

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

6 IN THE MATTER OF:
7 STATE ELECTION BOARD MEETING
8 Georgia State Capitol, Room 341
9 Atlanta, Georgia
10 Friday, September 20, 2024
11 Atlanta, Georgia
12 9:00 a.m.
13

14 **APPEARANCE OF THE PANEL**
15

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

24 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
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P R O C E E D I N G S

MR. FERVIER: We'll call to order the Friday, September 20, 2024, meeting of the Georgia State Election Board.

My name is John Fervier. I'm chairman of the board. I'm joined today by Dr. Janice Johnston -- member Janice Johnston, member Rick Jeffares, member Sara Ghazal, and member Janelle King and our executive director Mike Coan and our paralegal Alexandra, the one that does all the work.

Thank you, Alexandra.

We're going to start the meeting today with our invocation and pledge of allegiance.

Dr. Johnston, would you lead us in our invocation, please. Oh.

DR. JOHNSTON: Thank you.

(Invocation)

MR. FERVIER: Member Jeffares, would you lead us in the Pledge of Allegiance, please.

(Pledge of Allegiance)

MR. FERVIER: Thank you, member Jeffares --

MR. JEFFARES: Thank you.

MR. FERVIER: -- and member Johnston.

Now, for a few ground rules. We -- we have

1 a lot of people here today. I'm glad to see that
2 all the seats are filled.

3 I want to thank the Georgia State Patrol for
4 helping us out this morning. We couldn't do this
5 without you.

6 We have a wide variety of people here with
7 members of the public. We're all members of the
8 public, right? We have state legislators here
9 with us this morning. We have a lot of press
10 people here with us. We have a lot of
11 representatives of the counties here with us.
12 And we have members of the public. And all I ask
13 is for courtesy and consideration.

14 You're going to hear a lot of speaking today
15 on both sides of these rules that are being
16 proposed today. And, you know, the last thing we
17 need is a lot of cheering and excess comments
18 and -- and all that stuff. If you want to be
19 respected when you get to speak, then you need to
20 respect other people when we speak. We all have
21 opinions. This board has varying opinions. You
22 know, we're not -- surprisingly we're not all in
23 agreement on things, but we expect the same from
24 the members of the audience. And we hope that
25 you'll be respectful of those people that are

1 coming up to speak before us today and provide
2 their valuable input to this board.

3 This board looks to all of you to help us
4 make decisions in what we do. And so we can't --
5 we can't properly evaluate that if we have a lot
6 of yelling and screaming and things like that.
7 So we're just asking for people to please be kind
8 and respectful to your neighbors and to those
9 speaking.

10 We're going to start today with the first
11 item on the agenda.

12 Member Johnston.

13 **DR. JOHNSTON:** Chairman Fervier, I would
14 like to request to amend the agenda.

15 **MR. FERVIER:** And what is your request?

16 **DR. JOHNSTON:** I'd like to request hearing
17 of the petition of Miss Salleigh Grubbs that was
18 submitted more than 20 days ago. I have provided
19 a copy of this petition regarding storage of
20 returns, and I would request that we hear this
21 petition after lunch so that each board member
22 can review this, although we have received it
23 in -- by e-mail in the past.

24 **MR. FERVIER:** I -- I -- the request was made
25 to add it to this agenda and I denied that

1 request based on the fact that this meeting was
2 set for the sole purpose of hearing petitions
3 that were -- and rules that were already in the
4 process. And we -- but we can put that petition
5 on the October 8th meeting, which is, as you
6 know, less than two weeks from now.

7 This board hasn't had time, I don't think,
8 to properly consider that. I certainly haven't
9 looked at it myself, and I don't think that
10 looking at it between now and lunchtime is
11 sufficient when we have other things to do.

12 I mean, I -- I just -- I think that that --
13 that petition certainly can be heard at our
14 October meeting and decided upon then when we've
15 all had time to take a look at it and to evaluate
16 it. We haven't received guidance from anybody on
17 it. We haven't received guidance from the
18 Secretary of State's Office, from the Attorney
19 General's Office, from any other members of the
20 public that I know of. And I just don't think
21 it's appropriate to add that to this -- this
22 meeting.

23 **DR. JOHNSTON:** Mr. Chair, I differ in
24 opinion. The time for petitions is simply that.
25 A petition, it can be accepted for consideration

1 of rulemaking or rejected. It's a simple,
2 one-paragraph amendment to the rule for storage
3 of returns. And if a rule is accepted for
4 consideration, there is the 30-day period where
5 we gather comments and opinions and further
6 study.

7 This rule was sent us more than three weeks
8 ago. It was in our e-mail. I'm sure we read all
9 of our e-mails, maybe, and I would request -- I
10 make a motion that we accept this to add to the
11 agenda for after lunch.

12 **MR. FERVIER:** Well, there -- I mean, there's
13 certainly no urgency given that you have a 30-day
14 review period and this would not come into effect
15 before the election. So I'm not quite sure why
16 the urgency of having it today versus having it
17 on October 6th or anything thereafter since it
18 would not come into play until after the election
19 anyway.

20 So it doesn't make sense for me to, frankly,
21 hear that rule today, especially when this board
22 hasn't had time to properly consider it.

23 **DR. JOHNSTON:** Well, Mr. Chair. Since
24 there's been so much comment and so much concern
25 and so much angst over timing and closeness to

1 the election and comments that have been pouring
2 in through our e-mails, this petition is timely
3 because it involves a timely consideration.

4 If it's accepted and if it's adopted, it
5 would provide for proper storage of returns for
6 the upcoming election. So waiting even until
7 October 8th is time wasted and of concern that
8 again there will be a howl of voices that it is
9 too late to accept this or adopt it or implement
10 it for this current election.

11 **MR. FERVIER:** As I stated earlier, I think
12 that adding this petition at the very last minute
13 is not the responsible thing for this board to
14 do. The chair is going to exercise its option to
15 not add that to the agenda today.

16 If you want to make a motion to overrule the
17 chair, then that certainly is your prerogative.

18 **DR. JOHNSTON:** Mr. Chair, I appeal the
19 decision of the chair.

20 **MR. FERVIER:** Are you making a motion?

21 **DR. JOHNSTON:** Yes.

22 **MR. FERVIER:** And your motion is?

23 **MS. KING:** Second. Let's just hear it. I
24 don't understand why we can't just hear it.
25 We're -- we're just -- it's a very short

1 petition. Miss Grubbs is already present in the
2 room. I don't understand why we can't just hear
3 it.

4 **MR. FERVIER:** Well, my -- this board hasn't
5 had time to properly consider it. Before we
6 initiate rulemaking procedures, we need to take a
7 look at it. And receiving it the day of the
8 meeting ...

9 **MS. KING:** Do you think we're going to get
10 through all of this today? Or do you think we're
11 going to be back --

12 **MR. FERVIER:** I'm hopeful we can.

13 **MS. KING:** -- on Monday? You're going to
14 try to get through it (indiscernible).

15 **MR. FERVIER:** Well, if we were able to go
16 through the agenda as it were, then we might
17 could've, but it appears there's going to be some
18 alterations to it. So ...

19 **MS. KING:** Well, I mean, adding one petition
20 to be heard, I mean, it'll give me more
21 information. I would like to hear from --
22 directly from the petitioner. That'll help me to
23 make decisions.

24 **MR. FERVIER:** Well, that -- and that can be
25 done on October 6th. You know, like I said,

1 this -- this will not take place before the
2 election this year. So I don't see the -- the
3 reason to go ahead and put it on the agenda
4 today.

5 **MS. KING:** Well, if it's not going to affect
6 anything, I don't see the reason to keep debating
7 it and wasting time.

8 **MR. FERVIER:** But we haven't debated it. We
9 haven't heard it yet. So ...

10 **MS. KING:** Talking about this debate here of
11 putting it on the agenda.

12 **MR. FERVIER:** Okay. We have a motion to
13 appeal the chair's decision. Is there a second?

14 **MS. KING:** Second.

15 **MR. FERVIER:** There's a motion and a second.
16 Any discussion?

17 **MS. GHAZAL:** (indicating)

18 **MR. FERVIER:** Yes. Member Ghazal.

19 **DR. JOHNSTON:** I have a hard time
20 understanding how our mantra is transparency and
21 we are talking about debating a rule that nobody
22 in the public has seen.

23 **MS. KING:** To the point, I mean, I -- I have
24 a challenge as well and that's whether or not
25 we're following procedures. If she presented it

1 and submitted it within the right time frame to
2 be on the agenda today, then it should be on the
3 agenda today.

4 **MR. FERVIER:** Any further comments? We have
5 a motion and a second to appeal the chair's
6 decision. All those in favor signify by saying
7 aye.

8 **THE BOARD MEMBERS:** Aye.

9 **MR. FERVIER:** All those opposed signify by
10 saying nay.

11 **MS. GHAZAL:** Nay.

12 **MR. FERVIER:** The chair votes nay. The ayes
13 carry three to two.

14 Do you have another motion?

15 **DR. JOHNSTON:** Mr. Chair, I have another
16 amendment to the agenda. On -- under the heading
17 of new business, there is an item, discussion of
18 voter challenges complaints. This was an item
19 that I asked to be put on the agenda. And
20 unbeknownst to me a lawsuit, a writ of mandamus
21 was filed in DeKalb County and it appears that an
22 emergency complaint has been delivered to us
23 yesterday.

24 I would like to include this as
25 consideration of hearing this -- this complaint

1 concerning 230 challenges to be added to the --
2 the new business item of voter challenges and
3 request that it be moved up on the agenda for --
4 for discussion for after lunch.

5 **MR. FERVIER:** I think that we've had a lot
6 of people come here from afar to talk about these
7 petitions and altering this agenda -- continuing
8 to alter this agenda, forcing these individuals
9 to stay longer is just inappropriate.

10 The board has had this agenda for several
11 days and had opportunities to make revisions to
12 this agenda. And yet it seems over and over
13 again when we get to meetings, alterations are
14 made to the agenda at the last minute.

15 Is this a legal issue that you're wanting to
16 discuss?

17 **DR. JOHNSTON:** This was sent to us as a
18 complaint, of violations of O.C.G.A. 21-2-230(o)
19 by DeKalb County by Ms. Marci McCarthy.

20 **MR. FERVIER:** And it can be appropriately
21 discussed during the discussion of voter
22 challenges complaints?

23 **DR. JOHNSTON:** It could.

24 **MR. FERVIER:** Then we'll add it to that at
25 that time slot. The chair would like to leave

1 the agenda as is for consideration of the people
2 that have traveled to come here to talk about
3 their petitions.

4 **DR. JOHNSTON:** Mr. Chair, in consideration
5 of the time and out of respect for the
6 petitioners, I will add this to the new business
7 items.

8 **MR. FERVIER:** Thank you. Is there anybody
9 else that would like to change the agenda today?

10 **MR. JEFFARES:** Motion to adjourn.

11 **MR. FERVIER:** I would second that one in a
12 minute.

13 The first item on the -- the next item on
14 the agenda is the state election board meetings
15 and hearings approval of the minutes from the
16 August 6th and August 7th meeting, which is tab
17 number one in your board book. If the board
18 would take a minute to look at those meeting
19 minutes if you haven't already reviewed them.

20 Are there any corrections, alterations, or
21 additions to the meeting minutes?

22 **MR. JEFFARES:** I make a motion to approve.

23 **MR. FERVIER:** You make a motion, member
24 Jeffares, to approve the minutes of the
25 August 6th and 7th state election board.

1 Do we have a second?

2 **MS. KING:** Second.

3 **MR. FERVIER:** We have a motion and a second
4 from member King. Any discussion?

5 **DR. JOHNSTON:** Mr. Chair.

6 **MR. FERVIER:** Yes, member Johnston.

7 **DR. JOHNSTON:** Yes. I'd like to request
8 that the -- in the minutes from August 19th that
9 the rule number be included with each of the
10 petitions. Some of the -- in the minutes, the
11 petitions do not provide the rule number for the
12 petition.

13 **MR. FERVIER:** Member Johnston, you have
14 to -- we're working on the 6th and the 7th now.
15 That'll be the next item on the agenda to
16 discuss.

17 **DR. JOHNSTON:** Oh, sorry.

18 **MR. FERVIER:** So we have a motion and a
19 second to approve the minutes from the
20 August 6 and 7, 2024, meeting of the state
21 election board. Any further discussion?

22 **DR. JOHNSTON:** Mr. Chair.

23 **MR. FERVIER:** Yes, member Johnston.

24 **DR. JOHNSTON:** The same applies for the
25 meeting of August 6th and 7th.

1 **MR. FERVIER:** You want the petition numbers
2 added where?

3 **DR. JOHNSTON:** Where procedure matters
4 petition for a, b, c, d, e, and f, that the rule
5 number be included as the petition for amendment
6 of the state election board presented by John
7 Fervier after remarks, that the actual rule
8 number petition would be included to provide
9 information for future reference.

10 **MR. FERVIER:** We have a -- member Johnston
11 has requested that the rule numbers be added to
12 the sections where petitions a, b, c, d, e, and
13 f. Without dissent we'll do that.

14 Alexandra, can you add that?

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

16 **MR. FERVIER:** Okay. Okay. We'll make that
17 alteration. Are there any other alterations to
18 the minutes? With the alteration and the board's
19 approval, recommended by Dr. Johnston, we have a
20 motion and a second to approve the minutes with
21 that alteration. Any further discussion?
22 Hearing no further discussion, all those in favor
23 signify by saying aye.

24 **THE BOARD MEMBERS:** Aye.

25 **MR. FERVIER:** Any opposition? Hearing no

1 opposition, so moved. Carries four to zero.

2 Next item on the agenda is to approve the
3 minutes from the August 19, 2024, meeting.

4 Member Johnston, I believe you had some
5 comments about that.

6 **DR. JOHNSTON:** The request to amend the
7 minutes to reflect the rule referred to under --
8 as for (a) and (b) but not c, d, e, and f and g
9 and h.

10 **MR. FERVIER:** Well, the rule is listed on
11 (a) and (b) --

12 **DR. JOHNSTON:** Right. Correct.

13 **MR. FERVIER:** -- c, d, e, and f. Not on
14 (g), not on (h). Well, not on -- not on (e).
15 Okay, d, e, f, g, and h. Okay?

16 **DR. JOHNSTON:** Thank you.

17 **MR. FERVIER:** Alexandra, can you add that?

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

19 **MR. FERVIER:** Okay.

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

21 **MR. FERVIER:** Without any dissent by the
22 board, we'll do that.

23 Do we have a motion to approve the minutes
24 as presented with the alterations made by
25 Dr. Johnston?

1 **MR. JEFFARES:** Second.

2 **MR. FERVIER:** We need somebody to make a
3 motion.

4 **MR. JEFFARES:** Okay.

5 **DR. JOHNSTON:** Motion to approve --

6 **MR. FERVIER:** We have a motion to approve --

7 **DR. JOHNSTON:** -- as amended.

8 **MR. FERVIER:** Do we have a second?

9 **MR. JEFFARES:** Second.

10 **MR. FERVIER:** We have a motion and a second.

11 Any discussion? Hearing no discussion, all in
12 favor of approving the minutes as presented with
13 the alterations recommended by Dr. Johnston
14 signify by saying aye.

15 **THE BOARD MEMBERS:** Aye.

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

18 **PUBLIC COMMENT**

19 **MR. FERVIER:** The next item on the agenda is
20 my favorite portion of the meeting, is to hear
21 public comment. Executive director Coan is going
22 to be our gatekeeper. For those that might be in
23 overflow rooms, executive director Coan will call
24 out the first five people to speak. When we get
25 near the end of that, he'll call the next five

1 people. And if you will quickly hurry down here
2 to take your place speaking, we'd appreciate
3 that. We don't want to be looking for where's
4 Waldo. So -- and we will allot two minutes --
5 two minutes to individuals to speak, please. And
6 at the end of your two minutes or near the end of
7 your two minutes, you'll hear a light tap like
8 this (demonstrating), which is your warning that
9 your time is about up. And if you exceed it,
10 then you will hear heavier and heavier and
11 heavier taps because executive director Coan can
12 be quite heavy-handed with that gavel. So ...

13 Executive director Coan.

14 **MR. COAN:** All right. We're going to go
15 through the -- we've got 30 on the agenda. We're
16 going to go through those, again as he said, five
17 at a time. The first five is going to be Mason
18 Hill, Natalie Crawford, Brook Schreiner, Barbara
19 Gooby, and Larry LeSueur. And that's our first
20 five.

21 If you guys would just -- you can stand over
22 on the side and make a line. That makes it
23 easier for everybody. You don't have to shuffle
24 each time. Appreciate you guys helping.

25 All right, Mason. You have the floor.

1 It will be -- let's see here. You're good.

2 **MR. HILL:** As you may know, since the
3 1980's, there's been a growing trend away from
4 physical in-person voting. As far back to the
5 1880's we see tabulators being used to count and
6 measure -- and measure ballots and voter fraud.
7 Yet somehow less than 46 days before election day
8 and less than 16 days before absentee ballots go
9 out, we find ourselves here discussing proposals
10 on matters that would change the election
11 processes of some of the most decisive elections
12 in the entire United States.

13 It's quite hard for me to believe that these
14 century old issues are being brought up two and a
15 half weeks before game time.

16 Now, unlike some, I would show no animosity
17 towards this board for proper scrutiny. But when
18 your scrutiny borders on paranoia that infringes
19 on electoral voice, it doesn't seem
20 constitutional. Many of us would argue that this
21 policy questioning the validity of machines
22 designed for elections, allowing human error to
23 affect results, and positioning poll watchers in
24 tabulation centers full of personal information
25 crosses the line.

1 I'm quite aware that the board I'm
2 addressing is largely Republican and that the
3 opposition is largely Democrat. I also would
4 like to mention that I don't care. This is a
5 matter of protecting the rights of citizens and
6 that should permanently remain bipartisan. No
7 matter what political lens you want to view this
8 through, this proposal has no grounds of
9 protecting uniformity, safety, and efficiency of
10 our elections.

11 I will not pretend to possess any expertise
12 in these matters of logistics, but presume that
13 our shared goal is for every citizen of Georgia
14 to vote in this election and get their vote
15 counted. There's no way that any of these
16 proposals infer a fair election.

17 I ask you, anyone, please explain to me how
18 printing two more ballots for anyone who wants to
19 vote absentee or early has to be printed in the
20 next two weeks would ensure that we have a fair
21 election. I ask anyone who questioned voter
22 fraud in the last election, how do you think that
23 people unsealing the ballots and then counting
24 them themselves by hand would ensure in any way
25 that there would be less voter fraud? I ask

1 anyone who questioned safety in the last
2 election, how would poll watchers, volunteers,
3 which I'm not discrediting in any way, being
4 positioned in tabulation centers where
5 reconciliation is happening prevent people from
6 seeing personal information of voters?

7 Please reconsider this matter. Thank you.

8 **MR. COAN:** Thank you, Mason.

9 Next up is Natalie Crawford.

10 **MS. CRAWFORD:** Chair, board, thank you very
11 much. Again, I'm Natalie Crawford, the founder
12 of Georgia First, a cross-partisan nonprofit
13 whose mission includes insuring election access
14 and security. We always seek to put people over
15 politics.

16 The instability, injustice, and confusion
17 introduced into the public councils have in truth
18 been the mortal disease under which proper
19 governments have everywhere perished. Those are
20 the words of James Madison. And as a lifelong
21 Republican, I fear we are living in his worst
22 nightmare.

23 I'm appalled by the recent actions of this
24 board, the hyper-partisan behavior, and its
25 embrace of ill-informed conspiracy-theory-fueled

1 rulemaking. The recent actions of the board sow
2 chaos and dramatically undermine trust in our
3 constitutional republic in its democratic
4 processes.

5 For this reason, I wish to inform this board
6 Georgia First will file an amicus brief in
7 support of the lawsuit filed by Eternal Vigilance
8 Action's Scott Turner and James Hall. We concur
9 with all accounts outlined in the complaint and
10 support the relief requested.

11 The board's attempts to legislate through
12 rulemaking violate the state election code and
13 our Constitution's separation of powers and
14 nondelegation mandates. Simply put, this
15 appointed board has exceeded its legal authority
16 by mandating a vague, undefined inquiry into
17 election results before county election boards
18 can even certify, risking unnecessary
19 certification delays across all parties and
20 races.

21 Ordering county election boards to provide
22 any individual board member with unlimited
23 election-related documentation prior to
24 certifying without any justification, adding
25 onerous new restrictions on absentee voting, and

1 lastly requiring recorded video surveillance of
2 early voting drop boxes -- these rules are also
3 unlawful because your authority doesn't permit
4 you to define "certify," and our election code
5 clearly outlines certification timing and
6 requirements.

7 The 500 pages of the Georgia Election Code
8 specify the timing, manner, and method for
9 producing and maintaining election-related
10 documents.

11 One final point I'll make and then I'll
12 submit these to you so you can see the full
13 comments is that drop boxes -- not permitting
14 video surveillance was, in fact, by the General
15 Assembly in 2021 declined. They declined to
16 adopt video surveillance requirements in SB 202
17 which means this board is essentially usurping
18 the role of the General Assembly.

19 In closing, our Constitution guarantees the
20 right of suffrage. That means that all qualified
21 Georgians may vote and have their votes counted.
22 Your board cannot stand in the way of that.

23 Thank you for the opportunity to comment.

24 **MR. COAN:** Thank you, Natalie.

25 Okay. I'm going to call up Elizabeth

1 Hendrickson and Tate Fall. Y'all can get in line
2 because you're going to be coming up soon.

3 Next we have Brook --

4 **MS. SCHREINER:** -- Schreiner.

5 **MR. COAN:** Yes, Brook Schreiner. Thank you.

6 **MS. SCHREINER:** Good morning, Brook --
7 board. Brook Schreiner, Butts County Board of
8 Elections and Registration, GAVREO member, and
9 region 6 leader.

10 I, as well as my colleagues, urge you to
11 refrain from voting on the proposed rules this
12 close to an election. We are currently in the
13 critical stages of election preparation which
14 includes setting up voting machines, training
15 poll clerks, and organizing election night
16 procedures.

17 Additionally, some counties are in the
18 initial phases of preparing for a potential March
19 election as well, and these efforts require
20 significant planning and focus.

21 As part of election law, counties are
22 prohibited from making certain changes within 90
23 to 60 days before an election. I believe the
24 same consideration should apply to rule changes
25 by this board. While we do not oppose many of

1 the rules being processed, the timing could
2 certainly be improved. Regarding the rule on
3 election night ballot counting requiring a poll
4 manager and two clerks to individually count
5 ballots from the scanner would unnecessarily
6 delay election day tabulation. Poll managers and
7 workers are already tasked with sealing all
8 ballots, securing memory cards, ensuring all
9 recap sheets are accounted for which is then
10 transported to the tabulation center. Adding
11 this additional step would slow down the two
12 required uploads for an election night reporting.

13 Furthermore many poll workers and managers
14 take time off from their regular jobs for
15 election day duties and return to work the
16 following day. The requirements for them to
17 return the next day at the poll manager's
18 discretion is impractical for many polling
19 locations.

20 Finally, I encourage the board to consult a
21 variety of counties -- small, medium, and
22 large -- not just larger counties like Fulton and
23 Cobb to ensure the rules are practical and
24 beneficial across all types of election
25 jurisdictions.

1 Thank you for your attention to these
2 concerns.

3 **MR. COAN:** Thank you, Brook. And you're the
4 first one to really hit the number on the head.
5 That's a good job. Thank you. Appreciate that.

6 All right. Next up we have Barbara Gooby.

7 **MS. GOOBY:** Hi. I'm from Chatham County.
8 I've been a poll watcher, poll clerk, and now a
9 poll manager. I believe the proposals being
10 discussed today introduce huge opportunities for
11 chaos, error, voter insecurity, and, therefore,
12 as we heard, lawsuits.

13 Please know that every poll worker and
14 elections board worker I've ever worked with has
15 always acted absolutely professionally, taking
16 every precaution to ensure that all ballots are
17 accurately counted. Using the current
18 procedures, they are. The elections board trains
19 us never to touch the ballots. Only the voter
20 handles their printed ballot and enters it into
21 the ballot box. This assures voters that no one
22 has interfered with their ballot.

23 The proposals for hand counting both
24 absentee and election day ballots destroys this
25 assurance. They also introduce the very real

1 opportunity for all too human error as does
2 introducing poll watchers to the tabulation
3 centers. The current electronic voting system
4 works well and accurately.

5 I'd like to know further how the state
6 elections board proposes to fund these proposals.
7 My pay covers training, setting up the polling
8 place, and working 16-plus hours on election day.
9 I start at 5:30 in the morning and maybe finish
10 by 9:30 p.m. by which time my brain and I are
11 pretty much mush. To hand count the ballots we
12 would need the following resources: time to rest
13 between election day and hand counting, pay for
14 all additional hours worked, magnifiers because
15 the print on the ballots is teensy, someone to
16 guard each precinct and ballot box when we're not
17 there, security while we are counting, any
18 additional rent or cost to occupy the polling
19 places during the hand counting and training on
20 specifics of the hand counting process.

21 Finally to expect each of the hundred and
22 fifty nine county boards of elections to design
23 and carry out training by November 5th is simply
24 unrealistic. It is also unrealistic,
25 unnecessary, and costly to have each county

1 further distinguish absentee from provisional
2 ballots. Thank you.

3 **MR. COAN:** Thank you, Barbara. That was
4 right on time.

5 While I'm at it, I'm going to go ahead and
6 ask Valerie Kennedy, Marisa Pyle, Ellen Apte, and
7 Jacqueline Isaacson to come forward to get in
8 line, please.

9 And next we have Larry LeSueur.

10 **MR. LESUEUR:** I'm a voter from Cherokee
11 County. Here we are again with the SEB throwing
12 more last-minute curveballs, conspiracy-minded
13 rules, conspiracy-inspired rules and additional
14 work on these citizen volunteers even when those
15 actually doing the work have explained how your
16 multitude of requests are either overly
17 burdensome or outright unworkable. Some as also
18 explained throughout the law.

19 The multitude of conflicts of interest, the
20 blatant partisanship, and the level of
21 incompetence and disregard for the rules seems to
22 define this board and itself. When what has been
23 referred to as the three pit bulls called for an
24 illegal meeting in July, the excuse stated by one
25 of the pit bulls at that time was, quote, No one

1 told us we could not do it, unquote. Two weeks
2 later the pit bulls had to withdraw all of their
3 work due to the illegal nature of that meeting.

4 If the rules, the law, the actual workers in
5 the field, logic and reason are being ignored,
6 then who is calling the shots here? It's
7 published knowledge that the partisan political
8 leaders of their party have been in direct
9 communication with some of the pit bulls.

10 One of the groups from the last meeting
11 pushing these rule changes even brought in Ken
12 Cuccinelli and Hans von Spakovsky, two co-authors
13 of the objectively anti-American manifesto,
14 Project 2025, to push their agenda. That tells
15 you something about who's calling the shots.
16 They construct almost plausible rationalizations
17 under the facade of fairness.

18 Some of these rationalizations are close to
19 accurate, close to the truth, just a step away in
20 most cases. These rationalizations are just tiny
21 steps from the truth, tiny corruptions, but they
22 add up. Then before you know it, you find your
23 position here (indicating) and the truth over
24 there. Most Americans strive for the American
25 ideals of honesty, integrity, and justice.

1 Deceit does not fit into these ideals. Some here
2 have previously brought up biblical passages and
3 there are some on deceit that I can share,
4 particularly in Psalms and Proverbs, but assuming
5 everyone here is familiar with those, I will
6 instead share my own observations in closing.

7 Those who deceive truly deceive themselves
8 because while they do not realize it, deception
9 is also a confession. Those who deceive are, in
10 fact, confessing they themselves recognize that
11 their position is weak or illegitimate and so
12 cannot speak honestly. Those who deceive are
13 confessing that they know full well the truth is
14 not on their side and so take an approach that is
15 less than fully truthful.

16 I wanted to also close by thanking all of
17 the poll workers that are here doing tireless
18 work. Thank you.

19 **MR. COAN:** Thank you, Larry. I appreciate
20 your comments.

21 Next we have Elizabeth Hendrickson up.

22 **MS. HENDRICKSON:** Good morning. There are
23 several groups of people responsible for making
24 certain that Georgia's elections are secure,
25 fair, and accessible. The Legislature makes laws

1 governing the process and their part is done for
2 now.

3 This board provides some oversight and sets
4 or clarifies some policies and rules. This part
5 should be done by now. It is time for you to
6 stop making new rules. The Secretary of State's
7 Office sets some policies and guidelines and
8 operationalizes the law. The county elections
9 staff apply the laws, policies, and rules to
10 operate elections. The citizens become informed,
11 thoughtful voters.

12 While some of these duties overlap, great
13 care needs to be taken to ensure the groups do
14 not interfere with the duties of one another.
15 Most of the recently enacted and proposed rules
16 have been brought by presumably well-meaning
17 citizens who are in many cases not electoral
18 professionals or experts. Most of their concerns
19 are based on highly unlikely what-if scenarios
20 rather than anything evidence based.

21 There is a fine line between citizen
22 oversight and citizen micromanagement. And some
23 of these rules, particularly those that specify
24 how many ballots should be in a pile for
25 counting, for example, clearly cross that line.

1 Concerned citizens have every right to be heard.
2 But board members should give far more weight to
3 the views of the professionals who have the
4 experience and the duty to keep our elections
5 fair, secure, and accessible.

6 As called for by a number of county election
7 boards, it is past time to stop making new rules.
8 A quiet period of 90 days before an election
9 makes sense, and we're only about 45 days from
10 the November 5th election.

11 Now is the time for election officials to
12 train workers, perform security protocols, print
13 ballots, and mail absentee ballots. Now is not
14 the time for election officials to be learning
15 and planning training on new rules and
16 procedures.

17 Please do your part in keeping Georgia's
18 elections secure and accessible. Stop making the
19 new rules. Thank you.

20 **MR. COAN:** Thank you, Elizabeth. Your
21 timing is good.

22 Next up we have Tate Fall. On deck is
23 Valerie Kennedy.

24 **MS. FALL:** Good morning, chair, board,
25 director Coan, and staff members. Thank you for

1 having us here today.

2 I wanted to start by kind of remembering
3 that modern election administration only started
4 24 years ago -- right? -- because of *Bush v Gore*.
5 And so much has changed in those 24 years. A lot
6 has changed since 2020, just in the last four
7 years: the equipment, how we vote, when we vote,
8 the members of our county boards, the members of
9 the state board. So much has changed.

10 But what hasn't changed is the passion and
11 the purpose of the nonpartisan election officials
12 that make up our state of Georgia. And I want to
13 join with my staff other election officials that
14 are here today. We represent 11 different
15 jurisdictions, just over 2 million registered
16 voters, which is a fourth of the registered
17 voters here in Georgia. We range from
18 jurisdictions of 9,000 to 655,000.

19 And we are asking that you as a board member
20 mirror the NVRA status of a 90-day quiet period
21 that boards in my county of Cobb, Gwinnett,
22 Athens County, and Muscogee County have also
23 asked for: a 90-day quiet period prior to the
24 election.

25 The reasons for that is yesterday Cobb

1 County e-mailed just over 1,000 ballots to our
2 uniformed and overseas voters. Today we mailed
3 70 ballots to uniformed and overseas voters. The
4 first ballots are out the door. The election has
5 officially begun. Additionally we're only 17
6 days away from mailing regular absentee-by-mail
7 ballots. We are just 25 days away from advance
8 in-person voting starting in 46 days from
9 election day.

10 In Cobb we've already trained all of our AIP
11 workers. And to bring them back in and retrain
12 them on new procedures at this time is not only
13 time prohibitive but very cost prohibitive and is
14 not a good use of our taxpayer dollars.

15 So, again, we join together to implore you
16 to mirror a 90-day quiet period on all rules.
17 Thank you.

18 **MR. COAN:** Thank you, Tate. That was timely
19 again. You guys have timed your speeches.
20 That's great. Appreciate your words.

21 Valerie Kennedy, you're up next.

22 **MS. KENNEDY:** My name is Valerie Kennedy and
23 I'm a resident of DeKalb County, Georgia, a
24 former election worker, and I'm a data nerd. So
25 I'm going to hit you with some facts here.

1 The majority of absentee ballots cast in
2 Georgia in the 2020 presidential election,
3 548,432, were cast by people age 66 and over.
4 And the second largest absentee ballots cast,
5 389,000 -- 389,289 were cast by people between
6 the ages of 45 to 64. Why does this matter?
7 Fifty-five percent of 2020 votes cast for the
8 Republican presidential candidate in Georgia were
9 cast by people over the age of 65. Fifty-two
10 percent of votes cast for him in that election
11 were by people between the ages of 45 to 64. The
12 proposed changes to absentee ballots will
13 disproportionately disenfranchise those voters.

14 I'm going to hit you with some facts about
15 voter fraud in general. August 16, 2014, Justin
16 Levitt, professor of Loyola Law School, expert in
17 constitutional law with a focus on election
18 administration, published an investigation
19 covering the years 2000 to 2014 elections, found
20 that out of 1 billion votes cast -- that's "b"
21 like Betty, billion -- 31 were found to be
22 fraudulent.

23 I also want to remind the board that on
24 November 13, 2020, the federal Cybersecurity
25 Infrastructure Security Agency issued a statement

1 the November 3rd election was the most secure in
2 American history. The head of that agency,
3 Christopher Krebs, was hand chosen by Donald
4 Trump to lead that agency. Ken Block, an expert
5 data analyst who was hired by Trump's team in
6 November of 2022 to investigate election fraud
7 and found zero evidence of it. Trump lost 61 of
8 62 of his voter fraud lawsuits with one of his
9 lawyers, Rudy Giuliani saying: We've got lots of
10 theories, we just don't have the evidence.

11 I'd also like to point that 80 million
12 voters in 2020 did not vote. So the idea that
13 people are going out of their way to commit fraud
14 when they are eligible to vote is a bit of a
15 stretch for me.

16 Lastly, two weeks ago in the -- on the -- at
17 the Lex Fridman podcast, Donald Trump said, not
18 sarcastically, that he lost the 2020 election by
19 a whisker. We know that these proposed changes
20 are designed to give him the advantage, and
21 they're nothing more than voter
22 disenfranchisement, voter suppression, and voter
23 election and worker intimidation. Thank you.

24 **MR. COAN:** Thank you, Valerie. I appreciate
25 your words.

1 I'm going to go ahead and call the next
2 five: Marci McCarthy, Jane Branscomb, Sam
3 Collier, Akiva Freidlin. I believe that's the
4 way it reads. So you guys can go ahead and get
5 in line, please.

6 And next we have Marisa Pyle.

7 **MS. PYLE:** Hi, board members. My name is
8 Marisa Pyle. I'm the senior democracy defense
9 manager at All Voting is Local Action, a
10 nonpartisan organization that advocates for
11 policies and legislative procedures that expand
12 voter access, not limit it.

13 I'm testifying in opposition to both
14 proposed rules, 183-1-14-.02 and 183-1-12-.12,
15 both regarding hand counts in elections. These
16 rules prevent a -- present a massive expansion of
17 external risk to the accuracy and security of
18 election results. What we are talking about in
19 plain terms is asking for thousands of people to
20 handle ballots before their totals are known or
21 formally reported without virtually a single
22 safeguard in place. Even without considering the
23 risk of any bad actors, this injects the gross
24 potential for human error to misplace, damage, or
25 misreport these ballots already being handled by

1 exhausted and overworked poll workers.

2 Adding in the risk of any potential bad
3 actors could lead to situations where our
4 election results are damaged before tabulation
5 even begins. Indeed the risks are stated plainly
6 in the very rule proposal brought by
7 Ms. Alexander. In the attached e-mail from
8 Secretary of State Elections Director Blake
9 Evans, I quote: Deciding to have poll workers
10 hand count ballots on election night is not
11 something your poll worker should do.

12 In order to ensure maximum security for
13 voted ballots, poll workers should not prolong
14 the process of removing ballots from ballot boxes
15 and sealing them in transport containers. This
16 process should be done efficiently,
17 transparently, and immediately after the votes
18 have closed -- polls have closed and votes have
19 been cast.

20 Simply put, this board and those before it
21 cannot have it both ways. We cannot claim that
22 it is a short -- a short chain of custody for
23 ballots is paramount while also passing rules
24 that vastly expand the handling of ballots
25 including prior to results being calculated.

1 What this rule means is that elections staff,
2 many of whom are here today, are wedged into an
3 ever more crushing situation of needing to
4 perform superhuman feats under rules that make it
5 virtually impossible for them to do their job.
6 There is unprecedented scrutiny on even the most
7 minor human missteps in our elections and
8 Georgians know that all too well.

9 Further, the Georgia Attorney General has
10 stated that these proposals are not tethered to
11 any statute and are impermissible legislation.

12 To close, this rulemaking process that the
13 board has choosed reflects the allocation of
14 precious time and resources towards solving
15 problems that don't exist. Election staff are
16 begging you to stop what this board is doing.

17 Once again we are here to consider rules
18 that expressly go against these needs. Why? Who
19 does this serve?

20 **MR. COAN:** Thank you --

21 **MS. PYLE:** I ask you to reject these rules.

22 **MR. COAN:** Thank you, Marisa. Appreciate
23 your comments.

24 Ellen, you're up next, please.

25 **MS. APTE:** Thank you. I am a mere lowly

1 resident of DeKalb County and I concur with
2 everything that's been said so far. I object to
3 these rules because of the increase -- they
4 increase the chance of human error in counting
5 the ballot and that makes it not a fair election.
6 And the cost and time consumption to the
7 taxpayers of Georgia is better spent elsewhere.

8 Thank you very much.

9 **MR. COAN:** You're as brief as I've ever
10 seen. Thank you. Appreciate that. You set the
11 record.

12 You've been shut off.

13 **MR. FERVIER:** You have the undying
14 appreciation of the chairman.

15 **MR. COAN:** All right. Let's see here. All
16 right. Next up we have Jacqueline Isaacson with
17 Marci McCarthy on deck.

18 **MS. ISAACSON:** Thank you. I'm from
19 Peachtree City which is in Fayette County. I've
20 been a poll worker for about four years,
21 including serving as assistant manager.

22 Poll workers go through extensive training
23 before the election. Training in my county
24 starts next Tuesday. On the election day,
25 there's a lot of paperwork, a lot of seals, a lot

1 of serial numbers, and a lot of checks and
2 balances at the opening, throughout the day, and
3 at the closing of the polls.

4 I'm glad to serve as a poll worker even
5 though it can be cumbersome, tiring, and
6 stressful at times. All of these proposals are
7 attempting to remedy problems that don't exist.
8 I'll address two in particular.

9 Hand counting on election day. There are
10 machine counts done at check-in, every hour
11 throughout the day, and at closing. They're done
12 with -- sorry, the check-in machines, the voting
13 machines that people use, and the machine in
14 which you insert your ballot. These are -- there
15 are existing instructions for any irregularities,
16 irregularities that I personally have never seen.

17 One time for the Warnock-Walker runoff
18 election, the poll manager required us to hand
19 count the votes even though it wasn't a
20 requirement and probably a little questionable.
21 We had to do it three times because of human
22 error because the machine was right, the people
23 weren't right.

24 Also poll watchers at election centers -- my
25 fellow poll workers and I receive a modest

1 stipend, but we do this to serve. We're carrying
2 out the election process. The proposed rules
3 will crowd locations, cause chaos in what is
4 already an intensive and organized process, and
5 critically there's a high potential for personal
6 information being compromised and poll workers
7 being intimidated.

8 In closing, these changes are under the
9 guise of transparency, but if passed would
10 unnecessarily encumber what are already fair and
11 honest processes. Again, please vote no. These
12 proposals are attempting to remedy problems that
13 don't exist. Thank you very much.

14 **MR. COAN:** Great job. Thank you for your
15 time and comments on that.

16 Next we have Marci McCarthy. I want to go
17 ahead and call out some more names: Mary Belle
18 Hodges, Michael Beach, Travis Doss.

19 If you guys want to go ahead and get in line
20 here, you're certainly welcome to do so. Help
21 everything move orderly.

22 Marci, you have the floor.

23 **MS. MCCARTHY:** Thank you very much. My name
24 is Marci McCarthy, and I'm the chair of the
25 Republican Party of DeKalb County, Georgia.

