

In The Matter Of:
State Election Board Meeting

September 28, 2022

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THE OFFICE OF THE SECRETARY OF STATE

STATE OF GEORGIA

IN THE MATTER OF:
STATE ELECTION BOARD HEARING

GEORGIA STATE CAPITOL BUILDING
ROOM 341
ATLANTA, GEORGIA 30334

SEPTEMBER 28, 2022
9:00 A.M.

PRESIDING OFFICER: Mr. William S. Duffey, Jr.
Chair, State Election Board

STEVEN RAY GREEN COURT REPORTING, LLC
Rebecca Barr, CCR
Atlanta, Georgia

APPEARANCE OF THE PANEL

Mr. William S. Duffey, Jr., Chair

Mr. Matthew Mashburn, Member

Mrs. Sara Tindall Ghazal, Member

Mr. Edward Lindsey, Member

Dr. Janice W. Johnston, Member

Transcript Legend

(sic) - Exactly as said.

(ph.) - Exact spelling unknown.

-- Break in speech continuity.

... Indicates halting speech, unfinished sentence or omission of word(s) when reading.

Quoted material is typed as spoken.

Inaudible - unable to be heard.

Unintelligible - incapable of being understood.

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P R O C E E D I N G S

MR. DUFFEY: All right. Good morning,
everybody. Is this is working? Can you hear
me?

MR. MASHBURN: Yes.

MR. DUFFEY: Okay. I want to call to
order the meeting of the State Election Board
on this September 28th of 2022. Thank you for
all being here, including those that are
watching us by the livestream. As you know,
we begin usually with an invocation and a
Pledge of Allegiance. And I'm going to do
that myself today.

Invocations in -- in the various jobs
that I've had in public service I think serve
the purpose that one, that it ought to reach
across all religions and all beliefs. But it
is the purpose I think of an invocation is
before a meeting especially to make people
think is there a higher purpose in our lives.
And is there a higher purpose with respect to
the -- to the content and -- and the meeting
that is being conducted.

So I had a chance a couple of years ago
to be on the Island of Iona in Scotland. And

1 there in Scotland when we were walking towards
2 the Bay of Columba. The person who was
3 leading us read us a poem and I'm going to
4 read you that poem. It's by R. S. Thomas. I
5 would ask you to just think about the words.
6 You can view it as a prayer, if you'd like.
7 You can view it as just something that's
8 reflective, if you'd like. It's up to you.
9 But the poem one, is beautifully written.
10 It's R. S. Thomas was probably if you asked
11 him, he considered himself more a poet than a
12 theologian. But he was credentialed as a
13 theologian, as well. And this is the poem:
14 It's called The Bright Field.

15 I've seen the sun break through to
16 illuminate a small field. For a while and
17 gone my way and forgotten it. But that was
18 the pearl of great price. The one field that
19 had treasure in it. I realize now that I must
20 give all that I have to possess it. Life is
21 not hurrying on to a receiving future. Nor
22 hankering after the imagined past. It is the
23 turning aside like Moses to the miracle of the
24 lit bush to a brightness that seemed as
25 transitory as your youth once. But is the

1 eternity that awaits you.

2 And I think that puts in perspective of
3 the issues that we're going to talk about
4 today. But there -- it is a point in time of
5 our lives, an important time in the history of
6 our state and our country. And that we ought
7 to consider how this point informs both.

8 So with that, if you'll all stand, we'll
9 recite the Pledge of Allegiance.

10 (Pledge of Allegiance)

11 MR. DUFFEY: Be seated please. This is a
12 different sort of meeting by -- for the Board.
13 It was something that occurred to us after our
14 last marathon nine-hour meeting. Where we
15 went over a lot of complaints and made
16 decisions. And I can't -- and I felt as if
17 there was a need for an opportunity to
18 communicate more fundamentally about things
19 that were known to us. That I think are
20 important to be known to you. And that we
21 ought to have a meeting which I have called
22 within -- within the Board in our discussions,
23 a -- a informational meeting.

24 But I want -- but before we do the
25 presentations, I want to first tell you an

1 incident that had a fundamental impact on me
2 as a lawyer. I've been a lawyer for a long
3 time. But when I was very young, I had a case
4 that taught me two important things which has
5 guided us I think collectively as a Board but
6 has certainly guided me in my life in my
7 public duties.

8 So when I was a very young lawyer, one of
9 the first cases I had was a case in Florida
10 where I was to go down and try the case. I
11 was -- at that time I was trying cases
12 exclusively. And my job was to go down to --
13 to Florida and try this case on the coast. It
14 was a criminal case. I was going to prosecute
15 the case. But I was going to do it in a place
16 where I wasn't living. I was a travelling
17 lawyer. And so I'd go from location to
18 location.

19 And when I got there, I knew enough about
20 the case but when I got there, I talked to not
21 only the defense counsel, but also to the
22 local prosecutor who was helping me and had
23 worked up the case to try. And I was there a
24 week before to get prepared to actually do
25 that. And it was interesting because I had

1 these two people with two fundamentally
2 different views of the single issue.

3 (Phone ringing)

4 UNKNOWN SPEAKER: They're buying lunch.

5 MR. DUFFEY: In the court I would take
6 that away, but I don't think I can do that in
7 this position. And anybody else who have
8 their phones on, if you would silence that
9 would -- that would be a good idea.

10 So anyway back -- back to Florida. So I
11 have -- I have the defense counsel and I had
12 my local prosecutor who had this fundamentally
13 different view of a particular issue in the
14 case and that was the defendant's alibi. So
15 this was a woman who had been charged with
16 selling quaaludes which was the drug of choice
17 at the time, cocaine and marijuana, fairly
18 significant amounts. We had three counts
19 against her. And one of the counts the
20 defense lawyer had raised an alibi defense.

21 An alibi defense is a -- is a law
22 defense, legal defense, and once it's raised,
23 if there's a credible basis for the alibi,
24 then the government has to prove the element
25 of the offense. Which is they did, in fact,

1 the defendant was present when the crime was
2 committed and committed the crime. So that's
3 the law.

4 And I realized at that point when I had
5 this contest that I had to always be cognizant
6 that it was -- it was the government's burden
7 of proof to prove that she was present and had
8 the intent to commit the crime. Here was the
9 problem and it was interesting because the
10 prosecutor, the local prosecutor and defense
11 lawyer totally agreed upon this. They said
12 there was a woman, the alibi witness was going
13 to testify that on the date of one of the
14 charges that they were together not where the
15 crime occurred. But in a city that was about
16 an hour and a half away visiting a place in
17 Florida called Wakulla Springs. You've heard
18 of that it's sort of a resort sort of place
19 where people travel for recreational purposes.
20 But it's -- but it's -- I found out it's also
21 a significant wedding venue. A lot of people
22 get married at Wakulla Springs.

23 So I said, I need to know the facts of
24 this case if I have the duty to follow the
25 law. And they said, well, she's very

1 believable. She tells about the day that they
2 went which was the date in which the drug
3 transaction had occurred. And I said, well, I
4 know that that's your evaluation, but I need -
5 - if I'm -- if I am, in fact, going to think
6 about giving up a count because I believe the
7 alibi witness is telling the truth then I've
8 got to talk to her myself.

9 So we -- so we spent about an hour and a
10 half talking to the most delightful, honest
11 witness that I have ever had in a criminal
12 case that was testifying on behalf of the
13 defendant. But I couldn't understand why
14 because the evidence of her presence was so
15 strong. I couldn't understand why we had this
16 conflicting evidence by somebody that I
17 thought was incredibly believable and was
18 trying to be as honest and forthcoming as she
19 could.

20 So as we neared the end of the interview,
21 I said, well, how -- how do I really know she
22 was there. Not that I didn't believe her, but
23 I just thought that I had to get more detail
24 about the visit. And so I said, tell me about
25 Wakulla Springs. Tell me about the weather.

1 The weather matched perfectly with the weather
2 information that we had. How long did it take
3 you to get there? She said who drove. She
4 remembered -- she remembered all of that. And
5 then I said, can you describe Wakulla Springs
6 and she -- I hadn't been there, but I had
7 enough information to -- to believe that that
8 was an accurate description.

9 And then she said, and one of the things
10 I really liked was the gazebo. I said, well,
11 tell me about the gazebo. And she said, it's
12 a gazebo. It was white, you know, it's kind
13 of round. And I said, why did that -- why do
14 you remember that? And she said, because of
15 the wedding that was in the gazebo on that
16 weekend. I said, well, tell me about the
17 wedding. She said, God, it was beautiful.
18 The bride had a long white dress. She had
19 flowers that were blue and white. And -- and
20 actually I think she had shoes, and she was
21 taken by the fact that all this matched. Told
22 about the husband, about the groom and what he
23 wore. It was a traditional tux.

24 To me hearing that not only is she
25 credible, but she's got good recollection of

1 the details of that day. And so I thanked her
2 for coming in. Thanked her for her
3 forthcoming description of everything that had
4 happened. And then we left. And I -- and I
5 told the -- the younger fellow who was helping
6 me, I wasn't all that old, so he was
7 -- actually he might have been older. I said,
8 you know, we need to call the venue to at
9 least confirm that there was a wedding that
10 day.

11 He said, well, that's a good idea. I
12 haven't done that yet. So we got the number
13 for the manager of Wakulla Springs. And asked
14 him was there a wedding. He had a book and
15 said, well, let me check. He went through it.
16 On that date that she said they were there,
17 there was a wedding. And so all of this is,
18 you know, we're trying to be fair and honest
19 in this. But everything is lining up with
20 respect to this alibi. So then I asked him
21 this question: Do you -- is there anybody
22 there that can tell me about the wedding? And
23 he said, well, yes. I said, well, who that
24 is. And he said, well, that's me. I said,
25 well, why do you know about it? He said,

1 because one, I'm the wedding coordinator. And
2 I'm the florist. So I'm intricately involved
3 in all the details of the wedding.

4 And he said, and this book that I'm
5 reading out of it shows the date of the
6 wedding on the date that you asked about has -
7 - I keep notes about the weddings, because I
8 want to remember. And I said, okay. Well, go
9 to the date that I gave him that she was
10 supposed to have been there. I said, well,
11 tell me about the wedding on that day. And he
12 said, it's really interesting because I
13 remember that really distinctly because it was
14 unusual.

15 And I said, well, what was unusual about
16 it? He said there was -- there were two
17 things that one, as the florist I didn't think
18 was in line with what you should do on a
19 wedding in that -- in that season. And the
20 second was that we didn't often have this.
21 And I said, so what are the two things. He
22 said, one, the bride was getting remarried and
23 refused to wear a long white dress and she
24 wanted a beige cocktail dress. And I said, so
25 what's the other interesting thing? He said,

1 she insisted even though it was in the Spring
2 of having fall colored flowers to go with her
3 dress. I said, what do you mean by fall
4 colors? Orange, brown, some yellow. And I
5 said, what date was that wedding on? And he
6 gave me the date which was the date that they
7 were supposed to have been there. I said,
8 well, can you look in your book and tell me
9 about a wedding where there was a -- was there
10 a wedding in which a woman wore a long white
11 dress, had blue flowers and might have even
12 worn blue shoes. He said that was the
13 following weekend.

14 Completely honest witness. Simply wrong
15 on the dates. And, in fact, it showed that
16 our evidence was that she had, in fact, been
17 present had no alibi and she was convicted of
18 that offense. And why is that important? I
19 think as a lawyer, and I think as all of us in
20 life should do two things. One is to make
21 sure we understand those things that guide and
22 are required to be followed in an environment.
23 We do that every day. We abide by laws. We
24 know what the laws are. Sometimes we don't
25 strictly abide by the laws because we have

1 some other motivation. But for the important
2 laws we know what they are, and we abide by
3 them.

4 And then second, the facts always have to
5 show based upon the law that they support the
6 law and the conduct that was abiding by the
7 law or conduct that did not abide by the law.
8 And I say that because this informational
9 meeting is one of our purposes, is to do just
10 that. We want you to know what the law is.
11 And second, we want you to know what facts we
12 know as we struggle with the intersection of
13 the facts that are -- that are really
14 important in this -- in this case having to do
15 with an upcoming election. And frankly having
16 to deal with the past election as they might
17 reflect on the upcoming election.

18 But -- but secondly, to -- to know that
19 when we agreed to do this job, one of the
20 things that we agreed to do, is that we were
21 bound by the law of the State of Georgia. And
22 I -- and I went back and looked at it. We
23 just haven't done a very good job of
24 explaining that. We haven't done a very good
25 job at all about telling you factually

1 information that might help you understand
2 what it is that we're dealing with.
3 Particularly how these machines work and we're
4 not -- this is not an advocacy event.

5 We're -- we're not bringing in people to
6 say, well, they work this way. No, we don't
7 agree with that. This is just a description
8 and it's the same description that the first
9 thing that I did when I became Chair, is I
10 said, I want to go and see these machines.
11 And I want to look at them. I want to see
12 what they're like and how do they operate. I
13 don't want anybody to tell me about why they
14 don't operate or do operate the way they're
15 supposed to. I just want to understand the
16 system. I want you to understand the system.

17 So that's what we're going to do today.
18 Remembering that the law has to be followed
19 and the facts are important. And -- and I --
20 and what I learned fundamentally from my --
21 from my experience in Florida was this: That
22 in order to find truth, requires objectivity
23 and an open mind and a willingness to change
24 your position one way or the other based upon
25 what the law is and what the facts show.

1 And so I think the best organizations are
2 one where people are open to information. And
3 only after they get a full understanding of
4 information do they reach a conclusion about
5 what their belief is and what they want -- and
6 what they ultimately want to advocate. And
7 what facts are available to allow them to
8 advocate.

9 So with that, I want to start with the
10 law. Anybody who would like to can go and
11 pull out Title 21. I would -- I would
12 encourage all of you to read Title 21 having
13 to do with elections. That's the Official
14 Code of Georgia, Title 21 which is the title
15 having to do with elections. And read it from
16 the beginning to the end. Because that gives
17 you the legal framework within which laws are
18 conducted in our state as determined by the
19 General Assembly.

20 And so what we're going to do this
21 morning is take those portions of that, is --
22 you know some of that is pretty formulating.
23 It has to do with having to file certain
24 things that are unrelated to the actual
25 conduct of election. But I've asked Matt

1 Mashburn who was the acting Chair before I
2 became Chair. But has served on this Board --
3 how long?

4 MR. MASHBURN: I'm on two, three years.

5 MR. DUFFEY: Okay. So as the longest
6 serving Board member, does election law work
7 and does a lot of work as a lawyer with having
8 to look at legal documents and I like to make
9 sure that they're done properly. So I have
10 asked him to just summarize for you. And in
11 some cases, the summary is almost verbatim
12 what comes out of the statute so that you can
13 understand the Board. And you can understand
14 the election process. So with that, I turn it
15 over to Matt.

16 MR. MASHBURN: Thank you, Mr. Chairman.
17 I'm going to move this monitor a little bit
18 this way so that court reporter can actually
19 see my -- me making the words. I think that's
20 helpful rather than me being behind a monitor.
21 So you can't see.

22 MR. DUFFEY: They can't hear you. Can
23 you pull the microphone closer, please?

24 MR. MASHBURN: I don't think -- there we
25 go. Okay. I tried to move it earlier. It's

1 not on. You might need to turn it on.
2 MR. DUFFEY: Maybe -- well, how do I do
3 that?
4 MR. MASHBURN: There's a --
5 MR. DUFFEY: Are you number one?
6 MR. MASHBURN: Yeah.
7 MR. DUFFEY: You mean I have control over
8 everybody speaking?
9 MR. MASHBURN: Yeah. Power. Test, test,
10 test, test, test, test.
11 MR. DUFFEY: Is that better? Can you
12 hear now? Okay.
13 THE AUDIENCE: A lot better. Thank you.
14 MR. DUFFEY: And in the back can
15 everybody hear in the back?
16 THE AUDIENCE: A little more. Not
17 really. It's a little low.
18 MR. MASHBURN: Test, test, test.
19 THE AUDIENCE: (Inaudible.)
20 MR. DUFFEY: Now try it.
21 MR. MASHBURN: My voice probably picks up
22 volume, as we go along. There we go. I'll
23 back away now.
24 MR. DUFFEY: So now I can -- now I know I
25 can turn the monitor on.

1 MR. MASHBURN: You've got all kind of
2 power.

3 MR. DUFFEY: I can also determine how --
4 whether they can be heard. Okay.

5 MR. MASHBURN: Well, one of the things we
6 do is as -- as lawyers, we start with the law
7 and read the law first. And rather than read
8 all of Title 21 for everyone here today, I'm
9 going to summarize only the applicable
10 statutes and provisions. So we start with one
11 of the things that you find out as a young
12 lawyer with regard to the law, is that you
13 can't just understand the law by reading one
14 provision. Because many provisions lead you
15 to another provision that leads you to another
16 provision. So it leads you to another
17 provision. So we're going to do a little bit
18 of that today. It just -- so that everybody
19 can have the same frame for it.

20 So we start with Title 21, we start in
21 Article 8A of the Georgia Election Code. And
22 it's entitled: Statewide voting equipment.
23 And it carries the sub-caption for 21-2-300,
24 provision of new voting equipment by state.
25 Uniform system for all elections to be

1 conducted with the use of scanning ballots
2 marked by electric -- electronic ballot
3 markers. Pilot programs authorize county
4 responsibilities, education, county, and
5 municipal contracts for equipment.

6 So within 21-2-300, we now proceed to 21-
7 2-300(a)(2). And that provides that all
8 federal, state, county, general primaries and
9 general elections as well as special primaries
10 and special elections in the State of Georgia
11 shall be conducted with the use of scanning
12 ballots marked by electronic ballot markers
13 and tabulated by using a ballot scanner for
14 voting at the polls and for absentee ballots
15 cast in person unless otherwise authorized by
16 law provided; however, that such electronic
17 ballot marker shall produce paper ballots
18 which are marked with the elector's choice in
19 a format readable by the elector.

20 Thus 21-2-300(a)(2) has two requirements.
21 The ballots must carry both the capability of
22 being scanned and of being verified by the
23 voter prior to it being scanned. And -- and
24 also human readable in the event of a hand
25 recount. So now we've introduced the

1 electronic ballot marker. Let's look at the
2 definition of the electronic ballot marker.

3 O.C.G.A. 21-2-2 7.1, defines and
4 electronic ballot marker as an electronic
5 device that does not compute or retain votes,
6 may integrate components such as -- such as a
7 ballot scanner, printer, touchscreen monitor,
8 audio output and a navigational keypad. And
9 uses electronic technology to independently
10 and privately mark a paper ballot at the
11 direction of an elector. Interpret ballot
12 selections, communicate such interpretation
13 for elector verification. And print an
14 elector verifiable paper ballot.

15 So now we move to -- we'll skip ahead to
16 21-2-381. And that provides: In any primary
17 or election in which the use of voting
18 equipment is impossible or impracticable for
19 the reasons set out in Code section 21-2-334
20 the primary election may be conducted by paper
21 ballot in the manner provided in Code section
22 21-2-334.

23 So now we have to turn to 21-2-334 and
24 find out what the reasons are. And the
25 reasons set out in 21-2-334 are if a method of

1 nomination or election for any candidate or
2 office or a voting on any question as
3 prescribed by law in which the use of voting
4 machines is not possible or practicable or in
5 such case at any primary or election the
6 number of candidates seeking nomination or
7 nominated for any office renders the use of
8 voting machines for such office at such
9 primary or election impracticable or if for
10 any other reason at any primary or election
11 the use of voting machines wholly or in part
12 is not practicable.

13 So now we move ahead to 21-2-418(H), as
14 in hotel. And that provides notwithstanding
15 any other provision of this chapter to the
16 contrary in the event that the voting machines
17 or DRE units at a polling place malfunction
18 and cannot be used to cast ballots or some
19 other emergency situation exists which
20 prevents the use of such equipment to cast
21 votes, provisional ballots may be used by the
22 electors at the polling place to cast their
23 ballots. In such event, the ballots cast by
24 electors whose names appear on the elector's
25 list for such polling place shall not be

1 considered provisional ballots and shall not
2 require verification as provided by Code
3 section 21-2-419 provided; however, that
4 persons whose names do not appear on the
5 elector's list for such polling place shall
6 vote provisional ballots which shall be
7 subject to verification under Code section 21-
8 2-419.

9 So now we're going to take a break from
10 actually just reading statutes and move along
11 in -- in the wake of the 2020 election, the
12 General Assembly made public policy choices
13 about the voting systems in use in Georgia.
14 And did so in several ways. Two bills were
15 filed in 2021 that would have variously
16 required or allowed at the option of the
17 County Election Superintendent the use of hand
18 marked paper ballots rather than ballot
19 marking devices. The bills were SB-233 and
20 SB-273.

21 233 proposed to specifically delete
22 ballot marking device and to change the method
23 of casting votes to a non-electronic marking
24 tool designed for electors to indelibly hand
25 mark votes on paper ballots or paper ballot

1 card or cards that was assigned to a committee
2 but did not advance to a hearing.

3 SB-273, the title of which was elections
4 and primaries conduct elections by paper
5 ballots in 2021. Authorize local governments
6 proposed to specifically provide that in any
7 primary or election conducted during 2021, the
8 primary or election may be conducted by a
9 county, municipality, or consolidated
10 government, of the option of its election
11 superintendent by paper ballot in the manner
12 provided for in Code section 21-2-334. It was
13 assigned to a committee but did not advance to
14 a hearing.

15 In 2022, the Georgia General Assembly
16 spoke directly about the application of the
17 Board's emergency powers. And specifically in
18 the context of the Board's exercise of
19 emergency powers under the 2020 election.
20 Unlike the United States Congress, and its
21 congressional record that carries the
22 proceedings of the Congress. And that a
23 series called the U.S. Code Congressional and
24 Administrative news that I lived in when I was
25 an undergrad in law school.

1 In addition to special legislative
2 findings that are sometimes made, the preamble
3 to a bill is widely regarded as the definitive
4 legislative history of laws enacted in
5 Georgia. And the preamble to SB-202, the
6 General Assembly wrote that some of its
7 purposes in the bill were to limit the ability
8 of the State Election Board and the Secretary
9 of State to enter into certain consent
10 agreements, settlements, and consent orders,
11 to provide additional requirements on the
12 State Election Board's power to adopt
13 emergency rules and regulations. To provide
14 for allocation of voting equipment by counties
15 and municipalities. To amend Title 50 of the
16 Official Code of Georgia Annotated relating to
17 general provisions regarding state government
18 so as to provide for the submission and
19 suspension of emergency rules by the State
20 Election Board. The General Assembly
21 specifically created a brand new Code section
22 which was O.C.G.A. -- Official Code of Georgia
23 Annotated 21-2-35.

24 And that Code section carries the title,
25 Imminent Peril Requirement for Adoption of

1 Emergency Rules or Regulations; Notice;
2 Certification of Strict Compliance;
3 Conflicting Provisions.

4 And, specifically, in 21-2-35(a), the law
5 provides notwithstanding any other provision
6 in this chapter, Chapter 3 of Title 38
7 relating to emergency management for Chapter
8 13 of Title 50, the Georgia Administrative
9 Procedures Act to the contrary the State
10 Election Board may only adopt emergency rules
11 or regulations in circumstances of imminent
12 peril to public health, safety, or welfare.
13 To adopt any such emergency rule or regulation
14 in addition to any other rule-making
15 requirement in this chapter, or Chapter 13 of
16 Title 50, the State Election Board shall give
17 notice to the public of its intended action.
18 Immediately upon the setting of the date and
19 time of the meeting at which such emergency
20 rule or regulation is to be considered give
21 notice by email of its intended action to the
22 Governor; the Lieutenant Governor; the Speaker
23 of the House of Representatives; the
24 chairpersons of the standing committees of
25 each house of the General Assembly tasked with

1 election matters; legislative counsel and the
2 chief executive officer of each political
3 party registered pursuant to subsection (a) of
4 Code Section 21-2-110.

