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THE OFFICE OF SECRETARY OF STATE  
STATE OF GEORGIA

IN THE MATTER OF:  
STATE ELECTION BOARD MEETING  
Atlanta, Georgia  
Monday, August 19, 2024  
via Microsoft Teams  
9:00 a.m.

**APPEARANCE OF THE PANEL**

John Fervier, Acting Chair  
Sara Tindall Ghazal  
Janice Johnston  
Janelle King  
Rick Jeffares

Mary K McMahan, CCR, 2757  
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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  |                                                                                             |              |
| 8  | <b>TABLE OF CONTENTS</b>                                                                    | <b>Page:</b> |
| 9  | Public Comment .....                                                                        | 5, 380       |
| 10 | Discussion and Voting on Proposed Rule Amendment<br>to SEB Rule 183-1-12-.12.....           | 70           |
| 11 | Discussion and Voting on Proposed Rule Amendment<br>to SEB Rule 183-1-12-.12(a)(5).....     | 132, 228     |
| 12 | Discussion and Voting on Proposed Rule Amendment<br>to SEB Rule 183-1-12-.12(e).....        | 193          |
| 13 | Petition for Amendment of State Election Board<br>Rules, presented by Debbie Dooley.....    | 207          |
| 14 | Petition for Amendment of State Election Board<br>Rules, presented by Lucia Frazier.....    | 235          |
| 15 | Petition for Amendment of State Election Board<br>Rules, presented by Lucia Frazier.....    | 273          |
| 16 | Petition for Amendment of State Election Board<br>Rules, presented by Marilyn Marks.....    | 297          |
| 17 | Petition for Amendment of State Election Board<br>Rules, presented by Erik Christensen..... | 321          |
| 18 | Petitioner for Amendment of State Election Board<br>Rules, presented by Lucia Frazier.....  | 360          |
| 19 | Discussion of Fulton County Monitor Proposal.....                                           | 367          |
| 20 | Signage .....                                                                               | 368          |
| 21 | Reporter's Certificate.....                                                                 | 391          |
| 22 |                                                                                             |              |
| 23 |                                                                                             |              |
| 24 |                                                                                             |              |
| 25 |                                                                                             |              |

P R O C E E D I N G S

**MR. FERVIER:** So we'll call to order the Monday, August 19, 2024, meeting of the state election board, Georgia State Election Board. I appreciate everybody that is attending today virtually. It looks like we have about 256 individuals online so far, and I hope everybody can hear and see appropriately. We're all in different locations today and we will do our best to make this work as easily as we can.

I do want to address something first of all. I've had a lot of comments that have been sent to me about having this meeting virtually from a lot of members. This board has -- this will be the third meeting this year that this board has had virtually. And prior to this year, the board went almost two years having virtual meetings.

So having a virtual meeting is not something that's unknown to this board. And due to some recent circumstances, we felt that it was necessary to have this meeting virtually. It does not mean that meetings in the future will be virtual. They will be taken on a case-by-case basis, depending on what the circumstances are at the time. But it was necessary to do it this

1 time. It's not something that, like I said, is  
2 unusual for this board or other boards in the  
3 state. And this is, like I said, the third time  
4 this year that this has been done.

5 With that in mind, we will start with the  
6 invocation and the Pledge of Allegiance.

7 Dr. Johnston, would you help us with the  
8 invocation?

9 **DR. JOHNSTON:** I would be glad to.

10 (Invocation)

11 **MR. FERVIER:** Thank you, member Johnston.

12 Member Ghazal, would you lead us in the  
13 Pledge of Allegiance, please.

14 (Pledge of Allegiance)

15 **MR. FERVIER:** Thank you, member Ghazal.

16 The next item on the agenda is the approval  
17 of --

18 **DR. JOHNSTON:** Mr. Chair.

19 **MR. FERVIER:** -- board meeting minutes.

20 Yes.

21 **DR. JOHNSTON:** Mr. Chair, this is member  
22 Johnston. I'd like to make a -- amend the  
23 agenda, hopefully, if I may.

24 **MR. FERVIER:** What request -- what amendment  
25 would you like to make?

1           **DR. JOHNSTON:** I'd like to add to old  
2 business the item of U.S. citizen-only signs.

3           **MR. FERVIER:** Without any dissent from other  
4 members of the board, we'll add that to the  
5 agenda as item number (c) under old business.

6           **DR. JOHNSTON:** Mr. Chairman, may I request  
7 one more amendment to the agenda?

8           **MR. FERVIER:** And what is that Dr. Johnston?

9           **DR. JOHNSTON:** To have a set meeting date  
10 and place for the next meeting before we adjourn  
11 today.

12           **MR. FERVIER:** Without dissent, that'll be  
13 added to the old business.

14           **DR. JOHNSTON:** Thank you.

15           **MR. FERVIER:** The next item on the agenda is  
16 approval of board meeting minutes from the  
17 meetings on August 6th and 7th, 2024. I've been  
18 informed that those meetings are not available  
19 yet for presentation to the board. So we're  
20 going to refer those or delay those until the  
21 next meeting for approval.

22   **Public Comment**

23           The next item on the agenda is the public  
24 comment section. We've had 48 people that have  
25 signed up for public comment. The same as our

1 last meeting, we will hear the first 30 people  
2 for public comment and -- at the beginning of the  
3 meeting. We ask that you keep your comments to  
4 two minutes, please. When you get close to two  
5 minutes, you will hear me lightly tap on the  
6 gavel, and then at two minutes we will cut off  
7 the discussion and move to our next -- next  
8 person.

9 The -- Alexandra Hardin, our paralegal, has  
10 the list of individuals that will be speaking,  
11 and so she will call them. And we will hear from  
12 the first 30. At the end of the meeting, we will  
13 hear from all remaining people that wish to issue  
14 public comment before this board.

15 That being said, the -- I'm going to allow  
16 Ms. Hardin to start calling out the first speaker  
17 that we hear this morning.

18 **MS. HARDIN:** First speaker on the list is  
19 Kathleen Hamill. I know Ms. Hamill's in the  
20 room. I want to make sure that she has camera  
21 and microphone working.

22 **MR. FERVIER:** It's not working.

23 Is Kathleen Hamill available? I don't hear  
24 Ms. Hamill.

25 Ms. Hamill, are you in attendance today?

1           **MS. HAMILL:** Yes. Thank you so much.

2           Apologies for that delay there. Thanks.

3           I am Kathleen Hamill, a voter in Fulton  
4           County. I am here on behalf of the Georgia  
5           Democracy Task Force. We seek to support the  
6           rule of law in the context of elections. We're a  
7           group comprised largely of lawyers and concerned  
8           citizens. Thank you for considering the written  
9           remarks that we have submitted to you.

10          Related to these two proposed rules in  
11          particular on tabulating results, we'd like to  
12          express opposition to these rules. If enacted,  
13          we are concerned that they would unnecessarily  
14          complicate --

15          **UNIDENTIFIED SPEAKER:** (indiscernible)

16          **MR. FERVIER:** Yeah, but it's garbled.

17          **UNIDENTIFIED SPEAKER:** Shoot. Now I lost --

18          **MS. HAMILL:** Can you hear me? Can you hear  
19          me?

20          **THE BOARD MEMBERS:** (nodding)

21          **MS. HAMILL:** Okay, thanks. We're concerned  
22          about these rules unnecessarily complicating the  
23          election administration process. And we have  
24          concerns that they run contrary to Georgia law as  
25          well. They potentially will burden election --

1 election workers because, as you know, they  
2 relate to tabulating results and certification.

3 In particular the rule proposed,  
4 hand-counting of ballots at all polling locations  
5 at -- before closing, really raises concerns  
6 because that adds another level of work and of  
7 potential issues related to security, related to  
8 chain of custody. And we feel that this is  
9 unnecessary and -- and does not serve the stated  
10 purpose of -- of bolstering voter confidence and  
11 the integrity of our elections. As for the  
12 second proposed --

13 (Background voices)

14 **MS. HAMILL:** -- rule, this raises issues  
15 related to overreach of individual board members'  
16 authority. And the law actually does not grant  
17 individual members the -- the power to require or  
18 summon poll officers to examine each and every  
19 document that they might choose.

20 (Background voices)

21 **MS. HAMILL:** And just in closing, I wanted  
22 to make reference to -- sorry there's some  
23 background noise. So I'm having a little bit  
24 of -- hearing some --

25 (Background voices)



1           **MR. FERVIER:** Somebody -- can you hear,  
2 Dr. Johnston?

3           **MS. KING:** It looks like we muted everyone.  
4 Probably should just mute everyone except for the  
5 speaker.

6           **MS. HAMILL:** Sorry, I was muted and I just  
7 unmuted myself. I hope you can hear me.

8           **MR. FERVIER:** We can hear you, yes.

9           **MS. HAMILL:** Okay, thanks. I don't want to  
10 repeat myself but I guess the main point here is  
11 that there's -- we, as the ABA Georgia Democracy  
12 Task Force, are concerned about two rules in  
13 particular related to tabulating results that  
14 potentially could complicate and -- and undermine  
15 election integrity. And again specifically on  
16 the rule related to certification, it does not  
17 include any substantive qualifications or time  
18 limits on document requests made by individual  
19 board members which already is an inappropriate  
20 overstep of the role of individual board members  
21 under the Georgia election code.

22           I want to make sure I'm not taking up all  
23 the airtime here. I know there are a lot of  
24 people who want to speak. But I would just say  
25 thanks to the board members for your service.

1 Thank you for considering our written comment  
2 which I think lays this out very clearly and  
3 appreciate again all of your work. Thanks.

4 **MR. FERVIER:** Thank you very much.

5 The next individual to speak before us is  
6 Jennifer Moore.

7 Alexandra, if you'd turn on Jennifer  
8 Moore's.

9 **MS. MOORE:** Good morning.

10 (Cross-talking)

11 **MS. MOORE:** Can you hear me?

12 **MR. FERVIER:** Yes.

13 **MS. MOORE:** Thank you. Thank you. Good  
14 morning and thank you for the opportunity to  
15 speak to you today. My name is Jennifer Moore.  
16 I'm a licensed practicing attorney here in  
17 Georgia, and I'm a former adjunct professor of  
18 legal research, writing, and appellate advocacy  
19 at Emory School of Law.

20 I'm here today with the Georgia Democracy  
21 Task Force also. As a lawyer, I've spent many  
22 years analyzing statutory language and applying  
23 rules of statutory construction and also learning  
24 from state and federal courts who do the same.

25 The proposed amendment to rule

1 183-1-12-.12(a) (5) seeks to inject a  
2 hand-counting requirement at the precinct level.  
3 I urge this board to reject this proposed  
4 amendment as it is inconsistent with this board's  
5 statutory duties as described by O.C.G.A. 21-2-31  
6 and other Georgia election laws.

7 Part 2 of O.C.G.A. 21-2-31 specifies that  
8 any rules and regulations this board adopts must  
9 be consistent with the law and conducive to the  
10 fair, legal, and orderly conduct of primaries and  
11 elections. This proposed amendment is  
12 inconsistent with existing Georgia law which  
13 specifies in great detail the methods for  
14 counting paper ballots at tabulating centers and  
15 not at precincts.

16 The glaring absence of any such  
17 ballot-counting instructions or procedures at the  
18 precinct level indicates that the General  
19 Assembly did not intend that counting of paper  
20 ballots could be required to take place there.

21 The proposed amendment also conflicts with  
22 the part of the General Assembly's SEB 202 which  
23 requires that vote tallies be submitted by  
24 10 p.m. on election day. Requiring the  
25 hand-counting paper ballots multiple times at

1 precincts will lead to delays that make  
2 compliance with this deadline improbable.

3 Finally it's important to note that the poll  
4 managers' oath in O.C.G.A. 21-2-94 pertains to  
5 allowing properly registered citizens to vote and  
6 not vexatiously delaying or refusing to permit  
7 such persons to vote, not hand-counting paper  
8 ballots.

9 This amendment could prevent poll managers  
10 from fulfilling their oath because lengthy  
11 counting requirements could lead to missing  
12 deadlines and thus the disenfranchisement of  
13 every voter at a particular polling place.

14 **MR. FERVIER:** Thank -- thank you.

15 **MS. MOORE:** In conclusion --

16 **MR. FERVIER:** Appreciate --

17 **MS. MOORE:** Okay, thanks.

18 **MR. FERVIER:** Thank you.

19 Our next -- our next speaker will be Marisa  
20 Pyle.

21 Ms. Pyle, are you available? Marisa Pyle?

22 **MS. PYLE:** Can you hear me?

23 **MR. FERVIER:** Yes. Ms. Pyle, please begin.

24 **MS. PYLE:** Awesome, thank you. My name is  
25 Marisa Pyle. I'm the senior democracy defense

1 manager at All Voting is Local Action. I'm here  
2 today to join both previous commenters as well as  
3 the hundreds of Georgians who submit written --  
4 written comments and opposed to the Grubbs  
5 proposed revisions to 183-1-12-.12 which would  
6 dangerously undermine the statutory requirements  
7 for election boards to certify and transmit  
8 election results to the state.

9 For meeting after meeting this board has  
10 heard from legal experts, election administration  
11 advocates, and elected officials that this  
12 proposal in conjunction with the Heekin proposal  
13 that has already been passed by this board would  
14 make it more difficult to certify results after  
15 an election, create legal jeopardy for counties,  
16 and it risks undermining public trust in election  
17 results.

18 Much has already been said about the risk  
19 that this rule poses to certification of  
20 elections itself and as well as those who brought  
21 this rule as reported over the weekend by  
22 ProPublica. It has the potential for individual  
23 precincts to be targeted for exclusion from  
24 certified results for single discrepancies that  
25 may be real or perceived or imagined and as small

1 as a single error among thousands of votes.

2 The exclusion from an entire precinct from  
3 certified results risks disenfranchising  
4 thousands of voters from the process, putting  
5 their constitutional right to vote in serious  
6 legal jeopardy. This is not even to mention the  
7 direct conflict that this rule poses with Georgia  
8 code which states clearly that even if there is  
9 an error, that shall not stop the canvass and  
10 certification process.

11 Additionally, the provision that provides  
12 for examination of all election-related  
13 documentation created during the conduct of  
14 elections creates a risk that makes documents  
15 wholly unrelated to results themselves used for  
16 excuses for noncertification. These documents  
17 could range from training manuals to hiring  
18 documents to poll watcher credentials, meeting  
19 minutes, polling place agreements and much more,  
20 all potential bases for claims of, quote/unquote,  
21 discrepancies by anyone who is seeking to  
22 undermine faith and legitimacy of our election  
23 results.

24 Georgia law and election experts are clear  
25 this rule must be rejected to protect the best

1 interests of voters, election workers, and our  
2 democracy. And I urge you to vote accordingly.  
3 Thank you.

4 **MR. FERVIER:** Thank you, Ms. Pyle. I  
5 appreciate that.

6 Our next speaker is Betsy Shackelford.

7 **MS. SHACKLEFORD:** Okay. Can you hear me?  
8 Hello? Hello? Hello?

9 **MS. KING:** We can hear you.

10 **MS. SHACKLEFORD:** Oh, okay. Nobody  
11 responded. Okay. Once again, being called a pit  
12 bull for Donald Trump exposes a deep partisanship  
13 that has no place on the state election board.  
14 Those three uber-partisans should resign from the  
15 board immediately. But of course they will not.  
16 The three proposed rules for tabulating results  
17 are part of Trump's MAGA playbook for throwing  
18 the election into disarray.

19 These rules do not assist in transparency.  
20 They are administrative burdens to poll  
21 workers -- workers already under the gun to  
22 deliver quite a lot of paperwork, results, media,  
23 and equipment on a tight time crunch.

24 Clearly the people proposing these  
25 burdensome rules have not been poll workers. As

1 a poll worker, I know that, for example, tying up  
2 three workers for paper counts is foolish and  
3 would expose ballots insecurely. The requirement  
4 to count ballots in stacks of fifty is silly. As  
5 a poll worker who has counted ballots by hand, it  
6 is much easier to get an accurate count with  
7 smaller stacks. These are just ill-informed  
8 attempts to gum up the works. That is what all  
9 three of these proposals are about: planned  
10 interference.

11 The purported reason is to, quote, prevent  
12 fraud. There is no widespread fraud. Stop  
13 legislating and rulemaking from paranoia fanned  
14 by rampant misinformation, in other words, lies.  
15 Thank you.

16 **MS. KING:** You're muted, John.

17 **MR. FERVIER:** Our next speaker is Cindy  
18 Battles.

19 Ms. Battles, are you there? Cindy Battles?

20 **MS. BATTLES:** Yes, sir, I'm here. Thank you  
21 so much for allowing me speak today. I  
22 apologize, I'm not sure why my camera's not  
23 working, but it is, as always, a pleasure to be  
24 in front of this board. I do want to thank each  
25 one of you for your service and decry any sorts



1 of violence or accusations that have been thrown  
2 around because I know that this is a tough job.  
3 However, I will say that I am concerned about  
4 some of the actions of this board particularly in  
5 the last couple of months.

6 I am going to ask this board as it continues  
7 to consider rules and petitions that it considers  
8 that it is funding a number of unfunded mandates  
9 making it more difficult for election  
10 administrators to run our elections in the ways  
11 that you say that you want them run which is in a  
12 fair, transparent, and obviously well-run manner  
13 so that we can have faith in our elections.

14 Further, actions like passing vague and  
15 poorly written rules about certification that do  
16 not make clear that counties must certify the  
17 elections is going to throw our elections into  
18 disarray. If we are going to pass those kind of  
19 rules, we need to make sure that that kind of  
20 language is included.

21 I did appreciate the chair's attempt to  
22 outline what election records could be called  
23 into question so as to help appease some of the  
24 confusion. But one of the things that this board  
25 is supposed to be doing is educating voters on

1       how our elections are run in Georgia. And  
2       instead it feels like you are doing the work of  
3       spreading misinformation and disinformation. And  
4       obviously some of that feels very partisan which  
5       is why I think we have a lot of what is happening  
6       in this virtual room and across the state today.

7       I would just like to ask the board to take  
8       those things into consideration as it votes today  
9       and let the voters of Georgia decide who should  
10      be our next elected officials instead of passing  
11      rules that make it more difficult for the people  
12      to be heard. Thank you.

13      **MR. FERVIER:** Thank you, Ms. Battles. I  
14      appreciate you staying within your two minutes.

15      Our next speaker today is Linda Brooks  
16      Cooper. Ms. Cooper.

17      **MS. COOPER:** Yes. Can you hear me?

18      **MR. FERVIER:** Yes, I can. Please proceed.

19      **MS. COOPER:** All right, thank you.

20      Georgia's GOP-controlled state election board is  
21      poised to adopt a rule on today that would give  
22      county election board members an additional  
23      avenue to delay certification of election  
24      results, potentially allowing them to throw the  
25      state vote count into chaos this fall.

1           This rule is very concerning because it  
2           requires county boards to investigate  
3           discrepancies between the number of ballots cast  
4           and the number of people who voted in a precinct,  
5           no matter how minor. It bars counties from  
6           certifying the election tallies until officials  
7           can review an investigation of every precinct  
8           with inconsistencies and only in extreme rare  
9           cases affect the outcome of elections.

10           This requirement to explain every one of  
11           them and the litigation that goes around it could  
12           take far longer than the time allowed to certify  
13           the vote.

14           My name is Linda Brooks Cooper. I am not a  
15           lawyer. I am a registered voter in the state of  
16           Georgia, and I have voted in all general and  
17           primary elections for the last 30 years. I am a  
18           concerned citizen over your new rules added by  
19           the state election board.

20           First, let me remind you what others have  
21           said. There were over 60 cases on behalf of the  
22           GOP candidate for president in 2020 that did not  
23           come to fruition. I am concerned that the three  
24           poll workers to count ballots on elections night  
25           to make sure they match the number about by

1 recording -- by the voting machine. This will  
2 delay our election results. And in Fulton County  
3 alone, there were 527,000 votes that were cast.  
4 Counting in packs of 50 will suggest that one  
5 poll worker will have to put in a staggering  
6 number of hours which is unnecessary to the  
7 taxpayers.

8 And then again --

9 **MR. FERVIER:** (indiscernible) --

10 **MS. COOPER:** -- I want --

11 **MR. FERVIER:** Ms. Cooper --

12 **MS. COOPER:** -- to point out that this rule  
13 that refers to reasonable inquiry, there is no  
14 definition by the board of what a reasonable  
15 inquiry looks like. There is no guidelines and  
16 no suggestions.

17 **MR. FERVIER:** Thank you, Ms. Cooper.

18 **MS. COOPER:** (indiscernible) election  
19 deniers. Thank you.

20 **MR. FERVIER:** Thank you, Ms. Cooper.  
21 Appreciate your comments.

22 The next presenter is Rachel Lastinger.

23 Ms. Lastinger, are you online?

24 **MS. LASTINGER:** Yes, good morning. Can you  
25 hear me?

1           **MR. FERVIER:** Yes. Please start.

2           **MS. LASTINGER:** Good. Thank you. So the  
3           ACLU of Georgia's voter access project works to  
4           ensure voting is easy and accessible for all  
5           Georgians. And today I urge you to reject the  
6           petition to amend rule 183-1-12-.12, addressing  
7           the process of certifying election results and  
8           the petition to amend rule 183-1-12-.12,  
9           addressing hand-counting ballots in polling  
10          places.

11                 The proposed amendment addressing the  
12           certification process is unreasonable and has the  
13           potential for great harm to our democratic  
14           process. This rule significantly threatens  
15           counties' ability to certify election results by  
16           introducing an unnecessary and vague  
17           reconciliation process before all votes are  
18           counted.

19                 The current certification process in Georgia  
20           has been successful in ensuring that correct and  
21           accurate results are reported. Additional  
22           requirements are completely unnecessary. The  
23           proposed rule does not specify the  
24           election-related documents that must be provided  
25           to county board members allowing for a

1 significant burden on election staff to prepare  
2 documentation on demand.

3 The petition as it stands is void under  
4 Georgia law because it allows actions by board  
5 members outside of the scope of their authority  
6 under the code. Its purported purpose is to  
7 ensure that counties, superintendents, and boards  
8 of election follow the required procedures and  
9 can uniformly, properly, and lawfully fulfill  
10 their duties. It calls for actions that is  
11 beyond the limits of that board's legal authority  
12 delineated by the Legislature. The proper way to  
13 change a scope of board power is through the  
14 Legislature not the state election board.

15 The petition to amend the rule addressing  
16 hand-counting ballots in polling places requires  
17 a large input of financial resources and staff  
18 time. Neither (background noise, indiscernible)  
19 is fair. This petition is unnecessary and  
20 unreasonable and would only delay the process of  
21 announcing county election results by (background  
22 voices, indiscernible) additional steps to the  
23 chain of custody process in handling final  
24 ballots.

25 I also urge you to dismiss any petitions

1 that would enter into rulemaking today and moving  
2 forward. Many of these petitions are outside the  
3 state election board's authority and would have  
4 significant burden on counties.

5 Moreover less than 90 days out is far too  
6 late to initiate a new ruling into the rulemaking  
7 phase. And if a rule is passed this late, it  
8 could lead to significant confusion for voters  
9 and burden local election administrators.

10 **MR. FERVIER:** Thank you.

11 **MS. LASTINGER:** International best standards  
12 calls for significant change to be within one  
13 year of an election. Thank you so much.

14 **MR. FERVIER:** Thank you, Ms. Lastinger. We  
15 appreciate your comments.

16 Our next -- next speaker is Lynn Durham.

17 Ms. Durham, are you online? Lynn Durham?  
18 Ms. Durham? One more chance. Ms. Lynn Durham.  
19 Lynn, are you online?

20 **MS. HARDIN:** I see her. She's here.

21 **MR. FERVIER:** Is her mic off?

22 **MS. HARDIN:** Uh-uh. Her mic is  
23 (indiscernible).

24 **MR. FERVIER:** Ms. Durham, we can't hear you.  
25 We'll -- we'll come back to you. See if we

1 can -- if you can work out things on your end.

2 Our next speaker is Donald Sherman.

3 Mr. Sherman, are you online?

4 **MR. SHERMAN:** I am. Thank you.

5 **MR. FERVIER:** Is this Mr. Sherman?

6 **MR. SHERMAN:** Yes.

7 **MR. FERVIER:** Please proceed.

8 **MR. SHERMAN:** Mr. Chairman and members of  
9 the board, my name is Donald Sherman and I'm a  
10 government ethics lawyer whose mother and family  
11 have lived and voted in Georgia for more than a  
12 decade.

13 My organization, Citizens for Responsibility  
14 and Ethics in Washington submitted a comment with  
15 the ACLU of Georgia and public rights project  
16 urging this board not to adopt the proposed rule  
17 permitting individual county election board  
18 members to examine all election-related  
19 documentation created during the conduct of  
20 elections prior to certification of results  
21 because it's contrary to this board's rulemaking  
22 authority under Georgia law.

23 Georgia already has a robust process for  
24 addressing election fraud. This rule could  
25 invite unnecessary chaos into that process. The



1       portion of this rule at issue, subsection 6, is  
2       contrary to Georgia law in two key ways.

3               First, the election code does not vest any  
4       power in individual members of county election  
5       boards but instead in any each county's, quote,  
6       election superintendent which is the majority of  
7       the board's voting members, not any one member.

8               Second, no Georgia statute grants even  
9       election superintendents an unconditional right  
10      of access to, quote, all election-related  
11      documentation created during the conduct of  
12      elections prior to certification of results.  
13      Rather the election code provides that the voting  
14      majority of the county board must first identify  
15      a numerical excess in vote totals from the  
16      precinct before the board has any authority to  
17      summon the poll officers with any primary  
18      election papers in their possession.

19              The proposed rule improperly omits this  
20      statutory condition. This section if adopted  
21      could disrupt any county canvassing and  
22      certification empowering -- by empowering  
23      individual board members to demand any  
24      election-related documents, even ones from  
25      different counties or that have no bearing on

1 certification, all based on mere whim. Such  
2 abuse could sow doubt in Georgia's election and  
3 certification process, compromising the votes of  
4 millions of Georgian's including my family.

5 We respectfully urge the board not to adopt  
6 this proposal. Thank you.

7 **MR. FERVIER:** Thank you, Mr. Sherman. We  
8 appreciate your comments.

9 Our next speaker is Kristen Nabers.

10 Ms. Nabers, are you online? Kristen Nabers?  
11 Ms. Nabers, we can't hear you. Is your  
12 microphone on?

13 We'll come back to Kristen Nabers. Our next  
14 speaker is Kristin Davis. Kristin Davis.

15 **MS. DAVIS:** Can you hear me?

16 **MR. FERVIER:** Yes, we can hear you. Is this  
17 Kristin Davis?

18 **MS. DAVIS:** Yes, Kristin Davis.

19 **MR. FERVIER:** Please -- please proceed.  
20 Thank you.

21 **MS. DAVIS:** Hi. My name is Kristin Davis  
22 and I'm a licensed and practicing Georgia  
23 attorney. I'm also here with the ABA's Democracy  
24 Task Force, and I wish to follow up on the task  
25 force concern and opposition to the new

1 hand-counting requirements of ballots in Georgia  
2 elections.

3       Regarding the uniformity of election  
4 practices and proceedings, implementing manual  
5 counting requirements would unduly burden the  
6 more populous precincts in counties. In fact, it  
7 would likely be impossible for all Georgia  
8 counties and precincts to uniformly comply with  
9 such requirements within the certification time  
10 frame prescribed by the General Assembly.

11       Additionally, there are already many other  
12 checks and balances in place that are more  
13 controlled, reliable, auditable, and accurate  
14 than any hand-count could ever be. This includes  
15 poll pads tracking the number of voters,  
16 ballot-marking devices tracking the number of  
17 votes, scanners tracking how many ballots have  
18 been scanned, and paperwork that requires poll  
19 workers to track each of those items and document  
20 the reason for any discrepancy. Not only are  
21 these checks and balances more accurate than  
22 hand-counts, they also allow for the protection  
23 and purity of the original ballots.

24       If the board has concerns about the lack of  
25 hand-counting at the precinct level, it can

1 following its statutory duty described in  
2 O.C.G.A. 21-2-31(6) which is to make  
3 recommendations to the Georgia General Assembly  
4 to address this issue. The General Assembly  
5 could then consider whether to impose such a  
6 requirement and how it can coordinate with its  
7 other election laws.

8 While everyone here presumably would agree  
9 that election integrity is paramount, the  
10 proposed "hand-counting of ballots" rule before  
11 you today will not further this goal. The facts  
12 in evidence are that this change is outside what  
13 the Legislature has mandated, (indiscernible)  
14 disrupting the chain of custody and inject  
15 unnecessary burdens and requirements into the  
16 process. Thank you.

17 **MR. FERVIER:** Thank you. Thank you,  
18 Ms. Davis. We appreciate your comments.

19 I want to go back to Lynn Durham. I see  
20 that Lynn is online.

21 Lynn, can you hear us? Lynn? Lynn Durham,  
22 can you -- can you speak, Lynn? We can't hear  
23 you.

24 All right, we're going to have to move  
25 forward then. The next speaker is Wanda Mosley.

1           Wanda Mosley, are you online?

2           **MS. MOSLEY:** Yes. Can you hear me?

3           **MR. FERVIER:** Yes, ma'am. Please proceed.

4           **MS. MOSLEY:** My name is Wanda Mosley. I am  
5 deputy policy director of Black Voters Matter.  
6 I'm here today to speak out against these  
7 proposed changes.

8           You know, in preparing for this meeting, I  
9 wanted to go back and do some research to see if  
10 there had been any actual credible instances of  
11 voter fraud that resulted in the changes of any  
12 elections in our state. And I could find none.

13           And so that leads me to one conclusion, that  
14 these proposed changes, which have been noted are  
15 an overreach of this board's actual abilities,  
16 are all predicated on what those of us who love  
17 democracy call the big lie.

18           We know that this is another attempt to  
19 muddy, to cause confusion, sow chaos on elections  
20 in Georgia. We know that Georgia is a very  
21 important state for the upcoming presidential  
22 election. And your desire to make things more  
23 complicated for voters in our state is beyond  
24 frustrating and is beyond maddening.

25           But we all know why. We all see why. We

1 all understand why. You know it really is  
2 frustrating that with democracy on the ballot,  
3 you would think that this body would be  
4 concerned. You would think that this body would  
5 want our state to continue to offer free and fair  
6 elections, opportunities for folks to vote. But  
7 instead your actions suggest otherwise. But if  
8 it means you get a shout out from your supreme  
9 leader, well, then I guess that's what we are all  
10 here for, right?

11 I guess that's more important than the  
12 actual democracy in this country. It's more  
13 important than making sure that elections are  
14 counted using a system that, by the way, has  
15 worked for decades. Because again we have no  
16 credible instances where elections needed to be  
17 overturned.

18 Now, we do have indictments in Fulton County  
19 but those aren't because of voters. Those are,  
20 again, outside actors fueled by outrage, a  
21 tantrum by the former president who wishes to be  
22 a dictator. And so anyone who aids and abets  
23 that is obviously not someone who cares about  
24 democracy because you are wanting to just push  
25 your partisan agenda and you want to support the

1 partisan outrage by your former leader.

2 **MR. FERVIER:** Ms. Mosley --

3 **MS. MOSLEY:** So I close today saying that

4 I'm frustrated by your actions. This is not in

5 your purview, and you should not be interfering

6 in the way elections are tabulated. Have a good

7 day.

8 **MR. FERVIER:** Thank you, Ms. Mosley. Thank

9 you.

10 **DR. JOHNSTON:** Mr. Chair.

11 **MR. FERVIER:** The next -- yes.

12 The next speaker is Janice Swaney.

13 Ms. Swaney, are you online? Janice Swaney?

14 Ms. Swaney, are you online?

15 All right. We'll go to the next speaker.

16 The next speaker is (background sounds) Anita

17 Tucker.

18 Ms. Tucker, are you online? Anita Tucker?

19 **MS. TUCKER:** Can you hear me?

20 **MR. FERVIER:** Yes. Is this Ms. Tucker?

21 **MS. TUCKER:** This is Ms. Tucker.

22 **MR. FERVIER:** Ms. Tucker, please proceed.

23 **MS. TUCKER:** Thank you. My name's Anita

24 Tucker. I'm the assistant secretary for the

25 Forsyth County Board of Registration and

1 Elections.

2 The new proposed rule change to  
3 183-1-12-.12, tabulating results, that requires  
4 each precinct to hand-count paper ballots after  
5 close of election night is useless  
6 (indiscernible) busywork.

7 Understand that poll workers arrive at the  
8 precincts at 5:30 a.m. on election day. The odds  
9 of a hundred and fifty-nine counties getting the  
10 hand-count right first try after 7 p.m. is zero.  
11 It is unreasonable to expect this of poll  
12 workers. The paper ballots are backup to the  
13 scanned ballots. The scanned vote count is what  
14 is considered the official vote count. Counting  
15 the paper is inconsequential on election night.

16 And members of GAVREO are the elections  
17 experts in Georgia. They can provide this state  
18 election board with the best solutions to the  
19 perceived questions that these new rules are  
20 attempting to answer. Consistently -- consist --  
21 consistently since the 2020 election, new  
22 elections legislation and rules have been pushed  
23 down to county elections officials every single  
24 year. Funding has been restricted, recruiting  
25 poll workers and staff has become more difficult.



1 Burnout is a serious problem.

2 Of the 61,000 plus voters challenged in  
3 Forsyth since the 2021 Senate runoff, only 1,152  
4 have been canceled at the county level. That is  
5 0.2 percent. Not a good return on a time and  
6 resource invested in this effort.

7 The current version of the Georgia election  
8 code is 606 pages long. That is the guideline  
9 the county elections officials must navigate to  
10 ensure fair and legal elections. Perhaps time  
11 better spent on updating this antiquated rulebook  
12 full of contradictions and vague requirements.  
13 Thank you.

14 **MR. FERVIER:** Thank you. Thank you,  
15 Ms. Tucker. We appreciate your comments.

16 The next speaker is Joseph Kirk. Mr. Kirk,  
17 are you available? Joseph Kirk?

18 **MR. KIRK:** I am -- I am here.

19 **MR. FERVIER:** Okay. Mr. Kirk, please  
20 proceed.

21 **MR. KIRK:** Thank you. My name is Joseph  
22 Kirk. I'm the election supervisor from Bartow  
23 County. I've been in this position since 2007.  
24 And I am the -- and I am also a member of the  
25 Georgia Association of Voter Registration and

1 Election Officials.

2 I am here today to speak in opposition of  
3 rule 183-1-12-.12 regarding certification. One,  
4 the deadline in that rule of 3 p.m. does not  
5 match the deadlines in law. But other GAVREO  
6 members will speaker on that.

7 What I'm more concerned about is the  
8 impression that the rule gives that the board has  
9 more authority that it does. The rule restates  
10 the code but leaves out some important language.

11 It says the board shall (indiscernible)  
12 justly but leaves out regardless of any  
13 fraudulent or erroneous results presented --  
14 brought to him or her. Regardless is defined as  
15 without paying attention to.

16 So the board is required by law to  
17 (indiscernible) votes justly without paying  
18 attention to any fraudulent or erroneous results,  
19 but then to report their findings of any kind of  
20 fraud or erroneous results to the district  
21 attorney for the DA to do their job. We -- that  
22 omission seems to be very telling and gives --  
23 seems to grant the board more authority than they  
24 legally have.

25 The other things to talk about is the rule

1 creates more questions than answers. You know,  
2 one example is that the majority of the  
3 procedures in the code were written for older  
4 sorts of voting systems -- mechanical voting  
5 machines or hand-marked hand-counted paper  
6 ballots -- and matching our -- our -- these --  
7 our current procedures to those code sections  
8 creates a lot of confusion.

9 Most of all our tabulation, aggregation,  
10 comparison happens through the voting system now  
11 and then we go back and double-check it through  
12 other means that the poll workers report to us.  
13 And there's a lot of work that goes into that.  
14 We're happy to share that work with y'all and  
15 explain how things work with the current system,  
16 but this rule has to take that into account.

17 The last one I want to mention is that I  
18 regret I'm going to speak in opposition to this.  
19 We desperately need rules on certification and  
20 precertification procedures. This one just isn't  
21 it and does not answer the question we need to  
22 answer.

23 **MR. FERVIER:** Thank you --

24 **MR. KIRK:** But thank y'all very much.

25 **MR. FERVIER:** -- Mr. Kirk. Thank you,

1 Mr. Kirk.

2 All right. Ms. Durham, I can see you  
3 online, but I can't hear you.

4 **MS. DURHAM:** Can you hear me now? Can you  
5 not --

6 **MR. FERVIER:** I can hear you now,  
7 Ms. Durham. I can (indiscernible) --

8 (Cross-talking)

9 **MS. DURHAM:** I'm sorry about that. When the  
10 (indiscernible) got turned off, it turned off my  
11 mic too and I had to switch to phone.

12 **MR. FERVIER:** Please --

13 **MS. DURHAM:** I'll be very quick here. I'm  
14 Lynn Durham. I'm a registered Gwinnett County  
15 voter and I vote regularly. I represent the  
16 majority of Georgians. Rather than Republican or  
17 Democrat, we're in the middle. Sometimes we vote  
18 one way, sometimes we vote another. We base our  
19 votes on policies as well as characteristics such  
20 as vision, courage, strength, integrity,  
21 leadership, and empathy.

22 In 2020, a candidate tried to steal the  
23 presidential election in Georgia, but our  
24 honorable Republican Secretary of State upheld  
25 the sanctity of our vote. Because of this, our

1 Republican State Legislature installed three  
2 election deniers to the board even though  
3 recounts by Republicans in state after state  
4 found that the Republican had lost the  
5 presidential election.

6 Out of nearly 400 voting irregularity  
7 complaints that this board examined, five were  
8 found valid and noncitizens were not found to be  
9 voting. The audience may also be interested to  
10 know that the Heritage Foundation, a bastion of  
11 ultra right-wing politics, maintains an election  
12 fraud conviction database. That database shows  
13 that since 1991 an average of only 33 cases of  
14 fraud per year have been convicted, in no way  
15 sufficient to change the course of a presidential  
16 election.

17 Today the board seeks to institute a rule  
18 that relies on the word "reasonable," an  
19 inherently subjective word without defining what  
20 that means in this context. To someone in  
21 Atlanta, an hour in traffic might seem reasonable  
22 while someone from Plains might think that's  
23 crazy. To bulldog fans, an eight and oh  
24 conference season is reasonable. For Yellow  
25 Jackets, it might seem a dream.

1           It's clear to see that refusal to define the  
2 term "reasonable" is a recipe for chaos that this  
3 board surely would want to avoid. Here's another  
4 example. I guarantee that if I gave each of  
5 these board members 5,000 paper ballots to count  
6 and compare results, the reported results would  
7 not match. They wouldn't be off by much, not  
8 enough to throw an election, and yet we're being  
9 asked to accept that absolutely no difference  
10 between comparisons is reasonable. I reject  
11 that.

12           Patrick Henry said the Constitution is not  
13 an instrument for the government to restrain the  
14 people. It is an instrument for the people to  
15 restrain the government. And yet Georgia's  
16 leaders have continually sought to restrain the  
17 voting franchise of its citizens and our state  
18 government continues to defund safe and fair  
19 elections.

20           **MR. FERVIER:** Thank you.

21           **MS. DURHAM:** The eye of Georgians are on  
22 this board. The eye of the world is on this  
23 board. And more importantly history has its eyes  
24 on you. Thank you.

25           **MR. FERVIER:** Thank you, Ms. Durham, we

1 appreciate -- appreciate your comments. Thank  
2 you.

3 I'm going to go back to Kristen Nabers.

4 Kristen, are you online? Are you available  
5 to speak, Kristen?

6 Okay, Janice Swaney? Janice Swaney? No?  
7 All right. Rebecca Anglin? Rebecca Anglin?

8 **MS. ANGLIN:** Hi. Can you hear me?

9 **MR. FERVIER:** Yes, I can. Is that you,  
10 Rebecca?

11 **MS. ANGLIN:** It is.

12 **MR. FERVIER:** Thank you, please --

13 **MS. ANGLIN:** Good morning. Thank you,  
14 Chairman.

15 Good morning. My name is Rebecca Anglin and  
16 I'm the election director for Greene County. I  
17 have worked in elections for 24 years and have  
18 served as a poll worker and elections technician,  
19 state election employee, and director for two  
20 counties as well as a board chair. And I am a  
21 member of GAVREO.

22 I'm speaking in opposition today of rule  
23 183-1-12-.12(a)(5), hand-counting ballots. One  
24 of the top priorities on election day is security  
25 and chain of custody of the ballots. My concern

1 with this proposed rule is that the chain of  
2 custody could be compromised with ballots being  
3 handled by so many individuals on election night.  
4 At our precincts all items, including equipment,  
5 must be removed and cleaned out on election  
6 night. Many counties are (indiscernible) and  
7 picking up equipment and such the next day. What  
8 happens when ballots from hand-counted counting  
9 are mistakenly left behind and the cleaning crew  
10 comes through the next day and discards them? I  
11 would have no idea of this.

12 Currently ballot boxes are locked and sealed  
13 and returned to our office. If by chance ballots  
14 are mistakenly left in the scanner or the  
15 write-in bin, we have the -- we have them in our  
16 custody and our staff are able to retrieve them  
17 in our office which is a controlled environment.

18 I humbly ask that a compromise be made in  
19 this matter or that I myself work with the writer  
20 of this rule or a member of the state election  
21 board to reach a reasonable resolve.

22 I thank you so much for your time today.

23 **MR. FERVIER:** Thank you, Rebecca. We  
24 appreciate you.

25 The next person to speak will be Deidre



1       Holden.

2               Deidre Holden, are you online?

3               **MS. HOLDEN:** Yes. Good morning. Can  
4 everyone hear me?

5               **MR. FERVIER:** Yes. Please proceed.

6               **MS. HOLDEN:** Thank you. I'm Deidre Holden.  
7 I'm the elections director for Paulding County.  
8 We are currently serving 135,790 voters. I've  
9 worked in elections for 20-plus years and I'm  
10 also the past president of the Georgia  
11 Association of Voter Registration and Election  
12 Officials. I love elections and I was called to  
13 be a public servant and I take this very  
14 seriously.

15               If you pass rule 183-1-12-.12(a)(5), you  
16 will be setting 159 counties up for failure on  
17 election night. You will be responsible for the  
18 delaying of the results in the most crucial  
19 election that has been conducted in the state  
20 this year. The Paulding County Board of  
21 Elections agreed that we will hire an additional  
22 132 poll workers to come in after the polls close  
23 to count the ballots.

24               You're looking at poll workers who have been  
25 there for over 15 hours that are fatigued and not

1 thinking correctly. So we wanted to do this to  
2 get the best results and do it the best way.  
3 However, the additional cost to our county will  
4 be \$7,000. Could be more depending on the number  
5 of ballots that we have. Some counties, due to  
6 their already strained budgets, will not be able  
7 to afford this.

8 I'm here to ask you to please consider that  
9 the count be completed prior to state  
10 certification. Ballots will be counted in our  
11 office, a controlled location with monitors.

12 In closing I would also like to suggest that  
13 this board create an election support committee  
14 to assist the state election board in future  
15 endeavors so that the state election board and  
16 election officials will have a team that can  
17 ensure the voters of Georgia that they are  
18 conducted fairly, securely, transparently, and  
19 with the most -- the utmost integrity for the  
20 voters of our state.

21 We will be here to answer any questions if  
22 you need us and I appreciate your time. Thank  
23 you so much.

24 **MR. FERVIER:** Thank you, Ms. Holden. We  
25 appreciate your comments.

1           The next speaker is Travis Doss. Is Travis  
2 Doss online?

3           **MR. DOSS:** Hello, chairman. Can you hear  
4 me?

5           **MR. FERVIER:** Yes, I can. Please proceed,  
6 Mr. Doss.

7           **MR. DOSS:** Yes, hi. Well, thank you,  
8 chairman and the SEB members for allowing us an  
9 opportunity to speak. I, too, am an elections  
10 director. I am currently the elections director  
11 from Richmond County. I have been in elections  
12 for the past 29 years, and I am currently serving  
13 as president of the Georgia Association of Voter  
14 Registration and Election Officials.

15           (indiscernible) are those comments from my  
16 other members who are over 500 members strong.  
17 We are in opposition of 183-1-12-.2[sic] (a) (5)  
18 regarding the hand-count. It is not that we are  
19 against hand-counting ballots. We are against  
20 the potential of the chain of custody being  
21 broken when those ballots are removed from the  
22 ballot box and spread out over tables after being  
23 in a secure ballot box and locked. We would  
24 rather seal those ballots up and then be able  
25 to -- if -- if counting is necessary, do it in a

1 controlled environment rather than at the polling  
2 place where mistakes can be made.

3 The reason that we use electronics nowadays  
4 is because we use technology. We do not count  
5 money by hand. We use hand -- we use money  
6 counters. We do not add up in our heads or an  
7 abacus. We use calculators. So there is a  
8 reason that we trust the scanners to give us the  
9 accurate numbers.

10 Also speaking out against 183-1-12-.12, the  
11 certification. The 3:00 required meeting by  
12 board members is in direct contrast to state  
13 rules and state laws. Both of those allow voters  
14 to allow their absentee ballots and the  
15 provisional ballots to be cured and/or counted by  
16 5 p.m. A meeting prior to 3 p.m. will result in  
17 vote totals being inaccurate and then lead to the  
18 possibility of undermining the public trust  
19 during that election process.

20 Then the final rule being proposed today  
21 183-12[sic]-12(e), posting the reconciliation  
22 report, that rule is poorly written. Not all  
23 election offices have a website where they can  
24 post those rules. I would recommend -- or I  
25 would suggest that all rules be suspended 90 days

1 prior to any election just like federal law has  
2 us reserve the voter registration rolls.

3 Thank y'all very much for your time and for  
4 listening.

5 **MR. FERVIER:** Thank you, Mr. Doss. We  
6 appreciate it.

7 Our next speaker today is Tonnie Adams.  
8 Tonnie Adams?

9 **MR. ADAMS:** I'm here. Yes, sir.

10 **MR. FERVIER:** All right. You're up and  
11 please proceed.

12 **MR. ADAMS:** My name is Tonnie Adams. I'm a  
13 member of the Georgia Association of Voter  
14 Registrars and Election Officials and the  
15 election supervisor in Heard County.

16 I wish to express my opposition to the  
17 amendment to SEB rule 183-1-12-.12(a)(5)  
18 concerning the hand-counting of ballots at the  
19 precinct. While we appreciate the intent of the  
20 rule -- the rule change and accounting for  
21 ballots at the precinct, the proposed change will  
22 potentially delay the reporting results on  
23 election night.

24 The General Assembly has passed laws that  
25 make it clear that they prioritize timely results

1 to be reported on election night. Any prolonged  
2 delay in reporting results creates doubt and sows  
3 mistrust with the results reported from  
4 precincts. Requiring the ballots to be  
5 hand-counted three times will delay results in  
6 precincts that have large turnout on election  
7 day. There are counties throughout the state  
8 that will have more than 2,000 ballots to be  
9 counted, and some may have as many as 5,000 to  
10 6,000 ballots on election night.

11 These precincts will see a prolonged delay  
12 of two to three hours or more before they can  
13 finish their returns and report results. If the  
14 priority of the state election board is to have  
15 timely results on election night, then we ask  
16 that you vote no when this issue comes before  
17 you. Listen to your election officials. We are  
18 the experts and will be the individuals  
19 responsible for enacting this rule.

20 And finally, the amendment to SEB rule  
21 183-1-12-.12, concerning certification, we ask  
22 how can we begin the certification meeting before  
23 the deadline for a cure of absentee ballot,  
24 UOCAVA ballot submission, and provisional ballot  
25 approval? The numbered list you refer to in the

1 amendment will change during the two hours after  
2 the board convenes. Until 5 p.m., the board  
3 cannot make a final determination of the exact  
4 number of ballots that were cast that will be  
5 counted. Some absentee ballots cast will be  
6 rejected because they were not cured, and some  
7 provisional ballots that were cast will be  
8 rejected because the board of registrars has  
9 decided they will not be accepted.

10 We ask that you work with your election  
11 officials to craft a rule that clarifies state  
12 code rather than introduces a meeting deadline  
13 that has no basis in law. Thank you.

14 **MR. FERVIER:** Thank you very much, Tonnie.  
15 We appreciate your comments.

16 The next speaker today is Konrad Hayashi.  
17 Konrad Hayashi? Hayashi?

18 **DR. HAYASHI:** Yes, Mr. Chairman.

19 **MR. FERVIER:** I'm sorry if I butchered your  
20 last name. I'm trying my best.

21 **DR. HAYASHI:** I sometimes joke that it's  
22 Smith but it's spelled funny.

23 **MR. FERVIER:** Well, we'll call you Konrad  
24 Smith.

25 **DR. HAYASHI:** Okay.

1           **MR. FERVIER:** Please proceed.

2           **DR. HAYASHI:** Okay, certainly. I am  
3 Dr. Konrad Hayashi, navy captain retired. I've  
4 been a DeKalb County registered voters since 2008  
5 after over 30 years active duty and just before  
6 starting at the CDC.

7           Like so many others, I urge you reject the  
8 petitions revising rule 183-12-02[sic] that would  
9 enable overreaching discretion in investigation  
10 and hand-counting of ballots. The proposed  
11 alterations are highly objectionable because,  
12 first, it contradicts existing Georgia state law  
13 requiring that county officials, quote, shall  
14 certify results, unquote, with precedent set for  
15 over a century.

16           Second, alteration would grant undue license  
17 to members to investigate all documents and  
18 perceived discrepancies following the subjective  
19 extremist partisan perspective indefinitely.  
20 This would sabotage certification and would  
21 disenfranchise voters.

22           By the way, even the Heritage Foundation  
23 previously found Georgia to have among the  
24 highest election integrity measures in the  
25 country.



1 Third, Georgia code powers and duties,  
2 15(b), states that the board of election oath  
3 includes, quote: And that I will at all times  
4 truly, impartially, and faithfully perform my  
5 duties, unquote. Adopting the alterations would  
6 have board members betraying their oath.

7 Fourth, no confirming factual evidence was  
8 found despite millions spent to find proof of  
9 widespread voter fraud in Georgia and other  
10 states. To paraphrase the writer, Dorothy  
11 Parker: There is no there there.

12 The state election board would show profound  
13 cluelessness at best, election subversion at  
14 worse were it to adopt these unwarranted changes.  
15 Thank you.

16 **MR. FERVIER:** Thank you, Mr. Hayashi. And  
17 thank you for all your service to our country.  
18 We appreciate that.

19 (Cross-talking)

20 **DR. HAYASHI:** (indiscernible)

21 **MR. FERVIER:** Thank you.

22 The next speaker is Pamela Reardon.

23 Pamela Reardon, are you online?

24 **MS. REARDON:** Hello, chair.

25 **MR. FERVIER:** Hello, Pamela. Please begin.

1           **MS. REARDON:** Okay. So I'm Pamela Reardon  
2 and I'm a voter and a citizen in Cobb County.

