

In The Matter Of:
State Election Board Hearing v.

December 13, 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

DECEMBER 13, 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. Spelled phonetically.

-- 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 -impossible to understand.

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P R O C E E D I N G S

MR. DUFFEY: Let me call the meeting of the State Election Board, this day, to order. I want to thank all of you that are here personally, and those of you that are on the camera welcome to the meeting. And as customary, we'll begin with an Invocation which I will do. And the Pledge of Allegiance will be led by Mr. Lindsey.

UNKNOWN SPEAKER: Can you use your microphone for us deaf people?

MR. DUFFEY: I am using my microphone. Do you want me to turn it up?

UNKNOWN SPEAKER: Please. Thank you.

MR. DUFFEY: Is that better?

UNKNOWN SPEAKER: Yeah.

MR. DUFFEY: Now, I can hear myself talk which is one of my favorite things to do. So I'll begin with an Invocation.

(Invocation)

MR. LINDSEY: Would you please stand?

(Pledge of Allegiance)

MR. DUFFEY: Please be seated. Just a few introductory remarks. I was going to say this is the end of the year which it technically is, it certainly -- it seems like the end of the year. Although I've only been on -- in this position for -- for five months. It seems

1 like we've done a year's worth of work. But I'm grateful
2 for it.

3 I told you from the very beginning that this is
4 something which I thought long about and really believe
5 that working with really superb people on the Board and in
6 the charity and goodwill with which they have taken on
7 assignments is incredible. And I don't think you -- you
8 understand how hard this job is and how much time it
9 takes. With -- without colleagues like this we could not
10 perform our public duties.

11 Meaghan, would you stand up? Meaghan? Meaghan?
12 Would you stand up?

13 MS. KELLING: (Complies)

14 MR. DUFFEY: You don't see very much of Meaghan. But
15 Meaghan is the person who puts all of our notebooks
16 together. That makes -- which makes sure that we have all
17 the administrative support that we need. And I just want
18 to thank you, Meaghan, for everything you've done for us
19 in the last several months.

20 (Applause)

21 MR. DUFFEY: She's a very shy person. I'm sure
22 she'll come up and berate me for doing that to her. But,
23 you know, sometimes people need to be recognized when they
24 do a superior job and I wanted to do that.

25 Now, the last few months we've tried to be more

1 outward facing and -- and not inward facing which --
2 because -- because I've told you, I think -- I -- I told
3 our Board that public service to me is serving the public
4 and you are the public. The citizens of Georgia are the
5 public and therefore it's our responsibility to you and
6 not necessarily just our responsibility to consider things
7 inclusively and without your input. And we've tried very
8 hard to reach out to people that are resources to us.

9 You know, I have this rule. I think I've met it in
10 every occasion. And -- and even if I haven't -- even if
11 you contacted another member of the Board, it gets to me.
12 I try very hard to make sure that you're acknowledged
13 within 24 hours. I've had a number of long conversations
14 with people because I want to dignify the input that you
15 give to us. And so I -- I appreciate -- I appreciate the
16 respectful way that those conversations have gone.

17 I think that it -- it was a way of us showing that we
18 are not just an organization that hears complaints and --
19 and decides things about people and sometimes the
20 sanctions them. That we are all in this collectively.
21 And I say that especially to the people in the counties.
22 We understand that with the elections division and with
23 them and with us that this is a collective effort. And
24 working together is always better than working apart and
25 we're trying to do that.

1 Sara Koth and Rachel Simmons. Sara, you'll see her
2 later, is the Chief Investigator that we rely upon a lot.
3 Sara understands that I have this proclivity if I -- I
4 send an email that I expect you to answer within four or
5 five minutes. And while she's not always within four or
6 five minutes, the ability to communicate especially on
7 complaints with Sara and her -- and the investigative
8 staff is vital to what we do. I think you'll see today
9 that we are finally into -- into 2022 complaints. And
10 that we -- I hope with your help that this is not a
11 nine-hour session like the first one was or a seven hour
12 session like the second one was.

13 But we have fewer complaints and I'm hoping that
14 this, while it will be multi-hour, I'm hoping that it's
15 not as long as we've been in the past. Because in
16 fairness to the people who do the investigations and the
17 reporting they have to do at this meeting. And fairness
18 to you that I know you -- you love being here or at least
19 want to be here and are interested enough to be here. I
20 -- I -- I want to be respectful of your time. And while
21 the meetings in the past that were very long were
22 necessary. I hope that we don't have to get into a
23 pattern of that.

24 We will announce at the first of the year the
25 meetings for -- for next year. There will be at least

1 five and they will not all be in Atlanta. In February, we
2 will meet in our first 2023 session that will be on
3 February 7th. And sometime probably in the next ten days
4 or so we will put a list up with all of the meeting dates
5 for all the meetings for 2023. And we will indicate at
6 least the tentative location of those that will not be in
7 Atlanta.

8 Now, I say that thinking that we can have meetings
9 outside of Atlanta. But all of our technology is here.
10 But -- but I'm confident and assured that we do have. But
11 they have to be tentative until we make sure that we have
12 the right arrangements and the right room.

13 So with that, the first thing we need to do is that
14 we had to make an amendment to the draft of the
15 August 22nd, 2022 minutes. We've never approved those
16 minutes. So we're going to first take up the -- our State
17 Election Board meeting and hearing the minutes from August
18 2022. Is there a motion to approve the minutes?

19 MR. LINDSEY: So moved, Mr. Chairman.

20 MS. GHAZAL: Second.

21 MR. DUFFEY: It's been moved and seconded that we
22 approve the minutes of the August 22nd, 2022 meeting. All
23 those in favor say aye?

24 THE BOARD MEMBERS: Aye.

25 MR. DUFFEY: Opposed, no?

1 (no response)

2 MR. DUFFEY: The minutes are approved. And then we
3 have the minutes for our September 28th, 2022 meeting. Is
4 there a motion to approve those?

5 MR. LINDSEY: So move, Mr. Chairman.

6 MR. MASHBURN: Second.

7 MR. DUFFEY: It's been moved and seconded that we
8 approve the minutes of the September 28th, 2022 meeting.
9 All those in favor say aye.

10 THE BOARD MEMBERS: Aye.

11 MR. DUFFEY: Opposed, no?

12 (no response)

13 MR. DUFFEY: Then those are past. We have two
14 reports this morning. The first of which you will
15 remember if you attended the August meeting, that the
16 General Assembly asked us to look at the acceptance and
17 equitable distribution of grant funds for election
18 administration. We received that report from Ryan Germany
19 and since then Mr. Lindsey has -- has looked at the report
20 to come up with what our recommendation will be to the
21 General Assembly. So I'm going to turn the meeting over
22 to Mr. Lindsey.

23 MR. LINDSEY: Thank you, Mr. Chairman. Thank you.
24 If you'll hit the button there.

25 MR. DUFFEY: What are you, two?

1 MR. LINDSEY: Yeah. Thank you, Mr. Chairman.

2 MR. DUFFEY: You're welcome.

3 MR. LINDSEY: First I think it'd be helpful to
4 everyone to have a little bit of background.

5 The General Assembly in Senate Bill 202, in 2020 --
6 2021, put out the following mandate to the State Election
7 Board. The State Election Board shall study and report to
8 the General Assembly a proposed method of accepting --
9 rather for accepting donations intended to facilitate the
10 administration of elections. And a method for the
11 equitable distribution of such donations statewide.

12 The General Assembly undertook this because of their
13 -- of the concern that there was an inequitable
14 distribution of grants in which some counties received
15 grants from private sources. While others did not and did
16 not always necessarily reflect the particular needs
17 throughout the state of Georgia. And so the General
18 Assembly wanted the State Election Board to come up with a
19 new plan on how such grants can be received and how such
20 grants can be distributed statewide.

21 In the August report from the State -- from the
22 Secretary of State's Office, they basically sent out
23 various possibilities that we could consider. And what I
24 want to do today is sort of make a specific
25 recommendation. First off, regarding how the -- the funds

1 were to be distributed. The question was whether or not
2 it should be distributed through the Secretary of State or
3 through this Board.

4 And it's my recommendation that we take on that
5 responsibility to grant the -- be the ones to -- to
6 administer, basically, decide on which -- what grant
7 should be given to what county and for what purpose. I
8 think that that's probably more closely in tune with the
9 intent of the General Assembly when they passed this --
10 this requirement.

11 The second was whether or not how this -- these funds
12 should be distributed. There -- there were two possible
13 scenarios that were offered. The first scenario was that
14 all the grants were to be collected and then to be
15 distributed to the -- to all the counties based on
16 population.

17 The second possibility was to instead -- in effect
18 create a grant program in which we would take application
19 from particular counties and -- and determine where the
20 money should be spent based on the -- my concern with the
21 first scenario is that the larger counties would thereby
22 receive more of the funding. And quite frankly larger
23 counties generally have more of the resources available.
24 They are usually the wealthier counties of our state. A
25 lot of the needs, specific needs, are usually in those

1 smaller counties with more limited population and more
2 limited budgets in order to meet the constitutional
3 requirements when it comes to voting.

4 There's also my -- there was concern that was voiced
5 by some members of this Board in August and -- and I have
6 taken it to heed in which we don't want grants to be --
7 to, basically, end up supplementing the budget for the
8 operation. Rather we prefer to see grants to be
9 distributed to particular counties based on some type of
10 specific need, usually, probably capital needs in
11 particular. Rather than trying to supplement an
12 operational budget which over time those counties would
13 suddenly -- being more dependent upon grants rather than
14 going to their own citizens to make sure they receive the
15 necessary resources.

16 So my recommendation is that we go the latter. That
17 we administer based on the grant program which application
18 would be made by particular counties in which we take a
19 look at the particular needs of that county. And quite
20 frankly take a look at whether or not that county can meet
21 those needs on its own versus having some supplemental
22 help, particularly in the area -- some -- some type of
23 capital need. So that's generally the recommendation.

24 I also have within the report pointing out to the
25 General Assembly that should this become a fully

1 operational system, that some type of additional funding
2 to us will be necessary in order to administer it. It's a
3 little bit difficult to determine at this time how much is
4 exactly needed until we actually see how much in various
5 grants are provided to us from various private sources.
6 But nevertheless, we need to alert the General Assembly
7 that -- that should they want to move forward with this
8 program that -- that we're going to need some additional
9 resources by this Board. As we will in other areas where
10 we're also asking for additional funding to meet the --
11 the requirements of -- of Senate Bill 202.

12 That's essentially my -- my report, Mr. Chairman.

13 MR. DUFFEY: Thank you, Mr. Lindsey. Now, let me
14 open it up for comment from members of the Board, if there
15 are any. Dr. Johnston.

16 DR. JOHNSTON: So as we had talked about in previous
17 meetings, I am opposed to grants and the influence it has
18 and the effect on behavior that results in -- for the
19 recipients of such grants. However, I suspect I may be
20 out voted in this proposal. So if there are grants, and
21 the State Election Board is the one to administer this,
22 then I think I would recommend that all of these -- all
23 applications -- grant applications be posted publicly. So
24 that the public can review such applications and continue
25 transparency notices would be posted for at least 30 days

1 for public comment. So that every step of the grant
2 application and award should be a matter of -- that's
3 available to the public.

4 MR. DUFFEY: Any other comments? Okay.

5 DR. JOHNSTON: I have another.

6 MR. DUFFEY: Pardon me?

7 DR. JOHNSTON: Additionally, and a little research I
8 found that Florida -- the state of Florida does have a
9 grant program. And the elections division can be a
10 recipient of grants. And they're restricted to certain
11 items which are not included in operating budgets, but it
12 would be such items as developing multi-factor
13 authentication, vulnerability management, email security,
14 network hygiene and cyber security needs. So those are
15 just some suggestions that grants might be used for.

16 MR. LINDSEY: If I may, Mr. Chairman. In regards to
17 the first recommendation, I agree and I've viewed -- view
18 that as a -- a friendly amendment. And -- and I ask that
19 you make it, and I will, indeed, second it.

20 As to the second, I like the categories that were
21 mentioned. But we don't know what's going to be the need
22 for the next generation -- or next time. So I would
23 prefer that we have greater flexibility in terms of the
24 grants, in terms of what the needs are out there. So as
25 not to limit us in what areas that we could provide that.

1 So I would ask that we might take -- start to limit our --
2 our range yet.

3 Let's see what goes on down the road. I do believe,
4 as I stated earlier, that this ought to be based more on
5 capital, sort of cyber security need and that category as
6 opposed to operational, in nature. But I do -- I do have
7 concerns about trying to restrict because we don't know
8 what the particular needs in a particular county needs at
9 a particular time.

10 MR. DUFFEY: Well, my view is this: That the purpose
11 of government, especially, the elections context, is to
12 allow in our state because elections are all conducted by
13 counties. Is that we need to enable counties to -- to do
14 what they are being asked by the General Assembly and by
15 the state to do and that often requires resources. So the
16 idea that we would look at grant applications and
17 determine need, I think I wholly endorse that. And I
18 wholly endorse the idea that the government has a
19 responsibility to assist those counties that don't have
20 the resources for the specific needs that they tell us,
21 and they apply for in order to provide the services and
22 election processes.

23 I too don't like the idea of saying it can only be
24 used for certain purposes. I'll give you a perfect
25 example of that is that we now know that security cameras

1 at offices where -- where election equipment and where
2 election documents are kept, need -- we need to have a
3 record of what goes on within those facilities. And so we
4 don't know how many of the -- of the counties have that
5 capability and how it intersects it -- with whatever
6 internet provider records the -- the serve -- the videos
7 that are taken at those places. So there will be a
8 combination of hardware and I think software but it would
9 be our responsibility and we would work with the elections
10 division on this since they know the counties better than
11 we do. That while we would, ultimately, once we gather
12 the information make the final decision, the idea of
13 having -- of a process where we continue to collaborate
14 collegiately with the other people in the election
15 process, including counties which would be their
16 responsibility to tell us what we want. I -- I think is
17 the right approach to this. And I really agree that --
18 that the easy way is to say, well, let's just take all the
19 money, divide it up according to population. I think that
20 that would cause us to abrogate our responsibility to do
21 the hard work that's necessary to find out what people
22 need. And then to make the hard decision of who gets
23 money even though that might open us to criticism from
24 other countries, we're prepared to do that. Yes?

25 MS. GHAZAL: I know I said I have no comments. But,

1 of course, I have come up with some comments. Which is
2 while I -- I agree that the -- that grant funding should
3 be used for capital projects. Because this is a report to
4 the General Assembly, I would, I believe, that it's
5 incumbent on the General Assembly. And I'm putting -- I
6 want to put it in the record, that they get a greater
7 understanding of the operational costs of the counties
8 because with the implementation of the new system that
9 we've now seen through two election cycles, the
10 operational costs have grown significantly on the counties
11 and I -- it's important that the General Assembly as they
12 create mandates understand what the impact of their --
13 their policies have been on the counties. Particularly
14 smaller counties that have very little resources at hand.

15 I am concerned that the operational costs are
16 reaching a point where it's unsustainable on counties and
17 it's -- it's -- I think it's important that the General
18 Assembly take that into account. And, in fact, invest
19 some of their resources into really understanding what the
20 impacts are.

21 MR. LINDSEY: If I may, Mr. Chairman?

22 MR. DUFFEY: Yes.

23 MR. LINDSEY: I agree. And I think maybe that's
24 another report for another day. But, you know, that's
25 part of our responsibilities. Many of you that have read

1 very closely what our various mandates are. And one of
2 them is to report to the General Assembly particular needs
3 that we think are necessary for the -- the operation of a
4 -- of an election system. And -- and I do believe that
5 that's -- that that's one area where we need to consider
6 making sure that they are aware of the additional costs
7 that have been -- that have been placed on the various
8 counties. So that they can then take into account, not
9 only what additional resources the counties have but they
10 need to take into account what additional mandates they
11 may offer to them in the future and that's particularly
12 important in -- in the upcoming year, as a matter of
13 practice, I think wise practice.

14 The General Assembly generally makes tweaks or
15 changes to election laws in odd number years so as to give
16 counties and the state a chance to be prepared for the
17 next even year election. So the times for us to be able
18 to -- to make those suggestions and recommendations to the
19 -- to the legislature is coming up pretty quickly. Second
20 Monday in January is -- is on our heels.

21 MR. DUFFEY: Yeah. It looks as though -- I really
22 appreciate those comments. It's -- being new to this
23 process but -- but finding a lot of disparity and
24 resources of whether or not resources are being used for
25 elections as opposed to -- and whether or not the -- the

1 grant money to counties for election purposes whether it's
2 generous or stingy. We -- it doesn't work unless they
3 have the resources. And so I do think as part of what
4 Mr. Lindsey has proposed is that it would fall upon us
5 when we made a request for funding for the purposes of
6 making these grants to counties that we -- that we provide
7 to them the background of the shortfall of resources in
8 these counties and why it is that we would need additional
9 funding to fund the grants that we receive. I mean, for
10 us I think it's -- it's a heavy lift. But I think it's an
11 important one and it's one I think that we should embrace
12 and that should be our recommendations to the General
13 Assembly. But all of you -- you two over here, you two
14 over here, I mean, that's what's worked for us. But I've
15 never seen anybody on this Board in the last five months
16 ever shy away from an assignment.

17 MR. LINDSEY: And -- and Mr. -- Mr. Chairman, I would
18 -- I would accept this as a friendly amendment. Also to
19 the report perhaps is in the area of the recommendations
20 if -- to simply just point out to the General Assembly
21 we'll be coming back talking about the additional
22 operational burdens that are being placed on the counties
23 for the -- for the General Assembly's consideration,
24 something along those lines. I think that would be
25 appropriate for us to sort of set that up for the next

1 step that a Board member has recommended.

2 MR. DUFFEY: Anymore discussion from members of the
3 Board?

4 DR. JOHNSTON: I'll say one more thing. So I -- I
5 thank you for that comment with the General Assembly and
6 the budget and the most probably the most expensive voting
7 system in the country that Georgia has. I just want to be
8 very aware and careful that the Assembly doesn't become
9 dependent on grants to fill the gap for the operation of
10 this voting system.

11 MR. DUFFEY: But in a way, the General Assembly can't
12 be dependent upon it because they have to give us the
13 money to grant to -- to the counties. So, I mean, this --
14 this whole -- the theoretical framework and structure of
15 this is that the money does come from the General Assembly
16 to the extent that it's needed to supplement the needs of
17 the counties above and beyond what the people might want
18 to contribute to a fund to help counties. But,
19 ultimately, the -- the difference is the -- is -- would be
20 our responsibility to explain to the General Assembly what
21 the need is.

22 And secondly, explain to them what the -- what the
23 revenue that's necessary to meet the need is. And then to
24 ask the General Assembly to provide sufficient funds to
25 allow counties to -- to meet the needs that they have

1 which I think, ultimately, if we get into the cycle, it
2 will include changes that they make to election law that
3 impose additional burdens. I suspect that there would be
4 more counties say that we need more money if we have to do
5 that. And that's something that we, I think, reserve the
6 right to go to the General Assembly and explain what's
7 necessary for the fund -- for the -- for the process to --
8 to work correctly.

9 So with that, is there a motion to approve
10 Mr. Lindsey's recommendation as amended?

11 MR. LINDSEY: I -- I -- I would, Mr. Chairman, make
12 that motion and perhaps might be best for me to simply
13 make the motion to accept the report and then I'll accept
14 a couple of friendly amendments.
15 If I may?

16 MR. DUFFEY: You may.

17 MR. LINDSEY: So I -- I simply move for the -- for
18 the Board to accept the report that had been tendered to
19 the committee?

20 MR. DUFFEY: Is there a second?

21 MR. MASHBURN: Second.

22 MR. DUFFEY: It's been moved and seconded to accept
23 the report given by Mr. Lindsey this morning. All those
24 in favor in say aye?

25 MR. LINDSEY: I think you need to accept the

1 amendments first.

2 MR. DUFFEY: Well, we'll do that. Then we'll take
3 the amendments.

4 MR. LINDSEY: We take the amendments and then
5 (inaudible).

6 MR. DUFFEY: So you can tell I'm really new at this.
7 So -- so before we vote on that. We'll accept whatever
8 amendments members of the Board have to the report.

9 DR. JOHNSTON: So the suggested amendments are that
10 the applications shall be posted publicly for public
11 review with 30 days notice and public comments being made
12 available to this Board.

13 MR. LINDSEY: Second Mr. Chairman.

14 MR. DUFFEY: Just one clarification, would -- would
15 you also publicly report what the decision of the Board
16 was on the applications?

17 MR. LINDSEY: Yes, Mr. Chairman.

18 DR. JOHNSTON: Yes, Mr. Chairman.

19 MR. DUFFEY: Okay. So that's the first amendment.
20 And the second amendment, Ms. Ghazal?

21 MS. GHAZAL: I would like to propose a second
22 amendment that we include a paragraph in the report to the
23 General Assembly that with regard to operational burdens
24 on the counties and that further it study is important to
25 understand these costs in moving forward in the

1 (inaudible).

2 MR. LINDSEY: I'll accept that as a friendly
3 amendment, as well, Mr. Chairman. So now we vote.

4 MR. DUFFEY: And so all those in favor of the motion
5 as amended by the two amendments say aye.

6 THE BOARD MEMBERS: Aye.

7 MR. DUFFEY: Opposed, no.

8 (No response)

9 MR. DUFFEY: Then it passes unanimously.

10 Mr. Lindsey, I don't -- I don't know how you put something
11 from an organization like us and present it to the General
12 Assembly. So could you draft up whatever we would
13 actually deliver to them and let us have a chance to look
14 at that?

15 MR. LINDSEY: I will, Mr. Chairman. I'll get it back
16 to the full -- to the full Board and -- and that's
17 generally what happens is in the first week of the General
18 Assembly such reports are -- that's when they are
19 generally transmitted to the leadership and then to the
20 full -- to the full house -- that's in the House and the
21 Senate.

22 MR. DUFFEY: All right. Thank you. Can we put a
23 date on that? That we would receive it for comment?

24 MR. LINDSEY: Well, you'll get it by the -- by the
25 end of this week, Mr. Chairman, because I'm going -- I'm

1 going on -- I'm going to go have a holiday.

2 MR. DUFFEY: Oh, I see. He does the reports and then
3 we have to look at it over the holiday.

4 MR. LINDSEY: That's right. Seriously, Mr. Chairman,
5 I'll have it to you by the end of the week.

6 MR. DUFFEY: Yeah. Thank you very much.

7 MR. LINDSEY: These are -- these are fairly short
8 amendments.

9 MR. DUFFEY: Thank you. All right. So the next
10 matter that we have on the agenda is a -- is a report from
11 Ms. Ghazal about Rule 183-1-12-.13. Before I turn this
12 over to her to explain why we are considering this, one of
13 the things that we will do after the first of the year is
14 collect our thoughts about rules that we ought to
15 consider. And this one came up later in the rules
16 probably that might be as important as this one. But this
17 one needs to be addressed. But we will continue to do
18 that. We will prioritize our work and do those things
19 first that need to be done first.

20 This is one that needs to be done first. And we've
21 had a fair amount of input from people and with that, I'll
22 turn it over to a Board colleague, Ms. Ghazal.

23 MS. GHAZAL: Thank you. Rule 183-1-12-.13 is
24 regarding storage of returns. This rule relates to the
25 electronic storage of election-related data following the

1 certification of an election. And this is actually a
2 really good opportunity that I wanted to have -- have the
3 time -- it's a reminder that, in fact, the counties are
4 doing this right now. While elections are done for voters
5 and for the candidates, the counties are still processing
6 the -- the runoffs. And I just wanted to acknowledge that
7 they are still hard at work, and I appreciate everything
8 that they are doing. Because without the work of the
9 counties, none of us would be here.

10 So this rule dictates exactly what and how the
11 electronic data is stored. And the -- one of the reasons
12 that we're looking at because we received a good bit of
13 input on -- on how to adjust it. It's important that we
14 standardize the process to make sure that every county is
15 storing the same data in the same format. But also
16 maintaining copies of information that are -- that need to
17 be publicly available. Including the digital images of
18 ballots which under Senate Bill 202 are now available to
19 the public through open records requests.

20 So I just wanted to go through the process of where
21 we are right now. After having consulted with a number of
22 individuals, we have -- we redrafted the rule. It has
23 been distributed to members of the Board informally along
24 with staff of the Secretary of State's Office. It's
25 important though before we publish this formally that we

1 understand that the impact on the counties and make sure
2 that it is a practicable rule. That it does not create
3 additional burdens that they are overly burdensome and
4 that it's -- it's something that they can -- they can fit
5 into their standard practices and without hugely -- huge
6 disruptions in -- in their operations, post-election.

7 So once we have a fuller understanding of that.
8 After consulting directly with some of the counties, we
9 will publish this rule in probably in the next meeting is
10 where -- is what I anticipate. And it will be made
11 publicly available for 30 days. And that means that it
12 would be available for comment before and -- and input
13 from interested parties before we would even vote on it.

14 So this rule wouldn't be in place until at earliest
15 the April meeting that that's when it would be up, I
16 think, for -- for final -- a final vote on the Board. But
17 that's -- this is the process that we'll use also with
18 additional rules as we -- as we open them up and try to
19 review them. And I -- I don't want to speak on behalf of
20 the Board. But I certainly welcome input from members of
21 the public and interested parties on rules that you think
22 other -- other folks think need further examination. And
23 I'd be happy to answer any questions since I have sent
24 everything out a few days ago. We haven't had a chance
25 to --

1 MR. DUFFEY: So we're not taking any official action?

2 MS. GHAZAL: No.

3 MR. DUFFEY: This was a report --

4 MS. GHAZAL: Just a report.

5 MR. DUFFEY: -- on why we are doing what we're doing
6 and what the process will be.

7 MS. GHAZAL: Exactly.

8 MR. DUFFEY: The -- the one thing I -- I want to add
9 to this is that we understand that while we have
10 authorities that we have to exercise it with input from
11 others. Like Evans who's Election Director has -- when we
12 were talking about something that -- that I wanted and
13 wanted the Board to do, his first thing was let's get some
14 practical input on what the practical impact will be on
15 the counties. And so we gathered together a collection of
16 election officials. And it changed my mind about whether
17 or not what I wanted to do was practical or reasonable
18 when imposed upon counties.

