

1
2 THE OFFICE OF SECRETARY OF STATE
3 STATE OF GEORGIA
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9 IN THE MATTER OF:
10 STATE ELECTION BOARD MEETING
11

12 Tuesday, June 21, 2023
13 Georgia State Capitol, Room 341
14 Atlanta, Georgia
15 9:00 a.m.

16 Volume 1 of 2
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APPEARANCE OF THE PANEL

William Duffey, Chair
Sara Tindall Ghazal
Janice Johnston
Ed Lindsey
Matt Mashburn

Transcript Legend

[sic] - Exactly as said.
(ph) - Exact spelling unknown.
-- Break in speech continuity.
. . . Indicates halting speech, unfinished sentence or
omission of word(s) when reading.
Quoted material is typed as spoken.

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1 **P R O C E E D I N G S**

2 **JUDGE DUFFEY:** Good morning, everybody, and
3 welcome to the meeting of the State Election
4 Board, June 20, 2023. I will say I came up here
5 and in my place was -- were some papers, the
6 first of which was entitled Tax Incentive Review
7 Panel. And I know that this is a dynamic process
8 and things are happening, things are added to our
9 agenda all the time, but I had not heard about
10 the Tax Incentive Review Panel which I've been
11 told has nothing to do with me.

12 So we will start with the order of business
13 today, and we will begin with an invocation given
14 by Mr. Mashburn.

15 (Invocation)

16 **JUDGE DUFFEY:** And, Sara, if you will lead
17 us in the pledge, please.

18 **MS. GHAZAL:** Of course.

19 Please rise.

20 (Pledge of Allegiance)

21 **JUDGE DUFFEY:** All right. First order of
22 business is I need a motion to approve the State
23 Election Board meeting agenda and minutes for
24 February 7, 2023. Is there such a motion?

25 **MS. GHAZAL:** So moved.

1 **JUDGE DUFFEY:** Second?

2 **MR. MASHBURN:** Second.

3 **MR. LINDSEY:** Second.

4 **JUDGE DUFFEY:** It's been moved and seconded
5 that the State Election Board meeting agenda and
6 report for February 7, 2023, be approved.

7 Is there any discussion? If there isn't
8 any, then all in favor say aye.

9 **THE BOARD MEMBERS:** Aye.

10 **JUDGE DUFFEY:** Opposed, no?

11 The decision is unanimous.

12 Let's turn to -- and there's one
13 administrative thing that I want to announce
14 about tomorrow, which is neither considered a
15 separate meeting nor a continuation of today's
16 meeting. But tomorrow, after we consider the
17 petitions that have been filed, I have asked the
18 Secretary of State's Office and its -- the people
19 that are most knowledgeable about this to do
20 something which I need. And based upon e-mails
21 that I've received over the past several days, I
22 think it's something that everybody needs.

23 There's been this referral generally to
24 concern about the update to the Dominion Systems
25 machines being held off until 2025. That's a

1 decision that was made by the Secretary of State.
2 As I've gotten questions about that, I realized
3 one thing I did not know: what exactly the update
4 was. I didn't know what it did; I didn't know
5 what it addressed. Everybody just refers to it
6 as the update.

7 And so I have asked the attorney -- I asked
8 the Secretary of State's Office to give a
9 briefing tomorrow after the first item of
10 business which relates to the petitions so that
11 all of us will -- and many of us for the first
12 time, certainly me, understand what the update is
13 intended to address, what it does address, why it
14 addresses it, and then I've asked for it to be an
15 objective factual presentation so that we will
16 all understand what the update is and what it
17 seeks to accomplish.

18 This -- the Secretary of State's Office,
19 through Blake Evans and Charlene McGowan, have
20 agreed to do that. So we will do that tomorrow.
21 And I would ask all those that are interested,
22 even if you're not here, to tune in because I
23 think it will be the first time that we've gotten
24 that explanation.

25 My understanding is that the Secretary of

1 State sent out a letter yesterday. I don't know
2 whether that was for public consumption or
3 whether that just went to people that were --
4 that are in the elections process at the
5 counties.

6 I also know that at 3:30 today -- or at
7 least I've been told that he is having a Zoom
8 call with all the election officials in the
9 counties to answer questions about the update,
10 all of which I think is good because it's --
11 because I think that is something we all need to
12 know as we consider our respective positions on
13 that.

14 So that's the other administrative
15 announcement with one final exception. I, this
16 morning, granted postponement of Case Number
17 2022-205, Fulton County, vote buying which is in
18 the section of the agenda regarding violation
19 cases recommended for letters of instruction or
20 referral to the Attorney General's Office.

21 The Secretary of State's Office and the
22 State Attorney General's Office have asked for
23 time to consider the representation of the
24 respondent in that case and whether or not there
25 is or is not a conflict. And I have granted the

1 postponement. So that will not be heard today.

2 So with that I want to turn to the matter of
3 the Fulton County Performance Review report.

4 This has a longer history than I do on the board,
5 but it has a history that is law. These are
6 matters that were brought up and required upon
7 the request of the Fulton County delegation to do
8 a performance review of the conduct and
9 performance of the Fulton County Elections Board
10 following the 2020 election.

11 We have received the performance review
12 report that was issued by Mr. Germany, Mr. Day,
13 and Mr. Kittle. That is on the website for those
14 of you that wanted to read that. There was a
15 response by the county that we received and have
16 considered.

17 At the county's request, knowing that we are
18 going to have a hearing, they asked for the board
19 members to forecast to them any questions that
20 they had and we submitted those to Fulton County
21 to which they have now responded.

22 So we have -- we have a number of different
23 facts and arguments that have been presented to
24 us, some opinions expressed in the Fulton
25 County -- on the re -- the performance review

1 report by the members of the review board. And
2 today is the -- is a chance for Fulton County if
3 they want to add something further to the record
4 that they have submitted to us, they can.

5 And I've asked Mr. Tyler who represents the
6 Fulton County Board to be present to answer
7 questions that board members might have. And
8 I've also asked for members of the board to be
9 here and for one member, the executive director
10 of the staff, to be here.

11 And so thank you, Ms. Woolard, for being
12 here.

13 Thank you. I know that you probably don't
14 want to be here but you are, Miss Williams.

15 And the chair -- oh, I guess
16 chair-appointed-elect who will become the chair
17 of the board, I guess, on July 1st; is that
18 right?

19 **MS. PERKINS-HOOKER:** That is correct.

20 **JUDGE DUFFEY:** And that's
21 Ms. Perkins-Hooker. So thank you for being with
22 us.

23 And so at this point, I think I'm going to
24 turn it over to you, Mr. Tyler.

25 **MR. TYLER:** Thank you very much, Judge

1 Duffey and members of the State Elections Board.

2 **JUDGE DUFFEY:** And let me -- do you have a
3 microphone in front of you?

4 **MR. TYLER:** I do have a microphone.

5 **JUDGE DUFFEY:** What -- is there a number at
6 your seat? Are you seat 6? Let's pretend you
7 are.

8 **MR. TYLER:** Now I think it's on.

9 **JUDGE DUFFEY:** There you go. Thank you.

10 **MR. TYLER:** Good morning, Judge Duffey and
11 members of the State Election Board. My name is
12 Michael Tyler. I'm with the law firm of
13 Kilpatrick Townsend along with my law partner Ron
14 Raider. We are here to represent the Fulton
15 County Board of Registration and Elections.

16 We have with us, as the judge indicated,
17 Cathy Woolard who is the current chair of the
18 BRE. We also have Nadine Williams who is the
19 executive director of The Fulton County
20 Department of Registration and Elections and
21 Patrise Perkins-Hooker who as of July 1 will
22 become the new chair of the BRE.

23 I would say briefly we have been very
24 pleased at the engagement that Fulton County's
25 BRE has had with the Performance Review Board

1 appointed by the SEB. That was a point -- that
2 appointment was made back in August of 2021. The
3 BRP actually had a year-and-a-half investigation,
4 a very thorough investigation they engaged with
5 the county collaboratively. They issued their
6 report back on January 13th, a very comprehensive
7 report.

8 We, then, as the Fulton County BRE,
9 submitted our response on May 23rd. We were
10 pleased to be allowed to do that. We attended
11 the hearing on February 7th. We certainly were
12 pleased at the engagement of this board with the
13 Performance Review Board. All the questions that
14 were asked then, it was our hope and our
15 expectation that the board would resolve the
16 matter at that particular time.

17 The board however asked us to give our
18 report, our response to the report which again we
19 did on May 23rd. We followed up. When we were
20 asked to come before this board at the next
21 meeting, we did, in fact, ask for an opportunity
22 to respond to any questions that any of you might
23 have. We were pleased to receive your written
24 questions in advance and we did disseminate our
25 responses thereto.

1 So we are very pleased at the level of
2 engagement. This has been a very long-standing
3 process, one that has gone on, as I said, for
4 over a year and a half. We certainly are
5 confident that this board at this point, having
6 received a very favorable report from the
7 Performance Review Board -- we are hopeful.

8 We have every expectation that based upon
9 the comprehensive report, based upon the response
10 that we have provided, both in terms of the
11 response on May 23rd as well as the response to
12 all of the questions that you had of us and based
13 upon the additional responses that we are totally
14 prepared to give you today -- it is our hope, it
15 is our expectation that this board will see fit
16 to follow the recommendation of your very own
17 performance review board which found, as you
18 know, that Fulton County's Board of Registration
19 and Elections has made significant progress over
20 the course of the past two years and that it is
21 fully engaged in driving those improvements that
22 have been demonstrated and that, in fact, it
23 would be detrimental to remove that board.

24 So it is our hope, it is our expectation
25 that this board will now see fit to adopt that

1 recommendation, to adopt that report, to adopt
2 what we believe is the only fair, the only right
3 thing to do. And that is to close out this case.
4 We are totally committed. We have demonstrated
5 the improvement. We have put in place
6 mechanisms, infrastructure to sustain that
7 improvement and we intend to do so.

8 So at this point, I wanted to say, Your
9 Honor, Judge Duffey, what we would like to do is
10 to basically have the questions that any member
11 has. Primarily Ms. Woolard in her capacity as
12 well as Miss Williams in her capacity are the
13 ones that have the most knowledge about the
14 processes, the historical context, as well as the
15 future plans and the current plans of the Fulton
16 County BRE.

17 So we'll entertain any and every question.
18 What we would like to do, though, is to begin
19 with an opening statement, very, very brief, by
20 Miss Woolard. I'll disseminate a written version
21 of this but we'll turn it over to her. And then
22 any questions that any of you have, Your Honor,
23 we would then entertain and allow the person who
24 has the greatest knowledge to provide the answer
25 that works for this -- this board.

1 Again, we're pleased and privileged to be
2 here. I'll turn it over to Miss Woolard.

3 **JUDGE DUFFEY:** Do you have a separate
4 microphone?

5 **MS. WOOLARD:** I do.

6 (Mr. Tyler hands document to Judge Duffey.)

7 **JUDGE DUFFEY:** Thank you.

8 **MS. WOOLARD:** It's on? Okay.

9 **JUDGE DUFFEY:** Is it on?

10 **MS. WOOLARD:** Yeah. Okay, great.

11 Well, thank you. I'll be brief because we
12 submitted a rather lengthy statement in response.
13 But I just wanted to thank you, Chairman Duffey
14 and members of the board, for inviting me to
15 speak today and allowing me to be part of this.

16 As chair -- I'm going to read a little bit
17 today, but normally I'm a more extemporaneous
18 speaker, but we want to make sure for the record
19 that we -- we make a couple of points.

20 I'm here on behalf of the full board. The
21 full board has been apprised along the way of our
22 communication with you in my posture here. As
23 you know, Ms. Williams is here who is our
24 director. And my successor is here as well,
25 Patrise Perkins-Hooker who will become chair.

1 I want to thank Ryan Germany, Stephen Day,
2 and Rickey Kittles [sic] for the time and effort
3 of the Performance Review Board. We really
4 appreciate the time they put in, particularly
5 Stephen Day and Rickey Kittles as volunteers who
6 put in as many hours as we did into this. But no
7 slouch on Mr. Germany who put plenty of his own
8 time.

9 They reviewed the procedures and processes
10 of the department and observed polling locations
11 and election center operations during the
12 complete '21 and '22 cycles. That's nine
13 separate elections during that time.

14 I want to thank the Carter Center for its
15 report. We were asked by the Performance Review
16 Board if it would be amenable to having the
17 Carter Center observe. And to that, of course,
18 in keeping with our posture of cooperating in
19 everything, we were happy to invite them to do
20 that. Their report and observations during 2022
21 were very helpful.

22 And then Seven Hills Strategy [sic] for its
23 observations in the 2020 general election and
24 runoff election.

25 In all of the reviews in all of the

1 elections in which we all participated, none of
2 the reviews and reports found any violations of
3 the Fulton County Department of Registration and
4 Elections or of the Board of Registration and
5 Elections. We look forward to ending the process
6 today. We feel like we've made significant
7 progress over time.

8 Since the performance review was appointed
9 nearly two years ago, in August 2021, we
10 participated in multiple meetings, submitted tons
11 of documents, you know, facilitated many, many
12 inspections. And I have been open and
13 transparent about our plans and performance.

14 And I'll take a little bit of liberty to say
15 I want to thank the members of the board. We
16 have a bipartisan board and I think -- you know,
17 I've been in politics for a long time and I've
18 sort of been proud of, I think, a record of being
19 bipartisan and fair. And what is probably my
20 happiest achievement about this board is that we
21 have been unanimous on virtually every decision.
22 I think in two years, possibly, there have been
23 two or three votes where somebody felt like they
24 had to vote differently. That's a significant
25 achievement in a time of partisan discord. And I

1 think it's one of the things that has led us to
2 make so much progress over the two years.

3 As I mentioned, the Performance Review Board
4 did not cite any violations during the last two
5 elections, but we continue to address any
6 concerns anyone might raise and to try to answer
7 questions that anyone might have. But those
8 concerns don't constitute any violations of the
9 election code.

10 Mr. Chairman, I just want to thank you all
11 again for the opportunity to speak. We welcome
12 any further questions and look forward to seeing
13 a vote in the matter today. Thank you.

14 **JUDGE DUFFEY:** Before we open it into
15 questions, I want to frame the discussion.
16 Everybody is entitled to characterize what the
17 report says and I understand your
18 characterization and I appreciate it. And
19 there's certainly text in the report that
20 supports that.

21 What I want to note is this -- and is
22 this --

23 Does somebody have some water for me? Not
24 that because somebody's been drinking out of that
25 already.

1 -- is this. If you -- a fair reading of
2 this report does not say that there are no
3 problems and that there were no problems. A fair
4 reading of this report is that there were
5 significant problems causing a significant change
6 in staff. We now have a change in the leadership
7 of the board. There is an open position on the
8 board. So the amiability that has been on the
9 board, we don't know whether or not that will
10 continue because it's different.

11 You have gone through a number of election
12 cycles but you will not have a calendar in an
13 election cycle like you will in 2024. The
14 election cycle in 2024, my prediction is, will be
15 just what happened in 2020, or at least it has
16 the potential for that.

17 So my concern is between now and 2024. What
18 about the other comments within the report that
19 say that there have been significant changes,
20 mainly, I think, to overcome the systemic
21 problems and the cultural problems that occurred
22 in 2020?

23 But there are, at least, in the conclusions
24 and recommendations the following statements:
25 Training processes and procedures, organization

1 have been improved as well, but those -- but --
2 the first part is what you cite. I'll cite the
3 second part: But those things need further
4 improvement to ensure readiness and success in
5 the 2024 election. And that's the opinion of
6 somebody who's been involved in the actual
7 election process for years.

8 Second, the county's manager office in
9 Fulton County has continued to be involved in
10 planning, strategizing, and preparing for
11 upcoming elections which has positively
12 contributed to the improved execution of
13 elections.

14 Third, director -- staff level -- staff and
15 the Fulton County Board of Elections needs to
16 ensure that staff has the necessary tools and
17 guidance to ensure best practices and compliance.

18 Next, the existence of the performance
19 review helped incentivize Fulton County to make
20 improvements to their elections, which doesn't
21 surprise me. When under scrutiny, people do, in
22 fact, change. But it took an enormous amount of
23 donated work and is difficult to see how it is a
24 sustainable process that can continue to
25 positively influence election administration in

1 Georgia without some reforms. A positive,
2 proactive, and periodic review process,
3 appropriately funded, designed to support and
4 assist all counties with election improvements
5 could be more effective than the performance
6 review process in its current iteration.

7 That is a statement, I think an opinion of
8 the members of the panel that there isn't in
9 place a system by which Fulton County and other
10 counties that have problems can sustain their
11 performance or improve their support --
12 performance, going back to the first comment,
13 which is that there has to be an assurance of
14 readiness and success in the 2024 election.

15 And then finally, while the Performance
16 Review Board has seen improvement in Fulton
17 County elections since the 2020 election, further
18 improvement is still needed to ensure readiness
19 for the 2024 presidential election cycle.

20 Presidential election cycles see more voters
21 than midterms. And that was -- and we know the
22 midterms -- while I think it's fair to say that
23 because of the results there was less controversy
24 and less complaints about it, it -- when you have
25 a close result like 2020, the circumstances and

1 the ability to contend with those in -- and reach
2 the highest level of readiness and preparation
3 are necessary.

4 Georgia will be a competitive state in next
5 year's elections. So election preparation needs
6 to recognize that Fulton County's actions, and
7 all counties for that matter, will be heavily
8 scrutinized by political parties, campaigns,
9 candidates, and activist groups. To ensure
10 successful execution of the 2024 election, Fulton
11 County should continue the improvements it has
12 already embarked on and prioritized the areas for
13 improvement noted in this report.

14 So I think that the issue for me personally
15 is what could be put in place that meets the
16 requirement and the opinion of the panel, that
17 there has to be something in place to ensure that
18 the corrections that were made from the
19 performance in the 2020 election, the
20 improvements that have been put in place in order
21 to achieve that, that the further improvements
22 that the people in this report -- who had no ax
23 to bear with anybody and I think their sole
24 intent was to try to help us and to help those
25 people that are reviewing their report to find a

1 way in which the -- what has happened, the
2 improvement process is sustained and that we are
3 prepared for what they predict will be a very
4 difficult election in 2024.

5 So that's -- that's what I want to frame.
6 I'll have some more comments and some ideas on
7 how to do that, but I think a lot of it is -- for
8 me will be what would your response be to come up
9 with a means to ensure that the improvements that
10 are made can be sustained?

11 And I will say I -- Stephen Day, after this
12 work was all done, when I thought he would say,
13 "I'm done, you know, I've contributed my hundreds
14 of hours to do this" but was concerned enough to
15 express to me -- he said, How might we do this
16 better?

17 And what we are looking for, at least what
18 I'm looking for -- we'll hear from the other
19 members in a second, but what I'm looking for is
20 a process to ensure that the progress that was
21 made would be continued, that those additional
22 things that need to be put into place, and to
23 help, in fact, new people on the board including
24 its new leadership to do that.

25 Do -- Ms. Perkins-Hooker, let me tell you

1 this. I know you're a lawyer and you served as a
2 lawyer to the board. I was a lawyer until I got
3 to this job. I'm still a lawyer, but this is
4 totally different than anything I've experienced
5 in my professional life. And I think to some
6 extent you need someone to walk alongside you.

7 I call election directors when I see issues
8 that are percolating. And I call them and talk
9 about what the downside is for the election
10 process and whether or not we can -- and I
11 personally can get -- offer them any guidance on
12 what they might do so that they can maintain the
13 integrity of the process. And those have been
14 helpful, fruitful, and satisfying conversations.

15 The question is are we going to draw a line
16 in the sand which is let us go, be done with
17 this, and leave us alone? which is a little bit
18 of what I hear in your comments, Mr. Tyler. Or
19 are we going to say it's time to change?

20 It's time to change this process and work,
21 as I've said to lots and lots of election groups
22 around the state. It's time for collaboration
23 and cooperation and to do things differently than
24 we've done them in the past. And I think we're
25 prepared to do that.

1 But before we do that, let me let our board
2 members ask whatever additional questions they
3 have. We'll begin with Ms. Johnston.

4 **MR. MASHBURN:** She didn't hear the last
5 part.

6 **JUDGE DUFFEY:** Oh. Well, people can ask
7 questions. I'm going to just go down the row,
8 beginning with Dr. Johnston.

9 **DR. JOHNSTON:** I have no questions.

10 **JUDGE DUFFEY:** Mr. Mashburn?

11 **MR. MASHBURN:** I have no questions.

12 **JUDGE DUFFEY:** Ms. Ghazal?

13 **MS. GHAZAL:** I have no questions.

14 **MR. LINDSEY:** You want questions and wait
15 for comments.

16 **JUDGE DUFFEY:** Just questions.

17 **MR. LINDSEY:** I have no questions.

18 **JUDGE DUFFEY:** Okay. Now comments,
19 beginning with Dr. Johnston.

20 **DR. JOHNSTON:** Well ...

21 **JUDGE DUFFEY:** So far I'm 80 percent
22 complying with (indiscernible) to make sure
23 people have their microphones on. Now I'm only
24 60 percent complying. So bear with me as I try
25 to manipulate these speakers.

1 **DR. JOHNSTON:** I think -- on? On. Three
2 things. I want to thank the Performance Review
3 Board members for serving in this capacity. I'm
4 grateful for their willingness to take on the
5 assignment and just would like to say, in my
6 world of medicine, a planned -- or unplanned,
7 yikes, visit by the Joint Commission of
8 Accreditation creates stress and tension, but its
9 goal is to help doctors and hospitals measure,
10 assess, and improve performance in order to
11 provide safe, high-quality care for patients.
12 And I would wish the same for elections.

13 I also want to express my thanks to
14 Mr. Tyler, Ms. Woolard, Ms. Williams for
15 responding to the report and the state election
16 board questions. The kind words spoken by
17 Misters Germany, Kittle, and Day during their
18 report of the review are encouraging.

19 Since this is the first time for a
20 performance review report that has been requested
21 and performed, just a reminder that the scope as
22 written in SB202 legislation describes it as a
23 broad, thorough, and complete investigation and
24 evaluation. However, the limitations of the
25 Performance Review Board was made evident,

1 suggesting that issues like funding, focus, and
2 scope need to be addressed.

3 As Ms. Ghazal said in August of '21 at the
4 time of the creation of this board, any election
5 office has two goals: to ensure that every
6 eligible voter can access their ballot, cast it
7 by the method of their choosing, and that those
8 ballots are counted accurately and transparently
9 in such a way that assures the public that they
10 can have trust in the outcome.

11 I think that's four and not two things. But
12 nevertheless it's a great assessment and I
13 appreciate that. I look forward to the
14 discussion and comments of my fellow board
15 members. Thank you.

16 **JUDGE DUFFEY:** Mr. Mashburn.

17 **MR. MASHBURN:** Thank you, Judge Duffey.

18 When the Performance Review Board was
19 created, my comments were I hope Fulton County
20 takes this opportunity to do better rather than
21 throw up their hands and say, Well, it's in the
22 hands of the Performance Review Board and we're
23 going to give up. And I'd like to -- I'd like to
24 say that I'm very happy that in this years long
25 process that Fulton County didn't give up.

1 One of the things that the general public
2 does not know is that each of these board
3 members, volunteers, have been going to each of
4 the counties, and one board member each to a
5 county and watching, especially tabulation
6 centers. So the board members have put in an
7 extraordinary amount of time for each county and
8 we get pictures sometimes from Ed, appearing at
9 two in the morning and he's still -- he's still
10 counting.

11 So the board members worked very hard on
12 this. And during this process I was assigned to
13 Fulton County. Now, one of the reasons I was
14 assigned to Fulton County was because, as a poll
15 watcher, I had watched Fulton County for maybe as
16 long as 20 years, every election. And so one of
17 the things that I saw is remarkable change and
18 improvement during the process.

19 And so for that I extend a hearty
20 appreciation and congratulations to Cathy Woolard
21 for all of her hard work.

22 Now, one of the things that Fulton County
23 has always dealt with -- and I had friends on the
24 board of Fulton County elections and while we're
25 down in the tabulation center we'll talk. And

1 I'll say, you know, Well, what are y'all doing
2 about this? And they're just like, They won't
3 listen to us. And this was a board member. And
4 so to hear the report today that the board is now
5 moving unanimously is a substantial improvement
6 and a remarkable improvement. I think the
7 process has been very good and thorough and
8 everybody took their time.

9 There was a lot of talking on the
10 television, on the Internet that this was a rash
11 power play to take over Fulton County on a
12 partisan basis. And I think everybody involved
13 in this process proved that they were dedicated
14 to making the experience of the voter and the
15 results being trustworthy as their primary goal.

16 So I think everybody acted toward that goal
17 and I think the talking heads were wrong. And so
18 with that, I'll turn it over to my fellow board
19 members for their comments.

20 **JUDGE DUFFEY:** Thank you, Mr. Mashburn.

21 Ms. Ghazal?

22 **MS. GHAZAL:** Briefly. I just want to thank
23 everyone who has been a part of this process: the
24 members of the review board, including
25 Mr. Germany, Mr. Kittle, Mr. Day, and certainly

1 everybody involved in Fulton County, starting
2 with Ms. Woolard and everyone else. Ms. Williams
3 has been working, laboring for two years under
4 what has basically been sort of a down place, not
5 knowing what this process would look like and how
6 it would end.

7 I'm exceedingly grateful for all of the work
8 that everyone has put into this.

9 And, Ms. Perkins-Hooker, I believe that you
10 are being -- you have the great good fortune of
11 inheriting a much improved body and a more im --
12 with a great deal more confidence in it. It's
13 been an enormous amount of work. I hope if there
14 are legislators or legislative staff who are
15 watching -- either watching or taking note of
16 this that they understand a two-year process is
17 really not sustainable. We do need something
18 else.

19 Now, while the focus has been so much on
20 Fulton County, because let's face it, it's the
21 biggest, most important, most prominent county in
22 the state, I think we probably have similar
23 reports on a hundred and fifty-eight other
24 counties. And I want to keep that in mind as we
25 talk about improvements. These are writ large.

1 It's not just one county that has had problems.

2 We had unique circumstances in 2020. We'll
3 have other unique circumstances in 2024. I hope
4 that counties are preparing for the fact that
5 they may have to do another redistricting between
6 now and then and that takes enormous resources.
7 I have no crystal ball, but it's entirely
8 possible.

9 So we have to -- we have reached a great
10 point now, but we can't -- we can't let up. We
11 have to continue to keep on top of the processes
12 and make sure that we're constantly improving.
13 And I hope that you will see us as an ally and an
14 advocate and not just as a quasi-judicial body.
15 We want -- we're all here to make sure that the
16 voters of Georgia are served. That's our --
17 that's our goal and I hope that we can work
18 together in doing that. Thank you.

19 **DR. JOHNSTON:** Thank you, Ms. Ghazal.

20 Mr. Lindsey?

21 **MR. LINDSEY:** Thank you, Mr. Chairman. In
22 response to Mr. Mashburn's comment about my
23 picture, let me tell you why I sent the picture.

24 **MR. MASHBURN:** No, that's all right, Ed.

25 **MR. LINDSEY:** No, no, no, no. It's a good

1 one because I sent the picture of me and the
2 Gwinnett County Election Board to celebrate the
3 fact that among the four largest counties in the
4 state, Gwinnett County finished first. But I
5 don't live in Gwinnett, I live in Fulton. So
6 next time out, I want to see Fulton come in first
7 and I want to see y'all beat Gwinnett in terms of
8 the election -- county.

9 That's part of your challenge,
10 Ms. Perkins-Hooker.

11 I'm a longtime resident and I think I've
12 spent about 80 percent of my life in Fulton
13 County. So you know why I'm particularly
14 gratified by the report and gratified by the
15 county's cooperation with the investigation and
16 appreciative of the efforts that was undertaken
17 by everyone involved in its investigation.

18 I also recognize that Fulton County has a
19 lot of challenges. I mean, it is a county, if I
20 remember correctly, that's over 70 miles long.
21 That is the largest county in the state and so
22 you're going to have a lot more focus on you than
23 maybe some of the other ones do. And that's --
24 and that's a good thing quite frankly, given the
25 fact that you hold such an important role in any

1 type of -- with a tight election. And there will
2 be a tight election about -- according to
3 everyone who's predicting one in 2024. And
4 overall the state will have a target on its back,
5 and we need to work with everyone.

6 As y'all hopefully have noticed, this board,
7 underneath the leadership of Chairman Duffey, is
8 much more proactive than, perhaps, it has been in
9 the past in terms of being collaborative with
10 counties and, you know, with those that are on
11 the front line, seeking not only to tell you
12 where you went wrong but to also encourage what
13 could be done to make things better, to try to be
14 your mouthpiece with the state election -- with
15 either the Secretary of State or the General
16 Assembly in terms of what needs to be done, in
17 terms of -- of making our election process better
18 and more fair.

19 A lot of things -- having served in the
20 General Assembly, I could tell you a lot of
21 things that are -- in theory look good when laws
22 are being considered, however, in practice become
23 very difficult. So we would want to be that
24 advocate not only for -- to go after folks that
25 misbehave but to go after folks who are trying to

1 do the right thing, to help them do so. And
2 that's our goal.

3 I have, as the other board members have
4 expressed, been encouraged by the progress that's
5 been made by chairman Woolard. And I know from a
6 long time Miss Perkins-Hooker. And I know that
7 while you're picking up a board that's in a
8 process in Fulton County that's better than the
9 one that Ms. Woolard was handed, you are
10 nevertheless going to be facing a lot of
11 challenges as was expressed by the report that
12 said that certain things need to be done and
13 continue to need to be done to make things even
14 better, particularly as we face the challenges of
15 2024.

16 So when -- those are basically -- my main
17 points that I want to make is that, you know, I
18 recognize the difficulty that the county board
19 members have. I actually served on Fulton County
20 Election Board in 2002, two thousand -- no,
21 actually 2003, 2004. So I'm aware of the
22 challenges that you face and I hope that this
23 will open and continue to open a dialogue between
24 this board and the county board and let us be not
25 only folks who could tell you how we even have

1 perhaps done some things wrong but also y'all
2 tell us how you can do your job better. And let
3 us be your advocate with those various entities
4 that I discussed earlier.

5 With that, Mr. Chairman, I thank you and I
6 thank the board members and wish Miss Patrise
7 Hooker all the luck in the world.
8 Perkins-Hooker, sorry.

