

1
2 THE OFFICE OF SECRETARY OF STATE
3 STATE OF GEORGIA
4
5

6 IN THE MATTER OF:
7 STATE ELECTION BOARD MEETING
8 Georgia State Capitol, Room 341
9 Atlanta, Georgia
10 Tuesday, July 9, 2024
11 Atlanta, Georgia
12 8:30 a.m.
13

14 **APPEARANCE OF THE PANEL**
15

16 John Fervier, Acting Chair
17 Sara Tindall Ghazal
18 Janice Johnston
19 Janelle King
20 Rick Jeffares
21
22
23

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1 Transcript Legend
2 [sic] - Exactly as said.
3 (ph) - Exact spelling unknown.
4 -- Break in speech continuity.
5 . . . Indicates halting speech, unfinished sentence or
6 omission of word(s) when reading.

7
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P R O C E E D I N G S

MR. FERVIER: Good morning. For those of you that don't know me, my name is John Fervier. I'm the chairman of the state election board. I'm joined by our other election board members here today.

I want to introduce our newest member, Janelle King, who just joined the board recently. We're glad to have her.

We have a very heavy agenda today, and so I want to go ahead and get started. I want to thank everybody for being here. I know there wasn't enough room for everybody, and hopefully the people that had to go to the overflow room are comfortable and can hear and see everything appropriately.

The purpose of today's meeting is to hear petitions for rules changes, and we will hear those after public comment and a few other changes.

DR. JOHNSTON: Mr. Chair.

MR. FERVIER: Yes?

DR. JOHNSTON: (off microphone) I'd like to make a motion to amend the agenda and add new business. Do I do it now or after the invocation

1 and the pledge?

2 **MR. FERVIER:** After the invocation and
3 pledge and approval of the minutes.

4 **DR. JOHNSTON:** (off microphone) Before the
5 approval of the minutes.

6 **MR. FERVIER:** Okay.

7 We will start with the invocation and Pledge
8 of Allegiance.

9 Member Jeffares, if you would lead us in the
10 invocation, please.

11 (Invocation)

12 **MR. FERVIER:** Member Johnston, would you
13 lead us in the Pledge of Allegiance, please.

14 **DR. JOHNSTON:** Yes.

15 (Pledge of Allegiance)

16 **DR. JOHNSTON:** Mr. Chair, I'd like to make a
17 motion to amend the agenda and add new business.
18 I move to amend the agenda concerning
19 SEB2023-025. I move that the board provide an
20 opportunity for a response from the complainants'
21 representatives to the board and that the board
22 then consider the best course of action.

23 **MR. JEFFARES:** Second.

24 **MR. FERVIER:** Member Johnston, that question
25 is ruled out of order. The case 2023-025 has

1 been heard and adjudicated by this board in a
2 previous hearing.

3 In order for that case to be reconsidered,
4 it would have to be reconsidered by the
5 prevailing parties which consisted of member Ed
6 Lindsay and member Sara Ghazal. And neither one
7 of those have made a motion to reconsider that
8 case. Therefore your motion is ruled out of
9 order.

10 **DR. JOHNSTON:** Mr. Chair, I move to appeal
11 the decision of the chair.

12 **MS. KING:** Second.

13 **MR. FERVIER:** We have a motion and an appeal
14 to reconsider the decision of the chair. The
15 chair would like to offer an intervening motion.
16 An intervening motion would be to retire to
17 executive session for the purpose of discovery --
18 discussing potential litigation regarding that
19 case.

20 Is there a second?

21 **MS. GHAZAL:** Second.

22 **MR. FERVIER:** There is a motion and a second
23 on an intervening motion to retire to executive
24 session to discuss potential litigation
25 concerning case 2023-025.

1 **DR. JOHNSTON:** Mr. Chair, a complete
2 investigation is absolutely necessary to help
3 Fulton County and prevent the recurrence of the
4 same problems for the 2024 election.

5 One may say that this case has been heard
6 and decided, but it has not. The complainants
7 have not been heard. Fulton County stated they
8 were still looking for required election
9 documents.

10 The initial and partial hearing of the
11 investigation suggested an incomplete
12 investigation. The exhibits were not provided to
13 the board. Disinformation of applicable law
14 concerning ballot image retention was repeated by
15 the Secretary of State, the investigative report,
16 and the respondent's representative. Misleading
17 conclusions concerning duplicate counted ballots
18 were given by the Secretary of State
19 representative.

20 There are suggestions that Carter Jones and
21 the performance review board looked into these
22 matters previously. Those were not
23 investigations nor were they focused on the
24 complaint of Mr. Rossi and Mr. Moncla.

25 One may say that the complainants cannot be

1 heard. Mr. Rossi and his representatives have
2 never been heard. There's no precedent or rule
3 currently concerning this -- this practice. In
4 fact, there has been 20 years' practice of
5 hearing from complainants until the practice was
6 changed without consent or vote of this board
7 less than two years ago, about the time this
8 complaint was filed.

9 Administrative Procedures, Title 50, chapter
10 13, section 13, paragraph (a)(c) states that all
11 parties have to be heard. It says opportunity
12 shall be afforded to all parties to be
13 represented by legal counsel and to respond and
14 present evidence on all issues involved.

15 I would like to hear that. HAVA requires
16 that hearings must take place within 90 days of
17 filing a complaint. This board certainly did not
18 perform up to that standard. One might say, Oh,
19 this cannot be heard because there's double
20 jeopardy or res judicata. This is not a criminal
21 case. Double jeopardy only applies to legal
22 matters as determined by a court.

23 The state election board does not have the
24 authority to charge anyone for a crime. The
25 board may only refer to the Attorney General or

1 the District Attorney for investigation and
2 adjudication.

3 One might also say there's a statute of
4 limitations. There is no statute of limitations
5 for this investigation. It needs to be completed
6 and thoroughly investigated. FEC says there's a
7 statute of limitation for federal election crimes
8 for four years but is longer if the investigation
9 is ongoing.

10 The request to move to executive session
11 does not apply to this case. We do not have
12 pending litigation nor is there an issue of
13 personnel to discuss which are the parameters for
14 retiring to executive session. Executive session
15 is not warranted at this time.

16 I've heard threats that this might cause a
17 lawsuit. About what? Hearing from the
18 complainants? Investigating an incomplete
19 investigation? There is not sufficient evidence
20 from the investigation to date to identify what
21 needs to be monitored in the 2024 general
22 election.

23 **MR. FERVIER:** The chair respectfully
24 requests that the members consider adjourning to
25 executive session to consider this and any

1 pending legal matters. We will now take a vote
2 on the motion to adjourn to executive session.
3 We have a motion and a second. All those in
4 favor of adjourning to executive session signify
5 by saying aye.

6 **THE BOARD MEMBERS:** Aye.

7 **MR. FERVIER:** Aye?

8 **MR. JEFFARES:** Aye.

9 **MR. FERVIER:** The chair votes aye. All
10 those opposed?

11 **DR. JOHNSTON:** No.

12 **MS. KING:** No.

13 **MR. FERVIER:** The motion carries three to
14 two. This board will adjourn to executive
15 session to discussing matters concerning this.

16 (Executive session from 8:52 until 9:57
17 a.m.)

18 **MR. FERVIER:** The state election board will
19 now return to order.

20 Member Johnston, we have a motion on the
21 floor. Would you like to restate your motion?

22 **DR. JOHNSTON:** I make a motion to provide
23 consideration of case 2023-025 to allow the
24 respondents -- I'm sorry the complainants'
25 representatives to have time to speak during

1 public comments for additional minutes of 15
2 minutes each for each respondent, or -- I'm sorry
3 complainant or their representative or an expert
4 that they may have available for this meeting.

5 Additionally I make a motion for new
6 business in consideration of additional research
7 concerning the deficiencies found in case
8 2023-025 concerning missing documents, duplicated
9 counted votes, and missing ballot images.

10 **MS. GHAZAL:** (off microphone) Point of
11 order.

12 **MR. FERVIER:** Point of order.

13 **MS. GHAZAL:** (off microphone) Those were two
14 separate motions. They have to be considered
15 separately.

16 **MR. FERVIER:** Yes, I was going to do that.

17 We'll consider the first motion. The first
18 motion is to allow the complainants 15 minutes
19 during public comment to be able to make their
20 statements. Is there a second?

21 **MS. KING:** Second.

22 **MR. FERVIER:** Having a motion and a second
23 to allow the complainants 15 minutes during open
24 comment to make their statement, any discussion?

25 Hearing no discussion, all those signify by

1 saying aye.

2 **THE BOARD MEMBERS:** Aye.

3 **MR. FERVIER:** Any nays? Hearing no nays,
4 motion carries.

5 Do you have a second -- do you have a second
6 motion, Dr. Johnston?

7 I've been told we need an additional
8 overflow room. So Room 125 is now open for
9 overflow. Room 125 is now open for overflow.
10 Member Jeffares?

11 **MR. JEFFARES:** (off microphone) Yes. I'd
12 like to make an amendment to the second on this
13 motion that we're fixing to vote on that it be
14 moved to the August meeting.

15 **MR. FERVIER:** Let's make the motion, then
16 you can make an amendment to it.

17 **DR. JOHNSTON:** I make a mo -- make a motion
18 as new business to consider SEB case 2023-025 to
19 provide additional research into the deficiencies
20 of missing documents, missing ballot images, and
21 duplicated counted votes.

22 **MS. KING:** Second.

23 **MR. JEFFARES:** Mr. Chairman, if I could, I'd
24 like to amend that that we move that to the
25 August meeting.

1 **MR. FERVIER:** We have a motion -- an amended
2 motion to defer the original motion to the August
3 meeting. Do we have a second on the amendment?
4 **MS. KING:** About the 15 minutes?
5 **MR. FERVIER:** No. The motion she just made
6 to do additional research on the allegations made
7 in case 2023-025.
8 There's an amendment by member Jeffares to
9 defer that motion to the August 6th meeting. Is
10 there a second for member Jeffares?
11 **DR. JOHNSTON:** Second.
12 **MR. FERVIER:** We have a motion and a second
13 to defer the original motion to further research
14 on the 2023-025 case to the August 6th meeting.
15 Have a motion and a second, any discussion?
16 **MS. GHAZAL:** Point of order. If the
17 original movement -- movant agreed to the
18 postponement --
19 **MR. FERVIER:** She seconded it.
20 **MS. GHAZAL:** Correct. So does that not
21 simply amend the original motion?
22 **MR. FERVIER:** It does amend it.
23 **MS. GHAZAL:** Okay.
24 **MR. FERVIER:** Yes.
25 **MS. GHAZAL:** So the motion on the -- on the

1 floor is to add an agenda item for the August
2 meeting.

3 **MR. FERVIER:** Yes.

4 **MS. GHAZAL:** Okay. Thank you.

5 **MR. FERVIER:** So the motion on the floor is
6 to add an agenda item for the August 6th meeting
7 to consider further investigation of cases
8 related to -- further investigation of the
9 2023-025 case. And we have a second. Any
10 further discussion?

11 **MS. KING:** I don't understand why we're
12 moving this to August when we -- and I -- no, I
13 mean, I just want to understand because from my
14 understanding this has been heard quite a few
15 times. I've been told that. So where I'm a
16 little confused, being the new board member, is
17 that I -- number one, I do want to hear from the
18 people, but then secondly, I just don't
19 understand why we need to further progress it. I
20 thought that was the problem -- right? -- that we
21 keep wanting to keep talking about it. So why
22 not just do it now?

23 **MR. FERVIER:** Any other comments from the
24 board?

25 **MS. GHAZAL:** (off microphone) Reopening

1 investigation on a case that has already been
2 closed, that violates the U.S. Constitution. It
3 violates several --

4 (Cross-talking)

5 **MS. KING:** (indiscernible) further --

6 **MS. GHAZAL:** We --

7 (Gavel sounding)

8 **MS. GHAZAL:** My understanding of the motion
9 was to further investigate a case that has been
10 closed: case 2023-025. Is that -- is that a
11 correct understanding of the motion?

12 **MR. FERVIER:** The motion is to --

13 **MS. KING:** Research. I thought we said
14 research.

15 **MR. FERVIER:** -- research the allegations --

16 **MS. KING:** Right.

17 **MR. FERVIER:** -- made in --

18 **MS. GHAZAL:** Pursuant to --

19 **MR. FERVIER:** -- pursuant to --

20 **MS. GHAZAL:** -- that case.

21 **MR. FERVIER:** Yes.

22 **MS. GHAZAL:** That case has been closed.

23 **MS. KING:** Well, here's the thing. Here --
24 here's where I am. As a new board member -- and
25 I've read through this and I have questions. So

1 I think what -- what our board member, Dr. Jan,
2 is asking us to do is just to have a little bit
3 more further research. Let's just research this
4 a little bit more and make sure that we address
5 the areas where we're confused.

6 **MS. GHAZAL:** Research pursuant to a case
7 that has been closed is -- it -- we cannot do
8 that today without notice to the respondent as
9 a -- as a preliminary matter.

10 **MS. KING:** So that's why we're moving it to
11 August?

12 **DR. JOHNSTON:** It appears that there are
13 conflicting legal opinions regarding further
14 research of this case or how it may be
15 accomplished that I would recommend that we
16 obtain independent legal counsel in order to
17 address these conflicting opinions and bring it
18 back for August -- the August meeting.

19 **MS. KING:** Is that a motion? That's your
20 motion?

21 **MR. FERVIER:** We -- we have another -- we
22 have a preceding motion. The preceding motion
23 was to move consideration of research on 2023-025
24 to be considered at the August meeting -- and
25 that motion was seconded -- which would give us

1 time to further research the legalities of doing
2 that.

3 **MS. KING:** And then we're going to add
4 another motion -- right? -- after this one to --
5 forgive me, y'all, because I'm new, but are you
6 going to add another motion on top of this --
7 well, after this is done, we're going to add
8 another motion to bring in her our own legal?
9 Like the -- that's the second motion, right?

10 **DR. JOHNSTON:** I'm sorry?

11 **MS. KING:** That's the -- that's going to be
12 the next motion, right? So if we move this to --
13 this -- let's be clear. If we move this to
14 August, I want to make sure we're moving it to
15 August because we're going to actually do our
16 research and are going to consider bringing in
17 our own independent attorney or legal team. Is
18 that what we're -- is that what we're agreeing
19 to?

20 **MR. FERVIER:** Yes.

21 **MS. KING:** Okay, all right. I can handle
22 that.

23 **MR. FERVIER:** Any discussion from the board?
24 So basically the motion's been made to defer
25 further research into the allegations made

1 concerning the 2020 election to the August 6th
2 meeting. It was seconded.

3 Hearing no further discussion, all those
4 board members in favor signify by saying aye.

5 **THE BOARD MEMBERS:** Aye.

6 **MR. FERVIER:** Any nays?

7 **MS. GHAZAL:** (off microphone) Nay.

8 **MR. FERVIER:** The motion carries three to
9 one.

10 Anything else, member Johnston?

11 We will now proceed with public comment. I
12 would like to -- public comment will -- each
13 individual will have two minutes with the
14 exception of the previous motion that would allow
15 respondents to the 2023-025 case -- Mr. Rossi, I
16 believe is here -- would have 15 minutes for his
17 public comment. Everybody else would have two
18 minutes for the public comment section.

19 I would ask the audience to please be
20 respectful of everybody. You're going to hear
21 differing opinions that you may not like. That
22 doesn't mean that we have to be disrespectful to
23 people. Everybody has an opinion. Everybody
24 gets to state their opinion. I just ask you to
25 please be just respectful. At the end of your

1 two minutes, the gavel will be lightly tapped as
2 such, letting you know that your two minutes is
3 up.

4 I would also ask that we please not repeat
5 the same thing over and over and over again. If
6 you have comments that have been previously heard
7 and you want -- just want to reiterate them, just
8 say, you know, I just also want to support the
9 comment that's previously been made so that we
10 can move on. We have a very -- a lot of
11 petitions here today. So I just ask for your --
12 your patience and please be respectful.

13 Our executive director Mike Coan will call
14 the individuals up. We'll just start at the top
15 of the list. There are 56 -- 57 people to speak.
16 So this will -- and at some point we'll take a
17 recess in the middle of it, so ...

18 **MR. COAN:** (off microphone) Welcome,
19 everybody. Is my mic on? (microphone on) Okay,
20 got it.

21 Do you have something?

22 **DR. JOHNSTON:** At what point will we have
23 the complainants speak?

24 **MR. FERVIER:** Mr. Rossi is listed number 8.

25 **MR. COAN:** Yes, he's number 8.

1 **MR. FERVIER:** It depends how long the prior
2 complainants speak.

3 (Unidentified speakers in the audience
4 speaking inaudibly.)

5 **MR. FERVIER:** Well, that wouldn't be fair to
6 the rest of the people that have already signed
7 up, so he is listed number 8. He'll --
8 approximately 16 minutes.

9 (Unidentified speakers in the audience
10 speaking inaudibly.)

11 **DR. JOHNSTON:** Yes.

12 (Unidentified speakers in the audience
13 speaking inaudibly.)

14 **DR. JOHNSTON:** The agreement that --
15 Mr. Chairman, if I understood, was that there
16 would be 15 minutes for both complainants or
17 their -- their representative.

18 (Unidentified speakers in the audience
19 speaking inaudibly.)

20 **DR. JOHNSTON:** Would -- would it be
21 appropriate to say that -- to provide that this
22 will happen at 11:00? That -- that both -- does
23 this ...

24 **MR. FERVIER:** Do you want to set an 11:00?

25 **DR. JOHNSTON:** 11:00. And allow the other

1 people that have signed to other ...

2 (Unidentified speakers in the audience
3 speaking inaudibly.)

4 **MR. FERVIER:** You're up at 11:00.

5 **DR. JOHNSTON:** 11:00. Thank you.

6 **MS. KING:** (off microphone) (indiscernible)

7 **MR. COAN:** Yeah, two people can get 15
8 minutes.

9 **PUBLIC COMMENTS**

10 Okay. We're starting with public comments.
11 We have Rachel Lastinger, and Marisa Pyle on
12 deck. That's the way we want to operate this
13 thing and make it as quickly as we can and
14 efficient as we can. But, Rachel ...

15 **MS. LASTINGER:** (inaudible)

16 **MR. FERVIER:** Wait. Wait just a minute.
17 Let's -- let's figure this out real quick here.

18 **MS. LASTINGER:** There we go. Okay. Thank
19 you. Sorry.

20 Good morning. My name is Rachel Lastinger.
21 I'm the associate director of the Voter Access
22 Project of the ACLU of Georgia. We work to
23 ensure voting is easy and accessible for all
24 Georgians, and I'm here to address some of the
25 petitions today.

1 I want to speak in support of the petition
2 submitted by United for Protect Democracy that
3 will provide additional much needed guidance on
4 voter challenges. More than 3,000 voters have
5 already had their voter eligibility challenged in
6 advance of the November elections and close to
7 1,000 have been upheld with many more awaiting a
8 hearing.

9 My team attended hearings and witnessed
10 lengthy discussions amongst board members aiming
11 to interpret the code. The election code is
12 incredibly vague in its directives to county
13 boards on how to handle voter challenges, forcing
14 board members to develop their own
15 interpretations at the discretion of the county
16 attorney. This leads to a reality where each
17 county is implementing differing policies on
18 voter challenges, leading to different outcomes
19 for similarly situated voters based solely on
20 their county of residence.

21 There's a strong potential for voter
22 challenges to be wrongfully upheld, potentially
23 disenfranchising a large number of voters. We
24 have also seen a lack of clear directors --
25 directives lead to election office staff taking

1 on work to gather evidence on all these voter
2 challenges. This is not required of them by law
3 and is not a good use of the already minimal
4 resources available to our election offices.

5 We know that more voter challengers will be
6 submitted, and I'm urging you to pass this
7 petition and use your petition -- your position
8 as state board members to assist the county
9 boards in making confident and sustain accurate
10 decisions on voter challenges.

11 And just briefly I want to urge you to
12 dismiss the petition submitted by Sharlene
13 Alexander that adds extra procedures and duties
14 to local election officials, requiring them to
15 hand-count ballots in the precincts. This
16 petition requires a large input of financial
17 resources and staff time, neither of which our
18 counties can spare right now.

19 And I urge you to dismiss the petition from
20 Salleigh Grubbs related to the role of county
21 boards and the certification process. This will
22 slow the certification process which only gives
23 voters a reason to doubt the results. This does
24 not lead to an increase in trust for voters.

25 In your decisions today, I ask that you

1 prioritize Georgia voters. Voting in our nation
2 is a right and not a privilege. I hope that
3 today you'll continue to put the rights of
4 Georgia voters first. Thank you.

5 **MR. COAN:** Thank you, Rachel.

6 Next up is Marisa Pyle and on deck is David
7 Sumrall.

8 **MS. PYLE:** Hi, board members. My name is
9 Marisa Pyle. I'm a senior democracy defense
10 manager at All Voting is Local Action. I'm here
11 today to testify in opposition to the proposed
12 rule to amend Georgia election certification
13 requirements.

14 This rule, originally proposed by the
15 Election Research Institute before the state
16 election board's May meeting and resubmitted by
17 Salleigh Grubbs presents a deep threat to
18 Georgia's counties' abilities to conduct and
19 certify elections.

20 Firstly, by opening the door to election
21 officials to reject certification subjectively,
22 this proposal directly contravenes existing case
23 law in Georgia statute as it speaks of Georgia's
24 certification requirements. Certification under
25 Georgia statute is not discretionary nor is it

1 affected by error or even by fraud. As legal
2 remedies in other venues, like election contests,
3 recounts and audits remain as options.

4 In *Thompson v Talmadge*, decided by the
5 Georgia Supreme Court in 1947, the court found
6 that officials are not authorized to exercise any
7 discretion but were simply performing the
8 ministerial act of disclosing to the public the
9 official election results.

10 And further O.C.G.A. 21-2-493, subsection
11 (i) clarifies that evidence of error or fraud
12 should not stop the canvass and certification
13 process because of the additional
14 post-certification remedies available. Making
15 this unclear will not only lead to costly
16 litigation, it also threatens the clarity and
17 trustworthiness of election results.

18 Delaying or refusing certification of
19 elections based on unfounded allegations
20 allows -- only further erodes trust in the system
21 and allows the possibility of election sabotage.

22 Second, however, are also the true
23 motivations of this petition and the actors
24 bringing it. The Election Research Institute,
25 the originator of this proposal is operated by an

1 individual who helped conduct the Cyber Ninja's
2 audit in Arizona. They tried and failed to prove
3 election fraud, as well as the author of the
4 disinformation field report that has led to
5 multiple states withdrawing from ERIC, an
6 instrumental tool to maintaining voter rolls
7 across states.

8 Despite its resubmission, it is still merely
9 verbatim the rule ERI originally proposed. I
10 bring that up to illustrate that these are not
11 individuals asking in good faith for this rule.
12 This is an attempt to weaken our democratic norms
13 that contradicts existing case law as well as
14 judicial precedent.

15 The board exists to do the opposite and to
16 enact policies that will strengthen our election
17 system both for voters and for election officials
18 themselves, and I ask you to reject this
19 proposal. Thank you.

20 **MR. COAN:** Thank you, Marisa, for your
21 comments.

22 Next up is David Sumrall with William Bush
23 on deck.

24 **MR. SUMRALL:** My name is David Sumrall,
25 elector from Bibb County, Georgia, and I come

1 before you to request the Georgia Board of
2 Elections to give guidance to county board of
3 elections on adjudicating voter challenges.

4 I've submitted another investigation
5 request. This follows up the May investigation
6 request I submitted. July 1, I submitted these
7 vote -- three voter challenges to Bibb County
8 Board of Elections, totaling 243 voters. The
9 first challenge of 45 voters registered in UPS
10 stores and post office was accepted on a three to
11 two partisan vote with the at-large independent
12 board member voting to accept the challenge.

13 The second challenge of 47 voters on the
14 Bibb County voter roll who had voted in North
15 Carolina as proven by printed North Carolina
16 voter records was denied on a three to two
17 partisan vote.

18 The third challenge of -- of 451 voters who
19 had voted in other states as identified by Eagle
20 AI and verified by 60 printed Florida voter
21 registration records was also denied. The board
22 did not deny the credibility of the evidence. As
23 in my previous May voter challenge, a board
24 member argued that they could not accept the
25 challenge because of the requirement in the

1 Federal Voter Registration Act.

2 In May they denied the challenge because
3 they argued that they could not change the voter
4 rolls within 90 days of a federal election. This
5 time they argued that federal law required signed
6 forms from the challenged voters requesting that
7 their voter registration be canceled. They
8 ignored the part of the law that the federal law
9 only applies to eligible voters and they ignored
10 the state law including SB-189.

11 These challenged voters are not eligible to
12 vote in Georgia because they have registered to
13 vote and even voted in another state.
14 Registering to vote in another state alone makes
15 them ineligible to vote in Georgia. The Bibb
16 County Election Board's interpretation of federal
17 and state law makes voter challenges practically
18 useless because of the requirement to get a
19 signed statement that is too difficult to
20 overcome. Thank you.

21 **MR. COAN:** Thank you, sir. I appreciate
22 that.

23 Next up we have Mr. Bush and on deck Sam
24 Carnline.

25 **MR. BUSH:** My name is William Ware Bush. I

1 am an eighth generation Georgian from a long line
2 of military officers who fought over the last 250
3 years for Georgia and the U.S. Constitution. My
4 sister is Mary Norwood. She ran for mayor of
5 Atlanta twice. Both times she had victory stolen
6 from her. We submitted evidence of malfeasance
7 to the Secretary of State's office after each
8 election. Nothing was done. Election integrity
9 in Georgia for me is personal.

10 After the chaos and the debacle of the 2020
11 presidential election over the last four and a
12 half years, I'm proud to have gotten to know
13 Garland Favorito as a friend. I know the
14 courageous David Cross. I am in awe of the
15 persistent work of Joe Rossi. And on the
16 national stage, I've had conversations with David
17 Clemens, Brian Kennedy of the Claremont
18 Institute. Last week I had dinner with the great
19 American hero John Eastman.

20 From all of the interactions, discussions,
21 research augmented by the evidence in the Curling
22 case and the recent article by Liz Harrington,
23 the only conclusion that can be drawn is that any
24 political entity that uses an electronic voting
25 machine does so solely to control, rig, and steal

1 elections.

2 The phrase "biblical world view" has
3 recently reentered -- reentered the lexicon of
4 politics. I have a biblical world view. God has
5 put the five of you on this board at this time in
6 this place on this day for one overarching
7 purpose, to remove the scourge of electronic
8 voting machines from the Georgia elections by
9 taking a forceful principle stand with the
10 Secretary of State's Office and the legislature.

11 As goes Georgia goes the nation, as goes the
12 nation goes the world. I pray you will not be
13 found wanting on this momentous effort.

14 **MR. COAN:** Thank you.

15 **MR. BUSH:** God bless you, God bless the
16 great state of Georgia, and God bless the United
17 States of America.

18 **MR. COAN:** Thank you, Mr. Bush.

19 Next up we have Sam Carnline. On deck is
20 Kim Brooks.

21 **MR. CARNLINE:** Thank you for the opportunity
22 to speak to y'all today. Sam Carnline, Grady
23 County, where we go -- grow peanuts, pecans,
24 cotton, pine trees. You can make a lot of paper
25 ballots out of the pine trees we grow in Grady

1 County.

2 Board, I would like for y'all to know that I
3 wrote a resolution to the Georgia GOP. It was
4 passed unanimously, and I'd like to share that
5 with you. (reading): Whereas, the Georgia State
6 Election Board discussed case SEB2023-025 on
7 May 7, 2024, outlining over a hundred and forty
8 violations of the Georgia Election Code by Fulton
9 County in the November 2020 election; and
10 whereas, state election board member Dr. Jan
11 Johnston detailed 17,852 certified votes lacking
12 ballot images or unidentified sources, 20,713
13 votes with no identifiable source tabulator,
14 failure to properly amend election records and
15 audit totals; whereas, Dr. Johnston motioned to
16 amend records, invalidate or authenticate
17 problematic votes, refer evidence for
18 investigation, and recommend monitors for 2024
19 Fulton elections; and whereas, the state election
20 board failed to enforce election laws and address
21 these irregularities, therefore, be it resolved
22 that the Georgia Republican Party expresses grave
23 concerns over the twenty -- 2020 Fulton County
24 election irregularities, supports Dr. Johnston's
25 motions to address these violations, calls for

1 reprimand of the state election board for failure
2 to uphold laws, demands the Georgia Attorney
3 General investigate these matters, recommends
4 stringent 2024 election monitoring in Fulton
5 County.

6 Be it further resolved to distribute this
7 resolution as a press release to all media and
8 provide copies to Georgia's governor, lieutenant
9 governor, secretary of state, General Assembly,
10 et cetera.

11 Board, ignoring evidence of election law
12 violations by people in authority -- Fulton
13 County, the Secretary of State and his office,
14 and on this board -- because the election is
15 already over is like ignoring a murder because
16 the victim is already dead. That is from Boyd
17 Parks. Thank you very much.

18 **MR. COAN:** Thank you, Sam.

19 Next up we have Kim Brooks and on deck we
20 have Michael Opitz.

21 **MS. BROOKS:** My name is Kim Brooks. The
22 Georgia Nerds is a team of data analysts across
23 the states that exclusively analyze secretary of
24 state files. We've discovered criminal
25 manipulation in every federal election and all

1 the way through our recent primary. Nothing has
2 changed. And it appears to be consistent with a
3 violation of 18 USC 1031, major crimes against
4 the United States and we the people of Georgia.

5 We fully understand that this is not just
6 about Fulton County. The theft is occurring in
7 all hundred and fifty-nine counties. We
8 discovered identity theft on Georgian's being
9 committed by our own government against us.

10 Many times this is through the department of
11 drivers services. This, in and of itself, should
12 be an investigation into both offices
13 immediately.

14 We discovered criminal manipulation in the
15 official list of electors where the registrants
16 appear like they registered in time to vote, but
17 thousands are packed in after the deadline and
18 they vote. We have the receipts. We've proven
19 in-person real votes are being swapped by fake
20 absentee ballots: cast -- votes cast on ballots
21 that the county had already canceled, ballots --
22 votes cast on ballots that were never mailed back
23 in. We have people checking in to the KNOWiNK
24 poll pad that aren't even on the voter roll which
25 is an impossibility.

1 We've proven that the recent 2024 primary
2 should never have been certified. We have
3 patterns. Those patterns are being repeated in
4 2020, 2022, in the recent primary. Nothing has
5 changed. We expect this board to investigate the
6 Secretary of State and his office for the
7 cover-up of the crimes in the system that commits
8 identity theft on us the Georgians.

9 We are concer -- you should be concerned
10 that if you don't act before 2024, it already
11 can't be certified. You need to read 18 USC 2382
12 and 84. Consider yourself served.

13 **MR. COAN:** Thank you, Kim.

14 Next up we have Michael Opitz and on deck we
15 have Joe Rossi.

16 **UNIDENTIFIED SPEAKER:** Mr. Rossi will be
17 here at 11:00.

18 **MR. COAN:** Okay. So I'll skip that one.
19 Joe. Okay, very good.

20 All right. Next on deck will be Bob -- I'm
21 at the mercy of handwriting --

22 **UNIDENTIFIED SPEAKER:** Coover.

23 **MR. COAN:** I'm going to say Coover.
24 Coover? All right.

25 **MR. OPITZ:** I'm Michael Opitz, president of

1 the Madison Forum. Recently the Georgia State
2 Election Board reviewed case SEB2023-025 which
3 found over 140 violations of Georgia Election
4 Code by Fulton County in the 2020 election. They
5 recommended a criminal investigation. Board
6 member Dr. Janice Johnston said the election
7 should not have been certified.

8 The rest -- the best the board could do was
9 reprimand Fulton County and appoint a monitor.
10 Really? The Georgia GOP's state committee also
11 reprimanded the board and demanded action from
12 the Attorney General. It's unclear if the board
13 will reopen the case. Hopefully from this
14 morning it will.

15 The *Lovell vs Raffensperger* case, the
16 plaintiffs argued that Georgia election officials
17 failed to follow laws, duties regarding
18 elections. Two amicus briefs were filed as
19 evidence. The Coover brief showed that the
20 Secretary of State never conducted a 2020 machine
21 audit as claimed. The Brooks-Strahl brief found
22 evidence of massive synthetic identity theft and
23 voter roll manipulation over the past ten years.
24 The manipulation continued into 2022 and is
25 happening now in 2024, involving tens of

1 thousands of fraudulent voter roll changes
2 summarized in the fraud report.

3 We are living in dangerous times, and we
4 know there is massive voter fraud in Georgia not
5 even counting millions of noncitizens voting
6 without legal restraint. So now I ask, do you
7 have any honor and integrity to defend free and
8 fair elections in Georgia and the United States?
9 The despots in totalitarian countries throughout
10 modern history have manipulated the votes of
11 millions of people, and they have died.

12 Stalin said it matters not who votes, only
13 who counts the votes. So I ask you the question.
14 How will history remember each of you as we watch
15 our elections become meaningless? Thank you.

16 **MR. COAN:** Thank you, Michael.

17 Next up we have Bob Coover, and on deck is
18 Jason Frazier.

19 **MR. COOVERT:** Good morning. Bob Coover
20 from Gilmer County. I know we have some new
21 board members. I wanted to be sure to share that
22 your duties are Georgia law, O.C.G.A. 21-2-31.
23 And in your first duty as board members, which we
24 all respect, it says: As well as legally verify
25 the legality and purity of all primaries and

1 elections. That's what we've been talking about
2 with Joe Rossi's case.

3 It's your responsibility to verify the
4 legality and the purity. Now, I'll tell you two
5 month -- or I'm sorry, two weeks after Joe went
6 and spoke to the governor, I went and spoke to
7 the governor, and I shared 28 allegations of
8 crimes against the citizens of Georgia by the
9 Secretary of State and his office.

10 I worked with Evan Meyers, his executive
11 deputy -- or his deputy executive counsel for two
12 months. They didn't find any problems with the
13 evidence we gave them. He referred it to
14 then-Inspector General Scott McAfee. I worked
15 with Scott McAfee for two months.

16 Scott called me one day and he said: You
17 know, Bob, I'm going to go after one of these
18 28 -- 26 allegations. I said: Scott, how are
19 you going to drop the rest of them? He says: I
20 can only go after this one. And it was the Pro
21 V&V audit which we all know never took place.

22 And then I gave Scott McAfee the open
23 records requests from the six counties that they
24 said the audits took place, and -- and, of
25 course, the audits didn't take place in any of

1 the counties. And guess what happened when I
2 gave that stuff to the Inspector General? He
3 stopped talking to me. The Inspector General is
4 now a superior court judge.

5 I went to a district attorney in the
6 Appalachian circuit. I shared the same
7 information with her. Guess what? She stopped
8 talking to me. She is now a superior court
9 judge.

10 So if any of you guys are looking on how to
11 become a judge, I've got a fast track.

12 So you are going to be influenced in your
13 positions. You are influenced at this very
14 moment. I just hope you seek the truth, follow
15 the truth, and follow the Georgia law that's
16 written on your behalf. Thank you.

17 **MR. COAN:** Thank you, Bob.

18 Next up we have Jason Frazier with Earl
19 Ferguson on deck.

20 **MS. FRAZIER:** We're flipping. Jason and I
21 are flipping, so ...

22 **MR. COAN:** Okay. Very good.

23 **MS. FRAZIER:** Okay. Lucia Frazier.

24 So Fulton County in 2022, over 10,000
25 duplicate registrations were submitted, and that

1 should never happen. And they were submitted by
2 a regular citizen. And they were approved by the
3 Fulton registrar as needing to be removed. So
4 this is very obvious, super obvious low-hanging
5 fruit that happened in 2022. And it's obvious
6 that no maintenance was being done.

7 And besides that, there were even other
8 buckets above that where there were commercial
9 addresses on registrations. And that's not
10 allowed. So again it's obvious no maintenance is
11 being done in Fulton County.

12 So I bring your attention to the rule that
13 was talked about earlier about challenges. And
14 bring your attention to the need that voter rolls
15 need to be maintained. And the need -- and the
16 reality that the counties aren't doing it, many
17 counties are not. And Fulton is not.

18 And the rule as written is completely
19 unnecessary. All the citizens that participated
20 in this have followed the law and provided
21 excellent data to the county registrars. And
22 it's really making it harder for the county
23 registrar to clean their rolls. A rule about
24 database management might be more beneficial
25 because they're not doing that. And it's

1 already -- it's being done privately everywhere.
2 It's easy to do, but -- it's so easy to do and
3 they're not doing it. So there's an issue with
4 that.