19 We went forward with a version of that, but and we
20 will, I think, in the future. But I think all of us
21 recognize that -- that we are not to direct people to do
22 things without understanding what the impact is going to
23 be in 159 counties in Georgia. And so one of the things
24 that I want us to do is to have more task forces or
25 whatever we -- we call them with election officials as we

1 vet our ideas with them to find out whether or not they
2 are, in fact, practically achievable and -- and if they
3 impose too much of a burden what amendments can we make to
4 that to accomplish what we think is something that will
5 improve the election and trust in the election system.
6 But at the same time allow the counties to function
7 knowing that the counties range from large counties in the
8 metropolitan area to very small counties, the impact will
9 be different, and we want to get that information before
10 we go about the rule-making process. And I -- and I thank
11 Mr. Evans for -- for his help in making me see that.

12 There's one -- just -- this is not an agenda item. I
13 just want to report to you on -- on a follow-up. As you
14 know there's a Fulton County performance review that was
15 reported on previously. That the -- the performance
16 review committee said that in order to evaluate Fulton's
17 performance and -- and where it stands today, which would
18 be important to us in making a decision on -- as far as
19 how do we respond to the review. That because there was
20 an upcoming election, that we wanted the ability to see
21 their performance real-time under the stress of an
22 election. Since -- since that's where it's most important
23 for the county, any county, to function at its -- at its
24 best.

25 So we held until the end of the year the draft is the

1 report to allow that to happen and, as you know, it's been
2 publicly made available at the Carter Center assisted in
3 looking at the evaluation in evaluating the conduct of the
4 county during the -- the election, the mid-terms, as well
5 as the runoff. And we want to get their information and
6 have that available to the committee before they finalize
7 their report. All of that, I think, will be extremely
8 helpful to us. And I -- I am reporting that we have been
9 informed as of yesterday that -- that we will receive --
10 the Board will receive a copy of the report on
11 January 13th of 2023. And that we -- that assuming that
12 the report is in a form that can be considered, I intend
13 to put it on the February meeting agenda. So I just
14 wanted you to know where we are in that process.

15 All right. Before we move on to the investigation
16 report section, is there anything else that the Board
17 members want to bring up before we move into complaints?

18 (No response)

19 MR. DUFFEY: No. Okay.

20 DR. JOHNSTON: Do -- do you want us to talk about
21 this proposed rule or?

22 MR. DUFFEY: No.

23 DR. JOHNSTON: No. Okay.

24 MR. DUFFEY: And that -- that's because the rule has
25 to be put into a form where we've had sufficient time to

1 provide input before it's finalized. And then present it
2 in a meeting at which time we can -- we can then talk
3 about the rule. And then we go through the process that
4 once it's approved at the next meeting, that it will be
5 published for 30 days and we would vote on it at the
6 following meeting which would be in April.

7 MR. DUFFEY: Now, with the consent of the Board
8 members, there's a lawyer from Chatham County who is right
9 there (indicating). He has to go to a court hearing in
10 Savannah this afternoon.

11 MR. MASHBURN: Oh, my.

12 MR. DUFFEY: So he's asked to be moved up on the
13 agenda. And we have agreed to do that. He -- he is the
14 last one on the list of reports where the recommendation
15 of the investigators -- and you can sit down because we'll
16 hear the report first -- for referral to the Attorney
17 General's Office. So Sara, if you're prepared to do that
18 on the Chatham County case which is 2020-062. And that's
19 at tab 34.

20 See Ms. Koth is taking me at my word that when I ask
21 her to respond to something that she has four minutes.
22 So...

23 MS. KOTH: I'm ready.

24 MR. DUFFEY: I'm just kidding.

25 MS. KOTH: Is my mic on?

1 MR. DUFFEY: Yes. Oh, what is she? Can you try
2 that?

3 MS. KOTH: Is it on now?

4 MR. MASHBURN: Yeah.

5 MS. KOTH: Okay. So this is case number 2020-062.
6 The Secretary of State Office received the following
7 complaints during the June 9th, 2020 general primary
8 election. The August 11th, 2020 general primary runoff
9 and the January 5th, 2021 general election runoff for
10 federal offices from Bruce Snyder, Jean Seiver, George
11 Sedberry, Celestine James and Gwen -- I'm not going to try
12 and pronounce the last name, and others. There were a
13 total of 20 different allegations. Do you want all of
14 them read?

15 MR. DUFFEY: Can you summarize them?

16 MS. KOTH: They were all, I mean, completely -- I
17 have the investigator here that's probably more
18 knowledgeable on this case. Glenn, do you want to come up
19 and maybe summarize so I don't have to read all 20 of
20 these?

21 MR. DUFFEY: So we're going to hear from Investigator
22 Archie.

23 MR. ARCHIE: Good morning, everybody.

24 MR. DUFFEY: Good morning.

25 MR. ARCHIE: All right. Like the chief said there

1 were 20 total allegations in reference to this case.

2 MR. DUFFEY: Can you pull the microphone --

3 MR. ARCHIE: Oh, I'm sorry.

4 MR. DUFFEY: -- and speak into it, please?

5 MR. ARCHIE: Yes, sir. There was 20 allegations in
6 reference to this case. And pretty much, I'll go -- I'll
7 give a little brief on each one.

8 A voter named Bruce Snyder reported that he requested
9 an absentee ballot for the June 9th, 2020 election. I did
10 my inquiries and everything. I could find no record on
11 Enet where he had requested an absentee ballot. Also
12 talked with Ms. German and she checked her documents and
13 applications and was -- and was not able to recover one in
14 his name. He did tell me that he placed it in the mail so
15 in reference to his allegation, I couldn't sustain
16 anything because we don't know what happened to the
17 application after it was submitted to the mail.

18 George Sedberry reported that he voted also in the
19 June 9th, 2020 election. He requested an absentee ballot.
20 He was issued the absentee ballot May the 21st, 2020. And
21 he also had to submit a cure letter, evidently there was a
22 question about his signature. So the cure letter was
23 dated June the 1st of 2020. What happened with his, I
24 guess, when he went to the website, he noticed that he
25 received credit for voting in the August 11th, 2020

1 election. Not the June 9th, 2020 election. I conducted
2 some more research in reference to that. Since they had
3 to cure his signature, his ballot was not accepted until
4 June the 10th of 2020.

5 Also talked with Ms. German because the county's are
6 the one that entered the information in reference to the
7 date that the ballots are mailed. We also requested when
8 they're mailed and when they're accepted and returned.
9 She had no idea what occurred. She said it wasn't on
10 their end. And it may have been possibly something that
11 occurred with the State in reference to that. And he --
12 the voter's concern was that his vote did not count. But
13 his vote did count. I obtained a copy of the oath
14 envelope and verified that his vote did count for that
15 election.

16 MR. DUFFEY: Mr. Archie, let me make this suggestion.

17 MR. ARCHIE: Yes, sir.

18 MR. DUFFEY: In the interest of time because --

19 MR. ARCHIE: Okay.

20 MR. DUFFEY: Let's focus on the ones where -- where
21 your office is recommending referral where there were
22 violations to be referred to the Attorney General's
23 Office.

24 MR. ARCHIE: Okay, sir.

25 MR. DUFFEY: What you just said gives us a flavor of

1 the detail to which the investigators go into including on
2 those that are claimed. But to see whether or not the
3 claimed violations are, in fact --

4 MR. ARCHIE: Okay.

5 MR. DUFFEY: -- supported by the facts. Let's look
6 at the ones that the -- the county would like to respond
7 to.

8 MR. ARCHIE: All right. Okay. No problem, Your
9 Honor.

10 MR. DUFFEY: Thank you.

11 MR. ARCHIE: Okay. This is a pretty extensive
12 report. Okay. In reference, like I said, there's 20
13 allegations. I was able to sustain allegation number 3.
14 When Chatham County Elections Office -- they proofed their
15 District 4 ballot. What they failed to realize was that
16 the -- the District 4 Board of Education races were all
17 included on the District 4 ballot not included on the
18 District 7 ballot.

19 Okay. In reference to allegation number 5, an
20 Election Supervisor, Russell Bridges, failed to notify the
21 Secretary of State in writing, I believe, seven days prior
22 to processing absentee ballots prior to election day.

23 Sustained allegation number 11, in reference to a
24 board member with the Board of Elections there in Chatham
25 County. His name was Antoine Lang. While they were

1 processing the absentee ballots, he used his cell phone to
2 post a live stream video on Facebook. This was witnessed
3 by two people that gave me statements.

4 In reference to allegation number 15, this involved
5 the -- when voters canceled their absentee ballots, the
6 poll workers failed to write canceled, date and time and
7 their initials across the face of these absentee ballots.
8 There's approximately about 100 ballots that occurred
9 with.

10 In reference to allegation number 17, 37 polls did
11 not open at 7:00 a.m. on June the 9th, 2020, in reference
12 to various reasons that occurred.

13 Also sustained allegation number 18, that when the
14 clerks were processing absentee ballots prior to the
15 June 1st, 2020 -- correction that's June 9th, 2020 general
16 primary. They were allowed to keep their cell phones in
17 their possession while they did that.

18 In reference to allegation number 19, reference to
19 the June 9th, 2020 general primary. Election Supervisor,
20 Russell Bridges, failed to post a notice of change at some
21 previous polling places to inform voters where they needed
22 to go vote. The investigation also revealed that while
23 the clerks were processing the ballots on June the 14th,
24 2020 which was a Sunday, they did not sign an oath that
25 day. They were not able to provide it.

1 MR. DUFFEY: So I'm going to -- and I'm not sure how
2 the microphone -- I give him to. Or does he -- or do we
3 have him come up here? Or can you come up to a microphone
4 that we can turn on down here?

5 MR. MASHBURN: Turn on the microphone.

6 MR. DUFFEY: Do you have a number at your desk?

7 MR. PRETORIUS: I have a --

8 MR. MASHBURN: Test that microphone.

9 MR. DUFFEY: Try that microphone and see if that
10 works.

11 MR. PRETORIUS: Can you hear me?

12 MR. DUFFEY: You can pull it up.

13 MR. LINDSEY: Yep. Pull it up.

14 MR. PRETORIUS: Okay.

15 MR. MASHBURN: There you go.

16 MR. DUFFEY: See now you can be a legislator.

17 (Laughter)

18 MR. PRETORIUS: This is my first time here. Good
19 morning, Mr. Chairman and Members of the Board.

20 MR. DUFFEY: Could you give us your name and your --
21 and who you're -- who you're with and who you are speaking
22 on behalf of.

23 MR. PRETORIUS: Yes, sir. My name is Andre Pretorius
24 and I'm an Assistant County Attorney from Chatham County.
25 I will be representing the Chatham County Board of

1 Elections in these matters.

2 As a -- just a start to this, I have spoken to
3 members of the elections board and the registrar's office.
4 And the 2020 elections was brand new because we had
5 received -- that year -- well, we normally get maybe 2,000
6 absentee ballots. We got over -- around 50,000 that year.
7 So we had new staff. The training that was conducted in
8 that February, we didn't even have the machines yet. We
9 were still waiting on those. So they didn't come in until
10 late April.

11 And so people had forgotten what the training was.
12 They never trained on the machines themselves. A lot of
13 the things that we did in this case were self-reported, as
14 well. And -- and so I'm kind of looking at these
15 allegations. And I want you guys to understand that, yes,
16 there is a statute. And the statute is very clear. But
17 what we have is some things that we had done that we
18 believe were in compliance and would be a factor that you
19 would have to consider when you look at the allegation
20 itself.

21 When we get to the -- the first allegation that was
22 mentioned, and in that case it was talking about the
23 ballot -- the District 4 and the District 7, one. Yes.
24 In that case, the original ballot that went out and this
25 was one where we had now over 130 -- I think it was 137

1 ballots (inaudible) that we had to do. Including the hand
2 recount at the time. And somebody missed that District 4
3 designation. And it was immediately noticed after they
4 sent out the ballots.

5 Those ballots were then fixed and sent back in. And
6 everyone that received that ballot received the new ballot
7 with the correction on it. It took people when the
8 ballots came in to see the distinction between the two and
9 then count each one of those. And no votes were affected
10 in that matter. A total -- there was only a total of ten
11 ballots that were affected, and all of those votes were
12 counted. So I believe the process was fixed and it was
13 immediately rectified because it was immediately noticed.
14 And so, therefore, we're asking that you have some -- just
15 look at that one again and see that all the votes --
16 because the intent was to have all the votes counted.
17 Even if there's a mistake that that is rectified and
18 completed.

19 The second allegation that was mentioned was with the
20 notification to the Secretary of State. And I spoke to
21 Mr. Bridges, and he admits, he said, I did -- I did not do
22 that. It was an oversight on his part. It was a new rule
23 to him. He learned that he had not. Then he contacted
24 the Secretary of State and let them know that he didn't
25 send out the -- that he put -- but failed to do that. I

1 believe also in this case, the intent of that statute is
2 to make sure that both the monitors are there from both
3 parties, right? And they all had notice and they all were
4 there, right? So the intent was to give the notice and
5 both parties were there. And they had sufficient notice
6 to be there. But, yes, you're correct. The notice itself
7 was not given seven days prior to that.

8 I believe the next allegation -- let me go -- is the
9 one with the -- Mr. Lang. Mr. Lang is no longer a board
10 member. And to explain the situation is -- is
11 interesting. We had a huge facility set up for this.
12 First time we've ever done that. And we had media that
13 came in and they had the same kind of situation where they
14 are allowed to film. But Mr. Lang did use his Facebook
15 live to do that. But it wasn't for the intent to show
16 what the ballots or anything. His intent was to show the
17 enormity of the process, that they were doing. It was a
18 just a brand new thing. And I believe his intent was
19 just, you know, show look how big this facility is. Look
20 at all the things that we're going here. So I believe the
21 intent behind that was good, but the process of that has
22 been fixed in the meantime. We now require -- make sure
23 everyone cannot do that. That they have to fulfill the
24 requirements to be able to video any of those things. So
25 I believe the process has been fixed since then. I think

1 this was more of a mis -- an error on his part trying to
2 show that we are doing everything and look how big this
3 place is.

4 The next allegation on that list and I think it was
5 number -- okay. Number 17 which was that 37 polls did not
6 open at 7:00 a.m. during the June 9th, 2020 general
7 primary. Now, I -- when I was looking at the statute, it
8 says that it had to open, and polling had to start. This
9 was an issue when we came in with training. All the polls
10 were open at the time. The issue was people were having
11 problems with what they were doing at the polling stations
12 so there was a delay there.

13 And what we did is we immediately contacted the judge
14 and said, Judge, that it's a training thing. The polls
15 are open. There's just not -- the people don't
16 specifically know exactly what they're doing. So we're
17 working with them to get that done. So he immediately did
18 37 polling stations and we did an order by the judge to
19 extend all hours by an hour. So we believe we corrected
20 that issue and training has now been done and everything
21 else. So this has not been an issue and will not be an
22 issue in the future.

23 MR. DUFFEY: Well, let me -- can I just ask for
24 clarification.

25 MR. PRETORIUS: Yes.

1 MR. DUFFEY: When you say people didn't know what to
2 do, you mean the people that were working in the precincts
3 didn't know what to do?

4 MR. PRETORIUS: Yes.

5 MR. DUFFEY: And that the voters couldn't vote?

6 MR. PRETORIUS: Well, it's not -- it was just a
7 delay. Yes, by a few minutes in some places. It's not
8 that the polling places weren't open. It was just that
9 somebody didn't know what do I do with this? What do I do
10 that? And it's because they never -- some of them had
11 never seen the machine. Because they were trained in
12 February again. The machines didn't come in until April.
13 So it was hard to train somebody about what the machine
14 does and looks like when it's not there. And so some of
15 them just didn't understand that little procedure so there
16 had to be that quick. This is what you do.

17 MR. DUFFEY: But do you think a voter who is in line
18 to vote at seven o'clock consider the polls open, but he
19 couldn't vote?

20 MR. PRETORIUS: Would the voter consider --

21 MR. DUFFEY: I mean, we tell voters the polls open at
22 seven o'clock.

23 MR. PRETORIUS: Yes.

24 MR. DUFFEY: Doesn't that tell them that that means
25 they can begin voting at seven?

1 MR. PRETORIUS: Yes, I agree with you on that.

2 MR. DUFFEY: And that didn't happen in these cases
3 where people weren't ready?

4 MR. PRETORIUS: Yes. And it wasn't in all 37
5 locations. This was just a precautionary thing from the
6 judge to make sure that those 37 locations had that --
7 because we weren't exactly sure which ones was the ones so
8 we included the ones around it.

9 The next allegation was number 18 which was some
10 clerks that were processing absentee ballots prior to
11 June 9th, 2020, general primary were allowed to keep their
12 cell phones. And, again, this is one of those where it
13 was 2020, I know you understand the rule was changed and
14 it is -- it says that all cell phones, laptops,
15 audio/video recording device, other communications shall
16 be prohibited from the room where the processing of
17 absentee ballots are taking place except for county
18 election computers necessary. And the policy that we had
19 was that they not use their phones.

20 It was a new situation for us. It's a much longer
21 time frame now because it couldn't be processed until the
22 day of the election. And we took the phones from them
23 later on because we -- we found out that you cannot have a
24 phone in there. But the problem that we had was, again,
25 you had people that had to work multiple days. And,

1 again, this is during the pandemic and there's medical
2 issues and family, other issues that they have. And so
3 just to have that phone there would be something that we
4 could do that we're not allowed to use them in the room.
5 I think we have corrected that issue now and wouldn't be
6 an issue in the future. I think it was just an error on
7 our part to say that our policy was to not use the phones
8 and not -- not have the phones.

9 The next one -- allegation was that Russell Bridges
10 failed to post a notice and -- hold on. I believe -- let
11 me make sure that's the correct one. The polling place
12 changes, yes. So this is another one of those situations
13 where we had multiple polling locations closed because
14 they were afraid of getting COVID. We had (inaudible)
15 hours that we're doing the -- and so we had about two
16 dozen other polls that decided even at the last minute
17 they did not want to have them there. And we corrected
18 that, and we fixed that.

19 So the only thing that we did -- we had six separate
20 workers to go around the county placing signs and notices.
21 So we believe we put all the signs and notices up. If --
22 when -- took down the sign that we didn't know about, then
23 that may have been one of the things where somebody took
24 down a notice that we didn't know about. And that would
25 be the only other explanation for that. But we had six

1 workers that went around the county and placed notices on.

2 We also sent postcards to everybody to say when the
3 polling locations changed and the only time that we don't
4 place notice if it's the not -- not this election cycle,
5 but the next election cycle. So that you've already had
6 an election cycle where the notice was posted. So I'm not
7 sure exactly what the notice issue was because we believe
8 we sent everybody out. We put up all of our notices. And
9 that we sent out our postcards, even for the ones that
10 were last minute, we also sent those out. And we also had
11 our signs posted at those locations. So I'm not exactly
12 sure what the notice issue was if there was one that dealt
13 with a second election cycle or not. But, again, those
14 processes were in place. We believe this would not be an
15 issue in the future and we have ensured that those
16 processes are changed for the future.

17 The next allegation dealt with Ms. -- oh, here we go.
18 (Inaudible). Now, we spoke with the Secretary of State on
19 that one. And they informed us that if you had done the
20 oaths for those individuals prior to that date, you did
21 not have to do a daily oath. So as if -- if the notice --
22 or the statute says that we have to do daily notices then
23 the Secretary of State let us know that we did not have to
24 do a daily and that's what my confusion was with that.

25 We even checked on it to verify that that was not the

1 issue. If they've already been sworn and there's an oath
2 and they didn't have to do a daily oath.

3 The last one that we had was the allegation with the
4 one with the absentee ballots. And the allegation states
5 that general -- during the general election runoff for
6 federal offices that some poll officers failed to process
7 the cancellation of absentee ballots properly. Some of
8 the poll officers failed to write canceled, the date and
9 time, and their initials across the face of the absentee
10 ballot. And this is the one that I -- I see what the
11 statute says, and I understand the reason and the need for
12 that. The problem that we have with them -- with the way
13 that it's worded is that we cannot remove the absentee
14 ballot from the envelope because then we would know what
15 the person voted. And that's the main issue that we want
16 to ensure is that you have confidentiality of your vote.
17 So if somebody comes into the registrar's office and hands
18 us their envelope with their absentee ballot in it, if we
19 open it up and write on there, then we would know what
20 their vote was. So what we did in this case, we checked
21 with the Secretary of State and the local board. And what
22 we were told was the process that we're doing was correct.
23 When we would write on the envelope canceled. And then we
24 also did an affidavit with it and submitted those. And
25 the reason that we let -- that they told us too was that

1 that was a good process and that we have done that in many
2 years and that we were doing it correctly.

3 So if there's a -- a change that we now want to open
4 someone's ballot, then we just need to be informed that
5 and we will comply with that procedure. We felt that it
6 was a confidentiality with your vote issue, and we did not
7 want to have people know what their votes were. And then,
8 you know, you may have somebody sitting there looking at
9 it and may not like who you're voting for. And send you
10 to the wrong place or something like that. We don't know.
11 But we're -- we're trying to be as open and clear as
12 possible that we did not want to know what your vote was.

13 MR. DUFFEY: Can you -- can you tell me again who
14 told you that procedure was okay?

15 MR. PRETORIUS: The Secretary of State's Office.

16 MR. ARCHIE: Can I -- can I add something about those
17 canceled ballots? The -- the information that was written
18 did not follow the statute. Some of them were missing the
19 poll -- poll manager's name or they didn't use the word
20 canceled. They would use something else. I made copies
21 of all the ones that I found. At -- at no time were any
22 of those opened. You know, my understanding is they're
23 not supposed to open those envelopes. They're supposed to
24 just write on the outside, canceled, date and time, and
25 then the poll worker or poll manager's name.

1 MR. PRETORIUS: Correct.

2 MR. ARCHIE: So that's where those errors occurred.
3 They didn't put all -- some of them were maybe missing the
4 poll manager's name. Some didn't have canceled, you know,
5 involved all different type categories in reference to
6 that.

7 MR. PRETORIUS: And -- and if that's the issue, then
8 I would defer to his investigation.

9 The -- I do want to state further that in June of
10 2020, we were in a full blown COVID pandemic. Poll
11 workers were trained in February for an election in March
12 that occurred in June. More than 100 poll workers could
13 not work or decided to retire. More than two dozen
14 polling locations declined to serve as a poll. The
15 election equipment was new and being used for the first
16 time. We were extremely understaffed with only four full
17 time staffing managing an election and this was an
18 election of epic proportions. We -- Chatham County does
19 not have a history of sloppy elections. Since then we
20 have gotten a new elections director. A new deputy
21 director of elections and we've added ten full time staff.

22 Again, we did not have the equipment when we were
23 training in February. The first display of the machines
24 was not until April. And we had our representative
25 actually come out too when we were unveiling the machines.

1 And, you know, I voted for a machine that I had never even
2 seen before.

3 The main issue for us is that all the votes were
4 counted. Everything balanced. All of this had to be
5 done. We also had to do a hand recount at this time. And
6 so I think the intent of a fair election, yes, is to
7 follow all of the laws, but also to make sure that all
8 ballots were cast and all votes counted. Thank you.

9 MR. DUFFEY: Thank you, Mr. Pretorius. Does anybody
10 have any questions for Mr. Pretorius?

11 MS. GHAZAL: First, thank you so much for coming up
12 from Savannah and for having done so much research on
13 -- on this before you came. It's extremely helpful to me
14 to really understand exactly what happened. I did have a
15 couple of questions and I'm not sure whether Investigator
16 Archie or you are in a better position to answer them.

17 But particularly with regard to those absentee
18 ballots that were -- that were brought in, turned in and
19 canceled. Were they properly canceled in Enet? And I --
20 but I think the -- the biggest concern with that is making
21 sure that only one person's vote -- or one vote counted
22 per voter.

23 MR. PRETORIUS: Yes. And that -- that is correct.
24 We did everything correctly as far as that -- the
25 affidavits were done, and they were sent because I think

1 most of these allegations were at the registrar's office
2 and they were sent to the correct polling location.

3 MS. GHAZAL: Okay.

4 MR. ARCHIE: They did have an affidavit stapled to
5 them. (Inaudible) in terms that --

6 MS. GHAZAL: So there's no way they could have been
7 counted since they were stapled to that?

8 MR. ARCHIE: Yes, ma'am. And then there was
9 something written. It may not say canceled. But there
10 was something written on it. I think some of them said
11 spoiled, you know, and they were missing some of the poll
12 worker's or poll manager's names. But the letters were
13 attached.

14 MS. GHAZAL: Thank you. Thank you. That's helpful.
15 All right. Also with regard to that particular incident
16 and that -- that accusation. There -- there seem to be
17 some -- some real inappropriate behavior on the part of
18 the poll watcher. Interfering, you know, with voters.
19 Interfering with -- interfering with the -- the manager --
20 poll managers and it's important to note that even though
21 that was not a -- a case here. That is not appropriate
22 behavior and at the appropriate time I would like to
23 recommend that we send -- not -- not refer them to the
24 Attorney General's Office, but at a minimum send a letter
25 of instruction to the poll watcher, as well, because that

1 behavior can't happen in a polling place.

2 MR. PRETORIUS: Thank you.

3 MS. GHAZAL: Thank you.

4 MR. LINDSEY: If I may, Mr. Chairman, a question. Is
5 now a perfect time to make a comment or do you just want
6 questions at this point?

7 MR. DUFFEY: Both.

8 MR. LINDSEY: And I appreciate your research on this,
9 I do. And I appreciate the difficult position you're in.
10 As one trial lawyer to another, I've had to stand in front
11 of governing authorities and had the feeling of wearing
12 somebody else's wet bathing suit because my client had
13 done something that he should not have done. And I want
14 to make sure you understand that.

15 MR. PRETORIUS: Yes, sir.

16 MR. LINDSEY: I'm -- I'm debating quite frankly in my
17 mind, and I don't know if I have enough information yet to
18 -- to not only send this to the Attorney General's Office.
19 But under O.C.G.A. 21-2-107, the State Election Board has
20 the independent authority to create an independent
21 performance review to see what's going on here. Because
22 my concern here -- now, most of the violations we see are
23 involving a isolated -- an incident that's somewhat
24 isolated involving one entity that's done -- one
25 individual or a small group of individuals does something

1 wrong.

2 In this situation, we seem to have a systemic
3 breakdown by Chatham County to the degree that it -- that
4 -- that very well probably did impact some people's
5 ability to vote. You know, for instance, 37 polling
6 places that opened late. Most counties that if they have
7 a problem, it's one maybe two. In this situation we're
8 dealing with 37. That's a systemic problem. And that
9 some other issues, as well. At the appropriate time I am
10 going to make a motion to -- to send it to the Attorney
11 General. But I would also, Mr. Chairman, I don't know how
12 to do this exactly. I'd like to -- while sending it to
13 the Attorney General, I would also like to request that --
14 that someone from the county itself, like the election
15 supervisor come to us and provide us with an assurance
16 that what happened in June 2020 did not happen again in
17 November 2020. And did not happen again in subsequent
18 elections. That remedial steps have been taken so that
19 this did not happen again so that we don't have to send
20 this exercise of power underneath the code section I just
21 cited to ask for an independent review if you guys have
22 already taken care of this. You all understand where I'm
23 going --

24 MR. DUFFEY: I do and I think what I would ask
25 Ms. Koth to do is I would like for you to go back and see

1 how many Chatham County complaints we've had in the last
2 say three years to see whether or not we could see this as
3 just, while egregious, but an isolated period of time or
4 have we seen other issues. I think that would help us to
5 decide on whether a performance review is appropriate or
6 whether having somebody come up.

