

In The Matter Of:
SECRETARY OF STATE
State Election Board Hearing

July 1, 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**

**July 1st, 2020
8:00 A.M.**

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

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

Atlanta, Georgia

APPEARANCE OF THE PANEL

Secretary of State Brad Raffensperger, chair

Rebecca Sullivan, vice chair

Anh Le

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: I think we can call the meeting to order. Once again if we could just do a quick roll call and make sure that everybody's here. Rebecca Sullivan?

MS. SULLIVAN: Present.

MR. RAFFENSPERGER: David Worley?

MR. WORLEY: Present.

MR. RAFFENSPERGER: Anh Le?

MS. LE: Present.

MR. RAFFENSPERGER: And Matthew Mashburn?

MR. MASHBURN: Present.

MR. RAFFENSPERGER: Okay. We'll lead off with a quick word of prayer and the Pledge of Allegiance.

(Invocation)

(Pledge of Allegiance)

MR. RAFFENSPERGER: So good morning. I appreciate everyone being up at 8 o'clock this morning. So anyone that's listening understands, one of our Board members actually has a deposition at 9 o'clock, so we really have to end promptly at 9 so they can get on with that. So we'll be moving through this and hear a few comments. Because I know we all have busy schedules and I don't want to take too much time out, I wanted to take a moment to thank each and every county elections official and all of

1 those poll workers that worked so hard to help us reach a
2 record turnout on June 9th despite COVID and the
3 challenges it brought. We know we will face similar
4 challenges in the elections to come. In today's meeting,
5 I hope to see a systemic use of the rules that we had in
6 place in June to help people exercise their right to vote.

7 I also want to let Georgians know that we are all
8 going to work together to make the elections in August,
9 November, and January a success. Working together, we
10 will learn the lessons from June. And, with the full
11 understanding that we will likely see three times the
12 voter turnout in November, I am proud of the work this
13 Board has done to make voting easier for today and in the
14 future, and I hope to dwell on those accomplishments and
15 put the weaponization of election administration by both
16 the left and the right behind us.

17 Before I have any of the Board members comment, we
18 have a review of the approval of the Board meeting minutes
19 there before the Board from the -- May 18th. We all
20 should have had a chance to review those. Now would be
21 the appropriate time to make a motion if you're so
22 inclined.

23 MR. WORLEY: This is David Worley. Mr. Secretary, I
24 would make a motion to approve those minutes.

25 MR. RAFFENSPERGER: Do we have a second?

1 MS. LE: This is Anh Le. I second it, the motion.

2 MR. RAFFENSPERGER: All right. Any further comment?

3 All those in favor of approving the Board minutes as
4 presented, please do so by signifying aye.

5 THE BOARD MEMBERS: Aye.

6 MR. RAFFENSPERGER: Any opposed? Motion carries.
7 Okay. Board members, before we get into public comments,
8 do you have any comments that you'd like to say? If you'd
9 just identify your name and then if you want to share a
10 few comments with the Board and the public.

11 MR. WORLEY: Mr. Secretary, this is David Worley. I
12 would like to share a comment. And that is that I think
13 the Secretary should be complimented for mailing out
14 absentee ballot applications to every person, every active
15 voter, in the run-up to the primary. I think the current
16 pandemic made that entirely necessary, and I think the
17 conditions that led to the mailing of those absentee
18 ballot applications continue and will be continuing in the
19 months leading up to the November election. I think it's
20 imperative for the Secretary to do that again, and I know
21 he's been subject to criticism from people in his own
22 party about that, but I think the current situation
23 demands that absentee ballot applications be mailed out to
24 voters again in advance of the November election.

25 As the Secretary noted, we may have three times as

1 many people wanting to vote in November as voted in the
2 primary. If we do not have a very robust absentee ballot
3 program, we will see an absolute disaster in November, and
4 so I just wanted to encourage the Secretary to reconsider
5 his position about mailing out ballot applications,
6 absentee ballot applications, between now and the November
7 election. Thank you.

8 MR. RAFFENSPERGER: Thank you. Any other members?
9 Okay. Now, let's -- we'll have a moment for public
10 comments. We've allocated two minutes per speaker, and I
11 don't know if anyone has just added their name to that
12 list, but if we don't get through everyone before we need
13 to take up the emergency rules, we'll just hold you over
14 after we vote on those emergency rules. But I want to
15 make sure that the public comments are specifically
16 addressed according to the consideration of the extension
17 of the emergency rules. If it's on another matter, then
18 we'd like to hold you on after just because we do have to
19 break at 9 o'clock at the latest. I want to make sure we
20 have suff -- sufficient time to really have discussions
21 over the emergency rules among the Board members. So with
22 that, who is our first person with public comment?

23 MS. THOMAS: All right. So first, --

24 MR. RAYBURN: Matt, did you have a comment you wanted
25 to make?

1 MR. MASHBURN: I did. I did. Again, I'm sorry that
2 the lines were long on June 9th. There were things that -
3 - that were beyond people's control, like a pandemic. And
4 for those things, I thank the voters for their patience.
5 There were people in lines, and there were people on the
6 news reports, and they said I'm staying here and I'm going
7 to stay as long as it takes and I'm going to vote, and I
8 was so proud of those voters, and we can't do enough to
9 thank them.

10 There are things that can be done better, and the
11 Secretary of State, the General Assembly, and the State
12 Board of Elections are already looking at these things and
13 making changes and new ideas. For example, the
14 Secretary's suggestion to place an IT technician in each
15 and every precinct, especially in Fulton County at opening
16 time, to make sure that the machines, printers, and
17 scanners are up and running is a great idea and one that I
18 wholeheartedly support. And just for some perspective,
19 there were two million -- two million Georgia primary
20 voters on June 9th, but in the general primary of 2016
21 there were 887, not even a million, and in 2018, there
22 were just under a million. So under Secretary of State
23 Raffensperger's leadership, state-wide Georgia was able to
24 process double the normal general primary turnout.

25 Now, the problems that we experienced, and primarily

1 in Fulton and Metro Atlanta, were not unique to Georgia.
2 Every state, Wisconsin, Pennsylvania, now Kentucky --
3 especially every large city, including the District of
4 Columbia, which has held an election during this pandemic,
5 has had strikingly similar issues, problems, and wait
6 times. The last Metro Atlanta precinct on June 9th closed
7 around 10:15 according to the AJC, but the very same night
8 in Washington D.C., voters were in line past midnight up
9 until 1AM, and not many people have heard about that
10 problem.

11 The Secretary was proactive, and I commend him for
12 this, he sent out warnings long before the election about
13 wait times. On May 20th, he was warning for Georgians to
14 seriously consider using absentee ballots. He warned of
15 long wait times because of fewer workers. We were
16 concerned about the health. He warned about sanitation
17 with increased wait times. He warned about the need to
18 cancel absentee ballots was [sic] also going to slow down
19 the process, so he sounded the alarms early and often
20 about this. And just to give you an example, four years
21 ago in 2016, approximately 37,000 voters submitted
22 absentee ballots. In this election, it was over a
23 million, and Secretary of State Raffensperger personally
24 took the initiative to do that, and he reduced the number
25 of voters standing in line, and his initiative succeeded

1 in reducing the number of voters standing in line by over
2 one million voters.

3 The problem is all that postage costs a lot of money,
4 and in this time of budget shortfalls, I'm going to have
5 to disagree slightly -- well, as to method not as to
6 purpose -- with my friend and colleague David Worley
7 because of this time of budget shortfalls and teachers and
8 state workers are afraid of furloughs and layoffs. Unlike
9 the Federal government, the State government is --
10 decreasing budgets is a zero-sum game, so the money for
11 postage is going to have to come from somewhere, come from
12 parks or libraries or seniors. It's going to have to come
13 from some other area, and so I support the Secretary's
14 initiative that he stated to try and get the same or
15 similar result, and I agree with a very robust effort
16 here, but shifting the primary effort away from snail mail
17 and to instantaneous online request which uses zero cost
18 of postage. The Secretary of State, I think, is correct
19 that taxpayers don't need to spend millions of dollars in
20 postage to mail applications to people who have
21 demonstrated they don't want to use them.