5 One of the lines in this rule -- I don't
6 know if you noticed -- says they don't want it to
7 be done as filed as part of a system --
8 systematic inquiry. That's ridiculous. The
9 registrars should be using systematic to look at
10 these irregularities. And now you're saying
11 citizens shouldn't when they're challenging.
12 That is a tool. The government shouldn't have a
13 tool that the citizens don't.

14 So you need to recognize everything that
15 dismantles our government as created by the
16 Constitution and stand firm against it. Thank
17 you very much.

18 **MR. COAN:** Thank you, Lucia.

19 Next up we have Earl Ferguson. On deck is
20 Sandra Burchardt.

21 **MR. FERGUSON:** Members of the board and
22 fellow paying -- taxpayers, I'm Earl Ferguson. I
23 challenge Georgia registrations of people who
24 have moved to other states and registered to vote
25 there.

1 The AJC is listening. I am not taking away
2 anybody's right to vote. These people are gone
3 in -- in the end of 2020, I submitted about
4 several hundred challenges of people who had
5 moved to North Carolina and voted there. Those
6 were approved a hundred percent by our Fulton
7 County Registration and Election Board.

8 In December of 2023, I submitted the same
9 type of challenge, again people who had moved to
10 North Carolina or registered to vote there. It
11 was denied by the Fulton County Registration
12 board with two of the same members that are --
13 that supported me two years earlier. Why is this
14 happening? I've submitted -- I submit a
15 challenge to SEB. It should be processed on this
16 issue. But why is this happening?

17 If you are looking for opportunities to do
18 fraudulent voting, what would you do? You would
19 try to find a registered -- a registration where
20 the people are no longer there and are not going
21 to use it. And that is what is happening.
22 Because of its refusal to clean its rolls, Fulton
23 now has substantially more registered voters than
24 it has people who are eligible. A hundred
25 percent of eligible voters is all but impossible.

1 We have about a hundred and ten and that includes
2 a lot of illegal immigrants.

3 The board's -- the county board's June
4 meeting they approved procedures for addressing
5 voter challenges. To my surprise these
6 procedures put in plain language how Fulton is
7 violating Georgia and federal laws to justify
8 their refusal to remove ineligible voters. They
9 refused to let me comment. So I have submitted
10 my challenge -- my comments here to the state
11 election board. Thank you very much.

12 **MR. COAN:** Thank you, Earl. I appreciate
13 you.

14 Next up we have Jason Frazier.

15 **MR. FRAZIER:** Good morning. My name is --
16 good morning. My name is Jason Frazier. First
17 off, I wanted to thank Dr. Johnston for all
18 you're doing. And Ms. King, welcome. I
19 definitely am proud of how you're speaking today
20 and voting so far. So thank you.

21 So next I wanted to talk about why are we
22 even being charged for voter rolls in the state
23 of Georgia? I mean, other states don't, adjacent
24 states don't. Fulton -- or the state of Florida
25 rather, they send me a CD every month. Granted

1 it's a CD, we don't really use those. But at
2 least they give them to me and it's free. Other
3 states do. North Carolina is free. And why did
4 Georgia decide to raise their prices? Even DC --
5 I mean, I agree with very little that comes out
6 of DC, but DC, send an open record request and
7 they send you the voter roll for free. It's
8 amazing. So I guess we can agree with something
9 in DC.

10 So moving on, every county, I also believe,
11 needs some guidance on how to handle voter
12 challenges. I was in the -- the Forsyth
13 challenge last week -- it was the last week or
14 the week before -- and essentially they said
15 there wasn't enough data.

16 Well, I saw the data. The data is these
17 people that were challenged moved to Florida,
18 moved to North Carolina, moved to other states.
19 We gave them their registration ID from the other
20 states. They filed an NCOA that said they moved
21 to that state. A lot of them had voted from that
22 state. And then because they were saying there
23 wasn't enough evidence, I happened to bring my
24 Florida CD that the secretary of state mails to
25 my house. The man challenging these

1 registrations brought it up to them, and they
2 said: No, no, no. We can't take outside data
3 sources.

4 So they said the data's no good. But yet
5 they don't want the data, which clearly tells me
6 they just don't want to do their job.

7 21-2-220(a) says it is their job. They're
8 failing to do their job. And then they are
9 refusing to -- to even look at data.

10 So essentially, as you've been hearing, they
11 dance around what excuse is the good excuse for
12 the day. So that's why we need guidance for all
13 these counties. We have one set of laws in this
14 state. There shouldn't be a hundred and
15 fifty-nine ways to handle a voter registration
16 challenge, especially for people that moved out
17 of state and registered out of state. Those are
18 pretty cut and dry.

19 So they're -- they're just not doing it. So
20 anyway that's the long and short of it. And I
21 hope you will ignore that first petition that's
22 on the list because clearly we need something
23 done. Thank you.

24 **MR. COAN:** Thank you, Jason. Appreciate
25 your comments.

1 Sandra Burchardt is next. And then on deck
2 we will have Liz Throop.

3 **MS. BURCHARDT:** My name is Sandra Burchardt.
4 I am a woman of prayer. I am a woman of passion.
5 I have a passion for truth. I have a passion for
6 the people that died to give me the right to
7 vote. And my right has been violated. Every
8 voter in this room has been violated.

9 I saw a table covered with a skirt that
10 miraculously revealed ballots. This video was
11 seen all over the world. And the ballots were
12 hidden for what reason I don't know. This was in
13 the 2020 election. I became passionate. I said
14 I've got to do something. Even though I am just
15 one person, I care.

16 So I watched the Senate ethics committee in
17 the state of Georgia, and I heard people that
18 came from all over our state to say: We saw it
19 happen. We saw the corruption. Please listen.

20 I saw -- I sat in the courtroom, and I
21 watched the voting machines that we are required
22 to pay for, that are rigged, and that we have to
23 pay the maintenance on these machines, that look
24 at a QR code and give us a vote that we may not
25 have had.

1 And so I care, and I pray, and I hope that
2 enough people on this board that also pray and
3 care about truth and justice and are willing to
4 take a stand for everybody not only in this room
5 and not only in this state but in this country.
6 Thank you.

7 **MR. COAN:** Thank you, Sandra, for your
8 comments.

9 Next up is Liz Throop and on deck Leo Smith.

10 **MS. THROOP:** Hi, thank you. I'm Liz Throop.
11 It's time for the SEB to adopt mandatory security
12 reporting rules.

13 In April, a company who does business with
14 the Department of Justice, Department of Homeland
15 Security, various branches of the armed forces,
16 and crucial intelligence bodies had data stolen
17 by a Serbian hacking group. The stolen data
18 included personal information, password hashes,
19 and coordinates and addresses of several
20 government officials.

21 The same group attacked the Colonial
22 Pipeline which had shut -- had to shut down fuel
23 lines across the Southeast in 2021. That attack
24 started with a breached password.

25 In June of 2023, a Russian ransomware group

1 attacked a file transfer tool and it spread to
2 entities that use the tool, including British
3 Airways, the BBC, and the province of Nova
4 Scotia.

5 Of course it's embarrassing for institutions
6 to admit they fall -- that they have fallen prey
7 to such attacks, but mitigation usually depends
8 on it.

9 This body has long been aware of the 2021
10 Coffee County insider attack. You have
11 considered rules to address security breaches and
12 promised to take action. Hacks can affect all
13 159 counties who use the exact same software and
14 hardware to conduct elections. Hacks can also
15 affect any vendors that the Secretary of State
16 and counties exchange software with or data with.
17 It's time to adopt mandatory security reporting
18 rules. Thank you.

19 **MR. COAN:** Thank you, Liz.

20 Next up we have Leo Smith. On deck is
21 Kristin Nabers. Thank you.

22 **MR. SMITH:** Thank you. My name is Leo
23 Smith. I'm here on -- today on behalf of the
24 Democracy Task Force with the American Bar
25 Association. I am not a lawyer, but I'm here

1 representing several lawyers -- and if they would
2 stand in that first row -- because lawyers are
3 voters and they need representation too, right?

4 And these are good lawyers, coming together
5 across partisanship to support a democratic
6 republic where we can still win based on the hard
7 grit, the dint of our efforts, where people don't
8 jump in as rulemakers and put a thumb on the
9 scale.

10 My daughter just got back from Oregon as a
11 track athlete where she missed Olympics by
12 inches. She dust the sand off of herself and she
13 got up and said: I'm going to keep trying.
14 Because she trusted that there was a governance
15 board called the Olympic Committee that would
16 maintain rule of law so that her effort would
17 never be in vain, that she knew that people like
18 you who agreed to serve on that governance board
19 would create a fair, trusted, playing space so
20 that when grit and determination is put on the
21 line that they know that they could risk --
22 whisking -- risking their sweat again.

23 And that's what we want you to do. And we,
24 the American Bar Association's Democracy Task
25 Force, several citizens across difference are

1 coming together to hand you our hand of support
2 and with other people in this room to say that we
3 want you to reflect the values of hard-working
4 Georgians who want the rule of law so they --
5 they know when they pull that ballot, when
6 they've made that effort based on contests that
7 were fair and representative of Georgia's values
8 that that contest had no imprint of partisanship.

9 So we thank you for your work, for all that
10 you have done and all that we will do.

11 And we thank you for creating even policy,
12 Chairman, that will speed up the decision-making
13 time so that my daughter, when she brushes off
14 the sand, she can say: My effort will be quickly
15 decided.

16 Thank you.

17 **MR. COAN:** Thank you, Leo. Appreciate your
18 comments.

19 Next -- next up is Kristin Nabers. On deck
20 is Joseph Kirk.

21 **MS. NABERS:** Hello, Board. My name is
22 Kristin Nabers. I'm the state director for All
23 Voting is Local Action. Today I'll be speaking
24 on two proposals that are actually on the agenda.

25 First, I wish to address Mr. Cross's

1 proposal to require that mailed ballots be sent
2 by restricted and tracked mail which requires the
3 voter to show ID and sign when they receive their
4 ballot.

5 Restricted mail is incredibly expensive with
6 rates starting around \$13 per piece, is only
7 available in conjunction with certified and re --
8 or registered mail. Tracking is an additional
9 cost. So even if the counties got a reduced rate
10 somehow, there's no way they could handle the
11 financial burden of sending out hundreds of
12 thousands of mail ballots through this method.

13 Furthermore because this mail is highly
14 secured and is processed manually, the postal
15 service specifically warns that it's slow and not
16 recommended for anything where speed of delivery
17 is important. In ballots, obviously, speed of
18 delivery is important.

19 To require voters to show ID and sign at the
20 point of delivery will likely put a ballot -- a
21 burden on voters and create barriers.

22 Historically disenfranchised communities may be
23 disproportionately impacted, especially voters
24 with disabilities who may not be able to provide
25 the signature or black voters who vote by mail at

1 higher rates.

2 Voting should be made more accessible not
3 less, and adding these steps to a system that
4 already works and has worked for many elections
5 is unnecessary and could open up the state to any
6 number of lawsuits.

7 Mr. Cross's petition would effectively
8 cripple vote by mail in the state of Georgia, and
9 we urge you to reject this proposal today.

10 I also wanted to address Ms. Marks's
11 petition regarding hand-counting for recounts.
12 Over the past eight months, I've spent over 40
13 hours observing hand counts in multiple counties.

14 As you might expect, they're incredibly
15 slow. They're far less reliable than machine
16 counts. In every instance any discrepancies
17 between the counts -- and there have been many
18 discrepancies -- have been traced back to a human
19 error, not a machine one.

20 Hand-counting is a boring, monotonous task.
21 Human beings are not good at boring, monotonous
22 tasks.

23 This -- this proposal mentions concerns over
24 the voting machine's programming, but that is
25 exactly what the risk-limiting audit, which

1 compares the human readable text to the machine
2 count in a limited number of ballots, is designed
3 to detect. If the RLA finds the problem, the
4 officials have the option to order a hand
5 recount.

6 Thank you.

7 **MR. COAN:** Thank you, Kristin. Thank you
8 for your comments, Kristin.

9 Next up is Joseph Kirk. On deck is Michael
10 Gordon.

11 **MR. KIRK:** I want to thank y'all for having
12 us. My name is Joseph Kirk. I'm the election
13 supervisor from Bartow County. I'm also the
14 president-elect of GAVREO, the Georgia
15 Association of Voter Registration Election
16 Officials, and I'm here today to speak on the
17 organization's behalf. I have other members here
18 with me, prepared to speak on specific rules.

19 Would y'all mind standing up real quick.

20 So hopefully they -- we have time to hear
21 from all of them. My rule that I'm focused on is
22 the one about certification.

23 So broadly, first, certification is -- is
24 a -- an indication, a statement, or system
25 comparison that the end of the process is

1 complete. There's not a lot of discretion there
2 in terms of the results. There's investigations
3 that go into them, but in the process we have to
4 certify that all the folks do their job.

5 So like I said, it's a system comparison.
6 We compare how many people -- how many ballots
7 were cast, how many people were eligible, how
8 many people were checked in. And if there's a
9 discrepancy, we investigate it. If we can
10 determine what caused the error -- say there's a
11 batch missing or a batch was double-scanned, we
12 can do a recount and correct those results.

13 But if we can't explain what the discrepancy
14 is, we still have to certify. We don't have the
15 discretion to say we're not going to count the
16 results from, say, a whole precinct. It's part
17 of the investigation but not the end -- not the
18 end result. The courts can't take over until we
19 certify.

20 So with all that in mind, we are opposed to
21 the rule proposed by Ms. Grubbs. The meeting in
22 there starts way too early. And it seems to give
23 board members privileges that are reserved for
24 the superintendent. Just like y'all are members
25 of the state election board and as a whole you

1 have a lot of authority but as members not quite
2 as much, same is true for our boards.

3 A single member can't go into an office and
4 demand the rights reserved to the entire board
5 without the rest of the board acting in concert.
6 So you couldn't say -- go in and say, Give me
7 everything you have on this, and demand to see it
8 right then. It's also on them to be sure any
9 kind of investigation starts early enough to be
10 done.

11 We are firmly in support of the rule from
12 the chair. We appreciate you submitting it. And
13 we propo -- we support the rule y'all posted from
14 the state election board with one specific
15 change, to take out the phrase "after reasonable
16 inquiry." That's addressed in the code and does
17 not need to be in the definition of
18 certification.

19 Thank you.

20 **MR. COAN:** Thank you, Joseph, for your
21 comments.

22 All right, next up we have Michael Gordon.
23 On Dave -- on deck is David Ross.

24 **MR. GORDON:** Michael Gordon, Fulton County
25 resident.

1 Welcome, Janelle. Thank you for your
2 willingness to serve the people of Georgia.

3 Governing by consent requires honest and
4 secure elections which requires clean voter
5 rolls. The Georgia General Assembly passed a law
6 to allow unlimited voter roll challenges for a
7 good reason. Our voter rolls are notoriously
8 bloated and inaccurate.

9 A proposed "United to Protect Democracy"
10 rule would make it easier for the board of
11 registrars to dismiss many voter challenges which
12 would make it less likely that our voter rolls
13 would be cleaned up, which is required by law.

14 First of all, we are a republic not a
15 democracy. So why would we take seriously a
16 proposed rule from an organization that views
17 Georgia as a democracy? Their petition reasoning
18 states that citizen challenges are rarely
19 successful, using unreliable methodologies and
20 incomplete, error-prone data. They're
21 complaining about the targeting of inactive
22 voters and wasting precious resources. This is
23 complete nonsense. If the registrars would do
24 their job properly, there would be no need for so
25 many challenges.

1 Let's take a look at their claim: targeting
2 inactive voters. Today inactive voters who show
3 up at the voting -- polling locations are allowed
4 to vote just like active voters. They need to be
5 removed. Unreliable methodologies, incomplete
6 data. Today we -- citizens have challenged voter
7 records from -- voter roll records with dead
8 people, PO Boxes, UPS stores, and other
9 businesses. People have moved and they actually
10 registered in other states. All these records
11 are supposed to be removed by law and in many
12 cases they are not. This is the error not the
13 challengers.

14 And finally, wasting precious resources.
15 Cleaning the voter rolls is their job. That's
16 what they're supposed to do. If it's a burden,
17 then they should quit. All right. Most counties
18 are grateful for the help. Only large
19 counties -- a few large counties are complaining.
20 We should stop rewarding them and replace them.
21 Oh, okay. Thank you. Vote no on that rule.
22 Thank you.

23 **MR. COAN:** Appreciate your comments.

24 Next up we have David Ross. On deck we have
25 Matt Rowenszak.

1 **MR. ROSS:** Mr. Chairman, members of the
2 board, I'm Dave Ross from Atlanta. I'm here to
3 support election policies to ensure -- that
4 ensure that we make voting as easy and accessible
5 as possible.

6 Our next election begins in 14 short weeks
7 from today. As you consider proposals that are
8 before you today and in August, I trust that your
9 paramount goal and hope that your paramount goal
10 is to adopt policies that help as many eligible
11 voters as possible to vote as easy as possible
12 without creating voter confusion, without
13 undermining voters in -- voters' confidence in
14 the voting process and particularly without
15 creating unnecessary and new burdens on the
16 thousands of elected -- on election officials
17 throughout the state who as we speak are getting
18 ready for the November election.

19 As you have heard, there are several
20 petitions being heard today that, in fact, will
21 create voter confusion, will undermine voter
22 confidence, and will create significant burdens
23 on our county elected officials who are here and
24 are speaking before you today.

25 We have a reliable election process, and I

1 commend our county election officials and you to
2 keep in mind that they bear the brunt of
3 implementing and communicating any changes you
4 make, often at significant costs to the counties
5 and under tight deadlines.

6 Thank you.

7 **MR. COAN:** Thank you, David.

8 Next up we have Matt Rowenczak, and on deck
9 is Brian Dunn.

10 **MR. ROWENCZAK:** Hi, good morning, Board.

11 Mr. Chair, at the last SEB meeting, this
12 body decided to appoint monitors to Fulton County
13 for the 2024 election due to the numerous
14 election violations and discrepancies from 2020.
15 A wise decision. What was not wise was your
16 decision to put forth a proposal behind the backs
17 of your fellow board members after the meeting.

18 On June 13th, towards the end of a Fulton
19 County Board of Elections meeting, the chairman,
20 Cathy Woolard, a prior Fair Fight Action
21 lobbyist, super nonpartisan, brings forth a
22 monitor proposal from Ryan Germany to cost Fulton
23 County taxpayers a hundred and sixty thousand
24 dollars. Interestingly, she mentions that she
25 had discussed this -- she had discussed this

1 proposal with you and Mr. Germany.

2 Since the act of creating this absurd
3 proposal, here are some red flags maybe you
4 should have considered. This body voted for the
5 monitors, so why was this proposal not shared
6 with your fellow board members. Then you chose
7 Ryan Germany, when he was part of the corruption
8 in the SOS office when those election violations
9 occurred and continued to deny that they existed.
10 He lied and deceived the public.

11 Another name on the list was Jesse Harris
12 who also worked for our corrupt Secretary of
13 State and instructed Fulton County that homeless
14 voters could register to vote at an intersection.
15 Prior to that, Mr. Harris worked for Fulton
16 County for about a year until he was let go for
17 allegedly falsifying his résumé.

18 There were hardly any forensic experts, no
19 process engineers, no certified fraud examiners,
20 no cybersecurity expert or other reliable
21 independent professionals.

22 In summary, the proposal suggests that you
23 didn't do your homework at a minimum, all on the
24 backs of Fulton County taxpayers. This competes
25 with the sloppiness and wasteful spending of the

1 Carter Center audit from Fulton County of 2022
2 where folks lounged around, played on their iPads
3 and got paid on our backs.

4 Let's just say we are not impressed. I'd
5 assume you didn't approach your career this way.
6 Georgians are tired of this shady and lazy
7 behavior. And when it comes to our elections,
8 folks like to preach about how important they
9 are. Well, then show us.

10 **MR. COAN:** Thank you, Brian[sic].

11 Next up we have Brian Dunn. On deck is
12 Kevin Muldowney.

13 **MR. DUNN:** Kevin's not here.

14 **MR. COAN:** He's not here?

15 **MR. DUNN:** Yeah, he -- he left.

16 **MR. COAN:** Okay.

17 **MR. DUNN:** He had to go.

18 **MR. COAN:** Thank you.

19 So next on deck will be Cliff Hobbs.

20 Thank you.

21 **MR. DUNN:** Brian Dunn, Fulton County
22 resident. Questions: What's the point of voting
23 machines? Does it make elections more secure?
24 No. It makes them less secure. Does it give us
25 results faster? No, it does not. Does it reduce

1 our costs? Obviously not. Paper is pretty
2 cheap. And by the way, when we use voting
3 machines, it still creates paper. You don't even
4 save paper in most cases. Does it give you
5 results faster? No, it does not.

6 We are asking, with all the complaints from
7 Puerto Rico, hundreds of complaints, and
8 throughout the United States, thousands of
9 complaints, why do we have them? We have never
10 heard anyone explain the point of machines unless
11 they are designed for the purpose of throwing an
12 election.

13 Jeff Fulgham provided evidence to the FBI
14 Atlanta field office. They not only failed to
15 investigate, but Jeff personally confirmed that
16 somebody was directing agents to steer evidence
17 to the Georgia SOS and SEB, who themselves
18 covered up evidence.

19 Evidence he provided suggests that the fake
20 duplicate batches included in Fulton
21 hand-count -- official Fulton hand-count were
22 intentionally altered so the auditing software,
23 known as Arlo VotingWorks, won't recognize a fake
24 duplicate. Keep in mind that the SEB case
25 2021-181 later concluded in June of 2023 that

1 these were indeed duplicates, in other words,
2 fake.

3 But they covered up the evidence, any
4 evidence suggesting intent. These duplicates
5 added 6,000 gross fake votes to the Fulton
6 hand-count. There was fraud in the 2020 election
7 and it was covered up. These machines are not
8 faster, cheaper, or more reliable. So what's the
9 reason?

10 This is the biggest question in the world
11 because of our entire -- our entire way of living
12 will depend on this election being credible. And
13 we don't think that this coming election is going
14 to be credible. We think there's going to be
15 massive cheating.

16 Now Jeff filed a lawsuit against the Ware
17 County Georgia Board of Elections for answers,
18 answers explaining how nearly 1 percent of their
19 ballots were scanned for the second time five
20 days after certification. This is unacceptable.
21 Georgia SEB is required to keep all elections
22 honest, safe, and secure. We demand that we get
23 rid of these machines.

24 **MR. COAN:** Thank you, Brian, for your
25 comments.

1 Next up we have Cliff Hobbs. And then we're
2 going to switch back and have Joe Rossi come up.

3 So, Joe, if you're here, come on and get
4 ready. Be on deck. Thank you.

5 **MR. HOBBS:** Well, I'm the last one. I'll
6 make it nice and short. I'm a Georgia resident.
7 I have been for all my life. I live in Hall
8 County now, lived in Fulton County for many, many
9 years.

10 I have voted since the 60s, and I always
11 trusted what happened until 2020. And I've
12 learned that -- that a lot of corruption went on.
13 You guys, I think if you just look at the
14 evidence, use common sense, and figure out that
15 there was a lot of wrong things that happened.

16 You know, I know all you people are
17 appointed. Are you accountable to somebody that
18 appointed you or are you accountable to the
19 people of the state of Georgia? You know,
20 you're -- you've got to -- you've got to go home
21 and sleep at night. If you, you know, know that
22 there's things that are wrong, voter rolls that
23 are dirty, I mean, how -- how does it -- in a
24 state -- in a county that has more people that
25 are on the voter rolls than live in the county,

1 something's wrong. If it smells like it's bad,
2 if it tastes like it's bad, it looks like it's
3 bad, chances are pretty good that it's bad.

4 I'm just asking you, please, please use your
5 common sense and do what's right for the people
6 of Georgia. You know, I'm an older guy. I got
7 grandkids, though, that are coming along in
8 this -- in this state, and I worry about, you
9 know, what their future's going to be.

10 Just please use your common sense and do
11 what's right. You know, voter rolls are --
12 they're bad. They need to be changed and
13 updated.

14 Thank you very much.

15 **MR. COAN:** Thank you, Cliff. Appreciate
16 your comments.

17 All right, next up is Joe Rossi.

18 And, Joe, you've got 15 minutes to share
19 with us --

20 **MR. ROSSI:** (speaking inaudibly in the
21 gallery with microphone turned off) Yes, I'd like
22 to first of all thank the chairman of the board
23 --

24 **MR. COAN:** You want to come on up? And --

25 **MR. ROSSI:** (speaking inaudibly in the

1 gallery with microphone turned off) (inaudible)
2 I'd like to (inaudible) my time and (inaudible)
3 and on behalf of my co-complainant, Kevin Moncla,
4 who will be (inaudible) at this time (inaudible)

5 **MR. COAN:** Okay. Thank you.

6 Mr. Favorito, do you want to take the stand
7 and ...

8 **MR. FAVORITO:** (speaking inaudibly in the
9 gallery with microphone turned off)

10 **MR. COAN:** I've got one. Thank you. Got
11 one for Sara? You got it? You want me to give
12 it -- got it?

13 All right, Garland, you ready?

14 **MR. FAVORITO:** Yes, sir. Thank you. It's
15 an honor to be here today to talk to you about
16 what I believe is to be the most important case
17 in this election board history.

18 This is four allegations and all of the
19 other complaints combined. Since I have been
20 attending election board meetings in 20 years.

21 I'd like to start with the diagram that you
22 have in front of you. It's on the second and
23 third page. The first thing I think is the most
24 important to understand. I think we can all
25 agree on here's how the system works. How do you

1 get from a ballot to a certified vote? The
2 ballot is initially scanned and an analysis is
3 performed as you can see in your diagram. The
4 analysis is -- would either be through the ICC
5 scanner if it's an absentee ballot or it will be
6 through the QR code analysis from ICP scanner at
7 the precincts for in-person voting.

8 The scanners create DVD cast vote records,
9 TIF ballot images, SHA hash file authentications
10 which I think we'll go into in more detail. And
11 in the process, there is -- are tabulator tapes
12 created for the in-person voting, batch
13 reconciliation for absentee ballots, as you see
14 in the diagram. Those batches are uploaded and
15 produce a batches-loaded report. And then they
16 are published with the certified votes to clear
17 the elections in (indiscernible).

18 That's the process and the flow of how an
19 election is conducted. You did not get that at
20 the last meeting, and I think that's important to
21 understand. These are the election records that
22 are created during that process.

23 However, at the last meeting, the Secretary
24 of State's legal counsel stated that ballot
25 images, batch-loaded reports, and tabulator tapes

1 played no role in the actual tabulation of
2 results in an election. That's blatantly false.
3 Tabulation depends on ballot images. Votes can
4 only be published for ballots shown in
5 batches-loaded reports. And published in-person
6 votes must have corresponding tabulator tapes.

7 So what would a proper investigation have
8 been? A proper investigation would've looked at
9 all source ballot election records for original
10 hand-count audits, machine recount results, and
11 that would include starting from the official
12 paper ballots, which no one has yet seen, the TIF
13 ballot images, the SHA hash authentication files
14 which authenticates those images, the DVD cast
15 vote records, in-person tabulator tapes, absentee
16 ballot reconciliation forms, batches-uploaded
17 reports, and certified election results.

18 All of those make a package. It's -- it's a
19 beautiful process and they should all reconcile.
20 In this case the complainants have said that they
21 don't reconcile. All of those should've been
22 considered. However, we heard in the last
23 meeting that SHA files, which authenticate the
24 ballot images, which is used in tabulation, was
25 not part of the investigation. It should've

1 been. Therefore the investigation was conducted
2 on a false precinct.

3 SHA files authenticate the actual ballot
4 images that are tabulated. And any legitimate
5 investigation should have analyzed all those
6 source records. And I can tell you that based on
7 40 years of my information technology experience
8 and 20 years of voting system technology
9 research.

10 Fulton County, the complaint -- let's go to
11 the complaint. The complaint itself alleges that
12 up to 58,924 votes on ballots have no source
13 justification. That is 17,852 ballots have no
14 original or recount ballot images. So how did
15 they get into the certified votes if there was no
16 image? We -- I just showed you the process. You
17 have to have an image for every ballot that's
18 voted.

19 The allegations are 3,125 ballots were
20 double-scanned and their votes were
21 double-counted. I'm going to explain to you how
22 we know that. And they'll go further into that
23 with Mr. Davis.

24 20,713 in-person votes are from ballots that
25 had no original tabulator tapes. It's still

1 unexplained. 17,235 certified votes were
2 backfilled after this certification deadline into
3 the election results and despite they have no
4 original scan logs.

5 Those are the allegations. The Secretary of
6 State's legal counsel said that missing
7 documentation for about 32,000 votes were for the
8 recount. Then they are claiming that the -- this
9 complaint was only for the recount, and that
10 explained it was for both the recount and the
11 original because there's discrepancies in both
12 counts. And that's why this investigation
13 should -- this investigation should've been far
14 more thorough.

15 Moving on to -- lead investigator for the
16 complaint said that it's important to note that
17 throughout the complaint, the complainants
18 erroneously conflated the number of total ballots
19 cast and the total votes counted in the
20 presidential election. That's simply not true.

21 He went on to explain the fact that under
22 votes could occur. But the complainants -- first
23 of all, each vote has to have a corresponding
24 ballot and associated record. And the
25 complainants are alleging that there are more

1 votes and ballot records, not less. So the
2 argument that the lead investigator made, then,
3 is disingenuous.

4 Moving on to the Governor Kemp study,
5 Governor Kemp's study, which was based on
6 Mr. Rossi's work as well as Mr. Cross's here --
7 his study was found that there was an extra 6,653
8 ballots in the hand-count audit that were used to
9 match the original results. You keep hearing
10 that the originals ought to match but that's how
11 they match, as Mr. Rossi has explained.

12 Fulton has already admitted that the -- that
13 they violated rule 83 -- 183-1-15-.04 regarding
14 the audits.

15 So again moving on, the Secretary of State's
16 legal counsel told you at the last meeting that
17 all three counts confirm the results of the
18 presidential contest in 2020. That's simply not
19 true according to Governor Kemp's own report.
20 His study confirmed that.

21 So I wanted just to mention, to move on down
22 to what is actually missing. Well, over
23 1 million ballot record images are missing as of
24 right now and still unexplained. That includes
25 over 380,000 original in-person ballot images,

1 512,000 SHA files authentication, 17,852 missing
2 early vote recount ballot images. The others
3 were for the original count, but in the recount
4 those votes are missing as well as their
5 corresponding SHA file, 17,852; 20,713 original
6 and recount ballots are missing tabulation
7 records; 17,234 ballots were backloaded -- they
8 don't have scan logs -- and 16,198 for the
9 recount; 17234 was for the original count as you
10 see on your documentation there.

11 Why is all this missing information
12 important? Because state and federal law require
13 all primary and election documents shall be
14 preserved for a period of either 22 months
15 federally or 24 months by the state, state law.
16 That's O.C.G.A. 21-2-73 and USC 20701 which you
17 have before you.

18 The lead investigator, however, said that
19 the preservation of ballot images was not
20 required in 2020. In reality it was. I just
21 cited federal and state statutes that he
22 apparently was not aware of.

23 So ballot images are clearly election
24 records, and they have to be preserved. And
25 these were missing before the retention period

1 ever started, based on open records requests that
2 were filed within those two-years' periods.

3 Finally we get to the case of double-scanned
4 and double-counted ballots. All 3,125
5 double-scanned ballots have audit marks that show
6 that they were processed by the system and they
7 have cast vote records showing that they were
8 double-counted. And in fact, Dr. Stark in his
9 *Curling v Raffensperger* declaration on March 3,
10 2022, said: I can confirm from the cast vote
11 records these identical ballot images were
12 actually counted in the tabulation multiple
13 times.

14 And yet the Secretary of State's legal
15 counsel said what cannot be decided conclusively
16 or confirmed conclusively is whether or not those
17 duplicate ballots were in the tabulated result.
18 I'm giving you the evidence and expert testimony
19 above and beyond mine that says that they were,
20 in fact, double-counted. That's clear.

21 And finally we get to the ballots. The
22 ballots have been concealed from the public --
23 I'm talking about the actual physical ballots --
24 for over three years. They have to be examined
25 to resolve these claims. Fulton County has

1 refused for three and half years and even hired
2 criminal defense attorneys to help us avoid
3 getting public access to the ballots. To -- so
4 they have fought against us for three and a half
5 years and that would've simply cleared all this
6 matter up three years ago if we had just seen the
7 ballots.

8 We urge the board to get those ballots. The
9 Secretary of State's legal counsel actually filed
10 an amicus brief for the Attorney General,
11 advocating to keep the ballots secret. So she is
12 conflicted and should not have been presenting
13 this case in the first place. That brief
14 contained false arguments, and I have a legal
15 response that we made back at the time. I will
16 include that in the record today for you.

17 She withheld all that information from the
18 state election board when she said: We know that
19 there are not missing votes because we have the
20 paper ballots that document these votes for this
21 election. Well, she has them, but she's not
22 letting anybody see them, including this board
23 who is entitled to them as well as we the people
24 of the state of Georgia.

25 These ballots are now unsealed by a court

1 order. In our case, the *Favorito v Wan* case, you
2 have access to them if you want those ballots
3 right now. We have submitted an open records
4 request for them and Fulton County is still
5 avoiding complying with the open records request
6 law.

7 An investigation would have uncovered many,
8 many other things. There are no explanations.
9 None of the explanations we heard at the last
10 meeting make -- make technical sense. I have not
11 been able to confirm anything of -- of substance
12 in the last investigation, and this is why we
13 need a real investigation into this issue.

14 There are -- I know I brought this up --
15 over a hundred and fifty process violations. But
16 a real investigation would've also discovered
17 that the election day tabulator tapes are
18 unsigned for 12,000 ballots despite state law,
19 and the early voting tabulator tapes are unsigned
20 for 314,000 ballots despite state law.

21 In addition, most of the memory cards were
22 opened on one tabulator, removed, and closed out
23 on another tabulator, thus breaking the chain of
24 custody for the memory card itself.

25 So those are some of the things that we

1 believe you should be concerned about. Most
2 importantly, she has -- the Secretary of State's
3 legal counsel said nothing about this changes the
4 results of the election. We don't know. We
5 don't know whether the results change or not, but
6 that's not the issue. The issue is what -- you
7 know, what happened to the ballots? What do we
8 need to do to preserve the 2024 election, secure
9 it so that this doesn't happen again?

10 So a few questions that I think the people
11 here deserve answers to: What were the real vote
12 totals in 2020? Why does Fulton's election
13 process have so many missing ballot records and
14 reporting errors? That would be your
15 responsibility to investigate. But most
16 importantly, why we're here, is how can these
17 problems be prevented for the 2024 election? We
18 can't secure the 2024 election unless we
19 understand what happened in 2020 and 2022. And
20 that's why we're here.

21 Basically the Secretary of State's legal
22 counsel also said that the investigation has
23 confirmed what we already knew and there's
24 nothing new that we have learned as a result of
25 this investigation. If that was true, why didn't

1 she present to you what I just presented to you?
2 She should've presented to -- to you.

3 And let's be honest here, the Secretary of
4 State office is conflicted because any bad
5 reflection on Fulton County is a bad reflection
6 on them. And that is why the state election
7 board needs to be completely independent. I know
8 that you've had a lot of issues with that, but we
9 need to have independent investigators,
10 independent attorneys. And we certainly have
11 been supporting the legislature on that.

12 Mr. Chairman, that concludes -- I think I'm
13 probably about out of time, but I wanted to
14 say -- say thank you to Joe. Joe Rossi and Kevin
15 Moncla have carried this banner for three and a
16 half years.

17 I'm honored to be selected to represent you.

18 I'm honored to be here to talk about this
19 case. I'm happy to take any questions that you
20 may have.

21 **MR. COAN:** Mr. Favorito, do you plan on
22 taking the full 15 minutes because you're at 14
23 minutes already? So ...

24 **MR. FAVORITO:** I -- I think that I am done.
25 I think I'm done if there's no questions.

1 **MR. COAN:** I mean, you've still got another
2 minute if you want it to do whatever you want to
3 do with it. I just want to let you know. You've
4 got one minute. So --

5 **MR. FAVORITO:** Well, let me just introduce
6 the next -- Harry MacDougald, I believe, is going
7 to come up and represent Mr. Moncla. Two of
8 the -- two of the experts will be backing us up.

9 We have three experts here today. Clay
10 Parikh has amazing credentials -- you have that
11 on your chart -- as well as Phillip Davis who is
12 a tremendous ballot-image analyst with 30 years
13 of experience. He's been looking at the ballots
14 for three and a half years.

15 So thank you. I'm glad I concluded in the
16 appropriate time. So thank you very much,
17 Mr. Coan.

18 **MR. COAN:** Thank you, Garland, for your
19 comments.