7 MR. LINDSEY: Yeah. And -- and including a
8 discussion with the -- with the election officials
9 themselves.

10 MR. DUFFEY: Right.

11 MR. LINDSEY: And I would like something whether or
12 not they appear here or at least something in writing from
13 them to -- to demonstrate that the -- that the training
14 breakdowns. That the other breakdowns that we see -- saw
15 here this year. Have we take -- they've taken remedial
16 action to make sure that doesn't happen again. Because if
17 it don't, I'm going to have make a motion at some other
18 time that we have -- that have been reviewed (inaudible)
19 now. But I want -- since it was two years ago. But this
20 sort of thing should never happen.

21 MR. DUFFEY: Right.

22 MR. PRETORIUS: And -- and we agree. It's -- we
23 didn't have those issues before. And we haven't had those
24 issues now.

25 MR. LINDSEY: I -- I really understand the -- the --

1 the circumstances in June 2020.

2 MR. PRETORIUS: Yes.

3 MR. LINDSEY: I just want to make sure that what
4 happened in June 2020, isn't a pattern conduct that is
5 impacting the voters of Chatham County today. And if it
6 is, then we need to be taking some -- some direct actions
7 in addition to sending it to the Attorney General that --
8 that's what I'm saying.

9 MS. GHAZAL: Just -- just to add a little bit of
10 color on June 2020. I don't remember the exact number of
11 counties that had extended hours. But I know that it was
12 more than a dozen.

13 MR. LINDSEY: Yeah.

14 MS. GHAZAL: So this -- while, yes, it -- it appears
15 egregious. I think that we could probably have similar
16 reviews of other counties that look --

17 MR. LINDSEY: Yeah.

18 MS. GHAZAL: -- where the patterns are similar. Just
19 before we -- I want to make sure we understand the context
20 of that across the State.

21 MR. LINDSEY: That's entirely why I'm not making that
22 motion today.

23 MS. GHAZAL: Yeah. Right.

24 MR. LINDSEY: I recognize the -- the -- the -- the
25 nature of June 2020.

1 MS. GHAZAL: Yeah.

2 MR. LINDSEY: But I just want to make sure that steps
3 have been taken so that it hasn't happened since.

4 MR. PRETORIUS: Yes, sir.

5 MR. LINDSEY: That -- that's all I'm saying.

6 MT. DUFFEY: And the other thing I think I heard you
7 say was that the Court extended hours for 37 precincts?

8 MR. PRETORIUS: Yes.

9 MR. DUFFEY: That went beyond the precincts that did
10 not open on time.

11 MR. PRETORIUS: That is correct.

12 MR. DUFFEY: Do you know how many precincts did not
13 open on time?

14 MR. PRETORIUS: I -- I would have to -- and this
15 would just be a guess -- it may have been five. But for
16 extra safety and precaution the judge included 37 of them.

17 MR. DUFFEY: Mr. Lindsey, I think maybe what we
18 should do, talking about the 107 authority that we have,
19 is to send them a letter. And say these are the concerns
20 we would like for you to tell us and -- and explain what
21 it is that we need to know to deliberate over whether or
22 not to take an additional step.

23 MR. LINDSEY: Yes, Mr. Chairman. I think we should
24 -- that I would support that that's exactly the sort of
25 thing I'm looking for.

1 DR. JOHNSTON: Mr. Chairman, just to be clear, 21-2-
2 388 states the poll manager shall mark canceled and the
3 date -- and the manager shall date and time across the
4 face of the absentee ballot.

5 MR. PRETORIUS: Correct.

6 DR. JOHNSTON: And show initials.

7 MR. PRETORIUS: Yes, that's correct.

8 DR. JOHNSTON: So I'm -- I'm confused about a mixed
9 message.

10 MR. PRETORIUS: No, no. It's not a mixed message.
11 What we -- what we have done in the past and what we have
12 gotten direction from the Secretary of State to do is to
13 write on the envelope that the absentee ballot is in. The
14 reason for that is that we want to protect the secrecy of
15 the ballot. So once -- if you open the envelope then you
16 would remove the absentee ballot and know what the person
17 was voting. And so, therefore, to exclude that, we leave
18 it in the envelope. Write on the outside of the envelope
19 and attach an affidavit that the vote is now canceled.

20 DR. JOHNSTON: But the statute says the ballot shall
21 be marked canceled.

22 MR. PRETORIUS: Correct. And that's why we checked
23 with the Secretary of State that the procedure was proper
24 and they told us that it was the proper procedure. Even
25 if the statute says that. Correct. And that's why I

1 said, the statute says the thing when we call and make
2 sure that we're supposed to do that. And they tell us,
3 you know, for that reason what you are doing is the
4 correct procedure. We -- we can only comply with --

5 DR. JOHNSTON: Right.

6 MR. PRETORIUS: -- we were instructed.

7 DR. JOHNSTON: So -- so my understanding is poll
8 managers take an oath.

9 MR. PRETORIUS: Yes.

10 DR. JOHNSTON: That they will abide by the law.

11 MR. PRETORIUS: Yes.

12 DR. JOHNSTON: And they will not reveal any
13 confidential information before the close of the polls.

14 MR. PRETORIUS: That is correct. My only concern
15 with that is even if you know if I see you sitting there
16 as a poll worker and I bring my absentee ballot to you,
17 and I see you opening my ballot and then reading my
18 ballot. As a citizen, I would feel that would be
19 inappropriate because now my ballot's no longer secret.
20 That's my only concern with that. I understand what
21 you're saying about a poll worker taking an oath. But
22 even certain things are hidden from most officials. Some
23 officials are not allowed to look at certain confidential
24 information that certain people (inaudible) declares to be
25 secret. And this is one of the constitutional rights.

1 DR. JOHNSTON: So you're saying because you're
2 concerned, you don't need to follow the law?

3 MR. PRETORIUS: No. I'm not saying that. I'm just
4 saying what we did was comply with what the Secretary of
5 State told us was correct procedure.

6 MR. DUFFEY: Well, let me remind everybody what the
7 purpose of us hearing this complaint and any of these
8 complaints is it's, especially those that are recommended
9 to be referred to the Attorney General's Office is -- we
10 don't make a finding --

11 MR. PRETORIUS: Yes.

12 MR. DUFFEY: -- whether or not --

13 MR. PRETORIUS: Correct.

14 MR. DUFFEY: -- there was a violation to refer to the
15 Attorney General's Office. And if they need additional
16 questions answered, they can investigate those additional
17 matters. And, ultimately, because even if the Attorney
18 General's representative is here and has listened to all
19 these things which I would send you're offering in
20 mitigation that might help them to determine what the
21 appropriate disposition is. But it's --

22 MR. PRETORIUS: Yes, sir.

23 MR. DUFFEY: -- us referring to the Attorney
24 General's Office should we choose to do so for additional
25 investigation for purposed disposition.

1 MR. PRETORIUS: Correct. Thank you.

2 MR. DUFFEY: Any other comments? Questions?

3 MS. GHAZAL: One -- one last comment. This is not
4 the first and it won't be the last case in which ballot
5 proofing is a critical step that cannot be skipped by
6 counties. And so for any counties that are listening,
7 please remember how important this is. Because there is a
8 cascading series of errors that happens if -- if mistakes
9 are missed in the ballot proofing step. We've seen it
10 over and over again in multiple counties and I just think
11 that every time we see it, we need to highlight it so that
12 counties understand they can't skip that step. Even with
13 136 ballots (inaudible).

14 MR. DUFFEY: Let me just ask you for those people
15 that might be new to this. When you use the term ballot
16 proofing, could you explain what you mean by that?

17 MS. GHAZAL: So a county has -- every voter has an
18 assigned ballot which means that you have your district's
19 -- your district races to vote in. The larger the county
20 is, the more ballot styles they have and the harder it is
21 to make sure that every precinct and every voter receives
22 their appropriate ballot so that they get to vote on their
23 representatives and not somebody else's. The -- the case
24 here demonstrated that -- that some voters received a
25 ballot that had two school district races on it. And some

1 voters received a ballot that had no school district races
2 on it when they needed it. They corrected it midstream so
3 that the -- the election itself was still valid. And
4 voters had the correct ballot. But because they had to
5 correct it, they had to create all new databases and --
6 and, like I said, there is a cascading series of problems
7 that -- that will emerge if you have -- if you first have
8 the ballots wrong. We've seen it in other counties that
9 have resulted in the -- the tabulators being mis-
10 programmed. And it creates an enormous sense of
11 uncertainty with voters. If they don't understand what
12 the problems are. So if you get the process right in the
13 beginning, you'll get the right results at the end. So I
14 just wanted to highlight that. This is yet another case
15 where it's -- it's a tedious process, but perhaps counties
16 need to make sure there is a backup review to make sure
17 they get it right the first time.

18 MR. DUFFEY: And the purpose of this is to provide
19 context. Not just for you --

20 MS. GHAZAL: Yes.

21 MR. DUFFEY: -- but for everybody --

22 MR. PRETORIUS: Yes, sir.

23 MR. DUFFEY: -- including those people that are
24 watching because all of our collective interest is to make
25 sure that if there are any -- if there -- if there's

1 conduct that has an unintended consequence, that the
2 purpose of the rules is to make sure that -- that we don't
3 have to suffer an unintended consequence because we've
4 done it right the first time. But that's the only point.

5 MR. PRETORIUS: Yes, sir.

6 MR. DUFFEY: Anything else?

7 DR. JOHNSTON: Thank you. I'm just concerned that
8 there are -- they're valid ballots that could be used.
9 They're -- they're not marked as canceled. And could be
10 substituted at some point in the tabulation process or
11 counting process. In an -- and a unwanted vote be
12 discarded. And they've chosen a vote be substituted. So
13 I am concerned that every canceled absentee ballot be
14 marked canceled so that -- so that it could not be
15 substituted at a -- at a later stage in the process of the
16 election.

17 MR. DUFFEY: All right. Thank you, Dr. Johnston.
18 Any other comments before -- then would somebody -- my
19 proposal is that let's go ahead.

20 MR. LINDSEY: Yeah.

21 MR. DUFFEY: If there's an appropriate motion, we'll
22 vote on that. And we can go back to our regular agenda.

23 MS. KASPRZYCKI: Excuse me -- I'm sorry to interrupt,
24 but I'm actually one of the complainants with this case.
25 And --

1 MR. DUFFEY: I'm sorry, what?

2 MS. KASPRZYCKI: I'm one of the complainants in this
3 case with Chatham County.

4 MR. LINDSEY: She's one of the complainants.

5 MS. KASPRZYCKI: And I received a letter that I would
6 be able to make a statement.

7 MR. LINDSEY: Yeah.

8 MR. DUFFEY: Okay.

9 MS. KASPRZYCKI: Sorry. I hate to interrupt but I'm
10 not I've never done this before. I actually -- and I was
11 a poll watcher in Chatham County for this election and I'm
12 actually the individual that noticed --

13 MR. DUFFEY: Could you pick up your microphone
14 please.

15 MS. KASPRZYCKI: Sure.

16 MR. DUFFEY: What's your -- is your number 26? 76?

17 MS. KASPRZYCKI: Hello?

18 MR. DUFFEY: What's your number?

19 MS. KASPRZYCKI: I'm -- I'm not -- I'm not sure what
20 number. I actually witnessed the improper processing --

21 MR. DUFFEY: No. I mean the number on your desk.

22 MS. KASPRZYCKI: Oh, RT5. It says it's on. It says
23 it's on but -- it's not --

24 MR. MASHBURN: Counselor, can you hand her your
25 microphone?

1 MR. PRETORIUS: Yes.

2 MR. DUFFEY: Just -- just come forward and speak from
3 his desk.

4 MR. PRETORIUS: Yeah. Mine's still on.

5 MS. KASPRZYCKI: Thank you very much. Thank you very
6 much for reading that part of the legislative code section
7 because I had it with me to read, as well. My name is
8 Gwen Kasprzycki. And I was a certified poll watcher in
9 Chatham County for the 2020 Senate runoff election, during
10 early voting and on January 5th. You should have a copy
11 of my signed affidavit. I would like to expound on that
12 affidavit today.

13 Every voter that arrived at my polling locations and
14 surrendered their ballot -- their absentee ballot to vote
15 in person did so without their ballot being canceled,
16 according to O.C.G.A. 21-2-388. The envelopes were taken
17 by the poll workers, most unopened. There were two
18 envelopes. The United States government envelope on the
19 outside and the ballot envelope on the inside. As long --
20 as long as the ballot -- the only envelope that was
21 touched with the affidavit assigned to it -- or was
22 stapled to it was the outer envelope. Not even the
23 envelope with the ballot inside.

24 Let's see, they were stapled to an affidavit that the
25 voter signed. They were placed in a wire basket and taken

1 away at the end of the day which who knows what happened
2 to those ballots. Nobody knows, I mean, it -- it was a
3 live -- actually they were live ballots. I talked to
4 Russell Bridges, the Chatham County Elections Supervisor.
5 And I asked him directly why the -- the poll workers were
6 not following O.C.G.A. 21-2-388. And he looked me in the
7 eyes and sarcastically said, don't worry about it. I'll
8 take full responsibility. By failing to comply to code,
9 no one can say for sure that those absentee ballots
10 weren't cast. But I can say with certainty that the code
11 section set by the Georgia legislature was not followed.
12 And I want to thank you for letting me speak.

13 MR. DUFFEY: Thank you.

14 MR. LINDSEY: Thank you.

15 MR. DUFFEY: Thank you, again.

16 MS. KASPRZYCKI: Thank you.

17 MR. DUFFEY: Anything else from members of the Board?

18 MR. LINDSEY: Yeah. At the appropriate time,
19 Mr. Chairman, I'll make a motion.

20 MR. DUFFEY: If you would, please.

21 MR. LINDSEY: The motion to refer the matter to the
22 Attorney General.

23 MR. DUFFEY: All right. Is there a second?

24 MR. LINDSEY: That would be the first part of my --

25 DR. JOHNSTON: Second.

1 MR. DUFFEY: It's been first and seconded that we
2 refer the matter of 2022-062 to the Attorney General's
3 Office. Is there any discussion?

4 MR. MASHBURN: Just by way of clarification,
5 Mr. Chairman, are we going to dismiss allegations 1, 2, 4,
6 6, 7, 8, 9, 10, 12, 13, 14, 16 and 18? Their
7 recommendation is that they be dismissed or not? No
8 finding, are we going to dismiss those? Or are we going
9 to send all the allegations to --

10 MR. LINDSEY: Thank you Mr. -- thank you. Let me
11 clarify. I will -- I move that -- that we send the matter
12 to the Attorney General in conformance with the
13 recommendations of the -- of the investigator. And also,
14 to dismiss those allegations that were -- that the
15 investigator recommended be dismissed. Thank you.

16 MR. DUFFEY: Is there a second to that motion?

17 MR. MASHBURN: Second.

18 MR. DUFFEY: Any discussion?

19 (No response)

20 MR. DUFFEY: There being none. All those in favor of
21 the motion say aye.

22 THE BOARD MEMBERS: Aye.

23 MR. DUFFEY: All those oppose no.

24 (No response)

25 MR. DUFFEY: The motion passes and it will be

1 referred to the Attorney General's Office. I hope you
2 understand that that's the next part of the process.

3 MR. PRETORIUS: Yes, sir.

4 MR. LINDSEY: Yeah.

5 MR. DUFFEY: And the Attorney General's
6 representative has, you know, has been here and listened
7 to everything you had to say today.

8 MR. LINDSEY: And -- and if I may, Mr. Chairman, I
9 would also like to -- to follow-up on -- on your
10 suggestion. That -- that we direct you, I guess, to send
11 a letter to Chatham County requesting information on how
12 -- what steps they have taken to correct some of the
13 alleged actions that took place in 2020 to ensure that
14 this systemic issue that happened at that time has not
15 continued. In order to ensure the people of Chatham
16 County that their votes -- that they can -- that they can
17 vote and that their votes will be accurately counted.

18 MR. DUFFEY: Is there a second to that motion?

19 MS. GHAZAL: Second.

20 MR. DUFFEY: Any -- any discussion?

21 (No response)

22 MR. DUFFEY: All right. It's been moved and
23 seconded. That we -- that we draft a letter to Chatham
24 County to address the deficiencies that were reported in
25 the -- reported in the investigation on this matter which

1 is 2020-062. In addition to any other deficiencies that
2 might be disclosed in a review of complaints against
3 Chatham County for the last several years. And that's the
4 motion.

5 All those in favor say aye.

6 THE BOARD MEMBERS: Aye.

7 MR. DUFFEY: Opposed, no.

8 (No response)

9 MR. DUFFEY: All right. Then --

10 MR. LINDSEY: And I don't believe it takes a motion,
11 Mr. Chairman, just -- just if I may ask that the matter be
12 placed back on the calendar in February to see what the
13 reaction was to Chatham County. So that we can then
14 determine whether or not a performance review is necessary
15 and hopefully one will not be. But let's see.

16 MR. DUFFEY: Make a note of that and remind me when I
17 send out the agenda whether or not it's necessary to put
18 that on as an agenda item.

19 MR. LINDSEY: Thank you, Mr. Chairman.

20 MR. DUFFEY: And, Ms. Koth, if you could please do
21 that review for us, I'd appreciate it. Thank you for
22 being with us. You may now travel back to Chatham County
23 attend your hearing.

24 MR. PRETORIUS: Thank you, sir.

25 MR. DUFFEY: Thank you.

1 MR. PRETORIUS: Thank you.

2 MR. DUFFEY: All right. So we will now go back to
3 the regular order of complaints. But I'm going to -- I'm
4 going to recess for ten minutes. Ten minutes is when the
5 big hand's at the top and the -- so that we can continue
6 with a progress. So let's keep it to that time. So we'll
7 be in recess for ten minutes.

8 (Whereupon, a brief recess was taken at 10:34-10:44
9 a.m.)

10 MR. DUFFEY: Let's come back to order, please. All
11 right. Would everybody please be seated? Ms. Koth, are
12 you ready?

13 MS. KOTH: Yes.

14 MR. DUFFEY: Okay. We will now move to those groups
15 of cases which are cases recommended to be dismissed. And
16 what I will do is I will ask whether any of the members of
17 the Board would like to discuss specifically any of these
18 cases. We have been provided with the investigator's
19 summaries and reports. And so there are some that I
20 believe members of the Board would like to discuss, as a
21 Board, more specifically. I'll begin with anybody that
22 would like to discuss any of them specifically. All
23 right. Ms. Ghazal?

24 MS. GHAZAL: Yes.

25 MR. DUFFEY: We'll do them one at a time.

1 MS. GHAZAL: Very good. I would actually -- the --
2 the first case I would actually like to request that case
3 SEB 2021-151, be continued and I would like to ask for
4 some additional research on that specific case. And that
5 was Tab 14.

6 MR. DUFFEY: All right. So let's talk about that
7 individually and specifically what you observed about that
8 and what you would like done in addition if it's pulled?

9 MS. GHAZAL: In -- in this case, Fulton County
10 absentee ballot processing due to an error in training.
11 There were multiple absentee ballots issued to a single
12 voter. And I would like that researched further because I
13 believe that there were violations in that case. And I
14 want to understand what steps have been taken to ensure
15 that that cannot happen again.

16 MR. DUFFEY: Ms. Koth, would you like to maybe
17 summarize this since we're discussing it for the group and
18 for us. And then if you can respond to what Ms. Ghazal
19 said. I'd appreciate that. You might not be able to, but
20 if you could, that would be helpful.

21 MS. KOTH: Summarize the complaint. Is that what you
22 said?

23 MR. DUFFEY: Yes.

24 MS. KOTH: Yes. This complaint -- the complainant
25 received unsolicited absentee ballots from Fulton County

1 for the November 2nd, 2021 general election. And the
2 findings were -- they researched the issue and resolved
3 that during the training for the EV. The staff were
4 likely provided voter records for the purposes of scenario
5 training. But were in the active system of election net
6 instead of the training module.

7 Thus the action caused the voter to have changes made
8 to his actual record. An error appears that instead of
9 marking in person, they mistakenly marked by mail. Which
10 then added the voter to the absentee file that's pulled
11 daily for mail out. When marking mail out, they also
12 never clicked an issue date and therefore the voter was
13 continually added to the file to be issued a ballot.

14 The manner in which the file was run which was
15 commutatively cause for the voter with no issue date to
16 continuously be included. They corrected the method in
17 which the file was run to prevent future instances and
18 have spoken to Ms. Benjamin to ensure future trainings
19 must be verified that staff are working within the
20 training module of election net. That was from the deputy
21 director.

22 MR. DUFFEY: Right. So that seems one of the
23 concerns that you had about the intended consequences --

24 MS. GHAZAL: Yes. Yes. Exactly. And -- and I
25 believe it's -- it would behoove us to -- to make sure

1 that Fulton has full notice of this and has an opportunity
2 to to be represented once this is discussed more fully.
3 Which is why I request that it be continued to a future
4 meeting.

5 MR. DUFFEY: Is there any objection to continuing it
6 at a future meeting?

7 MR. LINDSEY: No objection.

8 DR. JOHNSTON: I had the same questions.

9 MR. MASHBURN: No objection.

10 MR. DUFFEY: All right. So I'm going to remove that
11 from the agenda. We'll put it on the February --

12 MS. GHAZAL: Thank you.

13 MR. DUFFEY: Next.

14 MS. GHAZAL: The next case I wanted to discuss
15 separately, Ms. Koth, would -- would present Tab 15,
16 SEB 2021-153, city of Fort Gaines.

17 MR. DUFFEY: Now, Ms. Koth, could you summarize that
18 complaint for us, please?

19 MS. KOTH: Yes. This one had four allegations. The
20 city of Fort Gaines is conducting a municipal election
21 inside the City Hall and Mayor Kenneth Sumpter is running
22 for re-election. Mayor Sumpter continued to work from
23 City Hall and there's an allegation he spoke to some
24 voters inside the poll area.

25 There's an allegation that Mayor Sumpter had been

1 observed looking out of the window blinds in his office to
2 observe voters in the poll area. There's an allegation a
3 voter named Willie Laine, a 93-year-old, told someone when
4 she voted her absentee ballot that she was not able to
5 vote for the people she wanted to vote for. At this time,
6 it is unknown that that occurred during this election or a
7 prior election.

8 There's an allegation when a voter named Rodney
9 Gordon came into vote that poll workers, Jackie Jenkins
10 and Cherry Smith, asked him who he was going to vote for.

11 The findings did not reveal any evidence to support
12 violations of Georgia Election Code in regards to any of
13 those allegations.

14 MR. DUFFEY: So, Ms. Ghazal, tell us about your
15 concerns.

16 MS. GHAZAL: So I -- I agree with the findings that
17 there was insufficient evidence to find a violation. But
18 I thought this might be a good opportunity to point out
19 that particularly in 20 -- we're coming up on 2023 when
20 we'll have more municipal elections. And best practices
21 would suggest that elections not be held in the offices
22 where officials who are up for re-election have to go to
23 do their daily job. It's -- it creates an appearance of
24 impropriety even if there is nothing that has been done
25 wrong.

1 So having voters appear in the mayor's office to vote
2 for the office of mayor, creates a bit of a conflict of
3 interest. So I think -- I just wanted to, again, use the
4 opportunity of this forum to suggest to counties that they
5 find alternative polling locations that rather than the
6 offices of -- that are up for election that year. So if
7 -- if a county has a mayoral election, don't hold the
8 office -- don't hold the election in city hall. Hold it
9 in the -- in the courthouse or another location, if
10 possible. I understand that it may not be possible in
11 some locations. But just is better practice to make sure
12 that voters are not in the vicinity of the official who's
13 on the ballot. That's all. That's kind of my point here.

14 MR. DUFFEY: Is that something in our prerogative
15 that we could send out as a recommendation to the counties
16 along the lines of what you just said. Or is that
17 something that should come from the election division?

18 MS. GHAZAL: I think election division could -- could
19 send out a -- a directive that it's -- that simply it's --
20 it's a best practice. Recognizing that in -- in small
21 communities, it may not be possible. But it is -- it is
22 an advisory -- just -- just as an advice. I think we
23 probably would be the best. Because when we -- I don't
24 think it necessarily lends itself to rule making because
25 we don't know in 159 counties what facilities 159 counties

1 have available to them.

2 MR. DUFFEY: Could I ask you to draft a letter for us
3 to send to Mr. Evans with that recommendation --

4 MS. GHAZAL: Yes.

5 MR. DUFFEY: -- and the reasoning for the
6 recommendation. And say that it was generally as a result
7 of this complaint. And ask him to do whatever is, you
8 know, is customary out of his office to -- to make those
9 sort of recommendations to the counties.

10 MS. GHAZAL: Yes, sir. I'd be happy to.

11 MR. DUFFEY: Great.

12 MS. GHAZAL: Thanks.

13 MR. DUFFEY: Anybody else have any comments?
14 Questions? Yes.

15 MR. LINDSEY: If I may. When you said there's --
16 there wasn't any evidence to support the violations, did
17 the -- did you -- did you all speak to the complainant
18 who, basically, made the allegation? Did they have
19 firsthand knowledge or was this simply something that they
20 heard from somebody else? I guess, that's what -- my
21 question is no evidence. I'm sort of --

22 MR. ARCHIE: This is actually one of my cases also.

23 MR. LINDSEY: Thank you.

24 MR. ARCHIE: The witnesses -- the primary witness did
25 not want to get involved. They wanted to remain

1 anonymous.

2 MR. LINDSEY: All right.

3 MR. ARCHIE: And that's why it was hard for me to
4 prove any of the allegations.

5 MR. LINDSEY: Okay. But there is a -- did you talk
6 to the mayor to find out whether he was, in fact, in -- in
7 the city hall. Because I know, you know, that one day out
8 of the year that he shouldn't be in there, that's the day
9 of re-election if that's where the election is taking
10 place.

11 MR. ARCHIE: He said he would stop there during the
12 day, but he would go straight to his office. And he said
13 on election day he didn't go to city hall.