22 Now, the primary was a good opportunity to show
23 people who had never voted how [sic] an absentee works how
24 to do it, and I applaud the Secretary's initiative on
25 doing that. But now that people know how to do it and we

1 know which people responded well to it and which ones
2 didn't do it, I agree with the Secretary's idea to try and
3 move this online, and people who can -- who want to use
4 the mail can still use the mail, but people who want to
5 register online can do that. So I think the Secretary was
6 absolutely correct -- I agree with David, the Secretary
7 was absolutely correct in sending the applications for the
8 June election. It had a tremendous success and half the
9 voters voted by absentee rather than standing in line.

10 Also, and good news that's not widely reported, I was
11 very encouraged to personally observe Fulton County's
12 tabulation center this past Monday as it passed it's post
13 alleg -- post-election logic and accuracy audit. And it
14 conclusively showed with great margin that there was no
15 need to hand count all of the ballots, so congratulations
16 for Fulton County for passing their audit. That was
17 tremendous.

18 State-wide, 152 of 159 counties, there were
19 relatively bumps and hiccups. And for example, in my home
20 county of Bartow, we didn't have a single machine delayed
21 opening, and we had dramatically shorter wait times even
22 though we handled double the normal vote load. We did
23 have one closing. It was because the fire department
24 didn't show up on time to unlock a building, and that's
25 the kind of thing that just normally happens in elections

1 every now and then.

2 So I think the Secretary of State is being proactive.
3 I think he's watching out for the taxpayers. I agree
4 wholeheartedly with setting up a system to register online
5 for absentee ballots and even now, you can go to
6 mvp.sos.ga.gov and get registered for an absentee ballot,
7 so I agree with a very robust effort to promote absentee
8 ballots, but I would like to do it online rather than do
9 it by snail mail. And we paid for postage for 6 million
10 people that didn't want to use absentee ballots, but we
11 didn't know that until we did it, so it was correct to do
12 it then, but I support shifting it online now. So -- but
13 as David said and as the Secretary said, there's a lot to
14 do between now and November, and I am absolutely committed
15 and I know the Board is committed, the Lieutenant Governor
16 is committed, and the Secretary of State is committed, and
17 everybody is going to pitch in, and we'll pull together
18 and hopefully have much better results. Thank you.

19 MR. RAYBURN: And before we go to public comment, I
20 would just ask if your comment is not on the proposed
21 rules, you hold off.

22 MS. THOMAS: All right. So first, we have Jeanne
23 Dufort for public comment. You may speak.

24 MS. DUFORT: Good morning. My name is Jeanne Dufort.
25 I'm a Morton County voter, first Vice Chair of the Morton

1 County Democrats, and a member of the Coalition for Good
2 Governance. Last summer, we all knew that rolling out a
3 state-wide voting system during the busiest year in the
4 four-year election cycle was an ambitious and risky
5 endeavor. And then the COVID-19 pandemic came along and
6 said hold my beer. Those of us who believe in the new
7 system and those of us who do not must be united on one
8 front: that election officials across the state have
9 literally exhausted themselves and their staffs in service
10 to our recent primary elections. And voters stepped up,
11 enduring long lines and doggedly tracking absentee
12 ballots. They deserve our gratitude. Instead, the
13 Secretary of State offers blame most of the time, except
14 for today. Thank you for your remarks today. I find that
15 reprehensible and remarkably tone-deaf for an elected
16 official.

17 The presidential and general primaries had record
18 turn-out. The new system had a stress test beyond what
19 anyone imagined, and now is the time to assess what worked
20 and what must be improved before November. Thank you for
21 extending the two rules you're considering today. About a
22 million Georgia voters cast their vote in person, checking
23 in with the no-ink poll pads, selecting candidates with
24 the Dominion image cast ballot-marking tablets, and then
25 printing ballots, for some reason casting them with the

1 ballots -- with the precinct scanners. And about a
2 million Georgia voters used hand-marked paper ballots,
3 filled out at home and mailed in or dropped off in secure
4 drop boxes. These ballots were opened and scanned on
5 central scanners in election offices across the state.

6 Over the course of the last year, the Coalition for
7 Good Governance has proposed rules to improve the voter
8 experience, reduce workload for counties, and improve
9 citizen oversight of elections. Things could have been
10 better if you had adopted our rules. It's not too late
11 for November. Please consider some of these as you
12 consider emergency rules. Thank you.

13 MR RAFFENSPERGER: Thank you. Our next speaker?
14 Who's our next person?

15 MS. THOMAS: So next, we have Shea Roberts. You're
16 self-muted right now.

17 MS. ROBERTS: Got it. Hi, my name is -- oops. My
18 name is Shea Roberts, and I'm a Fulton County voter and
19 the democratic nominee for State House District 52. Your
20 emergency paper ballot rule wins an award for the best
21 idea kept locked in a broom closet. Take a hard look at
22 the training materials you developed to support this rule
23 because virtually no counties were prepared to use the
24 rule. With such a critical new rule, it's important that
25 training materials be clear.

1 Counties must know: one, the difference between
2 provisional and emergency ballots. Provisional ballots
3 are used when the voter cannot be fully checked in. They
4 may be in the wrong place or may -- may not provide proper
5 ID. Voters may mark a provisional ballot, but they do not
6 cast it in precinct. Provisional ballots do not always
7 count. Emergency paper ballots are used when the machines
8 malfunction or when wait times exceed 30 minutes. Voters
9 both mark a paper ballot and cast it at the precinct
10 scanner. Emergency ballots always count. When to use
11 emergency ballots? Some believe all machines must be down
12 for at least 30 minutes.

13 We believe the emergency paper ballot rule can be
14 used to increase capacity for in-person voting. A ballot
15 on a clipboard becomes an additional voting station.
16 Marking a paper ballot is actually faster than using the
17 tablet and printer. With record turnout predicted for the
18 November election, proper implementation of the emergency
19 paper ballot rule just makes sense. Thank you.

20 MR. RAFFENSPERGER: Thank you. Our next person for
21 public comment?

22 MS. THOMAS: Next, we have Saya Abney.

23 MS. ABNEY: (very distorted sound) Hi, my name is Saya
24 Abney, and I'm a Fulton County voter. There is a current
25 demonstration that voting with poll pads inhibits voters

1 in many instances. While it's true that last minute
2 changes in poll worker (???) with voter conditions. It's
3 also well-documented that sometimes the poll pads are
4 simply wrong. A demonstrated law from the Coalition for
5 Good Governance is we must be allowed to cast the ballot
6 if their MyVoter page shows them in the precinct where
7 they're checking in. Reporting the inaccuracies in your
8 electronic poll books was common among the 50,000 voter
9 complaints compiled by the MyVoter hotline during the 2018
10 midterms. State Senator Jasmine Clark has testified in
11 federal court about her experience during the 2018
12 runoffs, where she was told that she was at the wrong
13 polling place during the check in process. As a state
14 senator, she knew exactly where she was supposed to cast
15 her ballot, and after several minutes of phone calls, the
16 issue was mysteriously resolved.

17 The Secretary of State encourages voters to rely on
18 the MyVoter page when checking the status of their
19 absentee ballot, reviewing their ballot, and when planning
20 (???). Allowing the voter to cast a ballot in the
21 precinct shown on the MyVoter page, even though it
22 conflicts with the electronic poll-pad, would mitigate
23 harm that could be caused by (???) or sending voters to
24 the correct precincts and allowing voters to cast their
25 vote. Thank you.