20 **MR. FERVIER:** The -- the chair -- the chair
21 has had a request for a board member to handle a
22 personal issue. So we will --

23 Do I have a motion to take a short recess?

24 **MS. GHAZAL:** (indiscernible)

25 **MR. FERVIER:** Is there a second?

1 **MR. JEFFARES:** Second.

2 **MR. FERVIER:** Motion and a second. All in
3 favor, signify by saying aye.

4 **THE BOARD MEMBERS:** Aye.

5 **MR. FERVIER:** So moved. We'll take a --
6 approximately a ten-minute recess and restart.

7 (Recess from 11:18 until 11:44 a.m.)

8 **MR. FERVIER:** We're only a couple hours
9 behind schedule. So if everybody will just agree
10 to speak faster when you make your comments, I'm
11 sure that we can get somewhere back to schedule
12 tomorrow.

13 **MR. COAN:** Okay, we ready?

14 **MR. FERVIER:** Yep.

15 **MR. COAN:** Okay. All righty. With no
16 further ado, we're going to start off -- and I
17 cannot -- we have Jennifer Gray on -- starting
18 off -- and I need to find my readers -- and
19 Janice Grant. Oh, I'm sorry.

20 **MR. FERVIER:** Mr. MacDougald.

21 **MR.COAN:** Oh, is he ...

22 **MR. FERVIER:** Yes.

23 **MR.COAN:** Mr. MacDougald --

24 **MR. FERVIER:** Yeah, yeah.

25 **MR.COAN:** -- before them?

1 **MR. FERVIER:** Yeah.

2 **MR.COAN:** Okay. Oh, I didn't know that.

3 Okay. I apologize.

4 It's all yours.

5 **MR. MACDOUGALD:** (off microphone) My name is

6 Harry Mac --

7 **MR. FERVIER:** Wait. Wait just a minute.

8 **MR. MACDOUGALD:** (speaking inaudibly with

9 microphone turned off)

10 **UNIDENTIFIED SPEAKER:** Mic.

11 **MR.COAN:** We're working on it.

12 **MR. FERVIER:** Got it.

13 **MR.COAN:** Go ahead.

14 **MR. MACDOUGALD:** My name is Harry

15 MacDougald. I represent Kevin Moncla in this

16 proceeding. We appreciate the opportunity to

17 present rebuttal to the presentation that was

18 made to the board on May 7th.

19 Through witnesses, I will present on three

20 topics. First, the existence and handling of

21 duplicates in the second machine count in Fulton

22 County; second, the question of missing ballot

23 images in Fulton County; and, third, the complete

24 breakdown of the process controls or

25 chain-of-custody controls in the election in

1 Fulton and why that matters.

2 Rebuttal on these three points is necessary
3 to correct the presentation that was made to this
4 board on May 7th. The bottom line is that they
5 told you things on those three topics --
6 duplicate ballots, missing ballot images, and
7 chain-of-custody documents -- that are simply not
8 accurate. The problems are much more serious,
9 profound, and widespread than they would have you
10 believe.

11 The board needs to understand this topic,
12 all three of these topics, in order to craft an
13 appropriate response, an appropriate remedy for
14 elections going forward.

15 A big part of this board's job is to instill
16 public confidence in elections, and getting to
17 the bottom of these matters is essential to that
18 task as you have yourself seen in the response of
19 the audience. Confidence is not instilled when
20 documented problems are swept under the rug.

21 Exhibit 11 in the Secretary of State's
22 presentation, for example, is the linchpin of
23 their analysis of the missing ballot images. But
24 for some reason, they do not want to actually
25 exhibit that exhibit.

1 Our witnesses will be Phillip Davis on the
2 question of duplicate ballots. He will be
3 appearing by phone -- it'll be a little bit
4 awkward, but please hang with me -- and Mr. Clay
5 Parikh who is here to testify live. And they
6 will describe in brief terms what they know, how
7 they know it, and why it matters.

8 So at this point, I'd like to call
9 Mr. Phillip Davis by telephone.

10 Mr. Davis, are you able to hear us?

11 **MR. DAVIS:** I can hear you.

12 **MR. MACDOUGALD:** Very good. State your
13 name, sir.

14 **MR. DAVIS:** Phillip Davis.

15 **MR. MACDOUGALD:** How are you employed?

16 **MR. DAVIS:** I -- I am employed by First
17 Advantage of Atlanta, Georgia.

18 **MR. MACDOUGALD:** And do you have any
19 particular areas of technical expertise?

20 **MR. DAVIS:** I'm a software developer of 35
21 years with a math degree from University of Texas
22 at Arlington, and I specialize in fingerprint
23 identification and analysis.

24 **MR. MACDOUGALD:** Have you spent any time
25 analyzing the Georgia election in 2020?

1 **MR. DAVIS:** I spent three and a half years
2 investigating the ballots and cast vote records
3 for Georgia.

4 **MR. MACDOUGALD:** Have you been compensated
5 for any of that work?

6 **MR. DAVIS:** I have not.

7 **MR. MACDOUGALD:** Have you undertaken an
8 analysis to determine whether there were any
9 duplicate ballot images in Fulton County?

10 **MR. DAVIS:** Yes. My analysis was on the
11 recount compared to the original count.

12 **MR. MACDOUGALD:** All right.

13 **MR. DAVIS:** After investigating over 70
14 counties, I found 8,110 duplicate ballots for the
15 entire state.

16 **MR. MACDOUGALD:** In the 70 counties you've
17 looked at?

18 **MR. DAVIS:** That is correct.

19 **MR. MACDOUGALD:** And how many did you find
20 in Fulton County?

21 **MR. DAVIS:** In Fulton County specifically, I
22 found 550 duplicate ballots in the original
23 count, 3,930 in the second count.

24 **MR. MACDOUGALD:** Can you briefly describe --
25 and I mean brief -- how you carried out this

1 analysis?

2 **MR. DAVIS:** Absolutely. I grafted all the
3 cast vote records. I pulled up the first three
4 characters of everyone who was voted for,
5 creating a type of fingerprint of that pattern, a
6 voting fingerprint. I then compared the number
7 of occurrences of that pattern in the first count
8 and the second count and looked at the
9 differences in those occurrences.

10 When the occurrences were one extra in a
11 recount, and they were in a sequence, those
12 become ballots I would look at. I would then
13 pull up all those ballots and then compare them
14 to the other ones in that same occurrence to see
15 if I can find any extra ballots or any missing
16 ballots.

17 **MR. MACDOUGALD:** And so through this method,
18 you identified ballots to visually examine and
19 then visually examined them yourself?

20 **MR. DAVIS:** That is correct. Myself and a
21 few other people did all of this analysis.

22 **MR. MACDOUGALD:** Did you have anyone check
23 your work?

24 **MR. DAVIS:** Yes. I had a second person do
25 it completely independently from me, using the

1 same tools -- his name was Joseph Marolda(ph) --
2 and then we combined the results at the finish.

3 **MR. MACDOUGALD:** All right, sir. Now of
4 these 3,930 duplicate ballots in Fulton County in
5 machine count 2, were those ballots actually
6 counted?

7 **MR. DAVIS:** Yes, they were.

8 **MR. MACDOUGALD:** And how do you know that?

9 **MR. DAVIS:** When you -- we go from the cast
10 vote record. The cast vote record had 528,777
11 ballots entered. When you compare it to the
12 election night reporting, it was exactly the same
13 number of ballots for both the original and the
14 recount.

15 **MR. MACDOUGALD:** All right, sir. And why
16 does that indicate they were actually counted?

17 **MR. DAVIS:** Because the double-counted
18 ballots are in the cast vote records. You can go
19 to cast vote records, view those double ballots,
20 view the images those ballots were based upon,
21 and all the numbers add up equal.

22 **MR. MACDOUGALD:** All right, sir. Have you
23 undertaken any analysis of how the ballots that
24 were duplicated came to be in the duplicate
25 batch?

1 **MR. DAVIS:** Yes, I have.

2 **MR. MACDOUGALD:** All right.

3 **MR. DAVIS:** I found the original ballots and
4 the source ballots that they came from.

5 **MR. MACDOUGALD:** Okay. And you prepared a
6 slide deck of your -- for a presentation of your
7 findings?

8 **MR. DAVIS:** That is correct. I have every
9 single duplicated ballot or double ballots in the
10 slide deck under original source image.

11 **MR. MACDOUGALD:** All right, sir. And I have
12 distributed to the board a printout of your slide
13 deck, and I'd like to ask you in particular about
14 page 5, which they're not numbered but it would
15 be tabulator 794. And it's the --

16 **MR. DAVIS:** Yes.

17 **MR. MACDOUGALD:** -- fifth page. And can you
18 --

19 **MR. DAVIS:** Right.

20 **MR. MACDOUGALD:** -- describe for the board
21 what we're seeing here?

22 **MR. DAVIS:** On this page, we'll see that
23 they took batches from tabulator 794, batches 8
24 through 11. They brought it to tabulator 791.
25 They then started grabbing pieces of those -- of

1 four batches. And with those four pieces, they
2 made brand-new batches for tabulator 794. Some
3 of the ballots were in reverse order. They were
4 from multiple batches.

5 In the very first one you can see that they
6 took batch 22, 20 ballots in reverse; batch 23,
7 four ballots in normal order; batch 20, 10
8 ballots in reverse; batch 23, 5 more ballots and
9 so on.

10 **MR. MACDOUGALD:** All right. So --

11 **MR. DAVIS:** And this kind of repeats over
12 and over for tabular 794.

13 **MR. MACDOUGALD:** And the next page presents
14 similar findings for tabulator 794?

15 **MR. DAVIS:** Right. You see the exact same
16 pattern repeated with a different set of ballots.

17 **MR. MACDOUGALD:** And the next --

18 **MR. DAVIS:** So once again, they got ballots
19 from tabulator 791, they grabbed four sets of
20 batches, they then created brand-new batches by
21 picking and choosing pieces out of those other
22 batches to make the new batches.

23 **MR. MACDOUGALD:** And the next page, the same
24 thing?

25 **MR. DAVIS:** Correct.

1 **MR. MACDOUGALD:** Okay.

2 **MR. DAVIS:** That would be tabulator 794,
3 batches 20 through 26.

4 **MR. MACDOUGALD:** All right.

5 **MR. DAVIS:** Once again --

6 **MR. MACDOUGALD:** Phillip --

7 **MR. DAVIS:** -- exact same pattern
8 (indiscernible) --

9 **MR. MACDOUGALD:** I have to cut you off.
10 Phillip, I have to cut you off because my time is
11 short and I have another witness.

12 Thank you very much unless the members of
13 the board have any questions for Mr. Davis.

14 All right then. At this point, I would call
15 Mr. Clay Parikh. And the way we'll have to do
16 this is for him to stand up here with me.

17 Tell the board who you are.

18 **MR. PARIKH:** I'm Clay Parikh. I'm a
19 cybersecurity expert with over 20 years
20 experience. I have a master's in cybersecurity.
21 My undergrad's in computer science. And I've
22 also worked in the voting system test labs for
23 nine years.

24 **MR. MACDOUGALD:** Have you testified before
25 as an expert on these topics?

1 **MR. PARIKH:** Yes, I have.

2 **MR. MACDOUGALD:** You attended the May 7th
3 hearing before this court?

4 **MR. PARIKH:** Yes, I did.

5 **MR. MACDOUGALD:** Have you analyzed the issue
6 of the machine -- missing ballot images in
7 machine count 2 in Fulton County as presented in
8 the Rossi-Moncla complaint?

9 **MR. PARIKH:** Yes, I have.

10 **MR. MACDOUGALD:** Are there in -- are there,
11 in fact, votes for which there are no ballot
12 images in that second machine count in Fulton
13 County?

14 **MR. PARIKH:** Yes, there are.

15 **MR. MACDOUGALD:** And -- and how do you know
16 that?

17 **MR. PARIKH:** Because they're not in the CVR.

18 **MR. MACDOUGALD:** On the Dominion Voting
19 Systems machines, is the vote counted from the
20 physical ballot or an image of the ballot?

21 **MR. PARIKH:** The vote is counted from the
22 image. The way it happens is your paper ballot's
23 inserted, whether it comes from an accessible
24 machine or a regular hand-marked ballot. A
25 picture is taken. That picture is analyzed by

1 the software. And it's just not the Dominions,
2 it's other vendors as well.

3 **MR. MACDOUGALD:** So that's just the inherent
4 nature of the -- of the system?

5 **MR. PARIKH:** Yes, it is.

6 **MR. MACDOUGALD:** All right, sir. Now in
7 light of that, how is it possible for there to be
8 a vote counted for which there is no ballot
9 images?

10 **MR. PARIKH:** That should not happen and
11 should not happen because the image should be
12 saved as part of the chain of custody when the
13 ballot is assessed.

14 **MR. MACDOUGALD:** And the number of missing
15 ballot images in machine count 2 in Fulton County
16 is what?

17 **MR. PARIKH:** I believe it's 17,800 and
18 something.

19 **MR. MACDOUGALD:** All right, sir. Now you
20 just mentioned the term "chain of custody." What
21 does that mean in the election context?

22 **MR. PARIKH:** The chain of custody is
23 basically following the path that guaranteed that
24 the integrity of the data of the vote is exactly
25 as it is.

1 You start with a sheet of paper, the ballot.
2 That's marked. There's a picture taken. That's
3 part of the chain of custody. Then there's
4 what's called a SHA file which is that integrity
5 of said image that's taken. And as it goes
6 through, goes onto a USB disk or SDK card, gets
7 transferred to a database and then is
8 transferred.

9 Every step along that path until the final
10 results are published is considered the chain of
11 custody. And as a forensic investigator myself,
12 every part of that chain of custody has to be
13 preserved.

14 **MR. MACDOUGALD:** All right. All right, sir.
15 In Fulton County in 2020, were there any issues
16 with the chain of custody?

17 **MR. PARIKH:** There were multiple issues with
18 the chain of custody.

19 **MR. MACDOUGALD:** What is the significance of
20 that, if any, in light of the issues that we see
21 with duplicated ballots and missing ballot
22 images?

23 **MR. PARIKH:** One, you do not know the
24 integrity of the -- of the ballot images that do
25 exist without a SHA file because you do not know

1 if it's tampered with. Those missing the SHA
2 files are in the same predicament because you
3 don't know the integrity of the file, whether
4 it's manipulated. And it's been demonstrated in
5 DEF CON in 2019 the ballot images can be
6 manipulated almost instantaneously, and it's been
7 proven.

8 **MR. MACDOUGALD:** All right, sir. One of the
9 issues that's discussed in the Rossi-Moncla
10 complaint is missing tabulator tapes. What is
11 the significance of that, if any?

12 **MR. PARIKH:** That is one of the audit
13 controls that is part of the process in the chain
14 of custody. Therefore you're getting the actual
15 appliance, in this case the ICPs or the ICCs.
16 The tabulator prints out its report, then the
17 data is transferred along the chain on the U --
18 on the SDK card or USB and then into the machine.
19 Each one of these reports is part of the chain of
20 custody.

21 **MR. MACDOUGALD:** All right. Now, it was
22 shown in the complaint and in the factual
23 rebuttal dated June 13th, prepared by Mr. Moncla,
24 that a number of tabulator tapes for different
25 precincts were printed on machines that had the

1 identical serial number. What is the
2 significance of that, if any, from a
3 chain-of-custody standpoint?

4 **MR. PARIKH:** There's no data integrity to
5 the data that was on those cards because the
6 projective counter on the tabulator, the serial
7 number, has to be maintained. It's the system
8 that's supposed to close out and create that tape
9 and record everything. When you have -- move the
10 cards, that means security seals were broken and
11 there's all other kinds of chain-of-custody
12 issues.

13 **MR. MACDOUGALD:** All right, sir. Now, we
14 sometimes hear the term "reconciliation" in the
15 election context: reconciliation of votes,
16 ballots, and voters. Can you describe the
17 significance of that and whether that was
18 followed in Fulton County?

19 **MR. PARIKH:** Reconciliation is very
20 important. And again it has to include every
21 piece of the chain of custody and -- and every
22 step along the process. And it -- it definitely
23 was not followed in Fulton County.

24 **MR. MACDOUGALD:** All right. Thank you very
25 much.

1 So I've got less than a minute.

2 In closing, for remedial measures, there
3 needs to be an independent monitor, an
4 independent investigation. You cannot rely on
5 the investigative reports given to you by the
6 Secretary of State's Office. They are sweeping
7 things under the rug. You get an independent
8 investigator and you've got a better chance to
9 find out what happened.

10 And there needs to be very prompt if not
11 night-of or next-day disclosure of the
12 reconciliation records on a precinct-by-precinct
13 basis so that the public can double-check the
14 work of the county which has been proven to be
15 grossly deficient in multiple respects.

16 Thank you very much.

17 **DR. JOHNSTON:** Mr. Chair, I have a question
18 of Mr. Parikh.

19 Mr. Parikh, some of the ballot images were
20 provided to me at the Secretary of State's Office
21 at great inconvenience. But as I looked at
22 those, I saw thousands -- hundreds of thousands
23 of ballot images with no SHA files. Is there
24 an -- an implication to that or a concern, a
25 security concern with ballot images that have no

1 SHA files attached to them?

2 **MR. PARIKH:** There's a major security
3 concern. And the fact that they're missing and
4 if you do -- if you add that in addition to with
5 the missing images, these are things that cannot
6 happen from a secure mechanical or technical
7 malfunction. These had to be forethought things
8 that were done. Because that's not the way a
9 system would be corrupted and lose SHA images.

10 And -- and might I add that -- no disrespect
11 to you, ma'am, but I don't think you're
12 technically qualified to look at this Exhibit 11.
13 If this is in the read room, you need somebody
14 like myself or Phillip Davis who can look at
15 additional information and meta data to examine
16 and make sure that the files are legitimate.

17 **DR. JOHNSTON:** Thank you. Just one more.
18 If a -- if a data card is removed from the
19 scanner before the end of the election, before
20 the closing and it's tabulated, is that
21 vulnerable to altering? Is there some security
22 vulnerability to a data card that is removed from
23 the original scanner and maybe at some other time
24 closed out or tabulated on a different scanner?

25 **MR. PARIKH:** There are multiple ones. So

1 I'm going to try to keep this brief. One, from a
2 technical perspective, those cards were nowhere
3 close to full capacity. That's what's astounded
4 me from the minute I've analyzed this data, is
5 why they were removed. Because there was no need
6 for -- from a storage capacity.

7 Two, to break the seal on a tabulator and
8 move it and when there wasn't a tabulator
9 malfunction, again, would be the only reason that
10 you would do it for continuity of operations.
11 And -- and that would only be done, of course,
12 with record keeping. So to move them --
13 right? -- from one system to another, was it
14 placed in a security sealed bag so you know that
15 it wasn't tampered with when it was moved to the
16 other tabulator?

17 There -- there's a thousand issues that
18 could go on. Because once the system's removed,
19 it should be properly taken to EMS or a reporting
20 manager and that data uploaded.

21 **MR.COAN:** Thank you.

22 **MR. FERVIER:** We'll go back to regular order
23 for the public comment. May I remind you there's
24 a two-minute time limit on each speaker. If you
25 have previously heard somebody make substantially

1 similar comments to which you are prepared to
2 make, then I ask that you please just confirm
3 that and be very brief. So thank you very much.

4 **MR.COAN:** Thank you, Mr. Chairman.

5 Okay next up on the list, we have Barbara
6 Hartman, and on deck we have -- looks like Susie
7 Bradshaw, I believe.

8 **MS. HARTMAN:** (speaking indiscernibly from
9 gallery with microphone turned off). All right,
10 let me start talking now. After what I just
11 heard, probably what I have to say is not going
12 to do anything, but I'll try. But I want to
13 challenge y'all to -- we've sat here for hours.
14 We know there is fraud that's happening. Who's
15 accountable? When are y'all going to hold people
16 accountable so it does not happen again? I'd
17 like an answer.

18 (from the podium) And another answer I would
19 like is why does our Secretary of State not allow
20 these ballots to be inspected? What is he
21 hiding? And it's up to you all to get those
22 ballots inspected and have transparency and not
23 let this continue on. So we have faith in you,
24 and we want that to happen.

25 How many minutes -- how many seconds do I

1 have left?

2 **MR.COAN:** Oh, no, you've got another minute
3 and 15 seconds. So ...

4 **MS. HARTMAN:** All right. Barbara Hartman.
5 I've been a poll worker, poll manager for
6 probably 30 years, even though I don't look that
7 old. Okay. I was an auditor during the
8 recounting in the 2020 election.

9 I saw the unfolded absentee mailed-in
10 ballots. Many came from nursing homes or care --
11 caregiving homes and they were not folded. But
12 to be -- to be an original mailed-in ballot, it
13 has to have a fold. It goes into the secrecy
14 envelope and that goes into an outer envelope.
15 These had no fold.

16 Okay. So we had the ability from John --
17 from Judge Amero to inspect these ballots.
18 However, our Secretary of State Brad
19 Raffensperger filed an amicus brief to keep
20 these -- these votes, absentee ballots hidden.
21 Why is that? Sounds suspicious to me.

22 Okay. This board has the ability to have
23 these ballots unsealed and inspected, and I
24 strongly encourage you as board members to allow
25 inspection of the ballots before they are

1 physically destroyed. And I don't know if they
2 haven't already been destroyed. But under a
3 court order, I understand that they have to be
4 saved.

5 Now, when are we going to hold these folks
6 accountable? What's going to happen? Are we all
7 wasting our time sitting here? Sounds like it if
8 we don't do something to stop it.

9 And I challenged the governor. He says no
10 fraud, waving his finger in my face. And I said,
11 Yes, there was. I filed an affidavit. I saw
12 what I saw. And he yells at me: Prove it, prove
13 it, prove it. I should've said: No, you prove
14 to me that there was no fraud. And he could not
15 do that, I'm sure.

16 But anyway, that's it. Thank you.

17 **MR. COAN:** Thank you, Barbara. Appreciate
18 your comments.

19 Next up is Susan Bradshaw, and on deck is
20 Kathleen Hamill.

21 **MS. BRADSHAW:** Hi. My name is Ginger
22 Bradshaw. And I'll be honest with you, my
23 original comments have gone out the window.
24 After hearing this two present -- 15-minute
25 presentations, they should've been all day long

1 presentations. I think if anyone in this room
2 can doubt that there were not huge, tremendous,
3 rearing, roaring errors in Fulton County counting
4 and tabulation, you need to go to the loony bin.

5 I'm sorry. And I just want to challenge all
6 of you to get aside from your -- who appointed
7 you, what side of the aisle you fall on, and look
8 at the truth. Because you know who we have to
9 all face is God Almighty. Whether you believe in
10 him or not doesn't mean he doesn't exist. And so
11 he is who you've got to face.

12 So I would listen to these men of integrity
13 -- They were so impressive. You could tell that
14 they knew what they were doing -- and do the
15 right thing.

16 That it's taken this long to get this much
17 information in the public square is appalling.
18 Our courts -- I don't even want to go there.
19 There are issues there. But there's no reason to
20 have an issue here because we're free to speak.
21 They made a great presentation. And we're all --
22 and I couldn't follow everything they did, but I
23 got the gist of it, that everything didn't add
24 up.

25 And so I just encourage you, board members,

1 you're not responsible all for what happened in
2 the past. I know -- I know a lot of you are new,
3 but just please do the right thing. Thank you.

4 **MR.COAN:** Thank you, Ginger. Appreciate
5 your comments.

6 Next up is Kathleen Hamill, and on deck we
7 have Stefan Bartelski

8 **MS. HAMILL:** Thank you. Distinguished
9 chair, distinguished members of the board, my
10 name is Kathleen Hamilll, and I am here today as
11 a member of the American Bar Association Task
12 Force for American Democracy.

13 We are committed, broadly speaking, to
14 election integrity, the rule of law, and trusted
15 elections. We seek to help ensure that our
16 elections are orderly, fair, secure, and legal.
17 We also seek to inform voters on the processes
18 and verification measures that election officials
19 already follow. While there might be some
20 instances, of course, of mistakes, which we all
21 know, we are committed to supporting election
22 officials in any way that they might need.

23 I am here today. I'm an attorney. I am a
24 Fulton County resident. I am as well here to
25 support the petition that seeks to amend

1 183-1-12-.12 and that is the SEB rule on
2 tabulating results.

3 This is an important petition, I think. It
4 lists the universe of documents that election
5 boards may consider prior to certification. I do
6 think that this petition will be very helpful not
7 only to election staff members because it will
8 inform them of the documents that they need to
9 prepare in advance of certification, but it will
10 also help those election board members in order
11 to let them know what documents to expect during
12 the certification.

13 It is noteworthy that this petition as well
14 correctly points out that county election
15 superintendents still have to certify results
16 even if discrepancies exist, because that is what
17 allows candidates to move to filing an election
18 contest in court should they so decide.

19 I would like to briefly mention that I think
20 along with the other clarifying language this
21 petition is helpful. It includes references to
22 statutory provisions and relevant official code
23 of the Georgia Annotated Title 21, chapter 2,
24 article 12, section 493(b) in particular.

25 And I would just like to also say that we

1 are as the American Bar Association Task Force
2 for American Democracy seeking to provide helpful
3 recommendations to closely watch these
4 proceedings to know that we are here as public
5 citizens, as lawyers who have a professional
6 responsibility not only to the U.S. Constitution
7 but the rule of law.

8 And I would like to thank you all for what
9 must be one of the most difficult jobs in this
10 country at this time. Thank you.

11 **MR.COAN:** Time for one question.

12 **MS. HAMILL:** Yes.

13 And I'd like to say welcome to Janelle King.
14 It's so nice to see your face.

15 **MS. KING:** Thank you. Thank you. Quick
16 question.

17 **MS. HAMILL:** Yes.

18 **MS. KING:** When it comes to certifying --
19 this may be a completely ignorant question, so
20 just forgive me -- are they -- they're certifying
21 that the election that took place happened or are
22 they certifying that the election that took place
23 was correct?

24 **MS. HAMILL:** It's a process. Certification
25 marks the culmination of a process that the steps

1 were followed to reach that final point. And if
2 they are any discrepancies, they may be
3 investigated and they should be investigated.

4 We want to also make voting easy and fraud
5 difficult.

6 **MS. KING:** So you're -- but you're saying it
7 should be investigated after certification.

8 **MS. HAMILL:** They -- they are investigated
9 at every -- the verification processes along the
10 way help to ensure that it is a trusted process
11 and the courts play an important role. They can
12 hear evidence and they can do a lot more
13 important investigation and determination. So it
14 is a multifaceted process.

15 I appreciate your question and your
16 engagement. I look forward to further continuing
17 the conversation. And thank you very much.

18 **MR.COAN:** Thank you, Kathleen. Appreciate
19 your comments.

20 Next up is Stefan Bartelski, and on deck is
21 Bill Henderson. Is Bill still here?

22 **MR. BARTOWSKY:** Good afternoon, board. My
23 name is Stefan Bartelski. I'm a voter from
24 Forsyth County. I am also a nonpartisan election
25 integrity advocate, and I have been volunteering

1 my time to provide information to our election
2 board in Forsyth County regarding possible
3 ineligible registrations as mentioned earlier by
4 one of -- one of the other speakers.

5 I want to look a little bit forward. We've
6 heard a lot today about all of the things that
7 are wrong with our current election process. But
8 I want to look forward and hone in on one thing.
9 There is a rule change petition number one where
10 there are suggestions to make the job of us
11 volunteers more difficult. And I want to speak
12 out against that.

13 An earlier speaker also told us that with
14 regard to hand-counting -- I'll paraphrase the
15 words, but basically that humans make mistakes
16 and we should take the result of the computers.
17 Yet in petition number one, effectively, they are
18 trying to tell us that we cannot use computers to
19 find registrations to challenge because the
20 computers can't be trusted. Which one is it?
21 Can we trust the computers or not?

22 Thank you.

23 **MR. COAN:** Thank you, Mr. Bartelski.

24 Next up is Bill Henderson. On deck is --
25 wow. That looks like Pamela Eckhardt. Pamela

1 Eckhardt.

2 **MR. HENDERSON:** Well, good afternoon. I
3 just want to tell you a couple instances of
4 things that were found by private citizens like
5 us, okay? Pursuant to O.C.G.A. 21-2-224, the
6 last day you can register to vote or change your
7 registration address prior to an election is
8 approximately 30 days. In the November 2020
9 election, the last day to register was October 5,
10 2020.

11 Per the Secretary of State's files, we have
12 found over 9300 registrants that first appeared
13 in the November voter role with a backdated
14 registration date of October 5th or before that.
15 They did not exist on October 5th. This is
16 criminal manipulation of an official list of
17 electors in a federal election.

18 Of these registrants with -- with fake
19 backdated registration dates, 3700 were credited
20 with a vote and all these votes are unlawful. If
21 you drill down to the November voter roll and
22 just look at the registration IDs that were
23 registered on November 3, 2020, they found
24 3,000 -- over 3,000 registrants that show a
25 registration and date added of 11/3/2020 and

1 several hundred of them received credit for
2 voting.

3 First, it's implausible to believe that
4 election officials were adding thousands of --
5 thousands on the voter rolls on election day.
6 And it is unlawful for any of them to actually
7 vote. As you might imagine, the votes were cast
8 in person on election day. Are these even real
9 people? Or are they registrants just inserted
10 into the count? But it gets worse.

11 We found over 1300 registrants that
12 registered after November 3, 2020, that received
13 credit for voting in the election. How is this
14 even possible?

15 The same pattern of criminally manipulating
16 the official list of electors has been found
17 around the 2022 election and the recent 2024
18 primary. Nothing has changed. This data is
19 found across multiple counties in the state.
20 These are all unlawful votes. Where do these
21 registrants come from? They definitely do not
22 appear to be real.

23 We demand -- we the people demand an
24 investigation into the Secretary of State's
25 Office, and we need to have accountability for

1 violations like this.

2 Thank you.

3 **MR.COAN:** Thank you, Bill, for your
4 comments.

5 Next up is Pamela Eckhardt, and on deck is
6 Maria Gavio.

7 **UNIDENTIFIED SPEAKER:** Gaudio.

8 **MR.COAN:** Between my eyesight and
9 handwriting, it's -- it's tough. I apologize.

10 **MS. ECKHARDT:** My name is Pamela Eckhardt,
11 and I go by Phoebe often.

12 The Lord looked down from heaven upon the
13 children of men to see if there were any that did
14 seek God. They are altogether become filthy.
15 There's none that doeth good. No, not one. Have
16 all the workers of iniquity no knowledge who eat
17 up my people like bread and call not upon the
18 Lord? There were they in great fear, for God is
19 in the generation of the righteous.

20 God sees everything. He sees every
21 decision, and he hears every word spoken, and he
22 keeps records. One day each person will stand
23 before Almighty God and give an account. He
24 knows every intent of the heart, every thought of
25 every heart.

1 Every day we and you have a chance to make
2 right and good decisions for all people, even the
3 weak and the destitute. You have a chance, a
4 decision and decisions to make. We are watching.
5 But more important, God is watching, and your
6 decisions will be recorded for a later time.

7 Make a decision you will be proud of on that
8 day, please.

9 **MR.COAN:** Thank you, Pamela, for your
10 comments.

11 Maria's up next, and we have Jennifer Gray
12 is on deck.

13 **MS. GAUDIO:** Maria Gaudio, Fulton County. I
14 was shocked to learn that ballots are only being
15 preserved for 22 to 24 months. The medical board
16 and most of the other health professional boards
17 require that we hold our records for ten years.
18 The IRS requires six-year hold, and the Social
19 Security Administration holds their records
20 indefinitely.

21 I would think that a rule could be made by
22 this board, just like other boards, to extend the
23 length that our records be held. My vote is my
24 property that you are -- you have a fiduciary
25 responsibility to hold my vote until at least

1 it's accounted properly which they have not been
2 going back at least to 2020.

3 I think that policies and procedures need to
4 be consistent. We need to have quality control
5 of our elections from county to county, just like
6 walking into a Waffle House and having a very
7 delicious pecan waffle. No matter which Waffle
8 House you go to, it's just as delicious. North,
9 south, and middle Georgia. And I think that it's
10 much more difficult to make a waffle than it is
11 to check off a ballot on a paper ballot.

12 I would hope that the selection of monitors
13 is more transparent. We certainly don't want
14 anybody like Ryan Germany, Jesse Harris,
15 certainly not the Carter Center who had been
16 shown to be incompetent, involved in coverups and
17 extremely partisan.

18 I would hope that in the future that being
19 transparent to the people -- I really don't
20 appreciate the maneuver this morning where y'all
21 went into a private session because, you know,
22 I -- I appreciate your hard work -- and I know
23 that this is voluntary and not paid -- however,
24 our tax dollars are providing for this to happen,
25 and we need to be kept abreast of everything. We

1 are just so suspicious. You have to understand
2 that our elections have been compromised for so
3 long, so many times that we need transparency,
4 folks.

5 But I appreciate your service. Thank you so
6 much.

7 **MR.COAN:** Thank you, Maria. I appreciate
8 your comments.

9 Next up is Jennifer Gray. On deck is Janet
10 Grant.

11 (Unidentified speakers in the audience
12 speaking inaudibly.)

13 **MR.COAN:** I'm sorry, say it again.

14 (Unidentified speakers in the audience
15 speaking inaudibly.)

16 **MR. FERVIER:** Who's up, Mike?

17 **MR.COAN:** We have Jennifer Gray up next and
18 then Janet Grant.

19 **MR. FERVIER:** Is Jennifer here?

20 (Unidentified speakers in the audience
21 speaking inaudibly.)

22 **MR. FERVIER:** Okay. I greatly appreciate
23 your brevity. Thank you.

24 **MR.COAN:** (indiscernible) Okay. Janet?
25 Okay, on deck is William Parker, please.

1 **MS. GRANT:** I'm sorry, I haven't declined.

2 Good morning or good -- good afternoon. My name
3 is Janet Grant, and I'm a registered voter in
4 DeKalb County and have served as a poll worker
5 there for the last five years. I was initially a
6 poll manager and currently am an area poll
7 manager responsible for 10 precincts.

8 I'm here today to express my concern about
9 most of the rule changes that are proposed today.
10 Other than the proposed rules for dealing with
11 voter challenges, which really provide much
12 needed guidance to our county election boards,
13 I'm concerned that the focus and time of this
14 board has been spent on proposals that only make
15 election administration more complex and fail to
16 actually improve the voting process.

17 On the ground this is contributing to
18 increasing difficulty recruiting and retaining
19 poll workers, in particular poll managers who
20 have to deal with this complexity, and takes the
21 focus of county boards and election officials off
22 the actual administration and improvement of
23 elections.

24 In my role as a poll manager, I have never
25 had a concern about someone voting that was not

1 eligible. Instead my concern has been for
2 eligible voters that have not been able to vote
3 or can cast only a provisional vote that I know
4 is not going to be counted for issues like that
5 18-year-old girl, first-time voter, who only had
6 a high school ID; a voter who moved two blocks
7 over and was now in a different county; or a
8 voter who came to the wrong precinct before
9 5 p.m. on their way to work and had no time to go
10 to the correct precinct.

11 I would really encourage those of you that
12 have questions and -- about elections to
13 volunteer to serve as a poll worker. We need
14 you. We need you to serve your community, and
15 I'm convinced that you will find all the checks
16 and balances that there are already in the
17 election process.

18 And I encourage the board to use your power
19 to not be distracted by proposals that don't
20 improve access to the ballot or administrations
21 of elections in Georgia.

22 Thank you.

23 **MR.COAN:** Thank you. Appreciate your
24 comments.

25 Next up is William Parker. On deck is David

1 Cross. William Parker is next. Is William
2 Parker here? Hearing none, moving on.

3 David Cross, you're up.

4 **MR. FERVIER:** We appreciate William's
5 brevity too.

6 **MR. CROSS:** Thank you, board members. I
7 appreciate y'all being here today. Want you to
8 look at the number of people that are here today.
9 In this room, the two overflow rooms right now,
10 it's gotta be just clearly apparent that people
11 just don't trust the process, that -- that people
12 feel like there's no transparency.

13 We still have no ballots that we can view in
14 the *Favorito v Fulton* case. *Curling v*
15 *Raffensperger* is now seven years old, and a
16 decision should've been rendered months ago. And
17 it's clear that justice is being hindered.

18 Governor Kemp is the most powerful person in
19 Georgia. If I were playing a chess match against
20 him, it would be like playing against somebody
21 who has three queens on the chessboard because he
22 controls the executive branch, he makes judicial
23 appointments, and he has legislators who
24 represent him when the legislature's in session.
25 It seems clear to me that people in positions in

1 our state are being manipulated to hinder
2 transparency in order to maintain power.

