of 19 separate allegations about
21 this election.

22 DeKalb County election supervisor, Leonard
23 Piazza, made allegations about internal
24 violations he witnessed. He also alleged that he
25 observed the election staff tampering with

1 election results.

2 Mary Woodworth was the chair of LaVista
3 Hills Alliance Civic Organization. She submitted
4 a spreadsheet. The spreadsheet contained 31
5 third-party complaints from people who called her
6 organization. Most of the allegations submitted
7 by Woodworth could not be substantiated during
8 this investigation.

9 Other complaints were made by the electors
10 who felt that they were eligible to vote and --
11 on the referendum question and were not able to
12 do so. The investigation revealed that 15 out of
13 the 19 allegations were unsubstantiated.
14 Allegations number 1, 3, 10, and 14 were found to
15 have merit.

16 The summary of allegation 1 is that on
17 election night after the polls closed, one of the
18 DRE machines at the Dunwoody Winters Chapel
19 precinct would not eject the memory card. The
20 poll manager transported the DRE machine back to
21 the elections office and the staff was able to
22 eject the memory card without incident. The poll
23 manager simply turned that memory card in with
24 the rest of the memory cards from that precinct.
25 The DRE at issue was left in the conference room

1 and discovered by Leonard Piazza later that
2 night. Maxine Daniels, who was the director of
3 elections and registrations for DeKalb County,
4 said that the machine was set up in the
5 conference room and the cover should have been
6 closed and the seal placed on the DRE machine and
7 we found that to be in violation of State
8 Election Board Rule 183-1-12-.02(2)(f), which is
9 located on page 30.02.

10 The summary of the allegation number 3 is in
11 Leonard Piazza's effort to gather information to
12 prove his suspicion that DeKalb County election
13 staff tampered with electronic results, Leonard
14 Piazza copied data from the GEMS server onto a
15 thumb drive. The allegations of tampering with
16 the results were proven as unfounded through a
17 forensics audit. Director Daniels -- it was also
18 discovered during the investigation that Director
19 Daniels left the keys to the secure entry where
20 the GEMS server was located hanging on a hook in
21 her office and that was accessible for anyone who
22 worked in the office and knew this was the
23 practice. That was determined to be in violation
24 of State Election Board Rule 183-1-12-.02
25 (2)(b)(6)(e)(2), which is located on page 30.02.

1 The investigation also revealed that Leonard
2 Piazza took one of the memory cards that was used
3 to report votes in the November 3, 2015 election
4 home. A forensics audit was conducted on -- by
5 Steven Dean at the Georgia Center of Elections
6 and it was determined that the memory card was
7 from one of the Dunwoody precinct DRE machines.
8 It had already been uploaded into the GEMS server
9 on election night and Piazza did admit that he
10 was aware that he may have committed an illegal
11 act, but hoped that he would receive
12 whistleblower protection. We determined that
13 that was a violation of State Official Code -- I
14 mean, Official Code of Georgia 21-2-585 and State
15 Election Board Rule 183-1-12-.02(6)(c) which is
16 located on page 30.24.

17 Allegation Number 10, Mary Kay Woodworth
18 submitted a spreadsheet that contained 31
19 numbered entries of people who called LaVista
20 Hills Alliance to voice their experience about
21 the November 3rd DeKalb County election. There
22 was only one complaint that could be
23 substantiated and that complainant was referenced
24 to Joseph Dew. And Mr. Dew had already filed a
25 complaint with the state elections office

1 himself.

2 There was a procedural violation of O.C.G.A.
3 21-2-386(a)(1)(f). DeKalb County office could
4 not provide evidence of intentionally destroying
5 Lucy Enquist's (ph) absentee ballot that was
6 returned as undeliverable by the United States
7 Postal Service. That was one of the
8 unsubstantiated allegations -- well, procedure
9 violation that was determined from the -- the 31
10 complaints that was listed in Mary Woodworth's
11 spreadsheet.

12 Allegation 14 dealt with Mr. William Dew --
13 Joseph William Dew. He filed a complaint and he
14 stated that he went to his polling location to
15 vote. While he was at the DRE machine, he
16 recognized that he had not gotten the correct
17 ballot. Mr. Dew got the poll manager's attention
18 prior to casting his vote. Unfortunately,
19 Mr.~Dew was adamant that the ballot was wrong,
20 but unfortunately the poll manager advised him
21 that there was nothing she could do to resolve
22 the issue. Consequence -- Consequently Joseph
23 Dew cast a ballot that did not reflect the
24 original election race he was eligible to vote
25 in.

1 Glenda Woods and Maxine Daniels discovered
2 that the elections office failed to properly
3 redistrict Joseph Dew. Maxine Daniels instructed
4 Joseph Dew to go back to his polling location and
5 vote a provisional ballot. Joseph Dew went to
6 the polling location and cast a provisional
7 ballot. Dew's provisional ballot was rejected
8 during the calculation process because he had
9 already voted on a DRE machine.

10 During that chain of events, the following
11 violations occurred: Glenda Woods failed to
12 properly redistrict Joseph Dew which is a
13 violation of O.C.G.A. 21-2-226(b). Joseph Dew
14 informed poll manager, Hyacinth Scott, that he
15 did not have the correct ballot. There was a
16 procedure in place that canceled the ballot on
17 the DRE machine and that was not followed. This
18 is a violation of SEB Rule 183-1-12-.02(4)(j)
19 which is located on page 30.18.

20 Dew should not have been offered a
21 provisional ballot because he presented himself
22 as -- I'm sorry -- Dew should have been offered a
23 provisional ballot because he presented himself
24 as having been improperly redistricted.

25 And in addition to the four complaints that

1 yielded substantiated violations, Maxine Daniels
2 self-reported. She admitted that she discovered
3 after the election began the City of Dunwoody
4 elections contained the wrong ballot. This was a
5 violation of O.C.G.A. 21-2-283. She delegated
6 that responsibility to -- to Leonard Piazza.
7 However, no one caught the error and this was
8 determined to be in violation of State Election
9 Board Rule 183-1-12-.02(3)(a)(3) which is located
10 on page 30.05.

11 As a consequence of the error, 14 electors
12 voted the wrong ballots on DRE machines. Nothing
13 could be done to correct that error. A hundred
14 and fourteen electors voted the wrong absentee
15 ballot by mail.

16 A plan was to both remedy all the 19 of
17 those electors in this category. Also a dual
18 database had to be created in order to remedy the
19 wrong ballot issue for the county election.
20 Daniels had to manually input the precinct
21 results and Leonard Piazza observed Daniels and
22 her assistant, Cindy Moran, inputting this
23 information into the GEMS servers. This is what
24 led to him believing that election staff was
25 manipulating the election totals. Piazza's

1 suspicion was unsubstantiated from this
2 investigation.

3 After the certification of the elections,
4 DeKalb County determined that Renata Fleming
5 failed to send 40 more provisional ballots for
6 the electors who qualified to vote to the
7 tabulations for their votes to be counted in
8 violation of State Election Board Rule
9 183-1-12-.06(11) (A through F) which is a list of
10 procedures for provisional ballots. That's
11 located on page 30.34 through 30.35 and it was
12 also determined to be in violation of Official
13 Code of Georgia Annotated 21-2-419(b).

14 It was also determined that of those 41
15 provisional ballots that had to be tabulated
16 later, 19 of those provisional ballots were
17 counted during the LaVista Hills Alliance
18 referendum question and it did not change the
19 results of the outcome of the election. It
20 changed the total, but the outcome was still that
21 the referendum question failed.

22 Our recommendations are -- in response we
23 recommend that DeKalb County Board of Elections a
24 letter of instruction; Maxine Daniels, Director
25 of Elections and Registration, and Glenda Woods

1 be bound over to the AG's office for the listed
2 violations, violation of O.C.G.A. 21-2-226(b).

3 We also recommended that the DeKalb County
4 Board of Elections and Registration's Maxine
5 Daniels and poll manager Hyacinth Scott be bound
6 over to the AG's office for violation of State
7 Election Board Rule 183-1-12-.02(4)(j) and a
8 violation of 21-2-452(b).

9 We recommend that the DeKalb County Board of
10 Elections and Registration, Maxine Daniels, and
11 Leonard Piazza, the election supervisor, be bound
12 over the to AG's Office for the listed violations
13 of O.C.G.A. 21-2-283 and State Election Board
14 Rule 183-1-12-.02(3)(a)(3).

15 We recommend that Leonard Piazza who was the
16 election supervisor be bound over to the AG's
17 office for the listed violation of O.C.G.A.
18 21-2-585 and State Election Board Rule
19 183-1-12.02(6)(c)[sic].

20 We recommend that Maxine Daniels be bound
21 over to the AG's office for violation of State
22 Election Board Rule 183-1-12-.02(2)(b)(6)(e)(2).

23 We recommend that DeKalb County Board of
24 Elections and Registration, Maxine Daniels, be
25 bound over to the AG's office for violation of

1 State Election Board Rule 183-1-12-.02(2)(f).

2 We're recommending the DeKalb County Board
3 of Elections and Registration, Maxine Daniels,
4 and Renata Fleming who was the registration
5 technician be bound over to the AG's office for
6 the listed violations of State Election Board
7 Rule 183-1-12-.06(11)(A through F) and also
8 violation of Official Code of Georgia Annotated
9 21-2-419(b).

10 We recommend that the board -- DeKalb County
11 Board of Elections and Registration, Maxine
12 Daniels, and Deborah Christian who was the
13 absentee ballot mail supervisor be bound over to
14 the AG's office for the listed violation of
15 21-2-386(a)(1)(F), and that's it.

16 **MR. RAFFENSPERGER:** Thank you. And is there
17 anyone here to speak on this case?

18 **MS. VANDER ELS:** Yes.

19 **MR. RAFFENSPERGER:** If you would provide
20 your name again.

21 **MS. VANDER ELS:** Sure. My name is Irene
22 Vander Els. I'm here today on behalf of the
23 DeKalb County Board of Registrations and
24 Elections. And here with me today is Ms. Momo,
25 who spoke earlier regarding an earlier case, as

1 well as Samuel Tillman who is the chair of the
2 board, Erica Hamilton who is the director of our
3 department of voter registration and elections,
4 and several of our staff members.

5 I -- I -- do you mind if I (inaudible). I
6 just wanted to raise a procedural issue first
7 with respect to the claims against Ms. Daniels.
8 She did not receive personal notice at the
9 hearing today. She retired in 2017 and has not
10 been employed by the department since that time
11 and was not able to come today to appear for the
12 hearing, and so we requested that the cases be
13 continued to allow her the opportunity to review
14 the allegations and be present today.

15 I understand from speaking with Mr. Germany
16 that the board may not be inclined to do so, but
17 I just wanted to state that request for the
18 record.

19 **MR. RAFFENSPERGER:** Okay.

20 **MS. VANDER ELS:** With respect to the
21 potential violation designated number 1, the DRE
22 machine, the board does not dispute the machine
23 was left unsealed. I just would like to note
24 that it is the department's practice and
25 procedure to ensure that all equipment is sealed

1 when not in use. There was an unusual
2 circumstance here with regard to the equipment
3 and the -- the need to remove the memory card and
4 there may be some question about whether anything
5 else needed to be done to the machine after the
6 memory card was removed. But in any case, that
7 is the policy and procedure, to check and make
8 sure that all equipment remains under seal.

9 With regard to number 3 and the claims
10 against Ms. Daniels relating to the keys, she did
11 maintain keys -- I think it was noted in the
12 investigator's record -- in her office. They
13 were on a panel, I think, that was more secure
14 than just a hook. It was not in an area
15 available to the public and was only accessible
16 by members of her staff. There was a logbook
17 GEMS server and it was also -- it -- within view
18 of a security camera at all times, the GEMS
19 server was.

20 The practice now -- again, Ms. Daniels
21 retired in 2017. The department's practice now
22 is that the keys to the GEMS server are
23 maintained in the possession of Ms. Hamilton in
24 accordance with the logs requirement.

25 With respect to number 10, which it was a

1 failure to retain records of an undelivered
2 absentee ballot for Lucy Enquist, it is the
3 department's policy and procedure to maintain any
4 undelivered ballot, to send a notice letter to
5 the voter that the ballot had not been delivered.
6 It is the staff's belief that that was done in
7 this case.

8 I understand that the state's investigation
9 indicates that that ballot and notice letter were
10 not part of the records maintained by the clerk
11 of superior court following the election. I have
12 not had a chance to review those records yet
13 myself. But it is now the department's practice
14 to, in addition to sending the original
15 undelivered ballot to the clerk of court with a
16 copy of the notice letter, to also maintain a
17 copy of those documents with the department's
18 records of the voter's voter registration
19 applications to ensure that those records -- that
20 there's a duplicate maintained of those issues.

21 With respect to the districting issue
22 related to Mr. Dew, I just thought it would be
23 helpful to note that this was a very complex
24 election, the November of 2015, in DeKalb County.
25 There were two cityhood referenda on the ballot

1 for LaVista Hills and for the City of Tucker and
2 those proposed cities actually shared a physical
3 boundary. In addition to those issues, there
4 were multiple referenda related to annexation
5 into the City of Atlanta and other municipalities
6 of various unincorporated areas. All of those
7 issues required the creation of multiple maps
8 that had to be overlaid in order to establish the
9 voter districts.

10 The -- there -- in fact, there was a special
11 legislative commission set up to establish the
12 boundaries for LaVista Hills and the Tucker
13 issues, I believe, and those boundary maps were
14 created using census data which was somewhat
15 older than the maps used by DeKalb County GIS to
16 help create other maps in the election. There
17 were discrepancies in the overlays and the -- the
18 county went to the state reapportion office for
19 some guidance and were instructed that they had
20 to -- that the county was responsible for making
21 decisions about how to address the discrepancies.

22 And so together with GIS, the staff, and the
23 board, they reached a consensus related to
24 districting issues and unfortunately resulted in
25 one voter being placed in the incorrect district.

1 And that was just a -- an unfortunate human
2 error, but it was incredibly complex, I think, in
3 this particular election.

4 With regard to the actual voting, it is the
5 department's policy and procedure to train all
6 poll workers to try to address ballot access card
7 and ballot issues in the field, to call back to
8 the main office, to obtain further guidance with
9 respect to any issues that they can't address in
10 the field, and, failing all else, to provide the
11 voter a provisional ballot if there is an issue
12 with the ballot.

13 I spoke with Ms. Scott, she was unable to be
14 here today due to childcare issues, but she
15 acknowledged that it is her practice to follow
16 those rules. So this is how she is trained. She
17 did not have any specific recollection of this
18 particular election or incident.

19 With respect to the City of Dunwoody ballot
20 issue, with regard to incorrect ballots, this was
21 the result of an error in the transmission of
22 data -- of voter data from the City of Dunwoody
23 to the Georgia Center for Elections for the
24 creation of the election database. It was just a
25 -- a mistake. The voter should have been placed

1 in out -- at-large classifications for those
2 particular issues and instead the staff member
3 who transmitted the information placed them into
4 districts.

5 Upon discovery of the issue during early
6 voting, the department immediately took action,
7 had the ballots corrected and issued -- reissued
8 absentee ballots to all those voters who had
9 already voted, as well as to those voters who had
10 received ballots but not yet voted and were able
11 to ensure that most of those ballots were
12 corrected and were accurately voted.

13 Ultimately, there were 14 absentee,
14 in-person voters who were -- cast incorrect
15 ballots and 19 absentee-by-mail voters who could
16 not return corrected ballots. But the -- as
17 Mr.~Hall indicated, did not affect the outcome of
18 the election in this case. It changed the vote
19 tabulation but not the outcome of the election.

20 It is the department's practice to proofread
21 all ballots before they are finalized. The
22 current practice is to proofread in two-man
23 teams. That's done at the staff level. The
24 director then proofreads all completed ballots
25 and then in the case of municipal elections, the

1 ballots are sent to the cities to be proofread
2 and approved to ensure that all of the correct
3 information is available on each ballot.

4 And then, finally, with respect to the
5 provisional ballot issue, it was the practice at
6 the time that upon processing the -- by
7 Ms.~Fleming the accepted provisional ballots
8 would then be retrieved from her work area and
9 transmitted to the machine area where they would
10 then be tabulated electronically.

11 On election day in this case the ballots in
12 question were not retrieved and there was just a
13 misunderstanding with regard to whether those
14 were accepted or rejected ballots. Upon
15 discovery of the issue, the ballots were counted,
16 the election results were recertified, and it did
17 not affect, ultimately, the outcome of the
18 election.

19 And the current practice today from the
20 department is that all provisional ballots are
21 processed in two-man teams in the area. They're
22 maintained in the area where they will ultimately
23 be tabulated to prevent any kind of issue with
24 regard to transmission of the physical ballots
25 for tabulation in the future.

1 **MR. RAFFENSPERGER:** All right.

2 **MS. VANDER ELS:** That's all I have. And if

3 I can answer any questions. And Ms. Christian,

4 Ms.~Fleming, Ms. Woods are here as well, and,

5 again, Ms. Hamilton and Mr. Tillman are here.

6 **MR. RAFFENSPERGER:** Thank you.

7 Do any of the board members have any

8 questions or concerns?

9 (no response)

10 **MR. RAFFENSPERGER:** Does anybody else want

11 to speak to this case?

12 (no response)

13 **MR. RAFFENSPERGER:** Seeing none... okay, any

14 members want to speak to this?

15 (no response)

16 **MR. RAFFENSPERGER:** Do we have a motion? Or

17 do you want to speak?

18 **MR. WORLEY:** I'll make a motion. I'm going

19 to make a motion that we refer all of the

20 respondents except for Ms. Daniels over to the

21 attorney general's office for further action on

22 the claims that the investigator described to us

23 and -- and that -- that we give Ms. Daniels an

24 opportunity to come and speak at the next meeting

25 for the board that handles such a case.

1 **MR. RAFFENSPERGER:** Do we have a second?

2 **MS. SULLIVAN:** I'll second that motion.

3 **MR. RAFFENSPERGER:** Okay. Do we have any

4 discussion on the motion?

5 (no response)

6 **MR. RAFFENSPERGER:** Hearing none, let's all

7 vote. All those in favor signify by saying aye.

8 **THE BOARD MEMBERS:** Aye.

9 **MR. RAFFENSPERGER:** And let the record show

10 that Ms. Le recused herself from that.

11 Okay, next case.

12 **MS. WATSON:** The next case is 2015-89. The

13 City of Snellville in Gwinnett County,

14 mishandling and processing of provisional

15 ballots.

16 It was reported that the City of Snellville

17 mishandled provisional ballots occurring during

18 the November 3, 2015 general election. The

19 election office within the City of Snellville

20 separated 22 provisional ballots from their

21 envelopes prior to submitting the ballots to

22 Gwinnett County Elections Office for

23 verification.

24 The main issue being that even if Gwinnett

25 County Elections Office researched whether each

1 of the provisional ballots should count, the
2 separation of those ballots from their envelopes
3 made it impossible to determine which individual
4 provisional ballot went with which vote.

5 Our investigation revealed that the City of
6 Snellville formed an election committee to manage
7 the November 3, 2015 election. The committee
8 consisted of Michael Byrnes, Gretchen Schulz, and
9 the superintendent city clerk Phyllis
10 Moreland-Richardson. Mr. Byrnes and Ms. Schulz
11 confirmed that the committee was responsible for
12 separating 22 provisional ballots from their
13 envelopes.

14 Ms. Moreland-Richardson denied that she was
15 involved in the entry of the election after the
16 city council passed a resolution to establish the
17 election committee. She states she had no
18 knowledge of the provisional ballot issue.

19 After the election, the provisional ballots
20 were secured until November 5, 2015. They were
21 physically opened and stacked with the
22 identifying envelope in an orderly fashion. The
23 provisionals were again secured until November
24 the 6th. On November the 6th, poll manager Trejo
25 Hugo noted the infraction, returned to complete

1 the certification process that -- that at which
2 time the provisional ballots were separated from
3 the envelopes.

4 It was not until the election certification
5 paperwork was taken to Gwinnett County that it
6 was discovered that the provisional ballots had
7 not been processed correctly. Gwinnett County
8 could not identify which provisional ballot
9 belonged to which provisional ballot in order to
10 determine which voters were allowed credit for
11 voting and which not to allow credit due to
12 ineligibility.

13 Out of the 22 provisional cast ballots there
14 were -- should have only been five eligible
15 voters, however, due to the error, the election
16 committee decided to count all of the provisional
17 ballots thus allowing 17 cast provisional ballots
18 that were not qualified voters.

19 We're recommending that the City of
20 Snellville, Michael Byrnes, Gretchen Schulz, and
21 Phyllis Moreland-Richardson be bound over to the
22 AG's office for violation of 21-2-419(b),
23 violation of provisional ballots, and State
24 Election Board Rule 183-1-12-.06(10), provisional
25 ballots, and the City of Snellville, Michael

1 Byrnes, Gretchen Schulz, Phyllis
2 Moreland-Richardson and Troy Fraction, Hugo
3 Trejo, and Juanita Miller be bound over for State
4 Election Board Rule 183-1-12-06(12)(a), (12)(b),
5 (12)(c), processing of provisional ballots.

6 **MR. RAFFENSPERGER:** Do we have anyone who
7 would like to speak to this case?

8 (audience member indicating)

9 **MR. RAFFENSPERGER:** Please state your name
10 for the record.

11 **MR. EVANS:** Thank you, Mr. Secretary. I may
12 borrow this desk right here. Sorry about that.
13 My -- my name is Jake Evans. I'll first note, I
14 like your tie choice today. I noticed when you
15 first walked in that we look like twins here, so
16 I want to put that on the record.

17 But my name is Jake Evans. I represent the
18 City of Snellville, Michael Byrne [sic], Gretchen
19 Schulz and Hugo Trejo, and I think that you
20 mentioned a couple of other people that I didn't
21 know were requested to be bound over. So I
22 represent all the respondents except for Phyllis
23 Richardson.

24 I first want to thank each of you guys for
25 your pub -- public service, your dedi --

1 dedication to Georgia. I actually serve on the
2 state ethics commission and I know that -- that
3 it's a volunteer job, it's not a paid job, and so
4 I want to go ahead and recognize that. And I
5 want to recognize Ms. Watson for her hard work
6 through the process and her professionalism
7 throughout this.

8 I'm here today to show that this case
9 presents unique circumstances that warrant a
10 letter of instruction as opposed to bounding each
11 of these individuals in the city oath.

12 The mayor of Snellville, Barbara Bender, is
13 here today as well, and she's gonna make a couple
14 of very brief statements, and Mike Byrnes who was
15 actually the chairman at -- of the elections
16 committee for the subject election.

17 So first I think it's helpful to very
18 briefly talk about the election. The election is
19 -- was in November 2015, and there was actually
20 four seats up for election on that ballot. One
21 was for the mayor and that had a 559 vote margin.
22 The next was the city council post 1, 434; city
23 council post 2, 613; and a final city council
24 post 3, which was 626. So the -- the smallest
25 margin of error we had was 434 votes.

1 And the next thing I want to note is before
2 this election there was a new mayor that had been
3 elected and that new mayor appointed a city
4 clerk. And the city clerk, while she had many,
5 many great attributes, unfortunately she had
6 never done an election in Georgia. And because
7 of that, the city council had a lot of concerns
8 about her ability to do that election.

9 They obviously couldn't unilaterally remove
10 this person, but what they did was they appointed
11 an election committee. And election committees
12 are not used a lot in Georgia, but they are a
13 means by which both cities and counties can
14 provide kind of an additional level of oversight
15 for those elections. And so here they did that
16 and they had two people -- three people which
17 were appointed to this election committee. One
18 was Mr.~Byrne [sic], the next was Ms. Schulz, and
19 the last was Ms. Richardson and that was approved
20 by the secretary of state's office.

21 So what's important about that is it first
22 shows the city took proactive steps to address
23 what they regarded may be a potential election
24 issue. As it went forward, the election overall
25 prior to election day and during the election day

1 had no issues.

2 The issues that arise subsequent to the
3 election day, about the handling of the
4 provisional ballots, there's a dispute over who
5 caused the provisional ballots to be counted, but
6 for here today that -- that doesn't matter. What
7 matters and what's most important is the fact
8 that the second that Snellville discovered these
9 issues, they properly reported to the -- the
10 Gwinnett County Board of Elections and
11 Registration. They reported those to the
12 secretary of state's office and they worked very
13 diligently to try to address it.

14 The ultimate conclusion on the election was
15 we don't want to disenfranchise any of these 22
16 voters. And so through the secretary of state
17 and with their advice and guidance, they
18 concluded it's better to count all 22 votes
19 rather than not count some and potentially
20 disenfranchise eligible voters because it was --
21 they were unable to determine which envelope
22 correlated to which voter.

23 So as a result of that, you had 17 voters
24 who were not eligible and those votes ended up
25 counting. Again, the margin was 434 so it didn't

1 make a material difference. After the election,
2 a new mayor's elected. The first thing the new
3 mayor does is personnel changes to address these
4 issues with the provisional ballot. That's
5 important to note. They took immediate action to
6 do that.

7 In the beginning of 2016, Snellville learns
8 they're being investigated by the secretary of
9 state's office. When they do that, they promptly
10 retain a counsel outside of their city council --
11 who is B.J. Pak, currently the U.S. attorney --
12 and they complied fully with the investigation.
13 Nine witness interviews go forward. B.J. Pak is
14 ultimately appointed U.S. attorney and shortly
15 thereafter I was retained as counsel.

16 In order to take additional steps to ensure
17 that this doesn't happen again, the city has me,
18 who has election law experience, draft a
19 provisional ballot protocol. And that is
20 something that helps each of the staff determine
21 how they handle ballots, be trained on how
22 they're handling ballots.

23 And so I have that today. This -- this was
24 adopted on February 11th. And if I can give that
25 to each of the board members, that would be

1 great, and also move for that to be admitted into
2 the record.

3 **MR. RAFFENSPERGER:** It's admitted.

4 **MR. EVANS:** And so that was on
5 February 11th. After that they adopt an
6 extensive training protocol to ensure that
7 doesn't happen again. All of the poll workers,
8 elected individuals who are in any way affiliated
9 with elections, read it, are trained it, are
10 tested on it. And so this happened back in 2015.
11 After 2015 there's been no further issues.

12 What's important to note, again, and I can't
13 get how -- the exact date on this, but for the 27
14 years proceeding November 2015, there had never
15 been any issues involving election issues or the
16 administration of elections. So this was a
17 completely isolated incident. It happened once.

18 So with all of that, we -- it is our opinion
19 that a letter of instruction as opposed to being
20 bound over is appropriate. Snellville took
21 proactive action by adopting an election
22 committee, they self-reported with the secretary
23 of state's office, worked with the secretary of
24 state's office through the investigation in
25 addressing the 22 provisional ballots, took

1 initiative on it's own accord to then have a
2 protocol drafting provisional ballots be created,
3 adopted, and trained on each of the employees.
4 Then since it's highly aberrational, in this case
5 I've seen typically the election board will issue
6 a warning as opposed to be bound over. And the
7 19 counted provisional ballots was not outcome
8 determinative.

9 And so from my perspective, I'm hoping this
10 is an instance where the board sends a message
11 that this type of conduct is appropriate. It's
12 rewarded because this is what we want throughout
13 Georgia, election boards doing active --
14 proactively addressing issues and if they act in
15 this way, they're issued a warning as opposed to
16 being sanctioned.

17 And so I also want Mayor Bender to come up
18 and give a few brief statements.

19 **MS. BENDER:** Thank you. Thank you,
20 Mr. Evans.

21 I appreciate the board's time this morning
22 and I appreciate your investigation in working
23 along with the secretary of state so that we
24 could figure out exactly what happened and
25 determine what procedures need to be handled

1 differently in the future.

2 As the mayor of Snellville, I'm the current
3 mayor since January of 2019, and we do take
4 elections very seriously in Snellville. I was
5 first elected in 2005 and have been through many
6 election cycles there. We -- we take elections
7 very seriously. We took this investigation very
8 seriously. As soon as a situation was
9 determined, we did as Mr. Evans indicated. We
10 did self-report that to the Gwinnett County
11 Elections Board and also to the secretary of
12 state.