9 **JUDGE DUFFEY:** So let me make my comments.
10 While I've only done this for a year, it seems
11 like several years. I've learned this, that the
12 board has been too reactive. And by reactive, it
13 basically does two things. It responds to
14 complaints -- and there are a lot of them -- and
15 then it occasionally, in recent history, not
16 often, passes rules. And I don't think the state
17 election board should function that way.

18 On July 1st, we become an independent
19 agency. Under SB222 we have our first
20 appropriation. Like all entities it wasn't
21 enough, but it's a start. But it gives us --
22 what I had requested at the very beginning of my
23 tenure was independence and adequate resources.
24 And we are on that track in a way that we weren't
25 able to a year ago.

1 When you're on that track, you can look at
2 what the mission is of the board. And if anybody
3 reads 21-2-31 of the duties of the board, they're
4 broad. They're very broad and it's certainly
5 more than making rules and hearing complaints.

6 This process -- and I'll tell you a little
7 bit about this process. This process has taken
8 way too long because of lack of resources and to
9 ask two willing members of the election system
10 to -- to donate their time to help. And they did
11 that, I think, and they did that well.

12 I think the two most important lines in this
13 report that they issued are the members, Stephen
14 Day and Rickey Kittle. And when Rickey Kittle
15 Rickey spoke at our meeting in Macon, he said, I
16 only have about five minutes worth of comments.
17 And forty-five minutes later, I think, we were
18 the beneficiary of why he did what he did and why
19 Stephen Day did what he did. And it was all
20 geared towards trying to give us input on the
21 imperfections in the system.

22 And the imperfections are that when you pass
23 a piece of legislation, when that legis -- when
24 you take authority under that legislation -- and
25 I've been a judge for a long time -- people draw

1 lines. And they say, Let's go back to what we're
2 required to do and what we're not required to do
3 rather than saying, What should we do? And how
4 can we do that not just alone but with others?

5 I've been told early on in this process, I
6 said there's -- there are -- maybe are two other
7 counties that we ought to have performance
8 reviews and I was told there's no money to do
9 that. And I'm now convinced that there isn't.
10 So we passed a statute which by its nature is
11 imperfect and I think by its nature required the
12 investigation to go longer than -- the review to
13 go longer than it should have and I think longer
14 than it necessarily should have. But that
15 happens when you're working up against a statute
16 and guiding a client and guiding a panel that
17 is -- that is constrained by a statute passed by
18 the general assembly.

19 And I said, Why are we doing that? Why are
20 we not taking a step back and looking the way I
21 look at the election process which are three
22 entities: Secretary of State's Office, the
23 counties that run the elections, and the State
24 Election Board. And as I've said often to
25 election officials, those three entities are way

1 too silent. Everybody stays within their silo.
2 They communicate with each other, but there's --
3 but there needs to be more cooperation and
4 collaboration between those three, including us,
5 which I think we're more capable of doing now
6 that we are an attached agency to the Secretary
7 of State's Office.

8 And I -- it's really interesting in this job
9 how often something I've done in the past informs
10 me on suggestions in the way that we might leap
11 forward in the future. And when I was the United
12 States attorney, one of the first things after I
13 was the United States attorney is I was told that
14 we were going to have an evaluation by the
15 Administrative Office of the Association of
16 United States -- of the Department of Justice.

17 And what they were going to do is they were
18 going to send a team -- not of hired consultants,
19 not of outside third parties, but a collection of
20 people from other United States Attorneys Office.
21 And I think ultimately the team was about seven
22 or eight people. And they had a checklist of
23 what they were going to inspect when they came to
24 our office.

25 One, I knew what they were going to inspect.

1 And when I looked at it, I said those are the
2 things that need to be inspected. And if we're
3 doing something poorly, I need to know that. And
4 if we're doing something well, I need to know
5 that so I can tell the people that are doing
6 things well that they are.

7 And secondly, if they're not doing things
8 well, what we can do to meet the expectations of
9 the team? They spent three days, filed a written
10 report with me, briefed me when they were done,
11 and I found it incredibly valuable because I was
12 being evaluated by people that had the same job I
13 had, in the same environment in which I worked.

14 And I said, Why does that not exist in the
15 state of Georgia? You know, why don't we have a
16 system so that big counties can help little
17 counties, little counties can help big counties,
18 and finally sit down and say, What is it that a
19 county needs to do to run as fairly, efficiently,
20 with integrity in election? And can we come up
21 with a list that we would distribute to everybody
22 and say, Every three years somebody's going to
23 visit you and see how you're doing against that
24 list? The list does not exist. The structure to
25 do the collaborative review of each other does

1 not exist, and it should.

2 The people that are best capable of helping
3 us develop a system like that is Fulton County
4 right now. And I'm convinced, having met with
5 election officials in other counties, that not
6 only would they endorse that, I think they're
7 desperate for it rather than everybody doing
8 their own thing.

9 When somebody comes in that is doing the job
10 that you're doing and says, I've looked at the
11 way that you're doing it and what you're doing is
12 inefficient, it's not cost-effective, or it's
13 wrong, then my invitation to the county is that
14 they would partner with the board to develop that
15 system.

16 And on behalf of the board -- we haven't
17 voted on this, but I could say on behalf of the
18 board, in hopes that they would support this,
19 that we would, in fact, engage in that process
20 with you. And we ought to do it right away
21 because we have to begin at least telling people
22 in the counties what we expect collectively so
23 that they can have at least a few months to
24 prepare before the 2020 [sic] election.

25 And I don't know if anybody else in the

1 country is doing this and frankly I don't care.
2 If this is what makes our system better and we
3 are willing to devote the time to do that, then
4 we should because we owe that to every citizen in
5 the state. I am -- it makes me weary to know
6 people that -- to have people that I trust and
7 that are friends of mine say they don't know if
8 they trust the system anymore.

9 And I think we have a collective duty to
10 change that. But there has to be a step in that
11 direction and it has to be a step different than
12 the steps we've taken in the past.

13 So in a second, I'm going to entertain a
14 motion on what -- on what our response is to the
15 board report. My hope is that I would get a
16 response from Fulton County that they are
17 willing, able, and enthusiastic about doing
18 things differently in the state.

19 Does anybody else want to add to that? Is
20 there a motion?

21 **MS. GHAZAL:** I would like to move that we
22 accept the recommendations of the Performance
23 Review Board and choose not to -- leave the board
24 in place.

25 **JUDGE DUFFEY:** You said choose not to leave

1 the board --

2 **MS. GHAZAL:** No, no. No. We allow the
3 Fulton County superintendent to continue to do
4 the work and continue to make the improvements
5 that they have been doing.

6 **JUDGE DUFFEY:** Is there a second?

7 **MR. LINDSEY:** Second.

8 **JUDGE DUFFEY:** It's been moved and seconded
9 that the -- we accept the recommendation of the
10 Performance Review Board and allow Fulton County
11 to continue in its current organization and to
12 continue to make improvements in anticipation of
13 the 2024 election. Is there any discussion?

14 **DR. JOHNSTON:** What -- what I would hope to
15 see is measures, assessments, and improvement.
16 Three things. Measures are metrics that can be
17 assessed and can be improved upon and then can be
18 demonstrated to show sustainable improvement.

19 **JUDGE DUFFEY:** That's a comment, but that's
20 not a modification to the motion?

21 **DR. JOHNSTON:** No.

22 **JUDGE DUFFEY:** Okay. Mr. Mashburn?

23 **MR. MASHBURN:** The -- the reason I'm
24 inclined to support this motion and will be
25 voting in favor of the motion -- it's been moved

1 and seconded -- is that the issue that related to
2 Fulton County, there's no -- there's no doubt
3 about it, Fulton County was challenged in this
4 area for a long time and the answer was, We can't
5 do better. We're doing -- we're doing the best
6 we can. We can't do any better.

7 And so now I'm convinced that there is a
8 standard that Fulton County itself has set that
9 is the standard that they've shown what they can
10 do. And so now it's not, We can't do better,
11 it's, We've got to keep doing what we did while
12 people were watching us very closely.

13 And so the ultimate -- the ultimate decision
14 point in my mind that is going to guide my vote
15 is the question of will one result or another
16 benefit the voters of Fulton County who I believe
17 have been benefited greatly through this process
18 and the improvements that -- that this process
19 has brought about.

20 And so the people who even raised this for
21 Fulton County in the first place, the legislator,
22 should be commended because they brought about
23 change that nobody thought could happen. And so,
24 you know, thanks to them for starting it. But
25 will it benefit the voters of Fulton and the rest

1 of the state in that does the rest of the state
2 trust the results coming out of Fulton? So it's
3 not just the voters of Fulton who have benefited
4 by this process, but the rest of the state has
5 got a very intense interest in what happens
6 because it impacts their elections as well as
7 those results need to be trustworthy.

8 So that will -- that will explain my vote of
9 why I'm in favor of this motion.

10 **JUDGE DUFFEY:** Thank you.

11 Ms. Ghazal?

12 **MS. GHAZAL:** I made the motion. So --

13 **JUDGE DUFFEY:** Are you on?

14 **MS. GHAZAL:** I am on. I made the motion, so
15 I have nothing further other than to call the
16 question.

17 **JUDGE DUFFEY:** Okay. Well, Mr. Lindsey
18 hasn't --

19 **MR. LINDSEY:** Yeah. The only thing I would
20 add to what Mr. Mashburn and the others have said
21 is that, you know, the bottom line is -- you
22 know, I'm saying this as, once again, not only a
23 member of the State Election Board but as a
24 resident of Fulton County -- I'm looking for an
25 accurate, fair, transparent election process that

1 the voters can have confidence in the outcome,
2 given the efforts by the Fulton County Election
3 Board over the last two years and underneath
4 Ms. Woolard's leadership. And having confidence
5 because of my history with Ms. Perkin-Hooker, I
6 believe that that progress will continue.

7 And I thank you all for serving.

8 I want everyone to remember that these
9 boards are voluntary, by the way, and that -- and
10 as part of it, I recognize and I think our board
11 recognizes that we have a responsibility to
12 assist you in that process.

13 And for that reason, Mr. Chairman, is why I
14 seconded the motion and why I will vote in favor
15 of it.

16 **JUDGE DUFFEY:** Okay. The motion is to
17 accept the recommendation of the Performance
18 Review Board and allow the current structure of
19 the -- of the administrator of Fulton County to
20 remain in place and continue their work and to
21 make further improvements in the election process
22 in Fulton County.

23 All those in favor say aye.

24 **THE BOARD MEMBERS:** Aye.

25 **JUDGE DUFFEY:** Opposed, no?

1 The motion is unanimous.

2 Now, before you leave, I'd like to know what
3 your reaction is -- probably, Ms. Williams, you
4 might be the best, to your reaction that you --
5 whether or not you would agree to partner with
6 the board to set up a system of review for all
7 counties. Maybe I ought -- I don't know who your
8 boss -- I guess your boss is technically
9 Ms. Woolard but you're about to have a new boss.

10 So whomever wants to answer that question.

11 **MS. WILLIAMS:** The issue is -- she can
12 answer.

13 **MS. WOOLARD:** I can answer. And then -- and
14 then I can let my successor answer for her.

15 **JUDGE DUFFEY:** Okay.

16 **MS. WOOLARD:** I've learned quite a lot in my
17 two years in this tenure. And I was at the
18 January meeting in Macon, thinking that we would
19 be at this point in January. So I'm glad to
20 finally be at this point. But what I have
21 observed in the last two years, especially with
22 new legislation coming down from the General
23 Assembly that has imposed new requirements on us
24 and other kinds of things is that we have to be
25 very, very careful to preserve the ability of

1 election boards and staff to do the work they
2 need to do to prepare for elections and run those
3 elections. Any additional effort that we have to
4 make put anyone at risk of not paying -- you
5 know, not following the ball when they need to
6 follow the ball.

7 If I were to be able to give you some
8 suggestion -- well, I'm going to give you some
9 suggestions of where I think you might be helpful
10 to all of us in the hundred and fifty-nine
11 counties is to have a discussion with staff and
12 boards from the hundred and fifty-nine counties
13 about where we could use your assistance.

14 I've been very frustrated over the last two
15 years that there hasn't been some conversation at
16 the General Assembly about the impact of some of
17 the changes that have gone on, particularly with
18 Senate Bill 202.

19 And I -- I'm not saying this from a partisan
20 perspective, but I'm saying this from the
21 operational perspective. When you put into place
22 new requirements, sometimes not well-written, and
23 you have a hundred and fifty-nine counties trying
24 to figure out what was meant and to comply, it
25 creates additional burden and it creates

1 additional cost. When you don't do an assessment
2 about whether the changes that have been brought
3 to us have achieved the desired object, then
4 you've failed to analyze whether you've actually
5 achieved that. So we think there's a broader
6 conversation to be had with all of the counties.

7 But I personally think to make it the
8 responsibility of Fulton County to come up with
9 that is not appropriate because it doesn't
10 account for what is useful to smaller counties.
11 We have a hundred and sixty-five thousand voters.
12 We have a county, as you mentioned, Mr. Lindsey,
13 that's seventy miles long. We have extreme
14 logistics requirements that are very, very
15 different than a county that might be somewhere
16 else but might be more similar to the four or
17 five metro counties that are equally large that
18 could participate in a process like this and
19 bring points of view that we might not have
20 because of our focus on our needs.

21 So what I would say in answer to will we
22 partner, of course we will always partner. We
23 will always be open and transparent. We welcome
24 people coming to observe our elections and our
25 processes. But for us to be the focus of that, I

1 don't think is appropriate and I think we prefer
2 not to do that. But we would -- but we would
3 hope that as you go about figuring out what your
4 agency will be embarking on, that this will be a
5 collaborative process involving the election
6 administrators from across the state.

7 **JUDGE DUFFEY:** Well, I think you
8 misunderstood what I said.

9 **MS. WOOLARD:** Maybe I did.

10 **JUDGE DUFFEY:** Yeah.

11 **MS. WOOLARD:** Why don't you clarify?

12 **JUDGE DUFFEY:** And -- because I didn't -- if
13 I said that, I didn't mean to say that. It's not
14 that you're going to be under any specific set of
15 conditions that it -- what might be set to
16 whatever process we have, but I've had these
17 discussions with other counties already.

18 What's missing is a comprehensive approach
19 for all counties to come up with those things.
20 There are certain things that all counties have
21 to do. And there are certain things that are
22 harder to do in a big county than a small county.
23 In -- you know, my mother used to say -- because
24 she had a broken nose and never got it fixed, she
25 said, My nose may look like a turnip but I didn't

1 come over on the truck yesterday. That -- I know
2 that there's differences.

3 I'm not asking you to be the sole focus of
4 this. I'm asking there -- to do what I've
5 proposed to the counties which is that we have
6 working groups to develop comprehensive systems
7 that would guide counties and allow for the
8 chance to review and have feedback.

9 So if you think I'm just imposing something
10 on you, then you have really misunderstood me.

11 **MS. WOOLARD:** You mentioned nothing about
12 working groups or working with other counties.
13 So my assumption was that you meant entirely
14 Fulton County. Thank you for the clarification.

15 **JUDGE DUFFEY:** You're welcome.

16 Let's see. You're number --

17 **MS. PERKINS-HOOKER:** Number 3.

18 **JUDGE DUFFEY:** Ten?

19 **MS. PERKINS-HOOKER:** Three. Wherever I --
20 this is live.

21 Chairman, I -- we -- we don't have a board
22 to speak to at this point in time, but as of
23 July 1, I know as the incoming chairman, at that
24 time, I have no problem whatsoever proposing to
25 our board that we work in conjunction with the

1 SEB to help work with other counties to develop,
2 I guess, that checklist that you indicated that
3 was used in the Attorney General's Office review,
4 because it's needed.

5 This is all new territory, new grounds.
6 Fulton County's been paving the way and we do
7 need to be engaged collectively to address the
8 problems that are in the law, the confusion that
9 is in the law, and develop that checklist that I
10 think Dr. Johnston mentioned that has metrics and
11 some things that we can analyze and assess
12 uniformly.

13 And that's what I am willing to propose to
14 the new board. I have no objections to that
15 concept. And that may get us across the
16 threshold with the challenges that have just
17 besieged us. Despite the fact we have no
18 violations, it's still very hard to navigate
19 through this law. And we could apprec -- I would
20 appreciate the SEB's assistance with that.

21 **JUDGE DUFFEY:** Thank you very much. And I
22 appreciate your willingness to embark on this --
23 on this new process.

24 Anything else from -- Mr. Tyler, anything
25 else you want to say or ...

1 **MR. TYLER:** Again, I'd just like to thank
2 the board for the decisions made and for your
3 deliberation. Again, I would thank the members
4 of the Performance Review Board. The
5 collaboration that we had with them was very
6 instructive and very productive.

7 So thank you for your decision. Thank you
8 for your participation.

9 **JUDGE DUFFEY:** Before we go on to the next
10 topic, I want to -- I want to note this.

11 Chairman Pitts, I think that's you. Isn't
12 it?

13 I just want to tell a story about Chairman
14 Pitts, about being a responsible citizen and a
15 responsible elected official.

16 You won't remember this. Years ago, when we
17 were attending St. John United Methodist Church,
18 you showed up at our service one day. And we had
19 a really short conversation. I welcomed you and
20 just asked you, you know, How did you decide to
21 attend? And while I can't remember exactly what
22 you said, you said this. I'm not -- I don't have
23 any agenda. I go to church and I worship with
24 other people and I want to worship with the
25 people who elected me.

1 And I thought that that was one of the
2 guiding principles about serving in a public
3 office, which is that your presence among the
4 people to whom you are responsible and who you
5 are trying to serve sometimes I think is more
6 important than your policy. And I just want to
7 thank you for standing as an example for me many
8 years ago. And I've taken it to heart. Thank
9 you.

10 All right. So we are -- we then conclude
11 this portion of the meeting. And we will move to
12 investigative reports.

13 Thank you for coming, and go and do good
14 work in the future. We look forward to working
15 with you, Ms. -- Ms. Perkins -- Perkin-Hooker.

16 **Cases Recommended To Be Dismissed**

17 **JUDGE DUFFEY:** All right. So we're now
18 going to turn to item number 4 of the agenda
19 which are cases that the investigators who
20 investigated them have recommended to be
21 dismissed.

22 Those are listed on the agenda. There are
23 nine of them? Is that right? And because of
24 their recommendation and because we have all read
25 these reports, we've had a chance to -- to look

1 at what the investigation provided and what the
2 facts were. And I will begin by saying is there
3 anybody within this group of cases recommended to
4 be dismissed on the agenda that would like to
5 dis -- that they would like to discuss
6 individually?

7 **MR. LINDSEY:** Yes, Mr. Chairman.

8 **JUDGE DUFFEY:** All right. And which one
9 would you --

10 **MR. LINDSEY:** The first one, 2020-059.

11 **JUDGE DUFFEY:** All right. So --

12 **MR. LINDSEY:** The only thing I want to
13 discuss separately is that -- and I do agree that
14 the issue should be dismissed, but this is a
15 request to my chair. I would like to ask,
16 because of what the particular poll worker has
17 gone through -- two poll workers have gone
18 through with certain false claims, I would like
19 to ask that you as the chair write a letter to
20 them, affirmatively telling them that the matter
21 has been dismissed should the board so vote.
22 Just so they could have that. Which we don't
23 normally do, but I think that would be nice.
24 That's a re -- simply as a request.

25 **JUDGE DUFFEY:** And, Alex, if you would make

1 a note that that request has been made so that if
2 it is, in fact, dismissed that you will remind me
3 to write that letter and I will.

4 So if not, if there's nobody that wants to
5 discuss any -- any of these individually or --

6 **MS. WINDHAM:** Mr. Chairman, the elections
7 supervisor for Spalding County -- I'm sorry,
8 Stephanie Windham, the county attorney for
9 Spalding County. But the elections supervisor
10 for Spalding County would like to address the
11 board regarding the Spalding County matter in
12 this group.

13 **JUDGE DUFFEY:** What is the -- the Spalding
14 County matter would be 22-236?

15 **MS. WINDHAM:** Yes, sir.

16 **JUDGE DUFFEY:** Which is tab number 9. Has
17 this been provided to us before or is this new?

18 **MS. HARDIN:** No. This was brought this
19 morning.

20 **JUDGE DUFFEY:** Pardon me?

21 **MS. HARDIN:** This was brought this morning.

22 **JUDGE DUFFEY:** Well, give us a second to
23 review this. I haven't had a chance to read it.

24 **MR. LINDSEY:** And, Mr. Chairman, while
25 you're reviewing that, let me also add that --

1 that there are two items that I would ask the
2 board to vote on separately, simply because I
3 need to recuse myself from them because of my
4 firm --

5 **JUDGE DUFFEY:** Okay. What are -- what are
6 those?

7 **MR. LINDSEY:** Those would be 2021-19 and
8 2021-106. Because of my firm's activities, there
9 may be a conflict of interest. So whether I --
10 so I don't --

11 **JUDGE DUFFEY:** So you're recusing yourself
12 from --

13 **MR. LINDSEY:** From those two.

14 **JUDGE DUFFEY:** From those two.

15 **MR. LINDSEY:** I just wanted -- for that
16 reason, I would ask that you vote to dismiss
17 those two separately without my participation.

18 **JUDGE DUFFEY:** All right.

19 So let's -- if we're going to -- let's -- so
20 that the record is clear, let's do this. Let's
21 take them one at a time.

22 Is there a motion to dismiss Case Number
23 2020-059, Fulton County, poll worker fraud?

24 **MS. GHAZAL:** I so move.

25 **JUDGE DUFFEY:** Is there a second?

1 **MR. LINDSEY:** Second.

2 **JUDGE DUFFEY:** It's been moved and seconded
3 that Case Number 2020-059 be dismissed. Is
4 there -- and it's been seconded. Is there any
5 discussion?

6 There not being any, all those in favor say
7 aye.

8 **THE BOARD MEMBERS:** Aye.

9 **JUDGE DUFFEY:** Opposed, no? The case is
10 dismissed.

11 Next is Case Number 2020-203. Is there a
12 motion to dismiss that case?

13 **DR. JOHNSTON:** Mr. Chairman, I have a
14 question.

15 **MR. MASHBURN:** So moved.

16 **JUDGE DUFFEY:** Is there a second? Is there
17 a second?

18 **MS. GHAZAL:** Second.

19 **JUDGE DUFFEY:** It's been moved and seconded
20 that Case Number 2020-203 be dismissed. Is there
21 any discussion?

22 **DR. JOHNSTON:** I have a -- a question about
23 the case. Mr. Chairman, my question is during --
24 in complaint number 1, how many ballots were
25 scanned during the time period in question?

1 **JUDGE DUFFEY:** Do we have an investigator
2 that has that information?

3 **MS. MCGOWAN:** Good morning, Mr. Chairman and
4 members of the board.

5 **JUDGE DUFFEY:** Wait. Wait.

6 **MS. MCGOWAN:** I am Charlene McGowan. I am
7 the general counsel for the Secretary of State's
8 Office and I was prepared to present case
9 2020-203 if the board wanted to hear additional
10 information about a summary of the case. But I
11 also can answer specific questions if you would
12 like.

13 **JUDGE DUFFEY:** Dr. Johnston has a -- has a
14 specific question. Can you answer that?

15 **MS. MCGOWAN:** Can you state your question
16 again, please?

17 **DR. JOHNSTON:** The question is in complaint
18 number 1, how many ballots were scanned? Two, do
19 you have the batch numbers of those ballots?
20 And, three, is there a chain of investigation?

21 **MS. MCGOWAN:** So I'll sum up what complaint
22 number one is for SEB2020-203. For the people
23 listening, this was a complaint that -- that was
24 submitted by four poll watchers who were
25 presently at the tabulation center at State Farm

1 Arena on election night, on November 3, 2020.

2 Those poll watchers all complained that they
3 were not able to adequately view the tabulation
4 process at the tabulation center at State Farm
5 Arena and then were -- and claim that they were
6 told to leave by election workers before the
7 tabulation ended on election night.

8 This also addresses some of the complaints
9 that were made in 2020-059 that after the poll
10 watchers left that some of the election workers
11 removed alleged suitcases of ballots that had
12 been hidden underneath tables and began scanning
13 them.

14 So if you could clarify for me when you're
15 talking about how many ballots were -- were
16 scanned, what -- are you talking about a
17 particular time period? Because this was the
18 tabulation center and they were processing
19 ballots all day long that day.

20 **DR. JOHNSTON:** So from the time of this
21 allegation, from the time that the ballot boxes
22 were opened at 11 p.m. and resealed at 1 a.m., is
23 there a record of how many ballots were scanned
24 on the ICC scanners?

25 **MS. MCGOWAN:** There would be scanner logs

1 that -- that would show that. That was not a
2 part of this particular investigation, though,
3 because that was not part of the complaint. The
4 complaint was whether the election worker -- the
5 complaint was whether or not election workers had
6 done anything unlawful by scanning those
7 particular ballot bins. And the investigation
8 did determine that those were lawful ballots that
9 were put in ballot bins and election workers that
10 were there that night were simply doing their
11 jobs and properly scanning ballots.

12 **DR. JOHNSTON:** Thank you. In complaint
13 number 2 was there a contract with the ACLU and
14 were they paid?

15 **MS. MCGOWAN:** Fulton County -- the
16 investigation did discover that Fulton County did
17 have a contract with the ACLU attorneys to assist
18 with helping voters who needed to cancel their
19 absentee ballot go through that process and sign
20 that affidavit so that if they showed up to vote
21 in person, they were assisted in being able to
22 cancel their absentee ballot and be able to vote
23 in person.

24 **DR. JOHNSTON:** Where they paid?

25 **MS. MCGOWAN:** I do not know. The finding of

1 the investigation was that there was nothing
2 unlawful about that particular arrangement.

3 **DR. JOHNSTON:** Did those workers all sign
4 oaths? Were they -- were they vetted and checked
5 as any election worker would be?

6 **MS. MCGOWAN:** Yes. Yes. They were sworn in
7 as deputy registrars.

8 **DR. JOHNSTON:** And further in complaint
9 number 2, there was a report of Dominion
10 personnel were removing ballots from the
11 tabulators. This is -- were they legally
12 approved to remove or touch ballots?

13 **MS. MCGOWAN:** That particular part of the
14 investigation determined -- first of all, our
15 investigators interviewed all of the witnesses
16 that were present there that day at the Georgia
17 World Congress Center where the tabulators were
18 being -- being received. So there were Dominion
19 personnel that were involved in the transport and
20 receipt of that. I believe the investigation
21 confirmed that those people -- anyone that was
22 involved with touching the ballots was properly
23 sworn.

24 **DR. JOHNSTON:** In complaint number 4, is
25 there a record of the paper type used for

1 absentee ballots, emergency ballots, and in-house
2 printed ballots?

3 **MS. MCGOWAN:** Yes. So this is an allegation
4 relating to a complaint that pristine ballots
5 were found by auditors that were present, doing
6 the hand-count risk-limiting audit that was done
7 at the Georgia World Congress Center. As part of
8 an investigation, the investigators did look into
9 the claim that pristine ballots were found and
10 looked at the particular box of batch numbers
11 that were identified by the complainant in
12 complaint 4.

13 They did -- investigators did review those
14 ballots and determined that they did not meet the
15 description provided by the complainant. They
16 did not appear to be counterfeit. They appeared
17 to be lawful ballots.

18 As part of that, our investigators did
19 obtain a lot of information from Fulton County
20 regarding, you know, both the emergency ballot
21 procedure and they did determine that emergency
22 ballots as well as -- excuse me, that emergency
23 ballots were printed on -- on different paper.

24 **DR. JOHNSTON:** That's all.

25 **JUDGE DUFFEY:** Any other discussion?

1 It's been moved and seconded that Case
2 Number 2020-059 be dismissed. All those in favor
3 say aye.

4 **THE BOARD MEMBERS:** Aye.

5 **JUDGE DUFFEY:** Opposed, no?

6 It is -- the vote is unanimous.

7 We now move on to 20-203, Fulton County,
8 tabulation and audit issues. Is there a motion
9 to dismiss it?

10 **MS. MCGOWAN:** (indiscernible)

11 **JUDGE DUFFEY:** All right. Excuse me. Well,
12 I thought that was 59.

13 **MR. LINDSEY:** We're already -- Mr. Chairman,
14 you've already handled that one.

15 **JUDGE DUFFEY:** Okay. Well, good. We're
16 moving right along.

17 Case number 2020-225, Henry County, is there
18 a motion to dismiss that complaint?

19 **MS. GHAZAL:** I so move.

20 **JUDGE DUFFEY:** Is there a second?

21 **MR. MASHBURN:** Second.

22 **JUDGE DUFFEY:** It's been moved and seconded
23 that Case Number 2020-225 be dismissed. Is there
24 any discussion?

25 **MR. LINDSEY:** Yes, Mr. Chairman. Perhaps we

1 need to do it by a rule or statute, but in the
2 final part of the investigative report, there was
3 no SEB rule or statute that prohibited the
4 issuance of multiple ballots to a voter. I've
5 got to ask, why not? And if we don't have such a
6 rule, we need to definitely come up with it.

7 In this particular case, there was only one
8 ballot cast and so that part was good. But, you
9 know, I'm simply just making a comment here,
10 Mr. Chairman. I don't oppose the -- the
11 dismissal, but we certainly need to look into
12 whether or not there needs to be a rule or
13 suggest a statute to the General Assembly that
14 only one ballot get issued.

15 **JUDGE DUFFEY:** Ms. Ghazal?

16 **MS. GHAZAL:** I'm not sure that there's
17 anybody here who can answer this question, but I
18 had a note whether or not the GRVIS system has a
19 safeguard against exactly that. Because the
20 allegations here were that poll workers were
21 losing their spot, reviewing the list, and
22 accidentally printed the same ballot multiple
23 times.

24 So I don't see Mr. Evans here at the moment,
25 but I would like at some point to understand

1 whether or not this is something that the GRVIS
2 system can prevent happening again.

3 **JUDGE DUFFEY:** There's Mr. Evans.

4 **MS. GHAZAL:** There he is, speaking of the
5 devil.

6 **JUDGE DUFFEY:** We have a question for you.

7 **MR. EVANS:** Sure.

8 **MS. GHAZAL:** Sorry to put you on the spot.

9 **MR. EVANS:** I'm fine.