1 MR. RAFFENSPERGER: Thank you. All right. Next
2 comment?

3 MS. THOMAS: All right. Next, we have Isabel
4 Gambino. You're self-muted right now.

5 MR. RAFFENSPERGER: Ms. Gambino?

6 MS. GAMBINO: Okay. Can you hear me?

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

8 MR. RAFFENSPERGER: Yes. Go ahead?

9 MS. GAMBINO: Do you skip Joy from our list? I just
10 want to make sure --

11 MS. THOMAS: I don't see Joy's name as being -- as
12 attending.

13 MR. RAYBURN: Your time is running. Please go ahead
14 and make your comments.

15 MS. GAMBINO: My name is Isabel Gambino, and I'm a
16 Fulton County vote -- voter. Demand for absentee mail
17 ballots soared to record heights in the recent primary.
18 Our rule, first proposed last fall, allows voters to
19 deliver absentee mail ballots to any location at which
20 they would be eligible to vote in person and have their
21 ballot accepted. This rule will reduce administrative
22 handling while increasing voters' certainty that their
23 votes have been accepted. The rule designates an absentee
24 ballot clerk in each early and Election Day polling place,
25 giving the voters the option of delivering their absentee

1 mail ballot at any place they would be eligible to cast
2 their vote in person. Upon presentation of proper ID and
3 recognition of eligibility through the standard check in
4 process, the ballot would be accepted with no further ado.
5 Special absentee ballot check in lines could be
6 established.

7 Allowing election workers to accept voters' absentee
8 ballots at early voting locations and at Election Day
9 precincts -- and at Election Day precincts is a win-win
10 for all. For voters, it eliminates the risk of mailed
11 delivery -- having a ballot rejected for minor
12 discrepancies. And for election officials, it reduces the
13 office work of mail ballot envelope verification and
14 associated ballot-related security. This change will
15 provide voters who wish to vote a paper absentee ballot at
16 home the opportunity to cast a ballot at their home
17 precinct on Election Day with the advantage of the latest
18 election information, and this change will permit voters
19 who have a visual or dexterity difficulty with computer
20 screens and operation to vote their ballots with paper and
21 pen at home and cast it on Election Day in their home
22 precinct.

23 In short, adapting this new election rule strengthens
24 civic participation in our democracy, and everybody wins.
25 Also, given that the budget is a concern, it costs less to

1 handle a mail ballot than an in-person ballot. You'll
2 need to do much better. Georgia was a national joke. We
3 are the ones labeled --

4 MS. THOMAS: All right. Next, we have B Wasson or
5 Joy Wasson.

6 MS. WASSON: Joy. Hi, I'm Joy Wasson, a DeKalb
7 County voter. The Secretary has projected perhaps two and
8 a half times the turnout in November that what we saw in
9 June. We're likely to see huge numbers. Expanding
10 capacity for in-person voting depends partly on number and
11 size of polling places and staffing, but the SEB rules
12 also affect capacity. I saw poll pads down on Election
13 Day at poll opening. I see the countless voters waiting
14 hours to vote. This problem checking in put an immediate
15 stop to all voting. In November, counties must deploy
16 more poll pads. One poll pad for every one thousand
17 registered voters in a precinct should be the minimum
18 required. In addition, it would make so much sense if you
19 would create an emergency voter check in rule as
20 counterpart to your emergency paper ballot rule. Many
21 voters and poll workers have said bottlenecks in the
22 primary began with slow check in.

23 Two of Coalition for Good Governance's previously
24 proposed rules will speed voter check in. First is the
25 requirement that paper poll book backups be available in

1 every precinct and used when the poll pads are not working
2 or when check in lines exceed 30 minutes. The second
3 previously proposed rule that would help speed checkup --
4 check in is -- of voting is allowing voters to cast a
5 regular ballot if they're in a precinct shown on their
6 MyVoter page. The paper -- the backup paper poll book
7 would be printed after records are updated from early
8 voting, and it would be used as the official record if
9 there were a discrepancy or any problem with the e-poll
10 book. This would go a long way in keeping lines moving if
11 poll books are down. Adding paper poll books -- poll book
12 check in stations is a low-cost way to expand capacity and
13 reduce wait times. Thanks.

14 MR. RAFFENSPERGER: Thank you for your comment. Our
15 next -- who do we have next?

16 MS. THOMAS: All right. Next is Liz Throop. You may
17 speak.

18 MS. THROOP: Hello. Can you hear me?

19 MS. THOMAS: Yes.

20 MS. THROOP: Thank you. I'm Liz Throop from DeKalb
21 County. It's timely and urgent that recount procedures
22 are updated for the new voting system. And there are few
23 things more nerve-wracking for candidates and their
24 supporters than races that wind up in a recount. There
25 have been some close contests in this election already.

1 Haber -- Habersham took four days to recount a commission
2 race. A house in Cobb took three days. Yesterday, a
3 recount for a commission seat in Gwinnett was settled by
4 counting votes for only two of the five candidates.
5 Public trust in elections is never more fragile when --
6 than when there are winners and losers that are only a few
7 votes apart.

8 We've proposed some amendments to the recount rules
9 that ensure that public observation is meaningful and that
10 the results are trusted. Over the past months, it's been
11 my privilege to observe elections and ballot processing
12 across Georgia. I've gotten to meet election workers and
13 officials who are doing their very best to run fair and
14 efficient elections, but restrictions on public
15 observation vary widely, and this is especially
16 problematic for recounts when the stakes are so high.
17 Your guidance could prevent arbitrary restrictions on
18 public access to recounts.

19 Secondly, because most of Georgia's ballots encode
20 voters' choices in QR codes, it's critical that for any
21 election to have a meaningful recount, it must be preceded
22 by a meaningful audit of the human readable portion of
23 those ballots. Our proposal is straightforward. If an
24 election is close enough to warrant a recount, then there
25 must be a thorough audit prior to that recount. Thank

1 you.

2 MR. RAFFENSPERGER: Thank you for your comment. Next
3 speaker?

4 MS. THOMAS: Our next speaker is Ailene Nakamura.
5 You may speak now.

6 MS. NAKAMURA: Hi, I'm Ailene Nakamura from Fulton
7 County. Now that we've re-proposed rules that Coalition
8 for Good Governance proposed months ago, it's necessary to
9 mention that had the State Election Board done its job and
10 promulgated better rules and procedures, June 9th could
11 have been a success instead of a disaster. The Secretary
12 seems to just make up procedures and keeps breaking
13 existing laws himself, all the while threatening counties
14 that do try to follow the law. What am I talking about?
15 The Secretary decided to hire an outside vendor in Arizona
16 to send absentee ballots to Georgia voters, and while it
17 was a good idea, he did not have the authority to do so
18 because sending absentee ballots is in the purview of
19 counties, not the Secretary of State. He should have
20 asked for an emergency rule to enable him to do so.

21 And those absentee ballots themselves broke the law
22 in two ways. They were not sent out with an inner
23 envelope to protect ballot secrecy, and they had the wrong
24 date of May 19th on it. But the Secretary must think that
25 the law does not apply to him. And we have evidence that

1 some people threw away those absentee ballots thinking
2 they had the wrong ballot or that they had missed the
3 election. And Athens-Clarke County can attest that when
4 they tried to obey all voting laws and found that they
5 could not do so using the touch screen voting machines,
6 the Secretary and this Board held a 7-hour hearing and
7 told the County that they must use the equipment the
8 Secretary purchased and threatened them with fines if they
9 used hand-marked paper ballots, all because the only law
10 this Board cared about is that all 159 counties use the
11 unlawful BMDs.

12 And let's talk about the most important rules the SEB
13 has failed in promulgating: recount rules, as Liz
14 mentioned, ballot secrecy, which is one of the laws
15 Athens-Clarke tried to preserve, audit rules, which are
16 currently nonexistent, yet crucial. It is absolutely
17 unconscionable that this Board is letting counties use
18 brand-new equipment that counts bar codes with no audit
19 rules and inadequate recount rules. And last, the SEB
20 must ensure that every vote counts, which should be the
21 fundamental rule of election, yet did not happen in this
22 election. Thank you.