3           I, for the life of me, sit here and cannot  
4 understand all these previous speakers objecting  
5 to common sense rules that should be followed by  
6 every county. I myself was a poll watcher in  
7 Smyrna in '22. And the people at the end closed  
8 out the polls and the workers had plenty left  
9 over to pull out the ballots from the scanner  
10 boxes, put them in groups of 50 or however they  
11 were doing it, and make sure that that number is  
12 the same as the scanner number.

13           Now there's been so much misinformation, it  
14 drives me crazy. Marc Elias is a liar. I'm just  
15 going to say it. And all these  
16 democracy-something groups are lying, lying,  
17 lying. These rules do not do what they're  
18 saying. So that's what I wanted to say about  
19 that.

20           But I would like to know from  
21 Mr. Raffensperger how many non-citizens were  
22 removed from the Georgia voter roll that he  
23 publicly made such a big deal about that he was  
24 going to look at. Can somebody on this board get  
25 that information? That would be great. And I

1 also wanted to know if the prison systems in  
2 Georgia are registering felons to vote because I  
3 just saw a recent article in Alabama. Wes Allen  
4 is the secretary of state there, stated that the  
5 Federal Bureau of Prisons were conducting  
6 registrations in his prisons and they are going  
7 through their rolls. So this has to be looked  
8 at, folks.

9 And, again, why don't we just go back and  
10 delete everyone off the rolls and have people  
11 turn up with their proof of citizenship, right?  
12 And their IDs of where they -- addresses where  
13 they live on election days and vote.

14 And to answer the question about what your  
15 duties are, I think Senate Bill 189 gave you the  
16 authority to make clear the rules that -- or the  
17 lies that they made, right?

18 **MR. FERVIER:** Ms. --

19 **MS. REARDON:** Because there's a little mud  
20 there. So you're just clearing it up. So thank  
21 you so much.

22 **MR. FERVIER:** Thank you, Ms. Reardon. We  
23 appreciate your comments. Thank you very much.

24 The next speaker is Michael Chermansky(ph).  
25 And I apologize if I butchered that last name.

1 Michael Chermansky, are you online?

2 Michael?

3 We'll move on. The next speaker is Pam  
4 Woodley. Pam Woodley.

5 Pam Woodley, are you online?

6 We'll try and come back to Pam and Michael.  
7 Next speaker is Beth Hendrickson. Beth  
8 Hendrickson?

9 **MS. HENDRICKSON:** Yes, Mr. Chair. I'm here.

10 **MR. FERVIER:** Good. Thank you, Beth.  
11 Please proceed.

12 **MS. HENDRICKSON:** My name is Elizabeth  
13 Hendrickson and I am a registered voter and  
14 citizen of Cobb County. Election officials are  
15 polite, professional, helpful, and patient  
16 despite the long hours, high pressure  
17 environment, and intense scrutiny. They have  
18 performed their jobs with meticulous diligence  
19 day after day.

20 The proposed board rule adding hand-counts  
21 at polling locations would unnecessarily burden  
22 election workers, introduce a new risk of human  
23 error, undermine current security protocols by  
24 having more hands on ballots, and introduce  
25 another point of potential confusion into the

1 process.

2 This rule would also take effect far too  
3 close to the upcoming election to ensure a smooth  
4 rollout as all these elections directors have  
5 mentioned, adding further stress and even greater  
6 likelihood of human error. Requiring the county  
7 boards to meet by the Friday following election  
8 day to review precinct returns, investigate  
9 potential discrepancies, and review all election  
10 related materials is unrealistic and conflicts  
11 directly with Georgia law requiring  
12 certification.

13 The statutory requirement to certify is not  
14 discretionary and should not be made so.  
15 Certification means that all procedures have been  
16 followed and the vote being reported is what came  
17 from the required documents. It's not asking  
18 anyone to sign something stating that they have  
19 personally checked and double-checked every  
20 number involved. Should there be evidence, not  
21 merely suspicion of an irregularity, there are  
22 already procedures in place to address them after  
23 the legally mandated certification.

24 Rules created by the Secretary of State's  
25 Office and this board are only intended to

1 clarify and operationalize state law, not change  
2 or contradict it. These two proposed rules go  
3 beyond or contradict the intent of state law and  
4 will add uncertainty and potential  
5 contentiousness into the process which will be  
6 detrimental to confidence in our electoral  
7 process.

8 Thank you for this opportunity to speak and  
9 for your role in keeping Georgia's election  
10 secure and accessible.

11 **MR. FERVIER:** Thank you, Ms. Hendrickson,  
12 for your comments.

13 The next speaker is Allison Pen --  
14 Prendergast. Allison Prendergast?

15 **MS. PRENDERGAST:** Yes, sir. Can you hear  
16 me?

17 **MR. FERVIER:** I can. Just one moment,  
18 please. I want to -- hit your reset. Please  
19 proceed.

20 **MS. PRENDERGAST:** I'm Allison Prendergast, a  
21 registered voter in Gwinnett County. Ronald  
22 Reagan said: True peace rests on the pillars of  
23 individual freedom, human rights,  
24 self-determination, and the respect for the rule  
25 of law.

1           Based on that, I'd say we don't have true  
2       peace in Georgia because some members of this  
3       state election board do not respect the rule of  
4       law. Georgia law clearly states your duties  
5       shall be to establish uniform practices for  
6       election officials as well as legality in all  
7       elections and to establish rules that are  
8       consistent with law and are conducive to the  
9       fair, legal, and orderly conduct of elections.

10           This board has wasted time and taxpayer  
11       money to reopen issues that have already been  
12       settled. That's a misuse of power. Election  
13       lawyers, the board chairman, and even the state's  
14       top election official have all stated several  
15       rules recently adopted contradict state law.

16           Today the board is discussing adopting rules  
17       requiring county election boards to hand-count  
18       ballots and to meet the Friday after election day  
19       to review returns and allow for examining  
20       election-related documents, risking the  
21       chain-of-custody protocol. Again this conflicts  
22       with state law since it allows for ongoing review  
23       of documents well past certification deadlines.

24           Where else can people ignore state law and  
25       not face fines or liability? If ordinary

1 citizens did this in their own lives, they could  
2 go to jail. The difference is, unlike an  
3 individual, when y'all ignore state law, it  
4 doesn't just impact you. It throws the entire  
5 state election process into chaos and chaos is  
6 the opposite of the rule of law and the orderly  
7 conduct of elections.

8 But I have to say that's exactly why some of  
9 y'all were chosen for this board. Thank you.

10 **MR. FERVIER:** Thank you, Mr.[sic]

11 Pendergra-- Allison Prendergast --

12 (Cross-talking)

13 **MS. WOODLEY:** Chairman?

14 **MR. FERVIER:** We appreciate your comments.

15 **MS. WOODLEY:** Pam Woodley is unmuted now.

16 **MR. FERVIER:** All right.

17 **MS. WOODLEY:** Thank you.

18 **MR. FERVIER:** Pam, please proceed.

19 **MS. WOODLEY:** Thank you, if that's okay.

20 I --

21 **MR. FERVIER:** Yes.

22 **MS. WOODLEY:** -- I wasn't unmuted before.

23 Okay. Yeah, I'm also going to talk about the  
24 manual counting of ballots requirement. If you  
25 all were poll workers, you would know that this



1 is a ridiculous, unnecessary, and harmful idea.  
2 You would know that we verify all machine counts  
3 are at zero at the beginning of the day and that  
4 the scanner is empty. We take pictures to prove  
5 all this and send them to the county. We  
6 reconcile the counts on the poll pads, voting  
7 machines, and the scanner every hour and send  
8 that to the county.

9 The worker manning the scanner watches that  
10 the count increases by one every time a voter  
11 feeds a ballot in. We complete dozens of forms  
12 documenting that everything reconciles at the end  
13 of the day.

14 But now at the end of a 16-hour day, you  
15 want to add a requirement that three of us  
16 hand-count thousands of pieces of paper that a  
17 machine has already counted. This is completely  
18 ridiculous.

19 I also heard you to reject the proposed rule  
20 regarding certification. I'm not an attorney or  
21 representing any organization. So I'm just going  
22 to say clearly this is driven by your belief in  
23 the con of voter fraud. People have been trying  
24 to prove this voter fraud con for four years and  
25 no one has succeeded and you will not succeed

1       either because this is America and in our great  
2       country you actually have to have evidence to  
3       prevail. Thank you.

4               **MR. FERVIER:** Thank you very much, Pamela.  
5       I appreciate you working with us on these  
6       technical issues.

7               The next person to speak is Michael Beach.  
8       Michael, are you online?

9               **DR. BEACH:** I'm online. Can you hear me?

10              **MR. FERVIER:** I can. Please proceed.

11              **DR. BEACH:** Okay, thank you. My name is  
12       Dr. Michael Beach and I have served as a poll  
13       worker and assistant poll manager in DeKalb  
14       County for almost three years now, since my  
15       retirement. The proposed rule to hand-count  
16       ballots at polling locations, as you've heard, is  
17       duplicative and unnecessary, could introduce more  
18       errors, and certainly will delay when ballots are  
19       delivered to the main office.

20              As we know confidence in elections is  
21       undermined when results are delayed. As a poll  
22       worker, we already check hourly for discrepancies  
23       between check-ins at the poll pads, voting at the  
24       touchscreens, ballot counts at the scanner.

25              In my precinct actually, we have tried

1 hand-counting of ballots and found that issues  
2 with count consistency are always due to human  
3 counting error. The scanner count has always  
4 been correct.

5 The proposed rule for the county board's  
6 role in certification conflicts with Georgia  
7 laws, as you've heard, that require  
8 superintendent certification on the Monday after  
9 the election. Giving a hundred and fifty-nine  
10 boards discretion to hold up certification with  
11 ambiguous wording, allowing members to, quote,  
12 examine all election-related documentation could  
13 be used to delay election certification with  
14 potentially never-ending review of documents.

15 As we know, the U.S. has been embroiled in  
16 election chaos for four years now, questioning  
17 whether our election systems are secured.  
18 Multitudes of lawsuits and accusations have  
19 proliferated, but at the end of the day those  
20 efforts have failed due to a total lack of hard  
21 supporting evidence.

22 As seen over the past four years also,  
23 adding more rules will never satisfy those who  
24 are convinced elections are not secure. It only  
25 emboldens them to submit more and more layers of

1       unnneeded and potentially harmful changes. Even  
2       our elected Republican Secretary of State just  
3       published that these last-minute changes in  
4       election procedures undermines voter confidence  
5       and burdens election workers.

6               The election is coming up soon. Our  
7       election officials and poll workers need to be  
8       laser-focused. I ask that you deny these changes  
9       and allow the election to go forward unburdened,  
10      unstressed by these unnecessary last-minute  
11      changes. Thank you.

12              **MR. FERVIER:** Thank you, Dr. Beach. We  
13      appreciate your comments.

14              The next person to speak is Kathleen  
15      Kneeland. Kathleen Kneeland, are you online?  
16      Kathleen Kneeland?

17              **MS. KNEELAND:** Hello. Yes, I'm online.

18              **MR. FERVIER:** Great, great.

19              **MS. KNEELAND:** Yes. Thank you very much.  
20      I'm a registered voter in Forsyth County. And  
21      actually I had a whole lot of points to make, but  
22      I'm -- they've already been made several times.  
23      So I'll try to keep this brief.

24              And, first, addressing the whole delay of  
25      certification issue, this is been refuted legally

1 time and time again, not just recently in the  
2 four years following 2020, but literally for  
3 decades it has been rejected by the courts. And  
4 I just want to repeat a slogan that I've heard  
5 many times and that is: A definition of insanity  
6 is doing the same thing over and over and  
7 expecting different results.

8 And I don't see why Georgia would want to  
9 complicate certification once again to have it  
10 rejected once again.

11 Secondly, I think the hand-counting of  
12 ballots takes us back to the bad old days of  
13 potential ballot stuffing. This was a chronic  
14 problem in the days of paper ballots. And how we  
15 are now assuming that paper ballots are somehow  
16 more accurate than computers and electronics  
17 really escapes me.

18 But having said those two things, the main  
19 issue I'd like to raise now is one of cost. And  
20 that is how much are all these last-minute  
21 changes going to cost Georgia taxpayers? And I'd  
22 like to see a detailed cost analysis and answer  
23 to this question.

24 **MR. FERVIER:** Thank you, Ms. Kneeland.

25 **MS. KNEELAND:** Not to -- oh, sorry, thank

1       you for listening.

2               **MR. FERVIER:** Thank you. We appreciate your  
3 comments, Ms. Kneeland. Thank you very much.

4               The next speaker is -- I apologize ahead of  
5 time on this one -- Matt Rowenczak. Matt  
6 Rowenczak, are you online?

7               **MR. ROWENCZAK:** I am. Good morning, board.

8               **MR. FERVIER:** Did I butcher your last name  
9 too much?

10              **MR. ROWENCZAK:** No. You did a pretty good  
11 job, chair. Appreciate that.

12              **MR. FERVIER:** Thank you. Please proceed.

13              **MR. ROWENCZAK:** Good morning, board. So I  
14 wanted to express my support for the first three  
15 rules for final adoption as well as the two rules  
16 submitted by Ms. Lucia Frazier.

17              And one thing before I get into some of  
18 those rules is I think it's very apparent that  
19 there's been some shenanigans in this meeting  
20 because there's a couple of organizations that  
21 seems to have gotten potentially advanced notice  
22 for this meeting. When you do a virtual meeting  
23 like this -- right? -- it's all -- word gets  
24 spread on equal times -- right? -- when people  
25 have to physically show up in person to get

1 public comment -- right? -- there is a time and a  
2 place. You don't have equal process when you do  
3 this online.

4 I wanted to speak to the second rule from  
5 Ms. Sharlene Alexander. And that is it's pretty  
6 absurd that we have folks that are concerned  
7 about counting ballots to make sure that they  
8 match, right? So there are firms -- right? --  
9 when you become an accountant -- right? -- and  
10 you're -- and, you know, people often joke and  
11 call you a bean counter -- right? -- because they  
12 go physically verify the inventory that matches  
13 the books. This rule is not controversial. It's  
14 basically a reconciliation. It's a process that  
15 has been done for years. Just recently the  
16 secretary of state guided our counties to not do  
17 it.

18 And for folks that think there haven't been  
19 any issues, let me remind them -- because some  
20 said they did a lot of research, well, apparently  
21 they didn't do much research because in DeKalb  
22 County when Michelle Long Spears in the Democrat  
23 primary in 2022, all of a sudden she went from  
24 roughly 3,000 votes to 6,500 after they counted.  
25 And a hand-count of the ballots would've caught

1       it.

2               So we have a lot of partisan activists that  
3       have given public comment, and people of common  
4       sense know that this is a good rule that's been  
5       in practice previously for many, many years.

6               Thank you for the time.

7               **MR. FERVIER:** Thank you, Mr. Rowenczak. We  
8       appreciate your comments.

9               The next person to speak is Jodi Lewis  
10       Lipsitz. Jodi Lewis Lipsitz? Are you online,  
11       Jodi? Jodi Lewis Lipsitz, are you online?

12              We will go forward to -- the next person  
13       will be Matt Weiss.

14              Matt Weiss, are you online?

15              **MR. WEISS:** Oh, can hear me?

16              **MR. FERVIER:** Yes. Is this Matt?

17              **MR. WEISS:** Yes. Can you hear me?

18              **MR. FERVIER:** Yes.

19              **MR. WEISS:** Yes, it is.

20              **MR. FERVIER:** Please proceed, Matt.

21              **MR. WEISS:** I thank you, members of the  
22       state election board. I speak this morning on  
23       behalf of the Democratic Party of Georgia as its  
24       deputy general counsel in opposition to the  
25       comment regarding notice to rulemaking to amend



1 subject 183-1-12-.12, relating to tabulating  
2 results.

3 The proposed rule is problematic as it  
4 departs from its purported statutory authority,  
5 O.C.G.A. 21-2-493. The proposal rule would  
6 require boards of election to compare the total  
7 number of ballots cast to the total number of  
8 unique voter ID numbers and to determine the  
9 basis for any discrepancy.

10 Whereas, the proposed rule requires that all  
11 such discrepancies be investigated and resolved  
12 before certification, the statute requires that  
13 if error or fraud is discovered, quote, the  
14 superintendent shall compute and certify the  
15 results justly, regardless of any fraudulent or  
16 erroneous returns presented to him or her.  
17 That's O.C.G.A. 21-2-493(i), with fraud dealt  
18 with by the district attorney or in subsequent  
19 litigation.

20 So what's driving this rule? A report  
21 published by ProPublica yesterday revealed that  
22 the rule is being pushed by the Election  
23 Integrity Network, a right-wing organization  
24 involved in challenging the legitimacy of  
25 elections led by Cleta Mitchell and the Election

1 Research Institute; a right-wing group led by  
2 Heather Honey, the leader of the election monitor  
3 team for Fulton County proposed at the last  
4 meeting, and according to the New York Times, an  
5 activist known for spreading conspiracy theories  
6 about elections.

7 As detailed in the DPG's written comments on  
8 this rule, the rule ultimately further undermines  
9 the established legal principle in Georgia that  
10 the certification of elections is a ministerial  
11 duty of election superintendents which is clear  
12 from the plain reading of Georgia's election code  
13 and in precedent from the state -- the Supreme  
14 Court of Georgia dating back over a hundred  
15 years.

16 Thank you very much.

17 **MR. FERVIER:** Thank you, Mr. Weiss. We  
18 appreciate your comments, sir.

19 We're going to go back one more time and try  
20 some individuals that were unable to connect  
21 earlier: Kristen Nabers.

22 Kristen Nabers, are you online? We see you  
23 online.

24 Is Kristen Nabers' microphone off? It's  
25 enabled?

1           Ms. Nabers, are you online? Is your -- is  
2 your mic off? Kristen Nabers?

3           All right. Janice Swaney? Janice Swaney,  
4 are you online?

5           All right. Michael Chermansky? Michael  
6 Chermansky, are you online?

7           All right. Jodi Lewis Lipsitz? Jodi Lewis  
8 Lipsitz, are you online?

9           Okay. That will conclude, then, our public  
10 comment portion of the meeting this morning.  
11 We'll go into procedure matters which are discuss  
12 proposed rule amendments and -- and petition for  
13 board rules.

14           The chair would entertain a comfort recess  
15 of about five to seven minutes. Do we have a  
16 motion?

17           **MS. GHAZAL:** So moved.

18           **MR. FERVIER:** We have a motion from member  
19 Ghazal for a short recess. Is there a second?

20           **MS. KING:** Second.

21           **MR. FERVIER:** We have a motion and a second  
22 from member King. Any discussion? Hearing no  
23 discussion, all those in favor signify by saying  
24 aye. Dr. Johnston?

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

1           **MR. FERVIER:** Member Ghazal?

2           **MS. GHAZAL:** Aye.

3           **MR. FERVIER:** Member King?

4           **MS. KING:** Aye.

5           **MR. FERVIER:** The ayes have it.

6           We will now recess for approximately five  
7 minutes and reconvene at 10:30 a.m. Thank you.

8 (Recess)

9           **MR. FERVIER:** We will reconvene the meeting  
10 now after that short break which I appreciate  
11 greatly.

12           We -- one of our callers from this morning  
13 just informed us -- or one of our speakers this  
14 morning just informed us that she is available,  
15 was having some technical issues. So we'll begin  
16 by hearing from Jodi Lewis Lipsitz for  
17 approximately two minutes.

18           Ms. Lipsitz, are you online?

19           **MS. LIPSITZ:** I am.

20           **MR. FERVIER:** Good. Please -- please  
21 proceed for your two minutes. And thank you.

22           **MS. LIPSITZ:** Good morning. My name is Jodi  
23 Lewis Lipsitz. My legal name is Josephine for  
24 whatever that's worth. Thank you to all the  
25 board members and thank you for letting me say my

1 piece.

2 My earliest political memory is the  
3 Kennedy-Nixon debate. I voted for the first time  
4 in the McGovern-Nixon election. Never missed  
5 voting in a presidential election since that  
6 time. It's only been in the last few years that  
7 I felt concerned that my vote might not be  
8 counted. I vote by absentee ballot because these  
9 days it is not easy for me to stand for any  
10 appreciable length of time at the polls. Frankly  
11 it's alarming that my vote could be determined to  
12 be fraudulent at the whim of someone else.

13 I'm speaking up now because as Americans we  
14 deserve to have free and fair elections. We must  
15 not let anyone or any party take away this right  
16 which was won for me by the sacrifices of people  
17 like my father who served in World War II. He  
18 would be horrified at the situation in our  
19 country at present.

20 Elections in this country have worked  
21 relatively well and smoothly until the 2020  
22 election. We don't need additional minders  
23 treating us as though we are toddlers. The  
24 system is not broken, and it does not need to be  
25 fixed. We must not interfere with this process.

1           We need to learn to discuss our differences  
2           with civility. We must put our country before  
3           party affiliation and be allowed to vote our own  
4           consciousness without fear that someone who does  
5           not agree with us will negate our vote.

6           Thank you.

7           **MR. FERVIER:** Thank you. We appreciate --  
8           appreciate your comments.

9           **Discussion and Voting on Proposed Rule Amendment to**  
10          **SEB Rule 183-1-12-.12**

11          **MR. FERVIER:** The next portion of our  
12          meeting -- of our meeting today is procedural  
13          matters which the first item is a discussion and  
14          voting on proposed rule amendment to SEB rule  
15          183-1-12-.12. This was a rule that was presented  
16          by Salleigh Grubbs, I believe, and Bridget  
17          Thorne.

18          The -- we've been presented with a list of  
19          speakers for this rule. We don't -- as we've  
20          done in -- in the meetings that we've had in  
21          person, we're going to try and limit the  
22          proponents of this rule to 20 minutes unless the  
23          board has questions for any of the speakers which  
24          the board is -- certainly can do that, can ask  
25          questions if they want to of these speakers.

1           So Ms. Grubbs has listed six speakers that  
2 she would like to speak on behalf of this rule.  
3 But we still would like to limit them to 20  
4 minutes. And then if there is any rebuttal that  
5 the board would like to hear, then the board can  
6 ask for a rebuttal from anybody else.

7           I believe that Ms. Thorne will be presenting  
8 this.

9           Is that correct, Ms. Thorne? Are you  
10 online?

11           **MS. THORNE:** Yes. Can you hear me?

12           **MR. FERVIER:** Yes. Are you going to be the  
13 first of the speakers?

14           **MS. THORNE:** Yes, I am.

15           **MR. FERVIER:** Okay. Let me -- let me get  
16 set up here. Would you proceed, Ms. Thorne,  
17 please.

18           **MS. THORNE:** Yes. I am a Fulton County  
19 commissioner but I am submitting this form as a  
20 private Georgia citizen. I'm a former precinct  
21 manager of almost nine years, a Dominion poll  
22 technician, a poll watcher, poll trainer, and  
23 election integrity advocate.

24           I was out of last -- out of town last month,  
25 so I apologize that I couldn't present this rule.

1 But I'm thankful that Salleigh and David did such  
2 a far better job than I ever could. But I'm here  
3 now as the originator of this rule.

4 This rule is a common sense rule. Most  
5 people would assume that there is a  
6 reconciliation that the number of voters who  
7 voted would equal the number of ballots cast  
8 before certification. After all, it is stated in  
9 law that -- and this rule simply offers guidance  
10 on following the existing law.

11 Fact: Fulton County had to recertify the  
12 January 2021 elections, the November 2021  
13 election, and the May 2022 election. And then  
14 they recounted the November 2023 election twice.

15 The current election director thinks that  
16 recertification is just part of the process.  
17 That process means that you are disregarding law.  
18 You certified not knowing that the account -- the  
19 count is true and correct the first time.

20 Fact: Last June Fulton County elections was  
21 forced to sign a consent decree that they  
22 double-scanned 3500-plus absentee ballots in the  
23 November 2020 election. Votes were watered down.  
24 They were suppressed. There was no longer one  
25 person equal one vote.



1           So what are you doing, state board? What  
2       place guards are you putting -- safeguards are  
3       you putting in place so that this would never  
4       happen again? Know your advocates here  
5       because -- they're advocating that: let's just  
6       keep it the same, it's all good. Who cares that  
7       people's votes were watered down?

8           I have an engineering background. I started  
9       working elections because I was amazed how broken  
10      and dysfunctional the election processes were. I  
11      thought I could make a difference. But I learned  
12      that most election directors do not have process  
13      management skills, auditing backgrounds, or  
14      experience outside of elections in the real  
15      world. They are -- they are hired straight out  
16      of college or out of government.

17          In a nonelection world, common sense  
18      processes like this would be put in place.  
19      GAVREO comments that the rule cannot change law,  
20      well, that will be addressed here by my expert  
21      attorneys that I have brought in. And the fact  
22      that they say that you -- it's ridiculous that  
23      they say you can't remove a ballot after it's  
24      been cast. Of course we know that. But we've  
25      come up with methods to prevent people's ballots

1 not being counted and that are being counted too  
2 often.

3 Even in 2020 the Secretary of State had to  
4 admit that 1500-plus people double-voted. 1500  
5 people were turned in and prosecuted. Those  
6 1500, I think, were put -- because a rule was put  
7 in place last minute that counties could go ahead  
8 and start tabulating absentee ballots early,  
9 people saw that their absentee ballots hadn't  
10 been counted. So they went ahead and went in and  
11 voted in person in a panic.

12 What are you guys doing to correct this?  
13 What are you --

14 **UNIDENTIFIED SPEAKER:** That's false.

15 **MS. THORNE:** -- (indiscernible).

16 I have here, since I'm not an attorney and  
17 I'm taking notes from what you did, Mr. Fervier,  
18 by having a CREW attorney come in, I have three  
19 legal experts to present the rule. I have Hans  
20 von Spakovsky, senior legal scholar at the  
21 Heritage Foundation and a former member of the  
22 Fulton County Board of Registration and  
23 Elections; Ken Cuccinelli, former attorney  
24 general of Virginia and president of the Election  
25 Transparency Initiative; and Harry MacDougald, an

1 attorney, managing partner at Caldwell Carlson  
2 Elliott and DeLoach and is a former member of the  
3 Fulton County Board of Registration and  
4 Elections.

5 **MR. FERVIER:** Ms. Thorne? Are you finished,  
6 Ms. Thorne?

7 **MS. THORNE:** Yes.

8 **MR. FERVIER:** Okay. We're going to leave  
9 your mic on in case the board has any questions.  
10 I have some questions about this rule after the  
11 other speakers.

12 So we'll hear from Hans von Spakovsky first.

13 **MS. THORNE:** Yes.

14 **MR. FERVIER:** Is he -- Mr. Spakovsky, are  
15 you online? Is his mic off?

16 **MR. VON SPAKOVSKY:** Can you hear me now,  
17 Mr. Chairman?

18 **MR. FERVIER:** Yes. Yes, we can. Please  
19 proceed.

20 **MR. VON SPAKOVSKY:** Good. Look, this rule  
21 simply takes the statutory provision in -- in  
22 Georgia law and sets out the common sense process  
23 for putting it in force.

24 Now, I will tell you, Mr. Chairman and  
25 members of the board, that while I work at the

1 Heritage Foundation, I'm here independently on my  
2 own, presenting my own personal opinions. And  
3 while I've got a lot of experience in the  
4 administration of elections, most relevant, as  
5 Ms. Thorne said, is that I spent five years  
6 administering elections with the rest of my  
7 county board in Fulton County.

8 Reconciliation is probably the most  
9 important function of a board. You want to be  
10 sure that the number of votes you are counting  
11 matches the number of voters who came in, went  
12 through the registration verification process and  
13 voted.

14 Now, I've heard a lot of attacks on you,  
15 attacks on others, all kinds of politics brought  
16 into that. What I would say to you is you need  
17 to ignore all these partisan allegations you've  
18 heard. This is a matter of good government, not  
19 politics.

20 And those who say this will disenfranchise  
21 voters, that's just not true. What will  
22 disenfranchise voters is if a precinct counts 900  
23 votes but when you check, it turns out a thousand  
24 voters came in. And for anyone who believes that  
25 kind of thing can't happen, I suggest you Google

1        what happened in Houston two years ago when it  
2        turned out that Houston lost until after the  
3        election 10,000 votes: 6,000 which were  
4        Democratic votes, 4,000 which were Republican.

5            Again, this is not going to delay  
6        certification. If you look at the rule and if  
7        you look at the process set up, the common sense  
8        process, it says that if the error or discrepancy  
9        can't be resolved, then the board determines a  
10       just way of counting the votes and they go  
11       forward. That's clear in the statute. It's  
12       clear in the process.

13           Now, I've heard folks constantly say, Oh,  
14        this will delay results. It's true the public  
15        wants to get the results as soon as possible, but  
16        getting quick results does not overrule making  
17        sure you have an error-free election.

18           Again, that is the most basic thing that is  
19        the responsibility of election officials. And I  
20        can't think of anything worse for public  
21        confidence than for election officials to certify  
22        an election despite errors and omissions and  
23        discrepancies that they have not actually looked  
24        at and investigated.

25           I've heard it said that members of county

1 boards don't have the authority to do that, they  
2 don't have the authority to look at documentation  
3 and other things in the election. Excuse me, but  
4 under the law and certainly when I was on the  
5 board, members of the county boards of elections  
6 have 100 percent responsibility for elections in  
7 their county from the time people register to  
8 when they're voting to when the tabulation is  
9 occurring. What, they're supposed to carry out  
10 that duty without having access to everything  
11 that's going on? That makes no sense.

12 It is not any different from the  
13 responsibility that members of the board have to  
14 investigate and determine whether provisional  
15 ballots should be counted. That is an absolute  
16 obligation that board members have, as we all  
17 know, after elections. And how is that done?  
18 They have to do a complete investigation of an  
19 individual voter who said that they registered to  
20 vote, get all of the documentation involved to  
21 find out whether that actually did occur or  
22 whether an error was made by election officials.

23 I would tell you that unless an election  
24 official, a board member, has full confidence in  
25 the administration of the election, that it was

1 done without errors, they should not certify the  
2 elections.

3 **UNIDENTIFIED SPEAKER:** Got to stay and count  
4 all those paper ballots (indiscernible).

5 **MR. FERVIER:** Let's -- excuse me.

6 Alexandra, if you could make sure that  
7 everybody's comments are -- everybody's mic is  
8 turned off.

9 **UNIDENTIFIED SPEAKER:** After staying there  
10 at 5:30 or more, do you want stay there --

11 **MR. FERVIER:** Mr. von Spavo -- I'm sorry.  
12 I -- I undid mine. Would the speaker please turn  
13 your mic on, back on. We've muted everybody at  
14 this point.

15 **MR. VON SPAKOVSKY:** Yes, sir. It's back on.

16 **MR. FERVIER:** Good. Please proceed.

17 (Cross-talking)

18 **MR. VON SPAKOVSKY:** I don't want to take a  
19 lot of time more, I would say that the absolute  
20 obligation of every election officials is to make  
21 sure that you have a fair, honest, and accurate  
22 election. And what we want at the end of  
23 election day is that everyone is confident,  
24 including the losers, that the election was  
25 fairly, honestly, and accurately conducted.

1       You -- that is not going to happen unless  
2       election officials have the authority, the power,  
3       and the ability to reconcile and investigate any  
4       discrepancies and errors that occur. And that is  
5       the ultimate goal of all election officials.

6               Thank you very much, Mr. Chairman.

7               **MR. FERVIER:** Thank you. We appreciate your  
8       comments. Thank you very much.

9               Our next speaker would be Attorney General  
10      Ken Cuccinelli.

11              Mr. Attorney General, are you online?

12              **MR. CUCCINELLI:** I am. Not getting the  
13      camera opportunity. So you -- you get my radio  
14      persona, I guess. I appreciate the chance to  
15      speak to you all. I wish it were visual, but  
16      that's okay. I want to thank you first for the  
17      opportunity to speak and for the work you all do  
18      being on this board week in, week out, month in,  
19      month out, year in, year out.

20              And the -- you know, I've heard a lot of  
21      constructive comments on both sides of this  
22      debate. I've also heard some of the things that  
23      make it harder to do your job. And I just  
24      appreciate you all bearing up through all that  
25      and using your mind, using your brain, using your



1 time, exercising your discretion which leads me  
2 to my first comment.

3 I -- I keep hearing this notion that your  
4 job or the job of boards of election is  
5 ministerial, the "shall certify" language. And I  
6 also see the code section relevant to this rule  
7 being, in my view, misquoted, particularly the --  
8 the tail end under (i). I heard at least one  
9 person sort of short the code section. Says if  
10 any or fraud is discovered, superintendent --  
11 which is board, where there isn't a  
12 superintendent -- shall compute and certify the  
13 votes, and they stop there. But the next word is  
14 "justly," which rather clearly implies that that  
15 board is intended and expected to use its  
16 judgment to determine on very short time frames  
17 what is the most proper outcome of the vote count  
18 in their area of responsibility. This is not a  
19 ministerial function. It's a very thoughtful,  
20 weighty function, and we appreciate you all  
21 engaging in your part of it here before ballots  
22 begin to be cast.

23 One of the reasons for the loss of  
24 confidence in 2020 was that the rules were  
25 changing while votes were being cast and after

1       that, often by courts, sometimes by unelected  
2       officials, secretaries of state -- yours is  
3       elected, not every state's is -- and that  
4       severely undermines confidence in an election.

5               So I appreciate you addressing a  
6       reconciliation subject before ballots begin to be  
7       cast so everybody knows the rules and how it will  
8       take place.

9               I think the honest analysis of the two sides  
10      of the debate with respect to this reconciliation  
11      rule are speed versus accuracy. And I would hope  
12      that this board will come down on the side of  
13      accuracy. And I would simply note that you are  
14      not actually sacrificing much in the way of speed  
15      except in rare instances where problems do, in  
16      fact, arise.

17              I've also heard allegations about concerns  
18      about fraud and so forth. In my experience --  
19      and as attorney general I dealt with an entire  
20      state, not yours of course, although I was a  
21      Georgia lawyer first -- that it is awfully  
22      difficult to deal with problems after they occur  
23      rather than preventing them on the front side.  
24      Elections, the old saying, "an ounce of  
25      prevention is worth a pound of cure," is probably

1 closer to an ounce of prevention is worth a ton  
2 of cure because of how difficult it is to deal  
3 with problems after the fact in the incredibly  
4 condensed time period we have.

5 Presidential elections are actually the  
6 worst because your state is just one of 50 plus  
7 the District of Columbia rather than being able  
8 to deal with it inside one state, dealing with  
9 only one state. For example, after the  
10 Abrams-Kemp race in 2018, it was just you all  
11 determining that outcome.

12 The reconciliation rule proposed here would  
13 flag serious problems at the earliest point in  
14 the process prior to certification. And if more  
15 ballots show up than voters, good grief, I would  
16 think anybody would want to flag and solve that  
17 problem as soon as possible. And that's what  
18 this rule does.

19 The opportunity to do that farther down the  
20 process gets more and more and more difficult.  
21 And I don't -- I don't really want to dwell on  
22 2020 at all because the other side was  
23 complaining in 2016 and we can -- it's whoever  
24 loses complains. So we want the best rules for  
25 everybody.

1           One of your speakers, I think it may have  
2       been Hans, said: We want the losers happy. They  
3       want -- we want them to be able to be confident.  
4       This reconciliation rule provides an element of  
5       transparency and confidence that is very common  
6       to the business world, reconciliation and  
7       accounting for example, and a very clear red flag  
8       in the very rare instances when it arises. And I  
9       will tell you from my old prosecutor days the  
10      best way to avoid problems is to make it clear to  
11      folks that you will catch the problems and fix  
12      them. And where there is maliciousness, that  
13      being the minority of instances in my view, you  
14      will hold people accountable. And this rule  
15      allows that to happen more reliably than current  
16      practice.

17           My last comment would be the only election  
18      law case most Americans might know is *Bush v Gore*  
19      from 24 years ago, when Florida was truly  
20      incompetent, and the seven to two Supreme Court  
21      rule that legal standards needed to be the same  
22      across the state. And the charge of your body of  
23      obtaining consistent application of Georgia law  
24      is fulfilled by supporting the reconciliation  
25      rule so that standards and practices are the same

1 across the state.

2 I appreciate the chance to speak to you all  
3 on this rule.

4 **UNIDENTIFIED SPEAKER:** Yeah. But I'm --  
5 that's what I was wondering --

6 **MR. CUCCINELLI:** I appreciate it being  
7 brought forward, and I will stay on and continue  
8 to listen.

9 **UNIDENTIFIED SPEAKER:** -- should I look at  
10 people who were maybe in July? It would a more  
11 accurate count?

12 **MR. FERVIER:** Thank you. Mr. Attorney  
13 General, I apologize for that. We keep having  
14 people join and you have to --

15 **MR. CUCCINELLI:** That's no problem --

16 **MR. FERVIER:** -- mute their mics --

17 **MR. CUCCINELLI:** -- I understand.

18 **MR. FERVIER:** -- as they join. And so we  
19 appreciate your comments. Thank you. If you  
20 want to remain online in case the board has any  
21 questions when -- when we're finished.

22 **MR. CUCCINELLI:** Yes, Mr. Chairman,  
23 certainly.

24 **MR. FERVIER:** The next speaker is Harry  
25 MacDougald. Mr. MacDougald.

1           **MR. MACDOUGALD:** Good morning, Mr. Chairman.

2           **MR. FERVIER:** Yes.

3           **MR. MACDOUGALD:** Are you able to hear me?

4           **MR. FERVIER:** Yes, we are. Thank you.

5           **MR. MACDOUGALD:** So good morning,  
6 Mr. Chairman and members of the board. My goal  
7 here is to give you a guidepost for evaluating  
8 the argument about whether this rule is lawful in  
9 requiring precinct level reconciliation of  
10 voters, ballots, and ballots cast. And you can  
11 figure that out for yourselves by reading two  
12 statutes which are 21-2-70 and 21-2-423. And I'm  
13 going to call a couple of provisions of those to  
14 your attention.

15           Subsection (8) of 21-2-70 imposes on local  
16 election boards the duty that they shall inspect  
17 systematically and thoroughly the conduct of  
18 primaries and elections in the several precincts.  
19 So it's clearly within their statutory authority.

20           Then I'd like you to consider the oath of  
21 office that local election board members take  
22 under 21-2-70, subsection 15(b): that I will to  
23 the best ability prevent any fraud, deceit, or  
24 abuse in carrying on elections and that I will  
25 make a true and perfect return of such primaries

1           and elections.

2           So the duty to certify a correct result is  
3           very clearly stated.

4           Now, as for the precinct level  
5           reconciliation, that is provided by the Georgia  
6           Election Code 21-2-493, subsection (b) requires  
7           precinct level reconciliation. And this rule  
8           applies that code section to the conduct of  
9           elections. I was on the Fulton County election  
10          board for eight years and precinct level  
11          reconciliation was required of every precinct in  
12          our county.

13          Why would this be something that needs to be  
14          reiterated in this rule? It is because in Fulton  
15          County we know that we had 3,930 duplicate  
16          ballots and we know that we had over 17,000 votes  
17          for which there were no ballot images. Those are  
18          significant irregularities that would've been  
19          caught by precinct level reconciliation.

20          And when it comes to the certification  
21          requirement, board members, when they certify,  
22          they are attesting that the results are correct.  
23          Georgia has a criminal statute that makes it a  
24          crime to submit a false document to the state or  
25          county government. That's 16-10-20. Board

1 members face legal jeopardy for certifying  
2 results if they are not accurate.

3 And so this rule will make the practice in  
4 the state uniform. Other speakers who are  
5 election directors described their procedures for  
6 reconciliation at the precinct level and they're  
7 to be commended for that. But the plain fact is  
8 that did not happen in Fulton County and we have  
9 had tremendous problems because of that and this  
10 will help solve that problem.

11 **MR. FERVIER:** Thank you, Mr. MacDougald. I  
12 appreciate that. Once again if you would stay  
13 online in case the board has any questions for  
14 you.

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

16 **MR. FERVIER:** Ms. Grubbs, are you online?

17 **MS. GRUBBS:** Yes, sir, I'm here.

18 **MR. FERVIER:** Now, we've gone a little past  
19 your 20 minutes, but I think all of this is  
20 important. So if you would -- you and  
21 Mr. Hancock would be brief in your comments, then  
22 we can get to board questions.

23 **MS. GRUBBS:** Yes, sir, I will be brief.  
24 You've heard from three esteemed legal scholars  
25 who know what they're talking about. What I will



1 add to the conversation is what a proper canvass  
2 is.

3 It's defined in the law dictionary as the  
4 act of examining and counting the returns of  
5 votes cast at a public election to determine  
6 authenticity. So proper canvassing is also cited  
7 by the U.S. Election Assistance Commission. They  
8 wrote -- actually I have (indiscernible) on it.  
9 Chapter 13 for canvassing and certifying an  
10 election: Canvassing and certifying should be  
11 used together to ensure that there is accuracy.  
12 And I have heard from people -- and, you know,  
13 out of 27 public commenters, two were allowed in  
14 that were pro, the rest were against the rules.  
15 And some of those were from smaller counties.

16 I will say that in Georgia we are a diverse  
17 state and we have more populous counties. But  
18 even with that, our precincts are not overwhelmed  
19 with voters. And this is something that can be  
20 achieved on the precinct level without issue.  
21 And there was something key that one of the  
22 commenters said, is that the vote's contained in  
23 the QR code anyway and, like, there's an  
24 expectation that the paper ballots are not going  
25 to reconcile with the tabulated results because

1       that's where the vote actually is.

2               Well, we have to have assurance as Georgians  
3       that what we see printed on our ballot is exactly  
4       how the ballots are cast. And the only way to do  
5       that is by hand reconciliation on the precinct  
6       level.

7               So, Mr. Chairman, I -- I do appreciate you  
8       and the other members, but I would say that there  
9       has been an unequal presentation of comments  
10      today. And I would like to also express that the  
11      talking points from some of those organizations  
12      have been pushed down to the local levels, to our  
13      local boards of elections. We had a local board  
14      of election meeting in Cobb County the other day  
15      and some of the exact same verbiage is used.

16              And I would just ask that you not let that  
17      color or influence your decisions today because  
18      as you can see, everything that's been presented  
19      in this rule is in accordance with Georgia law,  
20      and it is also to support and defend those people  
21      who are certifying elections to give them  
22      confidence and the ability to raise their right  
23      hand and certify the election without breaking  
24      law in Georgia and without violating the Georgia  
25      Constitution.

1           So thank you very much.

2           **MR. FERVIER:** Thank you, Ms. Grubbs. I -- I  
3 have to make one comment that the -- that the --  
4 it appears to be happening on both sides, the  
5 comments made, because I've receive hundreds of  
6 the very same e-mail over and over and over  
7 again. So I think that it -- both sides would be  
8 guilty of talking points. So ...

9           **MS. GRUBBS:** I hear you. I don't disagree.

10          **MR. FERVIER:** Yep.

11          **MS. GRUBBS:** (indiscernible) in entertaining  
12 those comments.

13          **MR. FERVIER:** It's been interesting.

14                 And, Mr. Hancock, are you online? David  
15 Hancock?

16          **MR. HANCOCK:** Yes, sir.

17          **MR. FERVIER:** Like I said, we -- would you  
18 just take a couple minutes to make your points,  
19 please?

20          **MR. HANCOCK:** Yes, I would. And I would  
21 like to -- speaking -- I am a county board  
22 election member, but I'm not speaking on behalf  
23 of the board. I'm speaking on my own. And I  
24 just want to address some of the -- mention the  
25 talking points that were mentioned. Some of the

1 more misleading or perhaps indicated a  
2 misunderstand -- stand -- understanding of the  
3 law.

4 Previous speaker just recently pointed out  
5 that one of our duties as board members, 21-2-70,  
6 is to inspect, and systematically and thoroughly,  
7 these election results. But also importantly is  
8 the oath that we sign -- or the document that we  
9 sign from the Secretary of State's Office.  
10 Mentioned this in the original presentation. But  
11 I take this very seriously.

12 It says once we certify -- it says: We, the  
13 undersigned board of electors, registrars,  
14 superintendents do jointly and severally certify  
15 that the attached election results summary is a  
16 true and correct count of the votes cast in this  
17 county for the candidates in the election in  
18 testimony whereof, we have un -- hereunto set our  
19 hand and ink the official seal.

20 And then another point that was made is that  
21 election board members who do not follow election  
22 law can be charged with not just a misdemeanor  
23 but a felony in some cases. And one other thing  
24 that I heard, and this is my last comment,  
25 they -- somebody mentioned that the board -- and

1       this is a true statement -- I am not the  
2       superintendent of elections. I am essentially  
3       one-third because we have a five-member board.  
4       It takes a majority to be the superintendent.

5               However, 21-2-72 says that the primary  
6       election records of each superintendent,  
7       registrar, municipal governing authority, and  
8       committee of a political party or body, including  
9       registration statements, nomination petitions,  
10      affidavits, certifications, tally papers, returns  
11      counts, contacts reports, and other documents in  
12      official custody, except the contents of voting  
13      machines shall be open to public inspection and  
14      may be inspected and copied by any elector.

15              So even if I am not representing the  
16      superintendent of elections, any elector is  
17      allowed to go and inspect these documents that  
18      we're asking to see.

19              So I will yield the rest of my time which  
20      doesn't look like there's any left.

21              **MR. FERVIER:** Thank you. Thank you. We  
22      appreciate your comments.

23              We've heard from six members presenting this  
24      petition today. I think I'd like to open it up  
25      now to comments from the board. One thing I'd

1       like to do, I understand that member Jeffares has  
2       joined us by phone, but he has called in and  
3       is -- our director Coan and member King, I  
4       would -- I would prefer that member Jeffares call  
5       Alexandra Hardin, who's in the room with me.  
6       Since I have to verify the votes on my end, I'd  
7       rather be able to hear it myself. So if you'd  
8       ask him to please call our paralegal Alexandra  
9       Hardin, then I can actually hear his vote instead  
10      of having it relayed to me when votes are taken  
11      on these.

12           **MR. CUCCINELLI:** Mr. Chairman, this is Ken  
13      Cuccinelli. Can I offer --

14           **MR. COAN:** He said he --

15           **MR. CUCCINELLI:** -- (indiscernible) for  
16      clarification?

17           **MR. FERVIER:** Yes.

18           **MR. CUCCINELLI:** Just I know you all have  
19      different business to do. I just want to clear  
20      up that the reconciliation rule and the  
21      hand-count effort are -- are separate  
22      undertakings, that the reconciliation at the  
23      precinct level is, you know, in -- we're talking  
24      about a few different things because you have  
25      lots of business before you, but on the one

1 reconciliation rule, it does not include the  
2 hand-count piece. That is held -- that is been  
3 addressed separately.

4 **MR. FERVIER:** Yes. Yes, that's correct. We  
5 have -- we have --

6 **MR. CUCCINELLI:** Thank you.

7 **MR. FERVIER:** That won't be heard. Yes.  
8 It's two different rules.

9 So, member Mr. Jeffares, are you online?

10 **MR. JEFFARES:** I'm online. I'm on the phone  
11 with Alex.

12 **MR. FERVIER:** Great. I just wanted to make  
13 sure that I could hear any comments and questions  
14 that you had.

15 **MR. JEFFARES:** Okay.

16 **MR. FERVIER:** All right. Does the board  
17 have any questions for this team of presenters?  
18 We'll go in order of seniority.

19 Member Ghazal.

20 **MS. GHAZAL:** Thank you. And I want to thank  
21 everybody who has presented this rule. It is  
22 important, and I don't think that anybody who has  
23 been involved in elections in Georgia would  
24 question the fact that a proper reconciliation  
25 and canvass effort is absolutely critical to the

1 outcome and to a proper certification and  
2 election process.

3 But what we're dealing with here is -- is  
4 very specific text of a very specific rule. And  
5 there are some very problematic portions of this.  
6 And I'm going to just address some of my  
7 questions openly for whomever would like to  
8 respond. My first question is the very first  
9 portion --

10 **MR. FERVIER:** Let me -- let me see.

11 So, Ms. Thorne, since you're presenting the  
12 rule, would you address the questions, or if you  
13 want to refer it to somebody else on your team,  
14 we'll let you do that. But if you would just  
15 kind of organize the answers for us.

16 **MS. THORNE:** Okay.

17 **MR. FERVIER:** Okay.

18 **MS. GHAZAL:** As a -- as an initial question,  
19 who actually wrote this?

20 **MS. THORNE:** It was a collaborative team of  
21 people. I actually called for an audit in  
22 October of the absentee ballot processing system  
23 after we moved into our new facility in Fulton  
24 County. I wanted to make sure we had standard  
25 operating procedures in place to prevent



1 double-scanning which I'm encouraged. They're  
2 now double-scanning in batches of 50 and  
3 reconciling it with the number of people that  
4 they had voted.

5 I expressed this concern to numerous people,  
6 that how can we prevent things like this  
7 happening? How can we prevent this from  
8 happening again in the chaotic world when you  
9 have a pandemic and you have a hundred  
10 forty-seven thousand ballots coming through and  
11 you have ballots coming through on open carts?  
12 There was no chain of custody. I was a  
13 first-hand eyewitness to early voting tabulators  
14 with no chain of custody, zero, people dumping  
15 ballots on the floor.

16 So for me I -- I work with groups of people.  
17 I'm in conversations with lots of people in  
18 election integrity. I mentioned it -- Heather  
19 Honey was at our warehouse poll watching, I  
20 mentioned it to her, mentioned it to Dr. Jan,  
21 mentioned it to my board members, both Republican  
22 board members on the board. I talked at length  
23 with the other commissioners. I talk at length  
24 when I go to conferences with people all over the  
25 state.

1           So this is something that's kind of been put  
2 together on a collaborative issue -- a  
3 collaborative effort by numerous people, and  
4 numerous groups have had their hands in it. So I  
5 couldn't pinpoint it. I don't take credit for  
6 all of it, but I will take credit for trying to  
7 get something done to correct problems and come  
8 up with solutions. That's what engineers do. We  
9 come up with solutions for problems. And it's a  
10 problem I see. And this was just an effort to --  
11 I'm -- I'm not -- I don't -- I don't write law  
12 language. I could write, okay, I see this, I  
13 understand this, but then I have lawyers and  
14 attorneys like Ken, Hans, and Harry to speak on  
15 it today.

16           **MS. GHAZAL:** Well, it seems to me a lot of  
17 this is driven by concerns over what happened in  
18 Fulton County, and this has to apply to a hundred  
19 and fifty-nine counties. One of my -- well, I'll  
20 list out several of my concerns and then hope to  
21 get some answers.

22           First is the fact that it requires a meeting  
23 to review precinct returns before precinct  
24 returns are even finished, and that seems to me  
25 to be extremely problematic because our UOCAVA,

1       which is our overseas and military ballot receipt  
2       deadline, isn't even until close of business on  
3       that Friday. And counties still have to process  
4       them to determine whether or not they meet the  
5       requirements and can be accepted. But you're  
6       requiring a meeting at 3 p.m., two hours before  
7       that deadline. So the returns aren't even  
8       finished at that point. So I'm really concerned  
9       that this is creating a heavy burden on counties  
10      and it's just going to complicate things.