5 And it must state in the notice as
6 required by paragraphs (1) and (2) the nature
7 of the emergency and the manner in which such
8 emergency represents an imminent peril to
9 public health, safety, or welfare. Upon
10 adoption of promulgation of any emergency rule
11 or regulation pursuant to this Code section, a
12 majority of the State Election Board shall
13 certify in writing that such emergency rule or
14 regulation was made in strict and exact
15 compliance with the provisions of this chapter
16 and subsection (e) of Code Section 50-13-4.

17 And in the event of any conflict between
18 the Code section and any other provision of
19 Chapter 13 of Title 50, this Code section 21-
20 -- 21-2-35 shall govern and supersede any such
21 conflicting provision.

22 So to close out the statutory portion we
23 need to look at O.C.G.A. 50-13-4. And,
24 specifically, 50-13-4(b). If any agency finds
25 that an imminent peril to the public health,

1 safety, or welfare, including but not limited
2 to, summary processes such as quarantines,
3 contrabands, seizures, and the like authorized
4 by law without notice, requires adoption of a
5 rule upon fewer than 30 days notice and states
6 in writing its reasons for that finding, it
7 may proceed without prior notice or hearing or
8 upon any abbreviated notice and hearing that
9 it finds practicable to adopt an emergency
10 rule. Any such rule adopted relative to a
11 public health emergency shall be submitted as
12 a promptly as reasonably practicable to the
13 House of Representatives and Senate Committees
14 on Judiciary provided that any such rule
15 adopted relative to a state of emergency by
16 the State Election Board shall be submitted as
17 soon as practicable but not later than 20 days
18 prior to the rule taking effect. Any
19 emergency rule adopted by the State Election
20 Board pursuant to the provisions of this
21 subsection may be suspended upon the majority
22 vote of the House of Representatives or Senate
23 Committees on the Judiciary within 10 days of
24 the receipt of such rule by the committees.
25 The rule may be effective for a period of not

1 longer than 120 days but the adoption of an
2 identical rule under paragraphs (1) and (2) of
3 subsection (a) of this Code section is not
4 precluded; provided, however, that such a rule
5 adopted pursuant to discharge of
6 responsibility under an Executive Order
7 declaring a state of emergency or disaster
8 exists as a result of a public health
9 emergency as defined in Code section 38-3-3
10 shall be effected -- effective for the
11 duration of the emergency or disaster and for
12 a period of not more than 120 days thereafter.

13 So finally, case law also impacts our
14 deliberations and our discussions. In Voter
15 GA and Phillip Singleton versus State of
16 Georgia, Judge Kimberly M. Esmond-Adams a
17 judge on the Fulton County State Court
18 considered whether electronic ballot marking
19 devices complied with voting law requirements
20 in O.C.G.A. 21-2-2(7.1) and O.C.G.A.
21 21-2-300(a)(2). In this case, the petitioners
22 claim that the State's current electronic
23 voting system does not comply with State law.
24 They argued that the paper ballot generated by
25 the Dominion ballot marking devices does not

1 comply with O.C.G.A. 21-2-2(7.1) and O.C.G.A.
2 21-2-300(a)(2), the two sections that were
3 just described previously. Petitioners
4 requested that the Court order the State
5 switch to hand marked paper ballots counted by
6 scanners.

7 The State of Georgia moved to dismiss the
8 case. In dismissing the case on May 31st,
9 2022, the Court said, the fact that paper
10 ballots include a QR code which the system
11 uses to tabulate votes does not violate either
12 statute's requirements that the paper ballots
13 be produced, and that the interpretation of
14 the elector's intent be produced in a readable
15 fashion. These requirements are satisfied by
16 the printed paper ballots produced by the
17 ballot marking devices. The Court then
18 decided the current devices comply with the
19 statutes because they communicate the ballot
20 scanner's interpretation of the elector's
21 intent in a format readable by the elector
22 through the printed paper ballot. There is no
23 interpretation of the facts presented that
24 would provide petitioner relief of their
25 claim. The State Court of Fulton County is a

1 trial court. The decision of Judge Singleton
2 -- the decision in Singleton of Judge Adams
3 was not appealed. Thank you.

4 MR. FAVORITO: It was appealed, Matt.
5 That's not true.

6 MR. MASHBURN: Well, we'll check on that.

7 MR. FAVORITO: Okay. I'll tell them
8 that.

9 MS. MCGOWAN: It is pending appeal.

10 MR. MASHBURN: Well, I stand corrected.

11 MR. DUFFEY: So that's the --

12 MR. FAVORITO: There's many other
13 (inaudible) --

14 MR. DUFFEY: -- excuse me. You have --
15 we're going to the next part of the -- of the
16 meeting which is after having described the
17 statute that we comply with and have to comply
18 with. I want now for you to understand not in
19 a sense of advocacy but just understand how
20 the Dominion democracy sweep machines work.

21 So I want -- I want you to understand as
22 it was explained to us early on in the year
23 how exactly the machines work. Because for
24 me, I told -- I told the people that were on
25 the Board, I said, what I know about voting is

1 that I voted. But I will tell you that when I
2 go in, I don't really scrutinize what it is
3 that's happening. I do what I'm instructed to
4 do. And I said, now I want to look at the
5 system and how it operates as a -- as a whole.
6 And I wanted to know what security devices
7 that were on it because I -- because I knew
8 that there were people that -- that had
9 criticized the security. And -- and I -- I
10 just wanted to know so I could reach my own
11 conclusion about the security in -- in the
12 machines and the system itself. So I want to
13 present to you, Mr. John Poulos who is the CEO
14 of Dominion voting to just explain to you how
15 the system -- how the machines work. And he
16 is --

17 MS. BRADSHAW: Garland said that some of
18 the information he gave was -- was incorrect
19 and I think we need to get that settled before
20 we move on.

21 MR. DUFFEY: We're going to move on, but
22 I will have something. If I can't --
23 Charlene, would you -- could you -- do you
24 have the appeal documents if there are any in
25 the case that Judge Adams decided? And do you

1 know the status of the appeal?

2 MS. MCGOWAN: It's been (inaudible) --

3 MR. DUFFEY: Is -- has there been oral
4 argument on it?

5 MS. MCGOWAN: It has not (inaudible) --

6 MR. DUFFEY: It has not been --

7 MS. MCGOWAN: (Inaudible) -- oral
8 argument on it yet but could be.

9 MR. DUFFEY: Okay. So it's --

10 MR. FAVORITO: Mr. Chairman, I'm the lead
11 (inaudible) on the case that Matt was talking
12 about, and I would like the opportunity
13 sometime today to clarify some of the false
14 information that you just heard.

15 MR. DUFFEY: We'll let you do that during
16 public comments section.

17 MR. FAVORITO: All right. I've already
18 (inaudible) public comment. I'd like some
19 extra time for that.

20 MR. DUFFEY: We're now going to move to a
21 description of the democracy sweep machines by
22 Mr. Poulos who will -- who will be presenting
23 to you virtually. Can we do that now?

24 MR. MASHBURN: Mr. Chairman, if these
25 screens don't work, I'm going to come down

1 here and watch.

2 MR. POULOS: Good day. Could you -- can
3 you hear me?

4 MR. DUFFEY: Yes. Do we have him on
5 camera?

6 MR. POULOS: I'm here, if you can hear
7 me.

8 MR. DUFFEY: We -- can you hear us, Mr.
9 Poulos?

10 MR. POULOS: I certainly can, yes.

11 MR. DUFFEY: Okay. Wait. We're trying
12 to get your picture -- there we have -- I
13 guess we have it now.

14 MR. POULOS: Can you -- can you hear me,
15 Chairman?

16 MR. DUFFEY: Yes.

17 MR. POULOS: Wonderful. Well, thank you
18 for having me. Do -- do you want me to start
19 a description of what our system does?

20 MR. DUFFEY: Yes, please.

21 MR. POULOS: Okay. Great. Well,
22 essentially, our system does one of two things
23 in a precinct. And -- and I suppose the first
24 comment that I will make is that we don't
25 really do anything -- any -- any of the checks

1 or provisions of a verifying voter's
2 eligibility that is done by poll workers. But
3 once a voter enters into a precinct and is
4 verified by poll workers as an eligible voter
5 who hasn't yet voted in this election.

6 In the State of Georgia, they are given
7 access to a ballot marking device. And that -
8 - that device is a stand-alone machine. It's
9 not connected to the internet. It's not even
10 connected to each other. It's a stand-alone
11 device and essentially it is a screen
12 connected to a printer. It allows a voter to
13 go through the appropriate ballot so it keeps
14 track to make sure that the ballot that a
15 voter's view it -- viewing is from the
16 appropriate district that they should be
17 voting on. And it allows that voter to go
18 through contest, by contest each of, yeah,
19 viewing each contest and making selections
20 along the way on -- on the ultimate way of
21 producing a paper ballot that can be further
22 reviewed. And I'll -- I'll talk about that in
23 a minute.

24 So one of the advantages that the ballot
25 marking device presents is that it allows the

1 voter to make selections in -- in a perfect
2 manner. So there is no ambiguity on the paper
3 ballot. It allows them to scroll through each
4 contest all the way to the propositions and
5 -- and also allows for accessibility features
6 that ensure that every voter regardless of the
7 level of physical ability that they may
8 possess allows them to independently mark and
9 create a paper ballot for which they are able
10 to verify privately and independently that can
11 be accurately counted and recounted and
12 audited as the case may be.

13 So at the -- at the end of this stage and
14 this is really, as I said, the first thing
15 that Dominion machines really do, is we help
16 voters mark paper ballots privately and
17 independently. On this device, on the ballot
18 marking device, votes are not stored. Votes
19 are not cast. There is nothing at the end of
20 this that is stored on the machine other than
21 a paper ballot being presented to a voter.

22 Now, if a voter picks up that paper
23 ballot and is able to verify their selections
24 that -- and verify that the selections that
25 are printed on that paper ballot are, in fact,

1 accurate. Are, in fact, the voter's
2 selections. No more, no less. And once they
3 verify that, which, Chairman, is the very
4 important part of the process. Then they can
5 walk it over to the ballot box. So as they
6 leave the ballot marking station, they -- all
7 that's left is a paper ballot that's now in
8 the voter's hands. There's nothing stored or
9 nothing cast. There's no record of any kind
10 of votes stored on the ballot marking device.

11 So as that voter walks over to the ballot
12 box, the official cast record, it is important
13 to note. This is not a backup part of the
14 system. This -- the -- the paper ballot is
15 the official ballot that gets cast. That goes
16 into a ballot box by way of a digital scanner.
17 And so that's -- that's the other piece of
18 what Dominion does.

19 We have a digital scanner that scans that
20 paper ballot and saves an image in triplicate
21 in -- on the -- on the memory devices of that
22 scanner. And all that scanner does is it
23 accurately and objectively tabulates the votes
24 that are on that paper ballot. So without any
25 use of technology, the paper ballot would go

1 into a locked, sealed ballot box. The chain
2 of custody of that locked and sealed ballot
3 box is under the control of the election
4 officials in that jurisdiction. And is,
5 obviously, a very essential part of the
6 mandated election protocols that go into
7 place.

8 But in addition to the paper ballot that
9 can be hand audited. It can be hand
10 recounted. You also have a record of -- of --
11 by way of digital image of what that voter
12 verified and confirmed at the time of casting.
13 So if you think through some of the legacy
14 concerns about paper ballots and why many
15 decades ago paper ballots fell out of favor
16 for a period of time. There was allegations
17 that during a hand count process or even
18 during a recount process, somebody nefarious
19 could have perhaps a piece of pencil lead
20 under their fingernail and make a
21 supplementary mark on that ballot at the time
22 of a recount or a hand count.

23 And one of the great advantages of having
24 a digital scanner in this process is not only
25 does the official record remain that voter

1 verified paper ballot that can be hand counted
2 and audited. But you would additionally have
3 a scanned image of each ballot that has gone
4 through the machine. So as the voting day
5 continues, it is important to note that the
6 day starts with an open ballot box where
7 members of the public bi-partisan poll
8 watchers, other stakeholders who wish to watch
9 the election, can verify that the ballot box
10 is, in fact, empty. And they can verify that
11 the results tape that is printed -- we call it
12 the status tape because it -- it shows a
13 record of what is in that ballot box. And at
14 the beginning -- beginning of the day the
15 essential step in the process is to print the
16 tape that shows the machine has no votes
17 recorded on it for this election that is about
18 to begin.

19 As the election day proceeds, ballots are
20 cast by voters after they have had a chance to
21 verify their paper ballots and choose to cast
22 it. Once they are happy and sufficiently,
23 they -- they -- they view that it is
24 sufficiently voted, no more, no less. Then
25 they cast it through the machine, digital copy

1 of the ballot is captured, as I mentioned.

2 And at the end of the day, a poll official
3 when voting closes, will close the poll. And
4 immediately at the end of the day when the
5 poll is closed, multiple copies of the results
6 tape will be printed.

7 And the reason -- so what's on the tape?

8 The tape shows a complete accounting of how
9 many ballots have been cast with the machine
10 during the day. And it also shows the results
11 of those ballots that have been cast in that
12 -- in that ballot box. And that is just one
13 piece of -- of the entire chain of custody
14 that comes together during the canvass
15 process. And the reason why we print multiple
16 tapes in the State of Georgia is because tapes
17 can be given to political parties that are
18 present in the precinct. A copy can be given
19 to poll watchers, bi-partisan poll watchers
20 and a copy of that which I'll state can be
21 publicly posted on the wall of that precinct.
22 And it really allows for an additional step of
23 transparency that members of the public. The
24 bi-partisan poll watchers, the candidates
25 themselves now know the instantaneous results

1 before that entire package of election
2 material gets securely transported back to the
3 central location.

4 So I'll pause briefly there. And -- and
5 happy to answer any questions as it pertains
6 to this -- these two processes.

7 MR. DUFFEY: If you have a question, if
8 you'll write it out, I'll ask it. Just bring
9 it up here and put it on the table.

10 Can -- can you explain whether the actual
11 machines have any security?

12 MR. POULOS: They absolutely do. So
13 federal certification guidelines, Chairman,
14 have a comprehensive list of requirements that
15 any vendor is required to meet. And these are
16 validated through the federal testing program.
17 Through independently tested and accredited
18 testing agencies as it pertains to our ballot
19 tabulator, for example, there are physical
20 security mechanism that protect the memory
21 cards that I referenced so lock and sealed.

22 It's the same type of lock and seal
23 concept that -- that -- that protect the
24 actual paper ballots in the physical ballot
25 box. So not only do you have a physical lock,

1 but then you have a seal that can be verified
2 very easily. They're highly visible so they
3 can be verified by any poll watcher or bi-
4 partisan stakeholder in the election even from
5 a distance.

6 Beyond that the actual memory cards are
7 both digitally signed and encrypted as per
8 federal requirements. And -- and that -- that
9 is only as it pertains to the security of --
10 of the -- of the system sitting on the ballot
11 box. Above and beyond that, jurisdictions
12 have their local chain of custody and a host
13 of physical security processes in public
14 testing that layer on security on top of the
15 actual machine's security.

16 MR. DUFFEY: And I -- I know that at some
17 point for an election somebody has to put the
18 ballot on to ballot marking devices for that
19 particular precinct. How is that done and is
20 it possible that somebody could put something
21 else that would corrupt the ballot marking
22 device after it's loaded with the ballots?

23 MR. POULOS: Sure. The -- the specific
24 process is really best answered by -- by the
25 State and basically the election officials

1 that are accountable for defining that
2 process. But, essentially, the way to think
3 about it is once an election is programmed
4 there -- that the -- the -- the election
5 specific nature, so candidates, the types of
6 contest, you know, is it -- is it, basically,
7 the specifics that change from election to
8 election are loaded on to the ballot marking
9 devices.

10 They -- they are loaded one by one into
11 the ballot -- into the ballot marking devices
12 so it's not by way of internet. And it's not
13 done by network. They are done by physical
14 cards and that process -- and the -- and the
15 mandated protocols of physical security and
16 checks are an essential part of this. And as
17 I said, that is done by those who have
18 accountability for that which is the election
19 officials in that jurisdiction.

20 So there -- there are many protocols
21 around from the federal testing standpoint
22 that protect that process including password,
23 including specific election security
24 identification that is not given out. But the
25 process doesn't end there. It's designed to

1 allow transparency not only for candidates but
2 by bi-partisan poll watchers. But frankly any
3 election stakeholder by way of public testing.
4 So once these devices are loaded, there is a
5 host of public testing that occurs on them to
6 ensure that nothing nefarious has happened and
7 just as importantly nothing has happened by
8 way of a spelling mistake that is propagated
9 through the -- through the checking of -- of
10 election programming. And it gives not only
11 the local county election jurisdiction a
12 chance to but also any watchers the chance
13 that the ballot marking devices presenting the
14 choices accurately to the voters and -- and
15 ultimately the -- the paper that is printed
16 that allows them to review their -- their --
17 their selections are accurate.

18 MR. DUFFEY: I'd like for you to go back.
19 You keep talking about public testing. But
20 you never told us what that is. What is --
21 what is -- what do you mean by public testing?

22 MR. POULOS: All right. So that is a
23 process that is controlled by the election
24 jurisdictions themselves.

25 MR. DUFFEY: I want --

1 MR. POULOS: And, essentially --

2 MR. DUFFEY: -- excuse me. I understand
3 that. I want you to tell us what that is.

4 MR. POULOS: Sure. So once the election
5 is loaded on to each of the machines, it, you
6 know, immediately preceding an election. The
7 public is invited in. The entire system is
8 set up. So every single unit on every single
9 -- every single tabulator, for example, is set
10 up and this -- this is the part where it
11 varies jurisdiction by jurisdiction, but there
12 is -- the goal of the testing is to create a
13 known test deck of -- of ballots. So as -- as
14 a participant in -- in the testing, Chairman,
15 if you were there, you would be asked to make
16 -- make your selections. You would then be
17 asked to verify that the paper ballot is
18 accurate, and we would do this over and over
19 and over, or more accurately, the county would
20 do this and feed those paper ballots through
21 the tabulator. And so there should be an
22 expected result based on how you voted. And
23 then once the polls are closed, in this public
24 test, the print tape is printed and you can
25 verify your expected result to -- the result

1 that it's printed on the print tapes and it
2 often -- what is often the case, they'll do a
3 hand count of the paper ballots in the ballot
4 box just to make sure that the expected result
5 is the same as the hand recount which is the
6 same as the result tape on the tabulator.

7 And this is a process that --

8 MR. DUFFEY: When you say expected
9 result, when you put them through the scanner,
10 and you have somebody like me if I put my
11 ballot through the scanner, could you see
12 whether -- what my specific votes were to make
13 sure that they were accurately recorded?

14 MR. POULOS: Yes, you can. So, you know,
15 in a simple scenario, if we had a ballot -- if
16 we had a ballot with one contest and four
17 candidates. A sample test that might be
18 candidate 1, on position 1, we might want four
19 ballots that vote for this candidate 1. The
20 next candidate we might want three ballots
21 that vote for candidate 2. Two for candidate
22 3 and one for candidate 4. So they're all
23 unique. We would probably want to complete
24 blank ballot, as well, just to be sure and --
25 and then we would feed all those five ballots

1 through the ballot box. So we should be
2 expecting a result of four, three, two, one on
3 that contest. And we'll keep it simple, and
4 we'll say it's a one contest election. And we
5 want to verify that the results tape exactly
6 tells you four, three, two, one. And then
7 we'll check in the ballot box to make sure
8 that those ballots are, in fact, four, three,
9 two, one.

10 MR. DUFFEY: And for how many ballot
11 marking devices do you do that sort of
12 testing?

13 MR. POULOS: Well, they should be done on
14 all of them. So and at -- at -- at the bare
15 minimum every tabulator needs to be tested in
16 this way in the public to verify that the
17 count is, in fact, accurate.

18 MR. DUFFEY: And when you say in the
19 public, how do you know -- I'm probably not
20 going to go down and watch the testing. I
21 mean, how do you know that it's really public
22 as opposed to just being people that work in
23 the -- in the precinct?

24 MR. POULOS: It's a great question. It's
25 a key part of the process. It's a key part of

1 the transparency and so that is -- that is
2 certainly a question that needs to be asked in
3 every election, every jurisdiction and
4 encouraged -- the process needs to be encouraged
5 because that is a key part of the transparency
6 that shows members of the public not only is -
7 - are the machines accurate. But also
8 educates those on how the process actually
9 works.

10 MR. DUFFEY: Do any of the Board members
11 have questions before I get to the attendees'
12 questions?

13 MR. LINDSEY: I'll have one at the end
14 after the other questions.

15 MR. DUFFEY: Okay.

16 DR. JOHNSTON: Thank you so much for
17 being here today and presenting this
18 information. I have a question. Do the
19 ballots in the test deck have QR codes on
20 them?

21 MR. POULOS: In the State of Georgia,
22 currently our certified system does feature QR
23 codes.

24 DR. JOHNSTON: On the test deck?

25 MR. POULOS: And that because they're on

1 the ballots, the test deck is a sample of the
2 real ballots in the election. So, yes, both
3 the test deck would have that.

4 DR. JOHNSTON: Thank you. And another
5 question. How -- how can you demonstrate to
6 the public that the Dominion software reads
7 the QR code accurately?

8 MR. POULOS: Sure. This could be done a
9 number of ways. The simplest and way it could
10 be done is through a risk-limiting audit. Or
11 any -- any -- any type of hand verification of
12 the paper ballots in the machine.

13 DR. JOHNSTON: So a risk-limiting audit
14 will verify an accurate QR code?

15 MR. POULOS: It sure would. Because the
16 ballots -- ultimately one thing that should be
17 kept in mind is the official cast record is
18 not the QR code. It never is. The official
19 cast record -- the official part of that
20 ballot which accurately -- which shows the
21 voter's intent is the text and at the end of
22 the day that is the official cast record. So
23 the -- the accuracy of the tabulator is
24 actually the easiest thing in the world to
25 double check. And the way to do that is you -

1 - you -- you can either look at all machines.
2 You can look at one machine. You can look at
3 a subsec. So a risk-limiting audit is --
4 refers to a certain process by which a certain
5 percentage of tabulators or ballot boxes are
6 chosen at random. And each ballot box that is
7 chosen, regardless of what that number is,
8 from more than zero to a 100 percent of the
9 ballot boxes, you pull up the paper ballots,
10 the voter verified paper ballots which is
11 always the official part of the election.
12 Those are the official results. Those are
13 what can't be hacked, and you hand count them
14 to verify the count on the tabulator.

15 MR. DUFFEY: Any other questions from the
16 Board?

17 MS. GHAZAL: I have a question. Thank
18 you. Thank you so much for -- for being here
19 and answering our questions. I have a very
20 simple one. Can you explain whether or not
21 the security features and passwords are
22 changed from election to election or is it
23 carried through?

24 MR. POULOS: They should be changed
25 election to election. That's ultimately

1 something that are -- is done by election
2 jurisdictions.

3 MS. GHAZAL: Thank you.

4 MR. DUFFEY: Any other questions from
5 Board members?

6 MR. LINDSEY: I'll have one at the end,
7 Mr. Chairman.

8 MR. DUFFEY: Some of these questions are
9 redundant so I'm not going to ask the
10 redundant questions we have an explanation of
11 --

12 MR. POULOS: I'm -- I'm sorry, Chairman,
13 I can't hear what you're saying. I'm not sure
14 if that was directed at me, but I -- I could
15 barely make it out.

