GEORGIA BOARD OF ELECTIONS MEETING

DATE: May 13th, 2025
TIME: 9:15 AM TO 5:22 PM
LOCATION: Georgia State Capitol Building
206 Washington Street SW
Room 341
Atlanta, GA 30334

REPORTED BY: Michael King
Notary Commission Georgia/W-00526283
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APPEARANCES

Members of the Board:

Chairman John Fervier
Janelle King
Dr. Janice Johnston
Rick Jeffares

I N D E X

Proceeding 4

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P R O C E E D I N G

(On the record at 9:15 AM)

MR. FERVIER: Good morning. I'm calling to order the Tuesday, May 13th, 2025 meeting of the State Election Board. My name is John Fervier, I am the Chairman of the Board. I'm joined today by members Dr. Janice Johnston and member Jenelle King and member Jeffares will be joining us this afternoon and also tomorrow Member Gazal (phonetic) had another commitment and could not make it so, but we have a quorum and we will be able to conduct business today. I appreciate all of you coming. Let me make a few comments to start. Well, actually, let's start with the invocation and then we'll go to the Pledge of Allegiance and then I'll make a few comments. Dr. Johnston, oh.

MS. JOHNSTON: Can you hear me? Let us pray. Heavenly Father, God and Creator of all, the beginning and the end, the Alpha and Omega, bless us, protect us and guide us as we do work today. Bless our President, Donald J. Trump, bless our Governor, Brian P. Kemp, and bless all those who work in government and official duties. Give us discernment, give us wisdom and give us patience and show us the way and the truth. In Jesus name, I

pray, amen.

MR. FERVIER: Amen. If you would stand now, Member King will lead us in the Pledge of Allegiance.

MS. KING: I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MR. FERVIER: Thank you, Member King.

MS. KING: Thank you.

MR. FERVIER: Now for a few housekeeping and a couple of comments. For those of you that haven't been here before, we have a very heavy agenda. We have a large back load of cases to be heard and we're going to try and work through those this year, which means that our meeting is going to be caseload heavy.

We start out with the public comment sign up sheet and typically the way that works is the first 30 people that sign up will get to speak in the morning and then anybody past 30 gets to speak at the end of the meeting. We only had seven people sign up, so you'll all get to speak this morning. In public comment section, we ask that you limit your comments to two minutes please and you'll come

to the podium here. I'll call you, I'll keep this timer up here and at the end of two minutes I'll give you a nice tap like that and you know, if you would please end your comments at that point and return to the seat and then we can get through that pretty quickly. After that then we'll go into approval of Board Meeting minutes, Attorney General's report, and then start hearing some consent orders from the Attorney General, and then we'll get into the investigative reports.

Those generally are cases that are possibly dismissed and then cases after that where the Board may take further action. I've had some requests from some people, have traveled quite a distance here today, and we'll try and move those up to the front if we can, depending on what category your case is in, so we can get you back home at a reasonable hour. Although, I know you'd love to fight the Atlanta traffic leaving today, so. Yes, ma' am. What are you gonna say something nice or nasty towards me? All right, come on up here and you can sign up then.

MS. KING: I know, I thought about that, too. Each one of us did.

MR. FERVIER: If you'll see Alexandra over

there -- I'm going to start vetting y' all before you get to sign up in the morning, so. That's right. Yes sir? No, no, no, no, this is just for public comments. Yep, no, no, these are -- for people that generally want to get up here and tell the Board how great they are.

MS. KING: Or the opposite.

MR. FERVIER: Yeah, yeah, so we'll -- go through the public comments real quick. The other thing is, I ask you to please be respectful of everybody's comments. I know people like to cheer and do all that. This isn't quite the crowd that we're used to having, but, you know, we all have opinions. You may like them, you may not like them, but we all have opinions and we need to be respectful of everybody's opinions. And, there are many of us, you know, that -- believe differently than others. That doesn't mean we can't respect -- and listen to them respectfully. We don't allow any loud outbursts and that kind of stuff. It's just unnecessary. You know, we're all adults. We just need to be considerate of other people.

A couple comments I do want to make. This Board has been active. You might have seen we've had a lot of meetings recently. This year we're

able to hire two investigators which are joining us today. Ann Dulmas (phonetic) and Jesse Patton (phonetic) that will be doing some investigations. They work directly for the State Election Board. They're in training right now. We're trying to get our technology in place for them to be able to work with us. This Board continues to move, separate itself a bit more from the Secretary of State and the first thing we have to do is get our own technology in place and have our own email, government issued email access, have our own in house tech person and all that stuff and Alexandra's been working hard on that and so we're moving down that road.

Our investigators are working with Secretary of State investigators to get training and going to classes and things like that and so we look forward to having them on board and being active in some investigations going forward. The other thing is I received a lot of questions lately about our Executive Director. We are in the process of interviewing for an Executive Director. We finished the interviews yesterday and -- the Board is meeting again on May 21st and we'll -- further discuss that Executive Director. We had quite a long list of

really credible candidates to choose from and I think that we're going to come up with a really good one and we're all excited to get them on board so this Board can get more into a governmental or governance role and less of a day to day management role. So, we'll be excited to get a new executive director on and we'll introduce him or her, I guess, at this point, just to him at the next meeting.

And lastly, I've had a lot of questions in the last few days since Friday about the budget and people were confused as to what the budget is going forward. You know, the Board had asked for an additional funding this year. Last year we were budgeted approximately $789,000 and this year we asked for additional funding. The legislature saw fit to give us an additional $600,049 in budgeting. That budget went through -- the Governor signed off on that budget. So, the Board will have additional funding this year that we will use for operational expenses. You know, we can use it for a website, we can use it for technology, we can use it for a lot of different things -- and so it's another step towards moving this Board towards more independence and down the road, so the budget was signed, the budget was approved for all of you that heard

otherwise. So yes, Dr. Johnston.

MS. JOHNSTON: Mr. Chair, may I ask that we invite everyone in the room to come closer if they would like? We have a lot of empty chairs and it looks like there's no need to create this distance between us and the public.

MR. FERVIER: Yeah, I know how y' all feel. When I go to church, I always sit on the back row, too. But come on, come on up. You know, in my long career at Waffle House, whenever I went to an officers meeting, the first thing they would do is they'd look at the people in the back row and make a move to the front row. So, I always sat on the second to the last row.

MS. KING: Oh, they moved the entire back row to the front?

MR. FERVIER: Yeah.

MS. JOHNSTON: Now, I won't need binoculars to see.

MR. FERVIER: Now, we can see your smiling faces. Now, once again, thanks for being here. We're going to try and do this as quickly as possible. Like I said, we do have quite a number of cases. We'll call for a comfort break at around 10:30 and then lunch around 12:00 and we'll have a

45 minute or so break at lunch and then we'll just go as long as we can stand it today, but not past 5 o' clock unless we have a few cases left and then we'll finish up. So, and then we'll move forward.

MS. JOHNSTON: My head is not in this time zone.

MR. FERVIER: It's going to be interesting for all of us. So let's, without further ado, let's go ahead and start. We have the public comment sign up sheet. Let me tell you, I will mess something up. I just want you all to know that technology has never been my friend. So, I will mess something up, but I will do the best I can to keep this all in order. I used to have Director Cohn that sat here and kind of lead me, but there's all kinds of buttons to push up here and I'll push the wrong one, I promise you. The first name on the list is Elizabeth Hendrickson, to be followed by Earl Ferguson. So, if you'd come to this, put him up here and Elizabeth, you have two minutes when I say go, go.

MS. HENDRICKSON: My name is Elizabeth Hendrickson. I have served in many voter protection roles in Georgia, mostly in Cobb County. I support the idea of a Rules Committee of people with

expertise in and knowledge of election law. Many of the rules proposed to this Board have been created by those who believe, often without evidence, that certain results in an election mean there must have been irregularities. They then try to suggest rules changes they believe would correct extremely insignificant or non-existent problems.

Elections officials, on the other hand, are Public Servants who are appropriately focused on making sure the process is as accessible and secure as possible and on keeping all citizens informed with everything they need to know to exercise their right to vote. I encourage you to seek input as well on the potential impact of all rules and proposed changes from the professionals who run the elections at the local level, elections directors and their staff, and then to give much weight and respect to what they have to say.

They also have knowledge and experience to help inform decisions of this nature. A Rules Committee could certainly contribute to better rules being presented. Thank you for your service and for the opportunity to provide comment.

MR. FERVIER: And, you win the prize today. Mr. Ferguson's next and then Michael Beach

will be after Mr. Ferguson. Mr. Ferguson, go.

MR. FERGUSON: I'm Earl Ferguson, and I challenge Fulton County Electors who have left Georgia and registered to vote or vote in their new states. This makes them ineligible to remain on the Georgia voter rolls. Further, they're subject to timely removal. My challenges have consistently been denied by the Fulton County Board.

It appears that these challenges are being denied partially based on a Secretary of State official election bulletin on the NVRA, National Voter Registration Act, or Motor Voter, if you prefer. It appears that these, excuse me, the correct references would be in -- section 8C of that document, but they have only referred to the rule in 8D. 8D is for people who are legitimate who are eligible voters, and B is for ineligible voters.

In March of this year, I submitted a request to the Secretary of State Election Division inquiring about the currency of this bulletin that I've referred to and suggested a possible error. I have received no reply on this request. On April 24th, I mailed a letter to the Secretary of State with detailed reasons for my objection. I followed this with a copy of FedEx and added Blake Evans as a

addressee. I have received no response to this correspondence as of today.

So, I'm here today to provide public notice and to advise the SEB of this problem and request any assistance the Board can provide. I provided copies of my letter to the Board, and I have extra copies for anybody who would like to have one who's here today and I will be sending out copies on an email list, and I'm making it public. And, so thank you for the opportunity to present this. Are there any questions?

MR. FERVIER: Thank you, Mr. Ferguson we have a copy of your letter you gave it to us.

MR. FERGUSON: You have a copy?

MR. FERVIER: We have a copy, yes. Thank you. Next is Michael Beech and then Rebecca Anglin. Okay, Mr. Beech, go.

MR. BEECH: Okay, thanks for your service, folks, and allowing me to speak today. I'm Michael Beech. I'm in DeKalb County and assistant poll manager. I'm going to speak to the rule which I think is actually been postponed to the next meeting, but I believe in transparency, and I know you voted on Rule 183-112-13-A3 before, but the proposed edition appears duplicative and

unnecessary.

First, the Georgia Open Records Act already specifies scanned ballot images as public records. You can download them from the Secretary of State's website for free. I did it yesterday. Making every county post these files individually within 72 hours post-election could be a great deal of work, particularly in small counties and with limited web support and that sort of thing, as we all know, about for something that's already in place with the Secretary of State's website.

Second, adding a cast vote record to the requirement, which is not part of State law, also seems duplicative unnecessary. That cast vote record is essentially the same as the scanned ballot image file. It's what's being fed through the scanner. Account or ballot image of what went through that scanner. Requests for this duplicative file really started showing up at election offices after the 2020 election denial conspiracies came up and has been inundating election offices.

Since that time multiple Georgia Secretary of State audits have shown our elections are accurate. That included reading all 5.3 million 2024 election ballots that revealed 87 errors all on

reading absentee ballots, all human errors when the text reads were lined up against the QR code they essentially all lined up. So, where do we go from this? Is kind of one of my questions. They lined up exactly -- over 5 million. These audits should make us consider turning over a new leaf for 2025 to make these discussions about enhancing the right to vote versus continually chasing debunked theories about stolen elections and -- I know many of you have attended the legislative sessions. Boy, we're going to spend hundreds of millions of dollars fixing an unbroken system and that's really not what the taxpayer needs at point this point in time. So, thank you for your consideration.

MR. FERVIER: Thank you, Mr. Beech. Next is Rebecca Anglin and Victoria Cruz sorry Dr. Victoria Cruz.

MS. ANGLIN: Good morning, thank you chairman and Board members for allowing me, oh, I'm sorry.

MR. FERVIER: One second, go ahead -- I'm telling you --

MS. ANGLIN: I'm trying to beat the clock. Thank you Chairman and the Board Members for allowing me to stand speak today on behalf of

Gavreo. My name is Rebecca Anglin and I'm the current Election Director in Greene County. Hopefully you all received the association's letter regarding Rule 183-1-12.13 Storage of Returns. I'm actually piggybacking off the gentleman that was in front of me. This rule cites two code sections that are related but are fundamentally different, as you all know. I'm sure you are familiar with OCGA 50-18-71K as well as 21272. There are a few key points that I would like to focus on this morning surrounding the ballot images. These images can be, but are not necessarily uploaded on the EMS server on election night. Many counties assess how many ballots that have been cast on the ICP before deciding if they want to take time to upload these images immediately.

When a memory card has the upwards of 6,000 ballot images it can delay reporting and uploading so many images. The days preceding the election can be used for uploading images and for those of us who use The EMS for adjudication, write-ins, and so forth, they have the time to do their job effectively and adequately. Ballot images are produced and released by the Secretary of State's office through the Ballot Repository. This ensures

that ballots cannot be traced to a specific voter.

While many may think this isn't possible in a smaller conducted election in counties with lower voter populations, it is totally doable. I personally have worked an election where we have had 32 voters on election day in a 12 hour period. The voters are so spaced out with check in and ballot times cast you could definitely match a voter to a ballot if we did not have the current system in place.

Myself as well as my constituents believe in transparency. It is of the utmost importance and we understand that -- an unsuccessful candidate is working against tight deadlines if they wish to contest an election. With that in mind, we submitted suggestions for an amended rule with our letter that you all received. I thank you for your consideration and your continued service to the State of Georgia. Thank you.

MR. FERVIER: Thank you Ms. Anglin. Dr. Cruz and then it is Dr. Cruz, right?

MS. CRUZ: Yes, it is.

MR. FERVIER: And then Adrian Boatwright will be next. What? Field Searcy will be next then Ms. Cruz.

MS. CRUZ: Good morning Board. I'm taking this opportunity to give you a kind of an off the top of my head comment. I had a nice discussion with the Chairman coming in and he certainly has helped me, helped ease my mind about what we can look forward to this year with the promulgations of rules and regulations to repeat what the published duties are of the State Election Board. They promulgate these rules and regulations to provide uniformity in the practices and proceedings of election officials how they are conducting the elections and the legality and purity in all elections. That is the aim of anyone who is bringing forth a rule to help the Board in that job.

We want to have fair, legal and orderly conducted elections. However, I am very disappointed with the results of all the efforts that the citizens put in last year with the promulgation of their rules and regulations changes. The opposition was partisan and there was a lot of opposition from Gavreo. I do appreciate election officials. I appreciate them all and I understand that they are understaffed and under worked, but I also understand -- a very complex system was dropped on us in 2019, dropped on election workers

and the public.

And, then that was followed by a very controversial election during a period of a pandemic -- what I have heard is that Dominion ran most of those elections. I don't think there was enough training of the election officials. I don't think they realized the implications of the kind of system that we have that is connected to the Internet. Someone already came up and said that if we question the system, we're election deniers. Well, something happened in 2020 and people know it and I'm sure that more of that is going to come out. So, I just what I don't appreciate is election workers saying, I can't do that, it's too much work, it's not worth the trouble, why do they need to see this? People want to see it.

We the citizens want to have as much information as we can and I think it would be good for all those counties who are not up to par to get up to par, especially if we are going to be continued to be, you know, saddled with this complicated system that only an IT person can understand. Thank you very much.

MR. FERVIER: Thank you, Ms. Cruz. I think I messed up the timer that one. Mr. Searcy

and then, yeah, I'm going to get this last one wrong. So, I'm going to try my best, Nomusa Venita Smith, is it close?

MS. SMITH: (inaudible)

MR. FERVIER: All right, Mr. Searcy.

MR. SEARCY: Good morning, Field Searcy from Grady County. I'm with Georgians for Truth and appreciate the opportunity to speak to the Board. And, I stand today in support of Dan Gasaway (phonetic) in his case. It's before you on the agenda, case number 2018-104. I really appreciate that you guys are working steadily to get through a lot of back cases, but it's troubling that we have a case from 2018 that's just now coming before the Board and the public to be finalized.

I'm sure people may not be familiar with the case, but Mr. Gasaway was a representative. He lost his election by 67 votes in 2018, and he discovered that there was a the legal voting district where he lived. It's past the statute of limitations now, but since then, the congressional district lines have changed as well and it appears that in the last 2024 election, as many as 100,000 voters are voting in the wrong congressional district. So, I rise in support of that we enforce

our laws like we should be.

I understand that Cobb County enforced a strict restriction on redistricting, and that was adjudicated very quickly, but this case has been going on for seven years and I know it's not all your fault. I'm just hoping that this will be heard by the people and by the legislature and by whatever authorities need to be involved at the federal level to bring justice and transparency in our elections. Thank you very much.

MR. FERVIER: Thank you, sir. Ms. Smith.

MS. SMITH: Good morning, I'm Nomusa Venita Smith and I appreciate that even though I wasn't aware that I could sign up to speak, that you allowed me to do that. I want to address some things that took place and I want to be transparent. I don't know if everybody's aware of it, but I respect government and I respect the country constitution fully. I respect we as the people, that the government is supposed to work for the people. I was an independent candidate to be a write in for President of the United States of America in 2024.

I did all the proper precautions. I did everything that was supposed to be done with the

Secretary of State and for early voting our names were not made available. So, there were certain people that were at the Secretary of State that assisted me. They were very, very kind and professional and I made a complaint, a formal complaint in regards to our names were not made available for the qualified write in candidates for the President of the United States of America.

When I did those things, you know, certain things transpired and to no avail. I was trying to get attention to Mr. Brad Raffensperger. The Secretary of State so he'll be aware of what was going on within the government. I feel that all people, regardless of your stature, regardless of what it is that you feel deemed as a Republican or Democrat, if there's qualifications, informed and documents to be filled out for people to be applying to be the President of the United States, regardless of what people think. I think that all people should have the opportunity without any type of issues because we're not deemed a Republican or a Democrat.

I'm a one party independent candidate. I learned a lot through the process and I didn't know if people were aware that they were writing

qualified candidates that were made available or was not made available. It's supposed to be throughout the 50 states. So, I'm here today not only because of those issues that took place, but now that President Donald Trump has made it an executive order to investigate, you know, interference of the election or fraud, then that should cover all -- avenues because I did everything I was supposed to do and to no avail. Twist turns, it was just pushed under the rug. I don't know why, I had to go all the way to the Supreme Court. Here's my document that it was received.

It was pushed under the rug nobody. It's like it goes away and I don't even know why, but I'm born in this country. I'm proud of this country. Now I don't feel very confident in the fact that the policies that we're trying to change as we go along to try and hide certain things is not right. Because all people should be able, if there's a possibility for you to be the president or vice president or whatever office, if they make it available, we should not be made biased. It was biased things against me and then when I have my children to say, listen you're supposed to vote. It's time to vote. We need to vote just for whoever

Donald Trump, whoever it was. And you know, the investigation came for that, but the hearing for the, you know, my situation and anybody else's situation, it went away. So, I just wanted to show that I went all the way to the. I drove to --

MR. FERVIER: Ms. Smith if you can provide a copy of that to me --

MS. KING: I have a lot of. I have, I don't want to interrupt everybody, so I'll do all this after. Later on, but I respect this country. I respect the Constitution. It's sad that we have to do whatever politics is. It's not supposed to be that way. The people are supposed to vote, regardless if it was one vote, two votes or a million votes, but don't make somebody because I don't have the income or whatever the statute is for any one of us or yourself or anybody that you feel that, wait a minute, we're gonna just do whatever and make it go away. So, I appreciate you.

MR. FERVIER: I'm happy to talk to you about it at a break.

MS. SMITH: Okay, thank you. I appreciate you. I appreciate everybody and everybody should also understand that everybody's worthy to be anything they want to be in this country. Don't let

anybody tell you anything different. Whatever you want to be, but be with integrity and moral.

MR. FERVIER: Thank you, Ms. Smith. That concludes our public comment section of this meeting. The next item on the agenda is approval of Board Meeting minutes -- for the February 25th, 2025. A copy of those minutes are in your binders for the Board. Are there any questions or comments related to those minutes?

MS. JOHNSTON: Yes, Mr. Chair.

MR. FERVIER: Dr. Johnston.

MS. JOHNSTON: Review of the minutes. Questions the minutes for 2/25/25. In the cases pulled for presentation and discussion SEB 2022-362 was voted on and the motion failed. However, Mr. Chair, I see no disposition of this case.

MR. FERVIER: 2022-362. There was no disposition of the case. The motion did not carry, but, yeah, I remember that one well -- there was just no disposition of it. Alex, we will add that case to the next agenda. Any other comments?

MS. JOHNSTON: No other comments.

MR. FERVIER: Any comments? The Chair would entertain a motion to approve the minutes for the February 25th, 2025, as presented.

MS. JOHNSTON: With the amendment that this case will be placed on the next agenda?

MR. FERVIER: Well it wasn't, that'll be on the next agenda, but it can't be in the minutes because we didn't agree to it during the meeting then.

MS. JOHNSTON: Correct.

MR. FERVIER: For 2025. So, it'll be on the next agenda. I'll put it on there, yeah. Okay, The Chair would like to entertain a motion to approve the minutes as presented.

MS. JOHNSTON: So moved.

MR. FERVIER: We have motions or second?

MS. KING: Second.

MR. FERVIER: We have motion second. Any discussion? Hearing no discussion. All those in favor, signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Aye. Motion carries, 3 to 0. Next item in the agenda is approved minutes from the April 3rd, 2025 meeting. It's tab two in your book.

MS. JOHNSTON: Mr. Chair, I move that we approve the minutes from April 3rd, 2025.

MR. FERVIER: We have a motion to approve the minutes from April 3rd, 2025. Is there a second?

MS. KING: Second.

MR. FERVIER: We have motion to second. Any discussion? Hearing no discussion. All is in favor signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Aye. Any dissent? Hearing no dissent, the motion carries. Those minutes are approved. 3 to nothing. The next item on agenda is to approve the minutes from the April 14th, 2025 meeting. It's on tab three, any comments?

MS. JOHNSTON: Mr. Chair, I move that we approve the minutes from April 14th, 2025.

MR. FERVIER: We have motion to approve the minutes from April 14th, 2025. Is there a second?

MS. KING: Second.

MR. FERVIER: We have a motion to second. Any discussion? Hearing no discussion. All is in favor signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Aye. There being no opposition so moved motion carries 3 to nothing. We are racing along through this agenda.

MS. KING: Because there's three of us.

MR. FERVIER: That's the quickest we've ever gotten the we're now to the Attorney General report section, consent order, final orders. The attorney general's representative is here to join us today.

MS. YOUNG: Good morning.

MR. FERVIER: Thank you.

MS. YOUNG: And, I was asked to introduce myself for the court reporter and for anybody in the audience who may not know who I am. I'm Elizabeth Young, I'm with the Georgia Department of Law. We're going to start today with consent order and I believe counsel for respondent is here, Sarah Trevino. There we go, my understanding is they don't necessarily intend to make a presentation, but are here in the event the Board has any questions about the terms of our consent order.

This is a case that involves a Florida resident who's an attorney and during the 2021 Senate runoff elections that were very hotly contested, Mr. Price went and made some colorful

comments at a political speech at a political organization in which he suggested that he was going to move to his brother's address in Paulding County, Georgia, so that he could vote in that election, even though he was a resident of Florida. During his colorful commentary, he suggests that other members of the audience might want to do the same thing. Gave his brother's address for them to consider using as their residence. He indicated that he would go live there, but just for the few months of the election, and then would move back to Florida.

The next day Paulding County's voter registration officials did receive an online voter registration application submitted in his name with correct identifying information. That application was not processed. It was held for provision of additional identifying information. And also, I think by this time, Paulding County had become aware through media reports of this situation. So, Mr. Price was never actually registered, did not vote in the 2021 election, but was charged with violation of several provisions of the election code, including false registration, false entries, conspiracy to commit election fraud, and unlawful voting.

We have worked very cooperatively with Mr. Price's counsel and arrived at a consent order that we think is appropriate in that it reflects the seriousness of the offense, while also taking into account the fact the respondent has raised certain defenses and did intend to contest some of these allegations. And, also reflects the fact that our fines are capped at a maximum of 5,000 per violation. So, the consent order that we have that we are presenting to the Board contemplates a $3,500 civil penalty to fully resolve all charges in this matter. With that being said, I'll leave it open to the Board if they have any questions or if -- anyone wants to --

MR. FERVIER: And, all parties have agreed to that?

MS. YOUNG: Yes, we have -- a consent order attached to the materials with a notarized executed order signed by Mr. Price.

MR. FERVIER: Thank you, Beth. Are there any questions from the Board? Dr. Johnston?

MS. JOHNSTON: Mr. Chair, a question from my perspective to the Attorney General is I appreciate that you're taking false voter registration and false entries on voter registration

seriously and that this suggests that there should be a significant penalty for applicants who knowingly violate the law and try to register to vote with false information or false registration that they know they are not qualified to become a registrant in the State of Georgia. Thank you.

MR. FERVIER: Member King, any questions?

MS. KING: No.

MR. FERVIER: The chair would entertain a motion on this consent order, approval or not?

MS. JOHNSTON: Mr. Chair, I make a motion that we approve the consent order.

MR. FERVIER: We have a motion to approve the consent order on case number SEB2020-235. Is there a second?

MS. KING: Second.

MR. FERVIER: We have a motion to second. Any discussion? Hearing no discussion, all those in favor of approving the consent order on SEB202-235, signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Any opposition? Hearing no opposition. The chair also votes, aye. Motion carries, 3 to 0. Beth, you're up.

MS. YOUNG: Sure. Moving into the final orders. Before I jump into the particular cases, I wanted to make a few comments at the outset that apply to more than one of these cases, starting particularly with fact that you'll see that the first several cases on the agenda are quite old, and there is a reason for that. We recently, this Board, I'd say within the past year or two, began the practice of -- entering into these types of final orders.

Prior to that time, we had a situation which cases that were perhaps appropriate for either a consent order for a low penalty or an order that would recognize the violation but not penalize the respondent, such as a cease and desist or public reprimand. We're really kind of in a state of administrative limbo, because before we were doing final orders, our options really were only to either work out a consent order with the respondent or send it to the Office of Administrative Hearings for a full Administrative Procedure Act hearing, which imposes a significant cost on the Board every time that we do that and so we had a number of cases that might have been either appropriate for no penalty or a small penalty in which we attempted to work things

out with the respondent, but perhaps the respondent would be unresponsive or would refuse to cooperate and so they kind of sat in an administrative limbo for a while because we didn't really have a way of moving forward until recently.

So, we have been going through our backlog of administrative cases during this time that -- our staff is not completely swamped with litigation as it often is, and have identified some of these older cases that were kind of in that administrative limbo that we can now bring forward for a final order. So, just wanted the Board to know that context as you see case numbers that have years like 2012 and 2013 in front of them.

Starting with the first case, 2012-064. Respondent's name is Cynthia Reed. This was a Dougherty County case, and this is one of these cases that fell into this kind of administrative limbo situation where there was a violation, but an unintentional violation is what it appeared to be from the record and therefore not something we would have necessarily sent to the Office of Administrative Hearings for a penalty hearing.

This involved an employee of Pines Personal Care Home, an assisted living or facility

or nursing home in which the respondent assisted a number of the residents with filling out their absentee ballots. She did sign as assisting them. There was no effort to do anything untoward, we believe, on behalf of this respondent. But, I believe this came up in a signature match scenario. Although, she signed as assisting for them, she may have signed names for some of these residents. They may have had mobility issues or other issues that might have felt like she needed to help them by doing that.

That is not appropriate under Georgia Law. When the investigators went to the personal care home to interview both Ms. Reed and the voters in question, a couple of them actually denied that she had done this for them and said, "No, that is my signature." With the remainder the respondent acknowledged, "Yes, I did do that for them. I didn't realize I couldn't do that." So, this is one where we just feel like there was a technical violation of the code and that the proper remedy, rather than to penalize her or to take her to an Administrative Procedure Act hearing, is a cease and desist and public reprimand, instructing her to not take those actions again. So, we are recommending a

final order to that reflects that.

MR. FERVIER: Is respondent, Cynthia Reed here? No? Any questions from the Board on this? The recommendation is final order consisting of reprimand and order to cease and desist.

MS. KING: I have a question.

MR. FERVIER: Yes, Member King.

MS. KING: Is there somewhere where those who work in these facilities, are they instructed on the rules or how are they educated?

MS. YOUNG: I'm not entirely sure. I do believe I have seen materials that the Secretary of State's Office may distribute to assisted living facilities and personal care homes like this. But, that might be an appropriate thing for the Board to take a look at, because as you will see, this is not the only case like this on this agenda. It is something that we see from time to time and there's nothing wrong with, you know, obviously, people that are living in assisted living or have disability issues have the right to vote with assistance and there's nothing wrong with assisting them as long as it's done properly.

But, we do frequently see errors in which people don't understand exactly how to do things the

right way in terms of signing as an assister and making sure they know what the limitations of doing that are. So, that may be something that the Board might want to think about looking into what materials are already out there, and if the Board feels like there's some updating or deficiency in that area, that would be a great, I think, thing to do to send materials like that to these types of facilities.

MS. KING: Last question. How frequent would you say, I mean, on average, how often do you see these type of cases?

MS. YOUNG: I don't know that I can give you a, you know, statistical average. I will say they are, you know, definitely one of the more common types of violations that we see --

MS. KING: Over 50 percent?

MS. YOUNG: And, well, and I'm not sure if specific to nursing homes, but we do frequently see people that, you know, are in good faith attempting to assist somebody with ballots making errors that are unintentional or inadvertent in one fashion or another. So, those are fairly common cases, and education for people that we know are frequently put into that position would be a very good thing.

MS. KING: Okay, thank you.

MR. FERVIER: Dr. Johnston.

MS. JOHNSTON: To the Attorney General, is there a definition in the election world of a assisting a voter? Is there a definition of what assisting means?

MS. YOUNG: If you'll give me a second, let me take a look. The statute that is cited here is a fraudulent injury statute, which is the violation that this respondent was charged with. I think, in general, assistance is meant just generally to be, you know, to facilitate the voter to cast the votes of their choosing and that's where generally the lines are drawn.

Assisting a voter to physically sign is generally not permitted. I do believe that there are circumstances in which, you know, an elector can sign with an "X" or make some kind of a mark if they can't physically sign their name anymore, but that is a question of fact. And I don't know that that's something that was really at issue here. I think this person assumed that she could just help by writing it for them if they couldn't do it themselves.

MS. JOHNSTON: Correct, so my question is,

signing a person's signature is not legal?

MS. YOUNG: Correct.

MS. JOHNSTON: Under any circumstance?

MS. YOUNG: Correct, and that is, I believe, how this came to the attention of the Board is because elections officials do look for matching signatures. That can be challenging over time, as handwriting can deteriorate. But, there is a procedure for those to be validated in that scenario.

MS. JOHNSTON: Correct, and to the attorney General, is there a definition of what disabled is in the election code?

MS. YOUNG: Not specific. Not, you know, it's a flexible definition because you have to look at the facts and circumstances that are presented by each individual's scenario. There's a wide range of disabilities that might require a variety of assistance, so.

MS. JOHNSTON: Correct so there are all sorts of definitions of disability or disabled. Certainly in the medical world --

MS. YOUNG: Certainly it would be fact specific inquiry, you know, in terms of the elector's ability to perform the tasks of voting and

what level of assistance that they might require.

MS. JOHNSTON: Correct, generally it's as far as voting in elections, one thinks of a visual disability that a person cannot see the ballot and needs assistance or maybe they have crippling arthritis and can't hold a pen or pencil or actually handle the touch screen adequately. And, is there a definition of illiterate as is written in the election code --

MS. YOUNG: Not to my knowledge --

MS. JOHNSTON: Is that not English speaking or not able to read English or not?

MS. YOUNG: You're getting into a very complicated area of the law because there are a wide variety of federal laws that touch on English speaking ability and you know, have very different rules sometimes depending on the county. For example, Gwinnett county has very specific rules related to bilingual ballots. You have rules that are applicable to US Citizens that were educated in Puerto Rico and American flag schools where the primary language is Spanish. There's a lot of rules around literacy.

MS. JOHNSTON: Right, so my point is not is just for the public, is that assisting a voter is

not choosing what choices are made on the ballot. Each person is entitled and has a right to vote freely of their own free will and the assistance is simply for the accomplishment of the task of that voter voting of their own free will. So, assistance does not mean going into the voting booth and making choices for another person, correct?

MS. YOUNG: That is absolutely not permitted. It is the voter's decision and the voter must make. The voter must make the choice, but can have somebody help facilitate that choice to be recorded whether it's on an absentee ballot or on a touchscreen.

MS. JOHNSTON: Thank you.

MR. FERVIER: Any more questions? Chair would entertain a motion on this. The recommendation is to final order consisting of a reprimand and an order to cease and desist any further violations election code.

MS. JOHNSTON: Mr. Chair, I move that we approve the final order.

MR. FERVIER: We have a motion to approve the final order. We have second?

MS. JOHNSTON: 2012-064.

MR. FERVIER: Yes, we have motion and

second to approve the final order, issuing a reprimand and a order to cease and desist on case number SEB2012-064. All those in favor signify by saying aye.

MS. JOHNSTON: Aye.

MS. KING: Aye.

MR. FERVIER: Any opposition? Hearing no opposition. So move the vote carries 3 to 0. Beth, you're still up.

MS. YOUNG: Yes, the next case that we have is 2012-182. The respondents in this case are Seraphine Sanchez (phonetic) and Sheryl Lee Nicholson. This involved The Muscogee County November 2012 General Election. This was a complaint that was filed by the Secretary of State's office and this is one of our more challenging cases and one that really is more focused on the actual delay in the case. This is kind of the exception to what I had said earlier about most of our older cases maybe not being ones that we would have chosen to take to the Office of Administrative Hearing.

It's an unusual case. This again involves some violations by hospital staff members that were attempting to assist hospital residents. But, it's a little strange in that we are actually missing

some of our investigative files in this and so we've had to kind of piece together what exactly the allegations were in this case and what happened. What we do know is that hospital staff were attempting to help residents and gathered up some absentee ballots and bundled them together in a FedEx envelope, which in itself might have been appropriate. Absentee ballots are able to be mailed, and there's not necessarily a violation for assisting somebody to put it in the mail, but unfortunately, they FedExed them all to the Secretary of State's Office rather than to the local county elections officials.

Some of the ballots, two of the ballots that were included in there also did not have the proper outer oath envelopes, and the oath envelopes that were in there did not have signatures indicating the assistance. But given the, you know, questions that we have about, you know, exactly what happened due to us missing partial portions of the file, we're recommending just a straight dismissal on this one. Also, due to the passage of time, it's difficult for us to, you know, figure out what, if any, charges for Ms. Sanchez or Ms. Nicholson are appropriate at this juncture and again, there's no

indication that there was any actual intentional violation. Whatever happened here, I think this was good faith, although, albeit, you know, unfortunately, somewhat erroneous effort to try to help people get their absentee ballots filled out and sent in with some missteps along the way. This one we are recommending just a dismissal based on facts that we have before us.

MS. KING: Mr. Chair.

MR. FERVIER: Member King.

MS. KING: Were these patients?

MS. YOUNG: I believe so, yes. It says hospital residents.

MS. KING: So, are they patients that didn't have families?

MS. YOUNG: I don't know anything. You know, this is something that, that we're not real sure about because we don't have the investigators reports to see. I'm assuming these probably would have been longer term patients rather than somebody that was temporarily there in the ER or something like that. But, that's all I am willing to speculate on.

MS. JOHNSTON: Okay, question. Does West Central Georgia Regional Hospital still conduct this

ABM program? I know this is an old, old case.

MS. YOUNG: Yes, it's a very old case. And, I don't know what the status of that hospital is currently and what, if any, services they might be trying to provide in terms of assistance to their residents. I think back at this time they were trying to be helpful and just made errors along the way.

MS. JOHNSTON: Correct, in your records, although they're incomplete at this point. Did the hospital attempt to contact the election office to send a registrar to assist these hospitalized patients as is written in the code? It's permissible in the code for the registrar to send someone that's hospitalized to help them vote.

MS. YOUNG: I don't have any indication that -- came up, but again, that, you know, would be an appropriate thing for the Board to provide some education with. And in fact, if the Board wish to, you know, include in its administrative dismissal that they want to issue a letter of instruction to the hospital or send some materials to the hospital that would be entirely appropriate.

MR. FERVIER: This might be helpful. So, West Central Georgia is a consumers in need of

behavioral health care services. It's an inpatient for behavioral health and adult mental health and forensic care. So, it's not a standard hospital. It's a behavioral health.

MS. JOHNSTON: Mental hospital.

MR. FERVIER: Yeah, mental hospital.

MS. JOHNSTON: Correct. I know some hospitals have actually rehab facilities, you know, which ends up being sort of like a long term care facility and there are patients that, you know, would like, you know, that would be there over an election and would like to vote. The question about a case such as this, that I question is -- why not use the registrar's office and their employees to facilitate voting for a hospitalized person to send out registrar teams to facilitate this, rather than these coming in a packet of ballots that could be construed or look like ballot harvesting? And, we know that Georgia does not allow ballot harvesting. So, I think a letter of instruction would be in order.

MS. YOUNG: I think that my speculation is that -- might not be a widely known option to people who work in these positions and that if made aware of those options, they can do a better job taking

advantage of that. Because I'm sure they would prefer to not get mired down in the details of how to manage absentee voting as well. So, they may be very grateful to hear of that option so that they can place that responsibility in other hands.

MS. JOHNSTON: Correct. So, there's sort of that overlap between hospitalization versus just long term care facility, a long term care living facility or residence. So, are there any other questions?

MS. KING: I have one more question. Is there a form or something that the family is to fill out that says yes, we want someone from the facility to assist my family member because we're not going to help them or we are not able to. Is there any type of documentation?

MS. YOUNG: I'm not aware of that. I would say generally just based on my experience with volunteering with some long term care residents that I think there's a significant number of residents that don't have family support and that look to staff members of their facilities to do a wide variety of things from for them in their daily life. So, I would think that in, you know, hospital forms like that would be, you know, an administrative item

that the hospital would take into account. So, I'm not certain that there's a State form that's provided.

MS. KING: Okay, thank you.

MS. YOUNG: That is something I think the ICB could investigate and consider creating if that might be helpful.

MS. KING: Thank you.

MR. FERVIER: Any further questions? Chair will entertain a motion in this case.

MS. JOHNSTON: Mr. Chair, I move that we approve this with the recommendation or request to send a letter of instruction to this long term care facility or this facility -- West Central Georgia Regional Hospital -- with instruction of the proper handling of voting for hospitalized patients.

MR. FERVIER: I guess there's a procedure somewhere on that. See, we can come up with on that one. We have a motion to issue a letter of instruction on this with the instructions on proper procedures for voting for hospitalized patients.

MS. KING: Second.

MR. FERVIER: We have motion to second. Any discussion hearing? No discussion. All those in favor signify by saying aye.

MS. JOHNSTON: Aye.

MS. KING: Aye.

MR. FERVIER: Aye. Any opposition? hearing no opposition, so moved.

MS. YOUNG: The next case that we have on Our agenda is SEB case number 2013-035. This is a Sumter county case. The respondents are Edith Green and Lashana Williams (phonetic). The complainant was the Sumter County election supervisor, Robert Brady. It was referred to our office for there were three cases total. One was -- resolved with a letter of instruction. Each of these involved, again, this is an assistance on an absentee ballot issue. As to respondent Green, she assisted Bessie and Arthur Robinson with their absentee ballots.

There doesn't appear to be any dispute that they were entitled to receive some assistance. But, she failed to sign the absentee ballot envelope as assisting. You know, when she was, when the investigator conducted their interviews, they felt that there was no intent to either misdirect the voters or misrepresent the voter's intent that she was trying in good faith to assist them and made a more technical violation of by simply failing to fill out the assistance portion of the absentee

ballot envelope. So, on those facts, we don't think this is a penalty case and would recommend that the Board accept reprimand and cease and desist order.

As to Respondent Williams, there was a count of unlawful possession of ballots. There's some evidence to suggest that she violated OCGA 21-2-574 by mailing absentee ballots of the same individual, Bessie and Arthur Robinson, to the Board of Elections for them, but she's not related to them and did not live in the same household at the time that the violation was occurred. Both the SOS and the Board had kind of a strict liability rule regarding the possession of ballots.

After this case came over to our office, the Attorney General issued an opinion 2016-02 that says that, "Merely having a ballot in your possession for some period of time is not unlawful possession", under that statute, and that conduct, therefore, does not constitute a violation of that statute. So, we're recommending dismissal of that charge.

There was also a violation of OCGA 21-240-9B, which is assisting electors who cannot read English or who have disabilities. Respondent Williams assisted a cousin of hers with his absentee

ballot. And again, there's no indication, there's no dispute that he would have been entitled to assistance and she did sign his ballot as assisting, but she was related to one of the municipal candidates who was running and therefore was disqualified as a person to give assistance.

That does, you know, mitigate, you know, in terms of why this case was referred to us. But, given that this was her cousin, requesting her assistance, there was no indication that she was trying to do anything untoward, and that -- relationship that she might have had to one of the candidates would have played into that. Also, there's a federal statute that provides that voters that are requesting assistance are entitled to a person of their choice.

So, for that reason, we are recommending a disposal dismissal rather than a reprimand in this case, because I think there's, you know, a good argument that any technical violation of the law is sort of superseded by the facts in the statute, the federal statute.

MR. FERVIER: Member King.

MS. KING: Just want to point out something because we do have new investigators here,

as well as seasoned investigators. You mentioned a few times that you determined that there was no intent to do anything malicious based off of several different things. Do you have a criteria? How do you determine what someone's intent is?

MS. YOUNG: Well, obviously, intent is very subjective, and it's hard to determine what is going on in an individual's mind. We look for any indication indications in the file that would suggest an intent to us, and we did not find any in this evidence --

MS. KING: What are some of those indications?

MS. YOUNG: So, you know, I can think of cases in not this case, but other cases where we have been able to make a case for intent based on certain facts and circumstances. I can think of cases where the assister, you know, there was the appearance that the assister wasn't really trying to reflect that person's actual vote and was trying to get votes for a particular candidate.

That -- there was a link between the candidate. There is a link between this candidate here, a candidate here, and the assister. But, this is different case than what I'm talking about

because this is not somebody going around trying to round up votes for this candidate. This is a cousin who's very close to the person who would be a very logical person to try to help their cousin vote. So, you know, we're not seeing, you know, a case that could be made for an intentional sort of we're trying to manipulate that voter's vote rather than just help the voter to vote.

MS. KING: Okay.

MR. FERVIER: Do you know the relationship she had with a candidate? Was she a cousin? Was she a?

MS. YOUNG: It says all I know that she was related to one of the municipal candidates as well. If you give me a second, I might --

MR. FERVIER: Could be close, could be far --

MS. YOUNG: Be able to see what their relationship is, but it is not in my notes.

MR. FERVIER: Okay.

MS. YOUNG: I do think that there -- was pretty persuasive evidence that the cousin that she was assisting was very close relationship. That, you know, it appeared to be logical that she would be the person helping him.

MS. KING: And, they probably voted the same? That's what we're assuming because of their relationship?

MS. YOUNG: Well, I've got some real close family members that vote very differently than me, so I wouldn't necessarily assume that, but.

MS. KING: Okay, all right, thank you.

MR. FERVIER: Dr. Johnston any questions?

MS. JOHNSTON: Just a question. You just mentioned that a voter can select anyone they want to assist, but there's the caveat about not being related to the candidate, correct? You're saying --

MS. YOUNG: I feel like there's a conflict between Federal and State law here. There is a federal law that, it's 52SC10508 that talks about the voter being able to get assistance from a person of their choice and yeah, that is in, that does, you know, conflict to some degree with 212-409 and the provision that there should not be a relationship there with the candidate.

I think the combination of the fact that this is likely to be the person that the voter wanted and the fact that there is federal law and that leads us to believe that this would not be a charge worthy violation of 212-409. If the Board so

wished, it could vote to do a cease and desist and a reprimand in lieu of a dismissal. But, I don't believe this is a penalty type of case and I wouldn't recommend that the Board pursue a penalty against this person. But, if the Board wanted to do something a little more curative, the Board has that option. It's up to the Board to decide.

MR. FERVIER: Yeah, the one issue for me is the relationship here because I have 47 first cousins I don't even know, you know, and, but so is it somebody that they're closely related to and they know or somebody's just a relation? You know?

MS. YOUNG: Just a second. I'll see if I can find it --

MS. KING: And, if we're not determining, if we're not doing DNA testing, then, I mean, it -- shouldn't really matter.

MR. FERVIER: Well, I mean, if I was -- doing the investigation, I would want to know what your relationship is with them. I mean, like I said, I have cousins. I have no clue who they are and really don't care, you know, which wouldn't affect my voting then. But, if it was my sister, I'd be sure to vote against them.

MS. KING: I got it.

MS. YOUNG: Give me just one second. I'm looking to see if I've got any more details in here that didn't make it into my notes.

MS. KING: I just feel like there's no way to properly confirm. I mean, I can say it's my cousin and, you know, there's no way to properly confirm. Then it's just anyone who says it's a family member.

MR. FERVIER: It kind of goes back to the intent with me though.

MS. KING: Right.

MR. FERVIER: You can figure out intent a little bit more if you know what that relationship is, so.

MS. KING: That's true.

MS. JOHNSTON: I would just be cautious to suggest that it's okay for relatives of candidates to -- send out and, you know, cover the county with soliciting all the cousins votes. If we're -- going to fall into a problem here with --

MS. YOUNG: Looking at this, I do see a note in the file that the assister was the sister in law of the candidate. So, that is also a close relationship as well. You know, if the Board would like to pull this and look at options such as a

cease and assist reprimand --

MS. KING: Yeah, letter of instruction --

MS. YOUNG: The Board has the ability to. Our office does not have the ability to require or recommend a letter of instruction. But, we certainly cannot officially suggest that -- would be appropriate here the Board has the authority to -- issue letters of instruction as it chooses.

MR. FERVIER: Yeah, going to make that public. We just had some discussion on that. So, we have a letter of instruction. We have a recommendation for a letter of cease and desist, and the letter of reprimand. Problem I have is with the age of the case.

MS. KING: Right.

MS. YOUNG: And, one thing I would caution is, you know, the analysis of when a federal law preempts the state law is a complicated one. And that is, you know, something that we would have to take a very close look at too. And, I think we should be careful about assuming that the federal law either does or doesn't fully preempt the state law in this scenario. We certainly don't see this as a case where we need to get the courts involved in terms of, you know, on this particular issue to

make that determination, but we may want to exercise some caution in terms of any orders or letters of instruction that we are mindful of that because there is a statute that, you know, puts a heavy weight on the voter being able to select the person of their choosing.

MR. FERVIER: Yeah, my -- thought, Dr. Johnston, is if it were a newer case and not 12 years old and we had access to more the file, then I would feel more comfortable with a reprimand as opposed to an instruction. But, if it had happened last year, but it's just such an old case and I haven't, you know, we haven't really been able to digest the entire file on that, so.

MS. KING: Yeah, and I was thinking that because of the length, the timing, that if this person is still here, they're still voting. I would rather be instructed on how to go about this the correct way so that we don't see them here again because then at that point I think we would have to escalate. But, just given the fact that it's pretty old --

MS. YOUNG: I'm not certain that the voter is actually still living at this time.

MS. KING: Exactly, that's assuming there

here, yep.

MR. FERVIER: The chair would entertain a motion.

MS. KING: Yeah, I make a motion that we approve with a letter of instruction --

MR. FERVIER: On the third --

MS. KING: I'm sorry --

MR. FERVIER: We need to address each of them --

MS. KING: This one, SEB2013-235 --

MR. FERVIER: So, there's three different things here. The first, the very first case Green was recommend the Board accept proposed reprimand and cease and desist order. The second one was to dismiss because there's not a violation, and the third one would be to issue a letter instruction --

MS. KING: Letter of instruction on the third --

MR. FERVIER: Is that your motion?

MS. KING: Yes.

MR. FERVIER: So, we have a motion on this case, SEB2013-035 to issue a letter of reprimand, cease and desist with respondent Green, a dismissal on the first claim against respondent Williams, and a letter of instruction on the second claim against

respondent Williams. Is there a second?

MS. JOHNSTON: What is the motion, please?

MR. FERVIER: The motion is to issue a letter of reprimand and a cease and desist on the first violation against respondent Green, to issue a dismissal where no violation was found on the first case against respondent Williams, and issue a letter of instruction on the second case in violation found against respondent Williams. We have a motion and a second. Any discussion? Hearing, no discussion all those in favor signify saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Aye. Hearing no dissension, so moved.

MS. YOUNG: Our next case is 2013 -- Oh, sorry.

MR. FERVIER: Please.

MS. YOUNG: Our next case is 2013-070. This came from Calhoun in Early County. It was referred by a candidate. The respondent in this case is a gentleman named Neil Magahee (phonetic). Was referred to our office at the -- April 3rd, 2018 meeting. The candidate had submitted a complaint to the Secretary of State's Office involved the

November 5th, 2013 City of Arlington, Georgia municipal election, alleging that people that had lived outside the Arlington city limits were voting in the city election.

When they went through, they found that all of the challenged individuals lived in the city and were properly voting in that city except for one, Mr. Magahee and he initially told investigators that he had been living with his parents and had just moved to a new address right outside the city limits and that he had forgotten to update his registration, but he also said that he had been getting some pressure from people to vote in the Arlington election, including from his boss.

He seemed -- to have some difficulty understanding that it was a violation of election law to vote in a city that -- in which you do not reside. Over the years, we attempted on numerous occasions to try to work out a resolution with him because this was what we believe to be a fairly clear violation, but not a particularly significant one. We did think that a fine would generally be appropriate, but a very small fine. We had initially proposed 250 dollars, and then we tried to get them to agree to a 100 dollars.

We cannot impose a penalty without going through a full APA hearing and when he completely refused to enter into a consent order for a fine and then said, changed the story and said, basically, I was living with my parents at the time, which is not corroborated by the facts that we find in the file. But again, it is our burden of proof to prove by the preponderance of the evidence where he was living and his testimony on that is going to be admissible in evidence.

So, based on these facts and the fact that this is not the type of case that would generally result in a significant fine, this is one that we didn't feel like we should send to OSA for a full hearing, but we're kind of stuck in the situation of not being able to get a consent order either. So, that explains why it kind of sat around for as long as it did. Now we think this is kind of one of the perfect cases for a final order and reprimand.

Finding that he did violate the law and telling him to cease and desist and not to do that again. And, I will note in cases like this that to the extent that this particular respondent or any respondent in which a final order is entered, if there is ever a violation of election law again by

that person, then at that point a reprimand order would carry a lot of weight, I believe, with an administrative law Judge and make that Judge much more inclined to impose a significant penalty for any future violation. So, we think that this is one where our final order is appropriate resolution for this matter.

MR. FERVIER: Is respondent Neil Magahee here? No, okay. So, Mr. Magahee lived outside city limits. That was confirmed. Then he was untruthful and said he lived with his parents, which we know was untruthful --

MS. YOUNG: Initially he admitted that he did, you know, and he said, oh, I just forgot to change my registration. And then he said no, I was living there at the time.

MR. FERVIER: He had alternating stories?

MS. YOUNG: Yeah, I think when he realized that --

MR. FERVIER: Love those --

MS. YOUNG: That -- was a violation of the law that he decided --

MR. FERVIER: Is that if it went before the administrative law judge, they would probably just slap the guy on the wrist and we'd pay a lot of

money, the Board pays for those administrative hearings and we'd pay a lot of money to give the guy a minimal fine if that were the case and it's a 12 year old case again, so.

MS. KING: Is the maximum fine still the 5,000?

MS. YOUNG: Yes.

MS. KING: And, he rejected $100?

MS. YOUNG: He said that he was not willing to enter into any kind of consent order. He did not want to admit any violations.

MS. KING: Hm.

MS. YOUNG: And, we do see them from time to time. Sometimes people will just dig in and more often we'll just refuse to respond. I believe this respondent did I believe respond to some degree that he was not going to accept a consent order.

MS. KING: Just sounds like we have someone who is like you said, having conflicted stories, not being truthful, and then not willing to take accountability either. Can we ensure that he's fined?

MS. YOUNG: Not without a full Administrative Procedure Act hearing.

MS. KING: So, basically he just to --

MS. YOUNG: And you know, we would have to prove that he was not in fact living at that address at the time in 2013. That's, you know, we don't have sworn testimony from him. We have, you know, written recordation of hearsay statements that were made. There's no guarantee that if we brought this to the Office of the State Administrative Hearings that we would get a finding by the preponderance of the evidence that he had in fact violated the statute. It is our burden.

MS. KING: So, our option is either we have to pay a lot of money to go through this process for him to get a 100 dollar fine or pretty much let him walk free from this with no accountability?

MS. YOUNG: Cease and desist and a reprimand. A reprimand is a sanction and it is one that, you know, I will say ALJs, you know, if they see that person again after they've already been reprimanded once, I think that makes an administrative law Judge far more inclined to impose a much more significant penalty than they might for a first time offender or one that they feel like might have made a more innocent mistake.

MS. KING: Okay.

MS. JOHNSTON: Beth, what is the violation that we're talking about?

MS. YOUNG: Okay, so we have two code sections, it's 212-218F which provides, "No person shall vote in any county or municipality other than the county or municipality of such person's residence", except as provided in subsection E which does not apply to this case. And also 212-216A, "No person shall vote in any primary election unless the person shall be a resident of the county or municipality in which he or she seeks to vote."

MS. JOHNSTON: Is the code 212-570 applied? I'm sorry, 571 voting by an unqualified elector.