11           The process -- the canvassing process begins  
12      on the night of the election. Actually even  
13      before then because the canvassing process begins  
14      when the early voting scanners are tabulated  
15      during -- during the day. It begins when the  
16      absentee ballots may be tabulated during the day.

17           That happens all the way through. But  
18      requiring a county to meet at 3 p.m., before the  
19      deadlines for provisional ballots, absentee  
20      ballots that need to be cured, and -- and our  
21      overseas and military ballots are even due  
22      necessarily, it's extremely problematic.

23           I'm also wondering how it is that "board"  
24      which is not defined anywhere in our rules --  
25      because our rulemaking def -- definitions under

1 rulemaking can be found under 183-1-12-.02(1)(g).  
2 And that -- that defines election superintendent.

3 Do any of you have any idea how many  
4 counties are still using probate judges as an  
5 election superintendent?

6 **MR. FERVIER:** I believe it's approximately  
7 twenty-five.

8 **MS. GHAZAL:** Right. This law -- this rule  
9 does -- in the way it is drafted will not apply  
10 to them. So if we're looking at creating  
11 standards, this doesn't create a standard because  
12 it defines "boards." We have at least one county  
13 that has a separate board of registrars and a  
14 separate board of elections. Again this rule,  
15 because it is not defined, it's not defined code,  
16 it is not defined under O.C.G.A. 21-2-2, the --  
17 the body that has the responsibility for  
18 certifying elections is the superintendent, it's  
19 not the board.

20 The board -- the use of the term "board"  
21 here has no legal definition for it. So I don't  
22 see -- I don't understand how we can apply this  
23 the way it is written because this is the rule  
24 that was presented to us and this is an issue  
25 that I brought up the first time we saw it, but

1 nobody wanted to change it.

2 So I'm having a really hard time as an  
3 attorney understanding how you apply a rule when  
4 you are using terminology that does not have a  
5 legal definition.

6 **MS. THORNE:** I will let Harry MacDougald  
7 answer that question. There have been law  
8 changes, recent law changes to make "board"  
9 acceptable.

10 **MS. GHAZAL:** In twenty -- is that -- that --  
11 I believe you're talking about the provision that  
12 requires counties to move to boards as opposed to  
13 using judges, but that doesn't apply until 2025.

14 **MS. THORNE:** All right, Harry.

15 **MR. MACDOUGALD:** So if I would -- I think  
16 board member Ghazal is making the point that the  
17 rule might be -- it would be uniform if it  
18 referred to superintendents of elections rather  
19 than boards. That would be a -- I think a  
20 worthwhile change to make so that it's -- that  
21 it's uniform statewide.

22 The statute that I was referring to, 493 and  
23 70, they speak of the superintendent. The  
24 superintendent of elections is either a board or  
25 a probate judge. So for the sake of uniformity,

1 they should be synced up. The statute and the  
2 rule should be synced up.

3 **MS. GHAZAL:** Thank you.

4 **MR. FERVIER:** Any further questions, member  
5 Ghazal?

6 **MS. GHAZAL:** I -- I have to respectfully  
7 disagree with Mr. von Spakovsky in terms of --  
8 I -- I apologize. I don't recall if it was  
9 Mr. Cuccinelli or Mr. von Spakovsky that  
10 suggested that the provision of O.C.G.A.  
11 21-2-493(i) that says the board -- let me -- let  
12 me get it exactly right. If error or fraud is  
13 discovered, the superintendent shall compute and  
14 certify the votes justly regardless of any  
15 fraudulent or erroneous returns presented to him  
16 or her. That has been translated into -- into  
17 the rules as "the board shall determine a method  
18 to compute the votes justly" and leaves off the  
19 "regardless of any fraudulent or honest erroneous  
20 returns presented to him or her."

21 I do not read into that a grant of -- a  
22 statutory grant of authority for the board to  
23 exercise discretion here. And just as a thought  
24 experiment, one of the things -- Ms. Thorne --  
25 Commissioner Thorne pointed this out, that there

1       were certainly occasions -- we've seen occasions  
2       in which a voter inadvertently would cast two  
3       ballots because they would cast an absentee  
4       ballot, they would see that it had not been  
5       processed, so they'd vote in person.

6               So that might end up -- might result in a  
7       precinct that had one more vote cast than unique  
8       voters. What would the board do in that  
9       instance? There's one more vote. In the past  
10      what has happened and the correct procedure is  
11      that that is reported out thusly, that the -- the  
12      actual vote totals are certified because there is  
13      no way to remove one vote or one ballot from that  
14      batch. If there is a -- if there's an election  
15      that that one vote would determine the outcome,  
16      it is up to a judge to determine the proper  
17      procedures at that point.

18             It is not the role of the county board to  
19      try to change vote totals. It is the role of the  
20      county board to certify vote totals and allow a  
21      judicial process to be triggered because an  
22      election contest cannot occur until those votes  
23      are certified.

24             And so that -- that is -- I -- I simply do  
25      not agree that the word "justly" is a grant of

1 authority to the county to exercise discretion in  
2 this case.

3 **MS. THORNE:** I'm happy to speak on that, but  
4 would anybody else like to speak on that?

5 **MR. MACDOUGALD:** I would like to speak on  
6 that, Harry MacDougald, for just a second. So  
7 board member Ghazal, the statutory structure for  
8 the role of election superintendents to tabulate,  
9 compute, canvass, and certify the returns implies  
10 discretion at virtually every level. And so it  
11 would be, I think, an error of legal analysis to  
12 focus on just one parenthetical phrase in  
13 subsection (i) to conclude that there's no  
14 discretion.

15 After all, the boards are expected to vote  
16 on whether they certify. And the fact that  
17 they're expected to vote necessarily implies that  
18 they're exercising discretion. So there's  
19 antecedent duty to come up with the correct  
20 number and then certify it. And if they find a  
21 discrepancy, they're to report it out. The  
22 hypothetical that you pose, the st -- we have to  
23 follow the statute on that.

24 And the statute says they shall certify the  
25 returns justly to the best of their ability. And



1 if they're not able to do that because of a  
2 discrepancy, then they're to report that to the  
3 district attorney and, you know, post their  
4 returns and then it goes from there.

5 The post-certification remedies are an  
6 inadequate substitute for the antecedent duty to  
7 get the numbers correct in the first place.

8 **MS. GHAZAL:** And I don't think we disagree.  
9 I don't think we disagree at all. I think that  
10 conducting a proper canvass and making sure that  
11 every vote is accounted for is absolutely  
12 critical. My concern is that some of the  
13 language that's being used is suggesting that  
14 superintendents have discretion to determine  
15 which votes are counted. And that is not the  
16 case, that -- the statute does not support that.

17 And I want to make sure it's very clear to  
18 all 859 people who are listening right now that  
19 that is not the case. The statute does not allow  
20 a county superintendent to determine which votes  
21 count. It is their duty, their legal duty, their  
22 lawful duty to count votes and to account for all  
23 of them. And nothing about this changes the  
24 5 p.m. deadline on the Monday or I think in this  
25 November it's actually going be Tuesday because

1 Monday is a holiday. But nothing about this  
2 changes the absolute mandatory duty to certify at  
3 the county level seven days -- six days after the  
4 election. And nobody should have any mistake in  
5 that.

6 **DR. JOHNSTON:** Mr. Chair.

7 **MR. FERVIER:** Yes. Are you done, member  
8 Ghazal?

9 **MS. GHAZAL:** I am.

10 **MR. FERVIER:** Member Johnston, you're  
11 recognized.

12 **DR. JOHNSTON:** Thank you so much. First,  
13 thank you to everyone who said their comments.  
14 It's evident that -- that many, many people are  
15 interested in this rule petition and we  
16 appreciate all that.

17 I would differ with my colleague,  
18 Ms. Ghazal, about counting every vote. And to  
19 qualify that, that it is the duty -- it's the  
20 authority and the duty of the board or the  
21 superintendent to review and systematically count  
22 every legal vote such that if the board or the  
23 superintendent found that there were votes that  
24 were made illegally, they -- they should not be  
25 counted.

1           And so that -- that's part of the review,  
2           part of the canvass, part of the reconciliation  
3           such that if a tabulator that was given --  
4           produced with 5,000 votes that were -- could not  
5           be verified or authenticated, than they would be  
6           called into question and it should be -- it  
7           should be justly determined at that time and  
8           corrected if necessary.

9           So -- and I would emphasize 21-2-70 in the  
10          code, that the superintendent or the board is  
11          to -- they're advised, they're given the  
12          authority and the duty to inspect systematically  
13          and thoroughly the conduct of the primaries and  
14          the elections in the precincts.

15          And I -- my understanding of this petition  
16          regarding the 3 p.m. Friday meeting is it really  
17          doesn't have anything to do with certification.  
18          It's just -- it's just by that point a review  
19          should be available and provided to the board  
20          members so that they can fulfill their duties.  
21          And the certification is still four days later at  
22          the county level. So I have no problem with the  
23          3 p.m. Friday mention in this rule petition.

24          I'd also like to thank the lawyers that have  
25          so graciously given their time to give their

1 opinions of this. And I would like to enter into  
2 the record a letter from the Honorable J. Kenneth  
3 Blackwell that was to the board. And I'll read  
4 it very quickly.

5 (reading): My name is Kenneth Blackwell,  
6 and I'm chair of the Center for Election  
7 Integrity at the American First Policy Institute,  
8 AFPI, and a former secretary of state of Ohio. I  
9 spent much of my career working to ensure that  
10 Americans are guaranteed safe, secure, and  
11 transparent elections that are accountable to the  
12 people and not corrupted by outside forces.  
13 Raising American confidence in our elections is a  
14 critical piece of this mission. As a body  
15 responsible for implementing election integrity  
16 measures in Georgia, you have the task of  
17 ensuring that Georgia's elections are safe,  
18 secure, transparent, and accountable.

19 (reading): The proposed rule 183-1-12-.12  
20 would establish standard procedures for counties  
21 to comply with the existing requirement that  
22 mandates reconciliation of any discrepancies  
23 between numbers of voters, numbers of ballots,  
24 and numbers of votes before certifying election  
25 results.

1           (reading): This already required -- this is  
2 already required under Georgia law 493(b) as  
3 mentioned by Mr. MacDougald. The proposed rule  
4 simply standardizes the implementation. The AFPI  
5 report previously identified thousands of  
6 discrepancies in Georgia alone that were never  
7 reconciled prior to election certification.

8           (reading): Moving forward we want to ensure  
9 that should a scenario like this arise again, the  
10 law is followed uniformly and correctly across  
11 all Georgia counties. The number of voters,  
12 number of ballots, and number of votes should all  
13 be the same. This is just common sense. Any  
14 opposition to this proposed rule is suspicious in  
15 nature as it opposes the simple principle of one  
16 voter casting one vote at one time, counted once.

17           (reading): Georgians need to know that  
18 their vote counts and their vote matters. They  
19 need to trust their elections. I encourage you  
20 to support the proposed rule, 183-1-12-.12 at  
21 your meeting.

22           Sincerely, the Honorable J. Kenneth  
23 Blackwell.

24           Mr. Chair, I have one more letter to -- to  
25 enter into the record. This is from Senator

1 David Perdue.

2 (reading): Dear members of the Georgia  
3 State Election Board, I am a long-standing  
4 resident of Georgia and am writing to support the  
5 proposed SEB rule 183-1-12-.12 which outlines the  
6 standard procedure to reconcile the number of  
7 voters with the number ballots before the final  
8 count and certification are completed. This rule  
9 is just common sense and similar to banking  
10 disciplines used to reconcile financial accounts.  
11 This proposed rule does not introduce a new  
12 concept. It simply restates the existing  
13 procedures the Georgia State Legislature has  
14 already placed in the election code, O.C.G.A.  
15 21-2-493(b).

16 (reading): The proposed rule also ensures  
17 that reconciliation actions taken across all 159  
18 counties are being conducted uniformly as  
19 required by state and federal law. These  
20 proposed rules re -- this proposed rule requires  
21 counties to match the number of actual unique  
22 voters to the number of actual ballots counted.  
23 This assures one person, one vote, and will  
24 strengthen the integrity of the election process.

25 (reading): I believe that a disciplined and

1 fully implemented reconciliation process is  
2 absolutely required to ensure accurate election  
3 results and that this reconciliation should be  
4 completed before any vote count certification is  
5 completed. I strongly urge the Georgia State  
6 Election Board to adopt this proposed rule. It  
7 is absolutely necessary to assure the accuracy  
8 and fairness of our election process.

9 Thank you for your consideration. Kindest  
10 regards, Senator David Perdue.

11 **MR. FERVIER:** Any further questions, member  
12 Johnston?

13 **DR. JOHNSTON:** Not at this time.

14 **MR. FERVIER:** Member Jeffares, are you  
15 online?

16 **MR. JEFFARES:** (indiscernible)

17 **MR. FERVIER:** Do you have any questions?

18 **MR. JEFFARES:** (inaudible)

19 **MR. FERVIER:** I'm sorry?

20 **MR. JEFFARES:** No.

21 **MR. FERVIER:** No? Okay.

22 Member King.

23 **MS. KING:** Thank you, Mr. Chairman. I -- I  
24 don't have any questions, but I do want to make  
25 sure that I know something. As I'm listening to

1 everyone, I do feel like every concern is valid.  
2 We do take it very seriously. I've listened to  
3 both perspectives on this. That being said, a  
4 lot of the attacks that I'm hearing is centered  
5 around the idea that this particular rule or some  
6 of these rules that are being presented are being  
7 presented based off of us chasing some ghost that  
8 didn't exist or some conspiracy theory, some  
9 hypothetical. And I just want to make sure I  
10 note that several times it's been notated that  
11 there were issues that took place in the election  
12 cycle, particularly 2020, but then also elections  
13 that came following 2020.

14 That being said, this -- these issues have  
15 been noted by the Secretary of State's Office who  
16 are now saying that there were issues although  
17 that was not the case in 2020. We have a letter  
18 directly from the Governor to a citizen  
19 expressing that he also saw some major concerns  
20 that took place.

21 We -- we're -- we have evidence that there  
22 were issues in the 2020 election cycle. However,  
23 many of the opposition letters, e-mails, comments  
24 that have come are based in the conspiracy or  
25 hypotheticals that there could be issues going



1 forward, that there could be people delaying  
2 things, there could be these type of things. And  
3 so what I'm a little confused on is that you're  
4 asking us not to support these rules or some of  
5 these rules as they are because you assume that  
6 they're based in us chasing conspiracy theories  
7 while the opposition perspective is based in a  
8 theory that there could be something wrong going  
9 forward.

10 That being said, I think it's important that  
11 we address what we know occurred. And that's  
12 what we're doing by supporting this -- this  
13 particular rule.

14 **MR. FERVIER:** Any -- no questions member  
15 King?

16 **MS. KING:** No questions. I've heard  
17 everything.

18 **MR. FERVIER:** Okay. I will make a few  
19 comments and then we'll move forward with that.  
20 I do have several issues with this rule as it's  
21 written, although I'm sympathetic for what  
22 they're trying to do. As I've stated many times,  
23 I believe that the board of elections in each  
24 county deserves the right to review documentation  
25 that will help them certify and help them feel

1 comfortable with the results of the election.

2 In this particular rule, I see a couple  
3 issues, many of them member Ghazal has already  
4 stated. I see -- I believe it conflicts  
5 21-2-419(c)(1) and 21-2-386(g) which allows three  
6 days after the election occurs in order for all  
7 of the votes to come in. And so I think -- I  
8 think it conflicts with that in that it's calling  
9 for a meeting at 3:00 on Friday.

10 I also have issues with the fact that not  
11 every county in Georgia has a board of elections.  
12 Some of them have a judge that serves in there.  
13 I believe paragraph 4, the last (indiscernible)  
14 of that where you use the word "counted." The  
15 statute says, "recorded" not "counted." And I  
16 think it's a little bit confusing that paragraph  
17 in itself when it says no vote shall be counted  
18 if discrepancies are presented. But the votes  
19 must be counted in order to identify  
20 discrepancies. So I think it's a little  
21 confusing there.

22 I think paragraph 5, it is the duty of the  
23 superintendent by statute not the board. And  
24 then I -- you know, I have a question for  
25 Ms. Thorne.

1           So we -- statute 21-2-493(k) in this rule  
2           requires that the board certify by 5 p.m. on the  
3           Monday following the election; correct?

4           **MS. THORNE:** Yes.

5           **MR. FERVIER:** And if that's the case, then  
6           if we have an election board member that refuses  
7           to certify for any reason at all, are they in  
8           violation of 21-2-493(k) and in violation of this  
9           rule? And are they subject to be investigated by  
10          this board at that point for refusing to certify?

11          **MS. THORNE:** I assume. But it says the  
12          superintendent, not one person must certify. So  
13          the superintendent would be a majority of that  
14          board. It can't be one person.

15          **MS. KING:** Mr. Chair, I --

16          **MR. FERVIER:** So the board would be -- the  
17          board would be in violation then of statute and  
18          this rule and so the board, then, would be  
19          subject to investigation by this board for  
20          refusing to certify.

21          **DR. JOHNSTON:** I would -- I would beg to  
22          differ, that it says the superintendent which  
23          means the majority of the board is the vote of  
24          the board. It's not just --

25          **MS. THORNE:** One individual board member

1 does not have authority to -- to overrule the  
2 other board members. You certify as a body. And  
3 I think board members would have the right to  
4 disagree if they wanted to disagree. But  
5 hopefully by having this process in place,  
6 everybody will be confident and go ahead and  
7 certify.

8 **MS. KING:** And we have precedent,  
9 Mr. Chairman. In 2020 there were two election  
10 board members who did not certify. And the  
11 majority of the board did and that's what moved  
12 forward. So we have precedent that that's how it  
13 operates.

14 **MR. FERVIER:** Well, that's what's happened  
15 in the past, but no case has been brought before  
16 this board yet on those individuals for not  
17 certifying. And so my question is can a case be  
18 brought forward if an individual refused to  
19 certify?

20 **MS. THORNE:** Well, in a court of law, they  
21 have testified that -- Mr. Wingate has testimony  
22 that he did not certify because they did not do  
23 signature verification in Fulton County. They  
24 decided not to follow the law and just approved  
25 every ballot without signature verification. And

1 also all three counts came at different -- he  
2 didn't see that he felt comfortable certifying  
3 that election since the counts differed.

4 **DR. JOHNSTON:** And Miss --

5 **MR. MACDOUGALD:** Chairman Fervier, if I  
6 could offer a point on that in answer to your  
7 question if that's permissible.

8 **MR. FERVIER:** Sure.

9 **MR. MACDOUGALD:** So the question is a good  
10 one and it's been posed by, I think, what amount  
11 to threats from the Secretary of State's Office  
12 against local election boards that were reluctant  
13 to certify. I believe the way that the statute  
14 contemplates this dilemma being resolved is the  
15 provision in 493 that they certified the results  
16 justly without regard to any fraud or error. In  
17 other words, they certify a result they know is  
18 correct. They exclude results that they cannot  
19 truly and honestly certify are correct.

20 I think that's what the statute  
21 contemplates, but let's consider a further  
22 hypothetical where the board is presented with a  
23 countywide result and being told to certify and  
24 they know to a moral certainty that the figures  
25 are not correct. And they vote by a majority not

1 to certify. What happens then? They -- assume  
2 we're in court and the Secretary of State's  
3 Office is asking to either prosecute or have an  
4 order of mandamus to certify a result and the  
5 board members are over there saying, well, we're  
6 not going to certify it because it's not true.

7 If I were representing the board members, I  
8 would say to the judge: Your Honor, the  
9 Secretary of State's asking you to order my  
10 client to commit a felony in certifying falsely  
11 the results of this election. I don't believe  
12 there's any judge in America that would enter  
13 such an order.

14 Now that's a hypothetical. It's never  
15 happened. But we do that as a thought  
16 experiment. The board members have the right to  
17 vote on certification. That necessarily gives  
18 them the right to vote against it. And if  
19 the figures are not correct --

20 (Background voices)

21 **MR. MACDOUGALD:** -- (indiscernible) are not  
22 correct.

23 **MR. FERVIER:** Hold on just for a second.

24 **UNIDENTIFIED SPEAKER:** And isn't Bridget  
25 Thorne a fake engineer? She never got an

1           engineering job. She --

2           **MS. KING:** You are so disrespectful.

3           We're -- we -- no.

4           And, Mr. Chairman, you're muted. We can't

5           hear you, but --

6           **MR. FERVIER:** We had to mute --

7           **MS. KING:** -- we can't allow this.

8           **MR. FERVIER:** We had to mute everybody.

9           When we have people join, they're automatically

10          unmuted. So we had to go through and mute

11          everybody and start over again. So ...

12          **MR. MACDOUGALD:** Okay. So I'll just finish

13          up. But the fact that --

14          (Cross-talking)

15          **MR. MACDOUGALD:** -- they can vote implies

16          they can vote against it. And that needs to be

17          reconciled with the statutory scheme.

18          **MR. FERVIER:** Okay. Thank -- thank you. I

19          think that -- and my last issue with this rule is

20          the same one that I've always had is that -- I

21          think it's paragraph 6 that leads for an -- just

22          an unlimited search for documents.

23          We've discussed that at previous meetings.

24          I -- I felt like it needed to be a limited amount

25          of documents that a board would -- would be

1 necessary for the board to view. This rule  
2 continues to lead for an unlimited search of  
3 documents that could, I think, create a -- you  
4 know, any board member saying, oh, I didn't  
5 receive x, I didn't receive y, I didn't receive  
6 whatever, so I'm not going to -- I'm not going to  
7 certify this election.

8 I think that's just a -- open-ended. I've  
9 always believed that there needed to be  
10 guardrails around that process. I've stated that  
11 many times. And this rule does not provide any  
12 guardrails for that process. So ...

13 **MS. THORNE:** Mr. Chairman, if I could be  
14 respectful and disagree with you. Georgia Code  
15 21-2-493(b) says the superintendent shall then  
16 examine all registration and primary or election  
17 documents, whatever, relating to such precinct in  
18 the presence of representatives of each party  
19 body and interest -- interested candidate.

20 So they do have -- they do have access by  
21 law -- by law. It is tied to law to examine all  
22 election related documentation.

23 **MR. FERVIER:** I -- I understand that, but I  
24 also know that we're -- we're interchanging  
25 superintendent and board here and that we've seen



1 boards recently -- or board members recently that  
2 refuse to certify because they didn't see x, y,  
3 or z documents. And so that -- I think that this  
4 just even opens the door more to that in my  
5 opinion. But I am only one opinion on this  
6 board. So ...

7 **MS. GRUBBS:** Mr. Chairman, this is Salleigh.

8 **MR. FERVIER:** Yes.

9 **MS. GRUBBS:** One thing is we -- we also --  
10 if we're going to talk about interchanging words,  
11 you can't interchange a board for a board member.  
12 If a board member does not feel comfortable  
13 certifying because they've been refused documents  
14 that they're entitled to see by law, you can't  
15 condemn them for not being willing to cast a vote  
16 to certify as a board member because they have  
17 been selectively excluded from the process. And  
18 we have seen that happen.

19 **MR. FERVIER:** Well, I haven't -- I haven't  
20 done that. I was -- I asked my question about  
21 the investigation because it was -- it's a  
22 legitimate question that I think will occur in  
23 the future. And I wanted to obtain y'all's  
24 opinion on that. So ...

25 **DR. JOHNSTON:** Mr. Chair.

1           **MR. FERVIER:** Yes.

2           **DR. JOHNSTON:** Just in response to the  
3 question about delay in seeking all sorts of  
4 documents, which in my opinion the whole board  
5 should be able to see any election-related  
6 document at any time before they reach the point  
7 of certification, I noticed that Mr. Sus from  
8 Citizens for Responsibility and Ethics in  
9 Washington who visited us at the last meeting  
10 wrote a lengthy letter of opinion about this  
11 petition for rule, and he mentioned a particular  
12 board member, Miss Adams, from Fulton County and  
13 the issue of her not certifying an election.

14           So I queried Miss Adams specifically and  
15 asked her about the incident that Mr. Sus was  
16 referring to. And I asked if he was present at  
17 the certification meeting in May that he was  
18 referring to about Miss Adams. And the answer  
19 was he was not present, but he certainly spoke  
20 about it in his letter of opinion.

21           And I asked if his description of the  
22 meeting was accurate and Miss Adams said it was  
23 not accurate and that she had asked for certain  
24 documents that related to the election and they  
25 were not provided. So what is a board member to

1 do if they're trying to look at election  
2 documents and the staff cannot or will not  
3 provide those documents for review that have to  
4 do with the reconciliation and the canvass?

5 I asked -- I asked Miss Adams who provided  
6 information to Mr. Sus and she did not know, but  
7 it -- it was an open meeting for anybody to  
8 watch, although there was -- there was no audio  
9 provided. So I'm not sure where Mr. Sus received  
10 his information from. And I asked if -- did she  
11 find any irregularities that led to her  
12 reluctance to certify for that primary election?  
13 And she said, yes, actually.

14 She did find irregularities and  
15 inconsistencies in the vote count and those were  
16 not answered or heard to her satisfaction. A  
17 discrepancy of 15 votes in one precinct -- and  
18 that's a significant amount as far as a counting  
19 error -- two votes in another precinct and one  
20 vote in another precinct. And to this day or at  
21 the point of asking these questions, she has not  
22 had those inconsistencies or irregularities  
23 answered.

24 So I think, one, is that there is room for  
25 improvement in the reconciliation process. But

1       also I think as compared to that the boards have  
2       full access to all documents as soon as possible,  
3       not -- not two hours before they're supposed to  
4       sign their -- put their signature on a  
5       certification that they have not adequately had  
6       the opportunity to review and investigate.

7               But I just want to make that point. And  
8       likewise the Election Assistance Commission  
9       clearly describes the reconciliation and  
10      canvassing process, and it involves a  
11      comprehensive process throughout the election,  
12      especially right after the election, including  
13      things like chain-of-custody review, ballot and  
14      voter reconciliation, documentation review, and  
15      voter verification.

16             So these are all very important things  
17      that -- that we want our boards to review and  
18      expect them to review before they certify an  
19      election. Thank you.

20             **MR. FERVIER:** Thank you. I -- I have no  
21      comment on Mr. Sus. I don't know where his  
22      information came from.

23             You know, lastly, my -- my last concern over  
24      this is that this board is once again exceeding  
25      our authority in that this rule kind of redefines

1 the certification process that's in O.C. -- you  
2 know, the 21-2-493. We -- I believe that these  
3 type of definitions need to be left up to the  
4 Legislature, not this board, and that, you know,  
5 this is a -- an issue that should go before the  
6 representatives. We're -- we're not elected  
7 officials and we shouldn't try and create law.  
8 And I see this as one of those that's outside  
9 our -- outside of our authority, but that's my  
10 opinion as a single member of this board. So ...

11 Are there any other questions from board  
12 members?

13 **UNIDENTIFIED SPEAKER:** We are merely  
14 disenfranchising the whole county because we  
15 miscounted the number of voters. Thank you.

16 **MS. KING:** Who's speaking?

17 **UNIDENTIFIED SPEAKER:** Your mother.

18 **MR. FERVIER:** (indiscernible) let's cut him  
19 off.

20 **MS. KING:** Okay. Mr. Chairman, yeah, I -- I  
21 also -- I would just like to add that, you know,  
22 the -- there are boards that are -- that have the  
23 freedom to look at all election materials and  
24 election documents in the state. There are other  
25 boards that have been doing this, you have had

1       this freedom, have exercised this freedom. So  
2       creating a uniform process is -- in my opinion is  
3       not exceeding any -- breaking any law or creating  
4       any law or new law. As a board member -- as a  
5       board member here for the SEB or any other board  
6       that we sit on, we should have the right to see  
7       whatever we need to see --

8               **UNIDENTIFIED SPEAKER:** Well, if -- if you  
9       could keep us updated on this, I would really  
10      like to know --

11             (Cross-talking)

12      **MS. KING:** (indiscernible) --

13      **UNIDENTIFIED SPEAKER:** -- (indiscernible) --

14      **MR. FERVIER:** We continue to have the same  
15      problems. Thank you.

16      **MS. KING:** No, I understand. I  
17      appreciate -- I appreciate you working through  
18      that, Mr. Chairman.

19             But, you know, as I was stating, I just  
20      think it's important to note that, you know, any  
21      time -- and we have a lot of attorneys that are  
22      on this call, that -- we have an attorney that's  
23      a member of the board, we have several attorneys  
24      around us, and I just feel like we have to make  
25      sure we're being completely transparent with the

1 fact that whenever we put a legal document in  
2 front of an individual and ask them to sign it  
3 without giving them the proper information or  
4 allowing them to do proper due diligence in order  
5 to ensure that what they are signing is accurate,  
6 whenever you put that in front of them and just  
7 tell them to sign without having that  
8 opportunity, that in my opinion is neglect and is  
9 neglectful as well as it causes us -- it puts  
10 us -- that individual in a particular situation  
11 where the onus will fall on them if something was  
12 to go wrong.

13 If we found something later, it falls on  
14 them. And I think every individual has a right  
15 to have everything they need in order to ensure  
16 that the legal documentation they are signing is  
17 accurate and that to me is the bottom line of all  
18 of this, is that we're debating the hypotheticals  
19 and the should-have could-haves and what could go  
20 down.

21 And we've debated that to exhaustion. I  
22 think at that point we need to look at the fact  
23 there were issues, there are boards that do not  
24 feel confident that they can get access to the  
25 particular information needed to make a solid

1 decision and that is the bottom line of what  
2 we're addressing.

3 So I don't just don't want to confuse those  
4 who are on this call, those who are watching to  
5 think that there's some other issue going on. At  
6 the end of the day this is about making sure that  
7 before these individuals sign a legal document,  
8 they have everything they need.

9 **MR. FERVIER:** I understand that. I mean,  
10 there is -- there -- there's an ongoing argument  
11 about whether this is a ministerial duty or  
12 whether it's a -- you know, otherwise. And so  
13 that will --

14 **DR. JOHNSTON:** Well, Mr. Chair ...

15 **MR. FERVIER:** That will ultimately be  
16 decided, I guess, outside of this board on  
17 whether it's ministerial or not. But I've --  
18 we've all made our points.

19 Dr. Johnston, did you have something else?

20 **DR. JOHNSTON:** Yes. I'd like to say one  
21 further thing. I think some of our county board  
22 members over the past year or so have been sent  
23 intimidating letters actually threatening legal  
24 action if they delay certification or decide not  
25 to certify. And I find that quite offensive and



1 actually almost constituting election  
2 interference.

3 And I'm very con -- I am very concerned  
4 about those sort of threats, threats of legal  
5 action against any of our county board members  
6 and against this state election board also. The  
7 rhetoric has -- has really ramped up, and I think  
8 it does nothing to help the actual work in  
9 process that we are obligated to perform.

10 And I would -- I would certainly ask people  
11 to temper their language and avoid inciteful  
12 wor -- inciteful words like "threat" and "you're  
13 going to be sorry." And we've all received these  
14 unwanted and threatening e-mails. And I think we  
15 need to caution people to disagree civilly and  
16 respectfully, and we will treat everyone the  
17 same. Thank you.

18 **UNIDENTIFIED SPEAKER:** Mr. Chairman,  
19 Ms. Johnston's trying to discourage lawsuits, but  
20 government officials are --

21 **MS. KING:** Who's speak -- okay.

22 **MR. FERVIER:** Yeah. People are joining and  
23 as they join, we can't automatically mute them.  
24 It's just a -- a problem with the system. So we  
25 have to go through and mute everybody and kind of

1       reset. So we're -- we're just going to have to  
2       deal with this.

3               Your -- your words are well taken,  
4       Dr. Johnston. I think that this nonsense needs  
5       to stop too. We -- we disagree on things, but we  
6       can do it in a friendly manner without having to,  
7       you know, take ourselves down to the negativity  
8       and all that certainly.

9               I agree -- I agree with many of you on many  
10       things. I disagree with many of you on many  
11       things. So ...

12              And I want to remind everybody we're all --  
13       we are all volunteers on this board. We're not  
14       getting paid for this harassment and negativity.  
15       We're doing it for some reason. But -- but we're  
16       all volunteers and we're just trying to serve the  
17       citizens of Georgia. So ...

18              Any more comments from the board? The chair  
19       will entertain a motion.

20              **DR. JOHNSTON:** Mr. Chair, I move we approve  
21       the petition for the rule for 183-1-12-.12.

22              **MS. KING:** I second.

23              **MR. FERVIER:** We have a motion to approve  
24       SEB rule 183-1-12-.12. We have a second by  
25       member King. Any discussion? Hearing no further

1 discussion, we will now have a vote. I will call  
2 out each individual member by seniority.

3 Member Ghazal, how do you vote?

4 **MS. GHAZAL:** Nay.

5 **MR. FERVIER:** Member Johnston, how do you  
6 vote?

7 **DR. JOHNSTON:** Aye.

8 **MR. FERVIER:** Member Jeffares, how do you  
9 vote?

10 **MR. JEFFARES:** Aye.

11 **MR. FERVIER:** Member Jeffares votes aye.

12 Member King, how do you vote?

13 **MS. KING:** Aye.

14 **MR. FERVIER:** The chair will exercise its  
15 right to vote. Will vote nay. The motion  
16 carries three to two.

17 **MS. THORNE:** We thank you.

18 **MR. FERVIER:** Thank you.

19 If you will give me one minute, our  
20 paralegal thinks she has a solution for these  
21 interruptions. Let me just take a minute here.

22 (Pause)

23 **MR. FERVIER:** All right. So our paralegal  
24 has gone through and given access to the members  
25 of the board only and everyone else will be muted

1 unless they're -- unless they're brought up to  
2 speak. And hopefully this will work for anybody  
3 else joining, that they -- they'll also be muted  
4 to start. So we'll try that process and see how  
5 it works.

6 Turn their microphone ...

7 **MS. HARDIN:** The board members.

8 **MR. FERVIER:** Turn them on?

9 **MS. HARDIN:** Yes. They're --

10 **MR. FERVIER:** Would each of you board  
11 members please turn your microphones on?

12 **UNIDENTIFIED SPEAKER:** (indiscernible)

13 **DR. JOHNSTON:** Good, good.

14 **MR. FERVIER:** Dr. Johnston.

15 Member Ghazal?

16 **MS. GHAZAL:** Yes.

17 **MR. FERVIER:** Okay. Let's see if this  
18 works.

19 All right, the next item on the agenda is  
20 discussion and voting on proposed rule to SEB  
21 rule 183-1-12-.12, subsection (a), subsection  
22 (5).

23 **Discussion and Voting on Proposed Rule to SEB Rule**  
24 **183-1-12-.12, Subsection (a), Subsection (5).**

25 **MS. KING:** Mr. Chairman.

1           **MR. FERVIER:** Yes.

2           **MS. KING:** If I -- I would like to start  
3 this off because I do have an amendment that I  
4 would like to propose.

5           **MR. FERVIER:** Okay.

6           **MS. KING:** Okay. So for those who are  
7 watching to sort of give a little bit of a  
8 backstory as to why I want to amend my position a  
9 little bit on this particular rule. So initially  
10 I supported this petition in its original form.  
11 However, after attending a county board meeting,  
12 reviewing concerns expressed in several e-mails,  
13 my perspective has evolved a bit on this  
14 particular petition.

15           But first for those of you that are saying  
16 that there wasn't any wrongdoing or voter fraud  
17 in 2020 elections, I suggest that you go back to  
18 the August 7th meeting where the 2020 SOS  
19 attorney, Ryan Germany, admitted that there were  
20 mistakes and errors made and that that's why he  
21 is asking to be part of the monitoring team to  
22 monitor those same mistakes that were made in  
23 2020 to be made here in 2024.

24           So I just want to make sure I'm very clear  
25 in the fact that there is a need for these

1 particular rules and the particular rule that is  
2 presented in front of us. However, the concerns  
3 that stood out to me were about understanding the  
4 purpose of the rule while also questioning how --  
5 it's practical use and how it would be put into  
6 action.

7 Specifically there were worries about  
8 exhaustion of people counting the votes after  
9 working 12- to 14-hour shifts. There was also  
10 inquiry as it relates to whether or not they  
11 would have to increase staffing in order to  
12 accommodate this particular rule which would lead  
13 to increased cost. And I think those are valid  
14 concerns and emphasize the importance of  
15 consulting with those who would be affected by  
16 this policy as I have.

17 So therefore I would like to propose the  
18 following amendment be added to rule  
19 183-1-12-.12(a)(5). The amendment will read as  
20 such -- well, the amendment that I presented to  
21 the team is as such. The board members did have  
22 a chance to look at it. There is a legal -- more  
23 legal form of this particular rule that will be  
24 presented in for rule -- during the 30-day  
25 process which we will -- I will discuss in a

1 second that that may come into play.

2           However, the amendment will go as such  
3 (reading): The decision on when to commence the  
4 count -- the ballot counting, ballots in each  
5 ballot box process rests with the poll manager  
6 and assistant poll manager. This determination  
7 can be to commence at the close of polls on  
8 election day or during the week allocated for  
9 county certification considering factors such as  
10 increased costs, labors, and fatigue.

11           (reading): If the ballot counting is to  
12 take place after election day, the counting shall  
13 occur in the county election office on the next  
14 business day following the election day and must  
15 conclude prior to any scheduled or announced  
16 postelection audit, all within the designated  
17 county certification period. The ballot counting  
18 of all separately counted ballot boxes shall be  
19 reconciled with the number of voter lists, number  
20 of voters certificates, BMD totals, scanner  
21 totals, and closing results tapes from that  
22 polling place postelection day. The process of  
23 opening, counting, and resealing the ballots must  
24 be conducted in the presence of three sworn-in  
25 poll officers from the corresponding polling

1 place.

2 (reading): Additionally the corresponding  
3 polling manager and assistant poll manager must  
4 be present or assistant poll manager must be  
5 present. These procedures must be conducted  
6 publicly to ensure transparency. If the counting  
7 of ballots takes place at any time or place other  
8 than the polling location, the supervisor of  
9 elections must communicate the date and time and  
10 place of such actions with all candidates on the  
11 ballot and the county chair, both major political  
12 parties.

13 The rule that will be entered into -- that  
14 will be -- that I would like to be published for  
15 the next 30 days and possibly approved will read  
16 as such -- and this is just again me adding --  
17 just making sure we have the legal aspect around  
18 this rule in place. So I want to read this to  
19 everyone as well.

20 It says that (reading): The decision on  
21 when to commence the process set forth in  
22 paragraph (a)(5) above rests with the poll  
23 manager or assistant poll manager. This  
24 determination can be to commence at the close of  
25 polls on election day or commencing the following



1 day and completing during the week allocated for  
2 county certification considering factors such as  
3 staffing needs, fatigue, and efficiency and  
4 accuracy-related concerns. If the ballot  
5 counting is to take place after election day, the  
6 relevant ballots, tabulation tapes, enumerated  
7 voter lists, and polling information shall be  
8 sealed in a tamperproof container and the number  
9 of the seal noted.

10 (reading): The counting shall occur in the  
11 county election office on the next business day  
12 following election day and must conclude prior to  
13 any scheduled or announced postelection audits.  
14 The process must be completed within the  
15 designated county certification period.

16 (reading): The process of opening,  
17 counting, and resealing ballots must be conducted  
18 in the presence of three sworn-in poll officers  
19 from the relevant polling place. Additionally  
20 the poll manager or assistant poll manager must  
21 be present. These procedures must be conducted  
22 publicly to ensure transparency.

23 (reading): If the counting of the ballots  
24 takes place at any time or place other than the  
25 polling location, the supervisor of elections

1 must immediately communicate the date, time,  
2 place of such action with all candidates on the  
3 ballot and the county chair of both major  
4 political parties no later than 10 p.m. on  
5 election day. The poll manager shall post such  
6 information on the outside windows of the polling  
7 location together with all the other information  
8 required to be -- to be so posted.

9 So this is an amendment that I am going to  
10 propose that we -- or make a motion at some point  
11 after we have discussion that we enter in that  
12 should address some of the major concerns that we  
13 heard as it relates to fatigue, as it relates to  
14 having to hire additional people, additional  
15 costs.

16 It is my understanding that there are other  
17 counties that have done this and who do do a  
18 complete hand-count of all ballots even if they  
19 are asked to only look at one particular race.  
20 So it is being done. So I just think that adding  
21 in this amendment would be important and is an  
22 important step to find some form of uniformity  
23 and acknowledgment that we do hear some of the  
24 other concerns.

25 That being said, I -- I will ask that this

1 amendment be added to the rule and posted to --  
2 no later than tomorrow by close of business so  
3 that we can go ahead and start the 30-day process  
4 of allowing the public to review this amendment  
5 that's added to this rule for us to vote on it at  
6 a later time.

7 Thank you, Mr. Chairman.

8 **MR. FERVIER:** Thank you, member King. Have  
9 you discussed this amendment with Sharlene  
10 Alexander who originally proposed this petition?

11 **MS. KING:** I have not. I sent this  
12 e-mail -- and I just thought about it yesterday  
13 as I was really going through all of the  
14 information I'd received. I considered  
15 everything that came in front of me. So I would  
16 assume that she would have an opportunity to  
17 either -- rebuttal, correct, add corrections,  
18 whatever necessary during that 30-day period.

19 **MR. FERVIER:** So I think in order to be  
20 procedurally correct, this board would need to --  
21 one of two things would need to happen.  
22 Ms. Alexander would need to withdraw her petition  
23 and then we could add the amendment to it and  
24 post it tomorrow for the 30 days of review by the  
25 public. Or Ms. Alexander could proceed with her

1 petition as is in which case this board would  
2 have to vote on her petition.

3 If her petition is voted in favor by this  
4 board, then it would go forward as is. The rule  
5 would go forward as is. If this board voted in  
6 the negative, to not accept it, then you could  
7 take her petition and your amendment to it and  
8 post it tomorrow for a 30-day review.

9 Would you turn on Ms. Alexander, please. Is  
10 she on?

11 Ms. Alexander, are you online now?

12 Ms. Alexander, are you online? Ms. Alexander,  
13 your camera and microphone has been enabled. You  
14 might want to look up at the top of your screen  
15 to make sure that your mic is on.

16 Ms. Alexander, can you hear me? Are you  
17 online?

18 Member King, I would recommend that we defer  
19 this for a few minutes and take up the next  
20 petition until we can get her online and let her  
21 respond to this.

22 **MS. KING:** Absolutely. Not a problem.

23 **MR. FERVIER:** Okay. Without dissent by the  
24 board, we'll -- we'll hear the next petition and  
25 see if we can get Ms. Alexander online. Does

1 anybody have contact information for her? We can  
2 call her.

3 **MS. HARDIN:** (indiscernible)

4 **MR. FERVIER:** You do? Will you see if you  
5 can reach her and help her get online?

6 The next petition -- or the next rule --

7 **MS. ALEXANDER:** Wait. I think I'm on now.

8 **MR. FERVIER:** Oh, she's on.

9 **MS. ALEXANDER:** Sorry.

10 **MR. FERVIER:** It's okay.

11 **MS. ALEXANDER:** Okay. First of all, I  
12 really wish I would've heard your amendment.  
13 It's rather lengthy. I'm going to go ahead and  
14 discuss my amendment as I submitted it and I will  
15 also try to answer some of your questions as we  
16 go forward.

17 Honorable members the state election board,  
18 I am Sharlene Alexander. I want to make it clear  
19 that I have presented this proposal as an  
20 individual taxpaying citizen of Fayette County  
21 and not on behalf of any organization or  
22 individual.

23 Further, I think it's important that you  
24 know my background which I have lived in Fayette  
25 County for 33 years. I've been active. I've

1 voted in every election. I have been a poll  
2 worker. I've counted these ballots after a  
3 14-hour day. I've been an assistant manager.  
4 I've been a poll watcher. Also, additionally, so  
5 you know where I come from on checks and  
6 balances, I was licensed as a CPA in 1970. I  
7 have been a senior auditor of restaurants, of  
8 cities, counties, and banks. I've also been an  
9 expert trial witness on embezzlement. So I have  
10 it up to my ears in terms of reconciling or  
11 having second checks on important things, whether  
12 it's money or ballots.

13 The purpose of my petition, as I stated, is  
14 that it enhances election integrity by providing  
15 a checkpoint outside of the electronic system,  
16 which today that's all we have because everything  
17 is within the system. It should provide more  
18 accurate results and reduce the opportunity for  
19 collusion to sabotage election results or reduce  
20 error complaints, leading to stolen election  
21 theories.

22 I also -- well, I'll address your amendment  
23 later, but basically in our petition, the reason  
24 I came up with this is because up until October  
25 of 2022, in Fayette County -- we have 36

1 precincts -- we actually hand-counted the ballots  
2 as soon as the polls closed. You have -- you  
3 know, we had six to eight people who worked the  
4 polls. The poll manager, the assistant managers,  
5 they have their duties that they have to do. And  
6 you had extras. Pick up signs, et cetera.

7 It was no problem for three of us once they  
8 pulled all those ballots out and handed it to  
9 three of us poll officials who'd been there,  
10 worked all day, and we each counted the ballots  
11 that were there. And we verified that our number  
12 agreed with the other electronic system numbers.

13 Then -- we just always did it. We didn't  
14 question it. It was expected of us to do it. I  
15 understand that a number of other counties often  
16 did that. So this is precedent that we've done  
17 it. It didn't tax the people that were doing the  
18 counting. We didn't have a lot of errors.

19 Quite frankly it's obvious that as an  
20 auditor, I come at this from a different place  
21 than a lot of people do. I also understand that  
22 in all things -- let's take, for example, banks,  
23 as I used before -- you always have the count --  
24 the count -- excuse me. The tellers always had  
25 to cash -- count their cash drawer. That's just

1 a double check on what the system said they were  
2 supposed to be turning in.

3 To me, this just common sense to have  
4 something outside of that electronic system. And  
5 we know that we've had how many complaints,  
6 whether they been proven or not, as far as  
7 election integrity goes? There have been claims  
8 that the poll pads can change numbers or that the  
9 scanners can duplicate scan. A lot of changes  
10 supposedly can happen, not proven I don't think.  
11 Well, I take that back. It has. But a lot of  
12 things can be changed after the polls close.

13 And in my opinion we need to help people  
14 understand that we've done a good job, we have  
15 free and fair results, that we have something  
16 outside of the election system that checks it. I  
17 mean it's just a check-and-balance procedure.  
18 And one of the things that I also stated was --  
19 and GAVREO comes out and they say that, you know,  
20 this would just muddy up the works, et cetera, et  
21 cetera.

22 I'm only referring to election day. That's  
23 number one. So even if you have 537,000,  
24 whatever registered voters in a county, we're  
25 looking at the turnout on election day for this



1 rule. Also if you look at some of our larger  
2 counties, they have 430-some-odd precincts. So  
3 you want to take that 20 percent take it down by  
4 precinct. And I've looked at some of these in  
5 the big counties and there was only one out of  
6 400-and-some-odd that had even more than a  
7 thousand people who voted on election day. I do  
8 not see how that this is going to change anything  
9 that what we've done before. Most of us didn't  
10 understand why it stopped in the first place.

11 So in our county, for example, we've had  
12 numerous instances -- and I say it has to happen  
13 at the precinct where everything is. You've got  
14 the scanners, you've got the BMDs, you've got the  
15 provisionals, you've got everything right there  
16 in the precinct. If you start loading these  
17 things up and taking it to, let's say, the next  
18 day, first of all, you know, if you -- I think  
19 what you said was that they have the option to do  
20 the count, presuming it's a hand-counted total --  
21 that's what we're talking about, not races but  
22 total ballots in that precinct, that three of  
23 them would go from each precinct to one place and  
24 pull those ballots out again and count them?

25 That's going to be a lot of people in one

1 place. It also means that you will not stop --  
2 just like we had the -- you know, we have rules  
3 about how many accompany the ballots, et cetera.  
4 How are you going to assure that if you pack  
5 those ballots up, take them someplace else,  
6 they're reopened and three people start messing  
7 with them in a different place, you can't resolve  
8 anything that happened at the polling place which  
9 is what we want to do. We want to satisfy right  
10 then if we've missed anything.

11 We have multiple instances in a number of  
12 counties, but I'll take mine, where copy paper  
13 has been run through that scanner and it accepted  
14 it which is not according to law. You have a  
15 case where this board actually filed a complaint  
16 against our director in 2020 and two members of  
17 the board then that -- because there was a memory  
18 card that was missed.

19 We've had situations that, yes, should  
20 people look at that -- at that scanner and make  
21 sure they got everything? The fact is they  
22 don't. This is a double check and a lot of  
23 people will still do it anyway just because  
24 that's how they've been trained. If they've been  
25 a bank teller before, a waitress, anybody else

1       that has messed with money, they know you've got  
2       to double-check something. So they can crawl in  
3       the scanner but we've had write-in bins missed,  
4       we've had ballots missed. That all needs to  
5       happen at the precinct.

6               And with -- again, yes, you're right,  
7       minimum of handling, but we're right in the same  
8       place, where we can ask questions and we can find  
9       out what the problem is and resolve it right  
10      then. We don't have questions about who touched  
11      those things once they were put in a ballot and  
12      hailed to the elections office and then pulled  
13      out again and messed all round.

14             Those are my concerns and why I believe it  
15      has to happen. Maybe you have to have an audit  
16      background to understand the need for it and why  
17      it needs to happen right there. Otherwise you'd  
18      have people -- bank tellers, what if they did it  
19      the next day? What good would that do if their  
20      tallies didn't come out right? You want to find  
21      out right then where the issue is and find it.

22             So that -- that's my point.

23             **MR. FERVIER:** Ms. Alexander, do you -- do  
24      you have anybody else that wants to speak on  
25      behalf of this rule?

1           **MS. ALEXANDER:** I did not know that I could.  
2           So the answer is no. Nobody told me how to do  
3           this. So ...

4           **MR. FERVIER:** You've done a great job by  
5           yourself. You've done a great job by yourself.

6           **MS. ALEXANDER:** I can -- I can tell you that  
7           I have spoken with precinct managers, poll  
8           managers in our county and assured that we had  
9           done this for years. Nobody understood when we  
10          stopped. A lot of people had a problem why we  
11          weren't continuing to do it at the precinct. I  
12          don't think we had any complaints about people  
13          being very tired of having errors and humans  
14          working a 12- or 14-hour day and then  
15          hand-counting the ballots while the other people  
16          picked up the signs or whatever.

17          I've even talked with people who run polls  
18          in other counties. And they assured me that  
19          they've always done it, some of them still do  
20          even though they're not supposed to. So I just  
21          think that a lot of these people that -- they're  
22          blowing smoke and they're trying -- they're  
23          saying that we're trying to stop the system.  
24          We're not going to hold up results.

25          As I understand it, in one of your bigger

1       counties, they have runners that take the memory  
2       cards to the -- to the center within 30 minutes  
3       of that poll closing. So I don't see how that's  
4       going to hold up the results. I mean, we're  
5       going to make sure that everything is the same  
6       while we're at the precinct when we have it.