23 MS. THOMAS: So next -- next, we have Libby Seger.
24 You're self-muted right now. Okay. You're good now.

25 MS. SEGER: Hi. My name is Libby Seger, and I am a

1 voter from Fulton County, and I'm also a student at
2 Georgia State University, where I'm the President of the
3 Young Democrats. COVID has affected our primary --
4 primary elections in so many ways, to that point that
5 counties were literally scrambling to secure polling
6 places and poll workers. Social distancing rules changes
7 -- had changed completely how we conduct in-person voting,
8 but sadly, ballot secrecy was still forgotten.

9 Ballot secrecy is granted in the Georgia Constitution
10 and it's also required by the Help America Vote Act, known
11 as HAVA. The law that enabled ballot-marking devices says
12 that they must permit voting in absolute secrecy so that
13 no person can see or know any other electors' votes.
14 Election boards are required conduct all elections in a
15 manner such as to guarantee the secrecy of the ballot. It
16 is absolutely clear that under the law in Georgia, ballot
17 secrecy is not optional.

18 And yet, here we are. When I voted on June 9th at
19 where I live, I could see everybody's screen from inside,
20 not to mention that I could -- I was within 6 feet of
21 everybody voting, and there were no COVID guidelines in
22 act. But we have these new voting tables with bright
23 screens that stand upright, allowing your votes to be seen
24 from across the room or even outside. We've been here at
25 every single meeting since fall, asking you to provide the

1 counties with a solution to this problem that the
2 Secretary of State created when he chose these Dominion
3 tablets. You spend most your time meting out penalties
4 for people who don't follow the law. What is your answer
5 to the election superintendents across the state who are
6 required to use this equipment? November is coming soon
7 and to handle the expected turnout, every one of those
8 33,000 ballot-marking tablets will have to be used on
9 Election Day. So what is your plan for protecting ballot
10 secrecy? Thank you.

11 MR. RAFFENSPERGER: Thank you. Our next speaker?

12 MS. THOMAS: Next, we have Rhonda Martin.

13 MS. MARTIN: Hello.

14 MS. THOMAS: You may speak now.

15 MS. MARTIN: Okay. Hello, my name is Rhonda Martin,
16 and I live in Atlanta, and I am on the Board of the
17 Coalition for Good Governance. The foundation of our
18 democracy is the right of the people to vote, to have
19 their votes counted, and when counted, to have their votes
20 accurately reflect their intentions. The key to ensuring
21 that votes counted equate to votes cast is the risk-
22 limiting audit. I commend you for your efforts to
23 introduce risk-limiting audits to Georgia. I attended the
24 trial RLA on Monday in Fulton County. I watched as people
25 lined up to roll the die to create the seed for the

1 pseudo-random number generator used to select the ballots
2 for use in the audit. I watched as people retrieved
3 ballots and filled out tally sheets. It was an
4 interesting and reassuring process. All of the activity
5 almost made me forget that the exercise was totally
6 meaningless.

7 In order for an audit to be valid, you must have
8 trusted source documents, showing the votes that have been
9 cast. Hand-marked paper ballots are trusted source
10 documents. The output of electronic ballot-marking
11 devices are not and can never be trusted source documents.
12 I know you all envision a process where each voter
13 carefully verifies their selections on the paper summary
14 produced by the electronic ballot-marking device so that
15 these documents can then be considered trusted. This just
16 doesn't happen. Research has shown that less than half of
17 the voters take the time to carefully review their votes
18 when asked to do so. Further, even when voters try to
19 verify the paper summary, less than half noticed when
20 errors had been introduced. It should be noted that this
21 statement is not controversial. It is the most widely
22 replicated experimental result in election security.
23 There is literally no evidence to the contrary.

24 My ballot from the June 9th election had over 40
25 contests. Very few humans can memorize touch screen

1 ballot content at the level needed to verify a ballot card
2 of this length for accuracy and completeness. Bottom
3 line? The paper trail that electronic ballot-marking
4 devices offer cannot be used as the basis for an audit
5 because voters cannot verify the accuracy of the ballot
6 summary codes. The good news --

7 MR. RAYBURN: Thank you, Ms. Martin.

8 MR. RAFFENSPERGER: Okay. I think, I'm watching the
9 clock here, I think we need to move onto the consideration
10 of the extension of the emergency rules and then come back
11 to the balance of public comments that we haven't gotten
12 to, unless there's just one or two left. But I think
13 there's a few more than that.

14 MR. RAYBURN: There's only one more left, Mr.
15 Secretary.

16 MR. RAFFENSPERGER: Oh, okay. Let's finish that.
17 Great.

18 MS. THOMAS: So next, we have Marilyn Marks.

19 MS. MARKS: Yes, good morning. I'm Marilyn Marks,
20 the Executive Director of Coalition for Good Governance.
21 I urge you to adopt -- to adopt an emergency rule today to
22 immediately ban the use of the software application
23 settings that are being used to suppress certain mail
24 ballot and provisional ballot votes. There are thousands
25 of legal votes not being counted because of this software.

1 Georgia law protects the voters by mandating that every
2 mark for which the voter intent can be determined must
3 count, but the software application is programmed to
4 disobey this mandate.

5 The new software application works in conjunction
6 with the ballot scanners. The scanners read the hand-
7 marked votes, the votes are recorded, but then the system
8 is instructed not to count those recorded votes if those
9 votes are light marks, x marks, check marks, or other
10 light, non-uniform marks. This should really be a scandal
11 for this Board that the system that is being used is
12 programmed not to count thousands of votes that the system
13 recorded.

14 Counties are handling this very differently. They're
15 treating the voters and votes differently from county to
16 county. Some are trying to partially compensate by
17 remarking those ballots by hand duplication. That method
18 is causing thousands of ballots to be hand-duplicated,
19 scores of thousands of ballots, which is notoriously
20 error-prone and completely unnecessary and does not catch
21 all of the uncounted votes. This is not normal. Other
22 states that are running mail ballot operations, their
23 experience is well under one percent for ballots that need
24 to be duplicated. The system is out of control in
25 Georgia.

1 We saw the impacts of this improper software
2 application yesterday happen in a Gwinnett recount where
3 13 votes separate two candidates out of 104,000 votes in a
4 ballot race. The Board refused to consider the clear
5 votes that remained uncounted in the stacks of ballots, so
6 this Board today should order the Secretary to immediately
7 stop the use of the software application that purposely
8 does not count votes and instead order the counting of all
9 legal votes. Thank you.

10 MR. RAYBURN: Thank you, Ms. Marks. So Mr.
11 Secretary, I misspoke. There are some additional
12 speakers, but we can get to them after the consideration.

13 MR. RAFFENSPERGER: All right. We'll need to. So
14 we'll go ahead with the consideration of the extension of
15 emergency rules. Mr. Germany, good morning. I don't know
16 how to want to go about it, but dig into it.

17 MR. GERMANY: Yes, sir. Thank you, Mr. Secretary.
18 There's two rules I would ask the Board to consider today,
19 and they are both the emergency rules we passed. It's the
20 secure absentee ballot drop boxes and then the early
21 processing of absentee votes. In both of those rules, the
22 State Election Board limited them to the election held on
23 June 9th thinking that we'd want to see how -- how they
24 held up. And the indication from -- from our counties is
25 that they both work well. And so -- then the counties

1 have asked that we extend those rules.

2 So on the secure absentee ballot drop box rule, the
3 only changes that we're making are deleting the reference
4 to "for the June 9th election only." And again, this
5 would still be an emergency rule that would be in place
6 for six months. To make this permanent, we will have to
7 go through the whole process which, you know, I envision
8 us doing before the November election, particularly for an
9 audit rule we've been working on, and then we need to add
10 these 12 to make this permanent, if that's what we want.
11 So we're making -- we're getting rid of the reference that
12 limits these to the June 9th election.

