

GEORGIA STATE ELECTION BOARD BOARD MEETING
State Election Board Members on 02/25/2025

1 GEORGIA STATE ELECTION BOARD
2 BOARD MEETING

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February 25, 2025

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Day 1 of 2

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9:03 a.m.

15

Via Videoconference

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1 APPEARANCES

2 STATE ELECTION BOARD MEMBERS:

3 John Fervier, Chairman

4 Sara Tindall-Ghazal, Board Member

5 Janelle King, Board Member

6 Dr. Janice Johnston, Board Member

7 Rick Jeffares, Board Member

8 Alexandra Hardin, Technician

9

10 INVESTIGATORS:

11 Sara Koth

12 Michael Brunson

13

14 ATTENDEES:

15 Marisa Pyle

16 Loren Collins

17 Marilyn Marks

18 Betsy Shackelford

19 Beverly Rice

20 Donnie Perry

21 Natalie Crawford

22 Dr. Konrad E. Hayashi

23 Matt Rowenczak

24 Shannon Ferguson

25 Tamara Favorito

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ATTENDEES (CONT.)

1	
2	Ralph O'Connor
3	Robbie Huff
4	Marilyn Marks
5	Mr. Wooten
6	Jeanne Seaver
7	Marsha Smith
8	Olivia Chapman
9	Aaron Kappler
10	Deb Cox
11	Shonda Carter
12	Tracy Brown
13	Leigh Phillips
14	Jason Nix
15	Ms. Gale
16	Carlos Nelson
17	Jennifer Herzog
18	Don Forsyth
19	Sara Ratinfar
20	
21	
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1 STATE ELECTION BOARD MEETING

2 February 25, 2025

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4 (Reporter disclosure made pursuant to Article
5 10.B of the Rules and Regulations of the Board of Court
6 Reporting of the Judicial Council of Georgia.)

7 (The proceedings commenced at 9:03 a.m.)

8 CHAIRMAN FERVIER: My name is John Fervier.

9 I'm the chairman of the State Election Board. I'm happy
10 that everyone was able to attend virtually this morning.
11 We have a quorum available, joined today by Member Dr.
12 Janice Johnston, Member Janelle King, and Member Sara
13 Tindall-Ghazal. Member Rick Jeffares will be joining us
14 this afternoon. We also have our paralegal, Alexandra
15 Hardin, here with us today. So we want to start the
16 meeting today with the invocation and the Pledge of
17 Allegiance. And Dr. Johnston has graciously volunteered
18 to lead us in our invocation this morning. Dr.
19 Johnston?

20 MEMBER JOHNSTON: Certainly. Let us pray.
21 God, our Father, we thank You and praise You today and
22 all days. We pray for our president, Donald J. Trump,
23 and our governor, Brian P. Kemp. That You will find
24 favor with them as they serve our country and our state.
25 We pray that You will protect them from harm and inspire

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1 them to be leaders of justice and freedom and truth. We
2 pray for our members in the legislature as they work to
3 serve the citizens of Georgia. We pray for those who
4 are suffering or experiencing any adversity or danger.
5 In Your mercy, give them comfort, courage, and peace.
6 May we humbly ask for guidance, discernment, and wisdom
7 as we do our best to conduct today's business. And let
8 us not forget that we first serve You. In the name of
9 Jesus Christ, I pray. Amen.

10 CHAIRMAN FERVIER: Amen. Thank you. I will
11 lead the group in the Pledge of Allegiance now. If you
12 have a flag or -- in your area and would like to stand,
13 and we'll do the Pledge of Allegiance now. I pledge
14 allegiance to the flag of the United States of America
15 and to the republic for which it stands. One nation
16 under God, indivisible, with liberty and justice for
17 all.

18 For the record. I want to state that this is
19 the Tuesday, February 25th, 2025, meeting of the Georgia
20 State Election Board. We have a full agenda. Hopefully
21 we'll be able to get through it today, but if not, we
22 will reconvene tomorrow morning to finish up.

23 The first item on the agenda is public
24 comment. And we have approximately 19 speakers that
25 have signed up for public comment. And we will allow

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1 two minutes for each speaker. When your two minutes is
2 near the end, you'll hear a light tap sound that will
3 ask you to please finish up and then we'll move on to
4 the next speaker. Alex will -- I'll be calling out the
5 names and I'll call a couple at a time just so that we
6 can -- you can be ready and know that you're coming up.

7 And so the first speaker today is Kristen
8 Neighbors. The second speaker will be Betsy
9 Shackelford, and the third speaker will be Cindy
10 Battles. Kristen, are you online?

11 MS. NEIGHBORS: I am. Can you hear me?

12 CHAIRMAN FERVIER: We can. Thank you. Would
13 you please begin?

14 MS. NEIGHBORS: I actually -- I asked -- I
15 wanted to take myself off the list.

16 CHAIRMAN FERVIER: Oh, no.

17 MS. NEIGHBORS: So I can pass to the next
18 person.

19 CHAIRMAN FERVIER: You don't have anything to
20 say to us, huh?

21 MS. NEIGHBORS: Not this morning. Not yet.

22 CHAIRMAN FERVIER: We -- okay, good. Well,
23 we're glad you joined us today. Thank you, Kristen.

24 Betsy Shackelford. Betsy, are you online?

25 MS. HARDIN: I'm not seeing Betsy, though.

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1 CHAIRMAN FERVIER: You don't see Betsy online?

2 MS. HARDIN: Huh-uh.

3 CHAIRMAN FERVIER: All right. We don't see
4 Betsy online.

5 Cindy Battles. Cindy, are you online with us
6 today?

7 MS. HARDIN: Not seeing Cindy Battles.

8 CHAIRMAN FERVIER: We don't see Cindy online.
9 All right. Marisa Pyle, then Ralph O'Connor, then Loren
10 Collins.

11 Marisa, are you online with us today?

12 MS. PYLE: Yes. Can you hear me?

13 CHAIRMAN FERVIER: Yes. Marisa, please
14 proceed.

15 MS. PYLE: Awesome. Thanks. Happy to start
16 us off.

17 Hi everybody. My name is Marisa Pyle. I'm
18 with All Voting is Local action. I am here to testify
19 in opposition to the proposed rule, which is a ways down
20 the agenda, but 183-1-12-.13. It would present a burden
21 to counties in the middle of administering and reporting
22 their election results, making it more difficult to
23 certify elections.

24 The rule was brought with the stated intent of
25 providing more time for candidates to file litigation or

1 election contests providing valid images within 72
2 hours. But in practice, what this does is it adds more
3 staffing and response time burdens to the same election
4 staff who are trying to complete reporting for election
5 results. We don't disagree that the timeline as it
6 stands in the current code is very, very short. But
7 right now, the legislature is actively in session and it
8 is meeting as we meet today.

9 And so the solution as we see it here is
10 proposing legislation to expand that timeline to allow
11 for more time filing contests, not to add more
12 requirements to already overworked election workers.
13 Litigation that has been universally decided against
14 this board, has solidified that recent rulemaking has
15 overstepped statutory boundaries of the State Election
16 Board to administer and make rules in accordance with
17 legislative intent. And so while the legislature is in
18 session, now is the time to work alongside legislators
19 to suggest and work to draft to fix issues like these.

20 And then the other part is that this extremely
21 short timeline for posting ballot images would allow
22 these images to be posted pre-election certification,
23 which allowing these to be posted prior to certification
24 increases the risk of bad actors undermining trust in
25 election results, particularly using distorted

1 statistics to push counties to discard election results
2 that they're statutorily required to certify. So as
3 such, we are asking the SEB to work with the
4 legislature, which is the appropriate venue to amend
5 this statute, which is needed. Not to use the
6 rulemaking process for this proposal. Thanks.

7 CHAIRMAN FERVIER: Thank you, Marisa. We
8 appreciate your comments. Next up is Ralph O'Connor.

9 MS. HARDIN: I don't see him.

10 CHAIRMAN FERVIER: Doesn't appear that Ralph
11 is online with us yet. Loren Collins, and then we'll
12 have Marilyn Marks and Beverly Rice.

13 Loren, are you online with us?

14 MR. COLLINS: I'm here.

15 CHAIRMAN FERVIER: All right. Loren, please
16 proceed.

17 MR. COLLINS: All right. Later today, the
18 board will be discussing how to proceed with True the
19 Vote. So I wanted to emphasize how for over the last
20 three years, True the Vote has engaged in a campaign of
21 misrepresentation, evasion, and deception with this
22 board, the Secretary of State, the courts, and the
23 people of Georgia.

24 So when you review their case, please, I
25 encourage you don't just look at their final subpoena

1 response, look at the other letters and pleadings they
2 submitted before that, as they were desperately trying
3 to avoid ever having to answer it all. Look at their
4 original complaint, look at what they've said in public
5 and what they've said in other legal proceedings. And
6 what you'll see is that they never produce the evidence
7 they claim they have. And their story changes to fit
8 that.

9 Greg Phillips has said repeatedly he met
10 personally with their supposed John Doe informant and
11 their emails say they were planning to have him be
12 interviewed by Senator Graham's staff. But then they
13 told you they didn't even know his name. Catherine
14 Engelbrecht told a federal judge here in Georgia they
15 paid John Doe's medical bills at Grady Hospital.

16 And then one month later, they told you and a
17 federal -- and a Fulton court they had no record of that
18 patient's name or any such medical payments. And I
19 don't have the time to dissect their geotracking claims
20 except to say this. There's a good reason they never
21 show their supposed geotracking work. Because when
22 they've done so in other states, it looks like Maps. I
23 wish I could show you right now from their presentation
24 in Wisconsin, which is just visual gibberish.

25 True the Vote even has claimed multiple times

1 in the last year that they provided this board with over
2 6,000 documents as part of their subpoena response. And
3 you all know that is a lie because an open records
4 request I filed showed that they produced no documents.
5 Not 6,000 plus. To simply drop any cases with True the
6 Vote or whatever you plan to do and just move on, is to
7 let them win.

8 What they wanted was the attention, the
9 ability to say that their complaint had spawned a state
10 investigation. They wanted to attract eyeballs and
11 money. And they took advantage of this board to
12 accomplish that. By filing a complaint, spinning a
13 story they knew was fictitious and then avoiding every
14 request to provide the evidence they claimed to possess.
15 This board should not allow them to engage in such a
16 campaign of deception and escape unscathed. I asked
17 that the board please hold True the Vote accountable for
18 their years of dishonesty and duplicity and see to it
19 that consequences are had. Thank you.

20 CHAIRMAN FERVIER: Thank you, Loren. Thank
21 you for your comments. The next speaker is Marilyn
22 Marks and then Beverly Rice and then Donnie Perry.

23 Ms. Marks, are you online?

24 MS. MARKS: I am. Can you hear me?

25 CHAIRMAN FERVIER: We can. Thank you.

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1 MS. MARKS: Okay. Thank you, Chairman, and
2 good morning, members of the Election Board. I'm
3 Marilyn Marks, executive director of Coalition for Good
4 Governance. I'm here today to express serious concerns
5 about the ballot image audit and this board's failure to
6 follow the general assembly's explicit directives in
7 overseeing that audit. The ballot image audit was meant
8 to serve as an independent review of vote tallies. Yet,
9 it was compromised from the very start due to severe
10 conflicts of interest, lack of oversight, budget
11 overruns and deviations from the legislative
12 requirements. They were -- they were crystal clear when
13 they approved a \$5 million funding for the project. The
14 audit vendor could have no involvement in the Georgia --
15 in Georgia's voting system. Yet, Enhanced Voting, the
16 vendor -- oh, my gosh.

17 My building is having a fire -- a fire alarm
18 in the background that just started.

19 Mr. Chair, can I wait until that fire alarm
20 has stopped?

21 CHAIRMAN FERVIER: Yes. We'll --

22 MS. MARKS: Hopefully, and there's no fire and
23 resume a little bit later?

24 CHAIRMAN FERVIER: Yeah. We're going to put
25 you at the bottom of the list and bring you back later,

1 okay?

2 MS. MARKS: I apologize for this. I didn't
3 plan it.

4 CHAIRMAN FERVIER: All right. Thank you.

5 Next, we're going to go back to Betsy
6 Shackelford who is now online. Betsy, are you there?
7 You need to take your -- it looks like you're muted,
8 Betsy.

9 MS. SHACKELFORD: Okay. Can you hear me now?

10 CHAIRMAN FERVIER: Sure.

11 MS. SHACKELFORD: Okay, great. Good morning.
12 In the past year, this board has worked with the Georgia
13 Republican Party becoming quite partisan to enact rules
14 that make it harder to vote and harder to certify
15 elections. It has become a tool of MAGA extremists
16 endorsing their agenda. The board has not made any
17 efforts to help people vote. Buying into conspiracy
18 theories about fraud, which does not exist. The
19 proposed rule to be presented today is completely
20 unnecessary.

21 No one needs to view all ballot images 72
22 hours after polls close. It might make sense for such a
23 requirement 72 hours after certification. I expect the
24 reason for this proposed rule is not transparency, but
25 yet another attempt to prevent certification from

1 happening in a timely way since there is a sizable
2 contingent who want to disrupt election processes to
3 change the outcomes of elections. Please do not accept
4 this proposal. It's a waste of everyone's time. Thank
5 you.

6 CHAIRMAN FERVIER: Thank you, Ms. Shackelford,
7 we appreciate your comments.

8 Next is Beverly Rice. Beverly, are you
9 online? You're muted. So you need to unmute.

10 MS. RICE: Thank you so much. Good morning to
11 everyone. I want to start out by saying Dr. Johnston, I
12 really appreciate your prayer and I appreciate you
13 praying for the president and for our governor. I also
14 feel that you should have included the people of
15 America. The people of America are suffering at this
16 time. And I know that there are those on this board who
17 supported the president wholeheartedly. And I'm sure
18 that you regret that now.

19 Many people have lost their jobs. I'm not
20 sure if you care or not. A lot of people are suffering.
21 A lot of people are struggling. People are so afraid.
22 Is this what you wanted for a president? A few years
23 ago in 2020, my mother died from COVID. Is this what
24 you wanted? And he thought it was funny, but this is
25 what we have for a president right now.

1 And you all supported him. We have a
2 president who is the laughingstock of the nation who has
3 taken full control. A lot of people are afraid. And so
4 they're turning toward him. Our governor is afraid.
5 And even though I know he doesn't support him, but he
6 fears what can happen to him. And so now he supports
7 him. And we the people, the taxpayers, we're suffering.
8 We're struggling. People cannot -- don't know how
9 they're going to pay their house note, their car note,
10 their insurance, how their children are going to stay in
11 college.

12 He is attacking, not just the middle class,
13 but those who cannot do for themselves. The disabled,
14 those who are in high school, who are disabled, those
15 who cannot read, those who cannot write. Taking away
16 the federal programs. But this is what you supported.
17 This is what you voted for. This is whom you applaud.

18 So I'm going to ask you even today you can
19 applaud him because he's done just what you have voted
20 him to do. And I just pray as you have prayed, not for
21 him because I don't pray for evil. I don't pray for
22 evil, but I pray for the people who are struggling that
23 one day we will overcome. Thank you.

24 CHAIRMAN FERVIER: Thank you, Ms. Rice. Thank
25 you for comments.

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1 Next person is Donnie Perry and then Natalie
2 Crawford and then Carolyn Putnam.

3 Donnie Perry, I see you online. Please
4 proceed.

5 MR. PERRY: Good morning. My name is Donnie
6 Perry. I want to thank the board for this opportunity
7 to allow the public to come and give public comment.
8 Two things this country has killed to keep Black people
9 from, education and voting. Voting is one of those acts
10 in which money, status, or privilege carries no weight
11 or value. At least it should not. Each vote is only
12 one vote.

13 We -- you know, historically looking back, we
14 started with this -- with voting being only reserved for
15 white men only. Landowners. Then white women suffrage
16 came into play in 1920 with the 19th Amendment, but
17 still we had people left out. We had poll taxes,
18 literacy tests to include questions like the number of
19 bubbles in a bar of soap, jelly beans or marbles in a
20 jar, intimidation from white, homegrown, terrorists to
21 registration of voters. Just to name a few. The
22 intimidation and oppression has been outrageously
23 harrowing.

24 Fast forward today. And now we have things
25 like voter ID, which I do support. And I don't have a

1 problem with at all. You have to have an ID card for
2 everything you do. But I do have a problem with voter
3 access to participating in the process becoming less
4 accessible with restrictions and registration, voter
5 roll purges, polling sites being disrupted, total
6 identity match ballot, making voting not being a simple
7 and unencumbered process as possible.

8 That's what I'd like to see you all work for.
9 I'm a poll worker and I know just how difficult it is
10 for cheating to take place when a voter comes to the
11 poll. The training and requirements to cast a legal
12 ballot are in place and violations rarely occur. If
13 they do, it's not about -- it's not with the people who
14 have been limited with access to voting. It's the ones
15 who have had access to voting all along with harvesting
16 votes and doing these other things.

17 As a poll worker, we are trained to allow
18 every voter to vote. Even if it means casting a
19 provisional ballot. What most concerns me is when a
20 member of the public who has privilege and wealth makes
21 a call and ask an election official to find him 11,780
22 votes. Now, how do you even make such a request unless
23 you think that it is even possible? I would -- I would
24 never think of making such a request and I don't think
25 that you all would either. However, this happened, who

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1 in their correct mind would ever consider and think that
2 something so outrageous could ever take place? We see
3 county registrars open up --

4 CHAIRMAN FERVIER: Thank you, Mr. Perry.
5 Thank you, Mr. Perry.

6 Next person is Natalie Crawford and then
7 Carolyn Putnam and Robbie Huff. And to please keep your
8 comments to two minutes. And like I said, when you get
9 to that two-minute mark, you'll hear a slight knock
10 which will let you know that your time is up. Thank
11 you.

12 Natalie Crawford?

13 MS. CRAWFORD: Good morning, Chairman Fervier
14 and members of the State Election Board. Can you hear
15 me okay?

16 CHAIRMAN FERVIER: I can. Thank you.

17 MS. CRAWFORD: Great. Again, I'm Natalie
18 Crawford. I'm the founder and executive director of
19 Georgia First, a nonprofit advocacy organization.
20 (Indiscernible) among our organization's core mission is
21 protecting democracy and upholding election integrity
22 and ensuring that the will and trust of Georgia's voters
23 is never undermined by disinformation or bad faith
24 actors. Georgia First strongly opposes withdrawing the
25 subpoena and dismissing legal action against True the

1 Vote.

2 Doing so would set a dangerous precedent,
3 allowing election deniers to spend -- spread falsehoods,
4 refused to provide evidence and evade accountability. I
5 want to add that additionally, I'm a lifelong Republican
6 and former county commissioner duly elected twice by
7 voters in Habersham County. Trust in our elections is
8 equally as important for candidates as it is for our
9 voters. True the Vote falsely claimed a ballot
10 trafficking scheme in Georgia, but failed to provide any
11 proof. When pressed for evidence they stonewalled
12 investigators and ignored lawful subpoenas.

13 Then after admitting to the Court that they
14 did not have supporting evidence, they attempted to
15 sidestep accountability by trying to withdraw their
16 complaint. Their lies fueled conspiracy theories, led
17 to threats against election workers and undermined trust
18 in our democratic processes. If you dismiss the case,
19 it will embolden those who seek to destabilize our
20 elections through disinformation.

21 Election integrity means holding bad faith
22 actors accountable and not letting them off the hook.
23 Georgia voters deserve transparency, truth, and a
24 commitment to protecting our democratic system and
25 upholding the rule of law regardless of who breaks it.

1 I urge this board to stand firm in its commitment to
2 election integrity and continue the legal action against
3 True the Vote. Anything less would be a failure to
4 uphold your duty to the people of Georgia. I thank you
5 for the opportunity to provide summary remarks today,
6 and I'll submit full written comments to the board via
7 email.

8 CHAIRMAN FERVIER: Thank you, Ms. Crawford, we
9 appreciate your comments.

10 Carolyn Putnam is next. Ms. Putnam, are you
11 online? We don't see Ms. Putnam online.

12 Next is Robbie Huff and then Dr. Konrad
13 Hayashi. I hope I got that one right.

14 Robbie Huff. Robbie, you online? You're
15 muted. Would you please unmute? You're still muted,
16 Robbie. Robbie, you -- you're still muted. I can -- I
17 can see -- I can see you muted online. You unmuted her?

18 MS. HARDIN: I did. And I'm sending her the
19 ask to unmute. She's not here, so we can -- we can come
20 back to her.

21 CHAIRMAN FERVIER: Robbie, we'll come back to
22 you. We need to -- are you -- we'll need to figure out
23 how you need to unmute your microphone.

24 So next is Dr. Konrad Hayashi. Dr. Hayashi?

25 MR. HAYASHI: Unmuted now. Good morning, all.

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1 CHAIRMAN FERVIER: You're unmuted.

2 MR. HAYASHI: I speak in support of the
3 Electronic Registration Information Center, which is
4 known as ERIC. It's set up to improve election
5 integrity as well as to reduce election costs. It is --
6 operates basically checking every 60 days. Each ERIC
7 State submits its voter registration data and motor
8 vehicle licensing data to ERIC as well as obtaining
9 Social Security death data. So this provides an
10 excellent fraud check and it has been a nonpartisan and
11 protective. It improves the accuracy of voter lists,
12 and it covers those who also move within the states.
13 And each state commutes -- basically coordinates with
14 other states in order to track those who have died and
15 avoiding duplicate registrations. It was launched back
16 in 2012 by seven states and has expanded since. And the
17 budget in '20 to '21 was just over a million dollars.

18 Now in 2022, a strange organization called the
19 Gateway Pundit, which has been often discredit --
20 discredited, has been sued, had failed to do due
21 diligence and lost their credibility quite a bit, led to
22 some states withdrawing, which is unfortunate. So I
23 would speak in favor of Georgia remaining with ERIC.
24 And as I, in the remaining 20 seconds, I would ask that
25 when we have invocations that we are sensitive to those

1 who are our Jewish brethren, Muslims, agnostics, as well
2 as Buddhists. By speaking strictly of a Judeo-Christian
3 manner, even though I am a confirmed Lutheran, we don't
4 honor other faiths as well. Thank you.

5 CHAIRMAN FERVIER: Thank you, sir. We
6 appreciate your comments.

7 The next individual to speak is Edwin Tang and
8 then Matt Rowenczak. We don't -- we don't see Mr. Tang
9 online.

10 Mr. Rowenczak, you're muted. If you'd unmute,
11 you're up.

12 MR. ROWENCZAK: Thank you, Mr. Chair. Good
13 morning, Board. Just a few items to share with you this
14 morning.

15 So starting with the SEB rule that's been
16 mentioned a few times, wanted to advocate for that. The
17 excuse that I've heard from some of the prior speakers
18 is that it's a heavy burden on election workers. We've
19 heard this excuse for just about everything. I wonder
20 if someone's boss were to ask you to upload a file,
21 right, of lots of digital images, right, that's already
22 on the system, if they would give the same excuse that
23 it's too hard for them and it's, you know, it's just too
24 difficult. I don't think they would.

25 Secondly, it -- I see a continued theme of

1 opposing transparency. We know that folks who have
2 requested these images have been obstructed and have
3 been denied. And that is probably the reason behind
4 such a rule. The more transparency we have, the better.

5 Secondly, I believe the True the Vote case has
6 been politically motivated and needs to be simply
7 dismissed without getting into all the details for sake
8 of time.

9 And then lastly, Mr. Chair, I would like to
10 see this board meet more often. You know, whether
11 that's on a monthly basis. It seems like we've fallen
12 off the wagon a little bit there. Thank you very much.

13 CHAIRMAN FERVIER: Thank you, Mr. Rowenczak.

14 The next person to speak is Shannon Ferguson.
15 Then Eric Christensen.

16 Shannon Ferguson, are you online?

17 MS. FERGUSON: I am. Can you hear me okay?

18 CHAIRMAN FERVIER: We can. Thank you.

19 MS. FERGUSON: Thank you. Mr. Chairman,
20 members of the board, I'm Shannon Ferguson. I'm a
21 senior policy analyst and strategic communications
22 director for Georgia First. With 25 years in public
23 sector communications, including teaching Georgia's
24 elected officials on public engagement and social media,
25 I continue to have deep concerns about Dr. Johnston's

1 unauthorized creation and continued use of her Twitter X
2 account that was originally opened on behalf of this
3 board.

4 This was done without discussion, approval, or
5 oversight. It's an unacceptable breach of
6 professionalism and transparency. And while she has
7 since changed the account handle, it does not erase the
8 fact that she acted beyond her authority by establishing
9 the account and positioning herself as a spokesperson.

10 As political appointees neither Dr. Johnston
11 as the Georgia GOP appointee, nor Ms. Ghazal as the
12 Democratic appointee, for that matter, would ever have
13 been an appropriate board spokesperson given who
14 appointed them. Not to mention the role of spokesperson
15 belongs to the chairman and the executive director
16 acting in concert with the official board proceedings.

17 As someone who opened one of the first ever
18 state agency social media accounts in 2010 and helped
19 develop early state policies on social media use, I can
20 say with absolute certainty that official state accounts
21 must speak with one voice, provide factual, nonpartisan
22 information and not serve as personal platforms for
23 unvetted allegations, inflammatory rhetoric, or board
24 grievances. Dr. Johnston's continued use of this
25 account, including her recent February 5th posts have

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1 eroded trust in this board and our election processes.

2 There's an expression in communications. You
3 can't put the toothpaste back in the tube. Changing the
4 account username did not put the toothpaste back in the
5 tube. I urge Dr. Johnston to uphold the duty and care
6 expected of a public servant and call on her to close
7 this account. Once again, Georgia First reminds all
8 board members that you are here to serve all eligible
9 Georgia voters, not just those who align with your
10 personal views, political party, or your preferred
11 candidate. Thank you.

12 CHAIRMAN FERVIER: Thank you, Ms. Ferguson. I
13 appreciate that.

14 Mr. Christensen, are you online? Eric
15 Christensen? We don't see Mr. Christensen online.
16 We'll come back to him. Did she want to wait and speak
17 this afternoon?

18 MS. HARDIN: Garland will. She's available
19 this morning.

20 CHAIRMAN FERVIER: Oh, the next speaker is
21 Tamara Favorito. Ms. Favorito, are you online?

22 MS. FAVORITO: I am here. Can you hear me?

23 CHAIRMAN FERVIER: Yes, we can. Please
24 proceed.

25 MS. FAVORITO: Thank you. I'm Tamara

1 Favorito, representing Voter GA who's led the election
2 integrity movement here in Georgia for 19 years. And we
3 have very supportive and appreciate this board. Voter
4 GA has filed two amicus briefs. The first in support of
5 the SEB rules adopted last year that are now in the
6 Court of Appeals and the second, defending the SEB in
7 the Fulton County Superior -- subpoena case in superior
8 court.

9 Today, I'm here to speak about two
10 reconciliation rules that were adopted last year that
11 have not been challenged in court. And therefore it
12 should have been implemented by all the counties in the
13 November general election. OCGA 21231, Subparagraph 2
14 states that it's the duty of this board to not only
15 promulgate rules, but upon adoption of each rule
16 promptly file certified copies with the Secretary of
17 State and each superintendent.

18 Mr. Chairman, Voter GA sent you three letters
19 asking you to notify the counties to perform the rules
20 to reconcile the ballots cast per the scanner digital
21 counter to the ballots cast on the tabulation tape.

22 But it appears you did not ensure that the
23 counties were notified according to the law. This could
24 still easily be done post-election using the ballot
25 recap sheet and the tabulator tape. These rules are

1 crucial in determining whether or not there's a defect
2 that causes the Dominion tabulators to not count
3 ballots. And there's no other way to detect it.

4 You may recall Garland explained while
5 presenting the rules last year that the Tennessee
6 Secretary of State recommended a county stop using
7 Dominion when it was to detected there. And the entire
8 system was permanently removed from service. We sent
9 ORRs to all 159 counties asking for records of the
10 reconciliation. And 90 percent of the counties have
11 been unable to confirm performing the reconciliation.

12 Mr. Chairman, I'd ask you again, please
13 notify the counties, comply with the law or explain to
14 us why you're continually acting in ways that are averse
15 to election security and transparency. Thank you.

16 CHAIRMAN FERVIER: Thank you, Ms. Favorito.
17 We're going to go back and try and see if some
18 individuals that weren't available earlier are available
19 now.

20 Cindy Battles. Ms. Battles, are you
21 available? No? Okay.

22 Ralph O'Connor. Mr. O'Connor? Mr. O'Connor,
23 are you available online? Would you raise your hand,
24 Mr. O'Connor?

25 Is that him?

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1 MS. HARDIN: I told him --

2 MR. O'CONNOR: Okay. I think I'm unmuted now.

3 CHAIRMAN FERVIER: Mr. O'Connor, please
4 proceed. Yes.

5 MR. O'CONNOR: Good morning. My name is Ralph
6 O'Connor. I'm a Fulton County voter and have been an
7 election day poll clerk for the last three years. I've
8 heard board members and others say at these meetings
9 that it's very important that every legitimate vote is
10 counted. I'm sure you're aware that in the last couple
11 of years, we've had problems with flow delivery of mail
12 in Georgia.

13 My personal mail experience has improved
14 lately, but turnout data from the state election data
15 hub shows that we had a problem with mail delivery of
16 absentee ballots for the November 5th, 2024, election.
17 Counties mailed over 344,000 absentee ballots. Almost
18 22,000 of them were never returned.

19 Almost 5,000 were returned, but rejected
20 primarily for arriving after the deadline. Over 31,000
21 absentee ballots were spoiled or canceled legally. So
22 voters could vote in person because they either never
23 got their absentee ballots or got them too late to mail
24 back.

25 That means that the postal system did not work

1 in November of last year for at least 58,000 Georgia
2 voters. And that doesn't include those like myself, who
3 got our ballots, but didn't trust the mail system to
4 return them on time, so we put our ballots in drop
5 boxes. I recommend that the board monitor the return
6 rate of absentee ballots for the 2025 elections to be
7 sure that this problem has been fixed.

8 The second item I have is, at the board's
9 December meeting, there was a presentation and extension
10 -- extensive discussion of the use of EagleAI to find
11 typos, non-residential addresses, and other errors in
12 our voter registration files. My understanding is that
13 only the voter can correct their own mistakes.

14 I suggest that instead of challenging voters
15 who apparently still live in Georgia, but have mistakes
16 in their voter files, that those who find these mistakes
17 work with a party of their choice or other groups to
18 contact the voters and ask them to correct the
19 information on their own My Voter page. Our record
20 turnout in last November's elections shows that the Get
21 Out The Vote groups know how to contact voters. This
22 would get the voter data cleaned faster and reduce the
23 burden on our already overworked county election
24 departments. Thank you.

25 CHAIRMAN FERVIER: Thank you, Ralph. We

1 appreciate your comments.

2 The next person, Carolyn Putnam. Carolyn, are
3 you online with us by any chance? No? No. Okay.

4 Robbie Huff. Robbie, are you online with us?
5 Is she there? Ms. Huff?

6 MS. HUFF: Hello?

7 CHAIRMAN FERVIER: Yes.

8 MS. HUFF: Hello. Thank you for piggy-backing
9 and accepting my response. Hello. My name is Dr.
10 Robbie S. Huff, and I am a blind voter and Fulton County
11 resident. I had another -- I had a whole nother spiel
12 to do, but now I need to talk about accessibility. Even
13 with getting on this meeting this morning, you have
14 people who are visually impaired, that live in this
15 community, who need things of better access to them as
16 far as voting and being able to obtain these meetings as
17 well. Please consider people who -- with disabilities
18 and consider their vote and being able to access these
19 meetings and your things online as well. The ADA is
20 important, and we would like to be counted in the vote,
21 too. Thank you.

22 CHAIRMAN FERVIER: Thank you, Ms. Huff. I
23 appreciate those comments. It's certainly something we
24 need to look at if it's an issue. Thank you for that.

25 The next speaker will be Edwin Tang. No Mr.

1 Tang? Still not there.

2 And then Eric Christensen. Mr. Christensen,
3 are you available? No. So Mr. Christensen is not
4 there.

5 Ms. Marks? Marilyn Marks? Are you back yet?

6 MS. MARKS: Yes, I am.

7 CHAIRMAN FERVIER: Are you ready to continue?

8 MS. MARKS: -- last time. Apologies for that.
9 And thank you for the chance to -- for the do-over, Mr.
10 Chair. I'll pick up where I left off.

11 CHAIRMAN FERVIER: Well, I hope it wasn't a
12 fire.

13 MS. MARKS: It was not. It was just a false
14 alarm and obviously intended to interrupt my testimony,
15 but we'll have to wonder who planted that.

16 So the general assembly was crystal clear when
17 it approved \$5 million in funding for the audit project.
18 The audit vendor could have no involvement in Georgia's
19 voting system. Yet, Enhanced Voting, the vendor chosen
20 to conduct the audit, is the same company that's
21 responsible for calculating, consolidating, and
22 publishing Georgia's official election results.
23 Enhanced Voting also provides an application that
24 records military and overseas voters' votes on a remote
25 computer, operating as a ballot marking device in

1 violation of Georgia law.

2 So having the auditor involved in the
3 tabulation and publishing of votes attest to the
4 accuracy of their own work is obviously a conflict of
5 interest that this board should have never permitted,
6 violating both the intent and the letter of the general
7 assemblies directive. By selecting Enhanced Voting to
8 audit the very results it recorded and tabulated, the
9 State Election Board engaged the fox to guard the hen
10 house.

11 Beyond the vendor's conflict of interest, the
12 audit itself failed to review all the votes and races as
13 required by the general assembly. The State Election
14 Board permitted this vendor to take shortcuts excluding
15 entire categories of votes, not even auditing all the
16 contest or votes on the ballot. And to make matters
17 worse, there were over 300,000 in payments that exceeded
18 the contracted amount.

19 Now, the -- Secretary Raffensperger is using
20 the false conclusions from this flawed audit to justify
21 delaying security improvements to Georgia's voting
22 system, particularly the removal of the QR codes, which
23 are well documented cybersecurity vulnerability. He's
24 misrepresented very recently to the legislator the
25 audits findings, claiming it was confirmed election

1 accuracy, when in reality, it failed to verify anything
2 beyond basic arithmetic of the electronic ballot images,
3 which are not trustworthy source records.

4 So I urge this board to thoroughly review the
5 failures and commit to a full review of this audit
6 process that took place in the last few months, and to
7 ensure that such future audits are based on actual
8 verifiable procedures and documents, not misleading
9 conclusions by the Secretary of State or Enhanced Voting
10 of a deeply flawed and conflicted audit. Thank you very
11 much.

12 CHAIRMAN FERVIER: Thank you, Ms. Marks.
13 Thank you very much.

14 That concludes our public comment for this
15 morning. We had one -- we had five individuals that
16 were unable to join this morning. We'll allow them a
17 time to speak at the end of the meeting, as the agenda
18 states. At this time, the board will go into approval
19 of prior board meeting minutes. The board should have
20 copies of all those minutes in your book. And the first
21 one is the minutes for the November 18th, 2024, meeting
22 that was held.

23 Has the board had a chance to review the
24 minutes of those -- that meeting?

25 MEMBER KING: Yes.

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1 CHAIRMAN FERVIER: If so, the -- are there any
2 corrections to be made to it? The Chair would entertain
3 a motion to approve those minutes as presented.

4 MEMBER KING: So moved.

5 CHAIRMAN FERVIER: We have a motion from
6 Member King to approve the minutes of the November 18th,
7 2024, meeting as presented. Is there a second?

8 MEMBER JOHNSTON: Second.

9 CHAIRMAN FERVIER: We have a second from Dr.
10 Johnston. Any discussion?

11 Hearing no discussion, all those in favor
12 signify by saying aye.

13 MEMBER JOHNSTON: Aye.

14 MEMBER GHAZAL: Aye.

15 CHAIRMAN FERVIER: Member King, I could not
16 hear your answer.

17 MEMBER KING: Oh, sorry. Aye.

18 CHAIRMAN FERVIER: Okay. Motion carries three
19 to zero. The minutes of the November 18th, 2024,
20 meeting is approved as presented.

21 The next item is the minutes for the December
22 11, 2024, meeting. A copy is in the board book. Is
23 there any discussion from the board or any questions
24 pertaining to those minutes as presented?

25 Hearing no questions, the Chair would

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1 entertain a motion to approve those minutes as
2 presented.

3 MEMBER JOHNSTON: So moved.

4 CHAIRMAN FERVIER: We have a motion. We have
5 a motion from Dr. Johnston to approve the minutes of
6 December 11th, 2024, meeting as presented. Is there a
7 second?

8 MEMBER KING: Second.

9 CHAIRMAN FERVIER: We have a motion and a
10 second from Member King. Any discussion?

11 Hearing no discussion, all those in favor
12 signify by saying aye.

13 MEMBER KING: Aye.

14 MEMBER JOHNSTON: Aye.

15 CHAIRMAN FERVIER: Member Ghazal? I couldn't
16 hear you, Member Ghazal.

17 MEMBER GHAZAL: Aye. Aye.

18 CHAIRMAN FERVIER: Motion carries three to
19 zero. The next item is the minutes from the January
20 13th, 2025, meeting, a copy of which is in the board
21 book. Is there any corrections or alterations to be
22 made to those minutes?

23 Hearing none, the Chair will entertain a
24 motion to approve those minutes as presented.

25 MEMBER KING: So moved.

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1 CHAIRMAN FERVIER: We have a motion from
2 Member King, I believe, to approve the minutes of the
3 January 13th, 2025, meeting. Is there a second?

4 MEMBER GHAZAL: Second.

5 CHAIRMAN FERVIER: We have a motion to second
6 from Member Ghazal. Any discussion?

7 Hearing no discussion, all those in favor
8 signify by saying aye.

9 MEMBER GHAZAL: Aye.

10 MEMBER KING: Aye.

11 MEMBER JOHNSTON: Aye.

12 CHAIRMAN FERVIER: Motion carries three to
13 zero. Next item on the agenda is a approval of the
14 minutes from the January 31st, 2025, meeting. Are there
15 any corrections or alterations to be made to those
16 meeting minutes?

17 MEMBER JOHNSTON: Mr. Chair, I have a
18 correction to the minutes.

19 CHAIRMAN FERVIER: Okay. Let me --
20 Yes, Dr. Johnston?

21 MEMBER JOHNSTON: Under the section New
22 Business --

23 CHAIRMAN FERVIER: Yes.

24 MEMBER JOHNSTON: "Dr. Johnston requested to
25 place on the agenda." The actual wording was, "Dr.

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1 Johnston requested to place on the agenda discussion and
2 intent to dismiss lawsuit against True the Vote, case
3 number CV2023-CV382520, and dismiss the petition and
4 withdraw the subpoena against Complainant True the Vote,
5 Inc."

6 CHAIRMAN FERVIER: Could you restate that last
7 sentence? And dismiss the petition?

8 MEMBER JOHNSTON: And withdraw the subpoena --

9 CHAIRMAN FERVIER: Okay.

10 MEMBER JOHNSTON: -- against Complainant True
11 the Vote, Inc.

12 CHAIRMAN FERVIER: Did you get all that, Alex?
13 Okay.

14 We have a motion. Any discussion pertaining
15 to that change on the minutes?

16 Without dissent, we will make that change.
17 Dr. Johnston, any other changes to be made?

18 The Chair will entertain a motion to accept
19 the minutes with the correction made by Dr. Johnston.

20 MEMBER KING: So moved.

21 CHAIRMAN FERVIER: We have a motion to accept
22 the minutes with the correction made by Dr. Johnston for
23 the January 31st, 2025, meeting. Is there a second?

24 MEMBER JOHNSTON: Second.

25 CHAIRMAN FERVIER: We have a motion and a

1 second. Any discussion?

2 Hearing no discussion, all those in favor
3 signify by saying aye.

4 MEMBER KING: Aye.

5 MEMBER JOHNSTON: Aye.

6 MEMBER GHAZAL: Aye.

7 CHAIRMAN FERVIER: Motion carries three to
8 zero.

9 The next item on the agenda is investigative
10 reports. The board has a lot of them in front of them.
11 We will start with the section of cases to be dismissed.
12 I will take it that the board has had an opportunity to
13 look at those cases. The Chair would like to pull a
14 couple of them. We would -- we'll vote on them in -- as
15 a package, but the Chair would like to pull a couple of
16 them for further discussion. SEB2020-296 and SEB2020-
17 099.

18 MEMBER GHAZAL: Mr. Chairman, could you please
19 cite the tab number for us?

20 CHAIRMAN FERVIER: It is Tab number 5 and 12.
21 Are there any other cases that the board would like
22 pulled for discussion in the cases listed for dismissal?

23 MEMBER JOHNSTON: Yes, Mr. Chair.

24 CHAIRMAN FERVIER: Dr. Johnston?

25 MEMBER JOHNSTON: I would like to pull case

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1 number 2022-298.

2 CHAIRMAN FERVIER: That's Tab number 6?

3 MEMBER JOHNSTON: Tab number 6.

4 CHAIRMAN FERVIER: Any more?

5 MEMBER JOHNSTON: Case 2022-362, Tab number
6 10.

7 CHAIRMAN FERVIER: Okay.

8 MEMBER JOHNSTON: And case number 2022-141,
9 Tab --

10 CHAIRMAN FERVIER: 17.

11 MEMBER JOHNSTON: 17. 17.

12 CHAIRMAN FERVIER: Member Ghazal, do you have
13 any cases you'd like to poll?

14 Member King, do you have any case -- I'll take
15 that as a no, Member Ghazal.

16 MEMBER GHAZAL: Correct.

17 CHAIRMAN FERVIER: Okay. Member King, do you
18 have any cases you'd like to pull for discussion?

19 MEMBER KING: No, I do not.

20 CHAIRMAN FERVIER: Okay. Then we will vote on
21 the remaining cases as a package for dismissal, and I'm
22 going to go through and read those cases for the record
23 -- or read the case numbers for the record.

24 The following cases, the board will vote on as
25 a package for dismissal. Those cases are: SEB2020-209,

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1 Chatham County, Composition of Review Panel
2 Miscellaneous, Tab number 7. SEB202-057, Chatham
3 County, Campaigning at a Poll, Tab number 8. SEB2020-
4 305, Chatham County, Emergency Bin Not Used After
5 Scanner Failed, Tab number 9. SEB2024-035, Chatham
6 County, Voter Privacy Issues, Tab number 11. SEB2020-
7 201, Bryan County, Residency Issue, Tab number 13.
8 SEB2020-245, Glynn County, Wording on Cell Phone -- No
9 Cell Phone Signs, Tab number 14. SEB2024-116, Glynn
10 County, Voter Attempted to Vote More than Once, Tab
11 number 15. SEB2020-259, Grady County, Giving a \$100
12 Gift Card to Register to Vote, Tab number 16. SEB2020
13 -- I'm sorry. 2022-266, Lowndes County, Lost Voter
14 Access Card.

15 Let me ask a question. Did I improperly state
16 the others ones?

17 BOARD MEMBERS: (No audible response.)

18 CHAIRMAN FERVIER: I did? Which ones did I
19 mess up?

20 MEMBER GHAZAL: All of them that are 2022.

21 CHAIRMAN FERVIER: All of them are 2022. Wow.

22 MS. HARDIN: I was trying to not interrupt --

23 CHAIRMAN FERVIER: Let me -- you should've
24 interrupted me. I'm going to -- I have to go back and
25 restate these since I got the numbers wrong.

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1 We're going to start back at -- the cases to
2 be dismissed are: SEB2022-057, SEB2022-305, SEB2024-
3 035, SEB2022-201, SEB2022-245, SEB2024-116, and SEB2022-
4 259.

5 I think I corrected all those for the record.
6 Alex, don't let me mess up again.

7 The next case is SEB2022-274, Lowndes County,
8 Buying Votes. Next case is SEB2023-075, Lowndes County,
9 Distracting -- Districting Issue Voter Not Allowed to
10 Vote. Next case is SEB2021-174, Berrien County, Ray
11 City Illegal Campaigning. Next case is SEB2022-232,
12 Berrien County, Voter Registration Fraud. Next case is
13 SEB2021-143, Effingham County, Photographed Ballot.
14 Next case is SEB2024-153, Effingham County, Pre-filled
15 Absentee Ballot Application. Next case is SEB2024-036,
16 Effingham County, Illegal Campaigning.

17 The Chair at this time would entertain a
18 motion to dismiss the above-named cases.

19 MEMBER GHAZAL: So moved.

20 CHAIRMAN FERVIER: We have a motion by Member
21 Ghazal to dismiss the above-named cases. Is there a
22 second?

23 MEMBER KING: Second.

24 MEMBER JOHNSTON: Second.

25 CHAIRMAN FERVIER: We have motion to second

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1 from Member King, I think, to dismiss above-named cases.

2 Any discussion?

3 Hearing no discussion, the above-named cases
4 will be dismissed.

5 Now, let's go back to SEB2020-296, Henry
6 County, Multiple Absentee Ballots.

7 If the investigators would please read that
8 case for us?

9 INVESTIGATOR KOTH: Okay. This is 2020-296,
10 Henry County, Multiple Absentee Ballots. This was a
11 continued case, and the board had originally requested
12 that we get the -- okay. And that the board wanted to
13 physically obtain the ballots from the voter, who went
14 and received . . .

15 CHAIRMAN FERVIER: Dr. Johnston, can you hear
16 her?

17 MEMBER JOHNSTON: No.

18 CHAIRMAN FERVIER: Okay. Are you going to
19 turn it on? All right.

20 INVESTIGATOR KOTH: Mute. Okay.

21 CHAIRMAN FERVIER: Just try it now.

22 INVESTIGATOR KOTH: Okay.

23 CHAIRMAN FERVIER: Go ahead.

24 INVESTIGATOR KOTH: Okay. This is 2020-296,
25 Henry County, Multiple Absentee Ballots. Can you hear

1 me?

2 MEMBER JOHNSTON: Yes.

3 INVESTIGATOR KOTH: This is a continued case,
4 and the board had wanted the original ballots from the
5 person who had received multiple ballots. So pursuant
6 to the board's inquiry, the investigator followed up
7 with the Henry County elections director at the time,
8 Ameika Pitts, who reported that the printing of multiple
9 ballots was most likely a clerical error.

10 Pitts explained that some examples of these
11 types of errors are workers losing their spot, reviewing
12 the list, and accidentally printing the same ballot
13 again. Another case is, a label printer that is used
14 can print multiple labels if the sensor gets dirty or
15 starts to malfunction.

16 The investigator informed -- or the director
17 informed the investigator that she reviewed Mr.
18 Campbell's voting history and was not able to uncover
19 who processed the absentee ballot application. Prior to
20 this investigation, Henry County issued a generic user
21 ID that all temporary employees used to access the
22 Georgia voter registration system, now known as GARViS.

23 As the generic user identification was used to
24 process the complaint as absentee ballot application,
25 Ms. Pitts could not identify which temporary employee

1 processed the absentee ballot application. She advised
2 that they're all assigned -- all the assigned workers
3 have a personal user identification to access the voter
4 registration system, so should this occur again, the
5 director will be able to identify the specific employee
6 who processed this action.

7 The investigation determined that the
8 complainant only submitted one absentee ballot
9 application. However, the Henry County Board of
10 Elections and Registration mistakenly issued four
11 ballots to the complainant. At the time the multiple
12 ballots were mistakenly issued, there was no SEB rule or
13 statute that prohibited the issuance of multiple ballots
14 to a voter. That's why this case was labeled for
15 dismissal.

16 CHAIRMAN FERVIER: Well, I was going to just
17 use her speaker, since she is on. She hasn't -- my
18 opinion of this is that multiple absentee ballots were
19 submitted, and it can be confusing and be -- the -- that
20 lead to illegal voting. And therefore, I thought that
21 this should result in a Letter of Instruction as opposed
22 to dismissal on this particular case.

23 MEMBER JOHNSTON: My issue, Mr. Chair?

24 CHAIRMAN FERVIER: Yes.

25 MEMBER JOHNSTON: My issue with this case is,

1 the Georgia code states that a ballot shall be issued,
2 not multiple ballots, to be clear. So it's not --
3 technically, it's not compliant with Georgia code. And
4 also, my concern is -- as far as dismissing of this case
5 is, if there's clerical error that results in sending
6 four ballots, how can I have confidence that there will
7 not be clerical error in accepting four ballots from the
8 same voter? It's the carelessness or appearance of
9 carelessness that is concerning to me.

10 INVESTIGATOR KOTH: It was also from case
11 number 2020- 225 where the board found that there was no
12 statute or SEB rule, which was an identical case to this
13 one. And it was issued -- dismissed in the case,
14 recommending a Letter of Instruction on proper
15 procedures to avoid future occurrences.

16 CHAIRMAN FERVIER: We did we issued a Letter
17 of Instruction, correct?

18 INVESTIGATOR KOTH: It was dismissed with the
19 Letter of Instruction.

20 CHAIRMAN FERVIER: With a Letter of
21 Instruction. Right. When was that case?

22 INVESTIGATOR KOTH: The case in reference is
23 2020-225. I don't have one that I can pull up.

24 CHAIRMAN FERVIER: Okay. Any other comments
25 from the board?

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1 MEMBER GHAZAL: I think that we need to treat
2 it similarly and dismiss with a Letter of Instruction.
3 I would also like to point out that there are far more
4 procedural safeguards in place to prohibit people from
5 casting multiple ballots if it is on the same
6 registration. The system is built with safeguards in
7 there. Perhaps we need to revise or at least review the
8 procedures for sending out ballots to make sure that
9 this -- that there are more safeguards.

10 Counties could have a double-check. They
11 could -- I think, if there -- if counties have the
12 staffing, then they should have a second staff person
13 review the ballots that have been issued before mailing
14 them out to make sure this doesn't happen. There are
15 plenty of ways that they can build in safeguards here.
16 But the safeguards are already in the system, and
17 they're electronic to avoid the ability of voters to
18 cast multiple ballots as opposed to get them mailed out.
19 So I move that we dismiss with a Letter of Instruction
20 so that (inaudible).

21 MEMBER JOHNSTON: I have more discussion.

22 CHAIRMAN FERVIER: Yes, Member Johnston?

23 MEMBER JOHNSTON: Yes. I'd like to ask my
24 fellow board member: What are the safeguards that are
25 in place now?

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1 MEMBER GHAZAL: Is it relevant to this case?

2 MEMBER JOHNSTON: Well, you just mentioned
3 that there are safeguards in place.

4 MEMBER GHAZAL: To avoid allowing voters to
5 cast multiple ballots, which is not the case here. We
6 don't have that. We have -- we are looking at a case
7 where a county mailed out multiple ballots, not where a
8 voter attempted to cast multiple ballots.

9 MEMBER JOHNSTON: Oh, I thought you said that
10 there were safeguards in place to prevent mailing out
11 multiple ballots.

12 MEMBER GHAZAL: No, I said, perhaps we need to
13 review what they might be and that counties could
14 develop their own safeguards. But perhaps we could look
15 at procedures and require a -- something a little --
16 recommended that the legislature require something a
17 little bit more stringent than what is currently in
18 place.

19 MEMBER JOHNSTON: I would like to make a
20 motion.

21 CHAIRMAN FERVIER: We have a motion on the
22 floor already, Dr. Johnston, that we need to address
23 first. So the current motion on the floor is to issue a
24 Letter of Instruction for this case, a dismissal with
25 the Letter of Instruction, which was consistent with a

1 previous case almost exactly like this.

2 Is there a second for that motion?

3 MEMBER KING: Can I say something before we
4 begin?

5 CHAIRMAN FERVIER: Oh, yes. Yes, Member King.

6 MEMBER KING: So I know that there -- what
7 we're -- what I'm hearing is that there's precedent,
8 having done this before or having had a case like this
9 before and made a decision to just send a Letter of
10 Instruction. I also do find -- I also find this a
11 little disturbing, that we have counties that are --
12 that we had a county that's sending out additional
13 ballots.

14 However, I would like to hear -- is it
15 possible to hear the -- what Member Johnston was going
16 to recommend before making a decision on whether or not
17 to do a Letter of Instruction or a Letter of Reprimand?
18 Because that's what I'm kind of torn on.

19 MEMBER JOHNSTON: I would like to -- actually,
20 I would like to see this case continued and hear from
21 the election supervisor regarding this and what they may
22 have done to correct this procedure or possible process
23 that would allow four ballots, multiple ballots, to be
24 sent to voters.

25 CHAIRMAN FERVIER: Member Ghazal, you have --

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1 you had a motion on the table. Would you be willing to
2 withdraw the motion and continue this case?

3 MEMBER GHAZAL: I will. I would ask that we
4 re-categorize it. Counties and respondents, when they
5 receive notice that they have a case that has been
6 recommended for dismissal, they tend not to pay very
7 much attention to it. So if we are going to continue
8 the case, then we need to make it very clear and give
9 sufficient notice to the county that we are expecting a
10 response from them.

11 CHAIRMAN FERVIER: We would move it to the
12 Potential Violations category. Are you willing to
13 withdraw your motion?

14 MEMBER GHAZAL: I withdraw my motion.

15 CHAIRMAN FERVIER: Okay. Dr. Johnston?

16 MEMBER JOHNSTON: Mr. Chair, I move that we
17 continue the case to be presented at the next meeting so
18 that we can provide adequate notice to the election
19 supervisor and the complainant to be present and -- for
20 hearing this case and have the opportunity to see -- to
21 hear the supervisor's response to our questions.

22 CHAIRMAN FERVIER: We have a motion to
23 continue the case made by Dr. Johnston. Is there a
24 second?

25 MEMBER KING: Second.

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1 CHAIRMAN FERVIER: We have motion and second.

2 Any further discussion?

3 Hearing no further discussion, all those in
4 favor of moving or continuing this case signify by
5 saying aye.

6 MEMBER JOHNSTON: Aye.

7 MEMBER GHAZAL: Aye.

8 CHAIRMAN FERVIER: Any opposition? Hearing no
9 opposition, so moved.

10 The next case to be heard is SEB2022-298,
11 Muscogee County, Rides to The Poll. It's Tab number 6
12 in the board book.

13 INVESTIGATOR BRUNSON: All right. Good
14 morning.

15 So SEB2022-298, Muscogee County, Rides to The
16 Polls. This is another continued case from the previous
17 meeting. One of the parts of the discussion was to
18 review the other similarly situated cases. One of the
19 cases that I referenced when I briefed the case, then,
20 was SEB2021-019. Also, another sister case is
21 SEB2020-159 and another case kind of going back a few
22 years, SEB2013-058, in which very similar circumstances
23 connected to this particular situation as it relates to
24 rides to the polls.

25 So I think those cases were going to be looked

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1 at. Maybe not the 2013 one, but I know I cited, when I
2 gave my brief previously, the case SEB2021-019, and,
3 like I said, found an additional case, which is SEB2020-
4 159.

5 CHAIRMAN FERVIER: Dr. Johnston, you wanted
6 this one pulled. Do you have questions?

7 MEMBER JOHNSTON: Yes, I do. This case was
8 continued, and the questions were -- that I had asked at
9 the time --

10 CHAIRMAN FERVIER: One moment, please.

11 MS. HARDIN: Mike, do you see the microphone?
12 Can you turn your speaker up so we can hear her?

13 INVESTIGATOR BRUNSON: Okay.

14 MS. HARDIN: See, there's another.

15 INVESTIGATOR BRUNSON: Oh, sure.

16 CHAIRMAN FERVIER: All right. Dr. Johnston?

17 INVESTIGATOR BRUNSON: Okay.

18 MEMBER JOHNSTON: Better?

19 INVESTIGATOR BRUNSON: Yes.

20 CHAIRMAN FERVIER: Yes.

21 MEMBER JOHNSTON: All right. The questions
22 I'd asked at the time -- I had asked for -- what I'd
23 like to -- as part of this investigation, was to obtain
24 the target list used for these rides to the polls on the
25 November 2022 election. I'd like to know how the list

1 was determined by this group ride, Rideshare2Vote, and
2 I'd like to know the criteria to be on the list. I'd
3 like to know how voters are targeted. Are they targeted
4 by phone calls, texts, letters, emails, or direct
5 contact?

6 My concern is that Rideshare2Vote offers free
7 rides to Democratic voters. If they just offered free
8 rides to all voters, or if that was their mission, I
9 would have a different attitude toward this complaint.
10 But an organization that offers rides to a particular
11 candidate or party sounds like it is vote buying or what
12 one may call vote hauling. And I want to be sure -- I
13 love the idea of rides to the polls and assisting voters
14 to get to the polls, but it must be conducted fairly and
15 openly and provided to all voters.

16 So I don't know if this information was
17 obtained, but if it has not, then I would recommend a
18 continuation and further investigation to get this
19 information from rides -- Rideshare2Vote.

20 INVESTIGATOR BRUNSON: Well, I know that the
21 investigator did speak with the CEO, who did say that it
22 is a partisan organization that targets and -- targets
23 and reaches out to blue voters, Democratic, and/or
24 progressives. However, they do not turn away any voter
25 that needs a ride to the poll. He actually obtained

1 their training materials. He obtained their PowerPoint
2 presentation, which clearly stated that people who are
3 providing the rides are to refrain from mentioning
4 anything or any discussion, and that was not part of
5 this complaint. The only part of the complaint was this
6 text message that came from an individual that we could
7 not identify because the one making the complaint would
8 not provide that individual's name.

9 So, you know, we already know that it targets
10 Democratic voters. That's the mission, it looks like,
11 of this particular organization. However, you know, we
12 did do that background and looked at the training
13 mechanism, the PowerPoints, et cetera. And so I thought
14 that we kind of exhausted things as it relates to this
15 investigation. However, you're saying the target list
16 is what you want to take a look at?

17 MEMBER JOHNSTON: Correct. It -- it's nice --
18 it's nice for the organization to say they won't turn
19 anyone away. I certainly appreciate that. But if the
20 organization targets only Democrat voters, then that
21 brings into question -- if it's a 501(c)(3), then it's
22 clearly partisan and, you know, that's a whole nother
23 issue as far as violating 501(c)(3) rules. But if they
24 are only targeting a particular group and only
25 communicate with a particular group, then I have a

1 problem with this complaint.

2 CHAIRMAN FERVIER: Ms. Johnston, what code
3 section would they be in violation of?

4 MEMBER JOHNSTON: Vote buying.

5 CHAIRMAN FERVIER: Which one? Vote buying?

6 MEMBER JOHNSTON: Vote buying.

7 MEMBER GHAZAL: If a ride is not vote buying
8 when it is more broadly targeted, I don't understand how
9 it will be vote -- these -- the same action to make it
10 easier to vote is -- it transfers a public service into
11 vote buying simply because of the recipient. I think
12 that -- there are some very serious First Amendment
13 implications in what you're saying that I don't think
14 would withstand scrutiny in court.

15 MEMBER JOHNSTON: If an organization only
16 offers free -- or vouchers -- they are -- they are --
17 they are giving out free vouchers. They are giving --
18 they are giving an item of value to a voter, but only a
19 specific category of voter. That is a problem. I --
20 the -- free speech is one thing, but giving an item of
21 value, whether it's a voucher for a taxi ride or a cash
22 card or a gift, that is -- that's vote buying.

23 MEMBER GHAZAL: We have -- we have -- this
24 body has ruled that giving out cash cards by an actual
25 campaign, not a non-partisan group, but by a campaign

1 with volunteers saying, I hope you vote for my
2 candidate, was not prohibited vote buying. I find it
3 entirely inconsistent that offering rides -- not cash
4 cards, not gas cards, but rides to the polls -- now,
5 they may be -- they may be roughly targeted. Instead of
6 sending it to the entire universe, they may be roughly
7 targeted. And please excuse my very happy puppy over
8 here.

9 But offering ride and not limiting the
10 availability by not screening the people who accept the
11 rides but simply targeting a more limited universe is
12 far less partisan than handing out cash cards when
13 you're representing an actual campaign.

14 MEMBER KING: I disagree. I disagree. I
15 disagree. The way you worded it is interesting. So
16 they are not just pulling out a subset of voters that
17 are a random selection of voters. We're talking about a
18 nonprofit organization that is utilizing -- well, before
19 I even go there, because I do have a question about how
20 they are obtaining these voters, but they are -- they
21 are targeting, as you -- as you stated, specifically
22 Democrat voters rather than just kind of walking around
23 handing out gas cards or whatnot.

24 But here is the thing. I disagree with both
25 of them, actually. I think that -- I wasn't on the

1 board when the first case came before us as it relates
2 to passing out -- I think it's gas cards or whatever
3 they were doing or food cards, but I think both of it is
4 wrong. I think both of it is an act of influencing
5 voters.

6 So my question for the investigator would be,
7 do we know if they are using voter rolls to target these
8 Democrats, or how are they obtaining this list of
9 potential voters to offer rides to? Because if you're
10 using voter rolls to offer rides to specific voters
11 saying, I'm going to make it easier -- because we were
12 talking about making it easier for people to vote. I'm
13 going to offer you this service to make it easier for
14 you to go vote.

15 But I'm not going to offer this service to
16 Republicans or Republican voters unless you happen to
17 find yourself, you know, in this list and getting
18 contacted by us. So there is something here that I do
19 think needs to be discussed, I think is just a major
20 concern there.

21 But my question for Mr. Brunson is whether or
22 not they are using -- if you know, if they are using
23 voter rolls to obtain these contacts that they are
24 reaching out to?

25 INVESTIGATOR BRUNSON: No. I don't know that

1 right off hand. She just basically said that that's
2 their target, Democratic and progressive voters.

3 MEMBER KING: Okay. Okay. So I think it's
4 safe to say that they could possibly be using voter
5 rolls because that's pretty much the only way you can
6 determine if someone is a progressive or Democrat,
7 unless, you know, we're using discriminatory methods.
8 But -- so that being said, if you're utilizing voter
9 rolls to pull out specific voters that you want to
10 provide an advantage for, and that advantage is to allow
11 them -- to provide them with assistance, going to vote
12 hoping they will vote for your candidate, then we're
13 most certainly buying votes here.

14 And I think -- I personally, I -- I'm on the
15 record saying that I think -- and I -- that the other
16 candidate that I think you're referring to also was
17 buying votes. So I think both are wrong on both -- on
18 both counts.

19 INVESTIGATOR BRUNSON: Let me just say this,
20 referencing the older case, where it involved Lyft and
21 Lyft's attorney submitted a nine-page letter, basically,
22 and cited a court case, U.S. vs. Levin (phonetic) where
23 the U.S. Court of Appeals stated that providing
24 transportation to voters is not a violation of the law.
25 So -- and I think that came up during the previous case

1 and was one of the reasons why it was dismissed. So
2 I'll just -- I'll just add that. And if, obviously, the
3 board makes the decision it's going to make.

4 MEMBER JOHNSTON: Correct.

5 MEMBER KING: In the previous case, since I
6 wasn't on the board, with Lyft, were they specifically
7 targeting either Republican voters or Democrat voters or
8 was it just kind of offered to all voters?

9 INVESTIGATOR BRUNSON: I mean, I think the
10 intent as far as who they partnered with, the
11 organization had leanings -- Democratic leanings, but
12 they offer -- the same situation here. We had to look
13 into the training materials and things of that nature
14 and look at the campaign. And the campaign was plain as
15 it relates to who they offered it to, but who they
16 partnered with was a Democratic-leaning organization.
17 So it's kind of similar in that regard, where it was a
18 Democratic- leaning organization that partnered with
19 Lyft.

20 MEMBER KING: Okay. And then --

21 INVESTIGATOR BRUNSON: And then there was
22 another -- go ahead. I'm sorry.

23 MEMBER KING: No, excuse me. I'm sorry. You
24 can proceed.

25 INVESTIGATOR BRUNSON: Yes. There was another

1 -- and then there was another one that included the
2 Arthur Blank's Foundation that was very similar. And I
3 can't remember if that was 2021019, but based on the
4 previous cases in referencing that case is why that case
5 was dismissed. So --

6 MEMBER KING: Okay. So we have --

7 INVESTIGATOR BRUNSON: -- so we're going off
8 --

9 MEMBER KING: Okay. Sorry about that. So we
10 have two cases, one where it's more of an assumption
11 that they are -- that -- well, because they are leaning,
12 they -- these organizations tend to lean Democrat, but
13 we're not -- we're not sure if they were targeting
14 Democrat voters specifically. I mean, it's safe to
15 assume that, though. I do understand that 100 percent.

16 But in this case, we have an organization that
17 has stated that they are targeting Democrat and
18 progressive voters, correct?

19 INVESTIGATOR BRUNSON: Yes. Yes. That's
20 their goal, to, yeah, increase --

21 MEMBER KING: Yeah. Okay. Okay. Thank you.

22 MEMBER JOHNSTON: I just, I think there needs
23 to be more investigation into how the list is
24 determined, what criteria that are used to be on the
25 list, and actually how they are targeted. Are they --

1 are they contacted one time, multiple times, repeat
2 targeting? Is it -- and by what method? And, you know,
3 it's good to talk about ride to the polls, because I
4 think that's a good thing for people to offer to their
5 neighbors or friends or anyone who has difficulty in
6 getting to the polls, but -- and Lyft and Uber are --
7 they are the passive party in this complaint.

8 It's the Rideshare2Vote that purchased these
9 vouchers from Lyft and Uber and gave them out to
10 prospective voters. And -- so it's not the ride to the
11 poll, that they are actually handing an -- handing
12 something of value to a voter to go vote. But it's only
13 a particular group of voters. Yeah, I hear you when you
14 say we won't turn anyone down, but it's not that
15 everyone knows about this. It's not -- it's not -- this
16 information or opportunity or offer is not provided to
17 everyone in this voting jurisdiction or the state. I
18 don't know -- I'm not sure where this was offered
19 exactly. That would be interesting, too.

20 CHAIRMAN FERVIER: Do we -- do we know the
21 actual mechanics of how they got the vouchers to the
22 voters?

23 INVESTIGATOR BRUNSON: I think it was an
24 online type situation, and then I think you had to click
25 on. But I'm not 100 percent sure. Let's see. Let me

1 see if that's in there.

2 CHAIRMAN FERVIER: Yeah. I think I'd like --
3 I think I'd like to know the mechanics of exactly how
4 the vouchers got to the voters and who had access to
5 that, you know.

6 INVESTIGATOR BRUNSON: Okay. Yeah. We can
7 find that out.

8 MEMBER JOHNSTON: Right. And, you know,
9 online information can certainly be altered to go out to
10 specific groups. So there -- you know, that is part of
11 influencing online if this is an online thing. I would
12 just like more information. In this new age of Internet
13 and technology and targeted groups and texts and emails
14 and various forms of contact, I think we're not being --
15 doing our homework. The board is not doing its homework
16 in understanding this better.

17 MEMBER GHAZAL: Note it to the parties. If
18 again -- once again, this is slated for dismissal, and
19 parties have received notice that they are slated for
20 dismissal. If we are going to investigate, we need to
21 give them an opportunity to represent themselves here.

22 CHAIRMAN FERVIER: I agree. I think it might
23 be advantageous for us to invite the CEO to the --
24 present before the board and answer some questions.

25 INVESTIGATOR BRUNSON: Let me just say this,

1 too. So I just got an email from the investigator, and
2 the first part of the complaint was Lyft. And,
3 actually, Rideshare uses its own volunteers to give
4 rides to the polls. He just sent me that. So this --
5 it's different. There's two -- the two-tier --

6 MEMBER GHAZAL: Two different parties.

7 INVESTIGATOR BRUNSON: -- this was a two-tier
8 complaint. The first one regarding Lyft, the second
9 Rideshare2Vote, and I just got information that they
10 used their own volunteers to do it. So now that kind of
11 changes the complexion.

12 MEMBER GHAZAL: It's a much more grassroots
13 sort of --

14 INVESTIGATOR BRUNSON: Yes.

15 MEMBER GHAZAL: -- sort of activity.

16 INVESTIGATOR BRUNSON: To give rides to polls.
17 Yes. So --

18 MEMBER JOHNSTON: Explain that again, please.

19 MEMBER GHAZAL: These --

20 INVESTIGATOR BRUNSON: So apparently,
21 Rideshare -- Rideshare2Vote uses its own volunteers to
22 give rides to the polls. The first part of the
23 complaint was about Lyft. If you look at -- there's two
24 different complaints.

25 The first complaint was Lyft is offering 50

1 percent off rides to the polls, and then the second
2 complaint was Rideshare2Vote is offering free rides to
3 Democratic voters. So that was the second complaint.
4 And I just got an email from the investigator who says
5 that Rideshare2Vote uses their own volunteers to provide
6 these rides to the polls.

7 MEMBER JOHNSTON: Okay. Well, that's
8 different than what's in the investigative summary that
9 says that Rideshare2Vote purchased vouchers to be given
10 to voters.

11 MEMBER GHAZAL: I think there -- there's an
12 apples and oranges. There is one complaint against
13 Lyft, and that -- and the discussion -- the
14 investigation discusses that. I don't think there are
15 any objections because this appears to be an extremely
16 broad based program, and I would -- I would move that we
17 dismiss the allegation as it relates to Lyft
18 specifically and that we continue the investigation and
19 invite the CEO of rideshares to the poll --
20 Rideshare2Vote with an invitation to the CEO to come and
21 speak to the board.

22 CHAIRMAN FERVIER: We had a motion to dismiss
23 the portion of the complaint against Lyft, to continue
24 the investigation against the Rideshare2Vote, and bring
25 it up at our next meeting and invite the CEO to speak

1 before this board and answer questions pertaining to
2 that portion of this case.

3 MEMBER JOHNSTON: I would like to -- is this
4 discussion, Mr. Chair?

5 CHAIRMAN FERVIER: Not yet. Not yet. Is
6 there a second on that motion?

7 MEMBER GHAZAL: For further information, I
8 believe that the Lyft offer is literally freely
9 available on their website, so there was no targeting
10 whatsoever in that. Anybody could request a reduced
11 fair ride to a poll.

12 MEMBER JOHNSTON: Are we in discussion now?

13 CHAIRMAN FERVIER: Yeah. We can discuss it.
14 There's no second, but let's go ahead and discuss it.

15 MEMBER JOHNSTON: I would be -- I would like
16 to hear from Lyft to make sure -- I would like in
17 writing their confirmation that it is on their general
18 website that's available to all voters involved in this
19 election. And I would like their confirmation that
20 there -- that they had no targeting audience for this 50
21 percent discount of rides to polls.

22 MEMBER GHAZAL: I can give you the link right
23 now and put it in the Q&A so that you can look at the
24 website, which is very clear right now.

25 MEMBER KING: But having a website and having

1 the link, but having -- not having access to the link --
2 so where was this link? I mean, is it just -- was it
3 just on -- I mean, I can just Google Lyft and it's -- it
4 pops right up? Because I have -- I haven't seen it.

5 MEMBER GHAZAL: Yep. You can Google Lyft
6 rides to the polls.

7 MEMBER KING: And so -- and we -- and we --
8 you're certain that you can confirm that Lyft was not
9 targeting any individuals while sending out these links
10 or discounts?

11 MEMBER GHAZAL: So we are going so far into
12 organizations' operations at this point that I find --

13 MEMBER KING: No, we're not. No, we're not.
14 Just --

15 MEMBER GHAZAL: -- this really troubling when
16 it's literally available and out there to any member of
17 the public.

18 MEMBER KING: Today?

19 MEMBER GHAZAL: Yeah. Reference -- yeah,
20 because they -- apparently, they didn't update their
21 website.

22 MEMBER KING: Well, that's just an assumption,
23 right? But that's an assumption. You're assuming that
24 they didn't update their website. I think that's a
25 problem --

1 MEMBER GHAZAL: It's dated October 16th, and
2 it's -- I am -- I am assuming that they did not go back
3 and retroactively change what they put on their blog and
4 keep the October 16th date. Yes. I am assuming that.

5 MEMBER KING: Well, I -- and I guess I'm
6 assuming that we -- you know, I guess we -- we're
7 assuming that there wasn't any type of targeted effort.
8 I personally -- I'm not saying -- I'm not accusing the
9 company of doing something wrong by ensuring that their
10 -- that all -- that their behavior has -- is operating
11 it within a standard that we support. So I am not --
12 I'm not opposed to just wanting to ensure that the --
13 that these companies were not targeting voters.

14 And the reason why I say that is because when
15 I -- when I went on my rideshare app during the election
16 process, I didn't see anything from either Uber or Lyft,
17 because this is a -- this is a conversation that came up
18 amongst voters. And I did not see anything on my phone
19 or my -- on my app and that said that I could get 50
20 percent off for getting a ride to the -- to the polls.
21 I didn't see it. So I'm not saying it doesn't exist.

22 I'm just telling you that while it may be on
23 their desktop -- I mean, maybe if I went on my desktop,
24 maybe if I didn't use my phone app, maybe if, you know,
25 the mobile option doesn't -- it doesn't pop up. But I'm

1 just telling you that I did not receive any notification
2 with a link of any sort saying that they would assist me
3 to the polls, and it could be for various reasons. So
4 we just want to know what those reasons are.

5 MEMBER JOHNSTON: Right. And there's
6 something called ephemeral influence, and it's such
7 advertising or messaging that occurs on the Internet,
8 which could be with any vendor, that a message is put on
9 that when that -- a particular group is on that
10 application, they see a message but other groups do not.
11 And it's very hard to detect or to track. And I would
12 -- I would like to -- unless board member Ghazal is
13 representing Lyft, I would like to hear directly from
14 Lyft about how they message this ride -- this discounted
15 ride to the polls.

16 INVESTIGATOR BRUNSON: It -- it's right on
17 their website. If you click on it, it'll come up. It's
18 right on their website right now if you click it.

19 MEMBER JOHNSTON: Well, that's good, but was
20 it the week before the election or two weeks before the
21 election or three days before the election? It can --
22 it can easily change. And I would like to hear from
23 them. And I can't make an assumption. I don't think
24 any of us on the board can make assumptions that this
25 does or does not occur. I'm not accusing anybody of

1 anything. But there's a lot of power in messaging these
2 days, and I would like to be reassured that if we're
3 sending a message of get -- go vote, I want it
4 distributed to everyone.

5 MEMBER KING: I agree. I don't -- I -- I'm a
6 little confused by the frustration around wanting Lyft
7 to send us -- just put in writing that they are not
8 doing any type of targeting. If I guess I'm a little
9 confused about that. Like, why do I feel like there's a
10 sense of frustration amongst us, our conversation, when
11 none of us work for Lyft? I'm just a little confused.

12 MEMBER GHAZAL: I will voice my personal
13 frustration that we have 300 cases that have been
14 thoroughly investigated. And this is the second time
15 that we have heard this case, and we will hear it again.
16 And we have limited time and limited resources. And I
17 think this is not the best use of our resources, to
18 chase down rabbit holes about a nationwide program that
19 was offered to every single voter and, as far as I can
20 tell, since it was publicly available. But go for it.
21 If that's what you think that we need to be using our
22 resources on right now.

23 MEMBER KING: How much of our resources would
24 -- is it going to entail? I'm asking Mr. Brunson.

25 Like, is this this -- an -- a -- I guess I'm a

1 little confused. Am I -- are we requesting something
2 that is extraneous?

3 INVESTIGATOR BRUNSON: No, but I mean, the
4 other -- if you go back and read the other cases, it's
5 very similar.

6 MEMBER KING: Okay.

7 INVESTIGATOR BRUNSON: We got a nine-page
8 brief from Lyft on the other case regarding very similar
9 circumstances. So that's -- I mean, it's not my
10 frustration. It's just that this has been -- this has
11 been done a couple of times now. Three times now, so --

12 MEMBER KING: Okay. Okay. I get it. So you
13 -- you've -- yeah, it's my first time, so I am --
14 forgive me if I -- okay. I get it. And I do
15 understand. I do -- I do understand how it could be
16 frustrating for those who have been in this process for
17 years. But I will say that I don't expect to be this
18 thorough in every single one of these cases.

19 I mean, we just dismissed a large -- a lot of
20 cases. However, if we're pulling out one or two that's
21 just like, hey, let's just nail down this one, it's for
22 a reason. And a lot of it has to do with the fact that
23 -- the conversations that I've had with voters outside
24 of all of us -- these are people that are not as
25 politically involved, they are just voters, is that they

1 do feel that there is a sense of support that Democrats
2 get that Republicans don't get when it comes to being
3 able to provide advantages or support or whatever during
4 the election process.

5 This is a common conversation. And the fact
6 that we do have such major corporations associated with
7 these decisions to assist voters to the polls, I just
8 want to make sure that when I'm having a conversation
9 with these voters, I can say with confidence that I know
10 that Lyft or Uber or whoever comes forward is not doing
11 this.

12 So having something in writing that says, no,
13 we are absolutely ensuring that everyone sees it. We do
14 have on our website, but we're also not doing any type
15 of targeting, I think that allows us to be able to
16 communicate better with voters.

17 CHAIRMAN FERVIER: Okay. Investigator
18 Brunson, in the nine-page document that Lyft previously
19 submitted, did they testify in there that they were open
20 to all parties?

21 INVESTIGATOR BRUNSON: As far as the
22 nine-page, I'm not 100 percent sure in that one, but I
23 know in the previous one, we referenced that. And
24 that's the commentary that we got when we spoke with the
25 Lyft representatives for that one. I'm not -- I'm not

1 going to speak to the specifics of what was in that
2 nine-page document, but it basically was a defense in
3 which they cited the U.S. Court case that I referenced
4 earlier, Levin versus the U.S. Regarding rides not
5 being considered something of value.

6 MEMBER KING: So that's a type of argument,
7 right? Because now we're arguing whether or not what
8 they were doing is wrong rather than whether or not they
9 were targeting voters.

10 INVESTIGATOR BRUNSON: Yeah. In the previous
11 case -- oh, go ahead. I'm sorry.

12 MEMBER KING: No. So the -- just to be clear,
13 that's what -- I know for me, I want to ensure -- the
14 reason why I'm supporting the idea of having them submit
15 something in writing is that I just want to make sure
16 that we are all clear. Now, if they have said this in
17 some -- somewhere else, I'm open to, you know, accepting
18 that, but just want to make sure we're clear and that
19 they weren't just defending their -- what they did.