7               So could we ask if there's anybody else that  
8       would like to raise their hand since I didn't  
9       know to bring anybody in?

10              **MR. FERVIER:** Well, the problem we have with  
11       that is we have 777 people online and we're just  
12       not sure about comments being made by some people  
13       that are coming on and offline. And so we're  
14       trying to --

15              **MS. ALEXANDER:** I have someone that would  
16       speak, that I would allow to speak, and that's  
17       Suzanne Brown.

18              **MR. FERVIER:** Is she online with you or is  
19       she with you?

20              **MS. ALEXANDER:** She's not with me. She is  
21       on line.

22              **MR. FERVIER:** Suzanne Brown?

23              **MS. ALEXANDER:** Yes.

24              **MR. FERVIER:** Okay.

25              **MS. HARDIN:** Can you ask her to spell that?

1 I don't see a Suzanne.

2 **MR. FERVIER:** Is there a Brown? Suzanne

3 Brown?

4 **MS. ALEXANDER:** Suzanne Brown.

5 **DR. JOHNSTON:** Mr. Chair, I have also asked

6 a CPA, Mr. Erik Christensen, to speak.

7 **MR. FERVIER:** Can you find Mr. Christensen?

8 Ms. Alexander, we don't have a Suzanne Brown

9 online. She might be under -- using somebody

10 else's computer possibly.

11 **MS. ALEXANDER:** I don't know.

12 **MR. FERVIER:** We'd need to find that out

13 because she -- she may have logged in under

14 somebody else's --

15 **MS. ALEXANDER:** Is there a Brown --

16 county -- S.B., Fayette County? The initials,

17 S.B., as in boy, Fayette County?

18 **MR. FERVIER:** Is there an S.B. from Fayette

19 County?

20 We -- we don't see that. While you're

21 searching that, Mr. Christensen, can you find him

22 and turn his mic on?

23 **MS. HARDIN:** Uh-huh.

24 **MR. FERVIER:** Mr. Christensen, your mic is

25 on. Would you like to say a few words?

1           **MR. CHRISTENSEN:** Yeah, thank you,  
2           Mr. Chairman. Thank you, Dr. Johnston for asking  
3           me to speak on this issue right here. So it's  
4           good to have Sharlene who's another fellow CPA  
5           and Ken, I guess. And there's no conspiracy  
6           here. This is all accounting and auditing 101.

7           John, you're familiar with this stuff too  
8           since you were internal audit at Waffle House.  
9           So nothing here but just trying to get to an  
10          accurate count of the votes.

11          So the first thing that we've got to do in  
12          order to get an accurate count of the votes is we  
13          have to account for all the ballots. And  
14          fortunately, I've run across some data here I'll  
15          show you. This is an absentee ballot recap from  
16          either 1985 or 1992. We did this. I don't know  
17          why we got rid of it. It's unbelievable that  
18          we're not doing it.

19          We've also got numbered list of voters. We  
20          didn't do the recap of the number of listed  
21          voters back then to the ballots because we didn't  
22          have ballots back then. We were on a DRE. But I  
23          guarantee you if we did have paper ballots like  
24          we do today, we would do a reconciliation.

25          So I'm in support of Sharlene's petition

1       unamended.

2               And I hear yours, Janelle. You've got some  
3 things that cross over some of the things that  
4 I'm going to propose, and I would propose you put  
5 that in maybe separately because I think right  
6 now we just need to do this. This is just basic  
7 stuff.

8               I -- I talked to my daughter, who used to  
9 work with my mother-in-law, her grandmother, at  
10 the polls, and she said they did this. They  
11 batched in 50s and they passed them down the  
12 line and everybody counted them to make sure they  
13 were in 50s. And they had their 50 batches.

14              So how we got rid of that, I have no idea,  
15 but it's a great accounting and audit control.  
16 And reconciling those paper ballots back to the  
17 number -- the numbered list of voters and to the  
18 machine count is the first thing that we have to  
19 do. Before we count, we've got to account for  
20 the ballots. Do we have all the ballots? Now if  
21 we've got the ballots, we can count them.

22              I know the system's counting them for us,  
23 that's fine. That's fine. The system can count  
24 them for us, but if we have to get back, then, to  
25 the paper ballot, which is the only legal



1 documentation from the ballot, then -- then we  
2 know we've got them all.

3 So that's all I've got to say. It's just no  
4 conspiracy, just normal accounting and auditing,  
5 take time to do the right thing. Everybody,  
6 whether you're on the left or the right, should  
7 all say, hey, we support this. I mean, it's  
8 something that everybody should support. And  
9 it's not onerous on the poll workers, according  
10 to my daughter who was 14 the last time she did  
11 this. Thank you.

12 **MR. FERVIER:** Well, we have to -- we have to  
13 mention people in the center too.

14 **MR. CHRISTENSEN:** The people in the center,  
15 exactly. But everybody -- I mean, I wish we  
16 could all just kind of agree on this because I  
17 hate it seems like it's a partisan thing here.  
18 And that's what I don't like about it because,  
19 you know, the press and everybody's going to say  
20 Georgia's, you know, divided down partisan lines.  
21 Let's just all agree on this. It's just -- it's  
22 normal stuff. Everybody wants one person, one  
23 vote. Can't we just all get along, you know?

24 **MS. KING:** Mr. Chairman.

25 **MR. FERVIER:** Thank you for your -- thank

1       you for your comments.

2             Member King.

3             **MS. KING:** So to be clear, because I do know  
4       that my -- my amendment is a bit lengthy. So I  
5       understand there's -- there's -- it's hard to  
6       read that.

7             So I -- to be clear, I am in support of this  
8       particular rule. My amendment was to address the  
9       idea that there could be some fatigue. Now,  
10      here's the thing. I understand that that's not  
11      everyone, but I had enough -- enough people come  
12      to me about this particular issue.

13            So my question would be for -- for Sharlene  
14      or Mr. Christensen. What -- what would -- what  
15      is the issue with allowing this counting process  
16      to take place the following day if that would --  
17      if that would allow these county offices to  
18      still, you know, do the counting process but also  
19      address potential fatigue? What is the concern  
20      on that one? I'm interested in hearing.

21            **MR. CHRISTENSEN:** Well --

22            **MS. ALEXANDER:** I will just say that --

23            **MR. CHRISTENSEN:** Go ahead, Sharlene.

24            **MS. ALEXANDER:** Thank you. Going up to  
25      2022 -- and we've had a lot of elections where we

1 constantly did that. And a number of us were  
2 seasoned, let's say well seasoned -- that's come  
3 up about age, you know -- that are poll workers  
4 and working a 10-, a 12-, a 14-hour day because  
5 we didn't know any different. None of us  
6 questioned it. It was something that we had to  
7 do just like, you know, putting the tape out on  
8 the front door or going and pick up -- picking up  
9 the hundred and fifty-foot signs outside.

10 All of that was just part of the process.  
11 And I don't recall anybody that I have talked to  
12 saying that we got tired, we made errors. We  
13 didn't make errors. I mean, if we had a problem  
14 the first time with three of us counting -- as  
15 I've said before, two is ripe for collusion, you  
16 go to three. You can add more if you want to,  
17 but three is the minimum if you take the odds for  
18 collusion downward, trying to remove any question  
19 about whether we have one vote and whether  
20 everything is correct within that electronic  
21 system.

22 I have not heard -- other than people  
23 surmising that we might have, you know, fatigue  
24 and might make errors, et cetera, I did not hear  
25 that from anybody that I know has counted

1       those -- those at the poll. As I've said before,  
2       any time you allow ballots to be moved from where  
3       they came right out of the scanner, you always  
4       have the opportunity for something, some  
5       manipulation, something happening between the  
6       precinct and getting to the election office. So  
7       that's why I keep saying it's no big deal to  
8       count them.

9               Listen. If you have -- I think I gave the  
10       thing. You know, I wasn't counting ballots but I  
11       had people count a ream of paper, 500, and it  
12       took us within six minutes for us each to count  
13       500. Granted ballots are longer maybe or they're  
14       thicker, but even if I went to ten, one person  
15       should be able to -- ten minutes, one person  
16       should count 1500 in a half an hour.

17              And I haven't seen a precinct yet that had  
18       over -- let's see, one that had over a thousand  
19       ballots on election day in one precinct. It can  
20       be done. We've done it before. I don't see --  
21       people that are bringing this up obviously are  
22       not accountants. And I'm not saying we're better  
23       than anybody else, but it sounds like speed and  
24       messing around this stuff is more important than  
25       resolving an issue that might be there that

1           night. Accuracy.

2           **MS. KING:** So I want to -- I would like to  
3           read an e-mail that I received. And this is from  
4           a county election team that did a mock version of  
5           this. And I want you to -- if you hear something  
6           that is inaccurate or that that is outside of  
7           what the rule would do, you know, please notate  
8           that and share it with me.

9           But the e-mail goes as such. First, the  
10          policy is unclear in the exact execution. Does  
11          each person count the entire stack before passing  
12          it along or can they pass along the stack of 50?  
13          They took -- and it says they took our two  
14          biggest scanner totals from a single day of A --  
15          an AIP in November 2022 -- scanner A, 3,000  
16          ballots, scanner B, 2,000 ballots -- and follow  
17          the first procedure. Each person counts the  
18          entire stack before passing it along. For  
19          scanner A, that took 2.5 hours. They followed  
20          the second procedure. They passed along each  
21          stack of 50 for scanner B and that took over an  
22          hour.

23          Each worker was a seasoned AIP site manager  
24          and expressed grave concern over the ability to  
25          do this accurately after working a

1 12-,13-,14-hour day. They are working on a  
2 statement to compile this.

3 Now, this came from one particular county  
4 election member, but I do have someone that I  
5 would like to speak as it relates to this as  
6 well, and that is Miss Deidre from the Paulding  
7 County director -- she's the director of the  
8 Paulding County Election Board. So I would like  
9 at some point to have her speak as well to this  
10 particular concern, as she and I spoke about this  
11 in depth.

12 **MR. FERVIER:** Let me --

13 **MR. CHRISTENSEN:** Ms. King, can I  
14 (indiscernible) just to answer specifically your  
15 question because you had a question what --

16 **MS. KING:** Yeah. The day -- the next day.

17 **MR. CHRISTENSEN:** Okay. So, you know,  
18 there's a chain-of-custody issue then because,  
19 you know, what do we do with the ballots that  
20 night? Are we able to lock them up, keep them  
21 secure at the precinct? I don't know if we can  
22 and maybe that's not an issue. I think it's  
23 fine. We've got seven days this year.

24 Someone pointed out that we've got a  
25 national holiday on Monday, so that pushes our

1 confirmation certification date till Tuesday. So  
2 it provides plenty of time. I like the precinct.  
3 And Harry MacDougald talked about the sanctity of  
4 the precinct. The precinct is where we want to  
5 control everything because we've got what's  
6 called segregation of duties. We've segregated,  
7 you know, in Fulton County into 244 different  
8 precincts and all of the other counties have  
9 segregation.

10 So you don't have this central place where  
11 shenanigans could go on. And, you know, if  
12 you -- and if you look, people have been saying  
13 there's no shenanigans. Just read the 69-page  
14 what I would call damning, you know, thing that  
15 was done by Joe Rossi from 2020. It's State  
16 Election Board 2023-025. Look at that.

17 I mean, no matter -- again, no matter what  
18 side of the aisle you're on, look at that and  
19 read it and see what you think. So, you know --  
20 because I believe there's truth in there. And  
21 the first thing that we've got to do is we've got  
22 to admit that we've got a problem.

23 Let's get to step 1 of the 12-step program  
24 and say we got a problem. And it's very easy to  
25 fix all this stuff, really, by going back to the

1 procedures that we had previously. I don't know  
2 how we got off of them, but if we got back to  
3 those procedures, we'd be just fine. And I've  
4 got more things that kind of -- you know, that we  
5 can go -- we're going to go into later, I guess,  
6 a rule request that I'm requesting that'll pretty  
7 much --

8 You know, people have questions about  
9 Dominion. So everybody thinks Dominion is some  
10 kind of corrupt Venezuelan, you know,  
11 election-fixing system. But we can fix that too.  
12 And it's not hard to do it. And it doesn't cost  
13 anything.

14 **MS. ALEXANDER:** Can I also add before you go  
15 to Deidre that the example that you used was AIP  
16 which is early voting. That is not a part of  
17 this rule, but also if they're saying they pulled  
18 3,000 ballots and 2,000 ballots, I would ask that  
19 they review the rule that requires that if their  
20 scanner during early voting reaches 1500, they  
21 are to pull those ballots. So if they allowed  
22 3,000, that's their bad, okay?

23 Also when we're all talking about -- well,  
24 let's go -- let's go to Deidre.

25 (Cross-talking)



1           **MR. CHRISTENSEN:** Well, I -- Sharlene -- can  
2 I add one thing to Sharlene's because I was asked  
3 to speak on this. So let me just add one more  
4 thing. So, yes, I like on the early voting or  
5 whatever the batches hit 1500, because they're  
6 not separated by precinct at early voting, that  
7 at that point in time when those ballots are  
8 pulled, that they're separated by precinct.  
9 We've got to get back to their sanctity of the  
10 precinct where we can get those ballots back to  
11 the precinct. If we have to do an audit or a  
12 recount, we've got everything in one place.

13           **MS. ALEXANDER:** Erik, that's -- that's early  
14 voting. That comes up next.

15           **MR. CHRISTENSEN:** Okay.

16           **MS. ALEXANDER:** I will also go back and say  
17 that at least in my county -- and I understand  
18 we're talking about fatigue -- our pay scales are  
19 by day. So if you want to hire more people,  
20 that's up to you, but I don't -- I've not seen  
21 any examples on election day where fatigue has  
22 stopped us from doing an accurate count.

23           And not only that, when we count those  
24 ballots, the hand-count of the ballots, we are  
25 driving a stake in the ground at that precinct

1           that those numbers cannot change after. Right  
2           then. We've driven that stake and that's what  
3           everything has to agree with is the whole --  
4           **MR. FERVIER:** Thank you, Ms. Alexander.  
5           Ms. Brown -- you asked Ms. Brown to speak  
6           and she's on.  
7           Ms. Brown, can you hear us? Suzanne Brown?  
8           Ms. Brown?  
9           **MS. HARDIN:** Her camera and microphone are  
10          enabled.  
11          **MR. FERVIER:** Ms. Brown?  
12          They're on?  
13          **MS. HARDIN:** Her camera and microphone are  
14          on. It was enabled.  
15          **MR. FERVIER:** Ms. Brown, you might need to  
16          turn on your mic. If you'll look at the upper  
17          right-hand corner of the Teams invite.  
18          Well, we'll try and come back to Ms. Brown.  
19          Who was the other one you wanted to speak?  
20          **MS. KING:** Ms. Deidre Holden.  
21          **MR. FERVIER:** Ms. Deidre Holden?  
22          **MS. HARDIN:** Okay, I see her.  
23          **MS. HOLDEN:** Can y'all hear me now?  
24          **MR. FERVIER:** Yes. Is this Ms. Holden?  
25          **MS. HOLDEN:** It is. It's Deidre from

1 Paulding County.

2 **MR. FERVIER:** All right.

3 **MS. HOLDEN:** Just a few things that I've  
4 taken from what she's been talking about. I  
5 really struggle with the fact that any of us  
6 would be accused of ballot stuffing. I know the  
7 requirements that I have here in Paulding that no  
8 election material is left with just one person.  
9 We have a requirement here in Paulding that  
10 everything is carried with two people, and they  
11 can't be related.

12 So for somebody to say that the results are  
13 going to change from the polling location to the  
14 office, that -- that terribly upsets me. First  
15 of all, the ballots are sealed in that scanner.  
16 You break that seal, there's going to be a  
17 problem.

18 However, you know, you want to talk about  
19 leaving ballots in a precinct unattended. Yeah,  
20 that's a problem. Those ballots need to be  
21 coming back to that election office on election  
22 night and they need to be secured, which they  
23 should be in the election office in a locked  
24 room.

25 The chain of custody, you know, that's

1 another thing. There again when those ballots  
2 leave that polling location, there's a chain of  
3 custody. And when it gets to our office, there's  
4 a chain of custody that we receive those ballots.

5 The only thing you're going to get when you  
6 count in a polling location is the same number  
7 that matches that tape that's on that scanner.  
8 And that's what you're looking for. So that's a  
9 process of the certification. So bringing them  
10 back into this office is kind of like the  
11 absentee process. When we're opening absentee  
12 ballots prior to an election, we have monitors  
13 here that take an oath that watch us. We have  
14 poll watchers. We welcome that.

15 But the counting on that night, maybe it's  
16 not fatigue, but it does leave a whole door open  
17 for a lot of mistakes because those people want  
18 to go home. I don't know what world some people  
19 live in, I'm a medium-size county. I have 21  
20 precincts. There -- in November there's going to  
21 be probably five to eight thousand ballots in one  
22 scanner that we have at a polling location.  
23 That's going to take a while to count. If you're  
24 having those ballots go through that many hands  
25 on election night, nobody's going to get the same

1           number. The results will be delayed.

2           Now, we're going to continue our process.  
3           We are one of the counties that has runners.  
4           Those memory cards will be brought here and  
5           they'll be uploaded. But counting those ballots,  
6           you're going to have a lot of people sitting  
7           there waiting and waiting and waiting. And you  
8           know what? If that -- if that election is  
9           conducted properly, you're going to get the same  
10          number of ballots as you are on that tape.  
11          That's what people are beating to death. We have  
12          conducted 100 percent audits here in Paulding as  
13          we always have, and we have never been off by one  
14          vote.

15          Everything that we touch, every ballot, we  
16          count every ballot. And we also match what the  
17          results are. That -- that don't lie. You have  
18          the human element and you have the equipment  
19          element and it does not lie. If you have  
20          dishonest people in elections, you're going to  
21          get dishonest answers. The chain of custody is  
22          important. You need two people with all the  
23          results with the tapes, everything at all times.  
24          And if counties are not doing that, then shame on  
25          them.

1           We have -- we are accountable for those  
2       votes. Those votes are important. It doesn't  
3       matter where you count them at. As long as  
4       there's not a chain of custody, then you do have  
5       a problem. Whether we count them in the precinct  
6       that's going to take hours upon hours in a  
7       November election or we bring them back here, we  
8       have the managers, three counters, monitors, and  
9       poll watchers here, that's no problem. But I'm  
10      more concerned about people thinking there's  
11      ballot stuffing going on when it can't possibly  
12      happen unless you have a lot of dishonest poll  
13      workers that's working for you.

14           So, you know, I think that -- that there's a  
15      lot of conspiracies that go on here. I think  
16      that a hundred and fifty-eight counties are  
17      paying for the sins of Fulton County. No offense  
18      against Fulton, but that's who's in the news and  
19      we all have to -- we have to build our lives  
20      around what Fulton County's done. That is not  
21      right.

22           Out of the hundred and fifty-nine counties,  
23      you have 99 -- 98, 99 percent of those counties  
24      doing elections the way they're supposed to be  
25      doing.

1           So, you know, I -- I think I -- I speak for  
2           a lot of people that are on this call that are in  
3           the election business. Something's seriously  
4           wrong if the county is not accounting for every  
5           vote, they're not balancing. But whether you  
6           count them in the precinct or in the office, you  
7           should be getting the same number. Those tapes  
8           should be matching the number of ballots that's  
9           in there, wherever you count it at.

10           **MS. ALEXANDER:** And that's why you should  
11           not be afraid to count them at the precinct and  
12           get it done. If they're going to match, which in  
13           most cases they do -- but also I can tell you  
14           that while you're doing great in Paulding, I  
15           think what you said was the ballots come back to  
16           your elections office and at some point, that  
17           night or the next day, you all hand-count those  
18           ballots. If I heard that correctly, I can tell  
19           you our county doesn't do it.

20           If they're not counting them at the  
21           precinct, they are stuffing -- nobody's counting  
22           those ballots, they're stuffing them in those  
23           sealed containers. They go back to the county  
24           office and they are put away unless there's a  
25           question that comes up on a recount. And even

1           then, they're only pulling samples.

2           So not every county is doing like you're  
3           doing, Deidre, which is great, but I still  
4           maintain if they're going to come out the same,  
5           what is anybody afraid of?

6           And, plus, I will also say that we know,  
7           yes, two people are supposed to accompany those  
8           ballots to the office. That's for chain of  
9           custody. I can tell you that we have followed in  
10          different counties -- followed that poll manager  
11          with those ballots and two did not go with them.

12          So, you know, your county's great, but we  
13          don't have anything that's consistent throughout  
14          the state.

15          And, Janelle, I would be happy -- I'd be  
16          happy to work with anybody that wants to sit  
17          there and say how can we do this so that it  
18          doesn't take us all night? It doesn't have to  
19          take all night.

20          **MS. KING:** I think it's important to note  
21          that my amendment gives you the option. So if  
22          you would like to count on election day and you  
23          feel that that's the best course of action for  
24          your county, then you can. And you can count it  
25          as is. The precincts can do exactly what your



1 rule is stating.

2 It's -- all the amendment does is gives an  
3 option in case there is a poll manager or an  
4 assistant poll manager that sees that they are  
5 running into an issue of fatigue or an issue --  
6 because fatigue doesn't necessarily mean it's a  
7 hundred -- it's only a hundred ballots so you  
8 shouldn't be tired. I mean, we can't determine  
9 where people's fatigue levels are. And I can't  
10 say in confidence that I've spoken to enough  
11 people to determine that this is -- that fatigue  
12 should not play a role.

13 So I think it's important to ensure that we  
14 have some form of way of addressing that because  
15 that it is something that can happen. I -- I  
16 may -- I know I can go 14-, 16-hour days, I do it  
17 all the time, but that doesn't mean that everyone  
18 can.

19 So, again, this is just providing an option  
20 for those poll managers to have some form of  
21 control over being able to manage their people  
22 rather than putting them in a position where they  
23 have to create this plan, plan B so to speak, on  
24 the back end considering the rule being set in  
25 stone as is. So I'm just giving them an option.

1           **MS. ALEXANDER:** If you give them an option,  
2           you don't have consistent methods throughout  
3           precincts, within a county, or within county --  
4           or throughout counties if you give them an  
5           option. And if you have GAVREO opposing my  
6           rule -- which they may come out in favor of  
7           yours, but if they come out in favor -- against  
8           mine, I can tell you that the elections offices  
9           are not going to give that option to poll  
10          managers.

11          **MS. KING:** Well -- well, the option is not  
12          to not fulfill the -- what the rule is asking you  
13          to do, it's just rather you do it on the same  
14          night or the following day. And it's also prior  
15          to any audits taking place or any -- any type of  
16          postelection audits or anything that's assoc --  
17          or any scheduled audits being -- taking place as  
18          well.

19          **MR. FERVIER:** Member Ghazal has a few  
20          comments to make.

21          Member Ghazal.

22          **MS. GHAZAL:** Thank you. I appreciate it.  
23          First I've got a couple of threshold issues. And  
24          one of them is the assertion that anybody who's  
25          opposed to this rule must be opposed to it on a

1 partisan basis. And I -- that's a very dangerous  
2 sentiment. The vast majority of the opposition  
3 to this rule has come from election supervisors.  
4 And I could not tell you what partisan proclivity  
5 an elections supervisor has.

6 Universally, every elections supervisor I've  
7 had the honor to work with across the state sees  
8 their role as a neutral nonpartisan election  
9 professional. And to assert that their  
10 opposition to this rule is partisan is frankly  
11 dangerous and offensive to me and I think to  
12 every elections supervisor who has a valid reason  
13 to oppose this.

14 I think a lot of the emphasis has been on  
15 large counties with a large number of precincts.  
16 We're completely neglecting the fact that  
17 since -- in the last ten years counties have been  
18 consolidating. Many of our smaller counties have  
19 consolidated to a small handful of precincts.  
20 And even director Holden mentioned that she has  
21 precincts that have 5,000 cast ballots on  
22 election day. So I appreciate the fact that  
23 she's here to explain that.

24 I also really appreciate the fact that  
25 member King is working very hard to try to find a

1 solution that works for all of our counties.

2 This -- and I want to make sure that we're  
3 very cognizant of the fact that today is  
4 August 19th. Today is the first day that  
5 counties are already accepting absentee ballot  
6 applications. The election is already underway.  
7 So it is -- it is way too late in our cycle to be  
8 making any changes right now.

9 We received a letter during our last  
10 meeting. It was dated August 6th, so literally  
11 in the middle of our last meeting, from John  
12 Merrill and Trey Grayson. John Merrill was the  
13 secretary of state for Alabama from 2015 to 2023.  
14 Trey Grayson was the secretary of state for  
15 Kentucky from 2004 to 2011 and the president of  
16 the National Association of Secretaries of State.

17 Not partisan actors -- at least not --  
18 certainly not Democratic actors, these are GOP  
19 election officials who mentioned in the letter  
20 that in 2022 Alabama passed a constitutional  
21 amendment prohibiting changes to election  
22 processes within six months of an election  
23 precisely because making changes close to an  
24 election is one of the reasons that we had so  
25 many issues in 2020 with the public not trusting

1       it, because they changed the rules of the game.

2               It happened in 2020 because we were facing a  
3       global pandemic and states were trying to --  
4       trying their best to address the exigencies at  
5       the time. There are no exigencies right now in  
6       2024. The conditions that exist today existed a  
7       year ago, two years ago, three years ago.  
8       Changing the rules when voting basically is  
9       starting right now is something that is  
10      devastating to election administration and to  
11      public confidence.

12             I would be more than happy to work with  
13      anybody to look at a rule applicable starting  
14      2025 where we hand-count ballots in a controlled  
15      environment where the counties themselves or the  
16      superintendents would have the choice to  
17      determine whether to do it at the polling place  
18      or at the election office because, frankly, I  
19      haven't done a survey of all of our precincts to  
20      know whether or not there's even the physical  
21      space to undertake this sort of hand-count after  
22      an election. I don't think anybody here can say  
23      that they have surveyed all of our election day  
24      precincts to see if they would be conducive for  
25      this sort of activity.

1           So I think that the fact that it is our  
2           election supervisors and many board members who  
3           are opposing this needs to be taken extremely  
4           seriously. The fact that we are right up against  
5           the deadlines for -- we're already conducting the  
6           election for all intents and purposes.

7           It is too late to be making changes like  
8           this. These were good ideas. They should've  
9           been proposed six months ago. We could've taken  
10          it seriously. We could've had a deliberative  
11          process. We could've brought in election  
12          supervisors, board members, and come up with a  
13          solution that worked for everyone. Posing  
14          last-minute changes like this is a recipe for  
15          chaos.

16          **MR. FERVIER:** I've lost ... oh, you have to  
17          -- can you hear me still?

18          **UNIDENTIFIED SPEAKER:** Uh-huh.

19          **MR. FERVIER:** I have lost my connection and  
20          I cannot see anybody at this point.

21          **MS. KING:** We can hear you.

22          **MR. FERVIER:** One moment, please.

23          **MS. KING:** We can hear you and see you.

24          **MR. FERVIER:** Yeah. I -- technology is not  
25          my friend. Any other comments by the board?

1           **DR. JOHNSTON:** Yes.

2           **MR. FERVIER:** Dr. Johnston.

3           **DR. JOHNSTON:** Yes, thank you. Just to  
4 reset the whole topic of paper ballots is the  
5 Help America Vote Act which is dated 2002. And  
6 part -- as part of the development or the writing  
7 of the Help America Vote Act, when they were  
8 talking about voting machines and paper -- paper  
9 ballots, one of -- they were trying to promote  
10 the use of machines or voting systems.

11           But they -- they said that there had to be  
12 an audit capability. And the audit capability  
13 had to be a paper audit trail, a manual audit  
14 capability. And to quote exactly the Help  
15 America Vote Act, it says: The voting system  
16 shall produce a permanent paper record with a  
17 manual audit capacity for such system. Paper  
18 record produced under subparagraph (a) shall be  
19 available as an official record for any recount  
20 conducted with respect to any election in which  
21 the system is used.

22           There is the crux of the matter. Our paper  
23 ballot is what is used for a recount. It's also  
24 used for -- for our audits. If you do not have a  
25 provable paper trail, it's not auditable. So if

1 we're not counting the ballots, we -- we don't  
2 have sufficient security to conduct a recount.  
3 It automatically makes any recount unacceptable.

4 So you have to have the counted ballots  
5 that -- at some point in time. And the best  
6 place is at the precinct. And I would like to  
7 read from a paper from -- that's posted at the  
8 Carter Center, and it's from the Commission for  
9 Democracy through Laws. It's *Code of Good*  
10 *Practice of Electoral Matters*.

11 And it talks -- and when it speaks about  
12 counting, it says the votes should preferably be  
13 counted at the polling stations themselves rather  
14 than special centers. Polling station staff are  
15 perfectly capable of performing this task,  
16 reducing the risk of substitution. Counting  
17 should be conducted in a transparent manner.  
18 That is dated from 2002 and Help America Vote Act  
19 was 2002.

20 I spoke with Mr. Harry Haury who is a  
21 computer expert and cybersecurity expert. He has  
22 credentials that are really quite impressive. He  
23 has extensive experience in dealing with  
24 operational security matters. And he actually  
25 was the consultant for writing the Help America



1       Vote Act 20 years ago. He's a workflow expert.  
2       He -- he helped develop the voluntary voting  
3       standards, and he continues to -- he has  
4       consulted with NSA, CIA, NORTHCOM, DHS, DTRA,  
5       treasury, DOD, FEMA, DOJ, and Sandia. Many  
6       others.

7               I spoke with him and he immediately focused  
8       on counting the paper ballots. He says you have  
9       to have these operational security controls.  
10       There must be accountability features. He went  
11       on to say that if you don't have this counting  
12       and the chain of custody that goes with it, then  
13       if and when there is a time for an audit or a  
14       recount, you've broken the chain of custody. If  
15       you have not counted the ballots, you can never  
16       establish the proper chain of custody to deal  
17       with these ballots, these paper ballots.

18              Now, mind you, we -- mostly we rely on our  
19       scanning machines and the memory cards. And  
20       that's great and it's efficient, but counting the  
21       paper ballot is the control. It is simply  
22       assuring the reconciliation of the electronic  
23       record to the actual ballots and the actual --  
24       the ballots are out votes by definition. It's in  
25       our code. The vote is the ballot. The ballot is

1 the vote.

2 So when we -- when we come to the question  
3 of what is really the vote or the count, we  
4 always speak of going back to the paper ballot.  
5 And that's our ultimate original document and so  
6 we need to respect it.

7 So I did look into the question about how  
8 many ballots were required to be counted at our  
9 most recent largest election, which was four  
10 years ago, and I looked at several counties.  
11 Columbia County had -- on election day, they had  
12 277 per scanner. Let's see if I added that  
13 right. I'm sorry, in Columbia County they had 47  
14 precincts and the number of ballots voted on  
15 election day ranged from a hundred and  
16 twenty-five to seven hundred sixty-nine total  
17 ballots. But most of the precincts were in the  
18 300- to 400-ballot range. I would think that  
19 would be easy and quick to count and not  
20 problematic, although fatigue maybe is a factor  
21 because election workers do work long days.

22 I looked at another county and it was -- the  
23 range -- for 19 precincts, they had a range of  
24 284 to 1,421 ballots cast on election day. And  
25 most were in the 500- to 700-ballot range, which

1 is a very -- it's easy to count.

2 I looked at Cobb County on election day in  
3 November of 2020 and the average was 480 ballots  
4 per precinct. And also I looked at Cherokee  
5 County. And they have 42 precincts and the range  
6 of ballots cast on election day were 287 to  
7 1,403. 287 would be easy to count at the close  
8 of polls. 1,403, if the workers were very tired,  
9 then maybe the poll manager would elect to count  
10 those the next day when you're rested and fresh.

11 But if the ballots are moved from the  
12 precinct, very careful chain of custody, seals --  
13 seals and security ties must be placed and the  
14 chain of custody followed very carefully.

15 So -- so one is it's just a matter of  
16 reconciling the number of paper -- we're not  
17 talking about votes. I don't want people to be  
18 confused that we're counting the votes, like, for  
19 a candidate. This is simply -- this is ballot  
20 accountability. It's just counting pieces of  
21 paper to make sure that they agree with the  
22 number of people who checked in to vote at that  
23 polling place to the numbers on the scanners. So  
24 it's just -- it's the control feature for the  
25 ballot scanner. And I -- I would expect -- I

1 would expect the ballot scanner to be faster and  
2 most accurate but any small errors should be easy  
3 to correct.

4 **MS. KING:** I would like to add that --  
5 again, I just want to be careful that we are not  
6 over course correcting here, right? To Dr. Jan's  
7 perspective -- or her point, I do think that  
8 there will be several counties that will follow  
9 this rule as written and they will do it on  
10 election day just simply because they want to  
11 just get things over with and get it done.  
12 However, I do think it's important to have some  
13 level of discretion around whether or not those  
14 who will be counting are in optimum position to  
15 do -- to count.

16 Because one of the things I thought about  
17 was, you know, who knows, let's say someone  
18 forgot to eat lunch and, you know, there's -- and  
19 it just so happens that now they have to do this  
20 additional step that they weren't anticipating or  
21 they were anticipating it but it just so happens  
22 they don't feel well and now we're in a position  
23 where we're forcing counties to have to produce  
24 these results not without considering those  
25 particular, again, human mistakes or human errors

1           that could occur.

2           So, again, I don't want to over course  
3           correct. I'm -- I'm not by any means saying that  
4           these ballots are not going to be counted. In  
5           the amendment it says that if the ballot count  
6           needs to take place after election day, which  
7           will be that one business day after the close of  
8           the polls, the relevant ballots, tabulation  
9           tapes, enumerated voter lists, polling  
10          information shall be sealed in a tamperproof  
11          container and the number of seal noted. The  
12          counting shall then take place at the county  
13          elections office.

14          So there they will be protected. They will  
15          be sealed going to the county election office and  
16          then they will pick up counting from then on.  
17          Too many times, even if it's ten pieces of paper,  
18          if you're tired or you want to get through  
19          something quickly or the phone is ringing or the  
20          child is calling -- it could be a number of  
21          reasons that can cause you to miscount and then  
22          they then will have to start over which will  
23          again elongate the day.

24          And I just think this is a simple amendment  
25          that I would be in support of. Leaving it as is

1 with the number of county managers and county  
2 officials who have expressed that this is a  
3 concern, I personally cannot support it  
4 100 percent as is. I would love to consider my  
5 -- again this is not a motion but a consideration  
6 at this point.

7 I do think that Ms. Alexander should  
8 consider withdrawing, allowing -- I -- I would --  
9 I would review -- I will send this amendment to  
10 her, allow her to add the amendment that just  
11 gives this optional opportunity for those who may  
12 find themselves in a peculiar situation and then  
13 be posted tomorrow as -- as by petition, go  
14 through the 30-day process, and then we move  
15 forward.

16 **MR. FERVIER:** Thank you, member King. I  
17 want to make three quick points. Number one, the  
18 overwhelming number of officials that I have  
19 heard from on this rule oppose it for different  
20 reasons. Mostly because of the cost and time  
21 requirement and having to deal with very tired  
22 workers at the end of the day. And I've received  
23 a lot of -- lot of comments on it.

24 Number two is I -- once again I think that  
25 this board could be forcing a requirement cost

1       upon a county that the Legislature ought to be  
2       doing and not us. And I think this is a  
3       legislative issue and ought to go through the  
4       Legislature, not through this board.

5               And then, thirdly, I think that this is just  
6       happening too close to the election. And it --  
7       when you're putting major rules in effect or  
8       major procedures in effect, the counties ought to  
9       have more time to respond to it than what they  
10      have. I mean, they're -- the voting's going to  
11      start fairly quickly.

12             And so I -- those are -- those are my three  
13      comments on that. If anybody else has any  
14      comments, then -- other than that, this board  
15      needs to -- the chair will entertainment a motion  
16      on this rule as it's written, proposed SEB rule  
17      183-1-12-.12, subsection (a), subsection(5).

18             **MS. KING:** Point of order. If Ms. Alexander  
19      wished to withdraw and then review the amendment  
20      for the consideration of us -- me bringing it  
21      back or me posting it -- forgive me if I'm saying  
22      this all wrong, but if that was to take place,  
23      would we still have to vote on it or --

24             **MR. FERVIER:** No. No.

25             **MS. KING:** -- does she have that option?

1           **MR. FERVIER:** No. She can withdraw and this  
2 board would not vote on it. We'd move forward  
3 with the -- you can introduce your amendment.  
4 The board would then vote on initiating  
5 rulemaking procedures on your amendment and the  
6 rule. And if we voted in the affirmative to  
7 initiate rulemaking procedures, then it would be  
8 posted tomorrow.

9           **MS. KING:** Okay.

10          **MR. FERVIER:** Ms. Alexander, are you still  
11 online?

12          **MS. ALEXANDER:** I sure am.

13          **MR. FERVIER:** Do you wish to proceed with  
14 your rule as written or do you wish to withdraw  
15 it and allow member King to present her proposal  
16 with the amendment? Ms. Alexander?

17          **MS. ALEXANDER:** It bothers me that this goes  
18 against every accounting principle that I've ever  
19 had. I don't believe that it should be given an  
20 option. I believe it's going to go back.

21           If I understand correctly, Janelle, I  
22 believe what you're saying is that the ballots  
23 would be counted --

24          **MS. KING:** Yes.

25          **MS. ALEXANDER:** -- correct?



1           **MS. KING:** Yes, correct.

2           **MS. ALEXANDER:** Okay. So they would be  
3 counted the next day. Yes?

4           **MS. KING:** Only if the poll manager sees  
5 that their workers are fatigued and they need  
6 that extra day. But otherwise the poll managers  
7 can and those that are working can decide to  
8 count on the same day, as written.

9           **MS. ALEXANDER:** Okay. But you're saying  
10 that three poll officials from each precinct --  
11 yes? --

12          **MS. KING:** Yes.

13          **MS. ALEXANDER:** -- would go to some center,  
14 I would presume the elections office. So if you  
15 have 36 precincts, you have three times 36 -- you  
16 have over a hundred people showing up at an  
17 elections office to count the numbers in their  
18 precinct. I believe that that's just a tad  
19 unwieldy. But --

20          **MS. KING:** Well, what it says is the process  
21 of opening, counting, and resealing the ballots  
22 must be conducted in the presence of three  
23 sworn-in poll officers from a relevant polling  
24 place. Additionally, the poll manager or  
25 assistant poll manager would be present.

1           So it doesn't have to be three people from  
2           every polling precinct. There just needs to be  
3           three sworn-in poll officers that can  
4           represent -- you know, just as long as there's  
5           three sworn-in poll officers. Doesn't have to be  
6           three from every precinct.

7           **MR. FERVIER:** Member King, I -- and not to  
8           interrupt, but I -- I -- it's likely that many of  
9           the precincts would go ahead and count that  
10          night.

11          **MS. KING:** Correct.

12          **MR. FERVIER:** And so you wouldn't have a  
13          hundred-plus people show up. You would have  
14          maybe one or two or three or five that decided  
15          that their workers were too tired and would  
16          have -- would show up the next day.

17          So it's not -- it's not all or nothing,  
18          Ms. Alexander. It's a -- it could be one  
19          precinct, it could be none, it could be five  
20          precincts that decided to extend it to the next  
21          day.

22          **MS. KING:** Correct.

23          **DR. JOHNSTON:** Chairman. Chairman Fervier.

24          **MR. FERVIER:** Yes.

25          **DR. JOHNSTON:** I thought I heard that the --

1       it would be the poll officers that correspond to  
2       that precinct is what I heard for as counting the  
3       ballots.

4               **MS. KING:** The poll manager and the poll  
5       assistant. The poll manager or the assistant  
6       poll manager from the -- from that precinct.

7               **DR. JOHNSTON:** From that precinct, okay.

8               **MS. KING:** Yeah, that must be present. But,  
9       again, that goes back to the option -- right? --  
10      that is if they choose to go about it this route,  
11      then that would be the case. However, they have  
12      the option of counting on the election day.

13              And, again, this will only go into effect --  
14      it says considering factors such as staffing  
15      needs, fatigue, efficiency, and accuracy-related  
16      concerns.

17              And the entire rule will stay the same. We  
18      would just add this paragraph in as section 6.  
19      And it'd just go straight in. There were no  
20      adjustments made to the overall rule.

21              **MS. ALEXANDER:** So in requiring -- and I  
22      understand you could have three poll officials  
23      that could do any precinct at a tabulation  
24      center; correct? You're saying any people that  
25      have worked a poll -- poll official can be there

1 the next day and they could count any precinct,  
2 yes?

3 **MS. KING:** Three sworn-in poll officers from  
4 the relevant polling place and additionally  
5 one -- either the poll manager or the assistant  
6 poll manager must be present. And, again, this  
7 is -- this is if that particular county decided  
8 that they want to start counting the next day  
9 rather than on election day.

10 And it doesn't have to be every precinct,  
11 you know. There may be precincts, to Dr. Jan's  
12 point, that only have a hundred and fifty-four  
13 ballots and they decide to go ahead and count it,  
14 turn it in. But then there may be some that have  
15 1500 or 1400 and then they say, hey, we -- we're  
16 going to do it tomorrow.

17 So the chances of a likelihood of every  
18 single precinct deciding to do it this way, I  
19 don't think that's as likely. But again, you  
20 know, that's -- that's an assumption that I'm  
21 making.

22 **MS. ALEXANDER:** So are they going to pay  
23 those people that come in to count the next day  
24 another day rate?

25 **MS. KING:** That's what -- that county will

1 have to decide that. So that's how I'm -- why I  
2 know that this may not be the case for -- for a  
3 majority of the counties or -- you know, they --  
4 they have this option. However, after speaking  
5 with one of our county officials, they were  
6 already looking into hiring and paying people for  
7 the additional day -- I'm sorry, hiring people to  
8 come in -- hiring -- I think it was over 230 or  
9 so individuals to come in on election day at the  
10 end of the night to do this counting.

11 So the cost associated with it is up to the  
12 counties and that's where my concern is. By  
13 forcing them to have to do it on election day, we  
14 could find ourselves in a position where we're  
15 also forcing counties to incur additional costs  
16 that they weren't preparing to have to acquire  
17 prior to this rule being in place. So it affects  
18 more than just the day of, it affects their  
19 budget and some other decisions that they have to  
20 make.

21 So that will be solely left up to the  
22 counties to decide. But, again, this just gives  
23 them an option, some flexibility to achieve what  
24 this rule is attempting to achieve while also  
25 keeping in mind that we are dealing with humans.

1 And we want to make sure that we have them in  
2 their optimum position.

3 **MS. ALEXANDER:** May I work with you on the  
4 wording?

5 **MS. KING:** Yeah, absolutely. So what we can  
6 do is I --

7 Mr. Chairman, tell me if I'm incorrect on  
8 this. Could -- could -- if she was to withdraw  
9 and I -- would we have to vote on the rule with  
10 my amendment today, or could we --

11 **MR. FERVIER:** Yes.

12 **MS. KING:** Could I -- okay. So if I was to  
13 say let's just table this and then I work with  
14 Sharlene to make sure the amendment works within  
15 her rule, we would -- I would have to bring it  
16 back at the next meeting; is that correct?

17 **MR. FERVIER:** You could work with her and  
18 bring it back again to this meeting.

19 **MS. KING:** Okay. So I could -- if I e-mail  
20 this over to you, Sharlene, and you review it, we  
21 could revisit this by the end of the meeting. Is  
22 that okay?

23 **MS. ALEXANDER:** Sure.

24 **MS. KING:** Okay. I will send that to her.

25 **MS. ALEXANDER:** Tabling it at this point?

1 Not voting on it. We're tabling it so you'd send  
2 it to me?

3 **MR. FERVIER:** We are -- we are tabling her  
4 amendment. The first question is whether or not  
5 you are willing to withdraw your petition at this  
6 time.

7 **MS. ALEXANDER:** So I have to do that before  
8 I see the wording?

9 **MS. KING:** You would -- that's a good  
10 question.

11 **MR. FERVIER:** That's -- I hear -- the chair  
12 is --

13 **MS. KING:** We should just table it till the  
14 end of the day.

15 **MR. FERVIER:** The chair is feeling very  
16 hungry right now. Why don't we table both of  
17 these for the time being?

18 **MS. KING:** Until lunch. And I'll e-mail  
19 this to you, Sharlene, to look at during lunch.

20 **MR. FERVIER:** The chair would entertain a  
21 motion to table Ms. Alexander's rule until later  
22 in the meeting.

23 **MS. KING:** I make a motion that we table.

24 **MR. FERVIER:** We have a motion to table  
25 Ms. Alexander's rule for the time being to be

1           heard later in the meeting. Do we have a second?

2           **DR. JOHNSTON:** Second.

3           **MR. FERVIER:** We have a motion and a second

4           from Dr. Johnston. Any discussion? Hearing no

5           discussion, all those in favor of tabling

6           Ms. Alexander's rule -- SEB rule 183-1-12-.12,

7           subsection (a), subsection (5) -- until later in

8           the meeting signify by saying aye.

9           Member Ghazal.

10          **MS. GHAZAL:** Aye.

11          **MR. FERVIER:** Member Johnston.

12          **DR. JOHNSTON:** Aye.

13          **MR. FERVIER:** Member Jeffares.

14          **MR. JEFFARES:** Aye.

15          **MR. FERVIER:** Aye. Member King.

16          **MS. KING:** Aye.

17          **MR. FERVIER:** The motion carries four to

18          zero. That is tabled.

19          Thank you, Ms. Alexander.

20          The chair would entertain a motion now for a

21          short lunch break.

22          **MS. KING:** I make a motion we take a short

23          lunch break.

24          **DR. JOHNSTON:** I second.

25          **MR. FERVIER:** We have a motion and a second



1 by member Johnston. All those in favor of taking  
2 a -- let's say a 45-minute recess, we'll recess  
3 till 2:00 -- signify by saying aye.

4 **THE BOARD MEMBERS:** Aye.

5 **MR. FERVIER:** Any opposition? Hearing no  
6 opposition, so moved. This meeting is now  
7 recessed until 2:00 at which time we'll come back  
8 and continue with the agenda. Thank you.

9 (Recess)

10 **MR. FERVIER:** We will call this meeting back  
11 to order.

12 **Discussion and voting on proposed rule amendment to**  
13 **SEB rule 183-1-12-.12(e).**

14 **MR. FERVIER:** The next item on the agenda is  
15 discussion and voting on proposed rule amendment  
16 to SEB rule 183-1-12-.12, subsection (e). And I  
17 believe that Gail Lee proposed this rule.

18 Ms. Lee, are you online? Gail Lee?

19 **MS. LEE:** Yes, I'm here. Can you hear me?

20 **MR. FERVIER:** Great. Yes, ma'am. And so  
21 you're -- this is your rule. Would you like to  
22 speak about it?

23 **MS. LEE:** I would very briefly. I  
24 recognize, acknowledge, and appreciate the public  
25 comment made on my rule. And the concern that

1 was addressed in that public comment is valid.  
2 The concern involved the portion that said each  
3 county shall publish the report on their county  
4 election results website. And I plead guilty --

5 (Background noise)

6 **MS. LEE:** Pardon me? I plead guilty to  
7 living in a bubble in a large county that has  
8 technology resources. So I -- if possible, I'd  
9 like to amend my rule.

10 **MR. FERVIER:** We -- the board is allowed to  
11 make minor amendments to it, a word or two,  
12 without having to go through the entire process  
13 again.

14 **MS. LEE:** Okay.

15 **MR. FERVIER:** Any major amendments would  
16 require withdrawing this rule and then  
17 resubmitting and going through the whole  
18 rulemaking procedure again. So I'd need to know  
19 what that amendment is.

20 **MS. LEE:** I'll be glad to tell you. The  
21 whole -- the whole rule is (reading): Upon  
22 submission to complete -- submission of the  
23 complete reconciliation report to the Secretary  
24 of State, each county shall publish the report on  
25 their county election results -- that was what

1 was already submitted -- or in the absence of a  
2 website make it available to the public upon  
3 request.

4 So the addition would be "or in the absence  
5 of a website make it available to the public upon  
6 request." What do you think?

7 **MR. FERVIER:** Member Ghazal, do you have an  
8 opinion on that?

9 **MS. GHAZAL:** I do. I believe that is a  
10 substantive enough change to require reposting.  
11 However, I also believe that you will not -- I  
12 would not anticipate anybody to vote against this  
13 and therefore that the counties would have  
14 sufficient notice to be able to adhere to the  
15 rule without any issues.

16 But I think for -- for the sake of it to be  
17 fully lawful, it would need to be reposted and  
18 then voted again in 30 days. And I will -- for  
19 myself, I will vote in favor of -- of this rule  
20 again as I did previously.

21 So I -- but I do think that it does require  
22 because it is -- it is not a scrivener's error,  
23 it is a substantive change and a substantive  
24 difference in what is -- what is required of the  
25 counties.

1           **MR. FERVIER:** Yeah. That's -- that's my  
2 fear is that it's more than a word or two change  
3 as we had discussed with the Attorney General at  
4 our last meeting. And I think that there's still  
5 time for this to go in effect because we will  
6 have another meeting on September 20th. And so  
7 if it was posted tomorrow, then that would meet  
8 the 30-day requirement for a final vote on  
9 September 20th.

10           **DR. JOHNSTON:** Sara, are you aware of any  
11 county that does not have a website?

12           **MS. GHAZAL:** Yes. I have not gone through  
13 all -- all hundred and fifty-nine, but, for  
14 instance -- I always check on Taliaferro because  
15 they're the smallest county. The -- they do not  
16 have a separate website for their -- their  
17 election office. It is a county website. And I  
18 have to -- I have to assume that others are in  
19 a -- are similarly situated.

20           **MS. LEE:** Do they post election results on  
21 that county website?

22           **MS. GHAZAL:** I -- I can't answer that. I'm  
23 sorry. I don't know.

24           **DR. JOHNSTON:** Yeah. So the -- the wording  
25 says county election results website. So it

1 sounds like that would cover a county host --  
2 website host.

3 **MS. LEE:** Uh-huh.

4 **MR. FERVIER:** Well, you could -- what about  
5 if you put on there county or county election  
6 results website?

7 **MS. LEE:** That'd be fine with me.

8 **MR. FERVIER:** Member Ghazal, do you think  
9 that's a -- too much of a change?

10 **MS. LEE:** On -- it currently says: On their  
11 county election results website. It does  
12 currently say that. I mean, it's --

13 **MS. GHAZAL:** I think if they add county or  
14 county election results because there is not a  
15 separate website. So there are many counties  
16 that do not have a separate website for their  
17 elections.

18 **MS. LEE:** Oh, that's true.

19 **MS. GHAZAL:** So I think adding county or  
20 county election results website, I -- I would be  
21 comfortable making that minor an error -- minor a  
22 change. And I think that also makes it more  
23 accessible than simply providing it as a response  
24 to an open records request.

25 **MS. LEE:** Okay. Thank you.