13 And for the drop box rule, I added some opening
14 procedures. When we adopted the rule last time, we were
15 already in an election, so I wanted to add, kind of,
16 opening and closing procedures where counties have to
17 follow that, if the boxes are closed and then emptied
18 prior to closing before election. Those are the changes
19 that we have there.

20 And the other change that we made, and this was from
21 the request of counties, is that the current rule says the
22 boxes have to be emptied at least once every 24 hours.
23 We've had some comments from counties that that became
24 quite an extensive endeavor to do every day, and before --
25 the week before the election, there was not really a lot

1 of ballots in the drop boxes. So we're changing it to
2 before the second Monday before the election, so
3 basically, before the week before the election, they have
4 to empty the drop boxes at least once every 72 hours.
5 That's at least once, obviously, so, you know, if it's a
6 more crowded area, you might need to do more than that.
7 And then, for the week before the election, it's at least
8 once every 24 hours, which is the standard rule. So those
9 are the changes we're making there. I'm happy to take --
10 well, I'll go ahead and present the other one too.

11 Processing absentee ballots, again, the changes we're
12 making there are getting rid of the reference limiting it
13 to June 9th, and then just some -- some slight wording
14 changes. One comment that we got was on what counties
15 have to put in their notification they're going to use in
16 procedures. I think what we saw is we -- we required
17 telling us when they're going to start, but that made it a
18 little bit difficult for people to know exactly when it
19 was going to happen every day, and so the new notification
20 procedures require the counties to say when they're doing
21 the early processing on a -- on a daily schedule. I think
22 that'll be helpful for monitors and observers. And then,
23 of course, that would be published on the Secretary of
24 State's website in addition to on the county website. I'm
25 happy to take any questions on both of those from the

1 Board if there are any.

2 MR. RAFFENSPERGER: Do we have any questions? Any
3 questions or input from Board members?

4 MR. MASHBURN: I -- this is Matt Mashburn. Out of
5 respect for our colleague Board Member Worley, I will go
6 ahead and make a motion that both be adopted as proposed,
7 so that we can see if there's a second and begin
8 discussion to be respectful of his time.

9 MR. RAFFENSPERGER: Do we have a second?

10 MS. LE: This is Anh Le. I'll second it.

11 MR. RAFFENSPERGER: We have a second. Okay.

12 Discussion from Board members?

13 MR. WORLEY: This is Mr. Worley. I appreciate the
14 Board's consideration of the fact that I have a, you know,
15 a work commitment later this morning. I have arranged to
16 push back that deposition, so I -- I can stay until 9:45
17 to allow a full discussion. As far as these rules go, I
18 appreciate Mr. Germany's efforts in adopting comments that
19 were -- that came to me that I passed on to him about some
20 changes that needed to be made with the rules. I think
21 both rules worked well in the primary and should be
22 adopted for the general election.

23 MR. RAFFENSPERGER: Any other comments? We have no
24 further comments. Now is the appropriate time to bring
25 this to a vote. All those in favor of -- let's vote on

1 this -- the motions together, so all those in favor of
2 approving emergency rule 183-1-14-0.6-0.14 and emergency
3 rule 183-1-14-0.7-0.15, do so by signifying aye.

4 THE BOARD MEMBERS: Aye.

5 MR. RAFFENSPERGER: Any opposed? Hearing none, the
6 motion carries. Okay. Mr. Worley, since you have
7 additional time, would you like to talk before we go back
8 to public comment or would you like to -- what is your
9 preference, finish up public comment?

10 MR. WORLEY: I'd like to hear the additional -- my
11 preference would be to hear the additional public comment.

12 MR. RAFFENSPERGER: Okay. We'll go back to public
13 comment then, Mr. Germany?

14 MR. GERMANY: Yes, sir. Thank you.

15 MR. RAFFENSPERGER: Okay.

16 MS. THOMAS: So next, we have George Balbona. You
17 may now speak.

18 MR. BALBONA: Hi, I'd like to start by saying that
19 Board Member Mashburn's comments were incredibly
20 obsequious, as usual, and inaccurate. As Rhonda pointed
21 out, what occurred on Monday was not a logic and accuracy
22 test, it was in fact a risk limiting audit, and perhaps
23 before becoming a State Elections Board member, he should
24 know the difference.

25 I listened to Gabriel Sterling, the state-wide Voting

1 System Implementation Manager, flat out lie to the
2 Governmental Affairs Committee last week. When asked if
3 they were going to Runbeck, you know, the company that
4 printed ballots on the other side of the country in
5 Arizona, for the presidential election, he said, and I
6 quote, there is no Georgia vendor that can do this, end
7 quote. No. That's not true. There was a big GAVRIO,
8 which is the Georgia Association of Voter Registration and
9 Elections Officials, conference in December in Savannah,
10 and at that -- at that conference, one of the vendors was
11 Tattnall, who's based in Reidsville, and they have been
12 printing ballots for Georgia since the early 1960s.
13 Furthermore, in 2008, -- this is straight from their
14 literature -- they began printing optical scan ballots and
15 is currently a certified printer of Dominion voting
16 systems. They also say that they'll use their own
17 personal fleet of trucks to hand deliver ballots, so I'd
18 like to know why we chose Runbeck on the other side of the
19 country?

20 I also don't want to listen to excuses from Georgia
21 SOS employees who are pathologically incapable of
22 accepting blame. Who I would like to hear from are the
23 Dominion voting employees, such as Tom Feehan, the Senior
24 Project Manager who had a direct liaison with Gabriel
25 Sterling at the Georgia Secretary of State's Office, Scott

1 Tucker, the only one anyone ever seems to know about, Beau
2 Roberts, the Dominion Customer Relations Associate. The
3 first and the third, Tom joined in August of 2019 to
4 Dominion and Beau joined in October 2019 to Dominion, so
5 yeah, that's great.

6 I'd also like to have some words with Kathy Smothers
7 (ph.) and Mitch Pedrell (ph.), who are the Dominion
8 training specialists, and all the -- Brad was very happy
9 about the historic four-day GAVREO conference in December.
10 It had over 700 local and state elections officials who,
11 no doubt, were using it to meet the OCGA 21-2-100
12 mandatory training hours. And --

13 MR. RAYBURN: All right, Mr. Balbona. Thank you for
14 your comments. That's exceeded your time.

15 MR. MASHBURN: Mr. Secretary, this is Matt Mashburn.
16 I'm going to ask for indulgence here and just go ahead and
17 make a statement that personal insults against the
18 Secretary's staff are out of order, and I'm all for free
19 speech, and so just go ahead and put down a marker that if
20 there's any more personal attacks on the Secretary's staff
21 -- personal attacks on me are fine. I don't care about
22 them. I care about them, but I don't let them hurt my
23 feelings. But any personal attacks on the Secretary's
24 staff, I will immediately move that the speaker be placed
25 out of order and that his time be cut off.

1 MR. RAFFENSPERGER: Okay. Next speaker?

2 MS. THOMAS: Next, we have Aklima Khondoker. You're
3 self-muted now. Okay. You're good to go. You may now
4 speak.

5 MS. KHONDOKER: Hi. Thank you, and my name is Aklima
6 Khondoker. I'm a voter from Butts County, and I am the
7 Georgia State Director of All Voting is Local. I'm also a
8 voting rights advocate and a lawyer. What I heard are --
9 what I heard today overwhelmingly are [sic] that we have
10 inconsistencies in our elections administration between
11 and among counties. And I echo many of the solutions that
12 I heard on this call. I'm going to keep my comments to
13 the rules, but I do request a follow-up after the meeting
14 to talk open -- to talk about the overwhelming issues that
15 I saw on Election Day.

16 I do want to say this: we need more uniform
17 requirements and not just allowances and suggestions to
18 our county elections administrators if we hope to have
19 elections that run smoothly. Successful elections need
20 established standards required for all counties to follow.
21 And while these two suggested rules today and the proposed
22 changes will allow for a lot of improvements for our
23 elections, what we need are those standards in uniformity
24 throughout all counties to make sure that they all adhere
25 to the same rules so that voters have equal access to the

1 ballot.