20 MEMBER JOHNSTON: Correct. And I just want to
21 make the point that there is a changing landscape in
22 digital -- digital interface, and there is certainly
23 search engine manipulation that vendors use and that
24 even search engine companies can use, and we need to --
25 we need to stay on top of this and make sure that we are

1 providing the best opportunity for every person to vote
2 without these subtle influences or opportunities that
3 are provided. I would --

4 Mr. Chair, when you're ready, I would like to
5 make a motion.

6 CHAIRMAN FERVIER: Let me ask, would you be
7 amenable to moving this case to after lunch? And I
8 could ask Investor [sic] Brunson to submit the nine-page
9 letter from Lyft to the board so we can review it. And
10 maybe that will answer some questions for this board
11 pertaining to Lyft.

12 MEMBER JOHNSTON: Well, Mr. Chair, I had --
13 there were other questions that I had asked concerning
14 this investigation, and I would like -- I would -- I
15 would like Lyft to answer questions specifically
16 regarding this complaint, not previous complaints. Each
17 complaint is unique and individual, and I would like to
18 hear from them about this particular complaint.

19 CHAIRMAN FERVIER: Okay. Is there a motion?

20 MEMBER JOHNSTON: Mr. Chair, I move that we
21 continue the case for further investigation with
22 requesting responses from Lyft and Rideshare2Vote
23 regarding the previously mentioned areas of interest,
24 such as target list, criteria for target list, and
25 contacts made to targeted list.

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1 CHAIRMAN FERVIER: We have a motion. Is there
2 a second?

3 MEMBER KING: Second.

4 CHAIRMAN FERVIER: We have a motion and a
5 second to continue this case in its entirety with
6 further questioning of both Lyft and the other party
7 involved. Any further discussion?

8 Would all in favor signify it by saying aye?

9 MEMBER JOHNSTON: Aye.

10 CHAIRMAN FERVIER: All I heard was Dr.
11 Johnston.

12 MEMBER KING: Aye.

13 CHAIRMAN FERVIER: Member King. Any
14 opposition?

15 MEMBER GHAZAL: Nay.

16 CHAIRMAN FERVIER: Motion carries two to one.
17 I'm also going to ask Investor Brunson -- Investigator
18 Brunson to please provide that nine-page --

19 MEMBER KING: Yes.

20 CHAIRMAN FERVIER: -- document to the board
21 for the board to review prior to the -- this case being
22 heard again.

23 Okay. The next case on the agenda is SEB2022-
24 362, Chatham County, Failure to Post Notices. It's Tab
25 number 10.

1 INVESTIGATOR BRUNSON: So this is a case in
2 which a citizen alleges that the appropriate signage
3 directing voters to a new or temporary voting location
4 at the Montgomery Athletic Association located at 10155
5 Ferguson Avenue, Savannah, Georgia was missing.

6 Now, the requirement per the statute is for
7 there to be three notices posted whenever there is a
8 change. The complainant, when they went there stated
9 they saw the four by four sign posted at the entrance.
10 However, they did not see the other two signs posted.

11 So our investigator actually went out, did
12 note that he saw the four by four sign posted.
13 Investigators spoke with the election supervisor who
14 provided a photo of the four by four sign. However,
15 they did not have a photo of the other two signs that
16 were supposed to be posted there.

17 The investigator later followed up with an
18 individual who was responsible for posting those signs,
19 David Erickson, who claimed that he put all three signs
20 at the location. He couldn't remember -- this was at a
21 later time. He couldn't remember exactly where he
22 placed those -- posted those signs.

23 So based on that, we couldn't say whether or
24 not the other two signs were there. And so based on
25 that, we said that we had insufficient evidence to

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1 support the allegation. And that's one of the reasons
2 why we made this a dismissal case.

3 CHAIRMAN FERVIER: Any questions from the
4 board? Dr. Johnston, I believe you pulled this one.

5 MEMBER JOHNSTON: Yes, I pulled this. So I
6 believe it's -- Mr. Brunson, I think it's three other
7 signs in addition to the four by four. Am I reading
8 that correctly?

9 And, Mr. Chairman, is the county supervisor
10 present to answer questions?

11 CHAIRMAN FERVIER: I doubt it because this a
12 --

13 INVESTIGATOR BRUNSON: It's a dismissal case.

14 CHAIRMAN FERVIER: -- dismissed case and there
15 would've been -- well, we can ask. We know -- you know,
16 it is --

17 INVESTIGATOR BRUNSON: Billy Wooten.

18 MS. HARDIN: Yeah, he's here. Yeah, he's
19 here, but I don't know how prepared he is to answer
20 questions, but that's Billy Wooten.

21 CHAIRMAN FERVIER: Mr. Wooten, are you online,
22 and could you answer questions?

23 MR. WOOTEN: Yes, sir, Mr. Chairman, I am.

24 CHAIRMAN FERVIER: Okay. Dr. Johnston?

25 MEMBER JOHNSTON: Thanks, Mr. Wooten. My -- I

1 have a couple of questions, if I may.

2 How were all the voters notified of the
3 polling location change?

4 MR. WOOTEN: We do that several ways. This
5 was a situation where the church that's normally the
6 poll could not serve for -- they have church functions
7 for the runoff election. And this Montgomery Athletic
8 Club is like two blocks from the church on the same
9 street. And so for the -- for the primary, we actually
10 gave everybody that came in a flyer that said, for the
11 runoff, the election would be at the Montgomery Athletic
12 Club.

13 And then we posted signs at the church, the
14 big sign and the little signs, you know, prior to that.
15 And we also posted signs at Montgomery Athletic Club
16 saying that this would be the polling location for the
17 runoff for that particular election. And we've used
18 that site a lot because they are basically adjacent to
19 the church, just a block or so away, maybe two blocks
20 total away. And it's very convenient for the people
21 that vote there at that church.

22 MEMBER JOHNSTON: Oh, thank you. How many
23 voters are assigned to this Precinct 116?

24 MR. WOOTEN: It -- it's more than 2,000. I'm
25 not -- I'm not sure that it reaches the 2,500 mark. I'd

1 have to look that up.

2 MEMBER JOHNSTON: Okay. And the complaint
3 states, the complainant said that there were no signs
4 the door when they arrived on election day.

5 MR. WOOTEN: As far as I know, those signs
6 were placed there. We -- we've tried to do a good job
7 of getting those signs out and getting them up.
8 Sometimes the wind blows them off. Sometimes there's,
9 you know, there -- people take them down, not thinking
10 about -- think -- they think it's an old sign when it
11 really needs to stay there for several days.

12 You know, we try to -- we try to police that
13 as best we can. We have 90 poles. So it gets to be a
14 -- gets to be an -- a kind of an effort, but we really
15 try to make sure that voters have that in -- info.

16 We've even in some elections, Ms. Johnston,
17 we've even posted workers -- poll workers at the old
18 poll to make sure if voters pulled up there, they could
19 be directed to the new poll.

20 MEMBER JOHNSTON: Oh, okay. Did you assign
21 somebody on this election day to this location?

22 MR. WOOTEN: We did -- we did not know -- we
23 had no idea that there was a problem. I didn't get any
24 calls that day. No voters called me to say they didn't
25 know where to vote or where the -- where the new poll

1 was.

2 MEMBER JOHNSTON: Okay.

3 MR. WOOTEN: If I'd have had any complaints, I
4 would've looked into it immediately.

5 MEMBER JOHNSTON: Okay. Thank you.

6 Mr. Chair, is the -- is the complainant
7 available to answer any questions? Ms. Seaver?

8 CHAIRMAN FERVIER: Ms. Seaver, are you online?

9 MS. SEAVER: I'm here.

10 CHAIRMAN FERVIER: We have a few questions if
11 you don't mind.

12 MS. SEAVER: Okay.

13 MEMBER JOHNSTON: Ms. Seaver, did you -- did
14 you or -- go to the polling place on this particular
15 day?

16 MS. SEAVER: Yes, ma'am.

17 MEMBER JOHNSTON: Were there -- were there
18 signs on the door?

19 MS. SEAVER: No, ma'am, there were not signs
20 on the door. I got there around 7:00 in the morning.
21 And in my complaint, I also include pictures of no signs
22 on the door with -- and you can see my shadow actually
23 taking -- (audio interruption).

24 MEMBER JOHNSTON: May I ask Ms. Marsha Smith a
25 question?

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1 MS. SEAVER: Sure.

2 CHAIRMAN FERVIER: Ms. Smith, are you
3 available?

4 MS. SMITH: Yes, I am.

5 MEMBER JOHNSTON: Ms. Smith, this is Dr.
6 Johnston. Were you at the poll at the polling place
7 that was not used on election day?

8 MS. SMITH: Yes, ma'am. I was. I was there
9 later on in the afternoon where Jeannie was there first
10 thing in the morning. Like Jeannie, I never noticed a
11 sign on the fence and because I was there later on in
12 the afternoon, it was dusk -- get -- becoming dusk. So
13 there were no riders coming by on Ferguson Avenue that
14 could see that sign.

15 Secondly, I must have turned away 40 to 50
16 people even late in the afternoon who were so -- shocked
17 that the voting place was moved. I was able to direct
18 them where to go, but had three or four different people
19 say, I almost just rode by because I didn't see cars
20 there, and I had nowhere to go.

21 So it was a definite issue. And the fact that
22 we did inform James Hall of our local board of
23 elections, it is very upsetting. So we -- I can't
24 possibly imagine people riding by who didn't come in,
25 who didn't see cars and just kept on going. So I really

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1 do feel like we lost some voters there.

2 MEMBER JOHNSTON: Okay. Mr. Wooten, one more
3 question. Did you send notices of the precinct change?

4 MR. WOOTEN: Yes. They went from the voter
5 registration office.

6 MEMBER JOHNSTON: Okay. The -- so they were
7 sent in the mail?

8 MR. WOOTEN: Yes.

9 MEMBER JOHNSTON: Okay. Thank you so much.

10 MR. WOOTEN: And if I can make one other
11 comment.

12 MEMBER JOHNSTON: Sure.

13 MR. WOOTEN: I appreciate -- I appreciated the
14 efforts that Jeannie went to. It's always great to have
15 citizens involved, and I appreciated their efforts to
16 make sure people got to the right poll, and such. It --
17 you know, it takes a really a concerted effort, and we
18 worked together in Chatham, and I appreciated -- I
19 appreciated her efforts.

20 CHAIRMAN FERVIER: Mr. Wooten, I have a
21 question for you. This is Chairman Fervier. How many
22 polling locations do you have in Chatham County?

23 MR. WOOTEN: Currently, I have 88. I had 90
24 then.

25 CHAIRMAN FERVIER: Did any other polling

1 locations miss the signs?

2 MR. WOOTEN: Not that I'm aware of.

3 CHAIRMAN FERVIER: Only one where there's
4 allegations of missing window signs?

5 MR. WOOTEN: I don't have any other complaints
6 that I'm aware of.

7 CHAIRMAN FERVIER: And the sign that was out
8 there was a four foot by four foot sign?

9 MR. WOOTEN: Yes, sir.

10 CHAIRMAN FERVIER: Pretty large. Did anyone
11 go and post the signs on the window that day? I mean,
12 an election board member was there. Did he post the
13 signs?

14 MR. WOOTEN: No. The election board member
15 didn't. A member of my team did, and they do it every
16 election. And I -- it -- it's my -- it's my feeling
17 that the signs were there and something just happened to
18 the signs.

19 MS. SEAVER: They weren't there. I'm sorry.
20 They weren't there. Why -- I really -- it's always
21 about the right thing to do. This is a conservative
22 district because of the efforts -- and I appreciate Mr.
23 Wooten and his comments, but there were -- what was it?
24 There was 1,215 votes that voted in that runoff, out of
25 2,892 on election day.

1 So all I know is that I don't care if it was
2 just one, Mr. John. I don't want to mispronounce your
3 name. You know, especially if -- maybe if it was your
4 precinct, maybe you would've -- it would've bothered you
5 because it sure was our precinct, and no one felt -- and
6 I'm telling you the honest to God truth, and there were
7 many witnesses. I was the one that put that change of
8 location on those two windows, sir, because it was the
9 right thing to do. It was the right thing to do.

10 Now, Mr. Wooten wasn't there. He really
11 doesn't know. Somebody could have told him, but we were
12 there, and we had -- we have plenty of more witnesses
13 that were also there that witnessed this. So it's not
14 right. And I just think it's something that you didn't,
15 you know, hear any other complaints, Mr. Wooten, because
16 a lot of times people don't bother because of the
17 process that it takes to file a complaint, but taking
18 the time and the right thing to do, voters deserve the
19 right to vote at their locations and be informed. And I
20 never ever, and I had didn't hear of anyone that got
21 anything in the mail about any kind of change in
22 location. There was nothing.

23 CHAIRMAN FERVIER: And, Mr. Wooten, you said
24 -- you said flyers went out to the -- all registered
25 voters in the mail?

1 MR. WOOTEN: Well, we handed flyers out during
2 the primary to everybody that came into that poll to
3 vote telling them that there was a change for the
4 runoff, but voter registration sent out that information
5 about the change. Plus it was on our website and the
6 voter registration website and the -- and the county
7 website as well.

8 CHAIRMAN FERVIER: I'm not disputing whether
9 or not there was signs on the windows on that particular
10 day or not, but I'm just trying to decide whether or not
11 it was at the fault of the county that they weren't
12 there. I mean, somebody could have taken them off. It
13 could -- I mean, a lot of things.

14 But there was other ways of being notified
15 with the four by four sign with the website, with the
16 flyers, with -- I mean, there's just a lot of other ways
17 that people would've been notified for this. In
18 addition to the people that showed up, and Ms. Seaver
19 yourself and others that directed people. So were the
20 voters -- did anybody not get to vote because of this?
21 I'm, you know, that's my --

22 MS. SEAVER: There were people that didn't
23 vote because it wasn't posted. They just went home.

24 MS. SMITH: Yes.

25 CHAIRMAN FERVIER: Well, we don't -- we don't

1 have that complaint, though. I mean, nobody complained
2 that they didn't vote and just went home. The complaint
3 was whether or not there were signs on the windows.

4 MS. SEAVER: There were not signs on the
5 windows, sir, I don't buy --

6 CHAIRMAN FERVIER: No, I'm not -- I'm not --
7 I'm not --

8 MS. SEAVER: Well, yeah, you were doubting --
9 you're doubting my and Marsha and all the other people.
10 I am telling you, sir, those were not on the window.
11 And Mr. Wooten wasn't there to see it. I was.

12 CHAIRMAN FERVIER: I'm not -- I'm not
13 disputing -- I'm not disputing whether or not they were
14 on the windows. That's what I'm saying. I -- I'm not
15 disputing that.

16 MEMBER JOHNSTON: Mr. Wooten, I have a
17 question, if I may. This is Dr. Johnston. Did Mr.
18 Erickson go out with these signs on election day or --

19 MR. WOOTEN: No, they go out earlier than
20 election day, so that there's plenty of time for people
21 to see them.

22 MEMBER JOHNSTON: Okay. When did he go out?

23 MR. WOOTEN: We start posting those three days
24 out.

25 MEMBER JOHNSTON: Okay. This the Georgia

1 statute says they should be posted seven days before the
2 election.

3 MR. WOOTEN: Well, then that -- that's what we
4 did. Ms. Johnston, I don't have the code in front of me
5 right now, but we follow those rules.

6 MEMBER JOHNSTON: Okay.

7 MEMBER GHAZAL: It seems to me that it's
8 entirely -- we have confirmation that the four by four
9 sign was out there. We have testimony that the -- that
10 the three additional signs were placed seven days in
11 advance. It's also entirely possible that by the time
12 of the election, those signs were missing. And I do
13 commend Ms. Seaver and Ms. Smith and everybody else who
14 were -- who went out there, dedicated their time to make
15 sure that the voters were able to go to the proper
16 location.

17 And this happens in every election every time
18 there is a change in poll, polling location. It happens
19 every time an early voting location is not used as a --
20 an election day precinct as well. This is -- and it is
21 incumbent on not just the election officials, but also
22 the parties and the candidates to make sure that their
23 voters get where they need to go on election day.

24 It -- I have not heard enough evidence to
25 suggest that the county violated election law here. If

1 they -- there's undisputed evidence -- undisputed
2 testimony that seven days in advance, the county did
3 what it needed to do. Now, whether or not those signs
4 existed on election day, it would not surprise me at all
5 if signs that were put on windows, were not still there
6 seven days later, whether wind, people tearing things
7 off when they're walking past, any number of reasons why
8 they might not have been there.

9 Again, perhaps we need to ask the legislature
10 to tighten up those requirements and make sure that the
11 -- all of the signs are still present prior to 7:00 a.m.
12 On election day, that -- if a county posted that seven
13 days in advance. But I think in this case, this was
14 appropriately listed as a no violation case. Because
15 the testimony is that the county did what it needed to
16 do, but what it needed to do might not have been
17 sufficient for the voters.

18 CHAIRMAN FERVIER: I -- it just seems highly
19 unlikely to me that the county would go through the
20 process of posting a four by four sign, sending out
21 flyers, and not having any issues at 89 other locations
22 or reported issues that they wouldn't have properly
23 posted this to begin with. Were the signs on election
24 day, I'm not disputing they weren't there. I'm not
25 disputing that fact, but I don't know where the county

1 did anything wrong here. It seems unlikely to me that
2 they wouldn't post those signs seven days in advance.
3 And they were taken down. Who knows who was taking them
4 down? I mean, who knows? But I don't -- I just don't
5 see any violation necessarily on the county's part with
6 this.

7 MEMBER JOHNSTON: Are you saying there's
8 evidence that they were taken down?

9 CHAIRMAN FERVIER: Well, they weren't there
10 apparently. So someone must have taken them down. We
11 don't know, but I just say it's highly unlikely that
12 they didn't post them at the beginning seeing that they
13 did it at 89 other locations and put them -- went
14 through the trouble of putting up a four by four sign,
15 and then also sending out flyers indicating the change.
16 So they took all the steps. Otherwise, I don't -- it
17 seems highly unlikely they wouldn't have put those three
18 signs up too, so.

19 MEMBER JOHNSTON: I'm concerned about precinct
20 changes, and the no -- it seems that the number of
21 reported voters that had to be redirected suggest that
22 maybe the communication was not the best that it could
23 be. I don't see anywhere in our investigation that
24 states that mailers were sent or -- to the voters in
25 that precinct.

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1 MEMBER GHAZAL: There's nothing that -- in
2 statute that requires that.

3 MEMBER JOHNSTON: Okay. But I do see in the
4 statute that the change shall be posted at the three
5 other places in the immediate vicinity that are not
6 there. And I hate that voters are so inconvenienced and
7 maybe lose their interest in going to the next place
8 unexpectedly and maybe not completing their effort to
9 vote.

10 I would like to, Mr. Chair, I'd like to make a
11 motion that we issue a Letter of Instruction to Chatham
12 County regarding violation of 21-265 A.

13 CHAIRMAN FERVIER: So we have a motion to
14 issue a Letter of Instruction on case SEB2022-362. Is
15 there a second?

16 MEMBER KING: Second.

17 CHAIRMAN FERVIER: We have motion and second.
18 Any further discussion?

19 Well, I just want to restate again. I don't
20 think that there's any provable violation by the county
21 here. I'm not questioning that the signs weren't there
22 on election day, but there's no provable violation they
23 did not put the signs up. And it appears they made
24 effort, to me, to notify the voters by placing the four
25 by four sign, by sending out the flyers, which wasn't

1 required that they did, and properly posting apparently
2 at 89 other locations.

3 I see no evidence that they didn't post at
4 this one beside the fact they weren't there on election
5 day, and there's no evidence as to why they weren't
6 there, frankly, on election day.

7 So any further discussion? Hearing no further
8 discussion, all those in favor of issuing 11
9 instructions signify by saying, aye.

10 MEMBER JOHNSTON: Aye.

11 CHAIRMAN FERVIER: Member Ghazal, I didn't
12 hear you. Member King?

13 MEMBER KING: Aye.

14 CHAIRMAN FERVIER: All those opposed signify
15 by saying nay.

16 MEMBER GHAZAL: Nay.

17 CHAIRMAN FERVIER: The chairman will exercise
18 his right to vote, and will vote nay. Motion does not
19 pass by vote two to two.

20 Next item on the agenda is SEB2022-099, Bryan
21 County, Problems at the Polling Place. It's number 12
22 in the -- Tab number 12 in the binder. 2022-099, Bryan
23 County, Problems at the Polling Place. There we go.

24 Investigator Koth?

25 INVESTIGATOR KOTH: Yes. This is one where a

1 retired police officer went to vote, and they had them
2 listed as a potential felon. So the investigation
3 showed where the complainant was improperly challenged
4 and labeled a potential felon after incorrectly being
5 compared with an individual on the felon records to
6 process list.

7 The individual on the list was identified,
8 although both he and the complainant shared the same
9 last name, middle initial and date of birth, their first
10 names and last four of their Social Security numbers and
11 residential addresses were different. The E-Net
12 inquiries on both further showed the differences in
13 their middle names and driver's license numbers as well.

14 A more thorough examination of the
15 complainant's personal information would've shown that
16 there was no probable cause to sustain the challenge.
17 The issue -- the challenge was issued by the assistant
18 election supervisor and the complainant was able to
19 vote. That's the summary.

20 CHAIRMAN FERVIER: I believe that I pulled
21 this one, and the reason I pulled it was my thought was
22 that there should be a violation or a Letter of
23 Instruction on this one because they weren't thorough
24 enough in their actions. And it was simply that, that
25 the county should been more thorough in their actions.

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1 INVESTIGATOR KOTH: It should be noted though
2 that the employee had just said that Bryan County had
3 recently suffered a tornado, and the elections office
4 was moving back into their office. And so they said
5 things were rather hectic at that time.

6 MEMBER GHAZAL: Is there -- is anybody from
7 Bryan County present to be able to respond?

8 CHAIRMAN FERVIER: Who is election supervisor
9 of Bryan County?

10 INVESTIGATOR KOTH: Sara, do you know we have
11 --

12 CHAIRMAN FERVIER: Do we have anyone from
13 Bryan County online?

14 INVESTIGATOR KOTH: Is it Cindy Reynolds?

15 MEMBER GHAZAL: If not, I would move to
16 continue this in a following meeting to give them an
17 opportunity to respond.

18 CHAIRMAN FERVIER: We have a motion by Member
19 Ghazal to continue this case and advise someone from
20 Bryan County to answer questions related to this case.
21 Is there a second?

22 MEMBER KING: Second.

23 MEMBER JOHNSTON: Second.

24 CHAIRMAN FERVIER: We have motion second from
25 Dr. Johnston. Any discussion?

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1 Hearing no discussion. All those in favor
2 signify by saying aye.

3 MEMBER JOHNSTON: Aye.

4 MEMBER KING: Aye.

5 CHAIRMAN FERVIER: Any opposition?

6 Hearing no opposition, this case will be
7 continued.

8 MEMBER JOHNSTON: Point of order, Mr. Chair?

9 CHAIRMAN FERVIER: Yes.

10 MEMBER JOHNSTON: I see that Bryan County is
11 included in the list of cases recommended for further
12 action for possible violations. Would the Chair
13 entertain presenting this at the time of these other
14 cases that are further down the agenda?

15 CHAIRMAN FERVIER: Yes. We'll continue it to
16 further -- to later in the agenda. We'll contact Bryan
17 County and see if they'll be to respond then.

18 INVESTIGATOR KOTH: Sure. I see their
19 supervisor name, O. Chapman, if you want to talk to her
20 now or just wait.

21 CHAIRMAN FERVIER: Who is it?

22 INVESTIGATOR KOTH: Olivia Chapman is their
23 supervisor.

24 CHAIRMAN FERVIER: Olivia Chapman.

25 INVESTIGATOR KOTH: Pretty sure that's Olivia

1 Chapman.

2 CHAIRMAN FERVIER: Ms. Chapman, are you
3 online? Ms. Chapman, Olivia Chapman, are you online?

4 MS. CHAPMAN: Yes. I'm here.

5 So our county attorney was supposed to be on
6 this call, so I was waiting for him to respond, but I
7 guess he is not on here.

8 INVESTIGATOR KOTH: Thank you. (Inaudible)
9 Aaron Kappler?

10 MS. CHAPMAN: I was not employed at the time
11 of this occurrence. Cindy Reynolds was the election
12 superintendent at that time. So -- but I'm -- I have
13 some case material regarding it, so I'm not sure what
14 questions I could answer.

15 CHAIRMAN FERVIER: Can you just describe for
16 us exactly what occurred?

17 MS. CHAPMAN: My understanding was -- is that
18 the assistant registrar accidentally marked the voter in
19 question as a felon. He claimed that he did receive a
20 letter, but he did not respond to it, and then went to
21 vote. And the challenge was still, you know, in place,
22 but it was removed, and he was able to vote.

23 MEMBER GHAZAL: Ms. Chapman, have you changed
24 or instituted any different policies on how to review
25 the felon list since this happened?

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1 MS. CHAPMAN: Yes. So I became employed in
2 April of 2023, and I have instituted a lot of changes in
3 Bryan County.

4 MEMBER GHAZAL: Can you -- can you describe
5 the safeguards?

6 MS. CHAPMAN: So we do make a copy of all the
7 -- what we call a dashboard materials, and then it is
8 verified by the registrar. And then you know, we do
9 send out -- like, we have a criteria where you need to
10 have enough information matching to say it's a
11 challenge. So first name, last name, middle, maybe not,
12 date of birth, and at least the driver's license or the
13 last four of the social that gives us a confident
14 challenge.

15 MEMBER GHAZAL: Thank you.

16 MS. CHAPMAN: You're welcome.

17 CHAIRMAN FERVIER: Well, so --

18 MEMBER JOHNSTON: Mr. Chair -- yeah.

19 CHAIRMAN FERVIER: I just want to read this
20 from the -- from the investigation. "Mr. Davis," who is
21 the person who was identified as being a felon, "was
22 notice -- noticeably upset during the phone call and
23 felt that the mistake by Bryan County Elections Office
24 was inexcusable.

25 Mr. Davis felt that this was caused by

1 carelessness, and if he had not possessed certain
2 credentials and had been adamant and persistent, he may
3 have stood a chance of not being able to vote. Mr.
4 Davis understood that mistakes were made, but said the
5 responsible party had not -- had to physically look at
6 the information and make that decision without any
7 checks or balances or sending him any information so
8 that he could be -- so he could be refuted."

9 So I mean, the voter himself was very upset
10 about this whole process, and it seems like it was a
11 mistake that should have not been made to me.

12 MEMBER JOHNSTON: Mr. Chair, is Mr. Davis
13 available to provide any more information?

14 CHAIRMAN FERVIER: Do you know his first name?

15 MS. HARDIN: Ricky.

16 CHAIRMAN FERVIER: Ricky Davis. Do we have
17 Ricky Davis online?

18 MS. HARDIN: I can't -- I don't see a Ricky.

19 CHAIRMAN FERVIER: We don't appear to have a
20 Ricky or Rick Davis online with us.

21 MS. CHAPMAN: Our attorney is on the Zoom. He
22 says that he cannot talk. It's Aaron Kappler.

23 MS. HARDIN: I've enabled him. So he should
24 --

25 CHAIRMAN FERVIER: He should be able to talk

1 now.

2 MS. HARDIN: Should be able to unmute.

3 MEMBER JOHNSTON: Okay.

4 CHAIRMAN FERVIER: Okay.

5 MR. KAPPLER: Good morning. My name is Aaron
6 Kappler. I'm the Bryan County attorney for this. I
7 think with respect to this particular case, which I
8 understand is case number SEB2022-099, the first kind of
9 preliminary issue is we didn't even know this case was
10 on for this board's consideration until last Wednesday,
11 February 19th. We were initially advised that only case
12 number 2022-185 was for consideration.

13 And, in fact, we were told that case number
14 was for a no violation consideration. Then last
15 Wednesday on February 19th, we were advised in fact, 185
16 is for further -- either a Letter of Instruction or a
17 referral to the attorney general's office. But that
18 this case, -099, we weren't even a respondent. And so
19 we did not really even know this was going to occur
20 until this morning when you pulled -- Mr. Chair, you
21 pulled it from the agenda for further discussion.

22 But I think the preliminary issue here is that
23 as Ms. Chapman said -- Ms. Chapman started in April 2023
24 after this event occurred, but what we have been able to
25 determine is that notice to this voter was sent. My

1 understanding is that he did not respond to that notice,
2 and then went to the election to cast his vote, and
3 that's where the incident occurred. But importantly, of
4 course, he was able to vote.

5 So, you know, irrespective of whether or not
6 he was upset -- and let's give him for the sake of
7 discussion that he was upset that this had been
8 potentially improperly classified. The reality is that
9 upon further consideration, even though he had an
10 opportunity to respond earlier and he didn't, further
11 consideration at the elections location, he was able to
12 cast his vote. So there was no actual violation.

13 As Ms. Chapman has indicated, she has
14 instituted various updates to the policies and
15 procedures of the county's election staff to ensure
16 these types of things are properly investigated and
17 assure that every eligible voter can cast a vote. But
18 at the same time, and as one person mentioned, there was
19 a very significant tornado in Bryan County in April of
20 2022.

21 In fact, it was one of the largest natural
22 disasters that hit government facilities in the history
23 of the state. And the process to come from that to the
24 election shortly thereafter was a significant
25 undertaking in and of itself, particularly coupled with,

1 again, this voter did not timely respond. And so the
2 county's position is that no Letter of Instruction would
3 be appropriate under these circumstances.

4 CHAIRMAN FERVIER: Okay. So, Mr. Kappler,
5 thank you for being here. It has been the policy of
6 this board that since this was originally slated as
7 dismissed, if you would like this case continued and be
8 able to -- be able to hear it at our next meeting, then
9 we would make that motion. Otherwise, since you all
10 were already here today, we decided to ask some
11 questions. But if you want this continued, we can
12 continue it.

13 Also another note. I also see you on the list
14 for SEB2022-306, Bryan County?

15 MEMBER JOHNSTON: There may not be
16 respondents.

17 CHAIRMAN FERVIER: Oh, no respondents?

18 MEMBER JOHNSTON: There may not be. I can
19 look.

20 CHAIRMAN FERVIER: Okay. You might -- you
21 might not be a respondent. That might -- it's just
22 shown on the -- on our list here. Thanks.

23 So would you -- do you want to continue this
24 or do you -- are you prepared to go forward with it
25 today?

1 MR. KAPPLER: No. I mean, I think at this
2 point Ms. Chapman has explained when she started working
3 with the county and has explained the circumstances that
4 she has improved with the county's elections office. So
5 I don't think there's any really further information
6 that we can provide at this time. And I note that the
7 complainant, the person who was challenged, is not here
8 as well. So there's no really contradicting evidence
9 for this board to consider.

10 CHAIRMAN FERVIER: Okay.

11 MEMBER GHAZAL: If I may --

12 CHAIRMAN FERVIER: Are there any questions for
13 the board?

14 MEMBER GHAZAL: Just briefly a couple of
15 comments. First is to thank you all for being so
16 willing to engage when you weren't expecting to. The --
17 your flexibility is really appreciated, and even more so
18 the fact that you have already taken the steps necessary
19 to ameliorate this. But I do want to go back a little
20 bit to some of the facts here, and that is that the
21 complainant himself was a retired police officer and
22 therefore had sort of the knowledge and skills to equip
23 himself to be able to overcome the challenge at the
24 polling place.

25 And so he -- and I think it was a part of the

1 investigation that were he not such a sophisticated
2 voter, that there is every chance he would not have been
3 able to cast a ballot due to this unfounded challenge in
4 his record, and that's why I'm not willing to wholly
5 dismiss this entirely.

6 I don't think it requires anything more than a
7 Letter of Instruction since -- that you all have already
8 taken the steps necessary to ensure that this will not
9 occur again. But I agree with the chairman that this
10 was a very serious incident that posed the risk of
11 disenfranchising a voter. Fortunately, it did not
12 result in that. And if it had, then I would be wanting
13 to look at some more significant steps. So in this
14 case, I would move that we issue a Letter of Instruction
15 only and dismiss the case with that letter.

16 CHAIRMAN FERVIER: We have a motion to issue a
17 Letter of Instruction, dismiss the case with that Letter
18 of Instruction. Is there a second?

19 MEMBER KING: Second.

20 CHAIRMAN FERVIER: We have a motion and a
21 second. Any further discussion?

22 All those in favor of issuing a Letter of
23 Instruction dismissing this case signify by saying aye.

24 MEMBER JOHNSTON: Mr. Chair?

25 CHAIRMAN FERVIER: Yes.

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1 MEMBER JOHNSTON: Mr. Chair, may -- I'm sorry.

2 I was muted.

3 CHAIRMAN FERVIER: Oh.

4 MEMBER JOHNSTON: I would like to discuss
5 this.

6 CHAIRMAN FERVIER: Okay.

7 MEMBER JOHNSTON: I would -- I would like to
8 -- I would like to hear from Mister -- the complainant,
9 Mr. Davis, if that's possible.

10 CHAIRMAN FERVIER: He -- he's not -- we don't
11 have any indication that he's online.

12 MEMBER JOHNSTON: Could we postpone this and
13 see if we could contact him?

14 CHAIRMAN FERVIER: Well, we would have to --
15 we have a motion on the table. We'd have to either
16 withdraw the motion or vote on the motion at this point.

17 MEMBER JOHNSTON: I think out of respect for
18 what you -- what you were concerned about, I am also,
19 that he was very upset. And I would like to hear from
20 him if it's possible, to hear if he has a response to
21 the -- to this inquiry.

22 MEMBER KING: I -- it -- I -- I'm going to
23 hold my position in supporting sending a Letter of
24 Instruction and the reason being -- versus continuing
25 this case is -- and the reason being is because they

1 already have new leadership. They've made a lot of
2 changes. And what I don't want to do is prolong these
3 efforts. Hearing from the complainant is -- I -- I'm
4 definitely open to it. I'm not opposed to hearing from
5 him. But I feel like if we continue the case and con --
6 just kind of keeping it open, it is a little bit
7 unnecessary at this stage, considering they've moved on
8 and have new leadership.

9 MEMBER GHAZAL: And I -- to support what miss
10 -- Member King just said, I would certainly invite the
11 complainant to give public comment in a future meeting
12 if he has anything further to share on this.

13 MEMBER JOHNSTON: And he's not present on this
14 call?

15 CHAIRMAN FERVIER: No. No.

16 MEMBER KING: I do think there is value in
17 hearing from him. And I do think that's something we
18 should support as far as giving him an opportunity to
19 come and inviting him to come and speak and share his
20 perspective and what he experienced. But I do think we
21 should do -- we should make a decision today regarding
22 this case.

23 CHAIRMAN FERVIER: He was invited. I'm told
24 by the investigators he was invited to attend this
25 meeting today.

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1 MEMBER KING: Okay. So it's possible that
2 he's moved on as well?

3 CHAIRMAN FERVIER: Yes. Do we have a -- we
4 have a -- any further discussion?

5 Okay. We have a motion and a second to
6 dismiss this case with a Letter of Instruction, all
7 those in favor signify by saying aye.

8 MEMBER GHAZAL: Aye.

9 MEMBER KING: Aye.

10 CHAIRMAN FERVIER: Dr. Johnston, any
11 opposition?

12 MEMBER JOHNSTON: Nay.

13 CHAIRMAN FERVIER: Motion carries 2 to 0 -- 2
14 to 1.

15 The next case is SEB2022-141, Lowndes County,
16 Absentee Ballot Fraud. I believe that was yours, Dr.
17 Johnston.

18 MEMBER JOHNSTON: Okay.

19 CHAIRMAN FERVIER: That is Tab number 17. All
20 right.

21 MEMBER JOHNSTON: Mike, is that -- is it going
22 to be presented?

23 INVESTIGATOR BRUNSON: Yes, I can present it.

24 MEMBER JOHNSTON: Thank you.

25 INVESTIGATOR BRUNSON: So this is a situation

1 in which Lowndes County Election Supervisor Deb Cox
2 reported that a signature on Ruth Council's absentee
3 ballot did not match any examples on file with the
4 election's office. The investigation did reveal that
5 Mrs. Council's daughter did in fact sign her name on the
6 ballot. The reason being, according to Mrs.
7 Council-Waters, who is her daughter, is that her mother
8 had physical issues with shaking. And so therefore she
9 talked to her mom, her mom made her independent choices,
10 and then she signed her mother's name on that -- on that
11 absentee ballot on the envelope.

12 So that's the -- that's the nuts and bolts of
13 this case.

14 MEMBER JOHNSTON: Okay. So Mr. Brunson, help
15 me. Did the daughter sign as assisting in the absentee
16 ballot application and the ballot?

17 INVESTIGATOR BRUNSON: Yes, she did.

18 MEMBER JOHNSTON: She signed as assisting?

19 INVESTIGATOR BRUNSON: Yes, she did.

20 MEMBER JOHNSTON: Okay. That is good. But
21 she -- but she falsely signed her mother's signature?

22 INVESTIGATOR BRUNSON: Yes, she did. She did,
23 yes.

24 MEMBER JOHNSTON: Okay. Do any -- is -- do we
25 have someone from Lowndes County here?

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1 MEMBER GHAZAL: Lowndes County is not a
2 respondent, so I don't think they would necessarily know
3 to --

4 CHAIRMAN FERVIER: We do have -- we do have
5 Deb Cox on from the county.

6 MS. COX: Yes, we do. Deb Cox, Lowndes
7 County.

8 MEMBER JOHNSTON: Good morning, Ms. Cox. Do
9 you have anything to add to the -- this complaint?

10 MS. COX: No, Dr. Johnston, unless there's
11 something I need to answer with questions.

12 MEMBER JOHNSTON: Okay. I think that you --
13 you're -- you are this -- you are the complainant, and
14 you recognized the issue with the signature on the
15 ballot envelope. Is the respondent available, Ms.
16 Cronin?

17 INVESTIGATOR BRUNSON: That's a different --
18 that's a different case, Dr. Johnston.

19 MEMBER JOHNSTON: Oh, sorry. I'm sorry. Ms.
20 Council?

21 CHAIRMAN FERVIER: There's no one who
22 responded. Dr. Johnston, there's no respondent on this
23 case. No respondent named.

24 MEMBER JOHNSTON: You mean we have a complaint
25 without a respondent?

1 MS. COX: Yes.

2 INVESTIGATOR BRUNSON: Yes. This case was
3 slated for dismissal. I mean, it's obvious that she
4 signed her mother's -- her mother's name based on her
5 mother's physical condition. We did do some follow-up
6 additionally after this case was completed, this was
7 some time ago, just to assure that the mother was able
8 to make her own decision as it relates to that. I mean,
9 this is one of those cases that obviously her signing
10 her mother's ballot is improper. It's against the law
11 for sure. But based on the totality of the
12 circumstances is -- you know, it's one of those spirit
13 of the law, letter of the law situations.

14 So now her mom apparently is -- since this has
15 been diagnosed with some additional -- I don't want to
16 get into somebody's specific health situation, but --
17 and her mom is 90 years old. And looking at some of the
18 signatures of her mom, I mean, it -- it's obvious that
19 there's some issues with her signing; however, this is
20 not the -- obviously this is not the appropriate way for
21 her daughter to deal with those type of issues as it
22 relates to that. And I think it's clear based on this
23 investigation that the daughter now realizes that.

24 MEMBER JOHNSTON: Right. Thank you. I think
25 this is a teaching moment. I understand the

1 circumstances, and this is not terribly unusual. And I
2 certainly can relate as I helped my 98-year-old mother
3 to the polls to vote or to vote and the difficulties
4 that the very elderly have.

5 But nevertheless for the daughter, I think
6 it's incumbent upon us to use this as a teaching moment
7 for -- not only for her, but for all voters that there's
8 a proper way to assist a voter. And I -- the question I
9 would have is, could her mother have just made a mark on
10 the signature line and the daughter proceed on with the
11 assistance that she provided, which I'm happy about, and
12 -- or was there some disability that she could not even
13 make a mark on a line? I would like to know, but I'd
14 also like to teach -- instruct the daughter or educate
15 all our voters that you don't falsely sign other
16 people's names -- signatures.

17 CHAIRMAN FERVIER: Any other comments from the
18 board members?

19 MEMBER GHAZAL: Ms. Cox, I would like to hear
20 your perspective on what -- how you would advise a voter
21 in the -- under these circumstances to respond in the
22 vein and in the spirit of Dr. Johnston's wish to educate
23 voters, how would you advise somebody in this -- these
24 circumstances to proceed?

25 MS. COX: I would err on the side of the voter

1 and the voter assister. I don't think it's a deliberate
2 act of fraud. I do think it is a teachable moment. I
3 agree with that totally. And there's a lot of
4 misconceptions out there, and there was also a lot of
5 misinformation out at that time about signatures and not
6 counting voters of certain groups and so on and so
7 forth.

8 So I can understand the reluctance of someone
9 assisting an elderly voter to not have their signature
10 on there or to have them make a mark and have it not
11 match because the normal individual does not keep up
12 with the evolutionary changes that occur in the law.

13 MEMBER GHAZAL: That's right. So under
14 circumstances like this, a voter who is not able to make
15 their traditional signature would make a mark, their
16 chosen assistant would sign as assisting. Would they
17 need to provide additional information? Would they need
18 to cure that ballot, or if they already have all the
19 appropriate information on there -- and I know this is
20 slightly off -- I mean, we're -- I'm going a little
21 further than the facts of this case take, but I do want
22 to make sure that voters understand. If they're already
23 providing their ID number, which is now required on an
24 absentee ballot, is that sufficient without having to go
25 through an additional cure?

1 MS. COX: The signature is no longer a
2 discriminator to deny a ballot. The additional
3 information is what's required. But at the time it was
4 sufficient to raise suspicions and merit of potential
5 investigation.

6 MEMBER GHAZAL: Of course -- of course. Thank
7 you. That's exactly what I was hoping to -- the
8 information that's out there.

9 MEMBER KING: This method of allowing the
10 assistant, the chosen assistant I think that's what you
11 used, or the guardian to sign. I mean, isn't that also
12 going to pose an issue when it comes to signature
13 matching? Because, I mean, their signature is clearly
14 not going to match a previous signature from that voter.

15 MEMBER GHAZAL: But they're not signing for
16 the voter. They're signing as a -- as the assistant.
17 There's a separate signature line on the absentee
18 ballot, and that's what's important. It's the voter
19 needs to --

20 MEMBER KING: Right.

21 MEMBER GHAZAL: -- make a mark or sign on
22 their signature line. The assistant signs their own
23 name on the line in the absentee ballot that says that
24 they assisted the voter.

25 MEMBER KING: Okay. So we're -- so --

1 correct. So the point I'm making is her signing for the
2 voter. I do see where there could be, you know,
3 confusion around that. But I absolutely support sending
4 out a Letter of Instruction to inform her on how she
5 should go about doing this. I'm assuming this is the
6 first time she's done this, or is this -- I mean, has
7 she been working with her mom for years or is this just
8 the first year that she is signing? What has she done
9 in the past?

10 INVESTIGATOR BRUNSON: Yeah, we would have to
11 look it up.

12 MEMBER KING: Okay.

13 INVESTIGATOR BRUNSON: I don't believe there's
14 any previous. But, yeah, we can look it up quickly and
15 see.

16 MEMBER KING: Okay.

17 MEMBER JOHNSTON: The issue I find for my
18 fellow board members is there is -- it -- it's not
19 proper to provide a false signature on a ballot and a
20 mark suffices. There -- I don't know where the
21 conversation led to curing if the signature is no longer
22 the information that is absolutely required, but I have
23 certainly had my relatives notified by election
24 departments that their signature looks different, and
25 it's simply an aging process, and a telephone call

1 sufficed.

2 But I do -- I do not want the daughter of Ruth
3 Council to be misinformed that it's okay to sign her
4 mother's signature with regards to elections and voting
5 or anyone. Simply an X or a mark on the line, it -- you
6 would've -- you would've laughed when you watched my
7 mother try to sign on the line because her vision and
8 arthritis was so bad it was hard to -- hard to make the
9 line, and definitely the characteristics of her
10 signature were different. But she very much knew that
11 she wanted to vote and who she wanted to vote for.

12 But I think this is a teachable moment and we
13 need to take the opportunity for everyone that's on this
14 call or for the citizens of Georgia to understand this
15 important piece of the Voting Act. That we're attesting
16 that this is true, and that the information is accurate
17 and legal.

18 MEMBER GHAZAL: I believe Member King to be
19 suggesting a Letter of Instruction, and that's a -- that
20 is a move that I would support. And I don't know if she
21 meant to make a motion or -- if not, I --

22 CHAIRMAN FERVIER: The Chair will entertain a
23 motion at this point.

24 MEMBER JOHNSTON: I would second it.

25 CHAIRMAN FERVIER: Well, I need a motion.

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1 MEMBER KING: Oh, yeah. I make the motion
2 that we send a Letter of Instruction outlining
3 specifically what she should do going forward when it
4 comes to helping and assisting her mother, and making
5 sure she understands that in no way should she sign for
6 her mother.

7 CHAIRMAN FERVIER: We have a motion to send a
8 Letter of Instruction on the SEB2022-141, Lowndes
9 County.

10 MEMBER GHAZAL: I will second that motion
11 along with a suggestion to any counties that are
12 listening here. If you have FAQs on your website on how
13 to complete absentee ballots, this is a really good fact
14 pattern to include in that.

15 MEMBER KING: I totally agree.

16 MEMBER JOHNSTON: I agree also.

17 CHAIRMAN FERVIER: We have a motion and a
18 second.

19 Any discussion? Hearing no discussion, all
20 those in favor of sending a Letter of Instruction on
21 SEB2022-141 signify by saying aye.

22 MEMBER GHAZAL: Aye.

23 MEMBER JOHNSTON: Aye.

24 MEMBER KING: Aye.

25 CHAIRMAN FERVIER: Hearing no opposition, so

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1 moved. This would be a great time to --

2 MEMBER GHAZAL: And thank you, Ms. Cox. Mr.
3 Chairman, you're muted.

4 CHAIRMAN FERVIER: Oh. So the Chair would
5 entertain a motion to break for lunch at this time.

6 MEMBER KING: So moved.

7 MEMBER GHAZAL: So moved.

8 CHAIRMAN FERVIER: Somebody?

9 MEMBER JOHNSTON: Second it.

10 MEMBER KING: So moved. Can you hear us?

11 MEMBER GHAZAL: Mr. Chairman, we can't hear
12 you at all. You are -- appear to be unmuted, but we
13 cannot hear you.

14 MEMBER KING: That's funny, Sara, because
15 you're muted on my end, but I can hear you. So I don't
16 know who can hear who.

17 MEMBER GHAZAL: Perhaps if Sara or --

18 MS. HARDIN: Can you hear now?

19 MEMBER GHAZAL: There we go. Yes.

20 MS. HARDIN: Okay.

21 CHAIRMAN FERVIER: The Chair will entertain a
22 motion to break for lunch.

23 MEMBER KING: All right. So moved.

24 MEMBER GHAZAL: Second.

25 CHAIRMAN FERVIER: Do we have a second? We

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1 have a second. All those in favor signify by saying
2 aye.

3 MEMBER JOHNSTON: Aye.

4 MEMBER KING: Aye.

5 MEMBER GHAZAL: Aye.

6 CHAIRMAN FERVIER: Any opposition?

7 Hearing no opposition, we will break for lunch
8 and will resume at 12:45. 1 hour from now, 12:45. And
9 we'll start with the cases recommended for Letters of
10 Instruction or referral to the AG's office. Thank you.

11 (A recess was taken.)

12 CHAIRMAN FERVIER: Welcome back. We will call
13 this back into session. Janice, can you hear me?

14 MEMBER JOHNSTON: Yes, I can hear you.

15 CHAIRMAN FERVIER: Good. We'll call the
16 meeting back into session. The -- we are joined with
17 Rick Jeffares -- Member Rick Jeffares, who's joining by
18 phone for this afternoon session. And we will begin
19 with the cases recommended for Letters of Instruction or
20 referral to the Attorney General's office. And we will
21 go for approximately one and a half hours or so, and
22 then call a comfort break, and then resume after that
23 ten-minute comfort break.

24 The next bunch of cases, eight of them have
25 been identified with a star -- an asterisk as

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1 recommended for Letters of Instruction. I don't know if
2 the board has had a chance to look at those cases yet or
3 not. Is the board interested in voting on all of those
4 cases as a whole or going over them individually?

5 MEMBER JOHNSTON: I would like to go over
6 those individually.

7 CHAIRMAN FERVIER: Okay. Then we will do
8 that. Okay.

9 The first case called is SEB2020-042, Appling
10 County, Absentee Ballot Application. It's Tab number
11 26.

12 INVESTIGATOR BRUNSON: Okay. So SEB2020-042,
13 this case involves an individual who submitted two
14 absentee ballot applications. He signed one as his
15 legal name, Edward Leslie Burch. He signed the other as
16 Leslie Burch. Once he obtained the two ballots, he went
17 to the press and had his ballots displayed on the front
18 page of a local newspaper. He later went to the Appling
19 County Election Office and signed absentee ballot
20 affidavits to cancel both ballots and voted in person.

21 Our investigator interviewed the Appling
22 County election supervisor, Shonda Carter, and reviewed
23 documents related to Mr. Burch. He discovered that he
24 had two voter registration numbers, and at one point had
25 been registered as both Leslie Burch and Edward L.

1 Burch. After the article came out, the voter
2 registration numbers for Mr. Burch have been merged.

3 Looking at the two applications, he used
4 slight variations to his address. For example, in one
5 of them he spelled out the street name Barbecue and the
6 other he used the initials BBQ. He also listed his date
7 of birth in two different manners, two digits and then
8 four digits.

9 Further interview with Mr. Burch, he indicated
10 that he did not intend to double vote. He wanted to
11 show that there could be an issue with voting in the
12 June 2020 primary. He indicated that he turned in both
13 ballots as proof that he did not intend to double vote.
14 So that's that case.

15 CHAIRMAN FERVIER: Other questions from the
16 board on this?

17 MEMBER GHAZAL: Is anybody from Appling County
18 present? Or Mr. Burch?

19 INVESTIGATOR KOTH: He is present.

20 CHAIRMAN FERVIER: Mr. Burch is?

21 MEMBER GHAZAL: Yes.

22 CHAIRMAN FERVIER: Mr. Burch is present. Is
23 anybody from Appling County?

24 MEMBER GHAZAL: I don't see Shonda. I see
25 Shond, but I don't know if that's her. So I don't know

1 who their county attorney is.

2 INVESTIGATOR BRUNSON: I would like to
3 identify herself before --

4 MEMBER GHAZAL: If Shonda is -- if Shonda --
5 if Ms. Carter is on, she can raise her hand in the Zoom
6 call.

7 CHAIRMAN FERVIER: Yeah. If Ms. Carter -- if
8 Shonda Carter is on and she can raise her hand, we may
9 have questions for her.

10 Shonda Carter, are you online with us? It
11 doesn't appear so.

12 Mr. Burch is online though, right? Mr. Burch
13 is online. Do you have questions for Mr. Burch?

14 MEMBER JOHNSTON: Yes, I do.

15 CHAIRMAN FERVIER: Okay. Mr. Burch, you're
16 online. Would you turn off your -- or turn on your
17 speaker, please? Unmute yourself. Mr. Burch, you're
18 still showing as muted. Mr. Burch, you're still showing
19 as muted. If you're online, could you please unmute
20 yourself?

21 Member Johnston, it shows him online, but for
22 some reason he is still muted.

23 MEMBER JOHNSTON: Yeah, I can't -- I don't --
24 I don't hear him.

25 Mr. Burch?

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1 CHAIRMAN FERVIER: He's still muted.

2 MEMBER GHAZAL: Rather than proceeding, I will
3 be --

4 MELISSA: Hello?

5 MEMBER GHAZAL: Oh --

6 MELISSA: Can you hear me?

7 MEMBER GHAZAL: Yes.

8 MELISSA: This is Melissa. I work for Mr.
9 Johnson. He and Mr. Burch have gone down to the
10 registrar's office. So they are with Mr. Brown and
11 Shonda there. So they should be -- he says they can --
12 they can see you all and hear you all, but they are in
13 the same.

14 MR. BROWN: We're having problems.

15 MELISSA: Oh.

16 MR. BROWN: Okay.

17 MEMBER GHAZAL: Can you ask -- can you ask Ms.
18 Shonda to raise her hand? I'm not -- I don't see Shonda
19 Carter's name as one of the attendees. I don't know if
20 she misspelled her name or something, but I don't see
21 her name on the attendees list.

22 MELISSA: Okay. Alex?

23 MR. JOHNSON: Yes.

24 MS. HARDIN: Hello.

25 MELISSA: Would you ask Shonda to raise her

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1 hand? They are -- don't have her on the list to be --
2 did someone see that?

3 MR. BURCH: Okay. Can they see us?

4 MELISSA: Did you all see her?

5 MEMBER GHAZAL: No.

6 MELISSA: Okay.

7 MR. BURCH: Well, we can go back to my office
8 if we have to.

9 MEMBER JOHNSTON: I hear --

10 CHAIRMAN FERVIER: Apparently Attorney Tracy
11 Brown is with Burch and trying to get on. Having
12 technical issues.

13 MEMBER GHAZAL: Okay. I don't see --

14 CHAIRMAN FERVIER: Tracy Brown.

15 MEMBER GHAZAL: I don't see Tracy Brown on the
16 call and I don't see Shonda.

17 MR. BURCH: Tracy Brown is with Shonda Carter
18 and we're all -- I'm with Leslie Burch, and we're all at
19 the county office, Appling County Voter Registrar's
20 office.

21 MELISSA: But I don't think they see Shonda.

22 CHAIRMAN FERVIER: Well, are you all together,
23 Mr. Burch?

24 MELISSA: They are. Yes, sir.

25 CHAIRMAN FERVIER: Okay. Well, you can use

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1 the same speaker, though.

2 MEMBER GHAZAL: Yeah.

3 MR. BURCH: Well, we're at -- that speaker is
4 in my office. We're now at the county office. We can
5 go back to my office if we need to.

6 INVESTIGATOR BRUNSON: Well, they can allow us
7 to respond.

8 CHAIRMAN FERVIER: On the phone.

9 MR. BURCH: We talking this phone.

10 MEMBER JOHNSTON: Oh, are they on the -- you
11 all are on the phone over there?

12 MR. BURCH: Yes. We're on the telephone from
13 the registrar's office on my cell phone.

14 CHAIRMAN FERVIER: We can hear you, Mr. Burch,
15 fine.

16 Member Johnston, did you have some questions
17 for Mr. Burch?

18 MEMBER JOHNSTON: I'm not sure if you're
19 hearing. I -- let me --

20 MR. BROWN: We're here.

21 MELISSA: Okay. Can you hear Mr. Johnson and
22 Mr. Burch now?

23 MEMBER JOHNSTON: I hear somebody -- who is --
24 who is speaking right now?

25 MEMBER GHAZAL: I think it would be best If

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1 they go back to their Zoom, you just come back to this
2 case.

3 CHAIRMAN FERVIER: Mr. Burch, are you still
4 online?

5 MELISSA: Okay. So you all do not hear them?

6 CHAIRMAN FERVIER: No.

7 MELISSA: Okay. Alex, I think you all were
8 hearing them. I had him on speaker-phone on my phone.
9 I apologize for that. Alex, they can't hear you all.

10 MR. JOHNSON: Do --

11 MEMBER GHAZAL: Ma'am, if you want to put it
12 back on speaker that was working for us, we could hear.

13 MELISSA: And if -- just a second. Alex, they
14 just said, if you -- if I want to leave my phone on
15 speaker, we can do that. They were hearing you talk
16 through that. Okay. Okay. We will do that.

17 MEMBER GHAZAL: And I've --

18 MELISSA: Okay. So, Alex, can you speak?

19 MR. JOHNSON: This is Alex Johnson.

20 MELISSA: Is that okay?

21 MR. JOHNSON: I'm attorney for Edward Leslie
22 Burch.

23 CHAIRMAN FERVIER: Okay. Dr. Johnston?

24 MS. CARTER: My name's Shonda Carter. I'm the
25 election supervisor for Appling County.

1 MEMBER JOHNSTON: Great.

2 MR. BROWN: Good afternoon, Chairman and the
3 rest of the board. My name's Tracy Brown and I'm the
4 county attorney for Appling. And just as a question, I
5 see where you said for us to raise our hands and I see a
6 hand icon and I have lowers and raise. Do you see us
7 now?

8 MEMBER JOHNSTON: I see it now. I've just
9 enabled it.

10 MR. BROWN: Can you hear us now?

11 MEMBER GHAZAL: I would turn off the
12 speakerphone now that we've got the link.

13 MELISSA: Okay.

14 MEMBER GHAZAL: Through the Zoom.

15 MR. BROWN: All right.

16 MELISSA: So you can hear them. Great.

17 MR. BROWN: Can you hear us now?

18 CHAIRMAN FERVIER: Perfectly.

19 MR. BROWN: Oh, thank Lord. Okay. I'm sorry,
20 guys for our technical difficulties. We -- I -- for
21 whatever reason. When you said raising your hand, we're
22 all sitting here raising our hands instead of pressing
23 the lower hand. I just happened to see it. Okay.
24 We're ready to proceed.

25 As stated before we have Mr. Burch, we have

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1 attorney Alex Johnson. I'm Tracy Brown. I'm with the
2 county -- I'm the county attorney. And I have Ms.
3 Shonda. I don't know if you can see us, but we're
4 trying -- we're trying to group in as best we can.
5 We're ready to proceed.

6 CHAIRMAN FERVIER: It -- we can't see you, but
7 if you have -- there should be a video icon down at the
8 --

9 MEMBER GHAZAL: No, they -- they're not going
10 to have camera.

11 CHAIRMAN FERVIER: They don't have video?

12 MEMBER GHAZAL: No, they don't have camera
13 accessibilities.

14 CHAIRMAN FERVIER: Oh, you don't have camera
15 on. We can -- we can proceed like this.

16 Dr. Johnston, I believe you had some
17 questions.

18 INVESTIGATOR BRUNSON: Leave it on.

19 MEMBER JOHNSTON: I did. This is for Ms.
20 Carter.

21 MS. CARTER: Okay.

22 MEMBER JOHNSTON: The registrar?

23 MS. CARTER: Yes, ma'am.

24 MEMBER JOHNSTON: Ms. Carter, this is Dr.
25 Johnston. How -- do you know how the three voter

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1 registrations for Mr. Burch, this -- do you know how
2 they came about? What was the source of the
3 registration application?

4 MS. CARTER: In 2020, you know, we were in the
5 middle of COVID.

6 MEMBER JOHNSTON: Uh-huh.

7 MS. CARTER: And we had -- the state had a
8 third party sending out applications for absentee
9 ballots --

10 MR. BROWN: To everybody.

11 MS. CARTER: To everybody. And so when Mr.
12 Burch got his, he was registered under two different
13 names and we didn't -- we didn't catch it until after he
14 had got the two ballots and he let us know then.

15 MEMBER JOHNSTON: Okay. Thank you. It's my
16 understanding, he actually had three voter registrations
17 with three different voter registration numbers; is that
18 correct?

19 MS. CARTER: No, ma'am. There was only two.

20 MEMBER JOHNSTON: Mr. Brunson, your
21 investigative report showed something different than
22 that.

23 INVESTIGATOR BRUNSON: I believe it showed an
24 E. Leslie Burch and Edward L. Burch.

25 MEMBER JOHNSTON: Uh-huh. So Investigator

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1 Monroe reports, voter registration under Edward Leslie
2 Burch and Leslie Burch.

3 INVESTIGATOR BRUNSON: It mentions Edward
4 Leslie, but there was no Edward Leslie Burch registered.

5 MR. BURCH: Oh, she should have almost been --
6 changed it now.

7 INVESTIGATOR BRUNSON: Yeah, it is now.

8 MS. CARTER: Yes. When he went to DDS they
9 went back to your legal first name and he was registered
10 under Leslie, what he goes by. And when he went to DDS,
11 they put him under Edward and the state system had not
12 caught it -- that was the same person.

13 MEMBER JOHNSTON: That was the same person.
14 Okay. So this -- these were DDS voter registrations?

15 MS. CARTER: One of them was, yes, ma'am.

16 MEMBER JOHNSTON: And what was the other one?

17 MS. CARTER: The other one was in person.

18 INVESTIGATOR BRUNSON: 1992.

19 MEMBER JOHNSTON: In person?

20 MS. CARTER: From 1992 when he registered to
21 vote.

22 MEMBER JOHNSTON: Okay. It looked to me like
23 there was a registration in 1992, 2002, and 2014. Am I
24 misreading something?

25 MS. CARTER: I think he might have changed his

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1 address in 2000 -- the middle one, 2000 --

2 INVESTIGATOR BRUNSON: 2.

3 MS. CARTER: 2, because his road name changed.

4 I -- I'm pretty sure that's what it was.

5 MEMBER JOHNSTON: Okay. Can our investigators
6 confirm, are there -- were there two registrations
7 because the reports suggest there were three.

8 INVESTIGATOR BRUNSON: So I'm looking at --
9 there's one from 11-1-02, Leslie this is a copy so I'm
10 not sure of the middle name. But it's blank on my copy
11 here, Burch. And then there he has his mailing address,
12 214 and he has the initials Barbecue Road. I see
13 another from 9-30-92, Edward Leslie Burch. 214, he's
14 got Barbecue spelled out on that one. And then there is
15 --

16 MS. CARTER: Okay. In '14, he went from 10
17 Mile Highway to Barbecue -- his mailing address changed
18 to Barbecue Road.

19 MEMBER JOHNSTON: Okay.

20 MEMBER GHAZAL: So in other words -- two
21 separate records, one of them was updated?

22 MS. CARTER: That's correct. We merged the
23 two after realizing he had two registration numbers.

24 MEMBER GHAZAL: But there were never more than
25 two registration records?

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1 MS. CARTER: No, ma'am.

2 MEMBER GHAZAL: Updated -- there was an
3 updated registration card based on the change of the --

4 MS. CARTER: Yes, ma'am. He had changed his
5 mailing address.

6 MEMBER JOHNSTON: Okay. And that was a DDS
7 mailing address change?

8 MS. CARTER: And the last one he had. Yes,
9 ma'am.

10 MEMBER JOHNSTON: Okay. Well, I'm just
11 confused because on page 4 of the investigative report,
12 they say 12-16-2014, and there's a number in parentheses
13 that looks like a voter registration -- a different
14 voter registration number.

15 MS. CARTER: On my report he has a VR number
16 as 650395.

17 MEMBER JOHNSTON: Okay.

18 MS. CARTER: And then the second number being
19 10390125.

20 MEMBER JOHNSTON: I understand. Thank you so
21 much. Okay.

22 MS. CARTER: You're welcome.

23 INVESTIGATOR BRUNSON: 92 and 202 are the
24 same. Yeah.

25 MEMBER JOHNSTON: Okay. Thank you. Ms.

1 Carter, can you do -- can you share with us the
2 procedure for reviewing for duplicate registered voters?

3 MS. CARTER: It goes through the state
4 process. At that time, we had a different state system.
5 And during 2020, I, myself, as the supervisor could work
6 two weeks on and two weeks off. So my assistant worked
7 the two weeks I was off. So we were just getting out --
8 balance during that time. You know, we wasn't --

9 MR. BROWN: This was during COVID protocol.

10 MS. CARTER: Yeah, this was -- protocol for
11 COVID.

12 MEMBER JOHNSTON: Okay. And Mister -- my
13 question is for Mr. Burch, did you know that you had two
14 different registrations?

15 MR. BURCH: Never knew. That was -- after all
16 this and when I talked to Shonda and she pulled it and
17 she said that wasn't possible and pulled it up and, yes,
18 it was possible. And that's when I found out. I never
19 knew I had two registrations. No, ma'am.

20 MEMBER JOHNSTON: Okay. Did by any chance,
21 did you ever -- did you receive two different precinct
22 cards?

23 MR. BURCH: Not that I'm aware. I wouldn't
24 know. There's another problem about the name and we
25 were discussing it earlier, all of my younger days --

1 and I'm still to date known as Leslie by most everybody
2 I deal with. And, generally, that's how I sign. And
3 then later on Edward L. and then of course, my daddy's
4 Edward L. also, he's Edward Lester, I'm Edward Leslie.

5 So we had to find out why we were coming up in
6 the same town. But so that's one of the reasons the
7 whole thing started. I did not catch the signature
8 difference on the documents. And I say, no, ma'am, I
9 did not know that I was in the system twice. I never
10 did.

11 MEMBER JOHNSTON: Okay. Mr. Burch, can you
12 tell me the exact -- the name on your driver's license?

13 MR. BURCH: I believe -- because I just
14 updated it, it is now Edward Leslie. And that is how I
15 -- after Shonda changed it. That is also now Edward
16 Leslie.

17 MEMBER JOHNSTON: Okay. So that's a -- that's
18 a change on the driver's license then -- during this --

19 MR. BURCH: It is -- it is. My license has
20 just been redone. It is Edward Leslie now.

21 MEMBER JOHNSTON: This is for Ms. Carter. Ms.
22 Carter does ERIC, the voter registration -- voter list
23 maintenance organization, did they provide you with a
24 list of duplicate voter registrations?

25 MS. CARTER: Not at that time. We did not

1 have ERIC.

2 MEMBER JOHNSTON: Okay. And you're saying the
3 state screens for duplicates?

4 MS. CARTER: That's correct. They send us a
5 list of possible duplicates and then we work them.

6 MEMBER JOHNSTON: Okay. Was Mr. Burch ever
7 flagged as a possible duplicate?

8 MS. CARTER: No, ma'am. Yes. Before we got
9 the ERIC system, he was already one person, which is
10 Edward Leslie Burch.

11 MEMBER JOHNSTON: So you --

12 MR. BURCH: It was corrected by the time you
13 got that.

14 MEMBER GHAZAL: Can you -- can you name
15 exactly when you were -- when you merged the records?

16 MS. CARTER: Give me just one second. I'll .
17 . .

18 INVESTIGATOR BRUNSON: 8-29.

19 MR. BROWN: 5-29.

20 MS. CARTER: 5-29 of 2020.

21 MR. BROWN: That's when he brought both
22 ballots in saying, I can't be two people and it was not
23 11 days before the election. He voted in person --
24 turned both in, voted in person.

25 MS. CARTER: Yes. He turned both ballots into

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1 me and I gave him a -- gave a copy to Mr. Monroe.

2 MEMBER JOHNSTON: Okay. Ms. Carter, who
3 screens for duplicates now? Is it still the state?

4 MS. CARTER: Yes, ma'am. They do the ERIC
5 program now.

6 MEMBER JOHNSTON: Okay. Was -- and was Mr.
7 Burch ever challenged as maybe having a duplicate
8 registration?

9 MS. CARTER: No, ma'am.

10 INVESTIGATOR BRUNSON: He showed up to vote
11 every year under one name and voted under one name. Not
12 knowing he had two names. Two registrations --

13 MEMBER JOHNSTON: So he never voted more than
14 once for an election?

15 MS. CARTER: No, ma'am.

16 MEMBER JOHNSTON: Okay. Mr. Burch?

17 MR. BURCH: Yes, ma'am.

18 MEMBER JOHNSTON: How did you find -- how did
19 you realize, tell me exactly how you realized that you
20 were registered twice.

21 MR. BURCH: That was -- that was the final
22 outcome, I talked to Shonda and we looked at the
23 documents and she pulled it up and told me.

24 MEMBER JOHNSTON: I mean, why did you -- why
25 did you talk to her? What prompted you to --

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1 MR. BURCH: Because I'm getting the -- two
2 different forms. I didn't catch it right away because
3 you're looking at the forms, I was trying to figure out
4 what was wrong with the forms. I didn't realize only
5 difference was the names.

6 MEMBER JOHNSTON: Because you were sent
7 absentee ballot applications?

8 MR. BURCH: In two names.

9 MEMBER JOHNSTON: In two different names, I
10 see.

11 MR. BURCH: In two different forms, it was
12 Edward L. or Leslie.

13 MR. BROWN: And they were a couple weeks
14 apart.

15 MS. CARTER: Make sure they know that he --

16 MR. BURCH: I did not have the documents in my
17 hand at the same time.

18 INVESTIGATOR BRUNSON: And Madam Board Member,
19 Ms. Johnston, this was during COVID when they were --
20 the state was mailing out these absentee ballots.

21 Luckily for Appling County, Mr. Burch had aspirations of
22 running for chairman, which he did in 2022 and he's now
23 the chairman of our county commissioners.

24 He caught this and brought it to Ms. Shonda
25 and we self-reported. We never -- he never attempted to

1 vote twice. And from our investigation on our end,
2 there was no nefarious act by Chairman Burch. And we --
3 it's an unfortunate era that it happened. But with the
4 new system that's in with ERIC in place, as you've
5 heard, it's harder to cheat and easier to vote. And
6 it's definitely easier to catch mistakes.

7 MR. BROWN: Essentially, he did not apply for
8 these absent absentee ballots and mailed in -- two weeks
9 apart. He filled them in. Then when he vote -- he got
10 two ballots, he said something's wrong. He took them to
11 the registrar's office -- said something's wrong here.
12 They looked it up, said you're registered for -- twice.
13 Let's fix it.

14 They fixed it under Edward Leslie Burch in 20
15 -- 2020, May of '20. And it's been right ever since.
16 But he never attempted to vote twice. Never voted
17 twice, but he got two absentee ballots he took to the
18 registrar's office.

19 MEMBER JOHNSTON: Well, Mr. Burch, thank you
20 for your -- one, your recognition that you were voted --
21 you were registered to vote twice and two that you
22 brought this to the attention of the election office,
23 the registrars. And three that you turned in these full
24 ballots and only voted once. Thank you.

25 MEMBER GHAZAL: If I can add my thanks to the

1 county for self-reporting, that is absolutely the way
2 that these things should be handled so that we can
3 recognize problems in the system and correct them as
4 quickly as possible. It seems that you responded
5 immediately as soon as that was identified.

6 MR. BURCH: I would like to say if it's all
7 right, I've been on this call since 9:00 this morning.
8 It's -- it has been quite interesting and a learning
9 experience. And I thank you all for what you do.

10 CHAIRMAN FERVIER: Mr. Burch, this is Chairman
11 Fervier. I have a question. You received two absentee
12 ballot applications, correct?

13 MR. BURCH: That's correct.

14 CHAIRMAN FERVIER: Did you receive two
15 absentee ballots?

16 MR. BURCH: Yes.

17 CHAIRMAN FERVIER: Did you vote both of those
18 ballots?

19 MR. BURCH: She said no.

20 MS. CARTER: He didn't vote twice.

21 INVESTIGATOR BRUNSON: He turned them in -- he
22 turned them into the voter registration office.

23 MR. BROWN: And then voted in person.

24 MR. BURCH: I voted -- I voted in person the
25 day of the election.

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1 INVESTIGATOR BRUNSON: He turned them in 11
2 days prior to the election saying something's wrong
3 here. They fixed it, got him his one. He went and
4 voted in person on election day.

5 CHAIRMAN FERVIER: Okay. So he didn't -- he
6 got two ballots. He just didn't vote them. Okay. All
7 right. I just wanted to clarify that.

8 MEMBER JOHNSTON: Chairman Fervier, I think
9 this was a unique problem -- I hope it's unique, for the
10 2020 election that not only did the Secretary of State
11 send out ballot applications to every registered voter
12 in the state. I think active and inactive. The --
13 there were many third party organizations that sent
14 ballot application -- unsolicited ballot applications to
15 many, many voters.

16 So voters were oftentimes receiving multiple
17 ballot applications. It looked very official. And as
18 anecdotally reported, they dutifully filled out each one
19 as if they -- it looked like an official election
20 document, and then to their surprise, they received
21 multiple ballots. It was quite problematic. And it's
22 something that probably, our board should address to
23 make sure this doesn't happen in the future.

24 CHAIRMAN FERVIER: I agree.

25 MR. BURCH: He might need a third one.

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1 CHAIRMAN FERVIER: Yeah. I mean, based on the
2 fact that he didn't vote twice and he turned in the
3 ballots instead of voting them both, I mean, I would be
4 in favor of dismissing this complaint. So --

5 MEMBER JOHNSTON: Well, I would raise -- like
6 to raise one more point. Is that I'm not sure ERIC
7 satisfies the requirement to check for duplicate
8 registrations, but we do have code that requires that
9 the Secretary of State establish and maintain a list of
10 eligible and qualified electors.

11 That's in 211 and 212216; the Secretary of
12 State shall establish procedures to match an applicant's
13 voter registration information to the information
14 contained in the database maintained by DDS for
15 verification. Checking for duplicates is part of that
16 verification. So if anything, I haven't as much an
17 issue with the Secretary of State's voter registration
18 division as anybody in this complaint.

19 CHAIRMAN FERVIER: Are there any other
20 questions from board members?

21 MEMBER KING: No, I would like to just share
22 the same sentiments that I'm grateful that this county
23 handled the situation the way they did and that Mr.
24 Burch handled it the way he did. And I also think that
25 this is a case that should be dismissed for the simple

1 fact that it was handled appropriately.

2 CHAIRMAN FERVIER: Would you like to make a
3 motion?

4 MEMBER KING: I would. I would like to make a
5 motion that we dismiss this case considering the fact
6 that they rectified the issue immediately.

7 CHAIRMAN FERVIER: We have a motion to dismiss
8 this case. Is there a second?

9 MEMBER GHAZAL: Second.

10 CHAIRMAN FERVIER: We have motion and second
11 by Member Ghazal. Any discussion?

12 MEMBER JOHNSTON: Yes.

13 CHAIRMAN FERVIER: Go ahead.

14 MEMBER JOHNSTON: Chairman Fervier, if I had
15 -- if I had my wish, I would send a Letter of
16 Instruction to the Secretary of State to make process
17 improvement in looking for duplicate registrations. Mr.
18 Burch registered in 1992, 2002, and 2014, that's plenty
19 of years, many years that this could have been screened
20 and checked, identified and corrected. Rather than
21 waiting for Mr. Burch to discover this on his own and
22 fortunately report it and take action to correct it.

23 MEMBER KING: Mr. Fervier --

24 CHAIRMAN FERVIER: Well, I think it would be
25 appropriate for us to ask the Secretary of State to

1 respond to how this occurred, but we can't send a Letter
2 of Instruction without having Secretary of State respond
3 to an allegation. So I'm happy to ask them about this
4 particular case and how it might have occurred, given
5 that there were different names and different addresses
6 on these different registrations. So . . .

7 MEMBER KING: Actually, Mr. Chairman, so it's
8 -- is it possible, I would like to amend my motion
9 because I agree that there should be something that we
10 send to the Secretary of State's office, just kind of
11 alerting them that we are aware of this and they should
12 be aware of this. And instructing them to pay attention
13 to this. I mean, this is something that I think they
14 should look at every county and see if this is happening
15 throughout the state.

16 I -- I'm pretty sure it's not a one-off. And
17 so I do think there should be something. So I would
18 like to amend my motion and I wonder if -- is it
19 possible to dismiss the case for Mr. Burch so that he's
20 not being held up, but at the same time also send
21 something to the Secretary of State's office?

22 CHAIRMAN FERVIER: Well, they're not a
23 respondent in this case or a complainant -- either one,
24 but I will -- I will send them a letter. And concerning
25 this case, I'll ask Alexandra to draft something for me

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1 and we'll send it to the Secretary of State identifying
2 this case and the issues involved in this case and see
3 if there is a reasonable explanation as to why it
4 occurred.

5 MEMBER KING: Okay. Could we see that before
6 you send it?

7 CHAIRMAN FERVIER: Yes.

8 MEMBER KING: Just so that we can ensure that
9 all of our concerns are addressed?

10 CHAIRMAN FERVIER: Yes. Yes.

11 MEMBER KING: Okay.

12 CHAIRMAN FERVIER: Okay?

13 MEMBER KING: Okay.

14 CHAIRMAN FERVIER: So we have a motion and a
15 second to dismiss this case.

16 Any further discussion?

17 Hearing no discussion, all those in favor of
18 dismissing this case, SEB2020-042 signify by saying aye.

19 BOARD MEMBERS: Aye.

20 CHAIRMAN FERVIER: Any opposition?

21 Hearing no opposition so I'll move this case
22 to dismissed.

23 MR. BURCH: Thank you.

24 CHAIRMAN FERVIER: Thank you.

25 MEMBER KING: Thank you.

1 CHAIRMAN FERVIER: Well, we have another
2 Appling County case, SEB2022-240, which is Tab number
3 27. So this --

4 MR. BROWN: Tracy Brown from Appling County
5 attorney still here, as is Ms. Shonda Carter.

6 CHAIRMAN FERVIER: Okay, great. Investigator
7 Brunson?

8 INVESTIGATOR BRUNSON: This case is a
9 continuation case. Part of this case was already
10 adjudicated as it related to the voter Jorge Ewen
11 Garcia. He received an LOI for his part of this case.
12 The double voting during the October hearing, this is
13 the second part of that, which corresponds to Appling
14 County and specifically Mrs. Shonda Carter.

15 When Mr. Ewen Garcia went to vote the second
16 time, it looks like Mrs. Carter is one that gave him his
17 voter card and E-Net was not checked before he was
18 allowed to vote that second time, which allowed him to
19 vote that second time. And so that's the part of the
20 case that we're dealing with today.

21 MR. BROWN: Which part?

22 INVESTIGATOR BRUNSON: The part where Appling
23 County did not check E-Net before Mr. Ewen Garcia voted
24 that second time. If they would have checked E-Net,
25 they would have saw that he voted already on October the

1 17th.

2 MEMBER GHAZAL: It was the use of easy vote.
3 The easy vote overlay is -- was what I asked you to do a
4 little bit deeper dive on. Because it was the easy vote
5 overlay that allowed the voter check in without this
6 recourse to checking E-Net, which is no longer the case.
7 It is no longer -- E-Net doesn't exist anymore.

8 We have GARViS now -- GARViS. And it is a
9 simultaneous -- or virtual simultaneous check. But just
10 to give a little bit more color there. Sorry.

11 INVESTIGATOR BRUNSON: And, yeah, Ms. Carter
12 apparently said the process at that time, instead of
13 checking E-Net during was to check it later. Which
14 obviously, in this case it was too late because he had
15 already voted that second time. So based on that,
16 there's sufficient evidence to show that Ms. Shonda
17 Carter, the Appling County Board of Elections
18 registration violated SEB Rule 183-1-14-.02(11).