1           **MR. FERVIER:** Member King, do you have any  
2 comments about this?

3           **MS. KING:** Uh-oh. Okay. No, I'm okay with  
4 this one. I -- I think adding in that additional  
5 change is fine and I plan on continuing to  
6 support it.

7           **MR. FERVIER:** Okay. Member Jeffares, do you  
8 have any comments about this proposed change?

9           **MR. JEFFARES:** The only thing I would say,  
10 there's somewhere around 30 counties that don't  
11 have any kind of website. So ...

12           **MR. FERVIER:** Well, that's a problem.

13           **MR. JEFFARES:** And I might be wrong, but  
14 I -- it's going to be a higher number than you  
15 think.

16           **MS. KING:** Yeah. I think adding in this  
17 change will be --

18           **MR. FERVIER:** Well, member Jeffares said  
19 that in his opinion there's probably around 30  
20 counties or more that don't have any sort of  
21 website.

22           **MR. JEFFARES:** I could be wrong. That was  
23 from about four or five years ago. There was a  
24 bunch of them that don't have them. Back then.

25           **MS. LEE:** No.

1           **MR. FERVIER:** He said from his knowledge as  
2 of four years ago, there was at least 30 counties  
3 or more that did not have any form of website.

4           **MS. LEE:** Wow.

5           **MS. GHAZAL:** Can I move that we table this  
6 for the next hour and direct director Coan to  
7 reach out to -- reach out to the Association --  
8 the county commission association --

9           Director Coan, you know the organization I'm  
10 thinking of; correct? The --

11          **DR. JOHNSTON:** ACCG?

12          **MR. COAN:** Yes. It's the Association of  
13 County Commissioners, ACCG.

14          **MS. GHAZAL:** Yes. Can you see if you can  
15 find out in the next hour whether or not there is  
16 at least a website for each county, each of our  
17 hundred and fifty-nine counties? Because if  
18 there is at least a website, then this rule will  
19 cover that. If they --

20          **MR. COAN:** Okay. And we're speaking  
21 strictly on the county as a whole, not talking  
22 about elections boards separately.

23          **MS. GHAZAL:** Yes. Exactly. Exactly.

24          **MR. COAN:** Very good. I'll work on that  
25 right now.

1           **MR. FERVIER:** Well -- well, my -- my --  
2           well, my other questions is whether this board  
3           has the authority to force a county to publish  
4           this on their website. I mean, I would almost  
5           revert back to what the original thing was  
6           that -- that we revise this rule to say that they  
7           have to make it available upon request and then  
8           we resubmitted -- we vote on it for rulemaking  
9           procedures and then revote on it on  
10          September 20th.

11          **MS. GHAZAL:** And I think by doing that,  
12          Mr. Chairman, the counties can make the  
13          determination if they want to post it on their  
14          website even if there is not an election website  
15          if that's the method in which they -- and I would  
16          encourage counties to do that, but that we're not  
17          instructing them to do that. So I think ...

18          **MR. FERVIER:** Yeah. I just don't think we  
19          have the authority to force a county to post it,  
20          the county election boards but not -- not the  
21          county themselves. So ...

22          **MS. LEE:** Okay. Let me be clear what you're  
23          saying, that I would withdraw this and then  
24          resubmit and put in the wording or in the absence  
25          of a website make it available to the public upon



1 request or --

2 **MR. FERVIER:** Yes. Yes.

3 **MS. LEE:** Okay. Okay.

4 **MS. GHAZAL:** A county may voluntarily choose  
5 to post it on their county website, but I think  
6 the chairman is correct in his assessment, that  
7 we don't have the authority to direct a county to  
8 publish something like that.

9 **MS. LEE:** Oh, okay. So then the wording,  
10 "in the absence of a website," shouldn't be in  
11 there either because --

12 (Background sound)

13 **MS. LEE:** -- then there's the qualification  
14 that would force them if they have a website  
15 to -- to post it. Okay. All right. Well, so we  
16 need to make it optional.

17 **DR. JOHNSTON:** I would ask if the county or  
18 the election office posts their results -- any  
19 results, election results -- that this would also  
20 fall -- would be appropriate to post this rather  
21 than giving them the option of they post election  
22 results but don't -- do not -- do not post the  
23 reconciliation report.

24 If they have a website where they're posting  
25 election results, then it would be appropriate to

1 have this posted also. I think if I'm  
2 understanding --

3 (Cross-talking)

4 **MS. LEE:** Okay, how about this?

5 **MR. FERVIER:** It would but I just don't  
6 think we have power to mandate that for counties.  
7 We do for election boards, but not for the  
8 counties themselves.

9 **MS. LEE:** Okay. Each county election board  
10 shall post the report in the same manner and  
11 media as their other election results are posted  
12 for public viewing?

13 **MR. FERVIER:** No, I -- I don't -- no. I  
14 think Dr. Johnston was talking about if a  
15 county -- not the county election board, but a  
16 county posted election results that we should ask  
17 them to also point -- do this. And my position  
18 was we don't have the power to make a county do  
19 anything, only the election board.

20 So your rule would be as written, but we  
21 would add the language shall publish a report on  
22 their county election results website or provide  
23 a copy if requested.

24 **MS. LEE:** Okay.

25 **MR. FERVIER:** And I think it's just adding

1 those simple words, "will provide a copy if  
2 requested."

3 **MS. LEE:** (indiscernible) a copy if  
4 requested. Okay. All right.

5 **MR. FERVIER:** Does the board have any  
6 opinion on that -- that language? Does the board  
7 have any opinion on that language that changed  
8 that rule?

9 **MR. JEFFARES:** That's fine with me.

10 **DR. JOHNSTON:** Chairman Fervier, I -- I'd  
11 recommend rather than "as requested" that it  
12 would be posted in the election office if it's  
13 not posted on the website. Rather than somebody  
14 having to ask for the report, it should be posted  
15 in the office for public review.

16 **MR. FERVIER:** So instead of "as requested,"  
17 it would be posted in the elections office. I'm  
18 fine with that too.

19 Member Jeffares.

20 **MR. JEFFARES:** Yeah. That's fine with me  
21 because that's kind of what my rule change does  
22 which we're going to vote on next month. Since  
23 you don't have a website, you've got to post it.

24 **MR. FERVIER:** All right. So the change  
25 would be -- this would be the rule: Upon

1 submission of the completed reconciliation report  
2 to the Secretary of State, each county shall  
3 publish their report on their county election  
4 web -- results website or post in the elections  
5 office.

6 **MS. LEE:** Or post it in the elections  
7 office, okay.

8 **MR. FERVIER:** Yes. Any further comments --

9 **MS. LEE:** (indiscernible) -- so do I need to  
10 withdraw and redo it?

11 **MR. FERVIER:** No. No. This board would  
12 need to initiate rulemaking procedures on that  
13 rule. So we would need to go ahead and vote on  
14 that to initiated rulemaking procedures and then  
15 we would post it by the end of the day tomorrow  
16 so that it could be voted on on September 20th.

17 **MS. LEE:** Cool. All right. Thank you.

18 **MR. FERVIER:** Well, we haven't voted yet.

19 **MS. LEE:** Yes. I'm thanking you in advance.

20 **DR. JOHNSTON:** Was that a --

21 **MR. FERVIER:** Well, let me see. Miss Lee,  
22 would you like to withdraw your petition -- or  
23 your rule?

24 **MS. LEE:** So then I need to do that first,  
25 right?

1           **MR. FERVIER:** Yes.

2           **MS. LEE:** Okay. Yes, I would like to  
3 withdraw my petition for the rule.

4           **MR. FERVIER:** Yes, okay.

5           So Ms. Lee has withdrawn her petition or --  
6 for the rule. The chair will entertain a motion  
7 to initiate rulemaking procedures on the revised  
8 rule which would state: Upon submission of the  
9 completed reconciliation report to the Secretary  
10 of State, each county shall publish the report on  
11 their county election results website or post in  
12 the elections office.

13          **MS. KING:** So moved.

14          **MR. FERVIER:** We have a motion from member  
15 King to accept that as presented. Do we have a  
16 second?

17          **MR. JEFFARES:** Second.

18          **DR. JOHNSTON:** Second.

19          **MR. FERVIER:** We have a motion and a second  
20 from member Jeffares. Any discussion? Hearing  
21 no discussion, all those in favor of initiating  
22 rulemaking procedures on SEB rule  
23 183-12-.12[sic], subsection (e) stated as: Upon  
24 submission of the completed reconciliation report  
25 to the Secretary of State, each county shall

1 publish their report on their county election  
2 results website or post in the elections office.  
3 We have a motion and a second. All those in  
4 favor signify by saying aye.

5 Member Ghazal.

6 **MS. GHAZAL:** Aye.

7 **MR. FERVIER:** Member Johnston.

8 **DR. JOHNSTON:** Aye.

9 **MR. FERVIER:** Member Jeffares.

10 **MR. JEFFARES:** Aye.

11 **MR. FERVIER:** Member King.

12 **MS. KING:** Aye.

13 **MR. FERVIER:** The motion carries four to  
14 zero.

15 **MS. LEE:** Thank you very much, Ms. Lee.

16 **MR. FERVIER:** Alex, you want to make sure  
17 that gets posted, okay?

18 The next item on the agenda is petition for  
19 amendment of state election board rules presented  
20 by Debbie Dooley.

21 Ms. Dooley, are you online with us today?

22 **MS. DOOLEY:** I am. Can you hear me?

23 **MR. FERVIER:** I can hear you.

24 **MS. DOOLEY:** Good.

25 **MR. FERVIER:** Do you plan on having anyone

1 speak with you?

2 **MS. DOOLEY:** Sir?

3 **DR. JOHNSTON:** Do plan on having anybody  
4 speak with you on your behalf?

5 **MS. DOOLEY:** No.

6 **MR. FERVIER:** Okay, great. Please go  
7 forward please.

8 **Petitioner for Amendment of State Election Board Rules**  
9 **Presented by Debbie Dooley.**

10 **MS. DOOLEY:** Debbie Dooley. I've been a  
11 lifelong Republican since I was a senior in high  
12 school in 1976. I'm one of the 22 national  
13 cofounders of the Tea Party Movement in 2009 and  
14 lifelong Republican, big Trump supporter. And I  
15 want to say from the outset with my rule, this is  
16 not about the 2020 election. This is about  
17 securing the 2024 election. And I think that is  
18 important. And I think there are some things  
19 that are not about left or right. They're about  
20 right or wrong. And this is one of those issues  
21 that have drawn bipartisan support.

22 I would like to briefly -- I appreciate -- I  
23 never understood the hard work you guys had to do  
24 until I actually sat in on this -- this meeting  
25 so far. You guys deserve a badge of honor and

1 courage. Thank you for what you're doing.

2 **MR. FERVIER:** Thank you.

3 **MS. DOOLEY:** Anyway I want to read you --  
4 this kind of sums up the grassroots, how the  
5 conservative grassroots feel about having to vote  
6 on the Dominion screens. This is from -- and  
7 each of you board members should have received an  
8 e-mail from the author of this. And it's from a  
9 county in middle Georgia.

10 (reading): Good afternoon -- he sent this  
11 yesterday -- state election board members.  
12 Tomorrow will be a landmark day in Georgia.  
13 Tomorrow, August 19th will be the day we find out  
14 whether the shooter on the roof has been  
15 neutralized. You see, that's the analogy I make  
16 to the situation with Dominion Voting Systems.  
17 Dominion is the shooter on the roof. CISA told  
18 us in 2021, three years ago, that there was a  
19 shooter on the roof. The Georgia Secretary of  
20 State decided to do nothing about it prior to the  
21 most important election this country has faced in  
22 2024.

23 So here we are with the 2024 presidential  
24 election about to enter center stage. Everybody  
25 knows the shooter is there. And those that have



1       been pointing out the vulnerabilities of the  
2       election because of the shooter are frustrated  
3       that nothing has been done. So now we are down  
4       to the wire.

5               The citizens of the state of Georgia on both  
6       sides of the aisle want free and fair elections  
7       and are looking to the state election board to  
8       neutralize the vulnerabilities of the election  
9       that the shooter brings. It has been proven that  
10      the system can be hacked. It has been proven  
11      that vote counts have changed. It has been  
12      proven that because of the QR code the Dominion  
13      system does not meet the requirements of Georgia  
14      laws.

15             The voters of -- and he lists his county --  
16      in the 12th District, the state of Georgia are  
17      not content with rolling the dice and hoping for  
18      the best. We know the vulnerabilities of the  
19      system will be tested. We know that with the  
20      Georgia SOS announcement that nothing will be  
21      done prior to the election. Hackers with ill  
22      intent have began eagerly researching ways to  
23      breach the system.

24             We are calling on you to neutralize the  
25      shooter. We are calling on you to mandate

1 hand-counted ballots for the upcoming election.  
2 You also have the authority and duty to restore  
3 trust in Georgia's election system.

4 And let me say one thing. I know a lot has  
5 come up about whether or not you guys have the  
6 ability to declare that backup voting systems  
7 will be used in November. You do. Judge  
8 Totenberg -- Judge Totenberg issued a ruling that  
9 said -- this is May 2019 and introduced the  
10 provisions of 20-2-281 providing for backup  
11 balloting when the voting system is impaired.  
12 The court said -- Judge Totenberg said: O.C. --  
13 I mean, it goes on: 21-281[sic] is not limited  
14 to election superintendents. And the board  
15 members are responsible for enforcing Georgia's  
16 election code under this -- under state law.  
17 That's Judge Totenberg.

18 And there was a ruling from the Eleventh  
19 Circuit Court of Appeals in *Grizzle v Kemp*. This  
20 is when Governor Kemp was secretary of state. On  
21 March 8, 2011, they found in their ruling on  
22 page 3, under Georgia law, the state election  
23 board is vested with the power to issue orders  
24 directing compliance with chapter 2 of Georgia's  
25 election code or prohibiting the actual or

1 threatened commission of any conduct constituting  
2 a violation chapter 2. That was done in multiple  
3 places in that order, in that *Grizzle v Kemp*  
4 order.

5           You do have the authority to use the  
6 emergency ballots. This is a -- 2024 November is  
7 a dumpster fire waiting to happen. And here is  
8 the thing. As I sit here and listen through all  
9 these proceedings today -- and I gained a new  
10 respect for you guys, trust me -- that listening  
11 to all of this, I mean, you voted to -- you voted  
12 for rules previously or amendments to rules that  
13 some people are saying is -- you don't have the  
14 authority to do and you can't do it and they  
15 filed a legal challenge. The one about the  
16 common sense reconciliation that you voted on,  
17 the first thing you voted on, that's common  
18 sense. But you have some folks that are striking  
19 out against it.

20           The people of Georgia deserve to have a  
21 secure election. I have a 15-year background in  
22 information technology at a high level. And I  
23 can tell you these machines are hackable.  
24 Halderman is much more technically astute than I  
25 am and in his Halderman report, he admitted this

1 is a dumpster fire waiting to happen. I am  
2 asking you to take action and hear -- and to  
3 order or pass a rule where the counties will use  
4 the backup balloting process, paper ballots, in  
5 November.

6 This has not been -- the backup ballot  
7 process has been in effect for years because you  
8 never know when you'll get to a polling place and  
9 something happened and you have to go to backup  
10 ballots if it happens to your computer system.  
11 If hackers can delay with all the security Elon  
12 Musk has in Twitter, if hackers can delay the  
13 Trump town hall for 45 minutes with a DDoS  
14 attack, what do you think they can try to do to  
15 our Dominion touchscreens, BMD, on election day  
16 when Republicans are the ones that usually vote  
17 on that? What do you think they will try to do?

18 And this is something that you guys do have  
19 the authority to do. And Secretary of State Brad  
20 Raffenperger has been derelict in his duty to  
21 secure the elections. He has known about the  
22 CISA vulnerability since 2021 and he has done  
23 nothing to change that, nothing to change that.

24 And I am just asking that you consider and  
25 that you pass my rule changes that I submitted.

1           And I will take questions now. Are there  
2 any questions?

3           **MR. FERVIER:** Just one moment. Just one  
4 moment, please.

5           **MS. DOOLEY:** Okay.

6           **MR. FERVIER:** We have to -- we have to get  
7 our stuff together here.

8           **MS. DOOLEY:** I'm sorry. I could've waited.

9           **MR. FERVIER:** No, no, no, no, no, no, no.

10          **MS. DOOLEY:** I could've awaited. I mean,  
11 you know.

12          **MR. FERVIER:** No, you're fine. You're fine.  
13 Are there any questions from the board for  
14 Ms. Dooley?

15          **MS. KING:** Quick question. The backup  
16 voting process that's in place now to use the  
17 emergency ballots if there are some issues, are  
18 you saying that's not in place?

19          **MS. DOOLEY:** Well, what we're -- what I'm  
20 requesting with my rule change is that we ditch  
21 the Dominion BMDs except for the -- the folks  
22 that are impaired and need to use a touchscreen  
23 and that we go to the backup ballot process that  
24 poll workers already -- have already been trained  
25 on instead of using the Dominion BMDs.

1           And they can go through and -- like, with  
2           the hand-marked paper ballots, you can put them  
3           in the scanner or the tabulator, go in and scan  
4           them in, and, you know, and count the votes. But  
5           it is a lot more secure than using these Dominion  
6           BMDs.

7           I'll tell you another issue with the  
8           Dominion BMDs. Something that I've noticed when  
9           I go vote in person that I have noticed with them  
10          is that, you know, you line these touchscreens in  
11          a room where voting takes place and there's no  
12          privacy. Somebody -- I've walked by different  
13          locations where I have voted and I can see -- you  
14          know, they're out there visible. So you could  
15          see where the voter is actually -- you can see  
16          what they're marking. There's no privacy and  
17          that's a violation of both state and federal law.  
18          There is a federal law and it says that this is  
19          Federal Law 52 USC 2108[sic], section (A),  
20          paragraph (i) that says: Voter must be able to  
21          verify in a private and independent manner the  
22          votes selected by voters on the ballot before the  
23          ballot is cast and counted. That's federal law.  
24          That is a federal statute. You can't read a QR  
25          code. And it's very easy to put in malware and

1 change the QR code.

2 And I think Dr. Johnston had mentioned in  
3 the last board meeting that there were four  
4 different counties whose systems have been  
5 hacked. And this is what I'm asking. If there  
6 is some doubt of whether or not you can legally  
7 do this, once it's put in the rulemaking  
8 procedure, then you have time to research it, you  
9 can get legislative counsel to take a look at it  
10 and do that. Just start the process going. And  
11 if something happens and they say, no, you can't  
12 do that, then I'll -- then I will withdraw my  
13 rule if it's investigated.

14 **MS. KING:** I -- I have looked into what we  
15 can and can't do. And I think the challenge is  
16 when you want to just ditch the Dominion machine  
17 altogether except for --

18 **MS. DOOLEY:** No.

19 **MS. KING:** -- those who are -- except for  
20 the elderly or those who are -- that need it as  
21 far as disabilities of some sort. That's where  
22 it becomes really tricky because now we are  
23 altering how the election is being conducted and  
24 that is what's outside of the purview of the SEB  
25 board. That's the part that makes it really

1       difficult.

2               **MS. DOOLEY:** Well, it's not because you have  
3       procedures in place. Now, there are clear  
4       CISA -- CISA vulnerabilities that the Secretary  
5       of State has been derelict in his duty to patch.  
6       He has not patched that. It's been three years.  
7       And this is the most important election of -- of  
8       my lifetime. And, I mean, so you're put out --  
9       would you send your -- your husband or your kids  
10      to go on a trip in an automobile that you know  
11      has major issues and could break down on the  
12      road? You wouldn't do that. You would repair it  
13      before. You do have the authority to go to these  
14      backup procedures.

15              When you go to a precinct on election day  
16      and if you get there and the power's off or the  
17      machines are down, then you can -- the poll  
18      workers can use the backup balloting procedures  
19      which is the hand-marked paper ballots. They'll  
20      be able to use that. And, yes, I am saying you  
21      can use the Dominion scanner or tabulator,  
22      whatever the poll workers -- one poll worker will  
23      call it one thing, one will call it another. You  
24      can use that because in cases of discrepancy with  
25      all the good rule changes that you guys have



1 already passed, in cases of discrepancy you can  
2 count hand-marked paper ballots instead of  
3 machine-marked paper ballots. And that is  
4 something that I truly believe you guys have the  
5 authority to -- to do to make this decision.

6 But at least you could get the process  
7 going. And then if you find out you don't, then,  
8 you know, at least you can get it going and we  
9 can get a definitive answer. But I've already  
10 read you the opinions from two different federal  
11 courts. And Judge Totenberg was the district  
12 court, but the Eleventh Circuit Court of Appeals  
13 also found that -- that you could do things like  
14 that. The Secretary of State's dereliction of  
15 duty for not patching the CISA vulnerabilities,  
16 so why is he left -- why was he focused on the  
17 GARViS poll pads when he should've been focused  
18 on patching the CISA vulnerabilities? And it's a  
19 train wreck waiting to happen.

20 **MS. KING:** My -- this is my last point and  
21 then I'm going to -- I -- I would love to hear  
22 from the rest of the board on what they think  
23 about this. I think it goes back to -- the  
24 example you gave is that if a -- if a poll  
25 official -- polling official goes in, they see

1 the machine is just not turning on, right?  
2 That's a totally different situation than to  
3 determine from a statewide level as a board that  
4 every county has to follow this particular  
5 procedure.

6 That's what makes it a little bit tricky.  
7 However, I am interested in hearing from the  
8 additional members of the board in case I'm not  
9 seeing this correctly.

10 **MR. FERVIER:** Ms. Dooley, I -- I appreciate  
11 what you're trying to do. My -- I think my  
12 issues with this is that the Legislature in  
13 Georgia has put their trust and confidence in  
14 these Dominion machines and allowed them to come  
15 about and we all vote that way now. And I don't  
16 think that it's the place of this board to go  
17 against what the Legislature has put in place for  
18 us to -- as a voting system.

19 What your rule would do would change  
20 completely the way we vote in Georgia and in  
21 effect put hand-marked paper ballots back in, you  
22 know, as our primary way of voting. And I think  
23 that that is just in direct contradiction of what  
24 the Legislature's decided to do in Georgia.

25 And if, you know -- and my other issue with

1       this is, you know, the naming of Dominion in here  
2       and some of these other comments that are made in  
3       the rule itself. I don't think it's this board's  
4       place to take a position on that and to name any  
5       company, like Dominion, in these rules and, you  
6       know, vulnerabilities that Dominion may or may  
7       not have. For me, it is inappropriate to be in a  
8       rule itself.

9           I -- I -- so I appreciate what you're doing.  
10       I just feel like that -- that the Legislature is  
11       the proper place to make this change if it needs  
12       to be made in the state of Georgia. So ...

13       **MS. DOOLEY:** But we have this election --  
14       and it is your -- it is the board's  
15       responsibility to make sure our election systems  
16       are secure. And --

17       **MR. FERVIER:** I don't disagree.

18       **MS. DOOLEY:** -- they're not. They're not  
19       secure.

20       **MR. FERVIER:** I appreciate that, but it  
21       really is the Legislature's responsibility to  
22       make sure that we have the proper laws in place.  
23       And so I would, you know, go back to the  
24       Legislature and say: These machines are working,  
25       they're not working. That's the appropriate

1 venue for me, I think, that something like this  
2 needs to occur.

3 **MS. DOOLEY:** Well, they have that code  
4 section that the Eleventh Circuit talked about  
5 and that code section hasn't changed. And it  
6 gives you guys the authority to go to backup  
7 measures and to oversee the election system. And  
8 --

9 **MR. FERVIER:** Well, we --

10 **MS. DOOLEY:** -- it gives you the authority  
11 to do that if you want to use rulemaking. And  
12 keep in mind, I'm not asking for this to be done  
13 permanently. All I'm doing, is there a security  
14 risk there? All I'm asking is to go to backup  
15 ballots -- backup ballots until the Secretary of  
16 State actually patches the vulnerabilities  
17 mentioned in the CISA report. I'm not asking for  
18 it to be done permanently.

19 Now, if I was asking for it to be done  
20 permanently, you're absolutely correct. That  
21 would be up to the Legislature and that would be  
22 up to people to decide, okay, is my legislator  
23 pro Dominion or anti-Dominion? and vote  
24 accordingly in 2026.

25 So but I'm not asking for any permanent

1 change. I'm just asking that you move to secure  
2 our voting system before the most important  
3 election in the lifetime. I'm not asking for a  
4 permanent change. If the Secretary of State --  
5 he's been derelict in his duty to patch the CISA  
6 vulnerability. He's been very derelict in his  
7 duty. All he does is defend Dominion. And I  
8 mean it's at risk. It's at risk that he's doing  
9 that and I -- I think you guys -- I think you  
10 have the authority to pass this temporary rule  
11 change.

12 Now, if he wants to come in and all of a  
13 sudden start patching Dominion, which he's not,  
14 but this is just until he does his responsibility  
15 and patches the extreme vulnerability with the  
16 Dominion machines. This is not permanent.

17 **MR. FERVIER:** Yeah. I guess my other issue  
18 is I -- you know, having read almost all of the  
19 rules in this green book and a lot of the  
20 statutes, I -- I don't see any other place where  
21 we're talking about Cybersecurity and  
22 Infrastructure Security Agency and Dominion  
23 machines. I mean, it's listed over and over  
24 again in your rule, and I -- I don't feel it's  
25 appropriate for us to have those kinds of

1        comments in rulemaking determinations on public  
2        companies and whether or not they're -- you know,  
3        an emergency situation exists because of use of a  
4        certain company. I feel like that puts us at  
5        some risk for slander and things like that.  
6        That's just my personal feeling of that. So ...

7                **MS. DOOLEY:** Well, if you would like, I  
8        could change the rule to remove Dominion and just  
9        put in voting machines, but, I mean, you know,  
10       it's like calling a cat a dog when you don't name  
11       what the issue is. And Dominion has been the  
12       voting machine that's had vulnerabilities.  
13       That's what -- we have seen it. We don't have to  
14       guess what's going to happen. We have seen that  
15       there have been -- according to Dr. Johnston,  
16       there have been four county election systems  
17       already that have been hacked. So we know that's  
18       a vulnerability. And the board has it within  
19       their authority, according to the -- you don't  
20       like Judge Totenberg, the Eleventh Circuit  
21       definitely ruled, said you guys have authority  
22       to -- to govern.

23                **MR. FERVIER:** I have no opinion on Judge  
24       Totenberg. Well, I've -- I mean, I've made my  
25       comments. And isn't this substantially similar

1 to a rule that we heard in a previous meeting?

2 **MS. DOOLEY:** Yes. It's Marilyn Marks. When  
3 I wanted to -- I worked with Marilyn on different  
4 issues for a couple of years, volunteered my time  
5 about the security system, and I'm a firm  
6 believer don't remake the wheel.

7 And I consider Marilyn to be a very good  
8 subject matter expert in this situation and in  
9 these Dominion machines and what federal laws  
10 say. And I wanted to make sure that -- and she  
11 already had a rule that I saw that I thought was  
12 good and so why remake the wheel? Why not do  
13 that?

14 And I would remind folks that when Georgia  
15 was getting ready to deploy Dominion, Stacey  
16 Abrams and other Democrats spoke out against  
17 using Dominion voting machines. A lot of them  
18 did. After 2020 and we started going after  
19 Dominion, all of the sudden they just love --  
20 many Democrats just love Dominion. But not all  
21 Democrats do. And as I said, there are some  
22 issues that is not about left and right. They're  
23 about right and wrong. And it's wrong to expect  
24 voters -- to demand that voters vote on a system  
25 that's not secure. And that's wrong. And people

1 think their votes don't count.

2 **MR. FERVIER:** Any other comments from the  
3 board or questions from the board?

4 Member Johnston's -- okay.

5 **DR. JOHNSTON:** Chairman Fervier.

6 **MR. FERVIER:** Yes.

7 **DR. JOHNSTON:** In reading through the  
8 petition, there's a mention about a precinct  
9 specific ballot printing plan which would  
10 probably take some planning and time, that would  
11 probably take a great deal of time actually. And  
12 there's also mention about a ballot-on-demand  
13 printer. I don't think polling places have  
14 ballot-on-demand printers. Do they?

15 **MS. DOOLEY:** I believe some do. And here is  
16 the thing. The -- they already have some of the  
17 ballots printed up that they have to have in case  
18 the computer system goes down and you have to  
19 have backup balloting. So they're -- they're  
20 already familiar with that process of backup  
21 balloting -- of backup balloting in case of  
22 issues.

23 And my -- my nightmare would be that on  
24 election day a DDoS attack go -- and all the  
25 computer systems go -- you know, a lot of the --



1 the election equipment go down, people can't  
2 vote. And they -- you know, you've got to have  
3 enough ballots at each polling place.

4 And provisional ballots, aren't there  
5 already provisional ballots at the polling place  
6 in case the system goes down or in case somebody  
7 is not registered? There's already ballots there  
8 that are printed with specific races.

9 **MS. GHAZAL:** If I may jump in here.

10 **MR. FERVIER:** Member Ghazal.

11 **MS. GHAZAL:** Dr. Johnston, no, we do not  
12 have precinct-based ballot-on-demand printers nor  
13 do we have early voting location ballot-on-demand  
14 printers. It is absolutely true that every  
15 polling place needs to have 10 percent of the  
16 number of registered voters available in  
17 emergency and provisional ballots as a backup as  
18 part of the emergency system.

19 And that also means that every early voting  
20 location needs to have at least a small number of  
21 backup ballots. But the problem is we don't --  
22 ballot-on-demand printers are extremely  
23 expensive.

24 Now, for the record, this would've been the  
25 system -- this was the system that I favored very

1       strongly in 2019 when -- when the state adopted  
2       the BMD system. But we do not have the  
3       capability of printing ballots on demand for all  
4       of our precincts, all of our election day  
5       precincts, and particularly during early voting  
6       because finding the actual -- either printing out  
7       on demand or finding the correct ballot style  
8       during early voting is a significant --  
9       significant burden because, you know, in our  
10      larger counties, we have up to, like, a thousand  
11      different ballot styles. Each precinct can have  
12      several different ballot styles for the -- for  
13      that precinct, so identifying and having enough  
14      ballots to be able to do this.

15             It actually -- ironically that is what  
16      Fulton County is still getting criticism for  
17      because they printed more ballots than they had  
18      voters in 2020 because of the need to have access  
19      to ballots if you're working on a completely  
20      paper ballot system. So I wanted to clarify some  
21      of those questions.

22             **MS. DOOLEY:** Well, here's a solution to  
23      that. You order enough ballots to match the  
24      registered voters in your precinct. Order them  
25      ahead of time and have them there. And it costs

1 a lot less than using the Dominion BMDs, the  
2 touchscreens. You could have a -- there's ample  
3 time to order them and have them in stock there.  
4 Where there's a will, there's a way.

5 **MS. GHAZAL:** Mr. Chairman, I will call the  
6 question.

7 **MR. FERVIER:** Are there any other comments  
8 or questions?

9 Member Jeffares? Member --

10 **MR. JEFFARES:** Not -- not right now.

11 **MR. FERVIER:** Member Jeffares has no  
12 questions. Any other questions or comments from  
13 the board? Is there a motion? The chair will  
14 entertain a motion from the board.

15 **MS. GHAZAL:** I would move that we decline  
16 Ms. Dooley's petition.

17 **MR. FERVIER:** We have a motion from member  
18 Ghazal to decline this petition. Is there a  
19 second?

20 **DR. JOHNSTON:** Second.

21 **MR. FERVIER:** We have a second from member  
22 Johnston. Any discussion? Hearing no  
23 discussion, all those in favor of declining this  
24 petition signify by saying aye. I'll call out  
25 the members.

1 Member Ghazal.

2 **MS. GHAZAL:** Aye.

3 **MR. FERVIER:** To decline? Yes.

4 **MS. GHAZAL:** Decline.

5 **MR. FERVIER:** Member Johnston.

6 **DR. JOHNSTON:** Aye.

7 **MR. FERVIER:** Member Jeffares.

8 **MR. JEFFARES:** Aye.

9 **MR. FERVIER:** Aye.

10 Member King.

11 **MS. KING:** Aye.

12 **MR. FERVIER:** The chair -- the motion was

13 made to decline this petition and it was voted

14 four to zero to decline this petition.

15 Thank you, Ms. Dooley.

16 Member King, are you ready to bring back

17 your --

18 (Background noise)

19 **MS. KING:** Yes. We have come to a solution.

20 **Discussion and Voting on Proposed Rule Amendment to**

21 **SEB Rule 183-1-12-.12(a) (5) (continued)**

22 **MR. FERVIER:** So we will go back on the

23 agenda and revisit SEB rule 183-1-12-.12,

24 subsection (a), subsection (5).

25 Member King, you have the floor.

1           **MS. KING:** Yes. So Miss Sharlene and I have  
2 spoken and we believe we've reached a compromise  
3 on the amendment. We made a simple adjustment.  
4 I just want to make sure I read that, and then --  
5 I'm sure Ms. -- Ms. Alexander is going to  
6 withdraw her petition and we can then vote on the  
7 petition with my amendment. So the --  
8           **MR. FERVIER:** Okay.  
9           **MS. KING:** -- proposed --  
10          **MR. FERVIER:** Let me -- let me ask  
11 Ms. Alexander.  
12          Ms. Alexander, are you online with us?  
13          **MS. ALEXANDER:** I am.  
14          **MR. FERVIER:** Are you willing to withdraw  
15 your petition?  
16          **MS. ALEXANDER:** I am.  
17          **MR. FERVIER:** Okay. Ms. Alexander has  
18 withdrawn her petition.  
19          Member King --  
20          **MS. KING:** Yes. So --  
21          **MR. FERVIER:** -- would you like to present a  
22 new petition?  
23          **MS. KING:** Yes. So the new petition will be  
24 her rule as is, but we will be adding section 6  
25 which would be my amendment. And it would read

1 as such (reading): The decision about when to  
2 start the process described in paragraph (a) (5)  
3 is up to the poll manager and assistant poll  
4 manager. This decision can be made at the end of  
5 election day or if a scanner possesses more than  
6 750 ballots on election day, the poll manager can  
7 choose to start the next day and finish during  
8 the week designated for county certification.

9 (reading): This decision should take into  
10 account factors such as staffing requirements,  
11 fatigue, and concerns about efficiency and  
12 accuracy. If the ballot counting is to take  
13 place after election day, the relevant ballots,  
14 tabulation tapes, enumerated voter lists, and  
15 polling information shall be sealed in a  
16 tamperproof container and the number of seal  
17 noted. The counting shall occur in the county  
18 election office on the next business day  
19 following election day and must conclude prior to  
20 any scheduled or announced postelection audits.  
21 The process must be completed within the  
22 designated county certification period.

23 (reading): Counting will take place as  
24 mentioned in section (a) (5). The process of  
25 opening, counting, and resealing ballots must be

1 conducted in the presence of the relevant poll  
2 manager or assistant poll manager. These  
3 procedures must be conducted publicly to ensure  
4 transparency.

5 (reading): If the counting of ballots takes  
6 place -- takes place at any time or place other  
7 than the polling location, the supervisor of  
8 elections must immediately communicate the date,  
9 time, and place of such action with all  
10 candidates on the ballot and the county chair of  
11 both major political parties no later than  
12 10 p.m. on election day.

13 (reading): The poll manager shall such --  
14 shall post such information on the outside  
15 windows of the polling location, together with  
16 all other information required to be so posted.

17 I believe this amendment will help address  
18 some of the challenges we have as it relates to  
19 our larger counties that would have, you know,  
20 ballots that are more than 200 or more. So this  
21 is the amendment that we are adding to her rule  
22 to be voted on.

23 **MR. FERVIER:** If you would please send that  
24 language to Alexandra so that -- she was writing  
25 furiously but I don't think she got it all down.

1 So ...

2 **MS. ALEXANDER:** Okay. Sending it to you  
3 right now.

4 **MR. FERVIER:** Be a great help.

5 **MS. KING:** Okay.

6 **MR. FERVIER:** So we have an amended -- we  
7 have a petition for -- to initiate rulemaking  
8 procedures on SEB rule 183-1-12-.12, subsection  
9 (a), subsection (5). It is an amended petition  
10 presented by board member King. Are there any  
11 questions from the board?

12 **MS. GHAZAL:** Yes. Member King, have you  
13 spoken with any election superintendents or  
14 supervisors with regard to this change and  
15 whether or not they have the capacity to do this,  
16 to make these changes on the fly on election  
17 night and if they have the actual physical  
18 capabilities of doing this in their election  
19 offices?

20 **MS. KING:** Yes, I have. I have spoken with  
21 several county officials and that's how we came  
22 up with this tweak. It was actually recommended  
23 by a county official.

24 **MR. FERVIER:** Any other questions from the  
25 board?



1           **MR. JEFFARES:** Hold on, I had my mute on.  
2 Do what?  
3           **MR. FERVIER:** Any other questions from the  
4 board?  
5           **MR. JEFFARES:** No.  
6           **MR. FERVIER:** No questions from member  
7 Jeffares.  
8           Member Johnston.  
9           **DR. JOHNSTON:** No questions.  
10          **MR. FERVIER:** The board will entertain a  
11 motion on this amended petition to initiate  
12 rulemaking procedures.  
13          **DR. JOHNSTON:** Mr. Chair, I move --  
14          **MR. JEFFARES:** So moved.  
15          **DR. JOHNSTON:** I move that --  
16          **MR. JEFFARES:** So moved.  
17          **DR. JOHNSTON:** -- we initiate --  
18          **MR. FERVIER:** Let -- let -- hold on. Excuse  
19 me. We had more than one speaking at one time.  
20          Member Johnston.  
21          **DR. JOHNSTON:** Yes, Mr. Chairman. I move  
22 that we initiate rulemaking for the rule just  
23 referred to and as read and amended by Ms. King  
24 --  
25          **MS. KING:** Second.

1           **DR. JOHNSTON:** -- to be posted tomorrow, no  
2 later than close of business tomorrow, and be  
3 reconsidered at the September 20th meeting.

4           **MR. FERVIER:** Member King, since this is  
5 your rule, I'd ask that you recuse yourself from  
6 voting on this one.

7           **MS. KING:** Okay. Thank you, Mr. Chairman.

8           **MR. FERVIER:** So we have a motion to  
9 initiate rulemaking procedures on SEB rule  
10 183-1-12-.12, subsection (a), subsection (5). Do  
11 we have a second?

12           Member Jeffares, could you hear that?

13           **MR. JEFFARES:** I thought I made the motion  
14 but if I didn't, I'll second it.

15           **MR. FERVIER:** Okay. We had two people  
16 making a motion. I selected Dr. Johnston since  
17 she's been on the board longer than you.

18           **MR. JEFFARES:** Okay.

19           **MR. FERVIER:** We have a motion and a second  
20 from member Jeffares. Any discussion? Hearing  
21 no discussion, all those in favor of initiating  
22 rulemaking procedures on SEB rule 183-1-12-.12,  
23 subsection (a), subsection (5) signify by saying  
24 aye.

25           Member Johnston.

1 DR. JOHNSTON: Aye.  
2 MR. FERVIER: Member Ghazal.  
3 MS. GHAZAL: Nay.  
4 MR. FERVIER: Member Jeffares.  
5 MR. JEFFARES: Yea.  
6 MR. FERVIER: The ayes carry it two to one.  
7 DR. JOHNSTON: I'm sorry, what was the  
8 result?  
9 MR. FERVIER: The ayes carry it two to one.  
10 DR. JOHNSTON: Okay.  
11 MR. FERVIER: Next item on the agenda is  
12 petition for amendment of state election board  
13 rules presented by Lucia Frazier.  
14 **Petition for Amendment of State Election Board Rules**  
15 **Presented by Lucia Frazier**  
16 MS. FRAZIER: Hello. Can you hear me?  
17 MR. FERVIER: Yes, Ms. Frazier. I want to  
18 make sure that I have the correct one. I believe  
19 you're talking about rule 183-1-12-.19,  
20 subsection (6), subsection (a).  
21 MS. FRAZIER: Yes. And I can talk to both  
22 rules at the same time. I have a few slides on  
23 each one. And I can go through --  
24 MR. FERVIER: We -- we need to -- we need to  
25 vote on them individually. So let's talk about

1 each one individually.

2 **MS. FRAZIER:** Okay. All right, so let me  
3 share my screen. Are you able to see my screen?

4 **MR. FERVIER:** Yes.

5 **MS. FRAZIER:** Okay. So for the certified  
6 list of electors, that's what the first rule is  
7 about, the problem that I see is that we have  
8 lots of ineligible registrations that were in the  
9 2020 and 2022 elections and they still exist in  
10 the current voter roll. And these are things  
11 like duplicates, commercial addresses, deceased,  
12 nonexistent addresses, double registrations in  
13 two states, and registrations that were  
14 challenged and accepted and then removed and then  
15 put back on.

16 So the solution to this, and something that  
17 would help greatly, is to require the posting of  
18 the eligible electors list for the state and  
19 counties before advanced voting begins so that we  
20 can fulfill our citizen oversight duties. And  
21 the reason I say all that is because, as you  
22 know, the Sunshine Laws and several judicial  
23 decisions explain proper governance as the  
24 Constitution intended which is that we are  
25 supposed to take ownership and provide oversight,

1 and especially now because I told you there's a  
2 lot of issues on the rolls right now that are not  
3 being corrected and they are there for years.

4 And some of the laws that the Sunshine Laws  
5 that I allude to in the paper is that, you know,  
6 these -- all the election data has to be timely  
7 and accessible. Even if it's a third party  
8 helping, there should be no charge for anything  
9 15 minutes or less, especially if it's routine  
10 data.

11 And there should be public disclosure of all  
12 records concerning elector lists as said by the  
13 First Circuit Court of Appeals. And finally the  
14 Georgia Supreme Court had -- has said there  
15 should be no charge for routine public data.

16 So to give you more of a picture of the  
17 current state right now, the elector list is  
18 uploaded in the poll pads before early voting and  
19 a copy is given to each poll manager. Some  
20 changes are made through early voting and  
21 reflected on the poll pads immediately. However,  
22 this ideally or by law is -- there shouldn't be  
23 any changes five days before election day because  
24 one of the laws says it has to be frozen five  
25 days before election day.

1           **UNIDENTIFIED SPEAKER:** People are saying  
2 you're distorted.

3           **MS. FRAZIER:** Oh, okay.

4           **UNIDENTIFIED SPEAKER:** So let's try this  
5 (indiscernible).

6           **MS. FRAZIER:** Am I -- am I being -- can you  
7 guys hear me okay?

8           **MR. FERVIER:** I can hear you. It is just a  
9 little bit distorted, but I can understand you.

10          **MS. FRAZIER:** All right. Let me see if I  
11 can plug this in and speak through this. All  
12 right. All right, how does that sound?

13          **MR. FERVIER:** A little bit better.

14          **MS. FRAZIER:** Little bit better, okay. I'll  
15 keep going. Stop me if you think it's distorted  
16 again.

17          Okay. So (indiscernible) what's happening  
18 right now. And so this list is analyzed before  
19 election day and then it's uploaded to the poll  
20 pads and a supplemental paper list is created for  
21 anything that didn't make it to the poll pads and  
22 given to the poll managers for election day. So  
23 that's what we currently have right now.

24          And I just have some call-outs of the code  
25 just showing you that it is being done already.

1 It's something we already do. And I'm just  
2 asking this rule to ask the counties and  
3 Secretary of State to post that in a timely  
4 manner, so before early voting and before  
5 election day. And if there's any changes before  
6 early -- between the first day of early voting  
7 and election day, we need to have an account of  
8 those changes. So that's what I'm saying down  
9 there at the bottom.

10 And then I have some verbiages that are in  
11 blue just because it wasn't totally clear before  
12 to me that they were making changes during early  
13 voting. Ideally they shouldn't be once early  
14 voting starts. All registrations are due 29 days  
15 before an election. So ideally everything would  
16 be in there.

17 I have heard there are errors sometimes and  
18 they do make those changes on the fly when people  
19 come in and vote during early voting. So if  
20 that's going to happen, then either we need to  
21 have the changes documented and posted or they  
22 should not make changes and make notes and then  
23 that way you'll have a comparison -- a  
24 (indiscernible) comparison of what's going in and  
25 what's coming out.

1           **UNIDENTIFIED SPEAKER:** They're saying it's  
2 distorted. Ask them if they're -- if they can  
3 hear you.

4           **MS. FRAZIER:** Okay. Is it still sounding  
5 distorted?

6           (Multiple speakers)

7           **MR. FERVIER:** I can understand you. It  
8 sounds like -- almost like you're talking too  
9 close to the microphone, you know? There's  
10 distortion sometimes.

11          **MS. FRAZIER:** Okay, hold on. Okay. Okay.

12          **UNIDENTIFIED SPEAKER:** (indiscernible) do it  
13 on the other laptop. It might be better.  
14 (indiscernible).

15          **MS. FRAZIER:** Okay, give me one second here.  
16 Okay, I will keep going and I'll just maybe go a  
17 little slower. And then if --

18          **MR. FERVIER:** That sounds fine, yes.

19          **MS. FRAZIER:** Okay. And then if we -- well,  
20 we'll have an opportunity to switch to a  
21 different laptop real quick if we need to. Okay.

22          So the next slide. So I just want to show  
23 some examples of why this is so important. These  
24 are seven different buckets of different types of  
25 ineligible registrations that are currently on



1 the voter rolls. And this is as of August 13th  
2 of this month. So we just went in and looked at  
3 all this.

4 There are in the top left corner several  
5 people that are deceased and still registered in  
6 Fayette County. And this was identified, I  
7 think, several months ago initially. On the  
8 right side, with the pictures, you see some  
9 commercial addresses, registrations that use  
10 commercial addresses or they use addresses that  
11 don't exist, like a highway. There's I-20 there,  
12 on Lee Street or the side of the commercial road  
13 here on Nesbit Ferry, and then there's also a  
14 house that is on there that has 20 registrants  
15 but the house is clearly abandoned. And that  
16 picture was taken two days ago.

17 So just -- and all of these have actually  
18 been brought to the county's attention a long  
19 time ago. Some of them, a couple years ago. And  
20 they had agreed that they should come off, but  
21 somehow they ended up back on.

22 So there is a process problem. And, okay --  
23 and then also with -- there's 29,000 people that  
24 are registered in Florida and Georgia right now  
25 that have filled out an NCOA and registered to

1 vote in Florida. So that's another issue.

2 And then lastly on this slide, there's  
3 registrations with impossible birth years. So  
4 just the 1900, there's about 800; 1800 there's  
5 21; and then there's 48 from 1901 to 1910. So my  
6 bottom line is that the data that's being entered  
7 is not being verified.

8 And one more example here. This is what  
9 duplicate registrations look like. Each pair of  
10 lines is one person and so every column that has  
11 the quotes in it are all -- you know, they match.  
12 But where you see yellow is where, say, there's a  
13 last name that's spelled differently or there's  
14 an apartment number that's either there or not  
15 there. And so they're listed twice. These are  
16 just several different examples. Sometimes  
17 there's a middle initial and sometimes there's a  
18 middle name. And sometimes there's a hyphen or  
19 an apostrophe or a period and sometimes there  
20 isn't. And sometimes their city is different.  
21 And sometimes in the pink there, it's all the  
22 same but just listed three times. And there are  
23 thousands more like this on here.

24 And even though Mr. Sterling has said that  
25 we have the cleanest voter lists and that they do

1 use Real ID, photo ID, somehow it's not -- it's  
2 not being caught because these are in here right  
3 now. And if this isn't being caught, there's  
4 even -- there's worse cases that could be  
5 potentially happening.

6 So for that reason and those reasons, I  
7 really feel that we need citizen oversight. And  
8 to have citizen oversight, we need to have the  
9 election data available for oversight. And we  
10 already have the -- the law already allows us to  
11 have that, to have access to all election data.  
12 We pretty much have forgotten that the citizens  
13 own this process and the citizens do have  
14 oversight. And if -- if the process isn't  
15 working, I think it's okay that people should be  
16 accepting of citizen help, which many counties  
17 do, by the way. Many counties do accept a lot of  
18 help.

19 So it actually is working very well and it  
20 would be great to have this more consistent.  
21 From the SEB it would be great to have a rule  
22 that says the counties and the SOS to post the  
23 current voter roll before election so we all are  
24 able to audit ourselves and see that we're on  
25 there and see that the right things are on there

1 before election starts.

2 So that's what I have on that first rule.  
3 And I'll take questions.

4 **MR. FERVIER:** Are there questions from the  
5 board for Ms. Frazier?

6 **DR. JOHNSTON:** I have a question.

7 **MR. FERVIER:** Member Johnston.

8 **DR. JOHNSTON:** Ms. Frazier, since this is  
9 public information, if you went to a county,  
10 would you -- would they provide the voter roll --  
11 the certified list of electors to you to review?

12 **MS. FRAZIER:** That is what they should be  
13 doing. And in our experience, they have not.  
14 The answer has been: We're too busy. So there's  
15 never -- I don't know anyone who's been able to  
16 get a voter role right close -- you know, the  
17 certified electors list right before election.  
18 So ... and that should be available. I mean,  
19 that's -- that's a certified list that it is a  
20 document created for the process, therefore it is  
21 something we should have access to.

22 **MR. FERVIER:** We do have a -- we do have  
23 Blake Evans with the Secretary of State's Office  
24 online with us and would like to respond to this.

25 Mr. Evans, are you online?

1           **MR. EVANS:** Yes, sir. Can you hear me okay?

2           **MR. FERVIER:** Yes. Yes, we can hear you.

3           **MR. EVANS:** Okay, great, great. Just want  
4 to provide a little bit of feedback and as it  
5 pertains to this particular rule. And I thought  
6 that GAVREO -- I was reading through their  
7 comments this morning, and I thought theirs were  
8 accurate as well. And that is to the -- the  
9 registration deadline is 29 days before the  
10 election. The counties are continuing to process  
11 applications that they received for days  
12 following that as long as the person who's  
13 submitting the registration application met that  
14 registration deadline.

15           And so right now what this rule is asking  
16 for is essentially the voter list at that moment  
17 in time. And I will say that we will process  
18 voter list purchases all during that time up and  
19 to and through election day. And so anybody that  
20 wants this list or anybody that wants a voter  
21 list as of that moment in time can simply go to  
22 our website, purchase the list, and it will be  
23 provided to them within a matter of days.

24           And so really if somebody wants a voter list  
25 during this time frame, they'll simply just need

1 to purchase it and it'll be provided to them and  
2 it'll have that information as far as the  
3 application date that somebody can look at, any  
4 citizen can look at once they get their order and  
5 see who was registered by the -- by the deadline,  
6 by the registration deadline. And that'll be  
7 the -- that'll be the list.

8 One thing that I'll point out -- excuse  
9 me -- from GAVREO's comments is that I believe  
10 they were in opposition to this rule because the  
11 list of voters who are eligible to participate in  
12 an election isn't static and changes from day to  
13 day as we perform our duties as required by law.  
14 And that's referring to continuing to process the  
15 applications as long as they met that  
16 registration deadline. Now, if they come in  
17 after the registration deadline, they don't get  
18 put on. But I'll just reiterate that we have a  
19 process in place to provide voter lists and  
20 anybody who wants to purchase one can do so and  
21 it will be provided to them.