MS. YOUNG: Quite possibly our office typically, you know, when we see a case that could have possibly implicated other parts of the election law, but we were not referred a case, you know, finding those violations, we tend to not want to on our own initiative, add additional violations that this Board has not recommended, but certainly an argument could be made. We actually see that fairly commonly. There may, there might be cases where we might feel compelled to add a violation if we saw it. And, I think the law would permit us to do so.

But, in this case, since 21-216 and 218 very clearly cover this and are appropriate violations. That's all we've included in our final order. By the way I do want to make sure that everybody on the Board is aware that we -- did send around a corrected final order. Thanks to Dr. Johnston for noticing. We did have a copy paste error where we inadvertently included a provision that was not -- the correct provision just due to a simple copy paste error and a corrected version has been recirculated. So, if the final order does end up being signed we just ask to make sure it's the correct one. Thank you for catching that.

MS. JOHNSTON: So, this is such an old case. Is the respondents to still alive?

MS. YOUNG: I have no reason to think that he would not be. He was living with his parents at the time so I assume he was. You know, I'm not certain that I can try to investigate that further if you'd like.

MS. KING: So, we're unsure if he's going to even get the letter of reprimand? Do we know where he is right now?

MS. YOUNG: We have pretty good resources to be able to get current addresses. Not as good as

actually the Secretary of State's Office has access to information that our office or at least that I at my office do not.

MR. FERVIER: We're not going to send --

MS. YOUNG: Depends on what division you're in what kind of access you have to GCIC and other things like that. But, we have some pretty decent resources.

MR. FERVIER: Back when he was back at his parents house, he doesn't live there --

MS. YOUNG: We can provide. We should be able to provide a pretty good address for that person.

MS. KING: Maybe we should send it to his parents house.

MR. FERVIER: Copy of it.

MS. JOHNSTON: So, this case is so old and I'm glad you're cleaning this up and bringing this to us. These cases that have sort of fallen between the cracks there is a every indication that this person violated 218F and 216A and potentially although it's not referred to you there's a possible violation of -- 212571 which is a felony. So -- if you're an unqualified voter and you vote giving false information when you sign that ballot that

everything is true and correct and you're eligible to vote, that is a felony. We want people to vote and we want people to vote legally and of their own free will. So, I don't think it's our place to add 571 to this case and I would recommend that I make a motion that we approve the final order for 2013-070.

MR. FERVIER: We have a motion to approve the final order which issues a letter of reprimand and cease and desist. Is there a second?

MS. KING: Second.

MR. FERVIER: We have motion second to approve the final order for SCB2013-070. All those in favor, signify by saying aye.

MS. JOHNSTON: Aye.

MS. KING: Aye.

MR. FERVIER: Any opposition hearing? No opposition. So, moved 3 to 0. Next case is SEB2022-021.

MS. YOUNG: 2018-021, that is coming out of Stewart County. The respondents in this case are the County and Alfreda Hudson (phonetic), who at the time was the interim elections supervisor and this came at a time where they had gone through some turnover. In fact, Ms. Hudson was not. She was working there at the time, but I'm not sure she was

working in that capacity. The Board voted to refer this over for violations of 212-381, 403-418B3-79.7, and SEB Rule 183-1-12-.02, subparagraph 3D7. This began when the respondents issued the wrong absentee ballot to an elector. And this was back before we had our current voting system. So, this was the old machines, if people remember those that really big DRES.

The respondents apparently issued an incorrect absentee ballot to the elector, who then came in and tried to vote on the day of the election at the Richland precinct polling location. They had problems at the poll that day. They had some big problems because the voting machines had gone down. There were not accepting voters at that time because they were trying to figure out how to get the voting machines back online. They were busy contacting the county registrar, other counties, Secretary of State, and Kennesaw State, where there's experts there and so as they were doing this, the same elector came in trying to say, hey, you gave me the wrong absentee ballot. I want to vote in this one.

And, what should have happened is that elector should have been issued a provisional ballot, but I think they basically just sent them

away. There was also some evidence that there was some failure just to display the card instructions and voting rights posters and that there wasn't a voter disability device equipped to some of the DRES at that precinct. The election supervisor acknowledged that they were in the middle of a chaotic situation. They had -- a lot of key election staff, including the previous election supervisor, leave about a month before this.

After the election, they implemented a ton of poll worker training that, you know, much of which specifically addressed the problems that had happened on that day and how things could have been handled better. And, also since that time, we now have new equipment that, you know, would hopefully prevent this from happening again based on this, you know, we did not feel that it was appropriate to penalize the elections worker even though errors were made and are recommending that the final order be entered calling for a public reprimand and cease and desist rather than impose any penalties against Stewart County for what happened on that day.

MR. FERVIER: Is there anybody from Stewart county or is Alfreda Hudson here that would like to respond to this?

Unknown: I'm sorry I didn't understand can you repeat what you said?

MR. FERVIER: Is there anyone from Stewart County or is Alfreda Hudson here? That would like to respond to this particular case, no. Any questions from the Board on this case?

MS. JOHNSTON: A question, Mr. Chairman. Does the letter of reprimand go to the supervisor that quit or the current county registrar or supervisor?

MS. YOUNG: Well, so if there's a final order entered, we would send it both to Stewart County and to Alfreda Hudson -- I'm not sure she even still works there anymore. But, since she is the named respondent, we would want her to be advised of any final order that is entered that might involve her. But, the Board is certainly welcome to provide additional information to any county officials that they feel like might need additional information.

I do think that they learned from the experience and did conduct specific training to hopefully avoid a repeat of this type of incident in the future.

MS. JOHNSTON: Stewart County has a

population of 5,314 people, not a large county, but my sympathies go out to any person that is dubbed the election supervisor one month before an election which and certainly there are, there's a laundry list of violations included in this final order. So, I just to wanted to make sure that all of you are aware that the previous supervisor quit one month before the election and some poor supervisor had to try to pick up the slack and run an election.

MR. FERVIER: Any question, Member King? The chair will entertain a motion on this case. The recommendation is to issue a letter of reprimand and a cease and desist.

MS. KING: Yeah, I make a motion that we approve it and as is.

MR. FERVIER: We have a motion to issue a letter of reprimand and a cease and desist on case SEB2018-021. Is there a second?

MS. JOHNSTON: Second.

MR. FERVIER: We have motion to second. Any discussion? Hearing no discussion. All those in favor signify by saying Aye.

MS. KING: Aye.

MR. FERVIER: Dr. Johnston.

MS. JOHNSTON: Aye.

MR. FERVIER: Aye. Motion carries 3 to 0. At this time the chair will entertain a motion for a comfort break or you're going to lose your quorum.

MS. KING: So moved.

MS. JOHNSTON: Second.

MR. FERVIER: We have a motion to take a 10 minute comfort break. All those in favor, signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Thank you, motion carries.

(Recess taken)

MR. FERVIER: Welcome back. I hope you all are as comfortable as I am at this point. The good news is we got through page one of the agenda. I want to make a couple announcements. We're going to go out of order on some things today to try and accommodate those of you that have driven for long ways. Also, anybody that came for the specific purpose of hearing the discussion and adoption of the rule that is listed in the agenda. The person who proposed that rule emailed yesterday and wanted that rule continued to the next meeting. So, we will not hear that rule today. It'll be heard at the July meeting. So, if you're here for that sole

purpose, you can leave.

And, then we have the next item on the agenda after we finish the Attorney General cases is to hear investigative reports and the case will be dismissed. We're going to go out of order though, and I want to be cognizant of those people that have driven -- a long way to get here. So, if you're from Decatur county or Thomas county or McIntosh or Ben Hill, Bryan County, Chatham County, Toombs County, City of Richland, City of Fort Valley, City of Camilla, and the Glynn County cases, we're going to hear all of those at the very first so that y' all can get out of here today.

And then, you know, depending on how things go, it may or may not roll into tomorrow, but we will be out here at 5 o' clock today probably and maybe back in the morning. So, that's the order that we'll go in. Let's go ahead and continue with the cases presented by the Attorney General, the Attorney General report. So, the next case in the agenda is SEB2020-001. It is tab number 11. Hang on a second, okay.

MS. YOUNG: Okay, is my mic not on? Okay, and I've been told to speak louder and to make sure that I speak into the mic, which I will try to do.

This case comes from Putnam County. It involves the November 6th, 2018 general election. We're getting closer to this decade and this is a pretty simple case. It's another one of these, improper assistance on an absentee ballot case. This is, this is Mr. Reed. Samuel Reed is the respondent. He was helping his 80 year old sister, Ms. Leola Reed (phonetic), with her ballot. She had a shaky hand. According to him, she was 80 years old and he signed her name for her.

He did identify himself as the person assisting the elector. This is similar to the other cases, some of the other cases that we have seen today. It's a technical violation of the election code, but -- it doesn't appear to be an intentional one, not one that we would recommend sending to the Office of State Administrative Hearings to try to seek a penalty sanction to be imposed against this gentleman. And, no evidence that Mr. Reed was trying to do anything other than properly assist his sister in getting her ballot completed. So, we recommend this one for a reprimand and cease and desist, final order.

MR. FERVIER: Is Samuel Reed here today? Mr. Reed's not here. Is there any questions from

the Board on this case?

MS. JOHNSTON: Question.

MR. FERVIER: Okay.

MS. JOHNSTON: Is Mr. Reed continuing to assist and sign the signature for his 80 plus sister?

MS. YOUNG: Not to my knowledge, but we would not have that information or file necessarily. So, this one got caught on a signature mismatch by the Secretary's Office. That's how this one came to our attention. I don't know to what extent Ms. Reed, who was it, sounds like 80 years old and poor health at the time of that particular election. I'm not sure what her voting history after that would have been.

MS. JOHNSTON: Is signature match still being performed for absentee ballots?

MS. YOUNG: I am not aware exactly what the Secretary's Office is doing in terms of seeking that. It is one of the ways that ballots can be authenticated by. But, we've had a lot of changes to the absentee ballot rules that require more provision of voter ID rather than relying on signatures in an effort to try to give something that -- doesn't require elections officials to go

through and match signatures. So, I think that the trend has been more towards seeking provisions of identification documents rather than signature mismatches at this time. There are still records available. If there's some kind of a dispute, those could be looked at.

MS. JOHNSTON: All right, so my question, it's a rhetorical question, is if somebody assists an absentee voter and matches are only performed on, say, driver's license number, last four of the Social Security number, then there's no review or verification of the signature of the voter versus the assistant. Correct?

MS. YOUNG: Well, you know, I know that SB202, you know, has changed the way that absentee ballots are processed and whether that will reflect any changes in terms of how that, you know, causes enforcement cases to either come to our attention or not. It's kind of too early for us to tell because we're still just seeing, you know, cases coming to us, you know, under these new rules. So, it's too early for us to tell how that might impact these types of cases.

MR. FERVIER: Any further questions from the Board? Chair will entertain a motion. The

recommendation is to issue a final order with a reprimand and cease and desist.

MS. KING: I make a motion that we approve the consent as read.

MR. FERVIER: The final order?

MS. KING: The final order.

MR. FERVIER: We have a motion to approve the final order issuing a reprimand and a cease and desist. Is there a second?

MS. JOHNSTON: Second.

MR. FERVIER: We have motion to second. Any discussion? Hearing no discussion. All those in favor of approving the order to issue a letter of reprimand and cease and desist signify by saying aye.

MS. JOHNSTON: Aye.

MS. KING: Aye.

MR. FERVIER: Aye. Motion carries 3 to nothing. SEB2020-001 has been removed at the request of the Attorney General. So, we'll go on to SEB2020-148, which is tab number 13 in the binder.

MS. YOUNG: Yes, so this is a case that comes from Chatham County, the November 3rd, 2020, general election and it involves a respondent named Edward Gresham who had posted on his Facebook page

that he intended to give away free food to individuals at a concert that evening if they showed up with their "I voted" sticker. That is a violation of OCGA 212-570, which provides that it is illegal to incentivize people to vote, even if it's not for any particular candidate. You're not supposed to provide financial rewards or any other kind of incentives to cast your vote.

However, although he did post that on his Facebook page, what ended up happening at the concert that night was that he ended up kind of giving away free food to anybody and wasn't really looking for "I voted" stickers. And he testified, told the investigators that he didn't intend to really give specifically free food just to people with their "I voted" stickers, given the way things played out, and that he didn't really actually appear to be giving any additional incentives to people that wore "I voted" stickers versus not.

We don't think that this is a penalty case, although the technical, even just the offer to do that on Facebook is technically not appropriate. We didn't think there's any intention to violate the law and so are recommending that a cease and desist and reprimand be entered in a final order.

MS. KING: I have a question. So, this past election cycle, I went to a couple of precincts and it appeared to be almost like a carnival. There were people that after they voted, they were handed funnel cakes and snow cones and all kinds of things after they would vote. How is that any different from what this gentleman is doing? Why is that allowed?

MS. YOUNG: So, and I don't want to speculate on the facts, you know, of any particular thing where I don't have a full knowledge of what happened. I would say that one distinction that seems apparent to me is the attempt to induce somebody before they vote. So, this person had posted on Facebook, you know, if you show up with your "I voted" sticker today, I will give you free food that could, in theory, cause somebody who wasn't planning to vote to then go out and vote.

Whereas, you know, the things after the election, the voting is a fait accompli. You've already done it would be, I think, what a respondent would argue would distinguish that from being a violation.

MS. KING: So, having a DJ and giveaways on the corner beside the precinct before they vote

is not enticing them to vote?

MS. YOUNG: I would want to be very careful about weighing in on opinions of a case that could come to us later when we haven't, you know, given the investigators the, the opportunity to gather evidence and present a file. I think your concern is noteworthy and, you know, it becomes a question of degree and whether the facts would, you know, you have to look at the particular facts of the situation and whether or not they rise to what you would consider to be a violation of the statute, which really looks towards incentivization.

MS. KING: Yeah --

MS. YOUNG: So, you know --

MS. KING: I want to be fair and, you know, to reprimand one individual while we have these elaborate parties going on at precincts -- on election day seems a little unfair to me, but I think we absolutely need to look into that because it is enticing. There are signs out that says, you know, honk if you haven't voted or come here and make sure that you vote here. You know -- that is absolutely enticing people, particularly when you're doing it during early voting, when you don't have to go to an assigned precinct. So, if I'm just riding

down the road and I happen to be hungry and I see signs that say, hey, grab a funnel cake after you vote -- that's enticing them to vote.

MS. YOUNG: Well, you know, again, you'd have to look at the facts and circumstances. You'd also want to look at things like, you know, SB189 provides some, you know, specific ground rules, you know, areas where you cannot provide food and water, for example, by negative implication outside those areas may be permissible.

And again, you know, you look at because general get out the vote campaigning and activities are perfectly appropriate as long as they don't run afoul of one of these provisions. So, you know, you'd have to look at exactly what happened in the particular circumstances and see, you know, did they say, you know, within the area of what's permissible versus not, but in general, offers of food, specifically, if and only if you vote. Like this case. You know, if you and we've had other cases like this as well. You know, I remember one involving free slices of pizza at the pizza restaurant. If you had your "I voted" sticker.

As nice as that sounds, and as good a thing as voting is, we don't permit people to be

incentivized to vote. You need to vote out of your civic duty not to receive a reward.

MS. KING: My final comment is I do think that this will set precedent so that we can, you know, refer back to this. But, I do want to be on record noting that I find both methods as wrong. Whether you are 100 feet from the door and you have a booth and you're handing out gifts and food and partying and all kinds of things get people to come in and vote in that specific precinct, or you're posting on social media and asking people to bring their sticker to get things.

And, I say this because when I walked up, I didn't have my badge on or anything, and I walked up and I saw someone with a plate of food coming out of the precinct area. And I said to them, you know, where did you get that? Or what's that for? And they said, well, if you go vote, you'll get one, too. That's what the person said to me. So, again, if we're gonna reprimand one person, then we can't allow precincts to set a different example, and then we're seemingly allowing them to do the same thing. So, I will support, you know, your approval when it's time.

MS. YOUNG: And, it sounds like they're

making sure, you know, some complaints. There may be complaints processing their way through the system that have not made it to our office yet.

MS. KING: But, we do have precedent with this one. Thank you.

MS. YOUNG: Thank you.

MS. JOHNSTON: A question, Beth. In the summary that was given to us, one of the sentences says the respondent posted on Facebook on November 1st, 2020, suggesting he would give away free food. What does suggesting mean in this Facebook post?

MS. YOUNG: Honestly, I do not have the exact Facebook post in front of me. I probably have it in my file if you want me to take a look and see what it says. But, I assume that the Facebook post probably, you know, was pretty clear to a reader that the message was that if you had an "I voted" sticker, you get free food at that event, which is not, that would violate the law and I think our recommendation for leniency is because everybody at the concert got free food, regardless that we felt that was a mitigating factor for this particular gentleman.

MS. JOHNSTON: I guess my question is, did he or did he not offer to give with regards to free

food or any gift of value? So, if he posted it on Facebook, I don't think I would call it suggesting. It sounds like if you post it on Facebook it's an offer. It is or it is not.

MS. YOUNG: I'm looking to see if I. We probably have it in our file, but it may take me some clicking around to finding it --

MS. KING: You do have the case and you do have an image of the post?

MS. YOUNG: I think that we most likely do in our file, but I don't have it in -- my particular notes for the case. But, I can certainly, if you want to allow me to take a minute, I can pull up the file itself and see if there's an image in there that can be shared.

I think the implication was, you know, either the wording was sufficiently specific where the inference was sufficiently specific to lead to a complaint, and I think that it had every apparent intention of, you know, and, you know, we see this from time to time. People don't always realize that that's inappropriate because voting is a good thing. And they, you know, they think they're just sort of, you know, incentivizing people to do a good thing without realizing that -- is a fairly serious

violation of the law.

And, you know, the mitigation here is that, you know, by the time this event actually happened, there was no differentiation of how you were treated based on whether you voted or didn't. Everybody at that concert was getting free food of some kind, whatever he was serving that day.

MS. JOHNSTON: So, let me read for the people in the room and maybe those that are listening, the code 212-570 that election law says, "Any person who gives or receives offers to give or receive or participates in the giving or receiving of money or gifts for the purpose of registering as a voter, voting, or voting for a particular candidate in any primary election shall be guilty of a felony." So it's short, and it's very much to the point that it's serious. Call it electioneering or whatever you want, but the offer of a gift or money for any of those situations is a felony. So, this was actually sent to the AG before any of us were on the Board. And, I think we'll look at these maybe with more instruction -- as we send cases like this to the Attorney General in the future.

MR. FERVIER: Any more questions? The chair will entertain a motion.

MS. JOHNSTON: Mr. Chair, I move that we accept the final order. Order for 2020-155 by the Attorney General.

MR. FERVIER: We have a motion to accept the final order for case number 2020-155, which is to issue a letter of reprimand and cease and desist. Is there a second?

MS. KING: Second.

MR. FERVIER: We have motion to second. All those in favor, signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Aye. No dissension, motion carries 3 to 0. Next case, SEB2020-280.

MS. YOUNG: Yes, this is a case involving Clinch County, particularly the January 5th, 2021, general runoff election and the respondents, Lena Balance (phonetic), who is the elections supervisor and the registrar for Clinch County, as well as the Board of Elections. I want to start out by saying that when this was discussed at the December 19th, 2023 meeting, I think this is one of the Board would have otherwise been inclined to issue a letter of instruction on. But, the Board at that time was very bothered by the fact that neither Ms. Balance

nor anybody else from Clinch County appeared at the meeting. At that time, there was no notice given to Board members that failure to appear at the meeting might have any consequence. It was very much, you know, the suggestion was if you have something, something you want to present to the Board, you are welcome to attend. I think that language has since been changed, but I did want to throw a cautionary word out there for the Board that if the attendance of the respondents is important and will factor into how the case is handled to make sure that, and I believe this is the case now, that the respondents are properly advised as to what the consequences of failure to appear would include.

This case involved two UOCAVA ballots. These are for our overseas and military members and they have some very tight turnarounds on some of these ballots, particularly in this particular situation was the runoff of the senatorial primary. So, these were elections happening in quick succession and there were two ballots from this county that did not arrive to the electors in time. We believe, looking at these, that both of these ballots were not sent to the to the voter due to errors on the registration forms themselves.

In the first instance Chambel Clark (phonetic), there was a period in between the first and last name on the email address that on the handwritten form, it was very difficult to see. So, the ballot, and this was one that involved an electronic overseas ballot, went to what looked like the right address for her email, but was in fact not the right address. A bounce back message was received and the Board of Elections as quickly as they could, turned it around to get the ballot to the proper address, but by that time they had already missed the statutory deadline.

With the second elector, you had a situation where they had put a mailing address and it was returned by the USPS with a notation that the mail was not forwardable at that address. The elector had not provided a phone number or an email. And -- Ms. Balance went so far as to going on social media, finding the voter's mother, tracking her mother down from social media to try to get this voter her ballot and you know, finally ended up sending it to an address that was validated by the mother.

So, it really went the extra mile, but again as a technical matter did not get the ballot

to the elector within the appropriate time. We do not feel that there is certainly not a situation where this person who really did go the extra mile should be penalized for her conduct and given the facts of the case and the fact that the elections director wasn't provided the correct information in the first place, we don't feel that there's even a cease and desist or reprimand that should be entered in this when we are going to ask that it be just dismissed administratively dismisses the final order.

MR. FERVIER: It appears that Clinch County went to extraordinary efforts to get these ballots delivered.

MS. YOUNG: Honestly I think, you know, she tried real hard to get these voters their ballots so that they could vote in that election.

MR. FERVIER: Any questions from the Board? No? The Chair will entertain a motion on this case. The recommendations to dismiss the case.

MS. KING: Making motion that -- we approve the dismissal of this case.

MR. FERVIER: We have a motion to approve the dismissal. Is there a second?

MS. JOHNSTON: Second.

MR. FERVIER: We have motion to second. All those in favor signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Aye. Motion carries, 3-0. The next item on the agenda is SEB2020-280 tab number 15.

MS. YOUNG: Okay so SEB2020-280. This is a photography of the polls case coming out of Morgan County again the January 5th, 2021 general runoff election. The respondents name is Lori Frost (phonetic). This case was referred to us for one violation of OCGA 212-4-13E. The respondent, Ms. Frost posted a picture of her BMD screen to her Facebook page and when somebody saw the Facebook post that ended up in a referral.

It is a violation of State Law to take photos of any kind during the polling place. We typically in cases where you have an individual that may not understand the significance of what they are doing and in which they do not post anything other than their own identifying information, we tend to not seek to impose a significant penalty against those types of respondents. We think those are cases in which a cease and desist or reprimand for

this particular voter would be appropriate. We do tend to take more seriously cases that may have either another voter's identifying information or other imagery that we believe presents more of a concern about either ballot secrecy or security of the polls.

This particular case seemed to be kind of an innocent violation by a voter that there's no indication intended to violate the law and given that this is not one that we would recommend sending to the Office of State Administrative Hearings for a penalty hearing. Therefore, we're recommending cease and desist and reprimand as part of a final order.

MR. FERVIER: This Board has heard many of these cases in the past. Recommendation is to issue a reprimand and a cease and desist order. Any questions from the Board?

MS. JOHNSTON: Question do you recall was the photograph of the voted ballot or just the ballot on the BMD without votes?

MS. YOUNG: So, it was the BMD screen, you could see her name on it apparently. But, I don't know that there was any actual voting information on that. So again, I don't have the actual photograph

attached to my file. There was no concern about any other voters information or any other voters being pictured in there. So, we kind of looked at this as one of the more innocent. You know, a lot of people like to take selfies with their ballots or show that they, you know, were at the polls and I think the context of this one was more like that type of a photography case rather than some of the more serious ones.

MS. JOHNSTON: Was there any indication that the voter was being paid to vote?

MS. YOUNG: No document, no. No suggestion of that in the file.

MR. FERVIER: Chair will entertain a motion at this point. The recommendation is issue a letter of reprimand and a cease and desist.

MS. JOHNSTON: Mr. Chair, I move that we accept the final order for cease and desist and reprimand for 2020-280.

MR. FERVIER: We have motions or second?

MS. KING: Second.

MR. FERVIER: We have motion second to issue a letter of reprimand and a cease and desist on SEB2020-280. All those in favor signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Aye. No opposition motion carries 3 to 0. Next item on the agenda is SEB2022-036.

MS. YOUNG: Yes, this is case that came from Athens-Clarke County where it's not related to a specific election. It involves an improper registration. The respondent is a gentleman named Oscar Lee Sutton Jr (phonetic). He is an -- unhoused individual and allegedly registered at an address where he had not been living. He had previously attempted to register using the address of a homeless center. There's no actual voting history for Mr. Sutton, you know, so there is, I think, a technical violation. I'm not sure if -- what his connection to the particular address was, but I don't think that this was a place that he had lived or even regularly stayed.

So, I do think it is a violation, but given the challenges that unhoused people tend to have in terms of figuring out how to register properly, combined with the fact that there's no actual voting history of him voting using that address, we recommend a cease and desist and

reprimand, not a penalty case against Mr. Sutton.

MS. KING: Is he housed now?

MS. YOUNG: I have no idea.

MS. KING: Where are we sending the cease and desist to?

MS. YOUNG: We will see what information we can get for a last known address through our means and provide that to y'all. I'm not certain, you know -- if he's not in a place where he can receive mail, he may not be able to receive the final order, but since we're not penalizing him, you know, hopefully that will not be of too much of a concern for him.

MS. JOHNSTON: Does Mr. Sutton live at this address?

MS. YOUNG: No, and we're not sure exactly how he came to identify that address. There are provisions in the code for announcing individuals to be able to identify certain places, including homeless shelters or family members, relatives addresses, things like that, places that they've regularly stay. You know, the idea is it should be a place that you've kind of made arrangements to receive mail where they'll, you know, even if you're not staying there, they'll get in touch with you to

let you know that you've got some mail that you need to come pick up. This doesn't appear to have fit one of those circumstances. It's technically not the way he should have tried to register, but we don't want to we'd better not try to penalize this gentleman for trying to register a vote.

MS. JOHNSTON: Do you recall any details about his voter registration?

MS. YOUNG: I believe that Mr. Sutton, so he was a felon who had pled guilty to aggravated child molestation. So, I'm not certain that he would have been permitted to register anywhere, depending on the status of his felony. But, he's had no voting history and I think that the registration and elections folks have, you know, corralled any improper registrations that he's attempted to submit.

MS. JOHNSTON: Was he a felon at the time of voter registration?

MS. YOUNG: I'm sorry.

MS. JOHNSTON: Was he a felon or serving a sentence?

MS. YOUNG: I don't know exactly what his status was at the time of the registration or not. The charge that was referred to us was for voting at

an address where he did not (inaudible). We were not referred the felon case. So we didn't, you know, look at it into it from that angle.

MS. KING: Do we know how many others. Other people live at that address or registered to that address?

MS. YOUNG: I have no idea. And again, we're not sure why that particular address was selected. You know, some, I believe that there is some authority that you can even identify, you know, street corner that you say you know or you know, places that are not addresses where you stay, but I don't know that. I'm not certain what led him to pick this particular address.

MS. KING: I think this is an assumption that -- someone probably introduced themselves to him and helped him register to vote -- I mean, considering the circumstances.

MS. YOUNG: I have not seen anything in our file to indicate that.

MS. KING: Okay, do we know where he was registered to vote?

MS. YOUNG: It's Athens-Clark county.

MS. KING: Oh, we just know the county, okay.

MS. YOUNG: I'm sure that the address is in my file, but it's not on my notes. I can try to pull it up if you'd like me to, but.

MR. FERVIER: So, the previous Board just issued a cease and desist, recommended it?

MS. YOUNG: Yeah, there was -- a recommendation made as it was referred to our office, that -- be the result.

MS. KING: I would say, considering the circumstances, I think it is something worth looking at this address to just see if there's other people that are unhoused that are also registered to this address.

MS. YOUNG: That would not have any bearing on this gentleman in particular --

MS. KING: No, not on this case just in general --

MS. YOUNG: That would be something that our office would not --

MS. KING: No, no, I looked at our investigators.

MS. YOUNG: Okay, yeah that would be more of an investigation of a potential new complaint --

MS. KING: Just to make sure that this not something that's happened several times.

MR. FERVIER: We have two people there that would love to do that chomping at the bits.

MS. YOUNG: We can provide you that address information and they can go track it down.

MR. FERVIER: Chair would entertain a motion on this case.

MS. KING: Make a motion that we approve this final order to cease and desist and letter of reprimand.

MR. FERVIER: We have motion to issue a letter of reprimand and the cease and desist order on 2022-036. Is there a second?

MS. JOHNSTON: Second.

MR. FERVIER: We have motion to second. Any discussion? Hearing no discussion. All is in favor signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Aye. Motion carries 3 to 0. We have one left for the Attorney General. Do you want to do it now or later in the afternoon? This case, it's SEB2022-138.

MS. YOUNG: Yes, this case involves respondents for Sabrina German (phonetic) and the Chatham County Board of Elections and Chatham County

Board of voter registration, two separate entities there. This involved an alleged violation of OCGA 21-2-384 for allegedly failing for the Board of Elections or registration to send two voters their absentee ballots within three days.

This is another case in which the referral was made, possibly in part because the respondents did not appear. The complainant had alleged that he, his wife, and his father in-law had applied to receive their absentee ballots, but that his wife never received one and his father in-law received it on the day of election as a piece of forwarded mail. The respondents said that they never received these applications and additional investigations showed that the complainant's father in-law had previously applied to receive absentee ballots at his permanent residence for the entire election cycle and that the complainant and the rest of his family had applied to receive absentee ballots on May 11th, 2022 before the general primary election was scheduled to occur on May 24th, 2022.

As a practical matter, the respondents could not have physically sent these ballots within that three day period based on the evidence that was found in the investigation. Also, 21-23-84 provides

that the three day period that should be done or as soon as possible prior to any runoff. So, you know, in this particular situation, that three day rule will probably not apply to this particular situation. So for that reason, we are recommending that the Board administratively dismiss the case against these respondents because there does not appear to be a prima facie case or a violation of law.

MR. FERVIER: Any questions from the Board. The recommendation from AG is to administratively dismiss this case? Chair will entertain a motion.

MS. JOHNSTON: Mr. Chair, I move that we administratively dismiss this case.

MR. FERVIER: We have a motion to dismiss is there a second?

MS. KING: Second.

MR. FERVIER: We have a motion and a second to dismiss. All those in favor, signify by saying aye.

MS. JOHNSTON: Aye.

MS. KING: Aye.

MR. FERVIER: Aye. No opposition, motion carries 3 to 0. Thank you, Ms. Young. We

appreciate you.

MS. YOUNG: Thank you.

MS. KING: Thank you.

MR. FERVIER: One moment please. We had quite a few cases for dismissal, but several of them, Board Members have asked to be pulled for further consideration, but there are six cases slated for dismissal. We're going to go ahead and vote on en masse. That is case SEB2023-074 DeKalb County, illegal campaigning at Miller Grove High School. SEB2024-243 DeKalb County failure to timely post notices. SEB2025-001, DeKalb County failure to post notices at Hawthorne Elementary. SEB2024-215, Muscogee County photograph of ballot. SEB2021-127, Spaulding County candidate qualification. And, SEB2021-125 deceased voters north. Those cases were all slated for dismissal and recommended by the investigators for dismissal. The Chair would entertain a motion on those cases for dismissal.

MS. KING: Mr. Chair, I make a motion that we dismiss all of those cases.

MR. FERVIER: We have motion to dismiss the above name cases for dismissal.

MS. JOHNSTON: Second.

MR. FERVIER: We have a motion a second to

dismiss, any discussion? Hearing no discussion, those cases previously listed. All those in favor of voting for dismissal signify by saying aye.

MS. KING: Aye.

MR. FERVIER: Aye, motion carries 3 to 0. Those cases are dismissed. We're now going to move into the regular cases with violations to be heard. Like I said, we're going to go out of order because I really want to be considerate of those people that have traveled a long way and so I was looking on my Google Maps to try and figure out who came the furthest and we'll do those first.

It looks like Thomas County SEB2021-054, which is tab 72 -- are you okay with us doing -- this way? Okay, so It's Thomas County. SEB2021-054. Now this, this case, the portion of the complaint relating to Thomas County has been -- continued at a request. So, there's still other portions so that, Sarah the portion relating to Thomas County has been continued.

The next cases we're going to hear after that are SEB2021-043, Decatur County and then after that we'll hear all the Glynn county cases, which is SEB2022-035, SEB2024-164, and SEB2024-196. So, that's the order that will go in. So, the first

case is the SEB2021-054 Thomas County, yes.

MR. BRUNSON: (inaudible) 2022, he had gone to his polling location to vote early. Basically, the facts of the case are that Mr. Gloucester Sr. (phonetic) had a felony conviction and he was on probation when he registered to vote as he checked in, he showed up and as he checked in to vote, he ended up voting on his son Gloucester Junior's file. So based on that, there are two violations that we have for Mr. Gloucester Sr. and that is OCGA 212-216 sub 5, sub B, qualified qualifications of electors generally and he voted in the 2020 general election without having re-registered to vote because he did not register to vote after his probation ended in 2017.

Also, there's evidence to suggest that he violated OCGA 212-561 sub 3 false registration, and that he registered to vote in 2013 when he was under the terms of felony probation. Now, obviously there's other respondents, but as we stated, those have been continued until the next session related to Thomas County's role in these incidents.

The next complaints connected to this particular. Okay, so the next set of allegations related to Tiffany Biggins, who voted on the

absentee ballot belonging to a Mr. Cleveland Brown for the January 5th, 2021 general election runoff. And, basically what happened in this situation is that Tiffany Biggins is the neighbor of Mr. Cleveland Brown. When they delivered the absentee ballot, they delivered it to her instead of to him. So, she filled out the ballot, signed it, put her name on it, didn't put his name on it, sent it and so based on that, there are charges, obviously in this case, you know, we talk about intent, she didn't intend and it's obvious because she signed her own name, she wrote her own name on the ballot and sent it in. So, we're going to say that this is obviously something that we would recommend an LOI on because this is obviously unintentional.

So, the third allegation connected to this complaint is Christy Manning (phonetic) and in this case, Christy Manning actually signed her and her mother requested absentee ballots. She ends up putting her name and signing her mother's ballot and then sends it in and so what it appears, she said that they were at the table doing their ballots. She ends up unintentionally putting her name and signing her signature to her mother's ballot and sending it in. So, obviously same situation where

she didn't write her mother's name on there on the ballot and then sign her mother's name for her. She's actually signed her own name.

So, in both of these situations, it's looking like it's a, it's a mix up. It's people who, yeah, should they have done a better job and looking at the ballot and confirming, hey, this is my ballot, mom, this is your ballot? Sure, but she did not do that, send it in. Now, I will say that when the investigator tried to, you know, talk to both of them and get to the bottom of this, they were, they were pretty, you know, belligerent, that type of thing and so which happens, but the facts of the case still remain that, you know, it appears that this is just carelessness, I guess you could say, to a certain degree on her part.

So, and then the final allegation is regarding Henry Anderson and in that particular case, this individual ended up being homeless and the investigation investigators attempted on various occasions to track this individual down. They end up speaking with his sister, and it looks like some of the addresses that he listed were homeless shelters, et cetera so and even the sister didn't know where this individual was. So, in that

particular case, we did not find a violation.

MR. FERVIER: And who is that for?

MR. BRUNSON: That is --

MR. FERVIER: Harrison Butler?

MR. BRUNSON: Henry Anderson.

MS. KING: Yeah, it's number four.

MR. BRUNSON: Yeah, the fourth allegation, it seems like this guy's transient. He's all over the place. Even his sister didn't know where he was and when we track down some of these addresses, they're like, you know, addresses where a lot of homeless individuals use, basically.

MS. KING: So, he registered to vote using that address? So using an address from the other shelter, basically?

MR. BRUNSON: Yes, yes and we were unable to track this individual down. Like I said, his sister didn't even know where he was, where he was, where he was living, if anywhere. It's likely this guy's still -- unhoused, and he's never voted in Georgia anyway. So, some of the cases that you'll see here today are going to be heavily related to DDS when people go get driver's license, and they're basically automatically registered to vote.

So, you'll see a number of cases that we

have that represent that and -- it's obvious in those cases, we look at somebody's intent at times. And, when there's no voting history whatsoever over years and years and years, then that's obvious that this person intended to just get a driver's license and had no interest in voting. However, they did not opt out of that registration for voting.

So, what we have here in this case is the first individual who was on probation, registered to vote, ended up voting on his son's record because of an error and a misidentification. His son's a junior. They live at the same house. He was allowed to vote. Number two, the neighbors. Number three, the mother and daughter, and then number four, the homeless individual.

MR. FERVIER: Is Mr. Gloucester, Bobby Gloucester Senior here? Tiffany Biggins or Christy Manning? Any questions from the Board? Dr. Johnston.

MS. JOHNSTON: I think all of these relate to Thomas County, I believe, or to some degree, perhaps to Lowndes County, too. Could we look at these are really like four complaints rolled into one case. Could we address each one, please?

MR. FERVIER: Yes, Thomas County has been

continued so let's start with -- Mr. Gloucester Senior.

MS. JOHNSTON: Mr. Gloucester voted under his son's name?

MR. FERVIER: Yes.

MS. JOHNSTON: Or was given vote credit under his son's name, but he was serving -- was he serving a felony at the time?

MS. KING: So, he was a felon --

MR. FERVIER: He was on probation, yeah.

MS. KING: He voted absentee utilizing his son's absentee ballot, basically?

MR. BRUNSON: No, so he registered to vote in 2013. He was under the terms of felony probation, so he shouldn't vote, technically. But, then his probation did end in 2017. But, then he ultimately checks in and votes under his son and the clerk that's taking the information chose the son instead of choosing him --

MS. KING: On the pole pad?

MR. BRUNSON: Yeah.

MS. KING: Oh, yeah. So, okay --

MR. BRUNSON: The son's a junior. They live at the same location. So, she just as she's pulling it up -- she selects the son and then he

ends up voting on the son's record and then when he tries to go back and vote another time is when they discover. And yeah, that's when it was revealed at that time. So, obviously Thomas County should have. That poll worker should have verified that. You know, okay, wait a minute. This is senior and not junior.

MS. KING: So, he doesn't need to be instructed?

MR. FERVIER: He was eligible though, right?

MR. BRUNSON: Yeah, he should have been at that time.

MS. KING: So, if he's off probation.

MR. BRUNSON: His probation was over when this, when the incident of him voting occurred. Let me just make sure. It's 53 cases, so there's, let's see here.

MS. KING: And, although he's off probation, is he, is he eligible? I mean, is he still okay?

MR. BRUNSON: Yep, he was instructed actually by the investigator that all he needed to do to legally vote is to re-register basically after this incident happened.

MS. JOHNSTON: So, he had not registered to vote at the time that he voted?

MR. BRUNSON: Pardon me.

MS. JOHNSTON: So, that the report suggests that he voted without (inaudible) for this election.

MR. BRUNSON: Well, because -- his credit was on his son.

MS. KING: So, he showed them the ID and they, they put it -- I thought we'd scan the ID, but at this time. What year was this?

MR. BRUNSON: This was in 2020.

MS. KING: Yeah, then we scan the ID to, to check them in to the poll pad?

MR. BRUNSON: It says, "Upon arrival, he showed his Georgia's driver's license and was given a voter certification to sign. After signing the certification, he voted and did not think anything of it until he went to vote in the runoff election. And, this is when he was told he was a felon, he was not allowed to vote." And then the investigator asked him if he was aware that he had been given his son's certification on 10/20/2020, and he said he was not aware of that until he tried to vote in the runoff.

MR. FERVIER: Yeah, sounds like what happened was he showed up, he gave him a name. He has the same name as his son and they pulled up his son's information and gave him the ---

MR. BRUNSON: So, he's allowed to vote.

MR. FERVIER: Allowed him to vote on his son, so --

MS. KING: So I mean, they typed it in. I mean, they didn't scan the ID? How do you pull up. Oh, they don't know, okay, so we don't know --

MR. BRUNSON: He was given a voter certificate to sign. They allowed him to vote on his son's record and you know -- then when he showed up to vote the second time, somebody obviously looked and said, wait a minute, no, you can't vote. He was shocked because he was allowed to vote the previous time, but the reason why he was allowed to vote the previous time is because it was on his son's record.

MS. KING: But, you were saying that when he, when he attempted to do this, he was off probation, right? And, that he could vote so is it because he hadn't re-registered, that's why it showed up as a felon? And when he went to the runoff to try to vote in the runoff?

MR. BRUNSON: Yes, so he apparently when he went to register in 2013, he was still under sentence, but he was allowed to, apparently. And then as he goes in to vote because he's still under felony sentence, somebody must have looked it up, obviously, the second time when he went to vote in the runoff and said, well, you're still under felony sentence, you can't vote. And he's like, well, I just voted, basically. And yeah, you just voted because you voted on your son's record.

MR. FERVIER: Let me ask -- had Thomas County looked up the correct individual the first time he tried to vote?

MR. BRUNSON: Yes.

MR. FERVIER: Would he been allowed to vote?

MR. BRUNSON: No.

MR. FERVIER: Why?

MR. BRUNSON: Because they would have seen the same thing they saw when he went to go for the runoff that basically he wasn't -- registered --

MR. FERVIER: He was not registered to vote?

MR. BRUNSON: Yeah, exactly because --

MR. FERVIER: His registration from 20 --

MR. BRUNSON: Yeah and he was under a felony sentence. So that -- information was obviously for them to see and that's how he was not allowed to vote for the runoff.

MR. FERVIER: And he, he knew that he wasn't allowed to vote because he tried in 2013 also, correct?

MR. BRUNSON: Well, 2013 is, I think when he went to register, right.

MR. FERVIER: Which he was registered to vote?

MS. JOHNSTON: He registered to vote as a felon, that's a violation.

MR. FERVIER: Right --

MR. BRUNSON: Yeah, that's what I'm saying. So, his registration in 2013 was a violation and then obviously him going in and voting under his son's name, even if it was inadvertent --

MS. KING: That changes the, that changes this a bit, all right, that's a lot of. Can I -- ask Rebecca? Can we turn on Rebecca's mic really quick? Rebecca with Greene County.

MR. FERVIER: All right.

MS. KING: Once when you check a person and don't you use their ID and scan the ID or like,

how, how is this happening?

MS. ANGLIN: Correct, so what they probably did was scanned his ID and it didn't pull up a voter. So, they did a manual entry and pulled up his son and that's why he was issued that paper voter certificate to vote. He was probably registered as a felon the whole entire time, is my guess because he came up on the felon match when he actually did register under his senior name and that's why he was not allowed to vote. So, he should not have been allowed to vote either time, but because they pulled him up as the junior, that's what happened and when he said there was a paper voter certification certificate, that's how I knew that he would not have been eligible in the first place.

MS. KING: Okay, so they should have been able to type his name in and show that he was a felon and unable to vote?

MS. ANGLIN: Correct, it sounds like a poll worker error.

MR. FERVIER: Well, except that he knew he couldn't vote because he was a felon and wasn't able to vote previously.

MS. ANGLIN: Right, he should not have

voted regardless.

MR. FERVIER: Right --

MS. ANGLIN: But, when they, when the poll worker checked him in and his license didn't scan or pull up somebody and they did a manual entry, they pulled up the junior instead of the senior.

MR. FERVIER: You have two errors.

MS. ANGLIN: Correct.

MR. FERVIER: We have an error on his part and on the county's part.

MS. JOHNSTON: Rebecca, when someone shows up on a felon list -- what happens to that voter registration?

MS. ANGLIN: So, they are matched based off of that data and they are put into Jarvis, they come in over the felon records and we match those records to anybody that is registered and their registration, if it has not already been canceled, is canceled at that time and they are sent a letter in the mail.

MS. JOHNSTON: It's canceled, so what list are they on?

MS. ANGLIN: So, they are on the felon list.

MS. JOHNSTON: They are on the felon list.

MS. ANGLIN: And, that does show up on a poll pad.

MS. JOHNSTON: Okay are they moved to the inactive list?

MR. FERVIER: They're canceled completely.

MS. JOHNSTON: So they're canceled completely.

MS. ANGLIN: They never hit inactive they're canceled completely and then if they come in and they say, hey, I think there's an error here, they can fill out a Felon affidavit and sign that, and they can be issued a provisional ballot so the Board can look into it further to see if that ballot should count or not.

MS. JOHNSTON: Okay, thank you.

MR. FERVIER: Any further questions from the Board on this case?

MS. JOHNSTON: No question.

MR. FERVIER: The chair will entertain a motion on the Bobby Gloucester Sr.

MS. JOHNSTON: Mr. Chair, I'd like to make a motion that we refer this case to the Attorney General. Mr. Gloucester, having registered to vote as a felon in 2013 and not re-registered to vote and voted illegally in 2020.

MR. FERVIER: We have motion, is there a second?

MS. KING: Second.

MR. FERVIER: We have motion seconded. Any discussion? Hearing no discussion. All those in favor of referring Bobby Gloucester Senior to the AG for further action, signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Aye. Motion carries, 3 to 0.

MS. KING: And, we're going to address the Thomas County mistakes of the next meeting.

MR. FERVIER: Next would be Tiffany Biggins and you say that was a --

MR. BRUNSON: Neighbor.

MR. FERVIER: Neighbor.

MR. BRUNSON: They delivered the ballot to the wrong address across the street. Cleveland Brown, she signed her name, wrote her name on it, sent it in.

MS. KING: Sounds like both Tiffany and Christy just didn't read the entire ballot and they completed it, right?

MR. FERVIER: Yeah.

MR. BRUNSON: Christie's got mixed up with her mom, apparently, as they were filling out the ballots on the table.

MS. KING: Okay. Okay.

MR. FERVIER: Is there a motion on Tiffany Biggins?

MS. KING: Yeah, I make a motion that we dismiss. I almost want to send a letter of instruction to say, make sure you read your ballot, but -- I will make a motion that we dismiss this case.

MR. FERVIER: We have a motion to dismiss case against Tiffany Biggins. Is there a second?

MS. JOHNSTON: Second.

MR. FERVIER: We have motion to second. Any discussion? Hearing no discussion. All those in favor, signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Aye. Motion carries 3 to 0. Next will be the case against Christy Manning and you said this is one where Christy just signed her mother's ballot?

MR. BRUNSON: Yes.

MR. FERVIER: With her own name and she

just voted on the wrong ballot?

MR. BRUNSON: Yes.

MR. FERVIER: By the end of the day, I probably could do the same thing.

MS. JOHNSTON: A question for the investigator. Did the mother sign Christie's ballot?

MR. BRUNSON: No, we didn't see that, no.

MS. JOHNSTON: Beg your pardon?

MR. BRUNSON: No, she did not.

MS. JOHNSTON: Who signed Christy Manning's ballot?

MS. KING: Did they both vote?

MR. BRUNSON: We would have to get that information. It's not in the report.

MS. KING: Excuse me. Just so you're on record, can you just state your name so that the reporter can --

MR. BRUNSON: My name is Michael Brunson, Deputy Chief Investigator for the Secretary of State's Investigations Division.

MR. FERVIER: Do we have a motion on the allegations of Christy Manning. We'll get that information.

MS. JOHNSTON: Mr. Chair, I move that we

continue this -- part of the case of Christy Manning until more information is obtained.

MR. FERVIER: Do we have second?

MS. KING: Second.

MR. FERVIER: We have motion to second to continue the case and Christy Manning. All those in favor, signify by saying aye.

MS. JOHNSTON: Aye.

MS. KING: Aye.

MR. FERVIER: Aye. No opposition. So move, the next case we're going to move to is SEB2021-043, Decatur County. That's tab 47.

MS. KING: We're going to call you up once he finishes.

MR. BRUNSON: Chair, could you repeat that?

MR. FERVIER: SEB2021-043, Decatur County. Tab 47 in our binder.

MS. KOTH: The Secretary of State received two complaints from the Decatur County Board of Elections and Registration Office during the January 5th, 2021, general election runoff. The two allegations are Mary Dunn posted on Facebook that she and her husband, MacArthur Dunn, went to vote and was told they had already voted. The second one

is that a voter named Grace Cooper signed her daughter Jasmine Sheffield's absentee ballot oath envelope in her name and mailed the absentee ballot to the Decatur County Board of Elections. We found out during the investigation that Mary had passed away in August of 2021, and they never made contact with MacArthur.

In the second complaint, Grace Cooper signed the oath envelope for her daughter Jasmine Sheffield. When she asked about it, she said she did not sign it, but if she had, it would have been a mistake. Grace sent in her own ballot, and that was accepted. She then attempted to vote in person, but was turned away. Jasmine spoke to the investigator briefly, but did not answer if it was her signature or her mother's signature. So, the first allegation was unsubstantiated. The second was substantiated. Potential violation for Grace Cooper. There's evidence to suggest that Grace Cooper violated OCGA 21-23-85A.

MR. FERVIER: Yep, the first one is against Mary Dunn and MacArthur Dunn.

MS. KING: So, Mary has passed away is --

MR. FERVIER: Yes.

MS. KING: Is MacArthur here? Is

MacArthur here?

MR. FERVIER: Mary Dunn passed away in 2021, yes.

MS. KING: Okay, is her husband here? No, okay.

MR. FERVIER: That respondent is Grace Lasonya Cooper (phonetic).

MS. COOPER: I'm here.

MR. FERVIER: Ms. Cooper's here, if we have questions, we'll. The Mary Dunn case. Ms. Dunn's passed away, Mr. Dunn, we do not know, right?

MS. KOTH: Yes, they never could make contact with him. It was from a Facebook post that she posted but she had passed away shortly after and then they didn't make contact with him.

MS. KING: And we don't know who voted in their place. Should that have occurred?

MR. FERVIER: They say they were turned away at the polls. Ms. Cooper, do you know if they were turned away at the polls?

MS. COOPER: I never went to the poll.

MS. JOHNSTON: That's different.

MS. KING: That's a different case.

MR. FERVIER: That's a different case, that's right. It's a different case. I'm sorry.

MS. KING: That's a different case.

MR. FERVIER: Trying to keep track of this.

MS. KING: So, we don't know who voted in their place basically, right?

MS. KOTH: If they had according to E-net, neither Mary or MacArthur received credit for voting in the January 5th, 2021 runoff election.

MS. KING: Oh, so no one voted. They just claim that on social media and --

MS. KOTH: There isn't anything that substantiated.

MS. KING: Okay.

MR. FERVIER: Dr. Johnston you have any questions?

MS. JOHNSTON: No questions.

MR. FERVIER: Do we have a motion on the case again concerning Mary Dunn and MacArthur Dunn?

MS. KING: Yeah, I make a motion that we dismiss.

MR. FERVIER: We have motion to dismiss the case relating to Mary Dunn and MacArthur Dunn. Is there a second?

MS. JOHNSTON: Second.

MR. FERVIER: We have a motion for a

second. All those in favor signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: So moved case against case concerning Mary Dunn and MacArthur Dunn's dismissed. The next allegations against Grace Lasonya Cooper on signing the wrong absentee ballot oath envelope which was issued to her daughter. Now Ms. Cooper, did you sign the wrong envelope?

MS. COOPER: I did not sign the envelope at all.

MS. KING: Who signed the envelope?

MS. COOPER: I don't know, I have seen one.

MS. KING: Did you vote absentee?

MS. COOPER: No, I haven't voted since 2012. I moved from Georgia. I still own the property there. It could have been mailed to my home. I don't know. My kids stay in my home. I live in Florida now.

MS. KING: And your daughter, she said she didn't sign it?

MS. COOPER: No. We received a call from, they say they were the investigator and they told us to say that they said to stay on a record line that

I signed my daughter's ballot. I said, "No, I'm not going to say that, that didn't happen."

MS. KING: Wait, wait, wait. Can you start from the top? Someone called you?

MS. COOPER: Someone called us. They said they was from the open registration office and they said that they received the ballot and I need to stay on the recorded line that I signed my daughter's ballot. I said I'm not saying that because that didn't happen and they kept calling.

We received several calls, they called my daughter and myself. They were blocking their number and they continued to call us, kept calling us, kept calling us, kept calling us. We don't know who it was. And, then the next thing I know it's coming to my mailbox and my children. That's how I got here today.

MS. KING: That's interesting. Well, that's interesting, right? Did they say what county?

MS. COOPER: Decatur.

MS. KING: So they identified themselves as someone from the Decatur County --

MS. COOPER: They sure did.

MS. KING: Did you get a first name or

last name?

MS. COOPER: They just said they were calling from the Voter Registration Office.

MS. KING: Did you already register the vote in Florida?

MS. COOPER: I don't vote.

MS. KING: You don't vote at all, okay.

MS. COOPER: Last time I voted was 2012.

MR. FERVIER: Do you live with Jasmine?

MS. KING: No, I own all the property. My kids stay on the property --

MR. FERVIER: But, the investigative report said that the daughter said that she lived with her mother.

MS. KOTH: Yeah, on page three of five, it says that the investigator interviewed Carol Hurd (phonetic), the Decatur county election supervisor, and she reported that Ms. Cooper signed her signature on Jasmine Sheffield's oath envelope, and the investigator received Carol's notarized statement. She reported, on December 7th, 2020, they received a mail in absentee ballot issued to Jasmine Sheffield, who was listed in the same address as Grace Cooper -- Ms. Sheffield's oath envelope was signed by Ms. Cooper. The ballot was

rejected, and the office reissued a new ballot to Ms. Sheffield on December 9th, 2020. They sent a letter to Ms. Cooper on December 9 stating that she had signed Ms. Sheffield's oath envelope, which was deemed a signature mismatch and that it was a violation of Georgia election law. The letter advised Ms. Cooper to contact their office if she had any questions.

MR. FERVIER: Do you have a copy of the oath envelope or the ballot? Do you have a copy of the signature?

