

In The Matter Of:
SECRETARY OF STATE
STATE ELECTION BOARD

February 24, 2021

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

STATE OF GEORGIA

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

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

**February 24th, 2021
9:00 A.M.**

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

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

Atlanta, Georgia

APPEARANCE OF THE PANEL

Secretary of State Brad Raffensperger, chair

Rebecca Sullivan, vice chair

Anh Le

David Worley

Matthew Mashburn

ALSO PRESENT IN ORDER OF PRESENTATION

John Poulos

Ryan Germany

Frances Watson

Chris Harvey

Transcript Legend

- (sic) - Exactly as said.
- (ph.) - Exact spelling unknown.
- (???) - Audio feed unclear
- 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, good morning, everyone. I'd like to call this meeting to order of the State Election Board for February 24th, 2021. Since this is a remote meeting with Zoom, I would like to have -- call out attendance so we can record that for the recording. Ms. Rebecca Sullivan?

MS. SULLIVAN: Present.

MR. RAFFENSPERGER: Mr. David Worley?

MR. WORLEY: Present.

MR. RAFFENSPERGER: Ms. Anh Le?

MS. LE: Present.

MR. RAFFENSPERGER: Mr. Matt Mashburn?

MR. MASHBURN: Present.

MR. RAFFENSPERGER: Okay. We have a full contingent. I would like to first off, before we get started with the invocation and the pledge, I would like to give a very strong and positive shout out to our investigators and Ms. Frances Watson. Today, we have on the docket about 75 cases. The week before, we had 65, in that range, and the week before, we also had 65. We -- about nine months ago or so, we ended up with a full contingent of State Election Board members when Mr. Mashburn joined us, and we also though came to a very busy election cycle, and our investigators have been working on current investigations,

1 so the first two State Election Board meetings, we were
2 cleaning up some of the backlog that predated most of us
3 even being on the State Election Board, and they've been
4 working hard, our investigators, to get us up to speed.
5 So today, we'll be looking at 2018, '19, and 2020 cases.
6 I just want to really let you know how much we appreciate
7 that. Also, Jasmine, Bre, and our team, everyone else
8 that's involved that helps put this together, thank you
9 very much, and thank you, Board members.

10 We've had three busy meetings. Today is going to be
11 a long schedule also, so in anticipation of that or -- I
12 want to thank you up front. Thank you for volunteering
13 for this and your diligence. You're bringing a lot of
14 wisdom, careful consideration, for the people of Georgia.
15 So thank you very much. With that, I'd like to open up
16 with an invocation.

17 (Invocation)

18 (Pledge of Allegiance)

19 MR. RAFFENSPERGER: This morning, we requested
20 Dominion voting systems to come in and speak to us. That
21 would be John Poulos, the CEO. I don't know if he's on
22 yet. Are we ready? Jasmine?

23 MS. SHANNON: Yes, he's here.

24 MR. POULOS: Yes. Can you hear -- can you hear me,
25 Secretary? This is John, John Poulos from Dominion.

1 MR. RAFFENSPERGER: Great. Well, Mr. Poulos, thank
2 you for joining us today. Obviously, the folks on our
3 side, on the Secretary of State's side, we're very
4 familiar with Dominion Voting Systems. We went through a
5 very rigorous process of selecting your firm. We went
6 through an im -- implementation which was the fastest and
7 the largest state-wide implementation we've ever had
8 before. The last time that something of this size has
9 been done was in 2002 with Secretary of State Cathy Cox.
10 We had to have ours ready for the presidential primary,
11 and then two weeks into that, COVID hit and required us to
12 take a lot of applications in a pandemic environment. But
13 many of the people in Georgia wouldn't have the detailed
14 knowledge that we do, and we thought it would be best if
15 we could have you come in and share that with folks, and
16 then also our State Election Board members, I'm sure, have
17 questions that they would like to ask you. So thank you
18 for agreeing to participate today, and the floor is yours,
19 sir.

20 MR. POULOS: Well, thank you very much, Mr.
21 Secretary. What I thought I'd do is I'd start with a
22 little bit of background on Dominion Voting. I've
23 certainly been asked a lot of questions over the last four
24 months, and I have a good idea of what your Committee
25 might be interested in hearing and then allow enough time

1 for any questions that I could answer for the Committee.

2 So first off, Dominion Voting Systems started in
3 2003, roughly 18 years ago, really with just a very simple
4 mandate of helping blind people vote on paper privately
5 and independently and with dignity. That mission quickly
6 expanded to include helping election officials count paper
7 ballots accurately and transparently, and since then, our
8 mission has largely remained unchanged. That's what we
9 do. Our success really ties back to our commitment to
10 paper ballots, and our first very large implementation was
11 in the year 2008 across the State of New York, where we
12 partnered with 52 election officials across that state in
13 implementing a -- a certified paper-based voting system in
14 time for the 2008 presidential election.

15 Since then, we have expanded across the United States
16 and currently serve in jurisdictions represented in 28
17 states with several separate jurisdictions within those 28
18 states. Our contract, as you very well know, with the
19 State of Georgia was awarded in the summer of 2019.

20 Pretty much immediately, we began implementing a very
21 large-scale rollout of paper-based systems in time for the
22 first pilot elections of that fall -- I believe it was
23 November and December timeframe of 2019 -- and working
24 actively with the 159 counties whose accountability, of
25 course, it is to run the elections in time for the March

1 primary. As we now know, the March primary was delayed
2 due to the effects of COVID into the summer, into June and
3 worked together with the 159 counties in deploying the
4 full system for the November 2020 general election.

5 I find it important these days to specifically talk
6 about what we do as a company and what we don't do as a
7 company. So first off, we help -- we provide technology
8 that helps election officials run and count, accurately
9 count, paper ballots. We don't run elections. We don't
10 have the authority. We don't have the accountability.
11 It's -- in the State of Georgia, it is the 159 counties
12 that have that accountability and authority to run
13 elections. Our job is limited to our founding mission,
14 which is helping voters create paper ballots privately and
15 independently and helping election officials through our
16 technology, allowing them to accurately count those paper
17 ballots. As we now know, the -- the roughly 5 million
18 ballots from the November 2020 election were counted three
19 times in the State of Georgia. Each time reaffirmed the
20 results, as well as a robust audit from the runoff in
21 January for the -- for the Senate races.

22 In terms of some of the disinformation that has been
23 spread regarding our company and the election in general -
24 - certainly, it has affected the State of Georgia as we
25 all know -- our systems are certified, meaning a number of

1 things. We submit complete systems, including source
2 code, to federal accredited test labs who spend an
3 inordinate amount of time and proper diligence going
4 through each line of code and testing for a range of
5 parameters that is very carefully detailed in the VBSG
6 standards at the EAC level. In addition to that, many
7 states require additional certification at the state
8 level, where this process is not only repeated
9 independently, but in many cases greatly expanded upon to
10 include penetration testing. Above and beyond that, we as
11 a company also submit our systems to penetration testing
12 to independent test labs, and we -- in conjunction with
13 our customers, we also submit our source code to
14 independent testers, when it makes sense for our
15 customers. The first -- the first such time that we did
16 that was in the State of New York, along with the New York
17 State Board of Elections, in the year 2008.

18 So I think I'll leave it at that and certainly ask
19 any -- answer any questions regarding our -- our company
20 and the election process is general, what we do, what we
21 don't do, and with that, I'll -- I'll open the floor.

22 MR. RAFFENSPERGER: Thank you, Mr. Poulos. Board
23 members, I guess, do you have any questions for Mr.
24 Poulos? If so, Ms. Sullivan as Vice Chair, you can go
25 first if you'd like that honor?

1 MS. SULLIVAN: I do not. Thank you.

2 MR. RAFFENSPERGER: Mr. Worley?

3 MR. WORLEY: Yes, Mr. Secretary. I do have a
4 question or two for Mr. Poulos, and Mr. Poulos, thank you
5 for appearing today and thank you for what I think can
6 only be described as a very competent rollout of Georgia's
7 new election system in 2019 and 2020. I think the results
8 speak for themselves in terms of how well the system works
9 statewide. You mentioned that just there's a lot of
10 disinformation out about Dominion, and that disinformation
11 has affected the State of Georgia. I know that Dominion
12 has recently filed defamation lawsuits against Rudy
13 Giuliani, against Sidney Powell, against Mike Lindell for
14 statements that they have made about Dominion.

15 Unfortunately, the disinformation campaign is pretty
16 widespread, and it has had an impact here in the State of
17 Georgia in that members of the General Assembly are taking
18 that disinformation and using it as their reason to engage
19 in what is -- what really can only be described as a
20 systematic effort to suppress voters now that the results
21 of the last election are known, and they didn't like the
22 results of the election. Under these circumstances, has
23 anyone from any of the legislative committees of the
24 Georgia General Assembly that are con -- considering
25 election changes contacted you or anyone from Dominion and

1 ask them to appear and testify about this disinformation?

2 MR. POULOS: Well, thank you for the question, Mr.
3 Worley. I am aware that we have had various conversations
4 with members of the Assembly, not just in the State of
5 Georgia but in other states as well, and unfortunately, I
6 don't have the specifics. I have not personally had the
7 conversations with anyone.

8 Our view, in terms of participating in these
9 hearings, is -- is as follows. First off, it's important
10 for everybody to understand what our accountability is,
11 what -- what we do and what we don't do, which I
12 referenced at the beginning. The fact that we do not run
13 elections is very clear. Your counties run elections, and
14 it has -- it is the election officials who have the
15 authority to make decisions and to actually execute and
16 run the business of elections. They are the ones
17 accountable and best suited to be able to answer questions
18 specifically regarding that process however, in any, you
19 know, in any -- any manner of the election.

20 To say that there is an abundance of evidence
21 supporting the fact that there is a -- there was an
22 accurate tally of ballots is an understatement. The fact
23 that the State of Georgia has counted 5 million ballots
24 three times -- one of those three times was done by hand,
25 distributed across 159 counties, with thousands of people

1 involved in that process, is -- is -- frankly, you don't
2 need to go much further than that to understand that the
3 ballots were counted properly. Some of the actors that --
4 some of the actors that are promoting the disinformation
5 have certainly made allegations that the hand count did
6 not, in fact, happen, but I know that this -- this
7 Committee obviously knows that's not -- that is not true.
8 So there are references to -- there are so many different
9 examples of research that has been done to -- against the
10 allegations that have been made by -- by unreliable
11 sources that refuse to provide any evidence.

12 We find that these people are quick to say that they
13 have evidence, quick to say that they have hundred percent
14 proof, but yet they don't provide any of their evidence.
15 If you look at the most recent release from the -- the
16 MITRE report that was released the other day that took a
17 deep look into the statistical release of the results
18 across various states including Georgia, you can see that
19 this group that actually does do research for national-
20 level governments has released all of its findings
21 including their assumptions and all of their underlying
22 data to the public to look at. In the case of Maricopa
23 County in Arizona, they actually hired two EAC accredited
24 independent test labs to run audits. But of course, as
25 this Committee knows, this was also done in the State of

1 Georgia as well.

2 MR. WORLEY: Well, I appreciate your answer, Mr.
3 Poulos, and I certainly agree with you that there's an
4 abundance of evidence that elections here in Georgia were
5 conducted properly. I seem to take from your answer that
6 you have not been officially contacted by any of the
7 committees that are considering legislation on Georgia
8 voting this year, and I think that's a shame because I
9 think that you do have important information that should
10 be presented to those committees as they consider this
11 legislation. I think, unfortunately, they probably don't
12 want to hear from you. But I would encourage you to take
13 every opportunity to make your views known to those
14 committees. Thank you.

15 MR. POULOS: We certainly will. Thank you.

16 MR. RAFFENSPERGER: Ms. Anh Le or Mr. Mashburn, do
17 either one of you have any questions for Mr. Poulos?

18 MS. LE: This is Anh. I want to thank Mr. Poulos for
19 being here today and joining us for this meeting. I don't
20 have any major questions. I guess the only question I
21 would like to ask is from this past experience with
22 Georgia elections, this being our first election on the
23 Dominion machines, did you observe any, I guess, notes or
24 lessons learned, if you will, for improvements with fut --
25 future iterations of this machine, or did you see anything

1 that you could suggest or observe that could be
2 implemented in future elections?

3 MR. POULOS: Well, in terms of the actual system
4 itself, we've, frankly, been having a very active dialogue
5 with the Secretary of State's Office as well as various
6 counties, and we really bifurcate that into two different
7 ways. One is on the election process itself, which is the
8 account -- accountability of election officials in each of
9 the 159 counties and how they might take the data that
10 they obtain through the 2020 election cycle and how they
11 might be able to more effectively deploy the technology to
12 reduce everything from line-ups to voter flow. And in
13 regards to the actual ballot tabulation system itself, we
14 have been having an active dialogue with the Secretary of
15 State's Office, letting them know the various initiatives
16 that are being undertaken around the county on how better
17 to -- on how to increase transparency and educate
18 constituents on how the election actually works and the
19 facts of how paper ballots are actually created and how
20 they are counted and allowing that awareness campaign to
21 effectively disseminate across the entire state in the
22 hopes to avoid some of the -- the disinformation that has
23 been propagated.

24 MS. LE: Thank you. Thank you for that answer, and
25 again, thank you for being here today.

1 MR. RAFFENSPERGER: Mr. Mashburn, do you have any
2 questions for Mr. Poulos?

3 MR. MASHBURN: Yes. Thank you for the opportunity.
4 Thank you for appearing today, and thank you for the
5 opportunity to ask questions, Mr. Secretary. The
6 questions that I have are questions that I've heard from
7 people over and over, so I'm just going to go straight --
8 straight into it. Is Dominion an American company or not?

9 MR. POULOS: We are, sir. We started off -- I
10 started the company in Canada as a Canadian company, and
11 in 2018, we sold the company, so there is a lot of
12 information that is incorrect on -- online and in various
13 places about us not being an American company, so let me
14 be very -- very clear. Our owners are a private equity
15 company with US investors based in New York, and that is
16 the parent company. We don't have an Amer -- American
17 subsidiary. It's -- the company is American and American-
18 owned. We have roughly 300 employees, most of whom are
19 distributed across the United States. Our head office is
20 in Denver, Colorado. We have smaller regional offices in
21 the states of New York and California, now in Georgia as
22 well, in Texas, and in Florida. And really, our employees
23 are distributed close to where our customers are.

24 I -- I feel obliged to also clarify we are not
25 Venezuelan. We have never run elections in Venezuela, and

1 we understand that there are two US companies that have
2 run elections in Venezuela in the past. I can tell you
3 with certainty that Dominion is not one of them, and with
4 specific regards to allegations made that we, along with
5 every other voting system vendor in the United States,
6 uses software created by Smartmatic. That is not true.
7 Smartmatic is a separate company. We are competitors.
8 They do their own thing. We compete vigorously with them.
9 It's my understanding that they service Los Angeles County
10 in the United States. But we have -- we are in no way
11 using their source code or are tied to their ownership or
12 their board structure or any of -- any of that.

13 MR. MASHBURN: Thank you for -- thank you for that
14 detailed explanation. That raises the next question. Is
15 -- I think you said you were in business since 2003. Has
16 anybody anywhere in any case in any court or any contest
17 or any recount ever shown that a Dominion machine, even a
18 single one, has ever flipped a vote from one candidate to
19 another in a lawful election?

20 MR. POULOS: No, sir. No, sir. And I'll expand on
21 that one, if you'll allow me. The -- let me be very clear
22 on the source of the disinformation. On November 19th,
23 Sidney Powell and Rudy Giuliani took to a national stage
24 at the RNC offices in Washington in front of the national
25 press corps and alleged a number of different things.

1 They alleged an old conspiracy theory that, really, from
2 what we see started in other elections in other states
3 with companies that had nothing to do with Dominion, and
4 that old conspiracy theory had several components to it.
5 One was that we were founded in Venezuela which is a
6 hundred percent false. It also alleged that we were tied
7 to a Venezuelan group which is a hundred percent false.

8 And then, that theory expands to include a version of
9 an elections system which is -- which could not be more
10 false. The theory contends that your counties have very
11 little to do with your election, that somehow their
12 official databases and their -- their secure stores of
13 paper ballots are not somehow the official record of the
14 election and the official ballot count, but somehow, some
15 national level database, which is -- which is -- which
16 sits in Frankfurt, Germany on Amazon web services'
17 servers, controlled by a company called SydeLL with source
18 code from Smartmatic. This is a hundred percent false,
19 and this is exactly the core of the disinformation and the
20 root of it.

21 And so specifically, there are some -- there are a lot
22 of different companies that provide vote tabulation
23 services, and Dominion is one of those companies in the
24 United States. Our key competitors, as well as us, all
25 undergo a very strict and rigorous federal certification

1 process and state certification process. To the claim
2 that we all use the same source code, it is ridiculous.
3 It's one hundred percent false, and any of the authorities
4 at the federal or state levels or any of the labs that all
5 have our source code through our voluntary -- our
6 voluntary penetration testing can attest to that.

7 Moreover, our critics and the actors in this
8 disinformation campaign, while they take to national media
9 and they so -- they so confidently assert that they have,
10 quote, evidence, no one -- no one talks about the fact
11 that there are paper ballots, and when asked about it,
12 they -- they really brush it to the side. They don't
13 reference the fact that there are five million ballots in
14 the State of Georgia, paper ballots, that are in the
15 secure possession of 159 counties with -- with all of
16 their staff. We -- there are no private companies that
17 have access to it, nor should they. So the idea going
18 back to this theory that somehow results get fed out from
19 the county level to the state level and then to some
20 national level server that is housed in Frankfurt where
21 bad actors from different countries can somehow change the
22 vote is ludicrous and does not explain that you have one
23 paper ballot for every eligible voter, for every valid
24 voter that has voted in your election.

25 And that is what you hand counted. You did a hand

1 recount, a hundred percent recount -- sorry, a hundred
2 percent hand audit plus an additional one hundred percent
3 machine recount. Sorry for the long answer, but I felt
4 compelled to clarify that.

5 MR. MASHBURN: No. That was helpful. And I just
6 have one last question, and I've heard -- I've heard --
7 people have come up to me and said that it's possible to
8 remotely hack into the machines and make updates or that -
9 - or that Dominion actually itself goes into the machines
10 remotely and makes updates. Is that possible or not
11 possible?

12 MR. POULOS: No. That is not possible, but you
13 shouldn't take my word for it. You should ask your
14 election officials, who actually have possession of those
15 machines. Those machines haven't been in our possession
16 since we delivered them to the state and to the county
17 when possession changed hands as part of that
18 implementation process. There has been some reports in
19 the media that are a hundred percent false.

20 Unfortunately, one of them still is on the -- on the web,
21 and the story refers to a remote update on the election
22 system, which has been proven not to have happened. It's
23 impossible, and it's -- it's basically the same as -- I
24 won't even make an analogy because it's so ridiculous.

25 The machines are in the possession of the county, not

1 of any private company, and they are not -- they are
2 designed to be air gapped, and in the State of Georgia,
3 the tabulators in the polling locations do not have
4 modems, and the systems -- and the back-end systems are
5 air gapped with the results -- the official results
6 database are air gapped from the system that each county
7 uses to upload their results to the public. But again,
8 that is a process that is best described and verified by
9 the people have accountability to run the elections and
10 who have the physical custody of all of this system, which
11 is your poll officials, your election officials.

12 MR. MASHBURN: Thank you for that. I said I only
13 have one more, but I've got one more. And that is
14 something real quick. It can even be yes or no, but y'all
15 just -- your company only deals with counting the votes.
16 It has absolutely nothing to do with registration or -- or
17 poll pads or anything like that. It's just straight
18 counting, right?

19 MR. POULOS: That's correct. Our systems do two
20 things. We help people with disabilities vote privately
21 and independently on a paper ballot, and we help election
22 officials count those paper ballots. What we don't do: we
23 do not do any voter registration systems. We do not do
24 any electronic poll books. We do not get involved in vote
25 by mail services. We do not print ballots. We do not

1 mail ballots. We do not determine who is eligible to
2 receive a ballot. All of that is done separately and
3 coordinated through your election officials.

4 MR. MASHBURN: And just -- and you can expand on this
5 if you want to, but I just wanted to kind of emphasize for
6 the record that when we in Georgia recounted the paper
7 ballots by hand, that was humans reading human readable
8 text and not humans trying to read QR codes, but that was
9 humans looking at human readable text, and just if you
10 have anything to add to that, please feel free.

11 MR. POULOS: Yeah, I sure do. So as -- as -- the
12 ballot-marking device is meant to help voters ca -- create
13 a paper ballot. The ballot-marking device does not
14 tabulate or count any paper ballots. That is done by a
15 separate machine whose sole function is to scan and
16 tabulate paper ballots. We -- our system is capable of
17 running -- of printing those paper ballots in a variety of
18 formats, and one of them which has been used in the State
19 of Georgia has a one sheet -- one 8 and a half by 11 sheet
20 of paper, and it has human readable text. There is also a
21 QR code. The advantage of the QR code is that it allows
22 for a single 8 and a half by 11 sheet of paper to -- to
23 have all of the selections that a voter makes.

24 There -- there are critics of this type of a system,
25 and whether the critics have pointed to the fact that the

1 2D barcode is not readily human readable, which is a --
2 again, from the standpoint of my company, we take -- we
3 are very agnostic when it comes to this. Our system is
4 capable of doing, frankly, anything that your law allows
5 for, and the critics argue that is what is looked at on
6 the screen of the ballot-marking device may or may not be
7 the same as what is printed on that ballot.

8 Now, the flip side to that argument is that a voter
9 has an opportunity when they are holding their printed
10 piece of paper, that is their ballot. They have not cast
11 that ballot yet, but they are looking at that ballot, and
12 they can review their choices, which makes for a, quote,
13 voter-verified paper ballot. If -- if you contend that
14 voters will not look at that text, then obviously, that's
15 -- that's a discussion that's up for the people that have
16 accountability to decide how elections should be run in
17 any given jurisdiction.

18 Our system has the ability to do anything, frankly,
19 that you need it to do. So what was unique about the one
20 hundred percent hand audit is that what that definitely
21 showed was that the text that the voters verified was the
22 same as the QR code. Now, whether or not that is
23 something that can be done on an economic basis for every
24 future election, whether that's something that is done
25 randomly through audits of risk-limiting audits -- that is

1 now quickly becoming the norm across the country, and it
2 is a very good thing in everyone's opinion as it increases
3 transparency and confidence -- that is -- that went to
4 definitely show that your -- that the text on every ballot
5 of the 5 million ballots was, in fact, accurate and the
6 same as what the machines reported.

7 MR. MASHBURN: Thank you very much, and thank you for
8 your appearance today, and thank you to the Secretary for
9 letting me take a lot of time asking questions, but these
10 are all questions that I have been asked, so since we have
11 access to you today, I figured I'd go ahead and do all the
12 ones that I've heard.

13 MR. POULOS: Well, thank you, sir.

14 MR. RAFFENSPERGER: Well, if there are no more
15 questions from any of our Board members, Mr. Poulos, thank
16 you for your time. I know you're a busy man, and we are
17 today, also. We have about 75 cases to go, to plunge
18 through, so with that, I'll let you go, and we'll get onto
19 some other business of this Board. Thank you so much.

20 MR. POULOS: Thank you for the opportunity. Have a
21 great day.

22 MR. RAFFENSPERGER: Thank you. So the next item on
23 our agenda are the investigation reports. We have a group
24 of consent cases from tab 1 to 12. What is the will of
25 the Board? Do you want to pull any of those out, or would

1 you like to make a motion all -- for all consent cases?

2 MR. WORLEY: Mr. Secretary, this is David Worley.

3 First of all, I just wanted to note for the record that I
4 have to leave at 11 o'clock or shortly before 11 o'clock
5 to appear in a hearing in Fulton Superior Court.

6 MR. RAFFENSPERGER: Thank you.

7 MR. WORLEY: I should be able to return in about a
8 half an hour after that. I would like to pull out and
9 discuss three of the consent cases, case number 2020-176,
10 case number 2020-227, and case number 2020-229.

11 MR. RAFFENSPERGER: Okay.

12 MS. LE: Mr. Secretary, this is Anh Le.

13 MR. RAFFENSPERGER: Yes?

14 MS. LE: I need to recuse from case number 2018-115
15 and 2020-252, please.

16 MR. RAFFENSPERGER: I understand. Okay. Are there
17 any other cases any members would like to pull out, or
18 need to recuse themselves?

19 MS. WATSON: Mr. Secretary, this is Frances Watson,
20 and we did receive a call from a complainant in 2020-113
21 that wished it to be presented and the ability to speak to
22 that case.

23 MR. RAFFENSPERGER: Okay. We'll do that also. So
24 that leaves us 2018-028, 2018-072, 2018-105, 2019 --
25 excuse me -- 036, 2020-038, 2020-079. I believe that's

1 it. Those ones, I believe, if we wanted to make a motion,
2 we could make a motion in batch, and then we could make
3 the ones where Ms. Le has to recuse herself, we could do
4 those for all the other members also in the next motion.
5 So --

6 MR. WORLEY: Mr. Secretary, I would make a motion
7 that we consent to the cases on the consent calendar other
8 than the ones that have been identified by Ms. Le and the
9 other members of the Board and move to dismiss those
10 cases.

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

12 MS. SULLIVAN: Rebecca Sullivan, second.

13 MR. RAFFENSPERGER: Do we have any further
14 discussion? All those in favor, please do so by
15 signifying aye.

16 THE BOARD MEMBERS: Aye.

17 MR. RAFFENSPERGER: Any opposed? Motion carries.

18 MR. WORLEY: Okay. Mr. Secretary, I would then make
19 a motion that we dismiss the two cases, the DeKalb County
20 cases on the consent cases list, case numbers 2018-115 and
21 2020-252.

22 MR. RAFFENSPERGER: Okay. And Ms. Anh Le's recusal
23 is noted. All those -- do we have a second? Great.

24 MS. SULLIVAN: Second, Rebecca Sullivan.

25 MR. RAFFENSPERGER: Any discussion? Hearing none,

1 all those in favor of the motion as presented, aye?

2 THE BOARD MEMBERS: Aye.

3 MR. RAFFENSPERGER: Any opposed? Motion carries.
4 Okay. I guess the next one -- we'll start at the top of
5 the order, 2020-113, Fulton County, disability issue.
6 They're here to discuss that, so Ms. Watson, if you want
7 to present that for us, that would be wonderful, and the
8 floor is yours.

9 MS. WATSON: Yes, sir. Thank you. A complainant
10 reported that he is visually impaired and after not
11 receiving an absentee ballot, he chose to vote early in
12 person at the Buckhead Library. He alleges that he was
13 not provided with a device that would read a printed copy
14 to him and had to use a poll worker to read it to him.
15 The investigation revealed it was verified that Fulton
16 County did process and mail the requested absentee ballot.
17 There was no code or rule which governed a state or county
18 to provide the device that a visually impaired voter can
19 use to read their printed ballot back to them for
20 verification that we could find. There is also no rule or
21 code that prevents a visually impaired voter from using
22 their own such device at the polls, and our recommendation
23 was to dismiss the case with no violation noted.

24 MR. RAFFENSPERGER: Okay. Is there someone here to -
25 - from the --

1 MS. WATSON: Yes. Yes. There -- there -- I believe
2 that we have someone that is on the line, and she is going
3 to be responding via captioning that will be -- her
4 response will be read by Ms. Thomas.

5 MR. RAFFENSPERGER: Okay. Thank you. Please
6 proceed.

7 MS. KEGLEY: Good morning. Can you hear me?

8 MR. RAFFENSPERGER: Yes.

9 MS. KEGLEY: Hi. My name is Julie Kegley. I'm with
10 the Georgia Advocacy Office. I am looking for the
11 captioning at the bottom, and I think I've gotten it, so
12 thank you for that. I appreciate Secretary Raffensperger
13 allowing me to speak on this case. At the Georgia
14 Advocacy Office, we protect and advocate on behalf of
15 people with disability, and one of the ways that we do
16 that is making sure that people with disabilities have the
17 right to cast an independent and a private ballot
18 anticipated by federal law.

19 And the complainant in this case was a person with
20 visual impairment, and he was not able to cast his ballot
21 independently. The poll machine did not allow him to
22 progress through the selection independently. He had to
23 get a poll worker to come help him, which meant that the
24 poll worker knew how he was voting. Then, when the paper
25 ballot came out, he could not independently read the paper

1 ballot in order to verify his selection. So again, that
2 meant that he was not able to cast an independent, private
3 ballot. So to the extent that this happened in Fulton
4 County, to the extent that the Fulton County Board of
5 Elections and the Secretary of State's Office can
6 implement measures to make sure that this doesn't happen
7 again to anybody else, it would be most appreciated.
8 Thank you for your time.

9 MR. RAFFENSPERGER: Thank you. Is there anyone else
10 that wants to speak on this case? Board members, do you
11 have any comments?

12 MR. WORLEY: Mr. Secretary, David Worley. I had a
13 question for Ms. Kegley if I might. Does she have any
14 suggestions of measures that Fulton County or the
15 Secretary of State's Office or the General Assembly could
16 implement to ensure that voters who are disabled have the
17 opportunity to vote independently so that this particular
18 situation might not arise again?

19 MS. WATSON: Do we need to send her that in writing?
20 One second, we need to type that question to her so she --
21 she can have it.

22 MS. KEGLEY: Hi, this is Julie Kegley. I am not sure
23 if you were speaking to me because the closed captioning
24 is not working. If there is a way for you to contact me
25 best via email, that would be great, but I apologize. The

1 captioning is just not working.

2 MR. RAFFENSPERGER: Okay.

3 MR. WORLEY: Okay. Thank you.

4 MR. RAFFENSPERGER: What I would suggest if we could
5 have our office contact Ms. Kegley and then ask for her
6 recommendations, and then we'll transmit that to the
7 General Assembly. They're currently in session. We also
8 can look at is there something we can do from the
9 standpoint of the equipment that we have right now. What
10 does that look like? But give input, particularly if
11 there is a budget, a dollar cost associated with that, so
12 that the General Assembly could consider that. I believe
13 that would be the appropriate action. Do you -- do you
14 concur, Mr. Worley?

15 MR. WORLEY: Yes. I appreciate the Secretary's doing
16 that.

17 MR. RAFFENSPERGER: Okay. Is there any other comment
18 that any Board members have on this case then? If not, I
19 think now would be the appropriate time for a motion.

20 MS. LE: Mr. Secretary, --

21 MR. WORLEY: I -- I'm sorry. Go ahead. I --

22 MS. LE: Sorry. Please. I was just -- sorry. I was
23 just going to make a motion to accept the consent order.
24 This is Anh.

25 MR. RAFFENSPERGER: Do we have a second?

1 MS. THOMAS: Ms. Kegley just wrote in the chat a
2 response to your question, Mr. Worley. She says that yes,
3 to make sure that the voting machine audio is correctly
4 working so that a person with a visual impairment can put
5 on headphones and have the audio guide them through the
6 process.

7 MR. RAFFENSPERGER: Okay. That will be something
8 that we can discuss and get that information out. We'll
9 discuss that internally with the Elections Division and
10 then get that information out to our counties. Do we have
11 a second then?

12 MR. WORLEY: I would second the motion.

13 MR. RAFFENSPERGER: Okay. Is there any further
14 discussion? Hearing none, all those in favor of the
15 motion as presented, signify by saying aye.

16 THE BOARD MEMBERS: Aye.

17 MR. RAFFENSPERGER: Any opposed? Motion carries.
18 Next case we pulled out, 2020-176, 227, and 229, so we'll
19 start with 176, tab 9.

20 MS. WATSON: Yes. The complainant Jean Schuman [ph.]
21 reported her daughter, who is not a registered voter in
22 Georgia and lives out of state, received seven absentee
23 ballots from Henry County and two absentee ballots from
24 Lamar County that were sent to the mother's address in
25 Georgia. Our investigation revealed that this were

1 actually absentee ballot requests, and they were not
2 actual ballots, and we're recommending that the case be
3 dismissed.

4 MR. RAFFENSPERGER: Do any of the members of the
5 Board have questions?

6 MR. WORLEY: I did have a question, Mr. Secretary.
7 Ms. Watson, I just wanted to be absolutely clear about
8 this because there have been a lot of allegations after
9 the election that absentee ballots were mailed out to
10 people who were not registered to vote. The evidence that
11 you found was that, if I'm correct, was that these were
12 absentee ballot applications that were sent out and not
13 actual absentee ballots; is that correct?

14 MS. WATSON: That is correct. We received many, many
15 complaints of this nature, and I would ask each -- each of
16 these to send me a copy or photo of the envelope that they
17 received in order to verify if it was an application or a
18 ballot. There -- there were a lot of individuals that
19 mistook the en -- what they received in the mail as
20 official ballots because it was -- the envelope would say
21 official ballot request, and so they were reporting that
22 they received multiple ballots, and when we would check,
23 it would actually be the applications. There were a
24 couple -- you know, there were some that actually received
25 two -- two ballots in the mail, which when we would track

1 those down, it would be a time when the county was
2 switching over from the state sending the ballot and then
3 the county picking up. There's maybe a little crossover
4 where some of those did actually get two, but there were
5 very few of those also.

6 MR. WORLEY: Thank you. Mr. Secretary, I would make
7 a motion that we accept the recommendation to dismiss this
8 case.

9 MR. RAFFENSPERGER: Do we have a second?

10 MR. MASHBURN: Matt Mashburn, second.

11 MR. RAFFENSPERGER: Any further -- any further --

12 MR. MASHBURN: Yeah, Matt Mashburn. I would like to
13 add my personal experience on this as well in that I've
14 had well over 50 -- 50 calls from people alleging multiple
15 -- that they had received multiple ballots, and it
16 involved, you know, in the hundreds of ballots being
17 alleged, and all of them, every single one of them, I
18 tracked down the person and asked them to send me what
19 they got, and every single time it was an absentee ballot
20 application. So this is, you know, something that has
21 been widely alleged, but just every time I tracked it down
22 involving hundreds of allegations of ballots, none of them
23 panned out.

24 MR. RAFFENSPERGER: Okay. Do we have a second -- or
25 any further comments? Hearing none, all those in favor of

1 the motion to dismiss, signify by saying aye.

2 THE BOARD MEMBERS: Aye.

3 MR. RAFFENSPERGER: Any opposed? Motion carries.

4 Next case?

5 MS. WATSON: Next case is 2020-227, Cobb County,
6 absentee ballot application process. The complainant
7 alleged that during the May 11th presidential preference
8 primary election, she was working in a group processing
9 absentee ballot applications. She advised that when she
10 brought one or more unclear applications with signature
11 mismatches, she was advised by the male supervisor to
12 process them anyway. Investigation revealed the
13 procedures were reviewed in Cobb County. The supervisor
14 in question was interviewed, and he -- he's provided a
15 sworn notarized statement, and he advised that he did not
16 approve or instruct anyone to process a signature
17 mismatch. He stated that he then explained his
18 instructions, the process that he followed. He also
19 advised that it is possible that he advised someone that
20 the voter's signature will be checked again when the
21 ballot is returned.

22 An audit of the process was conducted in Cobb County,
23 which also substantiated that Cobb County was following
24 the correct procedures in conducting the signature
25 verification process. We did observe the individuals that

1 were -- were conducting this process and the stacks that
2 they would put them in for further review, and we're
3 recommending that the case be closed as unfounded.

4 MR. RAFFENSPERGER: Okay. Board members?

5 MR. WORLEY: Mr. Secretary, I had a question for Ms.
6 Watson. So am I correct, Ms. Watson, that this allegation
7 which the supervisor indicated was not correct was the
8 basis for the audit of some 15,000 signatures in Cobb
9 County to verify that they were, in fact, correct?

10 MS. WATSON: I believe that due to this complaint
11 that they -- that Cobb County was the county that was
12 chosen for the audit to be conducted at.

13 MR. WORLEY: Okay. And can -- could you just tell us
14 again what the results of that audit were? And this was
15 an audit by the GBI, correct?

16 MS. WATSON: It was conducted jointly between -- with
17 our office and the GBI and in -- out of the, as you said,
18 15,000 plus that we conducted there were a few that had to
19 be individually contacted, and out of all of the ones that
20 we conducted, we found absolutely no indications of fraud.
21 There was one individual that signed her husband's name.

22 MR. WORLEY: Okay.

23 MR. RAFFENSPERGER: Any other questions from the
24 members or comments? Hearing none, do we have a motion?

25 MR. WORLEY: Mr. Secretary, David Worley here. I

1 would make a motion that we dismiss this case.

2 MR. RAFFENSPERGER: Do we have a second?

3 MS. SULLIVAN: Rebecca Sullivan, second.

4 MR. MASHBURN: Matt Mash --

5 MR. RAFFENSPERGER: Okay. Any further comment?

6 Hearing none, all those in favor of the motion, signify by
7 saying aye.

8 THE BOARD MEMBERS: Aye.

9 MR. RAFFENSPERGER: Any opposed? Motion carries.

10 Next case?

11 MS. WATSON: Next case, 2020-229: in November of
12 2020, we received two complaints with accompanying
13 affidavits on behalf of Alice O'Lenick and Anthony
14 O'Lenick. The affidavit by Alice O'Lenick alleged she
15 observed there were more absentee ballots than envelopes,
16 indicating the ballots that were counted were not properly
17 verified as a potential violation of Georgia election
18 code. The affidavit by Anthony O'Lenick alleged that the
19 Gwinnett Elections Office experienced clogged computers
20 that slowed the tabulation process down, but what was
21 concerning to him was the elections staff, to include the
22 Election Supervisor, was asked to leave election central,
23 which was the secure room designated to store and scan
24 ballots, while an unknown individual believed to be a
25 technician from Dominion Voting Systems remained in the

1 room who was acting frantic and appeared to be freaking
2 out, a potential violation of election code. Anthony
3 O'Lenick also reported based on questionable guidance
4 received from Gwinnett County's attorney Melanie Wilson
5 the ballot review panel erred on the side of striking
6 ballots down depending on which candidate could get more.

7 The investigation revealed the complaint submitted by
8 Alice O'Lenick was retracted. She advised that she under
9 -- understood that there were -- was two paper ballots in
10 Gwinnett County that would make the stack of papers be
11 larger than the envelopes and retracted that complaint.
12 The complaint alleged by Mr. O'Lenick was not
13 substantiated, as there was no evidence to support a
14 violation of election code occurred. We recommend the
15 case be dismissed as unfounded.

16 MR. RAFFENSPERGER: Members, do you have any
17 questions?

18 MR. WORLEY: Yes, Mr. Secretary, this is David
19 Worley. I had a question, Ms. Watson. There was some
20 part of the report that indicated because of Ms.
21 O'Lenick's complaint -- and I understand Ms. O'Lenick is a
22 member of the Gwinnett Election Board -- that 129,000 or
23 so ballots had to be recounted?

24 MS. WATSON: We -- we were scheduled to recount the
25 oath envelopes to verify the number, and that process was

1 due to start the following day when we were able to verify
2 with Ms. O'Lenick that she was withdrawing her complaint
3 and that she under -- understood that that was not an
4 accurate depiction of what her complaint was.

