

In The Matter Of:
Secretary of State
State Election Board Hearing

April 15, 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**

**April 15th, 2020
10:15 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

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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P R O C E E D I N G S

MR. RAFFENSPERGER: Well, the first item before us on the agenda will be the approval of the board minutes from February 28th, 2020 and March 11th, 2020. As that has been presented to the members, now would be the appropriate time for a motion. Do we have a motion?

MR. MASHBURN: This is Matt Mashburn. I make a motion that the Board minutes from both meetings be approved.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: Rebecca will second.

MR. RAFFENSPERGER: Do we have any discussion?

MR. WORLEY: This is David Worley. There appears to be a duplicate paragraph in the minutes of March 11th, 2020, so I would amend the motion to pass the minutes with the duplicate paragraph deleted.

MR. MASHBURN: I view that -- Matt Mashburn views that as a friendly amendment and has no objection.

MR. RAFFENSPERGER: Okay. That being said, we have a motion before us with the amendment as proposed by Mr. Worley. All those in favor, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: None opposed? Motion carries. Okay. We now have the time for public comments, and I understand, Bre, that you'll be quarterbacking that for us

1 and coordinating that, so we'll call on the first public
2 comment. I'll turn it over to you, Bre.

3 MS. THOMAS: Okay. If you would like to make public
4 comment, on the toolbar there is an option to raise your
5 hand, or you can write in the questions box if you would
6 like to make a public comment. We're first going to start
7 with Joy Wasson and Liz Throop. You can speak now.

8 MR. RAYBURN: This is Kevin Rayburn. As a reminder,
9 everyone has two minutes. Please state your name and
10 where you are from for the record before you begin, and we
11 will have a timer going off after two minutes. Please
12 respect the time, and please --

13 MS. WASSON: Hello.

14 MR. RAYBURN: -- keep comments to the rules that are
15 up for discussion today. Thank you.

16 MS. WASSON: Okay. Can you hear me?

17 MS. THOMAS: Yes.

18 MR. RAFFENSPERGER: Yes.

19 MS. WASSON: Hi. I'm Joy Wasson, a DeKalb County
20 voter. On March 27th, there was a hearing on a violation
21 of the Help America Vote Act, known as HAVA. The
22 complaint was brought by Coalition for Good Governance,
23 who presented compelling and overwhelming evidence that
24 secrecy of the ballot was violated in numerous counties in
25 Georgia with the new Dominion voting system. It was clear

1 from the witnesses that the machine's design flaw and
2 space considerations made it impossible in most
3 configurations for the systems to comply with Georgia
4 laws. There would be no doubt to reasonable people
5 hearing and seeing the evidence presented that the finding
6 should be that the privacy requirements under HAVA were
7 not met.

8 The Secretary of State's Office dismissed the
9 Plaintiffs' claims and ultimately concluded that no
10 violation occurred despite the fact that the witnesses had
11 each personally observed scores of non-secret touch screen
12 ballots. I've observed these myself. The State once
13 again told Georgia's counties that they must assure voter
14 privacy and were free to be creative with solutions.

15 Athens-Clarke County recently adopted a resolution to
16 restrict ballot-marking devices to a number that can be
17 arranged to comply with secrecy and use hand-marked paper
18 ballot voting stations in the remaining space to comply
19 with required number of voting booths per electors.

20 Athens-Clarke has been punished by this body when trying
21 to move to a better solution of all hand-marked paper
22 ballots. That would be the best given the current
23 pandemic physical distancing guidelines in place. I
24 applaud Athens-Clarke for working to protect voters and
25 urge the SEB to do the same.

1 MR. RAYBURN: Thank you. You came in just under two
2 minutes. I appreciate that comment.

3 MS WASSON: Thank you, and Liz Throop is with me.
4 She's next.

5 MR. RAYBURN: Okay. As a reminder, if everyone would
6 please keep your comments focused on the rules on the
7 agenda today. Thank you.

8 MS. THROOP: Well, thanks. This is Liz Throop, and I
9 live in DeKalb County. This is related. Another thing --
10 a lot of questions about voting on social media. People
11 are asking what if I didn't get a ballot application?
12 What if I'm not over 65 or disabled? What if I didn't put
13 my birth date on the application? What if I voted for the
14 presidential primary already? Why do I have to state my
15 party? What if I don't have stamps? What if I prefer to
16 vote in person? Many of these questions have simple
17 answers. Could the State Election Board ask the Secretary
18 of State to put an FAQ on their webpage? Thank you.