2 So let me say this. I heard from David Worley that
3 we should absolutely have more absentee ballot
4 applications sent out to more voters, and I do agree with
5 that. I think I heard from Gabriel Sterling today that
6 our last voting site closed officially in Georgia at
7 10:30PM or so. Well, I'm here to say that there was a
8 South Fulton location, Christian City, where the last
9 ballot was cast well after midnight under the glow of
10 police lights because police showed up to intimidate
11 voters and voting rights advocates and election protection
12 workers that were there to help voters. So I just want to
13 clarify that the conditions on Election Day were very
14 horrendous for certain voters, while they may not have
15 been for others.

16 So what we must have is uniformity throughout our
17 elections so that all voters have equal access to the
18 ballot. Moving forward, drop boxes must be available in
19 all 159 counties and not just at the discretion of county
20 elections officials. It must be mandated and paid for by
21 the State so that voters from all 159 counties have equal
22 access to the ballot. Voters also need clearer and more
23 accessible information about the drop boxes, information
24 about drop box use and availability should be published in
25 more forms and not just on the counties' --

1 MR. RAYBURN: All right. Thank you.

2 MR. RAFFENSPERGER: Our next speaker?

3 MS. THOMAS: Next, we have Adam Shirley. You may now
4 speak.

5 MR. SHIRLEY: Good morning. Can you hear me okay?

6 MS. THOMAS: Yes.

7 MR. RAFFENSPERGER: Yes.

8 MR. SHIRLEY: Thank you. Thank you to each of you
9 for your sacrifice and dedication. I am thankful that we
10 all share the goal of making it as easy as possible for
11 all Georgia voters to register and vote as safely and
12 reliably as possible. We -- I think we can all agree we
13 have room to grow from what happened in June. I'm hopeful
14 that we use the months that we have to make the
15 adjustments.

16 I've served on the Clarke County Vote Review Pad, and
17 as you are aware, Georgia state law makes it clear that x
18 marks and check marks are acceptable ballot marks.
19 Despite an x or a check not satisfying the State Election
20 Board's rule that we need to shade the oval, state law
21 also makes it clear that when the voters' intent can be
22 clearly discerned, our vote shall be counted, must be
23 counted.

24 In Clarke County, we learned that the absentee ballot
25 scanner was programmed to classify votes in three ways

1 based on the percentage of circle that was shaded. When
2 the circle was darkened 12 percent or less, it was
3 classified as a blank contest and was flagged that way.
4 We discovered in Clarke County in 16 percent of the
5 ballots we adjudicated, voters who used x marks or check
6 marks, which is fully complaint with state law, frequently
7 had their votes go uncounted. Worse still, in Clarke
8 County, the software we're using did not send blank
9 contests to adjudication. The only way we bumped into
10 this was when we would consult the rest of the ballot to
11 inform our decision about the voters' intent on the
12 contests that were flagged for adjudication.

13 I know, for example, in Oglethorpe County, blank
14 contests were automatically flagged for adjudication.
15 This suggests that the superintendents had discretion on
16 what types of ballots to flag for adjudication. I hope
17 I'm misunderstanding this because it doesn't seem to
18 square with our objective for a uniform, state-wide voting
19 system. The problem that I'm seeing is that different
20 counties use different settings with their absentee ballot
21 scanner software.

22 So please, to help us solve this problem, please
23 order Dominion to update the scanner software so that
24 circles that are at least 1 percent filled in are counted
25 as ambiguous and sent to humans for review. It might mean

1 that we have to unnecessarily adjudicate many contests
2 that were legitimately blank, but it's the only way to be
3 sure that we catch the x's and the check marks that are
4 allowed by state law but can easily fall to less than 12
5 percent of the circle. And second, please -- thank you
6 very much for your time.

7 MR. RAYBURN: Thank you. To clarify in response to
8 that, while there is a statute that talks about marking a
9 paper ballot and mentioning an x or check mark, that does
10 not apply to our current state-wide method of voting.
11 That is a very old statute that only some municipalities
12 can use, and it doesn't refer to optical scan ballots. It
13 refers to old ballots that have a box next to candidates,
14 and those are hand counted. So while there is a statute
15 out there, it does not apply to our current system. Our
16 current system's law and rule requires for optical scan
17 ballots that the voter fill in the oval. So I just wanted
18 to clarify that. Thank you.

19 MR. RAFFENSPERGER: Thank you, Kevin. Next speaker?

20 MS. THOMAS: Next, we have Jasmine Clark. You are
21 self-muted right now.

22 MS. CLARK: Okay. Hi. Are you able to hear me?

23 MS. THOMAS: Yes.

24 MS. CLARK: Okay. So first, I want to say thank you
25 for you all considering and now adopting the extension of

1 those rules. I think that we all can see what's happening
2 as far as the coronavirus numbers, and I think the best
3 plan of action for November is to hope for the best but
4 over-plan for the worst. If we are in for a worse
5 situation than we were June 9th, then we can anticipate
6 fewer poll workers, higher demand for absentee ballots,
7 and more voters that vote in person. And so, again, I'm
8 encouraged that we are going to extend the absentee ballot
9 drop boxes, but I would also encourage us to consider
10 making this a permanent fixture in Georgia elections.

11 Secondly, I'm also encouraged that we're going to
12 begin opening our absentee ballots earlier. I would
13 encourage an even earlier start date than we had for the
14 June 9th primary. Third, I want to echo David Worley's
15 proposal that we do send out ballot applications. I
16 understand the cost associated with this, but I also want
17 to -- want us to be mindful that not everyone follows
18 these meetings and knows to check certain websites. And
19 so, I think there would still need to be a cost associated
20 with directing people to the website anyway.

21 Next, I really would like to see the scanning of -- I
22 would like to see software scanning experts to really
23 figure out what's going on with the discrepancies on the
24 high-volume ballot scanners. And lastly, we are probably
25 going to see an unprecedented, historic number of absentee

1 ballots in Georgia in November, and I would like to see
2 more scanners for ballot counting in order to reduce the
3 amount of time that it takes to count those ballots and
4 certify elections. We want this done right. We also want
5 it done timely. I'm sure most voters would agree. We
6 don't want to wait until the middle of December to know
7 who our -- our party's -- or who our new representatives
8 and, you know, et cetera are.

9 And then finally, I want to echo another person's
10 comments about the guidance on emergency ballots. This
11 was not clear on June 9th. And we saw this in Gwinnett
12 County, where precincts did not exactly know what to do
13 and gave provisional ballots instead of emergency ballots.
14 And so, that --

15 MR. RAFFENSPERGER: Okay. Next speaker?

16 MS. THOMAS: Next, we have Wanda Mosley. You may now
17 speak.

18 MS. MOSLEY: Good morning. My name is Wanda Mosley.
19 I'm a Fulton County voter, and I'm with an organization
20 called Black Voters Matter. I'm speaking today because
21 what I saw on June 9th was an absolute disaster, a failure
22 of just about every part of the system of elections in our
23 state. We made headlines for all the wrong reasons as
24 usual. As my friend Aklima mentioned earlier, I
25 personally witnessed the last voter emerge from Christian

1 City in Fulton County at 12:35AM. There's no way we can
2 do a victory lap and say that we've done a good job with
3 regards to elections.

4 Voting rights advocates estimate that about 52
5 percent of all Georgians resided in a county where polling
6 times had to be extended beyond the normal 7PM end-time.
7 The Lawyers' Committee for Civil Rights Under the Law, the
8 folks that man the 866-OURVOTE hotline estimate that
9 nearly 70 percent of all the calls they got on June 9th
10 were from the State of Georgia. I see here in these
11 proposed rules there's something with regards to having
12 information listed on the county board of election
13 website. Sirs and Madams, please understand that not all
14 159 Georgia counties have a website for their board of
15 elections.