10 **MS. GHAZAL:** We're reviewing a case from
11 Henry County in which poll workers in --

12 Well, I'm sorry. I don't want to do your
13 job, Ms. Koth. Would you mind very briefly
14 giving an overview of what happened in Henry
15 County, and that would be SEB case 2020-225.

16 **MS. KOTH:** Yes. Yes, this is the one
17 where -- this was a continued case. This is one
18 where the superintendent shall procure a
19 sufficient number of blank forms of return made
20 to the proper manner and headed as a mature --
21 the nature of the primary election may require
22 for making out full and fair statements to all
23 voters.

24 This is the one where the guy got -- he had
25 a couple of applications. You continued this

1 from last month.

2 So I think the question was about GRVIS, if
3 that would catch that.

4 **MR. BRUNSON:** Was it the fact -- there was
5 one citizen that was issued the four ballots --

6 **MS. GHAZAL:** That's exactly it.

7 **MR. BRUNSON:** -- because of the continue.
8 So I guess the question was would GRVIS catch
9 that in the future?

10 **MS. GHAZAL:** Yes, exactly.

11 **MR. BRUNSON:** So like this, that's the
12 question basically.

13 **MS. GHAZAL:** And for context, GRVIS is the
14 new system that is -- has been put in place for
15 the registration.

16 **JUDGE DUFFEY:** Now, when you say -- catch
17 that or prohibit it?

18 **MS. GHAZAL:** Either -- either way.

19 **MR. EVANS:** Prohibit.

20 **MS. GHAZAL:** Is there -- is there something
21 within GRVIS that would either signal to --
22 because there may be a reason to have to print a
23 second ballot. So I wouldn't want it to prohibit
24 printing a second ballot, but to give a
25 notification to the registrar or the deputy

1 registrar that multiple ballots have been
2 printed.

3 JUDGE DUFFEY: Red flag.

4 MS. GHAZAL: A red flag, something.
5 Something. Rather than just --

6 MR. EVANS: Yeah.

7 MS. GHAZAL: -- allowing it.

8 MR. EVANS: So you can only issue one live
9 ballot at a time.

10 MS. GHAZAL: Okay.

11 MR. EVANS: And so in order to issue a
12 second ballot for somebody because they made an
13 error on their first, then the person at the
14 county would need to cancel the existing live
15 ballot to issue that second ballot. And the
16 cancellation would occur in the system.

17 MS. GHAZAL: Okay. So that answers the
18 question. Thank you.

19 JUDGE DUFFEY: But the --

20 MR. LINDSEY: Mr. Chairman, in that case,
21 let me -- if I may be allowed to make a
22 substitute motion. And that is instead of a
23 dismissal that we do a letter of instruction
24 regarding the systems and a letter of instruction
25 on how to make sure this sort of thing doesn't

1 happen again.

2 **JUDGE DUFFEY:** So let's see. Would we still
3 find a violation? Or are you saying dismiss it
4 --

5 **MR. LINDSEY:** Dismiss with a letter of
6 recomm -- of -- I have no -- I would dismiss but
7 with a letter of instruction on proper procedures
8 to ensure that this does not reoccur in line with
9 what was previously outlined.

10 **MR. MASHBURN:** You would issue the letter of
11 instruction first and then the dismissal second.

12 **MR. LINDSEY:** Yes.

13 **MR. MASHBURN:** Once it's dismissed
14 (indiscernible).

15 **MR. LINDSEY:** Issue the letter of
16 instruction.

17 **JUDGE DUFFEY:** I mean, don't I have, as the
18 chair, the power to sent a letter saying that the
19 board expects for them to do -- I have to --
20 can't -- couldn't I do that anyway, even without
21 a complaint? I mean, we can dismiss the
22 complaint; I can still send a letter, can't I?

23 **MR. MASHBURN:** I agree with that one.

24 **JUDGE DUFFEY:** Okay.

25 **MR. LINDSEY:** Yeah. That's what I'm --

1 that's -- thank you. I accept that friendly
2 amendment to my --

3 **JUDGE DUFFEY:** Well, one of the questions I
4 still have is if there's no rule prohibiting
5 that, that's what GRVIS does. But there's still
6 -- there are a lot of invented ways in which
7 people could circumvent the process. Should we
8 still have a rule that makes it ...

9 **MR. LINDSEY:** We need -- we need a rule.
10 That's a separate issue for us to come up with.

11 **JUDGE DUFFEY:** Okay.

12 **MR. LINDSEY:** But the -- for today I simply
13 want to get a letter of instruction --

14 **JUDGE DUFFEY:** Okay.

15 **MR. LINDSEY:** -- on the proper procedure to
16 ensure that doesn't happen again.

17 **MR. MASHBURN:** Mr. Chairman --

18 **MR. LINDSEY:** I'm looking for --

19 **MR. MASHBURN:** -- and just to clarify a
20 couple points on that. It is illegal to vote
21 twice.

22 **MR. LINDSEY:** Yeah.

23 **MR. MASHBURN:** No question about it. And we
24 punish many people for doing that. It's also
25 illegal to possess multiple ballots. We've

1 prosecuted and punished people for that. And
2 it's also -- there's a rule for the counties that
3 they can't allow people to vote twice. So
4 there's lots of -- I think this might be a
5 loophole that needs to be closed.

6 **MR. LINDSEY:** That's what I'm talking about.

7 **MR. MASHBURN:** But just for the people
8 listening out there --

9 **MR. LINDSEY:** Yeah.

10 **MR. MASHBURN:** -- who might get the wrong
11 idea, I wanted to clarify that.

12 **MR. LINDSEY:** Thank you.

13 **JUDGE DUFFEY:** So the motion still is to
14 dismiss -- it's been seconded -- this particular
15 complaint which is 2020-225. But there's also
16 been a request, which is not part of the motion,
17 that I send a letter to tell them that they have
18 to follow proper procedures, including whatever
19 the GRVIS procedure is, which -- I guess,
20 Mr. Evans, if you'll look at the letter to make
21 sure what I say is correct, but at a different
22 time will we consider whether or not we -- we
23 will consider whether or not we need to amend or
24 adopt a new rule prohibiting multiple issuance of
25 ballots.

1 **MR. EVANS:** Yes, Mr. Chairman.

2 **JUDGE DUFFEY:** Okay. Any further

3 discussion?

4 So, Alex, did you make a note of all of

5 those things?

6 **MS. HARDIN:** Yes.

7 **JUDGE DUFFEY:** Excellent.

8 There being no further discussion, all those

9 in favor of dismissing Case Number 2020-225 say

10 aye.

11 **THE BOARD MEMBERS:** Aye.

12 **JUDGE DUFFEY:** Opposed, no?

13 It passes unanimously.

14 The next is Case Number 2021-19 which is a

15 case that Mr. Lindsey is recused from. So he

16 will not participate either in -- in this matter,

17 even, including the discussion of whatever motion

18 might be made, nor will he vote on it.

19 Is there a motion to dismiss 2021-19?

20 **MS. GHAZAL:** I so move.

21 **JUDGE DUFFEY:** Is there a second?

22 **MR. MASHBURN:** Second.

23 **JUDGE DUFFEY:** It's been moved and seconded

24 to dismiss 2021-19. Is there any discussion?

25 There being none, all those in favor of dis --

1 **DR. JOHNSTON:** I have a question or a
2 discussion to ask. In looking at this case, I
3 don't -- I think this particular case should be
4 dismissed, but it raises -- it raised the
5 question of services offered to voters for
6 transportation to the polls.

7 And my question is if transportation is
8 offered, it -- I would want it to be offered to
9 every eligible voter in the state. I think
10 offers of vote vouchers or Uber vouchers should
11 be accessible and applicable to every eligible
12 voter in election -- in a statewide election.

13 And I just wanted to make that point. This
14 case, I think it was, it was -- the report
15 initially -- a report said it was offered to
16 people in Atlanta. But with looking further, it
17 was actually offered to everyone in Georgia. But
18 it did not take but two minutes looking on the
19 Internet and I found Uber vouchers offered to --
20 by nonpartisan, nonprofit groups for particular
21 candidates.

22 So I think really we'd like to make the
23 point that it's one thing to offer rides as a
24 community service act, a civic-minded sort of
25 act. It's another thing to vote haul, which is

1 what it's called, vote hauling to get people to
2 the polls.

3 **JUDGE DUFFEY:** But there's -- of course
4 we're considering a specific complaint as it
5 relates to specific conduct. I'll note I live in
6 Clarksville. There's no Uber and there's no
7 Lyft. So those options would not mean anything
8 to me.

9 So it's -- I think you'd have to have
10 legislation on that or I'm not sure that we could
11 require it by a rule. But that's not something
12 that we could consider today.

13 Does everybody agree with that?

14 All right. Any further discussion on this
15 matter? All right, all those in favor of
16 dismissing SEB2021-19, knowing that Mr. Lindsey
17 has recused, say aye.

18 **THE BOARD MEMBERS:** Aye.

19 **JUDGE DUFFEY:** And opposed, no?

20 It's unanimous and Mr. Lindsey did not vote.

21 The next is Case Number 2021-106. Again
22 Mr. Lindsey recuses from this. So he will not
23 participate in the discussion of it or vote on
24 it.

25 Is there a motion to dismiss 2021-106?

1 **MS. GHAZAL:** I so move.
2 **JUDGE DUFFEY:** Is there a second?
3 **MR. MASHBURN:** Second.
4 **JUDGE DUFFEY:** It's been moved and seconded
5 that Case Number 2021-106 be dismissed. Is there
6 any discussion?
7 **MS. GHAZAL:** If I can ask a clarifying
8 question of the investigators. This is a case in
9 which there was a voter who was found to have
10 multiple registration numbers affiliated with
11 their records. Do I -- did I read correctly
12 that, in fact, upon list maintenance activities
13 conducted by the county that those excess numbers
14 were, in fact, removed from the system? So
15 there's only one voter registration record
16 associated; is that correct?
17 **MS. KOTH:** Yes.
18 **MS. GHAZAL:** Thank you.
19 No, I -- nothing further.
20 **JUDGE DUFFEY:** Yes.
21 **DR. JOHNSTON:** Is the voter still on the
22 Georgia voter rolls?
23 **MR. BRUNSON:** That we do not know.
24 **DR. JOHNSTON:** The report says that the
25 registrant had moved to another state. And my

1 suggestion might -- I don't know, might be that
2 the supervisor be informed to -- or encouraged to
3 obtain a written request to cancel her
4 registration, her Georgia registration.

5 **JUDGE DUFFEY:** Well, is that separate from
6 the motion to dismiss?

7 **DR. JOHNSTON:** Yes.

8 **JUDGE DUFFEY:** And if it is, what specific
9 additional activity are you recommending?

10 **DR. JOHNSTON:** A letter to the supervisor of
11 elections.

12 **JUDGE DUFFEY:** By whom?

13 **DR. JOHNSTON:** By you.

14 **JUDGE DUFFEY:** Well, having spent about a
15 month looking at registration and cancellation,
16 if you have, a move a change of address is not
17 presumptive that they've -- they're no longer a
18 resident, not allowed to vote in Georgia.

19 I think the best thing to do would be to
20 write and ask the county to look into whether or
21 not she continues or he continues to be a
22 resident. Make --

23 **DR. JOHNSTON:** That's my recommendation.

24 **JUDGE DUFFEY:** -- that determination. All
25 right. That's the recommendation separate and

1 apart from the motion to dismiss.

2 If there's no further discussion, all those
3 in favor of dismissing case 2021-106 say aye.

4 **THE BOARD MEMBERS:** Aye.

5 **JUDGE DUFFEY:** All those opposed, no?

6 It passes unanimously and Mr. Lindsey did
7 not vote.

8 The next is Case Number 2022-218, Stephens
9 County, voter registration fraud, at tab 8.

10 Is there a motion to dismiss Case Number
11 2022-218?

12 **MR. LINDSEY:** So moved, Mr. Chairman.

13 **JUDGE DUFFEY:** Is there a second?

14 **DR. JOHNSTON:** Second.

15 **JUDGE DUFFEY:** It's moved and seconded that
16 Case Number 2022-218 be dismissed. Is there any
17 discussion?

18 **MS. GHAZAL:** I would like to make a quick
19 comment. This is a case in which a voter had
20 secured a voter registration in order to -- as a
21 form of identification. And I just want to make
22 the point that while the number of voters who
23 don't have proper identification, who don't
24 necessarily have a driver's license is
25 vanishingly small, there are still voters out

1 there.

2 There are still people who are eligible to
3 register but who do not have access to the
4 necessary paperwork that they need to get other
5 benefits because it says that the reason this
6 person got the ID was their current ID was
7 expired.

8 And I just want to highlight that there are
9 still people out there who have trouble obtaining
10 proper voter ID, proper driver's licenses, and
11 I'm grateful that this person is not going to be
12 in trouble for doing what they needed to do.
13 They did not -- there were no false pretenses
14 involved. There was no vote purchasing involved
15 while it may have appeared that way. But this is
16 a highlight that we still have vulnerable voters
17 out there, vulnerable citizens out there who need
18 support and help.

19 **JUDGE DUFFEY:** Well, I think that's a good
20 comment, especially for the person who has had
21 the complaint dismissed, and it's an interesting
22 and true observation. So thank you for making
23 it.

24 All those in favor of dismissing 2022-218
25 say aye.

1 **THE BOARD MEMBERS:** Aye.

2 **JUDGE DUFFEY:** Opposed, no?

3 It passes unanimously.

4 Now we're to Spalding County. This is Case

5 Number 2022-236, Spalding County has given us

6 some information about their case.

7 Give us a second to review.

8 Does anybody need additional time to review

9 these materials?

10 You have a questioning look in your eye.

11 **MS. GHAZAL:** Well, I -- I would like to

12 request that we have a full presentation of this

13 case.

14 **JUDGE DUFFEY:** Okay. All right. Can you

15 present this case, please? Can you make a

16 presentation on this case so that we have the

17 background and everybody else has the background?

18 **MR. BRUNSON:** Okay. We ready?

19 **JUDGE DUFFEY:** Yes, please.

20 **MR. BRUNSON:** Okay. The Secretary of

21 State's Office initiated this investigation after

22 it received a complaint alleging that someone had

23 cast a fraudulent ballot in the November 2022

24 general election, a potential violation of

25 Official Code of Georgia Annotated 21-2-566.

1 Ultimately the investigative findings
2 revealed that the extra ballot that was
3 discovered from a scanner with what appeared to
4 be -- let me back up a little bit. I kind of
5 have a loud voice. So what appeared to be
6 notebook paper styled lines was tested and
7 subsequently determined by the Georgia Secretary
8 of State as being printed on authorized security
9 paper.

10 The Georgia Secretary of State's Office also
11 determined that the BMD printers are capable of
12 printing ballots in a format that looks like
13 notebook paper style lines if certain buttons are
14 touched. Interviews were conducted and none of
15 the poll workers noticed anyone acting
16 suspiciously, nor did they notice or locate any
17 stray paper laying around or near the voting
18 booths during the routine voting equipment
19 inspections.

20 The State Election Board rules stipulate
21 that each polling location is to have a poll
22 official stationed at the scanners. And a poll
23 officer stationed at the ballot scanner shall
24 offer each voter specific verbal instructions to
25 review their printed paper ballot prior to

1 scanning it.

2 However, the investigation could not
3 conclude there is sufficient evidence to show the
4 expectations were not properly monitoring the
5 scanners which led to the ballot in question
6 being scanned into the scanner.

7 Additionally, there were reports of multiple
8 printer malfunctions and as the BMDs are not
9 closely monitored, like the scanners, there is a
10 possibility an unidentified voter could have
11 interfered with printer buttons during one of the
12 jams and inadvertently printed a duplicate
13 ballot.

14 The poll manager performed the proper
15 reconciliation process and was able to catch and
16 remove the ballot in question and said ballot was
17 not included in the tabulation.

18 **JUDGE DUFFEY:** Let me just clarify one
19 thing. The practice is there's supposed to be a
20 precinct worker at the scanner; correct?

21 **MR. BRUNSON:** Yes.

22 **JUDGE DUFFEY:** And that that precinct worker
23 is supposed to watch to make sure that the ballot
24 is scanned; correct?

25 **MR. BRUNSON:** Yes, that's correct.

1 **JUDGE DUFFEY:** And do you know if it's
2 possible to scan two ballots at a time? Or --
3 **MR. BRUNSON:** No, that's not possible.
4 **JUDGE DUFFEY:** So your finding is that while
5 that was a requirement, that you couldn't
6 determine who was there at the time that the two
7 ballots were inputted into the scanner.
8 **MR. BRUNSON:** Yes, basically. It's unknown
9 exactly when that occurred.
10 **JUDGE DUFFEY:** And I guess if you can't do
11 them two at once, somebody, if they had been
12 watching, would've seen two separate ballots
13 being scanned?
14 **MR. BRUNSON:** Yes. That's what would have
15 had to have happened because you can't scan two
16 at the same time.
17 **JUDGE DUFFEY:** All right. Okay, thank you.
18 **MS. GHAZAL:** I have a couple of questions.
19 How many -- how long would it take standing at
20 the printer to scroll through the menu and reset
21 the printing parameters to use the notebook
22 setting? Like, how many times do you have to
23 push a button to go from the preset of a blank
24 scanner to something that looks like this?
25 **MS. KOTH:** It's roughly five times. It was

1 like hitting the button five times it did it. It
2 was the button above the power button. We
3 actually replicated that in the one office and it
4 was just hitting the button continuously. I
5 think it was five times.

6 **MS. GHAZAL:** And does it stay on that
7 setting or is it -- would it -- so in other
8 words, would subsequent ballots from that same
9 printer still look like this or would it
10 simply -- would it revert to the standard preset
11 with a blank printing?

12 **MS. KOTH:** I think it defaulted back to the
13 original.

14 **MR. HUMES:** Yes. It reverted back because
15 there were no other ballots printed on that type
16 of paper.

17 **MS. KOTH:** When we did it, it defaulted
18 back. It only did it the one time and defaulted
19 back to the original setting.

20 **MS. GHAZAL:** I also want to thank you all
21 from Spalding County for providing this. This is
22 extremely helpful to us to understand exactly
23 what happened. And I also wanted to point out
24 the fact that this was caught the day it
25 happened. It was caught through normal

1 reconciliation processes.

2 This is one of the very absolutely critical
3 safeguards that occurred throughout the early
4 voting process. You have to make sure that what
5 goes in is the same thing that comes out. And if
6 you -- when you have an extra number, you figure
7 out what happened and that you all immediately
8 reported it. So I wanted to thank you for that
9 diligence.

10 **JUDGE DUFFEY:** And one other thing I would
11 add is that -- because I heard about this as soon
12 as it happened, that it was -- it was really well
13 done that we perceived this, but there's no
14 question about what happened.

15 And a complaint that's initiated is the only
16 way -- it's the fastest and most immediate way to
17 get an investigator out there to find out what
18 had happened. And so a complaint in a case like
19 this -- you know, the purpose of the complaint
20 system is to find whether or not something's
21 there or not there. It also gives us the chance
22 to get information in order to make a decision,
23 which I think we got in this case. So ...

24 **MS. SLAUGHTER:** I do have comments.

25 **JUDGE DUFFEY:** What's your number? Are

1 you -- speak into that. See if that ... Can you
2 speak into the microphone? I just want to see
3 ... Now try.

4 **MS. SLAUGHTER:** Okay. All right. Can you
5 hear me? Yes.

6 **JUDGE DUFFEY:** Yes.

7 **MS. SLAUGHTER:** Thank you. And thank you
8 for allowing me to speak. I'm Kim Slaughter,
9 elections supervisor for Spalding County. I'm
10 here this morning to speak on behalf of Spalding
11 County voters, the Spalding County Board of
12 Elections and Voter Registration, my staff, and
13 myself in regards to State Election Board Case
14 2022-236, fraudulent voting.

15 I've taken the time to review the duties of
16 the state election board so that I may fully
17 understand your role when a case comes before
18 you. And I would just like to share a quote that
19 I did find on there: Voting is indeed the most
20 fundamental act of citizenship and public voting
21 since the foundation upon which cities, counties,
22 states, and the national government are empowered
23 to function.

24 In short, voting is an essential and
25 precious right. Those who choose to participate

1 in the voting process do so because voting is
2 something they value. Voting is the citizens'
3 voice in their government. As a citizen of our
4 country, an election supervisor, and a spouse of
5 a veteran, I could not agree more with this
6 statement.

7 So now I would like to just share briefly
8 with you what happened. In October of 2022,
9 during early voting for the November general
10 election, our staff, through daily balancing
11 procedures, noted that the number of early voting
12 applications processed and the number of the
13 times that the ballot marking devices were used
14 totaled. However, the number of votes cast
15 located on the ICP scanner -- and that is where a
16 vote -- someone cast their vote -- reflected one
17 more than that of the applications and the
18 touchscreen totals.

19 After much consideration, I knew that the
20 only way to confirm the -- whether we were truly
21 out of balance was to conduct a voted ballot
22 removal process. I notified the board, the
23 county attorney, and the county manager of the
24 time that we would conduct this process early the
25 following morning so to -- not to interfere with

1 early voting.

2 The following morning, as we were pulling
3 the ballots out of the ICP scanner, we noticed a
4 piece of paper of lightweight card stock
5 containing a printed image of notebook paper with
6 a ballot image over it. And you have that there
7 in your folders with you. That's basically a
8 reference. What I provided to you is a reference
9 to the things that I've discussed with you this
10 morning.

11 Securing the fake ballot aside, we continued
12 the hand count. After counting the remainder of
13 the ballots twice, the total number of ballots
14 equaled 1,520 without the notebook printed image
15 ballot. Therefore our totals were the following:
16 1,520 absentee applications in person, 1520 total
17 votes marks on the ballot marking devices, and
18 1,521 votes cast on the ICP scanner.

19 The Secretary of State's Office was
20 immediately contacted and an investigation began
21 right away. Seven months later, on May 23rd, our
22 office received the first official communication
23 in regards to this issue from the Secretary of
24 State's investigation division. This is
25 concerning. You can only imagine my frustration

1 and disappointment after such an alarming event
2 and several e-mails to the Secretary of State's
3 Office in regards to this matter. And at times
4 very little to no response.

5 I imagine each of you are aware and hear
6 often the scrutiny elections supervisors and
7 officials endure this day and time. We are on
8 the front line of elections because we choose to
9 be. We endure the scrutiny because we see the
10 larger picture, being a part of a process bigger
11 than ourselves, securing the right of fair and
12 legal and orderly elections because we believe in
13 the process.

14 If we're going to boast a secure election
15 equipment process, then at least we could answer
16 the question why. Why was the fraudulent ballot
17 allowed to be accepted and counted by the ICP
18 scanner?

19 As an election supervisor, this
20 investigation was started by myself, not by the
21 Secretary of State's Office, because it was
22 necessary. As I have never doubted my poll
23 workers and their work ethic, I do understand
24 that all possibilities should be explored as
25 noted in the response by the Secretary of State's

1 investigation division.

2 However, to receive an investigative summary
3 which only addresses Spalding County's processes
4 and procedures as it pertains to early voting and
5 purposely ignore the security settings of the ICP
6 scanner is unacceptable. It is condescending and
7 insulting of Spalding County, our voters, our
8 board, and to me as an election supervisor.
9 Simply put, it's inexcusable.

10 My presence here today is to inform you of
11 just a few things. First, to say thank you to
12 the investigative division for confirming that in
13 Spalding County we have established efficient
14 procedures and processes for early voting and
15 that we have employed staff and poll workers who
16 follow these procedures with the highest standard
17 of work ethic.

18 Second, to address what the Secretary of
19 State's investigative division did not address.
20 Why did the ICP scanner, where a vote is cast,
21 accept the type of image before you? Why will it
22 accept any image other than the correct ballot
23 image without lines? And why will it count it?

24 These are very reasonable questions and they
25 have both been neglected to be answered

1 thoroughly throughout the investigation. I have
2 taken an oath to carry out the duties of election
3 supervisor for Spalding County. No matter how
4 difficult those duties become, I'm expected to
5 perform and be held accountable and rightfully
6 so.

7 Spalding County voters, our local board, and
8 our staff deserve the same by those in authority
9 over us to address why there has not been
10 communication along with processes and procedures
11 from the Secretary of State's Office, to address
12 in regards to the possibility of printer error if
13 a voter presses certain buttons on the printer,
14 to address that this communication should include
15 that the image could appear like a notebook image
16 and/or any other images that have been found to
17 be true.

18 Simple reminder, the candidates' names on
19 the ballot are not what are counted by the ICP
20 scanner. It is the QR code which is read by the
21 scanner. Therefore, the question is why would
22 printers which are capable of printing lines
23 through the QR code be an option as a part of the
24 voting equipment? This is common sense.

25 The Dominion ICP scanner should be set to

1 accept only one type of image of a ballot. And
2 there should be processes in places to prevent a
3 printer from printing notebook paper lines if
4 this is indeed the case. Any other type of image
5 should be rejected from the ICP scanner and
6 reviewed by the local election officials.

7 This is my request. It would've been much
8 easier and simple on my part to see that this
9 case is set for dismissal today and continue the
10 important tasks back at the office. However,
11 apathy is not an option and I hope that it will
12 not be for you as well.

13 So these are the following requests:

14 Request for a letter correction be written to the
15 Secretary of State's Office to take measures to
16 secure our voting system by setting the ICP
17 scanner to a more secure setting so that
18 fraudulent ballots cannot be counted. Request
19 for a letter of correction be written to the
20 Secretary of State's Office requiring to take
21 measures to inform counties of the possibility of
22 the printer printing images other than what is
23 acceptable for a ballot image. Request to
24 require that the Secretary of State's Office
25 compose an official election bulletin for

1 processes and procedures to secure the printers
2 so that voters do not have the capability of
3 changing printing options, to ensure that only
4 the proper ballot image can be printed. Request
5 for the Secretary of State's Office to compose an
6 official election bulletin to communicate to
7 counties about the possibility of balancing
8 errors due to the ICP scanner accepting other
9 images than that of a valid ballot image.

10 I want to pause here to say that I have the
11 opportunity to work with a lot of the staff in
12 the elections division at the state and I'm very
13 thankful for their hard work and their efforts
14 and what they do to aid the counties in the
15 election process. But this is an issue that must
16 be addressed by the Secretary of State's Office.

17 I'm sure that everyone, along with
18 yourselves, want election equipment to work
19 properly so that we can provide fair, legal, and
20 transparent elections. Please listen to those
21 who are on the front line of elections and take
22 their concerns seriously. Remember to hold all
23 involved with elections accountable, not just
24 those at the county level. This error was not
25 caught by a computer. It was only caught due to

1 the tireless diligent efforts of balancing all
2 records as suggested before by our staff in
3 Spalding County.

4 As I accept the praise to our staff for the
5 secretary -- from the Secretary of State's Office
6 in finding the fraudulent ballot, it is much more
7 important to take the measures needed to ensure
8 that it does not happen again.

9 Thank you for your time and thank you for
10 your consideration in this matter.

11 **MR. LINDSEY:** Mr. Chairman, comment?

12 **JUDGE DUFFEY:** Yes, sure.

13 **MR. LINDSEY:** First, you know, there are two
14 issues here. One is whether or not Miss
15 Slaughter and her staff did anything wrong.
16 That's what the complaint's about. So I
17 certainly think that we should dismiss that.

18 The second question is what can we do to
19 make sure the Secretary of State takes the
20 necessary steps or find out from the Secretary of
21 State what necessary steps to make sure this
22 doesn't happen again.

23 We do this periodically, I mean in terms of
24 asking for the Secretary of State's Office to
25 appear. For instance, I believe it's tomorrow

1 we'll have the Secretary of State's Office come
2 and appear and discuss what steps they're taking
3 in terms of the -- the recommended updates in
4 terms of the timing. We're going to have them
5 come testify tomorrow.

6 And that was pursuant to a letter from you,
7 Mr. Chairman, for them to come and then for us to
8 consider that.

9 So -- and I want Miss Slaughter to
10 understand. I'm going to move to dismiss the
11 complaint but I don't think your office did
12 anything wrong.

13 But at the same time, I would once again,
14 Mr. Chairman, as we often do, ask for you to ask
15 the Secretary of State's Office to appear to be
16 able to answer what nec -- what are the necessary
17 steps needed to make sure this doesn't happen
18 again, similar to what we're doing tomorrow with
19 the software update request?

20 But I want to make a motion to dismiss --
21 ask the matter to be dismissed, but I do think
22 that the board, in keeping with what Miss
23 Slaughter has stated, that we get the Secretary
24 of State's Office to come in. It may very well
25 be after -- at the next hearing because they'll

1 probably need some time to figure out what
2 exactly needs to be done for a fix.

3 So I want to make sure you understand when I
4 move to dismiss what's going on.

5 **MS. SLAUGHTER:** I appreciate those efforts.

6 **JUDGE DUFFEY:** And I would respond too.

7 The -- you know, I have all of these -- all of
8 these complaints in my notebook. The most tabs I
9 have are on this complaint because it's still a
10 mystery to me, based upon this, what happened,
11 why it happened, what safeguards are there so
12 that it won't happen again?

13 And I think what -- your suggestions, while
14 I didn't assimilate and really understand all of
15 them, I'd ask for you to go ahead and if you
16 don't mind just typing them -- making -- giving
17 me a copy of what you read. I think that the
18 issue on this incident is not closed and it needs
19 to be further investigated.

20 I don't think I can ask the Secretary of
21 State's Office to do that tomorrow because I've
22 given them another charge. But I do think we
23 ought to have a report on this at the next
24 meeting, how this happened and why did it happen
25 and how can we make sure it doesn't happen again?

1 I mean, from what I understand so far, even
2 from the investigators, is that it could happen
3 anywhere.

4 **MR. MASHBURN:** Mr. Chairman?

5 **JUDGE DUFFEY:** Yes.

6 **MR. MASHBURN:** May I make a comment?

7 **JUDGE DUFFEY:** You may. I know you want
8 your microphone on.

9 **MR. MASHBURN:** Two. Yeah, that's true.
10 Thank you, Mr. Chairman. I have a comment. I
11 will -- it might be the time to -- for this to --
12 to raise this when we have discussion after the
13 motion's been made, but I will probably dissent
14 from the motion to dismiss, although I expect it
15 to pass, for the simple, inescapable conclusion
16 that the scanner worker allowed one person to
17 scan two ballots.

