

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

6 IN THE MATTER OF:
7 STATE ELECTION BOARD MEETING
8 Georgia State Capitol, Room 341
9 Atlanta, Georgia
10 Tuesday, October 8, 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, Vice Chair
19 Janelle King
20 Rick Jeffares (via phone)
21
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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1 **P R O C E E D I N G S**

2 **MR. FERVIER:** Good morning. I'm calling to
3 order the Tuesday, October, 8, 2024, session of
4 the state election board. My name is John
5 Fervier. I am the chairman of the board, state
6 election board.

7 I am joined today by member Dr. Janice
8 Johnston, member Sara Tindall Ghazal, member
9 Janelle King. Member Rick Jeffares is stuck in
10 traffic and he'll be joining us in a little
11 while.

12 We're going to make some alterations to the
13 agenda, but I want to thank all of y'all for
14 attending. I know that some of you came from
15 near and far and we appreciate it. There are
16 things going on in the state of Georgia these
17 days. We're going to try and --

18 (Background noise)

19 **MR. FERVIER:** I don't know where that's
20 coming from. We don't -- we don't have a
21 particularly long agenda today. So hopefully we
22 won't drag this into a second day like we're --
23 we've gotten used to doing.

24 We are going to go ahead and start with the
25 prayer and the Pledge of Allegiance this morning,

1 first off.

2 Dr. Johnston, would you please give the

3 invocation.

4 **DR. JOHNSTON:** (indiscernible)

5 **MR. FERVIER:** Oh, I'm sorry.

6 (Invocation)

7 **MR. FERVIER:** Member King, would you lead us

8 in the Pledge of Allegiance, please.

9 (Pledge of Allegiance)

10 **MR. FERVIER:** Thank you, member King. This

11 morning will be about the best laid plans gone

12 awry. And so we had planned on doing the public

13 comment at the end of the meeting but we're going

14 to bring it to the beginning of the meeting since

15 member Jeffares isn't here and he needs to hear

16 some important things we'll be going over this

17 morning.

18 So we'll start with public comment first.

19 As always, we'll give each individual two minutes

20 to speak. Please, please, please, two minutes

21 only. And if you exceed your two minutes, then

22 this big guy next to me will lightly tap on

23 the --

24 **MR. COAN:** I'm so mean.

25 **MR. FERVIER:** Light -- lightly tap on the

1 gavel to let you know that your time is up. And
2 we ask you to please conclude and give the others
3 an opportunity to speak.

4 Once again, we want to respect everyone
5 opinion that's here today. So you may disagree,
6 you may agree with people, but it doesn't -- we
7 don't need to be clapping and cheering and
8 standing or booing or hissing or whatever. Let's
9 let everybody speak and have the courtesy of
10 speaking without interruption. And like I said,
11 we need to respect everybody's opinion whether
12 you agree with them or not. So --

13 **DR. JOHNSTON:** Mr. Chair.

14 **MR. FERVIER:** Yes.

15 **DR. JOHNSTON:** I have some amendments to the
16 agenda. Would you like those now or later?

17 **MR. FERVIER:** Let's wait for member Jeffares
18 to get here and we'll do public comment. Get
19 through that and then we'll ... Okay?

20 **DR. JOHNSTON:** Agreed.

21 **PUBLIC COMMENT**

22 **MR. COAN:** I want to first of all thank
23 everybody for being here today. It's great to
24 always see you guys and your participation in
25 this process. Greatly appreciate it.

1 I'm going to basically call out five names
2 at a time. So if you guys will go ahead and get
3 in line over here and we'll get you ready to go
4 and have you speak. So the first five we're
5 going to have is Nancy Curdy, Sandra Burchardt,
6 Lisa Rutherford, and Mary Belle Hodges, and
7 Richard Shroeder, please. Thank you.

8 **MS. CURDY:** (off microphone-indiscernible)
9 Nancy Curdy (indiscernible) board members
10 (indiscernible). We're less than 30 days from
11 the election (indiscernible) --

12 **MR. COAN:** (indiscernible) mic.

13 **MS. CURDY:** -- (indiscernible) (microphone
14 on) the Secretary of State's job. Thank you. We
15 have discovered double-counted ballots, deleted
16 ballot images, machine malfunctions that skipped
17 counting ballots, and even a security breach with
18 original passwords that were left unchanged since
19 installation which is over a decade. And now
20 those passwords are showing up on T-shirts.
21 53,000 purged ineligible reg IDs voters were the
22 put back on the rolls recently by the Secretary
23 of State.

24 Rather than tighten up security on
25 passwords, properly clean our dirty voter rolls,

1 or turn on the built-in feature that could stop
2 duplicate counting or simply have poll officials
3 verify the number of ballots inside the scanner,
4 the Secretary of State, our judges, former
5 governors call us crazy and fight election
6 security. Why would that be? They put up feeble
7 defenses to keep a compromised system wide open.

8 Judges Totenberg and McBurney should be
9 disbarred for failing to make timely rulings.
10 Judge Totenberg's ruling on machines was due in
11 March. Judge McBurney's ruling on the private
12 ballot audit was due over a year and a half ago.

13 Who's controlling these people? The people
14 are wising up. Soon we'll be asked to profess
15 that two plus two equals five. And if you don't
16 know that reference, you should read the book
17 *1984*. It was not fiction; it's prophetic. I've
18 watched my friends put thousands of miles on
19 their cars, spend thousands of dollars of their
20 hard-earned money all to help our state secure
21 the vote for every Georgian regardless of party
22 and the state has fought us at every step along
23 the way.

24 This election may be over soon, but I know
25 that my friends here today will redouble their

1 efforts, and we will continue to fight, fight,
2 fight. Thank you.

3 **MR. COAN:** Thank you, Nancy. Appreciate
4 your comments.

5 Next up we have Sandra Burchardt.

6 **MS. BURCHARDT:** I stand here today and I
7 think of the people that died to give us the
8 right to vote. This morning I decided I'd take
9 the early bus from Buford. It left at 5:30. And
10 I'm grateful that I was able to do that because
11 my passion is truth and justice and I will do my
12 part to see that elections are fair and
13 transparent.

14 The people on this board volunteer their
15 time, and I pray that they are also driven by
16 truth and not fear and justice because when we do
17 the things that we were created to do and honor
18 our Creator, we are blessed and our country will
19 remain free.

20 If our elections are held in ways that
21 they've been held in the past in Georgia, we are
22 in serious trouble. I was in Fulton County
23 commissioners meeting once and I heard one of the
24 commissioners say that they went to vote early
25 for themselves. And guess what? They weren't on

1 the ballot. But were they concerned? No. Do
2 you know why? Because in Georgia they are not
3 elections, they are selections. And I'm tired of
4 it. A lot of people are tired of it.

5 If you are for truth and justice, you should
6 do everything you can for our elections to be
7 verifiable. Thank you.

8 **MR. COAN:** Thank you, Sandra. We appreciate
9 your comments.

10 Next up is Lisa Rutherford.

11 **MS. RUTHERFORD:** In July several of us
12 exercised our right under O.C.G.A. 21-2-72 to
13 review unsealed election documents from the May
14 primary and June runoff. As a result, we
15 produced close to a hundred page summary report
16 of our findings which each of you received a copy
17 of, including missing chain of custody forms,
18 incomplete forms with some having missing ballot
19 seals, missing memory cards or no chain of
20 custody, broken or changed seals, and more.

21 Initially we were brought carts filled with
22 boxes with security tape around them. Odd. We
23 didn't realize at the time that they were what
24 they were and cut the tape on two boxes revealing
25 individual bags containing the original ballots

1 from various precincts. We opened several to
2 count the ballots to match with outside
3 documentation. Once staff realized, they were
4 quickly removed. We thought, how did we get
5 these boxes in the first place if they are under
6 seal with the clerk of superior court pursuant to
7 O.C.G.A. 21-2-508?

8 I communicated with the clerk of the courts
9 office and a few ORRs later, I was provided with
10 some regular record transmittal sheets from the
11 2020 and 2022 elections of nonconfidential or
12 vital records. A follow-up call with the chief
13 deputy clerk of court revealed that there really
14 has been no solid procedure and our sealed
15 documents are stored at the election office in
16 their prep center.

17 The clerk's office had no adequate -- not
18 adequately reviewed, inventoried, or validated
19 receipt of these critical documents required by
20 law. She indicated my request had sparked a lot
21 of conversation with the legal department and the
22 need to tighten this process. She followed up
23 with me by e-mail, stating: Thanks for the call
24 today. I appreciate you sharing your experience
25 from this June regarding the elections records.

1 Going forward, we, the clerk of court, will start
2 receiving an inventory of the boxes sealed and
3 labeled as clerk of court. We are awaiting the
4 final read of the protocols by the law
5 department. Thank you for pointing out an area
6 that needs improvement.

7 I am here today to tell you that our sealed
8 documents have had no verifiable intake by the
9 clerk of the court that I have been given for
10 2020, 2022, or 2024. I will tell you that
11 everything I have laid eyes on is not how it
12 should be.

13 We have a crisis in Georgia of bloated and
14 unverifiable voter rolls, of trust that our
15 election processes are efficient and transparent,
16 or that basic laws of our election process are
17 being followed. We are in a crisis of zero
18 trust. Elections belong to the people. The
19 Secretary of State and a county elections office
20 are to ensure the election process is true,
21 correct, and transparent.

22 I did not acquiesce my constitutional right
23 over our elections to anyone. The days of
24 citizens just trusting the process are over and
25 every election going forward will be reviewed

1 under a microscope. Please take notice.

2 **MR. COAN:** Thank you, Lisa. I appreciate
3 your comments.

4 Next up is Mary Belle Hodges.

5 Mason Hill, Betsy Shackelford, Michael
6 Beach, William Bush, if you'd go ahead and get in
7 line, please, I'd appreciate it.

8 **MS. HODGES:** Good morning, Mary Belle
9 Hodges, Gwinnett County. Just I'm just going to
10 just repeat what Lisa Rutherford just said.

11 There has been no ballots under seal that we
12 can identify in Gwinnett County for 2020, 2022,
13 2024. I hope somebody will prove us wrong, but
14 there is such -- there is really irreparable harm
15 from the breach of trust that the public has in
16 security and transparency with our elections.
17 That's really all that needs to be said. It's
18 irreparable harm.

19 But I'm going to speak to, very quickly,
20 just on the new rule that was passed. The new
21 rule is not new law. The rule that was passed to
22 hand count the ballots at the precinct level
23 is -- is law. And we heard the professionals say
24 they can't do it. But it's law. It's been law.
25 Your -- the rule that was passed supports the

1 law, and that's what a rule is supposed to do.

2 Constitutionally it's not to abrogate what
3 the law already says. It's to support the law.
4 If you look at code section O.C.G.A. 21-2-437, it
5 is very clear that Georgia has paper ballots that
6 need to be counted at the precinct level and
7 actually the votes tallied at the precinct level
8 per the law.

9 The Georgia Supreme Court made it clear in
10 *Rhoden versus Athens-Clarke County Board of*
11 *Elections* in 2020. The judgment was released two
12 weeks before November 2020 election, yet the
13 ruling was ignored. It's holding is based
14 squarely on the force and effect of 21-2-437,
15 stating: Voting system whereby voters utilize
16 electronic ballot-marking devices to make and
17 confirm their selections for each office and were
18 then provided a printed paper version of their
19 completed ballot to review and feed into an
20 electronic tabulator that optically scanned the
21 paper. It was an election conducted with paper
22 ballots. So why is there so much pushback on
23 just doing proper certification procedurally and
24 lawfully?

25 **MR. COAN:** Thank you, Mary Belle. We

1 appreciate your comments as well.

2 Richard Shroeder is up next.

3 **MR. SHROEDER:** Richard from Hall County.

4 I -- again I'm going to put the paper aside. We
5 have a law book here. And a lot of people in
6 this place can remember voting in a voting booth
7 with total privacy and absolute secrecy as is
8 written in this law book. These machines don't
9 provide that. You're voting on a 2-foot screen.
10 Everybody walking in (indiscernible), no, no, no.

11 This isn't the way to do it. And I'm trying
12 to stay calm because this is the last meeting
13 before our presidential election which was stolen
14 in 2020. And look what we've gone through. I
15 don't care what side of the street you're on,
16 this isn't good for America. We need justice.
17 We need to go by the law. 437, it's in great
18 detail how to do it.

19 I told you last month I'm a poll worker.
20 I'll stay as long as it takes to count the
21 ballots. Look what our forefathers went through
22 to make this country.

23 And Dr. Jan, you come up to our Hall County.
24 It's a beautiful place. But we've got a hundred
25 and ten percent registered voters, more than our

1 population of eligible voters. And normally in a
2 normal situation, you've got 65 percent
3 registered people. This is ridiculous to be
4 holding these elections on these vulnerable
5 machines.

6 Amy Totenberg, my -- what a shame. Eight
7 months and you haven't ruled? Look what you're
8 putting our country through.

9 And last Monday, look what we had. Oh, darn
10 it, don't read this password. This is a password
11 that's all over the United States for the
12 Dominion machine. So if you want to get in,
13 I'm -- I'm done. I hope this is the last -- and
14 we need to go to emergency paper ballots. This
15 is ridiculous. Please. Fight, fight, fight.

16 **MR. COAN:** Thank you, Richard. We
17 appreciate your comments. Hoorah.

18 Mason Hill, you're up next.

19 **MR. HILL:** Hey, yes. I'm going to just keep
20 it short. I was planning on yielding my time.
21 Mr. Jeffares kind of caught me off guard. I
22 didn't plan much. It was going to be more
23 reflective. But I just wanted to give a message
24 kind of -- not as a member of GAVREO or as a
25 member of the Democratic party or the Republican

1 party or any bias like that.

2 I just want to be clear that the point of
3 this board is not to legislate or execute. It's
4 to provide rules to make sure our elections are
5 fair. None of you are legislators and we can't
6 change the laws of Georgia just because of what
7 we want to do.

8 Now, I don't -- I don't question any of your
9 intent. I stood in line with some good people
10 this morning, heard that they a great intent on
11 protecting this election. I think all of us in
12 this room want to have a fair election, but that
13 doesn't mean we get to ignore what our
14 authorities are.

15 And I want to read a quote directly from a
16 member of this board which is: This discussion
17 about whether it's in our authority, ellipsis, I
18 find irrelevant.

19 Now, I agree that we all need to make sure
20 we have a fair election no matter what. But we
21 can't deny what our authority is when we do that.
22 So I want to be very clear that we need to -- we
23 need to take account of the proper procedures and
24 the proper timing to make sure that we have a
25 fair election. Thank you.

1 **MR. COAN:** Thank you, Mason. I appreciate
2 your comments.

3 Next up is Becky[sic] Shackleford.

4 **MS. SHACKLEFORD:** This board's actions have
5 been illegal, unethical, and disruptive. Janice
6 Johnston's bowing pirouette at a Trump rally was
7 unbelievable partisanship only to be topped by
8 her taking it on herself to open social media
9 accounts unauthorized in the board's name. She
10 should be removed. But you already know all this
11 chaos. It has been covered in lots of press
12 during your campaign of extreme partisanship.

13 It appears this board has no accountability
14 and answers to no one. You have approved
15 ill-advised complicated new rules. Johnston was
16 a poll worker a couple times and the others,
17 except for attorney Ghazal, have no election
18 experience or expertise, but you act as if you
19 know more about running elections than county
20 election directors do when they plead with you
21 not to change rules so close to a major election.

22 Another book to recommend is *It Can't Happen*
23 *Here* by Sinclair Lewis, written decades ago.

24 The pit bulls and the originators of these
25 rules pretend the rules are about election

1 integrity and so-called transparency. Please
2 stop the pretense. We know these rules came from
3 Trumps lawyers, probing for areas where elections
4 could be thrown into chaos to set the stage for a
5 Trump steal.

6 We also know that some county election
7 officials plan to refuse to certify without --
8 illegally without even knowing the outcome or
9 conduct of the election.

10 The turnout for this election will be much
11 larger than many previous ones. So why in
12 Heaven's name would you voluntarily make it
13 harder to administer other than to deliberately
14 sow chaos?

15 The irresponsible disruption this board has
16 brought about must be stopped.

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

19 Up next we have Michael Beach, William Bush
20 next, Marisa Pyle, Kathleen Hamill, Kristen
21 Nabers. Y'all go ahead and come forward, please.

22 **DR. BEACH:** Thanks so much. I'm Dr. Michael
23 Beach, an assistant poll manager. I just
24 finished my poll worker training last week, and I
25 really want to tell you that you've sown a lot of

1 confusion and fear in poll workers by your recent
2 statements and actions. Poll workers are on edge
3 about last-minute changes. They're unclear about
4 what rules will be in place due to these court
5 challenges.

6 Petitioners have gotten what they wanted.
7 They've sown confusion in a system to be tested
8 in less than a month. Then they will point to
9 mistakes made as evidence that the system is
10 broken. The insecurity created as a result of
11 this massive four-year election denialism effort
12 to gaslight the public and manipulate
13 appointments to groups like this board.

14 For four years people have been asking for
15 evidence that the election was stolen. And I
16 hear mistakes are made. I'm talking about
17 election is stolen. The evidence is still
18 missing. As a result, petitioners who couldn't
19 get what they wanted from their elected officials
20 have put this board in the spotlight. They
21 believe they now have unprecedented power to
22 influence you and many county boards of election
23 on certification.

24 I read the arguments from the recent court
25 hearing. Their argument was made that counties

1 could certify but maybe they could toss out
2 specific precincts. We all know what precincts
3 they're talking about.

4 I hear petitioners say that the endless
5 requests for changes are just common sense and
6 they can't imagine why people would object. The
7 same is said for these voter challenges. If they
8 were truly common sense and being made in good
9 faith, perhaps we wouldn't be here. But the fact
10 that they target specific groups, mostly people
11 of color, really speaks to the true intent of the
12 national election denialists who are supporting
13 these petitioners.

14 As I said before, this election security
15 issue is about beliefs versus facts. So it won't
16 be solved by whatever number of rules you pass or
17 investigations you conduct. Petitioners don't
18 want secure elections. They want their
19 candidates to win and they will contest anything
20 less than that. I guess we'll just have to read
21 future history books. And I know they'll not be
22 kind to the participants in this clear
23 dismantling of the people's right to vote.

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

1 Next up we have William Bush.

2 **MR. BUSH:** My name is William Ware Bush.

3 Until recently I owned and was the CEO of an
4 institutional capital markets broker-dealer. My
5 mandate was to prevent fraud in the securities
6 markets. The goal of this state election board
7 is the same: free and fair elections with rules
8 initiated to reduce the possibility of fraud.
9 However, given a compromised governor, a coward
10 attorney general, and an ideologue criminal
11 secretary of state, the election board is bravely
12 attempting to patch a badly flawed system.

13 It is my sincere, deeply held belief the
14 state of Georgia should eliminate electronic
15 voting machines because the digital vote count
16 can be easily manipulated because of flaws in the
17 construction, security, and software of the
18 machines. But then an illegal paper ballot has
19 to be inserted to back up the digital
20 manipulation. It is crucially important to
21 prevent illegal paper ballots to be slipped
22 easily into the vote count.

23 Now, where do the bad guys find illegal
24 ballots? From voter rolls where tens of
25 thousands of ineligible voters who are dead,

1 moved, or duplicates.

2 I salute the patriots in this room who do
3 the deep analytical work to identify voter
4 records. They should be cleaned from the rolls
5 and brought the data to the attention of the
6 county election boards. I trust the members of
7 the various county election boards will do the
8 right thing.

9 Finally, the Georgia State Election Board
10 members are national heroes. Rick Farrah -- I
11 mean Rick Jeffares, Janelle King, and Jan
12 Johnston particularly because as goes Georgia
13 goes the nation and as goes the nation goes the
14 world. Thank you.

15 **MR. COAN:** Thank you, Mr. Bush, for your
16 comments. I appreciate that.

17 Marisa Pyle's up next. Kathleen Hamill,
18 Kristen Nabers, Earl Ferguson, and Christine --
19 it looks -- I cannot read that.

20 You'll have to -- Christine, you'll have to
21 say your full name when you get up, please.

22 **MS. PYLE:** Hi, board members. My name is
23 Marisa Pyle. I am with All Voting is Local
24 Action. We're a nonpartisan organization that
25 works to advance accessible, fair, and good

1 election administration.

2 This board's actions have undermined not
3 only voter confidence in Georgia but the
4 confidence of our election officials in the
5 ability to administer elections without
6 interference, changing rules, and the threat of
7 reprisal.

8 In an incredibly consequential election
9 year, the board's actions have caused an outcry
10 from voters and poll workers alike, one that we
11 have all witnessed firsthand. Today marks one
12 week until the start of early voting. Poll
13 workers have been hired, they have been trained,
14 ballots have been mailed. And to put simply, we
15 are still here, there are still rules in the
16 process.

17 We are meeting about potential new
18 investigations to be implemented or carried out
19 in more -- mere days or weeks, and we're
20 listening to folks raise baseless concerns about
21 nonexistent ineligible voters; witnessing
22 incredibly valuable time and resources of
23 election workers, advocates, county
24 administrators, and poll workers be wasted as
25 they're having to leave the preparation to be

1 here.

2 The board has stated that it is not trying
3 to create confusion or chaos. Its actions state
4 otherwise. If it was the case, then the board
5 should've reversed course weeks ago. But in lieu
6 of a time machine, you can just stop the actions
7 that are creating the harm. You can stop making
8 new rules. You can stop leading unauthorized
9 investigations that are wholly unsupported by any
10 statute based on bad data, disinformation, and
11 bad actors. You can stop taking the time of
12 county officials to prepare for these elections
13 to perform for you. You can just stop and you
14 are not, even after being told of the harm you
15 are inflicting.

16 What does bring me hope is the very
17 officials who have taken their time to be at
18 these meetings in spite of their workload to
19 defend their voters, staff, and their policies,
20 and to make clear that they will administer the
21 election fairly and transparently.

22 We are fortunate to have poll workers,
23 managers, and election directors as well as
24 county board members who will hold safeguards in
25 place to ensure our elections are fair and

1 accurate. Voters can trust their commitment,
2 resolve, and honorability for that reason, far
3 separate from the actions of this board.

4 I leave you with one reminder. Georgia's
5 election system will work for its voters
6 undeterred by those who seek to undermine or
7 weaken our laws and procedures. It has done so
8 in the past; it will do so now; and it will in
9 the future.

10 **MR. COAN:** Thank you so much. I appreciate
11 your comments, Marisa.

12 Next up is Kathleen Hamill.

13 **MS. HAMILL:** Thank you. My name is Kathleen
14 Hamill and I'm here with the Georgia Democracy
15 Task Force.

16 I stand before you today as a Georgia voter.
17 There are more than 7 million registered voters
18 in the state who should understand with
19 confidence that our election system is solid and
20 has stood the test of time.

21 The state election board here is trying to
22 make us feel otherwise. We are talking about the
23 right to vote, and we cannot buy into a false
24 narrative. One of the issues on the agenda today
25 is voter ineligibility and voter challenges,

1 massive voter challenges often using technology
2 to sweep through records online without personal
3 or individualized knowledge.

4 Since 2020 we know that over 350,000 of
5 these voter challenges have been made and the
6 vast majority of them have been investigated,
7 dismissed, and found to be frivolous. This
8 doesn't come from one person but from many who
9 throughout numerous precincts have investigated
10 this huge number of claims and found no validity
11 to them. And yet here we are today with this
12 item on our agenda with a mere week to go before
13 early voting begins and apparently interrogating
14 the representatives of eight election offices,
15 even including one where there have been no
16 claims of improper voter ineligibility.

17 So let us now allow ourselves not to get
18 caught up in conspiracy theory driven notions
19 that are not fact based, which is exactly why the
20 overwhelming majority of the voter challenges
21 have not succeeded across the state.

22 We know that registered voters must provide
23 ID when they do vote. These challenges in many
24 cases, again, should be questioned. And what
25 this board, again, and every citizen in the state

1 of Georgia needs to do is to focus on getting out
2 the vote, letting our election system and its
3 dedicated election workers do their jobs without
4 increasing administrative or financial burdens on
5 those workers.

6 And my last thought is please listen to
7 these workers, the experts, and professionals.
8 Please stop this madness and bring election
9 integrity to Georgia instead of breaking the
10 system for the sake of proving that it is broken.
11 Thank you.

12 **MR. COAN:** Thank you, Kathleen, for your
13 comments.

14 Kristen Nabers? You're passing. Okay,
15 thank you. Okay.

16 Next up we have Earl Ferguson. So you're
17 passing? Thank you, sir. I appreciate it, Earl.
18 Got a pass.

19 Christine Sugrue, okay. You look like a
20 John Hancock signature here. Thank you.

21 **MS. SUGRUE:** Thank you. My name is
22 Christine Sugrue. Good morning. I am a member
23 of Chatham County and a veteran poll watcher,
24 dedicated to fair elections.

25 I'm here to voice my concern that this board

1 is passing rules that do not align with existing
2 laws and are in response to issues already deemed
3 negligible or nonexistent. With voting day four
4 weeks away, our focus must be on preparing for
5 that as well as early voting beginning in a week.

6 Your goals should support election and poll
7 workers and voters and not facilitate confusion
8 and distraction that discourages voting and
9 tragically feeds the ongoing mistrust of election
10 results. I'll repeat what a previous speaker,
11 Marisa, said: Please just stop. Thank you.

12 **MR. COAN:** Thank you, Christine. I
13 appreciate your comments.

14 Let's see. Let's get some more folks in
15 line here: Sam Carnline? Is that you, Sam? Are
16 you Sam? All right, very -- I am Sam. It sounds
17 like a book we read.

18 Field Searcy, Ginger Bradshaw, Kate Denny,
19 if you guys could come get in line, please, I'd
20 appreciate it. Thank you, sir.

21 **MR. CARNLINE:** Good morning, board. Sam
22 Carnline from down in Grady County where we grow
23 peanuts, cotton, and pine trees. You can make a
24 lot of paper ballots out of the pine trees we
25 grow in Grady County.

1 I'm here today on behalf of Kevin Moncla on
2 case '23-25. Y'all are familiar with that one.
3 He wanted us to deliver this to you and request
4 that you look over his request and because it's
5 so close to the end of term, that y'all demand
6 from Fulton County that they deliver up what
7 y'all have already requested basically in regards
8 to his case. And that's what I have to say about
9 that. Thank you.

10 Now, I'm going to say a few things myself.
11 (demonstrating) That prop is to show that we've
12 all been in the dark, so to speak. And we were
13 trusting what we had for decades and decades
14 until we determined that the Dominion Voting
15 System that we're saddled with in the state of
16 Georgia is not secure. We want to unplug
17 Georgia. We want to go to hand-marked paper
18 ballots.

19 And the emergency -- emergency 21-2-334
20 states that we can go to the emergency
21 hand-marked paper ballots. And that's what
22 Florida and Alabama, Montana, and Idaho and
23 France and Japan and other countries use.

24 Let's get rid of these machines, people.
25 Y'all can declare that it's impracticable and we

1 can go right in November and vote on hand-marked
2 paper ballots. Thank you.

3 **MR. COAN:** Thank you, Sam. We appreciate
4 your comments.

5 Next up we have Field Searcy.

6 **MR. SEARCY:** Good morning. Thank you, state
7 election board. We've been attending all the SEB
8 meetings since August of 2023. Some have
9 attended going back four years or more.

10 Over this time, we and many others have
11 detailed the injury and violations that are
12 afflicting the people of Georgia. We've been to
13 our county board of elections, we've been to our
14 legislators, we've been to the courts. We've
15 talked with the governor and he said: You give
16 anybody a voting computer and they can hack it.
17 The Secretary of State just runs to avoid serious
18 questions. And he won't answer the state
19 senators or appear in court.

20 Evidence is presented and law violations
21 cited. Yes, there was some legislation passed
22 and yes, there were some rules adopted, but the
23 main core issues are still unresolved after four
24 years.

25 Number one, we still have a noncompliant,

1 insecure voting system that has not been updated
2 since installed in 2020. And as we've heard and
3 seen testimony in state and federal court, the
4 system has no security and was even hacked in
5 front of a federal judge. The system admin
6 password and encryption keys are in the wild or
7 in the public. It's emblazoned on T-shirts all
8 across the state now.

9 Number two, our voting rolls are bloated and
10 being centrally manipulated. You have been
11 provided reams of evidence to this fact.

12 Number three, our state and federal election
13 laws are being violated from the county all the
14 way up to the Secretary of State, yet no
15 enforcement has taken place.

16 The proverbial can has been kicked down the
17 road by all the branches -- executive,
18 legislative, and judicial -- both the county,
19 state, and federal levels. We find ourselves in
20 a state of lawlessness.

21 Regardless of the outcome 30 days from now,
22 neither side will be happy and we'll have to
23 repeat the process all over again. We've been
24 declaring that we're in an impractical situation.
25 We repeat again the only practical remedy: use

1 emergency paper poll books per Georgia rules and
2 regs, 183-1-12-.19. Use emergency paper ballots
3 per O.C.G.A. 21-2-334, one BMD per precinct for
4 accessibility purposes, and a tabulator count on
5 the day of election plus we must have a full
6 hand-count certification before we certify per
7 O.C.G.A. 21-2-437, 21-2-493. And per O.C.G.A.
8 21-2-70(15), all election workers have a duty to
9 certify to prevent fraud, deceit, and abuse and
10 to make a true and perfect return.

11 With all the evidence that's been brought
12 forward, the passwords out in the open, the
13 security system's hacked, you cannot say we have
14 a secure system.

15 State election board, I'm asking you to
16 declare a state of emergency today to secure our
17 elections. Thank you very much.

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

20 Next up we have Ginger Bradshaw.

21 **MS. BRADSHAW:** Good morning. I am Ginger
22 Bradshaw. Where do I start? I really appreciate
23 so much of what all you board members have done
24 as I'm sure you realize -- but I'm sure you
25 realize there is so much more that we can and

1 need to be done. And I think that's true based
2 on all of these comments that -- that we've had
3 before.

4 I would encourage you to vote today to bring
5 up the two rules put forth by Lucia Frazier that
6 were kind of ruffled under the table. We need to
7 have a publicly available list of certified
8 electors and a list of who voted.

9 I'm a poll manager, and we're given a sealed
10 list that we are to open only if there is an
11 issue and we need to vote by paper ballot. So
12 that list is available and it's available at
13 least five days ahead because they have to put
14 all the stuff together. And -- and so -- I
15 just -- I don't know why that is a secret and why
16 that there is so much pushback about providing
17 that list because they generate it.

18 And then briefly, I hope that you -- y'all
19 will appoint -- I know the last meeting you
20 talked about the monitors for Fulton County and
21 y'all were going to do some things and I don't
22 know what's happened there.

23 But y'all -- I don't know exactly the
24 verbiage, but you put this restriction on Fulton
25 County that they had to have monitors. So why

1 should they be -- why should they be picking the
2 monitors? And then the monitors that they picked
3 are the people that were in charge when they had
4 all these -- had all these issues and broke the
5 law. So that just doesn't make sense to me.

6 So I hope y'all have gotten that figured
7 out. And I hope you'll do everything you can --
8 I don't quite understand. I hear these people
9 talking about disenfranchising voters and the
10 democracy and this and that and the other. Why
11 would anybody want to have a hundred and
12 twelve percent or hundred and eight percent or a
13 hundred percent of the eligible voters on the
14 voter rolls? Because we know everybody doesn't
15 register for vote.

16 So if you really are about democracy, if you
17 want every legal vote to count, then we want
18 legal voters on the voter rolls. Thank you
19 very -- thank you very much.

20 **MR. COAN:** Thank you so much for your
21 comments, Ginger. I appreciate that.

22 Next up we have Kate Denny. And, Kate, you
23 have the floor.

24 **MS. DENNY:** Oh, thank you. My name is Kate.
25 I'm a registered voter in Georgia.

1 And I want to know why we even have public
2 comments. I was here last month where expert
3 after expert -- and none of you are a county
4 expert -- told you that these recent changes were
5 going to be impossible to implement this soon and
6 that they were not going to cause anybody to have
7 any confidence in this system, this system that
8 is already working.

9 I believe in what's happening. It works.
10 T-shirts -- I am speaking.

11 **MR. FERVIER:** Please, please.

12 **MR. COAN:** Order please.

13 **MR. FERVIER:** Please.

14 **MR. COAN:** Order.

15 **MR. FERVIER:** Let's be nice. Let's be
16 respectful to the speaker.

17 **MS. DENNY:** Dr. Johnston, this is similar to
18 you performing your procedure that you've never
19 done before and going to the waiting room to ask
20 a family member how to do it and disregarding all
21 expert opinion.

22 I am sick that I had to take time out of my
23 day to come down here and babysit you. You are
24 supposed to work for us not for Donald Trump.
25 This election was not stolen. We all know that.

1 There is a minority that believes it was and you
2 are letting them hijack a system that works.

3 I think it's fine to clean the voter rolls
4 with people who have probably died, okay? But
5 we're not going to do systemic cleanings.

6 I think the poll workers and the county
7 officials -- I will see you at early voting. I
8 believe in the system. I will not be deterred.
9 I will speak the truth come what may and I will
10 babysit you if I have to.

11 **MR. COAN:** Thank you, Kate.

12 Next up we have Vic Tripp. Vic.

13 Let's go ahead and call out a few more.
14 Lucia Frazier, Jason Frazier, Victoria -- I'm
15 sorry, Lucia, I'm sorry -- Jason Frazier,
16 Victoria Cruz, and Mr. Pledger. Challenges.

17 Yes, sir, you have the floor.

18 **MR. TRIPP:** My name is Vic Tripp. I'm a
19 voter in DeKalb County. I want to thank the
20 board for all your excellent work and for taking
21 the heat that goes with doing the right thing.

22 I want to speak to the voter challenges --
23 the registered challenge complaints that are
24 being investigated. They have been painted as
25 voter suppression. The challenges actually

1 prevent suppression if processed. When a
2 registrant votes here who was born in 1900 or who
3 is a noncitizen or is voting in Florida or
4 otherwise invalid, that vote cancels out or
5 suppresses a valid vote.

6 The response to the efforts by this board
7 from many experts and election officials is that
8 they have it all under control. They don't need
9 our help. They don't need your help with voter
10 rolls, with reconciliation, or with review by
11 certifiers. Just trust them. Well, that hasn't
12 been working.

13 We voters have found many tens of thousands
14 of errors in their work. The experts have failed
15 in many different ways but one of the most
16 important and simplest measures of election
17 quality is matching the number of people who
18 voted with the number of ballots counted. They
19 missed it by 34,000. You heard that right.

20 In the most recent federal election, 2022,
21 our officials counted 34,304 fewer ballots than
22 they counted people who voted in Georgia. What
23 happened to those ballots? Whose votes were
24 suppressed? Nobody knows. Does anybody care?

25 No election is perfect, but there are always

1 a few errors. But HAVA specifies just how few
2 errors there must be. A legal limit -- the legal
3 limit is eight erroneous ballots per million.
4 That would be a total of 32 in that Georgia
5 election. The accuracy achieved by these
6 election officials was 1,000 times worse than the
7 legal limit. They do need our help.

8 **MR. COAN:** Thank you, Mr. Tripp. I
9 appreciate your comments.

10 Lucia Frazier, is she here? I don't think
11 she's here.

12 Jason Frazier?

13 **MR. FERVIER:** Those individuals are -- were
14 planning on speaking this afternoon. I will give
15 them an opportunity at the end of the meeting to
16 speak since that's the way the agenda read. So
17 we'll come back at the end of the meeting without
18 dissent from the board and allow them to speak at
19 the end of the meeting.

20 **MR. COAN:** Fair enough. That sounds great.

21 All right, Victoria Cruz.

22 And if you would, Mr. Pledger, John -- you
23 guys, I'm going to say John Van Earnt. I
24 don't -- I can't read this.

25 Dan Gasaway, if you'd please come forward as

1 well. And Gail Lee.

2 I'm sorry? You're going last? Oh, he's
3 going to pass. Thank you so much, sir.
4 Appreciate that. Hard of hearing today.

5 All right, you have the floor, ma'am.

6 **DR. CRUZ:** Thank you. I am Dr. Victoria
7 Cruz, because I understand if you say you're a
8 doctor, people might listen to you more and think
9 you're telling the truth. I don't believe the
10 doctor who announced it so loudly before.

11 I was going to talk -- come here and talk
12 about the voter registration challenges because I
13 first started voter -- challenging registrations
14 in Oconee County, a small county not far from
15 here, where consistently since 2016 the number of
16 registrations is a hundred and ten percent or
17 more above voter-eligible population.

18 How does that happen? It happens because
19 elections officials are not cleaning the rolls.
20 The Secretary of State is not cleaning the rolls.
21 ERIC is not cleaning the rolls. When I first
22 looked at a voter registration list this year,
23 when I ordered one in March, all I had to do was
24 see the oldest people on the list and find
25 immediately eight dead people.

1 Since 2014 they had not been taken off the
2 rolls and the majority of those had died in my
3 county where they're supposed to check the
4 obituaries and they don't. A couple had died out
5 of state, but those states are covered by ERIC.
6 ERIC didn't find them.

7 We have a broken system. And not only that,
8 my attempt to challenge under the law, all legal,
9 was met with opposition from Ryan Germany, the
10 Southern Poverty Law Center, the ACLU, and Common
11 Cause for all registrations that I brought that
12 had probable cause. They moved out of state,
13 they registered out of state, they had voted out
14 of state and had home -- homestead exemptions.

15 The last thing I wanted to address is the
16 election was stolen. If you don't know it, you
17 have not looked for the evidence. I have been
18 looking at the evidence since 2021, and I just
19 wanted to address the big lie.

20 The first time I heard the big lie scream --
21 screamed was from Sara Ghazal as a new member of
22 the election board. Showing her nonpartisanship,
23 she castigated all the citizens who had shown up
24 asking to have some things investigated, saying
25 it was a big lie and they needed to shut up and

1 sit down. Thank you.

2 **MR. COAN:** Thank you, Ms. Cruz. I
3 appreciate your comments this morning.

4 John. I can't read his last name. Van
5 Burnt, I don't know. I can't read it.

6 Mr. Gasaway, are you ready? You've got the
7 floor, sir.

8 **MR. GASAWAY:** First of all, I'd like to
9 thank all of you for your service. I have been
10 e-mailing you about 2018-104 which is a case
11 that's up today. I'm not going to preach. I'd
12 like to say a little bit to the crowd.

13 2018-104 is a state election board case
14 associated with my second successful election
15 challenge, and I want y'all to hear that because
16 there is a transcript of the litigation
17 associated with that case as well as all of the
18 election superintendents involved in that case
19 were operating under a court order which they
20 violated and changed the outcome of an election.

21 So we all need to make sure we understand
22 that it did. Because the only way we fix this is
23 to really put pressure on the election
24 superintendents. And I know I've got limited
25 time. I'd like to spend more time but I know

1 you're -- and again I appreciate the political
2 challenge y'all are under here.

3 And I want to say to my friends on the left,
4 Stacey Abrams, my former legislative colleague,
5 characterized what was done to me here as a mafia
6 hit. Those are her words.

7 And to my friends on the right, this case
8 has felony -- ongoing felony criminal activity by
9 the Banks County elections superintendent which
10 is the number one Donald Trump County in the
11 whole state of Georgia. So we all have blame.

12 So now what can I do for y'all? Y'all are
13 trying to get your own lawyers, your own
14 investigators which I really believe you need.