3 My proposed rule changes in May regarding
4 printing ballots -- emergency ballots on
5 salmon-colored stock was rebuffed by member
6 Ghazal, and rightly so, due to voter privacy.
7 And after further consideration I propose a very
8 simple -- simple change so that one ballot is
9 printed for emergency -- so that instead of
10 having one ballot printed for emergency
11 provisional, absentee, there is one ballot is
12 printed for absentee ballots and one that is
13 separate for emergency provisional and continues
14 in the same -- same ballot stock.

15 The reason why is so that we can recognize
16 those differences when we're -- when we're
17 scanning -- looking at scanned images of ballots.

18 The point of the proposed rule is to enhance
19 chain of custody in ballots. My proposed rule
20 change regarding meaningful observation by poll
21 watchers was given to you at the May meeting, but
22 it can simply be amended to allow poll watchers
23 to within 2 feet of election machines and
24 materials except for personally identifiable
25 information. And watchers may not touch machines

1 or ballots. Allow one poll watcher from each
2 party into central tabulation to have access to
3 within 2 feet of election machines and processors
4 of absentee ballots. Watchers may not touch
5 machines or ballots. The point is election
6 integrity.

7 Finishing up. Dishonest politicians on both
8 sides benefit from maladministered elections.
9 The state capitol is supposed to be the house
10 created by the people and for the people. If
11 there were no concerns in elections, there would
12 be ten people here today on this hot July day.

13 I beg you to take heed of the number of
14 citizens here today and put the security and
15 accuracy of our elections first.

16 **MR.COAN:** Next up on the list is Tom Talbot.
17 Is Tom still here?

18 **MR. TALBOT:** (off microphone) Yeah, I'm
19 here.

20 **MR.COAN:** Tom? Okay, very good.

21 On deck we have Tim Wesselman. Very good,
22 okay.

23 **MR. TALBOT:** Good afternoon. Tom Talbot,
24 Hall County. This is the third time I have the
25 privilege speak to the board. I appreciate what

1 you do. I think you have a burden that most
2 people wouldn't want.

3 The last couple of times I asked the
4 question: How many facts do you need to see
5 before you actually do something? More facts
6 have been presented today than any time in the
7 two previous meetings I've attended, which --
8 which brings me to four basic words: trust,
9 transparency, credibility, and leadership.

10 You've been entrusted by the state of
11 Georgia and its citizens to do a job that is so
12 very important. The credibility issue -- and
13 I -- I spoke with Ms. Johnston about this
14 previously. In my mind, you are like a baseball
15 umpire. You are calling balls and strikes. It's
16 either a ball or it's a strike. There is no gray
17 area because you have to make a decision. That's
18 why you're here.

19 Next is leadership. Everybody here,
20 everybody in the state, why does it take years to
21 have action? You, in my mind, are the group that
22 should bring credibility, transparency, and
23 everything to our state election laws. You also
24 have to act when you find cause and need to act.

25 That's what everybody here wants, is they

1 want accountability. They want you to call balls
2 and strikes, and they want you to act. Next
3 thing is leadership to -- when you go home at
4 night and you can say -- and you look yourself in
5 the mirror -- did I do right? Did I do wrong?
6 Did I make it better or did I make it worse?
7 Because at the heart of hearts, you have to live
8 with yourself and your decisions. And as they
9 say -- and this is an old term -- don't confuse
10 me with the facts, my mind is already made up.
11 Thank you.

12 **MR.COAN:** Thank you, Tom.

13 Next up is Tim Wesselman. On deck is Holly
14 Kesler. Is Holly here? Okay, very good. Thank
15 you.

16 **MR. WESSELMAN:** Good afternoon. I'd like to
17 thank the chairman of the board for taking the
18 time to hear from everybody. We had an intense
19 start this morning and the chairman said
20 everybody's going to be heard, and I greatly
21 appreciate that.

22 My name is Tim Wesselman. I live in Albany,
23 Georgia. I've always voted, but in Albany I
24 think about for the last 15 years, I've walked
25 those two blocks or drove those two blocks to my

1 precinct, went into Sherwood Acres Elementary,
2 and whatever the new rule was, I followed it, you
3 know? Over that time, I've had to start handing
4 them my ID. And then I go to this computer and I
5 get this piece of paper and I carry my paper
6 ballot and I feed it into the document -- I feed
7 it in the machine, and then the election folks
8 say: Hey, look, there's your vote.

9 I know my vote's secure. I know the
10 150 million Americans who voted in 2020 all
11 believe their vote was a legitimate vote and --
12 and we shouldn't be up here telling 80 million
13 Americans they lied. That's -- that's just not
14 the case.

15 Now, y'all have some proposals before you
16 that are coming just 14 weeks before the
17 election, asking that some rural voters might
18 have to pay \$14 for the right to vote. We don't
19 charge people in America to vote. We don't do
20 that. I hear a lot about election fraud, but
21 we've had 60 court cases and more. The Fulton
22 County results have been reviewed three times.
23 We're three and a half years after the fact and
24 we're getting told that we need to look at this
25 one more time. We need to follow the rule of

1 law.

2 Today we've had public comment attempt to
3 turn into an evidentiary hearing without a
4 respondent present. We heard opinion today. I'm
5 very proud of my words, but they're just opinion.
6 When I tell you that 4,300 voters have been
7 removed from the Dougherty County rolls since
8 May, yeah that's -- I got county election results
9 to -- but it's also my opinion.

10 **MR.COAN:** Thank you, sir.

11 **MR. WESSELMAN:** Please make voting clear,
12 easy, and fair.

13 **MR.COAN:** Thank you. Thank you, Tim.

14 Next up we have Holly Kesler. On deck we
15 have Sheryn Dowd.

16 **MS. KESLER:** Good afternoon. Thank you so
17 much for allowing all of us to speak. I drove
18 from Savannah, Georgia, so I do appreciate that.

19 While we're talking about the Moncla-Rossi
20 case today, I want to remind everyone it wasn't
21 just complaints submitted to the SOS and SEB.
22 There were complaints submitted to CISA -- CISA,
23 the FBI, the attorney general, the inspector
24 general, all surrounding this.

25 What I'm going to talk about today is that

1 there is a pattern of manipulation. And the
2 reason I know this is because I've helped Jeff
3 Fulgham with his case that he filed in Ware
4 County. He conducted an investigation in Ware
5 County after the SEB decided not to investigate
6 it.

7 Now, I know a lot of y'all are new, so don't
8 take that personally. I'm just stating the
9 facts. So we went through -- I was an additional
10 set of eyes on duplicate ballots. Y'all heard a
11 lot about that today. It is happening, and it's
12 happening in multiple counties. Phillip Davis
13 actually has a report that's on a lot of the
14 counties. They're still going through data.

15 I know you just brought up -- or whoever it
16 was just brought up: why are we still doing this?
17 Why are we still doing this? Well, it's because
18 it's taken this long to get this kind of
19 information. And it's really taken this long to
20 get the experts and the data people and people
21 who are knowledgeable in accounting to come
22 together and figure this stuff out and figure out
23 what's going on.

24 So while I didn't print y'all the 3,000-plus
25 duplicates from Fulton County, I do have the Ware

1 County duplicate images. I don't know if y'all
2 want to see what they look like when they're on
3 paper and their submitted to court, but that's
4 what they look like. But I'm going to give these
5 to you, and then that way y'all can see this --
6 this is a real issue. It is really happening.

7 Janelle, I do appreciate you stepping up and
8 asking the questions and being a support, you
9 know, to Dr. Jan. She's really done a lot. We
10 do appreciate this because this is a matter,
11 y'all, that does have to be resolved.

12 We're going into one of the most critical
13 times in elections of our lives. And it's really
14 up to y'all. The -- the complaints have been
15 filed, you know, six ways to Sunday, and -- and
16 yet here we are. Absolutely nothing.

17 So it's up to y'all to -- to help us figure
18 this out. I mean, we're here helping y'all.
19 We're giving y'all all the data. We've got the
20 experts. We've got everything you need. As a
21 matter of fact, you've got your Fulton County
22 monitors right here. You just heard from half of
23 them. That's a fabulous team.

24 So -- so I just want to thank y'all, let
25 y'all know that we do support you, but we are

1 also asking you to step up and do the right thing
2 as well. Thank you so much.

3 **MR.COAN:** Thank you, Holly, for your
4 comments.

5 Next up is Sheryn Dowd, and on deck is
6 Dorothy Kirks -- Kirkley. Nobody here? Sheryl
7 Dowd?

8 (Unidentified speakers in the audience
9 speaking inaudibly.)

10 **MR.COAN:** Sheryl Dowd? Oh, please come up.
11 It's your turn.

12 **MS. DOWD:** (speaking inaudibly in the
13 gallery with microphone turned off)

14 **MR.COAN:** Yes.

15 **MS. DOWD:** (speaking inaudibly in the
16 gallery with microphone turned off)

17 **MR.COAN:** We can either -- I mean, if
18 Dorothy's ready, we'll have her go ahead and go
19 forward. She's from ABA. Thank you. Appreciate
20 it.

21 **MS. KIRKLEY:** Good afternoon. I'm Dorothy
22 Kirkley, a Georgia native. Mostly voted for 55
23 years plus in Fulton and DeKalb County. And now
24 I moved to Jackson County, Georgia. I've worked
25 with numerous election officials, been to many

1 polling places from the bottom to the top. I
2 think it's a good system.

3 And people care. We are greeted at these
4 polling places. It's by people who want you to
5 vote. And that's what we need, I think, to
6 continue to support in these rules.

7 My first job out of law school was in the
8 Georgia Attorney General's Office representing
9 the Secretary of State's Office and other state
10 agencies. Back then and now, the overarching
11 rule of law, one of the rules that makes
12 democracy in this country survive --

13 (Unidentified speakers speaking inaudibly in
14 the gallery with microphone turned off)

15 **MS. KIRKLEY:** -- probab -- what?

16 (Unidentified speakers speaking inaudibly in
17 the gallery with microphone turned off)

18 **MS. KIRKLEY:** I'm sorry, I can't hear ...

19 **MR. FERVIER:** Let's be respectful of our
20 speakers, please.

21 **MS. KIRKLEY:** Oh, I'm sorry. I thought they
22 had a question.

23 So the rule of law that applies in election
24 contests and therefore is the overarching top of
25 the system we're working with right now in your

1 proposed rules is that an election contest can be
2 won by a losing candidate only if there are
3 enough votes that are invalid or fraudulent or
4 mistaken or erroneous and that they would change
5 the result of the election. That rule has stood
6 us in good stead in my 45 years plus of
7 practicing law because it gives finality to the
8 system.

9 And finality is what we need in the system
10 and respect for that. When you have due process
11 of law, which the courts provide, when people can
12 subpoena witnesses, cross-examine them, get
13 documents that are reliable, the right chain of
14 custody, when you have specific laws that apply
15 to election contests, they end in good final
16 decisions.

17 Now, we're not happy with all of the
18 decisions. As a trial lawyer, I have lost plenty
19 of cases, not been happy, asked on motions for
20 reconsideration, gone on to appeal two or three
21 times because I kept fighting, like many of you
22 are. But at some point, the fighting must stop
23 and we must move forward.

24 I don't know much about the Fulton County
25 situation except that I know the finding was

1 there were not enough votes that needed to be
2 thrown out to change that election.

3 And number two, number two, a monitor has
4 been put in place for 2024. That's what we ought
5 to be looking forward to, is full and fair and
6 free election in 2024. Thank you very much.

7 **MR.COAN:** Thank you.

8 **MR. FERVIER:** Thank you.

9 **MR.COAN:** Okay. We're --

10 (Unidentified speaker speaking inaudibly in
11 the gallery with microphone turned off)

12 **MR.COAN:** Amen. Let's be respectful of each
13 other. We're going to go to our last speaker and
14 we're going to take a break for lunch. So last
15 up until we get back from break is Tate Fall.

16 **MS. FALL:** All right. Hello. Am I on?
17 Okay. Mr. Chair, members of the board, director
18 Coan, and fabulous SEB staff members, thank you
19 for having us today and giving us an opportunity
20 to speak.

21 My name is Tate Fall. I'm the director of
22 elections for Cobb County. I'm also a member of
23 the GAVREO legislative committee, which is what
24 I'm speaking on behalf of today in regard to the
25 SEB proposed rule by the state election board

1 regarding advance voting ballots.

2 GAVREO asked for the following changes to
3 this specific rule. First, we were concerned
4 that paragraph 18 needs to be clarified to ensure
5 that it properly aligns with state law and does
6 not create additional burdens to counties. Many
7 counties have already put local processes in
8 place to address this issue that work well for
9 them.

10 For example, some counties use labels on the
11 envelopes themselves to track this information
12 while others use forms or logs. We would
13 appreciate clear language that allows voters to
14 use other common carriers or to deliver ballots
15 to our offices without further documentation and
16 to avoid a one-size-fits-all form.

17 We are also concerned that the creation of a
18 new type of provisional ballot may conflict with
19 state law, but we would be happy to work with the
20 state election board to ensure that the rule that
21 is eventually adopted is accomplished in its
22 stated goal.

23 Second, paragraph 19 is confusing, and we
24 ask that parts of it be clarified. It seems to
25 require video surveillance on any drop box in an

1 advanced voting site after the site closes and
2 that the video includes the drop box if there is
3 one available at that site.

4 The legislature specifically did not include
5 a video surveillance requirement for drop boxes
6 because they have to be under the constant
7 supervision of sworn officials while they are
8 open. Those same officials have to empty the box
9 every night, and the same sworn officials have to
10 ensure that it is still empty the following
11 morning.

12 Additionally, a 24-month retention period is
13 much too high when you stop and consider that it
14 would be recording a box that we are already
15 required to ensure is empty every single morning.
16 We will know whether or not the video is needed
17 when the box is opened the next morning. So we
18 fail to see the need for a 24-month retention
19 period.

20 The legislature addressed this issue by not
21 requiring video surveillance of an empty box but
22 we ask that if the board decides to move forward
23 with this, that the retention period be shortened
24 to two weeks unless something is found in that
25 box that required an investigation in which case

1 the 24-month retention period would be more
2 appropriate.

3 Thank you.

4 **MR. COAN:** Thank you for your comments.

5 **MR. FERVIER:** Given that this board has been
6 at this for a little over four hours now, we're
7 going to -- the chair would entertain a motion
8 for a recess for lunch for approximately 30
9 minutes.

10 **DR. JOHNSTON:** So moved --

11 **MR. JEFFARES:** So moved.

12 **DR. JOHNSTON:** -- that we recess for
13 approximately thirty minutes.

14 **MR. FERVIER:** We have a motion and a second
15 to recess for approximately 30 minutes. Any
16 discussion? Hearing no discussion, all those in
17 favor signify by saying aye.

18 **THE BOARD MEMBERS:** Aye.

19 **MR. FERVIER:** Hearing no opposition, so
20 moved. This board will recess for 30 minutes,
21 approximately 30 minutes for lunch. Thank you.

22 (Lunch recess from 12:45 until 1:15 p.m.)

23 **MR. FERVIER:** The state election board is
24 back in session. We'll continue the public
25 comment section.

1 **MR. COAN:** Thank you, Mr. Chairman.
2 Okay. Next on the list is Rebecca Anglin.
3 On deck is Tamara Favorito.
4 (Unidentified speaker speaking inaudibly in
5 the gallery with microphone turned off)
6 **MR. COAN:** You're not? Okay, thank you.
7 Okay.
8 Garland, are you still speaking? No? Okay,
9 very good.
10 Okay. So Rebecca Anglin is first. Linda
11 Menk -- it is Menk -- Menk is second. Linda
12 Menk.
13 **MR. FERVIER:** Is Rebecca here? No?
14 **MR. COAN:** All right. So Michelle Litton.
15 Gotcha, okay. Michelle Litton? L-i-t-t-o-n.
16 Uh-oh, I think I left people out. Karen Stolley?
17 Karen Stolley? Looks like Sarah Thompson?
18 **MS. THOMPSON:** I'm here.
19 **MR. COAN:** Okay, you want to speak?
20 **MS. THOMPSON:** (inaudible)
21 **MR. COAN:** Okay, great. We have Sarah
22 Thompson speaking to start us off.
23 **MS. THOMPSON:** So this star represents what
24 Georgia has been in the past and what it could be
25 in the future, a mighty state in the union with a

1 commitment to the republic. For now, however, it
2 is lackluster and toppled over by a corrupt state
3 government that you are a part of.

4 The Georgia Constitution isn't upheld by
5 private corporations like the Georgia Republican
6 Party, Inc. and its dirty and secret board of
7 directors who consider the Georgia election code
8 optional. Because there is no requirement for
9 you all to rule on corporate matters, am I
10 correct? You have no role in corporate matters.

11 The rules of the Georgia Republic Party,
12 Incorporated were adopted under chapter 3 of
13 Title 14. That is corporate law. Georgia code
14 21-2-153(e)(9) requires that rules and
15 regulations governing political parties be
16 adopted under chapter 2 of Title 21.

17 The Georgia Republican Party, Incorporated,
18 as a private corporation, cannot have
19 jurisdiction statewide. Corporations don't have
20 jurisdiction over political party affairs and
21 convention. Local jurisdictions of corporations
22 also do not have proper lawful jurisdiction under
23 election code. These are very significant
24 constitutional matters.

25 I have come to you today all the way from

1 Statesboro, which is Bulloch County, to explain
2 these to you. I am a former military officer,
3 and we are a career military family.

4 This is disgusting. Our constitution is in
5 crisis. Public officials pay qualifying fees to
6 a private corporation. Public officials submit
7 affidavits to a private corporation. However,
8 that private corporation is not disclosed on the
9 paperwork. We have a major problem, and our
10 public officials are in -- huge problem, huge --
11 huge crisis.

12 Thank you for your time today.

13 **MR. COAN:** Thank you, Miss Sarah. I
14 appreciate it.

15 Lisa Rutherford?

16 **MS. RUTHERFORD:** At the May meeting that I
17 addressed this board when a complaint originated
18 was on the agenda for blanket dismissal and my
19 outward disapproval for not being allowed to
20 address this complaint before you, Mr. Chair, I
21 appreciated you recognizing me from the floor and
22 allowing my redress of the case which ultimately
23 resulted in a board vote for a letter of
24 instruction instead of dismissal. Although
25 generally I feel letters of instruction are

1 pointless, I appreciated the action.

2 As a follow-up, I e-mailed your office a
3 week later to ask for a copy of the letter as the
4 complaint originator from our records and
5 received a response back it had not been issued
6 yet but would be forwarded to me once processed.
7 Great.

8 Five weeks passed and no letter. So I
9 followed up. No response. In my third attempt,
10 I finally received a response, but it was: We do
11 not have any records responsive to your request.
12 Why not?

13 I responded for clarification. Does this
14 mean the letter has not been issued? Or are you
15 unable to provide me a copy? Again no response
16 to date. Was I lied to? Do your votes matter
17 here?

18 Mr. Chair, are you familiar with the phrase
19 "perception is reality"?, meaning there is a
20 perceived reality of something that is absent,
21 any additional facts provided are proven to
22 change the mind or outcome of the perception.

23 Board members, based on this, I am here
24 today to state publicly that my perception is
25 this board is not operating in good faith to the

1 citizens in Georgia in your official roles. You
2 have here today some of the best election
3 integrity across Georgia.

4 At times we've watched the gamesmanship and
5 public theater play out here and at our county
6 levels through obvious delays of key evidence and
7 cases that go against the narrative; preplanned
8 agenda items; and motions brought forward by a
9 board member with obvious coordination to another
10 member to either agree or disagree based on what
11 I perceive a predetermined outcome; motions
12 brought forward for political points, knowing
13 there will be no second and will die or will be a
14 split vote with no action taken; members
15 suspiciously absent from key meetings and votes;
16 notes passed between each other; key cases or
17 information of serious concern that I am
18 personally aware of that have sat in your
19 investigative circular file for over year with no
20 action.

21 Instead you bring forward cases of citizens
22 who took a picture out of concern for their
23 ballot, made a Facebook post, smaller
24 infractions, and you wag your fingers at them in
25 disgust, touting election law. Meanwhile you

1 have serious cases of election fraud you've
2 intentionally ignored.

3 I hope this board realizes your public
4 actions and votes will be your legacies and long
5 remembered by the good citizens of Georgia. Take
6 due care.

7 **MR. COAN:** Thank you. Is Candace Taylor in
8 the room? Candace Taylor? Okay. Helen? Is
9 Helen in the room? Phil Looney?

10 **UNIDENTIFIED SPEAKER:** He left.

11 **MR. COAN:** He left? Okay. We're rolling
12 through these quickly. Kristin Davis? Is
13 Kristin in? Jennifer Moore? Vivian?

14 **MS. THOMAS:** Thomas?

15 **MR. COAN:** Yes. I'm horrible with
16 handwriting right now, but, yes. If you don't
17 mind, state your name when you get up there. I
18 thank you.

19 **MS. THOMAS:** Good day, Mr. Chair and Board.
20 My name is Vivian Thomas, and I greet you from
21 Henry County, Georgia.

22 I have the pleasure of serving as a district
23 commissioner for five years. So I understand the
24 role that you're taking today. Thank you for
25 your time. And I will respect you as leaders of

1 this county and the leaders of this board.

2 In this day and time, digital systems are
3 here in our educational system, banking system,
4 even the food processing from farm to table. It
5 is here. Our lives are inundated with AI and
6 more to come. We can't travel or get medical
7 attention without some type of computer attached
8 to us or talking to us, instructing us.

9 I propose to this board that there are some
10 challenges. You know them, you've heard some of
11 them, but what I wanted to say to you, let's put
12 together some things to fix them. Your goal
13 hopefully is to make policies and procedures
14 where the voting process in Georgia is made
15 easier and that everyone has access to vote and
16 exercise their right as a voter.

17 What I would like to propose to you is
18 authorized software updates. It's software,
19 update it. Make sure that in those software
20 updates that it automatically kicks out any type
21 of concerns of duplicate voting. That can
22 happen. You can have a machine's audit. When
23 concern about whether machines are operating
24 properly, make sure those machines are audited on
25 a regular basis and get some type of information

1 back to your board that it has been done.

2 The policy should be, regardless, run a
3 second set of votes on everything electronically.
4 That is so much cheaper than having somebody sit
5 there and try and count them manually. Frankly
6 speaking, I trust that machine to do the work
7 more so than sticky fingers, bifocals, sleepy
8 people, tired and angry and one-sided
9 individuals.

10 I trust that machine. It doesn't have
11 emotions. It doesn't care about what color I am,
12 what size I am. It doesn't care about who I am
13 or where I live. I trust that machine to say:
14 Hey, you can run another copy of me through
15 another machine to make sure I did do my job
16 well. There are options you have. The paper
17 trail is there. Paper comes out, we put it back
18 in the machine. It's there and you can look at
19 it.

20 So I want to go further. I heard you,
21 Mr. Chairman, but I want you to know, please look
22 at what your options are and make this work for
23 everyone and thank you for your time.

24 **MR. COAN:** Thank you, Ms. Thomas.

25 Next on the list is Maribeth Kennedy. Is

1 Maribeth here? No? Okay. Allyson Rose Becker?
2 Going once, going twice. Okay. Iliana Dobrew?
3 Is it Dobrew? Wow. Well, this is last but not
4 least Richard Shroeder. We're done.

5 **MR. FERVIER:** Did you say up here that ...

6 **MR. COAN:** We'll want to check it. Bob --
7 Bob -- is Bob Edwards here? He was with the ABA
8 guys. He's not here either. So he was already
9 gone. That's why I skipped him.

10 Rebecca -- Rebecca Anglin, are you here?

11 **MS. ANGLIN:** Yes.

12 **MR. COAN:** Would you like to come speak?

13 **MS. ANGLIN:** Yes.

14 **MR. COAN:** Thank you.

15 **MS. ANGLIN:** Good afternoon, and thank you
16 to the board for the opportunity to speak
17 publicly today. My name is Rebecca Anglin, and
18 I'm the election director of Greene County. I'm
19 also a member of GAVREO.

20 It is not only my stance but the stance of
21 our organization that we do not support rule
22 183-1-12-.12(a)(5) of hand-counting paper ballots
23 at polling precincts on election night. GAVREO
24 opposes this rule but believes that counties have
25 the authority to follow the procedures described

1 in the proposed rule at their discretion.

2 These procedures were attempted during the
3 pilot of our current voting system in 2019, and
4 they delayed results without adding any
5 additional security to the process.

6 We agree with the Secretary of State's
7 Office that the best practice is to very publicly
8 remove all of the ballots from the ballot box and
9 immediately place them in a sealed container to
10 be transported to the election office. This
11 ensures that any necessary investigation can be
12 conducted in a controlled setting to minimize any
13 mistakes.

14 We suggest that poll watchers be allowed to
15 verify the box is empty and to allow them to
16 record the seal number from the sealed container
17 to ensure the chain of custody is not broken. We
18 also acknowledge that counties may conduct a
19 hand-count of ballots if a situation necessitates
20 it on election night but strongly disagree that
21 this should be a required step for every single
22 polling place during every election.

23 Myself, along with the committee, certainly
24 appreciate your time today. Thank you.

25 **MR. COAN:** Thank you so much. We appreciate

1 it, Rebecca.

2 And that concludes our speakers. So I'm
3 going to turn it back over to the chairman for --
4 we're going to start from the beginning of rule
5 changes.

6 **MR. FERVIER:** We have some other business
7 too.

8 **MR. COAN:** Okay. I apologize.

9 **MR. FERVIER:** We're going to do it now. We
10 have gone off agenda slightly. We will attempt
11 to get back on the agenda now. And the first
12 item on the agenda is the approval of board
13 meeting minutes for the May 7th and May 8th
14 meeting, 2024. A copy is in your book.

15 If the board would please take a minute to
16 review those minutes from the May 7th meeting.
17 Then the chair would entertain a motion on that
18 meeting, on the -- on the minutes.

19 **MS. GHAZAL:** (inaudible)

20 **MR. FERVIER:** We have a motion to accept the
21 minutes by member Ghazal. Do we have a second?
22 Any discussion? Hearing no discussion, all those
23 in favor of accepting the minutes for the May 7,
24 2004[sic] meeting signify by saying aye.

25 **THE BOARD MEMBERS:** Aye.

1 **MR. FERVIER:** Any opposition? Hearing no
2 opposition, so moved.

3 The next item is acceptance of the minutes
4 for the May 8, 2024, meeting. A copy is in your
5 book. If the board would review those for a
6 minute. The chair will entertain a motion.

7 **MS. KING:** Motion to accept.

8 **MR. FERVIER:** We have a motion to accept the
9 minutes as presented. Do we have a second?

10 **DR. JOHNSTON:** Second.

11 **MR. FERVIER:** We have a motion and a second
12 to present the minutes as accepted. Any
13 discussion? Hearing no discussion, all those in
14 favor of accepting the minutes for the Tuesday,
15 May 8, 2024, meeting signify by saying aye.

16 **THE BOARD MEMBERS:** Aye.

17 **MR. FERVIER:** Any opposition? Hearing no
18 opposition, so moved.

19 The next item on the agenda is petitions,
20 hearing petitions. We've had a request to move a
21 petition to the front.

22 **Petition for Amendment of State Election Board Rule**
23 **presented by Salleigh Grubbs**

24 **MR. FERVIER:** Ms. Grubbs, are you prepared
25 to present your petition for rule change? And

1 before you start, I'd like to say -- no, please
2 go on up -- your petition is -- corresponds a bit
3 to the one that I intend to make later on in the
4 meeting. Have you seen mine?

5 **MS. GRUBBS:** To be honest, sir, I've only
6 seen certain portions of it. I haven't
7 comprehend -- I've seen it, but I haven't
8 comprehended everything if I can just say it that
9 way.

10 **MR. FERVIER:** Yeah. It would seem to create
11 some difficulty because we can't approve yours
12 and mine both.

13 **MS. GRUBBS:** We're just going to have to
14 duke it out.

15 **MR. FERVIER:** Right. You have the floor for
16 --

17 **MS. GRUBBS:** I go first? They might like
18 mine before they even hear yours.

19 **MR. FERVIER:** Well, that's a problem.

20 **MS. GRUBBS:** I'm sorry. Do you want to go
21 first?

22 **MR. FERVIER:** No.

23 **MS. GRUBBS:** You're so sweet, it's hard to
24 just come against that, that look. But I really
25 want to present mine because we worked hard on

1 it.

2 **MR. FERVIER:** Okay. Well, why don't you go
3 ahead and present it, and if the board would like
4 to delay consideration on it until they hear
5 mine, we can always do that.

6 **MS. GRUBBS:** Yeah. I totally get your -- I
7 understand what you're saying.

8 **MR. FERVIER:** Okay.

9 **MS. GRUBBS:** Unless of course there's a
10 board member that wants to make a motion to
11 approve mine in the meantime.

12 **MR. FERVIER:** The board will entertain any
13 motions that are made. Well, I take that back.
14 We'll entertain most motions that are made.

15 **MS. GRUBBS:** I did do a parliamentary class
16 or two. I'm just kidding.

17 First of all, I would like to say welcome to
18 Mrs. King. We are so thrilled to have you in --
19 in the party here. We appreciate you.

20 And I personally would just like to say that
21 I appreciate each and every board member. You as
22 a body have a tremendous responsibility here in
23 the state of Georgia, and I know that you take it
24 very seriously. And, you know, sometimes there
25 are things that happen in your own life that --

1 that really bring home the fact that it's a
2 thankless job. You're doing it for free. You're
3 doing it as a volunteer to the state of Georgia
4 and to the citizens of Georgia. And I think
5 sometimes people forget that and that it is
6 something that, you know, you have this great
7 responsibility and you can't make everybody
8 happy.

9 But we do appreciate your service and your
10 willingness to hear us. I think you've gone over
11 and aboard -- gone over and above to make sure
12 that people are heard, today especially, and so
13 thank you for that. Sometimes people are just
14 frustrated when they don't feel heard. So thank
15 you for hearing people.

16 So Fulton County admitted in a consent
17 decree that they double-scanned votes in
18 November of 2020. They therefore watered down
19 everyone else's votes. This is voter suppression
20 and could have been avoided if a rule such as
21 this had been in place.

22 In January of 2021, Fulton County forgot to
23 upload the results for two Milton precincts.
24 Those votes didn't count until two weeks later
25 when they recertified. Those votes were

1 suppressed. With a rule such as the rule we
2 propose today, this would have never happened.

3 In May of 2022, Fulton County again failed
4 to upload 1300-plus results and had to recertify.
5 We were told that no results changed. We're
6 often told that. We were told that in Cobb
7 County as well, but this should not lighten the
8 seriousness of the situation. Entire precincts
9 of people's votes were not counted. People who
10 took their time and energy to cast their ballot
11 found out that it didn't count.

12 Every vote for every voter should count
13 right away. We can no longer allow voter
14 suppression to continue. We must take every step
15 to ensure that the count is right the first time,
16 not only for accuracy but for trust at a time
17 when most Americans distrust the election
18 process.

19 I'm for you, the board, to take the step of
20 bringing back trust. I would like to say that in
21 our petition for rule change, pursuant to Georgia
22 183-1-1-.01, that, you know, in my career of --
23 in -- an HR person and had to drug test people,
24 and in the drug testing process, you have a chain
25 of custody. You have where the person goes in

1 and they, you know, take the sample and, you
2 know, you have to do a chain of custody every
3 step of the way or you can be sued because that
4 has been tampered with. And our votes should
5 never be treated with less regard than that. So
6 chain of custody, you've heard it a hundred times
7 today and that continues to be the issue.

8 The intent of this position is to --
9 petition is to have the state election board
10 adopt a rule to affirm existing Georgia law.
11 There is nothing new that alters changes or
12 amends Georgia law in this proposed petition
13 to -- rule petition.

14 As discussed in the May meeting, this rule
15 is necessary to allow county superintendents and
16 boards of registration and election to exercise
17 their authority to oversee the conduct of
18 elections. Members of the state election board
19 expressed concerns about excluding entire
20 precincts from the certification and fears that
21 voters would be disenfranchised. This proposed
22 rule would not allow for that because Georgia law
23 describes the steps that must be taken when
24 discrepancies are found and how the returns from
25 precincts with discrepancies will be counted

1 justly.

2 While there are ongoing discussions and
3 debates about access to other documents and
4 election records, this rule does not address
5 those issues. This simply seeks to optionalize
6 an existing statutory requirement to allow
7 counties to uniformly conduct the minimum level
8 of review as described in the law.

9 Further explanation of the need for this
10 rule is provided below in section (c), (d), and
11 (f) of the petition. There is a crisis in
12 confidence in our elections, and the oversight of
13 elections in each county is critical to restoring
14 trust.

15 I respectfully request that this revised
16 proposed rule promulgation be considered today as
17 required by 183-1-1-.01(4).

18 I would like to acknowledge that the ACLU
19 and Vote Democracy are here opposing my rule.
20 And it always kind of creeps me out when I hear
21 my name from people I don't know when it's about
22 rule changes or some kind of presentation here
23 because I'm pretty easy to find. And I would
24 think that if people wanted to actually move the
25 ball down the field and to actually do something

1 to improve our elections, pick up the phone and
2 call. Let's have a conversation. Let's not just
3 take the opposing view because this is our state
4 and this is our -- the United States of America.
5 We need to work together.

6 So for the full text of the rule, addendum
7 (a) as you -- the board has been given, rule
8 183-1-12.12.1, precertification, reconciliation
9 of number of ballots to the number of votes.

10 So the whole intent for anyone here who's a
11 layman who's never done this -- I have a feeling
12 that there are a lot of very seasoned election
13 people here, but the whole intent is let's be
14 sure that the number of voters that are on the
15 voter rolls, that the voter roll is accurate,
16 number one.

17 But this is not about cleaning up the voter
18 rolls which, by the way, are not done and
19 desperately needs to be done.

20 And, number two, we don't have to -- need to
21 have to pay for that either. In Cobb County
22 there's talk about that. But we need to make
23 sure that the voters that show up to vote, the
24 cards that are cast because we're stuck with
25 these machines as they are right now, but we need

1 to make sure that when a voter comes in and they
2 receive a card that those numbers match. And
3 then that the card, once that cast goes into the
4 BMD and once you print your ballot, that that
5 reconciles. It's all just a reconciliation
6 process.

7 Let's make sure that when we go to the bank
8 and we cash a check, we're actually getting the
9 same dollars back as the numbers we wrote on the
10 check. It's a very simple process. It does not
11 have to be complicated. And again it complies
12 with Georgia law and it just gives the -- the
13 outline for how to do it.

14 Preparing for county certification after
15 each election but no later than 3 p.m. on the
16 Friday following the date on which the election
17 was held, the board shall meet to conduct a
18 review of precinct returns.

19 Two, after all absentee ballots received by
20 the close of the polls, including those cast by
21 advanced voting and all ballots cast in person on
22 election day and all provisional ballots that
23 have been validated have been tabulated, the
24 total number of ballots cast by each vote method
25 shall be reported for each precinct.

1 Three, a list of voters who voted in the
2 election shall be compiled, including by
3 category, the number of voters who voted election
4 day, in-person advance voting, absentee, and
5 provisionally. The list shall be examined for
6 duplicates. The list shall then be sorted by
7 precinct. The total number of unique voter IDs
8 from each precinct shall be counted. The total
9 number of unique voters who voted by each vote
10 method shall be reported for each precinct.

11 For each precinct, the board member shall
12 compare the total number of ballots cast to the
13 total number of unique voter ID numbers. At any
14 precinct in which the number of ballots exceeds
15 the number of unique voters, the board shall
16 determine the method of voting in which the
17 discrepancy exists.

18 The board shall investigate the discrepancy
19 and no votes shall be counted from that precinct
20 until the results of an investigation are
21 presented to the board as required in Georgia
22 Code 21-2-493, subparagraph (b).

23 That's very important because you hear a lot
24 of 2020 going on today. First of all, that
25 should never have been delayed until 2024. And

1 so if we would have taken these measures at the
2 time of the election on the precinct level, you
3 would be at the beach. You would not be here.

4 Number 5, if any error is discovered that
5 cannot be properly corrected, the board shall
6 determine a method to compute the votes to --
7 votes justly as required by Georgia Code
8 21-2-493, subparagraph 5.

9 If fraud is discovered, the board shall
10 determine a method to compute the votes justly
11 and report the facts to the district attorney for
12 action as required by O.C.G.A. 21-2-493,
13 subparagraph 5. A board member shall be
14 permitted to examine all election-related
15 documentation created during the conduct of
16 elections prior of certification results.

17 That is a huge problem because, again, our
18 election board members raise their right hand and
19 they agree to uphold the Constitution, as do you.
20 And when they are not allowed to receive the
21 documentation after an election prior to
22 certification, they are being asked to certify
23 something they cannot certify because they do not
24 have all the information to do that. This would
25 take care of that problem.