13 We've complied completely and fully with the
14 investigation as it's progressed over these years
15 and -- and we've taken the steps now to -- to
16 draft a new protocol, to make sure that our
17 election staff is fully trained on that protocol
18 before each election that has come up. And since
19 then we've had no other issues with our
20 elections.

21 So we would appreciate your consideration of
22 just a letter of -- of instruction in this matter
23 and allowing us to move forward in making sure
24 that -- that we will ensure that all elections
25 are properly handled in the future. Thank you

1 for your time this morning.

2 **MR. RAFFENSPERGER:** Thank you very much,
3 ma'am.

4 **MR. EVANS:** And Mr. Byrne [sic].

5 **MR. BYRNES:** Thank you. Mr. Secretary and
6 distinguished members of the board, thank you
7 very much for have -- allowing us the opportunity
8 to come explain a little bit about the
9 circumstances of why we're here. I thank you for
10 your investigation, as well.

11 This was quite an unusual circumstance as
12 far as we were concerned, first having an
13 election committee as acting as superintendent
14 rather than just the city clerk. As the
15 superintendent, I was chosen to be the chair of
16 that committee, in part, I think, because I had
17 been the prior city attorney for the years of
18 2001 to 2003. I did not seek reappointment
19 because at that time I was being ordained to
20 serve in ministry. I couldn't serve more than
21 one master at a time.

22 So I -- I chose not to seek reappointment as
23 city attorney. I was chosen, I think, because I
24 was also a peacemaker in the city. I've had my
25 practice in the city of Snellville for over 25

1 years. I've been very involved in the community
2 as far as being a local Rotarian, as well as
3 being part of our Snellville con -- excuse me -
4 Commerce Club.

5 This was an unusual election. When the
6 circumstances was discovered on the day that
7 myself and Ms. Schulz went back up to take care
8 of the remaining duties as far as the provisional
9 ballots were concerned, we discovered that they
10 had, in fact, been separated from their
11 envelopes. We could not identify who, in fact,
12 they -- each envelope belonged to. And then
13 immediately Mr. Sanders and I -- who was the city
14 manager at the time -- we took the ballots to
15 Gwinnett County to determine how we should handle
16 this further.

17 Ultimately, through their guidance and
18 through the secretary of state's guidance, we
19 elected to go ahead and certify all 22 and have
20 all 22 ballots counted. And as Mr. Evans said,
21 they were not outcome determinative. The
22 election was fairly large as far as Snellville
23 was concerned. They didn't affect the outcome of
24 any of the four elections at that time.

25 Like Mr. Evans, I take this very seriously.

1 Like Mayor Bender, I do as well. And we
2 attempted to do what was best for all concerned.
3 With that, I thank you for your time. If there
4 are any questions, I'm happy to answer them.

5 **MR. RAFFENSPERGER:** Thank you.

6 **MR. EVANS:** Thank you.

7 Thank you very much and we appreciate your
8 time. I think our request is based upon the fact
9 that it hasn't happened at a minimum of at least
10 32 years and they took proactive action to
11 address it, fully comply, and had executed a
12 rigorous training program. We would request a
13 letter of instruction. Thank you.

14 **MR. RAFFENSPERGER:** Thank you.

15 Members, do you have any questions?

16 **MS. LE:** I have a question. I have a
17 question for Mr. Evans.

18 **MR. EVANS:** Sure.

19 **MS. LE:** Thank you for coming today. You
20 speak about training and -- and the resolution
21 for the protocol of provisional ballots. Is your
22 training across the board of all your
23 responsibilities or the -- the city's
24 responsibilities with elections or just this?

25 **MR. EVANS:** Yes. So that it -- they train

1 and -- and Mr. Byrne -- we -- maybe Ms. Bender
2 can speak to the full extent. I know that within
3 my purview, we trained on this. We are -- the --
4 all election officials also participated in all
5 of the training programs implemented by the
6 secretary of state, which is very rigorous, and
7 they've done across-the-board training to make
8 sure that they have no election issues come up,
9 particularly, since this you -- issue, but even
10 before 2015. It's something that they took
11 seriously and that's indicated by the fact they
12 adopted an election committee to try to
13 proactively address any issues that come up.

14 **MR. RAFFENSPERGER:** Any further --

15 **MS. LE:** Thank you.

16 **MR. RAFFENSPERGER:** Any other questions?

17 **MR. WORLEY:** I'd like to comment.

18 **MR. RAFFENSPERGER:** Mr. Worley.

19 **MR. WORLEY:** I -- I just have a comment and
20 then and -- and then I'd be prepared to make a
21 motion.

22 I appreciate Mr. Evans being here, Mayor
23 Bender being here, Mr. Byrnes being here. I
24 appreciate the actions that you've taken to
25 resolve this matter. However, I find this to be

1 a pretty serious violation. Seventeen ineligible
2 voters were allowed to vote in the city election
3 as a result of what is frankly a very simple
4 task, which is keeping the envelopes and the
5 provisional ballots together.

6 So I -- I find that a very serious
7 violation. I also appreciate and I'm glad to
8 hear that it was not outcome determinative.
9 However, very frequently we have respondents come
10 before the board and point out that their
11 violation is not outcome determinative. To me
12 that makes no difference whatsoever. There is
13 nothing in our election code or in our rules that
14 say that a violation is not a violation if it
15 doesn't affect the outcome of an election. So
16 that's -- that's my view of the case. Again, I
17 appreciate what you've done, but I think this is
18 a violation that's serious enough to require more
19 than a simple letter of instruction.

20 So I would make a motion that we bind over
21 the respondents to the attorney general's office
22 for violations of O.C.G.A. 21-2-419(b), Board
23 Rule 183-1-12-.06(10) and (12)(a)(b) and (c).

24 **MR. RAFFENSPERGER:** Do we have a second?

25 **MS. SULLIVAN:** I'll second.

1 **MR. RAFFENSPERGER:** Do we have any further
2 comment?

3 (no response)

4 **MR. RAFFENSPERGER:** Hearing none, all those
5 in favor of binding this over to the attorney
6 general in the motion so stated signify by saying
7 aye.

8 **THE BOARD MEMBERS:** Aye.

9 **MR. RAFFENSPERGER:** Any of those opposed?
10 (no response)

11 **MR. RAFFENSPERGER:** Motion carries.

12 Okay.

13 **MS. WATSON:** The next case is 2016-42,
14 DeKalb County, ballot format. On March 15, 2016,
15 we received two complaints related to the
16 March 1, 2016 presidential preference primary
17 election held in DeKalb County.

18 The first complaint alleged that at the
19 Briar Vista Elementary School polling location
20 that the equipment was not set up and ready to
21 accept voters at 7 a.m. and that voters were
22 receiving incorrect ballot styles.

23 Poll workers did not appear to have been
24 properly trained in the operation and set up of
25 the voting equipment. And all of those problems

1 translated into voters being delayed in voting
2 and with some leaving the poll without voting.

3 The second complaint was received when
4 Ms.~Benoit alleged that she went to vote at
5 Brookhaven City Hall and Ms. Benoit further
6 alleged that the polling location was closed.
7 There was a sign indicating no voting here today.
8 There was no sign instructing her to another
9 voting location.

10 Investigation shows that Briar Vista
11 Elementary School polling location did have an
12 issue with poll workers not being familiar with
13 the need to power up the three express polls at
14 one time in order for them to properly sync.
15 This led to the delays in starting the actual
16 voting till 7:15 to 7:30 and many voters were
17 frustrated with the -- with the wait.

18 There was confusion on the voters' part in
19 understanding what nonpartisan ballots are, many
20 voters returning after getting a requested
21 nonpartisan ballot to complain that all
22 republican and democratic candidates were not on
23 the ballot and they expected them to be in asking
24 for the party ballot.

25 The complaint that Brookhaven City Hall

1 precinct was not open was unfounded as the
2 location is only used for advanced voting and not
3 for election day voting.

4 We're recommending that DeKalb County Board
5 of Elections and Registration and the former
6 DeKalb County Election Supervisor Maxine Daniels
7 be bound over for O.C.G.A. 21-2-99, instruction
8 of poll officers.

9 **MR. RAFFENSPERGER:** Is there anyone here to
10 speak to this case?

11 (Audience member comes forward.)

12 **MR. RAFFENSPERGER:** And if you would state
13 your name again for the record.

14 **MS. MOMO:** Hi. I'm Shelley Momo, again,
15 here on behalf DeKalb County Board of
16 Registrations and Elections. I'm also here with
17 Irene Vander Els who spoke on the 2015 case.

18 First, as a procedural issue, I would like
19 to bring up the fact that Ms. Daniels, our former
20 director, did not receive notice of this at her
21 home. She only received notice a few days ago
22 when we contacted her. So I would ask that
23 anything as to her being continued to the next
24 meeting.

25 I just have a few quick clarifications. We

1 don't deny that a violation occurred, but we do
2 wish to clarify. The manager told me that the
3 poll was open at seven and ready to accept
4 voters. We agree that we had issues with the
5 express poll syncing. And then he immediately
6 began to give out provisional ballots to voters
7 to begin the voting and allow it to start at
8 seven. We recognize that that is not the proper
9 procedure and we -- we know -- I confirmed that
10 we had trained poll workers on that procedure
11 prior to this.

12 We also no longer will use the express
13 polls. We will use the poll pads going forward
14 and we will ensure that every worker and staff
15 will be trained appropriately on those as to
16 troubleshooting and procedures if any issues
17 arise.

18 As far as -- I know there was an allegation
19 about the receipt of wrong ballots. We have no
20 evidence of that and it sounds as if it was voter
21 confusion and we would defer to your
22 investigation on that issue.

23 We did, however, investigate the complainant
24 and we noted that she should have received the
25 right ballot that she requested and she wasn't

1 districted for any other election that occurred
2 that day.

3 As to the second allegation, we agree with
4 the preliminary findings. Brookhaven City Hall
5 has never been used for an election place, only
6 for early voting, and it should not have appeared
7 on her voter page. We have no evidence that
8 shows that it actually did appear on her voter
9 page.

10 We would ask that a letter of instruction on
11 our violations be issued and us not be bound over
12 to the AG's office.

13 And I also have, as Ms.~Vander Els stated,
14 our current director, a board member, and several
15 of our staff here if you have any questions.

16 **MR. RAFFENSPERGER:** Thank you.

17 Any members have any questions in this case?
18 (no response)

19 **MR. RAFFENSPERGER:** And Ms. Le will be
20 recusing herself from this one.

21 Do we have any motion?

22 **MR. WORLEY:** Well, I'll make a motion to
23 dismiss the second ballot issue.

24 **MR. RAFFENSPERGER:** Is there a second?

25 **MS. SULLIVAN:** Second.

1 **MR. RAFFENSPERGER:** All those in favor
2 signify by saying aye.

3 **THE BOARD MEMBERS:** Aye.

4 **MR. RAFFENSPERGER:** The second allegation is
5 dismissed.

6 **MR. WORLEY:** And I would make a motion to
7 continue the case against Ms. Daniels until such
8 time she receives notice of it.

9 **MR. RAFFENSPERGER:** Do we have a second?

10 **MS. SULLIVAN:** Second.

11 **MR. RAFFENSPERGER:** All those in favor
12 signify by saying aye.

13 **THE BOARD MEMBERS:** Aye.

14 **MR. RAFFENSPERGER:** That will be continued
15 over.

16 Okay. Next case. Oh, I'm sorry. As a --
17 to the other charge -- other allegations, any
18 comments?
19 (no response)

20 **MR. RAFFENSPERGER:** Any motion?

21 **MR. WORLEY:** I -- I would make a motion that
22 we send a letter of instruction for the alleged
23 violation regarding opening of polls and bind the
24 remaining part -- or any part of the case that
25 violates O.C.G.A. 21-2-99(a) to the attorney

1 general's office.

2 **MR. RAFFENSPERGER:** Do we have a second?

3 **MS. SULLIVAN:** I'll second that.

4 **MR. RAFFENSPERGER:** Okay. Any further
5 comment?

6 (no response)

7 **MR. RAFFENSPERGER:** Hearing none, all those
8 in favor of the motion on the floor please
9 signify by saying aye.

10 **THE BOARD MEMBERS:** Aye.

11 **MR. RAFFENSPERGER:** The motion carries.

12 **MS. WATSON:** The next case is 2016-54,
13 Catoosa County, felon.

14 In April 2016, the Catoosa County Board of
15 Elections and Registration reported a felon as
16 having registered to vote on February 1, 2016,
17 and then voting in the March 1, 2016,
18 presidential preference primary.

19 It was determined that Mr.~Millican was a
20 convicted felon under sentence when he registered
21 to vote on February 1, 2016 and voted in the
22 March 1, 2016 PPP. This was after he -- his
23 voter registration was canceled due to his felony
24 conviction. He was sent a notice by the Walker
25 County Elections Office in October of 2015.

1 We recommend that Tracy Alan Millican be
2 bound over to the AG's office for 21-2-216,
3 21-2-561, and 21-2-571.

4 **MR. RAFFENSPERGER:** Was there anyone here to
5 speak on this case?

6 (no response)

7 **MR. RAFFENSPERGER:** And the members, do you
8 have any questions? Any comments?

9 (no response)

10 **MR. RAFFENSPERGER:** Do we have a motion?

11 **MR. WORLEY:** I'll -- I make a motion to bind
12 the allegations against Mr. Millican over to the
13 attorney general's office.

14 **MR. RAFFENSPERGER:** Do we have a second?

15 **MS. LE:** I'll second.

16 **MR. RAFFENSPERGER:** Do we have any further
17 comment?

18 (no response)

19 **MR. RAFFENSPERGER:** Hearing none, all those
20 in favor of binding over to the attorney general
21 as presented signify by saying aye.

22 **THE BOARD MEMBERS:** Aye.

23 **MR. RAFFENSPERGER:** Any opposed?

24 (no response)

25 **MR. RAFFENSPERGER:** Motion carries.

1 **MS. WATSON:** The next case is 2016-56, Glynn
2 County, UOCAVA. It was reported that Glynn
3 County Elections Office failed to respond in a
4 timely manner to an absentee ballot request from
5 a member of the armed services to vote in the
6 May~24, 2016 election.

7 Elector Monty Dixon submitted a request for
8 electronic ballot on February 20, 2016. The
9 elections office in Glynn County had updated
10 Mr.~Dixon into an active voter in the system but
11 then failed to process the absentee ballot
12 request. The error was not found until after the
13 deadline. The ballot was mailed April 18, 2016,
14 and returned voted on April 27, 2016. Tina
15 Edwards, the former election supervisor for Glynn
16 County, states that she has implemented changes
17 to prevent similar occurrences.

18 We recommend that Tina Edwards and Glynn
19 County Board of Elections and Registration be
20 bound over for 21-2-384, preparation and delivery
21 of ballots.

22 **MR. RAFFENSPERGER:** Is there anyone here to
23 speak on this case?

24 (no response)

25 **MR. RAFFENSPERGER:** Okay. Members of the

1 board, do you have any questions, comments?

2 (no response)

3 **MR. RAFFENSPERGER:** Do we have a motion?

4 **MS. LE:** I think it's unfortunate they're
5 not here today because I'd like to know what kind
6 of training and processes they've put into place
7 to prevent this from happening again.

8 **MS. WATSON:** The state elections supervisor
9 did call. His name is Chris Channell and he
10 expressed that he could not make the meeting
11 today but that he has implemented changes in
12 their office to try and prevent this in the
13 future.

14 **MR. RAFFENSPERGER:** Any further questions or
15 comments?

16 (no response)

17 **MR. RAFFENSPERGER:** Do we have a motion?

18 **MS. LE:** And they haven't had any more
19 violations in this regard since 2016 or at least
20 any pending investigation?

21 **MS. WATSON:** Not that I'm aware of. Not for
22 -- for this. I'd have to confirm that.

23 **MR. RAFFENSPERGER:** Any questions, comments,
24 or motions?

25 **MR. WORLEY:** I make -- I just want to be

1 clear about something, Ms. Watson. They -- they
2 mailed the ballot out to him 46 days after they
3 received the request?

4 **MS. WATSON:** Yes, but that -- it was only
5 four days past the -- the -- the deadline that
6 they had a chance to mail it to him.

7 **MR. WORLEY:** Okay. All right.

8 **MR. RAFFENSPERGER:** Is there a motion?

9 **MR. WORLEY:** I make a motion that we send a
10 letter of instruction to the Glynn County
11 Elections Office and Tina Edwards.

12 **MR. RAFFENSPERGER:** So there's a motion for
13 a letter of instruction. Do we have a second?

14 **MS. LE:** I would second that. Given that
15 sending out UOCAVA ballots is a regular
16 occurrence in each election, this might have been
17 an oversight. It's a serious one, but given that
18 it's -- it's not happened since, that it's
19 something that they do at every election, I'll
20 second this motion.

21 **MR. RAFFENSPERGER:** Any further comment?

22 (no response)

23 **MR. RAFFENSPERGER:** Okay. On the motion
24 before us, all those in favor of sending letters
25 of instruction signify 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 2016-58, Baker

6 County, ballot error.

7 Sharon Heard was a candidate for a seat on

8 the Baker County School Board in the May 24, 2016

9 election. She reported that the Baker County

10 Elections Office listed her incorrectly on the

11 ballot as the incumbent. Ms. Heard also alleged

12 numerous other -- other issues.

13 The investigation shows that candidate

14 Sharon Heard was listed incorrectly on the ballot

15 as the incumbent for the Elmodel district for

16 school board. Ms. Heard was previously elected

17 to another position in the county in which she

18 resigned in order to run for the new position. A

19 second ballot error was noticed incorrectly

20 during proofing of the ballot. Ms. Clemons

21 consulted with the attorney, Tommy Coleman, and

22 they both had planned to cancel absentee ballots

23 that had already been voted and reissue corrected

24 ballots.

25 All but two that had voted on the incorrect

1 ballot received and voted their corrected ballot.
2 The remaining two that received incorrect ballots
3 were accounted for. One did not vote. The
4 second ballot had health issues and the second
5 meant to vote in the first one. Investigators
6 followed up on the remaining allegations and all
7 were said to be unsubstantiated.

8 We're recommending that Baker County Board
9 of Elections and Registration and Linda Clemons,
10 Baker County Elections Supervisor, be bound over
11 for violation of SEB Rule 183-1-12-.02(3)(a)(3).

12 **MR. RAFFENSPERGER:** Okay. Is there anyone
13 here to -- from Baker County to speak on this?

14 **MR. BRITT:** Yes.

15 **MR. RAFFENSPERGER:** Come forward. There's a
16 microphone for you up there.

17 **MR. BRITT:** Thank you. Thank you,
18 Mr.~Secretary and the board members. I'm Russell
19 Britt with the law firm of Hall Booth Smith in
20 Atlanta. And I'm here on behalf of the Baker
21 County Board of Elections and I have a board
22 member here with me, Ms. Cindy Summerlin.

23 I -- I can't speak on behalf of Ms. Clemons
24 because she hasn't been the elections
25 superintendent for some time now, so I don't know

1 if she received service of this notice or not.

2 But I am here on behalf of the current board as
3 well as the board staff.

4 The -- as the investigation findings
5 revealed, the subject ballot was proofread by the
6 elections superintendent, and, in fact, the
7 elections superintendent reached out to her state
8 liaison about a question because it was a unique
9 situation that the elections superintendent at
10 the time didn't see it as black and white. And
11 the reason why is because the individual on the
12 ballot was a school board member in one district
13 but then she relocated to another district and
14 ran for that district. And so there was a
15 question for her on whether she should be
16 designated as incumbent or not, and she
17 ultimately made the judgment call that she should
18 be designated as an incumbent.

19 Now, we all know that that ultimately was
20 incorrect, but at the same time that doesn't
21 change the fact that she did go through the
22 proofing process, and, in fact, the investigation
23 revealed that she caught another error and
24 corrected that, and on this issue she just made
25 the decision, albeit the wrong one.

1 But that said, regardless of the error, the
2 error ultimately was caught by local officials.
3 It was corrected and the board self-reported it
4 to the state. And then ultimately ended up in a
5 "no harm, no foul" situation because every voter
6 that received an incorrect ballot received the
7 opportunity to vote to use the correct ballot.
8 So it was corrected in time not to cause a
9 problem.

10 And then it's also finally important to note
11 that the Baker County Board of Elections has had
12 a complete turnover. It's got a fully new board
13 that takes this very seriously. Hence,
14 Ms.~Summerlin traveling up from Newton today for
15 this meeting, and also there's a new elections
16 superintendent.

17 And so this current board has taken a lot of
18 corrective measures. It's really amped up and
19 increased the training for the current elections
20 superintendent and it's implemented a two-person
21 ballot proofreading process. So the elections
22 superintendent will go through the proofing
23 process and then Ms. Summerlin, as a board
24 member, will also assist with that.

25 So based on the unique circumstances and

1 facts of this case and based on the fact that the
2 board was able to catch it and correct it, and
3 based on the fact that it resulted in a situation
4 where everybody was able to vote with the correct
5 ballot, and based on the facts that the board has
6 implemented corrective measures, we respectfully
7 request that this board simply issue a letter of
8 instruction.

9 And unless y'all have any questions from me,
10 I will turn it over to Ms. Summerlin.

11 **MS. SUMMERLIN:** And I think he said
12 everything that I wanted to say. I just did want
13 to -- to say that we do have, now, the two-person
14 review process in place for reviewing the ballots
15 prior to print and as well as other measures just
16 within the office since we have new personnel,
17 new board members, and are -- are excited to be
18 there and serve.

19 **MR. BRITT:** Thank y'all.

20 **MR. RAFFENSPERGER:** Do any members have any
21 questions?

22 (no response)

23 **MR. RAFFENSPERGER:** No questions. Do we
24 have a motion?

25 **MR. WORLEY:** I -- I would make a motion that

1 we send a letter of instruction, and I -- I think
2 that you made a very persuasive case that there
3 was -- there was no harm to this at this point in
4 time. So if that -- if that makes a difference,
5 and we should send a letter of instruction.

6 **MS. SULLIVAN:** I'll second the motion.

7 **MR. RAFFENSPERGER:** Okay. Any further
8 discussions?

9 (no response)

10 **MR. RAFFENSPERGER:** Hearing none, all those
11 in favor of sending a letter of instruction
12 signify by saying aye.

13 **THE BOARD MEMBERS:** Aye.

14 **MR. RAFFENSPERGER:** Any opposed?

15 (no response)

16 **MR. RAFFENSPERGER:** Motion carries.

17 **MR. BRITT:** Thank you.

18 **MS. SUMMERLIN:** Thank you.

19 **MS. WATSON:** The next case is 2016-59,
20 Paulding County, ballot format. There were three
21 complaints reported for the March 1, 2016 PPP in
22 Paulding County.

23 First, Lori Trahan reported that she
24 received an incorrect ballot when she cast her
25 ballot, then was given a provisional ballot that

1 she voted.

2 Second, Ms. Davey reported that she was
3 asked to move her vehicle outside the 150-foot no
4 campaigning zone due to candidate stickers
5 displayed in the vehicle's window.

6 Third, Ms. Schulz reported overhearing poll
7 workers asking if they had any democrats in their
8 paperwork. And when they showed there had been
9 none, the poll worker announced "yes."

10 Ms. Schulz found this to be inappropriate.

11 Investigation showed Deirdre Holden, the
12 elections supervisor in Paulding County,
13 confirmed that Lori Trahan had received an
14 incorrect ballot and had already cast a ballot on
15 the DRE. Ms. Holden instructed that Lori Trahan
16 be given a provisional ballot and be instructed
17 to only vote the presidential portion of the
18 ballot as that was the only portion that she did
19 not have on the ballot that she voted on the DRE.
20 Ms. Holden deposited the provisional ballot and
21 it was counted.

22 As to the second and third complaints, they
23 were not substantiated as a violation.

24 We're recommending that elector Lori Trahan
25 be dismissed as the respondent as she was

1 following instructions from the poll workers.

2 And the Paulding County Board of Elections and
3 Elections Supervisor Deirdre Holden be bound over
4 under 21-2-452(b) where the voter access card was
5 not properly encoded for Lori Trahan and SEB Rule
6 183-1-12-.02(4) as the voter access card was not
7 properly encoded for Lori Trahan.

8 **MR. RAFFENSPERGER:** Is there anyone here to
9 speak from Paulding County?

10 (no response)

11 **MR. RAFFENSPERGER:** Any board members have
12 any questions?

13 **MR. WORLEY:** I have a question of
14 Ms.~Watson.

15 And you're also recommending being bound
16 over for violation of Election Code 21-2-590?

17 **MS. WATSON:** No. We're recommending to
18 dismiss that and we'd go with -- the codes were
19 21-2-452 and SEB Rule, more -- more appropriate
20 to the violations.

21 **MR. WORLEY:** Okay, but the one you're
22 recommending is that she was allowed to -- okay.
23 She was allowed to cast a nonpartisan paper
24 ballot and then -- and then a paper ballot in
25 addition to that.

1 **MS. WATSON:** That -- it -- for the voter
2 access card being not properly being coded by the
3 poll workers is the -- is the violation that
4 we're recommending be bound over.

5 **MR. WORLEY:** Okay. And why aren't you
6 recommending that she be bound over for --
7 essentially for the -- the Paulding County be
8 bound over for allowing her to vote twice?

9 **MS. WATSON:** That -- certainly, you know,
10 that was one of our findings and if -- if the
11 board feels that is appropriate, then that --
12 that's in your purview.

13 **MR. RAFFENSPERGER:** Any further comments or
14 questions?

15 **MS. LE:** So I think the facts as being
16 presented is that the voter got to vote on
17 portions, but were wrong -- overlapped --
18 incorrectly left out the encoded card; is that
19 correct?

20 **MS. WATSON:** The voter was instructed --

21 **MS. LE:** So they did cast two votes in the
22 same --

23 **MS. WATSON:** The voter was instructed to
24 only vote that section of the provisional ballot
25 that they did not receive on -- on the DRE

1 machine, that's correct.

2 **MR. RAFFENSPERGER:** Do we have a motion or
3 questions? What's the will of the committee?

4 **MR. WORLEY:** I would make a motion to bind
5 over Paulding County for violation of code
6 sections 21-2-572, 21-2-590, 21-2-452(b) and SEB
7 Rule 183-1-12-.02(4).

8 **MR. RAFFENSPERGER:** Okay. Do we have a
9 second?

10 **MS. SULLIVAN:** I'll second the motion.

11 **MR. RAFFENSPERGER:** Do we have any further
12 comment on this?
13 (no response)

14 **MR. RAFFENSPERGER:** Hearing none, the motion
15 is before you. All those in favor, you can do so
16 by signifying aye.

17 **THE BOARD MEMBERS:** Aye.

18 **MR. RAFFENSPERGER:** Any opposed?
19 (no response)

20 **MR. RAFFENSPERGER:** Motion carries.

21 **MS. WATSON:** The next case, Tab 15, is
22 continuing due to a conflict with the attorney
23 for Fulton County in a trial for election
24 challenge today.

25 So Tab 16 is 2016-62, Hancock County,

1 absentee ballots.

2 In April 2016, Hancock County Election
3 Supervisor Tiffany Medlock alleged that Dontrell
4 Andrews (ph), a candidate for the county
5 coroner's race was completing absentee ballot
6 applications and voter registration cards for
7 some Hancock County residents. Mr. Andrews would
8 then turned in those applications into the
9 elections office to be processed.

10 The second complaint alleges that Delores
11 Lamar~(ph) assisted the voter at poll precinct.
12 Delores Lamar's assistance reportedly includes
13 marking a candidate and casting a ballot.

14 The third complaint alleges that a voter,
15 Rodney Bell, received an absentee ballot for the
16 district that he did not live in.

17 Investigation revealed that Tiffany Medlock
18 left the position of elections supervisor shortly
19 after she made the complaint. She did not
20 provide a list of individuals prior to her
21 departure specifying which absentee ballot
22 applications and voter registration applications
23 she was referring to. The new supervisor did not
24 have any information concerning this report, and
25 Mr. Dontrell Andrews, the coroner candidate,

1 denied the allegation citing memory issues.

2 As to the second complaint, involving
3 Mr. Lamar, there was no violation substantiated.
4 He did assist several voters and signed as
5 assisting.