18 And so if we look at this from a rule-making
19 or a statute-making standpoint, what's the best
20 way to prevent this from happening? The very
21 best way to prevent this from happening is to
22 station a scanner worker, an election worker at
23 the scanner and make sure that one person doesn't
24 scan two ballots. And the county didn't do that.
25 One person did scan two ballots.

1 And so I just dissent and disagree with the
2 statement that any new rule-making needs to be
3 put in place because I think we already have the
4 rules in place to prevent this from happening, is
5 that the scanner worker should have noticed that
6 there was a nonconforming ballot printed on what
7 appeared to be notebook paper. And the scanner
8 worker should've -- should have been able to
9 identify that one person was scanning two
10 ballots.

11 Now that being said, there are good things
12 that happened here. And as a longtime poll
13 watcher, one of the very first thing -- and a
14 tabulation monitor, one of the very first things
15 I would do is I would, at the end of the day when
16 the ballots were finished -- when the balloting
17 was finished, I would compare what we used to
18 call the numbered list of voters to how many
19 ballots there were. And so as the volunteer
20 tabulation monitor, I would -- I would discover
21 it.

22 And here the county did discover it. So I
23 credit the county and I appreciate the county's
24 diligence on that, in catching that. And just
25 for the people that are listening, that shows the

1 system worked. That's one -- and Sara brought
2 this up a minute ago. And she said, you know,
3 that's one of the basic fundamental checks is you
4 say, Do we have more ballots than people who
5 voted? And so that is in place and that worked.
6 It work perfectly.

7 The other thing to bring up, and just for
8 education purposes for the people out there, is
9 that's why the concept of the margin is so
10 important in election contests in that you have
11 one rogue ballot out there and what would happen
12 is the candidates in the case would bring an
13 election contest and a judge would say, Well, do
14 we have one ballot that's issued here or do we
15 have 1521 ballots that are issued here? And the
16 judge would make a decision as to whether or not
17 to have a new -- to have a new election. So
18 there's also a process put in place for that.

19 Now, for the other counties out there, you
20 know, we bring up ideas to other counties. And
21 one of the things I'm going to have to do -- or
22 one of the things I'd like to do with this case
23 is to mention to counties make sure -- your
24 scanner workers have to thread a very difficult
25 needle because they have to stop one person from

1 scanning two ballots, but they also have to not
2 appear like they're looking to see how a person
3 voted. Because if counties don't thread that
4 needle very carefully, we're going to end up with
5 thousand complaints of people who said the
6 scanner worker looked to see how I voted. And
7 I'm just -- I'm just telling you that's coming if
8 you don't do it right.

9 So just be thoughtful about what you do.
10 But two things need to be to done, is that the
11 scanner workers need to be more diligent against
12 this new threat that has emerged and -- but they
13 can also not -- they've got to be sensitive and
14 not appear to be looking at people's ballots.

15 So that's my comments.

16 **JUDGE DUFFEY:** Let me just add one thing.
17 The -- when I asked the investigator -- because
18 the respondent in this case is the supervisor.
19 But I asked the investigators whether their
20 finding was not that somebody had done something
21 that they shouldn't have done which is watch two
22 ballots being scanned, but whether or not they
23 could identify who that person was. And the
24 investigators said they couldn't.

25 So does that mean since we don't really know

1 what happened and we don't know whether or not
2 somebody was in cahoots with the person who did
3 two ballots and therefore that would not -- would
4 that be the responsibility of the respondent? I
5 mean in this case the elections supervisor?

6 And I think on this, on the record that we
7 have here that the finding that -- that we don't
8 know who did it, we don't know the circumstances
9 under which it was done, and we don't know if it
10 was done surreptitiously by somebody cleverly
11 having two ballots. Knowing that they wanted to
12 put two in and did it one after the other,
13 knowing that the person is careful not to be
14 looking at whether -- who they voted for, is that
15 something that the superintendent should be
16 responsible for?

17 Now, that said, I'm not -- so I'm not sure
18 that we should not dismiss the complaint. But
19 your comments accentuate this problem. There is
20 a problem here that needs to be resolved. And I
21 don't know how you correct it and what we can do
22 to correct it, but I think we ought to make an
23 effort to find a correction because I still, with
24 all of my little questions, don't know what
25 happened. And I want to know.

1 **MR. MASHBURN:** I agree. I agree that that
2 is a problem that needs to be addressed and it
3 may be that we can't get -- we can't figure out
4 what happened. And in that case the important
5 detail is if you can't figure out how it happened
6 is that you've got to rely on your procedures
7 that are in place that clearly: Wait a minute.
8 We got -- we've got more ballots than we have
9 voters. Alarm, alarm, alarm.

10 And so they did the right thing there. And
11 there's no question about it. They did the
12 right -- the absolute right thing there. And it
13 might be that -- that we can't figure out a
14 better way to catch it. And we just have to rely
15 on the systems in place. And here the systems in
16 place worked -- worked absolutely perfectly.

17 So, you know, I don't know. I don't know.
18 But we still don't know what happened. I agree
19 with that. And we -- and we ought to know if it
20 was -- and we ought to know absolutely if -- if
21 it was the scenario when one voter put in two
22 ballots, the ideal result of that is my scanner
23 worker said, Don't do that, sir or madam. You
24 can't do that. That would -- but it didn't.

25 So, you know, maybe somebody smuggled one

1 in, you know, at the end of the day. I don't
2 know. We just -- we just don't know. But the
3 system worked.

4 **MS. SLAUGHTER:** I'd like --

5 **MR. MASHBURN:** It might be -- it might be
6 that the result of an investigation -- and
7 investigate this further -- is that you've just
8 got to trust the system that's in place to catch
9 it if it happens.

10 **JUDGE DUFFEY:** Ms. Ghazal.

11 **MS. GHAZAL:** An alternative to one -- one
12 voter scanning two ballots would be somebody who
13 had used the BMD and did not have a voter access
14 card could have alone scanned that extra ballot
15 somehow.

16 So my question is does the rule for the --
17 there may be a -- there may be a rule-making fix
18 if we could put a tweak to the rule that the
19 scanner's poll worker ensures that anybody
20 scanning a ballot also still has their voter
21 access card that goes into the BMD. If they're
22 not already doing that -- and I don't have the
23 text of the rule in front of me, but that could
24 be sort of your "I have the card, here's my
25 ballot."

1 So part of the responsibility of the scanner
2 poll worker is to ensure that anybody who has a
3 ballot to scan also still has their card because
4 if they have that card that means that is a
5 val -- that they have just gone through the --
6 checked in the -- they got the card so it's a
7 valid vote and that -- and they can only have one
8 vote.

9 Do you see where I'm headed with that? I
10 don't know.

11 If you can enlighten me and --

12 **MS. SLAUGHTER:** I'd like to speak to that.

13 **MS. GHAZAL:** Yes.

14 **MS. SLAUGHTER:** To a couple of things that
15 have been said, also another possibility.
16 Because believe me, my mind went round and round,
17 how did this happen?

18 Also, we had many voters who were assisted
19 by other people. So just to bring to light that
20 if an -- if someone assisting a voter was not
21 voting but had possession of a fraudulent ballot
22 made somehow, some way, or -- and then was in
23 line and cast that just like every other voter in
24 line to cast their ballot, that is a way it could
25 happen.

1 Now, that would prevent it by -- and that is
2 what I made sure of, is that my poll workers were
3 watching that each person who scanned a ballot
4 had a card in their hand --

5 **MS. GHAZAL:** Yeah.

6 **MS. SLAUGHTER:** -- to ensure that that would
7 not happen.

8 Just to mention, before when you stated
9 about the poll worker didn't do -- as far as
10 catching it, you can't look at the ballot. You
11 can't see that the lines -- the ballot can be
12 scanned facedown; the ballot can be scanned faced
13 up, backwards, forwards. So you would not know.

14 Also, I don't know if you're aware, the ICP
15 scanner also accepts paper that's not of
16 security. So there are measures. We can look at
17 the county side of it and, yes, there are
18 processes and procedures in place and they should
19 be followed.

20 But we also need to look at the other side
21 of it. And the ICP scanner should be more
22 secure. It should be set only to accept security
23 paper. And it should be only set to accept one
24 type of ballot image.

25 **MR. BRUNSON:** Can I just clarify something?

1 The ballot was actually on security paper.

2 MS. SLAUGHTER: Right.

3 MR. BRUNSON: So it's not just --

4 MS. SLAUGHTER: No. And I wasn't saying it
5 wasn't. Yeah, I just wanted to --

6 MR. BRUNSON: I just wanted to clarify that.
7 So it came from that printer. It was security
8 paper. It was wanted by the Dominion wand and
9 determined to be security paper.

10 JUDGE DUFFEY: Yeah. I think we understand
11 that.

12 Somebody made a motion to dismiss.

13 MR. LINDSEY: I said I'm going to.

14 JUDGE DUFFEY: Okay.

15 MR. LINDSEY: And I said that I look forward
16 to hearing the discussion as to what we do next.
17 And so I'll -- I'll go ahead and make the motion
18 to dismiss at this time.

19 JUDGE DUFFEY: Is there a second?

20 All right, there's a motion to dismiss Case
21 Number 2022-236 but it has not been seconded. So
22 what happens in a complaint --

23 MR. LINDSEY: Well, I can make a second
24 motion since my first one went down in flames. A
25 motion to continue and then we'll have further

1 investigation --

2 **JUDGE DUFFEY:** All right. So now there --

3 **MR. LINDSEY:** -- into the matter.

4 **JUDGE DUFFEY:** Now there's a motion that
5 case --

6 **MR. LINDSEY:** See about continuing this one
7 first.

8 **JUDGE DUFFEY:** I'm trying to channel exactly
9 what you really meant to say, which is you want
10 to move to continue to the next meeting Case
11 Number 2022-236 and instruct the Secretary of
12 State's Office to further investigate this matter
13 and to explain to the board the various
14 possibilities according to which this could have
15 happened under the current Dominion system.

16 **MR. LINDSEY:** And how -- and what corrective
17 measures could be taken, will be taken to make
18 sure it doesn't happen again.

19 **JUDGE DUFFEY:** All right.

20 **MR. MASHBURN:** I'll second that motion, and
21 I'd like to add to it, if it's acceptable to the
22 movant. But I -- I second the motion to
23 continue.

24 I would like the record to include a list of
25 the names of the voters who were in on that 1520.

1 I would like the record to include that. And it
2 can be redacted for the public, but I think the
3 board has the right -- and I think it's public
4 record, but I think the board has the right to
5 review that.

6 **JUDGE DUFFEY:** And what's your thinking on
7 that?

8 **MR. MASHBURN:** Just if there's anything
9 remarkable about the people who appear on that
10 list.

11 **JUDGE DUFFEY:** All right. We could -- that
12 could be added to the motion if you agree.

13 **MR. LINDSEY:** Yes.

14 **JUDGE DUFFEY:** So it's been moved and
15 seconded that we continue 2022-236 and that the
16 Secretary of State provide further investigation
17 and an explanation to the board, which I would
18 request be in writing, as to what are the
19 possible means by which this ballot could have
20 been entered in the system, to explain why the
21 scanners would accept or how a -- how a duplicate
22 QR code could be stamped upon the ballot that had
23 the lines on it, which is the ballot that should
24 not have been scanned, and then, finally, to
25 provide to us a list of all the people whose

1 votes were counted.

2 **MR. MASHBURN:** Were included in the 1520.

3 **JUDGE DUFFEY:** Were included in the 1520.

4 And has that been seconded? Have you -- did

5 you second that?

6 **MS. GHAZAL:** Second.

7 **MR. MASHBURN:** Second.

8 **JUDGE DUFFEY:** And you accepted the

9 amendment. So your motion we can consider as

10 amended?

11 **MR. LINDSEY:** Yes.

12 **JUDGE DUFFEY:** All right. Is there any

13 further discussion on the motion?

14 There being none, all those in favor say

15 aye.

16 **THE BOARD MEMBERS:** Aye.

17 **JUDGE DUFFEY:** Opposed, no?

18 Motion's unanimous.

19 All right. The next is Case Number

20 2022-273, Fulton County, phone solicitation vote

21 buying.

22 Is there a motion to dismiss this case?

23 **MS. GHAZAL:** I so move.

24 **JUDGE DUFFEY:** Is there a second?

25 **DR. JOHNSTON:** Second.

1 **JUDGE DUFFEY:** It's been moved and seconded
2 to dismiss case 2022-273. Is there any
3 discussion on the motion?
4 There being none, all those in favor of
5 dismissing 2022-273 say aye.
6 **THE BOARD MEMBERS:** Aye.
7 **JUDGE DUFFEY:** Opposed, no?
8 The motion passes unanimously.
9 And the last in this section of complaints
10 is Case Number 2020-140, Fulton County, wrong
11 ballot style.
12 Is there a motion to dismiss this complaint?
13 For the audience, it's not that -- this
14 group in particular is not shy about speaking up.
15 Sometimes you've got to go back and remind
16 yourself what exactly the complaint is.
17 **MR. MASHBURN:** What tab are we on?
18 **JUDGE DUFFEY:** Twenty-five.
19 **MR. LINDSEY:** Twenty-five.
20 **MR. MASHBURN:** Oh, I'm sorry. My bad.
21 **MS. GHAZAL:** May I request that this case be
22 fully presented.
23 **JUDGE DUFFEY:** Yes.
24 All right, can we have a presentation on
25 this case, please.

1 **MR. BRUNSON:** Yes. So this is case
2 2020-140, Fulton County, wrong ballot style.

3 On October 23, 2020, Investigator Hall spoke
4 with a Mrs. Dixon who wrote a letter to the
5 Secretary of State's Office indicating that her
6 family received different ballot styles even
7 though they all registered at the same address in
8 East Point.

9 Ms. Dixon and her daughter received ballots
10 of the wrong congressional district listed for
11 their residence. Thus neither she nor her
12 daughter were able to vote for the Fifth
13 Congressional District candidate. Instead of
14 Congressional District 5, her ballot had
15 Congressional District 13.

16 Further investigation and an interview with
17 Michael Barnes, the director of the Secretary of
18 State's CES, revealed that there was a mistake
19 made when the ballot was printed out. That
20 ballot was then sent out to Fulton County. The
21 assistant elections director, Dwight Brower,
22 reviewed it, approved the ballot, and that is how
23 the two different ballots went to the same
24 location.

25 So as far as -- there were 94, we believe,

1 individuals that may have been affected by this,
2 although only two individuals came forward. And
3 that was the complainant and her daughter.

4 So the investigator researched the election
5 results for those particular races that were
6 impacted: U.S. House District 5 and U.S. House
7 District 13. And both of those elections were
8 decided by -- well, first, District 5 was decided
9 by 249,211 votes and District 13 was decided by
10 36,446.

11 So basically those 94 individuals that we
12 deduced were impacted would not have ultimately
13 impacted the election results. Both of them were
14 quite significant as far as the differences
15 between the two candidates.

16 **JUDGE DUFFEY:** Well, in order to have a
17 discussion, I think need a motion.

18 Would you like to make one?

19 **MS. GHAZAL:** I would like to move that we
20 issue letters of instruction in this case because
21 ballot builds and failure to proof ballots have
22 consistently been a problem. Not isolated to any
23 single county, this has happened across the --
24 across the state. But we just had a special
25 election that was decided by 14 votes last week.

1 So when this happens, it -- the outcome is
2 really significant and I don't think we should be
3 dismissing cases like this.

4 **JUDGE DUFFEY:** All right. So would you find
5 a violation?

6 **MS. GHAZAL:** I would find a violation by the
7 county and by the Secretary of State's Office.
8 And I think that -- the difficulty for the
9 investigators is they were getting some
10 alternative stories. There was a violation. We
11 don't know exactly who did it, but there was
12 definitely a violation of election law here and I
13 don't think we can dismiss it.

14 **JUDGE DUFFEY:** And what would the violation
15 be? What I hear you saying is you want to make a
16 motion to find a violation and then --

17 **MS. GHAZAL:** Yes. The county failed to
18 properly proof the ballots and identify the
19 error. That appears to be -- it appears to be a
20 ballot proofing error and not a districting error
21 according to the investigative report.

22 And I don't -- I don't know whether or not
23 the Secretary of State's Office said there was a
24 specific violation. There was an error on their
25 part. I do not know whether that would

1 constitute a violation. So that's something that
2 I think --

3 **JUDGE DUFFEY:** So what would your motion be?
4 A violation against which respondent?

5 **MS. GHAZAL:** Against the county certainly.
6 I would move that we issue a letter of
7 recommenda -- a letter of instruction to Fulton
8 County with regard to ballot proofing.

9 **MR. MASHBURN:** I'll second that.

10 **JUDGE DUFFEY:** All right. It's been moved
11 and seconded that SB2'20-140, that there be a
12 violation found against the county with the
13 recommendation that a letter of instruction go
14 out to them as the remedy, rather than referral
15 to the Attorney General's Office.

16 Is there a second? Did you say that?

17 **MR. MASHBURN:** I did.

18 **JUDGE DUFFEY:** Any discussion? You all sort
19 of discuss -- you know, it's interesting. We
20 heard the Fulton County Performance Review. This
21 is a 2020 complaint, following the 2020 election.
22 And I think this, in and of itself, is an
23 illustration of the problems that Fulton County
24 was having in 2020.

25 You know, I -- as a voter, when I go in, I

1 expect to get the right ballot. And if I don't
2 get the right ballot, you can't trust me to
3 recognize I have the wrong ballot. And I think
4 that this is a significant error and I would
5 support the motion.

6 In fairness to the respondent, if there is
7 anybody here from Fulton County that would like
8 to speak to this, they may.

9 **MR. ALEXIS:** Good morning. Chad Alexis from
10 the Fulton County Attorney's Office. We are here
11 but, no, we would not like to speak to this.

12 **MS. GHAZAL:** And I just want to add to be
13 clear, this is not an issue that is in any way
14 isolated to Fulton County. This is an issue
15 we've seen repeatedly. But it is one of the most
16 important things -- one of the most important
17 responsibilities in preparation for an election,
18 that every single ballot, every single ballot
19 style be proofed carefully.

20 If -- when mistakes like this -- we had a
21 nearly catastrophic failure in some county
22 commission elections over this. It is absolutely
23 critical that everybody work together and take
24 this portion of the process incredibly seriously
25 and figure out how to build in redundancies to

1 make sure that it's not just one person's eyes
2 looking at these.

3 We're not going to tell you how to do your
4 job, but we are going to tell you you have to do
5 your job. And this is an important part of it.

6 **JUDGE DUFFEY:** You know, this particular
7 process, it's at the very beginning of the
8 process. And it's probably the easiest thing to
9 do, which makes you wonder why it's missed so
10 often. You -- the people that are running
11 elections should know what their ballot style
12 should be and who should be on it. And that --
13 that needs to be correct.

14 All right. Any further discussion?

15 All right, SEB2020-140, there's a motion to
16 find a violation but to send a comprehensive
17 letter explaining the importance of not violating
18 the statute by not sending out the correct style
19 of ballot to voters. All those in favor say aye?

20 **THE BOARD MEMBERS:** Aye.

21 **JUDGE DUFFEY:** Opposed, no?

22 It passes unanimously.

23 All right. We've been going for two and a
24 half hours. Frankly, I think this is a logical
25 place to stop for lunch. So we will adjourn for

1 lunch. I would like to take -- before everybody
2 starts moving around, I would like to only take
3 45 minutes for lunch and be back here at 12:15 to
4 begin again.

5 All right. We'll be in recess.

6 (Lunch recess)

7 **Cases Recommended For Letters of Instruction or**
8 **Referral**

9 **JUDGE DUFFEY:** We are back in session. We
10 will now return to the violation cases
11 recommended for letters of instruction or
12 referral to the Attorney General's Office. And
13 it is our custom to hear a report on each of
14 these, and we will follow that.

15 So let's have a report on Case Number
16 2020-01, absentee ballot irregularities in
17 various counties.

18 Twenty-five. No, twelve, twelve, twelve,
19 twelve.

20 This report by the way is 87 pages long.

21 **MR. BRUNSON:** Yes.

22 **JUDGE DUFFEY:** Don't read each page.

23 **MR. BRUNSON:** No, no, no. I'm just going to
24 try to give an overview and then if you want I
25 can go through -- there's 17 respondents here.

1 So -- and I can kind of give a -- a overall.

2 So this case involves absentee ballot
3 signature irregularities that involve numerous
4 counties in Georgia and ballot applications and
5 ballots that were rejected due to mismatched
6 signatures.

7 Overall there were 17 respondents in the
8 investigation and it revealed the following.
9 Thirty-nine absentee ballots were rejected due to
10 the elector not signing their oath. One absentee
11 ballot was rejected due to missing information on
12 the oath envelope. One absentee ballot was not a
13 mismatched; the ballot was not returned. One
14 absentee ballot was rejected because the elector
15 wrote the wrong date in the date of birth
16 section. One absentee ballot was listed as
17 rejected but it was not rejected.

18 A hundred and ninety-eight absentee ballot
19 signature mismatches were not resolved.
20 Sixty-nine applications for official absentee
21 ballot signature mismatches were not resolved.
22 Nineteen absentee ballot signature mismatches
23 were resolved. And sixty-two applications for
24 official absentee ballot signatures were
25 resolved.

1 So, I mean, I can go through each one of the
2 violations that we saw the citizens and the
3 circumstance if you would like. Board?

4 Chairman, do you want me to go through each
5 one? I can do that if that's what the board ...

6 **JUDGE DUFFEY:** Can you maybe go over a
7 couple of representative samples of what you saw
8 with respect to violations that you found?

9 **MR. BRUNSON:** Okay. So looking at the first
10 individual, Mary Bryant -- so during the
11 November 6, 2018, general election, the Bartow
12 County elections office received an application
13 for official absentee ballot in the name of
14 Demarcus(ph) Bryant. The application was not
15 signed in the name of Demarcus Bryant. The
16 signature on the application was Mary Bryant.
17 The elector was found not eligible to receive an
18 absentee ballot because of a signature mismatch.

19 Lynn Christian. There is evidence to
20 suggest she violated O.C.G.A.
21 21-2-318[sic](c)(i), making of application for
22 absentee ballot, in that during the November 6,
23 2018, general election, the Bartow County
24 elections office received an application for
25 official absentee ballot in the name of

1 Theophilus Christian. The elector was found not
2 eligible to receive an absentee ballot because of
3 a signature mismatch. Lynn Christian advised
4 during an interview she signed her husband's name
5 to the application because he was not home to
6 sign it.

7 Denise Cobb. There's evidence to suggest
8 Denise Cobb violated O.C.G.A. 21-2-385(a),
9 procedure for voting by absentee ballot and that
10 during the November 6, 2018, general election,
11 the Burke County general elections office
12 received an absentee ballot in the name of
13 Janiel(ph) Jones. The absentee ballot was
14 rejected because of a signature mismatch. Denise
15 Cobb stated during her interview she might have
16 voted her son's ballot and signed his oath
17 because he was away at college.

18 So the rest of the potential respondents are
19 very similar in nature to that in which there was
20 an admission, basically, that they signed either
21 an oath envelope or an absentee ballot
22 application for someone else. And then they gave
23 various reasons for that. Some of them were the
24 person was not at home, the person was sick, and
25 those type of things.

1 So that's pretty much a representative of
2 the rest of the 17 individuals that basically
3 were listed as respondents.

4 Now, there were some individuals, in looking
5 at this case -- this was a voluminous case, 87
6 pages -- there's a couple of individuals upon
7 further review that we're going to take a look
8 further at, specifically one in which a mother
9 indicated that her daughter might have signed it.
10 So we're following up on that. Just found out
11 that the mother has since passed. This has been
12 five years ago, but we're still trying to track
13 down the daughter.

14 There are some other people that are part of
15 this case that said, Well, I might have; I can't
16 remember, that type of thing. So those are the
17 individuals that, you know, maybe an LOI,
18 something of that nature. It's not enough as far
19 as preponderance in some of these cases. And
20 unfortunately this is almost five years ago when
21 this happened. So that's what we're kind of
22 looking at with this -- with this case.

23 **JUDGE DUFFEY:** Okay. Can you tell us --
24 because it says that this was instituted by the
25 Secretary of State's Office, but -- and it does

1 relate to a bunch of different counties. What
2 was the emphasis -- or the impetus for these to
3 be investigated? How did this come about that
4 the Secretary of State's Office commissioned the
5 investigation?

6 **MR. BRUNSON:** Okay. There was a series of
7 e-mails, I believe, during that time.

8 Glenn, you want to come up here?

9 Glenn Archie was the inves -- he's our
10 supervisor in the Macon office. At the time he
11 was the investigator who -- who put this 87-page
12 investigation together. So ...

13 **MR. ARCHIE:** Yes, Your Honor. Back in 2020,
14 we were asked to look at this particular election
15 in 2018. Part of that election, I think there
16 was a court order that came out from one of the
17 courts in Georgia in reference to treating them
18 as provisional ballots in reference to signature
19 mismatches and other things like that.

20 And we were given spreadsheets of numerous
21 counties in Georgia to follow up on. So we had
22 to have the Atlanta office and the Macon office
23 to cover all these counties and contact the
24 elections offices and get the documents and then,
25 of course, interview the voters.

1 And like the deputy chief said, there are
2 several people that were cited for potential
3 violations, but during -- the ones I spoke with,
4 there were some where a family member had a
5 stroke; they were not aware that they couldn't
6 sign their name. There were several of those
7 involving that. And I -- you know, I informed
8 them that, you know, I would include that
9 information in my report and then the board would
10 review it and make a decision case by case.

11 But that -- I mean, that's pretty much in a
12 nutshell. We were asked to review it and see if
13 they were cured properly by the counties and all
14 of that, involving that court order.

15 **JUDGE DUFFEY:** Okay. Well, we've all had a
16 chance to go through this. It's -- it is
17 lengthy. I would say I'm impressed with the
18 amount of detail that you provided. And the
19 effort that you went with respect to each person,
20 it's heartening to see that there's enough here
21 for us to review to say that looks to me like the
22 right conclusion that you reached as
23 investigators. And so I appreciate all of your
24 hard work on this and I know that this took a
25 long time to prepare. So thank you for that and

1 we appreciate it.

2 Is there a motion with respect to this
3 complaint?

4 **MR. KIRK:** Can I speak to one of the cases?

5 **JUDGE DUFFEY:** Pardon me?

6 **MR. KIRK:** Can I speak to one of the cases?

7 **JUDGE DUFFEY:** Sure. Which one?

8 **MR. KIRK:** Investigator -- the family was
9 just here a moment ago, the one who she signed
10 her husband's name, Bartow County
11 (indiscernible).

12 **MR. ARCHIE:** Lynn Chris -- Lynn Christian
13 was her name.

14 **MR. KIRK:** So Lynn contacted me about a week
15 ago -- she is a voter in Bartow County -- about
16 this case. She'd been trying to reach out to the
17 investigators, was not able to reach them, to
18 explain what was going on. She was here earlier
19 but had to leave. It was a hardship for her to
20 make it down here today and couldn't stay through
21 lunch, but wanted to make sure y'all knew -- I
22 offered to speak for her since she had to
23 leave -- that her husband was at home because he
24 had a stroke.

25 And she doesn't -- she was allowed under law

1 to request that ballot on his behalf because of
2 that disability. And the application that she
3 had to use was a postcard application from a
4 campaign. And back in 2018, the campaigns
5 confused their own form for applications. On
6 their old postcards. You know, they had a name,
7 an address, sign here if you want your ballot and
8 send it in -- and then you're to go ahead and
9 send it in.

10 They had no instructions for assistance; no
11 instructions for requesting on behalf of another;
12 no place to say, He has a disability, I'm going
13 to sign on his behalf. And she did the best she
14 could with her knowledge of the law, understands
15 now that that was the wrong way to do it,
16 understa -- and, of course, it's a moot point
17 now. We can't do those applications anymore.

18 Now, thankfully, every voter has -- or every
19 family member, the instructions in front of them
20 to know what's legal, what's not, and the proper
21 way to do it. But I did think it was important
22 to note that the piece of paper she had in front
23 of her only had one line to sign, no instructions
24 for assistance, no instructions to request on
25 behalf of another at a time that her family was

1 in crisis.

2 I just thought y'all would want to know
3 that. Thank you.

4 **JUDGE DUFFEY:** All right. Thank you,
5 Mr. Kirk.

6 Ms. Ghazal?

7 **MS. GHAZAL:** I don't have a motion to make
8 on this entire case because I think it's really
9 important to differentiate between applications
10 and ballots because, well, even in 2018 the law
11 differentiated between who was eligible to apply
12 for a ballot.

13 So there may have been some technical errors
14 by family members who in fact were -- submitted
15 lawful requests but signed on the wrong line on
16 an application or did not have the line to sign
17 versus those voters who signed the ballot on
18 behalf of a family member which is and was a
19 violation of the law.

20 So I think that we're going to have to
21 address the respondents on an individual basis.

22 **JUDGE DUFFEY:** Well, if you've looked at the
23 ballot people, why couldn't we move -- make a
24 motion with respect to them and refer the
25 registration people back for further

1 investigation?

2 **MS. GHAZAL:** I think the applications I -- I
3 would move that those respondents who signed
4 applications on behalf of family members simply
5 receive a letter of instruction.

6 So that's my first motion.

7 **JUDGE DUFFEY:** All right. Is there a second
8 to that motion?

9 **MS. GHAZAL:** I think we actually may have
10 some respondents here who would like to speak.

11 **MS. COBB:** I just have a question
12 regarding -- you read my name off
13 (indiscernible).

14 **JUDGE DUFFEY:** One -- one second. Where --
15 what number are you? Your seat number?

16 **MS. COBB:** (indiscernible)

17 **JUDGE DUFFEY:** Okay. Now try it.

18 **MS. COBB:** Okay.

19 **JUDGE DUFFEY:** So you're the person I helped
20 get your parking ticket this --

21 **MS. COBB:** Yeah. (indiscernible).

22 **JUDGE DUFFEY:** Parking sticker this morning.
23 No, that's her. Got it?

24 **MS. COBB:** Okay. I just wanted to see if
25 whether each person was going to get to speak.

