

In The Matter Of:
Secretary of State
Board Meeting

February 28, 2020

Steven Ray Green Court Reporting, LLC
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THE OFFICE OF THE SECRETARY OF STATE

STATE OF GEORGIA

**IN THE MATTER OF:
STATE ELECTION BOARD HEARING**

**2 MLK JR. DR. SE
SUITE 810 WEST TOWER
ATLANTA, GEORGIA 30334**

**FEBRUARY 28th, 2020
9:00 A.M.**

**PRESIDING OFFICER: BRAD RAFFENSPERGER
SECRETARY OF STATE**

**STEVEN RAY GREEN COURT REPORTING, LLC
Kaitlin Walsh, CCR
Atlanta, Georgia**

APPEARANCE OF THE PANEL

Secretary of State Brad Raffensperger, chair

Rebecca Sullivan, vice chair

David Worley

Anh Lee

Matthew Mashburn

ALSO PRESENT IN ORDER OF PRESENTATION

Ryan Germany

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
2 MR. RAFFENSPERGER: Good morning, everyone. I'll
3 call this meeting to order. It looks like we're just a
4 minute over 9 o'clock. If I could -- first of all, I'd
5 like to welcome everyone that's here today. We're here
6 to, I guess, codify and vote on our new SEB rules and also
7 look at some potential further changes on the SEB rules,
8 so we're very excited that you're here today, and if I
9 could call on Mr. Worley for the invocation and the pledge
10 of allegiance.

11 (Invocation)

12 MR. RAFFENSPERGER: And for the Pledge of Allegiance,
13 will you all stand and face the flag?

14 (Pledge of Allegiance)

15 MR. RAFFENSPERGER: Okay. I guess we have before us
16 -- before we do that, we have a new member before us today
17 as our new -- Matt -- member, Matt Mashburn. He's an
18 attorney from Bartow County, and he has, you know, now
19 taken the oath of office, and he will be one of our new
20 members today. Mr. Mashburn, would you have any words
21 that you would like to offer or...

22 MR. MASHBURN: Just thank the Lieutenant Governor and
23 the Senate for the appointment and the trust placed in me.
24 I thank the Secretary for his leadership and look forward
25 to working with the Board and thank you.

1 MR. RAFFENSPERGER: Great. Great. Okay. We have
2 before us the approval of the Board minute meetings. You
3 have those before you. You've had a chance to review
4 them. Does anyone like to make a motion?

5 MR. WORLEY: I'll make a motion that we approve the
6 Board minutes.

7 MR. RAFFENSPERGER: Do we have a second?

8 MR. MASHBURN: Second.

9 MR. RAFFENSPERGER: Do we have any discussion on the
10 motion? Hearing none, all those in favor of the motion
11 before us, signify by saying aye.

12 THE BOARD MEMBERS: Aye.

13 MR. RAFFENSPERGER: Motion carries. Okay. Today we
14 have public comments on the proposed rules, and if time
15 allows, then we'll be getting to the other topics. We had
16 one person that wanted to talk about some -- another
17 topic, but this -- the purpose of this meeting today is
18 really about the proposed rules, and I would like to move
19 through that. And if everyone -- I'm going to read off
20 about 5 or 6 names and try and keep the line moving, and
21 we'll speak over there at that podium right there, and
22 someone will give you a mic.

23 UNIDENTIFIED MAN: Left or right?

24 MR. RAFFENSPERGER: It'll be on my right, your left
25 side, and the first name on that list -- and I'll just

1 read off about 4 names -- would be Judy Presley, Jeremy
2 Adams, Dorothy Griffin, Betsy Greenovich, and Danielle
3 McIntyre. Please start. Then on deck, we have Libby
4 Seger, John Peterson, Gunner Kukula, Ann Greer, just to
5 give you an idea of the direction, but Ms. Judy Pressley
6 would be first. Mr. Jeremy Adams is second, and Ms.
7 Dorothy Griffin, third, Ms. Betsy Grenevitch.

8 MR. RAYBURN: And if everyone that's going to speak,
9 would you please state your name and where you live before
10 you begin?

11 MS. PRESSLEY: My name is Judy Pressley, and I live
12 in Hele, Georgia, representing White County. And first of
13 all, I would like to say that I truly cherish the
14 privilege of being able to vote independently, and I have
15 voted independently for the last 10 years, ever since the
16 accessible voting machines were available to the blind.
17 I'm also the leader -- vice president of a large blindness
18 organization, and I encourage all of our members to vote
19 independently.

20 Recently, I was able to sample the new voting machine
21 for the blind, and I found it totally baffling. The
22 keypad itself was confusing to me, and then the
23 instructions are just mindboggling, the way they continue
24 to go over and over again, and it distracts me, and I'm
25 not able to concentrate. And the keypad, the buttons say

1 -- the blue button and the yellow button and the up button
2 and the down button and the blue button -- I don't know
3 blue, yellow, red, green, or white because I can't see, so
4 that -- I don't understand that.

5 I have used assistive devices for many, many years,
6 and I, for some reason, I just find this machine very
7 difficult to use, and I have feel like my civil igh [sic]
8 -- civil rights are being violated because I'm not able to
9 vote independently with this machine, and I think it needs
10 to be fixed. And I think it can be fixed with some easy
11 technical ways, so I would like to have that done and done
12 as quickly as possible so that I'm able to vote in the
13 next election. Thank you.

14 MR. RAFFENSPERGER: Thank you, ma'am. Mr. Jeremy
15 Adams?

16 MR. ADAMS: Hello. My name is Jeremy Adams, and I'm
17 also from White County. I actually have a -- my
18 background there is I worked for many years in our
19 technology department in the local county, so I've had the
20 experience of providing technical support for many
21 elections, and I've still been doing that after losing my
22 vision. So I've gotten to play with our new ATIs and
23 BMDs, and I voted several practice ballots. I'm with Ms.
24 Judy on this. It's very confusing. But I think there are
25 some very simple software updates that could be made quite

1 quickly and inexpensively to make this a much more fluid
2 and better user experience for our blind voters.

3 First of all, the instructions never stop talking. I
4 have two little girls, and they don't talk this much.
5 What I would like to see there is to have the instructions
6 read once a blind voter inserts their voter access card,
7 and then allow the voter to move on. There is a help
8 button on the ATI that the voter can then press at any
9 time to repeat the instructions. They do not need to
10 continually read over and over and over again.

11 The second change I would like to see is when
12 navigating through a ballot, a blind voter is required to
13 press either a yellow left arrow key or a blue down arrow
14 key and move to a race in the ballot. Then, they are
15 required to press the red x to select the ballot. Then,
16 they are required to use the arrow keys to select a
17 candidate or option to choose in the ballot. Then, they
18 select that by using the red x again. Then, they have to
19 use the arrow keys and the x to move out of that race so
20 that they can move to the next race with the arrow keys
21 and use the select button to select that race. I think
22 it's the equivalent of a sighted person reading a web page
23 and having to click each paragraph before they're allowed
24 to read the sentences in that paragraph. It's very
25 nonintuitive. I think by simply changing the way the

1 arrow keys navigate through the ballot that could be made
2 a much simpler process.

3 Thirdly, I'd like to see a better option for blanking
4 the screen. That is not provided as an option in the
5 whole pad when a blind voter checks in. I'd like to see
6 it added there or added to an options menu at the very
7 beginning for the blind voter to choose on the ballot
8 marking device themselves.

9 Finally, and I think this is the big point for
10 today's meeting, is the size of the font on the actual
11 printed ballots. That's an 8-point font, I believe.
12 That's going to be difficult for most anybody who drives
13 around and yet needs reading glasses to read their 12-
14 point font newspaper. I understand that -- I know our
15 local county is going to provide some magnification
16 devices, reading glasses, to each poll, but I don't know
17 that that's enough. I would love to see an option for a
18 low vision voter who uses magnification on the ballot-
19 marking device themselves. I'd like to see an option for
20 a bigger font on the printed ballot.

21 That's not only hard to read for a person of lower
22 vision, it's actually a little small for most accessible
23 technology devices, like my iPhone. I have several apps
24 on my iPhone that will read text on a page to me. 8-point
25 font is a little hard for it. I get it about half the

1 time. Every once in a while, it comes out perfect, and
2 the next time it's just gibberish, so I'd like to see an
3 option. I understand that we're trying to save ink, and
4 we're trying to get everything on one page, and I get
5 that, but it is -- it is an issue for people with low
6 vision, so thank you for all the hard work that this Board
7 is doing. And I know this election is a big deal. You've
8 rolled out a lot of changes, and you're trying to do it
9 quick, and I've -- I think overall you're doing a good
10 job, but just these small changes would make a huge
11 difference for our blind or low vision community. Thank
12 you.

13 MR. RAFFENSPERGER: Thank you for your comment. Ms.
14 Dorothy Griffin, and after that will be Betsy Grenevitch,
15 then Danielle McIntyre, then Libby Seger.

16 MS. GRIFFIN: Thank you for allowing me to speak
17 today. My name is Dorothy Griffin. I live in DeKalb
18 County, and I am the President of the National Federation
19 of the Blind. I think assistive technologies, the Dominion
20 ICX ballot device, BMD does not provide voters with print
21 disability to independently verify their ballots
22 correctly. Permitting the use of certain assistive
23 technology will enable voters with print disabilities to
24 perform the task of independently verifying their printed
25 ballot as -- as opposed to voters without print

1 disabilities.

2 The term, "illiterate or disabled" individuals,
3 should be replaced with individuals with print
4 disabilities. And as -- the types of assistive technology
5 should be specified as the term assistive technology.
6 It's too broad, and poll workers should not be put in
7 position to having to make a determination as to whether a
8 particular technology is permitted. As a minimum, the
9 list of acceptable technology include [sic] magnifiers,
10 magnification apps, smart phones, tablets, handheld
11 magnifiers, and portable video magnifiers, optical
12 character recognition apps on smart phones and tablets.
13 These apps include the KNFB reader, the seeing AI. The
14 Center for Civic Design has permitted testing of reading
15 printed ballots with OCR apps, and they find that the
16 Dominion printed ballot is formatted reasonably well for
17 reading with the seeing AI, the KNFB reader, etc.

18 The ICX ballots are in two columns with the contest
19 name and then the candidate name is on the next line. How
20 will the requirement of any image obtained through using
21 assistive technology devices be immediately deleted and/or
22 enforced? It's critical that poll workers be trained well
23 and given guidance about how to interact with voters who
24 may be using assistive technology to verify their ballots.
25 The situation where the poll worker doesn't know about

1 this rule may -- must be avoided. Also, another situation
2 that must be avoided is where instead of politely
3 reminding a voter to remove the image, the poll worker is
4 inappropriately aggressive, so there needs to be some type
5 of script or what to do in this information included in
6 the polling manual. All right. That would be helpful.
7 Thank you.

8 MR. RAFFENSPERGER: Thank you, ma'am. Ms. Betsy
9 Grenevitch?

10 MS. GRENEVITCH: Good morning. My name is Betsy
11 Grenevitch, and I'm from Walden County in Loganville. I
12 want to -- I'm sort of like Judy. I'm going to miss the
13 freedom of being able to use my right of voting because
14 the previous machines were excellent. No help was needed
15 to cast any ballot, and I could verify it because I read
16 back what was there since it was not a paper ballot.
17 Concerning the paper ballot issue, as Dorothy already
18 said, there were already so many options to be able to
19 read that ballot.

20 The problem is if you make the rule saying that you
21 can bring in your device, but that the poll does not have
22 a device, you're going to leave out a lot of visual --
23 blind and visually impaired voters. Not all of our blind
24 and visually impaired voters have a device to use if they
25 were to go to a polling both. Therefore, if we come up

1 with some kind of standard that allows the polls to have a
2 particular device that all poll workers are trained on,
3 then everyone would have access to be able to read their
4 ballot.

5 I'm not going to go ahead and address the other
6 issues because you've already heard the speech issues.
7 Jeremy did a great job with that, but I am very concerned
8 with those as well. But the main focus for you all today
9 is the ballot. There are options, and you will hear more
10 from my daughter. Thank you for the opportunity to speak.

11 MR. RAFFENSPERGER: Thank you, ma'am. Danielle
12 McIntyre, then Libby Seger, and then John Peterson, and
13 then Gana Kukkala.

14 MS. MCINTYRE: Good morning. Thank you for allowing
15 us to speak this morning. My name is Danielle McIntyre.
16 I am from Walton County, and I do have some handouts for
17 you all in regards to some assistive technology pricing
18 and things. I would like to look at this from two
19 different perspectives. One is that of a totally blind
20 person, as well as those with low vision.

21 For the totally blind person, the print ballot is
22 unreadable. As you have already heard, there are a few
23 options for apps that are free that will not cost any
24 money to them as well as to potential poll workers to use
25 when we do have our primaries coming up, and I realize

1 that is just a few weeks away. Those would be -- for
2 scanning, there's an app called Voice. There's also one
3 called CN Speak. I have been working the last two days
4 downloading app after app that is free. Those are the
5 only two that I have found that are accurate and will
6 actually be easy for the user to use where they just tap
7 on the screen that scans it and automatically reads. A
8 lot of the others require more software and understanding
9 of technology which not all blind people have or
10 understand smart phones.

11 There are also some apps where they would be
12 connected to a live person who could then read that app,
13 and those would also be an excellent option for those who
14 need and don't feel comfortable with using technology to
15 scan where they could be -- have a live person that could
16 read that page to them, and they would know that their
17 ballot is exactly what they put in.

18 Also, for those with low vision, I have contacted a
19 few people in our state organization and asked how they
20 feel about the low point size of the font, and even large
21 print is considered 14-point or larger. They told me at
22 14-point, they still are unable to read that with a
23 magnifier whether it's handheld. They would need what's
24 called a CCTV, which is a computer monitor that can zoom
25 100 times into that. Some of them can't even there. They

1 have to have 6 characters at a time to be able to read
2 print. And for them, there needs to be an option other
3 than just the magnifiers. I know one person personally
4 who has a portable CCTV that I would like to make sure she
5 could bring that to her polling place when she gets her
6 paper ballot, set it underneath a computer, and be able to
7 read that at the magnification and with the contrast.

8 It's not everyone can read white on black. Some
9 people need black on white. They may need a blue on a
10 white, and with that, allowing them if they have their own
11 technology to use their large print, and if not, that we
12 have some options as a State going forward that would
13 allow those who need the large print, who need the
14 magnification, to read their own ballot without having to
15 have a sighted person or someone else read it for them.
16 Thank you, guys.

17 MR. RAFFENSPERGER: Thank you, ma'am. Libby Seger,
18 John Peterson, Gana Kukkala.

19 MS. SEGER: Good morning. My name is Libby Seger,
20 and I am a Georgia voter from Fulton County. I am a
21 student at Georgia State University, where I am the
22 President of the Young Democrats, and I've attended the
23 last two of these meetings, and I've been pretty
24 disappointed both times. Last time I stood here, I said
25 that I represented the future of this state, but clearly

1 that wasn't enough, so I brought some of them with me this
2 time.

3 So before -- before you hear from all of them, let's
4 get real for a second. My generation is already dealing
5 with the soul-crush -- with soul-crushing problems facing
6 this country: the climate crisis, housing insecurity, gun
7 violence, lack of access to quality healthcare, and jobs
8 that aren't even paying a living wage. It is our civic
9 duty to elect leaders that we can believe help solve these
10 problems, and in order for us to properly do that, we have
11 to have confidence that when we cast a vote that what we
12 put on our ballot is actually counted.

13 Brad Raffensperger has been running around Georgia
14 telling Georgia voters that we should all have so much
15 confidence in these machines. After me, a list -- a group
16 of students will come up, and they will go over a bunch of
17 prop -- proposed rules that we have that would make these
18 machines a little bit better because there's already not
19 much we can do.

20 I'd also, as a creator on the app and as a young
21 person, I'd like to address something the Secretary of
22 State's Office has come out and done. They've released,
23 if you haven't heard, a TikTok voter challenge that
24 encourages young people to make videos online about how
25 awesome these secure paper ballots are, and quite frankly,

1 to be honest, I'm appalled by it because it's a
2 manipulation tactic that they can use to convince young
3 people that they should be excited to vote for the first
4 time on these machines because a lot of us are. But I
5 want you to know that it doesn't matter how many TikTok
6 voter challenges and stuff that the older generation will
7 try and use. They listen to us. The young people will
8 listen to us, and we will keep showing up to these
9 meetings in growing numbers until you do what is right.
10 Georgia deserves a State Election Board that doesn't
11 silence Georgia voters, so we demand that you do better.
12 We demand that you do your jobs. Thank you.

13 MR. RAFFENSPERGER: John Peterson?

14 MR. PETERSON: Good morning.

15 THE BOARD MEMBERS: Good morning.

16 MR. PETERSON: My name is John Peterson. I'm a
17 Georgia voter from Cherokee County. I lead both the North
18 Metro Atlanta and Georgia State University chapters of
19 Students Demand Action for Gun Sense in America, an
20 organization for which I serve on the National Advisory
21 Board.

22 Election security matters to me because it has been
23 exactly one year since HRA, the bipartisan bill to pass
24 background checks in the House of Representatives has
25 passed the House. It has not been addressed in the

1 Senate, and if there is any hope of getting the will of
2 the American people translated into law in the Senate,
3 Georgia must contribute to electing a President and
4 senators that fight for nearly universally supported
5 common sense gun laws.

6 In December and again in January, I stood here and
7 asked a simple question: what is your plan to protect
8 ballot secrecy? Since early voting began for the pilot
9 elections and continuing to the special elections in South
10 Georgia earlier this month, it has been blatantly obvious
11 that the Dominion ballot-marking tablets have a design
12 flaw. These things are so obnoxiously massive that you
13 can read a voter's selections from across the room.
14 Ballot secrecy is not a privilege; it's a right. Georgia
15 voters are guaranteed a secret ballot by our Constitution,
16 and the officials running elections in every one of the
17 159 counties you oversee are charged with protecting our
18 State's Constitution.

19 When Secretary Raffensperger certified the system, he
20 said it complied with state laws. It doesn't. Georgia
21 code section 21-2-379-.22 says any ballot-marking device
22 Georgia uses must -- and I quote -- "permit voting in
23 absolute secrecy so that no person can see or know any
24 other electors' votes." Voters and election directors
25 across the state can confirm: these new tablets do not

1 comply with the law. The certification is nonsense. We
2 demand that the State Election Board prohibit the use of
3 the Dominion ballot-marking devices in Georgia elections
4 until this design flaw is corrected. Not doing so would
5 be violating laws that you yourselves are charged with
6 enforcing. You cannot ask counties to follow some
7 statutes faithfully, while requiring them to violate
8 ballot secrecy laws -- am I trying your time, Secretary
9 Raffensperger?