1 We have spent the last four years working
2 tirelessly to restore faith, integrity, and trust
3 in our elections system. Recently William
4 Henderson, a concerned citizen, used O.C.G.A.
5 21-2-230 to challenge over 5,000 ineligible
6 voters who were based on nonresidential
7 registrations and other clear violations. Many
8 have voted from their new addresses. So we're
9 just trying to clean these voter rolls. And this
10 reflects just about an eighth of the voter roll
11 -- active voter roll population in DeKalb County.

12 At the last DeKalb elections board meeting
13 that took place on September 12th, the board
14 gracious -- flagrantly ignored federal and state
15 laws, passing a resolution to block these
16 challenges rather than actually taking the time
17 to review them as required by law.

18 In response Mr. Henderson and the DeKalb
19 Republican Party have filed a lawsuit in DeKalb
20 Superior Court on September 17, 2024, seeking the
21 board to follow the law and properly process
22 these challenges.

23 We urge the SEB to take immediate action to
24 set clear procedures and enforce compliance with
25 O.C.G.A. 21-2-230. It is absolutely critical to

1 protect the integrity of our vote by ensuring
2 that ineligible voters are not allowed to dilute
3 the voice of eligible citizens.

4 Thank you.

5 **MR. COAN:** Thank you, Marci. That was very
6 good. Time and everything. So good job.

7 Okay. Next we have Jane Branscomb up.

8 Jane.

9 **MS. BRANSCOMB:** Good morning. Candidate
10 Trump praised three of you by name as pit bulls
11 fighting for honesty, transparency, and victory.
12 You are acting like pit bulls in pushing through
13 new rules without proper transparency, input, and
14 deliberation. And I'm sure there are many in
15 this room who believe the drum beat lie that
16 there was widespread fraud in the 2020 election
17 who will think you're fighting for honesty and
18 transparency.

19 But given that the system we have has been
20 proven over and over and over again to be free of
21 any systematic fraud and all but the most trivial
22 and innocent irregularities, your moves instead
23 are promoting chaos, election worker distress,
24 and voter anxiety.

25 The third objective of your actions that the

1 former president stated get straight to the heart
2 of the matter: victory. Specifically his
3 victory. Your actions attempt to stack the deck
4 for a particular outcome and that is the
5 definition of anti-democratic.

6 Thank you for hearing me.

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

9 Sam Collier, you're up next.

10 **MR. COLLIER:** Thank you. My name is Sam
11 Collier, longtime resident of Georgia, and I'm
12 pleased to talk to you today.

13 It's interesting -- I feel like there's two
14 movements, two tribes in the room. There's a
15 movement of people who are just assured that
16 there's a problem in their direction and some
17 others are sure there's a problem in their
18 direction. And so I think we're all here because
19 we're concerned about something, and I think we
20 ought to acknowledge that we all come here out of
21 a sense of concern.

22 I would say, though, that because we have
23 two different feeds -- a blue feed and a red
24 feed -- which have now turned into algorithms, if
25 you believe something and you click on things you

1 believe, before long you get deeper and deeper
2 into those because the algorithm leads you in
3 that direction.

4 So my algorithm doesn't lead me to believe
5 that there is widespread voter fraud that nobody
6 has happened to find out. And three quarters of
7 a billion dollars later, a court verdict shows
8 that it's probably not even true and that if you
9 espouse that in your algorithm, you may be
10 liable.

11 I tend to believe that having watched polls
12 at every step from closing the polls to the late
13 night bringing all the returns into a county
14 headquarters, to opening absentee ballots the day
15 after, to certifying absentee ballots that if you
16 disrupt the process that's been worked out for so
17 long, you will create far more chaos and far more
18 headlines and far more lawsuits and far more
19 grief than you ever imagined.

20 And I would truly urge the three pit bulls
21 to take that into account as you decide whether
22 you're going to pass this vote today.

23 Thank you.

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

1 Akiva Freidlin. Did I get that right?

2 **MR. FREIDLIN:** Pretty close.

3 **MR. COAN:** Close -- close enough. Okay.
4 (indiscernible).

5 **MR. FREIDLIN:** Good morning. I'm Akiva --
6 Akiva Freidlin. Good morning --

7 **MR. COAN:** Freidlin, okay. Thank you, sir.

8 **MR. FREIDLIN:** Thank you, honorable board
9 members. I'm an attorney at the ACLU of Georgia
10 where we work to ensure that voting is easy and
11 accessible for all Georgians, asking to wisely
12 reject all 11 petitions in the rulemaking phase
13 today. Especially asking you to vote against
14 revisions to 183-1-12-.12 about hand counting
15 ballots in polling places and 183-1-14-.02 about
16 hand counting at early vote locations.

17 These amendments add needless extra burdens
18 for our local officials. They would impose a
19 large expense of financial resources and staff
20 time that counties can hardly spare. They will
21 cause further delays and risk missing crucial
22 legal deadlines that will lead to litigation.
23 And that is why our hard-working election
24 officials from around the state are raising the
25 alarm at every stage.

1 I have also just learned that this morning
2 the Attorney General's Office sent this board a
3 letter stating that these rules are not tethered
4 to any statute and thus are likely the precise
5 type of impermissible legislation that agencies
6 like this board cannot do. I hope that you have
7 time to read that letter before you vote today.

8 The timing of the rules is especially
9 problematic. By taking effect on October 10th,
10 the rules would wreak havoc just five days before
11 the early vote period begins and 21 days before
12 the election.

13 That's also long after September 17th when
14 counties have begun sending absentee ballots to
15 our service members overseas so they can be in
16 this process. How are we going to change rules
17 that affect absentee ballots 23 days after
18 counties have been instructed to start mailing
19 them out?

20 Again as the AG's letter advised you this
21 morning, it is far too late for last-minute
22 rulemaking that will create significant confusion
23 for voters and burdens on local administrators.

24 Finally, one last point about the amendment
25 to 183-1-14-.02. It is incorrectly written. It

1 references precinct poll officers, a position
2 that does not exist during the early vote period.
3 And it calls for precinct reconciliation of
4 ballots which is impossible during early voting
5 because there you have polling places are vote
6 centers not precincts. Authors of the petition
7 should know the difference and the board should
8 refrain from codifying misunderstandings.

9 As you decide today, please put the needs of
10 Georgia voters first and thank you for your
11 attention.

12 **MR. COAN:** Thank you, Mr. Freidlin.

13 Next up we have Mary Belle Hodges.

14 **MS. HODGES:** Hi. Good morning. Mary Belle,
15 Gwinnett County. I am one of the peoples
16 enumerated in the Georgia Constitution, and I
17 think we've lost sight of a few standing
18 fundamentals. But first I'm going to say any way
19 that we can tighten up elections at a very local
20 drilled down level, that is critical to free,
21 fair elections and it's critical to the people
22 having the feeling that it's transparent.

23 The abnormal behavior that has happened over
24 inquiry at the county level and the state level
25 over the last year -- two years of elections,

1 that's -- that's what gives me pause. It's the
2 abnormal behavior. Why are the ballots being
3 held hostage? Why aren't the people who are --
4 the public servants are accountable to in
5 Georgia, why aren't the public servants allowing
6 us to see the accountability? So if you're so
7 certain, if you're so 100 percent certain that
8 everything is perfect in elections, show us the
9 ballots. They belong to the people. We can do
10 it with a custodian. But we can't even see the
11 ballots to see a reconciliation.

12 So, yes, we need the rules at the lowest
13 level to ensure countability and reconciliation
14 there. You wouldn't go to the bank teller and
15 see her run the money through your process and
16 walk away without counting it yourself.

17 Our ballots are as precious as money and
18 gold. They need to be guarded and the people
19 need to know. So I am in support of the bills.
20 But it -- this -- this continuing of dismissing
21 people's inquiry, just saying, well, it's a
22 fraud, those court cases haven't -- the evidence
23 hasn't even been looked at.

24 So let's -- let's have a real conversation.
25 You are public servants. You need to address

1 what the people's concerns are. And all these
2 people are welcome to come and speak, but
3 election superintendents, supervisors, you are
4 public servants as well. You are answerable to
5 the people, not to NGOs, not to Democracy Now.
6 You are answerable to the people. Thank you.

7 (Applause)

8 **MR. COAN:** Hold on.

9 **MR. FERVIER:** Don't make Mike hit that gavel
10 again.

11 **MR. COAN:** Next up we have Michael Beach.

12 **DR. BEACH:** Thanks. Boomer. Got paper. My
13 name is Dr. Michael Beach. I'm speaking as an
14 assistant poll manager.

15 There are only 25 days until early voting
16 and I ask you, as you've heard already, that you
17 respect county election officials across the
18 state who've been asking you for a 90-day
19 moratorium on rule changes before any election.
20 It's too late for changes.

21 Some process thoughts. I believe board
22 members want a process to hear full, accurate,
23 and truthful discussion on rule changes before
24 voting. Instead I see a process where
25 individuals submit proposals and often there are

1 false narratives and reference misleading or
2 false information.

3 I'm not aware of any other rulemaking
4 process that hears seemingly unlimited oral
5 presentation from the petitioner with no oral
6 process for listening to other perspectives. I
7 ask you to develop a process where decisions are
8 based on a full, well-rounded, and fact-based
9 summary for each proposal.

10 I'd like to ask what the board's trying to
11 accomplish when they are doing this. I haven't
12 heard you ask petitioners what problem are you
13 trying to solve? What documentation says that
14 such a problem exists? Why do we need this?

15 We should be using accurate data and
16 information to identify key areas for improvement
17 to target our limited time and resources.
18 Attempting to make such a complex process
19 error-free is resulting in over bureaucratization
20 by amassing layer upon layer of rules which may
21 likely increase errors.

22 We have to accept that this has become an
23 argument between a belief that elections are not
24 secure and the facts that they are secure.
25 Changing beliefs cannot be accomplished easily.

1 There will always be new beliefs requiring
2 endless new rules.

3 Finally, I've been through the proposed
4 rules. I won't get into the details, you've
5 heard some of them. Much of what I see is
6 already part of the polling place protocol. I
7 wish petitioners would become poll workers and
8 thoroughly study poll worker manuals so we could
9 focus on needed improvements.

10 So in summary, we should weigh the facts
11 about the security of our elections, the impact
12 of increased staff turnover, the increased
13 difficulty recruiting poll workers, and the
14 efficient use of taxpayer money so Georgia
15 continues to have secure elections.

16 Thank you.

17 **MR. COAN:** Thank you, Michael. I appreciate
18 your comments.

19 Okay, let's go ahead and get the next five
20 in line. We've got Tonnie Adams, Kevin
21 Muldowney, Kathleen Hamill, Lisa Rutherford. And
22 we'll go ahead and -- Matt Rowenczak as well.
23 That's the next five.

24 **UNIDENTIFIED SPEAKER:** (off microphone,
25 indiscernible)

1 **MR. COAN:** God bless you.

2 **MR. FERVIER:** (off microphone) You win a big
3 prize (indiscernible). You've become the chair's
4 favorite.

5 **UNIDENTIFIED SPEAKER:** (off microphone,
6 indiscernible).

7 **MR. COAN:** Thank you, Ms. Rutherford. We
8 appreciate that, and I'll go ahead and mark you
9 as present. All right. Next up we have Travis
10 Doss.

11 **MR. DOSS:** Good morning. My name is Travis
12 Doss and I serve as the executive director of the
13 Richmond County Board of Elections with over 29
14 years of experience in election administration.
15 I currently hold the position of president of the
16 Georgia Association of Voter Registration and --
17 president of the Voter Registrations and Election
18 Officials. I have previously served as president
19 of the Voter Registrars Association. I am both
20 certified -- a certified Georgia election
21 official and a certified election administrator.

22 I am here today to respectfully request that
23 you delay your decision on the 11 proposed rules
24 currently under consideration. Federal law
25 mandates a 90-day quiet period for any changes to

1 voter registration and core election procedures.
2 State law requires a 60-day notice for polling
3 place changes and precinct adjustments.

4 Current SEB regulations necessitate a 30-day
5 notification of any voters if you are changing a
6 polling place. Should you approve these rules
7 today, they will not legally take effect until
8 October the 11th, leaving us only 25 days until
9 election day. Twenty-five days is an extremely
10 limited window, especially when we are this close
11 to the election. This is akin to entering the
12 third trimester of pregnancy, nearing the due
13 date.

14 Now is simply not the time to implement
15 sweeping changes that could create unnecessary
16 confusion and disruption. As recent history
17 shows, election changes made in the final stage
18 often becomes the focal points of postelection
19 controversy.

20 In 2018, Stacey Abrams attributed her loss
21 in the gubernatorial race to changes made by then
22 Secretary of State Brian Kemp. In 2020, Donald
23 Trump blamed Secretary of State Brad
24 Raffensperger for voting methods and absentee
25 ballot changes. In 2024, whoever loses will

1 likely look for a similar scapegoat and these
2 last-minute rule changes may become the reason.

3 Please do not provide additional grounds for
4 confusion or blame. I urge you to take this into
5 consideration and delay your decision on these
6 proposed rules. Thank you.

7 **MR. COAN:** Thank you, Travis. Appreciate
8 your comments. Next we have Tonnie Adams.

9 **MR. ADAMS:** My name is Tonnie Adams. I'm
10 the election supervisor in Heard County, Georgia.
11 I'm a member of GAVREO.

12 Imagine, if you will, the national
13 championship football game. Everyone has been
14 anticipating this matchup between the teams for
15 four years. Fans of both teams are waiting to
16 take part in the game to root for their side.
17 However, there's a small group of fans who do not
18 like the way the game is being played.

19 So they have decided to approach the five
20 commissioners of the football league to change
21 the rules less than two months before the game.
22 Three of these commissioners think it's a good
23 idea to change the rules despite the pleadings of
24 the officials on the field who will be the
25 referees and must understand the rules of the

1 game the players and fans operate under. The
2 other two commissioners have made the point that
3 changing the rules this close to the playing of
4 the game might confuse the players on the field,
5 the referees, and the fans watching the game.
6 The game officials have been told that the rule
7 changes the commissioners have proposed are
8 common sense rule changes.

9 This is all despite the fact that some of
10 the changes the fans in the peanut gallery have
11 proposed violate the official rules of the game
12 as written by the overarching body who determines
13 the final say of how the game is played. Some of
14 the rules contain changes the commissioners are
15 not even allowed to make because they lack the
16 statutory authority to make those changes.

17 So despite the pleas of their fellow
18 commissioners, the referees on the field, the
19 concerned fans, they decide to go forward with
20 these changes. The game time approaches and no
21 one is sure what the rules are because of all the
22 confusion the new rules have caused. The game is
23 played. As the action unfolds, the referees do
24 their best to implement the new rules.

25 However, the confusion with the new rules

1 causes there to be irregularities. During the
2 postgame news conference, the media asked the
3 commissioners why there was so much confusion on
4 the field. In response the commissioners who
5 proposed the new rules so close to the game say
6 that the new rules were common sense rules. So
7 the problem must've been with the officials
8 tasked with their implementation.

9 Is this what will happen when confusion
10 leads to inconsistencies with the November 5,
11 2024, election? Who will be given the blame when
12 new rules cause chaos?

13 **MR. COAN:** Thank you, Tonnie. I appreciate
14 your comments. Let's go ahead and add some more
15 folks in the line, please: Matt Rowenczak,
16 Milton Kidd, Joseph Kirk, Julie Adams, and Ethan
17 Compton, please. If you guys will get in line,
18 that would be very helpful. I didn't think I
19 called everybody.

20 Okay. Kevin Muldowney, you're -- you've got
21 the floor.

22 **MR. MULDOWNNEY:** Good morning. Kevin
23 Muldowney. I worked as a poll worker, poll
24 watcher, a poll tech, absentee ballot
25 adjudication.

1 I firmly support the proposed rules before
2 this board and sincerely want to thank you all
3 for your hard work. These rules will give much
4 needed support, transparency, and clarity to
5 existing Georgia election law. We are, after
6 all, a constitutional republic. We are governed
7 by laws and clarity of those laws is of utmost
8 importance.

9 It's hard to imagine how anyone interested
10 in free and fair elections could oppose any of
11 them. GAVREO, a suspiciously partisan group, is
12 trying to make any argument they can to stop the
13 process. These proposed rules will increase
14 confidence in our voting process and will be
15 virtually invisible to the voter's experience.

16 Onto the issue of an election monitoring
17 team for Fulton County. The very reason an
18 election oversight team was ever considered was
19 due to the fact of documented and very real --
20 very real manipulation of past elections by
21 Fulton County elections department.

22 Both Ryan Germany and the Carter Center have
23 gone on record praising the supposed accuracy and
24 perfect result of the 2020 election. That in
25 itself completely disqualifies both of these

1 entities. If the decision is made after fully
2 adjudicating Rossi and Moncla, then we -- that we
3 do in fact need a monitoring team, that team
4 should be carefully chosen and approved by this
5 board in its entirety.

6 Thank you.

7 **MR. COAN:** Thank you, Kevin, very much.
8 Well, your timing was great. Thank you for your
9 comments.

10 Okay. Next up we have Kathleen Hamill.

11 And, Matt, you're on deck.

12 **MS. HAMILL:** Good morning. My name is
13 Kathleen Hamill, and I'm here today on behalf of
14 the nonpartisan Georgia Democracy Task Force.

15 We believe deeply in the integrity of our
16 current voting system. Our system is safe, it is
17 secure, not perfect, it has stood the test of
18 time. But today I must express our grave concern
19 over the proposed 11 rules. These rules threaten
20 to upend our election process in just 46 days.

21 The earliest these rules could take effect
22 is October 14th. That's one week after counties
23 begin mailing absentee ballots. It is one day
24 before early voting starts and it is long after
25 overseas and military ballots must be mailed,

1 which is by September 21st, tomorrow.

2 This timeline is not just tight, it is
3 impossible. Imagine the uncertainty and the
4 confusion and the added burden on election
5 workers and county budgets. These rules do not
6 protect our elections, they undermine them. Our
7 Georgia election laws are among the most robust
8 in the nation. They have been tested. They have
9 been audited. They work.

10 The U.S. Supreme Court has warned us about
11 this very situation. In the Purcell decision,
12 the court cautioned against last-minute rule
13 changes. Such changes confuse voters. They
14 erode trust. They compromise election integrity.

15 We, the Georgia Democracy Task Force, cannot
16 stand by and allow this 11th hour attempt to
17 thwart our system. It is undisputed that your
18 job is to represent all voters in the state of
19 Georgia and to ensure fair, legal, and orderly
20 elections. These last-minute rule changes make
21 it impossible for you to fulfill that duty.

22 Thank you.

23 **MR. COAN:** Thank you, Kathleen, I appreciate
24 your comments.

25 Next up we have Matt Rowanczak.

1 Milton Kidd, you're on deck.

2 **MR. ROWENCZAK:** Hi, good morning, board.

3 First of all, as a Georgia voter and especially
4 since I'm a Fulton County voter, I'm very much in
5 support of the rules before you today. They make
6 a whole lot of logical sense and I ask you for
7 your approval today.

8 And many of the comments before not once
9 have talked about ensuring the accuracy of the
10 election. And there is evidence of previous
11 issues that we could talk about for pretty much
12 all day.

13 Secondly, watching the GAVREO group's
14 behavior, in my opinion you're losing
15 credibility. Let me give you an example. The
16 claim that counting the number of physical
17 ballots as a means of reconciliation undermines
18 confidence? So is it GAVREO's official position
19 that you do not believe in reconciliation?

20 Let's pretend for a second that Georgia and
21 the United States and many countries around the
22 world hasn't done this for decades, upon decades,
23 upon decades and outside the U.S. centuries upon
24 centuries.

25 Let's pretend that someone appears at the

1 bank. They give five 20-dollar bills. And the
2 bank gives you a deposit slip of \$80. You say:
3 I gave you a hundred dollars. The teller says:
4 The receipt says 80. You say: Well, count the
5 bills I gave you. The teller responds: I'm
6 sorry, that's no longer our procedure. The
7 person says: Well, when you do reconciliation at
8 the end of the day. They say: No sorry, that's
9 no longer our procedure either. But I gave you a
10 hundred dollars. Sorry, sir, receipt says \$80.

11 And if you want an example of evidence, let
12 me remind you what happened in 2022 in DeKalb in
13 the primary. This very rule would have prevented
14 Michelle Long Spears who ended up in last. When
15 they counted the physical ballots -- which this
16 rule isn't even counting the results, it's just
17 the ballots themselves -- went from last place
18 with about 3,000 votes to over 6500 votes and she
19 won the race.

20 This rule is very important. It makes a lot
21 of sense. And you would never advocate for no
22 reconciliation in your daily lives because you
23 would be raising hell.

24 Thank you.

25 **MR. COAN:** Thank you, Mr. Muldowney. Thank

1 you for your comments.

2 Next up we have Milton Kidd.

3 **MR. KIDD:** My name is Milton Kidd. I'm the
4 elections director for Douglas County. I have a
5 full set of my responses to the proposed rules
6 but I'm going to throw that out.

7 History is watching. The world is watching.
8 What we do here today matters and what we do here
9 today is important.

10 To the last commenter, we do do
11 reconciliation. Every elections office does
12 reconciliation. Not physically counting the
13 ballots by poll workers that have worked 16 hours
14 and getting an accurate count because they're
15 just counting the physical ballots themselves.
16 They're not tabulating results. So that's not
17 reconciliation.

18 The idea that you're not going to listen to
19 the individuals that are charged with conducting
20 elections is absurd to me. For the board members
21 that want to implement these rules because
22 they're most likely going to implement them
23 because they have the numbers, I challenge you to
24 go into any county in the state of Georgia and to
25 do the rule that you're passing on today. Work

1 as a poll worker all day and then count the
2 ballots.

3 We all have given our lives -- most of us
4 worked decades in these career paths. And to say
5 that we don't know what we're talking about, you
6 wouldn't say that to any other professional.
7 I've stayed at a lot of Waffle Houses in my life
8 but that does not qualify me to operate a Waffle
9 House. Listen to the experts. This is -- you
10 can't even make this up. The world is watching
11 what we do here today. The world is going to
12 hold us accountable for the decisions that we
13 make. It matters.

14 If this is -- if this is how we're governing
15 ourselves, let's be adults in the room and not
16 push partisan ideology and partisan issues.
17 Let's make rules that make sense and listen to
18 the people. Let the people vote.

19 **MR. FERVIER:** Okay. Let me just say for the
20 record that was not a paid advertisement for
21 Waffle House.

22 **MR. COAN:** Thank you for your comments,
23 Milton.

24 Okay. Next up we have Joseph Kirk. Let's
25 go ahead and get these last -- these are the last

1 ones on the list for today speaking. No applause
2 please.

3 **MR. FERVIER:** Yes. Please, no applause.

4 **MR. COAN:** Sandy Schoepke, Richard Shroeder,
5 Kristen Nabers, Saira Draper, please get in line.
6 And that'll -- that'll conclude today's comments
7 after those folks have spoken.

8 **MR. FERVIER:** That'll conclude the morning
9 comment session.

10 **MR. COAN:** Morning, yes.

11 **MR. FERVIER:** But we will have an afternoon
12 commenting session.

13 **MR. COAN:** Yes.

14 Joseph Kirk, you have the floor.

15 **MR. KIRK:** Thank you. I want to thank you
16 for the opportunity to speak. My name is Joseph
17 Kirk. I'm the election supervisor from Bartow
18 County. I've been in that position since 2007.
19 I'm also the president-elect of GAVREO.

20 Like my other members that are here today,
21 I'm here to speak by myself -- on behalf of
22 myself, not my organization. But I would like to
23 flag that GAVREO did submit comments about the
24 proposed rules. I'm not going to step through
25 each rule today but I do welcome folks to read

1 those comments. If you do, you will see, for
2 example, we have never stood against
3 reconciliation, just the procedure outlined in
4 the rule. There's other ways to do it.

5 What I'm here to do today is to alert y'all
6 that in my professional opinion these rules go
7 beyond the statute authority of the board. And
8 from what I've heard this morning, both the
9 Secretary of State and the Attorney General have
10 advised you pretty much the same thing.

11 The idea of passing rules on the assumption
12 that someone would stop you if you were wrong is
13 no different than an unqualified voter or a
14 person applying for a ballot on the assumption
15 that my office is going to stop them if they
16 can't vote. And I've had to turn folks in to
17 y'all for that before.

18 I ask that rather than pass the rules today,
19 that you slow down and work with us, the election
20 professionals, to craft rules that work within
21 the law rather than attempting to fill perceived
22 gaps in the law; acknowledge (indiscernible) of
23 modern election administration; achieve the
24 goal -- achieve the goals as efficiently as
25 possible that are passed outside the ninety-day

1 quiet period for any regularly scheduled
2 election.

3 As my colleagues mentioned, the election has
4 already begun. We need to focus on a smooth and
5 orderly election that's conducted in accordance
6 with state law, federal law. We need to focus on
7 instructing our employees and citizens of
8 rules -- what the rules are and what to expect.

9 Unless there's a true emergency, we need
10 time to put any new procedures in place. I'm
11 here to tell you that time has already passed.

12 Thank you.

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

14 Next up we have Julie Adams.

15 **MS. ADAMS:** Good morning. So first of all,
16 I want to thank the SEB members. And we all know
17 that this is a civic duty that you're doing and
18 we appreciate the time and energy that you have
19 put in and the thoughtfulness. I think that you
20 all have -- are considering some great rules.

21 And I'm really, really interested in all
22 these comments on how harsh this is going to be
23 for our elections. Because as I look at the
24 rules today, we have ones that post things that
25 are elections data for the public to see, we have

1 more poll watchers in the tabulation center, and
2 then the one that is the big complaint is
3 counting the ballots in the polling locations.
4 So I know it's already been mentioned here
5 before, but I want to stress that if you go into
6 the bank, if you drive home on the way to the
7 bank and you go in and say I want a thousand
8 dollars, a machine is going to count the thousand
9 dollars. The teller is going to hand count to
10 make sure it's a thousand dollars. And you, as
11 the banker -- the person or the bankee, I guess,
12 coming in to get the money are going to count and
13 make sure it's a thousand dollars.

14 I -- I just -- I don't understand the
15 reconciliation of these ballots and the counting
16 and all of the kickback that it's getting.
17 But -- but I just want to say I appreciate all
18 these laws are lawful. They fall within the law.
19 They provide more accuracy and transparency. And
20 I'm interested why we have so many people
21 questioning them.

22 Thank you.

23 **MR. COAN:** Thank you, Julie. We appreciate
24 your comments.

25 Next up is Ethan Compton.

1 **MR. COMPTON:** Hi, I'm Ethan Compton. I'm a
2 concerned citizen of Wilcox County and the
3 elections supervisor of Irwin County.

4 So far this year rules passed by this board
5 have cost the voters of Irwin County 5 cents per
6 voter. If passed, rules under consideration
7 today could cost them up to 65 cents per voter.
8 That adds up across the millions of voters across
9 Georgia.

10 Over 200 pages of elections code and rules
11 have been implemented since 2020. We have
12 practiced on them. We have trained. We are
13 prepared. We are ready. Do not change this at
14 the last second.

15 To bring back the football reference that
16 supervisor Adams brought up, it's not two minutes
17 before the game. Military ballots have already
18 been issued. We have started. The election has
19 begun. We are in the middle of voting. This is
20 not the time to change the rules. That will only
21 lower the integrity of our elections and lower
22 the integrity of what we do.

23 Personally, there are 159 counties and they
24 each have different methods to comply with the
25 law. My county does hand reconcile our ballots.

1 We are blessed with the resources to be able to
2 do so. We do hand count to make sure each
3 precinct matches up. What we don't do is this
4 rules opinion to have it done at the end of a
5 16-plus-hour day with tired poll workers. That
6 will only invite in accuracy and will be done
7 without maintaining a secure chain of custody.

8 Don't break my seals. Don't break my chain
9 of custody. What we do, we have the poll
10 watchers view, we log it, we log the seals on the
11 ballot container and bring it back to our office.
12 The public is open to observe our hand
13 reconciliation where we do match up per precinct
14 exactly how the rule says into batches of fifty.
15 And we make sure that those seals are not
16 tampered with.

17 I have a difference in opinion on this rule
18 because you're violating the integrity of those
19 ballots. You're violating the chain of custody.
20 Others have other perfectly good reasons but
21 trying to have this be counted at the end of an
22 election day will only invite errors.

23 Please vote no. Please work with us. Try
24 to make sure that these rules are more carefully
25 thought out to be successful ones that we can

1 implement correctly. Thank you.

2 **MR. COAN:** Thank you for your comments,
3 Ethan. We appreciate that.

4 Sandy, you're up next and you've got Richard
5 on deck.

6 **MS. SCHOEPKE:** Good morning, board members.
7 I've never done this before, so I'm very excited
8 to be here. I'm a Fulton County voter and I'd
9 like to express the need for a good monitoring
10 team for Fulton County for this election.

11 The Ryan German[sic] proposal is full of rot
12 and conflicts of interest. And the same old
13 playbook of the creative -- that creates the
14 narrative that everything is fine in Fulton
15 County is not the case.

16 I will give you an example of what's going
17 on in Fulton elections now. In their training
18 for their poll -- poll workers, they are telling
19 them not to ask questions when -- if they ask
20 questions, they will get dinged. And we all know
21 what happens when we get dinged. That means
22 letting them go.

23 They're being told essentially that if
24 someone walks into a poll and doesn't look like
25 the picture of the person on the ID, that they're

1 supposed to not ask questions. Does that sound
2 like a county that's improved or firmly committed
3 to following the law? The same county where two
4 of the -- its election board members are on
5 lawsuit against this body, the same board members
6 in 2022 that recertified the results with zero
7 documentation in front of them. A good
8 monitoring team is needed.

9 Lastly, the rules that are before you today
10 I think are excellent and should be approved.

11 Thank you very much for this opportunity.

12 **MR. COAN:** Thank you, Sandy. You did a
13 great job. Appreciate you.

14 All right. Next up we've got Richard.

15 And, Kristen Nabers, you're on deck.

16 And, Saira, you're going to bat cleanup.

17 So thank you guys. Appreciate it.

18 **MR. SHROEDER:** I'm Richard Shroeder. First
19 of all, this isn't my speech.

20 I'm a U.S. Army veteran and I took an oath
21 to defend the Constitution of the United States
22 of America. I'm also a poll worker in Hall
23 County. I'm the tabulator lead. I take the
24 paper ballots out of the tabulator, put them in a
25 container. I'll stay till the -- as long as it

1 takes to count those ballots and make our
2 elections more -- better.

3 Now I'm going to my -- what I got.
4 Following the 2020 election, there was a
5 significant lack of confidence in Georgia
6 elections system with many electors concerned
7 about allegations of rampant voter fraud.

8 This sentence is in this book probably a
9 hundred times. They put it as an editor's note
10 after just about every law. They had to address
11 the problems that were evident in the 2020
12 election. The changes made in this legislation
13 in 2021 are designed to address a lack of elector
14 confidence in the elections system.

15 I appreciate this current board and the
16 progress in obtaining these goals for fair
17 elections. However, the latest efforts last
18 summer from my legislator does little to address
19 the issues that plague our voting system today.

20 We're still using the vulnerable electronic
21 voting machines. We're running elections through
22 an illegal QR code and sealing the electors
23 readable ballots as in 300 into containers that
24 are stored in various locations around the state
25 with questionable chain of custody in place.

1 Going back to last December, we had an SEB
2 meeting on December 20th when Garland Favorito
3 and Marilyn Marks was petitioning the board.
4 There was hardly a dozen people in attendance,
5 much unlike the previous day when the room was
6 packed up.

7 There was a motion to make the sealed paper
8 ballots available to the county board of
9 elections and to the public. The motion died
10 with no second motion from the rest of the board.
11 The current board has come a long way since that
12 fateful day in December. We're actually passing
13 rules that would make our elections more
14 transparent and believable. These changes
15 promote improvements for future elections.

16 The motion to unseal the paper readable
17 ballots from the previous elections will not only
18 address the confidence and integrity of our
19 elections but it could actually be the key to the
20 questionable outcome that created the mistrust of
21 the public.

22 I make a plea today for this board to pass a
23 motion. Unseal our readable paper ballots. Let
24 us see our votes. Thank you for my time.

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

1 Richard.

2 Next up we have Kristen Nabers and Saira
3 Draper on deck.

4 **MS. NABERS:** Thank you, board. My name is
5 Kristen Nabers. I'm the state director for All
6 Voting is Local Action. We're a nonpartisan
7 organization that advocates for policies and
8 legislative priorities that expand voter access.

9 I'm here today to add my voice to the many
10 election officials who have raised concerns
11 regarding the two rules proposed by Sharlene
12 Alexander which would require hand counts on
13 every voting day. I brought with me 1,872 pages
14 of paper representing what a stack of ballots
15 could look like on a busy counting day. And
16 busier, larger precincts may have even more than
17 this number.

18 If I were to hand this stack of paper to
19 three random people in this room, especially at
20 the end of a long voting day, and ask them to
21 arrive at the same total number do we think
22 that's feasible? Because I personally don't
23 think that's very feasible.

24 Asking our ele -- asking our election
25 workers to do this on every voting day is asking

1 for errors. I've personally watched multiple
2 counties conduct full hand counts over the past
3 year. It's normal that many times an hour we can
4 expect small errors, the type of thing where
5 someone's count is off by one or two. This would
6 result in having to count again. We'll also see
7 mistakes where someone says one number when they
8 mean a different one which can lead to tallies
9 seeming not to match when they actually do.

10 I've also seen more significant errors made,
11 including when one county added up their early
12 vote numbers and the totals were significantly
13 off by about 10 percent. It took them three
14 tries with a weekend of rest in between to tally
15 the numbers correctly. And this was for a race
16 with 2,200 ballots, so not much bigger than this
17 stack here today.

18 I have someone helping me hold this stack
19 because I was too worried it would fall on the
20 floor and make a mess. Like, imagine if those
21 were ballots.

22 None of the errors I have ever witnessed
23 have been due to a machine problem or any type of
24 voter malfeasance. In every single case it's
25 been a human error. Counting large numbers of

1 anything one by one is an incredibly tedious
2 process and not one humans are well-equipped for.
3 People doing a hand count are going to make
4 mistakes which can then be exploited to spread
5 lies and sow further distrust in our elections
6 and our election officials.

7 It's worth noting that a number of election
8 officials have gone on record recently about the
9 threats they've been facing from activists who
10 don't believe our elections are fair. Passing
11 this rule is just going to add fuel to that fire.

12 I urge you to reject these proposals. Thank
13 you.

14 **MR. COAN:** We appreciate your comments,
15 Kristen.

16 Next up we have Saira Draper and be -- and
17 that'll finish the morning.

18 **MS. DRAPER:** Thank you. Good morning,
19 everyone. My name is Saira Draper. I'm the
20 state representative for House District 90.

21 And as I've listened to the comments today,
22 I think a lot about what it means to act in good
23 faith. You know, as a legislator, especially on
24 the minority side -- on the minority party side,
25 I try to approach all my conversations with my

1 colleagues in good faith and assuming that they
2 are also operating in good faith because I
3 believe that even when there are policy
4 differences, you can reach a middle ground.

5 And I think a lot of people here today that
6 have testified and given commentary have presumed
7 you're approaching this issue with good faith.
8 And they have presented to you all of the
9 operational issues, logistical issues,
10 practicalities of implementing these rules so
11 close to election days.

12 And I'm blown away by the number of election
13 professionals, nonpartisan election
14 professionals, that have put their names on the
15 line to come up here and talk to you today.
16 Because I have been following the state election
17 board for many, many, many years, and I have
18 never seen a reaction to a slate of rules like
19 what I am witnessing today.

20 But I have to say, you know, we're talking
21 about poll workers that have already been
22 trained, right? We are talking about all these
23 last-minute changes, and it makes me question
24 whether members of this board are operating in
25 good faith.

1 Here is what I think is happening. Because
2 I know there's a bunch of really nice suits and
3 we're in a really nice building, but at the end
4 of the day I think putting 11 maybe 12 rules into
5 play days before election day is a gift. I
6 think what is happening is we are setting up our
7 counties to fail. Why do we know they're going
8 to fail? Because they are telling you that.
9 They are telling you they cannot implement these
10 rules with the time we have left and with the
11 funds they do not have. They're telling you
12 that.

13 And when these counties fail, when there are
14 inaccuracies, if there is a result of the
15 election that some of the members of this board
16 do not like, they will be able to point to those
17 inaccuracies and they will say that this is --
18 that the election isn't accurate, that there is a
19 lack of integrity in the election.

20 I think the bottom line is if your purported
21 goal is to bring accuracy and integrity to our
22 election, we now have an overwhelming mountain of
23 evidence that these rules will not achieve that
24 goal.

25 So what are we trying to do here? We're

1 trying to sow chaos, we're trying to invite
2 disruption by putting our counties up to fail. I
3 think that is exactly what is happening here. I
4 hope you prove me wrong. Thank you very much.

5 **MR. FERVIER:** How many -- how many total
6 people do we have?

7 **MR. COAN:** Coming up?

8 **MR. FERVIER:** Yeah, total. Total signed up.

9 **MR. COAN:** You've got about twenty-five
10 more.

11 **MR. FERVIER:** All right. There were 53
12 people that signed up to speak on the agenda. We
13 had allotted for 30 to speak in the morning and
14 then the remainder at the end of the meeting.
15 We've gone through the first 30 people and I
16 appreciate your comments. The board appreciates
17 your comments.

18 At this time, before we start diving into
19 these rules, the chair would entertain a comfort
20 break.

21 **MR. JEFFARES:** So moved.

22 **MR. FERVIER:** We have a motion for a
23 ten-minute comfort break. Do we have a second?

24 **MS. KING:** 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'll have a ten-minute comfort break.
5 Thank you.

6 (Recess)

7 **MR. FERVIER:** This meeting is now called
8 back in session. This morning was the appetizer.
9 Now we're -- now we're getting to the main course
10 which are the petitions themselves. We're going
11 to go slightly out of order. We've had a request
12 to go out of order and the board has agreed to
13 it.

14 So we will hear discussion and voting on
15 proposed rule amendment to SEB rule 183-1-12-.12,
16 which is tab number 5 in the board's -- we're
17 going to try and put a little order in this. So
18 we're going to ask the petitioners to come up and
19 speak to the petition and give them ten minutes
20 for yourself and whoever else you want to speak
21 on your behalf for the petitions. And then we'll
22 reserve time after that for the board to ask
23 questions or if the board wants to hear from
24 anybody else.

25 We won't be taking public comments from --

1 unless the board wants somebody in the audience
2 to speak. And the board can ask for whoever they
3 want to, obviously, but -- so if the board
4 identifies somebody to speak, we'll listen to
5 them.

6 So we're going to try for ten minutes.
7 We've heard all of these petitions before, so
8 we're not -- we're not plowing new ground here.
9 So ten minutes with the petitioners and then the
10 board will ask any questions or listen to any
11 other speakers that they want to hear either pro
12 or against the petitions themselves.

13 Okay. And once again, let's observe all
14 rules of courtesy and kindness and respect. I
15 just ask you to be nice to people.

16 So the first one is discussion and voting on
17 proposed rule amendment to SEB rule 183-1-12-.12,
18 tabulating results. Subject of the rule is hand
19 counting. Presentation from Sharlene Alexander
20 and Janelle King -- member of the board Janelle
21 King. Okay.

22 **Discussion and Voting on Proposed Rule Amendment to**
23 **SEB Rule 183-1-12-.12 (Tabulating Results)**

24 **MS. ALEXANDER:** (off microphone,
25 indiscernible) Sharlene Alexander. I am a

1 34-year resident of Fayette County, and I want to
2 make it very clear that every time I have
3 presented a petition, I'm presenting it as an
4 individual and not on behalf of any organization
5 or any other individual.

6 I find it amazing that since most of us in
7 many of our counties on this hand count of
8 ballots -- we did it. I don't know about the
9 rest of you, but I've heard from a number of
10 counties that we used to always hand count.
11 Since 2020 we hand counted the ballots on
12 election day and we also did it during early
13 voting. So I don't understand why this big
14 uproar is going on. And we didn't think that it
15 added that much time.

16 One thing I do want to say is there's a lot
17 of misunderstanding of this rule. We are not --
18 not saying that we are tabulating those ballots.
19 We are strictly counting the number of ballots
20 that come out of that scanner.

21 And I'm going to show you something because
22 I've just -- I don't understand how this goes.
23 But let's say this is a stack of ballots, all
24 right? Paper might be a little bit thicker. All
25 you're going to do is you can take a finger glove

1 or a -- Stop Kwik, that licky stuff, and all
2 you're going to do is these are going to come in,
3 they're going to be upside down. You could be
4 looking at the back. It doesn't matter. You're
5 pulling them out of a pile. And you're strictly
6 going to go to the corner and you're just going
7 to count those ballots. Now, how difficult is
8 that? That is not a big deal. I mean, in my
9 opinion, that's not a big deal.