6 The investigation verified that Rodney Bell
7 was listed in the improper district and received
8 an incorrect absentee ballot.

9 We're recommending that Tiffany Medlock the
10 former elections supervisor and Hancock County
11 Board of Elections and Registration be bound over
12 to the AG's office for 21-2-226(b) and failing to
13 place the proper ballot in the proper district.

14 **MR. RAFFENSPERGER:** Okay. Is there anyone
15 from Hancock County that would like to speak?

16 **MS. GRANT:** Yes, sir. Andrea Grant.

17 **MR. RAFFENSPERGER:** Come forward then,
18 please.

19 **MS. GRANT:** Hi. I'm Andrea Grant. I
20 represent the Hancock County Board of Elections
21 and Registration. And some of you may have heard
22 a couple of the things I'm telling you, but for
23 -- for the benefit of those who have not, I would
24 like to let the board know that Hancock County,
25 back in 2011, switched from having a probate

1 judge conduct the registration and the elections,
2 events, to a board of elections and registration.

3 At that time, in addition to the
4 difficulties and challenges of the changeover --
5 and remember this is a rural county -- the board
6 of elections and its staff had to undo a lot of
7 problems that had occurred while the probate
8 judge had held office.

9 And, you know, I hate to bring up bad,
10 negative stuff, but, for those of you that don't
11 know, the probate judge did plead guilty to
12 taking county funds. She was convicted and she
13 was sentenced. So basically things were in a --
14 in -- in a pretty good mess back in 2011.

15 Then in 2014, the courthouse burns down with
16 all the records inside it. And, again, none of
17 these are any excuses, but I just wanted you to
18 have a little bit of the background that -- that
19 they're truly trying despite all of these
20 problems.

21 And for those of you that have been on the
22 board a long time, you would probably recognize
23 the probate judge prior -- and I'm not trying to
24 put all of the blame off on her because this
25 happened in twenty-six [sic], but I do -- for

1 those members that were here, y'all probably
2 recognize the number -- the name back from when
3 she handled the elections and registration.

4 As to the actual allegation, it's important
5 to note that our supervisor, as she stated,
6 Tiffany Medlock, she only worked with the board
7 from 2015 till right before this alle -- right
8 after this allegation, in May of 2016, and she
9 did self-report the problem once it did come to
10 light what -- what had happened.

11 And importantly, looking under the old --
12 the 2016 book, under 21-2-226, yes, indeed, the
13 county -- the board of elections and registration
14 has the responsibility to make sure their staff
15 supervisor does fulfill number (b) under the
16 section. However, under (c) -- I've always had a
17 little bit of difficulty with this, but under (c)
18 it's the duty of the cities to provide the
19 counties with a map -- and it started back in
20 1995, and it doesn't say they have to give you an
21 annual map or whatever, just when any annexation
22 or changes in boundaries of the municipality
23 occur.

24 Well, these individuals that voted in the
25 wrong district were in an apartment complex. And

1 once they discovered it -- hey, it should have
2 been in two instead of four -- they -- they could
3 get that taken care of. I can't stand here and
4 tell you when the last time Hancock County Board
5 of Elections and Registration received a map for
6 the City of Sparta in which these voters were
7 included. But it's kind of -- yes, the county
8 has a responsibility to make sure that they've
9 got the right voters in the right districts, but
10 yet the onus is on the city to let them know
11 whether or not anything has changed. And to my
12 knowledge -- and we don't have anybody that was
13 here that we could bring today to address that or
14 explain any of that.

15 But what I can tell you today is, not just
16 because of this, because we just received this,
17 but the board has been very active working with
18 the City of Sparta to make sure that we get
19 accurate, good boundaries maps to make sure
20 people are in the right districts.

21 And I -- I know -- again, I know it's not an
22 -- an excuse, but between all of those
23 complications, I would respectfully ask that the
24 board issue a letter of instruction or dismiss
25 the pending matter.

1 And if there are any specific questions, I
2 do have a board member with me, Nancy Stephens,
3 if you have any questions. She was -- she was on
4 the board at the time of this particular
5 occurrence.

6 **MR. RAFFENSPERGER:** Okay. Do any members
7 have any questions?

8 (no response)

9 **MR. RAFFENSPERGER:** Thank you.

10 **MS. STEPHENS:** Yeah.

11 **MR. RAFFENSPERGER:** Would you like to say
12 something?

13 **MS. STEPHENS:** Yes, briefly if I can. I'm
14 Nancy Stephens and I've been on the board since
15 it was created in July 1, 2011 and it was an
16 absolute mess. Our election records were
17 (indiscernible) in the courthouse and we had to
18 go through them, straighten all of that out. But
19 that's no excuse. I know it's not.

20 But to tell you a little bit about the
21 addresses that were in the wrong district, it is
22 two apartment buildings. They are the only
23 addresses on that end of Ghettis Street. Once it
24 crosses Highway 16, it changes districts. They
25 didn't realize it and it was actually a -- a

1 voter that brought it to our attention, and we
2 worked then -- it took us a while to even find
3 what the address of the apartments were to get
4 them changed over.

5 But we're making strides. Hopefully, we
6 won't get a whole lot more formal invitations to
7 come see y'all, not that I don't like to come in
8 and see y'all, but it's not the -- but thank
9 y'all and I appreciate you.

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

12 (no response)

13 **MR. RAFFENSPERGER:** I think we're fine.
14 Thank you.

15 Do we have a motion?

16 **MR. WORLEY:** Well, one of the allegations
17 here is -- is not against Hancock County but is
18 against Lashonda Reynolds for allegedly thanking
19 voters for voting for her brother by buying them
20 lunch and other things. And I would make a
21 motion that we bind over that allegation, which
22 is listed in the report as Allegation 5, to the
23 attorney general's office.

24 **MR. RAFFENSPERGER:** Do we have a second?

25 **MS. LE:** I'll second it.

1 **MR. RAFFENSPERGER:** Any further comment?
2 (no response)

3 **MR. RAFFENSPERGER:** All those who would like
4 to bind over Allegation Number 5 to the attorney
5 general's office let me know by saying aye.

6 **THE BOARD MEMBERS:** Aye.

7 **MR. RAFFENSPERGER:** Any opposed?
8 (no response)

9 **MR. RAFFENSPERGER:** That's bound over.
10 As to the other allegations, what is the
11 will of the committee?

12 **MS. LE:** I'd like to move we issue a letter
13 of instruction.

14 **MR. RAFFENSPERGER:** Is there a second?

15 **MR. WORLEY:** I'll second that.

16 **MR. RAFFENSPERGER:** Okay. Is there any
17 further comment?
18 (no response)

19 **MR. RAFFENSPERGER:** All those in favor of
20 letter of instruction for the balance of the
21 allegations -- 1, 2, 4, Allegation Number 3 --
22 signify by saying aye.

23 **THE BOARD MEMBERS:** Aye.

24 **MR. RAFFENSPERGER:** Motion carries.

25 **MR. WORLEY:** And then I would make a motion

1 that we dismiss the remaining allegations -- 1,
2 2, 4 and 6 -- as the investigation found no
3 evidence to support them.

4 **MR. RAFFENSPERGER:** Do we have a second?

5 **MS. LE:** I'll second that.

6 **MR. RAFFENSPERGER:** Any further comments?

7 (no response)

8 **MR. RAFFENSPERGER:** All those in favor
9 signify by saying aye.

10 **THE BOARD MEMBERS:** Aye.

11 **MR. RAFFENSPERGER:** Motion carries.

12 **MS. WATSON:** The next case is 2016-67,
13 Wilcox County, ballot error. It was reported
14 that Wilcox County Board of Elections failed to
15 put incumbent Senator Tyler Harper on the ballot
16 for district 7 during the May 24, 2016 general
17 primary special election.

18 Investigation showed that Patricia Ely, the
19 Election Supervisor at the time, was contacted
20 and advised that it was a mistake. She realized
21 it after she had mailed out approximately 95
22 ballots. She contacted the secretary of state's
23 office and advised that they were consulting with
24 the county attorney. She contacted all the
25 voters that had been sending in for a ballot and

1 mailed them a new corrected ballot.

2 We're recommending Wilcox County Board of
3 Elections and Patricia Ely be bound over to the
4 attorney general's office for State Election
5 Board Rule 183-1-12-.0 (indiscernible) ballot
6 (indiscernible).

7 The attorney for the county also sent a
8 packet to give to the elections board if they
9 would like to review it.

10 **MR. RAFFENSPERGER:** Yep. Thank you.

11 Do we have anyone from Wilcox County?

12 **MS. CARTER:** Yes, sir.

13 **MR. RAFFENSPERGER:** Come on forward.

14 **MS. CARTER:** Good morning.

15 **MR. RAFFENSPERGER:** Good morning.

16 **MS. CARTER:** My name is Toni Carter. I'm an
17 attorney in Fitzgerald, Georgia and I represent
18 the Wilcox County Board of Elections and
19 Registration. And I have with me the new
20 elections superintendent. That's April Brown.

21 And what I'm going to tell the board is,
22 essentially, what happened with a mistake.
23 Previously, Wilcox County had fully been located
24 within Senate District 13. But apparently there
25 was a -- a -- a split of senate districts back in

1 2014. Wilcox County wound up being placed in two
2 senate -- two senate districts. Part of the
3 county was still in 13 and the southern and
4 eastern part of the county was now placed in
5 Senate District 7. The board of elections was
6 not notified of it.

7 So when the 2016 senate district election
8 came about, the board printed the ballot thinking
9 that the county was still fully in Senate
10 District 13, not realizing that now there was a
11 -- a -- an issue of two precincts, so two
12 election districts being in a -- a new senate
13 district.

14 Absentee ballots were sent out and that was
15 when the elections superintendent was notified of
16 an error that the Senate District 7 candidate was
17 not printed on a particular ballot. I think she
18 was notified on April 18th. She immediately
19 contacted the office of reapportionment and was
20 told, yes, there was a reapportionment done
21 effective 2014. She was advised of what the new
22 election -- election districts were. She
23 contacted the secretary of state's office, she
24 contacted my office. We then realized that there
25 was a issue; we needed to correct it quickly.

1 We deemed those ballots that -- the absentee
2 ballots that had already been issued as four
3 ballots. We had new ballots printed; we did
4 LMA~(ph) again; we did everything we were
5 supposed to do. And all this was accomplished
6 within less than five business days.

7 I would like to note that no ballot that was
8 originally issued had been returned. Every
9 single person that had been issued an absentee
10 ballot was notified individually. They were sent
11 a notice advising that there was an error on the
12 original ballot. And they were sent a stamped
13 return envelope requesting that they return those
14 ballots and contact the office to get a new
15 ballot. I believe that just about every single
16 original ballot was returned.

17 I do believe that every single person that
18 received an absentee ballot originally was able
19 to vote and they voted on the new ballot and we
20 did what we felt like needed to be done in the
21 situation. We corrected it. Again, all of that
22 took place within a matter of five business days
23 which was prior to the May 24th actual election
24 date.

25 So because of that we would ask that Wilcox

1 County Board of Elections and Patricia Ely be
2 given a letter of instruction and would -- would
3 like to note that we do have a new election
4 office staff. They've all been to training. We
5 do have a practice in place of comparing the
6 ballots. We -- when there's a -- an election
7 dealing with the house or senate, we will contact
8 the office of reapportionment and make sure we
9 take those steps of contacting the appropriate
10 personnel -- or appropriate agencies to determine
11 -- make sure that this ballot error won't occur
12 again.

13 **MR. RAFFENSPERGER:** Okay.

14 Ma'am, do you want to speak about the case?

15 **MS. CARTER:** I don't think she does because
16 she was new --

17 **MR. RAFFENSPERGER:** I just wanted to make
18 sure.

19 **MS. CARTER:** She wasn't there at the time.

20 **MR. RAFFENSPERGER:** Do any members have any
21 questions?

22 (no response)

23 **MR. RAFFENSPERGER:** Thank you.

24 **MS. CARTER:** Thank you.

25 **MR. RAFFENSPERGER:** Okay. Do we have a

1 motion?

2 (no response)

3 **MR. RAFFENSPERGER:** What's the will of the

4 committee?

5 **MS. SULLIVAN:** I'll make a motion. Given

6 the error was corrected -- and thank you for

7 being here today to explain that -- I'll make a

8 motion that a letter of instruction be issued to

9 Wilcox County Board of Educations -- Elections,

10 I'm sorry -- and Ms. Ely for violations listed.

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

12 **MR. WORLEY:** I'll second it.

13 **MR. RAFFENSPERGER:** Do we have any further

14 comment?

15 (no response)

16 **MR. RAFFENSPERGER:** All of those in favor of

17 issuing a letter of instruction please signify by

18 saying aye.

19 **THE BOARD MEMBERS:** Aye.

20 **MR. RAFFENSPERGER:** Any opposed?

21 (no response)

22 **MR. RAFFENSPERGER:** Motion carries.

23 **MS. WATSON:** Tab number 18, 19, and 20

24 requested continuances.

25 The next case would be Tab 21, 2016-79,

1 Fayette County, districting issue.

2 On May 2016, the complainant -- complaint
3 alleged that they had voted an incorrect ballot
4 during the May 24th general primary election due
5 to a Fayette County elections computer error.
6 Elector Jean Cofer reported that she voted early
7 in the May 24, 2016 general primary and was given
8 an incorrect ballot. She was given a ballot for
9 the 71st House District when she lived in the
10 72nd House District.

11 She voted the ballot prior to realizing the
12 error. Review of the districting information by
13 Fayette County revealed 36 improperly districted
14 voters in Precinct 18 with 33 having voted an
15 incorrect ballot. Additionally, a hundred and
16 fifty-six electors in Precinct 29 may have been
17 improperly districted with 19 having voted an
18 incorrect ballot involving House Districts 2 and
19 4.

20 We're recommending that Fayette County Board
21 of Elections and Registration be bound over to
22 the attorney general's office for 21-2-226(b) for
23 failing to place 36 voters from Precinct 18 in
24 the proper state house district and 21-2-226(b)
25 (indiscernible) placement 36 voters within an

1 improper state house district.

2 **MR. RAFFENSPERGER:** Okay. Anyone here from
3 Fayette County?

4 **MR. STOUGH:** Yes.

5 **MR. RAFFENSPERGER:** Come on forward. You
6 should have a mic right there for you.

7 **MR. STOUGH:** Thank you for letting me speak.
8 My name's Patrick Stough. I'm with the county
9 attorney's office from Fayette County. I'm here
10 representing the Fayette County Board of
11 Elections and I also have a member of our board
12 here, Aaron Wright, to answer any questions you
13 have.

14 We do not deny the facts that have been
15 presented. In 2016, the board was tasked with
16 redistricting the entire county as a result of a
17 legal settlement that we did not create new
18 districts for the entire county.

19 And we began that process in -- in March of
20 2016. And while we were in the middle of that
21 process, we were having some technical difficulty
22 with the software. The result of all that was
23 that we had a very limited amount of time to
24 complete the redistricting and as a result of
25 that there were several errors, and one being --

1 that resulted in cert -- certain streets being
2 assigned to the wrong house district.

3 Again, we don't deny that any of this
4 occurred. We do ask that the board consider the
5 unusual circumstance that the time constraints,
6 technical difficulties with the software, the --
7 the election supervisor at the time was out on
8 medical leave. He is also no longer the election
9 supervisor. We have a new staff and we do intend
10 to ensure that the staff is better trained to
11 handle these types of issues when we get to the
12 next redistricting process after the 2020 census.

13 And for that reason, we would respectfully
14 request that the -- a letter of instruction be
15 issued. But if the -- it's the will of the board
16 that there be a further investigation, we intend
17 to participate and assist as we can.

18 **MR. WRIGHT:** I just wanted to reiterate the
19 tight time frames we had to turnaround the entire
20 county and the short -- the -- the nature of the
21 short staff situation we faced. The -- the
22 election supervisor at the time is no longer our
23 election supervisor. We actually terminated him
24 as a result of this and other potential issues.

25 So coming on the board in '16 took very,

1 very quick and swift steps to rectify this
2 particular situation also. When we were notified
3 that this was happening during early voting, we
4 immediately took steps to correct the situation
5 at the polls during early voting so that this did
6 not continue throughout the rest of early voting
7 as well as on election day.

8 So it essentially amounted to a short staff
9 situation with the data entry error. We
10 immediately corrected as best -- as fast as we
11 could and took steps to fix staff, and I was --
12 had -- have hired new staff since then.

13 **MR. RAFFENSPERGER:** What's your name, sir?

14 **MR. WRIGHT:** Oh, I apologize. Aaron Wright,
15 Fayette County Board of Elections.

16 **MR. RAFFENSPERGER:** Thank you. Members?

17 **MR. WORLEY:** I have a question. I happen to
18 live in Fayette County, so I know that the
19 redistricting that was done in 2016 as a result
20 of the court order involved only the state -- I'm
21 sorry -- only the county commission districts and
22 the school board districts. So would you explain
23 how it is that that redistricting resulted or
24 caused a mistake in the districting of the two
25 house districts?

1 **MR. STOUGH:** I -- I have -- excuse me -- I
2 have a very limited knowledge of, you know, the
3 actual steps that were taken, but it's my
4 understanding that the process involves creating
5 new district combos, which, basically, identified
6 what ballot each voter would get, and part of
7 that was -- included the house district.

8 I don't specifically know why these
9 particular streets were -- were overlooked. From
10 what I understand, the staff was supposed to go
11 through and -- and give each street the new
12 district combo. But there was a set of streets
13 for which this didn't occur.

14 So we're certainly looking into what we can
15 do to not have that happen again when we come
16 back to this.

17 **MR. WORLEY:** Okay. So you're currently
18 looking into it and you haven't finished?

19 **MR. STOUGH:** Yeah. We --

20 **MR. WRIGHT:** We're done.

21 **MR. STOUGH:** We are done.

22 **MR. WORLEY:** Okay.

23 **MR. STOUGH:** We --

24 **MR. WRIGHT:** Years ago.

25 **MR. RAFFENSPERGER:** Okay. Thank you.

1 Any other questions from the board?

2 (no response)

3 **MR. RAFFENSPERGER:** Do we have a motion?

4 **MR. WORLEY:** I would make a motion to bind
5 this over to the attorney general's office.

6 I appreciate your being here. I appreciate
7 the steps that have been taken, but given the
8 large numbers of voters that voted in the wrong
9 district, I think it's serious enough to ...

10 **MR. RAFFENSPERGER:** Do we have a second?

11 **MS. LE:** I second that.

12 **MR. RAFFENSPERGER:** Do we have any further
13 discussion?

14 (no response)

15 **MR. RAFFENSPERGER:** All those in favor of
16 binding over to the attorney general -- attorney
17 general's office please do so by signifying aye.

18 **THE BOARD MEMBERS:** Aye.

19 **MR. RAFFENSPERGER:** Any opposed?

20 (no response)

21 **MR. RAFFENSPERGER:** Any opposed?

22 (no response)

23 **MR. RAFFENSPERGER:** Motion carries. Okay.

24 **MS. WATSON:** The next case is 2016-80,
25 Chatham County, districting issues.

1 On May 24, 2016 there was a general primary
2 and nonpartisan general election. The elections
3 division learned that voters living on Whistling
4 Duck Court in Savannah were placed in the wrong
5 voting district. The voters were assigned to
6 District 1, but the proper voting district was
7 District 3.

8 The investigation found that 43 registered
9 voters on Whistling Duck Court were improperly
10 listed as District 1 when they should have been
11 listed as District 3. Three voters voted in an
12 incorrect ballot. On July the 5, 2016,
13 registered voters were placed in the correct
14 district.

15 We're recommending that Chatham County Board
16 of Elections be dismissed as a violation as they
17 now -- they have a separate board and the code is
18 specific to the board of registrars and that the
19 Chatham Board of Registrars be bound over to the
20 attorney general's office for 21-2-226(b).

21 **MR. RAFFENSPERGER:** Anyone from Chatham
22 County would like to speak on this?
23 (no response)

24 **MR. RAFFENSPERGER:** Let's see -- Chatham
25 County?

1 (no response)

2 **MR. RAFFENSPERGER:** No? Okay. Any board

3 members have any questions?

4 (no response)

5 **MR. RAFFENSPERGER:** Do we have a motion?

6 **MR. WORLEY:** I make a motion that we bind

7 over this case to the attorney general.

8 **MR. RAFFENSPERGER:** Do we have a second?

9 **MS. SULLIVAN:** Second.

10 **MR. RAFFENSPERGER:** Any further discussion?

11 (no response)

12 **MR. RAFFENSPERGER:** All those in favor of

13 binding it over to the attorney general's office

14 signify by saying 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 2016-84,

20 Muscogee County, districting issues. On May

21 2016, Muscogee County Elections Supervisor Nancy

22 Boren reported that Hilton Woods Drive was

23 assigned to Council District 1 but the proper

24 district for the street is Council District 8.

25 Investigation shows that it was found that

1 Hilton Woods Drive was a boundary street between
2 Council District 1 and 8. It was found that
3 three electors received and voted an inaccurate
4 ballot (indiscernible) this issue. The remaining
5 electors were changed to the correct district in
6 the system on May 14, 2016, the same day it was
7 brought to the attention of the Muscogee County
8 Elections Office.

9 We're recommending that Muscogee County
10 Board of Elections and Registration be bound over
11 to the attorney general's office for 21-2-226.

12 **MR. RAFFENSPERGER:** Is there anyone from
13 Muscogee County to speak to this?

14 **MS. BOREN:** Yes. Good morning.

15 Mr.~Secretary, members of the State
16 Elections Board. My name is Nancy Boren. I'm
17 the director of elections and registration with
18 Muscogee County. We are a consolidated
19 city/county government with a population of
20 approximately 200,000 and about a hundred and
21 thirty thousand registered voters.

22 In May of 2016, I found a boundary street
23 for Council District 8 contained information that
24 did not reflect the proper district for council.
25 This part of the street had 39 voters. The day

1 it was discovered, Saturday, May 14, 2016, it was
2 corrected and those affected voters were sent new
3 precinct cards prior to the date of the primary
4 on May 24th.

5 Pursuant to this, I contacted the city's GIS
6 division requesting if we could marry the various
7 district information and their associated data
8 points to the voter registration addresses on
9 file. We are lucky to have a very robust GIS
10 division.

11 This partnership resulted in a list
12 comprised of matched and mismatched data. Voter
13 addresses from Enet, which is our state voter
14 registration system, were analyzed using
15 shapefiles from the legislative reapportionment
16 office and GIS data. We were able to determine
17 accuracy of districting information and
18 standardized street names, zip codes, and street
19 number ranges. This is a partnership we continue
20 to use, even today, and we do it several times
21 throughout the year as well as during election
22 years as we get new -- new streets in our county.

23 In the May 2016 primary, we determined that
24 those three voters did receive a ballot with
25 incorrect council district information prior to

1 May 14, 2016. The final outcome of the race was
2 separated by 515 votes after consolidation and
3 certification of the election. As noted in the
4 investigative report, this was self-reported to
5 Mr. Chris Harvey, the elections division
6 director.

7 Thank you for the opportunity to address you
8 today regarding this matter and advise of
9 corrective actions that were taken immediately
10 and continue today. I respectfully ask for the
11 board's positive consideration.

12 **MR. RAFFENSPERGER:** Thank you.

13 **MR. WORLEY:** I had a question.

14 **MR. RAFFENSPERGER:** Mr. Worley.

15 **MR. WORLEY:** Ms. Boren, it -- it's unclear
16 to me but how -- how did this misallocation of
17 the 39 voters happen in the first place?

18 **MS. BOREN:** Prior to the ability to use GIS
19 to district voters, it was an eyeball method
20 where you took maps and you laid them on top of
21 street maps and then you eyeballed it to
22 determine what boundary streets were and then you
23 wrote district numbers in that area.

24 So Muscogee County, being in the middle of
25 the state, has quite a few house seats, senate

1 seats, council, school board. And so you would
2 take a variety of those maps, almost like you
3 were peeling or unpeeling an onion and you would
4 place it on top of a map and come up with
5 district combinations that you would then assign
6 to certain precincts.

7 With this being a cusp street, again,
8 eyeballing it in 2011, we just made the mistake
9 of -- of attributing it to a different council
10 district. The state seats were correct, but the
11 council districts were not.

12 **MR. WORLEY:** And when you then actively
13 partnershiped with the GIS system, did you
14 discover other mistakes?

15 **MS. BOREN:** We did discover other -- other
16 mismatches.

17 **MR. WORLEY:** Uh-huh.

18 **MS. BOREN:** We call them mismatches because
19 sometimes the data was how we spelled the street
20 name versus how our GIS division or even in Enet
21 those streets were listed. And so we were able
22 to correct zip codes, street names and voters
23 that -- that had been put into the wrong district
24 through this GIS partnership, something we
25 continue to use today and we'll still have copies

1 of those lists. We enter correct data and then
2 we do another mismatch or match list and we get
3 it to zero.

4 **MR. WORLEY:** Okay. And when -- when you did
5 that the first time, how many voters did you find
6 you had to move to a different district?

7 **MS. BOREN:** If my recollection is correct,
8 we had 1,400 names on the list. But, again, that
9 was due to spelling of streets. For example,
10 Martin Luther King Junior Boulevard or MLK
11 Boulevard, how the street was listed in the GIS
12 division, how it's listed in the state
13 reapportionment, and how we have it listed in the
14 statewide voter registration system.

15 So there were not that many voters, although
16 it appeared to be. Airport Freeway is another
17 street that we had to make similar so that that
18 would not show up on a redistricting list. But
19 also what we did find is that in 10 years there's
20 development in counties.

21 So we have an apartment complex now on
22 Veteran's Parkway that was not there 10 years ago
23 when reapportionment was done. The precinct line
24 goes direct -- or the district line goes directly
25 through apartment buildings and that's something

1 that we have been working with Ms. Wright in
2 legislative reapportionment to address in that
3 next cycle that we go through.

4 So we've been able to identify hot spots of
5 things that we'll look at in the next
6 redistricting process.

7 **MR. WORLEY:** Thank you.

8 **MS. BOREN:** Uh-huh.

9 **MR. RAFFENSPERGER:** Thank you. Any other
10 questions, comments from the board?

11 (no response)

12 **MR. RAFFENSPERGER:** Do we have a motion?

13 **MS. LE:** I move we issue a letter of
14 instruction. It looks like --

15 **MR. RAFFENSPERGER:** Okay. We have a
16 motion --

17 **MS. LE:** -- the county has -- it just looks
18 like the county has taken proactive steps in
19 addressing these issues and the changes so we
20 won't see this problem again, hopefully.

21 **MR. RAFFENSPERGER:** So the motion for a
22 letter of instruction. Is there a second?

23 **MR. WORLEY:** Second.

24 **MR. RAFFENSPERGER:** Any further comment?

25 (no response)

1 **MR. RAFFENSPERGER:** Hearing none, all those
2 in favor of issuing a letter of instruction
3 signify by saying aye.

4 **THE BOARD MEMBERS:** Aye.

5 **MR. RAFFENSPERGER:** Any opposed?
6 (no response)

7 **MR. RAFFENSPERGER:** The motion carries.

8 **MS. WATSON:** Okay. The next case is
9 2016-85, Bulloch County.

10 Campaigning violation in a complaint
11 alleging that someone parked a truck inside with
12 a large campaign sign on the bed within the
13 hundred-and-fifty-feet boundary at the Statesboro
14 polling precinct.

15 A second complaint also alleged that an
16 Evans County resident, being David Keith Stone,
17 was voting in the Bulloch County elections.

18 Investigation discovered the pickup truck
19 belonged to an Andrew Hitt. He parked his truck
20 at the Statesboro polling precinct on May 24,
21 2016, inside of the hundred-and-fifty-feet "no
22 campaigning area" with a large campaign sign in
23 the bed with the sheriff candidate. He was asked
24 to move the vehicle outside of the
25 hundred-and-fifty feet of the campaigning area

1 and did move the truck but it was still inside
2 the hundred-and-fifty-feet boundary.