5 MR. WORLEY: So that -- that was not done?

6 MS. WATSON: No. It was -- the oath envelopes were
7 not counted. It was scheduled to -- to be conducted, and
8 it was not -- it did not occur.

9 MR. WORLEY: All right. I don't have any further
10 questions, and I obviously defer to the other Board
11 members, but if they do not have questions, I'd make a
12 motion that we dismiss this case.

13 MR. RAFFENSPERGER: Do we have a second?

14 MS. LE: Anh Le, second.

15 MR. MASHBURN: Matt Mashburn -- go ahead. Yeah. And
16 for further discussion, I have a question of Charlene and
17 the Attorney General's Office or a request. Can -- can
18 they look through the lawsuits that they defended and see
19 if this retracted affidavit was attached to an exhibit of
20 any of the lawsuits, and if so, can we pass unanimous
21 consent that the record be left open so that the affidavit
22 might be contained within the record and be marked as
23 having been retracted?

24 MS. MCGOWAN: This is Charlene. I can go back
25 through our dockets and see if that affidavit was relied

1 on in any of the cases. Most of them have been closed, so
2 I don't know if there's an opportunity to make that note
3 in the record of the cases, but I can certainly go back
4 and take a look at that.

5 MR. RAFFENSPERGER: Thank you.

6 MR. MASHBURN: Thank you.

7 MR. RAFFENSPERGER: Any other discussion? Hearing
8 none, all those in favor of the motion, signify by saying
9 aye.

10 THE BOARD MEMBERS: Aye.

11 MR. RAFFENSPERGER: Any opposed? Motion carries.
12 Okay. Letter cases plus some continued cases, I believe,
13 from last week. I guess we'll do tab number 13 first,
14 2017 --

15 MS. LE: Mr. Secretary?

16 MR. RAFFENSPERGER: Yes?

17 MS. LE: This is Anh Le. I must recuse myself from
18 this case and the -- which is 2018-009 and 2018-093,
19 please. Excuse me. I apologize. I do not have to recuse
20 myself from the 2018-093. I apologize. So I will only
21 recuse from 2018-009. My apologies.

22 MR. RAFFENSPERGER: No problem. Okay. Do we want to
23 do the letter cases first? The ones that are identified
24 as new cases, they're actually on the table, so we'll need
25 a motion to bring those off the table. We can do that now

1 or just wait until we get to them and start with case
2 2017-064.

3 MS. WATSON: Okay. Are we doing -- Mr. Secretary, do
4 you wish to vote en bloc for the letter of instruction
5 cases?

6 MR. RAFFENSPERGER: Yes. Right. 064 through 274,
7 that would be the easiest that way.

8 MR. WORLEY: Mr. Secretary, I will make a motion that
9 for the cases on the letter cases section of our agenda,
10 the seven cases that are currently there, that we accept
11 the recommendation of the investigators and send a letter
12 of instruction to the Respondents in those cases.

13 MR. RAFFENSPERGER: Do we have a second?

14 MR. MASHBURN: Matt Mashburn, second.

15 MR. RAFFENSPERGER: Any further discussion? All
16 those in favor of accepting the motion as is, signify by
17 saying aye.

18 THE BOARD MEMBERS: Aye.

19 MR. RAFFENSPERGER: Any opposed? Motion carries.
20 Okay. I guess there's all these new cases, but these are
21 the ones that are on the table, correct? SEB case 2018-
22 009 through 2020-112, is that correct, Ms. Watson?

23 MS. WATSON: Yes, sir. That is correct, and we also
24 have a request from -- in reference to 2018-093 due to a
25 conflict if we could present that case at the end of the

1 agenda.

2 MR. RAFFENSPERGER: Okay. Let's all -- let's bring
3 them all off the table now then, and then we'll just hold
4 2018-093 until the end of the day. Do we have a motion to
5 bring it off the table?

6 MS. SULLIVAN: So move, Rebecca Sullivan.

7 MR. MASHBURN: Matt --

8 MR. WORLEY: Second, David Worley.

9 MR. RAFFENSPERGER: Okay. Hearing no objection,
10 motion carries. They're off the table. Next case, case
11 2018-009. We had some questions last week.

12 MS. WATSON: Yes, sir. I believe that this was
13 continued until this meeting from last calendar. This
14 case: on May 15th, 2018, it was reported by DeKalb County
15 that the elector when making applications for an absentee
16 ballot mailed a copy of a voted absentee ballot along with
17 their absentee ballot application. The investigation
18 revealed that the elector identified as Ahhae Niles, A-h-
19 h-a-e N-i-l-e-s, was not familiar with the absentee voting
20 process and was reported to have received a copy of the
21 absentee ballot from a friend as a sample to assist her.
22 She submitted the marked copy of the absentee ballot with
23 her application for an absentee ballot to DeKalb County,
24 not being familiar with the processing and having a --
25 some language barrier. We're recommending that Ahhae

1 Niles be issued a letter of instruction concerning 21-2-
2 575(a), as there does not appear to be any intent on her
3 part to violate the code. She was a new voter and was not
4 familiar with the process. Is there someone here to
5 speak? And we do have someone on the line for this case.

6 MR. RAFFENSPERGER: Okay. If she was like to speak?

7 MR. SELLS: Mr. Secretary, this is Bryan Sells on
8 behalf of Ms. Niles. I'm here to ans -- answer any
9 questions that the Board might have. I think Ms. Watson
10 stated the case accurately and succinctly. My client is a
11 limited proficient new voter and did not understand the
12 application process.

13 MR. RAFFENSPERGER: Thank you, Mr. Sells. Okay.
14 Members, do you have any questions concerning this case?

15 MR. WORLEY: Mr. Secretary, -- go ahead. I'm sorry.

16 MR. MASHBURN: Matt Mashburn, I -- go ahead, David.

17 MR. WORLEY: I don't have a question, but I just -- I
18 do have a comment. I just don't think that this kind of
19 violation is -- you know, whatever actually happened here,
20 whatever her intent was really just doesn't meet the
21 intent of the statute prohibiting counterfeit ballots, and
22 so I -- I would make a motion to dismiss this case.

23 MR. RAFFENSPERGER: Mr. Worley, you had a -- I guess
24 the motion is there, so do we have a second?

25 MR. MASHBURN: Second.

1 MR. RAFFENSPERGER: Okay. Any further discussion?
2 Hearing none, all those in favor of the motion as
3 presented, signify by saying aye.

4 THE BOARD MEMBERS: Aye.

5 MR. RAFFENSPERGER: Motion carries. Next case has
6 been held over, so it would be 2020-015.

7 MS. WATSON: Yes, sir. This is Stephens County.
8 This was an absentee ballot drop -- drop box case that was
9 initiated by our office after an inspection of the
10 absentee ballot drop box. The investigation rev --
11 revealed that the drop box was not in compliance with the
12 signage that was required in the code, and we also -- it
13 was not posted on the website per the SEB rules. We did
14 go back to -- to Stephens County to verify that the
15 signage was put in place. However, it was found that the
16 signage was not put in place until the day after the
17 February 17th meeting. However, it was posted on the
18 website in May after our inspection, and it was reported
19 to -- to the County. With that information, I would make
20 the recommendation that it be bound over to the AG's
21 Office for violation of State Election Board rule 183-1-
22 14-.06-.14(3)(9).

23 MR. RAFFENSPERGER: Do we have anyone that wants to
24 speak to the case, or do any members have any questions or
25 comments?

1 MR. MASHBURN: Matt Mashburn, I move we accept the
2 recommendation.

3 MR. RAFFENSPERGER: Do we have a second?

4 MS. SULLIVAN: Rebecca Sullivan, second.

5 MR. RAFFENSPERGER: Any further discussion? All
6 those in favor of the motion, please do so by signifying
7 aye.

8 THE BOARD MEMBERS: Aye.

9 MR. RAFFENSPERGER: Any opposed? Motion carries.
10 Next case.

11 MS. WATSON: Yes, sir. The next case was presented.
12 It was 2020-096, and this was the case that was reported
13 by Clayton County that there was a box outside of 403
14 Valley Hill Road that was labeled as a ballot box, and
15 investigation determined that it was the resident at that
16 location that was handing out absentee ballot
17 applications, and the box labeled ballot box was actually
18 for the applications to be inserted in. There was no
19 evidence that any actual ballots were placed into that
20 box. We were to review the code for any other possible
21 violations of any other code that would be applicable.
22 The -- the closest code would be 21-2-574, which would be
23 unlawful possession of ballots, but there's no evidence
24 that there was an actual ballot that was placed in the
25 box. My recommendation would be to dismiss this case and

1 to send a letter to the resident, Doris Woods [ph.], just
2 making her aware of the -- the code 21-2-574 in relation
3 to having such a box outside the location.

4 MR. RAFFENSPERGER: Okay. Members, do you have any
5 questions, comments, motion?

6 MR. MASHBURN: Matt Mashburn. I make a motion that
7 the recommendation be accepted.

8 MR. RAFFENSPERGER: Do we have a second?

9 MS. LE: Anh Le. I'd second that motion with a
10 request that the letter be strongly worded because
11 situations like this can create confusion for the public,
12 and that doesn't help anybody during a hectic election
13 cycle. But I second that.

14 MR. RAFFENSPERGER: So noted. Any further input or
15 comments?

16 MR. WORLEY: Mr. Secretary, it's David Worley. I
17 don't have an objection to the Secretary's Office sending
18 a letter to the Respondent, but I don't think we can add
19 the imprimatur of the State Election Board to that because
20 there's no statute that this person violated, and so we
21 don't have any jurisdiction over this particular complaint
22 because there's no statutory violation, so I -- I can't
23 accept the motion, although, as I said, I don't have an
24 objection to the Secretary sending a letter. But I don't
25 think it should say in any way that the State Election

1 Board, you know, participated in that action.

2 MR. RAFFENSPERGER: Well, I guess, it's almost a
3 question of point of order, but General Counsel or the
4 Attorney General's Office, could you provide legal
5 guidance on that question?

6 MS. MCGOWAN: Is the issue whether or not the State
7 Election Board would send a letter or the Secretary's
8 Office?

9 MR. RAFFENSPERGER: Correct. Would it be appropriate
10 for the Secretary of State's Office in lieu of the State
11 Election Board to send that letter per Mr. Worley's
12 comment?

13 MR. GERMANY: This is Ryan Germany. I mean, I think
14 if the State Election Board determines it's worthy of a
15 letter from the State Election Board, then it should come
16 from the State Election Board. And that's -- that's up to
17 you. That's kind of what's in front of you and Mr.
18 Worley. I think Mr. Worley would not agree with that, but
19 we can see what the position of the Board is. Whether or
20 not it was a -- I think the relevant question, the
21 relevant issue, is the drop box, the sign put out said put
22 your ballots here. Fortunately, no one put their ballots
23 there, but it certainly seems that it was if not
24 successful unlawful possession, it was attempted unlawful
25 possession, and that's something that I think the State

1 Election Board can -- can determine what they want to do
2 with that set of facts.

3 MR. MASHBURN: Yes, this is Matt Mashburn. I'm in
4 support of Anh Le's motion and language and will vote in
5 favor of it because I -- and Mr. Germany just made the
6 point is I think the only reason that she's not up on a
7 charge of possession of -- illegal possession of ballots
8 is just luck. So I support Anh Le's motion and language.

9 MR. RAFFENSPERGER: Any other discussion? Hearing
10 none, all those in favor of the motion as presented with
11 strong wording in that letter, signify by saying aye.

12 THE BOARD MEMBERS (except Mr. Worley): Aye.

13 MR. RAFFENSPERGER: Any opposed?

14 MR. WORLEY: No.

15 MR. RAFFENSPERGER: Motion carries. Next case?

16 MS. WATSON: Next case is 2020-112. On -- this was
17 previously presented. On October the 14th, 2020, we
18 opened an investigation concerning a complaint that a
19 candidate in Henry County was supplying voters in line at
20 a polling location with snacks and water. Since the
21 previous meeting, I believe each of the members should
22 have been emailed a copy of affidavits and a video from
23 the attorney for Ms. Kelly Rose Alsiver [ph.]. The
24 candidate was identified as Ms. Alsiver, a candidate for
25 State Senate District 17.

1 On October 14th, 2020, it was reported by a witness
2 that Kelly Rose Alsiver came to the front of the line of
3 voters with a wagon full of water bottles, oranges and
4 urged people to help themselves. A statement provided on
5 October 25th, 2020 reports that while voting at 40 Atlanta
6 Street, McDonough, Georgia at approximately 3:30PM, she
7 observed Kelly Rose come into the parking lot of the polls
8 greeting people and handing out clementines, oranges, and
9 bottles of water along with her husband. She was pulling
10 a wagon as well as her husband carrying water. She
11 reports she was within a hundred and fifty feet of the
12 poll. Kelly Rose states that she went to the poll on two
13 occasions to pass out water and snacks to those in line.
14 She states she was not wearing any campaign clothing, and
15 on social media posts regarding, she states that everyone
16 knows her by her hair.

17 There was a new affidavit provided by Kelly Rose, an
18 affidavit from her husband, and an affidavit from Michael
19 Burns [ph.] that have been emailed to the Board members.
20 Kelly Rose states that she did not mention to anyone that
21 she was a candidate. While at the polling location on
22 October the 12th, Kelly reports that someone asked her her
23 name, and she responded Kelly. Mr. Alsiver reports the
24 same information in his affidavit with the addition that
25 when they arrived on both dates, the 12th and the 14th,

1 employees of the Election Board advised them they could
2 pass out the items as long as they were not campaigning.

3 Michael Burns, the Chairman of Henry County
4 Democratic Party, provided an affidavit also emailed to
5 the Board members. He advised that he assisted Ms. Rose
6 and her husband in handing out water and snacks on October
7 the 12th to those standing in line at 40 Atlanta Street,
8 McDonough, Georgia. Mr. Burns reports that he was working
9 with election officials regarding the long lines and met
10 with Ms. Rose around 12PM on October the 12th, 2020. Mr.
11 Burns reports that it was very hot, and the lines were
12 very long. Mr. Burns further states that Ms. Rose did not
13 introduce herself as a candidate nor mention the election
14 and was not wearing any campaign clothing that identified
15 her as the candidate. There was also a screenshot from
16 Facebook thanking the person that brought out water as
17 they waited six hours in line. Our recommendation was
18 Kelly Rose Alsiver, candidate for Georgia State Senate
19 District 17, be referred to the Attorney General's Office
20 for violation of 21-2-414(a)(3) and 21-2-570. And Mr.
21 Spencer, the attorney for Ms. Kelly Rose, is also on the
22 line.

23 MR. RAFFENSPERGER: Okay. Mr. Spencer, would you
24 like to --

25 MR. SPENCER: I would. I would suggest that this

1 case should be dismissed. Ms. Rose has presented evidence
2 that, in fact, she did not do what the claim was, and
3 what's interesting is that in the affidavit -- or if it's
4 an affidavit, the statement from the witness does not
5 allege that she was campaigning. What it alleges is that
6 she passed out water, which is not illegal, but even if it
7 is -- is illegal, we have presented credible evidence
8 that, in fact, she did not do that, and we would submit
9 that this is the kind of case that should not be submitted
10 to the Attorney General. If this goes to the Attorney
11 General, every allegation will go to the Attorney General,
12 and we don't think that's the intent of this Board. We
13 don't think that's the intent of this -- this statutory
14 regimen, so we would ask -- I was about to say the Court,
15 but I would say we would ask the Board to go ahead and
16 dismiss this matter because we have shown that she did not
17 do what she's accused of, and she should not have to go
18 before the Attorney General or the State should not have
19 to spend its resources going through this -- this
20 particular case. So that's where we are.

21 MR. RAFFENSPERGER: Thank you, sir. Do any of the
22 members of the Board have any questions for either side?

23 MR. MASHBURN: This is -- this is Matt Mashburn. I
24 don't have any questions. I thank the counselor for his
25 statements, but I'm going to move that we accept the

1 recommendation and refer this to the Attorney General.

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

3 MS. LE: Anh Le, I second.

4 MS. SULLIVAN: Rebecca Sullivan, I second.

5 MR. RAFFENSPERGER: We have a second by...?

6 MS. LE: Ms. Sullivan.

7 MR. RAFFENSPERGER: Ms. Sullivan, okay. Do we have
8 any additional comment from any Board members?

9 MR. WORLEY: Mr. Secretary, it's David Worley here.
10 I know that the Secretary has made statements prior to the
11 last election about the handing out of water at voting
12 locations, but my view is that those kinds of activities
13 are not a violation of the law, and if it seems that most
14 people on the Board want this to go to the Attorney
15 General's Office, I hope that the Attorney General will
16 look at that issue and come back to us with its
17 interpretation, and I believe the correct interpretation
18 will be that this kind of activity does not violate the
19 law. So there may be some use in sending this to the
20 Attorney General, but I do not believe that the activity
21 to which Ms. Rose admitted is illegal and/or a violation
22 of the two statutes that the investigators relied on in
23 this case. So I'm going to oppose that motion. Thank
24 you.

25 MR. RAFFENSPERGER: You're welcome. Thank you, Mr.

1 Worley. Any other comments? Hearing none, all those in
2 favor of the motion as presented, signify by saying aye.

3 THE BOARD MEMBERS (except Mr. Worley): Aye.

4 MR. RAFFENSPERGER: Those opposed?

5 MR. WORLEY: No.

6 MR. RAFFENSPERGER: Okay. Motion carries. Okay.

7 Before we have the next case, let's -- I see the time has
8 gotten on. If we could get back for a short break, say,
9 five minutes, we'll resume at that time. Thank you.

10 (Meeting break)

11 (Meeting resumes)

12 MR. RAFFENSPERGER: We can, I guess, start. I think
13 everyone should be back by now.

14 MS. WATSON: Okay. The next case is 2017-073.

15 MR. RAFFENSPERGER: Okay. Please proceed.

16 MS. WATSON: On November the 8th, 2017, we received
17 multiple complaints in reference to the November 7th, 2017
18 City of Griffin general municipal election: absentee
19 ballots being rejected and possibly manipulated, some
20 voters did not know their polling precinct had been
21 closed, and they did not know where to vote. Tamar Harris
22 [ph.] filled out a new voter registration card on October
23 3rd, 2017 to move her voter registration. Mr. Lemons
24 reported the Elections Office failed to move Tamar Harris'
25 voter registration prior to the November 7th, 2017 general

1 municipal election. He believed his name was left off
2 some of the ballots during the November 7th, 2017 general
3 municipal election, and an article in the Sunday, January
4 14th, 2018 edition of the Griffin Daily News reported the
5 Spalding County Board of Election and Registration had
6 determined that 38 city electors may have been assigned to
7 incorrect city districts. This was confirmed during an
8 audit along with 408 electors in the county that were in
9 the incorrect district. In 2019, a second audit was
10 conducted that found 131 voters in the incorrect precinct,
11 and 77 voters assigned to the incorrect House district.
12 Elector Susan Sledge [ph.], Leander Sledge [ph.], Stephen
13 Cole Braswell, and Amy Braswell received the wrong ballot
14 styles when they voted.

15 Investigation revealed allegation one, two, and three
16 were not substantiated. Allegation four, it was confirmed
17 one person received the incorrect ballot. In allegation
18 five, it was confirmed that 38 electors in the City of
19 Griffin were in the incorrect district. It was also
20 confirmed that 408 county electors were not in the correct
21 district. In 2019, a second audit conducted found 131
22 voters in the incorrect precinct and 77 in the incorrect
23 House district. We recommend Spalding County Board of
24 Elections and Registration and the former Elections
25 Supervisor, Terry Colling, be bound over to the Attorney

1 General's Office for a violation of 21-2-216(b) and
2 Spalding County Board of Elections and Registration and
3 Marcia Ridley, Elections Supervisor, be referred to the
4 General -- Attorney General's Office for SEB rule 183-1-
5 12-.02(4)(b) and SEB rule 183-1-12-.06(11)(a) and SEB rule
6 183-1-12-.02(4)(d).

7 MS. THOMAS: And Stephanie Windham is on the phone to
8 speak on behalf of Spalding County.

9 MR. RAFFENSPERGER: Okay. Ms. Windham?

10 MS. WINDHAM: Yes, sir. Spalding County would ask
11 that these charges be dismissed, Mr. Secretary. The
12 remedial measures have been taken regarding the -- the
13 improper districts. Several audits have been conducted by
14 the current Elections Supervisor, Marcia Ridley, and all
15 the issues that were found have been corrected, and the --
16 the -- as far as those voters who received the incorrect
17 ballot and voted the incorrect ballot at the time and then
18 later determined that they had gotten the wrong ballot but
19 they had already voted and did not make any comments to
20 the poll workers or the poll manager at the time that they
21 had the wrong ballot, so our concern is we just need some
22 direction on how to rectify a sti -- situation like that
23 where the voter accepts the ballot, votes it, and then
24 after they get home, they decide that they voted the wrong
25 ballot.

1 Also, as far as the -- the accusation that Ms.
2 Ridley, regarding the Jordans' ballots, that she allowed
3 them to vote a provisional ballot but failed to do an
4 inquiry prior to approving the provisional ballot, that is
5 actually untrue. She did contact the poll manager. The
6 poll manager indicated that the Jordans had not voted
7 while they were there. Then, she allowed -- Ms. Ridley
8 allowed the provisional ballots. Afterwards when the
9 votes were counted and it was determined that the Jordans
10 had voted twice, the poll manager was counseled and also
11 reprimanded. And that's all I have, sir.

12 MR. RAFFENSPERGER: Thank you. Members of the Board,
13 do you have any questions?

14 MR. WORLEY: I don't have a question, Mr. Secretary,
15 but I do have a comment. I appreciate that this situation
16 has been corrected, but given the large number of voters
17 that were placed in the wrong district, I -- I don't think
18 we can just either dismiss or deal with it in some way
19 other than referring it to the Attorney General's Office.
20 And in addition, I think it's incumbent on the county or
21 the city, as the case may be, to make sure that people are
22 in the right districts, and I don't think the burden
23 should be on the voters to question every time they
24 receive a ballot. There has to be some basic assumption
25 that the ballot that you're getting at the polling place

1 is the correct ballot for your district, and I think the
2 voters are entitled to rely on that to some degree, so Ms.
3 Windham's suggestion that somehow the voters here are at
4 fault -- I know that's probably not what she intended, but
5 that's the impression that was conveyed to me at least --
6 is just not one I can agree with, so I make a motion that
7 we refer this case to the Attorney General.

8 MR. RAFFENSPERGER: Thank you. Do you have a -- do
9 we have a second?

10 MS. SULLIVAN: Rebecca Sullivan, I'll second it.

11 MR. RAFFENSPERGER: Ms. Sullivan seconds. Any
12 further comment?

13 MS. LE: This is Anh Le. I do have a thought to the
14 question of what guidance or what could they do more that
15 I think Ms. Windham asked earlier. I suggest going
16 through training again. Maybe put your people through
17 training again because with this large number, especially
18 in city elections as you know, the needle moves with just
19 a few votes sometimes, and so it does have a big impact
20 for the down ballot races or the local races. So -- and I
21 would agree with Mr. Worley completely in the sense that,
22 you know, voters don't go home and then decide to have the
23 wrong ballot. They assume sometimes that they have the
24 right ballot, so it is incumbent on the county to get it
25 right the first time, so I agree with the motion as well.

1 MR. RAFFENSPERGER: Thank you. Any other comment?
2 Hearing none, all those in favor of the motion, please do
3 so by signifying aye.

4 THE BOARD MEMBERS: Aye.

5 MR. RAFFENSPERGER: Any opposed? Hearing none,
6 motion carries. Next case?

7 MS. WATSON: Next case is 2017-074. In November
8 2017, a complainant reported that Council Member Joyce
9 Shepherd was sitting directly outside the voting room at
10 the Metropolitan Library. The complainant advised that
11 Council Member Shepherd was saying to each voter as they
12 entered the polling location. Several other electors
13 alleged that Shepherd and her supporters were campaigning
14 within the hundred and fifty foot boundary of the polling
15 location.

16 Investigation determined that Shepherd did go to the
17 precinct to vote on November 7th, 2017. She remained at
18 the location to assist her mother to vote. The
19 complainant confirmed that the -- Council Member Shepherd
20 was in the hall with her mother. Elector reported
21 Shepherd transported dozens of surrogates to actively
22 campaign on the library property within 60 feet of the
23 building, and they were obstructing the entry. One
24 elector reported Council Member Shepherd was distributing
25 water and snacks and introducing herself to those in line.

1 Her niece was also at the location and went home to
2 retrieve some documents necessary for Shepherd's mother to
3 vote. Shepherd remained at the poll location directly
4 across the hall from the polling entrance, approximately
5 twenty feet away, while her niece went home to retrieve
6 the documents. We recommend that Joyce M. Shepherd be
7 referred to the Attorney General for a violation of 21-2-
8 414(a)(1) and (d).

9 MS. THOMAS: And David Lowman with Fulton County is
10 on the line.

11 MS. WATSON: I believe David Lowman with Fulton
12 County is on the line.

13 MR. RAFFENSPERGER: Okay.

14 MR. LOWMAN: I have no additional information to add
15 at this time. Thank you.

16 MR. RAFFENSPERGER: Do any members of the Board
17 require additional information or have any questions?

18 MR. MASHBURN: Matt Mashburn. I make a motion that
19 we accept the recommendation.

20 MR. RAFFENSPERGER: Do we have a second?

21 MR. WORLEY: I'll second that.

22 MR. RAFFENSPERGER: Okay. Any comments, input?
23 Hearing none, all those in favor of the motion as
24 presented, signify by saying aye.

25 THE BOARD MEMBERS: Aye.

1 MR. RAFFENSPERGER: Any opposed? Motion carries.
2 Next case.

3 MS. WATSON: Next case is 2017-075. In 2017, we
4 received numerous allegations of violations of the
5 election code and Board rules during the Forest Park
6 November 7th, 2017 municipal election. The allegations
7 were an elector receiving wrong ballot during early
8 advanced voting, registered voters that were over a
9 hundred years old, excessive absentee voting described as
10 vote harvesting, electors failing to receive their
11 requested absentee ballots, candidates offering alcohol
12 for votes, candidates campaigning within a hundred and
13 fifty feet of the poll, early advance voting: elector
14 being misinformed as to a requested absentee by mail
15 ballot, and candidate intimidating an elector for a vote.

16 Investigation revealed only two allegations were
17 substantiated. It was confirmed that candidate Dabouze
18 Antoine campaigned within a hundred and fifty feet of the
19 polling place on November 7th, 2017. It was also
20 confirmed that candidate Councilwoman Kimberly James
21 completed six absentee ballot applications, two for family
22 members and four for others. She submitted the
23 applications, failing to properly sign the applications as
24 assisting. During the investigation, it was also
25 determined that the former City of Forest Park Elections

1 Superintendent Lois Wright failed to properly redact voter
2 registration information including date of birth from
3 absentee ballot applications when preparing an open
4 records request, resulting in 587 absentee ballot
5 applications with personal voter registration information
6 being provided to the public in violation of 21-2-225(b).
7 Our recommendation is for Dabouze Antoine be referred to
8 the Attorney General's Office for 21-2-414(a)(1), for
9 Kimberly James to be referred to the Attorney General's
10 Office for 21-2-381(c)(e)(f), and City of Forest Park and
11 Lois Wright, Elections -- former Elections Superintendent,
12 be referred to the Attorney General for violation of 21-2-
13 225(b).

14 MR. RAFFENSPERGER: Okay. Do we have any --

15 MS. THOMAS: Yes. We have two people on the line.
16 One of them is Trudy Smith, and one of them is Michael
17 Williams. Ms. Trudy Smith has a speech impairment, so she
18 has written -- wrote a statement that I'm going to read
19 for her.

20 MR. RAFFENSPERGER: Okay.

21 MS. THOMAS: So Ms. Trudy's statement begins I would
22 like to address this body today as a confirmed citizen
23 that has personally observed what has been going on in
24 Forest Park for approximately 10 years. The increasing
25 corruption in our city is completely a persistent issue.

1 The bad actors are consistent. If you will look back to
2 last week's hearing, you will see there is a reoccurring
3 theme. As an example, we had a fully functioning URA
4 board. Once the current administration gained majority
5 control, they maligned the makeup of the Board, which had
6 committed no wrongdoing. Then, they ran a kangaroo court
7 and voted to dismiss all of the sitting Board members
8 except for one. You guessed it, Lois Wright, Election
9 Superintendent.

10 Ms. Wright was the named the deployment -- I'm sorry,
11 the development authority, downtown development authority,
12 and the newly formed urban redevelopment authority. Is
13 this a coincidence? I think not. She was instrumental in
14 getting this council in place. They have made sure she
15 was taken care of at every turn. Ask yourselves this
16 question: why would anyone go through such lengths for an
17 unpaid volunteer position? I call upon your common sense
18 along with the evidence presented by the Secretary of
19 State investigators as to the claims that have been lodged
20 by the concerned citizens of Forest Park. As a diverse
21 group of individuals, there can be no claim of racial
22 bias. We just want to have people of integrity
23 representing us and doing the city's business. We have
24 lived this travesty of governmental abuse of power for far
25 too long.

1 Ms. Wright, Ms. James, and Mr. Antoine have been
2 defying the rules in their oaths of office with wanton
3 disregard. It is evident in the facts that Ms. James has
4 already been fined by the Secretary of State's Office for
5 campaign reporting violations, Ms. Wright was referred to
6 the Attorney General's Office in last week's hearing, and
7 Mr. Antoine was brought up on ethics violations charges
8 within the first year of his first term in office.

9 Allowing this self-serving individuals to continue to
10 serve unleashed has caused our city great harm, resulting
11 in a total lack of trust on behalf of the citizens. All
12 of this has been stressed -- I'm sorry. All of this has
13 been stated to stress the falsus in uno, falseness --
14 falsus in omnibus. False in one thing, false in
15 everything, legal principle. Please make a statement that
16 this behavior will no longer be tolerated in the great
17 State of Georgia, and Ms. Trudy is here for any questions
18 from the Board. And then we also have Michael Williams,
19 who's here to speak in response to the case.

20 MR. RAFFENSPERGER: Okay.

21 MR. WILLIAMS: Good morning. This is Mike Williams,
22 the city attorney for the City of Forest Park. I'm only
23 here speaking on behalf of the third potential violation,
24 which was identified regarding the failure to redact voter
25 registration information, and it indicates that dates of

1 birth were -- is the item that was not redacted. As the
2 investigator reported, Ms. Wright is no longer the
3 Elections Superintendent, and I would acknowledge that
4 these happened in 2017. The City has long since
5 implemented a series of reforms, if you will, within the
6 City Clerk's office regarding open records requests. We
7 have a new City Clerk who as recently as this year has
8 implemented new software, new training, and pledges to
9 have city-wide cross-training for all staff to make sure
10 that open records requests are properly handled, that
11 there's good customer service in terms of responding to
12 those requesting the information, and that the quality
13 control is maintained so that mistakes like this don't
14 happen again. So the City would request either that this
15 be dismissed or a letter of instruction, as reforms have
16 already taken place to correct this problem. That's all I
17 have.

18 MR. RAFFENSPERGER: Thank you, Mr. Williams.

19 MS. THOMAS: And then we also have one more person,
20 an attorney for Kimberly James in the case is here, Bruce
21 Maloy.

22 MR. MALOY: Good afternoon. My name is Bruce Maloy.
23 I represent Kimberly James. First, I would like to thank
24 the investigator that did this investigation for making an
25 extremely thorough report and inquiry on a really

1 scattered collection of allegations in this election. Ms.
2 James is participating in this hearing, but I am going to
3 speak on her behalf. She's accused of submitting six
4 requests for absentee ballots without signing that she was
5 assisting in the requests. Two of those requests are for
6 her own adult children who are college students and legal
7 voters and residents but were away at college at the time.

8 I would simply like to emphasize that these were
9 requests for absentee ballots and not ballots where there
10 was an impropriety, and also, that there's been no
11 allegation that any of these voters have since disavowed
12 that this was them -- that they were the person that was
13 making the request. So it's purely technical violations
14 and failing to countersign the absentee ballot requests by
15 Ms. James. She was very candid with your investigator
16 when contacted, in fact, went to the investigator's office
17 and met with the investigator and sat down with the
18 investigator and acknowledged it. I would just say on her
19 behalf that I think a more appropriate resolution for
20 these allegations is a letter of admonition and not a
21 referral to the Attorney General's Office or the Clayton
22 County District Attorney's Office.

23 One other point, -- and I'll make this very quickly -
24 - I filed an open records act request for the
25 investigative file and witness summaries in this case, and

1 that was summarily denied because this is -- the
2 contention is that this is an open criminal investigation.
3 I would just point out the inconsistency that when it's to
4 the benefit of the Secretary of State's Office and the
5 Election Board, this very same investigative report was
6 provided as an not undersealed, not under confidentiality
7 order exhibit in the Fair Fight vs. Raffensperger
8 litigation. And so when the State wants to use it to its
9 benefit, they do, and when an open records act request is
10 presented, it's denied. And I don't mean to cloud the
11 issue that's before you. I would just ask that the Board
12 in its discretion realize that this is a kind of technical
13 violation that should be winnowed out and should be the
14 subject of either a dismissal or an admonition but not a
15 referral to the Attorney General's Office. Thank you.

16 MR. GERMANY: This is Ryan Germany. I would just add
17 to his last point that the Secretary of State's Office has
18 different obligations under the Georgia Open Records Act
19 and in discovery in a federal lawsuit, and we certainly
20 attempt to comply with each of those as best we can, but
21 it puts different obligations on us.

22 MR. RAFFENSPERGER: Members of the Board, does anyone
23 have any questions? Hearing none, now would be an
24 appropriate time for a motion if you're so --

25 MR. WORLEY: Well, Mr. Secretary, I would make a

1 motion that we send Kimberly James a letter of
2 instruction.

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

4 MR. MASHBURN: Matt Mashburn, second.

5 MR. RAFFENSPERGER: Any further comment on this? All
6 those in favor of that motion, please do so by signifying
7 aye.

8 THE BOARD MEMBERS: Aye.

9 MR. RAFFENSPERGER: Any opposed? Motion carries. On
10 the other two, violation potential?

11 MS. LE: This is Anh Le. I'd make a motion to send
12 the other two matters in this case to the Attorney
13 General's Office.

14 MR. RAFFENSPERGER: Do we have a second?

15 MR. MASHBURN: Matt Mashburn, second.

16 MR. WORLEY: Second.

17 MR. RAFFENSPERGER: Okay. Any further discussion?
18 Hearing none, all those in favor of the motion, signify by
19 saying aye.

20 THE BOARD MEMBERS: Aye.

21 MR. RAFFENSPERGER: Any opposed? Hearing none,
22 motion carries. Okay. Next case?

23 MS. WATSON: Next case is 2017-077. On November 9th,
24 2017, Ms. Nicole Griffin advised that while voting at the
25 Elkins Pointe Middle School polling location, she noticed

1 that the handicapped parking spot did not comply with the
2 American Disabilities Act as it relates to distance and
3 accessibility. Investigation revealed a visit to the
4 location confirmed that the distance from the handicapped
5 parking spaces was 368 feet from the door that allowed
6 access for voters with added school activities of loading
7 and unloading of students in the path between the
8 handicapped parking space and the access for voters to
9 enter. Our recommendation is that Fulton County Board of
10 Elections and Registration and Director Richard Barron be
11 referred to the Attorney General's Office for 21-2-265(c)
12 and also SEB rule 183-1-6.04. And Ms. Griffin is also on
13 the line.

14 MR. RAFFENSPERGER: Ms. Griffin?

15 MS. GRIFFIN: Hello. Can you hear me?

16 MR. RAFFENSPERGER: Yes, ma'am.

17 MS. GRIFFIN: Okay. Yeah. I just -- I'm not sure
18 what I'm supposed to say other than as the woman so
19 politely explained that my voting location, it's not
20 easily accessible to enter nor park for disabled voters.
21 I witnessed to voters being scolded for literally just
22 where they were standing, one in a walker, one not even
23 standing, one in a wheelchair, as they were waiting for
24 their driver to pull up because the handicapped parking is
25 the -- the handicapped parking spaces are the farthest

1 distance from the voting door that they could be, and it's
2 a violation of the ADA laws and that taking into
3 consideration there are current discussions about changing
4 absentee ballot requirements, I would urge lawmakers to
5 think of my complaint before making absentee -- making any
6 changes to absentee voting and making absentee voting
7 harder. Until we can ensure all voting locations are one
8 hundred percent compliant with ADA rules and regulations
9 for disabled voters to be able to vote just like any other
10 person, I would just ask you all to have the powers that
11 be take a look at this.

12 MR. RAFFENSPERGER: Thank you.

13 MS. THOMAS: And David Lowman is on the line for
14 Fulton County.

15 MR. RAFFENSPERGER: Mr. Lowman?

16 MR. LOWMAN: Good morning. David Lowman, Fulton
17 County attorney's office. I would just like to point out
18 the fact that this middle school being used as a polling
19 place has the appropriate handicapped access as required
20 by Georgia and federal law, and Fulton County using [sic]
21 it as a polling place trying to serve the people of that
22 area. Unfortunately, the only place that is large enough
23 for the voting to take place is the gymnasium, and the
24 handicapped parking spaces are farther than I guess would
25 be ideal from the gymnasium. However, I don't feel like

1 binding this over to the Attorney General would serve any
2 other purpose other than to -- I don't know. The
3 handicapped access is provided at the middle school.
4 Voting is taking place at the middle school, and
5 unfortunately for everybody involved, I guess, somebody
6 scold -- was scolding or inappropriately --

7 MS. GRIFFIN: It was literally the school police
8 officer, and he was trying to write them a ticket.

9 MR. RAFFENSPERGER: Ma'am? Ma'am?

10 MS. GRIFFIN: I'm sorry.

11 MR. RAFFENSPERGER: It's his turn to speak. Thank
12 you.

13 MR. LOWMAN: Even if it was the school police
14 officer, that is not any personnel, and that is not anyone
15 affiliated with Fulton County and the Fulton County Board
16 of Registration and Elections, so I ask with respect to
17 Fulton County Board of Registration and Elections, this
18 case will either be dismissed or a letter of instruction
19 be given. Thank you.

20 MR. RAFFENSPERGER: Board members, do you have any
21 questions or require any additional information?

22 MS. WATSON: I have one -- this is Frances Watson. I
23 have one other comment, and I believe a solution would be
24 to -- that we've seen in other polling locations is a
25 temporary sign that can be placed in front of parking

1 spaces that are closer to the entrance to the gymnasium
2 during election days so that the handicapped have a closer
3 access to that point of entrance.

4 MR. LOWMAN: Ms. Watson, if I may, this is David
5 Lowman. I just received confirmation from my client that
6 a temporary handicapped space will be created closer to
7 the entrance of the gymnasium going forward.

8 MR. RAFFENSPERGER: Thank you, Mr. Lowman. Members
9 of the Board?

10 MS. LE: This is Anh Le. Given that the school --
11 I'm assuming from what counselor has said that it's been
12 determined to be compliant with ADA requirements. It's
13 unfortunate that our voter had that experience, but I -- I
14 would suggest that we issue a letter of instruction to
15 Fulton County on this matter with the gentle reminder that
16 you now have a complaint of a terrible experience of a
17 voter and that going forward to the extent you can
18 mitigate those terrible experiences, especially maybe have
19 a talk with the school about how to handle voters or maybe
20 to defer voters to the poll manager. I think that's
21 warranted given that you have knowledge that your voters
22 did not have a good experience at this location.