19 They did not properly determine that Mr. Ewen
20 Garcia was not eligible to vote on October 19th, 2022.
21 They failed to check the election net database prior to
22 issuing Mr. Edward -- Ewen Garcia, a voter access card.
23 If they would have done that, they would have noticed
24 that he had already voted on October 17th.

25 Ms. Carter, do you have any response to that?

1 MS. CARTER: I'm sorry. During that time, the
2 -- our process was to do EasyVote and because it
3 actually fills out the paperwork and all that for the
4 individual. And the second time Mr. Jorge come in, he
5 came in to help his father. And so his father gave me
6 his license and then he said, and I want to vote, too.
7 I actually self-reported this to you all as soon as we
8 called it, which was by the end of the day. But I --
9 like Ms. Sara has said, you know, now GARViS is the only
10 system, so it catches simultaneously as they check in.

11 MR. BROWN: May I add, folks, that human error
12 prior to GARViS was much more -- much more available.
13 In our -- in our position it's always best to ask for
14 mercy and grace. And that's exactly what we did. As
15 soon as we found out, we self-reported, and because we
16 are a small county, and Ms. Shonda knows and sees and
17 recognizes everyone, she has her hand in everything.
18 There was no perfect system before.

19 The system we've got now is not perfect, but
20 it is a lot better than what we had before. And we
21 appreciate that. Because before we were kind of left to
22 our wits' ends, technically we violated. But now it's
23 impossible for us to violate. We did self-report.
24 There was nothing nefarious about it. It was human
25 error.

1 CHAIRMAN FERVIER: Yeah. Ms. Carter, it --
2 it's commendable that you self-reported this on the same
3 day. We appreciate that. And I get to ask for grace at
4 least every other day. So I understand that.

5 Are there any other questions before the
6 board? From the board?

7 MEMBER GHAZAL: Just to -- just to point out
8 that GARViS is also the system that was not in place in
9 2020, but is now and checks for double registrations.
10 That is -- that is -- ERIC is a backup to that, but
11 GARViS is the primary system that we have in place.

12 MS. CARTER: Yes, ma'am.

13 MEMBER GHAZAL: And while the rollout was
14 quite rocky I think, I -- my understanding is that it is
15 in a -- it is in a place now where it is relatively
16 robust. Obviously every system could use improvement,
17 but that is what is currently used.

18 Is that -- isn't that correct, Ms. Carter?

19 MS. CARTER: That's correct.

20 MEMBER GHAZAL: I would move if -- I would
21 move for a Letter of Instruction and a dismissal.

22 MEMBER JOHNSTON: I'm sorry. A Letter of
23 Instruction for who -- for whom?

24 MEMBER GHAZAL: For the -- for the county. We
25 have already -- in a previous meeting, we already had

1 dismissed the case against Mr. Argo Garcia. So the only
2 respondent remaining in this case is the county. And I
3 would issue a Letter of Instruction just to ensure that
4 every voter is verified that they have not cast a
5 ballot, which -- and they already do. But simply be --
6 simply for the sake of the good of the -- good of the
7 union issue, a letter and then dismiss the case on that
8 basis.

9 MEMBER JOHNSTON: I'm sorry, I didn't quite
10 understand. Did you say that Mr. Garcia's case was
11 dismissed for double voting?

12 MEMBER GHAZAL: In a previous meeting, yes.
13 We heard this case already. It was continued for the
14 county, but we -- because the -- he was present, in
15 fact, and he was at the hearing already. Represented
16 himself, and this -- and the case has been fully
17 adjudicated.

18 MEMBER JOHNSTON: Okay. So that's the
19 dismissal you're talking about?

20 MEMBER GHAZAL: That is not the case. The
21 case that we're hearing now, the county is a respondent,
22 and I move that we issue a Letter of Instruction and
23 dismiss the case with the Letter of Instruction. That
24 --

25 CHAIRMAN FERVIER: Well, the -- yeah, I want

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1 to -- so dismissal, Member Ghazal, is when we take no
2 action at all against the county. And so this would be
3 simply a Letter of Instruction not dismissing the case,
4 but issuing a Letter of Instruction.

5 MEMBER GHAZAL: That is fine. That is -- so
6 that is my motion is to issue a Letter of Instruction.

7 CHAIRMAN FERVIER: There --

8 MEMBER JOHNSTON: There -- there's a violation
9 with a Letter of Instruction, correct?

10 CHAIRMAN FERVIER: Yes. Yes.

11 MEMBER JOHNSTON: Yes.

12 CHAIRMAN FERVIER: We have a motion to issue a
13 Letter of Instruction on this SEB2022-240. Is there a
14 second?

15 MEMBER KING: Second.

16 MEMBER GHAZAL: Thank you.

17 CHAIRMAN FERVIER: We have a motion and a
18 second. Is there any further discussion?

19 There is no further discussion. All those in
20 favor of issuing a Letter of Instruction signify by
21 saying, aye.

22 MEMBER KING: Aye.

23 MEMBER JEFFARES: Aye.

24 MEMBER JOHNSTON: Aye.

25 CHAIRMAN FERVIER: Any nays? Hearing no nays,

1 so moved. Letter of Instruction will be issued on
2 SEB2022-240, carries by vote four to zero.

3 MR. BROWN: Thank you. And like Mr. Burch
4 said earlier, I commend you folks for the job you do.
5 I've been here since 9:00 as well. And with that, may
6 we be please be excused?

7 CHAIRMAN FERVIER: You are excused. We put
8 all these together for a reason with the counties. It's
9 a good thing you come for -- with an A before your name.

10 MR. BROWN: We are very grateful that we start
11 with an A and I -- and I wish you all the best of the
12 rest of the day or into the evening.

13 MS. CARTER: Thank you, sir.

14 CHAIRMAN FERVIER: Thank you.

15 MS. CARTER: Ma'am.

16 MEMBER KING: Thank you, all.

17 MEMBER JOHNSTON: Thank you.

18 CHAIRMAN FERVIER: Before we go to the next
19 case, let me clarify something Member Jeffares on the
20 last case, 2022-042; did you vote to dismiss that one?

21 MEMBER JEFFARES: Well, yes.

22 CHAIRMAN FERVIER: Okay. Thank you. Clarify
23 that's right.

24 The next case to be heard is SEB2021-164 Henry
25 County Poll issues. STA number 28.

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1 INVESTIGATOR BRUNSON: This case -- this case
2 deals with Henry County and specifically the Stockbridge
3 general municipal election. Secretary of State's office
4 opened an investigation into -- the into this complaint
5 after it was reported hundreds of voters were turned
6 away from the polls in Stockbridge, Georgia as voting
7 machines at all three polling locations were down for
8 hours. It was reported as a technology failure
9 attributed to software and connection issues that didn't
10 allow votes to go through.

11 The polls apparently opened at 7:00 a.m.
12 However, when citizens showed up and attempted to vote
13 in the municipal election, they noticed that the poll
14 pads were not functioning. A staff person, Catherine
15 Glenn, gave the poll managers the activation codes and
16 walked them through how to program the poll pads
17 manually. However, one of the poll managers, John
18 Pearson, did not call and use the technician who helped
19 him with the process manually. A judge was later
20 contacted and the voting time was extended until 11:30
21 p.m. for three of the impacted precincts.

22 During an interview with poll pad
23 representatives, it was revealed that the poll pads were
24 programmed for the Henry County election and not for the
25 City of Stockbridge election. So based on our

1 investigation, it was determined that there was evidence
2 to suggest that the Henry County Board of Elections and
3 Registration and Ameika Pitts-Banks violated OCGA 21-2-
4 379.25, programming for ballot design and style.

5 When the county did not cause the proper
6 ballot design and style to be programmed for each
7 electronic ballot marker, which is to be used in any
8 precinct within the county or municipality, et cetera,
9 et cetera. So basically, they did not verify and make
10 sure that the correct ballot was designed for this
11 election, and therefore some citizens were not allowed
12 to vote for that municipal election.

13 CHAIRMAN FERVIER: My understanding is that
14 the respondent recently resigned in the -- so Lee
15 Phillips is online.

16 Mr. Phillips, are you there?

17 MS. PHILLIPS: Yes, sir. I'm here.

18 CHAIRMAN FERVIER: Okay. Is your county
19 attorney online with us too?

20 MS. PHILLIPS: Yes, sir. Her name is Ms.
21 Rachel Mack.

22 CHAIRMAN FERVIER: Ms. Rachel Mack. Okay.
23 All right.

24 Are there questions from the board on this
25 case?

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1 MEMBER JOHNSTON: Did -- I have a question,
2 Mr. Chairman.

3 CHAIRMAN FERVIER: Yes. Yes.

4 MEMBER JOHNSTON: Did the poll managers use
5 emergency ballots?

6 INVESTIGATOR BRUNSON: I think in this case,
7 Dr. Johnston, that wasn't the issue because they had
8 enough emergency ballots. We checked on that. The
9 issue was is that people couldn't vote for that
10 municipal election. It wouldn't pull up on their screen
11 because of the programming issue. So people could vote
12 countywide, but they couldn't vote for that specific
13 Stockbridge municipal election. They didn't -- the
14 programming wasn't correct to pull up the appropriate
15 ballot for those citizens who lived in Stockbridge.

16 CHAIRMAN FERVIER: Do you remember --

17 MEMBER JOHNSTON: I understand, but were there
18 paper ballots for the municipal -- for Stockbridge for
19 the municipal election?

20 INVESTIGATOR BRUNSON: Yeah. According to the
21 -- there were sufficient emergency ballots. Let me just
22 find it. I remember because that was one of the
23 questions I had also is that emergency ballots obviously
24 can be used in a situation like this.

25 MS. PHILLIPS: If I could -- if I could

1 interrupt, the emergency ballots were available, but
2 it's my understanding they ran out.

3 MEMBER JOHNSTON: How many were there?

4 MS. PHILLIPS: I was not here during that
5 time, so I can't give -- I can't give a number.

6 MEMBER GHAZAL: The statutory minimum is 10
7 percent of the registered voters per precinct. So --

8 MS. PHILLIPS: Yes, that's correct.

9 MEMBER GHAZAL: -- if turnout was higher than
10 10 percent then that is entirely possible.

11 MEMBER JOHNSTON: So I still don't have a
12 number.

13 CHAIRMAN FERVIER: Ms. Phillips, do you know
14 if -- do you know if the emergency ballots were used?

15 MS. PHILLIPS: Yes, sir. I do. Yes, they
16 were used. Actually they ran out of the emergency
17 ballots. And I cannot say if the 10 percent were on
18 hand, all I can attest to is that the emergency ballots
19 were all used.

20 INVESTIGATOR BRUNSON: And it looks like also
21 the supervisor or Ms. Banks, she had additional
22 provisional ballots delivered to the precincts. So that
23 would make sense that they ran out.

24 CHAIRMAN FERVIER: Did we determine why this
25 wasn't programmed properly to start with?

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1 INVESTIGATOR BRUNSON: Yeah, we did speak with
2 KNOWiNK. Let me just see here. Well, it just says that
3 the pads were programmed for the Henry County election,
4 but not the City of Stockbridge election. So it was
5 something that should have been caught beforehand, and
6 thus the charge is that it should have been caught
7 beforehand when they worked through that process of what
8 should have been on the ballots.

9 CHAIRMAN FERVIER: And whose responsibility
10 would that have been?

11 INVESTIGATOR BRUNSON: The county. That's why
12 -- yeah. Been the county's.

13 MEMBER GHAZAL: Ms. Phillips, can you -- can
14 you describe any steps that you've taken to better
15 design your testing?

16 MS. PHILLIPS: Of course. And I agree, I
17 think this, you know, should have been caught
18 beforehand. It should have been caught during the L and
19 A process, and obviously it was not. I can tell you
20 that this past November -- of course, I've only been in
21 this position almost five months. I can tell you this
22 past November, we did not have any of those issues with
23 -- as far as L and A is concerned, I have implemented
24 new processes and steps where multiple people are
25 involved, and with the ballot proofing process has also

1 been changed. So those are a few steps that I have
2 taken.

3 MEMBER GHAZAL: This is this just for my
4 edification. This is not further to the case itself,
5 but do you -- do you work with the campaigns and
6 candidates at all on your ballot proofing process?

7 MS. PHILLIPS: Yes, we did this past election.
8 It was a new process we implemented, and it went very
9 well.

10 MEMBER GHAZAL: Thank you.

11 MS. PHILLIPS: You're welcome.

12 MEMBER JOHNSTON: Is it Ms. Banks or Ms.
13 Pitts?

14 MS. PHILLIPS: Ms. Phillips.

15 MEMBER JOHNSTON: Oh, I'm sorry, Ms. Phillips.

16 MS. PHILLIPS: My name.

17 MEMBER JOHNSTON: I'm sorry.

18 MS. PHILLIPS: No, you're fine.

19 MEMBER JOHNSTON: Ms. Phillips. The report
20 says the manager was told, the poll manager, how to
21 write -- how to override -- write an override, a manual
22 override, for a ballot. Do you know was that done, and
23 how many voters were provided ballots with a manual
24 override?

25 MS. PHILLIPS: It is my understanding that

1 initially that poll worker refused to do the ballot --
2 manual ballot activation. He did not feel comfortable
3 with the process after being instructed by the office to
4 do that. He in turn left and went to another precinct
5 to learn how to conduct that process, and then later
6 came back to his polling place. Then after he felt
7 comfortable with the process is when he started doing
8 the -- or completing the ballot activation.

9 MEMBER JOHNSTON: Okay.

10 MS. PHILLIPS: And I don't know how many.

11 MEMBER JOHNSTON: And you don't know -- okay.
12 And were those -- were those ballots just scanned in as
13 regular ballots, the --

14 MS. PHILLIPS: I am -- I am unsure of that.

15 MEMBER JOHNSTON: Okay. Were the emergency
16 ballots, were those -- I saw that it was sort of
17 interchangeably used in this report, investigative
18 report, calling them provisional ballots. I know the
19 label says, provisional, but were they treated as
20 emergency ballots and scanned into the tabulator?

21 MS. PHILLIPS: I believe that to be so, and
22 after reading the report, I understand what you're
23 referring to. That the provisional and the emergency
24 seemed to be interchangeable there. So I'm quite
25 uncertain of what happened.

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1 MEMBER JOHNSTON: Okay. And what -- and if
2 the poll pads were not properly prepped with L --
3 through L and A, what did the poll manager do for voter
4 check-in?

5 MS. PHILLIPS: Once again, I am unsure.

6 MEMBER JOHNSTON: Is the poll manager
7 available to answer these questions? Mister --

8 MS. PHILLIPS: He is no longer a poll worker
9 with this county.

10 MEMBER JOHNSTON: Okay.

11 MEMBER GHAZAL: Ms. Phillips, do you feel
12 confident that this sort of error can -- do you -- do
13 you believe that given your -- the changes made to the
14 processes and procedures, could this error recur?

15 MS. PHILLIPS: No, I don't think so. I think
16 I have implemented the proper process and the steps that
17 are needed to mitigate those types of issues from ever
18 happening here again.

19 MEMBER JOHNSTON: Mr. Chair?

20 CHAIRMAN FERVIER: Yes, Dr. Johnston.

21 MEMBER JOHNSTON: We follow with a -- with
22 another complaint with a similar problem with the poll
23 pads not being properly programmed in a different
24 election. And although we haven't heard that complaint
25 before -- yet, it's the same, similar issue in two

1 different elections. And it -- and it appears that it
2 affected hundreds of voters is what has been reported.

3 CHAIRMAN FERVIER: I see it. All right.
4 You're right. The very next one. Would have been the
5 same individual for both of them, correct?

6 MEMBER JOHNSTON: It's the same poll pads.

7 CHAIRMAN FERVIER: Yeah. Are you suggesting
8 we could combine the cases or adjudicate them separately
9 or what -- where are you going with this?

10 MEMBER JOHNSTON: Well, the -- both the cases
11 are related. I -- you know, I don't -- the issue is
12 there -- it involves multiple problems. It involves
13 failing to program the poll pads correctly. I don't
14 know if it's a poll pad problem or a -- an election
15 office problem, but it happened two different elections,
16 two different years. It affected hundreds of voters.
17 There's a remedy when equipment doesn't work to go to
18 paper ballots, that did -- that occurred, I guess, to
19 some degree, but we don't know how many exactly. And
20 the polling place ran out of the emergency ballots and
21 refused to perform a -- the manual override to allow
22 voters to vote. So it did affect a lot of it affected
23 voters, and that's a significant issue I think that we
24 need to address. I would recommend referring this to
25 the attorney general.

1 CHAIRMAN FERVIER: Well, the question I would
2 have is whether there's any criminal issue with this. I
3 mean, I'm not saying yes or no, I'm just saying what
4 criminal issue would be involved with this, except other
5 than incompetence or I don't -- I don't know how this
6 could be human error, frankly, but --

7 MEMBER JOHNSTON: I absolutely am not implying
8 any criminal offense. I'm saying there's a -- it seems
9 to be sufficient evidence for violation of election law.
10 I'm not saying there's a criminal act, but I think the
11 attorney general can look at the case, and offer
12 sanctions in some sort of remedy to require some
13 additional instruction or training to ensure that this
14 doesn't happen again.

15 MEMBER GHAZAL: My understanding of the case
16 is that it was entirely human error in the -- in the
17 programming of the poll pads and in the design of the
18 logic and accuracy testing. So I am not certain that
19 there's much more -- I don't know what the attorney
20 general's office could add to this. I would certainly
21 be in support of a Letter of Reprimand because it was a
22 clear violation. There were voters impacted. I just
23 know that many times because of the short staffing over
24 at the AG's office, frankly, it -- things can take years
25 to get resolved there. And I would prefer to see this

1 resolved faster and move forward. But I don't have
2 particularly strong feelings either way, because I
3 believe that the county has already undertaken the steps
4 that are necessary to ensure that this does not recur.

5 MEMBER JOHNSTON: Well, it did recur in the
6 next case. And the question is, if there's a problem
7 with knowing the electronic poll pads or the ability to
8 program properly, the election -- the counties need to
9 know that, and correct that. If it's a problem with a
10 county's proper training to program the poll pads, then
11 that needs to be corrected so it doesn't continue
12 election after election after election. I in no way
13 think there's anything criminal.

14 MEMBER GHAZAL: I don't think any of it's --
15 the problem is with KNOWiNK itself. And, in fact, I
16 don't see that it's a poll pad issue. The following
17 case is about precinct cards and polling place changes
18 unless I have a different next case, Henry County case.
19 It has nothing to do with the poll pads and KNOWiNK.

20 CHAIRMAN FERVIER: The second -- the second
21 case is lack of information on polling place changes and
22 the voters not receiving the precinct cards, the new
23 polling place. And it seems to be the same person. The
24 formal -- Ms. Pitts --

25 MEMBER GHAZAL: That is a commonality. That

1 is a commonality and I will -- I will note that Henry
2 County changed its elections director late last year in
3 September or October, because they identified the common
4 -- the commonality with some of the problems. Is -- Ms.
5 Phillips, when did you -- when were you hired as the
6 election director in Henry County?

7 MS. PHILLIPS: I was brought in August 5th of
8 2024, and I was made the interim October 7th of 2024.

9 CHAIRMAN FERVIER: And what kind of new
10 training have you put in place to prevent these from
11 happening again?

12 MS. PHILLIPS: So we of course have the ballot
13 proofing that I have recently implemented and also the
14 cross-training with the L and A. So instead of just one
15 or two people involved in L and A, as it was prior, we
16 now have numerous people involved. I have a select
17 staff for four ballot proofing. And so there are many
18 sets of eyes on each step of the ballot proofing and the
19 L and A process.

20 And I will note, we did not have any issues
21 with November. It -- you know, especially me coming in
22 right at the last minute staff did exceptionally well.
23 So, you know, I hope what I have implemented has helped.

24 CHAIRMAN FERVIER: What about the -- what
25 about the voting in May that took place, primaries?

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1 MS. PHILLIPS: I didn't -- I wasn't here.

2 CHAIRMAN FERVIER: Okay.

3 MEMBER JOHNSTON: So Miss -- Ms. Phillips, do
4 you feel prepared that with the municipals coming,
5 municipal elections coming up this year, that you'll --
6 you will ensure that the proper program -- grant --
7 programming will occur?

8 MS. PHILLIPS: Yes, ma'am, absolutely. We are
9 already starting with that. We have already reached out
10 to city council, mayor, and we are working on street
11 audits now. So we are already preparing for that. We
12 are ahead of the game so to speak. So yes, ma'am.

13 MEMBER JOHNSTON: Great. And you can -- you
14 can assure us that enough emergency paper ballots will
15 be available?

16 MS. PHILLIPS: Yes, ma'am. 10 percent. Yes,
17 ma'am.

18 MEMBER JOHNSTON: And with the ability to
19 deliver more, if necessary?

20 MS. PHILLIPS: Yes. Of course. Yes, ma'am.

21 MEMBER JOHNSTON: So that voters will not be
22 discouraged and sent away from the polling places?

23 MS. PHILLIPS: Yes, ma'am.

24 MEMBER JOHNSTON: Thank you.

25 CHAIRMAN FERVIER: Any more questions from the

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1 board? And Chair will entertain a motion on this case,
2 SEB2021-164.

3 MEMBER GHAZAL: I move that we issue a Letter
4 of Reprimand.

5 CHAIRMAN FERVIER: We have a motion to issue a
6 Letter of Reprimand. Is there a second?

7 MEMBER KING: I -- I'm going to second because
8 I actually agree with Dr. Jan that this should possibly
9 go to the attorney general's office so that they can
10 really look at this process. But I must be honest, I
11 don't have faith that they will do that. So I think
12 that they will see it more so like how Sara has
13 presented it -- I'm sorry, how Member Ghazal has
14 presented it. And so I also support a Letter of
15 Reprimand, hoping that, you know, we can include or
16 ensure that there's information in there that will --
17 would benefit the counties going forward as well as just
18 ensure that there -- that the information that we want
19 to get to them will get to them. So I will second
20 sending a Letter of Reprimand to the county.

21 CHAIRMAN FERVIER: We have a motion and a
22 second to issue a Letter of Reprimand on case
23 SEB2021-164. Any further discussion? Hearing no
24 further discussion. All those in favor of sending a
25 Letter of Reprimand signify by saying aye.

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1 MEMBER GHAZAL: Aye.

2 MEMBER KING: Aye.

3 MEMBER JOHNSTON: Aye.

4 CHAIRMAN FERVIER: Motion carries four to
5 zero.

6 Ms. Phillips, please stay online.

7 MS. PHILLIPS: Yes, sir.

8 CHAIRMAN FERVIER: The next case in the agenda
9 is also a Henry County case, SEB2023-061, Henry County,
10 City of McDonough Election Issues. Our investigator.

11 INVESTIGATOR KOTH: The Secretary of State
12 opened this investigation after received a complaint
13 alleging that the voters are being discouraged from
14 casting provisional ballots --

15 MEMBER JOHNSTON: I can't hear you.

16 CHAIRMAN FERVIER: Can --

17 INVESTIGATOR KOTH: This case was opened after
18 we received a complaint alleging that voters were being
19 discouraged from casting provisional ballots, and they
20 were being asked to return at a later time to vote,
21 uncommunicated and lack of information on polling place
22 changes, and voters not receiving their precinct cards
23 with the new polling place identified.

24 All of these complaints are in reference to
25 the municipal voters in the city of McDonough and the

1 Heritage Park voting precinct. The investigation
2 determined that the allegation that Henry County polling
3 officials did not offer voters provisional ballots or
4 polling officials discouraged voters from voting by
5 provisional ballots was unsubstantiated. The only voter
6 that complaints could personally identify admitted that
7 she was offered the provisional ballot.

8 However, she decided to return at a later date
9 because she didn't trust the paper ballot. The polling
10 officials also stated that most voters decided to return
11 at a later date because of their distrust in the paper
12 ballot. The polling officials confirmed that five
13 municipal voters voted provisionally between October
14 20th through the 22nd, 2023.

15 Regarding the uncommunicated and lack of
16 information on polling place changes was substantiated.
17 The new polling location was advertised in the legal
18 organ of at least 60 days prior to the election running
19 the notice once a week for two consecutive weeks, the
20 new polling location was also advertised on the
21 elections and voter registration Facebook page on August
22 30th, 2023, and in the Henry County Election Board
23 meeting on July 5th, 2023, and September 6th, 2023.

24 However, Henry County Voter Registration
25 Elections Office did not post any notice at the previous

1 polling place during the seven days before and on the
2 day of the election advising voters of the new polling
3 place as required by law. The only notice posted at the
4 previous polling place according to the elections
5 director was a notice advising the address of the Henry
6 County Elections and Voter Registration Office location.
7 The former voter registration election office was a
8 previous municipal polling location.

9 The investigation regarding voters not
10 receiving an updated registration card and notifying
11 them of the change in their assigned polling location
12 was substantiated. Henry County Elections and Voter
13 Registration's first public announcement of the new
14 voting location was advertised on August 16th, 2023.

15 Henry County Elections and Voter Registration
16 Office ordered the affected voters new precinct cards on
17 October 19th, 2023, and received them on November 17th,
18 2023, after the November 2023 election. A decision was
19 made not to mail these cards out to voters due to the
20 possibility of a statewide redistricting decision being
21 made in January of '24. Potential violations were OCGA
22 21.22.65 selection of polling places, 21.2.226 E
23 issuance of registration cards.

24 CHAIRMAN FERVIER: Once again, this appears to
25 be the same individual in charge of elections of --

1 election supervisor Ameika Pitts.

2 Does the board have any questions or comments
3 relating to this case?

4 MEMBER GHAZAL: I will say, it's -- I do think
5 it's critically important that proper labels are used
6 for voters, and also, frankly, for the reports, but the
7 voters are much more important. These were not
8 provisional ballots. These are emergency ballots that
9 are used. And voters may not understand the difference,
10 but a provisional ballot means that it may count, and it
11 may not be counted.

12 Emergency ballots are always counted, and it's
13 really important that poll workers are trained properly
14 to use proper terminology and language with the voters
15 so that they understand that. And I would ask -- and
16 now I understand the link to the poll pads because that
17 is -- that was ancillary to the underlying case. But
18 there was at least a period where poll pads were
19 inoperable, and do we know exactly what that was? Was
20 it a problem with the uplink?

21 Do you have any information on that, Ms.
22 Phillips?

23 MS. PHILLIPS: Unfortunately, I do not.

24 MEMBER JOHNSTON: Did the managers have a
25 backup paper poll book?

1 MS. PHILLIPS: I would -- you know what? I
2 don't know. I would assume because that's a
3 requirement, but I cannot speak for the previous
4 director.

5 MEMBER GHAZAL: One would assume so since the
6 paper ballots were offered, and they could not be
7 offered without having some kind of a backup poll book.

8 MS. PHILLIPS: Yes, ma'am.

9 MEMBER JOHNSTON: Correct. And the correct
10 terminology to be -- even though the label is the same
11 on the paper ballots that are in reserve in the polling
12 place, their proper use of emergency paper ballot,
13 especially in reporting a case or talking to voters
14 because like Member Ghazal said, it makes a difference
15 in an expectation of what is -- what one does with that
16 ballot.

17 So again, I raise the question to the board:
18 Is this a -- is this a KNOWiNK problem, or is this an
19 election office problem? Is this a deficiency in
20 programming that the KNOWiNK poll pads have, or is it a
21 challenge with election offices to properly program
22 municipals along with county data?

23 MEMBER KING: I would say this is a training
24 issue. I feel like it's something that if they are
25 having -- if both issues are present where we have

1 individuals that are struggling with the technology,
2 that goes back to training. And then if it's a process
3 issue as well, then that goes back to training. So I
4 think that -- I would question whether or not the
5 Secretary of State is giving proper training to our
6 election count -- to our counties to then disseminate
7 that down to those who are working in the counties.

8 MEMBER JOHNSTON: This is a municipal election
9 year, and the requirement will occur again this year.
10 Some of the municipals actually work directly with
11 Dominion for programming, and some work with the county
12 for programming and the state. However, all these
13 parties need -- should be informed, Chairman Fervier,
14 that this has been a recurrent issue with the poll pads,
15 and it affect -- it can affect many voters. So perhaps
16 some communication with Secretary of State to provide
17 information to the county -- of all the county offices
18 to be aware, and also with the Dominion and KNOWiNK
19 company, depending on who is assisting with the
20 programming.

21 MEMBER GHAZAL: Ms. Phillips, are you
22 contractually -- are you running your municipals this
23 year, or are they doing that independently?

24 MS. PHILLIPS: Oh, the county is running the
25 municipal elections this year. And if I may add, I --

1 this is -- this was a county issue. This was a training
2 issue, so that's what has happened here. I have
3 recognized the issue and, you know, working toward a
4 solution for that issue. So it's definitely a training
5 and process issue.

6 CHAIRMAN FERVIER: So the other board members
7 might be aware -- I'm not aware of any other
8 municipalities at this time that had the same issue.
9 And I'm just wondering if it is a county issue and not a
10 statewide issue, so . . .

11 MEMBER GHAZAL: Well, the other part of the
12 complaint that was substantiated was actually similar to
13 what we saw down in Chatham County. And that is
14 insufficient notice of polling place changes, although
15 this -- in this case, it was for the general and not for
16 a runoff. And I do want to highlight the importance of
17 ensuring that voters are given sufficient notice under
18 the statute. And in fact, it -- that's -- that is at
19 least as important that voters know where they need to
20 go to cast that ballot.

21 MEMBER JOHNSTON: Correct. And to clarify,
22 maybe, some statements that were made in the prior case,
23 21-2-226 E. Addresses issuance of registration cards in
24 the event that a precinct polling place or a voting
25 district or districts change, a new card shall be issued

1 to the electors.

2 MEMBER GHAZAL: That's for a permanent polling
3 place change, not for a temporary one, which I think is
4 what we saw because the -- it was temporarily
5 unavailable for the runoff. Permanent changes are
6 required, so just to reiterate the importance of that,
7 of all of the statutory requirements.

8 CHAIRMAN FERVIER: Any further comments from
9 the board? The Chair would entertain a motion on this
10 case.

11 MEMBER GHAZAL: I would move for a Letter of
12 Instruction in this case.

13 CHAIRMAN FERVIER: As opposed to a reprimand
14 for what reason?

15 MEMBER GHAZAL: Because the only substantiated
16 claims were related to the notice of the polling place
17 change. There was nothing substantiated about -- with
18 the polling pads -- the poll pads and the offering of
19 paper ballots at the time. Whether they called them
20 emergency or provisional, the -- there was no identified
21 violation related to that because the voters were
22 offered the ballots. But I have no strong feelings.

23 CHAIRMAN FERVIER: The Letter of Instruction
24 would be on the one substantiated claim, then on the
25 registration cards and notifying change in the assigned

1 polling place, correct?

2 All right. So we have a motion to issue a
3 Letter of Instruction on the substantiated violation of
4 failure to provide notice of the -- send out the cards
5 to voters on the -- no. Well, wait a minute.

6 MEMBER JOHNSTON: Mr. Chair, are either of the
7 complainants present, or do -- does anybody have their
8 hand up regarding this case?

9 CHAIRMAN FERVIER: Do you have anybody, Alex?

10 MS. HARDIN: Give me a second. I can check.

11 CHAIRMAN FERVIER: (Inaudible) Secretary of
12 State. Secretary of State was Complainant on this.

13 MS. HARDIN: The city clerk for 2023-061. It
14 was somebody named Camarie (phonetic) Gardner and
15 Christie Taylor.

16 CHAIRMAN FERVIER: Do we have any?

17 MS. HARDIN: I'm checking.

18 CHAIRMAN FERVIER: No, we don't have any
19 complainants here. We have a motion to issue a Letter
20 of Instruction on the substantiated claim that voters
21 did not receive updated registration cards, notifying
22 them of the change in their signed polling locations.

23 Is there a second on that?

24 MEMBER KING: This is to the Letter of
25 Instruction to the county?

1 CHAIRMAN FERVIER: Yes.

2 MEMBER KING: Okay. So as I stated, I do
3 think that this is a process issue. I know you said you
4 don't think it's statewide, but if there's one county
5 that is not getting properly trained, it is statewide.
6 So I will support -- I will second a Letter of
7 Instruction to the county, although I do think that
8 letter should also go to the Secretary of State's
9 office.

10 CHAIRMAN FERVIER: I will send another -- I'll
11 send another letter to the Secretary of State,
12 identifying this issue that happened in this county.

13 MEMBER KING: Is it possible to just add it on
14 to the other letter? Just kind of create a list of
15 things that we think they should look into?

16 CHAIRMAN FERVIER: Yes. Yes.

17 MEMBER KING: Okay.

18 CHAIRMAN FERVIER: All right. Do we have a
19 motion to second the issue of a Letter of Instruction?
20 Any further discussion? All who's in favor, signify by
21 saying aye.

22 MEMBER JEFFARES: Aye.

23 MEMBER GHAZAL: Aye.

24 CHAIRMAN FERVIER: Member King?

25 MEMBER KING: Sorry, I was muted. Aye.

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1 CHAIRMAN FERVIER: Okay. Any opposition?

2 Hearing no opposition, the motion carries four
3 to zero.

4 Next item on the agenda is SEB2022-046,
5 McIntosh County, Elections, Miscellaneous. It's Tab
6 number 30 in your book.

7 INVESTIGATOR BRUNSON: So this case deals with
8 a citizen who had her 12-year-old child with her in the
9 voting booth and apparently was told by Eleanor Gale,
10 who's the election supervisor for McIntosh County, that
11 her child could not be in the voting booth with her.
12 Subsequent interview with Ms. Gale, she indicated that
13 the 12-year-old was touching the screen. Citizen denies
14 that.

15 Ms. Gale also says that she received
16 information that children could not be in the enclosed
17 space from the Secretary of State's office. And she
18 specifically mentioned a former county liaison worker,
19 Angela Davenport.

20 Mrs. Davenport was interviewed by the
21 investigator and denied the allegation. So ultimately,
22 there's evidence to suggest that McIntosh County Board
23 of Elections and Registration and Eleanor Gale
24 specifically violated OCGA 21-2-413F regarding conduct
25 of voters.

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1 CHAIRMAN FERVIER: Whose complaint?

2 INVESTIGATOR BRUNSON: This is Farrell,
3 Elizabeth Farrell.

4 CHAIRMAN FERVIER: Is Ms. Farrell online?

5 MS. HARDIN: I can check. No.

6 CHAIRMAN FERVIER: The plaintiff is not
7 online. The respondent is McIntosh County, Eleanor
8 Gale. Is she online?

9 MS. HARDIN: The supervisor in --

10 MR. NIX: Good afternoon. This is Jason Nix.
11 I'm the attorney for the Board of Election, and I have
12 Ms. Gale sitting with me.

13 CHAIRMAN FERVIER: Great. Does the board have
14 any questions?

15 MEMBER GHAZAL: I do.

16 CHAIRMAN FERVIER: Okay.

17 MEMBER GHAZAL: You all have -- do you have
18 one of these, Ms. Gale? And I don't need to be flippant
19 about this, but I have to use it probably three or four
20 times every time we have a hearing in preparation for
21 it.

22 MR. NIX: Yes, ma'am, we do have copies of
23 that as provided. It's around our office, provided each
24 of the board members, but I would like to clarify. I
25 think there's one issue confusing the situation here.

1 The voter in question was not denied the ability to have
2 her child with her. The evidence is that the voter was
3 allowed back there, was allowed to the ballot marking
4 device with her child. Her child was with her.

5 At that time, Ms. Gale and another board --
6 another poll worker witnessed the child -- what appeared
7 to be possibly casting or selecting the vote on the
8 ballot marking device, and at that time exercised their
9 discretion, as detailed in 21-2-413F, that the poll
10 manager or an assistant manager determines in his or her
11 sole discretion that such child or children are causing
12 a disturbance or interfering with the conduct of voting.
13 That's our position on this case, and that's why we
14 would be asking the board to dismiss it at this time.

15 And Ms. Gale was there in person if you had --
16 have any direct questions for her. She was one of the
17 ones who was there witnessing it. We're a very small
18 county, so it's only a few people that work here, and
19 there was only one location here at the office handling
20 the election that day.

21 CHAIRMAN FERVIER: This is Chairman Fervier.
22 Who attended that with Ms. Gale? Who witnessed it
23 besides Ms. Gale?

24 MS. GALE: Marilyn Todd -- I mean, Todd Lynn.

25 MR. NIX: Marilyn Lynn. Marilyn Todd Lynn,

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1 who -- she was a board member at the time, wasn't she?

2 MS. GALE: Yes, but she was also a -- working
3 the polls.

4 MR. NIX: Ms. Lynn was also working the polls,
5 but she was a board member, and she was the one who was
6 there with Ms. Gale. We don't have Ms. Lynn here
7 presently. She's no longer on the board. She finished
8 her term and retired.

9 CHAIRMAN FERVIER: Okay.

10 MEMBER KING: Ms. Gale, were you the one who
11 directed -- who spoke directly with the woman who was --
12 who had the child voting, basically, initially?

13 MS. GALE: Yes, ma'am.

14 MEMBER KING: Were you the one that interacted
15 with her?

16 MS. GALE: Yes ma'am. I --

17 MEMBER KING: What was her response like when
18 you interacted with her?

19 MS. GALE: She got a little irate.

20 MEMBER KING: She became irate?

21 MS. GALE: I mean, yes, ma'am.

22 MEMBER KING: What was her argument? Was she
23 just frustrated that you didn't allow the child? Was
24 she listening to the rules, or how did it go?

25 MS. GALE: She did not like the idea of me

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1 telling her that the child could not touch the machine.
2 And then she said the child did not. She was explaining
3 how the voting process was, but we are -- we have a
4 small room. We were holding two elections, one in one
5 room and one in the other. And when she started
6 explaining, and I was standing off to the side, I did
7 not see how she was voting. I just seen -- the child
8 reached up there in one of the categories and touched
9 the square.

10 MEMBER KING: Okay. Okay. Thank you.

11 MEMBER JOHNSTON: Ms. Gale?

12 MS. GALE: Yes, ma'am?

13 MEMBER JOHNSTON: Dr. Johnston here. Did you
14 tell the voter that she couldn't have the child because
15 of her age in the voting booth?

16 MS. GALE: Well, I know the code section says
17 anybody 12 years and under can be in the booth, and
18 we've had kids in the -- during that same day and
19 earlier. But they never caused a disturbance, or they
20 never touched the machine. And I've seen other parents
21 explain to their children the voting process, but none
22 of them touched the screen. This child did.

23 MEMBER JOHNSTON: And was the conversation
24 with the mother and the child disturbing other voters?

25 MR. NIX: Were there any other voters there?

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1 MS. GALE: There were probably one other voter
2 in there because the booths were -- I mean, they were in
3 close quarters. And I turned around and asked the child
4 to step out if she'd want something -- to the front
5 office.

6 MR. NIX: Yeah. I think you had -- did you
7 ask the mother if she could --

8 MS. GALE: Yeah, I did ask --

9 MR. NIX: -- the child could have some candy?

10 MS. GALE: Yeah. I asked the mother if it was
11 all right if I gave her some candy while she finished
12 her voting.

13 MR. NIX: And what did the mother say to that?

14 MS. GALE: She just looked at me funny and let
15 her go.

16 MR. NIX: Okay.

17 MS. GALE: And then we took the daughter
18 around to the other side for the second part of voting.
19 She voted, cast her ballot, and she went out the exit
20 door with her doll.

21 MEMBER JOHNSTON: Is Ms. Farrell here in this
22 meeting room?

23 MS. GALE: Not in ours.

24 MEMBER JOHNSTON: Chairman Fervier?

25 CHAIRMAN FERVIER: Pardon me? Oh.

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1 MS. HARDIN: I checked. She's not in here.

2 CHAIRMAN FERVIER: Trying to read the code.

3 She's not in -- no. No, she's not.

4 MEMBER JOHNSTON: Was Ms. Farrell notified of
5 this meeting?

6 MS. HARDIN: Yes.

7 CHAIRMAN FERVIER: I find this code to be very
8 interesting because it talks about children under age of
9 18 or any child who is 12 years of age or younger
10 accompanying. I don't --

11 MEMBER JEFFARES: Agreed.

12 MEMBER GHAZAL: So the way you discuss that
13 is, your own children under the age of 18 or somebody
14 else's child under the age -- or age 12 or under, like
15 --

16 CHAIRMAN FERVIER: Seems like it could be a
17 little clearer.

18 MEMBER GHAZAL: It could be, but I mean, I
19 think, in this case, the -- in my reading of the statute
20 and the facts at hand, I think that they -- that the
21 county was well within its rights to ask a child -- ask
22 a parent to have the child leave if they were
23 interfering. They can't touch the screen. So I would
24 -- at the proper time, I would offer a motion to dismiss
25 this.

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1 MEMBER JOHNSTON: Are you offering a motion to
2 dismiss?

3 CHAIRMAN FERVIER: Let me --

4 MEMBER JOHNSTON: The election supervisor?

5 MEMBER GHAZAL: Yes.

6 CHAIRMAN FERVIER: The investigator would like
7 to make a comment.

8 INVESTIGATOR BRUNSON: Yeah. One of the
9 reasons -- I mean, a lot of times, when we have cases
10 where it comes down to one word against another, then
11 obviously, we can't -- we say that's insufficient,
12 usually. But one of the things that we looked at was,
13 we interviewed some of the -- or the investigator
14 interviewed some of the poll workers who said -- who
15 basically verified what the complainant said, the fact
16 that they never saw her touch the screen. They
17 basically explained exactly what the mother said as far
18 as her going through the process with her. In addition
19 to that, what really swayed me in reviewing this case is
20 the fact that Ms. Gale says, well, I was told by the SOS
21 that this is the case.

22 And then, of course, we go and talk to that
23 individual who worked for us at that time. And she
24 said, no, I never said anything like that. And then
25 what the statute is, my thing is that if she knew that,

1 then she wouldn't have doubled down, saying that she was
2 told. So her -- that tells me right there that her
3 interpretation was that this child couldn't be in the
4 vote -- in the enclosed space.

5 So based on those other witnesses, poll
6 workers, who say they didn't see this child touch the
7 screen, in addition to her believing that was the law at
8 the time, is what swayed the balance as far as us saying
9 that this is a potential violation here.

10 MEMBER GHAZAL: Mr. Brunson, thank you so much
11 for clarifying that. I withdraw my motion.

12 CHAIRMAN FERVIER: Ms. Gale, do you know how
13 many people approximately were voting at the time? Do
14 you recall?

15 MR. NIX: I think you said that there was
16 maybe one or two other people.

17 MS. GALE: Yeah, there were one or two other
18 people.

19 MR. NIX: At the same time?

20 MS. GALE: At the same time. And that was in
21 2022, which was --

22 CHAIRMAN FERVIER: How many poll workers were
23 in that room?

24 MS. GALE: How many poll workers in that room?

25 CHAIRMAN FERVIER: Yes.

1 MS. GALE: One, two. Two besides myself and
2 the one at the box at the back door.

3 MR. NIX: So the way our office is laid out
4 here is, people walk in a door, and they're in a very
5 small lobby. There's a counter there where -- tables
6 laid out with a desk that they come up to. Usually,
7 that's where they check in. That's where the poll pads
8 are. It's where they get their little green card to
9 take into another room. But there's a big window into
10 the other room where the actual vote -- where the actual
11 ballot marking devices were, and that's where the person
12 would be marking their ballots.

13 And then they'd go into yet another room
14 through a hallway to actually cast their ballot. And
15 usually, there's two people, give or take, at that front
16 desk and then one person sort of giving initial
17 instructions as to where to put the green card and where
18 to go with your ballot, basically controlling traffic.

19 Does that sound right, Ms. Gale?

20 MS. GALE: Yeah. And one --

21 MR. NIX: And then there's another person in
22 the other room --

23 MS. GALE: -- at the door where they go back.

24 MR. NIX: -- where they have the machine with
25 the door for the ballot.

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1 CHAIRMAN FERVIER: How many -- and how many of
2 those poll workers would've had the ability to see
3 whether or not this child touched the screen?

4 MS. GALE: Probably two, maybe three of us if
5 the front desk was looking back that way, but they
6 couldn't actually see because of the curtain.

7 MR. NIX: Yeah, because there's also little
8 curtains or walls up around the individual BMDs to try
9 to provide privacy to individual voters.

10 CHAIRMAN FERVIER: So they would or would not
11 have been able to see whether that child touched the
12 screen?

13 MR. NIX: It really depends on where they're
14 standing.

15 CHAIRMAN FERVIER: So how -- without being
16 able to see the actual ballot, how would you know
17 whether or not that child touched the screen versus was
18 just pointing at something?

19 MS. GALE: I was back there in the room when
20 this occurred, and I seen her reach up and touch the
21 screen.

22 CHAIRMAN FERVIER: You could see the screen
23 itself?

24 MS. GALE: I could see the side of the screen,
25 and her hand reached up there and touched it. The whole

1 time, her mama was telling her how she was voting and
2 all like that.

3 CHAIRMAN FERVIER: Did she do it more than
4 once?

5 MS. GALE: I only seen the one time, and
6 that's when I said something to her.

7 MEMBER KING: Mr. Chairman?

8 CHAIRMAN FERVIER: Yes.

9 MEMBER KING: I think this goes back to the
10 original statement, which was when the altercation
11 occurred, and Ms. Gale mentioned -- or basically
12 instructed the voter not to have her child touch the
13 screen. And the response was that, I was just trying to
14 teach her the process. I mean, teaching the process is
15 teaching her how to do it correctly. It's teaching the
16 child to do it right. And I -- so I do have -- I know
17 we're getting one side of the story, but the other side
18 had the opportunity to come and present their side as
19 well.

20 So we can only take the one side that's being
21 presented. And if Ms. Gale is saying that she saw it
22 with her own eyes, her touch the screen, then I think
23 it's safe to say, since we only have that side, and the
24 other side has chosen not to represent themselves, that
25 she saw the -- the child touch the screen.

1 That being said, I do think that there is -- I
2 do have questions around how we are communicating what
3 the child can do. Are we just saying that yes, you can
4 bring your child with you? Are we educating them on the
5 process and what they can and can't do as it relates to
6 touching the screen? I know that should be obvious,
7 that a child can't vote, but I do see where there are
8 parents that I believe will see these as learned -- you
9 know, teachable opportunities. And I do foresee this
10 could potentially be a problem more so in the future.

11 So what are we doing -- my question is: What
12 are we doing to educate voters on the details of that?
13 It says -- it's just -- it's not just that you can bring
14 your child, but -- you can bring your child, but here
15 are the rules around what your child can and can't do.

16 CHAIRMAN FERVIER: You're right. I mean, you
17 would think that that would be told to the voter when
18 they came into the location with the child, so . . .

19 MEMBER KING: Well, I mean, it depends on
20 whether or not that's been -- if the office has been
21 trained to educate the voter on that.

22 CHAIRMAN FERVIER: Right. Right. Are there
23 any further questions from the board?

24 The board would entertain a motion on this
25 case.

1 MEMBER GHAZAL: Based on Investigator
2 Brunson's reiteration of some of his findings, I move
3 that we issue a Letter of Instruction outlining the
4 legal requirements of allowing children, recommending,
5 and this is a blanket recommendation, that poll workers
6 be instructed for the proper procedures. And that's
7 just -- that's for 159 counties. That's not part of my
8 motion. So my motion is a Letter of Instruction.

9 CHAIRMAN FERVIER: We have a motion from
10 Member Ghazal to issue a Letter of Instruction on this
11 case, SEB2022-046. Is there a second?

12 MEMBER KING: I'll second that.

13 CHAIRMAN FERVIER: We have a motion and a
14 second to issue a Letter of Instruction on SEB2022-046.
15 Any further discussion?

16 Hearing no discussion -- I'm sorry?

17 MEMBER KING: Sorry, Mr. Chairman. Could we
18 also add educating -- ensuring that our county offices
19 are educated on the nuances of the rules around allowing
20 children into the polling site? Can we add that to our
21 request to the Secretary of State's office as additional
22 items that we think he should consider looking into?

23 CHAIRMAN FERVIER: This is going to be a long
24 letter.

25 MEMBER KING: Unfortunately.

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1 CHAIRMAN FERVIER: I'm adding that to my list.

2 Hang on one second here.

3 MEMBER KING: Thank you.

4 CHAIRMAN FERVIER: You got that, Alex?

5 MS. HARDIN: Uh-huh.

6 CHAIRMAN FERVIER: Okay. We have a motion and
7 a second to issue a Letter of Instruction. All those in
8 favor, signify by saying aye.

9 MEMBER JEFFARES: Aye.

10 MEMBER KING: Aye.

11 CHAIRMAN FERVIER: Dr. Johnston?

12 MEMBER JOHNSTON: No.

13 CHAIRMAN FERVIER: Oh, I'm sorry. I didn't --
14 oh, no. Okay. I didn't -- Member Ghazal?

15 MEMBER GHAZAL: Aye.

16 CHAIRMAN FERVIER: Motion carries three to
17 one.

18 The SEB2022-1809, McIntosh County, I received
19 a Request for Continuance, and I granted that
20 continuance, so they put it on the next agenda. Let's
21 finish up with McIntosh County, and then we'll --

22 UNIDENTIFIED SPEAKER: Okay. Thank you.

23 CHAIRMAN FERVIER: Then we'll go with a
24 comfort break, hopefully.

25 Next case on the agenda is SEB2022- 202,

1 McIntosh County, Miscellaneous. It is Tab number 32 in
2 your binder.

3 INVESTIGATOR BRUNSON: Okay. This case dealt
4 with the general election, November 8th, 2022. Diane
5 Cronin reported she was told by McIntosh County election
6 supervisor Eleanor Gale that she was required to include
7 a copy of her driver's license with her absentee ballot
8 application. Mrs. Cronin mentioned how the instructions
9 on the application clearly explained that a copy of an
10 acceptable form of identification is not required if a
11 driver's license number is provided. Mrs. Cronin was
12 told by McIntosh County election supervisor -- actually,
13 that's a repeat.

14 Our investigator interviewed Mrs. Gale. She
15 indicated that she asked for a copy of her driver's
16 license because they did not have one on file. She also
17 indicated that during training provided by the Secretary
18 of State, she was told that a copy of a voter's driver's
19 license was required with the application. The
20 investigator reached out to Dr. Jesse Harris, who was
21 the deputy director of elections at the time. He denied
22 Ms. Gale's allegation and provided the PowerPoint of the
23 training material that was covered during the training
24 period of March 2022. And that was the training period
25 that Ms. Gale referred to where she received that

1 instruction from the Secretary of State's office.

2 The investigation revealed that Diane Cronin
3 was asked. It also suggests that she misunderstood a
4 course of instruction taught by Dr. Harris during that
5 March 2022 Gabrielle Conference. The course of
6 instruction covered absentee voting to include absentee
7 ballot applications and ballots.

8 So based on our investigation, there is
9 evidence to suggest Eleanor Gale violated OCGA 21-2-381,
10 Sub A, Sub 1, Sub C, Sub I, Making of Application for
11 Absentee Ballot Determination of Eligibility by Ballot
12 Clerk, when she incorrectly instructed a voter to
13 include a copy of her driver's license with her absentee
14 ballot application. This code clearly states, "In order
15 to confirm the identity of the voter, such form shall
16 require the elector to provide his or her name, date of
17 birth, address as registered, and the number of his or
18 her Georgia's driver's license or identification card
19 issued."

20 CHAIRMAN FERVIER: Are there any questions
21 from the board?

22 MEMBER GHAZAL: I would be interested in
23 hearing the county's response here.

24 INVESTIGATOR BRUNSON: Ms. Gale, are you still
25 online with us?

1 MR. NIX: We're still here.

2 CHAIRMAN FERVIER: Yes. Do you have a
3 response?

4 MR. NIX: Just basic, that she was allowed to
5 vote. Yes, Ms. Gale did ask for a copy of her license
6 initially, because she does have a license. So any of
7 the alternative forms of identification that could have
8 been produced under statute would not have applied so
9 long as she did possess a license. With the license
10 number in the system, she was able to verify the license
11 after the fact, after the voter left the office, and did
12 get her a ballot, and the ballot was cast and counted.

13 There was a little bit of confusion there
14 about whether or not the actual license needed to be
15 shown in lieu of just the number, but that has been
16 corrected since then. But, again, she was not denied
17 the right to vote. I think the big issue there was her
18 license was registered at an Athens Park County Georgia
19 address at that time, and she was attempting to vote on
20 a voter registration in --

21 Townsend, Georgia?

22 MS. GALE: Yeah.

23 MR. NIX: Townsend here in McIntosh County.
24 But nonetheless, she was issued a ballot, she was not
25 denied her absentee application, and I don't think

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1 there's an issue. I would ask the board to dismiss it.

2 CHAIRMAN FERVIER: Any questions from the
3 board?

4 MEMBER JOHNSTON: One question, please. When
5 did she register to vote in McIntosh County?

6 MR. NIX: You can give us just a second.
7 She's looking up the file now.

8 MS. GALE: 2009 is what this says.

9 MR. NIX: It looks like October 27th, 2009.

10 CHAIRMAN FERVIER: Did you say that her -- she
11 had a 2009 registration, but her address on her license
12 was Athens?

13 MR. NIX: Correct. I'm sorry. Was that
14 Oconee County?

15 MS. GALE: Yeah.

16 MR. NIX: Oconee County. I may have said the
17 wrong county, but that's in the Athens area, I believe.

18 CHAIRMAN FERVIER: It's Athens, yeah.

19 MEMBER GHAZAL: Well --

20 MR. NIX: That's correct.

21 MEMBER GHAZAL: It -- it's important to make
22 sure that we understand that the legally, the photo ID
23 requirement proves identity. There are different
24 requirements for -- it can be used to prove residence,
25 but if -- but if there is a -- the identity -- well,

1 proof of -- proof of residence is not through this
2 process. It's a different process through registration.

3 MR. NIX: I absolutely agree.

4 MEMBER GHAZAL: So I just don't want to be
5 conflating those issues. The violation at question here
6 is whether or not the county required more than what the
7 law requires for obtaining the absentee ballot. At the
8 end of the day, it seems that the absentee ballot was
9 issued, but the county supervisor incorrectly stated the
10 law and stated that the -- a physical copy of the -- of
11 the driver's license was required. So I at the proper
12 time will make a motion for a Letter of Instruction.

13 CHAIRMAN FERVIER: But I'm just a little
14 curious about this whole driver's license thing being --
15 getting her driver's license in Oconee County, but
16 registered in McIntosh County.

17 MEMBER JOHNSTON: Is Ms. Cronin --

18 MS. GALE: She's not --

19 MEMBER JOHNSTON: Is Ms. Cronin in the room to
20 speak?

21 MEMBER GHAZAL: She's not.

22 MR. NIX: Members of the board, I'd also add
23 my client is showing me the letter that she sent with
24 the original application certified to my client's office
25 here in Darien had her return address as Athens,

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1 Georgia, as well. But nonetheless, her residency was
2 not questioned, and I think she's -- she updated her
3 driver's license since then, to your information?

4 MS. GALE: Yeah, I'll have to go back and --

5 MR. NIX: Oh, we don't know. Never mind. I
6 take that back.

7 MS. GALE: It's still using --

8 MEMBER GHAZAL: Well, that's a separate issue,
9 and I don't want to --

10 MR. NIX: It is.

11 MEMBER GHAZAL: And I want to make sure that
12 we stick to the point of this particular complaint,
13 which is about the application and what was required.
14 If a different inquiry needs to be made on whether or
15 not the voter in question was resident, that's a --
16 that's a separate inquiry that is not -- we don't have
17 any facts in front of us about that, so I just want to
18 make sure that we're not --

19 MR. NIX: Absolutely.

20 CHAIRMAN FERVIER: Ms. Gale, was there any
21 question as to her residency at the time?

22 MS. GALE: On her voter registration, she did
23 not put mailing address as Townsend when she -- it just
24 shows Cox Highway, Townsend, Georgia. And then when she
25 sent that certified letter to request an absentee

1 ballot, her return address in the corner of that
2 envelope states that it's Diane Cronin, 1200 Bob Godfrey
3 Road, Athens, Georgia, 30605-5316. So . . .

4 CHAIRMAN FERVIER: I am just -- I understand,
5 Member Ghazal, that we have two different issues here,
6 but I'm a little bit concerned about the fact that this
7 woman appears to be living in Oconee County and voting
8 in McIntosh County.

9 MEMBER GHAZAL: Then perhaps we should open an
10 investigation on that and address the actual case in
11 front of us.

12 CHAIRMAN FERVIER: Yeah.

13 MEMBER GHAZAL: I would have no objection to
14 that.

15 CHAIRMAN FERVIER: Ms. Gale, why did -- why
16 did you ask for her driver's license?

17 MS. GALE: I guess when we were doing the
18 absentee ballot request forms, verifying their address
19 with the voter registration. And see, we were in E-Net
20 back then, and we were in -- you know, now we're in the
21 GARViS system, where we've updated a lot and come a long
22 way.

23 MEMBER GHAZAL: Was this the first full
24 election that you conducted after the passage of SEB202,
25 which changed the application requirements?

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1 MS. GALE: I believe so.

2 MR. NIX: She thinks so, but I'd have to look
3 at a calendar and double-check.

4 MS. GALE: Yeah. That would have been --

5 MR. NIX: I'm not sure exactly when that
6 statute was enacted versus when this election was. It's
7 --

8 MS. GALE: Two years.

9 MR. NIX: -- been a couple years now.

10 MS. GALE: Yeah, '22.

11 CHAIRMAN FERVIER: Ms. Gale, do you know this
12 person personally?

13 MS. GALE: No, sir, I do not.

14 CHAIRMAN FERVIER: Okay.

15 MS. GALE: And I was born and raised here. I
16 know a lot of people in this county, but this lady, I do
17 not know.

18 CHAIRMAN FERVIER: Any more questions from the
19 board?

20 MEMBER JOHNSTON: My question is, where does
21 this person reside?

22 CHAIRMAN FERVIER: I have the same question.
23 I think about the --

24 MR. NIX: I don't think we can provide
25 adequate information today.

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1 CHAIRMAN FERVIER: I think there might be a
2 bigger issue here than --

3 MS. GALE: All I can say is I did check the
4 address that she gives, and it's somebody else's name
5 that lives there, so . . .

6 MEMBER GHAZAL: I would move that we initiate
7 an investigation into the voter, to Diane Cronin,
8 regarding her actual residence versus registered
9 address, and with regard to Ms. Gale and the county,
10 that we issue a Letter of Instruction.

11 CHAIRMAN FERVIER: I don't -- I don't think
12 there's a need to make a motion on that. The chairman's
13 going to request an investigation into that with the
14 Secretary of State's office. Yes, ma'am.

15 INVESTIGATOR BRUNSON: She does mention
16 briefly in the investigation -- she addresses it. The
17 investigator spoke with her, and then she indicated that
18 at the time of the election, she was out of the county
19 and wanted a ballot mailed to a temporary address, 1200
20 Bob Godfrey Road in Athens, Georgia. So basically, she
21 said that's a temporary address in Athens, Georgia.
22 That's what she claimed during the -- when the
23 investigator investigated this complaint.

24 CHAIRMAN FERVIER: I think there's enough
25 smoke here to look into it.

1 INVESTIGATOR BRUNSON: Okay.

2 CHAIRMAN FERVIER: I mean, it was -- it wasn't
3 so temporary that she got her driver's license there,
4 you know?

5 INVESTIGATOR BRUNSON: Sure. Okay.

6 CHAIRMAN FERVIER: I mean, you don't -- when
7 -- if you're living someplace for three months, you
8 don't renew your driver's license there. So I think
9 there's enough smoke there for -- to request a -- an
10 investigation into this.

11 So, Member Ghazal, the chairman will be
12 requesting an investigation on her actual address.

13 MEMBER GHAZAL: So my motion then is that we
14 issue a Letter of Instruction with regard to what is
15 necessary under Georgia's statute related to absentee
16 ballot applications.

17 CHAIRMAN FERVIER: Your -- we have a motion to
18 issue a Letter of Instruction on this making of
19 application. Is there a second?

20 MEMBER JEFFARES: Second.

21 CHAIRMAN FERVIER: We have a motion and
22 second. Any discussion?

23 MEMBER JOHNSTON: The only -- the discussion
24 I'd like to make, Mr. Chairman, is when one -- when a
25 registrar or absentee ballot clerk receives an

1 application for an absentee ballot, they are -- they are
2 tasked with verification of the voter, that the voter is
3 an eligible voter. And residency is one of those
4 requirements to be eligible to vote in the particular
5 jurisdiction. So I -- at this time, I don't think I can
6 support the motion.

7 CHAIRMAN FERVIER: Yeah, I appreciate that.
8 I'm a little troubled with it too, because without
9 knowing the answers behind this individual's address --
10 But we have a -- we have a motion and a second
11 to issue a Letter of Instruction. Any further
12 discussion?

13 MEMBER GHAZAL: Only that Georgia law does not
14 require re-verification of addresses. Whatever
15 verification was provided upon the registration of the
16 voter should have been available to the county at the
17 time, and providing the ID number is sufficient for
18 providing -- for proving the identity. And that is what
19 the statute provides for. Photo ID proves who the voter
20 is. It doesn't -- where the voter lives. Where the
21 voter lives is within the registration system itself,
22 and that is where -- and that's where the inquiry needs
23 to be.

24 CHAIRMAN FERVIER: Investigator has a comment.

25 INVESTIGATOR BRUNSON: So in further looking

1 at the report, obviously we didn't focus on her
2 residency because that wasn't the nature of the
3 complaint. However, in looking at the issue here,
4 Investigator Blanchard spoke with -- so Dorset Hurley
5 (phonetic) is the listed owner of the residence in
6 McIntosh County. That's the husband of Diane Cronin.
7 So they own two houses. So that's -- it's on page 3 of
8 the ROI, at the bottom -- the bottom paragraph.

9 CHAIRMAN FERVIER: I understand that, but
10 you're supposed to be registered where your homestead
11 is, correct?

12 INVESTIGATOR BRUNSON: Yeah, she doesn't have
13 a homestead at that address.

14 CHAIRMAN FERVIER: She doesn't?

15 INVESTIGATOR BRUNSON: No, she does not.

16 CHAIRMAN FERVIER: So it's possible she has a
17 homestead in Athens or in Oconee County?

18 INVESTIGATOR BRUNSON: Yes.

19 CHAIRMAN FERVIER: So --

20 INVESTIGATOR BRUNSON: Yeah, a home with her
21 husband.

22 CHAIRMAN FERVIER: Which means that she would
23 be voting in the wrong place, wrong location, if her
24 homestead was in Oconee County, but she was registered
25 in McIntosh County.

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1 MEMBER GHAZAL: We don't -- I don't think we
2 have that --

3 INVESTIGATOR BRUNSON: If you --

4 CHAIRMAN FERVIER: Pardon me?

5 INVESTIGATOR BRUNSON: If you look at page 3
6 -- let me -- let me look at it. Hold on.

7 So she owns a home in Athens, Georgia, because
8 he checked the tax assessor's website. She's been the
9 owner of that home since June 2nd, 2005. She is
10 currently not claiming homestead exemption at that home.
11 And then he also ran an individual voter report on
12 Dorset Hurley, showed he's registered at 4703 Cox Road,
13 Townsend, Georgia. He checked the McIntosh County tax
14 assessor's website, which showed Dorset Hurley owns same
15 location, 4703. He purchased a home April 5th, 2004.
16 He then spoke with Mr. Hurley to verify if he knew of
17 any other individuals who were registered to vote using
18 his residential address. The only other individual Mr.
19 Hurley knew who was registered to vote at his address
20 was his wife, who he later identified as Diane Cronin.

21 MEMBER GHAZAL: So in other words --

22 INVESTIGATOR BRUNSON: (Inaudible) --
23 (Crosstalk)

24 MEMBER GHAZAL: -- the only legal violation --

25 INVESTIGATOR BRUNSON: -- secondary address

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1 for his wife in Athens, Oconee County, Georgia, where an
2 absentee ballot had been forwarded. Mr. Hurley
3 explained how he and his wife had two homes, one being
4 in Athens, Georgia, and then he said he recalled his
5 wife having issues trying to vote absentee.

6 CHAIRMAN FERVIER: Member Ghazal?

7 MEMBER GHAZAL: It seems to me that the only
8 violation that the voter is committing regards -- is her
9 address on her driver's license, if that is not where
10 she is -- considers a homestead. And that is not under
11 Title 21, so we have --

12 CHAIRMAN FERVIER: No. Her homestead is in
13 Townsend, Georgia.

14 MEMBER GHAZAL: Right, and -- which is where
15 she's registered.

16 CHAIRMAN FERVIER: Go ahead.

17 MEMBER GHAZAL: Which is --

18 CHAIRMAN FERVIER: I'm sorry. No, her
19 homestead is not in Townsend, Georgia.

20 MEMBER GHAZAL: I believe Mr. Brunson just
21 said it is. That is where the -- where they have --

22 INVESTIGATOR BRUNSON: Not claiming -- she's
23 not claiming homestead for the Athens home.

24 CHAIRMAN FERVIER: She's not?

25 MEMBER GHAZAL: No.

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1 INVESTIGATOR BRUNSON: She's not. No. No.

2 MEMBER GHAZAL: She claims a homestead
3 exemption in the Townsend address, which is where she's
4 registered to vote.

5 INVESTIGATOR BRUNSON: Yes, that's what it --
6 yep. Yes.

7 MEMBER JOHNSTON: Does she claim the homestead
8 exemption or the husband?

9 INVESTIGATOR BRUNSON: Yeah, it looks like the
10 husband. But I mean, if --

11 MEMBER GHAZAL: Does it matter?

12 INVESTIGATOR BRUNSON: Yeah, it is.

13 MEMBER JOHNSTON: Yes, it does.

14 INVESTIGATOR BRUNSON: And the husband --

15 MEMBER GHAZAL: Are you suggesting that she --
16 I mean, we are getting deeply into --

17 CHAIRMAN FERVIER: Well, if it will -- or if
18 it will -- it is a -- we'll look into that part of it.
19 So we have a motion on the table and a second to issue a
20 Letter of Instruction on this particular case and the
21 other case we'll look into. And this is -- any further
22 discussion? All those in favor of issuing a Letter of
23 Instruction, signify by saying aye.

24 MEMBER GHAZAL: Aye.

25 MEMBER JEFFARES: Aye.

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1 CHAIRMAN FERVIER: Member King?

2 MEMBER JOHNSTON: Aye.

3 CHAIRMAN FERVIER: Member Johnston?

4 MEMBER JOHNSTON: Nay.

5 CHAIRMAN FERVIER: Motion carries three to
6 one, Letter of -- for Letter of Instructions.

7 MR. NIX: Mr. Chairman, if we can just verify
8 that SEB2022189, that's been continued off of this
9 meeting?

10 CHAIRMAN FERVIER: Yes, it has.

11 MR. NIX: Next week?

12 CHAIRMAN FERVIER: Yes, it has.

13 MR. NIX: I would ask that we be excused then.
14 Thank you, sir.

15 CHAIRMAN FERVIER: You're excused. Thank you
16 very much for attending.

17 MR. NIX: You all have a great day.

18 CHAIRMAN FERVIER: Thank you.

19 The Chair would entertain a motion for a
20 10-minute comfort break at this time.

21 MEMBER JOHNSTON: So moved.

22 CHAIRMAN FERVIER: Somebody, please. Thank
23 you.

24 MEMBER JEFFARES: Second.

25 MEMBER GHAZAL: Okay.

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1 CHAIRMAN FERVIER: All right. We'll take a
2 10-minute comfort break and return exactly at 3:00 p.m.
3 Thank you.

4 (A recess was taken.)

5 CHAIRMAN FERVIER: We're back now. We'll call
6 the meeting back into order.

7 Next case in the agenda is -- let me just
8 state before we get started that the plan is for us to
9 adjourn at 5:00 today, and then it doesn't look like
10 we'll make it through the day, so we will begin tomorrow
11 morning again at 9:00. But we'll power through as many
12 as we can between now and 5:00. The next item on the
13 agenda is SEB2022-285, Ware County, Double Voting.

14 Investigators?

15 INVESTIGATOR KOTH: This case was opened up
16 after we got a complaint from Carlos Nelson, the Ware
17 County election supervisor, involving a double voter.
18 The investigators spoke with the -- with Carlos, who
19 stated there were two voting locations for advance
20 voting for the November 8th, 2022, general special
21 election. One was located at the main election office,
22 and the other was in a separate location.

23 Ms. Gant came to the main election office and
24 cast her vote. A few days later, she voted again at the
25 secondary location. The assistant manager, Kim Stevens,

1 started putting the applications into E-Net when she
2 returned from lunch and noticed there was a double vote.
3 Mr. Nelson advised that Ms. Gant is possibly mentally
4 challenged and does not believe that she intentionally
5 voted twice.

6 The elections poll manager, Barbara King,
7 provided a written statement addressing this complaint.
8 Ms. King stated that she verified identification
9 information for Ms. Gant with what was in the EasyVote
10 system. She clicked on the prompt to indicate what type
11 of identification was provided, and at the same time a
12 malfunction appeared on the screen. Ms. King noticed
13 the printer light was on, indicating it was out of
14 paper. She filled the printer with paper and then
15 pressed Yes on the notification which had appeared on
16 the screen, thinking it was asking her to print the
17 document, when in fact it was asking to override the
18 previous voting information. Ms. King indicated that
19 this was mistake on her part, and she does not believe
20 that Ms. Gant intentionally voted twice. Ms. King has
21 spoken with Ms. Gant on several occasions and believes
22 that Ms. Gant has a learning disability.

23 Ms. Stevens was interviewed, and she advised
24 she received the prompt alerting her of the second
25 attempt to enter Ms. Gant's application. She also

1 stated that Ms. Gant has an -- oh, wait. The
2 investigator called Ms. Gant numerous times and was
3 unable to get her on the phone, and he got in touch with
4 a caretaker named Ms. Porter.

5 Ms. Porter advised the investigator that Ms.
6 Gant is always out walking, and she could not locate her
7 at this time. She also stated that Ms. Gant has memory
8 issues and does not remember voting twice. She said
9 that she would have Ms. Gant call the investigator when
10 she returned home. As of June 1st, 2023, Ms. Gant had
11 not reached out to the investigators.

12 The potential violations are for Ms. Gant,
13 Barbara King, the poll manager, Ware County Board of
14 Election Registration. There's evidence to suggest that
15 Ms. Gant violated OCGA 212572, repeat voting in same
16 primary election, and there's evidence to suggest that
17 Ms. King violated SEB Rule 183112.11, Subsection 2A, by
18 permitting a person to vote twice.

19 CHAIRMAN FERVIER: Is Ms. King with us today?

20 MR. NELSON: Mr. Chairman, this is Carlos
21 Nelson, Supervisor of Elections. Ms. King could not be
22 here today, and also I have on the call -- is our
23 attorney, Jennifer Herzog. I think she's on.

24 MS. HERZOG: Yes, I'm here.

25 MR. NELSON: Yep.

1 CHAIRMAN FERVIER: So to the board, this
2 involves two different individuals, Ms. King, who has
3 allowed the double voting to take place, and then Ms.
4 Gant, who, it appears, had some mental disabilities and
5 inadvertently voted twice and has a caretaker. And I'm
6 curious as to whether the board would like to go ahead
7 and resolve the issue through Miss -- for Ms. Gant,
8 given her obvious mental disabilities, and then deal
9 with the remainder of the case.

10 If any board member would like to make a
11 comment or --

12 MEMBER GHAZAL: Is --

13 CHAIRMAN FERVIER: -- the Chair would
14 entertain a motion on any of that.

15 MEMBER GHAZAL: Is there any representative of
16 Mrs. Gant here, or Ms. Gant?

17 CHAIRMAN FERVIER: It does not appear to be,
18 no.

19 MEMBER GHAZAL: Was the notice sent to Ms.
20 Gant or to the caretaker or to both?

21 INVESTIGATOR KOTH: I believe I only have the
22 information for Ms. Gant, and she was notified via mail
23 and email.

24 MEMBER GHAZAL: Given the circumstances. I
25 think that a Letter of Reprimand would be appropriate.

1 I don't think that any -- anything would come of
2 submitting this to the attorney general's office. I
3 would just ask that any Letter of Reprimand would
4 include a plea to the -- to the caretaker to ensure that
5 care is taken that Ms. Gant is not allowed to repeat
6 this violation.

7 MEMBER JOHNSTON: I have a number of
8 questions.

9 CHAIRMAN FERVIER: Well, but you had -- want a
10 Letter of Reprimand to Ms. Gant?

11 MEMBER GHAZAL: Yes. We have the authority to
12 issue a cease and desist as well on our own accord. Is
13 that not correct?

14 CHAIRMAN FERVIER: Yes. Yes.

15 MEMBER GHAZAL: So the -- that is up to others
16 to determine whether or not they would want to add that.

17 MEMBER JOHNSTON: I would like to ask some
18 questions.

19 CHAIRMAN FERVIER: Sure.

20 MEMBER JOHNSTON: If Ms. Gant -- I asked the
21 investigators if she was assisted in voting, and the
22 answer was no. If you all would -- if you would check
23 that, please, Ms. Koth or Mr. Brunson. And the --

24 INVESTIGATOR KOTH: She was voting.

25 MEMBER JOHNSTON: Was she assisted in voting?

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1 INVESTIGATOR KOTH: No, not that we were
2 advised.

3 MEMBER JOHNSTON: Did she -- did she -- did
4 she present to the polling place alone?

5 MR. NELSON: If I may -- if I may add -- this
6 is Carlos Nelson. She was not assisted. You know, she
7 has her faculties, so she walks around, and she always
8 votes. And we have two different -- for large
9 elections, we have two locations for early voting, and
10 she voted at the primary location, the Board of
11 Elections office, a week prior to her going back to
12 vote.

13 So when she saw the voting sign, I assume that
14 she just -- oh there's an election going on; let me go
15 vote. And normally it would've been caught if she
16 would've come back in the same office. You know, it
17 would -- it would've been caught, but since it was a
18 secondary location, she went in and, doing her civic
19 duty, she just voted. You know, she's -- her disability
20 does not keep her from functioning. It's just a mental
21 disability.

22 MEMBER JOHNSTON: So she's competent to vote?

23 MR. NELSON: Yes. Correct.

24 MEMBER JOHNSTON: So she's -- so she's
25 competent to understand what's on the ballot?

1 MR. NELSON: I assume, yes.

2 MEMBER JOHNSTON: Okay. Then I would assume
3 that she's competent to know that she could only vote
4 once for an election. And if she voted a week apart,
5 why didn't EasyNet -- EasyVote or E-Net have this
6 recorded?

7 MR. NELSON: Well, it was recorded. Ms. Kim,
8 Kim Stevens, is -- was our part-time assistant elections
9 clerk, so she was at the secondary site with Ms. King
10 and the other poll workers. So she went to lunch.
11 Normally she would double check -- you know, through
12 EasyVote you can go ahead and do your registration and
13 do your application through the EasyVote system. She
14 would at that time then turn around and just check E-Net
15 at that time.

16 So she went to lunch. Like Ms. King said,
17 that -- you know, when -- you know, when she looked away
18 the warning came up. It was out of paper. She thought
19 it was just out of paper. She didn't -- it didn't clue
20 her -- you know, she wasn't aware that, hey, you know --
21 you know, it was a double vote. She thought it was just
22 out of paper, needed to be reprinted. And so when she
23 reprinted it -- and that's when Ms. Gant was allowed to
24 vote. It was noticed 30 minutes later, after Ms.
25 Stevens returned from lunch, and then it was -- it was

1 reported immediately after that.

2 MEMBER JOHNSTON: Okay. I think double voting
3 is a serious problem. I think it's -- there's -- there
4 are many reasons why -- that I've heard that people get
5 confused and maybe aren't as aware of their actions, I
6 guess, is what I oftentimes hear. But I think the
7 prosecutorial discretion of double voting needs to be
8 left to the attorney general's office, and I would
9 recommend this referral for Ms. Gant to the attorney
10 general office.

11 CHAIRMAN FERVIER: Any other comments by board
12 members?

13 MEMBER GHAZAL: Mr. Nelson, with regard to the
14 use of EasyNet, are you continuing that now that the --
15 we have updated the system with online poll pads and
16 GARViS as opposed to E-Net?

17 MR. NELSON: No, ma'am. No, ma'am. We
18 immediately went to the poll pads as soon as they became
19 available for early voting.

20 MEMBER GHAZAL: And is the process similar,
21 that you can override, or does it -- does it take more
22 steps to override a warning, like what -- it
23 accidentally happened because it coincided with the --
24 with the paper?

25 MR. NELSON: I guess in the system -- in the

1 system, you can override, but with the new poll pads,
2 you would have to go through many, many steps in order
3 to override a vote by going in, double checking, making
4 sure that that person, you know, voted through the
5 GARViS system. And so the chances of that happening is
6 very slim. That would have to be a -- an intentional
7 act, basically, to override the poll pads.

8 MEMBER GHAZAL: Thank you. That was very
9 helpful.

10 CHAIRMAN FERVIER: Mr. Nelson?

11 MR. NELSON: Yes, sir?

12 CHAIRMAN FERVIER: Do you know Ms. Gant?

13 MR. NELSON: I -- I've seen her. I don't know
14 her personally.

15 CHAIRMAN FERVIER: So you couldn't make a
16 determination as to her mental stability?

17 MR. NELSON: Just -- I just -- only -- the
18 only time I've ever known -- I've seen her is in
19 previous elections. She would just come in and vote,
20 and that was it. And we are -- you know, and we are a
21 small community. You know, she walks a lot, you know --
22 you know, and she's in her own world. And so that's the
23 basis of my knowledge of her.

24 CHAIRMAN FERVIER: Who is on the phone with
25 you today?

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1 MR. NELSON: Our county attorney, Ms. Jennifer

2 --

3 MS. HERZOG: Good afternoon. Jennifer Herzog
4 here on behalf of the Ware County Board of Elections
5 also. I know a lot of the -- you know, the conversation
6 at this point has been concentrated on the voter, and
7 certainly the election supervisor can give his personal
8 experience as to what he knows about her. I don't --
9 you know, we are not in a position certainly to advocate
10 for or against her intellectual capacity, you know, as
11 far as -- we can say it is not our belief that she had
12 intent to double vote. I think everyone that I've
13 spoken to would confidently say that.