10 You cannot ask counties to follow some statutes
11 faithfully, while requiring them to violate ballot secrecy
12 laws in the Georgia Constitution by using these new BMDs.
13 Our State Constitution is not a menu that you get to order
14 from as you please. It is the law. You don't get to pick
15 which parts you'll follow and which parts you don't. The
16 Secretary's certification is overtly unconstitutional.
17 Georgia deserves a State Elections Board that doesn't
18 silence Georgia voters. We demand that you do your job.
19 We demand that you do better.

20 MR. RAFFENSPERGER: Gana Kukkala, Anne Greer, Marisa
21 Hordos, and Hermela Assefa, and that's the next order so
22 Gana.

23 MR. KUKKALA: Good morning, fellas. My name is Gana
24 Kukkala, and I am a Georgia voter from Fulton County up in
25 Sandy Springs, Georgia. I'm an organizer with March for

1 Our Lives and Students for Bernie at Georgia State. As a
2 student activist, I fight for a lot of issues that I'm
3 passionate about, such as climate change and feminism, but
4 I would not be able to make the change that is needed to
5 be made if I can't properly use my right to vote.

6 Ballot secrecy is our constitutional right, and I am
7 outraged that the Secretary of State has inappropriately
8 certified a ballot-marking device that does not comply
9 with the law. Over 30,000 of these new ballot-marking
10 devices have been delivered to counties, and 2 million
11 voters begin casting ballots for the presidential primary
12 in just 3 days, most of which will encounter these devices
13 for the first time. They will be utterly disappointed in
14 Georgia's State Elections Board to see that the ballot-
15 marking devices are nonsensically, ridiculously oversized.

16 I want to demonstrate to you the latest advice from
17 the Secretary of State that the tablets should turn to
18 face the wall. So, first, here's how the tablets were set
19 up during the pilots and the mock elections: facing the
20 center of the room with a privacy screen covering the back
21 and the sides. I personally have tested these out for
22 myself when they were being presented in the Capitol. Do
23 you see how easy it is to read the screen?

24 UNIDENTIFIED MAN: No.

25 MR. KUKKALA: Now, here's how it would be if you

1 followed the new diagram and you turned it to face the
2 wall. Yes, it's true that the choice of voter marks is
3 relatively more discreet, but it's also true that the
4 device is completely shielded from the view of poll
5 officers and poll watchers, which ends up breaking another
6 law. Aren't there any attorneys in the Secretary of
7 State's Office? Mr. Germany, are you truly comfortable
8 with the Secretary of State encouraging local election
9 leaders to solve one legal issue by violating a completely
10 different law? Georgia deserves a State Elections Board
11 that doesn't silence Georgia voters. We demand that you
12 do better. We demand that you do your job.

13 MR. RAFFENSPERGER: Anne Greer, then Marisa Hordos,
14 and then Hermela Assefa.

15 MS. GREER: Good morning. My name is Anne Greer, and
16 I'm a Georgia voter representing Cherokee County. I work
17 with Students Demand Action, and I'm a student at
18 Georgetown University in Washington, D.C., where I flew in
19 from last night in order to attend this meeting because I
20 care so much about voter security and safety. In
21 particular, I believe that ballot secrecy cannot be
22 compromised, and I am here today to offer a solution that
23 can be implemented in every precinct by Monday morning,
24 where -- when early voting begins.

25 First, leave the Dominion marking ballot -- Dominion

1 ballot-marking tablets and the printers and the power
2 back-ups in the storage room. Second, set up the privacy
3 screens and chairs at the tables. Third, offer every --
4 or offer every voter that can use one a hand-marked paper
5 ballot. Your emergency rules require every precinct to be
6 trained and ready for this with ballots pre-printed for at
7 least 10% of registered voters. There is plenty of time
8 to get additional ballots printed before election day.
9 Counties with mobile ballot printers can use them to print
10 what they need. There is no time to waste. There is no
11 time -- no time for trials that solve one problem while
12 introducing another.

13 The prin -- the presidential primary is literally the
14 3rd highest turnout election in the four-year election
15 cycle. Georgia voters are counting on the State Election
16 Board -- on the State Election Board to act decisively.
17 Don't put local election officials in the position of
18 choosing which law to follow or which law to break.
19 Protect Georgian's rights to cast a secret ballot.
20 Georgia deserves a State Election Board that doesn't
21 silence Georgia voters. We demand that you do better, and
22 we demand that you do your job. Thank you.

23 MR. RAFFENSPERGER: If I could just throw this out to
24 the audience, we have people that are clapping, people
25 that are booing. Let the people make their comments and

1 keep your comments to yourself unless you're making public
2 comment. We're truly just trying to run a meeting, and
3 we'd like to have a certain level of decorum, so we don't
4 need people booing, and if we just kind of tamp down
5 emotions a little bit, I think we could move through it a
6 little bit faster. Thank you very much for your
7 cooperation, and our next speaker is Marisa Hordos.

8 MS. HORDOS: Good morning. As just said, my name is
9 Marisa Hordos, and I am a Georgia voter from Cherokee
10 County. I am also a co-founder and co-leader of Students
11 Demand Action groups for North Metro Atlanta and Georgia
12 State University. I am pursuing my degrees in religious
13 studies and French. I can speak multiple languages, and I
14 was born during an era of cell phones and electronic
15 devices. I can tell you how to access your iCloud
16 accounts. I could rearrange apps on your phone. I can
17 read in multiple languages. I can read different books in
18 different languages, but as any other Georgia voter and
19 any human being in general, I cannot read a QR code.

20 A QR code is nothing more than a randomized group of
21 boxes that is impossible for humans to comprehend, and it
22 means absolutely nothing to me. If I mark my vote with a
23 pen, I have security knowing my choices are present on
24 that ballot. If I mark my choices with a tablet and then
25 those choices are sent to a printer that's supposed to

1 interpret this QR code, I can never truly know whether the
2 vote that I wanted to cast was the vote that was actually
3 interpreted and counted. That doesn't feel safe or secure
4 to me. Do you feel safe? And let's be real for a second,
5 if you do feel safe, it's probably because your privilege
6 that ensures your feeling of safety, and I can't lie, I
7 know I have a lot of privilege, but the difference is I'm
8 here, and I'm speaking about it, and I'm using my
9 privilege to prevent voter discrimination. My biggest
10 question is why is the only thing that you're concerned
11 and scared of is equality?

12 This new rule of yours, the optical scan recount
13 procedure, makes no sense at all. The purpose of a
14 recount is to verify the results. You can scan the same
15 QR codes one time, 10 times, 1000 times, but the answer
16 will never change unless you neglect to count some
17 ballots, which has been a voter suppression tactic that
18 has been implemented beforehand. If this rule is adopted,
19 I will never truly know whether my vote, the vote that I
20 intend to cast, will be counted. This unsureness is truly
21 unacceptable.

22 Our democracy is at stake here. The reason our
23 system works in Georgia is that Georgia voters can trust
24 that their system that they're voting through -- that
25 their votes will be counted, that their voices, our

1 voices, will matter. If you choose to allow a QR code
2 ballot, shame on you because you have failed Georgia
3 voters who won't be able to trust that their voices are
4 being heard. Please, we need to do better. You need to
5 do your job. You need to do what is right and ban QR code
6 ballots. Georgia voters -- in Georgia and in general, we
7 deserve a State Election Board that doesn't silence
8 Georgia voters. It sounds so simple. Why can't it just
9 be so simple? We demand that you do better, and we demand
10 that you do your jobs. Thank you.

11 MR. RAFFENSPERGER: Hermela Assefa? And then after
12 that, we have Mario Calcagno, Malcolm Green, Jacqueline
13 Azah, Oluwaseyi Adenji, and George Balbona.

14 MS. ASSEFA: Good morning. I'm Hermela Assefa, and
15 I'm representing Gwinnett County. I'm also a student
16 leader at Georgia State University and a very concerned
17 voter. I'm part of a growing generation of young voters
18 in Georgia. Did you know that we lead the nation with an
19 increase of 3% in shares of young voters? And as young
20 voters and students, we have a lot of responsibilities.
21 We're juggling class loads, working to pay off
22 insurmountable debt, leading extracurriculars, and yet,
23 here we are on a Friday morning to simply demand that you
24 do your jobs.

25 For us and for all voters, voting should not be an

1 endurance test. On the midterm election day of 2018,
2 voting locations across Georgia saw wait times of hours
3 not minutes. At your January meeting, Secretary
4 Raffensperger stated that no one should wait more than 30
5 minutes to cast their vote, and yet the laws that you plan
6 to implement will do the exact opposite. We state, and
7 the legislature states, that we should state an amount of
8 time, a reasonable amount of time, for us to vote. Like
9 you said, no voter should wait more than 30 minutes or
10 hours to simply cast their vote.

11 We also believe that every precinct should have its
12 fair share of voting booths allocated by the amount of
13 registered voters. The law passed in 2019 would add 7,000
14 new voting booths to precincts. That's a 35% increase.
15 This will make a change for voting, a positive change for
16 voting. So we have to ask: why in the world would you
17 consider a law that would make it longer for us to vote,
18 longer lines and longer waiting periods?

19 Your proposed rule, rule 183-1-13-.01, will put 1000
20 less voting booths than there were in the 2018 midterm
21 elections. Correct me if I'm wrong, but I think that this
22 would make lines longer, not shorter. This is a ludicrous
23 law that you should vote no against. This rule does
24 nothing more than to make lines longer, to make voting
25 harder, and to discourage the voters that we are so trying

1 to encourage. We ask that you vote no to this because
2 Georgia voters deserve a Secr -- Georgia voters deserve a
3 State Election Board that will not silence their votes.
4 We demand that you do better, and we demand that you do
5 your jobs.

6 MR. RAFFENSPERGER: Mario Calcagno, Malcolm Green,
7 Jacqueline Azah.

8 MR. CALCAGNO: Good morning. My name is Mario
9 Calcagno from Douglas County, and I am a leader for
10 Students for Bernie at Georgia State, and I know that
11 these issues may not be much of a problem to you sitting
12 up here, but for the working people of Georgia, they want
13 to feel safe when they cast their vote that they're
14 casting the vote for a candidate who is fighting to get
15 them healthcare because the exploitative health insurance
16 companies are making them go bankrupt. The people who are
17 going to vote, they want to be able for a candidate who's
18 not going to push US imperialism across the world and
19 destabilize their parents' countries so they actually have
20 to come here and immigrate. They want to be able to vote
21 for a candidate who's not going to be doing the bidding of
22 the fossil fuel industry and polluting our planet and is
23 going to actually invest in green jobs for the future
24 generations, and they want to be able to go and vote so
25 they're not going to go and have to live their lives

1 paying off student loans and work for jobs that aren't --
2 that are going to do union busting and pay them starvation
3 wages.

4 Now, the 2018 midterm was a disaster with wait lines
5 not even being casted in minutes but in hours, and --
6 across many of the precincts in Georgia, and because our
7 elections are so dependent in technology, Georgia voters
8 are especially vulnerable to longer wait lines because of
9 equipment malfunctions and the lack of equipment in
10 general. 17 counties have tried out the new equipment so
11 far, but these were small turnout elections. As one of my
12 fellow students said before, the Georgia primaries are the
13 3rd highest turnout, with over 2 million votes cast in
14 2016.

15 So here's my question: why are you considering a rule
16 with putting fewer voting booths on election day instead
17 of more? There were about 18,500 voting booths in the
18 election in November of 2018, and under the proposed
19 rules, there would be about 1000 less. The Secretary --
20 Secretary Raffensperger committed to guaranteeing wait
21 times of 30 minutes or less, but this would actually
22 increase the waiting times, and for working people across
23 this state, they don't -- may not necessarily have time to
24 wait a long time in line because they've got kids to feed.
25 We're just barely making it by. You have -- most people

1 in this state cannot afford to live in a decent standard
2 of living because they're beholden to their capitalist
3 bosses, and they don't have time to go and waste time to
4 vote -- a lot of time to vote, so Georgia deserves a State
5 Elections Board that doesn't silence the working people of
6 Georgia. We demand that you do better. We demand that
7 you do your jobs.

8 MR. RAFFENSPERGER: Malcolm Green, Jacqueline Azah,
9 Oluwaseyi Adenji, and George Balbona.

10 MR. GREEN: Good morning. My name is Malcolm Green.
11 I am a Cherokee County voter, and like some of my other
12 colleagues here, I am a proud Students for Bernie leader
13 at Georgia State University. For the past year or so,
14 we've spent hundreds of hours organizing and spending our
15 time becoming really experienced student activists, and
16 for the past two weeks in fact, we've spent our time
17 trying to get people out and registered to vote before the
18 deadline came. And I would be extremely disappointed with
19 all of you if all of that went to waste. We spent time
20 that we could have spent studying or going out with
21 friends trying to do our civic duty to get people engaged
22 in the democratic process. I would be ashamed if my first
23 encounter with democracy in this country turned out to be
24 a total sham, a lie, and a waste of my time.

25 For many college students, absentee mail voting is

1 the best option. We have very busy schedules. We don't
2 have time to do much, so when we are registered in our
3 home counties, such as myself, we don't have time to
4 actually go back there and vote on voting day. And for
5 others, they enjoy being able to vote in secret. You've
6 already seen all the problems with voting at the actual
7 polling place on the day of, so being able to take that
8 ballot, that absentee ballot, look it over, and research
9 everything in real time in secrecy is a big plus for many
10 people. Not to mention, many of us in this room as we
11 have expressed don't trust the electronic voting machines.
12 Absentee ballot voting works. It works well, but only
13 when it works as it was designed to. But unfortunately
14 for many voters because of postal delivery problems or
15 office processing issues, they are finding it nearly
16 impossible to actually make sure that their vote is
17 counted.

18 So today, I believe your voting -- you will be
19 discussing an issue by the, let's see, Coalition for Good
20 Governance. You're going to be discussing an issue by
21 them that will allow voters to take their absentee ballot,
22 simply go to their polling place, hand it in, and as long
23 as they have a form of ID on them, it will be counted.
24 All they have to do is go in at any time that is available
25 to them, which would be a great help to me and many of my

1 colleagues here, and their vote is going to be counted and
2 accepted. This rule, as you already know, is going to be
3 a huge time saver also for election staff. It takes a
4 significant amount of time to go over every single hand
5 ballot when it arrives at the election office, so doing it
6 this way is going to be a huge time saver for you, and it
7 will remove the burden of having to go through that
8 process, and it will make it more convenient for voters.

9 MR. RAFFENSPERGER: Thank you for your time. Our
10 next speaker is Jacqueline Azah, Oluwaseyi Adenji, George
11 Balbona, then Adam Hinchliffe, Jeanne Dufort, and then
12 after that will be Aileen Nakamura.

13 MS. AZAH: Good morning. My name is Jacqueline Azah,
14 and I'm a Georgia voter from Fulton County. I am the
15 President of Students Demand Action at the historically
16 black university, Clark Atlanta University, and happy
17 Black History Month to everybody here. Thank you. So I'm
18 originally from California, one of the most progressive
19 states with high turnouts of voting and voters who trust
20 their election, and I'm a Georgia voter now, but just
21 having that background and seeing all the dissatisfaction,
22 it's completely ridiculous. And as a young voter and the
23 future of this country, I am very disappointed.

24 The model for the new election system is to be secure
25 the vote, with nearly 90,000 tables, printers, scanners,

1 routers, and other electronic devices, along with data
2 cards moving in and out of them. We can talk about the
3 absurdity of that model all day long. An alternate model
4 needs to be proposed: trust the vote. This is what Georgia
5 voters truly want. We want to trust that when we vote,
6 those votes are counted. Whether our candidate wins or
7 not, we want to trust that the outcome of that truly
8 reflects the actual votes of the people. Right now, here
9 in Georgia, trust in election outcomes is lower than any
10 of us would want.

11 You will be considering a rule today that defines the
12 vote as the actual text that a human can read. It is one
13 of your enumerated duties and, of course, to define the
14 vote. You have proposed many rules for this new voting
15 system, including rules about tabulation and recounts, but
16 you have failed to actually define the vote. After your
17 last meeting, David Worley told some of us that the QR
18 code is the official vote of Georgia, which is to say the
19 least, absurdly -- completely absurd. It is really
20 simple. Humans cannot read QR codes, and as young people
21 who study technology and economics and political science
22 in this State, we know because we study it and we see it:
23 humans cannot read them. If you want voters to have trust
24 in outcomes, we -- the official vote must be the one that
25 we can read. Georgia deserves a State Elections Board

1 that doesn't silence Georgia voters. We demand that you
2 do better, and we demand that you do your job.

3 MR. RAFFENSPERGER: Thank you. Oluwaseyi Adenji,
4 then George Balbona, then Adam Hinchliffe.

5 MS. ADENJI: Good morning. My name is Oluwaseyi
6 Adenji, and I'm a Georgia voter from Gwinnett County. I
7 currently serve as the President of RHA, formerly known as
8 the Resident's Hall Association at Georgia State
9 University. It is my job to ensure that I advocate on
10 behalf of the 5,000 students on campus, advocating on
11 behalf of their wants, their needs, and anything that we
12 may be able to provide to contribute to a positive
13 experience on campus. My responsibility to residents at
14 Georgia State University is quite similar to your
15 responsibility to the people of Georgia.

16 In Georgia, our election -- our local election boards
17 make important decisions like where you can vote early,
18 how much equipment and staff will be available on election
19 day, and where your polling locations will be. You are
20 responsible for organizing an election that works for all
21 people in the State of Georgia, and to be quite frank,
22 you're not doing that. Georgia needs a better system that
23 allows voters to cast their ballot from the comfort of
24 their own home and bring them to the polling location on
25 election day. As a full-time college student with two

1 jobs, I understand what it means to be busy. Standing in
2 line for hours like I did in 2018 waiting to vote will not
3 fit into my schedule, and I know this is true for
4 thousands of college students and working Georgians. Does
5 this mean that our voices do not deserve to be heard or
6 that our votes do not deserve to be counted?

7 Voting absentee is supposed to be an easy process,
8 but postal delivery, processing issues, and so much more
9 silence Georgia voters whose ballots are never received.
10 In order to prevent this issue, we yet again ask that you
11 allow voters to submit their absentee ballots on election
12 day with their ID to confirm that their vote will be
13 counted. Georgians don't trust your easily hackable
14 expensive machines, and why should we? The experts on
15 election security don't even trust these machines. Voting
16 absentee and delivering it on election day will allow
17 voters to cast their vote on hand-marked ballots they can
18 trust.