23 MR. RAFFENSPERGER: Is that a motion then?

24 MS. LE: Yes, sir. I move to issue a letter of
25 instruction.

1 MR. RAFFENSPERGER: Okay. Second?

2 MR. MASHBURN: Matt Mashburn, second.

3 MR. RAFFENSPERGER: Any further comment? All those
4 in favor of the motion as presented, signify by saying
5 aye.

6 THE BOARD MEMBERS: Aye.

7 MR. RAFFENSPERGER: Any opposed? Motion carries.
8 Next case?

9 MR. WORLEY: Mr. Secretary, before you go on, I am
10 going to have to drop off the call for about half an hour
11 to make a court appearance, and I will dial back in
12 probably around 11:30. Thank you.

13 MR. RAFFENSPERGER: Thank you, Mr. Worley. Next case
14 then.

15 MS. WATSON: Next case is 2017-081, City of Sparta.
16 On November 29th, 2017, the complainant reported alleged
17 problems with Aretha Hill in the November 7th, 2017 Sparta
18 municipal general election. The complainant made the
19 following allegations that Maxine Evans [ph.] assisted 13
20 people with absentee ballot applications for early advance
21 voting when she could only assist 10, approximately 9
22 people voted who were not on electors lists, numerous
23 problems were found with the absentee ballot applications
24 but the person voted anyway, no identification of the
25 voter was checked, no time received was written on

1 absentee ballot envelopes that were turned in, oaths were
2 not completed, post office boxes were used as residence
3 for Evans' family members who have been bound over to the
4 AG's Office previously.

5 The investigation revealed two and -- allegations two
6 and three were not substantiated. As to allegation one,
7 it was found that at least 13 electors were assisted by
8 Maxine Evans. The election was not a federal election,
9 and she should have only assisted up to 10. Allegation
10 four, two absentee ballot applications were approved for
11 advance in person voting with no listed identification
12 listed on the application. Allegation five, there were 16
13 absentee ballot oath envelopes with no time received
14 indicated, nine oath envelopes with a person that signed
15 as assisting but failed to list the relationship to the
16 voter. One had no residential address or date of birth on
17 the oath envelope.

18 Allegation seven, it was verified that the Evans
19 family members did have voter registration that listed a
20 physical residential address. Brenda Linda Evans [ph.]
21 did not have a hard copy voter registration on file at the
22 office. During the investigation, it was verified that at
23 least 25 voter certificates were processed by poll workers
24 that failed to enter the required information, such as
25 nine failed to sign or initial as receiving the voter

1 certificate, eight failed to indicate the identification
2 of the elector was checked, seven did not have either a
3 poll worker's initials or a voter ID listed as being
4 checked, one had no address for the elector and no ID
5 listed, and one voter application was approved without a
6 voter registration on file to compare the signature to.
7 It was also discovered that Mark Mathias [ph.] was allowed
8 to vote a provisional ballot while he was a felon under
9 sentence. The ballot was properly rejected and not
10 counted.

11 Our recommendation is for Mark Mathias to be referred
12 to the Attorney General's Office for violation of 21-2-
13 216(b) and Aretha Hill, City of Sparta Municipal Election
14 Supervisor, and the City of Sparta be referred to the
15 Attorney General's Office for a violation of 21-2-
16 381(a)(1)(c), 18 counts, 21-2-381(b)(1), 21-2-
17 386(a)(1)(b), 26 counts, and 21-2-418(d), provisional
18 ballots, 5 counts, and 21-2-431(a), execution of voter
19 certificates, 25 counts, and Aretha Hill, City of Sparta
20 Municipal Election Supervisor, and City of Sparta, and
21 Maxine Evans be referred to the Attorney General's Office
22 for 21-2-409(a), assisting electors. And there is no one
23 on the line.

24 MR. RAFFENSPERGER: Okay. Members of the Board, do
25 you have any questions?

1 MR. MASHBURN: This is Matt Mashburn. I don't have
2 a question, but I move that we accept the recommendation.

3 MR. RAFFENSPERGER: Do we have a second?

4 MS. SULLIVAN: Second, Rebecca Sullivan.

5 MR. RAFFENSPERGER: Any further discussion? Hearing
6 none, all those in favor of the motion as presented,
7 signify --

8 MR. GERMANY: Mr. Secretary? Mr. Secretary, this is
9 Ryan Germany. Can I -- can I add something before the
10 vote?

11 MR. RAFFENSPERGER: Yes, sir.

12 MR. GERMANY: Sorry. The -- the law about limiting
13 assistance to ten voters, it was the law in 2017 when that
14 happened. That law has been changed. It was changed in
15 2019. I just wanted to point out that that limitation was
16 probably inconsistent with federal law regarding
17 assistance to voters, so it might be -- and Charlene can
18 weigh in, but it might, I think, be difficult to, you
19 know, include that in the referral to the AG's Office.

20 MR. RAFFENSPERGER: Okay. Does the AG's Office have
21 a position on that right now?

22 MS. MCGOWAN: Yes. If it was a violation of the law
23 at the time, it is still in violation, but if there's an
24 issue with the law being contrary to federal law, it could
25 be something else, so you can either refer the whole case

1 to us, and I can just take a look at it, decide whether or
2 not that should be -- that particular allegation should be
3 dismissed or not, or you can decide as a Board not to
4 refer that particular complaint to our office.

5 MR. RAFFENSPERGER: Well, you are the department of
6 laws, and so you would make the final determination, so --

7 MS. MCGOWAN: Yes. We can make our recommendation at
8 a later date that that particular complaint be dismissed.

9 MR. RAFFENSPERGER: Okay. So we have a motion, and
10 it's been seconded. All those in favor of the motion as
11 presented, signify by saying aye.

12 THE BOARD MEMBERS: Aye.

13 MR. RAFFENSPERGER: Any opposed? Okay. Attorney
14 General, it's your case. Okay. Next?

15 MS. WATSON: Next case is 2017-085. In December of
16 2017, it was reported that the public was not allowed to
17 view tabulation at the North Fulton Annex during the
18 December 5th, 2017 runoff election. Investigation
19 revealed there was evidence to support a violation of 21-
20 2-40(3)(b). The North Fulton Annex was a precinct and
21 check in center for surrounding polls to drop off end of
22 election documents, which included memory cards. The
23 group should have been allowed access to view the
24 procedures being conducted at the precinct. There was
25 confusion as officials at the annex believed their jobs

1 did not involve tabulation, and the main tabulation was to
2 take place at the English Street location. Both officials
3 and the group became agitated with one another as the
4 officials were not prepared for the public being present
5 to view the proceedings, and the group had not been
6 cooperative with the officials. We're recommending that
7 Fulton County Board of Election and Registration and
8 Fulton County Director Richard Barron be referred to the
9 Attorney General's Office for violation of 21-2-40(3)(b).

10 MS. THOMAS: Richard Barron and David Lowman are on
11 the line.

12 MR. RAFFENSPERGER: Okay. Mr. Lowman?

13 MR. LOWMAN: Mr. Barron can speak to this issue.

14 MR. RAFFENSPERGER: Okay. Mr. Barron?

15 MR. BARRON: Hi, good morning, Board. My memory of
16 this -- that I received a call from the check in center,
17 and that's where we used to do modem -- we would modem
18 results at that check in center in addition to having poll
19 workers check in -- is that a group of individuals came to
20 the check in center with cameras and were walking in the
21 aisles where that -- where the tabulation of the Board was
22 being conducted. They were putting cameras in people's
23 faces, standing over their shoulders, and generally
24 getting in the walkways of where poll workers were
25 delivering materials, and so it became very disruptive. I

1 -- my memory is that I instructed the deputy over the
2 phone to either put them into a public viewing area in
3 some way where they could view it or to remove them that
4 they weren't -- if they weren't going to be compliant with
5 that, and I think the result was after some -- a deputy
6 ended up asking them to leave, but that was, I think,
7 about three years ago so that's all I can remember of the
8 incident.

9 MR. RAFFENSPERGER: Okay. Members, do you have any
10 questions for Ms. Watson or Mr. Barron? Hearing none, now
11 would be the appropriate time for a motion.

12 MR. MASHBURN: This is Matt Mashburn. Having spent a
13 lot of time watching tabulations, I'm sympathetic to those
14 who want to observe tabulations because that's me. I have
15 been that for most of my adult life, but at the same time,
16 I've never been asked to leave a tabulation center or a
17 precinct for that matter ever, so here, I'm persuaded with
18 Fulton County's explanation of it, and I move that this --
19 wait, what?

20 MS. WATSON: We do have another speaker.

21 MR. MASHBURN: Okay. I'm sorry. We can do that.

22 MS. THOMAS: Yeah. Marilyn Marks is here to speak on
23 this case.

24 MS. MARKS: Yes. Can you hear me now?

25 MR. RAFFENSPERGER: Yes.

1 MS. MARKS: Yes, I'm Marilyn Marks, and thank you for
2 allowing me to speak. I, now, really want to, after
3 hearing Mr. Barron, want to change the comments I was
4 prepared to make, and while Coalition for Good Governance
5 was observing what was happened there, there were numerous
6 groups of people, and I don't think they should all be
7 classified as to one group. However, I think the big
8 problem is that we're working with different sets of facts
9 here. I think what Mr. Barron is remembering is -- is not
10 what this complaint was about that I had understood from
11 Ms. Watson, and as I understood from Ms. Watson, this
12 happened to be the DRE transmission of results, which
13 actually was happening in a room in the back hallway, and
14 there was not a group of people around there.

15 I was there, and so what I would like to do, given
16 that there is some confusion on the facts, I would ask
17 that the Committee -- or excuse me, that the Board defer
18 this and let us get on the same page with the facts,
19 rather than us talking about multiple different instances
20 where we have not -- that it is unclear, and I just want
21 to say that while this complaint was originally filed with
22 the Fulton Board, we did not know it was going forward
23 with the State Election Board. Therefore, we have not
24 gotten on the same page with the facts. But I would also
25 say that in our years of working in the Fulton polling

1 places, Fulton's transparency has improved significantly,
2 and I would think that also in that light, it would really
3 justify a deferral until -- until the facts and the exact
4 location of what's being talked about here can be better
5 understood. Thank you.

6 MR. RAFFENSPERGER: Okay. Mr. Mashburn, you had a
7 motion. Did you want to amend it, or is that your motion?

8 MR. MASHBURN: No. I -- yeah. I think the
9 investigators have done a very thorough job investigating
10 it, and so I -- I'm satisfied with the job they've done,
11 so I'm ready to move forward, and I move that this be
12 dismissed.

13 MR. RAFFENSPERGER: Do we have a second?

14 MS. LE: Anh Le seconds.

15 MR. RAFFENSPERGER: Okay. Any further discussion?
16 All those in favor of the motion, please signify by saying
17 aye.

18 THE BOARD MEMBERS: Aye.

19 MR. RAFFENSPERGER: Those opposed? Motion carries.
20 Next case?

21 MS. WATSON: Next case is 2017-088. On December
22 21st, 2017, we received a complaint concerning an elector
23 having voted twice in the December 5th, 2017 general
24 election runoff in Fulton County. The allegation was
25 confirmed that election Jones McKennon [ph.] was allowed

1 to vote twice in the same election for the December 5th,
2 2017 runoff. It was confirmed that she was listed in the
3 system as having voted during early voting when she went
4 to the poll on Election Day and was allowed to proceed and
5 vote a second time. The voter acknowledged that she voted
6 twice, and it was due to confusion on her part in thinking
7 that she should be eligible to vote in the City of Atlanta
8 election. She does not reside in the City of Atlanta.

9 Our recommendation is for Jones McKennon to be referred to
10 the Attorney General's Office for 21-2-562 and 21-2-572
11 and Fulton County Board of Election and Registration and
12 Director of Elections Richard Barron be referred for 21-2-
13 431(a) and SEB rule 183-1-.12-.02(4)(b).

14 MS. THOMAS: And David Lowman is on the line with
15 Fulton County.

16 MR. RAFFENSPERGER: Mr. Lowman?

17 MR. LOWMAN: Yes. I would just like to point out
18 that in the past three weeks, Ms. Watson and her staff
19 have done a herculean effort with getting all these cases
20 before you, and I do remember distinctly in the last two
21 weeks several cases where a voter voted twice, and I think
22 if I remember correctly each time either the County was
23 not named as a Respondent or was dismissed or maybe might
24 have gotten a letter of instruction because the voter --
25 the onus is on the voter, as this Board has stated a

1 couple of times, to not vote twice, and so I would ask
2 just for fair and equal treatment in respect to Fulton
3 County in a case such as this and ask that the most that
4 be given is a letter of instruction, and it not be bound
5 over to the Attorney General's Office. Thank you.

6 MR. RAFFENSPERGER: Okay. Is anyone else here to
7 speak? Members of the Board, do you have any comments,
8 questions, or a motion?

9 MR. MASHBURN: This is -- this is Matt Mashburn. I
10 accept Fulton County's explanation and move that a letter
11 of instruction be issued.

12 MR. RAFFENSPERGER: And do we have a second for that
13 motion?

14 MS. SULLIVAN: Second, Rebecca Sullivan.

15 MR. RAFFENSPERGER: Any further discussion? Hearing
16 non, all those in favor of issuing Fulton County a letter
17 of instruction, please do so by signifying aye.

18 THE BOARD MEMBERS: Aye.

19 MR. RAFFENSPERGER: Any opposed? Now, as to the
20 voter who voted twice, what is your disposition on that?

21 MS. SULLIVAN: I make a motion that that matter be
22 referred to the Attorney General's Office.

23 MR. RAFFENSPERGER: Do we have a second?

24 MR. MASHBURN: Matt Mashburn, second.

25 MR. RAFFENSPERGER: Any further discussion? Hearing

1 none, all those in favor of the motion as presented to
2 send that to the Attorney General's Office, signify by
3 saying aye.

4 THE BOARD MEMBERS: Aye.

5 MR. RAFFENSPERGER: Any opposed? Motion carries.
6 Thank you. Next one?

7 MS. WATSON: Next case is 2017-089. In December of
8 2017, it was reported that a voter was turned away from
9 voting in the December 5th, 2017 general election runoff
10 at the Morningside Baptist Church precinct. Jennifer
11 Gorley [ph.] reported that she presented at the
12 Morningside Baptist Church precinct to vote. Ms. Gorley
13 reported that she had changed her driver's license and
14 requested to update her voter registration, and she had
15 completed a national change of address at the time she
16 moved. E-net shows a national change of address notice
17 that was sent to Ms. Gorley dated 11/8/2016 that the voter
18 did not respond to. She showed her driver's license to
19 the poll worker confirming her address but was still not
20 allowed to vote on the DRE or issued or provisional ballot
21 or a voter registration to change the address. She was
22 directed to her previous precinct associated at her
23 previous address. The voter did not have time to go to
24 the previous precinct and did not vote in the election.
25 Our recommendation is Fulton County Board of Election and

1 Registration, Fulton County Director of Elections Richard
2 Barron be referred to the Attorney General's Office for
3 21-2-418(a), provisional ballots, SEB rule 183-1-12-
4 .06(4)(a) and SEB rule 183-1-12-.06(4)(b).

5 MR. RAFFENSPERGER: Okay. Do we have anyone that
6 wants to speak from Fulton County on this case?

7 MR. LOWMAN: This is -- this is David Lowman. I do
8 not have any further information on this case.

9 MR. RAFFENSPERGER: Okay. Members of the Board, do
10 you have any questions or a motion?

11 MS. LE: This is Anh Le. I move that we send this to
12 the Attorney General's Office.

13 MR. RAFFENSPERGER: Do we have a second?

14 MS. SULLIVAN: Rebecca Sullivan, second.

15 MR. RAFFENSPERGER: I hear a second. Any additional
16 comments? All those in favor of the motion, signify by
17 saying aye.

18 THE BOARD MEMBERS: Aye.

19 MR. RAFFENSPERGER: Any opposed? Motion carries.
20 Next case?

21 MS. WATSON: Next case is 2018-002, Irwin County. On
22 February 6th, 2018, the Secretary of State's Office
23 received complaints from Lowndes County Elections
24 Supervisor Deb Cox, interim Irwin County Elections
25 Supervisor Ken Collins, and elector Samuel Cob [ph.] about

1 irregularities in Irwin County. It was reported that 10
2 or 20 of the DREs did not work because they probably
3 needed new batteries, that the Elections Office did not
4 conduct quarterly maintenance and inspections of the DRE
5 touchscreens, that the hallway outside the room where the
6 GenServer was housed had experienced some water coming
7 inside the building when there was large amounts of rain,
8 that the voter ID machine did not work, that there were
9 stacks of confirmation and precinct cards inside the
10 office dated from August 2017 that had not been mailed out
11 yet, that some of the older express polls were not
12 accounted for, that the older express polls were stored in
13 an area in the basement of the Irwin County courthouse
14 that was not secured. Mr. Cob reported he was improperly
15 placed in District 4 of the Irwin County School Board
16 District. Mr. Cob reported he should be in District 5.

17 Investigation revealed there was no evidence to
18 support evidence of allegations of violations of all but
19 allegation one and seven. In reference to allegation one,
20 it was determined that Irwin County was issued 34 DRE
21 units. When Mr. Collins took over as interim Elections
22 Supervisor on February 6th, 2018, it was found that 15 of
23 the DRE units were charged and functioned properly, but 12
24 needed new batteries and 7 needed to be repaired. In
25 reference to allegation number seven, it was revealed that

1 the older express poll units, 12 units were stored in an
2 area behind a small door in the basement of the
3 courthouse. The door had a lock on it, but it was not
4 locked. Former Elections Supervisor Cindi Dunlap reported
5 she was instructed to store the units there when they
6 purchased new express polls. Ms. Dunlap stated the door
7 was locked when the older express polls were stored there.

8 Our recommendation is for Irwin County Board of
9 Election and Registration, Cindi Dunlap, the former
10 Elections Supervisor, be bound over to the AG's Office for
11 Election Board rule 183-1-12-.02(2)(f), security of DRE
12 units, and Election Board rule 183-1-12-.02(2)(d),
13 maintenance of DRE units.

14 MS. THOMAS: And Nicholas Kinsley is here to
15 represent Irwin County. Cindi Dunlap, Ken Collins, and
16 Deb Cox are also on the line to answer any questions.

17 MR. RAFFENSPERGER: Okay. Let's go ahead then.

18 MR. KINSLEY: Yes, thank you. I'm Nick Kinsley. I'm
19 speaking on behalf of Cindi Dunlap only. She is a former
20 Elections Supervisor for Irwin County. I won't address
21 the six allegations that -- that there was no evidence of.
22 I don't think those are at issue here, so as far as
23 allegation one, we have 12 that needed new batteries.
24 I've spoken with Ms. Dunlap, and she resigned from Irwin
25 County and no longer worked there at the end of January,

1 so there's about a two-week period where -- a gap between
2 this -- this report and Ms. Dunlap's resignation, so to
3 hold her responsible for allowing the batteries to die
4 when she did not work there does not seem correct. She --
5 she also explained to me that all machines had maintenance
6 logs and were charged when she left, and so this should be
7 easy to confirm. She does agree that the seven machines
8 needed repair. You know, Irwin County did not have the
9 money at the time to repair these, and the machines were
10 out of warranty, so she told the Board. She did what she
11 could, but she could not repair them personally. She
12 checked and examined them quarterly, and so she did all
13 that she could do as far as responsibility as an Election
14 Supervisor. She is in charge of funding and budget, and
15 so she couldn't repair those or pay to have those
16 repaired.

17 As far as allegation seven, we admit that older
18 express polls were stored in the area behind a small door
19 in the basement of the courthouse, and so generally, we
20 agree with the findings. Ms. Dunlap herself was
21 instructed by the Chairman of her own county, so the head
22 person of Irwin County, to store those there. She did
23 request new places, and that request was not fulfilled.
24 These were older express polls, so no harm was done. No
25 voters were prevented from voting or improper voters were

1 allowed to vote, and Ms. Dunlap, before her stint at Irwin
2 County, she was the Ben Hill County Elections Supervisor,
3 and after her stint with Irwin County, she's now the Ben
4 Hill County Elections Supervisor. In her first time with
5 Ben Hill County, she had an office that complied with the
6 storage regulations. Again, after she has a new office,
7 it also complies with the storage regulations, so this
8 shows to me that she's aware of the regulations. She has
9 complied when she has the resources and the money
10 available to her, so as far as Ms. Dunlap specifically, we
11 request a letter of instruction, and I believe she's on
12 the line, and I can answer any questions you have as well.

13 MR. RAFFENSPERGER: Thank you, sir. Members, do you
14 have any questions?

15 MR. MASHBURN: This -- this is Matt Mashburn. I
16 accept the counselor's argument and explanation and move
17 that Cindi Dunlap -- I don't see any purpose in prolonging
18 her in this matter, so I'd accept the counselor's
19 recommendation of issuing her a letter of instruction and
20 make a motion that that be the case. On the other hand
21 with regard to Irwin County, I do believe there is some
22 administrative jurisdiction or issues left that might be
23 appropriate to -- that will be appropriate to send to the
24 Attorney General, so I move that we accept the
25 recommendation regarding Irwin County and send those to

1 the Attorney General.

2 MR. RAFFENSPERGER: Do we have a second? Oh, you've
3 got more. Okay.

4 MR. MASHBURN: And there were allegations that were
5 not supported: two, three, four, five, six, and eight, and
6 I move that those be dismissed.

7 MR. RAFFENSPERGER: Okay. Do we have a second?

8 MS. LE: Anh Le. I second.

9 MR. RAFFENSPERGER: Okay. Any further discussion?
10 All those in favor of the motion as presented, signify by
11 saying aye.

12 THE BOARD MEMBERS: Aye.

13 MR. RAFFENSPERGER: Any opposed? Motion carries.

14 MS. WATSON: Next case is 2018-004. On March 22nd,
15 2018, we became aware of an allegation of potential vote
16 buying during the City of Blythe municipal special
17 election held on March 20th, 2018. The allegation was
18 Daniel Martin purchased alcohol and cigarettes for an
19 under -- underage elector named Jacob Odom [ph.] for his
20 voting for Phillip Stewart in the mayor's race.

21 The Blythe PD received a tip concerning Jacob Odom.
22 When they located Jacob Odom, he was in a vehicle driven
23 by John Daniel Martin. When the police were interviewing
24 Mr. Odom, they received a call from assistant manager Judy
25 Cordova at the AM/PM Travel Center and stated that Martin

1 and Odom had been there, and something did not seem right,
2 and it looked like Martin was buying alcohol for Mr. Odom.
3 Judy Cordova was a candidate for the City Council, and Mr.
4 Martin was her opponent. While the officers were
5 interviewing Mr. Odom, he advised that Mr. Martin had
6 offered to buy him a six-pack of Mike's Hard Lemonade and
7 a pack of cigarettes if he cast a vote for Phillip
8 Stewart. Mr. Odom agreed, and Mr. Martin drove him to the
9 poll. After voting, Mr. Martin drove him to the AM/PM
10 Travel Center where Mr. Martin purchased the Mike's Hard
11 Lemonade and a pack of cigarettes.

12 The incident was reported to the district attorney.
13 The case was presented to the Richmond County Grand Jury
14 on March 27th, 2018, and Mr. Martin was indicted for 21-2-
15 570 and 3-3-23(a)(1). As of January 24th of 2021, that
16 case has not gone to trial and is still pending. We
17 recommend that John Daniel Martin be referred to the
18 Attorney General's Office for a violation of 21-2-570, and
19 I also was advised that Mr. Daniel would not be in
20 attendance for this meeting as he had pending criminal
21 matters.

22 MS. THOMAS: There is a representative on the line
23 for him, Rachel Ray.

24 MR. RAFFENSPERGER: Okay.

25 MS. WATSON: I believe a Rachel Ray is on the line to

1 speak for Mr. Daniel.

2 MR. RAFFENSPERGER: Go ahead, Ms. Ray.

3 MS. RAY: Good morning, everyone. Can you hear me?

4 MR. RAFFENSPERGER: Yes.

5 MS. RAY: As --

6 MR. RAFFENSPERGER: You could speak up a little bit.
7 That would be better.

8 MS. RAY: As was just noted, Mr. Daniel was charged
9 with a criminal offense, and that has been pending, and he
10 has denied the claims. The entire situation surrounding
11 these allegations is suspicious. The complaining party,
12 Ms. Cordova was running -- [sound cuts out]

13 MR. RAFFENSPERGER: Okay. Is there anyone else that
14 wants to speak on this?

15 MS. RAY: Hello? Can you hear me?

16 MR. RAFFENSPERGER: Yes.

17 MS. RAY: I'm sorry. Can I continue?

18 MR. RAFFENSPERGER: Yeah.

19 MS. RAY: All right. She testified that she didn't
20 hear anything between the two parties at all, and her
21 reason for contacting the police was because she was
22 suspicious that Mr. Odom had never purchased alcohol
23 previously. Ms. Cordova then texted Officer Stroud [ph.]
24 but conveniently fails to tell anybody during the
25 depositions until she is confronted at trial that she and

1 Officer Stroud are in a romantic relationship. Now, Mr.
2 Odom's given several different statements. To the police,
3 he's given two statements. He's given a statement to an
4 attorney and then a statement -- or testimony at trial,
5 and they continue to change. His testimony has not
6 remained consistent at all about when he was with Mr.
7 Martin, when he claims he was offered something, whether
8 he was offered something or not. It is just an
9 amalgamation of different testimony.

10 As there is already a pending charge against Mr.
11 Martin, I'm not sure what else can be done. We believe
12 that that is still pending because the -- the evidence as
13 I've described it is so weak and lacking.

14 MR. RAFFENSPERGER: Thank you, ma'am. Members, do
15 you have any questions?

16 MR. MASHBURN: This is Matt Mashburn. I don't have
17 any questions. I move that we accept the recommendation
18 and bind this over to the Attorney General.

19 MR. RAFFENSPERGER: Okay. Do we have a second?

20 MR. WORLEY: Mr. Secretary, this is David Worley. I
21 just wanted to let you know that I'm back for the record.

22 MR. RAFFENSPERGER: Thank you, Mr. Worley.

23 MR. WORLEY: I'm not going to vote on this case
24 because I haven't heard all of it. Thank you.

25 MR. RAFFENSPERGER: Thank you. Do we have a second

1 then?

2 MS. SULLIVAN: Rebecca Sullivan will second.

3 MR. RAFFENSPERGER: Okay. Any further? Hearing
4 none, all those in favor of the motion, signify by saying
5 aye.

6 THE BOARD MEMBERS: Aye.

7 MR. RAFFENSPERGER: Those opposed? Thank you.
8 Motion carries. Next case?

9 MS. WATSON: Next case is 2018-008, Peach County.
10 The following complaints were submitted regarding the
11 Peach County May 22nd, 2018 general primary election. On
12 April 23rd, 2018, Edwin Humphreys [ph.] claimed that
13 Shanita Bryant, a candidate for Peach County Commission
14 Post 2, was not eligible to run for office because she
15 wasn't a resident of Peach County for the required 12
16 months. Mr. Humphreys went on to state that the Peach
17 Board of Elections and Registration improperly qualified
18 her to be a candidate. This allegation was not
19 substantiated.

20 On May 3rd, 2018, complainant Walter Smith alleged
21 that Shanita Bryant was not a Peach County resident as her
22 residence -- her address was not listed on the Secretary
23 of State website per Georgia election code. Mr. Smith is
24 the incumbent candidate in the Peach County Commission
25 Post 2 for the May 22nd, 2018 general primary election.

1 It was not substantiated.

2 On May 5th, 2018, a complaint from Shanita Bryant
3 with five allegations related to the May 22nd, 2018
4 election -- she reported they voted during advance voting
5 on Monday, April 30th, 2018 at the Peach County Courthouse
6 inside the voter registration office. While checking ID,
7 a poll worker stated five or six voters were turned away
8 because we weren't done setting up yet. The poll worker's
9 name was unknown. It was determined that there were
10 issues at poll opening, and voters were offered
11 provisional while they worked to resolve the issue. They
12 could wait or come back. No one was turned away.

13 In the next allegation, Ms. Bryant stated that on
14 Wednesday, May 22nd, 2018, a voter stated that he had just
15 voted for a candidate but had to use a paper ballot. The
16 voter stated all the voting machines were down. The issue
17 was that a poll worker had closed the polls. They had to
18 issue 35 provisional ballots until the issue could be
19 resolved.

20 When Ms. Bryant went to vote on April 30th, 2018, she
21 said she also turned in three absentee ballot applications
22 for Sean Wilkerson [ph.], Justin Harold Bryant [ph.], and
23 Vince Howell [ph.]. All of the applications have the same
24 home address listed as the address where the absentee
25 ballot should be mailed. Mr. Wilkerson's absentee ballot

1 arrived on Tuesday, May 1, 2018, but the others did not.
2 The next day Justin Bryant received a voter registration
3 application via mail rather than the absentee ballot.
4 Nothing came for Vince Howell. To this day, no absentee
5 ballot has been received for Justin Bryant or Vince
6 Howell. This was not substantiated. One voter was
7 registered in Fulton, not Peach, and two were processed
8 and mailed to the voters.

9 Alle -- the next allegation, shortly after qualifying
10 on March 9th, 2018, Ms. Bryant's residency was challenged
11 by her opponent, Walter Smith. The Peach County Board of
12 Elections set a hearing for the complainant to answer this
13 allegation. During the hearing, Mr. Smith, the incumbent,
14 said he was challenging res -- residency because the
15 address was not listed on the Secretary of State's website
16 while qualifying. No violation was substantiated.

17 Prior to qualifying, Ms. Bryant went to the Elections
18 Office and inquired about whether Al Sanders was a
19 registered voter in Peach County. Per Mrs. Ray and her
20 assistant Heather, they did not see him anywhere on the
21 rolls. However, it was later learned that Al Sanders was
22 registered to vote the same day that he submitted
23 qualifying paperwork. According to Al Sanders, Adrienne
24 Ray told him that it would be 24 hours for his
25 registration to be changed from Houston County to Peach

1 County, so she would enter his qualifying paperwork the
2 next day. On the day of the complainant's challenge of
3 residency hearing, the complainant went into the Elections
4 Office and spoke with elections assistant Heather, and she
5 verified that Al Sanders registered the day before the --
6 the day he qualified for the Secretary of State's website.
7 On May 22nd, 2018, the Fort Valley voting precinct, also
8 known as the Old Milton School, did not open until
9 approximately 7:10, but there were no voters waiting to
10 vote at that location.

11 Investigation revealed as to the notice of candidacy,
12 residency, and candidate qualification, it was determined
13 that the Board of Elections held a hearing and made a
14 determination that the candidate, Shanita Bryant, was
15 qualified. During the investigation, it was determined
16 that Peach County Elections Supervisor accepted the
17 qualification paperwork of candidate Al Sanders after she
18 changed his voter registration from Houston County to
19 Peach County and did no -- not further question his
20 statement that he had been a Peach County resident for 13
21 consecutive years when he voted in Houston County in 2016.
22 It was also determined that the Elections Supervisor
23 failed to make a copy of the driver's license of candidate
24 Shanita Bryant during qualification. It was confirmed
25 that the poll location Fort Valley precinct did not open

1 until 7:10 on May 22nd, 2018.

2 We recommend Peach County Board of Elections and
3 Registration, Adrienne Ray be referred to the Attorney
4 General's Office for violation of 21-2-6(c) and Peach
5 County Board of Elections and Registration and Adrienne
6 Ray and Al Sanders be referred to the Attorney General's
7 Office for 21-2-132(f)(5) and a letter of instruction be
8 issued for Peach County Board of Elections and
9 Registration, Adrienne Ray for 21-2-403 for time of
10 opening and closing of polls and SEB rule 183-1-12(4)(d).

11 MS. THOMAS: And Shanita Bryant is on the line, as
12 well as John Walker who is representing Peach County.

13 MR. RAFFENSPERGER: Okay. Mr. Walker, I guess, will
14 go first.

15 MR. WALKER: Yes, sir. Mr. Secretary and members of
16 the Board, thank y'all for having us this morning. It's a
17 privilege to be before you, and we appreciate the
18 opportunity to be heard. I do represent Adrienne Ray in
19 her capacity as the Peach County Board of Elections
20 Supervisor, and I'll keep this brief. I know y'all've got
21 a lot to get to still. I'll say that at the time of the
22 alleged malfeasance on Ms. Ray's part, she was a
23 relatively new supervisor. She has certainly learned a
24 lot since then. She continues to strive every day to do
25 better at her job, and, you know, she would welcome any

1 advice that the Board may have for her.

2 I do want to address the complaints that resulted in
3 potential violations. At the end of the investigative
4 summary, there's a list of potential violations. As to
5 the qualification of Al Sanders, it seems like the primary
6 complaint would be that Ms. Ray violated 21-2-6 subsection
7 c in determining that he was qualified. I would argue
8 that she really did not violate that statute. She did
9 make a determination that was based, at least in part, on
10 an affidavit supplied by Mr. Sanders attesting that he was
11 qualified, and, you know, he was later challenged on that.
12 He withdrew his candidacy, and I would say the system
13 worked as to Mr. Sanders. I would say that just
14 generally, you should err on the, you know, on the part of
15 the Elections Supervisor, probably err on the side of
16 qualifying somebody as opposed to not letting somebody
17 that's qualified to run run, and again, he attested that
18 he was qualified, and he later withdrew his candidacy
19 after that was challenged.

20 With regard to Ms. Bryant, and I think there was a
21 point out that Ms. Ray failed to copy her driver's
22 license, which I'm not aware of any requirement, frankly,
23 that a license be copied per any statute that we saw, but
24 like I said, she wants to do better going forward, and
25 that's something she probably does now as part of her

1 normal practice. As to the poll station being open late
2 on May 22nd, according to Ms. Ray, it actually opened at
3 7:03 that morning and not 7:10, and it was a situation
4 where the person with the key arrived late that morning,
5 but that situation has been addressed. Ms. Ray has a key
6 now, and that's not going to happen again, and like I
7 said, she -- she intends to do better and always wants to
8 do better in her job. But with regard to this hearing,
9 we're asking for leniency. I would ask that the case as
10 to Ms. Ray be dismissed or perhaps that a letter of
11 instruction be issued. I certainly would ask that this
12 not be referred to the Attorney General as to Ms. Ray. So
13 thank you very much -- and Ms. Ray is here and available
14 to answer any questions y'all might have. Thank you.

15 MR. RAFFENSPERGER: Okay. Do we have another
16 speaker?

17 MR. SMITH: Yes, Walter Smith.

18 MR. RAFFENSPERGER: Mr. Smith, go ahead.

19 MR. SMITH: Yes. I asked to speak. I knew Ms. Ray -
20 - I was the incumbent at the time, and the former --
21 before Ms. Ray came on, she was not giving us what we
22 wanted, and so that's why we decided to get a new
23 Elections Supervisor in, and everything that has been said
24 is this. First of all, you can own property in any
25 county, but the -- home -- home owner's thing say [sic]

1 that that is your primary residence, then you can't come
2 over in Peach County. Peach County and Houston County is
3 [sic] right next door to one another, so you can't come to
4 say, well, I own property here. You living [sic] with
5 your wife over in Houston, but you own your mother's
6 house that stays in Peach. Okay. You're not going to
7 split up and say okay, well, I'm over here, but my wife
8 over here. That don't work like that. But that's where
9 the Al Sanders thing -- and I told him. I said, you know,
10 you're wrong. That's not right. I didn't mind no one
11 voting against me because the chair is not mine. It's
12 anyone that wins.

13 But my challenge was that you, Shanita, lived in
14 Houston County also. She did not have -- at the deadline,
15 it said 12 o'clock PM, everything -- all your
16 qualifications and papers should be in order, and she did
17 not have the proper ID, which disqualified her
18 automatically. I shouldn't have had no [sic] opponent,
19 but I -- so it was a mark came against me, and then we had
20 Ms. Ray and the Board, the local Board, all agree that oh,
21 yes, she can. She's got a child that goes to Peach County
22 High, so yeah. But they found out later all that was all
23 wrong. Anything just to go against me.

24 Ms. Ray was up against a lot of people because the
25 lady that we got rid of, she had friends in the office,

1 and this whole thing allowed Shanita to come in with the
2 wrong ID because they was all loyal to Ms. -- the past
3 Superintendent. So she, Ms. Ray, really, we did throw her
4 into the lions' den, but so she had her mistake. I didn't
5 know -- I did file in the Superior Court of Peach County,
6 and it said OCGA 21-2-523 requires a time period of five
7 days when to file an election contest, and I had to get
8 the Secretary of State book. You know, I didn't know that
9 at the time that I had -- as quick as I was supposed to --
10 we was supposed to have a meeting within three days. Ms.
11 Ray and I, we had to learn all of this at a moment's time,
12 and that was just one on our side, and so, sure. I allow
13 -- I said well, okay, I was hoping that since I was the
14 incumbent 19 years, 20 years, that I didn't have a
15 problem, and so evidently, it was a lot of wrongdoing.

16 They had people there at the polls, poll watchers
17 telling people who to vote for, and people came back to me
18 and said well, they told me to vote for her and not you.
19 My next-door neighbor that grew up with me, he was
20 handicapped, and he couldn't see, and the young lady took
21 and told him to check her name. Now, he has always been
22 our closest family friend, and he always voted, and he
23 told me -- he said well, they told me to vote for her. I
24 didn't see your name, and I just couldn't say a word. So
25 that's my point.

1 I hope that -- Mr. Raffensperger, you're doing an
2 outstanding job. I appreciate everything you're doing. I
3 just hope it's clear, some of this stuff I'm saying, and
4 make it -- clear it up. You know, the Board, I just want
5 y'all to clear up all this little things because it's
6 technical, very technical, and to make residency a big
7 part of it and showing the proper ID. So that's where all
8 that -- so Ms. Ray really didn't do anything wrong. She
9 was just brand new to the job, and you're going to make
10 mistakes when you're brand new to something that you're
11 not used to doing on a daily basis. And that's -- that's
12 it.

13 MR. RAFFENSPERGER: Thank you, sir.

14 MR. SMITH: You're welcome.

15 MS. THOMAS: And then we also have Ms. Shanita Bryant
16 as well on the line.

17 MR. RAFFENSPERGER: Okay. Ms. Bryant?

18 MS. BRYANT: Yes, good morning. I actually want -- I
19 actually just finished my whole thing I wanted to say
20 because I was able to hear what the attorney said and what
21 Mr. Smith said as well. So let me back up a little bit.