1 **JUDGE DUFFEY:** You are. You can speak.
2 **MS. COBB:** Because what --
3 **JUDGE DUFFEY:** Well, what's your name? Tell
4 us your name.
5 **MS. COBB:** I'm Denise Cobb. I'm Ja --
6 Janiel(ph) Jones was the person.
7 **JUDGE DUFFEY:** Okay. Wait a second because
8 it's -- and what county are you from?
9 **MS. COBB:** Burke County.
10 **JUDGE DUFFEY:** Denise Cobb?
11 **MS. COBB:** Yes.
12 **JUDGE DUFFEY:** Got it. Okay. Go ahead.
13 **MS. COBB:** Yes. And with my case, they said
14 that I signed for my son to vote, but I
15 actually -- actually the day they did the
16 investigation, I was driving. So my son called
17 and I ended up speaking to my son. And he was
18 rely -- relying -- he was replying whatever I
19 said to the person that was there. He said it
20 was somebody from the voters board.
21 So I thought that they was talking about the
22 application for him to get the absentee ballot.
23 And I did sign that. I signed one for him and
24 one for my daughter to get one because he was
25 going to -- I'm sorry, I'm a little nervous. He

1 was going to Albany State and she was going to
2 Middle Georgia State. So I signed for them to
3 get them. And when he said, Did you sign? I
4 thought he meant did I sign the thing for them to
5 get the applications.

6 Because when I got the applications, I knew
7 it was going to be too late for me to take up to
8 the school. So I threw them in the trash. And
9 I -- I guess I -- you know, I talked to my lawyer
10 twice and she said that's something that I
11 shouldn't have did, was throw them in the trash
12 for both kids, because I said I knew that they
13 had to do it with their school and I thought the
14 school had to send some information, saying that
15 they was registered in school.

16 **JUDGE DUFFEY:** Well, the -- just so that
17 you're clear, the allegation is that the absentee
18 ballot was signed, not the request for a ballot.

19 **MS. COBB:** Yeah. And I didn't do that. I
20 thought -- because this had been so long, I was
21 thinking when the people -- because I actually
22 was at the store and they asked me did I have
23 anybody that needed one. And I told them yes. I
24 said, But my kids are at school so I can't sign
25 for them. And the lady said, You can because

1 you're their guardian. So you can sign to get
2 their ballots.

3 And that's what I thought they were talking
4 about when he called me on the phone because I
5 was driving. And I -- I am really a nervous
6 driver, but when I saw my son's name pop up, I
7 thought some -- it might've been an emergency
8 situation. So I answered.

9 **JUDGE DUFFEY:** So what you're saying is that
10 the conversation you had with the investigator,
11 you thought, pertained to a request for a ballot
12 as opposed to the actual ballot.

13 **MS. COBB:** Yes. And with me driving, I --
14 that's why I said I might've got a little
15 confused but I kept thinking that it was talking
16 about the application for that. And so I said,
17 Yes, I probably did. I probably did. That's
18 what I was telling my son because I talked to my
19 son, not the person that was at the house.

20 But he told me that he -- if he needed to
21 talk to anyone, he would. But he had to work
22 last night, so he couldn't be here.

23 **JUDGE DUFFEY:** Okay. Do you know who signed
24 his absentee ballot?

25 **MS. COBB:** I don't know because I -- I threw

1 it in the trash. I didn't think that anybody
2 would've -- because it was him and my daughter.
3 They both were away at school -- at school. So I
4 threw both -- I had two. I threw them both in
5 the trash.

6 **JUDGE DUFFEY:** But if you threw the ballot
7 in the trash, there wouldn't be any record to
8 show that there was a missed signing. So I think
9 if I'm right, this absentee ballot was actually
10 returned --

11 **MR. ARCHIE:** It was. It was returned --

12 **MS. COBB:** Yeah. That's why I said I don't
13 know what happened and how it would've got
14 returned because I had two. So it should've been
15 him and my daughter that somebody would've did it
16 for. I don't know that somebody went in there
17 after me or whether it was my -- because I live
18 down the road from the landfill. So we throw our
19 trash out there. Whether somebody might've went
20 to the dumpster and got it, I don't know.

21 But I know the only thing I signed for was
22 them to get the paperwork to do them. And like I
23 said, I knew I didn't have enough time because I
24 thought everything be in sunk through the school.
25 So I just threw them away.

1 **MR. ARCHIE:** Can I add something, Your
2 Honor?

3 **JUDGE DUFFEY:** Yes.

4 **MR. ARCHIE:** When I spoke with her son
5 about -- in reference to this case, he told me at
6 first that he was not registered to vote. Then I
7 went through my documentation. I pulled off the
8 road so I could pull my documents. I said, You
9 registered when you -- through DDS. And then he
10 sort of remembered registering to vote.

11 Later on, I did talk with Miss Cobb. And
12 during the interview, I also make sure they
13 understand I'm talking about either applications
14 or absentee ballots. And when I asked her
15 questions about the absentee ballot, that's when
16 at one point in our interview she said she might
17 have voted his ballot and signed his oath because
18 he was away at college.

19 **MS. COBB:** Your Honor, what date did I talk
20 to him on? Because the only time I remember
21 talking to somebody was when my son called me and
22 I was driving. And I didn't talk to that person
23 directly; I talked to my son. Because I remember
24 the person saying -- like, making him repeat
25 himself and that was it. I never spoke to

1 anybody directly.

2 The only time I spoke to someone directly
3 was when I got my package in the mail. And when
4 I called then, I told them, I said I -- you know,
5 I didn't say that I signed it. I said I think it
6 was a miscommunication. And they said, Well, you
7 want to go back on what you said, then you can do
8 that. But this is what we have in the paperwork.
9 And I said I never talked to anyone directly. I
10 talked to my son and my son was delivering the
11 messages.

12 **JUDGE DUFFEY:** Did you ever talk to her son?

13 **MR. ARCHIE:** I did. I contact --

14 **JUDGE DUFFEY:** What did he say?

15 **MR. ARCHIE:** He advised me -- like I've
16 already said, he said at first he wasn't a
17 registered voter. But then I -- I informed him
18 he was. And then he had no knowledge of
19 receiving an absentee ballot or voting one. But
20 it was returned in his name.

21 **JUDGE DUFFEY:** All right. Any further
22 questions either of the respondent or the
23 investigators?

24 All right. Thank you very much.

25 **MS. COBB:** Thank you.

1 **JUDGE DUFFEY:** You have to use -- use that
2 one.

3 **MS. COMBS:** I'll take yours.
4 Sorry, Your Honor.

5 **JUDGE DUFFEY:** We know that one works.

6 **MS. COMBS:** I'm Kontaunya Combs. And I
7 received a letter.

8 **JUDGE DUFFEY:** Hold on for one second.

9 **MS. COMBS:** Okay.

10 **JUDGE DUFFEY:** Tell me your name slowly.

11 **MS. COMBS:** Last name is Combs, Kontaunya.

12 **JUDGE DUFFEY:** Okay, thank you.

13 **MS. COMBS:** You're welcome.

14 I received this letter a few weeks back and
15 it blew my mind. But I contacted the number
16 that -- well, I pulled up a number on the
17 Internet and called and spoke to Gil. Gil told
18 me to reach out to -- well, he transferred me to
19 Mr. Archie, I think, the next day.

20 And I spoke to Mr. Archie, and he asked me
21 did I ever get interviewed? And I said, No, I
22 was never interviewed but my grandmother was in
23 regards to signing their ballots, her and my
24 grandfather, since -- he's since passed and he
25 passed in November so he's not here. But they

1 did speak to my grandmother.
2 But I've always signed everything for them.
3 She has trembles, whatever. He couldn't sign
4 because he had a stroke. So I did let him know
5 that. But he said that -- to get them new voter
6 cards, get new voter cards and let her sign it
7 best she can. And then when she does this again,
8 then she can sign it herself. Because I sign
9 every -- I do everything for her, legally,
10 whatever it may be. So I didn't know that that
11 was an issue.
12 So that's what I wanted to say. But she's
13 here if you need to speak to her also.
14 **JUDGE DUFFEY:** She being your grandmother?
15 **MS. COMBS:** My grandmother, Sara Scott.
16 **JUDGE DUFFEY:** All right.
17 Ms. Scott, thank you for coming down.
18 Any other respondents want to speak?
19 **MS. GHAZAL:** I'm sorry. Mrs. Sara Scott? I
20 have a very quick question for Ms. Sara Scott.
21 **MS. COMBS:** She's right here.
22 **JUDGE DUFFEY:** No, we can take --
23 (Cross-talking)
24 **MS. GHAZAL:** We can -- we -- you -- it's oh,
25 yes. That's fine. I'm so sorry to -- to

1 inconvenience you.

2 But, Mrs. Scott, did you, in fact, complete
3 your ballot, the ballot that your granddaughter
4 signed on your behalf? Did you complete your own
5 ballot?

6 **MS. COMBS:** She said did you complete your
7 ballot that I signed for you?

8 **MRS. SCOTT:** As far as I know, I did.

9 **MS. GHAZAL:** Thank you, ma'am. That's --
10 that was the only question I had for you. I
11 appreciate it.

12 And thank you so much. I know it was --
13 it's a great deal of trouble coming here. So I
14 really appreciate that you all came down here for
15 this.

16 **MS. COMBS:** Thank you.

17 **MR. MASHBURN:** Tinisha, before you get
18 comfortable, I have a question for you --

19 **MS. COMBS:** Yes.

20 **MR. MASHBURN:** -- if you don't mind. Need
21 you to come back up, sorry.

22 **JUDGE DUFFEY:** If you hold that long enough,
23 we give it to you.

24 **MR. MASHBURN:** So you -- you've done the
25 research you need to do to make sure that in the

1 future you're going to do this the right way?
2 **MS. COMBS:** Yes. We are ordering new voter
3 registration cards to let her sign it herself.
4 **MR. MASHBURN:** Okay.
5 **MS. COMBS:** So when she does, when this
6 comes around again -- next year? Yeah. -- next
7 year, I'll just assist her. I won't touch
8 anything. Whether her signature is scribbled,
9 you can barely see it, that's just how it's going
10 to be. I'm not touching anything ever.
11 **MR. MASHBURN:** So if we sent you a letter
12 that said don't do it again --
13 (Cross-talking)
14 **MS. COMBS:** Oh no, you have
15 (indiscernible) --
16 **MR. MASHBURN:** -- you're not going to do it
17 again.
18 **MS. COMBS:** No.
19 **MR. MASHBURN:** So that'd be a good solution
20 from your mind, right?
21 **MS. COMBS:** Yes.
22 **MR. MASHBURN:** Okay.
23 **MS. COMBS:** Yes.
24 **JUDGE DUFFEY:** Any other respondents care to
25 speak? I suggest that we maybe deal with these

1 two on separate motion. Is there a motion
2 regarding Denise Cobb?

3 **MR. LINDSEY:** I move that a letter of
4 instruction be issue to her. Finding a technical
5 violation, but a letter of instruction.

6 **JUDGE DUFFEY:** Is there a second?

7 **MR. MASHBURN:** Second.

8 **JUDGE DUFFEY:** Okay. It's been moved and
9 seconded that Respondent Denise Cobb's complaint
10 against her, that while we find a violation, we
11 send her letter of instruction admonishing her to
12 follow the proper procedures and not to sign
13 ballots on behalf or even registrations on --
14 requests for absentee ballots on behalf of other
15 people unless she follows the procedures that
16 allow that to be done.

17 Is -- is that what everybody understands the
18 motion to be?

19 So that's the motion. All those in favor,
20 say aye.

21 **THE BOARD MEMBERS:** Aye.

22 **JUDGE DUFFEY:** Opposed, no?

23 That passes.

24 **MR. ARCHIE:** Your Honor, can I say something
25 about three other respondents? They contacted me

1 but they weren't able to make it here. It was a
2 Miss Whitfield, also a Miss Scurry, and also a
3 Deborah(ph) Black.

4 They had similar circumstances where one --
5 one is the daughter of the mother. She -- she
6 suffered a stroke. That's the reason why she
7 signed hers. She also had power of attorney.
8 Also, Miss Black, similar situation. There was
9 medical and physical disabilities. And also Miss
10 Whitfield.

11 **JUDGE DUFFEY:** All right. With --

12 **MR. LINDSEY:** Chairman, I move that in the
13 case involving Katie Whitfield, Nedra Scurry, and
14 Deborah Black --

15 **MR. ARCHIE:** Yes, sir.

16 **MR. LINDSEY:** -- that we similarly find a
17 technical violation and issue a letter of
18 instruction.

19 **JUDGE DUFFEY:** Well, should we add
20 Miss Combs to that? Or Tinisha Scott?

21 **MR. LINDSEY:** Oh, yeah, I'm sorry. I
22 thought we already ... correct, yes,
23 Mr. Chairman. Sorry.

24 **JUDGE DUFFEY:** So for --

25 **MR. MASHBURN:** And Lynn -- and Lynn

1 Christian from Bartow County, I think.

2 **MR. LINDSEY:** Yes, that one too. I'm sorry.

3 **MR. MASHBURN:** Mr. Kirk?

4 **MR. KIRK:** Huh?

5 **MR. MASHBURN:** Christian? Lynn Christian is
6 yours?

7 **MR. KIRK:** Yes.

8 **MR. LINDSEY:** Yeah, accept those friendly
9 amendments, Mr. Chairman.

10 **JUDGE DUFFEY:** Where's Christian?

11 All right. Then for respondents Lynn
12 Christian, Denise Cobb -- or did we do Denise
13 Cobb? -- Katie Whitfield, Tinisha Scott, Nedra
14 Scurry, Deborah Black the motion is to find a
15 violation but to send letters of instruction
16 requiring them to -- where?

17 **DR. JOHNSTON:** (indicating)

18 **JUDGE DUFFEY:** Oh, okay (indicating).

19 **MR. CORBIN:** My name is Laurel(ph) Corbin.

20 **JUDGE DUFFEY:** Can you -- try that. See if
21 that's right. Keep -- just talk into the
22 microphone.

23 **MR. CORBIN:** One, one, two. One, two. One,
24 two. (indiscernible) one, two. One, two. One,
25 two. One, two.

1 **JUDGE DUFFEY:** Okay, try it -- try it again.
2 **MR. CORBIN:** One, two. You got it, okay.
3 Just I got one from -- there's evidence to
4 suggest that Laurel Corbin violated O.C.G.A. --
5 **MR. MASHBURN:** What's his name?
6 **MR. CORBIN:** -- dash two -- 21-2-8 -- 385.
7 **JUDGE DUFFEY:** What's your name?
8 **MR. CORBIN:** Laurel Corbin.
9 **JUDGE DUFFEY:** Give me one second until I --
10 what's the last name?
11 **MR. MASHBURN:** It's the last page.
12 **JUDGE DUFFEY:** Got it. Okay, go ahead,
13 Mr. Corbin.
14 **MR. CORBIN:** It say: During the November 6,
15 2018, general election, the Taylor County
16 election official -- official received an
17 absentee ballot in the name of Agnes Corbin. The
18 absent ballot was rejected because of the
19 signature mismatch. During this interview, Miss
20 Agnes Corbin, she said that she did not why her
21 husband signed his name on her oath envelope, on
22 the envelope.
23 **JUDGE DUFFEY:** So the question is did you --
24 for your wife, did you sign her name to the oath
25 envelope?

1 **MR. CORBIN:** It's saying that I signed my
2 name.

3 **MR. MASHBURN:** I think he -- he signed his
4 name.

5 **JUDGE DUFFEY:** To her -- to your wife's --

6 **MR. CORBIN:** Yes. Yes, sir.

7 **JUDGE DUFFEY:** Did you do that?

8 **MR. CORBIN:** Well, I -- like I told -- I
9 don't remember signing the -- my name to her --
10 she say she didn't know why I signed my name to
11 her envelope.

12 **JUDGE DUFFEY:** Right.

13 **MR. CORBIN:** Her oath. It was on the oath
14 envelope. I didn't sign it. It kind of maybe
15 sounded weird to me because -- but it was
16 rejected because they said I signed my name to
17 the oath ballot.

18 **JUDGE DUFFEY:** So, Mr. Corbin, I think what
19 the allegation is -- that a ballot was sent to
20 your wife, Agnes Corbin. Is Agnes Corbin your
21 wife?

22 **MR. CORBIN:** Yes, sir.

23 **JUDGE DUFFEY:** So what -- when she was
24 contacted, because it's her ballot that was being
25 reviewed, the signature on the oath envelope,

1 which is where you swear that the ballot is true
2 and correct and the person that's submitting it.
3 Your wife said she didn't understand why you had
4 signed --

5 **MR. CORBIN:** Yes.

6 **JUDGE DUFFEY:** -- her oath envelope. And I
7 think the -- the -- all the -- the only question
8 we have is did you sign your wife's oath
9 envelope?

10 **MR. CORBIN:** If I did, it was by -- what I
11 was con -- consumed that it had to be witnessed,
12 you had to have the ballot witnessed to vote to
13 be returned in.

14 **JUDGE DUFFEY:** So you're not denying that
15 you did that, you just had a misunderstanding
16 about it.

17 **MR. CORBIN:** Well, yes, sir.

18 **JUDGE DUFFEY:** Okay. Can --

19 **MR. LINDSEY:** Mr. Chairman, can I ask the
20 investigator something?

21 Did he sign his name?

22 **MR. ARCHIE:** He did, sir. Yes, sir. His
23 name was signed on her envelope.

24 **MR. LINDSEY:** So in other words, he didn't
25 try to forge her name.

1 **MR. ARCHIE:** No.

2 **MR. LINDSEY:** He just signed his own name.

3 **MR. ARCHIE:** No, sir.

4 **MR. LINDSEY:** Okay. That's -- that's --

5 **JUDGE DUFFEY:** -- helpful.

6 **MR. LINDSEY:** Okay, I understand.

7 Mr. Chairman, I would add his -- his name to

8 my motion.

9 **JUDGE DUFFEY:** All right.

10 **MR. MASHBURN:** Mr. Corbin? Mr. Corbin, I --

11 **MR. CORBIN:** Yes, sir.

12 **MR. MASHBURN:** Let me ask you. I assume

13 that on a signature mismatch, if a ballot's being

14 rejected, they would've sent you a notice that

15 said it was being rejected. Do you remember

16 getting a notice in the mail that said your

17 ballot was going to be rejected and not going to

18 count?

19 **MR. CORBIN:** No, sir. I don't even know

20 whether her -- most of the time, we work out -- I

21 work out of town and that was the purpose of the

22 absentee ballot. And after we had -- no, there

23 was -- after I got this letter, I know now for my

24 own I just don't need to get an absentee ballot.

25 I'll just to try to, you know, take the day off

1 or whatever I need to do to -- to go and vote
2 now.

3 **MR. MASHBURN:** Okay. So -- but you're clear
4 in your mind that you should sign your ballot and
5 she should sign her ballot?

6 **MR. CORBIN:** Well, go and vote, we -- both
7 of us at the age now we can -- you know, like I
8 say, I'm almost 70 years old and I'm still out
9 working. But just when it comes to the election
10 now, it's better just to go to the poll and, you
11 know, do it.

12 **MR. MASHBURN:** So Ed's got a motion.
13 Have you made the motion?

14 **MR. LINDSEY:** Yeah.

15 **JUDGE DUFFEY:** I'm going to clarify.

16 **MR. MASHBURN:** Okay, thank you. Okay.

17 **MR. LINDSEY:** I'm going to be adding the
18 name to the --

19 **JUDGE DUFFEY:** Okay. So I'm going to just
20 restate and make sure I have all the names.

21 **MR. LINDSEY:** Let's make sure I do.

22 **JUDGE DUFFEY:** So the motion is --

23 **MR. LINDSEY:** The motion is find a technical
24 violation, send a letter of instruction to people
25 not to please do it again. I believe the folks

1 that we have listed are Lynn Christian, Katie
2 Whitfield, Nedra Scurry.

3 **JUDGE DUFFEY:** Now we have Kenida(ph)
4 Tinisha Combs.

5 **MR. LINDSEY:** Laurel Corbin, Deborah Black.

6 **MS. GHAZAL:** And a friendly amendment to add
7 Mary Bryant, the very first person who the
8 technical violation was with regard to an
9 application and not the ballot.

10 **MR. LINDSEY:** I'll second.

11 **JUDGE DUFFEY:** Okay. Just make -- so here
12 are the names I have: Mary Bryant, Lynn
13 Christian, Katie Whitfield, Tinisha Scott, Nedra
14 Scurry, Laurel -- Laurel Corbin, and Deborah
15 Black.

16 So the motion is to find technical
17 violations by these people but to send them a
18 letter advising them that they should not sign on
19 behalf of other people and to follow the laws
20 with respects to applications and ballots and
21 ballot oaths.

22 **MR. LINDSEY:** Yes.

23 **JUDGE DUFFEY:** Okay. And has that been
24 seconded? We need a second?

25 **MS. GHAZAL:** I second it. I second it.

1 **JUDGE DUFFEY:** So it's -- it's seconded. Is
2 there any discussion? All right.

3 **MS. GHAZAL:** I just want to make a comment
4 that this was in 2018. In 2019, the law changed
5 rather substantially so that there is now a cure
6 process. And I want to also commend the
7 incredible investigative work that went into
8 this. There were hundreds. I don't know that
9 you -- nobody can see the investigative files on
10 all of the -- the cases that -- that were
11 investigated and dismissed, just -- which is a
12 testament both to your work and to the work of
13 the counties that they have undertaken over the
14 years in making sure that they are taking that
15 process and the signature review processes very
16 seriously.

17 So I just wanted to point that out and my
18 thanks to you all.

19 **JUDGE DUFFEY:** The other thing I'd like to
20 say is this system works. If we didn't have the
21 respondents who took the time to come down here
22 and provide the explanations to us that they
23 have, we would -- could not have reached this
24 fair decision.

25 So we appreciate the time and effort.

1 Citizen participation is important in all things.
2 And with that, I'll ask -- I'll call for the
3 vote.

4 All those in favor of the motion say aye.

5 **THE BOARD MEMBERS:** Aye.

6 **JUDGE DUFFEY:** All those oppose, no?

7 The motion passes.

8 So all of the respondents that would rather
9 spend time at places other than here, I encourage
10 you that you may leave now if you like.

11 **MR. MASHBURN:** You don't have to tell her
12 twice.

13 **JUDGE DUFFEY:** Well, we're not locking you
14 in. I mean, it's --

15 **UNIDENTIFIED SPEAKER:** Please don't. Thank
16 you.

17 **JUDGE DUFFEY:** Next is Case Number 2020-80,
18 Fulton County, the 2020 runoff election.

19 Could you brief us on that, please.

20 **MR. LINDSEY:** We have others --

21 **MS. GHAZAL:** I'm sorry, we still have other
22 respondents.

23 **JUDGE DUFFEY:** Oh, you're right. I'm sorry.

24 So with respect to the other respondents, do
25 I hear a motion?

1 **MR. LINDSEY:** Mr. Chairman, I might suggest
2 we take them one at a time, beginning with Denise
3 Cobb. And my concern about Denise -- about
4 Ms. Cobb is that she maintains that the only
5 thing she did was sign the application but not
6 sign the ballot. But the ballot --

7 If I could have the investigators up here.

8 It's the ballot that was signed improperly.
9 And at this time I don't believe I have clear
10 enough evidence, clear enough knowledge as to
11 what exactly happened there. And for that
12 reason, I would move that it be referred to the
13 Attorney General since there was a discrepancy in
14 the testimony.

15 **JUDGE DUFFEY:** Is there a second? A
16 referral to the Attorney General doesn't mean
17 that they can't provide more input or --

18 **MR. LINDSEY:** They can provide more
19 information. The problem is that the respondent
20 insert -- you know, asserts that she simply
21 signed an application, which, you know, I was
22 prepared at that point to -- to go along.

23 This would be a letter of instruction, but
24 the investigators found that the problem was with
25 the ballot not with the application. So there is

1 a discrepancy that that --

2 **MR. MASHBURN:** I think we just voted to send
3 her a letter of instruction.

4 **MR. LINDSEY:** No, uh-uh.

5 **JUDGE DUFFEY:** No.

6 **MR. LINDSEY:** No, I didn't --

7 **MR. MASHBURN:** Okay.

8 **MR. LINDSEY:** I did not include her anymore
9 for that reason, is because there's a
10 discrepancy.

11 Now, I don't know if it's a discrepancy that
12 can -- that may be able to be cleaned up by the
13 Attorney General's Office, but we do have two
14 different stories. We have -- we have the --
15 more specifically we have the documentary
16 evidence, then we have her testimony, and they --
17 they don't -- they don't match.

18 For that reason, I would send her -- send
19 the matter to the Attorney General for further
20 investigation.

21 **MS. GHAZAL:** Second it.

22 **JUDGE DUFFEY:** Okay. It's been moved and
23 seconded that we refer Denise Cobb to the
24 Attorney General's Office for further
25 investigation and appropriate disposition. And

1 that appropriate disposition, by the way, could
2 be that they recommend to us that we dismiss it.
3 It's just a matter of trying to resolve these
4 discrepancies.

5 **MR. MASHBURN:** Yeah.

6 **JUDGE DUFFEY:** Is there a second to the
7 motion? Did you second it?

8 **MS. GHAZAL:** Yes, I did.

9 **JUDGE DUFFEY:** It's been -- is there any
10 discussion?

11 It's been moved and seconded with respect to
12 Denise Cobb on 2020-01 that her complaint against
13 her be forwarded to the Attorney General's
14 Office.

15 There being no discussion, all those in
16 favor say aye.

17 **THE BOARD MEMBERS:** Aye.

18 **JUDGE DUFFEY:** Those opposed, no?

19 Passes unanimously.

20 Linda Howard.

21 **MR. LINDSEY:** Let me -- if the --
22 investigators, let me ask you about Linda Howard.
23 Did you find any discrepancy between your
24 findings, documentary findings, and her -- and
25 what she said had happened? Did you find any

1 discrepancies?

2 **MR. BRUNSON:** You know what, in talk --
3 supervisor Archie just left. But, yes, I spoke
4 with him and he said that basically what she said
5 and his investigation were totally two different
6 things and that what he found was what he
7 documented in his interview with her, et cetera.

8 **JUDGE DUFFEY:** This says that she signed
9 his -- her husband's oath envelope by accident.
10 What was the accident?

11 **MR. BRUNSON:** Oh.

12 **MS. GHAZAL:** This is -- this is Linda
13 Howard.

14 **MR. LINDSEY:** Linda --

15 **MR. BRUNSON:** You know, I thought -- I
16 thought we were talking about --

17 **MR. LINDSEY:** No, no, no, no. I'm talking
18 about Linda Howard. I'm going down the list.

19 **MR. BRUNSON:** Howard, okay. Let's go back.
20 Let me go back.

21 **MR. LINDSEY:** My point being I don't see a
22 discrepancy. I just want to get that confirmed
23 before I make a motion.

24 **MR. BRUNSON:** Yeah. Looks very similar to
25 the previous where she signed her name to her

1 husband's oath envelope.

2 **MR. LINDSEY:** Okay. With that
3 understanding, Mr. Chairman, I would move for us
4 to take a similar position with a finding of a
5 technical violation and sending a letter of
6 instruction to her.

7 **JUDGE DUFFEY:** Is there a second?

8 **MS. GHAZAL:** Second.

9 **JUDGE DUFFEY:** It's been moved and seconded
10 that we find a technical violation for Linda
11 Howard in this complaint and that she be sent a
12 letter of instruction. Is there any discussion?

13 **MR. MASHBURN:** Linda Howard should send
14 Mr. Corbin a letter of appreciation.

15 **MR. LINDSEY:** I leave that up to
16 Ms. Howard's discretion.

17 **JUDGE DUFFEY:** I don't have to draft that
18 letter too, do I?

19 All right. There being no further
20 discussion, all those in favor that Linda Howard
21 be found in technical violation but receive a
22 letter of instruction say aye.

23 **THE BOARD MEMBERS:** Aye.

24 **JUDGE DUFFEY:** All those opposed, no?
25 It passes unanimously.

1 Teresa Davis.

2 **MR. LINDSEY:** Mr. Chairman, if I can, same
3 question: Did you find any discrepancy? But,
4 you know, apparently she says that she signed her
5 husband's name because of his medical disability.
6 I guess two questions there.

7 Number one, did y'all get a chance to talk
8 to the husband? And was the documentary evidence
9 consistent with what she claimed?

10 **MR. BRUNSON:** I would have to get the file
11 because the investigator actually just walked
12 out. Let me get the file and I'll go through the
13 file.

14 **MS. GHAZAL:** If I might add a comment on
15 some of these. I see a substantive difference
16 when a voter is signing somebody else's name and
17 when they sign their own name on somebody else's
18 line because there is no intent to --

19 **MR. LINDSEY:** Yeah.

20 **MS. GHAZAL:** -- make anyone else believe
21 that -- you know, when you're signing your own
22 name, it's very clear that you're signing your
23 own name. When you're signing somebody else's
24 name, while there may not be an intent to
25 defraud, that is still a fraudulent signature.

1 **JUDGE DUFFEY:** Yeah. I think I agree with
2 that. But it's ambiguous whether when they said
3 they signed their husband's name --
4 **MS. GHAZAL:** Right.
5 **MR. LINDSEY:** Yeah, that's what I'm looking
6 for.
7 **JUDGE DUFFEY:** -- whose name they signed.
8 **MS. GHAZAL:** Exactly.
9 **MR. LINDSEY:** That's what I'm looking for.
10 **MR. BRUNSON:** You know what, the most
11 expedient thing to do potentially is maybe to
12 have the investigator come back because otherwise
13 I'm going to have to dig through this and, of
14 course, it's 87 pages and a lot of exhibits.
15 **MR. LINDSEY:** Okay.
16 **MR. BRUNSON:** So if we want, can we come
17 back to this? Because he should be on his way
18 back. We're going to have him come back.
19 **MR. LINDSEY:** That's fine.
20 **MS. GHAZAL:** So should we continue this
21 until later this afternoon, the remainder of the
22 case, so that we can keep going?
23 I move that we continue this, the remainder
24 of these cases, until we can get a little bit
25 more information. Either we can -- at the end of

1 this afternoon or tomorrow morning, depending on
2 when the investigator is available.

3 **MS. KOTH:** He's coming back.

4 **MS. GHAZAL:** Oh, he's coming right back?
5 Okay.

6 **MR. BRUNSON:** I thought -- I think he
7 thought it was over and he was heading back to
8 Macon. So ...