MS. KOTH: I'd have to check the report. I don't know if Decatur's. I don't know if anyone from Decatur is here.

MS. KING: Do you have the phone number that was calling you? Do you have access to that?

MS. COOPER: One time I put an application to work the poll, and me and her had a disagreement, and that's how I because I put in an application to work the poll, and I called her, and I --

MS. KING: What year was that?

MS. COOPER: It was before I moved to --

MS. KING: Okay, before 2012.

MR. FERVIER: You moved to Florida in 2012?

MS. KING: No, I was --

MR. FERVIER: 2013. Do you have a Florida driver's license?

MS. COOPER: No, I have a Georgia's drivers license. I never changed anything.

MR. FERVIER: Do you have any proof that you live in Florida?

MS. KING: Oh, yeah, he's at the door you want me to go get him?

MR. FERVIER: Do you have any proof on you that you live in Florida?

MS. COOPER: No I have --

MR. FERVIER: Well -- that would prove that you live In Georgia. That would prove that you live in Georgia.

MS. COOPER: Well, I own property in Georgia, but I live with him

MR. FERVIER: Where do you live in Florida?

MS. COOPER: (inaudible)

MR. FERVIER: Well, what town is it? What town?

MS. KING: Havana.

MR. FERVIER: Havana, Florida?

MS. COOPER: Yes sir, 32323.

MR. FERVIER: And, you're here with your fiance?

MS. COOPER: Yes.

MR. FERVIER: Can you grab him real quick?

MS. COOPER: Okay.

MR. FERVIER: Y' all are getting along today, aren't you? Okay, I just want to make sure.

MS. KING: Always -- is there anyone here from the Decatur County registration elections? Are the lines recorded when they call to verify --

MS. ANGLIN: They are in our office --

MS. KING: Some offices do that?

MR. FERVIER: No, no, let me just see your signature real she doesn't sign in cursive? You don't sign in cursive?

MS. COOPER: Not anymore. Since I have surgery.

MS. KING: When was your surgery?

MS. COOPER: I think it was at '12.

MS. ANGLIN: Janelle, so, the signature that the office would actually be matching up to would be her driver's license signature, so if she has that on her, that might be a helpful.

MR. FERVIER: Let me see your driver's license if you don't mind.

MS. KING: Thank you.

MR. FERVIER: I know y' all are hungry, but I'm going to keep that for a while for the benefit of those who can't see what we're doing. We have her voting records here application and we're matching them the signature on the license just to see if they're consistent, so.

MS. JOHNSTON: Ms. Cooper, do you live prominently in Florida now?

MS. KING: Do I currently live in Florida? Most of the times I'm there, but I come home and check on my property occasionally. So, most of the time I'm there.

MS. JOHNSTON: So, where do you consider your permanent home?

MS. COOPER: I sleep in Florida at night. But, I go make a check on my home property and my children.

MS. KING: Would you consider your Florida home, home? Until you get married. Okay, I hear you.

MR. FERVIER: Ms. Cooper, did you try and vote in person afterwards?

MS. COOPER: No --

MS. KOTH: According to Ms. Hurd, Ms.

Cooper was issued the absentee ballot and it was sent back and accepted. She advised Ms. Cooper came in to vote during advanced voting, but she was not allowed to vote. Ms. Hurd stated that she talked with Ms. Cooper and informed her she had already voted. She had also talked with Ms. Cooper about signing her daughter's oath envelope in her own name. Ms. Hurd stated that Ms. Cooper became angry and she denied already voting.

MS. COOPER: Can I say something?

MR. FERVIER: Sure.

MS. COOPER: She must be talking about when she made the call to me and told me that I signed my daughter's ballot that's what she must be talking about. So, when she called me, I kept asking her who she was, but she never would say the name. And, she told me that I signed my daughter ballot, and I said, ma' am, I ain't got time for all this. I don't know what you're talking about and I hung up the phone and it just kept calling back every day. Just kept calling, kept calling, kept calling, calling my daughter, calling me. It was aggravating. She just kept calling back and I think they're not supposed to do that. People at working at the home they ain't supposed to call people like

that.

MR. FERVIER: I wish the county was here to respond. I'd love to hear the other side of the story.

MS. JOHNSTON: I would like to continue. So, Decatur County --

MS. COOPER: She said she signed a notarized statement --

MR. FERVIER: Pardon me.

MS. COOPER: She said she signed a notarized statement. She can tell the story on the notarized statement.

MS. KOTH: I don't know what the question is, but she --

MR. FERVIER: She signed a notarized statement -- I would love to hear the county's side of the story on this one. I just, yeah, I'm sorry, the problem is when you hear one side of the story, you know, which sounds legitimate, but I would love to hear what the county has to say, too, especially if there's some sort of personal interaction between y' all.

MS. COOPER: It is very personal --

MR. FERVIER: Yeah, I mean, that could affect the way this Board feels about.

MS. COOPER: I had to stop work and come here so I was having to come here to answer to a lie.

MR. FERVIER: We actually have your testimony on video that we can go back and look at it. So -- we can see. I just feel like I would like to hear what the county has to say, especially since there's a personal thing I do.

MS. COOPER: It is a personal issue.

MR. FERVIER: Yeah -- I deal with domestic stuff all the time. There's always interesting sides to that, so.

MS. KING: And then if.

MS. COOPER: I just want my name to be clear because I haven't done any wrongdoing. And for them to call me and try to tell me what to say, I have a problem with that because they didn't have any business calling me or my daughter. If we did these things and they said that we did these things. They should have been able to be here today to prove that we did these things and they're not here since because they made it all up and I feel some type of way because I had to get up at 3 o'clock in the morning to drive here to be here at 9 o'clock and I had to go from that building to that building to

this building and I have a lot of -- of character about myself and it's not fair to me, to people I know they did it intentionally and everybody that works there at that voting poll had something to do with it because the calls was continuously and consistently.

They just like for two or three weeks they just kept calling us, calling us, calling us. When we blocked one number out they would call us from another number and it's not fair and I think those people that's working in the poll y'all need to sit down and train them and teach them and tell them what to when it comes (inaudible) when a person like myself who have not been to the phone since 2012 have not been to the poll.

MR. FERVIER: Ms. Cooper, it would probably help this Board so also if you had any phone records that would show them calling, you know and you could provide that to the investigators.

MS. COOPER: They blocked their number out. Call and he went into Verizon and we asked him to do a stay a blocker where if they never wouldn't show up they wouldn't call but they got through some kind of way.

MS. KING: My concern in this is that it

could possibly be an NGO impersonating or some other person impersonating the office and there could be something that was happening. So, I do think we should continue it without asking Ms. Cooper to have to return because --

MR. FERVIER: We won't ask you to return. I do want to hear the county side because if the county's doing something wrong this Board needs to hear that too.

MS. COOPER: They doing a lot of things wrong.

MS. JOHNSTON: Ms. Cooper -- do you believe that someone is, is trying to vote in your name and requesting absentee ballots in your name?

MS. KING: I think they're just doing what they want to do because they have done it so long and got by with it and nobody has said anything to them about it then that's why they do what they do because they can get away with it. Now y' all (audible) have to come to y' all. They're going to be mighty mindful now of how they do things because they're going to try to put something together for y'all now, since they didn't get through it. Put something together now to try to make it seem like what it was.

MS. JOHNSTON: I'm trying to understand you. I thought you told us that you don't vote or you haven't voted, but we --

MS. COOPER: I didn't say that I said I haven't voted since 2012.

MS. JOHNSTON: Okay, but we see a request for an absentee ballot in the file. Is that true?

MS. COOPER: I didn't do that --

MS. JOHNSTON: Oh, you did not, okay. So, do you think somebody maybe falsely requested --

MS. COOPER: (inaudible)

MS. JOHNSTON: Are you registered to vote in Georgia?

MS. COOPER: No, ma' am, not at all. I don't vote here. Nowhere and it's a choice. Has nothing to do with anybody it's my personal choice.

MR. FERVIER: Any more questions?

MS. JOHNSTON: No more questions.

MR. FERVIER: More questions? We'll entertain a motion.

MS. JOHNSTON: Mr. Chair, I move that we continue this case to obtain more information from Decatur County Election Office and to gather more facts concerning the allegation concerning the allegation Ms. Cooper.

MR. FERVIER: We have a motion to continue the case.

MS. KING: Do we need to add that we're not asking Ms. Cooper to return, or does it not need to be a part of the?

MR. FERVIER: We would make Ms. Cooper's return voluntary.

MS. KING: Okay.

MR. FERVIER: So, Ms. Cooper, you will not be required to return, but it'll be voluntary if you want to. Just in case you want to come back and enjoy the lovely city of Atlanta.

MS. COOPER: Could I do it through Zoom?

MR. FERVIER: We could, yes -- we could arrange for you to attend via Zoom.

MS. COOPER: Okay, I can help with Zoom.

MS. KING: Okay.

MR. FERVIER: Okay.

MS. KING: And if you -- or your daughter can somehow try to find phone records or something that shows that you were being contacted repeatedly, even if it was a private number, that would be helpful.

MS. COOPER: (inaudible)

MS. KING: Just give them the time frame.

Well, we see it repeatedly. Like, based off what you were saying. It does help.

MR. FERVIER: We have a motion to continue SEB2021-043, is there a second?

MS. KING: Second.

MR. FERVIER: We have motion second. All those in favor saying aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Aye, motion carries 3-0.

MS. COOPER: Can I go home now?

MR. FERVIER: Yes, ma'am. Safe travels.

MS. JOHNSTON: Thank you.

MR. FERVIER: Thank you so much for coming.

MS. KING: Thank you.

MR. FERVIER: You want to power through these three Glynn county cases?

MS. KING: I'm fine with that, yeah.

MR. FERVIER: SEB2022-035. Glynn county, tab number 56.

MR. BRUNSON: Can I ask to go back to that previous case? I do have the answer.

MR. FERVIER: Yes.

MR. BRUNSON: And that is case 2021-054.

MR. FERVIER: Hang on a second. The

previous case?

MR. BRUNSON: I'm sorry, the two cases ago, the last case that I presented.

MR. FERVIER: 054, yes.

MR. BRUNSON: 054.

MS. KING: Okay.

MR. FERVIER: Yeah.

MR. BRUNSON: So, I just wanted to answer Dr. Johnston's and Christina's ballot was rejected because it was unsigned, so just to answer your question about what happened.

MS. JOHNSTON: Okay.

MR. BRUNSON: So, she signed her mother's name, and then the other one was just, you know, so it kind of leads more credence to the fact that she thought, hey, I've already signed the ballot and sent it in, so.

MR. FERVIER: Y'all are you always to recognize this one. This is with the continued case from the last meeting with Ms. Rantafar (phonetic).

MR. FORSYTH: I'm her husband and her lawyer. My wife is back home with our two German shepherds and she's currently studying (inaudible).

MR. FERVIER: I tell you, I know my wife would never let me represent her in anything, so she

must be far nicer than my wife.

MS. KING: I wish my husband could come in. I wish I could place my husband as a proxy sometimes.

MR. FERVIER: Okay, all right.

MR. BRUNSON: So, as discussed previously, this case was discussed during the previous February SEB meeting. There was evidence that was presented. And, so what we've done since then is that we have some examples. We were able to look at signatures from various documents that were signed by Mrs. Rantafar for DDS, a 2024 Jarvis signature, driver's license, signature, certificate of naturalization, signature, handwriting sample, et cetera, that we can pass out.

In addition to that, the investigator, we were able to determine that the registration document came from the library when she went to the library and what we also found out through the investigator is that her library card date was the exact same as the date that this was filled out. So, it's obviously that this was filled out at the library the same time she went in to get a library card. So, that's the additional information that we have as it relates to this case.

MS. KING: Do you know if they have to request voter registration from the library? Is it something they automatically give you when you get a library card?

MR. BRUNSON: Let me look at the actual report and see if it's in there to answer to that question.

MR. FORSYTH: (inaudible)

MR. FERVIER: Just one moment, please.

MR. BRUNSON: Just says that when the library car was created, the voter registration card was completed by hand. So, it doesn't say if it's something that's automatic. It just says that it was completed by hand.

MR. FERVIER: Mike, which one of these is alleged to be the violation signature?

MR. BRUNSON: This is the actual copy of the. I just give you this. It's got my notes on.

MR. FERVIER: Mr. Rantafar would you press the button and use the microphone and identify yourself, please.

MR. FORSYTH: The red button?

MR. FERVIER: Yes, okay, right.

MR. FORSYTH: My last name is not Rantafar, it's Forsyth, just like the street down

the road.

MR. FERVIER: All right, and your first name?

MR. FORSYTH: My name is Don Forsyth.

MR. FERVIER: Don Forsyth.

MR. FORSYTH: Yes sir and just for an introduction to myself. I'm Ms. Rantafar husband, and I'm an attorney. I'm licensed to practice in the State of Georgia, and I practice mainly out of the Atlantic in the Brunswick judicial circuits. And just so you know, I'm also a 2003 Iraq War combat veteran. So, I take these allegations very seriously. I mean, you won't meet anyone more patriotic than me.

At the last hearing that we had back in February of 2025 this year. The issue was, of course, and this is something my wife did not refute over the course of the hearing, was that the signatures on all the documents were similar to hers. I mean, she acknowledged it when she met with the investigator. She acknowledged that the signature was exactly like hers. Now, during the hearing, of course, we weren't afforded the materials that the Board was looking at, but she did have a chance to review them when we met with the

investigator and Mrs. King was able to spot the differences in the way that the numbers were written and my wife, after the hearing, she said, yeah, I remember telling that to the investigator there was differences in the way the numbers were and the way the boxes were checked. My wife is very precise with the way she checks boxes.

Now, of course, at the time, we didn't know the origins of this voter registration document because my wife has been racking her brain trying to think maybe because 2019 was a blur. This was a year that my wife was gathering all these materials for USCIS because she was a green card holder at the time, and she later, in 2022, got her full citizenship. So, we were constantly gathering materials for USCIS. They always wanted all these documents. And, then on top of was right before an election year, so we're always getting inundated with voter registration, all these solicitations for it. And then also in 2019, tragedy hit because my mother, ovarian cancer had returned, and she had died just a few months later in 2020 and so we had all this stuff going on, and so we were trying to remember in this whirlwind of a year what could possibly happen.

And -- Sarah was open to the possibility. Did someone slip this to me? I mean, just tell me to sign here. Because her English is very good, but I mean, unfortunately, she, when she was taught English, she learned British English and so sometimes she struggles when she hears Southern accents, especially real thick ones like mine and it could have been the nice lady, since it was at the library, a nice lady may have said, here, honey, sign this. We'll get you registered.

That's a possibility, we're not ruling it out. I mean, but the fact is that Sarah wants my wife got notice in the mail about trying to register from the Secretary of State. She immediately brought it to my attention because there were all these allegations of voter registration fraud at the time. So, we immediately called the Secretary of State's office and said, hey, this is what's happening. I mean, it could be a case of fraud.

And, my wife was compliant with the investigator. It was investigator Kelly Monroe. We met with him for two hours and went over my wife's filled out sample ballots for comparison. She answered all questions, said she was completely available for any follow ups and ironically, I mean,

she was the one that gets accused afterwards.

You know, but for a case of fraud, I mean, me being an attorney, I work both in the prosecution side and in the defense side and I would say that there's a lack of fraudulent intent with this case because there's no history of my wife ever trying to participate in an election or trying to vote. I mean, I'm not ruling it out that someone may have handed her a form and said, sign here and my wife is open to the possibility as well, but she never tried to falsely register.

I mean, this woman has graduated at the top of her medical school class in Iran. She worked in some of the most deprived areas in Iran practicing as a physician and she's also a medical researcher as well. She's published in peer reviewed journals for her research. That's what brought her to the US she was here on a research scholar visa and that's how we met when she was in Jacksonville. Since then she's come to some of these deprived rural counties that I represent in the Atlantic Judicial Circuit and the Brunswick Judicial Circuit.

And, that made her want to start practicing medicine again because she sees how under

served these communities are. I mean, this is a woman that is very straight laced and always is by the rules. She, I mean, she gets onto me when I start speeding. You know, I mean, she is very adamant about that and I mean, we're not ruling out the possibility that maybe at the library she did sign. It could have been some well intending librarian that probably wanted to help her do it.

We were thinking it might have been the DDS for a while because she did get her license renewed in 2019 as well. But I mean, I would just bring it to the Board's attention that she was the one that initially started the case in 2019 or 2020 whenever she reported. But, it was upon first learning about it, she's never tried to hide from investigations, I mean, and she's never tried to participate in an election, if you all have any more questions, I mean, I'll be happy to answer.

MR. FERVIER: Mr. Forsyth, I, I've looked at half dozen or of her signatures now, and this document real clearly, the one that was filled out in at the library, and I, yeah --

MR. FORSYTH: We're certainly not contesting that. It's a separate signature --

MR. FERVIER: I believe all the signatures

are consistent. Okay, what I don't believe is, I don't think that your wife made these two check marks stating that she's a US citizen or over the age of 18, because it's inconsistent with everything else that's on the document, the way she filled out the checkbook, so somebody I believe besides her made those two marks right there.

That's just my personal opinion from looking at everything that was done. Has she ever voted in the United States?

MR. FORSYTH: She became a citizen June 26th of 2022, and afterwards we got her registered and then she did participate in the next election, but that was after she became a U.S. citizen.

MR. FERVIER: Okay, so she didn't, she didn't vote at the time of this, which was in 2019, she never voted before that, so she, she didn't violate any laws with that and I as I said, I personally don't think that she made those two check marks on there. They're not check marks or just lines.

MR. FORSYTH: Exactly.

MR. FERVIER: So that's just my opinion from looking at everything that I've looked at, so.

MS. KING: I feel the same way, I felt

this way the first time, I still feel the same way, that there's slight inconsistencies. What's disturbing is what this could possibly have been done, which is that someone intentionally, maybe, you know, saw that she registered, she got the library card, so they had her information, information, and then they just completed this, or they had her fill it out, which it could have been like, hey, you know, like you said, can you just fill out the top part of this and sign or, you know, whatnot?

But, I do have questions about -- why is it that every other box seems to be checked one way except for those particular boxes? That, that is a little bit suspicious for me too, so.

MR. FERVIER: Dr. Johnston.

MS. JOHNSTON: Mr. Forsyth, would your wife be willing to come to a meeting and attest to her claim that she did not sign this under oath?

MR. FORSYTH: Sure, I mean, I'm certified by the court to put her under oath, you know, I mean, it's, and she, she's always been very willing to help in any way and I was the one that encouraged her to stay home at this time. I mean, like I said, we have two German Shepherds that have extreme

separation anxiety, and we didn't want to put them in daycare. Plus, she's studying for this exam, and she's really obsessive now because she's taking the USMLE next month, so she's really honing in. So I said, let me make the drive and take the stress of course she would.

MR. BRUNSON: Excuse me. Regarding the earlier question regarding the automatic registration, I did just receive information that an individual when they worked at the library or when they were there for early voting. The libraries did appear to automatically register folks vote as they got their library cards. So some libraries, I guess, do that. I didn't know that.

MS. KING: I never heard that. I never heard that before either. I mean, did we pass a law that do that? When did we start doing that?

MR. FERVIER: Do you have a motion you'd like to make?

MS. JOHNSTON: Yes, Mr. Chair, I'd like to make a motion to continue this case to ask Ms. Sarah Rantafar. Yes, to come to the next or the next available meeting that she can travel to. To speak to the Board and state under oath that she did not sign this voter registration.

MR. FERVIER: We have a meeting in July and September and December. She can come to any of those.

MR. FORSYTH: Okay, would she need to travel or, I mean, could it be done virtually or would she need to physically be present? I mean, as an officer of the court, I could swear, you know.

MS. JOHNSTON: So, it could be via Zoom.

MR. FORSYTH: Okay, when's the next one? Y' all can and we'll tune in.

MR. FERVIER: What's the next dates? July 29th and 30th.

MR. FORSYTH: All right, we will. I'll just look for your email, Ms. Hardin. Thank you. And we will be there.

MR. FERVIER: I hope we get it done then. I'm tired of talking about this.

MS. KING: Me too, we're hoping that this will finalize it.

MR. FORSYTH: I appreciate it and unless y' all have any more questions for me, may I be excused?

MR. FERVIER: Yes, please leave. Yes, I didn't mean to be rude. I just want you gone.

MR. FERVIER: Glynn County SEB2024-164. It's tab 57. We're getting close to lunch. I promise we're going to let Glynn county go first.

MS. KING: Okay, which one is this? You said 164?

MR. FERVIER: Yes, 164.

MS. KING: Okay.

MR. FERVIER: Tab 57.

MS. KOTH: I didn't say my name last time, so I'm going to announce it now. I'm Sara Koth with the Secretary of State and we're doing 2024-164 Glynn county felons under --

MR. FERVIER: One second we want to welcome Member Jeffares has joined us now. So, the brain trust is here to consider the rest of these cases.

MS. KOTH: Ready?

MR. FERVIER: Yes.

MS. KOTH: Okay, we opened this investigation after it was reported that three felons under sentence submitted voter registration applications in Glynn County. The three voters were verified as currently on felony probation and did not have first offender status. Two of them did advise that it was canvassers that had come by their

house that helped them register and one of them had completed it himself and then was told that he was under sentence still. So, it was confirmed that all three were felony probation and did not have first offender status. So, they found that Mr. Stanley, Mr. Wooten, and Mr. Polis submitted voter registration applications while they were still under sentence on felony probation. There's evidence to suggest that the three of them violated OCGA 212-216B.

MR. FERVIER: Is Mr. Stanley, Mr. Wooten or Mr. Polis here? Mr. Stanley, Mr. Wooten, or Mr. Polis. Does the Board have any questions on Mr. Stanley's case? Kelsey Stanley. I'm assuming it's Mr. Maybe and Mrs. I'm not quite sure. Stanley?

MS. KOTH: Kelsey Stanley, Andrew Wooten, and Martin Polis.

MR. FERVIER: Okay.

MS. KING: Did you speak to any of them?

MS. KOTH: Did I? No.

MS. KING: What about the investigators, they did speak to them?

MS. KOTH: Two of them. The two that said that they had a canvasser who was interviewed and said a couple months before a female canvasser came

to his house, he said he told her he could not vote due to his status, and she said, well, you may be able to and then he filled out the application and he signed.

MR. FERVIER: Oh, Lord.

MS. KING: Okay.

MS. KOTH: Kelsey was similar. Another canvasser we didn't know who the canvassers were.

MS. JOHNSTON: You have any information on the third party organization that voter registration TPO, is that called?

MS. KOTH: Nope. According to Christina Redden, the elections manager, there's a code 2, which means they were either carried by a third party or sent through the mail. She has no further information about the identity of a third party or if the applications were sent by mail. She also said there's no security cameras in the office verify.

MR. FERVIER: So, all three of them were registered through a third party?

MS. KOTH: Two. The other one was not Martin Polis was not. He attempted to re-register to vote on September 3rd, although he was still a felon according to the HER research, he signed a

nomination petition on May 8th, 2024 and it was rejected due to his felon status.

MS. KING: Okay, so -- man, Glynn county was busy.

MR. FERVIER: None of them were able to vote, right? They just registered.

MS. KING: They just registered. They didn't actually go vote, so. Is anyone from Glynn county here? Nobody from Glynn County. Oh, we think we asked that. Okay, well I think a letter of instruction because it to me it appears that they. That the third party was trying to do something.

MR. FERVIER: With two of them.

MS. KING: With two of them, right and the third person, I think it should be a letter reprimand or maybe an attorney general for the person who --

MS. JOHNSTON: Which person?

MS. KING: Polis.

MR. FERVIER: Polis.

MS. KING: Who registered, but you said he attempted to register to vote, but he wasn't able to?

MS. KOTH: He attempted to re-register on September 3rd, 2024.

MS. KING: Oh, so he did register to vote at one point?

MS. KOTH: He attempted to and then he filled out a nomination petition on May 8th and that signature was rejected due to his felon status.

MR. FERVIER: My mind is a mush right now. Is a convicted felon registering to vote? Is that a felony offense?

MS. JOHNSTON: False registration is a felony offense.

MS. KING: Well, I'm thinking the third party. The two individuals that were registered by the third party. I would like to know which third party that is for sure and then the fact that they did not vote makes me believe and they did say that they were unsure if they could vote and they said that they were advised that possibly like maybe you can. So just fill it out anyway?

MS. KOTH: The one said that, Wooten said that. That his version of events because we have no idea who the canvassers were that he told he could not vote due to his probation status. He advised that she told him he may be -- able to vote and she provided him with a voter registration application which he filled out and signed and then the other

one with the canvasser, Kelsey was interviewed and he said a couple months before the election there were several canvassers that approached him near his home and asked if he was registered to vote. It was possible he filled out a voter registration form.

MS. KING: Forgive me. Did you say Kelsey was a canvasser?

MS. KOTH: No. Came by his house and he said he may have filled one out.

MS. KING: Okay. Okay.

MR. FERVIER: Well my problem with, with Wooten and Kelsey both is that they were turned down and tried to re-register.

MS. KING: No, that was Polis.

MR. FERVIER: Kelsey was canceled twice and on September 7th, he re-registered through DDS in January of 2024. Attempted to re-register again on October 2nd of 2024. Wooten was canceled on August 1st '19, tried to re-register through DDS on August 27, 2024, canceled on September 9th and attempted to re-register were active and was mailed a notice. I mean they both tried to register multiple times.

MS. KOTH: Well one was -- possibly DDS though too because like on Wooten had said that via

DDS -- re-registering on August 27th, 2024, Wooten was canceled as a felon on September 9th and attempted to re-register while actively on a felon (inaudible) in September 25th, 2024.

MR. FERVIER: But -- Kelsey Stanley definitely tried to register multiple times after being canceled.

MS. KOTH: He was canceled twice on September 7th, 2023. He re-registered through DDS in January of '24. He was then called as a felon again on September 9th, 2024 and attempted to re-register again on October 2nd, 2024.

MS. KING: Oh yeah.

MS. JOHNSTON: The issue is -- that every voter registration application, whether it is paper or online or presented by a TPO, a third party organization, has the question or makes the statement that you may not be a felon to register to vote. It's no secret. It's on the Secretary of State's web page with DDS. As far as if you're registering to vote again you're asked if you're a felon. Do not go any further on this voter registration form. So, I think all three of these respondents should be referred to the Attorney General and perhaps the Attorney General might be

able to elicit information about a third party organization that is telling people that it's okay to register to vote if they're serving a felony offense.

It's the chronic problem with TPOs and I love voter registration groups, but either they're not being educated properly or they're not following the law properly that they will convey this information and not register people that are not eligible to be registered to vote, there are not too many things. You only have to be 18. You have to be a citizen of this State and of the proper jurisdiction or county that you live in. You have to be a citizen of the United States. You cannot be a felon, you cannot be mentally incompetent, and you have to be alive to register to vote. So, it's not that hard and I think we should follow the law.

We're not the judge and jury here. I think there's enough evidence to suggest that there's a Violation of Law 2125-71. I believe it is or 561, false registration and I would recommend. I'd like to move that we refer these to the Attorney General.

MR. FERVIER: We have a motion to refer these three individuals to the AG. Is there second?

MR. JEFFARES: Second.

MR. FERVIER: We have motion to second. Any discussion? Hearing no discussion, all in favor of referring these three individuals to the AG signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Any opposition? Hearing no opposition, so moved. The next case in the agenda is SEB2024-196 Glynn County that is Tab 58. The respondent in this one, Mimi Kates (phonetic). Is Mimi here today? Mimi Kates. No, okay.

MR. BRUNSON: Okay, this case is Glynn County. The election involved is the November 5th, 2024 general election and in this particular case, Mrs. Kates took a photo of her ballot as she was voting. And immediately, once she was confronted regarding that, she acknowledged, okay, didn't know it was against the law, and she apparently deleted it. So, but based on the fact that she took the photo, there's evidence to suggest that she violated OCGA 21-2-568.2 sub A, sub 2, photographic and other electronic monitoring ballots prohibited, et cetera.

MR. FERVIER: So, she immediately --

MR. BRUNSON: Straightforward case --

MR. FERVIER: She immediately deleted it since she was told --

MR. BRUNSON: She was cooperative all of that. She deleted it. Said she didn't know, so.

MR. FERVIER: I'd be in favor of sending a letter of instruction on this one.

MS. KING: Yeah.

MR. FERVIER: Any questions from the Board?

MS. JOHNSTON: No questions.

MR. FERVIER: You have a question? Did you say you had a question?

MS. JOHNSTON: No questions.

MR. FERVIER: Okay, sorry, would you like to make a motion?

MS. KING: Make a motion to dismiss.

MR. FERVIER: Dismiss or letter of instruction?

MS. KING: I'm sorry, motion, I'm hungry. I make a motion to issue a letter of instruction.

MR. FERVIER: We have a motion to issue a letter of instruction. Is there a second?

MR. JEFFARES: Second.

MR. FERVIER: We have motion to send a letter of instruction. Any discussion? Hearing no

discussion. Also in favor, I'm sorry?

MS. JOHNSTON: Certainly with the letter of instruction that there's a technical violation, but a letter of instruction.

MR. FERVIER: Yes. Yes, any further discussion?

MS. KING: No further.

MR. FERVIER: No further discussion. All is in favor issuing a letter of instruction in case SEB2024-196 signify by saying aye.

MS. JOHNSTON: Aye.

MS. KING: Aye.

MR. FERVIER: Any opposition? Hearing no opposition. The motion carries 3 to 0.

MR. BRUNSON: Mr. Chair, just quick question as it relates to 054. I didn't know if there was any more questions. I know that Dr. Johnston asked a question about the status of that other ballot, so I just didn't know if you want to entertain that before going to lunch.

MS. JOHNSTON: Yes.

MR. FERVIER: Okay, yes.

MS. JOHNSTON: The question I believe was did Ms. Manning vote her ballot?

MR. BRUNSON: Yes and she did not.

MS. JOHNSTON: And she did not.

MR. BRUNSON: She did not. It was rejected. There was no signature on her ballot when it was submitted, so.

MS. JOHNSTON: Right.

MR. BRUNSON: So, it just leads more to the fact that this looks like this was an honest mistake, so.

MS. JOHNSTON: Correct. So, Mr. Chair, I would like to make motion to amend the decision concerning Ms. Manning and to move to dismiss that portion of the case. 2021-054 allegation number three, I believe, correct?

MR. FERVIER: So, we have a motion to dismiss the case on Christine Manning with SEB2021-054. Is there a second?

MS. KING: Second.

MR. FERVIER: We have a motion to second. Any discussion? Hearing no discussion, all is in favor, signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Any opposition hearing? No opposition, so moved, dismissed. We had a request to hear one more case because the person is

deceased.

MS. KING: I think we can dismiss it.

MR. FERVIER: SEB2020-148, Greene County. Is that the one just got the letter on

MS. KING: Yeah, I make a motion. We dismiss this case.

MR. JEFFARES: Second.

MR. FERVIER: You have motion to dismiss case SEB2020-148. The potential violator is dismissed, I'm sorry, deceased. Is there a motion to second. Any discussion? Hearing no discussion, all those in favor of dismissing case SEB2020-148, signifying by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Any opposition? No opposition, so moved. The Chair would entertain a motion for a short lunch break at this time.

MS. KING: So moved.

MR. FERVIER: Motions to take a second. All favor, signify saying aye --

MS. KING: Aye --

MR. FERVIER: We will have about a 30 minute lunch break and then we'll resume with City of Camilla will be next and then Chatham County.

(Recess taken)

MR. FERVIER: I'm going to call back to order the meeting of the State Election Board. Call back into session the first case we're going to hear. I hope everybody had a wonderful lunch. Ready to dive back into this fun --

MS. KING: A bit more energy --

MR. FERVIER: Yes, I'm on Coke two and you see me get to Coke three it's been a long day. This is a SEB2 -- investigators here? Okay, SEB2021-152, City of Camilla, tab number 43 and then the next one we're going to do is 2020-292. Okay, hang on one second, okay.

MS. KOTH: The City of Camilla self reported about an unqualified voter. Ms. Richardson told the election staff that she resides within the city limits of Camilla and it was allowed to cast a vote for the Camilla municipal election during advanced voting October 23rd, 2021. It was further reported that Ms. Richardson was not on the list of municipal electors. She advised that she was living in the city, but had not changed her voter registration card.

She thought because she was living in the city, she could vote for that municipal election.

The election superintendent, Donald Gray, advised every worker involved in this case was brand new and they have since been retrained on the verification process. The allegation that a voter who did not live in the city was allowed to vote in municipal election is substantiated. Potential violations for Donald Gray, the City of Camilla Election Superintendent, Vicki Hicks, the poll manager, and City of Camilla Board of Elections, there is sufficient evidence to show that the three of them violated SEB Rule 183-112.11, subsection 2A.

MR. FERVIER: So, we have respondents or City of Camilla, City Camilla Office of Elections, Donald Gray. Is Mr. Gray here? No. Vicki Hicks? Ms. Hicks is here. And then Kiera Richardson (phonetic)? Nope, okay, great. So, the allegations is that individuals allowed to vote in the city when they did not live in the city. Would you all like to respond? Press the button, use the mic and you want to respond, press the button, use the mic and identify yourself, please. All right.

MS. HICKS: I'm Vicki Hicks.

MR. FERVIER: Okay.

MS. HICKS: Okay, I'm Vicki Hicks and I've actually learned more about this case that happened

in 2021 since I got this letter. I called my election supervisor, talked to him just last week because honestly, I said this happened in 2021. I cannot remember what happened. I just can't remember what happened last week. So, he told me that Mrs. Richardson, he found out -- that she voted that she was not on the list. She came in and with me being the manager, I don't even really remember talking to her, but as we do with that thing is, if it's the manager, you have an election supervisor. Go to that person and if there's any the discrepancies, we call the elections office, but she was allowed to vote at the end of that day, I'm assuming after we left, he checked it and found out that she did not, where her driver's license indicated she did not live there.

Okay, nothing was said the next day about, you know, you all be careful, check this, check that. Nothing was said. So, when I called him and asked him about, you know, what is this letter about? And, he said, well, I self reported it. They didn't, you know, the State Election Board didn't, you know, come after us, come after me. I self reported it and that it was just a miscommunication. I said, well, nobody said

anything to me about, looked like somebody would have said something or like I said, warned us the next morning about the next day about, okay, be sure, you know, you take this, this, this. We were using paper ballots and all at that time. So, and I'm here and I was told, you know, I got a call. Yes, where are you? I said, I'm on my way to Atlanta. Well, you really didn't have to go. I said, oh yeah, I'm going because when, when I get a letter from the State Election Board, you know, to me it's serious and I wanted to clear my name and my part with whatever happened, you know, and this is my character, so that's why I'm here.

But, nobody said anything to me in '21 that, you know, she did not live where she says she lived. And, and that's why I said I'm finding out more information after I received this letter and, and asked questions last week.

MS. KING: You said -- you verified her address using her ID --

MS. HICKS: They used her ID --

MS. KING: But, she didn't have her ID --

MS. HICKS: I'm manager, I, you know, I'm, I'm managing. I don't unless someone is at lunch. That's when I go to one of the stations and work.

But, it's my understanding she had her ID with her and she said that's where she was residing. And, Don, which is a supervisor, he evidently called the elections office, but somebody verified allowed her to vote. Now if I'm just a poll manager, I'm just sitting by myself, you know, I may make the call to see. But, we had a supervisor. So, I don't know if he contacted the election office, but somebody cleared her to vote. And, then later that day he was saying he found out that she was not on the list.

And then he said, I called, I think he told me he sent an email, he called, he has had several conversations with somebody in Atlanta, but I didn't find all of that out until after I received this letter.

MS. KING: So to be clear, so she came in, she showed her ID and it showed that she wasn't in the city limits or they thought she was, and they allowed her to vote?

MS. HICKS: Well, she showed her ID, and after it was when they looked at the big ole paper books, the address -- did not show what she had on the driver's license.

MS. KING: Okay.

MS. HICKS: Our election supervisor called, what I understand, the elections office, and she was allowed to vote. But nobody, I think, came back and said anything, told one of the poll workers, okay, she's allowed to vote. Later on when we left, I'm assuming because he said later on that same day, he found out, the election supervisor found out that she was not on the list and he said that he immediately sent something to Atlanta.

So, I'm assuming State Election Board or someone. And, he said he was on phone, several conversations, and I'm not sure if he said he had a Zoom or something. So, when I took the letter and I told him, I said, well, I'm going to Atlanta, and I didn't know who else was coming. Well, it says at the bottom, you don't really have to. I said, I don't care what it says at the bottom. I received the letter, and I don't want my name in anything messy, for lack of a better word. So that's why I'm here today.

MS. KING: Okay. Okay.

MR. FERVIER: Dr. Johnston, any questions?

MS. JOHNSTON: No questions.

MR. FERVIER: Would the attorneys like to speak?

MS. PARKS: Yes, Jacqueline Parks (phonetic), along with my colleague, Alicia Thompson. We are attorneys representing the City of Camilla. We are asking that the potential violations, the allegations against the City of Camilla be dismissed at this time through the report. Via the report that we received, the respondent is named City of Camilla's Board of Elections. That is an entity that does not exist in the City of Camilla.

In that municipality, the election superintendent is the person who oversees the election, and they follow the guidelines of this Board along with Title 21 of the Georgia Code. They answer directly to the Secretary of State. So, we're here to let the Board know that there is not a Camilla Board of Elections. Now, the office that I believe Ms. Hicks is referencing is the Mitchell County Board of Elections. So, as stated in the rule that is outlined in the report, SEB Rule 183-1-12.11 subsection 2A, the poll manager, which was Ms. Hicks at that time, she would if there was a question regarding a voter's place of resident, they would notify by the Board of Elections, in which that would be Mitchell County Board of Elections.

So, based upon heard statements here today, Donald Gray made contact with the correct entity to verify the elector's address. City of Camilla did not have any responsibility regarding Ms. Hicks actions or Mr. Gray's actions. They were not involved at all. So, we are asking that the violations against the City of Camilla be dismissed as there is not a City of Camilla Board of Elections.

MR. FERVIER: You just want to go home, don't you?

MS. HICKS: I won't go home. We're actually returning back to the office, but we just want to make sure that.

(Vent alarm triggered)

MR. FERVIER: Run, Alex, you just kick it a few times. Can we go ahead and discuss the City of Camilla then and just --

MS. HICKS: Yeah. I mean, where did the City of Camilla Board of Elections come from?

MR. FERVIER: Is there a City Camilla Board of Elections?

MS. HICKS: No, There's not a Board of Elections or Office of Elections.

MR. FERVIER: So, it should be Mitchell

county, then?

MS. HICKS: It should be Mitchell County based upon Ms. Hicks statements today, we conclude that it should be Mitchell County Board of Elections. If that's who they called to verify the address.

MR. FERVIER: You can't hear?

THE REPORTER: No.

MS. KOTH: The report referred to it as Office of the Elections and --

MR. FERVIER: Hang on. Let me ask a quick question. Who is responsible for conducting the elections in the City of Camilla?

MS. HICKS: That is the election superintendent. So, at that time of this alleged violation, that would have been Donald Gray.

MR. FERVIER: The City of Camilla doesn't have anything to do with Donald Gray?

MS. HICKS: They appoint the election superintendent, but they do not oversee the superintendent meaning when you have city council meetings or they go into executive session, they do not question the authority of the election superintendent.

MR. FERVIER: Hang on one second. You

can't hear any of that?

THE REPORTER: No.

MS. KING: I know what we're up against is either we pause so that he can transcribe, but that means we all have to kind of wait. But I don't know how long.

THE REPORTER: Unless you don't care your transcript is inaccurate?

MS. KING: I'm sorry, what was that?

THE REPORTER: I mean I can't hear. So, unless you don't care your transcript is inaccurate?

MS. KING: Well, I mean, we care, but we also thinking about everyone that's been sitting here for hours. Just so we don't know how long this is going to be.

MS. JOHNSTON: We can pause.

MR. FERVIER: Let's wait just for just a minute. We have a motion to break for a short recess. We have a motion with a second.

MS. KING: Second.

MS. JOHNSTON: All in favor signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Motion carries 3 to 0.

We're going to break for a short recess, see if we can fix this problem.

(Recess taken)

MR. FERVIER: So, let's call back to order and continue here. So, the question is whether we were asking questions about City of Camilla and who actually runs the election? So, you said that the election superintendent -- and the election superintendent doesn't report to the city council. Who does he report to?

MS. HICKS: Okay, the election superintendent reports to the Secretary of State and the duties and responsibilities of the City of Camilla's election superintendent are prescribed under Title 22.

MR. FERVIER: So, City of Camilla is denying all responsibility for anything to do with this?

MS. HICKS: Correct.

MR. FERVIER: Okay.

MS. JOHNSTON: Does the town manager conduct elections for the City of Camilla?

MS. HICKS: The city manager?

MS. JOHNSTON: Yes, city manager?

MS. HICKS: No.

MS. JOHNSTON: So, they contract out with the county to conduct elections?

MS. HICKS: I wouldn't use the term contract out with the county. The City of Camilla is within the jurisdiction of Mitchell County.

MS. JOHNSTON: Correct.

MS. HICKS: So, as with most municipalities, you have your cities and you have your county Board of Elections. So therefore, if for certain elections, the poll managers would refer to the Mitchell County Board of Elections, meaning calling in when the person walks into the precinct, they give their ID if there are any issues or questions regarding whether or not they're in the correct precinct, then they would call the number that is given to the poll managers in their training.

And I believe, and you will have to ask Ms. Hicks to respond particular question. Who she would have called on that date. Based upon her statements earlier this afternoon, it appears that either she or Donald Gray at that time would have called the Mitchell County Board of Elections.

MS. JOHNSTON: Is it correct that Mitchell County is responsible for the conduct of elections

for the City of Camilla?

MR. OWENS: Good afternoon, Board Members. My name is Kevin Owens. I'm the Mayor of the City of Camilla and as our City Attorney mentioned, the Council appoints the election superintendent for the City of Camilla and the City of Camilla conducts the election. We're responsible for conducting the election. If there's an issue, we refer to the County to help clear up if there's an issue with a voter mismatch and the address and that type of thing, but in terms of the conducting the election, that is the City of Camilla.

However, when the Council appoints the superintendent, that superintendent becomes a solely independent body and conducts the election per the rules of the State and this Board, but the Council does not intervene or give any type of instruction, if you will, as it relates to the how that election is conducted.

MR. FERVIER: You conduct in name only?

MR. OWENS: Yes sir.

MS. KING: So, the superintendent will contact Mitchell County if they have any issues with registrations and things like that. That's what you're saying?

MR. OWENS: That is correct, Member King. And as Ms. Hicks pointed out earlier in 2021, we were using paper ballots. For the last two years we've been using the electronic form and we'll be having poll pads this year. So, hopefully -- these types of issues if you will be getting will get minimized, but yes.

MS. JOHNSTON: Just to make sure I understand. Help me understand. Donald Gray -- was the Camilla election superintendent for this case?

MR. OWENS: Yes, ma'am.

MS. JOHNSTON: Okay, different than the superintendent of elections for Mitchell County?

MR. OWENS: There you go, yes, ma' am.

MS. JOHNSTON: Okay.

MR. OWENS: Yes ma' am, but he would refer or our election superintendent, when they have an issue, will contact the County for any guidance if they need that.

MS. JOHNSTON: Correct.

MR. OWENS: Or the Secretary of State.

MS. JOHNSTON: And, so the qualified voters list was provided by Mitchell County?

MR. OWENS: That is correct -- as Ms. Hicks pointed out, that's -- been our understanding

that when there was an issue, they called over to the County, the County gave them the okay. But, at some point it was learned that, that voter was not eligible. And, it's my understanding that Don Gray at that point self reported that there was a mistake.

MS. JOHNSTON: Okay, so the Camilla election superintendent, do I understand correctly, told you Ms. Hicks, that the voter could vote, could not vote, was allowed to vote, but then is Donald Gray here?

MR. OWENS: No.

MS. JOHNSTON: So, Mr. Gray then at some point in time communicated with Ms. Hicks that he found out that the voter was not allowed to vote?

MR. FERVIER: Yeah, yep. Let's deal with the City of Camilla first. Is there a motion on the City Camilla portion of this actually City Camilla Office of Elections?

MS. JOHNSTON: Mr. Chair, I make a motion that we remove the City of Camilla Office of Elections as a respondent in this case.

MR. FERVIER: Is there a second?

MS. KING: Second.

MR. FERVIER: We have a motion to second.

To remove them off this case. Any discussion? Hearing no discussion. All those in favor, signify by saying aye.

MR. JEFFARES: Aye.

MS. JOHNSTON: Aye.

MS. KING: Aye.

MR. FERVIER: Any opposition? Hearing no opposition, so move the City of Camilla, you can go home.

MS. PARKS: Thank you all for your time this afternoon.

MR. FERVIER: You stay for just a second because we have to deal with the rest of this. Okay. So the other, yes. Oh, you want to talk?

MS. KOTH: I just wanted to point out that it looks like where the confusion was that one of the members of Camilla -- for the elections personnel called Mitchell County and they were asking about Mrs. Richardson. But, the question that Mitchell County understood that question to be was, "She a resident of the county?" And that's where the confusion was. They were trying to see if she was a resident of the city because the woman was saying that she was. Her ID said that she was in the county, but she was staying in the city. That's

what made her think that she could vote in this municipal election.

So, it looks like what happens. The question was worded differently, like, you know, message sent, message received. So, what they heard was one thing, and they were like, yeah, sure, she's a resident talking about the county, not the city.

MR. FERVIER: Was this all just a big misunderstanding?

MS. KOTH: It looks like, yes. It was just chaos and then when they called Mitchell County, Mitchell County was answering, according to their sworn statements that they were answering that she was a resident of the county, that the city had never been brought up. But, it looks like the question, however it was worded, was where that misinterpretation came from. That's where the miscommunication was.

MR. FERVIER: Is that your understanding? Ms. Hicks, you would agree with that?

MS. HICKS: Yes.

MR. FERVIER: Okay.

MR. JEFFARES: You need a motion to dismiss, aye.

MR. FERVIER: Yeah -- it is a new day.

Member Jeffares has made a motion to dismiss this complaint.

MS. KING: Second.

MR. FERVIER: We have a motion and a second to dismiss this case. Is there any discussion?

MS. KOTH: Is that with a voter too?

MR. FERVIER: Yes. Any discussion? Hearing no discussion. All is in favor of dismissing this complaint signify saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Any opposition? Hearing no opposition, so moved. Case, if I can find it again. Case SEB2021-152 City of Camilla is dismissed.

MS. KING: Yeah, you can go.

MR. FERVIER: Safe travels.

MS. KING: Thank you.

MR. FERVIER: They're clapping for you. Let's do Ben Hill. Tab 41 SEB2021-005. You need to find a place where you can speak.

MR. LEE: Okay.

MR. FERVIER: Tab 41.

MS. KOTH: Okay, the Ben Hill County Board of Elections reported to the Secretary of State that

Mr. Lee Junior was a convicted felon on active probation. He registered to vote and then voted for the January 5th, 2021 general election. The investigation revealed that Mr. Lee was registered to vote on September 11th, 2020. He voted on December 15th, 2020 during early voting for the January 5th general election runoff.

Mr. Lee is a convicted felon who has been serving a five year active sentence since 2017. There's evidence to suggest Mr. Lee violated OCGA 21-216, subsection B.

MR. FERVIER: Mr. Lee, you have a great middle name.

MR. LEE: Yes sir, Triumph.

MR. FERVIER: A great middle name. Your responding to this case. Would you like to address the Board?

MR. LEE: Yes sir. I know I've made a lot of mistakes in my life and things that my life hasn't been a real perfect track record. I don't know why they let me vote that particular day, but I think my license got, I got registered when I got my license back. And, when I went and asked the lady, I say at the registrar's office, I said, well, can I vote? And she said, sure. And I asked again, I

said, can I vote? I didn't even know how to run a terminal. I never voted before in my life. So, it felt like it was the right thing for me to do it there at an appropriate time. And, it was a new life experience.

I've been trying to live right and live as a citizen. I work for the City of Fitzgerald and I enjoy helping people and I enjoy inspiring people. I have some letters that have been written on my behalf and I did retain my rights to vote. Again, my sentence was terminated. If I could share these with the Board, could I bring them up?

MR. FERVIER: We'll have somebody come get them. Jesse, would you grab those letters from him, please? Thank you, sir. Please proceed.

MR. LEE: And, I would like to ask the Board for a very personal, godly. I'd like to ask for an apology, profuse apology. If I did anything wrong or if I have made any mistakes, if I did anything with any investigator office, I ask that you please forgive me. If you give me another chance, I won't do it again, I promise.

MR. FERVIER: Why did you decide you wanted to vote, Mr. Lee?

MR. LEE: I thought it was the most

civilized thing to do. I craved being a citizen. I got tired of being at the bottom of the barrel because I put myself here. It's by choice today that I've chosen to come up out of that hole and live and make a name for myself and to help others along the way.

MR. FERVIER: Any further questions from the Board? Dr. Johnston?

MS. JOHNSTON: Mr. Lee, did -- you sign a voter registration application?

MR. LEE: Yes, ma'am, I think I did. When I was renewing my -- I didn't have my license for 28 years, so I decided to get my license back, and I think I registered to vote. In the process of getting my license.

MS. KOTH: He was challenged in October of '20 as well.

MS. JOHNSTON: Could you repeat that, please?

MS. KOTH: Yes, the County, actually Ben Hill County, challenged his registration status on October 6th, 2020. They sent him a letter that wasn't responded to. They should have been notified at least that -- he's being challenged.

MR. FERVIER: Did you receive a letter

from the County saying that you were being challenged?

MR. LEE: No sir.

MS. JOHNSTON: Mr. Lee, did you vote in person?

MR. FERVIER: Yes ma'am. I went to the registrar's office and I, you know how you fill out the paper before you present your license? And I give her my license, and she said I was perfectly fine to vote.

MS. JOHNSTON: Did you sign the oath when you -- presented to vote and get a ballot in the election?

MR. LEE: The only thing I remember is I went to the booth and this little paperwork that you fill out and I gave him my license and I didn't even know how to operate the booth. Somebody in there had to show me because I never voted before.

MS. JOHNSTON: So, Mr. Lee, on the form that you sign when you go in to vote and to get a ballot, it's a voter certificate and it says, I certify that I'm qualified to vote. I have not and will not vote elsewhere in my name or any other name. I'm a citizen of the United States, and I'm not currently serving a sentence for a felony

conviction. I understand that making a false statement on this certificate is a felony under the code of Georgia.

MR. LEE: I'm not sure, ma' am, I can't remember. It's been so long. I can't remember exactly what the card said, but I remember signing the card and I remember writing on the card, but it was something in between my license. It's been so long now. But, in order for them to have let me vote, I had to be registered, right?

MS. JOHNSTON: Sara, in the voter registration system, is there a flag or note that Mr. Lee was challenged?

MS. KOTH: I don't know. I'm just going by the statements that were made and we have a copy of the letter.

MS. JOHNSTON: Was a challenge upheld?

MS. KOTH: Yes, they canceled him in '21.

MS. JOHNSTON: 2021.

MS. KOTH: Do you want me to pull the exhibits?

MS. JOHNSTON: Would you please. I'm sorry sir.

MS. KING: Mr. Lee, you said that you were unsure as to whether you could vote when you asked

and they said yes, you can or you were unsure about it?

MR. LEE: Yes, ma'am. I didn't just walk in, you know, with respect. I was waiting for her to respond.

MS. KING: Okay.

MR. FERVIER: Yeah, it's interesting because we had this conversation once today talking about registering -- automatically when you get your DDS and how it's not an opt in or opt out, it's just an automatic unless you choose to opt out. And, so I think that a lot of people get caught up in that and get registered, even though they may not necessarily want to be registered or whatever. It's a section in the middle of the application that most people don't read anyway.

And, so people get caught up with those things. I find it interesting that Mr. Lee never voted before and asked a couple of times if he could vote and was told he could vote, which is a little concerning. So, but --

MR. JEFFARES: Mr. Chairman, I make a motion to dismiss this I think it's just a communication error going back and forth, what we talked about at lunch and everything else. I'll

make that motion.

MS. KING: I was thinking maybe a letter of reprimand just so that there is something on file. So, you know, next time, you know, it would be something different. But, I also think that there's some confusion around the registration process. I feel like the State should catch some of this. If we're going to automatically opt people in, then we should make sure we have a system that can catch these type of scenarios.

MR. FERVIER: Yes ma'am.

MR. FERVIER: And, I'm going to come down in the middle because I was thinking of a letter of instruction to instruct him on the proper -- way to vote.

MS. KING: But, at the end of the day, there is a personal responsibility to this, you know, to know the law, to do research to make sure for yourself so you don't find yourself in a situation.

MR. FERVIER: Yes ma' am. Yes sir.

MS. JOHNSTON: Mr. Chair, I'd like to point out on this application for in person , this is an absentee ballot?

MS. KOTH: He voted early in person. I

don't know if it was in person he voted on the -- are you asking for what day he voted?

MS. JOHNSTON: This is for in person absentee. Okay, so early in person. So, this application, Mr. Chair, says something different than -- what is stated in the code. It does not say that, does not mention being a felon in this application for a ballot.

MS. KING: Okay, so he wouldn't have known and they told him it was fine then with a letter instruction. All right, I can bring it into letter instruction because you wouldn't have been able to read it.

MR. LEE: Okay, that's fine.

MR. FERVIER: In case you don't know, letter instruction is just a letter that details what you know -- how it should properly be done in the future. So, do the motion?

MS. KING: Yep.

MR. FERVIER: The motion from Member King to issue a letter of instruction. We have a second?