14 MR. LINDSEY: Okay. I mean, that's --

15 MR. ARCHIE: He denied the allegation.

16 MR. LINDSEY: Okay. So he, basically, denied the
17 allegation.

18 MR. ARCHIE: Yeah.

19 MR. LINDSEY: You know, because I just -- I mean, if
20 it is held at city hall, the mayor shouldn't show up that
21 day or the city council shouldn't show up that day. That
22 sort of goes without question. Thank you.

23 MS. GHAZAL: It's hard when you have three weeks of
24 early voting.

25 MR. LINDSEY: Thank you. That -- that makes, yeah, I

1 didn't think about that.

2 MR. DUFFEY: All right. Dr. Johnston.

3 DR. JOHNSTON: So is there a move to continue that
4 case? Or you just wanted to make a comment?

5 MS. GHAZAL: I just wanted to make a comment. I -- I
6 agree with the recommendation that it be dismissed.

7 MR. DUFFEY: All right. So let's -- so on this case,
8 is there a motion to dismiss the complaint?

9 MR. LINDSEY: Mr. Chairman, there's somebody...

10 MR. DUFFEY: Well, first of all, are you a
11 complainant?

12 UNKNOWN SPEAKER: (Inaudible)

13 MR. DUFFEY: Well, because this case is -- so let me
14 -- before you speak, as I've explained to others, in cases
15 where a determination is made that it be dismissed because
16 there's not sufficient allegation to move forward. We
17 cannot allow a complainant to speak because the
18 complainant is the one who initiates the action is
19 supposed to have given us everything that we needed to
20 know to make a determination on how to process it. And,
21 in fact, we have been pretty generous with people that
22 want to add information to their complaints after they
23 file it for us to consider and so as far as we're
24 concerned, a complainant in this case has had sufficient
25 opportunity to present whatever they have for us to make a

1 decision.

2 UNKNOWN SPEAKER: Right. The letter that we received
3 said we could come and speak if we wish to speak.

4 MR. DUFFEY: All right.

5 MR. MASHBURN: (Inaudible)

6 MR. DUFFEY: I'm -- I'm sorry. The letter that you
7 received said what?

8 UNKNOWN SPEAKER: This is on the campaign
9 obstruction.

10 UNKNOWN SPEAKER: 183.

11 UNKNOWN SPEAKER: 183.

12 MR. DUFFEY: Well, we're not to 183, are we?

13 MR. LINDSEY: Not there.

14 MR. DUFFEY: We're not -- we're not talking about
15 183.

16 UNKNOWN SPEAKER: Thank you.

17 MR. DUFFEY: Okay. So with respect to case number
18 2021-153, involving the city of Fort Gaines, problems with
19 the poll location. Is there a motion?

20 MS. GHAZAL: I move that we dismiss the case.

21 MR. DUFFEY: Is there a second?

22 MR. LINDSEY: Second.

23 MR. DUFFEY: It's been moved and seconded to dismiss
24 case 2021-153. Is there any discussion?

25 (No response)

1 MR. DUFFEY: There being none. All those in favor of
2 dismissing the case say aye?

3 THE BOARD MEMBERS: Aye.

4 MR. DUFFEY: Opposed, no?

5 (No response)

6 MR. DUFFEY: The case is dismissed. Do you have
7 another case?

8 MS. GHAZAL: I have two other cases.

9 MR. DUFFEY: All right.

10 MS. GHAZAL: Tab 19, SEB 2021-166, Fulton County
11 handicap accessibility.

12 MR. DUFFEY: Can you summarize that for us, Ms. Koth?

13 MS. KOTH: On 11/4/2021, the Georgia State -- Georgia
14 Secretary of State's Office received a complaint from
15 Raymond Sharpton who stated Fulton County denied him the
16 right to vote during the November 2nd, 2021 election in
17 Fulton County. The complainant is handicapped and has to
18 use a wheelchair and was unable to gain access to a voting
19 poll inside Fulton County.

20 The description of the violation is as follows: He
21 is retired, has no car and uses a wheelchair. He spent
22 hours using Marta to get there and when he went there. He
23 went to Sarah Smith to vote this morning. He got off
24 Marta to find all the doors to the school locked and no
25 obvious voting there. He said the signs were confusing

1 and they told him to go to Peachtree Methodist Church. He
2 heard that a few people had voted at the Sarah Smith
3 today. When he discovered that they had moved voting to
4 the rear of the school, the poll workers and poll manager
5 seemed oblivious that the sign was confusing to voters.
6 And disclaimed any responsibility for the sign.

7 The combination of the big sign at the normal
8 entrance to Sarah Smith, the move of the voting location
9 at the school and the significantly reduced signage of
10 where to vote, he thought was a mess. He was exhausted
11 trying to get to Peachtree Methodist Church only to be
12 turned away. He couldn't and he did not vote.

13 MR. DUFFEY: All right. Ms. Koth -- I mean, not you,
14 Ms. Koth, Ms. Ghazal, correct. Ms. Ghazal.

15 MS. GHAZAL: Yes. Thank you. I was consulting with
16 the Attorney General's Office. I actually -- here we go
17 -- in addition to the potential federal ADA violation,
18 there is also a state statute that requires that all of
19 our polling places are accessible for handicapped persons
20 and I -- I actually believe there may have been a
21 violation in this case. And as -- as in the previous case
22 where Fulton County has not been given full notice and
23 opportunity to respond here, I move that we continue this
24 case to give Fulton County the opportunity to -- to review
25 this and provide a response.

1 MR. DUFFEY: Any other discussion?

2 MR. LINDSEY: Yes, Mr. Chairman, same question that I
3 had before. You said, potential violation, none. I'm
4 trying to figure out why there's no potential violation,
5 given the allegation?

6 MS. KOTH: It said that the investigator spoke to
7 Nadine Williams. She emailed the investigator her
8 findings of the incident. And that he was unable to find
9 any evidence that Fulton County violated any election
10 laws. They had proper signage posted at Sarah Smith
11 voting site.

12 A response from Fulton County explained the location
13 and the change of voting sites, Fulton County stated the
14 following: Please see attached the template of the
15 signage that was placed at Sarah Smith. The signs were
16 4x4 and were placed per SEB 202 guidelines for sites
17 involving a polling place change.

18 They had monitors in place to assist voters in
19 finding the polling site on the SOS MyVoter page. Poll
20 managers are also instructed and provided exterior arrow
21 signs directing voters to the voting space. Although the
22 sign advises 07A, voters they are able to vote at Sarah
23 Smith where the sign was placed. They said they will
24 attempt to revise the design to avoid any confusion. The
25 investigator tried numerous times to get ahold of the

1 complainant and could not get ahold of for any further
2 information.

3 MS. GHAZAL: I guess my question here is probably is
4 -- is -- was the location where voting actually took place
5 accessible for somebody in a wheelchair? That was not
6 entirely clear to me from the -- from the facts presented.

7 MR. LINDSEY: Well, you know, are you -- if I may?
8 Are you asking about 7A?

9 MS. GHAZAL: Yes.

10 MR. LINDSEY: And United Methodist Church?

11 MS. GHAZAL: Yes.

12 MR. LINDSEY: I can -- I can testify to that because
13 that's my polling place. And yes it is --

14 MS. GHAZAL: It is.

15 MR. LINDSEY: -- all on the same floor. And it is
16 accessible. And the question is whether or not these
17 other allegations are true or not. And it sounds like you
18 all weren't able to -- to get him to respond to -- to the
19 inquiry? Is that the problem?

20 MS. KOTH: Yes. They tried to get -- they tried to
21 email him and -- and call him. They couldn't get a
22 statement from him. They were trying to get more
23 information, but when they went out there, the signs were
24 fine. I'm not sure if they did a polling site that day --

25 MR. DUFFEY: Well, he -- didn't it say that he -- I

1 mean, Sarah Smith used to be my polling place until they
2 moved it to Peachtree Road United Methodist Church.

3 MR. LINDSEY: We have the same one.

4 MR. DUFFEY: And if you -- when he went to Peachtree
5 Road after the effort to get there, they told him that was
6 the wrong place. And if you had all these people that
7 were at the polling place at Sarah Smith that were
8 supposed to be helping people. What -- how could they
9 have referred him to Peachtree Road when he goes there he
10 finds out that that's not where he's supposed to be. He
11 has to be back at Sarah Smith. None of this makes sense
12 to me.

13 And -- and because I know the back of Sarah Smith, I
14 don't know how accessible that was. Because the parking
15 for Sarah Smith is in front of the school. Parking along
16 the road has been blocked -- has always been blocked off
17 because it looks like a -- looks like a sidewalk, I don't
18 know if it is or not, but then you have to go up a fairly
19 steep hill to go to the back of the school if, in fact,
20 that's where the polling place was. So I have the same
21 concerns that you do. That there's -- that this -- we
22 ought to do more to investigate this. Especially when
23 somebody didn't get a chance to vote.

24 MR. LINDSEY: Yeah. I agree. Like I said, Sara
25 Smith is problematic with other -- the church -- I am, you

1 know, I -- I will second your motion.

2 MR. DUFFEY: All right.

3 MR. MASHBURN: I -- I just -- I just have a thought.
4 Now, that the Chair has worked so hard to actually get us
5 letterhead, thank you for doing that, the Board previously
6 had no way to communicate through the mail until Judge
7 Duffey set that up so thank you for that. Can the -- can
8 the Board as a board send a letter to this complainant and
9 say if you don't assist with the investigation, your
10 complaint stands at risk of being dismissed?

11 MR. DUFFEY: Well, we do and we should. But did
12 anybody every go to his house to talk to him? Or was
13 it --

14 MS. KOTH: Yes.

15 MR. DUFFEY: Or was it just by email?

16 MS. KOTH: Yes, they did. They could hear the TV on,
17 but nobody came to the door.

18 MR. DUFFEY: Well, we don't know who that was,
19 though.

20 MS. KOTH: No.

21 MR. DUFFEY: But I just think where somebody did not
22 have a chance to vote and I will say that I'm bringing my
23 personal knowledge of these two voting places, it's easy
24 at Peachtree Road because it is all on the same level.
25 And it's -- and it's about as handicapped accessible. But

1 they -- he was told he wasn't supposed to be there and
2 that he had to go back to Sarah Smith.

3 And the description is about having all these
4 monitors in place to assist voters in finding their
5 polling place. And here's a fellow in a wheelchair never
6 got pointed to the back of the school where -- because he
7 was where he was supposed to be. But never got to the
8 place within the place where he was supposed to be to
9 vote. And I think we ought to do some more research on
10 this. And I like the idea of sending a -- and a more
11 official looking letter telling him that. And then if he
12 doesn't do it, we can put back on the calendar for
13 February and dismiss it if we can't get further
14 information from the complainant.

15 MR. LINDSEY: Move to continue, Mr. Chairman.

16 MR. MASHBURN: Second.

17 MR. DUFFEY: Is there is -- okay. It's been moved
18 and seconded to continue this case to February with a
19 letter to go to the complainant inviting him to provide
20 more information or to meet with the investigators. And
21 if he doesn't that his complaint would be dismissed at the
22 February meeting. All those in favor say aye?

23 THE BOARD MEMBERS: Aye.

24 MR. DUFFEY: Opposed, no?

25 (No response)

1 MR. DUFFEY: It passes.

2 MS. GHAZAL: Two -- two more.

3 MR. DUFFEY: So -- so do I get credit for being --
4 for multi-tasking to not only chairing meetings, but also
5 to creating stationery?

6 THE BOARD MEMBERS: Yes.

7 MR. LINDSEY: Yeah you get credit and we'll double
8 your salary.

9 MR. MASHBURN: I just gave you public credit, so,
10 yes.

11 MR. DUFFEY: Well, thank you.

12 MR. MASHBURN: I'm very pleased with it.

13 MR. DUFFEY: Next.

14 MS. GHAZAL: Tab 23, SEB case 2021-175.

15 MR. DUFFEY: All right. Can you summarize that for
16 us, Ms. Koth?

17 MS. KOTH: Yes. Oh, sorry, the wrong tab. The
18 complainant observed Penton Fleming take out his cell
19 phone while he was inside of the enclosed space. It
20 appeared to them he was taking a photograph of his ballot.
21 They were not able to confirm that Mr. Fleming took a
22 photograph. Penton Fleming chose not to answer questions
23 related to the investigation during our telephone
24 interview.

25 MS. GHAZAL: In this case, I believe that the facts

1 strongly indicate that the voter took photographs not only
2 of the ballot, but also of the equipment. I do not
3 recommend referring this to the Attorney General's Office.
4 But I do believe that a letter of instruction is advisable
5 sent directly from the Board to the voter. Advising him
6 that this activity is prohibited by state law, and it
7 cannot be conducted at a polling place.

8 While I understand that -- that the evidence is -- is
9 not sufficient for referral to the AG's office, it's
10 strongly indicative of -- of voter ignoring instructions
11 directly from the -- the poll manager and the poll worker.
12 And that's I think a letter of instruction is sufficient
13 to -- to ensure that the voter's aware of -- of his
14 responsibilities and behavior.

15 So I -- I move to send a letter of instruction to the
16 voter in this case.

17 MR. MASHBURN: Second.

18 MR. DUFFEY: It's been moved and seconded to send a
19 letter of instruction to this complainant along the lines
20 outlined by Ms. Ghazal. Is there any discussion?

21 (No response)

22 MR. DUFFEY: All right. All those in favor of the
23 motion say aye?

24 THE BOARD MEMBERS: Aye.

25 MR. DUFFEY: Opposed, no?

1 (No response)

2 MR. DUFFEY: The motion passes. A letter of
3 instruction will be sent.

4 MS. GHAZAL: I have one more case.

5 MR. DUFFEY: That's all right.

6 MS. GHAZAL: And with my apologies.

7 MR. DUFFEY: There's no reason to apologize, this is
8 our job.

9 MR. LINDSEY: You've got a winning record so far.

10 MS. GHAZAL: Tab 26, SEB 2022-002, city of Nicholls.

11 MR. DUFFEY: And can you summarize that for us,
12 Ms. Koth?

13 MS. KOTH: It was reported that there were incidents
14 of non-resident voting. Voting with a fake address and
15 allegations that the elected mayor didn't reside within
16 the city limits. The complaint also includes an
17 allegation that there were early votes placed by people
18 outside the city. The complaint alleges that one
19 candidate paid for coffee for an elector if they came with
20 his or her voting sticker and took a photo with him. They
21 could then take their voting sticker to a local coffee
22 shop and would receive a free cup of coffee or a snow
23 cone.

24 MR. DUFFEY: All right. Ms. Ghazal?

25 MS. GHAZAL: We are privy to the investigation files

1 that -- that are not public. And it became clear to me
2 when I was reading the files here that the allegations
3 were not made in good faith. And I say that because there
4 was a specific allegation that a street address was a
5 fraudulent address being used by multiple people residing
6 there. When the investigator went, he discovered not only
7 was there an apartment building at this specific address.
8 But one of the complainants had previously lived at that
9 address.

10 So the complainant said it was a fraudulent address
11 knowing that that was not true. So I'm -- I wanted to
12 point out that -- I -- I wanted to discuss this a little
13 bit more openly because there are no repercussions, right
14 now, for complainants that are made in bad faith knowing
15 that the information that they're complaining to is false.
16 And they are, in fact, alleging that voters have conducted
17 illegal activity when they have not.

18 If they put that in writing, then it's potentially
19 libelous and I just -- this case made me upset. And I
20 wanted to -- to bring it out to discuss it. Because it is
21 a very serious thing to allege that a voter has committed
22 fraud. And when those allegations are not done in good
23 faith, when they are done for some other purpose to
24 undermine the outcome of an election, I believe that there
25 should be repercussions. And so I wanted to discuss it in

1 -- in this session.

2 MR. DUFFEY: Anybody else have a comment along those
3 lines?

4 MR. LINDSEY: Yeah. If I may, Mr. Chairman,
5 unfortunately we've seen a pattern of this. This is not
6 the first time that we've seen something like this. We've
7 seen other situations in which complaints have been made
8 and upon investigation the voter acted totally
9 appropriately. And it showed either a -- either a willing
10 -- willingness on behalf of the complainant to -- to file
11 a false complaint or a -- a failure of their part to do
12 any -- any kind of minimal investigation before filing a
13 complaint.

14 And I believe there's even a lawsuit as a result of
15 one of those. I don't know what the answer is in terms of
16 -- of, you know, on one side we want people who see
17 something that -- that is questionable to alert the
18 Secretary of State's Office to do an investigation. And
19 on the other side, we don't want to see a chilling effect
20 take place either against a particular voter or attempt to
21 question the validity of an election.

22 I -- I think it merits further investigation in terms
23 of what other states do. I'm sure other states have faced
24 similar issues. Georgia has -- I don't believe has any
25 such law that deals with complaints that are filed in bad

1 faith. But I do think something needs to be done because
2 we are seeing a pattern of conduct taking place. And --
3 and I -- and I share in your concerns. I'm not sure what
4 the answer is though, to be candid.

5 But I do think it probably merits us taking a look
6 perhaps before the next meeting in February to see what
7 kind of recommendations we would make to the -- to the
8 General Assembly while it's still in session.

9 MR. DUFFEY: Any other comments?

10 (No response.)

11 MR. DUFFEY: I have --

12 MR. LINDSEY: That said, Mr. Chairman, I move to
13 dismiss.

14 MR. DUFFEY: Well, let me have -- make my comment
15 before we move to the motion. I think we have two
16 responsibilities. One is to look at claims substantive
17 violations of the law or rules and to hold people
18 accountable when that happens. Which is generally what --
19 what we do. But I share the concern that there -- that
20 there are actually two types of people that -- that's
21 filed complaints which corrupt the system itself. And
22 those are people who make statements.

23 And I think there's a statement in our complaint --
24 if you file a complaint online which we're going to
25 require in the future. That you make it the penalty of

1 perjury, although we don't make them swear so the question
2 is whether or not that's perjurious. And then there are a
3 number of people that just file complaints without a
4 scintilla of information that -- that shows that there is
5 anything even to investigate.

6 And both of those are unfair to the people and it's
7 -- it's not just for the people that are accused to have
8 to go through this process. Including coming down here to
9 see whether or not as a respondent they're going to be
10 sanctioned or their case is really going to be dismissed.
11 As you notice the -- the only way a case can be dismissed
12 is by us. There -- it's a recommendation that comes from
13 the investigator, but -- so even if they see that they're
14 on the lesser category doesn't mean that that's going to
15 happen.

16 So what would I do? I would come down and see if I
17 have to defend myself. You know, at least under federal
18 law if you file -- if you file a writing or make a
19 statement to a law enforcement investigator, that can be a
20 false official statement for which there's a criminal
21 consequence. I don't know, Charlene, whether there's
22 anything simply files a complaint with a state agency, and
23 that that complaint is untrue whether there is -- maybe
24 that's something that we can look at to see what a remedy
25 might be for someone who does that.

1 Okay. So I wholly endorse that --

2 MR. LINDSEY: Yeah.

3 MR. DUFFEY: -- at least begin looking at people to
4 maintain the integrity of the complaint making process.
5 And -- and -- and to protect the reputations of people who
6 are unjustly accused of something requiring them to go
7 through this process which regrettably takes longer than
8 it should so that they live under the cloud of that until
9 it's disposed of.

10 So I think that we ought to put that as an item for
11 the next agenda in February and that we with Ms. McGowan's
12 assistance to see what our -- what the alternatives are
13 available to us to hold somebody responsible. Until then,
14 I'm inclined to send a letter by the Board to these
15 particular complainants.

16 I'll have to go through and work with Ms. Koth to see
17 where it is that somebody made something that was specific
18 enough to have been false or allegedly false and just say
19 that -- that the responsibility in filing a complaint is
20 to be truthful. That they told us when they filed it that
21 they were truthful.

22 But there are just -- there are facts that are
23 apparently in direct contradiction which would show that
24 they're -- that they may not be truthful, at least tell
25 them that they have to be careful of -- but that we elect

1 not to take any specific action at this time. Is that
2 acceptable to everybody?

3 THE BOARD MEMBERS: (collectively) Yes, Mr. Chairman.

4 MR. DUFFEY: All right.

5 MR. MASHBURN: So do we need to dispose of that by
6 motion?

7 MR. LINDSEY: I think the dismissal --

8 MR. MASHBURN: (Inaudible)

9 MR. LINDSEY: -- yeah. So we still need to dismiss
10 it.

11 MR. DUFFEY: And you've made the motion, correct?

12 MR. LINDSEY: Yes, Mr. Chairman.

13 MR. DUFFEY: Has it been seconded?

14 MS. GHAZAL: Second.

15 MR. DUFFEY: Any discussion?

16 (No response)

17 MR. DUFFEY: All those in favor of dismissing case
18 number 2022-002, say aye?

19 THE BOARD MEMBERS: Aye.

20 MR. DUFFEY: Opposed, no?

21 (No response)

22 MR. DUFFEY: It carries, and it is dismissed.

23 MR. LINDSEY: I have one, Mr. Chairman.

24 MR. DUFFEY: So you're done?

25 MS. GHAZAL: (No verbal response.)

1 MR. DUFFEY: Okay. Well, let me say it this
2 Ms. Ghazal. It's -- I -- I think that in a short period
3 of time we've begun to see patterns of the things where we
4 see things that aren't necessarily violations. But I
5 think it's our responsibility to do what you did today.
6 And I -- I thank you for doing that which is to begin
7 looking at the system as a whole. And trying to improve
8 it not necessarily by acting on a specific complaint. And
9 I appreciate that very much. You know, we'll do more of
10 that in 2023. Mr. Lindsey?

11 MR. LINDSEY: My understanding is that it was 183.
12 Was that it? Mr. Chairman, I would like for us to
13 individually take up case number 2021-183. I think it's
14 Tab 24, to give the folks who -- who received a letter
15 giving them an opportunity to come and speak. Give an
16 opportunity to speak, Mr. Chairman.

17 MR. DUFFEY: Okay.

18 MR. LINDSEY: I would ask that we do so.

19 MR. DUFFEY: So let's have a summary first.

20 MS. KOTH: This complaint came in on 12/9/2021. We
21 received a complaint from Tommy Smith. The complainant
22 stated that the campaigning obstruction took place during
23 the November 30th, 2021 runoff election in Forest Park,
24 Georgia. The allegation is about the sign, the 150 foot
25 rule being violated. And that a sign of his had been

1 covered up by the Mayor, Angeline Butler.

2 MR. DUFFEY: First, any comments from the Board on
3 this one?

4 (No response)

5 You know, I made a note that it looked to me that
6 while maybe not a specific -- specifically egregious case
7 that there probably was a basis to proceed with it. The
8 question is how we should proceed with it? Because, you
9 know, I think -- I think sometimes we don't give enough
10 credit to the reporting people.

11 And we say, well, you brought that to our attention,
12 but we need -- we always need corroborating evidence or
13 that somehow the evidence of the complainant themselves is
14 not sufficient. Where somebody complains and gives
15 specific information about conduct, I think we ought to at
16 least rather than saying, well, we don't have enough and
17 we're going to dismiss it. I think the trend that I see
18 here that we're taking is that we -- that we're -- there
19 has to be better communication by us to them that there
20 are -- that -- that there are concerns that we have as a
21 result of what we see.

22 We're -- we're not going to refer to the AG's office,
23 but we are going to bring to their attention that what
24 they did was -- should not ever happen again. And if it
25 does, then we will be cognizant if there was a previous

1 violation. So before I make a motion, I'll wait to hear
2 from anybody else who wants to speak.

3 MR. LINDSEY: Like I said, Mr. Chairman, I -- I
4 believe that -- that this was the case that -- that our
5 friend out there --

6 MR. DUFFEY: I just want to make sure. Yeah. All
7 right. You may speak.

8 MR. SMITH: Thank you. On this election -- I had ???
9 She was with me for every bit of it. We went and put our
10 signs up outside the 150 foot boundary on the night prior.
11 And when we got there at 6:30 the next morning, Ms. Butler
12 had completely covered my signs up and kept going past the
13 150 mark. We complained about it and the superintendent
14 just come over and took the sign from one side of the
15 street to the other side of the street.

16 I don't know where everybody went to school, but 150
17 feet is 150 feet. It doesn't change. And, of course,
18 there was a confrontation. The police department was
19 called and there was a report made. And this -- this
20 continues to happen in Forest Park over and over and over.
21 And nothing's ever done. And you're going to wind up with
22 the same thing happening over and over if something's not
23 done. I would like to call my witness Dr. Wanda. She was
24 there every bit of the way.

25 DR. WANDA: Good morning, I'm still on morning time,

1 Chair. I don't know if protocol is going to allow this,
2 but, of course, I was on this journey throughout. I
3 started out in the beginning; however, my choice and what
4 we stand for in the city of Forest Park was way beyond
5 what we saw on this particular morning.

6 As the Plaintiff said, we got out there early that
7 day. Then we returned that following morning to see that
8 Ms. Butler had placed all her material and her team in
9 front of Mr. Smith's, I guess you would say campaign
10 signs. So to get a track record of this, I called the PD
11 for that city which is Forest Park to come out. And if
12 you look in your report, you always -- also should see
13 pictures of the behavior that took place from an incumbent
14 at that present time. And what that sent was a bad
15 message when it comes to election.

16 We're always dealing with poll distance, 150 as Mr.
17 Smith said, 150 is just 150. But if you brought something
18 to the attention of that superintendent elect instead of
19 marking it correctly, they lifted up the sign and moved it
20 completely. I have never seen anything like this in my
21 life. And I'm here today to plead with you that at least
22 send this message back to Clayton County, the city of
23 Forest Park that this is just unacceptable. The burden of
24 proof is there. The pictures should be in the file. We
25 made sure that everything will prove what we're standing

1 here today.

2 We used the chain of command to call our local public
3 service to come out, take a report. But when we get back
4 to the city, I can promise you and I hate to promise
5 something, we'll be back here 2023, I can guarantee.
6 Some of you are here back to you all. I just want to
7 enlighten you just speedily what is going on and we are here
8 every other year for something of another. Somewhere we
9 have to stop this -- this is where the buck stops. Coming
10 here to say that we feel that our election is not being
11 ran correctly, fair.

12 As constituents we have that right. Yes, we do have
13 our city attorney here. But at the end of the day we the
14 tax payers and we're not always wrong because we pay your
15 taxes to pay you. But we come out and be the victim at
16 the end when we are the constituents that trying to
17 regulate the right policy. The law is the law. And if
18 you abide by the law this should never come up where
19 another candidate should have an incumbent place signs in
20 front of his or move it. So I yield back unless my
21 colleague here has something to add. So thank you all so
22 much.