19 We understand the concern regarding such short
20 timing, and so, we demand that counties have an option on
21 whether or not to implement this rule in next month's
22 election, but we demand that it must be mandatory --
23 mandatory! -- in all counties by November. This will give
24 Georgians the increased accessibility that they deserve
25 and ensure that not only do they get to vote, but also

1 that their vote will be counted. Georgia deserves a State
2 Election Board that does not silence Georgia voters. We
3 demand that you do better. We demand that you do your
4 job.

5 MR. RAFFENSPERGER: George Balbona?

6 MR. BALBONA: Hey. I'm George Balbona. I'm a very
7 concerned Georgia voter. I would like to start by asking
8 why we have over a dozen empty chairs reserved for the
9 Secretary of State up front? No one is sitting there.
10 Are you allergic to your -- to your people? Okay.

11 A year ago to this very day Georgia Representative
12 Barry Fleming, the author of HB316, spoke with the State
13 Ethics Committee about HB316. Barry stated, "in the Bill
14 it's required that when the audit occurs that the audit is
15 eyes on paper, and you count what's written on there.
16 That's how the audit process is so important in this
17 because it provides that assuredness, I guess you would
18 say, that our voters need."

19 In stark contrast, Deputy Elections Director Kevin
20 Rayburn, this guy, told the same commission that with
21 current cryptographic technology, they can create an image
22 of every single ballot cast, and I quote, "we are pretty
23 certain no one has modified these images." That's not
24 good enough. You'll never hear me say this again, but I
25 agree with Barry on this. If the State Elections Board

1 approves democracy-killing rules which state that Georgia
2 is not going to look at the paper at all and instead rely
3 upon unverifiable QR codes, why the hell did we purchase a
4 voting system with paper at all? It's called bait-and-
5 switch.

6 A Georgia Superior court judge told me this week that
7 sunshine is the best disinfectant. I agree with that, and
8 I'd like to know why the State Election Board does not.
9 The SEB is actively attempting to break Georgia law in
10 order to hide post-election activities from Georgia
11 voters. Proposed rule 12-.12, tabulating results, states
12 specifically poll watchers and only poll watchers are
13 permitted to use photography after the close of polls.
14 This is flat out misdirection. Georgia election code 21-
15 2-406, public performance of duties of officials, states
16 superintendents, poll officers, and others engaged in the
17 conducting of primaries and elections held under this
18 chapter shall perform their duties in public. The SEB is
19 trying to take away the right to peacefully observe and
20 record post-election activities from the entire public and
21 is surprised we won't say thank you for giving that right
22 to no more than 25 poll watchers statewide. That is not
23 what anyone considers in public.

24 Last, we have a big problem with proposed rule 15-
25 .03, optical scan recount procedure, which states the

1 superintendent may designate a viewing area to which
2 members of the public are limited for the purpose of good
3 order and maintaining the integrity of a recount. My
4 problem stands from a Fulton County marshal evicting us
5 from the building and blatantly disregarding his commander
6 -- commanding officer. I submitted a complaint, 11 pages,
7 and I was told my Fulton marshals would implement
8 mandatory training regarding the rules of the election
9 process. This was never done, and I have the incredibly
10 lacking 15 slide PowerPoint presentation entitled "The
11 Do's and Don'ts's for Deputy Marshals Working Elections."
12 It mentions 21-2-413 that prohibits photography while
13 elections are taking place, yet it fails to mention 21-2-
14 406, a mere 7 codes and 8 pages away.

15 In short, I'm sick of all the State Election Board's
16 maneuverings to strip rights away from Georgia voters
17 under the guise of making things better for them. Do your
18 job, and by the way, I have got copies of what I handed to
19 them, and I also have an official SEB complaint which I'm
20 going to be giving to Frances.

21 MR. RAFFENSPERGER: Adam Hinchliffe, Jeanne Dufort,
22 Aileen Nakamura, Joy Wasson, Liz Throop.

23 MR. HINCHLIFFE: Good morning, ladies and gentlemen
24 of the Elections Board. My name is Adam Hinchliffe, and
25 I'm with the Center for the Visually Impaired, and we are

1 located in Atlanta, Fulton County, Georgia. Clearly,
2 there are some impassioned comments, so I'll keep my
3 comments rather brief. A lot of people in the visually
4 impaired community have already outlined to you some of
5 their concerns and critiques of the new system, so we're
6 just going to -- I'm going to limit my comments on the
7 proposed rule with the assistive technology devices.

8 The mission for the Center for the Visually Impaired
9 is to empower people impacted by vision loss to live with
10 independence and dignity, and clearly, a common theme that
11 we've all heard today is the ability to vote
12 independently. I just wanted to draw your attention to
13 the proposed rule 183-1-13-.02 -- I may have that a little
14 backwards, but I think you know the one that I'm talking
15 about. Clearly, we -- the rule, you've heard that some
16 consider it to be broad in nature. It's a first step. It
17 -- it allows blind and visually voters but also voters
18 with varying levels of print disability the ability to use
19 assistive technology devices to verify their vote
20 selection choices on the printed ballot, which is a change
21 from previous versions of voting. We think that's a good
22 step, but it's just the first step in a broader
23 conversation that we and others hope to have as this
24 process begins to unfold throughout the year, hopefully
25 culminating in a very smooth election in November.

1 The Secretary of State's Office issued a press
2 release this week, which altered my comments a little bit,
3 stating that -- in the press release and then in a
4 subsequent news report in the Atlanta Journal Constitution
5 -- that the Secretary of State's Office plans to expend
6 between 1 and 4 million dollars between now and the May
7 general election primary to ensure that all voting
8 precincts have a dedicated device with headphones that
9 will allow blind and visually impaired voters
10 specifically, but voters with print disabilities more
11 generally, the ability to independently verify the
12 selections made on the printed ballot before it's entered
13 into the vote -- the tabulation machine. We again think
14 that that's a good step, and we hope that the Secretary of
15 State's Office and the Elections Board will continue the
16 dialogue to ensure that all voters in Georgia regardless
17 of ability have the right and ability to vote
18 independently and securely. Thank you very much for
19 allowing me to address you.

20 MR. RAFFENSPERGER: Thank you, sir. Ms. Jeanne
21 Dufort, then Aileen Nakamura, Joy Wasson, Liz Throop.

22 MS. DUFORT: Good morning. My name is Jeanne Dufort,
23 and I'm a Georgia voter from Morgan County. An
24 inconvenient truth came to life this week in Sumter
25 County. When faced with a challenge over protecting

1 absolute ballot secrecy, local election officials got
2 serious about reconfiguring the early voting polling
3 place. Voting for the runoff election began Monday
4 morning with 6 voting booths lining the perimeter and
5 facing the center of the room. The lawsuit was filed
6 Monday afternoon. They reduced it to 4 and then 2 and
7 still could not protect absolute ballot secrecy in that
8 room. In the end, just 1 voting booth can be deployed in
9 a manner that fits the law as demanded by Judge Smith.

10 This story will be played out in polling places
11 across Georgia as counties prepare for election day on
12 March 24th. The problem is many polling places were
13 already filled to capacity with the old DREs. The
14 legislature didn't like the long lines of 2018, so they
15 made a law that says every precinct must have one voting
16 booth for 250 electors. That's a 35% increase in voting
17 booths on election day state-wide, and the new ballot-
18 marking devices are bigger than the DREs. On a 6-foot
19 table, you can only fit 2 of them instead of 3. They need
20 50% more space.

21 But the design flaw that exposes our vote? The state
22 advised counties to pull the booths away from the
23 perimeter and turn them to face the wall and spread them
24 apart, which also takes more space. When every polling
25 place is set up to protect absolute ballot secrecy and

1 allow anti-tampering monitoring, the real capacity of
2 polling places state-wide will be far less than what was
3 actually in polling places on election day in November
4 2018 and less than half of what is required by state law.

5 And yet, Secretary Raffensperger, you've told us over
6 and over again that lines should be less than 30 minutes.
7 We totally agree about that. It's appalling that we're
8 less than 4 weeks away before 1 million voters head to the
9 polls on March 24th, and this is where we are. Continuing
10 to deny the truth is a disservice to all Georgia voters.

11 MR. RAFFENSPERGER: Aileen Nakamura?

12 MS. NAKAMURA: Hello. My name is Aileen Nakamura,
13 and I'm a Fulton County voter. Three days ago at an
14 event, I asked the Secretary of State how he's going to
15 address a problem with the new oversized BMDs, ensuring
16 that voters have absolutely secret ballots while also
17 ensuring that the voting systems are always secure to
18 prevent tampering or hacking. The answer, given by him
19 and Georgia Election Director Chris Harvey, was absolutely
20 astonishing. Talking about ballot secrecy versus keeping
21 the election secure, I quote Mr. Harvey. He said, "I
22 don't think they're completely equal values. I think that
23 privacy is more important." Let me remind everybody that
24 the Secretary of State's motto is election security is our
25 top priority.

1 In rule 183-1-12-.11 part 4, it says BMDs must be set
2 up in a manner that ensures both the privacy of the
3 elector and the security of such units against tampering,
4 damage, or other improper conduct. Georgia code 21-2-
5 267(a) also says that BMDs must be arranged in a manner to
6 allow monitoring of the devices by the poll officers. And
7 yet, on Tuesday, Mr. Harvey, the Election Director,
8 actually said that this law does not mean that the
9 machines must be viewable by election officers all the
10 time, just when they're not occupied. Does that make any
11 sense?

12 This raises -- raises huge alarm bells for all
13 Georgia voters. Does Mr. Harvey, our Election Director,
14 really not know how easy it is for a person to hack a BMD
15 or printer if poll workers can't see what they're doing
16 behind a screen or a curtain? Or is he so desperate to
17 give voters ballot secrecy because of the recent lawsuit
18 that he's willing to sacrifice election security to do
19 that?

20 We voters just want to be able to vote knowing that
21 our votes are secure, secret, and will be counted as cast
22 without having to wait in long lines. If the Dominion
23 voting machines can't provide all of those things for
24 Georgia voters, then we beg you, please, send the machines
25 back. Dominion's contract says their system will uphold

1 all Georgia laws, and they do not. They don't even comply
2 with ADA compliance. They do not provide absolute ballot
3 secrecy, and so, because they don't, let's send them back,
4 let's get a big refund, and let's re-do the evaluation
5 process much more methodically and thoughtfully using the
6 time that's needed to do so. Counties are ready now to
7 use emergency hand-marked paper ballots that are secure,
8 secret, fast, and will even save tons of money, so,
9 please, do the right thing, and do what's best for Georgia
10 voters.

11 MR. RAFFENSPERGER: Ms. Joy Wasson, then Liz Throop,
12 then Safia Malin, and then Joseph Kirk.

13 MS. WASSON: Hi. I'm Joy Wasson, a DeKalb County
14 voter. The State gave counties layouts to address their
15 dilemma: how to fit in all new the equipment while
16 guaranteeing the right to absolute ballot secrecy and
17 observing the equipment to prevent tampering. The SOS
18 shouldn't downplay the need to observe the machinery
19 during voting. It's critical to security. In our
20 drawing, we've even enlarged the room a bit to fit a
21 scanner and a provisional voting station which their not-
22 to-scale drawing left out. Wheelchairs will have a near
23 impossible time angling around to a station. A poll
24 worker by the scanner blocks the door. If poll watchers
25 show up, where can they stand? In fact, this 23 by 18

1 room is bigger than many Georgia polling places. If the
2 precinct has more than 1000 active voters -- many do -- by
3 law they'll have to add another voting booth per 250
4 electors. Where could that possibly go?

5 The proposed rule to reduce election day machines
6 based on early voting is an attempt to go around the
7 mandated ratio because it's physically impossible in many
8 polling places to be legally compliant. This reduction of
9 equipment will cause long lines, which the ratio was
10 trying to avoid. Here's the SOS's alternate layout. It
11 only shows 3 voting stations, so it has more space for the
12 wheelchair, but it's still too crowded, and importantly,
13 people in line see how other people are voting.

14 A state judge told Sumter County this week, "I'm
15 dealing with the secrecy of the ballot, and it may be hard
16 to remedy." I'm sorry, guys, but it's your problem to
17 find a remedy. This Board and the Secretary of State
18 should give guidance to counties struggling with this.
19 Don't make them risk violating voters' constitutional
20 right to a secret ballot. Don't make them risk breaking
21 the rule that officials can see the equipment to guard
22 against mischief. Tell counties they can use hand-marked
23 paper ballots if they can't comply with these
24 requirements. That solves this dilemma.

25 MR. RAFFENSPERGER: Liz Throop, Safia Malin, Joseph

1 Kirk.

2 MS. THROOP: Thank you. I'm Liz Throop from Dekalb
3 County. There is a link between ballot secrecy and space
4 for machines. I observed pilot elections at Trinity
5 polling place in Lowndes County last December. The 18
6 voting machines filled the room, yet they were far short
7 of the 44 machines that should be provided for the almost
8 6,000 voters in that district. The room didn't provide
9 any privacy for voters, and there wouldn't be any way to
10 pull the machines away from the wall and turn them around
11 for more privacy. I've observed in several polling
12 places, and I know that many can't accommodate the
13 Secretary of State's suggested room arrangements for
14 privacy. That office has not been forthcoming about the
15 feasibility of their recommendations and now is trying to
16 manipulate how the machines are counted instead. Thank
17 you.

18 MR. RAFFENSPERGER: Ms. Safia Malin, Joseph Kirk,
19 Garlan Favorito, and Saira Draper.

20 MS. MALIN: Good morning. My name is Safia Malin,
21 and I live in Lawrenceville in Gwinnett County. I'm
22 submitting the following remarks on behalf of the Southern
23 Poverty Law Center's Action Fund. We at SPLC are
24 concerned about proposed restrictions around voter
25 registration by private entities and would like to join

1 and support the sentiments proposed today by other voters
2 concerned about the election machines.

3 First, I'd like to begin by addressing the proposed
4 provisions around voting registration drives in locations
5 where the primary purpose is the place -- of that place is
6 the sale and consumption of alcoholic beverages. Not only
7 is this definition vague, but we fear that further
8 limiting locations where groups can conduct voter
9 registration drives could set a dangerous precedent.

10 Community members, third party voter registration groups,
11 and political parties alike frequent parades, festivals,
12 and other large public outings where alcohol is sold to
13 reach potential new voters. We believe infringing on that
14 right in any way and the right of voters to register their
15 peers is undemocratic.

16 Further, we believe amending the rules of the State
17 Election Board to require private entities to inform all
18 new applicants about the registrations around voter ID
19 numbers is unnecessary. The official State of Georgia
20 application for voter registration clearly states that --
21 states the requirements around ID numbers in both the
22 instructions and again on line 5. The State Board of
23 Elections should be working in concert with community
24 groups to increase both voter registration and voter turn
25 -- mobilization, instead of implementing regulations and

1 red tape that hinders this process.

2 And then, more broadly, we'd like to state our
3 concerns about the implementation of the new voter
4 machines, and we join the chorus of concerned citizens and
5 other private organizations in this room and raise
6 concerns about security -- security and a number of other
7 issues. Considering the astronomical wait times that we
8 witnessed in the 2018 election, we strongly oppose any
9 proposals that would significantly limit or unnecessarily
10 decrease the number of emergency paper ballots and voting
11 machines available in each precinct on election day. We
12 ask that the State Board of Elections build on its
13 successes such as automatic voter registration and instead
14 work on re-enfranchising our returning citizen population
15 to ensure that all -- all eligible Georgians are able to
16 participate in direct democracy. Thank you.

17 MR. RAFFENSPERGER: Thank you. Joseph Kirk, Garlan
18 Favorito, Saira Draper, Edgardo Cortes.

19 MR. KIRK: Good afternoon. My name is Joseph Kirk,
20 the Elections Supervisor from Barton County. I'm here
21 today to speak in favor of the proposed recount rule.
22 Anyone who knows me knows that I'm very excited about
23 conducting audits moving forward. I can say right now my
24 staff will be conducting an audit for every election
25 moving forward before we certify, but a recount and an

1 audit are two different things.

2 We conduct a recount when the results are so close
3 that an error in tabulation could change the outcome,
4 usually because of voter intent on a hand-marked paper
5 ballots or similar to that. I'm fully comfortable with
6 those being conducted with the scanner because then we'll
7 go back later and look at the human readable text and
8 compare that to the results as part of the audit. Thank
9 you very much.

10 MR. RAFFENSPERGER: Thank you, Mr. Kirk. Garlan
11 Favorito, Saira Draper, Edgardo Cortes, Christine Price.

12 MR. FAVORITO: Thank you, Mr. Chairman. My name is
13 Garlan Favorito. I'm the co-founder of Voter GA. I have
14 a handout for you on the same rule you considered, rule
15 number 6 with the recount rule. As y'all know, 18 years
16 ago, I began advocating for verifiable, auditable, and
17 recount-capable voting. That was 3 months before the
18 current DREs were installed back in 2002. You know last
19 year that those were banned as unconstitutional for those
20 same reasons. They cannot verify, audit, or recount an
21 election properly. Legislators -- nevertheless, after
22 hundreds of people have joined us, members and other
23 Georgia citizens, to advocate for the same thing:
24 verifiable, auditable, and recount-capable elections, but
25 the legislators, as you know, gave us and the Secretary of

1 State's Office a 100% unverifiable voting system that
2 accumulates votes that are hidden in barcodes. Is there
3 anybody in this room that can verify their vote if they
4 cast it on this machine? Of course not. It's 100%
5 unverifiable.

6 Now, we've heard that you're going to take care of
7 this by audit procedures, yet you're not going to audit
8 the presidential preference primary. There's [sic] no
9 plans to audit state senate races, state house races,
10 county-wide races, judicial races, other non-partisan
11 races, or municipal races. So, and even on the races that
12 you're going to try to audit, the inventor of RLAs, risk-
13 limiting audit procedures, has said you cannot use those
14 properly for a BMD. So you have no audit procedures in
15 place that are going to work, you have an unverifiable
16 voting system, and now, we come to the recount procedure,
17 which according to the current way that it is written, is
18 going to rescan the unverifiable barcode. So essentially
19 that's going to reprint previous unverifiable results.