10 So -- and you should be thankful. I mean,
11 if everything is so good and we're back there and
12 we are counting these ballots and three of them
13 come up with the same amount and it agrees with
14 the scanner, great. Have you ever heard the
15 term, "cross-check," which we have in the
16 airlines, we have all over the place?
17 Cross-check means that we are verifying a set of
18 numbers or discussion by using another means.
19 That's all we're doing. We are strictly saying
20 that the ballots came out of the scanner and we
21 are going to say this is the total number of
22 ballots.

23 It is not that difficult. I don't know why
24 you keep saying that there's going to be errors.
25 You put them in stacks of 50 and cross lay them.

1 The reason you do that is as you put those stacks
2 of fifty together and you count them and you go
3 to the total count -- let's say you've come up
4 and one of you has one or two different than the
5 other two. It's very easy to go through a stack
6 of 50 and find the one that's missing. That has
7 happened. But you -- you keep going until you
8 have it.

9 So I think there's just been a whole lot of
10 misunderstanding about this rule. You're making
11 it -- blowing it way out of proportion. I have
12 been a poll manager -- not poll manager, excuse
13 me -- poll worker, poll watcher, and I have been
14 an assistant manager. I have done these counts.

15 And I just don't understand why you're
16 fighting it like you are. The taxpayers pay your
17 job, you do your job, and, you know, you want to
18 ensure that everything is correct. That's all
19 we're asking is that you are double-checking the
20 ballots that came out.

21 I'm going to turn this over since we're
22 under a ten-minute guideline and we've discussed
23 it many times. I have the good fortune that one
24 of several co-authors of the Help America Vote
25 Act is here with us today. And I'm going to

1 introduce Mr. Harry Haury and he's going to
2 explain to you the concepts of chain of custody
3 as well as paper audit trails.

4 Thank you.

5 **MR. HAURY:** As introduced, my name is Harry
6 Haury. I've been active in elections since the
7 1990s. Most people don't know it but the Help
8 America Vote Act was written by people from
9 Missouri and I happen to be from Missouri. That
10 was John Ashcroft and Paul DeGregorio and one
11 private individual that was a casual cyber and
12 operational consultant. That was me. So there
13 were hundreds of people involved.

14 We got involved first in *Bush v Gore*. And
15 the goal of the Help America Vote Act was very
16 simple. We didn't want to have litigation. We
17 wanted to have a pristine election system. The
18 concept behind HAVA, or the Help America Vote
19 Act, was to create a system that was self
20 proving. That implies the ability to audit and
21 reconcile. What we find here across the whole
22 country is a lack of reconciliation or control
23 points.

24 Anybody that has any experience in
25 auditing -- and I have both financial auditing

1 experience and cyber forensic auditing experience
2 knows that you have to have control measures so
3 that you can figure out what happened when
4 there's an error. Most people don't understand
5 this, but in 2022 the official election results
6 in Georgia still have a 39,000-vote discrepancy
7 between the official number of voters and the
8 official number of votes. I am not saying that
9 that was an error in the count. I'm saying that
10 the control systems are not working.

11 There have been a lot of things done in
12 Georgia to improve this situation. I will
13 acknowledge that we have professionals that have
14 no particular iron in the fire that are doing
15 election work all over the country. We have to
16 acknowledge their professionalism, but at the
17 same time as Alexander Hamilton and James Madison
18 started, they said our elections system is
19 intrinsically adversarial.

20 It is designed so that I don't have to trust
21 you and you don't have to trust me as Republicans
22 or Democrats and neither one of us have to trust
23 the bureaucrats. That is the way the system was
24 designed. We get caught up in this whole
25 narrative that somehow we're insulting or

1 replacing the election workers. There are a lot
2 of great people out there and they -- they should
3 be, you know, congratulated on the great work
4 that they do.

5 But at the same time, we have to have
6 provable systems. This is about provable
7 systems. One of the easiest places to start the
8 reconciliation is by comparing the number of
9 ballots manually to what the machines are telling
10 me we -- or telling us we have.

11 It's easier to find the error at the
12 beginning than it is at the end. Who has ever
13 tried to balance a whole years' worth of journal
14 entries or accounting entries for their small
15 business? You don't do it at the end, you do it
16 at the beginning, or else you're going to have
17 many sleepless nights as you try to reconcile the
18 two.

19 The example with the banking system of
20 counting and recounting the money is an example
21 of zero trust. I don't have to trust the cashier
22 or the teller and they don't have to trust me.
23 Both of us compare the results. And when they
24 don't agree what do we do? We figure out why
25 they don't agree on the spot and it's solved.

1 Not the estimate -- I don't want to impugn
2 the numbers but the idea that to do what we're
3 talking about, simply counting the ballots, takes
4 65 cents a ballot is -- is outrageous. It's not
5 going to take 65 cents a ballot to do this kind
6 of counting. It's not going to interfere or
7 impugn.

8 If the mechanical systems are correct,
9 great. But we'll know for sure that starting the
10 process of counting and tabulating the ballots
11 starts with a good and sound foundation. We have
12 this problem in many, many other ways but the
13 idea that we break chain of custody by simply
14 opening a system and counting them is nonsense.

15 You might need sign-offs. You might need
16 attestations. You may need dual oversight to
17 make sure that nobody's doing anything that they
18 shouldn't be doing, but we do this all the time.
19 We do it with adjudication. We do it with
20 provisional reconciliation. And then we have
21 things like mail-in ballots that we're not doing
22 anything with to determine whether all the
23 mail-in ballots even got into the system to
24 count.

25 So I would recommend very strongly that this

1 is not an abrogation of chain of custody. If
2 it's done properly, it's a very small impediment
3 to the system, a very small amount of labor, and
4 it gives you a very good reconciliation of the
5 count of ballots in the system.

6 And from our perspective, my perspective,
7 any type of system that improves accountability
8 and improves auditability, which is a
9 requirement, by -- by the way, under HAVA, all
10 auditable items are supposed to be maintained.
11 What does that mean, "all auditable items"? It
12 actually is a performance-based standard. It's
13 saying that if you can audit this item, you have
14 to maintain the information to be able to audit
15 the item. It makes no other sense otherwise.
16 You don't create an audit system, you don't
17 create a financial control system by arbitrarily
18 saying, well, we're going to monitor our memos
19 and our journal entries, but we're not paying any
20 attention at all to accounts payable.

21 This is what we're talking about here:
22 controls that make sure that the system is
23 pristine and clean from the beginning. If it
24 costs a little bit of money, you know, this is an
25 issue obviously that has to be grappled with, but

1 the fact of the matter is a non-provable election
2 is what is eating the country up right now. We
3 have to protect all of the people's rights.

4 This isn't about denying entry into the
5 system. This is about making sure that we come
6 up with a result that we all can trust. And I
7 would suggest that we -- that you all consider
8 strongly passing these particular resolutions.

9 **UNIDENTIFIED SPEAKER:** Amen.

10 **MR. FERVIER:** Ms. Alexander, you have about
11 a minute left.

12 **MS. ALEXANDER:** Okay. You're going to ask
13 questions?

14 **MR. FERVIER:** Well, the board then will --
15 if they have questions, they'll ask them.

16 **MS. ALEXANDER:** Okay. The other thing that
17 we have to keep in mind is we're not counting the
18 ballots every single day. And I know there have
19 been a lot of numbers that have been tossed out.
20 I've looked at the numbers, the ones that I could
21 get. Understand that when we're talking about
22 whether it's election day or early voting, we are
23 talking about drilling it down from registered
24 voters to estimated turnout and then you are
25 breaking it down by the precincts and you're

1 taking it on down to election day.

2 You all know that roughly 20 percent vote on
3 election day. You take that -- Fulton County,
4 432 precincts, take that 20 percent of your
5 turnout and divide it by 432. Trust me, there
6 were not any precincts that I found in '22 in
7 Fulton that were over 1700 people showed up on
8 election day. We're not talking about doing
9 5,000 in one day. If so, three is the minimum.
10 Three is the minimum. You can always bring in
11 more as long as we can control it. So that's my
12 minute.

13 **MR. FERVIER:** Thank you, Ms. Alexander.

14 Are there comments from the board or
15 questions from the board?

16 **MS. GHAZAL:** (indicating)

17 **MR. FERVIER:** Member Ghazal.

18 And I ask the board, please, one at a time
19 and I'll try and keep an eye on who wants to
20 speak and keep this an orderly process. So ...

21 **MS. GHAZAL:** (off microphone, indiscernible)
22 conducted a survey of (microphone on) precincts
23 across the state to understand whether or not
24 there's even a physical capacity. Because this
25 is one of the -- one of the concerns that I've

1 heard from election supervisors, that they just
2 don't have the space to do this in a way that is
3 secure.

4 Have you spoken with elections supervisors
5 about the implementation of this?

6 **MS. ALEXANDER:** Yes. Not all of them, of
7 course. There are some that won't even talk to
8 me, but have I talked to the ones that I know?
9 And I watched it happen in my county and in some
10 of our surrounding counties. And you're just not
11 talking about a big deal. You have to have
12 tables to bring the poll -- bring people in. And
13 so you check them in. You've got tables there
14 where you've used the poll pads. You can move
15 the poll pads off, and that's what you do as soon
16 as you close the polls. And you've got tables
17 right there.

18 We're not asking people to turn those
19 ballots up so you can see them. It's how ever
20 they come out of the scanner. You're just going
21 to take and put them so that you can count them.
22 Do I think it's -- we did it. I mean, I don't
23 understand because across the state most of the
24 counties in 2020 up through October of 2022, they
25 did exactly what these rules ask for. And we

1 didn't hear any complaints then about not having
2 room.

3 **MS. GHAZAL:** The complaints that I have
4 heard are that the late date, the resources, the
5 time, and the fact that there are extremely
6 strict statutory requirements of getting other
7 information uploaded to the state. And that has
8 been the reason that I understand the state
9 recommended not doing this at the precinct is
10 because it was leading -- it was not done in a
11 way that was accurate. There were problems with
12 it. They tried this and it failed.

13 And I am going to defer to the hundred and
14 fifty-nine counties and the election experts who
15 actually conduct elections and have done so for
16 decades. And I'm going to rely on their
17 expertise because I have not conducted an
18 election.

19 It's -- I know a lot -- I -- I am an
20 attorney, I am an election law attorney, I have
21 observed elections across the globe. And I know
22 that the hundred and fifty-nine counties have
23 professionals that we owe a tremendous debt of
24 gratitude to. I think that the aspersions that
25 have been passed --

1 (Applause)

2 **MR. FERVIER:** We're not going to cheer for
3 election officials today.

4 **MS. GHAZAL:** The aspersions that have been
5 cast on our election professionals, who are
6 wholly nonpartisan, to suggest that they are
7 partisan actors because they articulate the
8 problems that they're facing is a gross
9 understanding of what the burdens and duties of
10 election officials are and --

11 (Applause)

12 **MS. GHAZAL:** Sorry. I don't mean to get
13 y'all in trouble. And -- and the fact of the
14 matter is if we pass a rule, they're required to
15 adhere to it, and they're telling us that they
16 can't. They're telling us that this is a
17 problem.

18 We're hearing that this is also beyond the
19 scope of our statutory authority. So I
20 understand chain of custody. I understand the
21 checks and balances very well. And I know that
22 reconciliation is conducted throughout the day,
23 comparing voters checked in, comparing ballots
24 that are printed out and the number of ballots
25 that have been scanned into the tabulator. That

1 is crosschecked multiple times throughout the
2 day.

3 To suggest that we don't believe in
4 reconciliation because this rule that would come
5 into force the day before early starting -- early
6 voting starts is a gross mischaracterization.

7 **MR. FERVIER:** Member King.

8 **MS. KING:** All right. I do have a question
9 for you, member Ghazal. When you say "they" and
10 "all," are you referring to -- are you stating
11 that every election worker and official is
12 against this rule?

13 **MS. GHAZAL:** I'm --

14 **UNIDENTIFIED SPEAKER:** (off microphone,
15 indiscernible)

16 **MS. KING:** Well, I'm -- I'm asking a
17 question.

18 **MS. GHAZAL:** I'm stating that everyone that
19 I heard from personally is -- is against it.
20 There may well be some who support this. I have
21 not received any support from an elections
22 supervisor. I have not received any messages
23 supporting this from an elections supervisor.

24 Poll workers, yes. But poll workers are not
25 responsible for the entire county, and they will

1 not be held responsible for violations of this
2 rule.

3 **MS. KING:** So what you're saying is that
4 you're -- poll workers -- there are some poll
5 workers that are in support of this, the
6 individuals that would actually have to do it.
7 And then you're also saying that -- are you not
8 including Ms. Sharlene as one of those election
9 officials?

10 **MS. GHAZAL:** I'm -- I'm talking about the
11 people who actually run the elections and are
12 responsible for running the elections day to day.

13 **MS. KING:** Okay.

14 **MS. GHAZAL:** And also Ms. Alexander is here
15 in her personal capacity, not representing the
16 board.

17 **MS. KING:** Well, I -- well, I -- I would
18 hope that there isn't anyone that's just standing
19 up here representing everyone, especially when
20 there are differences of opinion.

21 That being said, just to be clear, this rule
22 is referring to election day only; correct?

23 **MS. ALEXANDER:** The first one, yes, ma'am.

24 **MS. KING:** This rule on average, as you
25 stated, the 1700 ballots that you saw that was in

1 one precinct in Fulton County --

2 **MS. ALEXANDER:** 2022.

3 **MS. KING:** -- in 2022 -- we did amend this
4 rule --

5 **MS. ALEXANDER:** Yes.

6 **MS. KING:** -- to be clear. This rule was an
7 amendment that we basically said that those who
8 have 750 ballots or more can come in the next day
9 or the next business day, whichever -- whatever,
10 you know, it is. Either way they can come in and
11 they can count throughout the certification week.
12 That's what we -- that's how we amended it.

13 When it comes to counting these ballots on
14 election day, are we talking about an average of
15 250 -- 250? What's the average ballot -- number
16 of ballots that we had in each precinct?

17 **MS. ALEXANDER:** I didn't -- I'd have to go
18 back and look. I had to pull every precinct.
19 And I pulled about ten counties --

20 **MS. KING:** Okay.

21 **MS. ALEXANDER:** -- you know, Gwinnett,
22 Fayette.

23 **MS. KING:** Okay.

24 **MS. ALEXANDER:** And I don't know that I
25 could tell you the average because it varies

1 precinct to precinct, any (indiscernible).

2 **MS. KING:** I understand that you pulled --
3 you pulled ten counties of various different
4 sizes; correct?

5 **MS. ALEXANDER:** Yes.

6 **MS. KING:** Okay. Thank you.

7 **MR. FERVIER:** Any other comments from the
8 board? Member Johnston.

9 **DR. JOHNSTON:** Thank you for your
10 presentation. First, let me address the issue of
11 timing since there were 30 speakers and everyone
12 that was against the rules, I believe, expressed
13 their concern about timing for passing this rule
14 or any rule just before an election.

15 First, I take pause with GAVREO suggesting
16 to alter the Administrative Procedures Act that
17 says in rulemaking that rules are adopted and
18 become effective in 20 days. It's not -- it's
19 not appropriate for GAVREO to say, We want it to
20 be 60 days or 90 days. If that's the case, then
21 there probably needs to be some legislative
22 changes.

23 But as far as passing rules close to an
24 election, I did a little homework. And I looked
25 in our state election board rules. I think we

1 have maybe 69 or 59 rules. And I'll share with
2 you rule 183-1-6-.02, voter registration, was
3 passed on -- adopted on October 29, 2009. Rule
4 183-6-.04[sic], accessibility for the elderly and
5 handicapped, was passed on September 18th and
6 made effective on October 8th. Rule
7 183-1-12-.06, handling of voting systems, adopted
8 on 10/18 and made effective on 11/7. Rule
9 183-12-.08, logic and accuracy testing, adopted
10 on 9/22/2021, effective 10/12/2021. Rule
11 183-1-12-.11, conducting elections, passed --
12 adopted on 9/22/2021, effective 10/12/2021.
13 Tabulating results adopted on 9/22/2021,
14 effective 10/12/2021. Provisional ballots
15 adopted on 9/22/2021, effective 10/12/2021.
16 Handling spoiled absentee ballots adopted on
17 9/16/2020, effective 10/6/2020. Eligibility of
18 application for absentee ballot adopted on
19 9/22/2021, effective 10/12/2021. Notification of
20 absentee ballot rejection adopted 8/31/2020,
21 effective 8/31/2020. Early absentee ballot
22 processing 9/22/2021, effective 10/12/2021.
23 Audit -- audit procedure adopted on 9/24/2020,
24 effective 10/14/2020.

25 Emergency rules were adopted in 2020.

1 Emergency rule 183-14-.06 through .14 -- that
2 would be eight rules -- adopted on 4/15/2020,
3 effective 4/15/2020, just before a primary. Rule
4 183-1-14-.07 through .15 -- that would be six
5 rules -- effective -- adopted 5/18/2020 and
6 effective the same day. So -- and there are
7 more.

8 So the hue and cry about how early or how
9 late it is to be adopting these rules, I don't
10 buy. This is -- rulemaking is good any month of
11 the year. And as I looked through the rules,
12 actually the rules are adopted and made effective
13 throughout the year, every month of the year.
14 There is no exception. A good rule is good.

15 Now, when it's effective may have an effect
16 on whether it applies to a particular election.
17 But I think the -- the concern about timing
18 probably should be thought about a little more
19 carefully.

20 Now, as far as this particular petition, my
21 question is, Mr. Haury, is the failure to -- is
22 the failure to count the paper ballots a failure
23 of compliance with HAVA?

24 **MR. HAURY:** So there are many different ways
25 that the -- the objectives of HAVA can be met.

1 But -- but the idea that you can allow systems to
2 ingest ballots without control points violates
3 both HAVA and the security controls associated
4 with the way that the machines are being used
5 under the Federal Information Security
6 Modernization Act.

7 You're -- you're required under both of
8 these to have auditability. And so when you
9 dispense with anything that would provide control
10 points, then you don't have auditability. This
11 is a natural piece of auditing. So -- so anybody
12 that is familiar -- CPAs or cyber people here --
13 know what I'm talking about with regard to
14 control points.

15 So if you have no control points, you have
16 no auditability. And so back to your question,
17 if you don't have a mechanism of providing
18 control over these systems, you don't comply with
19 HAVA.

20 **DR. JOHNSTON:** I'm -- I'm not sure how we
21 can have control if we're not counting the
22 ballots at the point of opening the ballot box
23 where you're -- you're breaking the chain of
24 custody.

25 **MR. HAURY:** Yeah, I -- I agree. There's no

1 way to do something quickly that would resolve
2 this issue. This is a relatively light impact on
3 the system. And it doesn't -- there was a
4 comment made about whether or not late
5 rulemakings are appropriate. Generally speaking,
6 when you're talking about enfranchising or
7 disenfranchising people, this is where the judges
8 generally get a little bit skittish about whether
9 or not a late rulemaking is appropriate.

10 But something that's purely operational like
11 this, with zero enfranchisement impact has no
12 basis for delay. It simply does nothing to
13 change the basic concept of counting the votes.

14 Now, you have to have chain-of-custody
15 procedures that are protecting the ballots, but
16 that's -- you know, that's a foregone conclusion
17 and already done in the existing system.

18 **DR. JOHNSTON:** Thank you. So this -- this
19 rule would not impact voter experience.

20 **MR. HAURY:** No, it shouldn't at all.

21 **DR. JOHNSTON:** Okay. There -- I have -- I
22 have read many complaints about a delay in the
23 counting or delay in election night reporting.
24 But the fact of the matter is it's not the
25 ballots that are counted on election night, it's

1 the memory cards that are counted. And my
2 understanding is runners take the memory cards to
3 the election office or two designated law
4 enforcement or two designated employees, election
5 workers -- I see an election worker shaking her
6 head.

7 But it's the memory cards that tabulation
8 occurs with; correct?

9 **MS. ANGLIN:** Can I speak?

10 **DR. JOHNSTON:** Please.

11 **MR. FERVIER:** No. Not unless Dr. Johnston
12 would like to hear from one of you.

13 **DR. JOHNSTON:** Please.

14 **MS. ANGLIN:** (indiscernible)

15 **DR. JOHNSTON:** Sure.

16 **MR. FERVIER:** Press your button so I can ...

17 **MS. ANGLIN:** So -- so thank you for hearing
18 from me. Rebecca Anglin from Greene County.

19 So this varies county by county. What my
20 county does is not what a neighboring county
21 does. Many counties do not have the ability to
22 run the memory card or have these runners that
23 you speak of or have sheriff's deputies. What I
24 do in my county is not what my neighboring county
25 does. They do not have the resources to do that.

1 So to say that it would not cause delays on
2 election night is not true or accurate. It will
3 cause delays for certain counties. Now, my
4 county does it one way and we will get our
5 results in. What my neighboring county does,
6 they do not have the resources to do it the same
7 way I do it, and they have to wait at the
8 precinct because the manager and both assistants
9 or the manager and one, because it has to be
10 under dual control, they have to bring the
11 results back.

12 So you're waiting until everything has been
13 counted. They have to keep those ballots with
14 them and that memory card with them. That would
15 break chain of custody if they did the opposite
16 of that. So if they do not stay together, fill
17 out their chain of custody, have that memory
18 card, have those ballots with them, and drive it
19 back to precinct, you are waiting until all of
20 this has been done election night before it gets
21 back to that office.

22 And you're talking about counties with
23 multiple, multiple precincts. We're not talking
24 about a small county. I'm in a small county.
25 We're talking about counties with larger

1 capacities and many, many precincts. If they're
2 not implementing something like what I do at my
3 county, you're talking about 12, 15, 20, 30
4 precincts that you are waiting on. It will
5 definitely delay results on election night.

6 (Applause)

7 **MR. FERVIER:** I'm going to have to get a
8 bigger gavel than that one.

9 **DR. JOHNSTON:** So when the ballot boxes
10 open, the chain of custody is broken and my --
11 I've worked -- I have worked as a -- as a poll
12 worker and I have crawled into those ballot boxes
13 to get the ballots out, and I see them strewn all
14 over the floor.

15 And it -- and it takes a certain amount of
16 time just to do that and to put them back
17 together and tab them and get them straight.
18 It's not like the pristine pile that somebody
19 walked up here with. It's like 52-card pickup.

20 But I think that's the time -- that's the
21 moment when these ballots could be put on the
22 table and -- and counted. And as I spoke last
23 month, I looked at several counties, at their
24 election day ballot cast, and the numbers were
25 not that great.

1 So -- and as the trend continues to move
2 toward early in-person voting, the election day
3 vote -- ballots cast actually becomes smaller and
4 smaller. And so I think the time to do that and
5 bring all the equipment together, count --
6 that's -- what we're trying to work for -- or
7 what I'm trying to work toward is some
8 uniformity. And if some counties are counting
9 ballots and others are not, it's not uniform.

10 Now, how you get them to the polling place,
11 there is certainly options and choices for county
12 supervisors to use. But counting the ballots, if
13 you're not doing that, then I fear that we're not
14 providing equal protection, okay? And that's
15 very important.

16 If one county is providing the provable
17 auditable trail and another county is not, and if
18 you ever want to do a -- an audit -- a
19 risk-limiting audit or an audit, or if you need
20 to do a recount and you have not counted those
21 pieces of paper, and then you open the batch and
22 the number of ballots is not the same, what do
23 you do? How do you remedy that? What's the
24 remedy? Because you didn't count it in the first
25 place, how do you reconcile that?

1 So there is a reason to have a cross-check,
2 a double-check. There's a reason. The ballots
3 are being touched. I've heard complaints that,
4 oh, my gosh, so many hands touching the ballots.
5 Well, I'll tell you what, their hands are
6 touching the ballots because I've been there
7 on -- at the end of early voting and at the end
8 of election night and the ballots, they're --
9 you're dragging them out of that box and they're
10 all over the floor. And there are a lot of hands
11 touching them. But that doesn't -- that's not
12 bad. It's just that you're trying to restore the
13 order and follow the process that's called for.

14 But it's the perfect time to count the
15 ballots anyway. And it's better to do it in the
16 beginning than try to do it at the end when you
17 don't have a remedy for a miscount. And, yeah,
18 you'll get -- you might get it wrong the first
19 time, you know? You didn't -- you counted 49
20 instead of 50. But you do it again until you get
21 it right. It's easy. Nothing to it.

22 So -- so the -- so this petition -- this --
23 for a rule does not affect the voter experience.
24 It does affect the election workers, and I
25 appreciate the young man that said that he does

1 count. But that means that somebody else is not
2 counting. We're not -- we're not treating the
3 election the same. We're not uniform in how we
4 conduct the election. And we are tasked to make
5 sure that there's uniformity in all of the
6 counties.

7 I'll yield, Mr. Chair.

8 **MR. FERVIER:** Member Jeffares, do you have
9 any comments that you would like to make?

10 **MR. JEFFARES:** (shaking head)

11 **MR. FERVIER:** Member King.

12 **MS. KING:** So during early voting, at the
13 end of the night, let me go -- let me backtrack.
14 When I worked for the state party and we were --
15 and I did data work, what would happen is at the
16 end of early voting, we had a group of people who
17 were going out doing doorknocking. And so that
18 we weren't disturbing people who had already
19 voted, we would use the data from the Secretary
20 of State's Office that showed who had already
21 voted early or submitted their absentee and
22 remove them off of our roll so that we wouldn't
23 knock on their door because they've already
24 voted.

25 So during early voting process or early

1 voting, at the end of each night there was a form
2 of reconciliation for -- for those who were
3 tracking data throughout the election process.
4 We had -- if something came up and there was a
5 problem, you've had a couple more days to address
6 it in live time and at that time.

7 I was recently given a perfect example of
8 why I think election day counting for sure is
9 necessary. Here's why. So a gentleman -- this
10 is a true story. There was a gentleman who
11 walked into their polling place, they voted, they
12 got the printout, and then they asked if they
13 could take a picture of their vote before they
14 put it into the scanner. They were denied.
15 Unfortunately this man did something that's
16 against the law but he ran out and decided not to
17 put his scanner -- his document in the scanner,
18 ballot scanner. That would mean that the poll
19 pad number would be different from the scanner
20 number, right?

21 So -- so when we're talking about -- so
22 during early voting if I saw that, I would have a
23 couple more days to call and say, hey, why
24 doesn't this number match? What's the problem?
25 On election day -- on election day, it's a little

1 different. The data that would come up --
2 obviously you have your certification week, but
3 it's a little different. So I believe that
4 particularly on election day, having one
5 additional step to ensure that there is an
6 understanding on a precinct level as to why our
7 numbers are either matching or not matching
8 because that's an example of how the numbers
9 could be a little off. And there are people that
10 do not trust the machines. So there are people
11 that would like to have a record of some sort of
12 their ballot, although that's not permissible.
13 But that particular situation could occur and it
14 can occur several times over.

15 To Dr. Jan's point, should we not have those
16 extra days like we do at early voting where we
17 can go through, look at the data, see what's
18 happened the day before, what happened couple of
19 days before? We're now at the mercy of
20 addressing this issue on a statewide level and
21 that will cause -- if we want to talk about
22 chaos, I mean, we are still to this day talking
23 about things that took place not just in 2020 but
24 also in 2018 because we're trying to comb through
25 from a statewide level.

1 So I personally -- the reason why I amended
2 this rule, personally, was because I did take
3 into consideration the fact that people were
4 working long hours, and I did feel like if you
5 have over 750 ballots -- now, that number came
6 from looking at the average that we discussed
7 prior to amending of how many ballots at the most
8 all the way down to the least per precinct. And
9 what we found was that there was 1700 in one
10 precinct in Fulton. I think the -- the greater
11 number was -- the next greater number was 750 and
12 then at that point it dropped down to about 300
13 and it kept going.

14 **MS. ALEXANDER:** 300 to 500.

15 **MS. KING:** Right. 300 to 500 and it just
16 kept going.

17 So that's why I amended that. Because I did
18 feel like counting 1700 ballots after working 18
19 hours or 16 hours is a long time. So that was
20 amended.

21 That being said, I do not want to
22 continue -- and I say "continue" because as I
23 listen to speakers, we had one speaker state that
24 there was 31 counts of fraud, but then in the
25 same conversation, the same message, said that

1 there was no fraud. And I get confused when I
2 hear stuff like that. However, what I don't want
3 to do is set a precedent that we are okay with
4 speed over accuracy. A delay of any sort,
5 whether it be a couple hours, I can guarantee you
6 as a voter I would rather wait another hour to
7 ensure that the count is accurate than to get a
8 count or get a number within that hour and then
9 to find out at the close of an election, after
10 certification's already taken place, that we
11 have people suing because the count was not
12 accurate.

13 Not only that, we have people who are upset
14 about the whole concept of the reasonable
15 inquiry, but we're also saying that we do not
16 want to ensure that our numbers are accurate
17 enough to push these numbers to our county board
18 members and then have them sign that legal
19 document that they are held accountable for, that
20 they will be charged with a felony if the count
21 is incorrect because the document says accurate
22 and perfect.

23 So I think that what we're doing is creating
24 more stability in our election process. We're
25 also putting our county board members in position

1 to certify with confidence since that's the big
2 concern. And again we're counting election day
3 only ballots. If we -- if that -- if it extends
4 it for a short period of time, let's do so so
5 that we can be accurate across the state.

6 Now, I know there are counties that are
7 doing this to perfection. I know that for a
8 fact. And I'm sorry that there is a slight
9 impact on you because you have to almost bear the
10 brunt of the counties that are not. However, to
11 Dr. Jan's comment, uniformity does matter and it
12 does create foundational stability.

13 **MR. FERVIER:** Any further comments from the
14 board?

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

16 **MR. FERVIER:** Dr. Johnston.

17 **DR. JOHNSTON:** Just to remind the attendees
18 here, California counts their ballots, the
19 largest state in the country. Illinois counts
20 their ballots. Massachusetts and Alabama count
21 their ballots. And all of Canada counts its
22 ballots.

23 This is not an unknown or an unused process
24 as far as elections go. And this is the
25 opportunity to pick up on the errors such as

1 perhaps an occasional machine malfunction as
2 reported in DeKalb County when the ballot -- the
3 ballot design created a problem and the numbers
4 came up wrong. If they had counted the ballots,
5 they would've immediately recognized that there
6 was a problem.

7 So -- and that's important to know. And to
8 share with this group, in the last presidential
9 election, Columbia County on election day had
10 ballot counts in the 300-to-400 range. That's
11 not an unbearable number of ballots to count.
12 Paulding County had ballot totals in the
13 500-to-700 range. Cobb County had 480 ballots,
14 average, on election day.

15 And similarly actually during advance
16 voting, I think four years ago things may have
17 been skewed towards absentee by mail because of
18 COVID, but even during early voting, the number
19 of ballots per day per scanner is very -- very
20 workable. Cherokee County had 287 with a large
21 number of -- at one precinct of 1,400.

22 So the checks that I could find suggest that
23 this is not an unreasonable number. I think the
24 delay would be warranted and it would provide
25 that auditable control feature that one would

1 strive to have to be compliant with HAVA.

2 And oddly enough when we do -- when we do a
3 recount, the option is either -- now it's
4 machine, but it can be -- there can be a request
5 for a hand count for a recount. So what are you
6 doing? You're counting the ballots by hand. The
7 RLA or the audit that we're using now is a hand
8 count. It's also a tabulation, but you're also
9 hand counting the ballots.

10 So, anyway, I will yield for others.

11 **MR. FERVIER:** Any further comments by the
12 board? Member Jeffares?

13 **MR. JEFFARES:** Uh-uh.

14 **MR. FERVIER:** Okay.

15 **DR. JOHNSTON:** Mr. Chair.

16 **MR. FERVIER:** I have a few comments --

17 **DR. JOHNSTON:** Oh, okay.

18 **MR. FERVIER:** -- if you don't mind.

19 Ms. Alexander, I appreciate you submitting
20 this petition, I really do. It's given this
21 board a lot to think about. I think that there's
22 some gold in it, a little bit of it. I disagree
23 with some things, though, that I want to talk
24 about them.

25 And I've received more comments from this, I

1 think, than any other rule we've tried to pass so
2 far. The -- and if I were to count them, which I
3 haven't, it would probably come up 50-50 pro and
4 against. But the overwhelming number of election
5 officials that have reached out to me have been
6 opposed to this.

7 And I, for one, greatly appreciate the
8 comments made by the election officials because
9 they're the ones that have to run this election
10 on a day-to-day basis and have to staff those
11 facilities and hire those poll workers. And so
12 I -- I appreciate their comments. And they're
13 the ones that have to deal with whatever rules we
14 put into place.

15 There's several things that concern me about
16 this. Number one, I do think it's too close to
17 the election. I do. I think that it's too late
18 to train a lot of poll workers that have already
19 started their training processes. And to go back
20 and have to retrain them on something like this,
21 I think there's a lack of resources in many
22 counties to effectuate this rule. And the cost
23 has a -- we haven't discussed that really about
24 the extra workers, the time for that, just hiring
25 extra workers to do something like this if it's

1 necessary.

2 I think there's significant chain-of-custody
3 issues because now you're talking about if you
4 wait until the second day to try and count these
5 things, well, then you're putting them in a box,
6 you take them someplace else, you take them out
7 of the box, you're counting them and putting them
8 back in the box, it's just a lot of
9 chain-of-custody issues I have concern over.

10 But most importantly, I believe that this is
11 not supported at all in the statute. This --
12 this body, this board is an administrative body.
13 It's not a legislative body. If -- if the
14 Legislature had wanted this, they would have put
15 it in the statute. It's not in the statute. You
16 can't read any place in the statute where this
17 is. We're not -- this board is not here to make
18 law, we're here to interpret law. And I don't
19 see any place in the statute where we're
20 interpreting the hand counting of ballots after
21 they come out of the machine. And therefore --

22 (Applause)

23 **MR. FERVIER:** I don't know if you're vote --
24 you're clapping for me or Waffle House, but
25 that's okay.

1 But it's just not supported in the statute.
2 We have received guidance from the Secretary of
3 State and from the Attorney General's Office that
4 say it's not supported in the statute. If this
5 board votes to implement this rule, I think that
6 we put ourselves in legal jeopardy by taking this
7 rule.

8 I think that the more appropriate course of
9 action for this board would be to send a proposal
10 to the Legislature. If we believe in this, then
11 let's send a proposal to the Legislature and ask
12 them to enact this. You know, let's let the
13 Legislature do their job. We don't need to do
14 the job for them. That would be my -- you know,
15 my comments on this.

16 We know the Legislature is not shy on
17 passing laws whether you like them or not. But,
18 you know, they need to do their jobs. This
19 board -- this board -- this board needs to take
20 seriously the guidance that we received from the
21 Attorney General, from the Secretary of State's
22 Office, and from election professionals across
23 the state that have opined on this particular
24 rule.

25 For that reason, I will oppose this. Like I

1 said, I don't disagree with what you're trying to
2 do. The mechanics of it bother me significantly,
3 especially when it comes to statute. I will
4 always follow the Legislature on these types of
5 issues.

6 **MS. ALEXANDER:** (off microphone) What about
7 HAVA? Do you agree that you should be compliant
8 with HAVA and any other federal laws?

9 **MR. FERVIER:** Well, I -- I am going to pass
10 the buck to the Legislature on all of this.

11 Are there any other comments from the board?

12 **DR. JOHNSTON:** One further.

13 **MR. FERVIER:** Yes, Dr. Johnston.

14 **DR. JOHNSTON:** One further comment. In
15 O.C.G.A. 21-2, the definition of ballot is --
16 21-2-2 is ballot, is official ballot or paper
17 ballot. In 21-2-434 as the election code
18 describes counting paper ballots, it says: Only
19 official ballots shall be deposited in the ballot
20 box and counted. 21-2-437 says: After the polls
21 have closed, the ballots shall then be counted
22 one by one and a record made of the total.

23 So one could argue that we do have an
24 electronic voting system, Dominion, but the -- it
25 was sold to the state of Georgia that it produces

1 a paper ballot. So, indeed, you know, we
2 actually have a voting system that uses a paper
3 ballot and these statutes should apply, 434 and
4 437. After the polls are closed, the ballot
5 shall then be counted one by one and a record
6 made of the total.

7 So if we're following that statute because
8 we -- we tell the citizens of Georgia that we
9 have paper ballots, then we're not following
10 Georgia code. Now, there is a separate section
11 that deals with ballot-marking devices and the
12 ballot summaries that are printed out, but we
13 call those the official paper ballot. So we
14 should be counting the paper ballots.

15 **MR. FERVIER:** I'm going to disagree with you
16 a little bit on that because counting a ballot
17 and counting a piece of paper are two different
18 things. And this rule has us counting a piece of
19 paper -- this rule has us counting pieces of
20 paper, not counting ballots.

21 **DR. JOHNSTON:** This is not tabulating. I'm
22 not talking about tabulating. I'm talking about
23 counting the ballots.

24 **MS. KING:** Mr. Chair.

25 **MR. FERVIER:** Yes, member King.

1 **MS. KING:** I just want to make -- point out
2 that according to our Georgia code, the role of
3 the state election board -- part of our role is
4 to promulgate rules and regulations to define
5 uniform and nondiscriminatory standards.

6 As we've stated several times, having some
7 counties counting by hand and some counties not
8 does not establish uniformity. This rule will do
9 that, and we do have the ability to do that. We
10 would not be breaking the statute.

11 **MR. FERVIER:** Well, it says in accordance
12 with the law under the existing statute, I
13 believe.

14 **MS. KING:** Where is that?

15 **MR. FERVIER:** And if there's no statute
16 support for this --

17 **MS. KING:** Can you show that to me,
18 Mr. Chairman?

19 **MR. FERVIER:** Did you read the --

20 **MS. KING:** I just read it.

21 **MR. FERVIER:** Did you read the Attorney
22 General's opinion?

23 **MS. KING:** I just -- I just read it out
24 loud. I'm not talking about the Attorney
25 General's opinion. I'm talking about what is in

1 our Georgia election codebook.

2 **MR. FERVIER:** Okay. Are there any further
3 comments by this board? The chair will entertain
4 a motion.

5 **DR. JOHNSTON:** Mr. Chair, I -- I make a
6 motion to adopt the petition by Ms. Alexander for
7 rule 183-1-12-.12, tabulating results.

8 **MR. FERVIER:** We have a motion to adopt this
9 rule. Is there a second?

10 **MS. KING:** Second.

11 **MR. FERVIER:** We have a motion and a second.
12 Any discussion? Member Ghazal.

13 **MS. GHAZAL:** As a matter of statutory
14 interpretation, the provisions that deal with
15 paper ballots predate even the DRE system. Those
16 dealt with paper ballots that were deposited in a
17 box that did not tabulate and they do not apply
18 currently. So just to make sure that's -- they
19 do not apply to the current system.

20 **MS. KING:** (off microphone) We have
21 precedence. We -- we can do this.

22 **MR. FERVIER:** Any further discussion? My
23 last comment is this vote -- this board voting
24 affirmative to -- I want to make on the record
25 that we'll be going against the advice of our

1 legal counsel by voting in the affirmative. We
2 will have a -- no further discussion, we'll have
3 a vote by voice.

4 **MS. KING:** Before we vote by voice, my
5 discussion is that, Mr. Chairman, I have to point
6 out that every time you make a statement that
7 this could be against the law, you are welcoming
8 lawsuits. Lawsuits that will be dismissed.
9 Lawsuits that we know will be dismissed. I just
10 read in our code what we can and can't do
11 undisputed.

12 So I just want to be on record stating that
13 I -- I really am getting a little tired of
14 encouraging lawsuits. We can vote.

15 **MR. FERVIER:** I will -- I -- I will not
16 correct your comments. We have a -- we have a
17 motion and a second. We will vote by voice, vote
18 by order of seniority.

19 Member Ghazal, how do you vote?

20 **MS. GHAZAL:** Nay.

21 **MR. FERVIER:** Member Johnston, how do you
22 vote?

23 **DR. JOHNSTON:** Aye.

24 **MR. FERVIER:** Member Jeffares, how do you
25 vote?

1 **MR. JEFFARES:** Aye.

2 **MR. FERVIER:** Member King, how do you vote?

3 **MS. KING:** Aye.

4 **MR. FERVIER:** The vote will -- the chair
5 will exercise his right to vote and vote nay.
6 The motion passes three to two.