16 MR. DUFFEY: That's because my mic wasn't
17 on. Now it is.

18 MR. POULOS: Okay.

19 MR. DUFFEY: All right. So I'm going
20 through the questions that have been submitted
21 to me are -- I'm taking out those questions
22 which I believe have already been answered and
23 there are some that are redundant. So here's
24 -- here's one: Does the QR code assign a
25 unique number to each ballot?

1 MR. POULOS: No. Absolutely not.

2 MR. DUFFEY: Here are two questions I'm
3 going to ask it in a more general way that --
4 what is -- what is the function of Dominion
5 techs? What do they do on election day? What
6 is their purpose?

7 MR. POULOS: Their purpose -- their
8 primary purpose is to be available to ask any
9 questions. And -- and provide help to
10 election -- election officials who have any --
11 any kind of need for troubleshooting. It
12 really could be a number of things. A very
13 common one, believe it or not, is, you know,
14 the power -- the power seems to be on battery
15 power even though the unit it plugged in. And
16 a Dominion tech might come. They're --
17 they're instructed never to perform in any
18 official duty that is the accountability of
19 the poll official. But you'd be surprised at
20 how often this one happened to where it's
21 plugged into an outlet in a precinct that is
22 not live and, you know, that -- that type of
23 thing is where a Dominion tech is sometimes
24 helpful for jurisdictions.

25 MR. DUFFEY: Do your machines use blue

1 tooth or other technology that would allow it
2 to be accessed by somebody using the internet?

3 MR. POULOS: No. They are specifically
4 designed as per federal statute or federal
5 certification standards to not have that
6 capability and that is what they are tested
7 against.

8 MR. DUFFEY: Thank you. And do your
9 machines have any blue tooth, wi-fi chip sets?

10 MR. POULOS: No. To the extent that any,
11 like, our tabulator, for example, absolutely
12 does not and to the extent that any other
13 devices that we would have. So, for example,
14 if we supplied a Windows PC for a central
15 location, that -- that PC is an off the shelf
16 product. And -- and they change all the time
17 so typically we use Dell computers and the
18 Dell models keep changing as whatever Dell
19 brings up new versions and so there is a
20 specific hardening procedure that is approved
21 by the certification bodies where any
22 functionality that might have been on a -- a
23 PC that perhaps does some ballot rendering at
24 a central location, that that functionality is
25 disabled in the appropriate way.

1 MR. DUFFEY: When the audiences can
2 control themselves, I'll proceed. Or -- or if
3 you can't, you might want to step out.

4 There's a question asking him to
5 interpret Georgia statutes. I'm not going to
6 -- I'm not going to ask him to do that because
7 he -- that's not why he's here. This question
8 I don't understand. It's -- it has one
9 incomplete sentence. I'll ask, is there any
10 circumstance where a -- a scanner has to be
11 reset? And how do you do that?

12 MR. POULOS: I'm sorry, Chairman. Is the
13 -- the tabulator? The digital scanner that
14 sits at the top of the ballot box?

15 MR. BALBONA: Yeah.

16 MR. DUFFEY: The scanner that sits on top
17 of the ballot box?

18 MR. POULOS: If it needs to be reset?

19 MR. DUFFEY: Yeah. Or start -- there are
20 circum -- what might have scanners had to be
21 reset and if so, how's that done?

22 MR. BALBONA: For the count.

23 MR. POULOS: I can't think of -- I can't
24 think of anything sitting here right now why
25 it would need to be reset. I mean, sometimes

1 I've seen ballot jams where a ballot is
2 inserted for whatever reason the ballot has a
3 torn -- a torn corner to it. Or there's --
4 but you typically don't see that in precinct
5 voting because the ballot -- it -- it doesn't
6 travel very far. It goes from the marking
7 area. The voter takes and looks at it. So
8 really, I can't think of anywhere -- any time
9 where it would have to be reset.

10 MR. BALBONA: But can it.

11 MR. DUFFEY: Well, if -- if there is an
12 instance say, for example, where there's a
13 turned up corner and it jams --

14 MR. POULOS: Yes.

15 MR. DUFFEY: How do you -- what is the
16 assurance that everything was counted after
17 that including that jammed ballot is tabulated
18 and included in the count?

19 MR. POULOS: Oh, okay. So if the ballot
20 has not been read -- is not able to go through
21 the scanner as -- as you say, it does not go
22 in and fall -- and cast into the ballot box.
23 The -- the -- the tabulator -- ballot
24 tabulator will prompt the poll official with
25 an instruction to clear that -- that ballot

1 jam. And if the ballot is torn in a way that
2 makes it unscannable, the poll official will
3 direct that voter to create another paper
4 ballot. They have supplementary counting
5 procedures to make sure that that torn ballot
6 is properly accounted for that outside of the
7 Dominion system. Because the Dominion
8 tabulator that sits atop of the ballot box
9 only counts the number of ballots that poll
10 officials allow voters to feed in. So in the
11 course of a day, if it's 100 ballots, the --
12 the tabulator has no idea who the voters are.
13 The tabulator has no idea how they've been
14 verified. But all -- the only thing it's
15 accountable for is to make sure that the
16 ballots that have gone through that tabulator
17 have been accurately counted for and not only
18 in number of separate ballots, but also the
19 interpretation of every -- of every vote on
20 every contest. And that's -- that's -- that's
21 the part that is verified independently
22 through the use of hand count audits and hand
23 recounts.

24 MR. BALBONA: I can give you a
25 hypothetical scenario if you want. It's

1 pretty nuanced.

2 MR. DUFFEY: This is a question about
3 training of local officials. But he is not
4 here to talk about how local officials were
5 trained so I'm not going to ask that. This is
6 a question about something that happened at a
7 local precinct, so I won't ask that. I mean,
8 this is another question having to do with
9 connection of machines to the internet. Can
10 you go, I guess, could you go over again
11 looking at your whole system. And the ballot
12 marking devices and the scanners. If
13 anything, else that is -- that is associated I
14 have, in addition to that, with your system as
15 opposed to some -- some supplemental process
16 at the local election office. Is -- which
17 devices have any ability to access the
18 internet through blue tooth, wi-fi or any
19 other technology.

20 MR. POULOS: Sure. Well, our ballot
21 marking devices do not have that capability.
22 And -- and that's what they're tested for.
23 Not only by the jurisdiction, but by
24 certification agencies. But -- but, again, a
25 ballot marking device is a screen and a

1 printer. It doesn't store votes. It doesn't
2 in any way. It has nothing to do with the
3 tabulation process. It's a -- it provides a
4 voter with a paper ballot to be verified.

5 On the scanner you have -- you -- you
6 have a -- a scanner that is designed by
7 federal requirements to operate in a -- in a -
8 - in a -- in a air-gapped manner without
9 connectivity. So at no point during -- after
10 voting is there any capability of that device
11 being connected to anything. It is -- it is a
12 complete stand-alone system.

13 Now, the -- the tabulator is configured
14 in some jurisdictions by law and Georgia is
15 not one of those to be able to attach an
16 external device to transmit unofficial results
17 after the polls close. This is a process that
18 requires breaking a physical seal and
19 connecting something that's quite large. That
20 -- that is -- that dangles out of that
21 tabulator that is easily viewed. It's
22 designed to be easily viewed by any poll
23 watcher in that precinct. Be the -- be it a
24 poll worker, a bi-partisan poll watcher or
25 just a member of the public. And, again, the

1 most important point here is that Georgia is
2 not one of these jurisdictions. So there --
3 there are absolutely no ways of connecting
4 that we -- we haven't sold this device in
5 Georgia. Georgia doesn't have this device.
6 And so in Georgia that locked port that is
7 both locked and sealed never gets opened.

8 I will also add Chairman, that in other
9 jurisdictions and these are typically
10 jurisdictions that for geographical reasons
11 takes several hours to physically transport
12 everything. And they're looking to be
13 transparent by -- by offering unofficial
14 results. But I will say is that even in those
15 limited jurisdictions, which is just a few
16 percent, I think now, it's rapidly declining
17 in my view. It's going down to zero. But the
18 physical device does not connect through the
19 internet. It's through a private cellular
20 network. And those results that are
21 transmitted are only unofficial. They are
22 never part of the official results record.

23 MR. DUFFEY: This question is about
24 something happened in another jurisdiction and
25 what caused it. He's not here to talk about

1 that. And I'm not going to ask that question.

2 Is there any -- does your system work in
3 a way that a counter can erase a scanned
4 ballot?

5 MR. POULOS: I -- I don't understand.
6 Erase -- erase a ballot that is in the box or
7 erase an image that's on one of the memory
8 cards?

9 MR. BALBONA: On the counter on the -- on
10 the scanner. The ballot scanner, the counter,
11 it's kind of like the mileage is there any
12 scenario where that number is adjusted?

13 MR. POULOS: I'm sorry, Chairman. I
14 couldn't hear his question.

15 MR. DUFFEY: In your -- that -- that is
16 not the question that you asked on this piece
17 of paper. This is not a open forum for people
18 to ask. If you want to ask a question, I will
19 ask the question and determine whether or not
20 it's appropriate.

21 We -- we asked for him to address certain
22 things and I think it's unfair for the
23 audience to expand this to ask questions that
24 are not related to the way these machines
25 work. And I think he's been generous and fair

1 in addressing the questions. And I've been
2 fairly liberal in asking him things that I
3 thought you wanted to know.

4 MR. BALBONA: It was just a clarification
5 of that question.

6 MR. DUFFEY: Pardon me.

7 MR. BALBONA: It was just a clarification
8 of that exact same question.

9 MR. DUFFEY: Well, I would disagree with
10 that. What's the purpose of air-gap
11 connectivity? And is the air-gap --

12 MR. POULOS: Air-gap means no
13 connectivity.

14 MR. DUFFEY: What -- tell me what air-gap
15 -- tell me what air-gap is.

16 MR. POULOS: Air-gap means if -- if,
17 Chairman, if you're holding a device that set
18 to be air-gaped, I can see that device from
19 the other side of the room. I know it's not
20 connected to any other device because I can
21 see that there's no -- there's no wires. I
22 can actually see that with my own eyes. And -
23 - and -- and there's no connectivity through
24 any means of electromagnetic communication
25 such as wi-fi; such as blue tooth -- such as

1 some of these technology that you asked me
2 earlier.

3 MR. DUFFEY: This is a question about his
4 response to a report that is in litigation in
5 the Curland case. Some of which has not been
6 disclosed by the court so I'm not going to ask
7 that question. And he was not here to respond
8 to Mr. Halderman report.

9 Any further questions from the Board?

10 MR. LINDSEY: Yes, Mr. Chairman. If I
11 may. I think you need to turn me on. While I
12 do not want you to -- to discuss anything
13 that's particularly regarding the Curland
14 report and -- and regarding the Curland
15 litigation. Nor I want you to and I want to
16 make sure you understand where I'm going here.
17 Nor do I want you to reveal anything that is
18 presently under seal. Please make sure that
19 you understand that. However, I do think it's
20 important for the -- for the Board and for the
21 general public to know that there was a -- a
22 analysis done by an independent cyber security
23 company called MITA that was submitted to the
24 court in response to the Halderman report.
25 Were you aware of that?

1 MR. POULOS: Yes, I am.

2 MR. LINDSEY: Yeah. And you're aware
3 that presently that Mitre report is under
4 seal. But there have been requests that it be
5 unsealed so that the general public can see
6 the analysis that took place by the Mitre
7 folks in response to the Halderman
8 allegations, correct?

9 MR. POULOS: I believe that report is
10 under seal, correct. I think that was your
11 question.

12 MR. LINDSEY: Yeah. It is under seal.
13 And -- and Dominion has asked for that to be
14 made public, correct?

15 MR. DUFFEY: Well, that's -- that's a
16 question --

17 MR. LINDSEY: I mean, it is -- well, let
18 me put it this way: From a review of the
19 records, it appears that Dominion has
20 requested that report. And be made public and
21 -- and the also that the State Election Board
22 has made that request to be made public. I
23 just wanted to know if you were aware of that
24 fact.

25 MR. POULOS: Yes, I'm aware of that.

1 MR. LINDSEY: Yeah. Okay. I'll discuss
2 that further later, Mr. Chairman. Okay. Oh,
3 one other question. Mr. Chairman, if I may.

4 You're -- are you aware that the United
5 States Election Assistance Commission?

6 MR. POULOS: Yes, I am.

7 MR. LINDSEY: You -- you are, you are.
8 And -- and has your Dominion system been
9 tested and reviewed by that commission that's
10 being used to (inaudible).

11 MR. POULOS: Yes. Yes, it has.

12 MR. LINDSEY: And has it been approved by
13 the -- by this commission?

14 MR. POULOS: Yes, it has.

15 MR. LINDSEY: Could you just briefly tell
16 the public and the Board generally what the US
17 Election Assistance Commission is?

18 MR. POULOS: It is a bi-partisan
19 commission that was created in -- in the years
20 following the 2000 general -- general
21 election. And it sought to create a list of
22 definitive standards by which any voting
23 system should adhere to. And the current
24 certification guidelines I believe are
25 thousands of pages long. That they tell you

1 exactly how a system should work. The types
2 of security mechanisms that must be part of
3 that system. And any company that wishes to
4 market an election system in the -- in the
5 United States submits their system for that
6 testing.

7 That testing is done independently by any
8 entity that -- that has applied and attained
9 its own certification and accreditation by
10 that same agency. And so really what that
11 process does it -- it demonstrates that a
12 testing lab is independent. The testing lab
13 understands election protocols. And is able
14 to independently test and verify compliance to
15 EAC, the Election Assistance Commission
16 standards. So typically, that process can
17 take -- it's -- it's not uncommon for it to
18 take years and it is very thorough. It
19 involves any manufacturer, such as Dominion,
20 to submit its entirety of the source code for
21 a line-by-line code review. The entirety of
22 its hardware platform for review. A list of
23 manufacturing partners on the supply chain for
24 any and all hardware parts. And ultimately at
25 the end if certified that certified version

1 which is made up of the entirety of all of the
2 hardware pieces that have been submitted and
3 reviewed by that agency and its independent
4 test labs. And the source code is deemed the
5 certified version. So at any point in the
6 future if a further change is required in any
7 way, be it hardware, or even one line of
8 source code, the entire package goes back to
9 the Election Assistance Commission for another
10 review and if deemed appropriate and compliant
11 following certification.

12 MR. LINDSEY: And once again, has the
13 Dominion system utilized here in Georgia been
14 certified and approved by the commission?

15 MR. POULOS: Absolutely, yes.

16 MR. LINDSEY: Thank you.

17 MS. PRETTYMAN: Did you -- are you able
18 to ask the question on the archived data?

19 MR. DUFFEY: And your name -- tell me
20 your name.

21 MS. PRETTYMAN: Amanda Prettyman. Sorry,
22 my handwriting is messy.

23 MR. DUFFEY: But there are two questions.
24 Nothing says --

25 MS. PRETTYMAN: Primarily the archived

1 one -- archived data.

2 MR. DUFFEY: These questions both have to
3 do with what Dominion testing and --

4 MS. PRETTYMAN: But there's no
5 (inaudible).

6 MR. DUFFEY: In your system, Mr. Poulos,
7 what is it within the system that archives
8 data? If there is more than one place --

9 MR. POULOS: I'm -- I'm sorry, Chairman.
10 I'm having difficulty hearing that question.
11 Can you repeat that? Maybe it's the mic
12 problem again?

13 MR. DUFFEY: You're catching on. In your
14 system, in what places is data archived?

15 MR. POULOS: Great question. So I'll --
16 I'll start with the -- the ballot box which is
17 obviously a critical piece of it. So the
18 voter verified paper ballots is where -- the
19 most important part of the election. And that
20 is under locked and sealed -- physically
21 locked and sealed ballot box. In addition to
22 that, we now have images of every ballot and
23 scanned image as it went through the
24 tabulator. Immediately following that
25 independent voter verified review of their

1 paper ballot. That is done in triplicate
2 form. So on the tabulator we have three
3 pieces of -- we have three discreet pieces of
4 electronic memory that hold that information
5 for every ballot cast in that ballot box on
6 election day.

7 At the close of that election, so if you
8 bear with me, I'm working from immediate close
9 of election. Back to reporting official
10 results. On that tabulator as I said we have
11 three discreet pieces of memory. One that is
12 -- so that they are separately locked and
13 sealed in full view of the public. And on as
14 far as how they're stored digitally on the
15 electronic media, they are both signed --
16 digitally signed and digitally encrypted per
17 Election Assistance Commission's standards the
18 so called BBSG standards.

19 At the close of election, we print
20 multiple copies of the results tape. So now
21 we at this -- at this immediate point maybe a
22 minute following all polls closed, probably
23 less. We have the physical ballots in the
24 ballot box. We have three discreet copies all
25 digitally signed and encrypted that -- that

1 have to -- that each set of results. So an
2 independent copy of each of the ballots. And
3 now we have multiple print -- print tapes that
4 show the accumulated results of what's in the
5 ballot box. So if there's a 100 ballots,
6 it'll say there's a 100 ballots cast in the
7 ballot box that can be independently verified.
8 And then the results by candidate by contest
9 for the entirety of the election that is
10 sitting in that ballot box.

11 It's typical that you might have four or
12 five copies of that. So one publicly posted.
13 One given to parties perhaps another if
14 there's -- if there's a bi-partisan poll
15 watcher that happens to request a copy. And
16 then a copy goes back with the ballot box.
17 With the tabulator and with the ballot box
18 that has the locked and sealed ballots.

19 When that; however, some jurisdictions do
20 it differently, but ultimately one of the
21 memory cards that sits in that tabulator is
22 removed. So in -- in a -- in a -- in an open
23 and transparent process, in front of poll
24 watchers, the seal is physically cut and
25 unlocked and that -- that memory card is

1 removed and then read into a central computer.
2 And while it forms the basis of -- of results
3 becoming official, through a very exhaustive
4 process called canvas. It is just one part of
5 it. So if anyone even has the allegation that
6 the -- from the time that memory card is
7 removed from the digital scanner and put into
8 the computer. Or if there's an allegation
9 that the computer somehow is -- has been
10 corrupted, the chain of custody has been
11 breached, you always can -- so not only do you
12 have that version that sits there. And even
13 the allegation is -- is -- is -- is a case
14 worthy to discuss here because we still have
15 the other memory card that is still locked and
16 is still sealed and remains in the secure
17 chain of custody of that jurisdiction. And up
18 to at least a minimum of -- at least 24
19 months. And sometimes more if there's any
20 kind of dispute. And above and beyond that,
21 we have the physical print tapes that -- as a
22 -- as a matter of protocol in the canvass
23 process is they are compared.

24 And ultimately the last and, again, the
25 most important part are the -- the actual

1 paper ballot that have been voter verified and
2 locked and sealed in -- in the secure chain of
3 custody of that election official. So by my
4 count you have at least one being the paper
5 ballots. You have two and three are the
6 removable memory cards. The fourth one would
7 be the other memory card that is -- that is
8 yet another -- provides another copy of the
9 tabulator and five would be the -- the print
10 tape, which is actually five a, b, c, d, e
11 because you have multiple copies that have
12 been printed immediately following the poll
13 close. And then distributed to candidates.
14 To poll watchers and publicly posted.

15 MR. DUFFEY: All right. Thank you.

16 MS. PRETTYMAN: Can you ask him to verify
17 if -- if it's not safe for the compact flash
18 drive --

19 MR. DUFFEY: Excuse me -- are you a
20 lawyer?

21 MS. PRETTYMAN: No. I'm not.

22 MR. DUFFEY: Are you a litigant in a
23 case?

24 MS. PRETTYMAN: No. I'm a citizen. And
25 it's an issue in my county and that's what

1 we're trying to figure out because Dominion
2 told us this. So I -- so I appreciate
3 (inaudible). I'm just trying to determine --
4 because I didn't quite catch the heart of the
5 matter which is -- the records that are
6 missing because they weren't safe from the
7 compact flash drive, we were told by Dominion
8 that they're archived --

9 MR. DUFFEY: Well, that's -- that's --

10 MS. PRETTYMAN: -- irretrievable.

11 MR. DUFFEY: Because that's -- because
12 that's specific to you, this presentation is
13 not for specific questions about specific
14 election offices. It's generally his
15 description of the process and I think that he
16 has -- he has --

17 MS. PRETTYMAN: It could be other places,
18 like I said, if we're wondering if --

19 MR. DUFFEY: Well, what could be and is,
20 you know, if you want to, you can send me in
21 this dedicated email, send your question.

22 MS. PRETTYMAN: Okay.

23 MR. DUFFEY: And I'll send it to them to
24 see if he and, I mean, because they are
25 involved in a lot of litigation too. I'll see

1 if they're able to answer that. I think
2 that's the best way to handle that. Okay.

3 UNKNOWN SPEAKER: But, we're interested
4 too.

5 MR. DUFFEY: Well, I know there are a lot
6 of interesting things that you're interested
7 in, but the purpose of this meeting is
8 informational. It's not about what's
9 happening in specific election offices or
10 specific counties or specific precincts. The
11 purpose of this is to give you and I think
12 he's actually been generous and going beyond
13 what the explanation is of the system. And
14 every question I've gotten that relates to the
15 system, I've asked. But this --

16 MS. BRADSHAW: I did ask about the poll
17 pads being count -- they're -- they were --
18 there was poll pads that was wrong, had the
19 wrong precinct on it.

20 MR. DUFFEY: Yeah. One particular
21 precinct, correct?

22 MS. PRETTYMAN: Yeah. But in general --

23 MR. DUFFEY: Because he has -- he doesn't
24 -- his system doesn't include poll pads.

25 MS. PRETTYMAN: Pardon?

1 MR. DUFFEY: Does the Dominion system is
2 a poll pad part of that system?

3 MS. PRETTYMAN: Yes. That's -- that's
4 how you -- the person comes in. They give you
5 their driver's license. And it -- it checks
6 if they're a registered voter. And all that
7 works together.

8 MR. DUFFEY: Okay. We're going to take a
9 10-minute break and we'll be back at quarter
10 till.

11 MR. POULOS: Thank you very much,
12 Chairman. I appreciate the opportunity.

13 MR. DUFFEY: Thank you, Mr. Poulos.
14 Appreciate you being here and thank you for
15 your answers.

16 MR. POULOS: Have a great day. Bye.

17 MR. DUFFEY: You too. Thank you.

18 (Break taken.)

19 MR. DUFFEY: Can everybody please take
20 their seats. Sorry, would everyone please
21 take their seats. Seats are those pieces of
22 furniture that are in front of the desks.

23 The next is to give you a brief update on
24 the Coffee County investigation. This is a
25 little hard to do because there are really two

1 issues. So it might sound as if things are
2 not being presented in chronological order.
3 They're not exactly in chronological order
4 because -- but I will tell you when something
5 that comes up that's not in chronological
6 order, why it's not in chronological order
7 because what happened and when it was
8 discovered are two different tracks. So I'll
9 do my best on doing that.

10 As you -- and you inevitably know there
11 is a ongoing criminal investigation and while
12 I have -- I know who the investigators are,
13 the GBI, and -- and the Secretary of State's
14 Office investigators who are assigned to us to
15 investigate and have great confidence in them.
16 It is still a criminal investigation. When I
17 was a United States attorney it was our policy
18 that whenever anybody asked about where we
19 were in the investigative process, you don't
20 disclose that. For one principle reason is
21 that investigations have to be conducted
22 according to the investigative approach that
23 the people that are actually responsible for
24 the investigation want to take. And there are
25 lots of reasons why they follow the path that

1 they follow in an investigation, and if we
2 were give you an update as far as who's being
3 interviewed. When they're being interviewed.
4 What are the topics. They would -- they would
5 lose the -- what the design of their
6 investigative strategy which is to find out
7 what happened and who is responsible for it.