3 In the second complaint, it was determined
4 that David Keith Stone registered to vote in 1992
5 in Bulloch County and having consistently voted
6 in Bulloch County over the years, Mr. Stone
7 states that he stays with a sickly uncle four to
8 five days a week in Bulloch County, but he lives
9 at home with his wife in Evans County. He filed
10 homestead on that Evans County home in 2011 and
11 has his driver's license issued in the Evans
12 County address.

13 Mr. Stone states that he called
14 (indiscernible) on May 23, 2016 election and
15 talked to someone in the elections office and was
16 told that if he spent 90 percent of his time in
17 Bulloch County, he was registered to vote in
18 Bulloch County and so he could vote.

19 After the May 2016 election, Mr. Stone's
20 voter registration was transferred to Evans
21 County where he has voted ever since.

22 We're recommending that Andrew Hitt be bound
23 over to the AG's office for 21-2-414(a)(1),
24 restrictions on campaign activities, and David
25 Keith Stone be bound over for 21-2-216(a)(1)(4),

1 polling location of electors.

2 **MR. RAFFENSPERGER:** Okay. Is there anyone
3 here to speak to that case?

4 (no response)

5 **MR. RAFFENSPERGER:** Okay. I don't see
6 anyone to speak to that case. Any board members
7 have any questions, concerns, comments or
8 motions?

9 **MS. LE:** Did we ever ascertain what
10 Mr.~Stone's intent was in terms of his residence?

11 **MS. WATSON:** I -- he worked for the
12 sheriff's office in Bulloch County and he -- he
13 lived -- lives or has a home and his wife lives
14 in Evans County. His -- his comment to us was
15 that he did stay four to five days a week with
16 his sickly uncle.

17 **MS. LE:** In Bulloch County?

18 **MS. WATSON:** In Bulloch County.

19 **MS. LE:** Okay.

20 **MR. RAFFENSPERGER:** Do we have a motion?

21 **MS. LE:** I move to bind over Andrew Hitt and
22 dismiss Keith Stone's case. The reason why I
23 think we should dismiss it is -- the second
24 allegation is because 21-2-217 has a list of
25 what's a residence, and I don't know from the

1 facts if we can determine that. We have cases
2 that establish homestead exemptions as
3 (indiscernible), so for those reasons.

4 He spends his -- four to five days in that
5 county that he's voting in. We don't know what
6 his intent is, which is also (indiscernible).

7 **MR. WORLEY:** I'll second that motion.

8 **MR. RAFFENSPERGER:** Okay. Any further
9 comment?

10 (no response)

11 **MR. RAFFENSPERGER:** All those in favor of
12 the motion signify by saying aye.

13 **THE BOARD MEMBERS:** Aye.

14 **MR. RAFFENSPERGER:** Any opposed?

15 (no response)

16 **MR. RAFFENSPERGER:** Motion carries.

17 **MS. WATSON:** The next case is 2016-86, Polk
18 County ballot formatting.

19 On June 2016, there were three complaints
20 reported from Polk County voters that they
21 received the incorrect ballot, a DRE inoperative
22 at the poll, and voter access cards being
23 pre-programmed prior to voters submitting a
24 request for ballots.

25 Investigation revealed Stacy Baker went to

1 vote during the May 24, 2016 general election at
2 the Aragon Municipal Complex. She submitted a
3 voter certificate indicating her request for a
4 republican ballot. The poll worker that was a
5 new poll worker, Judy Burdette, stated that she
6 made a mistake when she encoded the voter access
7 card for Stacy Baker and mistakenly created a
8 nonpartisan ballot. Stacy Baker voted the
9 nonpartisan ballot prior to bringing it to the
10 attention of poll workers.

11 James Walker went to the Blooming Grove
12 precinct and requested a republican ballot on the
13 voter's certificate and was issued a nonpartisan
14 ballot. He cast his ballot prior to making his
15 complaints to poll workers. Karen Buffington a
16 new poll worker issued the incorrect ballot. No
17 other violations of the election code were
18 substantiated.

19 We recommend Polk County Board of Elections
20 and Registration; Karen Garmon, Polk County
21 Elections Supervisor; Judy Burdette, poll clerk;
22 and Karen Buffington be bound over to the
23 attorney general's office for violation of
24 21-2-352(b) for failure to properly encode Stacy
25 Baker's voter access card and failing to encode

1 James Walker's voter access card and SEB Rule
2 183-1-12-.02(4).

3 **MR. RAFFENSPERGER:** Okay. Is there anyone
4 here from Polk County?
5 (no response)

6 **MR. RAFFENSPERGER:** I see none. Does the
7 board have any questions, comments? Do we have a
8 motion?
9 (no response)

10 **MR. RAFFENSPERGER:** Do you have a motion?

11 **MR. WORLEY:** I'll make a motion that we bind
12 the case over to the attorney general.

13 **MR. RAFFENSPERGER:** Okay. We have a motion
14 to bind over. Do we have a second?

15 **MS. LE:** I'll second that.

16 **MR. RAFFENSPERGER:** We have a second. Any
17 further comment?
18 (no response)

19 **MR. RAFFENSPERGER:** Hearing none, all those
20 in favor of binding it over to the attorney
21 general signify by saying aye.

22 **THE BOARD MEMBERS:** Aye.

23 **MR. RAFFENSPERGER:** Any opposed?
24 (no response)

25 **MR. RAFFENSPERGER:** Motion carries.

1 **MS. WATSON:** The next case is 2016-89, Cobb
2 County, ballot format.

3 On May 2016, Thomas Harris reported a
4 problem he encountered with a ballot while voting
5 in the general primary in Cobb County. The
6 complainant stated that he requested a republican
7 ballot but received a nonpartisan ballot.

8 Investigation shows Mr. Harris reported that
9 he had gone to (indiscernible) Elementary School
10 polling location in Cobb County to vote in the --
11 May 2016 in the general primary. He completed
12 the paperwork requesting a republican ballot. He
13 was issued a voter access card and upon reviewing
14 the ballot he only saw one person on it.
15 Mr.~Thomas [sic] believed that if he hit the cast
16 ballot button then the republican candidates
17 would then show.

18 The voter access card was ejected from the
19 DRE machine and Mr. Thomas [sic] brought this to
20 the attention of the poll manager who informed
21 Mr. Harris there was nothing anything -- not
22 anything they could do because he had already hit
23 "cast ballot."

24 The poll worker that encoded the voter
25 access cards stated he did not remember the

1 incident. They could have made the wrong
2 selection.

3 I have since received a -- information from
4 Janine Eveler from Cobb County that she conducted
5 an audit at this location and her audit shows
6 that the count is correct and that she believes
7 that the proper card was actually issued. Tony
8 Muller is unable to attend because he has serious
9 health issues and is no longer going to be
10 working as a poll worker.

11 Due to the additional information, we're
12 requesting that a letter of instruction be issued
13 to Cobb County Board of Elections and
14 Registration and poll manager Tony Muller.

15 **MR. RAFFENSPERGER:** Is there anyone here on
16 this case?

17 (no response)

18 **MR. RAFFENSPERGER:** Seeing none, do we have
19 any comments or -- what?

20 **MS. WATSON:** Janine Eveler did want --
21 expressed that she wanted to attend but she had a
22 conflict so she was unable to be here.

23 **MR. RAFFENSPERGER:** Okay. We have a
24 recommendation. What's the will of the board?

25 **MR. WORLEY:** I'll make a motion that we sent

1 a letter of instruction to Cobb County.

2 **MR. RAFFENSPERGER:** Do we have a second?

3 **MS. SULLIVAN:** Second.

4 **MR. RAFFENSPERGER:** Any comment?

5 (no response)

6 **MR. RAFFENSPERGER:** Hearing none, all those

7 in favor of sending a letter of instruction

8 signify by saying aye.

9 **THE BOARD MEMBERS:** Aye.

10 **MR. RAFFENSPERGER:** Any opposed?

11 (no response)

12 **MR. RAFFENSPERGER:** Motion carries.

13 **MS. WATSON:** The next case is 2016-91, Floyd

14 County, voter turned away.

15 On May 24, 2016, a voter was reportedly

16 turned away at the Gilbreath Recreation Center

17 due to his wearing a politically-based t-shirt

18 out in the polling station.

19 When Gerrick Cofia (ph) entered the Floyd

20 County Gilbreath Recreation Center, he was

21 wearing a white t-shirt with the words "Hillary

22 sucks" printed on it and a likeness of Trump

23 printed on it. Neither Trump nor Clinton were

24 listed on that ballot during that election.

25 Ron Parker, the assistant poll manager,

1 instructed Mr. Cofia that due to the
2 politically-charged message on the shirt that he
3 would need to turn the shirt inside out while in
4 the poll. As Mr. Cofia and the assistant poll
5 manager debated this, the poll manager, Deborah
6 Ward, came over and also repeated the request to
7 turn the shirt inside out. Mr. Cofia stated that
8 the poll workers were keeping him from voting.

9 Ms. Ward contacted the elections office and
10 spoke to Vanessa Waddell who also stated that
11 Mr.~Cofia needed to turn his shirt inside out.
12 This was relayed to Mr. Cofia who began to leave
13 the poll, telling others that he was being denied
14 the right to vote.

15 A few days after the primary Mr. Cofia went
16 to Floyd County Elections Supervisor Willie
17 Green. Mr. Cofia was not given an answer if
18 wearing his shirt was a violation of election
19 code or not, but was told Mr. Green was looking
20 into it.

21 On January 13, 2016, Floyd County provided a
22 statement that they plan to enact a policy
23 declaring by what point a person is not permitted
24 to vote due to having campaign materials within
25 or heard inside the polling place.

1 The board's rule included further and more
2 clarity in its training of poll workers related
3 to the matter, issue a letter of explanation,
4 clarification in accordance with SEB 199, as well
5 as issue an apology to Mr. Cofia in this specific
6 matter.

7 We're recommending that Floyd County Board
8 of Elections and Voter Registration, Floyd County
9 former election supervisor Willie Green, and four
10 -- Floyd County Elections Clerk Vanessa Waddell,
11 and poll manager Deborah Ward be bound over to
12 the AG's office for 21-2-593 when they did not
13 allow a qualified voter Gerreck Cofia to vote in
14 the general primary on May 24, 2016 due to that
15 he was wearing a politically-charged t-shirt at
16 the polling location.

17 **MR. RAFFENSPERGER:** Okay. Do we -- anyone
18 here from Floyd County?

19 (audience member indicating)

20 **MR. RAFFENSPERGER:** Please come forward and
21 state your name. Good morning.

22 **MR. BRADY:** Good morning, Mr. Secretary and
23 the board. My name is Robert Brady -- excuse me.
24 My name is Robert Brady and I'm the current chief
25 of elections for Floyd County. The activities

1 that were -- were just expressed took place
2 before I got here so I can only address this
3 secondhand. I can tell you what I have seen
4 taking place since this event.

5 There's been more of an emphasis on poll
6 worker/poll management training as to what
7 exactly constitutes campaigning in the work
8 place. Truthfully, the -- everybody involved in
9 this discussion was sincerely attempting to
10 uphold 20-2-414 [sic] and that was no campaigning
11 material.

12 I became aware of this three weeks ago and
13 at that point I reached out to the sources I have
14 available through the secretary of state's
15 office -- the legal sources, the training
16 sources -- and have gotten clarification on this.
17 No one at the time -- again, back in 2016 -- was
18 aware that a political t-shirt indicating the
19 names of candidates who were campaigning but not
20 necessarily on that ballot would not be
21 considered campaign material. I have been --
22 since this time been informed of all that and I'm
23 making certain that future poll training will
24 include an explanation of this.

25 And without regard to the outcome of this,

1 we appreciate all the guidance the secretary of
2 state's office has provided on this matter, and
3 all I can say is I really don't feel that any of
4 the people involved in this were -- were in any
5 way attempting to prevent this individual from
6 voting.

7 Also (indiscernible) notes that I make here
8 is none of the polling officials invited the man
9 to leave. He was ultimately invited to leave
10 because he exhibited signs of intoxication and
11 the -- and management of the venue where voting
12 was taking place and, you know, deemed him a
13 hazard and asked him to leave.

14 With that, again I appreciate your time and
15 the opportunity to explain just a little bit.

16 **MR. RAFFENSPERGER:** Thank you.

17 **MR. WORLEY:** Yeah. I had -- I had a
18 question. It's my opinion that --

19 **MR. BRADY:** Yeah.

20 **MR. WORLEY:** -- if someone's wearing a
21 Donald Trump t-shirt and goes into the polls and
22 Donald Trump's not on the ballot, that is not
23 campaigning in violation of the statute and
24 that's your understanding now as well?

25 **MR. BRADY:** Yes, sir.

1 **MR. WORLEY:** Okay.

2 **MR. BRADY:** Yes, sir. After -- after
3 further guidance on this matter, it's been
4 determined that t-shirts -- t-shirts with
5 candidate's names on them that are not on the
6 ballot are not, in fact, campaigning materials.

7 **MR. WORLEY:** Right.

8 **MR. BRADY:** Again, sir, I apologize --

9 **MR. WORLEY:** No. No. No. No. And -- and
10 in some sense it pains me that -- believe me, it
11 pains me to say that but --
12 (laughter)

13 **MR. WORLEY:** -- that's what I believe the
14 law is.

15 **MR. BRADY:** But regardless of who I would
16 have supported in that election --

17 **MR. WORLEY:** Right.

18 **MR. BRADY:** -- the -- the poll manager was
19 operating under the theory that because both of
20 the candidates mentioned on the t-shirt were
21 currently involved in an election process, they
22 erred on the side of a little bit of splitting
23 hairs as I understand.

24 **MR. WORLEY:** And that's all the questions
25 that I have.

1 **MR. BRADY:** And, again, I wish I could have
2 addressed it more specifically, but that I'm
3 sorry I wasn't there.

4 **MR. RAFFENSPERGER:** Thank you, sir.

5 **MR. BRADY:** Yes, sir.

6 **MR. RAFFENSPERGER:** Do we have any further
7 comments? Do we have a motion?

8 **MR. WORLEY:** I -- I would make a motion to
9 dismiss this case because the -- the allegation
10 here is that there was a violation of 21-2-593
11 which is -- involves refusing to allow someone to
12 vote. And it's not at all clear to me from the
13 record that Mr. Cofia was actually refused the
14 ability to vote. In fact, a number of times he
15 was told "we can't deny you the right to vote."

16 I -- I think there's an interesting
17 interplay here between prohibiting campaigning in
18 the poll and refusing someone's right to vote.
19 And maybe the attorney general's office can
20 clarify that to us -- for us -- somewhat.

21 But to me this -- the action that's here is
22 not a violation of that part of the statute, so I
23 would move to dismiss it.

24 **MR. RAFFENSPERGER:** Do we have a second?

25 **MS. LE:** I second that. I know that in

1 Nevada elections, you know, the officials at the
2 polling places struggle with that boundary
3 between what is solicitation versus someone's
4 right to vote in trying to keep order. And I
5 would agree that in this case I don't believe
6 that this gentleman's right to vote was denied.

7 **MR. RAFFENSPERGER:** Okay. Any further
8 comments?

9 (no response)

10 **MR. RAFFENSPERGER:** All of those in favor of
11 the motion to dismiss signify by saying aye.

12 **THE BOARD MEMBERS:** Aye.

13 **MR. RAFFENSPERGER:** Any opposed?

14 **MS. SULLIVAN:** Opposed.

15 **MR. RAFFENSPERGER:** Motion carries.

16 **MS. SULLIVAN:** And I just thought that I
17 would recommend a letter of instruction be sent
18 on this case, just for the record.

19 **MR. RAFFENSPERGER:** Is that a motion?

20 **MS. SULLIVAN:** It's not. I think the motion
21 was passed. If this is the case --

22 **MR. RAFFENSPERGER:** That's what I thought.

23 **MS. SULLIVAN:** I just note for the record
24 that my opposition was not because I thought it
25 was a violation of the law, but -- but for the

1 one issue might benefit from a letter of
2 instruction.

3 **MR. RAFFENSPERGER:** Noted.

4 Okay, we need to go into an executive
5 session and probably break for lunch at the same
6 time certainly. So who wants -- who wants to
7 make a motion for the executive session and break
8 and then we'd like to be back at 1:00 sharp and
9 reconvene. Would you --

10 **MS. SULLIVAN:** I move that the board go into
11 the executive session to discuss pending or
12 potential litigation.

13 **MR. WORLEY:** Second.

14 **MS. LE:** Second.

15 **MR. RAFFENSPERGER:** Dismissed. We'll be
16 back at 1:00 sharp.

17 (recess)

18 **MR. RAFFENSPERGER:** Do we have a motion to
19 come out of executive session?

20 **MS. SULLIVAN:** So moved.

21 **MR. WORLEY:** So moved -- second.

22 **MR. RAFFENSPERGER:** Second. All those in
23 favor?

24 **THE BOARD MEMBERS:** Aye.

25 **MR. RAFFENSPERGER:** Motion carries. We are

1 out of the executive session and back on the SEB
2 cases. I believe tab 28.

3 **MS. WATSON:** Tab 28 is SEB2016-94, Jackson
4 County, cast ballot. On May 24, 2016, Jackson
5 County Election Superintendent Lori Wurtz
6 self-reported that a poll manager caused a voter
7 to cast an extra ballot following the voter's
8 complaint that he had initially received and
9 voted upon the wrong ballot.

10 Curtis Stowe checked nonpartisan on his
11 voter certificate and was issued a nonpartisan
12 ballot. He voted and then realized he had made
13 the wrong selection and complained to the poll
14 workers.

15 Carrie Propes, the poll manager, volunteered
16 to fix the situation but did not verify that he
17 had already cast his ballot or not. Another poll
18 worker, Sherry Mason, stated that she said he had
19 already voted but Carrie Propes stated she didn't
20 hear her nor understand her. Carrie Propes
21 issued Curtis Stowe a second voter access card
22 which he voted. Carrie Propes realized her error
23 when she crosschecked the DRE counter with the
24 number of voters. Carrie Propes was very
25 apologetic regarding the error.

1 We're recommending that Jackson County Board
2 of Elections and Registration Election Supervisor
3 Lori Wurtz and poll manager Carrie Propes be
4 bound over to the AG's office for 21-2-592 when
5 Propes allowed Curtis Stowe to vote in the
6 general primary on May 24, 2016 after Stowe had
7 already cast a ballot in the same primary, and
8 SEB Rule 183-1-12-.02(4), conducting elections,
9 in that they allowed Curtis Stowe to cast another
10 ballot after the voter had already cast a ballot
11 for the same election.

12 We're recommending elector Curtis Stowe be
13 dismissed as a respondent in that he was
14 following the poll worker instructions.

15 **MR. RAFFENSPERGER:** Okay. Do we have anyone
16 here from Jackson County?

17 (audience member indicating)

18 **MR. RAFFENSPERGER:** Do you want to state
19 your name?

20 **MS. LOGAN:** It's Jennifer Logan, the current
21 elections director of Jackson County. I just
22 wanted to tell you that the poll worker and also
23 Carrie -- she was under undue stress at the time.
24 She had recently lost her parents. And we take
25 this -- but we take this as a very serious issue

1 and we dismissed her. We also self-reported to
2 the state the incident.

3 We've implemented new training aspects to
4 cover situations like this. We thought we'd post
5 (indiscernible) and let voters know that once
6 they cast their ballot, it's final. We issued
7 new testing to our poll workers to make sure that
8 this doesn't happen again. We changed the
9 policies and procedures at polling places making
10 sure that managers contact us before any of these
11 types of incidents happen, and we changed the
12 structure of our polling places. We've added in
13 extra managers at the locations, some that just
14 are over the voting machines. They are there and
15 they are specifically trained to handle
16 situations with voters like this. Thank you.

17 **MR. RAFFENSPERGER:** Any members have any
18 questions for anyone?

19 Would you like to speak?

20 **MS. PROPES:** Hi. I'm Carrie Propes. I'm
21 the one that made the mistake and I'm sorry that
22 I made that mistake. I -- I'll let you
23 (indiscernible) observed a gentleman raising
24 really, really horrible angst about his card not
25 working and I had experienced the cards not

1 working even after use. The man had left it and
2 I took his card and I got it to where we could
3 redo it and then once he left, happy, then I
4 looked at my numbers and I checked them and
5 realized then I had messed up.

6 So I immediately started trying to get a
7 hold of the poll manager and let them know I had
8 made a mistake and they relieved me of my
9 position and sent me home. I have not worked at
10 a poll center since then and as of now I am not
11 capable of working at any poll centers anymore.

12 **MR. RAFFENSPERGER:** Thank you, ma'am.

13 **MS. LOGAN:** Also Lori Wurtz no longer works
14 for Jackson County, and we also have a new board
15 of elections through legislation.

16 **MR. RAFFENSPERGER:** Thank you. Any board
17 members have any questions?

18 (no response)

19 **MR. RAFFENSPERGER:** Do we have a motion?

20 **MS. LE:** Mr. -- is it Mr. Stowe? Mr. Curtis
21 Stowe? Does he already have -- the report says
22 he may have violated the law, but he voted
23 because a second card was given to him, right?

24 **MS. WATSON:** Yes. He was -- he voted -- he
25 was following a poll worker's instruction so

1 we're recommending he is -- be dismissed.

2 **MS. LE:** Okay.

3 **MS. SULLIVAN:** I'll make it a two-part
4 motion, under the circumstances, to dismiss that
5 allegation against -- actually to just absolve
6 the allegations in this matter.

7 **MR. RAFFENSPERGER:** Do we have a second?

8 **MS. LE:** I would revise that. I would move
9 to dismiss Curtis Stowe and Ms. Propes but issue
10 a letter of instruction to the county board of
11 elections.

12 **MR. WORLEY:** I would -- I would second that
13 -- or if -- if -- if that's accepted, or if we
14 get back to the motion --

15 **MR. RAFFENSPERGER:** Allow to amend the
16 motion?

17 **MS. SULLIVAN:** Yes, I will accept that.

18 **MR. WORLEY:** Okay. I'll second that.

19 **MR. RAFFENSPERGER:** So we have a motion --
20 an amended motion before us to dismiss Curtis C.
21 Stowe and also incidents of Carrie Propes and a
22 letter of instruction for all others. All those
23 in favor?

24 **THE BOARD MEMBERS:** Aye.

25 **MR. RAFFENSPERGER:** Any opposed?

1 (no response)

2 **MR. RAFFENSPERGER:** Motion carries.

3 Next case.

4 **MS. WATSON:** 2016-19 -- I'm sorry --
5 2016-95, Macon County, felon registering.

6 The Macon County Board of Elections Office
7 reported Annie Ruth Towns registered to vote
8 May 2, 2016 while being a convicted felon and
9 still under sentence.

10 It was verified that Annie Ruth Towns did
11 sign a voter registration application on May 2,
12 2016 while being a convicted felon and still
13 under sentence. Ms. Towns advised that she
14 needed an ID in order to attend South Georgia
15 Technical College.

16 Keisha Green, the director of the GED
17 program, took Ms. Towns to register to vote in
18 order to get the identification. Ms. Green
19 completed the application for Towns and Ms. Towns
20 signed the form having not read it.

21 We're recommending that Annie Towns be bound
22 over to the AG's office for 21-2-316(b).

23 **MR. RAFFENSPERGER:** Is anyone here from
24 Macon County related to this case?

25 (no response)

1 **MR. RAFFENSPERGER:** Okay. Do any of our
2 board members have any questions?

3 (no response)

4 **MR. RAFFENSPERGER:** Do we have a motion?
5 Discussion?

6 **MR. WORLEY:** I'll make a motion to bind this
7 case over to the attorney general.

8 **MR. RAFFENSPERGER:** Do we have a second?

9 **MS. SULLIVAN:** Second.

10 **MR. RAFFENSPERGER:** Any further comment or
11 discussion?

12 (no response)

13 **MR. RAFFENSPERGER:** Hearing none. All those
14 in favor of binding this over to the attorney
15 general's office please do so by signifying aye.

16 **BOARD MEMBERS:** Aye.

17 **MR. RAFFENSPERGER:** Any opposed?

18 (no response)

19 **MR. RAFFENSPERGER:** Motion carries.

20 **MS. WATSON:** The next case is 2016-97,
21 Talbot County, absentee ballot voting out of the
22 district.

23 In June 2016, Joretha Ryles, a candidate for
24 Talbot County School Board District 1 reported
25 multiple allegations regarding the May 24, 2016

1 general primary. A total of 17 allegations that
2 fell into the category of absentee ballot
3 concerns, districting issues, and voter
4 eligibility issues.

5 The investigation found that 13 out of the
6 17 reported allegations were unfounded. The
7 first allegation concerning absentee ballot
8 processing revealed that four electors had their
9 absentee ballots rejected and were not mailed a
10 rejection letter.

11 The other three substantiated allegations
12 were 7, 8, and 17. They all were regarding
13 voters that moved and failed to update their
14 voter registration. Subsequently they voted in
15 an incorrect district.

16 We're recommending that Talbot County Board
17 of Elections and Registration; Marjorie Howard,
18 the Talbot County Elections Supervisor; and
19 Patricia Robinson, the chief registrar be bound
20 over for 21-2-386(a)(1)(c), rejection of ballot,
21 when they failed to send notification letters to
22 electors -- Denise Harris, Robert Leonard,
23 Charlie Harris, Junior, and Cherutney (ph)
24 Harris -- that their absentee ballots had been
25 rejected and Vanes -- Vanessa Searcy Dixon and

1 Veronica Cheney be issued letters of instruction
2 for failure to change the address affecting the
3 correct district assignment and Frederick Cotton
4 be bound over for 21-2-218(b) address -- I'm
5 sorry, be issued a letter of instruction for
6 failure to correct his address, change it from
7 Talbot County when he resides in Upson County.

8 **MR. RAFFENSPERGER:** Anyone here from Talbot
9 County?

10 **MS. HOWARD:** Yes, sir. I'm Marjorie Howard.
11 I'm the elections supervisor for Talbot County.
12 And thank you for the opportunity to be able to
13 address these. What we found when this -- I
14 worked with two investigators: Mr. Calhoun and
15 Mr. Monroe.

16 When this was reported to us, the four
17 individuals are all part of one household.
18 Ms. Watson, who was our chief registrar was very
19 familiar with this family and she actually talked
20 with them. When -- when they -- when they --
21 when they submitted their absentee ballots on the
22 old envelope, they put their P.O. box instead of
23 the physical address. She called them to advise
24 that they needed to come in to make that
25 correction. She spoke with -- and I don't know

1 if they have a copy of the letter that she
2 actually wrote regarding this for the
3 investigator, but she talked to Ms. Denise Harris
4 who was the one that usually works with the other
5 family members as far as making sure they
6 exercise their right to vote. She asked them --
7 explained what they needed to do and asked them
8 to come in. And she explained to them on two
9 different occasions that if they did not come
10 into the office to make the correction that their
11 ballots would be rejected. She actually went by
12 their house to talk to them.

13 But she knows this family well. She is a
14 former teacher and in some of these -- some of
15 the people in the -- in the family were actually
16 her former students. So she felt some degree of
17 comfort in calling them and going back to see
18 them because she told them on two different
19 occasions that if you don't come in to make this
20 change, we will have to reject your ballot.

21 Her second trip by the house she met with
22 one of the brothers, Timothy Harris, and advised
23 him of the same thing. So she made an effort,
24 however, we did not submit a letter -- we sent
25 them a letter after the election. At that

1 point -- and -- and I found this out in the
2 process of the investigation. And in her
3 statement she said that when she went by the
4 apartment to talk to them, she ad -- advised them
5 that the ballots would have to be rejected
6 because they didn't come in.

7 I realize that does not excuse us from
8 having to follow the code. We've done extensive
9 training since this happened in 2016 in our
10 office on the proper handling of absentee
11 applications and absentee ballots. So we have
12 gone through that with our board members, which
13 we are working for, and with the poll issues so
14 that everyone thoroughly understands our
15 obligation to send that voter a letter no matter
16 what. So that has not reoccurred and won't
17 reoccur again.