20 So this is a complete sham. How can you really
21 believe that this is proper? So I understand that the
22 Legislature and the Secretary of State's Office has
23 already disenfranchised us with unverifiable and not
24 auditable voting, but at least on rule 6, you can vote to
25 recount a race properly by -- by manually counting the

1 votes that the voter actually verified -- those summaries.
2 If you don't vote for that, you will be complicit, along
3 with the legislature and the Secretary of State, in
4 disenfranchising every -- almost every Georgia voter and
5 certainly everyone in the room. So again, I'm going to
6 urge you to -- that a recount has got to count verifiable
7 votes, not anything that is in a barcode. So for these
8 reasons and this sham, we urge you people to vote by mail,
9 and we'll be discussing the rest of the problems tomorrow
10 morning --

11 MR. RAFFENSPERGER: Thank you.

12 MR. FAVORITO: -- 9 o'clock in Marietta.

13 MR. RAFFENSPERGER: Ms. Saira Draper, Edgardo Cortes,
14 Christine Price, Jonathan Grant, Tracy Bryant.

15 MS. DRAPER: Good morning, everyone. My name is
16 Saira Draper, and I am the Director of Voter Protection
17 for the Democratic Party of Georgia. For the last 2
18 years, we have run a robust voter protection program,
19 assisting over 80,000 Georgians through the process of
20 voting regardless of political affiliation and advocating
21 on behalf of Georgia voters. I have two requests to make
22 of you today.

23 The first is that you ensure that each polling place
24 has enough equipment. This certainly goes for the BMDs,
25 the minimum number of which are required by statute, but

1 it also goes for the poll pads. Based on our
2 observations, the check-in process can take a very long
3 time. The result -- this results in a bottleneck at the
4 check-in. I saw sites where BMDs were getting unused
5 because the check-in was backed up. The number of poll
6 pads on site needs to correspond with the number of
7 registered voters, the way that BMDs do.

8 Second, I want to request an increase in the number
9 of technical assistants from Dominion who will be on site
10 at polling locations. Poll workers simply have not had
11 enough time to be adequately trained on the new equipment.
12 DPG has monitored two elections where the new equipment
13 was used, and in almost every polling place we monitored,
14 poll workers had issues with the new machines. We
15 observed every piece of equipment go down for some period
16 of time: the poll pads, the BMDs, the printers, and the
17 scanners. In many cases, the poll workers were unsure of
18 what to do, and voting was put on pause until a technical
19 assistant from Dominion could make their way to the
20 polling place and resolve the issue. We watched voters
21 leave the polling place because they didn't know when
22 voting would resume, and none of these voters who left
23 were offered an emergency backup ballot to vote on, even
24 though we were told that emergency ballots were available
25 on site. It is critical that every election -- that for

1 every election this year there is -- there is [sic]
2 Dominion technical assistants at each and every polling
3 location. It is not enough to have technical support on
4 call for these high turnout, state-wide elections. The
5 need for technical assistants will be critical beginning
6 next week.

7 As we all learned from 2018, long lines and other
8 delays contribute heavily to voter disenfranchisement, and
9 as the eyes of the nation turn to Georgia this year, we
10 cannot allow history to repeat itself. Thank you.

11 MR. RAFFENSPERGER: Edgardo Cortes, Christine Price,
12 Jonathan Grant, Tracy Bryant.

13 MR. CORTES: Good morning. I'm Edgardo Cortes. I'm
14 the Former Commissioner of Elections in Virginia, and I am
15 here on behalf of the Brennan Center for Justice, a
16 national non-partisan law and policy institute focused on
17 reforming and revitalizing our country's systems of
18 democracy and justice. We are appreciative of the efforts
19 that the Board has been taken [sic] -- has been taking to
20 continue to improve the processes and procedures here in
21 Georgia through this open dialogue and kind of continual
22 revisions to what's in place. We have provided extensive
23 written comments on this latest round of revisions,
24 including support for some of the amendments to certain
25 rules. I wanted to focus today on two rules.

1 The first is that we still have -- we continue to
2 have concerns about deviating from the requirement of
3 having one machine or voting booth per 250 voters. If you
4 take a look at our written comments, we've conducted an
5 analysis using available tools on throughput for polling
6 places provided by MIT and Caltech, as well as Georgia
7 voter registration and turnout numbers from previous
8 elections to show the Board the impact that reducing the
9 number of machines could have on wait times in small,
10 medium, and large jurisdictions here in Georgia. So we
11 encourage you to take a look at the significant increase
12 in wait times that could have been resolved simply from
13 shifting from 250 voters to 400 voters per machine, and we
14 took into account early vote numbers in Georgia, and so we
15 do encourage you to stick to the 250 voters per machine.

16 The second thing I would like to discuss is that we
17 are firstly, appreciative of the fact that you have for
18 the first time provided a minimum number of emergency
19 paper ballots here in Georgia, and so you set the
20 threshold at 10%. It is the first time there is a
21 specific, minimum required number of emergency paper
22 ballots for Georgia. We do believe that that number
23 should be increased. Again, we have provided an analysis
24 looking at prior Georgia turnout numbers and registration
25 numbers to -- to show that we believe a 25% minimum is

1 really what should be required for emergency paper ballots
2 in the state.

3 This will ensure specifically since you have now
4 added a requirement, which we applaud, that if lines start
5 to exceed 30 minutes, that baseline that you've set, that
6 voters will be allowed to use emergency paper ballots,
7 that in those instances because of the potential increased
8 use of the emergency paper ballots and also the first time
9 this equipment is being fielded that having a 25% minimum
10 would be the best approach this year as you're preparing
11 for the largest turnout in the four-year cycle. So thank
12 you very much.

13 MR. RAFFENSPERGER: Thank you, sir. Christine Price,
14 then Jonathan Grant, then Tracy Bryant.

15 MS. PRICE: Good morning. I'm a student here at
16 Georgia State and a voter for Fulton County, and I'm here,
17 like many others, to discuss the new voting machines.
18 2020 is an important year for Georgians. We are electing
19 a new president, two US senators, state representatives,
20 and many local elected officials. I'm here this morning
21 to raise concerns on behalf of Georgians and ask the State
22 Election Board and the Secretary of State to do its job
23 and prepare for the 2020 elections.

24 Georgia is attempting to implement an entirely new
25 voting -- voting system during a presidential election

1 year. The State Elections Board should do everything in
2 its power to ensure that Georgians who choose to vote from
3 the comfort and privacy of their home can do so, rather
4 than stifling third parties that are dedicated to
5 increasing voter participation. Requiring absentee ballot
6 forms to be substantially in the same form as the
7 Secretary of State's application creates an unnecessary
8 burden on the applicant and does not solve a legitimate
9 problem.

10 If and when these election systems fail, the onus
11 should not be on the voter. Poll workers must be equipped
12 and required to offer voters provisional ballots and
13 redirect them to their proper precinct location if
14 practical. Given that this is a new election system and
15 will be unfamiliar and confusing to new Georgia voters,
16 the section requiring -- or, sorry, section directing poll
17 workers and [sic] verbally instruct every voter to review
18 their ballot and alert a poll worker if any changes need
19 to be made provides clarity and helps ensure every vote is
20 counted and should not be removed.

21 The State is expecting a record turnout at the polls
22 in 2020. The State Elections Board should be following
23 the guidelines in HB316 for the required number of voting
24 machines in each precinct. Rule 138-1-13-.01 is not in
25 compliance with 316, as it allows polling places to be

1 used instead of precinct. When requiring the number of
2 voting booths or enclosures available to electors in a
3 precinct, the calculations shall provide a minimum of at
4 least one voting booth or enclosure for each 250 electors
5 therein or a fraction thereof.

6 The Board should also clarify if the new requirement
7 that a circulator -- circulator notify the voter to use
8 the driver's license number will be included in the state-
9 created poster for third party registration drives and
10 that an employee displaying -- and that displaying each
11 poster will meet the notification requirement. With that
12 being said, thank you for providing us the time to speak
13 in front of you this morning, and I especially want to say
14 thank you to the counties who are working tirelessly to
15 ensure free and fair elections. Have a wonderful day.

16 MR. RAFFENSPERGER: Thank you. Jonathan Grant, Tracy
17 Bryant, Sarah Tindall Ghazal, Danny Hosley -- Housley,
18 Elisa Goldklang, and Gaylon Tootle.

19 MR. GRANT: Good morning. Thank you for allowing me
20 to speak today. My name is Jonathan Grant. I'm a DeKalb
21 County voter. I run a blog called Brambleman. I've been
22 monitoring the DeKalb Board of Elections for the past
23 three years. I'm also a former state governance spokesman
24 for an agency that has faced public hostility, so I feel
25 for you today. I used to work for the Public Service

1 Commission.

2 My problem is -- I wrote about the rules in sending
3 in my comments and all that, but I have a different
4 problem that I don't think anybody is addressing. It's a
5 structural problem, and I think it comes from my
6 background as a state government official. We have a
7 problem in DeKalb County with an ethics board. The way
8 that it was set up was declared unconstitutional. It was
9 a slam dunk, 8 to nothing, just about absolutist --
10 actually absolutist Supreme Court opinion that said it
11 could not be constituted with members that were picked by
12 non-public entities. In other words, everybody that sits
13 on these agencies should under the Georgia Constitution be
14 put in there by an elected official or an elected body.

15 Now, I think that there should be some alarm bells
16 going off in your heads right now because we have a non-
17 zero number. I checked through about 7 of the county
18 elections boards, and I found enough to tell you there is
19 definitely a non-zero number. I wouldn't be surprised if
20 it ran up to 50, 60, maybe even more, give or take, boards
21 that are picked mainly by the Democratic and Republican
22 parties. I don't have a problem with the Democratic and
23 Republican parties nominating members for the boards.
24 That's probably the best place to get them, but if they
25 are not ratified by an elected official -- in DeKalb

1 county that was fixed, by the way, because Samuel Tillman,
2 the Chairman of the DeKalb County Board of Elections who
3 has connections within the legislature moved through
4 immediately to get a fix for DeKalb County. I brought
5 this issue up to the DeKalb County delegation. They say
6 yeah, it's an issue, but, you know, it's not in DeKalb
7 County anymore. It's a local government issue, and most
8 of these issues are made through the legislature through
9 local legislation.

10 I'm bringing it to you to tell you that you may have
11 about 50, 60 boards out there that are illegal. That
12 makes every decision that they make illegal structurally,
13 no matter how good or bad it is, and they are subject to
14 challenge on everything from hiring, staffing to
15 certifying elections. In other words, the whole system
16 could get kneecapped just by some lawsuits that cite an 8-
17 0 Supreme Court decision. You could have to do -- redo
18 some elections. You might have to have a special session
19 of the Georgia General Assembly. At any rate, I'm telling
20 you this because nobody else, I think, is telling you
21 this. I could be wrong. I hope I'm wrong. Prove me
22 wrong, but the crossover day is March 12th. There's some
23 boiler plate out there. I suggest you get it fixed.

24 MR. RAFFENSPERGER: Thank you. Tracy Bryant? Oh,
25 okay. Sarah Tindall Ghazal?

1 MS. GHAZAL: Good morning. My name is Sarah Tindall
2 Ghazal, and I'm a Cobb County voter. I was also the Voter
3 Protection Director for the Democratic Party of Georgia
4 for 2 years, and I was a part of -- or an audience member
5 at the very least -- of every hearing during the
6 discussion of House Bill 316, which is the bill that forms
7 the legal basis for our new system. Continually, the
8 discussion of House Bill 316 discussed the new voting
9 system in terms of the verifiability and the fact that
10 paper ballots are an improvement because there is greater
11 trust in a system when voters can verify what that is,
12 what their vote is. And that was -- that was the
13 justification for the system.

14 The problem with the regulation that's been proposed
15 for recounts is that it bypasses that entirely by using
16 solely a machine-tabulated recount. I do not suggest that
17 we look at a hand recount. Study after study has -- has
18 demonstrated that hand recounts are notoriously
19 unreliable. In the absence of the public seeing the
20 regulations for audits, however, it's entirely unclear
21 whether or not races that are subjected to recounts on
22 these tabulators will also be subjected to audits. I
23 would like to respectfully request that you consider
24 adding a mandatory audit for any race that goes to
25 recount. That is the only way to verify that machine

1 tabulations are accurate.

2 In the absence of that, simply running what is
3 essentially another verification by running -- running a
4 set number of ballots through the tabulator first, that
5 can easily be defeated by a code. That's -- that is the
6 whole purpose of robust audits, so I suggest that that be
7 added to the regulation, whether that gets added to the
8 recount regulation or the audit regulation. It is
9 absolutely critical for -- for trust and for verification
10 that all of these races actually are audited. Thank you
11 very much for your attention.

12 MR. RAFFENSPERGER: Thank you. Danny Housley, Elisa
13 Goldklang, and Gaylon Tootle.

14 MR. HOUSLEY: Hello. I'm Danny Housley. I'm a
15 voter from Fulton County. I'm here to comment on the
16 proposed assistive technology rules. Although I'm in
17 favor of people with disabilities being able to bring
18 their own technology to their polling locations, it is
19 something that shouldn't be required. A person without a
20 disability only has to bring their ID and their body to
21 show up and vote. I'm also concerned with people that
22 work the polling locations being properly advised of what
23 is assistive technology. When we look at the definition,
24 it's any item, piece of equipment, or product system,
25 whether acquired commercially or off the shelf, modified,

1 or customized to increase, maintain, or improve functional
2 capability of a person with a disability. That is a broad
3 range of equipment. That is a broad range of things,
4 whether it is something that somebody has made themselves
5 with a 3D printer, something that's made out of corrugated
6 cardboard, or something that is a computer, a telephone,
7 or a tablet device. I don't have faith that a lot of the
8 poll workers are going to be properly advised of what is
9 going to qualify as assistive technology, and it could
10 cause problems.

11 As the ADA is turning 30, we shouldn't still be
12 struggling to get basic ballot access and basic access to
13 our polling locations. That is all I have. Thank you.

14 MR. RAFFENSPERGER: Thank you, sir. Elisa Goldklang,
15 Gaylon Tootle.

16 MS. GOLDKLANG: Hi. My name is Elisa Goldklang, and
17 first I'd like to thank you for your service. My father
18 served in Vietnam, my grandfather in World War II, and
19 civil service is just as important. My three concerns are
20 privacy, security, and fiscal responsibility. These are
21 issues that typically Republicans have been, you know,
22 promoting.

23 At the -- you know, I'm in Cobb County, and I went,
24 you know, and voted, and I asked the poll worker who was
25 in charge of the tech, who had been trained, if our votes

1 and the e-poll books were safe at the polling locations,
2 and he assured me they were because they weren't connected
3 to the Internet. And in fact, he showed me his phone and
4 said they're connected via Bluetooth, and you have to be -
5 - you have to be invited in. Now, I sent this picture,
6 which he gave me permission to take, to my 21-year old at
7 UGA and my 17-year-old in high school, and I got back the
8 most laughing emojis I've ever seen. They said, oh my
9 god, Mom. Bluetooth is the easiest thing to hack. It's
10 called bluejacking. You can Google it.

11 So I am seriously concerned because the record of the
12 Secretary of State in terms of our privacy, in terms of
13 our Social Security numbers, in terms of our driver's
14 license numbers is very poor, and, you know, in 2015 and
15 2017 somehow 6. -- 6 million and 7.5 million respectively
16 voters' personal data was released from your office or
17 breached.

18 Now, in Judge Totenberg's courtroom, the person in
19 that diamond who was in charge of security said oh no,
20 everything's secure. Our computers are air gapped, and
21 then the lawyer asked him, do you send emails on that
22 computer? Do you go on the Internet on that computer? He
23 replied yes, and the laughing began because even I'm an
24 old Gen X, and I know that's not air gapped.

25 So the other issue with security and safety is he

1 also told me that the batteries weigh, like, 80 pounds for
2 these machines, and they need one for, like, every 2. My
3 concern is a lot of these places are small, like even a
4 club house. Are they going to blow the fuses of these
5 places with an 80 lb battery, multiple ones of those? I'm
6 very concerned about that, and in light of that, you
7 really need to have, you know, hand-marked paper ballots
8 as a back-up.

9 The other thing is fiscal responsibility. For Cobb
10 County, I have read that our annual fees will be \$300,000
11 or more for updates. I mean, I get Microsoft updates. I
12 get Apple updates, and I'm not paying anything. I'm like,
13 what are we paying all this money for? And then, I looked
14 up the company Dominion to find out who owns them. It
15 says a private equity firm. I mean, good Lord, who are we
16 sending our money to? We work hard for it. You know,
17 who's getting all this money? I mean, hand-marked paper
18 ballots, I know they're a pain. I know people hate to do
19 it, but they're safe and secure, and they're really what
20 we need in the 21st century. Thank you.

21 MR. RAFFENSPERGER: Thank you. Gaylon Tootle?

22 MR. TOOTLE: Thank you. First and foremost, we in
23 the blind community, in the different abilities community,
24 we told you that these machines weren't going to work.
25 You chose to choose Dominion anyway, so now, here's where

1 we are. First of all, they're ADA non-compliant, and I'm
2 not going to -- I'm depressed -- I'm sorry. I'm from
3 Richmond County, home of Lynn Bailey. I am the Vice
4 President of the National Federation of the Blind of
5 Georgia, and I work for Walter Knopkins as the Advocacy
6 Coordinator.

7 We feel that -- I'm not going to go into the machines
8 as much. My blind cohorts, they've basically put it out
9 there for you, but I will also say along with what Danny
10 said that when I go to vote, all I should need is my ID
11 card and perhaps my voter registration card. Having come
12 from a small town in rural South Georgia and having been a
13 very active person in that community, I can see issues of
14 -- for people going in with their electronic devices. If
15 you have a problem with me, and you work at the polling
16 place, you may tell me that my device is not acceptable,
17 and then, we have rules on the books that have been passed
18 legislatively, and we are talking about possible rule
19 changes here through this Board. I know -- I feel
20 confident that that message may not get down to Tatnell
21 County, which is where I'm originally from. So no, that's
22 a Band-Aid. It's not acceptable. The voting process
23 should be totally the responsibility of the Secretary of
24 State's Office and you guys. I should not be responsible
25 for bringing anything else with me to the polls.

1 I would like to also say that we out here in the
2 body, we know that voter suppression is real in the State
3 of Georgia. We know that, and you guys have an
4 opportunity to not be a part of that by coming up with
5 rules and laws so that we can go into the polls and
6 effectively vote. I hear a lot of talk about paper
7 ballots. What am I going to do with a paper ballot?
8 Technology for us in our community is paramount. It
9 levels the playing field, so whatever decisions that we
10 come up with, they have to be undergirded with assistive
11 technology and technology provided by the voting place.
12 We encourage you to reconsider. We encourage you to get
13 out in front of this and do the best you can, and probably
14 the best solution is to send those machines back to
15 Dominion and start over. Thank you.

16 MR. RAFFENSPERGER: Okay. Thank you, sir. That
17 concludes our public comments. The next on the agenda is
18 the presentation of the rules petition. There's 20
19 minutes allocated for that, but before we do that, if we
20 could take a 10-minute recess. Would that be --

21 MR. WORLEY: That's fine.

22 MR. RAFFENSPERGER: Or would you like to comment on
23 the discussions we just had first, Mr. Worley?

24 MR. WORLEY: No. The only thing that I would like to
25 do is to make a motion that we accept the written comments

1 that were presented by the speakers into the record.