7 **MR. COAN:** (inaudible)

8 **MR. FERVIER:** Not true.

9 **MR. COAN:** (indiscernible)

10 **MR. FERVIER:** Not true.

11 **MS. KING:** (indiscernible) we just were told
12 that all those cases were (indiscernible).
13 (indiscernible), man. Got to stop this.

14 **MR. FERVIER:** Next item on the agenda is
15 discussion and voting on proposed rule amendment
16 to SEB rule 183-1-14-.02, advance voting.
17 Subject of rule: Absentee ballot hand counting.
18 Presentation from Sharlene Alexander. It is tab
19 number 6 in your binder.

20 Ms. Alexander.

21 **MS. ALEXANDER:** Yes.

22 **MR. FERVIER:** Ten minutes, please.

23 **MS. ALEXANDER:** What?

24 **MR. FERVIER:** Ten minutes.

25 **MS. ALEXANDER:** Ten minutes, you bet.

1 **Discussion and voting on proposed rule amendment to**
2 **SEB rule 183-1-14-.02**

3 **MS. ALEXANDER:** I need to make a correction
4 in the public record. At the August 7th meeting,
5 member Ghazal read a correspondence from the
6 board chair of the Fayette County Board of
7 Elections. In that written comment he wrote
8 that, in fact, the petitioner brought the
9 proposal for ballot counting before the Fayette
10 County Board of Elections and the board rejected
11 the proposal.

12 I'm here to correct that public record. I
13 have the video and I have the minutes. I never
14 presented this petition to the board. And the
15 board, in fact, voted to make no comment. So I
16 think we both know that, in my opinion -- I'm not
17 an attorney, but I've been told that this is a
18 violation of 16-10-20, regarding the submission
19 of false statements to an agency of the state of
20 Georgia. I will leave it to your discretion
21 whether you want to process a criminal inquiry on
22 that, but I'm correcting the record.

23 This -- the second petition which gets into
24 early voting, within the rules it says that any
25 time your scanners during early voting approach

1 1500 or more, at the close of voting you are
2 supposed to pull those ballots. And so my --
3 this petition really says that it's requesting
4 that you do counting the ballots just like we
5 discussed. You would be doing it two times. You
6 can do it as many times as you want, but if
7 you're opening that scanner, you really need to
8 be counting those ballots.

9 So the rule itself calls for at 1500-plus,
10 you would be pulling those ballots, you would be
11 hand counting them and recording that number.
12 Again it's the same process. Three people would
13 take them. They would count them and agree with
14 the same number.

15 The other time that you would be counting
16 the ballots for sure is the last day of early
17 voting. Please understand we have never said
18 tabulating. Never. We completely -- we only
19 talked about totals. And it's against the law to
20 be tabulating. So if you see anybody that's
21 looking at these ballots while they're going
22 through and counting them, they have violated
23 their oath and it's against the law.

24 The whole purpose is to just do a totals
25 count on what the scanner is saying. And it's

1 a -- it's a cross-check which is another way to
2 verify -- as I said, it's another way to verify a
3 process or a system.

4 So that's the sum total and I'm willing
5 to -- the arguments or the questions are going to
6 be just about the same. Yes, we do have and
7 we've looked at the numbers -- I can only get the
8 numbers that -- basically '22 in my opinion.
9 2020 is an aberration. I don't think we can look
10 at early AIP or early -- or election day. That
11 was COVID. And I think all of those numbers are
12 skewed.

13 The next -- I did go back and look at 2016,
14 but then you've got to, you know, ratchet it up
15 for the increase in registered voters. I looked
16 at 2022, had a number of the counties, and again
17 I'm looking at and saying a lot of these -- take
18 Fayette County, let's take Fayette County. We're
19 open for 17 days. Don't forget that. When
20 you're looking at the numbers, you can see in
21 each of the precincts maybe a total because for
22 some reason the rule states that you take the
23 votes that are happening at your smaller number
24 of AIP locations. But those ballots, they get
25 counted back to the official precinct of the

1 voter. So it's kind of hard to get to those
2 numbers if you don't capture them right away.

3 But what I'm saying is that in Fayette
4 County we're open 17 days. Most of you are for
5 early voting. It can take us a good two weeks
6 for us to ever get up to 1500 at one of our
7 precincts of our early voting locations. You
8 have more, the law says you're going to be
9 pulling them at 1500 anyway. So what's the deal
10 that you count them?

11 That's my basic presentation. That's under
12 ten minutes, right?

13 **MR. FERVIER:** Yeah. If I had some more gift
14 cards to give you, I would pass those out.

15 **MS. ALEXANDER:** Questions?

16 **MR. FERVIER:** Does the board have any
17 questions for Ms. Alexander?

18 **MS. GHAZAL:** Mr. Chairman.

19 **MR. FERVIER:** Sorry. Member Ghazal.

20 **MS. GHAZAL:** Dr. Johnston just described the
21 process of emptying these -- these bins as having
22 ballots strewn all over the floor, they're
23 everywhere, it's like a game of 52-card pickup.
24 There's nothing in the rule that creates
25 standards to ensure that, in fact, when you've

1 got ballots strewn everywhere, that they're not
2 observed because voting is still ongoing.

3 In the middle of --

4 **MS. ALEXANDER:** Excuse me?

5 **MS. GHAZAL:** In the middle of early voting,
6 as you rightly pointed out, it's against the law
7 to be tabulating ballots. But when ballots are
8 taken out, they are not in an orderly stack, they
9 are a huge mess. So the law -- the rule as you
10 proposed has no protections for those ballots.

11 **MS. ALEXANDER:** I don't understand what
12 you're saying.

13 **MS. GHAZAL:** When you take ballots out of
14 the scanner, it's a big mess. They're going to
15 be scattered everywhere. They're going to be
16 faceup, facedown. How do you protect the ballots
17 against the eyes of the observers who are going
18 to be there watching this from viewing how people
19 have voted?

20 **MS. ALEXANDER:** Well, how -- how are you
21 doing it if you don't hand count? Right now that
22 same pile is coming out of the scanner and what
23 are they doing? (off microphone) they're mishing
24 and mushing. They're going over to a sealed
25 container and stuffing those (indiscernible) in

1 there. And then they're putting a seal on it.
2 No different than when those ballots are out
3 there and you're going to be pulling the pile and
4 you're going to be counting.

5 **MS. GHAZAL:** And then creating piles and
6 counting and observing the counting. You don't
7 think that there's any difference in the exposure
8 to the public at that point?

9 **MS. ALEXANDER:** (off microphone,
10 indiscernible)

11 **MR. FERVIER:** Well, there is a slight
12 difference when you're trying to put a pile
13 together in an orderly fashion and then looking
14 at each piece of paper. Because you -- I mean, I
15 understand that you say you're going to count
16 just the corners.

17 **MS. ALEXANDER:** Yes.

18 **MR. FERVIER:** But that's probably not going
19 to be uniform across the state. People might
20 take it and --

21 **MS. ALEXANDER:** Well, I can -- I can gladly
22 do a video. I mean, it's not that difficult.

23 **MR. FERVIER:** I -- I understand that but we
24 have a hundred and fifty-nine counties. They're
25 going to do it differently, like they are now.

1 So -- and some people will look at who voted
2 for -- they won't know who it is, but they'll
3 look at the votes and --

4 **MS. ALEXANDER:** Then they've just broken
5 their oath and broken the law.

6 **MR. FERVIER:** There's a lot of people that
7 break the law.

8 **MS. ALEXANDER:** Yeah, well.

9 **MR. FERVIER:** It's -- I mean, it -- but it's
10 going to be natural curiosity. It's going to
11 happen. It's going to happen.

12 **MS. KING:** (off microphone) Mr. Chair, can I
13 say something?

14 **MR. FERVIER:** Yes. Yes. Member King.

15 **MS. KING:** Okay. I have reviewed this. And
16 as I stated before, during early voting, the poll
17 pad results as well as the tabulation for the
18 scanners -- not the tabulation, the scanner
19 results are continuously being reported.

20 **MS. ALEXANDER:** Yes.

21 **MS. KING:** The Secretary of State's Office
22 is continuously reporting this as well. I must
23 say that I do have a shared concern that when you
24 have people pulling ballots out 15 days before
25 the election, going through them, I feel like the

1 precinct will get an idea of what's happening in
2 that election. And unfortunately this race to me
3 is going to be too close to risk it. Do I think
4 this is a bad rule? Absolutely not. Would I
5 like to revisit it maybe for next year?
6 Absolutely. I want to make sure that we are
7 certain that we have a plan in place that would
8 prevent people from knowing the direction of an
9 election that early.

10 My concern is that -- also my concern is
11 that we are in a technology world, taking
12 pictures with your phone -- now, mind you, all of
13 this is illegal. I am with you a thousand
14 percent. Unfortunately, I do not have a lot of
15 faith in people. That has a lot to do with some
16 of the -- I mean, there's accusations being
17 thrown at us every single day from people who
18 have no clue who we are.

19 So clearly there is a bit of a concern. I
20 would hate for someone to -- talking to a family
21 member and just say, hey, you know, what -- what
22 are you seeing in your precinct? You know, what
23 are you thinking? And then that turns into a
24 discussion on social media, which then turns into
25 chaos, which then turns into lawsuits.

1 So that -- I do have a similar concern about
2 pulling ballots out and counting them the same
3 way we're counting on election day. But doing it
4 12, 13, 14 days before election day, I just don't
5 trust it.

6 **MS. ALEXANDER:** Do you -- and you're okay --
7 I mean, I understand the concern. And there's
8 no -- really no way that I know of that anybody
9 could get a formal count -- you know what I'm
10 saying, from the poll pads -- of the direction,
11 who's getting the votes? And I think what you're
12 saying is that maybe they're -- they're looking
13 at the ballots. And so they're sitting there,
14 maybe they've got one -- one office that they're
15 interested in. Two things, and we've already
16 stated that that's against the law. And -- and
17 you've come down on a lot of counties that ran
18 totals tapes during early voting, which you've
19 chastised them.

20 But also understand there are going to be
21 poll watchers there. And I can assure you if
22 anybody is trying to do anything other than
23 starting to count the corners and going through
24 it rapidly, that will be reported, and it'll be
25 reported immediately.

1 **MS. KING:** And I understand that. And what
2 I do know is that you are someone of great
3 integrity, but there are many who are not. And I
4 would love it if everyone counted exactly the
5 same way, but -- and as a poll watcher, you can
6 see someone counting, but you don't know what
7 they're also counting in their head.

8 Because if I'm -- and I -- to my point in
9 public comments, there was a election official
10 who said in public comment -- she referred to the
11 writing being too tiny to read. Now we're
12 talking about counting ballots. But she
13 mentioned that the writing may be too tiny to
14 read. So why is that -- why are you reading the
15 ballots if we're just supposed to be counting?

16 **MS. ALEXANDER:** They're obviously not
17 supposed to.

18 **MS. KING:** But that's what an election
19 official said in this meeting just a few short --
20 hour ago. So it is happening or somebody's
21 looking. And again it's not that I don't like
22 the rule. It's just that I don't -- I don't feel
23 comfortable implementing it today for 2024 unless
24 those concerns could be mitigated. Just because
25 this election cycle is extremely contentious,

1 it's extremely close, and it's a presidential.

2 So I would be -- I would absolutely support
3 revisiting this and consider supporting it should
4 it go into effect in 2025 or we're able to
5 discuss it a little bit more.

6 **MS. ALEXANDER:** Okay. Thank you.

7 **MR. FERVIER:** Any other comments from the
8 board? Member Johnston.

9 **DR. JOHNSTON:** Mr. Chair.

10 My opinion as far as taking the ballots out
11 during early voting is that indeed it's a
12 violation of law to try to tabulate. They're
13 taken out anyway. If they're taken out for 1500,
14 for a 1500 reason, they're there and they're
15 available for if people are looking, whether
16 they're counted or whether they're straightened,
17 the ballots are exposed.

18 I personally think this is a defect in our
19 voting system to have a ballot box that you have
20 to empty out in this manner anyway, the way the
21 ballots fall into the bottom of the bin and
22 require quite a bit of effort to get them out.
23 And they get hung up in that ballot box and get
24 left in different compartments.

25 But I don't have an issue because the ballot

1 summary prints out the voters' choices in such
2 small print, it's actually difficult to read. I
3 mean, you'd have to really kind of be obviously
4 looking at that ballot summary if you wanted to
5 peek at who somebody got a vote for, and I don't
6 -- and at an early voting site, I think it would
7 be impossible to make some sort of determination
8 that somebody was, indeed, getting more votes
9 than another or something -- some sort of idea
10 like that or a notion like that.

11 And this should be a public process. It
12 should be open to the public or available for
13 witnessing and public observation of the actions
14 of the poll workers as they do this on a -- from
15 time to time during early voting. So I don't
16 find it an issue.

17 **MR. FERVIER:** Any further comments from the
18 board?

19 Ms. Alexander, do you have any comments?
20 You didn't use all of your time before.

21 **MS. ALEXANDER:** No, not really. I don't see
22 that much difference between what we're doing on
23 election day other than I do understand Janelle
24 saying that because it's happening ahead. I
25 just -- maybe I have more faith in others. I

1 just don't think if we're saying -- and the
2 crunch is on for them to count because they have
3 to wait for the polls to close for them to pull
4 the ballots and to count them. I give people the
5 credit -- they've taken an oath -- that they're
6 going to be counting that as fast as they can,
7 with being paid and they're not to be tabulating.
8 They're not going to be even trying to look for
9 something like that. But maybe I give too much
10 credit.

11 **MS. KING:** Mr. Chairman, again, as I stated,
12 to those who are concerned about the
13 data-tracking aspect of this, there is tracking
14 that's taking place during early voting. It is
15 uploaded every single day. And if -- just for
16 consideration, if the board could consider
17 tabling this so that we can talk about it more in
18 detail, address those concerns with the
19 opportunity to consider it for the next election.

20 **MR. FERVIER:** When it comes time to make a
21 motion, the chair will entertain that motion.

22 Are there any other comments from the board?

23 The chairman's comments on this are the same
24 as on the previous petition. So I will not
25 reiterate those again.

1 The chair will -- if there's no further
2 comments --

3 Member Jeffares, I always want to give you
4 an opportunity to speak. At some point, I want
5 you to say something.

6 **MR. JEFFARES:** I pay attention.

7 **MR. FERVIER:** The chair -- the chair will
8 entertain a motion on this petition -- on this
9 rule.

10 **MS. KING:** Yes. Mr. Chair, I would like to
11 make a motion that we table this rule to be
12 discussed post this 2024 election so that we can
13 make sure that we have a plan in place that will
14 address my concerns about being able to track
15 what's happening in precincts going forward.

16 And I -- and my concern around integrity is
17 valid. I certainly didn't think that our
18 Secretary of State's Office would record a
19 sitting president of the United States either and
20 that took place.

21 So I do know that people do do things that
22 are bit unethical. So that -- I have precedent
23 of why I feel a little concerned about unethical
24 behavior. That being said, my motion is that we
25 table this to discuss it after the 2024 election

1 so that I can ensure that we have some parameters
2 in place.

3 **MR. FERVIER:** We have a motion from member
4 King to table proposed rule 183-1-14-.02. Is
5 there a second?

6 **MR. JEFFARES:** Second.

7 **MR. FERVIER:** We have a motion and a second.
8 Any discussion? Hearing no discussion, we will
9 vote -- we'll have a voice vote in order of
10 seniority.

11 Member Ghazal.

12 **MS. GHAZAL:** Aye.

13 **MR. FERVIER:** Member Johnston.

14 **DR. JOHNSTON:** Nay.

15 **MR. JEFFARES:** Aye.

16 **MR. FERVIER:** Member Jeffares, aye.

17 Member King.

18 **MS. KING:** Aye.

19 **MR. FERVIER:** The chair will exercise his
20 right to vote and will vote aye. Motion carries
21 four to zero.

22 **DR. JOHNSTON:** Four to one.

23 **MR. FERVIER:** I'm sorry, four to one. I'm
24 getting a brain fog here for lack of food.

25 We -- we are at a point which would be a

1 good stopping point if the board would like to
2 take a 40-minute recess for lunch and come back
3 and finish. Do we have a motion to recess for
4 lunch?

5 **MR. JEFFARES:** So moved.

6 **MR. FERVIER:** We have a motion. A second?

7 **MS. KING:** Second.

8 **DR. JOHNSTON:** Second.

9 **MR. FERVIER:** All those in favor signify by
10 saying aye.

11 **THE BOARD MEMBERS:** Aye.

12 **MR. FERVIER:** So moved.

13 (Recess)

14 **MR. FERVIER:** This board is called back into
15 session. We will get back on schedule with the
16 agenda.

17 The first item on the agenda -- or the next
18 item on the agenda is a discussion and voting on
19 proposed rule amendment to SEB rule 183-1-12-.01.
20 It's tab 3 in the board's book. This is a
21 petition presented by David Cross who is --

22 Mr. Cross, you're here?

23 **MR. CROSS:** (off microphone, indiscernible)

24 **MR. FERVIER:** Do you want to come and speak
25 on it, Mr. Cross?

1 **MR. CROSS:** Sure.

2 **MR. FERVIER:** You got anybody else that
3 wants to speak or just yourself?

4 Once again, we're going to limit comments to
5 the petitioners to about ten minutes for whatever
6 they want to say and anybody else that they have.
7 I understand that people are raising their hands
8 and want to speak.

9 The way we're handling it today is if the
10 board wants to ask a question of somebody from
11 the audience, then they have the opportunity to
12 do that. We're just not going to take comments
13 without questions from the board being asked.
14 And the board, obviously, is free to ask whatever
15 questions they feel is necessary to help them
16 with their position on this.

17 So, Mr. Cross, you have the floor.

18 **Discussion and Voting on Proposed Rule Amendment to**
19 **SEB Rule 183-1-12-.01**

20 **MR. CROSS:** Thank you, Mr. Chairman. The
21 room has kind of cleared out a little bit.

22 So as many of the proponents for these rules
23 understand, we're getting a lot of flack from the
24 press and opponents of election accuracy and
25 security. And as my grandfather, World War II

1 veteran, used to say, if you're taking flack, you
2 know you're over the target.

3 I am glad that GAVREO member, Tonnie Adams,
4 brought up the Super Bowl. During the AFC
5 championship game on November -- on -- not
6 November -- January 18, 2015, between the New
7 England Patriots and Indianapolis Colts, there
8 was controversy centered around allegations that
9 the Patriots had used underinflated footballs
10 during the game, which they won 45 to 7.

11 Following an investigation, the NFL
12 concluded that the Patriot's quarterback, Tom
13 Brady, was generally aware of the deflation of
14 footballs, leading to a four-game suspension for
15 Brady, fines and penalties against the Patriots
16 including the loss of draft picks. The case
17 stirred significant media attention and legal
18 battles over subsequent months.

19 In response to what was called Deflate-gate,
20 the NFL relatively quickly addressed the issue
21 surrounding ball inflation, and the NFL
22 implemented new rules and stricter protocols on
23 ball handling and ball inflation for the 2015
24 season.

25 Key changes included pregame ball

1 inspections, random checks during games, and the
2 use of more advanced technologies. The measures
3 were implemented immediately for the 2015 season
4 as part of the NFL's effort to restore integrity
5 and prevent any further controversies related to
6 ball inflation.

7 The objections that you've heard today have
8 been filled with propaganda generated by the
9 political media machine. Even today the
10 Secretary of State has conflated that simply
11 counting the number of pieces of paper inside a
12 machine is the same as tabulating by hand. And
13 it will take forever and it will be 3:00 in the
14 morning before anybody gets home. For the people
15 opposed to this, I say: You have been duped by
16 propaganda.

17 I noticed that the GAVREO letter was created
18 by Bartow County -- by a Bartow County SharePoint
19 program by Kirk, J. That would be Joseph Kirk,
20 election director for Bartow County who follows
21 Brad Raffensperger around the swing states like
22 an intern interviewing for a job, eager to please
23 the secretary.

24 The Secretary of State's Office has had over
25 three and a half years or 1,327 days to fix

1 outdated software on the system; 1,327 days to
2 turn on the feature that prevents double-counting
3 of ballots; 1,327 days to do anything to make our
4 elections more secure and reconcilable and yet he
5 has done zero.

6 So with regard to these rules to make our
7 elections more secure, if not now, when? So the
8 ballot printing distinction rule that's the -- I
9 think number three on your agenda today -- GAVREO
10 complains that the distinguishment between
11 different types of hand-marked paper ballots will
12 do nothing to increase chain of custody. I say
13 that's wrong. The distinction will help with
14 chain of custody because if a county says that
15 they issued 10,000 ballots -- or 10,000
16 absentee-by-mail ballots, we should be able to
17 find 10,000 absentee by mail ballot images, not
18 10,500, not 10,600, but exactly 10,000.

19 Instead if we were to ask for
20 absentee-by-mail images, we'd get those right now
21 plus emergency ballots plus provisional ballot
22 images all mixed in. Voting is supposed to be an
23 exact measure. And today do we not -- we do not
24 have exact reconciliation.

25 GAVREO goes on to whine that they -- that we

1 have to send military and overseas ballots as
2 early as this past Tuesday. UOCAVA ballots are
3 e-mailed -- e-mailed, all right? -- and then
4 reproduced when they arrive back. So I don't
5 know how this rule regarding printing physical
6 ballots will have anything to do with an e-mailed
7 ballot.

8 GAVREO goes on to -- to grieve that this
9 rule will potentially violate the secrecy of
10 ballots cast in small batches. I was a poll
11 manager in Gwinnett County in 2022. I cast the
12 one single provisional ballot for my voting
13 location. And with my knowledge of ballots and
14 ballot image data, I don't know how anyone would
15 find my ballot to see how I voted because
16 provisional and emergency ballots are grouped
17 together and counted at the central precinct.

18 This proposed rule is not about finding some
19 secret backdoor to learn how someone has cast a
20 ballot. It is about rigid process control for
21 elections which should be an exact science. So
22 the proposed rule does not impact voter
23 experience and it was passed by the SEB, I
24 believe, four to one.

25 So I've got nothing else with regard to --

1 to this particular rule. Hopefully I'm under ten
2 minutes.

3 **MR. FERVIER:** You are. Thank you.

4 Any questions from the board on this?

5 **MS. GHAZAL:** (indicating)

6 **MR. FERVIER:** Member Ghazal.

7 **MS. GHAZAL:** (off microphone) Mr. Cross, you
8 do realize that (microphone on) provisional and
9 emergency ballots that are -- that are designated
10 for precinct have that precinct designation on
11 them; correct?

12 **MR. CROSS:** Okay.

13 **MS. GHAZAL:** And so even if it's tabulated
14 back at the county headquarters, if you see the
15 ballot image, you see the precinct designation.
16 And somebody can easily go back and say how
17 many -- look at the numbered list of provisional
18 voters, which is public record of the name, and
19 they can say: David Cross cast a provisional
20 ballot. And if it says provisional and emergency
21 ballot with your precinct designation, that's the
22 only ballot that can be attached to you.

23 **MR. CROSS:** I would tell you that -- I would
24 tell you that the probability of something like
25 that happening is absurdly low. And again this

1 is not about trying to figure out how I voted or
2 how you voted. I mean, when it comes down to it,
3 if I really apply myself -- there's a gentleman
4 that's here that's a -- you know, that's an
5 expert in technology named Clay Parikh. If I
6 really wanted to, I could find out how everybody
7 in this room voted. The technology exists to do
8 that. So ...

9 **MS. GHAZAL:** And it is the role of this
10 board not to make that easier.

11 **MR. CROSS:** Okay. Well, the state law right
12 now does specify that those -- you know,
13 emergency and provisional is not supposed to be
14 at the top of the ballot that says absentee by
15 mail.

16 **MS. GHAZAL:** It is also the sole role of the
17 Secretary of State to determine what is on the
18 ballots. We have no jurisdiction and this would
19 be beyond the scope of our legal authority.

20 **MR. CROSS:** Okay. And as I said, he's had
21 1,327 days to do anything about making our
22 elections more secure and he's chosen to do
23 nothing. Zero. He hasn't -- he hasn't even
24 updated the software.

25 **MS. GHAZAL:** Nonetheless, we can't change

1 what the Legislature has designated as is our
2 authority. There's nothing we can do.

3 **MR. CROSS:** Okay. Well, I'll remind you
4 that, again, this rule passed, you know, muster
5 four to one previously. Thank you.

6 **MR. FERVIER:** That was to initiate
7 rulemaking procedures.

8 **MR. CROSS:** I understand.

9 **MR. FERVIER:** Yeah.

10 Any other comments from the board?

11 Dr. Johnston.

12 **DR. JOHNSTON:** Thank you. My opinion is
13 that the state election board, we oftentimes say
14 we need to do what is consistent with law. And
15 Georgia election law states in 21-2-384 that the
16 ballot -- I'm sorry, 383 says the ballot shall be
17 marked, quote, official absentee ballot. It's
18 all it -- end quote, and shall be substantially
19 the same as other ballots.

20 So I -- I would recommend that the board
21 vote to be compliant with the law, and the
22 Secretary of State may take the -- take our lead
23 and correct the absentee ballot labeling.

24 **MR. FERVIER:** Member King.

25 **MS. KING:** I also think that we should be in

1 compliance with the law, but I also would like to
2 take into consideration that these forms are
3 often printed by county -- the county and in
4 order for this to go into effect in 2024, we will
5 be impacting their budget.

6 As of right now, the budget is already
7 allocated, and what I would hate to do is to
8 throw another line item on their budget without
9 having the necessary time to prepare for it. But
10 I -- I do want to line up with the law so what --
11 I would support it but I would not support it if
12 it went into effect for 2024. I think it should
13 go into effect for 2025 so that they can have an
14 opportunity to adequately budget and budget it
15 into their -- well, put it in their budget.

16 **MR. FERVIER:** Any other comments by the
17 board?

18 I just want to -- I want to echo member
19 Ghazal's comments. The -- the 21-2-50, powers
20 and duties of the Secretary of State, subsection
21 (a)(1): The power of the Secretary of State is
22 to determine the forms of nomination petitions,
23 ballots, and other forms the Secretary of State
24 is required to determine under this chapter,
25 which leads me to believe that this board does

1 not have the jurisdiction to make this change.
2 It's under the sole purview of the Secretary of
3 State. And in my view, the statute always trumps
4 rules. And this is what the statute says.

5 **DR. JOHNSTON:** Mr. Chair, I would differ
6 that the statute 383 is -- is the priority
7 statute that the ballot shall be marked official
8 absentee ballot.

9 Might I ask any of the election directors if
10 they have already printed their emergency
11 provisional ballots for election day?

12 **MS. ANGLIN:** Yes. Mine are already printed
13 and in the office and sorted by precinct. So
14 we're done with that.

15 **DR. JOHNSTON:** So you've already ordered and
16 printed those.

17 **MS. ANGLIN:** Yes. And our absentee as well.
18 Everything's in.

19 **DR. JOHNSTON:** Deidre.

20 **MS. HOLDEN:** Yes, ma'am. They're all
21 printed, ready to go. We've already sent the
22 UOCAVAs out, so yes, they have. But I do -- I do
23 want to say that, you know, what the heading
24 says, it does serve that -- that one ballot
25 serves all three of those purposes -- provisional

1 and challenged -- as well. So it's the same
2 ballot, it's just -- it's just headed that way.
3 You use it for three different purposes.

4 **MR. CROSS:** Again, if I'm trying -- if I, as
5 a citizen, am trying to reconcile how many
6 absentee-by-mail ballots and differentiate those
7 from provisional or from, you know, from
8 emergency, I can't do that. I just get like this
9 big load of dirty laundry where it's all mixed
10 together.

11 **MS. HOLDEN:** We always keep ours separated
12 by what is absentee by mail, provisional, and
13 challenged. So in Paulding we know the
14 difference in our ballots.

15 **MR. CROSS:** But as -- if I -- if I do an
16 open records request and try to pull the ballot
17 images, is it going to be delineated that way
18 through your county?

19 **MS. HOLDEN:** It should be, yeah.

20 **UNIDENTIFIED SPEAKER:** (inaudible)

21 **MR. FERVIER:** Wait. Wait, wait, wait, wait,
22 wait. Wait. The board needs to ask questions.
23 It's the board --

24 **MR. CROSS:** Sorry, I didn't mean to step out
25 of line.

1 **DR. JOHNSTON:** Rebecca.

2 **MS. ANGLIN:** So if you did an open records
3 request for, like, an EMS report, it would show
4 you how many provisionals, how many absentee by
5 mail, and you would be able to differentiate.
6 And then if you also pulled recap sheets for each
7 of those specific purposes, you would be able to
8 differentiate.

9 Now, the ballot itself is not going to say
10 provisional on it, which is what I think you're
11 alluding to, but we keep the ballots. The
12 ballots come in with stub numbers. So you've
13 allocated ballots zero through 3000 for
14 emergency, 3001 to 3050 for provisional, and so
15 forth.

16 So we definitely have chain of custody of
17 all of the ballots and we definitely have
18 processes for recording what is going where and
19 there's recap sheets accordingly. So everything
20 is kept up with and documented.

21 Now, whether or not a citizen would know to
22 ask for those things is -- could be a totally
23 different argument.

24 **MR. FERVIER:** Any further questions by the
25 board? The chair will entertain a motion on

1 this.

2 **MS. KING:** I would like to make a motion
3 that we pass this rule, but that it does not --
4 so we can be aligned with the law, but that it
5 does not go into effect until 2025.

6 **MR. FERVIER:** I don't think we can do that.
7 I don't -- once this rule is passed, it will be
8 posted within 48 hours, and then 20 days later it
9 becomes in effect. So ...

10 **MS. KING:** Okay. So then I'll -- I'll amend
11 my motion to table this so that we can reconsider
12 it after the 2024 election.

13 **MR. FERVIER:** We have a motion on the floor
14 to table the rule number 183-1-12-.01 and for
15 reconsideration at a later date. Is there a
16 second?

17 **MR. JEFFARES:** Second.

18 **MR. FERVIER:** We have a motion and a second.
19 Any discussion? Hearing no discussion, we will
20 all vote by order of seniority.

21 Member Ghazal.

22 **MS. GHAZAL:** Aye.

23 **MR. FERVIER:** Member Johnston.

24 **DR. JOHNSTON:** Nay.

25 **MR. FERVIER:** Member Jeffares.

1 **MR. JEFFARES:** Aye.

2 **MR. FERVIER:** Member King.

3 **MS. KING:** Aye.

4 **MR. FERVIER:** The ayes have it. The motion
5 passes three to one.

6 **MR. CROSS:** Do you want me to stay up here
7 and do the -- the mail ballots with tracking or
8 do you want me to come back at 5:00.

9 **MR. FERVIER:** Give me one second here.
10 Well, you are next; aren't you?

11 **MR. CROSS:** Well, I was supposed to be
12 number one and number ten. It was just kind of
13 weird that I was, like, bookended on the -- on
14 the initial ...

15 **MR. FERVIER:** I actually have you as one and
16 two, back to back.

17 **MR. CROSS:** Awesome.

18 **MR. FERVIER:** We can wait until later if you
19 want to.

20 **MR. CROSS:** Hell no.

21 **MR. FERVIER:** I mean, it's your choice. I
22 don't care. It's today or Monday, your choice.

23 **MR. CROSS:** Today -- today -- today's good.

24 **MR. FERVIER:** Mr. Cross, you have ten
25 minutes, please.

1 **Discussion and Voting on Proposed Rule Amendment to**
2 **SEB Rule 183-1-14-.11**

3 **MR. CROSS:** I'll be brief.

4 All right. Mailing ballots with tracking
5 rules is what we're talking about now. So
6 regarding my proposal for tracking ballots by
7 mail, GAVREO falsely claims that this rule,
8 because it fails to increase chain of custody,
9 enhance insecurity, or improve transparency --
10 and furthermore it cites a law that does not
11 exist. That -- that was the primary objective.

12 So right now we have zero chain-of-custody
13 documentation when a ballot is mailed. Nothing.
14 The county has no idea if a ballot is lost in the
15 mail, thrown in the trash, or in a dead letter
16 office. And the county -- the county keeps no
17 records for public inspection. And even at your
18 press conference this morning, it was mentioned
19 that the fact that the -- you know, that the mail
20 is working so poorly right now, that I think
21 you're -- we had to extend -- what, three days?
22 -- the number of days it was going to take to
23 bring in ballots. I think it's awful that we
24 live in a supposed first world nation and we
25 can't -- we can't get our mail on time.

1 So this rule that I propose enhances
2 security because it will leave a paper trail
3 showing what happened to a ballot when it was
4 mailed. If you order toilet paper from Amazon,
5 you get tracking real-time, and you get a picture
6 of your toilet paper delivered to your door.
7 Maybe we should have Amazon delivering our
8 ballots.

9 On transparency, it's simple. The people
10 want accountability. And they want those records
11 subject -- subject to open records request, which
12 is O.C.G.A. 50-18-70. My rule as proposed
13 clearly stated that the board of registrars or
14 absentee ballot clerk shall mail U.S. -- by U.S.
15 Postal Service or other delivery service which
16 offers tracking.

17 And in my proposal I did write that the
18 records shall be maintained pursuant to O.C.G.A.
19 50-17-70 instead of 50-18-70. And that typo
20 should've been caught by the crack team of
21 \$400-per-hour lawyers who could've had a
22 first-year law student do the job and would've
23 had it corrected to read 50-18-70. That was
24 clearly a typo and Joseph Kirk knows very well it
25 was a typo, but he conflated it into something

1 akin to "they have no idea what they're talking
2 about." And that tells you everything you need
3 to know about GAVREO's authors, their
4 perspective, and their intent on this matter.

5 I will remind GAVREO that this rule also
6 passed, this time five to zero, for movement
7 to -- to rulemaking.

8 The Atlanta Journal Constitution propaganda
9 machine inaccurately reported that the cost to
10 use U.S. Postal Service tracking is \$4 per
11 ballot. That is incorrect. It is free. I use
12 tracking at my business, using Stamps.com, and I
13 even get a discount on first-class postage.

14 Furthermore, Georgia Code 21-2-389 states
15 that the postage required for mailing ballots to
16 absentee electors as provided for in this article
17 shall be paid for by the county municipality
18 except in cases where free mail delivery is
19 furnished by the United States government.

20 So like the ACLU folks and the ACLU army
21 that's here today, I too -- believe it or not, I
22 believe that our elections should be easy,
23 accessible, and accurate. I want to add the
24 word, "accurate," to that.

25 So with this -- with this particular rule, I

1 think it -- I think it should pass. I think we
2 should have the ability to track ballots.

3 And also Mr. -- Mr. Kirk also mentioned
4 that -- that the wording on this particular rule,
5 where it says: Mail by U.S. Postal Service or
6 other delivery service which offers tracking,
7 doesn't necessarily obligate him to track the
8 ballots, which again tells you what GAVREO's
9 intent is and what their thought process is on
10 this whole thing.

11 So I think we should be using tracking.
12 Like I said, Amazon tracks your toilet paper if
13 you're ordering that. And everything is fully
14 accountable. Right now we have no tracking, no
15 accountability. Thank you.

16 **MR. FERVIER:** That's exactly the reason I
17 use Amazon for my toilet paper.

18 Mr. Doss, how does -- how do the counties
19 track absentee ballots now?

20 **MR. DOSS:** Currently with the absentee
21 ballots, we will enter it into the voter
22 registration system which is GARViS. We put in
23 when the application was received, when the
24 ballot has been issued, and when the ballot has
25 been mailed. There are a few counties that

1 actually use an absentee-by-mail service that
2 actually processes our absentee ballots and mails
3 them for us.

4 Most counties, however, do the mailing
5 themselves. So they will -- once they have
6 entered it into the voter registration system,
7 they will hand package the ballots and either
8 take them to the post office or take them to
9 their -- they may run postage themselves, they
10 may take it to the county postage office that
11 will actually enter -- enter the postage. Then
12 when the ballots are returned to us, we also will
13 then again enter it into the voter registration
14 system as far as when the ballot is received and
15 then we will make the verification on the
16 envelope to make sure that the oath is completed
17 and whatnot and we'll -- we'll have that ballot
18 as being received.

19 I believe starting with this election, they
20 are also offering Ballot Trax from the Secretary
21 of State's Office that offers Ballot Trax to also
22 track the ballot. And I believe when this rule
23 was originally proposed, Ballot Trax was what was
24 mainly discussed.

25 You know, with this rule talking about

1 United States Postal Service or other, you know,
2 delivery, I would -- I would question when you
3 say that the post office offers free tracking how
4 you go about getting that free tracking. Are you
5 taking it to the post office and getting them to
6 put the postage on the ballots? That's not what
7 we do. With the military ballots, those are
8 postage-paid. Those -- those are -- they do not
9 have to put postage on there when we mail those
10 out.

11 The other thing, you know, about this rule,
12 I mean, you -- originally when you proposed this
13 rule, you had taken out the language, "during
14 early voting," but this particular one, it's back
15 in there again. We start mailing ballots before
16 early voting starts so you -- this particular
17 rule of tracking is we're not treating all
18 ballots the same. We're not tracking the
19 military ballots, we're not tracking the ballots
20 that go out the week before early voting. We're
21 only, apparently, according to this rule, only
22 tracking during early voting.

23 **MR. CROSS:** Can I address that?

24 **MR. FERVIER:** Absolutely.

25 **MR. CROSS:** Okay. So it's very simple. My

1 admin goes down to the post office and she picks
2 up this wad of stickers that look just like this
3 (indicating), all right? The top part you pull
4 off and you put it onto your item that you're
5 mailing. The bottom strip, you can pull it off
6 and you can put it onto a spreadsheet next to a
7 person's name and that becomes the way that
8 you're going to be able to track this thing. You
9 can enter the numbers if you want, but it's
10 probably just as good to -- you know, to use the
11 stickers that are provided. But it's simple,
12 it's free. You can go down to the post office
13 and say, I need all of your tracking stickers,
14 and they will give them to you. It's a very
15 simple process.

16 And if you have folks that are -- that are
17 going down to the post office and they're
18 dropping those things off, this is a simple
19 process. When they're -- when they're putting
20 the ballot, you know, in the envelope, very
21 simple process. Pull that, you know, sticker
22 off, put it on the ballot, pull the, you know,
23 the tracking sticker off, put it right next to
24 the person's name that they're working from, that
25 they obviously have to be working from, and then

1 when you take it to the post office, they're
2 going to affix the postage and they're going to
3 scan it with a little -- with their little
4 digital gun.

5 **UNIDENTIFIED SPEAKER:** May I --

6 **MR. FERVIER:** Member Ghazal.

7 **MS. GHAZAL:** Most of the absentee -- the --
8 the first wave of absentee ballots will already
9 be out by the time this would come into force. I
10 will be the first person to stand in line to work
11 with you hand in hand and go to the Legislature
12 and get them to write this into law. I think
13 it's a great idea. I would love to see this
14 happen.

15 It can't happen -- just timing-wise it can't
16 happen for this election and, again, it goes
17 beyond what statute requires. We can't create a
18 higher standard for the counties than what the
19 Legislature has already done and the Legislature
20 has not yet said that -- that counties need to do
21 the tracking.

22 So we don't have the authority to do that.
23 I hope that the Legislature will listen and will
24 write this into code. I will advocate for that.
25 I will support you and anybody else who wants to

1 work with this -- on this. But we can't do it in
2 time for this election and we can't do it as a --
3 an appointed body by regulation.

4 **MR. CROSS:** I don't -- I don't buy that.
5 But thank you.

6 **MR. FERVIER:** We were all about to get
7 together and sing Kumbaya. So ...
8 Member King?
9 Member Johnston.

10 **DR. JOHNSTON:** Yes.

11 A question, Mr. Cross. Election mail is --
12 is first-class mail; correct?

13 **MR. CROSS:** Yes.

14 **DR. JOHNSTON:** And isn't first-class mail
15 tracked automatically?

16 **MR. CROSS:** It is but you have to instruct
17 them to track it.

18 **DR. JOHNSTON:** I mean, like a --

19 **MR. FERVIER:** I don't understand that.

20 **DR. JOHNSTON:** -- phone call?

21 **MR. CROSS:** I'm sorry? First -- first-class
22 mail is tracked if you use the process to track
23 it. If you just slap a stamp on an envelope,
24 maybe it gets there, maybe it doesn't. That's
25 where we are right now. We are in the "maybe it

1 gets there, maybe it doesn't."

2 And with the way that the post -- with the
3 way that the post office is working right now and
4 all the problems they have in Palmetto, I mean,
5 if I was an election director, I think I'd want
6 to know if I was mailing out 10,000 ballots, did
7 they all get to where I mailed them to?