14 Now, certainly as to what the board wishes to
15 do with that, that is -- that is up to you all. As far
16 as, you know, the Board of Elections, and more
17 specifically Ms. King in my mind, this was one of those
18 perfect storms that had the printer issue not happened
19 at the exact same time, had Ms. Stevens not been at
20 lunch, then the error would have been caught
21 immediately, not 30 minutes later.

22 But I -- you know, I do just note that the
23 county immediately self-reported, you know, immediately
24 did catch the issue. And certainly since that time has
25 continued the important training. And then also

1 addressed with the new -- the new procedures and
2 equipment that are now in place.

3 MEMBER JOHNSTON: Mr. Chair?

4 CHAIRMAN FERVIER: Yes, ma'am?

5 MEMBER JOHNSTON: Do you know if the new poll
6 pads, how frequently do they sync, and how up-to-date
7 are they when voters come in? Do they sync within
8 minutes or hours or days?

9 CHAIRMAN FERVIER: You know, look, if I may my
10 experience -- my experience from this past election was
11 that they would sync at different levels depending on
12 what the capacity of the Internet was at the time. So I
13 mean, some of them were synced immediately almost, and
14 some of them took several minutes to sync.

15 MR. NELSON: That -- that's correct.

16 MEMBER GHAZAL: But is it -- is it accurate to
17 say that no more than one hour?

18 MR. NELSON: If I may --

19 CHAIRMAN FERVIER: I never found -- I never
20 found any that was more than several minutes when I was
21 going around the various polling locations.

22 MR. NELSON: And if I may, on the -- for the
23 last couple large elections, we've had two locations,
24 and we've never had no more than a couple minutes
25 syncing from one location to the next using the new

1 cellular poll pads.

2 MEMBER GHAZAL: So in other words, it takes
3 longer to drive from one location to another than it
4 would for it to update?

5 MR. NELSON: That's correct.

6 CHAIRMAN FERVIER: I don't know. I have --
7 the fact that everybody that seems to be associated with
8 Ms. Gant does not believe that she intentionally double
9 voted and that there may be some mental disabilities
10 there gives me some pause as to what this board should
11 do with her in that case. And someone like that,
12 referring them for prosecution, or whatever,
13 adjudication by the AG, would have little impact
14 probably, or anything like that. I mean, I -- I'm just
15 sympathetic to people that have some mental issues, so .
16 . .

17 MEMBER JOHNSTON: I am too, Mr. Chair. And
18 that's why I think the attorney general will handle this
19 appropriately at the time, and they will -- and as they
20 review and further investigate this violation, I think
21 they will -- they will do the appropriate thing. I
22 don't think it needs to be our decision.

23 What we -- we're deciding here is there -- is
24 there a violation of election law, and it seems to be
25 enough evidence to suggest that there is. And the

1 attorney general will be very sensitive to the situation
2 for Ms. Gant, I am sure.

3 As far as the County goes, I would -- I would
4 recommend a Letter of Instruction. I think it was an
5 honest mistake.

6 CHAIRMAN FERVIER: If there are there any
7 further questions from board members?

8 The Chair will entertain a motion on Ms. Gant
9 at this time.

10 MEMBER JOHNSTON: Mr. Chair, I move that
11 there's sufficient evidence to refer Ms. Gant to the
12 attorney general for violation of double voting
13 21-2-572.

14 CHAIRMAN FERVIER: We have a motion to refer
15 Ms. Gant to the attorney general for adjudication. Do I
16 hear a second?

17 MEMBER KING: Yes, Mr. Chair, I will second
18 that motion. Having not been able to meet with Ms.
19 King, as well as I actually can agree that we, you know
20 -- I know Dr. Jan is a medical doctor, but we're not.
21 And so I just -- I don't want to make assumptions. I
22 think this is something that the Attorney General's
23 office will have to -- or should have -- should take
24 care of.

25 CHAIRMAN FERVIER: We have a motion and a

1 second to refer to the AG. Any discussion?

2 Hearing no further discussion, all those in
3 favor of referring Ms. Gant to the attorney general
4 signify by saying Aye.

5 BOARD MEMBERS: Aye.

6 CHAIRMAN FERVIER: Member Ghazal?

7 MEMBER GHAZAL: Nay.

8 CHAIRMAN FERVIER: Nay. Okay. Motion carries
9 three to one.

10 The second part of this is -- concerns Ms.
11 King. Is there a motion on the violation by Ms. King?

12 MEMBER JOHNSTON: Mr. Chair, I move that a
13 Letter of Instruction be sent to the election office,
14 Ms. King.

15 CHAIRMAN FERVIER: We have a motion to issue a
16 Letter of Instruction for Ms. King at the election
17 office. Is there a second?

18 MEMBER KING: Second.

19 MEMBER JEFFARES: Second.

20 CHAIRMAN FERVIER: We have a motion and a
21 second from Member Jeffares. Any discussion?

22 Hearing no discussion, all those in favor of
23 sending a Letter of Instruction signify by saying aye.

24 BOARD MEMBERS: Aye.

25 CHAIRMAN FERVIER: Any opposition?

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1 Hearing no opposition, so moved. The motion
2 carries four to zero.

3 Next item on the agenda is SEB2023-083, Ware
4 County, City of Waycross Districting Issue, Tab number
5 34.

6 Investigators.

7 INVESTIGATOR BRUNSON: The Georgia Secretary
8 of State's office opened this investigation following a
9 complaint received from Ware County Election Supervisor
10 Carlos Nelson. Or actually a report from him. Mr.
11 Nelson reported that they used the wrong district map
12 during the November 7th, 2023 general election,
13 affecting 32 voters.

14 Apparently this race was decided by 18 votes.
15 This is a possible violation of OCGA 21-2-226(b) duties
16 of county boards in determining eligibility of voters,
17 maps of municipal boundaries, notice of ineligibility,
18 issuance of registration cards, et cetera.

19 The investigator spoke with Election
20 Supervisor Nelson, who stated he obtained a copy of the
21 2011 district map from the GIS system and emailed a copy
22 of it to GIS coordinator Dustin Minchew. Mr. Minchew
23 created the district's using the 2005 maps instead of
24 the 2011 maps.

25 Mr. Nelson was not aware the district lines

1 were wrong until after the November 7th, 2023, general
2 election. Mr. Nelson advised that no other election was
3 affected by the districting mistake. Districts 4 and 5
4 were eligible to vote in the election for mayor. 23
5 electors located in District 1 voted in the District 5
6 race because of the mapping error. Nine electors voted
7 in District 4 but should have voted in District 5.

8 The error was reported to the Secretary of
9 State's office, and the process was started with the
10 Superior Court to have a new election, and the changes
11 were ultimately made to the district map.

12 CHAIRMAN FERVIER: Mr. Nelson?

13 MS. HERZOG: Mr. Chairman, if I may, Jennifer
14 Herzog. I think since I've handled the litigation, I
15 may be the best one to speak as far as there's a little
16 more information that needs to be supplied. The case
17 did go up to the Georgia Supreme Court. If I may
18 provide that to the board. And then of course, if you
19 all would like to ask any questions of me or Mr. Nelson.

20 CHAIRMAN FERVIER: We are anxiously awaiting
21 your explanation.

22 MS. HERZOG: Excellent. Thank you, sir.
23 Well, I think, you know, the groundwork was certainly
24 well laid as far as there was -- we self-reported --
25 again, Ware County self-reported what at the time we

1 believed to be that the wrong map was used. It was
2 intended for the 2011 map to be used, but in fact a 2005
3 map was used.

4 The trial court did find that because of that
5 mapping issue it vacated the election and ordered a new
6 election. That trial court order was appealed to the
7 Georgia Supreme Court, and just recently within the last
8 few weeks -- and we did forward this to the
9 investigator, I'm not sure if they were able to receive
10 it in time for this meeting. It was sent a few weeks
11 ago. The Georgia Supreme Court overturned the trial
12 court's order, actually finding that the 2011 map was
13 never properly adopted and all the steps taken by the
14 city of Waycross.

15 And so in fact, it was proper -- although we
16 believed it was in error, the Georgia Supreme Court
17 found it was proper to use the 2005 map, and therefore
18 upheld the election that had been challenged.

19 So it is a -- certainly a fractured and
20 complicated history. Of course, I represent the Ware
21 County Board of Elections and Registration and Mr.
22 Nelson is the election supervisor. We are here to
23 speak, you know, on behalf of that board. I do not
24 believe there's anybody from the city of Waycross here,
25 at least as far as I know, but I wanted the board to be

1 aware. Because I think the Georgia Supreme Court's
2 ruling shows that this was not a -- this one is a
3 historical mess when it comes to the mapping in the city
4 of Waycross.

5 My understanding is, the city of Waycross has
6 since taken steps to clarify these mapping issues. And
7 so those will be properly provided to the Ware County
8 Board of Elections and Registration as election
9 superintendent for the city of Waycross, and it should
10 not be an issue going forward.

11 CHAIRMAN FERVIER: So you mistakenly got it
12 right?

13 MS. HERZOG: That's exactly what happened,
14 sir.

15 CHAIRMAN FERVIER: Okay. Are there -- any
16 other questions from the board?

17 MEMBER GHAZAL: Attorney Herzog, can I hazard
18 a guess that this has cost the county significantly more
19 than the upper limit of our capacity to fine you, which
20 is something which is relatively low?

21 MS. HERZOG: It is.

22 MEMBER GHAZAL: So appealing to the Supreme
23 Court has been costly?

24 MS. HERZOG: That is an excellent question. I
25 will tell you there has certainly been significant legal

1 expense, significant time. And, you know, I do not have
2 that number right in front of me, but it is fair to say
3 that it was a -- it was a costly -- a costly lesson.

4 MEMBER GHAZAL: I am grateful for -- on behalf
5 of your county taxpayers that you don't have to run
6 another election because that would be even more costs.
7 But that is -- that is generally going to be the price
8 paid for counties that screw up their mapping and their
9 districting. Usually it's a districting problem, not a
10 mapping problem. But either way, this is really
11 complicated. It --

12 MS. HERZOG: Yes, ma'am.

13 MEMBER GHAZAL: I would -- I have no other
14 questions.

15 CHAIRMAN FERVIER: Are there any further
16 questions from the board on this?

17 It appears that the Supreme Court has spoken
18 on this issue. The Chair will entertain a motion.

19 MEMBER GHAZAL: I would move to dismiss with
20 grateful thanks again to Supervisor Nelson for self-
21 reporting.

22 CHAIRMAN FERVIER: We have a motion to
23 dismiss. Is there a second?

24 MEMBER JOHNSTON: Second.

25 CHAIRMAN FERVIER: We have motion to dismiss

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1 and a second from Dr. Johnston. Any discussion?

2 Hearing no discussion, all those in favor of
3 dismissal of this claim -- or case number SEB2023-083
4 signify by saying aye.

5 BOARD MEMBERS: Aye.

6 CHAIRMAN FERVIER: Any opposition?

7 Hearing no opposition, so moved. Motion
8 carries forward zero to dismiss this case.

9 Ware County is up again. SEB2024-067 Ware
10 County, use of cell phone at a polling place. Tab
11 number 35 in the board book.

12 Our investigators.

13 INVESTIGATOR KOTH: Yes. Mr. Nelson reported
14 that voter Thomas Tapley, Jr. answered the phone while
15 voting at the advanced voting polling booth --

16 MEMBER GHAZAL: I cannot hear.

17 INVESTIGATOR KOTH: -- located at 305 Oak
18 Street. While voting, Mr. Tapley answered a phone call,
19 whom he later said was from his doctor. He became
20 agitated after Ms. King promptly informed him that his
21 phone needed to be off.

22 Ms. King observed Mr. Tapley starting to walk
23 away from the voting booth and informed him he needed to
24 complete the voting process first. Mr. Tapley responded
25 by grabbing a stylist and voter access card and throwing

1 them on the table before saying F you and exiting the
2 polling location.

3 When Mr. Tapley approached the desk, Ms. King
4 was unsure if he was going to knock everything off due
5 to how agitated he was. After Mr. Tapley left, Ms. King
6 contacted the Ware County election supervisor, Carlos
7 Nelson, and informed him what had occurred. The
8 investigator spoke to two other staff who reiterated the
9 same version of events.

10 The investigator spoke with Mr. Tapley, who
11 said he was at the tax office for another matter and
12 while he was there, he decided to vote. And about
13 halfway through the ballot he received a call from his
14 surgeon. Mr. Tapley was scheduled for a knee
15 replacement surgery and was waiting on the call from
16 that surgeon. He said he realized the poll workers were
17 just doing their job, but he needed to talk with that
18 surgeon.

19 Mr. Tapley informed the poll workers he was
20 going to take the phone call, and claimed they jumped up
21 like they were ready to fight. Mr. Tapley claimed one
22 of the poll workers threatened to call the police, and
23 he, in turn, told her to call them.

24 Mr. Tapley removed his voter access card and
25 threw it down with a stylus before leaving. Later

1 during the interview, he referred to one of the female
2 poll workers as a bitch and claimed she jumped up like
3 she was ready to fight. He did not remember the female
4 poll worker's name.

5 Potential violation OCGA 21-2-413(e), Conduct
6 of Voter.

7 CHAIRMAN FERVIER: So Mr. Tapley is the
8 respondent on this and we don't have any evidence of him
9 being online with us today.

10 Is there a respondent from Ware County?

11 MS. HERZOG: Mr. Chairman, Jennifer Herzog. I
12 do not believe Ware County is named as a respondent in
13 this one.

14 CHAIRMAN FERVIER: Are there any comments from
15 Ware County on this? How about that?

16 MS. HERZOG: I don't believe outside of what
17 the investigative summary shows.

18 But certainly Mr. Nelson, if you have anything
19 you would like to add that is, you know, outside the
20 summary.

21 MR. NELSON: I think the summary is pretty
22 accurate. Whether the poll workers jumped up whenever
23 the phone rang was just to alert him he can't get on the
24 phone. And he first ignored, and that's when Ms. King
25 was like -- so her first words to me when she called me,

1 was like, I was going to tell him he can cancel the
2 process and come back to vote. But he got his stuff,
3 threw it on the desk made some choice words and then,
4 you know, headed out the door.

5 So that's where we were. But we went ahead
6 and canceled his voter registration -- his voter --
7 because he never completed the process so we counseled
8 his check-in. And so I'm not sure if he had -- if he
9 returned another time or he voted on election day, but
10 he was still allowed to vote if he had wanted to.

11 CHAIRMAN FERVIER: Any questions from the
12 board?

13 MEMBER GHAZAL: It seems to me that the county
14 did exactly what they should have done. I -- having
15 gone through a number of surgeries myself recently and
16 upcoming, I understand the respondent's response, but
17 nonetheless, he -- I -- I'm more troubled by the
18 attitude that he displayed than I am the fact that he
19 took a call inside the polling booth. It -- because I
20 would have done the same, quite honestly.

21 But I do -- I thank you, Supervisor Nelson,
22 for treating your staff in such a way to make sure that
23 the voting is as accessible to all of your voters, even
24 ones with bad attitudes. So I am -- well done.

25 MR. NELSON: Thank you.

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1 MEMBER GHAZAL: I would move for a Letter of
2 Instruction in this case. I think the extenuating
3 circumstances of having surgery scheduled the next day
4 explains a lot of the attitude, but clearly we . . .

5 MEMBER JOHNSTON: Mr. Chair?

6 CHAIRMAN FERVIER: Yes, Member Johnston?

7 MEMBER JOHNSTON: I can't explain why Mr.
8 Tapley behaved in such a way, and he's not here to
9 respond to it either, but I really express -- I want to
10 express my appreciation of the poll manager for
11 maintaining composure, and I hope it's -- it was not too
12 traumatic for that poll manager or the poll workers.

13 And I would really like to inform everybody
14 that's listening or watching that respect for each other
15 is of utmost importance. And understanding that people
16 may be ill and they're getting an -- a return phone call
17 from a doctor, which is a miracle in itself. But
18 nevertheless, they could always step outside of the
19 polling place, handle their emergency call, and come
20 back in and vote.

21 And I would hope all the poll workers would be
22 sensitive to an exception like that to accommodate a
23 voter.

24 But rude behavior is never -- it's just never
25 acceptable while in a polling place while we're voting.

1 We all need to respect each other.

2 CHAIRMAN FERVIER: Having dealt with rude
3 people for a long time now, I fully support your
4 comments.

5 Any further comments from the board? The
6 Chair will entertain a motion on this case.

7 MEMBER GHAZAL: I had moved for a Letter of
8 Instruction.

9 CHAIRMAN FERVIER: We have a motion to issue a
10 Letter of Instruction on SEB2024-067. Is there a
11 second?

12 MEMBER JOHNSTON: Second.

13 CHAIRMAN FERVIER: We have a motion and
14 second. Any discussion?

15 Hearing no discussion, all those in favor of
16 issuing a Letter of Instruction on SEB2024-067 signify
17 by saying aye.

18 BOARD MEMBERS: Aye.

19 CHAIRMAN FERVIER: Any opposition?

20 Hearing no opposition, so moved. The motion
21 carries four to zero.

22 Thank you, Ware County. You're dismissed.

23 MS. HERZOG: Thank you. I have a few other
24 counties, but they are very late in the agenda, so I'll
25 sign off for now and then see you all later in the

1 agenda.

2 CHAIRMAN FERVIER: Hang on a second. Hang on
3 a second, okay? I want to ask the board real quick.

4 We have three cases for Glynn County and seven
5 for Chatham County, which I am estimating will probably
6 -- this 10 cases total will take the rest of -- take us
7 up to 5:00. Would the board be opposed to dismissing
8 the rest of the counties today and convening with them
9 tomorrow?

10 MEMBER KING: I'm not opposed to that.

11 MEMBER JEFFARES: Me neither.

12 CHAIRMAN FERVIER: Dr. Johnston?

13 MEMBER JOHNSTON: I'm sorry, what would you
14 like to do?

15 CHAIRMAN FERVIER: We have -- we have three
16 cases from Glynn County and seven from Chatham County --

17 MEMBER JOHNSTON: Right.

18 CHAIRMAN FERVIER: -- which I think will
19 probably take the rest of today.

20 MEMBER JOHNSTON: Okay.

21 CHAIRMAN FERVIER: And so I'd like to go ahead
22 and dismiss the rest of the counties and invite them
23 back tomorrow.

24 MEMBER JOHNSTON: Okay. Ms. Herzog, where --
25 what other county are you representing?

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1 MS. HARDIN: She represents Tift. I already
2 took her off. She represents Tift.

3 CHAIRMAN FERVIER: She's Tift down at the
4 bottom.

5 MEMBER JOHNSTON: Would it -- would it be
6 permissible to -- for her -- respecting her time to hear
7 those two cases so that she won't -- will not have to be
8 here tomorrow?

9 MS. HERZOG: Dr. Johnston, thank you for
10 offering that. I don't want to mess up the board's
11 agenda. And I actually had made arrangements so that I
12 would be available in the morning also. So if it is
13 best for you all to go ahead and march through the
14 agenda, I'll plan on seeing you all in the morning.

15 MEMBER JOHNSTON: You're very kind.

16 MS. HERZOG: No, you are. Thank you very
17 much.

18 CHAIRMAN FERVIER: Is there any other
19 objection from the board in doing that?

20 MEMBER JOHNSTON: No objection.

21 CHAIRMAN FERVIER: Okay. For -- so for the
22 counties that are left, Bryan County, Grady County,
23 Clinch County, Tift County, Cook County, Charlton
24 County, and Berrien County, and Camden County, those
25 cases will be heard starting tomorrow morning at 9:00

1 a.m.

2 And so if you are listening, you are welcome
3 to continue to listen, or you can drop off and we will
4 hear those cases starting in the morning at 9:00 a.m.

5 So the next item on the agenda is SEB2022-035
6 Glynn County voter registration fraud. It's Tab 36.

7 INVESTIGATOR BRUNSON: So the Secretary of
8 State's office received an email complaint from Ms. Sara
9 Ramtinfar, and that was received April 22nd, 2022,
10 claiming that someone submitted a voter registration
11 application in Glynn County in her name. Ms. Ramtinfar
12 stated she did not complete the application because she
13 was not a U.S. citizen at that time.

14 So in looking at the application that was
15 filled out, the investigator then requested the original
16 copy and told it was no longer available. However, he
17 was able to obtain an electronic copy of the
18 application.

19 Ultimately, he interviewed Ms. Ramtinfar and
20 asked a number of questions. Asked her about did she
21 fill out any forms as she went to the bank, as she went
22 to the immigration office. She denied that. Says she's
23 very careful, that she did not fill this out, and
24 claimed that someone must have filled it out for her.

25 Upon reviewing other signed documents that Ms.

1 Ramtinfar signed, including her naturalization card, her
2 application for voting, she became a citizen actually in
3 2022, the investigator made the determination that the
4 filling out of the application in 2019 and the other
5 items as it relates to her signature, in addition to
6 other information that she filled out, was absolutely
7 identical.

8 In looking at the documents also, and I can
9 share those documents with the board, it's obviously the
10 handwriting of Ms. Ramtinfar that filled out this card
11 from 2019. All the information on the card is
12 absolutely correct, and it -- like I said, even the way
13 she writes numbers, et cetera, is identical to some of
14 the other documents that were submitted that she signed
15 off on.

16 So based on -- based on the evidence, based on
17 the similarities between her signature for various
18 documents that were reviewed, there's a high probability
19 that Ms. Ramtinfar filled out this application in 2019,
20 before she was actually a U.S. citizen, and submitted
21 it.

22 Ultimately, it looks like she received a
23 letter from the Secretary of State's office in 2022, and
24 then she filed her complaint saying that she believed
25 someone filed it fraudulently.

1 Now, it looks like also back in 2019, she
2 received a letter from Glynn County. April 19th -- or
3 actually, no, that's the 2022 letter. One second.

4 September 25th, 2019, Ms. Ramtinfar sent --
5 was -- received a letter from Glynn County basically
6 saying that they received her voter registration
7 application and that she needed to verify that she was a
8 citizen at that time.

9 And so in looking at the fact that that letter
10 was received in 2019, however, the complaint wasn't made
11 to the Secretary of State's office until April of 2022,
12 almost two years later, is another question that we had.

13 And so based on the examination of all the
14 different documents, her signature, et cetera, there's a
15 high probability that the application was filled out
16 back in 2019 by Ms. Ramtinfar.

17 CHAIRMAN FERVIER: I believe that Ms.
18 Ramtinfar is available online today.

19 MR. FORSYTH: Hi, this is -- can you hear me?

20 CHAIRMAN FERVIER: Sure.

21 MR. FORSYTH: This is Don Forsyth. I'm an
22 attorney, and I'm actually Ms. Ramtinfar's husband. And
23 we had spoken with the investigator ourself back in
24 2022. And I don't -- I don't have the evidence that the
25 investigator was just mentioning.

1 The investigator that we dealt with was a Mr.
2 Kelly Monroe. And I'm not familiar with the 2019 letter
3 that we -- that we supposedly ignored. However, when --
4 during election seasons, of course, where our mailbox
5 and our text messages and our emails and everything are
6 inundated with correspondence about registering to vote.
7 So it's very possible that that could have gone
8 unignored -- or, excuse me, ignored.

9 My wife is very meticulous. She's a medical
10 doctor, and she came to the U.S. on a -- as a research
11 scholar. And currently she's studying for the USMLE
12 exam to get her residency. She's decided to start
13 practicing medicine again. And she naturally relies on
14 me as an attorney to look over any legal documents that
15 she has, and that goes back to her immigration paperwork
16 and everything.

17 And so it -- it's highly unlikely that my wife
18 would have filled out this voter registration card
19 knowingly without having me looked at it. I mean, my
20 wife is very aware that while she was a green card
21 holder she was not able to register to vote or
22 participate in elections, and she never once tried to.

23 My wife has never so much as received a
24 traffic violation in her entire time in the United
25 States. And just as the investigator said, back in June

1 of 2022, she received her citizenship, and one of the
2 proudest days of her life was when she registered to
3 vote in U.S. elections. And she and I filled out the
4 voter registration together and we went to the voting
5 booth together, and she casted her first vote in 2022 in
6 the midterms, and then once again last November. And
7 then also in a special election in Glynn County back in
8 May of 2024.

9 And my wife, she's a very intelligent person
10 and she's highly meticulous. She is published in her
11 previous country for some of the medical research she
12 has done. And she's very meticulous with any documents
13 that she fills out.

14 And as soon as she received correspondence
15 about this that came to our attention about any sort of
16 trying to register to vote while that she was not a U.S.
17 Citizen, she immediately reported to the Secretary of
18 State's Office, and she has met with investigators and
19 tried to be as completely compliant as possible.

20 Now, the sample of handwritings in the
21 application that my wife viewed when we met with the
22 investigator, Kelly Monroe, my wife did say that the
23 signature was highly similar to her own handwriting.

24 Now, some of the ways in which the boxes were
25 filled out on the application were inconsistent with the

1 way that she does it, I believe. And my wife is here to
2 answer questions as well. But such as some of the boxes
3 that were checked, it was done with checks, whereas my
4 wife clearly and definitively always marks Xs on boxes.

5 And then -- and -- but like I said, there's no
6 way my wife would have knowingly done it, and any sort
7 of legal document that my wife is confronted with she
8 immediately hands it over to me as the attorney to
9 interpret it and make sure that she's in full compliance
10 with the law.

11 And like I said, my wife, she loves Georgia,
12 she loves the community. She respects the laws. I
13 mean, even when we're driving in traffic for instance,
14 if someone so much as cuts me off in traffic, she feels
15 the need to call up and report the traffic infraction.
16 I mean, she's such -- so meticulous with obeying rules
17 and regulations.

18 And I'm sorry to ramble on like I am. Of
19 course, I'm a criminal defense attorney and I'm used to
20 defending people all day, but when it's my wife that I'm
21 dealing with, especially with such severe -- such a
22 felony charge -- I mean, this has probably taken years
23 off my life. This has been a huge source of stress for
24 us ever since we have been involved with this.

25 And, I mean, we're here to certainly answer

1 any questions and to be as forthcoming as possible. But
2 like I said, I -- we're adamant that my wife did not
3 knowingly fill out registration or ever tried to
4 participate in an election prior to her receiving her
5 citizenship.

6 CHAIRMAN FERVIER: Thank you. I mean, I'm
7 looking at the two different voter registrations filled
8 out on the same day, February 12th, 2024, and they are
9 substantially similar.

10 MS. RAMTINFAR: Yeah, I do affirm that.

11 MR. FORSYTH: This is my wife.

12 MS. RAMTINFAR: Yeah.

13 MR. FORSYTH: Sorry.

14 MS. RAMTINFAR: My name is Sara Ramtinfar.
15 And once we met with Investigator Kelly Monroe, I was
16 just shocked of the similarity of the handwriting and
17 the signature. But, obviously, there was this question
18 on the form that was asking I swear or affirm, "Are you
19 a citizen of the United States of America? Check yes or
20 no." And it was obviously checked yes.

21 I mean, this is something that I will never
22 do, and I have never done, and because of the physician
23 mentality, I'm a very obsessive person. I never sign
24 anything without fully reading it. If I have any
25 questions, any doubts about it, I definitely consult

1 with my husband, who's a lawyer. So this is -- I mean,
2 I really don't know what to say more than this. It's a
3 source of extreme stress for us since this happened for
4 me, and I immediately reported it.

5 MEMBER GHAZAL: I have a question for the
6 investigators. Is there any evidence that any person
7 voted on this registration? Well, actually, let me take
8 a step back.

9 I understand that Glynn County sent a request
10 for citizenship verification. Was the registration ever
11 perfected at that point? And if it was, did anybody
12 ever vote against it or on that basis?

13 INVESTIGATOR BRUNSON: No. No. We don't have
14 any evidence of that that was verified or anything of
15 that nature, no, or that anybody voted, either.

16 CHAIRMAN FERVIER: Yeah. For the board's
17 information, I mean, I -- I've got an application from
18 2019, September 7th of 2019. I have two from February
19 12th of 2024, and they're distinct applications because
20 one of them includes a ZIP Code. One of them does not
21 include the ZIP Code. On the 2019 application, it does.
22 "Are you a citizen of the United States?" It's checked
23 yes. "Are you 17 years old?" It's checked yes. On the
24 two applications that were filled out on February 12th,
25 2024, none of those boxes are checked. So it's not --

1 it wasn't checked in 2024.

2 I can tell you that in all likelihood, it was
3 the same person that filled out all three of these
4 applications because the signatures are very similar,
5 and the lettering and numbering is extremely similar.
6 You know, I'm not credentialed in handwriting, but I've
7 looked at a lot of it in my life in what I do. And I
8 would -- it looks substantially similar to me, so --

9 MR. FORSYTH: Sure. I mean, and that goes
10 back to our position that -- I mean, I -- we can't think
11 of a situation in which Sara would knowingly fill this
12 out. I mean, this is the -- we can't imagine it. I
13 mean, certainly, she did not try to vote. I mean, I'm
14 trying to imagine -- and this is something I've gone
15 over with him ad nauseam, is -- was there something at
16 the Department of Driver Services office or through
17 Immigration or anything that this might have gotten
18 mixed in or any circumstance? But I mean, like I said,
19 if she was trying to fraudulently register, I mean, she
20 -- it doesn't make sense that she would report herself
21 or that she never even attempted to participate in an
22 election.

23 I mean -- and I mean, we're certainly not
24 creeps here. I mean, my wife, like I said, she's trying
25 to get her license to start practicing medicine here,

1 and she was a green cold -- card holder at the time.

2 And there's no way that she would try to violate that in
3 any way by trying to fraudulently vote in an election.

4 And the reason that -- and like I said, during
5 these elections or around election season, we're
6 inundated with these voter registration things in the
7 mail. And I think every five minutes, we're getting a
8 text message saying, register. And so I'm trying to --
9 I mean, I can't imagine my wife actually filling it out
10 without consulting with me. But nevertheless, I mean,
11 this is -- she's never tried to participate in an
12 election at all. I mean, you know --

13 CHAIRMAN FERVIER: It's interesting because
14 these two from February 12th, 2024, are -- were filled
15 out by the same person on the same day. And the only
16 difference in them, really, is, one includes a ZIP Code.
17 The other one does not include the ZIP Code, but when
18 you look at the applications, I mean, it -- to me, it's
19 clear that it was the same person that filled out both
20 of them on the same day. It --

21 MS. RAMTINFAR: I'm sorry if I --

22 CHAIRMAN FERVIER: Yeah.

23 MS. RAMTINFAR: I mean, I -- when we started,
24 Investigator Monroe -- I mean, I personally was shocked
25 because of the similarity of handwritings. But I'm

1 telling you, it was not me who filled that out. I mean,
2 it was -- if it was anything else, I would've said it
3 now. I mean, I immediately reported it myself. And
4 then I'm sitting here since 9:00 a.m. telling you,
5 testifying that it was not me who filled that out. I
6 mean, I'm telling you, I'm an -- I'm excessively
7 obsessive --

8 CHAIRMAN FERVIER: Yeah.

9 MS. RAMTINFAR: -- about filling out anything,
10 signing anything. I mean, the mentality of a physician,
11 you go over any page. You look at the name of the
12 patient. You look at the date. You check everything
13 twice, three times. I mean, just look at the question
14 here. On this form, it says I swear or affirm, "Are you
15 a citizen of the United States of America?" I mean, why
16 should I sign that to jeopardize my citizenship?

17 CHAIRMAN FERVIER: That was the one from 2019.
18 Yeah, the question -- the question was not answered from
19 the 2024 forms, either one of them. So the 2019, it was
20 answered yes. The 2024 forms, the two forms from 2024,
21 the question was not answered.

22 MR. FORSYTH: I see. And we don't have these
23 forms in front of us, so I can't comment to the forms or
24 anything. I mean, it's -- and I believe Investigator
25 Monroe had shown us the 2019 form and asked us if the

1 form and the signature and everything were consistent
2 with Sara's normal handwriting. And so -- I mean, what
3 she said, it was very similar. And like I said, we've
4 been trying to rack our brain. I mean, my wife is
5 adamant that she did not fill out one of these things,
6 and -- because she was well aware. I mean, I hold that,
7 and she wouldn't have knowingly done it.

8 I mean, and she certainly never tried to
9 participate in an election. I mean, like I said, she's
10 never even so much as committed a traffic violation in
11 her life.

12 And, you know, this is -- I mean, this is the
13 wife of an attorney, and just this morning, I was
14 sitting next to the district attorney, elected district
15 attorney of the Brunswick Judicial Circuit. Now, I'm
16 here with my wife, with an accusation of a felony. So I
17 mean, this is certainly -- and I've listened to some of
18 my colleagues that I know well over the -- these
19 hearings this morning. So I mean, this is certainly a
20 huge source of embarrassment, this whole thing.

21 MS. RAMTINFAR: If I may add something. I
22 mean, we went through every line with Investigator
23 Monroe. It was shockingly similar to my handwriting and
24 signature as well. But there was some inconsistencies.
25 I mean, like, the way I mark a box, I never do it like

1 that. If you look at it, the one that's from 2019,
2 that's what I remember. If you see that, there's a
3 check mark near the box; am I right?

4 CHAIRMAN FERVIER: Well, there's one that's in
5 the box, one that's near the box.

6 MS. RAMTINFAR: Yeah. I never do that. I'm
7 very meticulous when what -- with whatever I'm filling
8 out. That's one of the things I pointed out. And I
9 remember that there were other small little
10 inconsistencies as well, but most of the handwriting was
11 so similar that I was shocked. I just wanted to add
12 this, that if the handwriting is so similar, it doesn't
13 necessarily mean that I did it. USCIS has my
14 handwriting. Driver license -- Department of Driver
15 Services has my handwriting. And --

16 CHAIRMAN FERVIER: Well, yeah. I understand
17 where you -- where the line is drawn, but there's also
18 three other boxes on that 2019 that have check marks in
19 them that are very similar to the check marks made in
20 the 2024 applications or Xs actually in the boxes. So
21 there's three other boxes that are X'ed under race,
22 ethnicity, and gender that have Xs in the boxes similar
23 to the 2024 applications.

24 And it -- I -- like I said, I just -- I'm not
25 credentialed in handwriting analysis. But if I were to

1 -- you know, as a layman and having done this a lot in
2 my life for different investigations, the -- you're
3 right. The handwriting looks substantially the same to
4 me, with some small inconsistencies. But if you take
5 anybody on this board and ask them to write three
6 different things, you are going to find some
7 inconsistencies when you write. And my signature alone
8 will look -- and you can find 50 different examples of
9 it, depending on how tired I am at the time. So --

10 MR. FORSYTH: Yes. And I understand as an
11 attorney. I mean, I've encountered cases where it comes
12 to signatures. I mean, unfortunately, the original
13 wasn't available, I mean, because we don't know if it
14 was copied and pasted from another document, if there
15 was impressions on the actual original document to show
16 a live signature or a photo of it. I mean, of course
17 I'm getting into the realm of speculation on this, but I
18 mean -- I mean, once again, we go back to the fact that,
19 I mean, Sara never once tried to participate in an
20 election. And then as soon as she got notice of this --
21 of an attempt to register, I mean, she immediately
22 reported it to the Secretary of State's office.

23 And I mean, I understand the investigator,
24 once again, said that they had sent something to our
25 house in 2019 about an attempt to register. But my --

1 neither my wife nor I recall this. I mean, it's
2 possible we could have very well -- I mean, too bad it
3 wasn't certified, so we could say, yes, absolutely we
4 received it. But we don't recall this. I mean, we do
5 recall the 2022 letter, which we -- as soon as Sara
6 received that, she immediately called the Secretary of
7 State's office and, hey, I think someone is trying to
8 register under my name. I mean, we heard -- oh, I'm
9 sorry.

10 MEMBER KING: Sorry about that. Sorry to
11 interrupt you. I have been listening, and I believe
12 you. I believe both of you, actually. I --

13 MS. RAMTINFAR: Thank you.

14 MEMBER KING: And I believe you because in
15 2019, I had some really bizarre things happening as
16 well. I received a phone call from a close friend who
17 stated that she -- she's an older woman, and she stated
18 that she received an absentee ballot request and an
19 absentee ballot for a family member who had passed away
20 and who had never lived in Georgia. There was a lot of
21 wonky things going on in 2019, and we can --

22 MR. FORSYTH: Sure.

23 MEMBER KING: -- read it over and over and
24 over again. But the point is, I do know there was some
25 really bizarre things happening. The fact that you have

1 -- we have two documents that was filled out on the same
2 day is alarming to me. It just reeks to me of potential
3 voter fraud. But I can't say that I think it was on the
4 end of Ms. Ramtinfar. I just -- I don't see that.

5 But I am concerned about this case, and I
6 think where I'm conflicted is, how do I release these
7 individuals of this burden? Because I do believe them,
8 but then at the same time, how do we find out what
9 happened? Because I want to know if this happened
10 several times over, and I'm wondering if there was no
11 need to check the box in 2024 regarding citizenship
12 because citizenship was all over the place in the last
13 -- these last two years. So I -- I'm just -- I'm in a
14 position where I'm listening. I want to relieve them of
15 this burden because I do believe them, but I do want to
16 find out what happened.

17 CHAIRMAN FERVIER: I think it would be --
18 unfortunately, we don't have the ability to share these
19 documents right now. Do we -- can you --

20 INVESTIGATOR BRUNSON: I actually had the
21 investigator e-mail me, send me a PDF of the different
22 --

23 CHAIRMAN FERVIER: Yep.

24 INVESTIGATOR BRUNSON: -- documents so I can
25 forward it to them.

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1 CHAIRMAN FERVIER: We're going to e-mail the
2 documents to the board right now so they can look at the
3 documents themselves. It's going to be important for
4 you to be able to see these documents.

5 MEMBER KING: Thank you.

6 INVESTIGATOR BRUNSON: And one of the things
7 that the investigator did also is ask about, did you
8 report identity theft? He asked all of those questions.
9 He went through all of that with Ms. Ramtinfar, and
10 nothing had been done as far as reporting it.

11 You know, if there was a belief that this was
12 identity theft or some type of fraud, there was no
13 report made to the local police department. Those were
14 questions that were asked in addition to, was this
15 inadvertently filled out somewhere? And she indicated
16 that she was sure that she did not fill out this form.

17 MS. RAMTINFAR: Well, I'm sure because I know
18 myself, and I know that I'm extremely obsessive about
19 signing anything without fully reading it.

20 MR. FORSYTH: And as far as reporting it to
21 local police, I mean, when it came to issues of voter
22 fraud, my wife asked me, who should we report this to?
23 And, as an attorney, I thought the most appropriate
24 entity would be the Secretary of State office because we
25 had heard so much about voter fraud.

1 I mean, I didn't think it was a matter for the
2 local police. I was -- we reported it to the Secretary
3 of State's office, looking for guidance from them on how
4 we should proceed. I mean, this is an area that I'm not
5 familiar with litigating as an attorney, voter fraud
6 issues. And so that's why we went to the Secretary of
7 State's office because we thought it was the most
8 appropriate entity. I mean, and, you know, like I said,
9 I mean, I understand the -- and sorry. I'm starting to
10 get a little bit defensive.

11 As a, you know, an officer of the Court, I
12 mean, I'm not used to being questioned this way. I
13 mean, usually I'm -- but like I said, this is a personal
14 matter with my wife. And like I said, it's been a huge
15 stress of -- source of stress for us. And like I said,
16 I'm trying to keep my head cool and everything during
17 this because I love this woman, and, you know, I've
18 always tried to steer her legally in the right
19 direction. And then this happens, and I feel like I've
20 -- somehow, I've let her down, and I feel that -- and I
21 don't know what more we could have done besides alerting
22 the Secretary of State's office.

23 And when I hear the investigators saying that
24 we did not alert any other authorities, I'm just, like,
25 okay. Well, that's on me. I'm the attorney. I should

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1 have alerted the GBI, the FBI, the whomever, you know?
2 U.S. Marshals, the whomever, but that was on me, the --
3 a recommendation of reporting it to the Secretary of
4 State's office when my wife asked me who to report it
5 to.

6 CHAIRMAN FERVIER: Did you obtain any
7 handwriting samples outside of these documents besides
8 the -- that --

9 INVESTIGATOR BRUNSON: See, it might have been
10 a couple of other items that he looked at. Let me just
11 --

12 CHAIRMAN FERVIER: Ms. Ramtinfar, your
13 contention is, you didn't sign any of these documents,
14 correct? Or you didn't fill out any of these
15 applications?

16 MS. RAMTINFAR: No.

17 CHAIRMAN FERVIER: Okay.

18 MR. FORSYTH: Yeah. To the best of her
19 knowledge, she does not recall ever filling these things
20 out prior to when she got her citizenship. And like I
21 said, I'm a sworn officer of the Court, and I've been
22 married to this woman for the past eight years. And
23 it's not like she's a stranger to me.

24 MEMBER GHAZAL: Just --

25 MR. FORSYTH: I mean, I've taken an oath as an

1 attorney, as an officer of the Court, you know, to
2 uphold the constitution of both the state and the U.S.
3 I mean -- and this is something I'm -- you know, like I
4 said, I'm not taking lightly.

5 MEMBER GHAZAL: I'd like to clarify.

6 Ms. Ramtinfar, you did complete the 2024
7 applications, but you're -- you are testifying here that
8 you did not complete the 2019 application; is that
9 correct?

10 MS. RAMTINFAR: Oh, we are talking about 2019,
11 right?

12 MEMBER GHAZAL: Right. Yes. I just want to
13 clarify that the 2024 exemplars are demonstrably your
14 handwriting, correct?

15 MR. FORSYTH: To be honest, Sara was just
16 asking me -- as far as the 2024 goes, we don't recall.
17 I mean, we may have done it online. I can't remember
18 the process, to be completely honest.

19 CHAIRMAN FERVIER: Well, there were two of
20 them on the same day in 2024.

21 MR. FORSYTH: Okay.

22 CHAIRMAN FERVIER: They were filled out, in my
23 belief, by the same person, and they were --

24 MS. RAMTINFAR: Yeah, but 20 --

25 CHAIRMAN FERVIER: They weren't done in

1 person. They couldn't have been because there was
2 handwriting on them. So --

3 MR. FORSYTH: Yeah. No. I mean -- and I
4 mean, this gets to the back of the whole thing.

5 I mean, Sara, do you remember if you filled it
6 out in person or on --

7 MS. RAMTINFAR: Right now? Unfortunately, I
8 don't remember to -- if I did it online or what. But
9 2024 -- I mean, 2022, I was already a citizen, so --

10 MR. FORSYTH: Yeah. I don't think she
11 would've filled it out once again in 2024. I remember
12 after she got her citizenship and prior to that next
13 election for the midterms in November of 2022, we did a
14 voter registration, but I don't recall us doing one in
15 2024, to be completely honest. I mean, why register
16 over and over again?

17 MEMBER KING: And there's no indication that
18 you voted in 2019, correct? Or is it -- or did this
19 registration vote in 2019?

20 MS. RAMTINFAR: No, I didn't vote.

21 MR. FORSYTH: Oh, she wasn't asking you,
22 honey.

23 MS. RAMTINFAR: Oh, okay. I'm sorry.

24 MEMBER KING: This is to the investigators.
25 Yeah. Do we have -- do we show that -- do we just have

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1 a voter registration form that was completed, or do we
2 have her voting in 2019?

3 CHAIRMAN FERVIER: No. Voter registration
4 form.

5 MEMBER KING: Just the form. Okay.

6 MEMBER GHAZAL: That was my first question,
7 and they confirmed that.

8 MEMBER KING: Oh, that's right. Okay. Okay.

9 CHAIRMAN FERVIER: There are three different
10 voter registration forms here, one from 2019, two from
11 the same date in 2024. And those are separate
12 registration forms. One of them included a ZIP Code.
13 One of them did not include a ZIP Code. So you can tell
14 that they're different. And they're -- I think, when
15 you look at them, you'll see that they were filled out
16 by the same person because it's -- there's very, very
17 little difference in those two forms, and they're
18 substantially similar, it looks like, to the one filled
19 out in 2019.

20 MEMBER JOHNSTON: Where is the voter
21 registration for 2022?

22 CHAIRMAN FERVIER: This is all that I have, is
23 the -- those three.

24 MR. FORSYTH: Well, I know that we -- that
25 Sara voted in 2022. We registered. I mean, and like I

1 said, I don't recall Sara -- I mean, why would she need
2 to register, you know, twice in 2024? I mean, something
3 is definitely going on in this system, and it's
4 concerning. I mean, and like I said, Sara wouldn't have
5 -- I mean, she brought it to the attention of the
6 Secretary of State's office because of this. We hear
7 about voter fraud all the time. And so, I mean, this is
8 something -- I mean, and then, in a twist of fate, she's
9 the one that ends up getting accused after reporting it.

10 MS. RAMTINFAR: But the issue is 2019.

11 MEMBER GHAZAL: Just a couple of process
12 issues. We don't have criminal jurisdiction any sort of
13 criminal charges would have to come from a district
14 attorney's office. And that would require a separate
15 referral, and those are exceedingly rare. We do make
16 them, but it is very rare.

17 MR. FORSYTH: Sure. And I certainly thank you
18 for the clarification on that one. And then the letter
19 that we got, I mean, it was -- of course, I'm used to
20 getting letters from the Court, but this one, of course,
21 was very menacing in the way that it was worded. And of
22 course, it -- the way it says to suggest that she
23 violated OCGA 21-2-561 of false registration, which
24 carries up to a 10-year prison sentence on it.

25 I mean, of course, as a criminal defense

1 attorney, that gets my attention immediately, and
2 especially when it's involving my wife. And like I
3 said, as an officer of the Court, you know, I mean, I
4 would never allow my wife to knowingly violate any law.
5 Like I said, she's the most law-abiding citizen you'll
6 ever meet in your life.

7 MEMBER GHAZAL: I'm sorry. I'm being lazy.
8 Can you give me the citation once again? 21-2 --

9 MR. FORSYTH: The code?

10 MEMBER GHAZAL: Yes.

11 MR. FORSYTH: What are you -- oh, okay. Yeah,
12 it's OCGA 21-2-561, Sub-Paragraph 1.

13 MEMBER GHAZAL: Thank you.

14 INVESTIGATOR BRUNSON: Okay. Just to clarify,
15 the voter registration applications that were filled out
16 were handwriting samples that the investigator had Ms.
17 Ramtinfar fill out when he met with her.

18 MR. FORSYTH: Oh, okay. I was about to say
19 that I didn't -- why would we do it again in 2024?

20 INVESTIGATOR BRUNSON: Yeah. So that explains
21 why there's a 2024 on there because that's when he sat
22 down with Ms. Ramtinfar and had her fill that out to
23 compare it to the 2019 registration.

24 MS. RAMTINFAR: Oh, that's why I was not
25 remembering.

1 MEMBER GHAZAL: The reason I wanted to read
2 the statute itself is, I wanted to see the mens rea
3 requirement. And, unfortunately, for that particular
4 provision, the mens rea is related to knowing that you
5 are not qualified and not knowingly falsifying
6 information because that would've been a far simpler
7 analysis.

8 MR. FORSYTH: Of course.

9 MEMBER GHAZAL: Oh, I'm struggling --

10 MEMBER JOHNSTON: Yeah. 2023 registration
11 opinion via DDS.

12 MR. FORSYTH: And I haven't researched the
13 case law on it to define the statute, and that's -- but
14 -- and like I said, it certainly gets my attention when
15 my wife is being accused. I mean, especially when she
16 tries to do everything properly in life. I mean, it's .
17 . .

18 MEMBER JOHNSTON: Mr. Chair, do you have the
19 voter registration for 2022?

20 CHAIRMAN FERVIER: Yes. Yes.

21 INVESTIGATOR BRUNSON: Whereas, you know --

22 MEMBER GHAZAL: No. Uh-uh. That was the --

23 CHAIRMAN FERVIER: No, we -- I don't have
24 that.

25 INVESTIGATOR KOTH: No. It came in her -- it

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1 says her 2023 registration came in via DDS. This is the
2 election.

3 MEMBER GHAZAL: So there wouldn't be a form to
4 go with that since it was via DDS?

5 MEMBER JOHNSTON: But she voted in 2022,
6 right?

7 MR. FORSYTH: In November of 2022, yes.

8 MEMBER JOHNSTON: Oh, okay. So there should
9 have been a voter registration.

10 CHAIRMAN FERVIER: Ms. Ramtinfar, when did you
11 become a citizen?

12 MR. FORSYTH: June 26th, 2022.

13 CHAIRMAN FERVIER: Okay.

14 MEMBER KING: I want to go back to Dr. Jan's
15 question. Do we have a copy of her actual voter
16 registration?

17 INVESTIGATOR KOTH: We're checking GARViS
18 right now.

19 MEMBER KING: Okay.

20 MEMBER GHAZAL: This is not the point here,
21 but I would like to highlight the fact that the
22 registration was never processed. It was never
23 finalized because it was flagged as a non-citizen, so
24 the system worked.

25 CHAIRMAN FERVIER: In 2019?

1 MEMBER GHAZAL: In 2019, yeah.

2 MEMBER JOHNSTON: Can you show that to the
3 board?

4 INVESTIGATOR KOTH: Registered via DDS, and
5 that's all.

6 CHAIRMAN FERVIER: That's it. Drive, a
7 handwritten --

8 INVESTIGATOR KOTH: I have her application
9 from 2023. I think we'll have this --

10 CHAIRMAN FERVIER: Yeah. The DDS doesn't have
11 a handwritten application that we can identify. So I
12 guess the question is -- for the board is whether she
13 attempted to legally vote in 2020 election by
14 registering in 2019? No?

15 INVESTIGATOR BRUNSON: No.

16 MEMBER GHAZAL: That was -- there was no
17 attempt to vote prior to --

18 CHAIRMAN FERVIER: Well, I -- well, the
19 attempt to vote would be registering to vote, attempting
20 to register to vote --

21 MEMBER GHAZAL: Right. Yes.

22 CHAIRMAN FERVIER: -- in 2020. Yes.

23 INVESTIGATOR KOTH: And she has a DDS entry in
24 July of 2022, prior to her --

25 MEMBER GHAZAL: Page 18 of the file is the

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1 2022 signature on the DDS registration. So it was in --
2 it appears -- oh, no, I'm sorry. No, this is -- sorry.
3 I'm looking at something different.

4 CHAIRMAN FERVIER: Yep.

5 INVESTIGATOR KOTH: This is . . .

6 CHAIRMAN FERVIER: Does the board have any
7 further questions?

8 MEMBER JOHNSTON: Does the signature on the
9 2022 voter registration appear the same as the signature
10 on the 2019 voter registration?

11 MEMBER GHAZAL: I was --

12 MEMBER JOHNSTON: And the writing samples?

13 MEMBER GHAZAL: -- 2022. I was mistaken. I
14 was looking at something different. So --

15 MEMBER JOHNSTON: Sorry. What were you
16 looking at?

17 MEMBER GHAZAL: I was looking at a request for
18 information.

19 INVESTIGATOR KOTH: There's her Social
20 Security card.

21 CHAIRMAN FERVIER: There's a Social Security
22 card attached to that -- a driver's license attached to
23 that with signatures on them.

24 Any further questions from the board? Any
25 comments from the board?

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1 MEMBER JOHNSTON: I'm not sure I have a
2 complete picture of the dates and the handwriting and
3 the signatures. If we're -- if we do not have the 2022
4 voter registration, that's an important -- seems to me
5 that's an important document to obtain.

6 MS. HARDIN: I can send that to them right
7 now. It just doesn't have her signature on it, the
8 document that's in GARViS.

9 MEMBER KING: Did you say -- you said that the
10 document you have doesn't have her signature on it? Is
11 that because she did it online?

12 MS. HARDIN: She did it through DDS, and for
13 whatever reason, her signature's not on it.

14 INVESTIGATOR KOTH: According to Glynn County,
15 there's a signature on file on DDS for July 25th, 2022.
16 I'm just going to see if he can send that.

17 MS. HARDIN: Yeah, ask him to send it. I
18 don't see it on my copy in GARViS. They might just see
19 something different. You might have more access than
20 me.

21 MEMBER JOHNSTON: This is taking a long time.
22 Should we continue this to --

23 CHAIRMAN FERVIER: I think that continuing
24 this and seeing if we could obtain some more handwriting
25 samples online might be beneficial for the board and

1 sending that information to the board.

2 MS. RAMTINFAR: Excuse me. May I have a
3 question?

4 CHAIRMAN FERVIER: Yes.

5 MS. RAMTINFAR: May I ask a question? I mean,
6 would you please help me understand why are you looking
7 after the handwriting? Because I'm testifying the
8 handwriting was exactly similar to mine, so -- the
9 signature as well. So that's why I came to you. That's
10 why I reported immediately to you because I didn't know
11 what to do. Somebody on my behalf copied my handwriting
12 and my signature.

13 CHAIRMAN FERVIER: Yeah. That -- that's where
14 this board gets a little bit, I guess, concerned in that
15 we have some documents that were filled out by you that
16 are substantially similar to the ones in 2019, and this
17 board needs to make a decision whether or not that 2019
18 document was actually filled out by you or not. And I
19 think that Dr. Johnston is asking if there's any other
20 examples besides the two that were filled out in 2024.
21 I'm not -- I think the board would like some more time
22 to look at this before making a decision on it.

23 Is that correct, Dr. Johnston?

24 MEMBER JOHNSTON: I think so to be complete,
25 too, for -- because she's adamant that this is not her

1 handwriting, but we don't have enough example -- or I
2 don't have enough examples in front of me. And there's
3 a missing important document, the voter registration of
4 2022. That should be her initial voter registration
5 with requesting proof of citizenship documents, which
6 she had. So I think we need to --

7 MR. FORSYTH: And if I could jump in. I mean,
8 another crucial document that we're missing is the
9 original 2019 voter registration. There's only a copy
10 of it, and there's no way to verify whether that was --
11 that signature on it was copied and pasted, or if it was
12 a live signature. I mean, it -- it's -- and like I
13 said, that's concerning to me that there isn't an
14 original copy. There's just -- there isn't an original.
15 It's just a copy of it. And there's no way to determine
16 whether someone through editing software or anything may
17 have just imposed this signature on it. I mean, the --
18 that's what's concerning me, the lack of original
19 documents in the case.

20 CHAIRMAN FERVIER: It's not just -- it's not
21 just the signature. There's all -- I mean, all the
22 other writing, too, is substantially similar to what was
23 in 2024. I mean -- I mean, this board could send all
24 these documents off for a handwriting analysis and have
25 somebody who is professional at this determine whether

1 it was the same individual that filled out the 2024
2 documents and the 2019 document.

3 MR. FORSYTH: Well, once again, I mean, as I
4 said, I'm a -- I'm a licensed attorney. I've been
5 practicing now for 13 years. And I mean, I'm a sworn
6 officer of the Court, and I feel like my integrity is
7 being questioned in this -- I mean, when it comes to
8 this. I mean, like I said, I've taken an oath to uphold
9 the laws of the -- both the state of Georgia and the
10 U.S., and everything that my wife does legally is run
11 through me. And there's no way to -- that I could say
12 that she ever knowingly did this. I mean, she would
13 have handed it to me.

14 I mean, like I said, me being an officer of
15 the Court, I don't even have to go under oath when I
16 step into a court. I can actually give oaths when I'm
17 step into a courtroom. I mean, this is -- like I said,
18 I feel like my integrity is being questioned as an
19 officer of the Court. And then furthermore, my wife was
20 the one that brought her -- I mean, she's reported this.
21 I mean, the totality of the circumstances don't make any
22 sense that my wife reported this and has been fully
23 cooperative with investigators. She never once tried to
24 participate in an election and yet, she's being
25 threatened with a felony.

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1 MEMBER KING: Alex, can you send -- am I
2 missing -- I think I'm missing the 2024. I feel like I
3 only see the 2019.

4 MS. HARDIN: I've resent you guys another
5 email with all of the exhibits.

6 MEMBER KING: Okay. Let's see.

7 MS. HARDIN: First time I --

8 MS. RAMTINFAR: There's no 2024.

9 MS. HARDIN: The 2024 ones were the writing
10 samples.

11 MEMBER KING: Oh, the 2024 was a writing
12 sample. And --

13 MS. HARDIN: Yeah, those were the writing
14 samples.

15 MEMBER KING: Okay. But you said you sent
16 that to us?

17 MS. HARDIN: Yes. At 4:10, I sent you the --
18 all of the exhibits for the case.

19 MEMBER KING: I don't see it. I just see the
20 two. Okay.

21 MS. HARDIN: I can send it again.

22 MEMBER KING: Yes, please. Just the 2024.
23 I'm not sure why I don't see --

24 MEMBER JOHNSTON: I do not see it.

25 MS. HARDIN: The subject -- I'll send it

1 again. The subject of the email is 2022-035, Exhibits
2 1118.

3 MEMBER KING: Okay. I have 035 but it's just
4 one. And it's the 2019.

5 MEMBER JOHNSTON: Same here.

6 MS. HARDIN: I'll send it to you.

7 MEMBER GHAZAL: You may need to download the
8 full document. You might just be getting a screen cap
9 of the first page because my attachment is 42 pages.

10 MEMBER KING: Ah. I think I see. Okay.
11 Thank you, Sara. Okay. Let's see.

12 MS. RAMTINFAR: Those handwritings were given
13 to me by volunteer.

14 MR. FORSYTH: And once again, like I said,
15 under the totality of the circumstances, I mean, would I
16 risk my law license in aiding in the perpetration of a
17 felony or my wife risk her medical career by trying to
18 falsely register in an election. I mean, that just --
19 the totality of the circumstances, it doesn't make
20 sense. I mean, and if one were to step back and just
21 look at the totality of everything that's happened, I
22 mean, my wife being a medical doctor and me being an
23 attorney, if I -- we're going to try to commit felonies?

24 MEMBER KING: Ms. Ramtinfar, do you normally
25 -- for your ethnicity, do you normally mark White or do

1 you do the Other, Middle Eastern? What -- where --
2 where that come from, because I don't see that with the
3 sample.

4 MS. RAMTINFAR: I'm from Iran --

5 MEMBER KING: Uh-huh.

6 MS. RAMTINFAR: -- in the East.

7 MEMBER KING: So do you normally mark that --

8 MS. RAMTINFAR: White.

9 MEMBER KING: Okay. So you normally mark
10 White as ethnicity, because I see Middle Eastern
11 written.

12 MS. RAMTINFAR: I mean, it depends on the
13 choices, but you know, Iran is considered part of Middle
14 East, so.

15 MEMBER KING: No, correct. But no -- on -- so
16 you don't see what I see, but on the document on the
17 2019, they have Other. They have White checked, and
18 they have Other checked, and they have Middle Eastern
19 written as Other. And as I'm looking at this, I --
20 maybe I'm -- maybe I'm looking at it too hard, but I do
21 see differences in the handwriting.

22 MS. RAMTINFAR: As I told you, when I sat with
23 Investigator Monroe, we went through everything line by
24 line, and he said that you're not obligated to offer me
25 your handwriting, but I volunteered to give him my

1 handwriting few pages. I wrote everything for him
2 several times. So most of the handwriting was
3 shockingly my handwriting. The --

4 MR. FORSYTH: Similar to her handwriting, she
5 means, sorry.

6 MS. RAMTINFAR: Similar, yeah. But there were
7 some inconsistencies, including that the way that I
8 check the box. You know, I never go outside or
9 marginally mark a box. I'm sure that either it's an X
10 or if it's a check mark, it should be exactly within it.
11 I mean, it's -- because of my obsessive way of thinking
12 and reading and other than that being a physician that
13 obsessiveness never lets me do anything without fully
14 reading, fully understanding.

15 MEMBER KING: Yeah. I -- just for the board,
16 and I'm going to go back to mute, but I still stand on
17 my position that I do believe them. And as I'm looking
18 at this, I see similar -- I see the similarity. It's
19 very obvious, but the ethnicity thing threw me off a
20 bit. And even in the signature, I feel like the --
21 yeah, even in the signature, I can see -- I can see some
22 differences, which to Chairman Fervier's point that can
23 definitely change over time if you're saying it --
24 writing it multiple times. But yeah, I'm going to go
25 back mute, but I believe them, and I -- but I do want to

1 get to the bottom of this. I want to find out what's
2 going on with this.

3 MS. RAMTINFAR: Thank you.

4 CHAIRMAN FERVIER: Dr. Johnston, did you want
5 to continue this, or what did you want to do with this?

6 MEMBER JOHNSTON: I -- I'd like to request
7 continuation to find the 2022 voter registration.

8 CHAIRMAN FERVIER: Do we have a motion? Is
9 that a motion, Dr. Johnston?

10 MEMBER JOHNSTON: I move that we continue the
11 case to complete the document production.

12 CHAIRMAN FERVIER: We have a motion to
13 continue this case to complete document production on
14 this case. Is there a second?

15 MEMBER KING: If we're continuing it to the
16 next meeting, right, so we're not --

17 CHAIRMAN FERVIER: Yes.

18 MEMBER KING: -- dragging this. Okay.

19 CHAIRMAN FERVIER: Yeah.

20 MEMBER KING: Okay. I will support that so we
21 can see the other document, but I think we know that --
22 I mean, we have writing samples and at Ms. Ramtinfar's
23 admission, they're the similar -- the signatures do look
24 similar. So I do think once we get the document, we're
25 going to probably be in the same situation. But, again,

1 I just -- I'm very concerned about -- I'm just very
2 concerned about escalating this and we have someone in
3 front of us who self-reported when we just talked -- we
4 just listened to several cases where we praised people
5 for taking the initiative to self-report. And I know
6 that there are some concerns about as far as timing and
7 mailers and all these things. But I guess I stand on
8 how I feel. I'm okay with -- I will second continuing
9 it to the next meeting, but I'm hoping we can get to
10 some resolve then.

11 CHAIRMAN FERVIER: We have a motion and a
12 second to continue to the next meeting. Yes. Any
13 further discussion?

14 MR. FORSYTH: Is it okay to speak now?

15 CHAIRMAN FERVIER: We're in the middle of a
16 motion. We have a motion and a second to continue this
17 to the next meeting.

18 Any further discussion? Hearing no further
19 discussion, all those in favor to continue to the next
20 meeting, signify by saying aye.

21 MEMBER JEFFARES: Aye.

22 MEMBER JOHNSTON: Aye.

23 MEMBER GHAZAL: Aye.

24 MEMBER KING: Aye.

25 CHAIRMAN FERVIER: Hearing no opposition, the

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1 motion carries four to zero we continue to the next
2 meeting.

3 MR. FORSYTH: And if I'm -- if I haven't been
4 muted yet, when is the next meeting?

5 CHAIRMAN FERVIER: Right now, it's scheduled
6 for May the 13th.

7 MR. FORSYTH: Okay.

8 CHAIRMAN FERVIER: We'll send out notification
9 if we have any meetings between now and then, but it'll
10 be scheduled for May the 13th.

11 MR. FORSYTH: Okay. Very well.

12 MEMBER KING: And, Mr. Chairman, I want to --
13 I want to add something -- speak something or share
14 something with the board. Look at -- I want you to look
15 at how her address is written, the 344. Just -- I want
16 you just to look at that and compare that to that first
17 writing, like from her sample versus the first writing.
18 And I think the fours are different. It just looks
19 different. It looks like two different handwritings to
20 me. So I just want to add that. Just want to make sure
21 I go on record with that while we're reviewing these
22 documents.

23 CHAIRMAN FERVIER: Got it. Okay. Thank you.
24 Let me ask the board. We are at 4:34. We have two more
25 Glynn County cases. Do we want to release Chatham until

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1 tomorrow, also?

2 MEMBER JEFFARES: Yes.

3 CHAIRMAN FERVIER: Any opposition to that?

4 Okay.

5 MEMBER KING: No.

6 CHAIRMAN FERVIER: Chatham County, if you're
7 attending this today, there is seven cases. I don't --
8 it doesn't appear that we'll get there before 5:00 to
9 hear you so you're released until in the morning. We'll
10 start with Chatham County at 9:00 in the morning then.

11 Next case on the agenda is SEB2022-120, Glynn
12 County, Voter Video at Polls. It's Tab number 37 in the
13 binders.

14 Investigators.

15 INVESTIGATOR KOTH: Yes. This was reported
16 from the elections director of Glynn County. He said
17 that a voter had come in and appeared to be videotaping
18 himself. It was -- videoed himself with the cell phone
19 going to the polling place and inside the voting booth,
20 and the voter posted the video on his Facebook page.
21 Mr. Putnam was interviewed and admitted to taking the
22 video and posting it on Facebook. He advised he didn't
23 know it was illegal. He said he didn't remember seeing
24 any signs against it and said he would not do it again.
25 He wrote a statement advising the same and said he was

1 only trying to remind people to get out to vote on
2 social media. Potential violations, OCGA 21-2-413(e),
3 Conduct of Voters.

4 CHAIRMAN FERVIER: Do we have a respondent
5 here today?

6 MS. HARDIN: I do not see one.

7 CHAIRMAN FERVIER: It appears we don't have a
8 responder -- respondent to your -- do you have somebody
9 from Glynn County?

10 MS. HARDIN: I think he might be watching the
11 live stream, but he's not on the Zoom. No.

12 CHAIRMAN FERVIER: No?

13 MS. HARDIN: He's not on the Zoom.

14 CHAIRMAN FERVIER: We do not have a respondent
15 from -- or a person from Glynn County here. Does the
16 board have any questions on this case for the
17 investigators?

18 MEMBER GHAZAL: Can somebody remind me how
19 long the video was up on Facebook?

20 INVESTIGATOR KOTH: That's how it was reported
21 to Glynn County because it was on the Facebook. I'm not
22 sure how long. Let me look.

23 MEMBER GHAZAL: You know what? It -- it's
24 fine. I don't think it would change my recommendation,
25 which is that we send a Letter of Reprimand in this

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1 case. And at the -- at the appropriate time, I will so
2 move.

3 CHAIRMAN FERVIER: Any other question or
4 comments from the board on this case?

5 MEMBER JOHNSTON: Yes. Question, Mr. Chair.
6 Were other voter -- there were voters, but were signs
7 posted in the polling place, no camera, no recording
8 equipment?

9 CHAIRMAN FERVIER: Do the investigators know
10 that question?

11 INVESTIGATOR KOTH: Yes.

12 CHAIRMAN FERVIER: Yes, they were.

13 MEMBER JOHNSTON: Okay. Did any poll workers
14 or superintendent give Mr. Putnam permission to video?

15 INVESTIGATOR KOTH: No.

16 CHAIRMAN FERVIER: No.

17 MEMBER JOHNSTON: Did the poll workers address
18 Mr. Putnam while he was in the polling place videoing
19 his whatever he was videoing?

20 INVESTIGATOR KOTH: I don't think they knew at
21 the time because they found out when someone sent them
22 the video on Facebook.

23 MEMBER JOHNSTON: Okay. Was it a video of his
24 ballot?

25 INVESTIGATOR KOTH: Just was him voting.

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1 MEMBER JOHNSTON: And what does that mean? A
2 picture of his face or was it a -- was it a video of the
3 BMD screen or the printed ballot summary?

4 CHAIRMAN FERVIER: Dr. Johnston, do you mind
5 --

6 INVESTIGATOR KOTH: He said he filmed himself
7 voting. He just filmed himself.

8 CHAIRMAN FERVIER: Dr. Johnston, for my own
9 education, I'm curious what difference that would make
10 for you?

11 MEMBER JOHNSTON: The difference for me is
12 that the real issue about cameras and recording devices
13 is the prevention of vote selling or vote buying to
14 record your ballot or your voted ballot and to take that
15 outside of the polling place and be paid for voting a
16 certain way.

17 CHAIRMAN FERVIER: Okay.

18 MEMBER JOHNSTON: Okay.

19 CHAIRMAN FERVIER: All right.

20 MEMBER JOHNSTON: All right.

21 CHAIRMAN FERVIER: Helpful. Thank you.

22 MEMBER JOHNSTON: Okay. The other issue is
23 voting during -- or recording during voting hours. The
24 statute says while voting is taking place. So there --
25 there's not a prohibition in the statute from using a

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1 camera when voting is not taking place, but --

2 CHAIRMAN FERVIER: Correct.

3 MEMBER JOHNSTON: -- apparently, this was
4 while voting was taking place.

5 CHAIRMAN FERVIER: Correct.

6 MEMBER JOHNSTON: Right.

7 CHAIRMAN FERVIER: So it's really two
8 different issues for you. One is actual videoing while
9 voting and then whether he took a picture of the ballot
10 for potential vote selling.

11 MEMBER JOHNSTON: Exactly. That -- that's the
12 main reason why we don't want people to --

13 CHAIRMAN FERVIER: Right.

14 MEMBER JOHNSTON: -- to photo their ballots.

15 CHAIRMAN FERVIER: Right. Okay.

16 MEMBER JOHNSTON: And then the secondary issue
17 is disruption to other people that are voting.

18 CHAIRMAN FERVIER: And privacy issues, yes.

19 MEMBER JOHNSTON: And privacy.

20 CHAIRMAN FERVIER: Yep. Are there any other
21 questions?

22 The Chair would entertain a motion on this
23 case.

24 MEMBER GHAZAL: Oh, I'm sorry. I just wanted
25 to clarify. My understanding is that the respondent was

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1 a candidate, correct, who was on the ballot? Is that
2 correct, Investigator Koth?

3 INVESTIGATOR KOTH: I don't recall that part.

4 MEMBER GHAZAL: I -- you know, I'm sorry. I
5 could have misread that of when the -- no, I --
6 candidate Bob Duncan entered the - the polling location,
7 so I believe he was --

8 INVESTIGATOR BRUNSON: Yeah, that's the next
9 one, 142.

10 INVESTIGATOR KOTH: I was going to say, this
11 is Putnam.

12 MEMBER JOHNSTON: This is Otis Putnam, Sara.

13 CHAIRMAN FERVIER: Yeah, so that's the next
14 one.

15 INVESTIGATOR BRUNSON: Yeah, the next one.

16 MEMBER GHAZAL: I'm looking at the wrong one.
17 Okay. Okay. Okay. Sorry. Sorry about that, guys.

18 MEMBER JOHNSTON: All right. So my
19 recommendation would be if you could look at the video
20 of whatever was posted, if he -- if it's a video of the
21 ballot, I would -- I would like to refer it to the
22 Attorney General. If it's simply a video of his -- I
23 don't know -- his face or his body or something, but it
24 does not reveal that information, then I would issue a
25 Letter of Instruction or Reprimand.

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1 CHAIRMAN FERVIER: Is there a way to verify
2 that, Investigator Koth?

3 INVESTIGATOR KOTH: I'm looking. Got to pull
4 up the video. I didn't think his ballot was in there,
5 but let me double-check real quick.

6 CHAIRMAN FERVIER: The -- Investigator Koth is
7 trying to pull up the video now, so she can confirm.

8 INVESTIGATOR KOTH: It doesn't look like the
9 video was downloaded because it was already taken off of
10 Facebook when we spoke with him.

11 CHAIRMAN FERVIER: So we don't have a copy of
12 the video?

13 INVESTIGATOR KOTH: It doesn't look like we
14 do. It was just a link and the link is not working.

15 MEMBER JOHNSTON: So we don't -- we don't have
16 the evidence.

17 CHAIRMAN FERVIER: We do not.

18 MEMBER JOHNSTON: Well, that changes things.

19 CHAIRMAN FERVIER: Well, he had -- he admitted
20 --

21 INVESTIGATOR KOTH: He admitted --

22 CHAIRMAN FERVIER: He admitted to the video
23 being on there. We just don't have evidence as to
24 whether it was of the ballot or himself.

25 MEMBER JOHNSTON: I see -- the description is

1 it was a video of approaching the polling place and
2 exiting the building.

3 INVESTIGATOR KOTH: It says it does not show
4 the face of the ballot, but it did show the two races in
5 the back of the ballot.

6 MEMBER JOHNSTON: I'm sorry. What does it
7 show?

8 INVESTIGATOR KOTH: It does not show the face
9 of the ballot but does show the races in the back of the
10 ballot.

11 MEMBER JOHNSTON: In the back of the ballot.

12 CHAIRMAN FERVIER: Was he voting on a paper
13 ballot?

14 INVESTIGATOR KOTH: Let's see. It didn't
15 mention the face of the ballot, but does show the two
16 races in the back of the ballot.

17 CHAIRMAN FERVIER: It must be a paper ballot,
18 then, because it --

19 INVESTIGATOR KOTH: He might have printed it.

20 CHAIRMAN FERVIER: Could be a printed ballot.

21 INVESTIGATOR KOTH: Okay. He took it down
22 that day.

23 CHAIRMAN FERVIER: The video was taken down on
24 the day that it was put up?

25 INVESTIGATOR KOTH: Yeah.

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1 CHAIRMAN FERVIER: So it was taken down the
2 same day it was put up.

3 INVESTIGATOR KOTH: He just said that he
4 didn't know it was illegal.

5 CHAIRMAN FERVIER: The respondent claimed that
6 he did not know it was illegal.

7 MEMBER JOHNSTON: Well, if we don't have the
8 evidence, then I would recommend a Letter of
9 Instruction. I would make a motion to send a Letter of
10 Instruction to Mr. Putnam.

11 CHAIRMAN FERVIER: We had a -- Member Ghazal
12 had recommended a Letter of Reprimand. You are
13 recommending him a Letter of Instruction.

14 MEMBER JOHNSTON: Did she say reprimand?

15 CHAIRMAN FERVIER: She did say reprimand.
16 Yes.

17 MEMBER JOHNSTON: I -- I'm sorry. I withdraw
18 my motion. I did not know she had actually made the
19 motion.

20 MEMBER GHAZAL: I don't think I formally --

21 CHAIRMAN FERVIER: She said when the time
22 came, she would --

23 MEMBER GHAZAL: Yeah. And it's because it was
24 -- the video was made. The video was posted. So it was
25 -- it was a technical violation of the law, but Letter

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1 of Reprimand will not have any further repercussions.

2 MEMBER JOHNSTON: Well, I'm not clear. It
3 says -- it -- the description says it was a video of
4 going to the building and exiting the building.

5 MEMBER GHAZAL: There is -- at some point, the
6 description also says of him in the voting -- in the --
7 in the booth casting his ballot.

8 CHAIRMAN FERVIER: And a portion of the ballot
9 was seen, correct?

10 INVESTIGATOR KOTH: Yes.

11 CHAIRMAN FERVIER: And a portion of the ballot
12 was seen also.

13 INVESTIGATOR KOTH: You can see the two races
14 on the back of it. He voted on a BMD.

15 MEMBER JOHNSTON: I'm sorry. I cannot hear.

16 INVESTIGATOR KOTH: He voted on a BMD.

17 MEMBER JOHNSTON: So how would the choices be
18 on the back?

19 INVESTIGATOR KOTH: I think it was his ballot
20 that he -- that was in the video, but it was the back of
21 it. You can see the races when he printed it.

22 CHAIRMAN FERVIER: It was the printed ballot
23 that was in the video.

24 MEMBER JOHNSTON: Oh.

25 CHAIRMAN FERVIER: Member Ghazal, did you want

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1 to make a motion?

2 MEMBER GHAZAL: I move that we issue a Letter
3 of Reprimand.

4 CHAIRMAN FERVIER: We have a motion to issue a
5 Letter of Reprimand. Is there a second?

6 MEMBER KING: Second.

7 CHAIRMAN FERVIER: We have a motion and a
8 second to issue a Letter of Reprimand in this case. Any
9 further discussion? Hearing no further discussion, all
10 those in favor of issuing a Letter of Reprimand, signify
11 by saying "Aye".

12 MEMBER GHAZAL: Aye.

13 MEMBER JOHNSTON: Aye.

14 CHAIRMAN FERVIER: Member Jeffares?

15 MEMBER JEFFARES: Aye.

16 CHAIRMAN FERVIER: Aye? Okay.

17 Any opposition?

18 Hearing no opposition, the motion is carries
19 four to zero. A Letter of Reprimand will be issued.

20 Our last case that we'll hear today is
21 SEB2022-142, Glynn County, Candidate Entered Poll Place
22 During Voting. That's Tab number 38 in your board book.
23 Investigators?

24 INVESTIGATOR BRUNSON: This is regarding Glynn
25 County, June 21st, 2022, General Primary Runoff

1 Election. The Secretary of State's office received a
2 complaint from Glynn County reporting from a poll
3 manager of the St. William polling location, alleging
4 that Robert "Bob" Donovan, the candidate for House
5 District 179, entered the polling location and walked
6 into the secured area to look at the scanner count.

7 After the incident, the Glynn County election
8 supervisor called Mr. Duncan and advised him that he
9 violated a state election code that restricted
10 candidates from entering a polling location. The
11 investigator interviewed the poll manager, Fred Leaf, by
12 phone. He reported that he observed Mr. Duncan walk
13 into the polling location and look at a ballot scanner
14 vote number. He told Mr. Duncan that, as a candidate,
15 he is not supposed to be there. Mr. Duncan subsequently
16 left.

17 The investigator later interviewed Mr. Duncan
18 who told the investigator that he was a candidate for
19 House District 179. He indicated that he went into the
20 polling location to use the restroom. He approached the
21 scanner and looked at it to get a vote count when the
22 poll manager asked him what he was doing there. He
23 indicated that he did not know that he could not go into
24 a polling location. The polling location where the
25 incident occurred is Precinct number 202, St. Catholic

1 -- St. William Catholic Church, located at 2300
2 Frederica Road, St. Simon's Island.

3 The GARViS voter registration system reports
4 that he voted in person on June 13th, 2022 during the
5 advanced early voting period, and his assigned polling
6 place is at a different location: Christian Renewal
7 Church. So based on the investigation, there's evidence
8 to suggest that Robert Duncan violated GA 21-2-414(d),
9 Restrictions on Campaign Activities, when he entered the
10 polling location, that was not his assigned location, to
11 look at the vote count.

12 CHAIRMAN FERVIER: It does not appear that Mr.
13 Duncan is online as a respondent, and we don't have
14 anybody from Glynn County either. Are there any
15 questions from the board for the investigators?