15 I'm offering this publicly. You're going to
16 get something from the Secretary of State's
17 Office associated with this case. I'm not even
18 going to call it an investigation, but you're
19 going to get something.

20 I'm willing to get my team back together
21 because we've already litigated this case. Now,
22 it's not in the form of an investigation, but we
23 had a lot of discovery and we've had a lot of
24 news stories since then, a lot of discovery by
25 Dale Russell since then. We will put together a

1 competing investigative work product to compete
2 with whatever you get from the Georgia Secretary
3 of State.

4 And in January the legislature is going to
5 convene and you can find an ally in the state
6 senate, in the state house to copy these
7 competing investigations and lay them on the desk
8 of every member of the General Assembly and try
9 to shame the membership of the General Assembly
10 into giving you the investigators you need
11 because they will see a Mickey Mouse work product
12 from the Secretary of State and they will see a
13 professional work product from people who, like
14 me, spent a hundred and thirty-eight thousand of
15 my own money.

16 And that is what I can offer you. I don't
17 want to go to that trouble if y'all aren't going
18 to use it, but we can back up what we're saying.

19 Now, this is the last thing. And I don't
20 want anybody to take this as a threat. But we
21 all know this case has the illegal
22 unconstitutional sheriff in it, and I am going to
23 deal with that in federal courts before this ends
24 because I've gone too far down this road to turn
25 back. So we're going to do it.

1 I think that helps you because it exposes
2 the Secretary of State and the Attorney General
3 from being completely -- I mean, we're the worst
4 state in America. And all these people want to
5 say we're not, I'm sorry, I was doing this in
6 2018. I'm a Republican. This lady whose office
7 is through this door right here told me that you
8 get in the legislature, you're going to have to
9 deal with issues you never thought you'd have to
10 deal with. Believe me, that was prophetic.

11 But I am offering a solution to y'all. We
12 will build a competing investigation report and
13 you can lay it on the desk of every member of the
14 General Assembly and the governor of Georgia and
15 say, We're not doing our job. Because I've got
16 certified evidence. It's not Mickey Mouse. It's
17 real stuff that's ready to go to federal court.

18 I really appreciate your service. I realize
19 y'all are operating in an extremely challenging
20 political environment. You know, my case is
21 2018. That's before November 2020. I want
22 everybody to remember that. This stuff was going
23 on before November 2020. We need to fix it.

24 There's a guy in this room who with about
25 half a dozen Georgia Tech undergraduates could

1 fix 90 percent of this in about two weeks. But,
2 you know, that's not popular either.

3 But thank you for your time. I appreciate
4 your service. We will help you any way we can.

5 **MR. COAN:** Thank you, Representative
6 Gasaway. We appreciate your comments.

7 Gail Lee, you are next and you have the
8 floor, ma'am.

9 **MS. LEE:** Thank you. My name is Gail Lee.
10 I'm a voter in DeKalb County.

11 There was a case decided in Fulton County
12 Superior Court last week concerning the
13 encryption keys on Georgia's electronic
14 management system of voting or on EMS. In their
15 testimonies, the two expert witnesses agreed that
16 the average home computer is more secure than our
17 election system.

18 It seems the only thing that stands between
19 having full access to system operations is
20 Windows Security which can be hacked, they said,
21 in five minutes. Once in, the encryption keys
22 are provided in plain text and all users have the
23 same password which is hardcoded into the system
24 and cannot be changed. Using the encryption
25 keys, which are widely known -- you've seen them

1 in the T-shirts -- a person or entity can do
2 anything, including change vote counts without
3 leaving any evidence of the activity. This is
4 quite alarming.

5 The case was dismissed because the
6 legislature, when authorizing the purchase for
7 the EMS, required it to be certified by the EAC,
8 which it was, but the legislature did not
9 anticipate and specify that system updates and
10 security issues would have to be addressed during
11 the life of the system.

12 Our system got the required certification at
13 the time of purchase. So nothing more is
14 required of our SOS. This defies common sense
15 and will probably be appealed. Nevertheless, in
16 his testimony, expert witness Mr. Cotton outlines
17 several things that could be applied between now
18 and when the voting begins that would mitigate
19 some of the system vulnerabilities without
20 disrupting anything. One of them was a device
21 external to the EMS that would detect any outside
22 entity accessing the system.

23 So I am asking those of you on the board who
24 have a working relationship with the Secretary of
25 State to urge him to put the suggested

1 mitigations in place without waiting for a judge
2 to order him to do so. Every effort should be
3 made to protect our votes. Thank you.

4 **MR. COAN:** Thank you, Ms. Lee.

5 All right, Lucia -- Lucia Frazier, you
6 showed up. Do you want to speak now or would you
7 speak -- you want to speak later, okay.

8 **MR. FERVIER:** Let me ask a question. I --
9 apparently there's some traffic issues out there.
10 Since member Jeffares is not here yet, I created
11 a little bit of confusion by moving the comments
12 from the end of the meeting to the beginning of
13 the meeting.

14 Is there anybody that showed up late, that
15 had some traffic issues, that -- or confusion
16 issues that would like to speak?

17 Representative Draper, you want to speak?
18 Okay. Three people. Okay.

19 Do what? You want to do it in the
20 afternoon, Mr. Favorito? Defer it to the
21 afternoon? Okay.

22 You want to speak this morning? Come on up
23 and --

24 Representative Draper, do you want to speak
25 this morning? It's two minutes for public

1 comment. If you -- defer to this afternoon?

2 Okay. All right.

3 And please state your name when you speak.

4 **MR. DAVIS:** Hello. My name is Jovan Davis,
5 and I'm here in my personal capacity as a Georgia
6 voter. Just had a question.

7 I'm not -- I wasn't -- I wasn't born in
8 Georgia, but I understand that the Republican
9 Party has been in charge of most of the political
10 arena in this state since about 2003. The
11 grievances that have been filed about what's
12 wrong with the election are roughly about 2018,
13 2020.

14 Question for the audience. Is there an
15 issue with the system or is the issue with the
16 changing demographics, the updating technology,
17 lack of understanding around those things? The
18 election results were very clear. There was no
19 issue. We have new demographics in the state of
20 Georgia.

21 We have a population, part of the population
22 has expired because age or sickness or whatever.
23 So now we have changing vote counts in Georgia.
24 That's what happens in states when people move
25 here. That's what happens in states when young

1 people grow up and they start making their voices
2 heard at the polls. It's happened several times
3 in this country. The political demo -- the --
4 excuse me. The demographics in -- the
5 demographics in the nation, the -- I guess the
6 political ethos of the nation has changed over
7 time because demographics have changed. People
8 have changed. People have gone to school. We
9 have college graduates. All of these things
10 happen.

11 So what happened in 2020, it wasn't an issue
12 with the votes. Sure, Fulton County had some
13 issues. We'll give that. We'll give that over.
14 Fulton County did have some issues with their --
15 with their vote count, but not on the level that
16 would say that this election was stolen from a
17 candidate.

18 You have a lot of people who voted early.
19 The law says we stop counting those early votes
20 on election day. We count the votes we have on
21 election day. Then we finish those early votes.
22 That's what happened. 3,000 votes found for
23 College Park. It wasn't found. Those were early
24 votes. And if they were swaying in a particular
25 direction for a candidate, remember it's College

1 Park we're talking about.

2 So when you're thinking about where these
3 issues are taking place, think about the
4 demographics that live there and just understand
5 there's a reality that times change. Times
6 change. People's minds change. Politics change.
7 And more people get involved with the system.
8 And sometimes you may not like the results.

9 And I can tell you the Democrats in the
10 house probably haven't been excited that they
11 haven't been in power since I don't know how
12 long. But at the end of the day, they're not up
13 here screaming that the election was rigged or
14 that the election was stolen. They understand
15 that people made their voices heard at the ballot
16 box. That's exactly what happened in 2020.
17 That's exactly what will happen in 2024. And
18 echoing the same sentiment, you all have been
19 rejecting the election administrators that have
20 been saying please do not do this because it's
21 going to make our jobs more hard -- it's going to
22 make our jobs harder.

23 The only person that ran for office up here
24 was Rick Jeffares. And the only other person
25 that has legal experience is Sara.

1 I'm sorry, you -- you're not a board member
2 but --

3 Member Ghazal. I'm sorry, member Ghazal.
4 But being that that's the --

5 **MR. COAN:** I'm okay.

6 **MR. DAVIS:** But being that that's
7 the reality of the situation, we don't have the
8 credentials up here to combat what these election
9 officials are saying, these election
10 administrators are saying.

11 Please help them do their jobs. They're
12 asking you not to do this. Not because they
13 don't think that these decisions are important or
14 that there are some rules that need to be
15 readdressed, but it's making their jobs harder
16 right now. Thank you.

17 **MR. COAN:** Thank you, sir, for your
18 comments.

19 Next up, Lucia Frazier.

20 **MS. FRAZIER:** Good morning --

21 **MR. COAN:** On deck, Jason Frazier.

22 **MS. FRAZIER:** So I heard a comment earlier
23 about experts. And I just want to say that just
24 because you're working for a certain government
25 entity does not mean that you're an expert. But

1 there are plenty of regular citizens out here
2 that are experts at what they do and basically
3 the expertism is like numbers. So if you're
4 really good at math or engineering and analysis,
5 you could figure all this out. And a lot of
6 people that aren't in these roles don't have that
7 expertise.

8 So I would dare to say that there a lot of
9 citizens out there that have more knowledge and
10 more expertise than the people sitting in these
11 boards and people sitting in any government
12 entity.

13 So that being said, it's -- it's something
14 that you guys should take into account, that the
15 landscape is changing. We're getting involved.
16 We weren't involved before because we didn't feel
17 like we needed to.

18 I always thought that the Constitution
19 protected me, but now I know that's not the case.
20 I have to protect the Constitution. I was not
21 taught that in school. My civics class was, you
22 know -- didn't tell me anything about I can come
23 and give public comment or I can oversee the
24 government's operations or that any of the
25 election data was all public knowledge. I didn't

1 know that. And apparently it is. And a lot of
2 people don't know that because the schools aren't
3 teaching it.

4 So the landscape is changing. We're
5 involved now. We're going to stay involved
6 even -- no matter what happens with this
7 election. I see a lot of things that need to be
8 changed. I've created rules because I saw things
9 that need to be changed, things that are already
10 there for us but over time. Because it's not
11 being taught in the schools, people just got
12 comfortable with all your materialism and you're
13 not thinking about protecting your Constitution.

14 The only way this country runs is with the
15 people running it. It's designed to run that
16 way. So I would ask that everybody, no matter
17 what side you're on, just consider listening to
18 the people that have risen up and have done the
19 analysis. Thank you very much.

20 **MR. COAN:** Thank you, Ms. Frazier.

21 Next up is Jason Frazier.

22 **MR. FRAZIER:** All right. Sorry for being a
23 little bit late this morning. Traffic was a
24 little busy.

25 **MR. FERVIER:** I understand that.

1 **MR. FRAZIER:** All right. So I thought I had
2 all day to prepare my comment, so I'll try to
3 throw a spattering of thoughts that I had as I
4 was driving down here.

5 **MR. FERVIER:** Would you like to wait for
6 this afternoon?

7 **MR. FRAZIER:** No, no. I think I can do a --
8 a fine job, but I appreciate that. It just won't
9 be quite as clean.

10 But anyway I wanted to comment about a
11 couple of the rules that Lucia Frazier presented
12 at the last meeting. One is the certified copy
13 of the qualified list of electors.

14 So as many of you know, or maybe you don't
15 know, the difference between that and a voter
16 roll is simply a voter roll is everyone on the --
17 on the voter roll. So it's -- it's -- if you
18 registered late, you're on that. If you're 17
19 and a half, you're on that. But you can't vote
20 in the election coming up. So that's why we need
21 that list of who is allowed to vote. That's why
22 we tried to get that to pass. That didn't pass.
23 We still need that.

24 So being that that didn't pass, I'd filed an
25 open record request in Fulton County. So

1 yesterday that open record request got canceled
2 and they sent me a link to the Secretary of State
3 website telling me where I could buy a voter
4 roll.

5 Clearly Fulton County doesn't understand the
6 difference. I think a lot of people here don't
7 understand the difference, but if we don't know
8 who is allowed to vote -- who is allowed to vote
9 in an election, we can't audit an election.

10 We also need to know who voted in an
11 election and that is the numbered list of voters
12 after election day. We need to know everyone
13 that voted. And why is that important? So
14 everyone in here who knows how to use Excel can
15 go on the absentee voter file. I urge you to go
16 on there and download it for 2020.

17 If you download that and look for people
18 that are registered, same name or similar name
19 registered twice, you will see a lot of people
20 getting credit for voting twice in 2020. It's a
21 simple analysis. You just sort first name, last
22 name, same address, most of the people registered
23 twice, as many of you know, you talk about these
24 challenges, I turned in 10,000 people in Fulton
25 County that were registered two, three, four, as

1 many as 11 times, okay? That's a problem.

2 If you look at who was merged, that's when
3 you turn in two people registered, they make them
4 one person. Look at the voting history of the
5 people that were registered twice. If both of
6 those were given credit for voting in the same
7 election, that's a problem. There were a lot of
8 those in 2020. I turned in a complaint for five
9 of those a couple of years ago.

10 And let me read why this board needs their
11 own investigators. Here's an e-mail from Sara
12 Koth, the chief investigator for the Secretary of
13 State. She e-mailed Fulton County on one of
14 those complaints of people registered twice,
15 given credit for voting twice. And it says, and
16 I quote: Good morning. FYI, please see the
17 e-mail from the SOS below -- actually that's the
18 response. Hold on. This is from Sara Koth:
19 Miss Williams, good morning. Are you familiar
20 with Mr. Frazier? He sends quite a few
21 complaints to the portal and this one in
22 particular a few times. This isn't something
23 we're going to investigate, but he may be
24 reaching out to you all, assuming he hasn't
25 already.

1 That appears to me like the Secretary of
2 State investigators aren't interested in
3 investigating people registered twice who were
4 given credit for voting twice. I don't know that
5 these people voted twice. Somebody might've
6 voted for them. I don't know. But it needs
7 investigating. And unless you have your own
8 investigators, it ain't going to happen. And I
9 responded, submitted it again, and it still
10 hasn't been heard.

11 Think about it. Have a great day.

12 **MR. FERVIER:** Yes, thank you. We --

13 **MR. COAN:** Hand gestures, please.

14 **MR. FERVIER:** I do ask that everybody be
15 respectful. We have differing opinions,
16 obviously, in this room and some passionate
17 people and it works best for everybody if we just
18 be respectful for everybody and be nice.

19 That concludes our morning session of public
20 comment.

21 The chair would entertain a motion right now
22 for a short five-minute comfort break. And in
23 order to let the board regroup.

24 **MS. KING:** So moved.

25 **MR. FERVIER:** We have a motion. Do we have

1 a second?

2 **DR. JOHNSTON:** (inaudible)

3 **MR. FERVIER:** We have a motion and a second.
4 All those in favor signify by saying aye.

5 **THE BOARD MEMBERS:** (inaudible)

6 **MR. FERVIER:** Motion carries three to zero.
7 Thank you.

8 (Recess)

9 **MR. FERVIER:** This meeting is officially
10 called out of recess. The -- we're going to --
11 approve the minutes will be the next item on the
12 agenda. And then we'll move into the cases,
13 hearing the cases, consideration of all those
14 respondents that have come from afar.

15 So next up on the agenda is the state
16 election board meeting hearing September 20th and
17 23rd, 2024, approval of the board meeting
18 minutes. That is item number one in the board
19 book. It's not in the board book.

20 I'm sorry, what?

21 **MS. KING:** She e-mailed it to us.

22 **MR. FERVIER:** Okay. So they've been emailed
23 to the board. Are there any -- the board has
24 reviewed the minutes, I take it. Are there any
25 corrections, deletions, additions?

1 **DR. JOHNSTON:** I believe Mr. --
2 **MR. FERVIER:** You're on.
3 **DR. JOHNSTON:** I believe executive director
4 Coan had a correction.
5 **MR. COAN:** Oh, no. I mean, Alex already
6 corrected it, I believe.
7 **MS. HARDIN:** I already corrected it.
8 **MR. FERVIER:** The correction's already been
9 made. Do we have -- do we have a motion to
10 approve the minutes of the September 20 and 23rd,
11 2024?
12 **MS. KING:** So moved.
13 **MR. FERVIER:** We have a motion. Do we have
14 a second?
15 **MS. GHAZAL:** Second.
16 **MR. FERVIER:** We have a motion and a second.
17 Any discussion? Hearing no discussion, all those
18 in favor of approving the September 20th and
19 23rd, 2024 minutes of the meeting signify by
20 saying aye.
21 **THE BOARD MEMBERS:** Aye.
22 **MR. FERVIER:** Hearing no dissent, so moved,
23 three to zero.
24 **MS. KING:** Mr. Chairman.
25 **MR. FERVIER:** Member King.

1 **MS. KING:** If I -- I would like to make an
2 amendment to the agenda. Can we do that now or
3 do you want to wait?
4 **MR. FERVIER:** Your mic is on.
5 **MS. KING:** Yeah. I would like to make an
6 amendment to the agenda if that's ...
7 **MR. FERVIER:** Okay.
8 **MS. KING:** I would like to amend the agenda
9 to move the discussion around SEB vice chair up
10 to before lunch.
11 **MR. FERVIER:** Up to before lunch?
12 **MS. KING:** Yeah, anytime before lunch.
13 **MR. FERVIER:** Okay. I -- I believe that
14 we'll be able to dispose of all of these hearings
15 possibly before then. So we'll -- we'll move it
16 to next on the agenda.
17 **MS. KING:** Okay.
18 **DR. JOHNSTON:** Mr. Chairman.
19 **MR. FERVIER:** Yes.
20 **DR. JOHNSTON:** I would like to request an
21 amendment to the agenda.
22 **MR. FERVIER:** Yes, member Johnston.
23 **DR. JOHNSTON:** I would like to propose a
24 state election board policy to allow complainants
25 to speak regarding their case in cases that

1 involve letters of instruction or violation
2 cases.

3 **MR. FERVIER:** The board has operated for the
4 last -- well, since my time and before that time
5 not allowing complainants to speak unless asked
6 by a member of the board during the hearing of
7 the particular case. They can always ask for --
8 to hear from the complainant. But we haven't
9 made it a course to hear from complainants, the
10 reason being that the state becomes the actual
11 complainant when the complaint's made. It's a
12 state versus the respondent, not the complainant
13 versus the respondent at that point. That's been
14 the direction I've been given from the Attorney
15 General's Office.

16 But the complainants are always able to
17 speak if the board wants to hear from them during
18 the course of listening to it. So I would ask
19 that we just continue that policy and allow them
20 to speak when -- when requested by a member of
21 the board.

22 **DR. JOHNSTON:** Mr. Chair, it's been the
23 long-standing policy actually that complainants
24 were -- have been permitted time to speak. And
25 only -- it was only in the last two years the

1 policy was changed unilaterally without the vote
2 of the board to not allow complainants to speak
3 or be heard. I think every party in a case
4 deserves the right to be heard if for nothing
5 more than to make sure that the complaint was
6 properly interpreted, investigated, and presented
7 on their behalf.

8 So it's -- it's really a -- a more recent
9 time that the policy was changed. But prior to
10 that, Secretary Raffensperger and Governor Kemp
11 and on further back all allowed complainants to
12 have time to speak regarding their cases.

13 **MR. FERVIER:** Well, I -- I haven't discussed
14 that with the secretary or Governor Kemp as to
15 what their policy was. I only know what the
16 policy was with my two predecessors in my tenure
17 in this position. So ...

18 **MS. KING:** Mr. Chairman, I don't -- I think
19 it's -- obviously if there's a complainant here
20 that doesn't want to speak, they don't have to,
21 but I do think that they should be allotted if
22 not just five minutes to share their side as well
23 if they wish to speak.

24 **MR. FERVIER:** Member Ghazal, do you have any
25 comments?

1 **MS. GHAZAL:** I analogize our procedures here
2 to a criminal trial. That's not what this is.
3 We are not -- we're not judges and we are not
4 prosecutors. But in a criminal trial, a victim
5 does not generally take part in -- unless they're
6 giving a victim statement.

7 So the -- I analogize the complainant to the
8 victim. And the problem is many times the
9 complainants don't actually understand election
10 law and procedure and so very often misinterpret
11 what has happened.

12 I have no problem at all granting the right
13 on a case-by-case basis to complainants to speak,
14 which we've been doing. I think using it as a
15 policy can sometimes lead to a lot of poor
16 information getting out because if you're -- if
17 we're platforming a complaint -- complainant and
18 giving them the same -- the same level of -- of
19 audience as the -- the respondent and as -- as
20 our investigators, it sometimes can skew the
21 outlook of what's factual and what is just being
22 asserted.

23 **MS. KING:** Oh, well, as you stated, we're
24 not -- no one is on trial for a crime. So
25 allowing those who are -- whose case is being

1 heard to have a rebuttal or to be able to
2 respond, I don't -- if we can grant it, why not
3 just go ahead and state that if you're a
4 complainant, you can speak.

5 **MS. GHAZAL:** I was asked my opinion and I
6 gave it.

7 **MS. KING:** Okay.

8 **MR. FERVIER:** Dr. Johnston, would you
9 consider allowing the complainants, if they want
10 to speak, then making a request prior to the
11 board meeting? I mean, the agenda is online.
12 They know when they have -- you know, when it's
13 being heard. They can make a request to
14 Alexandra to speak and then we would notate that
15 and give them an opportunity at the beginning to
16 ...

17 **DR. JOHNSTON:** That's an interesting
18 request. Oftentimes I find that one or the other
19 party does not receive notification that their
20 case is actually being presented. So it would
21 be -- they would have to rely on proper
22 notification.

23 Sometimes it's quite difficult to even --
24 for a complainant to know what their case number
25 is, where it is in the whole process of

1 investigation, and when it's going to be heard or
2 continued at the last minute. And too often I
3 have found that there are differences in the
4 complainant's actual complaint about a possible
5 or alleged violation, that it's not -- maybe
6 there's a misreading or a difference of
7 interpretation what the complaint -- what the
8 complainant thinks their issue is versus how the
9 investigators proceed with the investigation.

10 So I think it -- it would just be altogether
11 a better communication and understanding that
12 indeed their complaint was properly addressed and
13 communicated to the respondent or what -- or
14 whatever takes place in that investigation.

15 So, you know, I would -- I would say there
16 will be a standing request from me to allow the
17 complainant to speak if -- if the policy isn't
18 changed. I -- you know, Governor Kemp handled
19 these -- these complainants' opportunity to speak
20 about their case very deftly. And it did not
21 prolong the meetings at all and both parties were
22 heard and there was an exchange of information
23 that was quite valuable through reading the
24 events of those past meetings.

25 So I think, you know, we -- we don't have a

1 policy actually. We don't have a set of rules
2 for the state election board and I -- but I think
3 this would be a -- certainly a valid rule to --
4 to consider and to approve.

5 **MR. FERVIER:** Well, I -- I wouldn't mind
6 considering it. I would just like more time to
7 think about it. I mean, it's -- you made the
8 proposal today. I wasn't aware of this prior to
9 the meeting and I would like to defer this until
10 the next meeting for a decision then so I could
11 have time to actually consider all of the
12 implications of it instead of being -- having
13 to -- having to do it on the spot today without
14 having time to properly consider it or discuss it
15 with anybody.

16 **MS. KING:** So for today's meeting, since you
17 said that the board can -- we can -- if someone
18 would like to speak, we can authorize them to
19 speak?

20 **MR. FERVIER:** The board member can always
21 ask for input, yes.

22 **MS. KING:** So in that case -- so could we
23 just say if there's any complaint -- any
24 individuals here that want to speak, raise your
25 hand, and we can then grant you the authority to

1 speak?

2 **MR. FERVIER:** We would want them to be the
3 complainant not just any individual but --

4 **MS. KING:** The complainant.

5 **MR. FERVIER:** Complainant, yes.

6 **MS. KING:** The complainant, yeah.

7 **MR. FERVIER:** Yeah.

8 **MS. KING:** But can we -- can we do that?

9 **MR. FERVIER:** Yes, absolutely. But I would
10 like more time -- I would like to be able to
11 defer to the next meeting so I can consider it
12 since it was just brought up five minutes ago.

13 **MS. KING:** Well, we didn't think it was that
14 complicated. But for today we just have to do it
15 case by case. So basically as a case comes up,
16 then we have to say: Is there anyone -- any
17 complainant that wants to speak? And if they say
18 yes, then we let them speak? That's what we have
19 to do today?

20 **MR. FERVIER:** If a member of the board wants
21 to, yes.

22 **MS. KING:** Okay, all right.

23 **DR. JOHNSTON:** Mr. Chair, I have another
24 request for an amendment to the agenda. I would
25 like a report on the monitor team, update on the

1 monitor team, regarding SEB case 2023-025 and
2 where we stand with the monitor team.

3 **MR. FERVIER:** Are you providing that update?

4 **DR. JOHNSTON:** I was --

5 **MR. FERVIER:** I mean, you --

6 **DR. JOHNSTON:** I would like to ask the
7 chair.

8 **MR. FERVIER:** You've been involved the same
9 as I have. So ...

10 **DR. JOHNSTON:** I would like to ask a report
11 from the chair of the status of the monitor team
12 for Fulton County.

13 **MR. FERVIER:** Okay.

14 **DR. JOHNSTON:** Another agenda item is -- I
15 would request time to discuss the recent case
16 heard in superior court last week on the
17 encryption keys to have -- to permit some
18 discussion about this case.

19 **MR. FERVIER:** Is this ongoing litigation?

20 **DR. JOHNSTON:** I think it was dismissed by
21 Judge McAfee late last week.

22 **MR. FERVIER:** Member Ghazal.

23 **MS. GHAZAL:** In the absence of having
24 anybody -- I -- I am very concerned about having
25 one-sided presentations without anybody who can

1 actually speak for -- on behalf of the Secretary
2 of State's Office on -- on any of these issues.
3 I am deeply concerned of platforming one side to
4 an issue without any notice.

5 You know, we have not given the opportunity
6 to the Secretary of State's Office to -- that
7 this would possibly be on the agenda and to speak
8 to the issues.

9 **MR. FERVIER:** Dr. Johnston, who -- who did
10 you want to speak on this issue?

11 **DR. JOHNSTON:** I would like to express my
12 concern about the encryption keys and have a
13 discussion with the board of what we might ask
14 for responses from the Secretary of State
15 regarding the -- the revelations that were
16 disclosed in court last week.

17 **MR. FERVIER:** This is simply a board
18 discussion, no public comment associated with it?

19 **DR. JOHNSTON:** Would you like this to be on
20 the agenda for the next meeting?

21 **MR. FERVIER:** Well, member Ghazal does have
22 a point about not hearing alternative viewpoint
23 on that or hearing someone else speak on it. So
24 ...

25 **DR. JOHNSTON:** It appears to be a serious

1 problem and we're not -- not far from the
2 beginning of early voting which involves the
3 machines that have these encryption keys or
4 issues with the encryption keys. I would like to
5 hear from both sides if possible and actually
6 find out what, if anything, can be done to
7 mitigate the risk of the voting system as far as
8 the risk for hacking or affecting the election or
9 affecting the election without even knowing that
10 it's been affected.

11 So which -- if -- if both sides would like
12 to be heard, then perhaps it should be on the
13 agenda which raises the next question as far as
14 when will the next meeting be.

15 **MR. FERVIER:** The executive director should
16 send out a request for availability for a
17 November meeting. And then we can decide when
18 our schedules will permit that.

19 **MS. KING:** Considering we're talking about
20 the monitoring team and we -- we may be
21 discussing that further, I'm thinking the next
22 meeting should be toward the end of the month,
23 before the November election.

24 **MR. FERVIER:** When chairman Coan -- I mean,
25 executive director Coan can send out a --

1 **MS. KING:** Okay.

2 **MR. FERVIER:** -- request for when
3 everybody's available to meet. So -- and we'll
4 look at the next couple of meetings and get them
5 scheduled.

6 **DR. JOHNSTON:** Considering the number of
7 issues that are certainly bearing down and along
8 with the beginning of early voting, I also would
9 like to have a meeting in the next week or two to
10 keep abreast and keep updated and also to
11 consider what, if anything, that we might do or
12 make available for communication certainly to
13 express any concerns that we have with this. So
14 I think November is not soon enough.

15 **MR. FERVIER:** I -- I think I would oppose
16 having a meeting in the middle of an election.
17 This election starts in -- in a week from now.
18 And this board meeting in the middle of an
19 election and asking people to attend, I think is
20 just unreasonable. And I think that we ought to
21 allow this election to happen and then have the
22 meeting afterwards is my personal opinion.

23 **MS. KING:** I think we need to send out
24 dates. We should sent out dates for before
25 because, again, a lot of the stuff that we're

1 going to be talking about will directly impact
2 the election.

3 So if -- if Fulton County can't have their
4 monitoring team in place during the election,
5 then what are we going to talk about after the
6 election? I mean, unfortunately, they've kind of
7 forced us into this situation because they
8 refused to work with us.

9 **MR. FERVIER:** When -- when we have the
10 discussion on the Fulton monitoring team, then we
11 can bring up the necessity for a meeting.

12 **MS. KING:** Okay. Sounds good. I'll -- I'll
13 talk about it then.

14 **MR. FERVIER:** Member Ghazal, any comments?

15 Member Johnston, the executive director will
16 send out a request to all the board members on
17 the meeting, when the next meetings are to be
18 scheduled and we'll try and schedule a couple of
19 meetings in advance -- or a couple of meetings
20 forward.

21 **DR. JOHNSTON:** Thank you, Mr. Chairman. And
22 when will we discuss the monitor situation?

23 **MR. FERVIER:** After we hear the cases.
24 We're going to hear the cases first and then we
25 have a discussion on the vice chair and then we

1 can talk about that next, I guess. Any further
2 questions?

3 **DR. JOHNSTON:** Mr. Chair, would it be
4 possible to contact the Secretary of State's
5 Office and see if anyone would be available to
6 answer questions about the encryption case?
7 Encryption keys case?

8 **MR. FERVIER:** I'll make that request.

9 **DR. JOHNSTON:** Thank you.

10 **MR. FERVIER:** Okay. Any other comments from
11 the board?

12 **INVESTIGATION REPORTS**

13 **CASES TO BE DISMISSED**

14 **MR. FERVIER:** We'll move into hearing the
15 cases. There's a number of cases to be
16 dismissed. The board has a listing of those.
17 The SEB 2020-296 which will be the second case
18 listed has been continued at the request of Henry
19 County. We have nine other cases that are
20 scheduled to be -- are up for dismissal. The
21 board -- any member of the board like to pull any
22 of those cases for an individual hearing?

23 Member Ghazal? Member King?

24 **MS. KING:** I'm looking at this Muscogee
25 case, the rides to the poll. But if the majority

1 of the board thinks it should be dismissed, fine,
2 we don't have to discuss it. I'm okay with not
3 discussing it.

4 **MR. FERVIER:** Okay. Dr. Johnston?

5 **DR. JOHNSTON:** I -- I would like to hear
6 that case, and I would like to hear case 278 --
7 2022-278, Gwinnett County, illegal assistance to
8 voter.

9 **MR. FERVIER:** Okay. And we'll also pull
10 2022-370. Mr. Sibley is attending today.
11 Mr. Sibley's been here five times before and
12 Mr. Sibley would like to make a couple comments.

13 Not yet, Mr. Sibley. We're going to do the
14 dismissals first, then we'll -- we'll get to you.

15 And so the -- we'll pull those three cases.
16 So the -- there's a recommendation to dismiss
17 case SEB2024-084, Habersham County, residency
18 issue, from May 2024; dismissal for SEB2024-043,
19 Richmond County, voter registration applications;
20 SEB2022-038, Gwinnett County, ballot harvesting;
21 SEB2022-140, Henry County, problems at the
22 polling place; SEB2022-241, McIntosh County,
23 wrong ballot; SEB2024-037, McIntosh County, poll
24 worker issue, voter privacy.

25 All those cases have been recommended for

1 dismissal. The board has had a chance to review
2 them. Is there a motion to dismiss those cases?

3 **MS. KING:** So moved.

4 **MR. FERVIER:** We have a motion to dismiss
5 those cases. Is there a second?

6 **DR. JOHNSTON:** Second.

7 **MS. GHAZAL:** Second.

8 **MR. FERVIER:** We have a motion and a second
9 from -- member Johnston, I believe, was the first
10 to second it. Any discussion? Hearing no
11 discussion, all those in favor of dismissing the
12 aforementioned cases signify by saying aye.

13 **THE BOARD MEMBERS:** Aye.

14 **MR. FERVIER:** Hearing no opposition, so
15 moved. Those cases will be dismissed by a vote
16 of three to zero.

17 Chief investigator, Gwinnett County illegal
18 assistance to voter 2022-278, tab number seven in
19 the board's book.

20 **MS. KOTH:** Okay. This case was continued
21 from the last meeting, from August 6th. This
22 investigation was reopened to follow-up by
23 request of the state election board to notify
24 Ms. Shirley that she could not use her address
25 for Pamela's voter registration. She could list

1 her address as the mailing address for Pamela's
2 absentee ballot by mail.

3 The investigator contacted Shirley via
4 telephone and notified her that she could not
5 change the address of Ms. Ferebee's voter
6 registration to her home address if she does not
7 actually reside there, because she was staying in
8 a -- a home.

9 Shirley advised that she had already changed
10 the address to hers and also Ms. Ferebee had
11 since moved to Manor Lake in Hoschton, Georgia.
12 Shirley advised she changed the address because
13 she was reminded when she received an e-mail from
14 Manor Lake regarding voting for Ms. Pamela.

15 The investigator checked GARViS and that
16 change was not reflected. However, her voter
17 status had been updated to canceled status.
18 Ms. Shirley made it clear that she was not trying
19 to encourage or prevent Ms. Ferebee from voting.
20 She really wants to prevent the possibility of
21 her sister's absentee mail-in ballot from being
22 voted by someone else.

23 She expressed distress in some of these
24 facilities where such vulnerabilities exist in
25 the residents they care for. Shirley advised the

1 reason she moved her sister to a new facility, to
2 Manor Lake, because she had concerns that her
3 sister -- that her last assisted-living facility
4 had changed her address since she was appointed
5 guardian in February of 2008. She provided a
6 copy of her guardianship paperwork to the
7 investigator.

8 In a court order, the following powers were
9 removed from the ward, Ms. Ferebee, and given to
10 the guardian which is Miss Terri. It was
11 contract, marriage, make or modify or terminate
12 other contracts, consent to medical treatment,
13 and establish a residence or dwelling place,
14 change domicile to revoke revocable trust
15 established by the ward.

16 So according to O.C.G.A. 21-2-217,
17 subsection (a)(12), if a person is adjudged
18 mentally ill and is committed to an institution
19 for the mentally ill, such person shall not be
20 considered to have gained a residence in a county
21 in which the institution to which such person is
22 committed is located.

23 So the initial issue raised with this case
24 was a question of whether Ms. Pam could solely
25 vote without influence. Having a trusted address

1 and a trusted adult, her guardian, being the sole
2 person responsible for handling voting documents,
3 mailings, Shirley again reiterated to the
4 investigator that she is not trying to prevent
5 Ms. Ferebee from voting. She simply wanted to
6 make sure that she is doing so on her own request
7 to participate and free from the influence of a
8 stranger, a facility. No allegations are -- no
9 violations found.

10 **UNIDENTIFIED SPEAKER:** (indiscernible)

11 **MS. KOTH:** Yes. It was only for that part.
12 That was actually a new question that was arise.
13 Like that case was completed. But the sister
14 made a comment that she was going to change her
15 address and that's what we looked at.

16 **DR. JOHNSTON:** Is this the case that the
17 invest -- that the voter, the elector was not
18 interviewed?

19 **MS. KOTH:** Yes, due to her TBI. She --
20 according to her sister, she wouldn't remember
21 voting or -- no, she asked she not talk to her
22 sister because she didn't want her to feel like
23 she had done anything wrong.

24 **DR. JOHNSTON:** I'm sorry. Could you --

25 **MS. KOTH:** She requested that the

1 investigator not speak to the sister because she
2 didn't want the sister to feel bad. That --

3 **DR. JOHNSTON:** To feel bad, okay. It --
4 it's just -- I -- I do remember this from last
5 month. And in the -- my concern about this is my
6 concern over the last two and a half years is
7 when one has a person that's in a long-term care
8 facility or assisted living home who is -- a
9 complaint is filed that somebody has registered
10 for them to vote maybe or allegation that
11 somebody has voted for them, they haven't voted
12 of their own free will. We never in -- we never
13 interviewed the voter, and I just -- I don't
14 understand -- you know, sometimes it takes so
15 long to, I guess, investigate these cases, the
16 voter has died.

17 But it seems like it would be critical to
18 find the voter and ask the voter their experience
19 with what happened. And also to ask simple
20 questions like do they know who they are, do they
21 know the date, do they know the time or place or
22 year of the election that's in question.

23 And something like does the president know
24 who the governor is or do they confirm that they
25 voted? I just don't understand why we don't go

1 right to the voter in these type of cases. And I
2 just want to make a point with that because
3 it's -- it's curious that we oftentimes take the
4 word of an employee or a former employee or an
5 unknown employee for what the complaint is
6 actually about.

7 Otherwise I would move to -- I just wanted
8 to make that point. And, Mr. Chair, I move to
9 dismiss this case.

10 **MS. KING:** Did we get an answer as to why --
11 just because I want to know for educational
12 purposes, why don't we go to the voter and ask --
13 why don't you investigate the voter?

14 **MS. KOTH:** Sometimes we do. The sister
15 asked her not to. And she said she wouldn't
16 remember whether she voted or not.

17 **MS. KING:** So in a case where -- let's just
18 say -- let's just say the person's being
19 untruthful, how -- how do you verify it? There's
20 no -- so if anyone just says, I don't want you to
21 speak to the voter, then we just don't?

22 **MS. KOTH:** No, well, this one she's her
23 caregiver and had more knowledge about what kind
24 of brain injury she had suffered from. And she
25 said she didn't even ask her sister. So she made

1 an allegation that her sister possibly voted
2 without even asking her sister. So it's not like
3 the complainant who would've been the person in
4 the home --

5 **MS. KING:** Yeah.

6 **MS. KOTH:** -- (Indiscernible) an allegation
7 --

8 **MS. KING:** So there's no verification
9 process that what the person is telling us is
10 true?

11 **MS. KOTH:** Is there no -- of who? The
12 sister?

13 **MS. KING:** Yeah.

14 **MS. KOTH:** No. On that case, no.

15 **MS. KING:** Okay. That's what I wanted to
16 know. Thank you.

17 **MR. FERVIER:** We have a motion to dismiss
18 this case. Any further discussion? Is there a
19 second? We have a motion and a second to dismiss
20 this case. Any discussion?

21 Hearing no discussion, those in favor of
22 dismissing this case signify by saying aye.

23 **THE BOARD MEMBERS:** Aye.

24 **MR. FERVIER:** Any dissent? Hearing no
25 dissent, so moved. The case is dismissed, three

1 to zero.

2 The next case on the agenda is the --
3 SEB2022-298, Muscogee County, rides to the poll.
4 It's tab number 8.

5 **MR. BRUNSON:** So for this case, a citizen
6 filed a complaint during the Cobb County general
7 election, November 8, 2022. He alleges that Lyft
8 was offering 50 percent off for rides to the
9 polls. And a second complaint was
10 Rideshare2Vote, which is an organization, was
11 offering free rides to Democratic voters.