8 So almost everything that I'm going to
9 tell you although hopefully it'll be somewhat
10 more of a coherent fashion than the reporting
11 that there has been on it. But when things
12 went -- at one time were not known the fact
13 that they are now known and have been publicly
14 disclosed and there -- and there's been very
15 little objection by anybody or correction as
16 to what happened. I -- I think you'll find --
17 what I hope is a more coherent presentation to
18 give you an idea of what happened, when --
19 when people knew about it and -- and who was
20 involved in a -- in a broad sense.

21 To the extent that there might be
22 information that I've learned, and if I can't,
23 you know, somebody might say, well, who's
24 that. And if I can't determine that, I'm not
25 going to say. Because I don't -- I'm not

1 going to express to you anything where I am
2 not confident that the information is known
3 and verifiable.

4 I will say that what has been reported by
5 the national and local press, aligns with what
6 I learned out -- outside the criminal
7 investigation. And I think the conduct is --
8 is fairly clear and that you'll see where
9 Coffee County fits in a broader picture.

10 The conduct in Coffee County is similar
11 to the conduct in Atrium County, Michigan and
12 Clark County, Nevada. It's not entirely
13 clear, there's been a fair amount of reporting
14 on who was responsible for, you know, the
15 orchestration of the conduct. But I think it
16 is unclear as to who had specific
17 responsibilities within the organization and -
18 - and for our purposes what happened is what's
19 relevant. And not who was behind it. Because
20 what I want you to know is what happened in
21 Coffee County. So the focus of this review is
22 going to be not of Michigan or Nevada. It
23 will be on Coffee County, Georgia.

24 So the facts show that in March of 2021 a
25 phone call was disclosed in federal court

1 litigation was that a person by the name of
2 Scott Hall stated that he had arranged for a
3 plane to travel to Coffee County. To image
4 hard drive information from voting equipment
5 in Coffee County. In the call, Mr. Hall
6 claimed that he received permission from
7 officials in Coffee County to do so. And that
8 Coffee County officials allowed people to
9 enter the office to obtain hard information on
10 hard drives.

11 The Secretary of State's Office became
12 aware of Mr. Hall's telephone remarks in
13 February 2022. So although that was
14 available, it was not known to the Secretary
15 of State's Office until February of 2022. And
16 the Secretary of State's Office reached a
17 conclusion a couple of months later that based
18 upon Mr. Hall's telephone conversation which
19 was had a lot of other information that he was
20 passing along in this call, only a part of
21 which dealt with this trip to Coffee County
22 and based upon what was known at that time,
23 the Secretary of State's Office concluded in
24 April of 2022 that there had not been a breach
25 of any equipment. Okay. So I just talked

1 about what somebody learned in February 2022.

2 Now, let me go back to 2021. In June of
3 2021, which, of course, was after the 2020
4 election, when the new Coffee County Elections
5 Director became responsible for the Coffee
6 County Elections Office. Because the prior
7 director whose name is Mr. Campton was no
8 longer working there. And the circumstances
9 of that are unclear to me about why that
10 happened. There's been some reporting on it
11 but I don't have any independent information
12 about that.

13 But anyway, when this new elections
14 director came in, they were unable to access a
15 computer server because of password had been
16 changed. They tried to -- with the -- with
17 the help of one Dominion employee they -- they
18 tried to bypass the new password to get access
19 to the -- to that server but couldn't. So a
20 decision was made that the Secretary of
21 State's Office would take possession of the
22 server. Bring it back to Atlanta. Maintain
23 it in Atlanta and to replace the server that
24 was taken to Atlanta with a new server.
25 Again, that's in June 2021. In August of

1 2022, so now we're back into the current year,
2 information became publicly available showing
3 that on January 7th of 2021 a -- an Atlanta
4 firm that does forensic work and consulting by
5 the name of Sullivan|Strickler entered into a
6 retainer agreement to perform work to image
7 information on various types of devices in
8 Coffee County's election office.

9 Further, in -- in recent months there has
10 been video footage that -- that shows that
11 Coffee -- Coffee County permitted people to
12 enter the elections office and those same
13 videos, and some still pictures show that
14 Sullivan|Strickler employees were in the
15 Coffee County election office with local
16 officials. The images show Sullivan|Strickler
17 employees working in front of computers in the
18 office. Don't know exactly what they were
19 doing. But that's something that you -- that
20 you can see in these images.

21 And there -- and there were video depict
22 -- there were depictions -- visual depictions
23 of -- of hard and thumb drives tagged and
24 lying on the table. It looked like they had
25 been laid there in a orderly way. In -- so

1 now, on July 28th -- so now we're before
2 August of 2022, so I'm going back in time a
3 bit. This is a disclosure when -- when people
4 found out about what happened in Coffee
5 County. But on July 28th, before any evidence
6 of the activities that I just described was
7 known to State officials. I was advised that
8 evidence showed that the server retrieved from
9 Coffee County in 2021 and maintained by the
10 Secretary of State's Office had been
11 forensically examined. And there was evidence
12 the data on it was downloaded to an external
13 hard drive.

14 I required this information to be
15 reported to the federal judge provided over
16 the federal litigation I mentioned. And --
17 and to be given detail about what was known
18 about -- about the attachment of a hard drive
19 to the -- to the computer in Coffee County.
20 The Board and the Secretary of State requested
21 that a criminal investigation be opened
22 immediately and that occurred.

23 The investigation is currently being
24 conducted for the Board by the investigations
25 of the division of the Georgia Bureau of

1 Investigation with help from investigators in
2 the Secretary of State's Office assigned to
3 the Board. Because the conduct in Coffee
4 County paralleled conduct in other states, we
5 requested the Federal Bureau of Investigations
6 Office in the Southern District of Georgia to
7 participate in the investigation. Because the
8 request involves an election, it has to be
9 processed through channels that probably
10 ultimately decided (inaudible) justice in
11 Washington, D.C. I've called to get an update
12 on that and have not received it yet. Which
13 I'll just say from experience that doesn't
14 mean that the FBI isn't doing something maybe
15 in other states. So they could be involved,
16 but I don't know. I don't know what they're
17 doing, if anything, with respect to Coffee
18 County.

19 There's more recent -- so now I'll move
20 forward from July, there's more recent
21 information that has been disclosed that shows
22 that a different forensic firm visited the
23 Coffee County offices on January 26th of 2021
24 and were allowed into the offices by local
25 official, election officials. What happened

1 inside the office or what the firm did inside
2 the offices in Coffee County is uncertain.

3 One final thing which doesn't directly
4 relate to Coffee County, but I wanted you to
5 know about it. On September 20th of 2022, I
6 received documents from an individual who had
7 obtained them through a Georgia open records
8 request, and they involved Spalding County.
9 These documents show communications between
10 Sullivan|Strickler and Spalding County Board
11 of Elections in August of 2021. And there is
12 an unexecuted engagement agreement for
13 forensic collection preservation of Spalding
14 County Elections Managing Systems. And
15 another Spalding County iPhone forensic
16 collections preservation engagement letter.

17 The purpose of the imaging is not clear,
18 but it could have well have related to -- to
19 Spalding County's desire to -- to have
20 available information at the time of this
21 collection was made because there might have
22 been either issued or could be issued an order
23 from a court requiring the information be
24 preserved and it could be that they wanted to
25 have an image because they thought they had a

1 legal obligation to do that. But we're
2 investigating these communications and the
3 relationship to see -- to understand why
4 Sullivan|Strickler, a name which is now
5 familiar to us, was the firm that was talking
6 to them about that to see and assure us -- or
7 to disclose to us how it related, if at all,
8 to what happened in Coffee County or to -- or
9 to assure that it was totally different and
10 there for a different purpose.

11 As I said, a criminal investigation,
12 while I don't know the details of it. I can
13 tell you it is active and it's ongoing. I
14 can't tell you when it will be done, but the
15 purpose is to ultimately determine whether or
16 not there has been conduct that warrants
17 further review and then if necessary
18 prosecution.

19 Now, you can ask questions, but I've told
20 you everything I know. So I want to now go to
21 the risk-limiting audits. I'm going to ask
22 Blake Evans who's the Secretary of State's
23 Elections Director for the State to explain --
24 this is (inaudible) information to explain
25 what a risk-limiting audit is. What place

1 they play in elections in Georgia? And while
2 you can submit to me questions, I'm going to
3 tell you that it has to pertain only to risk-
4 limiting audits and how they work. Thank you
5 for coming. This is Blake Evans.

6 MR. EVANS: All right. Thank you, Judge.
7 Does it sound okay? Can everybody hear me?

8 THE AUDIENCE: Turn the volume up.

9 MR. DUFFEY: Try that.

10 MR. EVANS: Testing. There we go.

11 THE AUDIENCE: That's good.

12 MR. EVANS: So I think what I would --
13 what I would like to do to start off the
14 discussion on risk-limiting audits is to take
15 kind of a -- of a little bit of a broad
16 approach on what audits are in elections. And
17 talk a little bit about how risk-limiting
18 audits came to be part of our practice in
19 Georgia. And then transition from that to the
20 risk-limiting audit that we have coming up
21 after November and talk about how that will be
22 conducted.

23 MR. DUFFEY: I think that's a good plan.

24 MR. EVANS: So why perform post-election
25 audits period, at all? And a big reason why

1 we perform them is because we as election
2 officials we want to catch errors. We want to
3 -- we want to make sure that the outcome that
4 was certified was correct. To make sure that
5 the person that was -- that was indicated as
6 having won the election by the machine count
7 was the correct person.

8 And so typically when we talk about a
9 post-election audit whether it be a risk-
10 limiting audit or otherwise, you're looking at
11 a paper verifiable or a human readable
12 -- human readable text on a ballot. And
13 you're coming up with a hand tally that you
14 can then compare to the machine count. And
15 that's auditing the machines. You can't
16 really audit machines with those same
17 machines. That wouldn't be an audit. You do
18 it separately, you do it with humans. You do
19 it with eyes looking at ballots and the text
20 on the ballot.

21 And then the other reason why we do it,
22 obviously, we want to catch errors, we want to
23 confirm the count. But we want to increase
24 public confidence in the election. And -- and
25 to me, you know, doing this, of course, we

1 started it in 2020, but the public confidence
2 side of it, it's a little bit kind of
3 exercising. It's doing it consistently over a
4 long period of time that builds that habit.
5 And that -- and that creates kind of that
6 culture of auditing in Georgia elections. And
7 I think that's important.

8 The objective is to verify that the
9 machine count resulted in the correct winner,
10 and this is done by reading human readable
11 text that is on the ballot and coming up with
12 a tally using that text. Post-election audits
13 in the United States typically consist of
14 sampling some number of ballots after the
15 election to audit -- to audit the machine
16 count.

17 There are typically two categories, we're
18 talking about ballot audits that are used in
19 the United States. One is a -- what most
20 people call a traditional audit which is the
21 method that's been used by many jurisdictions
22 for -- for quite some time. And typically,
23 that will come with -- with some kind of a --
24 a random selection of a fixed percentage of
25 ballots or precincts. For example, I've been

1 in a jurisdiction before in another state
2 where we would select about two percent. We'd
3 pull a couple of precincts out of a hat. And
4 those would be the precincts that -- that we
5 would audit. And that was a fixed percentage.
6 It was about two percent of the total number
7 of precincts.

8 And then there's the risk-limiting audit.
9 So you have kind of the traditional and then
10 you have the risk-limiting audit. So the
11 risk-limiting audit you may hear me refer to
12 it using the acronym RLA throughout the
13 presentation because that's commonly what it's
14 referred to as. But the RLA relies on
15 statistics and mathematics to determine the
16 number of ballots to be audited and whether
17 the outcome of the audits supports the outcome
18 of the machine count with a high degree of
19 confidence.

20 So one way to think about it is if it's
21 one of the things that impacts the number of
22 ballots to be audited greatly, is the margin
23 of victory in the contest. So if it's a wide
24 margin, you're only sampling a relatively
25 small number of ballots. If it's a small

1 margin, you're sampling a very large number of
2 ballots. So one of the good things about RLAs
3 is they do adapt to the margin that you're
4 trying to audit in the county you're trying to
5 audit.

6 And just to provide a little bit of
7 background, my experience, when I first got
8 into elections working for a county office, it
9 was in Pensacola, Florida. And I can remember
10 after the first election that -- that I was
11 there for, it would have been in 2016. We had
12 paper ballots. And we did that fixed
13 percentage audit that I mentioned, and we did
14 that after every, every single election.

15 When I came to Georgia in 2019, of
16 course, our State was on the verge of getting
17 a new voting system with paper ballots that
18 would have human readable text. That could
19 then be audited. And so part of that process
20 was, and I wasn't necessarily a part of it,
21 but what Georgia was going through at that
22 time and the legislature and in the Secretary
23 of State's Office and the counties was
24 preparing for that new system. Preparing for
25 those paper ballots and the legislature passed

1 a law to put in place audits to audit the --
2 the machines.

3 And that law is O.C.G.A. 21-2-498. And
4 that Code section clearly defined what risk-
5 limiting audits were. And talked through some
6 other things. And so what I'm going to do is
7 there are a few portions of that law that I
8 want to highlight. So 21-2-498, as soon as
9 possible, but no later than November 2020
10 general election, the local election
11 superintendents shall conduct pre-
12 certification tabulation audits for any
13 federal or state general election in
14 accordance with the requirements set forth by
15 rule or regulation by the State Election
16 Board. Audits under this Code section shall
17 be conducted by manual inspection of random
18 samples of the paper official ballots.

19 In conducting each audit, the local
20 election superintendent shall complete the
21 audit prior to the final certification of the
22 contest. Ensure that all types of ballots are
23 included in the audit. This is important. So
24 whether they were cast in person, by absentee
25 ballot, advanced voting, provisional ballots

1 or otherwise. Then provide a report of the
2 unofficial final tabulated vote provided for
3 the unofficial final tabulated vote results
4 for the contest to the public prior to the
5 conduct of the audit. Complete the audit in
6 public view. That's extremely important.
7 Audits are -- are a very, very important part
8 of the election system. I'll talk about it in
9 a few minutes what we did in 2020. What we're
10 doing upcoming to make sure that they can be
11 viewed by the public. Provide details of the
12 audit to the public within 48 hours of
13 completion. And then it goes on to talk about
14 in the law, the State Election Board
15 promulgate rules. The Secretary of State
16 shall conduct a risk-limiting audit pilot
17 program with the risk limit not greater than
18 10 percent. And that the ending of the law
19 states that if such risk-limiting audit is
20 successful in achieving the specified
21 confidence level within five business days
22 following the election for which it was
23 conducted, then all audits performed by the
24 Code section shall be similarly conducted,
25 beginning not later than November 1st, 2024.

1 So one of the things (unintelligible) the law
2 was that we the State were to be working
3 towards risk-limiting audits.

4 So that law was put in place, and I can
5 remember when I came to Georgia, I
6 participated in a pilot risk-limiting audit at
7 the county level before coming to the
8 Secretary of State's Office. And then after I
9 came to the Secretary of State's Office, I
10 participated in a pilot from the Secretary of
11 State's side. And it became clear that one of
12 the things that -- that we could do is instead
13 of training election officials on traditional
14 audits, and then down the road transitioning
15 to risk-limiting audits, which was what the
16 law wanted us to be at by 2024. That we could
17 start out at -- with doing risk-limiting
18 audits.

19 And so we -- we decided that that's what
20 we're going to train on. That's what we
21 wanted to do. And the State Elections Board
22 drafted a rule, and that rule is 183-1-15-.04.
23 And I'm going to highlight a few sections of
24 that.

25 It starts with following the November

1 general elections in even numbered years, each
2 county shall participate in statewide risk-
3 limiting audit with a risk limit of not
4 greater than 10 percent. I'm going to pause
5 there.

6 So just to -- I want to define and
7 clarify what a risk limit is. And so when
8 you're -- when you're talking about auditing,
9 and you're talking about risk limits, you have
10 to designate for the algorithms that are going
11 to tell you how many -- how many ballots you
12 have to sample. A -- a risk limit and because
13 that will help determine how many ballots that
14 you have to pull. And so the risk limit if
15 it's 10 percent that means, essentially, would
16 you be satisfied with a 90 percent confidence
17 level at the end of your audit? And if the
18 answer's yes, then you can set 10 percent risk
19 limit you're auditing fewer ballots. If you
20 would be satisfied with a 95 percent
21 confidence level, then you can set it at five
22 percent risk limit. You're going to be
23 auditing a few more ballots but -- but you're
24 going to have a higher degree of confidence in
25 the outcomes of the audit.

1 And generally, what will happen is that
2 is to kickstart the process and then at the
3 end of the audit you'll have a report, and it
4 will tell you what your actual risk limit was
5 in the audit. For example, I remember one of
6 the audits that we conducted after the
7 Presidential preference primary in Fulton
8 County. I remember that one specifically. I
9 think it was a 10 percent risk limit or a five
10 percent risk limit. And the actual risk limit
11 after we audited the ballots was under one
12 percent. And we had that in the report
13 afterwards.

14 So going back to the State Election Board
15 rule, prior to county certification the
16 election superintendent of each county shall
17 prepare a ballot manifest. So a ballot
18 manifest is a document that lists all the
19 ballot containers following the election and
20 the number of ballots that are in each
21 container. Another word for container could
22 be batch. So a batch of ballots.

23 Going back to the rule, the contested
24 audit shall be selected by the Secretary of
25 State. The Secretary of State shall set a

1 date, time, and location after the November
2 general election in even numbered years to
3 select which contest to audit. Such meeting
4 shall be open to the public. After selecting
5 the contest to audit, the Secretary of State
6 shall publicly announce which contest will be
7 audited and published the selected contest on
8 Secretary of State webpage.

9 In selecting the contest to audit, the
10 Secretary of State shall consider the below
11 criteria: The closeness of the reported
12 tabulation outcomes. The geographical scope
13 of the contest because we wanted it to be a
14 statewide audit, so it needed be a contest
15 across all counties. The number of ballots
16 counted in the contest. Any calls for concern
17 regarding the accuracy of the reported
18 tabulation outcome of the contest. Any other
19 benefits that may result in auditing certain
20 contests or the ability of the county to
21 complete the audit before the State
22 certification deadline.

23 And then another key part that was
24 reiterated in the State Election Board rule,
25 was that the audit shall be open to the public

1 and public notice of the date, time and
2 location of the audit must be posted on the
3 county election office's website or if the
4 county election's office does not have a
5 website, in another prominent location. So
6 that was the first half of the rule.

7 The next half of the rule got into the
8 actual conduct of the audit. So the audit
9 shall be open to the view of public and press,
10 but no person except the persons designated by
11 the election superintendent or the
12 superintendent's authorized deputy shall touch
13 the ballot or ballot container. Each election
14 superintendents shall create audit teams
15 comprised of at least two sworn designees, so
16 they have to take an oath, and have to take an
17 oath, to assist with the audit. Chain of
18 custody for each ballot shall be maintained at
19 all times during the audit, including but not
20 limited to, a log of the seal numbers on the
21 ballot containers. Before and after
22 completing the manual audit.

23 For ballots marked by electronic ballot
24 markers, the auditors shall rely on the
25 printed text on the ballot to determine the

1 voter's selection. For ballots marked by
2 hand, the auditor shall rely on the choices
3 indicated by the voter filling in the oval
4 adjacent to the candidate or question. So
5 there are other parts of the rule. Those are
6 the parts that I wanted to highlight.

7 And so with -- with the law and the --
8 and the State Election Board rule being set
9 and with -- with -- with those in mind, and
10 knowing that we wanted to move forward in 2020
11 with a risk-limiting audit. We had to select
12 a system or a vendor that could do a couple of
13 things for us. One, we needed from a
14 statistical and mathematic side, we needed a
15 system that can consume ballot manifests from
16 159 different entities. And so, for example,
17 Bartow County might have a ballot manifest
18 with 200 batches of ballots in it. This
19 system had to consume his ballot manifest
20 along with that of every other county and
21 create one long list. The total number of
22 batches in the 2020 election was somewhere
23 right around just -- just over 40,000 batches
24 in the State.

25 And so the system had to do that and then

1 the system had to be able to run the
2 algorithms to determine, okay, how many
3 ballots based on the contest that's selected
4 need to be audited so that we have a
5 statistically significant sample and so that
6 when we do the hand tally, the outcome will
7 achieve the -- the confidence level that we
8 want.

9 And -- and going back to 2020, obviously,
10 the margin was very, very close. So what I
11 said earlier, the narrower the margin, the
12 more ballots there were to be sampled. So the
13 number of ballots to be sampled was so large,
14 well over two million ballots that it became
15 much more simpler and faster to hand count all
16 ballots statewide than to try randomly sample
17 2.5 million or however many ballots it was but
18 right around that number.

19 So what that does, when you're not
20 sampling anymore, your risk limit goes to zero
21 because you're literally counting all ballots.
22 So you have no risk limit set at that point.
23 Typically audits are samples. This was not.
24 The risk limit was set at zero.

25 Going back to the system that we use.

1 That system that we chose was through a
2 company called Voting Works and the system
3 that was used was called ARLO. In Voting
4 Works some of the funding came from DHS and
5 CISA in order to create the ARLO tool which
6 they used in our jurisdiction as part of the
7 pilot program that they were doing in
8 cooperation with CISA and then a few other
9 jurisdictions, as well.

10 So we trained counties. Counties went
11 through and they -- there were 41,881 ballots
12 that they hand tallied over the span of about
13 six days, and they hand tallied those. The
14 error rate in the hand count can typically be
15 a little over one percent, around two percent.
16 The error rate when compared to the original
17 machine count that we had in 2020, was .73
18 percent so we were well under that. We
19 confirmed that outcome of the election through
20 that.

21 And so if we fast forward to today -- so
22 to be clear, that was according to the law,
23 the -- the one and only time that counties,
24 since the law was put into place, were
25 required to conduct a risk-limiting audit.

1 The next election where they would be required
2 to conduct a risk-limiting audit is this
3 upcoming November 2022 election. There are
4 some counties that have conducted
5 risk-limiting audits since then. One of them
6 is in the room, Joseph Kirk in the back, he
7 conducts an audit after every single election
8 that he has. And that's a typical but I think
9 it is an excellent practice he's been able to
10 earn a lot of public confidence that way.

11 So fast forward to today, and thinking
12 about lessons that we've learned in 2020, and
13 what we plan to do in 2022. So we're still
14 using Voting Works. We're still using ARLO.
15 And we will be conducting a batch comparison
16 risk-limiting audit. Here's what that means:
17 After the election, the Secretary of State
18 will follow the State Election Board rule to
19 select whatever contest it is that will be
20 selected to audit. The counties will upload
21 their ballot manifests so their list of their
22 batch containers. Their list of ballots into
23 ARLO. And we'll -- we'll select a risk limit
24 because that's one of the things that we have
25 to do. Typically other jurisdictions -- I'll

1 use Colorado for example, because they have
2 been using this style of audit for a while.
3 They set their risk limit around four to five
4 percent. We'll set it at probably at least
5 that, around five percent. We -- we may
6 decide to get higher. But that's something we
7 can discuss.