1 Two, certification meeting. One, after all
2 precinct discrepancies have been investigated and
3 resolved, as required by Georgia code 21-2-493,
4 the correct or corrected return shall be recorded
5 until all of the returns from each precinct which
6 are entitled to be counted or recorded. Then
7 they shall be added together, announced, and
8 verified as accurate.

9 Two, the consolidated return shall then be
10 certified by the superintendent no later than
11 5 p.m. on the Monday following the date on which
12 such election was held and such return shall be
13 immediately transmitted to the Secretary of
14 State.

15 As to (c) and (d), the statement of the
16 reason that such rules shall be promulgated on
17 pertinent facts, superintendents, county boards
18 of registration and elections serve an important
19 role in the oversight of elections in Georgia.

20 The powers and duties of the superintendent
21 described in Georgia Code 21-2-70 include the
22 critical duty to inspect systematically and
23 thoroughly -- it's already in Georgia code, it's
24 already there. They are required to inspect
25 systematically and thoroughly the conduct of

1 elections to the end that primaries and elections
2 may be honestly, efficiently, and uniformly
3 conducted. The oversight of elections includes
4 the duty to receive from poll officers the
5 returns of all primaries and elections to canvass
6 and compute the same and to certify the results
7 thereof to such authorities as may be prescribed
8 by law.

9 Georgia is one of the only states that does
10 not have proper canvassing procedures, by the
11 way. Recently various persons have suggested
12 that the board of registration and elections has
13 no discretion to inspect the conduct of elections
14 and no permission to review the returns from the
15 poll officers.

16 In fact, some outside entities have asserted
17 that the certification of election results in a
18 county is nothing more than a ministerial task
19 and that the members of the board have no
20 discretion but to rubber stamp results sight
21 unseen.

22 I would really like for the ACLU and all
23 these democracy groups that are probably in the
24 room right now to admit that it's not just a
25 ministerial duty that -- and if you say that,

1 then you don't believe in integrity of elections
2 at all.

3 Although the language of the statute is
4 clear and unambiguous, the state election board
5 should promulgate the proposed rule to ensure
6 that members of the county boards can perform at
7 a minimum -- at a minimum -- their statutory duty
8 unencumbered by outside influences and
9 misunderstanding of the law.

10 When common sense requirement in the
11 election code is a mandatory comparison of the
12 number of ballots cast to the number of voters
13 who voted -- and O.C.G.A. 21-2-493(b) requires
14 this reconciliation be done prior to computing
15 and prior to certification. This is a duty of
16 the superintendent that is explicitly required in
17 the law.

18 It should be noted that issues such as
19 double-scanning of ballots, which the state
20 election board has recognized is a problem, would
21 be detected if the reconciliation required in
22 21-2-493(b) were properly completed. Errors
23 should be identified and corrected before
24 certification.

25 The parties who may be affected by this

1 rule. The state election board should adopt the
2 proposed rules to ensure that every
3 superintendent and board follows the same
4 procedures as required in 21-2-493 in order that
5 the citizens of Georgia will have confidence that
6 counties uniformly, properly, and lawfully
7 fulfill their duties, reconcile the number
8 ballots to the number of voters so that
9 certification of election results accurately
10 reflects the will of the voters in every county.

11 I have citations that authorize the board to
12 require the action required by the petition.
13 After the close of the polls on election day, the
14 superintendent and board must ensure that
15 canvassing of the absentee ballots continues
16 until all lawful ballots have been tabulated and
17 ensure all advance voting and election day
18 provisional ballots are tabulated and results are
19 released to the public.

20 Georgia code 21-2-493(a): The
21 superintendent shall after the close of the polls
22 on the day of a primary or election at his or her
23 office or some other convenient public place at
24 the county seat or in the municipality which the
25 notice shall have been given as provided in

1 21-2-492, publicly commence the computation and
2 canvassing of the returns and continue until all
3 the absentee ballots received by the close of the
4 polls, including those cast by advance voting,
5 and all ballots cast on the day of the primary or
6 election have been counted and tabulated, the
7 results of such tabulation released to the public
8 and then continue with provisional ballots as
9 provided in code sections 21-2-418, 21-2-419, and
10 those absentee ballots as provided in
11 subparagraph (a)(1)(g) of code section 21-2-386
12 from day to day until completed.

13 That's the thing. It's already in the code.
14 We're just asking you to agree with the procedure
15 on how to do it. As a common sense check and
16 balance of election returns, the General Assembly
17 described the mandatory step to ensure one person
18 one vote. For the people in the back, one person
19 one vote.

20 Before the board computes or certifies any
21 votes, they must complete -- compare the number
22 of unique voters who participated to the number
23 of ballots cast from each precinct. Certainly
24 prior to the time for certification, the county
25 has a list of all people who voted absentee by

1 advanced voting in person on election day and
2 provisionally.

3 No persons is permitted to vote if they do
4 not first identify themselves and confirm that
5 they are a qualified elector. That list, the
6 qualified electors list, must be available for
7 the board to review for the record of unique
8 voters who participated in the election,
9 separated by precinct, so they can compare the
10 number of voters to the number of ballots. It's
11 already in the law.

12 If the total number of votes for candidates
13 exceeds the total number of people who voted in a
14 precinct, that discrepancy must be examined by
15 the board. In fact, the law says that no votes
16 from that precinct could be recorded until the
17 discrepancy is first investigated. There is no
18 way for the board to perform this mandatory
19 responsibility which they were required to do by
20 law if the member of the board is not permitted
21 to view the list of people who voted to compare
22 that to the precinct results which is a big-time
23 problem in Bibb County specifically.

24 Georgia Code 21-2-493(b): The
25 superintendent before computing the votes cast in

1 any precinct shall compare the registration
2 figure with the certificates returned by the poll
3 officers showing the number of persons who voted
4 in each precinct or the number of ballots cast.

5 If upon consideration by the superintendent,
6 the returns and certificates before him or her
7 from any precinct it shall appear that the total
8 votes any candidate or candidates for the same
9 office or nomination or in any question exceeds
10 the number of electors in such precincts --
11 precinct or exceeds the total number of persons
12 who voted in such precinct or the total number of
13 ballots cast, such an excess shall be deemed a
14 discrepancy and palpable error and shall be
15 investigated by the superintendent and no vote
16 shall be recorded from such precinct until an
17 investigation shall be had.

18 If these procedures were followed and
19 implemented, you would not be here. You would be
20 at the beach.

21 Such excess shall authorize the summoning of
22 the poll officers to appear immediately with any
23 primary or election papers in their possession.
24 The superintendent shall then examine all the
25 registration and primary election documents,

1 whatever, relating to such precinct in the
2 presence of representatives from each party,
3 body, and interested candidate.

4 Such examination may, if the superintendent
5 deems it necessary, include a recount or
6 recanvass of the votes of that precinct and a
7 report of the facts of the case to the district
8 attorney were such actions appear to be
9 warranted.

10 When you get on the big scale, you get the
11 complication. If these things were implemented
12 and done on the precinct level, it would be easy
13 to find. You would be looking for a needle in a
14 small pile of spaghetti as opposed to a needle in
15 a big, huge haystack.

16 Georgia Code 21-2-493: If any error or
17 fraud is discovered, the superintendent shall
18 compute and certify the votes justly regardless
19 of any fraudulent or erroneous returns presented
20 to him or her and shall report the facts to the
21 appropriate district attorney for action.

22 Georgia code 293-493(k).

23 As the returns from each precinct are read,
24 computed, and found to be correct or corrected as
25 aforesaid, they shall be recorded on the blanks

1 prepared from the purpose -- until all returns
2 from the various precincts which are entitled to
3 be counted shall have been duly recorded, then
4 they shall be added together, announced, and
5 attested to by the assistants who made and
6 computed the entries respectively and shall be
7 signed by the superintendent.

8 The consolidated return shall then be
9 certified by the superintendent in the manner
10 required by this chapter. Such return --

11 So I can keep reading the code section. If
12 anybody doesn't have a green book, you need to
13 get one. I can tell you where to get them. They
14 should be on sale in the gift shop if there was
15 one.

16 Again, a member of the board who swears an
17 oath to make a true and perfect return of
18 elections must certainly be permitted to review
19 the documents and perform the required
20 voter-to-ballot comparison prior to voting on
21 certification. Denying board members access to
22 returns and documents upon which the results and
23 certification rely would be inconsistent with
24 Georgia law.

25 So I would like to say, Chairman, that I

1 decided I -- I have the utmost respect for you.
2 In glancing at your little couple of notes, it is
3 not ensuring one person one vote be mandatory.
4 That's why the Democrats in the room probably
5 love it. And let me just say the -- the rule
6 proposal should be nonpartisan.

7 And you have to wonder when you have groups
8 like the ACLU and Vote Democracy opposing this
9 rule, you have to ask yourself why. Why do
10 people want less transparency? And why do people
11 advocate for actually breaking the law?

12 And it says -- I think in your rule it -- it
13 refers to the privacy of the board of elections
14 in the office. No. Elections should be open and
15 transparent. The law that says -- the law says
16 that prior to certification, the superintendent
17 must compare the people who voted to the ballots
18 cast.

19 If you're looking at a ballot recap form
20 that says "x" amount of ballots were cast and "x"
21 amount of people voted, that will not allow them
22 to create a count of voters from each precinct
23 because advanced voting recap includes people
24 from multiple precincts. It lumps them together.
25 We're trying to get granular on that to be sure

1 that it's done in accordance with law.

2 Numbered lists of voters is a product of the
3 e-poll book. There is no paper numbered list of
4 voters that exists in Georgia anymore.

5 For each precinct they need to know how many
6 unique voters voted by mail, by advanced voting,
7 and in person on election day and provisionally.
8 Your rule does not do that.

9 You said review the number of registered
10 voters with both the number of persons who were
11 issued a ballot. Lots of people are issued a
12 ballot but don't return it. Your rule does not
13 accomplish the minimum process required in the
14 code section, in short. It takes the language of
15 existing law and gives the -- our proposed rule
16 takes the language that's already in law -- you
17 heard me reference the Official Code of Georgia
18 over and over. It's because it takes the
19 language of existing law and actually gives the
20 counties a procedure by which to do that in a
21 proper canvass. And you can check with other
22 states if you want to and see that.

23 And David is going to add a couple comments
24 here.

25 **MR. HANCOCK:** My name is David Hancock. And

1 as a poll worker, as assistant poll manager, and
2 as a board of elections member, I would like to
3 make a few comments.

4 And, Mr. Chairman, yes, I have read your
5 rule. The concern I have is it doesn't seem to
6 address the key issue which is is it a
7 ministerial duty or is it not a ministerial duty?

8 So I made a few notes that I would like to
9 say. This idea that we're talking about,
10 Ms. Grubbs has mentioned, the state has to
11 certify an election at one point. At that point
12 it's generally too late to catch anything. There
13 are a number of certification steps that are
14 required by Georgia law, starting at the
15 precinct, then going to the county, then going to
16 the state.

17 So a few of them, to ensure that we have
18 confidence in our elections and procedures, I'd
19 like to reference just a few more laws, as if you
20 haven't heard enough already. It says poll
21 officers shall duly certify the number of votes
22 for each person. And that's 21-2-437.

23 However, the law also makes it clear that
24 they should not certify if they believe that the
25 election was conducted improperly. If you read

1 21-2-440, it says that if any poll officer shall
2 refuse to sign or certify the general returns, he
3 or she shall write his or her reasons therefor
4 upon the general return sheets.

5 So they're saying that if you vote not to
6 certify, that you need to give a reason for it,
7 which is something that I am all in favor of
8 doing because it -- if it's a situation that
9 needs to be corrected, we need to know about it.

10 O.C.G.A. 21-2-494 requires that the
11 superintendent in computing the votes cast at any
12 election shall compute and certify only those
13 write-in votes for candidates who have given
14 proper notice of intent to be a write-in
15 candidate. So that's a small detail, but that's
16 a case where certification is not allowed without
17 some inspection of the qualifications of the
18 candidates.

19 State law identifies specific instances
20 where the board should not vote to certify. If a
21 challenged voter casts an absentee ballot, the
22 board must hold a hearing -- and here's the
23 law -- prior to the certification of the
24 consolidated returns of the election and shall
25 not certify such consolidated returns on such

1 hearing is -- until such hearing is complete and
2 the registrars have rendered their decision on
3 the challenge. And that's 21-2-230.

4 As you would imagine, penalties for improper
5 certification are serious. Any poll officer who
6 certifies as correct a false return of ballots
7 shall be guilty of a felony.

8 And as a new -- as a board member, like --
9 like member King there, I take this position very
10 seriously. I've only been involved in
11 certification several times, and after the
12 certification vote -- aside from our oath that we
13 take when we're sworn in, after the certification
14 vote, we sign a document. And I'd like to
15 read -- this is from the Secretary of State's
16 Office, the little part of that document.

17 It says: Upon certification, we, the
18 undersigned board of elections, registrars,
19 superintendent, supervisor of elections, and
20 designees do jointly and severally certify that
21 the attached election results summary is a true
22 and correct account of the votes cast in this
23 county for the candidates in the general election
24 runoff. That's the one we just did. In
25 testimony whereof, we have hereunto set our hand

1 and official seal.

2 So that makes it pretty clear that I'm on
3 the hook if -- if -- as a superintendent of
4 elections, if this -- if something has happened
5 and I -- I'm aware of it or I can't prove that
6 the election was conducted fairly. So I take
7 that little signature block right there very
8 seriously.

9 And they use words like hereunto, so you
10 know it's -- you know it's important.

11 I think -- if you have any -- if you have
12 any questions for us, we'd love to ...

13 Yes, ma'am.

14 **MS. GHAZAL:** (off microphone) I'll go. My
15 first question (mic on) throughout the rule --
16 the board -- the rule refers to the board, the
17 statute refers to the superintendent. And those
18 are not necessarily interchangeable. So the --
19 we -- we can't go beyond what the statute says.
20 It has to be the superintendent.

21 I am glad that you do acknowledge that the
22 superintendent shall certify. "Shall" in the law
23 is a mandatory act. Even your rule recognizes
24 that certification is a mandatory act. It's
25 important for folks to remember it's not the end.

1 You're certifying the number of votes. That's
2 what the certification is. There are policies --
3 there are procedures for investigating after the
4 fact. It is this board that has the authority to
5 investigate malfeasance or fraud or other
6 problems or failure to follow procedures. That
7 is the authority of the state election board.

8 And so that is not necessarily the authority
9 of the superintendent. It is not part of the
10 certification process. And an election contest
11 cannot happen until the election has been
12 certified. It is at that point where courts take
13 jurisdiction.

14 So it is an important duty. To say it's a
15 ministerial duty doesn't mean it's a rubber
16 stamp. It is absolutely a crucial step and it's
17 important to make sure that the numbers are
18 proper.

19 And I know everybody loves to hate on Fulton
20 County, but I can just name off the top of my
21 head -- Cobb County, Fayette County, Floyd
22 County -- where also counties have failed to
23 properly upload all of the vote totals. And a
24 proper canvass will avoid that, and that is what
25 we want.

1 We -- we don't want to see recertification.
2 We want things to be right in the first instance.
3 But this takes it way beyond what the statute
4 actually allows. I know you're citing to the
5 statute but a lot of this is not in there. There
6 is no place in the statute that authorizes the
7 superintendent to look for double voters. It
8 will happen. The investigation will happen.
9 They will be identified. They will be pursued.

10 This -- this board, the state election board
11 has heard numerous cases where there were double
12 voters because that is our jurisdiction. That is
13 not part of the certification process. It's not
14 in the statute. Can you tell me where in the
15 statute you are to search for -- for duplicate --

16 **MS. GRUBBS:** So --

17 **MS. GHAZAL:** -- ID numbers?

18 **MS. GRUBBS:** So would you agree that there
19 are legal votes and there are illegal votes?

20 **MS. GHAZAL:** I would agree that the
21 certification process is about the number of
22 votes cast.

23 **MS. GRUBBS:** So it doesn't matter whether
24 they're legal votes or they're illegal votes?

25 **MS. GHAZAL:** It will matter in an election

1 contest. But we've seen -- we've seen elections
2 overturn on numerous occasions because there were
3 votes that were not authorized. They were
4 certified because they had to be certified. It
5 went to court, the court overturned the election,
6 and we ran a new election. It's happened
7 multiple times in Banks and Habersham County
8 because different bodies have different
9 responsibilities.

10 **MS. GRUBBS:** So could you please give me
11 your interpretation, then, of Georgia 21-2-493,
12 subparagraph 5, where it says: If any error or
13 fraud is discovered, the superintendent shall
14 compute and certify the votes justly regardless
15 of any fraud -- or fraudulent or erroneous
16 returns presented to him or -- and shall report
17 the facts to the appropriate district attorney?
18 But you just told me that this body is the one
19 responsible for investigating and finding out
20 those issues.

21 And what would you suggest is an appropriate
22 time frame for you all to do that? Because we
23 just had -- we've just had, you know, the
24 Moncla-Rossi. I feel like, you know, that's like
25 saying bread and milk now because, you know, with

1 all due respect to Joe and Kevin, it's ridiculous
2 the amount of time this has taken and that
3 doesn't even account for all the un --
4 uninvestigated claims that are still sitting in a
5 file drawer at the Secretary of State's Office.

6 So the problem here -- and I hear what
7 you're saying. You don't want us to go too deep.
8 We see a hump of dirt in the carpet, but we just
9 want to stomp it down; we don't want to reveal it
10 and see what's really under there because if we
11 do, we're going to see too much.

12 I mean. I'm not trying to be overly
13 burdensome. This rule is not overly burdensome.
14 It's already included in the law. It's just
15 saying that, you know, we would not be here today
16 if the -- if the law had been followed. And
17 since it wasn't -- since it wasn't followed,
18 we're saying, okay, let's give the counties some
19 guidance because, you know, it's like -- and I
20 said this last -- in May for the other rule
21 proposal, it's like going to daddy and saying,
22 Can I have 20 bucks, and it's like, I don't know,
23 go ask your mom. And you go ask your mom and
24 then you're -- you know, you're playing that game
25 all day. It's the same thing here because the

1 Secretary of State is derelict in its duties.

2 Now you have the power and authority to do
3 something about it, and it's like but let's not
4 get too detailed on the rules, guys, because
5 we -- we are caught in the same thing with the
6 local boards of election, and if they made sure
7 their precincts -- I mean, it happened in Cobb
8 County again, you know, where files were not
9 uploaded.

10 If we had a proper canvass and we had proper
11 rules on canvassing, the Secretary of State would
12 be irrelevant. You would be at the beach. We
13 would be fat, dumb, and happy because we would
14 have safe elections. So I don't understand why
15 we don't want more security in our procedures.

16 **MR. HANCOCK:** One comment if I may to -- to
17 directly address one of the issues. You said
18 O.C.G.A. 21-2-437 says poll officers shall duly
19 certify the number of votes cast for each person.
20 But then there's a law, 21-2-440 which says that
21 if any poll officer shall refuse to sign or
22 certify the general returns, he or she shall
23 write his reason.

24 So there's a case where it says they shall
25 certify, and the later says if they don't

1 certify, they vote not to certify, they have to
2 give a reason.

3 We had an election just recently where one
4 candidate lost by 17 votes. I was going through
5 the -- the election -- we collect reams of
6 documentation on every election. I was going
7 through some of the material and discovered that
8 two precincts that were in her district where she
9 won in -- this particular candidate won in early
10 voting. All the early voting she won. She lost
11 on election day and by enough, the margin of 17
12 votes.

13 I also discovered that those two precincts,
14 there was not a note that there were two people
15 that carried the ballots in which is chain of
16 custody issue. And so I -- I don't know. I was
17 told that there were two people, but the
18 documentation showed me there wasn't. So rather
19 than vote against certification, I voted to
20 abstain hoping to see the information later on,
21 and I still haven't seen it. That was an
22 important -- 17 votes is a big deal to lose by
23 and to have missing documentation on the chain of
24 custody in that area is, I think, serious.

25 **MS. GHAZAL:** And that's where the candidate

1 would've had an opportunity to file an election
2 contest on that basis because that's -- that
3 is -- without -- without certification, a
4 candidate cannot contest an election. And then
5 you've got absolute uncertainty. And that's the
6 point.

7 There is a process, and this is an important
8 step in the process. But if you don't certify an
9 election, nobody has any standing to contest.

10 Excuse me.

11 So if you -- it is not the be-all end-all.
12 It is not the end, but it is -- it is an
13 important step.

14 And if -- to answer Ms. Grubbs' previous
15 question, the whole point is to make sure that
16 there not more votes than ballots and not more
17 ballots than voters checked in. That is the
18 investigation that the certification process gets
19 to. That is the investigation that you were --
20 that the canvass and procedures identify. And
21 that is what the certification is about.

22 **MR. HANCOCK:** So then why don't we just at
23 the end of Tuesday, at the end of voting, why
24 don't we just go ahead and certify? If -- if we
25 aren't going to check anything, it -- it seems

1 like -- I don't understand the reason for having
2 this step that we're required to vote to
3 certify -- or -- or is it just a certification
4 vote? That doesn't that -- doesn't say you have
5 to vote yes, but we have the certification vote.
6 I don't see why we have to have it if we aren't
7 going to -- if we aren't going to uphold the --
8 the document that we're going to sign.

9 **MS. GHAZAL:** But that --

10 **MR. HANCOCK:** I -- I --

11 **MS. GHAZAL:** But that is -- that is the
12 process that has been laid out. That is the
13 process in the statute. But also remember the
14 legislature cut the time period in which to do
15 this by an entire week. They could not have
16 intended for each superintendent to conduct a
17 thorough investigation and analysis of every
18 single voter when they give you a week less time.

19 We can only apply rules and regulations to
20 what the legislature has given us in the form of
21 the statutes.

22 **MS. GRUBBS:** But respectfully, Ms. Ghazal,
23 it -- it doesn't really matter what the
24 legislature's intent was. We have the law in our
25 hands right now and that's -- it's the hand we're

1 dealt. And unfortunately, you know, I hate it
2 when people go through the Bible and they pick
3 out a verse and then they -- they throw it out at
4 you and they say, you know, this -- this is --
5 you know, what it means without taking the entire
6 context. And I do believe that the legislature
7 had a good intention of wanting us to have fair
8 elections in Georgia.

9 But when you say that if there's any issues
10 or whatever, that what y'all are here to do and
11 deal with it, you know, ten years down the road
12 instead of the night of the election or the week
13 of the election, that -- I -- I can't -- I
14 believe you're a person of character and
15 integrity, but I can't take you seriously when
16 you --

17 I believe your vote reflected that you did
18 not want investigate the Moncla-Rossi complaint.
19 So when we get here and you don't want to fully
20 investigate issues, and you -- you have taken
21 thus far just the advice of the Attorney
22 General's Office and not said, "You know what, we
23 need to dig into this," it is very difficult to
24 take you at your word that you guys are the
25 investigative body to really get to the bottom of

1 it when we're not seeing evidence of that.

2 And these are things that -- you know, my
3 election director is here today, and I'm saying
4 to her, "It's your job to run the elections,
5 absolutely, and it's your job to make sure
6 everyone down the chain on that -- you know, that
7 manages the polls does this," but you're
8 kneecapping those people from actually doing what
9 they are legally required to do because you're
10 not giving them the proper procedures.

11 And when I was getting into all of this in
12 Cobb County, I asked -- I did an ORR request for
13 the policies and procedures of the Cobb County
14 Board of Elections, and the responsive request
15 was "There aren't any." I kid you not.

16 So if -- we're looking to you as the wise
17 counsel to say, "Look guys, here's the procedure,
18 but your procedure needs to be thorough enough to
19 expose any issues." And I don't believe that a
20 lot of times these things happen are fraudulent.
21 I believe it's a lack of proper procedures that
22 these people might slip a USB card in their
23 pocket and forget to put it with the tabulator
24 tapes. I don't believe that there are thousands
25 of nefarious people that go to change a memory

1 card in a tabulator and they prop it open and
2 "whoops, we accidentally tabulated."

3 I mean, I don't think that's necessarily an
4 evil person, but that is a weak spot in our
5 election system that you have the power to fix
6 with my rule. And I like my rule.

7 And with all due respect, Chairman, I like
8 my rule better than your rule.

9 **MR. FERVIER:** Regardless of what has
10 happened today, I will not take offense at that
11 statement.

12 **MS. ALEXANDER:** So I -- yes, ma'am.

13 **MR. FERVIER:** Wait --

14 **UNIDENTIFIED SPEAKER:** Janelle.

15 **MR. FERVIER:** Member Johnston has already
16 ...

17 **DR. JOHNSTON:** So, Ms. Grubbs, we do have
18 electronic poll books; correct?

19 **MS. GRUBBS:** Unfortunately we do.

20 **DR. JOHNSTON:** And we have electronic voter
21 lists; correct?

22 **MS. GRUBBS:** Unfortunately we do.

23 **DR. JOHNSTON:** And we have an electronic
24 voting system; correct?

25 **MS. GRUBBS:** Unfortunately we do.

1 **DR. JOHNSTON:** So we could use the power of
2 computing and utilize that to the advantage of
3 producing these numbers for each precinct in a
4 very timely and efficient way; correct?

5 **MS. GRUBBS:** Absolutely. Because that's
6 what they tell us when we buy all this really
7 expensive electronic stuff.

8 **DR. JOHNSTON:** Right. And according to the
9 Georgia code 21-2- -- definitions on page 18,
10 21-2-2, definition of superintendent is either
11 the judge of the probate court or the county
12 board of elections -- the county board of
13 elections and registration or the county -- city,
14 county board of elections; correct?

15 **MS. GRUBBS:** Correct.

16 **DR. JOHNSTON:** Okay. So when we -- when we
17 speak of superintendent, I know sometimes it
18 seems to blur a little bit whether that means
19 it's the supervisor or the board of elections,
20 but I take this -- since the board of elections
21 certifies the election, I would -- I would read
22 this as that when we speak of superintendent in
23 this disregard, we're speaking of the board of
24 elections.

25 **MS. GRUBBS:** And the collective body of

1 people; correct.

2 **DR. JOHNSTON:** Right. Okay. So I find this
3 rule consistent with Georgia election law. I
4 would say that there's more to canvassing than
5 just what is in this rule according to the
6 Election Assistance Commission. I think
7 inspection of documents is warranted and expected
8 as well as checking the tabulation of the votes
9 of every vote and ballot.

10 And -- and according to Georgia law, these
11 should all be segregated by precinct to account
12 for every type of vote cast and every ballot. I
13 don't think we'll ever exceed the number of
14 electors in each precinct because our voter rolls
15 are not accurate and there will always be way too
16 many voters on the list in each precinct as it
17 stands right now in Georgia. It will be very
18 difficult to exceed the number of voters.

19 **MS. GRUBBS:** And apparently it's going to
20 get a lot more expensive too because they want to
21 charge us to do voter challenges now. I don't
22 know if you've heard that or not, but just like
23 an FYI.

24 **DR. JOHNSTON:** Well, I would say that
25 Georgia exceeds expectations when it comes to

1 voter lists.

2 **MS. GRUBBS:** Yes.

3 **DR. JOHNSTON:** So anyway I -- I think this
4 is a good rule, and I think -- I would move that
5 we accept this -- this petition for rulemaking --

6 **MR. FERVIER:** The discussion is not complete
7 yet --

8 **MR. HANCOCK:** Can I make one more brief
9 comment --

10 **DR. JOHNSTON:** -- when the time comes.

11 **MR. HANCOCK:** -- to -- one more brief
12 comment to address an issue that was specifically
13 brought up. I -- we have five members on our
14 board of elections, and Gwinnett County is -- is
15 one of the largest counties in the state with
16 650,000 voters.

17 Our election supervisor's actually here
18 today and him -- yeah, Zach Manifold back there,
19 him and his staff were absolutely stellar in
20 getting the board all the information that we
21 needed, and we had no trouble.

22 We are absolutely not going to check every
23 voter and run every voter down and go knock on
24 their door and make sure that they voted. That's
25 not at all what we're doing.

1 There's an old saying that you've heard:
2 You don't get what you expect, you get what you
3 inspect. And so we have so many procedures that
4 had to be followed, if somebody knows that at
5 least a group of people is coming in after the
6 election and just at least looking to make sure
7 on the surface -- and if anything looks askew,
8 dive down into it. But that's really what the
9 purpose of this is.

10 It's not the purpose to catch anything. The
11 purpose is to make sure that the election is
12 conducted accurately, fairly, and that state law
13 is followed.

14 **MS. KING:** Dr. Johnston --

15 **MR. FERVIER:** Member King.

16 **MS. KING:** So, it's funny. The term I was
17 taught by my dad was, you know, if you can't
18 investigate it, don't invest in it. So I -- my
19 question for you, Mr. Hancock, is what -- what --
20 that week that they have to go through this whole
21 process, this certification process, what exactly
22 are you supposed to do if you find something
23 that's wrong? Do you just put it to the side and
24 go on and certify? Like what -- what's the
25 expectation currently?

1 **MR. HANCOCK:** It depends on the -- I think
2 it would depend on the severity of the situation,
3 right? If we find that -- if we find fraud, we
4 certainly would report it. The certification
5 vote comes up and then each person -- I think if
6 the information was put up out there and everyone
7 was aware that, yes, there was suspected fraud
8 that happened in this election, I don't think
9 there would be a problem with voting to certify
10 to get on with the challenges and the
11 investigation of a fraud.

12 **MS. KING:** Okay.

13 **MR. HANCOCK:** I'm not saying -- I'm not
14 saying we have to be satisfied on everything, but
15 we just need a procedure that allows us to go
16 through and inspect it.

17 I had to pay \$41.25 to look at the records
18 after the last election before I voted to certify
19 because I wanted to actually look at some
20 documents. I had to do an open records request.
21 So that's -- that's inconvenient to me, but I
22 don't mind doing it if it means I get a chance to
23 make sure the election is certified.

24 **MS. GRUBBS:** You shouldn't have to.

25 **MS. KING:** So basically what you're saying

1 is currently if you find something that's wrong,
2 even if it's unanimous that everyone thinks it's
3 wrong, you're still going to all certify. And
4 then we hope that it goes -- like, we just hope
5 the process works out where after the fact, after
6 the person's elected, after things are already
7 done, then we go back and fix it? Is that what's
8 the current practice?

9 **MR. HANCOCK:** This is -- this is a legal
10 question that I don't know the -- I don't know
11 the answer to.

12 **MS. KING:** Is that your current process?

13 **MR. HANCOCK:** Because this document --

14 **MR. FERVIER:** That's not what's happening.

15 **MR. HANCOCK:** Because that -- this
16 document --

17 **MR. FERVIER:** Because we have people that
18 are refusing to certify because they -- they
19 think there is something that occurred. So they
20 refuse to certify.

21 **MS. KING:** That's not what's happening. But
22 what's the current process? Is that the current
23 process?

24 **MR. FERVIER:** The current process is that
25 you're supposed to certify, and if there is an

1 irregularity, you report that and it's
2 investigated.

3 **MS. KING:** So what I was saying, right? So
4 you certify and then you investigate; correct?

5 **MR. HANCOCK:** Right.

6 **MR. FERVIER:** Continue the investigation
7 (indiscernible). That -- that is -- that's the
8 process.

9 **MS. KING:** I'm just -- I'm just want to
10 make --

11 **MR. FERVIER:** The purpose -- the purpose --

12 **MS. KING:** -- sure I'm clear and I
13 understand what that means.

14 **UNIDENTIFIED SPEAKER:** (speaking inaudibly
15 in the gallery)

16 **MR. FERVIER:** The purpose of this is for the
17 board to hear the rules, the board to discuss the
18 rules and ask questions of the petitioners. And
19 the longer that we have interruptions, the longer
20 it's going to take. So I would just ask you to
21 please be respectful of the people asking the
22 questions so that we can learn what we need to
23 learn.

24 **MR. HANCOCK:** Well, in response to member
25 King's question, the document from the Secretary

1 of State that we sign that I have -- I read it to
2 you earlier where it says that I am certifying
3 that it is a true and correct count of votes
4 cast. And then, you know, hereunto set our hand
5 and official seal. This is like swearing an oath
6 that it is a true and correct count of votes
7 cast. And I know there's going to be errors in
8 650,000 voters with a hundred and, you know,
9 fifty-six precincts. There's going to be little
10 things that happen. But as long as I'm confident
11 that this number is pretty close to a true and
12 accurate count, then I'm willing to do it. But
13 if -- if there are outstanding issues, I would --
14 I have voted not to certify.

15 **MS. GRUBBS:** Yeah.

16 **DR. JOHNSTON:** One of the goals of this for
17 my colleague is to identify areas where there may
18 be some discrepancies that would -- would warrant
19 process improvement.

20 **MS. GRUBBS:** Yeah, but I --

21 **DR. JOHNSTON:** So it's to identify the
22 difficulties with counting large numbers of
23 ballots and to correct that in the future as long
24 as it's not too large a discrepancy or something
25 that suggests that perhaps fraud had occurred.

1 **MS. KING:** Personally, I'm just trying to
2 find out which process makes more sense, right?
3 So we have the process of finding it, when we go
4 through the process of, you know, going through
5 all the votes. You -- if you find something
6 that's wrong, even if it's unanimous, you all
7 kind of put it aside. You understand this is
8 going to be an issue. We all certify, and then
9 investigation happens later.

10 And what you're proposing is that you have a
11 little bit more power as it relates to going
12 through the voters in your precinct, in your
13 county to make sure that it's not just -- you're
14 not just certifying that you have the total
15 number, but there also -- that total number is
16 actual legal votes; correct?

17 **MR. HANCOCK:** That's the document that I'm
18 signing. And that's the same documents that are
19 signed at each precinct, by each precinct worker.
20 They do the same thing. They do a little mini
21 certification, then the county does a
22 certification, then the state does a
23 certification.

24 **MS. KING:** Right. And the purpose of those
25 mini certifications is to make sure when we get

1 to the big certification we don't have major
2 issues. And then we don't have to go back and
3 tear down the whole fence. We just go back and
4 repair that one, right?

5 **MR. HANCOCK:** The state when they go to
6 certify, they aren't going to check every
7 precinct in Georgia.

8 **MS. KING:** Correct.

9 **MR. HANCOCK:** But the precinct can. The
10 person who runs the precinct can absolutely check
11 and make sure that there are no ballots stuck in
12 the machine or whatever the case happens to be.

13 **MS. KING:** How much additional time would
14 this -- how would this increase the process
15 that's already in place? So if you have a week,
16 how much more time?

17 **MR. HANCOCK:** It just takes time for the
18 board. The staff has been very good about just
19 getting the information. They have -- we have
20 somebody that sits with us, answers any
21 questions. But we just go through the documents.

22 And I spent maybe -- presidential preference
23 primary was a case where there was -- there was
24 no issue. There's never going to be an issue.
25 Nobody's going to challenge that election. The

1 general primary and -- and the runoff for the
2 primary we just had, maybe I personally put in,
3 you know, four or five hours. Maybe.

4 **MS. KING:** Additionally?

5 **MR. HANCOCK:** Over the case -- yeah. I took
6 Wednesday off because Tuesday's a rough night.
7 We're there all night Tuesday. Took Wednesday
8 off and Thursday came in and looked at a few.
9 Maybe I looked at a few on Friday. And then I
10 did some more on Monday because we had to certify
11 at five.

12 So I came in Monday morning. We had a
13 meeting at nine for provisional ballots and went
14 through those. And then spent some time looking
15 at some other little questions.

16 Gwinnett County -- and this is something
17 that would be a great thing to standardize -- has
18 a wonderful procedure where they -- as each poll
19 closed at election night, and they -- the poll
20 workers bring in all their material -- it's a --
21 it's a lot of material -- there is a very
22 detailed checklist. And there's two officials.
23 We have, like, 15 stations, I believe. Don't --
24 if I'm wrong. I'm sorry. And each precinct
25 comes up and they say, How many poll workers had

1 the ballots? Oh, two, check. Do you know the
2 provisional ballot bag's sealed? Yes, check. Do
3 you have, you know, the memory card? Check.

4 And so I can look at this summary sheet for
5 each precinct in less than an hour and
6 immediately identify areas where there might be
7 problems.

8 **MS. KING:** Thank you.

9 **MR. FERVIER:** Ms. Grubbs?

10 **MS. GRUBBS:** Yes, sir.

11 **MR. FERVIER:** Not surprisingly, I like my
12 proposal better than yours. I -- I feel like the
13 issue that I have with yours is that -- I am
14 sympathetic to what you're trying to do, I really
15 am. I'm sympathetic to having documents to look
16 at before you certify and not having access to
17 any documents in some locations. I'm very
18 sympathetic to that.

19 I just believe that there needs to be a
20 list, a defined list of documents that the board
21 of registrations and elections gets to see. And
22 so it's not a never-ending search of I need this
23 document, I need this document, I need that
24 document.