12 So we'll deal with the first allegation.
13 The investigator looked at the website and Lyft
14 was offering a voting access program titled Lyft
15 Up. Describing the program on their website, it
16 offered the following services: Provide access
17 to discounted rides on election day which is
18 Tuesday November 8, 2022, across the country,
19 said they donated free or heavily discounted ride
20 codes to nonprofit partners whose communities
21 traditionally face barriers when getting to the
22 polls.

23 Partners include but are not limited to
24 League of Women Voters, National Federation of
25 the Blind, Warrior Scholar Project, National

1 Council on Aging, Asian and Pacific Islander
2 American Vote, and the NAACP. These partners
3 will distribute ride codes directly to people in
4 their networks who they identify as most in need
5 of transportation.

6 They also work with partners like When We
7 All Vote, Vote.org, and Civic Alliance to help
8 riders and team members registered and prepared
9 to vote. Finally, provide relevant information
10 and guidance to drivers who earn on the Lyft
11 platform about registering to vote on time, when,
12 where, and how to vote during each stage of the
13 election process.

14 Lyft apparently does not provide the
15 discounts directly to users. Instead they
16 provide discount codes or vouchers to their
17 affiliates to give out. Nowhere on the Lyft
18 website did it mention a specific party, appear
19 to be partisan, or have any requirements to use
20 the service.

21 As it relates to allegation number two, a
22 citizen alleged that Rideshare2Vote was offering
23 Democratic voters free rides to the polls in its
24 initial complaint. He included images of a text
25 message which appears to support this allegation.

1 The text message that was shared with the
2 investigator says that Rideshare2Vote is offering
3 free round-trip rides to the polls for Democratic
4 voters, learn more, and there's a link.

5 The investigator did try to find out who
6 received this text message. That information was
7 not provided to the investigator. The
8 investigator then examined the text message and
9 clicked on the link. The link sent the user to
10 the website and after reviewing the website, it
11 was found that Rideshare2Vote is a nonprofit
12 organization whose mission is to boost the number
13 of Democratic voters by getting voters to the
14 polls to support Democrats, slash, progressive
15 candidates.

16 The investigator then contacted the
17 representatives from Rideshare2Vote, spoke with a
18 Sarah Kovich who's the founder and CEO of the
19 organization. And she stated that Rideshare2Vote
20 is a partisan organization that targets and
21 reaches out to blue voters, Democrat, and
22 progressive voters. However, they do not turn
23 away any voter that needs a ride to the poll.
24 They do not ask how a voter will vote. They
25 don't require voters to vote a certain way to

1 qualify for a ride nor do they check the voter
2 registration of persons asking for a ride.

3 The organization is only partisan in who
4 they target when they do voter outreach. After
5 the interview, the investigator followed up with
6 an e-mail requesting a written statement and also
7 the PowerPoint presentation that is used to train
8 new employees and volunteers. Once he looked at
9 that, apparently the PowerPoint instructs drivers
10 to refrain from asking voters political questions
11 and stresses that drivers remain politically
12 neutral.

13 This case is very similar to other SEB cases
14 that we've presented before, most specifically
15 and most recently SEB2021-019 which was reviewed
16 and dismissed during the August 1, 2023, SEB
17 meeting.

18 **MR. FERVIER:** Any questions from the board?
19 Dr. Johnston.

20 **DR. JOHNSTON:** Mr. Chair, I -- I looked on
21 the Internet at Rideshare2Vote and the very first
22 page claims: Turning America bluer,
23 Rideshare2Vote. And in their landing page, it's
24 the go-to Democratic, full service,
25 get-out-the-vote program.

1 This sounds to me like it's a violat --
2 it -- I'm concerned that this is a pay-to-vote
3 scheme. I would be equally concerned if it was a
4 turn-America-red ride to share and a
5 get-out-the-Republican-vote.

6 We have a statute that says you cannot pay
7 somebody to -- or gift someone to register to
8 vote or to vote and this -- although I fully
9 endorse giving rides to the polling place, it
10 needs to be completely nonpartisan and
11 unaffiliated with a particular party or agenda.

12 **MS. KING:** I share a similar concern with
13 this. That, for one, to -- with Lyft it's
14 different because they are charging to offer to
15 pick someone up, drive them to the polls for
16 free. I understand that they're encouraging the
17 driver not to talk, however, I mean I encourage
18 my Uber driver to be silent every time and they
19 never are because we're human beings and we talk.

20 And so my concern is that there's no way
21 of -- well, one, there's no way of regulating
22 that conversation because it -- are they
23 educating the voter all the way to the polls? We
24 don't know. Secondly, the fact that they are
25 doing it for free, then, constitutes a gift which

1 is against our code, section 21-2-570.

2 So that's my -- my concerns around
3 dismissing it as if nothing was done wrong. I'm
4 not sure I feel comfortable with that.

5 **MR. BRUNSON:** One of the things we did was
6 relied heavily on a previous case that
7 circumstances were very, very similar. I mean
8 almost, you know, identical, frankly. And so
9 based on the precedence of that, where it was not
10 a quid pro quo, so to speak, that's one of the
11 reasons why leaned in the direction of -- of
12 where we came out on this case because of that,
13 because of our historical -- and that's not the
14 only case, that's just the latest case that I
15 referred to.

16 Also there's a 2013 case. We've had a
17 number of cases -- and now there have been cases
18 that have been violations where they went beyond
19 that because it was more of a quid pro quo. So
20 we have had violations, but it was more specific
21 to vote for this candidate and we'll give you
22 free gas. Those type of cases are the ones that
23 have been violated before -- violations before.

24 So that's why we went with this once we did
25 our research and looked at the actual training

1 documents that were provided. And in those
2 documents, it indicated that, you know, there is
3 no -- and I get it, you know, we don't know
4 what's said during those rides, you know, but we
5 couldn't establish that link.

6 **MS. KING:** Yeah. Yeah, and I think I know
7 what case you're talking about, the previous case
8 you mentioned about the gas cards, and I agree.
9 I think that was wrong as well. I -- I would say
10 that in this case -- I think it's because on
11 their website they specifically say that they are
12 trying to turn the state blue. So it's very
13 obvious that this is an extremely partisan
14 organization. And like Dr. Jan said, I would
15 feel the exact same way if it was on the right
16 because I feel like that would be an effort to
17 influence voters' decisions.

18 So again my -- my concerns stand corrected.
19 I do understand that there is precedent because
20 of previous cases, but I wasn't there at that
21 time and I may not have agreed. But in this case
22 here, I do think that this one is a bit
23 concerning.

24 **MR. FERVIER:** Member Ghazal.

25 **MS. GHAZAL:** (off microphone) In the case of

1 the gas cards, this body dismissed it as not a
2 violation when cash was handed out to voters.
3 And that was considered not a violation.

4 If this body is going to depart from many,
5 many years of saying that rides to the polls are
6 not a gift, because if that -- that has long been
7 the position of this board, that rides to the
8 poll do not constitute a gift that would
9 (microphone on) violate the -- the code, then we
10 will need to defer this case as a violation case
11 because the respondent has not been given notice
12 that this is being concerned as a violation case.

13 **MS. KING:** I mean, as I stated before, I
14 wasn't on the board when it came to the gas card
15 conversation, so -- but I -- I don't necessarily
16 agree with that either. So I would've had the
17 same concerns. That being said, I'm okay with
18 deferring this and moving it to a violation case.

19 **MR. FERVIER:** Dr. Johnston, have any
20 comments?

21 **DR. JOHNSTON:** Do you have any comments?

22 **MR. FERVIER:** No. No? Is there a motion?

23 **MS. GHAZAL:** I would move to dismiss. So
24 I'm not going to ...

25 **MS. KING:** I -- I move that we defer this

1 case just for a little further -- again if we --
2 if we dismiss this just as you said you dismissed
3 the other one that you disagreed with, it was
4 still dismissed. And I think again we're now
5 setting a precedent that it's okay to -- to
6 behave like this.

7 It's different when we're talking about Lyft
8 and Uber because, for one, they're still charging
9 and, secondly, the drivers are by random
10 selection. It's not hand-selected drivers that
11 represent a particular organization that has a
12 mission to have their voters vote one particular
13 way.

14 I think that makes it a little -- well,
15 actually a lot different than using a rideshare
16 program.

17 **MS. GHAZAL:** So I -- I do want to make sure
18 that -- that we are sending out clear signals
19 from -- from this body that nonpartisan -- now,
20 I -- I absolutely agree that this is -- there is
21 a strong appearance of partisanship in this, but
22 nonpartisan rides to the polls are still
23 acceptable.

24 **MS. KING:** I'm okay with nonpartisan rides
25 to the polls.

1 **MS. GHAZAL:** Okay. I just -- I want to make
2 that very clear to anybody who's listening that
3 they have to be nonpartisan. They absolutely --
4 anything voter assistance has to be nonpartisan
5 when you're actually helping them get to the
6 polls. If you're providing assistance to a voter
7 because they cannot read English or are disabled,
8 again it has to be nonpartisan assistance. But
9 that does not constitute a gift. It is the
10 partisanship here that is the problem and not the
11 rides to the polls.

12 **MS. KING:** Correct.

13 **MS. GHAZAL:** Okay. Yeah.

14 **MS. KING:** Yep, absolutely. And if a
15 majority of the board feels that we should just
16 go ahead and dismiss it, I will be willing to
17 entertain that with the -- ensuring that the
18 individual knows this is -- we can't do this.

19 **MR. FERVIER:** (indiscernible)

20 **MS. KING:** Would that be reprimanding?

21 **MR. FERVIER:** Oh, you know, well --

22 **MS. KING:** Well, in that case, I guess --

23 **MR. FERVIER:** You made a motion that we'll
24 have to either second or move, you know --

25 **MS. KING:** Okay, I understand.

1 **MR. FERVIER:** -- handle first.

2 **MS. KING:** Yes.

3 **MR. FERVIER:** Or you can withdraw that
4 motion and make a new motion. So you made a
5 motion that that be deferred for further
6 consideration.

7 **MS. KING:** I'll leave it.

8 **MR. FERVIER:** Dr. Johnston, did you want to
9 comment?

10 **DR. JOHNSTON:** I -- I didn't hear what you
11 said.

12 **MR. FERVIER:** Member King has made a motion
13 that this be continued to future meeting at which
14 point we'd be able to have the respondents be
15 able to attend and address the concerns.

16 **DR. JOHNSTON:** I -- I would second that.
17 And I agree with my fellow board member Ghazal
18 that rides to the polls is a noble thing to do.
19 It's a great community service action to take.
20 It -- it needs to be offered to all voters.

21 Any program should be a program that
22 encourages voters to get to the polls no matter
23 who they intend to vote for. The issue there is
24 we'd like voter participation and leave the
25 partisanship out of the free rides. So I

1 would -- I would like to make a motion to
2 continue this and actually to research the last
3 number of years -- oh, sorry.

4 **MR. FERVIER:** We -- we have to deal with the
5 first motion.

6 **DR. JOHNSTON:** First motion.

7 **MR. FERVIER:** Yes. You can -- you can make
8 an alteration to the motion, that then would have
9 to be voted on or you can --

10 **MS. KING:** I'm willing to withdraw my motion
11 if it includes, you know --

12 **MR. FERVIER:** We have a withdrawal of the
13 motion from member King.

14 Dr. Johnston, would you like to make a
15 motion?

16 **DR. JOHNSTON:** I would like to make a motion
17 that we continue this case or defer this case
18 until the next meeting or until we could perhaps
19 look into a number of years of similar cases and
20 circumstances so that we could reassess how the
21 board deals with these cases so that we can be
22 consistent and uniform as we deliberate these.
23 These tend to come up often enough, every
24 election, and so I think consistency is the key.

25 **MR. FERVIER:** Okay.

1 **DR. JOHNSTON:** So a motion to defer and --

2 **MR. FERVIER:** A motion to -- Dr. Johnston's

3 made a motion to continue this case to a future

4 meeting at which time we'll have the respondents

5 to be able to respond. The board will also make

6 a request to the Secretary of State's

7 investigators that they give a history of prior

8 cases like this and how the board has reacted to

9 those and voted on those cases. Okay. Yes. Is

10 there a second?

11 **MS. KING:** Second.

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

13 Any further discussion? Hearing no further

14 discussion, all those in favor of continuing this

15 case to a future meeting signify by saying aye.

16 **THE BOARD MEMBERS:** Aye.

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

18 opposition, so moved. This case will be

19 continued by a vote of three to zero.

20 Mr. Sibley, let's read the case and then

21 we'll give you a couple minutes to make your

22 comments, okay?

23 **MR. SIBLEY:** Okay.

24 **MR. FERVIER:** And this is SEB2022-370,

25 Fulton County, Buckhead Library interference by

1 poll watcher. It's tab number 11.

2 **MR. BRUNSON:** Okay. So I've briefed this
3 case probably -- probably two or three times. So
4 I'll give the *Reader's Digest* version this time.

5 So on October 28, 2022, we received a
6 complaint regarding Mr. Sibley who was acting as
7 a poll watcher at the Buckhead library. We had
8 two poll workers there: Mrs. Kate Daniels and
9 DeCosta(ph) Jordan who complained about
10 Mr. Sibley's actions on that day. They claimed
11 that he just created a disturbance, did not
12 listen to their instructions, and ultimately he
13 was asked to leave.

14 We have reached out to those two poll
15 workers. We've tried to interview them. They
16 did provide the interview, however, they
17 expressed at that point in time that as far as
18 their involvement, that was it as far as those
19 interviews.

20 I'm not sure if they're here today, but
21 based on the many times that we've briefed this
22 case now, our recommendation is based on the lack
23 of cooperation from the poll watchers who
24 provided statements regarding Mr. Sibley's
25 conduct and actions that the case be dismissed.

1 **MR. FERVIER:** Mr. Sibley, would you please
2 take the podium? The podium. Your turn. It's
3 your turn. About three minutes? Okay.

4 **MR. SIBLEY:** I think it was Thurgood
5 Marshall that said you can indict a ham sandwich,
6 and I'm the ham sandwich.

7 So I -- what he said was true. The guy came
8 in, told me I was prohib -- prohibited from
9 staying in room 3. -- there's three rooms at
10 Buckhead library -- where the drop box was. I
11 said, Why? Well, we have a camera. So I just
12 wanted to sit and watch it. I said I don't know
13 if the camera works.

14 So, anyway, long story short, she violated
15 three laws and three poll watcher rules. So I'm
16 here not to defend myself because, I mean, the
17 violation was there and it's been dismissed and
18 I've only got two minutes. So what I'm here for
19 is for the poll watchers of this state. This
20 lady was vindictive, she didn't know the laws,
21 and she kicked me out.

22 Even kicking me out with an armed guard was
23 a violation because it clearly states that I
24 need -- that as a -- as a person there, that I
25 needed two warnings du -- it says in the code

1 section after being duly warned by the poll
2 manager or superintendent, he or she may be
3 removed by such an official. It came out of the
4 blue. There was no charges. They said I was
5 guilty of an incident. There was no incident.
6 So I'm totally befuddled, what, two years later.
7 I still don't know what the charge was.

8 So what I would like out of this is three
9 things. Mrs. Daniels being the poll watcher --
10 poll worker, supervisor, should never be in that
11 position again. She's vindictive and ignorant of
12 the law. We need stricter laws so as not to have
13 more people in charge of the polls, the
14 supervisors, that exceed her authority, which she
15 clearly did.

16 And the investigator should be retrained.
17 And I say that because my letter from the
18 Secretary of State investigator had virtually the
19 answer to why I -- this should not be a
20 violation. And if she had only read down a
21 couple more, what, 2 inches on the letter I got,
22 all of this would not have taken place and I
23 wouldn't have been meeting with the board of
24 elections five times. This is my fifth trip.

25 So, anyway, I'm not -- I'm just asking you

1 to give the poll watchers more laws on their
2 behalf. They should maybe -- the supervisors
3 should call up to the -- her supervisor and say,
4 We have a poll watcher that did such and such and
5 violated. I didn't -- I didn't receive
6 notification I was being kicked out. I mean,
7 you -- by an armed guard, which is crazy.

8 Most of the poll watchers now are retired.
9 There are a lot of grannies out there that are
10 poll watchers. There's a lot of grandfathers out
11 there. And they are intimidated by somebody like
12 this woman. I'm not intimidated. I didn't do
13 anything wrong.

14 So I appreciate you, appreciate this time.
15 I told you I'd only take two minutes and I
16 appreciate you dismissing this case because if I
17 stood up here, I could blow this case out of the
18 water with laws. Not with what I did, with what
19 they did and their violation of the laws. So I'm
20 going to let it die.

21 But I do ask that you give poll watchers --
22 you've got a week before the polls open, give
23 them more teeth, give them something to fall back
24 on. And don't just have somebody say, okay, I
25 don't like your looks, I don't like your blouse,

1 get out, you know, you violated something or
2 another, dress code.

3 You know, we can't have this, otherwise why
4 have a poll watcher? And that's it. Thank you
5 very much.

6 **MR. FERVIER:** Thank you, Mr. Sibley. I'm
7 sorry you had to come back so many times.
8 It's -- part of it's my fault. I'll accept
9 responsibility.

10 **MR. SIBLEY:** Do you think the Secretary of
11 State would pay my \$85 in parking?

12 **MR. FERVIER:** Probably not, but I'll ask him
13 that.

14 This case has been recommended for
15 dismissal. Any questions from the board? Is
16 there a motion?

17 **DR. JOHNSTON:** I so move.

18 **MR. FERVIER:** We have a motion to dismiss
19 this case. Is there a second?

20 **MS. KING:** Second.

21 **MR. FERVIER:** A motion and a second. Any
22 discussion? Hearing no discussion, all those in
23 favor of dismissing this case signify by saying
24 aye.

25 **THE BOARD MEMBERS:** Aye.

1 **MR. FERVIER:** Any opposition? Hearing no
2 opposition, so moved. Case is dismissed three to
3 zero.

4 **VIOLATION CASES RECOMMENDED FOR LETTERS OF INSTRUCTION**
5 **OR REFERRAL TO THE ATTORNEY GENERAL'S OFFICE**

6 **MR. FERVIER:** The next section of cases,
7 violation cases recommended for letters of
8 instruction or referral to the Attorney General's
9 -- or a letter of reprimand. So during this
10 portion we'll discuss letters of instruction,
11 letters of reprimand, or referral to the Attorney
12 General.

13 The first case on the agenda is SEB2018-104,
14 Habersham County, eligibility of voters.
15 Mr. Gasaway is here. Did you want to speak
16 during this, Mr. Gasaway?

17 **MR. GASAWAY:** (off microphone,
18 indiscernible)

19 **MR. FERVIER:** Let's hear the presentation
20 from the Secretary of State first. Okay.

21 **MS. KOTH:** 218-104, Habersham County. This
22 was continued. I believe the original date was
23 sometime in 2021. It was continued for
24 allegation 2 and 3 because the previous board
25 wanted the county to be cited since the voters

1 were already cited.

2 The allegations were, as reported to the
3 office of the Secretary of State, that multiple
4 individuals had wrongfully voted out of district
5 in the House District 28 special election of
6 December 4, 2018. Knowingly providing false
7 information to an elections registrar concerning
8 actual residence of habitation is a violation of
9 O.C.G.A. 21-2-571.

10 Allegation 4 is the complainant also alleged
11 that during the House District 28 special
12 election of December 4, 2018, an individual voted
13 twice during the early voting period. Repeat
14 voting in the same election on primary is a
15 violation of O.C.G.A. 21-2-572.

16 So there were Carrie(ph) Acres, Constance
17 Franklin, Patricia Bower, and Rachel -- no, not
18 that one. And those three were already found by
19 the superior court to have voted illegally due to
20 her -- like, Constance Franklin was found by the
21 superior court to have voted illegally due to her
22 having moved to a residence outside of House
23 District 28.

24 Patricia Bower was found by the superior
25 court to have voted illegally due to her having

1 moved to a residence outside of House
2 District 28.

3 Carrie Acres was found by the superior court
4 to have voted illegally due to her having resided
5 at the time in Banks County. So the board had
6 requested that the county be cited as well.

7 So we have Habersham County Board of
8 Registrars and Laurel Ellison, the elections
9 supervisor. There's evidence to suggest that
10 after Constance Franklin notified Habersham
11 County's election office of her new address on
12 5/22/2018, they failed to correct the voter
13 registration address for her for the general
14 election and the general runoff.

15 Habersham County Board of Registrars and
16 Laurel Ellison, elections supervisor, were also
17 cited for 21-2-218(c). There's evidence to
18 suggest that Patricia Bower notified Habersham
19 County's election office of her new address on
20 5/22/18. They failed to correct the voter
21 registration address for Patricia Bower for the
22 11/6/2018 general election when she early voted
23 on 10/23/18. When she voted on 12/4/2018, her
24 new address was on the voting certificate.

25 **MR. FERVIER:** Are there any questions from

1 the board for the Secretary of State's
2 investigator? Is there a respondent here
3 from Habersham County?

4 **MS. ELLISON:** I'm here on -- I'm online.

5 **MR. FERVIER:** No respondent from Habersham?

6 **MS. ELLISON:** I'm here online.

7 **MR. FERVIER:** Mr. Gasaway, can we keep it to
8 just a couple minutes, please?

9 **MR. GASAWAY:** (off microphone,
10 indiscernible)

11 **MS. KING:** Mr. Chairman, Habersham County is
12 on Zoom.

13 **MR. FERVIER:** What? (indiscernible)

14 **MS. GHAZAL:** The respondent is on the Zoom.

15 **MR. FERVIER:** The respondent --

16 **MS. KING:** Habersham County is on Zoom.

17 **MR. FERVIER:** Oh, they're on Zoom? Oh.
18 Well, we will -- we will -- we will let
19 Mr. Gasaway speak and then we'll let the
20 respondent speak after Mr. Gasaway since he was
21 the complainant in this.

22 Mr. Gasaway.

23 **MR. GASAWAY:** So this is back to the
24 thing -- and I -- when I came up earlier, I
25 didn't know y'all were going to allow me to

1 speak. So when I came up earlier, I mentioned
2 about this case.

3 So how do we move Georgia forward in this
4 environment? This case is 2,131 days old today.
5 So what Connie Franklin -- and let's remember
6 this. If I can have everybody's attention.
7 Connie Franklin has a spouse named Mike Franklin
8 who did the exact same thing and his name is not
9 mentioned. So that tells you we had no
10 investigation.

11 So you're saying, well, where did this --
12 where did these facts come from? I'll tell you
13 where these facts came from. I threw this
14 election out in superior court. After the
15 judge's order to not let me win, I put a handful
16 of the criminals on the stand so that there was
17 no way out. They had to give me a new election.
18 I didn't put all the criminals on the stand. I
19 should've because it would've taken about three
20 weeks to have the trial if I had. I put enough
21 criminals on the stand.

22 Connie Franklin is the Stephens County
23 school superintendent. These are not people who
24 are just regular old Joes in this world. These
25 are educated people doing this. Connie Franklin

1 testified on the stand that she moved in October
2 of 2017. She voted illegally multiple times.

3 Carrie Acres was voting from an address
4 where there was no domicile at all. No camper,
5 no tent, no nothing. She lived in a complete
6 different county.

7 But my point is this. The admissions by the
8 investigation division of the Secretary of State
9 is what we've got to look at here. This is how
10 we -- how do we move Georgia forward? We have to
11 expose the fact that there was no real
12 investigation done here.

13 Banks County is not mentioned. Banks County
14 changed election boundaries in an effort to
15 defeat me in a court of law a week before we went
16 to trial. And they -- they changed election
17 boundaries. This is a federal violation every
18 time there's a federal candidate on the ballot.
19 They changed election boundaries -- Dale Russell
20 found this. Y'all have probably seen his
21 story -- and they've created fraudulent election
22 boundaries.

23 Now, I have since -- Dale Russell did an
24 interview with me on this. This is not mentioned
25 in the investigation. The fabrication of

1 election boundaries by the Banks County
2 government, you didn't hear it. That's my point.
3 How do we move Georgia forward? We have no real
4 investigation. It's not her fault. It's not his
5 fault.

6 Ryan Germany called Jake Evans after we won
7 in court because they were upset because we
8 weren't supposed to win and said, We want the
9 names. Well, Jake gave Ryan Germany the names of
10 the ones we got thrown out, but it was only
11 because I only put a handful of the criminals on
12 the stand.

13 I could've put a bunch of criminals on the
14 stand, but we had felony criminal activity by the
15 Banks County election superintendent on the
16 stand. You didn't hear any of that. There's
17 felony criminal activity by the Banks and
18 Franklin County election superintendents today.
19 You didn't hear any of that. They're going to --
20 there is going to be significant illegal voting
21 occurring in the election that we have next
22 month. You don't hear any of that.

23 Now, I and some serious lawyers I'm
24 associated with met with the Attorney General's
25 Office, serious lawyers, inside the Attorney

1 General's Office. They know about this. This is
2 the biggest stinker in the history of Georgia.
3 And for our friends on the left, this occurred in
4 a Republican primary. This wasn't Democrat
5 versus Republican.

6 We've got to do something different here.
7 This is serious criminal activity. And it's not
8 these people's fault. Their supervisors are
9 telling them to cover up this fraud. There's no
10 other explanation for what -- what I just said.

11 So what I'm asking you, I will help you
12 anyway we can. We have been to the Attorney
13 General. I have been to Kim Spell-Fowler, a
14 special agent with the FBI Civil Rights Division,
15 Atlanta. She knows all about this. United
16 States Attorney Erskine, Kurt Erskine, he knows
17 all about this. We've got to do something
18 different, you know.

19 And it's not a Democrat versus Republican in
20 this case. It's the big Gainesville machine
21 wanted me gone and they were not going to stop at
22 anything to see it done. And that was Republican
23 versus Republican, if you will. So it's not her
24 fault. She -- she was led by Ryan Germany down
25 the path that she's on.

1 But this is undisputed criminal activity,
2 manipulation of election boundaries, and it's not
3 even mentioned in this investigation. Thank you.

4 **MR. FERVIER:** My -- my question is this --
5 this appears to be a pretty limited scope
6 investigation, just four individuals that either
7 double-voted or that were not properly handled by
8 the elections supervisor --

9 **MR. GASAWAY:** Yeah.

10 **MR. FERVIER:** -- in registration. So it
11 really didn't have much to do with the boundaries
12 and all of that stuff. It's really a limited
13 scope.

14 **MR. GASAWAY:** And -- and (indiscernible).
15 And I just told you why, because Ryan Germany
16 wanted this to go away.

17 **MR. FERVIER:** Yeah. I -- I'm not
18 disagreeing with any of that. I'm just wondering
19 --

20 **MR. GASAWAY:** -- why.

21 **MR. FERVIER:** No, no, no. No. I'm -- I'm
22 wondering -- I'm wondering whether there's
23 another case that needs to be investigated beyond
24 what we're dealing with today, because what we're
25 dealing with today is -- is four allegations

1 of --

2 Yes. Sarah.

3 **MS. KOTH:** I'd like to reiterate that this
4 case was already presented in 2021. So I'm not
5 sure what they voted on back then, but it is
6 advised that the county -- the board at that
7 point wanted the county cited, and that is what
8 was focused on from -- from then.

9 But the actual report mentions -- I
10 didn't -- I didn't redo the entire case, but we
11 talk about the special runoff and the superior
12 court and -- and all of that. But the part that
13 the board referred it -- continued it was because
14 they wanted the county cited for those two
15 violations.

16 **MR. FERVIER:** For the -- for the two that
17 are in here.

18 **MS. KOTH:** Yes.

19 **MR. FERVIER:** Member Ghazal, do you have any
20 comments?

21 **MS. GHAZAL:** Well -- well, my first comment
22 is -- I don't want to say an apology, but I was
23 the one who continued the case in 2021. I was --
24 I'm the only member of the board now who was
25 here, because I was deeply troubled that the

1 county had not been cited for its failure to
2 update the voter registrations of these voters
3 and that could have prevented this from
4 happening.

5 And because of all of the changes within --
6 within the investigation office, it's taken
7 several years to get back on here. And I deeply
8 regret that you have had to wait this long to
9 hear this.

10 I'm looking forward to hearing from the
11 county because it seemed to me that it was very,
12 very clear that they failed in their duty to --
13 to update voter registrations and reregister
14 voters at their new addresses after they had
15 provided that in May. If that -- if that had
16 taken place, these people would not have been
17 districted in your district and therefore would
18 not have cast a ballot.

19 I want to make it very clear, though, that
20 when somebody moves within a county, they are
21 still authorized to cast a ballot. And those
22 ballots count except for those districts where
23 they're no longer a resident. And that is where
24 having an election challenge makes the
25 difference, and having the data and having that.

1 But they -- they did not commit a crime for
2 voting, but their registration should've been
3 changed to accurately reflect where they lived
4 inside the county.

5 **MR. GASAWAY:** If I may just clarify because
6 your reaction tells me you still don't understand
7 what went on. And I'm not trying to be arrogant.
8 I've just lived this for six years. I've spent a
9 hundred and thirty-eight thousand dollars of my
10 own money. So I want to make sure we really
11 understand what went on here.

12 Constance Franklin and her husband, who's
13 not mentioned here but they're married or living
14 in the same domicile, sold their domicile and
15 moved to a domicile in Terry Rogers' district in
16 October of 2017. So then she went and voted in
17 the presidential primary, which I didn't pull
18 that -- that voter certificate, but that
19 should've had her new address written and given
20 the opportunity, one, for Ellison to correct it.

21 Then she voted again. And the reason I'm
22 pressing this is because Brian Tyson made your
23 same argument in court against me. She voted the
24 second time in May of 2018, wrote the new
25 address; the third time in the runoff between

1 Brian Kemp and Casey Cagle in July of 2018; and
2 then a fourth time in December of 2018. So there
3 are four opportunities for the elections
4 superintendent to have corrected that and she did
5 not.

6 **MS. GHAZAL:** And that is precisely why I
7 continued the case to make sure that the
8 elections superintendent was listed as a
9 respondent.

10 **MR. GASAWAY:** And she was operating under a
11 standing court order to do that in addition to
12 the law. And she's still on the job today. But
13 now we see no mention of Mike Franklin in this
14 investigation. Why?

15 Was there an investigation really done by
16 the Secretary of State? And the answer to that
17 question is no. I'm asking -- you know, the old
18 adage don't ask a question you don't know the
19 answer, so I'm going to ask and answer. No.

20 We've got -- and I'm -- listen, I know y'all
21 are in a tough environment here, but we can learn
22 so much from this case to move Georgia forward.
23 There's some statutory things that need to be
24 clarified. We've got fraud by a district
25 attorney in Franklin County now associated with

1 this case. I mean, there's a lot of corruption
2 here.

3 And the only way we move Georgia forward is
4 to find a way to get to the root of the
5 corruption. In the Carrie Acres case -- they go
6 to the same church by the way. Mike Franklin,
7 Connie Franklin, Carrie Acres, that's three, go
8 to the same church and they all voted against me
9 and I lost by (indicating). So everybody can
10 call Dan a sore loser but numbers matter in this
11 business.

12 But Carrie Acres' case, she sold her house
13 in the district, changed her voter registration
14 to a place where there is no house, nowhere to
15 live, and was living in a whole different county.
16 Even Brian Tyson could not find a way to argue
17 around that one, you know. But this went on
18 multiple times.

19 So I hear you. So -- and I would say this
20 last thing and I'm not trying to -- I have lived
21 this, and we are going to go to the federal court
22 on the sheriff issue because I know there -- the
23 political will in this state, it can't happen.
24 So we're going to deal with that.

25 But I want us to find a way to move Georgia

1 forward in the midst of what is a significant
2 case because I've got a friend who's a real
3 expert, in this room, who just went down to Tift
4 County a couple weeks ago and threw out an
5 election because of districting errors.

6 We've got -- we're being run so poorly that
7 any election within 3 percent can be thrown out
8 by districting errors right now. We've got to
9 somehow -- and I think the way we send a message
10 is we indict the elections superintendents, order
11 the district attorney to indict them. That's the
12 only way. And that would go to all hundred
13 fifty-nine counties.

14 The Association of County Commissioners in
15 Georgia would call an emergency meeting, they
16 would all run down to Jekyll Island. And they
17 would say, Look, there's a new sheriff in town.
18 We're going to clean up this mess in Georgia.
19 That's the only way this gets fixed.

20 But, again, I'm just trying to make sure you
21 understand Constance Franklin and her husband,
22 who's not mentioned here, his name is Mike
23 Franklin, did the same thing. He's not in your
24 investigation at all. Why? Because I didn't
25 litigate against him because he's a mega-church

1 preacher in Habersham County. And you litigate
2 against a mega-church preacher, it's like
3 litigating against an illegal sheriff. It gets
4 you crucified even if you're right.

5 Anyway, I -- I want to help y'all. I don't
6 want to work against you. This -- this doesn't
7 do me any good. I mean, I -- my money is gone.
8 I want to see Georgia go forward. We've got so
9 much animosity out here because it's this Trump
10 versus Stop the Steal. We've got real problems
11 that aren't getting fixed because of the
12 propaganda. These are real problems we can fix,
13 and I want to move Georgia forward.

14 Thank you.

15 **MR. FERVIER:** Let me --

16 (Clapping)

17 **MR. GASAWAY:** I don't need any applause.

18 **MR. FERVIER:** Weren't these --

19 **MR. GASAWAY:** Don't want it.

20 **MR. FERVIER:** Weren't these individuals
21 prosecuted?

22 **MS. GHAZAL:** No. Because they actually had
23 provided their updated address. What we -- we --
24 we deferred the case. They updated -- when --
25 when they signed their voter certificate,

1 according to the facts and according to the
2 investigation, these voters provided that updated
3 address in May when they voted in the primary.
4 Don't -- don't know about the presidential
5 preference primary.

6 But by doing that, by providing their
7 updated address, they fulfilled their statutory
8 obligation to update their address for the
9 county. It is the county that failed to actually
10 document and update the address within the voter
11 registration database which is exactly why I sent
12 it back and said we -- we can't adjudicate the
13 case properly without the county as a party.

14 **MR. GASAWAY:** I agree with you in the Connie
15 Franklin case. The county failed. The Carrie
16 Acres case, she committed felony criminal
17 activity.

18 **MS. GHAZAL:** I actually -- I -- I disagree
19 with that assessment because residency is a very
20 complicated issue and when she moved -- excuse
21 me.

22 **MR. FERVIER:** Please, please, please.

23 **MS. GHAZAL:** When she temporarily stayed at
24 her parents, she never had an intention to create
25 residency there. So just like when a -- when a

1 voter has to go to out of state for work, they're
2 allowed to vote an absentee ballot and they can
3 get their absentee ballot sent there because they
4 are working temporarily in an area that they do
5 not intend to establish residency.

6 Residency is a very subjective matter here.
7 I am -- I could be convinced either way whether
8 the previous residence or the future residence is
9 where they had established residency even though
10 their heads were not sleeping on that pillow.
11 But looking at the analogy of both people who
12 travel for work and are UOCAVA voters who are
13 temporarily overseas but they do not intend to
14 establish residency overseas, they intend to
15 return, I do not believe that she established
16 residency outside of Habersham County.

17 **MR. GASAWAY:** Okay. Let me add another
18 fact. Because I -- I am engaged with this
19 discussion, okay? I hear what you're saying. So
20 she testified on the stand that she intended to
21 move to the address where there's no house, okay.
22 But she -- that's one thing about this case being
23 2,132 days old, got a lot of history now.

24 She, in fact -- now, in the -- the address
25 where there was no house wasn't in the district

1 either. She wasn't in the district or in the
2 county. But let's set all that aside and stay
3 with this theme that we're talking about here
4 because this is a -- for those that think this is
5 all simple, it's not.

6 And this conversation she and I are having
7 is a very, very, very important conversation
8 because what y'all don't know is I am the person
9 who challenged the only real plaintiff in the
10 federal case *Fair Fight v True the Vote*.

11 So I have been engaged with this for a long
12 time. It's near and dear to my heart, a hundred
13 and thirty-eight thousand reasons. So but Acres
14 said she lived at an address where she didn't
15 live but she intended to one day live there.
16 But, in fact, now, 2,132 days later, she lives at
17 a whole nother address in a whole nother area of
18 Habersham County that is -- wouldn't be in the
19 district either.

20 So at what point do we say, Well, I intend
21 to find a way to make back my hundred and
22 thirty-eight thousand dollars, but my wife looks
23 at me and goes, I'm tired of you intending, I
24 want you to go out here and make the money back
25 that you pissed away on trying to get honest,

1 legal elections in the state of Georgia.

2 So at some point we've got to say intentions
3 stop and criminal activity starts. And that's
4 what we're talking about here. In the Fair
5 Fight, True the Vote case, that young lady -- and
6 I told my friends at the Atlanta
7 Journal-Constitution, I'm not out here to go
8 after young women who just made a mistake. She
9 didn't want her parents to know she was living
10 with her boyfriend in Atlanta so she didn't
11 change her address. That's not -- but people
12 like a Constance Franklin or a Mike Franklin who
13 y'all haven't heard about for some reason, that's
14 the real good question you need to be thinking
15 about: Why did we not hear about Mike Franklin,
16 the husband of Constance Franklin?

17 I'm not here to do that, but we've got to
18 find out -- this board has to decide where is
19 this line? Where is this line? And federal
20 judge Jones agreed with me. He thinks my line is
21 the right line.

22 **MS. GHAZAL:** So there are -- there are two
23 different inquiries. One is whether the vote
24 counted, and that is for the judge to determine.
25 And the judge, I think, appropriately determined

1 that these votes did not count. But we do not
2 have jurisdiction for that. We do have
3 jurisdiction over whether or not the individuals
4 violated election law.

5 And if -- if I have a question, I am gen --
6 and I can see that there was no intent to deceive
7 or intent, my personal philosophy is I will -- I
8 will find on -- in favor of the voter because
9 there is no intent. Because it is subjective,
10 because we're -- if -- if we as professionals in
11 this -- and I -- after 2,000 days I consider
12 you -- you really have been immersed in this.

13 If we have -- are having a cogent discussion
14 that is not clear -- it's not at all clear, I am
15 not going to find that a voter, who has no
16 background in this, should be held liable for
17 their mistake, because it was a mistake. But I'm
18 not -- I'm not going to find them liable. I
19 will, however, find the county liable for failure
20 to do the duty which is to update those records
21 properly.

22 **MR. GASAWAY:** And that would be great and if
23 we could have that election superintendent
24 relieved -- because remember she was operating
25 under a standing court order in this case not to

1 do it and she did it anyway, operating under a
2 standing court order.

3 And see, you know, as we all know, we vote a
4 secret ballot in this country which means you
5 can't ever say how somebody votes. You can never
6 prove how somebody votes. But if they're calling
7 you a no-good SOB on Facebook for 60 days,
8 there's a good chance they're not voting for you.
9 I'll just tell you as a candidate. I spent six
10 years down the hall here in the General Assembly.

11 So we can't tell how these people vote, but
12 in the case of Mike Franklin who y'all haven't
13 heard about, he told state representative Terry
14 Rogers, after I threw out the first race, he
15 hoped I lost in a landslide and then he and his
16 wife went and voted illegally to help make that
17 happen. You know how many votes I lost by? Two.