22 **MS. FRAZIER:** So if I can respond to that.  
23 The --

24 **MR. FERVIER:** Yes.

25 **MS. FRAZIER:** The voter list that you're

1 making available is an ever-changing list. What  
2 we are asking for is the certified list, the  
3 frozen list. And I do -- the frozen list,  
4 according to law, has to be frozen five days  
5 before election. So there's at least one point  
6 where the list will not change. And that is the  
7 frozen list for election day. And we would like  
8 that list posted. And that's what this is asking  
9 for.

10 And if someone were to request it through  
11 the Secretary of State and maybe they have -- I  
12 believe they have and it never -- it's never  
13 materialized ever. So to make this transparent  
14 and to make it accessible like the Sunshine Laws  
15 are requiring, it should be posted just like, you  
16 know, the other states that do this. So it's not  
17 a difficult thing to do. But there is a point in  
18 time where it is frozen and certified.

19 Now, before early voting, there can be --  
20 there currently -- currently you do not claim  
21 that there is a certified electors list before  
22 early voting. I'm saying there can be because  
23 you can easily say -- you put a date stamp on it  
24 and you say this is the certified electors list  
25 going into early voting. And I understand some

1 changes theoretically can be made in the first  
2 few days of early voting because I know there's  
3 some errors that are made, but it's very few from  
4 my experience -- and I have worked the polls and  
5 I have worked with poll managers and talked to  
6 many, there are very few changes that have to be  
7 made during that time.

8 So that's my response, is that it is -- it  
9 is really, really important that -- the emphasis  
10 I'm trying to make is that we do need a starting  
11 point, a frozen point and all registrations are  
12 due 29 days before. Early voting starts 21 days.  
13 Those nine days the staff is doing their work and  
14 getting that blocked in.

15 **MR. EVANS:** Yeah. And the only thing I'll  
16 add is that that voter list that I was speaking  
17 of earlier has got a column that is application  
18 date. And so any application that was received  
19 by the registration deadline or before, that's --  
20 that's the list. And so that's -- those are the  
21 people eligible for the election. Not any more  
22 or not any less.

23 **MS. FRAZIER:** Well, it needs to be called  
24 certified. That's what we're saying. It's --  
25 it's -- it's creating a clean starting point



1 before an election.

2 **MR. FERVIER:** Ms. Frazier --

3 **MR. EVANS:** Mr. Chair, I -- Mr. Chair, I  
4 don't really have any other comments.

5 **MR. FERVIER:** Okay. Any -- any questions  
6 for Mr. Evans from the board?

7 **DR. JOHNSTON:** Question.

8 **MR. FERVIER:** Yeah, member Johnston.

9 **DR. JOHNSTON:** Yes. Blake, if I had -- if I  
10 didn't have any money and I -- and I took the bus  
11 down to the county office, would they provide a  
12 list for me to just review for free?

13 **MR. EVANS:** No, I don't believe so. I  
14 believe the -- I believe -- and I can confirm  
15 this and get back to you on it, but I believe  
16 that there is a price for a county electors list.  
17 I know to go through our website and purchase a  
18 county electors list, there -- there is a price.  
19 I believe it's \$50. I'll confirm that. We just  
20 had some pricing changes. But I can confirm that  
21 price for you and get back to you on it.

22 **DR. JOHNSTON:** Okay. I just thought in the  
23 code it said that an elector or a citizen could  
24 go to the office and review such public material  
25 or a document like that.

1           **MR. EVANS:** I can check and confirm for you.

2           **DR. JOHNSTON:** Okay. So is this elector  
3 list available at the county level five days  
4 before voting begins?

5           **MR. EVANS:** So they can at any point in  
6 time -- they could generate a report that has  
7 this data on it, but what they are using, as was  
8 presented -- what they're using is the  
9 information that's out of the electronic poll  
10 book.

11           So essentially what happens is if somebody  
12 has met the registration deadline, their data  
13 gets put into the electronic poll book that's  
14 used for advanced voting. And then let's say if  
15 a couple of days into advanced voting a registrar  
16 realizes that there was an application or has an  
17 application that met the registration deadline  
18 that wasn't put in yet, they can enter that voter  
19 into the registration system and after that voter  
20 gets verified and it gets added to the rolls,  
21 then that record would appear in the electronic  
22 poll book as well.

23           And so the -- the electronic -- or the --  
24 the registrar has access to this information  
25 through both the poll book and also through the

1 voter registration system. They can, like I  
2 said, generate a report at any time.

3 **DR. JOHNSTON:** And is there -- additionally  
4 is there a supplemental list?

5 **MR. EVANS:** So that's -- that's a good  
6 question. There -- there's -- there's less  
7 supplemental lists than there used to be because  
8 it used to be that -- because the way that it  
9 works now is that if a voter gets added in the  
10 voter registration system, that information  
11 gets -- within a matter of minutes after that  
12 voter's verified gets put into the electronic  
13 poll book.

14 And so to the extent that there's a  
15 supplemental list, it would only be for a backup  
16 on election day. Because even on election day,  
17 there's essentially an exchange of data in near  
18 realtime. And so once a voter checks into an  
19 electronic poll book on election day, within  
20 about ten to fifteen minutes, that check-in is  
21 appearing in the voter registration system. And  
22 so the supplemental list would only be as a  
23 backup to the paper elector list that is also a  
24 backup on election day.

25 **MS. FRAZIER:** The supplemental list is

1 actually voters that didn't make it into the poll  
2 book on election day. So when people come in and  
3 check in and they're not in the poll book, we  
4 check them off the supplemental list and then we  
5 handwrite their name on the numbered list of  
6 voters. And that's how they're captured, not  
7 electronically.

8 **MR. EVANS:** So that -- that used to be the  
9 case, but now because of electronic poll books  
10 and once the voter -- even if -- even if the  
11 voter is verified -- let's say the registrar  
12 entered the -- the voter two weeks before or a  
13 week before. Once the verification process  
14 completes on the voter, that information gets  
15 synced on the poll pad and the voter appears  
16 there.

17 So that's -- when I said there's less of a  
18 need for a supplemental list than previous --  
19 previously, that would be why.

20 **MS. FRAZIER:** But there's still a  
21 supplemental paper list where people are not in  
22 the poll book. It just happened in May. So I  
23 know that that -- that is just another avenue  
24 for, you know, ones that make the registration  
25 date but did not get processed in time to get

1       into the poll book.

2           **DR. JOHNSTON:**   So, Blake, would it be  
3       feasible -- would it be feasible to -- to -- for  
4       the county or -- or to post their list on their  
5       website?

6           **MR. EVANS:**   And so I would say that the  
7       method that's prescribed right now -- that's  
8       essentially purchasing a voter list. And so  
9       right now the opportunity to purchase a voter  
10      list is through our website to be able to get  
11      that data.

12          **MR. FERVIER:**   (indiscernible) --

13          **MS. FRAZIER:**   The counties receive an  
14      elector list from the -- I mean, the counties  
15      create the elector list to give to the Secretary  
16      of State, and then the Secretary of State uploads  
17      it into the poll pads. Therefore the county gets  
18      an electronic copy from you guys. And when  
19      they're doing municipals, they upload it  
20      themselves into the poll pads. That -- That  
21      exists. That means that you can just post it,  
22      you know, just like you're giving it to the  
23      county for municipals five days before election.  
24      And you can post it.

25          **MR. EVANS:**   So I think what you're referring

1 to is we do make -- we do make available to  
2 counties essentially in CSV or Excel format a  
3 backup list that is their electors list that they  
4 could -- they could use as a backup if they want  
5 to put it on a laptop. We also will take that  
6 same list and have it printed and shipped to  
7 them. That way they have a paper backup. So I  
8 believe that that's what you're referring to.

9 But for members of the public, what is  
10 prescribed in the code, in O.C.G.A. 21-2-225, is  
11 that there is a method to purchase a voter list  
12 and that is, again, available through our website  
13 and can be done anytime.

14 **MR. FERVIER:** I think that -- I want to make  
15 that point because it -- it does affect all these  
16 rules that you've put in place, Ms. Frazier -- or  
17 are asking for, Ms. Frazier. I mean, it is  
18 21-2-225, subsection (c) down there. Let me just  
19 read it real quick.

20 (reading): It's a duty -- it shall be the  
21 duty of the Secretary of State to furnish copies  
22 of such data as may be collected and maintained  
23 on electors whose names appear on the list of  
24 electors maintained by the Secretary of State  
25 pursuant to this article within the limitations

1 provided in this article on electronic media or  
2 computer-run list or both. Notwithstanding any  
3 other provision of law to the contrary, the  
4 Secretary of State shall establish a cost to be  
5 charged for such data.

6 And it goes on to say some other stuff. So  
7 the Secretary of State, by statute in this book,  
8 has the right to charge for that data and your  
9 petitions are asking for it to be freely  
10 available which is contrary to statute. And so  
11 the statute would have to be changed in order for  
12 your petitions to go forward, I believe, because  
13 it is -- it's in the statute.

14 **MS. FRAZIER:** You guys, if you believe this  
15 data that -- you know, the first question is do  
16 you believe this data should be available to the  
17 public? The second question is do you believe  
18 this data should be available to the public free?  
19 And therefore your vote will show, you know, one  
20 way or the other and the rule can go into  
21 rulemaking and then it would -- it would reflect  
22 what the Sunshine Laws say.

23 The statute -- if the Secretary of State has  
24 to -- they can post something, you know, they can  
25 put a cost on something, but that is in violation

1 of the Sunshine Laws. It's already routine data  
2 and it's something they already do and it's not  
3 going to add any cost. And therefore if they are  
4 charging so much for these items, then, you know,  
5 they're making a profit because there's --  
6 they're already doing it whether somebody asks  
7 for it or not.

8 **MR. FERVIER:** Well, I understand that, but  
9 this board cannot freely violate the law. And  
10 this is what the law says.

11 **MS. FRAZIER:** You're not violating the law  
12 by asking counties and SOS to post it freely  
13 because at that point it's on the Secretary of  
14 State to -- you know, if they insist on putting a  
15 price, then, you know, then we will go from  
16 there. But from this board, the recommendation  
17 needs to be following what the Sunshine Laws are  
18 saying, to make the data available to the public.

19 **MR. FERVIER:** Well, but your -- your -- your  
20 proposition here says that the Secretary of State  
21 will also post a freely accessible link. So we'd  
22 be directing the Secretary of State to post a  
23 freely accessible link and that is in violation  
24 of 21-2-225 -- or it contradicts 21-2-225,  
25 subsection (c).



1           So you're asking us to tell the Secretary of  
2           State to do something that's -- you know,  
3           contradicts the code, what the code allows.

4           **MS. FRAZIER:** Well, they can charge zero.  
5           It says it doesn't have to be -- it can charge  
6           one dollar, I guess, but the point is we can make  
7           that -- and the law doesn't say what to charge,  
8           it just says they have the ability to charge.

9           **MR. FERVIER:** Right --

10          **MS. FRAZIER:** So it's not contradicting.

11          **MR. FERVIER:** You are because you're saying  
12          free. And we can't -- we can't tell the  
13          Secretary of State's Office to provide this list  
14          free. We can't do that because code doesn't  
15          allow that. The code -- yeah, they could charge  
16          zero, they could charge a dollar, they could  
17          charge a penny. They can charge whatever they  
18          want to charge. That's up to the Secretary of  
19          State. That's not up to this board.

20          **DR. JOHNSTON:** So, Mr. Chair.

21          **MR. FERVIER:** Yes, ma'am.

22          **DR. JOHNSTON:** That same section, 21-2-225,  
23          paragraph (b) states that all the data collected  
24          and maintained on electors whose names appear on  
25          the list of electors maintained by the Secretary

1 of State pursuant to this article shall be  
2 available for public inspection. So how would --  
3 how would I go -- where and how would I go for  
4 public inspection of this data?

5 **MR. FERVIER:** Well, that would be up to the  
6 Secretary of State. I mean, that -- that's not  
7 --

8 **DR. JOHNSTON:** Yeah. Okay, I'm looking at  
9 the Secretary of State. Blake.

10 **MR. EVANS:** So to go back and answer,  
11 Dr. Johnston, one of your earlier questions, I  
12 confirmed with a couple of election directors  
13 that if somebody comes in and were to request a  
14 county-level list, they -- they typically refer  
15 them to -- to our office.

16 And I also say, before I get back to your  
17 question, that there's a lot of data that's made  
18 available through our website during an election  
19 completely for free including who -- who goes to  
20 vote, the absentee voter file, and also the voter  
21 participation file that's there, available.

22 And the last thing I'll say before I get  
23 back to the question is, you know, one of the  
24 things we do when we look at our fee is consider  
25 how much it costs to maintain the voter list.

1 And costs have gone up and it's -- it's very  
2 expensive to maintain the voter lists. And I do  
3 think the fee that we charge is reasonable. If  
4 you look at the state of Alabama, they charge  
5 \$38,000 for their list. And then other states,  
6 like South Carolina and Tennessee, charge \$2,500.  
7 And I know that there are states out there that  
8 do charge zero, but we're pretty middle of the  
9 road or even on the lower end based on -- based  
10 on our fee. So ...

11 And then, Dr. Johnston, can you remind me  
12 the code section that you just asked about?

13 **DR. JOHNSTON:** It's 21-2-225, paragraph (b).  
14 Says the only exception are bank statements.

15 **MR. EVANS:** Yes. So the way that I read  
16 that -- now, I'll defer to -- I'll defer to our  
17 attorney, but is that there's some information  
18 that -- that is available to the public and some  
19 information has to be protected because it's  
20 personally identifiable information, like  
21 driver's license number, Social Security number,  
22 and -- and that sort of thing. But I don't read  
23 that as saying that all -- like an entire voter  
24 list has to be made available for free, which I  
25 think is consistent with part (c) when it says

1           that we can -- we can charge a fee for it.

2           So I -- I don't -- again, I would defer to  
3           our attorney on that, but I don't -- I don't read  
4           that as saying that everything for all 8 million  
5           voters has to be available for free at one time.

6           **MR. FERVIER:** Yeah. I believe that there's  
7           also a section in the Open Records Act,  
8           50-18-71(c), that allows state agencies to charge  
9           for information.

10          **MS. FRAZIER:** It does say that there -- may  
11          impose a reasonable charge. But it also says  
12          that, you know, if it's something that's fifteen  
13          minutes or less, there should be no charge. And  
14          in this case, this is something that's already  
15          being created. It's not something -- it's not a  
16          one-off. It's just generating a link that people  
17          can access.

18          **MR. FERVIER:** Well, but the information --  
19          the information in that link took quite a bit of  
20          time to generate.

21          **MS. FRAZIER:** That would happen irregardless  
22          of requesting. That's part of the process. And  
23          if you -- I mean, I understand it's a lot of work  
24          to maintain a voter roll, but I've just shown you  
25          it's not even being done. And I'm paying for

1 something that's not being done. I'm doing it  
2 for free, me and many other citizens.

3 So some courtesy could be given to the  
4 public to share the electors list, timestamp date  
5 before early voting and before election day.  
6 That's a very simple ask and you're not  
7 contradicting anyone.

8 **MS. KING:** I have a question for the  
9 chairman.

10 **MR. FERVIER:** Yes.

11 **MS. KING:** I guess this question would be  
12 for Mr. Evans.

13 What exactly is the strategy if there is a  
14 voter who cannot afford these fees? Do we just  
15 disenfranchise them from being able to have  
16 access to this information?

17 **MR. EVANS:** So if somebody were to not be  
18 able to afford the fee -- now, I do want to -- I  
19 do want to also go back and say that what we  
20 charge for a statewide voter list is \$485. But  
21 if somebody were to say they wanted like an  
22 individual voter record or were to ask a county,  
23 hey, can I have a -- the information that's  
24 publicly available for an individual voter,  
25 that's an open records request and that's

1 typically little to no cost at all. In fact, we  
2 have a report out of the voter registration  
3 system that they can click and then it's -- it's  
4 there in PDF form and they can send it. It's  
5 only got that publicly -- or the -- the publicly  
6 releasable information in it.

7 And so, you know, I mean, as -- as of right  
8 now, there are the costs that are on our website  
9 for -- if somebody wants a precinct list or a  
10 county list. And it starts small and then it  
11 works its way up to \$485 for the full statewide  
12 list.

13 **MS. KING:** Okay. My under --

14 **MS. FRAZIER:** And when will the -- sorry.

15 **MS. KING:** So from my understanding, I  
16 understand that this is something that is up to  
17 the SOS office as it relates to setting the  
18 pricing, but I also understand that this  
19 definitely disenfranchises voters. It basically  
20 says unless you can afford this information, you  
21 can have it which I do believe puts us in a  
22 peculiar situation because this is information  
23 that should be available to voters, all voters.

24 **MR. FERVIER:** Any other comments or  
25 questions from the board?

1           **MS. GHAZAL:** Yes, Mr. Chairman.

2           **MR. FERVIER:** Yes, member Ghazal.

3           **MS. GHAZAL:** I just kind of wanted to  
4           reiterate what you said, that in my reading of  
5           O.C.G.A. 21-2-225, this is outside of our  
6           authority. This is the -- the Secretary of State  
7           has sole authority over management of the voter  
8           rolls.

9           **MS. FRAZIER:** The counties have first  
10          authority of management on the voter rolls by  
11          law. And they give that to the Secretary of  
12          State which compiles for everybody. That's a  
13          courtesy and just -- it's just because it's more  
14          efficient that way. But I -- the counties  
15          actually have the first authority.

16          So technically the counties could post their  
17          own voter rolls and elector lists before an  
18          election if they choose to for any price or no  
19          price. And then the Secretary of State is just  
20          making it a -- he's making it easy on everybody  
21          by taking it and compiling it and giving it back  
22          to them to put in the poll pads because it's now  
23          electronic.

24          **DR. JOHNSTON:** I have a question.

25          Mr. Evans, does anybody or does any entity

1 get the voter rolls for free?

2 **MR. EVANS:** No. No. We have, like, our --  
3 for example, our poll book vendor, obviously,  
4 that -- that gets the data to be able to put into  
5 the poll books, but aside from something like  
6 that, then no.

7 **MS. KING:** So as a member of the board, if I  
8 want to request this information, I would have to  
9 pay for it as well?

10 **MR. EVANS:** I believe that has typically  
11 been the practice in the past, but I don't know  
12 if that were -- I believe that's typically been  
13 the practice in the past.

14 **MS. KING:** Okay, thank you.

15 **MS. GHAZAL:** I think it may be different if  
16 we, as the board, were to vote to try to access  
17 some sort of information or we -- we were to --  
18 because as individual board members, we -- we  
19 don't have any additional rights from any other  
20 member of the public. As a board, we can act as  
21 a board, but that's different.

22 **MR. FERVIER:** Well, you will recall also  
23 this board is now independent of the Secretary of  
24 State's Office and it's treated like any other  
25 state agency. So ...



1           **DR. JOHNSTON:** So one more question. In the  
2 statute it says that any election official --  
3 well, actually it might be in HAVA. It says any  
4 election official shall have access to the voter  
5 registration information and data. Are we  
6 compliant with that?

7           **MR. EVANS:** Are you asking if county  
8 election officials have access to the data?

9           **DR. JOHNSTON:** Well, HAVA -- HAVA states any  
10 election official, which I guess this board is an  
11 election official, shall have access to the voter  
12 registration (indiscernible) --

13           **MR. EVANS:** So that's something --

14           **DR. JOHNSTON:** -- state.

15           **MR. EVANS:** That's something I'll -- I'll  
16 need to talk with our attorneys about.

17           **MR. FERVIER:** Do we have any other questions  
18 from the board? If not, the board would  
19 entertain a motion on this petition.

20           **MS. FRAZIER:** I do have one person that I  
21 have to help with some of these questions that  
22 would like to speak.

23           **MR. FERVIER:** Okay.

24           **MS. FRAZIER:** Is Mark Davis on the line and  
25 ready?

1           **MR. FERVIER:** Is it Mark Davis did you say?  
2           **MS. FRAZIER:** Yes.  
3           **MR. FERVIER:** Yeah, Mr. Davis's mic has  
4           been -- should be open at this point. So ...  
5           Mr. Davis, can you hear us?  
6           **MR. DAVIS:** I'm here. Can you hear me?  
7           **MR. FERVIER:** Yes.  
8           **MR. DAVIS:** Hi. Appreciate the opportunity  
9           to speak on this. I wasn't really planning to  
10          and wasn't really prepared but I'll give it my  
11          best shot. I have testified a number of times as  
12          an expert witness in disputed elections cases.  
13          And whenever I do that, I always try to start  
14          with a certified copy of the qualified list of  
15          electors.  
16          My understanding is that there is a legal  
17          distinction between a regular garden-variety  
18          voter list and the qualified list of electors.  
19          As an example, if someone's 17 and a half, they  
20          can register to vote and they can go on the voter  
21          list. If someone registers two weeks after the  
22          deadline to register for an election, they can go  
23          on the voter list. But my understanding is  
24          neither one of those people can go on the  
25          qualified list of electors. And I think what the

1 effort here is to try to pin down who is and is  
2 not qualified.

3 And, you know, I want to make a point about  
4 why this is so important. In 2020 I put in an  
5 open records request for a qualified list -- a  
6 certified copy of the qualified list of electors  
7 for the 2020 election. I ended up getting handed  
8 just a hot mess.

9 I can show you guys what I got if you want  
10 to see it, but at the time the normal voter file  
11 had 62 fields, I believe. What I got was maybe a  
12 couple of dozen, about half of them were blank,  
13 and a lot of them I didn't even recognize. It  
14 was missing key data elements, like the voters'  
15 county and their voting districts and so on and  
16 so forth.

17 I think what we're trying to do here is  
18 we're try to close the loop on transparency and  
19 accountability. We want to know, okay, who was  
20 eligible and who was not eligible to vote in the  
21 election? And then we want to know, okay, who  
22 did and did not vote in the election? And then  
23 we want to know, okay, how did they vote? Did  
24 they vote early and absentee or by mail or did  
25 they show up on election day?

1           So what we're trying to do here is close the  
2       loop so that we know exactly what's going on with  
3       who's voting, whether or not they're eligible,  
4       you know. And then if these cases end up going  
5       to court, that's something -- those are documents  
6       that are critical because when -- when you're  
7       litigating this kind of thing, you have to be  
8       able to show that you started with who was  
9       qualified. If at all possible, you want to be  
10      able to show that you started with a certified  
11      copy of the qualified list of electors.

12           If you can't get your hands on it, then a  
13      current voter roll, I guess, is the next best  
14      thing. But I think as a matter of practice, it's  
15      a really good idea for this list to be cast in  
16      stone. And if that winds up being the statutory  
17      five days before the election, I guess it is.  
18      But my point is it can't be a constant moving  
19      target all the time, if that makes any sense.

20           **MR. FERVIER:** Thank you for your comments.  
21      I think that the real issue for me with this --  
22      this rule and the next rule and the third rule is  
23      whether or not the Secretary of State has to  
24      provide these lists freely. And my position  
25      remains that according to code, the answer is no.

1 The code allows for them to charge a fee  
2 reasonable. And this board doesn't have the  
3 authority to change that. Doesn't have the  
4 authority to change that code. So --

5 **MR. DAVIS:** Well, I think cost is one issue,  
6 but I think the other one that would be wise for  
7 the board to address is whether or not we can  
8 even access them at all.

9 **MS. FRAZIER:** That's correct. That is a big  
10 part of this. The accessibility is first and  
11 foremost. The freely available is -- also should  
12 be according to the Sunshine Laws. But, you  
13 know, you're throwing that into the SOS's court.  
14 But I believe you have the authority to make this  
15 rule and we can go into rulemaking and we can  
16 determine -- we can determine the language  
17 that -- that would be needed to reflect what the  
18 Sunshine Laws are saying.

19 I do have one more person that was on  
20 standby that could help -- may be able to give  
21 you one more piece of data that might help.

22 Garland, are you on?

23 **MR. FERVIER:** Who is this person?

24 **MS. FRAZIER:** Garland Favorito.

25 **MR. FERVIER:** Mr. Favorito's scheduled to

1 speak later today.

2 Mr. Favorito, two minutes, please.

3 We don't ... what?

4 Mr. Favorito, two minutes, please.

5 Mr. Favorito, can you hear us? Mr. Favorito?

6 It appears we have some technical  
7 difficulties with him.

8 **MS. FRAZIER:** Okay. Well, we can -- I guess  
9 I just want to reiterate that what we're asking  
10 for is already being created and that it is just  
11 part of the process. And there's a stake in the  
12 ground before each election and we just want to  
13 see that copy it's already -- that's already  
14 there.

15 **MR. FERVIER:** Thank you.

16 The chair will entertain a motion from the  
17 board on this rule petition for rulemaking  
18 procedures on rule 183-1-12-.19, subsection  
19 (6) (a). Is there a motion from the board?

20 **DR. JOHNSTON:** Mr. Chair.

21 **MR. FERVIER:** Yes.

22 **DR. JOHNSTON:** I make a motion that we  
23 approve this petition for rulemaking for the  
24 county to post an accessible link to the  
25 certified list of electors.

1           **MR. FERVIER:** That'd be the counties and the  
2 Secretary of State?

3           **DR. JOHNSTON:** Yes.

4           **MR. FERVIER:** Right, Dr. Johnston?

5           **DR. JOHNSTON:** Yes.

6           **MR. FERVIER:** Dr. Johnston has made a motion  
7 to initiate rulemaking procedures on this rule  
8 that would require the counties and the Secretary  
9 of State to post a freely accessible link. Is  
10 there a second?

11           **MS. KING:** Because I feel like this will  
12 disenfranchise voters if we don't have some type  
13 of option for those who can't afford to pay, I  
14 will second.

15           **MR. FERVIER:** We have a motion and a second.  
16 Any discussion?

17           **MS. GHAZAL:** I would like to just note that  
18 there is a long-standing Attorney General opinion  
19 that the state election board does not have the  
20 authority to direct the Secretary of State to do  
21 anything through the rulemaking process.

22           So not only is the subject matter something  
23 under the exclusive jurisdiction of the Secretary  
24 of State, we cannot direct the Secretary of State  
25 to do anything. So wanted to make sure I put

1           that out on the record.

2           **MR. FERVIER:** Yeah. I would also like to  
3           make it a part of the record that this rule would  
4           be in direct contradiction with statute 21-2-225,  
5           section (c) and also with the Open Records Act,  
6           50-18-71, subsection (c), subsection (1) and (2)  
7           and that this board is -- well, I'll make that  
8           comment.

9           Any further comments? Hearing no further  
10          discussion, all those in favor of initiating  
11          rulemaking procedures on 183-1-12-.19, subsection  
12          (6) (a) signify by saying aye.

13          Dr. Johnston.

14          **DR. JOHNSTON:** Aye.

15          **MR. FERVIER:** Member Ghazal.

16          **MS. GHAZAL:** Nay.

17          **MR. FERVIER:** Member Jeffares. Member  
18          Jeffares?

19          Member Jeffares votes aye.

20          Member King.

21          **MS. KING:** Aye.

22          **MR. FERVIER:** The chair will exercise his  
23          vote -- his option to vote and votes nay. Motion  
24          carries.

25          **MS. FRAZIER:** Thank you guys very much.



1           **MR. FERVIER:** You're still up, Ms. Frazier.

2           **MS. FRAZIER:** All right. Has -- has my  
3 speaking been better this last few minutes? I  
4 can do a quick changeover to different laptop.

5           **MR. FERVIER:** Oh, it's fine.

6           **MS. FRAZIER:** Okay.

7           **MR. FERVIER:** The next item on the agenda is  
8 a petition to initiate rulemaking procedures on  
9 rule number 183-1-12-.19, subsection (12).

10           Ms. Frazier.

11       **Petition for Amendment of State Election Board Rules,**  
12       **presented by Lucia Frazier**

13           **MS. FRAZIER:** Okay. So for this rule, this  
14 is the numbered list of voters. The problem that  
15 I see right now is not only do we have ineligible  
16 registrations on the rolls, but there are many  
17 instances where votes are cast for many  
18 ineligible registrations. And this could happen  
19 again in the future elections.

20           So the -- currently the voter history file  
21 is inadequate because the counties have 60 days  
22 to upload voter credit. And, just for example,  
23 between November and December of 2020, there were  
24 23,000 of them canceled. So there's no way to  
25 audit back to -- back to, say, the elector list

1 if there's that many changes being made to show  
2 who actually voted.

3 So the solution is to require the posting of  
4 the numbered list of voters within five days  
5 after the election. And, again, I'm using the  
6 same -- the same code here, the Sunshine Laws and  
7 decisions that I explained before, that this data  
8 should be available and accessible to the public  
9 because it is part of the process and it is  
10 already routine.

11 So the current state is that in each voting  
12 location, the numbered list of voters is  
13 electronically recorded in the poll pad and it's  
14 also handwritten, like I mentioned before,  
15 because there are some voters that do not make it  
16 on the poll pads. So once the polls close, this  
17 list is extracted from the poll pads and the  
18 handwritten list. So both lists are submitted to  
19 the superintendent and to the SOS.

20 So, for example, right now during early  
21 voting I know that Fulton does post the numbered  
22 voter list for the absentee voters daily, which  
23 is great, but not after election day. Cobb  
24 County does post the numbered list of voters  
25 after every election day. So some counties are

1 doing, you know, a good job, but I don't think --  
2 I'm not sure if any counties are doing the full  
3 job.

4 So the full job would be that every county  
5 would post the accessible link of the numbered  
6 list of voters within five days after the  
7 election. And the reason why I say, "each  
8 county," I say, "and SOS," the same thing as  
9 before, because the counties do report this data  
10 right back to the SOS which compiles it into one  
11 statewide file.

12 So having individual and statewide would be  
13 something that's already routine and just asking  
14 to post a freely accessible link. And just to  
15 show you some examples, there are two different  
16 examples here.

17 So on the left side, I showed you this  
18 address earlier that's on the voter rolls and  
19 there was a vote cast from that address or it --  
20 that was given credit at that address in 2022.

21 And on the right side I have an example of  
22 matching a person that has filed an NCOA, moved  
23 to Florida, and matched their information. So  
24 they have information on both the Georgia and  
25 Florida voter roll and have voting history in

1 both states and they do overlap. Well, they  
2 should not have.

3 So the bottom line here is that when this is  
4 happening, it does cause a dilution of the votes.  
5 There are legitimate votes that are canceled by  
6 illegitimate votes. And there are many more  
7 examples of this that if ever needed, we could  
8 share.

9 So that's it for that rule.

10 **MR. FERVIER:** Are there any questions from  
11 the board for Ms. Frazier?

12 **MS. GHAZAL:** Ms. Frazier, I have a specific  
13 question about requiring check-in times to be  
14 part of the information that is posted. I find  
15 this -- well, first, I question whether that's  
16 technologically possible. Second, I actually  
17 find it's -- it's kind of troubling because in  
18 rural counties, we have three weeks of early  
19 voting. Identifying check-in times is tantamount  
20 to identifying somebody's vote when you -- when  
21 you compare that to cast vote records. It will  
22 be very easy to identify exactly who cast a vote  
23 at a certain time and I think that poses an  
24 enormous constitutional risk.

25 **MS. FRAZIER:** Cobb County does that now and

1 has always done that for, I believe, a very long  
2 time. And the absentee voter file doesn't  
3 have -- I guess it doesn't have check-in times.  
4 We are asking for that. So, yes.

5 **MS. GHAZAL:** In larger counties where you  
6 have a lot of turnover in voting, it does not  
7 pose a risk of revealing somebody's actual vote.  
8 When you have rural counties and two people go to  
9 an early voting location in one day, you have  
10 just revealed exactly who voted what.

11 **MS. FRAZIER:** I don't understand that. I  
12 think in the interest of being able to audit an  
13 election and have good citizen oversight, I think  
14 this data is still readily available to the  
15 public.

16 **MS. GHAZAL:** I wouldn't --

17 **MS. FRAZIER:** And --

18 **MS. GHAZAL:** -- vote --

19 **MS. FRAZIER:** -- I would say --

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

21 **MS. FRAZIER:** -- if it's a strong -- and I  
22 don't -- I mean, you're not saying that Cobb is  
23 breaking the law. So ...

24 **DR. JOHNSTON:** I'm saying that requiring a  
25 hundred and fifty-nine counties to do this would

1       violate voters' constitutional rights.

2           **MS. FRAZIER:** I would say the priority is  
3       that the data needs to be available to the public  
4       in a consistent way across counties and it's  
5       already available to the public as far as the  
6       Sunshine Laws are concerned. In these processes  
7       it was at some point available to the public  
8       before we were doing this electronically. So I  
9       think when people sign up to register to vote,  
10      they have an expectation that they are part of a  
11      system that is part of the public process.

12          **MS. GHAZAL:** The Georgia Constitution  
13      guarantees the right to a private -- to a secret  
14      ballot. It's -- it's really that simple.

15          **MS. KING:** Member Ghazal, could you show me  
16      exactly where in the petition your concerns are.  
17      I want to make sure I'm following.

18          **MS. GHAZAL:** Of course. The full text of  
19      the rule specifically says that during advanced  
20      voting a file showing voter name, voter ID,  
21      precinct voted, and check-in time for each day of  
22      advance voting will be generated and posted.  
23      It's specifically during advance voting that we  
24      see very low turnout in some elections,  
25      particularly -- and not general elections, but in

1 rural areas even in general elections, the  
2 advance voting site sometime have such low  
3 turnout that you can -- you will know exactly who  
4 voted what ballot by comparing the check-in time  
5 with the cast vote records.

6 **MR. FERVIER:** The last time I voted I was  
7 the only person in the place.

8 **MS. FRAZIER:** Well, the machines do  
9 timestamp everyone that votes. So ...

10 **MS. GHAZAL:** But comparing that to the  
11 check-in time, so that's ...

12 **MS. FRAZIER:** Again, I -- Cobb is doing it  
13 right now. So ...

14 **MS. KING:** That does give me a bit of a  
15 pause. I want to make sure we're not creating a  
16 problem when it comes to that aspect of this rule  
17 as well. I am concerned about people being able  
18 to directly connect the -- you know, using this  
19 data to directly connect it to voters. But I'm  
20 interested to hear what the rest of the board  
21 thinks.

22 **DR. JOHNSTON:** Since we are -- chairman.

23 **MR. FERVIER:** Yes, ma'am.

24 **DR. JOHNSTON:** Where are you? Oh, there you  
25 are.

1           **MR. FERVIER:** I'm here.

2           **DR. JOHNSTON:** Are you taking a nap?

3           **MR. FERVIER:** This chair keeps leaning back  
4 on me.

5           **DR. JOHNSTON:** Since we do have ballot  
6 images and the date timestamp on those images, I  
7 have a -- I have bit of a pause there, too, about  
8 that -- about the check-in time.

9           Would -- would Ms. Frazier be willing to  
10 strike the check-in time from her petition?

11          **MS. FRAZIER:** If it's only from the  
12 absentee, then perhaps. But the election -- the  
13 election day numbered voter list should have the  
14 check-in time.

15          **MS. GHAZAL:** It does not obviate the risk  
16 when you have a low turnout election. It's --

17          **MS. FRAZIER:** Oh.

18          **MS. GHAZAL:** -- you know, it's the same risk  
19 on election day and the --

20          **MS. FRAZIER:** So the cast vote record is  
21 actually randomized. So that -- that should  
22 help.

23          **DR. JOHNSTON:** So you can't link the cast  
24 vote record to -- to the check-in time of -- of  
25 the numbered voter list?



1           **MS. FRAZIER:** Correct. It's randomized in  
2 the tabulator.

3           **MS. GHAZAL:** But is it -- is it random --  
4 I've seen the cast vote records and they're  
5 sequential. They're timestamped.

6           **MS. FRAZIER:** Let me see if I can find more  
7 information on that then.

8           **MS. GHAZAL:** And the reason I know that is  
9 because of the -- one of the former cases that we  
10 saw concerning the reading errors on that -- on  
11 ballots.

12           **DR. JOHNSTON:** It's my understanding that we  
13 actually get the -- get the voter list from  
14 absentee or early voting as right now; correct?  
15 So we -- so we don't get the numbered voter list  
16 from election day until, I don't know, a week or  
17 ever?

18           **MS. FRAZIER:** Ever. From Fulton it's never.  
19 I don't know about all the counties. The request  
20 that I'm making is that all counties should post  
21 the numbered list of voters.

22           **DR. JOHNSTON:** Like Cobb -- like Cobb County  
23 does?

24           **MS. FRAZIER:** Correct. Cobb County does for  
25 election day. But I don't -- and Fulton County

1       only does for early voting. So I think all  
2       counties should do both for early voting and  
3       election day.

4               And I do -- I think Mark Davis is still on  
5       the line. And I think he can help answer this  
6       question about the cast vote record.

7               **DR. JOHNSTON:** By any chance is Tate Fall on  
8       the line from Cobb County? The ballot records  
9       are not timestamped.

10              **MS. FRAZIER:** Mark Davis, are you still on?

11              **MR. DAVIS:** Yes, I'm here.

12              **MS. FRAZIER:** Okay.

13              **MR. DAVIS:** I would like the board to know  
14       why this is critical. I'm sure you're all aware  
15       of the double-voting incident that we had happen  
16       in 2020. That was discovered when I was working  
17       in a tiny little case for a probate judge down in  
18       Long County. And Harrison -- Hamilton Evans  
19       famously told folks in town that he voted twice  
20       just to see if he could. That was the first time  
21       I'd ever become aware of double-voting.

22              And so I went looking for it and the way I  
23       found it was by comparing the numbered list of  
24       voters with the early and absentee voting data  
25       where I found 14 matches. And that led to an

1 investigation by the Secretary of State where  
2 they found over a thousand more in over a hundred  
3 counties.

4 But my concern there is we had passed a rule  
5 on May 18, 2020, or this previous board had that  
6 allowed the opening and scanning of absentee  
7 ballots early. And my concern is that I'm not  
8 sure whether or not that analysis properly took  
9 that into account.

10 But the point I'm trying to make here is  
11 that it is that numbered list of voters that's a  
12 critical piece of the puzzle because if we know  
13 who voted absentee, we know who voted early, and  
14 we know who voted on election day, then we can  
15 look for that overlap and we can identify issues  
16 like double-voting.

17 And I remain very concerned about that. I  
18 was just going through that data from 2020 last  
19 night, and we had over a couple hundred thousand  
20 folks who asked for an absentee ballot, who  
21 apparently received it, and apparently returned  
22 it because the absentee voter data shows the  
23 return date. But then those were marked canceled  
24 and most of those folks then voted in person on  
25 election day.

1           Well, we don't have any real accountability  
2           for or any way to evaluate this issue. We don't  
3           have any way to do that without that numbered  
4           list of voters. At this point we're kind of  
5           trusting the Secretary of State's Office kind of  
6           like people used to trust Catholic priests to  
7           read them the good book and tell them what it  
8           means. And personally I'm just not satisfied  
9           with that as an answer.

10           I wanted to do a statewide evaluation of  
11           that issue, and I sent my concerns to Jordan  
12           Fuchs and she invited me to do it as an outside  
13           contractor, but only if I would sign an NDA which  
14           basically would've put a muzzle on me for life.  
15           I would not have been able to talk about the  
16           issue at all. So I'm not comfortable with not  
17           having access to that data.

18           It's my understanding that the cast vote  
19           records are in the order that they're scanned,  
20           not the order that somebody walked in the  
21           precinct. So I don't find that argument that it  
22           violates their sanctity of the secrecy of the  
23           ballot -- I don't find that argument particularly  
24           compelling.

25           I think that, you know, as Justice Brandeis

1       once said: Sunlight is the best of  
2       disinfectants. And we need some sunlight in this  
3       process.

4               **MS. FRAZIER:** Thank you, Mark. I just -- I  
5       wanted to add in that for the CVR, cast vote  
6       record, I've got -- I think it's -- someone else  
7       wanted to -- to chime in on that, but I will say  
8       that I -- that (indiscernible) -- (indiscernible)  
9       cast vote records are timestamped as well. Just  
10      learned. And I don't know if --

11             Yeah. So is Kevin Moncla on the line?

12             And he's the one who actually can speak to  
13      that.

14             **MS. GHAZAL:** The point is not that it's  
15      timestamped, the point is that it is sequential.  
16      And when you have a very low turnout day or  
17      election, then you can very easily match a voter  
18      to the vote when you're looking at the time that  
19      they checked in.

20             And if you haven't spent time in rural  
21      Georgia and worked with those offices, you  
22      probably don't understand what I'm talking about.  
23      But I'm sure Mr. Davis has seen -- because I know  
24      he's worked on elections in rural Georgia where  
25      we have entire weeks where you have a handful of

1 voters going -- going through there.

2 And so I'm not saying that the data itself  
3 should not be made available. I'm saying that  
4 that specific aspect of the data is really  
5 problematic.

6 **MS. FRAZIER:** It's sounds -- sorry, I didn't  
7 mean to interrupt. I was just going to say it  
8 sounds like that it's randomized and not  
9 timestamped. So I feel like somebody must --  
10 must've already solved this problem.

11 **MS. GHAZAL:** (indiscernible) literally just  
12 said that it was sequential. So -- and that's  
13 the point, is when it's sequential, if it is not  
14 randomized, then (indiscernible) --

15 (Cross-talking)

16 **MS. FRAZIER:** So --

17 **MR. DAVIS:** But as (indiscernible) -- by the  
18 order that they're scanned, not the --

19 **MS. GHAZAL:** Right.

20 **MR. DAVIS:** -- order that they enter the  
21 polls.

22 **MS. GHAZAL:** Right. But when you only --  
23 when you're one person at a poll at a time, then  
24 that is going to be the same. In a county like  
25 Cobb it's not an issue because you have people

1 coming in and out all the time. I think we're --  
2 we're talking past each other at this point if  
3 you're not getting my concern.

4 I will also say that the fact that we have  
5 moved -- we've upgraded our poll pads, we have  
6 upgraded our system and they are being constantly  
7 updated as to -- throughout the day as to who  
8 cast ballots during early voting.

9 And I think on -- on election day it not a  
10 live list but during early voting -- and I'm  
11 assuming that included absentee ballots -- those  
12 lists are live updated so that the risks that we  
13 saw in past years are significantly lower now.

14 I understand what you're saying, Mr. Davis,  
15 about the risk of double-voting. It would be  
16 extremely difficult to do that unless it was a  
17 massive, massive human error. And that's not  
18 something you can necessarily plan around for  
19 massive human errors. But the system itself is  
20 far more secure now than it was in previous  
21 years.

22 **DR. JOHNSTON:** So -- so the -- also for  
23 those that are listening and watching, the issue  
24 is not confined to small counties or under -- or  
25 low population counties. There are actually four

1 or five precincts in Fulton County that have one  
2 or two eligible voters. And there's absolutely  
3 no way you can protect their ballot secrecy no  
4 matter what you do. It doesn't matter about the  
5 numbered voter list because they only have a  
6 numbered list of one or two. So, you know, I --  
7 but that -- that's -- I guess that's some sort of  
8 district issue or precinct issue.

9 I definitely would be in favor of following  
10 the example of Cobb County and having a numbered  
11 voter list. This is the -- it's the first  
12 piece -- or actually the second -- second piece  
13 in the election of who came in to vote. Not how  
14 they voted but who came in to vote and that's  
15 following who's eligible to vote in the first  
16 place.

17 **MS. FRAZIER:** Okay. And if --

18 **DR. JOHNSTON:** If Cobb County can do it,  
19 then we can certainly provide this for the rest  
20 of the counties.

21 **MS. FRAZIER:** And if the board would just  
22 allow me one more person that could maybe help  
23 some -- help us feel better about some of this, I  
24 think --

25 Kevin Moncla, are you on right now?



1           **MR. FERVIER:** My question is does the board  
2 need to hear anything else before making a  
3 decision on this?  
4           Member King.  
5           **MS. KING:** No. I think I'm -- I think I'm  
6 good. I don't know about everyone else.  
7           **MR. FERVIER:** Dr. Johnston. Member  
8 Johnston.  
9           **DR. JOHNSTON:** No other questions.  
10          **MR. FERVIER:** Member Ghazal.  
11          **MS. GHAZAL:** I have no other questions.  
12          **MR. FERVIER:** Member Jeffares.  
13          **MR. JEFFARES:** I'm good.  
14          **MR. FERVIER:** I think that the board is able  
15 to go ahead and make a vote on this.  
16          **MS. FRAZIER:** Okay.  
17          **MR. FERVIER:** The chair will entertain a  
18 motion.  
19          **DR. JOHNSTON:** Mr. Chair, I move that we  
20 approve this petition for rulemaking.  
21          **MR. FERVIER:** Member Johnston has made a  
22 motion to initiate rulemaking procedures on  
23 183-1-12-.19, subsection (12). Is there a  
24 second?  
25          **MS. KING:** Mr. Chair, before we vote on

1       this, just -- if I'm out of order, correct me.  
2       If I'm not prepared to -- but I still -- I'm  
3       still evaluating whether or not this is going to  
4       show -- people's information is going to be made  
5       public or -- I'm still not clear on the process.  
6       So I can either abstain or if member Johnston's  
7       open to tabling so that I can become a little  
8       more clear on this because I'm not in a position  
9       to support.

10       **MR. FERVIER:** Member Johnston, are you open  
11       to tabling this motion for further consideration?

12       **DR. JOHNSTON:** Perhaps I might ask what  
13       information we might be -- where we might be able  
14       to obtain the information that we need.

15       **MS. KING:** Well, my concern is around  
16       whether or not the timestamping and posting that,  
17       if there is -- if anyone could find any type of  
18       link towards that.

19       I know, member Johnston, you talked about  
20       certain precincts even in Fulton County where  
21       there are a handful of people that utilize those  
22       precincts as well as I see information that in  
23       some cases there's 30 minutes or so in between  
24       individuals coming and going from different  
25       precincts.

1           So I just want to make sure that I review  
2           this adequately. As a new member, I'm not  
3           100 percent certain on what is or what isn't as  
4           it relates to the information that's being  
5           posted. So that's where I'm a bit concerned. So  
6           a lot of this is just me, you know, just not  
7           being in a strong position to say that I  
8           completely support this.

9           **MS. FRAZIER:** Can I add anybody -- you know,  
10          the speaker that I called earlier to help with  
11          this right now? Or ...

12          **MR. FERVIER:** The board would -- the board  
13          would have to decide whether they need to hear  
14          anybody else or -- right now or not.

15          **MS. FRAZIER:** Okay.

16          **DR. JOHNSTON:** Mr. Chair, I amend -- amend  
17          my motion to recommend that we table this to the  
18          September 20th meeting.

19          **MR. FERVIER:** We have a motion to table this  
20          petition for rulemaking procedures to defer to  
21          the September 20th meeting. Is there a second?

22          **MS. KING:** Second.

23          **MR. JEFFARES:** Second.

24          **MR. FERVIER:** We have a motion and a second  
25          from member Jeffares. Any discussion? Hearing

1 no discussion, all those in favor signify by  
2 saying aye.

3 Member Ghazal.

4 **MS. GHAZAL:** Aye.

5 **MR. FERVIER:** Member Jeffares.

6 **MR. JEFFARES:** Aye.

7 **MR. FERVIER:** Member Jeffares votes aye.

8 Member Johnston.

9 **DR. JOHNSTON:** Aye.

10 **MR. FERVIER:** Member King.

11 **MS. KING:** Aye.

12 **MR. FERVIER:** Motion carries four to zero to  
13 table this for further discussion and to be heard  
14 again on the September 20th meeting.

15 **MS. FRAZIER:** Okay. Thank you.

16 **MR. FERVIER:** We've been going for about --  
17 almost two and a half hours since lunch break.  
18 The chair would entertain a motion for a  
19 five-minute recess.

20 **MS. KING:** So moved.

21 **MR. FERVIER:** We have a motion. Do we have  
22 a second?

23 **DR. JOHNSTON:** Second.

24 **MR. JEFFARES:** Second.

25 **MR. FERVIER:** All those in favor signify by

1 saying aye.

2 **THE BOARD MEMBERS:** Aye.

3 **MR. FERVIER:** The motion carries four to  
4 zero. We will recess for less than five minutes.  
5 Thank you.

6 (Recess)

7 **MR. FERVIER:** We'll proceed. I just want to  
8 let everyone know that we still have -- one,  
9 two -- three more petitions to hear and they're  
10 taking thirty minutes to an hour each.

11 We have several things on old business to  
12 hear, and then we have another -- over 20  
13 speakers left to hear at the end of the day. So  
14 this is going to be a very long day.

15 So the next item on the agenda is to --

16 **DR. JOHNSTON:** Mr. Chair.

17 **MR. FERVIER:** Yes.

18 **DR. JOHNSTON:** Mr. Chair, if I may.

19 (indiscernible) we suspend the rule and make a  
20 determination of the date and time and place of  
21 the next meeting so Ms. Hardin can -- can send  
22 information to the IT department to get the  
23 previous meeting petitions posted. And --

24 **MR. FERVIER:** I believe you just -- I  
25 believe this board has already agreed on

1           September 20th as the next meeting date.

2           **DR. JOHNSTON:** Right. We need a location,  
3           though, Mr. Chair.

4           **MR. FERVIER:** Well, as of now, it will be in  
5           the Capitol in room 341 unless events between now  
6           and then dictate otherwise. So ...

7           **DR. JOHNSTON:** Okay. Mr. Chair, the Capitol  
8           would -- would be wonderful. Also I have -- I  
9           understand that Fulton County, their -- their  
10          meeting room is also available and reserved. So  
11          both places are available. Do you have a  
12          preference?

13          **MR. FERVIER:** No, the Capitol would be my  
14          preference.

15          **DR. JOHNSTON:** Very good. Could we -- could  
16          we as a board decide that for sure. So those  
17          notices can be posted.

18          **MR. FERVIER:** Well, the notices -- we have  
19          two days to post those. So we have until the  
20          21st to post those to get the 30-day time limit  
21          in.

22          **DR. JOHNSTON:** Right.

23          **MR. FERVIER:** And so I think -- I think the  
24          board's already selected the 20th, and, like I  
25          said, we'll have it at the -- the Capitol, room

1 341 and overflow rooms if necessary and usual  
2 start time of 9:30.

3 **DR. JOHNSTON:** Okay.

4 **MR. FERVIER:** Yeah. I think we usually  
5 start at 9:30 for people coming from way up  
6 north. So -- and from out of town. So ...

7 **DR. JOHNSTON:** All right. And any --

8 **MR. FERVIER:** All right? And Ms. -- pardon  
9 me?

10 **DR. JOHNSTON:** Yeah. I guess no opposition  
11 to that.

12 **MR. FERVIER:** No.

13 **DR. JOHNSTON:** Okay.

14 **MR. FERVIER:** The next item on the agenda is  
15 petition for amendment of state election board  
16 rules, presented by Marilyn Marks.