19 MR. RAYBURN: Thank you for your comment.

20 MS. THOMAS: All right. So next we're going to have
21 Saira Draper, and you are unmuted, and you can speak now.

22 MS. DRAPER: Right. Thank you. Good morning,
23 everyone. Can you hear me?

24 MS. THOMAS: Yes.

25 MR. RAYBURN: Yes.

1 MS. DRAPER: Wonderful. So, good morning. My name
2 is Saira Draper, and I'm the Director of Voter Protection
3 for the Democratic Party of Georgia. I see that the Board
4 will consider an emergency rule today about ballot drop
5 boxes, and I wanted to say that I'm pleased that you're
6 considering options to expand opportunities to vote at a
7 time when in-person voting is severely restricted. And
8 for those of you who do not know, ballot drop boxes are
9 secure metal boxes where voters can drop off their vote-
10 by-mail ballots postage-free. Given that the State is not
11 providing postage for ballots, the uncertainties about the
12 future of the USPS, and that in-person interactions are a
13 health risk, offering limited contact options to voters is
14 prudent. By offering drop boxes, you are limiting the
15 pressure on and the risks to our counties, poll workers,
16 and voters.

17 That said, for the roll out of drop boxes to be
18 effective, there are certain minimum standards that must
19 be met. So first, drop boxes must be fully funded by the
20 State. Counties across Georgia are heavily burdened right
21 now and simply cannot be expected to raise additional
22 funds in addition to everything else. Georgia has
23 received \$10 million federal dollars for elections through
24 the CARES Act that are use it or lose it funds. Providing
25 safe ballot access is the most important use of these

1 funds. The State must step up to provide these essential
2 drop boxes. Each county should be offered funds for at
3 least one drop box and jurisdictions with larger voting
4 populations should be provided funds for additional drop
5 boxes.

6 Second, if the drop boxes are to be utilized, they
7 must be plentiful and accessible 24/7. Research shows
8 that jurisdictions that offer greater access to ballot
9 drop boxes see higher rates of use. Ideally during this
10 time of pandemic, drop boxes will be located outside, so
11 that voters can access them while limiting interaction
12 with others. Offering drop boxes behind locked doors
13 available only for certain times carries the same risk as
14 in-person early voting. We must allow Georgians to drop
15 off their ballots at a time that works for them.

16 And third, drop boxes must be made available in
17 advance, but at least three weeks before Election Day, in
18 line with Georgia's early vote period. We know that drop
19 boxes for ballots are a secure, viable alternative to
20 forcing Georgians to endanger themselves by voting in
21 person, and we must provide that alternative to every day
22 voting -- we must provide that alternative for every day
23 voting, not just Election Day. Offering counties the
24 option to put up drop boxes --

25 MR. RAYBURN: That's time.

1 MS. DRAPER: without providing them the support for
2 resources to do so is an empty gesture. County election
3 officials are dealing with unprecedented challenges right
4 now: an overwhelming influx of vote-by-mail applications
5 that need to be processed safely and quickly, staff
6 shortages, and closures of polling locations.

7 MR. RAYBURN: Thank you. Sorry. The two minutes are
8 up. We appreciate your comment.

9 MS. DRAPER: Oh, okay. Yeah.

10 MR. RAYBURN: Thank you.

11 MS. THOMAS: All right. So next is Jeanne Dufort.
12 You are unmuted, and you can speak now.

13 MS. DUFORT: Good morning. I'm from Madison,
14 Georgia. Revall Burke died on April 5th from coronavirus
15 with symptoms developed 5 days after he served as a poll
16 worker in Chicago. He was 60. And letters are going out
17 to poll workers and voters who may have been exposed in at
18 least 4 Chicago voting precincts on March 17th. In coming
19 weeks, we'll hear about exposures, illness, and yes, death
20 in Wisconsin from voters and poll workers exposed to
21 coronavirus last Tuesday. Georgia's overall peak is
22 projected to be around May 1. Conditions when early
23 voting in person begins in 159 counties two weeks later
24 are -- they're going to be like they are today and
25 consider why we're meeting virtually today.

1 The plan to use touch screens to mark ballots
2 requires at least 6 common touches of tablet screens,
3 access cards, printers, and scanners. Would you feel safe
4 today as a poll worker sitting at a table for 12 hours as
5 voter after voter came within 3 feet of you? Why would
6 you feel any safer on May 18th or even June 9th?

7 Last Monday, Secretary Raffensperger held a press
8 conference, and instead of addressing his plans to help
9 poll workers and voters get through the upcoming election
10 season with their health and lives intact, he chose to
11 announce a voter fraud task force. Because it's tradition
12 in Georgia to pretend that voter fraud is a real thing,
13 while voter suppression is not. He offered no answers
14 about the reported shortage of poll workers, no answers
15 about how to protect workers and voters, no ideas about
16 how the upcoming election might be redesigned to require
17 fewer resources and less contact.