18 We forget -- I don't -- it's like I told my
19 friend, Mike Beaty(ph), this business, all these
20 people think dynamic things happen in this
21 building. There's a lot of crooked stuff happens
22 in this building. I don't really want back into
23 this game. I just want to see this part fixed.
24 And there's so much can be fixed that we're not
25 fixing. That is what I'm about. And I want to

1 help you.

2 Am I going to spend much a bunch more money
3 to go to federal court and prove myself right in
4 the illegal sheriff? Yes, we're going. Get
5 ready. If y'all aren't going to help, we're
6 going and it's going to happen. That's not a
7 threat, it's a promise because manipulating
8 election boundaries is a federal crime. Not only
9 is it a state crime, it is a federal crime. And
10 Banks and Franklin County did it -- not Franklin
11 actually, Banks County did it in this case.

12 Think about a state where you have two
13 counties claiming a big swath of the same
14 election territory on a map. You think nobody in
15 this room understands it, but I can tell you
16 this: Every licensed land surveyor in the state
17 of Georgia understands this like that
18 (indicating). You don't need to be a brain
19 surgeon. You just need to have a licensed land
20 surveyor explain it to you.

21 My problem was my lawyer, who's a good young
22 lawyer, Jake Evans -- they don't teach anything
23 about land surveying at the University of Georgia
24 law school, I guess. I need to go over there and
25 start teaching classes, probably get some of my

1 money back, because he didn't understand the
2 fraud that was perpetrated on us in the court
3 case, but they perpetrated the fraud at 5:30 on
4 Friday before we went to trial on Monday.

5 Think about how corrupt that is. They
6 change the election boundaries at 5:30 on Friday
7 before I went to trial on Monday about election
8 boundaries. That happened in the state of
9 Georgia and nothing's been done. You hear about
10 that in the investigation? You didn't hear a
11 peep because Ryan Germany told them to bury it.
12 There you go. So that's just the straight truth.
13 I want to help y'all. I want to move forward.
14 There are easy solutions to a lot of this, a lot.

15 And I'm not going to divulge the attorney
16 general that we met with -- assistant attorney
17 general. She's smart, she's good, she's knows
18 all about this. I had two very, very serious
19 lawyers, much more experienced than Jake Evans
20 with me in the meeting. This isn't a game. This
21 is real. It's serious business at the highest
22 levels of politics in this state, but it's got to
23 be fixed.

24 I'll answer any more questions. I won't
25 waste any more of your time. I just ask y'all to

1 go: Where was Mike Franklin's name in this
2 investigation?

3 **MS. KING:** So for my -- Mr. Chairman, if you
4 don't mind.

5 For my clarification, the individual that
6 we've -- you two were talking about, you're
7 stating that her intentions was not to commit
8 fraud. Is that what you're saying?

9 **MS. GHAZAL:** I'm saying her intention was
10 not to establish residency outside of the county.

11 **MS. KING:** And commit fraud. To commit
12 fraud, right? I mean, because we're challenging
13 her from -- because we're saying that she
14 committed fraud. But am I -- am I correct in
15 stating that she's voted several times
16 incorrectly?

17 **MR. GASAWAY:** That -- yes. No, Connie
18 Franklin was the four. I -- I don't remember on
19 Acres.

20 **MS. KING:** So are you referring to Acres
21 or --

22 **MS. GHAZAL:** We're referring to Acres.
23 That's correct.

24 **MR. GASAWAY:** Acres is one that voted out of
25 county and even Brian Tyson could not find a

1 crazy legal argument to make that right.

2 MS. KING: She voted outside of the county
3 once?

4 MR. GASAWAY: At least.

5 MS. KING: Just one time?

6 MR. GASAWAY: I think multiple times.

7 MS. KING: Multiple times.

8 MR. GASAWAY: Yeah.

9 MS. KING: Okay.

10 MS. GHAZAL: Do we know that? If it was --

11 MR. GASAWAY: We're working off of memory.

12 Like I said, if y'all will take me up on my
13 offer, we'll do a real investigation and you can
14 see what a real investigation looks like compared
15 to -- and again, I'm not attacking these people.
16 They're doing the best they can, but I had some
17 very serious professionals helping me and we put
18 together a real investigation.

19 You could have that and show the General
20 Assembly this. And I could get that for you as
21 part of this real investigation to see how many
22 times she did it.

23 MS. KING: Yeah, because I feel like we can
24 argue intent one time. But voting four times, at
25 this point we can't say that the intent was not

1 to deceive.

2 **MR. GASAWAY:** I think we speak to the law.
3 The law says you get one vote in your own
4 precinct which is your opportunity to change your
5 voter registration.

6 Now, there are statutes and Brian Tyson can
7 argue these, he can come up with all kinds of
8 stuff by saying that, well, it's in the same
9 county. You know, that -- that muddies the
10 waters. And this is something that needs to be
11 cleaned up. There are some legislative fixes and
12 tweaks that need to occur as part of this
13 investigation. But again these are very
14 technical items and there might be four or five
15 legislators in both the House and Senate that
16 have the brainpower to understand these issues.

17 So it's serious technical stuff. But it
18 would go a long way to fixing many of our
19 problems in this state.

20 **MS. KING:** And also to be clear, when you
21 say Ryan Germany, are you referring to the same
22 Ryan Germany that's going to be monitoring the
23 Fulton County elections?

24 **MR. GASAWAY:** Okay. Look --

25 **MS. KING:** Just as a question. Just want to

1 make sure I know --

2 (Cross-talking)

3 **MR. GASAWAY:** To answer your question, yes.
4 To tell everybody here, I'm not on a partisan
5 witch hunt for anybody. I'm past that.

6 **MS. KING:** No, I wanted --

7 **MR. GASAWAY:** I want to see it fixed.

8 **MS. KING:** -- to make sure. I just want to
9 make sure --

10 **MR. GASAWAY:** Yeah, there is -- the one and
11 only. The one and only, yes. And Chris Harvey
12 opened this investigation, who was the election
13 director at the time, and you saw the e-mail
14 where I asked Chris Harvey to bring in the United
15 States Justice Department to help us. Instead I
16 had to litigate and had gotten everybody against
17 me, you know. It's -- it was just a war.

18 But the point is this shouldn't happen to
19 anybody else. That's my goal. This should never
20 happen to another Georgian because this is the
21 second challenge. I want to make sure y'all
22 understand. This is related to my second
23 successful election challenge.

24 My first election challenge, Habersham
25 County put 500 voters -- switched districts. I

1 had people who voted for me in seven elections
2 who hadn't moved, the district had not changed,
3 and all of a sudden my name's not on their
4 ballot. That's how this started. There's no
5 explanation. There's no universe where that
6 should even be happening. There had been no
7 redistricting. There had been no redistricting.
8 They had not moved. They were legal voters who
9 were disenfranchised, but yet -- no, go ahead.

10 **MS. KING:** Yeah, the -- when you're
11 referring to people being removed off the list,
12 the Secretary of State -- are you saying the
13 Secretary of State's Office removed people --

14 **MR. GASAWAY:** This case was disposed of very
15 quickly. I think it was 2018-63, I'm not sure.
16 This was -- this case shot through the system
17 like lightning and somebody got a letter of in --
18 Laurel Ellison got a letter of instruction. But
19 the point is nobody ever explained to me why. I
20 had to litigate it. It became very protracted.
21 I had to fight the Attorney General of Georgia on
22 that one. That cost \$25,000, just the component
23 of fighting Chris Carr's office protecting the
24 corruption. Cost me -- just that piece of the
25 case cost me \$25,000.

1 And that -- there's another little legal
2 nugget in that one that needs to be fixed. It's
3 who is a proper party to a state legislative
4 election contest. Nobody knows the answer to
5 that. Who is a proper party in court to a
6 legislative contest?

7 Chris Carr argues that then Secretary of
8 State was not a proper party. But he certified
9 the election, so how can he not be a proper
10 party? That's a whole nother legal issue for the
11 legal scholars of which I'm not one.

12 But here, I want to say to y'all lastly --
13 and I'll answer any more detailed questions, but
14 I want to leave y'all with where's Mike Franklin
15 in this investigation? Where's his name? His
16 name is not there because there wasn't really an
17 investigation.

18 **MS. KING:** Is there a reason why there was a
19 decision made not to investigate him that was
20 brought to you?

21 **MR. GASAWAY:** Why I didn't litigate against
22 him or why they didn't investigate him?

23 **MS. KING:** Both.

24 **MR. GASAWAY:** Okay. The reason I didn't
25 litigate it against him is, one, what I just

1 said, okay? He's a big mega-church preacher and,
2 you know, you -- let's face it, I know all y'all
3 care about honest elections. But in rural
4 Georgia, which I live in the northeast corner of
5 the state, they don't really care. And that's
6 Trump land.

7 The Trump land doesn't care about honest
8 legal elections, they just want their guy to win.
9 I'm going to say that again for the crowd. The
10 Trump land doesn't care anymore about honest
11 legal elections in metro Atlanta. Everybody
12 wants their candidate to win. Somehow we've got
13 to overcome that. And in this political
14 environment we're in, I don't know how we're
15 going to do it, but we've got to find a way.

16 **MR. FERVIER:** Let's -- let's get back to
17 the --

18 **MR. GASAWAY:** Well, let me answer her
19 question.

20 **MS. KING:** (indiscernible) my -- I asked
21 him --

22 **MR. GASAWAY:** She -- she said why I didn't
23 put Mike Franklin. So only reason I didn't put
24 him on the stand was political. Because even
25 though I could've convicted him, you know, that

1 would, you know -- I was still trying to win an
2 election.

3 The second reason was -- and this is
4 important, I want you to hear this. He wrote an
5 address down different from Connie Franklin on
6 his voter certificate. You know, four voters
7 certificates with a different address, but it was
8 different addresses from his wife. So you've got
9 a mega-church preacher writing down a different
10 address from his wife on his voter certificate,
11 that raises other big issues. I don't know if
12 y'all are with me, but that was another road I
13 didn't want to go down because I didn't need it
14 to win the court case.

15 So -- but I could never find out exactly
16 where the address was he was writing on his voter
17 certificates. I knew they weren't in the
18 district, but it wasn't the same address she was
19 writing on her certificates. It's why I did not
20 litigate against him.

21 **MR. FERVIER:** Okay.

22 **MR. GASAWAY:** That's as much inside baseball
23 as y'all want probably for today.

24 **MS. KING:** Okay.

25 **MR. FERVIER:** Ms. Ellison is online --

1 **MS. ELLISON:** Yes.

2 **MR. FERVIER:** -- from Habersham County.

3 **MS. KING:** Yeah, okay. It was --

4 **MR. FERVIER:** Ms. Ellison --

5 **MS. KING:** -- my -- my thought.

6 **MR. FERVIER:** Okay.

7 **MS. KING:** So just to be clear, the choice
8 to not investigate him was because you did not
9 litigate him.

10 **MR. GASAWAY:** We investigated it. I just
11 chose not to put him in the complaint.

12 **MS. KING:** Got it.

13 **MR. GASAWAY:** Now, there were seventy in the
14 complaint. Just while we're on the subject, stay
15 with me, there was seventy in the complaint. We
16 only chose to go after twenty because we only
17 needed two to win and we were trying to save
18 court time. We were right on -- we were right on
19 all -- it's like the Fair Fight, True the Vote
20 case, I challenged fifty in Banks County. Banks
21 County said I was right on twenty-five. Data
22 says I'm right on forty-five of the fifty. But
23 actually I'm right on fifty of the fifty. So
24 we're -- how do we get the truth in all this? is
25 part of what we're talking about. And there's so

1 much horrific corruption.

2 But any more questions for me and I'll --
3 I'll get out of your hair. And I'll help you.
4 You can privately e-mail. I am not -- I'm not
5 going to name y'all in this federal suit.

6 I'm doing the federal suit to drive home the
7 point we've got an illegal, unconstitutional
8 sheriff riding the roads of the state of Georgia
9 and that should be -- and he was named in this
10 lawsuit as well. And they fabricated the
11 boundaries the day before we go to trial to make
12 him -- you know, they basically testified to a
13 fraudulent statutory boundary.

14 And we've had some recent litigation in Cobb
15 County over some commission districts that were
16 drawn by the General Assembly. And the General
17 Assem -- the courts of Cobb County and even
18 supreme court judge Bethel had made it clear that
19 statutory boundaries are the boundaries.

20 This case right here they say no, they can
21 make up election boundaries any way they want. I
22 don't think that that's true. And that's what
23 we're going to have to do in federal court
24 because I think a federal judge is going to agree
25 with me. It's just pitiful that I have to spend

1 a bunch more money to litigate this when we've
2 got so many crimes being committed here. Thank
3 you.

4 **MR. FERVIER:** Thank you, Mr. Gasaway.

5 Ms. Ellison's online.

6 Ms. Ellison, can you hear us?

7 **MS. ELLISON:** Yes, I can. Can you hear me?

8 **MR. FERVIER:** Ms. Ellison.

9 **MS. ELLISON:** I'm unmuted. Can you hear me?

10 **MR. FERVIER:** Ms. Ellison, can you hear me?

11 **MS. ELLISON:** Yes.

12 **MR. FERVIER:** We see your hand raised but we
13 can't hear you. Is your speaker off?

14 **MS. ELLISON:** Let's see. Can you hear me
15 now?

16 **MR. FERVIER:** Yes.

17 **MS. ELLISON:** Okay.

18 **MR. FERVIER:** Technical problems on our end.

19 **MS. ELLISON:** Okay. So I guess since he's
20 brought up the redistricting, I will start with
21 that. In 2011, our -- I lost my full-time
22 employee due to furlough, so I was in the office
23 by myself when we were having to do redistricting
24 in 2012 as well. And we had maps on the floor
25 and just a book that we got from our -- our 9-1-1

1 director. I mean, redistricting was a lot
2 different back then and we didn't have our GIS
3 mapping department.

4 So I did -- there was a redistricting issue.
5 We did have some folks out of the wrong -- or in
6 the wrong district. It was about 408, I believe.
7 And once we were made aware of this by the
8 lawsuit, I got it fixed in less than two weeks.
9 And had I known -- and I believe in the lawsuit
10 of Mr. Gasaway, Mark Davis testified that they
11 did know of this issue prior to that, but we --
12 we never got any notification that they knew that
13 there was some districting issues. But we did
14 get it fixed.

15 And as far as the -- Miss Constan -- let's
16 see, Constance Franklin and Patricia Bower, they
17 wrote on their voter certificates their new
18 address in May. And we did not -- we were not
19 aware of that until the December election or
20 after the December special election, redo
21 election for Mr. Gasaway when he contested it
22 again.

23 So we were told by the Secretary of State's
24 Office back in 2012, when we started having
25 express polls -- that was what was called for our

1 electronic poll book -- that we would no longer
2 have to go through and go through each paper
3 voter certificate to change addresses by, that we
4 would be using the poll -- express poll and then
5 of course that we're allowed in code section
6 21-2-218(d) that in the event that an elector
7 moves to a residence within a county or
8 municipality but into a different precinct or who
9 moves to a residence in the same precinct but a
10 different address and fails to notify the board
11 of elect -- or board of registrars of such fact
12 by the fifth Monday prior to an election or
13 primary, such election -- or such electors shall
14 vote in the precinct of such elector's former
15 residence. The superintendent of elections shall
16 make available at each polling place forms
17 furnished by the Secretary of State which will be
18 completed by each elector to reflect such
19 elector's present legal re -- address --
20 residence.

21 So we were instructing our poll workers, of
22 course, to -- and this is since, you know, 2012,
23 if a -- if a voter wrote a -- wrote down a
24 different address than what was on their driver's
25 license or on their voter certificate, that they

1 were to give them a change of address form. They
2 were to strongly encourage them to fill it out
3 before they left, but if the voter said they
4 didn't have time, then they were told to take the
5 mail-in with them and then they could just mail
6 it to us or drop it by our office.

7 We did not get a change of address from
8 Connie Franklin until a mail-in voter
9 registration application on 11/7/2018 which is
10 the day after the November 6th election. So that
11 was stuck in our mail-in pile but came in after
12 our deadline to register to vote which would've
13 been October -- October 9th, because we have to
14 go by the date for the general election. So any
15 runoff after that would have been -- still have
16 that date of 10/9 which would also fall the same
17 for the special election.

18 So that wasn't found until after the
19 December election where we got the lawsuit from
20 Mr. Gasaway. But she did get changed. Her
21 address was changed on -- I know I've got a date
22 here. Let me look. Okay, so she was changed on
23 12/19, so December 19. So after the December
24 election, she was changed to the correct precinct
25 with her new address.

1 And then Ms. Bower did the same thing. She
2 did her voter certificate in May with the new
3 address. We didn't look at it because we
4 weren't -- we were told we didn't have to do that
5 anymore and she was given a change of address.
6 And I believe that she said that she -- she
7 thought she had mailed it in, but we did not
8 receive anything from her until receiving a DDS
9 application on December 13th. And so we
10 correctly put her in HD 10, the correct district
11 with her new address on December 27th.

12 She did vote on -- early on October 23rd in
13 our office and we had EasyVote. So that prints
14 out -- that would print out their absentee ballot
15 application and it has their address on it twice.
16 And she -- her old address was listed on that
17 application twice and the voter -- poll worker
18 always told -- tells the poll -- or I'm sorry,
19 the voter to review their information, if
20 anything is incorrect, please let us know. And
21 if it's incorrect, then they normally write in
22 the updated address. And then we do change
23 addresses from absentee ballot applications or
24 early voting applications. So she had not
25 written her new address on that application. So

1 we were not notified at that time that anything
2 had changed.

3 So, you know, I -- after this ele -- or
4 after this lawsuit, I had sent out a survey to
5 all of the counties in the state of Georgia
6 asking if they were still going through and
7 changing addresses from voter certificate just to
8 make sure that I wasn't the only one, you know,
9 going by what the state told us back in 2012.
10 And I only got about 27 responses, but out of the
11 27 counties, 23 said no, they did not go and use
12 the voter certificates anymore to change
13 addresses because we hand out the -- the change
14 of addresses to voters and they either fill it
15 out at the polling location or they mail it in or
16 bring it to our office. And sometimes they don't
17 do that. So in these -- these two cases, we
18 didn't get them until after the election was over
19 or were notified of that.

20 So that's again -- since then, of course,
21 since the lawsuit, we -- we train our poll
22 workers when we had the applications we made them
23 initial next to their address on both locations
24 on the application that that was the correct
25 address. So we would always make sure if it

1 wasn't, then they immediately filled out a -- a
2 change of address form and then they voted.

3 Now that we have poll pads and that is now
4 the check-in or their voter certificate is on the
5 digital screen, then I have them actually tell
6 the voter to initial underneath their address and
7 above their signature, saying that that address
8 is correct so that we make sure that we're not
9 missing any address changes anymore.

10 **MR. FERVIER:** Any questions for Ms. Ellison?

11 Dr. Johnston, I -- I -- there is a lot to
12 unpack here, and I think there's a -- I -- in my
13 mind, I have a lot of questions left, and I would
14 like to see the investigative notes that
15 Mr. Gasaway has. Not today, but I would like to
16 see -- I have some real questions about some of
17 these voters that I just can't answer in my mind
18 today.

19 And so I would like to continue this case
20 once again. Sorry, but I -- I just thought there
21 was more -- that's all right, you don't -- you
22 don't need to come back.

23 **MS. ELLISON:** Can I make a comment about
24 Ms. Acres?

25 **MR. FERVIER:** Yes.

1 **MS. ELLISON:** Okay. So Ms. Acres, when she
2 changed her address, it was to an address that
3 she had planned on building. I think they had
4 done some kind of, you know, already had them
5 grading the land or something like that. But she
6 was living with her mother and intended on
7 building a house there. So at that time that was
8 in the correct precinct or district. And when
9 she -- even with her living in Banks County, she
10 would've still voted in Mr. Gasaway's district
11 because that whole county was his district.

12 **MR. FERVIER:** No, I think I have a problem
13 with that. I'd like to know more about that.
14 And so I -- in my mind, I just -- I think that
15 there's more answers -- or more questions to be
16 answered for myself that can't be answered today
17 necessarily. I'd love to see the investigative
18 notes.

19 Yes.

20 **MR. GASAWAY:** One point. She said that we
21 knew about the districting errors before the
22 election. She said -- that's one of the first
23 things that came out of her mouth to y'all.
24 That's absolutely false.

25 Mr. Davis has testified through his

1 extensive experience as an expert witness in
2 these kind of cases across the state that there's
3 no way that I knew Katie Hartrick was not going
4 to be able to vote for me on May of 2018, before
5 the election. That is absolutely 100 percent
6 false. Or I would've taken action, serious
7 action. Katie Hartrick and dozens of others of
8 my supporters were disenfranchised on May of
9 2018. And I had no idea that was going to happen
10 until it happened. And the insinuation that I
11 did, I take big-time exception to. Thank you.

12 **MR. FERVIER:** I got it, yep.

13 Unless there's additional questions from the
14 board, the chair will entertain a motion if the
15 motion is to continue this case.

16 **DR. JOHNSTON:** So moved.

17 **MR. FERVIER:** Dr. Johnston has moved to
18 continue this case. Is there a second?

19 **MS. KING:** Second.

20 **MR. FERVIER:** All those in favor of
21 continuing this case signify by saying aye.

22 **THE BOARD MEMBERS:** Aye.

23 **MR. FERVIER:** (indiscernible). Motion
24 carries four to zero. We'll continue this case.

25 Thank you, Ms. Ellison.

1 **MS. ELLISON:** Thank you.

2 **MR. FERVIER:** We're going to go off script
3 once again. I know y'all love that. The chair
4 has to leave at some point coming up soon. And
5 so we're going to move a couple things up on the
6 agenda to hear real quick. We had a report on
7 the Fulton County monitoring team. I'm going to
8 do that one first.

9 And so last Monday, Dr. Johnston and I met
10 with chairwoman Sherri Allen who's chairwoman of
11 Fulton County and had a meeting concerning the
12 monitoring team, and it lasted approximately two
13 and a half hours.

14 And we discussed a number of things
15 concerning the monitoring team. And Dr. Johnston
16 made the proposal to chairwoman Allen that the
17 monitoring team be expanded and the expansion
18 would be two members selected by each member of
19 this board to be added to the monitoring team.

20 Dr. Johnston then quizzed the board as to
21 who they would like to select and eight members
22 were come up with for the addition. On Tuesday
23 evening, Dr. Johnston sent that list of
24 additional proposed members to chairwoman Allen
25 and my understanding is that no action has been

1 taken on that as of yet.

2 Chairwoman Allen indicated that any
3 additions or deletions to the team or any issues
4 relating to the monitoring team would have to be
5 voted on by the board of commissioners for Fulton
6 County and the board of commissioners were
7 meeting on last Wednesday morning at 10:00. It
8 did not -- my understanding is it did not come up
9 at that meeting or there was no action taken by
10 the board of commissioners at that meeting
11 pertaining to the monitoring team.

12 But this morning, I was alerted to a legal
13 action taken by Fulton County where a declaratory
14 judgment was asked for relating to the monitoring
15 team. I have not read that -- the legal
16 documents with that yet. I will supply it to the
17 board at my first opportunity.

18 So I don't know legally exactly what they're
19 asking for or what that means, but there was a --
20 documents apparently were filed this morning and
21 should have been stamped this morning by Fulton
22 County relating to the monitoring team. So that
23 is as much as I know.

24 If you would like to add to that,
25 Dr. Johnston.

1 **DR. JOHNSTON:** Thank you. I -- I don't know
2 any more, but I take that as a rejection of the
3 additional members that were appointed by the
4 state election board to Fulton County's own
5 monitor team with Mr. Ryan Germany.

6 Just to refresh everyone here, this monitor
7 team came about on May 7th when hearing case
8 SEB2023-025, a complaint by Mr. Rossi and Moncla.
9 The case involved four complaints.

10 The first complaint dealt with
11 double-counting of ballots and votes during the
12 recount, the final and official count of an
13 election contest.

14 The second complaint involves 17,852 missing
15 ballot images from the recount.

16 The third complaint involved possible
17 improper hiring of a Mr. Macias as a consultant
18 from the elections group.

19 And the fourth complaint involved inadequate
20 documentation of ten scanners allegedly used
21 during early voting with adequate documentation
22 of their actual use and the thousands of --
23 20,000 votes that were attributed to those
24 scanners.

25 Mr. Lindsey or a board member here made a

1 motion based on a premeeting agreement with
2 Fulton County board chair and lawyer to issue a
3 letter of reprimand and implement a monitor team
4 for the upcoming election. The monitor team
5 would be agreed upon by the state election board,
6 Secretary of State, and Fulton County and must be
7 decided by the June 9th meeting.

8 The motion was passed two to one. An
9 agreement that -- an agreement was made that was
10 not kept. At the June 9th meeting, no agreement
11 had been made for the monitor team.

12 **MR. FERVIER:** Member Johnston, it's
13 July 9th.

14 **DR. JOHNSTON:** Sorry, July 9th. The --
15 Fulton County is not in compliance with that
16 decision on -- of May 7th. The state election
17 board has not approved the Ryan Germany monitor
18 team because of a -- multiple reasons but a
19 presumed conflict of interest. Fulton County is
20 not in compliance with the Ed Lindsey motion that
21 is -- that was passed.

22 The letter of reprimand cited failure to
23 comply with recount procedures. The complaint
24 concerning early voting tabulators with missing
25 documentation was not addressed. The complaint

1 regarding double-counting of ballots and votes
2 was not addressed. Incomplete review of
3 Exhibit 11 failed to explain the 17,852 missing
4 ballot images.

5 The complaint regarding Mr. Macias who the
6 Fulton County attorney hired along with the
7 elections group to outsource the administration
8 of elections was not addressed.

9 State election board reached out to Fulton
10 County multiple times to -- attempting to
11 establish an acceptable monitor team. Fulton
12 County has failed to comply with that agreed
13 decision of May 7th. Failure to comply with this
14 state election board requirement requires further
15 investigation be considered.

16 Fulton County has additionally had a number
17 of violation -- cases of violations in the past
18 couple of years, past several elections that
19 appear to be recurrent difficulties with election
20 conduct.

21 O.C.G.A. 21-2-33.1 states that the SEB is
22 vested with the power to issue orders to proceed
23 with other proceedings and investigation.

24 I would like to make a motion to subpoena
25 from the clerk of the court additional documents.

1 I would like to subpoena consolidated return
2 sheets, opening and closing scanner tapes, daily
3 recap of advance in-person voting from polling
4 place scanners, poll pad recaps sheets,
5 electronic files, electronic files of ballot
6 images, log files and tabulation files, numbered
7 voter list, the absentee list of voters, the
8 absentee ballot envelopes, and security
9 verification forms.

10 And one final request is the chain of
11 custody forms from the poll manager and
12 technician.

13 **MS. KING:** Dr. Jan, are you open to adding
14 to your motion that we have someone from Fulton
15 County come before us at our next meeting which
16 hopefully would be before the November election
17 so they can explain to us why they repeatedly
18 ignore this request?

19 **DR. JOHNSTON:** I would be open to adding to
20 the motion a subpoena for Fulton County to appear
21 at the next meeting.

22 **MR. FERVIER:** Member Ghazal, do you have any
23 comments?

24 **MS. GHAZAL:** I would like to correct the
25 record that while these investigations may not

1 have been completed to the satisfaction of
2 Dr. Johnston, this board nonetheless voted in
3 favor of sending a letter of reprimand because
4 the majority of the board at the time determined
5 that the investigation was adequate and that the
6 responses provided by the investigators and by
7 Fulton County answered the questions to our
8 satisfaction.

9 So let's make it clear that this is a closed
10 case under the law as determined by the Attorney
11 General's Office.

12 **DR. JOHNSTON:** I would have to disagree with
13 my fellow board member that there was not a
14 motion to agree that this was a closed case.
15 There has not been a vote on the decision of
16 whether this is a closed case, and this was
17 simply a part of the investigation and a decision
18 made based on that conditional agreement to
19 proceed with the letter of reprimand and an
20 agreed-upon monitor team which is now a
21 fail-to-comply-with-agreement.

22 **MS. GHAZAL:** Much as I hate to disagree with
23 you, Dr. Johnston, it was very clear from the
24 transcript that the monitoring team was a
25 voluntary step taken by all three and that was

1 that we adjudicated the case on the basis that
2 all three parties would continue in good faith.
3 But also that was not a condition. It was a
4 "this and."

5 It's been made very clear by the Attorney
6 General's Office that they consider that the case
7 is adjudicated. We have no legal standing to
8 force this, force a monitoring team. The
9 agreement of the Secretary of State's Office to
10 the team members was also part of that
11 gentleman's agreement and that seems to have been
12 completely disregarded at this point because I
13 have heard nothing suggesting that the Secretary
14 of State's Office has agreed to your proposals as
15 well.

16 So it's only the bilateral one -- it's not
17 even bilateral. It's one way. Our insistence
18 that Fulton accept what we say, is that the only
19 thing that you are trying to have enforced?

20 **DR. JOHNSTON:** Well, it was clear when
21 Mr. Lindsey spoke at the May 7th meeting that
22 the -- the letter and the mutual required
23 agreement to be agreed upon by July 9th was part
24 and parcel of what -- what deal had been made
25 regarding the case. And they have -- they have

1 not complied with that. They have failed to
2 comply with the agreement of this particular case
3 and the investigation.

4 **MS. GHAZAL:** Working together doesn't mean
5 you have to take what I say and nothing else will
6 do. And that seems to me that's what we're
7 trying to force the county to accept, people that
8 they don't find acceptable, that frankly I don't
9 find acceptable, and the Secretary of State's
10 Office don't -- doesn't find acceptable.

11 **DR. JOHNSTON:** Well, quite frankly, the
12 state election board does not find the Ryan
13 Germany team acceptable. I am still getting
14 e-mails as of late last night opposing the Ryan
15 Germany monitor team.

16 You know, Fulton County, they can proceed on
17 with whatever monitor team they want, but make no
18 bones about it, this state election board will
19 not support that team and will -- will not
20 consider their findings valid when they present
21 them, whenever that may be.

22 **MS. GHAZAL:** You have every right to reject
23 the findings of the team, but we do not have the
24 right to force Fulton County to accept different
25 people.

1 **MS. KING:** I -- if I may.

2 **MR. FERVIER:** Member King.

3 **MS. KING:** I would like to read the
4 transcript from what exactly member Lindsey said.
5 So it says here -- this is from that meeting, the
6 May 7th meeting. What he said was: Correct.
7 Then he said: And if I may, as a part of that,
8 let the board know that should an agreement not
9 be reached as to a monitor in July, that I will
10 come back with a motion to reconsider and send it
11 to the Attorney General. So that's a little bit
12 of emphasis for all of us to reach somebody --
13 reach an agreeable monitor by July.

14 That did not happen. Therefore Fulton
15 County is out of order. So I feel like what
16 member Johnson is asking is reasonable. I mean,
17 how many times are we going to allow them to
18 circumvent the agreement in order to get what
19 they want when they are the ones who put
20 themselves in this position? And that trans --
21 that -- that was the transcript.

22 **MR. FERVIER:** Do you have a comment about
23 the transcript itself? Okay. This is a ground
24 that's been plowed many times already.

25 In late June, early July -- I don't remember

1 the exact dates -- Fulton County was presented
2 with two different proposals for monitoring
3 teams. One presented by the Ryan Germany team,
4 one presented by Dr. Johnston and -- I'm sorry --
5 Erik Christensen was the lead on that team, I
6 guess.

7 This board had both those proposals. Fulton
8 County had both those proposal. The Secretary of
9 State had both those proposals. Fulton County on
10 a vote on July 11th voted to accept the Ryan
11 Germany team. The Secretary of State voted to
12 accept the Ryan Germany team. This board had a
13 meeting on July 9th and took no action. This
14 board tried to meet on July 10th but was unable
15 to meet. This board attempted to meet on
16 July 12th and took no action. This board met on
17 July 30th and took no action. This Board met on
18 August 9th and took no action. August 6th and
19 August 7th, I'm sorry, not August 9th. This
20 board met again on August 19th, I believe, and
21 took no action. This board met again on
22 September 20th and took no action.
23 September 23rd and took no action. So my
24 question is who has failed to respond here?

25 Fulton County has voted. The Secretary of

1 State has voted. This board has not had an
2 up-or-down vote yet on which team. And the
3 alternative team has been -- the members have
4 changed a couple of times. So you say Fulton
5 County hasn't acted. Fulton County -- now, I'm
6 not supporting Fulton County's point, I'm just
7 saying that they voted on a team. The Secretary
8 of State voted on a team. This board has not
9 voted, has yet to vote on a team.

10 **MS. KING:** Well, first of all, the agreement
11 said that it need -- that there had to be an
12 agreement by July. Telling me that they met in
13 July and made their own agreement does not
14 support these actions. That's not what was --
15 what they were supposed to do. That's number
16 one.

17 Number two, in all of those meetings, you,
18 Mr. Chairman, you could've brought it to the
19 board as well. You could've made it a subject as
20 well. July 9th was my first meeting. So clearly
21 I wasn't going to bring it to the table. That
22 being said, what exactly were we supposed to do
23 other than what we've been doing?

24 Now, at this point, we're now at the point
25 where we have to subpoena and possibly take

1 additional actions, but an attempt to try to work
2 with a county who refuses to work with us, we
3 were giving them ample opportunity to correct
4 their mistake -- mistake and they refuse to do
5 it.

6 Here we are again, asking them for a
7 response from the list that we provided them and
8 instead they're filing some weird lawsuit that
9 they feel is necessary to avoid us. Once again
10 they refuse to respond to us. I don't even get
11 an explanation as to why they have an issue with
12 the list that we provided them.

13 So at some point, as I stated before, we
14 have to stop allowing them to find workarounds on
15 the agreement that was put in place because of
16 issues and errors that they made.

17 **MR. FERVIER:** Are there any other comments?

18 **DR. JOHNSTON:** Yes, a comment. In
19 communication with Mr. Germany, within the week,
20 I asked Mr. Germany if indeed his team was on
21 site and he replied in the affirmative. And I
22 said, Well, I hope you're keeping track of the
23 test ballots and how many are being produced and
24 how many are being secured and accounted for.
25 And he said, Oh, I am not going to do that. And

1 I said, Well, Mr. Germany you really need to
2 because test ballots were found in the official
3 recount of the 2020 election ballots.

4 So I already find a problematic response
5 from Mr. Germany. Additionally, I asked, are you
6 monitoring absentee ballot applications? And
7 is -- will there be an application confirmed for
8 every absentee ballot that is sent or received?
9 and requested a report. No report has been
10 provided since Mr. Germany has been on -- on the
11 job.

12 **MR. FERVIER:** Member Ghazal.

13 **MS. GHAZAL:** Well, since we just stated that
14 we would reject any reports that they provide,
15 I'm not quite sure what the use of that would be.
16 But I just want to also point out that the
17 documents that you are suggesting that we
18 subpoena are two years out of their retention
19 period. The statutory retention period for any
20 election document is two years after -- is 24
21 months.

22 There may be litigation that I am not -- I
23 have not seen all of the -- all of that, but we
24 are not bound by that litigation. We are not a
25 party to that litigation and it's -- I don't see

1 where we have standing to request documents that
2 are literally two years out of their retention
3 period.

4 **DR. JOHNSTON:** I've been assured that the
5 documents are there. I -- because of past and
6 maybe pending litigation. And if Fulton County
7 cannot or does not have the documents, then the
8 place to go is to the clerk of the court where
9 they should -- should be retained and be secure
10 and available for completion of investigation of
11 this Mr. Rossi and Mr. Moncla complaint.

12 **MS. GHAZAL:** Has there been any action on
13 our part to require them to retain any of these
14 documents?

15 **DR. JOHNSTON:** My understanding is a
16 reassurance by Fulton County that they -- or by
17 Ms. McGowan that she -- they have the ballots.
18 I'm not sure about the other documents.

19 **MS. GHAZAL:** So they're not -- just to be
20 clear, they are not under a legal obligation from
21 this board to retain those documents.

22 **MS. KING:** We can put them under it.

23 **MS. GHAZAL:** It's --

24 **MS. KING:** I mean, we can --

25 **MS. GHAZAL:** -- two years after the

1 retention period is over. That's my question.
2 Do they still have them or not?

3 **MS. KING:** She just stated that they have
4 them because they're in litigation. So the
5 documents are there. So why not pass a
6 resolution asking them to preserve those
7 documents so that we can see them? I mean, at
8 your suggestion.

9 **MS. GHAZAL:** That was not my question.

10 **MS. KING:** Well, I mean, it was a great
11 suggestion though. It was a great idea. I
12 support it. Why not? That way we can see them.

13 I mean, because from my understanding,
14 Dr. Jan, this is not the first time you've
15 requested these documents; correct?

16 **DR. JOHNSTON:** This is the first time from
17 the clerk of court.

18 **MS. KING:** From the clerk of the court, but
19 it's not the first time you requested it from the
20 Secretary of State's Office.

21 **DR. JOHNSTON:** I requested -- I requested
22 many documents for the investigation of this case
23 that I assume went to Fulton County, but I'm -- I
24 am not clear if any of the documents were
25 requested from the clerk of the court.

1 **MS. KING:** I mean, so based on member
2 Ghazal's perspective, I agree. I do think that
3 we should pass some type of resolution or
4 something that would cause these documents to be
5 preserved while they are in litigation so that --
6 and not just preserve but present it to this
7 board for the third time.

8 I think it's -- at this point the fact that
9 we have to go through this route shows the
10 problem at hand, the difficulty it is to see what
11 should be readily accessible to the public. This
12 makes no sense to me. So should we -- do we have
13 to pass a resolution to preserve these documents
14 or should we proceed with the motion on the table
15 to have been subpoenaed?

16 **MS. GHAZAL:** A resolution has no binding
17 legal effect.

18 **MS. KING:** Okay. Well, then how about we
19 just move with the motion that's on the table?
20 If they have the documents, then they need to
21 present the documents, finally.

22 **MR. FERVIER:** I do want to remind the board
23 that the Attorney General has given guidance on
24 this case, that the -- and we've all received the
25 guidance of the Attorney General on this case and

1 whether this case should be closed or not.

2 **MS. KING:** This is in reference to them not
3 fulfilling their end of the bargain. We gave
4 them ample opportunities to work with us and
5 we've given them -- we've provided them with an
6 additional list and they refuse to do it. They
7 put themselves in this position. They need to
8 produce the documents.

9 **MR. FERVIER:** Well, Dr. Johnston's motion is
10 requesting documents related to the 2020 election
11 and the 025 case. It has nothing to do with the
12 monitoring necessarily. It's requesting
13 documents from back then which has nothing to do
14 with the fulfillment of the monitoring. So ...

15 **MS. KING:** Well, it has to do with the same
16 case. This is all the same.

17 **MR. FERVIER:** Right.

18 **MS. KING:** Okay.

19 **MR. FERVIER:** And we've been advised by the
20 Attorney General on -- on this case.

21 **MS. KING:** And we -- I take his
22 advisement -- I take his advisement and I respect
23 it. However, I -- I think we should proceed with
24 the motion on the table.

25 **MR. FERVIER:** Any further discussion?