16 MEMBER JOHNSTON: Is Mr. Duncan in the room?

17 CHAIRMAN FERVIER: No, we don't -- he doesn't
18 appear to be online. No.

19 MEMBER GHAZAL: I will say that I had recalled
20 a candidate in the previous case, which was not correct,
21 because I hold candidates to a higher standard of
22 knowledge around elections if they're going to be on the
23 ballot, than just a general member of the public.
24 Candidates for office who are running to write the laws
25 need to understand the laws that exist and uphold them.

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1 CHAIRMAN FERVIER: Do we have questions from
2 the board? If there are no other comments, the Chair
3 will entertain a motion at this point.

4 MEMBER GHAZAL: I move we issue a Letter of
5 Reprimand.

6 CHAIRMAN FERVIER: We have a motion from
7 Member Ghazal to issue a Letter of Reprimand to Robert
8 Gene Duncan on this case. Is there a second?

9 MEMBER KING: Second?

10 CHAIRMAN FERVIER: We have a motion and a
11 second from Member King to issue a Letter of Reprimand.
12 Any discussion?

13 Hearing no discussion, all those in favor of
14 issuing a Letter of Reprimand, signify by saying "Aye".

15 MEMBER JEFFARES: Aye.

16 MEMBER GHAZAL: Aye.

17 CHAIRMAN FERVIER: Dr. Johnston, did I --

18 MEMBER KING: Aye.

19 MEMBER JOHNSTON: Aye.

20 CHAIRMAN FERVIER: Aye?

21 Hearing any opposition?

22 Hearing no opposition, so moved. The Letter
23 of Reprimand will be issued.

24 That concludes the cases that we will hear
25 today. We are at 4:53. Is there a motion to recess?

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1 Well, let me say. We'll start tomorrow morning with the
2 Chatham County at 9:00 p.m. [sic] and move through the
3 rest of the cases and the other matters to come before
4 this board and should be able to complete that tomorrow,
5 I would think so. Do we have a motion to recess for the
6 day?

7 MEMBER JOHNSTON: Mr. Chair, I move that we
8 recess for the day and reconvene at 9:00 a.m. in the
9 morning.

10 CHAIRMAN FERVIER: We have a motion to recess
11 and convene -- and reconvene at 9:00 a.m. Is there a
12 second?

13 MEMBER KING: Second.

14 MEMBER JEFFARES: Second.

15 CHAIRMAN FERVIER: We have a motion and
16 multiple seconds. All those in favor, signify by saying
17 aye.

18 MEMBER JEFFARES: Aye.

19 MEMBER JOHNSTON: Aye.

20 CHAIRMAN FERVIER: Any opposition? Hearing no
21 opposition, so moved. This meeting is now recessed
22 until 9:00 in the morning.

23 Thank you, board members. Thank you to
24 members of the public.

25 MEMBER KING: Thank you.

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1 MEMBER JOHNSTON: Thank you. Good day.

2 (Meeting adjourned at 4:52 p.m.)

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1 REPORTER DISCLOSURE

2

3 Pursuant to Article 10.B of the Rules and Regulations
4 of the Board of Court Reporting of the Judicial Council of
5 Georgia, I make the following disclosure:

6 I am a Georgia Certified Court Reporter. I am here as
7 a representative of Esquire Deposition Solutions. I am not
8 disqualified for a relationship of interest under the
9 provisions of O.C.G.A. 9-11-28(c).

10 I was sent by the offices of Esquire Deposition
11 Solutions to provide court reporting services for these
12 proceedings. I will not be taking this hearing under any
13 contract that is prohibited by O.C.G.A. 15-14-37 (a) or
14 (b).

15 Esquire has no exclusive contract to provide
16 reporting services with any party to the case, any counsel
17 in the case, or any reporter or reporting agency from whom
18 a referral might have been made to cover this proceeding.

19 Esquire will charge its usual and customary rates to
20 all parties in the case, and a financial discount will not
21 be given to any party to this litigation.

22 Dated this 28th day of March, 2025.

23

24



25

MARIAH NORTH
Certified Court Reporter

1 CERTIFICATE OF REPORTER

2

3 I, MARIAH NORTH, a Digital Reporter and Notary
4 Public within and for the State of Georgia do hereby
5 certify:

6

7 That the foregoing witness whose examination
8 is hereinbefore set forth was not duly sworn and that
9 said testimony was accurately captured with annotations
10 by me during the proceeding.

11

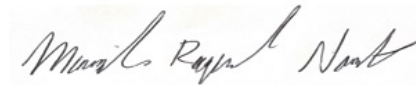
12 I further certify that I am not related to any
13 of the parties to this action by blood or marriage and
14 that I am not interested in the outcome of this matter,
15 financial or otherwise.

16

17 IN WITNESS THEREOF, I have hereunto set my
18 hand this 28th day of March 2025.

19

20



21

22

MARIAH NORTH, CCR

23

Notary Commission Georgia No. W-00601063

24

Commission Expires: April 03, 2027

25

1 CERTIFICATE OF TRANSCRIPTIONIST

2

3 I, Tricia L. Holmes, Certified Court Reporter,
4 do hereby certify:

5 That the foregoing is a complete and true
6 transcription of the original digital audio recording of
7 the testimony and proceedings captured in the
8 above-entitled matter. As a transcriptionist, I have
9 reviewed and transcribed the entirety of the original
10 digital audio recording of the proceeding to ensure a
11 verbatim record to the best of my ability.

12 I further certify that I am neither attorney
13 for nor relative or employee of any of the parties to
14 the action; further, that I am not a relative or
15 employee of any attorney employed by the parties hereto,
16 nor financially or otherwise interested in the outcome
17 of this matter.

18 In witness thereof, I have hereunto set my
19 hand this 28th day of March, 2025.

20

21



22

Tricia L. Holmes, CCR

23

License No. 22012955

24

Expiration Date: May 20, 2025

25

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7 STATE ELECTION BOARD MEETING

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12 Wednesday, February 26, 2025

13 Remote Proceeding

14 Day 2 of 2

15 9:02 a.m.

16

17

18

19

20

21

22

23

24 Anthony Patterson
25 No. 5610-9504-0774-9632
 Esquire Deposition Solutions

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1 BOARD MEMBERS

2 John Fervier, Chairman
3 Sara Tindall-Ghazal, Board Member
4 Janelle King, Board Member
5 Dr. Janice Johnston, Board Member
6 Rick Jeffares, Board Member

7

8

INVESTIGATORS

9

Sara Koth
10 Michael Brunson

11

12

ATTENDEES

13 Sabrina German, Registrar
14 Alexandra Hardin, Technician
15 Billy Wooten
16 Belinda Hill Jones
17 Andre Pretorius
18 Fred Gaylord
19 John Boutwell
20 Susan Malphurs
21 Shannon Nettles
22 Anistashia Knight
23 Tom Lehman
24 Dana Barfield

25

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Laci Burke
Jennifer Herzog
Brenda Hodges
Salleigh Grubbs
Marilyn Marks
Joseph Kirk
Kevin Moncla
Garland Favorito

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1 STATE ELECTION BOARD MEETING

2 February 26, 2025

3 (Reporter disclosure made pursuant to Article
4 10.B of the Rules and Regulations of the Board of Court
5 Reporting of the Judicial Council of Georgia.)

6 (The proceedings commenced at 9:02 a.m.)

7 CHAIRMAN FERVIER: Good morning, everyone.
8 Hope you all had a good night's sleep and are ready to
9 begin again. We are reconvening the February 25th,
10 '25, meeting of the State Election Board. This is, of
11 course, February 26th of 2025 for Day 2 of that
12 meeting. And we will hit the ground running and start
13 with the Chatham County cases, which were next on the
14 agenda.

15 So the first case to be heard this morning is
16 SEB2022-103. And that's Chatham County, failure to
17 open polls at 7:00, and it's Tab Number 39 in the
18 Board's book.

19 If the investigators would like to present
20 that case.

21 INVESTIGATOR KOTH: Okay. This is 2022-103
22 Chatham County, failure to open polls at 7:00. It was
23 reported from the Chatham County District 7 to 9C
24 voting space was not up and running at 7:00 in the
25 morning for voting in --

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1 DIGITAL RESPONSE: Recording stopped.

2 Recording in progress.

3 CHAIRMAN FERVIER: Okay. All right.

4 INVESTIGATOR KOTH: The poll workers did not
5 contact the County Election Center until 7:25 to report
6 that the machines were not working. The second
7 complaint was it was recorded that a video was
8 illegally taken of poll workers at the Pooler -- at the
9 Pooler precinct and that it was posted online to the
10 Chatham Free Press Facebook page.

11 The findings are, for Complaint 1, Mrs. Hill
12 Jones documented that she discovered the poll pad
13 problems before opening the polls at 6:50 a.m., and
14 that is when she contacted the technician, who arrived
15 at 7:35 a.m.

16 Mrs. Hill Jones documented there were
17 approximately 20 voters in line when the poll was
18 opened at 7:00, and the voting began just before 8:00.
19 She did not offer emergency ballots, because she
20 believed that the technician would be there within 10
21 to 15 minutes to fix the issue. She did not seek to
22 obtain a court order to extend poll hours for the time
23 voting didn't occur, 7:00 to 8:00, because of the poll
24 pad issue.

25 Ms. Hill Jones was a first-time poll manager,

1 and she reported that although three voters left the
2 precinct while the technician was on the way, all three
3 voters returned later and were able to cast their
4 ballots.

5 Mr. Wooten was unaware this occurred until
6 investigators contacted him regarding this
7 investigation. The technician thought the poll manager
8 had alerted the Board of Elections Office, and Mrs.
9 Hill Jones believed she had done what she needed to do
10 when she contacted the technician, and he was able to
11 correct the poll pad issue.

12 In the second complaint, it appears that the
13 35 seconds of video might have been recorded by a
14 female elector who was being told she had already
15 voted, but her name was not stated in the video. The
16 poll manager documented that the poll worker in the
17 video was -- has viewed the footage, but stated that
18 the poll worker said he did not see a phone or a
19 camera.

20 The investigator spoke with Mr. Wooten, and he
21 explained the problem in this instance was a master
22 upload issue. He stated this is not uncommon and has
23 happened in precincts before. He explained that prior
24 notices sometimes don't get erased during the upload,
25 and, therefore, it may show that an elector has already

1 voted.

2 Mr. Wooten explained, though, that the
3 registrar has the ability to search the system to
4 determine if an elector has voted and can verify the
5 results to the poll manager, which is what took place.

6 So there's sufficient evidence to show that
7 Chatham County Board of Elections supervisor, Mrs. Hill
8 Jones, and Chatham County Board of Elections violated
9 SEB Rule 183-1-12-.11, conducting elections.

10 There is also sufficient evidence to show that
11 Mr. Billy Wooten, Mrs. Hill Jones, and the Chatham
12 County Board of Elections violated
13 O.C.G.A. 21-2-43(a)(b), time for opening and closing of
14 polls, extended poll hours.

15 CHAIRMAN FERVIER: The respondents are
16 Mr. Billy Wooten, Ms. Belinda Hill Jones, and --
17 Mr. Wooten, are you online today?

18 MR. WOOTEN: Yes, I am.

19 CHAIRMAN FERVIER: Would you like to respond
20 to these -- this case?

21 MR. WOOTEN: First -- yeah. First, I'd like
22 to do a little housekeeping. Somehow we've got three
23 different complaints melded into one. The videoing at
24 the poll was at a separate poll. It was not at the
25 same poll. It was at a Pooler poll and involved a

1 different set of people than the people in the -- in
2 the complaint as far as the poll opening late.

3 And the poll pad issue is a completely
4 different issue from another poll as well. It was --
5 it was -- we had poll pad issues at this poll, but it
6 wasn't -- it wasn't an upload issue.

7 I think -- I just think there's been some --
8 maybe some cut-and-paste issues here that have kind of
9 melded complaints that were at different polls at
10 different times and maybe even at different elections.

11 But I would like to respond to 7-9, Poll 7-9,
12 which opened late. That was the first-time manager --
13 the first time that she had worked -- she had worked
14 polls previously. That was her first time as a
15 manager.

16 She -- she had, certainly, some anxiety and
17 some confusion that day. There were communication
18 issues. If she had called the office, I would have had
19 a technician there in ten minutes, and we could have
20 figured out why the poll pads wouldn't power up.

21 But she called her tech, and the tech said,
22 Well, you're my next stop. I'll be there very shortly.

23 She did not tell the tech, Well, I'm not open.

24 So there was -- there was communication issues
25 that I wish had not happened. I counseled with her and

1 with the tech to make sure they understood that this
2 was not acceptable and that they needed to ask more
3 questions.

4 If a manager says, I need you, then the tech
5 needs to say, Are you open? Are you prepared to open?

6 And -- and the tech needs to say, You -- you
7 need to call the election office. Billy's got a help
8 desk team that can respond immediately. We could have
9 had someone there in short time.

10 The poll manager worked two more elections
11 after this one. We did not have any issues opening
12 late. She did a good job for us after this initial
13 issue. She has since left the election -- she started
14 -- I'm told she started her own business, and we are
15 proud of her for that.

16 We do not experience late openings in Chatham.
17 We did not have any polls open late in 2020, '21, '23,
18 or '24. We stress that and work on that diligently to
19 make sure that the polls are open.

20 That day, I questioned the poll manager about
21 the voters who were there in the poll to vote. And she
22 explained to me that none were turned away, that -- she
23 explained to me that voters were told they could vote a
24 paper ballot if they chose, but they wanted to wait and
25 vote on the machines. They wanted to see that the

1 system was working. And I -- I certainly understood
2 that. She told me, as well, that two or three people
3 left but came back to cast a vote.

4 So based on that, I talked with my board
5 chairman. Based on that, we didn't have anyone that
6 was turned away or that could not cast a vote, and so
7 voters indeed were -- were able to vote.

8 I did not receive a complaint from a voter
9 that day. I haven't -- and there were no posts. We
10 monitor social media posts, and we certainly are in
11 touch with local media to see if they're hearing of
12 problems at the polls, because that's sometimes a good
13 way to find out. People maybe won't call us first.
14 Instead, they'll post something somewhere.

15 And so I -- I really -- it mortified me that
16 we that we -- that we opened late, as I told the
17 investigator when they called me. But we did
18 everything we could do to rectify the situation, and we
19 put measures in place so that this absolutely will not
20 happen again.

21 CHAIRMAN FERVIER: Okay. Any questions from
22 the Board for Mr. Wooten?

23 BOARD MEMBER JOHNSTON: Mr. Chair?

24 CHAIRMAN FERVIER: Yes, Member Johnston.

25 BOARD MEMBER JOHNSTON: Mr. Wooten, could you

1 describe the problem with the poll pads?

2 MR. WOOTEN: I was told they would not power
3 up, and I never did get a clear understanding. I went
4 to that poll. It's in a church. I went to that poll
5 to see if I could better understand what that situation
6 was, because if they're not going to power up -- I
7 mean, they were fully charged when they left our
8 warehouse, and they should have come right on. And the
9 plugs -- we tested the plugs in that room, and the
10 electrical outlets were working.

11 And so I don't know if there was just some
12 confusion on the part of the poll manager and her team.
13 The technician got there, and he started them up. I
14 mean, he had two running immediately. And so he also
15 had confusion about why -- why they had a problem
16 starting them.

17 BOARD MEMBER JOHNSTON: So -- so your
18 understanding is that it was just a power-on problem?

19 MR. WOOTEN: Yes.

20 BOARD MEMBER JOHNSTON: Not -- not a data
21 upload problem?

22 MR. WOOTEN: No.

23 BOARD MEMBER JOHNSTON: Okay.

24 Mr. Chair?

25 CHAIRMAN FERVIER: Yes.

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1 BOARD MEMBER JOHNSTON: If these are three
2 different complaints that have been rolled into one
3 case number, could we possibly hear these as three --
4 three separate complaints?

5 CHAIRMAN FERVIER: Well, I'm questioning
6 whether this Complaint 2 -- if you look at the first
7 paragraph of Complaint 2, and I don't know why I didn't
8 catch this, it seems to reference this video being
9 taken. But the rest -- the other -- the other
10 paragraphs with that Complaint 2 don't seem to match
11 the first paragraph.

12 INVESTIGATOR KOTH: This is what she was
13 talking about. So we don't know who that person was.
14 We couldn't identify who the video was.

15 MR. WOOTEN: I know who the video was.

16 CHAIRMAN FERVIER: Who was it, Mr. Wooten?

17 MR. WOOTEN: Well, it's a poll worker whose
18 name is David Lee, and he worked at a Pooler poll,
19 which I think is Poll Number 716. And someone sent him
20 that and said, Did you know you were on the Internet
21 talking to voters at the poll today?

22 And, of course, he didn't. And he alerted us,
23 and we -- we saw it. And that's how we reported it to
24 the State. We reported that, that a video was taken
25 without -- the voter obviously had a hidden camera of

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1 some type and took a video of him explaining how the
2 voter checked in. And the voter was filming their own
3 check-in process there at the poll pad. And -- you
4 know, and so we reported that and turned that in. That
5 was at a separate poll.

6 And David -- I know that the investigator got
7 David Lee's information from me to call him and talk to
8 him about that.

9 CHAIRMAN FERVIER: But you don't --

10 INVESTIGATOR KOTH: It's not him. We don't
11 know who recorded the video, though. He didn't say
12 who -- he didn't see --

13 MR. WOOTEN: We do not --

14 INVESTIGATOR KOTH: -- anybody with a camera
15 or --

16 CHAIRMAN FERVIER: Okay.

17 INVESTIGATOR KOTH: -- a phone is what I'm
18 saying.

19 MR. WOOTEN: That is correct. We do not know
20 who recorded it, correct.

21 CHAIRMAN FERVIER: So there's only two
22 complaints here, then. There's one about the video and
23 one about the poll pads not being powered up at the
24 beginning. So, Dr. Johnston, it's just the two
25 complaints.

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1 BOARD MEMBER JOHNSTON: Well, it appears in
2 the second part of that complaint is a master upload
3 issue of Complaint Number 2.

4 UNIDENTIFIED FEMALE SPEAKER: The issue is
5 voters showing up and initially appearing that they
6 had -- they had voted and then upon further research
7 that -- they can discover that that is incorrect data.
8 That's something that we've seen across elections and
9 across precincts and across counties. It's -- that is
10 a not uncommon problem.

11 I don't think we have the information here to
12 really truly understand what's behind that, and that
13 is -- that is an issue that I would ask the Chair
14 request more -- more briefing from the secretary of
15 state about that particular issue, because we have seen
16 it in previous elections, to really understand the root
17 of it.

18 One comment about master upload issue, and the
19 report is, to me, not sufficient to actually identify
20 the root of the problem. So I think that would be
21 worthy of getting more information and ask for a
22 briefing from the secretary of state on why that issue
23 does happen.

24 BOARD MEMBER JOHNSTON: Mr. Wooten, is this
25 the third complaint you're talking about?

1 MR. WOOTEN: Well, the master upload issue
2 that's listed here, I actually think I was questioned
3 about that as part of Complaint 145, because we did
4 have a long discussion about the uploads and poll pads
5 in the Complaint 145, which is, I think, Tab 41. I
6 think that got cut-and-pasted into the wrong -- into
7 the wrong place.

8 I'm not casting blame. I'm just -- you know,
9 I know I've talked about that -- those issues. I
10 talked about those issues with the investigator, and I
11 think that was in -- that was part and parcel to 145.

12 BOARD MEMBER TINDALL-GHAZAL: I think the
13 reason that it's -- that it was in this complaint is
14 because it was explaining what was actually seen in the
15 video. And so I think the fact that there was a video
16 is sort of creating a little bit of confusion here.
17 The -- somebody was videoing their check-in process
18 when they were being told that they had already voted
19 when they -- in fact, they hadn't.

20 And so the sort of the logic flow is, okay, so
21 why were they being told that they had voted and they
22 hadn't, and this is -- and this is why. So that's --

23 CHAIRMAN FERVIER: I -- I put that on my list
24 to inquire with (inaudible) of issues.

25 BOARD MEMBER TINDALL-GHAZAL: Thank you.

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1 BOARD MEMBER JOHNSTON: All right. But, Mr.
2 Chair, if -- if this is an inaccurate write-up, I think
3 we need to send this back for an accurate write-up. I
4 mean, we could -- we could separate the Complaint
5 Number 1 and deal with that. And the video issue, we
6 don't know who the person was videoing that -- that's
7 insufficient evidence, as best I can tell -- and then
8 remove the -- the issue about the glitch or the master
9 upload problem.

10 INVESTIGATOR KOTH: They were all the same
11 case. So these are two different investigators, so
12 they didn't confuse the two cases. This investigator
13 was speaking with them about what the possible glitch
14 could have been because of that video, and that's where
15 the -- that's where he spoke.

16 So it was separate investigators speaking to
17 Mr. Wooten. It wasn't the same one that confused your
18 cases. These are two separate cases. So he was
19 speaking about that possible glitch and what was in the
20 video, and that's the explanation he received.

21 CHAIRMAN FERVIER: So the video was of the
22 glitch?

23 INVESTIGATOR KOTH: No. The woman saying
24 there was a -- or it was a person. I think it was a
25 female, but it said they didn't know who was recording

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1 that poll worker informing an elector that the system
2 was showing they had already voted.

3 CHAIRMAN FERVIER: Right.

4 INVESTIGATOR KOTH: And it's a 35-second video
5 where it was -- he was talking about a glitch.

6 CHAIRMAN FERVIER: Right. So the video was --
7 the video was referencing the glitch?

8 INVESTIGATOR KOTH: Yes.

9 CHAIRMAN FERVIER: Yeah. That's what -- yeah.
10 So that was all part of the same complaint.

11 So the -- I agree with you, Dr. Johnston.
12 Let's talk about the first complaint first and make a
13 decision on it, and then we can come to the second one.

14 MR. WOOTEN: Mr. Chairman, if I might add, the
15 Chatham County attorney is on but is not able to speak,
16 and he is Andre Pretorius. And he was thinking that if
17 you could unmute him, then he might be able to add some
18 things to our discussion.

19 CHAIRMAN FERVIER: Is he on mute? He's
20 unmuted at this point.

21 MR. PRETORIUS: Thank you.

22 MR. WOOTEN: Thank you. Thank you, Mr. Chair.

23 CHAIRMAN FERVIER: Did you -- did you have
24 something to add to the first complaint?

25 MR. PRETORIUS: No. Just that the issue that

1 we had there that day was a brand-new worker. And if
2 that worker had let us know a little bit earlier, we
3 would have been able to fix that quicker, but
4 nothing -- they assumed that the person was on their
5 way, and it would be rectified really quickly. But
6 then when the person didn't show up, that's when
7 that -- that's when Mr. Wooten was notified, and that's
8 when he got the technician out there to get everything
9 working.

10 But it just -- it was something that we had
11 never dealt with where it wouldn't power up, wouldn't
12 start. And so it was rectified immediately, and no --
13 none of the voters out there wanted to leave. None of
14 them wanted a paper ballot. They wanted to wait for
15 the machine to start up. So nobody was denied their
16 opportunity to vote. And that's why we didn't request
17 an extension of the voting time at that point.

18 CHAIRMAN FERVIER: Okay. Thank you,
19 Mr. Pretorius.

20 Any other questions from the Board on
21 Complaint Number 1 in this case?

22 BOARD MEMBER TINDALL-GHAZAL: Yes. In fact,
23 were -- I'm -- Mr. Pretorius, I'm glad you mentioned
24 emergency ballots. Were voters offered the opportunity
25 to cast emergency ballots, and they chose not to --

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1 MR. PRETORIUS: Yes.

2 BOARD MEMBER TINDALL-GHAZAL: -- or did -- so
3 the poll manager did offer them?

4 MR. PRETORIUS: Yes.

5 BOARD MEMBER TINDALL-GHAZAL: Okay.

6 BOARD MEMBER JOHNSTON: Mr. Wooten, do you --
7 do you train your poll workers in the use of emergency
8 paper ballots, especially --

9 MR. WOOTEN: Yes --

10 BOARD MEMBER JOHNSTON: -- especially if the
11 polls are not open.

12 MR. WOOTEN: Yes, ma'am, we sure do.

13 BOARD MEMBER JOHNSTON: (Crosstalk.)

14 MR. WOOTEN: Yes, ma'am. And we've had to use
15 them. We had a situation last year, in the primary,
16 where the poll -- the people didn't show up to open the
17 poll, and so we had to open the poll on the porch and
18 use paper ballots and -- and the paper list and
19 certificates and such until we got the poll open. So
20 we, indeed, have done that.

21 BOARD MEMBER JOHNSTON: Do you -- Mr. Wooten,
22 do you have a paper-numbered sign-in list of voters?

23 MR. WOOTEN: Yes. There's one -- there's one
24 that goes to every poll on election day.

25 BOARD MEMBER JOHNSTON: But they have a

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1 written, numbered voter list?

2 MR. WOOTEN: Yes.

3 CHAIRMAN FERVIER: Any other first --

4 questions from the Board on this Complaint Number 1?

5 The Chair would entertain a motion.

6 BOARD MEMBER TINDALL-GHAZAL: I move we

7 list -- issue a letter of instruction.

8 CHAIRMAN FERVIER: We have a motion to issue a

9 letter of instruction on the Complaint Number 1.

10 Is there a second?

11 BOARD MEMBER JOHNSTON: Second.

12 CHAIRMAN FERVIER: We have a motion, and a

13 second from Dr. Johnston.

14 Any further discussion?

15 Hearing no discussion, all those in favor of

16 issuing a letter of instruction on Complaint Number 1,

17 signify by saying, Aye.

18 BOARD MEMBER JOHNSTON: Aye.

19 BOARD MEMBER KING: Aye.

20 BOARD MEMBER TINDALL-GHAZAL: Aye.

21 CHAIRMAN FERVIER: Any opposition?

22 Hearing no opposition, so moved. The motion

23 carries four to zero. A letter of instruction will be

24 issued on Complaint Number 1 referencing SEB2022-103.

25 Complaint Number 2, Dr. Johnston, did you want

1 to continue this for further information gathering?

2 BOARD MEMBER JOHNSTON: I would like to
3 continue it to -- for further information and
4 clarification of -- rather than putting in
5 possibilities, unless there -- of what the problem was,
6 if there is evidence or documentation of the issue with
7 the poll pads.

8 I mean, the complaint was about a video, and
9 we're throwing in the -- the investigator summary talks
10 about possible reasons that don't -- I mean, they
11 really don't pertain to the -- the evidence.

12 CHAIRMAN FERVIER: Are you making a motion
13 there, Dr. Johnston?

14 BOARD MEMBER JOHNSTON: I make a motion to
15 continue this.

16 CHAIRMAN FERVIER: We have a motion to
17 continue Complaint Number 2.

18 Do we have a second?

19 BOARD MEMBER KING: Second.

20 CHAIRMAN FERVIER: We have a motion, and a
21 second from Member King to continue Complaint Number 2.

22 Any discussion?

23 Hearing no discussion, all those in favor
24 signify by saying, "Aye."

25 BOARD MEMBER KING: Aye.

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1 BOARD MEMBER JOHNSTON: Aye.

2 CHAIRMAN FERVIER: Any opposition? Hearing no
3 opposition, so moved by a vote of four to zero.

4 Thank you, Mr. Wooten, but you're still up, I
5 think.

6 The next case in the agenda is SEB2022-144,
7 Chatham County voter registration fraud. It's Tab
8 Number 40 in the -- in your book for the board members.

9 MR. WOOTEN: Mr. Chairman, if I might add,
10 Chatham County has a split system. We have a Board of
11 Elections, and we have voter registration. And our
12 long-time outstanding registrar, Sabrina German, is on
13 the call, and she would be answering along with the
14 county attorney with any questions about VR.

15 CHAIRMAN FERVIER: We are happy that she's
16 there, and she has been unmuted to be able to speak.

17 INVESTIGATOR BRUNSON: Thank you.

18 CHAIRMAN FERVIER: If the investigators would
19 please go through this case real quick.

20 INVESTIGATOR BRUNSON: So SEB2022-144, the
21 secretary of state's office received a complaint
22 alleging that a voter, Joyce Elaine Carlstadt
23 (phonetic), is registered to vote at an address in
24 Chatham County where she has never lived. The
25 complainant reported that he has tried to have her name

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1 removed from his address for over two years without
2 success. The complaint -- the complainant reported the
3 Chatham County Board of Registrar's office said they
4 could not remove Mrs. Carlstadt's name unless she
5 requested it, even if he proved she did not live there.

6 The citizen complainant indicated they have
7 lived at their address in Chatham County for over seven
8 years, and they've continued to receive mail for
9 Mrs. Carlstadt, who he has never met and he does not
10 know.

11 The citizen stated that he checked the history
12 of the house and could not determine if Mrs. Carlstadt
13 had ever lived there. The citizen was told that he
14 could challenge the voter and that he's -- that is what
15 he did.

16 A hearing was ultimately held August 8th. The
17 Chatham County Board determined that Mrs. Carlstadt was
18 not a resident of the complainant's home and ruled that
19 she should be removed from the voter's list. The
20 investigator checked ENet on May 1st, 2023, and
21 Mrs. Carlstadt's voting status was still listed as
22 active. There was also documentation in ENet to show
23 that Mrs. Carlstadt was mailed an absentee ballot in
24 Sweden for the November 8th, 2022, general election.

25 The investigator spoke with Mrs. Carlstadt,

1 and she stated that she lived in California and moved
2 to Georgia for approximately a year before moving to
3 Sweden. She indicated that when she moved to Sweden,
4 she called the Chatham County Board of Election and was
5 told to use her last address in Savannah as her voter
6 residence.

7 She mentioned Mrs. German as one of the people
8 she was corresponding with and had emails to
9 substantiate her assertions. She also provided a
10 statement to the investigator stating that she lived in
11 Savannah, Georgia, from 2004 to 2005 and then relocated
12 to Sweden, where she has lived since then. She did
13 advise that she was going to change her address to the
14 Chatham County courthouse after she was advised to do
15 so by the investigator.

16 So based on the investigation, we determined
17 that there was sufficient evidence to suggest that the
18 Chatham County Board of Registration and Sabrina German
19 violated O.C.G.A. 21-2-230(f), challenge a person on
20 list of electors, when they failed to remove Joyce
21 Elaine Carlstadt from the voters list after the Chatham
22 County Board of Registrars voted on August 9th that she
23 was no longer eligible to participate in elections in
24 Chatham County, because she no longer resides within
25 Chatham County, and, also, O.C.G.A. 21-2-381(b)(1)(3),

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1 making of application for absentee ballot determination
2 of eligibility by ballot clerk, when the Chatham County
3 Board of Registrars determined on August 9th, 2022,
4 that Mrs. Carlstadt was not a resident of Chatham
5 County, Georgia. However, a new absentee ballot was
6 issued to her anyway for the November 8th, 2022,
7 general election.

8 CHAIRMAN FERVIER: I believe that the Board
9 may have some questions on this.

10 Member Ghazal, did you have -- I know you had
11 expressed some interest in this case.

12 BOARD MEMBER TINDALL-GHAZAL: Yes. I wanted
13 to give Registrar German an opportunity to make any
14 comments first, but I do have --

15 REGISTRAR GERMAN: Okay. Good morning. In
16 response to the query on the March -- I mean, excuse
17 me, on May the 22nd, we respectfully apologize for the
18 error for not removing Ms. Carlstadt's name from the
19 list of voters.

20 First and foremost, we apologize for any
21 difficulties this error may have caused. Staff has
22 implemented procedures to ensure that the challenged
23 elector with which the BOR challenges and they upheld,
24 those procedures and measures we've -- in -- put in
25 place to make sure that this won't happen again.

1 BOARD MEMBER TINDALL-GHAZAL: Well, in this
2 particular case, I would encourage you to be a little
3 more circumspect, because, in fact, rather than
4 reviewing state law, this -- this particular case is
5 governed by federal law, specifically UOCAVA.

6 52 USC Section 20310, Subparagraph 5(B) and
7 5(C) dictates that an overseas voter who is a U.S.
8 citizen is still eligible to remain registered to vote
9 at the -- at the last residence they held in the United
10 States.

11 And so this voter is actually still eligible
12 to vote from the residence where she last lived, which
13 is the residence where she was registered. It is a
14 very unusual circumstance, and it's very confusing for
15 current homeowners.

16 My only question is whether or not the voter
17 has any intention to return to the United States at any
18 point in time. If they do, then they remain eligible
19 to vote in all elections, including local elections.

20 If they intend to remain in Sweden and do not
21 intend to return to the United States, then they are
22 still eligible to vote in federal elections, but not in
23 state and local elections.

24 So that is -- that is a follow-up question
25 that you, Ms. German, will need to submit to the voter

1 to find out her intentions. The Federal Post Card
2 Application actually asks this question, but the -- but
3 it's unclear whether or not we'll be able to use those
4 moving forward.

5 I don't see any reason why she can't change
6 her registration to -- to the courthouse, but,
7 certainly, there was no error in issuing the ballot to
8 her. So I would -- I -- it's a little precipitous to
9 make a motion, but I don't find any -- any violation of
10 law in issuing the ballot, and I think it's certainly
11 very much an open question whether or not a UOCAVA
12 voter can be appropriately challenged when federal law
13 allows her to remain registered at that address.

14 CHAIRMAN FERVIER: So, Member Ghazal, you
15 think that they got it right by screwing up again?

16 BOARD MEMBER TINDALL-GHAZAL: I think they got
17 it right. I think that is -- that's exactly right. It
18 is --

19 CHAIRMAN FERVIER: Okay.

20 BOARD MEMBER TINDALL-GHAZAL: UOCAVA is a
21 niche law, and it is confusing. And it's something
22 that -- it's important, though, that -- that the
23 counties remain up to date on what the -- what that law
24 requires.

25 CHAIRMAN FERVIER: So you don't -- you don't

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1 think there's any violation on part of Chatham County,
2 then?

3 BOARD MEMBER TINDALL-GHAZAL: I don't. I
4 don't.

5 CHAIRMAN FERVIER: Okay. Are there any other
6 questions from other members of the Board?

7 Is there a response from Chatham County on
8 this?

9 MR. PRETORIUS: No, sir.

10 BOARD MEMBER TINDALL-GHAZAL: I move we
11 dismiss this complaint.

12 CHAIRMAN FERVIER: We have a motion from
13 Member Ghazal to dismiss this complaint.

14 Is there a second?

15 BOARD MEMBER KING: Still thinking,
16 Mr. Chairman.

17 CHAIRMAN FERVIER: Okay. Member King, we can
18 barely hear you. I don't know if you need to turn up
19 your speaker.

20 BOARD MEMBER KING: Oh, okay. Let me work on
21 that.

22 CHAIRMAN FERVIER: Okay.

23 BOARD MEMBER KING: Is this better?

24 CHAIRMAN FERVIER: Yes.

25 BOARD MEMBER KING: Okay. Let's see.

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1 CHAIRMAN FERVIER: We have a motion from
2 Member Ghazal to dismiss this complaint based on the
3 information she provided on UOCAVA. Is there a second
4 from a board member?

5 BOARD MEMBER KING: My challenge is that I
6 don't know enough about UOCAVA to debate it, and so I
7 feel a little uncomfortable moving forward and just
8 outright dismissing the case based off -- off of that,
9 the UOCAVA, and not knowing a lot about it. So I'm
10 just still trying to process through whether or not
11 dismissing is the right course of action. That's where
12 I am, Mr. Chairman.

13 CHAIRMAN FERVIER: Okay.

14 BOARD MEMBER JOHNSTON: Mr. Chair, could --
15 could we ask, what was the reason for the challenge?
16 The reason for the --

17 CHAIRMAN FERVIER: The -- Chatham County,
18 would you respond to that question, please?

19 MR. PRETORIUS: Yes. So the reason for the
20 challenge originally through the Board of Registrars
21 was that she -- the person said that she was no longer
22 living at that -- or that she -- he never had an idea
23 that she lived at that address, but there is proof that
24 she did live there for a year.

25 When she moved to Sweden, she still wanted an

1 absentee ballot. Since she's still a U.S. citizen, she
2 wanted to vote. But the problem was that she didn't
3 have an actual address here in the U.S.

4 And so by the actual federal law and by case
5 law here, you have to prove that the person no longer
6 wants to return to that address. And so when the Board
7 of Registrars took her off of that list, she should
8 have remained on the list.

9 But the allegation here is that, well, she was
10 removed, she shouldn't have gotten a ballot, but she's
11 still a citizen that's eligible to vote, where would
12 she vote.

13 And so when she got the absentee ballot by us,
14 even when it's assumed to be a mistake, it was correct
15 to still give her a ballot. If we don't, then we would
16 have violated her right to be able to vote, because
17 she -- there's nowhere that she said that she's not
18 wanting to come back to the country.

19 And that is one of the main questions that the
20 court asks when they look at these cases. They say,
21 you have to prove that that person has no intention of
22 coming back to this address or to come back to the
23 state or to come back to this country.

24 BOARD MEMBER TINDALL-GHAZAL: And even under
25 those circumstances, she still retains the right to

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1 vote in federal elections.

2 MR. PRETORIUS: That's correct.

3 BOARD MEMBER JOHNSTON: And is she a -- is she
4 a permanent resident of Sweden?

5 MR. PRETORIUS: We don't know.

6 BOARD MEMBER JOHNSTON: You don't know on the
7 voter application form? It asks if it's --

8 MR. PRETORIUS: The fact that she requested --
9 I'm sorry.

10 BOARD MEMBER JOHNSTON: Is it a temporary or a
11 permanent?

12 MR. PRETORIUS: Even if she's a permanent
13 resident, she remains a U.S. citizen until she gives up
14 her U.S. citizenship.

15 BOARD MEMBER JOHNSTON: Correct.

16 MR. PRETORIUS: There's no way for us to
17 determine when she wants to give up that citizenship.

18 BOARD MEMBER JOHNSTON: Correct. So what --
19 what kind of ballot was she sent for the last election?

20 MR. PRETORIUS: I'm unsure. And --

21 BOARD MEMBER TINDALL-GHAZAL: Even
22 (indiscernible) undetermined intention to return at
23 some point is sufficient to get the full -- the full
24 state ballot.

25 BOARD MEMBER JOHNSTON: I see. I just see a

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1 record of ballots that were sent in receipt that
2 initially they're general election ballots, and then
3 the last one that is in this report says -- is January
4 2021, which is a federal election -- is -- so has --

5 MR. PRETORIUS: That's correct.

6 BOARD MEMBER JOHNSTON: Okay. So is --

7 BOARD MEMBER TINDALL-GHAZAL: January 2021
8 also had -- oh, no, I'm sorry. Was there -- I'm trying
9 to remember if there was a statewide runoff as well,
10 but I just -- I don't recall.

11 BOARD MEMBER KING: It was. It was for the
12 U.S. Senate seat.

13 CHAIRMAN FERVIER: Okay.

14 BOARD MEMBER TINDALL-GHAZAL: Right. No, I
15 was just trying to remember if -- I know that we've had
16 a PSC runoff, but I don't remember if that was 2018 or
17 2020, honestly.

18 CHAIRMAN FERVIER: You had the Senate runoff
19 in 2021, right?

20 MR. PRETORIUS: Yes, that's correct.

21 BOARD MEMBER JOHNSTON: So it -- I'm -- I
22 don't understand still. Is she flagged as a
23 federal-only voter or a complete ballot, a full ballot
24 voter?

25 MR. PRETORIUS: I'm unsure. I'd have to check

1 with Ms. German.

2 BOARD MEMBER JOHNSTON: Just like Member
3 Ghazal just stated, that if they're permanent
4 residents, they still have the right to vote in federal
5 elections as long as they're a citizen. And she is --
6 and I assume she's still currently a citizen of the
7 United States; is that correct?

8 MR. PRETORIUS: As far as we can tell, yes.

9 BOARD MEMBER TINDALL-GHAZAL: It is extremely
10 difficult to renounce U.S. citizenship, because the
11 U.S. is one of the few countries where your taxes
12 follow you regardless of your residence.

13 BOARD MEMBER JOHNSTON: And her ballots have
14 been sent to Sweden, all of these ballots?

15 MR. PRETORIUS: Correct.

16 BOARD MEMBER JOHNSTON: Electronically. Okay.
17 I would second the motion to dismiss.

18 CHAIRMAN FERVIER: We have a motion to dismiss
19 and a second to dismiss this case.

20 Any further discussion?

21 BOARD MEMBER KING: I --

22 CHAIRMAN FERVIER: Hearing no -- I'm sorry.

23 BOARD MEMBER KING: I do have a little bit.
24 Just really quick, I just want to make sure I fully
25 understand this. So, basically, what we're saying is

1 that someone can be -- I understand the law, I just
2 want to make sure we fully understand -- the public
3 understands this.

4 For citizenship, if you have citizenship here,
5 even if you have dual citizenship in another country,
6 if she spends 90 percent of her time in Switzerland,
7 but -- and let's say she spends 99 percent of her time
8 in Switzerland, and that 1 percent is here in America,
9 that allows her to vote in our elections.

10 And I find that -- I just want to state for
11 the record that I do find that a little bit concerning
12 that someone can possibly live in another country for
13 the majority of their time and still be able to
14 participate in our elections. But I understand the law
15 is the law, so we have to just kind go with it. But I
16 do want to state that, for the record, that is a
17 concern of mine.

18 CHAIRMAN FERVIER: That's --

19 UNIDENTIFIED FEMALE SPEAKER: As a former
20 resident of Switzerland, I want to make sure that we
21 understand this is Sweden.

22 BOARD MEMBER KING: Sorry. Sorry.

23 UNIDENTIFIED FEMALE SPEAKER: That was all --

24 BOARD MEMBER KING: Sorry about that.

25 UNIDENTIFIED FEMALE SPEAKER: I lived in

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1 Switzerland for a number of years, but it -- I -- part
2 of it --

3 BOARD MEMBER KING: Sweden. Sorry.

4 UNIDENTIFIED FEMALE SPEAKER: -- goes with
5 the fact that U.S. citizens pay U.S. taxes no matter
6 where they live. So with that act, you also have the
7 right to determine how those taxes are spent, and you
8 do that by voting.

9 BOARD MEMBER KING: Right. Yeah. No, I'm not
10 I'm not disputing that. I'm just stating just for the
11 record.

12 CHAIRMAN FERVIER: You -- it is on the record.
13 We have a motion and a second to dismiss this
14 claim. Any further discussion?

15 BOARD MEMBER JOHNSTON: The only further
16 discussion is I would just like to make the point that
17 this -- it appears that this person has lived in Sweden
18 for 20 years, since 2005, which is an interesting point
19 to think about. But she is -- it's legal for her to
20 vote here, and if she's a permanent resident, she -- it
21 should be for just federal elections.

22 CHAIRMAN FERVIER: Any further discussion?

23 We have a motion and a second to dismiss this
24 place -- this claim or complaint. All those in favor,
25 signify by saying, "Aye."

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1 BOARD MEMBER TINDALL-GHAZAL: Aye.

2 BOARD MEMBER KING: Aye.

3 BOARD MEMBER JOHNSTON: Aye.

4 CHAIRMAN FERVIER: Any opposition?

5 Hearing no opposition, so moved. This
6 complaint is dismissed by a vote of four to zero.

7 Next item on the agenda is SEB2022-145,
8 Chatham County double voting. It's Tab Number 41 in
9 your book. The investigators, please.

10 INVESTIGATOR KOTH: Yes. This case was
11 reported that Frederick Gaylord allegedly voted twice
12 during the May -- during the May 24th, 2022, general
13 primary election. It was alleged that Mr. Gaylord
14 voted once at the Precinct 7-11 polling location and
15 the second time at Precinct 8-17 polling location.

16 The investigation revealed that both Mr. and
17 Mrs. Gaylord voted twice during the May 24th, 2023,
18 general primary election. It's substantiated by both
19 of the respondents' own admission during their
20 interviews.

21 They both admitted to voting first at the
22 Savannah Fire Station 14, Precinct 7-11 polling
23 location because it was close to their house and the
24 second time at Georgia Tech, the Savannah Campus, 8-17.

25 Mrs. Gaylord commented how she did not trust

1 the voting system, and since she was assigned to the
2 Georgia Tech Savannah Campus polling location, they
3 voted there as well.

4 She remembered receiving two different
5 articles of mail, both identifying different assigned
6 polling locations. Mrs. Gaylord knew that voting twice
7 was against the law, so then after voting the second
8 time, she went back to the Savannah Fire Station 14 and
9 told the poll manager what they had done.

10 Both the respondents said the poll manager
11 told them their vote would only be counted once. Mrs.
12 Gaylord spoke about how the idea of testing the system
13 came about after she spoke with someone at a hair salon
14 who claimed a friend was told she had already voted,
15 but she had not.

16 The investigator asked her if what she and her
17 husband did was intended to test the system. She
18 replied, No. I just wanted to see if I was going to --
19 what was going to happen, where we were supposed to
20 vote. They should have flagged us, and they did not,
21 and that was the issue.

22 The original complaint documentation included
23 screenshots showing where the respondent, Mr. Gaylord,
24 first checked in at Precinct 7-11, Savannah Fire
25 Station, and then later at Precinct 8-17, the Georgia

1 Tech. The screenshots further substantiated the
2 allegation against Mr. Gaylord. The investigator was
3 only successful in obtaining the single voter
4 certificate for Mrs. Gaylord.

5 During the primary election, both Precinct
6 7-11 and Precinct 8-17 polling locations experienced
7 issues with their assigned polling pads. The poll pads
8 at both locations were programmed to accept both 7-11
9 and 8-17 precinct voters. This allowed poll workers to
10 create voter access cards for voters from both
11 precincts. The voters could then make their selections
12 on the BMBs and print their ballots.

13 However, not all voters could scan their
14 ballots. The scanners at each location were programmed
15 correctly and, by design, rejected the other precinct
16 voters' ballots.

17 The issue with the poll pads persisted
18 throughout the day at Precinct 7-11 polling location
19 and the 8-17 Georgia Tech campus, and they were able to
20 resolve the issue rather quickly by simply utilizing
21 two different poll pads.

22 Mr. Wooten said he did not receive any
23 complaints from voters regarding the issue. The
24 election supervisor mentioned how no voters were turned
25 away. They either voted or referred to their correct

1 polling location or offered a provisional ballot. The
2 investigator was asked to follow up and determine if
3 the County was at fault for the poll pads not being
4 properly programmed with the correct voter information.
5 The investigator obtained copies of the logic and
6 accuracy documentation.

7 The poll pad L&A sheets appeared to be
8 properly signed and marked. However, the total voters
9 shown by poll pads for polling location numbers were
10 identical on both sheets, 5924. This number led the
11 investigator to believe that the poll pads from both
12 precincts, 7-11 and 8-17, may have been loaded with
13 identical voter information.

14 The investigator followed up with Mr. Wooten
15 and asked if the County or KNOWiNK was responsible for
16 the incorrect poll pad voter data. Mr. Wooten believed
17 that the information for the poll pads was sent
18 incorrectly, and because each precinct had the same
19 ballot, it was not caught during L&A testing.

20 To the best of Mr. Wooten's knowledge, the
21 data that was provided to KNOWiNK had the voters
22 properly split between the two precincts. He did not
23 have the voter data that was provided to KNOWiNK for
24 the two precincts and explained how the data is wiped
25 after each election.

1 The investigators spoke with KNOWiNK Southeast
2 election director and explained how the poll pads at
3 both locations were programmed to accept both 7-11 and
4 8-17 precinct voters, and the total number of voters
5 loaded on the poll pads were the same.

6 The investigator explained that he was trying
7 to determine if the County provided incorrect
8 information, slash, voter data to KNOWiNK or if KNOWiNK
9 provided incorrect information, voter data, to the
10 County.

11 The investigator provided the director with
12 the precinct polling place information, as well as poll
13 pad tag ID numbers for each of the poll pads. The
14 director agreed to check KNOWiNK's records and get back
15 in touch.

16 He had a correspondence with KNOWiNK
17 (indecipherable) conducted via email and provided a
18 list of the preliminary polling places that were part
19 of KNOWiNK's precinct to polling place mapping files.
20 The list showed where both precincts, 7-11 and 8-17,
21 poll pads were assigned to Fire Station 14.

22 There was not a Georgia Tech, Savannah campus
23 polling place location listed on a copy of the
24 preliminary polling places listed. This is what
25 allowed voter access cards to be processed for voters

1 from the two precincts at both the fire station and
2 Georgia Tech, Savannah Tech voting locations. However,
3 if the voter was out of the precinct, the scanner would
4 not accept the ballot.

5 The Southeastern election director also
6 provided copies of both the Georgia election checklist
7 and election day acknowledgement form. The
8 acknowledgement form was signed by the County warehouse
9 supervisor. When signing the acknowledgement form, you
10 are assuring that all necessary steps to include
11 completing the election day checklist have been
12 satisfied.

13 The second-to-last item on the first page of
14 the checklist is poll pad is assigned to the correct
15 polling place. The County warehouse supervisor did not
16 remember receiving a preliminary polling places list
17 from KNOWiNK, but did remember the Georgia election
18 checklist and signing the election day acknowledgement
19 form.

20 The County warehouse supervisor had staff
21 members that prepared each of the poll pads for
22 election day and said at the time he signed the
23 election day acknowledgement form and his staff was not
24 required to do so. This changed after the issue came
25 to light. The staff members were now required to sign

1 their own acknowledgement forms.

2 Potential violations discovered for Frederick
3 Gaylord and Sandra Gaylord -- evidence shows they
4 possibly violated O.C.G.A. 21-2-572, repeat voting in
5 the same primary election and a violation for Chatham
6 County Board of Election, Billy Wooten, and the
7 election supervisor, David Erickson (phonetic).
8 There's evidence to suggest that they violated SEB Rule
9 183-1-12, Subsection 97 -- 19-7, preparation of the
10 electors list and use of electronic poll book.

11 CHAIRMAN FERVIER: Well, thank you. I believe
12 that Mr. Gaylord, Mrs. Gaylord is online, and also
13 Billy Wooten. Is Mr. Erickson -- Dave Erickson online?
14 No? Mr. Erickson is not online.

15 MR. GAYLORD: I --

16 CHAIRMAN FERVIER: Pardon me?

17 MR. GAYLORD: Fred Gaylord is on the line.

18 CHAIRMAN FERVIER: Yes. Mr. Gaylord, would
19 you like to respond?

20 MR. GAYLORD: Yes, sir, I would. The young
21 lady had read this, and it sounds a lot worse than I
22 think it is. First of all, we received conflicting
23 information in the mail on where to vote. We went to
24 the closest place they had us listed. We voted there.

25 And then we decided, Let's go to the other

1 place just to see that -- we wanted to make sure our
2 vote counted.

3 So we went there and they said, Yes, you're
4 supposed to vote here.

5 So we did. After doing that, we realized that
6 it was not proper to vote twice. I went back -- or we
7 went back to the original polling place and told them
8 that they said we should have voted there, not at this
9 place.

10 And the manager there said, Don't worry about
11 it. It will only be voted -- only be counted once.

12 Now, it's strange that they had me -- or they
13 found that I had voted in two places, through their
14 screenshot or whatever, but they did not have Sandy as
15 having voted twice.

16 The only way we feel that this was actually
17 recognized is that we self-identified ourselves. So
18 the complaint is our complaint to ourselves, but we
19 were trying to rectify the situation. The idea of
20 testing the polls was not an issue.

21 Yes, Sandy's -- somebody at the beauty salon
22 said that they were turned away because they had voted
23 already, and she swore she didn't. So we had no idea
24 to test the system, but we wanted to make sure our vote
25 counted.

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1 Now, we've voted in every election since then.
2 In fact, the last one we made sure we weren't going to
3 have a problem. We still are getting separate polling
4 places to vote at. So last time we voted early down at
5 the courthouse so there was no questions there.

6 We've talked to the investigator twice, and he
7 basically said there should not be a problem, but we
8 wanted to make sure, and I wanted to be on here to talk
9 to you, to the Board. So I appreciate your -- your
10 consideration of this. And please let me know.

11 CHAIRMAN FERVIER: Is Ms. Gaylord online with
12 us, too?

13 MR. GAYLORD: She's not. She's in the
14 doctor's office. She just had a procedure on her nose,
15 and they're doing some testing now.

16 CHAIRMAN FERVIER: Okay. All right. All
17 right. Mr. Wooten, do you have a -- comments to make?

18 MR. WOOTEN: I don't -- I have a comment about
19 our polls. I don't have any comment about what the
20 Gaylords did, but I can certainly comment about, you
21 know, the polling situation in that area of Chatham.

22 Those two polls were the same poll for many
23 years. In fact, we had to split Poll 7-11 three ways.
24 It had gotten so big, the population in that area of
25 Chatham had grown so much, we had to split it three

1 ways. And so we retained -- we retained Poll 7-11 and
2 also established Poll 8-17 and 8-18. And they were all
3 in the same section of (indecipherable) and at that
4 time had the same ballot.

5 And so it -- there was a lot of literature
6 that was mailed to voters in that area about this
7 change. It was a major change in polling locations.
8 It was well advertised. It was well documented.

9 But there were voters that had to go to
10 different polls that day simply because of that
11 magnitude of a change. We didn't have a choice,
12 really. The poll had gotten too big for the facility
13 it was in, and we had to -- we had to split it, so we
14 split it three ways.

15 And -- and so the situation with the
16 programming the poll pads, you know, we thought that we
17 had the poll pads assigned to the correct poll. We
18 thought that we had communicated that to KNOWiNK. We
19 thought that KNOWiNK had -- and, of course, the ballot
20 was the same, so the only difference was the poll --
21 the precinct number was different.

22 And so when we programmed all the equipment,
23 of course, I don't really know -- I've talked to
24 KNOWiNK about this and talked to my team about this,
25 hours' worth. We don't really know where -- whether it

1 was a clerical error on our part or a paperwork error
2 or whether KNOWiNK did assign poll pads to the wrong
3 poll. I mean, that's -- what -- whatever, it happened.

4 But the saving grace was the scanners, of
5 course. They were -- they were coded correctly. So
6 once the report came to me early that day that there
7 were ballots that were appropriately marked but could
8 not be scanned, it became obvious that we had an issue
9 that we had voters from one poll that were being
10 allowed to check in at a different poll and -- but
11 their ballots were going to have to be scanned at the
12 correct poll.

13 And so we immediately worked with the poll
14 managers for them to recognize on the poll pad, when --
15 when the voter came up, it would give the precinct
16 number, and so we could tell that voter the -- when we
17 figured that out, we were able to tell them, No, you --
18 you need to go to the fire station, or, You need to go
19 to the Georgia Tech campus to vote.

20 The ballots that we had that would not scan,
21 we scanned them into the correct poll later that day so
22 that we were able to reconcile the vote totals. We
23 were able to reconcile the check-ins and the votes that
24 were cast that day so that we had a correct --
25 accounting and a correct reconciliation of the people

1 that were able to vote.

2 The -- the only comment that I would say
3 about -- about the other issue with regard to -- regard
4 to the double votes is that the only way that happened
5 was that -- was that the individuals went to two
6 different polls.

7 CHAIRMAN FERVIER: Is -- did you -- did the
8 County send out information to voters that they
9 could -- that they had to vote at two different polls?

10 MR. WOOTEN: Yes. Oh, yeah. That was well
11 done. I mean, in plenty of time.

12 CHAIRMAN FERVIER: How many -- how many voters
13 did that go to?

14 MR. WOOTEN: Thousands, because we were -- we
15 had more than 7,000 people in -- in the original
16 precinct. Then we split it three ways.

17 CHAIRMAN FERVIER: So a voter would get two
18 notifications that they would be allowed to vote at two
19 different polls, then?

20 MR. WOOTEN: Well, not at two different polls.
21 No, they were assigned to a poll.

22 CHAIRMAN FERVIER: So the Gaylords were --
23 only received one notification?

24 MR. WOOTEN: I -- they only got one
25 notification that I know of from voter registration

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1 telling them what their precinct was. And they could
2 have looked that up on the My Voter page, and it would
3 have told them what the precinct was.

4 MR. GAYLORD: Am I unmuted?

5 CHAIRMAN FERVIER: There -- so the voters did
6 not receive conflicting information, then, on polls?

7 MR. WOOTEN: Not that I know anything about,
8 Mr. Chairman.

9 CHAIRMAN FERVIER: Okay.

10 MR. GAYLORD: Am I still on mute, or am I
11 unmuted?

12 CHAIRMAN FERVIER: No, no, you're -- Mr.
13 Gaylord, did you receive more than one notification?

14 MR. GAYLORD: Absolutely. We both were
15 assigned to different polling places. That's, hence,
16 the confusion why we went to one. When they allowed me
17 to vote there, they took my license and my wife's
18 license, and they said, Yep, and here's the papers. Go
19 vote. That's -- so we said that -- I'm sorry?

20 CHAIRMAN FERVIER: Did you receive a document,
21 though, that told you which poll to vote at?

22 MR. GAYLORD: Yes, I received one --

23 CHAIRMAN FERVIER: Did you --

24 MR. GAYLORD: -- and my wife received a
25 separate one.

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1 CHAIRMAN FERVIER: And there were -- there
2 were different polling locations, though?

3 MR. GAYLORD: Yes, sir. In the same
4 household.

5 CHAIRMAN FERVIER: Okay. Got it. All right.
6 I got it. All right.

7 BOARD MEMBER TINDALL-GHAZAL: So that is --
8 I've seen this happen before in other counties, and
9 that is a districting problem. That is a problem with
10 the registration.

11 And I would actually ask the investigators on
12 this aspect to go -- to undertake an investigation why
13 two individuals in the same house -- household are
14 assigned to different polling locations, because the --
15 that's not the way districting is done. That's not the
16 way precinct lines are drawn. It is according to the
17 household. So there was an error there, and I would
18 like for us to get to the bottom of that.

19 Mr. Wooten, can you tell me -- so I know that
20 the investigative report said that -- that the County
21 had identified the double vote. In addition to Mr. and
22 Mrs. Gaylord's self-reporting, you had identified that
23 in your reconciliation -- post-election reconciliation
24 processes. So these are the only -- these were the
25 only double votes that you were able to identify due to

1 this problem with poll pads accepting voters from
2 multiple precincts?

3 MR. WOOTEN: That's correct.

4 BOARD MEMBER TINDALL-GHAZAL: Now, how many
5 votes were you able to identify that -- at the end that
6 when you reconciled where voters went to the wrong
7 location, were able to vote, but weren't able to scan
8 that, how many -- how many voters were implicated in
9 that?

10 MR. WOOTEN: I don't have that in front of me
11 right now, but it was less than 50. That would -- that
12 would be my -- my best guess.

13 BOARD MEMBER TINDALL-GHAZAL: My concern here
14 is that all 50 of those had the same opportunity that
15 the Gaylords had. They could have -- because they were
16 accepted in poll pads in two different locations. This
17 is a very, very serious error, because all 50 of those
18 could have voted twice, and you would not have known
19 that until after the election.

20 And -- and some of our small local elections
21 are decided with margins smaller than that. So while I
22 understand that you don't know the source of the
23 problem, whether it was a user error with -- from the
24 County or a user error on the part of -- of KNOWiNK, it
25 was nonetheless a very, very serious error here.

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1 MR. GAYLORD: May I speak?

2 CHAIRMAN FERVIER: Mr. Gaylord, yes.

3 MR. GAYLORD: Hello? Yes. It's just very
4 strange that we were the only two flagged when it turns
5 out we're the ones that reported it, and nobody else
6 did. So if people voted in two different places,
7 nobody else had the common sense or the integrity to go
8 and tell the first polling place. And even
9 Mrs. Gaylord was not flagged as having voted twice.
10 That was only by her admission, her report.

11 BOARD MEMBER TINDALL-GHAZAL: But,
12 Mr. Gaylord, my understanding is you were the only ones
13 who actually cast ballots, two different ballots on the
14 same day.

15 MR. GAYLORD: We did. Yeah.

16 BOARD MEMBER TINDALL-GHAZAL: Other voters,
17 these 50 voters, cast ballots in the wrong precinct but
18 only cast one ballot.

19 MR. GAYLORD: Okay. I understand.

20 BOARD MEMBER JOHNSTON: Yeah.

21 MR. GAYLORD: I'm just saying it seems like we
22 were -- we were flagged because we flagged ourselves
23 trying to be honest and above-board and have integrity.

24 CHAIRMAN FERVIER: Yeah. I -- once again, I
25 think that this is a case that needs to be bifurcated

1 and split into the Gaylords portion of the case and
2 then the Chatham County portion with the issues with
3 the polling locations, if the Board agrees with that,
4 so...

5 BOARD MEMBER KING: I agree. I -- I'm very
6 concerned about being able -- individuals being able to
7 vote in two different locations. When it comes to the
8 Gaylords, I do believe that they were acting in good
9 faith by acknowledging their error, and so I absolutely
10 think we should separate these two issues.

11 But this -- I would like you to, Mr. Chairman,
12 if you could just add to our long list that's going to
13 the secretary of state's office to kind of look into
14 this. The MVP page that we utilize to see where our
15 voting location is something that I think we can --
16 they should either make sure that it's accurate or
17 promote that, because that should have been an easy way
18 for them to find out where their voting place is.

19 And if they -- if it shows that they have two
20 different voting places, then, again, that does go back
21 to the secretary of state's office. So I -- I would
22 like to add that to our -- our list.

23 MR. GAYLORD: Thank you.

24 CHAIRMAN FERVIER: I'm writing it down.

25 BOARD MEMBER TINDALL-GHAZAL: I will say that

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1 it's the County that determines the voting location,
2 not -- not the State. The County --

3 BOARD MEMBER KING: I was referring to the
4 website. I was just referring to the MVP page.

5 BOARD MEMBER TINDALL-GHAZAL: Right. Got it.

6 CHAIRMAN FERVIER: And it's -- it -- you're
7 asking the secretary of state -- what is the question,
8 Member King?

9 BOARD MEMBER KING: I just want to verify if
10 that -- if they could just verify that this is not an
11 issue, utilizing this case as a case study. I'm very
12 interested to know whether or not -- if both the -- if
13 the Gaylords -- if one of them had opened up their app
14 and saw two different locations.

15 I'm trying -- I really want to make sure
16 that's not happening. I know there are a lot of people
17 that utilize that platform, so that's just another --
18 it's not -- I'm not saying that the secretary of state
19 has done anything wrong. I just think they should look
20 into that.

21 CHAIRMAN FERVIER: I will -- I got it.

22 BOARD MEMBER JOHNSTON: Mr. Chairman?

23 CHAIRMAN FERVIER: We can do that.

24 BOARD MEMBER JOHNSTON: I would like to
25 express my concern about the poll pads, which are our

1 electronic poll books, being inaccurate. And I think
2 that's very problematic that we -- we only know of the
3 Gaylords that voted twice. It is not unusual, when
4 people get recorded as voting by two different methods,
5 the assumption is it's a clerical error, and it's --
6 it's adjusted in the vote history file. So this is all
7 that we know of.

8 And my understanding was, in 2022 the poll
9 pads on election day were uploaded with just the
10 eligible voters for that precinct. So I -- and I hear
11 Mr. Wooten's description of possibly why multiple
12 precincts were loaded on multiple poll pads, which
13 suggests that proper logic and accuracy testing was not
14 performed on these poll pads. But I think it's a great
15 problem, just like Member Ghazal does, too, so I think
16 both of these are serious -- serious violations.

17 CHAIRMAN FERVIER: It sounds to me like we
18 need a little more investigation on Complaint Number 2.
19 Let's -- let's go back to Complaint Number 1, which is
20 the Gaylords' participation in double voting. Are
21 there any more questions to be asked of the Gaylords by
22 the Board?

23 MR. GAYLORD: I have a question.

24 CHAIRMAN FERVIER: Oh, let's see if the Board
25 has any questions first, Mr. Gaylord.

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1 MR. GAYLORD: Sure. I was --

2 CHAIRMAN FERVIER: Okay. Does the Board have
3 any questions for Mr. Gaylord?

4 Do you have a comment you want to make,
5 Mr. Gaylord?

6 MR. GAYLORD: Yes, sir. Since the voting
7 polls have been split into three, wouldn't it be
8 possible, or, hopefully, it's going to be done, that if
9 you voted at one of those three, that the other two got
10 the notice that you voted at the first one? Is that
11 something you should look into, too?

12 CHAIRMAN FERVIER: Well, we are going to look
13 into the -- what occurred down there, yes, so --

14 MR. GAYLORD: Okay. Thank you.

15 CHAIRMAN FERVIER: -- that will all be -- that
16 will be part of the investigation done.

17 MR. GAYLORD: Okay.

18 BOARD MEMBER TINDALL-GHAZAL: Mr. Gaylord, the
19 way it's supposed to work is that each poll should have
20 a list of the voters who are assigned only to that
21 precinct. So if you go to the wrong precinct, they can
22 look in that list and say, You're not here, so you need
23 to go to this place to vote.

24 That's how it's supposed to work. And what --
25 and our issue today is we're -- we can't quite figure

1 out why those precincts had multiple lists in them.
2 There's a -- the separate question of why you and your
3 wife are assigned to different precincts, that's a
4 separate problem.

5 Clearly, it happened when they -- when they
6 bifurcated or trifurcated the -- this original
7 oversized precinct, but it should not have -- that
8 should never happen, where two residents in the same
9 house are assigned to different precincts. So those --
10 there are two different problems here. And,
11 unfortunately, they -- they confounded one another for
12 you on election day.

13 MR. GAYLORD: Yes, ma'am. Thank you.

14 CHAIRMAN FERVIER: All right. The Chair would
15 entertain a motion on the Complaint Number 1, referring
16 to the Gaylords' double voting.

17 BOARD MEMBER KING: Chairman, I believe since
18 the Gaylords did come forward with it, that we -- I
19 think we should send a letter of instruction just to
20 ensure that they fully understand, but I would make a
21 motion that we just send a letter of instruction.

22 CHAIRMAN FERVIER: We have a motion from
23 Member King to send our letter of instruction to the
24 Gaylords, which would simply explain the proper
25 procedure for voting.

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1 Is there a second?

2 BOARD MEMBER JEFFARES: Second.

3 CHAIRMAN FERVIER: We have a motion, and a
4 second from Member Jeffares. Any further discussion?

5 BOARD MEMBER JOHNSTON: Yes, Mr. Chair. I
6 think double voting is a serious violation. And I
7 question why the Gaylords did not inform the -- the
8 poll clerk that they had voted previously at another
9 location before they cast their vote a second time. I
10 would think that -- I -- my opinion is this should be
11 sent to the attorney general.

12 CHAIRMAN FERVIER: We need to take care of the
13 first motion first. We have a motion and a second to
14 send a letter of instruction to the Gaylords.

15 BOARD MEMBER KING: Mr. Chair, I'm willing to
16 withdraw my motion if -- I would like to know what the
17 other board members -- if -- because at this point, I
18 think I'd rather reintroduce it as a letter of
19 reprimand. Is that something that Member Johnston
20 would be open to?

21 CHAIRMAN FERVIER: Let's -- why don't we ask
22 Mr. Gaylord why he didn't inform them.

23 BOARD MEMBER KING: Okay.

24 CHAIRMAN FERVIER: Mr. Gaylord, are you still
25 online?

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1 MR. GAYLORD: Yes, sir. I'm still here.

2 CHAIRMAN FERVIER: Why didn't you inform --
3 when you voted the second time, why didn't you inform
4 them at the time that you had already voted once?

5 MR. GAYLORD: Because the idea was to see if
6 we could vote there or if we should be voting there.
7 And when she said, Yes, you vote here, we didn't even
8 think about the first place until after we voted. Then
9 we went back to the first place, showing that our
10 intent was honorable and that we were just going to
11 have one vote counted, not two. We figured that was
12 sufficient.

13 BOARD MEMBER TINDALL-GHAZAL: I believe the
14 circumstances are ones that the attorney general's
15 office would take into consideration, but I agree with
16 Member Johnston that voting twice is a very, very
17 serious issue.

18 BOARD MEMBER KING: Mr. Chair, so I'm willing
19 to amend my original motion to align with the majority
20 of the Board as I believe that this -- personally, I
21 believe that a letter of reprimand may be sufficient.
22 However, I do agree that double voting is very, very
23 serious. It's very concerning.

24 CHAIRMAN FERVIER: I do, too.

25 BOARD MEMBER KING: And I'm more concerned

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1 about the second half of this -- of this complaint to
2 ensure that we catch those who may have done it and did
3 not go back to the other polling place to say, you
4 know, I did this, and I did wrong. So I will -- I will
5 withdraw my motion.

6 CHAIRMAN FERVIER: Your motion is withdrawn.

7 The Chair will consider any other motions.

8 BOARD MEMBER TINDALL-GHAZAL: I move that we
9 refer this to the attorney general's office.

10 CHAIRMAN FERVIER: We have a motion from
11 Member Ghazal to refer this to the attorney general's
12 office.

13 Is there a second?

14 BOARD MEMBER JOHNSTON: Second.

15 CHAIRMAN FERVIER: We have a motion and a
16 second from Member Dr. Johnston to refer this to the
17 attorney general's office.

18 Any further discussion?

19 Hearing no discussion, all those in favor of
20 referring this to attorney general's office signify by
21 saying, "Aye."

22 BOARD MEMBER KING: Aye.

23 BOARD MEMBER JOHNSTON: Aye.

24 BOARD MEMBER TINDALL-GHAZAL: Aye.

25 CHAIRMAN FERVIER: Any opposition? Hearing no

1 opposition, so moved. Thank you.

2 The second part of the complaint concerns the
3 issues related to Chatham County and the poll pads. My
4 understanding is that the Board would like to continue
5 this for further investigation.

6 BOARD MEMBER TINDALL-GHAZAL: I would also
7 like to -- and I do think it's a wholly separate issue,
8 the issue of the husband and wife being districted to
9 separate precincts. But I would like to request an
10 investigation into that issue as well, because that is,
11 I think, at the heart of the misunderstanding that led
12 to the voters going to two different locations and
13 casting two different ballots.

14 CHAIRMAN FERVIER: There's the fact that
15 they're districted in two different locations and poll
16 pads being incorrect.

17 BOARD MEMBER TINDALL-GHAZAL: Yeah. Those are
18 wholly separate issues, completely unrelated.

19 (Inaudible)

20 UNIDENTIFIED FEMALE SPEAKER: Would they still
21 have that two years later?

22 CHAIRMAN FERVIER: Do what?

23 UNIDENTIFIED FEMALE SPEAKER: Would they still
24 have these records two years later and --

25 CHAIRMAN FERVIER: I don't know, but we can

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1 look into it and see what's available.

2 Unless there's dissent, then I will -- we will
3 continue the rest of this case.

4 BOARD MEMBER JOHNSTON: Mr. Chair, I --

5 CHAIRMAN FERVIER: Yes.

6 BOARD MEMBER JOHNSTON: -- I had intended for
7 this to go to the attorney general. If you -- if the
8 majority of the Board thinks there needs to be more
9 investigation, we could certainly vote on that.

10 BOARD MEMBER KING: And I'm in favor of
11 sending that -- the second portion to the attorney
12 general office as well. I think it needs to be
13 investigated on a deeper level.

14 CHAIRMAN FERVIER: So you want the attorney
15 general to investigate it? Okay. Then the Chair will
16 entertain a motion, then, on the second complaint.

17 BOARD MEMBER JOHNSTON: Mr. Chair, I move that
18 we send this to the attorney general.

19 CHAIRMAN FERVIER: There is a motion to send
20 Complaint Number 2 to the attorney general for further
21 investigation. Is there a second?

22 BOARD MEMBER KING: Second.

23 CHAIRMAN FERVIER: We have a motion and a
24 second from Member King to send the Complaint Number 2
25 to the attorney general. Any further discussion?

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1 BOARD MEMBER TINDALL-GHAZAL: I just wanted to
2 maintain my request that we also investigate separately
3 the issue of two people in the same household assigned
4 to different precincts.

5 CHAIRMAN FERVIER: Yes.

6 BOARD MEMBER JOHNSTON: I -- I wholehearted --
7 I wholeheartedly agree with Member Ghazal.

8 BOARD MEMBER KING: 100 percent. I'm with her
9 as well.

10 CHAIRMAN FERVIER: Yes. Yes. That will all
11 go to the attorney general. All those in favor of
12 sending Complaint Number 2 --

13 MR. PRETORIUS: Mr. Chair?

14 CHAIRMAN FERVIER: -- to the attorney general
15 for further investigation, please --

16 MR. PRETORIUS: Can I say one thing?

17 CHAIRMAN FERVIER: Yes.

18 MR. PRETORIUS: They are not in two separate
19 polling locations. They are both in the -- what
20 happened was in 2021 redistricting happened. They may
21 have confused when they got that original and then
22 (indiscernible) one for -- that one did have a
23 different polling location. And then the new notice
24 that they got had the correct one off the
25 redistricting.

1 So they would have two separate before -- one
2 before and one after. But they both have the same
3 polling location.

4 (Crosstalk)

5 MR. PRETORIUS: Ms. German can explain it if
6 you would like to hear from her.

7 BOARD MEMBER JOHNSTON: I would. I would.
8 Because if that is the explanation, then I don't need
9 anything further. But -- but I have -- the reason I'm
10 very sensitive to this is I've seen it before where
11 there were literally two voters in the same household
12 assigned to different precincts. And I wanted to make
13 sure that's not what was happening.

14 CHAIRMAN FERVIER: Well, the Gaylord --
15 Mr. Gaylord just testified that he and his wife
16 received separate notices for separate polling
17 locations.

18 MR. PRETORIUS: And that's why I think
19 Ms. German can explain a little bit more, because
20 redistricting happened July 22nd, 2021, right? They
21 would have gotten a notice prior to that with their
22 original polling location, and then after they were
23 redistricting, they would have gotten one for the new
24 polling location.

25 So they may have confused those two notices

1 with what the actual polling location is. Their new
2 polling location, they are on the same polling
3 location. And I understand what he is testifying to,
4 but it -- they are getting more notices, but it's for
5 the same polling location, and --

6 CHAIRMAN FERVIER: Yeah, I don't -- I don't --
7 you know, I -- well, what we have here is the
8 he-said-she-said. I understand what you're saying.
9 I'm not disputing that what you're saying is correct.
10 I'm just saying that they -- they have a different
11 interpretation of what occurred. And that would --
12 obviously, in an investigation that would come out if
13 your side is correct, so...

14 MR. PRETORIUS: Yeah, I just wanted to
15 address -- --

16 CHAIRMAN FERVIER: Okay.

17 MR. PRETORIUS: -- Ghazal's --

18 CHAIRMAN FERVIER: I mean, there's no way for
19 us to verify either way that -- today without having
20 the documentation.

21 BOARD MEMBER TINDALL-GHAZAL: Right. All --
22 somebody just needs to go into GARViS and confirm one
23 way or the other, and I will be satisfied, but I do
24 want that -- I do want somebody to do that.

25 CHAIRMAN FERVIER: Yeah, that's a -- I mean,

1 if what you're saying is correct, then that is an
2 easy -- you know, an easy investigation to do. So we
3 just -- but we can't make that determination here
4 today, which is the reason that they want to submit
5 this to the AG to make that determination.

6 MR. PRETORIUS: Thank you.

7 BOARD MEMBER JOHNSTON: Mr. Chair? Mr. Chair?

8 CHAIRMAN FERVIER: Yes.

9 BOARD MEMBER JOHNSTON: My concern about this
10 part of the complaint is the failure of Chatham County
11 to have proper and accurate poll books at the polling
12 place on election day with the opportunity, as Member
13 Ghazal had stated, for 40 or 50 voters to vote in
14 multiple locations.

15 The -- it's very important to have the proper
16 poll books assigned to the proper polling place. So --
17 and -- and to include proper data that reports all the
18 voters that have already voted in early voting and
19 absentee voting so that only voters are allowed to cast
20 their ballot if they have not already voted by any
21 other method. So that is the reason I would like this
22 to go to the attorney general.

23 CHAIRMAN FERVIER: The -- noted. So we have a
24 motion and a second to refer this complaint -- the
25 various aspects of this complaint to the attorney

1 general for further adjudication. Any further
2 discussion?

3 Hearing none, all those in favor of sending
4 this to the attorney general for further adjudication
5 signify by saying, "Aye."

6 BOARD MEMBER KING: Aye.

7 BOARD MEMBER JOHNSTON: Aye.

8 BOARD MEMBER TINDALL-GHAZAL: Aye.

9 CHAIRMAN FERVIER: Any opposition?

10 Hearing no opposition, so moved four to zero.

11 This case number -- the second complaint in SEB2022-145
12 will be referred to the AG.

13 We're an hour and a half into it. Would the
14 Board -- the Chair would entertain a motion for a
15 five-minute comfort break, and then we can come back
16 and work again until 12:00.

17 BOARD MEMBER JOHNSTON: So moved.

18 BOARD MEMBER TINDALL-GHAZAL: So moved.

19 CHAIRMAN FERVIER: We have a motion. Do we
20 have a second?

21 BOARD MEMBER KING: Second.

22 CHAIRMAN FERVIER: Second. All those in
23 favor, signify by saying, "Aye."

24 BOARD MEMBER KING: Aye.

25 BOARD MEMBER JOHNSTON: Aye.

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1 BOARD MEMBER TINDALL-GHAZAL: Aye.

2 BOARD MEMBER JEFFARES: Aye.

3 CHAIRMAN FERVIER: Motion carries four to
4 zero. We will reconvene at 10:30 exactly, which is
5 about five and a half minutes from now. Thank you.

6 (A recess was taken.)

7 CHAIRMAN FERVIER: Meeting of the State
8 Election Board is hereby reconvened. We will now hear
9 Case SEB2022-214, Chatham County repeat voting. It is
10 Tab Number 42 in the board members' books.

11 Investigators?

12 INVESTIGATOR BRUNSON: Okay. So this is a
13 case that involves multiple allegations by a citizen
14 that individuals double voted. In many cases, some of
15 these citizens had active voter registration numbers,
16 multiple ones, duplicate ones that were different that
17 have, obviously, since this time been merged. And this
18 is regarding the November 3rd, 2020, general election.

19 In looking at the one respondent -- and, like
20 I said, there was five allegations here made. The
21 first one was against Bertha Rutledge (phonetic) who
22 mailed in an absentee ballot that she received under
23 one profile, turned in an absentee ballot that she
24 received under another profile on election day.

25 Ms. Rutledge was 86 years old during the general

1 election of 2020 and is now 90 years old.