25 You know, I feel like there needs to be a

1 defined list and my proposal gives a defined list
2 of what the board is allowed to see before
3 certifying. And that way they can see the
4 documents that are produced on election that are
5 readily available. They have time to consider
6 that for being certified -- before -- before
7 certifying the election. And your proposal
8 doesn't include a list of documents.

9 **MS. GRUBBS:** Well, I'll be happy to include
10 it because I still like my rule better.

11 **MR. FERVIER:** We're going to arm wrestle
12 over --

13 **MS. GRUBBS:** Yes.

14 **MR. FERVIER:** -- whose is better.

15 **MS. GRUBBS:** Because there -- there are some
16 critical things that your rule does not include.
17 And this is why, you know, if -- if the heart of
18 the board really is to see that we have fair
19 elections in Georgia, I want to see people work
20 together. I don't want to see any board member
21 called and harassed because we want them to do
22 something a certain way.

23 I want -- I want Georgia to be the shining
24 example of what election integrity looks like.
25 And we are not that. We are anything but that

1 right now.

2 And so I would -- I would be happy to change
3 it, but we have a very important election that is
4 going to determine the course of this country
5 coming up in November, and we ain't got no time
6 to waste. And we have got to get this right.

7 And, you know, I did not write this rule.
8 I'm presenting this rule. And I hope I'm doing
9 it justice. But, you know, to the point of when
10 the lobbyists -- actually not just the -- the
11 activists who care about this country, but when
12 the lobbyists who were paid money to come up here
13 and oppose my rule said there was no organization
14 that did this, this rule was -- was done by
15 Bridget Thorne and this is subsequent to the May
16 meeting.

17 So she took to heart what was said in the
18 May meeting and incorporated those things and
19 better defined those things. So here we are in
20 the July meeting, and I just feel like it's super
21 important for us to do this.

22 **MR. FERVIER:** I -- I -- like I said, I am
23 sympathetic to that. My -- I sent the rule to
24 GAVREO, my rule to GAVREO, for -- to take a look
25 at. And GAVREO altered it as well as other

1 individuals --

2 **MS. GRUBBS:** Clearly, they did.

3 **MR. FERVIER:** Well, okay.

4 **MS. GRUBBS:** Not a big fan.

5 **MR. FERVIER:** Well, they -- they may have a
6 different opinion. We'll allow them to speak on
7 it. But they are election supervisors also.

8 **MS. GRUBBS:** Are they superintendents?

9 **MR. FERVIER:** Mr. Kirk, we'll let you speak
10 in a minute. Yes.

11 So I -- anyway as I was stating earlier,
12 my -- my issue with your rule is the fact that
13 it's not definitive enough on the documents that
14 the board gets to see. I think there needs to be
15 a list of -- of documents that -- that they get
16 to see before certifying.

17 **MS. GRUBBS:** So a lot of that has to do --
18 like with what David said as far as Gwinnett
19 County, you know, it has been difficult in Cobb
20 County. And I love our elections director, but
21 do you know that -- everybody mentions 2020, so
22 I'll just have to throw this in there, that
23 during the recount in 2020, I asked our
24 then-elections director -- after the first day of
25 the recount, I said: Could I please have the

1 tallies for the votes? And she said: I don't
2 have those. And I said -- and Ms. Ghazal was
3 there too, and I said: Well, I just stood here
4 on this hard concrete floor all day and didn't
5 eat and stomped around here watching you count
6 all these ballots. Why can't you give me a
7 total? She said: Oh, well, we just don't have
8 that. It goes into Arlo and then the next day
9 the Secretary of State gives us the count.

10 So when you talk about documents and stuff,
11 I'm all about doing those kind of documents, but
12 there is a certain amount of authority on the
13 local level that -- that I do think needs to stay
14 on the local level.

15 We need to make sure that the board of
16 elections in our counties are certainly able to
17 do -- certainly able to do their job. But they
18 also need to develop good -- good practices and
19 procedures.

20 And, you know, something stuck out -- stuck
21 out on me in that code section that I read
22 earlier as far as the local superintendent, which
23 sometimes, as Dr. Johnston pointed out -- you
24 know, I got schooled on that. The
25 superintendent, depending on what the structure

1 is of the board of elections, whether it be a
2 probate judge -- and I think the reason that that
3 language is used, Ms. Ghazal, is because we have
4 a hundred and fifty-nine counties in Georgia that
5 are all independent. And they all have different
6 structures on their elections.

7 So a superintendent can be one person or a
8 superintendent can be a board. So it says
9 when -- when they find something, they shall
10 report it to their district attorney. And I want
11 to know out of a hundred and fifty-nine counties,
12 how many board of elections superintendents have
13 ever reported something to their district
14 attorney in the last five years?

15 And I venture to say that number is probably
16 zero. If not zero, close to zero. And so we
17 need that power to be on the local level for
18 people to do that so you can be at the beach.

19 **MR. FERVIER:** But you're asking us to put
20 guidelines in and at the same give freedom to the
21 local boards. And what I'm saying is that if
22 we -- we need consistent rules across the street,
23 and by setting a defined list of documents that's
24 easy for anyone to follow --

25 **MS. GRUBBS:** But to your point, I quoted you

1 exactly what was already in Georgia law, and
2 everything that is in this rule is consistent
3 with Georgia law. Your proposed list of
4 documents is not in Georgia law. That's another
5 reason why I think my rule is better.

6 **MS. KING:** Mr. Chairman?

7 **MR. FERVIER:** Yes.

8 **MS. KING:** Is it -- is -- let me see how I
9 want to ask this. Is it possible to merge
10 your -- your rule and her -- and Salleigh's rule?
11 Is there any aspect of your rule that --

12 **MR. FERVIER:** So having only been in this
13 job for six months and still trying to figure out
14 why I'm doing it -- let me -- let me list what I
15 think the board has the ability to do today when
16 we're hearing a rule, okay? We can either accept
17 it and initiate rulemaking procedures, we can
18 deny the rule, we can revise the rule as we sit
19 here, we can table the rule for further
20 consideration to a later time, or we can assign
21 the rule to a board member to work on with
22 petitioner to make revisions.

23 And so, yes, could we -- could we merge the
24 two? Yes. Likely not here today.

25 **MS. KING:** Got it, okay. So how about this?

1 Can I make a motion to hear your rule now
2 versus -- so we can hear them back to back versus
3 waiting to the end?

4 **MS. GHAZAL:** I would second that.

5 **MS. KING:** Let's hear them side by side.

6 **MR. FERVIER:** If we -- if discussion is
7 over, then we can do that. So ...

8 **MR. HANCOCK:** Mr. Chair, I would make one
9 more comment. Your -- your rule does list a
10 number of documents, but I believe it's 21-2-72
11 that says that any registered voter in the county
12 can go in and look at any document that's not
13 under seal after an election.

14 So I don't want to say this in a bad way,
15 but you -- you aren't going to stop me from going
16 in and looking at some of these documents.

17 **MR. FERVIER:** It -- it doesn't prevent you
18 from looking at anything. All we're saying --
19 all my rule says is that you -- the board has the
20 right to look at these documents before
21 certifying.

22 **MR. HANCOCK:** Which they do now.

23 **MR. FERVIER:** But -- but my understanding
24 from last meeting was that some of the
25 superintendents weren't providing documentation

1 to the board. And so the board was having to
2 certify without having the ability to look at any
3 documents at all.

4 **MR. HANCOCK:** Well, this -- this rule says
5 that the documents will be made available, right?

6 **MS. GHAZAL:** But it -- but it -- but it has
7 no list of documents. It says --

8 **MR. HANCOCK:** No. (indiscernible) --
9 (Cross-talking)

10 **MR. FERVIER:** -- any -- any documents you
11 want to look at. And my fear is that it just can
12 go on and on and on: I want to see this, I want
13 to see that, I want to see this, I want to see
14 that.

15 **MS. GRUBBS:** Well --

16 **MR. FERVIER:** And it's like there's no end
17 to it. And so you never get to the end of it.
18 So I'm just trying to put some -- I'm trying to
19 put some guardrails around and some timeliness
20 around it.

21 **MS. GRUBBS:** There's only a finite list of
22 available information anyway. There's -- it's
23 not a complicated -- well, I started to say it's
24 not a complicated process, but duh.

25 There's a finite list of available data and

1 documentation involved in the elections anyway.
2 I mean this is not -- this is not rocket science.
3 Number of eligible voters on the voter list --
4 you know, it -- it's -- to say that we've got to
5 have a list of documents is making it -- I mean,
6 I would like to see a list of documents. That
7 way everybody would understand and know.

8 So I see your point, but that's not what the
9 code says.

10 **MS. KING:** I mean, quite -- to be quite
11 frank, Mr. Chairman, I -- I have issues with
12 increasing documents when the board is still
13 waiting on documents. There's things that we
14 haven't gotten from the SOS office. There's
15 things that the board -- I mean, from my
16 understanding, that we're still waiting on as it
17 relates to documents. There's missing documents.
18 I think the problem is too many documents.

19 I think what we need to do is have a process
20 that ensures that we can catch things in the --
21 in the interim versus dragging it out. I -- I
22 have a problem with people spending three and
23 four years of their time working on something
24 that we all should be doing quickly. That is an
25 issue for me personally.

1 So I -- I'm not a fan of all the additional
2 documents. I just want to make sure that we are
3 attacking this issue or attacking possible issues
4 at the early stage. That's what I hear in this
5 rule.

6 **MR. FERVIER:** The difference between them is
7 that her rule does not define what documents
8 people can answer for. So they could ask for any
9 document they want to or any number of documents
10 they want to.

11 Mine -- mine gives a definitive list of
12 documents that they would be able to ...

13 **DR. JOHNSTON:** Mr. Chair, this proposal for
14 this petition very nicely separates the -- the
15 precertification reconciliation by precinct, and
16 it does specifically list a list of voters, a
17 comparison of number of ballots to voters, and
18 actually this rule is slightly different.
19 It's -- it's 183-1-12-12.1 rather than just 12
20 which is -- is your petition.

21 So I -- I would move that we vote to accept
22 this.

23 **MR. FERVIER:** The difference is paragraph --
24 well, it would be paragraph 6; it's listed as
25 paragraph 5 in this -- her addendum here. It

1 says: Board members shall be permitted to
2 examine all election-related documentation
3 created during the conduct of elections prior to
4 certification of results, which means they could
5 ask for any document that was produced during the
6 conduct of the elections.

7 **MS. GRUBBS:** Because that's actually already
8 the law, all the documents are required by law to
9 be produced anyway because it's all evidence in
10 an election.

11 **MS. GHAZAL:** Well, let -- if -- if I could
12 -- if I could.

13 **MS. GRUBBS:** Uh-huh. Go right ahead.

14 **MS. GHAZAL:** Is it -- so documents created
15 in the course of an election include
16 certification letters for poll watchers. So
17 under your rule, a board member could refuse to
18 certify until they see all of those. Do you
19 think that that is necessary for certification?

20 **MS. GRUBBS:** I am not a hypothetical person.
21 People very rarely even pay attention to the --
22 and here's -- my answer to that is I support what
23 is in Georgia law, and I support transparency.
24 And I believe that if there was a board member
25 who thought that there were poll watchers who

1 were illegal poll watchers, and they wanted to
2 see certification, if that's his documents, I
3 absolutely think they should be able to see them
4 before certification.

5 **MS. GHAZAL:** So my point is there are lots
6 of things that can go wrong that have nothing to
7 do with vote totals. Certification is about vote
8 totals. It's not about the entire election and
9 whether there was any mis -- misdeeds or
10 malfeasance related to anything. It's about the
11 vote totals.

12 **MS. KING:** How are totals correct if there
13 is -- if we're not making sure that the persons
14 voting can legally vote, then how is the total
15 correct?

16 **MS. GHAZAL:** I'm talking about poll
17 watchers. I'm talking about there -- there's so
18 much more documentation that is surrounding an
19 election that has nothing to do with the vote
20 totals. Absolutely. But the -- the voters
21 are -- are checked in and all of that. That's --
22 that's part of it. If there is one illegal vote
23 or one illegal voter, that cannot be done -- that
24 cannot necessarily be discovered in the
25 certification process, that will be investigated.

1 Everything will be investigated. Every
2 document is available through open records before
3 it's sealed. Every document is not necessary for
4 the certification process though.

5 **MS. GRUBBS:** Do you think that it is
6 incumbent upon board members to have to pay open
7 records fees to get documents related to an
8 election?

9 **MS. GHAZAL:** If we pass the rule that the
10 chair has -- has sponsored, they have a -- that
11 -- that's the point of that rule is so that board
12 members -- that the -- that the superintendent
13 has the authority to review all of those
14 documents prior to certification. That is the
15 point of that rule so that that does not happen.
16 But the issue --

17 **MS. GRUBBS:** So the point of the chairman's
18 rule is to avoid board members from having to pay
19 open records request fees?

20 **MS. GHAZAL:** The point of the rule is to --
21 to define the documents that are necessary to
22 review or that -- that are appropriate to review
23 for certification.

24 **DR. JOHNSTON:** How --

25 **MS. GRUBBS:** The issue is --

1 **DR. JOHNSTON:** I'm sorry. Excuse me, I'm
2 sorry.

3 **MR. FERVIER:** (indiscernible) --

4 **DR. JOHNSTON:** Yeah.

5 **MR. FERVIER:** Are you finished?

6 **MS. GHAZAL:** (indicating)

7 **MR. FERVIER:** Member Johnston.

8 **DR. JOHNSTON:** Excuse me. Every election
9 document should be available to every member of a
10 board. There is no election document that should
11 be prevented from review and consideration by the
12 election board.

13 **MS. KING:** I can -- and I can back that up
14 by looking at this code that says that primary
15 and election records are to be open to the
16 public. And this includes -- which I'm not going
17 to read all of them, but it includes reports, it
18 includes all other documents in official custody,
19 tally papers, return accounts, contracts. This
20 is all stuff that's open to the public.

21 So I don't think we should determine what
22 documents you have to request if you have an
23 issue. It says here it's open to the public. I
24 think we're making it more complicated when we
25 start doing that. And then we're also limiting

1 the rights of voters when we start doing that.

2 So I -- I would like to either hear the
3 speak -- chairman's bill so -- I mean rule so
4 that we can compare the two, or I think we should
5 move forward with the motion that's on the floor.

6 **MR. FERVIER:** I would like to hear from
7 GAVREO if they have a representative here.

8 **UNIDENTIFIED SPEAKER:** (indiscernible)

9 **MR. FERVIER:** The board can hear from
10 whoever they need knowledge from.

11 **MR. KIRK:** (indiscernible)

12 **MR. FERVIER:** Please.

13 **MR. KIRK:** Thank you, Mr. Chair. Any
14 questions or do you want me to just address some
15 of this?

16 **MR. FERVIER:** Would you -- would you define
17 the -- GAVREO's opinion on this rule.

18 **MR. KIRK:** Well, we were opposed to it, as I
19 mentioned earlier. Some of the concerns that are
20 being raised -- excuse me -- are addressed at
21 other points in the process. For example, voter
22 eligibility is established when somebody applies
23 to register to vote.

24 We verify their identity and eventually add
25 their name to the official list of voters, then

1 verify their identity when they come in to vote,
2 verify if they've already voted, cast another
3 ballot.

4 If they have been issued a ballot, we have
5 to address that before they're issued a second
6 ballot or third ballot before they ever cast that
7 ballot.

8 So to go through for duplicates at that
9 point in the process is duplicating our efforts.
10 The process to -- to certify an election -- let
11 me back up.

12 Some of the most important work we do
13 happens after election day. The show is not over
14 on election night. We're going through all of
15 the documents, all of the records. We're
16 investigating kind of incidents that may have
17 happened.

18 We're comparing numbers as you mentioned:
19 How many voters are eligible compared to how many
20 actually were issued a ballot compared to how
21 many ballots were cast? Not just cast but were
22 recorded at the polling place, at the county, the
23 state level. We're looking at all these numbers
24 to be sure everything is matching up. Why
25 doesn't it match? Why doesn't it balance?

1 So address the idea of investigations, yes,
2 we conduct investigations before the board goes
3 to certify. But if we can't resolve the
4 investigation prior to certification, that
5 doesn't halt certification. We'll report what we
6 found to the DA, to the state election board, to
7 the Secretary of State's Office, and then allow
8 them to continue on. But we can't -- well, the
9 courts have to -- we can't act until we certify.

10 So, for example, if I was comparing these
11 numbers and discovered there's a thousand ballots
12 less reported for a poll than those published on
13 the Secretary of State's website, I would look to
14 see where the problem happened. Did we forget to
15 upload a memory card? Was there some other
16 problem? And if this can be corrected before we
17 certify, of course we're going to do that.

18 There's the idea of risk-limiting audits
19 where we're checking to be sure the tabulation
20 was correct before the state certifies their
21 results. And if that investigation shows -- the
22 audit shows there's a problem, then we would vote
23 to recertify the results and send those results
24 to the state.

25 So at the end of this whole process, what

1 the -- what we're talking about is computation
2 and consolidation, or in the old days we had
3 machines with dials and levers. We had to -- we
4 had to call those numbers out, add them together
5 publicly, and then that's when the board made the
6 comparison and that's when they would vote to
7 certify.

8 Now we've come a little bit farther than
9 that. There's reports we look at, things like
10 that. But at its core what the board's looking
11 at at this point in the process is were more
12 ballots cast than should've been? Did we have
13 more ballots we're looking at than voters who
14 were checked in who were eligible to vote in this
15 election? And if the answer is yes, yeah, we
16 investigate.

17 But let's say I had a hundred additional
18 ballots I couldn't account for. I was told by my
19 board to certify and immediately vote to -- to
20 forward this along to the DA. We'd vote -- we'd
21 cooperate completely and possibly the ones asking
22 for a new election from the judge. The judge
23 couldn't ask until we certify. Does that make
24 sense?

25 **MS. KING:** So what if we're not trying to

1 trigger the courts? We just wanted to make sure
2 that what we see is accurate. Like, I mean, it's
3 not that --

4 **MR. KIRK:** In --

5 **MS. KING:** I mean, it just -- let's say he
6 just sees something --

7 **MR. KIRK:** Yeah.

8 **MS. KING:** -- and he's like: Look, let's
9 just hold off on certifying until we make sure
10 that this is accurate. Are you okay with that?

11 **MR. KIRK:** Oh, yes. But I would -- I would
12 encourage folks to start that investigation well
13 before the deadline to certify because that's a
14 hard deadline. We have to meet it. If they come
15 in an hour before the meeting and say, We want to
16 see all the stuff, that's not possible. You'll
17 be involved in the process ahead of time.

18 **MS. KING:** (indiscernible) have to -- I
19 mean, you would have to start it quickly.

20 **MR. KIRK:** Exactly. And, for example, in my
21 case, my board delegates a lot of those duties to
22 me where I'm -- I'm going through all the
23 paperwork. I'm -- I'm conducting interviews. I
24 am working with the poll workers to figure out
25 what happened so that by the time it comes time

1 for certification, I'm reporting to them publicly
2 when we're right or we're wrong, we can improve
3 on and kind of employment issues and hear the
4 final results.

5 They examine them. They look at that
6 comparison and -- and you're right, it's not a
7 precinct-by-precinct comparison on the reports we
8 use, but the numbers are much smaller than total
9 voters who could've voted. And then they vote to
10 certify.

11 So those -- those things are happening,
12 possibly not by the board in many cases because
13 these are volunteers, same as y'all, that have
14 jobs, have lives that they're taking care of.
15 We're full-time employees who were delegating
16 duties too. But I do work for my board to be
17 sure they have the information they need before
18 they certify.

19 So getting to the rule we worked on with the
20 chair, those are the documents that I look at for
21 the most part to ensure everything is balanced.
22 And I do have a similar procedure to what you
23 described in Gwinnett where we're checking
24 supplies, a form I go through and fill out for
25 every precinct or actually polling place, be sure

1 stuff balances, make notes, make sure that
2 everything is as it should be.

3 And, yes, every once in a while there's one
4 less than there should be or one more than there
5 should be. We do our best to explain that, but
6 if we can't, it does not delay certification. We
7 just report it as we should.

8 **MS. KING:** Okay. I just trying to wrap my
9 brain around it.

10 **MR. KIRK:** Okay.

11 (Cross-talking)

12 **MS. KING:** (indiscernible) --

13 **MR. KIRK:** Oh, it's a lot. It really is.

14 **MS. KING:** (indiscernible) and not
15 addressing it.

16 **MS. GRUBBS:** Mr. Chairman, may I?

17 **MR. FERVIER:** Yes, Ms. Grubbs.

18 **MS. GRUBBS:** First of all, GAVREO, we're
19 still not talking about legal votes. So we
20 haven't even dug into the fact that there are
21 legal votes. So that kind of -- you know, kind
22 of sticks in my craw.

23 But on top of that, you know, there are
24 people, good people, who have been candidates and
25 there are people who have been candidates and

1 held elected office on your board and in -- a lot
2 in this room, and it is very, very unfair to
3 candidates that they hang in the balance when
4 there's a question on an election.

5 And it is unfair to election board members
6 to make them -- I mean, look at the definition of
7 certification. We -- and we talked about that
8 last time too. It's a big topic. So certifying
9 an election and then you throw it in the lap of
10 the -- the candidate to say that if you --
11 you know, if there's an issue in your election --
12 and maybe it's outside of the margin a little bit
13 allowed by law, but they just really think there
14 was an issue in several precincts -- and, you
15 know, races are determined by a small number of
16 votes. Okay, well, if you're within the range
17 and you ask for a recount, blah, blah, blah. But
18 if you're outside the range but you just know or
19 you were told something. In Cobb County we've
20 had the whole redistricting and Home Rule issue.
21 There have been lots of issues that a candidate
22 would have a reason to contest an election, but
23 now you've put that candidate -- not only have
24 they had to run a race, but now they're going to
25 have to hire legal counsel. And good election

1 attorneys are hard to find, let me tell you.

2 So you've now put the onus on a candidate to
3 challenge something that is the responsibility of
4 the board of elections and registration just to
5 give them parameters to do their job because
6 right now the only information they're getting is
7 through their little chat thing from the
8 Secretary of State.

9 They're not getting good advice, you know,
10 from people who care like you all. They're
11 getting direction from people that, you know --
12 from people that maybe don't see the same things
13 from the same world view that we do.

14 So they're getting all that hammered all the
15 time and you're not coming back with say: Hey,
16 you know what? These are the things that you
17 need to be looking at instead of taking -- I
18 mean, the Legislature thought enough to remove
19 the Secretary of State from this board and yet
20 you have election offices that are still having
21 to take direction on what's required for
22 certification and they're the ones still saying
23 certify anyway, certify anyway. And we don't
24 care whether they're legal voters or not, certify
25 it anyway. And we don't care if you get the

1 reports that you need to be sure that the numbers
2 make sense. So this is -- I just like my rule.

3 **MR. FERVIER:** Your rule -- your rule doesn't
4 change that. Your rule still requires
5 certification by 5:00, 5 p.m. on Monday following
6 the date which elections are held. Requires
7 certification.

8 **MR. KIRK:** Since you raised the topic of
9 legal and illegal votes. I mentioned before that
10 there are different parts of the process where
11 things are addressed. We address whether or not
12 someone is entitled to vote at the time they
13 register: if they're a citizen, if they exist.

14 We address if they're eligible to vote when
15 they apply for a ballot whether that's done
16 through the mail or in person. We -- we check
17 their identity in person with their photo ID and
18 match that to our records.

19 So, yes, things fall through the cracks.
20 Yes, mistakes are made occasionally. But at this
21 point in the process the assumption is we're
22 trusting our employees' work that checked voters
23 in, that verify their identity. Check the --
24 trusting employees who verify their -- verified
25 the information on their applications originally,

1 that they are eligible to vote and the ballot
2 they were given, you know, and cast is a legal
3 vote. It's just how the process works.

4 If there's issues with the eligibility,
5 that's addressed in the place of the code, not
6 during certification procedures because there's
7 no good way for a board to say: Well, okay, this
8 one person here we don't think they were entitled
9 to vote, we're going to take their ballot out.
10 They have a secret ballot. There's no way to
11 know which ballot was that person's. So
12 there's -- there's no functional way for them to
13 pick and choose which votes are going to count
14 out of a precinct.

15 **MR. FERVIER:** Ms. Grubbs, I think that
16 there's some substantial similarities between our
17 rules.

18 **MS. GRUBBS:** I'm sorry?

19 **MR. FERVIER:** I think that there's some
20 substantial similarities between our rules and
21 some differences. I am willing to work with you
22 to merge them unless you feel like mine is
23 totally out of balance at which point then this
24 board will have to decide which one they want to
25 move forward with.

1 **MS. GRUBBS:** Well, there are some
2 deficiencies. I'm willing to work --

3 **MR. FERVIER:** I feel like yours could be
4 improved.

5 **MS. GRUBBS:** You know, I'm always willing to
6 work with anybody who's willing to work with me.
7 That said, I would -- I would like to give the
8 board the opportunity -- I mean, it's not within
9 my purview, but I think it's -- the issue of
10 requiring documentation if the -- if the legis --
11 not to quote what you said before but to quote
12 what you said before: If the legislator wanted a
13 list in there, they would've put a list in there.

14 And I feel like that legally it's a slippery
15 slope because everything should be available and
16 everything in an election is evidence. And if
17 something were to happen and -- you know, this
18 would be a great world if everybody on the board
19 of elections or every superintendent would make
20 sure that everything was open and transparent.
21 But when you have some boards of election in the
22 state that make their own board members pay for
23 documents, that's just not right.

24 And so I -- I get what you're saying. It's
25 just that this -- this makes sense. I mean,

1 would you debate with your bank over giving you a
2 reconciliation on your deposit? Or would you --
3 would you just -- now, Chairman Fervier, we know
4 that you won a thousand dollars, but I need for
5 you to give us, you know, whatever. Or vice
6 versa. I don't even know what I'm saying at this
7 point. I'm just -- I mean, I do, but, y'all, I'm
8 tired. I've got a heavy burden going on. So I'm
9 just saying that I like my rule and I think it
10 should be up to the board to make that decision.

11 **DR. JOHNSTON:** Mr. Chair?

12 **MR. FERVIER:** Any more questions from the
13 board?

14 **DR. JOHNSTON:** One more question. My
15 concern is this rule supports the statute that
16 says all documents are -- all election documents
17 are available to all board members so that they
18 can be assured that they are signing that the
19 election outcome and tabulations are correct and
20 certify the election.

21 I see your rule is more restrictive in
22 listing certain documents. It's actually more
23 restrictive than the statute provides and would
24 be limited -- it would end up limiting the
25 authority and ability of boards of elections

1 to -- to review the documents. Not to say that
2 they're going to review all of the documents, but
3 they should have the right to review all of the
4 election documents that have taken -- have been
5 provided or produced in the election.

6 So I would favor this -- Ms. Grubbs'
7 petition.

8 **MR. FERVIER:** And I would disagree with you
9 a little bit on that. My -- my rule is simply to
10 give guidelines. So they get to see at least the
11 documents listed in my rule. It doesn't change
12 what's written in the statute.

13 **DR. JOHNSTON:** Well, I fear a guideline will
14 become a restriction. And that -- that's the
15 problem with putting it in writing as it is on --
16 actually restricts and diminishes the authority
17 of the board of elections.

18 **MS. KING:** Yeah. I mean, I have to say I
19 agree. I think adding additional -- or creating
20 a list of documents you have to request and you
21 have to ask for or -- you don't -- you don't know
22 what I'm thinking. What if I need something
23 else? Like what if it's -- what if what I need
24 is not in that list in order for me to
25 corroborate whatever I'm -- I'm seeing?

1 So I think that will create a tricky
2 situation. I think it's put our -- our boards as
3 well in a tricky situation where they have to
4 tell people no. So I just think it's going to
5 make it more complicated. And the last thing we
6 need right now is to be more complicated because
7 it's already too complicated in my opinion.

8 So if that's -- if that's what the merge
9 would be is adding that list, then I -- I think
10 we should move forward with -- with Ms. Grubbs.

11 **MR. FERVIER:** Any more discussion from the
12 board? As I've said before, this board has five
13 options to either initiate rulemaking procedures,
14 to deny the request, to revise the request, to
15 table for further consideration, or to assign to
16 a board member to work on with the petitioner.
17 Is there a motion?

18 **DR. JOHNSTON:** I make a motion to approve
19 the request for Ms. Grubbs' petition for
20 rulemaking.

21 **MR. FERVIER:** Is there a --

22 **MS. KING:** Second.

23 **MR. FERVIER:** We have a motion and a second
24 to approve the petition to initiate rulemaking
25 procedures. Any discussion?

1 Hearing no discussion, all those in favor
2 signify by saying aye. Please give a voice vote.

3 **DR. JOHNSTON:** Aye.

4 **MS. KING:** Aye.

5 **MR. JEFFARES:** Aye.

6 **MR. FERVIER:** Any opposition?

7 **MS. GHAZAL:** Nay.

8 **MR. FERVIER:** Motion carries three to one.

9 **MS. GRUBBS:** Mr. Chairman, may I say one
10 thing? I want to thank you. I know things might
11 seem contentious, but I appreciate you, I
12 appreciate your service.

13 And I appreciate your service and your
14 service.

15 And I appreciate your E.D. and his service.

16 And Mrs. King and Mrs. Ghazal, I appreciate
17 your service because it is service to the state
18 and I thank you.

19 **MR. FERVIER:** Thank you.

20 The next item on the -- next item on the
21 agenda is a petition for amendment of state
22 election board rule presented by Sharlene
23 Alexander.

24 **MS. ALEXANDER:** Thank you. I'm --

25 **MR. COAN:** Sharlene, pull that mic down to

1 you. There you go.

2 **MS. ALEXANDER:** Yeah. I am a tad short.

3 Okay.

4 **MR. COAN:** No.

5 **Petition for Amendment of State Election Board Rule**
6 **presented by Sharlene Alexander**

7 **MS. ALEXANDER:** Honorable members of the
8 state election board, my name is Sharlene
9 Alexander.

10 I come to you with this petition, and it is
11 submitted as an individual. You will learn later
12 part of the reasoning behind my rules petition,
13 but this is as a 33-year resident of Fayette
14 County. I'm quite active. I've been a poll
15 worker. I've been an assistant manager. I have
16 been a poll watcher. And also as background,
17 where I come from, I have been a CPA since 1970.
18 I've been a senior auditor of municipals and
19 audits and banks. I've even been an expert trial
20 witness on embezzlements. That's the way my mind
21 works, that you always have to have checks and
22 balances.

23 And so the reason for this -- I'm going to
24 try to shorten it if that's okay and let you ask
25 questions -- is that prior to 2022 in -- at least

1 in Fayette County and I think most of the other
2 counties, we used to hand-count the totals of the
3 ballots at the precinct. You know people would
4 pull them out of the scanners and we would have
5 three of us go over and we would each
6 individually count all those ballots that came
7 out of the scanner, and then we would wrap them
8 up, you know, and put them in. We would check
9 them with the electronic totals, but it was just
10 a check that we had hand counts of the precincts.
11 We all thought that was just part of the deal and
12 we did it. We didn't really pay much attention
13 to how much time it took. It didn't seem like it
14 was taking a lot of time.

15 And then in October of 2022, first I was
16 told that there was a SB-202 law change that all
17 of a sudden we get this memo from Blake Evans
18 at -- the elections director that poll workers
19 have been told that they are to hand-count
20 ballots at each polling location on election
21 night, that is not something your poll workers
22 should do.

23 So the word came down we were to no longer
24 count -- hand-count the ballots at the precincts
25 based on this memo. No rationale. Just we

1 weren't supposed to do it.

2 So my rule proposal is basically going back
3 to what we used to do, which was you use -- in
4 accounting, if you understand it, you're always
5 looking for -- when you go in you're looking for,
6 yes, do the numbers make sense? We add them up.
7 Do they all crosscheck?

8 But we also are looking for holes or areas
9 of opportunity for errors or for collusion. And
10 you will learn -- the first thing you learn is
11 that if you have two, that is collusion. So you
12 always go with a minimum of three. I can't
13 remember what the odds were back -- it's been a
14 long time, but you have at least three because
15 the odds of collusion go way down if you have
16 three.

17 So that's the reason I picked three, all
18 right? And it's really not that difficult, but
19 my whole purpose is I rewrote -- all I did was
20 add to the section of 21-20 -- wait, I'm sorry.
21 183-1-12-.12(a)(5). All I'm doing is I'm adding
22 that when they pull the ballots out of the
23 scanner, it goes to a separate section with three
24 poll workers.

25 They would take those ballots -- they're

1 going to be in a big pile -- and they each just
2 start pulling those ballots out of the pile. And
3 what we did is we just quickly -- as quickly as
4 we could, we counted them into stacks of fifty.
5 I can't tell you why fifty, but we did fifty.

6 And we would cross -- you know, lay them
7 later crosswise in stacks of 50, and then we
8 would push them to the next person. And it just
9 kept going. Each of us counted out the stack.

10 So at the end result was all three of us had
11 hand-counted and verified and we had to come up
12 with the same number of ballots, hand-counted.
13 Didn't take that long.

14 So my rule is basically saying that we go
15 back to that. If you want to know, the first
16 thing I always get is oh, that's going to take
17 too much time. Well, this was really rough and
18 it probably isn't really very scientific, but we
19 -- because we couldn't remember it taking more
20 than 30 minutes, but we didn't remember how many
21 ballots we were counting -- just this weekend, I
22 had four people plus myself, we went and we got
23 brand-new reams of paper, copy paper -- granted
24 that's different than ballots -- and I said,
25 okay, you each take your ream of 500 pieces of

1 paper and I want you to count them in stacks of
2 fifty, and I want you to time it. We all came up
3 and we were right in the margin of six minutes to
4 do 500 pieces of paper. And -- and, you know,
5 they're not all bean counters like me.

6 So the whole idea is even if you had several
7 thousand -- I mean, if I extended that, that the
8 ballots would be heavier so it would take you
9 longer, let's take it up to ten minutes. You --
10 you could do 3,000 -- right? -- if -- if you
11 could do them in ten minutes at 500 a pop. Ten.

12 So I don't believe that it's going to take
13 that much time. I did this on election day.
14 Quite frankly it should be done every time you
15 open up the scanner. It's just a good
16 crosscheck.

17 And one of the reasons, as I summarize this,
18 from an audit perspective, I believe -- well, I
19 gave three cases that if you had doing
20 hand-counts, I gave, like, three -- three recent
21 incidents in our -- in our county. One was the
22 November 3, 2020, election. This board cited our
23 director and two members of the board who
24 happened to certify those results -- they
25 certified -- the board recommended that they be

1 sent for criminal investigation. And the reason
2 was there was a memory card that was missed.
3 2,760 ballots. I don't want that to happen to
4 me, I can tell you.

5 So that was one thing. You actually cited
6 them as one of -- for investigation. That should
7 not happen. You shouldn't have a situation where
8 you've got memory cards missing, and you haven't
9 even figured out, you know, that they're missing.

10 We also had in early voting precinct, the
11 last day of early voting this year, the ballots
12 were removed from the AIP scanner and the poll
13 manager, she still -- even though she's not
14 supposed to, she still counts the ballots.
15 Because we've seen it too many times. She
16 happened to crawl in that -- in that scanner and
17 there was one stuck to the top of the scanner. I
18 think we've all seen that, whether it's static
19 electricity -- I don't know. But that was
20 another incident that would've been caught at the
21 precinct if we -- if we counted.

22 And finally in Fayette County general
23 primary in May 21, 2024, one precinct had a
24 discrepancy of ballots that happened to be
25 discovered during the risk-limiting audit. And

1 just happened to be the precinct that they --
2 that they pulled. So they sent the -- two
3 technicians to the warehouse where the scanners
4 are kept, and what they found was the write-in
5 ballot bin had not been opened. Had we counted
6 those ballots at the precinct, we would've found
7 that.

8 And so I -- to me it's a simple thing. I
9 mean, I like things to check. I also believe
10 that we've had so many comments and conspiracy
11 theories, and call it whatever you want to, right
12 now everything that we use is all within the
13 electronic system. It's poll pads, it's BMDs,
14 it's the scanners. There's absolutely no
15 crosscheck outside of that electronic system to
16 help us gain more confidence in our elections.
17 And that's what I believe this would do.

18 Thank you.

19 **MR. FERVIER:** Petition --

20 **MS. GHAZAL:** (off microphone) I've got a --
21 (indiscernible) question (microphone on) and you
22 may or may not be able to answer this. When
23 the -- when the ballots drop into the -- the bin
24 because they need to be hand adjudicated on the
25 basis of a write-in ballot, are the -- are the

1 rest -- remaining votes are already scanned and
2 tabulated when that happens and it's simply
3 the -- the -- is that correct?