2 MR. RAFFENSPERGER: Do we have a second?

3 MS. SULLIVAN: Second.

4 MR. RAFFENSPERGER: Do we have any discussion of
5 that? Hearing none, all those in favor of putting those
6 into the public record, signify by saying aye.

7 THE BOARD MEMBERS: Aye.

8 MR. RAFFENSPERGER: Any opposed? Motion carries.
9 That will be put into the public record. We'll take a 10-
10 minute recess. Be back in 10, and then, we'll have the
11 presentation of the rules petition for 20 minutes.

12 (Meeting in recess)

13 (Meeting resumes)

14 MR. RAFFENSPERGER: Ms. Jeanne Dufort? And I think
15 you're going to have a few other folks come up with you.

16 MR. RAYBURN: Over here.

17 MR. RAFFENSPERGER: Okay. We will allocate 20
18 minutes for the presentation. Okay. You're on.

19 MS. MARTIN: Give me a second. I'm getting out my
20 notes. Okay. I will be speaking on proposed rule number
21 one, protecting ballot secrecy. My name is Rhonda Martin,
22 and I live in Atlanta.

23 There's a saying in business that even though you
24 always want things faster, better, and cheaper, you can
25 only pick two of the three. With Georgia voting, we have

1 three legal requirements: one, to provide the voter
2 absolute ballot secrecy; two, to ensure the machines are
3 secure from tampering; and three, to control wait times by
4 providing one voting machine for every 250 voters. I am
5 afraid that given the size of existing polling places, the
6 counties can only achieve two of those three requirements
7 simultaneously. At this point, it is too late to find new
8 polling places for the presidential preference primary or
9 the May elections. So which law will the counties be
10 forced to violate?

11 With respect to law number one, providing absolute
12 ballot secrecy, on Wednesday Judge Rucker Smith, Chief
13 Judge of the Southwestern Circuit of Georgia presided over
14 an emergency hearing on this very subject. The judge was
15 very clear that absolute ballot secrecy is the law.
16 Period, full stop. Further, it is clear that the
17 Secretary of State is trying to figure out how to provide
18 ballot secrecy. Although we appreciate his recent
19 suggestions of preferred precinct layouts and recognize
20 that parts of the recommended layouts may help a bit, they
21 still do not provide absolute secrecy.

22 Now, on to law number two, ensuring the machines are
23 secure from tampering. SEB rule number 183-1-12-.11, part
24 4 states that the electronic ballot-markers shall be set
25 up in a manner to assure the privacy of the elector while

1 casting his or her ballot while maintaining the security
2 of such units against tampering, damage, or improper
3 conduct.

4 Let's think about what tampering, damage, or improper
5 conduct looks like. Someone might unplug a cord and then
6 plug it back in. They might remove the security tag, open
7 the door to a USB drive, remove it, and possibly replace
8 it with something else. They might put their driver's
9 license in the card -- in the slot where the voter card is
10 supposed to go. All of these things would occur when a
11 voter is interacting with a BMD hidden behind the privacy
12 screens. Poll workers must be able to monitor the
13 components of the voting system while voters are
14 interacting with them. Tampering is a contact sport. If
15 you can't see the voters' hands or the vulnerable areas of
16 the equipment, you can't maintain the security of the
17 units. Checking the machines from time to time when
18 voters are not around is like shutting the stable door
19 after the horses bolted. The damage has already been
20 done.

21 On to law number three: one voting machine shall be
22 provided for every 250 electors. There is no question
23 that the new voting system requires more space than the
24 DREs did. After all, each BMD is accompanied by a
25 printer, so even ignoring the other associated equipment,

1 more space will be required to accommodate similar numbers
2 of voting stations as provided in 2016 and 2018. Do you
3 remember the long lines from those elections? Again, we
4 are stuck with the polling places and dimensions we
5 currently have. For Harry Potter fans, the polling places
6 are not like Hermione's bag that can magically hold
7 everything she placed in it.

8 I've spent time observing the use of the Dominion
9 system in Colquitt, Dooly, and Sumter counties, during the
10 HD171 and SF13 special elections. I saw stand-alone
11 cinderblock buildings which serve as dedicated voting
12 precincts. Please refer to the photos I have provided.
13 Those are of the Chambliss precinct in Sumter County.
14 There, the poll manager was so concerned -- please, look
15 at them. Look at what these buildings look like.

16 MR. MASHBURN: I have them.

17 MS. MARTIN: What?

18 MR. WORLEY: We already have.

19 MR. MASHBURN: We have. We've looked at them.

20 MS. MARTIN: Well, okay. Okay. There, the poll
21 manager was so concerned about the ability to see
22 electors' votes that she took the initiative and turned
23 two of the BMDs to the wall. This was before receiving
24 guidance from the Secretary of State. She felt bad that
25 she was unable to do anything with the BMD station

1 designated for handicapped voters, but there just wasn't
2 room for a wheelchair to maneuver between the BMDs and the
3 wall. Bottom line: we haven't solved the absolute ballot
4 secrecy problem, we haven't solved the machine security
5 problem, and we haven't figured out how to fit everything
6 in the available space.

7 Our proposed rule address this. In the event that
8 ballot-marking device touchscreens cannot be reasonably
9 positioned to ensure both ballot secrecy and monitoring of
10 each component by poll officers, the superintendent of
11 elections shall require the use of hand-marked paper
12 ballots and provide privacy screens or other voting
13 conditions, so as to ensure the absolute secrecy of the
14 hand-marked ballot. I hope that you were carefully
15 consider this proposed rule as providing a way to satisfy
16 the applicable laws in the short term, giving counties
17 time to explore and create acceptable long-term solutions.
18 Thank you.

19 MS. DUFORT: Good morning. My name is Jeanne Dufort.
20 I'm a member of the Coalition for Good Governance, and I'm
21 the first Vice Chair of the Morton County Democratic
22 Committee. I'm speaking first to rule two. Electronic
23 poll books are great. When they work, they can process
24 voters quickly, and they can update records in real time,
25 but for too many voters, they have not worked. E-poll

1 book glitches accounted for an alarming number of the
2 50,000 calls received by the Voter Protection Hotline.

3 Senator -- State Senator Jasmine Clark has told you
4 in previous meetings and testified in federal court about
5 her experience during the November 2018 runoff when she
6 was told she was at the wrong polling place during the
7 check-in process. As a candidate, she knew exactly where
8 she was supposed to cast her ballot, and she stood her
9 ground. After many minutes, tying up poll staff and some
10 phone calls, the issue was mysteriously resolved. Many
11 voters are not so lucky.

12 We propose that on election day any voter who appears
13 at the polling place listed on the voter's MyVoter page
14 and is not found in the electronic poll books will be
15 considered an eligible voter at that location and will be
16 allowed to cast a regular ballot in that location. We
17 propose cross checks, of course. We would like poll work
18 -- officials to be able to independently verify the
19 MyVoter page information using a county-owned, Internet-
20 connected device and verify that the voter is otherwise
21 eligible to vote. This rule will reduce the need for
22 provisional ballots which are time-consuming for staff to
23 process and create risk to the voter that their vote may
24 not be counted.

25 Voters are routinely instructed to determine their

1 polling location, look at their ballots, and other things
2 based on the MyVoter page. Following such instructions
3 should not disenfranchise them or cause them to cast a
4 provisional ballot when election records don't match.
5 Casting a provisional ballot is a burden on a voter that
6 should not be caused by discrepant state records nor
7 should the voter be required to go from place to place to
8 voter if they've used information on the Secretary of
9 State's MyVoter page. Rule two provides an inexpensive
10 and efficient means of protecting voters and election
11 integrity, reducing staff work, and preventing
12 disenfranchisement of voters. We hope you consider it.

13 Now, I'll speak to our third rule -- and we felt like
14 the last time we'd take questions at the end. We'll
15 present all the rules, and if you've got questions, we'll
16 handle that. Rule three is about absentee mail ballots.
17 Demand for absentee mail ballots soared to record heights
18 in 2018 general elections, and problems in processing them
19 resulted in lawsuits and some changes in the law. I would
20 also say uneven treatment of voters: some counties were
21 fabulous at processing absentee ballots, and other
22 counties, not so much. Disparate treatment is not a fun
23 thing in elections.

24 We're proposing a rule that will reduce
25 administrative handling while increasing voter certainty

1 that their votes have been accepted. This rule allows
2 voters who choose to deliver absentee mail ballots to any
3 location at which they would be eligible to vote in
4 person. We propose a phase-in schedule: make the rules
5 mandatory state-wide by November 2020 but permit counties
6 to adopt it earlier if they wish. The rule designates an
7 absentee ballot clerk in each early and election day
8 polling place, giving voters the option of delivering
9 their absentee mail ballot at any place they would be
10 eligible to cast their vote in person. Upon presentation
11 of proper ID and verification of eligibility through the
12 standard check-in process, their ballot would be accepted
13 with no further review.

14 Election officials we've discussed this with are
15 enthusiastic in their support, and in December, this Board
16 indicated support for the concept but reservations about
17 the timing. Our proposal comes to you modified for a
18 November roll-out for that reason.

19 Allowing election workers to accept voters' absentee
20 ballots at early voting locations and at election day
21 precincts is a win-win for all. For voters, it eliminates
22 the risk of mail delivery and having a ballot rejected for
23 minor discrepancies, and for election officials, it
24 reduces the office work of mail ballot envelope
25 verification and associated ballot rejections and cures.

1 This change will provide voters who wish to vote a paper
2 absentee ballot at home the opportunity to cast their
3 ballot at their home precinct on election day with the
4 advantage of the latest election information. This change
5 will permit voters who have visual or dexterity difficulty
6 with computer screens and operations to vote their ballots
7 with paper and pen at home and cast it on election day in
8 their home precinct. Best of all, an increase in absentee
9 mail ballots reduces voting lines for check-ins and BMDs
10 at the polling place, which will help everyone have a
11 better voting experience. In short, adopting these new
12 election rules strengthens civic participation in our
13 democracy, and everybody wins.

14 MS. NAKAMURA: Hello, again. I'm Aileen Nakamura
15 from Sandy Springs. I'm speaking to proposed rule four,
16 which is an amendment to add the definition of a vote for
17 ballot-marking devices. So the SEB has yet to define what
18 constitutes a vote, and right now, Georgia is holding
19 elections in violation of both state and federal laws that
20 require such a definition in each new voting system prior
21 to the conduct of an election using the new system. We
22 have already started elections using the new system.
23 There is no definition of what constitutes a vote.

24 Both OCGA 21-2-31 part 7 and 52 USC 21-0-81 part A,
25 part 6 mandate that it shall be the duty of the State

1 Election Board to promulgate rules and regulations to
2 define uniform and nondiscriminatory standards concerning
3 what constitutes the vote and what will be counted as a
4 vote for each category of voting system used in this
5 state. Without this mandatory determination, election
6 controversies are sure to occur.

7 There are other laws you must consider. OCGA 21-2-
8 498 requires that the post-election audits be performed
9 using manual recounts, which obviously means manually
10 counting the human-readable text printed on the ballot
11 cards. If human-readable text is the official vote for
12 auditing purposes, it follows that it must constitute the
13 official vote for all counting purposes. To count
14 barcodes as the official vote for some contests, those
15 that are not audited, and then the human-readable text as
16 the official vote in other contests invites a host of
17 legal problems.

18 Secretary Raffensperger talks about how safe it is to
19 use barcodes, and I think he likes to use the analogy of
20 how Homeland Security has used barcodes on our boarding
21 passes at airports. Sure, but I still can't read that
22 barcode, and I depend on the human-readable text telling
23 me where to sit, and I'm really not worried about somebody
24 hacking my seat assignment. But if a barcode was going to
25 fly the plane, I don't think we would get on that plane.

1 The Help America Vote Act requires that voting
2 systems permit the voter to verify the votes selected by
3 the voter on the ballot before the ballot is cast and
4 counted. Since humans can't read barcodes and therefore,
5 can't verify barcodes, this federal law points to the fact
6 that the human-readable text must be the official vote.
7 Also, OCGA 21-2-397-.22 provides no electronic-ballot
8 markers shall be adopted or used in primaries or elections
9 in this State unless it shall at the time satisfy the
10 following requirements. Part 6 says produce a paper
11 ballot which is marked by the elector's choices in a
12 format readable by the elector.

13 The phrase choice made by the voter is the standard
14 terminology in Georgia election code to define what
15 constitutes a vote. The General Assembly has instructed
16 that the format readable by the voter be the official
17 vote. There can only be one official vote. Legally, you
18 simply cannot have a barcode be the official vote for some
19 counts and the human-readable vote be the official vote
20 for others.

21 Since the official vote must be consistent between
22 the initial official count, any recount, and any post-
23 election audit, we strongly urge the State Election Board
24 to adopt our proposed rule 4, which reads, "for a vote
25 printed by an electronic ballot-marking device on a ballot

1 summary card and cast on an optical scanner, the human-
2 readable text shall be the choice made by the voter."

3 Thank you.

4 MS. THROOP: Hi, again. I'm Liz Throop, and I'm a
5 member of the Coalition for Good Governance. You've no
6 doubt received a deluge of comments about the proposed
7 recount rule, and we've heard a lot of passionate comments
8 about it today. You may already have plans to modify it
9 or even withdraw the proposed recount rule, so I'll be
10 brief. With proposed rule number six, we are offering
11 ways to modify that recount rule to minimize two of the
12 more problematic features.

13 First, public observation of recounts must be
14 meaningful. Public oversight is integral to building
15 trust in elections. Over the past month, it's been my
16 privilege to observe elections across Georgia. It's been
17 a delight to meet election workers and officials who are
18 doing their very best to run elections in a fair and
19 efficient way, but I hope you'll trust me and believe me
20 when I tell you that public observation is more effective
21 in some counties than others because of barriers some
22 counties put in place that prevent effective observations.
23 This must end, and rules must enable public observation
24 for recounts where the stakes are very high.

25 Second, because most of Georgia's ballots are printed

1 by machine and not marked by hand, it's critical that any
2 -- for any election to have a meaningful recount, it must
3 be proceeded by a meaningful audit. You'll be introducing
4 proposals for audit rules later this morning, but I'll
5 wager you're not proposing audits for every election.
6 This proposal is very straightforward. If an election is
7 close enough to warrant a recount, there must be a
8 thorough audit prior to the recount.

9 Another proposed rule, rule five, contains the
10 retention of memory cards covered in 183-1-12-.13(c).
11 Electronic data on memory cards is a key election record
12 and should not be destroyed prior to the 24-month
13 requirement under federal law. If there is the potential
14 of electronic tampering, evidence can be present on the
15 memory cards that is preserved nowhere else in the system.
16 The proposed rule also states that after the period for
17 requesting a recount has expired, memory cards may only be
18 used -- may only be re-used after taking all necessary
19 cybersecurity hygiene precaution. Thank you.

20 MS. DUFORT: So if there are any questions about any
21 of our rules, we'll be happy to field them.

22 MR. RAFFENSPERGER: Okay.

23 MS. DUFORT: Thank you.

24 MR. RAFFENSPERGER: Thank you. Mr. Germany?

25 MR. GERMANY: Thank you, Mr. Chairman. I've -- I've

1 got a few things that I can -- let's see. Let's see how
2 you want me to handle this. I can speak to -- just to
3 give a little background, the Rules Working Group of this
4 Board met last Friday to go through the comments received
5 for today's meeting for the rules that we're going to
6 consider today to come up with some additional rules that
7 we're going to recommend to be posted today, and also, we
8 went through the rules petition as well that Ms. Dufort
9 just presented.

10 MR. RAFFENSPERGER: And then, we have some, probably,
11 some new people here that haven't been at previous
12 meetings, so on the Rules Working Committee, can you just
13 let the audience know who those members are?

14 MR. GERMANY: Sure. So the Rules Working Group
15 consists of myself, Mr. Rayburn, and Chris Harvey from our
16 office, as well as Jordan Fuches. She's the Deputy
17 Secretary of State. From the State Election Board, Mr.
18 Worley and Ms. Sullivan, who was out of town. Ms. Le was
19 also tied up, so our new member Matt Mashburn filled in on
20 the Rules Working Group, as well as Lynn Bailey, who is
21 the County Elections Director in Richmond County.

22 MR. RAFFENSPERGER: Thank you.

23 MR. GERMANY: Should I first speak to the petition?

24 MR. RAFFENSPERGER: What is the will of the Board:
25 speak to the petition, or do you have a preference?

1 MR. GERMANY: I'd go to the petition first because --

2 MR. RAFFENSPERGER: Okay.

3 MR. GERMANY: -- we're doing some things later that I
4 think are based on some of the concerns they bring up --

5 MR. RAFFENSPERGER: Okay. Please do that.

6 MR. GERMANY: Their first rule about protecting
7 ballot secrecy -- again, that is a major concern. I
8 believe that the guidance the Secretary of State's Office
9 has sent out, as well as, many counties are using third
10 party solutions that they're buying to help that -- to
11 help that process. The court, there was a court case, as
12 the presenters mentioned, in Sumter County. The judge
13 found that you could use the machines and still protect
14 voter privacy, and I think that's consistent with what we
15 see as well, so I would recommend -- and I would say, you
16 know, in addition to the potential layouts that Chris
17 Harvey sent around to the counties, I think we're
18 preparing some additional guidance to send to the counties
19 along those same lines, along with some simple -- some
20 other options that they can do to provide for privacy.

21 I will -- I don't think it's correct that -- I think
22 it's correct what we said that you can turn the machines
23 around. Poll workers, I think, still have access to see
24 what they need to see, especially with the rule that we're
25 -- that I'm going to recommend we adopt today that we

1 posted last time, in that we're now requiring a poll
2 worker not just stationed at the scanner, but another poll
3 worker to be available for voters with questions in the
4 enclosed space, so it's kind of a roving poll worker in
5 the enclosed space, which is a new requirement. So I
6 think that will help, you know, where they can see, you
7 know, what's going on despite how the -- which direction
8 the screen is facing.

9 MR. RAFFENSPERGER: Okay.

10 MR. GERMANY: Proposed rule number two, permitting
11 voting through the MyVoter page published precinct: so the
12 MyVoter page website and the data that loaded into the
13 poll pads both come from the same place, so there should
14 not be a discrepancy in those two places. Frankly, if
15 there is, I would have more trust in the data that's
16 loaded on the poll pad that comes straight from the voter
17 registration system. I don't think that's something we
18 need to do in terms of adding a new thing for poll workers
19 to check on election day.