18 There are ways to make in-person voting safer for
19 both poll workers and voters. Distributing hand
20 sanitizers and wipes and telling election directors to try
21 harder is not enough. Why is this not at the top of your
22 agenda today? It's top of line for election directors and
23 boards across the state. Some, like the Jackson County
24 Board of Elections, are beginning to speak out. None of
25 us chose this pandemic, but we are all called to respond.

1 When you look back at this time, will you be proud that
2 you, the SEB, did everything possible to protect poll
3 workers and voters while ensuring that everyone who wants
4 to vote is able, or will you sit this one out while
5 Georgia poll workers and voters face the same terrible
6 choices Wisconsin citizens faced last week? I hope --

7 MR. RAYBURN: Thank you, Jeanne. The two minutes
8 are up. We appreciate your comments.

9 MS. THOMAS: All right. Next is Stacey Hopkins.
10 And you may speak now.

11 MS. HOPKINS: Hello?

12 MS. THOMAS: Yes. We can hear you.

13 MS. HOPKINS: Okay. My question is in light of the
14 reports that absentee ballot applications were erroneously
15 sent out to registered voters with the incorrect mailing
16 addresses and being designated as undeliverable by the US
17 Postal Service, will the Secretary of State's Office mail
18 the new applications out to those voters to -- and ensure
19 that they are not also reported on the NCOA database? If
20 that is the case that they are reported, this would also
21 erroneously create the criteria for them to be eligible to
22 begin the process of being removed from the voting rolls
23 in accordance with the FDRA. How does the State plan to
24 remedy this problem to ensure that every registered voter
25 has the option to use absentee ballots in this particular

1 election cycle?

2 MR. RAYBURN: Thank you.

3 MS. THOMAS: Thank you, Ms. Hopkins. Next, we will
4 have Representative Park Cannon. And you can speak now.
5 Ms. -- Representative Cannon, you are self-muted. Okay.
6 You can speak now.

7 MS. CANNON: Are you able to hear me?

8 MS. THOMAS: Yes.

9 MS. CANNON: Well, I want to say thank you for
10 gathering here in these times. I do agree that it takes
11 all of our collective leadership to help secure the vote
12 in Georgia's 2019 elections. I am a State Legislator in
13 Fulton County, the county with the largest voting
14 population in the state. I bring concern today that the
15 public notice for today's meeting was sent less than 24
16 hours before the meeting, being stated to being sent at
17 11:42am. Even though we are in a state of emergency,
18 there is much concern for voting and public concern at
19 that.

20 I bring concern that during today's presentation and
21 considering of State Election Board proposed amended rules
22 related to provisional ballots, prompt notification of
23 absentee ballot rejection, the definition of a vote, and
24 the optical scan recount procedure that we need more work
25 on this. We have been allocated \$10 million in the CARES

1 Act for our state related to voting, and I hope that we
2 will pay attention and do what is best to provide public
3 notice to Georgians on how the vote will be counted fully
4 in 2019. Thank you for being here today.

5 MS. THOMAS: Thank you, Representative Cannon. Next,
6 we will have Aileen Nakamura. You may now speak.

7 MS. NAKAMURA: Hi. Can you hear me?

8 MS. THOMAS: We can hear you.

9 MS. NAKAMURA: Okay. Hi, I'm Aileen Nakamura from
10 Fulton County. I believe what I and so many of us
11 witnessed five weeks ago in Athens-Clarke County was a
12 grave dereliction of duty by this Board. The ACC, Athens-
13 Clarke County Board, showed that it was impracticable or
14 impossible for them to use the oversized touch screen
15 equipment in adequate numbers in the current polling
16 places while abiding by 3 important legal requirements.
17 One, provide every voter absolute ballot secrecy. Two,
18 provide one machine for every 250 voters. And three,
19 provide visibility for poll workers to monitor the
20 machines to prevent tampering.

21 The only law that the -- that the state lawyers
22 talked about was the mandate for all 159 Georgia counties
23 to use a uniform system of voting. They ignored the
24 evidence of non-compliant precinct layouts showing that
25 the machines simply cannot be installed in current

1 precincts in a manner that protects voter privacy. This
2 Board relied on the County Election Director saying that
3 she thought she could fit up polling places even though
4 she had not been able to provide the Board with specific
5 layouts to show that it was feasible.