8 **MR. FERVIER:** Member Ghazal.

9 **MS. GHAZAL:** I'm sorry. I'm going to take a
10 little bit of a point of personal privilege here.
11 As Mr. Doss mentioned, there is a tracking
12 service available but voters have to opt in. And
13 I want to use this opportunity and I hope that
14 some of the media will pick this up, that this
15 oppor -- this opt-in is now available on every --
16 every voter who applies for an absentee ballot on
17 the MVP site.

18 You can scroll down and opt in to receiving
19 text and/or e-mail alerts for every step of the
20 way that your ballot is going through the
21 process. You can receive a text when your
22 application has been accepted. You'll receive a
23 text when the -- the ballot is mailed out.

24 Some counties that use these third-party
25 groups that -- third-party organizations that

1 mail them will track it all the way through the
2 mail because they have that bar code. It will
3 track it all the way back and you'll -- and you
4 will get notifications.

5 I strongly encourage any voter who is voting
6 absentee, please opt in to this so you can make
7 sure that your ballot is received on time.

8 So thank you.

9 **MR. FERVIER:** Yeah, Mr. Cross, I mean, I
10 don't -- I don't oppose this. I just oppose it
11 on timing.

12 **MR. CROSS:** If you put it into effect today,
13 it's -- it's very simple.

14 **MR. FERVIER:** Well, we can't put it into
15 effect today.

16 **MR. CROSS:** Well, if -- if you voted on it
17 today and you said, yes, let's do it. You
18 said -- is it today or 48 hours because
19 Dr. Johnston was giving --

20 **MR. FERVIER:** Forty-eight hours to post it
21 and 20 days for it to go into effect.

22 **MR. CROSS:** What was -- well, I don't
23 understand the discrepancy between the
24 previous -- the previous rules that were passed,
25 you know, in years past and they went into effect

1 immediately. What's -- has something changed
2 that makes it so that --

3 **MR. FERVIER:** I -- I don't know how that
4 occurred, you know. I mean, there are emergency
5 rules that can come into effect immediately.
6 This isn't an emergency rule. Hasn't been filed
7 as an emergency rule. I just -- I don't see how
8 we can do this this election, although I -- like
9 I said, I don't oppose it, I just oppose it on
10 the timing issue frankly. It -- you know,
11 it's --

12 **MR. CROSS:** I can appreciate that. The
13 thing -- the thing with ballot tracking for
14 individuals, you know, I should be putting
15 premium gas in my car, okay? But I don't always
16 do it. And I don't think that voter -- I think
17 that voters are going to work the same way.
18 Maybe they'll -- maybe they're going to, you
19 know, sign up for tracking, maybe they won't.
20 Most people are fairly busy with their lives and
21 they're probably not going to go to their county
22 website and figure out how they're going to do
23 ballot tracking.

24 So it's a wonderful idea, but it's an idea
25 that is a push from the voter. It is not

1 something that the counties can actually give me
2 a report and say: I mailed 10,000 ballots and
3 9,900 of them got to the places they were going
4 to and a hundred of them got returned. We need
5 that kind of accountability and accuracy.

6 **MR. FERVIER:** Member King.

7 **MS. KING:** So I'm -- I'm okay with certain
8 administrative procedures that would -- you know,
9 may incur a little bit of extra time, but what
10 I -- where I do draw the line is when we're
11 starting to affect county budgets. And once
12 again, budgets have been set. And what we don't
13 want to do is put a cost on our counties that
14 they weren't prepared for because then they're
15 going to have to pull it from other places. And
16 those where they're pulling it from could affect
17 other aspects of the process.

18 So I also agree. I'm in the same vein as
19 every -- pretty much everyone here, that this is
20 something that I do think we -- we should put
21 into effect. I just don't think we should do it
22 for this election because I don't want to impact
23 their budgets any further.

24 However, I really, really want to make sure
25 that this is something that we can do for 2025

1 and onwards.

2 **MR. FERVIER:** Would you like to make a
3 motion?

4 **MS. KING:** Yes.

5 **MR. FERVIER:** The chair would entertain a
6 motion.

7 **MS. KING:** I would like to make the motion
8 that we again table this so that we can discuss
9 it after the 2024 election and hopefully pass it
10 during that time so that this is something that
11 we can put into effect in 2025 and ongoing.

12 **MR. CROSS:** Ms. King, there is no cost to do
13 this.

14 **MS. KING:** There is a cost. There is a
15 cost.

16 **MR. FERVIER:** We have -- we have a motion.
17 Do we have a second?

18 **MR. JEFFARES:** Second.

19 **MR. FERVIER:** We have a motion and a second
20 to defer this rule for later -- for consideration
21 for a later date. Any discussion?

22 **DR. JOHNSTON:** Yes, Mr. Chair.

23 **MR. FERVIER:** Yes, member Johnston.

24 **DR. JOHNSTON:** I -- I don't understand the
25 logic that the Secretary of State declares that

1 they'll have a tracking program and that's not --
2 and that's okay or within the realm of the
3 authority of the Secretary of State, but when the
4 state election board entertains a petition for a
5 rule for tracking, it's not within the authority
6 of -- consistent with law.

7 So I don't understand the logic there. It's
8 okay if the Secretary of State does something but
9 not if the state election board consider
10 something.

11 And the -- the issue with the emergency
12 rules is we had a whole slew of emergency rules
13 that were passed that drastically affected how
14 elections were conducted to the -- to the extent
15 of providing absentee ballot drop boxes
16 throughout the state, to not requiring voter
17 signature verification, to processing and opening
18 absentee ballots while elections were ongoing --
19 or going on actively, and -- and created a gap in
20 the system that would allow for double-voting to
21 occur.

22 So, you know, the rules aren't always
23 perfect and they're not always timely. But rules
24 are passed and they become affective, you know,
25 20 days later. And if it's -- if it's too late

1 to take effect, to be effective for this -- this
2 election or this period of time, it's still
3 effective and should be used as soon as
4 practicable.

5 So I wouldn't hesitate to pass a rule if
6 it's -- if it's a good rule. And then the timing
7 and implementation can take place as needed.

8 **MR. CROSS:** Mr. Chair, with respect, I
9 believe this is an emergency. Senator Ossoff was
10 on the news recently saying that we have terrible
11 problems with delivery of mail, primarily
12 attributed to what's going on with the new
13 Palmetto facility. I believe this is an
14 emergency.

15 I believe this is something that should be
16 taken action on today because even when I
17 originally mailed my rules to you back in May,
18 one of them took 15 days to arrive because of the
19 issues that are going on with the post office. I
20 do believe we have an emergency right now.

21 And considering the issues that are going on
22 with the post office right now, if I was an
23 elections director, I would have very low
24 confidence to know that all of the ballots that I
25 mailed got to the intended recipients.

1 Thank you.

2 **MR. FERVIER:** Any additional comments from
3 the board?

4 **MS. KING:** I would like to say I would like
5 Rebecca from Greene County -- if you could just
6 share -- just to make sure I'm seeing this
7 correctly, what would the cost be to you?
8 Because I'm assuming what you're picking up from
9 the postal service, you still have to pay for
10 that, right?

11 **MR. CROSS:** Zero. No, it is zero.

12 **MS. KING:** They give -- they hand it to you
13 for free?

14 **MR. FERVIER:** Excuse me.

15 **MR. CROSS:** Yes.

16 **MS. KING:** Okay. Let me -- let me just
17 hear.

18 **MS. ANGLIN:** Am I good? Okay. So I
19 personally took a ballot down to our local post
20 office to inquire about tracking because I agree
21 with you a hundred percent. Our mail service is
22 in a disastrous state. We, as election
23 officials, do not trust the mail. I have been
24 working on this tirelessly to get counties to
25 send me everything they are receiving that is

1 delayed and mailed ballots we're having to
2 reject. I've been doing this for months now. I
3 agree with you.

4 However, my postal office did not tell me
5 anything about what you're talking about. And
6 they told me it would be almost \$10 a ballot to
7 track it completely from when I take it to the
8 postal service, pay the additional fees that it's
9 going -- it's going to cost. That would consume
10 my entire fiscal year budget just for this
11 election based off the absentee ballot
12 applications we've received. And I would be
13 over -- I would be in the red.

14 **MR. CROSS:** With respect, there are a lot of
15 different ways that you can -- when you go to the
16 post office to ask for tracking. The tracking
17 service that I'm advocating is the free tracking
18 service. The one that you're talking about, that
19 costs six to ten dollars is where you're doing
20 return receipt request and, you know -- and
21 somebody has to show identity. There's -- that's
22 a different type of tracking.

23 The postal service has got many different
24 ways for tracking. What I'm advocating is the
25 most basic, most simple, free solution.

1 **MS. ANGLIN:** And to your point, though, I --
2 I agree -- we agree on several points of this,
3 but I still don't trust the postal service to get
4 them their ballot even --
5 **MR. FERVIER:** (indiscernible)
6 **MR. CROSS:** Well, right now you've got no
7 way to track it.
8 **MR. FERVIER:** Member King.
9 **MS. KING:** Yeah. So I'm finding it hard to
10 believe that there's anything that's 100 percent
11 free. So I'm trying to find where the cost lies,
12 right? Are you using a service? Stamps.com? Or
13 what -- what service are you using?
14 **MR. CROSS:** So I use Stamps.com. Stamps.com
15 gives me a 5-cent discount on -- on first-class
16 postage, and I can get tracking for free. It's
17 just an option that's in the system.
18 **MS. KING:** So --
19 **MR. CROSS:** Stamps -- Stamps.com --
20 **MS. KING:** -- but you have to purchase --
21 **MR. CROSS:** -- costs me \$11 a month.
22 **MS. KING:** Okay, so it's \$11-a-month
23 subscription, but you still have to pay for that
24 first-class, like that five -- that discounted
25 rate, right?

1 **MR. CROSS:** Uh-huh.

2 **MS. KING:** You still have to pay for that.

3 And then you get your free tracking; correct?

4 **MR. CROSS:** (nodding)

5 **MS. KING:** So there is a cost that's still

6 associated with this per ballot. Okay. Okay.

7 Just wanted to make sure.

8 Even -- even though it's \$11, adding any

9 line item to a budget that has not already

10 been --

11 **MR. CROSS:** Any county that wants it --

12 **MS. KING:** -- prepared for --

13 **MR. CROSS:** -- I'll pay for it.

14 **MS. KING:** If I can -- if I can -- if I

15 could just finish what I'm saying.

16 **MR. FERVIER:** I -- I think -- I agree with

17 you. I think that we need to fully understand

18 the cost of this before we move forward and --

19 **MS. KING:** I just want to make sure --

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

21 **MS. KING:** -- I know even if it's one dollar

22 because I know for my business every single

23 dollar is allocated. So that one dollar sends

24 you into the red if you don't have it budgeted.

25 So I just want to make sure --

1 **MR. CROSS:** Free.

2 **MS. KING:** -- we're --

3 **MR. CROSS:** Free.

4 **MR. FERVIER:** We have a motion on a table
5 and a second to defer this rule --

6 **MR. CROSS:** Can you make a --

7 **MR. FERVIER:** -- till -- to a later date --

8 **MR. CROSS:** -- motion to make it become an
9 emergency ruling? Is that possible?

10 **MR. FERVIER:** We have to vote on the
11 original motion first.

12 **MR. CROSS:** Or you can rescind it.

13 **MS. GHAZAL:** Mr. Chairman.

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

15 **MS. GHAZAL:** Upon emergency rulemaking,
16 SB-202 made it significantly more difficult to
17 undertake emergency rulemaking. And it requires
18 imminent peril. It requires notice to the
19 governor, lieutenant governor, the speaker of the
20 house, chairpersons of standing committees,
21 legislative counsel, and the chief executive
22 officer of each political party.

23 It is an extremely high standard to meet an
24 emergency under the statute because the
25 Legislature was unhappy with the emergency

1 rulemaking that was undertaken in 2020. This
2 does not meet that standard.

3 **MR. FERVIER:** We have a motion before this
4 board and a second. Any further discussion?

5 **DR. JOHNSTON:** Could you repeat the motion?

6 **MR. FERVIER:** The motion is to defer
7 discussion and voting on SEB rule 183-1-14-.11.
8 Hearing no further discussion, we will vote in
9 order of seniority.

10 Member Ghazal.

11 **MS. GHAZAL:** Aye.

12 **MR. FERVIER:** Member Johnston.

13 **DR. JOHNSTON:** Nay.

14 **MR. FERVIER:** Member Jeffares.

15 **MR. JEFFARES:** Aye.

16 **MR. FERVIER:** Member King.

17 **MS. KING:** Aye.

18 **MR. FERVIER:** Motion carries three to one.
19 This will be deferred for further consideration.

20 Well, we get to skip over number five and
21 number six. Ms. Alexander already presented to
22 us. The next item on the agenda is discussion
23 and voting on proposed rule amendment to SEB rule
24 183-1-12-.12, tabulating results. Subject of
25 rule: Reconciliation reports. Presentation from

1 Gail Lee and Janelle King. It's a -- I don't
2 know why that's on here.

3 MS. KING: I didn't work with it.

4 MS. HARDIN: (off microphone,
5 indiscernible). So that's why I put it on there.

6 MS. KING: Okay.

7 MR. FERVIER: All right.

8 (Cross-talking, off microphone)

9 MS. HARDIN: (off microphone) That's how we
10 (indiscernible) --

11 MR. FERVIER: You're stuck with this one,
12 member King.

13 MS. KING: I don't mind.

14 MR. FERVIER: It's tab -- tab number 7 in
15 your -- in the board book.

16 Yes, Gail, please. Ms. Lee. Ten minutes,
17 Ms. Lee for your -- you got anybody else that
18 you'd like to speak with you?

19 MS. LEE: No.

20 MR. FERVIER: No? Okay. You have the
21 floor.

22 **Discussion and Voting on Proposed Rule Amendment to**
23 **SEB Rule 183-1-12-.12 (Tabulating Results)**

24 MS. LEE: Well, I was surprised that I was
25 on the agenda because I thought it had been

1 adopted using the simple language that you added
2 to it last time. But I want to take the
3 opportunity to add maybe three more words.

4 **MR. FERVIER:** We can't add anything to it at
5 this point.

6 **MS. LEE:** You can't?

7 **MR. FERVIER:** No.

8 **MS. LEE:** No? Okay. Well, in that case --

9 **MR. FERVIER:** You can withdraw it and we can
10 revise it.

11 **MS. LEE:** Maybe next time I'll take it off
12 and amend it, but I think it should go into
13 effect for this election.

14 For those people who were not familiar with
15 the rule, it's very simple. The election offices
16 within 30 days of certifying the election supply
17 the Secretary of State with a reconciliation
18 report. And my rule is just asking that it be
19 posted on their website and if they didn't have a
20 website or a web page, then they would post it in
21 their office.

22 And the three words I wanted to add was "in
23 view of the public," because I don't want it to
24 be posted inside a closet. So ...

25 **MR. FERVIER:** Surely they wouldn't do that.

1 **MS. LEE:** You never know. So anyway
2 that's -- that's all.

3 **MR. FERVIER:** Is that it?

4 **MS. LEE:** Yeah. Would you like me to read
5 the rule?

6 **MR. FERVIER:** No. No. We -- we have it in
7 front of us. I think that the board was in full
8 favor of this last time, if I recall, for
9 initiating rulemaking procedures.

10 If the board doesn't want to ask you any
11 questions, I'm okay with that.

12 **MS. KING:** No questions.

13 **MR. FERVIER:** The chair will entertain a
14 motion on this rule.

15 **DR. JOHNSTON:** (off microphone) Mr. Chair, I
16 move that we adopt this rule.

17 **MR. FERVIER:** We have a motion to adopt this
18 rule. Is there a second?

19 **MS. KING:** Second.

20 **MR. FERVIER:** We have a motion and a second
21 to adopt rule 183-1-12-.12, tabulating results.
22 Any discussion? Hearing no discussion, we will
23 vote in order of seniority.

24 Member Ghazal.

25 **MS. GHAZAL:** Aye.

1 **MR. FERVIER:** Member Johnston.
2 **DR. JOHNSTON:** Aye.
3 **MR. FERVIER:** Member Jeffares.
4 **MR. JEFFARES:** Aye.
5 **MR. FERVIER:** Member King.
6 **MS. KING:** Aye.
7 **MR. FERVIER:** The rule passes four to zero.
8 You win a prize, Ms. Lee. I'm not sure what
9 that is yet. I've got a box of candy, I think.
10 At this rate we're going to get done by next
11 Wednesday.
12 The next item on the agenda is discussion
13 and voting on proposed rule SEB 183-1-12-.19
14 (preparation of the Electors List and use of
15 electronic poll books). Subject of the rule:
16 Voter lists. Presentation by Lucia Frazier.
17 It's tab number 8 in your book.
18 Ms. Frazier.
19 **MS. HARDIN:** (off microphone,
20 indiscernible).
21 **MR. FERVIER:** Can you -- how long is that
22 going to take?
23 **MS. HARDIN:** (off microphone,
24 indiscernible).
25 **MR. FERVIER:** Well, how long will it take?

1 **MS. HARDIN:** (off microphone,
2 indiscernible).

3 **MR. FERVIER:** All right. See if you can
4 make it work.

5 **MS. HARDIN:** (off microphone) I just have to
6 turn the remote on. That should do it.

7 **Discussion and Voting on Proposed Rule Amendment to**
8 **SEB Rule 183-1-12-.19**

9 **MR. FERVIER:** Ms. Frazier, you have ten
10 minutes. You have somebody that's going to speak
11 with you, I take it?

12 **MS. FRAZIER:** Yes.

13 **MR. FERVIER:** Okay.

14 **MS. FRAZIER:** And it sounded if I didn't --
15 or if I use, like, five minutes, I can have five
16 minutes at the end too. So after your
17 discussions.

18 **MR. FERVIER:** Well, no, you have ten minutes
19 to make your presentation and the board will ask
20 whatever questions of you that they --

21 **MS. FRAZIER:** Okay.

22 **MR. FERVIER:** -- deem necessary. So --

23 **MS. FRAZIER:** Okay. Well, I heard you say
24 to someone you have one minute left after your
25 discussions, and so I just wanted to make sure.

1 I'd like the opportunity at the end as well.

2 **MR. FERVIER:** If you're nice.

3 **MS. FRAZIER:** Please.

4 **MR. FERVIER:** Okay. Is this Pfeiffer Beach
5 in Big Sur?

6 **MS. FRAZIER:** I'm sorry?

7 **MR. FERVIER:** Is this Pfeiffer Beach in Big
8 Sur?

9 **MS. FRAZIER:** Well, I don't -- this isn't
10 me.

11 **MR. FERVIER:** Okay.

12 **MS. FRAZIER:** I guess that's what this is,
13 right?

14 (Technical adjustments)

15 **MS. FRAZIER:** Awesome. Okay. All right,
16 thank you, board.

17 So this was for the certified list of
18 electors before voting begins. And so just to
19 briefly summarize kind of how we got here, this
20 is something that the Legislature already -- it's
21 already in our code to produce a certified
22 elector list before voting.

23 It has been something that has been easy to
24 obtain in almost every election except, I think,
25 2020. We have not still been able to obtain

1 that. And according to Sunshine Laws, like I
2 said before, all this election data is supposed
3 to be open to the public.

4 So just getting a certified elector list,
5 like -- like I said, is already something we do.
6 And so this rule is just to help all the counties
7 and the SOS to do that. And the counties have
8 the ability to post this as well.

9 And that's all I have actually because
10 there's -- I mean, and then -- I think Mark would
11 like to say a few words on that.

12 **MR. FERVIER:** We're going to give you more
13 than one minute at the end, then, since you were
14 so short.

15 **MR. DAVIS:** Hi. I'm Mark Davis. Been
16 working with voter data since 1986 and I've been
17 qualified and admitted to serve as an expert
18 witness on voter data analytics and residency
19 issues and a number of different cases over the
20 last 22 years or so.

21 And normally when I do one of those cases, I
22 start with a certified copy of the qualified list
23 of electors. And normally it's not too difficult
24 to obtain, but there usually is a delay. And I
25 know we've had a discussion going on about

1 certification being ministerial versus otherwise,
2 and so on and so forth, and the argument's been
3 made that the proper venue for addressing
4 problems in an election that make it through the
5 certification process would be immediately after
6 the election in the form of a -- of a challenge
7 to the election.

8 And I'd like to suggest that we have a
9 different way of viewing that because there's
10 been a number of times where candidates have come
11 to a plaintiff's attorney with a prospective case
12 and I've been asked to review the data in the
13 case and there was no there there.

14 But I can't really reach that conclusion
15 until I have that data and sometimes there's a
16 delay in getting it. And I just want to remind
17 everybody that a candidate who wishes to
18 challenge an election only has five days from
19 certification to file the challenge. They can
20 come back and they can amend it later, but what
21 happens is the plaintiff's attorneys wind up
22 filing a placeholder complaint while they end up
23 doing the research and -- and that begins with
24 subpoenas to the counties to obtain the data that
25 they need and so on and so forth.

1 What I like about this rule is that it'll
2 head that off and it'll ensure that the data is
3 available. And I -- I think that's really
4 critical because, as Lucia mentioned, in 2020, I
5 put in an open records request on November 24th
6 for a certified copy of the qualified list of
7 electors.

8 I first got back a absentee voter file which
9 is not what I asked for and when I objected to
10 that, I got a supposed voter file that was
11 supposedly in response to my request, but it was
12 nothing like I'd ever seen before in 30 years of
13 working with voter data. It was -- the voter
14 file usually is -- at the time was about 62
15 fields. What I got was maybe 12 or 18, a lot of
16 them were blank, fields I didn't even recognize.
17 It was -- it was basically just a hot mess. And
18 I went round and round and round with the
19 Secretary of State's Office trying to get that
20 replaced. I never succeeded. And I've spent the
21 last four years trying to find anybody on the
22 face of this planet who received a certified copy
23 of the qualified list of electors for that
24 election. I've been unable to find anybody. I'm
25 to the point where I'm about ready to offer a

1 reward for it.

2 So I -- I think it would be a great move,
3 the -- O.C.G.A. 21-2-224 already mandates that
4 the -- that the list be produced. We already
5 know that it should be subject to an open records
6 request, a simple open records request as opposed
7 to a subpoena. But normally attorneys will, you
8 know, file subpoenas for them.

9 I don't think any of that should be
10 necessary. And if it's made publicly available,
11 then we can head off some of these complaints
12 that don't have merit. We can expedite the ones
13 that do. You know, and I've been involved in a
14 case recently where, you know, the legitimacy of
15 a complaint was proven to the satisfaction of the
16 county that was involved and that didn't even
17 lead to a hearing. The -- the election was, you
18 know, tossed out and ordered redone because of
19 the issues in the -- in the data.

20 So for what it's worth, I fully support the
21 rule. If any of you have any questions about
22 that, I'd be happy to answer them.

23 **MS. GHAZAL:** (indicating)

24 **MR. DAVIS:** Yes, ma'am.

25 **MR. FERVIER:** Member Ghazal.

1 **MS. GHAZAL:** Thank you, Mr. Davis. And I
2 understand that you have some deep experience in
3 this and looking at the data and it's -- and I
4 appreciate the work you've done, identifying
5 problems with districting and that sort of thing.

6 My concer -- well, I've got a couple of
7 concerns with this. Just again as a -- as a
8 threshold issue, the Secretary of State is the
9 sole authority to oversee our registration list
10 under both federal and state law. We don't have
11 the authority to do anything.

12 But I'm also very concerned about having a
13 static list this early in the process. And that
14 is -- and it is exacerbated by the problems we've
15 been talking about with the postal system.
16 When -- when registration forms are mailed in,
17 our registration deadline is a postmark deadline.
18 So they can make it in the mail by October 7th,
19 but they may not make it to the election offices
20 until a week later. And then they have to be
21 processed and depending on what form of
22 identification these voters have used, whether
23 it's a driver's license number or the last four
24 of their Social Security number, it could take
25 another five days to clear all of the

1 verification processes.

2 So if this list is published before early
3 voting starts, which with our timing would
4 literally have to be published the day the rule
5 comes into force, you've got a static list which
6 in reality in the back end it's changing because
7 voters are going to be added to this list as they
8 are being processed.

9 And so when somebody who doesn't understand
10 that process looks at this list and then looks at
11 the list of actual voters, they say: We've got
12 unregistered voters who are casting ballots. And
13 that's exactly how disinformation gets started
14 and gets spun up.

15 And having a static list out there just
16 makes it much more likely that people who don't
17 understand what's going on perpetuate these
18 myths. And that's what concerns me about that.

19 **MR. DAVIS:** I think Lucia wants to address
20 that, but I think you're talking to me. So just
21 real quickly, if we look at our interpretation of
22 224, the words, "before the election," kind of
23 stand out to me. And then we have to ask
24 ourselves is before the election when voting
25 starts or is it before election day? If we're

1 talking about the five days before election day,
2 then all of that should be put to bed, I would
3 think, because the statute mandates that -- that
4 the list be produced five days before the
5 election.

6 **MS. GHAZAL:** But the rule says before
7 advance voting begins.

8 **MS. FRAZIER:** Correct. So it's before --
9 the statute says before the election. And before
10 the election, advance voting is the election. So
11 that is why -- that is why this rule says before
12 advance voting. We do need a certified list, a
13 stamped, a set in the ground -- a line in the
14 ground before in-person voting starts. And
15 changes can be made. That is why there's such a
16 thing as a supplemental list.

17 The certified list that -- even if you want
18 to argue that it should be before election day,
19 there are still changes those days before
20 election day and there is a supplemental list
21 that is given to each poll of the people who
22 didn't make it to that list. And so if the --
23 if --

24 **MS. GHAZAL:** But the --

25 **MS. FRAZIER:** If you're worried about

1 changes, you don't need to. There is an avenue
2 for that. The supplemental list is on here too.

3 **MS. GHAZAL:** But again it also says bef --
4 the supplemental list before advance voting
5 starts.

6 **MS. FRAZIER:** Correct. Essentially it would
7 be like the supplemental list would probably be
8 empty on that day. But that can be -- that's
9 where all the changes go. So as every day of
10 early voting happens, if electors are added --
11 which they do get added for the reasons like you
12 said when a person submits a registration on
13 time, but if they're missing some fields, they
14 have that time to -- to remedy that and they get
15 added to the elector list. It would show up on
16 the supplemental list which would be a document
17 that's always there showing us the updates. But
18 at least we draw a line in the sand before voting
19 starts.

20 **MS. GHAZAL:** Well, my -- my final objection
21 to this is the retention period of ten years,
22 which is eight years beyond what statute allows.

23 **MS. FRAZIER:** So --

24 **MS. GHAZAL:** We -- we cannot in rulemaking
25 create higher, stricter standards for what the

1 counties must adhere to than what the Legislature
2 has set. That is unlawful behavior on our part.

3 **MS. FRAZIER:** Well, the ten years is current
4 because the Secretary of State already has files
5 for up to ten years right now on their -- for the
6 absentee voter file. It goes back ten years. So
7 that is why that date -- that much time was
8 picked. And it's a reasonable amount of time.

9 Even in North Carolina, they post it for 20
10 years, but I used our own Secretary of State's to
11 see how much they keep data, and they at least
12 keep it for ten years.

13 **MS. GHAZAL:** They can do that by choice. We
14 cannot force them to do that by rule.

15 **MR. FERVIER:** Big distinction. Yeah. The
16 big distinction is that the statute's clear on
17 the time limit on that. They can keep it as long
18 as they want to. It's just what the statute
19 says.

20 **MS. FRAZIER:** Well, you can still put it
21 into the rule, and, you know, if somebody is
22 going to push back on that, then -- I mean,
23 that's -- that's a different story, but the --
24 recommending or putting a date on something is
25 not saying -- you -- you can't -- you don't have

1 to not do that. You're not -- you know, putting
2 a date on it is okay.

3 **MR. FERVIER:** So the board -- board doesn't
4 need to put rules out there that are in direct
5 contradiction to the statute. The statute will
6 always trump rules. So that, you know -- so
7 we -- we need --

8 Were you finished, Ms. Ghazal?

9 My -- my issue with this is in addition it
10 has it, once again, freely accessible link. And
11 the code is pretty clear, 21-2-225, subsection
12 (c), that the Secretary of State gets to set a
13 price for this. And it says: Notwithstanding
14 any of the provisions of law to the contrary, the
15 Secretary of State shall establish a cost to be
16 charged for such data.

17 They have the right to do that under
18 statute. And this board cannot dictate to the
19 Secretary of State that they have to provide this
20 for free. We can't do that. So ...

21 **MR. DAVIS:** What if they decide not to
22 provide it at all? I mean, that's essentially
23 what I encountered in 2020. To this day, I don't
24 know anybody who can tell me who was and was not
25 qualified to vote in the 2020 election.

1 **MR. FERVIER:** I can't -- and I can't
2 address -- I'm just saying elect -- we can't --
3 this board can't force the Secretary of State to
4 provide that list for free because the statute
5 says that they can charge for it. And creating a
6 rule that forces them to do that is in direct
7 contradiction to the statute. So ...

8 **MR. DAVIS:** What if -- what if we let them
9 charge what they want, but have to make it
10 available? I mean, all I'm getting at is I don't
11 think we can conscience being in a situation
12 where we just can't get it.

13 **MR. FERVIER:** I don't disagree with you on
14 that. I'm just saying that we can't -- the way
15 this rule is written, it says that they have to
16 provide it freely. And that's in direct
17 contradiction to this -- to the statute. So --
18 which is an issue --

19 **MS. FRAZIER:** I disagree that it's in total
20 contradiction to the statute. You can say freely
21 available and you're not committing a crime by
22 saying freely available, okay? If they want
23 to -- they can follow suit, just like it was said
24 earlier. You make -- you're making a rule on
25 this and the Secretary of State is supposed to

1 provide it freely available just like Sunshine
2 Laws have said. And I've already proven that
3 with all those statutes and they should follow
4 suit and follow this -- the law.

5 **MR. FERVIER:** That would be an issue for
6 them.

7 **MS. FRAZIER:** It's --

8 **MR. FERVIER:** But this board by creating
9 this rule would be in direct contradiction --

10 **MS. FRAZIER:** You're -- you're enforcing the
11 law by saying it's freely accessible.

12 **MR. FERVIER:** Are there other comments from
13 the board?

14 **MS. KING:** Yes, sir.

15 **MS. GHAZAL:** Member King.

16 **MS. KING:** Question. Just so I'm clear, I
17 know the code says that a link should be
18 provided, but are you asking for a printed list
19 to be posted? I just want to make sure I
20 understand what the rule is asking for.

21 **MS. FRAZIER:** Accessible link is a link that
22 would link to the list.

23 **MS. KING:** So -- okay, so you're not asking
24 for them to print off the list --

25 **MS. FRAZIER:** No.

1 **MS. KING:** -- and put it there. Another
2 question is what -- what type of information
3 would it have? Would it just be a name? First
4 and last name? Or what -- what all is the data
5 that would be available?

6 **MS. FRAZIER:** It is the voter -- like, as --
7 as it is on today, minus the columns that the law
8 prohibits which those are like data -- year of
9 birth is allowed but date of birth is not.
10 Driver's license is not allowed. Social Security
11 is not allowed.

12 So currently today, when you ask for a voter
13 roll, they reduce the fields by what the law
14 requires. We -- we would need the same thing
15 that -- it would be given the same way as you get
16 it today, but this is a certified list.

17 **MS. KING:** And would -- would my address be
18 posted?

19 **MS. FRAZIER:** Yes.

20 **MS. KING:** So their name --

21 **MS. FRAZIER:** As -- as it is today.

22 **MS. KING:** So it's name, address, and year
23 of birth.

24 **MS. FRAZIER:** Uh-huh.

25 **MS. KING:** Now, currently -- just looking to

1 our election officials, currently you do provide
2 the link for -- the link is accessible --
3 correct? -- to the SOS office so they can get it.
4 And then once they go to that link, they would
5 have to purchase this list.

6 And what you're asking is that we remove the
7 option of having to purchase it and make it
8 freely -- make it free.

9 **MS. FRAZIER:** And at the county level,
10 that -- that is in your purview. The counties
11 may post a link to their elector list and they
12 can certify it as well.

13 **MS. KING:** Now, if you were to post that
14 link to just -- and I -- and one -- you know,
15 either Deidre or Rebecca, if one of you can
16 definitely jump in, I -- I want you to answer
17 this question to kind of piggyback off of what
18 you were just saying. If the county was to post
19 a link to this list, would you have to cover the
20 cost through the Secretary of State or would
21 you -- how would that work?

22 **MS. ANGLIN:** So I honestly don't know how
23 that would work because as -- as it stands right
24 now, if somebody wants an electors list, whether
25 it be countywide or statewide, a county office

1 refers them to the Secretary of State's website
2 and they purchase the list directly from the
3 state.

4 If a county office is doing this on their
5 own, they have to collect the funds from the
6 individual and then we have to send the funds to
7 the state. So many counties do not even opt to
8 do that because we're like a second wheel in the
9 process. So we just send everybody to the state
10 to get the list.

11 **MS. KING:** So that -- so if they were to
12 request a county, just county, they still have to
13 pay the \$250 to you to go to the state?

14 **MS. ANGLIN:** So it's cheaper if you're just
15 asking for your county list. I believe it's \$50,
16 but yes.

17 **MS. KING:** There's still a fee.

18 **MS. ANGLIN:** If they want an electors list,
19 it will be the \$50; correct?

20 **MS. KING:** So posting it without having
21 anyone -- posting it for free would be
22 circumventing cost basically.

23 **MS. ANGLIN:** Correct.

24 **MS. KING:** Basically -- is that basically
25 what you're saying?

1 **MS. FRAZIER:** And that's -- that's in
2 their -- that's in their purview. They own the
3 voter list. The Secretary of State is not
4 requiring them to charge for it. You're allowed
5 to have your elector list publicly without
6 charging for it. The Secretary of State does not
7 demand that the counties charge.

8 **MS. KING:** Well ...

9 **MS. FRAZIER:** It's your list.

10 **MS. ANGLIN:** It is our understanding --

11 **MS. FRAZIER:** You -- you own it.

12 **MS. ANGLIN:** -- that we charge for that
13 list. That's always been the guidance provided
14 to our office from the SOS office.

15 So to my knowledge, counties are not giving
16 this list out for free when it's requested of the
17 office.

18 **DR. JOHNSTON:** Is there a statute that says
19 that -- that supports that?

20 **MS. ANGLIN:** I'm looking.

21 **MS. KING:** Yeah. I -- yeah, I -- my -- my
22 challenge with this is that I do feel like it
23 does disenfranchise people who are not able to
24 afford to pay the \$50 or able to afford to pay
25 the \$250, depending on which lists they're trying

1 to obtain.

2 I do -- that is a concern for me because if
3 it is supposed to be freely accessible and it's
4 supposed to be open to the public, then I don't
5 think it should be open to the public who can
6 afford it. That's a challenge for me.

7 However, I would like to know -- I think we
8 are in a bit of a gray area when it comes to
9 trying to, you know, overrule what's already set
10 in place as it relates to having to purchase this
11 list. So, yeah, I would love to give you time to
12 -- I want to make sure there's a law, there's a
13 statute, there's something in place that says you
14 have to charge. And if it's not, then I'm
15 willing to further discuss this.

16 **MS. FRAZIER:** There is no law that I'm aware
17 of that says you have to charge. And, in fact,
18 it's the opposite. With the Sunshine Laws, they
19 should be freely available. Just because the
20 Secretary of State is choosing to charge is --
21 that's irrelevant to here and it's irrelevant to
22 a county because the county owns their own
23 information. They are allowed to give it to you
24 without charge. Now --

25 **MR. FERVIER:** But we're not talking about

1 the counties. We're talking about the Secretary
2 of State.

3 **MS. FRAZIER:** Well -- well, we're talking --

4 **MS. KING:** I am. I am. Yeah.

5 **MR. FERVIER:** Okay.

6 **MS. KING:** So --

7 **MR. FERVIER:** But this rule is dealing with
8 the Secretary of State.

9 **MS. KING:** That's what I was getting ready
10 to say. I think -- I think the challenge is that
11 you have them both lumped in together, right?

12 **MS. FRAZIER:** Correct.

13 **MS. KING:** So it's like with this rule we
14 couldn't ask the county to do something without
15 asking the Secretary of State. I don't know if
16 we can demand that the Secretary of State changes
17 their fees.

18 But, yes, Rebecca, you have your code?

19 **MS. ANGLIN:** So we did find the code
20 section. So it's 21-2-225(c) and it says: It
21 shall be the duty of the Secretary of State to
22 furnish copies of such data as may be collected
23 and maintained on electors whose names appear on
24 the list of electors maintained by the Secretary
25 of State pursuant to this article. And then it

1 goes into the limitations and so forth. So --
2 **MS. FRAZIER:** Right. But that's --
3 **MR. FERVIER:** But that same section talks
4 about them having the right to set the price for
5 it.
6 **UNIDENTIFIED SPEAKER:** (off microphone,
7 indiscernible)
8 **MS. ANGLIN:** Right.
9 **MR. FERVIER:** Okay.
10 **MS. KING:** But is that on a state level or
11 is that county?
12 **MS. ANGLIN:** Well, it's our understanding
13 that the state owns this data that -- that we
14 would be producing. It is the state's database.
15 **DR. JOHNSTON:** So the state is providing it
16 to the county for free.
17 **MS. ANGLIN:** Correct. Well, we -- we don't
18 pay a fee for the system that we use because
19 we're using the statewide system. But it is the
20 state's database.
21 **UNIDENTIFIED SPEAKER:** (indiscernible)
22 **MS. KING:** So it's your -- so the data is
23 yours but the system is theirs.
24 **MS. ANGLIN:** Correct. If you go to (b), it
25 kind of expounds upon that. All data collected

1 and maintained on electors whose names appear on
2 the list of electors maintained by the Secretary
3 of State pursuant to this article.

4 So all of this kind of covers the
5 registration data but it's -- it's lengthy
6 because there's so many letters to this.

7 **MR. DAVIS:** I'd like to make one additional
8 point here. When -- when I go to get a voter
9 list from -- just a regular garden-variety voter
10 list from the state, there is an ordering process
11 that I can go through on the website, okay? But
12 when I submit a -- an open records request for a
13 certified copy of the qualified list of electors,
14 that goes through a different department and it's
15 a slightly smaller subset.

16 For example, if you're 17 and a half, you
17 can register to vote but you can't go on the
18 qualified list of electors till you turn 18. You
19 can register to vote two weeks after the
20 deadline, but you can't vote in that election.
21 So you can't go on the qualified list of electors
22 for that election either. So there is a subtle
23 distinction here between just a regular voter
24 file that anybody's going to order off the
25 website and this certified copy that we're

1 talking about here.

2 I just wanted to draw that distinction. So
3 the way I read the statute, it's required -- the
4 state's required to produce that file anyway. So
5 what we're basically saying here is, well, if
6 it's -- it's required to be produced, make a copy
7 available to the public.

8 **MS. KING:** The data that the counties send
9 to the state is already compounded -- it's
10 already compiled, I mean, and -- and organized;
11 correct? You just send -- you put it in their
12 database, I'm assuming.

13 **MS. ANGLIN:** Well, we're entering the voter
14 registration information into the database. But
15 the -- one of the reasons why it is important for
16 the state to produce this list is because of the
17 PII that it does involve.

18 All that has to be redacted before you put
19 this out for the public. If you put this on a
20 county level and you're letting counties to this,
21 the likelihood of some of this slipping through
22 or somebody not knowing what they're doing is
23 great. Because I will tell you, I contact my
24 county attorney any time somebody messages us
25 because I am afraid of doing something that I

1 shouldn't be doing or sending out somebody's PII.

2 So you have to make sure that this is
3 redacted. That is the security level built in
4 with the state file because they have an
5 individual that pulls this file, redacts the
6 information, and then posts it publicly for them
7 or if they wanted a printed file, they would get
8 a printed file.

9 **MS. KING:** So it sounds to me that if this
10 rule was written where it was asking that
11 counties provide a redacted list that specifies
12 what that redacted list can show freely --

13 **MS. FRAZIER:** They know that, yeah.

14 **MS. KING:** -- it may be easier to support
15 because when you're adding the Secretary of State
16 into it, they do have the right to charge. So we
17 couldn't tell them that they can't charge.

18 **MS. FRAZIER:** I think we're -- there's a lot
19 of speculation going on right now. I think when
20 you say the Secretary of State has the right to
21 charge, that -- that's true they have the right
22 to charge, but you're claiming that they own that
23 data.