1 Member Johnston, would you restate your --
2 your motion?

3 **DR. JOHNSTON:** Mr. Chair, I move that we
4 subpoena the clerk of the court for multiple
5 documents from the November 2020 election,
6 including consolidated return sheets, opening and
7 closing scanner tapes, daily recap of advance
8 in-person polling place scanners, poll pad recap
9 sheets, absentee ballot recap sheets, electronic
10 files including ballot images, log files,
11 tabulation files, a numbered voters list,
12 absentee numbered list of voters, absentee ballot
13 oath envelopes, security verification forms, and
14 chain of custody forms of the poll manager and
15 technician. In addition I request that we
16 subpoena Fulton County to appear at the next
17 meeting.

18 **MR. FERVIER:** We have a motion on the table.
19 Is there a second?

20 **MS. KING:** Second.

21 **MR. FERVIER:** Any discussion? Hearing no
22 discussion, we'll vote via a voice vote in order
23 of seniority.

24 Member Ghazal, how do you vote?

25 **MS. GHAZAL:** Nay.

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

3 **DR. JOHNSTON:** Aye.

4 **MR. FERVIER:** Member Jeffares, how do you
5 vote?

6 **MR. JEFFARES:** Aye.

7 **MR. FERVIER:** Was that an aye?

8 **MR. COAN:** That was an aye.

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

10 **MS. KING:** Aye.

11 **MR. FERVIER:** The chairman reserves his
12 right to vote and votes nay. Motion carries
13 three to two.

14 Next item on the agenda is discussion of a
15 vice chair.

16 **DISCUSSION OF SEB VICE CHAIR**

17 **MS. KING:** So, Mr. Chairman, it was brought
18 to my attention that in the past we've had a vice
19 chair. And what better day to do it considering
20 you also have to leave this meeting today.

21 I think we should move forward with electing
22 a vice chair. And as result, I nominate Dr. Jan
23 Johnston.

24 **MR. FERVIER:** Comments, member Ghazal? I --
25 I -- as chairman I have -- meaning no disrespect

1 to Dr. Johnston and member Ghazal, in my view
2 they're political appointees by political
3 parties: the Democratic Party and the Republican
4 Party. In my view the leadership of this
5 committee should be an elected member by the --
6 by the General Assembly which there are three
7 elected members. And I would suggest that either
8 member King or member Jeffares be the vice chair.

9 I understand that there are some members
10 that have a lot more experience, but I also view
11 as being, like I said, member Ghazal, member
12 Johnston as being political appointees.

13 And I think that, you know, as -- position
14 as chairman, it's a nonpartisan position. Even
15 though I was elected by -- or named by a
16 Republican governor, I am not a member of either
17 the Republican Party or the Democratic Party. I
18 do not support any campaigns and have not been a
19 member of the Republican party for probably 20
20 years or more.

21 And my position is strictly nonpartisan and
22 I would hope that any person that acts as vice
23 chair would be able to be also nonpartisan with
24 sitting in there. And electing a partisan member
25 doesn't seem right to me. So ...

1 **MS. KING:** Well, not -- you're now alluding
2 to the fact that Dr. Jan is operating in a
3 partisanship on the board. The board itself is a
4 nonpartisan board. We are elected by individuals
5 who are a part of a particular party, just like
6 how the governor is currently a Republican. I am
7 a Republican, but there's this -- I don't know.
8 I feel like you're making this assumption that
9 you cannot -- Dr. Jan somehow is not -- cannot be
10 fair as the vice chair.

11 I think today proves my point. As much as I
12 absolutely think that member Jeffares could do
13 this job, he is presently not here physically
14 because of the distance and the travel and the
15 traffic and all that stuff. Member Johnston is
16 closer to the metro area, so the possibility of
17 her being here in person is more likely.

18 Next to that, member Johnston has the
19 longest -- the most experience on this board
20 outside of member Ghazal. So I -- I think that
21 does matter. And again she would only be
22 operating should you not be present. And I would
23 hope that you would be present at more than not
24 present.

25 So that being said, I don't -- while I

1 respect your -- your position, I don't think it
2 carries as much weight as I think it should in
3 order to change my -- my decision.

4 **MR. FERVIER:** Any other comments, member
5 Ghazal?

6 **MS. GHAZAL:** I think the fact that the
7 person with second seniority was -- is being
8 nominated as opposed to the one as most
9 highlights the partisanship in that choice. I
10 would not be willing to take the gavel because I
11 think the perception of the public and the faith
12 that the public puts in us is important.

13 **MS. KING:** So the reason why I suggested
14 member Johnston is because in the past you have
15 voted pretty much exactly with our current chair
16 and I think it is okay to have a little bit of
17 balance on the board. I think that's what makes
18 it fair.

19 **MS. GHAZAL:** I would -- I would be much more
20 comfortable with either yourself or member
21 Jeffares. And I believe that I speak for a large
22 portion of the public in that.

23 **MS. KING:** Actually, maybe we should ask
24 member Jeffares if he's will -- would he be
25 willing to do it?

1 **MR. JEFFARES:** (indiscernible) comment on
2 that.

3 **MS. KING:** Would you like to --

4 **MR. JEFFARES:** No, I'm -- I'm good. I'm
5 listening.

6 **MS. KING:** I'm pretty sure -- and I would
7 not feel comfortable accepting that role
8 considering how long I've been on the board. I
9 would like to get more experience on the board.
10 So my decision still stands that I would like to
11 nominate member Johnston.

12 **MR. JEFFARES:** I second.

13 **MR. COAN:** Say that one more time.

14 **MR. JEFFARES:** I second.

15 **MR. FERVIER:** We have a motion and a second
16 to nominate Dr. Johnston as the vice chair. Any
17 further discussion? All those in favor signify
18 by saying aye.

19 **THE BOARD MEMBERS:** Aye.

20 **MR. FERVIER:** Any opposition?

21 **MS. GHAZAL:** Nay.

22 **MR. FERVIER:** The vote carries two to one.
23 The chair will not vote on that issue. I've made
24 my wishes known.

25 **MR. COAN:** Are you ready to go?

1 **MR. FERVIER:** Yeah. Is there any other
2 business that needs to come before the board
3 before the chair exits?

4 The chair will entertain a motion to
5 recessed for lunch.

6 **DR. JOHNSTON:** So moved.

7 **MR. FERVIER:** We have a motion to recess for
8 lunch. Is there a second?

9 **MS. KING:** Second.

10 **MR. JEFFARES:** Second.

11 **MR. FERVIER:** Second. All those in favor
12 signify by saying aye.

13 **THE BOARD MEMBERS:** Aye.

14 **MR. FERVIER:** So moved. We'll recess for
15 lunch until 1:15. 1:15.

16 (Recess)

17 **DR. JOHNSTON:** We'll call the meeting to
18 order for the afternoon. So the state election
19 board would like to amend the agenda and -- and
20 hear the report from executive director Coan on
21 voter challenges.

22 **REPORT ON VOTER CHALLENGE COMPLAINTS**

23 **MR. COAN:** Good afternoon. Welcome back,
24 everybody. Hope everybody got something to eat
25 and are feeling a little better about the day.

1 My name is Mike Coan. I'm executive director
2 here at the state election board. Most of y'all
3 know who I am because you've been here every day
4 for the last several months, at all our meetings.
5 So appreciate you guys' participation and being a
6 part of the process.

7 At the September 23rd board meeting, there
8 was a motion made by member Johnston to appoint
9 me to investigate several counties. Those were
10 Gwinnett, Cobb, DeKalb, Fulton, Jackson, Forsyth,
11 Athens-Clarke, and Chatham counties for the
12 purpose of gaining insight into the voter
13 challenges that have been made in those counties
14 and the reasoning behind the dismissals of such
15 cases that have happened there.

16 I was unable to get the opportunity to talk
17 with Fulton, Athens-Clarke, and Chatham. Which
18 turns out Athens-Clarke didn't have any, so it
19 wouldn't have mattered anyway. But that's okay.

20 The investigation we started kind of hit the
21 ground running because we only had ten business
22 days to try to get this together which is quite
23 an accomplishment to try to do. But we put our
24 heads down and started plowing away.

25 I met with Democrats, Republicans,

1 challengers, board members, board
2 superintendents. I tried to go across the
3 spectrum because I, quite frankly, wanted to come
4 here today and give you an honest report of what
5 I found. And I don't think you can get an honest
6 report if you're not talking to everybody, right?
7 So that's what we did. And we made it very clear
8 that was our goal.

9 Matter of fact, I was asked by Democrats,
10 said: Why are you interviewing us by ourselves?
11 I said: Because I want to hear your perspective.
12 It matters.

13 So that's the way I went about it. It's the
14 only way I knew to go about it. So ... I'm not
15 an investigator. We've got two sitting behind
16 me. So long story short, I'll get right to it.

17 It appears that there's a systematic denial
18 of voter challenges, especially when there's a
19 large batch of challenges. Evidence shows that
20 local boards are bringing forth what, in my
21 opinion, are artificial rules likely above what
22 the state and federal laws deem proper for the
23 making of challenge -- challenges to voters'
24 registrations is near possible to be heard.

25 21-2-230(a) states that any elector of the

1 county registrations or municipality may
2 challenge the right of any other elector in the
3 county or municipality whose name appears on the
4 list of electors to vote in an election.

5 It also provides a list of appropriate
6 challenge criteria. 21-2-230(b) states that upon
7 filing of such challenge, the board of registrars
8 shall immediately consider such challenge and
9 determine whether probable cause exists to
10 sustain such a challenge.

11 21-2-230(b), emphasis added, the only
12 exception to the general rule that the board of
13 registrars would immediately consider challenges
14 is found in 21-2-230(b)(1) which states any
15 challenge of an elector within 45 days of a
16 primary, run-off primary, election, or run-off
17 election shall be postponed until the
18 certification of such primary, election, or
19 runoff is completed.

20 The challengers by and large -- and I want
21 to say this. If you guys were here for Dan
22 Gasaway's talk up here, I say as an act of God
23 for me because, quite frankly, it changed the
24 tenor of the way I was going to get up here.
25 After hearing what he said, it galvanized me to

1 say: This is important, guys, and if you don't
2 think it is, you need to go get your head
3 examined. It's crazy that -- that what we just
4 heard -- I'm still shaking my head over that.
5 And if I seem outraged, it's not faux. It's
6 real.

7 So anyway, let me get back on point. The
8 challengers by and large -- I want to tell you
9 this. This is what I found -- have way more
10 sophisticated technology than our election
11 departments have, Secretary of State, or anybody
12 else. I'm telling you it's far head and
13 shoulders above it. That's where the problem is.
14 Because you know what? Our elections guys are
15 saying: No, we're not going to honor that. It
16 doesn't fit our little box. Well, guess what?
17 We need to start thinking outside the box because
18 when you've got people out there who have
19 technology that's far superior, you should be
20 listening, not turning your head the other way.
21 And that -- I mean, that's -- just getting to the
22 crux of it, that's what I found.

23 And, now, one of the problems you face is
24 you've got large batches coming in. And I'm
25 going to be honest with you. I'm sympathetic to

1 that because if I'm election guys and there's a
2 thousand cases sitting there, you know, what do
3 you do?

4 But, you know, the code section says,
5 21-2-229 and 230, same language: There shall not
6 be a limit on the number of persons whose
7 qualifications such an elector may challenge. It
8 doesn't -- there's no "may" there. It's "shall."
9 Shall not be a limit. So I want to make that
10 point there.

11 So as much as I'm sympathetic, you've still
12 got to deal with them somehow. I mean maybe
13 that's going to take some legislative help, but
14 we've got to come to that conclusion. But how do
15 we get to this point? Because you saw in the
16 testimonies of Mr. Gasaway how important it is.
17 You could change elections this way and it's not
18 good. It's not good.

19 And I will tell you this. The evidence in
20 my -- in my findings reveals that the challengers
21 are not targeting voters based on any
22 demographic, race, party, ethnicity. Anybody
23 says that, you're out to lunch. It's not true.
24 I saw the systems. I saw what they look like. I
25 see what they do. It has nothing to do with

1 that.

2 They're looking at where somebody lives. If
3 it's not right, they're challenging it. I don't
4 have a problem with that and you shouldn't
5 either, quite frankly. But they're -- they are,
6 they're challenging nonresidential addresses
7 issues and voters who moved within the state or
8 who are registered and oftentimes voting in
9 another state.

10 We've got to do something about these
11 things. Some of the local boards, along with
12 their attorneys, have fostered a hostile
13 intimidating environment for the challengers.
14 That's unjust. We've always got to remember who
15 we serve. I sit up here and listen to a lot of
16 comments I might not like.

17 But you know what? I listen. And I'm kind
18 because that's what we are, we're public
19 servants. We should always be that way. And
20 when we're not, you better check the mirror if
21 you're in a position of authority.

22 Interviews with boards brought forth a
23 common fear of lawsuits from outside groups with
24 an agenda of keeping the challenged voters on
25 rolls. The NVRA and the skewed legal

1 interpretations of such were the common reason
2 that counties were trying to steer clear of
3 ruling in favor of challengers, the challenges.

4 United States Supreme Court has ruled that a
5 voter cannot be removed from the rolls based
6 solely on not voting. The county board of
7 registration is empowered by the Supreme Court
8 ruling to reach out to the voter to verify their
9 standing. If the voter does not respond, the
10 lack of response triggers the respective board of
11 elections and/or the secretary of state to begin
12 the process of removal.

13 If the voter does not vote in two federal
14 elections, after no response or voting by the
15 elector removal of such voter should take place.
16 It should. This process follows the NVRA
17 guidelines and the guidelines of the U.S. Supreme
18 Court.

19 Evidence through interviews and county
20 adopted rules indicated a need for guidance on
21 the 229s and 230s. Nearly every board that was
22 interviewed expressed a plea for the Georgia
23 State Election Board to promulgate rules and
24 bring some rules and some guidelines for the 229
25 and 230 challenges by which they can operate

1 under.

2 This undertaking was initiated previously by
3 former chairman of the Georgia Election Board,
4 The Honorable William Duffey but was abruptly
5 halted upon his resignation. No further work was
6 done -- excuse me, was done on this subject
7 matter.

8 And there were some statements that we
9 didn't have any jurisdiction over a lot of these
10 challenges. This is in 229 and 230, section (f):
11 Failure to comply with the provisions of this
12 code section by the board of registrars shall
13 subject such board to sanctions by the state
14 elections board. It's pretty clear. I just want
15 to make that point so everybody understands we do
16 have jurisdiction. I say "we," this board.

17 So -- but I will tell you that -- and
18 I've -- again I -- I learned -- I -- I want to
19 thank the people that met with me on all sides
20 because I went from a guy that didn't know a
21 whole lot about it, I knew a little bit, by the
22 time I got through this ten days of intense
23 training, I know a lot more now than I did then,
24 and I appreciate everybody.

25 And I'll tell you, if you ask the board

1 members I met with, it wasn't hostile. I mean, I
2 went in there and said, Look, I want to talk to
3 you. I want to share. I want to learn. I want
4 you to tell me what you guys do so I can
5 understand it better.

6 And that's why I'm trying today be very
7 fair. There's thousands and thousands of other
8 challenges that have been dismissed arbitrarily
9 that are sitting out there that could be the
10 Gasaway case tomorrow. And we need to address
11 these things.

12 And so -- you know, I don't know how more
13 emphatic I can be about it, but -- so another
14 issue that needs to be addressed is the 230
15 challenges, how it's handled once it's accepted.
16 You know, there appears to be no uniformity with
17 regards to how a voter is handled when they show
18 up to vote, more specifically when they can't
19 prove the address on file with the county is
20 still where they reside.

21 One county was found to be following Georgia
22 code section 21-2-230(i) to the letter. Give the
23 voter a provisional ballot, then between election
24 night and certification, their hearing will be
25 held so they can come forward and present their

1 case that they still live where they live. I
2 thought that's -- found the code after I had this
3 meeting. I said, Well, that's a great idea.
4 That's perfect. Then I realized it was in the
5 code. So you live and learn.

6 So anyway, so this may be a rule that the
7 state election board can -- may want to act on to
8 provide a reminder to those following -- not
9 following 21-2-230(i).

10 The systematic denial of batches of 229 and
11 230 challenges goes against the very spirit of
12 the letter of the law in 22[sic]-2-229(a) and
13 21-2-230(a). There shall not be a limit on the
14 number of persons whose qualifications such
15 elector may challenge. A thorough review of new
16 county rules must be done to ensure that voter
17 challengers are not being disenfranchised or
18 discriminated against while trying to free -- to
19 do a free public service for our state.

20 Lastly, I would like to remind those who
21 question the state election board's jurisdiction,
22 I've already quoted that to you. And that really
23 finishes my report.

24 But, again, the big thing is is there a
25 problem? Yeah, there's a problem. But the

1 question is -- you know, it's going to take some
2 people getting together to solve it because
3 there's these challenges hanging out there,
4 they're -- the law says you've got to handle
5 them, but when they're -- I admit with the large
6 volumes, how do you?

7 So, again, that's going to have to be
8 something to be addressed. And I'm not a -- I
9 don't know that answer to that question, but I
10 will certainly sit down with anybody to try to
11 solve it.

12 But I appreciate you indulging me today,
13 and, again, appreciate your participation in this
14 and all.

15 **DR. JOHNSTON:** Thank you, Mr. Coan.

16 Are there any questions?

17 **MS. GHAZAL:** I have a question as soon as
18 you get ...

19 **MR. COAN:** Okay. Do you want me to go back
20 there?

21 **MS. GHAZAL:** No.

22 **MR. COAN:** Okay. Okay.

23 **MS. GHAZAL:** (off microphone, inaudible) --
24 just as guidance that I shared with the board
25 back in September with regard to its

1 interpretation and application of the NVRA.

2 **MR. COAN:** I -- I'm -- in this I did not. I
3 did not. I remember looking at it briefly back
4 when you did send it out. I did look at it.

5 **MS. GHAZAL:** Because the DOJ makes it very
6 clear that they consider any third-party
7 challenges as also -- as list maintenance
8 activities. There are -- there are ways of
9 removing voters that don't implicate NVRA
10 necessarily, but all of these large challenges
11 are considered part -- they're considered list
12 maintenance, and therefore they have to
13 require -- have to follow the requirements which
14 include uniformity and nondiscriminatory. They
15 have to be uniform and nondiscriminatory. They
16 must respect the 90-day quiet period even though
17 there's a 45-day quiet period in state law. If
18 these are based on -- on a database, they -- they
19 have to -- to meet these requirements. And any
20 voter who is being challenged on the basis of
21 their address that they have changed
22 jurisdictions, if we don't have a copy of their
23 signature on a form saying that they are -- that
24 they have moved, they cannot be removed without
25 going through the process that's delineated

1 within the NVRA of putting voters on -- in
2 inactive status and remaining in inactive status
3 for two -- for two federal election cycles.

4 So how many of the mass rejections were
5 based on adherence to the NVRA?

6 **MR. COAN:** It seemed to me what I saw was
7 most of them. And again going back to your
8 point, the addresses -- most of these people had
9 moved out of state. A lot of them are that way.

10 Now, I will tell you I went to Gwinnett --
11 just not to call anybody out, but I went to
12 Gwinnett and I saw the way it's supposed to work.
13 They looked at each one on an individual basis.
14 There was about 50 of them. They looked at
15 these.

16 A lot of them were the same address where
17 somebody was supposed to be living there. And I
18 actually went by these places and looked. It was
19 an old hotel not too far from where I live. It
20 had been raised five years ago. And, of course,
21 there's always this argument about somebody in a
22 tent or sleeping bag, and so I thought, well,
23 I'll go out there at night. I went out with a
24 flashlight, walked around the property which was
25 probably dangerous but nevertheless we did it,

1 and -- just so I could confirm what I suspicioned
2 and they ruled properly. They dismissed all
3 the -- they accepted all those challenges on
4 those people.

5 And I -- what I saw there was a good process
6 that day. And I acknowledged that when I met
7 with them and said that was what I hoped I'd see
8 and I did. But, you know, as far as the
9 technical aspects of NVRA, you know, the one --
10 he coughed. One of the issues, I guess -- and
11 this is just me from where I sit, I'm not a
12 lawyer, but I think you could get any of the last
13 five Justice Departments to rule five different
14 ways on what we're talking about here.

15 So I'm a little somewhat jaded to see when I
16 have a Justice Department weighing in on
17 elections and such. So I -- and that's just
18 being honest with you.

19 **MS. GHAZAL:** Well, I -- the DOJ just filed
20 suit against the state of Alabama for conducting
21 a list maintenance activity 87 days before the
22 election. So they are watching and they are
23 making sure that states and jurisdictions are
24 adhering to these requirements.

25 I'm also -- want to make sure that the

1 proper inquiry is being -- that challengers are
2 looking at this. The basis of a challenge is to
3 demonstrate that a person is no longer eligible,
4 which means they have to prove that they're not
5 in the jurisdiction anymore. So while it may be
6 that a person has moved from their current
7 address within the county, that does not mean
8 that they are eligible to be purged.

9 So you can prove that somebody's no longer
10 in a hotel, for instance --

11 **MR. COAN:** That's correct.

12 **MS. GHAZAL:** -- because -- because it
13 doesn't exist anymore. But people who register
14 in a hotel are necessarily going to be people who
15 have very insecure housing. To purge them, you
16 would have to prove that they're actually -- that
17 they are no longer present in the county. Just
18 because they have moved from a location does not
19 mean that they have left the county. And, in
20 fact, people who are housing unstable like that
21 are far more likely to remain within the county
22 but bouncing from hotel to hotel --

23 **MR. COAN:** So if a --

24 **MS. GHAZAL:** -- because it's insecure.

25 **MR. COAN:** If a 230 challenge is presented

1 on these people that you're describing, they're
2 going to have the opportunity to come in and
3 prove they are where they are.

4 **MS. GHAZAL:** But the burden is on the
5 challenger to prove that it's more likely than
6 not that they are not eligible to vote. So
7 its -- like I can't show up with a list and say,
8 trust me, these people don't live here anymore.
9 I have to have evidence. Any challenger has to
10 have evidence that the board will weigh.

11 **MR. COAN:** Yeah, and that's true. And the
12 people that I saw brought pictures. They, again,
13 showed the property. It was a hotel. It's gone.
14 It's been gone for five years. And so I went out
15 there with my flashlight and looked around to see
16 if there's anybody sleeping in these sleeping
17 bags out there and -- several times, and nobody's
18 there.

19 **MS. GHAZAL:** So you've proved that they
20 don't live at that address, but did they have any
21 evidence that these people left the jurisdiction?

22 **MR. COAN:** So my question though --

23 **MS. KING:** You have to have a house. You've
24 got to have a house.

25 **MR. COAN:** Yeah.

1 **MS. KING:** Like, you've got to -- you've got
2 to have an address where you sleep every night.
3 So this -- this concept that they could be, you
4 know, living somewhere else, they could be living
5 with this person, what -- what -- the address
6 that you register with, your supposed to be
7 living at. I mean --

8 **MR. COAN:** The other --

9 **MS. GHAZAL:** The standard written into the
10 law is that you have to prove that they're no
11 longer eligible to vote. That is -- that is --
12 the standard for a -- a challenge is they are --
13 they are not eligible. In order to not be
14 eligible to vote, you're no longer present in the
15 jurisdiction, you've committed a felony, or
16 you're dead.

17 **MR. COAN:** And the other one, Sara, was the
18 fact that it was a business address. It was a
19 UPS store. It was -- I mean, there's nobody
20 living in their box. It's a little box there --

21 **MS. GHAZAL:** And that is -- that is, under
22 Georgia statute, a valid -- a valid basis.

23 **MR. COAN:** That's -- and they did the right
24 thing. And so I -- I didn't have any problem
25 with that. I thought it was really well-run and

1 well done. And I had to admit I was impressed.
2 But again is it perfect? No. But I just -- I
3 have a lot of concern about when you have --
4 you've got evidence that -- it may be a large
5 batch but you've got a large batch of people who
6 are voting in Florida and you've got proof
7 they're voting in Florida, but you can't remove
8 them from the rolls here. That's nuts to me.

9 **MS. GHAZAL:** Well, and Florida is one of
10 those jurisdictions that doesn't share the
11 registration cards.

12 **MR. COAN:** Can we work on that?

13 **MS. GHAZAL:** So we don't have -- so we
14 don't have -- well, I hope so. I hope so.

15 **MR. COAN:** Let's work on that.

16 **MS. GHAZAL:** But there -- it -- and
17 unfortunately they withdrew from ERIC and ERIC
18 is -- is the method for identifying and
19 requesting those -- those signature cards.

20 **MR. COAN:** So how does the Secretary of
21 State do that? I mean, I'm sure you know this.
22 How do -- how do they handle those type of
23 situations?

24 **MS. GHAZAL:** Well, in their -- they have
25 executed bilateral agreements with a number of

1 count -- of states that are no longer members
2 with ERIC. And some of them release the cards
3 and some do not. Florida does not. So there are
4 more people who remain in inactive status because
5 they've moved to Florida because we cannot under
6 federal law remove them from the voter rolls.

7 **MR. COAN:** Okay. All right. I appreciate
8 it.

9 **DR. JOHNSTON:** Question?

10 **MS. KING:** Of your findings, of the counties
11 that you went to, on average -- or I guess from a
12 percentage base, how many of the challenges that
13 were presented was accepted versus rejected?

14 **MR. COAN:** Some counties were -- to be fair
15 about it, they were more aggressive than others
16 trying to -- to purge those folks that need to
17 go. They are not legal voters anymore. Then you
18 had the large batches where it didn't -- from
19 what I saw, there was not really any inquiry into
20 it. It was just, you know, this large batch,
21 it's gone. And those were -- there's thousands
22 of those cases in our metro counties.

23 **MS. KING:** Which is rejected --

24 **MR. COAN:** Rejected --

25 **MS. KING:** -- because there's too many

1 people?

2 **MR. COAN:** Too many people.

3 **MS. GHAZAL:** Have any of them been appealed
4 to superior court which is -- which is the proper
5 venue for determining -- for objecting to the
6 determination?

7 **MR. COAN:** Yeah, and that's a fair question.
8 You know, the problem I have with this -- and
9 again this is just me as a layperson, the problem
10 I have with this is as a person sitting where I
11 have been in my life -- I've been the poorest of
12 the poor -- you disenfranchise those people out
13 here that truly in their hearts are trying to do
14 the right things and saying, Well, you know what?
15 You've got a thousand batch challenge here, I
16 think you should take all thousand of those to
17 the court. What's that going to cost that
18 person? Anybody want to guess? I want to tell
19 you something. It's going to be very expensive.
20 Probably nobody in this room, there's just a few
21 maybe that might be able to afford it. I know I
22 couldn't.

23 So my question is why are we doing this?
24 And I -- I mean, I don't know who I need to talk
25 to but I'll talk to anybody because I -- I mean,

1 I feel passionate about this, that we should be
2 doing the right thing. And it's about election
3 integrity again, guys. It is.

4 This -- I told this Gasaway fella that was
5 in here earlier, I said, Man, you galvanized me,
6 hearing what you -- because it's true. It's
7 true. He speaking from the heart because I know
8 it with what he's telling me. He knows. He's
9 been there. It's -- it's personal.

10 And you know what? I will tell you this.
11 These guys that are doing this, it's not
12 personal. It's personal to their community.
13 They're trying to clean up the community, get the
14 voters off the rolls that need to go so there is
15 no funny business that he experienced. Y'all
16 heard it. I just -- I mean, I feel strongly
17 about this.

18 This opened my eyes. Let me just say that,
19 too, for the record. It opened my eyes because I
20 was -- I was like the old Bible hymn, was blind
21 but now I see. And that's the truth.

22 So, you know -- but I'll answer any
23 questions you may have. I'm not -- like I say, I
24 don't claim to be an expert, but I do have common
25 sense and that's what I'll use every time.

1 **DR. JOHNSTON:** Well, thank you very much. I
2 think we would like to hear from Representative
3 Draper.

4 **MR. COAN:** Do I get to ask her questions?
5 I'm kidding. I'm just playing.

6 **MS. DRAPER:** Good afternoon, everyone. My
7 name is Saira Draper. I'm an elections attorney
8 and the representative for House District 90 in
9 Atlanta. And I'm a Georgia voter who is,
10 frankly, embarrassed about what I'm hearing right
11 now because not only is the nation watching us,
12 the world is watching us, and we are amplifying
13 lies and misunderstandings, fundamental
14 misunderstandings, of how election law works.

15 And I am just flabbergasted by the
16 presentation that was just shared. As someone
17 who has spent a lot of time understanding the
18 voter challenge statutes, not just in law but the
19 practical realities of them and how that
20 intersects with our obligations to comply with
21 federal law. Let me just say it's complicated.
22 It is complicated. I have had to talk to a lot
23 of attorneys, a lot of practitioners, a lot of
24 election administrators to actually understand
25 what is right.

1 And what we're doing is we're balancing two
2 very important things. We're balancing the
3 accuracy of our rolls and the right of people to
4 vote. People who have registered to vote, who
5 are eligible to vote, and if we put too much
6 emphasis over here we run the risk of taking
7 people off the rolls who should be on the rolls,
8 right? So we have to meet that balance.

9 And what I -- excuse me, it's my turn now.
10 Thank you.

11 And what I'm hearing is a lot of emphasis on
12 having the rolls be a certain way and what if we
13 disenfranchise challengers who have had every
14 opportunity to bring hundreds of thousands of
15 voter challenges here in Georgia but not one word
16 about the possibility of disenfranchising a
17 Georgia voter.

18 So I just want us to keep that in context
19 when we listen to this. Executive director Coan,
20 I heard you say you are not an investigator, you
21 are not an attorney, and I didn't know a whole
22 lot about this.

23 **MR. COAN:** I might say that with pride.

24 **MS. DRAPER:** Okay. But -- why are we
25 clapping about ignorance?

1 **MR. COAN:** (indiscernible) --

2 **MS. DRAPER:** Why are we clapping about
3 ignorance?

4 **MR. COAN:** Depends on what lens you're
5 looking from. It's a pretty basic
6 (indiscernible).

7 **MS. DRAPER:** I heard you say those three
8 things and that you are coming to some very
9 strong conclusions about the law and how this
10 should be done. And I would just ask for a
11 little bit of humility when drawing these
12 conclusions because you yourself say that you are
13 not an expert in these things and you didn't know
14 much about it.

15 And, you know, from what I understand, the
16 investigation -- and you can correct me if I'm
17 wrong, but the investigation consisted of you
18 arriving at these election offices unannounced,
19 right? Some election offices that -- yes,
20 unannounced.

21 **MS. KING:** It's not unannounced. We asked
22 him to go during a public forum.

23 **MS. DRAPER:** If you show up at 4:00 on a
24 Friday to an election office and the board
25 members aren't notified and the elections

1 director isn't notified --

2 MS. KING: They were --

3 MS. DRAPER: -- it is unannounced because

4 people have the right to know when a person who

5 is investigating their behavior is going to

6 arrive so that they can be there, so that they

7 can be there with --

8 MS. KING: Representative Draper --

9 MS. DRAPER: -- (indiscernible), so that

10 they can be prepared --

11 MR. COAN: That would not be true.

12 MS. DRAPER: -- (indiscernible) happen.

13 MR. COAN: I reached out the day before.

14 MS. DRAPER: Okay. Well, I heard different.

15 I heard something different.

16 MS. KING: But you have to ask before you

17 start --

18 MS. DRAPER: Oh, I have asked.

19 MS. KING: No, you didn't. You assumed.

20 MS. DRAPER: I have asked.

21 MS. KING: No, you didn't. You --

22 MS. DRAPER: Yes, I have asked.

23 MS. KING: -- assumed. You assumed

24 (indiscernible) --

25 MS. DRAPER: Can I finish my remarks,

1 please, and I'd be very open to questions after
2 that.

3 **MS. KING:** Be careful --

4 **MS. DRAPER:** Very open to questions after
5 that.

6 **MS. KING:** Be careful. Be truthful.

7 **MS. DRAPER:** I am very careful.

8 **MS. KING:** Okay --

9 **MS. DRAPER:** What I'm asking director Coan
10 to be is careful in his conclusions and his
11 investigation, right? So you are coming here and
12 you are saying that you know very little about
13 this and yet you are telling us how the system
14 should run.

15 And, you know, I do have a question. When
16 you say there is more sophisticated technology
17 out there about voter challenges --

18 **MR. COAN:** By far.

19 **MS. DRAPER:** -- about EagleAI?

20 **MR. COAN:** That among others, yes.

21 **MS. DRAPER:** EagleAI. So --

22 **MR. COAN:** If you don't think it's true,
23 then maybe you should go spend some time with
24 them.

25 **MS. DRAPER:** Well --

1 **MR. COAN:** Might help you.

2 **MS. DRAPER:** -- I have spent a lot of time
3 on it, and EagleAI is a third-party program that
4 scrapes the Internet, that was rejected by county
5 election offices --

6 **MR. COAN:** I'm shocked.

7 **MS. DRAPER:** -- as being worse than the
8 programs that they have already. Because anybody
9 that knows about regular list maintenance
10 processes knows that the documents and the
11 databases that the Secretary of State already
12 uses are verified databases. Because again we're
13 talking about somebody's fundamental right to
14 vote.

15 So if we throw a wide net that is too wide,
16 we run the risk of capturing incorrect data,
17 incorrect data that can potentially
18 disenfranchise somebody --

19 **MR. COAN:** I understand what you're saying
20 --

21 **MS. DRAPER:** -- that is (indiscernible) on
22 elections.

23 **MR. COAN:** -- there.

24 **MS. DRAPER:** That's very important. So I do
25 think it's very interesting that we're talking

1 about EagleAI that is -- has been largely
2 rejected by the people in this field. And I
3 think it's very important that we pay respect to
4 the people in this field that do this everyday
5 and that understand the interaction of the NVRA
6 and our state election laws.

7 When we're talking about -- let me see here.
8 All right. So, you know, I -- fail -- let me
9 actually go here.

10 I'm going to go back to the things I was
11 going to talk about this morning because during
12 the presentation today and during the
13 presentation last election meeting, I heard a lot
14 of talk that I think is misinformation about how
15 election challenges work. And I think when we
16 talk about election challenges, we also have to
17 keep it in the context of regular list
18 maintenance because there is a very robust
19 regular list maintenance process that is
20 happening all -- all the time. There is. And
21 especially in odd election years. I think last
22 year we removed 500,000 voters from our rolls
23 and -- everybody calm down, please.

24 500,000 people off the rolls. When somebody
25 dies, there is an official database that we go to

1 to remove those people off the rolls. Y'all,
2 there are always people coming off and coming on
3 the rolls. It is a moving target, right? If
4 somebody died yesterday, they're probably still
5 going to be on the rolls today.

6 But the question is is the inclusion of that
7 person on the rolls -- does that equate to voter
8 fraud? Because that is what people want you to
9 believe, that the inclusion of somebody on the
10 rolls that shouldn't be there necessarily equates
11 to voter fraud. And that is not the case. There
12 is no evidence of that.

13 We look at 2020 and we look at the recounts
14 and we look at the audits and we look at the
15 investigations and we look at the almost 20
16 lawsuits that were filed and there was no
17 evidence of that.

18 When we talk about bloat on the rolls -- I
19 heard vice chair Johnston talk about bloat on the
20 rolls. What you call bloat, I call compliance
21 with federal law, right? We have to have
22 inactive voters on the rolls for a certain period
23 of time per federal law. They have to be there,
24 as member Ghazal said, for two election cycles.

25 So we are going to see -- so again the

1 number is influx and you're calling that bloat,
2 but it's required by law that we have that. And
3 again it's to keep that balance that's necessary.
4 It's to not remove somebody who's an ineligible
5 voter too soon if they should remain on the
6 rolls.

7 Okay. So, you know, what we have seen --
8 I'll say this too. When election challenges were
9 initially contemplated, it was about personal
10 knowledge of somebody who wasn't eligible to be
11 on the rolls. So -- yes. Yes. Personal
12 knowledge of somebody who should be on the rolls.
13 So let's say that somebody has bought my house
14 and I told them I'm moving to Florida and then
15 they see me post on Facebook that I'm going to be
16 voting in Georgia, that person perhaps has
17 personal knowledge that I'm no longer a resident
18 in Georgia, that I'm a resident in Florida and
19 they can bring a voter challenge.

20 This idea of mass voter challenges was never
21 weapon -- weaponizing mass voter challenges was
22 never contemplated. That's a relatively novel
23 new thing.

24 We saw that happen in 2021 for the first
25 time. Over 300,000 people were challenged here

1 in Georgia, and they were challenged in a hundred
2 and fifty-nine Georgia counties. That includes
3 blue counties, red counties, Trump counties,
4 Biden counties -- right? -- Republican, Democrat.

5 And I think in a hundred and fifty-four of
6 those counties, those challenges were outright
7 dismissed. All of those frivol -- and you know
8 why? Because they were frivolous. When they're
9 based on erroneous data and they're frivolous,
10 they get dismissed. There's nothing wrong with
11 dismissing a frivolous challenge.

12 I'm almost done. Thank you for your
13 indulgence.

14 What we have seen since 2021 is a targeting
15 of certain counties. We haven't seen the mass
16 voter challenges across Georgia anymore. We have
17 seen them against democratic centers,
18 democratic-leaning counties, our metro area,
19 counties where there are large numbers of
20 Democratic voters. And that's a nakedly partisan
21 ploy.

22 So I want to be very clear. When we're now
23 investigating these counties for standing up and
24 saying no, these are frivolous. And dismissing
25 these challenges under the law, they have the

1 right to do that and they have been targeted for
2 years. And the state election board and,
3 frankly, the Legislature has nothing -- done
4 nothing to prevent that.

5 I, last night, was playing Uno with my kids,
6 three little ones. And my four-year-old was
7 winning and then all of a sudden he started
8 losing -- he got some draw-fours against him --
9 and he got very, very upset and he started crying
10 and he called us all cheaters. And I think it's
11 just, you know, a fundamental truth that as
12 parents we want our children to be fair players
13 and not to be sore losers. And I make the point
14 because I think that really underlies what's
15 happening here. There are people who are sore
16 losers who have brought frivolous voter
17 challenges, targeting Democratic counties, and
18 those challenges have been appropriately
19 dismissed. And now they want a second bite at
20 the apple, both at the courts and here at the
21 state election board one week before early voting
22 starts.

23 So I would just ask that you treat this for
24 what this is. This is sore losers trying one
25 more way to get around the law. And I'd be open

1 to any questions.

2 **MS. KING:** Would you consider Stacey Abrams
3 a sore loser in 2018 when she challenged the
4 Dominion machines?

5 **MS. DRAPER:** I wish she would've conceded
6 that election.

7 **MS. KING:** What was that?

8 **MS. DRAPER:** I wish she would have conceded
9 that election.

10 **MS. KING:** So you do consider her to be a
11 sore loser (indiscernible) --

12 **MS. DRAPER:** I wish she would have conceded
13 that election.

14 **MS. KING:** Okay. Just to be clear, she's a
15 sore loser as well. Okay. Just want to make
16 sure you weren't just targeting just Republicans.
17 That being said, just to be clear and to remind
18 you of how we got to this investigation --

19 **MS. DRAPER:** Remind me.

20 **MS. KING:** -- there was one individual that
21 came forward that represented DeKalb County.
22 She -- we all talked about this and in the course
23 of our conversation, she -- the question was
24 asked to the audience, is there anyone else in
25 here that experienced the same issues?

1 **MS. DRAPER:** Yeah.

2 **MS. KING:** They raised their hands. Then we
3 asked them, which county are you experiencing
4 these issues from? That is how we came up with
5 this. This concept that I was somehow looking
6 and saying, oh, let's just pick all the
7 Democratic counties is preposterous and
8 ridiculous. It's an assumption along with all
9 the other assumptions that you made. That's not
10 based in fact.