6 So after 7 hours of testimony, most of it was
7 ignored. With 4 lawyers and an engineer sitting on the
8 State Election Board, not one member of the SEB bothered
9 to ask any questions related to ballot secrecy or polling
10 place layout or equipment anti-tamper monitoring. And not
11 one SEB member commended the ACC Board for doing the
12 lawful and right thing for their voters, protecting their
13 constitutional right. Instead, 4 lawyers and an engineer
14 ignored all of the legal and logical reasons why ACC
15 rightly decided they had to stop using particular
16 equipment and then reprimanded them for not getting along
17 with their election staff, but failed to find any method
18 of protecting a secret ballot with the touch screens. And
19 on top of that, they slapped them with fines so that other
20 counties would not follow in their footsteps.

21 It's abundantly clear that the Georgia State Election
22 Board is only interested in defending the Secretary's poor
23 choice of a BMD voting system. Shame on the SEB. Georgia
24 voters deserve better. A State Board should enforce the
25 law, not driven by a goal of justifying the Secretary's

1 improper choice of a voting system. Thank you.

2 MS. THOMAS: Thank you. Next, we will have Libby
3 Seger. You are now unmuted, and you can speak.

4 MS. SEGER: Good morning. My name is Libby Seger,
5 and I am a voter from Fulton County, where I am a student
6 at Georgia State University. I'm here today to talk on
7 some of your proposed rules. However, I would like to say
8 that at this point, I do feel like myself and the rest of
9 us who continue to attend these meetings and speak at them
10 are beginning to sound like a broken record. How many
11 times are we going to have to repeat ourselves until
12 people like you actually start listening to the people you
13 represent?

14 So for starters, I'd like to say that choosing to
15 make an unreadable barcode the official vote of Georgia is
16 just ridiculous. If we can't read a QR code, how are we
17 supposed to ensure that what we're being [sic] voted for,
18 is actually what we're voting for? The official and final
19 vote of Georgia should be verifiable by Georgia voters
20 everywhere without the need of some expensive scanner to
21 do it for them.

22 And as for your optical scan recount procedure, it
23 makes absolutely no sense. The purpose of a recount is to
24 verify the result. You can scan the same QR code once,
25 twice, a hundred times, but the answer will never change.

1 If this rule is adopted, Georgia voters will never truly
2 know whether my vote or that their vote, the vote they
3 intended to cast, was the one that actually counted.

4 So I'm asking you to protect our right to vote by
5 not adopting these rules and redefining the official vote.
6 Georgia voters deserve to have confidence in who they're
7 voting for, especially at a time like this when everything
8 else in life seems so uncertain. Thank you.

9 MS. THOMAS: Thank you, Ms. Seger. Next, we will
10 have Elisa Goldklang. You are now unmuted, and you can
11 speak.

12 MS. GOLDKLANG: Okay. Hi, my name is Elisa
13 Goldklang. And first of all, I want to thank you all for
14 having this virtual meeting, though a little bit more
15 notice would have been better. As you all know, I always
16 say my father and my grandfather served and that you
17 serve, and I think our number one priority right now is
18 protecting poll workers and citizens. And right now, as
19 many Americans have died as died in the American
20 Revolution. Do you understand that -- in five months?
21 It's not going okay, and this is not going to be the only
22 election where COVID is going to be a problem. It's going
23 to peak again in the fall. My father is a
24 gastroenterologist, my mother was a [sic] endoscopy nurse,
25 and my husband and I are both in the medical field, and

1 we're very aware, and we're very concerned about our poll
2 workers and about our citizens.

3 And the touch screens are an absolute no. They
4 cannot be used during this time. We cannot expose our
5 poll workers and our citizens to each other because the
6 virus lingers for 72 hours in the air, and it lingers on
7 hard surfaces. You must, for the safety of everyone, use
8 absentee ballots or vote-by-mail, whatever you want to
9 call it, and your poll workers need to use gloves when
10 they open those letters.

11 The fact that you're refusing to do that is like a
12 hospital administrator saying that oh, they have a new
13 machine that's going to do great work in surgery, but all
14 the surgeons say, no, it's really unsafe. People are
15 going to die. But you all are like that hospital board,
16 and you're like, well, you know, the company said it was
17 great, so we're going with the company, and we're not
18 listening to the surgeons. You're doing the same thing
19 with the -- with the machines. You're not listening to
20 the computer scientists and the elections security experts
21 because you don't have any on your Board, and the one that
22 you had on the SAFE Commission, you didn't listen to. So
23 this is -- clearly, you are doing this for profit and for
24 money and for power. And I am ashamed, and I am
25 embarrassed for our State.

1 But most of all, I am worried about everyone's
2 health. You know, my mother passed last month, and it's
3 horrendous. I do not want anyone else to go through this,
4 but right now, we are 10 times as many dead as on 9/11.
5 And a little bit about myself, I lived in New York City in
6 9/11, and it's beyond horrible. So please, put your egos
7 aside and save our citizens. Thank you.