24 **MS. KING:** No, no, no. I just said -- what
25 I'm saying is the way the rule is written, it's

1 written to the county and the Secretary of State,
2 right?

3 **MS. FRAZIER:** Correct.

4 **MS. KING:** If you separated it into two
5 rules, one that's just to the Secretary of State,
6 that would be something that I absolutely can't
7 support because I don't see how we can tell them
8 that they can't charge.

9 Now, but for the counties, you may have some
10 footing because counties may be able to provide
11 this information as long as they understand that
12 it needs to be adequately redacted. But the fact
13 that it's all together is where there is some
14 complication.

15 **MS. FRAZIER:** I guess with the -- as I said
16 earlier, and it was said earlier in some comments
17 on another rule, the Secretary of State can
18 follow along the law. This -- if you're saying
19 freely accessible and you're including the
20 Secretary of State in this, that is not against
21 the law. They are breaking the law by charging
22 for it and that's in a different rule. We'll get
23 to that.

24 **MS. KING:** I agree with you on that
25 100 percent.

1 **MS. FRAZIER:** So --

2 **MS. KING:** I do not like that they're

3 charging --

4 **MS. FRAZIER:** -- I don't --

5 **MS. KING:** -- but --

6 **MS. FRAZIER:** I don't see why this has --

7 this rule is really well-written for what the law

8 is now. It is not leaving -- it is taking the

9 law into account a hundred percent. And I don't

10 think we should be changing the -- you know,

11 ourselves to follow the law because somebody

12 doesn't have the capability to produce it. They

13 need to find the capability to produce it because

14 that's what the law is.

15 **MS. KING:** I don't think we're debating

16 capability. I think what it is is that you say

17 the SOS will also post -- right? -- freely. That

18 line right there says that we are demanding the

19 Secretary of State to get rid of the cost

20 associated to this list. Because a link -- there

21 is an accessible link. However, once you click

22 on it, you've got to pay for it, right?

23 So what I'm saying is the rule is demanding

24 that the Secretary of State remove their cost

25 which according to the statute they have the

1 right to charge for it. So I don't know if we
2 can tell them that they can no longer charge for
3 this list.

4 However, if this rule spoke to counties,
5 with working with counties, there may be some
6 room there. Because I -- I must say, I do have
7 an issue with the possibility that this is
8 disenfranchising voters, the public. I should
9 not have to wait until I can find the \$250 or
10 even the \$50 in order to receive information that
11 I'm supposed to have freely accessible to me.
12 I -- I agree with you a thousand percent. And I
13 feel like a lot of org -- I'm surprised that the
14 ACLU hasn't already jumped on that because this
15 is a clear disenfranchisement of -- to voters.

16 So that being said, the only challenge I
17 have is that you're also telling the Secretary of
18 State's Office that they can no longer charge for
19 this when they do have a statute that says they
20 can.

21 **MR. DAVIS:** I -- I agree with you on the
22 charge. I again just want to return to the
23 distinction between the regular voter list and
24 this certified list of electors because, as we
25 know, the NVRA has a lockout period, a 90-day

1 lockout period.

2 So from what I understand -- and the
3 counties can correct me if I'm wrong -- there's a
4 lot of changes to that data that gets saved up.
5 And so if I come back after an election and I ask
6 for a certified copy of the qualified list of
7 electors, that's one set of data. But if I get
8 given a regular voter file, what's going to
9 happen -- and you counties correct me if I'm
10 wrong -- but a lot of you are going to save up a
11 lot of your changes and right after the election,
12 you're making them like crazy.

13 And so then what I'm asking for and what I'm
14 getting are two different things. And I think we
15 need to have a vehicle here where that certified
16 copy of the qualified list of electors as a
17 separate and distinct database or data set is
18 created and available to the public as opposed to
19 just a regular garden-variety voter list.

20 And I agree wholeheartedly on the charges
21 for that. And, you know, we've got neighboring
22 states that don't charge at all.

23 **MS. KING:** This is something I think needs
24 to go before the Legislature to see if we can
25 remove costs completely.

1 **MR. FERVIER:** Deferring this will not do any
2 good because we'd have to consider the rule as is
3 for a deferral. So the choice -- something for
4 this board is either accept it or reject it. And
5 then if you wanted to work with her on an
6 alternative rule, then that would be an option
7 also going forward. So -- or -- or ask this
8 board to present a proposal to the Legislature to
9 remove those costs. So ...

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

11 **MR. FERVIER:** Member Johnston.

12 **DR. JOHNSTON:** Yeah. I have -- I have
13 several issues with the discussion that's just
14 taken place. One is I'm concerned that this
15 qualified electors list is unavailable to the
16 public. I'm concerned that the qualified
17 electors list is not available for public
18 inspection as I asked a month ago. I'm concerned
19 that there's no list that we know of that has
20 been provided to someone on request for the last
21 four years. And I'm concerned that anybody that
22 would have need of using an electors list in a
23 court case does not have a properly certified
24 list available.

25 **MR. DAVIS:** Yeah.

1 **DR. JOHNSTON:** So these are -- these are
2 problematic. And it's problematic because this
3 is coming from the Secretary of State's Office or
4 not coming from the Secretary of State's Office.
5 And, you know, I -- I -- you know, I would like
6 for them to be available to share the information
7 they have or what they provide.

8 Last month when I asked Mr. Evans how I
9 could come to the Secretary of State's Office and
10 review the quali -- the electors list as written
11 in 225 -- 21-2-225, I was kind of politely told
12 they didn't know how they could do that. But
13 there's a law for that. How can we -- how can
14 anyone see who's on the voter list for their
15 research or for maybe a contested election? This
16 is -- this is a problem.

17 **MR. DAVIS:** I would be willing to volunteer
18 to help with this and I'm always willing to help
19 with the mail-tracking issue. I actually built a
20 mail-tracking system for my business for my
21 clients. I'm very familiar with it.

22 It's true and it's false that it has a cost
23 and it's free. Both are true. We can talk about
24 that later, but I'm willing to volunteer to help
25 on both of these issues. So just wanted to offer

1 that.

2 **DR. JOHNSTON:** My issue is if you don't know
3 who is qualified to vote, then how can you hold
4 an election?

5 (Applause)

6 **MR. FERVIER:** I thought we learned our
7 lesson this morning.

8 **DR. JOHNSTON:** And then when voters come in
9 to vote, how do you know they're actually on some
10 unknown qualified list that's -- that's
11 unavailable? This is -- this is not the way to
12 conduct elections. And this definitely is -- is,
13 you know, an issue that needs to be worked
14 through.

15 I -- I would -- would consider -- I don't
16 know if it would be possible -- removing the
17 requirement from the Secretary of State to
18 provide the accessible list link and just ask the
19 counties to provide a freely accessible link.

20 **MR. FERVIER:** That would be a substantial
21 change to the rule. I think that the Attorney
22 General in the past meeting has already advised
23 that we can't make substantial changes. We might
24 could have made some changes when we initiated
25 rule petitions, but this is a -- this rule needs

1 to stand on its own for a vote today. And --

2 **MS. FRAZIER:** Would it help if --

3 **MR. FERVIER:** -- if -- if substantial
4 changes are made to it, then we could vote to
5 deny it and make the changes and resubmit it at a
6 future meeting.

7 **MS. KING:** Rather than denying it, can we --
8 can we -- could we make a motion that I work with
9 them to see how we can make this rule work?

10 **MR. FERVIER:** Well, we -- we would need to
11 deny this rule and then you work with them going
12 forward for a revised rule because what we
13 need -- what we've done in the past, this is --
14 this rule stands on its own. It's already been
15 submitted and published and viewed by the public.
16 And so we need to vote it up or down on this
17 rule, up or down or a deferral on it, and -- but
18 I understand what you're trying to do.

19 The proper thing would be to deny this and
20 then you work with Ms. Frazier on a new rule that
21 could be heard, that -- that would incorporate
22 the changes that you want.

23 **MS. FRAZIER:** Would the chair entertain the
24 opinion that removing text doesn't change --
25 substantially change the rule, it just reduces

1 the -- the ask?

2 **MR. FERVIER:** It -- it -- well, I'll tell
3 you, I think that we probably could've done that
4 when we initiated rulemaking procedures on that
5 part. But this is -- this is a final vote on a
6 standing rule. And this has been published to
7 the public already for comment.

8 **MS. FRAZIER:** I understand, but if it's --

9 **MR. FERVIER:** And if you're making --

10 **MS. FRAZIER:** -- removing --

11 **MR. FERVIER:** -- a change today -- making a
12 change today, I think, is a sub -- I don't think
13 we -- we're allowed to do that. I don't think
14 it's appropriate. Our paralegal agrees with
15 that. Making changes today to any rule we're
16 voting on, I don't think is appropriate at this
17 meeting.

18 **MS. FRAZIER:** Okay.

19 **MS. KING:** I -- Dr. Jan (indiscernible). So
20 just to be clear, what I am proposing -- not
21 making a motion yet, but I want to discuss it if
22 we have to, proposing that I will work with you
23 directly on helping to adjust the rule where we
24 can be in a better position to support it as well
25 as I would personally contact the legislators to

1 asked them if they can consider removing the cost
2 associated to obtaining this information so that
3 it does not disenfranchise those who cannot
4 afford to purchase it and to make it -- make it
5 line up with the law.

6 **MS. FRAZIER:** Can I make one more
7 suggestion? If -- I don't know if this will
8 help, but if you just were to remove the word,
9 "freely," is that -- it's too significant of a
10 change to just take the rule as is?

11 **MR. FERVIER:** Well, in my opinion, I -- I
12 don't think we can make any changes to rules
13 being voted on. We can make changes during the
14 petition period. We can make changes during --
15 you know, beforehand, but when a rule comes
16 before us, we need to vote on the rule as
17 submitted. We made some changes to various rules
18 when we were considering them for rulemaking
19 procedures. But at this point, we need to vote
20 an up-or-down or deferral on this existing --

21 **MS. KING:** Yeah.

22 **MR. FERVIER:** -- this existing rule. So ...

23 **MS. KING:** And I think if we remove freely,
24 we are -- it's right back to where it is anyway.

25 **MS. FRAZIER:** Yes, that's true. But I

1 didn't know if we could just --

2 **MR. FERVIER:** Yeah.

3 **MS. FRAZIER:** -- when you're taking away
4 versus adding.

5 **MS. KING:** Yeah. But no, I -- I --

6 **MR. FERVIER:** The board would entertain a
7 motion. The chair would entertain a motion.

8 **MS. KING:** So, yeah, I would like to make a
9 motion that we deny the rule as is. However,
10 that I work with Miss Lucia directly to help --
11 to help produce another rule similar to this one
12 that will be -- that we can support as a board as
13 well as I work with or contact our legislators to
14 see if they would be willing to work on the cost
15 that's associated to obtaining information that's
16 supposed to be free to the public.

17 **MR. FERVIER:** Yeah. I -- okay. I'll -- the
18 motion we need to go ahead and just motion --
19 vote an up-or-down motion, and then Ms. Frazier
20 knows that you're available to work with her to
21 --

22 **MS. FRAZIER:** I just want to make sure I
23 understand -- I don't understand the motion. So
24 --

25 **MR. FERVIER:** Okay. The -- it's going to be

1 an up-or-down motion to deny the rule. The --
2 the -- and then member King has volunteered
3 graciously to work with you going forward to
4 create a rule --

5 **MS. FRAZIER:** And -- but the timing I don't
6 understand. So in previous cases do -- do I just
7 have to do the 30-day period again --

8 **MR. FERVIER:** Yes.

9 **MS. FRAZIER:** -- and come to a final vote?

10 **MS. KING:** Yes.

11 **MR. FERVIER:** Yes.

12 **MS. FRAZIER:** Just one more 30-day period
13 starting tomorrow?

14 **MS. KING:** No.

15 **MR. FERVIER:** Well, when you -- when you
16 have a rule, we will set a date to hear the rule,
17 initiate rulemaking procedures and then it'll be
18 heard after that. So ... Okay?

19 **MS. FRAZIER:** That's -- that --

20 **MR. FERVIER:** It won't happen before the
21 election, no. It will not happen before the
22 election.

23 **MS. KING:** Not for the 2024 election.

24 **MR. FERVIER:** No.

25 **MS. KING:** Yeah. I mean, the point is, like

1 I said, we -- the rule as is puts us in a very
2 difficult position.

3 **MR. FERVIER:** Yes. Do we have a motion to
4 deny the rule presented?

5 **MS. KING:** Yeah. I make a motion that we
6 deny the rule that is presented.

7 **MR. FERVIER:** Do we have a second?

8 **MR. JEFFARES:** Second.

9 **MR. FERVIER:** We have a motion and a second
10 to deny this rule as presented. Any further
11 discussion? Hearing no further discussion, we
12 will have a voice vote. We will vote in order of
13 seniority.

14 Member Ghazal.

15 **MS. GHAZAL:** Aye.

16 **MR. FERVIER:** Member -- member Johnston.

17 **DR. JOHNSTON:** Aye.

18 **MR. FERVIER:** Member Jeffares.

19 **MR. JEFFARES:** Aye.

20 **MR. FERVIER:** Member King.

21 **MS. KING:** Aye.

22 **MR. FERVIER:** Motion carries four to zero.
23 This rule is denied.

24 Y'all are in for a rare treat today. You're
25 going to get to hear member Jeffares speak

1 because he -- he does have a voice. And the next
2 rule to be considered by this board is discussion
3 and voting on proposed rule amendment to SEB rule
4 183-1-12-.21, county participation and totals
5 reporting. Subject of the rule is daily
6 reporting. Presentation by member Rick Jeffares.
7 And it is tab number 9 in the board's book.

8 **MR. JEFFARES:** Would you mind turning my mic
9 on.

10 **MR. FERVIER:** Oh, you want to -- you want to
11 speak?

12 **MR. JEFFARES:** I don't have to.

13 **MR. FERVIER:** Please. You have the floor
14 and we're going to hold you to ten minutes.

15 **MR. JEFFARES:** Yes. Don't worry.

16 **Discussion and Voting on Proposed Rule Amendment to**
17 **SEB Rule 183-1-12-.21 (County Participation and Totals**
18 **Reporting)**

19 **MR. JEFFARES:** This is -- this rule is
20 really simple. A lot of counties already do
21 this. At the end of each day, once the votes
22 start coming in, early voting, if you have a
23 website, you will post how many people voted that
24 day, how many absentee ballots came in that day.
25 And if you don't have a website, you've just got

1 to post it and put it in the election center for
2 people to see.

3 And that's all it does.

4 Mr. Chair.

5 **MR. FERVIER:** Do you have anybody else that
6 you would like to speak on your behalf?

7 **MR. JEFFARES:** Nah.

8 **MR. FERVIER:** Is there anyone out there that
9 wants to oppose member Jeffares? Anybody?

10 **MR. JEFFARES:** They're ready to go home too.

11 **MR. FERVIER:** Okay. We have a board -- I
12 mean, a rule, a proposed rule before us. Any
13 comments or questions from members of the board?

14 Member Johnston.

15 **DR. JOHNSTON:** My comment is that this is
16 consistent with statute as it is. It's just the
17 posting allows it to be readily available to
18 people that would be interested in the --
19 tracking the numbers.

20 **MR. FERVIER:** Thank you. Any other comments
21 from the board?

22 Member Ghazal.

23 **MS. GHAZAL:** Reviewing the GAVREO comments,
24 I think that it would behoove us in a future
25 meeting to make sure that they're -- that the

1 reporting requirements are consistent across
2 primaries and elections. But as -- as they have
3 no real objection to this and I think the data is
4 important, that -- I think that can -- that it
5 will be a step that we should take in a future
6 meeting.

7 **MR. FERVIER:** That -- that it should include
8 primaries?

9 **MS. GHAZAL:** That we make sure it's
10 consistent reporting requirements for primaries
11 and general elections.

12 **MR. FERVIER:** Yeah. I'm just shocked that
13 member Jeffares didn't put that in his original
14 rule, but ...

15 **MR. JEFFARES:** I thought it was in there.

16 **MR. FERVIER:** Any further comments from the
17 board? Any questions? The chair will entertain
18 a motion.

19 **MS. KING:** It does say primaries.

20 **DR. JOHNSTON:** Mr. Chair, I move that we
21 adopt this rule.

22 **MR. FERVIER:** We have a motion from member
23 Johnston to adopt the rule as presented. Is
24 there a second?

25 **MS. KING:** Second.

1 **MR. FERVIER:** We have a motion and a second
2 from member King to adopt the rule as presented.
3 Any discussion? Hearing no discussion, we will
4 vote in rank order, voice -- voice vote.

5 Member Ghazal, how do you vote?

6 **MS. GHAZAL:** Aye.

7 **MR. FERVIER:** Aye?

8 Member Johnston.

9 **DR. JOHNSTON:** Aye.

10 **MR. JEFFARES:** I abstain.

11 **MR. FERVIER:** Member Jeffares abstains.

12 Member King, how do you vote?

13 **MS. KING:** Aye.

14 **MR. FERVIER:** The motion passes three to
15 zero.

16 **MR. COAN:** Congratulations.

17 **MR. JEFFARES:** Thank you.

18 Can we have a ten-minute break?

19 **MR. FERVIER:** Yeah.

20 We have a request for a -- we have a motion
21 made for a ten-minute comfort break. Do we have
22 a second?

23 **MS. KING:** Second.

24 **MR. FERVIER:** We have a motion and a second.
25 All those in favor signify by saying aye.

1 **THE BOARD MEMBERS:** Aye.

2 **MR. FERVIER:** Motion carries four to zero.
3 So ten minutes. We will begin back at 2:53 with
4 or without you. Thank you.

5 (Recess)

6 **MR. FERVIER:** Call back to order this
7 meeting of the Georgia election board.

8 The next item on the agenda is discussion
9 and voting on proposed amendment to SEB rule
10 183-1-13-.05, poll watchers for tabulating
11 center. Subject of the rule: poll watchers in
12 tabulating center, presentation by Julie Adams.

13 Ms. Adams, you have ten minutes. Is anybody
14 going to be speaking with you?

15 **MS. ADAMS:** No.

16 **MR. FERVIER:** Very good.

17 **MS. ADAMS:** (off microphone) I'm going to
18 try to get mine done as quick as Mr. Jeffares
19 just did.

20 **MR. FERVIER:** Well, you're going to have to
21 work real hard on that one. So...

22 **Discussion and Voting on Proposed Amendment to SEB**
23 **Rule 183-1-13-.05 (Poll Watchers for Tabulating**
24 **Center)**

25 **MS. ADAMS:** (off microphone, indiscernible)

1 So I talked about this rule, I think,
2 (indiscernible) and what it is is the purpose is
3 to clarify existing election code (microphone on)
4 and ensure that poll watchers have meaningful
5 observation in the tabulation center so they can
6 fairly observe the processes.

7 So I've read this, the whole thing, several
8 times to you guys, but the -- kind of the bottom
9 line is for designated rooms and other areas to
10 consider which are ones that the tabulation
11 processes are taking place, including but not
12 limited to the provisional ballot adjudication of
13 ballots, closing of advance voting equipment,
14 verification and processing of mail-in ballots,
15 memory card transferring, regional or satellite
16 check-in centers and any election reconciliation
17 processes.

18 And, you know, I just think this is -- this
19 is good for transparency as we've talked before.
20 A couple of people have come up to me. I've
21 heard more about different counties and their
22 tabulation centers. And some of them have five
23 and six and seven rooms that they have things
24 going on in and -- and some things -- some are
25 big and huge and spread out and everything in

1 between. And that is why I put this rule
2 forward.

3 **MR. FERVIER:** I have a question. I'm sorry,
4 we -- the board recently provided some guidance
5 on the number of poll watchers that are allowed
6 in the tabulating centers. I think you might be
7 aware of that. Some guidance was sent out. We
8 said -- we said that it's not two as most people
9 assume, but you're allowed two in the different
10 areas determined by statute and any other that
11 the election director decided was necessary.

12 Do you recall that, Dr. Johnston? We sent
13 out some guidance back in the spring about that
14 because this question came up about how many poll
15 watchers were allowed in the large tabulating
16 centers. And people had assumed that there were
17 only two, but we said, no, it's two in each of
18 the areas listed in the statute and then any more
19 that the election director decided was necessary
20 was the guidance that was sent out.

21 **DR. JOHNSTON:** Superintendent.

22 **MR. FERVIER:** Superintendent, yes. And so
23 my question is with that already being sent out
24 by this board, why is there a necessity for this
25 rule because we've already said that you can have

1 more than two poll watchers?

2 **MS. ADAMS:** Yeah. There are a couple of --
3 there are a couple of reasons that I still moved
4 forward on this one. First of all, the original
5 law says -- said, I believe -- because I don't
6 have it now here, but it said such designated
7 place shall include the check-in center -- or
8 check-in area, the computer room, and the
9 duplication area, et cetera, was what it said
10 before. And so I just defined it with more
11 locations.

12 And the second thing is on the sending
13 guidance to the superintendents. If you'll
14 remember what happened with that, we discussed it
15 after one of the meetings up here, and Alex was
16 helping us with that. Alex could not get a list
17 of the superintendents, the board members, from
18 the Secretary of State. And so she sent the --
19 all of the guidance letters out to the election
20 supervisors.

21 And I've asked 15 people from different
22 counties and two of them have actually gotten
23 those -- those board members have gotten that
24 from the superintendents. And 13 of the counties
25 have never received it. The superintendents have

1 it.

2 So that was the reason -- I think, we -- we
3 had a conversation and had Alex involved before
4 -- that I -- that I kept going with this.

5 **MR. FERVIER:** Yeah. The board -- the board
6 was sympathetic if I recall. We passed this
7 three to one to initiate. And after visiting
8 Gwinnett County's tabulation center and realizing
9 how big it was, and I realized that two poll
10 watchers were certainly not sufficient to see
11 everything happening there in some of these
12 larger counties, we -- we were agreed that more
13 was needed and that's the reason we sent out that
14 guidance.

15 I guess my question, though, is by passing
16 your rules are we, then, adding to what is
17 written in the statute, you know? And is that an
18 issue for us to add additional locations?

19 **MS. ADAMS:** Well, this -- this clearly --
20 the law clearly was written before saying that
21 they're, you know, in other areas.

22 **MR. FERVIER:** Yeah.

23 **MS. ADAMS:** Actually that's what it said
24 exactly. It said: And other areas. And it was
25 added: Such as the tabulation processes. I

1 mean, so it was added onto that because it just
2 said: And only -- other areas.

3 And my point is, too, on the superintendents
4 not getting that letter is the -- basically the
5 letter didn't go out because nobody got it. Or
6 13 out of 15 did not get it.

7 **MR. FERVIER:** What if -- what if most of
8 these things take place in one smaller area?

9 **MS. ADAMS:** So, you know, if you go back to
10 the May meeting and the original proposal that I
11 put in, you have -- you have tabulation centers
12 like Fulton county's new beautiful facility.
13 It's 600,000 square feet. It's a lot of room.

14 And literally an example is in the -- the
15 warehouse that they do the tabulation, most of
16 the tabulation. I was standing about in the
17 middle of the warehouse and it's, like, very wide
18 but it's a rectangular shape. And I was standing
19 in the middle and nothing was going on in there.
20 There were a couple of people at one end, and I
21 was trying to get their attention. And the three
22 of us were the only people in there. And I was
23 going: Hey, hey. And I don't want to say who I
24 was yelling to to get their attention, but I'm --
25 I'm -- literally kind of yelled and they

1 didn't -- neither one of them even were aware
2 that I was making noise in the room.

3 So it's just to give you a frame of
4 reference. So, like, in the very back left-hand
5 corner, they start the process with the mail-in
6 ballots and if you were standing halfway into the
7 room, you would not even be able to tell that
8 they were doing something with the ballots unless
9 you knew that that was going on there.

10 **MR. FERVIER:** All right. I have a question
11 for Irwin County. Press your button, Irwin
12 County.

13 So how big is the space where all these
14 processes take place?

15 **MR. COMPTON:** I don't have the square feet
16 in mind. Every county has it differently. But
17 in my county, our layout, we -- in our main
18 lobby, we process our absentee by mail ballots,
19 perform our adjudication, in open view of the
20 public.

21 Our tabulation room, even though it is
22 indoors, it has a 8-foot by 20-foot window in
23 order to allow people standing -- even if they're
24 not able to fit into the area where we are
25 scanning, that they can observe fully at any

1 time.

2 **MR. FERVIER:** So you -- you've got a real
3 small space.

4 **MR. COMPTON:** We are -- we are a county of
5 just over 6,000 voters. So we're the opposite
6 end of the spectrum versus Atlanta. We wouldn't
7 be able to fit two people in the room with
8 whoever is scanning the absentee ballots and
9 performing that processing, but there is adequate
10 space for 20 people to easily observe everything
11 within a space of 2 feet.

12 **MR. FERVIER:** Well, see, that's my question.
13 So if -- if Irwin County wasn't able to allow two
14 people for each one of the space -- where each
15 one of these processes took place, you know, are
16 they in violation of the rule?

17 **MS. ADAMS:** That's against -- it's against
18 election code.

19 **MR. FERVIER:** What?

20 **MS. ADAMS:** That -- that is against election
21 code for them not to allow two people from each
22 party.

23 **MR. FERVIER:** Well, but you're saying two
24 people for each party for each of these different
25 areas.

1 **MS. ADAMS:** So this isn't -- let me back up.
2 Let's go back up a sentence. Okay. It's going
3 to make me read the whole stinking thing.

4 (reading): In counties and municipalities
5 using central count optical scanning vote
6 tabulation equipment, the election superintendent
7 shall allow each political party to appoint two
8 poll watchers for each primary or election, each
9 political body to appoint two poll watchers for
10 each election and each independent candidate, and
11 each nonpartisan candidate to appoint one poll
12 watcher for each election to serve in each of the
13 locations designated by the elections
14 superintendent within the tabulating center.

15 Such designated places -- now, so for -- to
16 my understanding, the way I read this -- and you
17 guys can tell me if I'm wrong -- is that the
18 check-in area, the computer room, and the
19 duplication area, Georgia code says two per
20 location.

21 And, I mean, I'm not giving him a hard time
22 that he has small locations, but the location
23 should be able to fit -- by election code should
24 be able to fit the number of poll watchers too.

25 **MR. COMPTON:** You read location, so that

1 would imply the building itself. They are
2 accessible to the location and they have full
3 sight and hearing access to the room itself as
4 well, even if they physically can't fit into the
5 room. There is a difference between room and
6 location as statute reads.

7 **MS. KING:** Yeah. So what -- Mr. Chairman,
8 may I say something?

9 **MR. FERVIER:** Yeah. I -- I'm just -- I'm
10 just trying to figure out how to accomplish your
11 goals where the same -- of a very small county
12 that just doesn't have much space. So, yeah.

13 **MS. KING:** So let me ask you a question. So
14 wouldn't the Georgia -- the fire code trump all
15 of this? I mean, if there's not enough people --
16 I mean, if there's too many people in the room
17 because it's too small, that would be a violation
18 of the fire code; correct?

19 So what I would think is that this would --
20 if -- how ever this plays out, they would have to
21 make the necessary adjustments in order to ensure
22 that they're able to meet the statute without
23 breaking the fire code; correct?

24 **MS. ADAMS:** Right.

25 **MS. KING:** So -- and I think we're kind of

1 debating semantics here. You said that you do
2 have enough space in that location for there to
3 be two people and they can see.

4 **MR. COMPTON:** They're -- they're within
5 two feet of the room.

6 **MS. KING:** Yeah.

7 **MR. COMPTON:** There's just the difference of
8 there being a glass window. That's the only
9 thing, and they can still see and hear everything
10 in the room.

11 **MS. KING:** Okay. So you wouldn't have an
12 issue implementing this, it's just that they
13 won't necessarily be inside the room but they're
14 behind the glass.

15 **MR. COMPTON:** That's the point of contention
16 there. I'm all for this as long as we're not
17 getting into semantics that they're having to be
18 standing directly beside me due to space
19 concerns. But we have provided access to allow
20 for full observation by that many observers.

21 **MS. KING:** And you -- you could --
22 considering how you have it set up right now, it
23 is possible for there to be full observation in
24 each of the -- each of the steps that she's
25 providing.

1 **MR. COMPTON:** Correct.

2 **MS. KING:** Okay. So I think we're fine.

3 **DR. JOHNSTON:** Mr. Chair.

4 **MR. FERVIER:** Member Ghazal was next.

5 **DR. JOHNSTON:** Go ahead.

6 **MR. FERVIER:** Member Ghazal.

7 **MS. GHAZAL:** So my concern is that we're
8 replacing our judgment with that -- with the
9 discretion that the Legislature has given to the
10 superintendent. The way the statute reads is:
11 (reading) as other -- such other areas as a
12 superintendent may deem necessary to assure the
13 fair and honest procedures in the tabulating
14 centers.

15 That is a delegation of authority directly
16 to the superintendent. By writing this rule and
17 defining what the superintendents must do, we are
18 replacing our judgment with the discretion that
19 has been given by the Legislature to the
20 superintendent. And that to me is an illegal --
21 or an unlawful assertion of authority that the
22 Legislature has not given to us.

23 They've given -- they've given the authority
24 to determine which locations to allow observers
25 directly to the superintendent by statute, clear

1 law. That means there is no room for us to
2 regulate here.

3 **MS. ADAMS:** Well, I mean, I agree with what
4 you're saying, but it said -- it said in such
5 other areas before --

6 (Cross-talking)

7 **MS. GHAZAL:** As the superintendent may deem.
8 We are not superintendents. You are a member of
9 the board. So it is up to your board to
10 determine for your county what's appropriate,
11 just like it's up to the -- to the superintendent
12 in Irwin County and Greene County and Bartow to
13 determine what's appropriate and necessary in
14 those counties.

15 **MS. ADAMS:** And this gives them guidance to
16 do that. This doesn't say they have to --

17 (Cross-talking)

18 **MS. GHAZAL:** This says mandates.

19 **MS. ADAMS:** No, it doesn't.

20 **MS. GHAZAL:** This is a mandate.

21 **MS. ADAMS:** No, it doesn't.

22 **DR. JOHNSTON:** Mr. Chair.

23 **MR. FERVIER:** Member Johnston.

24 **DR. JOHNSTON:** I think the -- I think we're
25 all overthinking this. And what we need to do is

1 focus on the intent or the goal of poll watchers
2 in the tabulating center, which is really to
3 assure fair, honest procedures in the tabulating
4 center. That is the goal. It is just a matter
5 of having provided meaningful observation as to
6 the conduct of tabulation and the counting of the
7 votes.

8 So that involves visual and auditory
9 meaningful observation. If it's a one-room
10 schoolhouse that two people can see every process
11 that's going on by turning a 360 circle, so be
12 it. That's all you need. If it's a 600,000
13 square foot warehouse that takes ten or twelve
14 poll watchers, so be it. If it's a -- an
15 election office that has ten separate rooms such
16 that you need many poll watchers to be available
17 in ten separate rooms to provide meaningful
18 observation while tabulating is occurring, that's
19 the way it should be.

20 So the goal here -- it's not the goal of how
21 many square feet or how many human beings. The
22 goal is to provide assurance of fair and honest
23 procedures in the tabulating center. It's
24 basically just poll watching. So I really think
25 we're overthinking this and I think this is

1 consistent with what the intent is from the --
2 from the -- the tabulating and poll watcher
3 statutes that we have.

4 **MR. FERVIER:** I -- I just think that the
5 guidance that we had -- I realize it may not have
6 gotten out widespread, but I think the
7 guidance that we wrote earlier --

8 (Cross-talking)

9 **MS. ADAMS:** No, it -- it did.

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

11 **MS. ADAMS:** It literally was --

12 (Cross-talking)

13 **DR. JOHNSTON:** It's complicated.

14 **MR. FERVIER:** Yeah.

15 **DR. JOHNSTON:** Because we have a complicated
16 system.

17 **MR. FERVIER:** Yeah.

18 **DR. JOHNSTON:** Okay? If we just have a few
19 scanners and --

20 **MR. FERVIER:** Yeah.

21 **DR. JOHNSTON:** -- a bunch of ballots, it
22 wouldn't take very much. But we have a very
23 complicated voting system with lots of different
24 tasks and devices and things to watch, plus we
25 have -- we have absent -- we have different

1 methods of voting. So we have a whole absentee
2 ballot processing, tabulating area. We have
3 duplication areas. We have vote review areas.
4 We -- I mean, we -- you know, we have election
5 management server areas. So -- so it's
6 complicated.

7 **MR. FERVIER:** And -- and this board agrees.
8 I mean --

9 **DR. JOHNSTON:** Yeah.

10 **MR. FERVIER:** -- we -- we agreed on the
11 guidance that we gave out that more than two poll
12 watchers was necessary in some areas. We --

13 **DR. JOHNSTON:** But --

14 **MR. FERVIER:** We agreed to that.

15 **DR. JOHNSTON:** -- it may take more than
16 what's in here as the election superintendent may
17 deem necessary. So I don't think this is
18 restrictive or onerous. No, I do not think Irwin
19 County needs to have, you know, 18 poll watchers
20 crowded in front of their whatever, the window or
21 whatever it is, but -- but DeKalb County might or
22 Gwinnett County might.

23 So I don't -- I -- I think we're
24 overthinking what the goal of poll watchers for
25 tabulating center means. So ...

1 **MS. ADAMS:** And --

2 **MR. FERVIER:** Any further comments from the

3 board?

4 **MS. ADAMS:** -- one other thing. Since we're

5 using GAVREO as such a guiding force for us

6 today, their -- their ruling on this was neutral.

7 They didn't even care enough about it to oppose

8 it. So they just said nothing. It was neutral.

9 Just --

10 **MR. FERVIER:** Some of my friends are for it

11 and some of my friends are against it, with my

12 friends.

13 It -- any other -- any other comments by the

14 board? The chair will entertain a motion.

15 **DR. JOHNSTON:** Mr. Chair, I move that we

16 adopt this rule, 183-1-13-.05, poll watchers for

17 tabulating center.

18 **MR. FERVIER:** We have a motion to adopt rule

19 SEB 183-1-13-.05. Is there a second?

20 **MS. KING:** Second.

21 **MR. FERVIER:** We have a motion and a second.

22 Any further discussion? Hearing no further

23 discussion, we will vote by voice vote,

24 seniority. First up --

25 **MS. GHAZAL:** I -- I just --

1 **MR. FERVIER:** -- member Ghazal.

2 **MS. GHAZAL:** I wanted to actually support
3 what -- what member Johnston said, that poll
4 watchers are critically important. Poll watchers
5 in tabulation centers are critically important.
6 Ballot monitors, which are separate and under
7 actually a separate provision, separate statute,
8 critically important members of the public
9 that -- that help reinforce the -- the sanctity
10 of our elections.

11 I'm simply -- can't support this because I
12 think it exceeds our -- our legal authority.

13 **MR. FERVIER:** Any further questions from the
14 board? Comments from the board? We'll now vote
15 by voice vote in order of seniority.

16 Member Ghazal.

17 **MS. GHAZAL:** Nay.

18 **MR. FERVIER:** Member Johnston.

19 **DR. JOHNSTON:** Aye.

20 **MR. FERVIER:** Member Jeffares.

21 **MR. JEFFARES:** Aye.

22 **MR. FERVIER:** Member King.

23 **MS. KING:** Aye.

24 **MR. FERVIER:** Motion carries three to one.

25 **MS. ADAMS:** Thank you.

1 **MR. FERVIER:** You're in third place now for
2 the shortest.

3 **MS. ADAMS:** (off microphone, indiscernible)

4 **MR. FERVIER:** No, you're in third place. So
5 ...

6 The next item on the agenda is discussion
7 and voting on proposed rule amendment to SEB Rule
8 183-1-14-.02, advance voting. Subject of the
9 rule: reconciliation, presentation from
10 Mr. Garland Favorito. It is tab number 11 in the
11 board -- board book.

12 I have to warn you that when my voice goes,
13 we're out for the rest of the day. So ...

14 Projector?

15 **MR. FAVORITO:** (off microphone,
16 indiscernible)

17 **MR. FERVIER:** Which one's the retention --
18 is that the --

19 **MS. HARDIN:** (off microphone, indiscernible)

20 **MR. COAN:** Hold on. Just a minute
21 (indiscernible).

22 **MR. FERVIER:** You want to do the storage and
23 returns rule first?

24 **UNIDENTIFIED SPEAKER:** (indiscernible)

25 **MR. FAVORITO:** Yes, if that would be okay.

1 Tamara's going to help me on the reconciliation
2 rule and she's parking the car right now.

3 **MR. FERVIER:** Without dissent from the
4 board, we'll move that up to the next on the
5 agenda. So we will -- discussion and voting on
6 proposed rule amendment to SEB rule 183-1-12-.13,
7 storage of returns. Subject of the rule is the
8 storage of returns, presentation from
9 Mr. Favorito.

10 **MR. FAVORITO:** (handing documents to the
11 board)

12 **MR. FERVIER:** Thank you. And that is tab
13 number 13.

14 **MR. FAVORITO:** Thank you, Mr. Chairman.
15 Give me just a second to get this PowerPoint
16 loaded up.

17 While I'm doing it, I have good news for
18 you. I think I'm going to be able to do all of
19 mine in a five-minute recap each --

20 **MR. FERVIER:** Yeah, okay. I'm going to put
21 that down someplace.

22 **Discussion and Voting on Proposed Rule Amendment to**
23 **SEB rule 183-1-12-.13 (Storage of Returns)**

24 **MR. FAVORITO:** Okay. Because I want to be
25 in one of the top three places (indiscernible).

1 Yes. So, okay, great. These rules have
2 already been approved unanimously. So I feel
3 very little need to say much. I really
4 appreciate your support last time. They're not
5 very controversial. So I'm going to start off
6 with the reconciliation rule. Whoops, I got the
7 wrong one. I beg your pardon.

8 I want to start off with the retention rule.
9 I'm not sure if this will display correctly. It
10 displays a little bit differently than what you
11 have but you've got it.

12 So I'm just going to run through this real
13 quick, in about five minutes. If y'all recall
14 that the problem that we explained was that the
15 memory card retention rule doesn't retain the
16 ballot images, cast vote records, and audit logs
17 that are on the memory cards long enough to
18 comply with federal and state law.

19 And I -- the simple suggestion was to modify
20 the rule to comply with the clear plain text of
21 federal and state law.

22 I want to thank member Ghazal because -- for
23 recognizing that this was a potential legal issue
24 at our last meeting.

25 And the simple thing that we have proposed

1 just simply to change the text of 183-1-12 that
2 says that election superintendent may use the
3 memory cards for programming ballot scanner units
4 for the next primary election or runoff, which
5 could be 60 days. We are just recommending that
6 the election superintendent shall retain the
7 memory cards for a period of 24 months in
8 accordance with Georgia law.

9 We went through the federal and state law
10 last time. State law says all primary election
11 documents shall be preserved therein for a period
12 of at least 24 months. And federal law says that
13 every officer of elections shall retain and
14 preserve for a period of 22 months all records
15 and papers which come into its possession related
16 to any act requisite to voting. "Any act
17 requisite to voting," I think, is the key there.

18 We talked a little bit about what was on the
19 ballot images -- I'm sorry, on the memory cards.
20 That's all the key election data in its original
21 format when it was scanned. It's got the
22 in-person ballot images, raw cast vote records,
23 and the audit logs. And these, you know, records
24 are created automatically when the ballots are
25 scanned to tabulate votes.

1 So the way we left it last time was simply
2 the issue of cost and who was going to pay for
3 it. And I know -- I understand that's something
4 that y'all have got to decide. And we talked
5 about -- there were some suggestions in which --
6 that we reviewed. I think one came from GAVREO
7 that we may only need to back up one. Given that
8 there are redundant cards in the scanner, we may
9 only need one of them and not two to comply with
10 the law. We -- and we think that's fine.

11 We're up here.

12 And there was some question about bulk -- we
13 can't get bulk pricing, so we can't tell you how
14 much these would cost. So I think maybe
15 executive director Coan may have done some
16 research on that. But this is a one-time cost.
17 Once you get enough cards in the system, it's a
18 rotated two-year cycle. There's no further
19 expense.

20 And just in regards to cost, I would just
21 leave you with two -- two questions or two
22 points. It's interesting to note, why weren't
23 the costs to comply with the law included in the
24 hundred-million dollar Secretary of State budget
25 for the system? And regardless of who pays for

1 the cards, we really believe that the rule has to
2 be changed to comply with federal and state law.