2 In looking at the participant -- participation
3 history from ENet, it does confirm that these
4 occurrences did occur. However, one of the things that
5 we always like to do is not depend on ENet alone as it
6 relates to double voting cases, because we've had
7 multiple cases in which entities have given credit to
8 individuals in error. And so that is one of the issues
9 that we do have with the one respondent in this case as
10 far as this case being provable.

11 Now there's another individual, the second
12 allegation against Adrianna Boatwright with the same
13 set of circumstances. She had two profiles, and in one
14 of the situations, the ballot was issued 9-18-2020. It
15 was returned 10-21-2020. It was accepted under another
16 voter identification number. It appears that she went
17 and voted on election day, November 3rd, 2020.

18 Our investigation supervisor attempted to
19 follow up. The original assigned investigator
20 resigned, so we had to do a subsequent investigation
21 and follow up on this. And Ms. Boatwright did not want
22 to speak with that investigator at the time before
23 conferring with an attorney.

24 So Investigator Archie (phonetic) then called
25 election supervisor Billy Wooten to see if they still

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1 had the election documents from the November 3rd, 2020,
2 election, and he learned that the records were
3 destroyed after 24 months.

4 The third individual, Kay Etheridge
5 (phonetic), had two voter registration numbers that
6 were ultimately merged. And according to the analysts
7 here, the SOS, Mr. Davis, there's no evidence to
8 indicate that she attempted to vote twice.

9 The fourth allegation relates to Andrew
10 Chiver, and those turned out to be two different
11 individuals, a father and son. As such, there are no
12 duplicate voter registration numbers or double votes in
13 that circumstance.

14 And then, finally, the fifth allegation,
15 Patricia Colbin, it was determined she voted in Georgia
16 by absentee ballot by mail on October 28th, 2020. She
17 subsequently registered to vote in North Carolina on
18 that same day and voted on election day in North
19 Carolina on November 3rd, 2020.

20 She indicated that when she voted, she
21 requested her ballot from Georgia on 9-29-2020. She
22 indicated that she was still a Georgia resident,
23 although at that time she was residing in
24 North Carolina. The fact that she subsequently voted
25 in North Carolina after voting in Georgia was shared

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1 with the North Carolina Secretary of State's office, as
2 that second vote would be a violation in their state.

3 One of -- one -- I'll just note this, that one
4 of the issues is that by the time the citizen filed
5 this complaint, it was late October of 2022. So two
6 months and eight days later would have been the
7 two-year period that the documents had to be retained.
8 So I'll just note that.

9 CHAIRMAN FERVIER: Is Ms. Rutledge online?
10 Ms. Rutledge is not online. Does the Board have any
11 questions for the investigators?

12 BOARD MEMBER TINDALL-GHAZAL: Mr. Brunson, is
13 it correct to state that these registration records
14 have since been -- the multiple registration records
15 have since been merged?

16 INVESTIGATOR BRUNSON: Yes.

17 BOARD MEMBER TINDALL-GHAZAL: And was anybody
18 ever able to interview Ms. Rutledge directly?

19 INVESTIGATOR BRUNSON: No. No. We made
20 multiple attempts. We -- we sent someone to Savannah,
21 to her last known address, and now we found out that
22 she does live in a nursing home now.

23 BOARD MEMBER TINDALL-GHAZAL: Thank you. I
24 don't have any other questions.

25 CHAIRMAN FERVIER: We confirmed she's a

1 full-time resident of a nursing home?

2 INVESTIGATOR BRUNSON: Yes, she -- yes.

3 BOARD MEMBER JOHNSTON: Michael, Ms.

4 Boatwright, there's -- there's a record of voting twice
5 for Ms. Boatwright?

6 INVESTIGATOR BRUNSON: Yes. There is in ENet.

7 BOARD MEMBER JOHNSTON: Okay. But no record
8 of voting twice for Ms. Etheridge?

9 INVESTIGATOR BRUNSON: Yes. No record.

10 BOARD MEMBER JOHNSTON: No record. Okay. So
11 the -- the time frame for retaining documents is two
12 years, but the time frame -- the statute of limitations
13 for election violations or election fraud is at least
14 four years. And it took two year -- two years -- more
15 than two years to bring this case to the election
16 board, which is -- which affects the ability to obtain
17 election documents, for sure.

18 INVESTIGATOR BRUNSON: Yeah. And one of the
19 challenges, too, Dr. Johnston, in this case is that the
20 original investigator resigned. And so in looking at
21 the case again, we determined that there was additional
22 follow-up meeting. There were things that were not
23 done originally, i.e., obtaining the documents from the
24 County that we like to verify and not just trust ENet
25 alone. And, obviously, by the time that occurred, then

1 it was beyond the retention period.

2 BOARD MEMBER JOHNSTON: Correct.

3 INVESTIGATOR BRUNSON: Which, as I indicated,
4 we only had two months and eight days by the time this
5 was filed before that 24-month period passed as it
6 were.

7 BOARD MEMBER JOHNSTON: So is Chatham County
8 on the line?

9 CHAIRMAN FERVIER: Yes.

10 BOARD MEMBER JOHNSTON: Mr. Chair, I have a
11 question for Chatham County.

12 CHAIRMAN FERVIER: Who is online for Chatham
13 County?

14 (Inaudible)

15 CHAIRMAN FERVIER: Chatham County?

16 MR. PRETORIUS: (Inaudible) and Mr. Wooten is
17 here.

18 CHAIRMAN FERVIER: Okay. You -- do you want
19 the attorney or Mr. Wooten, Dr. Johnston?

20 BOARD MEMBER JOHNSTON: Either one.

21 BOARD MEMBER TINDALL-GHAZAL: (Crosstalk) as
22 the registrar is more appropriate.

23 CHAIRMAN FERVIER: For the registrar, yes.

24 BOARD MEMBER JOHNSTON: For the registrar.

25 So for the -- a question for the registrar or

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1 the attorney, Ms. Colbin registered to vote -- was
2 registered to vote and voted in Georgia and then
3 registered to vote and voted in North Carolina
4 subsequently. Is -- is Ms. Colbin still on the active
5 voter rolls in Georgia?

6 MR. PRETORIUS: I defer to Ms. German on that.

7 BOARD MEMBER JOHNSTON: To the registrar?

8 MR. PRETORIUS: Yes.

9 CHAIRMAN FERVIER: Ms. German, did you hear
10 that question?

11 INVESTIGATOR BRUNSON: Dr. Johnston, she's
12 been canceled. She is not --

13 BOARD MEMBER JOHNSTON: Okay.

14 INVESTIGATOR BRUNSON: Her voter registration
15 has been canceled.

16 CHAIRMAN FERVIER: Okay.

17 BOARD MEMBER JOHNSTON: Thank you very much.

18 Mr. Chair, should we address these
19 individually? I -- they're -- these are actually
20 multiple complaints put into one --

21 CHAIRMAN FERVIER: Yes. Yes. Let's start
22 with Ms. Rutledge, who is the 90-year-old individual in
23 a nursing home.

24 BOARD MEMBER JOHNSTON: Mr. Chair, I move that
25 we send this to the attorney general.

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1 CHAIRMAN FERVIER: Dr. Johnston, I -- my only
2 question about that is, is it really worth the time and
3 resources for a lady who is 90 years old and in a
4 nursing home who -- I mean, what's really going to
5 happen with that, you know, at this point?

6 I -- if she were an active person, I would
7 agree with you. And I agree it's a serious violation.
8 But I just wonder about time, resources, and money of
9 investigating something that will have no input at
10 all -- impact at all, so...

11 BOARD MEMBER JOHNSTON: Right.

12 CHAIRMAN FERVIER: On that particular
13 individual.

14 BOARD MEMBER JOHNSTON: Mr. Chair, my mother
15 was at a nursing home, and she was very able and
16 interested and desirous of casting her vote.

17 CHAIRMAN FERVIER: Okay. Are you making a
18 motion?

19 BOARD MEMBER JOHNSTON: I've already made the
20 motion to send this to the attorney general.

21 CHAIRMAN FERVIER: Okay. Is there a -- we
22 have a motion to send this -- the case relating to
23 Bertha Rutledge to a -- the attorney general.

24 Is there a second?

25 BOARD MEMBER KING: Second.

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1 CHAIRMAN FERVIER: We have a motion and
2 second. Any discussion?

3 The second was by Member King.

4 Any discussion?

5 BOARD MEMBER JOHNSTON: The point I'd like to
6 make is that the attorney general has the prosecutorial
7 discretion to make -- to determine the circumstances
8 and how they would want to proceed or handle this case.

9 CHAIRMAN FERVIER: I understand.

10 Any further discussion?

11 We have a motion and a second to send in the
12 case relating to Bertha Rutledge to the attorney
13 general. All those in favor, signify by saying, "Aye."

14 BOARD MEMBER KING: Aye.

15 BOARD MEMBER JOHNSTON: Aye.

16 CHAIRMAN FERVIER: Any opposition?

17 BOARD MEMBER TINDALL-GHAZAL: Nay.

18 CHAIRMAN FERVIER: Motion carries three to
19 one.

20 The second case is against Adrianna Boatwright
21 for double voting.

22 BOARD MEMBER JOHNSTON: Mr. Chair, I move that
23 we send this case to the attorney general.

24 CHAIRMAN FERVIER: We have a motion to send
25 the Adrianna Boatwright case to the attorney general.

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1 Is there a second?

2 BOARD MEMBER KING: Second.

3 CHAIRMAN FERVIER: We have a motion, and
4 second from Member King. Any discussion?

5 BOARD MEMBER TINDALL-GHAZAL: A question for
6 Investigator Brunson. This is -- this case, you were
7 not able to verify via documentary evidence, correct?

8 INVESTIGATOR BRUNSON: Yes, that's correct,
9 and it's correct for Bertha Rutledge also, so for both
10 individuals.

11 BOARD MEMBER TINDALL-GHAZAL: Thank you.

12 CHAIRMAN FERVIER: We have a motion and a
13 second. Any further discussion?

14 UNIDENTIFIED FEMALE SPEAKER: The only named
15 respondent (inaudible) Bertha Rutledge.

16 CHAIRMAN FERVIER: Oh.

17 BOARD MEMBER TINDALL-GHAZAL: Yes. If this
18 individual is not a named respondent, we --

19 CHAIRMAN FERVIER: Yeah.

20 BOARD MEMBER TINDALL-GHAZAL: -- need to
21 continue and --

22 CHAIRMAN FERVIER: Thank you. Thank you for
23 correcting that.

24 Member Johnston, they were not named as
25 respondents in this case, so we would have to name them

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1 as a respondent, give them an opportunity to testify.

2 Would you like to alter your motion to continue this
3 case?

4 BOARD MEMBER JOHNSTON: I'll withdraw my
5 motion and move to continue the case to --

6 CHAIRMAN FERVIER: We have motion to continue
7 this case. Is there a second?

8 BOARD MEMBER TINDALL-GHAZAL: Second.

9 BOARD MEMBER KING: Second.

10 CHAIRMAN FERVIER: All those in favor, signify
11 by saying, "Aye."

12 BOARD MEMBER TINDALL-GHAZAL: Aye.

13 BOARD MEMBER JOHNSTON: Aye.

14 CHAIRMAN FERVIER: Member King?

15 BOARD MEMBER KING: Yes. Aye.

16 CHAIRMAN FERVIER: Okay.

17 BOARD MEMBER KING: Sorry.

18 CHAIRMAN FERVIER: Motion carries four to
19 zero.

20 The third case is against Kay Etheridge. Any
21 questions or motions pertaining to Ms. Etheridge?

22 BOARD MEMBER JOHNSTON: Mr. Chairman, my only
23 question about this is, in the process of merging voter
24 registration numbers, is the vote history or the record
25 of voting merged so that a possible double voting

1 record is lost?

2 INVESTIGATOR BRUNSON: Yes. In ENet it is.
3 Yes.

4 BOARD MEMBER JOHNSTON: It is lost, or it is
5 confirmed that all voting records are contained?

6 INVESTIGATOR BRUNSON: Yeah. So the analyst
7 was able to see apparently that there was not two votes
8 by Kay Etheridge in comparing the different voter
9 registration numbers.

10 BOARD MEMBER JOHNSTON: Okay.

11 CHAIRMAN FERVIER: So there was not double
12 voting, but it was merged?

13 INVESTIGATOR BRUNSON: Yes.

14 BOARD MEMBER JOHNSTON: So ENet is our
15 document -- our election record, right?

16 INVESTIGATOR BRUNSON: Yeah. It used to be.
17 Now GARViS is, but, yes, ENet was --

18 BOARD MEMBER JOHNSTON: Okay.

19 INVESTIGATOR BRUNSON: -- during this period
20 of time.

21 BOARD MEMBER JOHNSTON: Mr. Chair, I make a
22 motion that we dismiss the complaint. Oh, well, we
23 don't have -- she's not a respondent.

24 INVESTIGATOR BRUNSON: No.

25 BOARD MEMBER JOHNSTON: Right?

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1 CHAIRMAN FERVIER: We can still dismiss,
2 though.

3 BOARD MEMBER JOHNSTON: Dismiss the complaint
4 against Kay Etheridge.

5 CHAIRMAN FERVIER: We have a motion to dismiss
6 the complaint against Kay Etheridge.

7 Is there a second?

8 BOARD MEMBER JEFFARES: Second.

9 BOARD MEMBER KING: Second.

10 CHAIRMAN FERVIER: We have a motion, and a
11 second from Member Jeffares.

12 All those in favor, signify by saying, "Aye."

13 BOARD MEMBER KING: Aye.

14 BOARD MEMBER TINDALL-GHAZAL: Aye.

15 CHAIRMAN FERVIER: Any opposition? Hearing no
16 opposition, it is dismissed by a vote of four to zero.

17 The next case is against Andrew L. Chiver.

18 BOARD MEMBER JOHNSTON: Mr. Chair, I recommend
19 that we dismiss the charge against -- the allegation
20 against Mr. Chiver.

21 CHAIRMAN FERVIER: We have a motion to dismiss
22 the allegation against Mr. Chiver.

23 Is there a second?

24 BOARD MEMBER JEFFARES: (Inaudible).

25 BOARD MEMBER KING: Second.

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1 CHAIRMAN FERVIER: We have a motion. We have
2 a second from Member Jeffares. All those in favor
3 signify by saying -- by voting "Aye."

4 BOARD MEMBER KING: Aye.

5 CHAIRMAN FERVIER: Member Johnston?

6 BOARD MEMBER JOHNSTON: Aye.

7 CHAIRMAN FERVIER: Member Ghazal?

8 BOARD MEMBER TINDALL-GHAZAL: I'm a little
9 confused why we're -- there are no allegations, so I'm
10 not quite sure I understand what this exercise is. But
11 for the record, there's no -- we don't have any
12 allegations against these --

13 CHAIRMAN FERVIER: We're dismissing the cases.

14 BOARD MEMBER JOHNSTON: Right. Well, in the
15 record it says Ms. Strahl (phonetic) alleges, so that's
16 the only reason I'm addressing these individually.

17 CHAIRMAN FERVIER: How do you vote,
18 Ms. Ghazal -- Member Ghazal?

19 BOARD MEMBER TINDALL-GHAZAL: Aye, if that
20 means we're dismissing --

21 CHAIRMAN FERVIER: We are dismissing. Yes.
22 Case against Andrew L. Chiver dismissed.

23 The last one is the allegations against
24 Patricia Colbin.

25 BOARD MEMBER JOHNSTON: Mr. Chair, there is

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1 record that Ms. Colbin voted in the same election two
2 times. I move that we continue this and return this
3 with Ms. Colbin as the respondent.

4 UNIDENTIFIED FEMALE SPEAKER: Can we --

5 CHAIRMAN FERVIER: Yeah, the investigator is
6 pointing out that the second vote was in
7 North Carolina, and, therefore, it's a North Carolina
8 violation, not a Georgia violation.

9 BOARD MEMBER JOHNSTON: You mean if somebody
10 votes twice in an election, it's not a violation in
11 Georgia?

12 INVESTIGATOR KOTH: Not the first one.

13 CHAIRMAN FERVIER: Not the first one. Not the
14 first one. The second one is the violation. The
15 second vote is the violation, and it occurred in
16 North Carolina.

17 BOARD MEMBER TINDALL-GHAZAL: Can I reframe
18 this a little bit? Can we continue this and
19 investigate whether or not she was still an actual
20 resident of Georgia at the time that she cast the vote
21 there -- here?

22 INVESTIGATOR BRUNSON: Yeah, we did look at
23 that. Let's see. Yeah.

24 UNIDENTIFIED FEMALE SPEAKER: She was removed
25 from Chatham after --

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1 INVESTIGATOR BRUNSON: Yeah. After the --

2 INVESTIGATOR KOTH: -- after the hearing in
3 January --

4 INVESTIGATOR BRUNSON: -- after this election.
5 But at the time...

6 BOARD MEMBER TINDALL-GHAZAL: Her vote in the
7 same election in North Carolina was in person, correct,
8 and it was an absentee vote in Georgia?

9 INVESTIGATOR BRUNSON: Yes.

10 BOARD MEMBER TINDALL-GHAZAL: So, in my mind,
11 the legal question is whether or not she was still a
12 legal resident of Georgia at the time she cast her
13 ballot.

14 It's entirely possible that she was and then
15 moved to North Carolina and cast a ballot in person in
16 North Carolina later in the cycle, in which case I
17 would absolutely agree that the only violation was in
18 North Carolina. But if she was still -- if she was a
19 resident in North Carolina when she cast her ballot in
20 Georgia, then that would be --

21 INVESTIGATOR BRUNSON: Let me ask you a
22 question here. Since she cast an absentee ballot in
23 Georgia that wasn't counted until election day, and she
24 voted before that in North Carolina, so which -- was
25 the second vote actually in North Carolina, or was it

1 in Georgia, since the absentee ballot really isn't
2 counted until election day?

3 BOARD MEMBER TINDALL-GHAZAL: That's a
4 chicken-or-egg question if there ever was one.

5 CHAIRMAN FERVIER: Yeah. Interesting
6 question, though.

7 BOARD MEMBER TINDALL-GHAZAL: So I would, I
8 believe, second Dr. Johnston's motion to continue this
9 case, name her as a respondent, and perhaps clarify a
10 little bit on that question of residency in the
11 meantime.

12 INVESTIGATOR BRUNSON: Yeah. I'll just -- so
13 just in conferring with the investigator who did the
14 secondary investigation after the first one, he said
15 that when he spoke with her, she lived part time in
16 both states and traveled for her job. So that's --
17 that's what her response was when she was interviewed.
18 I mean, we can obviously --

19 CHAIRMAN FERVIER: That's not a good response.

20 INVESTIGATOR BRUNSON: What's that?

21 CHAIRMAN FERVIER: That's not a good response.

22 INVESTIGATOR BRUNSON: Yeah. That's what we
23 got. So okay.

24 BOARD MEMBER TINDALL-GHAZAL: Residency is not
25 a binary issue, and it is a very complicated question,

1 so I --

2 CHAIRMAN FERVIER: Sure. I would love to hear
3 her response.

4 BOARD MEMBER TINDALL-GHAZAL: As a respondent,
5 yeah, she will have an opportunity to make her case.

6 BOARD MEMBER JOHNSTON: My other hypothetical
7 question is, if a person votes in three different
8 states, are they only liable for the last state they
9 voted in or the last two states they voted in, or is
10 the issue that they're voting multiple times in the
11 same election?

12 CHAIRMAN FERVIER: I think both. I think that
13 they're -- I would think that they would be liable in
14 the second and third state would be the case. My
15 question, though, is that with absentee votes, when
16 does the vote actually occur?

17 BOARD MEMBER JOHNSTON: Well --

18 CHAIRMAN FERVIER: When you send in a ballot
19 or when it's counted?

20 BOARD MEMBER JOHNSTON: Correct. Well, if the
21 issue is it can only -- the -- this can only be
22 addressed in North Carolina, I still would like to have
23 -- well, I agree with the continuation, but I would
24 like this to go to the attorney general, and they can
25 hand it over to North Carolina, make that decision.

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1 BOARD MEMBER TINDALL-GHAZAL: We can't do that
2 until the respondent has received it.

3 CHAIRMAN FERVIER: Right.

4 BOARD MEMBER JOHNSTON: Correct.

5 CHAIRMAN FERVIER: Right.

6 BOARD MEMBER JOHNSTON: Correct.

7 CHAIRMAN FERVIER: So we do we have a motion
8 to continue this case, Dr. Johnston?

9 BOARD MEMBER JOHNSTON: Motion to continue
10 this case.

11 CHAIRMAN FERVIER: Do we have a second?

12 BOARD MEMBER TINDALL-GHAZAL: Second.

13 BOARD MEMBER KING: Second.

14 CHAIRMAN FERVIER: We have a motion and a
15 second from Member Ghazal to continue this case on --
16 as it pertains to Patricia Colbin. Does it for
17 SEB2022-214.

18 The next case is -- on the agenda is
19 SEB2022-307, Chatham County, photograph taken of a
20 voter's ballot. That is Tab Number 43 in the binder.
21 If the investigators will please give us a brief
22 summary of what occurred.

23 INVESTIGATOR KOTH: Yes. This case is about a
24 self-report. Mr. Joel -- I'm just going to call him
25 Mr. Joel. He reported being accosted and intimidated

1 by poll worker Fred Rothenberg (phonetic) after taking
2 a picture of his ballot. He alleged that
3 Mr. Rothenberg acted in an aggressive manner and chased
4 him to his car. He also said that he deleted the photo
5 after being instructed to do so by Mr. Rothenberg.

6 He advised that he's a combat veteran who
7 suffered PTSD and felt that his -- Mr. Rothenberg's
8 actions were unprofessional and shameful. That's what
9 he was complaining about, was the way he felt he was
10 treated.

11 And the investigation revealed that Mr. Joel
12 did, in fact, take the photo of his ballot during the
13 November 8th, 2022, general election. He advised that
14 he did take the photo, that he knew you weren't
15 supposed to have the camera or have your phone with
16 you, but he didn't think that included him taking a
17 picture of his own ballot. He said he was concerned
18 with the security of his ballot, and that's why he took
19 the photo.

20 Mr. Smithberg (sic) admitted to following
21 Mr. Joel to his vehicle, but said it was simply to get
22 his license plate for identification purposes. He said
23 that he was -- he remained professional throughout the
24 contact with Mr. Joel.

25 It was advised to him that maybe that's not

1 the safest practice, but that wasn't a violation of
2 Georgia Election Code. So the potential violation is
3 for Mr. Joel for O.C.G.A. 21-2-568.2(a)(2),
4 photographic and other electronic monitoring of ballots
5 prohibited.

6 CHAIRMAN FERVIER: The respondent is Joel
7 Paskauskas (phonetic). Mr. Paskauskas is not online
8 with us.

9 Mr. Wooten, are you still online? Mr. Wooten,
10 are you still online with us?

11 It doesn't sound like he's available at this
12 time. Does the Board have any questions on this?

13 MR. WOOTEN: Yes, sir, I am.

14 CHAIRMAN FERVIER: Oh, Mr. Wooten, do you have
15 any comments about this?

16 MR. WOOTEN: I know Joel. Joel called me. We
17 discussed that issue. I've known Joel for years. I
18 knew his family. He's not a bad guy, just FYI. He
19 posted the picture online, and, of course, I advised
20 him to take it down.

21 And he also told me about the poll worker, and
22 I immediately got the poll worker and talked with him
23 and warned him at -- that, you know, I realized that he
24 has a different version, but, you know, the voter --
25 you know, the voter has to be treated with the utmost

1 of respect and that, regardless, the voter took his
2 actions to be rude and that that just was not going to
3 happen again.

4 And it -- and we have not had any issues with
5 that poll worker since then. And I have not heard from
6 Joel. He still lives in this area, and I'm going to
7 assume he still votes, but I've not seen him and not
8 had any contact with him.

9 CHAIRMAN FERVIER: Are there any questions
10 from the Board in this case?

11 DR. JOHNSTON: Mr. Wooten, did the voter take
12 down the photograph that he had posted of his ballot
13 after you instructed him to do so?

14 MR. WOOTEN: Yes, he did.

15 BOARD MEMBER TINDALL-GHAZAL: And does he
16 understand that that is a violation of election code
17 to -- not just to post, but even the matter of the act
18 of photographing a ballot? Does he understand that?

19 MR. WOOTEN: Yes.

20 BOARD MEMBER TINDALL-GHAZAL: Thank you.

21 BOARD MEMBER JOHNSTON: Mr. Wooten, the
22 investigative report states that the voter said he
23 deleted the picture and then cast his ballot and exited
24 the polling place. I do not see where it -- in the
25 investigative report that it was posted online.

1 (Inaudible)

2 MR. WOOTEN: Yeah, I didn't get a copy of that
3 report, so I haven't seen it. Joel and I talked about
4 that, and he may have done that and then taken it, you
5 know, down. I really can't comment about that.

6 BOARD MEMBER JOHNSTON: Could the
7 investigators check their notes, too, because I -- you
8 know, it's different -- I see this differently if
9 somebody takes their phone out -- everybody is so
10 addicted to their phones these days -- and if they take
11 a picture and delete it right there because they were
12 not aware or informed about taking photos of ballots.
13 But to take a photo and post it online or take it out
14 of the polling place, that's -- to me, that's a serious
15 concern.

16 INVESTIGATOR KOTH: The investigator said he
17 had never -- that never came up, so he was never
18 notified that that was posted to Facebook, because it
19 said that he deleted it right then and there.

20 BOARD MEMBER TINDALL-GHAZAL: I would move to
21 issue a letter of instruction in this case based on the
22 investigative report that the photo was, in fact,
23 deleted and that the -- and that the voter understands
24 that that is prohibited activity.

25 BOARD MEMBER JOHNSTON: Likewise. Is this for

1 the whole complaint, Member Ghazal?

2 BOARD MEMBER TINDALL-GHAZAL: Yes. Yeah,
3 because the only identified violation is the
4 photograph.

5 BOARD MEMBER JOHNSTON: I'm equally concerned
6 -- although it's not listed in the complaint, I'm
7 concerned about the action of the poll worker chasing a
8 voter to the car and the complainant's -- actually, the
9 complainant -- the complaint was by Mr. Joel
10 Paskauskas, but the response -- and his complaint was
11 against Chatham County. But the case is assigned, and
12 he becomes his own respondent.

13 BOARD MEMBER TINDALL-GHAZAL: Unless we can
14 identify a code section that was violated, bad behavior
15 is not necessarily a violation of law. And I believe
16 Mr. Wooten when he says that he counseled and
17 instructed the poll worker and he has not repeated
18 the -- that sort of bad behavior. That's -- that's an
19 employment issue.

20 And I also believe that the -- the
21 investigative report suggested that the voter aimed his
22 car at the -- at the poll worker and drove in a
23 threatening manner, so I would agree that that is
24 definitely not best practice to follow a voter out. So
25 it's -- I don't think -- I think there are no clean

1 hands in this particular incident.

2 CHAIRMAN FERVIER: Well, there was another
3 poll worker, too, that was present during the incident.

4 BOARD MEMBER JOHNSTON: Was there a witness to
5 the aggressive behavior of either of these parties?

6 CHAIRMAN FERVIER: There was a -- on Page 4,
7 it talks about Barbara Torrez, who was the poll
8 manager. She did see Mr. Smithberg follow the voter
9 out of the building and tried to stop him, but it was
10 too late. There were other voters within the polling
11 location.

12 Ms. Torrez did not want to throw away -- not
13 want to draw any attention to the incident, so she
14 waited until Mr. Smithberg to return before addressing
15 the issue with him. She didn't follow him in the
16 parking lot, and her only vantage point was from the
17 doorway of the building.

18 She did mention observing Mr. Smithberg in the
19 parking lot, but claimed he never blocked the voter
20 from leaving and stood behind a neighboring vehicle
21 with distance between them. She said that he became
22 verbally combative and threatening after Mr. Smithberg
23 confronts with -- the voter became verbally combative
24 and threatening, according to Ms. Torrez.

25 INVESTIGATOR KOTH: She said she didn't

1 witness the initial confrontation --

2 CHAIRMAN FERVIER: (Indiscernible.)

3 INVESTIGATOR KOTH: -- and all her knowledge
4 of that came from Mr. Smithberg's account of the issue.
5 But all the poll workers have been instructed not to
6 leave the building to follow voters for any reason.

7 CHAIRMAN FERVIER: It -- yeah. I mean, it's a
8 he-said-she-said or he-said-he-said as to who is more
9 aggressive there.

10 BOARD MEMBER TINDALL-GHAZAL: Like I said, I
11 see this as there are no clean hands. I think that
12 Director Wooten did his very best to reach out to the
13 voter and make sure that they were -- and apologized to
14 the voter on behalf of the County. And I think that
15 was -- it was -- that was the right thing to do and to
16 instruct the poll worker on his behavior and attitude.

17 But it -- again, it's not the role of the
18 State Election Board to supervise staff. It is the
19 role to determine whether or not election laws were
20 violated. And I certainly don't know of any that were
21 violated by very poor judgment here.

22 CHAIRMAN FERVIER: Yeah. Nobody was prevented
23 from voting in this case, so...

24 BOARD MEMBER JOHNSTON: Well, the voter --
25 according to the voter, the photo was immediately

1 deleted. I find it difficult to find fault with
2 somebody that said, Oh, pardon me, I didn't know, and
3 responded accordingly by deleting the photo.

4 I mean, I -- the behavior on -- that's
5 described in this complaint is, you know, less than
6 desirable for either party. And, you know, we need to
7 reestablish rules of civility, I think. However, I
8 would be in favor of dismissal of this complaint.

9 BOARD MEMBER TINDALL-GHAZAL: I believe it's
10 the general practice that when there is a technical
11 violation, a letter of instruction is generally how we
12 respond, and that is -- that is why -- I have lost
13 track of whether or not a motion was made.

14 CHAIRMAN FERVIER: I believe you made a motion
15 to issue a letter of instruction, which has kind of
16 been our case in the past when somebody has taken a
17 picture inside. We just issued letters of instruction.

18 BOARD MEMBER TINDALL-GHAZAL: Particularly
19 when it's a picture of a ballot and not simply inside
20 of a polling location.

21 CHAIRMAN FERVIER: Yeah.

22 BOARD MEMBER JOHNSTON: Is there evidence of
23 the picture of the ballot?

24 INVESTIGATOR KOTH: He said that he did.

25 BOARD MEMBER TINDALL-GHAZAL: That was --

1 yeah. Yes. There's -- that was the whole point of
2 this.

3 CHAIRMAN FERVIER: He didn't --

4 INVESTIGATOR KOTH: I think he knew he
5 couldn't take pictures, but he didn't think that
6 pertained to his ballot, and he didn't trust the
7 system. So he took the picture of the ballot and then
8 deleted it once they told him, Nope, that pertains to
9 your ballot as well.

10 BOARD MEMBER JOHNSTON: Right. Well, my point
11 with this is, as I've expressed before -- I explained
12 before, the issue about taking photos of ballots is we
13 want to prevent ballot selling or receiving --
14 receiving something in kind for voting a certain way.
15 It's not so much the act of taking a photo. It's what
16 one does with it also. So I still would think that
17 considering the circumstance, that this is a case that
18 I would dismiss.

19 CHAIRMAN FERVIER: Yeah. I think that,
20 Member Johnston, I -- my issue with this is, we've been
21 consistent in the past where somebody has taken a
22 picture inside the polling location that we give them a
23 letter of instruction as to what the proper procedures
24 are.

25 And, I mean, we really -- besides his

1 testimony, we would have no idea what he was going to
2 use that picture of his ballot for. I mean, he could
3 have used it for any number of things, but he was
4 caught taking the picture and deleted it.

5 But -- so I would just think we would be
6 consistent as a board and issue a letter of instruction
7 like we've done in the past with other similar cases.

8 BOARD MEMBER KING: Mr. Chairman, did you --
9 you said he was caught taking the picture, then he
10 deleted it --

11 CHAIRMAN FERVIER: Yes.

12 BOARD MEMBER KING: -- but he also admitted to
13 posting it online --

14 CHAIRMAN FERVIER: No.

15 BOARD MEMBER KING: -- so he took the
16 picture --

17 CHAIRMAN FERVIER: No, no, no, no. No, he did
18 he did not admit to posting. He deleted it immediately
19 when he was caught -- after he was caught taking it.

20 BOARD MEMBER TINDALL-GHAZAL: Mr. Wooten had
21 suggested that -- that it was posted online based on
22 his conversation with the voter.

23 CHAIRMAN FERVIER: Yeah. But there's no
24 evidence besides what Mr. Wooten said there. Yes.

25 BOARD MEMBER JOHNSTON: I don't see that in

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1 the report that -- Mr. Chair, you've convinced me a
2 letter of instruction is -- is a reasonable thing to
3 do.

4 CHAIRMAN FERVIER: We have a motion to issue a
5 letter of instruction on this case. Is there a second?

6 BOARD MEMBER KING: Second.

7 CHAIRMAN FERVIER: We have a motion and a
8 second from Member King to issue a letter of
9 instruction. Any further discussion?

10 Hearing no discussion, all those in favor of
11 issuing a letter of instruction, signify by saying,
12 "Aye."

13 BOARD MEMBER KING: Aye.

14 BOARD MEMBER JOHNSTON: Aye.

15 BOARD MEMBER TINDALL-GHAZAL: Aye.

16 CHAIRMAN FERVIER: Any opposition?

17 Hearing no opposition, so moved. The letter
18 of instruction will be issued.

19 Next item on the agenda is SEB2023-012,
20 Chatham County voter ID issue. That is Tab Number 44
21 in your binders. If the investigators would give us a
22 brief description of what occurred.

23 INVESTIGATOR BRUNSON: The Complainant, Rita
24 Suzanne Kelly, reports on December 2nd, 2022, she went
25 to the Southwest Library to vote in the Chatham County

1 general runoff election. She indicated that she was
2 not allowed to use her Georgia weapons carry license as
3 a form of identification. She advised that she had to
4 show her Georgia's driver's license to vote.

5 The investigator interviewed her by phone, and
6 she reiterated that the poll worker that told her that
7 was identified as Hilani Williams. Ms. Williams
8 indicated that at the time she was new and did not know
9 that a concealed carry card was an acceptable form of
10 identification. Since that time, she has learned that
11 it is.

12 Ms. German stated the clerical training staff
13 is given the training manual that includes a list of
14 acceptable identifications that may be used during
15 early voting. The staff is advised that if they are
16 unsure, to ask the site manager.

17 So based on the investigation, there's
18 evidence to suggest that Chatham County Voter
19 Registration violated O.C.G.A. 21-2-417(a)(2),
20 presentation of identification of poll workers, form of
21 proper identification when a poll worker at the library
22 refused to accept a state-issued concealed carry photo
23 ID as valid identification when the voter presented it
24 to vote during early voting in the December runoff
25 election in Chatham County.

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1 CHAIRMAN FERVIER: Ms. German, are you online
2 with us today?

3 Is she?

4 UNIDENTIFIED MALE SPEAKER: Yes.

5 REGISTRAR GERMAN: Yes, sir.

6 CHAIRMAN FERVIER: Ms. German, would you like
7 to respond to this?

8 REGISTRAR GERMAN: Yes. Ms. Williams is not
9 with us today, but she did leave a statement with us in
10 regards to the incident. As far as I am concerned in
11 regards to the incident, our staff is trained. They're
12 given a manual, along with instructions for early
13 voting.

14 Ms. Williams, this was her first time working
15 as a poll, and she explained that she was unaware of
16 the types of IDs that she can use. But immediately
17 after the incident, staff actually did -- the site
18 supervisor did recurrent training with her to make sure
19 that she was aware of what she was supposed -- I mean,
20 what she could receive from voters.

21 MR. PRETORIUS: And just for further
22 clarification, I spoke with Ms. Williams, and she
23 stated that when the person showed her the gun permit,
24 she did not know what that was. She's never seen one.

25 And she said, No, I need an ID.

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1 The lady then put the gun -- the concealed
2 permit back in her wallet, took out her ID, and was
3 allowed to vote with the ID when that occurred. And
4 she was -- stated that then she asked the supervisor,
5 who then went further and made sure that she understood
6 that concealed permits are valid IDs.

7 CHAIRMAN FERVIER: Yeah. Having a concealed
8 permit myself, I would just take that over a
9 State-issued ID any day of the week, because I know
10 what you have to go through to get one of those.

11 MR. PRETORIUS: Yes.

12 CHAIRMAN FERVIER: So are there any other
13 questions from the Board?

14 UNIDENTIFIED FEMALE SPEAKER: No questions.

15 BOARD MEMBER TINDALL-GHAZAL: Yes. Go ahead,
16 Dr. Johnston.

17 BOARD MEMBER JOHNSTON: No questions.

18 BOARD MEMBER TINDALL-GHAZAL: Ms. German, can
19 you confirm that you have done remedial voter ID
20 training for all of your early voting workers?

21 REGISTRAR GERMAN: Yes, ma'am, we have, and we
22 go over it. They're actually provided with a folder
23 with all of the forms of identification inside of that
24 particular folder.

25 BOARD MEMBER TINDALL-GHAZAL: So they can

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1 actually see exemplars so that they know what they're
2 looking at?

3 REGISTRAR GERMAN: Yes, ma'am.

4 BOARD MEMBER TINDALL-GHAZAL: Excellent.
5 Okay.

6 Then I -- at the appropriate time, I would
7 make a motion that we issue a letter of instruction in
8 this case.

9 CHAIRMAN FERVIER: Are there any other
10 questions from the Board?

11 BOARD MEMBER JOHNSTON: No. No, I think it's
12 the appropriate time.

13 CHAIRMAN FERVIER: Would you like to make a
14 motion, Member Ghazal?

15 BOARD MEMBER TINDALL-GHAZAL: Yes. I move
16 that we issue a letter of instruction.

17 CHAIRMAN FERVIER: We have a motion for a
18 letter of instruction.

19 BOARD MEMBER JOHNSTON: Second.

20 CHAIRMAN FERVIER: Is there a second?

21 BOARD MEMBER JOHNSTON: Second.

22 CHAIRMAN FERVIER: We have a second from
23 Dr. Johnston.

24 Any discussion?

25 Hearing no discussion, all those in favor of

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1 issuing a letter of instruction, signify by saying,
2 "Aye."

3 BOARD MEMBER KING: Aye.

4 BOARD MEMBER TINDALL-GHAZAL: Aye.

5 BOARD MEMBER JOHNSTON: Aye.

6 CHAIRMAN FERVIER: Any opposition?

7 Hearing no opposition, so moved. The letter
8 of instruction will be issued on SEB2023-012.

9 The next item on the agenda in Chatham
10 County -- you'll be glad to hear this is the last
11 one -- SEB2024-030, Chatham County, carrying a firearm
12 within 150 feet of a poll. That's Tab Number 45 in
13 your binder. Investigators, if you could give us a
14 brief description, please.

15 INVESTIGATOR KOTH: This complaint came in
16 from -- Chatham County Election Supervisor Billy Wooten
17 reported that John Boutwell entered a polling place on
18 March 12th, 2024, with a firearm and knife on his
19 person. It was also suspected that an individual by
20 Keith Cruz carried a concealed firearm on his person
21 within a polling place based on a Facebook post between
22 the two of them.

23 The investigator spoke with Mr. Wooten, who
24 stated that John entered a polling place holding his
25 child, and when he put the child down, he exposed his

1 firearm and knife. He was asked to put his weapons in
2 his vehicle, and he refused. Mr. Wooten advised that
3 they have a sign on the front door that says, No
4 weapons are allowed.

5 After John's refusal to disarm himself, the
6 poll manager, Deshawn Marsh (phonetic), called the
7 local police. The police arrived and reiterated to
8 Mr. Boutwell that he would have to put his weapons in
9 his vehicle to go inside the polling place, or he could
10 leave. He chose to leave.

11 The investigator spoke with John, who stated
12 that he was denied the right to vote on March 12th,
13 2024, when the poll manager did not allow him to vote.
14 He said he was carrying his firearm on his hip in a
15 holster and a knife on a holster on his person.

16 He said that he needed to take -- when he was
17 told to take his weapons out of the building before he
18 could cast his vote, he chose not to. He believes that
19 the Second Amendment protects him and refused to disarm
20 himself.

21 He said that he videoed the incident using his
22 cell phone, which he stated was his First Amendment
23 right. He advised that he did not record in the
24 vicinity of voters, and so he didn't evade anyone's
25 privacy.

1 The potential violations are for
2 O.C.G.A. 21-2-413(i) for John for his conduct of voters
3 and O.C.G.A. 21-2-413(e), conduct of voters for using
4 his cell phone as a recording device while inside the
5 polling place, by his own admission.

6 CHAIRMAN FERVIER: Mr. Boutwell -- it appears
7 Mr. Boutwell is online.

8 MR. BOUTWELL: Yes, I am. Yes, sir. Can you
9 hear me okay?

10 CHAIRMAN FERVIER: Yes. Would you like to
11 respond, Mr. Boutwell?

12 MR. BOUTWELL: I would love to respond. First
13 off, thank you for taking my case and allowing me to
14 speak. I know you guys deal with a lot of stuff during
15 the day, and your headache only grows larger by the
16 moment.

17 Yeah. That day was just like any other day.
18 I got off work, picked my daughter up from school, and
19 I wanted to show her the responsibility of an American
20 citizen and the right to cast a vote, as upheld by the
21 Fifteenth Amendment.

22 So I casually walked into the building with my
23 daughter on my side, stood in front of the nice young
24 lady, and I believe there was a gentleman at the table
25 as well that I spoke with, gave them my identification

1 card with no fault, no issues, received my little
2 yellow card and a stylus so that I may cast my vote.

3 My daughter then followed me. I was five feet
4 from the booth -- the booth to cast my vote, and a
5 young lady advised me that I needed to disarm in order
6 to cast my vote. I refused, upholding the Second -- my
7 Second Amendment rights, which is upheld by the United
8 States Constitution, as well as the Supreme Court
9 multiple times, more specifically Madison Marbury, any
10 law that attempts to be repugnant of the United States
11 Constitution is null and void, meaning your statute
12 that you have placed on the front door is not viable
13 under the United States Constitution, which the Supreme
14 Court has ruled.

15 So I was not unruly, not irate of any kind. I
16 simply asked the woman if she was refusing to allow me
17 to vote because I refused to disarm. She would not
18 tell me that, but the option was there, and because of
19 that, she would not allow me to vote.

20 I left. I spoke with the officers out front
21 of the building nice and casually. They -- we spoke
22 about the statute on the front door, and the gentleman
23 asked me if I could just leave my firearm in my truck
24 for five minutes, and which I responded to him, How
25 long does it take for a crime to occur?

1 He responded, A matter of seconds.

2 So in a matter of that five-minutes time
3 frame, something can happen and cause issues to myself
4 or anyone else in that building.

5 Now, I understand the need for the statute on
6 the front door, as carrying a firearm could be
7 considered a -- an intimidation to possibly sway
8 someone's vote left or right, and I understand that.
9 However, someone's feelings does not trump my rights
10 to -- for security.

11 Now, I'm not an unreasonable man. Being that
12 that motion is on the front door, the statute is there.
13 That tells me that the State Election Board takes my
14 safety into their hands, meaning you should have had a
15 guard or someone, something there to keep me safe in
16 the case something happened.

17 Now, I'm not saying that should be the case at
18 this particular location but, generally, any location,
19 because we all know that some of these polling
20 locations are not necessarily in the best
21 neighborhoods. Either way, the -- that being said, my
22 security was not taken care of that day, so I had no
23 problem maintaining my own security, as well as that of
24 my daughter's.

25 Now, if you had had security at these polling

1 locations, I would have had absolutely no problem
2 placing my sidearm in a locked vehicle and proceeding
3 with my vote. However, that was not the case, nor was
4 I allowed to.

5 CHAIRMAN FERVIER: The Complainant,
6 Mr. Wooten, are you still online?

7 MR. WOOTEN: Yes, sir, I am.

8 CHAIRMAN FERVIER: Do you have comments that
9 you would like to make?

10 MR. WOOTEN: I talked with the poll manager
11 that day, and I talked with the police department in
12 the Pooler area that responded to her call. And I
13 don't -- what the -- what the gentleman just said was
14 what -- was what I was told. We wanted him to vote,
15 but we wanted him to follow what state law is.

16 MR. BOUTWELL: May I respond to that?

17 CHAIRMAN FERVIER: Yes.

18 MR. BOUTWELL: The state law, I understand
19 what it is, and I have read the state law in your all
20 statutes. However, the United States Constitution
21 Supreme Court has upheld the Constitution out-rules
22 state laws in multiple different aspects.

23 Like I said, Madison versus Marbury, any law
24 that is repugnant of the Constitution is null and void,
25 and that was the ruling of the Supreme Court in 1801.

1 It has yet to be challenged.

2 BOARD MEMBER TINDALL-GHAZAL: Mr. Chairman?

3 CHAIRMAN FERVIER: Let me make a -- can I make
4 a comment first?

5 BOARD MEMBER TINDALL-GHAZAL: Of course.

6 CHAIRMAN FERVIER: Yeah, I -- Mr. Boutwell, I
7 appreciate the comments you've made. I'm a former
8 military guy myself, and I own various firearms, but
9 this election board is bound -- duty-bound to follow
10 the laws of the state of Georgia and statutes. And you
11 understand that the statute doesn't allow weapons in
12 polling places, correct?

13 MR. BOUTWELL: I understand the statute, and I
14 also understand the Supreme Court ruling that voids
15 that statute.

16 CHAIRMAN FERVIER: Well, that -- but that's
17 not a -- that's not a decision that this board can
18 make, whether the Constitution trumps the state law,
19 and that's not up to this board to make that decision.
20 That's up to a higher authority than this board. But
21 our -- we're challenged --

22 MR. BOUTWELL: And I understand that.

23 CHAIRMAN FERVIER: Yeah, we're challenged as a
24 board to follow the laws under the election code, you
25 know, that we have before us. And it's clear under the

1 election code that carrying a firearm, if you're not a
2 peace officer, is a violation of that code. So I just
3 wanted to make that point so that you understand the --
4 what our obligations are and what we have to deal with.
5 And I appreciate your comments. Like I said, I'm a
6 former military guy and, you know, weapon owner myself,
7 so...

8 Member Ghazal, you had some comments?

9 BOARD MEMBER TINDALL-GHAZAL: Only to note
10 that no individual right is absolute, and the Supreme
11 Court has consistently upheld state laws that prohibit
12 firearms from being carried in sensitive locations.

13 The District of Columbia v. Heller, which
14 established the individual right to carry a weapon,
15 also upheld state laws prohibiting carrying of weapons
16 in those -- in sensitive areas, and polling locations
17 are considered sensitive areas. They're government
18 locations. And so the -- I think this is a very, very
19 clear violation.

20 CHAIRMAN FERVIER: Are there any other
21 comments from the other members of the Board?

22 Hearing no further comment, the Chair would
23 entertain a motion at this point.

24 BOARD MEMBER JOHNSTON: I move that we refer
25 this to the attorney general's office.

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1 CHAIRMAN FERVIER: Allow them to adjudicate
2 further case?

3 We have a motion to refer this to the attorney
4 general for further adjudication.

5 Is there a second?

6 BOARD MEMBER TINDALL-GHAZAL: Second.

7 BOARD MEMBER KING: Second.

8 MR. BOUTWELL: May I speak further for a
9 second?

10 CHAIRMAN FERVIER: Yes. If you would like to
11 make another comment.

12 MR. BOUTWELL: Okay. So I have -- last time I
13 spoke -- or sorry. Last time I voted at this brief
14 precinct, I happened to run into my state
15 representative, Buddy Carter, and I brought this issue
16 to his direct attention, right in front of him, and
17 showed him the statute that clearly violates state --
18 federal law -- or, sorry, Constitutional law.

19 And I don't know if he took that to heart or
20 he moved off with it or whatever, but I did make this
21 clear before that date of this -- the date of this
22 infraction.

23 CHAIRMAN FERVIER: I appreciate that.
24 Mr. Carter hadn't -- or Representative Carter hadn't
25 reached out to us about this, but I appreciate that

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1 comment.

2 We have a motion and a second to further this
3 to AG for further adjudication. Any discussion?

4 Hearing no discussion, all those in favor,
5 signify by saying, "Aye."

6 BOARD MEMBER TINDALL-GHAZAL: Aye.

7 BOARD MEMBER JOHNSTON: Aye.

8 BOARD MEMBER KING: Aye.

9 CHAIRMAN FERVIER: Any opposition? Hearing no
10 opposition, so moved. Thank you.

11 Camden County, I believe that's the final
12 case. I'm sorry. Chatham County, that's the final
13 case.

14 MR. WOOTEN: I'm going to miss you.

15 CHAIRMAN FERVIER: I'm sure you will. We will
16 miss you, Mr. Wooten. Thank you for joining and
17 participating. We appreciate your comments.

18 The next item on the agenda is the
19 SEB2024-089, Camden County, poll manager allowed voter
20 to vote prior to 7:00 a.m. It's Tab Number 46 in your
21 binder. If the investigators would please give us a
22 brief description of what occurred.

23 INVESTIGATOR BRUNSON: So this is a
24 referencing the May 21st, 2024, election there in
25 Camden County. And our investigator interviewed

1 Shannon Nettles, the election supervisor, who said that
2 on May 21st, 2024, Sue Malphurs, poll -- the poll
3 manager there allowed Robert Hines to vote prior to the
4 poll opening. Nettles did state that Malphurs had been
5 out from an injury and may have forgotten about this
6 rule. Nettles advised that after this incident, the
7 poll workers were given refresher training.

8 Also, there was a report of a damaged door.
9 Basically, surveillance footage revealed that the door
10 was damaged by work staff pushing a cart through a
11 doorway.

12 So a subsequent interview was done with
13 Malphurs. She said that on the 21st of May she was
14 working as a poll manager in the Harriet's Bluff
15 precinct. She advised that prior to the poll opening,
16 a man came in and asked if he could vote, because he
17 had to get to work.

18 Malphurs stated that she allowed him to vote
19 before the poll opened. She indicated that she did not
20 know the man, nor had she ever met him. She also said
21 that she thought it would be okay for the man to vote
22 early.

23 Malphurs said that she had not worked in the
24 past few elections due to an injury and afterwards
25 realized that she made a mistake. So based on this

1 investigation, there's evidence to suggest that Sue
2 Malphurs violated O.C.G.A. 21-2-403, time for opening
3 and closing of polls, when she allowed a voter to cast
4 his vote before the polls opened.

5 CHAIRMAN FERVIER: I believe Ms. Malphurs is
6 online with us today, also Shannon Nettles, the
7 complainant.

8 Ms. Malphurs, are you -- would you like to
9 respond to this?

10 MS. MALPHURS: Yes, sir, I would. Thank you.
11 And I do want to say to the Board, I realize I made a
12 mistake, and I take full responsibility for it.

13 CHAIRMAN FERVIER: Well, that says it all.
14 That's -- we like that.

15 Ms. Nettles, would you like to make any
16 comments?

17 MS. NETTLES: Yes, sir. Can you hear me?

18 CHAIRMAN FERVIER: Yes.

19 MS. NETTLES: Yes. Ms. Malphurs is a
20 wonderful poll manager. Like we mentioned, she had
21 been out a little bit of time. We do occasionally let
22 our staff -- during early voting, they will vote a few
23 minutes early, and I think she just, being out for so
24 long, thought that it was okay if this gentleman did
25 the same thing on election day.

1 She's got a big heart. She was ready. She
2 was excited to be back in the polling place. And I
3 just believe that she had an error in judgment,
4 although brief, and allowed the gentleman to vote.

5 We've implemented additional training in all
6 of our poll worker training courses, and it's also
7 notated in a notebook that all the poll managers
8 receive prior to their shifts on election day.

9 CHAIRMAN FERVIER: Was there any sort of memo
10 that was done on this or corrective action taken?
11 Well, you said you trained them, but did she receive a
12 write-up? I mean, was there anything done for this?

13 MS. NETTLES: Her case is -- it is in her file
14 folder. This -- the -- I mean, it was -- it was not
15 self-reported to me initially. Our liaison reported
16 that to me in the morning.

17 I then spoke with Ms. Malphurs, and, yes, this
18 whole -- this whole incident is in her file. She -- I
19 would -- she's a wonderful poll manager, like I said.
20 I'd have her back again as a poll manager. And, yeah,
21 additional training, yes, sir, has been implemented
22 with all poll managers, as well as all of the poll
23 workers.

24 CHAIRMAN FERVIER: And we can be assured this
25 would never, ever happen again?

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1 MS. NETTLES: Absolutely not.

2 MS. MALPHURS: No, sir.

3 MS. NETTLES: No, sir.

4 CHAIRMAN FERVIER: Are there any other
5 questions from the Board?

6 BOARD MEMBER TINDALL-GHAZAL: Not a question,
7 but a comment that this is precisely the
8 circumstance -- this is more for voters, that this is
9 precisely the circumstance that leads to us having
10 ample opportunity during early voting for voters to
11 cast their ballot if they have to -- if they cannot
12 take time off on election day. That's the whole reason
13 we have early voting.

14 MS. MALPHURS: Yes, ma'am.

15 CHAIRMAN FERVIER: Any other comments or
16 questions from board members?

17 The Chair would entertain a motion.

18 BOARD MEMBER TINDALL-GHAZAL: I move we issue
19 a letter of instruction in this case to Ms. Malphurs.

20 CHAIRMAN FERVIER: We have a motion to issue a
21 letter of instruction.

22 Is there a second?

23 BOARD MEMBER KING: Second.

24 CHAIRMAN FERVIER: We have a second from
25 Member King.

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1 Any discussion?

2 Hearing no discussion, all those in favor of
3 issuing a letter of instruction, signify by saying,
4 "Aye."

5 BOARD MEMBER TINDALL-GHAZAL: Aye.

6 BOARD MEMBER KING: Aye.

7 BOARD MEMBER JOHNSTON: Aye.

8 CHAIRMAN FERVIER: Any opposition? Hearing no
9 opposition, so moved by a vote of four to zero. The
10 letter of instruction will be --

11 Yes?

12 MS. MALPHURS: Thank you.

13 CHAIRMAN FERVIER: Thank you very much for
14 attending. Sorry it took so long for us to get to you.
15 Thank you. You're dismissed now.

16 The next case on the agenda, SEB2022-185,
17 Bryan County districting issue, have requested a
18 continuance and was granted prior to this meeting, so
19 that will be coming up on our next meeting agenda.

20 The next case in the agenda to be heard is
21 SEB2022-306, Bryan County, seal broken on ballot box.
22 It's Tab Number 48 in your books. If the board members
23 would -- or if the investigators would please give us a
24 brief description of that case.

25 INVESTIGATOR BRUNSON: Okay. The secretary of

1 state's office received a complaint regarding a
2 reported broken seal on a ballot scanner at the
3 Richmond Hill Recreation Center, and this is regarding
4 the November 8th, 2022, election. A voter took a
5 photograph of the broken seal with their cell phone and
6 then posted the photo on Facebook on the internet.

7 The investigator interviewed Cindy Reynolds,
8 election supervisor of Bryan County, Georgia.
9 Ms. Reynolds state -- stated she talked with the
10 secretary of state's office about an incident where a
11 voter took a photo with their cell phone of a broken
12 seal on the ballot scanner and put it on Facebook. The
13 voter's name was Anistashia Knight.

14 Investigators interviewed Ms. Knight by phone,
15 who said she went to vote, and she was in the process
16 of placing her ballot in the scanner when she saw a
17 broken seal on the scanner.

18 She said she told a worker who was there next
19 to the scanner, but that individual did not take her
20 seriously, so she took her phone out and took a picture
21 of it to show how serious it was. She then went to
22 another poll worker who didn't seem to be interested in
23 what she was telling them. They told her they would
24 replace the seal.

25 She left the location and decided to call the

1 main office to tell them what happened. The person on
2 the other end of the line sounded as if it wasn't
3 important, and they told her they would replace the
4 seal. Mrs. Knight decided to go back into the location
5 and ask the poll worker if the seal had been replaced,
6 and they told her it was. She asked to look at it to
7 make sure and was told she could not go back there.

8 Ms. Knight then said she was going to notify
9 the press about it. The manager then escorted
10 Ms. Knight to the center to show her the seal had been
11 replaced. Ms. Knight stated she would not have made an
12 issue of it if they would have acted concerned about
13 the security of the scanner. She admitted to putting
14 the picture on Facebook to show people what was going
15 on. She didn't know that she was doing anything wrong.

16 CHAIRMAN FERVIER: Thank you. The respondent
17 in this case is Anistashia Knight.

18 Ms. Knight, we understand you're online.
19 Would you like to make some comments?

20 MS. KNIGHT: Yes, sir, I would. And I just
21 want to mention that I've been on this Zoom call for
22 all of yesterday until you guys dismissed me up until
23 this case, so I've been privy to all of the prior
24 cases, and it has been very informative, and I've
25 learned a lot, I must say.

1 Forgive me for my nerves. I have extreme
2 anxiety, which also led to kind of the events that day
3 and why some of my responses and the things that I did
4 that day happened or came to fruition.

5 I made an un- -- what I thought to be an
6 ethical decision to protect the integrity of my vote
7 and others, because I truly felt in my mind that this
8 was something wrong, and I wasn't taken seriously by
9 anyone in the room. I gave ample opportunity for them
10 to kind of explain to me as to what the procedure was,
11 if this was at all tampering with my votes or others.

12 And like -- like mentioned before with -- like
13 I mentioned before, is that no one really took me
14 seriously. And although I never knew there was a law
15 against taking a picture, I think common sense always
16 told me I can't take selfies or pictures of ballots.

17 But I think in this particular situation, I
18 felt that I was doing the right thing. I suffer from
19 anxiety, and I just felt like what I was doing was
20 right. I never felt like I did anything wrong.

21 As far as the posting on Facebook, because the
22 poll manager did direct me to erase the picture, and at
23 that time I told her that I wasn't comfortable taking
24 the picture down from my phone because I did not feel
25 as though I got resolution in the situation.

1 No questions were -- or answered for me, and
2 so that's why I took to Facebook. I tried to call
3 several family members to get directions, and I wasn't
4 able to get that. And so I also called the City, was
5 given multiple numbers, some of which I got through,
6 some of which I didn't.

7 Upon speaking to a City representative, she,
8 too, was dismissive of my concerns, and so that's when
9 the picture was posted online to get more clarification
10 on what I should do.

11 I was given a lot of good information on how
12 to handle it. And I was also informed at that time by
13 somebody that it was a law to be taking pictures and
14 posting. At that time, I got scared and took it down
15 immediately and never did anything else after that. I
16 think my fear was more of me trying to do the right
17 thing and being found to be the one in the wrong. So
18 it wasn't until days later that I got a call from you
19 guys for my interview.

20 CHAIRMAN FERVIER: Well, Ms. Knight, I want to
21 thank you for those comments and commend you for being
22 able to sit through a day and a half of this meeting to
23 begin with. So you understand that what you did was
24 incorrect. I mean, you've mentioned that, and it does
25 violate the code, taking pictures, but I also

1 appreciate the fact that you pointed out a discrepancy
2 that was occurring with the -- without that seal being
3 there.

4 So the Complainant in this case is the
5 secretary of state's office, and of course, the
6 investigators are here to answer any questions.

7 Does the Board have any questions they would
8 like to ask of Ms. Knight?

9 BOARD MEMBER JOHNSTON: No questions of Ms.
10 Knight, Mr. Chair, but I do have a question of Bryan
11 County.

12 UNIDENTIFIED FEMALE SPEAKER: (Inaudible) on
13 the line and their attorney had a conflict this
14 morning, so we --

15 CHAIRMAN FERVIER: So their supervisor is not
16 online, and their attorney had a conflict this morning.

17 BOARD MEMBER JOHNSTON: At the appropriate
18 time, then, I would recommend continuation of this case
19 with a consideration of violation of 21-2-327 by Bryan
20 County concerning preparation of voting machines and
21 adequate protective seals on the equipment.

22 INVESTIGATOR BRUNSON: The seals were on the
23 equipment. There were photos, and it looks like
24 there's actually -- Ms. Reynolds stated that every hour
25 they check the voting equipment, and the seal was not

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1 broken 15 minutes before the picture was taken. So --

2 and according to the worker, they believe that it was
3 cut and not that, you know, it was broken, so...

4 BOARD MEMBER JOHNSTON: What's the name? What
5 --

6 CHAIRMAN FERVIER: One moment, please.

7 Was Ms. Knight's picture obtained? Did we
8 have a picture that -- the picture that she took?

9 INVESTIGATOR BRUNSON: On Facebook?

10 CHAIRMAN FERVIER: Yep.

11 INVESTIGATOR BRUNSON: Let's see. Getting the
12 exhibits here.

13 CHAIRMAN FERVIER: Dr. Johnston, you want to
14 hear -- do you want to hear directly from Bryan County?

15 BOARD MEMBER JOHNSTON: If they're available,
16 yes.

17 CHAIRMAN FERVIER: They're not available right
18 now. We'd have to continue the case to bring them
19 back.

20 BOARD MEMBER JOHNSTON: Correct.

21 CHAIRMAN FERVIER: Okay.

22 INVESTIGATOR BRUNSON: Yeah. Here they are.
23 No.

24 CHAIRMAN FERVIER: So there is a picture taken
25 by Ms. Knight that shows the seal being -- well --

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1 UNIDENTIFIED MALE SPEAKER: It looks like it's
2 cut.

3 CHAIRMAN FERVIER: -- being cut or not being
4 proper. How about that? Because, I mean, I do think
5 it would be interesting to hear from Bryan County on
6 this, too. Are there any other questions from the
7 Board?

8 BOARD MEMBER JOHNSTON: No. I think so, too.
9 And, also, there's also a provision in the -- in that
10 same statute that says no superintendent or custodian
11 shall in any way prevent free access -- free access to
12 an examination of the voting machines which are to be
13 used. So, yeah, I'd be interested to hear from Bryan
14 County.

15 CHAIRMAN FERVIER: Okay. Are there any other
16 questions from the Board?

17 Ms. Knight, would you be willing to join us
18 again in the future for another -- if we continue this
19 case?

20 MS. KNIGHT: I'll be honest with you. This
21 has been most stressful from the day that I received a
22 call from the State's attorney's office, up until
23 today. I will most certainly be present for any
24 proceedings involving this case going further, but,
25 I'll be honest, it's not been the most -- it's been

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1 very stressful and concerning, most certainly scary.

2 CHAIRMAN FERVIER: Right. I understand.

3 Dr. Johnston, would you like to dispose of
4 Ms. Knight's portion of the case today and further with
5 Bryan County, or do you want to hear it all at once?

6 BOARD MEMBER JOHNSTON: I would. I'm very
7 sympathetic to Ms. Knight, and I would like to help
8 decrease her anxiety about this.

9 CHAIRMAN FERVIER: Okay. Are there any other
10 questions from the Board for Ms. Knight at this time?

11 The Chair would entertain a motion on the
12 portion of the case relating to Ms. Knight.

13 BOARD MEMBER JOHNSTON: Mr. Chair, I move that
14 we issue a letter of instruction to Ms. Knight
15 concerning photographing inside a polling place --

16 CHAIRMAN FERVIER: We have a motion.

17 BOARD MEMBER JOHNSTON: -- while voting is
18 taking place.

19 CHAIRMAN FERVIER: We have a motion from
20 Member Johnston to issue a letter of instruction.

21 Is there a second?

22 BOARD MEMBER KING: Second.

23 CHAIRMAN FERVIER: We have a motion and a
24 second to issue a letter of instruction. Any further
25 discussion?

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1 Hearing no further discussion, all those in
2 favor of issuing a letter of instruction, please
3 signify by saying, "Aye."

4 BOARD MEMBER KING: Aye.

5 BOARD MEMBER JOHNSTON: Aye.

6 BOARD MEMBER TINDALL-GHAZAL: Aye.

7 CHAIRMAN FERVIER: Any opposition?

8 Hearing no opposition, so moved.

9 Ms. Knight, I wanted to say that you -- I'm
10 not -- I don't know if you're familiar with the letter
11 of instructions. You've been listening, though. You
12 have heard us do that multiple times. And it's simply
13 a instruction letter from the State Election Board
14 letting you know what the proper procedures are.

15 MS. KNIGHT: And I do appreciate that, because
16 it is helpful to be informed of the laws, and I'm sad
17 that I wasn't that day.

18 CHAIRMAN FERVIER: That's all right. So thank
19 you for attending, and, you know, if you want to listen
20 to the rest of it, please feel free to do so.

21 MS. KNIGHT: All right. Thank you.

22 CHAIRMAN FERVIER: Thank you.

23 Dr. Johnston, do you have a motion on the
24 remaining portion of the case?

25 BOARD MEMBER JOHNSTON: Yes, Mr. Chair. I

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1 move that we continue this case to consider a violation
2 of preparation of election equipment and protection by
3 placing seals that are intact on voting equipment
4 during an election.

5 CHAIRMAN FERVIER: We have a motion by
6 Dr. Johnston to continue the portion of the case
7 relating to Bryan County for further consideration.

8 Is there a second?

9 Is -- we have a motion. Is there a second?

10 BOARD MEMBER KING: Second. Sorry.

11 CHAIRMAN FERVIER: We have a motion, and a
12 second from Member King to continue the case as it
13 relates to Bryan County for possible violations of
14 election code.

15 Any discussion?

16 Hearing no discussion, all those in favor
17 signify by saying, "Aye."

18 BOARD MEMBER KING: Aye.

19 BOARD MEMBER TINDALL-GHAZAL: Aye.

20 BOARD MEMBER JOHNSTON: Aye.

21 CHAIRMAN FERVIER: Any opposition?

22 Hearing no opposition, so moved. The case
23 pertaining to Bryan County potential violations will be
24 continued.

25 Next case in the agenda is with Grady County.

1 It is SEB2021-182, Grady County, City of Cairo,
2 problems at polling place. It's Tab Number 49 in your
3 book. If the investigators will please give us a brief
4 description.

5 INVESTIGATOR KOTH: The complainant, Jeremiah
6 Horn (phonetic), reported on November 2nd, 2021, he and
7 his wife were denied the ballot -- a ballot for the
8 municipal election in the city of Cairo for the
9 district in which they're legally registered.

10 Mr. Horn stated that the election
11 superintendent, Dana Barfield, denied them a ballot
12 because they did not live in the city. He advised that
13 one month prior there was a hearing to determine his
14 qualifications to be a candidate in this district, and
15 he was disqualified.

16 He stated his qualifications to vote, which
17 are separate, were not in question at that hearing. He
18 is referring to SEB2021-131, which was heard, I
19 believe, last year or the end of '23, and it was
20 referred to the AG's office.

21 He stated that Ms. Barfield did not formally
22 challenge their voting qualifications, and he believed
23 her actions were grossly beyond the authority of her
24 position. He advised she had plenty of time to process
25 a formal challenge prior to the election, or she could

1 have allowed them a provisional that -- vote to be
2 challenged later.

3 So on election day, Mr. and Mrs. Horn
4 presented themselves at the poll to vote in the city of
5 Cairo in the general municipal election, and they were
6 informed they were not eligible to vote because they
7 resided in the county.

8 Mr. Horn reported they were denied the ballot
9 for the municipal election for the city of Cairo for
10 the district in which they were registered.

11 Ms. Barfield reported she spoke to County Registrar
12 Melinda Butler about issuing the Horns a provisional
13 ballot and advised Ms. Butler informed her, no, because
14 they did not reside in city limits.

15 Ms. Butler reported she did not recall telling
16 Ms. Barfield that and that they would normally give a
17 voter a provisional ballot. She stated the Horns could
18 not vote on the DMD because they did not live in the
19 city. She advised they both might have agreed to issue
20 them a provisional -- not to issue them a provisional
21 ballot, but she cannot say for sure.

22 Ms. Butler advised she became aware Mr. Horn
23 was challenged, and there was a hearing in reference to
24 his qualifications as a candidate for municipal office.
25 She stated that City Election Superintendent Barfield

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1 found Mr. Horn did not reside in the city of Cairo, and
2 he was not eligible to run for the city council.

3 There were potential violations for Grady
4 County Board of Registrars, Chief Registrar Melinda
5 Butler, the city election superintendent, Dana
6 Barfield, violated O.C.G.A. 21-2-230(c), challenge of
7 persons on list of electors by other electors. And
8 Jeremiah Horn and Jennifer Horn possibly violated
9 O.C.G.A. 21-25-61 for false registration.

10 CHAIRMAN FERVIER: We -- as respondents, we
11 see that Dana Barfield is online. Jeremiah Horn does
12 not appear to be online.

13 So, Ms. Barfield, are you available?
14 Ms. Barfield? Dana Barfield?

15 She's unmuted?

16 Ms. Barfield has been unmuted, but we cannot
17 hear if she's responding. Maybe she's walked away from
18 it.

19 Any questions from the Board for the
20 investigators?

21 MR. LEHMAN: Yeah. You -- this is Tom Lehman.
22 Can you hear me now?

23 CHAIRMAN FERVIER: Yes, we can.

24 MR. LEHMAN: Okay. Thank you. I'm the former
25 city attorney, and I have present with me Ms. Barfield,

1 Jason Tate, who is the appointed county election
2 supervisor, and Ms. Butler. I was involved in this
3 matter back in 1921 -- or 2021. I'm about old enough
4 to have been done it -- doing it in 1921, but I can't
5 claim that time.

6 Mr. Horn, as you indicated, had applied to be
7 a candidate for a certain council position within the
8 city. His opponent challenged that, and a hearing was
9 held, at which he was represented by counsel. And
10 Ms. Barfield heard what they had to say.

11 To me, it was clear that the only issue at
12 that time was where he resided. There was no
13 consideration with regard to the district. It was that
14 he did not reside in the city. And so I thought that
15 issue had been resolved.

16 Mr. Horn stated that his residence was at a
17 battery store, which was as a -- in a commercially
18 zoned area. It was pretty obvious that he didn't
19 reside at the battery store. And then later on, he
20 admitted, or his attorney admitted, that he and his
21 wife and children reside at Georgia Highway 93 North,
22 which doesn't even have a Cairo address. It has a
23 Pelham address, and so that's what the decision was
24 based on.

25 As a matter of fact, if you'll look at the

1 transcript of that hearing, on Page 11, Mr. Horn's
2 attorney specifically stated that we were discussing
3 his residence for purposes of the candidacy and for
4 purposes of his voting.

5 On Page 14 of that transcript, he specifically
6 admitted that his wife and children resided by Shiver
7 School. And so knowing this information and what had
8 occurred, I'm not critical of their decision. I do
9 believe that we understand that the -- there is a
10 proper procedure, and that is you permit everyone to
11 vote and then review that vote to see whether it should
12 be counted.

13 And I -- and so I -- my view is at this point
14 that they understand what they should have done under
15 the rules, but they acted in good faith and were
16 concerned that -- and I'm concerned that your poll
17 worker, in this particular case, Dana Barfield, was put
18 in a very difficult spot, because she had resided and
19 made a determination that he was not a resident of the
20 city and, therefore, was ineligible to vote. And, yet,
21 if she would have permitted to vote, she would have
22 been committing a felony. So -- and that's the concern
23 that I have.

24 CHAIRMAN FERVIER: Any questions from the
25 Board?

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1 BOARD MEMBER TINDALL-GHAZAL: Yes. I have --
2 I have a couple of questions, one just to reiterate
3 what I just heard, that you have a transcript that
4 demonstrates that the hearing encompassed both the
5 right to run as a candidate and the right to vote at
6 this -- at this location?

7 MR. LEHMAN: That's correct. That was stated
8 by his attorney on Page 11 of the transcript.

9 BOARD MEMBER JOHNSTON: Okay. I'm going to --
10 I'm going to take your word on that rather than read
11 the transcript. My -- but I do have a question, and
12 that is with regard to the training that the County
13 provides your poll workers on use of provisional
14 ballots, because while this was -- I think this was a
15 municipal election, correct? So --

16 MR. LEHMAN: That is correct.

17 BOARD MEMBER JOHNSTON: The federal law does
18 not adhere here. But, nonetheless, provisional ballots
19 are to be provided to voters who have a good-faith
20 belief that they are qualified to vote, whether -- I'm
21 not questioning that good faith here, but that is --
22 that is a mechanism by which the County can determine
23 whether or not to count that vote. So --

24 MR. LEHMAN: I think they -- I think they
25 understand that now. They do.

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1 BOARD MEMBER TINDALL-GHAZAL: Okay. Okay. So
2 that -- so you're not --

3 MR. LEHMAN: But it had already been
4 determined that he was not a resident.

5 BOARD MEMBER TINDALL-GHAZAL: Right. Right.
6 Right. So -- but that is the appropriate mechanism
7 when a -- when a voter appears and believes that they
8 have the right to vote, and there is a question about
9 that.

10 And that -- that takes the -- the
11 responsibility out of the hands of the poll worker and
12 places it appropriately in the Board itself. And
13 that's why that mechanism is there, so that poll
14 workers are not left holding the bag, as -- as it were.

15 CHAIRMAN FERVIER: Are there any other
16 questions for the Board?

17 BOARD MEMBER JOHNSTON: One question,
18 Mr. Chair. Was --

19 CHAIRMAN FERVIER: Yes.

20 BOARD MEMBER JOHNSTON: Was the -- was
21 Mr. Horn flagged as a challenged voter on the voter
22 rolls?

23 MR. LEHMAN: Not at that time. I think he is
24 today.

25 BOARD MEMBER JOHNSTON: What the -- is the

1 poll manager or the poll worker that checked him
2 that -- where he presented to vote, is -- are they here
3 today? Are they --

4 MR. LEHMAN: That would be Ms. Barfield.

5 MS. BARFIELD: I am.

6 BOARD MEMBER JOHNSTON: Ms. Barfield, did you
7 know Mr. Horn personally?

8 MS. BARFIELD: Yes, I knew him.

9 BOARD MEMBER JOHNSTON: Were you aware of the
10 issue of his place of residence?

11 MS. BARFIELD: Yes. Yes, ma'am.

12 BOARD MEMBER JOHNSTON: Did you --

13 MR. LEHMAN: She actually -- she had actually
14 presided at that hearing when it came before the --
15 that was -- you know, that hearing was held in the
16 presence of Ms. Barfield, and she made that preliminary
17 determination. Now, the interesting thing about that
18 is, if Mr. Horn had wanted to, he could have appealed
19 that decision, but he did not.

20 CHAIRMAN FERVIER: I do find it interesting
21 that Mr. Horn knew that he had already been adjudicated
22 as not being a resident and still tried to vote.

23 MR. LEHMAN: Well, you know what was
24 interesting to me is his attorney indicated he had
25 multiple residences. I -- and so I don't know how many

1 places he claims he can vote from.

2 BOARD MEMBER TINDALL-GHAZAL: For the record,
3 voters may vote from one residence. That is --

4 MR. LEHMAN: Well, that was my understanding,
5 too.

6 BOARD MEMBER TINDALL-GHAZAL: Yes. That is an
7 incorrect statement of law for an attorney to suggest
8 that -- people can have as many houses as they want and
9 as many residences. They are -- there is one primary
10 residence from which you can vote. That's it.

11 MR. LEHMAN: Well, and what's interesting to
12 me is that the residence that Mr. Horn claimed then and
13 claim now sells cigars.

14 BOARD MEMBER TINDALL-GHAZAL: I have no
15 further questions.

16 CHAIRMAN FERVIER: It sounds to me like the
17 County had plenty of knowledge prior to this that this
18 individual wasn't eligible to vote in the city, and he
19 chose to try to do so anyway.

20 MR. LEHMAN: Well, the former city attorney
21 knows exactly where he lives, and he lives and lands
22 with his father, who is another attorney in town, or
23 was another attorney in town. And I found it, you
24 know, close to ridiculous that he claimed he lived in
25 what was then a battery store.

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1 CHAIRMAN FERVIER: Well, city of Cairo is not
2 a huge place. I've been there many times. And we
3 typically know where people live in our communities.

4 If there are no more questions, the Chair
5 would entertain a motion on this.

6 BOARD MEMBER TINDALL-GHAZAL: I would move
7 that we would issue a letter of instruction to Grady
8 County with regard to use of provisional ballots.

9 CHAIRMAN FERVIER: We have a motion to issue a
10 letter of instruction to Grady County on the use of
11 provisional ballots.

12 Is there a second?

13 We have a motion to issue a letter of
14 instruction to Grady County on the use of provisional
15 ballots. Is there a second from any board member?

16 Does any other board member have a motion they
17 would like to make?

18 BOARD MEMBER JOHNSTON: Mr. Chair, I move that
19 we dismiss the complaint against Grady County based on
20 the fact that the -- the poll worker personally knew of
21 Mr. Horn and the history of the determination of
22 residence.

23 CHAIRMAN FERVIER: The first motion by
24 Member Ghazal fails for lack of a second. The new
25 motion has been made by Member Johnston to dismiss this

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1 complaint based on the poll worker's prior knowledge of
2 where Mr. Horn resided.

3 Is there a second?

4 BOARD MEMBER KING: Second.

5 CHAIRMAN FERVIER: There's a second on a
6 motion to dismiss from Member King.

7 Any further discussion?

8 Hearing no discussion, all those in favor of
9 dismissing the complaint against Grady County, signify
10 by saying, "Aye."

11 BOARD MEMBER JOHNSTON: Aye.

12 CHAIRMAN FERVIER: Any opposition?

13 BOARD MEMBER TINDALL-GHAZAL: Nay. But,
14 really, that's pro forma.

15 CHAIRMAN FERVIER: The motion carries three to
16 one. It's dismissed against Grady County.

17 Grady, thank you so much for participating.
18 That's all that we have for you today.

19 MR. LEHMAN: Thank you.

20 BOARD MEMBER TINDALL-GHAZAL: Chairman, we
21 still have Respondents Jeremiah and Jennifer Horn.

22 CHAIRMAN FERVIER: They did not -- they're not
23 online today.

24 BOARD MEMBER TINDALL-GHAZAL: I would -- I
25 would move that we refer that to the attorney general's

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1 office, as long as we can confirm that they received
2 notice.

3 CHAIRMAN FERVIER: They did receive notice,
4 yes. So you're making a motion that we refer Jennifer
5 and Jeremiah Horn to the attorney general's office for
6 further adjudication?