8 MS. THOMAS: Thank you, Ms. Goldklang. And next,
9 we have Laura Walker. And you are now able to speak.

10 MS. WALKER: Hi. My name is Laura Walker. I live in
11 Muscogee County, and I'm the Chair of the Muscogee County
12 Democrats. And I wanted to echo a previous comment that
13 in-person voting for this May/June in-person -- obviously
14 -- election period is not safe yet, and it's not going to
15 be safe. It would be one thing if we had valid data that
16 connected, you know, outbreaks to causes, et cetera, you
17 know, to be able to target how it is spreading, where it
18 is spreading in different counties. But we don't. We
19 just saw within the last 24 hours that Georgia is lagging
20 far behind other states. We are 45th out of 50 as far as
21 how many people we are able to test. We just don't have
22 the proper data to make a decision about safety here.
23 Because we are touching screens and the cards and the
24 paper, it is, you know, it's unsafe for voters and poll
25 workers and election, you know, county election boards

1 alike.

2 Know that -- I know that if we did make the decision
3 or the decision was made to go full on absentee voting for
4 this election, the Democratic Party of Georgia and all of
5 our counties are ready to, you know, phone bank to help
6 people with this, you know, spreading the word so that
7 they know and we can answers about, you know, what they
8 should do and how they should, you know, make sure that
9 they get the ballot to the county boards, et cetera. You
10 know, we would do our best to help, you know, spread that
11 so that people would know what to do and could do it
12 probably. But I just think it's just not safe. It's not
13 safe for anyone. And that's it. Thanks for listening.

14 MS. THOMAS: All right. Thank you, Ms. Walker.
15 Next, we will have Jacqueline Elsner. And you are
16 unmuted, and you can begin speaking now.

17 MS. ELSNER: Thank you. I'm Jacqueline Elsner in
18 Athens, Georgia, and I've attended Athens-Clarke Board of
19 Elections meetings regularly since September 2019 and
20 observed the performance of our Election Director and of
21 our Board of Election members. I attended the March 11
22 meeting -- hearing -- at the UGA Center. I want to stand
23 in support of my Board of Elections. The decision to
24 protect ballot secrecy was honorable, and it was awful.
25 I'm ashamed that my Mayor and 8 of my 10 Commissioners

1 could not see it that way. But that's not where I am
2 today.

3 We are talking definition of vote in 183-1-15-.02.
4 As I understand, in the Dominion System, the definition of
5 vote is the QR code. And no one except the proprietary
6 software of Dominion can read the QR code. So that is --
7 let's make the definition of the vote the actual names of
8 people I voted for on my ballot. And I help with poll
9 worker training. I sadly have to say I could not be a
10 poll worker in 2020 because of COVID-19, and there's a
11 code of conduct at Athens-Clarke County that you can't
12 work for a candidate if you're going to be a poll worker,
13 and, you know, that was a priority of mine to work for a
14 candidate.

15 Okay. So beyond the Dominion touch screen, you take
16 out your ballot, which, of course, the QR code is my vote
17 not the name there, and you walk over to the scanner, and
18 you put it face up into the scanner. Well, the scans --
19 the poll workers have to make sure they're looking at
20 that, the voter. This is not ballot secrecy. I mean, we
21 are -- we're so many directions of violation of ballot
22 secrecy.

23 I -- I attended SAFE Commission meetings in 2017 and
24 2018 and in 19 and I am not proud of our State Election
25 Board. I've seen Mr. Harvey testify to terminal

1 incompetence. I've seen Mr. Germany testify to things
2 that don't make a lick of sense. So I'm asking you to
3 protect our ballot secrecy, to protect our voters and our
4 poll workers. Thank you.

5 MS. THOMAS: Thank you, Ms. Elsner. So that ends our
6 section for public comment.

7 MR. RAFFENSPERGER: Okay. This is Secretary Brad
8 Raffensperger. Next, we have the presentation and
9 consideration of State Election Board proposed amended
10 rules. Now, like we've done at the last two meetings, if
11 we could have our Chief Counsel Ryan Germany go through
12 183-1-12-.18 on provisional ballots and explain what we're
13 doing there, and then we'll take Board questions and
14 comments.

15 MR. GERMANY: Yes, sir. Thank you, Mr. Secretary,
16 Board members. The rules for consideration on our agenda
17 today are changes that we had made to already adopted
18 rules that we have adopted through the rule posting
19 process in response to comments that we have received. We
20 did not receive any additional written comments on these
21 posted rules.

22 Rule 183-1-12-.18, regarding provisional ballots, the
23 only change to the rule we're making is we're taking out a
24 phrase, and I guess this was noticed by counties, that
25 required -- it sounded like it required an electronic poll

1 book at the provisional ballot station. So we're
2 clarifying that the polling place shall have an electronic
3 poll book that includes a master list of registered voters
4 but not a separate one for each provisional ballot
5 station. And that's the only change there. I'm happy to
6 take any questions.