20 Mail ballots returned to polling places: I think as -
21 - similar as to where the Board was the last time this
22 proposal was made -- I think that's something that we
23 should look at. I think the most prudent course of action
24 is not to do something like that this election cycle, even
25 waiting until November. There's other things to consider.

1 You know, some states instead of allowing you to drop it
2 off at polling places use drop boxes, you know, and one of
3 the benefits of absentee ballots is the voter does not
4 have to go to the polling place, and that's less people in
5 the polling place on election day which is helpful for
6 getting more people through, so -- yes, sir?

7 MR. RAFFENSPERGER: Well, I believe that's what they
8 do in Colorado, correct?

9 MR. GERMANY: They use drop boxes. Yes, sir.

10 MR. RAFFENSPERGER: And the other question that just
11 struck me is last fall, we did six pilot counties when we
12 were, you know, getting these machines up to speed. Is
13 that something that we might want to consider also?
14 Instead of doing it statewide, just try some select
15 counties almost as a pilot at some point in time when we
16 have really the resources to be able to handle that, and
17 then see how it works, and then we look at maybe if it
18 goes well, then you look at state-wide implementation.

19 MR. GERMANY: I think that's a prudent way to
20 proceed. We might need some enabling legislation to allow
21 us to do pilots like we've had for the voting machines,
22 and we've done that for UOCAVA electronic ballot delivery
23 type solutions in the past, and it is has then led to
24 statewide adoption of that thing we tested.

25 MR. RAFFENSPERGER: Okay. And then, will you share

1 that with the Rules Working Group? Many of them are here,
2 but with the counties, what their take would be on that?

3 MR. GERMANY: Yes.

4 MR. RAFFENSPERGER: Thank you.

5 MR. GERMANY: I would say I don't think this year is
6 the year to do that pilot.

7 MR. RAFFENSPERGER: Correct.

8 MR. GERMANY: I think in this election cycle, we have
9 enough changes that we're already dealing with.

10 MR. RAFFENSPERGER: Understood.

11 MR. GERMANY: Definition of a vote: I will be
12 presenting some recommended changes to post today to
13 definition of a vote that, I think, get to some of these
14 concerns, so I'll present that later.

15 Proposal number five, retentions of memory cards: so
16 this rule, this proposal, would require that all the
17 memory cards used in each scanner are retained for two
18 years. The way that we currently handle that is the
19 results, the data, is uploaded to the election management
20 server in each county, and then, they take all of that
21 combined data and retain it for two years, and that's why
22 the then individual memory cards can be reused after that.
23 So the data is still retained. It's just not retained on
24 the physical medium so they can be reused, and frankly,
25 not doing that would greatly increase the cost to counties

1 of running an election. So I don't think that's something
2 that we should change.

3 Proposal number six amends the recount rule. As we
4 learned -- or as the Rules Working Group discussed on
5 Friday, that was, out of the comments that we received,
6 certainly the most comments were about the recount rule.
7 We've made some -- some changes that I'm going to
8 recommend that we post for public comment today, and I
9 think that will get to some of these concerns. Like we've
10 done in the past, you know, given the timeline we're
11 under, I'm going to recommend that we adopt the rules that
12 we've posted and then vote to post a change to them that
13 we can consider at our next meeting.

14 MR. RAFFENSPERGER: Thank you.

15 MR. GERMANY: And then, the next thing that I would
16 speak to is the rules that we posted last meeting that are
17 up for adoption today, if that works for you, Mr.
18 Chairman.

19 MR. RAFFENSPERGER: It does. Please proceed.

20 MR. GERMANY: The first rule that we posted -- it's
21 in tab number 2 of the Board's binders -- is the rule
22 dealing with third-party registration. What this rule
23 does is a couple things. One, it actually loosens the
24 restriction on doing voter registration drives in places
25 where alcohol is sold. We did have issues come up where

1 places like fairs and parades and festivals that were
2 mentioned earlier where alcohol might be sold, but it's
3 not the purpose of the event, and it was questionable
4 whether or not that could be done under existing rules, so
5 we're changing that rule to make it clear that those kind
6 of places are -- are available for voter registration
7 drives.

8 The other thing we're doing is clarifying that -- or
9 requiring, I should say, third-party voter registration
10 drives to instruct the applicants that they have to
11 include their Georgia driver's license number if they have
12 one. That is required under federal law. It's also
13 required under state law, and what we've seen is that, in
14 talking to counties, applications that come in from third-
15 party drives are significantly more likely to not have
16 that information, and it's very helpful information
17 because if you have it, you can verify the information
18 with the Department of Driver Services. If you verify it,
19 you don't have to provide your ID with your application --
20 you don't have to provide your ID before you get your
21 absentee ballot. If you don't verify, you do have to
22 provide that information, and that's according to a
23 federal law, so any one that we can kind of handle at the
24 front end, it makes things a lot easier later on. So
25 that's the purpose for that -- for that change.

1 Would you like me to go through each one? And I
2 should also say I do think the Board needs to take action
3 on the rules presented in the petition. I maybe should
4 have stopped before moving on to our rules.

5 MR. RAFFENSPERGER: Is there a motion for the
6 petition that was presented earlier?

7 MR. WORLEY: I'd like us to vote separately on the
8 proposed rules or the proposed rules that were included in
9 the petition, and I'd like the opportunity to have some
10 discussion of the proposed rules that the petitioners put
11 forth. Perhaps we could just go through them one-by-one?

12 MR. RAFFENSPERGER: Okay. Starting with proposed
13 rule number one, do we have a motion for the rule under
14 discussion first?

15 MR. WORLEY: I would like to table this proposed
16 rule. I think the petitioners raised some good points
17 about how -- how secrecy will be ensured in various places
18 around the State, and given Judge Smith's ruling, I would
19 just like the opportunity to revisit this once we see how
20 this election and the primary election go, and I just
21 think it would be -- it would just give us an opportunity
22 to consider it with that information without requiring the
23 petitioners to come back and present another petition, so
24 I would make a motion that we table proposed rule number
25 one.

1 MR. MASHBURN: Second.

2 MR. GERMANY: I would just say, as Mr. Worley
3 mentioned, there is litigation out there about this, and I
4 think there probably will be more. I think it's prudent
5 to keep an eye on that litigation. I agree with what
6 Judge Smith said in Sumter County that the existing
7 structure already adequately allows for both to be
8 protected, so I think the Board could deny this rule while
9 still doing all the things that Mr. Worley mentioned,
10 keeping an eye on it and then taking further action as
11 needed, based on -- based on what we see in this election
12 cycle.

13 MR. RAFFENSPERGER: Well, we have a motion and we
14 have a second. Do we have any further discussion? All
15 those in favor of the motion to table this --

16 MS. LE: I have a question. Sorry. Mr. Worley, when
17 you say you want to table it, do you want to re-present it
18 or how -- what are you talking about?

19 MR. WORLEY: I think if we table it, it gives us the
20 opportunity to bring it back at our discretion without
21 requiring the petitioners to file another petition and
22 come back to us and make a presentation, so -- and, of
23 course, I mean we can always, you know, come up with our
24 own rule that deals with these same concerns if we find
25 out that -- that it is an issue after we've seen the

1 results of the elections.

2 MS. SULLIVAN: Mr. Chairman, I have a question for
3 Mr. Germany. Is there -- is there -- I haven't recently
4 reviewed the rules and don't have a copy in front of me,
5 but is there a time consideration of the rules where we
6 have to take action on a petition?

7 MR. GERMANY: I'm looking at that right now. It says
8 within 30 days after submission of a petition, the Board
9 shall -- let's see. I'm sorry. I'm reading it -- I'm not
10 reading the relevant parts. In 30 days after the
11 submission of a petition for the promulgation of a rule,
12 before the next meeting, the Board shall decide upon the
13 action to be taken, so I guess that's up to -- the action
14 to be taken? I would it's probably --

15 MS. SULLIVAN: The action to be taken could be to
16 table the --

17 MR. GERMANY: I would agree with that.

18 MR. RAFFENSPERGER: The action to be taken could be
19 tabled again, table it again or...?

20 MR. GERMANY: I think once it's tabled --

21 MR. RAFFENSPERGER: Approved or --

22 MR. GERMANY: It's tabled until you guys bring it
23 back up.

24 MR. RAFFENSPERGER: Does that extend -- or in the
25 General Assembly, it really just lasts for the biannual.

1 MR. GERMANY: We don't really have that --

2 MR. RAFFENSPERGER: We have --

3 MR. GERMANY: -- for the State Election Board.

4 MR. RAFFENSPERGER: Exactly. So does this continue
5 in perpetuity then?

6 MR. GERMANY: I think it would do that. Yeah, I
7 don't think it has the same effect as a General Assembly
8 where if you table it, it just kind of goes away at the
9 end of the session.

10 MR. RAFFENSPERGER: But the proposed rule that's here
11 before us today, if we -- if the, you know, Rules Working
12 Group wanted to work on that, that's something that they
13 would still be free to choose whether this moves forward,
14 is tabled, or it does not move forward?

15 MR. GERMANY: I think that's something the Rules
16 Working Group should do as we continue throughout this
17 year. We know we're working on additional rules as well.

18 MR. RAFFENSPERGER: Okay. I'll call the question.
19 All those in favor of tabling, signify by saying aye.

20 THE BOARD MEMBERS: Aye.

21 MR. RAFFENSPERGER: Those opposed? Motion is tabled
22 -- or proposed rule is tabled.

23 MR. GERMANY: Rule number two is the permitting
24 voting in MyVoter page published precinct.

25 MR. RAFFENSPERGER: Any discussion or do I have a

1 motion?

2 MR. MASHBURN: I move that the Board reject proposed
3 rule two.

4 MR. RAFFENSPERGER: Do we have a second?

5 MS. LE: I second that.

6 MR. RAFFENSPERGER: Any discussion?

7 MR. WORLEY: I -- I'm going to vote against this rule
8 because I do think there really is no discrepancy between
9 MyVoter page on the poll book, and if there is a
10 discrepancy that the poll book is the, you know, should be
11 the default option, so...

12 MR. GERMANY: I would add in addition to that that
13 there are procedures in place to deal with that through
14 the provisional ballot rules that this Committee -- that
15 this Board has already adopted.

16 MR. RAFFENSPERGER: Any further discussions? Hearing
17 none, all those in favor of denying proposed rule number
18 two, signify by saying aye.

19 THE BOARD MEMBERS: Aye.

20 MR. RAFFENSPERGER: Any opposed? Proposed rule two
21 is denied. Proposed rule number three? Do I have a
22 motion?

23 MR. WORLEY: I would make a motion that we table this
24 rule. I think at the last time -- the last time a similar
25 rule was proposed, I indicated that I -- I thought that it

1 was a good rule, but needed to be -- needed not to be done
2 in this cycle, and I think, at least for me, it's
3 something that I'd like to continue to consider as we see
4 how the primary and the -- the presidential primary and
5 the general primary go and the -- the turnout that we're
6 going to have. So I can understand all the reasons for
7 rejecting the rule in this cycle, but I'd -- I would like
8 to table it instead, and I would make a motion that it be
9 tabled.

10 MR. RAFFENSPERGER: Do we have a second? Do we have
11 a second? Hearing none, that motion dies for lack of
12 second.

13 MR MASHBURN: I move that the Board reject proposed
14 rule three.

15 MR. RAFFENSPERGER: Do we have a second?

16 MS. LE: I'll second that.

17 MR. RAFFENSPERGER: Okay. Do we have any further
18 discussion? Hearing none, there is a motion before us to
19 deny proposed rule number 3. All those in favor of
20 denying rule 3, signify by saying aye.

21 THE BOARD MEMBERS: Aye.

22 MR. RAFFENSPERGER: Those opposed?

23 MR. WORLEY: No.

24 MR. RAFFENSPERGER: Motion carries. Proposed rule
25 number four, do we have a motion?

1 MR. MASHBURN: I move that proposed rule number four
2 be rejected by the Board.

3 MR. RAFFENSPERGER: Do we have a second?

4 MS. SULLIVAN: I'll second that. I believe that we
5 have a new proposed rule regarding this subject matter
6 that we'll -- we'll vote to post today.

7 MR. RAFFENSPERGER: Okay. Any discussion?

8 MR. WORLEY: I'll vote against this rule, but only
9 because I think we do have a rule -- or changes to the
10 rule that will accommodate these concerns.

11 MR. RAFFENSPERGER: Okay. All those in favor of the
12 voting of denying proposed rule number four, signify by
13 saying aye.

14 THE BOARD MEMBERS: Aye.

15 MR. RAFFENSPERGER: Any opposed? Motion carries.
16 Rule number four is denied. Proposed rule number five, do
17 we have a motion?

18 MR. MASHBURN: I move that the Board reject proposed
19 rule number five.

20 MR. RAFFENSPERGER: Do we have a second?

21 MS. LE: I second the motion since the data would be
22 retained.

23 MR. RAFFENSPERGER: Okay. Any discussion?

24 MR. MASHBURN: Yeah. One of the primary concerns I
25 have about this was stated very well by Ryan, in that it

1 says the memory cards will be preserved without
2 authorization for no less than 24 months, so that means
3 you constantly have to be buying new memory cards, and you
4 can't reuse them. That's just going to be a burdensome
5 expense at the counties to just keep piling on memory
6 cards was my concern.

7 MR. RAFFENSPERGER: Any further discussion? Okay.
8 Call to motion: all those in favor of denying proposed
9 rule number five, signify by saying aye.

10 THE BOARD MEMBERS: Aye.

11 MR. RAFFENSPERGER: Any opposed? Proposed rule
12 number five is denied. Proposed rule number six, method
13 or recounts, do we have a motion?

14 MR. MASHBURN: I move to reject proposed rule six.

15 MR. RAFFENSPERGER: Do we have a second?

16 MS. SULLIVAN: I'll second that.

17 MR. RAFFENSPERGER: Do we have any discussion on the
18 motion?

19 MR. WORLEY: I'm going to vote against this rule,
20 proposed rule, because I think we have -- we have made
21 some changes to the recount procedures, but I just want to
22 say on the record, and it's something that I would like to
23 work on in the Working Group, this concept of having an
24 audit -- of requiring an audit before any recount in any
25 recounted election, I think is very -- is a very good

1 idea, and I think we should institute a rule regarding
2 that as we go forward with audit rules.

3 MR. RAFFENSPERGER: I think Mr. Worley makes some
4 very good points, as did some of the people, on that issue
5 when an election is that close to have an audit procedure
6 in place, so we strongly encourage the Rules Working Group
7 to work on that and come back with something as quickly as
8 possible.

9 MR. GERMANY: That -- that came up in our meeting
10 last Friday as to whether or not we should -- I think
11 that's a very good point about doing a pre-recount audit,
12 and then it also came up whether or not we should require
13 a post-recount audit of the recount, and I think that's
14 something that we can look at in the auditing rule as well
15 that we're still trying to determine based on the pilot
16 project we're doing the best way to put that process in
17 place.

18 MR. RAFFENSPERGER: Yeah. We just encourage you to
19 dig into the merits of that and report back. Thank you.
20 Do we have any further discussion? Hearing none, I'll
21 call for proposed rule number six. All those in favor of
22 denying proposed rule number six, signify by saying aye.

23 THE BOARD MEMBERS: Aye.

24 MR. RAFFENSPERGER: Those opposed? Proposed rule six
25 is denied. Mr. Germany?

1 MR. GERMANY: Previously, I jumped ahead of myself a
2 little bit and presented the changes to chapter six.
3 These are the changes that we posted. We actually posted
4 them two meetings ago, got some comments that we
5 incorporated, and reposted them at our last meeting. I
6 just presented the purpose of them, and I would recommend
7 that the Board vote to adopt the rules -- the rules as
8 posted in chapter six.

9 MR. RAFFENSPERGER: Do we have a motion to approve
10 the rules that are posted in chapter six?

11 MR. MASHBURN: I move that the rules as posted for
12 chapter six be approved.

13 MR. RAFFENSPERGER: Do we have a second?

14 MS. SULLIVAN: Second.

15 MR. RAFFENSPERGER: Do we have any further
16 discussion? All those in favor of adopting the rules
17 presented in chapter six, signify by saying aye.

18 THE BOARD MEMBERS: Aye.

19 MR. RAFFENSPERGER: Any opposed? Motion carries.

20 MR. GERMANY: The next rules we posted in our last
21 meeting are in chapter 12, and what these are -- I'll go
22 through each of them briefly -- but what these are: we
23 adopted the rules, and then before our last meeting, we
24 received some comments that we thought made sense, so at
25 the last meeting, we voted to post these changes based on

1 comments we received at the first posting of these rules.
2 The comments came from both counties, political parties,
3 and other -- other interest groups. They've changed to --
4 I'm in tab 3 of the -- of y'all's binders.

5 The change to .04 just takes out -- it loosens up a
6 bit of the restriction on how counties have to store the
7 components. As opposed to requiring that they are stored
8 in their packaging boxes or foam inserts, we're just
9 allowing the counties to store them in a manner that
10 ensures they are protected. That was a comment we
11 received from counties that I think makes sense.

12 We also are making a change in 12-.06, paragraph 3 of
13 page 6 of the proposed rules. We're taking out -- there's
14 a procedure in place for what counties have to go through
15 if they have to move their election management system.
16 The election management system is the air gapped server at
17 each county, and there's -- it's really only to be
18 relocated in emergency circumstances, so we're taking out
19 the sentence that was a bit contradictory. It says, it
20 shall not be moved or relocated for any purposed, and then
21 it goes into here's what you do if you have to move it, so
22 it was pointed out those are a bit contradictory, and I
23 think that's correct.

24 We also are incorporating some changes in 12-.08 that
25 deal with notice, and these are based on comments we

1 received. Notice at this point would not only be required
2 in newspapers, but to put on county webpages, and also
3 clarifying that this would be placed on the homepage, so
4 it's not somewhere that is lost on the Internet.

5 We've additionally made changes requiring reporting
6 through the superintendent of any component failures or
7 issues, and that's something that I think we wanted to
8 clarify. We also made some changes in -- we made one
9 change in 12-.09, just a typo change changing the word
10 "remained" to "be" just because it made more sense. In
11 12-.10, we're adding that accredited poll watchers must be
12 able to observe the polling place set-up process.
13 However, they may not interfere with the set-up process.

14 The changes in 12-.11 are -- are significant. These
15 are what we discussed at our last meeting that there was
16 some concern originally that having someone at the scanner
17 remind every voter to review their ballot could be
18 burdensome. And I think it will be burdensome, but there
19 was a paper that came out that showed that if you want
20 people to review their ballots, that's really where that
21 reminder has to be, so we're removing the reminder from
22 the beginning of the voting process and moving it to the
23 scanner process, which is consistent with what -- there
24 was a study by Matt Bernhardt at the University of
25 Michigan that showed that.