MR. JEFFARES: Second.

MR. FERVIER: We have motion and a second. Any discussion? Hearing no further discussion. All is in favor of issuing a letter of instruction.

Signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Any dissent? Hearing no dissent, so moved. A letter of instruction will be issued on this case --

MS. KING: At some point --

MR. FERVIER: SEB2021-005 -- county. Thank you.

MS. KING: Thank you.

MR. LEE: Do I get it in the mail?

MS. KING: It'll come in the mail.

MR. FERVIER: Yes, you'll get it in the mail, yeah.

MR. LEE: I just wanted to make sure and thank you, kindly.

MS. KING: Thank you.

MR. FERVIER: Thank you, safe travels back.

MS. KING: Should we send something to the city or to tell them that they need to make sure their documents align with the code? What do we --

MR. FERVIER: Well, that was a --

MS. KING: That's a concern.

MR. FERVIER: That's a Secretary of State

issue. That's a --

MS. KING: The Secretary of State's documents is not aligned with the code?

MR. FERVIER: That's an absentee ballot.

MS. JOHNSTON: It's a Secretary of State form.

MR. FERVIER: Yeah, we'll need to. We need to think about that, yeah.

MS. KING: We might want to tell the Secretary of State to operate within the code.

MR. FERVIER: Yeah. Let's see, I think that the next furthest away is McIntosh County. McIntosh county here? No?

UNKNOWN SPEAKER: I'm here for Chatham --

MR. FERVIER: Isn't Chatham, McIntosh is below Chatham. I know it is. I've been there. Isn't that Darien? I did a Waffle House in Darien a long time ago.

MS. KING: This with the shrimping, isn't it? The shrimp? The shrimping?

MR. FERVIER: Chatham will be next. This is SEB2022-189, tab 67, McIntosh County.

MR. BRUNSON: Okay, this is a case in which there are a number of allegations. Total of 12 actually. So, I'll go through each one of the

allegations first and then I'll go through the ones that we sustained and then we'll go from there. So, Jake Evans, the attorney representing Mr. Tim Gardner (phonetic) made the following complaint regarding the June 21st, 2022 McIntosh County election. There were poll watcher reports that had allegations that there was apparent errors and discrepancies which caused tabulation errors which affected the race.

Tim Gardner was a candidate for McIntosh County District 5 Commissioner. So, number one, Jake Evans alleges that McIntosh county poll workers did not properly count 40 or more absentee ballots and a recount should be conducted. He also alleges that McIntosh county poll workers damaged electronic voting equipment. He alleges that the oversight of poll watchers was limited and then a poll watchers report from Linda Daniels indicated where a poll worker scanned a voter's ID and the name and address for his twin brother was populated.

Linda Daniels reports that also at a Darien Precinct number 1771 a voter was not pleased with the ballot she voted and she asked for another ballot. They spoiled the voters ballot and she received another ballot. She also apparently was

told that she could not use paper and pencil while at Darien precinct number 1771. Another poll watcher report from Linda Daniels states she was at the tabulation center on May 24, 2022 -- and the State scanner was not accepting the primary ballots. When the size of the paper was changed it worked.

Number six, another poll watcher report from Johnny Daniels stated he was at Precinct 2 on May 24, 2022 and he told the poll worker he was a poll watcher. Johnny Daniels said the poll worker told him to go outside until the polls opened and they locked the door. Johnny Daniels said poll workers did not allow him the opportunity to see the numbers on the scanner when the polls opened at 7 AM they also apparently told him he could not use paper and pencil.

Another poll watcher report, this is number seven from Matthew Felion (phonetic) stated he was at Precinct 3, the Crescent Fire Hall on May 24, 2022 and electors were dropping their ballots into a slot on the tabulator instead of running them through the scanner. Mr. Felion states the scanner was later repaired and all but three of the ballots were scanned. Mr. Felion said he was told to leave at 7 PM because voting was completed, but he refused

to do so. After some phone calls were made he was allowed to stay.

Number eight, poll watcher report from Beverly Gardner (phonetic) states she was at early voting on May 2nd, 2022 and the election supervisor told her she could not stay during polling because her presence might intimidate voters. Mrs. Gardner's husband was a candidate on the ballot.

Number nine, poll watcher report from Beverly Gardner states she was at Precinct 2 Darien Church of God on May 24, 2022 and she witnessed Commissioner David Stevens enter the precinct at 8 PM Beverly Gardner requested entry to the precinct, was not allowed to enter and at that time Commissioner David Stevens walked out.

Number 10, poll watcher report from Elaine Anderson stated she was at Precinct 2 and the head of the voting precinct asked the poll watchers to leave. Elaine Anderson says she requested to photograph the end tally, but they told her she could not do so. Elaine Anderson stated that a poll gave her the numbers, but then told her she had to leave. She said two people were still voting at that time.

Number 11, poll watcher report from

William Johnson states that on May 24th, a lady came into the election office where tallying was to take place in the front office. He said Mrs. Gayle (phonetic) directed the lady to where the absentee ballot box was and the lady deposited eight to 15 yellow envelopes of absentee ballots in the box.

And then finally, number 12, poll watcher report from Jonathan Heriox (phonetic) stated he was at Precinct 3, Crescent Fire Department on May 24, 2022. He stated the poll manager, Wendy Tucker did not inform him that she was turning on the poll for him to be able to observe the process. Mr. Heriox stated the poll manager did not have the right key for the ballot box scanner. He stated the ballots had to go into the emergency drop box. He stated the poll workers told voters who were attempting to vote that they had already voted, so.

As it relates to all of excuse me, all of the allegations our findings was that the investigation did not reveal any evidence to support violations of the Georgia Election Code regarding allegations numbered 1, 2, 4, 5, 8, 9, 11, and 12. And in reading them, even on the face of it, many were not violations. They were just, you know, issues that occur during the course of the election.

As for the allegations of limiting the oversight of poll watchers, our investigator did identify that allegations number 3, 6, 7, and 10 were all sustained. These are four occurrences where poll watcher reports they could not exercise their full duty as poll watchers.

The potential violations involve SEB Rule 183-1-12.10 sub 9 before the opening of polls and SEB Rule 183-1-12.12, sub A, sub 9 regarding tabulating results, SEB Rule 183-1-12.10 sub 9 before for the opening of polls which identifies the responsibility of poll officers to setting up the polls in sections 1 through section number 8 and in section number 9, the rule states, "Accredited poll watchers must be able to observe the polling place setup process. However, they may not interfere with the setup process." SEB Rule 183-1-12.12, sub A, sub 9, tabulating results identifies the poll officer's responsibility after the poll closes. In sections A1 through A8 and in sections A9 the rule states, "Accredited poll watchers shall be allowed to observe the process described in this rule. However, they must do so in a manner that does not interfere with poll officials."

The investigator found that most

information reported in the poll watcher reports explained what the poll watchers witnessed while conducting their poll watcher duties and did not identify any apparent errors and discrepancies regarding the tabulation of ballots. There was no evidence obtained that 40 or more ballots were not properly counted as well as no evidence of mishandling and blatant tabulation errors. The McIntosh County Election Supervisor and the regional training liaison explained the reason they spoiled particular ballots. There was a breakdown of that in the investigation.

I believe it was 11 Democratic ballots were spoiled, 14 Republican ballots were spoiled, and they were listed. And in addition to that, another Democratic ballot that was voted in person was spoiled and there was no violation as it relates to the spoiling of those ballots that was appropriate. So ultimately, McIntosh County Board of Elections and Registration and Elmore Gayle, the McIntosh county election supervisor, there's evidence to suggest that they violated those SEB rules that I cited previously.

MR. FERVIER: Thank you. Ms. Gayle is a respondent, Ms. Gayle is here. Would you like to

make some comments?

MR. NIX: Yes sir we would.

MR. FERVIER: Okay.

MR. NIX: Can you hear me now? There we go. Good afternoon, thank you for taking us out of order. I'm Jason Nix. I'm the attorney for the McIntosh County Board of Elections and Registrations. I have with me our Supervisor of Elections, Ms. Eleanor Doll Gayle (phonetic). So, obviously we agree with the findings of the investigators as it relates to allegations 1, 2, 4, 5, 8, 9, 11, and 12, the finding of no evidence or insufficient evidence to move forward and would ask for those to be dismissed.

As it relates to the allegations collectively in 3, 6, 7, and 10. All of those are of the same issue. Those are the two issues there cited under rules 183-1-12.10 and 183-1-12.12 We do admit that there were some issues with the interpretation of that on that particular day, but I would like to go into what happened and what the confusion was on that day.

So, these were poll watchers for the McIntosh County Republican Party and pursuant to .1-24-08 of Georgia Code, the party is limited to two

poll watchers per precinct. What the party had elected to do for the first time in McIntosh County history was they had elected to name and nominate in their letters more than two people per precinct, but schedule them at different times and explicitly stated in their letters, start and stop times for each person named and which precinct they were to be going to and in those letters that were provided to the individual precincts to make sure they had the right people there at the right times and that there was no violation of Georgia Law and accidentally allowing more than two at one time.

Those letters were from the party, not from our office. Those letters and the summary schedule sheet, a table they provided us for assistance and reference, specified a start time of 7 o'clock and a stop time of 7 o'clock as well. Now, in addition to that, that of course caused some confusion with the training of our poll workers there as to who can be there, who can't.

We acknowledge that people can be there to observe the setup and the tear down. Basically, you know, the shutdown packing up in the aftermath of the election. But that being said, under Rule 183-113.03, when a poll watcher observes something that

they believe to be incorrect or an error, they ought to notify, pursuant to this Board's rules, they ought to notify the supervisor of elections and not just write it down and report it to their party or report it to the State Board to notify at the time, pursuant to Rule 13.03, the Supervisor of Elections. That's actually what Mr. Fillion (phonetic) wound up doing when they said that there were multiple phone calls and he was allowed to remain as to the morning, nobody called, nobody reported anything to Ms. Gayle or to anyone in her office at the main office. So, there was no corrections to that could be made by her, but once she was contacted as to the tabulation in the afternoon, in the evening, I should say it was corrected.

He was allowed to meet. He was allowed to remain and observe the packing up process and the shutting down of the machines as a private citizen per se, anyone who could be not in his official capacity as a poll watcher because his nomination, formed from the poll party, had explicitly ended his term right at the close of polls. Additionally, now, any claim that there were still two electors voting, no, we completely deny that fact. I don't think that's really in question. I believe that was

in number seven. But, as to the issue of times, we admitted there was an issue there. This has not been an issue in any election since that was discussed with the party at one of our next Board meetings. What was going on and why we had these time lines, why we were telling them that and from then, the party no longer put a start time or from the opening through close.

They would only specify the transition times for the people that they wanted to have in there. We were just trying to have a more liberal approach of allowing them to have people take shifts so that it wouldn't be just two people stuck there all day, which is what the party was asking for. And, it led to some confusion that first time in implementation.

MR. FERVIER: Any questions from the Board, Dr. Johnston?

MS. JOHNSTON: I'm sorry, I didn't catch your name.

MR. NIX: My name is Jason Nix, N-I-X. I'm the attorney for the McIntosh County Board of Elections. I'm a local attorney there in Darien, Georgia.

MS. JOHNSTON: Thank you, Mr. Nix.

MR. NIX: Thank you ma'am.

MS. JOHNSTON: Did you state that election conduct ends at the close of polls?

MR. FERVIER: I don't believe I did, ma' am.

MS. JOHNSTON: Okay.

MR. FERVIER: I don't believe so. If I did, I misspoke.

MS. JOHNSTON: Okay, all right.

MR. NIX: I think what I was saying is that -- the nominating letters that we had for from the party, naming who would be the poll watchers and what precinct they would be in, specified exact start and stop times for that particular poll watcher in that particular precinct.

I'm not sure if your investigators were provided copies of those letters. I assume they probably were, but we do have copies of those letters, along with a table or spreadsheet that was provided to us as a summary by the party and subsequently corrected with dates, times, where, and everything of what they had planned in the lead up to that election.

MS. JOHNSTON: Okay, I just wondered if that was taken literally and the poll watchers were

then excused from the polling place?

MR. NIX: So, I think that is what was happening, is that the poll workers in those locations were taking that very literally. That these people, in their official capacity, they said they weren't going to be coming into seven, so we didn't let them in until seven. That has since been corrected in the instructions and training for our people and also the party has since amended how they submit their letters to us in that regard, which is why this has not repeated itself since this election.

And like I said, the issue is with the poll watchers. If they would have complied with 183-1-13.03 of this Board's rules, where if they observe an issue that is an ongoing issue -- they're supposed to not just make a note of it for their party, but also immediately notify the supervisor of elections pursuant to this Board's rule. When they did that, Mr. Fillion did that at the close of elections in his precinct, that he was a poll watcher for and it was corrected once a call was made to Ms. Gayle, but prior to that, they did not notify us and Ms. Gayle was not aware that -- they weren't being allowed in that morning and that the

letters were being so strictly construed.

MR. FERVIER: Any further questions from the Board? Chair will entertain a motion.

MS. JOHNSTON: Well -- I just like to add that it's so very important for observation and transparency of the conduct of election be allowed for any party -- and certainly for public observers, too, where they're allowed. And of course, you know, that the conduct of election begins before the polls open and after the polls close. So, observers and official poll watchers should be allowed at any of those points so that they'll have confidence that the election was conducted fairly and honestly.

So, thank you for that. Has the County made any steps to train or educate or communicate with all their election workers that this should be, you know, welcomed or encouraged or?

MR. NIX: Yes, ma'am, we certainly did. I tried to discuss that earlier, although I know I went on for quite a while. I can be quite verbose as an attorney. But, we certainly did correct this, and that's why we corrected it, both with our employees, our poll workers, and we discussed what had happened with the party, and they made their corrections as well as to how they were going to

word their letters. But, their letters really were not an issue going forward either way. So, we made sure to correct for this confusion that happened on that day.

MS. JOHNSTON: I'd like to add, for the audience here at least, that photographing is in a polling place is not allowed while voting is taking place. In photographing of personal information, BII or certain confidential pieces of equipment that go maybe like passwords and voter list is prohibited. But, there's really nothing in the code that says photographing is not allowed in the polling place if voting is not taking place.

Now, many counties like to debate that and say no photographs at all, but unless the supervisor, the poll manager allows it or the superintendent actually gives permission for that. But, I think as far as a public process, voting is a public process, and the recording of such or photographing of such is allowed as long as certain provisions are not violated.

MR. FERVIER: Just for the record, I want to say that continuance was requested on this case, but this case had been continued already from another session, and the request for continuance was

made by the complainant, not by any of the respondents. So, I decided to go ahead and move forward with this case.

MS. MOBLEY: Mr. Chair the complainant is here for this case.

MR. FERVIER: Oh, okay.

MS. MOBLEY: Hear me?

MR. FERVIER: Sure.

MS. MOBLEY: Okay, hi, good afternoon. My name is Michaela Mobley (phonetic). I'm an attorney, and I'm here on behalf of the complainant, Mr. Gardner. Mr. Gardner, sit next to me, along with his wife Beverly. Mr. Gardner is also the gentleman that fixed the noise over there, and Ms. Beverly is also one of the poll watchers who filled out a report for part of the investigation. Mr. Gardner is born and raised in McIntosh County and still resides there. As you heard, he also ran for a county commissioner seat and likewise, as you heard from the Investigator and as the respondent has admitted there were a number of violations cited, very important violations, pertaining to poll watchers and the exercise of that role.

It's our understanding that there have been letters of instruction issued to McIntosh

County within the last three elections. We don't believe that maybe these letters of instruction are being taken seriously and so we would ask that this matter be referred to the AG's office or something that's a little bit more maybe a letter of reprimand, just given some of the past issues. I know Mr. Gardner would also like the opportunity to maybe respond to a couple of the points raised by the McIntosh County attorney, one of which about, you know, people not making the right calls and contacting about some of the issues with the poll watchers.

My understanding is that these calls were made or attempts were made and they weren't able to get anybody. Would you mind if Mr. Gardner just spoke to this briefly?

MR. FERVIER: Sure.

MR. GARDNER: Thank you all for moving us up and hearing us today. I would like to say that when we --

MR. FERVIER: Introduce yourself, please.

MR. GARDNER: I'm Tim Gardner, one of the complainants.

MR. FERVIER: Okay.

MR. GARDNER: I would like to say that

when you try to go to the polling place that night that she said that was locked out, she locked everybody out. They run everybody out and allowed certain people in. As a case earlier that we did with -- that was complaint of mine. You know, I come up before y' all a year ago almost now, and we proved that the door was locked, and they locked the door, wouldn't let nobody in, but certain another county commissioner was allowed to go in at that time.

So, they allowed certain people to process this and that and go to back. And, I'm on Republican Party just -- removed in March, you know, had their new party selected before that what we did was we sent a list out of people was going to be there as courtesy to them saying, okay, we're going to have two here, two here. You know, just let them know that the managers would know that these people was coming. You know what I'm saying? Just kind of a courtesy thing.

It wasn't like they were going to start at 7 and leave at 12, and this one's going to come at 12, and leave at 7. That wasn't the point was we're going to have these for the first half because they couldn't go all day because someone was elderly that

would agree to work for the first six, seven hours. These were working next six hours. So, there was never a thought that we was going to leave at 7 o' clock. That wasn't the case and Matt Fillion, the pole manager called Doll Gayle. Matt Fillion didn't call Doll Gayle. Poll manager called Doll Gayle say, hey, he's refusing to leave. He won't leave. And she said and he got to fussing and carrying on. And she said, we don't have to leave. That's the reason he was so adamant. But, most people ain't gonna be that adamant because if you get that adamant, you get charged with being a little bit aggressive and I was charged with that when I walked in there.

So, I know you got to be real careful when you walk in, you know, the polling place. You can't be too aggressive. So, you got to be kind of tippy toed around that, you know and so most people say, okay, that's the, that's the case and such what we do. So, I just would like to say that I would like to see this may be referred over to the AG's office because we've had several violations in the last three or four years and she's been on -- several elections and several violations. She's been, you know, letter instructions and it don't seem like it

goes nowhere.

The county's concerned and last month those two things were brought up and she was in violation. But, it was about individuals want nothing to do with the Republican Party. These are people who are concerned about what's going on in our county and so that being said, I appreciate your time, appreciate you allowing me to fix your electrical and I'll send you a bill. Thank y'all.

MR. FERVIER: There would have been a lot of angry people if you didn't fix that, so.

MR. GARDNER: Especially one from Chatham County.

MR. FERVIER: Thank you. Any further questions from the Board?

MS. KING: No.

MR. FERVIER: Do you, Doctor, Jan, you've been on this longer than anybody. Do you recall the previous violations by Macintosh? A lot of them, I.

MS. JOHNSTON: Okay.

MR. FERVIER: It's late in the day. Maybe not.

MS. JOHNSTON: Yeah.

MR. BRUNSON: I remember Mr. Gardner's

case was up that was a year ago.

MR. FERVIER: Yeah, I remember that.

MR. BRUNSON: Okay, not necessarily, I don't know specifically --

MR. GARDNER: She had a case research in April for --

MR. NIX: We had a few other cases that were here in February when we had the Zoom hearing that we addressed. This case was scheduled that same time. So, they were all being addressed together. But, this case was continued at his request, is my understanding not our request at that time because we were ready to address it that day.

I think there were a couple letters of instruction at that time, none of them on this issue. Like I said, this issue was a one time thing that happened, has never been an issue before, and has not been an issue since.

MR. GARDNER: Well, we have multiple issues over a period of last three elections, cycles.

MR. FERVIER: Board Members, the Chair would entertain more questions or a motion.

MS. JOHNSTON: Mr. Chair, are you suggesting that there should be some review or

research on prior complaints?

MR. FERVIER: That would be interesting to me. I haven't been here long enough to understand the full depth of the allegations. Let's say that. Well, the chair will entertain a motion.

MS. JOHNSTON: Mr. Chair, I move that we continue this case to review and research any past complaints or violations with regards to McIntosh County.

MR. FERVIER: If we hear this occasion, all are welcome to attend by Zoom if you want to.

MR. NIX: I was just about to request that, thank you, sir.

MR. FERVIER: That's a long way to drive up here.

MR. NIX: Thank you.

MR. FERVIER: Come eat at my Waffle House in Darien by the way. So, we have a motion to continue this case to the next agenda. Is there a second?

MS. KING: Second.

MR. FERVIER: We have motion to second. Any discussion? Hearing no discussion. All those in favor, signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Any opposition? Hearing no opposition, so moved, it'll be continued. We have special request because somebody needs to leave for another hearing. SEB2020-292 -- Richmond County. That's a long way. It is -- tab 37.

MS. KOTH: Okay, this, is it on is my mic on?

MR. FERVIER: Yes, please.

MS. KOTH: So, this was continued from last year. There were three allegations. The two questions that were from the Board on this. One for allegation two. That was the allegation where Ms. Rogers alleged that she observed a male place around 50 absentee ballots in a drop box at the local courthouse and there was a couple hours of video for the time frame that she gave and they had looked at that and the question was, did the investigator look at it? And the answer was yes, he had and then he added an additional hour and there was no one that fit that description with multiple ballots putting those in. So, that one was unsubstantiated.

The third allegation was about the three canvassers from Outreach Team and they were all sent to the AG's office and the Board wanted Outreach

added as a respondent, that's it.

MR. FERVIER: On allegation three?

MS. KOTH: Yes.

MR. FERVIER: And, what you say allegation one was?

MS. KOTH: That was already. It was adjudicated the last one.

MR. FERVIER: So, we're just dealing with number three?

MS. JOHNSTON: Three and four.

MS. KOTH: So, it's two and three. Two is the one about the -- male that was putting ballots in. And the question was, did the investigator watch the video? And the answer was yes, he had. And he added an extra hour and still no one matched that description. No one appeared to put more than one or two ballots in the drop box.

MR. FERVIER: Is anyone here from Outreach?

MR. BERRY: Good afternoon, this is Jeremy Barry from Chilivis, Grubman, Warner, and Berry on behalf of Outreach.

MR. FERVIER: Yep.

MR. BERRY: Good afternoon. This is Jeremy Berry from Chilivis, Grubman, Warner, and

Berry, on behalf of Outreach Team, just for clarification, the matter about ballots in the mailbox is not ours. I don't believe that's an Outreach Team one. It's not in the complaint that we --

MR. FERVIER: No, no.

MR. BERRY: Okay, just wanted to be --

MR. FERVIER: It's just about canvassing, yeah.

MR. BERRY: Okay, thank you. I'm happy to respond to some of the other allegations if you want now, about the Outreach Team.

MR. FERVIER: Please.

MR. BERRY: Okay, thank you again, Mr. Chair, and thank you for accommodating my schedule. I've just got to be somewhere else shortly for another client. The Outreach Team is a large national group that among other things, conducts voter registration drives and does quality control for other organizations for voter registration drives across the country. Before the Outreach Team ever hires anyone, they undergo extensive training. The workers undergo testing and undergo an orientation before they're ever put on the street, so to speak, to go to voter registration drives.

For a sense of the scope here, and I guess this involves three workers with I think three or four ballots. But in 2020, the year when this was at issue, the Outreach Team collected 8,479 voter registration applications during the general election, 8,511 in the runoff registration window, for a total of 16,990 elections. The Outreach Team did not register anyone in Georgia during the 2022 midterms and then registered 7,069 people in Georgia last year for just understand scope of what they do in the organization.

Last year they registered more than 274,000 people in nine states. They also performed third party quality control checks on 1.5 million voter registration applications collected by more than 100 organizations across the country. They apply the same rigorous standards to their internal collection as they do to dozens of outside organizations that they work with for quality control.

Again, this allegation involves three workers. To understand the scope here, in 2020, Outreach Team hired 1,515 people who showed up for their on-boarding training and the first day quiz. And, ultimately that was whittled down to 889 people

who were cleared for duty and worked at least one shift in the field registering voters during either the general election or the runoff election. I give you that and I'll go through the scope on each of these that this is a large organization. There have been no complaints whatsoever since 2020 involving in Georgia and Butler in Georgia involving the Outreach Team.

These were a couple incidents and not reflective whatsoever of the organization. One of the allegations involved Broderick Green and I think that was a registration of a deceased vote. Just by way of reference, as I said, that they're tested prior to ever working. He scored a 21 out of 21 on his test and then underwent training. He worked 23 shifts over two and a half months and I believe registered over 100 people. The Outreach Team has had no contact with Mr. Green since he worked in 2020.

The second person is Talisha Jacobs (phonetic). First, and I'd like to look at the investigators report and the report acknowledges that Ms. Jacobs had express authority from Imani Meadows (phonetic), who was Ms. Jacobs friend, who gave Ms. Jacobs. I'm reading from the report, who

gave Ms. Jacobs permission to complete a voter registration application and did not believe she was trying to commit any type of voter fraud. Ms. Meadows, the voter believed Ms. Jacobs may have messed up the original voter registration application and they signed and completed the application together.

Ms. Meadows again, the voters later said the handwriting on both applications looked like it was hers. So, the voter acknowledged that she asked Talisha Jacobs, who was the Outreach Team's employee at the time, to in fact help on the voter registration. Ms. Jacobs had permission. The voter said that it looked like it was her handwriting and perhaps there was just an issue of messing up the first ballot. On the testing that Ms. Jacobs undertook before she was hired, she received a 20 out of 21 on her test. She worked 31 shifts over three months and registered almost 200 people.

This report I think references a couple quotas, voter registration quotas. Let me be absolutely clear. Outreach Team does not enforce, does not require, there are no quotas from the Outreach Team. So, I don't know why that appears whatsoever in the report.

Finally, the third person at issue is Ms. Priscilla Brown, who was involved with the registration for Joanne Smith. I'd like to, if I could read from the investigator's report again. And here Ms. Smith, the voter acknowledged that she gave someone information who in turn filled out the form. Ms. Brown, the Outreach Team worker, claimed she only helped people fill out their registration if they had an inability to do so and it was her understanding that if she helped the voter in any way to include reading or explaining any part of the registration, she had to sign as assisting the Ms. Brown said she thought she had to sign. Ms. Brown claimed she did not forge the applicant's signatures and said the cursive handwriting was not hers.

The Outreach Team does extensive quality control anytime there's an issue that's flagged in the system and to that end, their standard protocol is to have -- the quality control department visually review all voter registration forms and they call, they take the step of calling a sample of applicants within a few days of receiving the forms to verify the accuracy in the information. The Outreach Team script would have asked if she completed a registration form that day and verified

her personal information, according to the Outreach Team's internal records.

On December 2nd, 2020 at 6:25 PM so this was, I think a day or two after the alleged incident with Priscilla Brown occurred. On December 2nd, 2020 at 6:25 PM Cale Belcher (phonetic) of the Outreach Team called the phone number 334-406-1968 and spoke with Ms. Smith. That is the woman at issue and I've provided previously to the I believe to the Secretary of State's office and the Attorney General's Office. If not, I can provide it again. But, we've got a screenshot of the Outreach Team's notes documenting the call with Ms. Smith. According to the Outreach Team's internal records, Ms. Smith confirmed to the Outreach Team's caller that she did complete a voter registration form that day and never mentioned any issues, problems, or concerns during her call with the outreach team's quality control person, Cale Belcher.

I say all of this to say respectfully, the Outreach Team registered almost 17,000 people in 2020, 7,000 people in 2024. Nationally they did about 270,000 across nine states in the last election. Respectfully, we request at most a letter of instruction. There have been no issues

whatsoever with the Outreach Team in the almost four and a half or five years since these incidents occurred. This is not a problem with the entity itself. As I've explained, they train people, they give an orientation, they do quality control, they test them before they put this on the street. Again, this was five years ago and there's been no issue whatsoever with the entity.

MR. FERVIER: Does the Outreach Team target a certain type of voter?

MR. BERRY: I am not aware. I didn't have occasion to ask them that.

MR. FERVIER: Okay, how are the team members paid?

MR. BERRY: Good question. I have no idea. Happy to ask. Are you meaning are they paid by cash, check or --

MR. FERVIER: No, no are they paid based on the number of voters they register? Are they paid hourly? Does it matter if they register one voter versus 100 voters?

MR. BERRY: I believe that they're paid per hour, and as I said, no, it's not. They do not have a quota system where their pay is based on number of people that they register.

MR. FERVIER: But, there must be some sort of metric. I mean, you're not going to pay somebody by the hour and put them out there and then do nothing. You pay them $15 an hour. Is there going to be some tracking to where they register a certain number of people, right?

MR. BERRY: I don't, there is a tracking of how many people they register. Their pay is not tied to how many people they register. So, they know the shift. They know the shift, but they don't know, you know, you registered 17 people, therefore your pay is X. It would be, you worked X hours, therefore your pay is Y.

MR. FERVIER: But, you have to do something to get paid?

MR. BERRY: I mean, with most jobs, if there's --

MR. FERVIER: They come back every day and say, I didn't register anybody. Why am I paying you?

MR. BERRY: Correct. Understood, but that's, I think their job is to go out and do the best they can. I don't know. You know, if they sit in their car all day, I would assume and hope they're not getting paid, but their pay is not tied

to the number of people, in fact, who they've registered.

MR. FERVIER: Yeah, sometimes you have to differentiate between the company and the employee because we, you know, we all do the best we can to hire the best employees, but we still have rogue employees that do things that they're not supposed to do.

MR. BERRY: Understood --

MR. FERVIER: As odd as it might seem, even that even happens at Waffle House.

MR. BERRY: Understood and respectfully, Mr. Chair, my point is merely, there may have been a couple people who did things wrong. That's not indicative of the Outreach Team itself. There may have been folks who did a couple things wrong.

MR. FERVIER: Right, Right and this case involves individuals and or the Outreach Team. So, there's different respondents to this. So, this Board may find that the individuals did something wrong, but not Outreach Team itself.

MR. BERRY: Right and to be clear, my clients are the Outreach Team and Priscilla Brown. The first two I've had no, Broderick Green and Talisha Jacobs. We've had no communications with

whatsoever.

MR. FERVIER: Okay. Okay, Dr. Johnston.

MS. JOHNSTON: Does Outreach Team do a background check on who they are?

MR. BERRY: I don't know. I'm happy to find out. I don't know. I would assume so, but I don't know and I don't want to tell you anything incorrect.

MS. JOHNSTON: And, you said the Outreach Team provides some oversight by checking the registrations of?

MR. BERRY: Yes, they will do a quality control and they'll actually make phone calls. They'll take a random sample, make phone calls as well.

MS. JOHNSTON: Okay. Included in this complaint are suspicious registrations that include dead people, not found people.

MR. BERRY: I'm sorry, what was the second?

MS. JOHNSTON: Non-existent people.

MS. KING: Some are dead, some you can't find.

MR. BERRY: I think it was, I thought it was one dead person. Is there one?

MS. JOHNSTON: Multiple registrations of people that claim they did not know they were being registered a second or third time, registration of felons.

MR. BERRY: Ma'am, respectfully, I don't think that involves the three. It from the report I've got, I don't see that in the three.

MS. JOHNSTON: Okay.

MR. BERRY: I just want to be clear. I, I'm not, well, that's not involving Priscilla Brown, Talisha Jacobs, or Broderick Green. There is one deceased person for Broderick Green. Understood, but I am not aware of the others that you're speaking of. It's not in this report.

MS. JOHNSTON: Yes and registrations of people that when their data is reviewed, have slight changes in identifying information.

MR. BERRY: I'm sorry, will you restate the --

MS. JOHNSTON: Data errors or clerical errors, I don't know.

MR. BERRY: I'm sorry, will you please restate --

MS. JOHNSTON: So, registrations of -- applicants that have slight changes, like a one year

off on a birth year or a slight change in a name, but otherwise it's the same applicant as somebody that's already on the voter registration rolls.

MR. BERRY: I'm not aware of those allegations involving these three. If, and I'm not being dodgy -- those are not these allegations involving these three individuals. If they are and I'm mistaken, please point them out. That the report we've got from the investigator dated March 30th, 2022 from Josh Blanchard. Those allegations do not involve the Outreach Team, Broderick Green, Talisha Jacobs or Priscilla Brown.

So, this matter, I think, had multiple individuals. Those are not the three that I'm, the one I'm representing in the Outreach Team. I think there were multiple more than these three and more than the Outreach Team involved in this matter, from my understanding.

MR. FERVIER: Sara, would you read the potential violations for those three individuals?

MS. KOTH: Yes. Broderick Green signed as assisting on a voter registration for the deceased person, Talisha Jacobs signed as assisting for -- Imani Meadows. There was a second voter registration dated October 4th, 2020, for Imani

Meadows, and no one signed as assisting. Both registrations had different dates of birth, Social Security numbers, and signatures. The investigator spoke with Imani, who reviewed the two voter registration applications and said they handwriting of signatures on each was not her own.

Ms. Meadows explained that Talisha Jacobs was her friend and she gave Ms. Jacobs permission to complete the voter registration application and did not believe she was trying to commit any type of fraud. She said she believes Ms. Jacobs may have messed up the original voter registration application and then signed another one. They completed one together. He spoke with Talisha, who confirmed she worked as a canvasser for the Outreach Team.

She said at first she did not have a quota, but later said that she didn't produce at least 10 voter registration applications a day. She would be fired. She was paid $25 an hour and did not want to lose the job. She was not trying to commit fraud. She was only trying to keep her job.

Priscilla Brown signed as assisting on five voter registrations for Stacy, Michael, Ezra, Stephen, and Joanne. They were dated between

November 30th and December 7th. The investigator checked current addresses, but was unable to locate Stacy, Michael, Ezra, and Steven. He spoke with Joanna Smith, who reviewed the registration application and confirmed the signature was not her own. It was Joanna Smith, Ms. Smith remembered while shopping, being approached by a black female who asked if she was registered to vote. She said she was already registered, but the lady said, well, let's fill out one just to make sure. She gave her the lady her information, who in turn filled out the form. She said she never asked the lady never asked her to sign the voter registration application and then she was confirmed as an Outreach Team member for the 2020 election.

MR. FERVIER: I mean, that's -- my concern with these three individuals. And not, you know, I'm not talking about the company, but these three individuals. I mean, Broderick signed up a guy who'd been dead for over 10 years. Talisha, her comment was that she had no intention to commit fraud, but she was only trying to keep her job by registering a certain number of people. Then Priscilla, you know, completed a voter registration app on Joanne Smith's name. I mean, it's just --

seems to me that there's pretty strong evidence that all three of them did something that is wrong.

MR. BERRY: Again, I just want to be clear, and I'm not trying to throw Mr. Green or Ms. Jacobs under the bus. I don't represent them. We've had no dealings with them. I represent the entity and Priscilla Brown. And Priscilla Brown, as I said, and we've, I sent this to the Secretary of State's office in 2024. We've got the quality control. I've got the phone number that was called on December 2nd where they in fact spoke to Ms. Brown and she never said anything about this as the follow up. I mean, sorry, not Ms. Brown. Ms. Brown's the called --

MR. FERVIER: Joanne Smith.

MR. BERRY: Yeah, Joanne Smith. I apologize.

MS. KOTH: That's just not the same statement she gave our investigator and then the other four people were unable to be located.

MR. FERVIER: What was the statement she gave the investigator?

MS. KOTH: She said that she was shopping and she was approached by a black female and asked if she was registered to vote. She said, said yes.

And the lady's like, hey, let's fill out another one just to make sure.

MR. FERVIER: Did she sign that statement?

MS. KOTH: The lady never asked her to sign the voter registration application.

MR. FERVIER: No did --

MS. KOTH: And, then the other four people we think never existed because we could not find them in any database.

MR. FERVIER: Related to Priscilla Brown --

MS. KOTH: Joanne and the other four we could not locate.

MR. FERVIER: Related to Priscilla?

MS. KOTH: Do what?

MR. FERVIER: Related to Priscilla Brown, right? The other four?

MS. KOTH: Yes.

MR. FERVIER: Yeah, okay.

MS. KING: Question -- do they submit daily reports at the end of the day? Is there any type of documentation that's required for your employees?

MR. BERRY: It's a good question, I don't know. I would assume so, but I don't know for sure.

MS. KING: Right.

MR. BERRY: I mean, to the Chair's question. So, they're not just sitting in their car all day and collecting, I assume there's documentation. I don't know what it is. Happy to find out and provide that if you want.

MS. KING: What about is there like a direct report person or a boss or someone or supervisor or somebody that's on -- the ground?

MR. BERRY: So yes, I assume that there is a reporting structure.

MS. KING: Okay, because this organization is based out of New York, correct?

MR. BERRY: I think it's actually all over the country. I think there are people all over --

MS. KING: Where's the Outreach Team headquartered?

MR. BERRY: They're literally. I've talked to people in New York and I've talked to people in California. I don't know where the actual headquarters is there. I think they're, I don't know if they have a physical building or they've got people literally all over the country. I don't know.

MS. KING: So, these people are wait,

wait. You have employees all over the country and there's no headquarters?

MR. BERRY: Excuse me?

MS. KING: You have employees all over the country, but there's no headquarters? Like, there's no -- where does the mail go for the Outreach Team?

MR. BERRY: In this day and age, I don't know that everyone has a physical office. That's all I am simply saying.

MS. KING: I mean, a company has to have a physical address, right?

MR. BERRY: Not if they can have a PO box.

MS. KING: I mean, so we're just sending documents randomly? I know the address listed here is in New York, so can we use that one?

MR. BERRY: I think that it is -- I don't know. I have literally talked to people all over the country. Their contact is --

MS. KING: So, you represent this organization, correct?

MR. BERRY: In Georgia, correct.

MS. KING: You're in Georgia --

MR. BERRY: Yeah, I'm here in Atlanta.

MS. KING: Okay, so this organization hired you here in Georgia to represent this --

MR. BERRY: I'm an attorney here in town. I don't represent them nationally, so I don't know where they're headquarters are. I've talked to people in New York. I've talked to people in California. Where their physical headquarters are. I don't know. Happy to find out.

MS. KING: So this company, the Outreach Team, is it Outreach Team? What is this called? Let's see, I want to at least make sure we know the name of the company and we don't know where it is.

MR. FERVIER: Outreach Team.

MS. KING: All right, so the Outreach Team --

MR. BERRY: Sorry, just, I'm looking on their website. They have a quality control administrator that's remote. They're hiring people in North Carolina, Washington, Indianapolis, Ohio, California, Florida, and Virginia.

MS. KING: Okay --

MR. BERRY: But, in terms of where their actual headquarters are, I don't know. It may in fact be New York.

MS. KING: So, this address that we have here, the College Avenue, New York, you're not familiar with that because you've never been to

their offices or anything like that?

MR. BERRY: Correct, I live in Atlanta and I'm a Georgia lawyer. I've never --

MS. KING: Okay, so they contracted you to represent this particular case.

MR. BERRY: Correct.

MS. KING: Okay. All right. So, we don't know much about this organization.

MR. BERRY: It's a large national voter or voter registration organization.

MS. KING: Yeah, so it has a website, but it doesn't have a address. I mean, where, well, we don't know where they're actually physically located, okay.

MR. BERRY: I mean, I will text my contact right now and ask them their physical --

MS. KING: Well, because my next question was going to be if she said that she was told that if she doesn't get 10 registrations that she will be fired, I would like to know who told her that if there's a direct boss. If there's a supervisor, a manager, someone. I'm assuming there's someone at the top who has people like regional people, then like, it kind of trickles down, right?

MR. BERRY: And, I think what happens is

they -- engage people for, you know, these folks worked about six or eight weeks. These are not permanent employees. They're --

MS. KING: They're contracted?

MR. BERRY: Correct. So, some of them worked, like Broderick Green worked 23 shifts over two and a half months. So, that's probably means he worked 23 days over two and a half months and that's it. So --

MS. KING: So shifts are days?

MR. BERRY: I believe so, yes.

MS. KING: So, we're unsure of as to what shifts mean. We're assuming it days --

MR. BERRY: I can tell you the number of hours he worked if you're interested in that, I didn't --

MS. KING: Well, no, because like, if you're telling me they're contracted, so that means they're not employees, but yet the company is sending an attorney to represent them. So, why are they not representing themselves? Like, why is the company choosing to represent -- contractors?

MR. BERRY: I was asked to represent the --

MS. KING: No, I know -- you were. I'm

saying -- but, this organization is taking responsibility for these actions because they're sending an attorney to represent them even though they're contractors.

MR. BERRY: Right, but I think that's true of any company.

MS. KING: Not really.

MR. BERRY: I mean, I -- don't --

MS. KING: I mean, what I'm saying, we can't detach the company from this because obviously the company feels responsible as well, correct? For these actions because they're sending an attorney to represent them --

MR. BERRY: I wouldn't read that into this. I mean -- I'm an attorney. I represent all sorts of folks you represent your employees, your contractors all the time.

MS. KING: Well, not all the time. There are companies that allow contractors to represent themselves because they're not actual employees, so.

MR. BERRY: Understood. I can tell you my client is the Outreach Team and it's Priscilla Brown. They've had no communications with -- Broderick Green or Talisha --

MS. KING: Right, but Priscilla is the one

that registered someone who said that they were already registered, as well as a couple of other people who we can't find. Correct?

MS. KOTH: Yes.

MS. KING: Okay, so the company, the Outreach Team is assuming responsibility as well. I'm assuming because they sent representation on her behalf as a contracted employee or contractor.

MR. BERRY: I don't know how else to answer you. Other than, yes, I'm here representing --

MS. KING: I just want to make sure I'm clear on what because I have a lot of questions around this, and it seems like. It almost seems like this is a company that doesn't really exist. I mean, obviously -- they're paying people right, so they're paying people, how are these people -- are they going online and applying or how are they finding this job?

MR. BERRY: You are asking excellent questions. I don't know. This is my first time in representing Outreach Team. I didn't get into their. You know how they screen people --

MS. KING: So, they left you without a lot of good information.

MR. BERRY: I mean, I just didn't know that it was entirely what we'd be discussing today. Not that they, you know, left me with that information. I didn't think we'd be discussing sort of their where, their corporate headquarters --

MS. KING: Well, I'm asking because --

MR. BERRY: I mean, I'm happy if you have, if there's specific questions, I'm happy to provide that.

MS. KING: Okay, my last point. The reason why I'm doing this is because we need to know, where do we send. Let's say we were to say, let's send a letter of reprimand, do we send it to Priscilla? Do we send it to the Outreach Team?

MR. BERRY: You would send it to me as their counsel. I mean, and I would. They received the original notice, so I don't know and then they engaged me.

MS. KOTH: The three people mentioned though, are already sent to the AG's office. So, this part is only for Outreach --

MS. KING: So, this is only for the company.

MS. KOTH: Priscilla, Talisha, Broderick Green, to the AG's office last meeting. So, it's

just Outreach.

MS. KING: So, he's representing Priscilla. He's not --

MS. KOTH: She's already to the AG's office.

MR. FERVIER: Yep, we voted last time to the AG's office.

MS. KING: So, we're ruling on the Outreach Team.

MR. FERVIER: Correct.

MS. KING: Okay, so then my questions are aligned. I mean, I need to know about this organization. Since the ruling we're making is based on the Outreach Team, it's going to be whatever we feel the Outreach Team either did or didn't do. So, that's what I'm trying to understand, because we have three individuals, or you say you're representing one, so we have at least one individual that's already been sent. Their information has already been sent to the Attorney General's Office for some type of reprimand of some sort.

However, when it comes to the Outreach Team, I just want to know -- who you are like what this is and to find that there is very little

information as to whether there's a headquarters or where the headquarters resides. A website --

MR. BERRY: I'm happy to find that I didn't come prepared knowing where the company headquarters is. It's a large organization, as I said, that registered 275,000 people. I just literally don't know where their headquarters is --

MS. KING: Is it non-profit? Is it an NGO?

MR. BERRY: I don't believe so --

MS. KING: It's a for profit?

MR. BERRY: Correct.

MS. KING: And, how do they make their profit through --

MR. FERVIER: There's a whole --

MR. BERRY: Because they get paid. They, they get paid by various organizations to go register voters --

MS. KING: As a for profit they're getting paid by organizations?

MR. BERRY: I think they have other clients who they register voters on behalf of.

MS. KING: Okay, yeah, I -- think I need to continue --

MR. BERRY: If you have, if there are a

list of questions that I'm happy to -- work with whomever and have those answered. I just candidly didn't expect to know where their headquarters were.

MS. KING: Well because these individuals are going to be. They're now in trouble for decisions that was made under the guise of this organization. So yes, I would like to know because I was, my next question is going to be what's the training like? Like how are they trained? What were they told -- but I'm assuming you don't have any of those answers either?

MR. BERRY: I've got, I mean I'm aware that they've got testing. I can provide the testing. They undergo training. I've got an orientation document if you want to see from 2020 that frankly focused on COVID and when to talk to people. I mean I've got --

MS. KING: So, you're assuming Priscilla, was she trained not to register people who are deceased or not? Well, that was, I'm sorry -- was she trained to not register people who are non-existent or to not register someone who already said they're registered?

MR. BERRY: Yes and I mean they're trained to follow -- people do things. You know, you can

train someone all day long not to, you know, do X and then sometimes they don't do X. People make mistakes it happens.

MS. JOHNSTON: I have a lot of questions too. This is not the first complaint we've had about a TPO, a third party organization that partakes in voter registration and it certainly will not be the last, and it's not last on the agenda that we have today. But it's clear to me that although -- you claim that they provide training and education, there needs to be more to it than that.

There need to be some reports or something provided to Georgia, which I hope the General Assembly might provide more regulations for TPOs to record who these employees are and who they register and perhaps require receipts given to registrants so that if something, it becomes amiss with their voter registration, they'll know who exactly filled out that form with them or helped them or for them and obviously we need to do more with third party organizations, including annual registrations and monthly reports and background checks, and have some accountability.

It seems to me the Outreach Team was organized, it hired, it coordinated, it instructed,

it assigned, it paid, and it provided oversight of these workers and we came up with greater than 10 percent questionable registrations. It's absolutely frightful to me if I extrapolate that to 10 percent of 270,000 --

MR. BERRY: I think they registered 17,000. Where's 2 percent?

MS. JOHNSTON: You said that one of these candidates registered 100 people.

MR. BERRY: That's not my matter, no.

MS. JOHNSTON: No, I mean one of these workers.

MR. BERRY: Registered over 100 people. Outreach Team registered 17,000 people in 2020. We were talking about four or five registrations total. I'm trying to differentiate between. I guess I understand what you're saying on that particular --

MS. JOHNSTON: These workers.

MR. BERRY: Right, and I'm looking at the entity as a whole that they registered, whatever the number was, like 17,000. I'm not minimizing the importance of what's at issue, but just the bigger perspective and there have been no complaints since 2020. The exact number that they registered. In 2020, as an entity, they registered 16,990

MS. JOHNSTON: In Georgia?

MR. BERRY: In Georgia and in 2024 it was 7,069. So, I'm not minimizing the importance of these specific people. I'm just asking you to from a 30,000 foot perspective, again, I'm not minimizing the three individuals we're talking about, but from the entity's perspective, they're at, you know, a 99.9 percent, you know, getting it correct. There will unfortunately always be human error. I mean, that -- is, I'm not excusing it, I'm just simply stating.

MS. JOHNSTON: It's certainly human error when you register dead people and non-existent people. That's a big error, but somebody should be accountable and it's the Outreach Group. They're the organization. They're the TPO. They hired these workers to go out and register voters and they should be. Their focus should be registering eligible real people and seems to be that their workers failed and they're the boss. The Outreach Team is the boss. And I, you know, I think there should be that should be looked at and addressed.

MS. JOHNSTON: Mr. Chair, I move that we refer this to the Attorney General.

MR. FERVIER: We have a motion to refer to

this case of the Attorney General.

MS. KING: Second.

MR. FERVIER: We have a motion of second. Any discussion? Hearing, no discussion. All is in favor to send to AG signify by saying aye.

MS. JOHNSTON: Aye.

MS. KING: Aye.

MR. FERVIER: Any opposition? Hearing no opposition, so moved. Chatham County, SEB2022-214. Chatham County -- you're up next. SEB2022-214. That is tab 45. Okay, so hang on, hang on one second here. We're an hour and 45 or hour and 15 minutes away. This we're going to try and do for the rest of the day. We can hear the Chatham County case. We have a City of Fort Valley case, 2021-146. We try to hear today. 2021-142 South Fulton. 2024-150 Henry County. 2018-104 Habersham County, and 2021-118 multi-state voter registration and I think that's going to get us past 5 o' clock today.

So, those are the ones we're going to try and get through today if that's okay with y' all, Okay.

MS. MUHAMMAD: (inaudible)

MR. FERVIER: You want to plead guilty? You said city of Fairburn? That's you, you're

Fairburn.

MS. KING: You said you're Clayton County?

MS. MUHAMMAD: I'm Clayton County.

MS. KING: What's your case number?

MS. MUHAMMAD: (inaudible)

MS. KING: What's your case number?

MS. KOTH: Is it 1.5?

MS. MUHAMMAD: 20 (inaudible)

MS. KING: The deceased voter.

MR. FERVIER: Okay, are you sure you're alive? I'm not sure about myself.

MS. MUHAMMAD: I don't know who killed me.

MR. FERVIER: What is your name?

MS. MUHAMMAD: (inaudible) Muhammad.

MR. FERVIER: Got it, we're going to take your word for it that you're alive. I don't know that we would have any questions besides the fact that she's alive.

MS. KING: Right.

MS. KOTH: (inaudible)

MS. MUHAMMAD: (inaudible)

MR. FERVIER: Do what?

MS. KOTH: (inaudible)

MR. FERVIER: Is there any reason for her to be here? There's no reason for her to be here.

You can go home, ma' am. Thank you, you should ask me before lunch.

MS. MUHAMMAD: I did.

MS. KING: Do we need to do like a formal dismissal?

MR. FERVIER: No, we'll get it when we get to it.

MS. KING: Okay.

MR. FERVIER: All right. Yes.

MS. MACK: The county attorney for Henry County, Georgia we have a number of cases on there and we were only going to do one today, so we were wondering can we just come back tomorrow to do all of them?

MR. FERVIER: Yep.

MS. MACK: Okay, thank you.

MR. FERVIER: We'll do them all tomorrow. All right, I'll just cross that line. You know what? Yeah, we'll -- take your word. Are you alive too?

(a brief off the record discussion between the Board)

MR. FERVIER: All right, Chatham County. Yes, ma' am.

UNKNOWN SPEAKER: I didn't understand.

You read about a lot of case numbers, I wasn't one of them and you said something after that I didn't understand, does that mean --

MR. FERVIER: The ones that I did not mention we'll hear in the morning, yeah. I'm sorry. We had 60 cases roughly and we try our best to get through them, but --

MS. KING: We're trying -- why don't you just read off the ones that --

MR. FERVIER: These are the ones that I read off. Chatham county, the 2022-214. City of Fort Valley, 2021-146. South Fulton, 2021-142. Habersham County, 2018-104 and 2021-118. You're right. You told me earlier about yours.

MS. SMITH: (inaudible)

MR. FERVIER: Which was your case number again? It was 150. Let's see if we can get through here. All right, Chatham County. That's the 2022-214.

MR. BRUNSON: Okay, so this case is a continuation case from the previous hearing in February. And this case was brought by a Mrs. Strahl (phonetic), and she named individuals who had duplicate voter registration numbers and that voted twice in the 2020 general election. She also

challenged some voters based on their registration and residency. So during that hearing in February, allegations 1, 3, and 4 that she made were reviewed and adjudicated. Barbara Rutledge was referred to the Attorney General's Office in that complaint. Kay Etheridge and Andrew Driver, their portion of the case was dismissed. The complaints that were brought forth. So, the continuation portion of this case will deal with Adriana Boatwright and Patricia Colvin.

MR. FERVIER: Chatham County, yes.

MS. BOATWRIGHT: I'm Boatwright.

MR. FERVIER: You're, all right, Ms. Boatwright.

MR. BRUNSON: So, this case was interesting in that 2/14. When we, when I presented this case in February, Adriana Boatwright was mentioned as someone who voted twice. At that point in time, we did not think we had the documents because it had been more than two years. However, Adriana Boatwright was investigated in a previous case of ours in which the documents we did have, and so we were able to prove with the documents that Adriana Boatwright voted in person and actually voted also via absentee ballot. So, we have all the

documentation as it relates to that to show that she voted twice in that election.

Also, as it relates to Ms. Colvin, the Board requested at that February meeting to check on her residency because she voted in North Carolina and she also voted in Georgia and so in looking at that case also, we found the documents based on a previous case that shows that she did in fact vote in North Carolina first and then Georgia second, which means obviously that it's a violation of Georgia Law for that second vote. Also, as the investigator looked into how her voting process went down because she was registered to vote in Georgia first, she goes to North Carolina on October 28th, 2020, and she registered to vote and she votes in North Carolina, although she's registered in Georgia on the 29th, is when her Georgia vote by absentee ballot counted.

So, the fact that she went and registered in North Carolina, the statute says that one of the things that make you unqualified is if you go into another state and register to vote. So, her vote in Georgia, she was an unqualified voter at that point by her registration in North Carolina the day before. So, both of the individuals, as I

mentioned, Adriana Boatwright and Patricia Colvin. Well, Adriana Boatwright in her case, she double voted in Georgia. Yes, in Patricia Colvin's case, she voted twice in two different states. And in addition to that, she was cited for being a unqualified voter because of her registration in North Carolina, which made her unqualified to vote in Georgia that next day.

Now, her double vote was already referred to the Chatham County District Attorney's Office, but the unqualified voter portion was not. So, that's what we're bringing here before you today is her unqualified voter violation, Patricia Colvin. And then we're bringing Adriana Boatwright's double voting in Georgia violation.

MR. FERVIER: So she's already been prosecuted, Ms. Colvin?

MR. BRUNSON: Well, it's been referred.

MR. FERVIER: Been referred --

MR. BRUNSON: Just for the double voter, not for the unqualified voter.