17 Ms. Marks, are you available? Marilyn  
18 Marks? Ms. Marks, we can't see or hear you.

19 **MS. DUFORT:** This is Jean Dufort,  
20 co-petitioner. I don't know how to control the  
21 camera. I don't see a control on my end. But I  
22 was able to unmute. And Marilyn is here.

23 **MR. FERVIER:** Okay. Well, we're not as  
24 worried about the camera unless you have exhibits  
25 you want us to see.

1           **MS. GHAZAL:** If you're in the same room with  
2           Ms. Dufort, Ms. Marks, I can hear you. I can  
3           hear a vague, vague -- so I don't know, somehow  
4           somebody is hearing you, but I'm not hearing it  
5           directly from you, if you understand what I mean.  
6           **MS. DUFORT:** We aren't in the same city  
7           even. I'm in Madison and she's in Charlotte.  
8           **MR. FERVIER:** Yeah, we can't -- I can't  
9           really hear Ms. Marks. I don't know if she needs  
10          to turn up her volume or -- or something, but,  
11          yeah, your mic -- her microphone's on, her volume  
12          is just too low to be heard.  
13          **MS. DUFORT:** Let me text her.  
14          **MS. MARKS:** Let me speak (inaudible) again.  
15          **MS. HARDIN:** I hear her. There she is.  
16          **MR. FERVIER:** We can see you. Can you  
17          speak, Ms. Marks?  
18          **MS. MARKS:** Yes. I have (inaudible).  
19          **MR. FERVIER:** Can you turn the volume up?  
20          **MS. MARKS:** I don't think there is anything  
21          I can do on (inaudible). Is there a number I can  
22          call?  
23          **MR. FERVIER:** Is there -- I don't -- I don't  
24          think there ...  
25          Is there a number she can call in?



1           **MS. HARDIN:** She has my phone number but I'm  
2 on the phone with Rick right now.

3           **MS. KING:** Marilyn, do you have earphones  
4 that you can plug into your computer?

5           **MS. MARKS:** That (inaudible) going to try.  
6 Okay, what about now? Can you hear me now?

7           **MR. FERVIER:** Perfect, perfect.

8           **MS. KING:** You know, it just takes -- it  
9 just takes the millennial.

10          **MS. MARKS:** Okay. Okay, so you can --  
11 everybody can hear me now, right?

12          **MR. FERVIER:** Yes. Yes. Please proceed.

13 **Petition for Amendment of State Election Board Rules,**  
14 **presented by Marilyn Marks**

15          **MS. MARKS:** Okay. Well, all right, great.  
16 Great.

17          Ms. King, thank you for that help.

18          Thank you, Mr. Chairman and board and thank  
19 you for your patience with that little technical  
20 glitch.

21          My name's Marilyn Marks. I'm the executive  
22 director for Coalition for Good Governance.  
23 We're the petitioner today for a temporary rule  
24 that would use backup balloting system authorized  
25 by state law for times that the BMD system is

1       impaired and should not be used.

2               November election is no doubt one of those  
3       times that the primary system should not be used.  
4       Morgan County Democratic Party is also a  
5       co-petitioner here for this request and Jeanne  
6       Dufort will also have a few comments and be  
7       willing to answer questions as well when I get  
8       through with my comments.

9               **MR. FERVIER:** Can I ask you a question real  
10      quick?

11              **MS. MARKS:** Certainly.

12              **MR. FERVIER:** Is this -- is this the same  
13      petition that Ms. Dooley had earlier?

14              **MS. MARKS:** It is not. It's similar to it.  
15      She had added a few improvements, quite frankly,  
16      but it is -- it is very -- it is similar to it in  
17      many ways.

18              **MR. FERVIER:** Well, if -- if hers --

19              **MS. MARKS:** But it is not exactly the same.

20              **MR. FERVIER:** If hers is improved --

21              **MS. MARKS:** Yes.

22              **MR. FERVIER:** -- would we need to -- would  
23      we need to listen to yours then and then vote on  
24      yours?

25              **MS. MARKS:** Well, I would --

1           **MR. FERVIER:** If we already voted on hers?

2           **MS. MARKS:** I would hope that for the record  
3 that you would, and I would hope that I could --  
4 could clear up some misunderstandings that I  
5 heard in the -- in the back and forth with her.  
6 I also have a couple of alternatives that might  
7 work for -- for amendments.

8           **MR. FERVIER:** Okay.

9           **MS. MARKS:** So all right, thank you. I -- I  
10 appreciate that. For people who are listening  
11 online and if they want to reference any of the  
12 documents that we'll talk about today, they can  
13 go to our website,  
14 coalitionforgoodgovernance.org, and on the  
15 homepage tab, they will see these documents.  
16 The -- I will try to get through this quickly,  
17 Mr. Chair, and -- but particularly hit some of  
18 those comments that I heard you all make.

19           Consider this hypothetical for a moment  
20 that's not hard to imagine, particularly since  
21 the system's been compromised. Let's say the  
22 night before election day, the state learns that  
23 there's malware in the system that's flipping  
24 votes in some place and that there's malware that  
25 will shut down the touchscreens the next day at

1 10 a.m. Who has the authority to do anything  
2 under the way this board is thinking about  
3 authority? Certainly on election night you can't  
4 go running back to the General Assembly and say:  
5 Oh, tell us what to do with these types of  
6 malware attacks. And the Secretary of State  
7 doesn't have the authority to order the use of  
8 backup balloting. That's why it's so important  
9 for this board to have backup balloting plans in  
10 place as laid out in the statute.

11 Today, given the position of this board so  
12 far, everyone would just be looking at each  
13 other, saying: Oh, it's not my job to deal with  
14 this malware we've got in the system. But it is  
15 the board's job. You've been made very aware of  
16 the risk to the election in November and somehow  
17 the board seems to be saying you don't want to  
18 deal with the role that the General Assembly gave  
19 you, authorized you to do, and the duties that  
20 they gave you.

21 And so we would ask you to reconsider that  
22 as you think more about this today. It cannot be  
23 that the board is saying that we use BMDs no  
24 matter what, even if they are -- if the system's  
25 compromised, even if the system is confirmed to

1 have vote-stealing malware in it. When we hear  
2 you say, Oh, but the General Assembly said it's  
3 our primary method of voting, we agree. It is  
4 the primary method of voting and until an  
5 authority like a court or the -- or the General  
6 Assembly says otherwise, it should stay the  
7 primary method of voting.

8 But the General Assembly in its wisdom  
9 decades ago said if the primary method of voting  
10 is impaired, then there has to be a backup. It  
11 only makes sense. So now as we are looking at  
12 this very compelling high-risk situation in  
13 November, where the Department of Homeland  
14 Security cybersecurity agency said to this board  
15 and the Secretary of State two years ago that the  
16 state needed to immediately undertake mitigations  
17 for those vulnerabilities, the board needs to  
18 recognize that has not been done. Therefore it  
19 is the board's duty to mitigate the system for  
20 the work that has not been done because the  
21 system needs to be safeguarded.

22 As you all know, you've done the reading,  
23 you know that the system's been compromised and  
24 types of malware are out there that can be easily  
25 implanted. And once there's a failure, it cannot

1 be reversed. Not the way this system is set up.  
2 So right now, because this board is saying it's  
3 not our job, the state has no plan at all, no  
4 contingency plan to deal with these very real and  
5 extreme risks of failures.

6 So we would ask you to seriously consider  
7 the risks that the state is facing and your  
8 responsibility in dealing with them. The General  
9 Assembly did order a contingency plan and every  
10 time we talk to you all about this, we keep  
11 hearing you say: Well, the General Assembly just  
12 ordered the BMDs. No, they didn't just order the  
13 BMDs. They said if the BMDs are impaired, then  
14 you need to be using the backup system. But it  
15 is on -- it is on the duties of the state  
16 election board to say: Okay, it's time to deploy  
17 that backup system and that time is for the  
18 November election.

19 Obviously you can't look to the General  
20 Assembly to convene every time you've got a  
21 cyberattack or malware or a software system  
22 design problem. They've already done their job.  
23 Meeting after meeting we hear you all say: Well,  
24 this needs -- there needs to be some more  
25 legislation. We can't imagine what more we would

1 want the General Assembly to order. They have  
2 given you all the generalities that the agency  
3 should have and then promulgating rules under the  
4 statutes that they gave. It wouldn't be  
5 appropriate for the General Assembly to be giving  
6 the detailed cybersecurity responses to the  
7 problems that have been encountered. And instead  
8 they -- they directed the board to give orders  
9 and to create rules that would put the use of the  
10 backup balloting system in place.

11 Mr. Chairman, you had asked Ms. Dooley about  
12 the Dominion system. You had stated that the  
13 General Assembly chose the Dominion system. I  
14 need to clarify that. No, they -- they chose a  
15 very generic set of principles for a voting  
16 system which was completely appropriate on their  
17 part. They did not choose any vendor. They  
18 didn't choose any particular type of software.  
19 Instead they ordered the Secretary of State to  
20 choose a voting system with generic attributes  
21 such as ballot secrecy that you all have just  
22 spent some time talking about.

23 Unfortunately the Secretary of State did not  
24 meet many of those mandates when he chose the  
25 Dominion touchscreens. He disobeyed the General

1 Assembly. The system wasn't secure as has been  
2 proven, and even after that was proven, the  
3 system, now we know, is compromised as well.

4 So when we are looking at the situation we  
5 are in today, we've got to recognize that the  
6 system did -- it never met the requirements that  
7 the General Assembly set out. And then it was  
8 compromised afterwards. We learned of more  
9 vulnerabilities afterwards. So now it is up to  
10 this board to -- to deal with that in a temporary  
11 way.

12 There was discussion of feasibility and  
13 ballot on demand. Let's recall that for the vast  
14 majority of counties, probably just guessing,  
15 maybe a hundred and twenty-five counties or so  
16 don't have the problem of having multiple early  
17 voting centers with lots of different ballot  
18 styles. They have one early voting center. It's  
19 in the clerks office. They already have all the  
20 ballot styles. They're on hand there. They  
21 manage them everyday. So for the vast majority  
22 of counties, the distribution of different types  
23 of ballot styles in early voting is not a  
24 problem.

25 It really is a handful of large counties



1       that have the logistics problem. But let's  
2       remember that logistics problem's been solved all  
3       over the nation, many other states with early  
4       voting vote centers. And either managing, as  
5       they do in Wake County which is larger than  
6       Fulton here in North Carolina, they manage to  
7       have all their ballot styles on hand, preprinted.  
8       They have a very organized arrangement. Then  
9       other counties and other states use  
10      ballot-on-demand printers. They do not need to  
11      be expensive printers. There are very economical  
12      solutions for that to either print everything on  
13      demand or to print a certain percentage of your  
14      high-volume needs on demand.

15           If this needs more explanation and work to  
16      be able to demonstrate to you all that it is a  
17      feasible, easily solved problem and there's  
18      plenty of time to solve it, then I would urge you  
19      to go ahead, accept this rule to put it into  
20      rulemaking, and then take the next 30 days in the  
21      public comment period to deal with letting us  
22      demonstrate to you how feasible this really is.  
23      Georgia can't be such an outlier that when other  
24      states can do it, that Georgia can't do it.

25           Further, if there are still questions -- and

1 I cannot imagine why there would be -- about your  
2 authority, given the clear rulings of the  
3 Eleventh Circuit and Judge Totenberg and the  
4 plain reading of the statutes, if there are still  
5 questions about your authority in that 30-day  
6 period for public comment, as you know, a copy of  
7 the rule goes to the General Assembly standing  
8 committees. And they have the opportunity to  
9 tell you: Wait a minute, you're coloring outside  
10 the lines.

11 So we would ask you to -- to consider doing  
12 just that, going through the comment period so  
13 that you can resolve any questions in your mind  
14 about that.

15 A few minutes ago Ms. Ghazal was bringing up  
16 the serious issue, which she called an enormous  
17 constitutional risk, of ballot secrecy. And yet  
18 there are many problems with ballot secrecy. We  
19 all know it. Anybody who's been into a polling  
20 place knows it. In -- in dealing with the  
21 security issue, if you will go to hand-marked  
22 paper ballots as your emergency backup, your  
23 backup balloting system, it resolves a lot of  
24 problems that today the board is not enforcing.  
25 You're not enforcing the laws on ballot secrecy

1 or on logic and accuracy testing or any number of  
2 other laws that can be resolved by the use of  
3 backup balloting which is authorized.

4 So the -- the solutions are simple but the  
5 problem and the risk is grave. And we would ask  
6 that you consider this board's responsibility  
7 to -- to act to protect the November election.

8 I guess I would also say if the board is  
9 still unwilling to act according to its  
10 responsibility to go ahead and, you know, to --  
11 to say, yes, we need to use backup balloting, I  
12 would ask you to consider two other  
13 alternatives -- or three alternatives.

14 One, as I said, put it into rulemaking to  
15 get your 30 days' comments with no obligation to  
16 pass the rule after the 30 days.

17 If you won't do that, would you consider  
18 looking at the provision that was in Ms. Dooley's  
19 petition -- it is not in ours, it should've been  
20 in ours -- that says, all right, the counties  
21 have our blessing, the authorization to -- to  
22 understand the cybersecurity risks that are  
23 threatening the election and go ahead on their  
24 own and make the decisions that they need to go  
25 to emergency ballots, to -- to backup balloting.

1           They surely have the authority and they have  
2           been too intimidated by these board's actions in  
3           the past to do it. That's something that we  
4           could easily do. I can make amendments in ours  
5           to -- to make sure that that at least is  
6           available to counties going forward.

7           One other alternatives that I would hope you  
8           would consider if you will not consider the rule  
9           is to consider ordering the counties to secure  
10          the systems by going to backup -- to secure the  
11          systems, to protect the secrecy of the vote, to  
12          comply with the logic and accuracy testing by  
13          going to -- to generate an order which is the --  
14          also in the authority of this board to do that.

15          So I'm offering a number of alternatives in  
16          a more or less desperate attempt to protect the  
17          election for November.

18          I'll be happy to answer any questions or you  
19          can hear from Ms. Dufort.

20          **MR. FERVIER:** Ms. Dufort, do you have  
21          comments to make?

22          **MS. DUFORT:** I do. Thank you. I'm speaking  
23          on behalf of the Morgan County Democratic  
24          Committee. When I was young, around ten, I  
25          watched my deeply devout Catholic parents head to

1 the big city in a successful effort to convince  
2 the bishop to remove our parish priest who was  
3 not serving us well. A few years later we were  
4 marching and organizing to remove our corrupt  
5 Democratic mayor and replace him with a newly  
6 formed Citizen Party candidate who was our family  
7 physician. And our town shortly after became an  
8 All-American city.

9 So I do come by this honestly. My lifelong  
10 commitment to speaking truth to power and my  
11 conviction that when you choose to lead, whether  
12 it's as an elected official on a statewide board  
13 or a local party official, you assume a  
14 responsibility beyond personal interests.

15 From your code of conduct, the code of  
16 conduct of the state election board, I'm quoting  
17 now: Fair, legal, and orderly elections are the  
18 board's watchwords for our service to the people  
19 of Georgia. We are committed to the highest  
20 standards of integrity in our service for our  
21 state and its citizens in all matters related to  
22 the election process. These are the values to  
23 which we commit.

24 For 17 days as 2024 started, I sat in a room  
25 at the federal courthouse while *Curling v*

1       *Raffensperger* was heard. The single session I  
2 missed was for my first appointment with my Emory  
3 oncologist. I wish you'd been there. I wish you  
4 had chosen to read the transcripts or the reports  
5 of the experts that both sides put forth because  
6 the truth about the risks to the 2024 election  
7 could not have been made clearer.

8               The vulnerabilities documented by Dr.  
9 Halderman in 2021, three years ago, the basis for  
10 the 2022 advisory that mitigation should be done  
11 forthwith, were serious and they're scalable,  
12 including using access to machines by a voter  
13 with a Bic pen or a ballot access card. In less  
14 time than it takes to vote, the seal's broken and  
15 no remaining evidence that a poll worker would  
16 discover.

17              You'd be clear about the risks created when  
18 the software that powers Georgia elections was  
19 copied and widely distributed to unauthorized  
20 people. And you would be clear that not a single  
21 expert put forth by your lawyers or by the  
22 plaintiffs would testify under oath that  
23 universal use of touchscreens was a safe way to  
24 conduct elections in Georgia.

25              So my question is if you can't use the

1       touchscreens safely, how can you conduct a fair,  
2       legal, and orderly election?

3               In your letter denying our security rules  
4       proposal last month, Chair Fervier cited concerns  
5       about the ongoing litigation related to this  
6       matter and ruling in favor of the petition would  
7       interfere with the ongoing litigation. Really?  
8       Does your oath go away, does the risk go away  
9       because your lawyers want to win in court?

10              Member King, you asked Debbie Dooley earlier  
11       today is the backup system in use now? And the  
12       answer is actually yes and no. Yes, on election  
13       day 2020, my own county, every single polling  
14       place swapped seamlessly to backup ballots as  
15       polls opened because the ballot access cards  
16       wouldn't work. And no, because the only county  
17       in the state who tried to move proactively to  
18       backup balloting because they could not comply  
19       with all of the laws was met with swift and sure  
20       punishment by this board.

21              To this day, counties across the state  
22       refuse to protect ballot secrecy for fear of  
23       being "athened." That is a phrase in common use  
24       among local election directors across the state.  
25       You set a precedent and the counties will listen

1 to you or not.

2 The irony is that the Legislature has done  
3 its job. I've heard you say over and over: It's  
4 not for us, it's for the Legislature to decide.  
5 But the facts suggest other side. State law  
6 governing touchscreens says they must be used as  
7 long as they're safe to use and comply with all  
8 relevant state laws. Otherwise it's very clear,  
9 use the backup balloting system.

10 And the only example the legislators gave  
11 was one that would be discovered during the  
12 ballot-building or logic-and-accuracy testing  
13 stage. What if there were more candidates than  
14 fit on the screen? It was a very, very broad  
15 brush that the legislators paint. That is the  
16 law.

17 But it's this body, the state election  
18 board, that added the word "emergency" -- it is  
19 not in the statutes -- and then added  
20 descriptions of things that would only be  
21 encountered in a polling place, like power  
22 failures and long lines. And then the Secretary  
23 of State reinforced that limitation with its  
24 procedures and training video. So if you haven't  
25 gone back and done a compare-and-contrast, it is



1 not surprising that you're thinking about only  
2 emergencies that would happen on election day.  
3 But that is not what the Legislature said.

4 The idea of unforeseen emergency is an  
5 invention of this body as is the idea, frankly,  
6 that some laws are more important than others  
7 when it comes to election administration. But  
8 that limitation is not in your oath. It's not  
9 what your oath says.

10 So here's what I ask you today on behalf of  
11 the Morgan County Democratic Committee and a  
12 coalition of voters and leaders from across the  
13 political spectrum in Georgia. Do you believe  
14 the experts, do you believe them when they say  
15 using the touchscreens without mitigating the  
16 risks is a bad idea? Do you believe it's your  
17 duty to enforce rules for fair, legal, and  
18 orderly elections? And can you say precisely  
19 what you would want the Legislature to change in  
20 the backup balloting statute that is unclear to  
21 you now? Because you do after all have a duty to  
22 make recommendations to the General Assembly  
23 regarding elections. And we've been talking  
24 about this for more than a year.

25 So you can vote no again and continue to

1 pass the buck or you can say yes, post the rule  
2 today, use the 30 days to consult legislators,  
3 attorneys, find out more about the logistics and  
4 perhaps to read the Halderman report and the CISA  
5 and experts' letters and maybe even some of your  
6 own experts' testimony and make a final decision  
7 next month.

8 I ask you and Morgan County Democrats ask  
9 you please vote yes.

10 **MR. FERVIER:** Thank you, Ms. Dufort.

11 Are there any questions from the board?

12 **MS. KING:** I have a question.

13 **MR. FERVIER:** Yes, member King.

14 **MS. KING:** Ms. Marks, you mentioned that the  
15 General Assembly has a backup plan in case of an  
16 impairment.

17 **MS. MARKS:** Yes.

18 **MS. KING:** Did they outline what would  
19 constitute an impairment?

20 **MS. MARKS:** No. No. They used the words,  
21 "impossible -- by the way, I'm being -- you can  
22 hear me still, right?

23 **MS. KING:** Yeah.

24 **MR. FERVIER:** Yes.

25 **MS. KING:** You're it.

1           **MS. MARKS:** Thank you. Thank you. The --  
2 no, they use the words, "impossible" or  
3 "impracticable." And so we are certainly in a  
4 situation where the -- it is impracticable, it's  
5 also impossible to use -- it's impossible to  
6 legally comply with the law, to meet all the  
7 legal requirements. It's also impracticable to  
8 be using a system that's compromised.

9           And while they gave an example, it was just  
10 an example. But they went on to say -- no, let  
11 me -- I'll give you that example. And it said  
12 basically if the system couldn't handle all of  
13 the contestants that might be on a -- like a  
14 general primary or something -- you know, if  
15 you've 30 contestants and the system wouldn't  
16 handle that many people on a particular contest,  
17 they said, okay, then you go to paper ballots  
18 where you can print enough -- enough names on the  
19 ballot. You know, that's not a sudden,  
20 unanticipated emergency. You know how many  
21 candidates that you're going to have months  
22 before the election day. They did give that  
23 example, but then they went on to say: Or for  
24 any other reason.

25           So they looked to you all, the state

1 election board, to be a little more precise on  
2 that and to have rules for when does it kick in  
3 and when doesn't it kick in? And right now you  
4 all have addressed sometimes that that statutory  
5 backup plan kicks in.

6 For example, if the power is out. That's  
7 one of the times that you all have said, yeah, it  
8 kicks in if the power's out. You've said it can  
9 kick in if the lines are over 30 minutes long.  
10 It's certainly not impossible to use the  
11 machines. It becomes a matter of feasibility and  
12 it's better to go ahead and kick in the backup  
13 system. But the example that Jeanne gave of --  
14 that the machines were not operating properly in  
15 her polling place in 2020, you know, that is not  
16 specifically covered in the statute, but that is  
17 where your rules do kick in.

18 **MS. KING:** Okay. And so it --

19 **MS. MARKS:** So the statute is there.

20 **MS. KING:** Okay. And we've since had  
21 several elections since the 2020 election. And  
22 are you saying in the most recent election, the  
23 machines constituted impairment in the most --

24 **MS. MARKS:** Yes.

25 **MS. KING:** -- let's -- in the primary --

1           **MS. MARKS:** Yes.

2           **MS. KING:** -- the machines --

3           **MS. MARKS:** Yes. Yes.

4           **MS. KING:** Can you explain to me --

5           **MS. MARKS:** Now, we -- uh-huh. Okay, two --

6 two or three things here. One, what -- what was

7 learned in 2022 was that the system had --

8 according to CISA and according to Dr. Halderman,

9 had numerous exploitable vulnerabilities that

10 were not known before that. It is not known

11 whether any --

12           **MS. KING:** And these --

13           **MS. MARKS:** -- were exploited or not.

14           **MS. KING:** Are these potential

15 vulnerabilities that -- I would like to know if

16 you've had --

17           **MS. MARKS:** No, they are -- they are

18 absolute vulnerabilities that were confirmed by

19 CISA and -- which is part of the Department of

20 Homeland Securities.

21           **MS. KING:** Okay. So they found these --

22           **MS. MARKS:** Homeland Security.

23           **MS. KING:** -- vulnerabilities but it did not

24 affect the 2022 election.

25           **MS. MARKS:** Nobody can know that. They --

1 nobody has done any testing on that. And there's  
2 no way to know -- to know that --

3 **MS. KING:** Okay.

4 **MS. MARKS:** -- because some of these --  
5 because the problem with the system is, you know,  
6 the malware can erase itself, can be written to  
7 erase itself, and it is not an auditable system.  
8 So the answer to your question is no one knows.  
9 And that's why the vulnerabilities need to be  
10 mitigated before people vote again.

11 **MS. KING:** Okay, thank you. No more. No  
12 more for me, Mr. Chairman.

13 **MR. FERVIER:** Any other questions from the  
14 board? Member Ghazal? Dr. Johnston?

15 **DR. JOHNSTON:** No questions.

16 **MR. FERVIER:** Member Jeffares, any  
17 questions?

18 **MR. JEFFARES:** No questions.

19 **MR. FERVIER:** The board will -- or the chair  
20 will entertain a motion.

21 **MS. KING:** I'm still not clear on how we as  
22 a board can instruct the entire state to change  
23 the voting meth -- voting process at this point.  
24 So I make a motion that we reject this petition.

25 **MR. FERVIER:** We have a motion from member

1 King to reject this petition to 183-1-12-.11. Is  
2 there a second?

3 **MR. JEFFARES:** Second.

4 **MS. GHAZAL:** Second.

5 **MR. FERVIER:** We have a second from member  
6 Jeffares. Any discussion? Hearing no  
7 discussion, all those in favor of rejecting this  
8 petition signify by saying aye.

9 Member Ghazal.

10 **MS. GHAZAL:** Aye.

11 **MR. FERVIER:** Member Johnston.

12 **DR. JOHNSTON:** Aye.

13 **MR. FERVIER:** Member Jeffares.

14 **MR. JEFFARES:** Aye.

15 **MR. FERVIER:** Member King.

16 **MS. KING:** Aye.

17 **MR. FERVIER:** Motion carries four to zero.

18 Thank you, Ms. Marks.

19 **MS. MARKS:** Thank you.

20 **MR. FERVIER:** The next item on the agenda to  
21 be heard is a petition for amendment of state  
22 election board rules presented by Erik  
23 Christensen.

24 Mr. Christensen, are you available.

25 **MR. CHRISTENSEN:** Yes, I'm available.

1           **MR. FERVIER:** You have the floor,  
2           Mr. Christensen.

3           **Petition for Amendment of State Election Board Rules**  
4           **Presented by Erik Christensen**

5           **MR. CHRISTENSEN:** Okay. I'm going to go  
6           through this quickly because I've got a lot to  
7           cover.

8           So the current process in the county for  
9           Georgia ballots -- and I'm very focused on  
10          ballots here, just on whether they're emergency,  
11          absentee, provisional, or ballot-marking device  
12          ballots -- lack (indiscernible) accounting  
13          controls including chain of custody,  
14          reconciliation procedures, and physical security  
15          over the ballots being processed and tabulated.  
16          We've already talked about a lot of the problems  
17          that we have. I'm not going to go through all of  
18          them.

19          I'm going to dive right in with rule request  
20          number 1. All ballots must be numerically  
21          controlled. I know this is going to freak out  
22          Marilyn Marks and maybe Ms. Ghazal. And I do  
23          apologize to Ms. Ghazal for earlier when we  
24          talked about all being on the same page. I was  
25          not particularly pointing you out or anything



1       like that. I'm just saying it has to do with,  
2       you know, accounting and auditing, numbering. I  
3       think these things are pretty straightforward. I  
4       think they're very nonpartisan.

5               So let me just read my rules then. So this  
6       is 183-1-11-.03, ballot memory required for  
7       precinct, absentee, provisional, emergency  
8       ballots. I'm not familiar with any system,  
9       whether it be QuickBooks or SAP, the cheapest or  
10      the most expensive accounting system, that does  
11      not use a numbering system. This is what keeps  
12      you from having duplicate scanning.

13             And I'll back up one second and just go over  
14      what are we trying to prevent? The stuff, the  
15      swap, the toss, and the electronic manipulation,  
16      these are the four risk areas that we've got.

17             The stuff's been going on for 250, 300  
18      years. There's nothing new here. So everybody  
19      knows this. If you read the book, *Ballot*  
20      *Battles*, you can read about them all there in  
21      *Ballot Battles*. We don't have to go over it.

22             Okay. Absentee ballots shall be  
23      individually numbered with their precinct code  
24      and shall include a tear-off strip with the  
25      corresponding number on both the ballot and the

1       tear-off strip. Absentee ballots shall be white  
2       in color. I think this is already Georgia law  
3       right now.

4               Unfortunately in 2020, if you can see this  
5       right here, when they printed the 770,000  
6       absentee emergency ballots here, they didn't have  
7       a tear-off strip on them which I believe is  
8       required. Anyway we're probably too late for  
9       that one, so -- because I would -- do you  
10      think -- have ballots been printed yet? Does  
11      anyone know? Anybody know the answer to that?  
12      Okay, I'll move on.

13             Emergency ballots shall be individually  
14      numbered with their precinct code and shall  
15      include a tear-off strip. Also I believe that's  
16      required. But the corresponding number on both  
17      the ballot and the tear-off strip emergency  
18      ballot shall be light yellow in color, okay?

19             Emergency ballots are ones that we actually  
20      will scan but we need to differentiate between  
21      those and the regular absentee ballots.  
22      Provisional ballots are ones we don't scan.  
23      These are ballots that may be scanned at a later  
24      date, should be individually numbered with their  
25      precinct code, and shall include a tear-off strip

1 with corresponding number with a ballot tear-off  
2 strip. Emergency ballot shall be light red in  
3 color.

4 And then precinct level ballots generated by  
5 the ballot-marking device shall be individually  
6 numbered with their precinct code and two copies  
7 be printed: one to be scanned by the Dominion  
8 scanner and one to be placed in a locked and  
9 sealed audit bin to be picked up and stored in a  
10 locked evidence room of local law enforcement.

11 Now, here's where we get past -- you know, I  
12 would say that, you know, Marilyn's proposal --  
13 and everybody else is talking about paper  
14 ballots. Those are fine proposals and we could  
15 use paper ballots because we have the Dominion  
16 system and we can scan those ballots at the  
17 precinct, I would imagine, if the machines were  
18 configured properly. So that would be an okay  
19 system, but I don't think we need to go there.

20 I think we can just print two copies of the  
21 ballot, put one in the audit box. Okay, we've  
22 got a totally different chain of custody. We've  
23 got local law enforcement picking it up. What's  
24 in the ballot -- the audit box should be exactly  
25 the same that what's in the ballot box.

1           These things will never get opened. They're  
2 going to be taped and sealed. And unless we get  
3 into some very contentious thing, we should never  
4 have to open these up. But we've got them. The  
5 fact that they're there prevents any shenanigans,  
6 okay? Just because they're there.

7           Okay, numbering shall be done to ensure  
8 ballot secrecy and no record shall be kept that  
9 would compromise the secrecy of the ballot.  
10 That's rule request number 1.

11           And this will weld -- if there's a back door  
12 on Dominion, people talking about, well, it can  
13 be hacked, it can be electronically manipulated,  
14 this welds the back door shut. Electronically  
15 manipulate it, hack it, do whatever you want and  
16 you don't want to know we've got the truth in two  
17 different places.

18           And, you know, when you do a reconciliation  
19 of your bank account, you use your -- you use  
20 your -- the bank statement, use your books. You  
21 compare those two. That's what we're going to do  
22 here. We're going to compare these two. They'd  
23 better be the same, and if they're not, we'll  
24 reconcile it.

25           Okay, rule request number 2, rule

1 183-1-14-15, absentee ballots received back  
2 required to match their absentee ballot  
3 application. I would think that this would be  
4 something that everyone would be doing. I  
5 understand Hall County does this. And in looking  
6 back at the 1985 and 1992 procedures we had, this  
7 is done in the county that I'm looking at. They  
8 matched every one of them. And, you know, this  
9 is your number one control. Did I actually apply  
10 for an absentee ballot? And when I sent my  
11 absentee ballot back, did we match that up?  
12 Okay.

13 So the verification envelope -- and this is  
14 the verification envelope, this is not the  
15 ballot -- for all absentee ballots received back  
16 shall be Bates-stamped and the name, Bates-stamp  
17 number, and precinct number of the elector shall  
18 be recorded in the county absentee ballot  
19 logbook.

20 So over time, the county sends ones out, or  
21 if we're using an outside third party, which I  
22 believe we are now -- I think we used Runbeck in  
23 2020 and now we're using somebody local here.  
24 He's going to be able to log these because he  
25 probably already does. And I think we already

1 passed the rule that said we had to track them by  
2 absentee ballot mailed out. So we're already  
3 doing this.

4 Absentee ballot verification envelope shall  
5 be logged again, matched and paper-clipped to  
6 their corresponding absentee ballot application  
7 and filed by precinct with the name and  
8 Bates-stamped number of the elector recorded in  
9 the precinct absentee ballot logbook. But here  
10 we separate them now and we put them -- we file  
11 them by precinct until we're ready to count them.

12 And I guess that data when we start counting  
13 those is, you know -- maybe it's twenty -- I  
14 think it was 21 days. Was that the emergency  
15 rule? Was 21 days? I think it really should be,  
16 you know, whatever the Friday before, whenever we  
17 start doing UOCAVA. We should have the absentee  
18 ballot procedures the same as the UOCAVA  
19 procedures because the UOCAVA are absentee  
20 ballots.

21 All absentee ballot verification envelope  
22 information shall be compared to the SOS  
23 information system, which I think is called  
24 GARViS, for all information including elector  
25 name, registration number, address, and

1 signature. Absentee ballot verification  
2 envelopes received back with no corresponding  
3 application shall not be processed, okay? Shall  
4 be separated, separately logged, and shall be  
5 priority mailed daily to the state election board  
6 for investigation. I don't know how we can get  
7 an absentee ballot verification envelope back if  
8 we never had an application. So those need to be  
9 looked into.

10 Okay, rule request number 3, 183-1-14-16,  
11 matching of absentee ballot requests and absentee  
12 ballot verification envelope received back  
13 required. This just says we have to -- we have  
14 to match them, and the person that did the  
15 matching needs to put their name on it and say:  
16 I did this matching, I saw that it was correct,  
17 the signature appears to match, and they are a  
18 registered voter in my county and they're  
19 registered in the precinct that we've got them.  
20 But they have to sign and date that they actually  
21 did the work.

22 I don't think there's any indication of who  
23 did the work. So what we want is we want  
24 accountability where somebody signs off and said:  
25 Yes, I'm the person that did the work and I

1 verified that this was correct.

2           Once we have accountability, we're going to  
3 have better accuracy because people are going to  
4 know when they sign their name that they better  
5 have done the work.

6           Okay, rule request number 4, 183-1-14-17,  
7 documentation of mailing of absentee ballot  
8 packages in response to county or SOS system  
9 absentee ballot request required. All absentee  
10 ballot requests processed and mailed by outside  
11 contracts for counties shall be logged and  
12 include the name of the elector, the precinct of  
13 the elector, and the name, date, and signature of  
14 the contractor or of the county election  
15 employee -- employee fulfilling the absentee  
16 ballot request. I think we got that, but we need  
17 a log. We've got to have a log and we've got to  
18 know, you know, who fulfilled the request: name,  
19 date when they did it.

20           And it's got to be in a log because we've  
21 got to be able to get back to this thing right --  
22 this -- this absentee ballot recap. We need to  
23 be able to reconcile what we've mailed, what  
24 we've received back, what was actually voted.

25           Next, 183-1-14-18, reconciliation of



1 absentee ballot verification envelopes held,  
2 absentee ballot sealing envelopes, scanner  
3 counters to the county intake log and precinct  
4 intake log. So it used to be that -- my  
5 understanding is absentee ballots were processed  
6 at the precinct, which is -- this is -- this  
7 would be the best case. This is what we should  
8 be, you know, moving towards, back to where we  
9 used to be. The absentee ballots actually get  
10 sent to the precinct for processing where there's  
11 control and you're not in some gigantic, you  
12 know, State Farm arena where there's thousands of  
13 people running around, there's no chain of  
14 custody.

15 The precinct is a pretty controlled  
16 environment and that's a good place to be  
17 processing ballots. I don't know why we don't  
18 process all the ballots there. But if we're  
19 going to process them centrally, the absentee  
20 ballot verification envelope shall not be  
21 separated from their enclosed ballot sealing  
22 envelopes until initial processing begins except  
23 as provided by O.C.G.A. 21-2-386.

24 Again, I really think it should be, you  
25 know, the Friday the same as UOCAVA, but if it's

1 21 days in advance, I -- I guess that's -- that's  
2 what was agreed to. I don't think that's the  
3 law. I think the law is whatever the Legislature  
4 said the law was. That was some type of letter  
5 agreement or something we did in response to an  
6 emergency situation back in 2020.

7       Upon completion of scanning of all the  
8 absentee ballots received prior to the initial  
9 scanning cutoff date, a reconciliation shall be  
10 performed by precinct reconciling absentee ballot  
11 verification envelopes, Bates-stamped, received  
12 and processed to the total Bates-stamped absentee  
13 ballot sealing envelopes to the individual  
14 scanner counter to the precinct logs in a total  
15 the county logged the absentee ballots.

16       I think it would make sense to have a  
17 cut-off date because UOCAVA votes can come in  
18 after election day -- and I believe other  
19 absentee ballots can come in after election day.  
20 If they're postmarked by election day, I guess  
21 they can come in. Am I right on that? I think I  
22 am. Sara's saying no.

23       **MS. GHAZAL:** No, every -- every non-UOCAVA  
24 absentee ballot has to be received by 7 p.m. on  
25 elect day otherwise it is rejected.

1           **MR. CHRISTENSEN:** Oh, wow. I thought that  
2 was under the America's Right to Vote Act or  
3 something like that.

4           **MS. GHAZAL:** The single biggest category of  
5 rejected ballots are ballots that are received  
6 late.

7           **MR. CHRISTENSEN:** Okay. Okay. Okay, so  
8 that's good then. If we have a hard cut-off,  
9 then we don't have to worry about this.

10           Upon completion -- upon completion of  
11 absentee ballot scanning, each precinct's  
12 absentee ballots shall be placed in a  
13 security-sealed ballot box and locked. You know,  
14 once we've done this, there's no reason for them  
15 to be floating around. They should be sealed and  
16 they should be locked and nobody should touch  
17 them until it gets to audit or recount time.

18           And so different types of security boxes are  
19 readily available out there. I've got one here  
20 made by Pelican that is watertight, airtight, has  
21 a lock place, a seal place, it's got wheels. It  
22 would be a good way to do it is to make sure  
23 these things are completely locked up.

24           And, you know, I'm proposing that the seals  
25 and locks for each precinct come from the state

1 election board, that you guys seal them and  
2 nobody looks at them after election day. They  
3 should never, ever be in that State Farm  
4 arena-type situation ever again. If we ever have  
5 to do an audit or recount, it should be in a  
6 controlled environment, and I get to that here  
7 later.

8 Rule 183-1-14-19, absentee ballots received  
9 after initial processing cutoff date to be  
10 accounted for separately. You're saying that's  
11 not an issue. I'll withdraw that one if there is  
12 not a -- a cutoff date. If we can get everything  
13 in one locked and sealed ballot box, great. If  
14 we can't, then we should have some type of cutoff  
15 where we have reconciling items, like, you know,  
16 deposits in transit, essentially ballots in  
17 transit.

18 And those don't -- I mean, you know, if  
19 we're within the -- they should be treated really  
20 like provisional ballots at that point. There's  
21 no sense -- if it's a big win either way, then  
22 there's no sense in busting those open and voting  
23 them if there's not enough to swing the  
24 difference.

25 And rule 183-1-14-20, locks and seals

1 required for all absentee ballots and precinct  
2 level ballots, okay. All absentee ballots and  
3 all precinct ballot-marking device ballots  
4 processed and scanned shall be locked and sealed  
5 by precinct with locks and seals provided by the  
6 state election board. One sealed ballot box  
7 shall not be opened by anyone except for the  
8 express written consent of the state election  
9 board for recount, audit, scanning, or public  
10 access and examination.

11 I know we're spending money on scanning, but  
12 that scanning is not real scanning. And to me  
13 it's of very limited value because we're just  
14 retabulating the chips that are coming from  
15 Dominion. So I don't know what we're getting for  
16 that \$1.5 million. Unless you're scanning the  
17 real ballots, I think you're wasting your money.

18 Unlocked and unsealed ballot boxes opened  
19 for any reason must be separated and processed  
20 individually by precincts with video surveillance  
21 and recording at all times. In no event shall  
22 multiple precincts be unlocked and unsealed at  
23 any time unless in separate locations or  
24 locations separated by 20 feet with caution tape  
25 separating each individual processing area.

1           So if we get into a recount like we did in  
2           2020 -- and I think this is where a lot of the  
3           people started questioning the whole process,  
4           when, you know, you've got boxes coming out from  
5           underneath tables, and, you know, what appeared  
6           to be an unorganized recount and I think it  
7           was -- you know, that's why people don't have  
8           confidence in our election system when you watch  
9           what's going on there.

10           If you do it by precinct, it's fine. You  
11           know, each -- each -- we've got what, 244  
12           precincts in -- in Fulton County. You know,  
13           we've got a couple thousand votes in each  
14           precinct. Very manageable. You know, we've got  
15           2500 precincts in the state. Those are all going  
16           to be done at the county level. All that's a  
17           very manageable process as long as we don't, you  
18           know, try to bust all the ballots out and put  
19           them in stacks and count them in some kind of  
20           centralized place.

21           You know, our -- the voting for me has  
22           always been precinct level. I mean, everything  
23           is reported by precinct, report by precinct,  
24           report by precinct. That's how we post it on the  
25           precinct door, and that's how it should be kept.

1 Outside vendors engaged in scanning ballots for  
2 public access shall be ISO9006 certified document  
3 management specialist and shall be required to  
4 video record such scanning and processing.

5 I think we passed a law that the ballots are  
6 now, you know, a matter of public record. So  
7 we're going to have to scan them at some point.  
8 And so let's scan them with somebody that knows  
9 what they're doing in a controlled environment,  
10 you know, by precinct. We'll go get a precinct  
11 scanner, bring it back. Additionally ballot  
12 boxes shall be weighed in and weighed out prior  
13 to and after scanning, shall be returned in the  
14 same manner as they were received.

15 Okay, last, rule number 7. And this is  
16 already kind of out there. And I think this is  
17 where we've got one of the real issues. And, you  
18 know, Michael Heekin and his reasonable request  
19 said, you know, if we're certifying -- you know,  
20 what are we certifying? If we're not checking  
21 the numbers, if we're not checking the  
22 tabulation, are we just blindly signing some form  
23 that somebody puts in front of us? I mean, I  
24 think whoever is on the county election board  
25 should be entitled to look at the precinct level

1 data and the numbers to make sure that they all  
2 add up, that they're in a spreadsheet -- and the  
3 Secretary of State has a spreadsheet that does  
4 some of this stuff because I downloaded it all,  
5 but they should be able to look and make sure  
6 that those numbers are correct. I just don't  
7 think it's right to put somebody in a position to  
8 say, hey, I certified this election but I haven't  
9 looked at any of the tabulation or any of the  
10 numbers.

11 So after tabulation is completed, all  
12 absentee ballot vote totals -- and I'm not  
13 talking about just absentee, I'm talking about  
14 all ballot vote totals and precinct level vote  
15 totals -- published shall be reconciled,  
16 verified, and signed off by both the county  
17 supervisor of elections and the Secretary of  
18 State prior to certification by the governor.

19 You know, I think everybody's in a difficult  
20 position, whether it's the Secretary of State or  
21 whether it's the Governor because of the wording  
22 in the Georgia law that says "shall certify."  
23 And I don't think you should certify anything  
24 that you don't feel comfortable with or you at  
25 least haven't checked the numbers.



1           You know, the process might not be -- is  
2           never going to be completely correct and there's  
3           no way it's going to be a hundred percent of, you  
4           know, everybody following every procedure  
5           accurately. But at the end of the day, we've got  
6           numbers and those numbers need to roll up by  
7           precinct, by county, and to the totals that the  
8           Governor's going to sign. And he should feel  
9           comfortable that somebody signed off on those  
10          numbers and they've actually looked at them to  
11          make sure they are the correct numbers.

12           I know that's a lot right there and each one  
13          of these kind of needs a separate look at because  
14          I think some of these -- like I said, we could be  
15          too late on the -- on the numbering of the  
16          absentee ballots since the day we're supposed to  
17          be accepting applications, but I think we need to  
18          get here. Whether it's in this cycle or it's the  
19          next cycle, we should have numerical control over  
20          ballots.

21           And my understanding is that the Dominion  
22          system allows for this and some states use it. I  
23          got that information secondhand from Garland  
24          Favorito. I'm shocked that we don't use it.  
25          That's all I've got.

1           **MR. FERVIER:** Thank you, Mr. Christensen.  
2 Do you have anybody else that wants to speak on  
3 these proposed rules?

4           **MR. CHRISTENSEN:** I do not.

5           **MR. FERVIER:** Okay. Are there questions  
6 from the board for Mr. Christensen?

7           **MS. GHAZAL:** I have a couple of threshold  
8 questions which the first one is,  
9 Mr. Christensen, have you spoken or worked with  
10 any election supervisor on any of these rules?

11           **MR. CHRISTENSEN:** No, uh-uh. No. These are  
12 accounting and auditing rules. These aren't  
13 election rules. These would be things that you  
14 would use for any, you know -- like I said, it's  
15 accounting and auditing 101. This is not  
16 complicated stuff. It's really the most simplest  
17 of any type of accounting you can do, which is  
18 addition. That's all it is. It's adding up  
19 votes. Once you've accounted for the ballots,  
20 then you can add the votes, but you've got to  
21 have control over the ballots before you --  
22 before you count the votes.

23           **MS. GHAZAL:** But do you recognize that a lot  
24 of these would be a really dramatic shift in the  
25 way that counties manage and process ballots

1 right now?

2 **MR. CHRISTENSEN:** Not number 1. I don't  
3 think number 1 would be.

4 **MS. GHAZAL:** Well, number 1 --

5 **MR. CHRISTENSEN:** It's just that's the  
6 configuration setting within the software. Like,  
7 for me to do that in QuickBooks right now, it  
8 would take me five minutes. For me to do it in  
9 SAP would take me five minutes.

10 **MR. FERVIER:** The problem with number 1,  
11 Mr. Christensen, is you're -- you're asking for  
12 different colored ballots. And --

13 **MR. CHRISTENSEN:** Yeah. I think that  
14 might -- I think that might be a little bit, you  
15 know -- the first one, okay, I think -- and those  
16 do come in white anyway. I believe they come  
17 white. The Runbeck ones had color in them, but  
18 these -- the second and third one right there, I  
19 think, we're a long ways out to getting these  
20 printed.

21 **MR. FERVIER:** Well, the problem is that  
22 we -- they can't use colored paper.

23 **MR. CHRISTENSEN:** Oh, you can't?

24 **MR. FERVIER:** No.

25 **MR. CHRISTENSEN:** Why not?

1           **MR. FERVIER:** No, we -- we went through this  
2 about -- another proposal for colored paper came  
3 in in -- I believe it was the May meeting.

4           **MR. CHRISTENSEN:** Okay.

5           **MR. FERVIER:** And we -- we followed up on  
6 that, and so the optical scanners won't read  
7 those colored ballots. This was something that  
8 was already decided at a previous hearing.

9           **MR. CHRISTENSEN:** Okay. I apologize for  
10 that. I'd be happy to drop that and make --

11          **MR. FERVIER:** That's okay.

12          **MR. CHRISTENSEN:** -- an amendment to -- to  
13 wipe out the color. But, I mean, I think they  
14 should still be separate. They should say  
15 absentee on one form, provisional and emergency  
16 on another. They should all be separate.

17          **MS. GHAZAL:** Again, yeah, we did review  
18 this. O.C.G.A. 21-2-383 states that the form for  
19 either ballot shall be determined and prescribed  
20 by the Secretary of State. So this is -- this is  
21 yet again an area that the Legislature has -- has  
22 delegated authority -- has vested authority  
23 solely in the Secretary of State for the form of  
24 our ballots. And my understanding --

25          **MR. CHRISTENSEN:** Okay. Well, that's fine.

1 But this is -- this is numbering. This is a  
2 numbering proposal right here. It's not a --  
3 it's not -- you know, the color -- forget about  
4 the color, but it's numbering, that we have  
5 numbers on the ballots --

6 **MS. GHAZAL:** That is -- that's --

7 (Cross-talking)

8 **MR. CHRISTENSEN:** You know, just like --  
9 just like this right here, and this is a  
10 negotiable instrument, this is a one dollar bill,  
11 nobody's tracking this to me, but every single  
12 one of them has a number on it. And so, you  
13 know, the Treasury decides they want to use that  
14 and there's a lot of those out there.

15 **MS. GHAZAL:** Well, and they also use those  
16 serial numbers to trace ballot -- trace bills  
17 when -- for law-enforcement purposes.

18 But that simply -- it's not within the  
19 authority of the state election board to  
20 determine what the ballot looks like. That is  
21 the -- the Secretary of State's Office that  
22 determines that.

23 **MR. CHRISTENSEN:** But this is not that  
24 issue. This is a numbering issue. This is not  
25 a --

1 (Cross-talking)

2 **MS. GHAZAL:** (indiscernible) --

3 **MR. CHRISTENSEN:** -- what the ballot looks  
4 like. The format of the ballot -- the format of  
5 the ballot has to be in compliance with the law  
6 and that's not what I'm -- I'm talking about.  
7 I'm talking about numbering on the ballot to say  
8 there's a -- an actual unique serial number on  
9 every ballot. You know, I'm required in the  
10 moving industry to have prenumbered bill of  
11 ladings. I'm regulated by the state. They say  
12 you've got to use prenumbered bill of ladings.

13 **MS. KING:** I'm pretty sure -- didn't we  
14 pass -- don't we have a rule that's in rulemaking  
15 right now that Mr. Cross put forward that will  
16 separate the ballot -- the absentees from the  
17 provisional and emergency?

18 **MR. FERVIER:** I thought that we might've  
19 either deferred it -- is it in rulemaking or did  
20 we defer that to determine whether or not we were  
21 allowed to even alter the ballot because there  
22 was questions about whether we could alter the  
23 ballot image? Because I remember the question  
24 was brought up about the Secretary of State  
25 having sole -- sole authority to do that.

1           **MS. KING:** Okay.

2           **DR. JOHNSTON:** It's in rulemaking.

3           **MR. FERVIER:** Is it in rulemaking? You do  
4 know? Okay. Alex tells me we did initiate  
5 rulemaking on it. I know we discussed it at one  
6 of our previous meetings.

7           **MS. KING:** Yeah. Yeah.

8           **MS. GHAZAL:** And I still -- I still hold  
9 that that exceeds our rulemaking authority.

10          **MR. FERVIER:** Yep, okay.

11          **DR. JOHNSTON:** All right. And I -- I still  
12 hold that we're currently violating Georgia code  
13 because Georgia code says that "absentee ballot"  
14 is the only thing that goes on an absentee ballot  
15 for a label.

16          **MS. KING:** Correct. But I think the point  
17 is that we have that in rulemaking as we speak.

18          **DR. JOHNSTON:** Yes.

19          **MR. CHRISTENSEN:** You have -- you have  
20 numbering in rulemaking right now? Numbering of  
21 the ballots?

22          **MS. KING:** I'm referring --

23          **MR. FERVIER:** No. This is simply labeling  
24 on the ballots.

25          **MS. KING:** Yeah. I'm just referring to

1 the --

2 **MR. CHRISTENSEN:** Okay, yeah. The format of  
3 the ballots I don't care about. It's just the  
4 numbering. It's the serial number.