7 BOARD MEMBER TINDALL-GHAZAL: Yes.

8 CHAIRMAN FERVIER: We have a motion by
9 Member Ghazal to refer Jeremiah and Jennifer Horn to
10 the AG's office for further adjudication on their
11 attempt to vote in a location where they're -- they
12 don't live.

13 Is there a second?

14 BOARD MEMBER KING: Second.

15 CHAIRMAN FERVIER: There's a motion, and
16 there's a second by Member King. Any discussion?

17 Hearing no --

18 BOARD MEMBER JOHNSTON: Just a --

19 CHAIRMAN FERVIER: -- discussion, all those
20 in -- I'm sorry, Dr. Johnston.

21 BOARD MEMBER JOHNSTON: Just a brief
22 discussion. So we're referring to the attorney general
23 a violation of residence that is not a registered
24 residence; is that correct?

25 CHAIRMAN FERVIER: That is correct. Yes.

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1 BOARD MEMBER TINDALL-GHAZAL: Complicated by
2 the fact that this has been adjudicated by a hearing
3 and a refusal to -- and a failure to come respond to
4 the complaints. If they were here and could explain
5 their reasoning, I may have a different determination,
6 but given the fact --

7 BOARD MEMBER JOHNSTON: All right. Are we
8 confirming that the registrants who are registered to
9 commercial addresses are violating election laws that
10 they should be referred to the attorney general?

11 BOARD MEMBER TINDALL-GHAZAL: No. That's --
12 that is why I clarified that in this specific case,
13 where it was adjudicated before a -- before a hearing,
14 it was determined that they absolutely and knowingly
15 continued to remain registered at a location where they
16 had been -- where it was adjudicated that they were not
17 residents in this particular instance, under this
18 particular fact pattern.

19 BOARD MEMBER JOHNSTON: Well, to be
20 consistent, there are thousands of people that are
21 registered at commercial addresses, and -- and we are
22 -- it appears that this -- the counties are having
23 difficulty with responding in a similar way to -- to
24 false registration.

25 BOARD MEMBER TINDALL-GHAZAL: Well, anytime I

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1 would see a voter who has been informed and has had the
2 opportunity to defend that and had the opportunity to
3 correct their registration and refused to do so, then I
4 would treat that similarly situated case in a like
5 manner.

6 BOARD MEMBER JOHNSTON: Excellent. I second
7 your motion.

8 CHAIRMAN FERVIER: We have a motion and a
9 second to refer the -- Mr. and Mrs. Horn to the AG for
10 further adjudication. Any further discussion?

11 Hearing no discussion, all those in favor,
12 signify by saying, "Aye."

13 BOARD MEMBER JOHNSTON: Aye.

14 BOARD MEMBER TINDALL-GHAZAL: Aye.

15 CHAIRMAN FERVIER: Member King?

16 BOARD MEMBER KING: No, I said aye.

17 CHAIRMAN FERVIER: Okay.

18 BOARD MEMBER KING: Sorry. I don't know why
19 my mic is so low.

20 CHAIRMAN FERVIER: Member Jeffares? Member
21 Jeffares?

22 BOARD MEMBER JEFFARES: Aye.

23 CHAIRMAN FERVIER: Motion carries four to
24 zero.

25 Next item on the agenda is SEB2022-019, Clinch

1 County, Fargo, issue a qualifying and advanced voting
2 time. It's Tab Number 50. If the investigators would
3 please briefly explain this to the Board.

4 INVESTIGATOR KOTH: Yep. The first allegation
5 is September of 2021, Lisa Johnson, the Fargo city
6 clerk, contacted the secretary of state's office and
7 stated when she came into her office on Monday after
8 the end of the qualifying period, there were two
9 candidate applications on her desk, but she didn't know
10 where they came from. The applications were for the
11 mayor and City Council District 3 seats, which were up
12 for election in the November 2nd, 2021, general
13 election.

14 One of the candidates, the incumbent mayor,
15 later contacted the secretary of state's office
16 alleging that he turned in his application on time at
17 city hall, but neither Ms. Johnson nor anybody else was
18 there. Ms. Johnson claimed the paperwork was turned in
19 late, and the election was canceled as a result.

20 The second allegation: The secretary of
21 state's office was contacted by the City of Fargo
22 deputy clerk Laci Burke. She advised they intended to
23 hold an election for a city commissioner and the mayor,
24 and they held -- called for the election.

25 Ms. Burke was not aware that advanced voting

1 was supposed to begin on February 21st, 2022, and was
2 to go on for three weeks, including two Saturdays, for
3 voting. She claimed the previous city clerk, Lisa
4 Johnson, failed to inform her that advanced voting
5 needs to be held for the election, so it was delayed.
6 This allegation was self-reported.

7 The investigator interviewed Roy Abbott, Lisa
8 Johnson, Laci Burke, and Kathy Griffiths about the
9 issue with the qualifying applications for the
10 November 2nd, 2021, special election. Mr. Abbott
11 complained that he turned in his qualifying paperwork
12 on time at Fargo City Hall, and when no one -- and he
13 did when no one was in the office.

14 Ms. Johnson said she was not in the office
15 when the paperwork was turned in due to a family
16 medical emergency. She asked Kathy Griffiths to be on
17 the lookout for any paperwork and to accept it when it
18 was brought in.

19 Ms. Griffiths stated no one turned in
20 qualifying paperwork while she was there, and she left
21 at 4:00 p.m., when the office closed for the day.

22 Ms. Burke stated she was not involved in the
23 November 2nd, 2021 election. Ms. Johnson, Ms. Burke,
24 and Ms. Griffiths stated there was no video
25 surveillance cameras in the office.

1 The investigator interviewed Clinch County
2 Election Supervisor Laina Ballance about her knowledge
3 of the events detailed in the complaints. Ms. Ballance
4 said the Clinch County elections office was not
5 contracted to run the city of Fargo March 15th, 2022,
6 special election. Ms. Ballance said she was not a
7 witness to the events reported in this complaint. She
8 said that Fargo, Georgia, is not a very big city, and
9 they only have 77 people who vote.

10 The findings are -- for the investigation
11 reveal qualifying period for the November 2nd, 2021,
12 municipal election was to run September 15th through
13 the 17th, 2021. Fargo City Clerk Lisa Johnson told the
14 investigator that she was not at work on the last day
15 of qualifying due to the family emergency.

16 And according to the Fargo employee, there was
17 no surveillance camera system in place. So the
18 investigator could not determine with certainty when
19 Roy Abbott's and Roy Wilson's qualifying paperwork was
20 placed on the Fargo City Clerk Lisa Johnson's desk. So
21 this allegation was unsubstantiated.

22 Allegation 2: The investigation revealed
23 advanced voting did not start on time for the
24 March 15th, 2022, City of Fargo's special municipal
25 election. Ms. Johnson had stated that she instructed

1 her replacement, Laci Burke, to train using the Firefly
2 program on the secretary of state's website.

3 The Fargo interim city clerk, Laci Burke,
4 reported that she was not notified by Ms. Johnson about
5 early voting starting on February 21st and stated she
6 had to do training on Firefly and then started early
7 voting a week later on February 28th, 2022, for the
8 March 15th election. This allegation was
9 substantiated.

10 Potential violations were for Laci Burke,
11 Fargo city clerk, that she violated
12 O.C.G.A. 21-2-385(d)(1)(a) for advance voting.

13 CHAIRMAN FERVIER: The respondents are the
14 City of Fargo and Laci Burke. Is Laci Burke online?

15 Ms. Burke, are you with us today?

16 MS. BURKE: Yes, sir. Can you hear me?

17 CHAIRMAN FERVIER: Sure.

18 MS. BURKE: Okay.

19 CHAIRMAN FERVIER: Would you like to respond?

20 MS. BURKE: Yes, sir. So I had -- when this
21 all started, I had not been in this job very long at
22 all for the deputy clerk position. And then our clerk
23 ended up resigning -- or I believe she gave
24 notification maybe mid-January and then ended up
25 resigning. February 10th or 11th was her last day, I

1 believe.

2 During that time, we really didn't communicate
3 that much. She was kind of in her office. I was in
4 mine. She did tell me that, you know, I was going to
5 be responsible for the election and told me that I
6 needed to train.

7 But I do not remember her saying that we were
8 going to be responsible for early voting, because our
9 county handles all of our elections. Except our City
10 officials, the County handles everything. The County
11 does the early voting. So in my mind, I -- if she said
12 that, I don't remember it, or it just didn't register,
13 because, like I said, our County handles our early
14 voting, so I thought that I was just going to have to
15 be responsible for our voting day.

16 So I started training for the certification,
17 and I believe it was around February 20th, I called
18 Lena, which is our County Election Supervisor. I just
19 wanted to touch base with her. And, you know, in my
20 mind, I'm ahead of the game. The election is not until
21 the 15th. I'm going ahead. I'm getting my training.
22 I'm going to have the ballots ordered. They'll be here
23 in time. And I was kind of touching base with her and,
24 you know, asking her -- asking her where I needed to
25 order the ballots from.

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1 And she said, You haven't got the ballots yet?

2 And I said, Well, the election is not until
3 the 15th.

4 And she said, Oh, no. Early voting is
5 supposed to start on the 21st.

6 And I said, Well, I thought ya'll did the
7 early voting.

8 She said, No. She said, For the city, you
9 handle the city's voting.

10 So, I mean, all this was news to me. And I
11 kind of felt like, you know, I had the election dropped
12 in my lap and the rug snatched out from underneath me
13 at the same time, so I kind of fell into all this.

14 So when she told me that, I said, Well, what
15 do I need to do?

16 And she said, Well, call GMA and see what they
17 suggest.

18 So I called GMA and spoke to Pam Hilton, and
19 she said, Just get the ballots and go ahead and get
20 started.

21 So that's what we did. I put a rush on the
22 ballots, called that day, had them ordered. I think I
23 picked them up on that -- either that -- maybe it was
24 that Saturday that I picked them up, and then we
25 started voting on the 27th.

1 So that's why we were technical -- well, six
2 day -- a week late with voting, because, like I said,
3 all this was just -- was new to me. And our County
4 handles all of our elections, so we don't handle
5 anything. It's just our City officials.

6 And if I can give you a little bit of
7 insights, I know -- I'm sure you heard them. Lena said
8 that we have 77 voters. We are a community of 250
9 people, and elections is not something that we
10 typically hold here. We're lucky if we can fill our
11 County seats or our City seats, let alone have a
12 challenger. Most of our council members just run
13 unopposed. So all this was news to me, that the City
14 was -- this was the City's responsibility.

15 CHAIRMAN FERVIER: Did Roy Abbott and Roy
16 Wilson get to run in that race?

17 MS. BURKE: That was the -- yeah, because of
18 the first -- what am I trying to say -- the
19 allegation --

20 CHAIRMAN FERVIER: Allegation?

21 MS. BURKE: -- the first allegation that --
22 yeah, that prompted the March 15th election.

23 CHAIRMAN FERVIER: So they -- so they did get
24 to -- get to run eventually?

25 MS. BURKE: Eventually.

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1 CHAIRMAN FERVIER: Did they win?

2 MS. BURKE: They did.

3 CHAIRMAN FERVIER: Okay.

4 MS. BURKE: And I can tell, I was listening
5 to -- I believe her name was Ms. Knight, previously,
6 and I can totally relate to her stress level. And,
7 like I said, all this was news to me. So when -- when
8 I counted the votes that night and put them on the door
9 and locked up, I breathed a sigh of relief like I have
10 never breathed just making it through that election.

11 And then finding out, you know, about the
12 violation, that's also been very stressful, because
13 there -- nothing was done ill will. You know, It was
14 just from a lack of experience at the time.

15 CHAIRMAN FERVIER: No need to be nervous.
16 Everybody on this Board is very nice people.

17 MS. BURKE: Well, I can tell you, I've been
18 watching this since yesterday, and, you know, I've
19 heard a lot of people say it, and it's true. I've
20 learned more from watching this than any section I've
21 taken in Firefly. So this is extremely -- this is
22 informative.

23 CHAIRMAN FERVIER: Good. Good. How many
24 people actually voted in that election?

25 MS. BURKE: One candidate had 71 votes, and

1 then the other had four, so 75.

2 CHAIRMAN FERVIER: So you had a pretty good
3 turnout for 77 total voters?

4 MS. BURKE: We did. We did.

5 CHAIRMAN FERVIER: That's almost 100 percent.

6 MS. BURKE: We did. And that's another thing.
7 We -- people -- we had our signs on the door, but our
8 town is so small, and, you know, we've had the ads ran
9 and everything, but word of mouth is how things get
10 around here. And they would see the sign on the door,
11 and they would say, Oh, can we vote now?

12 And, you know, we would say, Well, if you've
13 got your ID, you can go back there and vote.

14 And some of them would go to the car and get
15 their ID. A lot of them would say, No, I'm going to
16 come back and vote on election day, because that's just
17 what the people in our community -- that's what they
18 know, and that's what they're used to.

19 CHAIRMAN FERVIER: Very good.

20 Any other questions from the Board for
21 Ms. Burke?

22 MS. BURKE: Go ahead.

23 BOARD MEMBER TINDALL-GHAZAL: Ms. Burke, are
24 you going to be running your elections -- your
25 municipal elections this year, or are you contracting

1 with the County to do that?

2 MS. BURKE: Well, I'm -- I've asked Lena if
3 she would do that, and she said that she doesn't. So
4 I'm not sure. But what I would like to do -- and, you
5 know, I wanted to get over this hurdle first and see
6 what ya'll thought, but I'm perfectly fine with going
7 back and retaking my certification.

8 And I don't know if it -- if you read in the
9 allegation, it says that my certification is still in
10 progress. And the reason it says that is because I was
11 told by Josh Black that if we're not using Dominion or
12 using any kind of voting machines, that I don't need to
13 be trained on that section, so I never trained on that
14 section.

15 And we're just paper, pen and paper. I mean,
16 we're strictly just pen and paper. And the County, you
17 know, they use machines, but for our state elections
18 and things like that, they run -- they run our
19 elections.

20 BOARD MEMBER TINDALL-GHAZAL: Well, with 75
21 votes and 75 voters, I would imagine that it is
22 significantly more cost-effective to just use --

23 MS. BURKE: Right. Right.

24 BOARD MEMBER TINDALL-GHAZAL: Do you feel
25 confident that you are well apprised now of the

1 requirements?

2 MS. BURKE: Yes. I mean, I've learned so much
3 just from that experience, and then, like I said,
4 sitting here listening to this, so I'm in a way better
5 place now. I'm way more confident than I was at the
6 start of all this.

7 BOARD MEMBER TINDALL-GHAZAL: Well, and if
8 you're not a member of GAVREO, GAVREO provides
9 tremendous support for election officials. I
10 understand that's only -- it's a small portion of your
11 responsibilities, but that is a resource that would be
12 available to you.

13 MS. BURKE: Okay.

14 BOARD MEMBER JOHNSTON: Ms. Burke?

15 MS. BURKE: Yes, ma'am.

16 BOARD MEMBER JOHNSTON: Dr. Jan here. One,
17 please don't be nervous. And -- and I feel your pain
18 about being plopped into the middle of a -- of a
19 stressful situation. And I -- you know, you learn
20 trial by fire, I believe.

21 And I just want you to know that after the
22 last municipals, I -- I had many, many county clerks --
23 or city clerks -- I'm sorry -- beg for a shorter voting
24 period then, so I'm advocating that on behalf of many
25 requests of small municipalities. However, I -- just

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1 know that you can reach out for assistance with GAVREO
2 or --

3 MS. BURKE: Okay.

4 BOARD MEMBER JOHNSTON: -- or certainly with
5 the State Election Board, too.

6 MS. BURKE: Well, that would be -- so that's
7 being considered, a shorter voting period for
8 municipals?

9 BOARD MEMBER JOHNSTON: Well, I'm -- I -- it
10 -- right now it's, you know, one-size-fits-all, and I'm
11 --

12 MS. BURKE: That -- it is. I agree with that.

13 BOARD MEMBER JOHNSTON: And -- but for
14 municipals where it's a very small turnout, and, like
15 you, it's a very small election, and it's done with pen
16 and paper, requiring three weeks of early voting is --
17 is almost nonsensical.

18 MS. BURKE: And if I can add to that, it's
19 expensive for our little community, too, when you have
20 to pay for, you know, poll workers and -- and all of
21 that.

22 And it's -- for us, it's really inconvenient
23 for early voting when we even have to do a state
24 election, because our county election poll is 30 miles
25 away from us. So unless somebody is in that town, just

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1 happens to be running errands, then they're not going
2 to make the trip to vote early. Then they're just
3 going to -- you know, they show up here in Fargo on
4 election day.

5 BOARD MEMBER JOHNSTON: Exactly.

6 So, Mr. Chair, when the time is right, I would
7 make a motion to send a letter of instruction.

8 CHAIRMAN FERVIER: Any other comments from the
9 Board?

10 The time is right, Dr. Johnston.

11 BOARD MEMBER JOHNSTON: I move that we send a
12 letter of instruction to the City of Fargo.

13 CHAIRMAN FERVIER: We have a motion to send a
14 letter of instruction on this case.

15 Is there a second?

16 BOARD MEMBER KING: Second.

17 CHAIRMAN FERVIER: We have a second from
18 Member King.

19 All those in favor, signify by saying, "Aye."

20 BOARD MEMBER TINDALL-GHAZAL: Aye.

21 BOARD MEMBER JOHNSTON: Aye.

22 CHAIRMAN FERVIER: Any opposition?

23 Hearing no opposition, so moved. Letter of
24 instruction will be sent on SEB2022-019.

25 Ms. Burke, thank you for attending today. We

1 appreciate --

2 MS. BURKE: Thank you so much. I appreciate
3 it.

4 CHAIRMAN FERVIER: Thank you. Bye now.

5 MS. BURKE: Bye-bye.

6 CHAIRMAN FERVIER: The next item on the
7 agenda, SEB2022-053, Tift County, photo taken of
8 voters' BMD ballots. We've had a bunch of these today.
9 If the investigators would be kind enough to give us a
10 short description of what occurred.

11 INVESTIGATOR BRUNSON: Yes. So this occurred
12 May 24th, 2022. A citizen by the name of Cynthia
13 Apodaca apparently was voting there, and she took a
14 photo of her ballot with her phone. Apparently, they
15 observed that. She was confronted by the poll worker
16 about the photo she took, and she immediately deleted
17 it. She told the investigator she's 75 years old, has
18 some medical issues, and she took the photo to remember
19 what was on the ballot that she voted for.

20 CHAIRMAN FERVIER: Well, we don't -- we can't
21 seem to find Ms. Cynthia Apodaca online with us.

22 If you are online with us, Ms. Apodaca, please
23 let us know.

24 MS. HERZOG: Mr. Chairman, this is Jennifer
25 Herzog, counsel for the Tift County Board of Elections

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1 and Registration. I just wanted to let you know that
2 myself and also the election supervisor, Leila
3 Dollison, are on the line. I -- we are not a
4 respondent in this case, but just wanted to advise you
5 in case there were any questions for us.

6 CHAIRMAN FERVIER: Okay. Does the board
7 members have any questions for Tift County?
8 Ms. Apodaca doesn't appear to be online with us.

9 BOARD MEMBER TINDALL-GHAZAL: Welcome back,
10 Ms. Herzog.

11 MS. HERZOG: Thank you.

12 CHAIRMAN FERVIER: If there are no questions,
13 the Chair will entertain a motion on this case.

14 BOARD MEMBER JOHNSTON: Mr. Chair, I move that
15 we send a letter of instruction to Ms. Apodaca
16 concerning voting -- or, I'm sorry, concerning photos
17 at the poll.

18 CHAIRMAN FERVIER: We have a motion to send a
19 letter of instruction on this case.

20 Is there a second?

21 BOARD MEMBER KING: Second.

22 CHAIRMAN FERVIER: We have a motion, and a
23 second from Member Jeffares.

24 All those in favor, signify by saying, "Aye."

25 BOARD MEMBER KING: Aye.

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1 BOARD MEMBER TINDALL-GHAZAL: Aye.

2 BOARD MEMBER JOHNSTON: Aye.

3 CHAIRMAN FERVIER: Any opposition? Hearing no
4 opposition, so moved. Letter of instruction will be
5 sent.

6 The next item on the agenda is SEB2022-208,
7 Tift and Cook County, double voting. It's Tab Number
8 52 in your board book. If the investigator could
9 please give a brief description of this one.

10 INVESTIGATOR KOTH: Yes. Cook County election
11 supervisor Dawn Arnold learned through the ERIC system
12 that Gail Kimber (phonetic) voted in two different
13 counties during the November 6th, 2018, general special
14 election.

15 The investigator spoke with Cook County
16 Election Supervisor Ms. Arnold, who stated that she
17 received a notification through the ERIC system that
18 they had a possible double voter in the November 6th,
19 2018, general special election.

20 Ms. Arnold searched through the election
21 records and noticed that the suspected double voter,
22 Gail Kimber, voted in Tift and Cook County during the
23 November 6th, 2018, general special election.

24 Mrs. Arnold notified Tift County Election
25 Supervisor Ms. Dollison of the possible double voter.

1 It was determined that Mrs. Kimber voted in person on
2 November 6th, 2018, in Tift County, and she voted
3 absentee in Cook County for the same election.

4 The search of the ENet showed that Ms. Kimber
5 is currently registered to vote in both Tift and Cook
6 County. The investigator compared the signature
7 provided on several voter registration cards between
8 Tift and Cook County, and based on the unique
9 characteristics of the signature, it was determined
10 that the signature was likely produced by the same
11 person.

12 Potential violation, Gail Kimber violated
13 O.C.G.A. 21-2-572, repeat voting in same primary
14 election, and O.C.G.A. 21-2-218(b)(f) cancellation of
15 registration former state or county.

16 CHAIRMAN FERVIER: For the Board's
17 consideration, a letter was sent this morning from
18 Ms. Gail Kimber, which I will read to the Board. It
19 was sent to the Georgia State Election Board on this
20 case. It was To whom it may concern. She dated it
21 February 9th, 2025.

22 I am very sorry for voting twice. I wasn't
23 trying to do nothing wrong. At the time, I was the
24 caregiver of my 86-years-old father, which lived in
25 Tifton. I stay at his home more than my own, because I

1 was his main caregiver. Most of my mail was coming
2 there. So I had so much going on between taking care
3 of my father, working, and taking care of my grandkids,
4 I really wasn't thinking. In all my life of voting, I
5 never did that. I want to apology for wrong during,
6 but was not trying to do on purpose. I had so much
7 going on 2018, I wasn't thinking. But you can check my
8 records. I never did anything like this before.
9 Thanks. Gail Kimber, 245 North Broad Street, Lenox,
10 Georgia 31637.

11 And I will give this -- or we will add this to
12 the record, official record.

13 Does the Board have any questions for Tift
14 County?

15 Does Tift County -- would Tift County like to
16 respond to this at all.

17 MS. HERZOG: I don't think we have anything
18 further to add outside of the summary.

19 BOARD MEMBER TINDALL-GHAZAL: Can you just
20 clarify, like, when this was identified? Because this
21 is a -- this is the 2018 election, so...

22 MS. HERZOG: Sure. And I may defer to
23 Ms. Dollison on that. I do know that with this one,
24 Cook County actually, I believe, caught and reported
25 the issue. And so we actually were not aware this was

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1 on the agenda until we were just attending for other
2 cases and saw it here. So I think Cook County was the
3 main reportant.

4 Ms. Dollison, do you know, you know, when that
5 happened?

6 And I'm not sure if she is, in fact, unmuted.

7 CHAIRMAN FERVIER: What's her first name?

8 What is Ms. Dollison's first name?

9 MS. HERZOG: Leila Dollison, D-O-L-L-I-S-O-N.

10 CHAIRMAN FERVIER: How do you -- Leila. How
11 do you spell Leila?

12 MS. HERZOG: L-E-I-L-A.

13 CHAIRMAN FERVIER: L-E-I. She's not online.

14 MS. HERZOG: Okay.

15 INVESTIGATOR KOTH: (Crosstalk) that she --
16 yeah, she's not on --

17 MS. HERZOG: She texted me and said Cook
18 County did report it. I'm not sure if she knows when
19 that was done. It may be a question for the
20 investigator.

21 INVESTIGATOR KOTH: It was --

22 CHAIRMAN FERVIER: Ms. Dollison,
23 D-O-L-L-I-S-O-N.

24 INVESTIGATOR KOTH: September 6th, 2022, is
25 when we were notified.

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1 BOARD MEMBER TINDALL-GHAZAL: I will note it
2 was ERIC -- it was an ERIC report, apparently, that
3 identified this. So that is another point in their
4 favor.

5 CHAIRMAN FERVIER: Any questions or comments
6 from the Board?

7 Chair to entertain a motion on this case.

8 BOARD MEMBER JOHNSTON: Mr. Chair, I move that
9 we refer this to the attorney general.

10 CHAIRMAN FERVIER: We have a motion to refer
11 this to attorney general.

12 Is there a second?

13 BOARD MEMBER KING: Second.

14 CHAIRMAN FERVIER: We have motion and second
15 to refer to the attorney general. Any discussion?

16 Hearing no discussion, all those in favor of
17 referring this case to the attorney general, signify by
18 saying, "Aye."

19 BOARD MEMBER TINDALL-GHAZAL: Aye.

20 BOARD MEMBER JOHNSTON: Aye.

21 BOARD MEMBER KING: Aye.

22 CHAIRMAN FERVIER: Any opposition?

23 Hearing no opposition, so moved.

24 Next item on the agenda -- Tift County, you're
25 done. We appreciate your attendance today.

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1 Oh, she represents Barrien. She has to stay
2 until the end. Okay.

3 Next item on the agenda is SEB2022-272,
4 Carlton County, absentee ballot oath envelope issue,
5 Tab Number 53.

6 Invest- (audio interference) please.

7 INVESTIGATOR BRUNSON: Secretary of state's
8 office received a complaint where a voter signed their
9 oath envelope as assisting instead of on the inside
10 where they're supposed to sign. The voter put their
11 date of birth and driver's license number on it but
12 signed inappropriately. An election board member took
13 the envelope to the voter's house and had them sign the
14 oath.

15 The investigator interviewed Brenda Hodges by
16 phone. He said her office received an absentee ballot
17 envelope in the mail that was not signed correctly by
18 the voter.

19 The voter, Ethel May Dasher (phonetic), mailed
20 in her absentee ballot but signed the assist voter
21 section on the oath envelope instead of the voter
22 signature section. She said she asked Election Board
23 Member Teresa Hamilton, a Charlton County board member,
24 who was Ms. Dasher's neighbor, to take the envelope to
25 Ms. Dasher and have her sign it and then bring it back

1 to the office. At the time Ms. Hodges did this, she
2 did not know it was against the law. She apologized
3 for what happened and took responsibility. I will note
4 that this is a self-reported incident. The
5 investigator later interviewed the citizen or -- I'm
6 sorry, interviewed Ms. Hamilton, and she basically
7 reiterated what occurred. And that's it. That's it
8 for this case.

9 CHAIRMAN FERVIER: Ms. Hodges, are you online
10 with us? Brenda Hodges?

11 MS. HODGES: I'm sorry. Yes, sir. Can you
12 hear me?

13 CHAIRMAN FERVIER: Yes. Yes. Okay. Would
14 you like to respond to this?

15 MS. HODGES: I was under the impression, as
16 long as the ballot was in the possession of our board,
17 that we are -- we're a small community. We know -- we
18 know all of our people. I wanted Ms. Dasher's vote to
19 be counted, and she -- she's a very elderly lady that's
20 not totally disabled, but very elderly.

21 And we were trying to help assure that her
22 vote was counted. And I knew that if I sent a cure
23 affidavit, she would not be able to get a copy of her
24 driver's license and all of that, and she would be
25 confused by the affidavit.

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1 So in best interest of my voter, that's what
2 we were doing. I wasn't trying to do anything wrong.
3 I thought as long as the ballot was in the possession
4 of the Board, that it would be -- it was in our
5 possession, that it wouldn't be an issue, and then I
6 found out, nope, nope, shouldn't have done that.

7 And I have since gone out on -- in March of
8 '23, I had to go out on medical leave, and I've now had
9 to resign. But I assure you it would never -- it will
10 never happen again. We -- we learned. We talked. Our
11 board, we discussed it, and it was just -- we were
12 trying to help the voter.

13 CHAIRMAN FERVIER: Are there any questions
14 from our board for Ms. Hodges?

15 BOARD MEMBER TINDALL-GHAZAL: I'm actually
16 sitting here trying to think creatively, Ms. Hodges,
17 about the cure affidavit, because the best solution, of
18 course, would be to call the voter and have them come
19 in and sign the proper line. But in the case of a
20 voter who is infirm and not very mobile, then the cure
21 affidavit would, in fact, be what's required.

22 And I'm wondering, and I -- I don't care to
23 give a firm decision on this, but it's something that I
24 would like to discuss with the attorneys at the
25 secretary of state, whether it would be acceptable to

1 send a poll worker to a house under these circumstances
2 with a camera to take a picture of that, even a camera
3 phone or a phone, to take a picture of the photo ID and
4 print out at the election office.

5 I mean, these situations are rare, but they're
6 not unheard of. And I do think that whatever we can do
7 to make sure that somebody's valid vote is counted is
8 worth the effort, particularly in small communities
9 like this.

10 MS. HODGES: Yeah, I didn't -- I didn't even
11 think about, you know, sending someone to take a photo
12 of her ID. I just knew that she wasn't able to get
13 out. And Ms. Hamilton was very knowledgeable of her,
14 as she is her neighbor, knows her well, and we were
15 just, like I say, trying to assure that her vote was
16 counted.

17 BOARD MEMBER TINDALL-GHAZAL: Because it's
18 certainly not against the law to assist a voter in
19 completing a cure affidavit. So just -- I'm just --
20 I'm trying to think creatively in ways that we can --
21 we can make sure that voters get their votes counted
22 here. And we really appreciate your self-reporting
23 under these circumstances.

24 MS. HODGES: Yes, ma'am.

25 BOARD MEMBER JOHNSTON: Mr. Chair?

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1 MS. HODGES: I'm sorry. Go ahead.

2 CHAIRMAN FERVIER: Ms. Johnston?

3 BOARD MEMBER JOHNSTON: Yeah. Ms. Hodges,
4 thank you for self-reporting. And I also was trying to
5 think creatively about this situation. It's not
6 unlike, maybe, the provision to visit a hospital to
7 assist a voter during an election who's hospitalized.
8 And, certainly, the very elderly are -- maybe they're
9 not actually in a hospital, but they are also unable to
10 maybe ambulate or get to the polls.

11 So I would suggest the State Election Board
12 also reach out to the secretary of state's office and
13 consider -- or maybe even the legislators, to consider
14 some provision to accommodate a situation like this and
15 provide for a bipartisan team to go -- you could --
16 they could have spoiled the ballot and taken a new
17 ballot to Ms. Hodges as if she were hospitalized or
18 some provision similar to that. But it has to be a
19 witness team, not just one person, I think, that would
20 go out and obtain a ballot. And the safest team is a
21 bipartisan team.

22 BOARD MEMBER TINDALL-GHAZAL: I would support
23 that. And in fact, I would be happy to work with you,
24 Dr. Johnston, in coming up with the legislative
25 proposal on -- on developing the methodology for this

1 that the legislature could consider.

2 CHAIRMAN FERVIER: I'm taking it off my list.

3 I -- you know, we really need an executive director.

4 MS. HODGES: Typically, I call my voters.

5 BOARD MEMBER TINDALL-GHAZAL: Right.

6 MS. HODGES: If I know that they're able to
7 come back to the office, I'll call them and say, Hey,
8 you signed it in the wrong place. Could you stop by my
9 office and let me get your signature in the right
10 place?

11 99 percent of the time that's how it is
12 handled. And in this one particular case we knew of
13 her, you know, not being able to get out, and, like I
14 say, just trying to make sure her vote was counted.

15 CHAIRMAN FERVIER: Okay. Any other questions
16 from the Board on this case? If not, the Chair would
17 entertain a motion.

18 BOARD MEMBER TINDALL-GHAZAL: I move we issue
19 a letter of instruction in this case.

20 CHAIRMAN FERVIER: We have a motion to issue a
21 letter of instruction.

22 Is there a second?

23 BOARD MEMBER KING: Second.

24 CHAIRMAN FERVIER: We have a second.

25 Any further discussion?

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1 Hearing no discussion, all those in favor of
2 issuing a letter of instruction on SEB2022-272, signify
3 by saying, "Aye."

4 BOARD MEMBER KING: Aye.

5 BOARD MEMBER TINDALL-GHAZAL: Aye.

6 BOARD MEMBER JOHNSTON: Aye.

7 CHAIRMAN FERVIER: Any opposition?

8 Hearing no opposition, it's so moved, the vote
9 four to zero.

10 MS. HODGES: Thank you so much for your time.

11 CHAIRMAN FERVIER: Thank you, Ms. Hodges. We
12 appreciate you.

13 BOARD MEMBER TINDALL-GHAZAL: And thank you
14 for doing everything in your power and maybe a little
15 bit more to make sure that the voter's vote could
16 count.

17 MS. HODGES: I've always had -- a lot of my
18 poll workers have always told me and not -- I'm not
19 bragging by any stretch of the imagination, but they
20 told me that I always went above and beyond to make
21 sure that everyone was allowed to vote. And I just --
22 that was just my thing. I just -- I don't care how you
23 vote. I just want to make sure you get to vote.

24 CHAIRMAN FERVIER: Yep. Thank you,
25 Ms. Hodges.

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1 MS. HODGES: Thank you.

2 CHAIRMAN FERVIER: To the great dismay, I'm
3 sure, of many members of this board, we have come upon
4 our last case here. It is SEB2024-019, Berrien County,
5 deceased voter. If our investigators would please give
6 us a brief description of this.

7 INVESTIGATOR BRUNSON: Okay. This incident
8 occurred March 12th, 2024. Secretary of state's office
9 received a complaint alleging Gerald Vaughn (phonetic)
10 brought an absentee ballot application into the Berrien
11 County Elections Office for his mother, Vernell Griffin
12 Vaughn. According to the GARViS voter registration
13 system, Ms. Vaughn is marked as deceased.

14 Mr. Vaughn was informed he could not apply for
15 an absentee ballot for his mother, because she was
16 marked as canceled, slashed, deceased. He argued that
17 someone had pressed the wrong button. The complainant
18 had a copy of the death certificate from the probate
19 office and the obituary. Mr. Vaughn waited in the
20 office while they collected the information and left
21 after arguing with them for several minutes.

22 This is a potential violation of
23 O.C.G.A. 21.2.571. Investigator Monroe interviewed
24 Berrien County Election Supervisor Melanie Ray several
25 times, and she basically reiterated what I previously

1 stated as far as him attempting to obtain an absentee
2 ballot for his deceased mother.

3 The investigator later interviewed Berrien
4 Nursing and Rehabilitation Center Administrator Chris
5 Broome, and he asked her about an obituary with Vernell
6 Vaughn's name on it, which stated she passed away
7 January 25th, 2024. The investigator verified the
8 information listed on the obituary was factual and that
9 she was a resident of that nursing home.

10 He also interviewed Berrien County Elections
11 Assistant Shawn Farrell. She indicated that she was
12 present when Mr. Vaughn came into the election office
13 on that day, and she basically reiterated what was
14 stated by the other election officials. He attempted
15 to obtain an absentee ballot in his mother's name.

16 The investigator ultimately interviewed
17 Mr. Vaughn, who did show his mother's absentee ballot
18 application, and, apparently, the date the application
19 was filled out was January 10th, 2024, which was two
20 weeks before Ms. Vaughn's death. Mr. Vaughn's
21 assertion is that he should have been able to obtain
22 his mother's absentee ballot, because he knew how she
23 would vote.

24 Ultimately, there was evidence to suggest that
25 Gerald Vaughn violated O.C.G.A. 21.2.571, voting by

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1 unqualified elector or giving false information, when
2 he attempted to obtain an absentee ballot using his
3 deceased mother's absentee ballot application to vote.

4 He presented the application to the Berrien
5 County voter registration office, requesting a ballot
6 for Vernell Griffin Vaughn, claiming that she was
7 alive. However, she did pass away on January 25th,
8 2024.

9 CHAIRMAN FERVIER: Thank you.

10 It appears that the facts are pretty clear in
11 this case. Are there any questions from the Board on
12 this?

13 BOARD MEMBER KING: No.

14 BOARD MEMBER TINDALL-GHAZAL: Did the County
15 have a statement to make? I see Ms. Herzog is with us
16 again.

17 CHAIRMAN FERVIER: Is there one necessary?

18 MS. HERZOG: Mr. Chairman, unless the Board
19 has any questions, I think the investigation summary
20 stands for itself.

21 CHAIRMAN FERVIER: Yes.

22 BOARD MEMBER TINDALL-GHAZAL: And the
23 respondent is not present, correct?

24 CHAIRMAN FERVIER: The -- Mr. -- the
25 respondent, Mr. Vaughn, is not available.

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1 The Chair would entertain a motion at this
2 point.

3 BOARD MEMBER KING: Mr. Chair, I make a motion
4 that we send this case to the attorney general's
5 office.

6 CHAIRMAN FERVIER: We have a motion to send
7 this case -- refer this case to the AG. Is there a
8 second?

9 BOARD MEMBER JEFFARES: Second.

10 CHAIRMAN FERVIER: We have a second from
11 Member Jeffares to send this case to the attorney
12 general.

13 Any discussion?

14 Hearing no discussion, all those in favor of
15 sending this case to the AG for further adjudication,
16 signify by saying, "Aye."

17 BOARD MEMBER TINDALL-GHAZAL: Aye.

18 BOARD MEMBER KING: Aye.

19 CHAIRMAN FERVIER: Any opposition?

20 Hearing no opposition, so moved. The case
21 will be referred to the AG.

22 Thank you for attending, Ms. Herzog.

23 MS. HERZOG: Thank you all for your service.
24 And it certainly has been educational to be a part. I
25 enjoyed my time with you all.

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1 CHAIRMAN FERVIER: Thank you.

2 MS. HERZOG: But I'm also glad to declare that
3 that was the case I had been looking for, and I will
4 ask to be excused at this time.

5 CHAIRMAN FERVIER: Thank you.

6 MS. HERZOG: Thank you.

7 CHAIRMAN FERVIER: The Chair would entertain a
8 motion to have a break for lunch at this time since
9 we've been going at this for a while.

10 BOARD MEMBER JOHNSTON: So moved.

11 CHAIRMAN FERVIER: We have a motion to break
12 for lunch. Is 30 minutes enough for the Board?

13 BOARD MEMBER KING: Yes.

14 CHAIRMAN FERVIER: So we'll break for a
15 30-minute lunch, which would get us back here at, let's
16 say, 1:15, just shy of 30 minutes.

17 All those in favor, signify by saying, "Aye."

18 BOARD MEMBER KING: Aye.

19 BOARD MEMBER JOHNSTON: Aye.

20 BOARD MEMBER TINDALL-GHAZAL: Aye.

21 CHAIRMAN FERVIER: Any opposition?

22 Hearing no opposition, so moved.

23 We will reconvene at 1:15. Thank you.

24 (A recess was taken.)

25 CHAIRMAN FERVIER: All right. All the board

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1 members have returned. I hope your lunch was great.

2 We'll reconvene the meeting now.

3 And the next item on the agenda is a procedure
4 matters. It's a discussion of adoption of the vote
5 proposed amendments to SEB Rule 183-1-12-.13(a)(3).

6 Before we do that, though, I want to discuss with the
7 Board -- the last two items on the agenda are executive
8 session and public comment.

9 And I'd like to move the public comment in
10 front of executive session just so that we can allow
11 those people to leave so that they don't have to stay
12 while we're out of executive session. Without dissent,
13 we'll just make that one small change to the agenda.

14 BOARD MEMBER JOHNSTON: How many speakers are
15 there, Mr. Chair?

16 CHAIRMAN FERVIER: There were five left from
17 yesterday. One, two, three, four, five left from
18 yesterday.

19 Does anyone have an issue with that?

20 BOARD MEMBER JOHNSTON: No issue.

21 BOARD MEMBER TINDALL-GHAZAL: No.

22 BOARD MEMBER KING: No.

23 CHAIRMAN FERVIER: Member King,
24 (indiscernible)?

25 BOARD MEMBER KING: I think it's --

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1 CHAIRMAN FERVIER: Okay. All right. We'll
2 make that one change, and we'll move -- we'll switch
3 executive session and the public comment portion so
4 that we can release them before we do that.

5 So we'll go back to Item Number 5, which is
6 procedure matters, discussion and adoption of vote on
7 proposed amendments to SEB Rule 183-1-12-.3(a)(3).

8 Do we have somebody online to speak on behalf
9 of that? Ms. Grubbs, it was her rule, right? It
10 doesn't appear that Ms. Grubbs is online to be able to
11 speak to it.

12 BOARD MEMBER JOHNSTON: I think she's trying
13 to get in.

14 UNIDENTIFIED FEMALE SPEAKER: She should be
15 able to just join.

16 CHAIRMAN FERVIER: Alex doesn't see her trying
17 to join.

18 UNIDENTIFIED FEMALE SPEAKER: She should be
19 able to just join online.

20 CHAIRMAN FERVIER: Yeah.

21 UNIDENTIFIED FEMALE SPEAKER: I'll send her
22 the link directly. She's --

23 CHAIRMAN FERVIER: Alex is going to send her
24 the link. Do you want to move on to the old business
25 and then come back to her? Well, our choice is to

1 continue it or to move it in the agenda.

2 BOARD MEMBER JOHNSTON: Why don't we move it
3 in the agenda?

4 CHAIRMAN FERVIER: All right. We'll put that
5 on hold for now until she's able to join.

6 So the next item on is old business,
7 discussion of the True the Vote litigation -- nope.
8 She is on. Ms. Grubbs just joined. We're going to go
9 back, then.

10 BOARD MEMBER JOHNSTON: Okay.

11 MS. GRUBBS: Hey, I'm so sorry. My iPad went
12 crazy, and you're going to have to forgive me. I hope
13 you can hear me. I'm literally sitting on a street
14 corner in Miami, so...

15 CHAIRMAN FERVIER: Corner -- a street corner
16 in Miami. There's so many comments I want to make, but
17 I won't.

18 MS. GRUBBS: Yes. I'm sure you could,
19 Mr. Chair. I don't -- I apologize, but I've had two
20 days of traveling and trying to get onto the meeting
21 timely, so I apologize. I don't know if my video is
22 on, but if it's not, please don't turn it on.

23 CHAIRMAN FERVIER: Next time you and I get
24 together, Ms. Grubbs, next time we'll have to talk
25 about that.

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1 MS. GRUBBS: It's all -- well, I started to
2 say it's all about working, but being working and on
3 the street corner probably doesn't make it any better.

4 CHAIRMAN FERVIER: You just keep digging that
5 hole deeper.

6 MS. GRUBBS: I know. I know. I'm so sorry.
7 Can you -- I apologize. If this wasn't so crucial,
8 trust me, I wouldn't be doing this.

9 CHAIRMAN FERVIER: All right. Do you have a
10 rule to present?

11 MS. GRUBBS: I do have -- I have my rule that
12 you -- that has previously been submitted. We have
13 been waiting on this, and this concerns the ballot
14 images and the cast vote records post-election, and we
15 did discuss it before.

16 I am advocating for this rule for several
17 different reasons, one of which is that we have seen
18 some things going on with ballot images that are not
19 exactly appropriate, as well as the fact that there
20 has -- there's been trouble with individual election
21 offices posting the ballot images and making people go
22 through the secretary of state's office.

23 We know that the ballot images are available,
24 because all the ballot images are scanned, and -- you
25 know, at the time of the election. I would like to --

1 I know -- I am aware that GAVREO, the organization that
2 I love so much, has decided to oppose this rule.

3 And -- but what they need to understand is
4 that Georgia law is crystal clear. Ballot images are
5 public records, according to the Official Code of
6 Georgia Annotated Section 50-18-71(k). And it says
7 that scanned ballot images created by voting system
8 authorized by Chapter 2 of Title 21 shall be public
9 record, subject to disclosure under this article.

10 It does not say that images as modified by an
11 archive selectively by the secretary of state's office.

12 The counties, and not the secretary of state,
13 are the official custodians of the ballot images and
14 are responsible for filling open records requests. The
15 law does not allow any county officials to hide behind
16 the secretary of state's office or delay disclosure
17 under the guise of bureaucratic processing.

18 The law already requires that the records are
19 to be disclosed within three business days. If
20 counties can't comply with the existing law, that is a
21 failure of the local election administration, not a
22 justification for breaking the law or subverting public
23 transparency.

24 And they can comply. There's no reason that
25 they can't comply.

1 The ballot secrecy issues also must be
2 addressed. That -- that cannot be allowed to be used
3 to delay disclosure. GAVREO's claim that ballot images
4 must be redacted before public release raises actually
5 a more serious fundamental legal problem, because, you
6 know, this goes back to -- Mr. Chair, back in 2020,
7 when we were going through the recount, and I was in
8 Cobb County, you know, the -- the custodianship of
9 those records lies with the local counties, and to
10 allow that to be given over to the secretary of state's
11 office is inappropriate.

12 The ballot images as well as the ballots, I
13 mean, it flies against GAVREO's claim that the
14 secretary of state should have custody of these things,
15 because if you go ask any election director across the
16 state in their county, they're the ones that have to
17 provide the warehousing of all the ballot images and
18 preserve those records for the two years.

19 The ballot images as reported contain
20 information that allows anyone, insiders or otherwise,
21 to determine how voters cast their ballots. Therefore,
22 Georgia elections are violating the statutory
23 Constitutional requirements to ballot secrecy. That's
24 been over and over and over. It's come up with
25 Dr. Halderman's published report in the DVSorder

1 problem.

2 So, as we know, Georgia's constitution
3 mandates absolute secrecy of ballots, and Official Code
4 of Georgia Annotated Section 21-2-70(13) requires the
5 election superintendents to conduct the elections in a
6 way that guarantees the ballot secrecy. It does not
7 allow for election officials to record, store, or
8 possess records that connect a voter with ballot, even
9 if they attempt to mask this data.

10 And so what we found is since the November
11 election, that they have tried to mask that data, and
12 they have gone back and altered the images. The ballot
13 is the ballot as it was cast. The ballot image is the
14 ballot image.

15 And, you know, if they're not able to comply
16 with the law due to their failure to appropriately have
17 the -- the security of the election through the
18 software, that's a whole other problem, but you can't
19 violate one law in order to justify another process.

20 Then, also, releasing the ballot images before
21 certification is essential for election integrity.
22 This is another case where people want to pass the law
23 to see what's in the law.

24 Sorry, there's a truck going by.

25 You're saying -- you know, GAVREO's position

1 and some of the other positions during public comment
2 says that -- release the ballot image -- images after
3 the election. Well, we already know that it is a short
4 time frame. And if there's an issue with that time
5 frame, go handle that with the legislature. But that
6 does not give you an excuse to not comply with the law
7 now, and the counties need to comply with the law.

8 Then there is the issue that they claim of
9 uploading the ballot images is burdensome and all that
10 kind of stuff. It -- they need to make sure that their
11 processes comply with the law. I mean, it's burdensome
12 to issue all this equipment to the counties and rent
13 trucks. You know, when we have 140-something precincts
14 in Cobb County on election day, it's a burden to load
15 up all that equipment. But does that mean we're not
16 going to do it? No.

17 The secretary of state has consistently stood
18 behind the voting equipment. It would be less
19 burdensome to load up boxes of paper and let people
20 vote on paper and count the paper than it would be to
21 load up all this heavy equipment and have to use trucks
22 with lift gates because you have heavy equipment. So
23 I'm sorry I got off on a tangent on that, but the
24 rationale is not consistent when opposing these rules
25 by GAVREO.

1 The ballot images can begin uploading on
2 election day before the close even -- the polls even
3 close. We get notices of tabulating early all the
4 time. The majority of the votes for early and mail
5 ballots, there is no doubt that all the majority of the
6 images can be uploaded even before the polls close.

7 Clerical workers can be engaged to handle the
8 upload process, whether to an external hard drive or
9 the EMS server. Uploading the files does not interfere
10 with canvassing or certification and can operate in the
11 background on the EMS server.

12 The reality is that counties have had four
13 years of experience handling valid images, and the
14 upload process is quite manageable time-wise with
15 planning. Defying transparency is not an option.

16 GAVREO's alternative proposal is designed to
17 delay, deflect, and shield counties from accountability
18 and oversight of the certification, not comply with the
19 law. They seem wholly unconcerned with actually
20 complying with the law. They seem concerned with
21 coming up with excuses why they can't comply with the
22 law. Again, if that's an issue, they need to take that
23 to the legislature.

24 Also, the secretary of state has not posted
25 all images for elections. I believe the number now is

1 out of 159 counties, only 120 have actually provided
2 ballot images.

3 So, you know, yesterday and today, sitting
4 through all of the issues and the complaints that all
5 go back to 2020 and looking at the docket -- or, I
6 mean, I would look at a docket if the State Election
7 Board actually had a website where the docket could be
8 posted, like most clerk's offices do.

9 But since you don't, every time you have an
10 election board meeting and you're dealing with all of
11 these old cases and you see how far back they go and
12 how detailed they are, where is the accountability when
13 counties do not accurately post, according to law, the
14 ballot images and the cast vote records, because the
15 secretary of state is not doing it either.

16 So I would like to see the State Election
17 Board hold the counties' feet to the fire when it comes
18 to uploading the ballot images, either on their
19 websites -- we've discussed this before -- and get the
20 secretary of state to do that.

21 And the whole point here is, is that the
22 public has a right -- as well as the candidates, both
23 have the right to verify election tabulations. And
24 ya'll, as the state election board have the duty to
25 ensure transparency and not protect the ones who seek

1 to obstruct it.

2 There's no doubt that the DVSError issue needs
3 to be resolved immediately, but ya'll, unfortunately --
4 and you know how much I love you. I love the State
5 Election Board. Ya'll are in my heart. I think the
6 world of you. But you guys and the secretary of state
7 repeatedly refused to address the issue since it was
8 raised at the Board in 2022. It cannot be used as an
9 excuse to not require upload of the ballot images.

10 The -- I still have a lot more, but I don't
11 want -- you know, everybody's tired and all that kind
12 of stuff. But we do have a statewide election coming
13 up in June. We have two commission elections in Cobb.

14 And so I submit that these are not any kind of
15 reason to delay effectuating getting the ballot image
16 issue resolved, and 72 hours is plenty of time,
17 because, you know, they've got to scan the ballots in
18 order to provide the results. So it's already
19 happening. There's just no reason to continue delaying
20 that.

21 Also, I have someone who wanted to also speak
22 to this, which is Marilyn Marks. And Marilyn Marks
23 loves the Board, too. So I think you should hear her
24 comments if she's available as well to be able to join
25 the conversation.

1 And, actually, for -- I'd like to point out
2 that from the 2024 election, House Bill 974 says that
3 the secretary of state shall create, maintain a
4 statewide program for the posting of the digital
5 images, and it shall be posted no later than 5:00 p.m.
6 on the second Friday following the day of the
7 elections.

8 The law doesn't specify which elections are
9 covered in this legislation, so I would direct your
10 attention there, and I would submit that ya'll need to
11 do this. It's a good thing to do. We've been waiting
12 long enough to do it.

13 And so that's my position. And I will leave
14 it in your capable and willing hands to pass this rule.

15 CHAIRMAN FERVIER: Great.

16 MS. GRUBBS: And don't listen to the
17 crosswalk.

18 CHAIRMAN FERVIER: Great. I'm only going to
19 question your statement that Ms. Marks loves this
20 board. So we'll have to let her attest to that
21 herself.

22 MS. GRUBBS: And I can't -- I'm sorry. I
23 can't hear you, Mr. Chair.

24 CHAIRMAN FERVIER: I said I'm -- am I muted?
25 Can you hear me now, Salleigh?

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1 Janice, can you hear me?

2 BOARD MEMBER JOHNSTON: I hear you.

3 CHAIRMAN FERVIER: Okay. Did we lose you,
4 Ms. Grubbs?

5 BOARD MEMBER JOHNSTON: She's -- looks like
6 she's muted.

7 CHAIRMAN FERVIER: Ms. Grubbs, are you still
8 there?

9 MS. GRUBBS: I'm here, but I cannot hear
10 ya'll.

11 CHAIRMAN FERVIER: Can you hear me now?
12 She might have had cell service down there.
13 Is Ms. Marks online?

14 MS. MARKS: I am.

15 CHAIRMAN FERVIER: Can you make a few short
16 comments about this?

17 MS. MARKS: I can. Of course, now my phone is
18 ringing. Is this my opportunity to profess my love for
19 the Board --

20 CHAIRMAN FERVIER: Yes.

21 MS. MARKS: -- I go under oath?

22 CHAIRMAN FERVIER: Yes.

23 MS. MARKS: Okay. Let me do that, then. I'll
24 make my comments short, because what Ms. Grubbs had to
25 say is really almost exactly what I would have said in

1 strong support of the proposed rule-making.

2 Three business days is important. That is
3 exactly what is in the Georgia law now. A lot of
4 counties misunderstand that. They believe that the
5 three days is actually for giving some kind of
6 acknowledgement of the open records request. It is a
7 three-day requirement for the production of records.
8 And what this board would be doing by reinforcing the
9 three days in this rule would be to reinforce the
10 current law.

11 As Ms. Grubbs said, counties are the official
12 custodians of the ballot image records. They have the
13 original ballot image records that have not been
14 altered, names have not been changed, not been
15 reorganized as the secretary of state does with some
16 files. And so requesters must be able to get those
17 directly from the County, as getting them from the
18 official custodians.

19 Although we hear that GAVREO is arguing that
20 disclosure is impractical or burdensome, it's simply
21 not the case. As Ms. Grubbs pointed out, those images
22 are already available. The vast majority of them are
23 already available for uploading beginning of the
24 beginning of election day.

25 They can be done while everybody is waiting

1 for the polls to close and the memory cards from the
2 precincts to start coming in about 8:00 p.m. The
3 entire day can be spent, and all of the images can be
4 uploaded before the polls even close. It's a simple
5 and clerical task that can be handled efficiently
6 during election day and then even overnight.

7 But there's just really no legitimate reason
8 to delay the release of the ballot images. Again, the
9 idea is for transparency and to -- and to make
10 corrections prior to the certification so that if a
11 candidate needs a recount or believes he needs a
12 recount, he can do a good little test, and maybe we can
13 avoid some recounts and certainly avoid post-election
14 litigation.

15 Going back to GAVREO's claims, as Ms. Grubbs
16 said, the claim is very troubling, but true, that the
17 current voting system does violate ballot secrecy. But
18 the very idea that GAVREO is taking as it's okay for
19 us, GAVREO and the local election officials, to be able
20 to collect information on how people vote and have
21 insiders have access to that, but the public cannot, is
22 completely wrong and in violation of Georgia's
23 constitution and statutes.

24 And given that this is a problem, this board
25 absolutely needs to address this secrecy violation, as

1 it promised it would back in October 2022, when we
2 first raised this DVSorder question.

3 If the Board is concerned that the upload time
4 is burdensome, as GAVREO has suggested, I urge you to
5 adopt the rule for the 2025 elections. There will be
6 two low-turnout -- probably low-turnout statewide
7 elections and a host of local elections, and the
8 counties can then measure the upload time and the
9 methods of efficient bulk uploading of memory cards.
10 If they still believe it's a problem after gathering
11 the data, the rule could be modified for 2026.

12 Basically the public's right to oversee
13 election tabulations is really non-negotiable. The law
14 is clear. Compliance is not optional. I urge this
15 board to stand for transparency, reject the delay
16 tactics, and adopt the proposed rule to make timely
17 ballot image disclosure clear and give the counties the
18 guidance they require.

19 Thank you for letting me speak. And if you
20 have any questions, I'll be happy to take them.

21 CHAIRMAN FERVIER: Okay. Just one moment.
22 Let -- let's ask the Board if they have any questions
23 for either Ms. Marks or Ms. Grubbs before we go on to
24 some other people who would like to speak about this.

25 Does the Board have any questions for

1 Ms. Grubbs or Ms. Marks?

2 And, Salleigh, it looks like you're muted at
3 this point.

4 MS. GRUBBS: Yes, I did mute you. I'm here,
5 but I muted so you wouldn't have to be subjected to the
6 noise.

7 CHAIRMAN FERVIER: You are not the first
8 person that's muted me.

9 MS. GRUBBS: It's for your own good.

10 CHAIRMAN FERVIER: That's what I -- that's
11 what I'm told.

12 Does the Board have any questions for
13 Ms. Grubbs or Ms. Marks?

14 BOARD MEMBER JOHNSTON: I'm not sure if they
15 know the answer, but I'll ask the question. How long
16 did it take to upload the ballot images from the
17 November election, the most recent November election?

18 MS. MARKS: Dr. Johnston, the -- this is
19 Marilyn Marks. The -- the data I saw is kind of all
20 over the Board, and it depended on counties. Many
21 counties went ahead and uploaded them on election
22 night. They will upload the results first from the
23 memory cards and then upload the images. And the small
24 counties can tend to do them, you know, easily on
25 election night. Others waited until the certification

1 was done, and it looked like it took a few hours.

2 I don't have all of the data collected, but
3 it's -- it does not appear to be a process that has any
4 reason to linger for days.

5 Also, an easy way to do it, as both Ms. Grubbs
6 and I mentioned, is the ballot images for early votes
7 and mail votes are available to upload on election day.
8 They can be uploaded to a hard drive and then that hard
9 drive plugged in the EMS system and just run in the
10 background. No reason for big delays.

11 MS. GRUBBS: Also, Dr. Johnston, to that
12 point, I know that Kevin Moncla has some of that
13 information. And if you're willing to allow him to
14 speak, he can speak to that point.

15 BOARD MEMBER JOHNSTON: Up to the Chair.

16 CHAIRMAN FERVIER: Dr. Johnston, any -- the
17 members of this board can ask for advice from anybody
18 that they wish.

19 BOARD MEMBER JOHNSTON: Okay. Ms. Marks, did
20 you say some were uploading after certification?

21 MS. MARKS: Yes. Quite a few counties
22 appeared to upload after certification. And I guess
23 they didn't have reason to use them until
24 certification.

25 And what appeared to be the trigger for that

1 certification was the Enhanced Voting audit where they
2 were told to upload their images to Enhanced Voting as
3 soon as certification was done. And so many, you know,
4 didn't -- just waited until that time while others did
5 it at the same time they uploaded their results, right
6 after they uploaded their results. So that practice
7 appears to be all over the board.

8 BOARD MEMBER JOHNSTON: All right. So -- so
9 you're talking about county certification?

10 MS. MARKS: Yes, indeed. The certification
11 that occurs generally on -- tends to occur on the
12 Monday after voting on Tuesday. And so, you know,
13 seven days after the election tend -- will tend to be
14 the time for certification. And so many of them have
15 been or did upload this time after that certification
16 date.

17 BOARD MEMBER JOHNSTON: So my -- it's my
18 understanding that there were a number of counties that
19 ended up needing to recertify after county
20 certification based on the Enhanced Voting project
21 results or -- or the implementation of the Enhanced
22 Voting project.

23 So you would be -- you know, so you would be
24 willing to accept these images within 72 hours,
25 understanding that there may be a number of

1 circumstances where the County -- there are errors that
2 are found or detected and require recertification?

3 MS. MARKS: Was that question to me, Marilyn
4 Marks, Dr. Johnston, or --

5 BOARD MEMBER JOHNSTON: Either -- either of
6 you. Ms. Grubbs?

7 MS. GRUBBS: So, you know, as far as updating,
8 you know, there's certification, and there's the
9 updating of certification when things happen, you know,
10 all the time. So I don't know. Let --

11 What do you think, Marilyn? Do you have a --

12 MS. MARKS: Yes.

13 MS. GRUBBS: -- thought on that?

14 MS. MARKS: You know me, Salleigh. I'll
15 always have an opinion. But -- and that is,
16 absolutely, the public needs to be able to get the very
17 first iteration of those images for the very reason you
18 mentioned.

19 In the event that the public catches an error,
20 that needs to go into the Board's consideration of
21 their canvassing process and certification, because you
22 certainly -- it's in everyone's best interest to get
23 any errors corrected before certification.

24 So the idea would be, you get the ballot
25 images. If there's a problem, you report it to the

1 Board. They correct it. If there is another set of
2 ballot images in the next iteration that comes along
3 correcting them, then those would be public records as
4 well. So I think it's in everyone's best interest to
5 get each and every iteration, and all of them would be
6 public records.

7 BOARD MEMBER JOHNSTON: So -- so there would
8 be a clear understanding that -- that these images
9 would be unofficial ballot -- paper ballot images?

10 MS. MARKS: Well, I think that they would be
11 official records, certainly, but they would be
12 supporting the unofficial results. But they would be
13 official documents, which can -- just -- just as we get
14 unofficial election results in numerous iterations
15 through that entire week before certification, and
16 everyone knows they're unofficial until they're
17 certified.

18 So I think you absolutely do want the
19 pre-certification images so that issues that are found
20 can be corrected, you know, in -- which is in
21 everyone's benefit.

22 And, then, certainly, I should add, that would
23 in no way indicate any suggestion of delaying a
24 certification. Obviously, if the Board found a big
25 problem, they -- they may need to deal with the time

1 required to -- to take care of a problem. But you want
2 the time -- you want the problems taken care of before
3 certification.

4 I hope that answers your question of each and
5 every ballot image that was counted, even if it later
6 has to be corrected, should be a matter of public
7 record.

8 A good example -- and I'll -- I'll rest my
9 case in a moment here. A good example is the Sumter
10 County images that showed votes counted for Mr. Potato
11 Head and Mickey Mouse and others being transferred
12 to -- to a candidate, over 1,600 wrong votes.

13 Those were not disclosed to the public until
14 long after that election had been certified for weeks,
15 and it was too late to do anything about it. If they
16 had been obtained on a timely basis, that would have
17 helped the public correct that error.

18 BOARD MEMBER JOHNSTON: All right. As -- as
19 you may know -- or -- or let me say that I have been
20 told by the secretary of state's office that images
21 don't always equate to a voted ballot in a previous day
22 or month. So -- so these images would be provided with
23 -- fairly soon after the election night, but also
24 during the canvass process that's still going on. Do
25 you -- do you understand that?

1 MS. MARKS: Well, I certainly do. And that's
2 what I'm a proponent of, that you absolutely those
3 images in order to help inform the canvass process.

4 So if, using the Mr. Potato Head example,
5 citizens saw that and saw that those votes had been
6 counted, they could get to the election board and say,
7 Whoa, whoa, election board, you really want to undo
8 this before you certify.

9 It -- to me, it is a healthy part of the
10 oversight -- the public oversight of canvassing to be
11 able to call attention to errors by -- whether --
12 whether that's calling attention by the candidate or
13 the voters or a party to be able to see those issues
14 that the Board might otherwise miss in their
15 canvassing.

16 So, certainly, what you want are the images
17 that support all of the various iterations through the
18 entire audit trail of the tabulation of what ultimately
19 ends up with the final vote.

20 MS. GRUBBS: And, also, too, remember that the
21 results, as they're uploaded on election night, those
22 are unofficial results as well. And, you know, to
23 Ms. Marks' point, you know, it is a public process, and
24 it -- in the name of transparency, I mean, for
25 goodness' sakes, we already have the issue with

1 Enhanced Voting and what's going on with reporting
2 results and auditing the results, which is a huge
3 conflict of interest.

4 The public deserves to have more transparency
5 and providing these results of the images in the cast
6 vote record. I mean, we've also got to talk about the
7 cast vote record to go along with that so that we have
8 accurate and transparent results and that the
9 candidates can be aware.

10 Especially in some of these smaller counties,
11 when you have such close races with such a small number
12 of votes, that's something that really needs to be
13 addressed, and the public needs to be involved in that
14 process.

15 BOARD MEMBER JOHNSTON: So this -- so this is
16 looked upon as an aid to -- to verify the figures, the
17 numbers found in the canvass?

18 MS. MARKS: Absolutely. I mean, it should be
19 part of the canvass process.

20 BOARD MEMBER JOHNSTON: Right. Is there
21 anybody online, Chairman Fervier, that knows about how
22 long it took to upload the images during the past
23 November election?

24 CHAIRMAN FERVIER: I don't know. The only
25 person I know that's online that would like to speak to

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1 this is Mr. Kirk. I don't know of anybody else that is
2 available.

3 BOARD MEMBER JOHNSTON: All right.

4 MR. KIRK: Good afternoon, ya'll. Can you
5 hear me?

6 CHAIRMAN FERVIER: Yes.

7 BOARD MEMBER JOHNSTON: Yes.

8 MR. KIRK: Awesome. So to answer that
9 question first, it seems to depend on, well, for one,
10 how many ballots are on a memory -- I mean, images are
11 on a memory card for how long it would take to upload,
12 which makes sense. And when I say upload in this case,
13 I mean from the memory card from the scanner to the EMS
14 server. And the more files, the bigger the file -- the
15 bigger that file size is, the longer it takes.

16 Most of mine upload fairly quickly, say, less
17 than five minutes, but especially for smaller
18 elections. But I've heard from other counties that it
19 can take as many as, you know -- I think the way it was
20 put was a full day to do advanced voting memory cards,
21 because it was a metro county and there's so many
22 images on those cards.

23 So that's the best information I have for you
24 on that. I'm happy to pull the numbers and get more
25 data for you if you prefer. But if you don't mind,

1 I've got some notes, and I was listening to the
2 previous testimony, if I could just step through them?

3 BOARD MEMBER JOHNSTON: Well, let me ask you
4 -- let me ask another question. What do you mean, less
5 than five minutes? Less than five minutes for a memory
6 card or --

7 MR. KIRK: For a memory card, yes. It, of
8 course, would take a lot longer than that for old
9 memory cards, because -- well, the process of uploading
10 a memory card is to -- well, it's returned to us from
11 the polls on election nights or absentee ballot. The
12 voting crew removes it from the advanced voting scanner
13 after certain steps are taken to ensure chain of
14 custody and those sorts of things. And then they're
15 inserted --

16 BOARD MEMBER JOHNSTON: I couldn't understand
17 what you said.

18 MR. KIRK: Sorry. To -- they're removed from
19 the ICP scanners after certain steps are taken to
20 verify chain of custody to make sure the seals are
21 intact, that sort of thing. From there, they go to,
22 usually, a technician, in my case, a county employee,
23 at the EMS server. And there's one card reader on the
24 server just to read those cards.

25 And we put the card into the server. We have

1 three options, or any combination of three options. We
2 could upload the results, we could upload the images,
3 or we could upload the audit logs or any combination
4 thereof.

5 In larger elections, there's a tendency to
6 upload the results first, export those to the public to
7 the website so that we can get the results out to the
8 folks who want them and then go back either that night
9 or the next day -- next day or days and upload the
10 images onto the server. In smaller elections, where
11 there's not many ballots cast, we tend to do it all at
12 one time. But, again, that's a county-by-county
13 decision.

14 From there, we export the images by precinct
15 to a thumb drive, in most cases, transport it to --
16 just to get them online to the repository, to an
17 internet-connected PC and log into the State's
18 repository system and upload a zip file that includes
19 all those images.

20 My understanding, although I've never seen
21 this, is after the upload happens, an employee of the
22 secretary of state's office verifies, does a little bit
23 of quality assurance that the right -- that the right
24 files uploaded properly, they have the right files, and
25 nothing is in there that shouldn't be if that --

1 there's security in place.

2 If the wrong file type is uploaded, it locks
3 the system down and requires interaction with a State
4 employee to reopen it. And once they do that quality
5 assurance, then it's published online where folks can
6 see it.

7 And one of the things that happens during that
8 upload process, or publishing -- I'm not sure which
9 one -- is the file names are randomized. They
10 mentioned some of Professor Halderman's findings.

11 The upgrade we're looking at from the main
12 software as a state will address that issue. But until
13 then, the Constitution guarantees elections by the
14 people shall be by secret ballot. And the repository,
15 the tool we've been given by the State to use for the
16 State's voting system to ensure that ballot secrecy
17 along with transparency.

18 So that's why we're -- we pointed out we need
19 to use that system, especially until the update
20 happens. And I'm hoping that's funded through
21 legislature during the current session and we got
22 software updated this year.

23 Does that answer your question, Dr. Johnston?

24 BOARD MEMBER JOHNSTON: I have a question
25 about ballot secrecy. Are you saying that there's not

1 ballot secrecy until the files are uploaded to the
2 secretary of state?

3 MR. KIRK: I'm saying that -- and I don't want
4 to speak for Professor Halderman. I don't have his
5 report in front of me. But he says he's found a way to
6 link that -- to figure out the order of the ballots
7 were cast in based on the file names of the ballot
8 images and the file names in the cast vote record.

9 So if you can backwards-engineer that and know
10 the order of the files, the ballots were cast, and you
11 knew exactly the order that voters cast the ballots.

12 So if you had a poll with, say, two scanners,
13 four poll pads, it would be very hard to do this. But
14 at a smaller election, say people are coming in once a
15 day, there's more of a concern. And we want to err on
16 the side of caution, err on the side of ballot secrecy,
17 and use the tool that we were given to ensure
18 everyone's vote stays private.

19 MS. GRUBBS: But, Mr. Kirk -- this is
20 Salleigh -- one of the --

21 MR. KIRK: Hey, Salleigh.

22 MS. GRUBBS: Hey. One of the issues is, too,
23 that a lot of this information has already been given
24 to people that are not election officials that are
25 outside contractors. And so some of this stuff is

1 already being breached by other -- other entities.

2 It -- is it --

3 Have you had that experience, Ms. Marks?

4 MR. KIRK: Would you mind being more specific
5 in who you're talking about?

6 MS. GRUBBS: Well --

7 MS. MARKS: Well, for --

8 MS. GRUBBS: Go ahead, Ms. Marks.

9 MS. MARKS: Yeah. Okay. Well, thank you.

10 Certainly, just to reinforce the point, and we
11 can -- I can state -- state personally, yes, the -- the
12 ballot sequence can be easily determined from the
13 numbers on -- that are put on the ballot images by the
14 Dominion system. That's been known for a long time.

15 The same is true of the cast vote records,
16 which the counties are releasing. So it kind of makes
17 no sense to say we can't release the images, because
18 you'll be able to determine the voting order when
19 they're releasing the cast vote records, which you can
20 do exactly the same thing. So that's really a non
21 sequitur.

22 But, yes, it is a ballot secrecy problem. It
23 has been proven. It is easy to determine a huge number
24 of people's votes, because we can determine the order
25 in which they voted, the order in which the ballot

1 is -- has been cast.

2 And so, yes, these have been public records.

3 And Salleigh asked, haven't they been turned over to
4 lots of people. Yeah. They've been turned over to the
5 public. But, also, certainly, it makes no sense for
6 election officials to have records that can be traced.
7 It makes no sense for Dominion technicians to have
8 records that can be traced or Enhanced Voting staff to
9 have elections that can be traced, and it doesn't make
10 sense for the public to have it.

11 Therefore, the core problem in the system
12 needs to be fixed, not making a decision of, Oh, who
13 gets to see how people vote, and who does not get to
14 see how people vote.

15 MS. GRUBBS: Also, I believe Mr. Moncla is
16 online now, if you can allow him to speak.

17 CHAIRMAN FERVIER: Let me just interject
18 something real quick.

19 Dr. Johnston, I think that we probably have a
20 pretty good idea possibly of how long it takes to
21 upload these things with this Enhanced Voting budget
22 project that they had.

23 And I just tried to call the secretary of
24 state to see if they had an answer to that, and they
25 weren't available to answer that. But that might be a

1 good question to ask is -- you know, we had to deal
2 with 159 counties this year.

3 And I'm not -- certainly not going to claim to
4 be an expert on technology, but it would seem to me
5 that a lot of it has to do with the file size and, you
6 know, how it's being uploaded and connection issues,
7 which we deal with all the time at Waffle House for
8 different things.

9 But, certainly, that's a question we should
10 ask of the secretary of state is how long did it take
11 to go through that budget -- or the ballot process this
12 year, and how successful were the counties in uploading
13 those ballots.

14 BOARD MEMBER JOHNSTON: Well, I know I was in
15 Cobb County, which is one of the larger counties in the
16 state, and they accomplished that the day after the
17 election.

18 CHAIRMAN FERVIER: Yeah. Yeah. So some
19 counties were certainly a lot more sophisticated than
20 others when it came to that. There's a difference -- a
21 wide difference statewide. I know that from just
22 talking to them about that.

23 So -- but I -- like I said, I don't know the
24 answer to it, but that might be a question we need to
25 ask of them to find out exactly how long it took to

1 have that formed.

2 BOARD MEMBER JOHNSTON: It's -- Ms. Ghazal, do
3 you know?

4 BOARD MEMBER TINDALL-GHAZAL: I do not. I
5 have -- I have an unrelated question.

6 BOARD MEMBER JOHNSTON: Okay. There -- could
7 -- there's a Mr. Moncla that says he knows.

8 MR. KIRK: Well, before we move on, what
9 I'm -- could I --

10 CHAIRMAN FERVIER: Well, Mr. -- let's let him
11 finish.

12 BOARD MEMBER JOHNSTON: Go ahead. Okay. Go
13 ahead.

14 CHAIRMAN FERVIER: Yeah. I also don't want to
15 get into a situation where we have people that are
16 questioning other people, respondents or people that
17 are asked to respond. And so the questions need to
18 come from the board members, not from people that are
19 being asked to respond to things, so...

20 MR. KIRK: Yes, sir.

21 CHAIRMAN FERVIER: All right.

22 MR. KIRK: One other thing -- I wanted to make
23 sure I get to the rest of my notes. There was a point
24 made earlier about when images could be made available
25 when we start uploading them from advanced voting.

1 There's a difference between early tabulation,
2 meaning producing (indecipherable) results before
3 election and the closed polls election day and early
4 processing where we're just scanning ballot -- absent
5 by mail ballots early on election day or days before
6 the election.

7 The former was how we would get the images off
8 those scanners. And there's no way to do that without
9 producing results from those scanners. The first thing
10 that happens when we end the election is it produces a
11 report, which means those employees have to be
12 sequestered. It's a lot of extra pressure on offices.

13 So many of us choose to wait until 7:00 p.m.
14 to end that election just to avoid more administrative
15 hassle on an already busy day. But, again, it depends
16 the size of the election, how many ballots were cast,
17 how long it's going to take to shut down those scanners
18 and those sorts of things.

19 The other comment that was in the GAVREO's
20 response about potential redaction is, unfortunately,
21 there are areas in the state where there -- a small
22 number of voters that are assigned to a given precinct
23 and district combination, which is what determines a
24 ballot style.

25 And my understanding from talking to other

1 counties is that if they have a situation where there
2 is a -- say, less than a dozen voters that get this
3 ballot style at a precinct, they redact off of both the
4 images and the cast vote record to preserve those
5 voters' privacy because it's so small.

6 Now, that's not the best practice. We
7 encourage our folks to address that during
8 redistricting or to take additional steps to address
9 those sorts of things, but sometimes geography lines
10 are what they are, and it puts us in a -- between a
11 rock and a hard place there. But, again, we're trying
12 to go back -- we're trying to preserve everyone's
13 privacy the best we can with the tools we've been
14 given. So that's what we refer to there.

15 But the other point I wanted to make is there
16 are two code sections referenced in this rule. There's
17 15-18-71, which is our open records code section, which
18 is the newer of the two and gives time frame or
19 procedure.

20 It talks about -- and Ms. Marks is correct --
21 we are supposed to respond within three business days
22 if the records are available. And, if not, we have to
23 respond within three business days to acknowledge
24 receipt of the request, describe records that we will
25 have available and when they will be available. And we

1 included that language in our letter of response.

2 21-2-72 is a -- oh, and the other thing about
3 open record is that the ballot images are open record
4 under that code section. And that's very clear.

5 21-2-72 is a much older code section that
6 doesn't specify ballots being open record. And I think
7 back then there was no concept of ballot image. Where
8 the open records code section talks about producing
9 files electronically, not having to be there just to
10 examine things, 21-2-72 requires that it be an elector
11 of the county, the president of the office to examine
12 the records.

13 If there happens to be a copy machine in the
14 office, they can request copies. And I think that the
15 cost is 10 cents a page. So I think that the code
16 section that really applies here is Title 50, our open
17 records code section. And that code section gives
18 three business days for a response, which is different
19 than 72 hours.

20 The -- the way this works in practice and
21 (indiscernible) records, the ACCG has a great document
22 online that explains all this, a guide for their
23 counties. But the -- that timeline starts the morning
24 of the day -- the day after the request comes in, so
25 the morning that we receive that request.

1 And if there was set in, say, after the
2 closing polls on election night, I would not see it
3 until the next day, starts three business days. But
4 say it's made on Wednesday. The third business day
5 would be the following Monday, not Saturday.

6 So there is a difference between 72 hours and
7 three business days, and this rule is going beyond what
8 the law requires of us. And I think that's our biggest
9 concern is that the rule is further restricting what is
10 very clear in the statute. So that's the main point
11 there. And this is all in our -- the letter we sent
12 in.

13 But when we suggested an amendment to the
14 rule, it was with the knowledge that candidates do have
15 a tight time frame to conduct an election. And I would
16 put forward that the law would love to expand the
17 certification period to give more time for us to double
18 check things, produce reports, to provide documents.

19 That would impact the voter registration
20 deadline for a runoff, potential runoff for federal
21 (indiscernible), so I don't see that happening anytime
22 in the near future. Perhaps the contest period could
23 be extended to give the candidates more time to
24 research and get the records they need and petition the
25 courts to contest the election.

1 And I can't speak for the legislation.

2 That's -- I don't know how we get more time to do this
3 from our standpoint. The -- and then knowing how much
4 is going on that week, knowing how much that server
5 could be used.

6 And when we think about these rules, we're not
7 just thinking about the best case. You have a small
8 election with a few folks to upload, everything goes
9 fast, but, you know, all the research goes fast on new
10 personal ballots.

11 We're thinking about the opposite of the
12 spectrum, when there's so much to do after a major,
13 say, statewide election for a gubernatorial cycle or a
14 presidential cycle. Going through the process,
15 uploading those images could be burdensome. It may not
16 be, but for larger jurisdictions, for people that have
17 smaller staffs, that's putting more things on them.
18 They're already missing sleep, trying to get the job
19 done before certification.