MR. FERVIER: Right, is Ms. Colvin here? Let's deal with that case first.

MS. KING: Yeah.

MR. FERVIER: Any questions? Of the

investigators on Ms. Colvin's case. The Chair will hear a motion on that case.

MS. JOHNSTON: Mr. Chair, I make a motion that we refer the additional possible violation of illegal registration or illegal voting of Ms. Colvin to the District Attorney.

MR. FERVIER: We have a motion to refer Ms. Colvin to the AG. Is there a second?

MS. KING: Second.

MR. FERVIER: We have motion to second?

MS. JOHNSTON: To the DA, okay, to DA.

MR. BRUNSON: So, Patricia's Colvin's charge would be OCGA 21-2-571. Voting by unqualified elector.

MR. FERVIER: Right, we have a motion to refer to the DA and we have a second?

MS. KING: Second.

MR. FERVIER: Any discussion? Hearing, no discussion all those in favor, signify by saying aye.

MS. JOHNSTON: Aye.

MS. KING: Aye.

MR. FERVIER: Any opposition? Hearing no opposition, so moved. Now let's deal with Ms. Boatwright's case. Ms. Boatwright, did you vote

twice?

MS. BOATWRIGHT: It appears to be. It was not intentional. Chatham County that year, sent absentee votes to residents. We had three to four voters in our household during that time. Other children that are adults. I was very ill with COVID and I did fill out the absentee vote because I did not think I would be able to make it to the polls. I did not mail it personally. I did not mail the vote. Someone in my household mailed it. I was feeling better by the time of the election. I got dressed, I was really happy and I went and I voted and here I am. It was not intentional. There was no malice. It was complete human error. Somebody mailed the vote. It was not me, of course, because I would have known that I had dropped it in the mailbox. That's that, that's all there's really to it.

MR. FERVIER: Have you ever voted before?

MS. BOATWRIGHT: Since 1996. I always vote in person. Always, always, always and that was one year that I became ill. It was the whole mess with COVID They'd ship those votes to that, you know, the, the ballots to the house and, yeah, and that's it.

MR. FERVIER: How long did you have Covid for?

MS. BOATWRIGHT: I'm sorry?

MR. FERVIER: How long did you have Covid?

MS. BOATWRIGHT: I was sick for six weeks it attacked me neurologically and it had paralyzed my left side of my body. So, when I was able to move again, which was by election time, I was just so happy to vote, so I went and I voted and that's it. That's the whole story.

MR. FERVIER: It always means something to me when somebody shows up and admits to doing something wrong. So, I appreciate you coming and stating that today. Any other questions from the Board? The Chair would entertain a motion.

MS. JOHNSTON: Mr. Chair, I make a motion that we refer this to the Attorney General.

MR. FERVIER: Is there a second? I understand your motion. I believe Ms. Boatwright and I fully appreciate why you're doing what you're doing, but I believe Ms. Boatwright and I believe that some people deserve grace sometimes. I would much prefer to do something less than referring to the Attorney General, if possible personally.

MS. KING: Yeah, I. This is first

offense? This is the first time this has ever happened?

MS. BOATWRIGHT: This has never happened to me. Like I said, I take it very seriously and I'm really proud to be a Georgia voter.

MS. KING: Would you be open to a letter of reprimand and because that way it's tracked, if it happens again, we have it on record? Dr. Jan, would you be open to a letter reprimand? Because I understand, I do understand the technical.

MS. JOHNSTON: So, I feel like our task and our duty as a Board is to consider the evidence that's presented to us and then to refer -- if we think there's enough evidence to suggest a violation has occurred which has now been admitted in front of us, that it's up to the Attorney General to consider the circumstances, the COVID, the possible extenuating issues of that time period or that particular situation and it's up to the Attorney General to handle the case.

MS. KING: I think I'm considering the amount of money, the taxpayers dollars that will be spent from through the Attorney General's Office looking into this case and whether or not it's well spent, considering what we've heard. That's my

thought process and that's why I think that. But I do, I agree, I understand where you're coming and what you're saying, and I just don't know if the amount of money and time that's going to be spent on this case is worth it for this particular situation.

MR. FERVIER: This Board has the -- authority to make that determination as to what the proper adjudication is for this case. I mean, if -- you want your motion to stand and we'll vote on your motion, we'll see if there's a second for your motion.

MS. JOHNSTON: Yes.

MR. FERVIER: So, we have a motion to refer to the AG. Is there a second? There's no second. So, the motion fails. This Board will entertain another motion.

MS. KING: Yeah, I make a motion that we send a letter of reprimand that will be on file so that if it was to happen again, we now have, you know, it's going to be up in the hands of the Attorney general.

MR. FERVIER: We have a motion to send a letter of reprimand is there a second?

MR. JEFFARES: Second.

MR. FERVIER: We have motion a second to

send a letter of reprimand on this case. Any discussion? Hearing no further discussion, all of those in favor sending a letter of reprimand signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

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

MS. BOATWRIGHT: Thank you for your time today.

MR. FERVIER: Thank you, Ms. Boatwright. Sorry you had to stay so long, but I know that you enjoyed being here with us.

MS. KING: Make sure you tell your children they mail it again or something else happens, it's not going to be pretty, okay.

MS. BOATWRIGHT: Thank you so much.

(a brief off the record discussion between the Board and the Court Reporter)

MR. FERVIER: The next on the list is City of Fort Valley. SEB2021-146. SEB2021-146 is tab 53.

MR. BRUNSON: So, the County or the City involved in this is the City of Fort Valley and the complainant is City Attorney Laronda Patrick

(phonetic). Reports to Talisha Moody (phonetic), a 20 year resident of 105 College Court, Fort Valley, Georgia, properly qualified to run for utility commissioner for the east ward in August of that year.

Attorney Patrick states the city map shows the candidate's address is located within the East Ward. She states city Elections Superintendent Saskatchewa Wright (phonetic). I'm not sure if I pronounced that right, was informed the county plan to remove the candidate's name from the ballot since the county map shows her address is in a ward other than the one she qualified for.

So, the investigation ultimately revealed that during the November 2nd, 2021 Municipal and Special election, Talisha Moody did qualify submitted her paperwork to be a candidate. However, when she showed up to vote, apparently they told her that she did not live in the East Ward. They had her listed as living in the West Ward, and that ultimately she was not qualified to run for the seat. Ms. Ray, who works for the City and city election superintendent Ms. Wright, informed her she was not qualified because of that, she advised Ms. Moody that she lived at College Court, and during

redistricting in 2014, her address was moved from the West Ward to the East Ward.

Now, ultimately, her qualifications for the candidacy were not challenged by Mrs. Wright or Mrs. Ray. During advanced voting, Mrs. Ray posted a sign in the voting booth saying candidate Talisha Carter-Bore (phonetic) is not qualified to run for office in the East Ward. Any votes cast for her will not be counted. On election day, Mrs. Ray again posted the signs in the voting booth. The candidate, Ms. Moody was never notified in writing that her qualifications were being challenged and the reason thereof.

A hearing was never set up on the matter, and Mrs. Ray took it upon herself to post notices in the voting booth during advanced voting and on Election Day. The decisions made by Mrs. Wright, Mrs. Ray and the City of Fort Valley deprived Mrs. Moody of the right of due process. The investigation revealed that during redistricting in 2014, College Court was moved from the West Ward to the East Ward. From the documentation provided by Ms. Wright, it appears the City of Fort Valley failed to notify the Peach County Elections Office about College Court being moved to the East Ward.

During the investigation too as the investigator investigated this, he learned that the election supervisor, Mrs. Ray, accepted an application for an absentee ballot less than 11 days prior to the upcoming election. On October 27th, 2021, Amerrill Davis (phonetic) submitted an application to receive a mail out absentee ballot and it was issued on the same day. The election was November 2nd, 2021 and the ballot was mailed six days prior to the election. So ultimately, the violations is for the City of Fort valley. They violated OCGA 212-226 UPC maps of municipal boundaries in that during redistricting in 2014, the City of Fort Valley failed to notify the Peach County Board of Elections and Registration that College Court was moved from the West Ward to the East Ward and then as it relates to the Peach County Board of Elections and Registration, Peach County Election Supervisor Absentee Ballot Clerk Adriana Ray or Adrian Ray, City Clerk City Election --

MR. FERVIER: It looks like is looks like Saskatchewa maybe.

MR. BRUNSON: Oh, okay, all right, Saskatchewa Wright violated OCGA 212-6 qualifications of candidates for county municipal

office determination of qualifications. And finally, the Peach County Board of Elections of Registration and the Peach County Election Supervisor Adriana Ray. There's evidence to suggest they violated 2120-381, sub A, sub 1, sub A, making an application for absentee ballot and that Adriana Ray accepted an application for an absentee ballot less than 11 days prior to the election on October 21st. I already recited it with Amerrill Davis and that ballot was mailed six days prior to the.

MR. FERVIER: Do we have somebody from the City of Fort Valley here? Nobody from the City of Fort Valley?

MR. BANTER: Mr. Chair, I'm an attorney --

MR. BANTER: Well, we'll let you talk then.

MR. BANTER: And Mr. Chairman and Board, my name is James Banter again attorney on behalf of Peach County Board of Registration and Election and two points I like to draw the Board's attention to. First in the report from the investigations that when Ms. Ray, who was the then election supervisor or superintendent, made the determination to disqualify the candidate, it was based on due diligence based on the information she had at the

time she was when she confronted the candidate, she did look at the then system E-net which is the predecessor to Jarvis, and the system did show the candidate residing in the west district when she was trying to run for east district.

Now I think that's important because as we've heard from the investigation, there was a lack of communication from the City of Fort Valley to the Peach County Board of Elections and Registration and that communication made it when Ms. Ray then looked at information, she did her due diligence she did not see that the 2014 maps had switched this candidate over. So, I raised that point to say there was due diligence done this was not done in a vacuum with no information it was relied on information. Unfortunately, the information was wrong.

I think that goes to show there was no ill intent from Ms. Ray to do this. Member King, I know you asked this morning what about ill intent and what does that mean? Well, I think the Board is asked to look at the evidence presented before it and the evidence in the report was this was done based on information presented to Ms. Ray unfortunately, the information was wrong.

However, that gets us to point two that although she relied on information to the best her ability based on due diligence, she did not hold a hearing for disqualification or to challenge disqualifications and I would say that is based on the allegations that appears to be correct. I would tell you I was not the attorney back then and we also have a new election superintendent which goes to show what the County and the County Board of Elections and Registration has done. Ms. Ray is no longer employed as a superintendent for Peach County. We have with me Mr. Anthony Selette (phonetic) who has been with us since April 2024. As you know, that's a very short time on six months to a November election, but he is certified. He has met all of his hours and trainings, he has been involved, he's a co-representative and co-leader for Region 6, so he has the full support of the county. Research resources are made available to him, and he is involved as liaisons and doing the training he needs to do so.

I would ask that the court, or, excuse me, the Board review this information, that the county is taking the steps to review the allegations brought before it I do not represent Ms. Ray here

today but, to the extent the Board is considering what actions to take instructions moving forward that we have sought to address these problems and move forward with the County and we'll entertain any further questions.

MR. FERVIER: Any questions from the Board? Chair will entertain a motion.

MS. KING: I make a motion we send a letter of instruction just to make sure everything's clear, you know, going forward, since you have a new fearless leader. So, that's my motion.

MR. FERVIER: We have motion send a letter of instruction. Is there a second?

MR. JEFFARES: Second.

MR. FERVIER: We have motion and a second to send a letter of instruction. Any discussion? Hearing no discussion, all those in favor sending a letter of instruction, signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Any opposition? Hearing no opposition, so moved the letter instruction will be submitted in SEB 2021-146.

MR. BANTER: Thank you.

MR. FERVIER: Thank you. Safe travels.

MR. BRUNSON: Mr. Chairman, I just wanted to clarify. Is that for everybody, all the different --

MR. FERVIER: Yes.

MR. BRUNSON: Okay.

MR. FERVIER: The next item on the agenda is SEB2021-1142 South Fulton. That is tab 70. Illegal campaigning. Someone here for that case? Very good.

MR. BRUNSON: So, this complaint is related to the South Fulton municipal election that occurred in November 2021. There's three different allegations in this complaint. The first is a campaign truck for Carmelita Gums (phonetic) arrived parked in the parking lot of the active early voting location at the Wolf Creek Library. The vehicle displayed pictures of Carmelita Gums and campaign information.

Allegation two, posters were found in the South Fulton voting precincts displaying the current mayor. The posters encouraged mask use and it also had the Mayor's name and it had a message to ask for residents of the city to look for him. Then finally, a voter, Lashana Green (phonetic), reports that she received a ballot without the City Council

race on it.

Regarding allegations one, the investigator compared photos that were given to him by the complainant to overhead photos of the polling precinct and determined that the campaign truck was well within the 150 foot buffer zone. He found out that the driver of the vehicle was a Lubert Vernaut (phonetic) an employee of Lex Promotions and Marketing groups who among other tasks, provides more mobile billboard services.

He advised that his company was hired by Carmelita Gums for the purpose of driving a billboard truck past polling places. He advised that his instructions did not say to drive into the parking lots of the polling places, however that he needed to turn around, so he did so in the parking lot. He advised that he was not in there for a long time and did not think he was too close or within 150 foot buffer. The investigator asked him why one of the photos showed him standing on the running board of the truck while it was in the parking lot.

She provided a copy of the flyer for the investigator. I'm sorry, that's allegation number two, so we'll get to that in a second.

He advised that instructions have now been

clarified. He knows now not to drive near the building.

MR. FERVIER: I think that's enough for that case. Is Carmelita Gums here?

MR. BRUNSON: The actual respondent is Lubert Vernaut the one that was driving the truck.

MR. FERVIER: Is Mr. Vernaut here.

MS. VERNAU: Yes.

MR. FERVIER: Okay.

MS. VERNAU: Thank you Mr. Chairman, members of the Board, attorney Verinique Vernau (phonetic) on behalf of the respondent. The respondent was contracted by a company, Lex Promotions Marketing Group, to drive a mobile billboard truck that did contain campaign information on the outside. He was tasked with driving around certain polling locations and was asked to take photos to provide proof that he did go into those areas.

He was relatively new to driving the mobile billboard truck. He was also relatively new to participating in elections outside of exercising his constitutional right to vote. In 2021, on the date of the allegations, he did briefly stop in the parking lot of a location that was one of the

designated areas by the company. As he was getting out, he did take a photo of the vehicle and when he was returning to the vehicle to leave, he was stopped by someone in the parking lot who mentioned this 150 foot restriction that he was not previously aware of he drove into that parking lot unaware of the 150 foot restriction.

He was just doing what he was tasked with by the company. He did so unintentionally and without malice and after he was notified of this, he immediately left and has not done this again.

MR. FERVIER: How long were you in the parking lot?

MR. VERNAUT: Maybe just enough time. I think about one minute just to take a picture.

MR. FERVIER: Have you campaigned for anybody else or driven a truck for anybody else?

MR. VERNAUT: Previously, yes, but I haven't done any of that after that incident.

MR. FERVIER: Did they train you before hand on what to do?

MR. VERNAUT: Yes, they did. Told me to make sure that I take a picture wherever I go to take a picture to make sure I send it to the company to make sure I was there at that day.

MR. FERVIER: Did they tell you, you couldn't get within 150 feet?

MR. VERNAUT: No, I don't recall that.

MR. FERVIER: Any more questions from the Board? The Chair will entertain a motion on this particular complaint number one.

MS. KING: My motion is that we send a letter of instruction so that you have documentation as to what, you know, the rules are. Because it's true that if she told me him to just to ride past the polling place as she was probably assuming that you knew not to be within 150 feet. But, there needs to be clear instructions. That's my position.

MR. FERVIER: We have a motion to send a letter of instruction. Is there a second?

MS. JOHNSTON: Second.

MR. FERVIER: We have motion to second. Any discussion? Hearing, no discussion all is in favor sending letter instruction signify by saying aye.

MS. JOHNSTON: Aye.

MS. KING: Aye.

MR. JEFFARES: Aye.

MR. FERVIER: Any opposition? Hearing, no opposition, so moved the letter of instruction be

sent on allegation one. Allegation two, please.

MS. VERNAU: Thank you.

MR. FERVIER: Thank you very much. Safe travels to south Fulton.

MR. BRUNSON: It's funny, I have to turn the page because I thought you were just shutting the whole thing down. So, let me find it again.

MR. FERVIER: Oh, no, that'd be far too easy.

MR. BRUNSON: Okay, so, all right, allegation two. I already talked about it regarding the Mayor.

MR. FERVIER: So, there were just posters in there saying use a mask?

MS. JOHNSTON: Yes.

MR. FERVIER: And, his picture was on it?

MR. BRUNSON: Yes.

MR. FERVIER: Were they campaign posters?

MR. BRUNSON: No.

MR. FERVIER: Were they posters that were there before the election took place?

MR. BRUNSON: Yes, that's why it's dismissed. The only violation on this case was this one.

MR. FERVIER: Okay, so just somebody

forgetting take some posters, free election posters out of the place.

MR. BRUNSON: Yes.

MS. KING: So, it just said it was up before any of this --

MR. BRUNSON: Yes.

MS. KING: Any of this. Okay, yeah, I was getting ready to say --

MR. FERVIER: Chair will entertain a motion on allegation number two.

MS. KING: Yeah, I make a motion we dismiss.

MR. FERVIER: We have a motion to dismiss is there second?

MR. JEFFARES: Second.

MR. FERVIER: We have a second. Any discussion? Hearing no discussion, all is in favor dismissing signify by saying aye.

MS. KING: Aye.

MR. JEFFARES: Aye.

MR. FERVIER: Any opposition? Hearing no opposition, so moved allegation two dismissed.

MR. BRUNSON: And, then the third allegation was a voter said she received a ballot without the City Council race on it and that was

Mrs. Green. The investigator checked election at finding Mrs. Green's voter page. The investigator noted an early vote cast on 10/25/2021. In her information, the investigator noted that it shows her being in City Council District 2, which did have an active race at the time of the election.

The investigator reached out to the current Fulton County Elections Chief Nadine Williams, who ultimately referred him to elections registration Chief Shamira Marshall (phonetic). He inquired and said and asked if Mrs. Green had been redistrict or would be shown a different district than she did before and Mrs. Marshall indicated that the district was the same on 11/2021 as it is now.

The investigator later spoke with Green who stated that her ballot did not have the city council race on it solely two referendum questions. She wanted to vote for Mr. Edwards, but his race was not on her ballot. She spoke with a poll worker about the race not being on her ballot and the poll worker's explanation confused her. So she went ahead and scanned her ballot. When she felt voting, she spoke with her sister whose ballot contained the city council race. She went back in to speak with the poll worker. However, the worker basically told

her, once you scan your ballot, which of course we all know that vote is counted and it's done at that point and so that's what obviously for us, once you scan that ballot, and that's why we try to educate, you know, voters that the time to take care of any issues you have with your ballot is before you put it in that scanner. Because even if it's the wrong thing, you can always spoil it and get another ballot. But, once you put it in that scanner, it is too late and that's a vote that just went through. And at that point, there is nothing that can be done. As it relates to --

MR. FERVIER: Are we aware of any other ballots that had this issue?

MR. BRUNSON: No.

MR. FERVIER: And, no other complaints at all?

MR. BRUNSON: No.

MR. FERVIER: Any other questions from the Board? The chair will entertain a motion.

MS. KING: I make a motion we dismiss.

MR. FERVIER: We have motion to dismiss. Is there a second?

MR. JEFFARES: Second.

MR. FERVIER: We have a second. All those

in favor signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Any opposition? Hearing no opposition, so moved. Allegation three is dismissed. We should have done this quick in the morning. Next item on the agenda is. I don't see Mr. Gasaway here. Is he here?

MS. HARDIN: He left.

MR. FERVIER: Oh, boy. SEB2021-118 multi state the VR that is. Man, I don't think I can read anymore, tab 39.

MS. KOTH: The Secretary of State received an anonymous complaint for 22 voters who had left Georgia, registered in New York and then voted in Georgia. None of them voted in New York. So, out of those 22, we researched all of them and out of that 17 of them, one of them has been continued. So, for the sake of that, 16 of them did register. They were in Georgia, moved to New York and then came back and voted in Georgia, but all of those out of 16, none of them voted in New York.

So, I can go through each one. Some we got a hold of, some we did not. But, the majority of them, it was due to COVID. So, everything in New York was

shutting down. They came back. Some were young, lived with their parents. They came back. There was a lot of COVID ones. One was moving back and forth, one moved with her job, but still at a house in Georgia. So, there was the violation -- that they did violate OCGA 21-22-17A2 for determining residence when they registered to vote in New York and then voted in Georgia. But, I would like to note that none of them voted in New York and some didn't realize that they had registered in New York when they got a license.

MR. FERVIER: I'll take it that Lucille Walks case has been continued. And, George Andrew Teague's case has been continued.

MS. KOTH: Oh, I knew about the Andrew one. Okay, so what 15, but they're all the same though.

MR. FERVIER: Yeah. We received letters. The Board should have received copies from Kathleen McDougal, Matthew Haygood and Tomba Iriba (phonetic). Is there anybody else here to respond to any these allegations on this case? I don't care somebody go first.

MS. CHOYER: Hello, thank you for letting me speak. I moved to New York.

MR. FERVIER: What is your name?

MS. YOUNG: My name is Sivan Choyer (phonetic).

MR. FERVIER: Okay.

MS. YOUNG: I moved to New York and I got my driver's license there in February of 2020. Later, due to COVID, I moved back with my husband and daughter to Georgia in March of 2020. In August of 2020, I got a new Georgia driver's license to make sure my address was updated. Up until that point, we weren't sure if we were going to go back to New York or not and that was well before the election.

So, I mean, I did made it make an update of my return to Georgia by updating my driver's license once I got back and registering to vote again in Georgia before prior to the election, I made sure I was registered to vote in the correct county. And, when I presented my updated Georgia license, they confirmed I was able to vote in person on election day. I was not aware I was committing anything against protocol. I also want to mention that a month after the election, I discovered my identity was stolen, and I filed for an identity theft was the case of Georgia I don't think it's

related, but just in case I wanted to be known and that. That sums up what I have to say. Unless you have any questions for me.

MR. FERVIER: Did you vote twice?

MS. CHOYER: I did not.

MR. FERVIER: No.

MS. CHOYER: I never voted in New York.

MR. FERVIER: Okay, any further questions from the Board and --

MS. CHOYER: Thank you.

MR. FERVIER: Please press your button. There you go.

MS. MIDDLETON: Hello, okay. My name is Olivia Middleton, I am from Georgia. I moved to New York in 2018, got a New York license in March of 2020, great timing. Then due to COVID, I moved home with my mom. She's here to tell you that's true and yes, I moved back in October of 2020 and so I voted in Georgia because I checked the My Voter page, and I still was active on the My Voter page to vote in Georgia. So, I thought I could vote.

MR. FERVIER: Did you vote twice?

MS. MIDDLETON: No.

MR. FERVIER: I bet both of y' all are going to be real particular about your registrations

in the future, aren't you?

MS. MIDDLETON: Yes.

MR. FERVIER: After having to sit through this -- is your punishment for doing that, sitting here all day long.

MS. JOHNSTON: Did you register to vote in New York?

MS. MIDDLETON: I don't know. I got a license, so I don't know if that registered me to vote, but when I moved back to Georgia I still had my Georgia license that wasn't expired. So, I just checked the My Voter page, and it was active.

MS. JOHNSTON: And, you have a New York driver's license also?

MS. MIDDLETON: I did at the time, because I just got it, and then I just moved back to Georgia.

MS. JOHNSTON: So, when you get a New York driver's license, does that mean that you're a resident of the State of New York?

MS. MIDDLETON: Well, I guess I lived there I got it -- because I lived there, and I intended to stay and then as the pandemic unfolded, I said, never mind, and I left and came back home to Georgia.

MS. JOHNSTON: And, used your same Georgia driver's license?

MS. MIDDLETON: Yes.

MS. JOHNSTON: Have you canceled your voter registration in New York?

MS. MIDDLETON: No, I don't, is that, I don't know, is that a thing to do? Okay, I didn't know that moving out of state. I had to cancel my voter registration in the state I was moving out of.

MR. FERVIER: We should probably do an education piece on that.

MS. MIDDLETON: I don't know how to do that either, so I could Google it.

MS. JOHNSTON: All right, so for both of you that have just spoken, are you aware that if you move to another state, you lose -- your residence in the prior state, and you also that also means you lose your eligibility to be on the voter rolls. Now, you may not be removed from the voter rolls, but you're not an eligible voter anymore because you're no longer a resident of Georgia.

MS. MIDDLETON: I was not aware of that.

MS. CHOYER: I agree to what you're saying. Therefore, I updated my driver license again when I came back to Georgia to notify the

State that I was back in residency in August, which was well prior to the election. If there's a different protocol to follow, I'll be happy to do that. I'm not aware of one currently, I mean.

MS. JOHNSTON: Well, thank you very much. That should have triggered update on your voter registration then or registered you to vote because Georgia is an, an opt out state. So, there's an automatic voter registration. Unless -- you did not want to be registered --

MS. CHOYER: Automatically you get registered to vote when you update your license in Georgia. Is that not correct?

MS. JOHNSTON: That's correct.

MS. CHOYER: Yeah, so, I mean, I have my 2020 license that I got in August to prove that I did that if you need to look at the records.

MS. JOHNSTON: The question is to vote a registration if that update was accomplished.

MS. CHOYER: I never opted out. I mean, to my recollection, I don't see a reason why I have my, I wasn't able to pull from the DMV records the answer to that particular question for that year. But, for prior years, I was able to pull the records and I'm able to show the court that I have not opted

out in the past. I mean, I don't see a reason why I would have opted out once we've made the decision to move back to Georgia and stay here.

MS. JOHNSTON: In addition, voter registration forms in New York State, when you sign the form inside the oath that you're providing true and accurate information, it says, and I am not a -- registered voter in any other state. Do you recall reading that on your voter registration?

MS. CHOYER: I do not, I mean, it was during my application for a driver's license and in all honesty, there is a lot of fine print when you go through that process and --

MS. JOHNSTON: And all you want is a driver's license.

MS. KING: Right.

MS. CHOYER: I offer my sincere apology to the Court and I had no intention to, you know, commit any offense.

MR. FERVIER: Your punishment is going to be to read this book. Any other questions from the Board? It appears all of these cases are the same, right? They're all related to New York and --

MS. KOTH: None of them voted in New York.

MR. FERVIER: None of them voted. It was

all just moving back and forth between COVID and that kind of mess. I think we can probably deal with them en masse. Unless you want to deal with them individually?

MS. JOHNSTON: Okay.

MR. FERVIER: The chair would entertain a motion to deal with them en masse. Except for the ones that are continued. But, I don't even know why we would need to continue them, frankly.

MS. JOHNSTON: My suggestion is -- that you can only be a resident of one state and you should only be registered to vote in one state. So, I would like to -- entertain the motion to send a letter of instruction.

MR. FERVIER: I absolutely think that's appropriate.

MS. JOHNSTON: All of these and to include the direction to send a written letter requesting removal from the voter registration of the prior residents.

MR. FERVIER: Did you get that, Alexandra?

MS. JOHNSTON: Prior jurisdiction.

MR. FERVIER: So, we're going to send a letter of instruction to all these individuals with the also the written instruction to send the letter

to your prior state removing yourself from the registration roll. It's all New York. Yeah, so we just need to put that in the letter itself. So, and the letter of instruction simply is what it says a letter of instruction on what to do, so.

MS. HARDIN: Okay.

MR. FERVIER: We have a motion to send a letter of instruction with the added language. Is there a second?

MS. KING: Second.

MR. FERVIER: We have motion to second. Any discussion? Hearing no discussion. All those in favor sending a letter instruction signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Any opposition? Hearing no opposition, so moved motion carries 3 to 0.

MS. KOTH: So, is it continued for any of them? Are we continuing?

MR. FERVIER: No, we're not going to continue any of them. We're just going to vote them all en masse. Will you send letters or let the continued cases know that we voted for a letter of instruction.

MS. KING: They're free to go, right?

MR. FERVIER: Yes, please. Your time in purgatory is up.

MR. FERVIER: Thank you. Next case is 2024-150. Where is that case? City of Edison, polling location issues.

MS. KING: Wait, no.

MR. FERVIER: This can't be right.

MS. KING: Fairburn, I think we're doing 179?

MR. FERVIER: I got 179 -- Henry County. Ms. Smith. That's right, yeah, Ms. Smith. It's 2024-150 Henry County. Voter registration signature issue tab 66 and then we have one more and we're done. Tab 66.

MR. BRUNSON: Chair, what case are we doing again?

MR. FERVIER: 2024-150 it is tab number 66, Henry County. That's your case, right Ms. Smith?

MS. SMITH: Yes.

MR. FERVIER: Ms. Smith how old is your granddaughter -- she is the most well behaved child I've ever been around in my life. I wish you I want to trade her for my nieces and nephews who are both

terrorists.

MR. BRUNSON: So this case, to break it down to brass tacks, involves a voter who signed her disabled daughter's name on the voter registration application. And, that would be, Namusa Smith (phonetic). Okay and the daughter's name is Naziana (phonetic) is that --

MS. SMITH: Naziana --

MR. BRUNSON: Okay, Naziana. So, the application was filled out, was incomplete. Ultimately, when she submitted it to the Henry County Election and Registration Office she was called back to make corrections. The clerk reviewed the application, noticed that the signature on the application was similar to Namusa Smith, the applicant's mother.

When she came into the office, she was confronted about signing her daughter's application. Mrs. Smith indicated that a clerk told her to sign her daughter's name on the application. This clerk could not be identified and the clerk who waited on Mrs. Smith denies this. She later filled out another application for her daughter, signing the correct location as the person assisting. The investigator went and spoke with Mrs. Smith and did

confirm that the daughter does indeed have some -- challenges and things of that nature. So, based on the facts of the case, there's evidence of to suggest that Namusa Smith violated OCGA 21-2-220 sub F application of registration A, to disable or illiterate, which states, "Person registering to vote was disabled or illiterate may request assistance from any other person in completing the form registration, but the person offer assistance shall sign the voter registration form, the space provided to identify the person offering assistance."

MR. FERVIER: Ms. Smith, what disability does your daughter have? That and she's not able to. I'm sorry, Ms. Smith, could you speak on press your button? Okay.

MS. SMITH: She's diagnosed with epilepsy and mental illness.

MR. FERVIER: She not able to sign for herself?

MS. KING: When I read, well, she could sign for herself, yes, but when I read, I guess the investigation from Wendy Steffens (phonetic), it's a lot of discrepancies in there, so I don't know. Do you have the form there for me to see? The voters

form registration form, do you have it available for me to look at? What took place is I went down to the Secretary of State to inquire about some information for a candidacy for myself and I asked the lady to check myself to see if I was still registered to vote and she said yes.

So, during that time frame I met with Andrew Kurish (phonetic), where I was questioning him in regards to the forms to apply for the write in candidacy for the President of the United States. So, he tried to deter me and after he was trying to deter me, I went over to the front desk and I asked the ladies, is it time is up or has it expired to be qualified to fill up the form?

They said no, because it was September 3rd, I went. So, they gave me 212, 132 a copy and 134 and 133, the qualifications and what it needed for me to do. I spoke to Megan Kelly that came out. She was very professional. Other people was very professional, came out and assisted me in letting me know what I needed to do. I went to do what has to be informed into the paper for circulation, which I did that and then I brought back the information. I said, when will I find out that I'm able to be shown as made available to be a write in candidate along

with the rest of the people? She said, they'll inform me.

I went back down to the voters registration in Henry County to find out if my children. Because I have three special needs children, to find out if they were still registered. So, the lady said that my son, my two sons were registered. Michael Finley and (inaudible) Finley. My daughter, this one, she never was ever registered and my other daughter, they said she wasn't registered. So after that, I took the forms for my daughter and my other daughter to fill out. I took them home. They filled it out. She needed assistance. She was, you know, needed assistance because she's also cognitively delayed assistance slightly because of the epilepsy.

When I went back, I gave it in. Then I went back down to the Secretary of State because when I went to the Henry County voters registration, the people that were professional as well, they didn't do anything wrong. I don't blame them for doing anything because again, they're not seeing my daughter. They're not seeing us together.

MR. FERVIER: Did your daughter ask you to help her fill out the registration?

MS. SMITH: My daughter, she's special needs. I do it anyway because I'm -- this is her daughter, Angel Adriana Smith. So, I'm the legal guardian of --

MR. FERVIER: Okay, but your daughter that you signed for, did she ask you to ask for your assistance?

MS. SMITH: Yes, because --

MR. FERVIER: Okay --

MS. SMITH: That's what I always do. I didn't -- I want to see the form because there's discrepancies in the --

MR. FERVIER: That may not matter. Okay -- is this your daughter that you signed for?

MS. KING: I signed. I didn't sign for her. I signed on a line my name --

MR. FERVIER: Right --

MS. SMITH: So, I didn't sign for her. That's, that's the discrepancy because in the information that was sent to me, it shows that I signed my name and they agreed that I signed my name and then towards the end of it, it says I signed her name that's incorrect. So, Ms. Wendy Steffens that came to the house to do the investigation, professional as well --

MR. FERVIER: Okay, hold on one second --

MS. SMITH: And, then what took place is when I find that I guess with me continuously going forward and doing the candidacy for the write in for the President of the United States, everything went array.

MR. FERVIER: So, let me ask a question. So, on this form it has your daughter's name under the signature and then it has a signature of an individual helping your daughter.

MS. SMITH: Can I see that please? Because I -- have to see these things.

MR. FERVIER: Yea, ask her which signature is hers.

MS. SMITH: Nah -- this is the other one. See -- when she filled out the first one, she forgot to sign it.

MR. FERVIER: Who signed that one?

MS. SMITH: This is the second one that they gave because -- this is hers --

MR. FERVIER: Who signed that one?

MS. SMITH: She did.

MR. FERVIER: Okay.

MS. SMITH: Yeah -- I mean, things -- seems to be mixed up, but the people at the Henry

County voters registration didn't do anything wrong. When -- he made a statement as if I was blaming the clerk. I wasn't blaming the clerk. The clerk told me to do something. But, what they have here is the other voter registration where -- they told me she had to fill out another one.

So, she went down with me to the office and she filled it out. I assisted her with the address and stuff and she signed it and she gave it in. So, after that everything was, you know, okay. I went back down to the Secretary of State and to verify that what I submitted in to be the write in candidate was accurate and not anything fictitious because I was. I didn't feel good about the fact that Andrew Kurish was being deterrent with me filling out the form. So, she printed out herself. Megan Kelly is somebody that works. Is the coordinator in the Secretary of State down here. She printed it out herself and gave me the list of all the writing qualified candidates for the President of United States.

And, I asked her, ma'am, where is this supposed to be displayed in the precinct? And she said it has to be made available.

MR. FERVIER: That's another issue that

we're going to deal with --

MS. SMITH: No, it's the same thing because on that form and paper that they sent me. They put in there that I went up there several times in regards to asking information about the presidency. And, then they also put on that form, that had no election was involved and that was regarding 2024 election. So, I'm -- speaking about that because it seemed as if they were implying that I did something malicious, which I do not.

MR. FERVIER: We don't think that we -- I think we have what we need to know with, with that. Dr. Johnston, you have any questions?

MS. JOHNSTON: No questions.

MR. FERVIER: Member King, do you have a motion you'd like to make?

MS. KING: Yeah, I make a motion that we issue a letter of instruction just outlining the details of how this process goes again and then that's it.

MR. FERVIER: Yeah, it's just a letter instructing of details what has to happen, okay.

MS. SMITH: Okay, could I just finish one thing, please?

MR. FERVIER: Yes.

MS. SMITH: I received -- that's how I knew to come here today. What I'm kind of perplexed and kind of astonished is that --

MS. KING: Before you go know that we have. We haven't officially ruled on anything, so you kind of might want us to --

MS. SMITH: No, I'm not talking about. I'm talking about the. These things are going together because they implied in, in the lettering --

MR. FERVIER: Yeah -- I'm going to read the file pertaining to the presidential thing and I'm going to read the information you provided to us. That's gonna be a different issue that we'll deal with --

MS. SMITH: We going to. Because I don't know --

MR. FERVIER: Let me -- through it and then I'll --

MS. SMITH: Okay. I want to let you know the investigator, Lillian Ornette (phonetic), was the person that supposedly was investigating it. The same woman that wrote up that Wendy Steffens. I called her October 25th to let her know that they still have not made the writing qualified list

available. When I went to the precinct on October 16th, a Suzanne Pea (phonetic). All these people are professional. They did nothing wrong. They didn't know what was going on. She was not aware of a write in qualified candidate for the presidency.

It was like seven or eight poll workers there. She was already in the back. So, when I went in there to try to vote early voting, she was already in the back. I said, could I speak to the supervisor for the Megan Kelly advising me? I asked her if they're not made available. What do I do? She said I need to promptly tell the manager and then come back down to the Secretary of State.

MR. FERVIER: I'm going look into all that.

MS. SMITH: Okay, also to let you know, the Attorney General, the US Attorney General, the Solicitor General, United District Attorney, and the Georgia Attorney General all was served several times in regards to me escalating it to the Supreme Court and no reply --

MR. FERVIER: All right, if you'll send those to us, too, we'll look at those.

MS. SMITH: I'm sorry.

MR. FERVIER: If you'll send those. That

documents to us too, then we'll look at those, too. Okay, thank you. Thank you, Ms. Smith. We have a motion on table to issue and we have a second to a letter of instruction. All those in favor, signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Motion carries, 3 to 0. Thank you. We have two very short ones. We're going to do as soon as I find my notes. Thank you, Ms. Smith. Yes. No, I'll talk to you after this. I'll talk to you after this.

MS. KING: We got. We want to make sure we can --

MR. FERVIER: Oh, what you need? What you need?

MS. SMITH: I appreciate you letting me speak. I just would like to ensure that during this time frame, you know, set I giving information to y' all -- the time. That much is given, as much as required. I serve the Lord and I don't do and I'm hoping at this time I'm giving everybody the information that the same way all these people have to have. You know, these people are not malicious. But they're totally felons. So to me, as these are

felons and that and get into the White House (inaudible) but if the President can get into the White House being a felon (inaudible)

MR. FERVIER: This Board gives due consideration to all these cases we have. We have these cases way beforehand to be able to look at. So, we will, thank you. 2021-179. and I'm gonna try and get to you real quick before we finish today. Okay. Are you up next?

MS. HUDSON: I'm next --

MR. FERVIER: All right. 2021-179. Which is if I can find it. Fairburn illegal campaigning, tab 52.

MS. KING: We have another 150 feet.

MR. FERVIER: Sit down, make this quick, please.

MS. KOTH: We received this complaint about some candidates in Fairburn that were within the 150 boundary of the polling location. One was using a bullhorn to campaign for another candidate. The investigator went out there. There were three people campaigning within the 150 feet. They all advised they thought that they weren't within 150 feet. So, all three of them thought that. They even pulled body cam because Fairburn PD got called

out. They looked at the body cam and the people were still arguing that they thought that they weren't -- within 150 feet, but they were. Once they were they all moved. There was a potential violation for OCGA 21-22-14, but it is noted that they moved.

MS. KING: Did they pull the tape out and measure it? Is that how they determined that -- they were within the 150 feet.

MS. KOTH: They were within 150 feet. But, I think the communication part was what they thought were began was different, but all of them thought that it was a violation. But, they did move once they realized.

MR. FERVIER: Okay. All right, ma'am, you take as much time as you want.

MS. HUDSON: Since this has happened though I --

MR. FERVIER: Would you introduce yourself please?

MS. HUDSON: My name is Samantha Hudson from the City of Fairburn. Since this has happened, I've been elected to City Council, so far, so great. But, I've learned a lot from this. Never intentionally did I want to do that. I read the

complaint and it said that I violated by voice from the audio of the of the bullhorn. I think I irritated the candidates more than anything because that was a new form or method. Grew up in Chicago, grew up campaigning, and canvassing and we just do it loud and big so, but in 2020 --

MR. FERVIER: Let me ask question. They said you violated by your voice being heard within 150 feet?

MS. HUDSON: Yeah, I -- guess that's a part because it said that I was inside of the 150 feet. Then it said I was within the 150 feet, and then it said again that by voice audio and I was just confused at that point.

MR. FERVIER: What is the allegation?

MS. KOTH: I'm guessing she was the one with the bullhorn. They were all within all 150 feet.

MR. FERVIER: They were also within the 150 feet.

MS. HUDSON: So, you were within 150 feet.

MR. FERVIER: Okay.

MS. HUDSON: So, since then, what I want the Board to know is I take voting very seriously. In -- 2023, my non-profit received a grant called

the Black Georgia Vote Project to encourage voter participation and access to voters who are disenfranchised south of I-20 and in that year we did all kind of lunch and learns. And, I in the process of this, I actually learned more about the campaigning aspect outside in Georgia.

So, that helped me a lot. But, with all the yard signs that was out there, you really couldn't tell. I've gone on to continuously engage disenfranchised voters. I'm a mom with a child that has a disability. She goes to the poll with me all the time. Former Georgia Educator we used the 2023 grant to go into the south Fulton schools and get high school students registered to vote that year and 2023, we increased the voter participation in Palmetto, Fairburn, Union City and as well as College Park by 6 percent.

So, at least the project worked. But, I just want the Board to know today, aside from that, I had no ill will from that, but I've learned a lot here today, and I'm kind of a little inspired from some of the cases that I've heard giving a more vast perspective of what the state level issues are, because sometimes at the lower level, it's a lot of rhetoric and the competition gets really nasty and

people don't really understand the value behind this process.

Coming in here today was belly aching being here all day. But, I got a great sense of value for what you guys do. Me as a now elected official, what this process looks like in Georgia and how I can begin to channel some of the things she talked about with the volunteers and the different organizations that come into your community. We did run into some challenges with organizations telling people the wrong thing in the community and sometimes it's just about that grant or those individuals getting paid for that day. So, I want to follow back up with that with you guys, but I'm at the mercy of y' all. I'm not complaining. Whatever y' all give me, I'm gonna accept it.

MR. FERVIER: No, you wouldn't, I mean, any questions from the Board on this?

MS. JOHNSTON: No. I just like to say it's not unusual for people to think they're outside of the 150 foot mark and it just depends on where it's measured sometimes and we've all seen this with polling places, and you get the roller thing out and you go, oh, you're outside of it. Or oh, no, you're

inside a little bit. Everybody tries to follow that 150 foot rule, you know, some devil in the details, I guess. But, if everyone responded and moved outside of the 150 foot mark, that's a fair thing to do. To consider with this case.

I would ask Ms. Hudson to maybe on election day, like in aviation, in flying, when one's getting ready to land the airplane, they enforce what's called a sterile cockpit. Means that nobody talks or does anything except what it takes to land that plane and it's just quiet. You want it quiet so everybody can do their job and concentrate. So, when there's an election going on at a polling place, we also want there to be the sterile cockpit.

So, we want people to be able to think on their own and vote without auditory whatever bullhorns or DJs or flashing signs, you know, right outside the door. So, be respectful of the polling place and the voters, but campaign all you want anywhere else up until the day of or --

MS. HUDSON: Yeah, I retired the bullhorn.

MS. JOHNSTON: Retired bullhorn. All right, Mr. Chair, I'd make a motion to dismiss this case.

MR. FERVIER: We have motion to dismiss is

there a second?

MS. KING: Second.

MR. FERVIER: We have motion to dismiss. Any discussion? Hearing no discussion all is in favor dismissing this signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Any opposition? Hearing no opposition, so moved. This case is dismissed. All right, I want to do one more. I know y'all --

MS. JOHNSTON: You're killing me.

MR. FERVIER: I know this -- gentleman's sitting right in front of me that's been so patient all day long and I don't want him to have to get a motel room tonight or hotel room night. I think Your case is 2021-015, Dorothy Bell are you then you are Mr. Freddie Lee Scott (phonetic).

MR. LEE-SCOTT: Yes sir, is my mic working?

MR. FERVIER: Okay, it will be in just a second. Now it is -- 2021-015. It is number 55 in your book.

MR. BRUNSON: This case involves a respondent, Mr. Freddie Scott. And this involves the Fulton County General Election, November 2020.

On January 4, 2021, we received a complaint from a citizen informing that two unrelated deceased voters named Dorothy Scott Bell and Dorothy May Harper allegedly voted by absentee ballot in the November 3rd, 2020, general election. The investigation found that Dorothy May Harper died on October 12th, 2020. The SOS Secretary of State E-net report for Mrs. Dorothy Harper indicated an absentee ballot was requested on September 23rd, 2020, and received on October 13th, 2020. The oath of person assisting an elector affidavit was signed by Mrs. Sean Alisa Chavis (phonetic) as assisting her. This was on October 8th, which was four days before her death. So, that's -- the first individual, secondly --

MR. FERVIER: The first one you found was unsubstantiated?

MR. BRUNSON: Exactly. Exactly. So, the one that was substantiated is --

MR. FERVIER: Well, let's -- deal with the first one.

MR. BRUNSON: Okay --

MR. FERVIER: Okay. First one's unsubstantiated?

MR. BRUNSON: Yes.

MR. FERVIER: You weren't able to find any

evidence?

MR. BRUNSON: No, didn't find any evidence that nope that it was filled out by a relative or anyone else.

MR. FERVIER: Any questions by the Board?

MR. BRUNSON: It was set off before she passed.

MR. FERVIER: Okay, any questions from the Board, Dr. Jan?

MS. JOHNSTON: No.

MR. FERVIER: No. The Chair will take a motion on that. Complaint number one.

MS. KING: I make a motion we dismiss.

MR. FERVIER: Motion to dismiss. Is there a second?

MR. BRUNSON: She wasn't listed as a respondent anyway --

MR. FERVIER: Okay --

MS. KING: Okay.

MS. JOHNSTON: Second.

MR. FERVIER: Second, we have motion all in favor signify by saying aye.

MS. JOHNSTON: Aye.

MS. KING: Aye.

MR. FERVIER: Any opposition? Hearing no

opposition, so moved. That's the first one. Okay, the second one.

MR. BRUNSON: The investigation found that Dorothy Bell Scott died on September 23rd, 2020. The Secretary of State E-net report for her indicated an absentee ballot was requested and mailed on September 23rd, 2020. The absentee ballot was delivered to her residence on September 26th, 2020 at 2:33 PM this was three days after the death of Ms. Scott, the investigator interviewed and received a notarized statement from her son, Mr. Freddie Lee Scott. Mr. Scott stated he was the primary caretaker and that no one else basically would have signed, et cetera -- he indicated that he assisted his mother in signing the absentee ballot envelope. The evidence suggests that the absentee ballot submitted to the Fulton County Board of Registration and Elections was completed after his mother's death.

Our investigator met with Mr. Scott and confronted him with the fact that his mother's ballot -- was not delivered until three days after she had passed and so it was impossible that she filled it out. However, he was adamant that she filled it out prior to her death. He also further

denied that any other family member would have filled this out et cetera and then there are also -- similarities on the signature of Scott between his signature and the signature that was on the ballot.

So based on that, we find evidence to suggest that Freddie Lee Scott violated OCGA 21-2-573 in that while he did, while conducting the affairs of his deceased mother, Dorothy Bell Scott, completed an elector absentee ballot, signed his deceased mother's name on it, mailed it in.

MR. FERVIER: Mr. Scott, I am sorry about your loss of your mother.

MR. LEE-SCOTT: Thank you.

MR. FERVIER: Would you like to respond?

MR. LEE-SCOTT: Yes, I do and I did before. I don't know who compiled that. I had a pretty decent meeting with Mr. Paul King back in 2021. But, for anybody to say that, I mean, my character and my integrity, I know, is only important to me, but for anybody to say that I filled out. I requested a ballot on my mother's death day, filled it out, mailed it out, and you know, it was received somewhere three days later. Okay, when I met just recently with this Ms. Wendy Stevenson (phonetic), she wanted to say that a

ballot see, all this is. I never been involved in anything like this before.

She said that a ballot for my mother was received in October after my mom's passing. My mother passed September 23rd, 2020. She was 91 and when the ballot came in August to the residence, she said, I normally vote at the school that's less than a half a mile from her home around the corner. I said, mom, it's going to be done this way this time because of the COVID pandemic and we sat at her dining room table and filled this out and it was mailed weeks, probably two weeks and some days before her 2023rd death and I don't know who's making this stuff up. I don't have any reason --

MR. FERVIER: So, you say you got the ballot in August and filled it out and sent it in with your mother?

MR. LEE-SCOTT: Yeah, it was sent in. It was sent in the first part of September. But -- nothing was requested on her death. What type of person I would be to do something like that? I mean, I just lost my mother. Somebody that I had came through her womb, 65 years. And I mean, like I say, the gentleman before me that had some written documents on him, man, any. I mean, I could

probably get about 15 different people to write about my character and everything.

MR. FERVIER: Did you vote during that election?

MR. LEE-SCOTT: Did I vote? Yes, I did.

MR. FERVIER: Did you vote in person?

MR. LEE-SCOTT: No, I voted absentee as well.

MR. FERVIER: When did you vote?

MR. LEE-SCOTT: Mine came to my residence at a different time. I can't give you an exact date, but like I say, I retired in 2017 with 42 years and in four months of service with the government aligned Federal Reserve Bank of Atlanta, I'm just going to say, and I know it's three presidents of that bank which speak on my behalf. Several different senior vice presidents.

I would never do anything like that. Matter of fact, the home my mother lived in, because of where I grew up at in Vine City, the old Vine City once I started working and I just invested my money in my 401k, I actually bought the house, the little house over in Lakewood for my mother. I would never do -- it's kind of ludicrous, you know, for anybody. I'm grieving my mother. What I look

like doing that on her death date? You know, I mean, that's just it's all I, you know, and it just doesn't make any sense and I've asked that Mr. King, he wanted me to do the affidavit, you know, in front, and I written wrote it out. I'm sorry.

And, when I met with this new person, Ms. Wendy, and she brought an extra person with her, it was two females, and she wanted to meet at. We met actually at the same place. I didn't see suggested. I told her, I'll come to the Floyd Building. I need to get this. This has been stressful. It's been harassing, you know, I would never. You know, God be my witness, and he is the Almighty in my life, you know? And, I mean, if he could and if my mother's spirit was in here right now, and if I could have went to Southview Cemetery and dug her up, she'd be right here with me.

We sat at her dining room table, did that ballot together. Because she said, you know, you're gonna have to help me with this. She didn't even ask me, would you help me? She said because she had never seen an absentee ballot, and I hadn't either her before they, you know, before 2020.

MR. FERVIER: Did she sign the ballot herself?

MR. LEE-SCOTT: Yeah, she signed the ballot.

MR. FERVIER: Okay, did you sign as assisting her?

MR. LEE-SCOTT: No.

MR. FERVIER: Okay.

MS. KING: Is her signature on the ballot?

MR. FERVIER: Any questions from the Board?

MS. KING: Yeah, her signature is on the ballot?

MR. FERVIER: Her signature's on the ballot?

MR. BRUNSON: Yeah, we're saying that it was her name on there --

MR. FERVIER: Can you show us the ballot? renewed in 2020?

MR. LEE-SCOTT: It was being said that my mom was. what you call it, dementia, but her whole health team is at Grady Healthcare. Seven different clinics that she went to and all those people tell you she was in her right mind. And everybody's saying, you know, we got five -- letters in our last name, you know, so that's not any kind of fancy name to it that you couldn't. I don't know who made that

up about being requested.

MS. KING: And then this says that the ballot was requested and mailed on 2023?

MR. LEE-SCOTT: All of that. You know, that doesn't make any sense.

MR. BRUNSON: So, what I believe it was before I even look at this is his mom was probably on the rollover list. So, he didn't request it. She was on the rollover list.

MS. KING: Okay, so it automatically came out.

MR. LEE-SCOTT: No, no, I requested it -- I went online to request.

MS. KING: You requested the first you're talking about in August?

MR. LEE-SCOTT: I don't know if it was the first part of August or whatever, but when they first sent it out, she wasn't on no roll over this unless something rolled over later on and came for her, but.

MR. FERVIER: Any more questions from the Board? Chair would like to entertain a motion at this time.

MS. KING: Looking at -- the signatures. It does like the signatures match that she actually

signed the ballot and according to her ID. So, I would like to make a motion that we dismiss this case.

MR. JEFFARES: I'll second.

MR. FERVIER: We have a motion and a second to dismiss. SEB2021-015 Fulton County deceased voters. Any discussion? Hearing no further discussion, all those in favor of dismissing this case signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. JEFFARES: Aye.

MR. FERVIER: Aye. Any dissent? Hearing no dissent, so moved. The case is dismissed. Thank you. The case has been dismissed.

MR. LEE-SCOTT: I am grateful and I am grateful to the almighty God, because I would never do that on any level of government as well as anybody else. I just wouldn't do anything like that.

MS. KING: We appreciate that.

MR. LEE-SCOTT: So, I appreciate you all thanks for not embarrassing me when I first stepped up to your -- podium, you know, earlier on, you know, if I could just stay, you know --

MR. FERVIER: We're happy to oblige as much as we can. I apologize for everybody having to stay so long, although we're only 20 minutes overdue. So, the at this time. Well, this Board will continue to meet tomorrow morning. Is 9:30 sufficient for the Board?

MS. KING: Yes.

MR. FERVIER: Janice?

MS. JOHNSTON: Yes.

MR. FERVIER: So, this Board will adjourn this evening and will continue tomorrow at 9:30 to finish hearing the rest of the cases. I imagine it'll be little, a least a half a day for us to get through those 9:30 in this room. The Chair will consider a motion to adjourn.

MS. KING: Recess.