22 I was never challenging anyone's right to run,
23 regardless of what I knew or heard. The reason I asked
24 Heather for the Al Sanders qualifying was because I was
25 there, actually, checking on my own situation, and while I

1 was in the hallway of the courthouse, I had a few people
2 pull me aside and say some things, and the thing is, you
3 know, I do know that Al Sanders has dual residency. I do
4 know that. How long he spends at each, I don't know and
5 could never testify to, but Ms. Ray also knows about Al
6 Sanders' residency in Houston County because she lives
7 very close to him, and they wave at each other as they're
8 coming to Fort Valley, so, you know, whether she knew he
9 was there or not, I don't know. I can't speak on it, but
10 she did know that if he wasn't registered there, that she
11 shouldn't qualify him. She knew that. That has nothing
12 to do with her being new to the job. That is written in
13 plain English in the code book, and she knew that.

14 Regarding my license, my license was actually
15 provided to the people who were qualifying me, and it
16 wasn't just Heather it was qualifying me, it was also
17 Adrienne Ray. They worked together on my qualification
18 packet. I provided my license. I'm not sure why they
19 didn't have it. At the time, my license did have Houston
20 County, Warner Robbins, but I did live in Peach County. I
21 just never changed it when I moved. I moved back to Fort
22 Valley in January of 2017. When I moved to Fort Valley,
23 the first thing I did was change my address at the post
24 office. That's in the postal records, which I provided at
25 the time of my hearing, and you can also look into. I

1 also moved here so that my son could go to school in Peach
2 County, so I registered him for school.

3 I also -- get this -- registered to vote in January
4 of 2017, and when I moved to Peach County, I literally had
5 no -- I had no intentions of running for anything. I'm
6 from Fort Valley. I care about Fort Valley and Peach
7 County, but I had no intentions of running for anything.
8 I moved here so that my son could go to Peach County High
9 School and play football for the Peach County Trojans. My
10 son graduated in 2019. When I moved here, my plan was to
11 leave Fort Valley again and not look back. I actually got
12 here and got involved, and I saw so many things that
13 needed fixing that I didn't feel like were getting the
14 proper attention, and I was on a small committee of people
15 looking for someone to run, and they all kept saying why
16 don't you do it? I had no intentions of doing this. So I
17 qualified, actually, at the very last minute simply
18 because I was still trying to make sure other people
19 didn't want to run, but we didn't want it to be an
20 unopposed run, so that's why I ran.

21 When I went to -- wait a minute. I -- oh, also, the
22 information that I provided when I defended myself at that
23 residency hearing was my son's registration at school. I
24 also provided the change of address that I had, but the
25 biggest thing was this. I'm the primary caretaker of my

1 father, and he also receives home healthcare. We have
2 aides who come in and assists, so that it is not all on
3 me. The aides were there to testify, and I also submitted
4 notarized statements of when that change occurred, when
5 they stopped coming to visit my father in Warner Robbins
6 and when they started to come in Fort Valley to help take
7 care of him, and she testified -- and you know, we had the
8 notarized letters -- that that started in January of 2017,
9 and January of 2017 is actually more than enough time.
10 That's more than 12 months prior to qualifying. I did
11 meet qualifications because I did live here in Fort
12 Valley. I wouldn't have lied about that.

13 Regarding Heather Allen and the former Elections
14 Superintendent, at the time that I qualified to run, I did
15 know the former Elections Superintendent, and we were
16 friends at that time. We are no longer friends because I
17 understand exactly why the County got rid of her and
18 stuff. You know, she was a problem. I get it. But
19 Heather Allen did not know me, and Heather Allen did not
20 know the former Elections Superintendent when she started
21 working there. She did not meet either of -- she met me
22 when I qualified. She met the former Elections
23 Superintendent down the road actually when all of these
24 allegations started, so there was no -- no type of
25 conspiracy or conspiring against anyone, the incumbent or

1 otherwise.

2 But I heard the attorney ask for leniency and saying
3 that, you know, Adrienne Ray is just trying to do her job,
4 and she wants to do her job better and all this stuff. I
5 currently sit on the Board of Commissioners in Peach
6 County in Post 2, and I'm here to tell you that I do not
7 believe that is true. There is a lot of incompetency in
8 the office, and when we try to talk to -- well, when I say
9 we, I mean the community. When we try to talk to Adrienne
10 Ray about some of the things, she is very haughty in
11 spirit regarding these things, and she refuses to
12 acknowledge when she is wrong about something. Quite
13 frankly, her attorney acknowledging wrongdoing is the
14 first time I've ever heard her acknowledge a mistake. She
15 likes to cast off the things that she's done onto someone
16 else. She likes to pass the buck. She's presented wrong
17 information publicly to people regarding voter
18 registration and things and, you know, she is really
19 incompetent at this -- at this job. She's absolutely
20 incompetent, and she has not shown me that she's
21 interested in trying to change anything to be better.

22 She's a very pleasant person, but pleasant doesn't
23 equate competency, and pleasant also does not trump you
24 doing your job when it's written right there -- I mean,
25 clear as day -- in the code. There is an election code in

1 Georgia, and these things are written plainly. She sees
2 these things, but she does -- I don't know if she does
3 what she wants to do or what. And I heard that, you know,
4 someone put the card in when -- as far as the complaint
5 that I had, they put the card in and closed the election
6 down early. When we were asking about that, she wouldn't
7 even admit to that.

8 MR. RAFFENSPERGER: Okay. Ma'am?

9 MS. BRYANT: So she was saying that it was a
10 statewide problem.

11 MR. RAFFENSPERGER: Ma'am? Okay.

12 MS. BRYANT: She was saying that it was a statewide
13 problem, and the thing is I understand that these voting
14 machines -- that's a --

15 MR. RAFFENSPERGER: Thank you. Okay. Board members,
16 do we have any questions for either the presenter or any
17 of the people that were responding to this case? If not,
18 --

19 MS. BRYANT: May I say one more thing, please?

20 MR. RAFFENSPERGER: Ma'am, I think we are ready to
21 take a motion from the Board.

22 MS. BRYANT: Okay.

23 MR. RAFFENSPERGER: Do any Board members have any
24 questions, a motion?

25 MR. WORLEY: Mr. Secretary, David Worley here. I

1 will make a motion that we refer all of the charges in
2 this case to the Attorney General's Office.

3 MR. RAFFENSPERGER: Do we have a second?

4 MR. MASHBURN: Matt Mashburn, second.

5 MR. RAFFENSPERGER: Any further comments? All those
6 in favor of the motion as presented to send it all to the
7 Attorney General's Office, please do so by signifying aye.

8 THE BOARD MEMBERS: Aye.

9 MR. RAFFENSPERGER: Any opposed? Motion carries.
10 Next case?

11 MS. WATSON: Next case is 2018-014. In May 2018,
12 Sharon Bethalmel [ph.] reported that she requested a
13 Republican ballot but was issued a nonpartisan ballot on
14 May 15th, 2018. The err in ballots was not determined by
15 the voter until she had already cast the ballot, which was
16 too late to make a correction. Our recommendation is for
17 Gwinnett County Board of Election and Registration and
18 poll officer Susan Owens [ph.] be issued a letter of
19 instruction for SEB rule 183-1-12-.02(4).

20 MS. THOMAS: And Susan Owens is on the line.

21 MS. WILSON: Hello, my name is Melanie Wilson. I'm
22 the senior assistant county attorney in Gwinnett,
23 representing the Board of Registration and Elections and
24 Ms. Owens. I would like to thank the investigation -- the
25 investigators for their work on this matter, and more

1 importantly, also thank them for their proposed
2 recommendation for a letter of instruction. My initial
3 request would have been -- and I'll make it anyway -- for
4 this matter to be dismissed and then closed, or the Board
5 -- or in the alternative, for a letter of instruction
6 because this really was a regrettable case of human error.
7 Ms. Owens was working as an issuing clerk at the Elections
8 Office in Lawrenceville, the main office, during advance
9 voting, and she does recall that this incident happened
10 towards the end of the day, and she was mortified when it
11 was brought to her attention.

12 Ideally, this could have been -- this could have been
13 -- the last opportunity to fix this would have been if the
14 voter had had the opportunity and noticed that she didn't
15 have the Republican candidates she expected to see, but
16 certainly, it's an error that should not have occurred.
17 Certainly, it's exactly the kind of issue that poll
18 workers receive training on. I do want to also add that
19 Ms. Owens is not known to be an error-prone or poor
20 performer, quite the contrary. She has continued to serve
21 the Board of Registration and Elections as a poll worker,
22 and there haven't been any subsequent situations involving
23 her with a matter of this kind or any other issue in the
24 performance of her job for that matter, so I do, again,
25 appreciate the recommendation here. Thank you.

1 MR. RAFFENSPERGER: Thank you, ma'am. Okay. What is
2 the will of the Board?

3 MR. WORLEY: This is David Worley. I will make a
4 motion that we send a letter of instruction.

5 MR. RAFFENSPERGER: Do we have a second?

6 MR. MASHBURN: Matt Mashburn, second.

7 MR. RAFFENSPERGER: Any further discussion? All
8 those in favor of the motion, please do so by signifying
9 aye.

10 THE BOARD MEMBERS: Aye.

11 MR. RAFFENSPERGER: Any opposed? Motion carries.
12 Next case?

13 MS. WATSON: Next case is 2018-015. In 2018, it was
14 alleged that the Gwinnett County Board of Election and
15 Registration notified voters that a candidate had
16 withdrawn his candidacy in House District 107 when, in
17 fact, the candidate had not officially withdrawn.
18 Investigation showed that there was [sic] notices posted
19 that candidate Ken Montano had withdrawn as a candidate in
20 the House District 107 race when, in fact, the candidate
21 had not withdrawn or filed a notarized affidavit of
22 withdrawal. The notices were reported to have been
23 removed from the polling locations during early voting.
24 However, on Election Day, two polling locations still had
25 the notices posted. Our recommendation is for former

1 Election Supervisor Lynn Ledford and Gwinnett County Board
2 of Election and Registration be referred to the Attorney
3 General's Office for violation of 21-2-134(a)(1)(2).

4 MS. THOMAS: And Ms. Wilson, the Gwinnett County
5 attorney, is on the line.

6 MR. RAFFENSPERGER: Okay. Ma'am, the floor is yours.

7 MS. WILSON: Good morning. Thank you again for the
8 opportunity to address this Board. This is -- this was a
9 really unfortunate situation, but it has an interesting
10 background, and I think it will be helpful if I could with
11 your indulgence lay out some of the facts that gave rise
12 to this happening. It didn't -- it didn't simply happen
13 in a vacuum. It didn't simply occur with Ms. Ledford
14 waking up one day and deciding to post a sign indicating
15 that Ms. Ken Montano had withdrawn. This is a situation
16 where on April 19th, Ms. Ledford, who was the Elections
17 Supervisor at the time, received a phone call from the
18 Secretary of State's Office indicating that Mr. Montano,
19 who was one of two -- was one of two candidates for the
20 Democratic primary for House District seat 107, that he
21 intended to withdraw.

22 And so what followed on the days April 19th and 20th
23 were a num -- were several email exchanges between Ms.
24 Ledford and a staffer whose name I won't mention with the
25 Secretary of State via email, as they worked to develop

1 language for the withdrawal notice to be posted in advance
2 of the voting locations. Many of you may be aware that
3 Gwinnett County is one -- in fact, the only jurisdiction
4 in the State of Georgia that is subject to a mandate under
5 section 203 of the Voting Rights Act, and it's required to
6 post all of its notices in Spanish, and so there was --
7 there was an email exchange between this employee at the
8 Secretary of State's Office and Ms. Ledford regarding the
9 content of the notice, communicating around the need for
10 it to be advertised -- sorry, for it to be posted, and
11 translated and posted. And so there's a number of emails
12 beginning on the, as I said, on the 19th.

13 I guess I could read them, but so it starts off, the
14 question -- this is an email to the State -- the Secretary
15 of State's Office employee saying it's a state race, I
16 know, but I need to get this translated. Is the attached
17 acceptable? And the full text of the notice was
18 transmitted to the employee attached to an email dated
19 April 19th, 2018. The subject line of the email read
20 withdrawn candidate. So that was an email sent at 4:54 on
21 April 19th, 2018. It was followed up by a response from
22 the Secretary of State's Office, an email dated Friday,
23 April 20th at 8:23AM, and it said the following: the same
24 subject line, regarding withdrawn candidate. It said as I
25 was driving home last night, I was thinking about this.

1 As an afterthought, maybe the race should be written how
2 it is on the ballot to help the voter understand the race
3 involved. And then Lynn replies later that day on April
4 20th, agreed. And then later that day on Friday, April
5 20th at 3:13PM, another email from the Secretary of
6 State's Office with the same subject line, withdrawn
7 candidate. Lynn, just as a follow-up, attached is a
8 withdrawal notice sent out this morning to the affected
9 counties. Hope you have a good weekend. We are closed on
10 Monday, but I will have my phone with me. If anyone needs
11 anything, call me or email, and I will get back as soon as
12 I can.

13 So there was -- and a foll -- then in response to
14 that email, later in the day on Friday, April 20th at
15 3:19PM, Lynn replied again, the same subject line
16 reference to withdrawn candidate. Hey, the name of the
17 employee, I think because of the Spanish translations
18 we'll go with the wording as it's actually listed on the
19 ballot. I think that may be less confusing. So I've
20 recited to the Board a one -- one, two, three, four, five
21 email exchange over a two-day period that -- communication
22 from Ms. Ledford to the Secretary of State's employee
23 about the withdrawing of this candidate.

24 Now, of course, I'll acknowledge that state law makes
25 it clear that when a candidate is withdrawing, and in

1 particular, a state candidate as Mr. Montano was, they are
2 required to submit an affidavit and that affidavit is then
3 filed with the Secretary of State's Office and in turn
4 would be transmitted to the relevant county election
5 office. In this case, it would have been Gwinnett because
6 District 107 is entirely within Gwinnett County. It's
7 true that Ms. Ledford never received such affidavit
8 because, in fact, it hadn't been filed, but the background
9 -- I think it's important for me to share the background
10 to explain why she acted like she did. It was on the
11 strength of a communication first via phone call,
12 subsequently by email that she had with the Secretary of
13 State's Office, and I know from corres -- correspondence
14 dated May 31st, 2018 that all of the emails were shared
15 with an investigator from the Secretary of State's Office.
16 Certainly, someone called Jay Howard [ph.] received all of
17 the attached emails by way of explanation.

18 Ms. -- Ms. Ledford was mortified when this happened
19 because clearly, when she eventually discovered that, in
20 fact, Mr. Montano had not withdrawn his candidacy, it
21 became crucial to as quickly as possible remove any
22 notification in any of the precincts regarding his
23 candidacy -- regarding this alleged withdrawal of
24 candidacy. Ultimately, another candidate prevailed, and I
25 won't go into the details about the ballot count because

1 the fact that -- the results of the election aren't
2 essentially relevant to the complaint -- complaint here,
3 suffice to say that Mr. Montano did not prevail.

4 After this situation occurred, it became evident to
5 the Board of Registration and Elections that some
6 immediate prompt action needed to be taken to make sure
7 that this never happ -- happened again, and so on June
8 1st, the Board of Registration and Elections adopted a
9 written policy at its -- at its public meeting, and it
10 explicitly set out a series of detailed guidance,
11 directions regarding the circumstances in which a notice
12 of withdrawal should be posted, the circumstances in which
13 the Elections Supervisor and/or staff should take any
14 steps to notify the public regarding a withdrawn
15 candidacy. And so we are confident that this situation is
16 never going to happen again. As I said, it didn't happen
17 in a vacuum. I only -- I wanted to provide that
18 background to have the Board understand why it was, how it
19 was that this situation came to be, and in light of the
20 factual background that I have set out and in light of the
21 specific policy that now address this issue that the Board
22 of Registration did adopt, I respectfully request that if
23 this matter is not dismissed, then it should be -- then it
24 should be closed with a letter of instruction.

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

1 do you have any questions?

2 MR. WORLEY: Mr. Secretary, this is David Worley. I
3 did have a question for Ms. Wilson. Ms. Wilson, who --
4 how did Ms. Ledford first become aware that Mr. Montano
5 was, I guess, considering withdrawing?

6 MS. WILSON: She received a phone call. She received
7 a phone call from the Secretary of State's Office on April
8 19th.

9 MR. WORLEY: Okay. That was the first communication?

10 MS. WILSON: That was the first communication, and
11 the subsequent communication began on April 19th at 4:54PM
12 with an email that read as follows, just to clar -- just
13 to say it again. Hey, the name of --

14 MR. WORLEY: You don't need to -- you don't need to
15 say it again.

16 MS. WILSON: Okay. Okay.

17 MR. RAFFENSPERGER: What is the will of the Board on
18 this matter?

19 MS. LE: With respect to -- this is Anh Le. The
20 potential violations are being cited against Lynn Ledford
21 and Gwinnett County, and based on the facts, I would move
22 to issue a letter of instruction, in light of the
23 communications that they had.

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

25 MR. WORLEY: I'll second that. David Worley.

1 MR. RAFFENSPERGER: Do we have any additional
2 comment? Hearing none, all those in favor of the motion
3 as presented, please do so by signifying aye.

4 THE BOARD MEMBERS: Aye.

5 MR. RAFFENSPERGER: Any opposed? Motion carries.
6 Next case?

7 MS. WATSON: Next case is 2018-016, Treutlen County.
8 In May 2018, it was reported that a candidate's name was
9 incorrectly listed on the ballot for the District 2 County
10 Commission race in Treutlen County for the 2018 general
11 primary election. Candidate Homer Rivers listed his name
12 as he wished it to appear on the ballot as Homer Rivers.
13 He has ran previously and listed it the same way and had
14 no issue with it appearing correctly. The error was
15 reported to the probate judge, T.J. Hudson, and he stated
16 that he did not catch the error during proofing the
17 ballot. Homer Rivers was listed as B. Rivers on the
18 ballot. Judge Hudson posted a sign at each voting machine
19 listing the correction. The early voters and absentee by
20 mail voters would not have seen the notice. Our
21 recommendation is for Judge T.J. Hudson, Election
22 Supervisor, be issued a letter of instruction for
23 violation of SEB rule 183-1-12-.02(3)(a)(3).

24 MR. RAFFENSPERGER: Okay. Is there anyone here to
25 speak from Treutlen County?

1 MS. WATSON: No. There is not.

2 MR. RAFFENSPERGER: What is the will of the Board?

3 MS. SULLIVAN: This is Rebecca. I will make a motion
4 that a letter of instruction be issued in this case.

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

6 MR. MASHBURN: Matt Mashburn, second.

7 MR. RAFFENSPERGER: Okay. Any comment? All those in
8 favor of the motion, please do so by signifying aye.

9 THE BOARD MEMBERS: Aye.

10 MR. RAFFENSPERGER: Any opposed? Motion carries.
11 Douglas County, next case.

12 MS. WATSON: In May -- in May 2018, it was reported
13 by Douglas County Elections that a UOCAVA ballot may have
14 been issued to a voter not entitled to a UOCAVA ballot for
15 the May 22nd, 2018 election. Investigation revealed a
16 Renata Hobson [ph.] sent a fax to Douglas County that only
17 contained the sender's information and no absentee ballot
18 information. The temporary absentee ballot clerk Lori
19 Marquez [ph.] contacted the sender and requested absentee
20 ballot application, which was then faxed on May 18th,
21 2018. Lori Marquez thought that in order to get the
22 ballot to the voter, she needed to send an electronic
23 ballot and proceeded to do so. According to the elector,
24 she received the ballot, printed it out, voted it, and
25 returned it, but did not know if it was counted. There is

1 no credit for voting in the election that was given.

2 The Election Director advised that he realized the
3 seriousness of the situation and reviewed the absentee and
4 UOCAVA ballot processes with all employees and was
5 implementing new policies and procedures. Our
6 recommendation is Douglas County Board of Election and
7 Registration, Douglas County Board of Election and
8 Registration Elections Director Milton Kidd, absentee
9 ballot clerk Lori Marquez be issued a letter of
10 instruction for 21-2-381(a)(1)(g) and 21-2-384(a)(2).

11 MS. THOMAS: And Milton Kidd is on the line.

12 MR. RAFFENSPERGER: Okay.

13 MR. KIDD: Yes, sir. Good afternoon. Good
14 afternoon, Board. In this particular case, we agree with
15 the findings of the investigator. The voter did receive
16 the ballot in this case, and the voter, after contact with
17 the voter, indicated that they did not return the absentee
18 ballot. That's why no credit for voting was given in this
19 case. We -- like the investigator stated, we -- we have
20 reviewed our processes for issuing absentee ballots and
21 the abovementioned absentee ballot clerk no longer works
22 for the office or even lives in the county at this point.

23 MR. RAFFENSPERGER: Board members, do you have any
24 questions, or do you have a motion?

25 MR. WORLEY: I would make a motion that we accept the

1 recommendation of the investigative department and issue a
2 letter of instruction to Douglas County.

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

4 MS. SULLIVAN: Second, Rebecca Sullivan.

5 MR. MASHBURN: Matt -- Rebecca.

6 MR. RAFFENSPERGER: Okay. Any further comment?

7 Hearing none, all those in favor of issuing a letter of
8 instruction for case 2018-017, signify by saying aye.

9 THE BOARD MEMBERS: Aye.

10 MR. RAFFENSPERGER: Any opposed? Motion carries.

11 Next -- next case.

12 MS. WATSON: Next case is 2018-019, Chatham County.

13 On May 22nd, 2018, Ms. Nakari [ph.] reported that the poll
14 workers didn't attempt to set up until after 7AM. At
15 7:07AM, approximately 35 to 40 voters were turned away
16 after being told they would not be able to vote this
17 morning as they didn't possess the proper cable for the
18 computers. There are many voters who would be unable to
19 vote due to their shifts at work. It was also reported to
20 our office that voters asked for provisional ballots and
21 were told to leave and come back later, and they left
22 about 7:15AM.

23 The poll manager of the Salvation Army polling
24 precinct at 3000 Bee Road, Savannah, Georgia advised that
25 they got started late, approximately 7:16AM, and 10 to 15

1 people were there and left, but all came back to vote
2 later. The direct recording electronic units were running
3 on battery power, and a technician was there working on
4 the machines. They were missing all of the power cords.
5 The manager said she did not know how to operate the
6 express poll due to lack of training.

7 Investigation revealed on May 22nd, 2018, our office
8 received complaints and dispatched an inspector to the
9 polling location. It was confirmed that the location was
10 not opened until 7:16AM. The complainant states while
11 waiting while the machines were not working, she was not
12 offered a provisional ballot. 10 voters had left and came
13 back to vote. The poll manager reported that the staff
14 that she had are untrained and did not know what to do.
15 There were problems with the express polls that may be
16 related to poll worker training. There was no provisional
17 ballots station or box set up with applicable materials.
18 There was no sample ballots posted. The magnified ballot
19 posters were not displayed. The technician that arrived
20 found that all three express polls were unplugged, and
21 none of the barcode readers were plugged in. Once he
22 connected the devices, he was able to get them
23 synchronized. Our recommendation is for Chatham County
24 Board of Elections, Elections Supervisor Russell Bridges,
25 and Sandra Murphy, the poll manager of the Salvation Army

1 precinct be referred to the Attorney General's Office for
2 the listed violations.

3 MR. RAFFENSPERGER: Is anyone there -- here from
4 Chatham County Board of Elections or Mr. Bridges or Sandra
5 Murphy?

6 MS. WATSON: There is not.

7 MR. RAFFENSPERGER: Okay. What is the will of the --

8 MR. MASHBURN: Matt Mashburn -- Matt Mashburn, I move
9 that this be referred to the Attorney General and accept
10 the recommendation.

11 MR. RAFFENSPERGER: Do we have a second?

12 MS. SULLIVAN: Second. Second, Rebecca.

13 MR. RAFFENSPERGER: Any furt --

14 MR. WORLEY: Mr. Secretary, on my Zoom, it says that
15 Russell Bridges raised his hand, so...

16 MR. RAFFENSPERGER: Mr. Bridges, he's on there?

17 MS. WATSON: One second, we're checking.

18 MR. BRIDGES: Hello?

19 MR. RAFFENSPERGER: Hi, Mr. Bridges.

20 MR. BRIDGES: Afternoon -- or is it still -- yes. It
21 is afternoon. Yes. Good afternoon.

22 MR. RAFFENSPERGER: Yes.

23 MR. BRIDGES: I am Russell Bridges. I am the
24 supervisor of elections for Chatham County actually for, I
25 think, two more days. I'm retiring at the end of this

1 week, but in the meantime, we have this matter of the 2018
2 case. I can acknowledge that this polling place did open
3 at 7:16AM. There -- there is no denying that. However,
4 there are some circumstances to go along with this.

5 This was the first election in over a year for these
6 poll workers. Second, the poll manager, Ms. Murphy, has
7 actually served as a poll manager for us since 2006. She
8 had served as a manager from 2006 to 2015 in 24 different
9 elections. She did not work in 2016. She did come back
10 to us as a poll manager for the elections in 2018. She
11 managed this poll for the actual -- for the balance of
12 2018 with no recurrence of the same issues she had at that
13 location.

14 We did not learn of the problem until we got a call
15 from the State about the issue. The poll did not report
16 to us about the issue. So by the time we learned about
17 it, they were open and operating. We did learn the
18 identity of the -- the voter who complained did reach out,
19 and she had actually returned and voted. Our
20 investigation said that she actually was the only voter
21 that left of those that were in line, that everybody else
22 that was in line stayed there and voted with -- with no
23 problems. We did supply sample ballots. We have sample
24 ballots printed to go on the wall where the back and the
25 front are showing the same side. You know, we distribute

1 those to every poll, a minimum of two as per the election
2 code.

3 The biggest issue here is the manager was transferred
4 from another poll that she had been assigned to operate
5 for this election about a week ahead of the election. She
6 also did attend training in April, on April the 6th of
7 that year. And I believe the only other thing that
8 happened with personnel is two of her poll workers didn't
9 show up that morning, so she was -- she was operating with
10 only five people where she was originally assigned seven.
11 But as far as the provisional ballot booth, it was
12 provided. The provisional ballots were there. She did
13 file a provisional ballot recap which showed that those
14 ballots were there. She never did issue any that day.

15 So, you know, I think there's several things that
16 occurred in this particular precinct on that day, all of
17 which were corrected that day, and none of which
18 reoccurred following that. Ms. Murphy actually has been
19 managing for us since that time without a reoccurrence.
20 So basically, I, you know -- given the distance of time
21 since this occurred and now and not having reoccurrence at
22 this location or really any systemic failure of this, I
23 don't believe that we need to be referred to the Attorney
24 General's Office for this because, you know, this was an
25 isolated issue to that polling location and not a systemic

1 failure of -- of our operation. Thank you.

2 MR. RAFFENSPERGER: Okay. Thank you, Mr. Bridges.

3 MS. WATSON: And Ms. Murphy is on the line as well.

4 MR. RAFFENSPERGER: Well, we have a motion right now
5 and a second.

6 MS. THOMAS: Mr. Secretary?

7 MR. RAFFENSPERGER: Mr. Mashburn, --

8 MS. THOMAS: Ms. Murphy is on the line as well, Mr.
9 Secretary.

10 MR. RAFFENSPERGER: Uh huh. Mr. Mashburn, I'm just
11 curious before we have the other lady. Did you want to
12 amend your motion, or would you like to hear from Mrs.
13 Murphy before you do anything else?

14 MR. MASHBURN: Yeah. I'll -- I'll withdraw the
15 motion.

16 MR. RAFFENSPERGER: Okay. Motion is withdrawn. Mrs.
17 Murphy?

18 MS. MURPHY: Yes?

19 MR. RAFFENSPERGER: Go ahead.

20 MS. MURPHY: I just wanted to say I agree with
21 everything that Mr. Russell said. The lady that called in
22 and said that we didn't attempt to set up until after 7
23 o'clock is very much untrue. I arrived at the poll as
24 always. I'm dedicated to my job, and I was there by 5:45.
25 But because of the shortness of staff and the staff that I

1 did have stating that they didn't quite know how to do the
2 job, I was the only one working, so to the best of my
3 ability, I did all I could to have the polls open on
4 time. MR. RAFFENSPERGER: Okay. Thank you, ma'am.

5 MS. MURPHY: Thank you.

6 MR. RAFFENSPERGER: Board members, Mr. Mashburn has
7 withdrawn his motion, so it's back for your will and your
8 disposition.

9 MR. WORLEY: Mr. Secretary, it's David Worley. I did
10 have a question for Mr. Bridges if he's still available.

11 MR. RAFFENSPERGER: Mr. Bridges?

12 MR. WORLEY: I'm interested to know what kind of
13 procedures you have in place for poll managers to notify
14 you if they have problems opening the polls or if they
15 don't open on time. Did you institute any procedures
16 regarding that?

17 MS. THOMAS: Mr. Bridges, you can unmute yourself.

18 MR. BRIDGES: My apologies. I didn't realize I was
19 muted. Our normal procedure it for them to contact us
20 telephonically, which can -- as anybody in this business
21 knows -- can be problematic on Election Day. We also --
22 we have technicians assigned on the street on Election
23 Day, and the poll managers have their contact information,
24 and I believe that in this particular instance, I think
25 Ms. Murphy contacted her technician, was able to contact

1 her technician, and he was on site working -- working with
2 her to resolve the issues that she had because his report
3 back to me -- and I believe -- I believe that he filed a
4 report in response to this case. I don't have a copy of
5 it, but I -- I believe he had filed a report also so
6 that's our normal -- this is an area that we've continued
7 over time to try to find better and better ways for the
8 managers to get in touch because with 90 something polling
9 places in our -- in our county, it's -- it can be
10 problematic at 6 or 7 o'clock in the morning for them to
11 get through to our office even though we have, like, 10 or
12 12 people answering telephones.

13 It's just -- it's just difficult, but again, I do
14 know that by the time that we were made aware of the
15 problem -- and I believe it was a contact from Mr. Harvey
16 which brought to our attention that there was a problem.
17 So it's an area that always needs improvement as far as
18 communication goes, but that has historically been what
19 we've had.

20 MR. WORLEY: Thank you.

21 MR. RAFFENSPERGER: Thank you. Members of the Board,
22 what is your disposition on this?

23 MR. WORLEY: This is David Worley. I'd make a motion
24 that we send a letter of instruction to Chatham County.

25 MR. RAFFENSPERGER: Do we have a second?

1 MR. MASHBURN: Matt Mashburn, second.

2 MR. RAFFENSPERGER: Any further discussion? All
3 those in favor of sending a letter of instruction for
4 2018-019, signify by sayin aye.

5 THE BOARD MEMBERS: Aye.

6 MR. RAFFENSPERGER: Those opposed? Motion carries.
7 Okay. I think now would be a great time to take a lunch
8 break. It is 12:18. If we could all be back by 12:45, if
9 that works for everyone, we can reconvene at 12:45. Thank
10 you.

11 (Meeting break)

12 (Meeting resumes)

13 MR. RAFFENSPERGER: Okay. It's 12:45. I think
14 everyone's back. So if we could have the next case then.

15 MS. WATSON: Okay. Case number 2018-021, Stewart
16 County. First allegation, an elector from Stewart County
17 reported that he received the wrong absentee ballot in the
18 mail. He originally requested a Republican ballot but
19 received a Democratic ballot instead. It was also for
20 outside of his voting district, County Commission District
21 4 instead of District 2. The elector stated when he
22 complained to Stewart County Board of Elections and
23 Registration Office, he was instructed to go and vote in
24 person at his assigned voting precinct, which was the
25 Richland precinct.

1 The same complainant in allegation one stated he went
2 to the Richland precinct, which was Richland Public
3 Library, in Stewart County on May 22nd, 2018 general
4 primary Election Day to vote, but the precinct was not
5 open for voters at 7AM, and he was told to come back at a
6 later time. The elector stated that he was not offered a
7 provisional ballot and left to go to work and was not able
8 to come back and vote before the polls closed that night.

9 Allegation three, during the May 22nd, 2018 general
10 primary election monitoring at the Louvale Vote Center, it
11 was determined that the power was out, and all of the
12 machines were operating on batteries. There was no
13 violation substantiated with that allegation. During the
14 May 22nd, 2018 primary election monitoring at the Richland
15 precinct in Stewart County, the precinct had their
16 handicapped accessories connected, no voting rights card
17 posted, no card of instructions posted, and couldn't get
18 their scanner to work. The voter with disabilities device
19 was not at the precinct as well.

20 Investigation revealed elector Edward Holloway,
21 Junior [ph.] applied for an absentee ballot from Stewart
22 County. The ballot was issued with the incorrect ballot
23 style and district. Mr. Holloway went to vote at Richland
24 voting precinct, and it was not open for voting. He was
25 not offered a provisional. He had to leave for work and

1 was not able to cast a ballot in the election. He left
2 the precinct at 8 o'clock AM. The issue holding up voting
3 was printing the zero tape. The printer lid was not
4 closed all the way. It was confirmed that the Richland
5 precinct did not open at 7AM or have a card of
6 instructions poster -- voting rights posters and did not
7 have the voter with disability device available.

8 Our recommendation is for Stewart County Board of
9 Election and Registration, Alfreda Hudson, interim Stewart
10 County Elections Supervisor be referred to the Attorney
11 General's Office for the listed violations.

12 MR. RAFFENSPERGER: Okay. Is anyone here from
13 Stewart County?

14 MS. THOMAS: No.

15 MR. RAFFENSPERGER: Okay. Board members, you have the
16 information in front of you.

17 MS. SULLIVAN: This is Rebecca Sullivan.

18 MR. MASHBURN: Matt Mashburn.

19 MS. SULLIVAN: I'll make a motion that we accept the
20 recommendation and bind this over to the Attorney
21 General's Office.

22 MR. RAFFENSPERGER: Do we have a second?

23 MR. MASHBURN: Matt Mashburn, second.

24 MR. RAFFENSPERGER: Do we have any discussion?
25 Hearing none, all those in favor of the motion, do so by

1 signifying aye.

2 THE BOARD MEMBERS: Aye.

3 MR. RAFFENSPERGER: Any opposed? Motion carries.

4 Next case?

5 MS. WATSON: Next case is 2018-022. On May 23rd,
6 2018, the Office of the Secretary of State Investigations
7 Division opened an investigation to determine if the Floyd
8 County Board of Elections and Registration violated 21-2-
9 226 (b), as it was alleged voters voted out of district
10 during the May 22, 2018 general primary election. The
11 Floyd County Elections Office worked with the Office of
12 the Secretary of State to build a ballot for the May 22nd,
13 2018 general primary election. The data derived to create
14 the ballot came from E-net data entered by the Floyd
15 County Elections Office. The final ballot product was
16 proofed and signed off on by Floyd County Elections
17 Supervisor at the time Willie Green.

18 Early voting began with the ballot being distributed
19 by mail and on DRE for advance voting in person. Within a
20 couple of days, a poll manager at the Garden Lake Baptist
21 Church voting precinct discovered the City of Rome voters
22 who have their own Board of Education were voting in a
23 Floyd County Board of Education race. Mr. Green found
24 that his office had failed to catch the ballot error when
25 proofing the ballots for the election. The ballot error

1 allowed Republican voters in the sixth City of Rome voting
2 precinct to vote in the County Board of Education
3 election, in which the city voters were not entitled to
4 vote. The error was limited to Republican ballots in a
5 race where the candidate ran unopposed. The ballot error
6 had no adverse effect on the outcome of the election.

7 The Board of Election and Registration decided to go
8 forward with the current database. Signs were posted in
9 the city precincts informing voters that any votes cast on
10 Republican ballots for the County School Board race would
11 not be counted. Floyd County Board of Elections and
12 Registration has acknowledged there had been a ballot
13 proofing error but have not acknowledged the improper
14 districting of City of Rome voters.

15 Our recommendation is for Floyd County Board of
16 Elections and Registration be bound over to the AG's
17 Office for 21-2-226(b), due to the County Board in
18 determining eligibility of voters, as Floyd County Board
19 of Elections and Registration improperly districted 17,682
20 City of Rome electors into a County Board of Education
21 district, resulting in 2,254 city electors voting out of
22 district in a Floyd County Board of Education race during
23 the May 22nd, 2018 general primary and SEB rule 183-1-12-
24 .02(3), pre -- preparation for elections. I also have
25 listed Willie Green for the same violations.

1 MR. RAFFENSPERGER: Okay. Do we have any --

2 MS. THOMAS: Virginia Harmon, the Floyd County
3 attorney, is on the line.

4 MR. RAFFENSPERGER: Okay.

5 MS. HARMON: Yes. Thank you, Mr. Secretary and
6 members of the Board and to your staff, who've been very
7 helpful with this case. I came on as Floyd County
8 attorney last summer. At that time, we had -- two of our
9 three member Board of Elections were new for the 2020
10 elections, and since then, our third member has been
11 replaced, so right now, when I began to look into this, I
12 really did not have any Board member available to me to
13 talk to. In addition, Mr. Green, who was then our Chief
14 Elections Clerk -- I have not been able to locate.

15 But Ms. Vanessa Waddell, who's acting as our interim
16 chief right now, was on staff at the time of this
17 occurrence, and she was able to locate actually a
18 recording of an interview that Mr. Green had made at the
19 time of the investigation of this case, and it's pretty
20 clear from that recording that what happened in 2018 was
21 that it was one of Mr. Green's first ballots to put
22 together as the Chief Elections Clerk for Floyd County.
23 We do have two separate school boards, one for the county
24 and one for the city, which are distinct boards. However,
25 the primary, Republican primary, for the County Board of

1 Elections was designated as an at-large election, and Mr.
2 Green believed at the time that at-large in that case
3 meant the same thing as for the Floyd County Commission in
4 which voters both in the city and the county vote for the
5 county commission.

6 So he actually -- it was a mistake on his part, but
7 he believed he was acting correctly at the time to allow
8 all voters to vote for the Floyd County Board of
9 Elections. Apparently, the mistake was caught the second
10 day of early voting, and it was immediately reported to
11 the Secretary of State's Office, and the plan, as Ms.
12 Watson has indicated, was to -- to address the matter
13 because that particular race -- the Board of Elections
14 Republican candidate was running unopposed to just post
15 the notices. The votes were zeroed out. There -- there
16 was no wrongful vote counted in the election.

17 This particular problem has never happened before.
18 It's never happened since. It was a one-off. It has been
19 corrected in terms of the internal review processes of my
20 Board of Elections. We currently have a fantastic Board
21 that has come on who are very proactive. We are, of
22 course, looking for a new Chief Elections Clerk, and we
23 are also relocating and getting new space for our whole
24 Elections Office, so we're doing good things in Floyd
25 County. I would ask that you consider on behalf of my

1 Board of Elections a letter of instruction addressing this
2 matter rather than referring it to the AG's Office, as
3 we've already taken corrective action. It was a mistake
4 made on the part of the chief clerk, and again, we put in
5 procedures which have worked. It has never happened
6 again. So I'd appreciate your consideration in addressing
7 this through a letter of instruction.

8 MR. RAFFENSPERGER: Thank you. Okay. Members of the
9 Board, it's before you now. Do you have any questions?
10 What is your will?

11 MR. WORLEY: Mr. Secretary, this is David Worley. I
12 -- I appreciate Ms. Harmon's argument very much actually,
13 but given the large number of voters that were affected by
14 this, I think it should be referred to the Attorney
15 General's Office, and I so move.