18 And in terms of the three individuals, no
19 one filed a -- a -- an actual residential
20 challenge to those three. Once this was called
21 to my attention and we investigated, we actually
22 went -- after the election, we went to driver's
23 services, the motor voter application. We took
24 it upon ourselves to compare their voter
25 registration information to what was in DDS. For

1 any one of the three individuals, Ms. Searcy, I
2 think it was Ms. Baron, and Mr. Cotton, their
3 driver's licenses that had been renewed did show
4 a different address outside of Talbot County. At
5 that point, we sent them a letter. We sent them
6 a voter registration form.

7 And there was a fourth person who had
8 actually moved from one precinct to another. We
9 sent her a change of address so that we could get
10 this corrected so that it would not come up in
11 any future elections.

12 So I believe that we have done everything we
13 can do at this point to make sure that this
14 doesn't happen again. But it does not excuse the
15 fact that we didn't send a letter to those --
16 that family -- those four individuals.

17 So at this point, I'm just going to ask
18 that -- you know, I put it upon the board to make
19 a decision in terms of what action needs to be
20 taken next. So we have addressed this within our
21 county as far as training.

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

24 **MS. LE:** I do. So just to clarify, you're
25 saying that when the board challenges a voter or

1 an elector, the qualifications, you do send out
2 the notice and they do have the right to appeal
3 that notice --

4 MS. HOWARD: Yes.

5 MS. LE: -- per the 228 --

6 MS. HOWARD: The letter --

7 MS. LE: Okay.

8 MS. HOWARD: The letter states to them that
9 they -- that if anything on the letter is
10 incorrect with the -- with the letter, it shows
11 their address that they have had on the
12 registration form, it states the address that we
13 see in DDS's system --

14 MS. LE: Right.

15 MS. HOWARD: -- and we ask them to let us
16 know if anything is incorrect. If the
17 information given is correct, at that point we
18 ask them to register in the correct county or do
19 a change of address from one precinct to another.

20 MS. LE: Okay. And I do have a question for
21 our investigators.

22 Mr. Frederick Cotton -- he's not here today,
23 is he? Right?

24 MS. WATSON: No. He did call. He had a
25 conflict with the meeting and he couldn't attend.

1 **MS. LE:** Okay. I see that with Ms. Dixon
2 and Ms. Cheney they did admit to living at
3 another address and intending that to be their
4 home.

5 Mr. Cotton, on the other hand, if I
6 understand the facts correctly, he says that he's
7 staying at his sister's house where he voted; is
8 that correct? And that he seems to be claiming
9 that to be his residence for voting purposes; is
10 that correct? Am I misreading the facts?

11 **MS. WATSON:** No. That is correct. He -- he
12 says that he moved his residence to Upson County.

13 **MS. LE:** But -- okay. But he didn't say
14 anything to the fact of claiming his sister's
15 home intending that to be his own home?

16 **MS. WATSON:** No. Not that I'm aware of.

17 **MS. LE:** Okay.

18 **MS. WATSON:** I'd have to go back and check
19 the case log.

20 **MR. RAFFENSPERGER:** Any other questions?

21 (no response)

22 **MS. HOWARD:** Thank you.

23 **MR. RAFFENSPERGER:** Thank you. Do we have a
24 motion?

25 **MR. WORLEY:** I would make a motion that we

1 send a letter of instruction on allegation 1, the
2 absentee ballot, the failure to notify of the
3 rejection of the absentee ballots to Talbot
4 County.

5 **MR. RAFFENSPERGER:** Do we have a second on
6 that?

7 **MS. SULLIVAN:** I'll second that motion.

8 **MR. RAFFENSPERGER:** All those -- any
9 discussion?

10 (no response)

11 **MR. RAFFENSPERGER:** All those in favor
12 signify by saying aye.

13 **THE BOARD MEMBERS:** Aye.

14 **MR. RAFFENSPERGER:** Any opposed?
15 (no response)

16 **MR. RAFFENSPERGER:** Okay. That carries.

17 And, okay, allegations 7, 8, and 17.

18 **MS. LE:** I move to issue an LOI to
19 Ms.~Searcy, Mr. Cotton, and Ms. Cheney.

20 **MR. RAFFENSPERGER:** Okay. Do we have a
21 second?

22 **MS. MORLEY:** I'll second that.

23 **MR. RAFFENSPERGER:** There's a second. Any
24 further discussion?

25 (no response)

1 **MR. RAFFENSPERGER:** All those in favor of a
2 letter of instruction on 7, 8, and 17 signify by
3 saying aye.

4 **THE BOARD MEMBERS:** Aye.

5 **MR. RAFFENSPERGER:** Any opposed?

6 **MR. WORLEY:** Aye.

7 **MR. RAFFENSPERGER:** What's that?

8 **MR. WORLEY:** Aye, I mean, yes. I'm sorry.

9 **MR. RAFFENSPERGER:** Motion carries. Thank
10 you. Let the above allegations 2, 3, 4, 5, 6, 9,
11 10, 11, 12, 13, 14, 15, 16 -- so, I guess, that's
12 2 through 16 minus 7, 8, and 17. Do we need to
13 make a motion on that to dismiss, or ...

14 **MR. WORLEY:** I guess. I'll make a motion to
15 dismiss the remaining allegations.

16 **MR. RAFFENSPERGER:** Is -- is there a second?

17 **MS. SULLIVAN:** Second.

18 **MR. RAFFENSPERGER:** Any further discussion?
19 (no response)

20 **MR. RAFFENSPERGER:** Seeing none, all those
21 in favor of dismissing all allegations as listed
22 signify by saying aye.

23 **THE BOARD MEMBERS:** Aye.

24 **MR. RAFFENSPERGER:** Okay. Motion carries.
25 Next.

1 **MS. WATSON:** The next case is 2016-101,
2 Clayton County, memory cards.

3 On June 6, 2016, it was reported that two
4 DRE memory cards were left unsecured at a server
5 room in the Clayton County elections office
6 following the general primary of May 24, 2016.

7 Investigation showed two DRE memory cards
8 were discovered on a table in the Clayton County
9 election center on May 25, 2016, the day after
10 the election.

11 Shauna Dozier advised that at the time of
12 the May primary that she and Mr. Smith from IT
13 were the only people with keys to the election
14 center and does not believe that anyone else had
15 access to the cards in the 48-hour period they
16 were laying on the table. The cards were then
17 secured in the appropriate lockbox in the server
18 room.

19 Mr. Smith also stated that he nor any of the
20 IT personnel were sworn in by Ms.~Dozier for the
21 election. Ms. Dozier advised that they were
22 sworn in but could not provide any paperwork to
23 substantiate.

24 We're recommending that Clayton County Board
25 of Elections and Registration and Clayton County

1 Elections Superintendent Shauna Dozier be bound
2 over to the AG's office for violation of SEB Rule
3 183-1-12-.02(6)(c) by failing to properly seal in
4 an appropriate container two DRE memory cards
5 following the general primary of May 24th and
6 State Election Board Rule 183-1-12-.02(2)(g)(1)
7 by failing to properly administer oaths to IT
8 personnel prior to participation in the general
9 primary of May 24, 2016. And by failing to
10 retain copies of said oaths.

11 **MR. RAFFENSPERGER:** Okay. Do we have anyone
12 from Clayton County?

13 **MR. REED:** Good afternoon --

14 **MR. RAFFENSPERGER:** Good afternoon.

15 **MR. REED:** -- Mr. Secretary and board. My
16 name is Charles Reed and I am from the county
17 attorney's office in Clayton County. With me I
18 have elections director Shauna Dozier.

19 Some of the facts we admit to, but we
20 believe that on the totality of the
21 circumstances, as Ms. Dozier will explain to you
22 in more detail, that this is not a case that
23 should be bound over. I'll kind of summarize a
24 little bit and I'll have her fill in more of the
25 details. When Ms. Doz -- she was hired as the

1 Clayton County elections director in March 2016,
2 qualifying (indiscernible). So there were
3 processes that were in place before she arrived.
4 And she asked her deputy, who happened to be also
5 a candidate for the position, about how things
6 were to be run as far as sealing memory cards
7 after tabulation. And a lot of the things that
8 were part of the elections process were being
9 outsourced to other kind of departments,
10 including the county IT department where
11 Mr. Smith was.

12 After -- there were also some other issues
13 that she was having personnel-wise with
14 Mr.~Smith, including his actions on the day of
15 the election, that caused his supervisor and the
16 chief operating officer of the county to come in
17 and physically -- or physically be present to
18 watch him do his job because he just would not --
19 he refused to do anything that she was directing
20 him to do. And he happened to be the person who
21 was also responsible, from her understanding, for
22 sealing the memory cards and was also the person
23 who was the complainant in saying that he wasn't
24 provided an oath.

25 So I'm going to have her kind of give a

1 little bit more details to kind of give the board
2 some understanding of what that whole process was
3 like and then after that, I guess I'll kind of
4 summarize what we are asking the board to do.

5 **MR. RAFFENSPERGER:** Thank you.

6 **MS. DOZIER:** Good afternoon. I'm Shauna
7 Dozier. I'm the elections director for Clayton
8 County Board of Elections and Voter Registration.

9 The May primary election was my first
10 election as elections director in Clayton County.
11 The week that I started I met Mr. Smith as well
12 as my then assistant director to discuss the
13 procedures on how the office operates in regards
14 to elections. And from my understanding and what
15 I was told, that IT personnel was considered the
16 custodian of the voting equipment. They also
17 serve as the one that sets up all the record
18 retention, prepares the elections returns so to
19 submit to the secretary of state's office, as
20 well as handle any seals -- the memory cards
21 after we completed tabulation.

22 During this time, between my start date,
23 which was right after the presidential preference
24 primary in March, and leading up to the general
25 primary in May, I experienced several situations

1 regarding personnel. The first one is in regards
2 to my assistant director at the time. The
3 assistant director at the time went on
4 administrative leave, so I was the only managing
5 supervisor in the office and it was my first
6 election in Clayton County.

7 In addition to that, Mr. Smith in regards to
8 -- in regards to the election, I faced several
9 challenges in regards to giving directives as
10 well as services. I was always referred to -- I
11 needed to speak with his IT director instead of
12 taking directives straight from -- from myself.
13 And more specifically related to election night,
14 this was -- this order that I'm trying to paint
15 for you.

16 On election day, we report at 5:30 in the
17 morning. Mr. Smith did not report at 5:30 in the
18 morning. He didn't report to work until, I
19 believe -- well, I could not get in contact with
20 him until roughly 9 a.m. And when I asked him
21 for technical support, he told me that he does
22 not conduct technical support on election day.

23 So we also had a discussion in regards to
24 election night tabulation. And he, basically,
25 informed me that tabulation was performed in a

1 manner in which he chooses. I informed him that
2 at 7 p.m. we needed to start uploading tabulation
3 for absentee by mail. He refused. I asked him
4 to go ahead and end the election on the advanced
5 voting equipment. He also refused.

6 At this point, election day polling had
7 ended and we still had not uploaded election
8 results by 7:18. 7:30 we were still going back
9 and forth about going -- tabulation. And about
10 7:45 is when I started getting phone calls from
11 election officials, from the chief operating
12 officer's office, as well as candidates that were
13 on the ballot wondering why we didn't have any
14 election results for these.

15 I contacted the chief operating officer and
16 asked him if he could come down to help me get
17 Mr. Smith onboard with conducting tabulation. We
18 did not produce our first election results until
19 8:16 p.m. on election night. Also on election
20 night we did not complete tabulation until 2 a.m.
21 the next morning.

22 In Clayton County, we have 58 precincts.
23 Therefore, it should not have taken that long to
24 upload the election results unless we were
25 dealing with some -- some type of issues.

1 However, I was dealing with personnel issues
2 trying to get the election results tabulated.

3 After I -- after I called the COO, he also
4 contacted the interim director for IT at the time
5 and they both came down to the tabulation center
6 and stood beside Mr. Smith while he conducted the
7 tabulation for election night. After the --
8 after tabulation was completed at 2 a.m., I left
9 the tabulation center and went back to my office.

10 Now, I just want to just give you an idea of
11 how the server room is set up. Inside the -- we
12 have a building that we call the elections
13 bunker. From the outside, it's two double
14 heavy-metal doors with badge access. Upon
15 entering the building, there's another build --
16 there's another room that's called the GEM server
17 room in which I hold the key and at that time
18 Mr.~Smith held a key. The assistant director at
19 the time was on administrative leave, therefore,
20 she was not present. Inside the GEM server room
21 we also have two additional rooms and those also
22 have locked key access in which me and Mr. Smith
23 were the only ones that had access to them as
24 well.

25 Since then I have made a wholesale change in

1 personnel. IT was requested to be removed and
2 reassigned to another department. We have also
3 implemented a badge-access-only security service
4 to the GEM server room where only election
5 officials are allowed access into the room.

6 In addition, the assistant director was
7 transferred to another department. And recently
8 I was able to hire an official elections
9 technician to the department that started back in
10 November.

11 And I just -- I feel like with all the
12 changes that were instituted, personnel changes,
13 the additional badge access that was changed, we
14 have not had any problems with memory cards since
15 then and I just ask you to take this into
16 consideration when you're making your decision.
17 Thank you.

18 **MR. RAFFENSPERGER:** Thank you. Do any of
19 the members of the board have questions?
20 Comments?

21 **MR. REED:** Before -- I just want one issue
22 on the records of the oath. Since 21-2-73 only
23 had two years for retention records, that's why
24 she could not produce the records showing that
25 she administered the oath to them in 2016 because

1 those records were -- they got rid of them in
2 2018. And so even if we -- that was -- there's
3 no way we can prove that because we don't have
4 the records anymore. And so we're asking for
5 that case, both for Ms. Dozier and for the board,
6 to be dismissed and for -- because of all the
7 changes of -- that we are asking that there be a
8 letter of instruction given to both the board and
9 to -- to Ms. Dozier on the memory card issue.
10 Thank you.

11 **MR. RAFFENSPERGER:** Thank you. Okay.

12 **MR. WORLEY:** I just had a question. So --
13 so, essentially, the -- the two cards that were
14 floating around really weren't floating around.
15 They were under -- they were in a locked room
16 that only you and Mr. Smith had access to.

17 **MS. DOZIER:** Yes. That is correct.

18 **MR. RAFFENSPERGER:** Thank you. Any other
19 questions? Comments?

20 (no response)

21 **MR. RAFFENSPERGER:** Do we have a motion?

22 **MR. WORLEY:** I'll make a motion that we
23 dismiss the allegation about the failure --
24 failure to administer oaths to IT personnel and
25 send a letter of instruction regarding the

1 sealing of the cards in an appropriate container.

2 **MR. RAFFENSPERGER:** Okay. Do we have a

3 second on that?

4 **MS. LE:** I second.

5 **MR. RAFFENSPERGER:** Okay. Do we have any

6 discussion?

7 (no response)

8 **MR. RAFFENSPERGER:** Hearing no discussion,

9 the motion before you, all those in favor signify

10 by saying aye.

11 **THE BOARD MEMBERS:** Aye.

12 **MR. RAFFENSPERGER:** Any opposed?

13 (no response)

14 **MR. RAFFENSPERGER:** Motion carries.

15 Okay, next one.

16 **MS. WATSON:** The next case is 2016-102,

17 Paulding County, unqualified registrants.

18 Paulding County Elections reported that

19 Brian Stephen Williams and Steve Guinn McMichen

20 had submitted a voter registration application

21 while serving a felony sentence. Brian Williams

22 and Steve McMichen both stated that they

23 completed forms at DFACS and did not know that

24 they had completed a voter registration

25 application with the forms. Both stated that

1 they were handed a stack of forms and asked to
2 complete them and hand them back in and no one
3 went over the purpose for any of the forms. Both
4 stated that they were familiar that they were not
5 to register or to vote while serving their
6 sentence.

7 We're recommending that Mr. Williams and
8 Mr. McMichen be bound over to the AG's office for
9 21-2-216.

10 **MR. RAFFENSPERGER:** Okay. Is there anyone
11 to speak here for -- in this case?
12 (no response)

13 **MR. RAFFENSPERGER:** I don't believe so.
14 Okay, any questions?

15 **MR. WORLEY:** I have a question for
16 Ms.~Watson. Is there any evidence or allegation
17 that -- that either of these gentlemen attempted
18 to vote after they --

19 **MS. WATSON:** No. There's --

20 **MR. WORLEY:** -- registered?

21 **MS. WATSON:** No, there is not and -- and we
22 have been unable to get in touch with
23 Mr.~Williams as he has an apparent outstanding
24 warrant. Mr. McMichen did call and state that he
25 was not able to attend the meeting due to health

1 issues.

2 **MR. RAFFENSPERGER:** Any questions?

3 (no response)

4 **MR. RAFFENSPERGER:** Do we have a motion?

5 **MS. LE:** I move to issue letters of
6 instructions to both respondents.

7 **MR. RAFFENSPERGER:** Okay.

8 **MR. WORLEY:** I'll second that.

9 **MR. RAFFENSPERGER:** Motion before us to
10 issue letters of instruction. Do we have any
11 other comments? If not, those in favor signify
12 by saying aye.

13 **THE BOARD MEMBERS:** Aye.

14 **MR. RAFFENSPERGER:** Any opposed?

15 (no response)

16 **MR. RAFFENSPERGER:** Motion carries.

17 **MS. WATSON:** The next case is 2016-103,
18 Jasper County, felon.

19 On June 30, 2016, Jasper County Chief
20 Registrar, Carole Norris, reported that she had
21 received an application for voter registration
22 from Randall Lee DeLacerda while he was serving a
23 felony sentence. Mr. DeLacerda advised he
24 received a blank voter registration in the mail.
25 He was not familiar with the stipulation that he

1 could not register while serving a felony
2 sentence. He completed and returned the voter
3 registration application.

4 We recommend that Mr.~DeLacerda be bound
5 over for 21-2-216(b).

6 **MR. RAFFENSPERGER:** Okay. Is there anyone
7 here from Jasper County to speak on this case?
8 (no response)

9 **MR. RAFFENSPERGER:** Not seeing anyone, does
10 anyone on the board have any questions?

11 **MR. WORLEY:** Okay. I'll ask the same
12 question as well. Is there any indication that
13 he attempted to vote after he registered?

14 **MS. WATSON:** No.

15 **MR. RAFFENSPERGER:** Okay. Do we have a
16 motion?

17 **MS. LE:** I move to issue a letter of
18 instruction.

19 **MR. RAFFENSPERGER:** Do we have a second?

20 **MR. WORLEY:** I'll second that.

21 **MR. RAFFENSPERGER:** We have a second. All
22 those in favor of the motion as presented signify
23 by saying aye.

24 **THE BOARD MEMBERS:** Aye.

25 **MR. RAFFENSPERGER:** Any opposed?

1 (no response)

2 **MR. RAFFENSPERGER:** Motion carries.

3 **MS. WATSON:** The next case is 2016-106,
4 Candler County, redistricting voters.

5 On July 5, 2016, chief deputy registrar Dee
6 Dee Clark of Candler County self-reported that
7 they accidentally allowed two electors who voted
8 a democratic ballot in the primary to vote in
9 their republican run-off election. In those she
10 confirmed that elector Mary Simmons (ph) and
11 (indiscernible) voted in a republican run-off
12 after voting a democratic ballot in a primary.
13 There were no democratic candidates on the wrong
14 ballot.

15 We recommend -- our recommendation was for
16 Candler County Board of Elections and
17 Registration and Victor Fordham, elections
18 supervisor, to be bound over to the AG's office
19 for 21-2-224(d).

20 I have -- have since learned that the
21 Candler County Board of Elections is -- has been
22 done away with and they reverted back to a
23 probate judge. Probate Judge Tony Thompson has
24 sent a letter to certify to the board -- is that
25 the understanding (reviewing) -- and Mr.~Fordham

1 is no longer the elections supervisor.

2 **MR. RAFFENSPERGER:** Do any members have any
3 questions?

4 (no response)

5 **MR. RAFFENSPERGER:** Do we have a motion?

6 **MS. LE:** I think what I'm struggling with is
7 -- there's been some change so it's hard -- you
8 know, the point of sending it over to the AG's
9 office is also for remedial actions to this case.
10 But not checking an elector, properly verifying
11 when they come in, you know, what the requests
12 are, making sure all of that is issued correctly
13 is also a big violation.

14 I think, you know, given that, sending it to
15 the AG's office may not yield the results we
16 wanted in the circumstances, but we should at
17 least send a strongly worded LOI, at least, for
18 the next team that is in place, to know what
19 happened in the past. And it might not be the
20 standard letter, but more strongly worded is my
21 motion.

22 **MR. RAFFENSPERGER:** Okay. Do we have a
23 second?

24 **MR. WORLEY:** I'll second that.

25 **MR. RAFFENSPERGER:** Okay. Motion before

1 you. All those -- any further discussion?

2 (no response)

3 **MR. RAFFENSPERGER:** All those in favor of
4 the motion as presented signify by saying aye.

5 **THE BOARD MEMBERS:** Aye.

6 **MR. RAFFENSPERGER:** Any opposed?

7 (no response)

8 **MR. RAFFENSPERGER:** Motion carries.

9 **MS. WATSON:** The next case is 2016-111,
10 Lamar County petition.

11 On July 20, 2016 Lamar County Elections
12 Supervisor Anita Reid reported her suspicious --
13 suspicious concerning the authenticity of a nom
14 -- nomination petition she had received for
15 independent candidate Jason Keith Lovett.

16 Ms.~Reid stated that she believed that
17 several of the signatures on the petition were
18 fraudulent due to discrepancies with addresses
19 and dates of birth and that at least one
20 individual whose name appears on the petition is
21 deceased. A further complaint of similar nature
22 was received by Terry Colling, Spaulding County
23 Elections Superintendent.

24 The investigation revealed on July 11, 2016,
25 Jason Keith Lovett submitted a nomination

1 petition to the elections division of the
2 secretary of state with the summation to Lamar,
3 Spalding, and Henry County. The petition was
4 referred -- referenced State House Seat 130. The
5 affiants whose notarized signature attests that
6 they properly obtained these signatures: Jason
7 Keith Lovett, Omah Jerkeem Starks, and
8 Quantaevious McDowell.

9 In the case of Jason Keith Lovett, eight
10 individuals gave statements that they did not
11 sign the petition. Five listed on the petition
12 were deceased with their deaths predating the
13 petition.

14 In the case of Omah Jerkeem Starks, one
15 individual gave a statement that they did not
16 sign the petition and seven listed on the
17 petition were deceased with their deaths
18 predating the petition.

19 In the case of Quantaevious McDowell, five
20 individuals gave statements that they did not
21 sign the petition and seven on the petition were
22 deceased with their deaths predating the
23 petition.

24 We're recommending Jason Keith Lovett be
25 bound over to the attorney general's office for

1 violation of 21-2-563(5) and also reasonable to
2 conclude that Jason Keith Lovett violated OCGA
3 16-10-71(a) when on July 11th he knowingly
4 submitted a fraudulent document, being the
5 nomination petition to the office of the
6 secretary of state.

7 We also recommend that Omah Jerkeem Starks
8 be bound over for 21-2-563(5) and Quantaevious
9 McDowell be bound over for 21-2-563(5).

10 **MR. RAFFENSPERGER:** Okay. Do we have anyone
11 here from Lamar County?

12 **MS. BERNARD:** Good afternoon, Mr. Secretary.
13 Catherine Bernard here for Mr. Lovett.
14 Mr.~Lovett's here as well this morning.

15 So I wanted to give the commission a little
16 bit of background on this. My client --

17 Mr. Lovett, can you come up to the podium.

18 -- ran as -- or attempted to run as an
19 independent in the 2016 election for House
20 District 130. He had previously run in a
21 republican primary in 2014.

22 So in 2016 he began the very difficult
23 process of attempting to obtain the signatures
24 that are required, which in that case was --
25 under a previous version of the law was 5 percent

1 of all registered voters, which was 1,472 voters.
2 He actually obtained more than that. He hired a
3 team to assist him with obtaining signatures and
4 obtained over 2,800 signatures and took --
5 submitted that petition.

6 He was informed that the petition did not
7 meet the requirements, which shocked him, and so
8 he hired me to file a writ of mandamus to the
9 secretary of state's office demanding that they
10 accept his petition.

11 So at that point, he had no idea that there
12 was anything wrong whatsoever with the signatures
13 that he had submitted and submitted them all in
14 good faith believing them to be the actual
15 individuals who had -- had appeared on the voting
16 list.

17 Unfortunately, as the investigation
18 unfolded, it appeared that two of the individuals
19 who had been hired by Mr. Lovett were engaging in
20 fraudulent activity. Mr. Starks and
21 Mr. McDowell. It is a little surprising that
22 these individuals would -- would engage in such
23 fraud for such a small amount of money as they
24 were being paid, but it -- it does appear that
25 many of the signatures that they turned in were

1 fraudulent or were individuals who were deceased
2 or were not the signatures of the individuals who
3 -- who were represented on the petition. So it
4 was never something that Mr. Lovett had any
5 awareness of, had any acknowledgment of, and
6 certainly never encouraged.

7 He voluntarily gave an interview to the
8 secretary of state's investigators, provided them
9 with all of the information about this and,
10 again, I would note this is a situation in which
11 he filed a writ of mandamus which I believe would
12 be incompatible with someone who was trying to --
13 to get one over by submitting fraudulent
14 petitions and fraudulent signatures.

15 So he has at every step of the way
16 completely and fully cooperated. You know, as a
17 longtime member of the community, he recognizes
18 that his reputation is on the line with these
19 individuals who come -- who had come to him,
20 individuals whose homes he was going to and he
21 was sending individuals to get their signatures.

22 And so in this case the system worked. The
23 fraudulent signatures were caught which we would
24 note that even according to the investigation, it
25 was a vanishingly small percentage of the 2,800

1 that were submitted. But, of course, any false
2 signature is a problem.

3 And so in this case, the local county
4 election officials noticed it. They -- they
5 checked the signatures against the signatures on
6 the card, were able to locate these 35 that were
7 apparently not accurate, and so my client did not
8 appear on the ballot in 2016. So that -- that
9 was -- he was out quite a bit of money, he was
10 out quite a bit of the time. Obviously, there
11 was a reputational issue, but in this case the
12 system has worked as it was supposed to.

13 He does also have a statement available for
14 y'all today.

15 **MR. LOVETT:** Thank you.

16 Mr. Secretary and members of the board, I
17 want to thank you for your time. My name's Jason
18 Lovett and I've lived in the same district for
19 over two decades. I know the people around me
20 and they're not just neighbors, they're friends.
21 I saw what the economic downturn of twenty -- of
22 2008 did to our community, to my friends, and I
23 wanted to do something about it.

24 In 2014, I ran for the Georgia State House
25 of Representatives as a Republican. Shortly

1 after my announcement, the mail-hit pieces
2 against me began showing up in the mail. If
3 you're going to run for office, you have to have
4 thick skin. I think that you know something
5 about that, Mr. Secretary.

6 So the negative -- the negative ads didn't
7 affect me until the one that you saw there. It
8 questioned whether I was a republican. And the
9 problem that I had with that was that mailer --
10 it was true. I wasn't a republican. I'm not a
11 republican. But I'm not a democrat either. I am
12 what I've always been, with more than a hundred
13 million fellow Americans who are, an independent.

14 Immediately after losing the 2014 race, I
15 started saving money and preparing for an
16 independent run in 2016. The state of Georgia
17 has some of the most prohibitive ballot access
18 laws in the country. Variability is written in
19 the state handbook. On two visits to the state
20 elections office to seek guidance, I was told
21 that no one was available. Petition drive
22 companies were of no help; there are none
23 operating in the state. The only guidance I
24 found was from a few individuals who attempted --
25 who had attempted this before me.

1 In the spring of 2016, I sent out flyers,
2 assembled a team, and started knocking on doors.
3 My team and I knocked on over 5,000 doors and
4 amassed over 2,800 signatures. One of the
5 happiest days of my life was turning in the
6 massive ream of paper with all of those names on
7 it.

8 Then the sad days came. I was notified by
9 the elections office that we didn't meet the
10 voter names threshold. I filed a motion for a
11 hearing on the results. It wasn't until this
12 hearing that I was informed of irregularities in
13 my petition.

14 It's important to remember that until that
15 time I received no guidance from the state. No
16 one could tell me that sharing petition papers
17 was a really bad idea. No official list to check
18 or recheck. No access to voter cards to
19 pre-verify signatures before I turned them in.
20 We were forced to blindly shoot at a moving
21 target.