11 **MS. DRAPER:** It's absolutely based in fact.

12 **MS. KING:** That's not --

13 **MS. DRAPER:** Where we have --

14 **MS. KING:** I'm sorry, I'm --
15 (Cross-talking)

16 **MS. DRAPER:** -- (indiscernible) --

17 **MS. KING:** No, I'm talking now. Excuse me,
18 I'm talking now.

19 **MS. DRAPER:** Go ahead.

20 **MS. KING:** As I stated, this particular
21 investigation was developed based on people in
22 the audience sharing their concerns. We had no
23 idea which counties was going to be mentioned
24 during that portion of the conversation.

25 So, once again, to assume that we are

1 single-handedly picking out counties is
2 absolutely ridiculous. If you were in this room,
3 you should've remembered that. And if you were
4 not in this room, you should go back and watch it
5 because that is how this investigation was
6 formed. And I do not and I will not allow
7 anybody to stand up here and miscategorized what
8 we're doing, particularly if you were sitting in
9 the room.

10 **MS. DRAPER:** I would love to respond to
11 that. So I know that Clarke County was included
12 in that investigation, although director Coan
13 told us today that Clarke County didn't have any
14 voter challenges filed against it. So Democratic
15 county, Clarke County was apparently part of this
16 investigation despite being the fact that no
17 voter challenges were filed against it.

18 But what happened last meeting was that the
19 issue of voter challenges wasn't clearly on the
20 agenda. It was added last minute to the agenda.

21 **MS. KING:** Which we can do.

22 **MS. DRAPER:** Yeah, sure. Sure, you can do
23 that.

24 **MS. KING:** Yeah, nothing wrong with that.

25 **MS. DRAPER:** And Marci McCarthy got up here

1 for an hour and twenty minutes. I timed it. She
2 was here, the GOP chair for the Republican
3 county[sic] in DeKalb County, the county where I
4 represent 60,000 people. Yet it's tough for me
5 to get two minutes and she gets an hour and
6 twenty minutes.

7 **MS. KING:** No, it's tough for you --

8 **MS. DRAPER:** And she got up here --

9 **MS. KING:** Excuse me, for the record, it's
10 tough for you to get two minutes when you walk in
11 after the fact and decide that you want to jump
12 on the public comments list when everyone else
13 had to get up early and get here early and sign
14 up to be on the list. That's why we did not give
15 you those two minutes. Just to be clear.

16 **MS. DRAPER:** That's not true.

17 **MS. KING:** That is true.

18 **MS. DRAPER:** No, that's not.

19 **MS. KING:** We watched you walk in after the
20 fact.

21 **MS. DRAPER:** Did you not see the chair open
22 it up to anybody that had come in early?

23 **MS. KING:** That's because you asked. That's
24 because you asked.

25 **MS. DRAPER:** And every time --

1 **MS. KING:** And if --

2 **MS. DRAPER:** I'm an elected official --

3 **MS. KING:** -- if you want to know, if --

4 **MS. DRAPER:** (indiscernible)?

5 **MS. KING:** -- the public wants to know, this
6 is what happens --

7 **MS. DRAPER:** What the chair has told me --

8 **MS. KING:** -- we had an elect -- we had an
9 actual elected official --

10 **MS. DRAPER:** Yep.

11 **MS. KING:** -- come into -- come into the
12 room. She requested to be -- just to give a
13 public comment after everyone else had already
14 spoken, the list was closed, and then the
15 conversation was had that there were some people
16 that may come late that had already signed up
17 that may -- may not be able to present because
18 they may have stepped out, thinking the public
19 comments were going to happen later, and then we
20 decided graciously to allow her to speak and we
21 gave you -- gave you more than two minutes.

22 **MS. DRAPER:** With all dis -- due respect, it
23 was a conversation between me and the chair --

24 **DR. JOHNSTON:** Thank you.

25 **MS. DRAPER:** -- and the chair told me that

1 elected officials will always be allowed to speak
2 during public comment. So that was the
3 conversation --

4 (Cross-talking)

5 **MS. KING:** The chair (indiscernible) before.

6 **MS. DRAPER:** It wasn't the conversation that
7 you had --

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

9 **MS. DRAPER:** Please let me respond --

10 **DR. JOHNSTON:** Please --

11 **MS. DRAPER:** -- to your --

12 **DR. JOHNSTON:** We -- I think we have a lot
13 of other people to hear.

14 **MS. DRAPER:** Yes, I understand. But again,
15 you know, we still -- the Republican chair of my
16 county got an hour and twenty minutes last
17 meeting. I haven't even come close to that and I
18 don't intend to get close to that.

19 But please let me respond to this notion
20 that it just happened organically that the
21 challengers from all these counties were in this
22 meeting. That --

23 **DR. JOHNSTON:** One -- one minute, please.

24 **MS. DRAPER:** That issue on the agenda was
25 put on the agenda at the last meeting and when

1 you -- it was obviously a coordinated effort.
2 The people who have been making the challenges --

3 **MS. KING:** Another assumption.

4 **MS. DRAPER:** -- in those counties happened
5 to be at the meeting at the time when it was
6 discussed. I wish that the rest of the board
7 knew that was coming. I wish that the public
8 knew that was coming so that -- I wish the
9 counties that were implicated knew it was coming
10 so they could've been here and could've defended
11 themselves rather than platforming the folks who
12 have been challenging voters, tens of thousands
13 of Georgia voters, for an hour and twenty minutes
14 in this forum.

15 **MS. KING:** Representative Draper, you're
16 wrong.

17 **DR. JOHNSTON:** Thank you, representative --

18 **MS. KING:** You're wrong.

19 **DR. JOHNSTON:** Thank you, Representative
20 Draper.

21 Let's move on to county election officials.
22 Are there any county election officials that
23 would like to speak that you interviewed?

24 **MR. COAN:** I don't think I had --

25 **DR. JOHNSTON:** No?

1 **MR. COAN:** Like I said, I felt like when I
2 left those offices, everything was fine. I mean,
3 we had some understandings and things we didn't
4 agree on, but it was not adversarial in any way.
5 So there was no problem. Most of them said they
6 probably wouldn't be here.

7 **DR. JOHNSTON:** Okay. A board member from
8 Cobb County. We'll just turn on your mic there.

9 **UNIDENTIFIED SPEAKER:** (off microphone,
10 indiscernible) know that there are other --
11 there's (indiscernible)

12 **DR. JOHNSTON:** Oh, wonderful. Great.

13 **MS. FISHER:** Debbie Fisher, Cobb County. I
14 want to point out a couple of things that were
15 not brought out in the investigation that I think
16 is -- is very critical for this board to
17 consider.

18 One of them is the mass denial of inactive
19 voters. Inactive voters are inactive for a
20 reason. They aren't participating. They aren't
21 responding. They haven't had contact. So doing
22 a mass denial because they're on the inactive
23 list in my opinion is problematic. And there's
24 several reasons why.

25 I ran a report two months in a row from the

1 state -- Secretary of State's voter roll. And
2 Cobb County -- I -- I was very generous. I gave
3 them eight years. My report went eight years
4 with no contact. It ranged everywhere from 1983
5 through 2016 in one month. In another month it
6 was 2002 through 2016.

7 The first report had 17,833 voters that were
8 inactive with no contact in eight years. If you
9 can tell me a reason those people should still be
10 on the voter rolls, please do.

11 The second report came up with -- actually
12 it was a lower number. It was around 13,000. So
13 I ran two more reports that was five years or
14 more, making sure these reports they did not vote
15 in two federal elections. In those cases there
16 was another 18,000. That's a serious problem.

17 And then I would also like to bring up that
18 new policies in several of the counties that
19 they're claiming that were attacked because they
20 were Democrat, that -- that's just ludicrous,
21 number one.

22 But there -- you want to talk about
23 collusion? There is collusion, I believe,
24 through the metro county boards who miraculously
25 most of them have come up with this inactive

1 voter roll rule.

2 Now, it could be coincidence. I don't think
3 so. Cobb came up with another rule, and that is
4 charging a challenger to make a challenge. And
5 they will be charging fees based on those that
6 were not denied that will be sent a notice. I
7 point out the law used to justify this fee is the
8 same as process serving for sheriffs. It falls
9 under the statute 15-21-whatever -- 8.

10 However, the election code strictly
11 prohibits it, strictly prohibits it. I have
12 raised the issue multiple times with both legal
13 counsel and my board. That's a problem.

14 **DR. JOHNSTON:** Thank you, Ms. Fisher. Is
15 there another board member here that would like
16 to speak? Yes.

17 **MR. COAN:** You can hit your button.

18 **MS. SILAS:** Certainly. So my name is Tori
19 Silas and I'm the chair of the Cobb County Board
20 of Elections. I did -- I was not physically
21 present for this meeting last month, on the 23rd,
22 but I did watch it and I did note that Cobb
23 County was among the counties that you referenced
24 with respect to this investigation.

25 And I will note no written notice was

1 provided of this investigation. I did obviously
2 see the exchange between Representative Draper
3 and board member King. We -- I will say Alex --
4 and I apologize, your last name escapes me right
5 now, but did share an e-mail that was sent, I
6 would assume, to a number of different
7 individuals. Our elections director received it
8 on Thursday, October 3rd, at 11:53 a.m.

9 It was not directed to Ms. Fisher, myself,
10 or neither of the other three board members.
11 Notwithstanding the fact that our e-mail
12 addresses are on the website, the Cobb County
13 elections website. My phone number is on that
14 website as well.

15 Beyond that -- again that e-mail was
16 received on October 3rd, at 11:53 a.m. My
17 understanding is Mr. Coan showed up at the
18 elections office the following day, roughly 24
19 hours later, at 11:00 a.m. At that point our
20 elections director obviously received Mr. Coan.
21 My understanding is he waited for her to complete
22 an interview that she was having. Sat around for
23 about 35 minutes, as I understand that she shared
24 with us. They, then, went on to speak for about
25 20 minutes.

1 However, the e-mail that I made reference to
2 indicated that our presence -- well, first of
3 all, there was no reference to anyone coming to
4 physically meet with us prior to this meeting.
5 And the e-mail that we received invited us to
6 this meeting, but indicated that it was not
7 mandatory.

8 So I do take issue with respect to the
9 conversation that was just had relating to the
10 notice that we had. We did not have notice of
11 Mr. Coan visiting our office. My understanding
12 again, he showed up at 11 a.m., but there was
13 nothing in the October 3rd e-mail that referenced
14 that Mr. Coan was going to show up at our office.

15 Now, with respect to this investigation, it
16 was -- again, Mr. Coan, it was an unannounced
17 discussion.

18 There obviously still is an ongoing
19 investigation. I have my counsel here. He will
20 then take up the additional questions and -- that
21 you all have, but we're here to answer any
22 questions and to correct any misrepresentations.

23 **DR. JOHNSTON:** Thank you so much. Just to
24 be clear, this is a -- a fact-finding session.
25 It's -- this is not a hearing. We're just trying

1 to better understand some of the complaints that
2 have been coming to the state election board and
3 understand the process that different counties
4 use for handling challenges.

5 So -- and, indeed, the invitation was not
6 mandatory to come, but we would like to -- we
7 would be delighted to hear from the counties that
8 Mr. Coan visited or the ones that were mentioned
9 last month.

10 So does your attorney want to say something
11 or just answer questions?

12 **MR. WHITE:** No, I -- I appreciate it. I'm
13 Daniel White. I'm the attorney for the Cobb
14 County Board of Elections and Registration. I'm
15 happy to answer questions. Honestly, because
16 this board indicated that it was opening an
17 investigation at the last meeting, we were
18 expecting some due process, something in writing,
19 something saying what the charges might be,
20 something saying when we should respond, how we
21 should respond. None of that was ever received.
22 We were sort of invited to something that was
23 labeled as a discussion, but that's not what was
24 indicated at the last meeting.

25 There was an unannounced visit from Mr. Coan

1 to our director with no invitation to board
2 members. And for someone who's unfamiliar with a
3 the law, no invitation to lawyers to participate
4 because we could've educated him if he wanted to
5 know about the law.

6 What this appears to be to me is that -- an
7 attempt to sort a set a narrative between the
8 last meeting and this meeting. It's not --
9 doesn't seem to be fact-finding. It doesn't seem
10 to be an actual investigation. You didn't follow
11 the process that you normally follow to refer it
12 to the Secretary of State or anybody else who
13 would tell us what sections you're citing to.

14 So I'm not really interested in, you know --
15 I'll answer the questions to the extent I can. I
16 don't know that it's necessarily appropriate to
17 be having this discussion, if you want to call it
18 that, when you've opened an investigation. The
19 real reason we're here is to correct
20 misinformation.

21 And, frankly, we wouldn't be here -- and
22 Ms. Fisher and I disagree a lot. And it's fine.
23 Board members are free to ignore the advice of
24 their counsel. That happens apparently more
25 often than you think. And oftentimes that's what

1 lands you in court.

2 But I -- Ms. Fisher's welcome to disagree
3 with me. But the rest of the board deliberated
4 the policies and procedures that were adopted
5 surrounding this. And it was not something that
6 was -- there was no collusion, there was no
7 collaborating with other counties. Every single
8 policy that was adopted by Cobb County is based
9 on a -- on the express language of Georgia law,
10 federal law, or case law, interpreting those
11 laws, and that's a fact.

12 And Mr. Coan didn't ask me about it. He
13 didn't ask the board. He had a 20-minute
14 conversation with our director and then came here
15 today to give a narrative that apparently this
16 board wants to set out into the public.

17 I'm not here to participate in soundbites or
18 talk-show talk. I'm here to talk about the law
19 and I don't think this board has followed the
20 law. I don't think you have jurisdiction today
21 to discuss this.

22 And I'm just here to say Ms. Fisher is
23 wrong, her report's wrong. I sent her an e-mail
24 explaining to her the whole process of how you
25 get on the inactive list, why it takes two

1 election cycles to get on, and then once you're
2 on, there's another two election cycles that pass
3 before you get off. She doesn't agree with it.
4 It doesn't matter how many times I tell her. And
5 it's fine. She can disagree with me and that's
6 her right. But the rest of the board wants to
7 follow the law because they ask me to tell what
8 the law is and I have told them.

9 So that's basically the statement we have
10 today. And I disagree with -- we have not
11 charged anybody. We did pass a policy allowing
12 charging for notice. It hasn't been implemented
13 because nobody's gotten past the probable cause
14 since that's been adopted. And there's only been
15 one challenge filed -- there haven't been --
16 there's been two challenges filed since that
17 policy was adopted and neither of them progressed
18 past probable cause.

19 So those are the facts. I'm happy to put
20 those on the record today, but anything else
21 other than correcting misinformation, which is
22 very important that we do on the eve of the
23 election, I -- that's why we're here today.

24 **DR. JOHNSTON:** Are there any questions?

25 **MS. KING:** Just so I'm clear, what are we

1 charging for? What -- what was passed?

2 **MR. WHITE:** A policy was adopt -- a policy
3 was adopted and there was discussion about
4 whether to charge for the labor, whether they
5 could use an open-records type model. And I
6 looked at the law and we talked about it and we
7 adopted a policy only charging for the service of
8 the notice. And it hasn't been imp -- I mean,
9 it's not being used --

10 **MS. KING:** Charging the person bringing the
11 challenges?

12 **MR. WHITE:** Yeah --

13 **MS. KING:** You're charging the voters?

14 **MR. WHITE:** Postage. Postage. If I --
15 if -- if -- let's say -- let's say -- let's say
16 we needed to serve the state election board in a
17 lawsuit, we would have to pay somebody to serve
18 the state election board. That's the same
19 concept here if someone's going to challenge
20 somebody's right to vote. We thought it was
21 appropriate that they have to pay the cost --

22 **MS. KING:** This is based off of what statute
23 or what law? What -- what are you basing this
24 rule off of?

25 **MR. WHITE:** I'm basing -- we based it off

1 the -- the -- there's no express law, like if you
2 look at 9-11-4, which is a statute dealing with
3 service. There's nothing in there saying, you
4 know, who -- that you have express authority to
5 charge or the sheriff has express authority. So
6 we kind of looked at it and thought that that was
7 the model that was appropriate, was to charge for
8 service.

9 And I want to go back to something
10 Ms. Draper said which is this law absolutely
11 was -- if you go back and do the legislative
12 history, this was adopted, frankly, for cases
13 like Mr. Gasaway where you have 14 people that
14 you need to serve. We've got to talk about, you
15 know, who -- who are the people that are
16 affected, we know these people, they're our
17 neighbors.

18 And that's just how this -- this was adopted
19 back in the day when that was the law and it --
20 it was -- has not been sufficiently updated to
21 address people bringing mass motor challenges off
22 of -- they call it AI software, but that's not --
23 there's no intelligence about it. But the law
24 has not been updated to deal with people bringing
25 three thousand, two thousand challenges at a time

1 and the resources and the time and the money that
2 that takes.

3 And that's just -- that -- I agree with the
4 comments that were made earlier. The Legislature
5 needs to deal with it and deal with uniform
6 policies. But it's not this board's job to deal
7 with it. It's actually -- if there's a problem,
8 it's with the Legislature. That's -- that's
9 who -- who has jurisdiction to fix what's in
10 their law.

11 **DR. JOHNSTON:** Thank you. One minute,
12 please.

13 **MS. FISHER:** Since I think there was just
14 misinformation given, I want to -- and in
15 relation to my name and my understanding of how
16 you get on the inactive list, I have a very clear
17 understanding of the NVRA and of how you get on
18 the inactive list. I also have a very clear
19 understanding of how you get off that list. You
20 are taking -- taken off the rolls. But the laws
21 that you asked about, the one that was used to
22 justify this service -- process servicing fee is
23 15-16-21.

24 The law that I am saying that disallows
25 this, I will read. 21-2-18: Notwithstanding any

1 other provision of the law to the contrary, no
2 county, municipal government, government
3 employee, or election official shall solicit,
4 take, or otherwise accept from any one person a
5 contribution, donation, service, or anything else
6 of value for the purpose of conducting primaries
7 or elections or in support of performing his or
8 her duty under this chapter. I think that's
9 pretty clear.

10 **DR. JOHNSTON:** Thank you.

11 **MS. FISHER:** And I would like to also say --

12 **DR. JOHNSTON:** Thank you.

13 **MS. FISHER:** -- that there are things that
14 do remove inactive voters. NVRA clearly states
15 eligible voters 13 different times. It mentions
16 ineligible twice and that's how you can remove
17 them.

18 I also want to point out we have access in
19 Georgia because we are members of the AAMVA. I
20 have brought this up repeatedly. It would be a
21 very short order to compare a challenge list to
22 the state-to-state report which comes from DMVs
23 across the country to member states of which we
24 are a list of people who have applied for a
25 driver's license in another state, registered to

1 vote, and have made a legal change of address.
2 We get that -- that report.

3 I inquired as to if we're using it for list
4 maintenance of out-of-state moves. I found
5 out -- guess what? Wait for it -- rather than
6 doing what is required by Georgia law under our
7 driver's license statutes, we're putting them on
8 the inactive list.

9 And you want to talk about signatures,
10 required signatures, I agree with you.
11 Signatures are required to get a driver's
12 license. Signatures are required to get a voter
13 registration. Signatures are required to do an
14 NCOA. If it's for a permanent move, it is marked
15 "permanent move." All three of those things are
16 in that state-to-state list.

17 **DR. JOHNSTON:** Thank you very much.

18 Are there any other board members from
19 counties that would like to speak?

20 Time is of the essence. Could you limit it
21 to two minutes, please.

22 **MR. HANCOCK:** (off microphone) Yes. I'm
23 from -- I'm from Gwinnett. (microphone on) it's
24 already --

25 Yeah, it just -- asked to be turned on.

1 And you received a letter from our board,
2 and our board and especially our attorneys would
3 be thrilled if I didn't say much. But since this
4 is really a fact-finding thing, I was wondering
5 if you'd let me yield my two minutes to the
6 people who have done most of the research, been
7 challenging for years, and can maybe clear up
8 some of the misrepresentations and, frankly,
9 falsehoods that may have been spoken today.
10 Would that be acceptable?

11 **DR. JOHNSTON:** Sure, if it's limited.

12 **MR. HANCOCK:** Yes, limited.

13 **DR. JOHNSTON:** Two minutes, please.

14 **MS. RUTHERFORD:** Are you going to allow any
15 of us to speak today or no? It was just the --
16 the board members and --

17 **MS. KING:** No, he's yielding his time to
18 you.

19 **MS. RUTHERFORD:** Okay. This is a lot to
20 take in today. First of all, for the
21 representative, I found her presentation arrogant
22 and disrespectful to the board. You don't know
23 me, you don't know anything about me, so you
24 don't speak for me. Thank you.

25 In terms of the NVRA, she is correct. It is

1 constantly -- section 8 is misused. It's -- key
2 words are left out. It is true. Seventeen times
3 it lists eligible voters and twice ineligible
4 voters with the word "removal."

5 So this thing that -- you know, everything
6 comes under the umbrella of NVRA and that's what
7 we have found in Gwinnett. Once you are on the
8 voter roll, even if your registration is
9 incomplete, if it's not accurate, if you're a pin
10 drop on the side of the road, somehow in Georgia
11 once you get on the roll, you're there for
12 perpetuity. They -- they -- all of a sudden, it
13 only falls under NVRA and you can never be
14 removed.

15 We have people who are inactive on the list
16 who've been there for 10, 12, 13-plus years that,
17 again, once you're inactive, somehow you never
18 come off the inactive list. I do not use a
19 third-party. I do not use any other sources.
20 The source I use is the Secretary of State's
21 voter rolls. Every month we go through the voter
22 roll. And I can promise you in five minutes, you
23 will find a list of what we have submitted. We
24 don't care if you're Republican or Democrat.
25 I'll bet you we've done the same amount.

1 This -- this narrative that we're wanting to
2 hurt -- all voters are disenfranchised when our
3 voter rolls are bloated. We -- we just want
4 clean voter rolls to the best of our ability.

5 I will speak for Gwinnett that there has
6 been no meaningful work done in the years that
7 we've been doing this to maintain our own voter
8 rolls according to 21-2-228 --

9 **DR. JOHNSTON:** Thank you.

10 **MS. RUTHERFORD:** -- from -- so, thank you.

11 **DR. JOHNSTON:** Any other board members
12 present?

13 **MR. COAN:** Hit your button.

14 **MS. ADAMS:** So, yeah, I'm Julie Adams from
15 Fulton. And quite honestly we've had some
16 challenges lately that have never made it to the
17 board because they don't meet the -- the
18 processes that we have in place that I was
19 uncomfortable and didn't vote yes for.

20 I will tell you we've had several
21 discussions about a voter challenge that happened
22 in -- I believe it originated in November of 2023
23 and it was 1800 people. We've discussed it so
24 many times I remember it all. It was 1800 people
25 that filled out the NCOA that they were moving to

1 North Carolina. They were found registered to
2 vote in North Carolina at the address that the
3 NCOA said they were moving to and I believe some
4 of them voted. And we heard this and reheard
5 this and it was turned down and -- and not
6 accepted. They're still on the voter rolls.

7 And Mr. Earl Ferguson is here that -- that
8 did that. But I just wanted to tell you from a
9 board member's perspective.

10 **DR. JOHNSTON:** Thank you. Are there any
11 questions from the board? No?

12 Mr. Ferguson, were you heard last month at
13 the last meeting?

14 **MR. FERGUSON:** (off microphone, inaudible)

15 **DR. JOHNSTON:** Do you have something
16 different to add?

17 **MR. FERGUSON:** (off microphone, inaudible)

18 **DR. JOHNSTON:** All right.

19 **MR. COAN:** Good answer.

20 **DR. JOHNSTON:** Promise? Go ahead.

21 **MR. FERGUSON:** I'm one of -- this -- this
22 could be fun, but excuse me for taking that
23 attitude.

24 The lady who spoke a few minutes ago
25 commented that every time a challenged voter was

1 removed that that took away the right to vote
2 from someone, and I said that is not the case.
3 My challenges remove people who are not eligible
4 voters for one of several reasons. In general
5 they have moved out of state and they have done
6 something else that the state requires in order
7 to be a valid challenge.

8 So if you do not remove ineligible voters,
9 people who have not done anything, they can stay
10 on the rolls forever. If you allow challenges
11 like mine to take place, they can be removed in a
12 timely manner to help maintain the rolls.
13 Questions?

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

15 Does the board -- does anyone have a
16 recommendation or a motion?

17 Thank you for -- for the input. I think
18 it's -- it's fairly clear that the counties have
19 been asking for guidelines from the state
20 election board for not one year or two years but
21 several years. And it's time for the state
22 election board to try to provide that. Like
23 someone just said a short while ago, it's
24 complicated. And it needs to be addressed
25 carefully and deliberately and fairly so that

1 only eligible voters are on the voter list and no
2 one is disenfranchised from their ability to be
3 on the list or to vote or that it can be
4 corrected.

5 I'm sure any method that's used is not
6 completely 100 percent error-free, but perhaps
7 some guidelines will help move that toward an
8 accurate process with always the ability for a
9 voter to be replaced on the voter list or given
10 the opportunity to vote depending on the
11 challenge that is -- is provided.

12 Just a quick review. Georgia is, as I have
13 said before, is the tenth worst state in the
14 nation as far as voter rolls. It clocks in at a
15 hundred and three percent of citizen voting age
16 population.

17 And a quick look at the counties that
18 Mr. Coan interviewed or looked or visited, Fulton
19 County is registered at a hundred and
20 fourteen percent; DeKalb County, a hundred and
21 nine percent; Gwinnett County, a hundred and
22 nine percent; Cobb County, 107 percent. West
23 Virginia has a citizen voting age population
24 percentage of -- I believe it's 80 percent. So
25 ...

1 Looking at the U.S. Department of Justice
2 letter that member Ghazal referred to, indeed,
3 right in the -- in the letter that they sent to
4 us, it says: States can remove the name of a
5 person from the voter registration rolls when the
6 registrant requested and if state law so provides
7 for mental incapacity or criminal conviction.
8 States can also remove ineligible persons from
9 the voter rolls because the person has died or
10 changed their residence to a place outside the
11 jurisdiction. Finally states can remove people
12 who are in eligible or improperly registered in
13 the first place.

14 Indeed, Secretary Raffensperger announced
15 September 21, 2023, a four-point plan for
16 election security. And in his press
17 announcement, he announced a working relationship
18 with secretaries of state and chief election
19 officials to identify which voters have moved out
20 of state and reported that Georgia's membership
21 and ERIC also would continue to receive regular
22 reports. So the -- the states that Georgia
23 announced it was working with were Alabama,
24 Virginia, Florida, and South Carolina. South
25 Carolina is a member of ERIC which makes me

1 wonder why -- if we're collaborating with these
2 different states and working with these different
3 states, why are we receiving complaints from
4 different counties about mass voter challenges
5 that are -- that appear to meet the probable
6 cause standard and are not being addressed?

7 So, anyway, thank you for all of your input
8 and information. We'll ask executive director
9 Coan to provide a written report and we'll work
10 diligently and hopefully rapidly toward
11 guidelines for 229 and 230 challenges for the
12 counties to use.

13 And I believe there was a submission of a
14 resolution that was delivered by Mr. Mark Davis
15 for the board to consider as recommending for
16 possible legislation next year regarding a method
17 that will provide for better list maintenance
18 that is automatic and coordinated with the
19 Department of Driver Services.

20 Mr. Davis, could you speak to that for a
21 couple of minutes, please?

22 **MS. SILAS:** (off microphone, indiscernible)
23 minimally will those counties that are the
24 subject of that report be provided a copy?

25 **MR. COAN:** Sure.

1 **MS. SILAS:** Thank you.

2 **MR. DAVIS:** I wanted to see if I could put
3 this up on the display where everybody could see
4 it. If you could ...

5 All right. How do I get this up there?

6 **UNIDENTIFIED SPEAKER:** You need help?

7 **MS. HARDIN:** I don't know. I -- let -- if
8 you'll give me a chance --

9 **MR. DAVIS:** Is there somebody to help get
10 this on there or what are we doing?

11 **MS. HARDIN:** If you'll give me a chance to
12 ask house media how to switch over to that
13 computer, I'll ...

14 **DR. JOHNSTON:** So rather than waste time
15 waiting for house media --

16 **MR. DAVIS:** Okay.

17 **DR. JOHNSTON:** -- could we please call you
18 back in a -- in a minute? Or would you like to
19 just present it verbally? Would you like to
20 wait --

21 **MR. DAVIS:** I can -- I can do whichever
22 y'all prefer. I think it would be helpful if
23 people could follow along with the material, but
24 ... okay, there we go.

25 **MR. COAN:** Yeah.

1 **MR. DAVIS:** Okay, great.

2 **DR. JOHNSTON:** All right.

3 **MR. DAVIS:** Okay. So --

4 **DR. JOHNSTON:** Quickly, please.

5 **MR. DAVIS:** -- hi everybody. I'm Mark
6 Davis. And the issues we're discussing here are
7 issues that I've been working on for just a
8 really ridiculously long time.

9 I started working with voter data in '86.
10 And then when the NVRA, the 1993 National Voter
11 Registration Act rolled out in '96, I started
12 working with that. Started seeing issues in the
13 voter rolls, and I first came before this board
14 about these very issues in 2002.

15 Now, the temperature back then was very
16 different than it is now, okay? The board was
17 controlled by Democrats, and we kind of got
18 feisty with one another at first, but we wound up
19 actually working together and I worked with
20 Secretary of State Cathy Cox to help push through
21 changes to O.C.G.A. 21-2-233 to help the
22 Secretary of State's Office run NCOA more
23 regularly. And I thought that was going to fix
24 the problem and kind of walked away for it --
25 from it for a while.

1 But it's not fixed the problem, and what I'd
2 like to do with my little presentation here is
3 lower the temperature a little bit because it --
4 you know, member Ghazal and I got into an
5 exchange one time where she -- she said we were
6 talking past each other, and I think that was a
7 very appropriate description. I think a lot of
8 us in this room, Democrats and Republicans, are
9 talking past each other on these issues.

10 There's a lot of partisan posturing going
11 on. And, you know, to be fair about it, there's
12 some on -- on both sides. So let's just -- I'm
13 going to ask you all to just hang with me on this
14 proposal here and just hear me out because I'm --
15 I'm trying to come from a place of solving the
16 problem, okay?

17 So after serving as an expert witness in a
18 number of cases that involve these issues, after
19 2020 I got curious and I -- I ran a statewide
20 analysis of some of the issues that people do
21 challenges over. I wanted to just see what was
22 going on, and here's what I found.

23 If I can get to that next slide. Yeah. So
24 I ran NCOA. I found about 580,000 domestic
25 change of addresses. Those are the ones that are

1 within the United States, not counting the folks
2 that have said they were moving out of the
3 country and all those. Out of the 580,000, there
4 were about 267,000 folks who said they were
5 moving permanently.

6 All of these are filed as permanent changes
7 of address. I'm going to come back to the
8 temporary ones. 267,000 folks said they were
9 moving outside the state, about 313,000 or so
10 within the state. Of the folks that moved within
11 the state, there were about a hundred and ten
12 thousand that moved from one Georgia County to
13 another which is a change in jurisdiction.

14 But it's important for us to remember that a
15 change in jurisdiction is county or municipality.
16 So that number is actually probably on the low
17 side. Let's talk about the hundred and ten
18 thousand voters for a minute. Okay, I'm going to
19 give you a -- a real-world hypothetical situation
20 here.

21 Let's say Mr. and Mrs. Jones, they decide
22 to -- to pick up stakes and move from Cobb County
23 to Gwinnett County. So they go find themselves a
24 new home, put their -- the one they have on the
25 market. So they've got a closing date, they file

1 an NCOA. And when they filed their NCOA, they
2 give a move effective date for moving to Gwinnett
3 County.

4 So then that day comes around, they pack up
5 and move in, they move, they get settled in, and
6 they start unpacking, getting used to their new
7 life in their new county. Moving is one of the
8 most stressful things people can do next to
9 having kids and getting married and all those
10 major life events.

11 And they get busy and they -- they don't get
12 around to updating their driver's license or
13 their voter registration. Comes time to vote:
14 Oh, no, we didn't ever register. We can't vote.
15 And then one of them says: Well, wait a minute,
16 we're still registered over in Cobb. Let's just
17 go back there and vote. So they, according to
18 the Secretary of State, about 89-or-so percent of
19 these folks, maybe 88, physically went and voted
20 in their -- not all of the hundred and ten
21 thousand but a good chunk of them -- according to
22 data, about 35,000 -- went and voted in their old
23 county. Most of them physically traveled there
24 to do that.

25 Now, the problem that we have there, there's

1 three major ones. The first one is violations of
2 the law because when you walk in there and you
3 show your old county -- a driver's license you
4 know you haven't updated, and they pull you up on
5 a voter roll that you know you haven't updated
6 either, but those two addresses match, you're
7 going to get a green light to vote. That poll
8 worker has no idea they've just been deceived.

9 And then they take the voter certificate,
10 they flip it around, they ask you to sign your
11 name confirming that name and address. At the
12 bottom is a warning about not violating O.C.G.A.
13 21-2-562 which makes it a felony to provide false
14 information on a voter certificate.

15 And then arguably, once you've obtained that
16 little yellow card and you walk over there and
17 cast a ballot as an unqualified elector, that's
18 another felony violation of 21-2-571.

19 Now, if there's a federal race on that
20 ballot, we're also talking about 52 USC 10307
21 which is the prohibited acts section of the
22 Voting Rights Act. So from a legal viewpoint, it
23 is a very bad thing to do. But because those
24 penalties are so harsh, we see very, very little
25 enforcement.

1 I don't think -- I mean, I don't want to
2 make felons out of tens of thousands of my fellow
3 Georgians. I doubt most of you in this room do
4 either. So that's the first set of problems.

5 The second set of problems is that --

6 **DR. JOHNSTON:** Mr. Davis --

7 **MR. DAVIS:** -- when these folks vote in the
8 wrong --

9 **DR. JOHNSTON:** Mr. Davis.

10 **MR. DAVIS:** Yes.

11 **DR. JOHNSTON:** We -- we have -- time is of
12 the essence for us. We have cases to present.
13 Could you sort of fast-forward to the --

14 **MR. DAVIS:** Sure.

15 **DR. JOHNSTON:** -- your solution.

16 **MR. DAVIS:** Right. The second issue, we've
17 got folks voting in the wrong districts for the
18 wrong offices, and then the third one is that out
19 of a hundred and ten thousand folks, you had a
20 segment of them that broke the law and got to
21 vote, but most of them obeyed the law and didn't
22 get to vote at all, okay?

23 There's a solution to this problem that I
24 came across a while back and that is the Virginia
25 statute. What they're doing there -- if you look

1 at our Georgia law on the subject -- let me find
2 it right quick. All right. Under our Georgia
3 law, says we need to update our driver's license
4 within 60 days of moving. That's it. No
5 monitoring, no enforcement, no nothing.

6 But if we look at the Virginia code, they're
7 running NCOA on the driver's license data and
8 they're sending out notices to folks to encourage
9 them to comply with updating their driver's
10 license.

11 Now, on February 15th, there was a
12 presentation before Senate Ethics that I
13 participated in, and the Secretary of State's
14 folks spoke about the feed they get from the
15 Department of Driver Services, okay? If we
16 improve the quality of that feed, we improve the
17 quality of the voter registration problems.

18 We, Republicans, say we want to make it
19 easier to vote and harder to cheat. You,
20 Democrats, in the room don't trust me when I say
21 that. I mean that, okay? The way to fix this
22 problem is by helping voters to not become
23 unqualified voters in the first place. So when
24 they get these notices, if they will go online,
25 which they can do in five or ten minutes, and

1 update the registration, they don't ever become
2 unqualified voters to begin with. They don't get
3 challenges filed against them for being
4 unqualified voters. The volume of challenges
5 that the counties would be dealing with would
6 drop like a rock. And I'm aware that there's
7 already interest from several legislators about
8 doing something like this here, what I just spoke
9 with member Ghazal about.

10 And I'll ask you, Democrats in the room, get
11 on board. Let's make it a bipartisan bill.
12 Let's -- instead of fighting over this all the
13 time, let's get together and solve the problem.
14 That -- that's --

15 **DR. JOHNSTON:** Thank you.

16 **MR. DAVIS:** And I'm not asking this board to
17 ask the General Assembly to pass this bill. I'm
18 just asking the board to ask the General Assembly
19 to consider the proposal. Just take it up and
20 talk about it. That's literally all I'm asking
21 for here.

22 **DR. JOHNSTON:** Thank you very much.

23 **MR. DAVIS:** Okay, thank you.

24 **DR. JOHNSTON:** So let's move along to cases.
25 Beg your pardon?

1 **MR. DAVIS:** (off microphone, inaudible)
2 **DR. JOHNSTON:** I think we will study it
3 at -- and bring it back at the next meeting.
4 Thank you.
5 I think the first case is SEB2019-038, city
6 of Arlington.
7 **MS. KOTH:** The Georgia State Election Board
8 held their board meeting on February 13, 2024,
9 and voted to continue this case regarding two
10 aspects. It was -- hang on. There were ten --
11 there was originally ten investigation -- or ten
12 complaints that came through. Those were all
13 finished on that last meeting in February and
14 then two other issues were still needed to be
15 addressed.
16 During the state election board hearing, the
17 legal counsel representing the city of Arlington
18 stated that part of the reason it took more than
19 three days to verify and process absentee ballot
20 applications was due to the counties -- Calhoun
21 County and Early County -- and saying that the
22 registrars were taking too long to verify the
23 voter registration information and then
24 responding back to the city of Arlington, the
25 city clerk, Mary King.

1 The investigator spoke to employees at
2 Calhoun County and Early County, and both of them
3 advised that they handled those applications
4 immediately. If it came in after 4:30, they
5 handled it the next day. In fact, Early County
6 supervisor advised that they would even stay late
7 to make sure that they were taken care of.

8 So the findings revealed that Calhoun County
9 and Early County registrars would immediately
10 process the signature verification once they
11 received them. So that allegation was
12 unsubstantiated.

13 So there is sufficient evidence to suggest
14 that Mary King and the city of Arlington violated
15 O.C.G.A. 21-2-381, making of an application for
16 absentee ballot determination of eligibility by a
17 ballot clerk when Ms. King did not certify by
18 signing the proper place on the absentee ballot
19 applications.

20 The second violation was for SEB rule
21 183-1-14-.11, the mailing and issuing of ballots
22 when during early voting, Ms. King failed to mail
23 or issue official absentee ballots to such
24 additional eligible applicants within three
25 business days after receiving the absentee ballot

1 application.

2 **MR. COAN:** Hit your button.

3 **MS. SAWYER:** Good afternoon. My name is
4 Toni Sawyer. I represent the city of Arlington,
5 Georgia. And I saw earlier that they got
6 Investigator Monroe on the line.

7 I first want to apologize for any confusion
8 that may have occurred.

9 So let me back up. This all began with
10 regard to an election that was held in February
11 of 2019. Apparently a complaint was filed with
12 the Secretary of State's Office. This rocked
13 along until we were brought before the state
14 election board in December of 2023.

15 Unfortunately I could not speak at all, so the
16 case was continued.

17 However, we had no knowledge of what the
18 complaint was centered upon. Like, we got the
19 summary but we didn't know really what was going
20 on. I asked for the documents that were
21 referenced in the -- in the summary, but I was
22 advised that we were not allowed to see the
23 documents until after the case was -- until after
24 the case was -- was handled through the state
25 election board.