23 MR. DUFFEY: Thank you. And you are who?

24 MR. WILLIAMS: Mr. Chairman, my name is Michael
25 Williams. I'm the city attorney. I'm here representing

1 the city clerk in her capacity as the Election
2 Superintendent. I'm certainly not here to speak to any of
3 the, you know, election exuberance or any of the behavior
4 that the campaign between each other. I'm here to speak
5 to the facts that were investigated by your investigator.

6 The -- the fundamental issue that's stated was
7 whether or not a 150 foot rule was violated. Your
8 investigator went out. Went to the site and determined
9 that the allegation was untrue. It's as simple as that.
10 And so we would just humbly urge you to follow the
11 recommendation of your investigator who was on the site to
12 investigate, who interviewed all the witnesses. And
13 determined that the allegation at heart was untrue.

14 MR. DUFFEY: Well, wasn't there -- didn't I hear that
15 what happened was that somebody had moved the sign from
16 one location to another location?

17 MR. WILLIAMS: That -- and that was determined to be
18 untrue by the investigator.

19 MR. LINDSEY: Tab 24, case number 2021-183.

20 MR. DUFFEY: You may be seated.

21 MR. LINDSEY: If I may, Mr. Chairman?

22 MR. DUFFEY: Yes.

23 MR. LINDSEY: The -- the struggle that I'm having
24 here is trying to figure out under the election law what
25 was violated. And -- and, you know, I -- I've been

1 through five, six, actually six different elections
2 myself. And -- and campaign signs are always a
3 contentious issue on -- in terms of -- of what takes
4 place. But I'm trying to figure out, you know, our -- our
5 jurisdiction lies with, you know, making sure that the
6 poll workers and the -- and the county election folks and
7 the candidates themselves at times operate within the
8 election law.

9 And I'm trying to figure out, you know, and I
10 understand the frustration that you have. You know, you
11 put up the signs the night before the election. And
12 somebody else comes along, you know, and either takes them
13 down or -- or -- or -- or puts their sign directly in
14 front of yours. It's -- it's a frustrating situation.
15 But I'm -- I'm not sure where -- I'm still struggling to
16 see where underneath the election law which is our narrow
17 jurisdiction. We don't have broad jurisdiction. As
18 opposed to, for instance, somebody committing criminal
19 trespass or someone doing one of those other things with
20 your signs.

21 I'm -- I'm just trying to figure what would -- where
22 underneath our narrow jurisdiction we have jurisdiction.
23 That -- that -- that -- that's my struggle. Not -- not
24 that I'm approving of anybody else's conduct and so I
25 guess I need to know what specifically you feel the poll

1 manager or the election official in that did. That's my
2 -- that's my narrow concern here that I think that if you
3 can understand where I'm coming from.

4 MR. SMITH: The election superintendent was also the
5 city clerk which also is a conflict of interest because
6 she works for the city. She's superintendent of city
7 election. There's an ethics violation here I'm sure.

8 MR. MASHBURN: If I could interrupt -- if I could
9 interrupt. I appreciate you being here, and I appreciate
10 everybody. But I have very specific questions with very
11 specific answers and that is did anybody from the
12 complainant's side -- is anybody from the complainant's
13 side saying that the -- that the sign creating the 150
14 foot buffer was not 150 feet? Was it 150 feet? Or was it
15 not? Or do you know?

16 MR. SMITH: I don't know -- it was -- we went behind
17 the 150 foot sign when we put my banners up the night
18 before. We complained to the superintendent about the
19 people going past the 150 foot mark campaigning. She come
20 out there and moved the sign from one side of the street
21 to the other side of the street.

22 MR. MASHBURN: But if you don't know where 150 feet
23 is, you don't know whether the sign is inside 150 feet or
24 outside 150 feet, correct?

25 MR. SMITH: That's correct. All she said was she had

1 a buffer. Well, I don't know where that buffer's at so
2 150 feet across the street or is across this street.
3 Nobody seen it.

4 DR. WANDA: If I may? I think I can shine a little
5 more light.

6 MR. DUFFEY: Look -- look this is not an evidentiary
7 hearing. I mean, we -- we send an investigator out to do
8 this and to get the information based upon the complaint.
9 We can't change the facts that the investigator found and
10 made their recommendation by having an evidentiary hearing
11 which is inconsistent or in addition to the information
12 that was submitted to us to make a decision. And if
13 there's no evidence that you -- that of what the 150 feet
14 was, it may be the only place to put a sign was 150 feet
15 from the polling place where the signs were actually put.
16 It's not like they were taken away and thrown away. They
17 were just put to a different location.

18 But what I -- I agree with -- with Mr. Mashburn which
19 is -- what is -- what evidence is there that -- that the
20 sign was moved for the purpose of making sure that you met
21 your obligation to be outside the 150 feet. And absent
22 you having gone out with a, you know, with a -- with a
23 tape measure, to say we're clearly outside the 150 feet
24 mark.

25 MR. SMITH: Well, she had a sign that said 150 foot

1 no campaigning. We stayed inside that -- outside of that.
2 And then when we complained about the other candidates
3 going past the 150 foot mark, she came out there and just
4 moved it from one side of the street to the other side of
5 the street and said she had a buffer. Well, I don't know
6 if that's 150 feet over here, I don't know where your
7 buffer's at. She moved -- she specifically moved that no
8 campaigning sign from one side of the street to the other
9 side of the street. Just, no tape measure, no nothing and
10 just said she had a buffer. I don't know where that
11 buffer is.

12 MR. DUFFEY: And did she take down your signs or did
13 she leave them?

14 MR. SMITH: Sir?

15 MR. DUFFEY: Did she take down your signs?

16 MR. SMITH: She did not take down my signs. She
17 moved the no campaigning sign from one side of the street
18 to the other side of the street. So 150 --

19 MR. DUFFEY: But how are you aggrieved by that? If
20 your signs were where you wanted them?

21 MR. SMITH: My signs were there. But the mayor at
22 that time was a candidate came that morning and completely
23 put her tent over my signs completely covering them up.
24 Impeded my campaign completely. There was no possible way
25 you could see any of my stuff. They come out there --

1 MR. DUFFEY: But everybody was outside the 150 feet,
2 correct?

3 MR. SMITH: -- and then she -- and then after that
4 she started campaigning outside -- inside the 150 foot
5 mark. That's when the superintendent come and moved it.

6 MR. DUFFEY: But the -- but the campaigning within
7 the 150 feet mark I don't think is part of your complaint.

8 MR. SMITH: The complaint was -- the way she -- the
9 ethics violation -- that she -- that she did by covering
10 up -- impeding my campaign. The superintendent --

11 MR. DUFFEY: Well, first of all, look, the -- the
12 rule is -- now that I know this more clearly, you can't
13 campaign within the 150 feet.

14 MR. SMITH: That's correct.

15 MR. DUFFEY: You put your signs outside 150 feet,
16 right?

17 MR. SMITH: (Inaudible) that's correct.

18 MR. DUFFEY: Then she put her signs so that your
19 signs couldn't be seen. But she was also outside the
20 150 feet?

21 MR. SMITH: That's correct.

22 MR. DUFFEY: Right. So everybody complied with the
23 150 foot rule. What you're complaining about is that she
24 was mean spirited and hid your signs?

25 MR. SMITH: That's correct. And then when we --

1 MR. DUFFEY: So what's the -- tell me what's that in
2 violation of? What does that violate? What rule or
3 statute does that violate?

4 MR. SMITH: Well, I talked to one campaign person
5 that's here in Fulton County said it was an ethics
6 violation. But --

7 MR. DUFFEY: But we're not an ethics --

8 MR. SMITH: -- the superintendent moved --

9 MR. DUFFEY: We're not an ethics commission. We are
10 the Board that has defined authorities.

11 MR. SMITH: I agree.

12 MR. DUFFEY: And what I hear you saying is,
13 basically, you're concerned about her unethical behavior,
14 right?

15 MR. SMITH: Well, that and the superintendent moving
16 the 150 foot mark.

17 MR. DUFFEY: But that didn't impact you; did it? I
18 mean, if that's our -- if that was a 150 feet even though
19 it was in a different location, your signs that you wanted
20 to be put up were put up in the place where you wanted
21 them.

22 MR. SMITH: That's correct.

23 MR. DUFFEY: And, in fact, that once she put up a new
24 marker, you could have put another set of signs over
25 outside the new boundary. But you didn't do that; did

1 you?

2 MR. SMITH: I couldn't do that because the street --
3 the street's impeding that.

4 MR. DUFFEY: You mean, because it was in the middle
5 of the street?

6 MR. SMITH: What it is there is a vacant lot here and
7 this -- the 150 foot mark was here (indicating) and she
8 come out here and moved it across the street because the
9 city board built them. So the street was impeding that
10 150 foot mark.

11 MR. DUFFEY: So did any -- did anybody have -- well,
12 the fact that there's a street, I don't think if it's --
13 if you -- if they put a marker even though there might be
14 a street between the place where the marker is and where
15 the polling place is. I don't think that that means that
16 you can't designate 150 feet across a street. Did anybody
17 put campaign signs at the -- at the new boundary marker?

18 MR. SMITH: No.

19 MR. DUFFEY: So we're back to your complaint which is
20 that somebody who was not very nice hid your signs with
21 their signs?

22 MR. SMITH: In a word, yes.

23 MR. DUFFEY: And that, in your mind, is an ethical
24 violation?

25 MR. SMITH: At least that.

1 MR. DUFFEY: Well --

2 MR. SMITH: But I -- I don't --

3 MR. DUFFEY: I mean there's --

4 MR. SMITH: The thing about it is if you mark 150

5 feet off, it doesn't change. When you start complaining

6 about somebody going past the 150 foot mark, and you just

7 come out there and move that 150 foot mark, well, where's

8 -- where's the 150 foot mark? Is it here (indicating) or

9 is it here (indicating)?

10 MR. DUFFEY: It's a 150 feet around the whole polling

11 place. That's --

12 MR. SMITH: That's correct. So she's telling me that

13 it changed during the campaign.

14 MR. DUFFEY: But they didn't take down your signs,

15 sir. I mean, your signs were still there. Your complaint

16 is that somebody hid your signs with their signs, right?

17 MR. SMITH: That and evidently, they don't know how

18 to read a tape measure. Because my complaint is -- part

19 of it is how does a 150 feet change? I mean, if you

20 marked off 150 feet the night before and you complain that

21 people are going past it and you come and move that 150

22 mark ten feet in, then it's not 150 feet anymore; it's

23 140.

24 MR. DUFFEY: Can you help me?

25 UNKNOWN SPEAKER: That's how -- that's how we feel --

1 MR. LINDSEY: But -- but -- but the problem -- the
2 problem is, like I said, it gets back to -- we have very
3 limited jurisdiction. And, like I said, if someone is
4 messing with your signs, that's possible theft, possible
5 trespass, that sort of thing. Although both of them are
6 sitting on public property so I don't -- not even sure if
7 that qualifies. And the fact of the matter is and this is
8 someone a former elected official, I've seen situations
9 where people put a sign up, their opponent puts two signs
10 on both sides of him. And then that person goes back and
11 puts two signs on the outside. It's a -- it's -- it's a
12 frustrating game that takes place for people trying to --
13 to win a serious office.

14 The -- the -- the problem comes in here where I just
15 haven't seen we're within our narrow jurisdiction. I'm
16 not necessarily -- I'm not saying what -- what was done to
17 you was right. I'm simply saying what this Board, within
18 our narrow jurisdiction, I just can't see where anything
19 that we have power over we could do anything about it. I
20 mean, I just want to make sure you understand that and
21 it's frustrating to you. You're going to be frustrated
22 with -- with that answer, but I'm afraid that that
23 probably is the only answer that -- that we have right
24 now.

25 MR. DUFFEY: Anybody else?

1 (No response)

2 MR. DUFFEY: Is there a motion on this?

3 MR. MASHBURN: I'll -- I'll make the motion that I
4 appreciate the complainant's concerns, but the burden of
5 proof as to where the 150 foot sign was placed has not
6 been met by the complainant's side. And so without the
7 first fact that we got to know in a 150 foot case is where
8 is 150 feet? And the complainant said he didn't know
9 whether the sign was marked at 150 feet or not. So if the
10 complainant can't establish the 150 foot marker, then we
11 have no basis to go forward on the 150 foot case. So I
12 move that it be dismissed.

13 MR. DUFFEY: Is there a second?

14 MS. GHAZAL: Second.

15 MR. DUFFEY: Any discussion?

16 (No response)

17 MR. DUFFEY: All those in favor say aye?

18 THE BOARD MEMBERS: Aye.

19 MR. DUFFEY: Opposed, no?

20 (No response)

21 MR. DUFFEY: The case is dismissed. Does anybody
22 else want to discuss any of these cases specifically?

23 DR. JOHNSTON: Yes, I do.

24 MR. DUFFEY: What -- what Tab number, please.

25 DR. JOHNSTON: I think Tab number 3.

1 MR. DUFFEY: Okay. Tab number 8 which is --
2 DR. JOHNSTON: Three.
3 MR. LINDSEY: Three, Mr. Chairman.
4 MR. DUFFEY: Three.
5 DR. JOHNSTON: Three.
6 MR. DUFFEY: Which is case 2020-225.
7 DR. JOHNSTON: 225.
8 MR. DUFFEY: Okay.
9 MS. KOTH: On 11/5/2020 the Georgia Office of the
10 Secretary of State Investigations Division received
11 several complaints regarding public viewing, the receiving
12 of absentee ballots, and public notification of the 2020
13 primary election audit of votes in Henry County. The
14 complaints are as follows: 1) John P. Herring, complaint
15 regarding public viewing, chain of custody for ballots,
16 and after hour voting. 2) Peter Christian reported
17 complaints of public viewing. So did Dylan Kalos, Karris
18 Ripple. And then number 5) is Jennifer Campbell reported
19 receiving four absentee ballots, 6) Bob Jessup reported
20 not -- he was not notified regarding the Henry County
21 November 2nd, 2020 general election audit.
22 MR. DUFFEY: All right. Dr. Johnston.
23 DR. JOHNSTON: So I -- so my question is were -- were
24 the complainants contacted?
25 MR. DUFFEY: Ask the -- Ms. Koth.

1 MS. KOTH: It doesn't specifically say, but I would
2 -- I will double check on that. But he's very thorough.

3 DR. JOHNSTON: And were the -- were the election
4 workers contacted to respond regarding your -- their views
5 on public viewing?

6 MS. KOTH: I'm sorry. What was that question?

7 DR. JOHNSTON: So were the -- was the election
8 department contacted to ask about its policy of public
9 viewing?

10 MS. KOTH: The report doesn't specify that.

11 DR. JOHNSTON: And I -- and I was unclear how House
12 Bill 267 applied to this complaint.

13 MR. DUFFEY: What is House Bill 267?

14 DR. JOHNSTON: House Bill 267 relates to applications
15 for absentee ballots determination of eligibility for
16 furnishing these applications to colleges and
17 universities.

18 MR. DUFFEY: Anything else on this?

19 (No response)

20 MR. DUFFEY: Any other Board members have a comment
21 about the complaint?

22 DR. JOHNSTON: I just question since there were --
23 there were four complaints that -- that it may be an
24 attempt to contact these complainants. I just -- I could
25 not see where that had been addressed.

1 MS. GHAZAL: Judge, on reviewing this, I do have one
2 question. One of the complaints suggested that a voter,
3 J. Campbell, received four ballots. Was that
4 substantiated?

5 MS. KOTH: It says the ballots she received were all
6 postmarked on December 20th, 2020. That she couldn't
7 recall if she requested an absentee ballot.

8 MS. GHAZAL: That suggests to me that she did, in
9 fact, receive four separate ballots?

10 MS. KOTH: Uh-huh.

11 MS. GHAZAL: So if -- if -- if that is the case, I
12 move that we continue this case to look into that further
13 to find out exactly how it happened. And to give the --
14 the county an opportunity to respond.

15 MR. DUFFEY: Is there a second?

16 DR. JOHNSTON: Second.

17 MR. DUFFEY: Any discussion?

18 (No response)

19 MR. DUFFEY: It's been moved and seconded that we
20 defer to February -- our February meeting, complaint
21 2020-225. Is there any further discussion?

22 (No response)

23 MR. DUFFEY: Not. All those in favor of the motion
24 say aye?

25 THE BOARD MEMBERS: Aye.

1 MR. DUFFEY: Opposed, no?

2 (No response)

3 MR. DUFFEY: It carries. Next.

4 DR. JOHNSTON: All right. Case Number 288, Tab 4.

5 MR. DUFFEY: Ms. Koth, can you summarize that for us?

6 MS. KOTH: On December 30th, 2020, Greene County
7 Election Supervisor, Kathlene Mayors, reported that voter,
8 Taylor Williams, voted in person on December 28th, 2020
9 during early voting. Williams had been issued an absentee
10 ballot by mail and canceled the ballot when voting in
11 person. On December 29th, 2020 he voted absentee ballot
12 -- the voted absentee ballot was received via mail.
13 According to the canceled affidavit Williams indicated
14 that they had never received the ballot.

15 DR. JOHNSON: So the question here is: What is a
16 voter to do if the ballot is -- is sent and not received
17 or accepted by late in voting -- early voting period? And
18 the -- the wording of -- of educating poll workers that
19 they need to specifically ask and note whether the ballot
20 was received by the -- the ballot received by the voter or
21 received by the election office and by whom.

22 These are -- these are rather confusing scenarios,
23 and it highlights the vulnerability of the Friday to
24 Tuesday before the elections. At the end of early voting
25 till election day on Tuesday, the cross up of mail

1 delivery and issues of ballots placed in drop boxes and
2 ballots not received. And the dilemma of whether a voter
3 who doesn't have credit or has not seen credit for their
4 vote, whether they risk a vote in person hoping that their
5 -- their ballot will be canceled or a violation of law by
6 double voting or taking -- taking the risk that they --
7 their vote just won't count if the ballot is permanently
8 lost in the mail.

9 So it's to me it's just that sort of mind the gap
10 warning for voters as far as putting a ballot in the mail
11 versus voting in person. And once it's in the mail, it's
12 sort of a point of no return in many situations. I -- I
13 recommend the case be dismissed. But I just wanted to
14 highlight the -- the issue of -- of voting by mail, early
15 voting, recording the votes and the dilemma if your -- if
16 your vote -- if you don't think your vote has been
17 received.

18 MR. DUFFEY: Is there a second to the motion to
19 dismiss?

20 MR. LINDSEY: Second.

21 MR. DUFFEY: It's been moved and dismissed (sic) that
22 case number 2020-288 be dismissed. Is there any further
23 discussion?

24 (No response)

25 MR. DUFFEY: There being none, all those in favor of

1 dismissing this complaint say aye.

2 THE BOARD MEMBERS: Aye.

3 MR. DUFFEY: Opposed, no?

4 (No response)

5 MR. DUFFEY: The motion carries. Next.

6 DR. JOHNSTON: Case number 101.

7 MR. DUFFEY: What tab is that?

8 DR. JOHNSTON: Tab 5.

9 MS. KOTH: This is Morgan County poll issues.

10 DR. JOHNSTON: Morgan County poll issues.

11 MS. KOTH: The complaint alleges that there were
12 issues regarding poll workers not following proper
13 procedures in Precinct Six, Centennial Baptist Church.
14 They provided three issues that they believed
15 disenfranchised voters. The first one, the precinct poll
16 manager prevented effective public observation when the
17 poll manager resisted attempts from a NAACP representative
18 who was attempting to obtain the numbers of voters at that
19 precinct. They advised that they heard about other poll
20 watchers getting similar treatment and noted that the poll
21 manager had a negative attitude with voters.

22 Two, voters were not allowed to scan their ballots
23 into the machine due to an issue with the voter access
24 cards so they had to use emergency paper ballots. Due to
25 this, if a voter who accidentally marked multiple

1 candidates on a singular race would not be alerted to the
2 error and could not correct it. They also noted that at
3 least one voter's vote did not count due to this. They
4 advised that they observed the poll manager later opened
5 the secure ballot box and scanned the paper ballots while
6 on site.

7 Third, in the West Morgan precinct while the cards
8 were not working, some voters voted on the BMDs, when the
9 poll manager used her supervisor card and manually entered
10 the ballot style. They advised that approximately 36
11 voters were then given the wrong ballot because of this.

12 DR. JOHNSTON: So -- so in -- in regards to the
13 allegations about poll watchers, O.C.G.A. 21-2-408 says
14 that poll watchers may be permitted behind the enclosed
15 space for the purpose of observing the conduct of the
16 election and counting and recording of votes. So I don't
17 -- so the point is poll watchers go through training and
18 should be instructed on proper procedure. But they are
19 entitled to be within the enclosed space and look at the
20 counts on the machines that include poll pad check in
21 numbers and BMD total numbers and scanner numbers while
22 not interfering with voters, the view of voter's ballots
23 or seeing personal information, identifying information.
24 I just wanted that to -- to be clear and maybe a letter of
25 instruction to this election office would be in order.

1 The other question is: The duplicating -- allegation
2 number three, the duplication of ballots. In the
3 investigation, were -- was the duplication witnessed or
4 was it bi-partisan vote review panel utilized for the
5 duplication of these ballots?

6 MS. KOTH: I'm sorry. What was the question?

7 DR. JOHNSTON: In allegation number 3 about
8 duplicating ballots.

9 MS. KOTH: It said that 22 to 25 voter ballots to be
10 the wrong style so they could not be accepted to the
11 ballot scanner. This error was discovered and at the
12 direction of the Secretary of State's Office. The
13 precinct converted those ballots to the correct style and
14 were able to successfully scan them. The election
15 supervisor provided the poll workers with the correct
16 activation code which fixed the error.

17 DR. JOHNSTON: So --

18 MS. KOTH: They had the wrong activation code in the
19 beginning.

20 DR. JOHNSTON: My question would be: Were the -- the
21 poll workers that were duplicating the ballots, was that
22 witnessed?

23 MS. GHAZAL: Judge, I just wanted to note this was
24 the 2020 election, so this was conducted prior to the
25 passage of -- of Senate Bill 202. In which case

1 duplication panels under the preexisting law were -- were
2 merely at the -- conducted by the county itself. So there
3 is -- there was no requirement at that point that it be
4 conducted with external monitors. That has changed and
5 that is necessary under current law. But under the law
6 that was in place when this took place, there -- there
7 would -- there was no requirement for party monitors for
8 that activity.

9 DR. JOHNSTON: Thank you. I -- I would request a
10 letter of instruction to Morgan County Election Department
11 regarding the poll watcher activity and -- and citing
12 21-2-408.

13 MR. DUFFEY: Well, what's the evidence that they
14 weren't allowed to do that? I mean, when somebody says
15 that they weren't allowed to watch. What does -- watch
16 what? And what -- so what do I tell them if I were to
17 write such a letter since there's no factual basis --
18 other than the fact that they objected to the viewing?
19 And they thought that one person had a negative attitude?

20 MS. KOTH: The investigator spoke to the -- the
21 elections director. And asked her about any issues
22 between poll managers and the poll watchers. And she said
23 that the one poll watcher had so many questions for poll
24 workers that she began to interfere with the work they
25 were performing. And that a Board member spoke with the

1 poll watcher to let her know that she was interfering with
2 the election.

3 So for the findings of allegation 1, it said the poll
4 workers not providing the poll watcher with voter numbers
5 did not prevent the poll watcher from effectively
6 observing the election.

7 MR. MASHBURN: And I -- I seem to read that this poll
8 watcher that we -- well, this person we've been referring
9 to as a poll watcher, was from an outside group and not a
10 credentialed poll watcher. Am I -- am I right in that? I
11 understood it to be a representative of a group. But not
12 -- not a credentialed poll watcher.

13 MR. DUFFEY: That's what my understanding was.

14 MR. MASHBURN: And so -- they should -- that -- if
15 they're not a credentialed poll watcher, they should not
16 be within the enclosed space. And so I'm not even sure
17 they're entitled to have those numbers to be able to look
18 at. Although the number of people who have voted is
19 something that I frequently get whether or not
20 credentialed or not. And -- and it's an important public
21 number but I don't think if this wasn't a credentialed
22 person that their -- that their rights were violated, as a
23 -- as a non-credentialed third-party representative.

24 DR. JOHNSTON: That's a good point. Were these
25 credentialed poll watchers?

1 MS. KOTH: No. They were --

2 UNKNOWN SPEAKER: Public.

3 MS. KOTH: -- they should have been like an observer.
4 They use that term.

5 DR. JOHNSTON: So these were observers?

6 MS. KOTH: It should have said observer, sorry.

7 DR. JOHNSTON: Never mind. Then I would move we
8 dismiss this case.

9 MR. DUFFEY: Is there a second?

10 MR. MASHBURN: Second.

11 MR. DUFFEY: It's been moved and seconded that case
12 number 2021-101 be dismissed. Is there any further
13 discussion?

14 (No response)

15 MR. DUFFEY: There being none. All those in favor
16 dismissing the case, please say aye?

17 THE BOARD MEMBERS: Aye.

18 MR. DUFFEY: Opposed, no?

19 (No response)

20 MR. DUFFEY: Motion carries. Next.

21 DR. JOHNSTON: Okay. Case 118, Tab 6.

22 MS. KOTH: This is multi-state voter registration.
23 The complainant reported voters having registered to vote
24 for years in Georgia and registered to vote in 2020 in New
25 York but still voted in Georgia.

1 MR. DUFFEY: Comments?

2 DR. JOHNSTON: Comments. So there -- these are 22
3 cases of people that are registered to vote in two states.
4 In particular, registered in Georgia and New York. And
5 five of these cases indicate that the voter voted in New
6 York and then subsequently voted in Georgia. Which is a
7 -- seems to me a violation of Georgia law. Once you vote
8 in another state, you're -- you're canceled, your
9 residency is canceled in Georgia.

10 So out of these 22 cases, it seems to me that there's
11 a violation of 21-2-217. And so I would like these to be
12 investigated further. In order -- in order to register in
13 New York, the applicant claims -- has one of the
14 requisites for registering in New York is to claim -- not
15 claim the right to vote elsewhere. So when a person is
16 already registered in Georgia and then vote -- and
17 registers to vote in New York, they're -- they're claiming
18 that they don't have the right to vote anywhere else and
19 it actually asks that on the New York voter registration
20 form. But once a person votes in another state, their --
21 their residency status in Georgia is canceled and they are
22 no longer an eligible voter. But these five individuals
23 voted after -- voted in Georgia by absentee after they had
24 previously voted in New York.

25 MR. LINDSEY: I have a question, Mr. Chairman. In

1 reference to Dr. Johnston's point, did they -- did the --
2 they -- they vote in New York but they registered in
3 Georgia at once -- I'm guessing, at one point were voters
4 in Georgia then went to New York, registered in New York.
5 Voted in New York. Did their -- did they come back to
6 Georgia and register in Georgia again? Or was it simply
7 did they try to use -- utilize their old registration in
8 Georgia? That's -- am I making my question clear?