7 MR. RAFFENSPERGER: Any members have any questions?
8 If not, now would be the appropriate time for a motion.

9 MR. MASHBURN: This is Matt Mashburn. I move that
10 the rule be adopted as published.

11 MR. RAFFENSPERGER: Do we have a second?

12 MS. SULLIVAN: Second.

13 MR. RAFFENSPERGER: Okay. Do we have any discussion
14 on this proposed rule? Hearing none, I'll call to action.
15 All those in favor of accepting provisional ballot rule
16 183-1-12-.18 as presented, signify by saying aye.

17 THE BOARD MEMBERS: Aye.

18 MR. RAFFENSPERGER: And those opposed? Let the
19 record show none opposed. Motion carries. Okay. Next
20 one we have up is 183-1-14-.13, prompt notification of
21 absentee ballot rejection. Mr. Germany?

22 MR. GERMANY: Thank you, Mr. Chairman. The change
23 we're making to this rule is again in response to the
24 comments received. The existing rule required the county
25 to attempt to notify the elector by telephone and email if

1 the telephone number or email is on the elector's voter
2 registration record. What we're adding in this rule is
3 "or absentee ballot application." So it's telephone and
4 email contact is required if that information is on either
5 the voter registration record or the absentee ballot
6 application. So that's the change we're making here.

7 MR. RAFFENSPERGER: Do we have any questions from any
8 of the Board members?

9 MR. WORLEY: This is David Worley. This is not a
10 question, but I just wanted to say for the record that
11 this entire rule I think is a great improvement over
12 preceding practice, and it will ensure that voters are
13 notified promptly if their absentee ballot application has
14 been rejected.

15 MR. RAFFENSPERGER: Okay. And I guess to Mr.
16 Worley's -- this is Secretary Raffensperger. And to Mr.
17 Worley's point and also to some of the comments that were
18 made about notification, I do like that we've added "or
19 absentee ballot application," so as these applications are
20 out there, if people put down their phone number or get a
21 new phone number that we don't have, it gives us that
22 opportunity to make sure that we can contact them if we
23 have to contact them. And so I hope they put that out
24 there if we need to, but I think this is another way to
25 really make this more accessible to more voters, so I

1 think it's a very solid improvement. Is there any other
2 comments from any of the Board members?

3 MR. MASHBURN: This is Matt Mashburn. And first, I'd
4 like to commend the Secretary for making this absentee
5 ballot application available. I -- I think the Secretary
6 was ahead of the curve on this one, and so much of COVID-
7 19 has been reacting to things, I think the Secretary was
8 ahead of the curve, and I commend him for that. I
9 received my absentee ballot application in the mail, and I
10 saw the place where you could add your email and your
11 phone, and I did it, and it was very simple and easy, and
12 I sent it back. So I think is a very good change. It's
13 very helpful, and I echo David's excellent comments as
14 well and would make a motion that it be adopted as is.

15 MR. RAFFENSPERGER: Do we have a second on that
16 motion?

17 MR. WORLEY: This is David Worley. I will second
18 that.

19 MR. RAFFENSPERGER: Okay. Do we have any further
20 comments from any members? Hearing none, all those in
21 favor of proposed rule 183-1-14-.13, prompt notification
22 of absentee ballot rejection, please signify by saying
23 aye.

24 THE BOARD MEMBERS: Aye.

25 MR. RAFFENSPERGER: Any opposed? Let the record show

1 none were opposed. Motion carries.

2 MR. GERMANY: The next rule on our agenda is rule
3 183-1-15-.02, definition of a vote. Again, these are
4 updates we posted in response to comments we received
5 before we adopted this rule. The edits are we're adding a
6 few sections that if there's any discrepancy between the
7 voter's mark on a hand-marked ballot or the printed
8 choices on a ballot-marking device ballot that the voter's
9 mark or the printed text shall control and be counted, but
10 also stating that nothing herein shall be deemed to
11 disallow the use of ballot scanners for tabulation of
12 ballots. We're also adding a section that says a vote
13 cast on an optical scan ballot marked by an electronic
14 ballot marker shall be the choice that's indicated by the
15 printed paper ballot. I'm happy to take any questions on
16 those updates.

17 MR. RAFFENSPERGER: Any members have any questions or
18 comments? Hearing none, now would be the appropriate time
19 for a motion, if the Board is so inclined.