16 One of the things that this Board is tasked in doing
17 is ensuring that there is uniformity in the administration
18 of elections in our state. There is no way to expect
19 there to be uniformity and equity when you look at a
20 county like Randolph with about 7700 people and then the
21 county where I reside, Fulton, the largest county in the
22 state. So at this point in time is where we need
23 leadership, our Secretary of State, to come forward and
24 fill the gap, offer guidance, and advocate for all 159
25 counties, but especially those smaller counties. We can't

1 place the same expectations on a county with less than
2 10,000 people as we do with Fulton, Cobb, and DeKalb. We
3 saw the struggles with absentee ballots in the Metro, so
4 we can only imagine that our smaller rural counties are
5 going to have even more challenges again, unless
6 leadership, this body, the Secretary of State, come
7 forward and help these counties.

8 MR. RAYBURN: All right. Thank you.

9 MR. RAFFENSPERGER: Thank you. Next speaker?

10 MS. THOMAS: Next, we have Melanie Ray. You may now
11 speak.

12 MR. RAYBURN: Go ahead, Ms. Ray.

13 MS. THOMAS: Melanie Ray? Okay. So next, we have
14 Tracey Baker. You may now speak.

15 MR. RAYBURN: Go ahead, Ms. Baker.

16 MS. THOMAS: You're self-muted.

17 MS. BAKER: Okay. Can you hear me now?

18 MS. THOMAS: Yes.

19 MR. RAFFENSPERGER: Yes.

20 MS. BAKER: Okay. I yield my time to the next
21 speaker. Thank you.

22 MR. RAYBURN: Thank you.

23 MR. RAFFENSPERGER: Next person?

24 MS. THOMAS: Next, we have Laura Walker. You may now
25 speak.

1 MS. WALKER: Hi, my name is Laura Walker, and I'm a
2 Muscogee County voter. My husband and I retired here in
3 Columbus after 25 years of Army service, where we often
4 used absentee ballots, which we had extreme faith in, just
5 as an aside. I'm the Chair of the Muscogee County
6 Democrats and a Fair Fight Action volunteer. And through
7 those two organizations, I did a lot of outreach prior to
8 the primary via text and phone to answer voter questions.
9 I can tell you that many Georgia voters were confused and
10 not confident at all about the different changes in voting
11 in regard to the new system and to the changes brought
12 about by COVID. This distrust is simply heart-breaking
13 because of its preventability.

14 I urge the Board to adopt the following actions,
15 possibly using some of the over one billion dollars that
16 the federal government sent to address COVID in Georgia
17 that is left over, and I think that elections would
18 certainly fall within that purview. And these actions
19 are: to ensure proper training of county election
20 officials, to mail absentee ballot request forms to all
21 registered voters not just active voters, to create se --
22 a secure online portal for absentee ballot requests for
23 the November elections, to ensure voters can track
24 absentee ballots to increase the trust in the process, to
25 create a central processing -- sorry, central processing

1 centers across Georgia for mail ballots, mandate enough
2 paper ballot backups and allow immediate use in
3 conjunction with voting machines, to mandate paper backup
4 for poll books and train poll workers on how to use them,
5 to fully fund technicians in every polling location for
6 November, to guarantee fully funded drop boxes in every
7 county available 24 hours a day, and to inspect every
8 early vote and Election Day polling location for adequate
9 electrical capacity. We -- oh, perfect. Thank you.

10 MR. RAYBURN: Thank you for your comment.

11 MS. THOMAS: Next, we have Hillary Holley. You may
12 now speak.

13 MS. HOLLEY: Good morning. My name is Hillary
14 Holley, the Organizing Director with Fair Fight Action.
15 After this disorganized and haphazard rollout of the new
16 election system that failed every 2019 pilot program, the
17 June 9th elections were met with another unprecedented
18 obstacle, which was COVID-19. The Secretary of State
19 decided to mail absentee ballot request forms to all of
20 Georgia's active voters and neglect eligible inactive
21 voters. The State Election Board allowed but did not
22 mandate counties to set up drop boxes which was warmly
23 welcomed here in a state known for voter suppression.
24 Allowing counties to set up drop boxes was a positive step
25 that allowed voters to drop off their completed mail-in

1 ballots. We ask that the State Election Board mandate
2 drop boxes in all of Georgia's 159 counties, and the
3 Secretary of State to provide funding for these drop
4 boxes.

5 After -- we are seeing tremendous spikes in COVID-19,
6 due to the Governor's inactions, so it's critical we
7 ensure all voters who would like to return their mail-in
8 ballots in the drop boxes have access. Thousands of
9 voters have shared their voting experience with us. Fair
10 Fight Action has heard from various voters who experienced
11 issues with drop boxes, such as voters dropping off their
12 ballots before 7PM on Election Day, yet having their
13 ballots rejected with the reason given being that the
14 ballots were received too late to be counted. These
15 voters had their ballots rejected and their votes not
16 counted despite doing everything right and dropping their
17 ballot off before the received deadline.

18 So going forward, it is imperative that all counties
19 are trained by the State on maintenance, best practices,
20 and usage procedures to ensure that voters who choose to
21 use drop boxes have their votes counted. The State must
22 act now and provide the necessary guidance, resources,
23 funding, and training to use these novel drop boxes. They
24 are an asset to expanding ballot access but must be
25 properly maintained, and counties must have the proper

1 resources to employ them. This guidance must be developed
2 quickly and distributed to county election officials so
3 mistakes and mish -- missteps we saw on June 9th do not
4 occur in November. Please act now and thank you so much
5 for your time.

6 MR. RAYBURN: Thank you for your comments.

7 MR. RAFFENSPERGER: Thank you. Next speaker?

8 MS. THOMAS: Next, we have Alexia Niketas. You may
9 now speak. You're self-muted right now. Alexia Niketas?
10 Okay. Next, we'll have Garlan Favarito. You may now
11 speak.

12 MR. FAVORITO: Mr. Chairman, Georgia was ridiculed
13 again nationally for a variety of problems we encountered
14 in the June 9th primary, but almost none of the reports
15 covered the five most critical problems that this Board
16 needs to understand. Number one, not a single Election
17 Day or early voter in the State of Georgia was allowed to
18 cast a verifiable vote. Approximately a million voters
19 were forced to cast unverifiable votes in encrypted QR
20 codes that they cannot read. Number two, Georgia counties
21 certified election results without auditing a single one
22 of nearly two million votes cast. In fact, most Georgia
23 races will never be audited.

24 Number three, no meaningful recount was conducted
25 anywhere in Georgia because this Board required recounts

1 to re-scan encrypted votes in QR codes and simply reprint
2 previous unverifiable results. Number four, mail-in
3 ballot adjudication teams in five counties uncovered a
4 state-wide scanning defect, causing tabulators to fail to
5 count an estimated tens of thousands of votes that should
6 have been included in certified results according to 21-
7 240-438, and that does apply to all voting methods in
8 chapter 2.

9 Number five, Election Day and early voters were
10 forced to cast votes on a type of system that national
11 experts repeatedly told us is not secure and it was even
12 banned in Colorado and Texas. None of these five most
13 critical problems were caused by coronavirus. Georgia's
14 new voting system has not solved a single problem that was
15 inherent in the old system, and that system was ruled
16 unconstitutional and banned in Georgia beginning this
17 year. It does no good to increase voter turnout when you
18 cannot ensure votes will actually be counted. The public
19 will never trust this system no matter how much taxpayer
20 money you spend trying to convince them it's secure. The
21 roughly \$3 million that will be spent during the next 10
22 years is the greatest swindle in Georgia history.

23 I'm Garlan Favorito, Co-Founder of Voter GA. I have
24 40 years of IT experience and 20 years of part-time
25 research into electronic voting systems. We have led the

1 election integrity fight since 2006 here in Georgia.