MR. FERVIER: I'm sorry, recess. We have a motion to recess. Do we have a second?

MS. JOHNSTON: Second.

MR. FERVIER: We have a motion to second recess. All those in favor, signify by saying aye

MS. KING: Aye.

MR. FERVIER: Hearing no opposition, so moved. We will recess till 9:30 in the morning. Thank you.

(Off the record at 5:22 PM)

CERTIFICATE OF DIGITAL REPORTER

I, Michael King, a Digital Reporter and Notary public within the State of Georgia, do hereby certify:

That on May 13th, 2025 I digitally reported the proceedings had and the evidence given, together with the objections of counsel thereto, and that said testimony was accurately captured with annotations by me during the proceeding, taken at said time and place.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS THEREOF, I have hereunto set my hand the 28th day of May, 2025.



Michael King
Notary Commission Georgia/W-00526283
Commission Expires: October 6th, 2025

CERTIFICATE OF TRANSCRIPTIONIST

I, Brandon Diaz, CER, a Legal Transcriptionist do hereby certify:

That the foregoing is a complete and true transcription of the original digital audio recording of the testimony and proceedings captured in the above-entitled matter. As the transcriptionist, I have reviewed and transcribed the entirety of the original digital audio recording of the proceeding to ensure a verbatim record to the best of my ability.

I further certify that I am neither attorney for nor a relative or employee of any of the parties to the action; further, that I am not a relative or employee of any attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this matter.

IN WITNESS THEREOF, I have hereunto set my hand this 28th day of May, 2025.

Brandon Diaz

Brandon Diaz, CER

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GEORGIA BOARD OF ELECTIONS MEETING

DATE: May 14th, 2025
TIME: 9:43 AM TO 3:01 PM
LOCATION: Georgia State Capitol Building
206 Washington Street SW
Room 341
Atlanta, GA 30334

REPORTED BY: Michael King
Notary Commission Georgia/W-00526283
Commission Expires: October 6th, 2025

APPEARANCES

Members of the Board:

Chairman John Fervier
Janelle King
Dr. Janice Johnston
Rick Jeffares

I N D E X

PROCEEDING 4
CERTIFICATE OF DIGITAL REPORTER 206
CERTIFICATE OF TRANSCRIPTIONIST 207

Proceedings recorded by digital sound recording;
transcript produced by transcriptionist.

P R O C E E D I N G

(Proceeding commences at 9:43 a.m.)

MR. FERVIER: Good morning, I'm calling to order day two of the May 14th edition of the State Election Board. We have quite a number of cases to hear today, so we're going to try and get through those as quickly as possible. We have a quorum Member Jeffares, Member King, and Member Johnston is here with me today and Alexandra, our paralegal, and then our investigators and so we're very happy to be back and hopefully we'll get through the rest of the agenda today.

We're going to, you know, yesterday was a little chaotic because I was trying to get all the people had to travel long distances heard so they wouldn't have to come back for a second day and spend night in a hotel or whatever and created some confusion. The next meeting that we have in July, we're going to try and schedule it so that anybody who travels a long distance is heard first on the agenda that way and we may even break it up into two days so that your case will either be heard on day one or day two, and you'll have better direction on when you need to show up and hopefully that'll help with some of the confusion.

So, we have a whole lot of backlogged cases that we'll be hearing this year and so I imagine all of our meetings going forward will be two day meetings at least to try and work down that caseload. So, but we'll try and as we work through this, schedule them a little bit better so people don't have to sit here all day long or sit through both days to -- your case gets here, but we're always going to try and hear those people that have to travel a long way first so that they can get home.

That being noted, DeKalb County has asked that they have their cases heard first because their attorney is with us today and has another -- obligation this afternoon. So, we're going to go through the DeKalb cases real quick, hopefully, and hear those and then we'll get back onto the agenda.

So, the first case on the agenda today to be heard -- was slated for dismissal and it's a SEB2024-062. No, I'm sorry, SEB2022-369. It's tab 20 in your binders. Yes, Michael.

MR. BRUNSON: Name is Michael Brunson from the Secretary of State's Investigations Division. Okay, so this case involves three different allegations and this is all connected to the

November 8, 2020 general election and really the circumstances of allegation one and two are basically very, very similar in that in the first allegation, a voter submitted an absentee ballot application, requested a mail ballot be set to a Texas address. Additionally, the voter requested to be added to the rollover list for the remainder of the election cycle.

There's evidence to suggest that the voter's November 2022 ballot was sent to the Texas address as requested and was set within the time required. However, the voter stated it was not received. The voter returned to Georgia, canceled the original requested mail ballot and voted advanced in person. As a result of the ballot cancellation, the system automatically removed the voter from the rollover mailing list. DeKalb County Elections provided their training and their procedure for canceling ballots, which showed that for a voter to remain on the rollover list, workers need to manually return the voter back to the elderly/disabled status after the ballot cancellation was completed, or the voter would need to resubmit an absentee ballot application indicating their desire and in this first

allegation, it appears that -- was not done. However, there is no law that says that -- has to be done. That is a DeKalb county internal administrative policy/training issue.

The second incident is very similar to that where a voter requested a ballot be sent to an alternative address out of state and then very similar circumstances. So, to go through it would be superfluous.

The third allegation, the voter requested a mail ballot for the December 6th, 2022 election, reported that was not received. All records indicate the ballot was mailed to the address listed on Election Net as well as the address listed on the absentee ballot application and in that case, the investigation was unable to determine why the voter did not receive their ballot. So, that's -- the crux of the case, is that in these instances, there's no violation that we saw and so that's why it was put in the dismissal section and not in the violation section.

MR. FERVIER: So, there was evidence that the ballots were sent and are, so possible the post office just didn't get them delivered?

MR. BRUNSON: Yes.

MR. FERVIER: Dr. Johnston, do you have some questions?

MS. JOHNSTON: I do.

MR. FERVIER: Okay.

MS. JOHNSTON: My Questions are for DeKalb County. Does DeKalb County utilize ballot tracking?

MS. SMITH: Yes, good morning. I'm Keisha Smith, the Director of DeKalb County of Voter Registration and Elections and yes, we do utilize the state system in terms of tracking.

MS. JOHNSTON: What sort of tracking is utilized --

MS. SMITH: The ballots and so right. There is a process where once we enter it into Jarvis, there's a way to track when the ballots anticipate -- when they would be mailed.

MS. JOHNSTON: Okay, is there a difference between issuing a ballot and sending a ballot?

MS. SMITH: The issue is the date that we, you know. Yes, there could be a difference between issuing and sending, depending on who's mailing the ballots.

MS. JOHNSTON: Okay, so I know DeKalb County and other counties have a category where they state the ballot has been issued and am I correct

that means the ballot was received into the office and credit was given to the voter, is that correct?

MS. SMITH: Issued is when the ballot is sent, not when it's received into the office.

MS. JOHNSTON: Okay, so it's issued, but when it's actually put in the mail, is that the same thing as issued?

MS. SMITH: It could be the same thing as issued. It depends on if there's a third party that's mailing the absentee ballot, which we do utilize state approved vendors from time to time to issue those ballots or mail those ballots.

MS. JOHNSTON: To mail the ballots?

MS. SMITH: Yes.

MS. JOHNSTON: So, the ballot application is received and the County's put a notification in their system that it was a ballot is issued?

MS. SMITH: That it should be issued and then the third party would then pull the files with the ballots that should be sent or mailed at that time.

MS. JOHNSTON: But, it might be issued but not actually delivered to the USPS or a day or two or three. That's correct?

MS. SMITH: Yes.

MS. JOHNSTON: Okay, is there a documentation of when it actually is put into the mail carrier service?

MS. SMITH: I believe that we have an estimate of when it should be delivered to the mail, yes.

MS. JOHNSTON: Is there USPS tracking or vendor tracking for absentee balance?

MS. SMITH: I believe that there are several ways to track those and some counties actually pay for additional services to track. We do not pay for them.

MS. JOHNSTON: Okay, so once it's put into the USPS system, you do not have a way to track that it was actually delivered to the voter?

MS. SMITH: There's no certified part, no --

MS. JOHNSTON: Or return from the voter to the office until you receive it?

MS. SMITH: That's correct.

MS. JOHNSTON: Correct, okay, all right. When a person meets the qualifications for being on the rollover list and they vote in person, then their rollover status changes, correct? They lose that automatic rollover for that election?

MS. SMITH: Could you repeat that? I'm not sure.

MS. JOHNSTON: Yes, so in this case, the voter requested a ballot for the primary and they also checked the box that said they wanted to be on the rollover list to -- automatically receive ballots for the rest of the election cycle. But, when they voted in person for the primary, the rollover status was canceled, correct?

MR. BRUNSON: Yes, so I can kind of answer what you're saying here from the investigation. So, the investigator spoke with Rebecca Anglin from the Secretary of State's Elections Office, and she confirmed the following information. If a mailed absentee ballot is canceled, the voter is automatically removed from the rollover list and would have to reapply to opt back into the reoccurring mail ballots.

Secondly, when a voter is added to the automatic rollover mailing list, the address for all future mailings defaults back to the voters registered voting address and so in case two, that's what happened in case two. The first part is what happened in case one, where he went and he canceled it and when he voted in person, then that took him

off the list.

MS. JOHNSTON: Okay, so not only are they canceled from the automatic rollover of sending the next absentee ballot for the next election, the temporary address is also canceled and it reverts back defaults back to the residence address? How would a disabled or elderly person that gets automatic rollover ballots know this?

MS. SMITH: They would have to be familiar with the process.

MS. JOHNSTON: Correct, does DeKalb County have a process or a procedure to notify voters that they're now not on the rollover list and they have to apply again?

MS. SMITH: Yes, our internal processes have enhanced where we do reach out to individuals who were on the rollover list before each election when possible.

MS. JOHNSTON: When possible?

MS. SMITH: Yes.

MS. JOHNSTON: But, not automatic?

MS. SMITH: Well, the thing is, if they don't have, if we're only mailing them, they may not have a phone number, they may not have an email address and so -- we attempt to contact them, yes.

MS. JOHNSTON: Okay, but the general public doesn't -- know that, I feel sure to say. So -- it's a convenience to have that automatic rollover, but unless you're into this whole election system and receiving and requesting absentee ballots, I would think that, they would assume, that they would still get another ballot because they checked rollover and they were not informed when they voted in person because their ballot did not arrive and they so they presented to vote in person that they're canceled.

Technically -- it's not a violation, but I would kindly request that DeKalb County establish a written policy of how to handle this, because many of these people that are requesting absentee by mail ballots are elderly, they are disabled, and to expect them to be experts in the administration of absentee voting, I think is asking too much.

So, I just wanted to raise these questions that perhaps -- this would be something the Board could focus on as something to benefit voters in the area of absentee by mail voting. So, does anybody else have any questions? Okay, Mr. Chair, I make a motion that we dismiss this case.

MR. FERVIER: We have a motion to dismiss.

Is there a second?

MS. KING: Second.

MR. FERVIER: We have motions dismissing a second. Any discussion? Hearing no discussion, All those in favor dismissing case number SEB2022-369. Signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Any opposition? Hearing no opposition, so moved carries 3 to 0. This sounds like an opportunity for a rule.

MS. JOHNSTON: Right, if we have the authority to make a rule.

MR. FERVIER: If we had the authority to do something like that. The next item on the agenda is SEB2024-062. DeKalb County -- voter registration fraud.

MS. KING: Which?

MR. FERVIER: I'm sorry, 2024-062. It's tab 24.

MS. KOTH: Okay, I'm Sara Koth with the Secretary of State Investigations. Case number SEB2024-062, voter registration fraud. We received complaints regarding two unrelated DeKalb County residents that received voter registration cards in

the name of whom they were unfamiliar with living at their house. The first one, the complainant said that she received one for James Cheek, who was her husband's cousin and according to the complainant, he had never lived there. The investigator spoke with James and said that he had stayed there for some time in Georgia. He is a resident of Florida. He never registered in Georgia to vote, but he was working here as a stunt double for the movies. He said that he stayed at the DeKalb address intermittently while working on different projects and then he also stayed in Fayetteville for about six months, but he does live in Florida, he had never registered.

The Director of DeKalb County provided a screenshot of his DDS application, but it didn't really contain any pertinent information. So, it appears at DDS registered him to vote, he did not, but -- the paperwork didn't show that he registered.

The second one, the complainant advice she received for Chantel Johnson (phonetic). We tried all the information that was in Jarvis, the Georgia Registered Voter Information System, could not find anything that was legitimate for this person and we tried all of the other databases we have access to

and could not find a Chantal Johnson in that area.

So, there would have been a violation if we could have figured out if this was a real person or not. That's why it was in the dismissal. So, if we had found someone, we would have given them OCGA 21-2-561, false registration. but we don't know if that's a real person.

MR. FERVIER: Dr. Johnston, you have some questions?

MS. JOHNSTON: Question for the investigator. Mr. Cheek said he'd never registered, but in fact he had registered through DDS?

MS. KOTH: No -- he got a driver's license.

MS. JOHNSTON: Right.

MS. KOTH: So, it looks like DDS may have registered him to vote. He never voted in Georgia. And, so it was a DDS application that must have put him in there. He did not check that box.

MS. JOHNSTON: He opted out?

MS. KOTH: No, he left it blank.

MS. JOHNSTON: He left it blank. So, if they leave it blank, then they are registering to vote, correct?

MR. FERVIER: You can opt out, but you

don't opt in --

MS. KOTH: Possibly if we have a lot, though, where -- people don't read that part because it doesn't pertain to them, so they really need to maybe put it on a separate piece of paper, but that would be a DDS concern. It is in the middle of all that paperwork and they just don't pay attention to it and we get a lot where DDS registers to people because they're like, oh, it's blank, cool. They wanted to do it.

MS. JOHNSTON: Yeah, correct. So, DDS automatically registers people to vote unless they opt out and DDS accounts for the vast majority of voter registrations in Georgia and DDS accounts for the vast majority of duplicate or triplicate registrations in Georgia. I find this an opportunity to research this and perhaps work with the Secretary of State, who works with the Commissioner of Driver Services to try to find a solution to this chronic problem that we have with duplicate registrations or people that perhaps come up as a potential violation or an allegation of a violation or some issue and they -- state that they're not aware that they were registered to vote, but in fact they were.

Perhaps with DDS, this needs to be, I know -- all they want to do is get people a driver's license. That's their number one, two, and three priority, is issuing driver's licenses, but because of NVRA, they're obligated to offer voter registration through DDS, which is convenient for most folks, but it's also problematic for a lot of voters and certainly we see this at State Election Board.

So, I just wanted to make a point that'd be an opportunity for improvement in the arena of voter registrations. As far as Chantal Johnson, the second complaint that appears to be a non-existent person, is that correct?

MS. KOTH: Possibly, we couldn't confirm or deny that. Couldn't find her.

MS. JOHNSTON: All right, so for DeKalb County is Mr. Cheek still on the voter rolls in DeKalb County?

MS. SMITH: I would have to check to determine that. I don't know the answer right now, but I will look into that.

MS. JOHNSTON: Yeah and is Ms. Chantel Johnson on the voter rolls in DeKalb County?

MS. SMITH: I would have to check that as

well.

MS. KOTH: Now, they did try to remove her off there. According to Ms. Hutton, when the complainant had contacted DeKalb, they attended a Board of Registration meeting on November 15th, 2019, and a motion was made to remove Chantal Johnson from that residence and then there was another meeting. The letter stated that the Board of Registration reversed the cancellation and maintained it, for whatever reason.

MS. SMITH: So, that was before my time in 2019, but I will check, have staff check, and can get back with you on that.

MS. JOHNSTON: Was Ms. Chantel Johnson a challenged voter? Was that part of it?

MS. KOTH: The way it reads it, I mean, they didn't use that word. It said it was a motion was made to remove her and then she was not, after reviewing the Board minutes, they discovered that the case was reviewed and she was removed by the Board. However, due to a non-citizen lawsuit against DeKalb County in February of 2020, the County Board of Voter Registration decided to rescind the removal in other entities. So, it looked like it was a challenge that got reversed

then once everyone --

MR. FERVIER: Was she part of a mass removal? I mean, or, yeah, we don't know --

MS. KOTH: This is due to some lawsuit that had happened before --

MS. JOHNSTON: Does DeKalb County have a response of why she was inexplicably put back on the voter rolls?

MS. SMITH: That was before my arrival, so I'm not sure of the lawsuit. I'm vaguely familiar with a statewide lawsuit, but I don't have all of the details of that or the actions after.

MS. JOHNSTON: Does the Registrar for DeKalb County from time to time review the voter registration list and challenge voters that appear to not exist or live in other states?

MS. SMITH: Yes, there are daily list maintenance activities that occur as well as annual mass checks again, on the voter rolls in our office. So, yes.

MS. JOHNSTON: Okay, does DeKalb County go through the registrar challenge process where they send a letter to the elector, the registrant on the list, and have them appear to DeKalb County for a hearing?

MS. SMITH: Yes, we do follow the laws again around -- maintenance and that's one of them. That's one of the processes.

MS. KING: When did you become the election director?

MS. SMITH: I became the director in February of 2022.

MS. KING: Okay, I thought you were fairly new. Yeah, I've heard good things about you both on both sides, but I know there are. I had to say it like that, but I do think that there are some things that we need to tweak a little bit, I'm sure you're hearing that now as well, so.

MS. SMITH: Yeah, absolutely.

MS. JOHNSTON: Ms. Smith has a banker's background, so she's good with process and numbers. Mr. Chair, if there are no further questions, I'd like to make a motion.

MR. FERVIER: Please.

MS. JOHNSTON: I move that we dismiss this case, but I would send a request that DeKalb County reply to the State Election Board as to the status of these two registrants on the voter list.

MS. SMITH: Understood.

MR. FERVIER: We have a motion to dismiss

with the letter to follow up. Is there a second?

MS. KING: Second.

MR. FERVIER: A motion to dismiss with the letter to follow up, a second. Any further discussion? Hearing no discussion, all those in favor, signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Any opposition hearing? No opposition, so moved. Case 2024-062 is dismissed. Next case is SEB2024-156, which is tab 25. Dr. Johnston, you had some questions on this one. All right, we'll let him read that.

MS. JOHNSTON: Okay.

MR. BRUNSON: So, this was a complaint filed regarding improper voter registration on college campuses. A student contacted our office alleging that Emory Voting Initiative operating on Emory University campus is flatly informing applicants of the wrong information regarding where they may lawfully apply to register to vote. Complainant reported she personally witnessed the group tell students that they do not need a separate residence and mailing address and instructed students to register solely at the on campus mail

room. And if this is substantiated, it's a potential violation of 21-2-217 sub A, sub 1, rules for determining residents. Our investigator did try to follow up against specific information from this complainant and she wasn't able to provide that.

So, it was just her allegation that this was going on. We did check into it. Our investigator spoke with a representative. That's his name is James Rowland. He's the senior director of at the Center for Civic and Community Engagement with Emory University and what he stated was that Emory University provides on campus housing for students with an assigned mailbox with a campus mail room. Emory University students that do not have mailboxes at their residence on campus housing units. Additionally, students frequently change dorm rooms within the housing units as semesters change, but their assigned mailbox remains the same.

He said that based on previous guidance given to Emory University from DeKalb County elections. Emory students are allowed to register to vote utilizing their on campus mailbox address, as the only students with an on campus mailbox are those residing on campus. And, then apparently they did receive additional guidance in 2024 from DeKalb

County, where students are using their residence hall address in addition to their campus mailbox. And, then our investigator did do an audit to see, you know, if this is happening and -- that's what we see now with many of the individuals registered at Emory as they're using their actual dorm room locations to register.

So -- in this case, we weren't able to get any specific individuals that we could talk to and find out and say, okay, this individual. So that's one of the reasons why and then they said the guidance they received and the way that -- was corrected in 2024 and so it seems that now students are registering at their dorm room location, apparently so and -- this is an issue with a lot of universities and colleges where students that stay in dorm rooms, and some of it -- I mean, I hate to beat a dead horse here, but this is going to be somewhat of a DDS issue too, where if they're getting a driver's license, et cetera, and then they're, you know, they're using, oh, hey, I live in this, I live off campus, here's the address for the university. That's what gets put on their driver's license and bam, you just registered to vote also, so.

MS. KING: I feel like we're continuing to see a couple of issues. I think it's the DDS situation obviously on the automatic and then also we have a lot of these non-governmental organizations that are coming into states and assisting. But, if you're going to assist, you need to know state law. They need to know our code. They need to make sure they're accurately explaining to people what we are doing and so when you have several different organizations, as we saw yesterday, organization, where we have an attorney who doesn't know where the headquarters of the organization is, we got these type of situations occurring and then we want, now the student is in trouble. If you were able to find this student, then they would be in trouble for something that may not have been their fault outright.

Now, obviously we all have a duty to know our law, but this is -- concerning the number of organizations that can just come into our state and start registering people to vote without knowing state law. So, I do think that as a Board, there's something we need to -- look at that as well.

MS. JOHNSTON: Is there a representative from Emory Voting Initiative here?

MR. FERVIER: You weren't able to identify anybody, were you?

MR. BRUNSON: No, were not. Nobody specific.

MR. FERVIER: Okay.

MR. BRUNSON: And, then when she followed up with the complainant, the complainant never responded to her. So, I don't know if because in 2024, they did actually apparently try to address this issue, maybe because of her complaint, maybe she felt, you know, hey, it's taken care of, so I'm, you know, I don't need to be contacted because our investigator did, and I pointedly asked that question, hey, did we reach back out to her to try to see if she's got anybody specific who was given bad information? And we -- were unable to obtain that information.

MS. KING: Does Emory, do they take responsibility for this initiative? Do they own this, or is this like, something --

MR. BRUNSON: Yeah, this looks like this is a part of --

MS. KING: The university --

MR. BRUNSON: Yeah, the university. So, this is not an outside group coming in. This is

the, you know, the name of the voting initiative, so.

MS. KING: Okay.

MS. JOHNSTON: So, Mr. Chairman, Emory or this Emory Voting Initiative, and many of these other TPOs seem to be woefully lacking in information and perhaps oversight. Whether they're informing students correctly about residence address versus the mailing address, or whether they're informing students that are from out of state or out of jurisdiction that when they register to vote, they're signing an oath that they reside at that location and along with that comes other obligations to get a driver's license, to change their auto insurance, to perhaps make adjustments to scholarships that they're receiving from out of state.

It might put in jeopardy their qualifications for a scholarship if they're no longer a resident of a different state and also these students will need to contact the voter registration office for every move they make while they're in college to be properly addressed at the residence where they live, because it makes a difference on who they may vote for. It's different

for a statewide election, but if you're talking about a school board or city council member or some local office, that residence does make a difference.

I think this is an opportunity. We have a number of rules, state election board rules that deal with TPOs, third party organizations. If there are no further questions, I'd like to make a motion.

MR. FERVIER: I was just researching Emory Voting Initiative here to see exactly what the association was, but please make a motion.

MS. JOHNSTON: Mr. Chair, I move that we continue this case to provide an opportunity for our investigators to research this TPO and other TPOs as far as the product of the outcome of these voter registrations and the qualifications and oversight that are provided by these TPOs for voter registration groups and then perhaps and then bring this case back at that time.

I think we need more information. It seemed like there was lacking information from the complainant and I'm not real sure about connection with Emory and who's responsible on the Emory campus and it seems like in the report that there was an issue with what they were informing students and then when there was the first mention of this case,

I guess, or investigation, the policy changed. So, I'd like to have a little more information about what they have been telling students and what they currently are informing students of.

MR. FERVIER: Well, the -- only part of your motion I have an issue with is you TPOs are wide ranging and could be all across the state. So, I'm wondering if we want to focus on, since this complaint is against Emory, focus on Emory, and have Emory respond to it.

MS. JOHNSTON: Yes, I would like Emory to respond to it. But, also colleges and universities are located throughout the state. So, how we deal with Emory I think may certainly send a message or provide guidance to all the university systems and colleges that we have in Georgia as far as how to deal with either education, training, reporting, record keeping, oversight of their volunteers, and their employees and to make sure that they're compliant with Georgia election laws.

MR. FERVIER: Well, let's, if you're okay with doing this, let's task our investigators with SEB with researching the TPOs and how they register their students for voting and then we can ask the SOS investigators to. We'll continue this case and

ask Emory to respond at a follow up meeting. The Emory Voting Initiative. I mean they have a website so we ought to be able to get in touch with somebody.

MR. BRUNSON: No, I mentioned the guy from university. He's in charge --

MR. FERVIER: Yeah, so we'd like them to come in and talk to us about what they do.

MS. JOHNSTON: It would be nice to hear from them, Mr. Rowland, yes.

MR. FERVIER: Okay, so we have a motion to continue this case and requested Emory respond at a future meeting do we have a second?

MS. KING: Second.

MR. FERVIER: We have motion to second. Any discussion? Hearing no discussion, all is in favor of continuing this case and having a response signify by saying aye.

MS. JOHNSTON: Aye.

MS. KING: Aye, Mr. Chairman, on a separate note, kind of testing this, but connected to this, but some other things when it comes to --

MR. FERVIER: Are we changing the motion?

MS. KING: No.

MR. FERVIER: Let me finish this --

MS. KING: Okay --

MR. FERVIER: Any dissent? Hearing no dissent, so moved the motion carries to continue this case, 3 to 0. I'm sorry, continue.

MS. KING: That's okay, sorry about that. So, I have some questions around. You know, we've been talking about DDS and then there was a lot of conversation around the ERIC System and we're talking about college students. It's a high probability that these students may be registered to vote in other states as well, as well as here. So, now we're having a situation of two registrations.

And I know we, there are some that, like the ERIC System that supports half of our states. But, I have a concern that DDS is not picking that up. You know, there should be some type of connection where people, when they register to go get a driver's license, if they make a mistake and don't opt out of the voter registration process, there should be some type of alert or something that says, hey, this person's registered to vote in another state. So, I just think that, I just want to make sure I'm on record stating that this is another reason why I personally think that we need to look at another system outside of ERIC, because

if the system is not representing every single state, then that's, number one, a problem.

But, then number two, if the system is not working in our state because we're now issuing driver's license and voter registrations to people who could be registered in another state, then why are we spending taxpayers dollars for a system that's not working? So, I just want to make sure I'm on record.

MR. FERVIER: Thank you, okay.

MS. JOHNSTON: While we're at it, I'd like --

MR. FERVIER: I can't write fast enough.

MS. JOHNSTON: I would also like to go on record, as we heard cases yesterday involving persons that were registered to vote in two states and claim they did not know they had registered to vote in a state or that they were still registered to vote in Georgia or could come back to Georgia when they're no longer eligible to vote in Georgia, but they're still registered in another state.

I think it would be prudent for the State Election Board to perhaps write a letter to the voting rights department, the Department of Justice, expressing our concern for registrants that are

found on multiple state voter registration lists and that this, you know -- some people say it's okay to be registered to vote in another state as long as you don't vote or you don't vote twice. But, the point is that we should have only eligible voters on our active voter list and on the inactive voter list. Those also should be eligible voters.

You're eligible and then you're active or you're inactive and ineligible should be over here on some canceled list. So, I think it's a national problem also, and I think goes beyond the State of Georgia and I just think an informative letter to the DOJ might be in order.

MR. FERVIER: Are you volunteering to write that letter?

MS. JOHNSTON: I will write that letter.

MR. FERVIER: Thank you. I'd appreciate getting to see it first.

MS. JOHNSTON: And, I might show it to all of you.

MR. FERVIER: Next item on the agenda is SEB2024-177 DeKalb County, non-citizen voting. It's tab number 26.

MS. KOTH: The Secretary of State's Office received a list of some jurors that had claimed to

be non-citizens with the Georgia voter registration system that have been registered to vote. So, they had said that they were non-citizens for jury duty. So, we got this list because they're registered voters. So, we opened up separate cases per allegation and on this one, Mr. Cain is a registered voter and he's also born and raised in Ohio. So, he is a citizen. The verbiage that he had used on his paperwork was that he has renounced his declaration of political status to his lawful birthright, political status of Ohioan.

MR. FERVIER: Can you say that again?

MS. KOTH: He has renounced his declaration of political status to his lawful birthright, political status of Ohioan.

MR. FERVIER: I have no idea what that means, but thank you.

MS. KOTH: He's from Ohio and he was saying that he's declared that right. So, that's why it was in the dismissal.

MR. FERVIER: Were there any questions on this case?

MS. JOHNSTON: I have a question. This was for the investigator. This was picked up on a jury summons list. Is this correct?

MS. KOTH: It came from one of our employees that had received the documents whose US citizenship was in question based on conflicting information provided on court juror applications.

MS. JOHNSTON: On the jury application? So, does that mean that on the jury application he claimed he was a non-citizen?

MS. KOTH: He claimed that he renounced his declaration of political status to his lawful birthright, political status of Ohioan. That's what flagged it. So, he had marked that he wasn't a citizenship because he has declared his Ohioan status. Sounds like maybe a sovereign citizen.

MS. JOHNSTON: Sounds like what?

MS. KOTH: Possibly a sovereign citizen. So, he said he wasn't. That's what I read from that, but.

MS. KING: Oh, boy.

MS. KOTH: So, he wasn't on the jury selection.

MS. KING: It always fascinates me, the people that know such complicated laws, but don't know basic laws. Like, that's just so fascinating.

MR. FERVIER: The Chair will entertain a motion in this case.

MS. JOHNSTON: Motion to dismiss.

MR. FERVIER: We have motion to dismiss. There a second?

MS. KING: Second.

MR. FERVIER: We have motion to second. All those in favor signify by saying aye.

MS. JOHNSTON: Aye.

MS. KING: Aye.

MR. FERVIER: Hearing no opposition, so moved, this case is dismissed. The next item on the agenda is, I'm going to do SEB2023-039 DeKalb County residency and voter registration issues is tab 49.

MS. KING: It's a party out there.

MR. BRUNSON: So, this is a case that is connected to the general election, November 8th, 2022 and one of the things that we looked at in this case, this is going to be another case. Like I said, I know we're on the same thing with a number of DDS registrations. This is a case that we will take another look at upon further review. There is one violator on this case, but there's potentially more. There's some people we weren't able to identify or to track down and so I'll go through the allegations. There's actually four -- allegations here.

So, the first allegation is that voters that are in an inactive status are being returned to an active status by simply applying for an absentee ballot. The complainant identified a sampling of 43 voters there were inactive on the DeKalb County Elections voter rolls on the 8/5/2022 and 10/3/2022. According, to the Jarvis system. These voters were listed. I'm sorry, it was actually E-net in 2022, still. These voters were listed inactive due to not responding to the voter confirmation card set out by the DeKalb County voter registration office or due to return mail from the US Post office.

These voters were placed in the inactive status described in OCGA 21-2-234 and OCGA 21-2-235, which defines the term no contact as the elector has not filed an updated voter registration card, has not filed a change of name or address, has not signed a petition which is required by law to be verified by the election superintendent of a county or municipality.

So, basically the first complaint from the complainant is saying that these individuals are being returned to an active status by simply requesting an absentee ballot registration, which if

you look at the code section 234, that is one of those things that consists of activity that would cause somebody to be put back in the inactive status. So, that the first part of that allegation that is based on that is not sustained or that's our recommendation. So, any questions on the or I'll go to each one?

MR. FERVIER: Are there any questions on that from the Board?

MS. JOHNSTON: A question. How many registrants or voters pertain to allegation one?

MR. BRUNSON: 43, it looks like.

MS. JOHNSTON: 43 and your review of all 43 registrants where they were eligible, inactive voters?

MR. BRUNSON: Pardon me?

MS. JOHNSTON: Were all 43 registrants eligible voters? Eligible, but inactive voters?

MR. BRUNSON: Yes, that's what it looks like. Yes, and then the 43, they requested an absentee ballot for the November 8th, 2022 general election and once the voter submitted that absentee ballot application, contact was, that's considered contact, which moved the vote from the inactive status to the active status.

MR. FERVIER: Are you wanting to continue which allegations. Are you wanting to continue investigating?

MR. BRUNSON: So, in looking at allegation number two, we want to continue because there's a number of people. So -- number two involves individuals registered at a business address.

MR. FERVIER: But there was, there was one individual name there that we could deal with today, correct?

MR. BRUNSON: So, we can -- deal with that individual. We were able to determine that she voted out of her district because the business address that she was using does not correspond to where we actually tracked her --

MR. FERVIER: All right -- so we'll deal with her in a second. What about -- allegation three and allegation four?

MR. BRUNSON: So, allegation three deals with Agnes Scott College. So, there are some things that we want to clear up with that one, too, because we weren't able to track down. So, we'll continue that one.

MR. FERVIER: Okay.

MR. BRUNSON: And then number four, we

can, we can go ahead and deal with. There's no --

MR. FERVIER: So, the allegation three with Agnes Scott is. It sounds kind of similar to the Emory --

MR. BRUNSON: It is going to be similar to the whole one that I kind of talked about earlier. Yes, sir --

MR. FERVIER: Are we going to add Agnes Scott as a respondent then?

MR. BRUNSON: In this, the case, it's a little different in that the Agnes Scott situation does not --

MR. FERVIER: That's actually DeKalb County issue, allowing them to use Agnes Scott address --

MR. BRUNSON: Yeah. It's not, I don't think it's a third party --

MR. FERVIER: Okay -- you want to continue that one? What about number four --

MR. BRUNSON: Yeah, we'll continue that one.

MR. FERVIER: Number four?

MR. BRUNSON: Yeah, and then number four. Like I said, we can, I can go ahead and address that.

MR. FERVIER: Okay, so you want to address respondent number two and then address number four?

MS. JOHNSTON: I have a question about.

MR. FERVIER: Okay, Dr. Johnston has a question.

MS. JOHNSTON: Question for DeKalb County, are our only eligible voters on the inactive voter list?

MR. FERVIER: You should be on.

MS. SMITH: Yes, there they should be eligible voters. If they are found ineligible, then measures are taken to ensure that they are not on our rolls, so --

MS. JOHNSTON: So, everyone on the active voter list and the inactive voter list meet all the qualifications to vote in Georgia, is that a true statement?

MS. SMITH: No, that's not a true statement. I mean, we work with list maintenance activities to ensure that everyone that's on DeKalb County's record rolls are eligible to be on the rolls. So to my knowledge, yes, everyone that, you know, is on there that's on DeKalb County roles are eligible.

MS. JOHNSTON: Okay, so anyone that is

moved from an inactive status to an active status, DeKalb County has verified their eligibility to vote, correct?

MS. SMITH: Yes, to my -- knowledge, yes.

MS. JOHNSTON: Okay.

MS. KING: So, Mr. Chair, for clarification, we are looking at possibly dismissing allegation one and two --

MR. FERVIER: No, continuing.

MS. KING: Sorry, one --

MR. FERVIER: Continuing one, three, and continuing. Continuing one, portions of two and number three, hearing the individual case in number two and hearing number four, correct?

MR. BRUNSON: So, allegation one hearing today, no charges in that one. Allegation two continued except for Ms. Deed (phonetic) --

MR. FERVIER: I thought you told me you had further information you wanted to look into for number one --

MR. BRUNSON: No --

MS. KING: All right, so one in number two --

MR. BRUNSON: Number two, we're going to look at --

MS. JOHNSTON: All right.

MR. BRUNSON: Additional, but then we're going to pull Ms. Deed out of that as a respondent and discuss her case today. Number three was the Agnes Scott, so we'll look at that and then four we're going to talk about today.

MR. FERVIER: Okay. All right --

MR. BRUNSON: So, all right, so now it'll be Ms. Deed and then four. Because I've already talked about one. I know, it's confusing a little bit.

MS. JOHNSTON: It is. These are four different list of voters?

MR. BRUNSON: What's that?

MS. JOHNSTON: Allegation 1, 2, 3, and 4 involved four different lists of voters?

MR. BRUNSON: Yes, it was separate issues as it relates to, so one was what I described about the inactive to active. Two is folks registered at a business address to vote. Three, Agnes Scott. And then four is the NCOA National Change of Address System. So -- it's four different issues.

MR. FERVIER: All right, let's all right, let's deal with one, then -- we've heard your case or any more questions relating to one?

MS. KING: No.

MR. FERVIER: Allegation one, Dr. Johnston?

MS. JOHNSTON: No. So -- no one was found that was moved from inactive to active as being ineligible to vote? That was reviewed or it was just the process of --

MR. BRUNSON: Yeah, we looked at the process of what -- makes it lawful for someone to be moved from inactive to active and the fact that these individuals requested that, is listed in 234. That is one of the definitions of contact which allows someone to be placed --

MS. JOHNSTON: Okay --

MR. BRUNSON: In the active status from inactive. So based on that, we said that there's no violation of law there for that specific allegation.

MS. JOHNSTON: There is no violation, but there was no allegation that these were ineligible voters?

MR. BRUNSON: No.

MS. JOHNSTON: Okay.

MR. BRUNSON: No, it was just that. That was just the crux of her first complaint.

MS. JOHNSTON: Okay.

MR. FERVIER: The Chair will entertain a motion.

MS. JOHNSTON: I'll move, dismiss.

MR. FERVIER: We have a motion to dismiss. Is there a second?

MS. KING: Second.

MR. FERVIER: We have motion dismiss on the second. Any discussion? Hearing no discussion, all is in favor of dismissing signify by saying aye.

MS. JOHNSTON: Aye.

MS. KING: Aye.

MR. FERVIER: Any opposition? Hearing no opposition, so moved allegation number one is dismissed. Now let's deal with number two.

MR. BRUNSON: Okay, so number two, we're going to deal with Mrs. Deed, so there were four challenge voters that were registered at a UPS store at 2566 Shallow Road Northeast in Atlanta, Georgia. Some of the voters we were not able to identify, but we were able to identify Mrs. Nancy Deed, who voted in the November 2020 election.

Our investigators spoke with her. She stated she's a truck driver and is constantly on the road traveling and was residing in Riverdale in Clayton County, Georgia during 2020. She claimed

that she could not recall the residential address where she resided in Riverdale, however. But, what she stated was she was not aware she did not register to vote with the UPS store address since that was her mailing address when she obtained her driver's license, she stated she received a letter from DeKalb County Elections which stated she called and left a message, but never received a call back.

Investigator explained to Mrs. Deed how to update her residential address on the My Voter page and sent Mrs. Deed an email with the link to the My Voter page and now, apparently her address is accurately reflected in Clayton County, Georgia.

So, at least we got that corrected, but she did vote. She was one of the people we were able to get in contact with her. She did vote out of district because she lives in Clayton County. She lived in Clayton County when she voted, and she's, you know, DeKalb County, so.

MS. KING: So to be clear, she forgot her home address, but remembered her business address to get a driver's license, and then that automatically registered her to vote and then it was time for her to vote. She went to the county where she worked and not the county where she lives.

MR. BRUNSON: Yes, that's correct.

MS. JOHNSTON: Okay.

MS. KING: And then again, another DDS issue. Now, we don't know commercial addresses versus residential to be able to again, reject anyway. Okay, if they have any more questions, but.

MR. FERVIER: I can.

MS. JOHNSTON: Go ahead.

MR. BRUNSON: One of the things now with the Jarvis system that makes it better than E-net is that now counties can actually go in and flag business addresses. So therefore, whenever someone tries to do this now, at least that could be flagged in the system where E-net didn't have that capacity.

So, counties were kind of at a disadvantage with E-net because, I mean, you got DeKalb County. How many businesses are in DeKalb County? I mean, to have a county try to go through and identify all the businesses and track and then you have storage facilities where. Okay, yeah, there's an apartment --

MS. KING: Right.

MR. BRUNSON: That someone actually may live on it. So, now Jarvis has the process where you can flag it and so it'll pop up. So, that makes

it much easier. So, you should see less of these type of issues, hopefully, moving forward, you know, as we, as we move forward, so --

MS. JOHNSTON: Do all 159 counties use that process?

MR. BRUNSON: Jarvis. Yes.

MS. JOHNSTON: To --

MR. BRUNSON: I think that's part of the training.

MS. JOHNSTON: Great, thank you.

MR. BRUNSON: Yeah, so that's why it's disseminated as part of the training to, you know -- there's actually a manual that kind of shows, I believe, how you can go in and do that and flag all the different businesses in your county and so if somebody tries to register, that will give an indication that, hey, this is a business address.

MR. FERVIER: Ms. Lee, were you a complainant for this particular for Ms. Deed? Do you have any comments that you want to make, yes?

MS. LEE: On Ms. Deed specifically, I have no comment, she was one of the many people in UPS stores and or post office boxes and there's no way to determine from a citizen's point of view if these people actually exist because they don't live in the

post office box, which is what they're giving for the residence address.

MR. FERVIER: Would you identify yourself for the record, please?

MS. LEE: Gail Lee (phonetic), complainant. As far as the first delegations, the people were not only had inactive status because they had returned mail, but they were many that were NCOA for many months and so OCGA 21-2-235 specifies how inactives can vote and all the ways that are set out are in person at the polls and for our system to allow absentee or inactives to just request an absentee ballot after they filed an NCOA and gone somewhere else. It leaves big holes in the system.

It's something that really needs to be reviewed and that was the reason I did these challenges for the policies to be reviewed and guidance to be given to the state election offices in the counties. Because the challenges are being categorically denied. Just because there are challenges and it used to be there was a variation of how each county was dealing with different situations, but now it seems to be everybody is being denied and guidance is really needed. That's all I want to say at this point.

MS. KING: Thank you.

MR. FERVIER: Thank you, Ms. Lee, Dr. Johnston.

MS. JOHNSTON: So, that leads to a question for DeKalb County. Are NCOA notifications flagged in the Jarvis system?

MS. SMITH: Yes, it's my understanding that we are aware of the NCOAs when the secretary --

MS. JOHNSTON: Flag the -- register, the voter?

MS. SMITH: Yes, they are. They are flagged when.

MS. JOHNSTON: When NCOA that's permanent or out of state or to another county is --

MS. SMITH: All of the above.

MS. JOHNSTON: All of the above --

MS. SMITH: Yes --

MS. JOHNSTON: Okay and so then, Michael, were any of these NCOA flagged voters?

MR. BRUNSON: For allegation one, I did not see that.

MS. JOHNSTON: Or this is old election net, right?

MR. BRUNSON: Yeah, it is an E-net. It's not Jarvis, yes.

MS. JOHNSTON: So, currently NCOA gets flagged in Jarvis, which should be an improvement.

MS. KING: So, going back to allegation two, I think you have a motion as well. I have a motion I want to refer to the Attorney General's Office.

MR. FERVIER: Are there any further questions on allegation two for Ms. Deed?

MS. KING: I make a motion that we refer this case to the Attorney General's Office.

MR. FERVIER: We have a motion to refer Ms. Deed to the Attorney General's office. Is there a second?

MR. JEFFARES: Second.

MR. FERVIER: We have motion to second. Any discussion? Hearing no further discussion, all is in favor of referring Ms. Deed to the AG's office signify by saying aye.

MS. KING: Aye.

MR. JEFFARES: Aye.

MR. FERVIER: Any opposition? Hearing no opposition. No opposition, so moved.

MR. BRUNSON: Okay, now we'll go to allegation number four --

MR. FERVIER: We need to vote to continue

number three.

MR. BRUNSON: Okay.

MR. FERVIER: The Chair will entertain a motion on allegation three.

MS. KING: I make a motion we continue allegation three.

MR. FERVIER: We have motion to continue allegation three. Is there a second?

MS. JOHNSTON: Second.

MR. FERVIER: Any discussion? Hearing no discussion, all those in favor of continuing allegation number three, signify by saying aye.

MS. KING: Aye.

MR. FERVIER: Any oppositional opposition? So moved, 3 to 0. Now, allegation number four.

MR. BRUNSON: The complainant alleges that voters that have been reported by the National Change of Address System have registered to vote in another state should be removed from the electors list. Complainant has identified 10 DeKalb County voters who identified through the NCOA as having moved to Florida and have registered with the Florida Division of Elections.

She lists the voters names Edward Stewart Nelson, Zenobia Williams, Lucretia May Drake, Sandra

Noreen, Ison Woodall, Rosemary Plurza, Terry Don Tanner, Hazel Merrill McIntyre, Lamont Lawrence I. West, Paul L. Freeman, Robert Wayne Blair (phonetic).

According to E-net, as of June 30th, 2022, nine of the 10 voters have been moved to inactive or canceled status due to DeKalb County sending out confirmation notices from the NCOA notifications. Voter Lamont West is the only voter remaining with an active status in Georgia. Mrs. Keisha Smith advised that her office did not receive an NCOA notice regarding Mr. West. Mr. West was most likely not identified by the NCOA system because of the name difference on his Florida's driver's license.

Mr. West is identified by his Georgia driver's license as Lamont L. West and identified by his Florida driver's license as Lamont Lawrence I West. Our investigator was able to reach Mr. West, who was unfamiliar that his voter registration in Georgia did not automatically cancel when he received his Florida's driver's license and opted in to register to vote in Florida. Investigator emailed him a link to the Georgia Secretary of State Office voter registration cancellation or she mailed him a cancellation form and he indicated that he

would resolve the issue.

Mr. West has canceled his Georgia voter registration and that was done, 8/4/2024. Investigator Stevens spoke with the Florida Division of Elections, which confirmed that Mr. West had not voted in Florida since his voter registration was created on May 13th, 2021, and he last voted in Georgia December 2020 for the runoff. So, that's it on that.

MS. JOHNSTON: Could I get more information of how many are inactive and how many are canceled? The nine of the ten?

MR. BRUNSON: Yeah, nine out of ten and then the last one right is what I read off. Now he's done too, so all of them, basically everybody that was listed that was identified has been moved now to inactive or him he's just totally --

MS. JOHNSTON: So inactive, as we just discussed, means that they're eligible voters. So, if these registrants have an NCOA and they've registered in another state, then they're no longer eligible. So, they should not be on the inactive list. Only eligible voters should be on the active list. Ms. Smith, do you have information?

MR. HARREN: Thank you, this is Brent

Harren (phonetic). I represent the DeKalb County Board of Registration and Elections. They would become ineligible if they were registered in another state. Filing an NCOA, especially if it's a temporary move, would not necessarily make them ineligible to vote in Georgia. But, we take action to regularly maintain. The Board takes action to regularly maintain the list in accordance with the National Voter Registration Act as well as Georgia law to make sure we're doing what we need to do to make sure the list is clean as possible. That makes sense.

MS. JOHNSTON: So, National Voter Registration Act states in section 8 that in order to maintain eligible voter list, there are certain provisions that must be met, but the key word is eligible. So, if a person moves to another residence and registers to vote in another jurisdiction, they are no longer eligible. They are ineligible.

MR. HARREN: That's correct, they would be ineligible.

MS. JOHNSTON: Right, are you saying the same thing?

MR. HARREN: Yeah, we're saying the same

thing. I think we're saying the same thing. I think what I'm saying is I don't know because I don't. I have what's in this report. I don't have all the facts to know whether or not these folks registered in another state to know whether or not this was a permanent move. I don't, based on -- what's written here, I don't have that information to be able to say, well, these people are eligible or ineligible.

MS. JOHNSTON: Okay.

MR. FERVIER: You want to make motion?

MS. JOHNSTON: Mr. Chair, I make a motion that we continue allegation number four in order to obtain more information of whether these registrants are eligible or ineligible to be on the registration list in DeKalb County. The nine of the 10 with data to include the NCOA information, whether it was permanent or temporary, and whether indeed or not they have registered to vote in another state.

MR. FERVIER: We have motion to continue allegation number four, asking for the information that was detailed by Dr. Johnston. Is there a second?

MS. KING: Second.

MR. FERVIER: We have motion and a second.

Any discussion? Hearing no discussion, all is in favor of continuing allegation number four, signify by saying aye.

MS. JOHNSTON: Aye.

MS. KING: Aye.

MR. FERVIER: Any opposition? Hearing no opposition, so moved. The next case in the agenda is this is the last DeKalb County case, SEB2022-106, DeKalb County and that is tab number 48. The complainant in this case is the Secretary of State's office, and the respondent is DeKalb County Registration Elections.

MS. KOTH: This case was heard last year in February and again in May. So, the questions were specific for, like, a systems analyst and DeKalb County. So, I believe the Secretary of State had responded to all those written questions.

MR. FERVIER: Yeah, the Secretary of State responded in writing and the Board's been provided a copy of all the response, a hard copy and I forwarded a soft copy to the Board on Monday. Secretary of State responded to me on Friday, May 9th and so the Board should have copies of their response letters in front of you. DeKalb County's the respondent in this case. Does DeKalb want to

address the complaints made here?

MR. HARREN: Yes, Mr. Chairman, again, my name is Brent Harren. I represent the DeKalb County Board of Voter --

MR. FERVIER: I'm sorry. Excuse me --

MR. HARREN: Perfectly, perfectly fine.

MR. FERVIER: Give us a minute here.

MS. KOTH: This was seven different issues. I'm just going to condense them on the findings. The first one was there was insufficient evidence to suggest that DeKalb County failed to properly post notice of testing or successfully conduct the LNA testing prior to the May 24th, 2022 election, that was for the posting.

Complaint two was the equipment failed to satisfy the LNA testing requirements in advance of a recount. There is sufficient evidence to suggest that DeKalb County failed to properly conduct and document LNA testing on the tabulation of scanners prior to conducting a recount of a commissioner race from the May 24th, 2022 election due to human error during the recount, LNA testing, the recount had to be conducted by manual hand count and then it kind of led into three.

The hand count initiated without properly

following the State's legal requirements, which included securing a court order. The SEB Rule 183-115.03, subsection 2 stipulates that a recount shall be conducted by manual hand count only pursuant to a court order and two, if after testing all available ballot scanners, that there are no ballot scanners authorized to be used in the recount.

Ms. Smith asserts that due to an error during the LNA testing that the impending certification deadline, they were left with no authorized ballot scanners that could be used in the recount. This unavailability of properly certified machines, led them to proceed with the manual hand count pursuant to SEB Rule 183-115.032 A1. After failing to comply with the SEB Rule 183-1-15.03, subsection 1C, involving the LNA testing prior to recounts and then led back to complaint two.

Prior to this decision to proceed with the manual hand count, DeKalb Elections consulted with DeKalb County Legal Department and the Georgia Secretary of State General Counsel. There was no evidence that a court order had been obtained for the manual hand count. Therefore, the decision to proceed with the manual hand count recount was based on the in availability of unauthorized ballot

scanners which was a result of human error during the LNA testing process. This appeared to be the best option after consulting with the SOS.

Complaint four discrepancies between the vote totals from Election Day and the vote totals from the hand count, which included a significant overall increase in the total number of votes cast due to withdrawal of a candidate. Votes were incorrectly sorted by the tabulator resulting in boats being distributed incorrectly between the candidates. The inaccuracies were identified by DeKalb County during the LNA process and there were several attempts by DeKalb Elections and the Secretary of State and CES to correct the problem. However, it was unable to be completely corrected.

There is insufficient evidence that DeKalb Elections had any role in the technical issue caused by the withdrawn candidate. The race results were ultimately determined by conducting a manual hand count.

The fifth complaint votes only declined from one candidate's total count and seemingly went to another candidate without explanation. The explanation for this occurrence was addressed in the fourth complaint, the improper reporting of the hand

count. Briar Vista Elementary and Johnson Estates are separate precincts but reported together. The same happened with Cross Keys High School and Woodward. There is insufficient evidence to suggest that these precincts were reported together. A summary of votes cast report was obtained and showed that each precinct was reported individually.

The last one, the securing of votes by the withdrawn fourth candidate, though his name was apparently not on the ballot, posed a risk that multiple ballots for this race were published, distributed and voted on with the withdrawn candidate's name appearing on some ballots and not others. There is insufficient evidence to suggest that DeKalb County negligently sent out or issued digital BMD ballots with the redrawn candidate's name on it.

The candidate withdrew from the race after printed ballots had already been ordered, printed, and distribution had already begun. Efforts were made to correct the programming problem prior to the election. However, the problem persisted as LNA testing continued. So, the potential violations were for SEB Rule 183-1-15.03C recount procedure. Do you want me to read the questions in the response

or no?

MR. FERVIER: No.

MS. KING: I do think because we have so many complaints, I wonder if we could combine the ones that we feel should be dismissed and then just kind of focus on the ones that we want to focus on.

MR. FERVIER: Go through see 1, 4, 6 and 7 had insufficient evidence. Do you want to talk about those with insufficient evidence?

MS. JOHNSTON: And, then we can I just go down the line.

MR. FERVIER: Okay, point number one, then. DeKalb County failed to properly test Dominion Voting System. Do you want to address that?

MR. HARREN: I think what I had prepared to say was just kind of a broader response. Again, my name is Brent Harren. I represent the DeKalb County Board of Registration and Elections. In tabulating election results, the Board's number one goal is to ensure accurate results of an election. DeKalb county agrees with the investigators report that has been presented. We would show that we made the decision to do a hand recount of this particular election, of the ballots for this election, after

consultation with the Secretary of State's general counsel as well as the DeKalb County Department of Law related to election issues.

I wasn't involved in that matter, but certainly the law department was. Since the time of this election in 2022, DeKalb has put in place multiple safeguards to ensure that this type of error never happens again. There have been replacement of staff members that were involved in the errors that occurred. There has been more oversight regarding logic and accuracy testing of the machines. That includes that the deputy director of elections has to approve of all logic and accuracy testing of the machine. So, there's forms that have to be filled out. They have to go all the way up to the deputy director, multiple steps to ensure that the machines have properly been tested and that they have passed those tests.

Since that time, we've had more training of staff members in the office. We have a new training coordinator. We've hired a training coordinator that trains staff members within the office. We've identified training opportunities for staff so they understand exactly what they're supposed to be doing. Yearly, there's a week long

training for all staff members of the department, as well as working with counterparts in other counties to ensure best practices and how to run the department. We've redeveloped and strengthened our standard operating procedures since this time. There's a new deputy director that oversees this process.