20 MR. MASHBURN: This is Matt Mashburn. I make a
21 motion that the rule be adopted as published.

22 MS. SULLIVAN: Second.

23 MR. RAFFENSPERGER: I hear a second. Do we have any
24 further discussion from any Board members? Hearing none,
25 all those in favor of adopting rule number 183-1-15-.02 as

1 presented, please signify by saying aye.

2 THE BOARD MEMBERS: Aye.

3 MR. RAFFENSPERGER: Any opposed? Let the record show
4 no one was opposed. Motion carries.

5 MR. GERMANY: The next rule is 183-1-15-.03. This is
6 the recount procedure. And again, this is making updates
7 based on the comments we received prior to adopting this
8 rule. There's two, kind of, main changes. One, we go
9 into a little more detail in subsection 1C about how the
10 county is supposed to test the scanners before they
11 conduct a recount. And we also add a section 2, which is
12 recount by manual hand count, which provides for how to
13 conduct a manual hand recount if, basically, no scanners
14 pass the testing or a court orders it. I'm happy to take
15 any questions.

16 MR. RAFFENSPERGER: Members, do you have any
17 questions? Hearing none, now would be the appropriate
18 time for a motion if the Board is so inclined.

19 MR. MASHBURN: This is Matt Mashburn. I make a
20 motion that the rule be adopted as published.

21 MR. RAFFENSPERGER: Do we have a second?

22 MS. SULLIVAN: Second.

23 MR. RAFFENSPERGER: We have a second. Discussion
24 from the members? Any further discussion? Hearing none,
25 all those in favor of adopting rule number 183-1-15-.03,

1 signify by saying aye.

2 THE BOARD MEMBERS: Aye.

3 MR. RAFFENSPERGER: Any opposed? Hearing none, let
4 the record show it was passed unanimously. Mr. Germany?

5 MR. GERMANY: The next rule for consideration -- this
6 is the emergency rule on absentee ballot drop boxes that
7 we've been working on, and I appreciate Kevin Rayburn's
8 work in our Office, as well as Lynn Bailey and other
9 counties that we've been working with on it. This would
10 be a response to the COVID-19 situation that's ongoing to
11 try to add an additional way for people to return absentee
12 ballots. The way it works now is you -- obviously, you
13 can return your ballot through the mail or you can drop it
14 off in-person with your County Registrar. What this would
15 do is allow the County Registrars to establish one or more
16 secure drop boxes at their office or in other -- on other
17 government property in their county. The point would
18 obviously be that some counties are currently closed, and
19 so this will hopefully allow another way to have a
20 contactless return of your absentee ballot.

21 We pulled a lot of this, these rules, from Colorado's
22 rules. They have drop boxes for their absentee ballots,
23 and that's something they've had for quite a while, so
24 it's not -- we're trying not to reinvent the wheel.

25 I will -- as we finished this, which was not too long

1 before this meeting, we went over a few comments we
2 received from the Rules Working Group members, and some
3 we've incorporated in the version that you have and some
4 have not, but, obviously, we can discuss all of them.
5 There was -- there was a suggestion that we make this
6 mandatory that each county have at least one, and while
7 that's understandable, my concern on that is that, you
8 know, some counties have been asking about this and I
9 think will utilize it. Other counties may not be prepared
10 to do that on such short notice. I think if we do end up
11 adopting a permanent rule on this based on how we see this
12 process working, that would be appropriate, but to put
13 this as a requirement on counties right now with what they
14 face, I don't think it's appropriate. Frankly, I think if
15 we let the counties who are interested do it, I think
16 we'll probably see widespread adoption from other counties
17 once they kind of have that roadmap from the counties that
18 are interested.

19 The other comment was about a drop box being securely
20 fastened to the ground or an immovable fixture. And there
21 was some concern about how that would work on a drop box
22 located indoors. Ms. Bailey from Richmond County was the
23 one concerned about that, and her and I talked about it,
24 and I think she's now okay. Obviously, the security of
25 the boxes is paramount, that no one can walk off with them

1 or otherwise tamper with the ballots in them. So I think
2 we're okay with that requirement.

3 We also added -- Mr. Mashburn brought up that we
4 should make sure that the people who are handling the
5 ballots, as they return them from the drop boxes, are
6 sworn, just like poll officers. So we've added that in
7 paragraph 10. And then, we added -- in number 9, we added
8 a requirement that a drop box shall be clearly labeled
9 official absentee ballot drop box and that each drop box
10 location shall have signage clearly displayed -- or
11 clearly displayed signage developed by the Secretary of
12 State regarding Georgia law with the absentee ballot
13 harvesting and destroying, defacing, or delaying
14 deliberately ballots. And that's also consistent with
15 what they do in Colorado, where they have kind of like a
16 warning on charity drop boxes that says here is the law
17 basically regarding soliciting charitable donations from
18 drop boxes.