2 MR. RAYBURN: Thank you, Mr. Favorito.

3 MR. RAFFENSPERGER: Next speaker?

4 MS. THOMAS: Next, we have Elisa Goldklang. You're
5 self-muted right now.

6 MS. GOLDKLANG: Hi. This is Elisa Goldklang. Thank
7 you so much. First, I would like to thank the Secretary
8 for sending out the absentee ballots. Because of the
9 COVID pandemic, I think that was the proper thing to do,
10 and thank you, Mr. Worley, for those comments. I
11 appreciate that.

12 And I know that at the last week's hearing, Secretary
13 Raffensperger said that the virus was dissipating, but
14 unfortunately, that's not the case. It is increasing, and
15 we just have to really take care of voters, and we have to
16 be careful about them. And we need to make sure that
17 we're sending out absentee ballots to all of them, and I
18 understand the postal issue, but perhaps if we used a
19 local Georgia company to send things out, maybe it would
20 be better. I do appreciate you putting together the
21 online system, but as so many have said, not all counties
22 have an online system and not all voters have online
23 systems. We were fortunate to be able to download our
24 request and then we dropped them off into the drop box,
25 and I would like to thank you all so for passing the drop

1 box rule, those emergency rules today. They're very
2 important.

3 But I also agree with the other voters that we must
4 have emergency ballots available, must. I like the fact
5 that people could bring in their absentee ballot on voting
6 day, and the QR codes are an issue. So there can be no
7 risk-limiting audits. There can be no meaningful audit
8 because you're only counting the number of votes people
9 cast. You're not actually counting the hand vote because
10 the receipts they give us -- we have no idea if what's
11 written on the receipt is actually copied into the QR
12 codes since the computer only reads the QR code.

13 So these are real serious issues, and we should
14 always have -- and I'm old enough to remember when you
15 went to a polling location, and they had a little book,
16 and they looked you up, and they put a little x. Yep, she
17 showed up. You need to have one of those paper books
18 again because there have been so many issues with the poll
19 books and the electronic equipment. Thank you so much.

20 MR. RAYBURN: All right. Thank you for your comment.
21 And to clarify that, it is required under Georgia law and
22 our counties are sent and have paper poll books of the
23 voters in each precinct at the polling places. So that is
24 currently the practice in law.

25 MR. RAFFENSPERGER: Thank you, Kevin. Next speaker?

1 MS. THOMAS: Okay. So next, we'll have Alexia
2 Nikitas. You're still self-muted. And then one more
3 time, Melanie Ray, you may now speak.

4 MR. RAYBURN: That's all. That's all the public
5 comment, Mr. Secretary.

6 MR. RAFFENSPERGER: Okay. Thank you for all the
7 comment. Do we have any other items that the Board
8 members would like to, you know, that are not on the
9 agenda, but would like to bring forward to our attention
10 right now?

11 MR. WORLEY: Mr. Secretary, this is David Worley, and
12 I would like to say a couple of things. First of all, I
13 think this is probably Mr. Rayburn's last Board meeting
14 before he goes on to work for the Election Assistance
15 Commission, and I just wanted to compliment him on his
16 hard work over the years. He is -- I think he's done a
17 very good job for the Secretary of State's Office and in
18 assisting the State Election Board, and I'm very
19 appreciative of everything that he's done.

20 MR. RAYBURN: Thank you, Mr. Worley.

21 MR. WORLEY: You're welcome. More than welcome.
22 Secondly, I wanted to say something about the rules that
23 have been proposed again by the Coalition for Good
24 Governance. Those rules were proposed earlier, and I said
25 at the time that I thought the rule on mail ballot return

1 was a good rule, that we needed to have that, but that it
2 might be too difficult for election officials to do this
3 year, given the volume of other changes that they would
4 have. I also thought that -- that's their proposed rule
5 number 1.

6 I thought that their proposed rule number 2 on
7 MyVoter precinct was not really necessary or -- being able
8 to vote in the precinct where MyVoter page says you're
9 located, and their proposed rule number 3 about paper poll
10 book backups was also not really necessary. The
11 experience from the primary and the reports and
12 observations that I've been told about lead me to believe
13 that those two additional rules are now necessary, and
14 that the mail ballot return is also something that we need
15 to be doing, so I support those three proposed rules, and
16 I would make a motion now that we adopt them.

17 MR. RAFFENSPERGER: Okay. We have a motion before
18 us. Do we have a second? Do we have a second? Hearing
19 no second, motion dies due to lack of having a second.

20 MR. WORLEY: Thank you, Mr. Secretary.

21 MR. RAFFENSPERGER: Okay. Do we have any other
22 comments or questions?

23 MR. GERMANY: Mr. Secretary, this is Ryan. I just
24 wanted to echo Mr. Worley's comments. For those who are
25 listening who don't know, Kevin Rayburn, our Deputy

1 Elections Director and Deputy General Counsel, has been
2 appointed by the US Election Assistance Commission to be
3 their next General Counsel. It's a great, I think,
4 recognition of the expertise that he has in elections. I
5 don't think there's a better elections lawyer in the
6 county, so Georgia's loss is certainly the country's gain,
7 and I'm glad that he will be continuing in that -- in his
8 role of serving elections across the country. We're sad
9 to see him go, and he's been a great asset to Georgia
10 elections and the Secretary of State's Office, and I just
11 wanted to say it's been a pleasure working with him, and
12 thank you for all your hard work.

13 MR. RAYBURN: Thank you.

14 MR. RAFFENSPERGER: Well, I will comment also on
15 that. Kevin Rayburn, you know, came to the State of
16 Georgia, you know, from Tennessee, and when I became
17 Secretary of State, there were many solid people we had
18 who were already in place and Kevin was one of them. With
19 the new voting system and all the different things that
20 that entailed and really looking at House Bill 316 and
21 then the changes that we've had to make in the code book
22 and also with the state election rules with the new
23 machines, with the ballot-marking devices, it was a big
24 list. And his confidence and what he brought to the table
25 and his work ethic -- effort, we couldn't have cleared

1 those hurdles if it wasn't for, you know, Kevin Rayburn's
2 work. And I think the Elections Assistance Commission has
3 found a very, you know, solid, one of the best election
4 attorneys in the country.

5 And we hope that this will help the EAC actually, you
6 know, pick up the pace on the good work it does do. One
7 of the strong suits of the EAC is because the Commission
8 is two Republicans and two Democrats is that nothing moves
9 forward unless it truly is bipartisan. I think that's a
10 good thing because elections should not be partisan. What
11 they really need to be is a process. How do we get the
12 process better so we can engage voters so that everyone
13 has that confidence? And that really requires a
14 bipartisan attitude and also requires deep integrity, and
15 Kevin Rayburn has very solid and deep integrity, so I wish
16 him well. We will miss him, but we understand it's a
17 tremendous honor, and we wish him the very best.

18 MR. RAYBURN: Thank you, Mr. Secretary.

19 MR. RAFFENSPERGER: If we have no other new business
20 before us, I think now would be the appropriate time to
21 make a motion for adjournment.

22 MR. MASHBURN: I move that we adjourn.

23 MR. RAFFENSPERGER: Do we have a second?

24 MS. SULLIVAN: Second.

25 MR. RAFFENSPERGER: Do we have any other comments?

1 MR. WORLEY: Just Mr. Secretary, it's David Worley.
2 Just again I want to thank the Board members and the
3 Secretary for accommodating by schedule by beginning this
4 meeting so early this morning. Thank you all.

5 MR. RAFFENSPERGER: Well, our pleasure, David.
6 Thanks for being here. All those in favor of adjourning,
7 please signify by saying aye.

8 THE BOARD MEMBERS: Aye.

9 MR. RAFFENSPERGER: Motion carries. Thank you so
10 much for meeting early this morning and doing the people's
11 business, and God bless you all. Thank you. Meeting
12 adjourned.

13 (Meeting adjourned 9:25AM)

CERTIFICATE

**STATE OF GEORGIA
COUNTY OF DEKALB**

I, Kaitlin Walsh, Certified Court Reporter, hereby certify that the foregoing pages numbered 4 through 56 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 28th day of July, 2020.

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

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