9 **JUDGE DUFFEY:** Define "right back" for me.

10 **MS. KOTH:** He was getting (indiscernible).
11 He was walking out of the building. He parked
12 over in our building. He's from Macon.

13 **JUDGE DUFFEY:** Okay. So right back means as
14 soon as he walks across the street?

15 **MS. KOTH:** I don't think he made it that
16 far. Gil just --

17 **MS. GHAZAL:** Okay. All right.

18 **JUDGE DUFFEY:** Well, I'd like to finish this
19 if we can. So if have to wait a couple minutes,
20 let's do that.

21 (Pause)

22 **JUDGE DUFFEY:** All right. I'll entertain a
23 motion to defer the rest of these people for our
24 next -- for first of the meeting tomorrow. Can
25 somebody make that motion?

1 **MS. GHAZAL:** I already did.
2 **JUDGE DUFFEY:** You did?
3 **MS. GHAZAL:** Defer it till tomorrow?
4 **JUDGE DUFFEY:** Yes.
5 **MS. GHAZAL:** I so move.
6 **JUDGE DUFFEY:** Okay. Is there a second to
7 defer the rest of the individuals on this
8 complaint until tomorrow morning?
9 **MR. MASHBURN:** Second.
10 **JUDGE DUFFEY:** Is there any discussion?
11 **MS. GHAZAL:** Well, one -- one question.
12 Does that mean that your investigator will have
13 to drive back up from Macon again?
14 **MS. KOTH:** Yes.
15 **MS. GHAZAL:** So what about deferring it till
16 the end of today?
17 **MR. BRUNSON:** Yes, that would be perfect.
18 **JUDGE DUFFEY:** Well, tell me why he left.
19 This -- we're in --
20 **MR. BRUNSON:** He thought it was done because
21 of the ruling on -- he didn't know that you were
22 going through each individual.
23 **MS. GHAZAL:** Right.
24 **MR. BRUNSON:** So he thought you were done.
25 **JUDGE DUFFEY:** Well, the next time he should

1 ask whether or not we're done with his services.

2 All right. We'll defer these until the end
3 of the meeting. Is there any objection?

4 **THE BOARD MEMBERS:** No.

5 **JUDGE DUFFEY:** All right. They're deferred
6 until the end of the meeting.

7 Let's go on to the next, which is 2020-80,
8 Fulton County, 2020 runoff election, tab 13. Can
9 we have a report on that, please.

10 **MR. BRUNSON:** Okay. For this case, there
11 were multiple complainants, 29 citizens, about
12 the Fulton County Board of Elections and
13 Registration. The complaints ranged from
14 citizens not receiving their absentee ballots to
15 votes not being counted, and issues/problems at
16 polling locations in Fulton County.

17 Absentee ballots, oath envelopes, and other
18 election related documents were requested from
19 various citizens regarding this complaint, from
20 Fulton County by the investigator, including by
21 e-mail and subpoena. However, in 17 instances,
22 no information was provided.

23 In one instance, the wrong information was
24 provided regarding the election. The question
25 was about the August 11, 2020, election and the

1 documents received from the November 2020 general
2 election.

3 So ultimately the findings reveal that
4 Fulton County elections personnel failed to
5 process absentee ballot applications or failed to
6 process them in a timely manner for the following
7 elections -- even though the case is dealing with
8 the August 11, 2020, runoff election, there were
9 other elections that were involved in the
10 complaint -- the June 9, 2020, general primary;
11 the August as listed; the September 29, 2020,
12 special election. And this ultimately resulted
13 in 12 citizens being unable to vote.

14 One of the citizens was able to vote in
15 person. One citizen ended up voting by a
16 provisional ballot. However, election records
17 indicate that she did not vote in the state
18 election. She was never notified of the reason
19 why her vote was not counted. In addition,
20 Fulton County did not include her vote as part of
21 the official tabulation which would be a
22 violation of O.C.G.A. 21-2-437(d).

23 So during this investigation, there were 14
24 complaints out of the 29 that were submitted in
25 which there is no evidence of any election law or

1 rule being violated.

2 However, in one instance, a citizen admitted
3 to repeatedly taking pictures of her ballot over
4 the years, and that was not written up as a
5 violation. However, we addressed that with that
6 person who did that and to let them know that
7 that is prohibited, that is a violation of the
8 law.

9 So as I stated, there's multiple charges and
10 I can go down the list and read what we
11 discovered during our investigation if you would
12 like, Board.

13 **JUDGE DUFFEY:** What's the board's preference
14 on that? Did we need to go through each person
15 and vote on them separately?

16 **MR. LINDSEY:** Essentially ...

17 **MR. MASHBURN:** No, this is all the same
18 respondent, right?

19 **JUDGE DUFFEY:** Yes.

20 **MR. MASHBURN:** Yeah. So I don't think we
21 need to go by them.

22 **MR. BRUNSON:** It's just the counts.

23 **MS. GHAZAL:** Yes.

24 **MR. BRUNSON:** Multiple counts.

25 **JUDGE DUFFEY:** Right. Was there a motion?

1 **MS. GHAZAL:** Do we want to give the
2 respondent an opportunity to speak to this?

3 **JUDGE DUFFEY:** Yes. Does the representative
4 from Fulton County want to speak to these?

5 **MS. WILLIAMS:** Good afternoon, Chair,
6 Members of the Board. Our staff recently
7 reviewed this case and found the following. I
8 can go paragraph by paragraph or read each
9 person's name if you prefer.

10 For the first paragraph, for those three
11 voters, the ballots were mailed on September 19,
12 2020, and not returned by the voter.

13 On the second paragraph, for Voter Cantor,
14 the ballot was mailed on 9/9 and accepted on
15 9/21.

16 **JUDGE DUFFEY:** Miss Williams, I'm just
17 having a following -- a hard time finding what
18 paragraphs you're referring to on the potential
19 violations. Is that ...

20 **MS. WILLIAMS:** Well, I'm -- I'm looking
21 at -- yes, right now I'm on Voter Quinton Nixon.

22 **MR. MASHBURN:** She sent in the third
23 (indiscernible) on our potential violations.

24 **MS. WILLIAMS:** Each paragraph has a
25 different voter's name.

1 **MR. MASHBURN:** Page 2. Page 2 of the
2 summary.

3 **JUDGE DUFFEY:** Okay. So let's start again.
4 Cheryl(ph) Henning, Mark Olson, and Dorothy
5 Berganon(ph) .

6 **MS. WILLIAMS:** Yes. Our archives indicate
7 that the person -- the ballot was mailed to each
8 of these voters on September 19th and not
9 returned by the voter.

10 On the second paragraph which is Angela
11 Cantor.

12 **MR. LINDSEY:** Can I -- can I ask a question.
13 19th?

14 **MS. WILLIAMS:** September 19th.

15 **MR. LINDSEY:** The special election was ten
16 days later.

17 **MS. WILLIAMS:** It was -- it was -- well,
18 the -- it was mailed on September 19th is what I
19 have -- we have in our records.

20 **MR. LINDSEY:** All right.

21 **JUDGE DUFFEY:** How long before the election
22 are the ballots supposed to go out? Ten days?

23 **MS. GHAZAL:** Prior to the passage of SB202,
24 they had to go out minimal of at least five days
25 before the election. So the Friday prior to the

1 Tuesday election day. So this was well within
2 the -- the previous legal deadline.

3 **JUDGE DUFFEY:** Okay. Thank you.

4 **MS. WILLIAMS:** Okay. For Angela Cantor, the
5 ballot was mailed on September 9th and accepted
6 on September 21st.

7 For Mr. Nixon, for the June election, the
8 ballot was mailed on May 17th and not returned.
9 For the August election, the ballot was mailed on
10 July 25th and not returned.

11 From Mr. Robert Boyd, there are sixteen
12 electors that have the same name. So we would
13 need more information to review that voter.

14 On paragraph number --

15 **MR. MASHBURN:** Miss Williams, let me
16 interrupt you real quick.

17 So on the ones that you've already done,
18 that you -- that you say that you mailed out the
19 ballot in a timely fashion with the law, you want
20 us to dismiss those, right?

21 **MS. WILLIAMS:** Yes.

22 **MR. MASHBURN:** That would be your request?

23 **MS. WILLIAMS:** Per our records, it was
24 mailed timely. It was just we did not receive
25 the ballot back from the voter.

1 **MR. MASHBURN:** Okay. It'd be -- it'd be
2 very helpful to us -- not that you were doing
3 anything wrong, but just to help us out -- if
4 you -- if you think that y'all complied with the
5 law and did what you were supposed to do, say --
6 just let us know that you don't think there's a
7 violation and you'd like for it to be dismissed
8 and that'll help us keep -- keep score if that's
9 okay.

10 **MS. WILLIAMS:** Okay. Yes, sir. May I say
11 that we believe that we complied with all of the
12 voters on this list?

13 **MR. MASHBURN:** You could probably just
14 shorten it and say, We -- in order to be
15 dismissed or something.

16 **MS. WILLIAMS:** Okay.

17 **MR. MASHBURN:** Just to kind help us keep up
18 with it.

19 **MS. WILLIAMS:** Okay. Yes, will do.

20 Okay. So for Mr. Boyd, there are 16
21 electors with the same name. If they provide
22 more information, we could do more research on
23 that voter. But we would like that to be
24 dismissed.

25 For Mr. Russell, we have no record of an

1 absentee ballot request. So we would also like
2 that to be dismissed.

3 For Mr. Alphason(ph), there was also no
4 record of an absentee ballot request. We would
5 also like that to be dismissed.

6 For Vivian -- and forgive me for the last
7 name -- Cappernew(ph), there was no voter under
8 that registered name in our records. We would
9 also like that to be dismissed.

10 For the next two voters, Rachel
11 Quasbarth(ph) or a Mr. Travis, the GRVIS system
12 does not indicate what party those persons are
13 registered for. So we're not able to confirm
14 what ballot -- what ballot was mailed. It's not
15 currently in the GRVIS system.

16 And now I'm on paragraph 10, Mrs. Margaret
17 Sullin(ph). The next three paragraphs refer to
18 that same voter. And per our records, the ballot
19 was issued to her on August 7th. It was canceled
20 and our records show that she voted on election
21 day. And we would also like that to be
22 dismissed.

23 And that concludes the voters listed on this
24 report.

25 **JUDGE DUFFEY:** So let me ask the

1 investigators this. You looked at each of these
2 people. Who gave you the names, claiming that
3 they hadn't voted when the records are so
4 contrary to what the claim is?

5 **MR. BRUNSON:** So one of the issues is that
6 in those 17 instances, we didn't receive any
7 information. And from the investigation, it
8 looks like there was nothing on ElectionNet to
9 verify what the Fulton County representatives are
10 saying.

11 So in many cases there was a subpoena sent
12 out requesting information on all these
13 individuals and that information wasn't provided
14 to our investigator --

15 **JUDGE DUFFEY:** Subpoena went to Fulton
16 County?

17 **MR. BRUNSON:** Yes, sir.

18 **JUDGE DUFFEY:** Why did that happen?

19 **MS. WILLIAMS:** This happened in 2020, so I
20 have no record of that. But if we can now
21 provide supporting documents for everything that
22 I read off today, we can do so.

23 **JUDGE DUFFEY:** Well, but what I hear is that
24 the -- you were subpoenaed to provide the
25 documents about these voters, now all of a sudden

1 you have the information.

2 **MS. WILLIAMS:** I was not subpoenaed. This
3 is our previous director.

4 **JUDGE DUFFEY:** Well, I'm not saying you.
5 I'm just -- you in the -- in the broad sense, the
6 institution.

7 **MS. WILLIAMS:** I cannot confirm or deny that
8 that (indiscernible). But we do have supporting
9 documents if needed at this time.

10 **MR. LINDSEY:** Mr. Chairman, I move to
11 continue and ask Fulton County -- Fulton County
12 has indicated their willingness to provide the
13 necessary documentation, I would move to continue
14 so that they can provide that -- so that they can
15 provide that documentation to the investigator so
16 that, if correct, we can deal with this
17 expeditiously. But let's get the documentation
18 to the investigators. So I'd move to continue.

19 **JUDGE DUFFEY:** I'd amend that by saying that
20 I'll continue it, but I will give you until the
21 1st of July to have somebody from your office
22 come down and meet with the investigators and
23 give them the information that you claim you now
24 have.

25 **MS. WILLIAMS:** Okay. We'll do that. Thank

1 you.

2 **MR. LINDSEY:** Thank you. With that friendly
3 amendment from the chairman.

4 **MS. GHAZAL:** I second.

5 **JUDGE DUFFEY:** It's been moved and seconded
6 that we continue these to the next -- these --
7 this entire complaint -- Was it SB two --
8 2020-80? -- to the next meeting but that a
9 representative from Fulton County meet with and
10 provide to the investigators in this matter all
11 of the underlying information that -- that
12 they've claimed disputes the recommendations and
13 found violations in the report. Is there any
14 discussion?

15 **DR. JOHNSTON:** Mr. Chairman, question. Are
16 absentee ballot outer envelopes scanned before
17 they're mailed?

18 **MS. WILLIAMS:** Did you say scanned?

19 **DR. JOHNSTON:** Correct.

20 **MS. WILLIAMS:** We -- we have a -- I believe
21 we have a image of them before they're sent out.

22 **DR. JOHNSTON:** I'm sorry, a what?

23 **MS. WILLIAMS:** We have a record of them.
24 There's a log that we keep as when they're mailed
25 out.

1 **DR. JOHNSTON:** Okay. Is USPS tracking
2 utilized for absentee ballots?

3 **MS. WILLIAMS:** No. We mail them through the
4 postal mail. We do not put them through ...

5 **DR. JOHNSTON:** I'm sorry?

6 **MS. WILLIAMS:** We mail them -- you said UPS?

7 **DR. JOHNSTON:** USPS tracking.

8 **MS. WILLIAMS:** I'd have to -- we do not
9 currently have a system that tracks that. But we
10 do -- like I said, we do have a log of when it's
11 mailed and -- and stamped.

12 **DR. JOHNSTON:** It would great if all of the
13 ballots were scanned in the office before they're
14 mailed and also USPS tracking was utilized to
15 follow outgoing ballots -- absentee ballots.

16 **JUDGE DUFFEY:** Well, while that's not part
17 of the motion and that might be a good
18 suggestion, if USPS tracking is as good for the
19 county as it is for my home, I'm not sure it's
20 all that reliable.

21 But you might want to consider whether or
22 not that's worth asking the postal service to
23 provide that service for you.

24 All right. Any further discussion?

25 All those in favor of the motion for a

1 continuance and for the production of information
2 and a person to explain the information to the
3 investigators by July 1st say aye.

4 **THE BOARD MEMBERS:** Aye.

5 **JUDGE DUFFEY:** All those opposed, no?

6 That passes and this is deferred.

7 I will say this is really frustrating that
8 we spend all this time going through all of this
9 and find out that there's information that was
10 never provided. And now we have to defer this.
11 It could take time. And it's -- we came here
12 ready, thinking that we had all the information
13 that had been requested by the investigators.
14 And it's troubling that it hadn't been.

15 All right. The next is Case Number
16 2020-201, Screven County, problems at the polls.

17 Can we have a report on that, please.

18 **MS. KOTH:** Yes. November 18, 2020,
19 investigations received complaints from the
20 following electors concerning the November 3,
21 2020, general election.

22 Kaitlin(ph) Bell alleged that her and her
23 husband, Leon Yates, appeared to vote at the
24 Coopersville Fire Station precinct and the poll
25 pad machine indicated both had already voted.

1 The staff allowed them to complete provisional
2 ballots and they both forgot to sign before
3 leaving the precinct.

4 Bell and Yates later returned to the
5 precinct to sign and they discovered that his
6 ballot was signed by someone other than him. The
7 voters -- the voter crossed out the forged
8 signature on the ballot and signed next to it.
9 The provisional ballot was accepted and tabulated
10 with election results.

11 Thomas Ward appeared to vote at the Bay
12 Branch precinct and the machine indicated that he
13 had already voted. He was issued a provisional
14 ballot and later tabulated with election results.

15 Natalie Starling alleged that while at the
16 Hunters Community House precinct, she, along with
17 several other voters, were informed that they had
18 already voted when they had not voted in the
19 election. She referenced Charles Hendricks(ph),
20 Laura Hendricks, Chris Tillman, Larry Rivers,
21 Betty Lee, Tonya Burroughs(ph), and Benny
22 Weathers and Michael Taylor in her complaint
23 affidavit.

24 The investigator met with Dorothy Glisson at
25 the Screven County registrar concerning the

1 allegations contained in the complaints.

2 Miss Glisson assisted the investigator by
3 providing copies of provisional ballots for the
4 following electors referenced in the complaints
5 as having already voted: Ms. Starling, Ms. Bell,
6 Mr. Yates, Mr. Matthew Ward, Mr. Hendricks,
7 Ms. Hendricks, Mr. Rivers, Ms. Lee, Mr. Tillman,
8 and Ms. Burroughs. All had provisional ballots
9 that were accepted.

10 All provisional ballots referenced above
11 were accepted and tabulated with the November 3,
12 2020, election results. ElectionNet verification
13 determined that electors Benny Weathers and
14 Michael Taylor did vote in person.

15 An investigator spoke with Kaitlin Bell
16 concerning her and her husband and their voting
17 experience. She said that she and her husband
18 were given voter access cards and when they
19 scanned them, a message populated on the machine,
20 stated that they had already voted. She
21 mentioned that her and her husband had to vote
22 absentee though she meant a provisional ballot.

23 And she thought everything was fine until
24 she was contacted a few days later, informing her
25 that she needed to sign the ballot. When she

1 returned to the office to sign the ballot, Leon
2 discovered someone had forged his signature. So
3 he crossed it out and then he signed it.

4 The findings of this case were that Leon
5 Yates' provisional ballot was signed by someone
6 other than the elector. Poll workers Marilyn
7 Harvey, Joy Smart, and Erlingo Jackson neglected
8 to ensure that Mr. Yates signed his ballot and
9 denied having signed the ballot themselves.
10 Ms. Jackson admitted completing the top portion
11 of the provisional ballot but denied having
12 signed Leon Yates's name.

13 There were three poll workers assigned to
14 the precinct in question and consequently all of
15 them denied or could not recall having signed the
16 provisional ballot in question. They did not
17 ensure that Mr. Yates signed the provisional
18 ballot and the individual responsible for signing
19 his name could not be determined.

20 Therefore the county election staff and the
21 Coopersville precinct poll manager was cited for
22 the -- will be cited for the violation. The
23 potential violations were for Screven County
24 Board of Elections and Registration; Ala Rhodes,
25 election supervisor; Marilyn Harvey, Coopersville

1 precinct poll manager for violation of the
2 O.C.G.A. 21-2-41(b), provisional ballots, when
3 Leon Yates was allowed to vote a provisional
4 ballot and staff did not ensure the voter
5 certificate was signed by Mr. Yates but
6 ultimately by an unknown individual.

7 **JUDGE DUFFEY:** One question I have is
8 there's this listing of the people who had their
9 provisional ballots accepted. Begins with the
10 statement that the investigation indicated
11 several voters populated in the system as having
12 already voted and consequently voted provisional
13 ballots. Did you mean to say as having not
14 already voted?

15 **MS. KOTH:** Yes. It's saying that they had
16 voted and they hadn't voted.

17 **JUDGE DUFFEY:** So the system showed that
18 they had voted?

19 **MS. KOTH:** Yes. There's a -- there was a
20 memorandum done where it says: It was discovered
21 during the 2020 general election that poll
22 officials were prematurely removing the voter
23 access cards from the poll pad before the poll
24 pad processed the voter's information.

25 As a result, the access card was reading the

1 previous voter's information. So they hadn't
2 voted but the card was saying that they had
3 voted.

4 **JUDGE DUFFEY:** Well, whose fault is that? I
5 mean, it seems a flawed system if somebody goes
6 there to vote, they vote, but their vote's not
7 re -- but they're not recorded in the records as
8 having voted. How could that happen?

9 **MS. GHAZAL:** Can I ask a clarifying
10 question? So is it that the voter access cards
11 were not properly coded? So in ENet it was up
12 properly but the -- because they were pulling out
13 the voter access cards before they finished
14 programming, when they took that to the BMD, the
15 BMD said you've already cast a ballot on that
16 card? Is that how it --

17 **MR. HUMES:** Yes.

18 **MS. GHAZAL:** Am I understanding --

19 **MR. HUMES:** The equip -- the equipment was
20 working properly. So the poll -- the error's on
21 the poll clerk. So they were prematurely
22 removing the access card before it was fully
23 processed. So when they went to the BMD unit to
24 vote, the card was reading the previous voter
25 because it not -- it had not properly uploaded

1 the new voter's information.

2 So basically that was a problem that was
3 happening statewide. So Michael Barnes had
4 advised that information had went out to the
5 election directors of each county, all hundred
6 fifty-nine, making them aware of that.

7 And I think Blake might be able to give
8 further information.

9 **MR. EVANS:** One point of clarity that I want
10 to provide is the only information that's stored
11 on that voter access card is the information to
12 pull up the ballot. So it doesn't identify a
13 voter or anything like that.

14 But if it's not encoded and the previous
15 voter who had it marked their ballot on the BMD
16 and then it doesn't get encoded again and it's
17 gets put back in the ballot marking device, then
18 it's not going to pull up a second ballot because
19 it was never properly encoded again. So I just
20 wanted to make that point.

21 **MS. GHAZAL:** So to be clear, this is a poll
22 worker error because they were simply pulling the
23 cards out prematurely, before they were properly
24 programmed. Is that a correct understanding of
25 what happened?

1 **MR. EVANS:** Correct. So the poll book would
2 check the voter in, but if the card was pulled
3 out too early, then the card wouldn't get
4 encoded.

5 **MS. GHAZAL:** Okay.

6 **JUDGE DUFFEY:** What does it mean to be
7 pulled out too early? How does the poll worker
8 know that they've pulled it out too early or
9 shouldn't pull it out --

10 **MR. EVANS:** Well, so the -- the poll pad,
11 when the voter gets fully checked in and the card
12 gets put in and gets encoded, there will be a
13 screen or a check mark and actually a little
14 sound that gets made that just says that the card
15 has been encoded and everything's been complete
16 essentially and the card can be pulled out and
17 handed to the voter at that point.

18 So, I mean, if you're, you know, processing
19 hundreds of voters in a day, there could be a
20 time when you're doing it and just out of habit,
21 you pull the card too early.

22 **MS. GHAZAL:** If I could make an analogy. Is
23 it like when you're using a credit card and you
24 pull -- you pull it out before the terminal has
25 actually processed it and it says not processed

1 and you have to start over again?

2 **MR. EVANS:** That's a good analogy.

3 **MS. GHAZAL:** Yeah.

4 **JUDGE DUFFEY:** So it's the poll worker that
5 when they get that error message doesn't do what
6 they're supposed to do which is to call the
7 person back and say, Look, I've got to do this
8 again.

9 **MR. EVANS:** Essentially, yes, the poll
10 worker should've left the card in longer. So,
11 yes.

12 **JUDGE DUFFEY:** Does the poll worker get an
13 error message saying not encoded?

14 **MR. EVANS:** I do not believe in that
15 instance at the poll pad --

16 **MR. KIRK:** No.

17 **MR. EVANS:** Okay, no. Thank you, Joseph.

18 **JUDGE DUFFEY:** Yeah, I've heard --

19 **MR. EVANS:** So what would --

20 **JUDGE DUFFEY:** I saw the hat going up and
21 down. So I knew it was him.

22 **MR. EVANS:** What would happen is then when
23 the -- when the voter access card gets put in the
24 ballot marking device, then it would show a
25 message saying that there's not a ballot to be

1 pulled up. It would say card already voted or
2 something to that effect.

3 **JUDGE DUFFEY:** So the voter would also get
4 an error message of sorts?

5 **MR. EVANS:** Yes, when they take that card
6 and insert it into the ballot marking device.
7 And that's when a poll worker would get notified
8 and they would start to troubleshoot the
9 situation.

10 **JUDGE DUFFEY:** And would the proper
11 troubleshoot be to go back and redo the card, or
12 is the proper troubleshoot to give them a
13 provisional ballot?

14 **MR. EVANS:** If the poll workers know, okay,
15 this person's not actually inserted a ballot into
16 the scanner, they've not actually voted, then
17 they could reissue the card properly this time
18 and then the voter could vote normally at the
19 ballot marking device.

20 **JUDGE DUFFEY:** But the voter that gets this
21 unloaded card and puts it into the ballot marking
22 device, does the ballot come up and -- I mean,
23 would the voter know that there's a problem?

24 **MR. EVANS:** Yes. The -- if they get a card
25 that has not been properly encoded again, then it

1 would say card already voted. Because
2 essentially once you use a voter access card and
3 you print your ballot, without encoding that card
4 again, you cannot bring up another ballot.

5 **JUDGE DUFFEY:** Right. So that voter says,
6 Well, look, I can't vote. How could they have
7 voted?

8 **MR. HUMES:** Provisional ballot.

9 **JUDGE DUFFEY:** Well, they -- so how could
10 they have done -- I mean, how could they have
11 done anything? How could they have gotten a
12 ballot?

13 **MR. HUMES:** So prior to the mass
14 notification going out to the county directors,
15 they were voting by provisional ballot.

16 **JUDGE DUFFEY:** No, that's not my question.
17 My question is the system where somebody has a
18 card that's not encoded and puts it into the
19 ballot marking device, he sees the screen and it
20 says card already voted --

21 **MR. EVANS:** Uh-huh.

22 **MR. HUMES:** Correct.

23 **JUDGE DUFFEY:** -- so are you saying the
24 voter said, Oh, I must've voted even though I
25 didn't do anything and then they leave?

1 **MR. HUMES:** No. The voter complained to the
2 manage -- poll manager.

3 **JUDGE DUFFEY:** Right.

4 **MR. HUMES:** The poll manager allowed that
5 voter to vote by a provisional ballot.

6 Now, the second part is when notification
7 went out to the counties, the county then knew
8 let's reencode the card so that they can vote.

9 **JUDGE DUFFEY:** How many instances across the
10 state did that happen?

11 **MR. HUMES:** I don't know if the total number
12 of those instances were actually captured. But
13 we do know that notification did go out by the
14 former elections director notifying the counties
15 of the issue. And we -- I don't think we've had
16 any issues since then, after the notification
17 went out.

18 **JUDGE DUFFEY:** All right. So ultimately the
19 only -- the only violation here is this one
20 person where somebody unknown signed somebody
21 else's name; correct?

22 **MR. HUMES:** Yes.

23 **MS. GHAZAL:** I have a couple other
24 questions. Were all of these provisional ballots
25 at the same precinct and on the same day, or was

1 this scattered over the course of a couple of
2 days?

3 **MS. KOTH:** They were not at the same
4 location.

5 **MS. GHAZAL:** Okay.

6 **MS. KOTH:** They were a couple different
7 places for these complaints. They were Hunter's
8 Community, Bay Branch, and Coopersville Fire
9 Station.

10 **MS. GHAZAL:** And were there more than three
11 poll workers at any of the locations, or did all
12 of these polling places have only three poll
13 workers at each site?

14 **MS. KOTH:** I'm not sure about the other --
15 that -- the Coopersville had the three. I'm not
16 sure that the other ones had a minimum of three.

17 **MS. GHAZAL:** And this is not a violation.
18 There's -- it's a best practices question.
19 Because there are so many moving parts that
20 sometimes I can see where if you have enough poll
21 workers and enough eyes on the polls and the
22 voters, you can see that, in fact, this voter did
23 not cast a ballot.

24 We can reprogram a card versus not knowing
25 and then being forced to go the provisional

1 ballot route. So this is as much a learning
2 opportunity and best practices question as a
3 violation question.

4 And if you don't have that information, you
5 don't need to go --

6 **MS. KOTH:** Looks like most of the people
7 that he interviewed are no longer working there,
8 but he interviewed everybody at the precincts. I
9 was -- he didn't number them, how many were at
10 each one though.

11 **MS. GHAZAL:** That's fine. Thank you.

12 **JUDGE DUFFEY:** Does this process still work
13 the same way today?

14 **MS. KOTH:** With the cards?

15 **JUDGE DUFFEY:** Does this problem exist
16 today? I mean, even though you sent out a notice
17 telling them how to do it correctly, if somebody
18 pulls it out too late will you get -- will the
19 voter get the same message on the ballot marking
20 device? And do they --

21 **MS. KOTH:** Do we still have them?

22 **JUDGE DUFFEY:** Do they have to file a
23 provisional ballot or do they have to go back
24 down and get a new card, or ...

25 **MR. MASHBURN:** Is the difference now that

1 they know about it, so they --

2 **MS. KOTH:** Yeah.

3 **MR. MASHBURN:** -- they recode it and so they
4 don't -- rather than default to a provisional
5 ballot, they just recode it on the spot now?

6 **MR. HUMES:** Yes, sir.

7 **MR. EVANS:** That's a lot of it. Yes, sir.
8 As that -- if that occurs, they know to recode
9 the card. And so we don't hear about it as much
10 at the state level because counties know to -- if
11 it happens, how to respond to it.

12 **MR. MASHBURN:** And so these people were
13 allowed to vote by provisional ballot and all
14 except for one -- one case maybe, their votes
15 were counted. They were allowed to vote in the
16 provisional balloting system that was --
17 that's -- was innovative, at its time worked.

18 In the old days you just got -- too bad, you
19 got sent home and you didn't vote. So the
20 provisional balloting system worked, but there's
21 a different cure now so you don't have to resort
22 to the provisional ballot, right?

23 **MS. KOTH:** All of the votes counted. Two of
24 the people did vote in person though --

25 **MR. MASHBURN:** Okay.

1 **MS. KOTH:** -- that that women's affidavit
2 had. So they did vote.

3 **JUDGE DUFFEY:** All right. Any more
4 questions from the board members, and, if not, is
5 there a motion?

6 **MR. MASHBURN:** So we've got just one count
7 of forging of a voter's to a -- to a provisional
8 ballot or some form that they forgot to get him
9 to sign it when he -- when he was there. And so
10 they forged it. And they came back and they
11 went: Oops, he's here, we don't need the forgery
12 anymore.

13 Okay, I got it. And so I move --

14 **JUDGE DUFFEY:** He marked -- he crossed out
15 the name --

16 **MR. MASHBURN:** And then he signed.