19 That's the rule. This would be an emergency rule so
20 this would -- this would not be for posting. This would
21 be for -- it would take effect immediately as we get it to
22 Delores in administrative procedures. It is -- and this
23 rule, as it's written, applies only to June 9th, 2020.
24 So, and then, it's repealed as -- by operation of law
25 because it's an emergency rule and states must, but even

1 with that, this rule is only applicable to June 9th, 2020.
2 This has been something that the Rules Working Group has
3 discussed. Something that we want to consider, I think,
4 going forward anyway, so it basically would allow counties
5 to utilize secure drop boxes for the primary election, and
6 then the Board would have to come back and do a permanent
7 rule after that. And I'm happy to take any questions.

8 MR. RAFFENSPERGER: Any Members? Do you have
9 questions for Mr. Germany?

10 MR. WORLEY: This is David Worley. I have a question.

11 MR. RAFFENSPERGER: Okay.

12 MR. WORLEY: Is -- by limiting it to the June 9th
13 election -- historically, the run-off is considered part
14 of the primary election. Would this rule apply to the
15 run-off?

16 MR. GERMANY: I think the way it's written it would
17 only apply to the general primary and not the run-off. If
18 the Board wanted it to apply to the run-off as well, I
19 think we could -- we could say that for, you know, the
20 general primary and the run-off. But as it's written, it
21 only applies to the June 9th election.

22 MR. RAFFENSPERGER: Any further comments?

23 MR. GERMANY: I would make one other comment. It's
24 that we are looking at, you know, per the Secretary's
25 direction, our office is looking at whether and how we can

1 use grant money to, you know, from the federal government
2 for COVID-19 to help counties establish these locations.
3 Not really relevant to the rule, but just so the Board is
4 aware.

5 MR. RAFFENSPERGER: I believe that we had some public
6 comment to that effect.

7 MR. MASHBURN: This is Matt Mashburn. I would like
8 to commend Ryan and his team, Kevin and his team, for a
9 well-thought out proposal. As I read it, I had questions
10 in my mind that was well, what about this or what about
11 that? And as I kept reading, there was the answer. So I
12 think this rule reflects a lot of thought that went into
13 it and a lot of well, what about this and what about that?
14 And just playing things out in their minds about how
15 things were going to happen, and so, just -- they did a
16 great job with this, in my opinion. And as a result, I
17 move that the Board adopt this rule as published.

18 MR. RAFFENSPERGER: Do we have a second?

19 MR. WORLEY: This is David Worley. I'll second it.

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

22 MR. WORLEY: This is David Worley again. I have some
23 comments. I think this is a very good idea. I am anxious
24 to see how it plays out in the primary and how -- what we
25 may need to do to use it later in the year. I -- this is

1 the first Board meeting that we've had since the Secretary
2 decided to mail almost 7 million absentee ballot
3 applications to voters, and I want to compliment the
4 Secretary on that decision. I think that was the right
5 decision. I think this rule will help carry out that
6 decision. And I just think it's the right thing to do.

7 MR. RAFFENSPERGER: Thank you, Mr. Worley. Any
8 further comments? Hearing none, all those in favor of
9 adopting the emergency rule, absentee ballot drop boxes,
10 as presented today, please do so by signifying aye.

11 THE BOARD MEMBERS: Aye.

12 MR. RAFFENSPERGER: Any opposed? Hearing none, the
13 motion passes unanimously. I don't see anything else to
14 be brought before the Board today. Do any Board members
15 have any business they'd like to bring for our
16 consideration this morning? Hearing none, I'll ask for a
17 motion for adjournment.

18 MR. WORLEY: This is David Worley. I move that we
19 adjourn this meeting of the State Election Board.

20 MR. RAFFENSPERGER: Second, anyone? Anybody want to
21 second this?

22 MR. MASHBURN: Second.

23 MR. RAFFENSPERGER: Any opposed? Motion carries.
24 Thank you very much for your time and being here on such
25 short notice. If any of our Board members or any of our

1 staff need them for any other emergency procedures as
2 regards to COVID-19, we will reconvene, but thank you very
3 much for your input with our Counsellor, also, the Rules
4 Working Group for their efforts, and also, with all the
5 decisions we've made so far, they're really trying to put
6 voters first and our election workers. So we are working
7 together and being very mindful of the situation we have
8 on the ground, so with that, I wish you all the very best.
9 God bless and good day. Thank you.

10 (Meeting adjourned)

CERTIFICATE

**STATE OF GEORGIA
COUNTY OF DEKALB**

I, Kaitlin Walsh, Certified Court Reporter, hereby certify that the foregoing pages numbered 4 through 34 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 12th day of May, 2020.

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

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