22 I willfully acknowledge that due to a lack
23 of official guidance and the deficiency of
24 personal knowledge in petitions, errors were made
25 and a much better signature drive could have been

1 run. I realize the actions of members of the
2 petition team reflect on me. Although as I
3 previously stated to the state's investigators,
4 at no time did I engage in, oversee, encourage,
5 or know about the breaking of campaign laws.
6 There are 35 names listed on the case summary.
7 Each is individually significant. Yet in total
8 they represent 1 percent of the names that we
9 collected. I would never risk the work of the
10 dozen-plus team members, the 20,000 I personally
11 invested, the integrity of the elections process
12 or my reputation on this deviation.

13 It's my hope that my presence here today
14 reinforces the earnestness of my petition efforts
15 and that this can be the last day of this
16 perilous journey. Thank you for your time.
17 Thank you.

18 **MR. RAFFENSPERGER:** Do any of the board
19 members have any questions?

20 **MR. WORLEY:** I have a question.

21 **MR. LOVETT:** Yes, sir.

22 **MR. WORLEY:** One -- one of the things that
23 troubles me about this case, Mr. Lovett, is that
24 the investigator found that you had signed one of
25 the petition sheets as having circulated it and

1 that there were a number of dead people on that
2 list. Do -- do you recall that?

3 **MR. LOVETT:** Yes, sir. I actually -- it was
4 several sheets. We worked in groups so if you
5 can imagine there's neighborhoods in -- in our
6 community where we would go and so maybe a group
7 of two of us or three and sometimes up to five
8 people that were working a neighborhood together,
9 all right?

10 And so since we had no guidance, there's
11 about a dozen signatures that go on the front
12 side of -- of the petition drive and on the
13 backside someone has to sign off that says,
14 "These were collected by me." All right. So
15 what we read the rules to say was that we had to
16 be in attendance when all of these were
17 collected.

18 So if you've got someone, me in particular,
19 that is out in the street and I'm directing
20 people to go to these houses, and I'm watching
21 them go because we're not far apart, I've got all
22 the materials, I'm seeing them collect, so I am
23 collecting those signatures. At the back of it,
24 only one person can sign off on those. That's --
25 and so there was not any guidance of how this

1 should have gone.

2 Had I known then what I know now, no one
3 would have been able to share a petition. We
4 shared across multiple platforms. The -- the two
5 gentlemen that are listed, obviously, did things
6 that I -- I do not approve of and, you know, they
7 spoiled it for everyone that worked on that
8 petition drive. 2,800 and change is what we
9 collected, far more than were necessary to make
10 the ballot. And so these 35, you know, ruined it
11 for -- for everyone.

12 **MR. WORLEY:** And just to be clear, you --
13 how many signatures did you need?

14 **UNIDENTIFIED SPEAKER:** 1,472.

15 **MR. LOVETT:** 1,472. Thank you. It's been a
16 few years, three years.

17 **MR. WORLEY:** That's all right. And you
18 submitted 2,800?

19 **MR. LOVETT:** I was told to get more -- I was
20 told to get 50 -- by the people who had ran
21 before and didn't make the ballot either, I was
22 told that you needed to have about 50 percent
23 more petition -- name -- names on your petition
24 than -- than the rule required.

25 **MR. WORLEY:** And why was that not

1 sufficient? Why was it not a sufficient number
2 according to the officials who received the
3 signatures?

4 **MR. LOVETT:** I -- I don't know. We -- aft
5 -- after, you know, after the allegations of this
6 came up, I -- I -- I just didn't feel like that
7 we could pursue -- pursue it any further after,
8 you know, after they had told us what had
9 happened. You know, at the end of the day, I was
10 out there and so this -- this reflected on -- on
11 me.

12 **MR. WORLEY:** But you filed a writ of
13 mandamus to get them to accept your signatures?

14 **MR. LOVETT:** We did not know about the
15 fraudulent signatures until it was disclosed at
16 the court hearing after the writ of mandamus.

17 **MR. WORLEY:** Okay.

18 **MR. LOVETT:** I was positive when I turned
19 out -- turned in the 2,800 that we far exceeded
20 any number necessary to make the ballot.

21 **MR. WORLEY:** And did the election officials
22 indicate how many fraudulent signatures were
23 among those 2,800 signatures?

24 **MR. LOVETT:** No, sir, not at the time. I
25 don't think that we found that out until we met

1 with investigators.

2 **MR. WORLEY:** Okay. I don't have any more
3 questions. Thank you.

4 **MR. LOVETT:** Anyone else?

5 **MR. RAFFENSPERGER:** Does anyone else have
6 any questions?

7 **MR. LOVETT:** Yes, ma'am?

8 **MS. LE:** What instructions did you give to
9 those you hired -- individuals you hired to go --
10 when they're out there collecting signatures for
11 you?

12 **MR. LOVETT:** What -- what we had to do --
13 and -- and I apologize, it's been several years
14 since we did this, but we knew that the people
15 that were at these addresses were registered
16 voters. So they knew the name and they knew the
17 address. After that, to verify, you had to get a
18 birthday -- a date of birth.

19 And so when we trained everybody it was: A
20 knock on the door, give out our literature that
21 said this is what we're doing, this is the
22 petition that we're circulating, can we get you
23 to sign. And then if they signed, then they had
24 to give a date of birth. They had to sign and
25 give a date of birth. And so the instructions

1 that I gave were make sure we're talking to the
2 correct person and then get them to sign and give
3 a date of birth. And I went with everybody on my
4 team multiple times to make sure that we were
5 doing this correctly as we knew it to be.

6 **MS. LE:** Thank you.

7 **MR. LOVETT:** Yes, ma'am.

8 **MR. RAFFENSPERGER:** Thank you.

9 **MR. LOVETT:** Yes, sir. Mr. Secretary, do
10 you need that for evidence?

11 **MR. RAFFENSPERGER:** No.

12 **MR. LOVETT:** It's the only -- it's the only
13 copy that I have and I -- I keep it as a constant
14 reminder.

15 **MR. RAFFENSPERGER:** Fair enough (handing
16 document).

17 **MR. LOVETT:** Thank you, sir.

18 **MR. RAFFENSPERGER:** Okay. We have this
19 before us. Is there any other discussion among
20 yourselves?

21 **MR. WORLEY:** I would make the motion to
22 refer this over to the attorney general. To me,
23 these are very serious alleged violations. It's
24 not at all clear to me that -- well, I'll just
25 say they're very serious allegations on the part

1 of all of the respondents and I -- I would think
2 if Mr. Lovett wants to clear this up, the best
3 way to do that is to get in front of the attorney
4 general, have it assigned to an administrative
5 law judge, and have a hearing on this so that the
6 facts can be laid out and the administrative law
7 judge can clear him or not.

8 So I move to bind it over to the attorney
9 general.

10 **MS. SULLIVAN:** I'd like to offer a friendly
11 amendment to include a recommendation that we
12 make sure the local district attorney is aware of
13 the allegations.

14 **MR. WORLEY:** Yes. I accept that as well.

15 **MR. RAFFENSPERGER:** Okay. We have it before
16 us that we'll send this to both the local
17 district attorney in Lamar County and also to the
18 attorney general's office, and we have a second.
19 So any further discussion?

20 (no response)

21 **MR. RAFFENSPERGER:** All those in favor say
22 aye.

23 **THE BOARD MEMBERS:** Aye.

24 **MR. RAFFENSPERGER:** Any opposed?

25 (no response)

1 **MR. RAFFENSPERGER:** Motion carries.

2 **MS. WATSON:** And the next case was
3 continued, so we're on tab number 37 to Gwinnett
4 County, non U.S. citizens, 2016-113.

5 On July 29, 2016, Gwinnett County Elections
6 Office reported a noncitizen Charmaine A. Graham
7 having voted. The complaint alleged the voter
8 had come to the elections office and requested
9 that her voter registration be canceled as they
10 were not a citizen.

11 In processing their request, the elections
12 office identified this voter as having voted in
13 two elections. Ms. Graham moved to the U.S. with
14 her mother in 1970 at the age of four from
15 Jamaica. Ms. Graham's mother became a
16 naturalized citizen in 1979 and it was assumed
17 that she had become a citizen also.

18 In 2006 while working, she applied for a
19 U.S. passport and was asked to provide a
20 certificate of citizenship that she could not
21 provide. She began to work in obtaining the
22 certificate of citizenship, still assuming that
23 she was a citizen of the U.S. She registered to
24 vote in 2012 and voted in two elections --
25 November 6, 2012 and March 1, 2016 -- still

1 believing that she was a citizen.

2 During the process of trying to obtain the
3 certificate of citizenship, she was eventually
4 told that she had to go through the
5 naturalization process for the common citizen and
6 became aware that she was not a citizen already.

7 Once she learned that she was not a citizen,
8 she was not eligible to vote, she canceled her
9 voter registration and did not vote again.

10 Mrs.~Graham was waiting for open citizenship in
11 2016.

12 We recommend that Graham A. -- or Charmaine
13 A. Graham be bound over for 21-2-216(a)(2).

14 **MR. RAFFENSPERGER:** Okay. Anyone here on
15 this case?

16 (no response)

17 **MR. RAFFENSPERGER:** Okay. I don't see
18 anyone. Does anyone on the board have any
19 questions?

20 **MS. LE:** I'm curious to know about the
21 verification process when she was processed the
22 first time, how they didn't catch that.

23 **MS. WATSON:** That might be something that
24 either Kevin or Chris can give a better -- better
25 answer. That was a ...

1 **MR. RAYBURN:** This is Kevin Rayburn. My
2 understanding is that she registered back in
3 around 2002.

4 **MS. WATSON:** 2012.

5 **MS. LE:** 2012 you said?

6 **MS. WATSON:** Yes.

7 **MS. LE:** There wouldn't have been the DDS
8 verification process at the time, correct?

9 **MR. RAYBURN:** I know it was undergoing
10 preclearance around that time so we'd have to go
11 back and look exactly when that went to
12 (indiscernible).

13 **MS. LE:** I was just curious about that, that
14 regards she voted twice. I guess the issue is
15 she's claiming she didn't know.

16 **MS. WATSON:** Correct.

17 **MR. RAFFENSPERGER:** As I look through
18 everything, she applied for a job in 2006 working
19 for Virgin Atlantic Airways because her Jamaican
20 passport had expired. So she applied for a U.S.
21 passport. And then six years later -- I know the
22 federal government works slow sometimes, but six
23 years later, she then registered to vote and she
24 never, I guess, got a certificate of citizenship.
25 And having lived in a foreign country and as

1 a minor, and, I guess, as an adult for a few
2 years, I never voted in any election in those
3 countries and I know my parents never did. They
4 understood the rules very clearly that they were
5 still American citizens.

6 I'm trying to understand the rationale why
7 someone would think they're not -- why they're --
8 why they would be an American if they hadn't gone
9 through the citizenship process.

10 **MS. WATSON:** I believe that there is a
11 process for der -- derivation to once a parent of
12 a minor child becomes a naturalized citizen, if
13 the -- if they meet certain requirements that the
14 child also automatically becomes a citizen and
15 that was -- we have two cases in which they --
16 they both advised that they believed that to be
17 -- be the case and it turns out it's not correct.

18 **MR. RAFFENSPERGER:** So is that the process
19 -- you still have to go fill out paperwork with
20 the immigration service?

21 **MS. LE:** I have -- I have a certificate -- I
22 -- I became a citizen as a minor -- as a young
23 child. My parents -- both of my parents became
24 citizens. They do have certificates of
25 citizenship. That was in the early 80s. I'm not

1 sure when she applied, but that --

2 **MS. WATSON:** In 1979.

3 **MR. RAFFENSPERGER:** Okay. Any further

4 discussion?

5 (no response)

6 **MR. RAFFENSPERGER:** Do we have a motion?

7 **MS. LE:** I think because she voted as a

8 noncitizen I move to send this to the AG's office

9 to maybe further investigate her to work it out.

10 **MS. SULLIVAN:** I'll second that.

11 **MR. RAFFENSPERGER:** Okay. Is there any

12 further discussion?

13 (no response)

14 **MR. RAFFENSPERGER:** All those in favor of

15 binding this over to the attorney general's

16 office signify by saying aye.

17 **THE BOARD MEMBERS:** Aye.

18 **MR. RAFFENSPERGER:** Any opposed?

19 (no response)

20 **MR. RAFFENSPERGER:** Thank you. Motion

21 carries.

22 That's good. Now, the attorney general's

23 report.

24 **MS. MCGOWAN:** Would you like there to be

25 each individual or --

1 **MR. RAFFENSPERGER:** I believe we vote --
2 vote for those in blocks. Do you have anything
3 specific you'd like to --

4 **MS. MCGOWAN:** I will say that I believe
5 someone is here to speak on case 2017-62, Fulton
6 County. It involves the city of Milton.

7 **MR. RAFFENSPERGER:** Okay.

8 **MS. MCGOWAN:** We have pulled it out to
9 address that issue. I was -- this involved an
10 allegation of ...

11 **MR. RAFFENSPERGER:** Okay. So pull that one
12 out?

13 **MS. MCGOWAN:** It's pulled out.

14 **MR. RAFFENSPERGER:** Okay.

15 **MR. WORLEY:** Mr. Secretary, I would also
16 like to note and pull out Tab Number 49.

17 **MR. RAFFENSPERGER:** DeKalb County?

18 **MR. WORLEY:** DeKalb -- 2015-100 and tab
19 number 55, which show are -- are a variety of
20 consolidated consent orders. I move to recuse
21 from those two cases. So I'd like to vote on
22 those separately and then --

23 **MR. RAFFENSPERGER:** Okay.

24 **MR. WORLEY:** -- I'll just vote on the -- in
25 the block.

1 **MR. RAFFENSPERGER:** And then 51 is also
2 DeKalb County. Do you want to pull that one too?
3 **MR. WORLEY:** No, not that one.
4 **MR. RAFFENSPERGER:** It's okay. So you -- so
5 you would like to see -- pull 49 and 55 and
6 recuse yourself from those?
7 **MR. WORLEY:** Right.
8 **MS. LE:** Mr. Secretary, I would also like to
9 be recused from tab, I believe, 49, case number
10 2015-100.
11 **MR. RAFFENSPERGER:** Okay. Well, that one's
12 coming off permanently, I think, because we won't
13 have a quorum then on that one, if both of you
14 recuse yourself. Okay. Is there anything else?
15 (no response)
16 **MR. RAFFENSPERGER:** And do we have a motion
17 now?
18 **MR. WORLEY:** I would make a motion that we
19 agree to the remaining consent orders on the
20 agenda under attorney general report. That is --
21 well, the -- the ones that have not been pulled.
22 **MR. RAFFENSPERGER:** Okay. Do we have a
23 second?
24 **MS. LE:** Second.
25 **MR. RAFFENSPERGER:** Any further discussion?

1 (no response)

2 **MR. RAFFENSPERGER:** All those in favor
3 signify by saying aye.

4 **THE BOARD MEMBERS:** Aye.

5 **MR. RAFFENSPERGER:** Any opposed?

6 (no response)

7 **MR. RAFFENSPERGER:** Motion carries. Okay.

8 And then, I guess, we have number 49 still
9 on -- 49's pulled. Did I catch everything? That
10 it? Fifty --

11 **MS. MCGOWAN:** -- three.

12 **MR. RAFFENSPERGER:** Oh, fifty -- 53 pulled.

13 **MR. MCGOWAN:** (indiscernible) 53.

14 **MR. RAFFENSPERGER:** On 53, are you -- you're
15 pulling that for today or did you want us to vote
16 that individually?

17 **MR. WORLEY:** No --

18 **MR. RAFFENSPERGER:** That's pulled, isn't it?

19 **MS. MCGOWAN:** He said to vote on that
20 individually, but I -- I think they're here to
21 speak on behalf of that.

22 **MR. RAFFENSPERGER:** Okay.

23 **MR. KUNZ:** Thank you. So my name is Matt
24 Kunz. I'm a city councilman of the city of
25 Milton, Georgia, and I'm the northern most

1 elected official in all of Fulton County.

2 So I came here because I've been dealing
3 with election law battles for about four years.
4 And I think it's important to speak -- kind of
5 give you an education not just about this case,
6 but what's going on. In particular, because it's
7 about transparency and it's about making sure
8 that the voters have a right to know who is
9 supporting elections and behaviors and such.

10 So let me give you a case in point. A while
11 back there was another case that we dealt with
12 with regards to the Georgia Government
13 Transparency and Campaign Finance Commission.
14 And Georgia law 21-5-32, which was derived from
15 the supreme court decision *Buckley v. Valeo*,
16 1976, and *FEC v. McConnell* 2003, states that the
17 voters have the right to know who is trying to
18 influence an election, right? And in doing so,
19 that means that if there's more than one person
20 to expend money on an election and they are
21 working influence out there, first you register
22 with the secretary of state. You know those
23 little "paid for by" things at the bottom of your
24 campaign material, that's where that is derived
25 from.

1 So most people follow the laws, but what's
2 happening now with the adding of social media is
3 you've got a lot of people that are now
4 circumventing that through nontransparent means
5 and Facebook pages and blogs, et cetera, that are
6 helping to gain an influence in elections. And
7 it's not all bad in one sense, but, however, the
8 voter is not always sure who is behind these
9 things.

10 So the first case I dealt with actually
11 involved with the Georgia Government Transparency
12 and Campaign Finance Commission with a blogger
13 and the complainant of -- who filed the complaint
14 against him is here. And the ultimate course of
15 that, that blogger paid ten grand to defend a
16 coalition in order to try and allow for some
17 people to get on the council and in doing so --
18 what happened was he -- he hired a lawyer and the
19 resolution of the lawyer's case was that: Well,
20 we were not an organization. We were an
21 organization, but we stopped being one, but we
22 never told anybody. So we lied to the citizens
23 of Milton. But had we not lied, we wouldn't be
24 guilty of a violation. All right? And those
25 aren't good lies, but that's what happened in

1 that case.

2 So parallel to this, we have the "We Call
3 Milton Home" Facebook page, right? Now, that
4 page grew to about 3,000 followers in a very
5 short amount of time. As soon as I saw it, I
6 knew it was a wolf in sheep's clothing and it
7 would go political because that's what happens.
8 So in doing that, the page itself comes up and
9 sure enough in July, it goes political.

10 Now, I don't have proof or whatever that
11 they gained 3,000 followers on that page or not.
12 I know other Facebook pages that took years to
13 get 3,000 followers with organic means so I don't
14 have proof they did advertising. I don't know if
15 Facebook was reporting the advertising at that
16 time or not.

17 But the issue is they were more than one
18 person who call Milton home, all right? We don't
19 know who's behind it. The voters don't know
20 who's behind it.

21 The next thing is the -- we don't have proof
22 they were spending money, but they were trying to
23 influence an election. Nothing wrong with that
24 from a First Amendment perspective. However,
25 then as it came up, we were trying to decide, you

1 know, should there be a complaint on this? Is it
2 the same thing? Do you have 4,000 followers?
3 How does this work? We didn't file a complaint
4 on that and then they went ahead and they issued
5 restaurant gift cards trying to get people to
6 vote for specific candidates. And that was why
7 it was reported back in April of this year.

8 So on that particular case, that is the
9 reason why this case came before you in this body
10 because that's a different law than the Georgia
11 Government Transparency and Campaign Finance
12 Commission.

13 What's interesting is that in that
14 particular case, the page itself still doesn't
15 have transparency. I have no idea who's behind
16 that page as a voter or my constituents have no
17 idea either. And so April 16th when he came
18 before us here, what was interesting -- talk
19 about deception -- the creator of "We Call Milton
20 Home" doesn't even call Milton home. He lives in
21 Roswell, you know. And so as a Milton voter,
22 shouldn't you know things like -- and so what we
23 have here is a pattern of a behavior that causes
24 these -- some interesting dilemmas.

25 I think there's some overlap with regards to

1 the rules of the Georgia Government Transparency
2 and Campaign Finance Commission -- try saying
3 that 10 times fast -- and this body here because
4 right now what you have is deceptive practices
5 going on from a social media perspective.

6 So I know as an elected official what needs
7 to be transparent. I have a YouTube page. I do
8 videos after every single council meeting. I'm
9 out there. I'm out in front to let people know
10 exactly what I believe, where I am, and I don't
11 hide from that perspective.

12 The challenge is is that the voters should
13 have a right to know. And as far as "We Call
14 Milton Home" goes, I don't know if they are a
15 separate political action committee supporting
16 candidates. I don't know there if they're -- if
17 they're just individuals that are now posting
18 pages for candidates and how that's working.
19 There's no definition of that. It's very
20 arbitrary.

21 And so using astroturfing techniques, we're
22 just trying to show that hey, we call Milton home
23 even when they don't live in Milton. All of a
24 sudden he's trying to create pressure or the
25 perception that multiple people are supporting a

1 cause with a political prospective. And that
2 does distort some of the messaging that's out
3 there and it creates problems with regards to
4 letting voters know who's doing what with regards
5 to the spirit of the law in the supreme court
6 decisions I mentioned earlier.

7 So we have some overlaps here. Now, the
8 case before you is specifically with regards to
9 one instance where the -- the person offered
10 restaurant gift cards and the -- you know, no
11 money was transferred as far as that goes. We
12 know that. It got caught in time. And a lot of
13 people warned him about it. He tried to own it
14 down, saying it's not against the law. But then
15 he took -- pulled it, which I appreciated. But
16 the issue then no, still is that by definition of
17 law -- it was against the law and that's why I
18 came here before you on this one.

19 (indiscernible) rules you did, you needed to draw
20 a bright line in the sand on this kind of
21 behavior.

22 So I don't know from a -- a citizen's
23 perspective what the statutes state about how
24 you're going to rule. You know, I don't know
25 what your options are. I don't know from a

1 penalty perspective where it is. The only thing
2 I would like to see is that the behavior of pages
3 like this should be monitored very closely
4 because if they're allowed to be maintained, then
5 people can circumvent the laws in this deceptive
6 manner and in creating a condition to whereas you
7 have challenges from transparency to the voters.
8 And I worry that that will only continue to grow
9 from here.

10 So there needs to be some substantial thing
11 that you do, in my mind, that does draw that
12 bright line in the sand. I -- I worry a slap on
13 the wrist will only allow them to continue to
14 post, will only allow them to continue to
15 circumvent the law and not being transparent of
16 that, and, quite honestly, entice elected
17 officials who think it's okay.

18 If we don't get caught, we can go ahead and
19 do it. And that has been an issue, I think, in
20 the last election where he actually posted the
21 advertisement for -- for one candidate who was
22 probably unknowing about the rules, who was being
23 supported by other candidates or other elected
24 officials, who I don't know if they know about
25 the rules or not, but we all swore an oath to

1 uphold the laws in our state. This is tricky;
2 it's not easy. But the transparency is not there
3 and I would like for whoever's behind "We Call
4 Milton Homes" [sic] to make that known
5 specifically. I don't know what Facebook's terms
6 of service are because they have their own rules
7 with regards to their being a private company.

8 But I want it on the record to be known that
9 these deceptive practices are dangerous to the
10 integrity of our elections. And if we allow this
11 to continue on, it will only spread from Milton
12 and you will see more cases like this throughout
13 the state. And as legislatures, you'd like them
14 to think about, as the next legislative session
15 comes up, doing something to circumvent this.

16 I'll be glad to give you all my expertise.
17 I've done it for four years, fighting these
18 battles. I've served in the City Cou -- city of
19 Milton council for eight years. And I'm not
20 running again so I can take a break and study all
21 of this, quite honestly. I've been through a
22 lot.

23 But this is an issue that's growing. It's
24 something that people are starting to look at.
25 The -- the quick -- you know, some people think

1 that it's okay to break the law so long as you
2 don't get caught; you can be immoral until you
3 get power and then you can be moral. It doesn't
4 work that way.

5 So it's a matter of just making sure we
6 retain our -- and this needed to be said and
7 that's why I'm here. Thank you for letting me
8 speak.

9 **MR. RAFFENSPERGER:** Thank you. Any other
10 further comments anyone from the board?

11 **MR. WORLEY:** If the attorney general -- this
12 was the case that we heard in April. It was
13 referred to the attorney general. The attorney
14 general recommended a consent order that includes
15 a cease-and-desist order but no other penalty.

16 The action that occurred in this case is
17 that Scott Tibble, the respondent, who operated
18 the "We Call Milton Home" Facebook page, posted
19 on the Facebook page the following (reading):
20 Here is your chance to win a \$50 gift card to
21 Milton resident-owned Campania Restaurant at
22 800 North Main Street. We will give away nine
23 gift cards through each day left in early voting
24 from Milton City Council. Take a picture of
25 yourself with an "I voted" sticker and with a

1 Bentley, Jamison, or Lockwood sign.

2 And those were candidates running in the
3 city election.

4 The problem that I have with the attorney
5 general's recommendation is that we have issued
6 letters of instruction in the past, but those
7 have been cases where someone said, "Come into my
8 hot dog store with an 'I voted' sticker and I'll
9 give you a free hot dog," without any reference
10 to or encouragement to vote for any particular
11 candidate. We have issued letters of
12 instruction.

13 In this case, to me it's very different,
14 very distinguishable. The offer is for a \$50
15 gift card to indicate support for particular
16 candidates. And so I -- I could not support the
17 consent order that the attorney general is
18 recommending because I think we need to have a
19 fine of some size. I would suggest twice the
20 amount of money that is offered by the -- by the
21 respondent, at a minimum, because I think this is
22 just a -- a clear violation of the law and we
23 need to send a strong signal that it's not to be
24 permitted.

25 **MR. RAFFENSPERGER:** Any further comments

1 from the board?

2 **MS. LE:** Were there any other -- were there
3 any other candidates -- were there any other
4 candidates other than that name Jamison,
5 Lockwood?

6 **MR. KUNZ:** There was a Bill Lusk who's right
7 here.

8 **MS. LE:** Okay.

9 **MR. KUNZ:** And there was a Laura Rencher
10 running for mayor, as well, but she's not here.

11 **THE COURT REPORTER:** I believe that wasn't
12 captured if you need it in the record. Could you
13 repeat --

14 **MR. RAFFENSPERGER:** Could you repeat that
15 again with the mic. And capture your name again
16 also for the record.

17 **MR. KUNZ:** Yes. My name is Matt Kunz. The
18 other candidates were Bill Lusk, and then also a
19 Laura Rencher was running for mayor, as well.

20 **MR. RAFFENSPERGER:** Okay. And I saw
21 Mr.~Lusk this morning and he and I have been
22 business acquaintances for a long period of time
23 and since he is now involved in this, I will
24 recuse myself from anything on that and I
25 actually will -- I need to step back. I'll let

1 you be the chair on this one also.

2 **MS. SULLIVAN:** Okay. Did we have a -- do we
3 have a motion on the floor?

4 **MR. WORLEY:** I don't, but I will. I make a
5 motion that we send this case back to the
6 attorney general with direction that they
7 negotiate a separate order that includes a
8 minimum of a \$1,000 fine.

9 **MS. SULLIVAN:** Do we have a second?

10 **MS. LE:** I'll second. And since there are
11 other candidates and these were singled out as
12 opposed to other scenarios where we've issued
13 LOIs, our letters of intents, you know, it's --
14 it applies to all candidates (indiscernible) some
15 people were singled out. This needs to be
16 purged.

17 **MS. SULLIVAN:** We have a motion and a
18 second. Any further discussion?

19 (no response)

20 **MS. SULLIVAN:** All in favor please say aye.

21 **THE BOARD MEMBERS:** Aye.

22 **MS. SULLIVAN:** Any opposed?

23 (no response)

24 **MS. SULLIVAN:** No. The motion passes.