1 So therefore we are just attempting to
2 defend ourselves, but it was not -- we -- you
3 know, we were not being given the opportunity to
4 effectively defend ourselves. So when we were
5 addressing the -- the issue of the -- the issue
6 of the -- the three days, it came up about the
7 matter of, you know, the -- the registrar. And
8 we are aware that the registrar does handle --
9 well, when we received a -- absentee ballot
10 applications that come in, that are mailed in to
11 us, we do send them directly to the registrar,
12 the Calhoun County registrar, and she does handle
13 those, and we do have to wait for them to come
14 back.

15 So in the meantime, what we've learned is a
16 lot of this could have been addressed through
17 communication. A -- an open records act was --
18 excuse me, an open records request was made in
19 October of 2019, right before the election. What
20 our office does is we receive the original -- the
21 original absentee ballot applications. And
22 because the city of Arlington is split between
23 two different counties, the election
24 superintendent will -- excuse me, will e-mail the
25 registrar for whichever county the absentee

1 ballot applications when they come in through the
2 mail for -- for them to check them off.

3 So you'll have the original that came in,
4 the hard copy, and then you'll have the copy that
5 was sent through e-mail. And so there was an
6 absentee -- excuse me, an open records request
7 for the absentee ballot applications. And what
8 was provided was a copy of the original absentee
9 ballot applications and on the original absentee
10 ballot applications, the information on there was
11 shown where the absentee ballot application was
12 received by the city of Arlington, where it was
13 sent to the registrars office, and then where the
14 actual ballot was mailed out, okay? We didn't
15 send copies of both the original absentee ballot
16 application and the document that was received
17 back from the registrars office because there
18 would just have been a duplicate in our mind.

19 Those actually -- our documents are actually
20 stapled together and they are at the end of the
21 election provided to the registrar so they can be
22 stored at the proper courthouse, which now has
23 since been destroyed.

24 So that is the document that was submitted
25 to the Secretary of State's Office, all right?

1 So, one, we -- when it comes to the first
2 allegation of a matter of 11 applications that
3 are not properly signed, we don't know because
4 that election was in November 2011, those
5 documents have been destroyed.

6 We don't know which one he, Investigator
7 Monroe, is referring to. And if he is referring
8 to the documents that he received, he's only
9 received half of the actual application because
10 we just said we have two documents. We have the
11 original that has the information on there when
12 the application was received, when it was sent to
13 the registrar, and when the ballot was sent out,
14 and then there's the copy that comes in on the
15 e-mail from when it was e-mailed to the
16 registrar. And when -- the registrar e-mails it
17 back when they are -- after they say whether or
18 not it's rejected or accepted and they sign it.

19 Again that's at a point stapled and then
20 they are sent off -- those documents are sent off
21 at the end of the election to be stored and
22 they've been destroyed by both counties. So we
23 don't know what document he's referring to, but
24 if you're referring to this document, then you
25 won't have the full -- you won't have the -- a

1 signature because this is not a document for her
2 to sign. And she doesn't sign it anyway. So
3 we -- we're -- we are unsure about this. We
4 don't know what Investigator Monroe is referring
5 to.

6 With regard to the absentee ballot
7 applications not going out within three business
8 days, so the law says that you have 22 days from
9 the date of election to prepare or have your
10 ballots prepared, okay?

11 So we go back to this is the 2019 election,
12 municipal election. And what Investigator Monroe
13 or -- I don't believe he was the one that
14 initially started this investigation. But what
15 we have is the 2019 training materials that
16 were -- that was provided when Ms. LaShet(ph) --
17 Melanie Forshet(ph), excuse me, provided the
18 elections training for the Secretary of State's
19 Office. We have the -- the PowerPoint and we
20 also have the election training important dates.
21 And in here the date for mailing the ballot out
22 is October 14th.

23 So you will see where we have ballot
24 applications received on, like, October 4th,
25 October 5th. But according to what the Secretary

1 of State advised for the 2019, November 5th
2 election, you couldn't mail your ballots until
3 October 14th or later.

4 So if you notice with your documents that
5 were provided -- and again this is a shot in the
6 dark. This is a shot in the dark because we
7 don't have the documents that you have. If you
8 have this absentee ballot application -- and,
9 again, shot in the dark because we don't have
10 what you got. We -- we're just assuming.
11 Ms. King, who is the election superintendent,
12 created her own little spreadsheet.

13 And if they were to ask -- because
14 Investigator Monroe never came back to Ms. King
15 and said, Hey, I've got this document, can you
16 explain it to me? What she created was a
17 spreadsheet of this is the name of the person
18 that received the absentee ballot application,
19 this is the date we received it, this is the date
20 we sent it to the registrar, and this is the date
21 where the actual ballot was mailed out.

22 If you notice, no ballot was sent out
23 earlier than October 15th and that is in line
24 with what the Secretary of State told us that you
25 couldn't send it out before October 14th.

1 So we didn't violate any rules.

2 **MS. KING:** (off microphone, indiscernible)

3 Can I see? Can I see what you're --

4 **MS. SAWYER:** Sure. Yes, ma'am. May I

5 approach?

6 **MS. KING:** Yes.

7 **MS. SAWYER:** Okay.

8 (Ms. Sawyer confers with the board.)

9 **MS. GHAZAL:** Can you tell me, is Ms. King

10 still conducting elections on behalf of the city

11 of Arlington?

12 **MS. SAWYER:** Yes. We contracted with (off

13 microphone, indiscernible), but we unfortunately

14 (indiscernible). And we can't get anybody

15 (indiscernible). (indiscernible) find somebody

16 else.

17 **DR. JOHNSTON:** Any other questions?

18 **MS. GHAZAL:** Have there been any subsequent

19 issues in terms of timing of mailing absentee

20 ballots in other municipal elections?

21 **MS. SAWYER:** No, ma'am. Not that we've been

22 aware of, unless something else has been filed

23 and we haven't been notified of it.

24 And, again, this is the spreadsheet that

25 Ms. King has created. Now, she -- I -- since

1 I've become aware of this, we talked and I
2 have -- we -- we are going to do things a little
3 differently because, again, with the -- these
4 applications are those that have been downloaded
5 from the Secretary of State's website, okay?

6 So, you know, we've talked about how to kind
7 of handle those and mark them as when the ballots
8 are -- or the applications are received, when
9 they are sent to the register, when they're
10 received back from the register, having all that
11 information on one page. We've talked about
12 changing things a little bit to try to make sure
13 everything is on one page and not having those
14 two sets of documents and things of that nature.
15 But, yes. Yes, ma'am.

16 **DR. JOHNSTON:** Is there a motion?

17 **MS. GHAZAL:** I would move that we issue a
18 letter of instruction to -- to Mrs. King and to
19 the city of Arlington that outlines current
20 procedures, because they have changed, to ensure
21 that all documentation is -- is in order and that
22 absentee ballots are mailed out within three days
23 of receipt.

24 **DR. JOHNSTON:** Is there a second?

25 **MS. KING:** Second.

1 **DR. JOHNSTON:** Any discussion? So there's a
2 motion to issue a letter of instruction and
3 outline current procedures of -- of current
4 instruction to the city so that it won't happen
5 again. All in favor?
6 **THE BOARD MEMBERS:** Aye.
7 **DR. JOHNSTON:** Mr. Jeffares?
8 **MR. COAN:** Aye.
9 **DR. JOHNSTON:** Aye. All -- motion passes.
10 Thank you.
11 Next case, Appling County, absentee ballot
12 applica -- no?
13 **MS. KOTH:** Those were continued.
14 **DR. JOHNSTON:** Beg your pardon?
15 **MS. KOTH:** They were continued.
16 **DR. JOHNSTON:** Continued, thank you.
17 **UNIDENTIFIED SPEAKER:** (off microphone,
18 indiscernible)
19 **DR. JOHNSTON:** All right.
20 Next case, Liberty County.
21 **MR. BRUNSON:** Yeah, Appling is back on.
22 **DR. JOHNSTON:** Oh, so the second Appling.
23 **MR. BRUNSON:** Yes.
24 **MR. COAN:** What's that number?
25 **DR. JOHNSTON:** Two -- 2022-240.

1 **UNIDENTIFIED SPEAKER:** Yes, here. Here we
2 go.

3 **DR. JOHNSTON:** So it's tab 15.

4 **UNIDENTIFIED SPEAKER:** For the county --

5 **MR. BRUNSON:** You know, is this thing -- it
6 may not be --

7 **DR. JOHNSTON:** He's going to present? Yeah?
8 Are you going to present?

9 **MR. BRUNSON:** Yeah, I'll present. Oh, you
10 know what, that might not be in you all's
11 binders.

12 **MS. GHAZAL:** It is. It's here.

13 **MR. BRUNSON:** Oh, it is, okay. Okay. So
14 I'm going to cover one half of this case because
15 Appling County is not here.

16 **MR. GARCIA:** I'm right here.

17 **MR. BRUNSON:** The county's not here. So
18 this case focused on the individual and the
19 county. So I'm going to deal with the individual
20 part of it.

21 **DR. JOHNSTON:** All right.

22 **MR. BRUNSON:** So it's reported that
23 Mr. Jorge Arreguin Garcia went into the Appling
24 County Board of Elections office on October 17,
25 2022, to early vote. Mr. Arreguin Garcia went

1 back on October 19, 2022, and he was able to vote
2 again.

3 The EasyVote software that Appling County
4 uses did not detect that Mr. Arreguin Garcia had
5 already voted. Mr. Arreguin Garcia provided a
6 written statement to the Appling County Board of
7 Elections office in which he states that he may
8 have double-voted. The letter is dated
9 October 19, 2022.

10 Later on, our investigator spoke with
11 Mr. Jorge Arreguin Garcia regarding that. He
12 explained that the November 2022 general election
13 was the first time he had ever voted as an
14 American citizen. He stated that he didn't fully
15 understand the process. He explained that he
16 voted alone on October 17, 2022, but that he took
17 his father to vote on October 19th to assist him
18 with communicating.

19 When he informed the poll worker that he was
20 there to assist his father, they requested his
21 identification also. When they returned his
22 identification, he also received the documents to
23 vote. Mr. Arreguin Garcia told investigators --
24 the investigator that after casting his ballot,
25 he realized what he had done and within five

1 minutes of doing so, he went to the poll workers
2 and informed them of what he had done.

3 So based on the investigation, it was
4 determined that he violated O.C.G.A. 21-2-572,
5 repeat voting in the same primary or election,
6 when he voted twice during early voting for the
7 2022 general election. He voted on October 17th
8 and then again on October 19th as stated.

9 **MR. GARCIA:** He's correct in everything he
10 said. The only thing I'd like to add is that
11 I've been recently diagnosed of bipolar
12 schizophrenia, and back then when all that
13 happened it was true but I wasn't on my
14 medication or whatever. Right now I'm taking
15 medication for -- for that.

16 And I have with me -- I -- I couldn't get a
17 letter from my doctor because of the hurricane.
18 I haven't even took my medicine this month. But
19 I -- I got paperwork where I went to court last
20 month and my lawyer got me an agreement where as
21 long as I show every month that I'm on my
22 medication that they reduce my charges and stuff
23 like that.

24 But the main thing is I think if I would've
25 been on medication back then, I probably would've

1 caught it before I even would've voted twice even
2 though she handed me the thing, the little card
3 to vote and it was my first time voting or
4 whatever. And I don't know if you could just
5 please dismiss it. Thank you.

6 **MS. KING:** Mr. Garcia, is this the first
7 time this has happened?

8 **MR. GARCIA:** Yes.

9 **MS. GHAZAL:** Mr. Garcia, I just want to
10 clarify you self-reported as soon as you realized
11 what had happened.

12 **MR. GARCIA:** Yes, I did.

13 **DR. JOHNSTON:** Any other questions? Is
14 there a motion?

15 **MS. GHAZAL:** I would move that we issue a
16 letter of reprimand to Mr. Garcia, instructing
17 him that he should only vote once and -- and to
18 be very cautious about this and to be very aware.
19 But I would not be in favor of referring this
20 further.

21 **MS. KING:** Second.

22 **DR. JOHNSTON:** Okay. Is there a discussion?
23 Mr. Garcia, you understand you can only vote
24 one time in an election; correct?

25 **MR. GARCIA:** Correct.

1 **DR. JOHNSTON:** Okay. All right. Thank you
2 for self-reporting and thank you for coming
3 today.

4 **MR. GARCIA:** You're welcome.

5 **DR. JOHNSTON:** So there's a motion to issue
6 a letter of reprimand with instruction for
7 Mr. Arreguin Garcia to instruct him that he can
8 only vote once in an election. All in favor of
9 the motion?

10 **THE BOARD MEMBERS:** Aye.

11 **DR. JOHNSTON:** Okay. Motion passes.
12 You may be dismissed.

13 **MR. COAN:** Thank you for coming in.

14 **MS. GHAZAL:** Drive carefully.

15 **DR. JOHNSTON:** Safe travels home.

16 Next case is Liberty County, absentee ballot
17 processing, case number 2020-064.

18 **MS. KOTH:** The Secretary of State's Office
19 received this self-report complaint from Liberty
20 County about absentee ballots which were not
21 processed properly. The election supervisor at
22 the time, Ella Golden, retired immediately after
23 the June 9, 2020, primary election.

24 On July 13, 2020, during the process of
25 cleaning out and reorganizing the election board

1 office, a staff employee found 71 mail-in
2 absentee ballots in a secured filing cabinet
3 dedicated for absentee ballot safekeeping.

4 The ballots were inside a large envelope
5 which was unintentionally wedged in the recess of
6 the cabinet. The ballots were from the March 24,
7 2020, presidential preference primary which had
8 been moved to June 9, 2020.

9 There were two more unopened mail-in
10 absentee ballot envelopes that were found in the
11 desk in the office.

12 The investigator interviewed multiple
13 employees and former employees and none of them
14 advised they had initialed 70 of the oath
15 envelopes with what appeared to be an "L."

16 Former supervisor Miss Golden advised she
17 did not lock the cabinet while other employees
18 advised that she did and that she held the keys.

19 The employee, Miss Lee, who found the oath
20 envelopes, advised she saw the envelopes sticking
21 out and she originally thought it was trash.
22 Miss Lee advised she did not initial or sign any
23 of the oath envelopes.

24 The current director, Miss Ronda, has
25 advised that she has implemented safeguards so

1 this will not happen again.

2 There is evidence to suggest that Liberty
3 County Board of Elections and Registration and
4 Ella Mae(ph) Golden violated O.C.G.A. 21-2-386,
5 safekeeping, certification, and validation of
6 absentee ballots when Miss Golden failed to
7 process and tabulate 73 mail-in absentee ballots
8 for the March 24, 2020, presidential preference
9 primary.

10 **DR. JOHNSTON:** Is there a representative
11 from Liberty County? Yeah.

12 **MS. WALTHOUR:** Good afternoon. I'm Ronda
13 Walthour, the supervisor of elections for Liberty
14 County.

15 One thing we have done is implemented new
16 safeguards to our absentee process. We have two
17 locked doors and the ballots are now stored in a
18 secure area in those locked doors. And we've
19 also renovated the office for just employee use
20 and no longer have the ballots in an area where
21 people are walking by.

22 We -- we also did self-report this because
23 of the fact that it was in the presidential
24 preference primary. And really I can't say it
25 didn't hold any effect, but it was due to, I

1 know, during the COVID time where they pushed --
2 pushed the actual election to the next month or
3 what have you. So I don't know what actually
4 happened.

5 It was just me cleaning up and I decided to
6 go ahead and self-report because if you have
7 ballots that you're questioning in your
8 reconciliation and you see that there's an issue,
9 you need to report it. And that's why I did what
10 I did.

11 So I am asking for a letter of instruction
12 even though I have already gone ahead and did the
13 process to make sure that absentee is -- absentee
14 ballots are in a secured area and completely
15 reconciled on a daily basis during election time.

16 **DR. JOHNSTON:** Any questions?

17 **MS. GHAZAL:** (off microphone, indiscernible)
18 I really appreciate you being here. I appreciate
19 everything you've done to make sure that
20 this doesn't happen --

21 **MS. WALTHOUR:** I can't hear.

22 **MS. GHAZAL:** (microphone on) that this can't
23 happen again. I appreciate all the steps you've
24 taken to remediate this. But fundamentally 73
25 absentee ballots that were not counted means that

1 73 voters were disenfranchised and that is a step
2 too far for me to be comfortable with anything
3 less than -- than referring this to the Attorney
4 General's Office.

5 I am certain that they will take into
6 account the fact that you self-reported, the fact
7 that you have taken remediated -- remediation.
8 But nonetheless I am going to move at the proper
9 time to refer this to the Attorney General's
10 Office.

11 **DR. JOHNSTON:** Ms. King.

12 **MS. KING:** You -- Ms. Golden is who was
13 the --

14 **MS. WALTHOUR:** Correct.

15 **MS. KING:** -- election supervisor at the
16 time. You weren't there; correct?

17 **MS. WALTHOUR:** I was in the -- I worked in
18 the office, but I did not do absentee ballots --

19 **MS. KING:** Okay.

20 **MS. WALTHOUR:** -- balloting.

21 **MS. KING:** Okay.

22 **MS. WALTHOUR:** That was under someone else.

23 **MS. KING:** Okay, but she's -- she's
24 retired --

25 **MS. WALTHOUR:** Correct.

1 **MS. KING:** -- now. Okay. Just want to
2 check that.

3 **DR. JOHNSTON:** So a question. When the
4 absentee ballots come in, are they logged in on a
5 log sheet or -- or ...

6 **MS. WALTHOUR:** Actually they're processed
7 immediately when we receive ballots and locked
8 up.

9 **DR. JOHNSTON:** Okay. Do you -- do you have
10 a way of knowing were these absentee ballots
11 delivered by the post office or were these
12 absentee ballots delivered by individuals?

13 **MS. WALTHOUR:** What we normally do is when
14 they are walked in, my absentee team, they go
15 ahead and automatically process it before the
16 elector leaves so that we know that it has been
17 processed and -- and literally written down on a
18 numbered list.

19 That is the one thing that we have
20 implemented as well. In the past, I don't
21 know -- I -- me being -- not being in absentee,
22 that was not what I did. So at this point our
23 board and me, personally as a supervisor, have
24 made sure that we've taken the steps to do what
25 it is that -- to properly handle those actual

1 ballots now.

2 DR. JOHNSTON: To keep that numbered list.

3 MS. WALTHOUR: Yes, ma'am.

4 DR. JOHNSTON: Was that kept at that time?

5 Or ...

6 MS. WALTHOUR: I don't think so, no.

7 DR. JOHNSTON: Okay. Thank you.

8 MS. WALTHOUR: And again, during that time,
9 it was during COVID, where they -- I'm not sure
10 how they got placed where they got placed and
11 that was one of those things where every -- every
12 elections office was under stress during that
13 time, knowing that we had a March election and it
14 got pushed back to May and June. So I know that
15 was probably part of the issue.

16 DR. JOHNSTON: Right, in the fog of COVID.

17 MS. WALTHOUR: Yes.

18 DR. JOHNSTON: Are there any other
19 questions? Is there a motion?

20 MS. GHAZAL: I move that we refer Liberty
21 County to the Attorney General's Office.

22 MS. KING: I second.

23 DR. JOHNSTON: There's a motion and a second
24 to refer this to the Attorney General's Office.
25 Any discussion? All in favor of this motion?

1 **THE BOARD MEMBERS:** Aye.

2 **DR. JOHNSTON:** Any opposed? No? Okay. So

3 the motion passes to refer to the Attorney

4 General. Thank you very much.

5 **MS. WALTHOUR:** Thank you.

6 **MS. KING:** And thank you for what you've

7 done to clean -- clean it up and to get it back

8 on track.

9 **MS. WALTHOUR:** It's a process, but, you

10 know, we're all wanting to make sure that

11 electors are not disenfranchised. That is the

12 one -- number one priority in Liberty County. I

13 can promise you that.

14 **DR. JOHNSTON:** Thank you so much. And thank

15 you for keeping that numbered list also.

16 **MS. WALTHOUR:** Yes, ma'am.

17 **DR. JOHNSTON:** That helps so much with

18 reconciliation.

19 Next case, SEB2020-241, out-of-state excess

20 voting.

21 **MS. KOTH:** This is case that had 395

22 possibles and then it was -- we narrowed it down

23 to five. Four of them were already voted on. So

24 the one continued was Mark Merchant.

25 The voter history records indicate that

1 Merchant voted advanced in person in Georgia on
2 10/16/20 and voted by mail-in ballot in Nevada,
3 10/20/20. Both states provided supporting
4 documentation to confirm the double-vote.

5 Gwinnett County, Georgia provided a copy of
6 his advanced in-person application. And Nevada
7 provided a copy of his oath envelope which was
8 postmarked Atlanta metro on 10/15/20. Signatures
9 on supporting documents appear to be the same.

10 Mr. Merchant provided an e-mail statement
11 stating that he did not vote in Nevada.
12 According to the records he voted in 20 -- he
13 voted in '02, 2018, and 2020 in Georgia and
14 Nevada. We did try to refer this to the Gwinnett
15 County DA's Office and they said due to the
16 statute of limitations, they would not take it.

17 **DR. JOHNSTON:** Is Mr. Merchant here?

18 **MR. COAN:** Would you hit your button please?
19 Sir, would you hit your button?

20 **MR. MASON:** Good afternoon. Kamau Mason.
21 Good to see you all again. Mr. Merchant is here.
22 I will be answering all questions on
23 Mr. Merchant's behalf.

24 I believe that the last time that I was
25 here, I spoke briefly as it relates to my

1 concerns about the case. Most of my concerns
2 centered in and around what I perceived to be
3 issues of due process. And I'll state it on the
4 record again.

5 Mr. Merchant was visited by agents of the
6 state who, for lack of better words, are in
7 effect law enforcement officers. He was
8 questioned in his home as it relates to something
9 that could potentially be criminal in nature and
10 at no particular point in time was Mr. Merchant
11 ever given Miranda warnings.

12 In addition to that, I provided to the
13 Secretary of State's Office and this board my
14 letter of representation, and I also requested
15 the last time that we were here at hearings that
16 I be allowed the opportunity to view any and all
17 evidence that the state's officers had against my
18 client. Unless I've missed something in the
19 mail, unless I have missed an e-mail, unless I
20 have missed any type of communication from any of
21 the offices, I still don't have any discovery.

22 Today's hearing, in my world, looks a lot
23 like a probable cause hearing. And when I am
24 standing in front of district attorneys for a
25 probable cause hearing, they will at least

1 provide me with a police report.

2 In that probable cause hearing, the officers
3 will take the stand and they will, for lack of
4 better words, run down the evidence that they
5 have. They'll show video if necessary. I will
6 have the opportunity to see discovery that
7 amounts to something else other than what the
8 state officials have just simply said.

9 And so I'll say the same thing that I said
10 the last time that I was here. While I
11 understand that this board's mission is to
12 protect the right to vote, you cannot sacrifice
13 Miranda while you are protecting the right to
14 vote.

15 My client has at all times stated aloud that
16 he was innocent. And at no particular point in
17 time has that been taken into account as it
18 relates to what is on the record.

19 I'll also state this. The writings that we
20 received as of late don't say anything at all
21 about voting in 2002. In fact the writings
22 state: Voter history indicated that Merchant
23 voted advanced in person, AIP, in Georgia,
24 10/16/20 and voted by mail ballot in Nevada
25 10/20/20. Both states provided supporting

1 documents to confirm the double-vote. Gwinnett
2 County, Georgia provided a copy of his AIP
3 application in Nevada, provided a copy of his
4 oath envelopes which was postmarked Atlanta Metro
5 on 10/15/20.

6 Signatures on supporting documents appear to
7 be the same. Mr. Merchant provided an e-mail
8 statement stating that he did not vote in Nevada.
9 If officers from the state are stating that he
10 has voted some 20 years ago, my first question
11 would be is why is that not in any of the written
12 indicators that we have received?

13 My second question to everyone here is is
14 why have I not gotten any form of evidence or
15 discovery? Because it is impossible to defend
16 someone against any allegation if I don't have
17 the ability to actually see what the state is
18 viewing. We asked for that information last time
19 and I was quite poignant in my responses. I said
20 I wanted it all.

21 My client deserves the ability to be able to
22 defend himself and I need to see that evidence in
23 order to be able to defend him. One question
24 from one board member alluded to the idea of a
25 theory on the case. We can't perfect a defense

1 theory on the case if we don't have the
2 information to be able to move forward with a
3 defense.

4 So in this particular instance, what we're
5 looking at is an allegation that is almost four
6 years old where Mr. Merchant has said to everyone
7 involved that he did not do this. The documents
8 that were sent weren't sent to his home address.
9 They were allegedly sent to a P.O. Box and P.O.
10 boxes are not bottomless pits. When P.O. Boxes
11 get stuffed full of documents, those documents
12 can end up anywhere: on the floor, in trash bins,
13 in cans, who knows where.

14 And so the question that I would raise is is
15 as opposed to standing in this body and saying
16 that Mr. Merchant voted in two elections, there's
17 a couple of questions that have to be asked and
18 answered. And I raised this point the last time.
19 Why is the state of Georgia not communicating
20 with the state of Nevada and asking why is the
21 state of Nevada sending out absentee ballots?

22 My client hasn't lived in Nevada in over 20
23 years. He has not resided there. He has resided
24 in Georgia for the last 20 years. But the state
25 of Nevada has been sending out absentee ballots

1 wholesale. In fact, there is a 2021 Associated
2 Press report that said that the governor there,
3 for lack of better words, passed a law allowing
4 absentee ballots to be sent out on the basis of
5 driver's licenses alone.

6 I raised the question the last time that I
7 was here. If absentee ballots require some form
8 of in-state identification, how in the world is
9 it that my client is alleged to have voted in
10 Nevada and he hasn't lived there in 20 years?

11 So I'll say this. Number one, I continue to
12 hear people say that this is not a judicial
13 hearing, but it looks like a judicial hearing, it
14 sounds like a judicial hearing. I've been
15 hearing people talk about subpoenaing records.
16 I've sat here and I've watched election officials
17 testify which means that even if it is not a
18 full-blown judicial hearing, it looks very close
19 to being quasi-judicial. And so if it is going
20 to stay and remain quasi-judicial, the rules of
21 procedure need to be followed.

22 My client should not have, for lack of
23 better words, been simply accused without being
24 Mirandized. The badge that those officers walked
25 into his home with on that day are just as

1 powerful as the gun on their side to a
2 69-year-old man -- a 68-year-old man. He's 70
3 now, okay?

4 Number two, where is the discovery because I
5 should be seeing that?

6 Number three, officers shouldn't be allowed
7 to read into the record evidence that they have
8 that hasn't been shown to me and I'm his lawyer
9 because when that -- when your body hears it --
10 again, no one here is saying allegedly. I did
11 not hear the words "alleged" in anything read by
12 the state which means it's being read as truth
13 and that means it's being taken as truth.

14 The records that were sent to Mr. Merchant
15 this last time around only read the paragraph
16 that I just gave. And I'll also say this. I've
17 submitted my letter of representation. I didn't
18 even get notice of this hearing. The only reason
19 that I found out about it is because I got a call
20 from my client.

21 There are -- are errors that are going on
22 here. I understand the idea that you are trying
23 to protect the rights of voters, but you also
24 have to protect their other constitutional
25 rights. And it is possible to do that at the

1 same time.

2 Now, if the district attorneys in
3 Gwinnett -- in Gwinnett has already said that
4 this case is far too old, in my opinion we should
5 have just gotten a notice from the -- from this
6 body saying it's not even necessary to show. But
7 I don't have any signatures to look at. I don't
8 have what the investigators are seeing. And if
9 the District Attorney's Office did move to
10 indict, I would move to suppress all of that
11 evidence because you all have badges and guns and
12 nobody Mirandized him.

13 My request is is that you simply drop this.
14 I am going to be that audacious in my request.
15 My client doesn't have a criminal record. He
16 hasn't been a part of any type of election
17 conspiracy. When I look at his voting record,
18 it's amazing to me. At 70 years old, he's been
19 around enough -- around long enough to vote for
20 Nixon, Carter, Clinton, Reagan -- sorry, not
21 Clinton, Reagan -- no, Clinton twice. He didn't
22 vote in '88. He voted for Barack twice. He
23 voted for Trump twice, not the same election just
24 both times.

25 So we're not looking at an instance here

1 where we have a person who is so bent on voting
2 in one way that he's willing to do something
3 illegal. What we're looking at here is, for lack
4 of better words, an issue where another state is
5 ad hoc sending out documents that could place
6 members of another state in jeopardy by the very
7 nature of their sending them out. It screams of
8 the concept of entrapment.

9 My client couldn't create that. That's
10 something the state of Nevada did. And so all
11 day long I have been sitting, listening to
12 opinions. I've been sitting, listening to people
13 arguing back and forth. Dare I say, I've been
14 sitting, listening to people insulting one
15 another. And it makes no sense because time
16 would be better spent communicating with the
17 other states that may very well be placing our
18 senior citizens in danger.

19 Identity theft is real. At the age of 70,
20 the likelihood that someone's identity could be
21 taken or fraudulently used multiplies. And yet
22 no one here today has spoken to that concept. At
23 70 years old no one should be going through this.
24 In fact, no one should be going through it at the
25 age of 18.

1 But I'll say it again. When you walk into
2 someone's home and you ask them questions that
3 could get them indicted, you're supposed to read
4 them Miranda. And if you don't read them
5 Miranda, then that means that you are going to
6 have to answer to an attorney that is going to
7 file every possible motion to make sure that
8 whatever it is that you found now gets
9 suppressed.

10 My client is not a criminal. He's here
11 today. I heard a comment earlier on from a
12 member of this board, talking about the idea that
13 the absentee ballots are designed for folks that
14 may very well have been working abroad. And you
15 know what I talked about the last time that I was
16 here? The fact that Mr. Merchant has worked
17 abroad for years.

18 He entertains children. He teaches
19 children. He goes to military bases. He's a
20 ventriloquist. He does all the things that
21 responsible American citizens do.

22 Instead of regarding him as the criminal,
23 perhaps your group needs to look at him as
24 potentially being the victim. And maybe, just
25 maybe, you might get to some of the answers that

1 you're looking for. Thank you.

2 **DR. JOHNSTON:** Are there any questions?

3 **MS. GHAZAL:** I -- simply to say that this is
4 an administrative hearing. It is not a criminal
5 proceeding. And if you're looking at an analog,
6 perhaps the best analog would be a grand jury
7 proceeding. And, frankly, yes, a failure to
8 Mirandize would mean that any statements would be
9 inadmissible and any evidence that would be fruit
10 of the poisonous tree would be inadmissible.

11 This -- this documentation is not a fruit of
12 that poisonous tree. This was independently
13 identified by the investigators.

14 And I will move to refer this case to the
15 Attorney General's Office.

16 **DR. JOHNSTON:** Is there a second?

17 **MS. KING:** Second.

18 **DR. JOHNSTON:** Any discussion? The chair
19 hears none. All in favor signify by saying aye.

20 **THE BOARD MEMBERS:** Aye.

21 **MR. MASON:** So I just want to be clear.

22 **DR. JOHNSTON:** All opposed? Motion passed.

23 **MR. MASON:** Just to be clear. You've had
24 people on the record today that have actually
25 admitted to the violation and you issued letters

1 of reprimand, you have a gentlemen today who is
2 stating out loud that he's innocent of all
3 charges and all you have is what the
4 investigators have noted and even Gwinnett
5 County's district attorney does not want to
6 proceed with charges, and your suggestion is
7 refer the 70-year-old to the Attorney General's
8 Office.

9 **MS. KING:** Well, we have his signature.

10 **MR. MASON:** Can I see it? I haven't seen
11 it.

12 **MS. KING:** Was this not sent to them?

13 **MR. MASON:** I haven't seen it.

14 **DR. JOHNSTON:** Thank you. This will be
15 referred to the Attorney General for further
16 investigation and action.

17 Next --

18 **UNIDENTIFIED SPEAKER:** (indiscernible)

19 **DR. JOHNSTON:** No.

20 **MR. COAN:** You've got -- got your copy? Oh,
21 that is for your file (indiscernible).

22 **MS. KING:** We can make sure you get a copy.

23 **DR. JOHNSTON:** Next case, Henry County,
24 possession of absentee ballot, SEB2021-148.

25 **MR. BRUNSON:** The allegation in this

1 particular case is that Sharon Hess -- or I'm
2 sorry, Sharon Hayes, with the assistance of
3 Councilman Willie Turner, turned in absentee
4 ballots for other voters and placed them in the
5 drop box at the Henry County voter registration
6 office on October 21, 2021.

7 Statements were obtained from the Henry
8 County elections personnel: former supervisor
9 Luane Fesmire and Loretta Lionel and other
10 election officials.

11 Ms. Lionel witnessed Mrs. Hayes drop off a
12 number of absentee ballot envelopes into the drop
13 box. She was asked who she was dropping the
14 ballots off for and she replied her family.

15 Mr. Turner, who was with her, interjected
16 that she meant that her family assisted the
17 voters on the ballots.

18 Mrs. Hayes ultimately told Mrs. Fesmire that
19 the ballots that she turned in did not belong to
20 her family members. Mr. Turner again interjected
21 that he did not trust the mail system and that is
22 the reason why they were turning in the ballots.

23 Mrs. Fesmire told them that it was against
24 policy to drop off absentee ballots for people
25 who are not immediate family or met a certain

1 criteria.

2 An investigator went to the Henry County
3 voter registration office to speak about the
4 ballots that were dropped into the drop box.
5 Mrs. Jan Neal(ph), a staff member at Henry County
6 voter registration, indicated that they prepared
7 a list of the names on the absentee ballot
8 envelopes that were dropped off. According to
9 her, there was only one absentee ballot envelope
10 in the box before Mrs. Hayes dropped off the
11 ballots. This is how they were able to determine
12 how many ballots Mrs. Hayes dropped off.

13 The investigator was provided a list of the
14 18 voters whose ballots were allegedly dropped
15 off by Mrs. Hayes. The original investigator was
16 able to speak with three of the eighteen voters.
17 We subsequently followed up and were able to talk
18 to six more. Some of the citizens contacted
19 indicated that they knew Mrs. Hayes or
20 Mr. Turner. However, none of them admitted that
21 they gave the ballots to them to drop off.

22 Ultimately, an investigator did speak
23 with -- or attempted to speak with Mrs. Hayes.
24 She refused to provide information about the
25 case.

1 Mr. Turner was interviewed and he indicated
2 that he drove Mrs. Hayes to the -- to drop off
3 the absentee ballots as previously discussed.
4 And he also indicated that he was a candidate in
5 the election that related to those ballots.

6 During a subsequent interview with
7 Mrs. Fesmire by the investigator, she recounted
8 the incident and stated that she was informed
9 that someone was depositing ballots into the
10 ballot drop box. She spoke with Mrs. Hayes and
11 Mr. Turner, asking if the ballots dropped off
12 belonged to relatives which was answered with a
13 no. She could not advise if it was Mr. Turner or
14 Ms. Hayes who said no to that question.

15 Mrs. Fesmire was asked if Mr. Turner knew
16 that the ballots Mrs. Hayes was dropping off
17 belonged to people who were not relatives of hers
18 or a person she provided care for. She replied
19 that Mr. Turner did -- he knew that the ballots
20 did not belong to the relatives of Mrs. Hayes or
21 persons whom she cared for by evidence by him
22 stating to her that he was not aware of that law,
23 quote, unquote, referencing the procedure for
24 voting by absentee ballots.

25 Additionally Mrs. Fesmire advised that

1 Mr. Turner informed her that they went around and
2 picked up neighborhood ballots and that he didn't
3 think to ask if the owners of the ballots they
4 were collecting were disabled, elderly. He just
5 went to the neighborhood for their convenience.

6 So based on the investigation, we determined
7 that Sharon Hayes and Willie Turner violated
8 O.C.G.A. 21-2-385(a) that relates to absentee
9 ballots and who is authorized to drop those
10 ballots off.

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

12 Any questions?

13 Is -- oh, I'm sorry, is Mr. Hayes or --

14 **MR. BRUNSON:** It's Sharon Hayes. Miss.

15 **DR. JOHNSTON:** Oh, Miss Hayes or Mr. Turner
16 here? No? Mr. Turner or Ms. Hayes?

17 **MS. KING:** Second.

18 **DR. JOHNSTON:** Moved and seconded. Any
19 discussion? No? Chair hears none. All in favor
20 signify by saying yea -- aye.

21 No opposition. Motion passed. We'll refer
22 this to the Attorney General. Thank you.

23 Next case is city of Morrow, SEB2021-171,
24 illegal campaigning.

25 **MS. KOTH:** On November 9, 2021, there were

1 two complaints that were filed against Renee
2 Knight, the former Morrow city can or -- sorry,
3 Renee Knight. The former Morrow city candidate
4 Miss Hue Nguyen reported that she observed Renee
5 Knight's campaign workers campaigning within a
6 hundred and fifty feet.

7 The second complaint was that a poll watcher
8 reported she witnessed Renee Knight enter the
9 polling precinct around 6:10 p.m. on November 2,
10 2021, and was speaking with a poll worker about
11 the current numbers.

12 The invest -- the investigator spoke to
13 Ms. Nguyen and she advised she was roughly
14 300 feet away from the people she advised were
15 illegally campaigning.

16 The investigator inquired about the photos
17 that were obtained from the previous investigator
18 since this case had been reassigned. Ms. Nguyen
19 stated that her husband was the one who took the
20 photos. The video was not time-stamped and
21 photos were not of very good quality. There was
22 no video surveillance for 10/29/21 from the
23 building. This allegation was not substantiated.

24 The second complaint, she advised that she
25 had not personally observed Ms. Knight in the

1 voting precinct on November 2nd. According to
2 the records, Ms. Knight voted on October 28th, so
3 there should not have been a reason for her to be
4 there on ten -- or 11/2/2021.

5 The video was reviewed and Ms. Knight was
6 inside the voting precinct for about ten minutes,
7 from 18:54 to 19:04 hours.

8 The investigator spoke with Ms. Knight and
9 she declined to make a statement. So for
10 allegation 1, there is not enough information or
11 evidence to support or sustain any violation of
12 Georgia law or election rules.

13 Allegation 2, there is sufficient evidence
14 to sustain that Renee Knight violated Georgia
15 Code 21-2-414, subsection (d).

16 **DR. JOHNSTON:** Any questions?

17 Let's see. Is Ms. Knight here? Yes.

18 **MS. KNIGHT:** Good afternoon. On the -- on
19 that day, the reason why I went to the door of
20 the polling place was to review the tally count.
21 It's historical practice that that tally is
22 posted and it's changed periodically. So upon
23 approaching the door, there was not a poll
24 manager there to -- so that I could ask where the
25 information had been posted because I did not see

1 it. And so I don't know where ten minutes came
2 from, but I was being directed to one table to
3 another person and then I walked back out. And
4 at that time I was informed that the ballot count
5 was not posted and it would be posted again once
6 the polling place was closed.

7 So I was not intending to campaign. It was
8 not intent -- an intention to do anything that
9 would break any law. It was just to review the
10 current tally at that time. And at that time it
11 was not posted.

12 **DR. JOHNSTON:** Is Councilwoman Dean here?
13 Yes. Would you like to speak?