17 **JUDGE DUFFEY:** -- then he signed it.

18 **MR. MASHBURN:** Okay. All right. So I'm
19 convinced that's a violation and it should be
20 sent to the Attorney General's Office.

21 So I make a motion that the one count be
22 sent to the Attorney General's Office.

23 **JUDGE DUFFEY:** Is there a second?

24 **MR. LINDSEY:** Second.

25 **JUDGE DUFFEY:** It's been moved and seconded

1 that SEB2020-201 be sent to the Attorney
2 General's Office. Is there any discussion?
3 There being none, all in favor of the motion vote
4 aye.

5 **THE BOARD MEMBERS:** Aye.

6 **JUDGE DUFFEY:** Opposed, no?

7 The motion carries.

8 SB2020-217, Statewide, buying contest. Can
9 we have a report on this, please.

10 **MR. BRUNSON:** Okay. This case involves two
11 allegations.

12 **JUDGE DUFFEY:** Hold on for one second. So
13 Mr. Lindsey recuses on this matter because of a
14 conflict. He will not be participating in the
15 consideration of it or the vote.

16 Go ahead.

17 **MR. BRUNSON:** Okay. This case involves a
18 contest, an online contest -- actually there's
19 two allegations here. So the first involves an
20 online contest and the second involves what we
21 determined later was an employment offer or
22 opportunity.

23 So in looking at this case, this came to the
24 Secretary of State's attention in December of
25 2020 and it involved the runoff election. And in

1 looking at this case, there was an advertisement,
2 a giveaway contest from a website indicating that
3 someone could enter for a chance to win a Tesla
4 if they requested a mail-in ballot or checked
5 their voter registration status and a contested
6 pledge to vote.

7 Now, there was a disclaimer at the bottom of
8 the page stating voting, voting by mail, or
9 completing a mail-in ballot application are not
10 required for entry. And additional online and
11 digital magazine articles were also located that
12 discussed the giveaway as well as the partnership
13 between a organization by the name of Headcount
14 and the music artist Two Chains.

15 So our investigator reached out, spoke with
16 the executive director of Headcount, Andy
17 Bernstein, and in summary he reiterated that to
18 be entered into the contest, a person had to
19 request an absentee ballot through the Headcount
20 portal, complete a check-your-status voter
21 registration verification entry form or by
22 mailing an entry card to them which contains the
23 contestant's information.

24 They confirmed that a winner was selected
25 after compiling all of the contestants onto a

1 spreadsheet and then using a random number
2 generator program to obtain a random number.
3 Once this number was generated, the corresponding
4 row number on the spreadsheet was declared the
5 winner.

6 The winner was notified on December 22,
7 2020, and the prize was redeemed by the winner on
8 January 20, 2021. So that's the first part of
9 the complaint.

10 The second part, there was an advertisement
11 regarding community mobilizer positions on the
12 Jon Ossoff campaign website, electjon.com.
13 During this time he was involved in the U.S.
14 Senate runoff election which was held January 5,
15 2021. The advertisement stated: Now hiring,
16 apply now. And Jon Ossoff for U.S. Senate is
17 looking to add people to our team who are willing
18 and able to talk to their own friends, family,
19 and community members about this runoff election.

20 Our investigator was unable to locate any
21 additional information, postings, or
22 advertisement which offer gifts or payments for
23 voting, registering to vote, or voting for a
24 particular candidate. Nothing in the wording
25 appeared to be directed towards the voter

1 themselves, rather to a potential employee or a
2 canvasser or campaigner acting on behalf of the
3 campaign to solicit votes.

4 So ultimately we did find evidence in the
5 first part of the allegation based on the giving
6 of the gift, obviously, the Tesla that was
7 ultimately won by an individual. The second part
8 we did not find because there was no offer for
9 those things. It was more of an employment to be
10 a canvasser or a campaigner for a particular
11 campaign.

12 **MR. OLENS:** Your Honor, whenever the time is
13 appropriate, I'd be happy to make a comment.

14 **JUDGE DUFFEY:** It's your turn.

15 **MR. OLENS:** Thank you, Your Honor, Members
16 of the Board. I represent Headcount. I don't
17 represent the second part where the allegation
18 was determined to be unsubstantiated concerning
19 Senator Ossoff.

20 Headcount's been around for over 19 years.
21 This is the first time there ever was a complaint
22 con -- excuse me -- concerning Headcount.
23 They're involved in civics initiatives. There
24 were three ways to enter the contest. And as
25 stated, way one was to check your voter

1 registration status, way two was to request a
2 mail-in ballot application, and way number three
3 was to mail in an entry postcard.

4 All three of those are fully compliant with
5 O.C.G.A. 21-2-570. Crucially, registering to
6 vote was not a method of entry. Whether someone
7 voted or was registered to vote had no bearing on
8 their chances of winning. The rules themselves
9 specifically stated in numerous places: Voting,
10 voting by mail, or completing an absentee ballot
11 application are not required for entry. Once
12 again totally consistent with the code section.

13 There was -- however, an ancillary material,
14 as referenced, that is a mistake, that should've
15 never gone out, that Headcount feels terrible
16 about, that was not consistent with the rules of
17 entry, and that was not pertinent to the rules of
18 entry.

19 Headcount thought they were fully complying
20 in the rush of the runoff for the senate race.
21 Quite frankly, as I mentioned, that was in error.
22 It shouldn't have happen.

23 Once again, they've never had a prior
24 complaint with the state of Georgia. They
25 acknowledge that that shouldn't have happened and

1 they would welcome a letter from this board of
2 instruction and promise that this type of thing
3 would never happen again.

4 Thank you, Your Honor.

5 **JUDGE DUFFEY:** All right. Is there a
6 motion?

7 **MR. MASHBURN:** I'll move that we issue a
8 letter of instruction as requested.

9 **MS. GHAZAL:** Second.

10 **JUDGE DUFFEY:** It's been moved and seconded
11 that a violation be found and that there be
12 issued a letter of instruction. Is there any
13 discussion?

14 Well, I don't agree with that disposition.
15 If I am to accept what is said in this report, it
16 said that the mail-in balloter -- stated that you
17 could enter for a chance to win a car if you
18 requested a mail-in ballot or checked your voter
19 registration and the contestant pledged to vote.

20 Now, at some point somebody won a car. And
21 so by pledging the voter to do one of these two
22 things, they, in fact, got an automobile in
23 return for conduct which I think is prohibited by
24 the statute. And to say that -- to entice people
25 to engage in the process -- I mean, we're not

1 talking about a basket of fruit. We're talking
2 about an expensive automobile which ought to
3 motivate a lot of people to do what is requested
4 and to make a pledge that you're going to vote.

5 And I think a letter of instruction with a
6 company that claims that they do this all the
7 time and didn't do it in this instance ought to
8 be held accountable for that or at least add to
9 let the Attorney General's Office look at it
10 carefully and study the statute carefully to
11 decide what the appropriate disposition is that
12 they would recommend to us. And I just think a
13 letter of instructions is not enough.

14 **MR. OLENS:** May I speak again, Your Honor?

15 **JUDGE DUFFEY:** Yes.

16 **MR. OLENS:** There's never been an allegation
17 that they've ever done this before. The only
18 evidence before the board is that in the rush of
19 the runoff, they made a mistake.

20 Also, I don't say this with anything other
21 than a factual statement. When you read the
22 statute, this statute is not well-worded, like
23 many statutes. And it literally says giving or
24 receiving money or gifts for the purpose of
25 registering as a voter, voting, or voting for a

1 particular candidate. Pledge, frankly, isn't
2 even a part of the statute. One can easily make
3 an argument that it should be a part of the
4 statute, but it is not.

5 This company, this nonprofit is coming
6 forward, acknowledging a mistake was made in an
7 advertisement. There is no evidence that the
8 rules of the contest violated Georgia law. The
9 only evidence is that an advertisement used
10 inappropriate language. And I think there's a
11 distinction between a contest that overtly
12 violates the law and an advertisement that
13 accompanied a contest that was inconsistent.

14 And that's the only thing I would raise to
15 the members of the board. And I appreciate your
16 assistance.

17 **JUDGE DUFFEY:** Oh, I understand your -- the
18 distinction that you're trying to make, but we
19 generally do letters of instructions for fairly
20 innocuous events. This is not -- I mean, this
21 was an attempt to incite people or to encourage
22 people in return for something valuable to engage
23 the system.

24 And I'm just not comfortable making that
25 decision based upon -- and to resolve this by me

1 writing a letter saying, Don't do this again.
2 Thank you for reporting yourself, in this
3 particular offer.

4 And what I'm saying is I think it ought to
5 be sent to the Attorney General's Office for
6 their evaluation and to let them do whatever
7 additional investigation they want and then to
8 come back to us to say what they think is the
9 appropriate disposition. And if they say that
10 it's a letter of instruction, then we can decide
11 to do that. Or if they say it's a consent order
12 that they don't do it again, we could do that. I
13 just don't know what their advice is going to be.

14 So that's my input. And my board members
15 are perfectly capable of voting differently than
16 that.

17 So my amendment -- I would make an amendment
18 to the motion which is that it be referred to the
19 Attorney General's Office and that we delete the
20 language about -- and to issue a letter of
21 instruction.

22 So is there any discussion on the amendment?

23 **MR. OLENS:** Your Honor, I apologize. I --
24 your mic wasn't clear and I honestly didn't hear
25 your amendment.

1 **JUDGE DUFFEY:** No, you and I have the same
2 problem. Our voice is becoming weaker and
3 weaker, but that's all I need.

4 So my amendment is -- the motion on the
5 floor is to refer to the attorney -- to find a
6 violation and to send a letter of instruction.
7 I'm making an amendment that we find a violation
8 and that we refer to the Attorney General's
9 Office for further investigation and for whatever
10 they decide is the appropriate disposition, which
11 could be a variety of different things. I just
12 don't know what they would recommend to the board
13 or whether they would take it to a hearing.

14 So the amendment is to delete the -- if
15 after we find a violation is to delete the
16 language "and to send a letter of instruction"
17 and to substitute for that "to refer to the
18 Attorney General's Office." So the amendment is
19 to refer to the Attorney General's Office and now
20 the amendment is open to discussion.

21 Great. So we'll vote on the amendment to
22 begin, which is to substitute "refer to the
23 Attorney General's Office" for "a letter of
24 instruction."

25 All those in favor say aye.

1 **THE BOARD MEMBERS:** Aye.
2 **JUDGE DUFFEY:** Opposed?
3 **MS. GHAZAL:** No.
4 **MR. MASHBURN:** No.
5 **JUDGE DUFFEY:** So it's two two because
6 Mr. Lindsey is not here. The motion does not
7 carry by a majority.
8 So now we'll go the main motion which is to
9 refer -- to find a violation and to refer a
10 letter -- and to send a letter of instruction.
11 Is there any further discussion on the main
12 motion?
13 All right. All those in favor say aye.
14 **MS. GHAZAL:** Aye.
15 **MR. MASHBURN:** Aye.
16 **JUDGE DUFFEY:** Opposed, no. No.
17 **DR. JOHNSTON:** No.
18 **JUDGE DUFFEY:** So it doesn't carry. So what
19 I would suggest is that we defer this when we --
20 I guess we'll never have a full contingent. So I
21 guess that motion fails. I don't know. What do
22 we do now?
23 **MR. MASHBURN:** I'll move to table it. I'll
24 move to table this case.
25 **JUDGE DUFFEY:** And what -- what do you mean

1 by that under Robert's Rules?

2 **MR. MASHBURN:** It goes on the table until
3 someone makes a motion to pull it off the table.

4 **MS. GHAZAL:** I -- I find it exceedingly
5 difficult for the respondent because that's --
6 that just leaves it hanging there.

7 So perhaps we should get into a little bit
8 further discussion and maybe we can re -- we can
9 try to figure out if we can move this because I
10 think for the sake of the Attorney General's
11 Office, the investigators, and the respondent, it
12 would be in everybody's interest to try to get
13 some kind of resolution here.

14 If I can ask a clarifying question,
15 Mr. Olens, that it -- was it very clear in all
16 of -- aside from the one advertisement, was it
17 very clear that there was no other -- no action
18 related to voting required in order to qualify to
19 win this prize?

20 **MR. OLENS:** Absolutely. It was listed in
21 several places when you look at the actual rules,
22 which is about a four-page document.
23 Approximately three times that's expressly
24 stated.

25 **MS. GHAZAL:** And how many -- where was this

1 advertisement? Was this a -- mainly social
2 media? Online?

3 **MR. OLENS:** Soc -- online.

4 **MS. GHAZAL:** Okay.

5 **MR. OLENS:** And my client would be
6 agreeable -- I don't know if it would make a
7 difference to the -- you know, as far as this,
8 to -- they'd agree to meet with SEB and have an
9 instruction program, whether it's Zoom, et
10 cetera.

11 They're not looking to do anything other
12 than follow the law. And we're simply
13 knowledging that that one page was in error.
14 We're not looking to be anything other than fully
15 compliant with Georgia law.

16 **MR. MASHBURN:** You may not know the answer
17 to this question, but how did the -- how did the
18 page that was sent in error get past -- is there
19 a legal department or somebody serving -- or is
20 that you or ...

21 **MR. OLENS:** No, it wasn't me, Mr. Mashburn.

22 **MR. MASHBURN:** Okay.

23 **MR. OLENS:** I think candidly it -- in the
24 haste of the runoff, a mess-up arose. It's --
25 it's literally that simple. Someone made a

1 mistake. It wasn't done by the executive
2 director, it wasn't done by the number two, but
3 we don't deny that the mistake was made.

4 **MR. MASHBURN:** I see. And your desire, your
5 intention, y'all's attitude toward this is that
6 we can't believe this happened and we don't think
7 it'll happen again.

8 **MR. OLENS:** No. Our -- our statement to the
9 board is it should've never happened. We fully
10 seek to comply with the law. We acknowledge a
11 mistake was made on that one page and we want to
12 make sure it never happens again.

13 **MR. MASHBURN:** And so if this were to get
14 referred to the Attorney General's Office, y'all
15 would be of a mind -- and I don't want to bind
16 you to this or get into attorney advice or
17 anything, but y'all would be of a mind that a
18 cease and desist would be an agreeable outcome
19 from y'all's position.

20 **MR. OLENS:** I'd want to see the language in
21 a cease and desist, Mr. Mashburn. I've noticed,
22 you know, there's numerous types of cease and
23 desists. They're no longer doing this.

24 **MR. MASHBURN:** Yeah.

25 **MR. OLENS:** This happened literally once.

1 Unfortunately this is the once. You know, this
2 dates several years back. It hasn't again, won't
3 happen again.

4 And they're just coming before the board --
5 frankly, they're not trying to play games with
6 the board. They're not trying to be ambiguous
7 with the board. They're acknowledging that one
8 time was one too many and that they will make
9 sure it doesn't happen again.

10 **JUDGE DUFFEY:** Well, I think the question
11 was would they object to entering into an
12 acceptable cease and desist?

13 **MR. OLENS:** Theoretically they would not
14 object. It's frankly a function of what is the
15 exact language that the Attorney General's Office
16 would proffer?

17 **MR. MASHBURN:** So if we -- if we refer it to
18 the Attorney General with a statement from the
19 board that the board is leaning toward a cease
20 and desist as a favorable outcome, are we
21 overstepping our bounds into their authority to
22 negotiate the case?

23 **MS. VAUGHAN:** I have seen similar
24 recommendations before where the board has
25 thoughts on the case and in order to be resolved,

1 it would be sent over to the AG's office.

2 **JUDGE DUFFEY:** I'm happy to make that -- to
3 agree to that recommendation, and I'm happy
4 you'll be involved in the discussion about what
5 the cease and desist is. I think that that's the
6 practice of the Attorney General's Office as you
7 probably know.

8 **MR. OLENS:** Yes, Your Honor. Yes, Your
9 Honor.

10 **JUDGE DUFFEY:** If that's the case, if we
11 refer it with the recommendation that it be
12 resolved by a cease-and-desist order, I would
13 entertain that motion.

14 **MR. MASHBURN:** Second.

15 **JUDGE DUFFEY:** So the motion is to refer
16 this matter to the Attorney General's Office with
17 a recommendation that they enter into, in
18 discussions with counsel for the respondent, a
19 cease-and-desist order.

20 And so that's the motion. Is there any
21 further discussion?

22 **DR. JOHNSTON:** I would be interested to know
23 did the invest -- the attorney general's
24 investigation looked into the markets that were
25 advertised to, and in this context if it was

1 directed toward a specific group or certain
2 voters.

3 I'm very sensitive to (indiscernible) prizes
4 or gifts for enticing people to vote.

5 **MR. OLENS:** And, Dr. Johnston, I heard your
6 comments earlier this morning and that would --
7 there were no limitations, none at all.

8 **JUDGE DUFFEY:** All right. Any further
9 discussion? There's a motion to refer this to
10 the Attorney General's Office with a found
11 violation but with a recommendation that it be
12 resolved with a cease-and-desist order.

13 All those in favor say aye.

14 **THE BOARD MEMBERS:** Aye.

15 **JUDGE DUFFEY:** Opposed, no?

16 The motion passes unanimously. I think --

17 **MR. MASHBURN:** There's also an allegation 2.

18 **JUDGE DUFFEY:** Oh. In allegation 2 is there
19 a motion with respect to allegation 2 that was
20 found to be unsubstantiated?

21 **MS. GHAZAL:** I would move to dismiss
22 allegation 2.

23 **JUDGE DUFFEY:** Is there a second?

24 **MR. MASHBURN:** Second.

25 **JUDGE DUFFEY:** Any discussion? Okay.

1 **MR. MASHBURN:** For purposes of discussion,
2 yeah, to me this just sounds like paid
3 canvassing. And Republicans do it too. And, in
4 fact, a friend of mine's daughter does it for the
5 Republicans and he would be very mad if I took
6 away her job. So, yeah, I think this is just
7 paid canvassing.

8 **JUDGE DUFFEY:** Which is not why we're taking
9 this vote, to protect a young woman's job.

10 All those in favor of the motion to dismiss
11 say aye.

12 **THE BOARD MEMBERS:** Aye.

13 **JUDGE DUFFEY:** Opposed, no?

14 Then it passes unanimously.

15 Thank you very much. Thank you for your
16 presentation. We appreciate it.

17 **MR. OLENS:** Thank you, Your Honor, Board.
18 Thank you.

19 **JUDGE DUFFEY:** All right. We're now on
20 2021-141, Fulton County, illegal shredding.

21 Can we have a report on that.

22 **MS. KOTH:** Yes. The Secretary of State
23 office opened an investigation after receiving a
24 report which alleged that two Fulton County
25 election staff members improperly shredded voter

1 registration applications which they claim were
2 illegible, otherwise unable to be processed, a
3 potential violation of O.C.G.A. 21-2-585,
4 removal, destruction, or alteration of documents,
5 and O.C.G.A. 21-2-236, period of retention of
6 applications.

7 The former election director, Richard
8 Barron, advised two of his former employees,
9 Ms. Little and Ms. Parker, were accused of
10 illegally shredding voter applications. Richard
11 stated that Ms. Dixon overheard Little and Parker
12 talking to each other about shredding
13 registration applications that they couldn't
14 read.

15 The investigators spoke to Ms. Dixon and she
16 advised that they were sitting at her desk and
17 heard the shredder running. Dixon stated they
18 weren't supposed to be shredding anything. So
19 she approached Little and asked her what she was
20 doing. Little advised the applications were old.
21 Dixon stated that Parker was handing the
22 applications to Little to be shredded at this
23 time.

24 According to another witness, Ms. Frazier,
25 she heard Little state that she was going to

1 shred registration applications that she could
2 not read. Frazier heard the shredding machine
3 turn on and saw Little shredded documents that
4 appeared to be voter registration applications.

5 Frazier also heard Parker as Little -- heard
6 Parker ask Little what she could with
7 applications that she could -- what she should do
8 with applications she could not read and Little
9 responded with "shred them." Parker asked Little
10 if she was sure and Little laughed and stated
11 that she had just shredded some and that people
12 need to learn how to write.

13 Frazier advised that Little and Parker were
14 shredding the applications and that Parker hid
15 the applications behind the shredder and turned
16 off the shredder because she thought the
17 supervisor was walking into the room. Frazier
18 said at the time she could see that they were
19 shredding registration applications.

20 The investigator e-mailed Patrick Eskridge
21 to know how it was determined that Little and
22 Parker shredded registration applications based
23 on shred evidence collected. Mr. Eskridge stated
24 that when the bag of shredded paper was
25 retrieved, he looked inside and immediately

1 recognized the shredded paper as voter
2 registration applications based on their
3 appearance.

4 The investigator obtained from Fulton County
5 elections office deputy director Patrick Eskridge
6 the standard operating procedure when
7 registration clerks encounter an application
8 which is either not legible or unable to be
9 processed. And in summary, the clerk is supposed
10 to conduct additional research to attempt to
11 identify the registrant.

12 For new voters the clerk should've entered
13 as much information into ElectionNet as possible
14 and checked the missing box if any information
15 was missing. If a registered voter's street is
16 not found, the voter was to be sent a letter and
17 the application retained until the deadline on
18 the letter expired.

19 The findings on this case are: The
20 allegation that two Fulton County election
21 registration clerks improperly shredded voter
22 registration applications which the respondents
23 claim were not legible or otherwise unable to be
24 processed is substantiated. The actions of the
25 two respondents were witnessed by two other

1 election office clerks. The bag of shredded
2 material was collected and secured by election
3 supervisors and turned over to the Fulton County
4 DA's office.

5 Based on their appearance and texture, some
6 of the contents of the bag were immediately
7 identified by election supervisors as voter
8 registration applications. Potential violations
9 were the O.C.G.A. 21-2-585 and O.C.G.A. 21-2-236
10 for Rhonda Parker and Shamen Little.

11 **JUDGE DUFFEY:** Thank you.

12 Are there any questions for the
13 investigator?

14 Is the respondent -- are either of the
15 respondents here?

16 **MS. WILLIAMS:** I can make a statement for
17 Fulton County. In regards to that, yes, there
18 were two workers that reported that they saw
19 their poll workers commit this act. Our
20 department reported it to the DA. Our department
21 reported it to the SOS. We also made a public
22 statement for any voters at that time who had
23 submitted applications if they had not received
24 verification to make sure that, you know, their
25 voter -- their application was processed.

1 To make sure that this incident -- and also
2 those employees were terminated immediately. And
3 to make sure that this incident does not reoccur,
4 we removed the shredder from the work area and
5 repurposed one of our absentee drop boxes as a
6 lock place to place the items that need to be
7 shredded at a later date.

8 **JUDGE DUFFEY:** Well, you're not a --

9 **MS. WILLIAMS:** And I do ask the case to be
10 dismissed if possible.

11 **JUDGE DUFFEY:** Well, first, you're not a
12 respondent. Only the two individuals are
13 respondents.

14 So is there a motion?

15 **MS. GHAZAL:** I motion that we bind these two
16 respondents over to the Attorney General's Office
17 for further disposition.

18 **MR. MASHBURN:** Second.

19 **JUDGE DUFFEY:** It's been moved and seconded
20 that we refer this to the Attorney General's
21 Office for further investigation. I think the
22 Attorney General has the option, assuming that
23 there's criminal liability, that they could refer
24 this to the district attorney.

25 So that's the motion. Is there any further

1 discussion?

2 **MS. GHAZAL:** Just in brief I wanted to thank
3 the -- I remember when this happened and we all
4 learned about it as it happened because the
5 county responded very quickly.

6 And I'd just like to commend you for doing
7 that and being very transparent with the
8 response. And also my question was going to be
9 have you moved the shredder? And you anticipated
10 that and you did. So thank you.

11 (The chair conferred with counsel from the
12 Attorney General's Office.)

13 **JUDGE DUFFEY:** So I've just been told that
14 if there's a referral to the district attorney's
15 office, it has to be made by us. And then what
16 the board has done in the past is voted to refer
17 it to either -- well, to the dist -- to the
18 Attorney General's Office and to the district
19 attorney.

20 So what I would move, since we could not
21 refer it to the Attorney General's Office for
22 further referral to the district attorney, I
23 would make a second motion that it also be
24 referred to the district attorney for Fulton or
25 any other appropriate district attorney.

1 Is there a second to that?

2 (The chair conferred with Mr. Mashburn.)

3 **JUDGE DUFFEY:** And, in fact, it has already

4 been referred to the district attorney's office

5 so that we don't have to make that

6 recommendation. In fact, there's some question

7 about they had custody of the -- of the shredded

8 ballots or the applications and they were

9 investigating these two women. So -- so it's not

10 necessary to do that.

11 So we can move on to the next complaint.

12 And thank you very much, Beth, for telling

13 me that.

14 **MS. GHAZAL:** Are we going to send those to

15 the Attorney General's Office?

16 **JUDGE DUFFEY:** We've already voted.

17 (indiscernible)

18 All right. The next case is 2022-088,

19 Gwinnett County, out-of-state voter.

20 **MR. BRUNSON:** Your Honor? Yeah.

21 **JUDGE DUFFEY:** I'm sorry, twenty -- 2022-10,

22 Cobb County, residency.

23 **MR. BRUNSON:** Okay. This case was brought

24 to the attention of the Secretary of State's

25 Office February 2, 2022, after we received a

1 letter alleging that a Miss Samara Tushban(ph)
2 was a resident of Barrington, Illinois when she
3 requested an absentee ballot from Cobb County and
4 voted in the November 3, 2020, general election.
5 This would be a potential violation of O.C.G.A.
6 21-2-217, rules for determining residency, in
7 addition to statute 21-2-216.

8 So our investigator conducted a search of
9 the Cobb County Tax Assessor's Office on
10 Mrs. Tushban's listed address in Marietta. It
11 was the same address listed on her voter
12 registration. It showed that the home was owned
13 from September 12, 2012, until an ownership
14 change in June 29th -- on June 29, 2019.

15 He spoke with the current owners who stated
16 the house was vacant approximately six months
17 before they purchased it, and they had never met
18 the previous owners.

19 The investigator was later able to speak
20 with Mrs. Tushban who indicated that during the
21 2020 election she was living in Chicago and had
22 been living there since 2018. She stated that
23 she did not have property or a residence in
24 Georgia since her home was sold there in 2019.
25 When asked why she voted in Georgia while a

1 resident of Illinois, she indicated that she was
2 still registered there and that she had not
3 registered to vote anywhere else.

4 She was not definitive on returning to
5 Georgia at some point in the future. She has
6 since then registered to vote in Illinois in
7 2023. She also obtained an Illinois driver's
8 license on February 23, 2023.

9 So when she requested an absentee ballot for
10 the state of Georgia, she was living in Illinois
11 is basically what we found out through our
12 investigation, and the two violations that I
13 noted were our recommended findings for this
14 case.

15 **JUDGE DUFFEY:** All right. Any questions in
16 the investigation?

17 Is the respondent, Ms. Tushban here or her
18 representative?

19 All right, is there a motion?

20 **MR. MASHBURN:** I found there's sufficient
21 evidence to believe a violation has occurred and
22 move to refer it to the attorney general.

23 **JUDGE DUFFEY:** Is there a second?

24 **MS. GHAZAL:** Second.

25 **DR. JOHNSTON:** Second.

1 **JUDGE DUFFEY:** All right, it's been moved
2 and seconded that Case Number 2022-10 be referred
3 to the -- find that a violation be found and that
4 it be referred to the Attorney General's Office.
5 Is there any further discussion?

6 There's being none, all those in favor of
7 the motion say aye.

8 **THE BOARD MEMBERS:** Aye.

9 **JUDGE DUFFEY:** All those opposed, no, that
10 it is referred.

11 And the motion passes unanimously.

12 All right. Now we're to 2022-88, Gwinnett
13 County, out-of-state voter.

14 **MS. KOTH:** On 5/21/22, we received a
15 complaint via the online reporting system that
16 two voters, Kyler Knudsen and Kevin Knudsen, live
17 out of state but voted in Gwinnett County,
18 Georgia during the early voting for the general
19 primary election, May 24, 2022.

20 On 5/25/22, Kyler Knudsen returned the
21 investigator's call and advised he currently
22 lives in Alabama. He advised he used the Sugar
23 Hill, Georgia address and is the only permanent
24 address he ever had. He advised he went to
25 college in Alabama and graduated in 2019. He

1 advised he was unsure about staying in Alabama
2 until recently, about a week ago, before 5/25/22.

3 He advised he recently decided to stay in
4 Alabama and is closing on a house and he will
5 become an official Alabama citizen after the
6 closing of the house is complete.

7 Through research the investigator learned
8 Kyler has an Alabama insurance license. She
9 spoke to Ms. Moore of the Alabama Department of
10 Insurance and she confirmed that Kyler has an
11 Alabama insurance license. And she advised when
12 Kyler applied for the license, he applied as an
13 Alabama resident and listed Alabama as his home
14 state.

15 She advised Alabama does not offer a
16 resident or nonresident option when applying for
17 an insurance license because it is not a
18 requirement to live in Alabama to obtain an
19 Alabama insurance license.

20 She also confirmed that he would not be able
21 to sell insurance in Georgia with his Alabama
22 insurance license.

23 Kevin Knudsen called and advised that the
24 Sugar Hill, Georgia was still his permanent
25 address. He advised he left for college and

1 graduated in 2020. He advised he currently works
2 a remote job for Cigna and he is still uncertain
3 as to where he will end up permanently.

4 He advised he goes between Georgia,
5 Tennessee, and Arizona. He advised he never
6 voted in any other election outside of Georgia
7 and that has been confirmed by the general
8 counsel for the Arizona Secretary of State.

9 Through research the investigator learned
10 that Kevin has an Arizona insurance license. She
11 called Arizona Department of Insurance and the
12 financial institutions to inquire about an
13 Arizona insurance license. It was confirmed that
14 Kevin has that -- an Arizona license.

15 It was advised that Arizona has a resident
16 and a nonresident option for insurance licensing.
17 And in order to obtain a resident Arizona
18 insurance license, a person must be a resident of
19 Arizona. It was confirmed that Kevin applied for
20 the Arizona insurance license as a resident. It
21 was confirmed that with an Arizona insurance
22 license Kevin would not be able to sell insurance
23 in Georgia.