25 I'll pass it back to you, Mr. Secretary.

1 **MR. RAFFENSPERGER:** Okay. 54 we discussed;
2 did we not?
3 **MS. SULLIVAN:** Yes, we did.
4 **MR. RAFFENSPERGER:** So we're down to the
5 dismissals? Are we ...
6 **MS. SULLIVAN:** I believe we need the --
7 **MR. WORLEY:** 55.
8 **MR. RAFFENSPERGER:** 55?
9 **MS. MCGOWAN:** We still need to vote on the
10 -- tab 55, consolidated, Fulton County.
11 **MR. RAFFENSPERGER:** Okay.
12 **MS. SULLIVAN:** I'll make a motion to accept
13 the consent orders listed and consolidated in tab
14 25 -- I mean 55.
15 **MR. RAFFENSPERGER:** Is there a second?
16 **MS. LE:** Second.
17 **MR. RAFFENSPERGER:** Any discussion?
18 (no response)
19 **MR. RAFFENSPERGER:** All those in favor
20 signify by saying aye.
21 **THE BOARD MEMBERS:** Aye.
22 **MR. RAFFENSPERGER:** Any opposed?
23 (no response)
24 **MR. RAFFENSPERGER:** Motion carries. Okay.
25 The dismissals. Any discussion on that?

1 56 through 60, we can vote on those in a
2 block unless we want to pull any of those out.

3 **MR. WORLEY:** Oh. I thought -- I thought
4 that we already did those -- we included those in
5 the earlier --

6 **MR. RAFFENSPERGER:** Okay. Done. Okay. So
7 the rules petition and presentation of proposed
8 rules. Can we take a 10-minute break? Would
9 that be -- or do you want to continue on or a
10 10-minute break?

11 **MS. SULLIVAN:** That's fine.

12 **MR. RAFFENSPERGER:** Ten-minute break.
13 Please come back at 2:30, please.

14 (recess)

15 **MR. RAFFENSPERGER:** Okay. If we could
16 reconvene.

17 We'll go ahead, and next on the agenda is
18 the rules -- the presentation of the proposed
19 rules and the rules petition.

20 Mr. Germany, you are --

21 Ryan Germany is our chief counsel of the
22 secretary of state's office.

23 And I don't know if you want to speak there
24 (indicating), but we're going to have -- I don't
25 know if you want to have the people with the

1 petition go first or do you want to -- first of
2 all make -- for the body that's here, explain
3 that rule-making process, if you had group of
4 folks that got together, who that was so that the
5 public has some information on that.

6 And then when you're appropriate you could
7 just, you know, hand the -- at that point present
8 the folks that wanted -- they've got some four
9 rules, I believe it is, that they wanted to
10 propose to us today. We were going to give them
11 15 minutes so they could talk about that, present
12 that.

13 So Mr. Germany.

14 **MR. GERMANY:** Yes, sir. And -- and -- I do
15 -- I did tell Ms. Duford and the petitioners with
16 the rules they could go first, but I'll give a
17 little background as to the process that we went
18 through.

19 At the last meeting with the state election
20 board, we put together a rules working group
21 which consisted of myself; Kevin Rayburn, the
22 deputy elections director in our office; Chris
23 Harvey, the elections director; Mr. Worley;
24 Ms.~Sullivan; and also Lynn Bailey from the --
25 from Richmond County.

1 Lynn is part of a county working group
2 through the Georgia Election Association. So
3 that was -- she - she provided our ideas to
4 counties so we could get feedback from -- from
5 multiple counties.

6 So that's -- that's the process that we went
7 through and when I present the rules, I'll --
8 I'll explain that. The rules working group has
9 asked that -- what we're -- what we're presenting
10 today -- what I'm presenting today are some of
11 the rules that I think are crucial to get into
12 place prior to the March 24th PPP. It's not --
13 it's certainly not every rule that I think needs
14 to be updated. The rules work -- I think that
15 the rules working group that was (indiscernible)
16 dealing with the entire group. There's other
17 rules that we continue to work on, such as audits
18 and recounts, and I think there's additional
19 rules and clarification that will become clearer
20 throughout next year.

21 So what -- what I'm going to ask later is to
22 post this subset of rules that we've been working
23 on for public comment, but also to just let the
24 board know that we envision a much longer rules
25 process than just what we're proposing today.

1 **MR. RAFFENSPERGER:** Ms. Duford. If you --

2 **MS. DUFORD:** Sure.

3 **MR. RAFFENSPERGER:** Do you want to come --

4 do you want -- would you prefer to be at that

5 podium over there (indicating)? Would that be --

6 **MS. DUFORD:** If -- if you want, there's four

7 of us. We're going to each do one rule for

8 speed.

9 **MR. RAFFENSPERGER:** Oh, okay.

10 **MS. DUFORD:** So we could be here or we could

11 be up there --

12 **MR. RAFFENSPERGER:** Well, then if that works

13 for you, then great.

14 **MS. ASHELAND:** Jean, I prefer over there so

15 we're not trying to hold microphone --

16 **MS. DUFORD:** Okay.

17 **MR. RAFFENSPERGER:** Okay. If you could

18 just --

19 **MS. ASHELAND:** We'll be quick.

20 **MR. RAFFENSPERGER:** -- and before you get

21 started, I just want to thank you for your review

22 and proposals. It's always great to get public

23 feedback and, you know, some very positive

24 comments and thoughts. The floor is yours.

25 **MS. ASHELAND:** Thank you. I'm going to

1 present proposed Rule Number 1. Good afternoon.
2 My name is Canti Asheland and I am a Georgia
3 voter residing in Atlanta. I am the chair of
4 Georgia Election Progress PAC and a
5 co-petitioner. We are in the business of making
6 Asian-American history in Georgia.

7 2020 is an important year for us because for
8 our PAC we are seeking to elect our first
9 historic Filipino state representative, Marvin
10 Lim, and also we seek to elect the first
11 Chinese-American Georgia Senator, Dr. Michelle
12 Au, in Gwinnett County.

13 And we're very concerned about our minority
14 voters' vote getting counted. In 2018, we had to
15 spend a great deal of resources to -- to track
16 down over, like, a thousand rejected absentee
17 ballots for a lawsuit in a heavy minority county,
18 Gwinnett County, to get them counted before
19 certification. And we really don't want to do
20 this again.

21 So we're really asking for absentee mail-in
22 ballots to be a -- a big -- a big focal point in
23 2020 due to the soaring number of mail-in
24 absentee ballots that we're expecting. We really
25 want to prevent more rejected absentee ballots

1 and so this -- this rule will reduce
2 administrative handling while increasing voter
3 certainty that their votes will be accepted.

4 The rule that we're posting -- proposing is
5 to designate an absentee ballot clerk in each
6 early and election day polling place to give
7 voters the option of reviewing and delivering
8 that absentee ballot in where they would normally
9 cast their vote in person. Election officials
10 that we have discussed this with are enthusiastic
11 about this proposed rule.

12 Many Asian-American voters and other
13 American citizens, as you know, find it less
14 intimidating and easier to vote by absentee
15 ballot on paper rather than in person on
16 computers. However, during the 2018 election,
17 voting absentee ended with a disproportionate
18 amount of eligible Asian-Americans voters getting
19 their vote rejected for various reasons leading
20 to a great number of voters being
21 disenfranchised, and we don't want to repeat
22 that.

23 Allowing election workers to accept voter
24 absentee ballots at early voting locations and on
25 election day precincts is a win for all. It

1 eliminates the risks of slow mail delivery and
2 having the ballot rejected for minor
3 discrepancies. And for election officials, it
4 reduces the office work of mailing back for
5 verification and associated ballot rejections and
6 having to cure it.

7 Best of all, an increase in absentee ballot
8 reduces voting lines for check-in, and BMDs at
9 the polling places will help everyone have a
10 better voting experience.

11 In short, adopting these new election rules
12 strengthens our civic participation and
13 strengthens our democracy and everybody wins.
14 Thank you.

15 **MS. DUFORD:** I think we missed the prelude
16 which is the group that is proposing these rules,
17 which citizens are allowed to propose rules for
18 consideration, is a -- quite a diverse group from
19 a nonpartisan political action committee. You
20 have democrats in the group, Libertarian party, a
21 con --

22 **UNIDENTIFIED SPEAKER:** Constitution.

23 **MS. DUFORD:** -- constitution party -- thank
24 you -- Coalition for Good Governance, so quite a
25 broad group.

1 Good afternoon. I am Jean Duford, vice
2 chair of the Morgan County Democratic Committee,
3 a co-petitioner.

4 Why would you want ballot secrecy? The
5 Georgia Constitution guarantees absolute ballot
6 secrecy. Georgia law guarantees ballot secrecy
7 and makes it one of the few enumerated
8 responsibilities of local election officials who
9 run elections.

10 But guess what, ballot secrecy is barely
11 reflected in the laws. It's really only
12 mentioned relative to helping disabled voters.
13 So it's missing from the law, from the rules, and
14 the rules are really what election officials, we
15 found, pay the most attention to.

16 Under the old Diebold system, protecting
17 ballot secrecy has not been a top-level problem.
18 It's had problems, but that was not one for the
19 most part. But the new Dominion Voting System
20 completely fails to protect ballot secrecy.

21 In September, I was here talking to you
22 about the auto-mark feature in the Dominion
23 scanner. Every ballot has a unique stamp on it
24 which could provide a way to connect the voter to
25 the ballot. It's one of several cyber-security

1 flaws we are concerned about and it requires
2 malfeasance on somebody's part to become a
3 problem.

4 But there is a much more immediate problem.
5 We now know that the Dominion ballot-marking
6 devices violate ballot secrecy virtually every
7 time they're used. The oversized tablets -- if
8 you were here this morning, you saw our demo --
9 they stand upright, they have bright screens,
10 they have large type. The very features that
11 make them easy for voters to use also make it
12 possible for anyone -- voters, election workers,
13 poll watchers, poll observers, anyone within 25
14 to 30 feet of the screen -- to see how you voted.

15 County officials we've talked to are racking
16 their brains to find a solution. Some are
17 thinking about it. They need more screening or
18 protective film or reconfiguring the layout of
19 their precincts. But adding a privacy screen,
20 for example, would require the agency
21 certification, so that's complicated and that's
22 not fast.

23 One official told me that any solution she
24 could think of would include reducing the amount
25 of equipment in a polling place. It's a space

1 problem. But, of course, Georgia law requires
2 250 ballot-marking devices per registered voter
3 in a precinct so there are some constraints on
4 that.

5 The women and men who run local elections in
6 Georgia are hardworking and they believe in
7 following the rules. And yet every precinct we
8 observed and -- and you heard we spent 185 hours
9 observing the pilot elections. Every precinct
10 running pilots was set up in a way they violated
11 ballot secrecy, everyone except for the Cobb
12 precincts where voters used hand-marked paper
13 ballots.

14 Our rights as Georgians to absolute ballot
15 secrecy is guaranteed by our constitution and
16 mandated by law. We ask you to re-enforce that
17 by adding a rule to protect ballot secrecy while
18 also protecting the right of the public to
19 observe.

20 You should also be asking how it's possible
21 that the state is purchasing 33,100 of these
22 devices when they violate Georgia law. How were
23 they certified when the certification attests
24 that they comply with Georgia code? The problem
25 with using the Dominion BMDs while maintaining

1 ballot secrecy is something that must be resolved
2 before the new system is considered as our
3 uniform system, which is one more reason you
4 should listen when Ronnie talks about Rule 4. It
5 allows some options for fixing them.

6 **MR. DAVIS:** Good afternoon members of the
7 board. My name is Ricardo Davis and I serve as
8 state chairman of the Constitution Party of
9 Georgia, a co-petitioner for these rules, and in
10 particular I'm going to be addressing Rule 3.

11 In my day job, I actually serve as a
12 healthcare IT information systems implementer,
13 where we actually deploy systems across
14 multistate regions in clinics across the west.

15 During the recent pilot elections,
16 electronic poll books malfunctioned at nearly
17 every precinct. Our proposed Rule Number 3
18 requires an updated paper copy of the poll book
19 for each polling precinct, printed from updated
20 records at the conclusion of advanced in-person
21 voting and that -- that it be taken as the
22 official record in case it differs from the
23 electronic poll book record. This in particular
24 will reduce the need for provisional ballots.

25 Complaints of inaccuracies in the electronic

1 poll votes were common during the five -- or
2 50,000-plus complaints in Cobb by the voter
3 hotline during the 2018 midterms. State Senator
4 Jasmine Clark has testified in federal court
5 about her experience during the 2018 runoff where
6 she was told that she was at the wrong polling
7 place during the check-in process. Now, as a
8 candidate, she knew exactly where she was
9 supposed to cast her vote. But after several
10 minutes and some phone calls, the issue was
11 mysteriously resolved.

12 Now, having an up-to-date, official paper
13 version of the poll book that could be referenced
14 in this type of situation could mitigate harm
15 that could be caused by sending voters away or
16 sending voters to incorrect precincts. Having a
17 paper backup would also protect voters when
18 electronic poll books malfunction as happened
19 widely during pilot elections. (coughing) Excuse
20 me.

21 Rule 3 proposes an inexpensive and efficient
22 means to protecting voters in election integrity
23 and preventing the disenfranchisement of voters,
24 in particular by eliminating one point of
25 failure.

1 And I -- again from my professional
2 experience, when we take a hospital and we change
3 their electronic medical record system, I can
4 assure you we do have backup records of every
5 patient account so that if something bad happens
6 we have a backup so that we can take care of the
7 patients and make sure they get the care they
8 need.

9 We are asking that you do the same and have
10 the same level of urgency regarding the voters of
11 Georgia. Thank you.

12 **MS. MARTIN:** Good afternoon. My name is
13 Rhonda Martin and I live in Atlanta.

14 When the secretary of state announced the
15 decision to purchase the Dominion Voting System
16 in August, everyone understood that the timeline
17 was very tight. The plan called for counties to
18 have new equipment in place for at least eight
19 weeks prior to the start of early voting. Not
20 much time to train staff and complete the steps
21 required to run an election.

22 The latest word from the project manager is
23 that some counties will have less than four weeks
24 to train and prepare. This ever-shrinking,
25 rushed timeline expecting counties to be able to

1 convert to a completely new system in a few short
2 weeks for an election where over two million
3 voters are expected to turnout is neither
4 practical nor responsible to the citizens of
5 Georgia.

6 The difficult is quickly becoming
7 impossible. Getting more than 80,000 pieces of
8 equipment through acceptance testing and out to
9 the counties is a big job. Some counties will
10 get their equipment sooner, some later. Sixty
11 counties have fewer than 10,000 voters. Twenty
12 have more than 70,000 voters. One size fits all
13 has rarely been a good solution for Georgia
14 counties.

15 Proposed Rule Number 4 solves for that.
16 Though some of the failures witnessed during the
17 pilot use of the new machines seem to have been
18 addressed, sometimes through extensive hands-on
19 training others will be much more difficult, if
20 not impossible, to correct. The observed
21 failures of the e-poll books alone would be
22 catastrophic if repeated in 2020. How many
23 voters have the luxury of being to able to stand
24 in line for hours or return to the polling place
25 multiple times in order to vote?

1 To avoid the potential disasters that are
2 looming in the near future, we are asking you to
3 adopt proposed Rule 4 which allows implemental
4 voting system conversion.

5 The proposal is simple. Let the people who
6 have the fundamental responsibility for running
7 elections choose a transition plan that bests
8 suits their local capabilities and resource
9 availability, thereby avoiding unnecessary
10 disruptions during the 2020 presidential election
11 year. This flexibility should allow the 159
12 counties of Georgia to complete a smooth and
13 efficient implemental transition from the Diebold
14 GEMS Voting System to the Dominion Voting System.

15 Under the proposed rule, the Dominion Voting
16 System would be considered an approved pilot
17 program and the Diebold system would not be
18 decertified until the Dominion system is fully
19 operational and adequately tested in significant
20 elections in all counties.

21 At the elections superintendent's option,
22 either current Diebold system components
23 excluding the DRE units or Dominion Voting System
24 components excluding the BMDs could be used as
25 part of a hand-marked paper ballot voting system

1 in lieu of fully installing the ballot-marking
2 devices during 2020. The BMD units and printers
3 make up the bulk of the new computerized
4 equipment and are the most difficult to install.

5 Also, we must not forget that at this time
6 the violations of ballot secrecy associated with
7 the BMDs have not been addressed. Georgia
8 statutes support these emergency options.

9 Two of the possible configurations we
10 envision with the adoption of this rule would
11 rely on using existing equipment that's familiar
12 with poll workers. They would both use existing
13 express poll books and GEMS servers coupled with
14 hand-marked paper ballots. One would use
15 AccuVote optical scanners for centralized
16 tabulation at the election office. The other
17 would use AccuVote scanners in the polling places
18 to tabulate votes.

19 In cases where the counties are ready to
20 start a transition to the new voting system, they
21 could duplicate the configurations used in Cobb
22 County pilots in November, this coupled with the
23 new poll pads, Dominion Election Management
24 Systems and scanners, hand-marked paper ballots.

25 In cases where the counties feel ready to

1 completely adopt the new voting system, they
2 would use the new poll pads, the Dominion
3 Election Management System, the BMDs, the
4 printers with their universal power sources
5 attached, and the scanners. This was the
6 configuration used in six counties who piloted
7 the new voting system last month.

8 Finally, counties with small populations
9 would have the option of using paper poll books
10 with hand-marked and hand-counted paper ballots.

11 One hundred fifty-nine counties are being
12 asked to bear the brunt of the state's decision
13 to buy the new Dominion voting machines. The
14 necessary training, logistical support, storage
15 facilities, and polling place upgrades are
16 nontrivial.

17 Please give the counties a fighting chance
18 to succeed in their efforts to support the
19 secretary and the voters of Georgia. Approve
20 proposed Rule Number 4. If you have any
21 questions, we are happy to entertain them at this
22 time. Thank you for your consideration.

23 **MR. RAFFENSPERGER:** One of our members has a
24 question for you.

25 **MR. WORLEY:** I have a question about your

1 proposed Rule Number 3 --

2 **MR. DAVIS:** Yes, sir.

3 **MR. WORLEY:** -- and the backup printed
4 electors' list.

5 **MR. DAVIS:** Yes.

6 **MR. WORLEY:** What is -- my understanding is
7 that currently every precinct has a paper list in
8 addition to the express poll.

9 **MR. DAVIS:** That's correct.

10 **MR. WORLEY:** What about that paper list do
11 you consider insufficient?

12 **MR. DAVIS:** Okay. Is that -- is that
13 particular list -- what's the date of that list?
14 Is that list updated as of prior to the date of
15 election voting?

16 **MR. WORLEY:** Generally.

17 **MR. DAVIS:** Well, again, if you make it
18 express in terms of the rule, then you will
19 ensure uniformity across the counties that, yes,
20 we have a complete backup of all of the voters
21 that are registered and approved at the time of
22 voting at the precinct.

23 **MR. WORLEY:** Well, and when I said,
24 generally, I meant usually -- my understanding is
25 that usually there is a paper list that's printed

1 shortly before the election and then a supplement
2 to that that includes all of the advanced voting.

3 So what -- what is insufficient with that?

4 **MS. DUFORD:** What we have found is
5 insufficient is two things. In practical use,
6 for example, in Lowndes County where I observed
7 elections, they were having problems, but the
8 printed poll book was staying somewhere down in
9 the box. There is not a habit or routine of
10 turning to that when the poll books fail. So
11 that's point number one. The -- the
12 strengthening of the poll to require that as a
13 system you turn to.

14 But secondly, nothing in your rules right
15 now defines which version should rule in case of
16 conflict. If the e-poll book -- as Jasmine found
17 when she went to vote, was told when she checked
18 in: Oh, no, you're supposed to go to another
19 place. She had checked it on the "My Voter"
20 page. She knew she was in the right place. And
21 eventually -- we don't know why, eventually the
22 poll worker was able to pull her up on their
23 screen. But the first thing that they told her
24 on that screen was to go someplace else.

25 Had that paper poll book been in place and

1 referenced, we believe it would've shown she was
2 in the correct place right away, avoiding a 20-
3 or 30-minute delay and time off the poll worker's
4 time and backing up the line. Does that make
5 sense?

6 So we're not reinventing the wheel here, but
7 we're saying make sure you have it and use it,
8 make sure it's current after all early voting is
9 concluded, and consider the printed version the
10 primary version in case of conflict with the
11 electronic. Thank you.

12 **MS. LE:** What process would you -- are you
13 saying in terms just to follow up with
14 Mr.~Worley's question -- would deem the paper
15 more reliable or -- in your opinion?

16 **MS. DUFORD:** So tricky question, but as of
17 the conclusion of early voting, there is a
18 state-wide version from which that update would
19 be pulled. We're capturing the entire Georgia
20 database reflected in individual counties. You
21 avoid a real-time issue or problem.

22 None of us know for sure why on that day
23 Jasmine was told to go someplace else, why it
24 showed something wrong. None of us know why in
25 one of the pilot elections in the fall when a

1 husband and wife checked in back to back, the
2 wife was allowed to check in, the husband was
3 told: Sorry, you already voted. And it turned
4 out it was because of a glitch in software with
5 -- with address lookup.

6 So electronic things sometimes have glitches
7 and so this recognizes that there's at least one
8 data source that we would fall back on as more
9 likely to be current and correct. Does that
10 sound ...

11 **MR. RAFFENSPERGER:** Mr. Worley?

12 **MR. WORLEY:** You -- you do understand that
13 the express poll, as it is now, or -- or what
14 will be in the new version --

15 **MS. DUFORD:** Yep.

16 **MR. WORLEY:** -- has access to the entire
17 state database and the paper does not -- the
18 paper is just what's in the precinct?

19 **MS. DUFORD:** Right.

20 **MR. WORLEY:** So to my mind there's --
21 there's an advantage to having the express poll
22 because you -- if someone is not in the right
23 precinct, you can find the precinct that they're
24 in.

25 **MS. DUFORD:** And that makes logical sense

1 except we have documented real-world examples
2 where in realtime the poll books have been less
3 accurate, so --

4 **MR. DAVIS:** Whereas if the master database
5 was incorrect, then --

6 **MR. WORLEY:** If -- if the master database
7 is incorrect, the printed paper backup copy is
8 also going to be incorrect.

9 **MS. DUFORD:** But it -- but it -- but it --
10 to be fair, in -- in Jasmine's case, the master
11 database was correct. For reasons no one can
12 explain, what the poll worker was seeing at the
13 moment she checked in was not correct and it
14 reset somehow and it became correct. We don't
15 know why had happened. We don't know why the
16 voter in the -- in the recent pilot -- like the
17 husband and wife, the wife came in and checked in
18 like normal, the poll book said, oh, Husband,
19 you've already voted or you've already checked
20 in, and he hadn't. He was in line behind her.
21 So -- so we don't always know why computers have
22 glitches, but we can accept that they do.

23 **MR. WORLEY:** And -- and it -- and do you
24 also accept that it's possible that it's because
25 of user error?

1 **MS. DUFORD:** It is.

2 **MR. WORLEY:** Okay.

3 **MS. DUFORD:** But, again, the -- the -- the
4 goal of this is to get to move things along,
5 right? To keep the lines moving, to keep people
6 checked in, and have some sensible basis they
7 could have a shot at moving things along and I'm
8 -- especially in a high-use environment. I'll --
9 I'll stipulate nothing is perfect.

10 **MR. WORLEY:** Thank you.

11 **MR. DAVIS:** And if I can add to that.
12 Again, I think the main gist behind this is
13 reduction of risk regarding the operation of
14 workload at the polling place. So, again, yes,
15 we -- we all know automation is a good thing and
16 it helps promote that, but if something goes
17 wrong, you don't want everything just coming to a
18 standstill at the polling place.

19 **MR. RAFFENSPERGER:** Any more questions from
20 the board?
21 (no response)

22 **MR. RAFFENSPERGER:** Thank you for your
23 presentation.

24 **MS. DUFORD:** Thank you for your time.

25 **MR. RAFFENSPERGER:** Mr. Germany?

1 **MR. GERMANY:** I'm going to ask Lynn Bailey
2 to join me up here. I want her to be available
3 if you guys have questions from -- from a county
4 perspective.

5 Mr. Secretary, would it be helpful if I
6 spoke at all to the rules in the petition or do
7 you want me to move straight to the rules -- the
8 rules for the proposal?

9 **MR. RAFFENSPERGER:** Well, perhaps it would
10 be -- you've reviewed the petition rules so if
11 you want to discuss those first.

12 **MR. GERMANY:** We reviewed the petition
13 rules. In -- in the rules, my view is that the
14 first rule about the dropping off absentee
15 ballots at precincts is one that should be
16 considered. I think it's a big change -- I'd
17 liken it to something like if a (indiscernible),
18 it would be a big change for Georgia elections
19 given all the -- all the additional big changes
20 we're putting -- we're already putting in place
21 next year. I don't believe next year is a time
22 to put that in place.

23 **UNIDENTIFIED SPEAKER:** I'm sorry, we're
24 having a hard time hearing.

25 **UNIDENTIFIED SPEAKER:** Yeah. Could everyone

1 speak up? Thank you.

2 **MR. GERMANY:** The -- sure. The -- is that
3 better?

4 **UNIDENTIFIED SPEAKER:** Yes. Yes. Yes.
5 Yeah.

6 **MR. GERMANY:** The -- the second rule about
7 the elect -- the paper poll list, as Mr. Worley
8 pointed out, that is already required to be
9 present. I think we addressed that some in the
10 proposed rules that -- that I'm going to speak
11 to.

12 And one thing that we do change in these
13 proposals is it's long been the practice of the
14 state to have the entire state voter list on
15 every electronic poll, which Mr. Worley pointed
16 out is -- can be helpful when someone shows up
17 who's not at the correct precinct. The change
18 I'm going to propose makes that practice
19 mandatory, but it's essentially already
20 mandatory, but we'd make it mandatory. And we
21 also require a paper backup list at -- at each --
22 at each precinct. So I think we appropriately
23 deal with that in the rules I'm going to propose.

24 **MR. RAFFENSPERGER:** And we'll make Rule
25 Number 1 -- what you're saying is, you liked it,

1 you're just saying now's not the right time just
2 because we have a lot on our plate.

3 **MR. GERMANY:** I think it's something that
4 the state election board should look at. I -- I
5 -- I can't say that I know enough now to say
6 whether I like it or not. To me it's something
7 like those centers where I think -- I think we
8 need to be very aware and really think toward
9 what all of that would require and kind of what
10 it would put in place.

11 **MR. RAFFENSPERGER:** Okay. Thank you.
12 Number 3?

13 **MR. GERMANY:** What's -- what's there --
14 what's that one again?

15 **MR. RAFFENSPERGER:** That was the one from
16 the -- that was the paper -- it's actually Rule
17 Number 2 was the ballot secrecy.

18 **MR. GERMANY:** Oh, yeah. So that -- that's
19 another one. I think the rules that -- that we
20 propose through the working group put in
21 appropriate measures to deal with -- with ballot
22 secrecy and also appropriate ballots that would
23 affect that next year in particular with the new
24 voting system. We want to make sure that voters
25 are able to have appropriate assistance from poll

1 officers.

2 So we have a proposed rule that puts in
3 place how to provide assistance and then leave
4 before the voter starts making any selections.

5 An incremental voting change, I -- I just --
6 I think that's, you know, not going to be
7 consistent with existing court orders and other
8 things that we're -- and -- and also existing --
9 existing state law.

10 So I would vote that we decline the petition
11 and either -- directly decline the petition and I
12 will be happy to move forward with presenting the
13 rules -- working group rules.

14 **MR. RAFFENSPERGER:** Okay. Present your
15 rules.

16 **MR. GERMANY:** Thank you. So first,
17 Mr. Secretary, I'd just like to thank all the
18 members of the rules working group. They put in
19 a lot of time. We were able to encompass
20 selection -- suggestions from a bipartisan group
21 of -- I'm trying to get a little less feedback
22 here -- we're able to encompass select
23 suggestions from a bipartisan group of election
24 lawyers and a lot of different counties.

25 You have in front of you what the rules

1 working group is proposing that the state
2 election board vote to post for public comment.

3 So that's what all this will do is start
4 basically the public comment period, the
5 secretary -- secretary of state's office posts
6 the rules. There will be a public comment period
7 and then this election board will review those
8 comments and we'll have to come back and vote to
9 adopt, modify, or other -- take other such
10 actions you find appropriate.

11 The first rule on your list is a revision to
12 Rule 183-1-6-.02, Number 6, required activities
13 from third-party voter registration groups. The
14 change is letter (d). It's to inform all
15 applicants that they're required to put their
16 Georgia driver's license or ID number on their
17 voter registration application if they have one.
18 That's already a federal law and a state law.