3 And that's all I have. It's pretty
4 clear-cut.

5 **MR. FERVIER:** Are there any comments from
6 the board on this? Member King.

7 **MS. KING:** Yes.

8 I would love it if -- Mike, if you can
9 share -- I know you've been working with a team
10 as it relates to getting additional memory cards.
11 Can you share an update of where we are on that?

12 **MR. COAN:** Thank you, member King.

13 Where we are right now, we've -- we were
14 trying to work with the Secretary of State on
15 buying these cards, but they were pretty adamant
16 about buying them through Dominion at 46- to
17 48-dollars apiece, which I went to one of our
18 local precincts during the election, saw the
19 card. It was not a special card that Dominion
20 has. It's one off the market. This had the
21 Secretary of State's logo slapped on it.

22 So it wasn't anything special. So I -- I
23 said we need to go on the open market and bid it
24 out and find the cheapest price so we can buy
25 more of them to do what you're trying to do. And

1 quite frankly, I was looking at trying to buy
2 three of them with the monies that we have left
3 over from the -- that -- that ballot auditing
4 tool that you've heard about.

5 **MR. FERVIER:** Three -- three for each.

6 **MR. COAN:** Yeah, three for each -- each
7 precinct. And so I think that was, like,
8 forty -- forty-something-thousand memory cards.
9 Well, so basically that -- it got wrapped around
10 the axle because they keep wanting to hold the
11 line that we need to go through Dominion, and I
12 refuse to do so.

13 So it's pretty much come down to this.
14 We're not going to buy them right now until the
15 session starts and we're going to look to put
16 that in the supplemental budget as a redirect
17 from the monies left over and do it that way.
18 And we'll go through a bidding process, which to
19 your point, yes, we will be able to get cheaper
20 pricing and we'll buy it in bulk and we'll save
21 taxpayer money. And so we'll be a good steward
22 of money.

23 And that's really where my heart is all on
24 all of it, is we should always be looking after
25 your money.

1 **MR. FAVORITO:** Thank you.

2 And if I could just address one point, I'd

3 like Mr. Parikh to come up for a second since he

4 is an expert on this. But the -- the memory

5 cards are not specific to Dominion. They're

6 generic cards just like I have a generic USB

7 stick. It goes in the machine. It's

8 interchangeable.

9 So the concept that you've got to use a

10 Dominion card is superficial. But I'd like

11 Mr. Parikh, since he is familiar with seven

12 different voting systems ...

13 Would you come up for just for one minute

14 and address that for the board because they're

15 going to be hearing this again and again?

16 **MR. PARIKH:** So I just want to be brief on

17 this as somebody who has tested the Dominion

18 systems. And -- and I'm going to state this

19 about all election vendors that do this. They

20 can put security controls in on the USB drives to

21 only select certain storage devices. I know. I

22 did this on a classified network for the

23 Department of Defense. And it can be restricted.

24 But they have no controls to do this.

25 I have personally tested these USB devices.

1 I've put files on them, harmless files, but they
2 still didn't detect them. So the govern --
3 Georgia's government is wasting money by standing
4 by these overpriced USB devices.

5 And if I can, one more comment on this. As
6 a forensics person -- and you've heard Mr. Haury
7 talk about having controls in a paper chain of
8 custody. There's also what's called a digital
9 chain of custody. And since you have electronic
10 voting machines that 24-month retention period is
11 something that you should be doing to make
12 your -- make your election process totally,
13 completely auditable. And so you have -- you do
14 need to maintain these things for that period of
15 time.

16 **MR. FERVIER:** I -- I just find it shocking
17 that you would allege that any government would
18 waste money.

19 **MS. KING:** Mike, could you -- you reiterate
20 that we're not -- the goal is to not purchase
21 them at \$46.

22 **MR. COAN:** Absolutely. I -- I think for the
23 public's confidence as well, when you have
24 Dominion feeding its own system, I just -- you
25 know, I think that breeds no-confidence. So I

1 think if you are out here buying them separate
2 from them, you know they're independent, you're
3 going to get a better confidence level out of the
4 public as well. And so that's why we're
5 steadfast in what -- what we're doing.

6 One question I would like to have you guys
7 answer, though. You are looking at a two-year
8 period here, and I think with the number of
9 cards -- we bought three and we've got one
10 already in the system, that's four -- that
11 probably gets us through one year. So we
12 actually need probably double that to be able to
13 get through two years. Am I wrong?

14 **UNIDENTIFIED SPEAKER:** (off microphone) I'm
15 not even sure it gets us through (indiscernible).

16 **MR. PARIKH:** (off microphone, indiscernible)
17 That depends. Here's the thing.

18 **UNIDENTIFIED SPEAKER:** (off microphone,
19 indiscernible) do you want to come back up?

20 **MR. FERVIER:** Well, you can sit there and
21 we'll just turn on your mic.

22 **MR. COAN:** Yeah. We can just turn on your
23 microphone (indiscernible) right there.

24 **MR. FERVIER:** Yeah.

25 **MR. COAN:** You're on.

1 **MR. PARIKH:** (off microphone) So that
2 depends on how you (indiscernible).
3 **MR. COAN:** You've got to push your button.
4 **MR. PARIKH:** Okay. Technology, I'm lost
5 with that stuff. So --
6 **MR. FERVIER:** He's your -- he's your
7 technological expert?
8 **MR. PARIKH:** (off microphone, indiscernible)
9 **MR. COAN:** Hit it again. Okay.
10 **MR. PARIKH:** Oh, yeah. There -- there have
11 been attorneys that say I don't know anything
12 about printers even though I've upset the United
13 States government several times on printers in
14 classified environments.
15 But anyway ... So to your point, here's the
16 thing. There are several ways that you can store
17 these. The main thing is is you could actually
18 take the data, create a forensic image and a
19 hash, and store these on what's called a network
20 storage system that would eventually move them
21 off. Then you could recycle your USB cards, but
22 you would want to do a low-level wipe not just a
23 quick wipe so you ensure that the cards are
24 clean.
25 And you want to record this process. And

1 that's something that's important because if I
2 may sidestep, I've heard counties talk about how
3 they can't do it because it's not capable, what
4 failed. Did they have somebody from the outside
5 audit their process? And that's -- that's an
6 important thing when you do it. And that's why
7 I'm saying when you -- you save the money,
8 there's several ways you could save it. You can
9 still reuse those cards, but you want to make
10 sure that you keep the integrity of the data and
11 it's stored securely and that you track your
12 process so you have a solid chain of custody.

13 **MR. COAN:** Would you yield further? I have
14 one other question for you. So on these memory
15 cards, if you've got all these ballots on there,
16 and images, does it have some sort of
17 timestamp -- timestamp that would go when you go
18 to store it? How does that work --

19 **MR. PARIKH:** All right.

20 **MR. COAN:** -- for their help?

21 **MR. PARIKH:** So there are timestamps that
22 are created for those files and those will stay.
23 Now, the thing is is once the file gets opened
24 and you move it and you access it, those
25 timestamps can change on this -- I don't want to

1 detract about -- believe me, I've done a lot of
2 forensic stuff on election equipment and some of
3 them have been transferred incorrectly and you
4 will get, like, a January 1, 1970 date across
5 everything. And that just says bad forensic
6 steps and now you've got to start all over.

7 Those -- one, the file should be encrypted
8 on the inside. You're Dominion, so you have
9 what's called a DVD file, which is encrypted and
10 have all that, which can be easily decrypted.
11 But we'll get into that when I come back to
12 Georgia next time.

13 So that file's encrypted. So it's going to
14 maintain its file integrity as far as that until
15 it's opened up and files are accessed. So if
16 you're just copying in a standard network storage
17 copy, it would not affect the timestamps.

18 **MR. COAN:** Okay. So your solution would be,
19 then, to buy enough of these cards to where you
20 have enough to do two years of elections so when
21 that third year comes, we can take one and dump
22 all that off as it's already -- it's not needed
23 anymore anyway. Right?

24 **MR. PARIKH:** That sounds good, but I'm a
25 technical person. I would have to have more data

1 on county structures, your number of machines,
2 and stuff like that to answer that.

3 **MR. COAN:** Thank you.

4 **MR. FERVIER:** Sounds like this is another
5 one of those rules that's a good rule. It's just
6 a timing issue on when it needs to be
7 implemented. And it ought to be implemented
8 after the election this year when the Legislature
9 can appropriate funds for this thing so that
10 counties don't have to come out of pocket on
11 this. And so --

12 **MR. FAVORITO:** And, Mr. Chairman, the
13 question I would leave you with is why isn't the
14 Secretary of State paying for these cards if it's
15 in violation of both federal and state law? He
16 has a budget to do this and this is chicken feed
17 for the Secretary of State's budget. I'm -- he
18 should be coming in here and volunteering to pay
19 for these cards right now. He's seen this rule.
20 They have looked at it.

21 **MR. FERVIER:** I know you really don't want
22 me to answer that question. As I said, it sounds
23 to me like this is another one of those timing
24 issues that needs to be considered after the
25 election when we have confirmation from the

1 Legislature that they're going to pay for, which
2 they apparently have -- executive director Coan's
3 has had some conversations with them and are
4 willing to discuss over there. So ...

5 **MS. KING:** I think what -- what -- to answer
6 your question, we were trying to get them to pay
7 for it, but they want to pay \$46 for a memory
8 card, and we would rather -- we would rather save
9 money.

10 **MR. FAVORITO:** Yeah. I would say the
11 Secretary of State should pay \$46 if he wants to.
12 The only difference that we can see in the card
13 is that the card is an industrial grade card.
14 The Dominion system card is apparently industrial
15 grade as near as we can tell, which is a little
16 bit more expensive. It wouldn't be \$5, probably
17 more in bulk about 12. But we don't -- we can't
18 -- we can't get the bulk price. It's only --
19 only y'all can get it.

20 **MR. FERVIER:** Member Ghazal.

21 **MS. GHAZAL:** There is -- there's a lot of
22 security implications in sourcing something like
23 this that's going into our election system. I
24 think, like, folks in Lebanon might have a word
25 or two to say about sourcing where you get your

1 things. But that's neither here nor there.

2 And I think at this point, we -- I agreed to
3 this because I think it is not a bad idea. I
4 would like to see it restructured a little bit,
5 but I agreed on the basis that I thought at the
6 time that we would be able to pay for it and it's
7 now clear that we cannot.

8 So I think -- I don't know whether we should
9 table this or decline it at the moment because
10 there's one other change I would like to see in
11 it which is -- I think that if we're going to
12 maintain those cards, it's better to maintain
13 them with the remainder of the -- all election
14 documents that -- that are being retained for the
15 same period.

16 I think that's cleaner. I think it's less
17 likely to have somebody misplace them if you've
18 got changes in the office. So rather than have
19 them retained by the elections supervisor, I
20 think that they should be retained with all of
21 the other records.

22 **MR. FAVORITO:** I think we would be very
23 amenable to that.

24 **MS. KING:** Just to clear -- clear up
25 something. I just want to make sure it's clear.

1 Mike, can you speak to the -- if we were to
2 purchase outside of Dominion the security and all
3 that just -- I just want to make sure.

4 **MR. COAN:** Yeah. I'm just -- just to be
5 very clear for the public, everybody, we're not
6 going for a bargain basement at the flea market,
7 okay? We're going to go for a -- there's
8 reputable companies out there that they're
9 sourced here in America and we'd be looking to
10 buy from them.

11 And by the way, these memory cards I've seen
12 at the local precinct have a brand name on it.
13 So we'll probably go for that same brand if we
14 can get it. And then nobody can argue.

15 And by the way, if you have those specs on
16 that -- the speed and the gigs, I know the 16
17 gig, but I don't remember the speed. If you
18 could have that -- pass that to me, I'd love to
19 have that as well so we can make sure we got a --

20 **MR. PARIKH:** (off microphone, indiscernible)
21 and just my -- because if you stay with any of
22 the major companies, they usually have what's
23 called a VIP or a gold star agreement. So they
24 get a discount anyway because you're going to buy
25 in bulk.

1 **MR. COAN:** Yes.

2 **MR. PARIKH:** (off microphone, indiscernible)

3 So you can -- like Garland said, the state of

4 Georgia should be able to get --

5 **MR. COAN:** A deal, yeah.

6 **MR. PARIKH:** -- (off microphone,

7 indiscernible)-- you can get those industrial

8 grade at a really good price.

9 **MR. COAN:** That's right. That's right.

10 That's what we will do.

11 **MR. FAVORITO:** Right.

12 **MR. COAN:** That's the plan. So thank you.

13 I appreciate your point.

14 **MR. FAVORITO:** And the fact that it's

15 industrial grade -- grade, that ensures you that

16 it's not a bargain-basement memory card.

17 **MR. FERVIER:** Any more questions from the

18 board? Any comments? Is there a -- member

19 Johnston.

20 **DR. JOHNSTON:** Yes. So my concern about

21 this is that these documents are the -- the

22 metadata -- or the complete electronic file is

23 required currently with the statute. And I --

24 I'm not confident that that is being retained

25 today.

1 And, in fact, I think there are many
2 counties that still do not produce ballot images
3 or retain ballot images as required by law. So I
4 really would urge this board to adopt this rule
5 and -- and require this for the upcoming
6 election.

7 And I -- I think we have good information
8 that this will be funded in the next session with
9 the discounts that we're talking about right now.

10 **MS. KING:** Is it possible to -- if we were
11 to adopt it, how would it go into effect if we
12 don't have the memory cards because the bidding
13 process wouldn't start until January? So if we
14 adopt it, would it just sit until we have the
15 memory cards and then it'll go into effect? How
16 would that work?

17 **MR. FERVIER:** No. If it's adopted today, it
18 will go into effect prior to the election.

19 **MS. KING:** So how would you -- how would
20 they be able to carry that out?

21 **MR. FERVIER:** It needs to be deferred. If
22 you wanted to pass it again next year, it will
23 need to be deferred until after the election.
24 And I would suggest until the -- we have
25 confirmation that the Legislature will fund this

1 and pay for it or we end up in a situation that
2 we created a mandate that the county has to pay
3 for and that -- with no funding. So ...

4 **MS. KING:** Yeah. I -- I wonder -- I don't
5 know if we can adopt it without putting a cost on
6 the counties, you know. Now -- at this point,
7 it's going to fall on the counties to have to pay
8 for it. And we don't know what those additional
9 memory cards -- how many they would need either.
10 So we -- we don't know what their cost would be.

11 And then they would have to go through their
12 own bidding process, I guess, and, you know, try
13 to locate it. And then we may have -- at each
14 county may have a different set of cards and it's
15 not a uniform process if we were to adopt it now.

16 But I do think maybe tabling it until we
17 have -- until we -- it's been passed that we can
18 go through the bidding process, get the memory
19 cards, then we can send the memory cards to the
20 counties and then we can pass this to store it.

21 **MR. FERVIER:** Do you have a motion on that?

22 **MS. KING:** Well, first, I want to make sure
23 Dr. Jan is -- I know she's still thinking.

24 **MR. FAVORITO:** Well, while you're thinking,
25 I did want to point out, since Dr. Johnston

1 mentioned it, at the last session I explained to
2 you that we did a statewide survey of ballot
3 images in 2021 after they were public record.
4 And we found a total of 1.7 million original
5 ballot images missing for the 2020 election in
6 Georgia.

7 So that's 1.7 million missing ballot images,
8 each one is a violation of both federal and state
9 law. So this is a pretty critical -- this is a
10 pretty critical thing. For a government that has
11 a \$2 billion surplus to say they can't spend
12 20,000 on memory cards, that's a pretty severe
13 problem.

14 (Applause)

15 **MS. KING:** I agree.

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

17 **MS. KING:** I guess we're in a position where
18 if we were to go that route, we would end up with
19 the Dominion cards. That's what they are saying,
20 that they will not purchase anything outside of
21 Dominion and it's at \$46 a card.

22 I would prefer we table it until we can get
23 this passed, and we can go through a bidding
24 process so that at least we won't have -- we
25 won't be stuck with having Dominion cards with

1 Dominion machines.

2 **MR. FAVORITO:** It's -- it's the Dominion
3 machines that we're more worried about than the
4 Dominion cards.

5 **DR. JOHNSTON:** My -- my concern is that this
6 complete electronic file is required to be
7 retained. And I do not have confidence at this
8 time that it is. And as -- as the rule stands
9 right now, these memory cards can be erased not
10 long after an election.

11 And if they have not retained the complete
12 set of data that are on these memory cards,
13 there's nothing you can do about it. And we all
14 know of 380,761 missing ballot images from
15 election day that created a big problem.

16 So, you know, if -- you know, if I was --
17 could be assured that the Secretary of State
18 would make sure that 159 counties are retaining
19 the data off of these memory cards, all of the
20 data, not just the ballot images but the
21 tabulation and the log files, I would totally
22 support your recommendation. But you -- and
23 we -- and we are taking the risk that come
24 January the General Assembly may not see fit to
25 fund memory cards.

1 **MR. FAVORITO:** If I could just add to
2 Dr. Johnston's point, the only thing that you can
3 do, as Dr. Johnston's saying, is to go back to
4 the original paper ballot. And -- and we -- we
5 spent four years in court trying to see the
6 Fulton County 2020 ballots, and we have met --
7 met resistance not only from Fulton County but
8 from the Secretary of State and the Attorney
9 General who filed an amicus brief in our case.

10 So the ballots, even though we tried to make
11 them open record, the Secretary of State fought
12 that and we will not be able to have that
13 available to -- until January 1, 2025. So that
14 raises the question, what do you do to comply
15 with the law for the November 2024 election and
16 any runoff that might occur? I think that's a
17 really serious question that the voters of the
18 state of Georgia would like an answer to.

19 **MS. GHAZAL:** Mr. Chairman.

20 **MR. FERVIER:** Member Ghazal.

21 **MS. GHAZAL:** Have you examined the ballot
22 image library that is on the Secretary of State's
23 website right now that is -- that's supposed --
24 it's supposed to contain all of the ballot images
25 from every election we've had so far in 2024?

1 **MR. FAVORITO:** We have -- we have surveyed
2 and collected all of the ballot images. And what
3 he has on his website are the recount ballot
4 images. The --

5 **MS. GHAZAL:** From twenty -- this is 2024.
6 From every election of 2024.

7 **MR. FAVORITO:** Oh. Oh. No, we have not
8 surveyed 2024. And one of the problems we had --
9 and that's important, I'm glad you asked the
10 question -- we produced a study on March 7, 2022,
11 after we got the original ballot images. We
12 found out through the metadata, a very complex
13 study, that Fulton County had electronically
14 altered those ballot images before they certified
15 the 2020 election results.

16 So this is a problem. You can't really rely
17 on ballot images. This is why you really to go
18 back to the actual paper. That's the only
19 independent audit trail of the votes cast in the
20 state of Georgia.

21 **MR. FERVIER:** I think we're getting far
22 afield from the -- from this rule, and I want to
23 get back to the rule.

24 Are there any further questions pertaining
25 to this rule from the board? If not, the chair

1 will entertain a motion on this rule.

2 **DR. JOHNSTON:** I'd like to make one more
3 point that this -- the memory card is an original
4 election document. It is require -- this is a
5 document that is to be retained for 24 months.
6 So if we're not retaining original election
7 documents, then we -- we're not following Georgia
8 law.

9 **MS. GHAZAL:** Mr. Chairman.

10 **MR. FERVIER:** Member Ghazal.

11 **MS. GHAZAL:** The data is the original
12 document. The storage device is not.

13 **DR. JOHNSTON:** But if the data is not
14 retained --

15 **MS. GHAZAL:** If the data is not retained.
16 But the storage device is not. So there are many
17 methods of retaining the data that would be
18 compliant with state and federal law.

19 I do not -- I do not oppose this method of
20 retaining the memory cards, but it is not the
21 only way to comply with it. So if the data
22 itself is being stored, we are -- the counties
23 and the state are compliant with federal law.

24 **MR. FAVORITO:** But that will be a copy of
25 the data. That would not be the original data,

1 and I'm sure Mr. Parikh can explain to you how
2 during a copy the data can be corrupted.

3 So you -- that's why you have to have the
4 original scanned ballot images to ensure the
5 integrity of the election.

6 **MS. KING:** I would like to ask if -- can you
7 explain what happens when you remove the data off
8 the memory card and download it somewhere else?
9 Do we lose information? Or what's the concern in
10 doing that?

11 **MR. PARIKH:** Well, one, I would like to
12 state that if you post a library and you run it
13 off a web server, the data has been manipulated.
14 It has to be because the file structure systems
15 for a web server in the way it's hosted is going
16 to change that data.

17 To answer your question, Ms. King, yes,
18 because here's the thing. The data on those SD
19 cards -- SDK cards is supposed to be encrypted.
20 So therefore to see ballot images, that means
21 that the file was decrypted and then those files
22 are going to become standalone files and they
23 will get moved.

24 And depending on the type of system that
25 moves it, whether it's a Windows system or a

1 Linux-based system or a Unix-based, I'll say --
2 but most everything is Linux now -- that -- that
3 will affect your metadata. And that's why
4 sometimes it gets complicated and Garland's
5 correct on that process.

6 And the data as it resides on that image,
7 like I said, believe me, I've gotten SDK card
8 images and the very first thing I have to do is
9 check the hash of the image and then I mount the
10 image and look at it forensically. And sadly --
11 and I'm hoping that Georgia's are encrypted. I
12 found states to where it's not, and that means
13 that the data could be tampered with while it's
14 on the card and therefore breaks chain of
15 custody.

16 But if it's encrypted properly, the way the
17 vendors say they do it, and they're following
18 their process, then it -- it will go on the EMS
19 and get decrypted and then it will get moved
20 around from there. And, yes, the beta data can
21 change.

22 **MS. KING:** So just to be clear for everyone.
23 So what we're debating basically is whether or
24 not -- so if we were to pass this, that would
25 require counties to purchase additional memory

1 cards for this upcoming election. We don't know
2 how many they would have to get. That depends on
3 the county.

4 We don't know what -- which card they would
5 be purchasing. There may be several different
6 cards throughout the counties. And then -- but
7 the rule would be enacted. Or do we table it
8 until we can get the legislators to go through
9 the bidding process so we have a uniform card
10 that everyone would utilize and it will also
11 fit -- it would be cost-effective versus spending
12 \$46? And then we can then pass or support this
13 rule to have it stored on those memory cards
14 because now each county will have enough memory
15 cards. That's kind of the --

16 **MR. FAVORITO:** I -- I can answer part of
17 your question, member King. So each county would
18 only need one or two memory cards to get through
19 this election cycle to the legislative session.
20 And at a -- at a cost of about \$20 a card per
21 scanner, that's not a whole heck of a lot of
22 money for a county to have to -- to pay to ensure
23 the compliance with federal and state law.

24 **MS. KING:** I think we're assuming, too, that
25 they have a surplus that the counties have not

1 already -- like I said -- like I said earlier,
2 allocated their funds. However, are you certain
3 it would be two cards or what are you thinking
4 from what you've researched?

5 **MR. COAN:** I think once you're talking about
6 a full-bore election like we've had this year,
7 you've got a primary, a primary runoff, and
8 you've got a general and possibly a general
9 election runoff, that's four -- four cards you're
10 going to have to have for every scanner.

11 **MR. FAVORITO:** But not until -- not to get
12 to the legislative session in January. All you
13 need is one card for the runoff, if you even have
14 a runoff, and one card for the -- they already
15 have the card for the session. So all they're
16 really looking at is a single card per scanner
17 just in case there's a runoff to get through to
18 the legislative session because then there's
19 going to be another year before another election
20 is conducted and you would need them again.

21 So one card per scanner for probably about
22 20 bucks if bought in bulk is not -- it's pretty
23 much peanuts to comply with both federal and
24 state law.

25 **MR. FERVIER:** Yeah, but the problem is

1 there's no guidance right now we can give to the
2 counties about what card to buy or who to buy it
3 from or --
4 **MR. COAN:** Right.
5 **MR. FERVIER:** -- what to pay for it or --
6 it's -- there's just no guidance out there on
7 that --
8 **MR. FAVORITO:** I think --
9 **MR. FERVIER:** -- issue right now.
10 **MR. FAVORITO:** I think Mr. --
11 **MR. FERVIER:** To try to implement that
12 before this election is a little much.
13 **MR. FAVORITO:** We've got an expert here. I
14 think he can give us the guidance.
15 **MS. KING:** I would like to hear.
16 **MR. PARIKH:** (off microphone,
17 (indiscernible) not to be (indiscernible) Garland
18 because you both made very good points
19 (indiscernible).
20 **MR. FAVORITO:** Use the mic.
21 **MR. PARIKH:** (off microphone, indiscernible)
22 **MR. FAVORITO:** Use the mic, Clay. Use the
23 mic, Clay. It pulls out.
24 **MR. PARIKH:** Your point -- here's what I
25 wanted to tell you. Because I'm an operational

1 person, I've -- for large DOD entities where --
2 and so what I'm telling you is you do not want
3 the sloppy, global supply chain issues that these
4 vendors have. And I've seen their supply
5 listings and they're fraudulent in their
6 technical data packages. Your points are very
7 stout.

8 What I want to tell is when the state
9 purchases them, you're controlled through
10 procurement. I don't -- to task the counties
11 with doing it individually is asking for chaos,
12 right? But you want to get them, you want to
13 control them.

14 You issue them and they say issue because
15 you want to ensure they're clean and brand-new so
16 you don't run into extra steps to make sure they
17 are which would be the low level wipe and then --
18 and then doing them.

19 And then as you give them to -- after the
20 counties use them, their surplus, they should
21 store them securely until they're used and then
22 they put them in and, like Garland said, you
23 don't need that many because they're backup. But
24 you want to have them.

25 Then after they're loaded, they're --

1 they're just like the ballots or anything else.
2 They need security controls on them and to be
3 checked.

4 **MR. COAN:** Well, see, you -- you bring up a
5 question that I have because I am not technically
6 savvy as you are on this issue. But how many
7 ballots could one of these cards hold? Could you
8 do two elections on that one card? If you do
9 that, then you've solved the problem.

10 **MR. PARIKH:** And I don't believe I --

11 Have I given you this stuff before, Garland?

12 All right. So I have the documentation from
13 Dominion that tells that. And so here's the
14 thing. On the 8-gig SDK cards that they talk
15 about, they can hold up to 10,000 two --
16 two-sided ballots. So if you have a front and a
17 back on your normal ballot, that card can hold
18 that many along with extra data that's put on the
19 card. Because there's log files and other things
20 that are on those cards.

21 **MR. COAN:** So most of these are 16 gigs --
22 sixteen. So that's --

23 **MR. PARIKH:** So they're going to be good
24 and -- because believe me, there are other
25 questionable things that got -- when the SDK

1 cards got pulled from systems during an election
2 when they obviously weren't full. But that's a
3 whole nother story.

4 **MR. FERVIER:** Then that's a lot of cards for
5 Gwinnett County or Fulton County or DeKalb County
6 or Cobb County. And with the general election,
7 with maybe a runoff, with -- that's a lot of
8 cards.

9 **MR. PARIKH:** But -- but here's the thing.
10 There are two SDK cards. One -- one is like the
11 administrative card which has the encrypted
12 configuration files that give the brains to the
13 ICP-2s, the tabulators, the -- the system.

14 The other one is a lot of the data. It
15 holds the image files for the ballots. You're
16 going to have the CVR and all the log data. All
17 those things get backed up on the two cards. And
18 so the main thing is is you want that one primary
19 card to always -- that has the CVR and the ballot
20 images to always be retained.

21 **MR. FERVIER:** Mr. Favorito, the state
22 election board's technical expert has just stated
23 that we need to go through the proper procurement
24 procedures before we can do this.

25 **DR. JOHNSTON:** Mr. Chairman.

1 **MR. FERVIER:** Member Johnston.

2 **DR. JOHNSTON:** Can we ask Mr. Kirk to weigh
3 in on his inventory of cards and what he does?

4 **MR. FERVIER:** Push your button, Mr. Kirk.
5 Okay.

6 **MR. KIRK:** So I actually don't mind this
7 idea, especially y'all are providing them to us.
8 I like the retention. One thing to flag,
9 currently our standard practice is up to 10,000
10 ballots in a scanner. That's just the guidance.
11 I think that works with the size of our
12 containers and the size of the secure boxes and
13 bags that we use.

14 The one thing I would like to flag -- and
15 Tonnie can probably answer this better than I can
16 is the idea of unscheduled special elections.
17 Going into the legislative session, there could
18 be things ordered by the governor, special
19 (indiscernible) have to have and some other
20 things that are scheduled for next -- next year.

21 Tonnie, would you mind?

22 **MR. ADAMS:** Yeah, we actually have a special
23 June special primary for public service
24 commissioner next year. So we already -- in my
25 county alone, we know we're going to have three

1 elections at the very minimum. That run -- that
2 primary in June could have the runoff in July.
3 And if a third party qualified for public service
4 commissioner, we could even have a special
5 general runoff.

6 So we could have as many as five elections
7 next year because I already know I have a March
8 e-SPLOST and a special city council. So we would
9 just want to -- we're in favor of the rule. It's
10 just a matter of making sure we have the supply
11 of cards that we can get through an entire
12 election cycle, which in a nightmare scenario,
13 you could have as many as 14 elections in two
14 years.

15 **MR. FAVORITO:** And, Mr. Chairman, we had
16 mentioned -- you mentioned Gwinnett County, one
17 of the -- somebody. We did do a quick cost math
18 on -- there's about, we think, about 275
19 counties -- excuse me, scanners in the precincts
20 in Gwinnett. One card, \$20 each, would be about
21 a \$5,000 expenditure to get through to the
22 legislative session. And -- and that's only --
23 you'd only need it if they had a runoff.

24 **MR. KIRK:** One last point, in case it wasn't
25 said. Sorry if I missed it. No, we cannot

1 use -- reuse memory cards between elections. It
2 has to be static to that election, especially for
3 the retention standards y'all are talking about.

4 **MS. KING:** So basically what I'm hearing is
5 that -- that the June special election should be
6 covered based on what takes place in January. So
7 we'll be able to purchase new memory cards by
8 that election.

9 The question is the memory cards we
10 currently have, is it possible to store those
11 for -- to use them for this election that's
12 coming up and any election that would take place
13 before session, which I think is just this
14 presidential --

15 **MR. FAVORITO:** And the runoff.

16 **MS. KING:** Is it enough space -- in the
17 runoff -- and a runoff --

18 **MR. FAVORITO:** Yes.

19 **MS. KING:** Is it enough space on the cards
20 that we currently have where the county would not
21 have to purchase any new cards if we were to pass
22 this to store those?

23 **MR. FAVORITO:** I'm sure Joseph will tell you
24 that they've got to wipe those cards for each
25 election.

1 **MR. KIRK:** (indiscernible)
2 **MR. COAN:** Hold on, guys.
3 **MR. FAVORITO:** I mean, they have to have a
4 clean card for each election.
5 **MR. KIRK:** So we do need to keep the card
6 specific to the election, especially as I said,
7 with the retention standards we're talking about.
8 I think you'd agree that we want to keep them
9 with the election. There will be a small number
10 of counties who have runoffs in December.
11 There's a potential for unscheduled special
12 elections for legislative seats. It's not a
13 really high number, but it's greater than zero.
14 And it's really hard to predict what the needs
15 for that would be.
16 **MR. FERVIER:** The chair would entertain a
17 motion at this time.
18 **MS. KING:** I'm still trying to be clear on
19 something. I still want to be clear on some
20 thing. To be clear, the memory cards that we
21 currently have, that the counties currently have,
22 are -- is not -- there's not enough storage space
23 in order to --
24 **MR. FAVORITO:** There's not enough cards to
25 do a runoff if a runoff occurs.

1 **MS. KING:** So we would need -- so they would
2 have to purchase new cards if we were to pass
3 this right now.

4 **MR. FAVORITO:** Maybe. It depends on their
5 inventory. They might have to or they might not.
6 I imagine they have extra but maybe not enough.

7 **DR. JOHNSTON:** Might I ask Mr. Kirk, do you
8 store a complete electronic file?

9 **MR. KIRK:** We transfer everything off memory
10 cards through the Dominion software to the
11 database that's retained. That includes audit
12 logs, images, as well as the results.

13 The -- as far as how many cards we have in
14 our inventory, I apologize. Off the top of my
15 head, I wouldn't feel comfortable saying, but I
16 am happy to get that information back to you.
17 Unfortunately it wouldn't be now.

18 **DR. JOHNSTON:** Do you have enough for a
19 runoff election?

20 **MR. KIRK:** No -- I don't have enough to have
21 a complete new set for a runoff election. I may
22 have some extras, but I just off the top of my
23 head do not remember the exact numbers.

24 **DR. JOHNSTON:** Do you buy your cards from
25 Dominion?

1 **MR. KIRK:** I am currently using the cards
2 that were procured with the voting system
3 originally. I'm not sure if I ever bought or
4 purchased additional cards.

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

6 **MR. KIRK:** I'm currently using the cards
7 that were originally provided with the voting
8 system itself. I do not recall if ever I have
9 purchased additional cards. If I did, I would've
10 purchased them through Dominion as was the
11 guidance.

12 **DR. JOHNSTON:** So you didn't buy the \$45
13 card?

14 **MS. KING:** That's crazy. So where I am on
15 this is that I think this should be tabled until
16 after session so that the state can procure
17 memory cards and ensure that they are secured,
18 pass them out to the counties so that now they
19 would have enough cards in order to enact this
20 rule.

21 **MR. FERVIER:** Would you like to make a
22 motion?

23 **MS. KING:** As long as there's no more
24 discussion.

25 **MR. FERVIER:** The chair will entertain a

1 motion.

2 **MS. KING:** Any more? I know she's thinking.
3 I just want to make sure there's no more
4 discussion.

5 **MR. COAN:** Jan, you got anything?

6 **MS. KING:** Are you thinking?

7 **MR. FERVIER:** Do you have any more
8 questions?

9 **DR. JOHNSTON:** No more questions.

10 **MS. KING:** Okay. Yes. I will make a motion
11 that we table this until after session so that we
12 can ensure that we have a uniform approach to
13 handing out additional memory cards to every
14 county so that we will be able to store this.

15 **MR. FERVIER:** We have a motion to defer this
16 rule for further consideration. Do we have a
17 second?

18 **MR. JEFFARES:** Second.

19 **MR. FERVIER:** We have a motion and a second
20 to defer SEB rule 183-1-12-.13 for further
21 consideration. We will -- any discussion?
22 Hearing no discussion, we will vote via voice
23 vote by seniority.

24 Member Ghazal.

25 **MS. GHAZAL:** Aye.

1 **MR. FERVIER:** Member Johnston.
2 **DR. JOHNSTON:** Nay.
3 **MR. FERVIER:** Member Jeffares.
4 **MR. JEFFARES:** Aye.
5 **MR. FERVIER:** Member king.
6 **MS. KING:** Aye.
7 **MR. FERVIER:** The motion passes three to
8 zero.
9 (Gavel sound)
10 **MR. FERVIER:** Now he -- now he's getting
11 angry with the gavel. You promised us five
12 minutes on that. I want you to know you're about
13 40 past that.
14 **MR. FAVORITO:** I -- I stuck to my five
15 minutes. It was y'all that asked all the
16 questions. But -- but they were good questions.
17 And seriously, I want to thank the board
18 because that was a very serious discussion. And
19 I could tell that every one of you were trying
20 to, you know, accommodate the need. And it just
21 sends a bad optics to voters, not for you but for
22 the governor and the Secretary of State in not
23 funding this -- this board properly. And I know
24 the -- as the Legislature intended.
25 **MR. FERVIER:** Okay. How long is your next

1 one going to take?

2 **MR. FAVORITO:** It --

3 **MR. FERVIER:** And we're -- we're going to
4 write this down.

5 **MR. FAVORITO:** I'm -- okay, so I've got two
6 that are combined and I can do both of them in
7 about ten minutes, but you'll have to vote on
8 them separately.

9 **MR. FERVIER:** We have to vote on them
10 separately, yes.

11 **MR. FAVORITO:** Yeah. And I'm -- it's up to
12 you. If you want to come back on Monday, we'll
13 come back or we can continue.

14 **MR. FERVIER:** We're going to go through it.

15 **MR. FAVORITO:** I'm easy.

16 **MR. FERVIER:** I'm just -- I'm just holding
17 you to your five minutes here.

18 **MR. FAVORITO:** Well, I -- I did.

19 **MR. FERVIER:** Next item on the agenda is
20 discussion and voting on proposed rule
21 amendment -- have you ever seen that thing where
22 they bring out the hook, you know, and drag you
23 off stage?

24 **MR. FAVORITO:** (indiscernible)

25 **MR. FERVIER:** Okay. The next -- the next

1 item on the agenda is discussion and voting on
2 proposed rule to SEB rule 183-1-14-.02, advance
3 voting. Subject of rule: Reconciliation,
4 presentation from Garland Favorito. It is number
5 11 in the board book. Tab number 11.

6 **MR. FAVORITO:** And, Mr. Chairman, Tamara is
7 going to help me with this, and she's got another
8 handout for you.

9 **MR. FERVIER:** Is she quicker than you are?
10 Maybe?

11 **MR. FAVORITO:** I don't know. She's -- she's
12 a little -- she's a little bit slow, though, so
13 you've got to (indiscernible).

14 **MR. FERVIER:** This handout's thicker than
15 the last one.

16 **MR. FAVORITO:** It is but I'll go as -- I
17 need about ten minutes and I go through this.

18 **MR. FERVIER:** All right.

19 **MR. FAVORITO:** And in -- since we have
20 shorted executive director Coan, we've got three
21 handouts that are for the record that I'm going
22 to be referencing for -- that's for executive
23 director Coan since he hasn't been getting their
24 copies. I apologize for not copying you in on
25 these.

1 My -- so I'm ready whenever you want to
2 proceed, Mr. Chairman.

3 **Discussion and Voting on Proposed Rule Amendment to**
4 **SEB Rule 183-1-14-.02 (Advance Voting)**

5 **MR. FERVIER:** Hang on a second. Let me ask
6 the board because we -- the board considered this
7 for rulemaking procedures and it passed four to
8 zero to initiate rulemaking procedures on this.
9 It seems to be a fairly simplistic rule.

10 Is the board going to have any questions on
11 this one in particular?

12 Member Ghazal, do you have any issues or
13 questions with this one?

14 **MS. GHAZAL:** (off microphone, indiscernible)
15 I would ask that the petitioner address
16 (microphone on) the concerns that GAVREO had
17 articulated with this because their concerns were
18 that it appeared that this gave a very short
19 amount of time for the counties to -- to
20 reconcile any sort of discrepancies when right
21 now under current practice they have close to a
22 week, and this would give it -- would create a
23 much abbreviated time scale.

24 So if you could address their concerns.

25 **MR. FAVORITO:** I --

1 **MR. FERVIER:** Wait, before you start.
2 Member King, do you have any questions?
3 **MS. KING:** No.
4 Member Johnston, do you have any questions
5 ahead of -- right now?
6 **DR. JOHNSTON:** No questions.
7 **MR. FERVIER:** I know that member Jeffares
8 doesn't. All right, if you'll address member
9 Ghazal's -- I'm not trying to speed this up or
10 anything.
11 **MR. FAVORITO:** Well, I -- I need to -- I
12 need to give you -- I -- I can address their
13 questions, absolutely, but they're kind of
14 addressed in the presentation. So I just need
15 ten minutes to recap where we were, and I'll do
16 that as fast as possible.
17 Didn't you give everybody else ten minutes?
18 **MR. FERVIER:** Yeah, but you said five.
19 **MR. FAVORITO:** Okay. So I've got two --
20 I've got two rules here. So I'm trying to
21 address --
22 **MR. FERVIER:** Okay.
23 **MR. FAVORITO:** -- both of the rules --
24 **MR. FERVIER:** Okay.
25 **MR. FAVORITO:** -- in -- as fast as I can. I

1 know you don't want me to talk much though. So,
2 no, seriously. So I'm going to go ahead and flip
3 to the problem. The problem, the reason that we
4 have this rule -- this is why it's important that
5 time is not -- it's really -- we need to
6 implement it timely -- was because the evidence
7 indicates that the Georgia Dominion Democracy
8 Suite 5.5 system has an intermittent QR code
9 defect that causes in-person balance -- ballots
10 accepted by the scanners to not be tabulated.
11 There's no current procedure to detect this and
12 we propose simple reconciliation that I think
13 everybody pretty much agreed with for the most
14 part.

15 Reconcile the total ballots accepted by each
16 in-person scanner with the tabulation tape total
17 ballots cast. That will detect a failure in the
18 tabulation to tabulate the ballot.