9 MR. DUFFEY: Yeah. That's not clear. I'll --

10 MR. LINDSEY: I want to know whether or not that they
11 -- they then came back to Georgia, moved back to Georgia
12 and registered again in Georgia, or not? That's my
13 question.

14 MR. DUFFEY: Well, my motion is that we with -- that
15 we remove this from the -- from the agenda and consider it
16 in February. Because it does need more investigation to
17 summarize what this is. I'll just take one example, that
18 Mr. Zeb (ph) registered to vote in Georgia in 2019 and
19 last voted as absentee on November 3rd of 2020 but the
20 month before that he registered to vote in New York. And
21 the question that we've always had in these cases is: When
22 does their residency change? It's not necessarily what
23 you claim in New York. But it's unclear to me that
24 somebody who registers in New York and then does an
25 absentee ballot in November --

1 MR. LINDSEY: Yeah.

2 MR. DUFFEY: Have they really -- where are they a
3 resident? And where are they allowed to vote because they
4 registered now in two -- two states?

5 MR. LINDSEY: Yeah. Well, and -- and -- and my
6 understanding of the law -- where's my attorney general?

7 MR. DUFFEY: She's hiding over there, I think.

8 MR. LINDSEY: My -- my understanding of the law is
9 that once you register in another state, your registration
10 in this state is supposed to be -- to be wiped out. Isn't
11 that -- you can't be registered in two different states.

12 MR. DUFFEY: Well, the question is --

13 MR. LINDSEY: (Inaudible).

14 MR. DUFFEY: -- it needs more -- it needs more --

15 MR. LINDSEY: Let me -- let me put it this way --

16 MR. MASHBURN: If I could? I was a complainant in
17 the case so I have particular knowledge of this. What the
18 Board has traditionally done is if you are registered and
19 voted in another state --

20 MR. LINDSEY: Yeah.

21 MR. MASHBURN: -- and then came to Georgia. And
22 registered in Georgia, but you still had that lingering
23 registration that you just didn't -- didn't cancel. The
24 Board has not find a violation there.

25 MR. LINDSEY: Oh, I understand that.

1 MR. MASHBURN: And -- and -- and deemed you a Georgia
2 voter. Even though you -- you should not be registered in
3 two places. To me these are different because they're a
4 long time in Georgia and they're doing both -- they're
5 doing both at the same time.

6 MR. LINDSEY: That's my point.

7 MR. MASHBURN: And so it's very different than the
8 ones we've dismissed in the past.

9 MR. LINDSEY: No, no. I'm agreeing with you --

10 MR. MASHBURN: Yeah.

11 MR. LINDSEY: -- that's --

12 MR. MASHBURN: Correct.

13 MR. LINDSEY: For that reason, you know, I guess,
14 maybe a little bit more investigation. I do agree that
15 let's continue this and have a little more investigation
16 because --

17 DR. JOHNSTON: Well, the fact of the matter is you
18 cannot be a resident in two states.

19 MR. LINDSEY: Correct.

20 MR. MASHBURN: Correct.

21 MR. DUFFEY: That's correct.

22 DR. JOHNSTON: It's mutually exclusive.

23 MR. LINDSEY: Yeah.

24 DR. JOHNSTON: And when -- and when you sign a -- a
25 voter registration application, you're attesting --

1 MR. LINDSEY: I agree.

2 DR. JOHNSTON: -- under oath that you're giving --
3 you're giving truthful information.

4 MR. DUFFEY: Well, that's in New York.

5 MR. LINDSEY: Agreed. As a --

6 DR. JOHNSTON: And then -- then you're a resident of
7 this state that you're applying to vote in.

8 MR. DUFFEY: But under the -- under the law -- under
9 the statute, that's one indication of what your residence
10 is. So the fact is that I'm not going to -- we can't
11 conclude whether or not these are or not -- I think where
12 they are residents, we need to defer it for more
13 investigation.

14 MR. LINDSEY: Yeah.

15 MR. DUFFEY: And we'll have to identify the ones that
16 are really suspect. It's not all -- not all of them are
17 suspect. And ask the investigation to focus on those. So
18 my motion is that to defer this until February.

19 MR. LINDSEY: For further investigation.

20 DR. JOHNSTON: Right. So, yeah. Some of these cases
21 the -- the voter actually voted in November in one state
22 and January in the other state. Which needs to be
23 investigated.

24 MR. LINDSEY: Yeah.

25 MR. MASHBURN: Agreed.

1 MR. DUFFEY: Agreed. Is there a second?

2 MR. LINDSEY: Second.

3 MR. MASHBURN: Second.

4 MR. DUFFEY: It's been moved and seconded to defer
5 case number 2021-118 to February. All those in favor say
6 aye?

7 THE BOARD MEMBERS: Aye.

8 MR. DUFFEY: Opposed, no?

9 (No response)

10 MR. DUFFEY: It carries. Next. Any others?

11 DR. JOHNSTON: The next case Tab 7.

12 MS. KOTH: Houston County, excess voting. It's
13 reported that Brooke Taylor Walsh under the name Brooke
14 Taylor Cunningham voted in the states of Georgia and
15 Florida, respectively. Ms. Walsh possesses both a Florida
16 and Georgia driver's license and it appears as though she
17 voted in the November presidential election under the name
18 Brooke T. Cunningham in Florida. Ms. Walsh did vote in
19 Houston County, Georgia for the January 7th runoff
20 election but she did so under the name Brooke Walsh.

21 DR. JOHNSTON: Same person, two different names, I
22 believe. And it's the same issue that she voted in
23 Florida which should have disqualified her from residency
24 in Georgia. And not be eligible to vote in Georgia.

25 MR. DUFFEY: Well, I don't think per se disqualifies

1 her. The concern I have here is that she voted in two
2 states seems to be the real problem, to me.

3 DR. JOHNSTON: Right.

4 MR. LINDSEY: Well, it gets back to my question
5 earlier which is, Mr. Chairman, you know, did -- after she
6 voted in Florida in November, remember this was a nine --
7 nine-week runoff in which the registration period was
8 opened back up. Did she move back to Georgia after that?

9 MR. DUFFEY: That's a good point.

10 MR. LINDSEY: And then register in Georgia or not.
11 Because if she did, then that would have been perfectly
12 valid. But I can't see that from this record.

13 MR. DUFFEY: In -- in -- at the time of this
14 election, could you register for just the runoff or not?

15 MR. LINDSEY: Yeah.

16 MR. DUFFEY: You could?

17 MR. LINDSEY: Yes. Because of the -- the -- the
18 lengthy time period between the general and the -- the
19 runoff.

20 MR. DUFFEY: So what's your solution to this one?

21 MR. LINDSEY: I want to see -- I want to know -- I
22 want to know did she come back and moved to -- back to
23 Georgia and register in Georgia.

24 MR. DUFFEY: So you want to defer this --

25 MR. LINDSEY: Yeah.

1 MR. DUFFEY: -- to February?

2 MR. LINDSEY: I do.

3 MR. DUFFEY: Is there a second?

4 DR. JOHNSTON: Second.

5 MR. DUFFEY: That was a motion, I assume?

6 MR. LINDSEY: Yes, it is, Mr. Chairman, sorry.

7 MR. DUFFEY: All right. It's been moved and seconded
8 that 2021-120 be deferred to February. Is there any
9 further discussion?

10 (No response)

11 MR. DUFFEY: All those in favor of deferral say aye?

12 THE BOARD MEMBERS: Aye.

13 MR. DUFFEY: Opposed, no?

14 (No response)

15 MR. DUFFEY: It carries. How many more do you have
16 Dr. Johnston? Because it's noon.

17 DR. JOHNSTON: I have one more.

18 MR. DUFFEY: Okay.

19 DR. JOHNSTON: Case 167, Tab 20.

20 MS. KOTH: Lumber City absentee ballot fraud. The
21 complainant, Nicki Stegall (ph) reports Alice Strong and
22 Barbara Quinn, filled out Pete Clark's ballot and they did
23 not sign as assisting. Mr. Stegall further alleged Alice
24 Strong and Barbara Quinn took ballots to the poll of
25 voters that they were not related to. He's here if you

1 have any questions.

2 MR. DUFFEY: So what's the issue on this one,
3 Dr. Johnston that you have?

4 DR. JOHNSTON: So I -- I have questions about the
5 assisted voters and Ms. Strong and Ms. Quinn.

6 MR. DUFFEY: And what -- specifically what?

7 MR. ARCHIE: Okay. In reference to Ms. Strong and
8 Ms. Quinn, there was a complaint that they were assisting
9 voters with their mailout ballots. But during my
10 investigation, they only assisted voters at the poll
11 during advanced voting and/or on election day. There was
12 none when they assisted anyone with a mailout ballot.
13 Also, Mr. Stegall -- Peter Clark is his father. And he
14 was under the impression that Barbara Quinn and/or Alice
15 Strong assisted him with his mailout ballot at -- at his
16 home. But that turned out not to be accurate. Mr. Clark
17 actually went down to the precinct and voted in person.
18 And Alice Strong did assist him because he does have a
19 disability. And all the other -- they -- they signed
20 assisting all the voters at the poll. I was able to
21 verify that also.

22 DR. JOHNSTON: So they did sign?

23 MR. ARCHIE: Yes, ma'am.

24 DR. JOHNSTON: All the forms were signed?

25 MR. ARCHIE: All the ones I found, they did sign as

1 assisting.

2 DR. JOHNSTON: Okay. And that's my only question. I
3 recommend we dismiss that case.

4 MR. LINDSEY: Second, Mr. Chairman.

5 MR. DUFFEY: It's been moved and seconded to dismiss
6 complaint 2021-167. Is there any further discussion?

7 (No response)

8 MR. DUFFEY: There not being any. All those in favor
9 say aye.

10 THE BOARD MEMBERS: Aye.

11 MR. DUFFEY: Opposed, no?

12 (No response)

13 MR. DUFFEY: The motion carries. Does anybody else
14 have any others?

15 MR. LINDSEY: No, Mr. Chairman.

16 MR. DUFFEY: So there's no other proposed to be
17 dismissed recommend for dismissal cases to discuss. Is
18 there a motion to dismiss the cases which have not been
19 dismissed previously?

20 MS. GHAZAL: Absolutely.

21 MR. DUFFEY: Second?

22 MR. LINDSEY: Second.

23 DR. JOHNSTON: Second.

24 MR. DUFFEY: All right. It's been moved and seconded
25 to dismiss all the cases that are proposed and listed

1 under cases recommended to be dismissed. Other than those
2 that have already dismissed --

3 MR. MASHBURN: Or otherwise handled.

4 MR. LINDSEY: Or otherwise handled.

5 MR. DUFFEY: What's that --

6 MR. MASHBURN: Some we -- some we sent back for
7 continuances, and some were sent back for more
8 information.

9 MR. DUFFEY: Or otherwise handled. So let me start
10 again, there's a motion to move to dismiss all the cases
11 under cases recommended to be dismissed, other than those
12 that have already been dismissed and other than those from
13 which we have deferred to -- to the February meeting. Any
14 discussion on that revised motion?

15 MR. LINDSEY: Or taking other action. We had one in
16 which we dismissed, but with instructions to you to send a
17 letter.

18 MR. DUFFEY: I promise to send the letter. Any
19 further discussion?

20 (No response)

21 MR. DUFFEY: No. All those in favor say aye?

22 THE BOARD MEMBERS: Aye.

23 MR. DUFFEY: All those opposed, no?

24 (No response)

25 MR. DUFFEY: The motion carries. All right. It is

1 12 o'clock. There's been a late request from an attorney
2 from Sumter County, is it? You should always let me know
3 this earlier if you have a conflict letter.

4 MS. HOOKS: Sorry, Your Honor. I thought it would go
5 faster. We -- we can wait. Mr. Howard has a board
6 meeting this afternoon at 4:30. I thought we would be
7 okay. We can be fresh after lunch, if that would be
8 better for you or...

9 MR. DUFFEY: And what's the Board meeting you have to
10 attend?

11 MS. HOOKS: He asked the Board Chair, please not to
12 schedule their regularly scheduled quarterly (inaudible)
13 today because we knew (inaudible) your time and she did
14 (inaudible) be here to appear before the board.

15 MR. HOWARD: I have a 4:30 meeting, Your Honor.
16 (Inaudible).

17 MR. DUFFEY: Is there any objection to taking this
18 out of order?

19 (No response)

20 MR. DUFFEY: All right. Then we will now consider
21 case number 2020-03 involving poll watchers at Sumter
22 County. It's a case that's recommended for referral to
23 the Attorney General's Office. So let's first have a
24 summary of the complaint. Can you do that Ms. Koth?

25 MS. KOTH: Uh-huh. This is 2020-003, Sumter County

1 poll watchers. The complaint is Mr. Howard reported that
2 individuals acting as poll watchers entered a polling
3 location and went into an enclosed space and inspected
4 Sumter County voting equipment. Sumter County Election
5 Supervisor, Randy Howard, reported that members of the
6 Constitutional Party of Georgia gained access and took
7 pictures of election equipment the day prior to the
8 March 3rd, 2020 special runoff election.

9 The election equipment was located at the airport
10 polling location. And an employee thought the group was
11 with the Sumter County Election Office and gave them
12 access to the equipment. The employee was identified as
13 Holly Lott who said she thought that the females presented
14 themselves as if they were there to check the equipment
15 and at the time she thought they were there with the local
16 elections office. Ms. Lott felt that the females
17 misrepresented themselves in order to gain access to the
18 equipment.

19 Ms. Lott accompanied the females to the room where
20 the election equipment was located and observed one take
21 what appeared to be a selfie. Ms. Lott said the females
22 never touched the equipment and she -- and she reported
23 the incident -- she reported the incident to Randy Howard.
24 The room where the election equipment was locked and only
25 Ms. Lott and her boss had keys. Ms. Lott did not ask the

1 females for identification.

2 The election equipment was immediately checked by IT
3 personnel, and everything was okay and none of the seals
4 had been broken. Mr. Howard misplaced the file and the
5 poll watchers information and supporting documentation
6 regarding the incident. Investigator Blanchard spoke to
7 Angie Ellison of the Constitutional Party of Georgia who
8 claimed that they had no record of any poll watchers being
9 in Sumter County during the March 3rd, 2020 special runoff
10 election. The Sumter County Election Supervisor, Randy
11 Howard, was unable to locate the file containing the poll
12 watchers information and supporting documentation
13 pertaining to this complainant.

14 So the potential violations: Sumter County Board of
15 Election registration. Randy Howard, Election Supervisor.
16 There's evidence to suggest that Sumter County Board of
17 Election and Registration and Randy Howard violated
18 O.C.G.A. 21-2-500(a), delivery of voting materials,
19 presentation to grand jury in certain cases, preservation
20 and destruction, destruction of unused ballots when Randy
21 Howard failed to properly store the file containing poll
22 watcher information and supporting documentation
23 pertaining to this complaint. Mr. Howard ended up losing
24 the file and the poll watchers were unable to be
25 identified.

1 Sumter County Board of Election and Registration,
2 Randy Howard, Election Supervisor, Holly Lott. There's
3 evidence to suggest Sumter County Board of Election and
4 Registration, Randy Howard and Holly Lott violated SEB
5 Rule 183 1 12.04(6), when Holly Lott failed to properly
6 check identification before allowing two unidentified
7 females to gain access to secure election equipment.

8 MR. DUFFEY: Okay.

9 MS. HOOKS: (Inaudible)

10 MR. DUFFEY: What is your number? 48.

11 MS. HOOKS: Well, I'm Hayden Hooks. And I'm Sumter
12 County attorney. And I appreciate you all accommodating
13 us so we can get back to Americus this evening.

14 I won't -- we don't disagree with the facts, but I
15 would just submit to you that we don't believe that the
16 facts match up with -- with the rule or the statute that
17 Ms. Lott and Mr. Howard are being cited for. And, I
18 guess, I said I don't -- we don't disagree with the facts,
19 but we do to the extent that Mr. Howard lost any records.

20 You'll note that this took place in March 2nd of 2020
21 and shortly thereafter we all know we entered into
22 lockdown and I do not know and it's not in the report.
23 Mr. Howard went back through his emails and can't confirm
24 when the investigator did come down to see him. So I'm
25 not sure the amount of time that passed between the

1 initial self-report that Mr. Howard made and when the
2 investigator came. But I have here, and I know this isn't
3 an evidentiary hearing, but we have emails from Mr. Howard
4 to Mr. Harvey, who you all know was the former elections
5 chief, indicating who these ladies are. He has a copy of
6 their business cards that were transmitted to them. And
7 he also, you know, confirmed with Mr. Harvey because he
8 was confused. There was a little bit of a disagreement
9 because these women said they were official poll watchers.
10 And Mr. Howard had never received any -- you know, anyone
11 registering on the local level. The email shows that they
12 had sent the email to his predecessor who had resigned in
13 2018 and then they -- Mr. Harvey's office also confirmed
14 -- I don't know if it was Mr. Harvey or someone else, but
15 that these were not statewide poll watchers.

16 These individuals had not been credentialed by the
17 state. And so to the extent Mr. Howard was supposed to
18 maintain records of the official poll watchers, these
19 individuals were -- were not official poll watchers. But
20 also the statute that is cited is the statute that
21 Ms. Ghazal, I believe is how you say it, referenced
22 earlier talking about the duties of storing information
23 and that's -- that statute focuses on just securing your
24 returns. There's nothing in that statute that says
25 anything about your poll watcher records.

1 And then for Ms. Lott, she's cited with the -- the
2 failure to secure equipment statute. Ms. Lott is an
3 employee at the airport which is run by an independent --
4 it's an independent authority. She's not a county
5 employee. She's not an employee of the Board of
6 Elections. And so I would submit to you that based on my
7 reading of that rule, she doesn't fall within, you know,
8 we've talked -- I've heard you all talk about in some of
9 these other matters about jurisdiction.

10 She's not someone that's subject to jurisdiction
11 under that rule, I don't believe. And even still, the
12 duty under that statute is that reasonable steps should be
13 taken to secure the equipment. And I would submit that
14 reasonable steps were taken. These machines were placed
15 in a secure location. They were in the conference room at
16 the airport. And, you know, only a few people had access
17 to that room. But when individuals come and, you know,
18 she had an official badge and misrepresent who they are,
19 and -- and people who aren't, you know, who aren't trained
20 because they're just the employees at the places that
21 we're, you know, we're getting for free. Just because our
22 budgets are so limited to use that their guard is not up
23 as much as if, you know.

24 These people were actually caught later at another
25 polling place trying to do the same thing by someone who

1 was an official poll worker who had been trained on the
2 importance of security. But this is a third-party who
3 just hadn't gone through the training, and I heard you all
4 earlier today talking about the need to have elections
5 take place at non-official facilities. Well, you know,
6 you think of -- if we're going to start citing these
7 employees of these non-affiliated facilities who haven't
8 been trained. It's going to make our lives harder to try
9 and find those facilities.

10 If -- if the -- the word gets out, I mean, we have --
11 Mr. Howard and I have really -- we thought we were going
12 to -- when this first came up in August and Mr. Germany
13 accommodated us -- our schedule and moved this to December
14 for us. We thought we were going to lose the airport as a
15 November polling place because the airport officials were
16 so upset about Ms. Lott getting dragged into this.

17 And so I would just submit that, you know, there's
18 some unintended consequences from this -- this incident
19 that Mr. Howard self-reported. He was trying to do the
20 right thing. He was reaching out to the Secretary of
21 State's Office for assistance. I believe the woman
22 involved in this complaint is well known to the Secretary
23 of State's Office as kind of being a little bit of a
24 troublemaker. And -- and now he, you know, he's being --
25 we spent our morning driving up here to Atlanta.

1 And we just ask that you would consider maybe a
2 letter of instruction or dismissal. Since the facts don't
3 really add up to what has happened here. And if you all
4 want to look at the emails, you will see he actively
5 participated in trying to get this information to the
6 Secretary of State's Office. And I'm not sure where the
7 disconnect came from.

8 MR. DUFFEY: Let me respond to that. I would say
9 that somebody who elects to hire a third party to keep
10 secure information that's critical infrastructure for
11 voting would have taken further steps to say, if we do
12 this, let me tell you, you cannot let anybody in this
13 building. And I'll give you personal instruction rather
14 than trying to excuse the failure to do that by saying
15 that because they weren't a county worker that they
16 weren't personally instructed.

17 MS. HOOKS: And I don't -- I don't disagree with you.
18 But I would -- and I didn't want to go through the play by
19 play, but I think -- Ms. Lott has the flu, and I think if
20 she were here, she would tell you that there -- procedure
21 we have, you know, we're in a small county. We don't have
22 the resources that some of these larger counties have but
23 -- and we're certainly understaffed on deputies. We
24 couldn't have a deputy secure each of our 11 -- we just
25 don't have enough deputies on each shift to have that be

1 an option.

2 But you -- but say, you know, Mr. Howard had talked
3 to her. She knew she wasn't supposed to. But the
4 procedure it -- that the county has done for years is that
5 the inmates at the correctional institute bring the
6 machines, they get locked up and then the poll workers
7 come in and unlock them and get them ready before election
8 day. And so the poll workers it's, any county attorney,
9 any county official will tell you, it's hard to find poll
10 workers.

11 It's not like they work 52 weeks out of the year like
12 most people do. It's only a certain number of days and so
13 they change a lot. And so when someone comes in, you're
14 doing your job, and someone comes in and says, hey, I'm a
15 poll watcher and not a poll worker, I find myself using
16 those words interchangeably in a call last week. And so,
17 I mean, I hear you. And we did, it was just kind of --
18 people -- they actually caught them the next day trying to
19 sneak in behind, you know, to watch the elections after
20 they've had been told not to. They were coming in --
21 trying to come in the back door of the airport. And so
22 we're focusing on the wrong people, I would argue. When
23 there are people who are trying to cause, you know, trying
24 to interfere with the elections. But Mr. Howard can
25 answer your questions about the training, if you'd like.

1 MR. DUFFEY: Well, this is, you know, as I've said
2 earlier, and I think you were here. Our function is to
3 determine whether there's something that we ought to refer
4 to the Attorney General's Office and I believe there is.
5 I mean, when you say we're focusing on the wrong people,
6 I'd say we're focusing on the right people, just maybe not
7 all of them. So, I mean, I will hear from the other Board
8 members. But, you know...

9 MS. GHAZAL: Well, I -- I had placed a note in here
10 that the real, if you'll forgive the term, the real
11 villains of this case are the unidentified --

12 MR. DUFFEY: Right.

13 MS. GHAZAL: -- individuals who misrepresented
14 themselves. And if you are telling me that you actually
15 have the identity of those individuals --

16 MS. HOOKS: Yeah.

17 MS. GHAZAL: -- would it be possible to somehow add
18 that information to this record as it's referred to the
19 Attorney General's Office. And -- and it could be that
20 that would require, yet another deferment to allow these
21 individuals, if they are named, to come and represent
22 themselves before the Board before we take any action.
23 But if we know who it was, if someone has the information
24 of -- on who these individuals were who misrepresented
25 themselves, obtained unauthorized access and photographed

1 equipment, I think that is really material to the case.

2 MR. DUFFEY: Right.

3 MS. GHAZAL: I'm open as to what the proper next step
4 would be.

5 MS. HOOKS: And -- and I apologize that we came here.
6 I -- I've been reaching out to the Secretary of State's
7 Office and they kind of told me that with the new change
8 in the law their hands are kind of bound on their ability
9 once we get to this point to take it off the agenda and
10 investigate it further. That I needed to come to you all
11 and present these arguments.

12 MR. MASHBURN: Okay. Yeah. That's -- that's right.

13 MR. LINDSEY: That's right.

14 MR. MASHBURN: But do -- do you have the -- do you
15 have the IDs of the two females in question, or not?

16 MS. HOOKS: I do. I have --

17 MR. MASHBURN: Okay.

18 MS. HOOKS: -- names.

19 MR. MASHBURN: You -- you don't need to come up.
20 That's okay. I believe you.

21 MS. HOOKS: (Inaudible).

22 MR. MASHBURN: I believe you.

23 MS. HOOKS: Yeah.

24 MR. MASHBURN: I want to check the Board's
25 temperature on this. But I would like for your local DA

1 to consider whether to file charges against those two if
2 they truly misrepresented themselves to get into secured
3 locations. So I would like to invite your local DA to
4 have a look at this. And whether we got to do that, or
5 they'll do it on their own. Just see what the Board
6 thinks about that.

7 MR. LINDSEY: Do we also, Mr. Chairman, have the
8 authority -- doesn't the GBI have direct jurisdiction
9 now --

10 MR. DUFFEY: They do.

11 MR. LINDSEY: -- sort of things?

12 MR. DUFFEY: Well, here's -- it's -- here's what I
13 think we should do. We can ask -- I think we should vote
14 on whether or not this gets referred to -- to the Attorney
15 General's Office. Ask the Attorney General's Office to
16 withhold on processing the case. We'll get those names.
17 I think it's incumbent upon us to provide some
18 investigation ourselves --

19 MR. LINDSEY: Yes.

20 MR. DUFFEY: -- of -- of these people before we refer
21 to --

22 MR. LINDSEY: Okay.

23 MR. DUFFEY: -- an investigative agency, including a
24 DA who's going to say, well, I don't have anything here.
25 Therefore, I'm not going to pursue it. Whereas we give

1 them the information and allow them to make an assessment.
2 And determine whether or not you're going to go ahead and
3 -- and allocate the prosecutorial that sort of resources.
4 It's more likely something will be done.

5 MR. LINDSEY: Okay.

6 MS. HOOKS: Mr. Howard --

7 MR. HOWARD: Your Honor, may I say something?

8 MR. DUFFEY: Yes.

9 MR. HOWARD: First of all, I want to thank you and
10 the Board for allowing us to come here today and speak to
11 you for a second. Can you all hear me okay?

12 MR. DUFFEY: Yeah.

13 MR. HOWARD: Hi, my name is Randy Howard. I'm
14 Supervisor Sumter County Elections. On the date in
15 question, we had a runoff March the 3rd and -- with
16 Senator Carnes' office. I had five precincts to set up.
17 We were setting those up. What we used is our work
18 details, or inmates that is, state inmates out of
19 (unintelligible) County correctional institute. And we
20 was -- I pulled up in Andersonville and I realized my
21 correction officer was having an issue with some folks.