4 MS. ALEXANDER: Are you talking about
5 when -- when are the write-in ballots scanned?

6 MS. GHAZAL: No.

7 MS. ALEXANDER: No?

8 MS. GHAZAL: When there is a ballot that
9 goes into the -- the separate bin because it has
10 a write-in --

11 MS. ALEXANDER: Yeah.

12 MS. GHAZAL: -- vote on that, the remaining
13 votes that are regular, are those already
14 tabulated so they would be included in the vote
15 totals already?

16 And I -- I see Mr. Kirk. So -- so, in fact,
17 while the ballot itself might not have been
18 counted if you hand-counted, the votes were
19 already included in the vote totals.

20 MS. ALEXANDER: On the scanner.

21 MS. GHAZAL: On the scanner. So --

22 MS. ALEXANDER: Yes.

23 MS. GHAZAL: Because -- here's my issue.
24 We've heard some -- we've heard testimony that
25 when this was piloted, it was problematic because

1 while you as a CPA probably ran an incredibly
2 tight ship every time you did it and there
3 weren't errors, there are other -- there are
4 other counties where there -- they -- after 14
5 hours at work, they could never reconcile the
6 hard numbers correctly.

7 And so where the SB202 came in -- and this
8 is where I'm going to fill in some blanks where I
9 think that were not included in this order --
10 that was where initially there was a hard
11 deadline of 10 p.m. put into place by the
12 legislature where all votes cast, not the -- all
13 election day votes totaled and absentee votes,
14 and that all had to be reported by 10 p.m. that
15 night. And having to count the ballots in the
16 precinct was causing counties to miss that
17 deadline.

18 The first time that we had a hearing after
19 that was put in place, more than half of the
20 counties across the state of Georgia missed the
21 deadline. I suspect that is what led to this
22 order being sent out -- or this advisement being
23 sent out from the Secretary of State's Office,
24 because the -- the procedure was causing -- which
25 is not necessarily required, but the procedure

1 was causing the counties to miss the statutory
2 deadline. So that's just to give some context.

3 Now, there is also a requirement that a poll
4 staffer stands by each tabulator and they can
5 watch as it ticks up. And so they watch every
6 single ballot that goes in, hopefully not -- they
7 are not supposed to see what's on the ballot, but
8 they see that the ballot is being tabulated. So
9 that total number of -- of votes goes in there.
10 That is going to be reconciled with the number of
11 BMD ballots and the number of voters checked in
12 at the end of the day.

13 I have seen one case in which the number of
14 votes that was scanned in was higher than the
15 number of voters that check in. And then it --
16 the -- the ballot box was opened up with
17 permission, the -- the ballots were counted by
18 hand and a problem was found.

19 Would you be consi -- would you be willing
20 to consider a modification where the counties are
21 required to do the hand-count where there's a
22 discrepancy that's identified?

23 **MS. ALEXANDER:** No. No. I'll say this. If
24 you do this at the -- I've had some people say,
25 well, we can do it back at the elections office.

1 You know, after everybody's tried to meet the
2 deadline, the memory cards have come in, and da,
3 da, da, da, da.

4 The problem is with everything that we've
5 had go on since 2020, the whole object of all of
6 this is to check that system, that counter that's
7 going through because if we have a hand-count and
8 that's the number that we're looking at in -- in
9 the precinct, that can't be changed. Once you've
10 got three of them to do it and it's a hand-count
11 and they're all sealed and they go back, any time
12 somebody wants to manipulate -- let's say they
13 do -- with double ballots, double scans, et
14 cetera, that -- you can't come back to those
15 same -- that same count that we did in the
16 precinct.

17 My whole idea of doing it in the precinct is
18 because everything is right there. All the
19 people that have worked the election, all the
20 equipment that's there, and the hand-count is
21 there. If you're missing something, you're going
22 to start turning every table over to try to find
23 what's missing.

24 So I would say you're not going to know a
25 discrepancy until later, and that's too late. I

1 want to find that stuff right now, and I want to
2 check that system. I mean -- sorry.

3 **MS. GHAZAL:** If a -- if a -- if a
4 reconciliation is not done at poll close, then
5 there are procedures that are not being properly
6 followed, I will say. That (indiscernible) --

7 (Cross-talking)

8 **MS. ALEXANDER:** If you don't hand-count it,
9 you aren't reconciling.

10 **MS. GHAZAL:** You're reconciling the number
11 of -- of poll pad check ins, the number of BMD
12 ballots, and the number on -- on the scanner.
13 And my -- and again I will reiterate the reason
14 that this was not put into place is because when
15 it was tested in 2019, it failed.

16 Your -- your experience may not have been
17 that way, but other counties tried it and failed.
18 And I don't want to be setting up our counties
19 for failure.

20 **MS. ALEXANDER:** I would be happy, free of
21 charge, to go around and help train all hundred
22 fifty-nine counties.

23 **MS. KING:** Quick question.

24 **MS. ALEXANDER:** Sure.

25 **MS. KING:** Currently what is the process of

1 checking to make sure that the machine count is
2 accurate?

3 **MS. ALEXANDER:** You have recap sheets right
4 now. As far as crosscheck, you have a recap
5 sheet, you have recap sheets for the poll pads,
6 you know, for the voter check-ins. You have all
7 of your BMDs. And so you have a BMD recap sheet
8 where they take all the totals and the -- and
9 then you have the scanner. You also have the
10 tape, you know, that we print, the three tapes.
11 I have been told -- I've not seen it, I have been
12 told that there can be differences between what's
13 on the scanner and what is on that totals tape.
14 I've never seen it, but let me --

15 **MS. KING:** Particularly if you have two
16 pages.

17 **MS. ALEXANDER:** I'm sorry?

18 **MS. KING:** Particularly if you have, like,
19 two pages and, you know, it can be scanning.

20 **MS. ALEXANDER:** Okay. Maybe. I don't know.
21 This was the tape, the -- you know, the three --
22 the three tapes that you print out at the end of
23 election night. And --

24 But my whole point is, yes, they do the
25 recap sheets. And in most cases those all three

1 will tie in. You would expect that. I mean
2 that's what the system is designed.

3 **MS. KING:** So the recap is -- so basically,
4 like, the scanner shoots out their number and
5 then the recap shoots out another -- the same
6 number again?

7 **MS. ALEXANDER:** Yeah.

8 **MS. KING:** And that's the --

9 **MS. ALEXANDER:** They're -- they're taking
10 the number off of the scanner and putting it on
11 the recap sheet. And then they're doing the same
12 thing if they have ten or twelve BMDs. They go
13 around and take each one. And they add up the
14 totals of the BMDs, and then your poll pads
15 automatically are in sync and so they sync and
16 you have a count -- I mean, they can check it off
17 through the day as to how many voters have
18 checked in.

19 So theoretically all three of those recap
20 sheets are supposed to balance and be the same.
21 Sometimes they're off, you know, maybe four or
22 five ballots in -- I don't know what they do with
23 that or even why that happens.

24 But my whole point is as an auditor, as a
25 bean counter, you have got to have something that

1 checks that electronic system. It would stop a
2 lot of the stuff that everybody's theorizing is
3 going on, you know: the software glitches, being
4 controlled outside from the Internet, and all
5 that stuff. I mean, I don't -- have a
6 hand-count, you know?

7 **MS. KING:** So -- so if this was in your
8 county, if you -- if you received a printout and
9 your recap, everything was -- let's say all
10 your -- all your printouts and one was off, do
11 you immediately go to hand-counting? Or what do
12 you do if the number's off?

13 **MS. ALEXANDER:** You -- well, typically what
14 would happen even on -- on the hand-counts
15 because when we did it -- if let's say we were
16 off one or even two, we would --

17 **MS. KING:** No, no. Before -- I don't want
18 you to go that way. Before we get to the
19 hand-count part, right?

20 **MS. ALEXANDER:** Okay, I'm sorry.

21 **MS. KING:** (indiscernible) an option. So,
22 like, basically if -- if I am -- and please bear
23 with me if I don't have all the terminology. But
24 if the machine spits out a number and says this
25 is the total number of people who voted today,

1 and then the recap come out and said this is the
2 number, and let's say that's off by one or two,
3 the recap -- let's just say it's off, the
4 technology -- is there a method to go in from the
5 precinct level or the county level to verify,
6 like the -- is there -- do you immediately go to
7 a hand-count and say, hey, let's just match it?
8 Or is there -- what do you do?

9 **MS. ALEXANDER:** To my knowledge, what has
10 happened in the past, if they were off when they
11 just, you know, first finished the recap -- and
12 let's say you were off a couple, right? -- the
13 first thing they would do is go back, of course,
14 and -- and re-add, right? You're going to
15 double-check your totals and stuff like that.
16 But they also usually will go around and -- and
17 they actually look under tables and that sort of
18 thing because there's such a thing as an
19 unaccompanied ballot, you know, where somebody
20 left it, you know, in a machine or it fell down,
21 something. It just wasn't scanned.

22 So that's usually what they would do. We
23 would just look and see: Are there's some
24 ballots in place that we missed?

25 **MS. KING:** Okay.

1 **MS. ALEXANDER:** Just within the system.

2 **MS. KING:** And what you're proposing would
3 be that we eliminate the possibility of having to
4 go look for them. You're proposing that we run
5 it through the machine as well, but then we also
6 do a hand-count to make sure that the numbers are
7 accurate.

8 **MS. ALEXANDER:** Yeah. I mean, I'm not
9 really trying to stop if there's two, looking at
10 that. My -- my big thing is in all things, if
11 you were a bank teller, if you were a waitress,
12 how many times did you have to take all your
13 total receipts for the night and -- and verify it
14 with what was wrung up on the machine? It's just
15 a natural part of being accountable. And so to
16 me I want something outside of that electronic
17 system. I think that would stop a lot of the
18 stuff that we're hearing about what's going on in
19 the systems. Do I like the system? Well, maybe
20 it's faster -- won't say I'm crazy -- but I want
21 to check on that thing.

22 I will tell you, I'm also -- I don't think I
23 said I'm a new member of the board of elections
24 in Fayette County. So I have now been through
25 two or three of elections, and now I see a lot of

1 other stuff. This would help me feel a whole lot
2 better, okay?

3 Thank you.

4 **DR. JOHNSTON:** That's got it, thank you. I
5 have -- I have never met Ms. Alexander. And when
6 this petition arrived, I thought it was like a
7 Christmas present. It's exactly what I wanted.
8 It provides uniformity and not just uniformity in
9 accounting, but uniformity across the state.
10 Because my understanding is some counties do
11 hand-count, some counties do not. Some precincts
12 do -- polling places do hand-counts, others do
13 not.

14 And we -- we could make a big step toward
15 achieving uniformity for the state with a simple
16 check-and-balance process. This complies with
17 the standard chain-of-custody practices for
18 documents and necessary chain-of-custody
19 documents. It provides the -- the accounting of
20 the paper audit trail. It is consistent with
21 HAVA requirements to have a system such as this.

22 So I think this is a no-brainer, and I thank
23 you for providing this petition.

24 **MS. ALEXANDER:** Yeah. Can we make clear
25 that we're only hand-counting totals. We're not

1 separating and doing the individual offices.

2 It's just a double-check on totals.

3 **DR. JOHNSTON:** I under -- I do understand,
4 and I assume that this is any ballots that are
5 removed from any ballot box through any part of
6 the election.

7 **MS. ALEXANDER:** Yes, should be. Yes.

8 **DR. JOHNSTON:** So early in person and -- and
9 election night; correct?

10 **MS. ALEXANDER:** Any time ballots are taken
11 out of the scanner --

12 **DR. JOHNSTON:** Right.

13 **MS. ALEXANDER:** -- they need to be counted.

14 **DR. JOHNSTON:** Thank you.

15 **MS. ALEXANDER:** Yes, thank you.

16 **MR. FERVIER:** Any further questions from the
17 board? Is there a motion?

18 **DR. JOHNSTON:** I move that we accept
19 Ms. Alexander's petition and forward it for
20 rulemaking procedures.

21 **MR. FERVIER:** There is a motion to initiate
22 rulemaking procedures on this petition. Is there
23 a second?

24 **MS. KING:** Second.

25 **MR. JEFFARES:** Second.

1 **MS. KING:** Oh, well, Rick -- Rick got it.

2 **MR. FERVIER:** Having a motion and a second,
3 any discussion? Hearing no discussion, all those
4 in favor signify by saying aye.

5 **THE BOARD MEMBERS:** Aye.

6 **MR. FERVIER:** Any opposition?

7 **MS. GHAZAL:** Nay.

8 **MR. FERVIER:** Vote carries three to one.

9 **MS. ALEXANDER:** Thank you.

10 **MR. FERVIER:** We have a -- the chair will
11 entertain a motion for a recess.

12 **DR. JOHNSTON:** (inaudible)

13 **MR. FERVIER:** We have a motion for a recess.
14 Is there a second?

15 **MS. KING:** (inaudible)

16 **MR. FERVIER:** All those in favor?

17 **THE BOARD MEMBERS:** Aye.

18 **MR. FERVIER:** So moved. We will recess for
19 ten minutes.

20 (Recess from 3:20 until 3:30 p.m.)

21 **MR. FERVIER:** The next item on the agenda is
22 hear the petition for amendment of state election
23 board rule presented by David Cross.

24 We have copies.

25 **Petition for Amendment of State Election Board Rule**
 presented by David Cross

1 **MR. CROSS:** All right. For the benefit of
2 the folks in the room that you don't have this
3 document in front of you, I'll read it off here.
4 The petitioner -- this petition is for an
5 amendment to the -- to election rule that
6 incorporates a change to the way ballots are
7 mailed to electors in a way that provides for
8 maintenance of chain of custody for ballots.

9 I filed this -- this petition in good faith.
10 The intent of the rule is to maintain chain of
11 custody of ballots in Georgia elections on behalf
12 of all Georgia voters.

13 Item 2, the full text of the rule required
14 to be amended and desired to be promulgated is
15 with regard to rule 183-1-14-.11, mailing and
16 issuance of ballots -- ballots. And my
17 recommendation to the board is to strike the
18 words "during early voting" as I think it's
19 redundant. As additional applicants for absentee
20 ballots are determined to be eligible, the board
21 of registrars or absentee ballot clerk shall --
22 instead of using the words "mail or issue" --
23 mail by United States Postal Service restricted
24 and tracked mail official absentee ballots for
25 provisional absent -- or provisional absentee

1 ballots, if appropriate, to such additional
2 applicants immediately upon determining their
3 eligibility.

4 Instead of -- as it stands right now, when
5 ballots are mailed, it's the only time we ever
6 lose chain of custody. When ballots are produced
7 at the printer, they are produced under lock and
8 key. When they're sent to the counties, they're
9 kept under lock and key. Then we put a
10 first-class stamp on them and hope that they
11 actually get to the intended recipient. It is
12 the only time that ballots ever lose chain of
13 custody.

14 When you or I go in to -- to vote in a --
15 you know, in a precinct, you have to show your
16 ID. Once your ID is verified, you're then given
17 either a ballot or a ballot card. You go over,
18 make your selections, and a BM -- or a ballot
19 marking device will print out -- will print out
20 your ballot for you. You go put it into the
21 scanner, all under the watchful eye of election
22 workers. So they see that that ballot never
23 leaves the room. In fact, if you try to leave
24 the room with your ballot, without putting it
25 into the scanner, it's like all holy hell breaks

1 loose and they're going to call the police to
2 come and get you, right? But when we mail
3 ballots, we have no assurance that the ballot
4 actually gets to the intended recipient.

5 Now, the reason for the rule and the reason
6 why the -- why it should be amended, again, is
7 because ballots are mailed in first-class -- you
8 know, first-class mail, metered mail, or by a
9 contractor, which is even worse, with the only
10 specification that ballots are not forwardable.

11 So to maintain chain of custody on Georgia
12 ballots, counties should be using -- in my
13 original rule, I put down United States Postal
14 Service restricted delivery service. And I would
15 like to strike that in favor of using UPS or
16 FedEx, all right?

17 Our own Senator Jon Ossoff recently came out
18 a couple months ago and said: United States
19 Postal Service is terrible; I don't think they're
20 going to be able to deliver things on time.

21 And my concern there is that when election
22 time rolls around, we're going to have people
23 saying, Well, Jon Ossoff said that -- you know,
24 that there's no way that the mail's going to get
25 there on time, so we should be able to take in

1 ballots from the postal service for, like, the
2 next week or so.

3 And, again, as you know, in 2020 it took
4 these fantastically fast machines, I think,
5 twenty days -- or not twenty, it took them twelve
6 days to count -- to count the ballots.

7 So, again, the key thing here is that when a
8 ballot is delivered and it's sent by UPS or
9 FedEx, they have the ability to -- to check to
10 see if those -- you know, if that -- if the -- if
11 the delivery is being made to the person it's
12 going to.

13 As it stands right now, the -- the cost of
14 mailing with the United States Postal Service is
15 \$13.65. But, of course, like I said, you get
16 what you pay for. UPS on an unnegotiated full
17 retail rate is \$18.30. So it's a little bit more
18 expensive. And I do have a cost for every county
19 if -- if the board would like to see that.

20 For the entire state of Georgia to have run
21 the election for all the mail-in ballots to be
22 handled properly, it would've cost the entire
23 state \$4,000,500 -- I'm sorry \$4,000,500 -- this
24 is not coming out right. Four million, five
25 hundred, six hundred eleven dollars. So 4.5

1 million is what it would've cost to run it with
2 UPS.

3 All right. So the United States Election
4 Assistance Commission states in their publication
5 best practices for chain of custody regarding
6 ballots, that there are points in the life cycle
7 of the mail -- of the mailed ballot that are
8 important for documentation and chain of custody,
9 including when ballots are received from the
10 printer, when voters request a mailed ballot or
11 an application, when a mailed ballot is
12 transmitted to -- to a voter, when a mailed
13 ballot is collected from a voter, when a mailed
14 ballot has a defect, when a mailed ballot is
15 counted, and when a mailed ballot is stored in
16 the custody of an election official.

17 So one of the key things that's on here is
18 that when a mailed ballot is transmitted to a
19 voter -- so EAC wants the states to be -- they
20 want Georgia to be keeping track of when a
21 mail is -- or when a ballot is transmitted to a
22 voter. So does transmitted just mean when it
23 went out the door?

24 To me, transmitted means that it was sent
25 and it was received and have confirmation that my

1 message was sent and received to the -- to the
2 intended party.

3 The EAC goes on to recommend that signatures
4 help create an auditable record whenever the
5 equipment, supplies, and ballots change hands or
6 location. By signing the chain-of-custody forms,
7 the signers are certifying that they took custody
8 of the voting equipment, supplies, and ballots
9 and delivered them to a particular location.
10 That -- the only time that that's not required is
11 when a ballot is mailed to someone.

12 So delivery using tracking can satisfy the
13 EAC's best practice recommendation because it
14 provides a time-stamp record for each step on the
15 way to delivery. It captures the time of
16 mailing, it captures the time of delivery, and
17 delivery requires proof of identification with a
18 time-stamped signature to verify delivery.

19 One of the next questions that you're asked
20 when you're putting in a rule, it says: Tell any
21 and all pertinent facts as the -- as the
22 petitioner's interest in the matter. And I said
23 I'd personally been contacted by multiple U.S.
24 postal workers who have stated, one, they were
25 instructed by their postmaster to deliver ballots

1 after an election has ended. Two, they have
2 been -- they have observed unsecure, undelivered
3 ballots in their post office. Three, they have
4 picked up large numbers of ballots from
5 assisted-living homes.

6 I'm keenly interested in election integrity
7 if you don't know. And I do not understand why
8 we have such tight security on mailed ballots
9 when they're manufactured, when they're stored
10 securely prior to use, when they're stored after
11 use, but not during use. So there's no tracking
12 that's done on delivery.

13 Item number 5 says any and all facts known
14 to the petitioner that might influence the
15 decision of the board to initiate or not initiate
16 rulemaking. The fact that the letter that I sent
17 had to be sent certified or registered mail per
18 the -- per the SEB rules demonstrates that the
19 state election board values proof of delivery.
20 If this document is required to be sent with
21 proof of delivery, why is the same not required
22 for our ballots? Ballots are infinitely more
23 valuable and consequential than a letter
24 regarding a potential rule change.

25 Now, one thing that's critical, I think,

1 to -- for folks to understand is the United
2 States Citizenship and Immigration Services uses
3 signature confirmation restricted delivery. They
4 were having such difficulty making sure that
5 people's citizenship documentation was getting to
6 them properly and on time that on April 27, 2018,
7 they put out a press release and they announced
8 that day that that agency will be in phasing in
9 use of the U.S. Postal Service signature
10 confirmation restricted delivery service to mail
11 citizenship documents beginning April 30, 2018.

12 So signature confirmation restricted
13 delivery, they said, increases the security,
14 integrity, and efficiency of document delivery.
15 The signature confirmation restricted delivery
16 process provides better tracking and accuracy of
17 delivery information improving service to
18 applicants.

19 So I believe that maintaining chain of
20 custody is critical for election security and for
21 the confidence in our elections. The current
22 Georgia rules and regs require that counties mail
23 ballots and that cost of mailing is the
24 responsibility of the county. It's just what the
25 law says. Opponents of this rule as you heard

1 earlier today said that it's an -- it's going to
2 be like an unfunded mandate. It's going to cost
3 a bunch of money. It's going to restrict people.

4 Now, I don't know about y'all, but I think
5 most everybody has put in a delivery with Amazon
6 and you've gotten your -- you've gotten your box
7 delivered at your house, either by UPS or by
8 Amazon. They can get that thing to you. And if
9 you're not there, they'll hang something on your
10 door that says they'll come back at another time.
11 So this -- this is an easy and proven service.

12 Proponents would argue that voting -- early
13 voting is an unfunded mandate also -- I would say
14 that -- where counties employ election workers at
15 poll places that take in just a handful of voters
16 on some early voting days. Both folks are
17 correct, and yet the counties have found a way to
18 integrate the cost of mailing ballots without
19 assistance or significant impact to their budget.

20 Number six, citations and legal authorities
21 that require that -- the action requested. So
22 O.C.G.A. 34-9-81, contents of written notice and
23 manner of delivery, specifies that with -- with
24 Georgia workers' compensation claims, written
25 notice shall be given personally to the employer

1 or his agent, representative, or foreman or to
2 the immediate supervisor of the injured employee
3 and may be sent by registered or certified mail
4 or statutory overnight delivery addressed to the
5 employer at his last known residence.

6 So if the state is required to deliver
7 unemployment notices or benefits by certified
8 mail, it stands to reason that ballots, being
9 sensitive legal documents also, should be
10 delivered in the same manner.

11 So that is the crux of, you know, the rule
12 change I'd like to see. I'm looking simply for
13 maintaining chain of custody. That's the whole
14 point. That's it.

15 **MR. FERVIER:** Thank you, Mr. Cross. I -- my
16 issue with your rule change is it doesn't allow
17 the flexibility for the county to use other
18 services that might track equally or better than
19 the United States Post Office. I know that when
20 my wife orders frequently through the mail,
21 through either UPS or FedEx or whatever, she
22 knows every step of the way. And --

23 **MR. CROSS:** I'm totally happy to use UPS or
24 FedEx. In fact, I would prefer it.

25 **MR. FERVIER:** Yeah. I'm just saying --

1 but -- but your rule change doesn't allow for
2 that to -- the county to have the flexibility to
3 use whatever service might be cheaper or better
4 than the United States Post Office. So ...

5 **MR. CROSS:** Okay. Well, I'm -- I'm not
6 the -- I'm not the expert on writing the rules.
7 You guys, you know, and the -- and the lawyers
8 behind you are supposed be able to help out with
9 that. I'm amenable to making that change.

10 **MR. FERVIER:** We have a question from the
11 mics.

12 **MR. KIRK:** Just -- yes.

13 **MR. COAN:** Do you want to ask a question?

14 **MR. KIRK:** Oh, no. No.

15 **MR. FERVIER:** Well, you -- you hit the
16 button.

17 **MR. KIRK:** Sorry.

18 **MR. CROSS:** Oh, friendly amendment? I'm --
19 I'm open to a friendly amendment. How about
20 that?

21 **MS. GHAZAL:** The BallotTrax service that
22 USPS provides -- the BallotTrax service that the
23 United -- U.S. Postal Service provides actually
24 provides a step-by-step tracking of exactly where
25 the ballot is, both when it goes in -- but -- but

1 the additional benefit that BallotTrax has is it
2 also tracks the ballot once it is returned into
3 the mail stream by the voter and goes back to the
4 county. It actually provides more certification
5 than what simply a -- a signature requirement.

6 My biggest problem with this is the example
7 of my daughter. My daughter is a college student
8 who lives in Washington DC. She lives in an
9 apartment. And in her apartment they have
10 mailboxes. There is -- there will never be an
11 occasion where she would be able to receive her
12 ballot at her mailbox. She would have to go to
13 her nearest post office. I have no idea where
14 that is. She has no idea where that is. She's
15 never been, I'm sure. And that is the case for
16 thousands of voters who vote by absentee ballot.

17 I agree chain of custody is important, and
18 that's why I think that the Secretary of State
19 should use the BallotTrax service that is
20 available and they pay for and use it in a robust
21 manner so that every voter can actually track
22 their ballot through the system.

23 In terms of certification that it is the
24 voter, the legislature put into place a higher
25 standard of verification through SB202 by

1 requiring both signature and the ID number as
2 well as the voter's date of birth. So this is
3 all PII that nobody else has access to. So
4 there's confirmation that that voter has voted
5 that ballot.

6 But under this rule not only I -- not only
7 does it, I believe, exceed our regulatory
8 authority because of the extreme cost that it
9 puts onto the regulated body, because under the
10 Georgia APA, we have to be able to justify any
11 additional costs that we are -- that -- that we
12 are causing by our -- our regulations and a cost
13 that is 18 times what the current cost is, when
14 the same service can be provided by BallotTrax
15 which is in fact a better service to the voter
16 themselves.

17 I don't think that -- I don't think that
18 this would even pass muster under -- under the
19 Georgia APA. I don't think we have the authority
20 to pass something that is this extreme.

21 **MR. FERVIER:** Does the Attorney General's
22 Office have an opinion on that?

23 **MS. YOUNG:** (speaking without a microphone):
24 I wanted to correct a little bit of a statement
25 earlier about the idea of substituting it.

1 Statutory (indiscernible). Under the APA, if
2 there's going to be any substitution to the
3 proposed rule, you're going to have to resubmit
4 that.

5 **UNIDENTIFIED SPEAKER:** Can't hear.

6 **MR. CROSS:** Has she got a microphone?

7 **MS. GHAZAL:** Here, she can use mine.

8 **MR. CROSS:** Hey, even better.

9 **MS. YOUNG:** So any -- any substantive change
10 to a proposed rule is going to require
11 resubmission of that rule and re-promulgation of
12 that rule with the 30-day-notice period with the
13 changes in it.

14 I would caution that the terms "mail" and
15 "statutory -- "statutory delivery," those are
16 terms of art found outside of our elections code
17 in chapter 1 and nine ten ten. So if we're going
18 to write rules that refer to mail, mail typically
19 means first-class mail. Registered mail,
20 certified mail are also defined terms. And
21 statutory overnight delivery would be the term
22 that you would use for the delivery of FedEx or
23 UPS. So when we're writing rules like that,
24 please try to use that legal terminology.

25 Second of all, the statute --

1 **MR. CROSS:** I'm just a -- I'm just a
2 citizen. I'm -- I had no idea how to write the
3 rules --

4 **MS. YOUNG:** Sure. And I'm -- I'm trying to
5 offer guidance if there's any further drafts of
6 rules that come around. There are statutes that
7 specifically require to absentee ballot delivery
8 by mail. This board is not authorized to change
9 that. If that is a change that is desirable to
10 the people, they need take that up with the
11 legislature and not this board.

12 **MR. FERVIER:** Thank you. Thank you very
13 much.

14 **MS. KING:** Okay. (off microphone) So for me
15 --

16 **MR. FERVIER:** Member King. Hold on.

17 **MS. KING:** Oh, sorry. For me, I have
18 three -- three things that are a little
19 concerning for me. One is not utilizing USPS
20 which means that we will start utilizing an
21 outside vendor, which also means that we'll have
22 to throw out a RFP because we can't direct award
23 to US -- UPS and just tell FedEx to go sit down.
24 So -- can't do that. But so that -- so then it's
25 who's going to review that, who's going to

1 determine that this company gets this award. So
2 that's another -- and I'm always cautious around
3 that.

4 And then the 18 times more cost is -- that's
5 hefty to put on the county.

6 And then lastly, I personally -- I -- I'm
7 one of those I don't like to police -- I don't
8 want to police voters. Now, I do understand that
9 we have to put in parameters, we've got to put in
10 boundaries, we've got to make sure there are
11 rules in place.

12 However, once the ballot is sent out, I
13 don't want to, like, ensure the person has it in
14 their hand. Like, that's up to that person,
15 right? You -- you give them the right address,
16 you make sure it's going to an address that's --
17 that's correct. You get the ballot, you vote,
18 you cast your -- you know, you turn it in.

19 I think that's just the duty of voters. I
20 don't want to police it too much. So that's
21 my -- my concern.

22 **MR. CROSS:** I -- I appreciate that. I'm not
23 really so much concerned about legitimate voters
24 that are -- that are asking for ballots. One of
25 my concerns is -- is about theft of ballots when

1 they're mailed out.

2 So when a ballot is mailed out, it's sent in
3 an odd-size envelope. It's roughly this size
4 (indicating). It's easy to pick out. It has
5 this cool little symbol on it that says,
6 "official election mail," making it easy to pick
7 out.

8 And again my concern has to do with the fact
9 that it seems like it would be fairly simple to
10 be able to pilfer ballots out of mailboxes, out
11 of -- you know, out of mail centers. I think --
12 I think it's fairly -- fairly simple.

13 With regard to BallotTrax being able to
14 track things, my understanding is that it only
15 tracks when it's going back. It's not when it's
16 going to the voter. I mean, I've asked counties
17 to send me anything that will show that -- that
18 they are -- that they're tracking ballots
19 being -- you know, going out. And I've got no
20 such records exist.

21 **MS. GHAZAL:** (off microphone) I will ask --
22 I'm going to -- I'm going to tag Mr. Kirk in
23 this, but I will say that, again, just to be
24 aware that your concern (indiscernible) satisfy
25 private information (indiscernible) (microphone

1 on) available is included as part of the
2 verification process for every ballot that gets
3 returned.

4 So it's a signature plus the -- plus the ID
5 number or copy of an ID or last four digits of
6 the social security number. The vast majority of
7 them are the Georgia ID and -- and date of birth.
8 This is not publicly available information. This
9 is how it's verified.

10 **MR. CROSS:** I can buy that information for
11 everybody in Georgia this afternoon.

12 **MS. GHAZAL:** And then -- but there is no
13 evidence that that has ever happened. There's no
14 evidence. I can think of one case in the last
15 three years where there was -- somebody voted
16 somebody else's ballot. It was caught because
17 the signature was not matched. The voter also
18 said -- it was never counted. The voter reported
19 that she didn't receive her ballot. The reason
20 it was -- it was taken is because she didn't
21 update her -- her mailing address. There has --
22 I have not seen one instance of voter identity
23 fraud.

24 **MR. CROSS:** Okay. Well, in the -- in the
25 interest -- in the interest --

1 **UNIDENTIFIED SPEAKER:** (inaudible)

2 **MS. GHAZAL:** So it --

3 **MR. CROSS:** We're losing -- what's going on?
4 What --

5 **MS. GHAZAL:** Creating -- creating virtual
6 insurmountable barriers for vo -- certain classes
7 of voters, particularly voters who live in
8 apartment buildings over a -- a fear of a problem
9 that has never been manifest as far as I can tell
10 is not an appropriate use of our regulatory
11 authority.

12 But I do -- but I do want to answer your
13 question on the BallotTrax -- and I don't have
14 that -- because I do think that's an important
15 process, and I will ask Mr. Kirk.

16 **MR. KIRK:** So currently -- BallotTrax is a
17 company that tracks ballots the jurisdictions can
18 contract with. Currently my -- my understanding
19 is the state uses that service to alert voters to
20 the information we put in the GARViS when the
21 ballot's sent, when the ballot's received.
22 There's expanded functionality that would track
23 it in the mail kind of like tracking a package
24 through Amazon. But we do not currently use
25 that. But that does exist.

1 **MS. GHAZAL:** So --

2 **MR. CROSS:** Okay. So if the state's not

3 currently using it, can we --

4 **MS. GHAZAL:** I would do --

5 **MR. CROSS:** -- enact a rule to say, hey,

6 let's -- let's use this service?

7 **MS. GHAZAL:** -- everything in my power to

8 try to -- to encourage the Secretary of State to

9 expand their use.

10 I do not -- we -- we don't have the

11 authority to order them to do that, but I

12 certainly think we can strongly encourage, and I

13 would also encourage all of y'all to strongly

14 encourage the Secretary of State's Office to

15 expand the use about BallotTrax.

16 **MR. FERVIER:** (Off microphone) Is there any

17 other questions for the board? Is there a motion

18 on this petition?

19 **MS. GHAZAL:** I move that we reject the

20 petition.

21 **MR. CROSS:** Can I make a change to it before

22 you -- before you vote on it? Very simple.

23 Instead of -- you know, instead of using, you

24 know, U.S. Postal Service, you know, restricted

25 delivery, you know, insert BallotTrax in there.

1 Some -- you know, something that's going to
2 allow -- something that if I as a citizen want to
3 be able to make sure that ballots were sent and
4 actually received, you know, by people to --
5 anybody can see that. It's all in the interest
6 of transparency, and it's in the interest of --
7 of chain of custody.

8 **MR. FERVIER:** (off microphone) The A.G.'s
9 office: Am I correct that you said any changes
10 to these rules would require resubmission?

11 **MS. YOUNG:** (speaking inaudibly without a
12 microphone)

13 **MR. FERVIER:** So we don't have the ability
14 to change it at the meeting?

15 **MS. YOUNG:** No, it would not be appropriate
16 to alter the rule, and it has to do with
17 transparency. The public has a right to know
18 what's being voted on today. So changes to that
19 have to go through that process and be put on the
20 agenda for a future meeting.

21 **MR. FERVIER:** (off microphone) We
22 (indiscernible) violated that at this meeting,
23 right?

24 We have a motion in place to deny --
25 (microphone on) deny initiating rulemaking

1 procedures.

2 Mr. Cross, you are obviously invited to
3 resubmit if you would like to.

4 Is there a second?

5 **MS. KING:** I'll second.

6 **UNIDENTIFIED SPEAKER:** (indiscernible)

7 **MR. FERVIER:** Pardon me?

8 **UNIDENTIFIED SPEAKER:** We have a quorum.

9 **MR. FERVIER:** Yes, we have a quorum.

10 **UNIDENTIFIED SPEAKER:** What about Dr. Jan?
11 Jan (indiscernible).

12 **MR. FERVIER:** This board has a quorum and
13 this board's able to take action based on the
14 quorum present.

15 So we have a motion and a second to reject
16 the petition as presented. Any discussion?

17 **MS. KING:** (off microphone) Yeah, I just
18 want to say, I -- my -- I think (microphone on) a
19 major issue that there's just some challenges
20 with the way it's presented.

21 So I would say to go back to the drawing
22 board and fix some of those issues, like the --
23 the 18 times more is a lot. And like I said, the
24 vendor thing is -- USPS may be your better
25 option, but I don't know. But I just say revamp

1 it and then bring it back.

2 **MR. FERVIER:** We have a motion and a second
3 to reject the rule as presented. Any further
4 discussion? Hearing no further discussion, all
5 those in favor of rejecting the motion as
6 presented signify by saying aye.

7 **THE BOARD MEMBERS:** Aye.

8 **MR. FERVIER:** Any denials? Hearing no
9 denials, the motion carries to deny it three to
10 zero.

11 The next item on the agenda is petition for
12 amendment of state election board rule presented
13 by Orion Danjuma. I'm sorry if I messed that up.

14 **MR. SIMMONS:** (speaking inaudibly without a
15 microphone)

16 **MR. FERVIER:** Orion, I'm sorry.

17 **Petition for Amendment of State Election Board Rule**
18 **presented by Orion Danjuma**

19 **MR. SIMMONS:** Is this -- okay, there we are.

20 Chairman Fervier and esteemed members of the
21 board, and a special welcome to our newest
22 member, Mrs. King, my name is Peter Simmons. I'm
23 the Georgia state policy strategist for Protect
24 Democracy. We're a nonpartisan, nonprofit
25 dedicated to defending the rule of law,

1 protecting democratic norms, and promoting free
2 and fair elections.