19 This was discovered -- as you recall, a QR
20 code signature mismatch was first found in
21 Dominion on that -- the same system, Democracy
22 Suite 5.5, in Williamson County, Tennessee. They
23 confirm that the ballots were not tabulated and
24 the -- not just the Williamson County but the
25 Tennessee Secretary of State, the Election

1 Assistance Commission, and Dominion Voting
2 Systems all confirmed that that was a legitimate
3 error that caused ballots not to be tabulated.

4 As a result, the Tennessee Secretary of
5 State discontinued the use of the Dominion system
6 and recommended that in Williamson County replace
7 that Dominion Democracy Suite 5.5, which is the
8 same system we have here, 5.5.

9 Now, there is the Secretary of State's
10 letter. I have it in your -- your -- your
11 package there. I won't talk about it, but it
12 just says that due to the urgency of the pending
13 election, we wanted to inform you that it is our
14 recommendation that Dominion voting machines not
15 be used in Williamson County. Dominion has not
16 provided suitable service to the Williamson
17 County Election Commission. And that's all
18 because of this error that we're concerned about.

19 So the question that you are -- I'm sure
20 you're -- is next on your mind -- and,
21 Mr. Chairman, you asked me this last time. I
22 wanted to give you a little bit more evidence to
23 show you the urgency of this need. Senate
24 Bill -- I'm sorry, State Election Board 2022-348
25 showed that the same QR code signature mismatch

1 error was found in 65 of 67 counties that they
2 surveyed.

3 And -- but now the question is did that mean
4 that the votes were not tabulated? Georgia
5 audits showed that the ballots were not tabulated
6 in sample counties surveyed. I'm going to give
7 you three examples. 1642 ballots were not
8 tabulated in the Gwinnett 2020 election results;
9 1805 were not tabulated in DeKalb 2022 District 2
10 Commission Democratic primary; and then 225 were
11 not tabulated in Coffee County, the 2020 general
12 elections.

13 I have since given you the documents to show
14 this for the record. I'm just going to quickly
15 mention all three of those. Here is an affidavit
16 that -- it was also -- can be confirmed by the
17 Secretary of State's own summary, and this
18 affidavit in U.S. District Court sworn under
19 penalty of perjury says that according to the
20 audit summary published by the Secretary of
21 State, attached hereto as Exhibit 1, during the
22 audit Gwinnett discovered 1,642 more ballots than
23 what were counted. And this is in regards to the
24 2020 election.

25 Moving on to the second one, and this would

1 be -- I'm not sure which page this is but one you
2 have there, but the DeKalb County primary -- this
3 is a story that you -- most of you remember, but
4 you don't know all the details.

5 So a candidate named Michelle Long Spears
6 came in third in the DeKalb District 2 commission
7 primary. But she had gotten no votes in the
8 precinct where she and her family lived and
9 voted. She reported that problem to DeKalb
10 elections and they tried to rerun the machine
11 count and got the same results.

12 So they postponed certification to do a hand
13 count. This was the only race that was
14 hand-count audited in the 2022 election including
15 the Secretary of State's race.

16 So what is -- the results of this are shown
17 in the document that I'm leaving you, but let me
18 just illustrate it for the -- on -- which page is
19 that? Page 8 that you've got the illustration.

20 So this shows that Michelle Long Spears was
21 shorted 3,000 of her 4,000 votes, 75 percent of
22 the votes. 1400 were given to an opponent and
23 1800 were not counted at all.

24 So that is -- now this can be attributed to
25 a ballot alignment problem. How -- and what --

1 that is what the DeKalb report does. However, it
2 does not -- the report never accounted for the
3 1805 votes that were never tabulated. So we know
4 that 1805 votes were never tabulated. We know
5 1642 were not tabulated. That was in -- this one
6 was in '22. Gwinnett County was 2020. These are
7 just samples that we have.

8 Here's a third one that's very illustrative.
9 This is the actual Coffee County, November 2020,
10 election results spreadsheet that they did. And
11 this is on page -- is that ten? Nine? Page 9.
12 And it says here that we reviewed the results and
13 there were no change in the vote count despite
14 185 ballots counted. So 185 ballots were
15 counted -- I'm sorry, were not counted even
16 though they were cast.

17 And then if you look up on the original
18 count, you'll see that the hand count confirmed
19 that another 40 ballots were not counted, not
20 tabulated. So that's a total of 225 ballots not
21 tabulated and that was also in the 2020 election.

22 So that was the evidence, Mr. Chairman, I
23 wanted to give you because you had asked for that
24 last time and I did not have that. So I
25 apologize for that, but I do appreciate the fact

1 that you were concerned and you wanted to see
2 some more.

3 That said, in order to solve this as a
4 stopgap measure, we propose two simple
5 reconciliations. I'll probably talk about the
6 first one, the election day, first, if that's
7 okay.

8 And the election day simply was to change
9 the recap form to add one column where you
10 reconcile the poll books and the scanner ballot
11 counts. You also rec -- reconcile the tabulator
12 tape ballot counts. So instead of a three-way
13 reconciliation, you have a four-way
14 reconciliation. And that's really the only
15 change, a simple modification to the form and a
16 simple additional recount -- reconciliation at
17 the time they're already doing the
18 reconciliations.

19 And I think that's probably why it passed
20 unanimously. There wasn't -- there's really --
21 it's a pretty simple ask.

22 Now, I was going to stop there because I
23 know you need to vote on the election day and the
24 early voting separate. There's a couple more
25 things we could talk about on the early voting.

1 **MR. FERVIER:** No, I got it. Okay, yeah.
2 Member Ghazal.

3 **MS. GHAZAL:** I would actually like to ask
4 one of our election supervisors if the recap
5 forms are already printed.

6 **MR. FERVIER:** Let's pick somebody who hasn't
7 been able to speak yet. Do we have any more
8 election supervisors here? Come on. Come on.

9 **MR. COAN:** There's two over there.

10 **MS. GHAZAL:** Yeah.

11 **MR. FERVIER:** All right, Mr. Kirk. You're
12 back up again.

13 **MR. KIRK:** So, (off microphone,
14 indiscernible) yes and no. The -- they're
15 printed. We have them in our offices, but some
16 of us want to wait as well. So I think one point
17 here is I just want to make sure I understand.
18 You want us to compare the number off the
19 screens, the number that it prints; is that
20 right?

21 **MR. FAVORITO:** Yes.

22 **MR. KIRK:** (off microphone, indiscernible)
23 redundant but (indiscernible).

24 **MR. FAVORITO:** Well, I have just given you
25 the evidence that it's not redundant.

1 **MR. KIRK:** (off microphone, indiscernible)

2 **MR. FAVORITO:** The tabulator scanner -- if
3 I'm understanding the question or the point, the
4 tabulator scanner total ballots cast is not
5 redundant with the scanner ballots cast for the
6 three examples that I -- I've just shown the
7 board.

8 **MR. KIRK:** (off microphone, indiscernible) I
9 think in those examples you're talking about
10 votes counted as opposed to ballots cast.

11 **MR. FAVORITO:** No.

12 **MR. KIRK:** (off microphone, indiscernible)
13 The thing with DeKalb County was a programming
14 error not an error (indiscernible) how many
15 ballots were counted.

16 **MR. FAVORITO:** It was an -- it was an error
17 in regards to alignment. Let me go back to that
18 so I may make sure it's clear because we've been
19 hearing this story for year after year on this,
20 since 2022.

21 I mean, I agree that you're correct that
22 the -- it was an alignment error in regards to
23 what's on the left-hand side of the -- of the
24 system. But on the right-hand side, it shows you
25 1805 votes were not counted and the DeKalb County

1 board which I -- report which I've left with the
2 board shows -- has no explanation for that. When
3 we looked at the audit logs of SEB2023 -- oh, I'm
4 sorry, 2022-348, it shows that DeKalb County --
5 every one of the ones that I've showed you
6 examples had QR code signature mismatch errors.
7 And they did not tabulate the ballots.

8 **MR. KIRK:** Well --

9 **MR. FAVORITO:** And that's why it's not
10 redundant.

11 **MR. KIRK:** Two points if I may respond, if
12 y'all don't mind because I think it's important.
13 One, I've talked to some folks about this before.
14 As you know, I do a full hand count of one race
15 in every election I conduct. I -- those errors
16 are in my audit logs, but the number of ballots
17 always matches when we audit them.

18 The second thing is I'm curious these
19 numbers -- did you get them from election night
20 reporting on the Secretary of State's website?
21 Or did you get them from a report from the
22 Dominion Voting System? Because the information
23 on ENR system on the Secretary of State's website
24 is a version -- a copy of those results. But it
25 doesn't display all the data that would be

1 displayed on the (indiscernible) votes cast from
2 the server itself. And it's easy to conflate
3 number of ballot cast, number of votes counted if
4 you're just using that information on the
5 website.

6 **MR. FAVORITO:** Every vote has to be on a
7 ballot. So all of these are actual ballots that
8 were not cast. There's 1805 ballots that were
9 not cast.

10 **MR. KIRK:** I think (indiscernible). The
11 easiest way to explain is let's say you have two
12 candidates in a race. Candidate A gets ten
13 votes, Candidate B get five votes, and then
14 there's five more ballots cast with no votes on
15 them. I think if you'll go online right now,
16 you'll see 15 votes cast because it's 15 votes
17 per person, no blank ballots accounted for, where
18 in DeKalb County those ballots were considered, I
19 believe, blank by the system and wouldn't have
20 shown up online.

21 **MR. FAVORITO:** Well, let me give you an
22 illustration, I think, that will clarify this.
23 I'll go with Coffee County in 2020.

24 **MR. KIRK:** And again where is this data
25 from? Is it from the website or from the voting

1 system?

2 **MR. FAVORITO:** I'm sorry, from what site?

3 **MR. KIRK:** Is it from the election night
4 reporting website where the results are --

5 (Cross-talking)

6 **MR. FAVORITO:** This is -- this is -- this is
7 the official documentation that the Coffee County
8 Election Board gave to the House Government
9 Affairs Committee on December 10, 2020, if I'm
10 not mistaken.

11 And the board member testified immediately
12 before me. So we've been researching this for
13 years. And what happened there, you can see 40
14 ballots were not tabulated. The hand count found
15 that there were 40 ballots that were not
16 tabulated.

17 Now, to your point, this gives the illusion
18 of an undervote, but it's not an undervote. And
19 that's why there's no conflation of ballots and
20 votes. This was 40 ballots that were not cast.
21 You can see the hand count found that the machine
22 rejected 40 ballots and the hand count found that
23 every one of those ballots had a presidential
24 vote on it.

25 So the machine rejected -- it failed to

1 tabulate 40 ballots and that's just one simple
2 example. I just pulled three for the board. We
3 could've pulled probably dozens, but I don't want
4 to -- since I only have five minutes. That's --

5 **MR. KIRK:** And I know I'm cutting into it.
6 I apologize.

7 (Cross-talking)

8 **MR. FAVORITO:** (indiscernible)

9 **MR. FERVIER:** Let me -- I think that we
10 don't want to go too far afield again.

11 So member Ghazal, do you have any more
12 comments? Questions?

13 **MS. GHAZAL:** My only other comment is --
14 question is -- is literally, I'm just asking
15 about the forms themselves. Are they -- are they
16 in triplicate or are they just, like, a single
17 piece of paper? Do you -- do you use carbonless
18 copies for that sort of thing?

19 I'm just try -- I'm trying to figure out if
20 it would be --

21 **MR. ADAMS:** It depends on the county.

22 **MS. GHAZAL:** Okay.

23 **MR. ADAMS:** We're still using those
24 triplicate forms --

25 **MS. GHAZAL:** Okay.

1 **MR. ADAMS:** -- because it's just what we've
2 always done. But a lot of counties have their
3 own forms that they -- basically what -- what
4 counties have been doing is when they're doing
5 their logic and accuracy testing, they have an --
6 an entire workbook so that when they type one
7 seal number on the screen, it goes -- it
8 populates all of the fields, the necessary fields
9 in their recap sheet so that they're just
10 printing off a recap sheet rather than using the
11 state's. It makes it a lot easier to get
12 everything done. And it just depends on the
13 county. But we're still using the triplicates, a
14 lot of the smaller counties still are. Some of
15 the larger counties have their own form.

16 **MS. GHAZAL:** So to -- in order to -- to
17 re-create a form at this point in the process
18 would create a burden?

19 **MR. ADAMS:** It would --

20 **MS. GHAZAL:** -- or --

21 **MR. ADAMS:** It would -- we would leave it up
22 to SOS.

23 **MS. GHAZAL:** Okay.

24 **MR. ADAMS:** I mean, they would have to give
25 us the new form, the counties that don't already

1 have their own. And the counties that have their
2 own would probably do their own, you know,
3 adjustment to their spreadsheet. But, yes, a new
4 form would need to be made.

5 **MS. KING:** Would we have to re-create a form
6 or could we just write it on the form that exists
7 and notate what -- where the data is coming from?

8 **MR. ADAMS:** I mean, you could theoretically
9 write on the form the number from those tapes,
10 but you'd have to -- that would be part of the
11 poll workers instructions that that would have to
12 be added.

13 **MS. KING:** To just add that --

14 **MR. KIRK:** (off microphone, indiscernible)
15 It's easier if it's on the form. A person would
16 fill it out (indiscernible).

17 **MR. ADAMS:** Exactly.

18 **MS. KING:** Okay, either way.

19 **DR. JOHNSTON:** Could I ask a question?

20 **MR. FERVIER:** Absolutely.

21 **DR. JOHNSTON:** Are the -- thank you very
22 much.

23 Are the -- aren't these forms required to be
24 handwritten?

25 **MR. ADAMS:** Are you referring to the seal

1 numbers themselves or the -- at the poll?

2 **DR. JOHNSTON:** At the poll.

3 **MR. ADAMS:** Yes, ma'am. Those are -- the
4 totals themselves are as -- are the seal numbers
5 that the poll workers write in on election night.
6 But the seal numbers that the poll workers are
7 expected to see in the morning when they get
8 there, the counties are using their spreadsheets
9 to print those as a way of making it quick --
10 making it easier to generate all the forms.

11 Because when you're doing -- in Fulton
12 County alone, you have over 400 different
13 precincts and you're -- you're generating these
14 forms to make it a more seamless procedure.

15 **DR. JOHNSTON:** Okay.

16 **MR. KIRK:** (off microphone, indiscernible)
17 easier to read and easier to check
18 (indiscernible) for errors.

19 **DR. JOHNSTON:** It is easy. But there -- at
20 the poll, there's a handwritten confirmation of
21 the counts that are seen. So -- so simply it
22 is -- the Secretary of State, I'm sure, could
23 generate a form quickly. And you just need one
24 more column for the number on the tabulator tape.

25 **MR. ADAMS:** Right. Right. And that

1 would -- that would just require another column.
2 **DR. JOHNSTON:** Right. No problem.
3 **MR. FERVIER:** Any further questions from the
4 board? The chair will entertain a motion on
5 this -- SEB rule 183-1-14-.02.
6 **DR. JOHNSTON:** Mr. Chair, I move that we
7 adopt rule 183-1-14-.02.
8 **MR. FERVIER:** We have a motion to adopt the
9 rule. Is there a second?
10 **MS. KING:** Second.
11 **MR. FERVIER:** We have a motion and a second.
12 Any discussion? Hearing no discussion, all those
13 in favor of adopting rule -- SEB rule
14 183-1-14-.02 we'll vote via voice by seniority.
15 Member Ghazal.
16 **MS. GHAZAL:** Nay, simply because I think the
17 administrative burden this late in the game is --
18 is not worth the benefit.
19 **MR. FERVIER:** Member Johnston.
20 **DR. JOHNSTON:** Aye.
21 **MR. FERVIER:** Member Jeffares.
22 **MR. JEFFARES:** Aye.
23 **MR. FERVIER:** Member King.
24 **MS. KING:** Aye.
25 **MR. FERVIER:** Motion carries three to one.

1 **DR. JOHNSTON:** Next.

2 **MR. FAVORITO:** Mr. Chairman, I -- actually I
3 was -- I think I was presenting the election day,
4 but -- and I think that y'all have approved it.
5 The advance voting, which is --

6 **DR. JOHNSTON:** (indiscernible)

7 **MR. FAVORITO:** That's fine with me. We can
8 do --

9 **MR. FERVIER:** Wait, wait, wait, wait, wait,
10 wait.

11 **MR. FAVORITO:** But --

12 **MR. FERVIER:** You don't want to confuse your
13 chairman. Wait a minute.

14 **DR. JOHNSTON:** Wait a minute.

15 **MR. FAVORITO:** But we can talk about that or
16 we can just pass this one and go home.

17 **MR. FERVIER:** Did you just say you wanted to
18 pass on the next rule?

19 **MR. FAVORITO:** No, no. I said I think that
20 y'all -- y'all passed the advanced voting
21 reconciliation versus the election day, which I
22 think we were actually talking. But --

23 **DR. JOHNSTON:** Wrong page.

24 **MR. FAVORITO:** -- it's -- since you're
25 probably going to pass it anyway,

1 (indiscernible) --
2 **MR. FERVIER:** We -- we just -- we just
3 passed 183-1-14-.02.
4 **MR. FAVORITO:** Yeah, technically that's
5 the --
6 **DR. JOHNSTON:** That was the wrong one.
7 **MR. FERVIER:** What?
8 **DR. JOHNSTON:** It was the wrong one.
9 **MR. COAN:** It was the wrong one.
10 **MR. FAVORITO:** That's the advance voting.
11 **UNIDENTIFIED SPEAKER:** Right.
12 **MR. FAVORITO:** (indiscernible)
13 **DR. JOHNSTON:** Correction to the record,
14 Mr. Chair --
15 **MR. FAVORITO:** Well, we can talk about it,
16 and then you may not have to revote it.
17 **MR. FERVIER:** Wait, wait. We -- we went and
18 did 183-1-12-.13, which is number 13; and then we
19 went back to number 11, which was 183-1-14-.02;
20 and now we should be on 12, which is
21 183-1-12-.12.
22 **MR. FAVORITO:** Yeah. Actually the recap
23 form in question was on the election day form.
24 **MS. GHAZAL:** Yeah.
25 **MR. FAVORITO:** So I don't know how you want

1 to proceed. You could probably just adopt
2 183-1-12-.12 and we can go home.

3 **MR. FERVIER:** Well, hang on a second here.

4 **MR. COAN:** Same, same (indiscernible).

5 **MR. FERVIER:** Well, it -- it --

6 **DR. JOHNSTON:** Same difference? Is that
7 you're saying?

8 **MR. FERVIER:** Well --

9 **MR. FAVORITO:** There's a minor -- there's a
10 very minor difference in the two.

11 **MR. FERVIER:** This board voted on number 11,
12 183-1-14-.02. That was the one that we voted on.
13 We passed it already.

14 **MR. FAVORITO:** Okay, great.

15 **MR. FERVIER:** All right?

16 **MR. FAVORITO:** Well, then there -- there's
17 nothing different about 183-1-12-.12.

18 **MS. KING:** (indiscernible)

19 **MR. FAVORITO:** So I think you could probably
20 just call for the vote.

21 (Cross-talking)

22 **MR. FERVIER:** Be quiet. The board will
23 entertain a motion on SEB rule 183-1-12-.12,
24 which is tab 12 in your board binder unless you
25 have some questions for Mr. Favorito.

1 **MS. GHAZAL:** I would reiterate my request
2 that you address the concern on the rule that we
3 just passed apparently. But I would still -- I
4 would still appreciate the -- an explanation of
5 the one hour to reconcile versus the time that
6 they currently have.

7 **MR. FAVORITO:** Well -- well, the time -- I
8 don't believe it's going to be -- I don't know,
9 did you say -- I don't know -- one hour to
10 reconcile one field. I'm not sure that that's
11 really accurate, but let's assume that it was.
12 We're talking about a voting system that doesn't
13 count correctly. And we're talking about
14 spending -- I don't even think it'd be an hour --
15 probably be a bit less than that, half an hour --
16 just to change a three-way reconciliation into a
17 four.

18 So that is trivial when you compare -- I
19 mean, I'm sitting here showing you 3500 ballots
20 that were never tabulated for the QR code. So at
21 some point in time, you -- and I -- member King
22 said this earlier very well, that what you really
23 want and what the people of Georgia want is they
24 want an accurate election. They don't want a
25 quick election.

1 (Applause)

2 **MR. FERVIER:** We --

3 **MR. FAVORITO:** So --

4 (Cross-talking)

5 **MR. FERVIER:** We can't clap --

6 **MR. FAVORITO:** -- and that's what --

7 **MR. FERVIER:** (indiscernible) accurate
8 election.

9 **MR. FAVORITO:** -- it's all about. Is the
10 accuracy of the results more important than an
11 election official spending a half an hour more to
12 ensure his own results are correct? That's where
13 we all -- this is why there's been a break
14 between the Georgia voters and some of the
15 elections officials, particularly the board and
16 GAVREO.

17 So hopefully we'll repair that one day, but
18 we want accurate elections. This is about
19 accurate elections, and we appreciate that the
20 board must -- I know you want accurate elections
21 too.

22 **MR. FERVIER:** Member King, did I hear you
23 call for a question? Call for the question?

24 **MS. KING:** No. I said I'm ready to make a
25 motion.

1 **MR. FERVIER:** You called for the question.
2 **MS. KING:** Oh, yeah. I -- I call for the
3 question.
4 **MR. FERVIER:** We have a call for the
5 question. The board will -- the chair will
6 entertain a motion on this rule.
7 **MS. KING:** I make a motion we approve.
8 **MR. FERVIER:** Member King has made a motion
9 that we -- this board approve SEB rule
10 183-1-12-.12. Is there a second?
11 **MR. JEFFARES:** Second.
12 **DR. JOHNSTON:** Second.
13 **MR. FERVIER:** There's a motion and a second
14 from member Jeffares. Any discussion? Hearing
15 no discussion, we will vote by voice vote in
16 order of seniority.
17 Member Ghazal, how do you vote?
18 **MS. GHAZAL:** Which one are we voting on now?
19 **MR. FERVIER:** We're voting on 183-1-12-.12,
20 which is tab number 12.
21 **MS. GHAZAL:** Which is the one that I thought
22 I had voted no on. So this is the one I thought
23 I was voting on before. So I am going to vote no
24 simply to be consistent.
25 **MR. FERVIER:** You'll vote nay on --

1 **MS. GHAZAL:** Nay.

2 **MR. FERVIER:** There is a nay.

3 **MS. GHAZAL:** Nay.

4 **MR. FERVIER:** Member Johnston.

5 **DR. JOHNSTON:** Aye.

6 **MR. FERVIER:** All right. Member Jeffares.

7 **MR. JEFFARES:** Aye.

8 **MR. FERVIER:** Member King.

9 **MS. KING:** Aye.

10 **MR. FERVIER:** It's passed three to one.

11 **MR. FAVORITO:** Mr. Chairman, did you want to

12 vote aye also?

13 **MR. FERVIER:** You can't -- you can't talk

14 anymore. You -- you've well exceeded your five

15 minutes. It's a -- you're way over time right

16 now.

17 The next items on the agenda are old

18 business and new business. A member of the

19 board -- the chair would entertain a motion from

20 a member of the board on how to handle the old

21 business and new business.

22 And what we will do today, depending on this

23 motion, is we will hear from those individuals

24 who signed up to speak but did not get to speak

25 this morning.

1 Member King.

2 **MS. KING:** Yeah. I make a motion that we
3 hear old business and new business on Monday
4 because we do have an executive session that's
5 also on the agenda and we need our attorneys to
6 be present for that. So that would have to take
7 place on Monday as well. So that's my motion.

8 **MR. FERVIER:** We have a motion from member
9 King to move the old business and new business to
10 Monday morning to be heard by this board. Is
11 there a second?

12 **DR. JOHNSTON:** Second.

13 **MR. FERVIER:** We have a motion and a second.
14 Any discussion? Hearing no discussion, all those
15 of moving old business and new business to Monday
16 morning signify by saying aye.

17 **THE BOARD MEMBERS:** Aye.

18 **MR. FERVIER:** And the chair votes aye also.
19 That carries by a vote of five to zero.

20 The last thing on the agenda is to hear from
21 those members of the public that signed up to
22 speak this morning.

23 **DR. JOHNSTON:** Mr. Chair.

24 **MR. FERVIER:** Yes.

25 **DR. JOHNSTON:** Point of order. We amended

1 the -- you'll hear the petition by Ms. Grubbs on
2 Monday?

3 **MR. FERVIER:** Yes.

4 **DR. JOHNSTON:** All right. And Ms. Frazier
5 has two --

6 **MR. FERVIER:** Ms. Frazier's already been --
7 we've already discussed it with Ms. Frazier.

8 **DR. JOHNSTON:** Oh.

9 **MR. COAN:** She's good --

10 **MR. FERVIER:** Yes.

11 **MR. COAN:** -- to go for Monday.

12 **MR. FERVIER:** Yes.

13 **DR. JOHNSTON:** Sorry.

14 **MR. FERVIER:** Yes.

15 **UNIDENTIFIED SPEAKER:** (indiscernible)

16 **MR. FERVIER:** Pardon me?

17 So -- so anybody who's -- anybody who signed
18 up to speak this morning will now get to speak
19 for public comment section. And so executive
20 director Coan will call out the names of those
21 people that are still here and this board will
22 listen to the remainder of the public comment.

23 **Public Comment (continued)**

24 **MR. COAN:** Okay, everybody. If you will
25 please listen for your name, if you're still

1 here, so you can go ahead and just get up and
2 raise your hand and come and get in line, please.
3 Carter Augustine.

4 **UNIDENTIFIED SPEAKER:** (indiscernible)

5 **MR. COAN:** Okay, Maria Gaudio; Salleigh
6 Grubbs is here in the house; Jennifer Moore;
7 Mr. Bush, not George; Earl Ferguson; Tracy Moore;
8 Marjorie Timmer; Shannon Ferguson; Cynthia
9 Battle; Paul Hershey; Vic Tripp; Cynthia
10 Willingham; George Balbona; Bob Cummings; Wanda
11 Cooper; Betsy Shackelford; Brad Binkley -- I
12 don't see anybody here -- Brandy Banks; Dorothy
13 Kirkley -- excuse me -- Joey McKinnon; Michael
14 Kincaid.

15 That list got very short. All right.

16 If you guys will, when you get up there,
17 just go ahead and state your name for the record.
18 That way you -- we know who you are because I've
19 called out a lot of names.

20 Salleigh, would you like to lead us off?

21 **MS. GRUBBS:** Sure.

22 **MR. COAN:** You've got the floor.

23 **MS. GRUBBS:** Thank you so much. My name is
24 Salleigh Grubbs and I'm the Cobb County
25 Republican Party chairwoman, and so I am on the

1 agenda for new business on Monday; correct?

2 **MR. COAN:** Yes.

3 **MS. GRUBBS:** Before I say what I have to say
4 I just want to be sure.

5 The one thing that I wanted to address in
6 public comment today was the Atlanta Press Club
7 event that I went to last week. I really wanted
8 to hear what former Governor Roy Barnes and
9 Nathan Deal and Senator Saxby Chambliss and Mayor
10 Shirley Franklin had to say about this Project
11 Democracy Initiative that they are doing.

12 And I was really, really sad to hear some of
13 the things that were said. I was kind of sad
14 about the whole event. But I talked to a lot of
15 press and I have a lot of questions from press,
16 particularly with the rules.

17 And, number one, I think it's very unfair
18 that there's this narrative that unfortunately
19 GAVREO seems to be going along with, and some of
20 the election directors, about this board is so
21 radical because there's MAGA Republicans.

22 And I can tell you, looking at each and
23 every one of the people sitting on this board, I
24 would never say, Oh, they're MAGA. You know,
25 it's just -- I mean, Ms. King knows exactly what

1 I mean. It's not that -- and there's this
2 narrative that is a very dangerous -- dangerous
3 narrative that the press is putting out there and
4 they're not being held to account.

5 And I will say it's incumbent upon this
6 board to hold them to account when they're not --
7 like, for instance, in the rule proposal that I
8 presented back in July, the big narrative is that
9 we're trying to delay certification. And it's
10 anything but that. And, in fact, at the end of
11 the paragraph of that rule, it says, "and shall
12 certify by 5:00 p.m. on the Monday following the
13 election."

14 So there are a lot of lies, the just
15 out-and-out lies that people have put out. And I
16 could name the reporters, but it is a very
17 dangerous game that people in this room that come
18 to report on these topics are putting out there
19 and the -- the election directors are not holding
20 them to account.

21 And I could -- I've shared with the chairman
22 some of the things that I've gotten in the mail,
23 he's gotten in the mail that shut down in-person
24 board meetings. And the press that is given
25 preference in this room with reserved seating

1 needs to stop because this is about the people of
2 Georgia. This is not about the press.

3 And so I would just ask that you guys stop
4 giving preference to the press because all you're
5 doing is ginning up more hatred, more
6 disinformation, and that kind of thing.

7 So thank you for giving me the opportunity
8 to speak and I'll see you Monday.

9 **MR. COAN:** Thank you, Ms. Grubbs. Always
10 appreciate your comments.

11 Who do we have next?

12 **MR. FERGUSON:** Hello.

13 **MR. COAN:** State your name.

14 **MR. FERGUSON:** Earl Ferguson.

15 **MR. COAN:** All right, Earl. Thank you.

16 **MR. FERGUSON:** And I -- I challenge voters
17 in Fulton County, registered individuals who have
18 moved outside of the state of Georgia and
19 registered or had voted elsewhere.

20 Last fall I told the chairman of the -- the
21 registration and election board that it looked
22 like we had more people than we had adults in the
23 county. And she said that's not right. So I
24 challenged in December, challenged 1800 people
25 that had moved to North Carolina, registered to

1 vote there. And all of my challenges were
2 denied.

3 Later this year, we challenged 3,000 --
4 2,000 who had moved to Florida and had already
5 voted down there. And those challenges were
6 denied. In 2020, I -- I did the same thing in
7 North Carolina. All of my challenges were
8 approved. There's a reason for that. We need to
9 think about what that reason is.

10 Why does the system not want to remove
11 ineligible voters? And these are ineligible if
12 they moved out of the state and they've done
13 something like register or vote. They are
14 ineligible to vote in Georgia. Similar
15 situations have occurred in several other
16 counties besides Fulton. I know that DeKalb,
17 Cobb, and Gwinnett, right in the metro area,
18 have, but also Forsyth and Chatham. And I
19 understand that Bibb County has the same thing.
20 Where you have a lot of population, it seems to
21 be the thing happening.

22 And it needs to be stopped. The
23 registration system needs to remove ineligible
24 voters. I have challenges for my two that have
25 been filed here, and I would like to hear them

1 treated properly and taken care of.

2 Is the Atlanta Journal still present? Oh,
3 shucks. On August the 30th there was an article
4 in the Atlanta Journal that said my challenges
5 had been approved as eligible in the December
6 challenges. They weren't approved because they
7 were eligible, they were approved because the
8 registration board did not care whether they were
9 eligible or not.

10 Thank you for your attention. I have to go
11 home and feed the dog.

12 **MR. MCKINNON:** Good afternoon. My name is
13 Joey McKinnon. I'm director of Georgia Values
14 Action. And I appreciate the opportunity to get
15 some thoughts in here just under the buzzer.

16 We represent working families who vote in
17 Georgia. Our goal is to help working families
18 get ahead, not just get by, through good kitchen
19 table policy. But to do that we want democracy
20 to work for working families which includes
21 ensuring busy and stretched thin families do not
22 have unnecessary hurdles to voting and that their
23 vote count so that they can elect the
24 representatives that best suit their economic
25 needs.

1 Several rules that have been proposed today
2 are not in keeping with that latter priority for
3 the following reasons. And you've heard a lot of
4 these sentiments today. So I'll try to keep them
5 brief. But like too many proposals before the
6 board this year, it increases the workload of
7 poll workers which could make elections more
8 difficult and more potential for error. That's
9 why our senior election administrators are
10 opposed to these measures. I heard them say as
11 much on the radio yesterday.

12 Unnecessary delays could result, and these
13 proposals complicate what could be
14 straightforward procedures such as
15 chain-of-custody procedures already in place and
16 already sufficient. They create more frequent
17 handling and unsealing of ballots which could
18 reduce security, not enhanced it.

19 Implementing new rules this close to the
20 national election erodes voter confidence and not
21 the other way around. Georgia elections are safe
22 and secure. That dead horse has been beaten
23 legislative session after session. Personally, I
24 don't think these actions are a careful
25 consideration of a well-founded concern. I think

1 it's a way to cast a cloud of suspicion over our
2 election system and a way to create a false
3 narrative.

4 Our election in Georgia has already started.
5 Ballots are going out and we should not be
6 rewriting the rules with 25 days to go to advance
7 voting.

8 I encourage you on Monday to cease further
9 changing our processes in the middle of an
10 election. I thank you for your time.

11 **MR. COAN:** Sir, could you state your name
12 again for the record?

13 **MR. MCKINNON:** I had said it was Joey
14 McKinnon, Georgia Values Action. Thank you.

15 **MR. COAN:** Thank you. Thank you so much. I
16 just wanted to make sure we got it.

17 **MS. MOORE:** Short. Good afternoon. My name
18 is Tracy Moore.

19 **MR. COAN:** Tracy Moore.

20 **MS. MOORE:** Thank you for listening to
21 public comments today. As I mentioned, my name
22 is Tracy Moore, and I'm simply a concerned
23 citizen of DeKalb County. I'm also trained as a
24 mechanical engineer and I volunteer with the
25 American Bar Association Democracy Task Force.

1 This is my first time speaking here, and
2 I've gotten such an education in the last few
3 months about election board. But it's complex,
4 that's one thing I've learned.

5 I wanted to share one correction because I
6 started my training yesterday in DeKalb County as
7 a poll worker. And one thing I learned that is
8 different than what I heard today is that the
9 discrepancy between a voter that votes on a
10 machine and the number that comes from the ballot
11 after it scans. There are valid reasons to be
12 different. And I was actually coached about
13 that. And what that is is if somebody votes and
14 changes their mind or says, I don't want to put
15 my ballot in, I'm pissed, or I couldn't write in,
16 you know, Mickey Mouse, then I'm going to -- I
17 don't want to put my ballot in.

18 So there are valid reasons. And my job as a
19 poll worker will be to make sure they know their
20 vote does not get counted. It's not counted if
21 it's not scanned. So there are valid reasons for
22 discrepancies. That just one example.

23 But I think overall my frustration with all
24 this is that it's very anecdotal. As an
25 engineer, I hear bits and pieces of this and what

1 about that. And if the purpose of this group is
2 to find uniformity, what -- why isn't it coming
3 from the bottom up with data? How are you doing
4 it today? What are the best practices? How do
5 we share them as opposed to top down with rules
6 that somebody thought this was a good idea and
7 then we ignore the people that are making it?

8 So I'm just really disappointed as a voter
9 and a citizen that this is the way we behave. So
10 I just had to share those remarks. But most --
11 most concerning is that we've ignored our
12 legislators and voters. They are the voters that
13 put these people into office. They've made the
14 laws and now we're making changes. And I think
15 that's disrespectful and rude.

16 And I look forward to changes in the future.
17 I don't know how it's going to happen because
18 surely it doesn't happen by us standing up and
19 speaking. Thank you.

20 **MR. COAN:** Thank you, Tracy. Appreciate
21 your comments.

22 Next up you, if you will state your name,
23 please.

24 **MR. KINCAID:** Good afternoon. Thanks for
25 the opportunity. My name is Michael Kincaid. I

1 am a Fulton County resident. I was also a poll
2 worker and a poll manager in the 2020 and '22
3 cycles.

4 I will keep this very brief since this is
5 the end of the day. Serving in the capacity of
6 poll manager in Fulton County, I was really
7 impressed by the seriousness and the commitment
8 to the democratic process that I saw both for my
9 team of poll workers at my location, from the
10 other poll managers that -- that I worked with at
11 nearby locations. I would say that also goes for
12 the full-time county staff for -- with the
13 officials that we worked with, with those that
14 did our training, that wrote up our materials.

15 The rules are complex. The election law is
16 complex. I would say everybody who chose to
17 participate in the process, you know, we
18 certainly don't do it for the money or the fame
19 or the glory. Everyone involved takes pride
20 in -- in doing it right, in being thoughtful, and
21 really doing the training, you know, reading the
22 manuals, understanding the material, following
23 the law, and providing good customer service.

24 To that end, I would say the training
25 process, the -- you know, the instructions, the

1 manuals, the training, really clear understanding
2 for everybody involved. For our assistant
3 managers, it was really, really important.

4 And so because of that, I would say I
5 just -- I oppose making these kinds of rule
6 changes so late in the cycle when everyone has
7 already started to do the training and to learn
8 how to do things as they stand today. I think
9 that many of these rules kind of on their own
10 merits with enough time to think through them are
11 good and are things that I would support. But
12 when we are already training people and learning
13 how to do things, it's just -- it's just too late
14 in the process.

15 And so I know that some of those actions
16 have already been taken today, but I would say
17 going forward I would really be supportive of
18 something like maybe a 90-day quiet period.

19 I think it's, you know, it's really a lot
20 easier for our teams to execute correctly, to
21 understand the rules, and to be really consistent
22 when those rules are, you know, stated in writing
23 and there's not -- there's not something new kind
24 of coming overnight when they arrive at the poll
25 site on election day.

1 Thank you.

2 **MR. BALBONA:** Hello. On October 3, 2023,
3 SEB acting-chair, Matt Mashburn, made a
4 monumental declaration.

5 (audio recording begins): The board has
6 adopted a policy recently, since last December,
7 last year that we're trying to clear cases off
8 the calendar and move through them quickly. And
9 one of the hard choices that the board was forced
10 to make is the decision to -- of whether or not
11 to continue our policy of allowing the
12 complainants to present on the case or not. And
13 so then just one of the tough choices that the
14 board had to make was that the complainants do
15 not traditionally speak on the matters. And so
16 it's the board's investigation that's being heard
17 (audio recording ends).

18 So what he's referring to is a statement
19 that was made on December 13, 2022, by SEB
20 chairman Judge Duffey. And let me get to that
21 there real quick.

22 (audio recording begins): As I've explained
23 to others, in cases where a determination is made
24 that it be dismissed because there's not a
25 sufficient allegation to move forward, we cannot

1 allow complainants to speak because the
2 complainant, as the one who initiates the action,
3 is supposed to have given us everything that we
4 needed to know to make a determination on how to
5 process it.

6 (audio recording continues): And, in fact,
7 we have been pretty generous with people that
8 want to add information to their complaints after
9 they've filed it for us to consider and to -- so
10 as far as we're concerned, the complainant in
11 this case has had sufficient opportunity to
12 present whatever they have for us to make a
13 decision (audio recording ends).

14 So there's two major problems with what Matt
15 Mashburn is inflicting upon Georgia voters and
16 the SEB. One, there's absolutely no
17 documentation of the SEB voting on that major
18 change, okay?

19 Two, Duffey stated that only complainants in
20 cases that were being dismissed don't get to
21 speak. Matt Mashburn unilaterally expanded that
22 to all complainants for all SEB cases, okay?

23 I know this firsthand because they did it to
24 me. I had a recent case. It was SEB case
25 2022-217. I was the complainant. I didn't get

1 to speak. It was not dismissed. Cobb County got
2 issued a letter of instruction. I didn't get to
3 present damning, you know, information. And this
4 unconstitutional SEB rule cannot stand.

5 Now, let's get out of here.

6 **MR. COAN:** Thank you, George. We appreciate
7 your comments and your work you do every time.

8 Well, that concludes our speakers unless the
9 GSP wants to speak. He said no thank you. Well,
10 happy Friday evening to you guys.

11 John, you're --

12 **UNIDENTIFIED SPEAKER:** (indiscernible)

13 **MR. COAN:** I'm sorry?

14 (The chair confers with the board.)

15 **MR. FERVIER:** This will conclude our session
16 for today. This -- we will take a vote on
17 recessing in a second and reconvening Monday
18 morning at 9:30 in this room.

19 Do we have a motion to recess?

20 **MS. KING:** So moved.

21 **MR. FERVIER:** We have a motion to recess.

22 Do we have a second?

23 **MR. JEFFARES:** Second.

24 **MR. FERVIER:** All those in favor signify by
25 saying aye.

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THE BOARD MEMBERS: Aye.

MR. FERVIER: The motion carries. This
board is recessed until 9:30, Monday morning.
Thank you.

(Recessed at 4:52 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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