19 We have seen that especially paper
20 applications coming through third-party groups,
21 they don't seem to have that, and so we just want
22 to basically update those instructions to reflect
23 state and federal law.

24 The next page is similar in where it would
25 add to the prohibited parties [sic] from

1 third-party voter registration groups. It adds
2 number -- sorry, letter (i). It's prohibiting to
3 tell applicants they do not have to list their
4 Georgia driver's license or ID card number if
5 they have one.

6 I also made a couple of small changes in
7 letter (e) and letter (h). These are not
8 particular of what you had issues with, but it
9 was pointed out to me that the language in those
10 was pretty broad and so it's an attempt to
11 basically narrow down and just clarify some
12 things.

13 The current rule says, you're -- you're
14 prohibited from conducting voter registration
15 activities in a place that an entity knows that
16 illegal or criminal activities are being
17 conducted. I'm proposing we add "near the voter
18 registration activities." It's been a way to
19 limit that broad language a little bit.

20 And the same page, there's been some
21 questions as to conducting voter registration in
22 places where alcoholic beverages are sold and
23 consumed, especially in terms of kind of outside
24 type areas that might encompass a broad -- so
25 we're -- so we're clarifying that. This is

1 limited to places where the primary purpose of
2 the place is selling and consuming alcoholic
3 beverages.

4 The next rule, Rule 183-1-12, this is
5 basically a big rewrite of the conduct of
6 elections to deal with the new system. So this
7 deals to storage; it deals with logic and
8 accuracy testing; it deals with setting up
9 polling places; conducting elections on election
10 day; and carrying -- closing the polling places
11 and then delivering results to -- to -- back to
12 the county.

13 One -- okay. I think I'm going to highlight
14 the things that we -- that we do in here. One
15 thing that we do say is that every polling place
16 is required to have a sufficient number of
17 emergency paper ballots. There are some groups
18 that recommend a -- a fixed number. In speaking
19 with our counties, we've decided instead of doing
20 that, we're going to require that they have a
21 sufficient number.

22 One thing that we're also doing is providing
23 each county with mobile ballot-printing
24 capability where they can print ballots directly
25 from their county elections office. And we're

1 also requiring that they be -- the county prepare
2 to resupply polling places during the day if they
3 find that their emergency paper ballots are
4 running low.

5 I think that mobile ballot-printing option
6 is a more cost-effective way of ensuring that a
7 county doesn't run out of paper ballots or
8 provisional ballots.

9 So we've made some other updates to storage.
10 Just to making sure that machines are stored
11 securely and delivered securely. And in
12 conducting elections, one thing that we want make
13 sure of with the new system is that the paper
14 ballots are reviewed prior to a voter scanning
15 it.

16 So I have in here -- we have in here two
17 separate places where the poll officers are
18 instructing the voters to review their paper
19 ballots, once at the -- at the check-in spot and
20 another at -- these will require a poll officer
21 to be stationed at every ballot scanner and that
22 poll officer is -- is instructed to instruct
23 throughout the voting period that people review
24 their paper ballot. There is some proposals to
25 -- to make that -- require that poll officer at

1 the scanner to -- to state to every voter to
2 review your paper ballot. Some of the counties
3 were concerned that that might be an unworkable
4 burden and probably impractical too just given
5 that there will be multiple people in the same --
6 kind of in the same vicinity while they're giving
7 instruction.

8 We also require any time that memory cards
9 or paper ballots are being transported back to
10 the elections office that it's multiple people
11 who are doing that and it's sealed -- and the
12 sealed envelopes or containers in -- and the
13 secretary of state's office has put together
14 forms to develop that -- that chain of custody.

15 This also deals with log accuracy testing
16 which is a process that occurs before elections.
17 So this requires that every ballot-voting device,
18 every ballot scanner, and every electronic poll
19 device is tested by the county prior to the use
20 in elections. It lays out everything they have
21 to go through to make sure that each component's
22 working properly prior -- prior to the election.

23 And the next rule is Rule 183-1-12. It's
24 the same rule and it kind of gives a different
25 subject matter. This is starting with .17. This

1 deals primarily with the provisional ballots and
2 electronic poll books. The major change we're
3 making here is to update the rules to reflect
4 what I think is the practice the counties have
5 been doing.

6 So the update, if -- if someone shows up at
7 a polling place and they're not on the list of
8 registered voters, the poll officer and the
9 individuals will now have to instruct them --
10 inform them of their correct precinct if they're
11 registered in another precinct in the county.
12 But also inform them that if they cannot get to
13 -- if it's impractical for them to get to that
14 correct precinct prior to the close of the polls,
15 they can vote a provisional ballot in -- where --
16 where they are.

17 I think that accurately reflects the way
18 counties are doing that now. So that's -- it's
19 just an update to -- to reflect current practice.
20 Similar to emergency ballots, this requires every
21 county to have a sufficient number of provisional
22 ballots at each -- at each precinct. And it's
23 the same ballot so it's basically a stack of
24 paper ballots that are challenged, provisional
25 emergency ballots depending on -- on how they're

1 used. Another thing similar, it requires the
2 county to be prepared to resupply provisional
3 ballots throughout the day if necessary.

4 This rule also deals with the electronic
5 poll books. It makes mandatory that the
6 electronic poll book required has the entire
7 state registration list on it. It also requires
8 that every polling place have a paper backup list
9 of the voters that are registered to vote at that
10 -- at the precinct.

11 The next rule is Rule 183-1-13-.01, minimum
12 number of voting booths. State law requires that
13 there is one voting booth for every 250 electors
14 in a precinct. So this proposal is a way to
15 calculate that amount. It takes into account the
16 fact that about half the people now vote early.
17 So what -- what this rule proposes is that the
18 number of the -- the way the county shall
19 calculate that -- that ratio is take the number
20 of polling -- voting booths available at a
21 election day polling place and add to that the
22 number of machines that were available on the
23 last day of early voting.

24 It also clarifies that if polling places
25 have more than one precinct that votes in that

1 polling place, they need to take into account all
2 voters who vote in that polling place in their
3 calculation.

4 The next rule is Rule 183-1-14-.02. It
5 deals with advanced voting. So this similarly
6 takes -- does the -- does in the advanced voting
7 process what we're doing in the previous rule for
8 election day voting. So it puts into place
9 processes for the new system for advanced voting,
10 which are similar to election day, and it has
11 similar requirements that require a poll worker
12 to be stationed at each ballot scanner and
13 requires that poll worker to instruct throughout
14 the day people to review their paper ballot.

15 It also talks about how the county can
16 secure machines and components during advanced
17 voting.

18 183-1-14-.11 is the mailing and issuance of
19 ballots. This deals with the issuance of
20 absentee ballots and it makes a clarification
21 that we get updates in response to HB316.

22 So right -- current law requires -- current
23 absentee voting requires counties to get out all
24 absentee ballots within three days after the
25 absentee ballot request has come in. This adds

1 absentee ballots or provisional absentee ballots.
2 Now we've added some processes for provisional
3 absentee ballots. So we just want to clarify
4 that absentee -- provisional absentee ballots or
5 if the absentee application is rejected, that
6 notice -- all those notices are required to go
7 out in three days.

8 The next rule is 183-1-14-.12, eligibility
9 of application for absentee ballot. This adds a
10 requirement on -- on third-parties that when they
11 are sending out absentee ballot applications,
12 that they use a form that's substantially in the
13 same form as the application that the state makes
14 available.

15 Last year we saw some confusion to the past
16 to the people not knowing or not realizing that
17 they had requested an absentee ballot. When that
18 happens and a person shows up at the polls who
19 doesn't realize they requested an absentee
20 ballot, the poll worker then says: Oh, you
21 requested an absentee ballot. They have to then
22 go figure that out and it basically slows down
23 the whole process.

24 The rule also makes it clear that the
25 absentee ballot application shall still be

1 processed because we're not going to punish the
2 voter. We're looking to kind of put some -- some
3 standards in place on third parties to make sure
4 those forms are clear.

5 The final rule -- final two -- 183-1-14-.13,
6 prompt notification of absentee ballot rejection.
7 This is another rule that's implementing in some
8 portions of HB316. It requires HB316 put in
9 place a secure area for absentee ballots if the
10 signature doesn't match or if the ballot is not
11 signed. And this requires that the county turn
12 around the notice of a rejected absentee ballot
13 and not totally cure it within three days of
14 rejecting that absentee ballot.

15 But if you take into account of the fact
16 that the closer you get to election day, the --
17 the quicker you can get out that -- that ballot
18 -- or that notice, any submitted absentee ballot
19 rejected after the close of the advanced voting
20 period. So after that Friday, the board of
21 registrars shall notify the elector by written
22 notice no later than 3 p.m. on the next business
23 day.

24 So, basically, for the last few days, the
25 Monday and Tuesday of -- of election -- election

1 day, give a person a -- a next day period for
2 that. We'll -- we would also have a requirement
3 that the registrar shall attempt to notify the
4 elector by e-mail and telephone if the e-mail and
5 telephone number is on the elector's voter
6 registration record.

7 The next rule is 183-1-15-.02, definition of
8 a vote. What this rule does is it takes out the
9 DRE definition of a vote because we don't use
10 those machines anymore and puts in the new
11 section. It's section (g) for an optical scan
12 ballot marked by electronic ballot marker. And
13 it just states that any marks in addition to what
14 was printed by the electronic ballot marker shall
15 be ignored.

16 I'm happy to take any questions from the
17 board.

18 **MR. RAFFENSPERGER:** Members, do you have any
19 questions for Mr. Germany? I would -- sorry.

20 **MR. WORLEY:** I would ask that if Mr. Germany
21 could just explain to everyone, including the
22 members of the audience, the process for the
23 eventual adoption of some version of these rules.

24 **MR. GERMANY:** So what I'm -- what I'm going
25 to ask the board to do is to vote to post these

1 rules for public comment. So the board would ask
2 the secretary of state's office to post these
3 rules. I would ask that you allow the secretary
4 of state's office, as we're formatting to correct
5 scrivener's errors or typos that we see in -- in
6 this version. And that -- that starts a 30-day
7 public comment period.

8 So the -- the -- the posting will have
9 instructions on how to submit a public comment.
10 And then the board will have another meeting when
11 they can hear additional public comment and then
12 vote to adopt, modify, not adopt new rules that
13 we're going to post today.

14 **MR. WORLEY:** And if at that meeting, we
15 modify the rules, there'll be another 30-day
16 period before they can be adopted.

17 **MR. GERMANY:** Correct.

18 **MR. WORLEY:** Okay.

19 **MR. RAFFENSPERGER:** Okay.

20 **MR. GERMANY:** I would say the way I envision
21 that happening is -- I mean, for this one, we're
22 doing it more en masse and then that would be
23 more individualized.

24 **MR. RAFFENSPERGER:** Again, any members have
25 questions? So what is the will of the committee?

1 **MR. WORLEY:** Well, Mr. Secretary, I -- and
2 perhaps Mr. Germany can weigh in on this, but I
3 think under the -- under our rules we're required
4 to take some action on the petition that's been
5 brought before us today.

6 And so I would suggest that we discuss
7 and/or vote on the four individual rules that
8 have been proposed by the petitioners and then
9 move on to adopting -- or for posting only the
10 rules that Mr. Germany has presented.

11 **MR. GERMANY:** I think that's correct.

12 **MR. RAFFENSPERGER:** Okay. So as it relates
13 to the petition presented today, do you want --
14 is it the will of the board to -- to vote on them
15 separately? Okay.

16 **MR. WORLEY:** That would be my suggestion.

17 **MR. RAFFENSPERGER:** That's --

18 **MR. WORLEY:** I'm -- obviously I'm not the
19 only member of the board --

20 **MR. RAFFENSPERGER:** Right. So --

21 **MS. SULLIVAN:** The question is to consider
22 the petition as a whole?

23 **MR. RAFFENSPERGER:** Or one by one. There's
24 four rules that they -- they presented four --
25 four rules today. We can subdivide them, put

1 each to a vote or just do all four at once.

2 **MR. WORLEY:** I -- I'd like to have a vote --
3 a separate vote on each one because I have
4 different opinion about one --

5 **MS. SULLIVAN:** That's fine.

6 **MR. WORLEY:** -- one of those rules.

7 **MR. RAFFENSPERGER:** Okay. So Rule Number 1
8 was about the absentee ballot, about being able
9 to drop those off. If you want to summarize that
10 for us, Mr. Germany, for us, but that's basically
11 to, you know, drop those off --

12 **MR. GERMANY:** -- at polling places on
13 election day --

14 **MR. RAFFENSPERGER:** Right.

15 **MR. GERMANY:** -- which is currently not
16 allowed in Georgia.

17 **MR. WORLEY:** Well, I'll -- I'll start. And
18 -- and I wanted to start first by just saying
19 something in general about this process and the
20 petition. So you can see and -- and I wanted to
21 compliment the petitioners for their efforts and
22 their work that they've put into this process and
23 the very -- and the presentation and the -- the
24 civil way that they're going about this entire
25 process.

1 This is -- voting in Georgia now is -- has
2 become more of a controversial issue, for good
3 reasons, and I would think I -- I just would like
4 to compliment you all on how you're going about
5 this. And I think, you know, at this time when
6 democracy seems to be under attack, in some ways
7 it's just very good that you're doing this. So
8 that's first.

9 As far as the, you know, ballot returned to
10 the polling places, I think that's an excellent
11 idea. We -- we in the -- and I want to say those
12 of us who are in the working group have talked
13 about this. We've gotten feedback from local
14 election officials who think it's -- it's
15 something that's a good idea and can be achieved.
16 But we are, I think, in general, concerned this
17 year that this is a large enough change that on
18 top of all the other changes that local election
19 officials are going to have to do, that it -- it
20 would be difficult to add to everything else
21 that's going to be done.

22 But for my part, I think, I think this is
23 something that -- that ought be to done and can
24 certainly be taken up next year and added on next
25 year. That's what I would like to see done. So

1 that's -- that's my opinion.

2 **MS. LE:** I would agree with that. I think
3 that it sounds like a logical step, but if this
4 -- if any of you would appreciate any small
5 changes requires a lot of training, a lot of
6 rules to be placed making sure that they are
7 handled properly. When you add on additional
8 procedures at a location, it has to be rolled
9 down to every polling place.

10 And so because of that, something as simple
11 -- it sounds simple as just dropping off -- would
12 require, I would imagine, a lot of -- and I would
13 be interested in knowing what the impact would be
14 in the counties and how fast they can incorporate
15 additional changes.

16 So maybe next year's a better year than --
17 I'm sorry -- the year after next year so it would
18 be 2021 from the next year with all the changes.

19 **MR. RAFFENSPERGER:** And I think from my
20 standpoint, I think really (indiscernible) it
21 deserves further consideration. Just not now.
22 We actually had some people speak today that are
23 concerned about us getting this all done and then
24 you would place additional workload on us and so
25 they really are oppositional to each other.

1 We have a lot on our plates. For the record
2 though, we are ahead of schedule on
3 implementation. We are working quickly, we
4 understand that, but we are ahead of schedule,
5 but I could not support Rule -- Rule Number 1 at
6 the present time.

7 Do we want to bring it to a vote or just --
8 Ms. Sullivan, any comment on that?

9 Do we have a motion then?

10 **MS. SULLIVAN:** I'll make a motion that we
11 deny the petition for -- the first petition for
12 proposed Rule Number 1 at this time.

13 **MR. RAFFENSPERGER:** Do we have a second?

14 **MS. LE:** I second.

15 **MR. RAFFENSPERGER:** Okay. Are there any
16 further comments?

17 (no response)

18 **MR. RAFFENSPERGER:** Being no further
19 comment, all those that are in favor of denying
20 Rule Number 1 petition please signify by saying
21 aye.

22 **THE BOARD MEMBERS:** Aye.

23 **MR. RAFFENSPERGER:** Any of those opposed?

24 (no response)

25 **MR. RAFFENSPERGER:** The "ayes" have it.

1 Okay, Rule Number 2? It was about ballot
2 secrecy and I think there was a concern about the
3 large BMD size so it's very readable. I think it
4 should be the privacy of the ballot.

5 **MR. WORLEY:** I -- we have -- we had also
6 discussed this in the working group and the
7 advantages and drawbacks to it. And I've -- I've
8 changed by opinion after listening to some of the
9 presentations today.

10 I would vote to adopt this rule and if it's
11 not adopted, I will be working to take some of
12 the items that were presented in the rule into
13 consideration in -- in considering our other
14 rule, our -- the large group of rules that we may
15 adopt today.

16 I -- I do have concerns about the -- the
17 privacy of the ballot-marking device. And I
18 think we need to address that in supplementing in
19 -- in some significant way in the rules that we
20 adopt eventually, so...

21 **MR. RAFFENSPERGER:** Any other members have
22 any comments on that?
23 (no response)

24 **MR. RAFFENSPERGER:** But -- right now because
25 some of you probably would not support Rule

1 Number 2, but as you're working through with --
2 with your group over the next 30 days, I'm sure
3 there may be some additional nuances that we'd
4 like to add and that would be something that we
5 could consider at that point.

6 Any further comment?

7 **MS. SULLIVAN:** While I do not support, you
8 know, granting this petition, to post this rule
9 as written, I think that this is an issue that we
10 should consider -- continue to consider during --

11 **MR. GERMANY:** I --

12 **MS. SULLIVAN:** -- the rule-making --

13 **MR. GERMANY:** -- I --

14 **MS. SULLIVAN:** -- process.

15 **MR. GERMANY:** I -- sorry.

16 **MR. RAFFENSPERGER:** I'm sorry. Go ahead.

17 **MS. SULLIVAN:** I'm sorry. And while I would
18 not support granting this petition, to post this
19 rule as written -- proposed Rule 2, I agree that
20 we should consider to take this issue under
21 consideration as we continue the rule-making
22 process.

23 **MS. LE:** Are you talking about that part of
24 the problem is the font size; is that correct?
25 Is that --

1 **MR. GERMANY:** I believe the -- the issue is
2 the screens are now larger than the previous DRE
3 machines.

4 **MS. LE:** Right. So is -- is the font size
5 -- can it be changed to -- the screen would be
6 big, but if it's smaller and neighbors can't see
7 it kind of thing?

8 **MR. GERMANY:** I think, you know, part of it
9 is the sort of best practice part is to have one
10 vote, one contest per screen, and that would at
11 least make less confusion. So that -- that makes
12 each -- each screen bigger so which has a lot --
13 has benefits but it also, you know, raises this
14 concern.

15 So I think we're looking at -- at ways that
16 it can be addressed electronically, but I think
17 that it -- it -- we should also look at ways to
18 address it, be a regulation, but -- but I agree
19 with the secretary that, I think, that how the
20 rule is written is not the way to do it.

21 **MR. RAFFENSPERGER:** Do we have a motion?
22 Any further discussion?

23 **MR. WORLEY:** Well, we can have a motion to
24 adopt the rule or a motion to deny the rule.
25 Which?

1 **MS. LE:** I move to deny the rule as written.
2 **MR. RAFFENSPERGER:** Do we have a second?
3 **MS. SULLIVAN:** Second it.
4 **MR. RAFFENSPERGER:** Okay. Any further
5 discussion?
6 (no response)
7 **MR. RAFFENSPERGER:** Hearing none, all those
8 in favor of denying the rule signify by saying
9 aye.
10 **THE BOARD MEMBERS:** Aye.
11 **MR. RAFFENSPERGER:** Those opposed?
12 **MR. WORLEY:** No.
13 **MR. RAFFENSPERGER:** Motion carries. Okay,
14 Rule Number 3. That was having the paper poll
15 book at every polling location and actually
16 having that be the poll book of record as I
17 understand it.
18 Is that correct, Mr. Germany?
19 **MR. GERMANY:** Correct.
20 **MR. RAFFENSPERGER:** Do we have any questions
21 or discussions from the board?
22 **MR. WORLEY:** I -- I think the current
23 intended process under our rules is sufficient to
24 deal with this problem. I think that your -- the
25 real problem is instruction and training of poll

1 workers. They need to -- that they need to go to
2 the printed list in case of questions or
3 discrepancies. And I will be working on that
4 issue as we're adopting the new rules. But I
5 have a -- I think they're difficult real issues
6 that are raised by deeming the paper be the
7 official public information.

8 So I will vote against this rule, but I will
9 be looking for ways to make sure that the rules
10 we do adopt achieve this result.

11 **MR. RAFFENSPERGER:** Any other board members
12 wish to comment on this?

13 (no response)

14 **MR. RAFFENSPERGER:** I'm not hearing any.
15 Can I ask for a motion to either deny or accept.

16 **MS. SULLIVAN:** I'll move to deny the third
17 rule from petitioners.

18 **MR. RAFFENSPERGER:** Do we have a second?

19 **MS. LE:** I'll second it.

20 **MR. RAFFENSPERGER:** Okay. Any further
21 discussion?

22 (no response)

23 **MR. RAFFENSPERGER:** Hearing none, all those
24 in favor of denying this rule signify by saying
25 aye.

1 **THE BOARD MEMBERS:** Aye.

2 **MR. RAFFENSPERGER:** Those opposed?

3 (no response)

4 **MR. RAFFENSPERGER:** Rule Number 3 has been

5 denied.

6 Rule Number 4 was a -- a phased

7 implementation, I guess would be the best way to

8 describe that. If you want to just resummarize

9 that for everyone just so we're all on the same

10 page on that, Mr. Germany.

11 **MR. GERMANY:** So Rule Number 4 is asking

12 that we keep certain components of the old

13 election system and basically leave it up to the

14 counties to determine when they're ready to

15 transition to the new voting system. I don't

16 think that's consistent with HB316 or frankly

17 consistent (indiscernible).

18 **MR. RAFFENSPERGER:** Okay. Any discussion

19 from the board?

20 **MR. WORLEY:** Yes. I am -- I would not have

21 picked ballot-marking devices. I've made it

22 clear for many years on this board and on other

23 occasions that my preference would be for

24 hand-marked Optiscan ballots throughout the

25 state. But unfortunately, from my perspective,

1 that is not what the general assembly decided to
2 do.

3 And I think it's important to keep in mind
4 our role on this board in relation to the general
5 assembly. We establish rules so that the
6 election laws can be carried out. But we have to
7 do that with reference to the existing statutes
8 and I don't think we have, frankly, the authority
9 to adopt this rule because it is very contrary to
10 the system that the general assembly adopted.

11 So I -- I cannot -- can't vote for this rule
12 because I think we need -- and whether we like it
13 or not, we have to make sure that the system that
14 the general assembly adopted is established and
15 works. And so -- and I also believe, honestly,
16 that what's been proposed here, while it is -- it
17 is -- it is extremely thoughtful and creative, it
18 is not what Judge Totenberg has ordered the state
19 to do. And I think -- I think it would be very
20 contrary to her existing orders and -- and would
21 violate them. And so I will vote against this
22 proposed rule.

23 **MR. RAFFENSPERGER:** Any other members wish
24 to comment on this?

25 (no response)

1 **MR. RAFFENSPERGER:** Hearing no further
2 comment, do we have a motion? Motion to deny or
3 motion to approve?

4 **MS. SULLIVAN:** I'm on a roll. I'll make a
5 motion to deny the fourth rule and the petition
6 for the fourth rule, as well.

7 **MR. RAFFENSPERGER:** Do we have a second?

8 **MS. LE:** I'll second it.

9 **MR. RAFFENSPERGER:** Okay. Any further
10 comment?

11 (no response)

12 **MR. RAFFENSPERGER:** Hearing no further
13 comment, all those in favor of the motion to deny
14 Rule Number 4 signify by saying aye.

15 **THE BOARD MEMBERS:** Aye.

16 **MR. RAFFENSPERGER:** Those opposed?

17 (no response)

18 **MR. RAFFENSPERGER:** Motion carries.

19 **MS. SULLIVAN:** Mr. Secretary, I'd like to
20 make a positive motion to post the packet of
21 rules that were presented by the rules working
22 group by Mr. Germany for public comment. I would
23 like to make that motion if it's appropriate.

24 **MR. RAFFENSPERGER:** It's appropriate. Do we
25 have a second?

1 **MR. WORLEY:** Second.

2 **MR. RAFFENSPERGER:** Okay. Do we have any
3 discussion about the motion before us right now?

4 **MR. WORLEY:** Yes. I'd like to make a
5 comment about --

6 **MR. RAFFENSPERGER:** Certainly.

7 **MR. WORLEY:** -- and -- and before I do,
8 again, I want to compliment those who came today
9 and presented their petition because this is the
10 first time in the 15 years that I have been on
11 the state election board that -- that I recall
12 that citizens have taken advantage of the
13 statutory provisions and presented rules -- a
14 petition for rules adoption to the board. There
15 -- there may be one other time, but at least it
16 is available and in -- and while the -- those
17 rules were not adopted today, those proposed
18 rules, everyone should be aware that the members
19 of the board and the working group are taking
20 these proposals very seriously and that this
21 whole process is -- it's a -- it should be a very
22 (indiscernible) process.

23 We are only posting these rules today. This
24 is not the final rule. We are looking to and
25 encouraging suggestions of ways to improve the

1 rules that we're posting at this time and -- and
2 we are going to take seriously all of those
3 suggestions that come, both through the petition
4 process and through the comment process on the
5 rules as we're required to do by law.

6 So I want to thank everybody for
7 participating and please don't think that just
8 because the exact rules that you presented were
9 not adopted, that the issues that you're raising
10 are not ones that we are considering very
11 seriously. I know that I am and I believe the
12 other members of the board are as well, so...

13 **MR. RAFFENSPERGER:** Mr. Worley.

14 Any other members have any other comments?

15 **MS. LE:** I just wanted to thank, as well,
16 the groups that came today and -- and to share
17 your thoughts. I look forward to hearing the
18 comments from you. And to the extent that I had
19 to deny the proposals that you made, I hope you
20 understand that some of it is because, you know,
21 thinking that we have to work within the
22 framework. Just like Number 1, having to roll it
23 out in a timely manner, we have to consider the
24 counties' burden at this time. It's something
25 that's logical and simply would require rules and

1 procedures and it has to be rolled down from the
2 top all the way to the local precincts and -- and
3 polling places.

4 And so with those considerations, we have to
5 consider that and the parameters we have to work
6 in as in with Rule Number 4, the laws, and so --
7 but I look forward to hearing from you in your
8 comments and I appreciate you being here today.

9 **MR. WORLEY:** And -- and I would also just
10 like to add a word of thanks to Mr. Germany and
11 Mr. Rayburn for the work that they put in to
12 drafting these rules. It was very time
13 consuming. It's taken a number of months and
14 it's very intensive work. And I know that they
15 will continue to work hard on this until we get
16 -- get the right set of rules adopted. Thanks.

17 **MR. RAFFENSPERGER:** Thank you very much.

18 Any other comments?

19 (no response)

20 **MR. RAFFENSPERGER:** Hearing no other
21 comments, all those in favor of posting the
22 proposed rules for 30-day public comment signify
23 by saying aye.

24 **BOARD MEMBERS:** Aye.

25 **MR. RAFFENSPERGER:** Any of those opposed?

1 (no response)

2 **MR. RAFFENSPERGER:** Motion carries.

3 That concludes our business today. I want
4 to just also reinforce what Mr. Worley just said.
5 The working group put an awful lot of time and
6 effort into it. I wanted to make sure we reached
7 out to election officials, all the key state
8 corroboration, and we look forward to further --
9 further the improvement of the election process
10 in Georgia. We understand how important it is
11 for everyone.

12 Thank you for attending today.

13 And if we have a motion for adjournment, I'd
14 be happy to entertain that now.

15 **MR. WORLEY:** I move that we adjourn.

16 **MS. LE:** Second.

17 **MR. RAFFENSPERGER:** Meeting adjourned.

18 (Adjourned at 3:45 p.m.)
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STATE OF GEORGIA)
COUNTY OF DEKALB)

I further certify that I am neither related to or counsel to any of the parties herein; nor have any interest in the outcome of the above-styled proceedings.

WITNESS my electronic signature this the
20th of January, 2020.

Steven Ray Green
Steven Ray Green, CCR
Certificate Number 2102-A