14 **MS. DEAN:** I am not really sure why I am
15 here. It doesn't say -- it just says there's an
16 allegation of illegal campaigning. So if someone
17 can enlighten me, I'd appreciate it.

18 **DR. JOHNSTON:** Are there any questions? I'm
19 sorry. She is listed as a respondent.

20 **MS. KING:** Were you contacted to -- were you
21 mentioned in -- I don't see --

22 **MS. GHAZAL:** Investigator Koth, can you
23 enlighten us? Because I don't see a reference to
24 --

25 **UNIDENTIFIED SPEAKER:** I don't either.

1 **MS. KOTH:** I don't either.

2 **UNIDENTIFIED SPEAKER:** (indiscernible).

3 **MS. KOTH:** They may have sent that to you in
4 error. I don't have your name in the report at
5 all.

6 **MS. DEAN:** (off microphone) Well, according
7 to the two letters -- I was sent a letter to
8 appear on --

9 **DR. JOHNSTON:** I'm sorry ...

10 **MS. DEAN:** (microphone on) Oh. Yeah. I had
11 -- I received two separate letters to appear.
12 The first one was canceled, and I received the
13 one for October 8th --

14 **DR. JOHNSTON:** Right.

15 **MS. DEAN:** -- to appear. And --

16 **DR. JOHNSTON:** Here it is.

17 **MS. GHAZAL:** We have not been given any
18 allegations related to anything that you have
19 done. Your name appeared on the -- on the
20 report, so Alex, very rightly, made sure you had
21 notice of it, but I think there was a mistake in
22 the paperwork. So I don't -- I don't see any --

23 **MS. KING:** Yeah, I don't see.

24 **MS. DEAN:** So if I may, both letters -- my
25 name is spelled D-o-r-o-t-h-y and it was sent

1 D-o-r-t-h-y. So if there is no other reason,
2 perhaps.

3 **MS. KING:** You're good.

4 **MS. GHAZAL:** Very sorry for the mixup.

5 **DR. JOHNSTON:** It looks like in complaint
6 number 1, in the second paragraph.

7 Investigator Koth, do you have a record of
8 this concerning Ms. Dean?

9 **MS. KOTH:** No.

10 **DR. JOHNSTON:** No? It's really not a
11 complaint.

12 **MS. GHAZAL:** And there were -- there were no
13 violations found in complaint number 1, so I
14 believe that --

15 As for -- for Mrs. Knight, thank you for
16 coming. I appreciate you doing that. Are you
17 now aware of the restrictions?

18 **MS. KNIGHT:** Absolutely.

19 **MS. GHAZAL:** And I will say this -- this
20 goes for anybody whose name appears on the
21 ballot. You are a walking, talking campaign. An
22 individual who is a -- a candidate on the ballot
23 needs to be very aware of that. And, therefore,
24 when active voting is happening, you may go, you
25 may cast a ballot, you may leave, you may stand a

1 hundred and fifty-one feet out and hold as many
2 banners and have a rally, a hundred and
3 fifty-one feet -- oh, and 25 feet away from the
4 last voter line, but you may not be within that
5 zone anytime active voting is happening.

6 7:01, you can go back -- you can go up to
7 the precinct if voting has -- has finished. If
8 the last voter in line has cast their ballot and
9 there's no longer anybody voting, you're welcome
10 to go observe the tabulation and check all your
11 numbers. While active voting is happening, send
12 a proxy, send somebody to represent you.

13 I would move that we issue a letter of
14 instruction to Mrs. Knight.

15 **MS. KING:** Second.

16 **DR. JOHNSTON:** Second? Okay. Any
17 discussion? The chair is hearing none, all in
18 favor signify by saying aye.

19 **THE BOARD MEMBERS:** Aye.

20 **MS. KNIGHT:** Thank you all for everything
21 that you do. Today's observation of these -- of
22 the day was very interesting and very
23 enlightening. Thank you.

24 **MS. GHAZAL:** Thank you.

25 **DR. JOHNSTON:** Thank you for coming.

1 Going on to SEB2022-030, Richmond County,
2 application sent to any elector without
3 disclaimer.

4 **MS. KOTH:** The complaint was that the
5 campaign of Betty Reece sent Richmond County
6 application for absentee ballot to an elector
7 without the disclaimer, O.C.G.A. 21-2-381,
8 subsection (2) requirements.

9 The investigator attempted to reach out to
10 Ms. Reece and she attempted to contact her by
11 telephone and e-mail. As a result of the e-mail
12 request, the investigator received a call back
13 from Mr. Moses Todd. Mr. Todd identified himself
14 as chairman of the committee to elect Betty Reece
15 the District 4 commissioner.

16 In his conversation with the investigator,
17 he stated that Mrs. Reece would not have been
18 involved with the mailing of the absentee ballot
19 applications to the electors. He further stated
20 that any information I needed -- that the
21 investigator needed would have to come from him.

22 Mr. Todd advised the investigator that they
23 spent approximately 31,000 -- that they sent
24 approximately 31,000 applications to electors who
25 requested absentee ballot applications for the

1 election before this one. Mr. Todd also said
2 that they were aware of the new statute which
3 requires a disclaimer to be added to the
4 application if sent by an entity other than the
5 Secretary of State.

6 Mr. Todd advised that there was no place to
7 add the disclaimer to the application without
8 altering a state document. So they hired a media
9 company to come up with a solution which he
10 stated was a political envelope.

11 Mr. Todd stated that the campaign requires
12 strict adherence to time constraints, and he
13 indicated they decided to have the media company
14 mail the applications in a way that they felt
15 would comply with the disclaimer requirement. He
16 indicated that it was the best interest of time
17 for Mrs. Reece's campaign to do that that way
18 instead of consulting with the Secretary of
19 State's Office about their issue regarding the
20 disclaimer.

21 The investigator asked for the name of the
22 media company that was used, and Mr. Todd stated
23 that he could not recall. Mr. Todd told the
24 investigator that the second time he was asked
25 that he would not provide the name of the media

1 company that was used. Mr. Todd advised that he
2 would provide a statement and later advised that
3 a letter from an attorney would incur a fee, so
4 he would have to check on that.

5 The investigator spoke to Travis Doss, the
6 executive director for the Richmond County Board
7 of Elections and learned that Mr. Doss provided
8 Mr. Todd an example application via e-mail on
9 4/1/2022 which showed where the disclaimer should
10 be added to -- where the disclaimer should be
11 added to the letter.

12 Mr. Todd replied to Mr. Doss he felt that by
13 sending the letter in an envelope from Mrs. Reece
14 that would be sufficient.

15 The potential violations are for Ms. Betty
16 Reece and Mr. Moses Todd. There is evidence to
17 suggest that Betty Reece and Moses Todd violated
18 O.C.G.A. 21-2-381(c), subsection (2), making of
19 an application for absentee ballot.

20 **DR. JOHNSTON:** Is Ms. Reece or Mr. Todd
21 here? Anyone from Richmond County Board of
22 Elections? No?

23 **MS. GHAZAL:** I move we refer this to the
24 Attorney General's Office. And any campaign that
25 is listening in, use the form with the

1 disclaimer, identify yourself.

2 **MS. KING:** Second.

3 **DR. JOHNSTON:** I agree.

4 **MS. KING:** Yeah, and I second that too.

5 **DR. JOHNSTON:** Any discussion? Okay, the
6 chair hears none. All in favor signify by saying
7 aye.

8 **THE BOARD MEMBERS:** Aye.

9 **DR. JOHNSTON:** Motion passes.

10 **MS. GHAZAL:** Motion for a five-minute break.
11 Five-minute comfort break.

12 **DR. JOHNSTON:** Yes. Move -- is there a
13 motion to have a five-minute break?

14 **MS. GHAZAL:** Yes.

15 (Cross-talking)

16 **DR. JOHNSTON:** I'll second.

17 **MS. KING:** Second.

18 (Recess)

19 **DR. JOHNSTON:** We'll resume the meeting.

20 The next case is SEB2022-047, Rockdale
21 County, Durand qualifying issue.

22 **MS. KOTH:** The Secretary of State's Office
23 received a complaint regarding the potential
24 false swearing of a candidate on the Democratic
25 declaration of candidacy and affidavit form. The

1 form was submitted in the name of Patricia Durand
2 for her candidacy for Public Service Commission
3 District 2.

4 It is alleged that Ms. Durand swore and
5 affirmed that by the time of the November 8,
6 2022, general election, she would've been a
7 resident of Rockdale County for one consecutive
8 year. However, she would have only been a
9 resident of Rockdale County for about eight
10 months.

11 The investigator pulled the voter
12 registration cards and saw the application was
13 completed on March 8, 2022, with the DMV and
14 completed on March 9, 2022, with the online voter
15 registration application.

16 He also obtained from Secretary of State's
17 election division, an unredacted copy of
18 Ms. Durand's declaration of candidacy and
19 affidavit form. The form reflects her address in
20 Conyers, Georgia 30094. In the fill-in section
21 which indicates how long she has been a resident
22 of Rockdale, there is a one with a numerical one
23 shown. The form reads: I will have been a legal
24 resident of Rockdale County for one consecutive
25 years. The form was sworn before notary Jennifer

1 Santino(ph) on March 10, 2022. The candidate's
2 signature resembles that of Ms. Durand's and is
3 compared to the other samples of her signature.

4 The findings advise a signed residential
5 lease agreement between Carol King and David and
6 Patricia Durand, indicating it was entered upon
7 March 6, 2022; Ms. Durand's Georgia driver's
8 license, which reflects the address for her that
9 she wrote, having been issued on March 8, 2022;
10 Ms. Durand's voter ID card, which reflects the
11 same address, having been issued on March 9,
12 2022; an affidavit from Carol King which states
13 that arrangements were made for a rental of her
14 basement on March 4, 2022, and a lease signed on
15 March 6, 2022.

16 There is sufficient evidence to suggest that
17 Ms. Durand made a false statement when filing for
18 candidacy when she submitted her declaration of
19 candidacy form, indicating that by the time of
20 November 2022, she would've been a legal resident
21 for one consecutive year.

22 **DR. JOHNSTON:** Thank you.

23 Is Ms. Durand here?

24 **MR. COAN:** Hit the button. Sir, there's a
25 button on your desk, please hit it. Thank you.

1 **MR. SELLS:** Can you hear me now?

2 **MR. COAN:** Yes, sir.

3 **DR. JOHNSTON:** Yeah.

4 **MR. SELLS:** Great. Madam Vice Chair, my
5 name is Bryan Sells, and I'm representing Patty
6 Durand in this matter.

7 We ask this board to dismiss the false
8 swearing complaint for two reasons. First,
9 Ms. Durand did not have the mens rea or mental
10 state required for the crime of false swearing.
11 And, second, because the durational residency
12 requirement as to which Ms. Durand is now accused
13 of false swearing was held by the Fulton County
14 Superior Court to be unconstitutional as applied
15 to her more than two years ago. And that
16 decision is final. It's binding on the state and
17 it precludes further prosecution here.

18 Now, I have prepared a small binder of
19 materials to go along with my presentation. And
20 I'd ask the vice chair's permission to distribute
21 those binders to the members of the board so you
22 can follow along.

23 **DR. JOHNSTON:** Certainly.

24 **MR. SELLS:** So let me begin with a little
25 background. Patty Durand announced her candidacy

1 for the District 2 seat on the Georgia Public
2 Service Commission which was then held by
3 Commissioner Tim Echols in the summer of 2021.
4 By the end of that year, she had raised a
5 substantial amount of money. She was
6 Commissioner Echols's only challenger and her
7 campaign was well-known.

8 It was so well-known, in fact, that the
9 chair of the Public Service Commission, Tricia
10 Pridemore, and Commissioner Echols exchanged a
11 series of text messages in January of 2022,
12 conspiring to draw Ms. Durand out of the district
13 in order to protect Commissioner Echols from
14 competition. Those text messages came out a few
15 months later and were the subject of widespread
16 public attention.

17 Tabs one and two in your materials are an
18 AJC article about the text messages and an AJC
19 editorial board opinion castigating commissioners
20 Pridemore and Echols for engaging in dirty
21 politics.

22 Now after Commissioner Pridemore asked for
23 and received Ms. Durand's home address for the
24 purpose of drawing her out of District 2, she
25 then worked with the Legislative and

1 Congressional Reapportionment Office to draw a
2 map for the public service commission districts
3 that did just that.

4 She testified in support of that map before
5 the House and Senate in this very building,
6 offering justifications for the map that the
7 Fulton County Superior Court later found to be
8 untrue and pretextual. But based on Commissioner
9 Pridemore's false testimony, the General Assembly
10 passed the map on a party-line vote on March 4,
11 2022.

12 It was well-known at the time that the map
13 that the General Assembly passed drew Ms. Durand
14 out of the district and would prevent her from
15 running if the one-year durational residency
16 requirement were applied to her.

17 Tab 3 in your materials is an Associated
18 Press article from February of 2022, just after
19 the map was released, stating what everyone at
20 the time knew: Commissioner Pridemore's map drew
21 Ms. Durand out of District 2.

22 Now, on the same day that the General
23 Assembly passed the map, March 4th, Ms. Durand
24 moved her residence to Rockdale County which was
25 in the newly drawn District 2. Qualifying for

1 the 2022 election took place less than a week
2 later, and the form that Ms. Durand submitted
3 accurately indicates -- accurately and truthfully
4 indicates that she would have been a resident of
5 Rockdale County for .7 years.

6 But the official who received the form from
7 Ms. Durand told her that the state's computer
8 system would not handle a decimal point and so
9 that official retyped the form and rounded the .7
10 up to a one. Ms. Durand protested but the
11 official forced her to sign the retyped version.
12 And tab 4 in your materials is a copy of the
13 original form that Ms. Durand submitted to
14 qualify back in March of 2022.

15 Shortly thereafter, Secretary Raffensperger
16 challenged Ms. Durand's qualifications through
17 the normal challenge process. All of the facts
18 that I've just described came out in the course
19 of a hearing before the Office of State
20 Administrative Hearings or OSAH. Tab 5 in your
21 materials is an excerpt of the transcript of the
22 hearing on Secretary Raffensperger's challenge to
23 Ms. Durand's qualifications. And the key passage
24 about the form is highlighted in yellow on
25 page 3, beginning on page 3 of that transcript.

1 Now, Secretary Raffensperger's challenge
2 ultimately made its way to the Fulton County
3 Superior Court which held the durational
4 residency requirement unconstitutional as applied
5 to Ms. Durand because she had, in fact, been
6 targeted by commissioners Pridemore and Echols.
7 And tab 6 in your materials is a copy of the
8 Fulton County Superior Court's final order which
9 states just that. Secretary Raffensperger did
10 not appeal that order and it remains binding on
11 the state, including this board.

12 So now let me turn to our legal arguments.
13 The elements of the crime of false swearing are
14 laid out in a 2009 case by the Georgia Court of
15 Appeals called *Spillers v State*, and a copy of
16 that decision is in your materials at tab 7.

17 There are three elements of the crime of
18 false swearing. They are, one, willfully,
19 knowingly, absolutely, and falsely swearing under
20 oath or affirmation; two, upon a matter as to
21 which a party could legally be sworn; and, three,
22 an oath administered by a person authorized to
23 administer it.

24 The Court of Appeals also says in *Spillers v*
25 *State* that the intent to testify falsely and the

1 falsity of the testimony must both appear at the
2 same time.

3 Now, as I've said, the board should dismiss
4 this case for two reasons. And the first is that
5 Ms. Durand did not have the mens rea or intent
6 required to satisfy the first element of the
7 crime of false swearing. Here, the undisputed
8 evidence is that Ms. Durand intended to tell the
9 truth but some bureaucrat got in the way.

10 Ms. Durand filled out the candidacy form
11 truthfully and accurately, but the bureaucrat
12 changed her truthful statement into a lie. The
13 bureaucrat told her that the state's computer
14 system would not accept the truth and forced
15 Ms. Durand to sign it under protest. That is not
16 an intent to deceive.

17 The duration of Ms. Durand's residence was
18 by then a matter of public record as illustrated
19 by tab 3. So it's not like she could've fooled
20 anyone by lying about it anyway. The board
21 should, therefore, dismiss the complaint because
22 the undisputed facts negate the first essential
23 element of the crime alleged here.

24 The second reason to dismiss the complaint
25 is that the application of the durational

1 residency requirement to Ms. Durand was illegal
2 in the first place. It was unconstitutional
3 under both the United States Constitution and the
4 Georgia Constitution because of the political
5 shenanigans of Commissioner Pridemore and
6 Commissioner Echols.

7 That ruling by the Fulton County Superior
8 Court is final, it is binding on the state, and
9 it precludes prosecution here because it negates
10 the second essential element of the crime of
11 false swearing, namely that the alleged false
12 statement was something that the person could
13 legally be sworn to.

14 I also want to point out that the statement
15 of investigation that we received is dated
16 July 5, 2022, which is more than a month before
17 the final order that was entered in Ms. Durand's
18 case and apparently was not revised. Or if it
19 has been revised, I haven't seen it.

20 So I want to be clear on -- on our second
21 argument that -- that Ms. Durand can't be
22 prosecuted because this durational residency
23 requirement was illegal as applied to her. If a
24 candidate were asked to swear, for example, that
25 he or she did not -- did or did not vote for a

1 certain candidate in the past, I believe that
2 would be a patently unconstitutional question and
3 no one could be prosecuted for failing to answer
4 the question or answering it untruthfully. It's
5 simply a question that could not have been asked
6 legally of Ms. Durand, according to the Fulton
7 County Superior Court.

8 So as a result -- well, Secretary
9 Raffensperger could have appealed the Fulton
10 court's ruling, but he chose not to. And he
11 doesn't get another bite at the apple here,
12 prosecuting Ms. Durand for a crime, when he lost
13 in court two years ago.

14 This board should also have nothing to do
15 with the dirty politics that led to the Fulton
16 court's ruling in the first place.

17 With that, I ask, once again, for the board
18 to dismiss the complaint against Ms. Durand, and
19 I invite any questions that you might have.

20 **MS. KING:** So on the document it says that
21 she -- let's see here -- has been a resident of
22 Rockdale County for .7 years, but then was a
23 resident of the district for 1.5 years. Is the
24 district in -- do you have multiple counties or
25 like how -- how -- is that what it is?

1 **MR. SELLS:** District 2, all of the
2 districts -- there are only five in -- in the
3 state, so they encompass more than a million
4 people and a lot of counties in many cases.

5 **MS. KING:** Congressional district.
6 Congressional, okay, I got it. I got it.

7 **MR. SELLS:** Yeah. She was in District 2
8 before and District 2 after.

9 **MS. KING:** All right. Now, this -- got it.
10 I got it. Okay. Yeah. Do you have anything?

11 **MS. GHAZAL:** (shaking head)

12 **MS. KING:** Okay. I'm -- I would like to
13 make a motion that we just issue a letter of
14 instruction that basically just says next time
15 don't sign it if you don't feel comfortable and
16 just, you know, the -- the proper steps towards,
17 you know, filing to be a candidate. But I
18 don't -- don't believe that you had malicious
19 intent.

20 **MS. GHAZAL:** I will second that. And I want
21 to offer my thanks to Mr. Sells for providing
22 such a very clear, straightforward accounting of
23 exactly what happened.

24 I have come across this before when I was on
25 the other side of the desk and I was -- was -- I

1 was the bureaucrat and it was a problem with
2 another candidate, wound up in court and again
3 was cleared because -- and -- and there is no way
4 to put a percent -- or to put a decimal in there,
5 and I think that could be something that we could
6 ask the Secretary of State, to consider updating
7 the candidate qualification form so that people
8 can be precise.

9 **DR. JOHNSTON:** Well, it's whole numbers only
10 --

11 **MS. GHAZAL:** Yes.

12 **DR. JOHNSTON:** -- correct?

13 **MS. GHAZAL:** That's exactly right.

14 **DR. JOHNSTON:** Did you second?

15 **MS. GHAZAL:** Yes.

16 **DR. JOHNSTON:** Any other discussion? Okay,
17 the chair hears none. All in favor signify by
18 saying aye.

19 **THE BOARD MEMBERS:** Aye.

20 **MR. SELLS:** Thank you very much.

21 **DR. JOHNSTON:** Motion passes.

22 Next case, Henry County -- next case, last
23 case, McIntosh County, photograph of ballot.
24 It's 2023-090.

25 **MR. BRUNSON:** So the allegation in this case

1 is that an elector, Samantha Bartasis, while
2 voting in person at the Sheldon fire station
3 polling location on November 7, 2023, did use her
4 cell phone to take a photograph of her ballot
5 after it was printed out by the BMD.

6 We opened this investigation following a
7 complaint made which alleges, as I stated, that
8 Mrs. Bartasis, while voting there, pulled out her
9 phone and took a picture of her ballot. It's a
10 potential violation of O.C.G.A. 21-2-413(e) and
11 O.C.G.A. 21-2-568.2, titled, *Photographic and*
12 *Other Electronic Monitoring of Ballots*
13 *Prohibited*.

14 A member of the McIntosh County board who
15 was volunteering observed a citizen, later
16 determined to be Mrs. Bartasis, pull out her cell
17 phone and take a picture of her ballot. She was
18 told to delete the photo of her ballot by a poll
19 worker, however, she ignored her, continued the
20 voting process. Ultimately another poll worker
21 was able to obtain her license. She was
22 subsequently identified in a photo array by two
23 individuals who were there. And also, as far as
24 her voting record, confirmed her voting on that
25 day at that location.

1 So based on that, there is evidence to
2 support that Samantha Bartasis -- well, she was
3 interviewed and she would not answer the
4 questions of the investigator who asked her did
5 she take the photo?

6 So based on the investigation, we determined
7 that there was sufficient evidence to say that
8 Mrs. Bartasis violated the two statutes that I
9 mentioned regarding taking a photograph of her
10 ballot.

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

12 Is Ms. Bartasis here? Yes.

13 **MR. KEMP:** Test, test. Thank you.

14 Yes, Ms. Bartasis is here. My name is Jason
15 Kemp. I am her attorney. And some of what the
16 investigative report outlined, we totally concede
17 to. She did, in fact, take a picture of her
18 ballot without knowledge that there were two laws
19 against it. And we'll get to that in a minute.

20 When she was asked for a statement, I
21 believe her response was only with an attorney
22 present. This has been a huge embarrassment for
23 her and it's something that she's never dreamed
24 that she would be a part of. There's a couple
25 more facts that I would like the board to

1 consider before making a decision on this case.
2 Not to say that the investigative report was
3 wrong, but it just adds a little more color to
4 the situation.

5 After she was observed taking a picture of
6 her ballot, she was actually not permitted to
7 leave. She was told that she needed to hand over
8 her phone to be searched which she would not do,
9 but did say that she would delete the photograph
10 if that's what the issue was, because, again, at
11 this time she has no idea why it would be illegal
12 to take a picture of a ballot. You all know a
13 lot about more about that than -- than she does
14 and I did before this.

15 She voluntarily deleted the photo and she
16 was permitted then to leave. So the reason I
17 bring that up isn't to cast aspersions or -- or
18 to paint a different picture, but I want to speak
19 to the spirit of those two laws because I believe
20 it's relevant.

21 The first being section 21-2-413(e), it's
22 our understanding that the legislative history of
23 that bill was we don't want citizens in there
24 videoing and taking pictures of other people.
25 It's supposed to be a private event to vote. So

1 you don't want to intimidate, you don't want to
2 make anybody feel uncomfortable during that
3 process.

4 So it's our understanding that that's the
5 spirit behind that rule, is to make sure that
6 other people feel safe and secure and private in
7 their voting process.

8 The second, being 21-2-568.2 which was a
9 part of Senate Bill 202. My understanding is the
10 history behind that was we didn't want citizens
11 being able to -- or making it easy for them to
12 sell their vote. So if -- if you were approached
13 to receive money for a vote, you would have to
14 demonstrate that you voted a certain way before
15 you would get the money.

16 That is very far from her mind. That's not
17 what happened. There's no evidence of that. In
18 fact, she had to delete the photo just to leave
19 the precinct.

20 So I just wanted to point out that while I
21 understand the technical violation of the law,
22 something that she just wasn't aware, a lot of
23 these small polling places -- you know how it is,
24 especially if you vote early -- from the moment
25 you walk through the door, before standing in

1 front of the machine, it's almost instantaneous.
2 So, you know, assuming that all the proper
3 placards and signs were up, I don't believe they
4 were appreciated by Ms. Bartasis just because of
5 how small her polling precinct is. She just gets
6 right in and votes.

7 She works for a defense contractor in the
8 aerospace industry. Clean record, no criminal
9 history, has a credit score that I'm very envious
10 of. This is all very new to her. We
11 respectfully request dismissal.

12 In the alternative, understanding how this
13 board likes to handle technical violations, we
14 would ask for no more than a letter of
15 instruction, of course, identifying what the rule
16 is and she already appreciates. But that's what
17 we would -- we would ask for from this board.
18 Thank you.

19 **DR. JOHNSTON:** Thank you.

20 Are there any questions?

21 **MS. KING:** I kind of -- I sympathize with
22 her. I mean, this is a rule that I don't think a
23 lot of people know that it is breaking the law to
24 take a picture of your ballot. And so I do think
25 it's something that can be easily overlooked.

1 But I'm sure you know now.

2 **MS. GHAZAL:** I agree. And because it is a
3 technical violation of a statute, I would move to
4 issue a letter of instruction.

5 **MS. KING:** Second.

6 **DR. JOHNSTON:** Any discussion? The chair
7 hears none. All in favor say -- by saying aye.

8 **THE BOARD MEMBERS:** Aye.

9 **DR. JOHNSTON:** Motion passes. That is --

10 **MR. KEMP:** (indiscernible) on.

11 **DR. JOHNSTON:** It's off now.

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

13 **DR. JOHNSTON:** That's the last case of the
14 day. We've already taken care of old business,
15 new business. The -- in new business, discussion
16 of state election board communications with
17 county superintendents was my addition to the
18 agenda and I'm withdrawing that.

19 And do we have more public comment?

20 **MS. KING:** (off microphone, indiscernible) a
21 few more. He said they can speak at the end.

22 **DR. JOHNSTON:** Any more?

23 **MR. COAN:** Just ask -- I think they're
24 all --

25 **DR. JOHNSTON:** All right. So public

1 comment.

2 And I'll go ahead and announce, you know,
3 the meeting -- the second day of the meeting
4 tomorrow will be -- I'm just kidding.

5 **MR. COAN:** Everybody: No, please.

6 **DR. JOHNSTON:** Just shoot me.

7 **MR. COAN:** That was unanimous.

8 **PUBLIC COMMENT**

9 Okay, is there anyone else here that didn't
10 speak this morning that wants to speak this
11 afternoon? Is there anybody else?

12 I know we've got --

13 Investigators, thank you, guys. Appreciate
14 your work.

15 **DR. JOHNSTON:** Thank you so much.

16 **MR. COAN:** Thank y'all.

17 **MR. BRUNSON:** Take care.

18 **MR. COAN:** Y'all too.

19 All right, sir. You have the floor.

20 **MR. FERGUSON:** Earl Ferguson and I
21 relinquished my morning session to get the -- to
22 do this because I wanted to wait until after the
23 discussion on what did -- what are we going to do
24 about the challenges situation?

25 And now, I'd like to quickly summarize where

1 I am. I have -- I have submitted challenges in
2 December, about a hundred and eighty, and they
3 were turned down by Fulton County. And so I
4 submitted a challenge here on that, and it has
5 been acknowledged. I have a challenge number.
6 It's number two twenty four -- 2024-109.

7 And then I did more challenges in August,
8 2,000 of them, and they were turned down. So I
9 have submitted a second challenge. I have not
10 received an acknowledgment of that, but I'm eager
11 to know what will happen now. So this is a
12 question to the board.

13 And a comment that I'd like to make,
14 again -- I'll state it again. When we're
15 challenging voters, we're challenging ineligible
16 ones, not eligible ones. We are not taking away
17 anybody's right to vote. Thank you.

18 **MR. COAN:** Thank you, sir. That was right
19 to the point.

20 **DR. JOHNSTON:** It's the second time you've
21 spoken today.

22 **MR. COAN:** He actually spoke from out there.

23 **DR. JOHNSTON:** Thank you.

24 **MR. FERGUSON:** I'm looking for an answer.

25 **DR. JOHNSTON:** Thank you.

1 **MR. COAN:** You may have to hang around for a
2 while.

3 **DR. JOHNSTON:** Thank you for your service.

4 **MR. FERGUSON:** I guess I'm supposed to sit
5 down.

6 **MR. COAN:** All right, ma'am. For the
7 record, would you state your name, please?

8 **MS. MESSERLY:** Yes, my name is Meg Messerly.
9 I'm from Houston County, Perry.

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

11 **MS. MESSERLY:** In Perry, Georgia. And I
12 wanted to bring up a couple of just short notes.
13 First of all, I wanted to mention there's a
14 group called Voter GA that has documented really
15 well so many facts. And I wanted to show you
16 this one particular notice. It -- it's -- it's
17 the -- it documents the loss of 20,000 votes in
18 one person's election.

19 Well, let me see. It's the Herschel Walker
20 versus Raphael Warnock and Chase Oliver race
21 that -- where a woman documented -- she took a
22 screenshot from her cell phone, once at
23 10:01 p.m. and then again at 10:03 p.m. And it
24 shows easily, undeniably, the loss of over 20,000
25 votes just like that. It's impossible.

1 I'm not concerned about -- as a citizen, I'm
2 not concerned about one vote being -- you know,
3 someone voting twice here, another person voting
4 twice there. This is what I'm concerned about.
5 And I've been here all day. I'm very surprised
6 at how few people were -- how many people seem to
7 not be aware of this.

8 It's -- the same person, it's documented
9 here how she signed an affidavit. She wrote and
10 signed an affidavit saying that she will testify
11 if called to do so. She's not the only person
12 who has this very same type of evidence of
13 thousands of votes flipping at a time. So --
14 and, yeah, flipping is the right word because the
15 candidates rose in a similar number of votes at
16 the same time.

17 This is happening electronically. It's not
18 happening by one person voting twice or another
19 person taking a picture of a ballot. There are
20 so many things that are -- that are being blown
21 out of proportion when the real stealing is
22 happening on a regular basis.

23 And the other point I want to make is so --
24 someone's calling in. I want to -- I want to ask
25 you to consider as a board what would our state

1 look like if we had ten years of honest
2 elections, an easy to recount public and fully
3 transparent election system. When elected
4 servants work for citizens only -- and these
5 words are my words -- the people's priority would
6 be corrected. Our priorities would be corrected.

7 There would be no more child sex
8 trafficking, sexualizing of our children as
9 reported at schools and libraries,
10 pharmaceutical- and school-assisted gender
11 confusion -- confusion, massive illegal
12 immigration, and many other demoralizing,
13 self-destructive, institutional activities going
14 on.

15 **DR. JOHNSTON:** Thank you.

16 **MS. MESSERLY:** Please think about it. Thank
17 you so much. They're connected.

18 **MR. FAVORITO:** Madam Chair, you had asked
19 today about a quick update on the expert
20 testimony of --

21 **MR. COAN:** Excuse me, who are you? Will you
22 state your name?

23 **MR. FAVORITO:** Oh, I'm sorry.

24 **MR. COAN:** I'm joking.

25 **MR. FAVORITO:** Garland Favorito, Voter GA.

1 You had asked for a quick update. I had sent a
2 letter to the board requesting to forgo our
3 public comments time, Tamara and I, so that we
4 could give you an update not only on the expert
5 testimony really quickly, about eight or ten
6 minutes, but also how you may be able to mitigate
7 this with letter of -- of guidance to the -- to
8 the counties.

9 With your permission, I'd like to give you
10 this -- this handout.

11 **DR. JOHNSTON:** Thank you. Did the chair
12 give you --

13 **MR. COAN:** Hey, we're going to hold you to
14 it.

15 **DR. JOHNSTON:** Somebody get that big hook.

16 **MR. FAVORITO:** Okay. Let me get this up
17 here.

18 Okay, thank you, Madam Chair and the board.
19 I just want to quickly give a quick update on the
20 Dominion encryption case and the expert testimony
21 that we heard how you may be able to mitigate
22 this even with unlimited authority.

23 We heard from two experts, and I am not --
24 I'm going to forgo with all of our credentials
25 and their credentials, but they're in your

1 handout. You know Clay Parikh and you know his
2 credentials. And Ben Cotton is one of the top
3 forensic cyber experts in the country with
4 military and intelligence and both in civilian
5 work as well.

6 So here's what the experts did in the case.
7 They evaluated a Georgia county server and four
8 election databases. They authenticated the
9 server and the databases forensically. So they
10 knew that they had authentic copies, and the
11 Secretary of State did not dispute that
12 whatsoever. The databases were provided legally
13 under Open Records Request law and the Secretary
14 of State did not refute any authenticity of those
15 databases.

16 They also did not call any technical
17 witnesses. The Secretary of State's
18 (indiscernible) simply made a legal argument.
19 I'm going to make you -- tell you -- explain to
20 you the technicalities here today. And they also
21 did not call any witnesses of their own.

22 So here's what the experts told the court.
23 All of the Dominion systems communicate with a
24 common X.509 certificate with the same value.
25 Now, the reason that's important is that's not

1 just within Georgia. So any Dominion Voting
2 System can communicate with any other Dominion
3 Voting System anywhere in the country. And that
4 includes Serbia, where the systems are
5 programmed, as we heard through testimony and
6 documents out of the Michigan court case.

7 The Dominion administration account has the
8 same user ID and a hardcoded password across
9 states. You see the T-shirts today, some of them
10 showing that password. Other passwords are
11 generic and are not for a specific user. I
12 apologize I don't have this slide in your deck.
13 The -- or maybe I have, it was the last one. The
14 passwords are encrypted, they're not hash
15 protected, so they could be decrypted.

16 And then that's -- as you know, the
17 encryption keys are stored in clear plain text in
18 the database. So you don't even need to get the
19 encryption keys if you want to change the
20 database. You simply need to get access through
21 the X.509 certificate and the generic password
22 which is pretty commonly known throughout the
23 country.

24 So that's -- the encryption keys are used to
25 decrypt and they can actually change the election

1 files, the DVD files. We can talk more about
2 that if you want. I'm just going to roll through
3 here real quickly for time.

4 They told -- the experts told the court that
5 they had accessed Gwinnett County. They know
6 that Dominion had accessed the Gwinnett County
7 server remotely during the 2020 election. They
8 know that from forensics that the Coffee County
9 server was accessed during the 2021 U.S. Senate
10 runoff.

11 Nearly 3,000 executable or DLL files are
12 now -- had been modified on the Coffee County
13 server since it was installed which is a
14 certification issue. These -- these systems
15 should not have been modified with programs or
16 executable files, only the data that can be
17 modified. They know that the Coffee County
18 system had Internet access and that it contained
19 an uncertified compiler.

20 Now, what a compiler does is it allows
21 someone who gains access to write their own
22 programs and then conduct them and then run them
23 on a county election management server.

24 The -- we had three demonstrations made by
25 Clay Parikh, who you know, he has testified here

1 before. He demonstrated how that -- that's the
2 hardcoded password that you see on the T-shirts
3 and how that -- that's available across states
4 and systems for years and how he can access that
5 and how it is not properly protected. It
6 should've been what we call "hashed" instead of
7 encrypted because you can decrypt it. You can't
8 decrypt a hash password. And we can go into more
9 detail about that if you want.

10 So the other thing he did is he wrote a
11 demonstration that even without doing the
12 encryption keys and decrypting them he can write
13 on the stored procedure and flip votes from one
14 candidate to another. And he's using
15 authenticated county server databases.

16 So the question came down to the fact that
17 is certification a one-time or ongoing thing?
18 That was really the legal question. The legal
19 question is that the Election Assistance
20 Commission and state certifications -- you know,
21 you have both the state certification and an
22 Election Assistance Commission certification in
23 Georgia, and the Election Assistance Commission
24 requires certification to the 2005 guidelines
25 that requires keys to be stored in an encryption

1 module not in clear plain text in a database
2 where they can be accessed. So that was one of
3 the key issues from a federal test of
4 certification.

5 And then the issue from state certification
6 is that the Secretary of State under O.C.G.A.
7 21-2-300(a)(2) has to certify as safe and
8 practicable for use as required by state law.
9 The certification document itself that the
10 secretary signs says that: I hereby reserve my
11 opinion to re-examine the voting system and its
12 components at any time so as to ensure that it
13 continues to be one that can be safely used by
14 the voters of the state.

15 So the -- the plaintiffs argue that
16 certification is ongoing. The Secretary of State
17 says, I only have to certify one time at the
18 beginning and it doesn't matter anymore after
19 that. That's the fundamental legal argument that
20 was before the court.

21 And here is some things that I believe that
22 you can do to possibly mitigate this through a --
23 maybe a letter of guidance to the counties. A
24 couple of the things I think you could do because
25 this is a major security problem -- I think we're

1 just uncovering this and we're at the tip of the
2 iceberg right now of nationally what's happening.

3 You've already started this process of
4 mitigation. I know there's a pending rule to
5 produce the Dominion electronic artifacts
6 immediately after the election. I think it's --
7 we had -- it was three days, they were talking
8 about that.

9 The other thing -- and I apologize for
10 getting technical here, but there's something
11 called PCAPs and if you can capture these, this
12 will not impact the Dominion server. But you can
13 capture those outside of Dominion, not -- you
14 don't have to worry about affecting certification
15 and find the sources and destinations of all
16 network traffic coming in and out.

17 You can also modify -- I'm sorry, you can
18 also monitor the systems logs in windows,
19 identifying any programs or modules that are
20 executed on the server and related clients. You
21 can make the ballots public record. I know
22 you've tried to subpoena many, many times there.

23 And then, finally, you could ensure that the
24 counties produced an eligible list of voters and
25 a list of voters who voted which would help

1 ensure that the system counted correctly on
2 election day and during early voting. And
3 those -- those are things that you already have
4 in play right now. It would just be a matter of
5 trying to implement those, you know, prior to the
6 election and they would not impact the voter
7 experience in any way.

8 So those are just a few things that you
9 might want to consider. I know that the board
10 has limited authority, but you could possibly do
11 that through letter of instruction just to advise
12 the counties. And I would be happy to work with
13 you if you so choose to do that.

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

15 Any questions?

16 **MS. KING:** That was informative. Thank you.

17 **DR. JOHNSTON:** Thank you.

18 All right. That is all of the business for
19 today. Is there a motion to adjourn?

20 **MS. KING:** So moved.

21 **DR. JOHNSTON:** There a second?

22 **MR. COAN:** Says second.

23 **DR. JOHNSTON:** All in favor say aye.

24 **THE BOARD MEMBERS:** Aye.

25 **MR. COAN:** We're hereby adjourned.

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(Adjourned at 4:56 p.m.)

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CERTIFICATE

STATE OF GEORGIA

I hereby certify that the foregoing meeting was taken down via YouTube Livestream, and was reduced to typewriting under my direction; that the foregoing transcript is a true and correct record given to the best of my ability.

The above certification is expressly withdrawn upon the disassembly or photocopying of the foregoing transcript, unless said disassembly or photocopying is done under the auspices of Steven Ray Green Court Reporting, LLC and the electronic signature is attached thereto.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties; nor am I financially interested in the action.

This, the 13th day of December, 2024.

****Mary K McMahan****

Mary K McMahan, CCR
Certified Court Reporter
Certificate Number 2757