5 **MS. KING:** But it's inside your petition.

6 **MR. CHRISTENSEN:** It is. Yes, yes.

7 **MS. KING:** Okay.

8 **MR. CHRISTENSEN:** Yeah. And -- and the --  
9 you know, and the tear-off strip to make sure --  
10 this is something that the Secretary of State is  
11 supposed to do, but when he allowed 770,000 of  
12 these to be printed right here, there was no  
13 tear-off strip. The tear-off strip is required  
14 for every ballot except the ballot-marking device  
15 ballots. I don't think a tear-off strip is  
16 required for those.

17 And that's why in lieu -- you know, the  
18 tear-off strip is -- is somewhat like a serial  
19 number but not really because the way you account  
20 for those at the precinct level is you tear off  
21 the strip and that goes in one envelope and then  
22 the provisional or emergency ballot goes in  
23 another envelope. And so you have a reconcilia  
24 -- it allows you to do a reconciliation. That's  
25 the purpose of the tear-off strip.



1           On an absentee that's a mail-in absentee,  
2           you're supposed to tear off the strip yourself  
3           and keep it. I understand a lot of them get sent  
4           back in, but that's a different reconciliation  
5           process there. The reconciliation process there  
6           is the log. It's logging in and making sure that  
7           the totals that were applied for and returned  
8           back agree to -- especially the ones that agree  
9           back are reconciled back to the precinct level,  
10          going back to the procedure that we used to have  
11          in 1992.

12           **MS. GHAZAL:** So moving on, number 4 would  
13          require two ballots to be printed for every  
14          single vote cast.

15           **MR. CHRISTENSEN:** Yeah. Let me --

16           **MS. GHAZAL:** That is not something that I  
17          can in any way, shape, or form support.

18           **MR. CHRISTENSEN:** Yeah. Those aren't  
19          ballots. They're -- they're a -- they're not a  
20          ballot because a ballot would have every -- you  
21          know, a ballot would look like an absentee ballot  
22          and have everything. It's just -- it's a BMD --  
23          it's the audit copy.

24           So HAVA was designed because people did not  
25          like the black box, I guess. So, you know, we

1       were using Diebold back then, DRE. So we went to  
2       the ballot-marking device so it would have a  
3       paper audit copy of what the voters' intent was,  
4       which we've never done anything with except put  
5       them in boxes and file them away. But my  
6       understanding is that is the only legal vote.  
7       That is the legal vote according to Georgia code.

8               So that gets picked up by the county, and it  
9       gets filed, I guess, by precinct and then audited  
10      if it's a risk-limiting audit or recounted if  
11      there's a recount required. But the purpose of  
12      the audit boxes, if you're in, like, a hotel and  
13      there's -- you get a copy of a receipt and it  
14      says audit copy, the purpose of the audit copy is  
15      to have a different chain of custody, different  
16      segregation of duties. And hopefully they never  
17      get called on to even have anything done with  
18      them.

19             You program the machine to print out two.  
20      You can print one or two. You print out -- God  
21      gave us two hands, so you can put one in each  
22      hand. You flip them over, looks like My Vote.  
23      One goes into the scanner. The argument's going  
24      to be, well, if you put it into the scanner, what  
25      if you put them both into the Dominion scanner?

1 If you're using numbering, they're going to be  
2 rejected and come back out.

3 The purpose of the number is to prevent the  
4 duplicate scan, which we've had lots of issues  
5 with duplicate scans.

6 **MS. GHAZAL:** (indiscernible) --

7 **MR. CHRISTENSEN:** So let's get rid of the  
8 issue.

9 **MS. GHAZAL:** -- happened in the -- in the  
10 precinct. Duplicate scans happen in -- during --  
11 have happened during recounts. Are you -- do you  
12 have any -- has any state ever had two ballots?  
13 Because these are ballots -- 95 percent of our  
14 votes in 2022 and I expect 95 percent of our  
15 votes in 2024 are going to be conducted on the  
16 BMD scanner -- BMD ballots and the scanners. Do  
17 we even know if the -- if the machines have the  
18 capability of doing this, much less whether it's  
19 a good idea?

20 **MR. CHRISTENSEN:** I don't know. I think  
21 it's a regular printer setting --

22 **MS. GHAZAL:** It -- I --

23 (Cross-talking)

24 **MR. CHRISTENSEN:** -- that you can -- you can  
25 set any printer to print one or two.

1           **MS. GHAZAL:** The -- do the BMDs do that?  
2           And if they do, that's a huge problem --  
3           **MR. CHRISTENSEN:** I think they -- I think  
4           they --  
5           (Cross-talking)  
6           **MS. GHAZAL:** -- if these are --  
7           **MR. CHRISTENSEN:** I think they would do --  
8           **MS. GHAZAL:** -- ballots.  
9           **MR. CHRISTENSEN:** I think any -- any -- you  
10          know, I don't think we're using -- if you look at  
11          the technology -- you know, it's the software  
12          that we bought. The -- you know, whatever we're  
13          using -- Microsoft Touch or whatever, you know --  
14          you know, pad, ThinkPad or whatever we're using  
15          there at the touchscreen. And the printers are  
16          just -- there's nothing special about that  
17          equipment. It's like HP printer, you know, give  
18          me any compatible Microsoft or android, you know,  
19          laptop. And I think, you know, as long as it's  
20          touchscreen enabled, you can use it.  
21          I don't think there's anything special about  
22          that hardware. It's the software that's special.  
23          **MS. GHAZAL:** But, Mr. Christensen, I  
24          appreciate the time and effort that you've put  
25          into trying to put together rules that you think

1 might improve our system. But it's very clear  
2 that this isn't ready for prime time. We don't  
3 even know if our systems can do this.

4 I think it would be a terrible idea to print  
5 out two ballots for every vote. We have no  
6 authority to direct law enforcement to be  
7 taking -- taking custody of this. These are  
8 legislative issues.

9 **MR. CHRISTENSEN:** There's -- there's --

10 **MS. GHAZAL:** (indiscernible) --

11 **MR. CHRISTENSEN:** -- somebody there. I  
12 mean, I think --

13 (Cross-talking)

14 **MS. GHAZAL:** -- (indiscernible) --

15 **MR. CHRISTENSEN:** I believe at every  
16 precinct --

17 **MR. FERVIER:** Okay. Oh, let's --

18 **MR. CHRISTENSEN:** Yeah.

19 **MR. FERVIER:** Let's speak one at a time,  
20 please, and not speak over each other. All  
21 right.

22 **MR. CHRISTENSEN:** Well, I disagree. I think  
23 if you want to solve the problem, let's solve the  
24 problem. We've talked about it now for four  
25 years. If we want to solve it, let's solve it.

1       These are all very solvable and doable -- you  
2       know, fixable problems with the existing people,  
3       process, and technology that we have in place  
4       today. We don't have to blow things up and start  
5       over. We can use the exact same people, process,  
6       and technology that we've got.

7               **MS. GHAZAL:** These are legislative issues.  
8       These are not -- these are not issues that are  
9       conducive to rulemaking. This is an entirely  
10      different process. And, frankly, trying to make  
11      changes like this of this scope in August --  
12      rules that -- and -- when -- go into rulemaking  
13      today will not come in -- into force until early  
14      voting is starting.

15             Do you understand the sort of dramatic  
16      changes that you're suggesting? I just -- I  
17      don't know what we're doing here.

18             **MR. CHRISTENSEN:** You know, I disagree first  
19      of all. I say that these are the types of things  
20      that would be within rulemaking. And as long as  
21      they're not in contradiction to, you know,  
22      federal or state election law, these are the  
23      exact types of things we should be doing.

24             These are reconciliations that allow us to  
25      account for the ballots. Once we've accounted

1       for the ballots, we can count the votes.

2               The other thing about what I'm proposing  
3       here is it allows the system to be auditable.  
4       The system is completely unauditable right now.  
5       There is no way that you could provide any  
6       certification of, you know -- maybe in some of  
7       the smaller counties. There's no way you can  
8       provide any certification of these things. I  
9       mean, it's just -- there's not enough controls in  
10      place the way the current process is set up.

11              There was. We had them. And somehow they  
12      went away. And now, you know, after 250 years,  
13      it's like we're starting over. It's like all the  
14      good stuff we had back in 1992 somehow  
15      disappeared. It's odd because we had a ballot  
16      recap. We had a numbered list of voters, every  
17      precinct. And -- and oddly they've been, you  
18      know, removed somehow. I -- I don't even  
19      understand it because the procedures were solid.  
20      I looked at them and I said, these are great  
21      procedures. If we would do this with every  
22      ballot, we'd have control over the ballots.

23              And, again, I'm going -- what I'm talking  
24      about here is control over the paper ballots,  
25      whether it's a ballot-marking device ballot or

1       whether it's a, you know, absentee, emergency, or  
2       provisional ballot. That's all I'm talking  
3       about. How do we control them? How do we make  
4       sure that we've got a good count, that we know  
5       where they all are? We're supposed to reconcile  
6       the printing records, but we're not doing that.  
7       You know, if we had good reconciliation  
8       procedures, none of this would've -- we wouldn't  
9       have the issues that we've got.

10       So this is -- this is how you fix the system  
11       right here. And guess what? It's a little bit  
12       difficult and it's tedious, but it isn't  
13       technical and it's not hard and it's not like we  
14       don't have the resources to be able to get it  
15       done.

16       And I'm happy to go through each one  
17       individually, like I said. You know, if the --  
18       if the scanner is incompatible with colored  
19       paper, then don't make it colored paper, but do  
20       make them separate. If -- if the requi -- if the  
21       law requirement is that we've got to have  
22       separate absentee ballots, then let's make them  
23       separate from the provisional and the emergency.  
24       All these things might --

25       **MS. KING:** (indiscernible) --



1 (Cross-talking)

2 **MR. CHRISTENSEN:** Yeah. Go ahead, Janelle.

3 I'm sorry.

4 **MS. KING:** So that aspect of your request is

5 already in rulemaking. That's what we were

6 explaining earlier.

7 **MR. CHRISTENSEN:** So the numbering is in --

8 **MS. KING:** That was presented.

9 **MR. CHRISTENSEN:** -- rulemaking already.

10 The numbering piece?

11 **MS. KING:** Okay. I -- I think the problem

12 we're having is that -- I feel like we're kind of

13 talking in circles. So you just mentioned the

14 separation of the absentee ballots from the

15 emergency and the provisional. That

16 particular -- that separation of those doc -- of

17 that ballot --

18 **MR. CHRISTENSEN:** Okay.

19 **MS. KING:** -- that's already in rulemaking.

20 **MR. CHRISTENSEN:** Great.

21 **MS. KING:** Now, I'm not referring to your

22 numbering aspect, but I just want you to know

23 that that part is already in the rulemaking

24 process.

25 **MR. CHRISTENSEN:** Okay. Okay. The

1 separation is great. That's great. So it really  
2 just comes down to numbering then. The numbering  
3 is what allows us to do the reconciliation. We  
4 can't have a good reconciliation without numbers  
5 on the documents.

6 **MR. FERVIER:** Mr. Christensen, I think that  
7 these rules all need some more work and you  
8 should partner with some election supervisors and  
9 with a member of the board to try and perfect  
10 them. I think that they have some significant  
11 requirements that are not stated in the statute.  
12 That may or may not be an issue.

13 **MR. CHRISTENSEN:** Okay.

14 **MR. FERVIER:** And also that this is  
15 extremely close to an upcoming election to make  
16 these kind of changes.

17 **MR. CHRISTENSEN:** Well, then if we've got  
18 to -- if we've got to push them, then let's push  
19 them, you know. If we have to push them, let's  
20 push them, but let's not stop working. And we've  
21 got some momentum here and I think that, you  
22 know, moving forward is a good thing to do. If  
23 you guys say, hey, we want to defer or, you know,  
24 push the implementation date, I would think that  
25 would be within your authority.

1           **MR. FERVIER:** But I think -- I think they  
2 need some work.

3           Yes, Mr. Jeffares. Mr. Jeffares.

4           **MR. JEFFARES:** I make a motion to deny these  
5 rules but tell the petitioner I would love to  
6 work with him on these in the future.

7           **MR. CHRISTENSEN:** Well ...

8           **MR. FERVIER:** Did you hear that,  
9 Mr. Christensen?

10          **MR. CHRISTENSEN:** Yeah, but -- you know,  
11 let's -- I mean, I would like to go on each one  
12 individually because each one of these is a  
13 separate rule request. And so I'd like an up or  
14 down vote on each one of them. And I know that  
15 some of them need amendment. And if you want to  
16 push this -- I know you've got 30 more people  
17 that have got to speak and you've got more stuff,  
18 but I would like a vote on each one.

19          **MR. FERVIER:** Well, the problem is that you  
20 issued these as one petition.

21          **MR. CHRISTENSEN:** No, I didn't. I have one  
22 letter on the top, but each one of them is a  
23 separate exhibit. It says, Exhibit A, rule  
24 request 1, rule request 2, rule request 3. I  
25 mean, if you want me to put them on, you know,

1       seven different letters to you, I could do that,  
2       but I think that's --

3               **MR. FERVIER:**   Well, I think that we --

4               **MR. CHRISTENSEN:**   -- form over substance.

5               **MR. FERVIER:**   I know we -- we have a board  
6       member that has stated he's willing to work with  
7       you and actually is --

8               **MR. JEFFARES:**   (indiscernible) it's just --  
9       just go ahead and -- it's too late.  These are  
10      complicated.  I'm willing to work with you  
11      because I think you've got some great ideas.

12              **MR. CHRISTENSEN:**   Well, I mean they're not  
13      all complicated.  Like, not all of them are  
14      complicated and some of them we could -- we could  
15      cut right here.  You know, absentee ballot  
16      verification envelopes received after the cut-off  
17      date shall be processed and accounted for  
18      separately in accordance to rule.  You know, we  
19      could -- that's rule request number 6.  If you  
20      want to say no on that, that's fine.  I get it.  
21      If you say there is no cut-off date, let's --  
22      let's kill that one then.

23              **MR. FERVIER:**   Well, I mean, you --

24              **MR. CHRISTENSEN:**   I thought there was a  
25      cut-off date.

1           **MR. FERVIER:** I understand. We -- but we  
2 have -- we have a motion that needs to be  
3 considered. We have a motion made --  
4           **MR. CHRISTENSEN:** Okay.  
5           **MR. FERVIER:** -- by member Jeffares to deny  
6 these rules and Mr. Jeffares would work with  
7 Mr. Christensen going forward to try and perfect  
8 these rules.  
9           So we have a motion. Do we have a second?  
10          **MS. GHAZAL:** Second.  
11          **MR. FERVIER:** We have a motion and a second  
12 by member Ghazal to deny these rules as presented  
13 and to -- any discussion? Hearing no discussion,  
14 all those in favor of denying these rules as  
15 presented signify by saying aye.  
16          Member Ghazal.  
17          **MS. GHAZAL:** Aye.  
18          **MR. FERVIER:** Member Johnston. Member  
19 Johnston?  
20          **DR. JOHNSTON:** Aye.  
21          **MR. FERVIER:** Aye. Member Jeffares.  
22          **MR. JEFFARES:** Aye.  
23          **MR. FERVIER:** Member Jeffares votes aye.  
24          Member King.  
25          **MS. KING:** Aye.

1           **MR. FERVIER:** The motion carries four to  
2 zero. The rules are denied.

3           But, Mr. Christensen, member Jeffares has  
4 offered to work with you and try and perfect  
5 these so that you can bring them back before this  
6 board at a later date.

7           **MR. CHRISTENSEN:** Okay. So when do they  
8 need to be turned in by to make the  
9 September 20th meeting? Because, I mean, some of  
10 them I'm going to cut and some of them will -- I  
11 still want a -- I want an up or down vote.

12           **MR. FERVIER:** The -- to be considered they  
13 need to be turned in 20 days prior to the  
14 meeting.

15           **MR. CHRISTENSEN:** Okay. So September 1st.

16           **MR. FERVIER:** Yes.

17           **MR. CHRISTENSEN:** Or the 31st.

18           **MR. FERVIER:** Yes.

19           Member Jeffares, did you have a question?

20           **MR. JEFFARES:** Yeah. Tell Alex to give him  
21 my number and tell him to call me.

22           **MR. FERVIER:** Yeah. We'll -- we'll give him  
23 your contact information.

24           **MR. CHRISTENSEN:** Okay. Okay. Thank you.

25           **MR. FERVIER:** Thank you.

1           **MR. CHRISTENSEN:** Okay, thanks.

2           **MR. FERVIER:** The next item on the agenda  
3 is -- well, we're on business -- petition for  
4 amendment of state election board rules presented  
5 by Lucia Frazier. This was a petition that was  
6 heard at the last meeting and it was deferred to  
7 this meeting.

8           Ms. Frazier, are you still online?

9           **MS. FRAZIER:** Yes. Can you hear me?

10          **MR. FERVIER:** Ms. Frazier? Yes, yes. You  
11 have the floor, Ms. Frazier.

12   **Petition for Amendment of State Election Board Rules**  
13   **Presented by Lucia Frazier**

14          **MS. FRAZIER:** Okay. So this was -- this  
15 petition -- I don't really have slides for this,  
16 but I'll just speak to it. So this was to  
17 request that the voter roll that is currently  
18 accessible to the public but it's not free -- and  
19 it's accessible by request to the Secretary of  
20 State at the -- for county and statewide voter  
21 rolls for the prices that I showed listed in the  
22 petition.

23          So at this point, the -- we've talked about  
24 this with the other petitions as well as far as  
25 the Secretary of State being able to charge for

1       that. My recommendation is that -- well, there's  
2       two parts to this discussion that we can talk  
3       about.

4               One part is the counties do own their own  
5       voter roll data and so they would have the  
6       ability to post on their website their updated  
7       voter rolls with the timestamp. And that could  
8       be something that we could recommend. We can  
9       also still recommend that it's done at the state  
10      level as well. Like I said, I think that the  
11      Secretary of State, if they're going to choose  
12      their price, that they could choose zero. We  
13      could, you know, enforce the Sunshine Law with  
14      our rule or at least word the rule to comply with  
15      the Sunshine Law.

16              So that's -- that's where I'm at with these.  
17      I think there's -- there's probably going to want  
18      to be some discussion on that.

19              **MR. FERVIER:** This one is particular to the  
20      Secretary of State and directing the Secretary of  
21      State to provide these registration files for  
22      free. And I -- you know, I have to make the same  
23      comments I made the before that this board has no  
24      authority to direct the Secretary of State to do  
25      anything.



1           And also the -- you know, as I stated in  
2           statute 21-2-225(c), the Secretary of State by  
3           statute has a right to charge for these -- for  
4           these records. That's -- I mean, it's the same  
5           discussion we had earlier concerning that. And  
6           this particular rule request is -- is simply  
7           to -- an attempt to force them to give these for  
8           free.

9           Does any other board members have any  
10          questions on this?

11          **DR. JOHNSTON:** Mr. Chair.

12          **MR. FERVIER:** Yes, Dr. Johnston.

13          **DR. JOHNSTON:** Yes. Just to repeat. Also  
14          21-2-225, paragraph (b) says they're available  
15          for public inspection. So I don't know how one  
16          would pursue that at the county level or at the  
17          state level. But it does say that they're --  
18          they should be available for public inspection.  
19          And how that is accomplished, I think, Mr. Evans  
20          said he would get back with us on that.

21          Also I wonder -- I asked if -- if any of  
22          these rolls were provided for free. And I think  
23          quite -- actually, they're provided for free to  
24          ERIC. As a matter of fact, we probably pay ERIC  
25          to take our voter rolls and -- and work with

1       them. I don't think we charge ERIC \$480 or  
2       whatever it is.

3             And one idea is why -- why wouldn't one be  
4       able to -- to make an open records request of the  
5       voter rolls and it takes less than 15 minutes to  
6       download such. So and that -- if it's less than  
7       15 minutes of somebody's time, it's supposed to  
8       be free. Would that be a novel way of requesting  
9       the voter rolls? Just -- just an idea.

10            And just, again, once more to the Help  
11       America Vote Act of 2002, section 303 reads: Any  
12       election official in the state including any  
13       local election official may obtain immediate  
14       electronic access to the information contained in  
15       the computerized list.

16            I would like to know how our board could  
17       obtain immediate access to the voter rolls. So  
18       I -- I -- unfortunately -- or reluctantly I agree  
19       that the voter rolls are under the control of the  
20       Secretary of State. And it is probably an issue  
21       that will need to be worked out with the  
22       Secretary of State and their decision about  
23       whether to charge for voter rolls.

24            I'm still concerned about people that cannot  
25       afford \$480 to get a voter roll. It's sort of

1 a -- that whole thing, "pay to play," and I  
2 just -- I find it unfortunate that people without  
3 a lot of money could actually obtain the voter  
4 rolls to do their research or participate in the  
5 elections in that way. But that's all.

6 **MR. FERVIER:** Are there any other questions  
7 from the board on this proposal?

8 **MS. GHAZAL:** Well, for what it's worth, I  
9 just wanted to provide a little bit of color on  
10 the ERIC -- and I'm -- I'm open to being  
11 corrected on this, but my understanding is that  
12 all of the data is actually hashed in a way that  
13 it is not -- there's no individual that can  
14 actually read it in -- within the system, and it  
15 is -- it is matched solely by an algorithm,  
16 computer algorithm.

17 So while the information is sent, it is not  
18 sent in a form that anybody can actually use. I  
19 know that's -- that's a little outside the scope  
20 of this petition and I apologize, but I just want  
21 to make sure that folks understand the way that  
22 that system works.

23 **MR. FERVIER:** Thank you.

24 Are there any other comments or questions  
25 from the board?

1           **DR. JOHNSTON:** I think it would be nice for  
2 the people of Georgia to know more about how ERIC  
3 works and how the security and safety of their  
4 private information is handled and protected.

5           **MS. GHAZAL:** I agree.

6           **MR. FERVIER:** Are there any other questions  
7 or comments from the board? The chair will  
8 entertain a motion on this petition.

9           **MS. GHAZAL:** I move that we reject the  
10 petition on the basis that it is beyond our --  
11 our legal capacity.

12           **MR. FERVIER:** We have a motion to reject  
13 this petition based on the fact that it's beyond  
14 our legal capacity. Is there a second?

15           **MS. FRAZIER:** Could we table this so that --  
16 because I've heard the discussion that we were  
17 going to talk more about it.

18           **MR. FERVIER:** The --

19           **MS. FRAZIER:** I should've spoken up sooner,  
20 but I'm just trying to understand the process.

21           **MR. FERVIER:** Yeah. The board has to act on  
22 the motion that's been made. We have a motion to  
23 reject this petition based upon it's not under  
24 the authority of this board. Is there a second?

25           **MS. KING:** Mr. Chairman, I'm concerned about

1 just directly shooting this down because I'm  
2 still -- I still have questions as to what is the  
3 plan should there be a member of our -- of our  
4 great state who cannot afford to purchase this  
5 document? What is the method of ensuring that  
6 individuals can -- can see this public document?  
7 I -- I think I'm still confused on that. Weren't  
8 we supposed to have an answer, particularly from  
9 attorneys, on whether or not -- on how to go  
10 about that for this meeting? Like, wasn't that  
11 why we tabled it to this meeting?

12 I thought for sure the attorney that was  
13 with us said that they -- she -- she would get me  
14 the information confirming why this will be  
15 outside of our purview and what would be the plan  
16 during those (indiscernible).

17 **MR. FERVIER:** I -- I haven't received that.  
18 And we'd have to make a request of the -- a  
19 written request of the Attorney General's Office  
20 for that information.

21 **MS. KING:** Okay, yeah. We spoke about it at  
22 the board meeting, but I -- I'm all for tabling  
23 this one more time if I -- and I can put in a  
24 written -- I'll shoot an e-mail just -- I just  
25 want to make sure I know what the process is

1 because if we turn this down because, you know,  
2 changing the cost is something that has to be  
3 done through the Secretary of State's Office,  
4 that still leaves the major question which is  
5 what happens to those individuals who can't  
6 afford to pay for a document that's supposed to  
7 be publicly available?

8 **MR. FERVIER:** Member Ghazal made the motion.

9 Member Ghazal, are you -- would you consider  
10 withdrawing your motion and presenting another  
11 motion to table this?

12 **MS. GHAZAL:** Yes. I withdraw my motion to  
13 reject and I will move to table it once -- once  
14 again.

15 **MR. FERVIER:** We have a motion to table this  
16 petition. Do we have a second?

17 **DR. JOHNSTON:** Second.

18 **MR. FERVIER:** Who made the second?

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

20 **MR. FERVIER:** Member Johnston made the  
21 second. Any discussion? Hearing no discussion,  
22 all those in favor of tabling this petition  
23 signify by saying aye.

24 Member Johnston.

25 **DR. JOHNSTON:** Aye.

1           **MR. FERVIER:** Member Ghazal.  
2           **MS. GHAZAL:** Aye.  
3           **MR. FERVIER:** Member Jeffares.  
4           **MR. JEFFARES:** Aye.  
5           **MR. FERVIER:** Member King.  
6           **MS. KING:** Aye.  
7           **MR. FERVIER:** This motion is tabled for  
8 further consideration.  
9           **MS. FRAZIER:** Thank you.  
10          **MR. FERVIER:** Thank you, Ms. Frazier.  
11       **Discussion of Fulton County Monitor Proposal**  
12          **MR. FERVIER:** The next item on the agenda is  
13 discussion of the Fulton County monitoring  
14 proposal. I want to inform the board that I have  
15 been in contact with the new chairman of the  
16 board, Sherri Allen, and Mrs. Allen and I have  
17 plans to meet next week. It was the first  
18 available date that we could both work out and  
19 everybody could attend.  
20               So we have plans to meet and discuss a  
21 proposal made, I believe, originally by member  
22 Jeffares where -- an alternate proposal where  
23 board members would be able to select members for  
24 a monitoring team.  
25               Are there any questions from the board on

1       that? Or any comments or any further discussion  
2       needed?

3               **DR. JOHNSTON:** Look forward to hearing --  
4       hearing about the outcome of the meeting.

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

6               The next item on the agenda is a -- "U.S.  
7       citizen only" signs.

8               Dr. Johnston, you wanted that on the agenda.

9       **Signage**

10              **DR. JOHNSTON:** I do. Thank you very much.

11              As you recall, last -- last meeting we  
12       passed -- passed a motion to provide "U.S.  
13       citizens only" to be placed in polling places and  
14       election offices to provide a visual for those  
15       who might not be U.S. citizens to provide a  
16       message that voting in elections in Georgia is  
17       for U.S. citizens.

18              Since that time there have been some new --  
19       news reports of thousands of noncitizens found on  
20       voter rolls in Virginia, 6900; in Alabama by the  
21       Secretary of State, 3000. And the election  
22       officials in those states have moved quickly to  
23       remove noncitizens from their voter rolls.

24              Additionally the Supreme Court is  
25       considering a case for emergency stay for --



1 including 24 states that includes Georgia that  
2 will confirm that states can make rules governing  
3 their own elections, including requiring voters  
4 to show proof of citizenship. But because there  
5 are repeated news articles or concerns, at least  
6 in the media, about the potential or the risk of  
7 noncitizens trying to vote or getting registered  
8 to vote in the state, I would -- I would like to  
9 make -- I would make a motion that rather than  
10 the signage being optional, that we would require  
11 this sign to -- to be placed in all polling  
12 places or all places that are receiving --  
13 processing voters to vote and in election  
14 offices. And the sign should be of at least the  
15 same size as the signage for no -- no cell phones  
16 or no weapons to be placed in a prominent place  
17 at the entrance to the polling place and at each  
18 voter check-in table.

19 **MR. FERVIER:** The -- I think that the proper  
20 procedure here would be that you would need to  
21 make a motion for reconsideration of a previously  
22 passed motion because the previously passed  
23 motion was to send a letter along with it,  
24 advising that it was optional --

25 **DR. JOHNSTON:** Yes.

1           **MR. FERVIER:** -- and -- and it was approved  
2 by this board. And therefore, you would have  
3 to -- I believe you were on the prevailing side  
4 of that and therefore you would be able to make a  
5 motion for reconsideration.

6           **DR. JOHNSTON:** Thank you for reminding me.  
7 I will make -- that motion will be a motion for  
8 reconsideration of such with a letter and a  
9 provision of PDF or formats that the counties can  
10 use to make these signs.

11           **MR. FERVIER:** Let's -- let's -- I believe  
12 that you need to make a motion to reconsider a  
13 previously accepted motion. And we will vote on  
14 the motion for reconsideration, and then you can  
15 make a new motion with sending a letter requiring  
16 it. So ...

17           **DR. JOHNSTON:** All right. I'll make --  
18 Mr. Chair, I'd like to make a motion to  
19 reconsider the previously approved motion  
20 concerning signage in polling places.

21           **MR. FERVIER:** We have a motion to reconsider  
22 the previously approved motion authorizing  
23 signage -- the "U.S. citizen only signage" in  
24 polling places along with a letter that would  
25 stipulate that it was -- they could put it up and

1 it would be on a voluntary basis. Is there a  
2 second?

3 **MR. JEFFARES:** Second.

4 **MS. KING:** Second.

5 **MR. FERVIER:** We have a motion and a second  
6 from member Jeffares. Any discussion? Hearing  
7 no discussion, all those in favor of this motion  
8 to reconsider signify by saying aye.

9 Member Ghazal.

10 **MS. GHAZAL:** Nay.

11 **MR. FERVIER:** Member Johnston.

12 **DR. JOHNSTON:** Aye.

13 **MR. FERVIER:** Member Jeffares.

14 **MR. JEFFARES:** Aye.

15 **MR. FERVIER:** Member King.

16 **MS. KING:** Aye.

17 **MR. FERVIER:** Motion carries three to zero.  
18 Give me one moment. Let me plug in this phone --  
19 it has a low battery -- so we can continue to  
20 hear member Johnston.

21 There we go. We had to plug you in, member  
22 Jeffares.

23 **MR. JEFFARES:** I'm about gone too. I'm down  
24 to 30 percent.

25 **MR. FERVIER:** Are you talking about your

1 phone or yourself?

2 **MR. JEFFARES:** My phone and myself. It's  
3 after midnight here or getting close to it.

4 **MR. FERVIER:** All right. Now, we voted and  
5 the motion carried three to one.

6 Member Johnston, you have another motion.

7 **DR. JOHNSTON:** Yes. Mr. Chair, I make a  
8 motion to -- to provide the signage for U.S.  
9 citizens only to be placed in -- as required  
10 signage to be placed in all polling places where  
11 voting is occurring and election offices to be of  
12 the size -- at least the same size as signage for  
13 no cell phones or no weapons and also to be  
14 placed at each voter check-in table.

15 A letter will be sent from the state  
16 election board with the electronic transmission  
17 of the image for the counties to use. And that  
18 this motion will -- or that this recommendation  
19 will be mandatory.

20 **MR. FERVIER:** We have a motion on the table.  
21 Is there a second?

22 **MS. KING:** Second.

23 **MR. JEFFARES:** Second.

24 **MR. FERVIER:** We have a second from member  
25 Jeffares. Any discussion?

1           **MS. GHAZAL:** I have one question. Are there  
2 any other signs that are mandatory both in the  
3 precinct and also at every check-in place?

4           **DR. JOHNSTON:** There are many signs that are  
5 mandatory according to voting laws. And --

6           **MS. GHAZAL:** Right. That's not my question.  
7 At each -- at each check-in location is there --  
8 are there signs that are provided both in --  
9 within the precinct and at each check-in  
10 location, which is what your -- your motion is?

11          **DR. JOHNSTON:** Not that I know of.

12          **MS. GHAZAL:** So this is the only sign --  
13 this is the only prohibi -- the only prohibition  
14 that is getting that sort of blanket coverage?

15          **MS. KING:** Okay.

16          **MS. GHAZAL:** Just want to clarify and make  
17 sure we all -- we're all operating from the same  
18 basis of understanding.

19          **MS. KING:** I mean, that could possibly be  
20 the case, but, I mean, this is also a unique  
21 situation. I, too, have received several  
22 notifications, messages, alerts. I've read about  
23 several different cases where this could possibly  
24 pose a major problem, particularly it's already  
25 showing up in some other states. And so I think

1       it's -- it warrants this form of attention and it  
2       also allows those who are here, who may be here  
3       illegally or those who are here legally but are  
4       still under -- learning our election process, it  
5       creates a precedent for -- for us going forward  
6       and a layer of -- a barrier for those who don't  
7       understand what we allow and what we don't allow.

8               **MR. FERVIER:** Any further comments from the  
9       board? We have a motion and a second. All those  
10      in favor signify by saying aye.

11             Member Ghazal.

12             **MS. GHAZAL:** Nay.

13             **MR. FERVIER:** Member Johnston.

14             **DR. JOHNSTON:** Aye.

15             **MR. FERVIER:** Member Jeffares.

16             **MR. JEFFARES:** Aye.

17             **MR. FERVIER:** Member King.

18             **MS. KING:** Aye.

19             **MR. FERVIER:** The motion carries three to  
20      one. That dispenses with our old business.

21             We will go back to public comment now. We  
22      have about 600 less people online so we will see  
23      how many people have stuck around long enough to  
24      make public comment.

25             **DR. JOHNSTON:** Mr. Chair.

1           **MR. FERVIER:** Yes.

2           **DR. JOHNSTON:** I'm sorry. One -- one last  
3 piece of business maybe just to be clear that the  
4 petitions that were heard today will be posted so  
5 that they may be heard on the September 20th  
6 meeting; is that correct?

7           **MS. HARDIN:** All of them? Or just ...

8           **MR. FERVIER:** No, just the ones for --

9           **DR. JOHNSTON:** The ones -- the ones that  
10 were --

11          **MR. FERVIER:** The ones for rulemaking  
12 procedures.

13          **DR. JOHNSTON:** -- that were approved and --

14          **MR. FERVIER:** For rulemaking procedures.

15          **DR. JOHNSTON:** -- and for rulemaking.

16          **MR. FERVIER:** You have till the 21st. So  
17 you have two days.

18          **DR. JOHNSTON:** Okay. But no -- no later  
19 than that. Posting no later than that.

20          **MR. FERVIER:** Yeah. I'm sorry. Alex?

21          **MS. HARDIN:** If y'all can review and approve  
22 before the end of the 21st.

23          **MR. FERVIER:** Oh. It may be a long night.  
24 Alex is going to do her -- Alex is going to do  
25 her best to do it. So --

1           **MR. JEFFARES:** Hey, Mr. Chairman. I've got  
2 one last question too.

3           **MR. FERVIER:** Yes.

4           **MR. JEFFARES:** At the end of the day, we --  
5 we talked about some of these that might be not  
6 our job, might not be what we're supposed to do.  
7 Is Legislative Counsel, Attorney General,  
8 Secretary of State -- has any of these attorneys  
9 ruled on this stuff? I mean, they should know.  
10 And if they've got an objection to it, shouldn't  
11 they let us know they've got an objection to it?

12           **MR. FERVIER:** Well, you would hope so. We  
13 send it to them, and I don't think we --

14           (Cross-talking)

15           **MR. JEFFARES:** (indiscernible) to be that  
16 they've got all this time, you know, but it -- we  
17 shouldn't have a debate on whether this stuff is  
18 our duty or not. They should let us know whether  
19 it's our duty or not. Don't you think?

20           **MR. FERVIER:** Well, we send it to them. And  
21 so --

22           **MR. JEFFARES:** I mean, if they don't  
23 respond, then I guess they've got no complaint  
24 against it.

25           **MS. KING:** I mean, they're responding --



1           there's media. I saw the press --

2                   (Cross-talking)

3           **MR. FERVIER:** (indiscernible) -- The  
4           press -- I'm sorry. I'm sorry.

5                   Member Jeffares, would you continue please?

6           **MR. JEFFARES:** I hate to hear anybody say  
7           we're out of order, we're out of order, and  
8           nobody from the Attorney General, Secretary of  
9           State, or Legislative Counsel has said anything.  
10          What are they doing?

11          **MR. FERVIER:** Well, we --

12          **MR. JEFFARES:** If they have an objection,  
13          they should let us know they've got an objection  
14          to the rules. And that's starting to get  
15          frustrating to me. And I don't even know any  
16          other way to say it.

17                 If they think we're out of order, they  
18          should tells we're out of order. And the fact  
19          they're not telling us we're out of order, then I  
20          guess they're saying that we -- we're doing what  
21          we're supposed to do.

22          **MR. FERVIER:** Pertaining to the rules?

23          **MR. JEFFARES:** Yes.

24          **MR. FERVIER:** Yes, pertaining to the rules,  
25          yes. We -- I can't answer for them. All -- all

1 I know is that we send them the -- as required.

2 So ...

3 **MR. JEFFARES:** And if they don't reply, then  
4 they must think we're doing the right thing.  
5 That's all I want to say.

6 **MR. FERVIER:** Your -- your -- your opinion  
7 is on the record, member Jeffares.

8 Member King.

9 **MS. KING:** Yes. I would like to add to that  
10 on the record. I've noticed that our Secretary  
11 of State has been speaking to the public that he  
12 has grave concerns about the actions of this  
13 state election board, yet he has yet to have  
14 communicated with any board member, of my  
15 knowledge. He may have spoken to you or  
16 member -- member Ghazal.

17 But I know myself, Dr. Jan, I don't think  
18 we've received anything from the Secretary of  
19 State saying that he has grave concerns or at  
20 least alluding to why he has grave concern. So I  
21 do think that this is a major issue, is that we  
22 are -- we're hearing through the media about  
23 concerns from the Secretary of State's Office but  
24 no one is communicating with us.

25 And I think it should be on the record that

1 we have yet to have been contacted by the  
2 Secretary of State's Office, particularly the  
3 Secretary himself, who has -- has concerns about  
4 our actions.

5 **MR. JEFFARES:** And the Attorney General.

6 **MR. FERVIER:** We received two letters today  
7 from the Attorney General that I have forwarded  
8 to the board, member Jeffares.

9 **MS. KING:** Today?

10 **MR. JEFFARES:** (indiscernible) am sorry  
11 about that.

12 **MR. FERVIER:** Okay. Yes, I forwarded them  
13 earlier today.

14 **MS. KING:** So he had -- so they -- again,  
15 we're not getting anything in time to review it  
16 before the board meeting begins. You know, I do  
17 think that's a valid concern is that we cannot  
18 keep utilizing the excuse that we can't do  
19 something because it's outside of our purview  
20 when we request the -- the attorneys to provide  
21 us with some type of understanding and we get  
22 nothing.

23 **MR. FERVIER:** The letters received today  
24 were not related to items on the agenda today.

25 **MS. KING:** Okay. Well, that just proves my

1 point. I'm not sure what they're writing us  
2 about rather than what's on the agenda.

3 **MR. FERVIER:** The board has been copied on  
4 those letters. I sent them sometime midday  
5 today. I received this morning, sent them  
6 sometime midday today. So ...

7 **MR. JEFFARES:** I'll have to go back and  
8 look. Thanks -- thank you, Mr. Chairman.

9 **Public Comment**

10 **MR. FERVIER:** Okay. Are we ready to proceed  
11 with public comment?

12 Oh, boy. Kevin Olazonoi(ph)? Kevin  
13 Olazonoi. He's what? Oh, we don't show him on.  
14 The next individual, Matthew Bolin(ph). Matthew  
15 Bolin's no longer online. Next individual,  
16 speaker is Brittany(ph) Burns. Brittany Burns is  
17 no longer online. The next individual is Garland  
18 Favorito.

19 Mr. Favorito, it appears that you're still  
20 with us. Can you hear us? Mr. Favorito, your  
21 mic is on, but we can't hear you. Mr. Favorito,  
22 we still can't hear you. Mr. Favorito, we'll  
23 come back to you. You need to check and see if  
24 your mic is on or if you're having a computer  
25 issue there.

1           The next speaker is Tamara Favorito.

2           Ms. Favorito is still online.

3           Ms. Favorito, we're unable to hear you.

4           **MS. FAVORITO:** Okay. Can you hear me?

5           **MR. FERVIER:** Yes, we can hear you now,  
6           Ms. Favorito.

7           **MS. FAVORITO:** Thank you. And Garland was  
8           having technical problems. He can come down here  
9           to my computer after if you're fine with that.

10           But I just want to say I -- I heard the heat  
11           that the board took during public comments  
12           earlier today. And I want to tell you how much I  
13           appreciate all of you. I see how hard you are  
14           all working. And I just want to remind everybody  
15           once again that this is not supposed to be a  
16           nonpartisan board except for our chairman.

17           And I think the board has proved by the way  
18           they have worked together on some of these issues  
19           today that they do put their political parties  
20           aside to do what's right. And if we're going to  
21           be concerned about conflicts, we can look at a  
22           prior board member who was a lobbyist for the  
23           counties that this board sometimes had to  
24           investigate. Those are the conflicts we need to  
25           be concerned about.

1           But for all of you, thank you so much. I  
2 appreciate that you are taking a lot of heat for  
3 this and I'm -- I'm sorry for it. I appreciate  
4 your efforts. Thank you.

5           **MR. FERVIER:** Thank you, Ms. Favorito. Is  
6 Garland with you now?

7           **MS. FAVORITO:** Garland? He says could you  
8 go to the next speaker and then come back.

9           **MR. FERVIER:** We can.

10           The next speaker is Katie Benson.  
11 Ms. Benson is no longer online. The next speaker  
12 is Leticia Ellerson. Ms. Ellerson is no longer  
13 online. Next speaker is Sonya Sood, S-o-o-d.  
14 Ms. Sood is no longer online. Next speaker is  
15 Greg Davis. Mr. Davis?

16           **MR. DAVIS:** Yes. Can you hear me?

17           **MR. FERVIER:** Yes, we can.

18           **MR. DAVIS:** Okay, great. Let me just get my  
19 sound properly -- am I loud enough?

20           **MR. FERVIER:** Yes, you're perfect. You have  
21 two minutes, please.

22           **MR. DAVIS:** Okay, thank you. I thought  
23 school board meetings were long. They only  
24 lasted five hours.

25           As a voting precinct worker in Clarke County

1       for a few election cycles, I believe counting of  
2       ballots at the precinct level is a bad idea. As  
3       many have already said, there are  
4       chain-of-custody issues, a greater chance of  
5       error, and a greater possibility of a ballot  
6       being misplaced in a school, church, or community  
7       center that are used as precincts.

8                Though I was initially hopeful that  
9       Ms. King's amendment to provide that this ballot  
10      count be done by the next day at the local board  
11      of elections, her final language that this must  
12      be done by each precinct manager and assistant  
13      manager is not helpful. Is it really realistic  
14      to ask these individuals to show up the next day  
15      at the board of elections to conduct a count?  
16      What if one but not the other can show up?  
17      Additionally, how is the time for this individual  
18      precinct ballot count to be established by  
19      10 p.m. on the night of the election? Why can we  
20      not depend on the permanent and temporary staff  
21      that are stationed at the local board of  
22      elections during the election period? Why  
23      involve precinct workers?

24               In Clarke County we arrive in our precinct  
25      at 6 a.m. to complete set up. Every hour,

1 beginning at seven, we then record the numbers  
2 obtained from the poll pads, ballot-marking  
3 devices, and scanner on the hour. At 7:00 it  
4 takes myself and five coworkers almost two hours  
5 to record the final counts on the poll pads,  
6 ballot-marking devices, and scanner, shutting --  
7 shut down -- shut down the equipment using a  
8 couple of dozen digit-coded zip ties -- ties,  
9 store all the equipment in their cases, gather  
10 and count all materials used during the day which  
11 includes tables, batteries, signs, styluses,  
12 et cetera.

13 As to the scanner, two poll workers power  
14 down the scanner, unlock the scanner, pull out  
15 the ballots, and both get on their hands and  
16 knees to ensure that all the ballots are out of  
17 the machine and put those ballots in a case that  
18 is locked.

19 The last thing we --

20 **MR. FERVIER:** Thank you, Mr. Davis.

21 **MR. DAVIS:** -- on the precinct level is to  
22 do -- to do at 8:30 p.m. is to have hundreds of  
23 ballots spread out on a school lunch room table  
24 to be stacked and counted.

25 **MR. FERVIER:** Thank you, Mr. Davis.



1           **MR. DAVIS:** We are trying to focus on  
2 closing down and eating dinner. Thank you for  
3 your --

4           **MR. FERVIER:** Thank you, Mr. Davis.

5           **MR. DAVIS:** -- attention.

6           **MR. FERVIER:** Thank you, Mr. Davis. Thank  
7 you.

8           Mr. Favorito, are you online now?

9           **MR. FAVORITO:** Yes, I am. Can you hear me  
10 okay?

11           **MR. FERVIER:** Yes, I can. You have two  
12 minutes, sir. Please start.

13           **MR. FAVORITO:** Oh, I -- I hate to take -- I  
14 hate to take two more minutes, but on Friday  
15 Secretary of State Brad Raffensperger conducted a  
16 WSB-TV interview that y'all were just talking  
17 about, where he attacked this board by implying  
18 it's passing rules that are illegal.

19           As a former SEB chair, he knows full well  
20 that every state election board rule is vetted by  
21 Legislative Counsel before a final vote, as  
22 member Jeffares just said. Counsel ensures the  
23 board passes rules within their legal authority  
24 and some of the law that I want to quote to you  
25 shows that his claims are, in fact, false.

1           In regards to certification, O.C.G.A.  
2       21-2-78 states that the certifying board members  
3       duties are, quote: To inspect systematically and  
4       fairly the conduct of primaries and elections to  
5       the end that primaries and elections may be  
6       honestly, efficiently, and uniformly conducted.

7           Mr. Hancock, a board member, has previously  
8       explained that the attestation board member must  
9       sign requires them to, quote, certify that the  
10      attached election result summary is a true and  
11      correct count of the votes cast in this county.  
12      Their oath, stated in O.C.G.A. 21-2-20 (15) (b)  
13      requires them to swear, quote: That I will to  
14      the best of my ability prevent any fraud, deceit,  
15      or abuse and, quote: I will make a true and  
16      perfect return of such primaries and elections.

17           Attorney MacDougald explained that if a  
18      board member falsely swears to inaccurate  
19      results, the member can be charged with a felony  
20      under O.C.G.A. 16-10-20. And Commissioner Thorne  
21      explained that O.C.G.A. 21-2-493 states, quote:  
22      That the superintendent shall then examine all of  
23      the registration and primary or election  
24      documents.

25           These statutes show an unbiased individual

1       that the board is legally correct in the actions  
2       it took today and in its last meeting.

3               I thank the board for rejecting the bogus  
4       legal arguments and refusing to rubberstamp  
5       corrupt secretly counted elections.

6               **MR. FERVIER:** Thank you, Mr. Favorito.  
7       Appreciate your comments.

8               The next speaker is Aleta(ph) Silverman.  
9       Ms. Silverman is no longer online. The next  
10      speaker is Amy Leventhal. Ms. Leventhal is no  
11      longer online. Next speaker is Michelle  
12      Spellman. Ms. Spellman is no longer online.  
13      Next speaker is Larry LeSueur.

14              Mr. LeSueur, are you still online with us?  
15      Mr. LeSueur?

16              **MR. LESUEUR:** I am here. Can you hear me?

17              **MR. FERVIER:** Yes, sir. You have two  
18      minutes. Please proceed.

19              **MR. LESUEUR:** Thank you.

20              I'm a voter from Cherokee County. Please  
21      note that at least two of the outside speakers in  
22      favor of altering Georgia's current election  
23      procedures are what might be described as  
24      professional partisans from the right-wing group  
25      Heritage Foundation which is also responsible for

1 the extremist Project 2025.

2 Indeed, both Hans Von Spakovsky and Ken  
3 Cuccinelli are listed among the authors of the  
4 subjectively anti-American manifesto.

5 A point to consider: In 2018, in *Fish vs*  
6 *Kobach*, Judge Julie Robinson ruled that  
7 Spakovsky's claims of voter fraud were not backed  
8 up with provable researched cases. The judge  
9 said, quote: Spakovsky's clear agenda and  
10 misleading statements render his opinions  
11 unpersuasive, unquote.

12 Another point: Spakovsky shared his views  
13 of voter fraud in the movie, 2000 Mules. That  
14 movie was so thoroughly debunked and widely  
15 ridiculed that it's distributor issued an apology  
16 and pulled the movie from circulation. For an  
17 administration known to value loyalty over  
18 honesty, that these two appointees of previously  
19 Republican administrations may be angling for  
20 positions in a new one should be considered.

21 A recent USA Today headline reads: Trump  
22 says Georgia election board members are, quote,  
23 pit bulls for his victory, unquote. But is that  
24 their job? He thinks it is and maybe he's right.

25 The SEB was formed by the Republican

1       Legislature after losing two Senate seats in the  
2       presidential election. The result of fielding  
3       extremely weak candidates with the top of the  
4       tickets spewing a litany of (indiscernible)  
5       claims of voter fraud. It's under the specter of  
6       these false claims, along with member of -- with  
7       compromising interests and political PACs, job  
8       offer prospects of their own, cheerleading at  
9       political campaign rallies, and the partisan  
10      nature of its creation in an apparent attempt to  
11      find in 2024 that 11,780 votes that Trump was  
12      looking for in 2020, that the decisions of this  
13      board and Trump's trio of pit bulls must be  
14      viewed.

15             Please do what's right, not just what's  
16      right for your party.

17             **MR. FERVIER:** Thank you, Mr. LeSueur.

18             The next speaker is George Balbona.

19             Mr. Balbona, are you still online?

20      Mr. Balbona, we can't hear you. Your mic has  
21      been turned on. Mr. Balbona, are you still  
22      online?

23             We'll move on. The next speaker is Ahmad  
24      Surika(ph). Mr. Surika is no longer online.  
25      Next speaker is Cynthia Ingram(ph). Cynthia

1 Ingram is no longer online. The next speaker is  
2 Vivek Shenoi(ph). Vivek Shenoi is no longer  
3 online. The next speaker is Elaine Morris.  
4 Elaine Morris is no longer online.

5 That is the last of our speakers list. The  
6 agenda for today has been completed. The  
7 motion -- I mean, the chair will entertain a  
8 motion to adjourn.

9 **MS. KING:** So moved.

10 **MR. FERVIER:** We have a motion to adjourn.  
11 Do we have a second?

12 **DR. JOHNSTON:** Second.

13 **MR. FERVIER:** We have a motion to adjourn  
14 and a second. All those in favor signify by  
15 saying aye.

16 Member King.

17 **MS. KING:** Aye.

18 **MR. FERVIER:** Member Johnston.

19 **DR. JOHNSTON:** Aye.

20 **MR. FERVIER:** Member Ghazal.

21 **MS. GHAZAL:** Aye.

22 **MR. FERVIER:** Member Jeffares is no longer  
23 online. The motion carries three to zero. This  
24 meeting is now adjourned. Thank you.

25 (Adjourned at 6:28 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.

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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 26th day of September 2024.

**\*\*Mary K McMahan\*\***

Mary K McMahan, CCR  
Certified Court Reporter  
Certificate Number 2757