8 And then what counties will get is
9 instead of getting back a list of specific
10 ballots that they have to go pull, like we
11 were training for in 2020, we're using a
12 different style of risk-limiting audit. What
13 they will get is a list of batches that they
14 have to go pull. And they will be hand
15 tallying complete batches. Here's the good
16 thing about that. Is let's say that Appling
17 County gets told, go pull the batch from
18 precinct one in Appling County and do a hand
19 tally for that. Appling County will go,
20 they'll pull election day batch one. They'll
21 hand tally those ballots. They'll have the
22 results at the end. They can put the results
23 of their hand tally into ARLO.

24 And then at the end of the audit, once
25 all the counties have counted their batches,

1 we'll publish all that information on our
2 website. We did that in 2020, but it will be
3 a report of the results of every batch in the
4 hand audit. And so anybody that wants to can
5 go and they can look and they can find the
6 batch from Appling County election day
7 precinct one. This is what the hand tally
8 was. They can look at scanner tapes, look at
9 something that was produced by the machines
10 themselves. And they can compare the results
11 by candidate. And so they can do that for
12 every -- any batch that's audited in the batch
13 comparison risk-limiting audit that we're
14 doing.

15 And so every county will be audited.
16 I'll go ahead and tell you that before I go
17 into more detail, we all know that the
18 election is on November the 8th, Tuesday,
19 November the 8th. Counties have to certify by
20 November the 15th. The start of the audit is
21 going to be Thursday, November the 17th and
22 then all counties have to be finished by
23 Tuesday, November the 22nd. So including the
24 start and end dates that's six days that they
25 have to complete the audit.

1 Following that, we have all the results
2 we, again, just like we did in 2020, because
3 we want to be as transparent as possible,
4 we're going to put all that information, all
5 the batch sheets, all the tally sheets, all
6 the reports produced on the website so anybody
7 can go and look at it. All ballot types will
8 be audited. Every county will be auditing
9 during that timespan so every county will be -
10 - will have batches to audit. The audit will
11 be open to the public. There will be audit
12 monitors. One of the things that I will
13 highlight specifically and then we'll probably
14 be doing something very similar this time
15 around. But if we go back in how we trained
16 counties in 2020 and how we're training again.
17 One of the official election bulletins that
18 was put out by the Director of Elections for
19 our office at that time in 2020, spoke
20 specifically to public access and political
21 party monitors.

22 And I'm going to read you some exert of
23 that. The audit shall be open to the public
24 and the press. But no persons except the
25 persons designated by the superintendent shall

1 touch any ballot or container. The
2 superintendent shall designate a viewing area
3 from which members of the public and press may
4 observe the audit for the purpose of good
5 order in maintaining the integrity of the
6 audit. The superintendent may also choose to
7 make the audit proceeding available via
8 livestream or webcast.

9 And then if I fast forward to another
10 official election bulletin that was put out
11 just a couple days after that one. We put out
12 an addendum that clarified that as an addendum
13 to the rules of political parties monitors and
14 because transparency should be a guiding
15 principle throughout this process. If the
16 election superintendent can safely allow --
17 because this was in the time of COVID -- if
18 election superintendents can safely allow more
19 than the minimum number of designated
20 political party monitors, consistent with
21 maintaining an orderly process, space
22 limitations and social distancing, public
23 health guidelines if you should. Please allow
24 as much transparency as you can while
25 maintaining a secure, orderly process in

1 abiding your public health regulations.

2 So that's going to be the message again.
3 As much transparency during the audit process
4 as we can possibly get. It's going to be a
5 little bit easier this year because of things
6 related to the pandemic. But that's going to
7 be our message again and has been our message
8 so far.

9 So in order to start the audit, as
10 randomly as possible. Because we don't want
11 anybody to think that any of this was planned
12 out or that we knew what batches were coming.
13 As I mentioned, counties upload their ballot
14 manifest into ARL0. And then the algorithm
15 that runs has to have a -- has a random number
16 generator that is used to select the -- the
17 batches randomly.

18 But it's a little bit of fun thing, in
19 order for that to happen, the random number
20 generator needs to 20-digit number put into
21 that. And so as part as -- of the kickoff
22 process there will be 20, I think it's 10-
23 sided, 10-sided dice or die, that will be
24 rolled. So if -- Mark (unintelligible) is in
25 the room, I know you asked about that last

1 week, I think. We have public in that
2 process, you know, we'll probably invite a few
3 people up. They can take a dice, they can
4 roll it, and the first number is three, the
5 first number that -- of the 20 digit number
6 will be three. And we'll go on until we have
7 a 20-digit number. We'll put that into the
8 system. ARLO will kickoff and that's when the
9 counties will be given the -- their list of
10 batches to go audit.

11 Then counties take their individual lists
12 notating which ballots they must pull to be
13 audited. Each county will have the number of
14 audit teams they think they need to complete
15 the audit. So we're giving counties six days.
16 We're telling them prepare for a slim margin.
17 And in the event that you have to count a lot
18 of ballots, make sure you can complete in that
19 timespan. And once counties receive the list
20 to be audited, they will begin on November the
21 17th.

22 So when the audit begins, let's say it's
23 the start of -- it's the start of the audit.
24 Everybody's starting on November 17th. If --
25 any county that you go into, you should see

1 that their ballots are securely stored. They
2 have their batch sheet. So what they'll do is
3 they'll bring their ballots out of storage
4 with the proper chain of custody paperwork.
5 They'll take their ballots in their batch to a
6 check-in table, keep in mind every county,
7 will do this a little bit differently
8 depending on the size of the county. But
9 essentially, they'll take it to a check-in
10 table. A team at the check-in table will
11 check the seal on the -- on the batch. And
12 then that batch will be -- the -- the seal
13 will be broken. The batch taken to an audit
14 board team that's sworn an oath and then the
15 audit board team will hand tally the batch.
16 And they'll have results and then the results
17 will ultimately be put in ARLO.

18 Once the batch has finished being
19 audited, it will go to a check-out team. That
20 check-out team will make sure that the ballots
21 are stored in the batch. They'll seal it
22 back. They'll record the seal number and then
23 the batch will be returned to secure storage.
24 If there are questionable marks or anything
25 like that a ballot that needs to be looked at.

1 There will be -- counties will have vote
2 review panels which are comprised just the
3 same way vote review panels are comprised for
4 any election. So the party nominees and the
5 election superintendent.

6 So at the end, counties will enter their
7 batch totals into ARLO. We will get the
8 reports under results of batches with the
9 batch names. One of the things I want to note
10 at this time, is that the batch names, because
11 I know a lot of folks like to go, they like to
12 look at the batches. And they want to try to
13 compare those to the machine tallies. So we
14 heard that feedback from 2020. The batch
15 names that are produced by ARLO should be very
16 close to the same or the exact same as what
17 comes out of the Dominion system. Again, that
18 makes it possible for anybody that wants to go
19 and compare what a Dominion machine got for
20 the count to what humans got for the count.
21 They can do that. So that makes that
22 possible.

23 So, again, after -- it'll be the Tuesday
24 before Thanksgiving that the audit will
25 conclude and then we will release the reports

1 following that. Make them publicly available.
2 The 2020 documents are still on our website.
3 The Secretary of State's Election Division.
4 You can go -- click on the election results,
5 scroll down to the bottom, you'll see a link
6 to risk-limiting audit 2020. You can click
7 there and see all the documents.

8 We'll also start the process -- we'll
9 immediately make the reports available for
10 people go look at. And we'll also start the
11 process of collecting the batch sheets that
12 the counties use for -- because each
13 individual batch has its own tally, and it
14 goes on its own batch sheet, we'll work on
15 collecting those and then posting those again.

16 So, again, the -- what we're -- what
17 we're striving for goes back to -- we want to
18 catch any errors, if there are any. We want
19 to confirm the outcome of the contest. We
20 want to build public confidence. That's what
21 we want to do. And I think doing that
22 consistently over -- over a period of time is
23 -- is the way to do that. We're -- we're
24 doing the audit in November. I know that I've
25 heard from multiple county election officials

1 that there's a lot of interest even if the law
2 doesn't require it to do an audit following
3 the run-off as I mentioned Joseph in the back
4 from Bartow County does an audit after every
5 election, but audits are an extremely useful
6 tool. Building public confidence. Auditing
7 the machine. Being able to say that you
8 looked at the human readable text and you
9 confirmed the outcome based on that. It's
10 important.

11 So with that I'll take any -- any
12 questions that you have.

13 MR. DUFFEY: Well, I'm a little still
14 unclear about what a batch is.

15 MR. EVANS: Yeah. Good question. So a
16 batch. So the question was essentially what
17 is -- what is a batch?

18 And so there are different types of
19 voting methods. So you have election day.
20 You have absentee. And then you have advance
21 voting. For election day, typically, what a
22 batch will refer to is however many ballots
23 that were counted by a scanner. And so upon
24 election day, you had one scanner at your
25 polling place, 500 people came and voted, cast

1 their ballot through the scanner, the ballots
2 drop into a ballot box. Then that batch for
3 the election day precinct will be 500.

4 If your election day precinct had two
5 scanners, then your election day precinct
6 would have two batches. Because each
7 scanner's going to print out its own
8 individual results -- results tape and you
9 want to be able to compare the results from
10 the batch to the tape.

11 For advanced voting, similar concept. If
12 you had over the course of three weeks, a
13 scanner that takes 5,000 ballots, then that
14 batch for that advanced voting location is
15 going to have 5,000 ballots in it.

16 For absentee, let's say a county gets in
17 2,000 absentee batches (sic), they can have --
18 generally what counties will do is they'll --
19 they'll cap their batches --

20 MR. DUFFEY: You -- you mean 2,000 -- you
21 mean 2,000 absentee ballots? You said
22 batches.

23 MR. EVANS: Yes, I'm sorry. 2,000 --
24 2,000 absentee batches (sic) beginning back in
25 2020 territory. I don't think we're going to

1 quite hit that. But -- but 2,000 absentee
2 ballots -- generally what a county will do is
3 they'll cap each batch at about 50. And so
4 they'll take 50 ballots, they'll run those
5 through the scanner. That'll be batch --
6 that'll be absentee batch one. They'll take
7 the next 50 and run those through the scanner,
8 absentee batch two. And so on until they
9 complete the process.

10 And then a similar process with
11 provisionals. So if there are 25 provisionals
12 after the election, that are to be counted,
13 oftentimes those will be in their own batch.
14 Counties will run those through. That'll be
15 provisional batch one.

16 MR. DUFFEY: So the question is: Are the
17 actual ballots, which I assume are the paper
18 ballots? Is that what you're talking about?
19 Isn't this your -- is this your question?

20 MS. BRADSHAW: Mine, yes.

21 MR. DUFFEY: When you say actual ballot,
22 you mean the paper ballots that are --

23 MS. BRADSHAW: The paper ballots that go
24 into the ballot box.

25 MR. DUFFEY: Right. Are they used for --

1 are those the ballots used for the audit?

2 MR. EVANS: Yes. Yes. Those are the --
3 the ballots that the audit teams are doing the
4 hand tally --

5 MS. BRADSHAW: And do people just tally
6 or are those ballots run through the scanners
7 again?

8 MR. EVANS: So the -- the audit will be -
9 - that's a good question -- so the question
10 was: Do people tally or are the batches --
11 are the ballots ran through the scanner? The
12 audit would be conducted completely separate
13 from the machines. And so it will be
14 generally what -- what folks will do is what
15 we call sort and stack method.

16 And so if it's candidate A and candidate
17 B, and they have a batch of 50, the first
18 thing they'll do when they get that batch of
19 50 is they'll sort into candidate A, candidate
20 A, candidate A, candidate B. And then once
21 they've sorted the ballots that way, they'll
22 count the pages. They'll count the ballots.
23 And that's how they come up with their tally.

24 MR. DUFFEY: Well, this question, Mr.
25 Balbona, wants us to know whether or not

1 there's a specific article authored by a
2 fellow by the name of Phillip Stark. I'm
3 going to say this. I have read so much I
4 don't know who wrote what. So I couldn't
5 answer that question. I may have. I may not
6 have.

7 MR. BALBONA: That was a personal letter.
8 He's the creator of Risk Limiting Audits and
9 gave a letter to Brad Raffensperger and talks
10 about us using RLAs with the Dominion
11 (inaudible). I just wondering if everyone up
12 there on the podium has read it.

13 UNKNOWN SPEAKER: Is that the --

14 UNKNOWN SPEAKER: Could you speak into
15 the microphone, please?

16 MR. BALBONA: He says it's election
17 (inaudible).

18 MR. DUFFEY: I'm -- I'm going to say the
19 same thing. I get so much paper and there
20 have been a number of letters, I mean, I don't
21 remember that. But I'm not saying -- and I'm
22 going to say -- and I'm not going to make
23 everybody else do this memory test about what
24 they had --

25 MR. BALBONA: I mean, he's literally the

1 creator of Risk Limiting Audits he -- he came
2 up with it.

3 MR. DUFFEY: Oh, I understand that.

4 The question is whether or not -- and who
5 wrote this? This tiny little one.

6 MS. DUFORT: I'm sorry.

7 MR. DUFFEY: And your name, please?

8 MS. DUFORT: Jeanne DuFort. Jeanne
9 DuFort.

10 MR. DUFFEY: Has a decision been made as
11 to how many statewide contests are going to be
12 audited?

13 MR. EVANS: So the -- the plan right now
14 as the -- the law requires is to audit one
15 contest statewide following November. And
16 then as I -- as I mentioned, I have heard
17 feedback from county election officials that
18 there's interest in -- in auditing a contest
19 following the runoff. And -- and I'll say
20 again, I think the -- the best way to be able
21 to -- to build public confidence by using
22 audits is to do it consistently over a period
23 of time. And so I think it's a very good idea
24 in the future for us to look at ways how to
25 audit after every contest similar to how

1 Joseph does. Similar to what, you know, other
2 -- other county election officials are
3 starting to do because there's -- there's a
4 lot of county election officials that see the
5 significance and the importance of audits.
6 But to go back to the original question.
7 Looking at one contest following November.

8 MR. DUFFEY: And where does the -- how do
9 you determine what the confidence rate that
10 you're seeking is -- is going to be. Then how
11 do you determine whether it's met or not.

12 MR. EVANS: Yeah. That's a good
13 question. So that -- that goes back to the --
14 the risk limit that -- that we were talking
15 about. So the law says that it needs to be a
16 minimum -- or that it they cannot be any
17 higher than 10 percent. And then once you
18 complete the audit, based on the -- the
19 results of the hand tally. The report will --
20 will tell you what you're actual risk limit
21 was. So initially, the -- the number that
22 you're selecting is to help kickoff the
23 process. To help determine how many ballots
24 you want to start auditing. It's not
25 necessarily based on what the hand tally is,

1 what's your risk limit will end up being.

2 But, again, if we look at other
3 jurisdictions, and what they typically do,
4 with risk-limiting audits, ranges from four or
5 five to 10 percent. So we might do something
6 in lines with that. But what we want to do is
7 we want to make sure that every county is --
8 that we're auditing enough ballots and that
9 every county's participating in the audit. We
10 want to make sure that as the State Election
11 Board rule and the law says, we're auditing
12 every type of ballot, (unintelligible)
13 ballots, absentee, hand marked ballots.

14 And so then -- then at the end once we do
15 that and then like I said, we'll get that
16 report that says what the actual risk limit
17 was.

18 MR. DUFFEY: And when you quoted this 10
19 percent figure, you referred to a law. What
20 law is that? Where's that law at?

21 MR. EVANS: So at the end of O.C.G.A. 21-
22 2-498. It says the Secretary of State shall
23 conduct a risk-limiting -- and this is talking
24 about the pilot programs. But conduct a risk-
25 limiting audit pilot program with a risk of

1 not greater than 10 percent. And so that's
2 typically what we used for the audit. And
3 then if you go to the State Election Board
4 rule 183-1-15-.04, following November general
5 elections in even numbered years each county
6 shall participate in a statewide risk-limiting
7 audit with the risk limit of not greater than
8 10 percent as set forth in this rule prior to
9 the certification by the Secretary of State.

10 MR. DUFFEY: Who -- how do you determine
11 who's going to be on an audit team?

12 MR. EVANS: So how do you determine who's
13 going to be on an audit team? So counties
14 usually use that State Election Board rule
15 that I referenced to be their -- their guide
16 for who they could ask. And I'll read from
17 that rule.

18 The election superintendent shall create
19 audit teams comprised of at least two sworn
20 designees to assist with the audit. The
21 superintendent may designate non-employees to
22 assist with the audit process. All persons
23 who the superintendent designates to assist
24 with the audit shall take and sign an oath
25 that they will conduct the audit accurately

1 and securely prior to assisting with the
2 audit. And I know one of the things the
3 county do in practice is they'll reach out to
4 the poll workers first and give them the
5 opportunity.

6 MR. FERGUSON: There's follow-up part to
7 that question, sir.

8 MR. DUFFEY: It's a repeat question about
9 Phillip Stark. He's here to explain how the
10 audit process works.

11 MR. FERGUSON: No. If there is no --

12 MR. DUFFEY: Excuse me it's not --

13 MR. FERGUSON: -- if there is public
14 access, can it be stated at the public can be
15 placed on it and actually see what is going
16 on. Like Fulton County won't let you within
17 30 feet.

18 MR. EVANS: Yes, for sure, that's what's
19 outlined in the rule is that and it's -- put
20 the official election bulletin was that
21 everybody should have access to be able to see
22 what's going on. Now, if it's, you know, and
23 I say that knowing that where we were at in
24 2020. And having the audits of the ballots,
25 if you have 75 audit teams and you're --

1 you're standing watching one audit team, you
2 may not be able to see what the audit team way
3 over on the other side of the room is doing.
4 But if you find yourself in a position where
5 you do not have access to be able to see -- to
6 be able to see audit teams. Be able to see
7 the audit, that is something our office would
8 -- would want to know.

9 MR. DUFFEY: What have you done to ensure
10 that these audits will, in fact, work in the
11 Dominion system?

12 MR. EVANS: So the question was: What
13 have you done to make sure they'll work with
14 the Dominion system.

15 So work with Voting Works the ballots
16 have human readable text. And so the audit
17 itself, is conducted separate from any machine
18 or equipment company period. So as long as
19 there's a human -- human readable text that
20 you have an audit team look at the ballot.
21 See what the choices are and tally -- hand
22 count that way. The audit would work with any
23 kind of system.

24 MR. DUFFEY: So the -- the audit is
25 really taking the produced paper ballot which

1 is reviewed by the elector who puts it into
2 the scanner. Then you compare that paper
3 ballot against the machine count?

4 MR. EVANS: Correct.

5 MR. LINDSEY: Quick question sort of
6 leading part of the question that was asked a
7 moment ago. If -- if there is a question that
8 a -- that an authorized observer has regarding
9 a county's compliance with public access, how
10 do they get ahold of the Secretary of State's
11 Office to have that addressed? And I think
12 it'd be important for folks to know that.

13 MR. EVANS: Yes. So we do have our --
14 and one -- one of the easiest ways to do it is
15 just as far as what we put in public
16 communication, is to go to our website and on
17 our online form there. But we do have our --
18 I'm going to call him out real quick. Nic
19 what is our --

20 MR. LINDSEY: You can call a friend if
21 you need to.

22 MR. EVANS: Yeah -- yeah. So -- so
23 elections@sos.ga.gov that would be a great way
24 to reach us that way. But, I mean, if you're
25 having an issue with meaningful access at a --

1 at an audit location, the best thing to do is
2 to talk to the superintendent -- the election
3 superintendent there. And to -- to address --
4 to try to address it that way. Because a lot
5 of times if they know about it, they'll
6 resolve it.

7 MR. LINDSEY: But if they don't, how do
8 they get ahold of the Secretary of State's
9 Office?

10 MR. EVANS: Yeah. A great way to do that
11 would be call us.

12 UNKNOWN SPEAKER: What's the number?

13 MR. EVANS: You can call us. And then
14 there's elections@sos.ga.gov.

15 MR. NORTHEN: There's also a really
16 convenient contact us form on our website.
17 And it is staffed, and those submissions do
18 get circulated amongst our team and sent over
19 to either investigations or our team will
20 contact a county official based on, you know,
21 an inquiry that was submitted that way. So
22 there's -- there's a few -- a few ways to do
23 it. Like, Blake mentioned, calling us. But -
24 - but that -- that form on our website
25 immediately triggers an email to multiple

1 members of the election staff. So it's kind
2 of the -- the best way to reach multiple folks
3 at once, if you will.

4 MR. LINDSEY: Thank you.

5 MR. FERGERSON: What's the time limit?

6 MR. NORTEN: sos.ga.gov.

7 MR. EVANS: Yeah. Okay. What was the
8 question?

9 MR. FERGERSON: The question dealt with a
10 timely response. What you're talking about
11 will take a month.

12 MR. EVANS: I wouldn't say that. I get -
13 - we get stuff that comes to our office pretty
14 -- pretty quickly. And if it's, I mean, if
15 it's -- we respond to it as fast as we can.
16 And if there's something that needs an urgent
17 response like we're in the middle of an audit,
18 and there are people that can't get access,
19 which is something that qualifies as needing
20 an urgent response. We'll get somebody on it.

21 MR. DUFFEY: So this question is about
22 the photography rule which Judge Brouillette
23 struck down. I don't think he struck it down.

24 MR. BALBONA: He said it was too broad.

25 MR. DUFFEY: I think he struck it down.

1 Well, first of all, I don't remember in the
2 opinion how he described who -- what?

3 MR. BALBONA: He said it was too broad.

4 MR. DUFFEY: Well, what I'm saying is, I
5 think the details of what he struck down --

6 MR. BALBONA: What he struck down was
7 saying that you could never take a picture of
8 any -- or video any ballot that's been cast.
9 But there's no identifying information on the
10 ballot or there shouldn't be. So it makes no
11 sense.

12 MR. DUFFEY: Well -- well, you'll have to
13 take that up with Judge Brouillette.

14 MR. BALBONA: My point is that the county
15 won't do it and even when I handed DeKalb
16 County the printout of the ruling, they still
17 wouldn't let me.

18 MR. DUFFEY: I don't want to argue about
19 your desire to video. But has that happened
20 since Judge Brouillette's ruling which was
21 really pretty recently?

22 MR. BALBONA: That was after. It was
23 after.

24 MR. DUFFEY: What election was that?

25 MR. BALBONA: That was the (inaudible).

1 It was the democratic recount in DeKalb
2 County.

3 MR. DUFFEY: What I would do is I would
4 talk to DeKalb County and ask why they did
5 that in light of Judge Brouillette's ruling.

6 MR. BALBONA: I have, and I asked them if
7 they could cite what O.C.G.A they are using
8 (inaudible) and I said, you're not just
9 pulling it out of your butt? And she said,
10 yes. We're just pulling it out of our butt.
11 And I have it on tape if you want to hear it.

12 MR. DUFFEY: Did you file a complaint on
13 them?

14 MR. BALBONA: I did. And if Sarah
15 (inaudible) was here maybe she could tell me
16 the status of that. But apparently the system
17 that SOS uses can't look up complaints per
18 complainant.

19 MR. DUFFEY: Yeah.

20 MR. BALBONA: That seems very archaic.

21 MR. DUFFEY: I'll talk to her and see
22 where your complaint stands.

23 MR. BALBONA: Thank you.

24 MR. DUFFEY: Sara you wanted to ask a
25 question?

1 MS. GHAZAL: Thank you, yes. I wanted to
2 clarify that batch is not necessarily equal
3 precinct, correct? So in the case of -- of
4 election day voting, a batch of ballots may or
5 may not be the total for the precinct if a
6 precinct has more than one scanner it could be
7 just one scanner. But in a case of early
8 voting and absentee voting, those could be
9 from any and all precincts across the county;
10 that's correct, right?