22 And I confronted them, and they were throwing papers
23 up, and they had a right to do this, and they had a right
24 to do that. And they was intimidating the officers and
25 the inmates sitting all around. And I said you're not

1 going into the precinct while they are setting up. You're
2 not going to be around the inmates. And once we get
3 things set up, you come in. If you have the proper
4 credentials and we may, you know, I'll work with you, but
5 otherwise you're not going in there till the inmates get
6 everything set up.

7 And because the issue was there -- they was hollering
8 and fussing at -- at the yard so I thought the best thing
9 is they need to go on home. But at that time too is
10 that's when Larry Chitwood who's the one I wrote, our
11 supervisors was going behind and check to make sure
12 everything is set up and come back and told me some ladies
13 that had been at the airport and conned themselves into
14 (inaudible). So I got to talking and I realized who they
15 was. It was Marilyn Marks who's a Constitution party who
16 actually had me in court at the time and was suing me.
17 And Judge (unintelligible) Smith well, we meet the first
18 part and the judge was considering dismissing the second
19 part.

20 So I knew that I had a conflict and I could not get
21 involved. So I called Chris Harvey who was the election
22 official at the time, he told me call me anytime. I had
23 his cell number. I said, I got a problem down here. And
24 he told me -- and I explained to him what I had, and he
25 knew about the situation with the election because they

1 were involved with us too. So he said I'll have an
2 investigator come down there and work on it.

3 We know who the ladies are. One, Marilyn, and they
4 have a group and they split up when they come into the
5 counties. They hit Dooley County, Crisp all these other
6 counties. Just -- just walk in and try to intimidate
7 people and get into it. It's our procedure -- if you're a
8 poll watcher, most people locally say, hey, Randy, I'm --
9 I send them the information. And if you're going to be a
10 poll watcher, I get them ID, I go out (unintelligible) I
11 go write a letter. (Unintelligible) state poll watchers.

12 I don't think I had about two since I've been here
13 since 2019. Come in -- we -- I meet them out there. The
14 poll managers won't let them in. I check their
15 credentials. If they are, I introduce them. We show them
16 around the place. I answer any questions they want. You
17 know, I -- I try to be very open. We -- it's our policy
18 to have an honest election. Also to have -- be very
19 transparent and not hide everything.

20 It's -- my background -- I was law enforcement 31
21 years. Sheriff 24, also a county commissioner and also
22 worked with homeland security for a while and I just don't
23 want my name tarnished. And I know it's wrong, but I do
24 not have a case file -- I didn't investigate till Chris
25 said, he would have an investigator come down there. I

1 provided him names.

2 Also, that same day, the county commissioners, James
3 Gaston, Chairman, as well as Carson Walker and, I believe,
4 it was Phil Deese talked to those ladies at the courthouse
5 who came in. And it was Marilyn and the other -- it was
6 one lady -- there was a lady (unintelligible). So I said
7 -- there's a group of them. And there is another group of
8 them too who comes travel around.

9 So what happened is we did not -- I did not turn away
10 any poll worker. If they're a poll worker, If they're
11 honest, you know, to work with them. And later on I did
12 get the information from Chris when I got back. See I'm
13 one person. I'm the only full time person that is there.
14 At least at that time I had a part-time, but she was in
15 the office. I use hourly people -- the whole county works
16 together on our elections for security and setting up.

17 But at the airport, this young lady here, she's
18 worked with us. She's always been honest, you know, she
19 has to keep the key because of, you know, of fire or
20 whatever it is. And also my poll workers come in we put
21 all our materials at the doors and the walls the day
22 before. So people going in and out, but they are elected
23 officials. Here this young lady got conned with Marilyn.
24 She's a sweet talker. She is well-dressed, clean and she
25 knows all about elections. And she'll run a scam and a

1 con like she did with my commissioners. But prior to the
2 lawsuit.

3 But anyway, so we went there. But I don't understand
4 what he's talking about ballots. All my ballots, even if
5 the -- if there's any leftover, they're blank. If they're
6 -- if they're emergency ballots, everything we have goes
7 back into the boxes. And they are heavy boxes. They got
8 seals on them. They've got stuff on the front,
9 well-documented and they are locked down and they stay
10 there until the statute of limitations. We have -- I have
11 not shredded the first ballot since I've been there. We
12 know the statute of limitations is two and a half years or
13 two years, but we have not shredded because we haven't had
14 the time with so many elections we've had.

15 So it's been a very (unintelligible). You know, 2020
16 March I was, you know, not only doing the runoff but also
17 getting ready for the next election. Plus, I was closing
18 down one Chambliss precinct because we didn't have enough
19 room and setting up a new place to take early voting. So
20 it was very busy -- not counting -- next thing I know
21 COVID pops in on us too. It's been a very hectic year.
22 Plus, the presidential election and the cancellation of
23 PPP. So, oh, yeah.

24 But I'll tell you -- I'll be honest with you, I don't
25 know of anything that I have destroyed and have been above

1 board. I didn't -- I didn't go out and do a case file
2 because I didn't know I needed to do a full scale
3 investigation. If I did, I would have called the
4 sheriff's office. Who would probably refer me to the
5 Secretary of State. But also at the same time I would
6 have -- I thought you'll come in just be investigating
7 them instead of investigating me. Like I said,
8 (unintelligible). And I don't know of any documents that
9 I would have destroyed.

10 And I don't know of any, you know -- I should go
11 before the grand jury. I'll be happy to go before the
12 grand jury to tell the facts. I think they'll be
13 enlightened. Because I got a lot of witnesses that will
14 be present, you know, if I have to to testify what did
15 happen that day from the Boards as well as the workers and
16 everything else.

17 So I just -- I just don't know where this
18 investigation -- how it got turned around that I'm the the
19 perpetrator of the crime where the person that created the
20 issue from the beginning is walking around fancy free. So
21 I'm just not sure and I just don't -- I'm open for any
22 questions and I'm open for any investigation because I
23 don't have anything to hide. I just don't -- I just don't
24 know how I'm in this whirlwind with all this stuff.

25 I do appreciate you all for allowing us to speak.

1 Like I said, I got to get back to the board meeting as
2 well, risk limitation and get ready to set up for
3 tomorrow. And I thank you for your time and also to
4 letting us go ahead of time before your break. Thank you
5 very much.

6 MR. DUFFEY: Thank you. Well, first you -- one of
7 the problems I guess with citing a full statute is that
8 the word grand jury is in there, nobody is asking you to
9 appear before a grand jury. It's limited to the two
10 things that are set out in the -- in the investigative
11 summary. Any other Board members have input on this based
12 upon the matters that are alleged?

13 MR. MASHBURN: I just want to reemphasize what Judge
14 Duffey said previously and then come in and add to Sara's
15 discussion earlier and so the problem that I'm having just
16 to be very plain with y'all. The problem I'm having is
17 you had this room that's supposed to be under lock and
18 key. But you have to share it with the people whose room
19 it is and so they have to have a lock and key.

20 But the problem there is that, in essence, makes them
21 a deputy registrar because they're now in charge of
22 election stuff. And so you can't -- you can't say, well,
23 it wasn't our fault because -- because somebody who we
24 don't control did something. When it's you all's control
25 that's supposed to be the control. And so, you know, my

1 argument that she didn't do anything wrong because we have
2 no jurisdiction over her, that points the target back at
3 you. So that's why the investigation is looking at y'all
4 because it's y'all's equipment and it's y'all's duty --

5 MS. HOOKS: And I don't disagree that there was --
6 was a failure. I mean, obviously, somebody got in that
7 shouldn't have. But I guess I just also -- I'm pleading
8 with you about the practical realities of this.

9 MR. MASHBURN: Right.

10 MS. HOOKS: In a small town with limiting, I mean,
11 we've got a lot of churches that aren't even handicap
12 accessible. I've been practiced in Atlanta for five years
13 and my precinct was a cathedral, St. Phillip. We don't
14 have anything like that and -- and I would just -- I hear
15 you but just think about the practical realities of it
16 that's all.

17 MR. MASHBURN: Another thing I would like to add as
18 for the counties that are listening to this, when I
19 started doing this 30 years ago, I would be the only
20 person those people had ever seen. You mean -- you come
21 to watch our election, yeah. We do this all by ourselves.
22 You know, nobody's ever come down here before.

23 But we live in a different world now. And so you've
24 got to be more careful and you can't take people at their
25 word any longer. And it's sad that that's the case but

1 that's the case. So everybody needs to double down on
2 their precautions because you -- you do have people and --
3 and you do have people that'll post selfies and say, look
4 at what I just did in this county. They don't have the
5 proper protections. And so, you know, there -- there are
6 people out there looking to embarrass you. And that's a
7 sad fact but there we are.

8 MR. LINDSEY: Mr. Chairman, I'm -- I'm struggling
9 with whether we'd be better off and I'm this -- and this
10 is a question. We would be better off with a letter of
11 instruction to the county on -- on what should be the
12 proper procedures on handling this. And move on to the --
13 for one of the better term, the bad guys who, basically,
14 conned their way in and did something they shouldn't do.
15 And whether or not there should be a further investigation
16 there.

17 I'm just trying -- I -- I -- I do want to see and it
18 to be clearly on the record that this can't happen again.
19 And that, you know, this -- these are the procedures and
20 the responsibilities of the county to ensure that it
21 doesn't happen again. You know, regardless and perhaps
22 good intentions that may have been involved. Whether or
23 not that -- that can be -- that issue can be disposed of
24 and then we can move on to the issues of those people who
25 wrongfully were able to get their way into the system.

1 I'm -- I'm -- I'm asking.

2 MR. HOWARD: Your Honor, there is one thing I would
3 like to say instead of Ms. Holly, you know, I am the
4 supervisor of that and the buck stops with me and I'll --
5 I'll accept all responsibility. Anything go wrong at the
6 airport, that's my fault. That's not Ms. Holly's. And
7 she should not be -- go through this. She's been very
8 upset, the airport authority has been very upset.

9 That's the only precinct in that whole area and
10 they've been wanting us out now. So I don't know where
11 I'm going to move to. But if I do go -- unless I can
12 persuade him to do something different. The people
13 (unintelligible) been there for like 20 years
14 (unintelligible) airport and this has created a serious
15 issue for me right now trying to find another precinct if
16 I have to move. At least I got this year to do it.

17 And we have almost 3,000 voters go through there, you
18 know, that whole place, they make coffee for the poll
19 workers. The voters come in, they laugh, talk, get a cup
20 of coffee. It's just a friendly precinct. People loved
21 it. And now this happened and just messing the whole
22 thing up for us. And we -- and I am responsible for what
23 happened. So I don't think -- I think she should be
24 removed because it's my responsibility for it -- her
25 actions.

1 MR. MASHBURN: So if you -- you think if we send
2 Ms. Lott a letter --

3 MS. HOOKS: They'll move the precinct.

4 MR. MASHBURN: -- of instruction and say don't do
5 this again and I think she's got it. But she's not -- she
6 is or isn't doing it anymore. I don't know.

7 MR. HOWARD: I don't think she'll let anybody in
8 there anymore after --

9 MR. MASHBURN: So she's got it.

10 MR. HOWARD: What she went through I ain't too sure
11 she --

12 MR. MASHBURN: So you think -- you think an equitable
13 resolution to this would be send her a letter say, don't
14 do this again, letter of instruction, but hold the Board
15 accountable that -- that somebody got into that room,
16 right?

17 MR. HOWARD: I have no objection to that.

18 MR. DUFFEY: That's what we should do.

19 MS. HOOKS: I mean, obviously, you'd rather not have
20 a consent order, but I've worked with the Attorney
21 General's Office on some of these. So we -- we can work
22 that out and find a favorable penalty, I'm sure.

23 MR. DUFFEY: Well, you know, that -- what has
24 happened in just the past few months is the extreme danger
25 of allowing people not allowed access to -- to the

1 machines. And -- and the havoc that's caused to the
2 voting system and the people's trust in the voting system.
3 So I think at some point, whether you're a big county or a
4 small county, we have -- we have to make -- continue to
5 make a point to people that the dangers out there that
6 can, as Mr. Mashburn has said, are greater than they've
7 ever been.

8 And in order to be consistent and everything that has
9 been said here is more I think in mitigation than it is
10 excuse. And the idea of holding Ms. Lott by sending her a
11 letter, which I guess I have to draft that one too, that
12 gets her, I mean, I think that she's entitled to some
13 peace from all this. But I do think that the institution
14 of the election process in Sumter County is the Board, and
15 we need to refer that to the Attorney General's Office.
16 But I will ask them because we -- because they're
17 disposition might be informed by whatever investigation is
18 conducted of the individuals.

19 Now, Ms. McGowan, really loves to move forward on
20 things that we refer to her. So she's -- she might be a
21 little offended but I'm not asking her not to work on this
22 yet. But you'll accommodate me, won't you? Okay. So let
23 me make the motion that we -- that we refer -- that we --
24 that with respect to Ms. Lott, that we move to dismiss the
25 allegations against her but send her a letter of

1 instruction.

2 MR. MASHBURN: Yeah. Sorry, sorry. I spoke too
3 quick.

4 MR. DUFFEY: Okay.

5 MR. MASHBURN: You know, we can't send a letter of
6 instruction if we dismissed -- we've dismissed it. We
7 have to send a letter of instruction in accordance with
8 it. So I don't think we can dismiss it and still give her
9 a letter of instruction. I might be wrong.

10 MS. MCGOWAN: That's correct.

11 MR. LINDSEY: That's correct.

12 MS. MCGOWAN: (Inaudible).

13 MR. DUFFEY: So we just find a violation and the
14 remedy is a letter of instruction?

15 MR. LINDSEY: Yeah.

16 MR. DUFFEY: So I'll move that we find the violation,
17 but that we not refer to the Attorney General's Office and
18 instead send a letter of instruction to Ms. Lott, which I
19 will tell her that that she is not going to be held
20 personally accountable, nor is the airport going to be
21 held personally accountable for any conduct that's been
22 alleged. And then I also -- and part of the motion, then
23 would be to refer it to the Attorney General's Office the
24 allegations against the county.

25 MR. LINDSEY: Second.

1 MR. DUFFEY: Any discussion?

2 (No response)

3 MR. DUFFEY: All those in favor of the motion, please
4 say aye.

5 THE BOARD MEMBERS: Aye.

6 MR. DUFFEY: Opposed, no?

7 (No response)

8 MR. DUFFEY: Motion carries. All right. Do we have
9 -- so we've taken that out of order. Now, DeKalb wants to
10 take theirs out of order. But before we do that, does
11 anybody want to pull any of the cases for violations not
12 recommended for referral to the Attorney General's Office?

13 MR. LINDSEY: No, Mr. Chairman.

14 MR. DUFFEY: Because if that's the case, if there's
15 anybody here they've been waiting in line and it wouldn't
16 take very long for us to resolve those. So we'll move on
17 to the cases not recommended for referral to the
18 Attorney's General Office. Which is case 220-123,
19 220-114, and 221-180. Does anybody want to pull for
20 discussion any of those three cases?

21 (No response)

22 MR. DUFFEY: Is there a motion then to move --

23 MR. MASHBURN: I move to accept the recommendation.

24 MR. DUFFEY: Is there any objection?

25 MS. GHAZAL: Second.

1 MR. DUFFEY: Second. Second. Any further discussion
2 on the motion?

3 (No response)

4 MR. DUFFEY: It's been moved and seconded that we
5 follow the recommendation to the Board regarding case
6 number 2020-123, 2021-114 and 2021-180. All those in
7 favor say aye.

8 THE BOARD MEMBERS: Aye.

9 MR. DUFFEY: Opposed, no?

10 (No response)

11 MR. DUFFEY: Motion carries. Now, we'll go to the
12 final case which is case number 2020-029, DeKalb County,
13 election day issues. Tab 33. And can you summarize that
14 for us, please, Ms. Koth.

15 MS. KOTH: On 6/9/2020 Office of the Secretary of
16 State Investigations Division received approximately 55
17 complaints regarding the management of the 2020 primary
18 election in DeKalb County. The complaints are as follows:
19 1) One voting precinct was not handicapped accessible. 2)
20 Five polling precincts had poll workers who appeared to be
21 untrained and disorganized. 3) Two precincts experienced
22 equipment failures, printers/scanners. 4) One precinct
23 had a pest issue. 5) One precinct received its voting
24 equipment after the precinct opened. 6) Seven precincts
25 did not open on time. 7) Three precincts did not have

1 enough ballot marking devices. 8) Two precinct locations
2 were changed without notifying voters. 9) One precinct
3 had staff who interfered with the voting process.
4 10) Thirteen precincts experienced technical issues with
5 the ballot marking devices.

6 Due to the limited responses from the poll managers
7 and the refusal of former DeKalb County Election
8 Supervisor, Erica Hamilton, to provide the necessary
9 records to complete the investigation. The investigator
10 was unable to substantiate or disprove allegations 2, 3,
11 5, 6, 8, 9 and 10. There was no violation of election
12 code for allegations 1, 4 and 7.

13 The potential violations were for Erica Hamilton,
14 former DeKalb County Election Supervisor. There's
15 evidence to suggest that Erica Hamilton is in violation of
16 O.C.G.A. 21-2-562(b), neglect or refusal to deliver
17 documents when she failed to respond to the Georgia Office
18 of the Secretary of State Investigations Division requests
19 for records.

20 MR. DUFFEY: All right. Is the county attorney here?

21 MS. VANDERELS: Yes. Good afternoon. My name is
22 Irene Vanderels. I'm here with Tristen Wade from DeKalb
23 County Law Department. I'm here representing Erica
24 Hamilton in her capacity as former Director of Elections
25 and DeKalb County, as well as the DeKalb County Board of

1 Registration and Elections.

2 As a preliminary matter, I'd just like to note that I
3 -- I have requested a list of any documents that the
4 investigators believe have been requested or are still
5 outstanding because we would like to work with current
6 staff to make sure that to the extent that we have that,
7 those documents or information that they are provided. So
8 I emailed Mr. Germany about that last week. And we'll
9 certainly do everything we can to make sure that what is
10 needed is provided.

11 And just for some context because this case came in
12 after Ms. Hamilton left the county. We did run a search
13 of emails between Ms. Hamilton and the identified
14 investigator, and it does appear from those emails that at
15 least some documents were produced in response to his
16 requests. Ms. Hamilton and another staff member made
17 themselves available for interview and were interviewed by
18 the investigator. And that is consistent with
19 Ms. Hamilton's recollection as I understand it. So
20 there's -- there's not any intent from our perspective to
21 avoid providing information or documents.

22 And, again, we certainly on behalf of the Board and
23 current staff want to try to provide what has been
24 requested. And finally, I'd just like to note that the
25 cited statute 21-2-562 refers to a specific category of

1 documents that may give rise to a violation. And because
2 we don't have a specific body of documents identified in
3 the -- the hearing notice or case report -- I don't know
4 that there is a basis for a violation of the statute.

5 And so until we have that list, we'd ask that the --
6 the case be dismissed. But, again, do want to provide
7 whatever documents and information may still be
8 outstanding. And Ms. Hamilton is here with us today. I
9 appreciate the Board accommodating hearing us before
10 lunch. She is a current election official in Cobb County.
11 And is preparing for the audit to begin tomorrow.

12 MR. DUFFEY: Well, Ms. Koth, let me ask you this.
13 You know, if you look at the ones where the investigator
14 found that there was no evidence, we have uniformly held
15 people accountable for that sort of violation. For
16 example, the violation that precincts were not opened on
17 time, are you saying that we couldn't find any evidence
18 the precincts weren't opened on time? Then there's a
19 violation claim that -- that one precinct received its
20 voting equipment after the precinct opened. Is -- why
21 don't we have information about when it was delivered and
22 whether or not there's a violation of the not having the
23 voting equipment there on time? And -- I mean, there's --
24 there's an interview of Ms. Hamilton who was interviewed
25 on I guess on the 2nd of December -- I'm sorry, February

1 4th of 2021 where she said she stated she was aware that
2 some poll pads reverted back to advance voting data but
3 there's nothing here about equipment not being delivered
4 on time. I mean, these seem like such simple things to
5 determine whether or not they were or were not true.

6 MS. KOTH: Which number was that?

7 MR. DUFFEY: That's allegation 5. Then there was an
8 allegation that there were equipment failures.

9 MR. MASHBURN: Allegation 6.

10 MS. KOTH: For 5, he said that Patricia Young was a
11 poll manager at Stone View Elementary School. He recorded
12 the interview. She stated that the BMDs were delivered to
13 the precinct prior to the election but the poll pads were
14 programmed for early voting. She discovered the poll pads
15 were inoperable during the setup process at 6:00 a.m. She
16 immediately contacted the election office to request new
17 equipment. She received the new equipment at
18 approximately 9:00 a.m. All voters were offered
19 provisional ballots until 9:00 a.m.

20 MR. DUFFEY: Did they change precinct locations
21 without notifying voters?

22 MS. KOTH: That was -- that was for Brookhaven
23 Christian Church and Briar Lake Elementary School were
24 changed without notification. The poll manager at Briar
25 Lake Elementary School was unresponsive to his telephone

1 and email requests for an interview. John Russell was the
2 poll manager at Brookhaven Christian Church. He confirmed
3 he had several voters appear at his precinct who had voted
4 there for years, but they were not on his list of
5 electors. Therefore, the precincts were, indeed, changed.
6 He (inaudible) --

7 MR. DUFFEY: So -- so is the way that we get out of
8 allegations is by having people in the county not
9 cooperate with our investigations? And there's nobody
10 else that could answer those questions? This person
11 wouldn't cooperate, so we don't go any further?

12 MS. KOTH: He said on 2/4/21 he conducted the
13 interview with Erica Hamilton an elections coordinator,
14 Latasha Howard. In response to the allegation of lack of
15 notice of precinct changes, they stated poll managers were
16 notified of dual precincts during their training sessions.
17 As the precinct list changed due to emergency COVID-19
18 related closures. This information was disseminated to
19 poll managers via email. Voters received letters of
20 precinct changes and there was a press release published
21 on the county website of precinct changes, as well. In
22 addition, signs were posted at the precincts that were
23 changed up to a week prior to the election. Ms. Hamilton
24 agreed to provide documentation of precinct change
25 notifications.

1 MR. DUFFEY: Anybody else?

2 MR. LINDSEY: Just for the record, Mr. Chairman, my
3 firm, and I do work for DeKalb County for that reason I
4 need to recuse myself for any consideration on this
5 matter.

6 MR. DUFFEY: Okay. Thank you.

7 MS. GHAZAL: It appears to me that we have a bit of a
8 mixed bag here that in some of these cases, the
9 allegations are simply not supported by the facts. In
10 particular, the allegation of precinct changes, it appears
11 that the -- both voters received notice. Whether they
12 open the letters or postcards is -- is another question.
13 Whether the postcards that we send out are, in fact,
14 adequate notices. That's a policy issue.

15 So I think in some of these cases, like we've seen
16 before, there will be a large number of allegations and
17 not all of them are supported. But I think there's either
18 sufficient question with many of them or it appears that
19 there is sufficient factual basis to suggest that many of
20 these allegations are widely true but it's sorting the
21 wheat from the chaff here that we need to do. Such as
22 late -- this is -- this is the same -- same -- the same
23 election in which we had lots and lots of counties with
24 late openings, equipment not delivered on time because the
25 counties just weren't prepared. So that means that what

1 we see here is some more of what we saw in Chatham County.
2 Which needs more development, I think, in some cases.

3 MR. MASHBURN: Yeah. Late openings are almost always
4 be associated with a lawsuit and a judge's order. So
5 that's one that to me should be capable of determining
6 whether it happened or not because there's almost, I mean,
7 I -- I can't imagine late openings that aren't some --

8 MR. DUFFEY: Sanctioned.

9 MR. MASHBURN: Yeah. Yeah.

10 MS. VANDERELS: I -- we did have a late openings and
11 did obtain court order extending hours for the June
12 primary. I can confirm that. And we're certainly glad to
13 provide documentation to that effect. And, again, answer
14 any questions or provide documents to the extent that we
15 have them that may still be outstanding.

16 But Ms. Hamilton's no longer with the county so she,
17 in her, you know, individual capacity is not able to
18 provide that information and documentation. So if the
19 Board feels that a continuance is appropriate, I can
20 certainly -- glad to work with the investigators or the
21 Secretary of State's counsel to flush out what they
22 believe may still be outstanding. Which is what I
23 understand the -- the -- the violation is here that we're
24 hearing today.

25 MR. MASHBURN: Well, if I may? The thing -- the

1 thing that seems to be the issue with me and just kind of
2 being the -- trying to play institutional memory here.
3 Traditionally, when -- when an election director has an
4 allegation against them and they leave and go do something
5 else not related with elections, the Board is hesitant to
6 pursue people to the ends of the earth and just -- and had
7 them and just hound them. So the Board has traditionally
8 just let that go and said, okay. They're gone, you know,
9 then they knew -- they knew people were going to help.

10 But Ms. Hamilton is involved and still involved in
11 elections over in Cobb County. So what since
12 Ms. Hamilton's here, I would like to hear her commitment
13 to helping the investigators and helping the process as
14 one who's still involved in elections. I think she can,
15 you know, give the Board some comfort as her commitment to
16 the -- to the process -- if she's comfortable or willing
17 to do that.

18 MS. HAMILTON: Sure I can't go back to DeKalb County
19 to get any information.

20 MR. MASHBURN: Right.

21 MS. HAMILTON: But as far as anything that comes up
22 in Cobb County which I have to respond to, I am more than
23 willing to provide that information.

24 MR. MASHBURN: Right. And so with regard to -- to
25 things that you remember as a witness. Not whether you

1 have documents or not. But, hey, yeah, I remember about
2 that pest thing or I don't remember about that pest thing.
3 You're willing and committed to talking to the
4 investigators and getting them what they need, right?

5 MS. HAMILTON: Correct. Yes.

6 MR. DUFFEY: So is there a motion?

7 MR. MASHBURN: I volunteer to make a motion. I move
8 to continue this and let Ms. Hamilton and the
9 investigators work together with DeKalb County and see
10 what everybody can do and get a report on it in February.

11 MR. DUFFEY: Is there a second?

12 DR. JOHNSTON: Second.

13 MR. DUFFEY: It's been moved and seconded to defer
14 this complaint until our February meeting. Is there any
15 further discussion?

16 (No response)

17 MR. DUFFEY: All right. All those in favor of the
18 motion say aye.

19 THE BOARD MEMBERS: Aye.

20 MR. DUFFEY: Opposed, no?

21 (No response)

22 MR. DUFFEY: It passes. And Mr. Lindsey did not
23 vote. And so that concludes all of the cases unless I've
24 missed any. Have I missed any?