16 MR. RAFFENSPERGER: Okay. Do we have a second?

17 MS. SULLIVAN: Second, Rebecca Sullivan.

18 MR. RAFFENSPERGER: Okay. Any further discussion?
19 Hearing none, all those in favor of the motion to refer to
20 the State Attorney General, signify by saying aye.

21 THE BOARD MEMBERS: Aye.

22 MR. RAFFENSPERGER: Any opposed? Motion carries.
23 Thank you. Next case.

24 MS. WATSON: Next case is 2018-025, Habersham County.
25 Habersham County Elections had placed voters in an

1 incorrect state house district. Voters in House District
2 28 had been districted to House District 10. Voters who
3 were in House District 10 had been districted in House
4 District 28. Between the years of 2013 and 2015,
5 Habersham County experienced three separate changes to
6 voting precinct boundaries. Originally, the then county
7 manager arranged for the number of precinct to be reduced
8 to two. After conducting one election cycle with two
9 precincts, the decision was made to increase to five.
10 Ultimately, seven precincts were established.

11 During the time these changes were being made in the
12 GVRs system by Habersham County Elections Supervisor,
13 approximately 402 voters were placed in the wrong state
14 house district. The number of voters who should have been
15 placed in House District 10 but were incorrectly
16 districted in House District 28 was 214. The number of
17 voters who should have been placed in House District 28
18 but were incorrectly districted in House District 10 was
19 188. Our recommendation is for Habersham County Board of
20 Elections and Registration, Election Supervisor Laurel
21 Ellison be bound over to the Attorney General's Office for
22 violation of 21-2-226(b).

23 MR. RAFFENSPERGER: Okay. Is there anyone here from
24 Habersham County? So Board members, this is before you.
25 I believe that there's enough said. What is the will of

1 the Board?

2 MS. SULLIVAN: This is Rebecca Sullivan. I'll make a
3 motion that we accept the recommendation and bind this
4 matter over to the Attorney General's Office.

5 MR. RAFFENSPERGER: Do we have a --

6 MR. WORLEY: I'll second that. David Worley.

7 MR. RAFFENSPERGER: Any further comments, discussion?
8 Hearing none, all those in favor of binding to the
9 Attorney General's Office, signify by saying aye.

10 THE BOARD MEMBERS: Aye.

11 MR. RAFFENSPERGER: Any opposed? Motion carries.
12 Thank you. Next case?

13 MS. WATSON: Next case is 20 -- 2018-027. On June
14 4th, 2018, it was alleged the Jackson County Board of
15 Election and Registration failed to arrange in
16 alphabetical order under the title of office on the
17 ballots the last names of the candidates in the Board of
18 Education Post 5 race and alleged the Jackson County Board
19 of Election and Registration failed to properly proof the
20 ballot for the May 22nd, 2018 general primary election.
21 Investigation revealed Jennifer Logan was the acting
22 Elections Supervisor for Jackson County Board of Elections
23 and Registration. This being the first election conducted
24 by Ms. Logan, she used the ballot proofing checklist
25 provided to her by our office, making sure all candidates'

1 names were spelled correctly, races appeared on the
2 correct ballot for the correct precinct, and the
3 incumbents were marked properly.

4 During the proofing process, some errors were found
5 and corrected before the ballot was approved. In doing
6 all that was required in the proofing process, she missed
7 that the names of the candidates in the Board of Education
8 Post 5 race were not in alphabetical order by last name.
9 Candidate for Jackson County Board of Education Post 5,
10 candidate Steven Lee Bryant, filed a challenge in the
11 Superior Court of Jackson County, Georgia. The challenge
12 filed May 29, 2018 alleges that Jackson Board of Election
13 and Registration failed to his name, Steven Lee Bryant,
14 first on the ballot, as he was the incumbent, and his last
15 name should have been first alphabetically.

16 On August 7th, 2018, the report investigator received
17 a judgment regarding the challenge filed by Steven Lee
18 Bryant. The petition was dismissed as insufficient, and
19 recommendation is for Jackson County Board of Election and
20 Registration and Elections Supervisor Jennifer Logan be
21 bound over to the Attorney General's Office for 21-2-
22 285(c) and SEB rule 183-1-12-.02(3).

23 MS. THOMAS: And Virginia -- I'm sorry, Jennifer
24 Logan is on the line from Jackson County.

25 MR. RAFFENSPERGER: Okay. Ms. Logan?

1 MS. LOGAN: Yes. I just wanted to thank the Board
2 for giving me the opportunity to speak to this case. It's
3 the very first ballot that I had ever proofed, and I was
4 actually the elections coordinator at the time and not the
5 director. She was about to leave office, and I carefully
6 followed everything that the State had given me, but I did
7 make the mistake. I acknowledge that the two candidates
8 in the Board of Education race for the District 5 were not
9 in alphabetical order, and I did not catch that during the
10 proofing process. It was the third week of early voting
11 when the error was brought to my attention by the
12 candidate in that race. I immediately contacted my
13 liaison at the Secretary of State's Office and let them
14 know about our -- of my mistake, and also, I placed
15 notices immediately at all of the polling locations and
16 early voting sites where those ballots were. And since
17 then, as part of our best practices for ballot proofing,
18 we've created a checklist so to make sure that it doesn't
19 happen again, that every error -- every part of the ballot
20 including alphabetical is checked off and made sure that
21 it is correct on our ballots, and since this case, nothing
22 has ever happened again as far as our ballot proofing
23 mistakes, and we also have multiple staff members that
24 will review those ballots as well.

25 MR. RAFFENSPERGER: Great.

1 MS. LOGAN: I'd ask the Board if they would recommend
2 a letter instead of binding us over to the AG.

3 MR. RAFFENSPERGER: Thank you, Ms. Logan. Okay.
4 Board members, do you have any questions? Do you wish to
5 make a motion?

6 MS. SULLIVAN: This is Rebecca Sullivan. Thank you,
7 Ms. Logan, for being here and for your explanation and
8 remedial measures. I would make a motion that we issue a
9 letter of instruction in this case.

10 MR. RAFFENSPERGER: Do we have a second?

11 MR. MASHBURN: Matt Mashburn, second.

12 MR. RAFFENSPERGER: Okay. Motion has been seconded.
13 Do we have any other comments, discussion? Hearing none,
14 all those in favor of issuing a letter of instruction,
15 please do so by signifying aye.

16 THE BOARD MEMBERS: Aye.

17 MR. RAFFENSPERGER: Any opposed? Motion carries.
18 Next case.

19 MS. WATSON: Next case is 2018-031. On June 4, 2018,
20 the Secretary of State's Office was informed that a number
21 of provisional ballots had not been counted at the
22 Gwinnett County Elections Office and that the mistake was
23 not discovered until after certification. Following
24 certification of the May 22nd general primary, it was
25 discovered by Gwinnett County elections personnel that 7

1 provisional ballots had remained in a bin during
2 tabulation. Lynn Ledford also stated that it is
3 impossible to know who may have committed the error due to
4 the fact that she employs so many part-time and temporary
5 personnel during a major election event. Letters were
6 sent telling the voters that their provisional ballots
7 were accepted. Letters were sent back out telling the
8 voters of the error. Policy was changed by Gwinnett
9 County to ensure this type of mistake doesn't happen
10 again. Our recommendation is for Gwinnett County Board of
11 Voter Registration and Elections and Election Supervisor
12 Lynn Ledford be referred to the Attorney General's Office
13 for a violation of 21-2-419(c)(1) and SEB rule 183-1-12-
14 .06(12)(c).

15 MR. RAFFENSPERGER: Is anyone from Gwinnett County
16 here?

17 MS. WILSON: Good -- good afternoon, Mr. Secretary,
18 members of the Board, Melanie Wilson once again from
19 Gwinnett County to speak on behalf of Ms. Ledford and the
20 Gwinnett County Board of Registration and Elections. So I
21 think I want to start by saying that this -- this
22 circumstance clearly arose from human error. It was a
23 failure to clear bins and to remove the seven ballots that
24 had been voted by -- by voters in Gwinnett County, and
25 it's certainly true, as Ms. Watson's described, that steps

1 have been taken since then to ensure that a process of
2 that kind -- there are checklists, first of all, and
3 secondly, that pairs of people are involved in going back
4 to remove ballots when they've been placed on a shelf, so
5 there's a check -- a built-in check and balance to
6 eliminate the reoccurrence of this isolated situation.

7 Members of the Board may be familiar with Ms.
8 Ledford. She's worked as an election professional for
9 decades. She is no longer the Election Supervisor in
10 Gwinnett County, but at the time that this happened, she
11 immediately took steps to bring it to the attention of the
12 voters. They were communicated with when it was realized
13 that their ballots had not been counted.

14 Election administration involves what I would best
15 describe as continuous process improvement. There's
16 always opportunities to improve. There's always
17 opportunities to take preventative action, and I can
18 assure the Board that this isolated incident has not
19 reoccurred since, that it's been a teaching lesson, a
20 learning tool, and so I would respectfully ask that in the
21 light of the fact that this was an isolated situation,
22 that it hasn't occurred again, that, you know, that this
23 Board not refer the matter to the Attorney General but
24 rather issue a letter of instruction.

25 MR. RAFFENSPERGER: Thank you for your input. Well,

1 I do know that many of us always talk of the priceless
2 franchise to vote, and so with that, members of the Board,
3 what comments do you have? What is your disposition
4 towards this case?

5 MS. LE: This is Anh Le. Ms. Wilson, thank you for
6 again presenting. I think because there's seven ballots,
7 and if I read it correctly, they were not counted, so
8 because of that, I would move to have this sent to the
9 AG's Office.

10 MR. RAFFENSPERGER: Do we have a second?

11 MS. SULLIVAN: Second, Rebecca Sullivan.

12 MR. RAFFENSPERGER: Any further discussion?

13 MR. WORLEY: Mr. Secretary, this is David Worley.
14 Ms. Wilson's point is well-taken, and I am generally
15 reluctant -- I would be reluctant to bind this over, given
16 that Ms. Ledford has had an outstanding record as an
17 election administrator, but I'm very troubled that seven
18 legitimately cast votes were not counted because of this,
19 and so I'm going to join in the vote to refer it to the
20 AG.

21 MR. RAFFENSPERGER: Any further discussion? All
22 those in favor of sending this case over to the Attorney
23 General's Office, please do so by signifying aye.

24 THE BOARD MEMBERS: Aye.

25 MR. RAFFENSPERGER: Any opposed? Motion carries.

1 Thanks. Next case.

2 MS. WATSON: Next case is 2018-032. In June 2018,
3 Ms. Rosenthal [ph.] reported that State Senate District 41
4 candidate Sabrina Mckenzie had failed to pay her DeKalb
5 County property taxes since 2015 but swore on her notice
6 of candidacy affidavit that she was not a defaulter on any
7 forms of taxes. Investigation revealed it was verified
8 that Sabrina Mckenzie did owe back taxes in DeKalb County
9 and did not have a payment plan in place at the time she
10 signed a notice of candidacy affidavit. Sabrina Mckenzie
11 was contacted and has failed to provide any doc --
12 documentation. We recommend Sabrina Mckenzie be bound
13 over to the AG's Office for the listed violation of 21-2-
14 565.

15 MR. RAFFENSPERGER: Is anyone here from -- the
16 candidate?

17 MS. WATSON: No. She -- she is not on the line.

18 MR. RAFFENSPERGER: Okay. Board members, do you have
19 any discussion? What is your desire?

20 MS. LE: It's Anh Le. I move to accept the
21 recommendation and bind this over to the Attorney
22 General's Office.

23 MR. RAFFENSPERGER: Do we have a second?

24 MS. SULLIVAN: Second, Rebecca Sullivan.

25 MR. RAFFENSPERGER: Any discussion?

1 MR. WORLEY: Mr. Secretary, I'm going to recuse
2 myself from this case.

3 MR. RAFFENSPERGER: Okay. All those in favor of
4 remanding this to the Attorney General's Office, please do
5 so by signifying aye.

6 THE BOARD MEMBERS: Aye.

7 MR. RAFFENSPERGER: Those opposed? And one recusal.
8 Thank you very much. Motion carries. Next case.

9 MS. WATSON: Next case is 2018-034. On June 13th,
10 2018, Elections Supervisor Deb Cox contacted our office
11 about an elector named Miguel Gusto Vicente [ph.], who Cox
12 reported it was learned that Mr. Vicente voted twice
13 during the May 22nd, 2018 general primary. Mr. Vicente
14 presented himself at precinct 3, which was not his
15 assigned polling place, and he voted a provisional ballot.
16 Ms. Cox states Mr. Vicente then presented himself at his
17 assigned precinct, and he voted on a touchscreen. Both
18 ballots were counted.

19 Investigation revealed during the May 22nd, 2018
20 general primary that Mr. Vicente did vote more than once.
21 Mr. Vicente cast his provisional ballot at the first
22 location and then in person at the second. He -- Mr.
23 Vicente was contacted and reported he did not realize that
24 he voted twice on Election Day. He stated they did not
25 explain things very well, and they sent him to the place

1 where he was supposed to vote. Mr. Vicente has a language
2 barrier. He advised he did not understand that he had
3 voted when he completed the paperwork at the first
4 location. He advised that it was unintentional, and he
5 would make sure that it never happened again. Our
6 recommendation is for Mr. Vicente to be bound over to the
7 AG's Office for 21-2-572.

8 MR. RAFFENSPERGER: Okay.

9 MS. THOMAS: And he is not on the call, but Deb Cox
10 with Lowndes County is on the call for any questions if
11 needed.

12 MR. RAFFENSPERGER: Members of the Board, do you have
13 any questions? Now would be the appropriate time for a
14 motion if you're so inclined.

15 MR. MASHBURN: This is Matt Mashburn. I move that
16 this be referred to the DA.

17 MR. RAFFENSPERGER: Okay. Do we have a second? Do
18 we have a second? Hearing none, motion dies for lack of a
19 second.

20 MR. MASHBURN: This is Matt Mashburn. I move that
21 this be referred to the Attorney General.

22 MS. SULLIVAN: Second, Rebecca Sullivan.

23 MR. RAFFENSPERGER: Do we have any further
24 discussion? Hearing none --

25 MR. WORLEY: Mr. Secretary, I'm sorry. Mr.

1 Secretary, it's David Worley. This case seems not
2 altogether clear for -- to me. It seems that the voter
3 was -- was really following the county's instructions and
4 also had language issues, so I -- I will vote to refer it
5 to the Attorney General, but I would ask the Attorney
6 General's Office to look at it carefully and see what --
7 what the facts really are.

8 MR. RAFFENSPERGER: We'll note that for the record.
9 Thank you. All those in favor of the presented as
10 presented, signify by saying aye.

11 THE BOARD MEMBERS: Aye.

12 MR. RAFFENSPERGER: Those opposed? Motion carries.
13 Next case?

14 MS. WATSON: Next case is 2018-037. On July 2nd,
15 2018, Cherokee County Elections Supervisor Kim Stancil
16 contacted the Elections Division of our office to report
17 that one of her poll managers, Darlene Clements [ph.], had
18 allowed an elector to vote twice during the general
19 primary of May 22nd, 2018. Ms. Stancil further stated
20 that after realizing her numbers would not reconcile, Ms.
21 Clements submitted a voter certificate in her own name and
22 submitted it with her elections documents.

23 During the general primary of May 22nd, poll manager
24 Darlene Clements allowed elector Judy Chanell [ph.] to
25 vote twice. This occurred following poll worker Rose

1 Carter [ph.] having erroneously issued Ms. Chanell a
2 nonpartisan ballot instead of a Republican ballot as
3 requested by Ms. Chanell on her voter certificate. Ms.
4 Chanell had already depressed the cast ballot button for
5 the original ballot, so poll manager Clements backed her
6 out of the express poll and reissued Ms. Chanell a yellow
7 card on which to vote a Republican ballot. When she
8 realized the second vote would cause her logs to reflect
9 one more ballot cast than voters processed, poll manager
10 Clements completed and submitted a voter certificate on
11 herself but did not vote. Submitting this false document
12 caused the poll logs to reconcile as to the ballots versus
13 voters. Assistant poll manager Nancy Cornett [ph.] aided
14 poll manager Clements by placing her initials in two
15 places on the false voter certificate.

16 Approximately thirty-six hours following the close of
17 polls, poll manager Clements telephoned Cherokee County
18 Elections Supervisor Kim Stancil to report to her what she
19 had done. Following her admission to Ms. Stancil, Ms.
20 Clements resigned from her duties as a Cherokee County
21 poll worker. Our recommendation is for Cherokee County
22 Board of Elections and Voter Registration, Cherokee County
23 Elections Supervisor Kim Stancil, Cherokee County poll
24 manager Darlene Clements, and poll manager Nancy Cornett
25 be bound over to the Attorney General's Office for

1 Official Code of Georgia 21-2-590 and 21-2-587(7) and for
2 Judy Chanell to be referred to the Attorney General's
3 Office for 21-2-572 and for Cherokee County poll manager
4 Darlene Clements and manager Nancy Cornett to be bound
5 over for 21-2-603 and for Cherokee County Board of
6 Elections and Voter Registration and Supervisor Kim
7 Stancil, poll worker Rose Carter be issued a letter of
8 instruction for violation of SEB rule 183-1-12-.02(4)(b),
9 when Ms. Carter provided an elector with an incorrect
10 ballot style following the elector's proper request for a
11 specific ballot style on the voter certificate.

12 MR. RAFFENSPERGER: Okay.

13 MS. THOMAS: And we have one representative from
14 Cherokee County on the line.

15 MR. RAFFENSPERGER: Okay. And who would that be?

16 MS. BRUMBAUGH: Hi, this is Ann Brumbaugh. I'm the
17 attorney for the Cherokee County Board of Elections and
18 Registration, and I just wanted to give y'all a little
19 background. Hopefully, you'll feel more comfortable about
20 the Board's behavior once they found this out and not
21 refer them to the AG's Office. So the facts as -- as have
22 been related are -- you know, we agree with them. Kim
23 Stancil immediately reported this as soon as she found
24 out. She had nothing to do with, you know, Darlene
25 Clements' decision. Not only did Darlene Clements resign

1 but the assistant poll manager, Nancy Cornett, and the
2 poll worker, Rose Carter, also no longer work for the
3 Cherokee Board, so all three of these people have been --
4 are no longer involved in elections in Cherokee County.

5 Additionally, as per Cherokee County's -- this is the
6 way they always do things is once this problem was
7 discovered, there was training. There was hey, you don't
8 give someone another primary ballot, and you certainly
9 don't fake a voter certificate, so given that the Board
10 and Kim Stancil did everything they could and they should
11 and everything that you all would have expected them to do
12 once they discovered this problem, we would ask that you
13 actually not refer them to the AG's Office.

14 MR. RAFFENSPERGER: Thank you. Okay. Board members,
15 do you have any questions or discussion?

16 MR. WORLEY: Mr. Secretary, this is David Worley. I
17 -- I don't have any questions of Ms. Brumbaugh, but I
18 would like to say that I -- I find this case very
19 troubling, and this, in many ways, was the most disturbing
20 case on our agenda today because you have a poll manager
21 who didn't just forge a voter certificate, she forged her
22 own voter certificate, claiming to have voted, for the
23 sole purpose of making the numbers reconcile and covering
24 up the mistake that had been made in her precinct, and I
25 just -- I just find it very, very troubling. I accept

1 what Ms. Brumbaugh says about Cherokee County and many of
2 the other people involved, Ms. Stancil, I believe they did
3 exactly what they should have done when they learned, and
4 so I -- I would not refer them to the AG. But Ms.
5 Clements and Ms. Cornett, who actively participated in
6 this fraud, I would refer not only to the Attorney General
7 but also to the local DA, and I, first of all, would make
8 a motion that Ms. Clements and Ms. Cornett be referred to
9 the Attorney General and to the DA in Cherokee County.

10 MR. RAFFENSPERGER: Do we have a second?

11 MR. MASHBURN: Matt Mashburn, second.

12 MR. RAFFENSPERGER: Do we have any further discussion
13 on this motion? Hearing none, all those in favor of the
14 motion as presented, signify by saying aye.

15 THE BOARD MEMBERS: Aye.

16 MR. RAFFENSPERGER: Any opposed? Motion carries.
17 Now, to the other points.

18 MR. WORLEY: Mr. Secretary, I would make a motion
19 that the other Respondents be issued a letter -- letter of
20 instruction.

21 MR. RAFFENSPERGER: Does that include the lady, Ms.
22 Judy Chanell, also?

23 MR. WORLEY: Yes, everybody else.

24 MR. RAFFENSPERGER: Do we have a second?

25 MR. MASHBURN: Matt Mashburn, second.

1 MR. RAFFENSPERGER: Any further discussion? Hearing
2 none, all those in favor of the motion, signify by saying
3 aye.

4 THE BOARD MEMBERS: Aye.

5 MR. RAFFENSPERGER: Any opposed? Motion carries.
6 Okay. Next case.

7 MS. WATSON: The next case is 2018-039, and we did
8 receive a request from a DeKalb County attorney for this
9 case to be continued.

10 MR. RAFFENSPERGER: Okay. Next case?

11 MS. WATSON: Next case is 2018-047. Roman Figirelli
12 [ph.] attempted to vote on July 24th, 2018 at Centennial
13 High School but was told he was not in the system,
14 returned later in the day and was able to cast his vote.
15 Mr. Figirelli found the situation to be suspicious.
16 Barbara Heard [ph.] attempted to vote on July 24th, 2018
17 at C.H. Gullatt Elementary School but was told she was not
18 in the system. She was advised that she would have to
19 vote on a provisional ballot. Regina Ovington [ph.]
20 stated she went to Cat -- Cathedral of St. Philip to vote
21 on July 24th, 2018. She thought this was her polling
22 location but was told she was at the wrong precinct. She
23 arrived at 6:40PM. An unknown poll worker advised her she
24 could vote provisional. At 6:59PM, the poll manager
25 Isaiah King [ph.] advised her that she was not on file to

1 vote a provisional.

2 Investigation revealed Roman Figarelli and Barbara
3 Heard were asked to vote a provisional ballot even though
4 they had not changed their residence. Mr. Figarelli was
5 able to vote on a DRE, and Ms. Heard was allowed to vote a
6 provisional ballot. Election Net indicates both electors
7 were -- voted were counted. Both of these electors had
8 recently renewed their driver's license, and it was
9 treated as a change of address when the fact was they had
10 never moved.

11 Regina Ovington went to the wrong polling location
12 twenty minutes before the polls closed. Election Net
13 indicates her polling location as Sutton Middle School,
14 not the Cathedral of St. Philip where she went. Ms.
15 Ovington stated she was advised by an unknown poll worker
16 that she could vote a provisional ballot. Poll manager
17 Isaiah King told her one minute before polls closed that
18 she could not vote a provisional ballot. Election Net
19 indicates Ms. Ovington did not vote on July 24th, 2018.

20 Our recommendation is Fulton County Board of Election
21 and Registration and Election Director Richard Barron,
22 poll manager Isaiah King be bound over to the AG's Office
23 for SEB rule 183-1-12-.06(4)(c) for provisional ballots,
24 when poll manager Isaiah King did not provide Regina
25 Ovington the opportunity to vote a provisional ballot.

1 There was insufficient time for Ms. Ovington to make it
2 from the Cathedral of St. Phillip to Sutton Middle School
3 before the polls closed.

4 MS. THOMAS: And David Lowman with Fulton County is
5 on the line.

6 MR. LOWMAN: Good afternoon. I would ask that in
7 light of the fact that the polling manager Mr. Isaiah King
8 had clearly been instructed and trained on providing
9 provisional ballots and failed to do so and because, as a
10 result of this violation, he was terminated, I would ask
11 that a letter of instruction be provided to Fulton County
12 in this matter. Thank you.

13 MR. RAFFENSPERGER: Thank you. Does the Board have
14 any questions or discussion on this matter, or do they
15 have a motion?

16 MR. WORLEY: Mr. Secretary, David Worley. I would
17 make a motion that Fulton County be given a letter of
18 instruction.

19 MR. RAFFENSPERGER: Do we have a second?

20 MR. MASHBURN: Matt Mashburn, second.

21 MR. RAFFENSPERGER: Any further discussion? Hearing
22 none, all those in favor of the motion as presented,
23 signify by saying aye.

24 THE BOARD MEMBERS: Aye.

25 MR. RAFFENSPERGER: Any opposed? Motion carries.

1 Thank you. Next case.

2 MS. WATSON: Next case is 2018-049. On July 24th,
3 2018, we received a case where five separate voters
4 alleged they received an incorrect ballot on the day of
5 the July 24th, 2018 general primary and nonpartisan
6 general election runoff in Bibb County. Investigation
7 revealed seven complaints -- complainants who experienced
8 similar issues while voting during the July 24th, 2018
9 runoff election. When interviewed, all complainants
10 reported they voted a Republican ballot in the May 22nd,
11 2018 general primary election.

12 The issue arose when the complainants tried to vote
13 Republican in the runoff election and express poll
14 indicated they couldn't due to voting a different party in
15 the earlier general primary. 3 of the voters were able to
16 bring the issue to the attention of a poll worker and
17 resolve the ballot style prior to casting the ballot.
18 Unfortunately, voters James Garland [ph.], Tiffany Harvey
19 [ph.], Burnett Sole [ph.], and Brenda Merritt [ph.] cast
20 their ballots before bringing the incorrect ballot issue
21 to the attention of the poll worker. They were allowed to
22 vote a provisional ballot. However, none were counted due
23 to the original cast ballot.

24 Investigations revealed election documentation which
25 confirmed the complainants all selected Republican on

1 either their voter certificate or absentee ballot
2 application for the May 22nd, 2018 general primary
3 election. Our recommendation is for Macon-Bibb County
4 Board of Elections and Registration, Jeanetta Watson,
5 Elections Supervisor, Janice David [ph.], poll manager,
6 Michael O'Neill [ph.], poll manager, and Tina Dockery
7 [ph.], poll manager be bound over to the Attorney
8 General's Office for SEB rule 183-1-12-.02(4)(b).

9 MS. THOMAS: And William Nolan is on the line to
10 represent Macon-Bibb County.

11 MR. RAFFENSPERGER: Okay.

12 MR. NOLAN: Thank you. I represent Macon-Bibb County
13 Board of Elections and all the Respondents in this matter.
14 We don't dispute the findings of the investigator. We
15 find the investigation was thorough and professional, and
16 we cooperated in that. Once the issue was discovered, all
17 the poll managers, not just these three but all poll
18 managers, were contacted, made aware of the issue and what
19 had happened, and reminded of the care that must be taken
20 in processing voters. The issue was also made a focal
21 point of poll worker training and poll manager training
22 going forward. To our knowledge, it has not repeated
23 itself. We would respectfully request that this case not
24 be referred to the AG and that a letter of instruction be
25 issued. Thank you.

1 MR. RAFFENSPERGER: Okay. Members of the Board, do
2 you have any discussion, questions, or a motion?

3 MS. LE: This is Anh Le. Our earlier cases today in
4 which voters were issued the wrong ballot but had an
5 opportunity to vote, albeit the wrong ballot style or the
6 wrong ballot that they -- or the wrong party they asked
7 for, we did issue letters of instruction, I think in part
8 because they had an opportunity to vote, although it was
9 the wrong ballot. I think as a matter of consistency, I
10 would make a motion that we issue a letter of instruction
11 in this case.

12 MR. RAFFENSPERGER: Do we have a second?

13 MR. MASHBURN: Matt Mashburn, second.

14 MR. RAFFENSPERGER: Any further discussion? All
15 those in favor of the motion as stated, signify by saying
16 aye.

17 THE BOARD MEMBERS: Aye.

18 MR. RAFFENSPERGER: Any opposed? Motion carries.

19 MS. WATSON: Next case is 2018-050. On July 24th,
20 2018, we received a case where four separate voters
21 alleged they received an incorrect ballot on the day of
22 the July 27th, 2018 general primary and nonpartisan
23 general election runoff. In addition, one of the voters
24 alleged they were allowed to vote a second time after
25 already casting a ballot. When interviewed, all

1 complainants reported they voted a Republican ballot in
2 the May 22nd, 2018 general primary election. The issue
3 arose when the complainants tried to vote Republican in
4 the runoff election and express poll indicated they
5 couldn't, due to the records showing they voted a
6 different party in the earlier general primary.

7 Voter Robert Mitchell [ph.] was able to resolve the
8 issue and voted his selected Republican ballot.

9 Unfortunately, voters Kathy Hammond [ph.], Catherine Smith
10 [ph.], and Joseph Shirley [ph.] were all issued voter
11 access cards containing an incorrect ballot and cast their
12 ballots before bringing the issue to the attention of a
13 poll worker.

14 Investigations reviewed election documentation which
15 showed the complainants all selected Republican on their
16 July 24th, 2018 voter certificate. The documentation also
17 includes Catherine Smith's May 22nd, 2018 voter
18 certificate and Robert Mitchell's absentee ballot
19 application which shows they both requested Republican
20 ballots.

21 A second issue arose at the Pace Creek polling
22 location when Ms. Hammond reported she was allowed to vote
23 a second time after already casting a ballot. This issue
24 was reported to have occurred after poll manager Wade
25 Rates [ph.] directed a poll worker to cancel Ms. Hammond's

1 original ballot. The voter, Ms. Hammond, admitted to
2 casting her original ballot after only voting for a single
3 state court judgeship race.

4 Henry County Elections Supervisor Tina Lunsford
5 stated she became aware of Ms. Hammond's allegation after
6 speaking with Election Liaison Amika Pitts [ph.]. Mrs.
7 Lunsford stated that she contacted Wade Rates who first
8 stated at the time of the incident, he was unaware the
9 voter had already cast her ballot. Mrs. Lunsford stated
10 afterwards Mr. Rates changed his response and advised he
11 was aware the first ballot had been cast. Mrs. Lunsford
12 stated it was her understanding Mr. Rates got a little
13 confused due to voters repeatedly changing their minds
14 between parties, which resulted in having to change ballot
15 styles.

16 Mrs. Lunsford stated Henry County responded by
17 apologizing to Ms. Hammond and ultimately terminating Mr.
18 Wade Rates. Mrs. Lunsford stated all the poll workers are
19 instructed during training if the voter has cast their
20 ballot, there is absolutely nothing else that can be done.
21 Mrs. Lunsford identified three other individuals who were
22 present at the polling precinct when the incident
23 occurred. Mr. Rates thought by canceling or altering the
24 voter's original voting status in the express polls, it
25 would somehow remove or cancel the original ballot and/or

1 vote. Mr. Rates stated at the time of the incident with
2 everything going on, he felt that he was making the
3 correct decision based upon his time and experience and
4 having done these things many times before. Mr. Rates did
5 acknowledge once again he knew from this point on that
6 once someone has cast their ballot, they can't vote again.

7 Our recommendation is for Henry County Board of
8 Election and Registration, Tina Lunsford, Elections
9 Supervisor, and Wade Rates, poll manager for Pace Creek
10 polling precinct be bound over to the Attorney General's
11 Office for SEB rule 183-1-12-.02(4)(b) and also 21-2-592.

12 MR. RAFFENSPERGER: Is anyone here from Henry County?

13 MS. THOMAS: No. No one's on the line.

14 MS. WATSON: No, sir.

15 MR. RAFFENSPERGER: Okay. Any discussion from the
16 Board? Motion? What is your will?

17 MS. LE: This is Anh Le. I would move to accept the
18 recommendation and bind this over -- excuse me -- bind
19 this over to the Attorney General's Office for the
20 elections officials facilitating a second vote
21 incorrectly.

22 MR. RAFFENSPERGER: Do we have a second?

23 MR. MASHBURN: Matt Mashburn, second.

24 MR. RAFFENSPERGER: Do we have any further
25 discussion? Hearing none, all those in favor of the

1 motion, please signify by signifying aye.

2 THE BOARD MEMBERS: Aye.

3 MR. RAFFENSPERGER: Any opposed? Motion carries.

4 Next case?

5 MS. WATSON: Next case is 2018-051. Five
6 complainants advised that while voting in the July 24th,
7 2018 general election, they were given the wrong ballot
8 after giving the poll workers their voter's certificates.
9 All five complainants failed to notify poll workers of any
10 problems until after their vote was cast. Darla Johnson,
11 Senior [ph.] intended to check Republican on his voter's
12 certificate. It appears he mistakenly checked
13 nonpartisan. He received and cast his vote on a
14 nonpartisan ballot without bringing it to the attention of
15 the poll manager. Kelly Rebecca Brown checked Republican
16 on her voter certificate. She was given a nonpartisan
17 ballot and cast her vote before bringing it to the
18 attention of the poll manager.

19 Henry Fogwell [ph.] checked Republican on his voter
20 certificate. He was given the wrong ballot and cast his
21 vote on a nonpartisan ballot before bringing it to the
22 attention of the poll manager. Mary Jo Spence [ph.]
23 checked Democratic on her voter certificate. She was
24 given a nonpartisan ballot and cast her vote before
25 bringing it to the attention of the poll manager. Larry

1 Malcolm [ph.] filed a complaint that he requested
2 nonpartisan ballot but records -- but received a
3 Democratic ballot. The voter certificate indicates the
4 Democrat ballot selected is a no-violation. Our
5 recommendation is Fulton County Board of Registration and
6 Elections and Elections Superintendent Richard Barron and
7 poll manager Marietta Freeman [ph.] who was listed in the
8 violation be dismissed as they are now deceased, poll
9 manager Larry Boone [ph.], poll worker Carla King [ph.],
10 and poll manager Kita Alston [ph.] be bound over to the
11 Attorney General's Office for the listed violations.

12 MS. THOMAS: And David Lowman is on the line for
13 Fulton County.

14 MR. RAFFENSPERGER: Mr. Lowman?

15 MR. LOWMAN: Yes. I would just ask that a letter of
16 instruction be issued in this case. As the Board
17 previously stated, I believe in the Bibb County case or
18 all the other cases where people have been given the wrong
19 ballot by mistake, there have been letters of instruction
20 issued, and we would ask for the same treatment here.
21 Thank you.

22 MR. RAFFENSPERGER: Any discussion from the Board?
23 Motion? What is the will of the Board?

24 MS. LE: This is Anh Le. I make the motion that we
25 issue a letter of instruction for all these cases.

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

2 MR. WORLEY: David Worley. I'll second that.

3 MR. RAFFENSPERGER: Any further discussion? Hearing
4 none, all those in favor of the motion, please signify by
5 saying aye.

6 THE BOARD MEMBERS: Aye.

7 MR. RAFFENSPERGER: Any opposed? Hearing none,
8 motion carries. Next case?

9 MS. WATSON: Next case is 2018-053. Bartow County
10 Elections Supervisor Joseph Kirk reported to our office
11 that two individuals cast multiple ballots in the July
12 24th, 2018 Republican primary election runoff. One was
13 cast during advance voting, and the other was cast on
14 Election Day. On July 6th, 2018, Anne Edmundson [ph.]
15 cast a Republican ballot in person at the voter
16 registration office. On July 19th, 2018, Ms. Edmundson
17 was allowed to cast a ballot again at the same location.
18 Mr. Kirk states the polling worker Cory Ray [ph.] was
19 likely suffering from a medical impairment at the time.
20 He also advised that Ms. Edmundson is elderly, and in all
21 likelihood was simply confused about which election she
22 was voting in. The poll manager Gendra Millsap [ph.]
23 reported Ms. Ray seemed a little confused due to a medical
24 issue and was placed on supervisor duty. Ms. Millsap was
25 called away for a brief period and during that time, Ms.

1 Ray made the error. The error was caught during a routine
2 audit.

3 On July 24th, 2018 at 2:20PM, Gerry Orton [ph.] was
4 issued a Republican ballot at the Pine Log polling place
5 located at 189 Olive Vine Church Road. Poll worker Wanda
6 Chapman [ph.] noticed that Mr. Orton was having problems
7 voting. The voting machine apparently would not accept
8 his voter access card. Not having seen him vote yet, Ms.
9 Chapman followed her training and tried to assist the
10 voter by putting the card into the voting machine for him.
11 When it did not work, she believed that he had not voted
12 and reissued the voter access card to him. Immediately
13 after Mr. Orton left, they did a routine audit and
14 discovered there was an extra vote on the voting machine.

15 Our recommendation is for Bartow County Board of
16 Elections and Voter Registration, Election Supervisor
17 Joseph Kirk, poll manager Gendra Millsap, poll worker Cory
18 Ray, and poll manager Christine Woodsythe [ph.], and poll
19 worker Wanda Chapman be bound over to the Attorney
20 General's Office for State Election Board rule 183-1-12-
21 .02(4)(j) and for Anne J. Edmundson be issued a letter of
22 instruction or dismissed. I believe there is an attorney
23 that is to speak to her case. And also Jerry Orton be
24 issued a letter of instruction as he was doing as
25 instructed by poll workers.

1 MS. THOMAS: I think we have Jayson Philips, who is
2 the Bartow County attorney, and Joseph Kirk, who is the
3 Elections Supervisor, on the line.

4 MR. RAFFENSPERGER: Okay.

5 MR. PHILLIPS: Mr. Secretary, thank you. This is
6 Jayson Phillips, representing the Bartow County Board of
7 Elections. In this case, I think that the fair
8 characterization of these two -- two allowances to vote
9 twice is they were mistakenly allowed, and I think it's
10 important to look at each -- each incident separately
11 because there are fundamentally distinct facts.

12 In the case with Anne J. Edmundson, this is a matter
13 where I would ask that the Board exercise some grace
14 toward the poll worker in that case, Cory Ray. At the
15 time, she was about 70 days out of a two-car accident.
16 When the accident had occurred, she was not taken
17 immediately for medical treatment, but the following day,
18 she reported to the hospital concerned that she might have
19 been suffering from whiplash. The whiplash actually
20 evolved into severe -- severe recurring migraines, and I
21 think she was ultimately diagnosed with some swelling on
22 the brain. Fortunately, she received -- had some great
23 medical care, and now, three years later, she's got her
24 migraines under control. She is currently on a migraine
25 prescription, and she continues to work with the Bartow

1 County Board of Elections effectively and without any
2 further incident like this. As to her part of the case,
3 the Anne J. Edmundson case, we would ask that the Board
4 not refer this component to the Attorney General's Office
5 but instead issue a letter of instruction.

6 As to the other voter, Mr. Orton, this is a case
7 where we had a problem apparently with the access card
8 with the DRE machines back in 2018. As was shown in the
9 incident report, the card quote-on-quote kept popping out.
10 Here we are now three years later, the State is no longer
11 using the system. Therefore, this error, it's not going
12 to repeat itself. What we have is an operator error from
13 about three years ago on a voting system that's no longer
14 being used. I would submit to you that the issue is moot
15 as to Mr. Orton's situation, and I'd ask that you dismiss
16 the case in regard -- in regard to the Board for Mr.
17 Orton. I believe that's all I have, and a letter of
18 instruction is what we would request on the Edmundson
19 matter and dismissal on the other. Thank you.

20 MR. RAFFENSPERGER: Thank you. Members, do you have
21 any discussion, questions, or a motion?

22 MR. WORLEY: Mr. Secretary, this is David Worley. I
23 would move that we send a letter of instruction on both
24 charges in this case.