I will say I think Ms. King, I think you asked Ms. Smith a few moments ago when she took this job and it was February 22nd of 2022, right before this election. I can say as someone who's worked in Georgia elections since 2002 and have been a poll watcher in various places and understand how election offices work. I haven't met anyone like Ms. Smith who knows how to run an elections office. I think she's really good and I think she's done a really good job of getting DeKalb County running and running properly.

She was put in this job right before this election and again this was the third major election in Georgia where we were using this new system. So, I just want to point that out. I think Ms. Smith, as well as her leadership team, sets high expectations for the staff and holds staff accountable for those expectations. Since this

time, the Board of Commissioners has increased funding for staffing at the department and in fact, the staff has increased for the Department of Registration and elections by over 50 percent since the 2022 election.

Again, ultimately, in this particular case, the county was looking for some fail safes to make sure we had accurate election results. The issues identified by the investigator were the result of the withdrawal of a candidate from the election. He was the second candidate on the ballot of four candidates, and the advice that was received related to how to kind of fix that problem may have resulted in additional problems. But ultimately, DeKalb worked with CES to try to correct that issue. But those corrections, unfortunately, didn't fix the problem. On election night and the days following, it appeared that the results that were coming off the tabulating machines were not accurate, and the Board of Registration and Elections voted to conduct the recount.

The County admits that it failed to properly document LNA testing for the recount in the race. And after it was discovered, in consultation again with the Secretary of State's General Counsel,

as well as the DeKalb County Law Department, a decision by the Board was made to do a hand recount to ensure accurate results of the election. Due to the amount of time to count the ballots, the Board was unable to meet the certification deadline, which is the way this complaint is titled. But ultimately, the election was certified after conducting the hand count on June 3rd, 2022.

You guys have already talked to Ms. Smith. She is here to answer any specific questions about the facts of the matter. I'm here to answer any questions about the legal issues to the extent that you have any. I appreciate your time and I certainly appreciate your consideration for allowing us to go first this morning, so I don't miss my afternoon commitment. Thank you.

MR. FERVIER: I imagine the Board may have a couple of questions they want to ask about this.

MS. JOHNSTON: Couple of questions. Who first reported the irregularities or that the unexpected outcome?

MS. SMITH: Okay, so it's my recollection that the candidate reported it. Yeah, that's how I found out about it through my Board.

MS. JOHNSTON: Okay, Ms. Smith, were the

precinct tape vote totals correct?

MS. SMITH: The precinct --

MS. JOHNSTON: The tabulation tapes that come off the scanners in the precincts. Were those checked against the --

MS. SMITH: The initial --

MS. JOHNSTON: What showed up on the EMS?

MS. SMITH: No, we found that they were not because of the misalignment.

MS. JOHNSTON: Okay.

MS. SMITH: That occurred --

MS. JOHNSTON: It looked like from reading the -- report that there were several things that happened. Mr. Broussard (phonetic) dropped out the day or the day after the. The test deck was or the ballot build was started. Correct?

MS. SMITH: So yes, April 12th is the date that --

MS. JOHNSTON: April 12th. And, then there was an issue with a question on the ballot from one of the parties --

MS. SMITH: Parties, that's correct --

MS. JOHNSTON: Correct and then there was a districting issue -- you had three things. What would you do differently now, today, if you were

conducting this election, knowing what happened in 2022?

MS. SMITH: Quit, it really was a perfect storm and I would say that just ask more questions of everyone involved. You know, I tend to ask questions anyway, but I didn't know what I didn't know. So, I do know a little more now about the process and I just would have asked, you know, more questions of our partners and staff.

MS. JOHNSTON: Okay, so logic inaccuracy testing was started and Mr. Broussard dropped out. There was an issue with the ballot build. So, basically about the ballot build is programming. And, so it be the equivalent to printing a paper ballot. So, just imagine if you were using paper ballots. They would have been ordered and printed and Mr. Broussard would have dropped out. So, what would you do? What's the property thing to do in that circumstance?

MS. SMITH: Again, we would rely on the guidance of the ballot builder CES in this case.

MS. JOHNSTON: Right.

MS. SMITH: Yeah.

MS. JOHNSTON: So, the Dominion system says it's very difficult. Once you've done the

ballot build, you either have to go all the way back to beginning and start all over with ballot build, or the patchwork or reprogramming that apparently occurred was the first domino to fall, which ended up compounding another patch, another attempt to solve the problem is what this appears to be and then CES inadvertently gave you the advice that -- you could use the disable feature in Dominion that would just not count votes for a candidate. Correct?

MS. SMITH: That's correct.

MS. JOHNSTON: Correct. And, so the BMDs were not completely reprogrammed. Logic and accuracy testing was not done on every single machine. Correct?

MS. SMITH: Logic and accuracy testing was done on every machine.

MS. JOHNSTON: On every machine?

MS. SMITH: Yes, we -- tested every machine, but there were different projects. You know, there was a second project that was introduced in a two hour election due to redistricting and so that occurred after the start of advanced voting. And, so there were additional scanners that had to go out to certain locations, you know, that were

tested, so throughout the process, yes, all of the machines were tested but -- there were a lot of different nuances taking place simultaneously.

MS. JOHNSTON: But, the report suggests that there were still errors seen when. When the machines were tested. Mr. Broussard was showing up on some of the machines, on some of the ballots.

MS. SMITH: And, we notified CES of that during logic and accuracy testing.

MS. JOHNSTON: And, so more steps were taken to try to correct that and the disable feature was used and so -- some votes were counted for a candidate and not for another or, you know, position on the ballot had that compounding error effect. And, then when it came down to the -- final vote totals, a certain vote number came out on election day that was very different than the. I see three dates here. I pulled all these off of the DeKalb County. Thank you, you do great with reports. But, there were three dates. One was reported on May 24th -- which is election day. There was another count on June 1st. I'm not sure what occurred on June 1st, and then there was a recount on June 3rd.

MS. SMITH: Yes, okay. So, June 24th, of course, was the inaccurate machine count. So, that

was the night of the election when the votes were misaligning and June 1st would have been the unofficial hand count for the first hand count that was recorded and June 3rd is actually when the certification took place. So -- those are the official and final --

MS. JOHNSTON: The final count. Was the final count, final and official count, the hand count?

MS. SMITH: Yes.

MS. JOHNSTON: Okay.

MS. SMITH: It was.

MS. JOHNSTON: Because the June 1st numbers don't match the June 3rd numbers.

MS. SMITH: Yes, that -- was the first hand count. That was our first attempt --

MS. JOHNSTON: At a second hand count.

MS. SMITH: It was a continued. Yes, so that the final numbers were what -- after we also implemented additional steps to ensure so we had a spreadsheet that we were entering the batches that were reported as being counted. So, other fail safes that were in place before presenting it to them, the Board for certification.

MS. JOHNSTON: Okay, just, the numbers

vary significantly. But, so that June 1st count, there's a variation of about 500 votes and then the June 3rd count, there's a one candidate, Ms. Spears, she bumps up 37, almost 3,800 votes and Mr. Orson drops down about 1,100 votes, and Alexander gains 500 votes. Mr. Broussard doesn't show on, well, he shows a few votes still and then there's a large category of no vote, and it's 2,779 no votes. Can you explain to me what no votes are?

MS. SMITH: Yes and I believe I want to just address your numbers that you mentioned. You may be capturing the election day only counting group and some of those and so on page five of the report that was posted on our DeKalb County website, that machine count on May 24th was election day only. So, it doesn't capture absentee ballot.

MS. JOHNSTON: Okay.

MS. SMITH: Absentee, in person and as far as no votes, so of course you have a large ballot. And so, you know, an elector may come in and vote for two of the contests and not all of the contest. So, a no vote means that they didn't select, you know, answer or a candidate for that particular contest.

MS. JOHNSTON: Do you have detail about

what -- no votes were like? No vote is somebody that just didn't vote at all? Or is a ballot with no actually a blank ballot versus a no vote is a double vote? Does that show up as a no vote?

MS. SMITH: We have a ballot review committee that determines if there's a double vote. You know, the intent determines the intent of that individual voter. So a no vote, in my understanding, is that there's no vote at all.

MS. JOHNSTON: Okay, or the scanner cannot read an absentee ballot?

MS. SMITH: Yes.

MS. JOHNSTON: Does that show up as a no vote?

MS. SMITH: Which would then be adjudicated. Which would then be, you know, so --

MS. JOHNSTON: All -- 2,677 no votes were reviewed? Is that correct?

MS. SMITH: Yes, they were reviewed.

MS. JOHNSTON: Okay, this is from DeKalb County. I see Election Day and the totals for Election day for the three candidates were -- 12,639 and for the June 1st count, which is 10 days or a week later, the total count is 15,000. So, 12,000 to 15,000 and then there's a large number of no

votes, and then the final count comes out to 18,647. So, those are pretty large numbers. Is there an explanation for why the total count is so much greater than the election day count?

MS. SMITH: Yes -- well, the trend for Georgia, including DeKalb, is that there is an increase in absentee in person voting and so you would not capture those that went in person early voting on Election day.

MS. JOHNSTON: I have the categories for election day, advance, in person, absentee and provisional. So, that's -- what I'm looking at are the totals for all categories.

MS. SMITH: Could you repeat the question then?

MS. JOHNSTON: I have all categories of votes, and there's a significant difference between election day of 12,000 to a recount of 15,000 to a final count of 18,000.

MS. SMITH: Can you get. Are you looking at the report? Which page are you?

MS. JOHNSTON: It doesn't have a page number on it.

MR. HARREN: Could we see that what you're looking at?

MS. SMITH: So, Board Member Johnston, what you have is from the first project. So, there were two databases, 1 and 2. So, if you add those two on the report together, you'll get the total.

MS. JOHNSTON: Okay, so, question about disabling feature. Who just uses the disable? Who puts that in on the Dominion machines? Who triggers a disable feature so that votes are not counted for a candidate?

MS. SMITH: I believe that we, in collaboration with CES, disabled them on our end.

MS. JOHNSTON: Okay, so, does the Secretary of State. Are they informed that disabled features been triggered or is somebody notified?

MS. SMITH: Yes, and we wouldn't do it without guidance from the Secretary of State's office and their CES area.

MS. JOHNSTON: Probably the administrator of your Dominion voting system knows how to do that? It's part of the --

MS. SMITH: That's correct.

MS. JOHNSTON: Project setup.

MS. SMITH: Yes.

MS. JOHNSTON: Okay, is it required that you notify the Secretary of State when a disabled

feature is used?

MS. SMITH: It's our practice to receive that information from them before disabling. We would not do that on our own.

MS. JOHNSTON: Okay, in the code 21-2-322 it states that the qualifications of voting equipment includes in number 16 in particular that the. The voting system or machine shall count each and every vote of each candidate using the disabling feature is counter to that code?

MR. HARREN: What was that subsection again?

MS. JOHNSTON: It's -- 21-2-322.16. So, my question is it's a rhetorical question. I wonder how we have a voting system that can be set to not count each and every vote for a candidate.

MR. HARREN: If I could respond to that briefly, I believe that the disabling feature wasn't on the counting machine, right it was in the reporting system when the results were uploaded. And -- that's where we would disable the count. You asked earlier kind of what would be done differently. I think the best practice when someone withdraws is to post a notice at each voting place that says if you vote for this candidate, the votes

are not going to count. Right, not try to take that candidate's name off the ballot. I think that would be the best practice, especially in this particular case where absentee ballots had already been printed. So Mr. Broussard's name was already going to be on the absentee ballot. So, there are going to be people who are voting for Mr. Broussard on a paper ballot and when that's put through the machine to count, it's going to count that ballot and that's going to be zeroed out because he's not in the race anymore.

But, the best practice would be not to mess with what's on those touch screens and leave it alone and just post the notice. And, I think that I'm not mistaken, that may have been done in the presidential races last time when some people got disqualified, if I'm not mistaken. So, I think that is what happened in this past election.

MS. JOHNSTON: I really wanted to make a point about the disabling feature, which I find very concerning to have a feature of a voting system that cannot count votes because when you upload those memory cards, you're counting the votes.

MR. HARREN: Yeah and I will say we would not. DeKalb County would not do that on its own.

That -- was a recommendation given to the County by the Secretary of State. It wasn't something we came up with. It was something that we were told to do to try to fix that problem.

MS. JOHNSTON: Correct and you're exactly right. The code says if the ballots have been printed, if you have time to reprint the ballots correctly, then you certainly are authorized to do that. The Supervisor of Elections is authorized to do that. However, if there's not time, which is actually ballot build, once you've gotten your ballot build done and you really -- Secretary of State did not want to go back and redo the whole ballot bill. I know y' all didn't either, because there's a lot of back and forth that goes on there.

Then the proper thing to do is to simply post a prominent sign at every voting location, at every voting booth that if you vote for this person, it will not count and that's the proper notice for a situation like this and you're correct. Right, so I'm ready to move along.

MR. FERVIER: Do you have any further questions of anybody in the audience?

MS. JOHNSTON: There was a request by Mr. Favorito to address this situation. If there's

something to present that hasn't been presented before or discussed before.

MR. FAVORITO: I just have one question. I'm looking at the DeKalb election materials from documents this race, which I've submitted to you, and I just wasn't clear on page 12, it shows that the original count had 14,063 total votes canceled the candidates and on the recount actually found that there were 15,868 votes actually counted.

So, I don't think we've ever really quite understood from the Secretary of State's office why the 1,805 votes were never counted and I think that has to do. We would just like to get an answer to that question. As a result of everything that we have submitted previously, I think that's the only unanswered question that's left. I'm not sure if we can answer that today. But, the concern is -- that might, be related to the QR code signature rejection mismatch error that has been prevalent in Georgia so thank you for asking questions.

MR. FERVIER: No further questions? Let's deal with these complaints one by one. Then complaint number one failed to find sufficient evidence. Chair would entertain a motion on complaint number one.

MS. JOHNSTON: Mr. Chair, I would like to make a motion to that there is a violation of 21-2-374 proper testing and Rule 183-1-12.08 logic and accuracy testing to send a letter of instruction to DeKalb County.

MR. FERVIER: The motion is send her an LOI to DeKalb County related to complaint number one. Is there a second?

MS. KING: Second.

MR. FERVIER: We have a motion and a second to send LOI to complaint number one. Any discussion? Hearing no further discussion, all those in favor, signify by saying aye.

MS. KING: Aye.

MR. FERVIER: Any opposition? Hearing no opposition, the motion carries 3 to 0. Complaint number two deals with going to -- logic and accuracy testing requirements in advance of a recount. We found sufficient evidence to suggest DeKalb County failed to properly conduct and document LNA testing on the tabulation scanners. The chair entertain a motion on that. Any questions or comments? If not, the Chair would entertain a motion on complaint number two.

MS. JOHNSTON: Mr. Chair, the equipment

did fail to satisfy logic and accuracy testing and DeKalb County acted in accordance with that procedure. I'd recommend that we dismiss complaint number two.

MR. FERVIER: We have a motion to dismiss complaint number two. Is there a second?

MS. KING: Second.

MR. FERVIER: We have a motion and a second. Any discussion? All those in favor of dismissing complaint number two, signify by saying aye.

MS. KING: Aye.

MR. FERVIER: Any opposition? Hearing, no opposition, so moved. Complaint number three deals with the hand recount being initiated without properly notifying or following the State's legal requirements, which included securing a court order. Any discussion on complaint number three? Any questions?

MS. JOHNSTON: The issue with complaint number three is that the equipment did fail the logic and accuracy testing before a recount. The 100 ballots, I believe, correct me if I'm wrong, but they were tested and found to not be adequately producing the right results and according to the

code, that is an appropriate step to take is to proceed with a hand count because the machines are not counting correctly. So, I would recommend a dismissal of complaint number three.

MR. FERVIER: We have a motion to dismiss complaint number three is there a second?

MS. KING: Second.

MR. FERVIER: We have a motion to second. Any discussion? Hearing, no discussion all those in favor of dismissing complaint number 365 by saying aye.

MS. KING: Aye.

MR. FERVIER: Any opposition? Hearing no opposition, so moved. Complaint number four deals with discrepancies between vote totals from election day and the vote totals from the hand count which included a overall increase until number of votes cast. There's insufficient evidence found by the investigators that DeKalb Elections had any role in technical issue caused by the withdrawn candidates. Any questions or discussion from the Board on complaint number four?

MS. JOHNSTON: My issue with complaint number four is the complaint number four results from a cascading effect of an initial problem that

was for whatever reason, not corrected and even though the problem persisted, continued efforts to correct the problem only compounded the discrepancies and the outcome. So, I would recommend a letter of reprimand with complaint number four.

MR. FERVIER: Yeah, I certainly support that given the. That's kind of the genesis of the whole issue to begin with, we have a recommendation issue a letter of reprimand in complaint number four. Is there a second?

MS. KING: Second.

MR. FERVIER: We have a motion to second. Any further discussion? Hearing no discussion, all is in favor of issuing a letter of reprimand on complaint number four, signify by saying aye.

MS. JOHNSTON: Aye.

MS. KING: Aye.

MR. FERVIER: Any opposition? Hearing no opposition, so moved a letter of reprimand be issued on complaint number four. Complaint number five votes only declined from one cast total vote and similarly went to another without explanation this was point five was related to complaint number four, which had to deal with the initial problem. Does

the Board wish to take any action on complaint number five?

MS. JOHNSTON: Similarly, letter of reprimand is so much a part of complaint number four that I would recommend a letter of reprimand.

MR. FERVIER: We have a motion to issue a letter of recommend on compliant number five. Is there a second?

MS. KING: Yes.

MR. FERVIER: There's a second. Any discussion? Hearing no discussion, all is in favor of issuing a letter reprimand on compliant number five. Signify by saying yes.

MS. JOHNSTON: Aye.

MS. KING: Aye.

MR. FERVIER: Aye, Any dissension? Hearing no dissension, so moved, a letter of reprimand will be issued on complaint number five. Complaint number six deals with the improper reporting of the hand count. Briar Vista Elementary and Johnson Estates were separate precincts that reported together. Same happened with Cross Keys and Woodward. There's insufficient evidence to suggest these were reported together. Summary votes cast reported that each precinct was reported

individually. There's insufficient evidence on this one by some of the investigators. Is there a comments or questions from the Board on this complaint number six? Chair will entertain a motion on that.

MS. JOHNSTON: Mr. Chair, I move to dismiss number six.

MR. FERVIER: We have a motion to dismiss. Complaint number six. Is there a second?

MS. KING: Second.

MR. FERVIER: We have a motion to second. Any discussion? Hearing no discussion, all those in favor of dismissing complaint number six signify by saying aye.

MS. KING: Aye.

MR. FERVIER: Any opposition? Hearing no opposition, so moved 3 to 0. Complaint number seven deals with securing the votes of by a withdrawn fourth candidate. There was insufficient evidence to suggest that DeKalb County negligently sent out or issued digital BMD ballots with the withdrawn candidate's name of it. The candidate withdrew from the race after printed ballots had already been ordered, printed and distributed had already begun. Is there any questions or discussion concerning

complaint number seven? Board will entertain a motion on number seven.

MS. JOHNSTON: Mr. Chair, I move we refer complaint number seven to the Attorney General.

MR. FERVIER: What is your reasoning behind that?

MS. JOHNSTON: The number of missteps that occurred that resulted in complaint number seven are significant and if it weren't for the reporting by the candidate herself that the vote outcomes were not correct, I hope somebody else would have noticed. But, it was a significant -- problem that resulted in significant delay and tabulating and counting the votes and certification of the election. I think the -- office did the correct thing by moving to the hand count and I guess if there's ever a reason to delay certification, this is one of those, but the multiple errors that occurred in this -- contest, in this election, I think are sufficient to refer to the Attorney General.

MR. FERVIER: I'm a little confused. This complaint deals with a name being on the ballot after he withdrew from the race. The ballots were already printed and sent and then he withdrew. So,

so I'm trying to connect that to a --

MS. JOHNSTON: Correct. It's the -- mistake, the correction mistakes that resulted in incorrect vote counting and election results.

MS. KING: So, you're saying because this, this issue is connected to all the other issues or the other issues, I'm sorry, are connected to this one. So -- you're saying DeKalb County mistakes caused this to be a problem and that's why we're sending it to the Attorney General?

MS. JOHNSTON: Yes, I mean it's -- the totality of the case is that there were -- errors in districting, there's errors in ballot proofing, there were errors in correcting a ballot before voting would actually voting had already started. It was maybe some advice that, you know, to correct the problem. It would have been very easy to have just posted notices at all the polling sites.

But the effort, and maybe it was lack of experience or some reason to account for this, but it resulted in a lot of angst for a particular candidate. There are actually a number of candidates that were running for office and I think the totality of the -- issues here suggests that this should be considered by the Attorney General.

MR. FERVIER: Yeah, my only thing is that this particular complaint to me deals with this candidate name being on the ballot when and he withdrew afterwards and so when proper ballots were sent out, had already been sent out where he had withdrawn from the contest and they didn't properly notify voters, I guess, in the precincts that and I agree with you on totality of everything else. I'm not sure the totality ends up in this one complaint, though. I'm not making that connection. How the --

MS. KING: Yeah, that's been my concern is that we send this one complaint that the Attorney General is going to dismiss it and just kind of move on because it's clearly. I wonder if there was a better way to handle that. I just don't know if this one complaint is going to trigger their thoughts and look at the totality of the issues.

Maybe we can send a letter or something to them explaining that we think that, you know, this should be looked into, but I also am considering the fact that Ms. Smith -- she was very, very new at that time, and I wonder how far back she will be able to go as far as looking into this as well, but my specific concern is that -- one complaint would not trigger the thought or the process to look into

the whole issue.

MR. FERVIER: Ms. Smith, you have some comments you want to make?

MS. SMITH: Yes, thank you. I just want to just state that although the candidate brought it to our attention first, you know, right after the polls closed, we would have caught this through during our very rigorous internal auditing process which takes place after each election and so that is a process of reconciling our records with the voters, the ballots cast, and the election results. So, we have that very short time period in between election and certification that we work around the clock to reconcile and so I am sure that we would have caught the error.

MS. KING: Dr. Jan, would you be open to sending a letter of reprimand that outlines all of these issues and asking that they provide us an update that they've been rectified, their process?

MS. JOHNSTON: I'll consider that.

MS. KING: So, I'll make a motion that we --

MR. FERVIER: She made a motion. Do you want to withdraw your motion?

MS. JOHNSTON: I'll withdraw my motion.

MR. FERVIER: Okay.

MS. KING: And, I make a motion that we send a letter of reprimand that just outlines the totality of the issue and what we believe will help rectify the issue and then if you could just report back to us that these issues have been secured.

MR. FERVIER: We have a motion to issue a letter reprimanded that outlines the totality of the issues involved with this, all these complaints. Is there a second?

MS. JOHNSTON: Second.

MR. FERVIER: We have motion to second. Any further discussion? All those in favor of sending that letter of reprimand signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Any opposition? Hearing no opposition, so moved. That completes --

MS. JOHNSTON: Mr. Chair.

MR. FERVIER: Yes ma'am.

MS. JOHNSTON: To finalize this, I would request a letter be sent to the Secretary of State expressing my concern and or hopefully our concern in question about the Dominion voting system that

has a feature that can disable votes given to a particular candidate or actually contest that -- seems to be in conflict with Georgia's statute that says any voting system should count each and every vote of each candidate.

MR. FERVIER: Dr. Johnston, if you would write that letter and give it to the Board for review, I'd be happy to. You're the one that has the most knowledge of that, so I would. I'd be happy to help you with that or assist with it if you'd just do that.

MR. HARREN: Thank you again for accommodating me for this afternoon. I really appreciate it.

MR. FERVIER: Thank you.

MR. HARREN: Thank you, we have other cases. May we be excused?

MR. FERVIER: Oh, absolutely.

MR. HARREN: Thank you.

MR. FERVIER: We've had enough of you.

MR. HARREN: Fair enough.

MR. FERVIER: Mr. Gasaway (phonetic), we're going to hear your case next, but we're going to take a short comfort break unless you want me to run out of the room screaming in the middle of it.

Chair will entertain a motion for a five minute break.

MS. JOHNSTON: So move.

MR. FERVIER: Get a second?

MS. KING: Second.

MR. FERVIER: The votes unanimous, five minutes, please, just a real quick break.

(Recess taken)

MR. FERVIER: Okay, and that is tab number 36, 2018-104. Hang on a second, okay.

MS. KOTH: This case was heard a couple. I'm not sure exactly when I have it written in here, but it was a couple years ago and the Board had wanted. The County wasn't listed as a respondent and the people were and so they were cited. They were sanctioned and they wanted to add that it was continued because they wanted to have the counties added. So, they were and it was re-presented, I think October 24th and then the Board heard from the complainant and wished to review some investigative reports and findings. That was an independent investigation into the matter. I don't think there was any more questions on our report. It was the complainant that had gotten up, but we had violations for Habersham County Board of Registrars

for the two allegations 21-2-218 for the two different people. Laurel Ellison and, oh, no, that was the two. Yeah, we already took the people out of that original report. So, it's just for those two cases, the two people.

MR. FERVIER: So, the first three allegations 1, 2, and 3, all three of those individuals were convicted, correct?

MS. KOTH: Convicted? I don't know.

MR. FERVIER: Well, they were -- found guilty. How about that?

MS. KOTH: Yeah, they were --

MR. FERVIER: Found guilty of voted illegally. That's conviction to me.

MS. KOTH: For allegation two and three, they wanted. The previous Board wanted the County cited for those two.

MR. FERVIER: Right, so we don't need to deal with those individuals. This was all about.

MS. KOTH: It's just the County.

MR. FERVIER: County, yeah. You want to read those allegations out against the County?

MS. KOTH: The two allegations were the one voter was found by the Superior Court to have voted illegally due to her having moved to a

residence outside of House District 28 while voting in the May 22, 2018, general primary. She had presented to Habersham poll workers her driver's license displaying her new address, and had written her new address upon the voter certificate.

She repeated the same action during the general election of November 6th, 2018, and during the special primary of December 4th, 2018. Ms. Franklin had believed she had fulfilled her obligation of informing elections personnel of her change of address.

And, then the third one, Patricia Bauer, was found by the Superior Court to have voted illegally due to her having moved to a residence outside of House District 28 while voting in the May 22nd, 2018, general primary. She had presented to Habersham poll worker her driver's license, displaying that new address and had written her new address upon the voter certificate. She believed she had fulfilled her obligation of informing elections personnel of her change of address.

So, those were both the two and then the previous Board had wanted the County cited as well for allowing that. So, the violations were for 21-2-218 for the two people for the same situation

times two. But it was, they failed to correct the voter registration address for Constance Franklin and Patricia Bauer.

MR. FERVIER: Mr. Gasaway, you the complainant in this, do you want to speak before or after the respondent?

MR. GASAWAY: Thank you, Mr. Chairman. I think that it'd be appropriate to speak now and sort of reconfirm my assertion. There's never been an appropriate investigation done of this case. There are 80 violations in this case, 8-0, we have violations by multiple counties in this case. There's never been a proper investigation done by anybody except my team and I don't feel like it's fair to and I know this is an old case, but I want to reassert the fact and I'll speak today about some specifics because we've got some federal violations as part of this case now, because there was never an investigation done.

Now we have federal electors being assigned to the wrong congressional district. It wasn't a congressional boundary when this was going on, but now it is a congressional boundary because of the 2023 redistricting, because of neglect and I'm not trying to be critical, but if my team can

find 80 violations and they only find four, something's wrong and now that it's morphed into a federal violation, we have at least 100 electors associated with this case that are now voting in the wrong United States Congressional District.

So, I mean, I'm hearing what they're saying. She's not said anything that's not wrong. I think if she explained Ms. Bowers voting history more clearly to the Board, an agreement to sanction Habersham County would be unanimous. So, they've not been clear in how they're explaining the specific voter history of Mrs. Bauer. Also how Mrs. Bauer was involved in the first case.

The reason we're here on this case. One of the primary reasons we are here on this case. Ms. Bauer was identified in my first court case. This is connected to my second court case. Ms. Bauer was ordered not to vote in the first court case, and Habersham County let her vote again illegally, with me and the President, the Chairman of the Habersham County Republican Party saying, you can't do this. Ms. Ellison counted her vote again. That should have been told to this Board.

If they had done an appropriate investigation, you would have heard that

information, and I believe it would inform your position on whether to cite or possibly sanction Habersham County. They changed the outcome of an election. This needs to be given more attention than what you're getting from the Secretary of State. But, this has become a bigger case now because of their neglect. We have federal violations, which that's really why I'm here to talk to you about today, is we have a lot of electors that are now voting in the wrong United States Congressional district, which is a federal crime.

So, that's what I want to share with y' all, more than this. But, I want to make sure y' all understand you are being. I don't know if you call it a sin of omission. They are not telling you the whole story for whatever reason. I shared maybe too bluntly last time, what I believe happened, but all I know for sure is there are undoubtedly 80 violations of the Georgia election law in this case, and I can prove it every day the sun comes up in the State of Georgia, so I will take your direction.

What I'm really here today to talk to you about is a bigger problem that is now existing because they didn't handle this case properly in Secretary State's Office.

MR. FERVIER: Which is the federal lawsuit you're talking about?

MR. GASAWAY: Well, which is, I hope we can find a way to resolve this because Statewide we have 20 to 30,000 federal electors voting in the wrong United States Congressional district. I'm here today to show you some of them as compared to this case, as it relates to this case. But, that is something we've got to take seriously. That is a federal crime and if we could find a Federal Judge that could order the Secretary of State to force the counties to follow the law of Georgia, I don't know what the remedy is a federal lawsuit obviously, is the worst case scenario.

I have to spend another $100,000 to get a Federal Judge to order Brad Raffensperger's office to follow state and federal law. Think how, how far down we're following when that has to happen. But, I'm here today to because this case is up. If this case had been handled properly by appropriate investigators, we wouldn't probably be here because this issue that I'm the serious federal issue would have been brought to the surface much sooner. And, and if I'm talking in circles, I'm sorry, and I'll answer any questions I will again, I know my friend,

the Democrat Party appointee the State Election Board was interested in citing Habersham County in this case. If you look at what happened with Ms. Bauer in this case, because this, she's on both cases, Ms. Bauer's, on the previous lawsuit that led to this lawsuit, they let her vote twice or three times illegally and she checked -- her voter registration moved, her voter certificate changed back and forth.

There's all kinds of stuff, so much worse than anything I've heard in the last two days down here with y' all that's gone on in this case and you're not hearing it for some reason, you're not hearing the details of this case and I've always asserted it's because there's been no investigation.

MR. FERVIER: Well, I can say we can only deal with what's before us today, which is these two allegations that we'll deal with today. I think I made the same comment to you last time at the last meeting when you delivered all evidence. I'm willing to sit down with you and go through everything you have. If you want to have a meeting with me, I'm willing to do that.

MR. GASAWAY: Okay, well, I have sent it, I've sent sort of the gist. Now, what I want to

share with you is this, okay. So, there was three voters in this case --

MR. FERVIER: Well, I -- don't disagree with you, but I, you know, instead of hashing that out, I would rather you and I sit down and you go through it with me line by line where I can understand it.

MR. GASAWAY: Yeah.

MR. FERVIER: And, and see all that and then we can decide whether or not this Board needs to. If we, if this Board has any jurisdiction on any of that.

MR. GASAWAY: Let me give you one nugget, okay, and I'll stop. So, there are three voters that should have been part of this case, that are Banks County voters that are not part of this case, that the Banks County Board of Commissioners last night passed a map saying those three voters don't live in the county and one of them is the Sheriff of Banks County.

MR. FERVIER: I'm familiar with that.

MR. GASAWAY: Okay, they passed a resolution last night that he does not, he doesn't live in the County. So, not only did they defraud the court in this case we're talking about here, the

county government defrauded the court, you know, perjured themselves. That boundary line is now a federal boundary. So, those three voters should be assigned to Congressional District 10. Yet they're still saying they can vote in Congressional District 9. It's a big problem. It's a statewide problem. It would have been fixed if this case had been handled properly.

So, I will work with anybody. Your investigators and I offered that in October. Now, I did not know at the time that the Banks County government and the Franklin County government have worked with the -- and I hope my Secretary of State friends will listen to this. The Banks County government, the Franklin County government and the Georgia Mountain Regional Commission have now worked to defraud the United States Census Bureau in order to falsify a federal election boundary and I have all the FOIA information I got late Monday that shows the paper trail of all this.

So, now we've got two counties in the State of Georgia working to fabricate a federal election boundary, which is a federal crime. That's all part of this case that needs to be, I work with anybody. The Attorney General's Office. Blair

McGowan (phonetic) in the Attorney General's Office knows everything about this. Me and two of my expensive lawyers met with her two years ago, and they've done nothing, zero, Brad Raffensperger's office has known about this for six years.

So, I don't see any hope except a federal judge at this point. But, I can prove to you all this. Banks County is now confessing to the crime. I don't know if Franklin County is going to confess to the crime or not, but we have a law in this state and it's not being followed at all by any of these counties. I could give you all kind of cites. It doesn't matter because, you know, and I want this last thing I'll say.

I promise you this is the last thing I'm going to say. So, we just had a case in DeKalb County where the legislature drew statutory county commission districts. Are y' all familiar with that case? And it was challenged to, basically, it appears to me, push out a specific county commissioner in Cobb County, the courts ruled correctly the legislature, statutory districts, statutory boundaries are the law. Okay, we all should agree that's the law. In this case the statutory boundaries aren't being respected at all.

So, for every one of y'all are Republican appointed people, it's not that long ago we came out from under Federal pre-clearance. 2013, Shelby versus Holder. Y'all know all about this, this case right here because it has been handled so poorly by the Secretary of State's office. If anybody really stopped to understand this. This is a case that demands we go back under pre-clearance because it's been handled so poorly. We've basically loading illegal all white voters into Congressional District 9. Somebody has got to pay attention to that and they know if Mark Elias is down there at 11th Circuit arguing the case I was involved in right now, if he really understood what's going on here.

The State of Georgia has a serious problem and it needs to get fixed. This has cost me a lot of money. I don't want to spend a lot more money. But as I said, we'll do whatever we got to do. But, I would like to work with anybody that is serious about fixing these because this is not make believe. We now have a county confessing to all kinds of criminal activity. But, this is a serious civil rights violation we've got here.

MR. FERVIER: Well, I'll make the same offer. I mean, in actually three weeks, I don't

have a lot more time on my hand. Well, I want, I'm willing to sit down with you and go through all of this. I mean, I've read all the documents you've sent, and I'll bring one of our investigators. You know, we'll take a look at it and see what's what -- the case is. Today we have to deal with what --

MR. GASAWAY: I understand and I want to tell you. Because you've been misled by the Secretary of State's Office, without them illustrating the true depth of what happened with Patricia Bauer's vote, it may influence your decision on whether to sanction or not sanction the county. Because if you really understood what went on there --

MR. FERVIER: Well, there can be further investigation and further complaints made based on our conversation. So, this may not be the end of it. It may be the end of this particular case, but it may not end what occurred --

MR. GASAWAY: So, but the last thing I'll say is because of all the stress and financial loss and losing my state house seat because of rigging elections, I have to, my therapist has ordered me to spend all my summers on the North Shore of Hawaii. So, I will be leaving on the 13th of June. So, if

you're gonna get with me, I have to be before then.

MR. FERVIER: I was born in Hawaii. I'm happy to meet you out there again.

MR. GASAWAY: We can get Poke from the food land -- sit out on the beach.

MR. FERVIER: I was born in Honolulu, so I, you know, I'll be glad to go back home, so.

MS. KING: No, but in all seriousness, I would like to be a part of that meeting.

MR. FERVIER: In Hawaii?

MS. KING: No, with you. Well, of course in Hawaii, but no, with your meeting. I would like to be a part of that.

MR. FERVIER: Thank you. Mr. Gasaway --

MS. KING: Is Habersham County here? Board of Elections?

MR. FERVIER: They're online.

MS. KING: They're on the phone, okay.

MR. FERVIER: Yep, Ms. Ellison, would you like to respond to the allegations today?

MR. TAYLOR: Ray Taylor, an attorney that represents the Habersham County and today we're representing the Board of Registrar --

MR. FERVIER: Can you, let's see if we can put him a little bit closer to the mic and if he

would reintroduce himself so that the court reporter can hear him. Put it a little closer to the mic.

MS. KING: Can you just pull the mic down?

MR. FERVIER: Okay, could you reintroduce yourself for the benefit of the court reporter, please?

MR. TAYLOR: Yes, thank you. This is Ralph Taylor. I'm an attorney with Hunt and Taylor Law Group in Gainesville, Georgia, and we represent Habersham County and today particularly, we are representing the Habersham County Board of Registrars and Ms. Ellison here today. I'd like to thank the Board for accommodating this telephone appearance. It's not the best situation, but Ms. Ellison has care giving responsibilities for her elderly mother, and we appreciate the Board's accommodation.

I would like to start by just procedurally stating that under your regulations, I don't believe the complainant has the floor, as we have just heard. Unfortunately, I couldn't hear a bunch of what was said, but the issue before this Board today is whether there's evidence of a violation of 21-2-218C. That's the only issue before this Board and we contend that there is no evidence showing any

violation of this statutory provision. What are the duties of the Board according to 21-2-218C? The duty says the Board of Registrars shall then correct the elector's record to reflect the change of address and place the elector in the proper precinct and voting -- district. That is after the elector has provided the change of address form. The change of address form is required to be provided in subsection D.

So, what are the duties here? The duties are when we receive the change of address form, then the Board changes the address in their system. Now, in the case before you, in May, these two electors came and noted their change of address on the voter certificate and they were provided the change of address forms on that date. That is what the poll workers are instructed to do, but the duty of returning the change of address form is on the elector.

The voter certificates, and I'll remind the Board, this election took place in 2018 into electronic voting. Voter certificates were not the proper methodology to trigger a change of address in their system. Mrs. Ellison has provided a written summary to you and I hope the Board has copies of

it. Her statement for the May 23rd, 2025 SEB meeting where Ms. Ellison points out the methodologies for changing addresses through completing the change of address form or by updating the driver's license with new information or by updating their information online through the online photo registration or by completing the absentee ballot mail in application. That was how an electoral properly submits a change of address to the county.

Now, the county did in fact receive those change of address forms, but not until December and at that point they did change their addresses. They fulfilled their statutory duty because when they received the change of address forms from the elector, they changed it within their system. Mrs. Ellison also has submitted a survey that she conducted of other counties with regard to the voter certificates. Because you need to understand that prior to electronic voting, the voter certificates were used by elections offices to register the votes of the elector.

However, with the transition to electronic voting, that data was transmitted electronically to the Secretary of State's Office and so the Secretary

of State's Office directed the election superintendents that they no longer needed to rely on the voter certificate forms in order to change addresses on their system. Ms. Ellison's survey of other counties showed that there are numerous other counties like Habersham that did not rely on the voter certificate forms for the change of address.

And, so we don't believe there's any evidence of a violation of the statute and that is the only issue that this Board is dealing with here today. Now, I'm in the room with Ms. Ellison and I will turn the floor to her to answer any questions or to add any information that may be important to this issue. Again, I appreciate the Board's accommodation to us, Ms. Ellison.

MS. ELLISON: Yes, I would just like to say, I mean in my statement it does show or I did state that in 2012 it was the year at the end of the year and before 2013 we were transitioning into E-net from the Go System. So, we had training letting us know that there would be different procedures and that we would be sending the memory cards from the express hall to the State after the election for them to give credit for voting instead of us going through the voter certificate to do that because

when we didn't do that, if we noticed a change of address for a voter on the voter certificate, we would make those changes or do a name change at that time, but once this changed, they told us that we would no longer have to go through the voter certificates and that we'd be responsible for providing change of address forms at the precincts on election day and we instructed our poll workers to hand those out anytime that a voter notated an address change or a name change and they would either leave it there or take it with them they gave them a mail in form that had postage paid on it if they said they didn't have time to fill those out at the fall.

So, that was their instructions to get our change of addresses on election day and then the again we received at Franklin on December 19th through a mail and better registration application and or it was changed. Sorry, I apologize, it was placed on December 19th in 2018, we received her address On November (inaudible) of voter registration which would have been October 9th and then for Patricia Bauer, she was placed correctly in HD10 or House District 10 on December 27th due to receiving her DDS application of her address change

on December the 13th.

So, poll workers now being made aware of an address change via voter certificate on election day. It's not the proper procedure to trigger an update to voters from a group after 2012 and during the 2018 election.

MR. TAYLOR: Have you made any additions or changes to that ma'am?

MS. ELLISON: Yes, now that -- we have the poll (inaudible) when the voter comes to sign in, they give us driver's license. The voter's instructed to initial below their address if it's correct, if it's not correct while they're there with the poll worker before they go and vote.

(Mr. Taylor and Ms. Ellison called in via cellphone)

MR. FERVIER: Yeah -- I guess my only question here is, I mean, the code says, in the event that elector moves to a residence within the county or municipality and has a different address from the address contained on the person's registration card, it shall be the duty of the elector to notify the Board of Registers of such fact by the fifth Monday prior to the primary election in which elector wishes to vote. By submitting the change of address in writing, the

Board of Registers shall then correct the elector's record to reflect the change of address and place the elector in the proper precinct of voting districts. So the question, I guess you know, what, what constitutes notifying them in writing? Because they, I mean, the lady did present her ID card and then had written her new address upon the voter certificate when she tried to vote. So, does that constitute notifying the county in writing the change of address?

MS. ELLISON: I think it was probably implemented in 2014 after E-net was implemented in 2013. In 2014, we would have the governor's race, so we no longer went through those voter certificates, so we would not have seen the change of address on the voter certificate. The poll workers gave the voters change of addresses to fill out to either leave with them or to turn back into our office (inaudible) --

MR. FERVIER: So, the fact that she shows you --

MS. ELLISON: District (inaudible) so that was the only time those were pulled because the first lawsuit was only about the districting issues.

MR. FERVIER: So, the fact that she

presents an ID with a different address and fills out the, the voter certificate with her new address is not enough for you to indicate that there's an issue here, that her address has changed?

MS. ELLISON: I mean, the election and they've given us to go ahead and start making changes, address changes, and name changes and any new voter registration --

MR. FERVIER: Right, right, but she filled those out in May and then was able to vote at her old address in November. She filled out that form in May. She showed the ID and filled out the voter certificate in May with her new address, but was able to vote at her old address in November still because it hadn't been changed in your system? That's correct, right?

MS. ELLISON: But, we (inaudible)

MR. FERVIER: I understand that, I understand you didn't get a change of address form, but you had notification in May of her submitting her driver's license and filling out the voter certificate that she had a new address.

MR. TAYLOR: The point is the voter certificates were not the methodology used to prompt a change of address.

MR. FERVIER: I get that, but it doesn't say that in the statute. It says they have to notify in writing and so the question I have is changing putting your new address in writing on the voter certificate. Is that notification of the county in writing?

MR. TAYLOR: Well, but you have to look at the two statutes together and (inaudible) you have this language that says that the duty of the elections office is to make forms available for the change of address.

MR. FERVIER: It doesn't stipulate what that form is. Am I, does anybody else have a different opinion?

MS. KING: I'm with you a thousand percent. It's very concerning. I mean, I think what's concerning is that you have several people who are able to vote illegally several times, and the argument is that they didn't do something correctly. I mean, what is the responsibility or when does the responsibility fall in the county to ensure that their constituents are educated on what they need to do in these circumstances?

I mean, how many times do we allow people to vote illegally before we don't put any type of

responsibility on the county? That's a concern of mine and then if the argument is what she used the wrong form --

MR. FERVIER: It doesn't stipulate what the form is.

MS. KING: Right, that's another thing and then again that's you're looking at someone who's not supposed to vote and you're allowing them to vote. This is a problem. I'm concerned about this one. I have a recommendation.

MR. FERVIER: Any other questions from the Board?

MS. JOHNSTON: No.

MR. FERVIER: Would the respondent like to make any more comments?

MR. TAYLOR: I'm sorry, didn't hear.

MR. FERVIER: Would you like to make any more comments?

MR. TAYLOR: I'm sorry.

MR. FERVIER: I'm sorry.

MS. HARDIN: Would you like to make more comments?

MR. TAYLOR: Again, I think you have to go back to 2018 at a time when the transition was being made to electronic voting in terms of how this

procedure was followed by --

MS. KING: It wasn't, I think that's the problem. Right, it wasn't followed and the argument just it cannot be we were having issues with the electronic machine, or we didn't know, or the person didn't do. At some point, after having individuals vote illegally several times, something has to happen, right? I mean, do we just keep letting them vote until they find the form that you want them to find?

MS. ELLISON: We weren't aware of the address changes until this lawsuit in December because the procedures had changed. So, the times when we got there, time to address, we didn't know that she had moved because technically Ms. Bauer was placed in the May lawsuit. By the way, that first lawsuit after the May election was about redistricting or the districting issues and she was listed as being incorrectly placed in State House District 10 at that time and that her address as listed was in House District 28. So, when we checked, she was correct and she should have been placed with that address in House District 28. So, we changed her at that time to House District 28.

So, he was saying that she should have

been allowed to vote for him, so we didn't she was brought back up on the lawsuit even though she had moved we pulled the voter certificates, then saw the address change on her application for absentee ballot in October. It still showed her old address that she was listed at in May on our system that -- was in House District 28 that we had changed her to due to the first lawsuit and it had that listed on the absentee ballot in person application. She had it on it twice the oath at the bottom has the address listed and the poll worker -- probably would have been me or my assistant.

We instructed the voters to review the application and make sure everything is corrected. If it's not correct to let us know or to if their address is different, then they could mark through it and put the correct address and then sign and she signed both places and the oath with that address as being the old address from May. So, we had to assumed that was her correct address and then for the December again, we were made aware in December after the lawsuit that she had moved and then that's, you know, we didn't sign any public that she had moved and we got her changed once she, you know, we had that, we got the voter registration change of

address on November and we had to wait until after (inaudible) when these cards come through, they go into a stack of (inaudible) that we have to do once the elections are certified and that deadline of October the 9th applies to the runoff and the special election as well.

MS. KING: So basically again --

MS. ELLISON: She didn't get changed until after that --

MS. KING: So, basically we have election results that were accepted. However, we have individuals who voted illegally several times.

MS. ELLISON: (inaudible)

MS. KING: Okay, so once again we have election results that were accepted, although we clearly see individuals that were voting illegally several times. This is where the confusion comes in. This is where the mistrust comes in. This is, this is really, this is a major, in my opinion.

MR. FERVIER: Yeah, if --

MS. KING: If it was one or two times, that's one thing. But, five times we have people that we have people that are voting illegally several times repeatedly.

MR. FERVIER: Are you -- her name is

Laurel Ellison -- so I'll give you the exact the Habersham County Elections Director -- L-A-U-R-E-L E L-L-I-S-O-N. Yeah, I -- guess I'm just kind of stuck on the fact that in May she appears to have alerted the county that there was a change of address by showing her ID and by showing the, you know, writing it on the voter certificate and I can't seem to get past that. That the county somehow should have identified that in May.

MS. KING: Right, no one thought to give her the correct form.

MR. FERVIER: Yeah, that somehow that should have.

MS. KING: Yeah.

MR. FERVIER: So, that's -- kind of where I stand at this. So, are there any questions from the Board?

MS. JOHNSTON: No questions.

MR. FERVIER: The Chair will entertain a motion at this point.

MS. KING: Yeah, I make a motion that we refer this to the Attorney General's Office.

MR. FERVIER: For would you explain your reasoning behind that a little bit?

MS. KING: I think if, or you know what,

actually, I want to withdraw that. I think we should send our investigators to look into this. I think we should continue the case and have our investigators look into this more in depth.

MR. FERVIER: What I'm just curious, what does the --

MS. KING: Well, because this could be connected to a bigger issue, considering the fact that you have individuals who voted illegally several times the election was still counted.

MR. FERVIER: Yeah, I don't disagree with you on that. I think that I think we ought to continue investigating, but I think we need to deal with the allegations that are in this complaint today. We can always look at different issues.

MS. KING: Well, my concern is that if we rule on this as is, it may position us where we can't go back, right? Like we can't go back and look at additional issues because this is concerning.

MR. FERVIER: What is the Board. We have Member King's comments, so Dr. Johnston?

MR. JEFFARES: You know, I will say this because I've moved several times in my life. When I move, I know I'm not voting at the same precinct I

used to vote at. Why would I have showed up there?

MS. KING: That's --

MR. JEFFARES: I mean, that's another way to look at this.

MS. KING: That too, so it's like, why do they feel comfortable continuing to show up at the same precinct and voting again and again?

MR. FERVIER: There is a motion on the table to continue the case for further investigation.

MR. JEFFARES: I'll second.

MR. FERVIER: There's a motion and a second, to continue this case for further investigation. Any further comments? Hearing no comments, all those in favor of continuing this case for further investigation. Signify by saying aye.

MR. JEFFARES: Aye.

MS. KING: Aye.

MR. FERVIER: I any descent? Hearing no dissent so moved, this case will be continued for further consideration. Thank you, thank you for attending today. The Board or the Chair would entertain a motion for a short lunch break at this time. 30 minutes.

MR. JEFFARES: So moved.

MR. FERVIER: We have motion. Do we have a second to --

MS. KING: Second.

MR. FERVIER: We have motion second to all those in favor signify by saying aye.

MS. JOHNSTON: Aye.

MS. KING: Aye.

MR. FERVIER: The motion carries 3 to 0 We'll break for a 30 minute. Let's be back here at 1:10 please.

(Recess taken)

MR. FERVIER: Calling back to order the State Election Board after a very brief lunch. First case we will here is SEB2022-231 it's tab number 61 in your folder. We appreciate the respondent sitting here through a day and a half of citing stuff.

MR. BRUNSON: Okay, this is a case that involves two groups. That when they submitted their transmittal summary sheets it did not have the appropriate information. So, this was reported by Henry County, they received several voter registration applications that were not completed collected during voter registration drives. They noticed the applications they received were

copies of the originals and unsealed.

There was also an issue of one of the organizations utilizing self-created transmittal sheet that lacked the required information. Two entities were identified, The Atlanta Voter Project and Vote Georgia 2022. Our investigator was unable to identify anybody regarding the entity The Atlanta Voter Registration Project. He was able to find the name, but he was unable to track down that individual. He was ultimately able to track down the information for Verdugo Strategies who was behind the Vote Georgia 2022 voter drive organization.

He identified Greg Diamond as the owner of the company and the individual who signed the paperwork for the lease for the office -- he was able to track down the office for Vote Georgia 2022. Ultimately he sent some correspondence and ultimately their attorney was contacted our investigator. He did ask that attorney for information on who specifically from the organization submitted those forms. The attorney was not able to identify that individual. He said basically based on the busyness of the election season and the various campaigns and things of that

nature that the organization was involved in and so ultimately we determined that Greg Diamond as the owner and Vote Georgia 2022 was in violation of SEB Rule 183-1-6.02 sub 8 sub C rules for voter registration by private entities when they fail to provide the minimum required information on two transmittal sheets submitted to the Henry County election office in September of 2022.

Transmittal sheets contain the name of the voter registration program, the number of voter registration applications delivered and one transmittal sheet had a non-legible signature. They were lacking the name of the submitting individual, name of private entity sponsoring the voter registration program, and the address of the submitting individual and phone number of the submitting individual.

MR. FERVIER: Does the Board have any questions related to this case? Dr. Johnston.

MS. JOHNSTON: For the investigator the report investigation named four different what appear to be four different TPOs third party organizations Register Georgia 2024, Vote GA 2022, Vote Georgia 2022 and The Atlanta Voter Registration Project. Are those four different entities or are

they one in the same?

MR. BRUNSON: Looks like I know that Verdugo. Did you name Verdugo? Because they're like --

MS. JOHNSTON: I did not. I didn't know if -- the way these are just joints, right.

MR. BRUNSON: Okay, on page three, is that what you're looking at from the ROI? So, it looks like it's naming two and two on those bullets is that what you're referring to?

MS. JOHNSTON: Well, throughout, yes, throughout the -- report there are different names written down and I just didn't know if there were some of these were shortened or these are actually four different voter registration groups.

MR. BRUNSON: Yeah, so in the ROI I'm looking on page three. He's got the bullet points --

MS. JOHNSTON: Right.

MR. BRUNSON: And, the first two are the same and then the second two are the same. So, I see where you're going to additional groups.

MS. JOHNSTON: So, Register Georgia 2024 doing business as is it Vote Georgia 2022 or?

MR. BRUNSON: I see three mentioned in the

page your on.

MS. JOHNSTON: Okay.

MR. BRUNSON: Because I just, I see the Verdugo, obviously, which both, Georgia 2022 is a subsidiary of that connected to it and then it's the other, the Atlanta Voter Registration Project that we were unable to identify anyone regarding that. He tracked the lady down, lady by the name of Kathy Ireland (phonetic). We used our methods to try to find out where she lived, got an address, sent out letters, all those things and we weren't able to identify that young lady that's behind The Atlanta Voter Registration Project, but.

MS. JOHNSTON: Okay, so Registered Georgia is on respondent one is included with respondent one?

MR. BRUNSON: You're talking about the Atlanta Voter Registration Project? Is that what you're --

MS. JOHNSTON: Well --

MR. BRUNSON: Because, so Verdugo Strategies and Vote Georgia 2022 are one of the same and they're the ones we were able to track down. Greg Diamond is the owner.

MS. JOHNSTON: Okay.

MR. BRUNSON: So -- that's the entity and the individual that we were able to connect to this whole entity because we couldn't or they wouldn't either way, whatever identify who specifically that was working for this organization, handled this voter drive and filled out the paperwork and made the omissions.

MS. JOHNSTON: Okay, were you provided by these organizations training documents that they have for their workers?