24 On June 6, 2022, Steve Knudsen returned the
25 investigator's call. He advised he had been away

1 on vacation. He confirmed that he lived at the
2 Sugar Hill, Georgia address. When she asked him
3 who lived at his residence, he confirmed his
4 wife, his parents, his oldest son, son's wife and
5 child.

6 He advised that Kyler and Kevin have kept
7 that address as their primary address because
8 they are currently working on their first careers
9 out of college.

10 The allegation that Kyler and Kevin reside
11 outside of Georgia were substantiated. It was
12 confirmed they both voted in the general primary
13 election, May 24, 2022, therefore they were not
14 qualified electors in the state of Georgia and
15 were ineligible to vote in the state of Georgia.
16 It was determined that Kyler Knudsen and Kevin
17 Knudsen were in violation of O.C.G.A. 21-2-571.

18 **JUDGE DUFFEY:** Are there any questions for
19 the investigator?

20 Are Kyler Knudsen or Kevin Knudsen here to
21 respond?

22 They are not. Is there a motion?

23 **MR. MASHBURN:** I believe there's sufficient
24 evidence to -- to show that a violation has
25 occurred and move to refer it to the Attorney

1 General's Office.

2 **DR. JOHNSTON:** Second.

3 **JUDGE DUFFEY:** It's been moved and seconded
4 that complaint -- Case Number 2022-88 be referred
5 to the Attorney General's Office. Is there any
6 further discussion?

7 There being none, all those in favor of the
8 motion say aye.

9 **THE BOARD MEMBERS:** Aye.

10 **JUDGE DUFFEY:** All those opposed, no.

11 The motion passes unanimously.

12 Next is Case Number 2022-216 with the -- can
13 we get the investigator's report on this now.

14 **MS. KOTH:** The Secretary of State's Office
15 initiated this investigation after it received a
16 complaint alleging that the City of Ranger has
17 not received -- has not sent in any election
18 results, a potential violation of official code
19 O.C.G.A. 21-2-77.

20 On September 20, 2022, the Georgia Secretary
21 of State received a complaint regarding no
22 municipal election results have been submitted
23 from the City of Ranger since 2007.

24 Chad Stamey, City of Ranger mayor, said that
25 he was appointed mayor in 2017 due to the lack of

1 citizens attending and participating in city
2 meetings. Mr. Stamey stated that the city has
3 approximately a hundred residents and hardly any
4 of the residents come to the city meetings or
5 participate in city business.

6 He also stated that when he was appointed to
7 mayor, he had been serving as a city councilman
8 since approximately 2014 or 2015. He stated that
9 the city has not held an election during his
10 involvement with the city, therefore there would
11 not have been election results to forward to the
12 state.

13 Investigators spoke with Shea Hicks, Gordon
14 County elections supervisor. Ms. Hicks stated
15 that the city no longer contracted with Gordon
16 County to supervise or operate the municipal
17 election since 2007. The last election Gordon
18 County had for the City of Ranger candidates on
19 the ballot was the general election in November
20 of 2005. For this election, it included the
21 mayor and city council posts 3 and 4.

22 Ms. Hicks stated that the reason that the
23 City of Ranger broke away from the contract was
24 due to financial hardship. Ms. Hicks confirmed
25 that there are 64 registered voters inside the

1 city limits of Ranger at the present time.
2 Ms. Hicks has no further knowledge of any
3 election process taking place in the City of
4 Ranger.

5 **JUDGE DUFFEY:** Any questions for the
6 investigator?

7 Ms. Koth?

8 **MS. KOTH:** I'd like to add, though, that
9 they -- the city was dissolved in May of 2023.
10 It's --

11 **JUDGE DUFFEY:** What does that --

12 **MS. KOTH:** -- no longer a city.

13 **JUDGE DUFFEY:** -- mean? Well, we saw this
14 coming, didn't we?

15 **MS. KOTH:** I think a month ago it was
16 dissolved. Yeah.

17 **JUDGE DUFFEY:** So what does it mean that the
18 city -- can we find somebody in violation if they
19 no longer exist?

20 **MS. VAUGHAN:** I would have to look into that
21 issue. I don't know (indiscernible).

22 **MR. MASHBURN:** I think there's sufficient
23 evidence --

24 **JUDGE DUFFEY:** Refer it to --

25 **MR. MASHBURN:** I think there's sufficient

1 evidence to show that a -- to indicate that a
2 violation has occurred. And I'll leave it to the
3 Attorney General to figure out what the
4 dissolution of the city means. So that's my
5 motion.

6 **JUDGE DUFFEY:** Is there a second?

7 **DR. JOHNSTON:** Second.

8 **MS. GHAZAL:** Second with the comment that if
9 you are statutorily obligated to hold an
10 election, you need to hold the election. Even if
11 there's only one person on the ballot, you still
12 have to hold the election.

13 **MR. MASHBURN:** Yes. Agreed.

14 **JUDGE DUFFEY:** Yeah, I agree with that. But
15 it didn't sound like a highly motivated group of
16 people to have an election. So I would simplify
17 the motion just -- to just -- to that there's --
18 that we find a violation and that it be referred
19 to the Attorney General's Office.

20 **MR. MASHBURN:** Correct.

21 **JUDGE DUFFEY:** Is there any further
22 discussion?

23 There being none, all those in favor say
24 aye.

25 **THE BOARD MEMBERS:** Aye.

1 **JUDGE DUFFEY:** Opposed, no?

2 Motion carries unanimously.

3 All right, the next is Case Number 2022-336,
4 Whitfield County, vote buying. Can we have a
5 report on this complaint.

6 **MS. KOTH:** The Secretary of State's Office
7 opened this investigation on November 4, 2022,
8 following a complaint from Ms. Valdarez(ph) of
9 Chattanooga, Tennessee regarding Whitfield County
10 resident Angelica Angeles.

11 The complaint is regarding a raffle that
12 Angeles advertised online regarding her eyelash
13 business. The raffle offered participants a free
14 full set and one retouch eyelash application.
15 The requirements of the raffle were to share a
16 selfie displaying a voting sticker and to follow
17 her online business. The raffle winner was
18 announced on November 8, 2022.

19 The investigator received the e-mail from a
20 Ms. Meenie with a notarized statement written by
21 Ms. Angeles. In the statement, Ms. Angeles
22 admits that she was the one that got the idea for
23 the raffle and it was to generate new customers
24 for her business. She denied trying to influence
25 a person to vote for any party or candidate.

1 Based on the respondent's cooperation,
2 online posting on her social media, and her
3 written admission to having the idea and holding
4 and completing the raffle, there is substantial
5 evidence that the allegation of giving gifts for
6 voting did occur. There is substantial evidence
7 to support a violation of Georgia Code 21-2-570.

8 **JUDGE DUFFEY:** All right. Is there any
9 questions for the investigator?

10 All right. There being none, is there a
11 motion?

12 **MR. MASHBURN:** I find there's sufficient
13 evidence to believe a violation has occurred and
14 therefore move to refer it to the Attorney
15 General's Office.

16 **JUDGE DUFFEY:** Is there a second?

17 **DR. JOHNSTON:** Second.

18 **JUDGE DUFFEY:** It's been moved and seconded
19 that -- oh, is there any discussion?

20 It's been moved and seconded that Case
21 Number 2022-336 be referred to the Attorney
22 General's Office and that we find the violation.
23 All those in favor say aye.

24 **THE BOARD MEMBERS:** Aye.

25 **JUDGE DUFFEY:** Opposed, no?

1 The motion carries unanimously.

2 The next is Case Number 2020-078 which is
3 DeKalb County, illegal campaigning.

4 Can we have a report on this investigation.

5 **MR. BRUNSON:** Okay. This case involved two
6 individuals, one of which was a candidate, Andrew
7 Bell, and Benny Franklin. The office received
8 information that an individual that we later
9 identified as Benny Franklin was petitioning for
10 Andrew Bell at the Peachcrest Elementary School
11 on August 11, 2020.

12 This location was an active voting precinct
13 on this day and Franklin's location was within
14 the hundred-and-fifty-foot rule, according to
15 O.G.C.A. 21-2-414(a)(1). There were photographs
16 that were sent to us of this particular incident
17 which show that that vehicle was within that
18 hundred-and-fifty-foot space.

19 Also we were able to obtain a picture of
20 what he was soliciting. And he was basically
21 trying to get signatures for a petition.
22 Ultimately the investigator was not able to
23 concretely locate a Benny Franklin, although from
24 the driver's license picture that we have, we're
25 pretty certain that it's the Benny Franklin in

1 question. We're just looking at the pictures.
2 But since he wasn't able to concretely identify
3 him, he was listed but it's not definitive.

4 Ultimately he spoke with Mr. Bell and
5 Mr. Bell basically said that Mr. Franklin was
6 there on his behest and he got permission from
7 election representatives from DeKalb County to be
8 where he was located, where Mr. Franklin was
9 located. He basically filed a -- didn't file it,
10 but he reported on issues regarding the
11 signatures later that he ultimately took to court
12 and subsequently, after going through different
13 levels, it was dismissed.

14 His -- his complaint basically was that he
15 got 2210 signatures that he purported were valid.
16 However, upon review by election personnel, they
17 deemed that many of the signatures were not
18 valid.

19 And so because of that he filed a legal
20 action against the Secretary of State basically
21 saying that he received a letter saying that the
22 signatures originally were valid. And ultimately
23 that case was thrown out.

24 So what we've ultimately found was that
25 Andrew Bell and Benny Franklin were in violation

1 of O.C.G.A. 21-2-414(a)(1), restrictions on
2 campaign activities, basically for where he was
3 located and his conduct at that location.

4 **JUDGE DUFFEY:** Was -- in 2020 was the
5 prohibited distance a hundred and fifty feet?

6 **MR. BRUNSON:** Yes, sir.

7 **JUDGE DUFFEY:** All right.

8 All right, any questions for the
9 investigator?

10 **MR. BELL:** May I speak on behalf of Andrew
11 Bell. He's not here.

12 **JUDGE DUFFEY:** And who are you?

13 **MR. BELL:** I'm Walter Bell.

14 **JUDGE DUFFEY:** So you must be related to
15 Mr. Bell.

16 **MR. BELL:** I can't hear you. It's muffled.

17 **JUDGE DUFFEY:** You must be related to
18 Mr. Bell.

19 **MR. BELL:** I'm his father.

20 **JUDGE DUFFEY:** And can you get -- can we
21 give him a microphone?

22 **MS. GHAZAL:** It's flashing.

23 **MR. BELL:** Yes, sir. Ask me that question
24 again.

25 **MS. GHAZAL:** Yeah. Try it again.

1 **MR. MASHBURN:** Say test, test, test.
2 **MR. BELL:** Test, test. Okay.
3 **JUDGE DUFFEY:** Okay, we got you.
4 **MR. BELL:** Yes. I'm Andrew Bell's father.
5 He is out of town. He wasn't able to attend. He
6 only received this notice on the ninth. And he
7 gave me this letter to either read to you or
8 summarize to you regarding why he could not
9 attend.
10 Basically it's that he did not receive
11 proper 30-day notice, and, I guess, he rejects
12 some of the findings by your investigators.
13 Now, he sent the notarized version of this
14 letter to your office at Suite 802, 2 Martin
15 Luther King Drive. And basically I have the
16 letter here that's signed. I could read it to
17 you or summarize it to you, whatever you want.
18 But --
19 **JUDGE DUFFEY:** Mr. Bell, is what he's asking
20 for is a continuous so that we hear it at a later
21 meeting?
22 **MR. BELL:** Yes, sir. I would like -- I
23 think he would like a continuance.
24 **JUDGE DUFFEY:** All right. I'm going to
25 grant the continuance. We will hear it at the

1 next meeting. We'll hear it at the next meeting.

2 **MR. BELL:** Say it again, sir. It's kind of
3 muffled. I am a dis -- I have hearing problems.

4 **MR. KIRK:** He said yes, sir.

5 **MR. BELL:** Okay. Good, good, good. Thank
6 you, sir.

7 **JUDGE DUFFEY:** Thank you, Mr. Bell.

8 All right. Now, we are back to 2020-01. Is
9 that right? Is that right? For me, it's
10 (indiscernible). No, it's 2020-80. Tab 13,
11 right? Yes, tab 13.

12 **MS. GHAZAL:** That's the one that we had
13 (indiscernible). 2020-001?

14 **JUDGE DUFFEY:** Yeah, that's what I thought.
15 2020-001. Mr. Mashburn confused me.

16 This is the irregular signature.

17 **MS. GHAZAL:** Yes, the signature
18 irregularities.

19 **JUDGE DUFFEY:** And so where we were is --
20 and did y'all have a chance to review the
21 transcript? And -- I need to check on something.

22 (The chair conferred with staff from the
23 Attorney General's Office.)

24 **JUDGE DUFFEY:** So we have -- we are at
25 Teresa Davis; correct?

1 **MS. GHAZAL:** Uh-huh.

2 **JUDGE DUFFEY:** Yes? Teresa Davis?

3 **MR. MASHBURN:** (nodding)

4 **JUDGE DUFFEY:** All right. So where we left

5 off was that we were asking for -- we're going to

6 take these up individually because our experience

7 with a couple of them is that we got more

8 information as we heard the report.

9 So what we're doing is we're down to Teresa

10 Davis and one of the principal issues, for

11 example, with her is it says: Teresa Davis

12 stated during interviews that she probably signed

13 her husband's ballot.

14 **MR. ARCHIE:** Right.

15 **JUDGE DUFFEY:** And we don't know what --

16 when she -- when the person you interviewed, when

17 they -- when Teresa Davis said that, did she mean

18 she signed her name to her husband's ballot or

19 her husband's name?

20 **MR. ARCHIE:** I believe she signed her

21 husband's name to his ballot because he had

22 medical problems.

23 **JUDGE DUFFEY:** All right.

24 Any other questions about Teresa Davis then?

25 **MR. MASHBURN:** Yes. Her -- was her

1 testimony consistent with what you --
2 **MR. ARCHIE:** I did not -- I did not
3 interview her.
4 **MR. MASHBURN:** Oh.
5 **MR. ARCHIE:** It was part of the combined
6 investigation.
7 **MR. MASHBURN:** Okay.
8 **MR. ARCHIE:** And it -- that's what it said
9 when I -- when I did a summary of that
10 investigation -- or that interview. It just said
11 he had medical problems.
12 **JUDGE DUFFEY:** All right.
13 So is there a motion for Teresa Davis?
14 **MS. GHAZAL:** I move that we refer Ms. Davis
15 to the Attorney General's Office.
16 **MR. MASHBURN:** Second.
17 **JUDGE DUFFEY:** All right. It's been moved
18 and seconded that Teresa Davis, the complaint
19 against her, be referred to the Attorney
20 General's Office. Is there any discussion?
21 There not being any, all those in favor of
22 the motion say aye.
23 **THE BOARD MEMBERS:** Aye.
24 **JUDGE DUFFEY:** Opposed, no?
25 Then the motion is unanimous.

1 Next is Lidel(ph) Harris. This is
2 Mr. Harris. Stated that she probably signed her
3 husband's oath and the question is did she sign
4 her name or her husband's name?

5 **MR. ARCHIE:** She signed his name because he
6 had to work and he couldn't get off in time to go
7 vote.

8 **JUDGE DUFFEY:** All right.

9 Any further questions about Mr. Harris?

10 **MS. GHAZAL:** Is there any evidence on the
11 record when they received that ballot?

12 **MR. ARCHIE:** I'd have to pull the documents.

13 **MS. GHAZAL:** Okay. Thank you.

14 **MR. BRUNSON:** And the documents,
15 unfortunately, I thought -- they're in a big --
16 of course with 87 pages, there's -- so it's in
17 our office.

18 **MS. GHAZAL:** No, that's quite all right for
19 our purposes.

20 **JUDGE DUFFEY:** Is there a motion for
21 Mr. Harris?

22 **MR. MASHBURN:** Move that it be referred to
23 the Attorney General's Office.

24 **DR. JOHNSTON:** Second.

25 **JUDGE DUFFEY:** All right. It's been moved

1 and seconded that we find a violation and refer
2 this matter to the Attorney General's Office. Is
3 there any discussion?

4 There being none, all those in favor of the
5 motion say aye.

6 **THE BOARD MEMBERS:** Aye.

7 **JUDGE DUFFEY:** All those opposed, no?

8 It passes.

9 Next is Martha Baylor.

10 **MR. ARCHIE:** This was a mother of a son that
11 had some disabilities. She signed his name to
12 the absentee ballot. She got notified because it
13 was rejected. She went down there and talked
14 with them and they told her the correct
15 procedure. He was issued another ballot. He was
16 allowed to sign it and his vote counted. I think
17 it was just a misunderstanding on her behalf
18 because, you know, he's got some type of
19 disability. Special needs, it says.

20 **JUDGE DUFFEY:** So does that mean she did
21 what the election officials told her to do?

22 **MR. ARCHIE:** Right. After the first one was
23 rejected, when it -- when it -- sent back in, it
24 was rejected because of signature mismatch,
25 either they contacted her or she contacted them.

1 They issued him another ballot and she allowed
2 him to make his mark and the vote counted.

3 **JUDGE DUFFEY:** Any further questions for the
4 investigators?

5 **MR. MASHBURN:** No.

6 **JUDGE DUFFEY:** Is there a motion?

7 **MR. MASHBURN:** I think this would benefit
8 just from a letter of instruction. I don't see
9 the advantage, any benefit of it going to the
10 Attorney General's Office. I think it'd be
11 unlikely to occur and she's clued in to how it
12 should work.

13 So I'd move this be closed with a letter of
14 instruction.

15 **DR. JOHNSTON:** Second.

16 **JUDGE DUFFEY:** To find a violation and that
17 we issue a letter of instruction?

18 **MR. MASHBURN:** Correct.

19 **JUDGE DUFFEY:** All right. Has that been
20 seconded?

21 **DR. JOHNSTON:** Second.

22 **JUDGE DUFFEY:** It's been moved and seconded
23 that we find a violation and send to Ms. Baylor a
24 letter of instruction.

25 Is there any further discussion?

1 There not being any, all those in favor say
2 aye.

3 **THE BOARD MEMBERS:** Aye.

4 **JUDGE DUFFEY:** Opposed, no?

5 It passes unanimously.

6 Joel Wallace.

7 **MR. ARCHIE:** This was where he assisted Joan
8 Blackmon(ph) with her absentee ballot. He
9 actually signed it for her and she advised he
10 allowed -- she allowed him to do it because his
11 handwriting was neater.

12 **JUDGE DUFFEY:** And did he sign her name?

13 **MR. ARCHIE:** Yes. Yes, Your Honor.

14 **JUDGE DUFFEY:** With her consent and at her
15 request?

16 **MR. ARCHIE:** Yes, Your Honor.

17 **JUDGE DUFFEY:** Do you know if she watched
18 him sign it?

19 **MR. ARCHIE:** I don't believe I conducted --
20 another investigator conducted that interview.

21 **JUDGE DUFFEY:** Okay.

22 And is there a motion on Joel Wallace's
23 complaint?

24 **MS. GHAZAL:** I would move that Joel Wallace
25 and Joan Blackmon be -- although she is not

1 listed as a respondent, so I don't think that --
2 she has not had proper notice. So I actually
3 would like to hold this, to continue this
4 particular case because I think when a voter
5 adjures someone else to violate the law on their
6 behalf, there needs to be some sort of recourse
7 for them as well.

8 So I would move that we continue this one
9 particular case so that we can also provide
10 notice to Ms. Blackmon.

11 **JUDGE DUFFEY:** Well, if Miss -- well, can we
12 move forward on Mr. Wallace?

13 **MS. GHAZAL:** I'd be fine with that, yes. Or
14 I --

15 **JUDGE DUFFEY:** Let's do that.

16 **MS. GHAZAL:** Okay. I move that we refer
17 Mr. Wallace to the Attorney General's Office but
18 request that we open an investigation for
19 Ms. Blackmon.

20 **JUDGE DUFFEY:** All right.

21 So the motion is to find a violation by
22 Mr. Wallace and to refer to the Attorney
23 General's Office. Is there a second?

24 **MR. MASHBURN:** Second.

25 **JUDGE DUFFEY:** Is there any further

1 discussion?

2 There being none, all those in favor of the
3 motion say aye.

4 **THE BOARD MEMBERS:** Aye.

5 **JUDGE DUFFEY:** All those opposed, no?

6 Passes unanimously.

7 And we would request, Sara, that we open an
8 investigation of Ms. Blackmon and get her story
9 about the circumstances and why did she re -- why
10 did she not do something to indication or do --
11 why didn't she sign her own signature even though
12 it wasn't neat? Why did she ask somebody else to
13 do it for her?

14 The next is Naomi Lupton.

15 **MR. ARCHIE:** She requested the absentee
16 ballot for her son. She stated that he had moved
17 to the University of Alabama. And she said
18 instead of her taking the time to have him fill
19 the absentee ballot out, she completed it and
20 signed his name because she knew how he was going
21 to vote and then she returned it to the elections
22 office.

23 **MR. MASHBURN:** I have no questions.

24 **JUDGE DUFFEY:** Any questions?

25 **MR. MASHBURN:** I believe there's sufficient

1 evidence to indicate that a violation has
2 occurred and move to refer this to the Attorney
3 General's Office.

4 **JUDGE DUFFEY:** Is there a second?

5 **MS. GHAZAL:** Second.

6 **JUDGE DUFFEY:** Any further discussion?

7 All those in favor of the motion say aye.

8 **THE BOARD MEMBERS:** Aye.

9 **JUDGE DUFFEY:** All those opposed, no?

10 It passes unanimously.

11 Now, I would say this. As a dad, I would
12 never presume to know how my kids are going to
13 vote. Talk about a parachuting parent.

14 The next is Samuel Reid(ph). Could you
15 brief us on that, please.

16 **MR. ARCHIE:** Okay, sir. He assisted his
17 sister to vote her absentee ballot. He signed
18 her name on the oath envelope because her -- his
19 sister's hands were shaking and she could not
20 sign her name.

21 **JUDGE DUFFEY:** So Mr. Reid is Mrs. Reid's
22 husband? Do we know that?

23 **MR. ARCHIE:** It's her brother.

24 **JUDGE DUFFEY:** Brother. Just doesn't
25 seem -- it's interesting when you look at so many

1 of these, you -- you see the risk of us saying,
2 well, it's okay in this instance, it's okay in
3 that instance. The process is that if you
4 can't -- if your penmanship is shaky or you have
5 a hard time writing, you can always make a mark
6 and then that could be verified by somebody.

7 **MR. MASHBURN:** Well, and now it can be
8 cured.

9 **JUDGE DUFFEY:** And now ...

10 **MR. MASHBURN:** So if you're -- if you -- if
11 you sign your own ballot --

12 **JUDGE DUFFEY:** Right.

13 **MR. MASHBURN:** -- and the court say no,
14 you -- you get a message now that the law is that
15 there's a mismatch and you need to cure it. And
16 so --

17 **JUDGE DUFFEY:** And even back then when we
18 didn't have that, there's --

19 **MR. MASHBURN:** There's even less reason for
20 it now.

21 **JUDGE DUFFEY:** This sort of -- I'm going
22 to -- let me do it the way I think I ought to be
23 able to do it as opposed to the way I should do
24 it.

25 Is there a motion?

1 **MS. GHAZAL:** I move that we refer this to
2 the Attorney General's Office with instructions
3 that they dispose of it with -- we would be
4 inclined to dispose of it with a letter from the
5 Attorney General's Office, but, obviously, with
6 further investigation.

7 **JUDGE DUFFEY:** I don't think the Attorney
8 General's Office sends letter, do they? Or ...

9 **MS. VAUGHAN:** No. Letter of instruction can
10 be from the board. I mean, there are a range of
11 possible civil penalties that would not
12 necessarily include a fine we recommend --

13 **JUDGE DUFFEY:** Yeah.

14 **MS. VAUGHAN:** -- that be (indiscernible).

15 **MS. GHAZAL:** Thank you for the proper
16 terminology.

17 I move that we refer this to the Attorney
18 General's Office for further investigation and
19 stop there.

20 **MR. MASHBURN:** Second.

21 **JUDGE DUFFEY:** Okay. So the motion is that
22 we find a violation and refer it to the Attorney
23 General's Office. Is there any further
24 discussion?

25 If not, all those in favor say aye.

1 **THE BOARD MEMBERS:** Aye.

2 **JUDGE DUFFEY:** All those opposed, no?

3 It passes unanimously.

4 Next is Audra Brooks-Roberts.

5 **MR. ARCHIE:** What was that name again, Your

6 Honor?

7 **MR. BRUNSON:** I got it.

8 **JUDGE DUFFEY:** Audra Brooks, hyphen,

9 Roberts.

10 **MR. BRUNSON:** There is evidence to suggest

11 that she violated O.C.G.A. 21-2-385(a) in that

12 during the November 6, 2018, general election,

13 the Richmond County elections office received an

14 absentee ballot in the name of Bernard Roberts.

15 The absentee ballot was rejected because of a

16 signature mismatch.

17 During the interview of Audra

18 Brooks-Roberts, she admitted signing her name to

19 her husband's oath envelope. Mrs. Roberts stated

20 she was trying to help her husband out and she

21 promised not to do it again.

22 **JUDGE DUFFEY:** Is there any questions of the

23 investigators? If not, then --

24 **MS. GHAZAL:** To clarify this case, she

25 signed her own name?

1 **MR. ARCHIE:** No, she signed her husband's
2 name.
3 **MS. GHAZAL:** Oh, she has -- her husband's
4 name. Okay, thank you. Thank you.
5 **MR. BRUNSON:** Wait.
6 **JUDGE DUFFEY:** No. She's admitted signing
7 her name --
8 **MR. BRUNSON:** Wait. Wait. Signing her
9 name.
10 **JUDGE DUFFEY:** -- to her husband's oath
11 envelope.
12 **MR. BRUNSON:** Oh, I'm -- her husband's oath
13 envelope. She signed her name.
14 **MR. ARCHIE:** Correction. She signed her
15 name. I'm sorry.
16 **JUDGE DUFFEY:** Okay. So --
17 **MR. MASHBURN:** When somebody signs their own
18 name, we've been sending letters of instruction,
19 right?
20 **JUDGE DUFFEY:** Right.
21 **MR. MASHBURN:** Okay. So I move that this
22 matter, we find a violation and send a letter of
23 instruction.
24 **JUDGE DUFFEY:** Is there a second?
25 **MS. GHAZAL:** Second.

1 **MR. MASHBURN:** And she -- and she promised
2 not to do it again as well. She got the point.

3 **JUDGE DUFFEY:** Yeah.

4 All those in favor of the motion say aye.

5 **THE BOARD MEMBERS:** Aye.

6 **JUDGE DUFFEY:** All those opposed, no.

7 The motion passes unanimously.

8 The next is Janet Price.

9 **MR. ARCHIE:** Okay. She assisted her mother
10 to vote her absentee ballot because she was
11 disabled and her mother could not sign her name
12 on the oath envelope. So she marked -- where her
13 mother was supposed to sign her name, she marked
14 an "x" for her mother. And she also -- the
15 daughter signed at the bottom portion that she
16 assisted her.

17 **JUDGE DUFFEY:** There's always a little
18 twist, isn't there?

19 **MS. GHAZAL:** Yeah.

20 Was -- is there any indication in your
21 investigation that the mother would have been
22 capable of making the "x" herself?

23 **MR. ARCHIE:** Let me see.

24 **MS. GHAZAL:** Because that, to me, is the
25 only violation whatsoever because the -- as

1 the -- as Ms. Price signed as in assisting, that
2 is wholly within the -- the scope of her --

3 **MR. BRUNSON:** It says that the mother was
4 disabled and she could not sign --

5 **MR. ARCHIE:** Yeah. Could not --

6 **MR. BRUNSON:** -- her name on the oath --

7 **MR. ARCHIE:** -- sign.

8 **MR. BRUNSON:** -- envelope.

9 **MS. GHAZAL:** Okay.

10 **MR. BRUNSON:** Disabled and could not.

11 **MR. ARCHIE:** Right.

12 **MS. GHAZAL:** Thank you.

13 **JUDGE DUFFEY:** It seems a reasonable
14 position that if your mother can't do it, you
15 can't sign her name because it might -- might be
16 deceptive that she could sign her name and this
17 was the most that she could do and she wanted to
18 make it clear that it was just a mark. But then
19 she acknowledged that she helped.

20 **MS. GHAZAL:** Right.

21 **MR. MASHBURN:** I'm having trouble finding a
22 violation on this one. I think she tried to do
23 what she thought she ought to do. And it's not
24 relying on the ignorance of the law as a defense,
25 but I just -- I think she tried her best to do

1 what she thought she had to do.

2 **JUDGE DUFFEY:** And she wasn't trying to

3 deceive --

4 **MR. MASHBURN:** She wasn't trying to deceive

5 anybody. So I think -- looking at this, I think

6 I'll make a motion to dismiss it.

7 **JUDGE DUFFEY:** Is there a second?

8 **MS. GHAZAL:** Second.

9 **JUDGE DUFFEY:** Is there any discussion?

10 All those in favor say aye.

11 **THE BOARD MEMBERS:** Aye.

12 **JUDGE DUFFEY:** All those opposed, no.

13 The motion carries unanimously.

14 Now I ask my fellow board members, did I

15 miss any of these? Did I miss any of these?

16 **MR. MASHBURN:** I don't think so.

17 **JUDGE DUFFEY:** Okay. I think that's the

18 last thing we had on the agenda for today.

19 Did anybody sign up to make public comments

20 or are we going to do that all tomorrow?

21 **MS. HARDIN:** We were going to do that

22 tomorrow.

23 **JUDGE DUFFEY:** Okay. Then I'm going to

24 adjourn the meeting until tomorrow. We will

25 reconvene at 9:00.

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(Adjourned for the day at 2:59 p.m.)

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CERTIFICATE

STATE OF GEORGIA

I hereby certify that the foregoing meeting was taken down and was reduced to typewriting under my direction; that the foregoing transcript is a true and correct record given to the best of my ability.

The above certification is expressly withdrawn upon the disassembly or photocopying of the foregoing transcript, unless said disassembly or photocopying is done under the auspices of the undersigned and electronic signature is attached thereon.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties; nor am I financially interested in the action.

This, the 7th day of July, 2023.

****Mary K McMahan****

Mary K McMahan, CCR, CVR, RPR, FPR
Certified Court Reporter
Certificate Number 2757