25 MR. RAFFENSPERGER: Okay. Do we have a second?

1 MS. SULLIVAN: Second, Rebecca Sullivan.

2 MR. RAFFENSPERGER: Okay. Any further discussion?

3 Hearing none, all those in favor of the motion, signify by
4 saying aye.

5 THE BOARD MEMBERS: Aye.

6 MR. RAFFENSPERGER: Any opposed? Motion carries.

7 Next case.

8 MS. WATSON: Next case is 2018-055. In October of
9 2018, Marvin Sloan [ph.] reported that a fraudulent voter
10 registration application had been submitted to Barrow
11 County Elections with information relating to his wife.
12 Annette Cobb Sloan [ph.], with an address of 1535 Dillard
13 Heights Drive, Bethlehem, Georgia, had been registered to
14 vote in Georgia since at least 1992. The new voter
15 registration application in the name of Sloan Cobb with
16 the same address and date of birth as Annette Cobb Sloan,
17 the last four of the Social Security Number were not the
18 same. There is no such person at the listed address, and
19 Annette Cobb Sloan did not submit the application. The
20 voter registration application for Cobb Sloan was
21 submitted via the mail. The person submitting the
22 fraudulent voter registration application has not been
23 identified. We're recommending the case be dismissed with
24 no further leads to follow at this time.

25 MS. THOMAS: And Ken Jarrad and Karen Petuta [ph.]

1 are on the line.

2 MR. RAFFENSPERGER: Yeah. Let's see if that's
3 necessary.

4 MR. JARRAD: Mr. Secretary and members of the Board,
5 this is Ken Jarrad. Thank you. I am here for the Forsyth
6 County matter, which I do not think that case presentation
7 was that case.

8 MS. WATSON: No. That should have been 18-053.
9 Sorry. The -- this is Barrow County.

10 MR. RAFFENSPERGER: But as it relates to Barrow
11 County, since we're on it.

12 MS. THOMAS: Barrow County? There's Bartow County?

13 MR. RAFFENSPERGER: Ms. Watson, you have the Barrow -
14 - you have the Barrow County case in front of you,
15 correct? Do any of the other members have that in front
16 of them right now? Mr. Worley, Ms. Sullivan, Ms. Le?

17 MR. WORLEY: No. I don't have any Barrow County case
18 on my agenda. I have a Bartow County case which we just
19 did.

20 MR. RAFFENSPERGER: Yes. So let's do the Forsyth
21 County case. I don't know what happened there.

22 MS. WATSON: Okay. 18-053 is actually Barrow County,
23 not Bartow. That appears to be a typo.

24 MR. MASHBURN: We just did Bartow.

25 MS. WATSON: Okay.

1 MR. RAFFENSPERGER: Yes, we just did Bartow. So
2 2018-055 is Forsyth County, provisional ballots.

3 MS. WATSON: Correct. Okay. So we're moving to
4 Forsyth County, 18-055?

5 MR. RAFFENSPERGER: Yeah. Did you have one between
6 Bartow and Forsyth, the Barrow County?

7 MS. WATSON: I do, but I see that's going to be an
8 error.

9 MR. RAFFENSPERGER: Okay. So just do Forsyth, and
10 then we can always circle back at the end if we have time.

11 MS. WATSON: Okay. The complaint in this case is on
12 August 6th, 2018, we received a complaint to open an
13 investigation concerning a complaint that provisional
14 ballots had been rejected by Forsyth County Board of
15 Registration and Elections. Our investigation revealed in
16 regards to provisional ballots being cast in Forsyth
17 County, Georgia on July 24th, 2018 and ultimately being
18 rejected by the County Board of Registration and
19 Elections. Give me one second. Sarah Garcia [ph.] had
20 been registered to vote in Forsyth County and assigned to
21 the Coal Mountain polling station precinct since August
22 24th, 2007. She was on the electors list for that polling
23 station. On July 20 -- July 7th -- I'm sorry. July 24th,
24 2018, Vesta Smith [ph.] had been registered to vote in
25 Forsyth County and assigned to the Atwell polling station

1 since July 6th, 2016. She was on the electors list for
2 that polling station.

3 The poll manager, Bob Speck [ph.], stated that a
4 provisional ballot was given to Sarah Garcia at the Coal
5 Mountain polling station on July 24th because she did not
6 wish to use the direct recording electronic voting
7 machines that were present and operational. The poll
8 manager, Janice Davis [ph.], stated that a provisional
9 ballot was given to Vesta Smith at the Atwell polling
10 station precinct on July 24th, 2018 because she did not
11 wish to use the direct recording electronic machines that
12 were present and operational. The Forsyth County Board of
13 Registration and Elections voted unanimously on 7/30/2018
14 to reject the provisional ballots of Sarah Garcia and
15 Vesta Smith on the grounds that they did not meet the
16 qualifications to cast a provisional ballot at the time
17 the ballots were cast.

18 In these particular instances, both electors were
19 registered to vote in the election and at their assigned
20 polling locations where they appeared and requested
21 provisional ballots. The poll manager would have been
22 justified in denying a provisional ballot at that time and
23 requiring the electors to vote on a DRE machine. After a
24 provisional ballot had been issued to the voter, 21-2-
25 419(b) only authorizes the Board of Registrars to make a

1 good faith effort to determine whether the person casting
2 the provisional ballot was entitled to vote in the primary
3 election. Our recommendation is for Forsyth County Board
4 of Registration and Elections, Bob Speck, poll manager,
5 and Janice Davis, poll manager, be bound over to the
6 Attorney General's Office for a violation of 21-2-418(a)
7 and Barbara Luth, the retired Director Forsyth County
8 Board of Elections and Registration, be bound over for 21-
9 2-419(c).

10 MR. RAFFENSPERGER: Okay. Is anyone here from
11 Forsyth County?

12 MS. WATSON: Yes.

13 MS. THOMAS: Yes.

14 MR. JARRAD: Mr. Secretary and Board members, thank
15 you very much. My name is Ken Jarrad. I am the Forsyth
16 County attorney, and again, it's a pleasure to be in front
17 of you this afternoon. I wanted to state for the record
18 that in the room with me right now is actually the Chair,
19 the Forsyth County Chair of the Board of Elections, Barb
20 Luth. I've got the Elections Director Mandy Smith, as
21 well as the two poll managers that were implicated in this
22 case, Bob Speck and Janice Davis, and so they are here to
23 answer any questions should the Board have any.

24 First of all, I just want to say at the outset that
25 we appreciate the investigation's findings. We do not

1 necessarily disagree, of course, with those findings but
2 want to add just a little bit of additional context to
3 them. This is a case where all of the individuals
4 involved, be it the poll managers or the Board of
5 Elections, were trying to do what they believed to be the
6 right thing given the circumstances and situations that
7 they found themselves in. Mr. Speck, who was the Coal
8 Mountain poll manager, was in fact confronted with an
9 individual that was insisting that they would not vote on
10 the machines that were provided, as was Ms. Davis, who was
11 at the Atwell precinct. So both of them were faced with
12 electors that were registered and at the correct polling
13 location but were adamant that they would not vote unless
14 they were provided an option other than the electronic
15 machines that were made available, and at that time in
16 2018, their training was to a) deescalate and b) if they
17 were going to commit an error, commit an error on the side
18 of allowing the individual to exercise the franchise.

19 They did, in fact, contact the central Board of
20 Elections Office and spoke with staff before they gave
21 those individuals a provisional ballot, and they were
22 advised that they could do so, and that is what they did,
23 thereby, in their mind, fulfilling their obligation of
24 deescalating and exercising the right to the voter to be
25 able to -- that was the appropriate thing to do. Once

1 again, a situation that was unfortunate, and it was a
2 situation that now, based upon the training that is
3 provided to our poll managers and workers is that if there
4 is a technology available and an individual comes that is
5 registered to vote at the precinct location, they will be
6 given a choice of either taking advantage of the
7 technology that exists or they will be unable to vote.
8 But they made the right call based upon context and what
9 they believed was management, if you will, and believed
10 they did the right thing, and they have now been trained,
11 and all of us are being trained that there's a right way
12 to handle it.

13 Which then regrettably, of course, the flipside with
14 respect to the Board of Elections is they were, in fact, I
15 believe doing what the Election Board and the investigator
16 would have preferred and that is I think the Elections
17 Board -- because this appeared in front of them at a
18 subsequent meeting to look at these provisional ballots --
19 looked at rule 183-1-12, which states that primaries and
20 elections shall be conducted at the polls through the use
21 of direct recording electronic voting units, the DRE
22 units, and given what they then knew, that the individuals
23 did not qualify for a provisional ballot, took the
24 opposite approach, which was, I think, the very approach
25 the investigator here would take is that that was not the

1 correct way to allow those electors to vote. So it's --
2 all I can say in sort of summation is it was two
3 distinct individuals and groups of people trying to do
4 what they thought was right and consistent with the laws
5 and regulations that control, but it unfortunately
6 resulted in a bad outcome, and we don't dispute that,
7 which is why we have taken steps to ensure that will never
8 happen again, and our individuals are trained differently
9 than that.

10 So Mr. Secretary and Board members, we are asking in
11 this case for, with respect to the poll managers, for
12 those cases to be dismissed. They did, in fact, check
13 with the central office and did what they were instructed
14 to do. And then with respect to the Board of Elections
15 itself, we would respectfully request either a dismissal
16 or a letter of instruction. So Mr. Secretary and Board
17 members, thank you for hearing me out.

18 MR. RAFFENSPERGER: Okay. Thank you, sir. Do we
19 have any questions, comments from any of our Board
20 members?

21 MR. WORLEY: Mr. Secretary, this is David Worley.
22 First of all, I want to thank Mr. Jarrad for his
23 explanation which was very clear, and I certainly
24 understand his points. But I'm going to make a motion to
25 refer this to the Attorney General and let me explain why.

1 I appreciate that everyone involved in this case was
2 trying to do the best they could and what they understood,
3 you know, was correct. But generally speaking, when
4 somebody comes and asks for a provisional ballot, they are
5 to be given a provisional ballot as a consequence of the
6 federal Help America Vote Act. They have a right to
7 demand a provisional ballot for whatever reason that --
8 that they have. In this case, it was because they did not
9 want to vote on a machine.

10 So generally speaking, people have a right to that
11 provisional ballot. If they have a right to demand and
12 get a provisional ballot, I don't think the County is
13 correct in not counting that ballot, unless they don't
14 live in the county or in limited circumstances, if they
15 don't live in a particular precinct, and those races in
16 that precinct wouldn't be counted. So -- so I think the
17 end result here was -- was wrong, but I think it would be
18 very useful to have the Attorney General look at these
19 issues and give some guidance to the Board that we could
20 give to counties around the state because I think -- I'm
21 troubled now that the policy now in the county is that if
22 someone comes and does not want to vote on the machine and
23 wants to vote a paper ballot provisionally instead, they
24 are refused that provisional ballot. I do not think that
25 that is the right outcome, but I think it would be very

1 helpful for the Attorney General to weigh in on this.

2 So while in other circumstances it might be
3 appropriate to dismiss this case or to issue a letter of
4 instruction, in neither of those cases we will get an
5 opinion from the Attorney General as to what the proper
6 interpretation of the law is and because I think it's
7 important that we get that, I make a motion to refer it to
8 the Attorney General.

9 MR. RAFFENSPERGER: Thank you, Mr. Worley. Do we
10 have a second?

11 MR. MASHBURN: Matt Mashburn, I second it. I would
12 like an opinion of the Attorney General on that topic.

13 MR. RAFFENSPERGER: Okay. Do we have any additional
14 comments? Hearing none, all those in favor of the motion
15 as presented, please signify by saying aye.

16 THE BOARD MEMBERS: Aye.

17 MR. RAFFENSPERGER: Any opposed? Motion carries.
18 Next case.

19 MS. WATSON: Next case is 2018-061. Two overseas
20 voters sent complaints that Fulton County had not sent
21 them their ballot for the November 6th, 2018 election.
22 Fulton County received federal postcard applications from
23 Claire Broughton [ph.] on September 7th, 2018 and from a
24 Reuban Broughton [ph.] on September 4th, 2018. Claire
25 Broughton advised that she emailed Fulton County Elections

1 her federal postcard application on September 6th.
2 Election Net shows the registration date as September 7th,
3 2018. After not hearing back from Fulton County, Claire
4 sent an email on September 20th, 2018 asking about the
5 status of her application. Claire received an email from
6 Fulton County saying I am unable to verify your
7 registration. Claire emailed Fulton County back the same
8 day asking for an explanation.

9 Claire states that after several days of not
10 receiving a reply, her mother emailed the Secretary of
11 State's Office on behalf of her daughter. Our office
12 emailed Mrs. Broughton back and was able to resolve the
13 problem after speaking with Fulton County. On September
14 27th, 2018, Mrs. Marshall [ph.] emailed Claire apologizing
15 and stating that Claire's application had been processed.
16 Application was entered and her ballot mailed out on
17 September 26th, 2018.

18 Reuban Broughton's Election Net report shows that his
19 federal postcard application was entered by Fulton County
20 on September 4th, 2018. On September 7th, he received a
21 document from Pamela Cobin [ph.] with Fulton County. The
22 document states we cannot identify you as a registered
23 voter. Reuban Broughton's federal postcard application
24 was rejected because he was not registered by the clerk
25 Malerie Magwood [ph.] instead of using the Fulton --

1 federal postcard application as a registration document
2 and an absentee ballot request. It was only after a call
3 to our office that these individuals' ballots were sent.
4 The ballot were mailed out 41 days before the election
5 instead of the 49 to 45 days prior to the election.
6 Election Net reports indicate that both voters were --
7 votes were counted for the November 6th, 2018 election.
8 Recommendation is Fulton County Board of Registration and
9 Elections be bound over to the Attorney General's Office
10 for violation of 21-2-384(a)(2) and for Election Director
11 Richard Barron to be dismissed as a Respondent as the
12 violation should have been listed as Ralph Jones, the
13 Chief Registrar.

14 MS. THOMAS: And we have Ralph Jones and David Lowman
15 on the phone for Fulton County.

16 MR. RAFFENSPERGER: Okay. Mr. Lowman?

17 MR. LOWMAN: Yes. We -- we don't have any additional
18 information to add on this other than to point out for the
19 Board's edification that new procedures have been put in
20 place in Fulton County for this type of situation and, in
21 fact, a UOCAVA absentee specialist has been brought on to
22 handle all these requests, so other than that, there's no
23 additional information we have on this.

24 MR. RAFFENSPERGER: Okay. Thank you. Members,
25 you've heard everything. What is your will? What is your

1 disposition on this?

2 MR. WORLEY: Mr. Secretary, I believe that in this
3 case it's more appropriate to send a letter of instruction
4 than to send it to the Attorney General's Office, so I
5 would make a motion that we do that, and that that letter
6 of instruction not include Rick Barron as he is apparently
7 not a proper Respondent.

8 MR. RAFFENSPERGER: So noted. Do we have a second?

9 MS. SULLIVAN: Second, Rebecca Sullivan.

10 MR. RAFFENSPERGER: Any further discussion? All
11 those in favor of the motion, please do so by signifying
12 aye.

13 THE BOARD MEMBERS: Aye.

14 MR. RAFFENSPERGER: Before we jump onto another case,
15 we've been going for a fair bit. How about if we take
16 about eight minutes and come back at 2:10? Does that work
17 for everyone?

18 (Meeting break)

19 (Meeting resumes)

20 MR. RAFFENSPERGER: Okay. Well, we'll start back a
21 little earlier then. Next case?

22 MS. WATSON: The next case is 2018-062. On October
23 the 12th, 2018, the Investigations Division was notified
24 that the City of South Fulton Solicitor LaDawn Jones was
25 offering a monetary reward in exchange for individuals who

1 had registered to vote. Investigation revealed a tweet
2 from the City of South Fulton LaDawn Jones stating well,
3 we registered voters in South -- City of South Fulton
4 today. Everyone got \$50 off their citation if they
5 registered or confirmed their registration. LaDawn Jones
6 was contacted and was asked if they were in fact offering
7 \$50 reduction in citations for registering to vote or
8 confirming voter registration. LaDawn Jones stated that
9 they were originally doing this, but had suspended the
10 offer, although she did not agree with the interpretation
11 that it was a violation of the code. She stated that she
12 saw that it had become a distraction and was not worth
13 continuing the effort. We're recommending LaDawn Jones be
14 bound over to the Attorney General's Office for 21-2-570.

15 MS. THOMAS: And Mr. Lowman and Ralph Jones are on
16 the line if you have any questions for them.

17 MR. RAFFENSPERGER: Okay. Members of the Board, did
18 you have any questions?

19 MR. MASHBURN: Matt -- I don't have any questions.
20 Matt Mashburn. I move that we accept the recommendation
21 and refer it to the AG.

22 MR. RAFFENSPERGER: Do we have a second?

23 MS. SULLIVAN: Second.

24 MS. LE: Anh Le.

25 MR. RAFFENSPERGER: Okay. Any further discussion?

1 Hearing none, all those in favor of referring this to the
2 Attorney General's Office, please do so by signifying aye.

3 THE BOARD MEMBERS: Aye.

4 MR. RAFFENSPERGER: Any opposed? Motion carries.
5 Next one.

6 MS. WATSON: Next case is 2018-068. A complainant
7 alleges the City of Woodland was holding a special
8 election separate from the Talbot County November general
9 election. The complainant alleged the City advertised
10 they would begin advance voting at 9am on Monday, October
11 15th, 2018, but the polling place was not ready for
12 voters, and voters were turned away. Complainant went
13 back a few hours later and voted. After leaving the
14 voting place, complainant was called back to fill out a
15 form that was supposed to be completed before voting. The
16 complainant also stated the ballot box was not secured.
17 On Election Day, the same complainant went to the polling
18 place to observe ballot tabulation after 7PM but was told
19 to leave without any explanation. While standing outside,
20 the complainant said another candidate was allowed to walk
21 inside the polling place to watch tabulation.

22 Investigation revealed that on the first day of early
23 voting on October 15th, 2018, the polling location at the
24 Woodland City Hall did not open on time for voters at 9am.
25 Mr. Yaholla [ph.] claimed that the ballot boxes were not

1 locked on the first day of early voting. It was verified
2 by Cynthia Powell [ph] and the other poll workers. Ms.
3 Powell taped the boxes shut until she could purchase locks
4 for the boxes.

5 Investigation could not verify with certainty that
6 Mr. Yaholla was turned away from watching tabulation
7 because of conflicting statements of the witnesses. Ms.
8 Powell and the other poll workers stated Mr. Yaholla came
9 in before the polls closed, and she told him to come back
10 after the polls closed for tabulation. Mr. Yaholla stated
11 he and Stevana Lewis [ph.] came to the polling location
12 after the polls closed, and they were told to leave
13 without any explanation. Investigator also confirmed the
14 complaint that Tacoma Yaholla came back and voted later
15 that same day and left, only to be called back because he
16 did not complete the absentee ballot application before
17 voting, which he should have done.

18 Our recommendation is City of Woodland and Cynthia
19 Powell, the interim City Clerk Elections Supervisor, be
20 bound over for 21-2-385, 21-2-430, and 21-2-431(a). Do we
21 have anybody? There is no one on the line.

22 MR. RAFFENSPERGER: Okay. Members, what is your
23 discussion or decision on this?

24 MR. MASHBURN: Matt Mashburn. I move that we accept
25 the recommendation.

1 MR. RAFFENSPERGER: Do we have a second?

2 MS. SULLIVAN: Second, Rebecca Sullivan.

3 MR. RAFFENSPERGER: Do we have any discussion? All
4 those in favor of the motion, please do so by signifying
5 aye.

6 THE BOARD MEMBERS: Aye.

7 MR. RAFFENSPERGER: Any opposed? Motion carries.
8 Next case.

9 MS. WATSON: Next case was reported -- it's 2018-073.
10 It was reported that Effingham County failed to issue a
11 UOCAVA ballot to Emily Van Heusen [ph.] by the September
12 22nd, 2018 deadline for the November 6th, 2018 general
13 election. The voter registration and requested UOCAVA
14 request for a ballot was received by the Effingham County
15 Elections Office on September 21, 2018. They began the
16 verification process for the deadline on Saturday,
17 September 22nd to have UOCAVAs issued. The Elections
18 Office delayed sending the UOCAVA to Emily Van Heusen as
19 she was still in the pending status. The pending status
20 changed on Saturday the 22nd when the Effingham County
21 Elections Office was closed. The ballot was issued on
22 September the 25th, 2018. Our recommendation is for
23 Effingham Board of Elections and Registrations and
24 Elections Supervisor Olivia Morgan and election assistant
25 Laurel Bassett be issued a letter of instruction for the

1 processing of voter registration prior to issuing the
2 requested UOCAVA ballot, 21-2-384(a)(2).

3 MS. THOMAS: And Brian Griffin is on the line to
4 represent Effingham County.

5 MR. GRIFFIN: Thank you. Brian Griffin here from the
6 law firm of Oliver Maner representing the Effing --
7 Effingham County Board of Elections. I just want to
8 acknowledge that this violation occurred, and I thank the
9 Board for the recommendation that we receive a letter of
10 instruction. It's a -- you know, this is just a
11 regrettable incident of human error, and, you know, we --
12 my clients did not know that this ballot was going to
13 process on Saturday, which also happened to be the
14 deadline. If they had, then we'd have gone in and issued
15 the ballot. I also want to note that they had no missed
16 deadlines before this incident and no missed deadlines in
17 the 2020 election cycle, so I, you know, agree with the
18 Board with the letter of instruction. Thank you.

19 MR. RAFFENSPERGER: Thank you. Members, do you have
20 any questions or a motion?

21 MR. WORLEY: I have a question, Mr. Secretary. Ms.
22 Watson, her registration was in pending status. Would it
23 have been possible for Effingham County to issue a ballot
24 while her registration was still in pending status
25 physically? I mean, could they -- could they have done

1 that?

2 MS. WATSON: I believe that that would be a better
3 question for Chris Harvey to -- to answer if that would be
4 possible, if he's on the line.

5 MR. HARVEY: Mr. Worley, this is Chris Harvey. It --
6 it would be if it was in pending status, they could be
7 issued a provisional absentee ballot. That would be the
8 appropriate -- appropriate step in that case.

9 MR. WORLEY: Okay. Even -- even to someone abroad?

10 MR. RAFFENSPERGER: That's a question, Mr. Harvey.

11 MR. HARVEY: I'm sorry. I -- I kicked off for just a
12 second. I missed the question.

13 MR. WORLEY: That's okay. Even -- even a UOCAVA
14 ballot, a provisional UOCAVA ballot?

15 MR. HARVEY: Correct. Yes, sir.

16 MR. WORLEY: Okay.

17 MR. RAFFENSPERGER: Okay. Do we have a ques -- a
18 motion?

19 MR. MASHBURN: This is Matt Mashburn. I move that we
20 accept the recommendation -- the recommendation of counsel
21 and issue a letter of instruction.

22 MR. RAFFENSPERGER: Okay. Do we have a second?

23 MS. SULLIVAN: Second, Rebecca Sullivan.

24 MR. RAFFENSPERGER: Any further discussion?

25 MR. WORLEY: Mr. Secretary, I -- I think since the

1 County is willing to accept a letter of instruction, I'll
2 vote for a letter of instruction, but this is the kind of
3 case where -- where I would otherwise vote to dismiss
4 because I really -- I don't think the County did anything
5 particularly wrong and -- given that they were closed on
6 that Saturday -- and the voter voted. That is a critical
7 fact that really hasn't been discussed here. So -- but
8 I'll support the motion. Thank you.

9 MR. RAFFENSPERGER: Thank you. All those in favor of
10 the motion, please do so by signifying aye.

11 THE BOARD MEMBERS: Aye.

12 MR. RAFFENSPERGER: Those opposed? Hearing none,
13 motion carries. Next case?

14 MS. WATSON: Next case is 2018-074. Complainant
15 Dwight Brower from Fulton County reported an incident that
16 occurred on Saturday, October 27th, 2018 during early
17 voting for the November 7th, 2018 general election. It
18 was reported that a poll manager was announcing to
19 everyone waiting to enter the polling room at the Wolf
20 Creek polling location that cell phones are not to be used
21 in the polling place and advised them to silence their
22 phones. Fulton County Board of Election and Registration
23 member Aaron Johnson challenged the poll manager and told
24 his wife Alanna Johnson [ph.] that she did not need to get
25 off the phone. Mr. Johnson was shown the signage

1 referring to the prohibition. However, Alanna Johnson
2 continued to use her phone throughout the voting process.
3 The poll manager also reported that Taquita Wilkins [ph.]
4 also continued to use her cell phone at the polling
5 location after being requested not to do so.

6 Investigation revealed attempts to speak to Taquita
7 Wilkins through phone messages, mail request, and business
8 cards left at the residence have been unsuccessful.

9 Alanna Johnson was contacted, but she referred the
10 investigators to her -- her husband. Poll manager
11 statements report both individuals were advised as to the
12 code and requested to stop using the device in the poll
13 and both continued to do so. We're recommending referring
14 Taquita Wilkins and Alanna Johnson to the Attorney
15 General's Office for a violation of 21-2-413(e).

16 MR. WORLEY: Mr. Secretary, -- Mr. Secretary, David
17 Worley here. I am going to recuse from this case.

18 MR. RAFFENSPERGER: Okay.

19 MS. THOMAS: And Aaron Johnson is on the line, as
20 well as Ralph Jones and David Lowman with Fulton County.

21 MR. RAFFENSPERGER: Do the Board members have
22 questions for any of the Respondents or for the County?

23 MR. MASHBURN: Matt Mashburn. I make a motion that
24 the recommendation be accepted, and the two individuals be
25 referred to the AG.

1 MR. RAFFENSPERGER: Do we have a second?

2 MS. LE: Anh Le, second.

3 MR. RAFFENSPERGER: Do we have any discussion on the
4 matter? Hearing none, all those in --

5 MS. THOMAS: Mr. Secretary?

6 MR. RAFFENSPERGER: Yes?

7 MS. THOMAS: Mr. Secretary, Mr. Aaron Johnson has
8 raised his hand to speak on this case.

9 MR. RAFFENSPERGER: Go ahead, Mr. Johnson.

10 MR. JOHNSON: I hope you can hear me.

11 MR. RAFFENSPERGER: Yep.

12 MR. JOHNSON: I just wanted to make a couple of
13 things clear about this case. The first thing is -- and I
14 just want to make sure that there are a few facts straight
15 in this. Yes, there was a text message that came while we
16 were inside the facility. My wife did pick up her phone,
17 but as soon as the poll worker mentioned that she couldn't
18 use it, she put it away, and she did not continue to use
19 the phone after that moment. Now, I can't speak for the
20 second person because there's two different people in this
21 case, and I don't even recall this person being at the
22 facility at the same time. I actually submitted my -- my
23 experience that same day. It was on a Sunday and not a
24 Saturday, but I submitted my experience that day because I
25 thought the poll worker was not being very professional

1 with the people that were in the facility that day.

2 So I just want to be clear. I at no time told her
3 that because I'm on the Board that we're able to do
4 whatever we want to do. That did not happen. We had a
5 witness behind us that was on -- that agreed with what I
6 said, and I sent this information over that day, but
7 somehow this version of the truth showed up before mine
8 did, and I have a timestamped email of exactly when I sent
9 it. So I just wanted to make sure -- make it clear that
10 we totally dispute the facts in this case.

11 MR. RAFFENSPERGER: Okay. Thank you. Well, we have
12 the motion, and it's been seconded. Any further
13 discussion from the Board? Hearing none, all those in
14 favor of the motion, please signify by saying aye.

15 THE BOARD MEMBERS: Aye.

16 MR. RAFFENSPERGER: Those opposed? Motion carries.
17 Next case?

18 MS. WATSON: Next case is 2018-077. On November 1,
19 2018, a J.D. McAllister [ph.] contacted our office to
20 report that an incorrect write-in list had been posted at
21 Clayton County early voting locations during the early
22 voting period for the general election of November 6th,
23 2018. He says that the name of the candidate for U.S.
24 House District 13, Martin Cowen, was missing from the
25 list.

1 Investigation revealed Martin Cowen was a certified
2 write-in candidate for U.S. House District 13 during the
3 general election of November 6th, 2018. On November 1st,
4 2018, the complainant contacted our office to report that
5 the write-in list which was posted at the Elections Office
6 early voting site was incorrect in that it did not display
7 Mr. Cowen's name. The complainant stated he went to the
8 Elections Office and reported the problem to an employee
9 there. The Elections Supervisor, Shauna Dozier, stated
10 that she was notified of the issue and investigated. She
11 realized that a copy of the write-in list from an older
12 election had been mistakenly posted at the Elections
13 Office. She then made copies of the correct list and
14 ordered them posted at all six early voting locations,
15 including the Elections Office. Ms. Dozier further stated
16 that once the lists were replaced, she contacted candidate
17 Cowen to advise him of the mistake and that it had been
18 corrected.

19 Our recommendation is for Clayton County Board of
20 Elections and Registration, Elections Director Shauna
21 Dozier be bound over to the AG's Office for violation of
22 21-2-401(d).

23 MS. THOMAS: And Charles Reed is on the line to
24 represent Clayton County.

25 MR. RAFFENSPERGER: Okay. Mr. Reed?

1 MR. REED: Good afternoon, Mr. Secretary, members of
2 the Board. Again, I'm Charles Reed, the county attorney
3 for Clayton County, and I'm here representing both the
4 Board of Elections and Director Dozier in this matter, and
5 I thank you for the opportunity to provide some additional
6 information for your consideration.

7 First, much of what was reported we don't have a
8 disagreement with, in fact, -- as it relates to there
9 being one list -- list posted incorrectly. However, what
10 had occurred was that there were new lists -- or old lists
11 that were incorporated with some -- some of the newer
12 lists and apparently that old list had posted at one site.
13 As soon as Director Dozier found that out, she immediately
14 took corrective action to deploy an election official to
15 go to each of the six early voting sites immediately to
16 remove all the lists and replace them with a new list that
17 was printed, and other than Mr. McAllister, there were no
18 complaints concerning the write-in candidate list, and
19 neither the Board nor Director Dozier received any
20 information stating that a voter was unable to vote for
21 Mr. Cowen in the election. And in fact, our investigation
22 afterwards showed that Mr. Cowen had received votes during
23 the early voting period, which suggests that there may
24 have just been that one list posted incorrectly at a
25 single site.

1 And since that time, Director Dozier and the Board of
2 Elections have implemented more safeguards to make sure
3 that this does not happen again, and those safeguards
4 include having a two-team verification process. One team
5 prepares a document, and the document is separately
6 verified by two teams of two elections officials, which
7 includes management and supervisors, prior to posting and
8 making copies, and this proofing process involves checking
9 the Secretary of State's website under the list of
10 qualified candidates section using a sample ballot as
11 provided by the Secretary of State Election Division as
12 another frame of reference. And I just wanted to note
13 that since 2018 and actually prior to that point, we have
14 never had any complaints regarding the issues with the
15 write-in candidates list, and Mr. Cowen was a write-in
16 candidate for the 2020 election, and there was no issue
17 with his name appearing on that list at any of the early
18 voting sites.

19 And so in closing, I just want to -- we're thankful
20 that this matter was brought to our attention back in 2018
21 to rectify the situation, and as the investigation shows
22 within less than two hours of the complaint, the matter
23 was completely resolved, and it does not appear that it
24 prevented Mr. Cowen from receiving votes during the early
25 voting period. And so we would request rather than it

1 being bound over to the Attorney General's Office, that --
2 that Director Dozier and the Board would receive a letter
3 of instruction instead. And Ms. Dozier is on the line if
4 you have questions for her.

5 MR. RAFFENSPERGER: Thank you, Mr. Reed. Members, do
6 you have any questions, comments, or motions?

7 MR. WORLEY: Mr. Secretary, David Worley. I
8 appreciate Mr. Reed's additional explanation. I do think
9 it's important to know that the problem was almost
10 immediately corrected and that the County has put
11 procedures which sound very reasonable in place to make
12 sure that this does not happen again, so under those
13 circumstances, I would make a motion that we send a letter
14 of instruction.

15 MR. RAFFENSPERGER: Do we have a second?

16 MR. MASHBURN: Matt Mashburn, second.

17 MR. RAFFENSPERGER: Okay. Do we have any further
18 discussion? Hearing none, all those in favor of the
19 motion, signify by saying aye.

20 THE BOARD MEMBERS: Aye.

21 MR. RAFFENSPERGER: Those opposed? Motion carries.
22 Thanks. Next case?

23 MS. WATSON: The next case is 2018-079. The
24 complainant Margot Rice [ph.] reported that Hancock County
25 Elections Office did not mail her son's absentee ballot in

1 a timely manner. Ms. Rice reported she contacted
2 Elections Office and spoke to Barbara Leslie about her
3 son's application. Ms. Rice advised she learned from
4 Barbara Leslie that her son's application could be there,
5 but she was behind on the workload.

6 Investigation revealed the son of Margot Rice, Randy
7 Brooks [ph.], was interviewed and advised his mother
8 requested an absentee ballot for him that he did not
9 receive it. She took him to vote during early advance
10 voting. Hancock County absentee ballot applications were
11 reviewed, and no application was found for Mr. Brooks.
12 During the review, it was found that Hancock County had
13 failed to mail or process at least 219 absentee ballots
14 within the three-day business day timeframe. Deputy Chief
15 Registrar Barbara Leslie advised she was short of help as
16 the person that was helping her was in a car accident.
17 Due to the increase in requests for absentee ballots, they
18 were not able to get them all out within the three-day
19 business timeframe. Ms. Leslie advised that everyone that
20 requested an absentee ballot and found to be eligible was
21 issued an absentee ballot.

22 We recommend Hancock County Board of Elections and
23 Registration, Elections Supervisor John Reid, and Chief
24 Deputy Registrar Barbara Leslie be bound over to the
25 Attorney General's Office for violation of Election Board

1 rule 183-1-14-.1(11).

2 MS. THOMAS: And we have Andrea Grant and Barbara
3 Leslie on the line with Hancock County.

4 MR. RAFFENSPERGER: Okay. If one of them --

5 MS. GRANT: Thank you. This is -- this is Andrea
6 Grant. I'm going to let Ms. Leslie speak first because
7 she was the one that was processing the absentee ballot
8 applications, so she can explain a little bit more about
9 what was going on. Mr. Reid is no longer employed by the
10 Hancock County Board of Elections and Registration, and
11 then I can provide a short summary and answer questions
12 after Ms. Leslie explains everything to you, if that's all
13 right.

14 MR. RAFFENSPERGER: That's great. Thanks, Ms. Grant.

15 MS. LESLIE: Okay. Good afternoon. This is Ms.
16 Barbara Leslie. I just want to expound on what was said
17 from earlier. Due to unforeseen circumstances, this is
18 why my case has come [sic] up. I usually have a clerk to
19 work in the office, and during the November 2018 election,
20 this clerk was in an accident, and she broke one of her
21 legs -- broke them, so therefore, I was left without any
22 help. I had two people which were poll workers, but they
23 had no experience in working in the office and processing
24 applications and ballots, so therefore, I was left with
25 processing the applications, sending and receiving

1 ballots, placing them in E-net, et cetera. So my
2 supervisor and I wasn't [sic] expecting to be bombarded,
3 you know, with this many applications, 600 to be exact,
4 compared to the 157 that we received in the July 24th
5 election. But I was able to send every ballot out to each
6 and every one of the eligible voters. Had I had the help
7 that I needed, I know the process would have went quicker.
8 Thank you.

9 MS. GRANT: And -- and to tailgate on that, Mr. Reid
10 is no longer and -- is no longer working for the Hancock
11 Board of Elections and Registrations, and certainly, back-
12 up systems should have been in place, and however, they
13 handled it to the best of their ability with the
14 unforeseen circumstances of having so many ballots. There
15 should have been somebody else trained, there's no doubt
16 about that. However, we can't exactly -- we can't exactly
17 go after Mr. Reed because he's no longer -- the Board of
18 Elections and Registration team -- because he's no longer
19 employed by us. However, I would -- as she noted, all the
20 ballots did get out, granted not within the three days,
21 but since 2018, they have put -- they have trained more
22 people to assist her because we know absentee ballots and
23 advance ballots are increasing and probably are going to
24 continue to increase, and she has had no problem getting
25 the -- after the applications, getting the ballots out

1 within three days since that particular incident.

2 MR. RAFFENSPERGER: Thank you.

3 MS. GRANT: So therefore, we ask for a letter of
4 reprimand for the Board and for Ms. Leslie rather than
5 being bound over to the Attorney General's Office.

6 MR. RAFFENSPERGER: Okay. Okay. Members? What is
7 the will of the Committee?

8 MS. LE: This is Anh. I -- I appreciate Ms. -- was
9 it Ms. Leslie who spoke?

10 MS. LESLIE: Yes.

11 MS. LE: Yes. I appreciate your explaining the
12 situation that you got caught in and that you
13 singlehandedly got the applications out, so I -- I
14 appreciate that very much. Given that you had to handle
15 all that alone, I would make a motion to issue a letter of
16 instruction to you, but I feel like the Board had the
17 responsibility of making sure there was redundancy
18 procedures in place to, you know, anticipate that an
19 employee could get sick or in a high volume election cycle
20 and anticipate that, and I think for that reason, I would
21 move to have the Hancock Board of Elections be bound over
22 to the AG's Office and issue a letter of instruction to
23 you, to Ms. Leslie.

24 MR. WORLEY: I would second that motion.

25 MR. MASHBURN: Matt --

1 MR. RAFFENSPERGER: Okay. We have a second. Any
2 discussion? Hearing none, all those in favor of the
3 motion, please signify by saying aye.

4 THE BOARD MEMBERS: Aye.

5 MR. RAFFENSPERGER: Any opposed? Motion carries.
6 Next case?

7 MS. WATSON: Next case is 2018-082. It was reported
8 on November 8th, 2018, Coffee County Elections Supervisor
9 Misty Hampton reported she did not upload a card from one
10 of her advance voting DREs for the November 6th, 2018
11 general election to the GenServer. Investigation shows
12 while tallying the votes from the November 6th, 2018
13 election, Misty Hampton failed to upload flash drive
14 number 4 in the GenServer. The flash drive disk was used
15 during advance voting. The discrepancy was identified on
16 the unofficial and incomplete summary report. The flash
17 disk was located in the accumulator. The flash disk was
18 uploaded and added to the totals. We recommend Coffee
19 County Board of Elections and Registration and Elections
20 Supervisor Misty Hampton be referred to the Attorney
21 General's Office for SEB rule 183-1-12.02(5)(a)(c)(9)(c).

22 MS. THOMAS: And Nicholas Kinsley is on the line to
23 speak on this case.

24 MR. KINSLEY: Yes. I am speaking on behalf of the
25 Respondents, Coffee County and Misty Hampton. The facts

1 are quite simple, and we typically -- or pretty much agree
2 with the findings of the investigator. However, it's
3 important to note that the discrepancy was found the very
4 day after the election in the unofficial and incomplete
5 summary report. Quite simply, they forgot to remove the
6 flash drive from the accumulator. As soon as they found
7 out, they contacted the Elections Director Chris Harvey.
8 They never tried to hide it. He advised Misty, the
9 Elections Supervisor, to go ahead, upload the card in the
10 server since they were still unofficial and incomplete, so
11 this was done all before the certification of any election
12 or votes.