25 MR. MASHBURN: You've done well.

1 MR. DUFFEY: Then we will adjourn for 45 minutes in
2 which we will go into executive session.

3 MR. LINDSEY: And, Mr. Chairman, I think -- I think
4 it needs -- I need to make a formal motion to go into
5 executive session, if I may.

6 MR. DUFFEY: Yes.

7 MR. LINDSEY: I -- I move that we go into executive
8 session to handle personnel matters.

9 MR. DUFFEY: Is there a second?

10 MR. MASHBURN: Second.

11 MR. DUFFEY: It's been moved and seconded to go into
12 executive session. All those in favor of the motion say
13 aye.

14 THE BOARD MEMBERS: Aye.

15 MR. DUFFEY: Opposed, no?

16 (No response)

17 MR. DUFFEY: Then we are in executive session. And
18 we'll see everybody back here at quarter -- about quarter
19 to two.

20 (Whereupon, a recess was taken at 1:04-1:54 p.m.)

21 MR. DUFFEY: All right. Do we have a motion to
22 return from executive session?

23 MR. LINDSEY: I shall move, Mr. Chairman.

24 MR. DUFFEY: Is there a second?

25 DR. JOHNSTON: Second.

1 MR. DUFFEY: It has been moved and seconded that we
2 retire from executive session. So we are now back into
3 the meeting of the Board. And the next item of business
4 are, you know, is those cases that are -- that are subject
5 to the report of the Attorney General, Charlene McGowan.
6 If you'd like to...

7 MS. MCGOWAN: Thank you, Mr. Chairman. From the
8 Attorney General's report, I'm presenting a number of
9 consent orders that the -- that our office negotiated with
10 the respondents in the cases that are listed on the
11 agenda. It includes one consent order with Clayton County
12 that resolves two cases. SEB 2016-023 and 2016-114.

13 I also have four final orders to present to the
14 Board. Three of them are orders dismissing the case. Two
15 of the cases the respondents that are named are deceased.
16 So we're recommending that those cases be dismissed. As
17 well as SEB 2020-008 involving the city of Milan in
18 Telfair County. Our office has concluded that no
19 violation occurred in that case, and we're recommending
20 that the Board dismiss the case. One of them is a
21 reprimand and a cease and desist order.

22 So if the Board has any questions about any
23 individual case, I'm happy to entertain your questions.
24 Otherwise, we recommend that the Board approve the consent
25 orders and final orders submitted by the Attorney

1 General's Office.

2 MR. DUFFEY: I just have a question looking at these
3 as a coherent whole that we're looking at your recommended
4 remedies. It looks like you have listened carefully to
5 people who self-reported their violations and that that
6 impacted what you're recommending that we do, and we had
7 talked about doing that. Is that something that you're
8 still looking at?

9 MS. MCGOWN: Yes, particularly cases involving county
10 elections officials where they self-report we certainly
11 take that into account and appreciate counties taking that
12 action.

13 MR. DUFFEY: Good. Does anybody on the Board have
14 any questions about the -- the cases in the proposed
15 disposition by the Attorney General that are listed on the
16 agenda?

17 DR. JOHNSTON: So I in the case of 030 where the
18 Gwinnett County self-reported and I appreciate -- I really
19 appreciate self-reporting and that adds an opportunity for
20 improvement. However, there were multiple problems in
21 that case where 15 of 27 poll precincts did not open on
22 time. So given the -- that these multiple allegations
23 were self-reported and hopefully the plan is provided that
24 they won't -- that this won't happen again. What's really
25 needed is just a cease and desist?

1 MS. MCGOWAN: So this -- this is the case you're
2 asking about which is 2020-030, involving Gwinnett County.
3 The -- the meeting when that case was presided, I believe
4 it was, sometime over the summer at a recent meeting. At
5 that particular meeting the county attorney was present
6 and presented on behalf of the county and the Board at
7 that time asked the county attorney if the county would be
8 willing to agree to this particular remedy. So when the
9 Board voted to send the case over to our office, that was
10 the recommendation of the Board at the time. And so we
11 just simply (inaudible) the remedy that the Board
12 requested during this meeting.

13 DR. JOHNSTON: Okay. So it seems like violations and
14 no penalty, what will -- but there will be a record of
15 this that we might ask about it in the future.

16 MS. MCGOWAN: The signed consent order is a part of
17 the record, that is correct.

18 MR. DUFFEY: Do those get filed in the county for --
19 or do we file this in Fulton County?

20 MS. MCGOWAN: No. They're just maintained as part of
21 our records and if there ever became a need to move to
22 enforce the terms of the consent order, that's when it
23 would be filed with the court.

24 MR. DUFFEY: Any other questions of Ms. McGowan?

25 DR. JOHNSTON: I have a question, Judge. In some of

1 these violations I'm looking for consistency and some of
2 these there is -- they're similar violations rolled into
3 one case. And I just, I guess, I question if there are
4 two violations that occurred over three locations, but we
5 only agreed to a minimal civil penalty, would it fair to
6 consider that there are actually six violations that
7 occurred?

8 MR. DUFFEY: Well, that's -- you can always do that.
9 Recognize the process here and -- and anybody who's a
10 respondent is -- is going to know what happened.
11 Universal -- universal conclusive remedy and they often
12 talk in general terms about all -- all the violations and
13 what would be appropriate with respect to all of them. Of
14 course, if we decide that we wanted to do that, we would
15 have to send it back to the general -- Attorney General's
16 Office. They would have to renegotiate a consent order.

17 DR. JOHNSTON: So maybe it could be for future cases
18 in consideration of -- of multiple violations that are
19 included in a single case could be considered maybe a
20 stronger fine or penalty.

21 MR. DUFFEY: Maybe maybe not depends on what the
22 Attorney General's Office believes would be a fair and
23 just resolution based upon the totality of the content
24 that's being resolved.

25 DR. JOHNSTON: Thank you.

1 MR. DUFFEY: Well, I don't -- I'm not speaking for
2 you, well, I guess, I am speaking for you. But it's only
3 -- because I've been a lawyer too, so...

4 MS. MCGOWAN: Well, talking about the specific case
5 that you are referring to. I will say that we do take
6 into account the nature of the infraction, the ability of
7 the respondent to pay, a number of things. Any -- any
8 extenuating circumstances and mitigating factors that may
9 warrant a reduction and what the fine may otherwise be and
10 these are all negotiated settlements.

11 MS. GHAZAL: If I may, Judge. One note I want to
12 make sure that the public who is listening is aware of is
13 that part of the -- the settlement with Gwinnett County
14 and -- and the fact that we are issuing a letter, Gwinnett
15 County also agreed to -- used its resources to hire a
16 consultant to review their processes and that is part --
17 that is part of the consent order. So that they are
18 taking active -- additional active steps to ameliorate the
19 circumstances that led to the violation in -- in the
20 beginning and I think that is -- that is certainly a
21 resolution that I'm in favor of. Is -- is putting the
22 resources in -- in a way that we won't see this again and
23 voters won't be inconvenienced again in -- in the future.
24 And I think that's one of the sort of more unusual
25 features of this particular agreement.

1 MS. MCGOWAN: Yes, that is correct. Gwinnett County
2 did agree to retain a consultant that's part of this
3 consent order and I appreciate you making a note of that.

4 MR. DUFFEY: All right. Is there a motion to approve
5 the consent orders -- consolidated consent orders and
6 final orders recommended by the Attorney General's Office?

7 MR. LINDSEY: So moved, Mr. Chairman.

8 MR. DUFFEY: Is there a second?

9 MS. GHAZAL: Second.

10 MR. DUFFEY: It's been moved and seconded to accept
11 the recommendations of the Attorney General's Office with
12 respect to its consent orders and final orders. Is there
13 any discussion?

14 (No response)

15 MR. DUFFEY: Well, there be no discussion. All those
16 in favor of the motion say aye.

17 THE BOARD MEMBERS: Aye.

18 MR. DUFFEY: All those opposed, no?

19 (No response)

20 MR. DUFFEY: The motion carries. Thank you. Thank
21 you.

22 MS. MCGOWAN: Thank you, Mr. Chairman.

23 MR. DUFFEY: So the final part of our meeting is the
24 public comment section. I have more people on the list
25 that are here. So I assume that this will be short and

1 fewer comments then we expected. We begin first with
2 Mr. Balbona.

3 MR. BALBONA: Afternoon, Your Honor. I was just
4 going to speak about one thing. I had a question. And I
5 -- I'm an election nerd so on election night this mid-
6 term, I was just taking screen shots of the election night
7 reporting website, (inaudible) website. And I sent a -- I
8 -- I noticed something that was odd, and I sent an email
9 to the Henry County Elections Director, Ameika Pitts last
10 week.

11 And I sent another email yesterday and I cc'd it to
12 Blake Evans who is here earlier but isn't here now. And
13 in short, the totals for Warnock and Walker both went
14 down. Warnock's totals went down 2,654 votes and Walker's
15 went down 495 votes. The first screen shot I took was at
16 11:02 and the second one I took was at 11:27. So within
17 25 minutes 3,149 votes disappeared out of Henry County.
18 And I just wanted to know what happened?

19 Now, the second thing I wasn't going to talk about
20 but since you guys brought it up, I will. I'm very glad
21 to hear that the State Election Board is concerned about
22 fraudulent complaints because I had a fraudulent
23 allegation made against me. And I haven't done a
24 complaint about it because I don't know who to give that
25 to. Either Cobb County's Elections Director or the SOS or

1 both made false felony allegations against me. They
2 stated in 2020-077, that's the case number. I got a
3 notification letter sent certified mail and as you were
4 pointing out they bundled all seven of my complaints for
5 Cobb County into one case.

6 And I was very interested to see that I was a
7 respondent, seven of them, my complaints, complaint
8 responded and they're charging me. And what they were
9 alleging was that I violated O.C.G.A. 21-2-566 which is
10 interfering with an election. Which I had nothing to do
11 and they also had put in subsection 2 which said I
12 threatened violence. Which absolutely is not me. I'm a
13 lover, not a fighter, okay. So when I provided to my
14 investigator, his name is Gill Gaines, a digital audio
15 recording taken on a digital recorder just like the one in
16 front of you.

17 Of the entire time since the poll closed and all my
18 time at the polling location that showed that shadow of a
19 doubt that none of this was true. And he verified that
20 that no it was not true. And I am trying to find what
21 mechanism or agency I have to hold either (unintelligible)
22 or the Secretary of State's Investigations Department
23 accountable because they said four people accused me of
24 this. The Marietta Police Department, which only spoke to
25 one person who's the commanding officer. He's the guy who

1 I helped develop the training material on election code
2 for Marietta Police.

3 MR. DUFFEY: Mr. Balbona, remember this is only two
4 minutes.

5 MR. BALBONA: Okay. He said -- he said he didn't do
6 it. He -- they said that they're a supervisor, that area
7 supervisor didn't even run -- work that election. They
8 said that a security guard. I spoke to him, he said he
9 never said anything of such. The only person that I can't
10 verify is the poll manager who's the one who told the
11 security guard to get rid of me, okay.

12 So and I've also done a records request for the
13 investigator's notes. Everything is in. It's stamped and
14 it doesn't even say anything about any of that. So who's
15 watching the watchman? You're going to get complaint
16 about that very soon and I'm interested to see how you
17 respond to it. Thanks for your time.

18 MR. DUFFEY: Thank you. Ms. Hillegas?

19 (No response)

20 MR. DUFFEY: Ms. Jensen?

21 (No response)

22 MR. DUFFEY: Mr. Massey?

23 (No response)

24 MR. DUFFEY: Ms. Sutton?

25 (No response)

1 MR. DUFFEY: Ms. Reboredo?
2 MR. BALBONA: Respreto?
3 MR. DUFFEY: Maybe. R-E-B-O-R-E-D-O?
4 (No response)
5 MR. DUFFEY: Ms. Abirahnan?
6 (No response)
7 MR. DUFFEY: Ms. Battles?
8 MS. BATTLES: Oh.
9 MR. DUFFEY: Mr. Buckner?
10 MR. DUFFEY: Sorry about that. You're Ms. Battle?
11 MS. BATTLES: Battles.
12 MR. DUFFEY: Battles. Thank you.
13 MS. BATTLES: Good afternoon, ladies and gentlemen.
14 Thank you as always for the opportunity to make public
15 comments. My name is Cindy Battles, and I am policy
16 director for the Georgia Coalition for the Peoples Agenda
17 and in addition along with our program director, we
18 co-lead one of the largest bill programs in election
19 protection in the state of Georgia.
20 And some of the things that y'all have mentioned
21 today, including the unsustainable cost of elections is
22 one of the reasons why I wanted to talk to y'all. Because
23 there seems to be this idea that there were not long lines
24 on election day, there was not voter disenfranchisement.
25 But there was and a large part of that came from the

1 unsustainable cost that SB 202 put on the counties.
2 Including \$1.8 million for special ballot paper per
3 election. Which for some reason we hardly ever talk about
4 in this room. And that is an estimated cost by the
5 sponsor -- the original sponsor of that bill.

6 So one of the things that we saw in early voting was
7 counties not being able to hire additional staff because
8 they didn't have the money to run these runoffs. I stood
9 in line for two and a half hours and that was one of the
10 shorter ones. In addition, you've got situations where
11 staff are working too hard, and they've got things like
12 voter challenges to deal with. Which by the way, most of
13 those are unsustained, so going back to what we were
14 talking about about consequences for frivolous
15 accusations. These voter challenges are taking up like a
16 large amount of time for election workers and boards of
17 election.

18 But then we have things happening where the Secretary
19 of State is either not providing adequate communication
20 with the election supervisors of counties or those
21 election supervisors aren't having the opportunity to talk
22 to their poll managers and poll staff. So I don't know if
23 y'all have been watching the number of -- of OPPs that had
24 been dismissed because election staff weren't fully
25 trained on how to do those. But there's at least 200 in

1 just three counties.

2 And we're still working on getting those numbers.
3 And it's simple things, like the affidavit that was
4 supposed to be filled out, wasn't filled out properly or
5 it wasn't -- it wasn't filled out at all. Or election
6 supervisors didn't realize that they couldn't give a new
7 piece to someone before five. You've got counties where
8 people didn't get their new precinct cards after
9 redistricting who went to what they thought was their
10 location and they had to fill out -- they had to vote at a
11 provisional ballot and now they don't -- their ballot
12 isn't counted at all.

13 I don't care who they voted for. I care about the
14 fact that they made the effort to go vote and that vote
15 wasn't counted. Whether it's a lack of staff, a lack of
16 training, a lack of communication. One of the other
17 situations that we had is we had talked to the Secretary
18 of State -- one minute -- of the Secretary of State about
19 providing guidance on voter challenges because they're
20 allowed to submit to 30 challenges even up to five p.m. on
21 election day. They didn't do that until Friday before
22 early voting started.

23 And then when we were calling counties, election
24 staff didn't know what they were supposed to do with those
25 voter challenges. So you've got several different

1 problems. But all of them stem from a -- a system that is
2 just being strained to a breaking point. So I would
3 really appreciate it if the State Election Board would
4 have conversations with both the Georgia Assembly and the
5 Secretary of State to help alleviate that. That's all.

6 MR. DUFFEY: Thank you, Ms. Battles.

7 MS. BATTLES: (Inaudible) You missed your turn.

8 MR. DUFFEY: This is what's called grace.

9 MR. ABRIAHNAN: Thank you for your indulgence, Chair
10 Duffey, esteemed members of the Board. My name is Vasu
11 Abriahnan, senior policy counsel with the ACLU of Georgia.
12 I was also a poll worker last week at a polling location
13 that served almost 1200 voters.

14 I want to piggyback off a couple of things that Cindy
15 was saying. So I do appreciate that this Board and you
16 Chair Duffey have set an intention to be deliberate, to be
17 evidence-based, to be transparent and collaborate when it
18 comes to elections policy. It could be intricate. It
19 could be technical. We're talking about court rulings
20 that had interplayed operations from the state and from
21 localities and from the state legislature.

22 It's important that all of these things become
23 compatible with each other and that's why these things
24 take time. I think what we've seen in this past cycle are
25 the results of a process that was not deliberate,

1 evidence-based and transparent. However, 202 was created
2 was rushed, was closed door and was evidence free. And
3 that's why we see things like a convoluted voter challenge
4 statute where the interplay between 229 and 230 challenges
5 is just very hard to discern and ten reasonable people can
6 come to 20 different interpretations of that statute.

7 So anything that you all can do to help set that kind
8 of methodology for everyone involved in elections policy
9 making would benefit the system a lot. And I want to talk
10 a little bit about the lines that we saw during the
11 four-week runoff. The four-week runoff was just not a
12 good idea. I think at this point we all know that it was
13 implemented, again, in this rushed fashion because we
14 didn't want any gap between election day and the
15 registration deadline for the runoff. There were a lot of
16 reasons on the other side to not do what the legislature
17 did.

18 And we saw a system that was strained past its
19 breaking point in this past cycle. I waited for two hours
20 myself in order to cast my ballot. But it did also expose
21 a couple of gaps in how things are set up in the system.
22 For example, we have a requirement around the number of
23 ballot marking devices in the system on election day. But
24 the code and the rule, they're silent on a number of
25 check-in stations and they're silent on for scanners that

1 you need in a location where a voter has to check-in and
2 they have to mark their ballot and then they have to scan
3 their ballot.

4 All three are important if a bottleneck is created at
5 one station. It doesn't really matter how much you have
6 at the other stations, and the point location where I
7 voted, we had 20 ballot marking devices and at the most
8 four or five people voting all at the same time. We have
9 to show our ballot, of course, and we all know at this
10 point that we should have had more check-in stations and I
11 think the blame is shared among many different parties for
12 why we didn't have enough check-in stations for early
13 voting across the state of Georgia and why we saw that
14 problem at check-in.

15 Now, we did see some progress in some of the
16 counties. The county that started early voting before
17 everyone, Douglas County, Cobb County, as well. They were
18 running a poll pad pilot project that made check-ins much
19 faster across the system and I would love to see some
20 progress within the next two years, not only to get more
21 people on that poll pad pilot project, but also to engage
22 in the kind of technical and operational tweaks that make
23 all the difference in this system. As we get down into
24 the granular, technical details, if we have a commitment
25 to go slow. To get these details right, we can make the

1 system better for election workers, and for voters alike.

2 So, again, I appreciate the intention that this Board
3 has said. And I hope that that intention continues, and
4 it spreads across all the policy making entities in our
5 state for elections. Thank you.

6 MR. DUFFEY: Thank you very much. Mr. Buckner?

7 (No response)

8 MR. DUFFEY: Ms. Buckner?

9 (No response)

10 MR. DUFFEY: Protect the vote Georgia Cofounder, no
11 name?

12 (No response)

13 MR. DUFFEY: Ms. Allen?

14 MS. ALLEN: Did you say Allen?

15 MR. DUFFEY: Allen.

16 MS. ALLEN: Yes. Thank you so much for the privilege
17 to speak before you. Our elections are vital, and your
18 work is incredible. I voted early in Fulton County for
19 the Senate runoff election. I respectfully offer my
20 feedback and experience. I'm a mid-town resident. I've
21 been watching the Fulton Votes ad all week to determine
22 when and how to vote. Much like that's been expressed
23 here, I drove past Milton an Alpharetta library on
24 Tuesday, no way did I have time to wait in those lines.

25 On Friday, we finally drove to South Fulton Service

1 Center where the wait time was shown to be zero minutes
2 when we arrived. At the same time the wait was showing me
3 180 minutes at the Milton library. Were there really only
4 ten early voting locations in North Fulton? On Wednesday
5 somebody fainted at the Alpharetta Library. Thursday, the
6 same in Roswell. Both required EMS to show up. The
7 person in Roswell stated they were light headed due to
8 lack of food.

9 Each county runs elections individually. The
10 responsibility for this debacle is Interim Elections
11 Director, Nadine Williams, alone, in Fulton County. Wait
12 times of 120 minutes every day at the Milton Library,
13 Alpharetta Library, screams of voter suppression. Four
14 polling locations with wait times zero to 20 minutes all
15 within close proximity within the city of South Fulton is
16 great but what happened to the rest of Fulton?

17 My experience of just undeniably that Fulton County,
18 Georgia voters are being driven to mail-in ballots. Early
19 voting is promoted everywhere. Atlanta votes early signs
20 are everywhere. However, how many voting locations have
21 been reduced in the run off election. The High Museum,
22 John's Creek Environmental Center are examples of reliable
23 highly used early voting locations that were not used in
24 the runoff election. Why?

25 Voters are being herded like cattle to mail-in

1 ballots by making voters miserable to vote early or be in
2 -- in person. That's a reasonable conclusion based on our
3 experience that others have shared. However, the voter
4 can't even verify for whom their ballot's cast. Every
5 voter has the unacceptable election day challenge
6 regarding the fact that no human can verify their votes
7 within the two dimensional barcode unlawfully printed on
8 the ballots and used by the ballot tabulators to count the
9 votes. QR codes need to go. Voting machines need to go.
10 Voting centers need to go. We need local precinct voting.
11 Early voting needs to go. Mail-in ballots need to go
12 except for verifiable need-based examples, such as the
13 military and those who are ill or unable. Democracy dies
14 in the darkness.

15 Fulton County needs to stop manipulating voters.
16 This is on Nadine Williams. Nadine must own this voter
17 suppression experience in North Fulton. Counties have
18 full authority over the number of locations, number of
19 voting machines, number of staff members they provide in
20 each location. The Fulton County failure to (inaudible)
21 Interim Elections Director, Nadine Williams. I spoke
22 yesterday before the Fulton County Board of Elections and
23 Registrations. Their comments and response to my comments
24 was to dilute North Fulton concerns by dividing Fulton
25 into thirds. Instead of (unintelligible) this out, they

1 compared North Fulton with South Fulton and eliminate
2 Atlanta from the conversation.

3 MR. DUFFEY: Ms. Allen, you only got a couple more
4 seconds.

5 MS. ALLEN: Okay. (Unintelligible) stations don't
6 solve the problems. I ask this Board and our state
7 legislators to clean out Fulton County. Hiring two of
8 Georgia's top criminal defense attorneys and filing
9 paperwork to halt the audit proceedings previously ordered
10 by a judge, doesn't inspire confidence in the Fulton
11 County Board of Elections. We need to see that you all
12 are committed to free and -- elections and clean up the
13 mess in Fulton County. I've proposed ways to do that.
14 Thank you so much.

15 MR. DUFFEY: Ms. Wall?

16 (No response)

17 MR. DUFFEY: Mr. Metz?

18 MR. METZ: Judge, you might want to turn this
19 microphone down a little bit. We're getting some booming
20 before. Greetings State Election Board members. Thank
21 you for hearing me. I've only got seven pages to get
22 through so listen in a hurry. I am pretty sure --

23 MR. DUFFEY: You've got two minutes.

24 MR. METZ: I know.

25 MR. DUFFEY: Read fast.

1 MR. METZ: I'm fairly certain you all got a copy of
2 what we call the verified notice of forthcoming voidable
3 election bla, bla, bla. We sent it to each of you and
4 each of the 159 counties regarding (unintelligible) rule.
5 And Georgia statute O.C.G.A. 21-2-320 and 321. Which
6 essentially says that all municipalities are supposed to
7 put forth any changes in the voting from paper ballots to
8 machine. They're supposed to pass a referendum on that.

9 Furthermore, it also states in 321 that a referendum
10 must be passed in order to increase the taxes to pay for
11 stuff like all the traditional stuff that goes with the
12 Dominion voting system. You've already heard testimony
13 today and we're spending millions on -- on special paper.
14 I saw an invoice from Fulton County for \$800,000 for one
15 election for -- for the special paper used by the ballot
16 marking devices. And when it comes down to it, if you
17 trace the bread crumbs back to the very beginning of all
18 of this.

19 The original voting system put in place the Diebold
20 DRVs were put in place without such a referendum. So
21 there have not been any counties from our canvass of open
22 record requests that had shown that they have put forth
23 the prescribed referendum to go from paper ballots to
24 machines. Furthermore, they have not put forth a
25 referendum to increase the budget to accommodate for the

1 increased costs. Now, I'm just letting you know this
2 because we are still fighting to get rid of the Dominion
3 system and go back to pre-printed paper ballots like they
4 did for 200 years. They're still doing it in Europe.
5 Every developed country, except the United States, only
6 votes on paper.

7 You know, the most top secret materials in all of the
8 Department of Defense and everywhere else only uses paper
9 for their most vital, important records. They don't use
10 anything electronic. And I just want you to know that you
11 guys have the authority under the SEB rules to force
12 statewide and recount of the paper ballots. On
13 September 28th (unintelligible) couldn't be any more
14 explicit when he said the official records of the election
15 are the paper ballots printed by the ballot marking
16 device. Why not leave it paper ballots printed by the
17 ballot marking device and hand count. We've hand counted
18 for over 200 years in this country alone.

19 So I'm just begging you to please consider allowing
20 counties to get rid of the whole other side of the
21 Dominion system and go back to paper ballots. Unless and
22 until they pass the referendum. And that's all I have to
23 say today. Thank you very much for your time.

24 MR. DUFFEY: Thank you very much. Ms. Hayden Hooks?

25 (No response)

1 MR. DUFFEY: Mr. Randy -- I can't read this. Can you
2 read this?

3 MS. KELLING: He's not here. That was the Sumter
4 matter.

5 MR. DUFFEY: What's that?

6 MS. KELLING: That was the Sumter matter.

7 MR. DUFFEY: What's his last name?

8 MS. KELLING: Howard.

9 MR. DUFFEY: Howard. Really? And Garland Favorito?
10 (No response)

11 MR. BALBONA: He may be parking his car.

12 MR. DUFFEY: This is the last of the list. Is there
13 anybody who had signed up who's not been called?

14 (No response)

15 MR. DUFFEY: Okay. So that's the last order of
16 business on the agenda. Is there anything else that the
17 Board wants to bring up before we adjourn?

18 (No response)

19 MR. DUFFEY: Is there a motion to adjourn?

20 MR. LINDSEY: So moved.

21 MR. DUFFEY: Second?

22 MS. GHAZAL: Second.

23 MR. DUFFEY: All those in favor of adjourning say
24 aye.

25 THE BOARD MEMBERS: Aye.

1 MR. DUFFEY: All those opposed, no?

2 (No response)

3 MR. DUFFEY: We are adjourned. Thank you. Thank you
4 everybody for coming. We appreciate your participation
5 and your presence.

6 (Whereupon, the meeting was adjourned at 2:29 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 189 constitute a true, correct, and accurate transcript of the testimony heard before me, an officer duly authorized to administer oaths, and was transcribed under my supervision.

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

In witness whereof, I hereby affix my hand on this, the 12th day of January 2023.

Rebecca Barr
My commission expires April 1, 2023.

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