20 And we had already have more, to be honest,
21 that time frame -- and, again, transparency is
22 important. I want to provide information to the
23 public, personally. We want -- we, as an organization,
24 value that transparency, but we're trying to offer a
25 way to do it in a way that wouldn't violate a statute

1 and would give us the time we need to get our jobs
2 done.

3 So what we suggested is that first -- and I
4 think this is important -- you require that all
5 counties upload the ballot images before the county
6 certification.

7 Unfortunately, I know there's a lot of
8 interest in previous elections ballot images, but the
9 only place those image existed was on the memory card
10 from the scanner.

11 And if it wasn't -- they weren't uploaded
12 before those memory cards were reused, they don't exist
13 anymore, so there's no going back to get them. And
14 requiring that the counties upload before they certify
15 I think will provide some reassurance and some guidance
16 to the counties. That's an important step.

17 And make sure we have what we need for public
18 overt requests for image audits for retention is
19 required. Allow folks to start requesting those images
20 after the close of polls, because the way election law
21 works, if there doesn't exist at the time of the
22 request, even if we notice it exists the next day, our
23 response, according to the law, is that record doesn't
24 exist. So specify that they can make it during this
25 time frame. If they do exist, then it's questions

1 where they're at.

2 And then require that counties produce them
3 the business day after. Make sure they upload them
4 either as soon as they certify or in the next business
5 day. Again, that helps with image uploads, helps with
6 transparency, and any request that came in during the
7 certification period over three business days from the
8 certification meeting could be fulfilled the day after.

9 And I think that would be appropriate,
10 personally. And that your -- and that for the time
11 being, at least, all those images you need to go
12 through is the image repository just because ballot
13 secrecy is important. It's the only tool we have right
14 now to ensure it.

15 And no matter how the ballot is cast right
16 now, whether it's a hand-marked ballot to the scanner
17 or a summary ballot printed, that's still an issue we
18 need to address. I think that's a good way for ya'll
19 to address it. And then --

20 CHAIRMAN FERVIER: Mr. Kirk?

21 MR. KIRK: Yes?

22 CHAIRMAN FERVIER: Yeah. Let me point out
23 something I just -- some information I just got for the
24 Board to consider, too. I just -- I heard back from
25 secretary of state on the -- the upload. And they said

1 that 99 percent of the counties were able to upload
2 within eight days of the vote, the election date.

3 And the reason a lot of them wait is because
4 of provisional ballots and UOCAVA ballots. UOCAVA
5 don't come in or aren't required to be in until 5:00 on
6 Friday, and then there's provisional ballots to be, you
7 know, adjudicated throughout that week, too.

8 And so they -- a lot of them will wait until
9 certification has occurred to make sure that all the
10 votes are in and then upload them so that they can do
11 them within -- you know, the vast majority of them,
12 unless there's some errors in uploading, were able to
13 do it the day after certification. So that came from
14 the secretary --

15 MR. KIRK: And I appreciate that point. But,
16 as I said before, the ballot repository as it stands
17 right now is designed to take one upload per election.

18 CHAIRMAN FERVIER: Yeah.

19 MR. KIRK: So it doesn't contemplate getting
20 multiple uploads, multiple files for the public to go
21 through. I'm not saying it's a bad idea. It's just
22 not that's how it's set up right now.

23 CHAIRMAN FERVIER: Yeah, that's a -- that's a
24 consideration that this board may need to determine
25 is how many uploads need to occur, because you would

1 have an upload as they requested at three days and an
2 upload after the UOCAVA ballots come in, and then there
3 may be provisional ballots that are adjudicated after
4 that.

5 So you're talking about multiple uploads or
6 multiple ballots, which in itself would create some
7 confusion as to what the actual count was, you know,
8 and I think that that's a concern that we would --
9 the -- this board would need to think about, so...

10 MR. KIRK: And they would need time to change
11 that software if -- if both uploads were required.

12 CHAIRMAN FERVIER: Right. Right.

13 MR. KIRK: And any kind of development takes
14 time. The last point to our suggestion is, to put a
15 little bit of teeth on it without violating statute, if
16 somebody can't meet the three-day deadline, if they
17 cannot provide the images of the cast vote records --
18 sorry I didn't say that before -- the day after
19 certification require them to make a report to ya'll to
20 explain why. There could be a good reason. There
21 could be an emergency. But I think an explanation
22 would be appropriate.

23 CHAIRMAN FERVIER: All right.

24 MS. MARKS: Mr. Chairman?

25 CHAIRMAN FERVIER: Yeah.

1 MS. MARKS: To -- to Mr. Kirk's point, I
2 personally was not taking into account provisionals or
3 UOCAVA in the issue. I mean, you can't -- clearly, you
4 can't provide a record before it exists.

5 So in this -- in this rule proposal, we're
6 talking about the images from the election, the
7 advanced voting images, the mail ballots, and that kind
8 of thing. I wasn't -- you know, there's no reason to
9 tie -- he -- there's no reason for him to tie it to
10 UOCAVAs or provisionals. The law is the law when it
11 comes to that.

12 CHAIRMAN FERVIER: Yeah, I understand. I --
13 but it -- you know, the -- under your provision, you
14 would have an incomplete upload, because there would be
15 more ballots out there that would not be calculated in
16 that initial upload. And so there would be an
17 inconsistency right there between what -- what you
18 received at three days versus what the final tally is.

19 MR. KIRK: And, to be clear, I did not address
20 that point intentionally.

21 CHAIRMAN FERVIER: Yeah. Yes. That's -- I
22 mean, that's just a consideration. And, like I said,
23 why some counties wait until, you know, day eight, I
24 guess, to upload those, because then they have all the
25 ballots available.

1 MS. MARKS: Right. But that's -- but
2 that's -- that's inconsistent. That's why we included
3 the supplemental provision that it -- the supplemental
4 production may be required for additional ballot images
5 as they are processed. But if they have -- they've
6 already scanned the ballots for the election, there
7 would be no reason to wait eight days. And so in
8 waiting --

9 CHAIRMAN FERVIER: But --

10 MS. MARKS: I'm sorry.

11 CHAIRMAN FERVIER: But they haven't scanned --
12 they haven't scanned the UOCAVA and the provisional
13 ballots.

14 MS. MARKS: Right. That's why we put in the
15 provision for supplemental processing and production,
16 the supplemental images as they are processed through
17 final certification.

18 CHAIRMAN FERVIER: You don't -- you don't
19 think that that would create some -- some questions as
20 to the vote totals being changed? I mean, you got the
21 initial one. Then you may have another one after
22 UOCAVA. Then you may have another one at the end
23 with --

24 MS. MARKS: There's --

25 CHAIRMAN FERVIER: -- provisional ballots

1 added to it. And, I mean --

2 MS. MARKS: No.

3 CHAIRMAN FERVIER: Okay.

4 MS. MARKS: No, I don't, and --

5 CHAIRMAN FERVIER: Sitting on my side, I -- I
6 could see some issues with that.

7 MS. MARKS: But, see, here's the problem. The
8 counties are already responsible for maintaining these
9 records, and I cannot tell you how frustrating it is
10 when you contact the counties for the information and
11 they say, You can look on the SOS's website, and that
12 information may or may not be there.

13 And, you know, I don't know about everybody
14 else, but this change -- you know, the change from the
15 former reporting to now Enhanced Voting, there were a
16 lot of changes, and there's a lot of information that
17 was a lot more difficult this election than there was
18 previously.

19 So, you know, in doing these upgrades and
20 changes, you know, it's like, where was the advance
21 notice that we were changing to Enhanced Voting from
22 the title program and election night reporting system?

23 You know, people -- people do, actually, a
24 pretty good job of going with the flow and changing
25 with this information only because we've been put in

1 the position to have to do that. We get daily updates
2 and changes and process without actual information.

3 I mean, every time we turn around, there's
4 another process where there's another bit of software
5 that's new, I mean, that -- that people are having to
6 adapt to. We have some very sophisticated election
7 advocates that are out there verifying and trying to
8 verify, and we have to jump through all these hoops as
9 it is anyway. So I don't see that as an issue.

10 MR. KIRK: If I may add one thing, the
11 difference between releasing unofficial results and,
12 say, ballot images that are -- that are part -- that
13 support the unofficial results, as Ms. Marks said, in
14 my mind is when we produce the reports for the official
15 results, they -- the reports say unofficial incomplete
16 at the top of the report, and that's required.

17 I'm not sure how we would accomplish the same
18 thing with ballot images. But if ya'll choose to move
19 forward and have us release multiple sets prior to
20 certification, I would suggest that you look at some
21 way of marking that as the, you know, unofficial
22 incomplete as a package and then the final set after
23 certification as official complete, same as we do the
24 results reports.

25 CHAIRMAN FERVIER: Yeah. Thank you.

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1 BOARD MEMBER JOHNSTON: I have a --

2 CHAIRMAN FERVIER: Does any --

3 BOARD MEMBER JOHNSTON: -- couple, Mr.

4 Chairman.

5 CHAIRMAN FERVIER: Yeah. I was going to say,
6 any other board members have any questions?

7 BOARD MEMBER TINDALL-GHAZAL: I have several.

8 CHAIRMAN FERVIER: Okay.

9 BOARD MEMBER TINDALL-GHAZAL: And --

10 CHAIRMAN FERVIER: Let's finish with

11 Dr. Johnston, and then we can come to you,

12 Member Ghazal.

13 BOARD MEMBER JOHNSTON: No, go ahead. No, go
14 ahead. She hasn't asked any.

15 CHAIRMAN FERVIER: All right. All right.

16 Member Ghazal.

17 BOARD MEMBER TINDALL-GHAZAL: Has there been
18 any evaluation of the financial burden that this
19 would -- this would create for counties? Because the
20 websites that they may have right now are probably not
21 sufficient to manage this -- this amount of data. And
22 so is there any evaluation of that?

23 MR. KIRK: Not to my knowledge, but I would
24 say that, unless I missed it in the rule, nothing would
25 require us to put it on the website. It could be

1 produced a different way.

2 CHAIRMAN FERVIER: Well, that's a -- let's let
3 Ms. Grubbs answer that question since it's her rule.

4 MS. GRUBBS: Okay. Could you please ask the
5 question again?

6 CHAIRMAN FERVIER: Okay.

7 BOARD MEMBER TINDALL-GHAZAL: Is -- has there
8 been any attempt to evaluate the financial burden of
9 this as is required under the Georgia APA?

10 MS. GRUBBS: Attempt? What do you mean,
11 attempt? I mean, has there been a cost analysis done?

12 BOARD MEMBER TINDALL-GHAZAL: Yes.

13 MS. GRUBBS: I do not have a cost analysis at
14 the time, but I would like to recognize -- it -- I
15 mean, I can't, obviously, but I believe Mr. Moncla
16 might have some of that information, if he could -- if
17 you would consider asking him. But, also, Ms. Marks
18 may have an opinion on that.

19 MS. MARKS: May I speak to that as a frequent
20 requester? The -- because it's open records case,
21 obviously, the requester pays the cost, and there is no
22 requirement in Ms. Grubbs' proposed rule to require a
23 website.

24 And the way that the counties have been doing
25 it -- and we have hundreds of examples of requests

1 we've made -- they put things on a USB stick or put
2 them in an electronic file. We often use ShareFile,
3 and they upload them. And if there is a cost for the
4 USB stick and for the labor, we pay for it. So this
5 really is not a burden on the County. It's user pay.

6 MR. KIRK: And to put a firm number on that,
7 when I estimate on a USB stick, it's like five bucks,
8 somewhere in there.

9 BOARD MEMBER TINDALL-GHAZAL: It's more the
10 time and the staffing if it's not on a website.

11 BOARD MEMBER JOHNSTON: Well, we already -- I
12 mean, as to Ms. Marks' point, if somebody does an open
13 records request, they're going to be paying for it
14 anyway. Trust me. I've paid hundreds and hundreds of
15 dollars -- thousands of dollars in open records
16 requests. And, you know, if the County says to pay it,
17 then pay it. Because, again, the County is supposed to
18 have this information.

19 BOARD MEMBER TINDALL-GHAZAL: Yes. I -- I
20 come down on the side -- in my reading of O.C.G.A.
21 50-18-71(b)(1)(a) comports with the one suggested by
22 Mr. Kirk.

23 MR. KIRK: And I guess the other point to be
24 made there is because (indiscernible) somewhere in that
25 open records code -- I can't think of the exact

1 citation -- it says that if the file is readily
2 available online, that a response indicating where the
3 file is located is sufficient rather than providing the
4 files themselves again.

5 BOARD MEMBER JOHNSTON: I couldn't understand
6 what you said.

7 MR. KIRK: In the open records code section,
8 there is a provision that states if the record already
9 exists online, is readily available to the public in
10 that way, that referring them to that website is
11 sufficient to meet the request as opposed to providing
12 the files again in a different manner.

13 BOARD MEMBER JOHNSTON: Yeah, but did --
14 right. So I have -- let me -- I have several
15 questions. With regards to the upload, Mr. Fervier,
16 that you were told eight days, is that an upload to the
17 EMS, or is that uploaded images to the secretary of
18 state?

19 BOARD MEMBER TINDALL-GHAZAL: Mr. Chairman,
20 you're muted.

21 CHAIRMAN FERVIER: Once again, I don't know
22 the answer to that. I was just told by secretary of
23 state that 99 percent of the counties would be able to
24 upload within eight days after they received all the
25 UOCAVA and provisional ballots.

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1 UNIDENTIFIED FEMALE SPEAKER: So you're saying
2 before they could upload all of the ballot images would
3 take eight days?

4 CHAIRMAN FERVIER: That's what they said, yes.

5 UNIDENTIFIED FEMALE SPEAKER: Okay. So,
6 again, how -- I'm sorry. I just don't see how that's
7 complying with law.

8 BOARD MEMBER JOHNSTON: So -- so the
9 50-18-71(k) clearly states that scanned ballot images
10 created by the voting system are public records subject
11 to disclosure, and 21-2-72 in our code book, when it's
12 describing election records, it lists a number of
13 things, statements, nomination petitions, affidavits,
14 certificates, tally papers, returns, accounts,
15 contracts, reports, and other documents in official
16 custody.

17 So, Mr. Kirk, in your opposition letter, one,
18 you say that this rule violates state law, which can
19 you be specific about what law it violates?

20 MR. KIRK: Specifically -- and I think the
21 easy example there is the difference between 72 days
22 and -- 72 hours and three business days. The two are
23 not the same thing. One is more restrictive than the
24 other, the latter being in the statute.

25 BOARD MEMBER JOHNSTON: Okay. You're talking

1 about open records requirements, right?

2 MR. KIRK: Yes. But the way this is written
3 for providing records, I believe that where the statute
4 carries, the statute from Title 21 talks about being
5 there in person to examine records, but -- and making
6 copies of records, but gives no other procedure for
7 providing them. And while you can't read statutes in a
8 vacuum, context is important. What it says is what it
9 says. So that is not an extension of the open records
10 code section, I don't think.

11 BOARD MEMBER JOHNSTON: All right. And you
12 also state that it contradicts state law. Which state
13 law are you talking about contradicting?

14 MR. KIRK: Well, the example I just gave would
15 be contradicting 50 -- 50-18-71.

16 BOARD MEMBER JOHNSTON: Okay. And I'm
17 concerned about this ballot secrecy. Are -- are we
18 operating with a voting system that compromises ballot
19 secrecy?

20 MR. KIRK: As we -- well, if we fulfill
21 requests as the State has instructed through the
22 portal, I do believe it preserves ballot secrecy, but
23 it requires additional steps. Once we upgrade the
24 software to the new version of the software -- I've not
25 seen, but my understanding is it mitigates those risks,

1 and those additional steps will not be required
2 anymore, which, to our information --

3 BOARD MEMBER JOHNSTON: Are you --

4 MR. KIRK: -- do it.

5 BOARD MEMBER JOHNSTON: Okay. Are you saying
6 that election offices have access to ballot secrecy,
7 and the secretary of state has access to know how
8 people voted?

9 MR. KIRK: It would take knowing the exact
10 order that voters scan their ballot, which, in my
11 opinion, and I've talked to Professor Halderman
12 (indiscernible) about this, it's only a risk during
13 very small elections.

14 If -- the more equipment you're using in a
15 polling place, the harder that is to do and -- but --
16 and even just using multiple poll pads, if you're
17 checking people at the same time, you don't know which
18 order they're going to scan their ballots in. People
19 vote at different rates. They -- you know, they move
20 at different rates. It's hard to link the order they
21 were checked in with the order they scan their ballots.

22 BOARD MEMBER JOHNSTON: And does this have
23 something to do with separation of the ballot image
24 from the cast vote record?

25 MR. KIRK: If I understand your question

1 properly -- let me say it this way: What I'm
2 describing is the reason we've been instructed to
3 release images through the ballot -- the image
4 repository.

5 BOARD MEMBER JOHNSTON: And what is the image
6 repository? Does that separate the image from the cast
7 vote record?

8 MR. KIRK: It -- my understanding is yes. And
9 that's what one of the complaints is, is that it
10 changes the file name so it is harder to
11 (indiscernible) things up.

12 UNIDENTIFIED FEMALE SPEAKER: But that is
13 altering an election document. That is altering an
14 original election record. I don't understand how
15 anyone could possibly be okay with that.

16 BOARD MEMBER JOHNSTON: Well, that's -- okay.
17 That's a concerning question. And so as -- Mr. Chair,
18 as I read the legislation from SB189-21-2-493(j)(1),
19 the -- it states that the digital images shall -- of
20 the scanned ballots created as part of the prelim
21 tabulation process shall be posted no later than 5:00
22 p.m. on the second Friday following the day of the
23 election, and such posting shall be supplemented by the
24 posting of additional ballot images created in the
25 tabulation process through final certification of such

1 election.

2 So it's -- it's in the code as far as posting
3 additional ballot images, such as sup- -- you know,
4 provisionals and --

5 CHAIRMAN FERVIER: What code is that,
6 Dr. Johnston?

7 BOARD MEMBER JOHNSTON: It is 493 J.1,
8 493 J.1. So I don't -- I think the rule petition is --
9 it's not identical to what this -- this portion of the
10 code states, but it's not inconsistent completely. It
11 maybe betters the -- the code. Have you had a chance
12 to read that?

13 CHAIRMAN FERVIER: I'm reading it right now.

14 Yeah, I read that. I mean, it deals,
15 obviously, with the secretary of state and gives them
16 the second Friday following the day. So this
17 actually -- but her -- her rule doesn't really affect
18 the secretary of state. It just affects the counties,
19 correct? The secretary of state wouldn't be required
20 to post anything.

21 MR. KIRK: They host the system.

22 But, Dr. Johnston, I'm -- the way you phrased
23 that was interesting. And I think that sort of sums up
24 our main concern here, is that this rule seems to be an
25 attempt to improve the code rather than clarify the

1 code. And in doing so, it's not inconsistent with the
2 code.

3 BOARD MEMBER JOHNSTON: Mr. Kirk, who wrote
4 your letter and provided your legal opinions?

5 MR. KIRK: I originally drafted it. It went
6 before our legislative committee for their input. They
7 made input. It changed somewhat. It went before --
8 there are attorneys associated with that or County
9 attorneys they bounced off of, and that's how we got to
10 the final document.

11 BOARD MEMBER JOHNSTON: Could I ask for Mr.
12 Moncla to reply?

13 CHAIRMAN FERVIER: Is Mr. Moncla available?

14 BOARD MEMBER JOHNSTON: Is there a Mr. Moncla?

15 CHAIRMAN FERVIER: Yeah, we're unmuting him.
16 He's unmuted.

17 MR. MONCLA: I'm present. Can you hear me?

18 BOARD MEMBER JOHNSTON: Thank you, Mr. Moncla.
19 Can you answer the question of how long it takes to
20 upload the ballot images for unofficial ballot image
21 results?

22 MR. MONCLA: I think there's -- two different
23 uploads are being completed here. There's the upload
24 of the ballot image results log file and that -- and
25 result log files that happen as -- during the course of

1 the election or at the close of the election on
2 election night or the day thereafter.

3 Like Dr. Johnston described in Cobb County,
4 the same happened in Fulton County, but it is -- it is
5 imminent in -- right there after the polls close. So
6 that -- that upload is insignificant in the amount of
7 time. And I think that's what's getting completed
8 here.

9 Uploading ballot images to Enhanced Voting is
10 a different matter, but it is not overly complex or
11 burdensome. These ballot images range in cloud size
12 to -- from, you know, 80 kilobytes to 200 kilobytes.
13 They're tiny. So I don't think it's a complication or
14 an obstruction of the counties to comply with
15 (indiscernible).

16 BOARD MEMBER JOHNSTON: So I didn't hear a
17 time. How long does it take?

18 MR. MONCLA: Well, it's done -- it's done
19 already. It's done -- they're uploaded to the EMS from
20 the tabulator memory cards and from the tabulators
21 themselves during the course of the business of
22 uploading -- uploading the results.

23 So it's already done the day after the
24 election. The counties have them. They're in their
25 systems. And the counties can comply with sharing

1 those ballot images by any number of means, like
2 Mr. Kirk said, a USB stick or uploading them, if they
3 so choose, to a file share, which they all do.

4 UNIDENTIFIED FEMALE SPEAKER: And, plus, we
5 are requesting that this be done by the counties.
6 We're not asking the secretary of state anything. So
7 the images are already in the possession and compiled
8 and done by the counties. They already exist. So the
9 timing issue is -- is not an issue.

10 MR. MONCLA: It's not. And let me say -- I'd
11 like to speak to that. Well, first of all, I do
12 enthusiastically support this rule. Marilyn Marks and
13 I don't get along on -- or don't see eye-to-eye on many
14 issues. This one we do. And I think that's a good
15 indicator that it's a -- it's good for everyone.

16 It's -- we want the County's records. We
17 don't want enhanced voting's records. We don't want
18 the secretary of state's records. We want them from
19 the County. And I sent the Board a letter. The
20 Enhanced Voting audit includes 105,000 ballot images,
21 their records, not ours, that have a timestamp that is
22 outside the scope of the election.

23 In other words, there have been scans like,
24 say, in Fulton County on November 12th, the day of
25 certification, of 12,000 ballots. Those scans were

1 placed ballots that were tabulated during the course of
2 the election, not only in ballot images, ballot
3 results.

4 So those scans became part of the cast vote
5 record, and no one can tell me who scanned those
6 ballots. This happened in multiple counties. And then
7 a forthcoming report by Philip Davis, a ballot assure
8 who knows more about ballots than all of us combined,
9 will detail the counties, the times, and the manner in
10 which they were scanned, but it was not the counties by
11 themselves.

12 BOARD MEMBER JOHNSTON: Thank you. Are there
13 any other questions?

14 MR. MONCLA: I'd like to -- the randomization
15 issue I'd like to speak to. The voting system
16 randomizes in-person voting in the records. That is
17 a -- that is a prescribed or feature of the Dominion
18 voting system, the system that Georgia voters
19 purchased.

20 Dr. Halderman found a -- found that it was
21 reversible. And the reason that it's reversible is
22 because it's not a true randomization. It's an
23 algorithm that pseudo randomizes it or appears random,
24 but it is reversible. So he was able to reverse it.

25 This has been known for at least two years, if

1 not three. And the secretary of state has failed to
2 force Dominion to comply with their contract or to
3 provide the product that they sold Georgia voters. It
4 would take someone who was a savant and had
5 surveillance of what machines were voted on.

6 And I think that Dr. Kirk -- I mean, Mr.
7 Kirk's characterization of it was fair. You have to
8 know the number of tabulators, poll pads, the order of
9 people operating inside the building to determine who
10 voted in what order, even with the reverse algorithm.

11 It should be addressed, but it is a -- it is a
12 fault of the voting system manufacturer and not that of
13 the -- of the County or anyone else. And to have -- to
14 have -- take the steps of renaming ballot images and
15 altering those images is not the answer. It alters the
16 official record and is not acceptable.

17 CHAIRMAN FERVIER: Thank you. Let's get back
18 to this rule in particular. Hang on a sec. Let's get
19 back to this rule in particular. I have a couple of
20 questions.

21 Ms. Grubbs?

22 MS. GRUBBS: Yes, sir. I'm here.

23 CHAIRMAN FERVIER: Okay. These are kind of
24 standard questions I ask anytime that we have a rule, I
25 at least ask of myself. Why not do this legislatively

1 as opposed to coming before this board for a rule? I
2 mean, the legislature is in session.

3 MS. GRUBBS: Because you guys are to
4 promulgate rules and regulations in accordance with the
5 law. And my position is, this rule is in accordance
6 with law, just like the other rules. And if these
7 rules are not in accordance with law, then the rules
8 that were done in 2020 should not have applied.

9 I mean, this is a fundamental role of the
10 State Election Board is to come up with rules to
11 effectuate these things. And you guys are the ones who
12 are supposed to be the experts in this.

13 The legislature has -- has done legislation
14 that they thought that they were doing the right thing.
15 I believe in their hearts they were doing the right
16 thing. They passed it. But you guys have to come up
17 with a framework in the rules to actually put what they
18 prescribe in law into action. That is what you exist
19 for, and that is what you were granted.

20 You know, you're a legislative-created body,
21 and that is what you were there to do. And so I think
22 that, you know, it's your job, basically. I know
23 you're volunteers, and I know that you don't get paid
24 to do it. However, it is your job to promulgate the
25 rules and regulations to -- to ensure that we have a

1 safe and effective election system.

2 I fully recognize and understand there are
3 powers that you do not have, and I wouldn't put forth a
4 rule to try and get you to legislatively do something.
5 I understand and know what the legislature is for.
6 And, as you know, it is -- it is very difficult to get
7 things done.

8 But if -- you know, the legislature is in
9 session for 40 days a year. You guys are, you know,
10 year-round. You're there to do these things. And the
11 problem is that the legislature did the things, and
12 then the counties are not complying, and, you know,
13 that's a problem.

14 And so, you know, that's why I think that you
15 all need to adopt this rule. And, you know, then if
16 Mr. Kirk or somebody has a problem with it, you know,
17 we can deal with that.

18 But, in the meantime, it is not fair to the
19 citizens of Georgia that they make these requests and
20 then the counties are saying, Go get it from the
21 secretary of state, when the counties are the
22 custodians. They're the ones responsible for
23 maintaining the records.

24 And if that weren't the truth, then why is it
25 that the counties have to physically have the space for

1 the ballots and all the election records?

2 I mean, in Cobb County, you know, there was a
3 point in time where all the records were stashed in,
4 you know, random places, like an abandoned firehouse,
5 because they didn't have room at the clerk's office.
6 We have got to get to a better point in elections, and
7 we have to have integrity in these elections. And
8 you've heard a bunch of reasons today why people don't.

9 And if you care about citizens having access
10 to lawful and legal public records, then you need to
11 pass this rule, and you need to participate in the
12 process and not put it -- push it off on the
13 legislature, because it is actually your job, and you
14 are legislatively mandated to do your job.

15 CHAIRMAN FERVIER: Well, I think that the -- I
16 think my issue is not necessarily what the transparency
17 or if the County's providing these ballot images. It's
18 the timing of it and having it done three days after
19 the election and knowing that there are still votes
20 outstanding, provisional and UOCAVA, and then having,
21 you know, additional uploads, which, in my mind, would
22 create confusion and questions for those people trying
23 to obtain that information.

24 So, you know, I -- I'm on -- I believe in
25 transparency. I'm always, as you know, one that's

1 concerned about what's our role versus the
2 legislature's role in doing that, so I appreciate your
3 answer on that.

4 But, you know, my -- my issue more is with the
5 timing of having these things, having the counties have
6 to make these available, and then the questions, and
7 inconsistencies and vote totals is what my issue is
8 with it.

9 MS. GRUBBS: But, Mr. Chairman -- to that
10 point -- to that point, though, that doesn't -- the
11 timing of -- though -- that's why we created the
12 supplemental point.

13 The general assembly has already spoken us to
14 this issue. They have classified these records as
15 public records, and, as public records, they have to
16 comply with open records request. They have -- you
17 know, these counties have three days to produce the
18 records after they possess them.

19 Obviously -- and we've run into this
20 comment -- not your specific comment, but as far as
21 providing records, you have to provide the records
22 accord -- in accordance with open records rules.

23 And so, obviously, you can't provide a UOCAVA
24 ballot or a provisional ballot if it doesn't exist yet.
25 If they're not in possession of it yet, they can't

1 provide it. But that's why we put the supplemental
2 language there. So I --

3 CHAIRMAN FERVIER: Well, if it's already
4 required by law, why -- what's the necessity of having
5 this rule, then? I mean, why not just file an open
6 records request and obtain them, and if they don't give
7 it to them, then you file a lawsuit for failing to, you
8 know, follow the open records request?

9 MS. GRUBBS: You know, unfortunately,
10 Mr. Chairman, I wish that people would comply with open
11 records requests and things like that, and then you go
12 through the whole -- the whole process.

13 And, here, we have an election situation where
14 the -- you've got the timing of the certification,
15 which, again, this goes to the certification issue of
16 certifying elections when people don't have all the
17 information. I mean, that is currently in litigation
18 now.

19 The counties are unsure how they need to
20 comply, and that's why your role in all of this is so
21 crucial, because you need to give direction to the
22 counties in how they need to comply.

23 And they simply need guidance from the State
24 body, not a court and not a court across the state, but
25 from the election board, because that title is actually

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1 in the name of your board, the State Election Board.
2 You guys are to provide the guidance and the rules to
3 follow, so it's incumbent upon you all to do that and
4 to give a process to it.

5 CHAIRMAN FERVIER: Yeah, I think you and I
6 have had some lively discussions on the full
7 certification thing prior to this, so thank you for
8 your answers.

9 MS. GRUBBS: You're very welcome.

10 CHAIRMAN FERVIER: Any other questions from
11 the Board?

12 BOARD MEMBER KING: Mr. Chairman?

13 CHAIRMAN FERVIER: Yes.

14 BOARD MEMBER KING: I -- can you hear me? I
15 put on my earpiece hoping it would help with the mic.

16 CHAIRMAN FERVIER: We can hear you much, much,
17 much better.

18 BOARD MEMBER KING: Oh, good, good, good,
19 good. Normally, it's the other way around.

20 But I don't have much to say, because a lot of
21 the discussion, I was just listening, and a lot of the
22 questions I had have been answered through the
23 discussion.

24 But I do think that access is important when
25 it comes to elections, and especially when we paint a

1 picture that there is a form of transparency that's
2 available to all of our citizens. Painting that
3 picture but not actually providing the access is where
4 I hear the biggest issue. That -- I think that's where
5 the biggest issue lies.

6 Say -- I heard the open records requests
7 comment. I'm hearing, you know, all these other
8 solutions that are supposed to be readily available,
9 but they're not. So, as a board, I do think that there
10 is a consideration that has to be put in place around
11 adding some type of define -- or defining or adding
12 some form of explanation around how the execution
13 process should look while we are offering access to
14 voters.

15 So, for me, my concern is that we're providing
16 options, such as submitting open records requests, such
17 as suing, which I think is a little bit outlandish
18 because of the fact that a lot of people are just not
19 going to have the money to sue a county or sue a state.
20 However, just because those -- those options are
21 available, it doesn't mean that they are accessible.
22 And that's where I think the biggest problem everyone
23 is running into. I think that's the biggest issue.

24 CHAIRMAN FERVIER: Thank you, Member King.
25 Are there any other comments from board

1 members or questions from board members?

2 The Chair will entertain a motion at this
3 point.

4 BOARD MEMBER JOHNSTON: Mr. Chair?

5 CHAIRMAN FERVIER: Yes, Member Johnston.

6 BOARD MEMBER JOHNSTON: I think the -- I think
7 this petition for a rule is a valid petition. I have a
8 little reservation that it's not -- really consist --
9 It's just unclear that -- as far as the law and how
10 this rule is completely consistent with the law right
11 now.

12 It may be that this rule actually improves
13 what is currently in the code. And I -- so I'm
14 hesitant to vote to adopt this at this time, although I
15 must let everybody know that once the images are
16 uploaded into the EMS, whatever amount of time that
17 takes, whether it's on election night or the next day,
18 which it should be, there should be the ability to do
19 this no later than the next day after the election and
20 as close to the time that the polls are closed, in my
21 opinion. Once they're uploaded, it's easy to download
22 a file and -- to a flash drive to be provided to a
23 requester.

24 Now, I understand also that election workers
25 are -- they're tired, and they're still performing many

1 election-related tasks. So the -- some -- some concern
2 or respect for that is -- is called for, but I also
3 understand that candidates that are interested in the
4 election outcome and that are studying the vote
5 tallies, and now there's the ability, I think, to run
6 these images through some sort of program to coordinate
7 with a certain number of vote tallies, understanding
8 that there are provisional ballots and UOCAVA ballots
9 to be counted.

10 I would -- I would be very interested in
11 taking this across the street, so to speak, to the
12 necessary people at the capitol and see if we could
13 perhaps, while the session is in -- open, to get this
14 part proposed to make some modification, if necessary,
15 to the code and incorporate this in our election code.

16 CHAIRMAN FERVIER: Well, I think now is
17 certainly the time to do that if -- and Chairman Watson
18 might be the place to start or with the Senate Ethics
19 Committee or someplace like that, so...

20 Are you -- do you have a motion pertaining to
21 that, Dr. Johnston?

22 BOARD MEMBER JOHNSTON: I would move that --
23 if it's appropriate, I would move that we continue this
24 to the next meeting, which you have informed me will
25 probably be in a month or sooner -- or a month or

1 nearby a month -- to a month from now. And with
2 that -- with that goal in mind, maybe this can be
3 reconsidered, if it's needed to be reconsidered. Maybe
4 it will be -- maybe we can effect a -- some legislation
5 that would make all parties happy.

6 CHAIRMAN FERVIER: Well, that -- I have talked
7 to Dr. Johnston about that, and this board will
8 probably need to meet sometime in the next two to four
9 weeks to discuss executive director issues since we're
10 in the process of that.

11 And it would be an appropriate time to bring
12 this back up again, if necessary, which would then also
13 get us -- if we're going to make movement on this, it
14 would need to happen before crossover day, as you know,
15 which is coming up rapidly. And we would know at that
16 time whether or not it made it through crossover and
17 then could discuss it based on whether legislation was
18 submitted or, you know, made crossover, so...

19 BOARD MEMBER TINDALL-GHAZAL: Mr. Chairman?

20 CHAIRMAN FERVIER: Yes.

21 BOARD MEMBER TINDALL-GHAZAL: I could make a
22 request that we -- that we issue a formal written
23 request to the attorney general's office for their
24 determination of whether or not this is compliant with
25 the open records law.

1 And I will also note that there is a mechanism
2 for citizens to apply -- to appeal for -- directly with
3 the attorney general's office on perceived lack of
4 compliance with open records. You don't have to go
5 through a lawsuit, necessarily. There is a formal
6 mediation program with the attorney general's office
7 for -- for open records.

8 CHAIRMAN FERVIER: Alex will make that request
9 with the attorney general today or tomorrow morning at
10 the very latest with my approval, Alex. So that will
11 go straight to them.

12 And we'll have some information from them,
13 Dr. Johnston, also, then, to -- and I would expect a
14 request -- I mean a response the next day or so from
15 the attorney general. They've been fairly responsive
16 to those requests.

17 So, Dr. Johnston, is it your motion, then,
18 that we continue this matter until the next scheduled
19 board meeting?

20 BOARD MEMBER JOHNSTON: Yes, Mr. Chair.

21 CHAIRMAN FERVIER: Well, the next meeting,
22 which will probably occur in the next two to four
23 weeks.

24 BOARD MEMBER JOHNSTON: Yes, Mr. Chair. That
25 is my --

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1 CHAIRMAN FERVIER: Okay.

2 BOARD MEMBER JOHNSTON: -- my motion.

3 CHAIRMAN FERVIER: We have a motion to
4 continue this consideration of this rule until the next
5 meeting, which is expected to occur within the next two
6 to four weeks.

7 Is there a second?

8 BOARD MEMBER KING: Second.

9 CHAIRMAN FERVIER: We have a motion and a
10 second. Any discussion?

11 Hearing no discussion, all those in favor of
12 continuing this rule consideration for the next
13 meeting, which is expected to occur next two to four
14 weeks, signify by saying, "Aye."

15 BOARD MEMBER TINDALL-GHAZAL: Aye.

16 BOARD MEMBER KING: Aye.

17 BOARD MEMBER JOHNSTON: Aye.

18 CHAIRMAN FERVIER: Any opposition?

19 Hearing no opposition, motion carries four to
20 zero.

21 Thank you, Ms. Grubbs.

22 Thank you, Ms. Marks.

23 Thank you, Mr. Moncla.

24 Thank you, Mr. Kirk.

25 We appreciate your comments.

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1 The next item on the agenda is old business,
2 discussion of True the Vote litigation, potential
3 action of withdrawal of the subpoena and dismissal of
4 the petition and lawsuit. I believe that is
5 Dr. Johnston's request.

6 BOARD MEMBER JOHNSTON: Yes, Mr. Chair. The
7 Board has had discussion about the -- the State
8 Election Board lawsuit against True the Vote, Inc.,
9 in -- that was a civil action suit to obtain a
10 subpoena -- to enforce a subpoena.

11 The case was administratively closed over a
12 year ago, and, to my knowledge, there's been no action
13 on that. I would like to, unless -- I would like to
14 make a motion to dismiss with prejudice Case Number
15 2023CV-382520, State Election Board versus True the
16 Vote, and the petition for order to compel response to
17 the subpoena and withdraw the subpoena to Complainant
18 True the Vote, Inc., in SEB Case Number 2022-003.

19 CHAIRMAN FERVIER: I have one question, and I
20 think it would be beneficial for this board members'
21 audience to give some background as to why you feel
22 this is necessary. But my question is, there is an
23 open case that was going to be heard in May pertaining
24 to this, the True the Vote allegations.

25 The True the Vote people have requested to

1 dismiss their complaint last year or so, and the prior
2 chairman decided not to dismiss their complaint and
3 move forward with their complaint.

4 Would dismissing the subpoena -- dismissing
5 the requirement for them to respond to the subpoena,
6 would this board also need to consider dismissing the
7 complaints made by True the Vote?

8 BOARD MEMBER JOHNSTON: I'm not -- excuse me.
9 I'm not opposed to dismissing the complaint of True the
10 Vote that True the Vote was the complainant, and the
11 respondents, I believe, were multiple counties.

12 CHAIRMAN FERVIER: Yes. Would you like to --

13 BOARD MEMBER JOHNSTON: I would neglect -- I
14 would entertain adding that to my motion.

15 CHAIRMAN FERVIER: Well, I would -- I would
16 like you to enlighten the board a little bit, if you
17 don't mind, as to the necessity -- necessity of doing
18 this. That --

19 BOARD MEMBER JOHNSTON: The -- the
20 necessity -- I'm not sure I'd call it a necessity, but
21 this was -- this was a complaint filed by True the
22 Vote, and the subpoena was initially issued to identify
23 a whistleblower that was described in the complaint.

24 And the subsequent subpoenas and petition and
25 civil actions were all designed to -- to identify or

1 reveal the whistleblower that the -- that True the
2 Vote -- I have not seen all the -- all these documents,
3 but -- but there was concern from the very start about
4 the physical -- the safety of the whistleblower, if
5 there is a whistleblower.

6 And it is apparent that the whistleblower will
7 not be identified or cannot be identified, and,
8 therefore, the -- the likelihood of -- of this
9 proceeding successfully is not going -- it's likely not
10 to happen.

11 And I -- I don't think it's this board's
12 position to sue to identify such a person. The proper
13 disposition in this case would be -- and any other case
14 that we've ever -- we've heard, to my understanding, is
15 to dismiss the secondary to unsubstantiated evidence,
16 i.e. the whistleblower.

17 CHAIRMAN FERVIER: Thank you. I've read all
18 the documents, read all the court documents that came
19 through and read the complaint -- original complaint
20 made by True the Vote. And it appears to me that True
21 the Vote was not able to produce the evidence that they
22 claimed in the complaints.

23 And, therefore, I find it -- I think it's
24 unnecessary for us to -- if they're not able to provide
25 the documents that they claimed originally per -- were

1 there and respond to our subpoena, then I don't know
2 how we can continue with the complaint against the
3 counties if they can't give us the evidence that we
4 need or refuse to give us the evidence that we need,
5 either way.

6 I also think that if they're -- that -- I
7 agree with you that why are we spending our time and
8 our energy on something that we're not going to get
9 eventually anyway, because they've said that they don't
10 have the documents. They said they can't produce the
11 documents. They said that they don't exist, the ones
12 we're asking for. I'm not quite sure what the
13 necessity is of continuing to push that issue from a
14 time and expense standpoint.

15 BOARD MEMBER TINDALL-GHAZAL: Mr. Chair --

16 BOARD MEMBER JOHNSTON: Right. And I'm sure
17 somewhere along the line, it's continuing to cost these
18 parties, and we've just sent a whole boatload of
19 referrals to the attorney general.

20 CHAIRMAN FERVIER: Yep.

21 BOARD MEMBER JOHNSTON: Well, we could lighten
22 their load by removing this.

23 BOARD MEMBER TINDALL-GHAZAL: Mr. Chairman, I
24 did have one question.

25 CHAIRMAN FERVIER: Yes.

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1 BOARD MEMBER TINDALL-GHAZAL: My understanding
2 was that there were assertions made that there had been
3 a production of 6,000 pages -- of 4,000, 6,000 -- I'm
4 not sure the exact number -- and that the attorney
5 general's office was attempting to locate and identify
6 that production but had been unable to do so. Has
7 there been any -- any further developments on that?

8 CHAIRMAN FERVIER: No. No. They -- they have
9 not been able to produce any documents yet. And, in
10 fact, the last filing that -- or one of the filings I
11 saw with the court is prior -- here was that they
12 denied that any of those documents existed and
13 didn't -- they did not have them in their possession.

14 BOARD MEMBER TINDALL-GHAZAL: Well, I do -- I
15 have the response that was filed in December of 2023,
16 and it's -- the subpoenas were for significantly more
17 than simply a name of an alleged whistleblower.

18 But -- but I agree with your characterization,
19 which is that they stated repeatedly that they do not
20 have any documents. So I -- I agree that it seems to
21 be a fruitless effort to seek information that
22 apparently does not exist.

23 CHAIRMAN FERVIER: Yeah. They responded to 11
24 different requests on December the 11th of 2023. They
25 responded and were unable to produce any of the -- any

1 of the documents or the names that was requested.

2 So I just think that it's a -- I'm not sure
3 what the purpose is in continuing that when -- when
4 they're obviously not going to be able to provide
5 anything that's -- that we can use, as a board.

6 And, like I said, I don't know what the
7 purpose of being -- considering -- or continuing the
8 complaints that they made against the counties if they
9 can't produce any of the evidence.

10 So are there any other questions from the
11 Board?

12 Member Johnston, would you like to make a
13 motion?

14 BOARD MEMBER JOHNSTON: I thought I did
15 already.

16 CHAIRMAN FERVIER: Did you want to revise it
17 to -- with the complaint itself?

18 BOARD MEMBER JOHNSTON: Yes. I'll add also to
19 dismiss the Complaint Number SEB case 2022-003. I
20 believe that's correct.

21 CHAIRMAN FERVIER: 2022-023 or 33?

22 BOARD MEMBER JOHNSTON: 003.

23 CHAIRMAN FERVIER: 003. Okay.

24 So we have a motion to withdraw the subpoena
25 and dismissal of the petition and lawsuit against True

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1 the Vote and also dismiss SEB Complaint 2022-003.

2 Is there a second?

3 BOARD MEMBER KING: Second.

4 CHAIRMAN FERVIER: We have a motion and a
5 second. Any discussion?

6 Hearing no further discussion, all those in
7 favor of withdrawing the subpoena and dismissal of the
8 petition and lawsuit against True the Vote and
9 dismissal of Case Number SEB2022-003 signify by saying,
10 "Aye."

11 BOARD MEMBER KING: Aye.

12 BOARD MEMBER TINDALL-GHAZAL: Aye.

13 CHAIRMAN FERVIER: Any opposition?

14 Hearing no opposition, so moved by a vote a
15 four to zero.

16 The next item in old business is discussion of
17 complainants speaking to cases. I'd like to start that
18 discussion by saying, as evidenced during this meeting,
19 any complainants that showed up for the meeting were
20 invited to speak and respond. And it's always been my
21 position in these board meetings that this board is
22 able to ask any questions they want of anybody that is
23 there to provide valuable information in us making our
24 decision.

25 And so is there anything else that the Board

1 wishes to occur besides that already happening?

2 BOARD MEMBER JOHNSTON: I would just -- I
3 would want to be assured that the complainants are
4 notified whenever their cases are to be brought to the
5 Board.

6 CHAIRMAN FERVIER: I am -- I have been assured
7 by Alexandra that the complainants are notified even if
8 it's -- even if it's a dismissal case, they are
9 notified.

10 BOARD MEMBER JOHNSTON: Thank you.

11 CHAIRMAN FERVIER: Is there any further
12 discussion from the Board on that topic?

13 Okay. Let's move on to Item Number 7, which
14 is new business, discussion of Enhanced Voting
15 invoices.

16 Member King, I believe that you had a question
17 about that.

18 BOARD MEMBER KING: Yes, I did. I wanted to
19 talk about this or discuss this, because it was brought
20 to our attention that the ballot auditing tool that was
21 utilized was supposed to be paid. I'm assuming it was
22 supposed to be paid by us, since it was our -- our
23 budget. However, to my understanding, I think the
24 secretary of state office was paying the ballot
25 auditing tool company.

1 I want to discuss this publicly, because I
2 don't have full information, and I'm assuming you may
3 have more information, Mr. Chairman. But can we -- can
4 you share with us what happens and why the secretary of
5 state's office was handling those payments?

6 CHAIRMAN FERVIER: Okay. So the legislature
7 funded -- actually, I want to make sure I got the
8 legislation correct. This was in the State Election
9 Board budget, and it was to increase funds for
10 third-party ballot text, auditing, technology, and
11 require the office of the secretary of state will
12 utilize the appropriated funds solely to conduct a
13 pilot project that will provide full verification audit
14 of all ballots cast in Georgia in the November 2024
15 elections. And it goes on to say some other stuff, but
16 that had to do with the funding itself.

17 It also says, And that no employee of the
18 office of the secretary of state will financially
19 benefit from software development or procurement in the
20 implementation of the project.

21 So while the -- while the funds were budgeted
22 through the State Election Board, the State Election
23 Board doesn't have the ability to do procurement or to
24 actually sign any bills, because we don't have our own
25 accounts.

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1 And so while we had -- knew of the funding, we
2 were doing some oversight onto the project, the bills
3 actually had to be signed by the secretary of state's
4 officials. I didn't -- I don't have the ability to
5 sign them. Executive Director Coan did not have the
6 ability to sign them. The secretary of state --
7 someone in the secretary of state's office had to --
8 had to sign them.

9 There were a total of four different bills,
10 one for \$1.45 million, which was for the budget audit
11 itself, and that was in the contract for the
12 \$1.45 million. There were three additional bills that
13 were paid. One was paid in October for \$36,000. One
14 was paid in December for 192,600. And one was paid in
15 January 2nd for 62,100, for a total of approximately
16 280,000, 281,000, roughly. And those were for help
17 desk. In the contract itself, it allowed for help
18 desk -- for there to be a help desk at a rate of \$225
19 an hour.

20 When we did the original procurement meetings
21 and they did a proposal, I was in that meeting.
22 Executive Director Coan was there. And I believe
23 Dr. Johnston might have been in that meeting too. And
24 they laid out their proposal for how they were going to
25 handle or split up the state into different

1 territories.

2 I made the comment that I did not think they
3 had a large enough staff to be able to handle, because
4 the vast majority of our 159 counties weren't familiar
5 with doing ballot image audits, and they were going to
6 require a lot of training. So they agreed to bring on
7 more staff to make the territories much smaller.

8 So they ended up with a much larger staff than
9 was originally anticipated, and it required a whole lot
10 of help desk support through August, September,
11 October, November to, number one, train these counties
12 and answer questions as they were doing that.

13 I asked for a reconciliation of those help
14 desks, and they sent a two-page reconciliation talking
15 about the work that they did in those months to account
16 for that \$280,000.

17 I knew from the very front end that the
18 secretary of state had to sign off on these bills. I
19 did not personally review each of them being signed off
20 on. I didn't feel like that was my responsibility at
21 the time, because Executive Director Coan had been
22 tasked with doing most of the oversight and -- but I
23 knew that they were signing off on them, specifically
24 the 140 -- \$1.45 million, which was an agreed-to price
25 at the very beginning, and then the help desk things

1 that came in afterwards.

2 I received, I would say, semi-regular to
3 regular updates from the secretary of state as I would
4 call in and ask about how the process was going, or I'd
5 ask Executive Director Coan about the process, and he
6 seemed satisfied with the results of it. I think that,
7 in my opinion, the -- the audit was a great thing for
8 the state of Georgia and worked out like it was
9 supposed to, so...

10 BOARD MEMBER KING: So I don't want to go into
11 the audit yet, but I do have some questions about that.
12 However, you stated that the original bid was -- this
13 was a -- we put this out on the street, right? It was
14 a RFP?

15 CHAIRMAN FERVIER: Yeah. There were two
16 companies that responded.

17 BOARD MEMBER KING: Okay. And when they
18 responded, we approved them for the 1.4 million?

19 CHAIRMAN FERVIER: When we approved -- we
20 signed the contract for the 1.45 million, but there was
21 a provision in there for help desk support at
22 \$225,000 -- I mean two -- I mean \$225 an hour.

23 BOARD MEMBER KING: So the help support was
24 \$225 an hour, so that pretty much can run continuously.
25 Like, I mean, we don't even -- I mean, we -- I mean, it

1 stopped at \$200,000, but it could have gone -- I mean,
2 what made it -- I mean, how did -- so I haven't seen
3 the reconciliation -- the reconciliation report so --
4 that you're reviewing. I would love if you could share
5 that.

6 But does it break -- does it -- does it give
7 you an itemized breakdown of the amount of hours that
8 was spent, what it was spent on, and then how it totals
9 the 200,000; is that what you're telling me?

10 CHAIRMAN FERVIER: It -- no. The bills
11 themselves itemized the number of hours per bill, and
12 the report is simply a two-page document that I asked
13 for in the last couple weeks explaining those three
14 help desk bills --

15 BOARD MEMBER KING: Okay. So --

16 CHAIRMAN FERVIER: -- and what they did with
17 that, so...

18 BOARD MEMBER KING: Okay. So the reason why I
19 wanted to discuss this is because this is -- it is our
20 budget, and I understand that we are not signing off on
21 invoices. I personally believe that at least you,
22 Mr. Chairman, should have the access to sign off on
23 invoices, considering it's our budget.

24 But, number one, whenever -- the fact that
25 there was a bid that went out, it was accepted, a

1 contract was signed, the contract was signed for the
2 1.4 -- 1.5 -- the 1.45 million. However, this
3 additional \$225 an hour for the help desk, I'm a little
4 confused as to why this wasn't discussed. I had no
5 clue about this. I'm not saying that it was done in
6 a -- you know, nefariously, but I'm a little concerned
7 about that \$200,000.

8 I would like to request or ask if you could,
9 for one, share the reconciliation report with us, but
10 then, two, we -- I would like to see an itemized
11 breakdown of how those funds were spent. And I just --
12 I can't settle with, you know, this many hours was
13 billed, but we have no clue what the actual product
14 that was produced. What were they doing in those
15 hours?

16 So I personally would like to know more about
17 the \$200,000, what was spent, what was it spent on,
18 what type of results did they get, their -- you know,
19 their ROI, and whether or not -- yeah, and I'd like it
20 to be itemized.

21 CHAIRMAN FERVIER: Yeah. I can't tell you
22 right now what's available, but I will ask for
23 additional information, and I'll provide copies of
24 these bills to the Board and the two-page letter that I
25 received explaining the help desk work. And I -- I

1 don't know, have you seen the copy of the original
2 contract?

3 BOARD MEMBER KING: No. Please send that to
4 me.

5 CHAIRMAN FERVIER: Okay. Yeah, we'll send --

6 BOARD MEMBER KING: I --

7 CHAIRMAN FERVIER: We'll send a copy of the
8 contract.

9 BOARD MEMBER KING: I think that's part of it,
10 too, is that a lot of the information that you were
11 provided and that you have now we weren't provided.
12 And I know you said you got it a few weeks ago.

13 I think it's definitely beneficial to share it
14 with the Board so that we can review it as well, and
15 then we could have been better prepared for this
16 meeting. I wasn't aware that you had all that
17 information, so that's another concern of mine. So,
18 yes, please share all that with us. Thank you.

19 CHAIRMAN FERVIER: Well, I -- I've -- after
20 these questions started developing about a month ago
21 with some members, people outside this board, I started
22 trying to gather as much information as possible. I
23 supplied some of it to Dr. Johnston, and she and I have
24 had some back-and-forth comments about it.

25 So I was -- been trying to prepare myself for

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1 this meeting by obtaining as much information as
2 possible, so...

3 BOARD MEMBER JOHNSTON: I have a few --

4 BOARD MEMBER KING: You have a better
5 relationship with the secretary of state's office, so
6 getting that information is a lot easier for you.

7 CHAIRMAN FERVIER: Right.

8 BOARD MEMBER JOHNSTON: So, Mr. Chairman, I
9 have some questions.

10 CHAIRMAN FERVIER: Sure.

11 BOARD MEMBER JOHNSTON: The -- in May, when it
12 -- when we found out that the \$5 million was allocated
13 to the State Election Board to provide financial
14 oversight of the ballot image audit to be conducted by
15 the secretary of state, implemented and conducted, I
16 had asked for our executive director to provide that
17 oversight.

18 And your reply to me was, I have Edward to
19 help also since he has a legal background, and there --
20 and since we should have a memorandum of understanding
21 this week -- and that was in May.

22 And then there was a memorandum of
23 understanding that was not signed, not dated, not
24 signed, that had your name on it and Gabriel Sterling's
25 name on it, and it gave all the authority to the

1 secretary of state to control the payment of funds.

2 And then when you finally sent me the contract
3 a couple of weeks ago from Enhanced Voting, I see the
4 contract is for \$4.78 million, not \$1.45 million, with
5 two-year provisions and a lot of options to spend the
6 almost \$5 million. But we were, all along the way,
7 told that Enhanced Voting came in with the \$1.45
8 million bid for this one-year pilot program that we
9 would provide the financial oversight for.

10 So I'm just -- you know, I'm trying to make
11 sense of this and make sure that I understand how
12 things happen. And all the invoices that came in
13 through a complaint to us have Gabriel Sterling's
14 signature to authorize payment rather than you or Ed --
15 would have been Ed Lindsey, I guess, Member Lindsey or
16 our executive director on it. So I'm just -- I can't
17 quite make sense of this.

18 And then I see that Enhanced Voting has a
19 number of other election-related contracts with the
20 secretary of state that appear to me to conflict with
21 the provision in the -- that the legislature passed
22 that says a third-party vendor with no connections to
23 any current voting system operating in Georgia.

24 So I -- I don't understand. It seems -- it --
25 on -- on the face of it, it seems that Enhanced Voting

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1 would not have been a viable candidate to put a bid in.
2 And maybe I'm misunderstanding some part of this RFP or
3 the contract or the legislation, but I would like some
4 explanation of that, if you have it.

5 CHAIRMAN FERVIER: All right. So the contract
6 is a multi-year -- is a -- the prime -- the -- Year
7 Number 1 is 1.45 million, which is what's listed in the
8 contract. Then there are option years past that.

9 BOARD MEMBER JOHNSTON: Right.

10 CHAIRMAN FERVIER: But the original contract
11 was 1.45 million, which is what they bid. My
12 understanding is the other company that bid \$5 million.
13 So we chose to go with the \$1.45 million bid for the
14 year of the contract. And there's no requirement to go
15 with the options. So that was -- it was the
16 1.45 million versus a \$5 million bid.

17 Like I said, the four-seven that you referred
18 to is for a multi-year -- they were a contract with
19 multi-year options. So that has not been exercised at
20 this point. So we're just obligated for that first
21 year.

22 BOARD MEMBER JOHNSTON: Okay.

23 CHAIRMAN FERVIER: Second of all, in May, you
24 made the recommendation Executive Coan oversee it. I
25 agreed with you. And so he had responsibility for

1 oversight of this project. Ed Lindsey, as you know,
2 left the Board, wouldn't -- wasn't able to oversee it.

3 I stepped in and did some of it with -- made a
4 couple of meetings at the beginning, asked for updates
5 as needed from the secretary of state and from
6 Director Coan to try and just keep on top of what was
7 happening, so...

8 No, I don't have authority to sign anything,
9 so it had to be signed by either Mr. Sterling or Blake
10 Evans. Some of the invoices were signed by
11 Mr. Sterling. Let me -- in fact, I can tell you which
12 ones.

13 Mr. Sterling signed the \$1.45 million invoice.
14 He signed the \$36,000 invoice. Blake Evans signed the
15 \$192,600 invoice. And Blake Evans signed the \$62,100
16 invoice. And those were all related to that -- the
17 one-year contract.

18 The -- trying to think what your other
19 questions were.

20 BOARD MEMBER JOHNSTON: The conflict with --

21 CHAIRMAN FERVIER: Oh, the conflict.

22 BOARD MEMBER JOHNSTON: -- with the --

23 CHAIRMAN FERVIER: The way that I read it --
24 well, the legislation itself, if you read the
25 legislation, it says absolutely nothing about our board

1 having oversight over this. There's no language in
2 there at all in the legislation or the budget that
3 gives the SEB oversight over this project.

4 In fact, it's -- it stipulates that the
5 secretary of state will run the project. So any
6 oversight that we would have had would have been by
7 agreement of the secretary of state and us. And it was
8 a request made by -- I believe by Chairman Burns that
9 the SEB have oversight of this.

10 And Director Coan had more conversations with
11 Senator Burns than I did about this. I recall having
12 one, maybe two conversations with Senator Burns about
13 this. I believe that Executive Director Coan had more
14 than I did. But that was discussions with Senator
15 Burns.

16 There was nothing -- absolutely nothing in the
17 legislation that gave SEB oversight over this project.
18 It was simply funded through the SEB into the secretary
19 of state for the secretary of state to manage and
20 oversee or to do the project.

21 The memo of understanding itself, you're
22 correct, it had my -- my name on it. I did not sign
23 that memo of understanding. I felt like it was too
24 one-sided, and I did not sign it, so...

25 BOARD MEMBER JOHNSTON: So the -- placing the

1 \$5 million in the SEB funds is part of the -- part of
2 the clear intent of the legislature for some -- for the
3 State Election Board to provide that financial
4 oversight. And, at the very least, you or you and
5 Director Coan should have seen every single invoice
6 that came in to be paid out of the State Election Board
7 account.

8 CHAIRMAN FERVIER: Well, I -- I feel like I
9 did what was required of myself. There are some
10 personal issues with Director Coan I'd be happy to
11 discuss in executive session, but I don't think it
12 would be appropriate to discuss that in open session.

13 BOARD MEMBER JOHNSTON: Well, our standard
14 procedure, until Mr. Coan -- Executive Director Coan
15 left was that he would authorize payment of invoices
16 that came to the State Election Board, whether it is
17 our modest per diems or some office supplies or office
18 furniture, but, certainly, for as much money as \$1.45
19 million, I would expect that somebody on the State
20 Election Board to have their signature or initials on
21 every one of those invoices, in addition to whoever the
22 secretary of state designates to authorize payment of
23 invoices.

24 CHAIRMAN FERVIER: Well, I -- I can tell you
25 that I have requested any documentation that might have

1 been provided to the secretary of state from Executive
2 Director Coan asking to review invoices or asking for
3 updates or anything else, and there are none that could
4 be found where he made a request to look at invoices,
5 to review invoices, or to participate in invoicing in
6 any way, so...

7 BOARD MEMBER JOHNSTON: Well, it seems by
8 July -- by July 29th, Ms. McGowans (sic) effectively
9 shut the door on communications with Executive Director
10 Coan and directly communicating with Evans or anyone
11 else in the secretary of state. So that -- that was
12 problematic. And I -- I don't know if there were any
13 communications between yourself and Executive Director
14 Coan about -- about this or about the invoices, either.

15 CHAIRMAN FERVIER: Well, those are -- there's
16 some personnel issues that I'd be happy to discuss in
17 executive session.

18 BOARD MEMBER KING: Mr. Chairman, I want to go
19 back to the help desk really quickly.

20 CHAIRMAN FERVIER: Back to the what?

21 BOARD MEMBER KING: The help desk.

22 CHAIRMAN FERVIER: Okay.

23 BOARD MEMBER KING: The help desk. First
24 question, though, is, is this a multi-year contract, or
25 is it just option years?

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1 CHAIRMAN FERVIER: They're option years.

2 BOARD MEMBER KING: Okay. And the option
3 years are not -- like, you don't have to engage in
4 those years? That's not --

5 CHAIRMAN FERVIER: That's correct.

6 BOARD MEMBER KING: Okay.

7 CHAIRMAN FERVIER: That's correct.

8 BOARD MEMBER KING: And in the contract, where
9 does it state -- like, so -- because if it's -- if it's
10 optional, we're in the first year, correct?

11 CHAIRMAN FERVIER: Yes.

12 BOARD MEMBER KING: So in one year, they
13 already completed -- because -- so in the first year,
14 they did the auditing, and then they set up a help
15 desk?

16 CHAIRMAN FERVIER: A help desk was absolutely
17 necessary because the amount of training that was
18 required for the 159 counties.

19 BOARD MEMBER KING: When it was proposed, was
20 it proposed that the help desk would be in year two?

21 CHAIRMAN FERVIER: No, no. The help desk
22 was -- there's a provision in there for a help desk at
23 \$225 an hour.

24 BOARD MEMBER KING: But there's no provision
25 as to when it will be implemented?

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1 It just says randomly. Whenever the help desk
2 is needed, that's when they'll start billing the
3 secretary of state -- or billing us, rather?

4 CHAIRMAN FERVIER: Yeah, I wasn't involved in
5 that discussion, so I -- I can't tell you exactly how
6 that went.

7 BOARD MEMBER TINDALL-GHAZAL: If I can -- if I
8 can add a little bit here, I know that the reason that
9 we went with Enhanced Voting and not Clear Ballot is
10 because Clear Ballot's proposal was close to \$5 million
11 for one year, and that was because they had offered
12 significantly more staffing to embed within the
13 counties in order to -- and I'm -- I could be
14 misstating this, because I did not read the proposals.

15 But my -- just my understanding from
16 conversations was that they were planning on providing
17 significantly more staffing to provide direct hands-on
18 support to the counties to train them on uploading.
19 And the whole reason we went with Enhanced Voting is
20 because this help desk was in lieu of providing direct
21 staffing as a much more economical option.

22 BOARD MEMBER KING: So the contract, although
23 it was -- the one-year contract was capped at
24 1.4 million, but we exceeded it?

25 CHAIRMAN FERVIER: The \$225,000 -- or \$225 an

1 hour was a help desk support in addition to the
2 1.45 million.

3 BOARD MEMBER KING: This is -- this -- okay.
4 I -- I do have a motion once everyone is finished
5 speaking. I'll come back.

6 BOARD MEMBER JOHNSTON: I --

7 BOARD MEMBER KING: Unless we're ready. Okay.

8 BOARD MEMBER JOHNSTON: I have -- yeah, I do
9 have a -- in the cost worksheet analysis that was
10 attached to the contract, year one describes
11 implementation, development costs, one-year maintenance
12 and support, as well as professional services pre- and
13 post-election. So I don't -- I'm -- I'm just trying to
14 understand the extra \$300,000.

15 CHAIRMAN FERVIER: Is that a question?

16 BOARD MEMBER JOHNSTON: That's a question. Do
17 you understand -- do you have an explanation? I mean,
18 I heard --

19 CHAIRMAN FERVIER: Yes. We'll get to the --

20 BOARD MEMBER JOHNSTON: -- it was extra --

21 CHAIRMAN FERVIER: The extra -- the
22 explanation is that that was for the help desk support
23 that occurred.

24 BOARD MEMBER JOHNSTON: Well, it -- that's
25 different than support, I guess.

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1 CHAIRMAN FERVIER: I --

2 BOARD MEMBER JOHNSTON: The support is part of
3 the -- the cost worksheet analysis.

4 CHAIRMAN FERVIER: Well, it definitely was
5 identified separately in the contract as a line item.

6 BOARD MEMBER KING: Correct. And that's the
7 thing. So it's -- it -- so it -- in the contract, it's
8 identified as a line item. However, it's also stated
9 that they are to provide support, and the support
10 should be under that 1.4 million.

11 CHAIRMAN FERVIER: Apparently not, because
12 it's a --

13 BOARD MEMBER KING: But the help desk -- so
14 it's --

15 CHAIRMAN FERVIER: Apparently not, because
16 it's identified as a separate line item.

17 BOARD MEMBER KING: So the help desk in the
18 support -- okay. So that -- this goes back to my
19 original request, which is to get an itemized breakdown
20 of what the help desk was doing, because if we can't --
21 if you can't show me exactly in detail what type of
22 service you were providing for \$300,000, we all should
23 be really -- really concerned.

24 Okay. So since every -- if everyone else is
25 quiet, can I make a motion? Is this the right time?

1 CHAIRMAN FERVIER: Are there any other
2 questions?

3 BOARD MEMBER JOHNSTON: Well, I -- I -- I'm
4 just perplexed why no one -- none of us on the Board
5 received communications from -- you know, if you were
6 in charge of the financial oversight or Mr. Sterling
7 was or -- you know, there are no communications from
8 Gabe Sterling or you or Enhanced Voting or Ms. McGowan
9 or even the secretary of state to the board members
10 about something that's a multimillion-dollar project.

11 CHAIRMAN FERVIER: Well, I think that's a
12 question for Executive Director Coan who was put in
13 charge of oversight on behalf of the SEB. I mean,
14 there were emails from May to where we asked him to do
15 that and then provide over -- to work with the SOS on
16 that, so --

17 BOARD MEMBER JOHNSTON: I -- I don't-- I don't
18 have an email that -- that shows that. And I -- I sent
19 you an email that said I would like to, but that was --
20 that was answered with -- with you and Ed Lindsey would
21 be available. And as I -- and I don't recall of it
22 being brought to the Board as a vote.

23 BOARD MEMBER KING: And I thought I remember
24 inquiring about this a while back and being told that
25 you didn't authorize the sign-off on these invoices.

1 But you're saying that you did, Mr. Chairman?

2 CHAIRMAN FERVIER: I -- yeah. What I said was
3 that I knew that the SOS would be signing these
4 invoices, because they had to sign the invoices. I did
5 not review the invoices prior to them being signed, but
6 I knew that they would be signing the invoices, and --

7 BOARD MEMBER KING: Okay. So you didn't
8 authorize it?

9 CHAIRMAN FERVIER: I -- I understand that
10 the -- all of this is wanting to be laid at my feet.
11 Everyone with a --

12 BOARD MEMBER KING: No, no. I'm not -- no,
13 I'm actually --

14 CHAIRMAN FERVIER: Every member of this
15 board --

16 BOARD MEMBER KING: No, I -- that's not right,
17 Mr. Chairman. I'm not laying it at your feet. I'm
18 actually laying it at the feet of the secretary of
19 state's office. I'm asking you questions because you
20 have more information than we have.

21 CHAIRMAN FERVIER: I -- I have -- I have
22 provided all the information I have. Okay? Every
23 member of this board had the opportunity to ask
24 whatever questions they wanted throughout this entire
25 process from either Mr. Coan, myself, the secretary of

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1 state, or anybody else. And now we're months past this
2 project and no --

3 BOARD MEMBER KING: We -- that's not true,
4 Mr. Chairman, but we need to be honest about this.
5 That's not true.

6 CHAIRMAN FERVIER: That is true.

7 BOARD MEMBER KING: Whenever I -- I've sent
8 several -- I've sent emails to the secretary of state's
9 office. I've sent emails to other offices that have
10 not replied.

11 So I think you do know that there is a -- that
12 we are not as a -- as -- our accessibility to the
13 secretary of state's office is not as good as yours.
14 And I think you know that, so I don't want to act like
15 we're --

16 CHAIRMAN FERVIER: I --

17 BOARD MEMBER KING: Let's not pretend --

18 CHAIRMAN FERVIER: I --

19 BOARD MEMBER KING: -- we don't know what's
20 going on here.

21 CHAIRMAN FERVIER: I will -- I will agree with
22 that, but not a single member of this board came to me
23 and asked me about any of these bills, who was paying
24 them, who signed them, who had oversight of this
25 project or anything else.

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1 BOARD MEMBER KING: Well, Mr. Chairman, I
2 didn't think that we would have to, because I assumed
3 that it was being handled. And the issue I have is not
4 that the bills were paid. It's the fact that, well,
5 one, we don't have -- we didn't know they were being
6 paid. And then, secondly, they overpaid outside of the
7 amount that they -- that the contract was for.

8 So, regardless, the help desk situation is
9 where I -- that's where I have challenges, is the
10 additional \$300,000 that came out of our budget -- I'm
11 assuming it came out of our budget -- that we have
12 no -- that we can't account for, or you have a two-page
13 report -- a reconciliation report for \$300,000, and it
14 suffices. That's a concern for me. So, yeah, I do
15 have questions. I -- I mean, you should, too.

16 BOARD MEMBER JOHNSTON: The first invoice --
17 the first time I saw an invoice was February 4th, but
18 the first invoice for \$1.45 million was paid on
19 September 11th. And I wasn't aware of it. How do you
20 have -- how do you know what some -- what's going on in
21 the absence of something?

22 CHAIRMAN FERVIER: You ask questions.

23 BOARD MEMBER KING: Well, I -- I would like to
24 continue this discussion, because, obviously, there's
25 additional information that the entire board should

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1 review, particularly the reconciliation report. But I
2 do -- I would like an itemized breakdown of how the
3 \$300,000 was spent, who were they helping, which
4 counties. Just -- I -- we need details on that.

5 CHAIRMAN FERVIER: I will -- I will make a
6 request of the secretary of state for any further
7 information they have.

8 BOARD MEMBER KING: Well, actually, I -- I'll
9 put it in writing in case I wasn't clear, but there's
10 some specific information I'm asking for, so I don't
11 want whatever they have. I want what I'm asking for,
12 Mr. Chairman.

13 CHAIRMAN FERVIER: All right.

14 BOARD MEMBER KING: Thank you. All right.
15 I'll put it in writing. Thank you.

16 BOARD MEMBER JOHNSTON: Ms. -- Member King?

17 BOARD MEMBER KING: Yes?

18 BOARD MEMBER JOHNSTON: I have an invoice from
19 November of 2024 with 839 hours for the help desk. I
20 think -- I don't know how many helpers there were,
21 seven, maybe, which ends up -- works out to be 120
22 hours per helper for November, or five hours --

23 BOARD MEMBER KING: November?

24 BOARD MEMBER JOHNSTON: -- five hours per
25 county? I -- if you -- if I worked the numbers right.

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1 BOARD MEMBER KING: Yeah. I'm going to -- I'm
2 going to ask that we can see the conversations so we
3 can all do an in-depth review of these documents,
4 because I would like to know what they were doing in
5 those hours.

6 CHAIRMAN FERVIER: Is there anything further
7 on this topic?

8 BOARD MEMBER KING: Not for me.

9 CHAIRMAN FERVIER: Move on. The next -- next
10 topic is a public comment. We had five individuals
11 that did not get to speak. Let me see if they're
12 online.

13 Alexandra?

14 Cindy Battles (phonetic)?

15 Cindy Battles is not here with us today.

16 Carolyn Putnam (phonetic)?

17 Carolyn Putnam is not here.

18 Edwin Tang (phonetic)?

19 Edwin Tang is not here.

20 Eric Christensen (phonetic)?

21 Eric Christensen is not here.

22 Garland Favorito?

23 Mr. Favorito, would you like to speak to the
24 Board.

25 MR. FAVORITO: Yes, Mr. Chairman, I would.

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1 CHAIRMAN FERVIER: Mr. Favorito, I want to --
2 just a moment. I would like to remind you, we have
3 a -- kind of a two-minute limit. So if you would
4 please keep your comments to two minutes, that would be
5 greatly appreciated.

6 MR. FAVORITO: Always. Yesterday --

7 CHAIRMAN FERVIER: Thank you.

8 MR. FAVORITO: -- my wife, Tamara, explained
9 how in September the Board passed unchallenged
10 reconciliation rules that were required to be
11 implemented by our counties.

12 Two of the three rules defined the only
13 process the public can have to ensure all scanned votes
14 were actually counted. I explained when the rules
15 passed how this scanned but not-counted error was found
16 in Tennessee, and they discontinued use of the system,
17 the same system we use here in Georgia. We now know
18 through ORRs that 90 percent of the counties did not
19 comply with the new rules, and we have no way of
20 knowing if their certified results are correct.

21 O.C.G.A. 21-2-31 requires the Board to file
22 certified copies of new rules with each county
23 superintendent. I wrote three letters to you and the
24 Board asking you to inform the counties of the rules
25 that confirmed the voting system counted correctly, but

1 you refused to do so.

2 You also did not allow complainants who found
3 this error in nearly all Georgia counties to speak to
4 their complaint, despite an attorney's letter asking
5 you to uphold their right to speak under Title 50.

6 Mr. Chairman, these are examples where your
7 behavior directly conflicts with interest and needs of
8 Georgia voters. You've also repeatedly tried to impede
9 the Board's majority from continuing and completing the
10 most critical investigation in State Election Board
11 history that's regarding the dubious Fulton County 2020
12 election.

13 These are terrible reflections on you and the
14 governor who appointed you. You built a 37-year career
15 with impeccable credibility at Waffle House, but we
16 have watched you destroy your credibility time after
17 time by attempting to undermine efforts of the majority
18 of the Board as they try to ensure integrity, security,
19 and transparency of future Georgia elections.

20 A board chairman must work for the Board, not
21 against it. When it comes to the voting system and
22 integrity of Georgia election results, it's been
23 obvious for a long time to many of us that you're being
24 driven by an adverse hidden political agenda that has
25 no place in Georgia. And please don't blame Executive

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1 Director Coan for this one, because he had nothing to
2 do with it.

3 CHAIRMAN FERVIER: Your comments are noted.

4 That concludes our public portion of the
5 meeting. The next item of business -- the last item of
6 business is to go into executive session. The chairman
7 will entertain a motion to go into executive session at
8 this time.

9 BOARD MEMBER JOHNSTON: So moved.

10 CHAIRMAN FERVIER: We have a motion to go into
11 executive session.

12 Is there a second?

13 BOARD MEMBER KING: Second.

14 CHAIRMAN FERVIER: There's a second. Let me
15 remind that the purpose of executive session is to
16 discuss and deliberate upon appointment -- employment
17 compensation, hiring disciplinary action or dismissal,
18 or periodic evaluation or rating of a public officer or
19 employee.

20 We have a motion and second to go into
21 executive session.

22 Any discussion?

23 Hearing no discussion, all those in favor of
24 going into executive session signify by saying, "Aye."

25 BOARD MEMBER TINDALL-GHAZAL: Aye.

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1 BOARD MEMBER JOHNSTON: Aye.

2 BOARD MEMBER KING: Aye.

3 CHAIRMAN FERVIER: Any opposition?

4 Hearing no opposition, so moved. This board
5 will now go into executive session. We will come out
6 of executive session to adjourn the meeting. Thank
7 you.

8 Board members, you will need to leave this
9 meeting and go into -- join -- go -- join a link that
10 was sent to you earlier this afternoon by executive
11 session.

12 (Board Meeting adjourned at 3:46 p.m.)

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1 REPORTER DISCLOSURE

2 Pursuant to Article 10.B of the Rules and
3 Regulations of the Board of Court Reporting of the
4 Judicial Council of Georgia, I make the following
5 disclosure:

6 I am a Georgia Certified Court Reporter. I am
7 here as a representative of Esquire Deposition Solutions.
8 I am not disqualified for a relationship of interest under
9 the provisions of O.C.G.A. 9-11-28(c).

10 I was sent by the offices of Esquire Deposition
11 Solutions to provide court reporting services for these
12 proceedings. I will not be taking this hearing under any
13 contract that is prohibited by O.C.G.A. 15-14-37 (a) or (b).

14 Esquire Deposition Solutions has no exclusive
15 contract to provide reporting services with any party to
16 the case, any counsel in the case, or any reporter or
17 reporting agency from whom a referral might have been made
18 to cover this proceeding.

19 Esquire Deposition Solutions will charge its
20 usual and customary rates to all parties in the case, and
21 a financial discount will not be given to any party to
22 this litigation.

23 Dated this 25th day of March 2025.

24
25 _____
ANTHONY PATTERSON
Certified Court Reporter

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CERTIFICATE OF REPORTER

I, ANTHONY PATTERSON, a Digital Reporter, Notary Public, and Certified Court Reporter in and for the State of Georgia, do hereby certify:

That that the proceeding took place before me at the time and place herein set forth; that the testimony and proceedings were accurately captured with annotations by me during the proceeding.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am not interested in the outcome of this matter, financial or otherwise.

IN WITNESS THEREOF, I have hereunto set my hand this 25th day of March 2025.

Anthony Patterson

ANTHONY PATTERSON
Notary Commission Georgia/W-00628386
Commission Expires: October 16, 2027

1 CERTIFICATE OF TRANSCRIPTIONIST

2

3 I, Bonnie Gray, Registered Professional
4 Reporter, do hereby certify:

5 That the foregoing is a complete and true
6 transcription of the original digital audio recording of
7 the testimony and proceedings captured in the
8 above-entitled matter. As the transcriptionist, I have
9 reviewed and transcribed the entirety of the original
10 digital audio recording of the proceeding to ensure a
11 verbatim record to the best of my ability.

12 I further certify that I am neither attorney
13 for nor a relative or employee of any of the parties to
14 the action; further, that I am not a relative or employee
15 of any attorney employed by the parties hereto, nor
16 financially or otherwise interested in the outcome of this
17 matter.

18

19 IN WITNESS THEREOF, I have hereunto set my hand
20 this 25th day of March 2025.

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Bonnie Gray, RPR
Certification No. 7897
Expires December 31, 2025

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