13 Ms. Misty did just as Chris Harvey advised, and
14 they've had no problems, so there was no harm done. You
15 know, she's aware of this error, so now, she knows to
16 double check. She read out the correct numbers to the
17 media, like I mentioned, before certification. Everything
18 was corrected, and so this seems like one of the reasons
19 you would have an unofficial and incomplete summary
20 report, to catch errors like this. It's quite simply just
21 human error, and again, you know, she double checks, so,
22 you know, she's figured out ways that this won't happen in
23 the future. For these reasons, we think, you know, that
24 this should be dismissed, but nothing more than a letter
25 of instruction, and thank you for your time.

1 MR. RAFFENSPERGER: Thank you. Does anyone else wish
2 to speak?

3 MS. THOMAS: No, sir. That's the only person.

4 MR. RAFFENSPERGER: Okay. Members of the Board, what
5 is your desire?

6 MS. SULLIVAN: This is Rebecca Sullivan. I'll make a
7 motion that a letter of instruction be issued in this
8 case.

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

10 MR. WORLEY: I'll second that.

11 MR. RAFFENSPERGER: Okay. Any further discussion?
12 Hearing none, all those in favor of the motion as
13 presented, please signify by saying aye.

14 THE BOARD MEMBERS: Aye.

15 MR. RAFFENSPERGER: Any opposed? Motion carries.
16 Next case?

17 MS. WATSON: Next case is 2018-083. In November
18 2018, it was reported that John Robert Ross [ph.] assisted
19 numerous elderly and other would-be voters during the
20 November 6th, 2018 general election. Mr. Johnson alleged
21 Robert -- John Robert Ross was a campaign supporter for
22 candidate Jenna Marcia Mashburn. Mr. Johnson alleged by
23 doing the abovementioned Mr. Ross stole many votes
24 intended for himself, Julius Johnson. Mr. Johnson also
25 alleged Mr. Ross provided candidate Marcia Mashburn with

1 54 dubious absentee votes and was observed giving money to
2 one of the voters prior to voting on Election Day.

3 Investigation revealed there were 34 electors who
4 received assistance from John Robert Ross, Junior. 13 of
5 the 34 electors were able to be interviewed. Three
6 possible violations committed by Mr. Ross were identified.
7 The violations occurred when Mr. Ross approached Andrew
8 Dollar, Junior [ph.] within a hundred and fifty feet of
9 the polling location, campaigning for candidate Jenna
10 Mashburn, and also when he assisted Andrew Dollar, Junior
11 and Tony Mobely [ph.] when they were not eligible to
12 receive assistance.

13 While reviewing election documents that was
14 identified as Mr. Ross having provided assistance, several
15 paperwork issues were identified. Out of the 17 voter
16 certificates, four were not initialed by a poll officer,
17 and all 17 did not have a reason for assistance marked.
18 Out of the five advance voting applications, three did not
19 have a reason for assistance marked. Out of the ten
20 absentee ballot applications, John Ross signed eight of
21 them as a cousin requesting the ballot and the remaining
22 two as the person preparing the application if the voter
23 is disabled or illiterate. All ten of the absentee ballot
24 applications were not signed by the voters. Out of the
25 seven absentee ballot envelopes, four did not have a

1 reason for assistance marked.

2 The poll officers, Bernell Gibbons [ph.], Ruth Wagner
3 [ph.], Kay Joiner [ph.], Mary Thompson [ph.], and Sandra
4 Faircloth [ph.] were interviewed. All five poll officers
5 failed to mark the reason for assistance on the voter
6 certificates. A sixth poll worker has since passed away.
7 We recommend probate judge Jeffrey Jones, Elections
8 Superintendent Bernell Gibbons, assistant manager Ruth
9 Wagner, Kay Joiner, Mary Thompson, and Sandra Faircloth be
10 referred to the Attorney General's Office for violation of
11 21-2-431(a) and Pulaski County Board of Registrar, William
12 Faircloth, Chief Registrar, and Linda Hendricks [ph.],
13 registrar, be referred to the Attorney General's Office
14 for 21-2-381(b)(1), and John Robert Ross, Junior be
15 referred to the Attorney General's Office for 21-2-409(a)
16 and 21-2-414(a)(1).

17 MS. THOMAS: And Judge Jeff Jones is on the phone now
18 with Pulaski County.

19 MR. RAFFENSPERGER: Okay.

20 MR. JONES: Hey, this is Jeff Jones, Judge of Probate
21 Court, Pulaski County. I would just appreciate the chance
22 to explain a little bit what happened. We do think that
23 and we acknowledge that the 17 problems with the
24 certificates -- we do think that was error [sic] based on
25 my poll workers getting a little too busy and too quick

1 and not slowing down and taking their time. As soon as we
2 were made aware of that, we scheduled training to go over
3 and emphasize how important it is on these certificates to
4 cross all your T's and dot all your I's, and we would ask
5 that as far as the election workers go that letters of
6 instruction be issued. Thank you.

7 MR. RAFFENSPERGER: Thank you. Members, do we have
8 any questions?

9 MR. MASHBURN: This is Matt Mashburn. Not a
10 question, but just a -- a clarification for everybody, for
11 the record. As far as I know, there's no relation between
12 me and the Jenna Mashburn referred to in this case.

13 MR. RAFFENSPERGER: Fair enough. Got it. Okay.
14 What is the will of the Board?

15 MR. WORLEY: This is David Worley. I'd make a motion
16 that we refer this to the Attorney General.

17 MR. RAFFENSPERGER: Okay. Do we have a second?

18 MS. SULLIVAN: Second, Rebecca Sullivan.

19 MR. RAFFENSPERGER: Any further discussion? All
20 those in favor of the motion, please do so by signifying
21 aye.

22 THE BOARD MEMBERS: Aye.

23 MR. RAFFENSPERGER: Those opposed? Motion carries.

24 MS. WATSON: Next case is 2018-085. On November 9th,
25 2018, a complaint was filed with our office. An anonymous

1 complaint provided information for videos capturing poll
2 workers advising electors on which candidates and/or
3 parties to vote for. Investigation revealed Mr. John Hill
4 [ph.] and Mr. James Morris [ph.] were both captured on
5 video and audio recordings posted on YouTube in which both
6 men were heard soliciting and influencing voters to vote
7 as they recommended. Both men were working as election
8 officials inside a polling location for Fulton County.
9 There's YouTube video and audio footage of Mr. John Hill
10 saying, but the thing is right now, the Democrats have the
11 better platform for you and for me. The video also shows
12 Mr. James Morris saying, well, that's what I did. I voted
13 everybody that was Democrat. I voted a Democratic ticket,
14 but I ain't supposed to tell you that -- to do so. Our
15 recommendation is for Mr. John Hill and Mr. James Morris,
16 Fulton County Board of Election and Registration, and
17 Richard Barron, Elections Director, be bound over to the
18 AG's Office for a violation of 21-2-413(d) and 21-2-
19 414(a).

20 MS. THOMAS: And Mr. Lowman and Ralph Jones are on
21 the line for Fulton County.

22 MR. LOWMAN: Yes. This is David Lowman. First, I
23 would ask that the actions of these two poll workers not
24 be imputed to the Board of Registration and Elections or
25 Mr. Barron in this case. The evidence itself points to

1 the fact that it's not a training issue, as the poll
2 workers seemed to know that they're not supposed to do
3 this and decided to do it anyway, which is unfortunate,
4 and I'm a little concerned that there was somebody
5 videoing what was going on inside the -- the polling place
6 as well. With all that being said, I would ask that
7 because this was not something that was condoned nor
8 taught or instructed on behalf of the Board of
9 Registration and Elections or Mr. Barron, that they be
10 dismissed or at the most receive a letter of instruction
11 in this case. Thank you.

12 MR. RAFFENSPERGER: Okay. Members of the Board, what
13 is your will in this case?

14 MR. WORLEY: Mr. Secretary, this is David Worley.
15 The kind of conduct that's alleged to be in these videos
16 is completely inexcusable on the part of any poll worker,
17 so I think they should be bound over to the Attorney
18 General, but at the same time, it's the kind of -- because
19 the conduct is so inexcusable and out of the ordinary, I
20 don't see how it can be attributable to the Fulton County
21 Election Board or Office or Mr. Barron, so I would make a
22 motion that we bind over the two poll workers to the
23 Attorney General's Office and dismiss the other
24 Respondents.

25 MR. RAFFENSPERGER: Okay. Do we have a second on

1 that motion?

2 MS. SULLIVAN: Rebecca Sullivan, I'll second.

3 MR. MASHBURN: Matt --

4 MR. RAFFENSPERGER: Okay. Do we have any further
5 discussion? Hearing none, ll those in favor of the
6 motion, please do so by signifying aye.

7 THE BOARD MEMBERS: Aye.

8 MR. RAFFENSPERGER: Those opposed? Motion carries.
9 Okay.

10 MS. WATSON: Next case is 2018-116. In August 2018,
11 we received seven complaints of absentee balloting
12 irregularities and allegations of election officials
13 mishandling absentee ballots in the Gwinnett County
14 November 6th, 2018 election. On October 31st, 2018, poll
15 worker Sonya Howard [ph.] mistakenly selected Barbara Ann
16 Harris [ph.] instead of Barbara A. Harris [ph.] in the
17 system and marking the incorrect voter as having voted.
18 When Barbara A. Harris went to vote, she was listed as
19 already having voted in the election which she had not.
20 She was given a provisional, and the provisional was
21 counted.

22 On October 25th, 2018, poll worker Shalita Wisdom
23 mistakenly selected Alejandro Paz Ortega [ph.] instead of
24 Alejandra Ortega Perez [ph.] in the system, marking the
25 incorrect voter as having voted. When Alejandra Ortega

1 Perez went to vote, she was told records indicated that
2 she had already voted in the election, which she had not.
3 She was issued a provisional ballot that was counted.

4 On November the 7th, 2018, Merrick Ackerman [ph.]
5 requested an absentee ballot for the December 4th, 2018
6 runoff. The application was marked received on November
7 7th, 2018. The absentee ballot was not mailed until
8 November 27th, 2018. Mr. Ackerman did not receive the
9 ballot in time to vote in the runoff. Mr. Jack Portman
10 [ph.] requested an absentee ballot on August the 13th,
11 2018, and the request was received on August 20th, 2018.
12 The application was rejected as the city and the mailing
13 address did not match the address on file, and a rejection
14 letter mailed on September the 28th, 2018. Mr. Portman
15 submitted a second request on October 21st, 2018 that was
16 canceled when yet a third request was submitted on October
17 29th, 2018. The requested absentee ballot was mailed on
18 October 29th, 2018.

19 Tammy Adams [ph.] requested an absentee ballot that
20 was received on October 20th, 2018 and mailed on October
21 22nd, 2018. The ballot was returned as undeliverable on
22 November 19th. Jane Hasley [ph.] submitted an absentee
23 ballot request that was received on October the 3rd, 2018.
24 The request was rejected because she requested the
25 absentee ballot be mailed to her residential address and

1 not the mailing address on her voter registration. As a
2 result, she did not vote in the election. The rejection
3 letter also erroneously stated that multiple applications
4 was received, and the first was accepted and all others
5 were rejected.

6 We recommend Gwinnett County Board of Elections and
7 Registration, Lynn Ledford, the former Director of
8 Gwinnett County Elections, Nancy LeBlanc [ph.], poll
9 manager for Gwinnett County Precinct 25, and Sonya Howard,
10 poll worker for Gwinnett County Precinct 25 be bound over
11 to the AG for violation of OCGA 21-2-451(a) and SEB rule
12 183-1-12-.02(4)(b) and Gwinnett County Board of Elections
13 and Registration, former Director Lynn Ledford, and
14 Shalita Wisdom be bound over to the AG for 21-2-451(a) and
15 SEB rule 183-1-12-.02(4)(b) and Gwinnett County Board of
16 Elections and Registration and former Director Lynn
17 Ledford be referred for 21-2-381(b)(1) and SEB rule 183-1-
18 14-.11.

19 MS. THOMAS: And Shalita Wisdom is on the line, as
20 well as Melanie Wilson, who's the attorney for Gwinnett
21 County.

22 MS. WILSON: Good afternoon, Mr. Secretary. This is
23 Melanie -- sorry. Good afternoon once again, Mr.
24 Secretary, members of the Board, Mela -- Melanie Wilson
25 for Gwinnett County. So I think it -- if I could get one

1 point of clarification, my reading of the investi -- of
2 the investigative report was that the Respondents were
3 only Ms. Ledford, former Elections Supervisor, and three
4 individual poll workers, and I believe I heard Ms. -- Ms.
5 Watson refer to the Gwinnett Board of Registrations as
6 being recommended to be bound over to the Attorney
7 General's Office, so could I get clarification on that,
8 please?

9 MR. RAFFENSPERGER: Mr. Germany?

10 MS. WATSON: One second. Yes. In the potential
11 violations in the violation section, the Board of
12 Elections and Registration were listed with the -- as a
13 Respondent.

14 MS. WILSON: Okay. Well, okay. So I think if the
15 Board might take each of these seven -- each of these six
16 allegations in turn, and at the point that I get to the --
17 at the point that I get to the item that involves Ms.
18 Wisdom, I will stop, allow her to address the Board if she
19 would like to, and then continue. Is that a suitable way
20 to move forward? Because I think these are seven -- six
21 separate and distinct allegations, and I think it's
22 important for me to address each of them in turn and also
23 to make it clear what the specific recommendation I'm
24 making with respect to each of the allegations.

25 With respect to the issuance of the -- the erroneous

1 issuance of a ballot to someone called Barbara Harris,
2 this is clearly a case where there was a failure in
3 performance by a poll worker. The necessary training both
4 -- was provided both online and in person to poll workers,
5 but ultimately, the system prevailed. The system worked
6 because Ms. Ann Harris was ultimately able to cast a
7 provisional ballot which was counted, so while I'll
8 acknowledge that there was a failure by a poll worker,
9 there certainly was a successful outcome ultimately
10 because a provisional ballot was issued to the voter.

11 With respect to the ballot issued in error to
12 Alejandro Paz Ortega instead of the other name -- the
13 other individual with whom -- it appears they share a
14 common first and last name, Alejandro and Perez. I would
15 make the same comment. In particular, I want to emphasize
16 that this was an incident -- the situation that involved
17 Ms. Wisdom who I'm advised is an experienced poll worker.
18 She had worked polls on behalf of Gwinnett County Board of
19 Registration and Elections before this incident, this
20 situation arose and has subsequently worked at elections,
21 so that certainly speaks to the confidence that the
22 Elections Supervisor has in her ability to per -- to
23 perform, but recognizing that it was an error, recognizing
24 ultimately that the system prevailed because the vote -- a
25 provisional ballot was issued, and the voter was able to

1 cast a vote successfully.

2 So with respect to those two items, I would
3 respectfully ask that if the Board is -- feels not
4 inclined to dismiss those two matters, that the cases be
5 closed with a letter of instruction to the respective poll
6 workers, but I can assure you that training on this issue
7 is provided. It was provided in per -- online, and it was
8 provided in person. This may be an appropriate time for
9 me to allow Ms. Wisdom to make her comments, and then I
10 will continue to address the remaining -- the remaining
11 allegations.

12 MR. RAFFENSPERGER: Ms. Wisdom, are you available?

13 MS. WISDOM: Yes. Yes, I am. Can you all hear me?

14 MR. RAFFENSPERGER: Yes, perfectly.

15 MS. WISDOM: Okay. Good afternoon. In this case,
16 this happened in 2018. I cannot say -- matter of factual
17 -- what actually took place. When I looked at the
18 documents that was [sic] presented to me, I noticed that
19 there is a similarity in the names, and I am -- I am a
20 stickler for taking the fall for my team because I am -- I
21 am and have been a poll manager for Gwinnett County, and
22 so even though the error would have lied with me comparing
23 the names to the Election Net and me going back to
24 training that I received, and that was mentioned
25 previously that it was a human error that since then has

1 been corrected because I have done extensive training and
2 have become pretty much, like, the monster for my team
3 that I oversaw in making sure that we are paying attention
4 to the names, if there's any discrepancy, but we are
5 reporting in, notifying the office of what that is before
6 we proceed with issuing voters with access cards.

7 MR. RAFFENSPERGER: Okay.

8 MS. WILSON: So continuing on, Mr. Secretary, members
9 of the Board, the third allegation involved a Mr. Merrick
10 Ackerman, and this was a situation where the ballot simply
11 did not get there in time. It was mailed to an address in
12 Illinois. The only explanation -- it's certainly true --
13 it's noted in the report that staff were not able to
14 provide an explanation for why it took so long to arrive
15 at the destination. When it got to Illinois, it was too
16 late for Mr. Ackerman to return, and so clearly, he was
17 not able to vote in the election because the ballot didn't
18 -- didn't arrive timely.

19 But I do note that in that, there's a time period in
20 late October of 2018, early November when there was at
21 least one federal lawsuit pending, and one of the issues
22 that came up in that lawsuit was regarding signature
23 verification. And so it's very possible that the issuance
24 of ballots may have become a little slower during that
25 window of time, that the process slowed down somewhat in

1 an attempt to be responsive to the new -- this new
2 additional piece of verification that was required, and
3 that's -- that's the best explanation that I could offer
4 but certainly recognize that this was a situation where a
5 voter was ultimately disadvantaged by something that
6 occurred in our office.

7 With respect to Mr. Jack Portman, this was a
8 situation where, again, ultimately the decision was made
9 to not issue the ballot because in our -- because the
10 application that we received from Mr. Portman did not
11 include the correct mailing address, and our understanding
12 of State law OCGA section 21-2-381(d) requires that unless
13 it's a physical -- physically-disabled voter residing in
14 the county or for example, a voter who may be in pretrial
15 detention, that no absentee ballot shall be mailed to an
16 address other than the permanent mailing address. And so
17 the circumstance that we found ourselves in with regard to
18 the first application that was received from Mr. Portman
19 was that it included an address that did not match the
20 mailing address on the voter registration record. So that
21 was the reason why it wasn't initially mailed in response
22 to the first request.

23 But I also recognize that ultimately, Mr. Portman was
24 unable to vote, but it wasn't for lack of effort on the
25 part of staff, and it certainly was -- it was a case of

1 staff doing the -- ensuring that they complied with the
2 law to make sure that the application was mailed to the
3 correct address, and it was ultimately mailed to an
4 address in Winston-Salem, North Carolina.

5 With respect to number five, it -- I must confess
6 that we had some difficulty fully appreciating what was
7 alleged that was adverse to -- to the Board of Elections
8 and Registration here and the elections staff because the
9 address for Mr. [sic] Tammy Adams, the address at Willow
10 Trail Parkway, was an address that showed up on her voter
11 registration record. We did mail a ballot in response to
12 an application, once it had been appropriately verified.
13 Ultimately, the ballot was returned as un --
14 undeliverable, and ultimately, so Ms. Adams did not vote
15 in that election, and that's reflected in the
16 investigator's report. So it's -- it's not entirely clear
17 to us what the failure was here. If we received the
18 application --

19 MR. MASHBURN: This is -- this is Matt Mashburn. I
20 apologize for interrupting, Counselor, but let me ask
21 Frances. Is there alleged to be a violation on that one?

22 MS. WATSON: No. Mr. Portman and -- Ms. Adams was
23 not listed as a violation in the recommendation.

24 MR. MASHBURN: Okay. I'm sorry to have interrupted
25 you, but I think --

1 MR. RAFFENSPERGER: Well, we can move onto the next
2 one then.

3 MS. WILSON: I'm moving onto the next one. And the
4 next -- actually, as it turns out, the last -- the last
5 allegations for which there appears to be a recommendation
6 and that involves Ms. Jane Hasley, and again, the reason
7 why there was an initial delay in sending an application
8 was that the address on the application when it first
9 arrived, the first application, was an address that didn't
10 match the mailing address on file, and we, again, rely on
11 our reading of State law OCGA section 21-2-381 that no
12 absentee ballot shall be made -- made to an address other
13 than the permanent mailing address, and the address that
14 was initially received on the application was not the
15 mailing address in the voter registration record. So
16 looking at these allegations, we would -- I would
17 respectfully request that any claims or allegations
18 against the Board of Registration should be dismissed and
19 that this matter should be closed with a letter of
20 instruction to both the poll worker, poll manager, and
21 former Elections Supervisor Lynn Ledford.

22 MR. RAFFENSPERGER: Okay. Thank you. Members of the
23 Board, do you have any questions for anyone that has
24 presented, either side today?

25 MS. LE: This is Anh. I have a question for Ms.

1 Wisdom. Ms. Wisdom, when you check for the names and, you
2 know, we all know that there are lots of similar or same
3 names out there, especially with juniors and seniors and
4 generational names, so the question I have is do you also
5 check for dates of birth or address, some kind of
6 secondary verification, or is it just the name that you
7 rely on?

8 MS. WISDOM: Depending on the situation and there's a
9 lot that goes into pulling a voter up, especially during
10 the advance in person, we normally -- we generally scan
11 their ID, and we don't compare their ID to what's in the
12 system. We compare their application to what's on the
13 screen. The ID is for ID purposes only, and so the
14 majority of the time, it's not a manual entry, so again,
15 like I said, if it was something I -- I'm pretty sure, for
16 me, speaking for me, that I, if it was a manual entry,
17 that I documented that. And I would not have proceeded
18 without calling the office. But then again, like I said,
19 this was in 2018, and I cannot be one hundred percent sure
20 of what took place that particular day.

21 But normally and generally, we compare their
22 application and what that voter wrote on their
23 application. Now, we do take the other measures to see
24 okay, well, did you move recently? Have you been, you
25 know, recently gotten married? And we are -- have

1 bilingual officials in the event that we or the voter has
2 a language barrier. So again, like I said, it -- I am
3 unsure one hundred percent of what actually took place
4 this particular day.

5 MR. RAFFENSPERGER: Okay.

6 MS. LE: Thank you.

7 MR. RAFFENSPERGER: Do we have any other members of
8 the Board that would like to ask some questions or get
9 more information? What is the will of the Board on this
10 matter? Now would be the appropriate time for a motion if
11 you're so inclined.

12 MS. LE: This is Anh. I feel like, you know, on the
13 one hand, what's going on in my -- what I'm struggling
14 with is on the one hand, you understand clerical errors
15 happen. On the other hand, if someone doesn't get to
16 vote, I think that's -- that's where it takes a different
17 turn for me, and I think in this case, we do have
18 instances where the clerical error resulted in one or more
19 voters not getting to vote. So if I heard Ms. Wilson
20 correctly, I think you said that there were processes in
21 place. I think that's what I was asking Ms. Wilson to
22 see, you know, what could be different so we can avoid
23 these errors in the future, and sometimes it's just human
24 error, but I think in this case because there were voters
25 who didn't get to vote, I'm inclined to send this to the

1 Attorney General's Office, and I make that motion.

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

3 MR. MASHBURN: Matt Mashburn, second.

4 MR. RAFFENSPERGER: Do we have any discussion on this
5 matter? Hearing none, all those in favor of the motion,
6 please do so by signifying aye.

7 THE BOARD MEMBERS: Aye.

8 MR. RAFFENSPERGER: Motion carries. Was that the
9 entire of that case there, Ms. Le?

10 MS. LE: What was that? I'm sorry.

11 MR. RAFFENSPERGER: Did you take -- did you address
12 all of the potential violations in that motion?

13 MS. LE: Yes. I think the process could be looked at
14 over at the Attorney General's Office to see what could
15 have been done differently next time.

16 MR. RAFFENSPERGER: Okay, including Ms. Wisdom.
17 Okay. Just wanted to make sure. Thank you. Next case.

18 MS. WATSON: Next case is 2019-012. Our office
19 received a report of an election contest in City of
20 Atlanta official election for Council District 3. The two
21 grounds for the contest are that a candidate was
22 ineligible to hold office and that some of the voters were
23 erroneously districted in Council District 4 instead of
24 District 3. A Jamaica Renarda Farrell [ph.] advised that
25 she was not able to vote in the special election for

1 Council 3 due to her being told by election personnel that
2 she lives in District 4. Mark Boyd [ph.] and Greg Clay
3 [ph.] submitted into evidence the precinct cards for four
4 registered voters. They suggest these voters were denied
5 the right to vote in this special election. Mark Boyd and
6 Greg Clay called into question the absentee ballot for
7 Betsy Lee Davis [ph.]. Ms. Davis apparently obtained an
8 absentee ballot and returned it to be counted with a post
9 mark of March 1, 2019. It was received by the Fulton
10 County Registration and Elections Office on March 1, 2019.
11 A Joseph Francis Wallace [ph.] reported to have received
12 multiple texts from the Byron Amis campaign asking for my
13 vote claiming I live in District 3. I do not and never
14 have. I live in District 2.

15 Investigation determined that all were
16 unsubstantiated with the excep -- exception of Jamaica
17 Renarda Farrell not allowed to vote in the District 3
18 special election, as they were told that they were in
19 District 4 and were not -- was not provided a provisional
20 ballot. Our recommendation is for poll manager Eric
21 Morgan [ph.], Fulton County Board of Registration and
22 Elections, and Richard Barron, Director of Elections, be
23 bound over to the Attorney General's Office for a
24 violation of 21-2-418(a) and SEB rule 183-1-12-.06(4)(e)
25 for provisional ballots.

1 MS. THOMAS: And David Lowman and Ralph Jones are on
2 the line with Fulton County.

3 MR. RAFFENSPERGER: Okay. Mr. Lowman?

4 MR. LOWMAN: Yes. This is -- this is David Lowman.
5 This was an election contest that was tried in Fulton
6 Superior Court. All of these allegations were adjudicated
7 by the Superior Court. This was an election contest at --
8 in which the election was upheld, and so we ask that
9 because they've already been adjudicated, and the issues
10 have already been parsed out, that a letter of instruction
11 be given with respect to the Board of Registration and
12 Elections and Mr. Richard Barron. Thanks.

13 MR. RAFFENSPERGER: Thank you. Members, do you have
14 any other questions?

15 MR. MASHBURN: Yeah. This is Matt Mashburn. I just
16 want to speak on that one point.

17 MR. RAFFENSPERGER: What is the will of the
18 Committee?

19 MR. MASHBURN: This is Matt Mashburn. I just want to
20 speak on that one point in that an election contest is --

21 MR. RAFFENSPERGER: Members?

22 MR. MASHBURN: -- worried about a margin plus one
23 vote, and it's not worried about individual items within -
24 - within that. If it's -- if it's not margin plus one
25 vote, it doesn't really impact an election contest. So I

1 don't -- I don't view that there's any sort of judicial
2 estoppel or res judicata or anything with regard to
3 individual violations, so I understood the recommendation
4 to be that there's one count to be referred to the
5 Attorney General, so I make a motion that that one count,
6 and Frances can give us the name, be referred to the
7 Attorney General.

8 MS. WATSON: Poll manager Eric Morgan, Fulton County
9 Board of Registration, and Richard Barron.

10 MR. RAFFENSPERGER: Do we have a second?

11 MR. JONES: What's 54? I don't have 54, do I?

12 MR. RAFFENSPERGER: Do we have a second?

13 MS. SULLIVAN: Second, Rebecca Sullivan.

14 MR. RAFFENSPERGER: Okay. Any further comments?
15 Hearing none, all those in favor of the motion as
16 presented, signify by saying aye.

17 THE BOARD MEMBERS: Aye.

18 MR. RAFFENSPERGER: Those opposed? Motion carries.
19 Okay.

20 MS. WATSON: Next case is 2020-022. In June of 2020,
21 it was reported that a resident's address was changed on
22 the complainant's voter registration card from her Sandy
23 Springs address to a residence in Alpharetta. Mrs.
24 McCleary [ph.] stated she did not change her residence
25 address while renewing her driver's license online through

1 the Department of Driver Services on August 5th, 2018.

2 This investigation did not find evidence that she
3 submitted a change of address.

4 Investigation did find evidence through Election Net
5 documents that on August 28th, 2018, Fulton County
6 Elections changed Ms. McCleary's residence address to 510
7 Mill Creek Avenue, Alpharetta from 510 Heard's Ferry Road,
8 Atlanta. There is also evidence through Election Net that
9 Mrs. McCleary voted in the November 6th, 2018 general
10 election and the June 9th, 2020 general election while her
11 residence address was incorrect. Due to Mrs. McCleary's
12 residential address being changed, she was given the wrong
13 ballot in the November 6th, 2018 general election and June
14 9th, 2020 general primary. In the November 6th, 2018
15 general election, she was given the opportunity to vote
16 for the City of Alpharetta Homestead Exemption Property
17 Tax when she did not live in Alpharetta, and for the June
18 9th, 2020 general primary, she was not able to vote for
19 the correct district state senator or the 52nd District
20 state representative in District 3 Fulton County School
21 Board member.

22 Our recommendation is Fulton County Board of
23 Registrations and Elections to be referred to the Attorney
24 General's Office for a violation of 21-2-226(b), to
25 dismiss Respondent Richard Barron as this was -- it should

1 have been listed as Ralph Jones.

2 MS. THOMAS: David Lowman and Ralph Jones are still
3 on the line.

4 MR. RAFFENSPERGER: Okay. Mr. Lowman, are you going
5 to talk about this one?

6 MR. LOWMAN: Mr. Jones can speak to this one.

7 MR. RAFFENSPERGER: Okay.

8 MR. JONES: Mr. Secretary, Board, how are you all
9 doing today? We -- when we looked at this request, we
10 found proof that Ms. McCleary did register to vote. We
11 have a registration application from DDS where she went in
12 and registered on August the 8th -- August the 6th, 2018,
13 which put her in the City of Alpharetta. It stated in the
14 findings that -- that she did not, and we have proof of
15 the voter registration application and the electronic copy
16 of the DDS report that we received in order to process
17 her, so we feel that we did put her in the correct
18 district as stated for her voter registration application
19 that we received.

20 MR. RAFFENSPERGER: Okay. Members of the Board, do
21 you have any questions? What -- what is your will for
22 this case?

23 MS. SULLIVAN: I have a question for Ms. Watson. Ms.
24 Watson, do you have the information that Mr. Jones is
25 speaking about? Have you -- was that reviewed as part of

1 the investigation?

2 MS. WATSON: We did -- we did follow up with the
3 Department of Driver Services, and we spoke with an
4 investigator, Cory Benson [ph.], and he advised that they
5 showed a record that DDS personnel changed, corrected, or
6 deleted Mrs. McCleary's residential address on her voter
7 registration card or her driver's license. This
8 investigator did not find evidence that DDS personnel
9 changed Mrs. McCleary's residential address, so we do not
10 have documentation that that occurred.

11 MR. RAFFENSPERGER: Okay. What is --

12 MS. SULLIVAN: I'll make a motion to bind this over
13 to the Attorney General's Office, and if the evidence, you
14 know, indicates that there should not be a violation in
15 this case, then the Attorney General can address that.

16 MR. RAFFENSPERGER: Very well. Okay, then. Do we
17 have a second?

18 MR. MASHBURN: Matt Mashburn, second. Matt Mashburn,
19 second.

20 MR. RAFFENSPERGER: Do we have any -- I heard. And
21 do we have any further conversation or discussion on this?
22 Hearing none, all those in favor of the motion, please
23 signify by saying aye.

24 THE BOARD MEMBERS: Aye.

25 MR. RAFFENSPERGER: Those opposed. Motion carries.

1 Next case?

2 MS. WATSON: Next case is 2020-023. On June 8th,
3 2020, we received a complaint regarding the issuance of an
4 incorrect ballot to a voter at the Gilmer County polling
5 location during the 2020 primary election. Amy Starkey
6 [ph.], complainant, was issued a ballot that did not
7 contain all candidates. Investigation showed on June 5th,
8 2020, Starkey went to the Gilmer County Courthouse to vote
9 in the 2020 primary election. She was issued a ballot,
10 and she cast her vote. However, she did not realize that
11 she had received the incorrect ballot. Starkey then
12 returned to her polling precinct to discuss her ballot
13 with the poll workers. She stated the poll workers
14 admitted that they issued her the wrong ballot, and her
15 vote had already been counted.

16 She discussed her issue with poll manager Sherry
17 Jones [ph.], and Jones informed Starkey that she was, in
18 fact, issued the incorrect ballot. She should have been
19 issued the ballot that contained presidential candidates
20 and primary candidates, as opposed to a ballot that only
21 contained primary candidates. Jones advised Starkey that
22 her vote had already been counted, and she could not allow
23 her to vote for a second time. Poll worker Sandy Watson
24 [ph.] was responsible for issuing the incorrect ballot to
25 Starkey. Poll manager Sherry Jones stated Watson was

1 responsible for issuing ballots to each voter. A review
2 of Starkey's records in Election Net reveals her credit
3 for in person voting was ultimately deleted by poll worker
4 Watson by means of an absentee ballot change action.
5 There was no credit for voting listed in the -- in the
6 system. Our recommendation is for Gilmer County Board of
7 Voter Registration, Tammy Watkins, County Registrar, and
8 poll worker Sandy Watson be referred to the Attorney
9 General's Office for Board rule 183-1-14-.02(10) and 21-2-
10 562.

11 MR. RAFFENSPERGER: Do we have any --

12 MR. MASHBURN: Matt Mashburn, I make a --

13 MR. RAFFENSPERGER: Yes?

14 MR. MASHBURN: Matt Mashburn, I make a m--

15 MR. RAFFENSPERGER: Go ahead, Matt.

16 MR. MASHBURN: Matt Mashburn, I make a motion that we
17 accept the recommendation.

18 MR. RAFFENSPERGER: Do we have a second?

19 MS. LE: Anh Le, second.

20 MR. RAFFENSPERGER: Any further discussion? Hearing
21 none, all those in favor of the motion, signify by saying
22 aye.

23 THE BOARD MEMBERS: Aye.

24 MR. RAFFENSPERGER: Those opposed? Motion carries.

25 MS. WATSON: Next case is 2020-044. The

1 investigation was initiated after the Georgia Secretary of
2 State's Office received approximately 26 complaints from
3 voters regarding Election Day issues during the June 9th,
4 2020 primary election, such as extremely long lines,
5 excessive wait times that had voters in line after
6 midnight to vote, polling sites did not open on time,
7 polling locations had operational issues such as voting
8 machines were not up and running at the time the polls
9 were opened, voters were denied the opportunity to cast
10 paper ballots, poll workers appeared to be unaware of
11 their duties and responsibilities, and polling locations
12 failed to comply with COVID-19 social distancing
13 guidelines. In addition, Cobb County voter Seth Goldberg
14 filed a separate complaint alleging that he was
15 questioning the signature on a Georgia application for
16 official absentee ballot as he felt he did not fill out
17 the application for the May 19th, 2020 election.

18 Our investigation showed as to the first allegation
19 of polls not opening on time, we confirmed through voter
20 complaints and polling officials' statements that there
21 were 20 polling locations in Cobb County that did not open
22 on time. Failure to use paper ballots, the investigation
23 found and confirmed through voter complaints and poll
24 manager statements that four Cobb County polling
25 locations, Austell 1A, Sope Creek 02, Mableton 01, and

1 Cheatham 02, did not offer voters the opportunity to vote
2 by paper ballot when the polls encountered technical
3 issues with the BMD units.

4 As to inadequate supplies and paperwork, the
5 investigation substantiated through poll manager
6 statements at Cobb County Registration and Elections at
7 the Grace Marietta polling location did not have paper for
8 the BMD units and Calvary Chapel, Woodstock did not have
9 paper for the printers at the time that the polls opened.
10 As to allegation four, COVID social distancing, it was not
11 substantiated as a violation of Georgia Election Code or
12 rules of the State Election Board. As to the personnel
13 training, the poll managers at Austell 1A, Sope Creek 02,
14 Mableton 01 reported they did not know offering an
15 emergency ballot to voters was an option. Therefore,
16 there is evidence to suggest that Cobb County Elections
17 Office failed to comply with 21-2-99 to ensure poll
18 officers and workers received adequate training in all
19 aspects of state and federal law applicable to conducting
20 elections.

21 As to absentee ballot fraud, the complainant could
22 not state with certainty if he had signed the application
23 for official absentee ballot or not. It could not be
24 determined or substantiated if the application was
25 fraudulent.

1 Our recommendation is for Cobb County Board of
2 Elections and Registration and Director of Elections
3 Janine Eveler be referred to the Attorney General's Office
4 for 21-2-403, 20 counts, and 21-2-281, 4 counts, and 21-2-
5 401, 2 counts, and 21-2-99(a), 1 count.

6 MS. THOMAS: And Janine Eveler is on the line for
7 Cobb County.

8 MR. RAFFENSPERGER: Ms. Eveler?

9 MS. EVELER: Yes. Good afternoon. This is Janine
10 Eveler, Director of Elections for Cobb County, and I just
11 have a few things to say about this. The June 9th primary
12 was by far the most difficult election I've conducted in
13 my 15 years. Combining the March presidential primary,
14 which was suspended after voting had already started, and
15 the general primary resulted in Cobb County having over
16 1100 different ballot styles, and some precincts were
17 given up to 14 different ballot styles in their emergency
18 ballot supplies.

19 Yes. They did all have emergency ballots, but many
20 of the poll workers were unsure about using them. That
21 was basically due to the fact that we lost hundreds of
22 poll workers and regular staff during the -- due to their
23 COVID concerns during this time, and with a lot of
24 recruiting, we were only able to achieve about a seventy-
25 five percent staffing level at most of our polls, and the

1 last minute hires, they did not have the opportunity to go
2 to a regular in person training class because by that
3 time, we had transitioned all the poll worker training to
4 an online format due to, again, the pandemic. And so many
5 of these workers, they did not have the opportunity to
6 work with the voting equipment and the materials until
7 Election Day, so yes. There was some confusion.

8 Regarding delivery of supplies to the polls, we did
9 add two additional days to our regular four-day delivery
10 schedule in order to transport the many more pieces
11 involved with our new voting system, but we found that
12 even six days was not enough time for -- due to some
13 unforeseen circumstances. We found that many of the
14 polling facilities were shut down during this period, and
15 their staff members were either not available at the time
16 of delivery, or they were nervous about, again, COVID
17 concerns, and there was a lot of canceling and
18 rescheduling of deliveries during this period. And during
19 that time, we ended up having multiple aborted deliveries,
20 and so there was a lot of loading and offloading of
21 supplies, and obviously, that meant that some of the
22 materials were missed during the reloading.

23 To top everything off, we had -- all of our
24 rescheduled deliveries occurred on that Monday as a last,
25 you know, delivery option, and to top everything off, we

1 had four delivery drivers quit that day, and one of our
2 trucks also broke down on that Monday. So we were
3 delivering supplies up until midnight on the Monday and
4 even early on Tuesday morning due to, again, just a
5 perfect storm of issues that happened during that time.