1 This is where we're also putting in place the 10%
2 emergency paper ballot requirement, and we're also putting
3 in place what I mentioned earlier about how there has to
4 now be a -- not just a poll officer stationed at each
5 scanner, but also a poll officer assigned to assisting
6 voters who have questions while they're in the voting
7 booth. The point of that is the poll officer stationed at
8 the scanner needs to remain at the scanner, so if someone
9 has a question in the polling place, there should be
10 someone else available to help them so that that person
11 stationed at the scanner can remain at their post.

12 We make similar changes in this section and in the
13 next section 12-.12 adding language that accredited poll
14 watchers shall be allowed to observe the process described
15 in this rule in a manner that does not interfere. We
16 added something to provisional ballots. This is something
17 that I think we talking about in the Rules Working Group
18 about how the information sheet available to voters --
19 trying to recognize that it can be difficult given the
20 factual -- or the determinations required in provisional
21 voting to make sure a poll worker is always giving
22 accurate information to a voter. We're trying to kind of
23 standardize that some and come up with a sheet of paper
24 that can be handed to the voter to help so they know their
25 options.

1 And again, I would recommend -- we have one
2 additional change that I'll vote to post in the
3 provisional ballot section, but I would -- I will
4 recommend that we adopt these rules, and then we'll post
5 the additional change as a new rule. And those are the
6 changes to chapter 12. There's an additional one in tab 4
7 that Mr. Worley suggested at the last meeting. I would
8 recommend that we handle these first and then handle that
9 -- that proposal separately.

10 MR. RAFFENSPERGER: Okay. Do you have any quest --
11 does anyone on the Board have any questions for Mr.
12 Germany about tabs 2 and 3? Hearing none, do we have a
13 motion for rules 183-1-6-.02(6) through 183-1-12-.20 as
14 just presented by Mr. Germany?

15 MR. MASHBURN: I move that the Board adopt the rules
16 as published.

17 MR. RAFFENSPERGER: Do we have a second?

18 MR. WORLEY: I'll second that.

19 MR. RAFFENSPERGER: Do we have any discussion?
20 Hearing no further discussion, all those in favor of the
21 motion so presented, please do so by signifying aye.

22 THE BOARD MEMBERS: Aye.

23 MR. RAFFENSPERGER: Those opposed? Motion carries.
24 Okay. Tab 4, Mr. Germany?

25 MR. GERMANY: Tab 4 is a change that Mr. Worley

1 suggested to rule 183-1-12-.12, and I'm happy to speak to
2 it, or Mr. Worley, you can speak to it, whichever you
3 prefer.

4 MR. WORLEY: I -- I can speak to it. This -- this
5 allows information relating to provisional ballots to be
6 photographed by accredited poll watchers after the results
7 have been tabulated, and it allows them to photograph the
8 provisional ballot recap sheet, the numbered list of
9 provisional voters, and the form -- related form. And we
10 passed this at the last meeting and put it out for
11 comment. There was some discussion at the last Working
12 Rules meeting. An issue was raised as to whether posting
13 the list of provisional voters might conflict with
14 provisions in HAVA and in state statutes relating to
15 keeping some information relating to provisional ballots
16 only accessible to the voter who actually voted the
17 provisional ballot.

18 I've spent some time this week looking over HAVA and
19 looking over the relevant state statutes, which set up a
20 free access system that allows a voter to check to see
21 whether or not their ballot has been counted, and I am
22 satisfied that there is not any requirement in HAVA or in
23 the other provisions of Georgia state law that prevents
24 the numbered list of provisional voters from being
25 photographed because the only thing that that contains is

1 the name of the voter. So -- so I think this proposed
2 rule is consistent with state law and with HAVA, and it
3 has the advantage of allowing poll watchers to just take a
4 picture of the names of those persons who voted a
5 provisional ballot so that those persons can be assisted
6 right away in -- in the three days after the election when
7 they have an opportunity to cure their provisional ballot
8 without having to wait for an Open Records Request. So I
9 think it's a -- it's a benefit, and we should go ahead and
10 pass it.

11 MR. MASHBURN: I -- I strongly support the first
12 sentence of this rule that accredited poll watchers must
13 be able to observe the entire process described in this
14 rule. I'm strongly opposed to the second sentence of this
15 rule. In November of 2000, there was a big controversy
16 about poll watchers having cameras, and the behav -- and
17 just a poll watcher having a camera in their possession
18 was called inappropriate behavior, despicable, and even
19 un-American. And so, for 19 years, we have been training
20 poll workers that they're -- we've been training poll
21 watchers that they're not allowed to have cameras anywhere
22 on their possession. And I'm afraid that first of all,
23 the people that we've been telling for 19 years that
24 they're going to be accused of civil rights violations if
25 they even have a camera in their possession are going to

1 be very angry that all of a sudden it's not -- that's --
2 the rule is different because one side sees it as
3 something helpful to their cause. So the -- so I'm against
4 --

5 And the second thing is I've watched -- I've been a
6 poll watcher for years. I'm a state-wide poll watcher.
7 I've watched literally hundreds of thousands of people
8 vote. I've been a tabulation poll watcher. I've watched
9 literally millions of votes be counted, and one of the
10 polls I was in, a fellow was standing at the voting
11 machine with his phone, and he was asking the person on
12 the other end of the line how he should vote. And that --
13 that caused a problem, so I think we just -- I think the
14 zero tolerance policy for cameras at polls has been
15 trained very well, and people are following it now, and
16 I'm just -- I'm afraid that if we open the door, we're
17 going to have ballot selfies being taken. We're going to
18 have just -- this is going to get out of control, and your
19 poll manager is going to be overwhelmed with dealing with
20 phones, so I strongly oppose any photography at the poll
21 location, whether voters are voting or poll officers are
22 counting. So I'll vote against this rule with the second
23 sentence in it, but I strongly support the first sentence.

24 MR. GERMANY: I would just add -- sorry, just a kind
25 of technical point. The first sentence is included in the

1 rules that was just adopted. In that same section we say,
2 accredited poll watchers shall be allowed to observe the
3 process described in the rule. However, they must do so
4 in a manner that does not interfere with poll officials,
5 so just to your point, Mr. Mashburn.

6 MR. WORLEY: If I could just respond to some of the
7 points that Mr. Mashburn raised, the rule as we have
8 written it makes it absolutely clear that a photograph
9 should be taken only after the tabulation of results on
10 election day has been completed. So it's not only after
11 the polls have closed, but it's after all the votes have
12 been counted, so I don't see any problem with that. We
13 passed the rule the last meeting when Mr. Mashburn
14 admittedly was not on the Board, and I don't -- I don't
15 see any reason why we can't, you know, pass the rule
16 today.

17 MS. LE: I do have one thought. What concerns me is
18 names of provisional voters made pretty much immediately
19 almost to persons other than the voter. My one big
20 concern is some groups need to be protected. We have the
21 rules -- I'm sorry. We have legislation that protects,
22 like, domestic violence victims who are at shelters, and
23 their information cannot be disclosed, that type of thing,
24 so because this is almost made immediately versus an Open
25 Records where they can be scrubbed and looked at, I am not

1 for this rule.

2 MR. WORLEY: Well, if I could just respond to that,
3 this is information that is public information that anyone
4 can get, and it's required by statute to be made
5 available. The question is when do you make it available?
6 Do you make it available immediately so that those people
7 who've cast a provisional ballot can be helped or do you
8 make it available three days later under an Open Records
9 request when it's too late for that person to cure
10 whatever was wrong with their provisional ballot? So if
11 you really want to help people use the provisional ballot
12 system, then you really need to make the list available.
13 And the list is available to everybody. It's available to
14 the Democratic Party poll watchers. It's available to the
15 Republican Party poll watchers. And truthfully, it's not
16 only Democrats who vote provisional ballots. There are
17 Republicans who vote provisional ballots, and they ought
18 to have the opportunity to be assisted also, so I would
19 again, you know, move that we pass the rule.

20 MR. GERMANY: I would just make one technical point.
21 Our office, at least, has always treated that information
22 as not public, based on a different understanding of the
23 HAVA and state law requirements about privacy than the one
24 Mr. Worley stated. I think he makes a reasonable
25 argument. I think the other argument is reasonable as

1 well. So just to state that, for instance, when we have
2 Open Records requests for those documents, we -- we redact
3 the names of the voters, so I'm not sure it's correct that
4 it's always been public.

5 MR. RAFFENSPERGER: Well, we have a motion before us.
6 Do we have a second? Do we have a second? Motion fails
7 for lack of second.

8 MR. GERMANY: Tab 6 is the change we posted last
9 meeting to rule 183-1-13-.01, election day equipment
10 allocation. This is the rule that would allow county
11 election officials to subtract the number of people who
12 have voted early in allocating their -- their machines,
13 particularly as related to the one voting machine per 250
14 electors requirement. We had some discussion about this
15 in the Rules Working Group and reviewed the comments. Mr.
16 Cortes spoke of the Brennan Center's comments, and we
17 reviewed -- reviewed those comments, which were helpful.

18 At the last meeting or perhaps the meeting before, we
19 talked about how we think -- and by we, I mean this is
20 kind of the conclusion that's been come to in the Rules
21 Working Group which includes the county perspective as
22 well -- that there really does need to be a statutory fix
23 to this. While I think, and I think speaking for the
24 whole Rules Working Group, we do need to make sure that
25 there's an adequate amount of voting booths and voting

1 machines in each precinct, as some of the commenters
2 correctly pointed out earlier today, the new voting system
3 does have a different footprint. I think it will require
4 some changes to polling places as we move -- as we do this
5 transition. I think it will probably require more polling
6 places.

7 We have been working on a legislative fix that will
8 keep the -- the one to 250 requirement in place for
9 November general elections, and frankly, I think for those
10 elections, we should not subtract early voters because
11 they're -- they're both the elections where we have the
12 heaviest election day turnout, and we have the heaviest
13 early voting turnout. And so, the legislative fix that
14 we're proposing is you keep the one to 250 requirement for
15 November general elections, but allow flexibility for
16 other elections, recognizing the fact that not every
17 election is the same. The number of people coming through
18 to vote on election day in particular, but even including
19 early voting or absentee, is vastly different in the
20 November general election than what's happening in states
21 in a District 13 right now, where they're having an
22 election on Tuesday.

23 And I think the county perspective from Ms. Bailey
24 was that if she has to put out the same number of machines
25 for each election without allowing her to take into

1 account the realities of the -- of the election, it's
2 frankly, she thinks and I agree, that it will lead to
3 problems because she'll be focusing on things like
4 equipment allocation when she should be focusing other
5 things. As one commenter also pointed out, I don't think
6 that lines are always caused by the number of voting
7 machines. There's a lot of other things that can cause a
8 line, particularly the check-in process, the ballot
9 scanner process, number of provisional voters, all things
10 like that that I think -- and what this -- what the
11 statute does is require that one to 250 number for the
12 November general, allow flexibility for others.

13 So I say that to basically, you know, let you guys
14 know what we're trying to accomplish in the General
15 Assembly, and also as Mr. Worley, I believe, pointed out
16 at the last meeting, we don't know what the General
17 Assembly is going to do. So it's certainly not a given
18 that happens. One thing we could do is adopt this rule
19 for now. If that legislation passes, we can likely repeal
20 this rule. That would -- that would give the counties a
21 little bit of flexibility for the March election, and the
22 legislation would allow them to -- to kind of staff up and
23 do what adjustment they need to make to prepare for the
24 November election. If the statute doesn't pass, then we -
25 - I think we're in a position where we'd have to revisit

1 this after the session.

2 I will say one more thing. The Attorney General's
3 Office made a good proposed change to this rule that I
4 think we should adopt. You know, the problem is, of
5 course, we'd have to repost it to adopt that, and that
6 changes the rule that now says the term electors shall
7 mean those electors on the official list of electors who
8 haven't voted. Their change points out that electors is
9 already defined. Let's not redefine it. Let's just say
10 when calculating the number of voting booths or
11 enclosures, the calculation may take into account the
12 electors who have voted as of election day, which I do
13 think would have been a better first draft, but, alas, it
14 wasn't.

15 So I think if we do want to have an effect on the
16 PPP, we would need to adopt this rule. We could vote to
17 post the Attorney General's Office's change that I submit
18 later, and then we can I think deal with it after the
19 legislative session.

20 MR. RAFFENSPERGER: So we'll vote on this one today.
21 The Attorney General's wording is not here before us, and
22 we'll post that.

23 MR. GERMANY: We'll post that change --

24 MR. RAFFENSPERGER: Early next week?

25 MR. GERMANY: Right. We'll post it, and then we'll

1 consider it depending on what happens with the potential
2 legislative change, you know, we might need to -- we might
3 be able to repeal the rule, and basically take no action
4 on the posted rule, or we might not be able to.

5 MR. RAFFENSPERGER: Any discussion before I ask for a
6 motion?

7 MR. MASHBURN: Just to make sure I'm clear, the
8 recommendation of counsel's office is that this rule be
9 passed today as published?

10 MR. GERMANY: Well, if we want to provide the
11 counties with any flexibility for the upcoming election as
12 to machine allocation, and as some of the commenters
13 pointed out, there are issues -- and as some of the
14 counties have pointed out to us previously -- there are
15 issues, you know, for them making that number in state
16 law. There's precinct issues. Right now, it's too late
17 to change precincts for March. It's not too late to
18 change precincts for November, and I think, frankly, those
19 changes will be made where they need to be, so... now, I
20 will say this too: traditionally, PPP, presidential
21 preference primaries, do not have very heavy early voting.
22 It's not like in a November general where about half the
23 people vote early, so adopting this rule gives the
24 counties some flexibility. I don't think it will have a
25 significant effect on the actual requirements.

1 MR MASHBURN: I move that the Board adopt the rule in
2 Tab 5 as published.

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

5 MS. SULLIVAN: I'll second, but I did want to follow
6 up on Mr. Germany's last question.

7 MR. RAFFENSPERGER: Discussion?

8 MS. SULLIVAN: So you stated that the -- there is not
9 a large percentage of turnout -- of early voting turnout
10 for the March election, is that... as opposed to a general
11 election?

12 MR. GERMANY: Yeah. If you ask me traditionally how
13 much, I'm not going to know, but I know it's not --

14 MS. SULLIVAN: Right.

15 MR. GERMANY -- it's not 50% like it kind of -- like
16 it normally is in the general election. It's not nothing
17 [sic], especially what we will see in a PPP is toward the
18 very end of early voting, when -- we're still in a state
19 now where a lot of things can change between now and March
20 24th on the Democratic side as to who are viable
21 candidates, so I think voters like to wait and see who
22 will be -- who will be viable.

23 MR. RAFFENSPERGER: So Mr. Germany, in the fall, we
24 are anticipating north of 5 million voters. If it's
25 50/50, that's 2 and a half million people on the November

1 election day. For the presidential primary, we're
2 expecting, say, 2 million people, but it won't be 50/50.
3 It could be 80/20.

4 MR. GERMANY: I would say it's, you know, 75/25.

5 MR. RAFFENSPERGER: 1.5 million people versus 2
6 million in November. I hear the county pay points, but I
7 want to make sure the lines are kept as short as possible,
8 and that there's equipment out there. As I said last
9 time, I would want to make sure that we err on the side of
10 caution, and if the General Assembly has a bill before it
11 and it's moving through there, that would allow us to
12 address the May primary. If it doesn't work, it's a way
13 to cross the finish line, and then also the November
14 election.

15 MR. GERMANY: I agree with all that. I would add one
16 more thing that also, in the legislative fix that we're
17 pursuing, we are putting in a requirement -- there's an
18 existing law that requires if people are in line, and it
19 takes more than an hour after the close -- after the polls
20 close, then at the next election, the poll manager has to
21 -- or the county has to either split the precinct if it's
22 larger than 2,000 electors or provide more voting
23 equipment or poll workers or both. When that law was
24 passed, I think traditionally the end of the day was the
25 heaviest voting period. That's not really the case

1 anymore.

2 So what we're proposing to kind of go with giving the
3 counties some flexibility and -- recognizing that not all
4 elections are the same, I think that's the flaw in the
5 current statute. It tries to treat all elections as the
6 same, and we all know that's not the case, but in addition
7 to giving that flexibility, we're putting in place -- or
8 we're asking the General Assembly to put in place a
9 requirement that if there is a line of an hour at any
10 point during the day, measured at times, you know,
11 morning, mid-day, and before the close of polls, that they
12 have to split the precinct if it's larger than 2,000 or
13 provide more poll workers or voting machines or both. So
14 we're basically taking that existing structure for the end
15 of the day, and we're applying it throughout the day,
16 which I think will help as well. And, you know, I hope
17 that it passes because we have a lot of elections between
18 now and November for counties to see what they need -- how
19 they need to address certain -- address particular
20 precincts.

21 MR. RAFFENSPERGER: Okay.

22 MR. MASHBURN: And -- sorry. And this proposed rule,
23 the counties believe this proposed rule provides them the
24 flexibility they need?

25 MR. GERMANY: I think this proposed rule is a Band-

1 Aid, and I think we all kind of recognized that when we
2 posted it, so frankly, I think we had some discussion at
3 the Rules Working Group. We could go -- we could do
4 either one. I imagine that -- I mean, you guys could do
5 either one. I imagine the counties would appreciate a
6 little flexibility for the PPP, but I think the Secretary
7 has raised a good point as well that especially with the
8 first election where people will probably be taking longer
9 at machines just because of lack of familiarity, you know,
10 it might be something we want to leave in place. And to
11 do that, we would just not adopt this rule.

12 MS. LE: Or alternatively, can we reduce the ratio?

13 MR. GERMANY: Only in statute. We can only do that
14 in statute, and that's basically what we're trying to do
15 in the statute by keeping the ratio for the November --

16 MS. LE: -- alleviating some stress where we can for
17 counties in that, I understand.

18 MR. GERMANY: Yes, ma'am.

19 MR. RAFFENSPERGER: Mr. Worley?

20 MR. WORLEY: I'm going to vote against this proposed
21 rule. I did support it. I did vote to publish it, but
22 apparently, I now understand that we can vote to publish a
23 rule, and then vote against it on final pass, so -- but
24 the reason that I'm going to vote against it: I found Ms.
25 Dufort's comment persuasive on this issue. Also,

1 particularly among the comments that we received on this
2 rule was a detailed analysis from the Brennan Center
3 setting out in great detail how this rule as applied to a
4 number of precincts based on the 2018 voting would result
5 in very long waiting lines at a great many precincts, and
6 I found that analysis to be very persuasive, and so I am
7 not going to vote for this rule.