11 MR. EVANS: Correct. So to -- to go back
12 to the first part. If you have two scanners
13 at an election day location, and you each --
14 one scanner took in 600 ballots and the other
15 scanner took 400 ballots those are two
16 separate batches. So the 400 batch ballot --
17 ballot batch gets selected to be audited, then
18 the results from that -- will -- can be
19 compared for the scanner tape for that one
20 scanner, but it wouldn't be the -- the entire
21 polling locations.

22 MS. GHAZAL: Right.

23 MR. EVANS: Same thing with absentees.
24 There are reports. It's -- there are reports
25 that break it out -- that break out results by

1 batch. And so somebody could take a report
2 like that in the Dominion system and compare
3 the results that way. If -- if they wanted to
4 for the absentee batch.

5 MS. GHAZAL: Thank you. I just wanted to
6 make sure that folks understand that it's not
7 going to be a one to one comparison between
8 what they find on the Secretary of State's
9 website which reports by precinct versus
10 reporting by a batch. Those are different
11 groups of ballots and it's possible to make
12 that comparison. But it -- it could be
13 confusing if you're not -- if you don't
14 understand what you're --

15 MR. EVANS: Correct.

16 MR. DUFFEY: This risk limitation audit
17 you find some discrepancy, what's the process
18 for addressing a discrepancy?

19 MR. EVANS: That's a good question. So
20 you have the initial sample of ballots. So
21 ARLO has given each county a list of batches
22 to go and look at. And to report the results
23 from. If when those results are put into
24 ARLO, if -- if they don't align with the
25 results from the machine count, what ARLO will

1 tell you is we're going to a second round of
2 auditing. We're going to audit more batches.
3 And you will continue that process if you
4 continue to find errors and discrepancies
5 until you have audited all ballots. And if
6 you audit -- if you get to that point where
7 you have audited all ballots, and you find
8 there was an issue with the election, then it
9 is before a State certification. So the
10 counties who find errors could re-certify.
11 And ensure that the State can certify the
12 correct results.

13 MS. PRETTYMAN: I suppose is that what
14 you're recommending for the discrepancies in
15 hand counts ballots for the primary? Do you
16 recommend counties pursue that?

17 MR. EVANS: What was that -- I could not
18 hear.

19 MS. PRETTYMAN: My question: In -- in
20 the primary there had been hand counts that
21 had discrepancies. And so, I guess, what
22 you're recommending is that we pursue that
23 further and count more?

24 MR. EVANS: You said there was a hand
25 count that had discrepancies?

1 MS. PRETTYMAN: Yes. Multiple counties
2 and it hasn't been dealt with --

3 MR. EVANS: Hand -- hand counts are
4 generally less reliant than machine counts.
5 And so I wouldn't be surprised if they had
6 discrepancies.

7 MS. PRETTYMAN: No. They were
8 (inaudible) --

9 MR. DUFFEY: I'm going to let you take
10 that up. That's not about generally, Risk
11 Limitation Audits, that's a complaint you have
12 with respect to a specific election. So your
13 option is to bring that to the attention of
14 whomever you want to. But this is not the
15 place.

16 This -- this is -- your question has
17 nothing to do with risk limitation audit so
18 I'm not going to ask if it's a complaint about
19 past elections.

20 MS. PRETTYMAN: Well, that --

21 MR. DUFFEY: It -- it says here, from
22 previous elections and push back. So I'm not
23 going to ask that question. But if you -- you
24 also have options, if you want to be more
25 precise about what your concern is, you can

1 submit to the dedicated email address, and
2 I'll see that if it's -- it makes sense to
3 have a response that will get in the hands of
4 the right person.

5 Who asked this question?

6 MS. STEVENS: I believe that's mine, sir.

7 MR. DUFFEY: And your name?

8 MS. STEVENS: Nan Stevens.

9 MR. DUFFEY: This is a question of how --
10 how -- well, I'll read it to you -- it's what
11 is the use of the QR code in auditing if we're
12 -- if the written ballot is being used to
13 verify the vote.

14 MR. EVANS: So really the QR code is not
15 used for anything in an audit. You're using
16 the human readable text.

17 MS. STEVENS: So why do we even have it
18 on the ballot?

19 MR. EVANS: So the machine reads the QR
20 code. And then you audit to audit the machine
21 count to confirm you've got the right outcome.

22 MS. STEVENS: Both you and the previous
23 presenter have always stated that you're going
24 to go back to written readable text when doing
25 an audit. So my question is: Because they

1 make machines that can read readable text.

2 What is the purpose of the QR code?

3 MR. EVANS: So our scanners can read the
4 ballots.

5 MS. STEVENS: So the scanners --

6 MR. DUFFEY: Excuse me.

7 MS. STEVENS: -- are not reading the
8 readable text, they're only reading the QR
9 code?

10 MR. EVANS: The scanners read the QR
11 codes.

12 MS. STEVENS: Thank you, sir.

13 UNKNOWN SPEAKER: In violation of the
14 law.

15 MS. STEVENS: And both you and the other
16 fellow --

17 MR. DUFFEY: Excuse me. Excuse me. This
18 is not your chance to argue with the
19 presenter.

20 MS. STEVENS: Yes, sir.

21 MR. DUFFEY: If you want to do something
22 that's more elaborate or make your point
23 again, you can do it in writing and submit it
24 to the website.

25 MS. STEVENS: Yes, sir.

1 MR. DUFFEY: Thank you. Can counties do
2 other kinds of audits if they so desire?

3 NR, EVANS: Yes. Yeah. There have been
4 counties that have gone -- like Bartow but
5 many others, I just say, Joseph because he's
6 in the room, who can conduct audits. The --
7 the preference especially if you're -- you're
8 auditing a -- if you're auditing a state
9 contest, like for counties that may have
10 conducted audits in -- in May is to complete
11 the audit before State certification. But I
12 think, I don't know, Ryan, if you want to say
13 anything more to that. But -- but, yes,
14 counties can go above and beyond the rule that
15 is written.

16 MR. DUFFEY: And who wrote the little
17 note with the butterfly?

18 MS. CRUZ: That's my question.

19 MR. DUFFEY: And your name is?

20 MS. CRUZ: Victoria Cruz, Athens,
21 Georgia.

22 MR. DUFFEY: Thank you. In case you
23 haven't gotten the drift here your name should
24 be on your question.

25 MS. CRUZ: I'm sorry. I didn't

1 (inaudible).

2 MR. DUFFEY: Okay. Any -- any other
3 questions from the Board?

4 DR. JOHNSTON: Yes. So thank you so very
5 much for this presentation. I think audits
6 are the important piece of an election these
7 days to confirm that the outcome is correct.
8 And also, to provide some confidence in the
9 outcome. There are -- there are some
10 assumptions and requirements for RLAs that we
11 -- we need to all be aware of and one of
12 course is correct tabulation by the machines.
13 We also need to make sure that all the results
14 are complete and in and frozen and unchanged
15 throughout the audit process. So that
16 counties can't go back and rearrange their
17 data. There needs to be an -- an accurate and
18 trustworthy paper trail with proper and
19 documented chain of custody for every step of
20 the way involving the ballot -- all the
21 ballots. Like you said, thank you, are
22 included in the audit and very important is
23 the ballot manifest and we need to make sure
24 that all counties have an accurate ballot
25 manifest or the RLA will fail. So things to

1 be aware of. I would encourage bi-partisan
2 participation in witnessing of the chain of
3 custody of the ballots even to the point of
4 retrieval of the ballots from the secure
5 storage brought to the audit table. I think
6 there are plenty of willing bi-partisan folks
7 that would sign up to be a part of that team.
8 Not to touch the ballots, but just to witness
9 the transfer. And I would encourage
10 livestream video of the audit.

11 In the medical -- in the science world,
12 statistical significance is generally agreed
13 upon to be the point (inaudible) level .05
14 percent -- .05 which is a five percent max on
15 as far as a risk limit. So I would be -- I
16 would expect a -- a RLA to be that at least or
17 better. And also, what do you see in the
18 future, if you had a perfect world as far as
19 audits? What would you recommend for -- for
20 Georgia?

21 MR. EVANS: That's a big question. I
22 didn't know I was going to get that. I want
23 to see audits after every election. I think
24 that's something we've discussed in our -- our
25 office. And I think we -- I think we all like

1 that idea. I think it's good for -- for
2 counties. I think one thing to keep in mind
3 with this particular audit that we have coming
4 up is for -- for many counties the -- the law
5 is written such that the audit is conducted
6 after even year general elections, so for many
7 counties they have not conducted an audit
8 since two years ago. And that audit was
9 different because it was a full hand recount.
10 So this is the first time that many of them
11 will conduct kind of that sampling audit. So
12 there -- we're training on them. We're --
13 we're training on the audits. We're -- we're
14 very confident. But it will be the -- the
15 first time they've conducted an audit like
16 this. So I think we should keep that in mind.
17 But I think also going forward I think we need
18 to look for ways to expand audits. A way to
19 have audits after every election. Because it
20 is -- it's good practice. It confirms the
21 outcome. And it -- it builds public
22 confidence.

23 MR. DUFFEY: Okay. Just one last
24 question. In an RLA audit, how are
25 adjudicated ballots treated and handled?

1 MR. EVANS: So the question was: In a
2 risk-limiting audit how are adjudicated
3 ballots handled. So if it was a ballot that
4 went through the adjudication process. So
5 there was a teams of vote review panel
6 initially in the original count that had to
7 look at a ballot. Maybe it was -- maybe there
8 was an error in a mark or for some reason had
9 to look at the ballot and try to make a
10 decision of voter intent. We see those on
11 hand marked paper ballots. There are also
12 vote review panels that are part of a
13 risk-limiting audit process. And so if
14 there's a ballot that needs to be
15 quote/unquote adjudicated in a risk-limiting
16 audit, it can also go to a vote review panel
17 for a decision to be made on it.

18 MR. DUFFEY: There is one more question
19 about why don't you transfer calls better in
20 your office. But I'm going to let that person
21 talk to you.

22 MR. EVANS: Working on it. I mean, we
23 have a dedicated group of individuals that I'm
24 very proud to work with them. You know, I
25 think there's not many of us. We've got 20

1 full-time staff in our election division. You
2 can look at North Carolina. They've got over
3 60. You know, there's not many of us. We
4 serve the counties. And there's a lot of
5 dedicated county election officials too that
6 do a darn good job. And I know, you know, one
7 was mentioned earlier and on the agenda. That
8 is -- I do want to say publicly that we've got
9 a lot of very dedicated, very good county
10 election officials that have -- many of them
11 who have dedicated their whole lives to public
12 service. And they -- they want public
13 confidence. The elections are at their heart.
14 And they serve the public as best they can.
15 So I want to say that.

16 MS. BRADSHAW: Could I say something else
17 about the adjudicated? I know like in Fulton
18 County in the 2020 election, Richard whatever
19 his last name was, said there were 106,000
20 adjudicated ballots?

21 MR. EVANS: He was wrong.

22 MS. BRADSHAW: Okay. Well, that's good.
23 But -- but do you get the -- the ballot image
24 that someone came and revoted for them, or do
25 you get the original ballot in a risk-limiting

1 audit?

2 MR. EVANS: The -- you get -- you're
3 looking at the original ballot. You're
4 looking at the original ballot to make your
5 own determination as part of the audit.

6 MR. DUFFEY: All right. The last agenda
7 item is a discussion amongst the members of
8 the Board based upon any observations or
9 insights that you had during the course of the
10 presentations today. One thing I would like
11 to know is was this exercise worthwhile? It
12 took a fair amount of time to put it together.
13 But -- but one of the things that we're trying
14 to do for the Board and since all our meetings
15 are open. I think ultimately, it's also a
16 benefit to the public. But so I'd like --
17 like that insight. And I'd also would like to
18 know what your thinking is. Your insight you
19 had as a result of what we've heard. I guess,
20 let's start with -- somebody suggested that we
21 start from the least senior to the most
22 senior, except I'm taking myself out, even
23 though I'm very least senior. Using my
24 prerogative to wait until I hear everybody
25 else. So that would be you, Dr. Johnston.

1 DR. JOHNSTON: Are you talking about age
2 senior?

3 MR. DUFFEY: No, tenure on the Board. I
4 would still beat you on age senior, too.

5 DR. JOHNSTON: I don't know about that.
6 Well, I -- this is certainly I think a
7 positive and gathering together to have this
8 type of meeting and the presentations and I
9 thank you for -- for organizing this and --
10 and pulling it together. And I think
11 everybody that's here that has questions and,
12 I mean, maybe seem to have comments. My goal,
13 as always, is election integrity. And
14 whatever it takes to achieve that, and I think
15 that's true of everybody here on the Board. I
16 take this meeting as a maybe a springboard for
17 us to have further discussions of things that
18 we might do to make suggestions to the
19 Assembly -- the legislature in the future.
20 And to work with maybe some formulation of
21 some new rules that would -- would help
22 clarify areas that are maybe unclear. And
23 I'll look forward to that process. Is
24 everything perfect? No. Could it be better?
25 Yes. Are we all working very hard toward

1 that? Yes. And once again, I thank you.

2 MR. DUFFEY: Thank you. Mr. Lindsey,
3 you're next.

4 MR. LINDSEY: I guess the next one falls
5 to me, Mr. Chairman. A few comments here, if
6 I may. We've discussed here today how the
7 machines are supposed to work and how the
8 system is supposed to work. But there are
9 somethings that we're going to need the public
10 here. And I want to reach beyond just the
11 group here in this room. I think the group
12 here in this room is pretty good at
13 monitoring. Based on my observations and
14 based on the emails that I get. But I want to
15 sort of reach out to the folks beyond just
16 this room to -- to encourage them to -- to let
17 us know. And let the Secretary of State's
18 Office know during the election process if you
19 see something that is not correct to let us
20 know as soon as possible so that it can be
21 corrected. That's why I asked the question a
22 moment ago on how to -- how folks should best
23 get ahold of the Secretary of State's Office.
24 During the audit process or any other part of
25 the election process. So it's incumbent upon

1 all of us in the state of Georgia to make sure
2 that the system that's been setup on how it
3 ought to run, actually, does run. We need
4 your help. All the way down to quite frankly
5 looking at your ballot when it's printed out.
6 I saw one, on (unintelligible) study not too
7 long ago on the fact that a large number of
8 people don't look at the ballots before they
9 turn it in to the -- to the machine. And I
10 find that appalling because there are a lot of
11 us who have been advocating for that paper
12 backup for a long time. I think I signed when
13 I was serving the legislature. I believe it
14 was 2006 was the first time I signed a bill
15 asking for that paper backup. So the paper
16 backup, which actually has now been raised to
17 the paper ballot period. Is the -- the
18 voter's best chance to make sure that his or
19 her ballot is -- is accurate before it's
20 submitted into the ballot box. So I'm going
21 to encourage everyone to read the ballots.
22 And then I'm going to encourage each of us if
23 you see something at the polling places or at
24 the counting station or at the audit process,
25 to alert the Secretary of State's Office as

1 quickly as possible. And if it can't be
2 rectified there, to file a complaint with us
3 so that we can then deal with it. Because I
4 think all of us together are necessary to make
5 sure that the system as it should work, does
6 work.

7 Secondly, Mr. Chairman, I want to sort of
8 -- sort of talk about a concern that I have,
9 and I raised it first with the gentleman from
10 Dominion. And I want to raise it again to the
11 Board here today. And also, to the general
12 public.

13 There have been detailed studies that
14 have been taken regarding our security of our
15 election system. The latest one by -- called
16 Mitre. And for those of you who aren't
17 familiar. It is a extremely well regarded a
18 National Election security laboratory that's
19 independent. That has reviewed a lot of the
20 allegations that contain both by the Federal
21 Government and by other folks in lawsuits.
22 And I'll tell you right now, we've had a
23 chance to read it but we can't tell you what's
24 in it. Because -- because there is a gag
25 order presently in place and it's secure.

1 I'm not comfortable with that. And I
2 want to see that Federal Judge who has placed
3 that restriction. While she reviews the
4 reports to release it. If necessary, redact
5 any parts that would compromise cybersecurity.
6 But I want to see that report out as soon as
7 possible. So that folks like you and the
8 general public can have greater confidence in
9 the system. Or can at least evaluate your
10 level of confidence in the system. And so,
11 Mr. Chairman, at the appropriate time I want
12 to make a motion that I want this -- this
13 Board to be on record asking that the Federal
14 -- respectfully asking because I'm a trial
15 lawyer too. Respectfully, asking that the
16 trial court expedite the release of those
17 reports so that the general public can see and
18 evaluate for themselves. I think that's the
19 best way to ensure confidence. And so, Mr.
20 Chairman, at the appropriate time, I'll make
21 that motion.

22 MR. DUFFEY: I'd say, while we're on the
23 subject. Does anybody else want to say
24 anything about the requesting Judge Totenberg
25 to allow, appropriately so, because there --

1 there could well be information that everybody
2 contends would -- would be improper to
3 disclose generally. I don't think there's
4 much of that. I think most of it is the
5 evaluation. But I do think that we ought to
6 ask the Court whether it's -- gag orders where
7 you can't talk about something in public is
8 actually a protective order. But I think that
9 that should be lifted.

10 MR. LINDSEY: I didn't mean gag order as
11 a colloquial phrase but basically, it's
12 underneath the restriction right now. And I
13 think that -- and I've got a gentleman of the
14 press over here. And I know some other
15 members of the press too. How about going
16 back and talk to your lawyers and having them
17 file a motion to be -- be part of that attempt
18 -- will you do that for me, Mark?

19 UNKNOWN SPEAKER: I'd love to see it.

20 MR. LINDSEY: All right. Good. Didn't
21 mean to put you on the spot. But at the
22 appropriate time, Mr. Chairman, I would move
23 that the -- that the Mitre report or any other
24 reports that are presently before Judge
25 Totenberg that are under seal be released to

1 the general public subject to any needed
2 redactions for cybersecurity reasons. So that
3 we can have the public evaluate and have
4 confidence in our election system. As we
5 approach the November 8th, 2022 elections.
6 That's my motion, Mr. Chairman.

7 MR. DUFFEY: Is there a second?

8 MS. GHAZAL: Second.

9 MR. DUFFEY: So it's been moved and
10 seconded that the Board ask Judge Totenberg,
11 who's the presiding judge in the Curling case
12 where these two reports exist for her to
13 release any report having to do with
14 cybersecurity and the Dominion system.

15 MR. LINDSEY: Correct, Mr. Chairman.

16 MR. DUFFEY: But that the -- that the
17 Court in her discretion, she believes that
18 there is sensitive information that should not
19 be released to the public that she redact only
20 those provisions and release the rest.

21 So if -- it's a little recast.

22 MR. LINDSEY: Yes.

23 MR. DUFFEY: But any discussion on the
24 motion?

25 (no response)

1 MR. DUFFEY: All right. They're not
2 being any discussion. All of those in favor
3 say aye.

4 THE BOARD MEMBERS: Aye.

5 MR. DUFFEY: Opposed? No.

6 (no response)

7 MR. DUFFEY: Passes. Thank you, Mr.
8 Lindsey. Next, Ms. Ghazal.

9 MS. GHAZAL: Thank you, Judge Duffey, for
10 the opportunity to share my thoughts and to my
11 fellow Board members and our presenters today
12 for taking the time and effort. It helps to
13 understand the issues that we're facing.

14 AUDIENCE MEMBERS: Microphone, please.
15 Microphone. We can't hear. Turn all of them
16 up.

17 MS. GHAZAL: Thank you. We are already
18 well underway with the 2022 general election.
19 Voting is already happening. I also
20 appreciate that so many members of the public
21 are here. You're demonstrating your interest
22 in making sure that every eligible voter is
23 able to cast their ballot. And every ballot
24 is counted accurately. This meeting of the
25 State Election Board was called to evaluate

1 what, if anything, could be done by this body
2 in light of the very serious allegations
3 emanating from Coffee County. Namely, that it
4 appears that unauthorized persons may have
5 been granted broad and extend -- extended
6 access to every component of the voting system
7 there.

8 The outcome of the election in 2020 is
9 not in dispute by any reputable source. The
10 only issue at hand today is what steps would
11 be appropriate to ensure that every vote in
12 the 2022 general election is cast according to
13 the will of the voter and counted as cast
14 given what we believe likely happened in
15 Coffee County. So I want to start with my
16 conclusion which is that Georgia law does not
17 authorize the State Election Board to
18 unilaterally change the -- the system of
19 voting in person from machine marked paper
20 ballots to hand marked paper ballots. But I
21 also want to make clear that even if for the
22 sake for argument, I did believe that we had
23 the authority to change our statewide system
24 of voting, I would not do so today. We've
25 heard this morning from some of the experts

1 who are in charge of ensuring that our
2 elections are secure. They detailed all the
3 ways in which our votes are safeguarded and
4 the overlap in security measures that would
5 very quickly made apparent if there were
6 nefarious actors or actions attempting to
7 change the outcome of our elections. The most
8 critical measures built into our system
9 include logic and accuracy testing which is
10 ongoing right now and is available and open to
11 public observation. Documentation of chains
12 of custody, our reconciliation and canvassing
13 procedures, and most importantly the paper
14 ballots and the pre-certification audits
15 conducted with them.

16 Counties have heavy responsibility to
17 implement and document these procedures and
18 voters have a responsibility to verify that
19 their ballots are accurate and reflect their
20 choices. And to that end, a rule is already
21 in place that requires counties to assign poll
22 officers whose sole job is to remind voters to
23 verify that their ballot is correct. This
24 step is more important than ever, and I
25 encourage counties to reinforce this reminder

1 to voters.

2 Make no mistake, the allegations
3 regarding Coffee County and the damage that
4 has been done to public confidence are very
5 serious. Knowingly allowing unauthorized
6 persons to access our voting system, our
7 varied votes is a massive violation of the
8 public trust and possibly state and federal
9 law. I want to see every effort given to
10 ensuring that law -- the law enforcement
11 investigation is thorough, and justice is
12 administered. Any party considering engaging
13 in such serious violations of the public trust
14 needs to understand that these actions will
15 not be tolerated in Georgia.

16 A successful election must take into
17 account three sometimes competing interests
18 security, accessibility, and efficient
19 administration. If the system neglects any
20 one of these or if it's out of balance, then
21 either the voter or the vote will suffer.
22 Georgia system reflects an attempt to balance
23 these issues and interests. I have trust in
24 our election officials and in our voters to
25 ensure that our elections will proceed

1 smoothly and securely, and that the outcome
2 will reflect the will of the voters. Thank
3 you.

4 MR. DUFFEY: Thank you very much. Mr.
5 Mashburn?

6 MR. MASHBURN: Thank you. Thank you,
7 Judge Duffey. If you could turn my mic on,
8 please.

9 I'd like to thank you, Judge, for putting
10 all your hard work and putting this meeting
11 together today is -- is an incredible amount
12 of work. I don't -- I don't think you
13 understood the word retirement. Because of
14 the incredible number of hours that you put
15 into this. So I appreciate all your -- all
16 your diligence and I thought this was very
17 helpful. I thought the presenters were very
18 kind with their time and their expertise. And
19 I appreciated -- appreciated that very much.
20 I promise -- promise every citizen of Georgia,
21 I will protect your vote. Everyone here on --
22 every person on this Board is going to protect
23 your vote. If I see something wrong, I
24 promise you I will raise it. Okay. If I
25 don't see something wrong, I'll also tell you

1 that. But I promise you we will protect your
2 vote. I promise you that. I will protect
3 your vote. This Board will protect your vote.
4 The only way we cannot protect it is if you do
5 not cast it. So don't let anybody tell you
6 you shouldn't vote for whatever reason they
7 give you. All right. And with that, I use my
8 seniority to say I have nothing further to
9 add.