3 I've come here today before the board to ask
4 the court to initiate rulemaking proceedings on
5 our proposed rule regulating voter challenges.
6 Since the 2020 election, outside organizations
7 from all across the country have prepared
8 volunteers to challenge voters' registrations and
9 their right to vote in the state. And despite
10 the fact that these -- despite the fact that
11 these challenges depend on unreliable information
12 and place an extraordinary burden on election
13 officials, they have continued to be filed.

14 During the 2020 runoff -- excuse me, expert
15 testimony offered during recent litigation
16 expressed the sense that the record linkage
17 process that challengers are trying to attempt to
18 complete is extremely difficult and has appeared
19 that the architects of these lists have not met
20 their duty to implement adequate quality control
21 measures because these data sets have contained
22 huge numbers of missing values.

23 Additionally, the district court judge who
24 was presiding over the case, despite ruling in
25 favor of the challengers on the issue of voter

1 intimidation under the Voting Rights Act, 11(b),
2 remarked that the challengers' lists verged on
3 recklessness and utterly lacked reliability.

4 Further it's become clear from the record
5 that challengers were warned by an expert working
6 at the secretaries of state -- the Secretary of
7 State's Office at the time, that their lists as
8 presented without individualized evidence would
9 be insufficient to substantiate these challenges.

10 Despite this, hundreds of thousands of these
11 challenges have been filed. However, they have
12 been largely rejected and appear to target voters
13 mostly who are already inactive and therefore on
14 the way to being removed under proper list
15 maintenance activities.

16 This doubling of efforts is inefficient and
17 risks improperly shifting complex -- complex list
18 maintenance activities through activists from
19 election administrators who are not prepared
20 either with the expertise or the necessary
21 information to execute these duties adequately.
22 This risks diverting precious time and resources
23 away from list maintenance activities,
24 ironically.

25 County boards have been forced to interpret

1 both of these statutes, 21-2-22 -- 21-2-229 --
2 that's a tongue twister -- and 230 without
3 adequate guidance. This has led to varied
4 interpretations all across the state which has
5 caused confusion for both voters and election
6 administrators as they have had to expend
7 significant time and resources attempting to
8 comply with the law.

9 The county boards must be empowered to take
10 common sense steps to ensure that they are
11 spending time on appropriate challenges filed
12 appropriately under Georgia law. And voters must
13 be empowered to understand and navigate the
14 process without being allowed to take advantage
15 of it. Both of these objectives are equally
16 important and are critical for our election
17 administration infrastructure to function as
18 intended.

19 In order to accomplish these objectives, we
20 have developed regulations that, first, specify
21 who is eligible to submit a challenge. Second,
22 they standardize the depth and quality of
23 information that electors are required to submit
24 with their challenges. They ensure that the
25 burden of substantiating challenges on their face

1 are properly allocated. And they promote
2 uniformity across counties as it concerns the
3 burden of proof for substantiating these
4 challenges as well as implementing specific
5 deadlines related to certain types of challenges
6 and the difficulties they may face -- they may
7 present.

8 So to start, both 21-229 and 230 -- and I'm
9 so sorry, I can't get my distance right -- state
10 that any elector in a county or municipality may
11 challenge another voter's -- another voter's
12 right to vote who remain registered in the
13 relevant jurisdiction. This clearly restricts
14 participation in the challenge process to those
15 with the right to vote in the -- in the
16 jurisdiction where that voter is challenged.
17 Despite that, we have seen challenges that raise
18 questions about who the actual challenger is.

19 So these regulations will emphasize that the
20 individuals who are not eligible voters may not
21 challenge other voters in the state.

22 Second, it clarifies that even eligible
23 voters may only challenge other voters in the
24 appropriate jurisdiction. And finally it creates
25 guardrails that will allow county officials to

1 adequately determine whether a challenge is
2 properly filed by an elect -- eligible elector
3 and to only expend, not waste, resources on
4 appropriate challenges.

5 Next, both of those statutes also require
6 that challenges be in writing and specify
7 distinctly the grounds of a challenge.
8 Challengers must make well-supported and specific
9 allegations and provide enough information for
10 election officials to understand the reason for
11 the challenge on its face.

12 However, in many instances challengers have
13 offered precious little information to
14 substantiate these challenges and forces -- which
15 forces election administrators to -- excuse me,
16 to bear the burden of substantiating themselves
17 in violation of Georgia law.

18 Even officials who have championed recent
19 legislation regarding voter challenges have made
20 it clear that they believe that they -- we --
21 that they think we have an excessive -- excessive
22 number of challenges -- excuse me -- while some
23 state level leaders of challenge efforts
24 themselves have remarked that others who
25 participated in these efforts may have created

1 lists that may be considered systematic in
2 violation of the individualized nature of the
3 proceedings contemplated under these statutes.

4 The 11th circuit has specified that list
5 maintenance activities can be considered
6 systematic if they did not rely upon
7 individualized information or investigation to
8 determine which names from the voter registry to
9 remove and instead used a mass computerized
10 data-matching process to compare the voter rolls
11 with other state and federal databases.

12 To remedy this, these -- these regulations
13 require challengers to demonstrate that their
14 challenge is part of an individualized inquiry
15 and has utilized processes that are sufficiently
16 rigorous. It also specifies that they must
17 produce sufficient evidence to substantiate these
18 challenges on their face accord -- as required by
19 the statute, and they clarify what can be
20 considered an inappropriate systematic inquiry.

21 Next, section 229 explicitly states that the
22 burden shall be on the elector making the
23 challenge to prove that the person being
24 challenged is not qualified to remain on the list
25 of electors. Despite this, many county boards

1 have assumed sole responsibility of
2 substantiating these claims in violation of
3 Georgia law. This requires election boards to
4 devote significant time and energy to adjudicate
5 these challenges where they need their capacity
6 to be devoted to administering the election and
7 executing their duties effectively.

8 These regulations specify that voter
9 challenges under the statute must meet the clear
10 and convincing evidentiary standard. 229
11 specifies that the challenging elector bears the
12 burden, but the statute fails to define the
13 standard that challengers must meet to meet their
14 burden of proof.

15 We rectify this. Additionally we clarified
16 that challengers can satisfy their burden by
17 producing witnesses with personal knowledge or
18 reliable documentary evidence that substantiates
19 their claim.

20 And finally, section 21-2-230 requires
21 county boards to determine whether probable cause
22 exists to sustain a challenge as the first step
23 of their inquiry under that statute. Many of the
24 challenges filed, as I said before, contain very
25 little information and that leads us to believe

1 that these are being sustained improperly and --
2 because they're appropriately survive --
3 surviving that part of the inquiry.

4 Our regulations define probable cause under
5 this specific instance and in this context and
6 clarify that unproven information and -- and
7 unreasoned accusations cannot form the basis for
8 probable cause.

9 We hope that the board will promulgate these
10 regulations and provide election officials with
11 clear guidelines and electors -- and electors the
12 guidelines they need to adequately engage in this
13 process.

14 Thank you. I'll take any questions now.

15 **MR. FERVIER:** Any questions? Member Ghazal.

16 **MS. GHAZAL:** I am going to take my
17 (indiscernible) as a -- as a board member and do
18 something that I would be horrified if I were in
19 his position --

20 **UNIDENTIFIED SPEAKER:** No.

21 **MS. GHAZAL:** -- and I'm going to ask
22 Mr. Manifold to -- as -- as the election director
23 of Gwinnett County, as a county that has seen
24 some of the greatest burdens, if he could speak.
25 But I'm -- I'm sorry to put you in this position

1 and I've never actually spoken with you.

2 **MR. FERVIER:** Speak into your -- speak into
3 your microphone, member Ghazal. Use your
4 microphone.

5 **MR. SIMMONS:** I yield the well --

6 **MS. GHAZAL:** Yes.

7 **MR. SIMMONS:** -- temporarily.

8 **MR. FERVIER:** You -- you can speak from back
9 there.

10 **MR. COAN:** Do you want to hit your button?

11 **MR. FERVIER:** Hit your button.

12 **MR. MANIFOLD:** All right. Does that work?
13 Can you hear me? All right.

14 No, thanks actually because that's why I cam
15 down here for today, was -- was this rule in
16 particular. I think -- I know GAVREO was
17 supportive of the rule. I do think that we --
18 you know, we've been waiting for a rule from this
19 board for well over a year. I think Judge Duffey
20 did a lot of work.

21 I know there's a lot of behind the scenes
22 work to try to come up with a rule. I met with a
23 lot of people for a long time to try to get to a
24 rule on this to kind of just give counties
25 guidance because I know -- I think even other

1 directors in this room -- we talked about it at
2 lunch today, that it's kind of all over the
3 board. I think we're all trying to do our best
4 work, but there's a lot to take in from
5 conflicting state law and then NVRA laying
6 over -- over top of all that and what we need for
7 a signature from the voter. There's a lot here
8 that needs -- that we could use.

9 Like I said, GAVREO is supportive of this
10 rule. I will point out that -- just one thing as
11 I was reading through this, I do think seven and
12 eight on the -- page 3 could probably be removed
13 because the law changed on July 1st. I think
14 that probably the 230 -- section 21-230 changed.
15 It goes into when a 230 challenge can be filed.
16 Those are now -- it's now 45 days. So that kind
17 of gets outside of -- we start sending out UOCAVA
18 ballots at 45 days. So I do think seven and
19 eight could probably go away in this rule on
20 page 3.

21 But I do think this provides a basic under
22 -- kind of rule to kind of set the guidelines for
23 counties. Talking to my predecessor that had
24 done this job for 27 years before me, who's
25 happily retired, she said that -- you know, some

1 legislative history. I think when this was put
2 in, 229 was very much about "I live at this
3 property, this person doesn't live here anymore."
4 That is what 21-229 -- 21-2-229 challenge is very
5 much about: I have personal knowledge of this
6 property and this voter is not here.

7 And for 20 years that's kind of -- they
8 would have one or two every year that -- that
9 these challenges would come through. You know,
10 usually it was sustained and it usually was
11 somebody with direct knowledge of that parcel and
12 who was living there.

13 And then I think in 2020, they just --
14 either 2018 or 2020 a lot of NCOA lists just kind
15 of started getting dumped onto counties and
16 saying, hey, look these voters aren't here
17 anymore. And I think that just gets away from
18 the original intent of 229, which is a
19 personal -- an individualized knowledge of is
20 that voter still there?

21 I think we see a lot of -- I like to call
22 them just data dumps. It's like here's five or
23 six databases that -- put together that say that
24 this voter's maybe not there anymore. And that's
25 just not -- that's not a certainty. That's not a

1 hundred percent that voter's not there. It --
2 it's just become this kind of -- like I said,
3 like a -- it's not individualized anymore. It's
4 not personal knowledge of -- of that property and
5 that voter. And each one of these is a voter.

6 And so Gwinnett, we've spent a lot of
7 time -- some boards have -- have tossed a lot of
8 these out. In Gwinnett we view it as, hey, this
9 is a challenge to an individual voter. The
10 challenger and the individual voter both have a
11 right for us to look at this, and we take this
12 very seriously.

13 So, you know, in 2022, in August 2022, I
14 think we had something like 35,000 challenges
15 that I walked into our office one day and there's
16 eight boxes of -- Xerox boxes, boxes of
17 information sitting there. And so we spent a lot
18 of time just going through it and what was it?
19 And we didn't want to just toss it out without
20 knowing what it was. But that takes time.

21 I think we spent -- I think I said in
22 there -- mentioned the time, something like six
23 to ten employees --

24 **MR. SIMMONS:** Over several weeks.

25 **MR. MANIFOLD:** -- and those -- yeah, I think

1 something like five or six weeks working full
2 time on that just to get through all that data.
3 And then at the end of the day, we figured out
4 that of that 35,000, I think about 11,000 was
5 actually a 229 challenge. A lot of it was
6 related to absentee voting in 2020 which just
7 isn't a 229 challenge.

8 And then of that, I think it was only, like,
9 5600 or something of those 11,000 were still even
10 registered at that address because the data was,
11 I think, nine -- nine months old from when they
12 had pulled it from the Secretary of State.

13 And so I think counties are spending --
14 trying to do their due diligence, and they're
15 spending a lot of time. And then at the end of
16 the day, it -- it's -- there's not a whole lot --
17 it's not individualized. And so I will say I do
18 think we need rules sooner rather than later.

19 I had -- I got an e-mail yesterday morning
20 with a pending voter challenge. It was a list of
21 34,000 voters. So that's 34,000 more challenges
22 that -- that our board's going to have to try to
23 figure out and deal with. And this -- the one
24 that got submitted yesterday didn't -- it just
25 said that these people were in a new state.

1 There was no date, no information to kind of back
2 it up, even where the data came from. But it
3 still is a challenge that was submitted.

4 So I think -- like I said, I think Judge
5 Duffey came to us, I think, at the GAVREO
6 conference in 2022 and apologized to Gwinnett
7 specifically that there been no guidance provided
8 to counties. And we were put through the
9 situation that we spent six weeks having to go
10 through this data and -- and really dug in.

11 So I think -- I don't know what is going to
12 happen with this rule, but whatever happens we
13 really do need a rule on this so that counties
14 can have some guidance. And I really would like
15 to see us start to move back towards a 229
16 challenge is very much individualized, and you
17 need to have knowledge about the voter at that --
18 at that property.

19 I do think that was the legislative intent
20 decades ago, and I think getting back to that
21 would -- would be a good thing.

22 **MS. GHAZAL:** If -- if I may --

23 **MR. FERVIER:** I --

24 **MS. GHAZAL:** -- ask one other question. I'm
25 sorry.

1 **MR. FERVIER:** Then I'll make a comment.

2 **MS. GHAZAL:** I think it might be very
3 helpful for the folks here also to understand
4 the -- the systematic list maintenance activities
5 that you all do so that -- so that everyone
6 understands what is constantly going on anyway
7 without the challenge process. And I know that
8 there are extra this year that are not -- have
9 not previously been conducted in -- in an
10 election year.

11 **MR. MANIFOLD:** Correct. I think there's
12 something like five different versions of list
13 maintenance that we go -- that we go through each
14 year. Anything from NCOA, the ERIC -- the ERIC
15 list to, you know, if you haven't voted in
16 several general elections, you haven't had any
17 contact, no contact list. So there are, I think,
18 about five different mail -- large mailings that
19 we're conducting every year to try to clean these
20 up.

21 At the end of the day, I think the greatest
22 frustration even from the public is that it all
23 comes down to the fact that the NVRA only gives
24 us two ways to remove a voter. They either --
25 the voter's got to come back to us with a

1 signature, saying, Hey we're moving, I'm no
2 longer registered. Or they've got a -- if they
3 don't return that, we've got to go through that
4 confirmation process and they have to go two
5 federal election cycles.

6 And I get it. It's frustrating. I --
7 sometimes I get frustrated with how long it takes
8 for us to get through the confirmation process.
9 But at the end of the day, it's Congress that set
10 it and we have to go back to them. And when I
11 met with them -- when I go to DC, I talk to
12 Congress, our -- our congressional delegation,
13 all them. We could use some fixes and updates at
14 NVRA.

15 So I get it. I get the frustrations, but at
16 the end of the day, it feels like the 229 process
17 currently is trying to be used to speed up the
18 confirmation process. And I just don't think
19 that's the proper use of a 229 challenge.

20 **MR. FERVIER:** Thank you. I --

21 **MS. REARDAN:** (speaking inaudibly without a
22 microphone)

23 **MR. FERVIER:** In just -- yeah, just one
24 moment. If you'd press your button, then at some
25 point I will ... okay.

1 I appreciate you presenting this. I feel
2 like there's a lot to unpack with this rule
3 change. And I personally -- I don't feel like I
4 have the ability to make a really educated
5 decision on it today. I would like to better
6 know the intent of the legislature with what they
7 put into law this year and how that would be
8 impacted by this rule change myself. I mean, I'd
9 like some more time to -- to look at this. I
10 don't feel like I've had enough time to really
11 study it and ask the right questions of the
12 legislature itself.

13 That's just my personal thing. I don't want
14 to make an educated vote today on something that
15 I don't fully understand the impact of.

16 So number 14.

17 **MS. REARDAN:** Thank you. Thank you, chair.
18 My name is Pamela Reardan, and I'm in Cobb
19 County, and I'm very familiar with vote
20 challenges and this new legislation and the rule
21 changes as of July the first.

22 This rule that you are proposing is
23 preposterous at the least. So I'm just saying
24 that -- it's very simple. It's very simple. If
25 the counties want to really clean up the voter

1 rolls, they can make the citizens that are
2 helping regis -- they can make them deputy
3 registrars and they can work with the county and
4 they can help clean up the rolls.

5 They are not taking data from anywhere and
6 everywhere. They are taking data from other
7 states, secretary of states, and they're
8 comparing the NCOA -- they start with that -- and
9 then they -- then they take another data point if
10 the person has moved to another county or another
11 state. And they're registered in another state.
12 They voted in another state. They should be
13 automatically removed from our voter rolls.

14 It is a no-brainer. And it is in the
15 legislation. It is in the NVRA that you
16 conveniently bring up, but it says that is on the
17 onus of the state to clean up the rolls and do
18 voter maintenance on the roll -- rolls.

19 And then the Secretary of State, Blake
20 Evans, has said -- I have the e-mails -- that
21 every single county has to do their own voter
22 roll maintenance. That is the procedure, and
23 that is NVRA stamped, if you want to call it,
24 okay? It's -- they stamped it. That's what they
25 do.

1 Congress, this week, is actually voting on
2 the Save Act which will change the NVRA at some
3 future time. But the Save -- that's not this
4 week, sorry, that's coming.

5 The Save Act is the noncitizens voting, and
6 that is a real problem that we're facing right
7 now because we can't verify that they're -- the
8 citizens -- that the people who are voting are
9 all citizens because we're not at the DDS asking
10 them for their papers when they change their
11 driver's license or get a driver's license.

12 And it's -- it's on the honor system right
13 now, folks. The honor system. And I don't
14 really think that 15 million people coming across
15 our border, invading us, is an honor system.
16 Okay?

17 **UNIDENTIFIED SPEAKER:** Mr. Chair --

18 **MR. FERVIER:** We -- I'm sorry, we're --

19 **MS. REARDAN:** And we have multiple problems.
20 I know I got off track.

21 **MR. FERVIER:** We're going far afield of what
22 we're trying to discuss today.

23 **MS. REARDAN:** But we're going off facts --
24 that's right. But there is a way to fix this.
25 We -- there is in the law right now, July 1st,

1 okay. NCAO data, the data that the Secretary of
2 State just released to the counties -- our county
3 said, well, we're not going to look at it.

4 **MR. FERVIER:** Well --

5 **MS. REARDAN:** No. We -- we are going to
6 look at it because that's the law. And that's
7 why you guys have to have a rule. This is not
8 the rule though.

9 Thank you very much.

10 **MR. FERVIER:** Thank you. Thank you.

11 Member King.

12 **MS. KING:** Yeah. So I have some -- some
13 serious concerns about this, and that's because
14 it says: Electorates making such challenges must
15 meet this burden by -- and this is where I have a
16 major issue -- it says, identifying and producing
17 witnesses who can demonstrate personal knowledge
18 of the circumstances proving the challenged
19 voters ineligibility.

20 I love Colombo, love Nancy Drew. But I
21 don't want my neighbors to be -- to start
22 rounding up other neighbors to tell -- to come
23 and testify against me or something. That
24 becomes way, way, way too much. And there's a
25 couple of -- there's a couple of things in here

1 that alludes to just kind of making -- making the
2 neighbor become the investigator. And we're not
3 paying the neighbor. You know, we're -- we're
4 paying these officials that are at these county
5 offices. And it's unfortunate that, you know,
6 there are so many.

7 And here's where I stand. I agree with you.
8 I had a personal friend who has voted God knows
9 how -- how many times and her -- she was
10 challenged because she didn't have the northwest
11 on her address. And that's ridiculous. Like
12 that's when it starts to become ridiculous.

13 And I do think this can get completely out
14 of hand. I feel like while we're trying to
15 reduce neighbor investigations, that you're
16 creating more of that because it's just too
17 strenuous. I -- I don't want our neighbors
18 having to do that. So ...

19 **MR. SIMMONS:** Yes, ma'am. So actually the
20 statute, 229, anticipates that the board of
21 registrars or board of elections would subpoena
22 witnesses and that -- documents, papers, and
23 other materials to prove the case in their
24 proceedings.

25 So the statute actually itself contemplates

1 a quasi-judicial set of proceedings similar to
2 administrative proceedings like this one or the
3 FEC or the ethics board.

4 The intent of that part of the rule is to
5 reemphasize that the elector who bears the burden
6 according to the statute is doing their due
7 diligence to take the burden off of the election
8 officials, like those in Gwinnett County, that
9 had all day every day for six weeks when the
10 statute requires the elector, like a complainant,
11 to issue enough evidence to prove their case.

12 So in this situation, the board of elections
13 is more of a judge or quasi-judicial body, not an
14 investigator. And the --

15 **MS. KING:** Board of elections; correct.

16 **MR. SIMMONS:** Correct.

17 **MS. KING:** For the -- what -- I don't want
18 your -- our neighbor to become the judge, right?
19 Like, that's the point I'm making. I don't want
20 the neighbor to be out there subpoenaing
21 neighbors to come and testify on behalf of their
22 other neighbors.

23 **MR. SIMMONS:** Well, member King, that
24 appears to be the intent of the legislature. So
25 because this is based on an individualized

1 inquiry, and it contemplates subpoenas for
2 witnesses similar to the language in my
3 regulations, the neighbor investigations are
4 built in. This would actually standardize the
5 procedures for those type of investigations and
6 create a more orderly --

7 **MS. KING:** Well, this is --

8 **MR. SIMMONS:** -- unified process.

9 **MS. KING:** -- asking them to do that to
10 challenge.

11 **MR. SIMMONS:** Say again.

12 **MS. KING:** This is asking them to do that in
13 order to challenge. You're asking them to
14 produce witnesses that have personal knowledge in
15 just a challenge.

16 **MR. SIMMONS:** Yes, ma'am. That's what --
17 that's what the statute contemplates. They
18 produce witnesses for the statute. In fact, I
19 can read the language of 229 if you'd like.

20 **MS. KING:** Okay. I have some other issues.

21 **MR. SIMMONS:** So that would be 229.

22 **MR. FERVIER:** Would -- twenty-six?

23 **MR. SIMMONS:** 229(c).

24 **MS. KING:** Yeah. Yeah. I had some -- a
25 couple of other issues, but ...

1 **UNIDENTIFIED SPEAKER:** (speaking inaudibly
2 without a microphone after which the microphone
3 was turned on) I just want to reiterate
4 Ms. Reardon's (inaudible). One of the most
5 important mandates that the counties in the state
6 have is to maintain a precise and active voter
7 roll. If they don't have the resources or the
8 staff to do it, I would personally volunteer to
9 get it done. You can check my résumé. You can
10 check my (indiscernible). I would gladly help,
11 and once it's done, I will go away and
12 (indiscernible), but let's get the voter roll
13 (inaudible).

14 **MR. FERVIER:** Thank you.

15 Member Ghazal.

16 **MS. GHAZAL:** I -- I think it's really
17 important to differentiate between list
18 maintenance and voter challenges. And that's the
19 problem. These are two different things. List
20 maintenance is -- is the process by which the
21 counties maintain clean voter rolls. And the
22 11th circuit, which is binding on Georgia, says
23 that any list -- any voter challenges that are
24 based on a systemized -- systematized search on a
25 database, that is list maintenance activity, and

1 therefore you have to follow the procedures
2 written out in 52 USC 20507 which is the National
3 Voter Registration Act.

4 And they are very, very strict and very
5 stringent, and this is where the frustrations
6 that Mr. Manifold was talking about come up.
7 Because in order to be removed from -- through
8 list maintenance, you have to put a voter through
9 two federal election cycles if you don't have
10 their signature on a piece of paper.

11 Now, their signature can come through their
12 voter registration from another state. If we
13 have a copy of their voter registration record
14 from another state, then we can remove them. And
15 the way we get that data is through ERIC. ERIC
16 is the only procedure that allows us access to
17 that. Because the -- the publicly available
18 databases that are used for this do not have
19 personal identifiable information.

20 This is why in our last meeting, I made the
21 point. We received a list of name of 60 people
22 who allegedly had voted twice. As it turned out,
23 two-thirds of that list were not the correct
24 matches. People had ident -- somebody in the
25 public identified two -- two different names that

1 were the same but their personally identifiable
2 information turned out they were different
3 people. It's shocking how many different people
4 there are, how many different Sarah Tindalls or
5 Joe Smiths who were born in 1968 are.

6 So the -- the risk of false positives
7 through these mass databases is much greater than
8 the risk of missing somebody who happens to be
9 registered in two -- two states. That is why the
10 National Voter Registration Act has these
11 safeguards built in. And that's why
12 personalized -- personal knowledge is required
13 and -- and individualized data for a voter
14 challenge.

15 These are two different procedures and they
16 are -- with two different pathways to follow.
17 List maintenance is one, voter challenges are
18 another. And I -- and -- and the public very
19 frequently mixes those two up.

20 **MR. FERVIER:** Number 28.

21 **MR. BARTELSKI:** Hello? Is it live?

22 **MR. FERVIER:** Yeah.

23 **MR. BARTELSKI:** Okay. I spoke earlier in
24 the public comments, and I just want to reiterate
25 again that if everything was needed to be so

1 individualized, and with due respect to the
2 director from -- from Gwinnett, in those days
3 when -- when these laws were set up, we had paper
4 ballot book -- paper poll books and we had paper
5 ballots. Things have changed. We're in the 21st
6 century. We have computers. We have a lot of --
7 everything gets done with computers. Everything
8 through Amazon, through FedEx, the doctors, the
9 health, everything's done through computers. So
10 we have to live with the fact that we have
11 computers.

12 I resent that a lot of the time you were
13 saying that the data that's being used is not
14 known. The data that is used in a lot of these
15 tools is exactly the same data that's used by
16 ERIC. So if our data's not good, then ERIC's not
17 good.

18 Now, actually ERIC is not good because the
19 director, again there from Gwinnett -- and I know
20 other counties as well -- they complain that --
21 he's just complained that he got a list of 34,000
22 challenges, right? I know that most of these
23 challenges are correct. Even if you say, okay,
24 we make mistakes. 1 percent, 5 percent,
25 10 percent, right? You're still at 30,000

1 registrations that should not be there.

2 And, I mean, if -- if you look at the law,
3 228 -- 21-2-228 puts the onus firmly on the board
4 of elections. They are the ones responsible for
5 correct voter rolls. NVRA does the same thing.
6 And just now we were told, well, the NVRA has
7 list maintenance and they've got to be on the
8 rolls in an active status, you've got to wait
9 two -- two federal cycles. That's also not true.

10 NVRA actually says if a person has in
11 writing said that they are in a new location,
12 then they can be taken off the rolls immediately
13 without waiting. What is that in writing?
14 Doesn't say that the county or the state where
15 they moved from needs to see that piece of paper,
16 just says it has to be in writing. Applying for
17 a driver's license, applying for a voter
18 registration in your new state is -- answers the
19 NVRA.

20 **MR. FERVIER:** Thank you. Thank you.

21 We have several people that want to speak.
22 Let's try and keep our comments to about two
23 minutes, if you don't mind, in the back corner.

24 **MS. PRETTYMAN:** Thank you. Amanda
25 Prettyman, Bibb County.

1 I just wanted to share that my family moved
2 from Bibb County to North Carolina in 2014. We
3 bought their house in 2015. Their registration
4 cards stayed there and ours came there too. So
5 it looked like four voting adults lived in that
6 house when we never lived with them.

7 And then we since moved, I believe, in 2018
8 or so to our current home, and their voter
9 registration cards followed us. In 2020 prior to
10 the election, we thought we'd do our small part
11 to clean up the voter rolls, and I contacted my
12 county. They said, no, you can't do it. Your
13 family has to. So I contacted my brother-in-law,
14 said, hey, would you mind doing this? So he
15 reached out to the county as he believes in
16 having clean voter rolls, and -- and they told
17 him what to do. I followed up with him. He said
18 he did what they told him to do. He remained on
19 the voter rolls. I only was able to get him
20 removed with a change of registrars, and it was,
21 I believe, just this past year.

22 So the -- you know, what you're saying,
23 individual challenges, there are counties who
24 aren't even following the law with that. And
25 this is optional. You're not required to be on a

1 voter -- it's an optional list, right? And so he
2 wanted to be off our list, and they would not
3 remove him.

4 And then recently Bibb tossed several -- I
5 don't remember the number, but challenges to
6 voters who had moved to North Carolina and the
7 voter registrations were provided. Each one was
8 printed, but they did not look at that at all
9 that I know within my family. You know, they
10 weren't in that list, but they are proof that
11 they were actual people who lived in North
12 Carolina.

13 So I could have requested an absentee, they
14 could've requested it, and Bibb would've counted
15 that absentee because it -- it would've looked
16 like they belonged in Bibb County when they
17 didn't. Obviously we didn't do that because
18 we're honest and he is too. But that was a
19 potential scenario, and it's why the voter rolls
20 need to be clean and accurate.

21 **MR. FERVIER:** This could go on for a while.
22 I understand there's a lot of people that want to
23 talk and we've heard a lot of comments already.
24 The board --

25 Would the board like to hear more

1 information or is the board ready to make a
2 motion?

3 **MS. GHAZAL:** I would move to accept the --
4 the petition and initiate rulemaking.

5 **MR. FERVIER:** Would you consider an
6 alternative motion to table this issue for
7 further consideration?

8 **MS. GHAZAL:** I withdraw my motion.

9 **MR. FERVIER:** The chair will exercise its
10 right to make a motion and will make a motion to
11 table this petition for further review.

12 **MR. JEFFARES:** (speaking without a
13 microphone) I second that.

14 **MR. FERVIER:** There's a motion and a second
15 to delay -- or to table this petition for further
16 review. Any discussion? Hearing no discussion,
17 all those in favor signify by saying aye.

18 **THE BOARD MEMBERS:** Aye.

19 **MR. COAN:** (speaking inaudibly without a
20 microphone) Is the motion (inaudible)?

21 **MR. FERVIER:** Aye. Any dissent? Hearing no
22 dissent, motion carries, four to zero. This will
23 be tabled for further review.

24 **MR. SIMMONS:** Thank you very much for your
25 consideration and your deliberateness.

1 **MR. FERVIER:** I'm sorry about those who
2 didn't get to speak. I felt like that was the
3 appropriate action to take at this time so the
4 board can further consider this.

5 If you have comments, we'd appreciate that
6 you send them to us, through the board's website
7 or e-mail so that we can consider those.

8 I'm at a quandary now in that we are quickly
9 approaching 5:00. We have --

10 **MS. GHAZAL:** Is Ms. Lee here?

11 **MR. FERVIER:** -- seven -- huh?

12 **MS. GHAZAL:** Is Ms. Lee here? I think we
13 can just --

14 **MR. FERVIER:** I'm sorry?

15 **MS. GHAZAL:** Is Ms. Lee here at the
16 (indiscernible). Because I believe Ms. --

17 **MR. FERVIER:** Ms. Lee?

18 **MS. GHAZAL:** Yes.

19 **MR. FERVIER:** Is Ms. Lee here?

20 **MS. GHAZAL:** I think this is one we can
21 dispose of very quickly.

22 **Petition for Amendment of State Election Board Rule**
 presented by Gail Lee

23 **MR. FERVIER:** Okay, Ms. Lee. We'll hear one
24 more today, and then we will -- tomorrow we will
25 hear the rest of the petitions, starting at

1 9:00 in this -- this room here.

2 The next item on the agenda is to hear a
3 petition for amendment of state election board
4 rule presented by Gail Lee.

5 Ms. Lee, you have the podium.

6 **MS. LEE:** Okay. My name is Gail Lee. I'm a
7 concerned citizen, living in DeKalb County.
8 Thank you for hearing and considering my proposed
9 rule amendment.

10 The most basic metric of any election is
11 that the number of ballots cast should equal the
12 number of voters who cast a ballot with minor
13 adjustments for individual situations.

14 In DeKalb County certification meeting for
15 the May 21st primary, the number of voters who
16 cast a ballot was reported to be 94,317, but the
17 reported number of ballots cast was a hundred
18 eighty-five thousand five hundred thirty-six.

19 The executive director explained the
20 91,000-ballot discrepancy was due to some ballots
21 having more than one page since the machines only
22 count pages. I found that disturbing. How can
23 we know ballots are not being inserted? How many
24 had multiple pages? While poll watching, I did
25 not observe multiple pages being put through the

1 scanners. Perhaps I just missed it.

2 I did however observe that absentee ballots
3 had multiple pages. There were approximately
4 3200 absentee ballots in DeKalb's primary. If
5 they each had four pages, that would only be
6 13,000 pages. Where could all those other
7 ballots -- cast ballots be coming from?

8 Then I found SEB rule 183-1-12-.12(e),
9 reconciliation report. The rule requires
10 counties within 30 days following certification
11 of election results to transmit to the Secretary
12 of State a report that reconciles by precinct the
13 number of ballots cast to the number of voters
14 who received credit for voting. If the numbers
15 do not match, the superintendent is to conduct an
16 investigation and explain and report any
17 discrepancies.

18 Surely, I thought, that would clear up any
19 discrepancies for me and anyone else who has seen
20 similar election results in their counties.

21 Thus, I propose this rule amendment to have
22 the counties post the required reconciliation
23 report on their websites when they submit the
24 form to the Secretary of State. Transparency is
25 important for the public to have confidence in

1 our election results, and this rule imposes a
2 very minor effort for compliance.

3 However, last week I received a copy of the
4 reconciliation report for DeKalb County through
5 an open records request. Sadly, it did not clear
6 up the discrepancy because it showed ballots cast
7 by precinct of 94,315 reconciled back to 94,319
8 voters credited, a difference of just four.

9 There was no mention of the 185,000 cast
10 ballots that were in the official and certified
11 election results. So my proposed rule, while
12 informative for the public, will not enhance
13 accountability if counties don't have to explain
14 the numbers they've already officially reported.

15 Now I'm just a citizen wanting to ensure
16 accuracy in our elections, and there's plenty I
17 don't know. But it seems to me that the
18 certified number of ballots cast should be
19 reconci -- reconciled to the number of voters who
20 have cast a ballot. That's all.

21 **MS. GHAZAL:** (speaking inaudibly without a
22 microphone after which the microphone was turned
23 on) whether this -- this information is published
24 by each county or by the Secretary of State?

25 **MS. LEE:** I think it should be published by

1 the counties.

2 **MS. GHAZAL:** Okay.

3 **MR. FERVIER:** (speaking inaudibly without a
4 microphone) Are there any other questions from
5 the board? The board will entertain a motion on
6 the petitioner.

7 **MS. KING:** (speaking inaudibly without a
8 microphone) I make a motion that we accept this
9 petition -- oh, wait (inaudible) and promulgate
10 rulemaking. Initiate rulemaking.

11 **MR. FERVIER:** A motion has been made by
12 member King that we -- that this board initiate
13 rulemaking procedures on this petition. Is there
14 a second?

15 **MR. JEFFARES:** Second.

16 **MR. FERVIER:** There is a motion and a second
17 to initiate rulemaking procedures on this
18 petition. Any discussion? Hearing no
19 discussion, all those in favor of initiating
20 rulemaking procedures on the petition signify by
21 saying aye.

22 **THE BOARD MEMBERS:** Aye.

23 **MS. GHAZAL:** To make sure this is on the
24 transcript, Dr. Johnston is participating by
25 phone here.

1 **MR. FERVIER:** Did you ask Dr. Johnston?
2 **MR.COAN:** I'll ask her one more time.
3 Jan, how would you like to vote on that?
4 Just give it a -- give us an aye. Give us a loud
5 aye.
6 **DR. JOHNSTON:** (via phone) Aye.
7 **MR.COAN:** Okay. So let it be.
8 **MR. FERVIER:** Any nays?
9 **MR. COAN:** Thank you.
10 **MR. FERVIER:** Hearing no nays, the motion
11 carries, four to zero.
12 **MS. LEE:** Thank -- thank you.
13 **MR. FERVIER:** I don't believe that we need
14 to go into another rule petition at this time.
15 The board will entertain a motion to recess until
16 tomorrow morning at 9:00.
17 **MS. GHAZAL:** So moved.
18 **MR. JEFFARES:** Second.
19 **MR. FERVIER:** We have a motion and a second
20 to recess. All in favor signify by saying aye.
21 **THE BOARD MEMBERS:** Aye.
22 **MR. FERVIER:** The motion carries four to
23 zero. Thank you.
24 (Recessed at 4:53 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 Steven Ray Green Court Reporting, LLC and the electronic signature is attached thereto.

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 12th day of August, 2024.

****Mary K McMahan****

Mary K McMahan, CCR
Certified Court Reporter
Certificate Number 2757