6 In conclusion, I don't offer these comments as any
7 excuse for what happened. I just want the record to show
8 the enormous challenges that we and other counties faced
9 on June 9th with the new voting system and the pandemic.
10 We've never had this number of polls that were unable to
11 open on Election Day, and we worked an unbelievable number
12 of hours just to do what we could for June 9th, but we
13 understand that what happened was unacceptable. After
14 June, we worked again very, very hard to correct these
15 issues, and we able to conduct successful elections in
16 August, November, and January. I do understand the
17 seriousness of these violations and, of course, the likely
18 outcome from this meeting, but I wanted to, you know,
19 explain a little bit and explain the challenges that we
20 faced at that time. So I appreciate you listening.

21 MR. RAFFENSPERGER: Well, thank you, Ms. Eveler. We
22 recognize in our Elections Division that Cobb County is a
23 very well-run election division, and we also recognize
24 that COVID is a one in one-hundred-year event, and it was
25 certainly challenging throughout the entire state. So

1 thank you for that information and with that, do we have
2 any questions from any of our Board members? What would
3 be the will of our Board today on this matter?

4 MR. WORLEY: Mr. Secretary, just a comment. I
5 appreciate what Ms. Eveler has to say, but I'm troubled by
6 the sheer volume of problems that are enumerated in the
7 report.

8 MR. RAFFENSPERGER: I understand.

9 MR. WORLEY: That's all.

10 MR. RAFFENSPERGER: Any discussion from any other
11 members? Now would be the appropriate time to make a
12 motion if someone is so inclined.

13 MS. LE: This is Anh Le. Given Cobb County's
14 exemplary history and the nature of the circumstances that
15 came with COVID, I'm thinking if there's a way to have a
16 consent order with Cobb County, whether through -- by
17 sending it to the Attorney General's Office or through a
18 motion with the Board where -- I know Ms. Eveler had
19 articulated some changes but also articulate the -- the
20 steps that they've taken, you know, for emergency
21 circumstances such as this. I know it's once in a
22 lifetime, but it could happen again, so we, you know -- I
23 think what I really want to know is could this happen
24 again now that you've gone through this experience, and if
25 the answer is no, what has taken place? And if that means

1 a motion to send to the Attorney General's Office to come
2 up with that, then -- then that is something that I'm open
3 to doing. So is a consent order with the Board an option?

4 MS. MCGOWAN: This is Charlene McGowan. If I could
5 make a suggestion, it would be cleaner if the Board would
6 bind the matter over to our office, you know, with
7 instructions on how you would like us to proceed, and we
8 can work with Cobb County to initiate a consent order.
9 That's similar to what we did in the Fulton County case
10 involving the 2020 primary.

11 MR. RAFFENSPERGER: I think -- I think that that's
12 the appropriate action. We'd need to bind that over to
13 the Attorney General's Office, but I think what our --
14 what Ms. Le was saying grace with accountability, so a
15 carrot and a stick approach, and so I believe the Attorney
16 General will be able to work within those parameters and
17 have enough guidelines from us with the motion for that to
18 be done.

19 MR. WORLEY: Mr. Secretary, I'll make a motion that
20 we refer the case to the Attorney General's Office and ask
21 that the Attorney General enter into a consent order with
22 Cobb County enumerating the changes that Cobb County is
23 taking to deal with the issues that are in the report.

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

25 MR. MASHBURN: Matt Mashburn, second.

1 MR. RAFFENSPERGER: Any further discussion? Hearing
2 none, all those in favor of the motion, please do so by
3 signifying aye.

4 THE BOARD MEMBERS: Aye.

5 MR. RAFFENSPERGER: Any opposed? Motion carries.
6 Thank you.

7 MS. WATSON: Next case is 2020-054. We received 11
8 complaints regarding UOCAVA and voter registration issues
9 during the June 9th, 2020 Fulton County election. These
10 were additional complaints that were not heard at the
11 previous meeting in -- that was for Fulton County June 9th
12 elections. Absentee ballot issues, out of the 11
13 complaints, four were found to have merit. Voter Delia
14 Williams [ph.] and her son submitted two absentee ballot
15 applications via fax to Fulton County with no response.
16 They eventually were issued the EBT ballot. They printed
17 them and mailed the ballot back on May 22nd, 2020. The
18 ballot was requested on April 6th, 2020 and not issued
19 until May 22nd, 2020, a violation of 21-2-384(2).

20 Karen Schaefer [ph.] requested an absentee ballot by
21 email on April 5th, 2020. There is no indication that
22 Fulton County processed the request. She voted in person
23 on May 27th, 2020. Tara Raven [ph.] and her son Joseph
24 Butler [ph.] requested their absentee ballots on May 11th,
25 2020, with no ballot received. Two other family members

1 also requested absentee ballots on the same day, and their
2 ballots were received. Nicky Butler [ph.] requested an
3 electronic ballot delivery ballot. However, it was later
4 found that the email address was incorrectly entered, and
5 the delivery bounced back.

6 Our recommendation is Fulton County Board of Election
7 and Registration and Chief Registrar Ralph Jones be
8 referred to the Attorney General's Office for five counts
9 of 21-2-243(2) for failure to timely process or process
10 absentee ballot requests of Delia Williams, Christopher
11 Williams Redez [ph.], Karen Schaefer, Tara Raymond, and
12 Joseph Butler.

13 MS. THOMAS: And David Lowman and Ralph Jones are on
14 the line for Fulton County.

15 MR. LOWMAN: Yes. Mr. Jones can speak to this issue.

16 MR. JONES: Mr. Secretary and Board, this is Ralph
17 Jones, Registration Chief. For allegation number 1, we
18 accept the facts. We entered it in a little later than
19 normal for the person to get their ballot. For allegation
20 number 2, for Ms. Karen Schaefer, we accept the facts on
21 that report. The application did come in, and we did not
22 -- we failed to process that application. On allegation
23 number 3, Ms. Raymond, we did process their applications,
24 and they did receive it. She alleged that she sent in
25 four. I don't know the other two applications that were

1 sent in, so I can't defend whether we did anything on
2 those two extra applications that were sent in. And the
3 final one, with Edward Fierman [ph.], there was a typo.
4 We accept the findings on that also. Thank you so much.

5 MR. RAFFENSPERGER: Thank you, Mr. Jones. Okay. I
6 do note that Fulton County was under consent decree with
7 us because of what happened during the June primary, and
8 this would be in addition to that. Do the Board members
9 have any questions or a motion?

10 MR. WORLEY: Mr. Secretary, I'd make a motion to bind
11 this case over to the Attorney General.

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

13 MS. SULLIVAN: Second, Rebecca Sullivan.

14 MR. RAFFENSPERGER: Any further discussion? Hearing
15 none, all those in favor of binding this to the Attorney
16 General's Office, signify by saying aye.

17 THE BOARD MEMBERS: Aye.

18 MR. RAFFENSPERGER: Okay, motion carries. Thank you.
19 Next case?

20 MS. WATSON: Next case is 2020-088. On August 27th,
21 2020, Robin Webb of Hart County Board of Election and
22 Registration self-reported that her office identified five
23 voters who attempted to vote twice during the 2020 primary
24 runoff election. According to the complaint, these
25 individuals voted by mail absentee ballot and during in

1 person early voting. Investigation showed each person
2 voted by mail absentee ballot and by in person absentee
3 voting. The Hart County Board of Election and
4 Registration Office was able to identify and cancel four
5 out of the five mail absentee ballots on the dates the
6 voters appeared for early in person absentee voting.
7 However, one of the voters' mail absentee ballot and their
8 in person absentee ballot were counted during the election
9 because the mail ballot was processed before the voter was
10 identified as a double voter.

11 Investigations was able to contact and interview four
12 out of the five double voters. They each indicated they
13 were unaware that they voted twice in the same election.
14 They all referenced confusion during the election process
15 and denied any malicious intent. Investigations made
16 multiple attempts in person and by telephone to call and
17 speak with Joel Johnson [ph.] without success. The Hart
18 County Elections Office failed to update the electronic
19 poll book to accurately mark persons who have been issued
20 or cast ballots in the election prior to delivering them
21 to the polling locations. As a result, they identified
22 and self-reported five instances of double voting.

23 Our recommendation is for Hart County Elections
24 Coordinator Robin Webb be bound over to the Attorney
25 General's Office for violation of Board rule 183-1-12-

1 .1(9)(8) and also 21-2-572, repeat voting for Gail Hume
2 [ph.], Joel Johnson, Margaret Arnwine [ph.], James
3 Griswold [ph.], Diane Griswold [ph.]

4 MS. THOMAS: And Walter Gordon is on the line to
5 represent Hart County.

6 MR. RAFFENSPERGER: Mr. Gordon?

7 MS. THOMAS: You may unmute yourself, Mr. Gordon.

8 MR. GORDON: Am I there now?

9 MR. RAFFENSPERGER: Yes, sir.

10 MS. THOMAS: Yes.

11 MR. GORDON: Mr. Secretary, I thank you and your
12 staff and the staff -- and the Board and its staff for
13 accuracy in elections in the State of Georgia. You know,
14 the -- we've all heard that humorous saying vote early and
15 vote often. Well, I can tell you that in Hart County, we
16 haven't done that. We've not done that in a long, long
17 time. I'm not going to say it never happened, but it
18 probably -- you've have to go back to the Eugene Talmadge
19 days before you'd find anything like that.

20 We take issue with the facts as presented by the
21 staff. There was one repeat voting, one incident of that.
22 Five ballots were examined. Five absentee ballots were
23 examined, and four of them were cancelled. One, however,
24 was not. One was not on the list, and it perhaps should
25 have been, but there are reasons for that. When Hart

1 County first -- when this problem was approached, Hart
2 County had extensive training of its poll workers in
3 February, and then when the election was postponed, they
4 re -- they were retrained in June, and anticipating the
5 issues that would arise in the election, the changes, et
6 cetera, our staff -- we actually doubled the number of
7 poll workers in Hart County, and we had some good ones.

8 Apparently, while one of our checkers was on a break
9 or maybe at a shift change, a person who was not that
10 familiar with this area of the process took over, and
11 that's when this one vote occurred, the one repeat vote.
12 And I want to emphasize there was certainly not five
13 votes. There were five absentee ballots that were
14 presented by people who showed up to vote, and four of
15 them were cancelled. That left one person voting twice,
16 and in that election, one of the results was absolutely
17 overwhelming, something like three to one, and even in the
18 smallest races in our County, the margins were in the
19 hundreds, so there couldn't have been any difference.
20 There couldn't have been any impact of this one person who
21 voted twice. Now, I wish we could have stopped it, but
22 the envelopes had been -- or her envelope had been opened
23 to prepare for processing those early votes, so we could
24 not go back and locate it to take it out.

25 I would just ask that -- and I might point out too

1 that the -- the absentee and early voting jumped up five
2 hundred percent in Hart County, and I know it did probably
3 in similar numbers everywhere else. There was such a
4 great interest in this election. But given that we had
5 one vote that was repeated, I would ask that the case be
6 dismissed or respectfully ask that a letter of instruction
7 be delivered if that should be warranted. I'm happy to
8 answer any questions.

9 MR. RAFFENSPERGER: So the one person that voted
10 twice is which person?

11 MR. GORDON: It's Mrs. Griswold. We had sent a list
12 to the staff and outlined exactly who was involved: Joel
13 Milton Johnson, his vote, he only had one vote, and then
14 there were -- of the four others, only Mrs. Griswold voted
15 twice.

16 MR. RAFFENSPERGER: Okay. Members, do you have any
17 questions?

18 MR. MASHBURN: This is Matt Mashburn.

19 MR. RAFFENSPERGER: Yes, Matt?

20 MR. MASHBURN: This is Matt Mashburn. I don't have a
21 question, but I'd go ahead and have a motion that all five
22 individuals be referred to the Attorney General and that a
23 letter of instruction be issued to Hart County for one
24 count.

25 MR. RAFFENSPERGER: Okay. We have a motion. Do we

1 have a second?

2 MR. WORLEY: This is David Worley. I'll second that.

3 MR. RAFFENSPERGER: Okay. Do we have any further
4 discussion on that matter? Hearing none, all those in
5 favor of the motion, please do so by signifying aye.

6 THE BOARD MEMBERS: Aye.

7 MR. RAFFENSPERGER: Those opposed? Motion carries.

8 MS. WATSON: Next case is 2020-106, Cobb County,
9 residency issue. On October 6th, 2020, it was reported in
10 a social media article regarding the residency status of a
11 Cobb County candidate in the 2020 general election.

12 According to the article, candidate for Georgia State
13 Representative Priscilla Smith filed candidacy documents
14 with the state and listed a Cobb County home address.
15 However, she may be considered a DeKalb County resident
16 based on her homestead tax exemptions in the county. It
17 was also reported Smith's voting record in DeKalb County
18 provided additional proof of residency in DeKalb County.

19 Investigation revealed a review of Smith's candidacy
20 documents showed that she filed her declaration of
21 candidacy and affidavit with our office on March 2nd,
22 2020. She listed her home address as 1530 Gilbert Avenue,
23 Kennesaw, Georgia, 30512 and indicated she has been a
24 legal resident of Cobb County for four consecutive years.
25 According to a proprietary database search for Smith, a

1 residential history for the past four years reflects 1530
2 Gilbert Avenue, Kennesaw, Cobb County and 218 Floral
3 Avenue, Atlanta, Georgia, 30307, DeKalb County. She is
4 currently the registered owner of a vehicle with a
5 registration address of 1530 Gilbert Avenue, Kennesaw,
6 Georgia. The registration effective date was March 27th
7 of 2020. Prior to this, she was the registered owner of a
8 vehicle between January 25th, 2016 to January 22nd, 2020.
9 The registration of that vehicle was shown as 218 Floral
10 Avenue in Atlanta, Georgia.

11 Although Smith and her neighbors in Cobb and DeKalb
12 confirm she has resided in Cobb County for the past few
13 years, the following state and public records indicate
14 Smith has been a legal resident of DeKalb County for at
15 least the past four years. According to Election Net,
16 between March 2016 to December 2018, Smith voted as a
17 DeKalb County registered voter. On January 8th, 2020, she
18 changed her voter registration from DeKalb County to Cobb
19 County. Between March 2020 to October 2020, Smith voted
20 as a Cobb County registered voter. According to the
21 Georgia Department of Driver Services, she changed the
22 address on her driver's license to 1530 Gilbert Avenue,
23 Kennesaw, Georgia on February 27th, 2020. Her previous
24 address was 218 Floral Avenue, Atlanta, Georgia.
25 According to DeKalb County real property tax records,

1 Smith is the owner of 218 Floral Avenue, Atlanta, Georgia,
2 30307, and she has claimed homestead exemptions for at
3 least the past three years. According to Cobb real
4 property records, 1530 Gilbert Avenue, Kennesaw, Georgia
5 is owned by the estate of Forest Smith [ph.]

6 Our recommendation is for Priscilla Smith, candidate
7 for Georgia State Representative District 34, Cobb County,
8 be bound over to the AG's Office for 21-2-565 and 21-2-
9 217(a)(14).

10 MR. RAFFENSPERGER: Okay. Do we have anyone here?

11 MS. THOMAS: Just -- just Ms. Janine with Cobb
12 County, but I don't believe she wants to speak on this
13 case.

14 MR. RAFFENSPERGER: No. So Ms. Smith is not here?
15 Okay. Members of the Board, --

16 MR. WORLEY: Mr. Secretary, David Worley. I had a
17 question for Ms. Watson.

18 MS. WATSON: Okay.

19 MR. WORLEY: Was this candidate's residency
20 challenged after they qualified? I mean, did anyone bring
21 any proceeding in front of the Secretary of State to
22 challenge her qualifications at that time?

23 MS. WATSON: We received a complaint. I'm checking
24 to see if there was any -- any challenge that was filed.
25 I do not see a challenge that was filed other than just

1 the complaint to our office.

2 MR. WORLEY: Okay. I -- there's a -- I mean, there
3 is a difference between whether someone is qualified to
4 run and all the different factors that go into that, some
5 of which are reflected in -- in your report and others
6 that are not. So I -- so I'm not altogether sure that
7 this person was not qualified to run, but I do think the
8 Attorney General's Office can sort out the law in this
9 issue and advise us on it, so -- so I would make a motion
10 to bind it over to the Attorney General.

11 MR. RAFFENSPERGER: Do we have a second?

12 MR. MASHBURN: Matt Mashburn, second.

13 MR. RAFFENSPERGER: Any further discussion? Hearing
14 none, all those in favor of the motion, please signify by
15 saying aye.

16 THE BOARD MEMBERS: Aye.

17 MR. RAFFENSPERGER: Any opposed? Motion carries.
18 Next one.

19 MS. WATSON: Next case is 2020-116, Haralson County,
20 absentee ballot drop box. An inspection of the absentee
21 ballot drop box in Haralson County found that there was a
22 box just inside the door, and the deputy was stationed at
23 the door. There was no video surveillance on the box, and
24 the box was not fastened to the ground or immovable
25 fixture. We recommend Haralson County Elections and Voter

1 Registration and Haralson County Chief Registrar Peppar
2 Head be referred to the AG's Office for violation of SEB
3 rule 183-1-14-.06-.14(6)(7) and (9).

4 MS. THOMAS: And no one is on the call from Haralson.

5 MR. RAFFENSPERGER: Okay.

6 MR. MASHBURN: This is Matt Mashburn. I move that we
7 accept the recommendation and refer it to the AG.

8 MR. RAFFENSPERGER: Do we --

9 MS. SULLIVAN: Second, Rebecca Sullivan.

10 MR. RAFFENSPERGER: Any further comment? Hearing
11 none, all those in favor of the motion, please do so by
12 signifying aye.

13 THE BOARD MEMBERS: Aye.

14 MR. RAFFENSPERGER: Any opposed? Motion carries.
15 Next?

16 MS. WATSON: The next case was 2020-175. We received
17 a continuance request from a DeKalb County attorney for
18 this --

19 MR. RAFFENSPERGER: Okay.

20 MS. WATSON: So it will be placed on the next
21 meeting.

22 MR. RAFFENSPERGER: Okay. Next case?

23 MS. WATSON: The next case is 2020-207, Chattooga
24 County, deceased voter. On November 19, 2020, we received
25 a complaint regarding the delivery of a deceased voter's

1 absentee ballot to the Chattooga County Registrar Office.
2 According to the complaint, voter Donald Cook [ph.] died
3 several months prior to the delivery of his ballot to the
4 Elections Office. Investigation revealed the wife of the
5 deceased advised that she and her daughter dropped off the
6 absentee ballot for Donald Cook, that he had signed it
7 before he had died. Absentee ballots for the general
8 election were not to be mailed out until September the
9 15th, 2020. Mr. Cook passed away on August the 2nd, 2020,
10 making it impossible for him to have completed or signed
11 the absentee ballot. We're recommending Sherry Cook [ph.]
12 be referred to the Attorney General for the following
13 violation: 21-2-562(a)(1) and 16-9-1(b).

14 MR. RAFFENSPERGER: Okay. Anyone -- any Respondents
15 here to speak for themselves?

16 MS. THOMAS: No one on the call.

17 MS. WATSON: No. There is no one on the call.

18 MR. RAFFENSPERGER: Board, what would you like to do
19 with the case?

20 MR. MASHBURN: Matt -- Matt Mashburn. I move that we
21 accept the recommendation and refer it over to the AG.

22 MR. RAFFENSPERGER: Second, anyone?

23 MR. WORLEY: David Worley, I second it.

24 MR. RAFFENSPERGER: Okay. Any further discussion?
25 Hearing none, all those in favor of the motion, please

1 signify by saying aye.

2 THE BOARD MEMBERS: Aye.

3 MR. RAFFENSPERGER: Any opposed? Motion carries.

4 MS. WATSON: Next case is 2020-267, Fulton County.

5 On December the 17th, 2020, Investigations Division opened
6 an investigation concerning complaints that a box truck
7 was driving on Moreland Avenue and -- in the Atlanta area
8 advertising that one would get \$1200 for voting Democrat
9 in the upcoming Senate runoff election. Investigation
10 shows that Colorado-based Relations Pact owned and
11 operated by Jonathan Jones hired two LED billboard trucks
12 to drive around Atlanta from December the 15th through
13 December the 18th advertising to vote Democrat and get
14 \$1200. Mr. Jones states that his intent was referencing
15 the stimulus check that was being negotiated in Congress
16 at the time and not that individual voters would be paid
17 \$1200 by him or his organization. Our recommendation is
18 that Jonathan Jones, owner-operator of Relation Pact, be
19 referred to the AG's Office for 21-2-570.

20 MS. THOMAS: And we have David Lowman and Ralph Jones
21 on the call for Fulton County.

22 MR. RAFFENSPERGER: Well, it's not a Fulton County
23 issue so much as -- is Jonathan Jones -- he's on the
24 phone?

25 MS. WATSON: No, sir.

1 MR. RAFFENSPERGER: No Respondent. Okay.

2 MR. MASHBURN: Matt Mashburn, I move that we accept
3 the recommendation and refer it to the AG's Office.

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

5 MS. SULLIVAN: Second, Rebecca Sullivan.

6 MR. WORLEY: Mr. Secretary?

7 MR. RAFFENSPERGER: Yes?

8 MR. WORLEY: This is David Worley. I am opposed to
9 sending this to the Attorney General's Office. This is
10 somebody advertising essentially a political argument for
11 why the two Democratic Senate candidates should be
12 elected. They both favored the stimulus plan that would
13 provide direct payments to taxpayers and citizens. I
14 think that's very clear from the timing of the billboard.
15 I mean, the fact that there was, you know, no place to
16 call and get your \$1200 for buying your vote. I -- I
17 think it's kind of -- to be honest, I think it's kind of
18 ludicrous to claim that this is a violation of the statute
19 against vote buying, and I am quite sure that if this is
20 referred to the Attorney General's Office, they will come
21 back to us and tell us exactly what I just said that
22 people have a First Amendment right to make an argument
23 like this in the context of the election as it was going
24 on. So I'm -- I'm going to vote against the motion and I
25 would encourage the proponent and the seconder to withdraw

1 it in order to save the Attorney General's Office the
2 effort of telling us what we really should know already.

3 MR. RAFFENSPERGER: Is there any additional comment?
4 Hearing none, all those in favor of the motion as
5 presented, please do so by signifying aye.

6 THE BOARD MEMBERS (except Mr. Worley): Aye.

7 MR. RAFFENSPERGER: Those opposed?

8 MR. WORLEY: No.

9 MR. RAFFENSPERGER: Okay. The Attorney General
10 Report? We have three consent cases.

11 MS. WATSON: No. Mr. Secretary, could we go back to
12 finish the one that was tabled?

13 MR. RAFFENSPERGER: I'm sorry. That's right. I've
14 got to go back a sheet.

15 MS. WATSON: Yes. The case is 2018-093.

16 MR. RAFFENSPERGER: Okay.

17 MR. WORLEY: Is this the DeKalb County case, Ms.
18 Watson?

19 MS. WATSON: Yes, sir. Yes.

20 MR. WORLEY: I need to -- I'm going to recuse on this
21 case.

22 MR. RAFFENSPERGER: Okay.

23 MS. WATSON: Okay. Two separate complaints were
24 reported that House District 80 candidate Matthew Wilson
25 was passing out pizza to the voters standing in line. The

1 polling location was Cross Keys High School. Pictures of
2 him handing out pizza were uploaded to his Facebook
3 account. Matthew Wilson and Amanda Lee entered the Cross
4 Keys polling location, and Mrs. Lee began taking
5 photographs with her phone. The photographs show voters
6 standing in line and standing in the library where the
7 voting machines are located.

8 Investigation shows Matthew Wilson, a candidate for
9 House District 80, advised that when he arrived, the lines
10 were long, and he went to get pizza. Photographs of
11 Wilson passing out pizza at the polling location were
12 posted on Facebook. Wilson advised the poll manager gave
13 him permission to pass out the food. The poll manager
14 Yvonne Max [ph.] does not recall giving the permission.
15 Amanda Lee also took photographs at the poll without
16 seeking approval from the poll manager. Our
17 recommendation is that Representative Matthew Wilson be
18 referred to the AG's Office for a violation of 21-2-414(d)
19 and 21-2-570 and Amanda Lee be issued a letter of
20 instruction for 21-2-413(e).

21 MS. THOMAS: And we have Amanda Lee on the line and
22 also Jeremy Berry, who is representing --

23 MS. WATSON: Matthew Wilson.

24 MS. THOMAS: Mr. Matthew Wilson.

25 MR. RAFFENSPERGER: Okay. Who would like to go

1 first?

2 MR. BERRY: Hi. This is Jeremy Berry. I'm happy to
3 let Ms. Lee go first.

4 MS. LEE: Can you hear me?

5 MR. RAFFENSPERGER: Yes.

6 MS. LEE: Hi. I'm sorry. I just -- I don't have
7 much to say. I just am sorry that this happened, and I
8 didn't mean to take pictures.

9 MR. RAFFENSPERGER: Okay. The other gentleman, can I
10 get your name again?

11 MR. BERRY: Sure. Hi. This is Jeremy Berry, B-e-r-
12 r-y.

13 MR. RAFFENSPERGER: Okay.

14 MR. BERRY: Representing Matthew Wilson. May I
15 proceed?

16 MR. RAFFENSPERGER: Yes. Please proceed.

17 MR. BERRY: Okay. Thank you, Mr. Secretary, members
18 of the State Election Board. Again, my name is Jeremy
19 Berry, representing Matthew Wilson, who was running for
20 State House for the first time in 2018. Mr. Wilson was a
21 first-time candidate trying to do the right thing and
22 comply with the laws. Mr. Wilson regrets that any of this
23 occurred, and we request that either this matter be
24 dismissed, or a letter of instruction be issued.

25 On Election Night 2018, it was getting a little late

1 in the evening, and Mr. Wilson wanted to bring pizza to
2 some people who were in line to vote. They ordered the
3 pizza, kept the pizza in the car -- I believe it was a
4 total of four pizzas -- kept the pizza in the car. Mr.
5 Wilson went inside of Cross Keys High School, which is his
6 polling precinct, went inside to speak with the poll
7 manager, Yvonne Max, and specifically asked for permission
8 to serve the pizza. Ms. Max gave the permission to Mr.
9 Wilson and said -- said it was okay for him to do so. He
10 then walked out of the building, brought in four pizzas
11 into the building, and handed out four pizzas, which
12 probably he distributed in a matter of about two minutes.

13 Mr. Wilson was not wearing anything that would
14 identify him as a candidate. He didn't hand out any
15 campaign materials, did not ask people who they were
16 voting for, did not ask them whether they were Republican
17 or Democrat or anything else, and did not offer to give
18 pizza in exchange for any votes. He doesn't even know if
19 the recipients of the pizza even voted or whether they
20 stayed in line or left or voted for him at all.

21 There are two alleged violations in the file, and the
22 first is an alleged violation of OCGA 21-2-414(d) as in
23 David, and just, I do want to -- I think it's a minor
24 point but correct the record. Mr. Wilson did not upload -
25 - or Ms. Lee did not upload any pictures to his own

1 Facebook. Mr. Wilson did put it on his Twitter account
2 and then deleted it shortly thereafter. Not a major
3 point, but we did want to make sure the record was
4 correct.

5 OCGA 21-2-414(d) has two prohibitions in the statute,
6 and if I may, I'd like to actually read those to the
7 Board. The statute states in the relevant part that a
8 person who's a candidate shall not quote enter any polling
9 place other than the polling place at which that person is
10 authorized to cast his or her ballot for that primary,
11 election, special primary, or special election. That's
12 the first prohibition, and the second one is after casting
13 his or her ballot, the candidate shall not return to such
14 polling place until after the poll has closed and voted
15 has ceased or other then to transact business with the
16 Board of Registrars -- and this is the important point --
17 so long as the person does not violate any other provision
18 of this code section. So there has to be an underlying
19 predicate act for this statute to even apply.

20 Polling place is defined elsewhere in the -- in the
21 election code to mean the room provided in each precinct
22 for voting in a primary or election. The polling place is
23 not the building, but it's where the voting actually
24 occurs. In this instance, it's not clear whether Mr.
25 Wilson was, in fact, handing out pizza where the machines

1 were, where the voting actually occurs. Even if Mr.
2 Wilson was in the library, I believe where the voting
3 occurs at Cross Keys High School, the precinct at question
4 -- in question, he was nowhere near any of the voting
5 machines where they were placed.

6 Thankfully, there is good Georgia Supreme Court
7 precedent on this very issue, which we in our minds
8 believe -- leads us to the conclusion that this matter
9 should be dismissed. The Georgia Supreme Court looked at
10 a similar situation and held that it's not a violation of
11 the election -- election code for incidentally entering a
12 polling place. In the 1998 case of Hendry versus Smith, -
13 - that's H-e-n-d-r-y versus Smith, that's 270 Georgia 17 -
14 - the mayor of the City of Hampton, Georgia was up for
15 reelection. The polling place was the city council
16 chambers. The mayoral candidate parked his car outside,
17 went inside to his office. Then after voting, he twice --
18 not just once but twice -- went into the city council
19 chambers which was the polling place while the polls were
20 open to talk with the poll manager regarding two residency
21 challenges. After leaving city council chambers, the
22 mayor, who was on the ballot, spoke with two voters, a
23 city police officer, and two other people. The Supreme
24 Court did exactly what you would expect them to do, and
25 they held that this conduct did not violate the election

1 code.

2 And I'm going to read from that case, if I may, it
3 says there was no evidence that while the candidate was
4 inside the polling place to cast his vote, while in his
5 office away from public view, or later when he was inside
6 the polling place or outside speaking with acquaintai --
7 acquaintances, he engaged in any action that constitutes
8 soliciting votes or any other activity prohibited under
9 the election code. Although it would have been wiser for
10 Smith, the candidate, to address the voter challenges
11 before Election Day or communicate with the poll manager
12 through an intermediary, the Court did not error -- the
13 trial court did not error in finding that the candidate
14 committed no misconduct. Mere presence at the polling
15 place without more does not violate the election code.

16 Here, there's no showing that Mr. Wilson committed
17 any misconduct or did anything improper. The Smith case
18 that I just cited for you shows that mere presence is not
19 enough. There has to be an intent to solicit votes or an
20 intent to do something improper. Here, it's the exact
21 opposite. Mr. Wilson asked for permission, received the
22 permission, walked back out to his car after receiving the
23 permission from the poll manager, and then delivered four
24 pizzas that were handed out in a matter of minutes. As I
25 said before, he didn't wear anything that in any way

1 identified himself as a candidate, give out any campaign
2 literature, ask the person if they're going to vote, how
3 they were going to vote, or anything else. Therefore, we
4 believe there's -- there's no violation of OCGA 21-2-
5 414(d). Again, from the Hendry versus Smith case, mere
6 presence in the polling place, if that's in fact where Mr.
7 Wilson was, is not a violation. Again, in that Hendry
8 versus Smith case, the mayor went in two different times
9 to the poll -- polling place, and the Supreme Court held
10 that that was not enough.

11 The second alleged violation is under OCGA 21-2-570.
12 I'm sure that Mr. Secretary and the Election Board are
13 quite familiar with the code section, but I think that
14 it's important that we focus on a couple words here, and
15 that's for the purpose of. The statute requires an
16 intent. The statute says -- it prohibits any person who
17 gives or receives, offers to give or receive, or
18 participates in the giving or receiving of money or gifts
19 for the purpose of registering as a voter, voting, or
20 voting for a particular candidate in any primary or
21 election shall be guilty of a felony. So there's an
22 intent requirement there.

23 But the violation occurs in one of three situations:
24 registering a person to vote, giving something in exchange
25 for actually voting, or for voting for a specific

1 candidate, and none of those are present in this case.

2 Mr. Wilson didn't give pizza in exchange for anyone
3 registering to vote, didn't do it in exchange for anyone,
4 in fact, voting, or voting for a specific candidate. In
5 fact, Mr. Wilson has zero idea, and this Elections Board
6 has no idea if anyone who received pizza, in fact, voted.
7 They could have left and gone home. They could have voted
8 for a different candidate or not voted at all. So intent
9 is incredibly important.

10 I think if this matter goes forward, it would be the
11 State's position that reads out the phrase for the purpose
12 of. It requires an exchange, some sort of quid pro quo,
13 and I think we actually heard about a prior case earlier
14 today with the solicitor of South Fulton, I believe it was
15 reducing fines if people registered to vote. That's an
16 entirely different situation than Mr. Wilson, who merely
17 offered pizza to some people who were hungry, and Mr.
18 Wilson has no idea if, in fact, any of them left. He
19 never discussed that he was a candidate, and they didn't
20 know who he was. You know, he had no discussions with
21 them about whether they were voting, whether they intended
22 to stay in line or leave, who they were voting for,
23 whether they were voting for him, whether they were voting
24 Republican or Democrat.

25 All he did was hand out pizza, nothing more, nothing

1 less. The statute requires intent, and there's no showing
2 of any intent, much less an improper intent, here, and
3 that's what the phrase for the purpose of actually means
4 in this statute. This can't be a per se violation or a
5 per se statute. If that's the case, if someone wanted to
6 go promote, you know, a youth baseball league in the area,
7 and they just handed out registration forms, if the State
8 Election Board and the Attorney General believe that this
9 matter was, you know, violated 21-2-570, then merely
10 handing out promotional literature about a youth baseball
11 league to some folks who were in line would be a violation
12 as well.

13 Thank you for the opportunity to present today.
14 Again, we respectfully request that the State Election
15 Board dismiss this -- you know, dismiss these charges or
16 provide a letter of instruction. We don't think that this
17 is anything that needs to go to the Attorney General.
18 Thank you for your consideration.

19 MR. RAFFENSPERGER: Thank you. Do any Board members
20 have any questions?

21 MR. MASHBURN: This is -- this is Matt Mashburn. I
22 just have two questions. That was a very good
23 explanation, and I appreciate it very much. I know it
24 took a lot of time, and you put a lot of effort into it.
25 I just have two questions. This precinct is in the area

1 sought to be represented by the Respondent, correct?

2 MR. BERRY: I'm sorry. I didn't hear the first part
3 of your question.

4 MR. MASHBURN: This precinct is within the area or
5 within the jurisdiction of the -- of the post that he was
6 seeking election for, correct?

7 MR. BERRY: Thank you. Yes. This is, in fact, his
8 actual precinct where he votes and represents now.

9 MR. MASHBURN: And this was the only precinct that he
10 delivered pizzas to?

11 MR. BERRY: That's my understanding. I believe so.
12 Yes. As far as I know, that is the case. I mean, there's
13 been no other evidence come out, but I -- I'm ninety-nine
14 percent sure this is the only precinct where he delivered
15 pizza.

16 MS. LEE: This is Amanda Lee again. Yes. That's
17 true. This is the only precinct we delivered pizza to.
18 It was close to where we were staying during Election Day,
19 so we picked up pizza and went there.

20 MR. MASHBURN: So this is Matt Mashburn again.
21 Again, counselor, I thought your presentation was
22 terrific. I thought you did a really good job with it,
23 but I'm going to move that we refer -- that we accept the
24 recommendation and refer this to the AG.

25 MR. RAFFENSPERGER: Do we have a second?

1 MS. SULLIVAN: Second. This is Rebecca Sullivan. I
2 think it would be helpful if the AG issued some advice in
3 this area. I believe we had a very similar case that we
4 referred this morning -- to give us some clarity as to the
5 law where a candidate does not identify themselves but may
6 distribute food or water while people are in line.

7 MR. RAFFENSPERGER: Do we have any further comments
8 or discussion?

9 MS. LE: This is Anh Le. I'm going to support the
10 motion and the second as well because I've not had the
11 opportunity to look at the Supreme Court case that counsel
12 had presented and its precedence and the application it
13 may or may not have to this case, so I would appreciate
14 the AG's help with that, but also, you know, sort of just
15 as Mr. Mashburn and Ms. Sullivan said with the facts
16 because it's curious that he went back to the same polling
17 place that he voted in. He's recognized and known to be -
18 - possibly recognized by the -- the people there, so, you
19 know, why that polling place and not just any other
20 polling place as well? So I would support the motion for
21 those reasons.

22 MR. RAFFENSPERGER: Being there no other discussion,
23 all those in favor of the motion so stated, please let me
24 know by saying aye.

25 THE BOARD MEMBERS: Aye.

1 MR. RAFFENSPERGER: Any opposed? Motion carries.
2 Okay. The Attorney General's report?

3 MS. MCGOWAN: Thank you, Mr. Secretary. For our
4 report today, the Attorney General's Office has three
5 consent orders that were negotiated with the Respondents.
6 Those are case number 2014-020 with the Banks County Board
7 of Elections and Registration, case number 2016-086 with
8 the Polk County Board of Elections and Registration, and
9 case number 2016-117 with the Webster County Board of
10 Elections and Registration. The Board members have those
11 materials. I'm happy to answer any questions that you may
12 have about any of the cases, but our recommendation is
13 that the Board accept the consent orders.

14 MR. WORLEY: Mr. Secretary, this is David Worley. I
15 would make a motion that we accept the recommendation of
16 the Attorney General and authorize the Secretary to enter
17 into the consent orders that the Attorney General has
18 presented in these three cases.

19 MR. RAFFENSPERGER: Do we have a second?

20 MR. MASHBURN: Matt Mashburn, second.

21 MR. RAFFENSPERGER: Okay. Do we have any other
22 discussion on these matters? Hearing none, all those in
23 favor of the motion, please do so by signifying aye.

24 THE BOARD MEMBERS: Aye.

25 MR. RAFFENSPERGER: No one opposed? Motion carries.

1 Looking at the agenda, I believe that's all we have for
2 today. We've had a long, busy day. Does anyone have any
3 other actions or information they would like to bring
4 before the Board before I entertain a motion to adjourn?

5 MR. WORLEY: Mr. Secretary, it's David Worley. I
6 would just want to say one thing. I think I -- it's been
7 a long day here. We've been here for seven hours. And I
8 think in my discussion of the Fulton County vote buying
9 case 2020-267, I think I was probably a little more
10 outspoken in my comments than maybe I should have been. I
11 -- I'm not saying that I'm -- that I wasn't correct in my
12 point, but I think I probably could have said it in a more
13 collegial way, so I apologize to my fellow Board members
14 to the extent that I did, and I look forward to seeing you
15 all hopefully in person before too long but at the next
16 Board meeting.

17 MR. RAFFENSPERGER: Well, to that point, Mr. Worley,
18 I think that we all come to our positions honestly. Your
19 position -- we know that's where you come from, and I
20 don't believe that anyone took offense to it, but very
21 grateful. I think that one of the things that we need in
22 America is more respectful conversations when we don't
23 agree on issues, and so, you know, thank you very much for
24 that because we won't fall on the same point all the time
25 obviously. Hearing no other agenda items, I will

1 entertain a motion to adjourn right now.

2 MR. MASHBURN: So move.

3 MR. RAFFENSPERGER: Do we have a second?

4 MS. SULLIVAN: Second.

5 MR. RAFFENSPERGER: Those in favor?

6 THE BOARD MEMBERS: Aye.

7 MR. RAFFENSPERGER: Motion carries. Meeting is
8 adjourned. Thank you very much.

9 (Meeting adjourned 4:14PM)

CERTIFICATE

**STATE OF GEORGIA
COUNTY OF DEKALB**

I, Kaitlin Walsh, Certified Court Reporter, hereby certify that the foregoing pages numbered 4 through 261 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 29th day of March, 2021.

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

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