10 MR. DUFFEY: You know, one -- one of the
11 privileges in life is -- is to work with
12 people who are bright, bring different
13 perspectives to -- to an issue. Who are
14 hardworking. And do it not for any
15 renumeration. They do it because they think
16 that what we do in the form of voting is the
17 most principle elementary participation of a
18 citizen in their governments. And while it's
19 -- that was nice to say how much time has been
20 -- and that I've been spending. I tell a lot
21 of people that this work has invigorated me
22 because I think it's important. And it's
23 totally in line with my values that I -- but
24 we -- like everybody has said, we need your
25 help and here are some specific things. You

1 know when I opened with this description about
2 what happened in Florida and the -- the
3 fundamental principles to be they have to
4 understand the law and they have to understand
5 the facts. What's -- what overlays all of
6 that is if we are -- we are trying to do that
7 collectively, there's a productive way of
8 helping us and a productive way of us
9 communicating with you. And then there's an
10 unproductive way.

11 The productive way is that if you think
12 you have information that is important for us
13 to look at, and not just us, but the Secretary
14 of State's Office. Then you ought to give it
15 to us as soon as you have it. And not wait
16 until there's -- there's some maybe a time
17 that you think is more calculated or at a time
18 that's more convenient to you. It's easier
19 even when you're not done with your analysis,
20 to tell us what the analysis is so that we can
21 see whether or not we can give you input to
22 allow you to focus on the things that are --
23 that would be important to us. As opposed to
24 what you think is important to you.

25 So at some point this has to become not

1 adversarial, us against you, it has to be
2 collegial. Which is if we want to work
3 together, there's got to be respectful
4 communication. And there's got to be this --
5 this overlay which -- which I have -- which I
6 regret a lot. And this overlay of suspicion
7 of each other has to stop. You could disagree
8 with us. If we could disagree with you. But
9 if we don't communicate honestly, we will
10 never know what we disagree about. And it's
11 important to define those things.

12 The other thing I said, is we -- we need
13 to know facts so that we can apply them to the
14 law. I began our session with that -- with
15 that discussion. You need to know facts
16 before you apply it to the law. I know we've
17 even had a couple of instances here where
18 there's been a -- a -- an unequivocal
19 statement about something that was wrong. And
20 it's on us that one of those unequivocal
21 statements made was about the status of the
22 case heard by Judge Adams that it's not on
23 appeal, it is on appeal.

24 I know that it's fully briefed on appeal.
25 It's an appeal that's before the Court of

1 Appeals. And when I -- and I have been a
2 lawyer and I've been amazed at how well courts
3 can ultimately evaluate a decision in our
4 system to have a decision that then gets
5 reviewed by another. It's sort of like an
6 audit, looking at -- at an election to
7 determine whether or not the count was
8 correct. That we need to let the court system
9 work. And then when the court system does
10 work, we need to respect and trust it rather
11 than saying the court got it wrong.

12 So for that, you know, and for any other
13 misstatement, I just want us all the backup
14 and say, when we make an expression of
15 something, let's be -- let's be more certain
16 about it. One way of building trust is -- and
17 -- and one thing that we are putting into
18 place is -- and if anybody has emailed me in
19 the last four or five days and a lot of you
20 have, there are a lot of you outside have.
21 Except for somebody who just makes a
22 statement, anybody who talks to me about the
23 Board and what it should do, I think everyone
24 of those emails I've answered.

25 And a lot of it is because I think that

1 if we're the government, you have a right to
2 hear from your government. There's -- there's
3 no -- I don't have a little mailbox that says
4 this is an email. I really don't have time
5 for it. I'm uncompensated so therefore I'm
6 going to put it -- put it somewhere and let
7 somebody else deal with it. Or they had their
8 say. I'm not going to respond. And we are --
9 you will have our emails, if they're not
10 already on the website, they should be on the
11 website. Meghan, are they restored to the
12 SEB -- SEB website? So you have a way of
13 communicating with us. And we will our best -
14 - what we're going to try to do without
15 inconsistencies by looking at it in a
16 centralized way and then we will respond.

17 And the last is, I would just encourage
18 you -- there -- there are a number of people
19 who send things that are mean spirited to us
20 personally and veil threats. I didn't stop
21 sending emails when I got those, and I won't.
22 But I wish that all of you who are inclined to
23 do that, would cease sending them.

24 This is too important to get my hackles
25 up about somebody who doesn't exercise great

1 discretion in their communications because I
2 want everybody to say, this guy, these women,
3 or these men, got an email and they -- and
4 they didn't -- what's the current term --
5 ghost you. I'm not sure that's right, but
6 it's kind of the spirit of it. But we need to
7 work more collectively rather than
8 uncollectively. During -- during -- I'm going
9 to talk to the Secretary of State's Office
10 that I am concerned about -- and I had these
11 concerns even in my work when we had a big
12 investigation, that we would -- we had a way
13 where we had a group of people that if
14 somebody saw something that needed to be
15 responded to quickly, we had a place where
16 that would go that was distinguished from the
17 regular communication systems.

18 You know, I have seen at least in the
19 last couple of days a couple of really
20 troubling things which we will open an
21 investigation on, or, at least, I think we
22 have. That's the sort of thing that needs to
23 be addressed right now and it can't go into
24 some file and be put in line with other things
25 that are not as critical. And I think during

1 an election year, he's had to deal with the
2 upcoming election. We need to have a way to
3 respond more -- more quickly and promptly to
4 stop something that if it's not stopped in its
5 infancy might develop into something that is
6 more mature and thus more threatening to the
7 election process. So I'll talk to the
8 Secretary of State's Office about that. You
9 know, Blake and Ryan and everybody at the
10 Secretary of State's Office -- the one thing
11 I've known for a while and one of the things
12 we're going -- we're going to recommend to the
13 General Assembly is we can't operate this
14 State with as many people as we have with just
15 20 people in the elections division. That
16 we've got to be more thoughtful about the
17 priorities we have and where we staff.

18 Now, will -- will that happen? You know,
19 sometimes it doesn't happen when the first
20 time you -- you talk about it. It happens in
21 successive years, but those are the sort of
22 things that we're going to try to do to make
23 the Secretary of State's Office have the
24 capacity to respond to it. But I agree with
25 Matt and with Edward that we need -- every

1 time you hear something that you think is
2 going to impact an election and it's happening
3 right now, we need to know. We're going to
4 find a way to do that. If nothing else, you
5 can send us an email. Send them to Mr.
6 Lindsey. I don't mind those at all. And, in
7 fact, I'm learning so much about this process
8 by getting them. So I thank you for being
9 here. I thank you for those that are
10 watching. We are a citizen democracy and we -
11 - and we appreciate very much your attention.

12 We're going to close out the meeting as
13 we normally do with citizen comments. And --
14 but -- but let's take -- this is going to be
15 true this time. It's going to be a five-
16 minute break, but it's going to be a real five
17 minutes as opposed to the 15-minute break that
18 turned into a 20-minute break. We -- so five
19 minutes. And we'll be back with your
20 comments, and then we will be done.

21 (Break taken.)

22 MR. DUFFEY: All right. Let's everybody
23 take their seats. Please, would everybody
24 please take their seats.

25 This is the public comment section. I

1 will call you up as you're listed with the
2 exception of Cindy Battles who has to catch an
3 airplane. I'm going to let her go first.

4 MS. BATTLES: Thank you so much for
5 moving me up and to outing me to everybody.

6 MR. DUFFEY: Well, that's okay. So long
7 as -- and so long as you remember it's a two-
8 minute time limit. It's a two-minute time
9 limit.

10 MS. BATTLES: I do remember.

11 MR. DUFFEY: And I --

12 MS. BATTLES: And I'm very good with my
13 time limit as a matter of fact. Believe it or
14 not. My name is Cindy Battles, and I am the
15 Policy and Engagement Director for the Georgia
16 Coalition for the People's Agenda. I
17 appreciate the effort that y'all have made
18 with this meeting. I don't know if it changes
19 hearts or minds. I think that the time to
20 have inoculated misinformation and
21 disinformation was when it first started
22 instead Georgia Assembly gave it a platform.
23 Which I think is why we're still trying to put
24 out a dumpster fire with a teaspoon.

25 However, what I would like to ask about

1 is specifically something to do with SB-202
2 and State Election Board rules. A few months
3 ago you revised several -- 183-1-14-.12 which
4 is the eligibility of application for an
5 absentee ballot. And your revised rule states
6 that quote: Any application for an absentee
7 ballot sent to any voter by any person or
8 entity except applications sent by the
9 election superintendent or registrar at the
10 request of the elector shall display the
11 following disclaimer.

12 The rule goes on to describe the
13 disclaimer but what we're asking is what is
14 sent mean? Does that mean mailed? Does it
15 also include delivery in person? We're asking
16 because there's not enough guidance as to what
17 an absentee ballot application forms
18 volunteers should be using or what sent means.

19 We've got a number of people who have
20 often helped people get absentee ballot
21 requests. And just because Georgia is Georgia
22 these days, I'm specifying we are helping
23 people get absentee ballot requests not
24 absentee ballots. Specifically, we have gone
25 into Fulton County jails, not only registering

1 eligible voters to vote, but also helping them
2 get absentee ballot requests. And with the
3 ambiguity and the language, we're concerned
4 that we're violating rules. So I understand
5 that the State Election Board doesn't normally
6 add -- answer questions, but we would love to
7 have some sort of guidance on that definition.
8 Thank you.

9 MR. DUFFEY: Tell me the rule number
10 again, just so I have it in my notes.

11 MS. BATTLES: The rule number again?
12 Hold on one second. It is 183-1-14-.12.

13 MR. DUFFEY: Thank you very much.

14 MS. BATTLES: Thank you. Have a good
15 evening.

16 MR. DUFFEY: Have a good safe flight.

17 MS. BATTLES: Let's hope so.

18 MR. DUFFEY: Mr. Balbona?

19 MR. BALBONA: I'll try to be quick. I'm
20 George Balbona from Cobb County. The
21 Secretary of State's Office is moving money
22 around from different POs, RPOs and VARs to
23 pay for various items such as VM cloud-based
24 services. SOS is also paying IT vendors that
25 are not on Merritt Beavers IT vendors list.

1 Just a couple of months ago, on July 19th,
2 2022, Merritt Beaver SOS CIO sent an email
3 entitled: No more presidio to the SOS agency
4 procurement officer. Merritt explained before
5 processing any new PO to presidio, please let
6 Eric and myself know as we are moving all of
7 these to CDW. She replied, I was going to ask
8 a question because I saw that presidio for
9 200K and the purchase of Haiku Neutronics
10 licensed for CDW for 28K. Merritt responded
11 there is one more presidio RPO left out there
12 for neutronics that we are working on now to
13 move to another. The other two Haiku and VM
14 we moved to CDW, end quote.

15 Is this legal? I thought that when a
16 purchase order was approved, those funds were
17 to be used only for the purposes stated.
18 Also, SOS is blatantly playing games with my
19 open records request. SOS combined three of
20 my open records requests into a single cost
21 estimate. (Unintelligible) were ridiculously
22 inflated from 832 to 2,921 in the processing
23 cost estimated rocketed -- sky-rocketed from
24 \$235.77 to \$1,008.00. SOS made me resubmit my
25 ORs and these numbers are for the exact same

1 open records requests. SOS bundled five of my
2 other ORs into a single open records request.
3 This is not how SOS normally processes open
4 records requests. SOS has deemed my open
5 records requests abandoned because they will
6 not do as I have requested. Which is simply
7 process my open records requests properly.

8 The reason I'm concerned about VM is
9 because it was started by two Russians Veeam.
10 They're now billionaires. I can give you
11 their names. It's right here: Ratmir
12 Timasher and Andrei Baronoff. And in Forbes
13 it says they're in estimated 1,000 plus US
14 companies in Russia including household names
15 like Apple, iHerb and the entirety of the back
16 office of VM software.

17 The reason that's important is because
18 SOS has decided it would be a great idea to
19 put all of our Georgia voter registration up
20 on the Cloud. Guess who has the contract?
21 Yeah, VM. And I don't care if Nick Ayers,
22 Mike Pence's former chief of staff is on the
23 board. Who wrote the software were Russians.

24 MR. DUFFEY: Thank you, Mr. Balbona. Mr.
25 Favorito?

1 MR. FAVORITO: Mr. Chairman, I'm the co-
2 founder of Voter GA and we're plaintiffs in
3 representative Phillip Singleton case that
4 seeks relief against Dominion's QR code voting
5 system. I needed to correct a few problems
6 after the public comments today. The -- just
7 to give you a little background, this QR code
8 issue was adjudicated in Curling v.
9 Raffensperger by Judge Totenberg, and she
10 reviewed the most comprehensive set of
11 evidence ever assembled in a Georgia election
12 integrity case to my knowledge. And she
13 issued three -- two orders totaling 300 pages
14 the stating orders that apparently the State,
15 among other things, the Secretary of State's
16 Office was "not credible". Specifically, she
17 found in regards to the QR code says, if a
18 Dominion system "does not produce an elector
19 verifiable paper ballot and the elector's
20 choices are not in a format readable by the
21 elector. That's because they're accumulated
22 in the QR code.

23 So she found that the system does not --
24 does none of these things that are required by
25 Georgia law. The Secretary of State's Office

1 appealed the decision. And -- or at least
2 part of it, and the Eleventh Circuit heard the
3 decision, but has not made a ruling yet. So
4 the Secretary of State was able to use the
5 system again in 2022. That's the background.
6 And the bottom line or the take away the
7 background is that the system that was issued
8 to conduct in the 2020 election was found to
9 be illegal by the United States District Court
10 as not (unintelligible) or voter Georgia
11 talking.

12 But now to -- with that background, we
13 filed a case seeking relief not to re-
14 adjudicate what had already been adjudicated,
15 extraordinarily, by Judge Totenberg. And our
16 judge, Judge Adams, never received any
17 discovery evidence whatsoever. Never
18 adjudicated anything. Her first task was to
19 rule on the sufficiency of our complaint. And
20 instead, she dismissed that on the same day
21 that a hand count audit proved the dominion
22 system picked the wrong winners in the -- in
23 DeKalb County District Attorney --

24 MR. DUFFEY: Mr. Favorito, you need to
25 wrap up.

1 MR. FAVORITO: -- commission race.

2 MR. DUFFEY: You need to wrap up.

3 MR. FAVORITO: Okay. Sure. So that
4 audit in 2022, found that the third place
5 candidate was shorted 3,000 votes. The first
6 place candidate received 1,400 unearned votes
7 and 1,800 votes the system failed to count all
8 together.

9 MR. DUFFEY: All right. Thank you very
10 much. I appreciate your comments. Tamara
11 Seymoor?

12 MS. SEYMOOR: Thank you. I'm following
13 up on May 17th, 2022 letter that asked you to
14 make SEB rules compliant with federal and
15 state retention law and the Board still has
16 taken no action on that. When SB-202 made
17 ballot images public record, Voter GA
18 submitted open records requests statewide for
19 the original 2020 ballot images and found that
20 56 counties admitted destroying them and
21 another 14 refused to legally comply with the
22 ORR. We also found that 102 counties
23 destroyed their drop box surveillance videos
24 for 181,507 ballots received from those boxes.

25 When we pointed out that they violated

1 the state and federal election record
2 retention laws, the counties blamed SEB rule
3 that permitted destruction of those election
4 records in defiance of O.C.G.A. 21-2-73 and
5 U.S.C. 20701. Voter GA's letter simply asked
6 you to make SEB rules comply with federal and
7 state law. And to instruct the counties to
8 preserve the original ballots in lieu of the
9 images until all current litigation is
10 resolved. After four months the Board has
11 taken no action.

12 While I realize that the Board
13 composition is new, this lack of action is
14 giving us the impression that the newly
15 structured Board has no concern for election
16 integrity, transparency, and fraud prevention.
17 You can demonstrate your concern by
18 immediately adjusting these two rules in
19 question and requesting the counties to
20 preserve the 2020 election ballots before the
21 24-month retention period expires in November.

22 Otherwise, Voter GA must file suit in
23 October to force you to comply with the law
24 and to preserve the ballots from the most
25 controversial election in Georgia's history.

1 Thank you.

2 MR. DUFFEY: Thank you very much.

3 William Quinn?

4 MR. QUINN: Good afternoon, I believe
5 it's afternoon. All right. I always try to
6 make my comments match or meet something that
7 was said during your hearing. I'm going to
8 try to do that today. Let me start with this
9 week someone that I admire greatly said that
10 our country is in trouble. It can be saved.
11 But some very important things have to happen
12 and they have to happen very soon for it to
13 avoid going over the precipice. Perhaps it's
14 fitting that another Georgia is in the news
15 this week. Giorgia Meloni who Italy just
16 selected as their Prime Minister.

17 Her base looked to her for guidance in
18 terms of the fundamentals they should be
19 worried about. And they were three things:
20 God, family and country. I think you're going
21 to find that as this country gets more and
22 more focused on the problems that we're
23 facing, that you heard about through many of
24 the things today, they are going to drop back
25 to exactly those things. Because that, at the

1 end of the day, are the fundamentals that we
2 all have to worry about. God, family and
3 country. Truth is sometimes difficult, but
4 it's enduring. We will see people try to
5 paint it with various things they may call
6 facts. But over time, information as it comes
7 out will make that cheap paint crack off and
8 the truth is going to be revealed.

9 One of the things I heard today is gosh,
10 the counties and this Board can't take action
11 absent law change. The fact is you've done it
12 in the past. You did it in April 2020 by
13 approving drop boxes. The problem is you
14 didn't have the power of the law to do it.
15 Right now, you say, well, we could act in an
16 emergency. You have an emergency. It was
17 just extended by the White House on September
18 7th. A National emergency with respect to
19 foreign interference in and undermining public
20 confidence in the United States elections. So
21 you haven't taken action. I understand. I
22 see you're resting on, we can't. Let me tell
23 you how the people are going to fix this.

24 MR. DUFFEY: Okay. You need to wrap up
25 here.

1 MR. QUINN: We need to -- we will vote
2 like we have never voted before.

3 MR. DUFFEY: Excuse me.

4 MR. QUINN: We will help other people get
5 out and vote. And we will inform them why it
6 works, and we will focus on things like what
7 happened with Carrie Lake in Arizona and we
8 will focus on our own future.

9 MR. DUFFEY: Thank you.

10 MR. QUINN: Thank you. Remember, God,
11 family, country.

12 MR. QUINN: JoEllen Shiver?

13 MS. SHIVER: Hello. I just wanted to say
14 that I do have a lack of confidence in the
15 Dominion machines. And that it's based on
16 what I saw happen in the 2020 elections and
17 even in the most recent primaries. I found a
18 lot of the the results to be questionable and
19 one example I want to cite is the -- that race
20 in DeKalb County where there were three
21 candidates and one candidate had -- came up
22 with zero votes and demanded a recount, a hand
23 recount. And she ended up winning and I found
24 this very troubling as to how many more errors
25 were there like this in how many races? How

1 many did we not catch? Is this human error?
2 I've heard it was human error. But that
3 concerns me that we would have machines that
4 would, you know, have human error. But also,
5 what other intervention can the machines get.
6 If it's not just human error, what is -- what
7 other human intervention can they get? My
8 concern is also the software. Had we not --
9 can we not audit the software? Can software
10 not take one vote and equate it to .76 percent
11 of a vote or 101 percent of a vote or flip
12 votes? That's part of my concern. So I just
13 would say I would love to get rid of these
14 machines. Thank you.

15 MR. DUFFEY: Thank you, Ms. Shiver.
16 Ginger Bradshaw?

17 MS. BRADSHAW: Hi. I just want to say
18 that I learned a lot today which means that
19 I've got a lot more to do on -- on my plate.
20 But and some of the things I ask, you may not
21 have control over, but I just think it would
22 be good for you as the State Board being over
23 all of Georgia and election to, I'm sure you
24 know about it, but I just want you to let it -
25 - let you know it's a concern of mine. The

1 representative from the Secretary of State's
2 Office, I thought did a great job on talking
3 about the -- the audits and how open and how
4 transparent they were. But I know we were in
5 several counties that was set up to do a hand
6 recount of the votes. And the strong --
7 strong arm from somebody came in and said, oh,
8 no you can't do that. Well, part of the law,
9 and everybody's been talking about the law
10 today, why are we maintaining the ballots for
11 24 months if we can't get access to them? I
12 know Garland has been in -- in a lawsuit that
13 has just been pushed off, pushed off, pushed
14 off. And then finally the Judge said, I'm
15 going to dismiss it. So that's what gives us
16 a bad taste in our mouth, the dishonesty. If
17 everything is so open and apparent, give us
18 the ballots and prove us wrong. So I don't
19 know how much power y'all have over there, but
20 you do have -- you do talk to people and
21 whatever.

22 And the other thing, on another vote, I
23 was a poll manager in the last couple of
24 elections and the girl that I worked with
25 worked for Fulton County on the registration

1 side and she told me the redistricting updates
2 weren't even done. And my school board race,
3 like, a guy, Phil Chan, ran I think, and I
4 live in 7B and 7C which is not in his district
5 had his race on it. Nobody did anything about
6 it. So somebody, somewhere has got to lay the
7 law down and get -- and -- and you talk about
8 following our laws, but we're not following
9 them. And somebody needs to do something
10 about it. Thank you.

11 MR. DUFFEY: Thank you very much. Tom
12 Talbot? Mr. Talbot?

13 UNKNOWN SPEAKER: What's the name?

14 MR. DUFFEY: Talbot. T-A-L-B-O-T. He's
15 not here. Mr. Nally?

16 MR. NALLY: Good afternoon, Your Honor,
17 ladies and gentlemen. I'm a little bit
18 disappointed in this body. Not you, Your
19 Honor, you came along a little too late to get
20 included. Back in April I filed a complaint
21 concerning over 20 elected public officials
22 who were held to be by our constitutional
23 language of our Constitution not qualified to
24 hold their offices by reason of being
25 illegally in possession of public funds. In

1 May, I filed an inquiry. In June, I'm sorry.
2 I didn't file, I emailed an inquiry. And in
3 June emailed again. I haven't emailed since
4 because I have been ignored from the very
5 first filing. It would be nice if someone had
6 the decency to pick up a phone, drop me an
7 email. Let the citizen know that the law is
8 going to be complied with or it is going to be
9 ignored. I'd just like to know which.

10 Now, that was my first comment. My
11 second comment is that the -- it is my opinion
12 that it is for a judge to determine whether or
13 not a contract is void. The rest of us refer
14 to it as being void or not -- or not voidable.
15 The Dominion State of Georgia contract is
16 void, as a matter of law. And as a matter of
17 fact. I thank you, ladies and gentlemen.

18 MR. DUFFEY: Thank you, Mr. Nally.
19 Jeanne `DuFort?

20 MS. DUFORT: Thank you for this
21 remarkable meeting. I -- I can't think of a
22 meeting in the last 20 years that's had so
23 much interaction from Board members. And I
24 really want you to know, and the public, and I
25 want you to know we noticed and I'm not the

1 only one that appreciates it. So thank you.

2 Mr. Poulos' presentation reminds me of
3 your story, Judge, about the witness who
4 described perfectly a wedding. But the
5 wedding was on the wrong day. If you review
6 the substantial record in Curling v.
7 Raffensperger. Since, let's call it August of
8 2019 when it started to focus on the BMP,
9 their expert declarations, their transcript of
10 hearings. And there's the writings of Judge
11 Totenberg herself that would challenge the
12 rosy picture painted by Mr. Poulos. I would
13 encourage you all to take a look at it from
14 the perspective.