8 MR. GERMANY: And I think -- I think we would all
9 agree that this rule would not be appropriate for a
10 November general election, which was, you know, that's
11 what that analysis was based on.

12 MR. RAFFENSPERGER: Any further discussion? I'll call
13 the question: all those in favor of adopting this rule,
14 signify by saying aye. All those opposed?

15 MR. WORLEY: No.

16 MS. SULLIVAN: No.

17 MR. MASHBURN: No.

18 MR. RAFFENSPERGER: Well, it's denied.

19 MR. GERMANY: The next rule is tab 6 in your binders.
20 This one -- we're in a bit of a similar space with this
21 one as with the old one, as with the previous one. This
22 is about assistive technology devices. We voted to post
23 this rule at the last meeting. In the -- in the meantime,
24 we have determined that we think a better approach is to
25 provide an assistive technology device at each -- at each

1 precinct. We don't think we can have that available for
2 March. We think we can have that available for May.
3 We've been researching particular devices and cost, and so
4 I think that's a much better solution long-term.

5 The question, though, is, you know, what do we need
6 to do for March? This -- this could be a Band-Aid
7 essentially, like the last rule, for the March election,
8 but then I would recommend if the Board wants to basically
9 put that Band-Aid on and adopt it, then I would -- I think
10 we should repeal it once we provide the devices at each --
11 at each precinct.

12 MR. RAFFENSPERGER: Okay. Any questions for Mr.
13 Germany? Any discussions among ourselves?

14 MS. LE: My only thought with this is if it's a Band-
15 Aid and what we do for PPP, that makes sense to me to get
16 some assistance and given what we've heard today, there
17 has to be some kind of device. If it's an audio device
18 that could be heard, the voter's right to -- the voters'
19 votes is [sic] got to be protected, and also not to undue
20 influence those around. Could we add in there -- whether
21 we vote this today and put in there an amendment that says
22 we're reposting other rules anyway to have earbuds at
23 least for this round? And then I know in future elections
24 that we'll provide those.

25 MR. GERMANY: Well, unfortunately, we can't --

1 there's not time. I think that's good -- a good point. I
2 think when we were drafting it, we envisioned that it
3 would be a device with headphones. There are headphones
4 available at each polling place to -- to use with the ATI
5 device. So unfortunately, if we posted that, we wouldn't
6 be able to adopt it until, I think, after this rule is no
7 longer necessary.

8 MS. LE: Okay.

9 MR. GERMANY: But I think -- I will say I think that
10 was the understanding or the thought process as well that
11 it was -- similar to the way the ATI device works is there
12 are headphones for that voter, and in what we provide,
13 there certainly will be headphones.

14 MS. LE: Right.

15 MR. RAFFENSPERGER: I think where we are right now,
16 it seems the wisdom would be to pass this, and then we've
17 already issued a press release a few days ago that we are
18 working on a solution for every precinct. And so we heard
19 some very valuable comments today from the ADA community,
20 and we're very grateful for that input. We'll continue to
21 reach out to the community to make sure that we can find a
22 solution that works that's an optimal solution for
23 everyone. So do we have a motion to adopt this or any
24 other action that you would like to take?

25 MR. WORLEY: I'll make a motion to adopt proposed

1 rule 183-1-13-.02, assistive technology devices, as
2 published.

3 MS. SULLIVAN: Second.

4 MR. RAFFENSPERGER: Do we have a second? Any further
5 discussion? Hearing none, all those in favor of adopting
6 rule 183-1-13-.02, signify by saying aye.

7 THE BOARD MEMBERS: Aye.

8 MR. RAFFENBERGER: Those opposed? Motion carries.

9 MR. GERMANY: Tab 7 in your binder is the rule -- the
10 changes we proposed and published to chapter 14, which
11 deals with two things. One, advance voting. We made
12 changes here to the rule we adopted last time based on the
13 comments we received prior to our last meeting. One thing
14 that we did is we clarified, I think, some kind of
15 drafting errors that made it sound like municipalities
16 cannot continue to have just all paper elections like many
17 of them do. That's not -- that's not the intent. They
18 clearly can do that.

19 We made some changes here similar to what we made in
20 chapter 12 to require notification of advance voting --
21 advance voting locations on a county homepage -- county
22 elections office homepage. This also puts in some similar
23 changes that deal with notifying the superintendent when -
24 - if there's a problem with any component while a voter is
25 voting. And also, it incorporates some of the similar

1 changes to election day about instructing voters to review
2 -- requiring the poll officer at the scanner to instruct
3 voters to review their paper ballot prior to scanning.

4 The other change in 14 deals with the prompt
5 notification of absentee ballot rejection. What this does
6 is it -- it leaves in place the requirement that counties
7 have to notify an elector of rejection of their absentee
8 ballot within -- within three days and attempt to notify
9 the elector by telephone and email if -- if that
10 information is available. What this change does is it
11 basically -- the rule we adopted last time said after
12 early voting ends, so basically from the Friday before the
13 election forward, you've got a 24-hour turnaround on
14 getting absentee ballot rejection notices out. What this
15 rule does is it moves that 24-hour turnaround -- I
16 shouldn't say 24-hour. I think it's next business day --
17 close of business on the next business day, so potentially
18 less than 24 hours. We extend the time that that's
19 required all the way to the week proceeding, so from the
20 second Friday prior to the election, so we basically
21 extend that time by a week where counties have to get out
22 notice within -- by the next business day after they
23 reject the ballot.

24 I will -- I would recommend we adopt both these
25 changes. I will say I'll be presenting a rule that we

1 talked about at the Rules Working Group, an amendment to
2 this that -- right now, the rule says the county shall
3 attempt to notify the elector by telephone and email, if a
4 telephone number or email is available on the elector's
5 voter registration, and we're going to add "or absentee
6 ballot application."

7 MR. RAFFENSPERGER: Any questions, comments, or
8 discussion? Do we have a motion?

9 MR. MASHBURN: I move to adopt this rule as
10 published.

11 MR. RAFFENSPERGER: Do we have a second?

12 MR. WORLEY: I'll second that. I'll second that.

13 MR. RAFFENSPERGER: Any further discussion? Hearing
14 none, motion to approve the advance voting rule as
15 presented, as adopted, please signify by saying aye.

16 THE BOARD MEMBERS: Aye.

17 MR. RAFFENSPERGER: Any opposed? Motion carries.

18 MR. GERMANY: The next rule in tab 8 of your binders
19 is the recount procedure. This, as has been noted, was
20 the rule that we published that we got by far the most
21 comments on. I think it's been pretty adequately
22 explained how -- you know, what this rule does. It does
23 say, and in contrary to what used to happen with DREs, a
24 recount will consist of scanning -- rescanning all the
25 ballots using a central scanner or other scanner if that

1 one's not available. I would recommend that we adopt this
2 rule, and then I'm going to recommend that we publish some
3 amendments to it as well, and I'll briefly just tell you
4 the amendments here.

5 The amendments speak to some of the comments that we
6 received. One, it clarifies that the test -- the test
7 deck that you do before the recount is of actual ballots
8 voted in that election from three different precincts and
9 including absentee ballots as well, so that's an even
10 better test than logic and accuracy testing that we do
11 before the election, which shows that the machines work as
12 they should. This test actually runs the actual ballots
13 that are about to be recounted, which, of course, aren't
14 available before an election. For a recount, they are, so
15 we make that change.

16 We also -- while we keep the concept of a recount by
17 -- by rescanning, we allow for -- or it's already allowed
18 for, I think, in law. We go through some procedures on
19 well, what if there's no -- no scanners work or some of
20 these, you know, emergency type scenarios? What do you do
21 if you have to do a hand recount? So we put in procedures
22 for that. And I will -- I can explain those a little bit
23 more when I get to the new rule to publish.

24 MR. RAFFENSPERGER: Okay.

25 MR. WORLEY: I had a question, Mr. Germany. Why do

1 we need to pass the rule that we adopted last time when
2 you've got an entire rule -- when essentially your
3 amendment is the complete rule that we could just pass
4 from the get-go?

5 MR. GERMANY: Well, we would have to re -- we need to
6 publish the amendment, and then we can pass the amendment
7 at our next sec -- at our next meeting.

8 MR. WORLEY: Right, but you're going to have to do
9 that anyway.

10 MR. GERMANY: Well, I'm trying to take into account -
11 - I think it's not likely, but it's possible that there
12 will be a recount from a March -- a March election.

13 MR. WORLEY: Okay.

14 MR. RAFFENSPERGER: Okay. Any further questions or
15 do we have a motion?

16 MR. MASHBURN: I move that the rule be passed -- be
17 adopted as published.

18 MR. RAFFENSPERGER: Do we have a second?

19 MS. SULLIVAN: Second.

20 MR. RAFFENSPERGER: Any further discussion? All
21 those in favor, signify by saying aye.

22 THE BOARD MEMBERS: Aye.

23 MR. RAFFENSPERGER: Opposed? None? Motion carries.
24 Presentation of consideration of State Election Board
25 proposed rules, Mr. Germany.

1 MR. GERMANY: Yes, sir. So we'll start
2 chronologically here. Okay. The first rule that I would
3 like to publish is a change to the provisional ballot
4 rule. It was pointed out to us by some counties that the
5 current rule requires a -- it says at the provisional
6 ballot station, the polling place shall have an electronic
7 book that includes a master list of registered voters.
8 The intent of that change was to make it mandatory to have
9 a master list of registered voters which has been
10 practiced for -- for a long time, but that list is not at
11 the provisional ballot station. It's at the regular
12 check-in station, so all we're doing is striking at
13 provisional ballot station, leaving the requirement that
14 the polling place shall have an electronic poll book that
15 includes a master list of registered voters. It's a
16 change to 183-12-18.

17 MR. RAFFENSPERGER: So you need a motion for someone
18 to post this?

19 MR. GERMANY: Yes, sir.

20 MR. WORLEY: I move that this proposed rule be
21 published -- posted.

22 MR. RAFFENSPERGER: Do we have a second?

23 MS. SULLIVAN: Second.

24 MR. RAFFENSPERGER: Any further discussion? Hearing
25 none, all those in favor of posting rule 183-12-18,

1 provisional ballots, signify by saying aye.

2 THE BOARD MEMBERS: Aye.

3 MR. RAFFENSPERGER: Any opposed? Motion carries.

4 MR. GERMANY: The next rule is an amendment -- a
5 proposed amendment to rule 183-1-14- thirteen -.13, I
6 should say, prompt notification of absentee ballot
7 rejection. As I mentioned before, the only change we're
8 making here is adding that the county has to give email
9 and telephone notice if the email and telephone is
10 available on the elector voter registration record or
11 their absentee ballot application.

12 MS. SULLIVAN: I'll make a motion to post this rule.

13 MR. RAFFENSPERGER: Do we have a second?

14 MR. MASHBURN: Second.

15 MR. RAFFENSPERGER: Any further discussion? Hearing
16 none, all those in favor of adopting -- or posting rule
17 183-1-14-.13, prompt notification of absentee ballot
18 rejection, signify by saying aye.

19 THE BOARD MEMBERS: Aye.

20 MR. RAFFENSPERGER: Any opposed? Motion carries.

21 MR. GERMANY: The next rule is rule 183-1-15-.02,
22 definition of a vote. This -- we came up with these
23 changes that I'll describe after reviewing the petition
24 that was presented earlier today and some other comments
25 as well. The point, what we're trying to accomplish, is

1 to make absolutely clear that in the event of a
2 discrepancy, the printed text on the ballot controls. We
3 also want to make clear that there is absolutely nothing
4 wrong, and the counties should tabulate ballots using
5 electronic scanners, which reads the QR code in the case
6 of electronic -- in the case of ballots marked by
7 electronic ballot markers or reads coordinates in the case
8 of a ballot marked by hand.

9 So this rule does two things. It adds a section
10 where it says if in reviewing an optical scan ballot --
11 excuse me -- marked by hand, if there's a discrepancy
12 between the tabulated result and the result on the ballot,
13 then the voter's mark on the ballot shall control and be
14 counted. But nothing herein shall be deemed to disallow
15 the use of electronic ballot scanners for tabulation. We
16 clarify that the vote cast on an optical scan ballot
17 marked by an electronic ballot marker shall be the choice
18 indicated by the printed paper ballot. We also say in
19 reviewing an optical scan ballot marked by an electronic
20 ballot marker, if there's any discrepancy between the text
21 on the printed ballot and what was tabulated, then the
22 text controls, but that nothing herein shall be deemed to
23 disallow the use of electronic ballot scanners.

24 MR. WORLEY: I had a question for Mr. Germany if I
25 might, Mr. Secretary.

1 MR. RAFFENSPERGER: Please.

2 MR. WORLEY: There's a difference in section H and
3 section J to this extent: section J says, if in reviewing
4 an optical scan ballot marked by a ballot marker -- and
5 then, I leave out the sections there -- a discrepancy is
6 found between the voter's choice indicated by the printed
7 text on the ballot and the result tabulated by the ballot
8 scanner, the printed text shall control. I'm all for
9 that. But section H says, a vote cast on an optical scan
10 ballot marked by a ballot marker shall be the choice
11 indicated by the printed paper ballot. The printed paper
12 ballot includes the QR code. Wouldn't it be better to say
13 a vote cast on an optical scan ballot marked by a ballot
14 marker shall be the choice indicated by the printed text
15 on the ballot to make it consistent with section J?

16 MR. GERMANY: I don't think so because arguably that
17 would require hand-counting, which would be a less
18 accurate and a -- and a much more time-consuming way of
19 counting results. I, you know, -- when a scanner
20 tabulates an absentee ballot marked by hand, it's not
21 reading the words. It's simply looking for coordinates
22 that align with how that scanner has been programmed.

23 When an electronic ballot marker -- when a scanner
24 reads -- tabulates a ballot marked by an electronic ballot
25 marker, it reads that QR code. In that QR code are those

1 same coordinates that res -- that basically are tied to
2 the candidate in the database created for the election.
3 That's why the scanners on election day can scan
4 electronic ballot marker-marked ballots or emergency paper
5 ballots. It's the exact same programming, so there's
6 certainly no reason to, you know, not allow for electronic
7 tabulation of both of those types of ballots, and I'm
8 afraid that saying what you just said would -- would let
9 some people think that electronic tabulation, which, you
10 know, there's no electronic tabulator that's reading text.
11 It's reading light and dark. Even if it's OCR technology,
12 it's not reading text. It's reading light and dark and
13 that, you know, relates to a candidate as it's been
14 programmed. So that's why I think -- that's why I said --
15 I think that was the purpose of the difference.

16 MR. WORLEY: Okay.

17 MR. RAFFENSPERGER: Any further questions or
18 discussion? If not, I'll entertain a motion.

19 MR. MASHBURN: I move that the rule be posted as
20 indicated.

21 MR. RAFFENSPERGER: Do we have a second?

22 MS. SULLIVAN: Second.

23 MR. RAFFENSPERGER: Any further discussion? All
24 those in favor of the rule as presented to be posted,
25 signify by saying aye.

1 THE BOARD MEMBERS: Aye.

2 MR. RAFFENSPERGER: Any opposed?

3 MR. WORLEY: No.

4 MR. RAFFENSPERGER: Motion carries.

5 MR. GERMANY: The next rule is rule 185-1-15-.03 for
6 recount procedures. We're making two changes in this rule
7 to what was just adopted. One, clarifying how the test
8 deck is created -- should be created from ballots that
9 were actually cast, and all the -- any scanner that has to
10 be used, you run the test deck through. The test deck is
11 hand-counted, you know, using the text or the bubbles, and
12 then make sure the results match up before you can use
13 that scanner for the recount.

14 The next change we're making we're adding it to
15 number two on the second page, and it's called recount by
16 manual hand count. It states a recount shall be conducted
17 by hand count only as provided under the first part of the
18 rule, which is basically if no scanners are available and
19 passed the testing or a person went to a court order. We
20 then go through the process for how votes shall be counted
21 on recount teams, and we said recount teams shall be
22 consisting -- consisting of at least three persons each.
23 The superintendent shall select the persons for each
24 recount team.

25 The manner in which we are doing that is a manner

1 that's in law already, where the county parties provide
2 names to the superintendent, and then the county -- the
3 superintendent picks names from that list for each recount
4 team, and each recount team has to have one person
5 selected by the superintendent and one person selected
6 from each candidate or body who has a candidate on the
7 ballot. For non-partisan elections, the recount team is
8 selected by the superintendent from a list of names
9 submitted by the Superior Court judge, the Chief Judge of
10 the Superior Court in that county, which is -- that's a
11 process that's in existing law.

12 And we just go through how ballots -- shall be
13 manually counted in batches of no more than 30, and the --
14 we just go through the specifics of how that process
15 should work. I would ask the Board to publish this rule
16 for public comment.

17 MR. MASHBURN: I move that the rule be published for
18 public comment.

19 MR. RAFFENSPERGER: Do we have a second?

20 MS. LE: I'll second it. Although I just want to
21 clarify, I think you might have misstated, just for the
22 written record -- I think it's rule 183-1-15-.03 that
23 we're voting on.

24 MR. GERMANY: Yes. That's correct. I'm sorry if I
25 misspoke.

1 MS. LE: I think it was said as 185, and just for the
2 written record, I just want to clarify that's what we're
3 voting on. Thanks.

4 MR. RAFFENSPERGER: Any further discussion? Hearing
5 none, all those in favor of posting rule number 183-1-15-
6 .03 as presented, signify by saying aye.

7 THE BOARD MEMBERS: Aye.

8 MR. RAFFENSPERGER: And those opposed? Motion
9 carries.

10 MR. GERMANY: That's all from me.

11 MR. RAFFENSPERGER: And I believe that's it. Do we
12 have any other items to bring before the Board? Anything
13 any of the Board members want to discuss? Hearing none,
14 I'd move for adjournment. Do we have a motion for
15 adjournment?

16 MS. SULLIVAN: So move.

17 MR. MASHBURN: Second.

18 MR. RAFFENSPERGER: Any opposed?

19 MR. WORLEY: Unanimous consent.

20 MR. RAFFENSPERGER: Motion carries. We are
21 adjourned.

22 (Meeting adjourned)
23

CERTIFICATE

**STATE OF GEORGIA
COUNTY OF DEKALB**

I, Kaitlin Walsh, Certified Court Reporter, hereby certify that the foregoing pages numbered 4 through 130 constitute a true, correct and accurate transcript of the testimony heard before me, an officer duly authorized to administer oaths, and was transcribed under my supervision.

I further certify that I am a disinterested party to this action and that I am neither of kin nor counsel to any of the parties hereto.

In witness whereof, I hereby affix my hand on this, the 8th day of April, 2020.

**Kaitlin Walsh, CCR, CVR
CCR #: 5910-3132-3171-2256**

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