15 Nearly six months ago, as Vice Chair of
16 the Morgan County Dems, I joined Salleigh
17 Grubbs from the Cobb County GOP and Ryan
18 Graham from the Libertarian party of Georgia
19 and dozens of candidates to ask you act to
20 minimize risk to our elections in a manner
21 consistent with existing law. Not to make new
22 law. As the evidence mounts of what happened
23 and compromise our State's voting system,
24 starting in Coffee County, I'm going to
25 refrain from saying, I told you so and simply

1 ask if not now, when? What would it take? If
2 Georgia's elections software being pirated and
3 distributed widely to well-funded characters
4 from the Stop the Steal Movement. If that
5 didn't scare you, what will? If CISA
6 confirming the findings of Alex Halderman
7 isn't sufficient, what would it take? If the
8 urgent advice of 13 of our most well respected
9 experts in the elections space, if that isn't
10 compelling, what would you find compelling?
11 And not one, not two, not three, but eight
12 different days unauthorized individuals were
13 in the Coffee County election office. An
14 investigator was in the office with one of the
15 perks and didn't bother to check his name as
16 far as we know. So I'm asking you again,
17 please use your authority under existing law,
18 not new law to find the theft of our election
19 software to be an emergency rising to the
20 sufficiency to command the emergency paper
21 ballot system. Thank you.

22 MR. DUFFEY: Thank you. Mr. Ferguson,
23 Earl Ferguson?

24 MR. FERGUSON: Earl Ferguson, a Fulton
25 County victim. I'm -- two years ago in

1 October of 2021 there was a ruling in the
2 District Court of the Northern District of
3 Georgia case is Curling v. Raffensperger and
4 that investigated the security and
5 capabilities of the Dominion machine. 174
6 pages of testimony. I read it all. And it
7 indicated that there were several issues that
8 even Dominion agreed with that required
9 action. Two years later there has been no
10 attempt by the Secretary of State or -- or
11 Dominion to correct those problems. I would
12 really like to know why? Thank you very much.

13 MR. DUFFEY: Thank you. Susie
14 Thotochanel? Is that right?

15 MS. THOTOCHANEL: Yes.

16 MR. DUFFEY: Close, right.

17 MS. THOTOCHANEL: I would like to start
18 by thanking the Board for their work
19 especially in these thankless times. My name
20 is Susie Thotochanel and I am a current
21 resident and voter in Fulton County. I've
22 lived in Georgia my entire life. And I have
23 voted in every election in which I was
24 eligible. But for me it has always been easy.
25 My career, my family, my location. The

1 environment in which I lived always made it
2 easy. It's not always been easy for others.
3 Their jobs, their communities and
4 unfortunately the restrictions sometimes set
5 by the State made it difficult. Voting in
6 Georgia in 2020 was finally made a little
7 easier for those who wanted to vote, but
8 couldn't always make it work. And security
9 and accuracy of the 2020 election in Georgia
10 has been confirmed over and over and over
11 again. It is time to move on. Reasonable
12 people throughout Georgia, throughout our
13 State agree that all eligible voters should be
14 able to go to the polls and vote without fear
15 or intimidation. And that all eligible voters
16 should have equal access to the polls. It
17 should be just as easy for any eligible voter
18 to vote as it has always been for me. I'm
19 asking the Secretary of State and the State
20 Election Board to focus your attention on the
21 current election by providing all counties and
22 election administrators the assistance they
23 need now to run free and fair elections.
24 Despite increased restrictions let's make sure
25 that easy access to the polls is available for

1 anyone. Thank you so much.

2 MR. DUFFEY: Thank you very much. Joseph
3 Kirk?

4 MR. KIRK: Hello. My name is Joseph
5 Kirk. I'm the election supervisor from Bartow
6 County. A lot has been said today, but I want
7 to briefly summarize what I think matters most
8 to election integrity as an election
9 administrator with a history of secure
10 transparent elections. First is pre-election
11 testing. We have to test and verify not only
12 the content, (unintelligible) ballots. But
13 the hardware that we're going to use functions
14 properly and accurately. And then we have the
15 chain of custody. We need chain of custody
16 for credible items as election technology, the
17 blank, and most importantly voted ballots.
18 And incidentally chain of custody for blank
19 paper does not do a whole lot to increase
20 election security. Third, reconciliation
21 procedures. We should be constantly
22 reconciling how many legal voters applied for
23 ballots against how many have been issued,
24 received and counted, both in person, as well
25 as mail in ballots. And for bust canvassing

1 and consolidation procedures which happens
2 election night and then the re-certification
3 meeting. And that's the process of verifying
4 that all and only legal votes have been
5 counted and they have been reported accurately
6 at all levels. Then finally, tabulation
7 audits. We heard about today which are hand
8 count procedures to compare results reported
9 by the voting system to be human readable text
10 on the ballots. And when done properly, these
11 can and will detect issues with the voting
12 system. We have to use election technology to
13 facilitate our voting process. Hand counting
14 is not nearly accurate or efficient enough to
15 tabulate Georgia elections. But please know I
16 do not mention how the ballot was marked or
17 who makes that technology. Hand marked
18 ballots are not a silver bullet that
19 guarantees election integrity. Voters do, in
20 fact, verify their ballots prior to casting
21 them. Our system does count our votes
22 accurately. And all these steps must happen
23 no matter how the ballot is marked. I also
24 wanted to mention -- was maintenance. It's a
25 constant plus every county goes through to

1 keep our risk clean. Eric helps a lot with
2 this. We -- we get information from our State
3 and other states and it's worth noting that
4 Eric does not add or delete voters just gives
5 us information. And the last thing I want to
6 mention is transparency and the importance of
7 poll watchers. A well-trained poll watcher is
8 incredibly important to this process. They
9 have to be prioritized and valued. They are
10 volunteering their time to observe a tedious
11 and mountainous process. They should be
12 thanked for their service. We should focus on
13 things that truly matter if we want rebuild
14 public confidence in our elections. Thank you
15 very much.

16 MR. DUFFEY: Thank you very much.

17 MS. GHAZAL: Judge, may I break protocol
18 and ask Mr. Kirk a couple of questions simply
19 because he's not just a member of the public.
20 But also an election supervisor?

21 MR. DUFFEY: Yes.

22 MS. GHAZAL: Thank you. Mr. Kirk, can
23 you tell us a little bit more --

24 AUDIENCE MEMBER: (Inaudible)

25 MS. GHAZAL: Can us more about the

1 audits? The pre-certification audits that
2 you've been conducting since 2020? How -- how
3 do you conduct them? Have you identified any
4 discrepancies? How many ballots are you using
5 in -- in those exercises?

6 MR. KIRK: Absolutely. And I'll try to
7 be brief. I use the same procedures we used
8 in 2020 for every election that I've conducted
9 since then. I -- I advertise the audit. I
10 invite the parties to come as observers. I
11 have an observation area. I have auditing
12 teams of two people that sort and stack the
13 ballots and counting the stacks of ten. Then
14 count those stacks of ten. The nice thing is
15 is with a little bit of practice it gets
16 faster, it gets cheaper. The public has more
17 confidence in the result. So and we actually
18 count every ballot cast in Bartow County for a
19 single race for every single election. To
20 give you an example, we audited the
21 gubernatorial from this year and -- and had a
22 .1 percent. So .001 margin of error. And I
23 have gone back in the past, not with that
24 audit, but previous audits to confirm that the
25 errors were made on the part of the auditors,

1 not the voting system. So I have a hell of a
2 confidence in our system. Any major
3 discrepancies would have been noticed in the
4 audit both in the number of ballots cast as
5 well as the -- the vote totals. And I've
6 never seen anything question the results of
7 the reported voters.

8 MS. GHAZAL: Thank you.

9 MR. DUFFEY: Thank you.

10 MR. KIRK: Thank you.

11 MR. DUFFEY: Victoria Cruz?

12 MS. CRUZ: Hello, my name is Victoria
13 Cruz. I'm from Athens, Georgia. And a lot of
14 people have already mentioned some of the
15 things that I wanted to talk about. I -- I do
16 want to tell you, Judge, I was very impressed
17 by the story you were telling about your time
18 in Florida. Because I was driving through
19 Atlanta traffic trying to get here on time. I
20 was listening to you. And, yes, you do have
21 to delve deeper. Back then, you made a phone
22 call. Now, we have access to the internet.
23 You all have access to the internet. So
24 there's no reason why you can't research and
25 get information everyone can. And -- and this

1 is where we are right now and why we distrust.
2 It seems like the mainstream media is telling
3 one story, Dominion is telling one story, the
4 Secretary of State's Office is telling one
5 story. But there are other stories out there
6 and how do you decide which one you're going
7 to listen to? Obviously, you trusted the
8 wedding coordinator because he brought the
9 goods. We need to delve a little bit deeper,
10 especially, with regard to the Coffee County
11 case. Because I don't think you're getting
12 all the information you need from the
13 mainstream media. My last thing, because the
14 previous speaker brought it up, is Eric our
15 voter registration system. You need to delve
16 further into that too. Eric violates HAVA and
17 the data that it collects because it asks for
18 the States to give them all those people who
19 decline to register to vote. That is a
20 person's right. If they decline to register
21 to vote, why does Eric need that data? What
22 legal authority does Eric have to get that
23 data? And how is that data being used? And
24 it's being collected from all the places, not
25 just the DMV, that do the registration of

1 voters. From social services. From fishing
2 licenses. There are people who choose not to
3 vote. Who choose not to share their
4 information with Eric and I think it's
5 incumbent upon the Board to find out what Eric
6 is doing with that information and why they
7 need it. Thank you.

8 MR. DUFFEY: Thank you very much. Ann
9 O'Mara? O'Mara?

10 MS. O'MARA: O'Mara. Good afternoon, my
11 name is Ann O'Mara. I'm from Cherokee County.
12 I've been speaking to our county Board of
13 Commissioners and Board of Elections since
14 January of 2022 to try and convince them to
15 move to hand marked paper ballots. They
16 listen but continue to point me to this Board
17 saying our best recourse is through the State
18 officials who plainly have the authority to do
19 what is being asked of them. According to
20 O.C.G.A. 21-2-344 and 366, our two Boards do
21 have the authority to use hand marked paper
22 ballots and direct the use of this optimal
23 scanning voting systems. Every President
24 since Harry Truman who created the National
25 Security Counsel in 1947 has been a concern

1 for national security. On October 26, 2001,
2 the Patriot Act was signed into law. Here
3 critical infrastructure was defined. Systems
4 and assets whether physical or virtual so
5 vital to the United States that the incapacity
6 or destruction of such systems and assets
7 would have a debilitating impact on security,
8 national economic security, national public
9 health or safety or any combination of these
10 matters. In 2002, the US Department of
11 Homeland Security was signed into law. From
12 2001 forward, the critical infrastructure
13 continued to be strengthened and protected.
14 On January 6, 2017, election infrastructure
15 was designated as a critical infrastructure
16 subsection. This allowed election
17 infrastructure to fall under the umbrella of
18 DHS. In September of 2018, then President
19 Trump signed Executive Order 13848 a lengthy
20 Executive Order titled Imposing Certain
21 Sanctions in the Event of Foreign Interference
22 in the US election. In 2018, CISA was created
23 in the same agency that just found nine
24 vulnerabilities in the Dominion systems in an
25 article published in June. Finally, on

1 September 7th of 2002 (sic) Joe Biden signed a
2 continuation of Trump's Executive Order titled
3 Notice on Continuation of the National
4 Emergency with respect to foreign interference
5 in or undermining the public confidence in the
6 US elections. So we have been under a
7 national state of emergency for four years
8 regarding the security of our elections. If
9 the two most recent Presidents believe that
10 the vulnerability of our election
11 infrastructure is threatened, I believe the
12 State of Georgia should, as well. Get rid of
13 the machines and move to hand marked paper
14 ballots for this upcoming election. Thank
15 you.

16 MR. DUFFEY: Thank you. Vesu Abhiraman?

17 MR. ABHIRAMAN: Thank you, Judge Duffey,
18 for this meeting and esteemed members of the
19 Board. My name is Vesu Abhiraman. I'm senior
20 policy counsel with the ACLU of Georgia. I'm
21 also a Georgian native. I'm a former software
22 and telecommunications engineer. So I'm
23 interested in the subject matter. And I'm a
24 proud poll worker I've worked about ten
25 elections in the last three years since the

1 rollout of new equipment. And a poll manager,
2 as well. My biggest beef with the current
3 equipment is the power supplies are the
4 heaviest things that I've ever carried. If I
5 throw my back out, I'm going to come for the
6 State of Georgia on a worker's comp claim.

7 Mr. Lindsey and Ms. Ghazal, you -- both
8 of you talk about voter verification, for the
9 ballots. And I will say it doesn't feel like
10 the most natural part of the process now. I
11 believe there are things that can be done with
12 more prominent signage encouraging voter
13 verification of the ballots. Doing everything
14 we can to take it from voter verifiable to
15 voter verified, I think that's pretty
16 important.

17 In general, I want to talk about the
18 effect of persistent misinformation around
19 elections that we've seen over the past couple
20 of years. Our local election officials are
21 bearing the brunt of it. We believe in the
22 rule of law where things like the voter
23 challenge procedure or open records the
24 counties have had to deal with. We believe
25 that what we're seeing right now is local

1 election officials having to deal with these
2 laws and allowances being used in a way that
3 they weren't intended to be -- to be used for.
4 And we hope that is Board can stand with local
5 elections officials like Joseph Kirk. Hats
6 off to them. Or if it's Joseph Kirk, hats on
7 to -- to Joseph Kirk. Right now, there's a
8 holy trinity going on in our election system.
9 Low pay, long hours, misinformation at best
10 and threats of political violence, at worst.
11 We encourage you to do everything you can to
12 stand up for our local elections officials.
13 We hope people take advantage of all the
14 opportunities of public observation. Like
15 with many other things that Mr. Kirk was
16 talking about. So if there's more correct
17 information about what's going on in the
18 system.

19 A couple of concerns I have going
20 forward. The week before early voting,
21 elections officials have to send out all
22 outstanding absentee ballots. They have to
23 process all the outstanding registrations in
24 the three days after the deadline. And then
25 they also have to prepare for early vote the

1 next week. Which is the -- the method of
2 choice for Georgia voters. And then in the
3 four weeks between the election and the
4 runoff, they'll have to deal with so much, as
5 well. We hope you stand with these election
6 officials and do whatever you can to make
7 their lives easier. Thank you so much.

8 MR. DUFFEY: Thank you very much. Anne-
9 Gray Herring?

10 MS. HERRING: Hi, my name is Anne-Gray
11 Herring. I'm the policy analyst at Common
12 Cause Georgia. And I want to thank the Board
13 and Mr. Evans for the presentation on the
14 risk-limiting audits. We completely agree
15 that these audits are only going to serve to
16 help our elections and further the public
17 trust in the election results. We would
18 support, as was mentioned, an RLA after the
19 runoff in addition to after the general
20 election in November. And would even
21 encourage the State and counties to strive to
22 audit more statewide races than the one that's
23 required, you know, two or more could be
24 audited. But we acknowledge that that's
25 difficult for counties and would encourage the

1 State Board and Secretary of State's Office to
2 provide as much support and guidance to
3 counties as possible on their role in the RLA
4 process. And help them better plan and
5 prepare for that. And while we think that a
6 risk-limiting audits are an important step
7 that can help dispel misplaced suspicions
8 about our election. We do want to acknowledge
9 that it's not a solution for all the problems
10 that exist in our State and point out some
11 things the risk-limiting audit cannot do. It
12 won't resolve voter confusion or mask unfair
13 challenges to individual voters. It won't
14 resolve discriminatory practices and the
15 results do not show the effects of voting
16 barriers, like long lines, closed polling
17 places and relocated precincts and ballot
18 drops -- drop boxes. Nor can the RLA measure
19 the desperate impact of heightened voter ID
20 requirements and ballot rejections. Thank
21 you.

22 MR. DUFFEY: Thank you very much. Ted
23 Metz?

24 MR METZ: I am Ted Metz. I am a Cobb
25 County voter. And I would just like to ask

1 the Board to encourage precincts and -- and
2 voting centers to actually hand count the
3 ballots that are being produced by the ballot
4 marking device. And post those results before
5 the go into the scanner. Then that's the best
6 way to test the scanners to see if the
7 scanners are actually creating accurate
8 results. That way we also have a record of --
9 of the votes, the voter intent from the paper
10 ballot which is, you know, legally considered
11 evidence of voter intent. And that will
12 restore confidence. If the numbers match,
13 then we can put the whole thing to rest. But
14 we need to do this every election. So that is
15 something I'm asking of you is to make sure
16 that at the county level, the precinct level
17 that they are encouraged to actually do a hand
18 count. We've got plenty of volunteers that
19 are willing to sit and count the ballots by
20 hand using old fashioned tally sheets and --
21 and that, again, having a record of what the
22 votes are cast, voter intent before they go in
23 the -- in the scanners. And then comparing
24 that the hand count to the scanner count that
25 those numbers are equal, everybody's good. If

1 they're not, then we know that there's a
2 problem and -- and we need to solve the
3 problem which is probably by getting rid of
4 the ballot tabulators made by Dominion because
5 we know that they can be hacked in about 37
6 different ways. The only other thing I would
7 ask is that we actually restore some higher
8 level of signature verifications for absentee
9 ballots. And with that I yield.

10 MR. DUFFEY: Thank you very much. Amanda
11 Pettyman? Prettyman?

12 MS. PRETTYMAN: Amanda Prettyman from
13 Bibb County. Thank you Board members for
14 having this meeting today allowing public
15 comment. A famous communist said, it's not
16 who cast the vote, it's who counts the vote.
17 And in the State of Georgia, who counts the
18 vote is the Secretary of State's Office and a
19 private company, Dominion. Maybe that's not
20 communist, maybe it's more fascist. But the
21 count is -- while casting the vote is done in
22 localities and in precincts. The count is
23 actually highly centralized so it may look
24 like it's not, but it's all a façade. Because
25 the programming is done for counting and then

1 it's -- it's shrouded in secrecy. We have no
2 ability to check the code to make sure it's
3 one person, one vote. How is that vote being
4 counted? And you might refer to audits, but
5 Phillip Stark in reading his paper in Curling
6 versus Raffensperger has, first count audit
7 and re-count differ substantially with the
8 2020 risk-limiting audit. And with the
9 roughly 3,200 precincts in Georgia, three to
10 four votes changed in each precinct. It can
11 change the outcome of the statewide election.
12 And yet with a five percent or less, when you
13 look at just these spot checks, you just have
14 a few off, you -- no one does anything about
15 it. They say, well, that's within reason.
16 But if you don't look statewide, and you don't
17 make sure that those ballots are -- are a true
18 voter and a number of other things, then you
19 don't really have a true audit. And so I
20 don't have confidence in our system. And I --
21 I would very much prefer that we hand count.
22 If you can't get rid of the system for this
23 election, at least add full hand counting. Go
24 beyond the risk-limiting audit. In -- in Bibb
25 County there were 26 in one precinct from the

1 primary in the Secretary of State's race. And
2 the hand count was accurate. It was counted
3 three times with the same results. And no one
4 has done anything. So we've asked to look
5 more to see if that problem extends further
6 into other precincts or if it's isolated to
7 that one, and then from there determine what
8 the cause is. But no one will do it and part
9 of it is because they are scared of the
10 Secretary of State. I would prefer more, I
11 guess, more curiosity and let's just find the
12 truth instead of being so scared. Thank you.

13 MR. DUFFEY: Thank you. David Cross?

14 MR. CROSS: Mr. Lindsey, I understand you
15 missed me last time.

16 MR. LINDSEY: I always miss you, Mr.
17 Cross. Good to see you.

18 MR. CROSS: That's weird it didn't count
19 all the votes. Those words were spoken by an
20 election worker last October in Williamson
21 County, Tennessee. An election observer there
22 learned that two precinct scanners did not
23 tabulate the votes properly. One tabulator
24 had 163 ballots in it, but only recorded 79
25 votes. The other tabulator had 167 ballots,

1 but only 19 votes were counted. Williamson
2 County, Tennessee contacted the Tennessee
3 Secretary of State. He conducted an
4 investigation and found that seven of their 18
5 scanners did not count ballots accurately.
6 The Tennessee Secretary of State contacted the
7 United States government's Election Assistance
8 Commission to investigate. The government
9 conducted their own tests with Pro V&V, S&L
10 Compliance and Dominion all present. After
11 scanning the ballots, they got the same
12 miscount of the ballots. Investigators
13 reviewed the system log files which is nothing
14 more than a diary that the machine keeps of
15 every interaction it has with a person or a
16 piece of paper. It showed multiple instances
17 of an error called a QR code signature
18 mismatch with a warning message of ballot
19 format or ID is unrecognizable. Testers
20 noticed that the machines counted the votes
21 properly until the error was triggered. After
22 the error was triggered, every current ballot
23 in the machine was not counted and every
24 ballot after it was not counted until the
25 machine was reset. The EAC Dominion Pro V&V

1 and S&L compliance report the cause as
2 inconclusive. After a month Dominion informed
3 the government that the cause was an error in
4 the scanner software. The government asked
5 Dominion to fix it and a patch was made. As
6 part of the government's investigation, two
7 other states that used the same software were
8 notified of the problem, Alaska and Iowa. The
9 EAC tells us there were no other reports of
10 this problem. It is isolated in Tennessee. I
11 remember seeing that exact same error code in
12 Gwinnett County's 2020 primary files when I
13 was researching suspect results for Judge
14 Kathy Schrader. Those Gwinnett finals from
15 2020 showed 84 instances of the Williamson
16 error. We, the election oversight group,
17 asked the US government if the Williamson
18 error was found in any other states or
19 counties. The author, please give me another
20 moment. The author told us there were no
21 reports of the Williamson error anywhere else
22 in the United States. The election oversight
23 group placed open records requests for scanner
24 history files from all 159 counties. Judge,
25 you wanted us to present this -- this

1 information sooner, but we were unlawfully
2 blocked and significantly delayed by Ryan
3 German and Blake Evans. As of today, we have
4 only files from 66 of 159 counties. So far 64
5 of the 66 counties reporting have the
6 Williamson error. That's 97 percent of the
7 Georgia files.

8 MR. DUFFEY: You need to wrap up, Mr.
9 Cross.

10 MR. CROSS: I'll get there. The software
11 causing the error was originally written 2018.
12 The software has not been updated on any
13 Georgia scanners. The bottom line is is our
14 work indicates the precinct scanners in
15 Georgia have not counted ballots accurately
16 since they were installed. The Secretary of
17 State announced that he's going to be removing
18 QR codes from the ballots. That will do
19 nothing --

20 MR. DUFFEY: Mr. Cross.

21 MR. CROSS: -- to correct the issue.

22 MR. DUFFEY: Mr. Cross, honor the time
23 limit please.

24 MR. CROSS: I'm sorry?

25 MR. DUFFEY: Honor the time limit.

1 MR. CROSS: I hope the press will take a
2 look at this. I sent you files. Mark, I hope
3 you will report on it.

4 UNKNOWN SPEAKER: They won't.

5 MR. DUFFEY: If those are all the public
6 comments, on behalf of the Board and behalf of
7 everybody who presented today who provided
8 information, I hope you found it valuable.
9 For those that are watching, I appreciate your
10 time and attention. And we look forward to
11 seeing you at our next meeting. We'll be
12 adjourned.

13 (Whereupon, the proceeding concluded at
14 1:47 p.m.)

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CERTIFICATE

STATE OF GEORGIA
COUNTY OF GWINNETT

I, Rebecca, Certified Court Reporter, hereby certify that the foregoing pages numbered 3 through 199 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 19th day of October 2022.

Rebecca Barr
My commission expires April 1, 2023.

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