MR. BRUNSON: No, I don't think we obtained training documents.

MS. JOHNSTON: Do either of these have a record of participants or employees? Volunteers or employees?

MR. BRUNSON: They have a record of that?

MS. JOHNSTON: Did they provide a record of who -- the volunteers were or the employ or who they employed to perform voter registration?

MR. BRUNSON: No, they did not.

MS. JOHNSTON: Did any of them indicate --

MR. BRUNSON: Briefly, I'm just looking at the exhibits here.

MS. JOHNSTON: Yeah.

MR. BRUNSON: No, nope, I don't see

anything about employee or training documents or any of that stuff in the exhibits. Certified letters, the interviews with the attorney, printouts from their website, copy of lease agreement, property search.

MS. JOHNSTON: Are the respondents here?

MR. FERVIER: Mr. Sparks is here too.

MR. SPARKS: Good afternoon, Dr. Johnston. Adam Sparks of Krevolin and Horst here for Verdugo Strategies have been doing business name of Vote Georgia 2022 and Register Georgia 2024. That is one entity with multiple different doing business as names registered in its home state of Delaware.

MS. JOHNSTON: Okay, so vote Georgia 2022. Is the original entity?

MR. SPARKS: The original entity. The actual corporate name is Verdugo Strategies LLC. It is a Delaware corporation with its principal place of business in California. It is registered as a foreign corporation here in with the Secretary of State's Office and it had two doing business as names, both of which I disclosed to the investigator.

The first is Vote Georgia 2022. So, while there are two letters that I received on their

behalf, one is for Verdugo, the other is for its doing business name in 2022. So, in reality there is one entity. I then voluntarily disclosed that they had received contracts to do a voter registration drive in connection with the 2024 general election and the registered DBA name was Register Georgia 2024. So to be clear, it's one entity.

MR. FERVIER: It's all the same people?

MR. SPARKS: It is one corporate entity. I can't tell you that every single person working for the entity was identical between 2022 and 2024. Greg Diamond is the owner of Verdugo. He is improperly named as a respondent in the summary of ROI that I received for the first time. Named as a respondent, I might add, but he is the owner and the primary contact person whom I've worked with.

MS. JOHNSTON: Did Verdugo Strategies have a written contract or an agreement with the Secretary of State for any purpose?

MR. SPARKS: I don't believe Verdugo would be required to have a written contract with the Secretary to operate a voter registration --

MS. JOHNSTON: Just asking --

MR. SPARKS: Yes, of course, none to my

knowledge. It's possible, I suppose, but there's no requirement to do so and I'm not aware of any.

MS. JOHNSTON: Okay, is there an explanation why copies of voter registration were sent in rather than the actual voter registration forms that are provided by the Secretary of State?

MR. SPARKS: That allegation was not substantiated according to the summary of ROI that I received. So, I don't believe that's here before you today, respectfully, and I'm happy to address any of this at further length. I do have a couple of reasons why I think you should actually dismiss this complaint here today, but I don't want to forestall your questions for the investigator.

MS. JOHNSTON: Is there an explanation why the transmittal sheets were not provided?

MR. SPARKS: Yes, I'd be happy to get into that at this time. Again, Adam Sparks for Verdugo Strategies LLC. I do appreciate your time. We talked a little bit about the corporate form here. To address your question directly, I don't have a factual explanation, but for two reasons, I can't concede that a violation actually occurred here.

If you disagree with me, we can talk about a letter of instruction, which I think would be the

appropriate remedy in that instance. But, let me first briefly recount, at least for the record, why I think dismissal is appropriate here.

First, we've never seen the sheets as alleged. We looked for them. We couldn't find them. I was unable to determine who the person might have been in this Albany office who sent them to the Henry County Board of Registration and Elections. I've asked to see them. I was denied access to see them. I was told that I could only see them in person without making copies if I produced either the person whom we could not find or Mr. Diamond who lives in California for an in person interview. So, I have some problems with that, having not been able to see --

MS. KING: Who denied you, the county?

MR. SPARKS: The investigator.

MS. KING: The investigator.

MR. SPARKS: Yes, Investigator Blanchard. I believe, if I want to be accurate about this, because he was actually reasonable to work with, I believe he asked for permission and was denied to share those sheets. So, I actually haven't seen them. It's certainly possible that they are missing some of the information, although I would argue that

the sponsoring entity was in fact included because Vote Georgia 2022 was a registered DBA, name of Verdugo Strategies. So, I would contest that factually in any event.

So number one, I haven't seen the evidence, so I can't concede a violation of any sort actually occurred and I might note that under the Board's own rules, voter registration private entities are not permitted to keep voter registration application copies at all without express written consent of the applicant or beyond 90 days in any event and even then they can only use them for certain non-commercial purposes aimed at ensuring that the applicant's registration is fully considered and properly delivered.

So, there are some restrictions here in terms of the records any of these entities actually can keep under current law and I point that out simply to say that we weren't asked for training documents, we weren't asked for other employee records, and some of those I'm sure that they have, I might have even considered producing some, but having not been asked any of them and contesting that there's a violation to begin with, I contest the connotation that somehow any of the documents

weren't provided.

I think we've been fully cooperative with the investigation. Now, second Board, I believe there's not actually been a violation here and the reason why is if you actually look at Rule 8C that Investigator Brunson cited, if we actually look at the rule about the information recited therein to be included on a cover transmittal summary sheet. It says should include. Now why is that important? It's because the word shall is used elsewhere in the provision. It's used twice about things that are mandatory, mandatory directives, but should indicates a directory requirement. That's different. Just forgive me for belaboring the legal niceties here, but there's a difference in mandatory directive and permissive language as it's used in a statute provision or rule.

Mandatory includes words like shall or must and that's clear from the case law. Permissive requirements include things like may. They're things that you're allowed to do but not necessarily required. Directory requirements are somewhere in the middle and I'll read this for the record from Black's Law Dictionary. A directory requirement is quote, "A statutory or contractual instruction to

act in a way that is advisable but not absolutely essential. In contrast to a mandatory requirement, a directory requirement is frequently introduced by the word should, or less frequently shall, which is more typically a mandatory word." And, I won't ruin the reporter's day by trying to quote the original Latin, but there's a canon of how you interpret these things that says if the writer of the law or the rule used certain words in the provision and didn't use them elsewhere, then that decision was intentional and so by the very language, the text and the structure of the rule, this information actually isn't required strictly to have been included in the summary sheet at all and so the allegation that it wasn't, although advisable, and although my client immediately upon notice of receiving this letter, sought out counsel, that is me to guide them on this subject, and I have provided that guidance, it's not actually required by the rule, it's not clearly illegal.

So, whether you're looking at this under the rule of lenity, under common sense, under just reading the plain text, it's not obvious that a violation occurred.

MR. FERVIER: I want to further state.

I'm sorry to interrupt you.

MR. SPARKS: No problem, Mr. Chair.

MR. FERVIER: The failure to include the transmittal summary sheet shall not by itself be grounds for rejecting the submitted applications.

MR. SPARKS: And, that is a very important point and I'm glad you made it, Mr. Chair, because it's important to note here that unlike some other cases the Board has heard over the last 36 hours, this case doesn't involve any allegation of impropriety or wrong information being given to a voter.

It doesn't involve any flaw in a voter registration application at all. It has nothing to do with whether the voter applicants rights were impinged. This has to do with the cover paperwork. And, I think we all agree that all the information that the Board has suggested should be included be included on those papers and I've heard no complaints from any other county or from any other date of this entity submitting applications in this way that were somehow rejected or improper or caused any other sort of problem, indicating it's a minor technical error.

It simply doesn't have to do with the

allegations of problems with the voter registration applicants or the or Georgia citizens themselves. And, so I think that's an important point to make, Mr. Chair, and I do appreciate it.

MS. JOHNSTON: Mr. Sparks, are you saying that -- Register Georgia 2024 does not use transmittal sheets or summary sheets?

MR. SPARKS: No, Doctor, I'm not saying that at all. What I'm saying is that Verdugo strategies under either of the DBAs it used in 2022 at issue in this case, or 2024, which is not at issue in this case, they absolutely do use these covered transmittal summary sheets and in fact, they did use them as a -- regular course of business in 2022 throughout its operations running that voter registration drive.

It appears that these two alone that Henry County has alleged was missing certain information. That's the only substantiated allegation. So certainly, as a matter of practice, yes, they are using the cover sheets. Yes, they have received legal guidance on that particular subject and they'll continue to, to my knowledge.

MR. FERVIER: I think that this is certainly a Board rule that should be changed, the

one word change from "should" to "shall" in the future, because I have to agree with the attorney that should versus shall. I've dealt with that many times in my career for different things and it is an argument, and I think that we as a Board should fix that problem at some point with that one word change in that in that rule.

MS. JOHNSTON: For the investigator were the voter registration applications found by Henry County? So voter registration applications are to be retained or -- an electronic copy of such?

MR. BRUNSON: Yeah, the investigator could not identify them specifically with the group because they were disseminated. Unfortunately, that's why that part -- of the investigation was not sustained because they were already disseminated before he could go and say, okay, these all came in from this --

MS. JOHNSTON: Right, okay, so the names of the applicants or -- their voter registration forms were not retained by Henry County -- to help with this investigation?

MR. BRUNSON: Yeah, well, we couldn't tie to that group because they have been disseminated.

MS. JOHNSTON: Mr. Sparks, does Verdugo

Strategies, I know they don't they would not keep applications to be consistent with law, do they keep summary sheets?

MR. SPARKS: Whey were unable to find. Let me be kind to my client here. They were unable to find an organized fashion a retention of summary sheets of their copies. My suspicion is that because they're not allowed to keep the voter registration applications themselves, in fact, they can only keep the information in them in a certain way, in a certain kind of list, and use it for certain kind purposes. Is that any copied cover sheets, let me try that one more time. Any copied cover transmittal summary sheets would have been kept with the copies of the applications themselves and disposed of in compliant fashion in the same way.

They were able to find a couple that were submitted to a couple of counties, they were unable to find any that were submitted to Henry County, certainly much less from this location and those all had the information and there were no objections provided from the local election officials in 2022.

MS. JOHNSTON: Nobody's making that accusation. It's just the record keeping. They put

in writing that they looked and could not find the summary sheets that were sent to Henry County or provided for Henry County?

MR. SPARKS: I can tell you they conducted a search under my guidance and they were unable to locate these specific sheets. In fact, any sheets, if I recall correctly, from September 2022 that were sent from Dougherty County to Henry County.

MS. JOHNSTON: Do you know, by any chance, do you know how many counties in Georgia Verdugo Strategies has voter registration drives in?

MR. SPARKS: I don't know offhand. I know as a matter of practice, drives can focus on certain parts of the state or statewide, but it doesn't really matter because if you come across someone who wants to register to vote, swears that they're eligible, completes the form, it's going to be for whatever county they reside in and so that may be if -- the drive is conducted at, I'm making this out of thin air at a mall in Fulton County. Could be someone who lives in Fulton County. Could be someone across the county line in DeKalb. Could be someone who's there on holiday from Chatham or Ben Hill or Grady or where, wherever and so it would stand to reason that regardless of the geographic

focus of any drive, they're going to be sending applications back to the county of residence for the applicant for whose registration application is placed in their care and so they would be sending them to potentially all 159 counties.

If I could just make one more point before I forget, because my goldfish memory will come back for me someday should the Board not agree with me. I do think this is a dismissal case, but should the Board not agree and think not only that the evidence shows what's been proffered and also that it is a violation of the rule, I would ask that a letter of instruction be sent and that it be sent to the two named respondents, Vote Georgia 2022 and Verdugo Strategies LLC. I would ask that it not be sent to Mr. Diamond in his individual capacity.

For one, I don't represent Mr. Diamond in his individual capacity, and so he would go unrepresented in this proceeding without notice. That's a problem. Second, the first time there was any indication he might be so named was in this letter last month that I received and third, and perhaps most importantly, if not legally, Mr. Diamond and his family are residents of Altadena. They've been directly affected, I think I can say,

by the wildfires and the last thing he needs is his name on government paperwork where it really should not be in the first place, because he is not a properly named respondent. So, while I might be willing to overlook this in the main or even a letter of instruction to be issued, I don't want to cause any more issues for him in their residential and insurance concerns than necessary. So, I would ask that from the Board, should a letter be issued.

MR. FERVIER: Yeah, we can't take that last into consideration.

MR. SPARKS: I understand you can't as a legal matter, I let you know it's a humanitarian concern. But, it's also improper, Mr. Chair, and I'm sorry to step on you, but it is also improper as a legal matter to sort of name him as a new respondent at the end of this process.

MR. FERVIER: Yes, thank you.

MS. KING: Question.

MR. FERVIER: Yes.

MS. KING: So, why is it that you will not provide the original copies of the voter registrations?

MR. SPARKS: I don't understand the question.

MS. KING: Well, I'm just reading the finding that -- we requested the original voter registration applications and instead you provided copies of them, right?

MR. SPARKS: I don't see where that is. Can you guide me on the summary, which is the only paper I have?

MS. KING: It's in the findings, am I reading something wrong? What I'm reading is it says it's under findings as private voter registration entity. The complainant reported that the private voter registration entity failed to provide the original voter registration application, instead provided copies.

The complainant sought guidance from the representative of the Secretary of State's Office with instructions to provide the applications as normal unless they are believed to be fraudulent. The county processed applications and processed the applications as instructed in an effort to obtain the originals. Attempted to contact the representative of the private voter registration entity to no avail. Do you know anything about that?

MR. SPARKS: No, I can't say I do. I will

say I can't speak for Henry County, but again, the allegation about the originals versus the copies being submitted to the county authority, again, A, that wasn't substantiated and so B, haven't spent a lot of my, my clients time.

MS. KING: You said it's not substantiated. What was not substantiated? That they -- did not provide the originals?

MR. SPARKS: Correct, ma'am --

MS. KING: So, you're saying that it's possibility that you did provide the originals to the county?

MR. SPARKS: I'm sure it could be a possibility. Again, I have not been able to track down whoever sent this cover sheet or was purported to have sent this cover sheet to Henry County, so no way for me to investigate that particular issue. I can tell you --

MS. KING: That you're unsure whether you did or didn't?

MR. SPARKS: I was not there in 2022, so I'm not sure or unsure of anything. I can say that in discussing this with my client, there's no reason to think that they would have sent copies. But, I am not able to sit here and tell you today

definitively one way or the other, just as I am for Fulton County, DeKalb County, Cobb County investigation of that allegation was found not to be substantiated according to the paperwork I've received. That's really the extent of what I can tell you.

MR. FERVIER: Any further questions? You know, the Chair will entertain a motion, but like I said earlier, I have concerns about that shall versus -- should language and since this deal --

MS. KING: I have a concern about or again, organizations coming into the state and kind of running things the way they want to. I mean, the fact of the matter is we, even if, even -- though it may be ambiguous, you know, as to what you should do, I would think that you would lean on the side of the state that you're inside of.

MR. SPARKS: Respectfully, Member King, I don't think my client leans on the side of observation and I think it has strived 110 percent to meet all of these legal guidance and that's one reason actually I wrote the follow up letter to the investigator because the initial information I got was that they wouldn't be conducting activities in 2024 and then I got word that they had just signed a

contract to do so and so I immediately let the investigator know this and specifically that they had asked for and received guidance on this very issue.

Again, I don't think it's a legal violation given the wording of the rule, but they were concerned enough about it to reach back out to me and let me know. So, I do think that they are striving to meet dot every I and cross every T of Georgia law. Rest assured about that.

MR. FERVIER: Any further questions?

MS. JOHNSTON: No further questions.

MR. FERVIER: Chair to entertain a motion.

MR. JEFFARES: I'll make a motion to dismiss.

MR. FERVIER: We have motion to dismiss. Is there a second?

MS. JOHNSTON: Second.

MR. FERVIER: We have motion and a second to dismiss his claim. Any discussion? Hearing no discussion, all those in favor dismissing this claim, signify by saying.

MS. KING: Aye.

MR. FERVIER: Any dissent? Hearing no dissent, so moved. This claim is dismissed. Thank

you. You are dismissed. Thank you.

MR. SPARKS: Thank you, Mr. Chair, and thank you to the Board and to Ms. Hardin for accommodating my schedule.

MR. FERVIER: Alex, will you remind us, the Board to revisit this rule and see if we can come up with a change on that one particular word?

MR. SPARKS: Mr. Chair, I'm trying to turn off the mic, but I don't see --

MR. FERVIER: Oh, I'm gonna cut you off. You are cut. Well, now we're going to hear from one of my favorite counties for Forsyth County, which I lived at for 10 to 12 years at some time in the past, a long time ago. We're going to hear SEB2021-162. Before we hear that, is there anybody else here that's here as a respondent? Ms. Lee, are you not responding to anything else, are you? No, nothing, good. You're our last respondent -- you win the prize.

MS. KING: Doing 162?

MR. FERVIER: Yeah -- tab 54. Are you Ms. Impaduglia (phonetic)? Is that a good Italian name? There you go, yes.

MR. BRUNSON: This case involves a voter in forsyth County, Marianne Impaduglia, who went to

vote -- on 11/20/21, at the 8 Mashburn Precinct Lanyard United Methodist Church. She took a photograph of her ballot from her phone. Poll manager Ken Lindbergh addressed the issue directly with Mrs. Impaduglia, informing her of the violation and directing her to postage signage informing the public that photography is not allowed inside the polling place and asked her to delete the photo, she refused.

Lindbergh called the county elections office and Mandy Smith spoke directly to Mrs. Impaduglia. Smith read parts of code section 21-2-413E and 21-2-568.2 to her. Lindbergh gave a handout to Mrs. Impaduglia that was made available to voters with questions about this requirement. She loudly protested, maintaining that it is her right and she is willing to challenge the rule.

MR. FERVIER: I think that's enough, Ms. Impaduglia this Board hears multiple cases similar to this it seems like every time that we have a meeting and I would love to hear from you on this. Could you press your button and if you would just identify yourself and explain to us what occurred in your own words?

MS. IMPADUGLIA: I'm Marianne Impaduglia

and by the way, I do want to say that I have a newly found appreciation for, for what election officials do based on what I've seen in the past two days up here. You're very thorough, detail oriented and you're committed to getting to a conclusion and it's the first time I've experienced that with anything election related, this case and other things too.

So, I really appreciate that and I hope that you consider that as I tell you because I did get frustrated because I didn't experience any of that in speaking with Mandy Smith. So, I tried to get a copy of that narrative. I don't know where that narrative came from, but when I first got a letter from Mr. Coulter, the investigator, it was, I thought it was a scam. It was a poor photocopy, not a poor photocopy, but it didn't look like it was official letterhead and it said that there was a complaint and there was a blank form and the letter requested me to fill out the form on what happened and to sign it.

It just didn't make any sense to me. It was almost like trying to get me to write a confession, a signed confession or something and I responded to that letter saying, well, I would like to see what the complaint was like, the actual

document. I'm assuming that the superintendent wrote the document or whatever and so I could respond to that in writing and I never got anything, never heard again after that and this letter came a few months after the incident.

Actually, I don't remember when. All I remember is that it was a long time after the incident. Maybe office was backed up or something. But, I don't remember when and I didn't keep any of it after I wrote to that to Mr. Coulter and said, please send me this, whatever this narrative, you know, what was given to you guys to investigate. I never heard anything. So, I thought it was just a one and done. So, and then I got this last month.

So, I'm not sure why I got all this so far after it all happened, but the narrative that was just read to you is not how it happened. It's not how I recall how it happened, and it's not how it happened. So, but I did take a photo, so I went in. I took a photo because I feel like we should be able to take a photo of (inaudible) so we have a copy of it when we go, when we leave. Because some of the elections have so many different offices that we're voting for and since 2020, I have heard all the narratives, you know, in the news and everything.

And, I've seen all the evidence, you know, over the time that has come up, you know, election abuse, election fraud, election inconsistencies, blah, blah, blah, that I feel like we should be able to just basically a receipt of how we voted. That's when we go get a receipt when we buy stuff at the grocery store, we go to the doctor's office why can't we just have a copy of our how we voted so that if there's an issue moving forward, we have an actual copy of how we voted?

And, I thought that should be a good thing that they should put in the law. So, I took a picture, and it was a bad case. I shouldn't have done it that time because it was a special election, and there was only one item on the whole thing that we were voting on. It was for the SPLOST, which is important to me because it's only local. So, I'm thinking we should have, you know, something out here, and that's a whole different story. Maybe, maybe not is relative. Maybe you want to know about it. Because it was kind of weird the whole thing was weird, but so I took a photo, and three people swooped down on me. You can't take a photo. You can't take a photo. I just want a photo of mine. You know how I voted before I put the paper in the

scanner, because once it goes in the scanner, you never see it again. And they were saying, no, you can't. You're not allowed. Why am I not allowed? And the supervisor at the facility, and he was a nice fellow, he said, no. And he pointed to, he said, you know, outside the voting room, there's like the lobby area, the actual statute, it's over there. So I went out first, I put my thing in the scanner, because I knew I was leaving the room.

Wanted to make sure that was nothing weird about that. And then I went out and I read it, the statue. And I read it, and it said, oh, it says here that the superintendent has discretion to allow you to take a picture. So, I went and I told him that, and I said, can you please call the supervisor? I didn't even know who it was at the time, and ask if it's okay for me to get that picture and so he did ask me about deleting it, but I said, well, it's saying on there that I can take a picture and I already threw it in the scanner, so can you call her and get permission from her? I'd like permission and so he did, he got her on the phone, and we're talking, and I said, yeah, I'm asking you to use your discretionary authority to allow me to take a picture of my ballot, just my

ballot.

And she said, I don't have the discretionary authority to do that. And I said, you do it says right here and I read the statute to her, and she kept saying, I don't have the discretionary authority to do. She would not change that response and I felt like either she doesn't understand what her law is, or, I mean, I just could not understand why she would not simply say, no, yes or no and so every time she said, I don't, I can't do that, I don't have the discretionary authority to do that, I would respond with something a little bit more detailed and said, well, it says here that you do. And I would read part of it, and she would just keep saying, I don't have the discretionary authority to do it.

So, I was getting kind of frustrated, and that's what is represented in her narrative, because I was getting angry. I was saying, you know, but it says right here and eventually nothing came of it. At some point during all that, I do remember, I don't know if it was someone on inside first or she said, I don't remember who said it, but I remember saying something like, you know, if you don't get rid of it, then you going to, you know, call the

Sheriff and have you arrested and we came to an impasse. Nothing ever came of it and I did eventually delete it, because I'm not, I don't want to get arrested over it.

You know, we just had the one thing on there, by the way, with the QR code, too. So, I'm thinking, well, this piece of work, anyway. So I did the, so that's how it went down. So, some of my main concern is that the reason why I kept. Why I was argumentative is because I felt like, as superintendent, she should have been able to either use her discretionary authority to say yes or use it to say no, you cannot. And if she had said no, you cannot, I would have documented, I would have asked her why and I would have documented that. So, that way I could use this information moving forward to try to get the law change to say, why can't we get a copy of our vote when we leave? Why can't we get a copy of that? There's nothing unreasonable about asking that.

And you know, and so it never. That is the whole reason why I was trying to get her to be accountable to her decision. But she basically, and I really had come to the conclusion that she intentionally deferred her responsibility. She

should have, or she could have said, you know, of each of these things, pointed out why, because none of them, I believe I'm reading it is any reason why she should deny me for me to take a picture of my ballot. So I didn't have a chance do any of this in advance to respond to her narrative and all that. So, that's why I'm here today and I'm really hoping you'll just dismiss it because I am so over it, it's I can't tell you how frustrating --

MR. FERVIER: I understand and I always appreciate when people vote and we appreciate you voting. I appreciate you sitting through this and listening. And maybe the signage wasn't clear enough, but when you read the actual code, which is 22-4-13, it says I'm just going to read part --

MS. IMPADUGLIA: I have a copy of code, but I don't think both parts honestly don't remember, but I don't think both parts were prominent --

MR. FERVIER: 21-2-568 is even more definitive on whether you can take photographs or not. But 21-2-413 says that the, let me just read a little bit. "No person shall use photographic or other electronic monitoring or recording devices, cameras or cell phone telephones while such person

is in a polling place while voting is taking place. Provided, however, that a poll manager at his or her discretion may allow the use of photographic devices in the polling place under such conditions limitations as the election superintendent finds appropriate and provided further, no photography shall be allowed of a ballot or the face of a voting machine or DRE unit or electronic ballot marker while the elector is voting such ballot or machine or"

So it says, yeah, she has some discretion to allow videotaping or photography and that mostly has to do with poll watchers, but it goes on to say, you know, she has discretion on those areas, but she can't allow you to take a picture of the ballot. Even those people are not allowed to take pictures of ballots. So, that's, I mean, it's, it's further clarification of that rule and I don't know, I don't know exactly what -- I don't have that poster in front of me.

But, the rule is pretty clear that she has some discretion, he or she has some discretion and like I said, it's mostly when you're talking about poll watchers and things, but, but it further clarifies that you can never take a picture of the

ballot while voting is taking place and you know, this Board has ruled on this same topic so many times in the past. And, I understand there might have been some miscommunication as, and she probably could have explained it earlier and read that out to you and said, no, she doesn't have any discretion when it comes to taking pictures of a ballot. She has no discretion with that. She, I mean, she really has none.

I mean, that's what the rule says. That's the law that we have to, that we have to live by for everybody. Now, if you think that the rule needs to be changed or law needs to be changed, by all means, go to the legislator and you know, ask them to, you know, change it. You know, that's, that's your prerogative and you know, but the Board is really limited in what we're allowed we can only follow the law here and what the law says, you know, and we can't make decisions based on what people think should happen. We have to make decisions on what the law says, what the rules say. So, please respond.

MS. IMPADUGLIA: Okay, so what you read back to me does not match what I have here and I'm looking at the 413 of the 2021 code, which is what

would apply.

MR. FERVIER: Are you looking at subparagraph E?

MS. IMPADUGLIA: Yes, 413 subparagraph E. And what I have says --

MR. FERVIER: This is the 2024 edition.

MS. IMPADUGLIA: Okay, but this didn't happen in 2024. This happened in 2021.

MR. FERVIER: Right? I don't have that one, do you?

MS. IMPADUGLIA: So, I did make a note of that.

MS. KING: That's a good point.

MS. IMPADUGLIA: That's why I appreciate taking the time for me to respond and go through this because I have a copy of what I read on the board and that's what I was using to try to get a response from the superintendent, but that was consistent with the law, as I understood. So, it says on here, "No person shall use photograph or other electronic monitoring or recording device, cameras, cellular phones, while a person is in a polling place while voting is taking place. Provided, however, that a poll manager in his or her discretion may allow the use of photographic devices

in the polling place under such conditions and limitations as the election superintendent finds appropriate." And, so she first of all has the discretionary authority. But then it says, goes on to say, and these are things that I believe, that she cannot have the discretionary authority change. No photograph shall be allowed of a ballot or the face of a voting machine or DRE unit or electronic ballot marker while an elector is voting such a ballot.

MR. FERVIER: Well, yeah, and that means any elector. So, there were people in there voting.

MS. IMPADUGLIA: Yeah, I know.

MR. FERVIER: Yeah, I mean, that's -- pretty much the same language which says it --

MS. IMPADUGLIA: But, it's saying that you can't take a picture of it while it's being voted. I was not taking a picture of the machine. I voted and then the paper comes out and I don't know if all the counties do this in Georgia, but Forsyth County, you vote electronically on the machine with a touchpad and when you're done, a piece of paper prints out and you walk that paper over to the scanner and feed it in and you never see it again.

So, what I was asking her was to take a

picture of the piece of paper after I was done voting. I wasn't by any of the machines. I wasn't looking at any other people. I wasn't doing any of that. It was just my paper ballot before putting it in the scanner. So this says that, you know, you can't take a picture of the ballot while it's being voted. That would be on the screen.

Okay, so I wasn't trying to do that, which is kind of interesting because one of the methods, the narratives that has been out there is that votes were flipping on the screen. People would vote for one thing, but it would flip on screen something else. So, I find it kind of interesting that you can't even take a photo of the screen, but no matter, that's aside from this, because I didn't take a picture of the, any of the equipment or any of that, Just my piece of paper.

MS. JOHNSTON: Marianne?

MS. IMPADUGLIA: Yes?

MS. JOHNSTON: Did you sell your vote? Did you take, did you show your picture to someone to get money for it?

MS. IMPADUGLIA: Okay, I -- that's private and I would never have. The reason I took the photo was if by some chance something came up later in the

future that says, you know, if you have, like, if the election people say you have proof of, blah, blah, blah, I have evidence. That's the only reason why I took it.

MS. JOHNSTON: The reason for not allowing photographing of ballots is for the prevention of buying or selling votes. Some people might take a photo of their ballot and then walk out the door and show someone who's willing to pay them to prove that they voted for a certain issue or candidate or amendment. So, that is the reason for not photographing ballots.

MS. IMPADUGLIA: Okay.

MS. JOHNSTON: Okay, well, it's, it's a big one and it's a problem and we're all so connected to our phones and I'm addicted to my phone and -- we use the camera all the time, and it just seems natural. It's great for, you know, looking up your Peachtree Road Race time and taking a photo of that. But, it's not okay in the voting booth because we want to prevent buying and selling of votes. So, it's against the statute that statute was effective March 25th, 2021. So it is in effect at the time for that election.

MS. IMPADUGLIA: And again, if she had

said that, if she had said, no, I'm not going to, you can't take the pictures, you're not allowed to, then I would say, well, why not? And if she had said something like that or even anything that it didn't have to be that exact example, but something like that, I would have gone, oh, okay, and that would be the end of it , but that's not what happened.

All she kept saying was, I don't have the authority to do that and I just have gotten to the point where I feel like there are people at the lower levels that just either don't think it through or don't want to think it through, or are just not, you know, worried about it, you know, fixing it, making it better or any --

MS. JOHNSTON: That's the reason. So, I think we're ready to --

MR. FERVIER: Yeah, and then some people don't like conflict. I mean, there's a lot of reasons -- this Board, though, it's important for this Board to remain consistent on what we do with these kind of issues and we voted on this multiple, multiple times on things like that and, and like I said, if you feel it's necessary to change the law, please, you know, it's --

MS. IMPADUGLIA: And I guess my, the end game is that I would hope that you dismiss this or at the very least maybe make a referral that the superintendents get better training, better education or better something to be able to respond when a voter does something like this, you know that it's just not intended to be, you know, invade someone else's privacy or to do anything like that. But if there's potential for that --

MS. JOHNSTON: We're trying to help you, the voter, protect secret ballot, your privacy, your ability to vote freely. That's freely of your choice without somebody twisting your arm and making you vote and prove that you voted a certain way, Okay.

MS. IMPADUGLIA: So there's been, there would not really be a way to change that because --

MS. KING: Yeah.

MS. IMPADUGLIA: To change the law because there's not a way to. Unless I can come up with an idea or an option, a suggestion to be able to get a receipt without it being sold. Then there really wouldn't be.

MR. FERVIER: Could be difficult.

MS. JOHNSTON: It has been said that a

ballot is worth 40 to 200 dollars. So, it is worth protecting the privacy of your ballot and my ballot and everyone's ballot.

MR. FERVIER: Chair is ready to entertain a motion.

MS. IMPADUGLIA: One other thing too that was --

MS. JOHNSTON: I think we've heard enough and we'd like to move along with the meeting now.

MS. KING: I was going to make a motion that we dismiss this case but it sounds like being consistent with prior it would be okay --

MS. JOHNSTON: Would you consider a letter of instruction?

MS. KING: Yeah, so I'll make the -- recommendation that we submit a letter of instruction to you. Just giving you further explanation as to why this is important and why you shouldn't take pictures of your ballot. It just the law.

MR. FERVIER: Right, we have motion to issue a letter of instruction.

MS. JOHNSTON: Second.

MR. FERVIER: And there's a second, any discussion? Hearing no discussion, all those is in

favor of issuing of LOI, letter of instruction. Please signify by saying aye.

MS. JOHNSTON: Aye.

MS. KING: Aye.

MR. FERVIER: Any dissension? Hearing no dissension, the motion carries 3 to 0. Thank you ma'am appreciate your patience. Thanks for coming and giving us your side of the story. We do appreciate it. We're going to move back to the cases slated for dismissal and there were two quick ones that Dr. Johnston had some -- questions on and then we'll vote on the rest of them en masse. So, the very first one, SEB2024-211 Bryan County which is a tab 18.

MS. JOHNSTON: Michael, you want me to save you a little time?

MR. BRUNSON: Yes.

MS. JOHNSTON: Just briefly this case is an allegation of vote switching on the BMD. There was evidence was not able to be presented to demonstrate that or prove that. So, it will be recommended to dismiss it. But, I just wanted to make a point that a problem with BMD ballots are that -- it's an electronic image of your ballot, but as soon as you hit the completed or print button on

the BMD, the image disappears and a ballot summary is printed out and so if you thought you saw something on that BMD, you will not be able to see it again and no matter what you thought you saw, you can't prove it. Now you can look at your ballot summary and make sure that it has who you think you're voting for or what you're voting about. If you review that and also once you put that in the scanner, it's forever voted. It's a counted ballot and you can and it's secret ballot at that point because there's no identifying marks to it and you can't retrieve it that way.

So, a word of caution is if a BMD ballot image comes up and you don't think it's correct, don't let it disappear. Call the poll manager to look at that image and address it if you think that it's not the right ballot and once you get your printed ballot summary, please review it before you put it in the scanner because once it's scanned, it's no longer identified as your ballot. So, Mr. Chairman, I recommend that we dismiss this case.

MR. FERVIER: I'm going to dismiss all of them one time. Let's address the other case you have real quick and I'm going to, I will make the motion to dismiss all the rest of them and name

them.

MS. JOHNSTON: Well, there's one that I want.

MR. FERVIER: The other one was SEB2024-163 and it's number 32.

MS. KOTH: This is one about the third party.

MS. JOHNSTON: Yeah.

MR. FERVIER: You want to continue? All right, then we'll make a motion to continue it, okay.

MS. JOHNSTON: Okay, SEB2024-163 pertains to alleged fraudulent voter registration applications. And my reading of this summary suggests an investigation, suggests that we need more investigation and I'd recommend that we continue this case.

MR. FERVIER: We have most continue. SEB2024-163. We have a second?

MS. KING: Second.

MR. FERVIER: Any discussion? Hearing no discussion. All those in favor of continuing case SEB2024-163 signify by saying aye.

MS. JOHNSTON: Aye.

MS. KING: Aye.

MR. FERVIER: Any dissension? Hearing no dissension, so moved --

MS. KOTH: This is the one where the person whose application it was wouldn't say who her friend was that filled out her application.

MS. JOHNSTON: Correct, I would like to continue that case to investigate further and see if we can determine the third the TPO that the co worker was working for.

MR. FERVIER: Okay, the Chair is going to exercise his right to make a motion. The Chair is going to make a motion that cases SEB2024-211 Bryan County, SEB2024-166 Chatham County, SEB2021-018 Fulton County, SEB2024-253 Glynn County, SEB2024-126 Henry County be dismissed. Is there a second?

MS. KING: Second.

MR. FERVIER: There's a motion and a second. Is there any discussion on those cases?

MS. JOHNSTON: Mr. Chair, did you mention SEB2024-166 Chatham County?

MR. FERVIER: Yes.

MS. JOHNSTON: I would like that to be heard.

MR. FERVIER: Oh, you -- want it heard?

MS. JOHNSTON: Yes.

MR. FERVIER: Okay, then I'll revise my motion and my motion is to dismiss cases SEB2024-211, case SEB2021-018, SEB2024-253, SEB2024-126 recommending all those for dismissal. Is there a second?

MS. KING: Second.

MR. FERVIER: We have a second. Any discussion? Hearing no discussion, all those in favor of dismissing those above named cases signify by saying Aye.

MS. KING: Aye.

MR. FERVIER: Dr. Johnston.

MS. JOHNSTON: Aye.

MR. FERVIER: Any dissent? Hearing no dissent, so moved. Those cases are dismissed by vote of 3 to 0, and we'll now hear SEB2024-166.

MS. KOTH: This case was opened up when Ms. Patty said that the arrangements of the BMD machines at the Mosquito Control polling precinct were set up in a way that the public could see the elector's ballot. Sent the investigator down there. He had taken some photos and the BMD machines were set up kind of like horseshoe looking, so if no one was at them, it would look like you could see everything, but if somebody was standing in front of

them, you could not see anything. So no, there was no privacy issues with the setup of the BMD machines.

MS. JOHNSTON: The question were the BMDs rearranged? They were not. So, my issue with this is voter privacy. It's a really big issue for some people and certainly in some small counties or even in a large county and there's a huge difference between a 6 foot 3, 240 pound person voting in front of a BMD, of course you can't see the ballot. But, a 5 foot 100 pound voter does not cover the BMD and does not afford that privacy and I know when it's oftentimes stated when the voters in front of the BMD, you can't see it, but that is not true.

It's true for big people, but it's not true for small, short, slight people and we have this issue almost every election where they're arranged so that a voter walks in and the poll workers can watch how people vote or people standing in line can watch how voters are voting. So, if anybody complains about it, I think it should be taken seriously and I think a letter of instruction to Chatham County would be in order.

MR. FERVIER: Yeah, I don't disagree with you when I was visiting polling locations at this

last election, probably 25 percent of them were in facilities that were much too small for what they were trying to do and it's all was available and you had a lot of machines that we had to move around the best we could to try and protect the viewpoint, but it is a -- huge problem across the State with facilities. A letter of instructions seems appropriate. You want to make a motion?

MS. JOHNSTON: Mr. Chairman, I make a motion that we issue a letter of instruction to Chatham County. The respondents not listed on this, but I assume it's Chatham County.

MR. FERVIER: What'd you say? It's a letter of instruction. It's not a --

MS. KOTH: They were notified that this case was being pulled though to be discussed. Do what? Yeah, all the ones that were being pulled that were dismissals, we notified the counties with the SOS.

MR. FERVIER: Yeah.

MS. JOHNSTON: Okay, so I recommended dismissal with a letter of instruction?

MR. FERVIER: Yes, a letter of instruction. Yeah, we have a motion to send a letter of instruction on this case. Is there a

second?

MS. KING: Second.

MR. FERVIER: We have a motion and a second. Any discussion? Hearing no discussion all those in favor signify by saying aye.

MS. JOHNSTON: Aye.

MS. KING: Aye.

MR. FERVIER: Any opposition? Hearing no opposition, so moved by 3 to 0. Okay, we're done with those cases. Let's move on to go to SEB2021-109 statewide deceased voter. It's tab number 40.

MS. KOTH: This was one where, I don't know, I think it was a lady from yesterday was on this list where she said she was alive. We were given a list of 12 potential deceased voters. Out of those 12, allegation one never voted. Allegations 3, 4, 11 and 12 were not deceased. Allegation 2 was a date entry error that was corrected. The Deceased name was Daniel Joseph Fitzpatrick and the actual voter was Daniel John Fitzpatrick. So, they just gave credit to the deceased voter instead of the other voter.

Allegations 5, 6, 9, and 10 voted prior to death. 7 and 13 were unable to be substantiated and allegation 8 received credit after death. So, for 7

Lane Reed (phonetic) shows her date of death at -- 12/17/2020 election that showed that her absentee ballot was accepted by the elections office on 12/29/2020, twelve days after her death. The investigator contacted DeKalb County requesting a copy of the application. They noted that the envelope was postmarked as being processed by the Atlanta Post office on 12/22/20. That was five days after the death. They traveled over to her residence and Investigator Lebenhard (phonetic) their card and someone called that said Ms. Reed was her mother. She did not give any further information.

The woman yelled at the investigator, refused to answer any investigations and shouted ask the post office why it was late. She shouted that several times, told the investigator not to come back to her door. She hung up the phone. Allegation 13 was Carlene (phonetic). The State of Georgia showed her death certificate at 8/19/2020. The check through election it shows that her absentee ballot was requested on 9/1/2020. This was likely automatic as this was before the general election and the runoff election was not known at the this time.

Her ballot was received 5/21 it was 139 days after her death. The check of the election that shows that her death was marked. A change was made in Election Net on 9/1/20 by the code and a name. But, there were changes made on 10/8/20, 10:16 by another name and on 12/18/20 and 11:21 the changes were made by another name. The investigator located the address where the absentee ballots were sent onto Koa Circle (phonetic).

The investigator left a card on the door. The person called him and advised that Carlene was his mother. Confirmed that an absentee ballot was sent to his address automatically. He said when he received it, he shredded it. He did not vote it. He additionally advised that he is the only person who lives at that location. Don't know how that ballot got back couldn't confirm.

MR. FERVIER: It seems to me that 7, 8, and 13 are the ones that this Board needs to --

MS. KOTH: Yeah, that was 7 and 13 and then 8 is. The investigator interviewed Daniel's mother, Raynell (phonetic). She advised that she'd been helping her son who was disabled with his ballots before his death. She advised that things were very confusing during that time and she thought

that when she signed for him that he was still alive. She stated that the first time the ballot was sent she was sure he was alive. She also confirmed that the handwriting signature on both the application and the ballot were from her hand. So there was evidence to suggest that Raynell violated 21-2-562, subsection A1.

MR. FERVIER: And in 13, it just seems to me that. That there's something there to be found by somebody.

MS. KOTH: That's with the Election Net part like that section there, but there -- wasn't anything else.

MR. FERVIER: I mean this is, Carlene Vines was passed and her son was the only one who lived in the house at the time. And the ballot was voted, right?

MS. KOTH: Yes.

MR. FERVIER: Yes, I would seems to me that those three were the appropriate to send to the AG for further investigation. Are there any questions from the Board on any of these? Chair will entertain a motion on those three cases.

MS. KING: Yeah, I make a motion that we send those three cases -- allegations 7, 8, and 13

to the Attorney General's Office.

MS. JOHNSTON: Second.

MR. FERVIER: We have a motion that allegations 7, 8, and 13 be sent to the AG for further investigation. The Chair will entertain a motion to dismiss all the other allegations. Voting all the other ones to dismiss.

MR. JEFFARES: I'll make that motion.

MR. FERVIER: We have a motion from Member Jeffares to dismiss all the other allegations.

MS. KING: Second.

MR. FERVIER: We have motion to second. Any discussion? Hearing no discussion, all is in favor of dismissing all the other allegations signify by saying aye.

MS. JOHNSTON: Aye.

MS. KING: Aye.

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

MS. JOHNSTON: We didn't vote on AG.

MR. FERVIER: We sent 7, 8, and 13 to the AG.

MS. JOHNSTON: Well, we made a motion.

MR. FERVIER: There's a motion and a second to send allegations 7, 8, and 13 to the

Attorney General. Hearing no discussion all those in favor signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Any opposition? Hearing no opposition, so moved. All right, let's go to SEB2022-306 Bryan County, number 42 in your book. Bryan County was supposed to respond to this regarding the broken seal. We had continued this case.

MS. KING: They didn't reply. Did they? Did they respond?

MR. FERVIER: Okay, I didn't -- get a response to. Alex, did we get a response that, you know of?

MR. BRUNSON: We'll recommend a dismissal on this case. It was not a violation. This was one of those deals where the original complainant, or I'm sorry, the original respondent took a photo of the broken seal. She demanded to be allowed to look at it. Initially, someone told her she couldn't. Ultimately, the poll manager said, okay, I'll take you to go look at the -- seal.

So she did, she was allowed to see the seal. Well, the recommended statute does not cover

average citizens. It's only for representatives, candidates, et cetera and so what that means is that no citizen could just show up and say hey I want to look at the while voting is going on I want to look at your machines. She does not have that authorization.

So, this case there's no law that the county violated by not allowing her initially to not view that seal even though she saw it within minutes because somebody came and allowed her to look at it anyway. That was a discretionary act by the poll manager. So, this case there's no violation of SEB rule or State statute.

MR. FERVIER: But, you have a potential violation here of -- Anastasia Knight (phonetic) elector.

MR. BRUNSON: Pardon me? She got an LOI.

MR. FERVIER: Okay, that's right. We had asked Bryan County to come back and talk to us about the broken seal so --

MR. BRUNSON: But, once we looked at the statute we said she had no right to demand to go see it.

MS. KING: Yeah.

MR. BRUNSON: They let her do it anyway

but it was discretionary.

MR. FERVIER: Got it.

MR. BRUNSON: Yeah.

MR. FERVIER: The Chair will entertain a motion.

MS. KING: Yeah, I make a motion. We dismiss.

MR. FERVIER: We have motion to dismiss. Is there a second?

MR. JEFFARES: Second.

MR. FERVIER: We have motion second. All those in favor signify by saying aye.

MS. KING: Aye.

MR. FERVIER: All is opposed. You can signify by saying no.

MS. JOHNSTON: No.

MR. FERVIER: Vote carries 3 to 1. Next case in the agenda is SEB2022-103 Chatham County failure to open poll at 7 AM, it's tab number 44.

MS. KOTH: This case was continued from the February it was the LOI to the County and it was continued on what the pole pad issue was. I believe you received a response from the Secretary of State about this.

MR. FERVIER: So, go ahead and get the

potential violations real quick.

MS. KOTH: The LOI that was to the County already?

MR. FERVIER: Why did we continue this then?

MS. KOTH: Case was continued because there was -- you guys had wanted an explanation about what the poll pad issue was from the Secretary of State.

MS. KOTH: I was under the impression --

MR. FERVIER: We're going to continue this case again until we get an answer.

MS. KOTH: Didn't you?

MR. FERVIER: Did we get an answer? Oh, okay. All right, I'm sorry. My brain's a little bit of mush right now. Yep, let me see.

MS. KING: She said it only to the Chairman?

MR. FERVIER: I may or may not have forwarded it. "In response to your inquiry below I have talked to our elections director in the poll pad vendor and below is the feedback they offered. First, it's worth noting that the check in process during early voting in May 2022 is very different than it is now in May 2022 in Chatham poll workers

would have been looking at voters in E-net and assigning credit for voting.

Now, counties use a cellular poll pads to check in voters under the past E-net system. While it was still aware it was possible that a poll worker might have selected an incorrect voter when checking someone in. According to our vendor, under the old system, the poll pad would have shown one of the following voter statuses on the initial lookup screen checked in a green bar indicating the voter had been processed in the polling place on election day and issued a green voter activation card advance in person a red bar indicating that based on data provided from E-net and imported to the poll pad system, the voter had been processed by the county during advancement in person voting.

Absentee accepted a red bar indicating that based on data provided from E-net and imported to the pole pad system, the county had accepted the voters absentee by mail ballot. Absentee issued a red bar indicating that based on data provided from E-net and imported to the poll pad system, the county had issued the voter an absentee by mail ballot which had not been returned to the county.

While we don't know specifically what

happened in this instance, it appears that when the county conducted further investigation, it was able to resolve the issue. Again, it's important to note that to help counties avoid these kinds of mistakes going forward, we have already -- completely overhauled the check in process since it's occurred."

That was sent to me. Is that Monday the 12th? Yeah -- Monday the 12th. We've already adjudicated this case, right?

MS. KOTH: You LOI'd for the county.

MR. FERVIER: What?

MS. KOTH: You did an LOI for the county.

MR. FERVIER: So, there's nothing left to do on it then?

MS. KOTH: No, that was just a question that was asked. That was continued for that.

MR. FERVIER: Okay, so the question's been answered?

MS. JOHNSTON: Yes --

MR. FERVIER: Alex is forwarding that to you all now. Let's go to SEB2021-160. City of Cuthbert, illegal campaigning.

MS. KING: So, we're coming back to this or something? We're coming back to that we're just

let. What are we doing with this?

MR. FERVIER: Well, there was -- no action to be taken. It's just a question to be asked on of the Secretary of State Office.

MS. KING: Okay.

MR. FERVIER: The City of Cuthbert, illegal campaigning is number 46.

MS. KOTH: This case was for illegal campaigning. Gino Carreras (phonetic) advised that the respondent, Bobby Jenkins drove to the poll with campaign signs on his vehicle. Gino stated that he, his supporters and other candidates were campaigning across the street from the polling location. Around 2:30 PM another candidate, Bobby Jenkins left the campaigning area and drove his wife to the polling location across the street and within the 150 foot rule, Gino gave a list of three witnesses and the investigator was able to speak to two of them who collaborated the story.

One said late morning when Gino said 2:30 in the afternoon, that was the only discrepancy. The third witness never responded to the communication attempts.

MR. FERVIER: This was confirmed by two witnesses that occurred?

MS. KOTH: Yeah, he called Bobby, who referred him to an attorney and the attorney said, we're not going to speak with you unless you show us evidence.

MR. FERVIER: The attorney said what?

MS. KOTH: He had nothing to say unless they could prove with evidence that his client did that, they weren't going to respond to it and there was no surveillance cameras. So, this was a potential violation due to the witnesses.

MR. FERVIER: You spoke with the witnesses?

MS. KOTH: He investigated it.

MR. FERVIER: You found them to be believable?

MS. KOTH: He did.

MR. FERVIER: He did --

MS. KOTH: Attorney because they wouldn't cooperate unless they showed him --

MS. KING: Yeah, I'll make a motion that we send a letter of reprimand.

MR. FERVIER: We have a motion to issue a letter of reprimand. Is there a second?

MR. JEFFARES: Second.

MR. FERVIER: We have motion to second.

Any discussion? Hearing no discussion, all is in favor, signify by saying aye.

MS. KING: Aye.

MR. JEFFARES: Aye.

MR. FERVIER: Any opposition? Hearing no opposition, so moved. Go to SEB2021-034 Hancock County -- tab 60. Let me ask the Board before we get started. Let's go forward with SEB2021-034.

MR. BRUNSON: This is a complaint from the complainant, Nancy Stevens, regarding the November 2020 general election. So -- there's four different allegations that she made. We only substantiated the third one. So, the first she said that a individual by the name of Marion Warren had a tent set up at the skating rink/youth center. Polling location located at 12560 Augusta Highway in Sparta, Georgia and he was passing out free food and she claimed that they were asking for information on how electors voted. There was also concerns about the location of the tents, that they should have been moved further back from the polling location. You want to just go through the whole and then go through the first or you want to just read all four of them off at one time one after the other?

MR. FERVIER: Just read them all four off

quickly.

MR. BRUNSON: Okay, all right, her second complaint was a camera located at the skating rink/ youth center polling location located that same location that I just mentioned was turned on and could monitor voters while casting their ballots.

Her third one was, the camera monitoring the dropbox at the board office was malfunctioning. Her fourth complaint was, student volunteers were handling memory cards, delivering them to the skating rink precinct and a chain of custody was not completed.

So for the first allegation, we didn't have any evidence to indicate that that's what this individual was doing. She was just basing it off of her own opinion. The investigator spoke with Mr. Warren, he was beyond 150 feet. He said that someone, he often does community events and he was handing out food at that location. So, we didn't find any evidence to indicate that he violated code.

The second one, regarding the camera, Nancy Stevens, even herself, the actual complainant, stated later that the camera could only record voters coming in and not casting their vote. So she -- basically handled that one for us herself. The

third one was the one that was stained. Apparently the camera that was supposed to be monitoring the dropbox malfunctioned. IT had to step in and make some fixes to that camera. She did, apparently she did a, I think she was trying to do an open records request and they didn't have it and that's how it was discovered and so ultimately that was the violation and at the time there was no State statute that covered drop boxes. However, there was a SEB rule, Rule 183-1-14-0.6-.14 regarding secure absentee ballot drop boxes that was violated in this particular case.

The fourth allegation was unsubstantiated and then unfortunately though, he asked for the chain of custody forms and it was beyond the two year holding requirements. So, they didn't have those forms but they vehemently denied that kids were handling. I don't know where that, well, it came from, I guess to complainant it, but we couldn't prove that -- was occurring.

So, that's the whole gist of the case and the violation is, as I stated in allegation three with the camera not being on that dropbox. The absentee ballot dropbox.

MR. FERVIER: Because the malfunction,

right, the camera?

MR. BRUNSON: Malfunction, yeah, they fixed it, obviously .

MS. KING: They have fixed it?

MR. BRUNSON: Yeah, oh, yeah. They fixed it then.

MS. KING: Okay.

MR. FERVIER: Dealing with over 20,000 cameras countrywide. I'm a little sensitive to that issue.

MS. JOHNSTON: Michael, did they provide the video to the complainant?

MR. BRUNSON: Open records request?

MS. JOHNSTON: Yes.

MR. BRUNSON: I don't know if we asked for that.

MR. FERVIER: The Chair would entertain a motion on this case.

MR. BRUNSON: That wasn't part of her complaint though. Open records request, that's just, it's just that the camera wasn't functioning. Which -- wasn't the requirement.

MS. JOHNSTON: It wasn't a requirement to function?

MR. FERVIER: The camera wasn't

functioning as required.

MR. BRUNSON: That was a violation of the law. The rule, I'm sorry.

MR. FERVIER: Yeah.

MS. JOHNSTON: Gotcha.

MS. KING: Well, they since fixed it. They fix it immediately.

MR. BRUNSON: It was fixed within two days.

MS. KING: Okay, I recommend that we send them a letter of instruction.

MR. FERVIER: We have a motion to issue a letter of instruction on allegation number three. Are you making a motion to dismiss the other ones?

MS. KING: Yes.

MR. FERVIER: And, dismiss the other allegations. Is there a second?

MR. JEFFARES: Second.

MR. FERVIER: We have motion to second. Issue a LOI on violation number three and dismiss the others. Any discussion? All those in favor signify by saying aye.

MS. KING: Aye.

MR. JEFFARES: Aye.

MR. FERVIER: Any opposition? Hearing no

opposition, so moved 3-0. We're going to hear this one Henry County case because they're not a respondent on it. So ,it's SEB2023-064. Rick, do you want to?

MR. JEFFARES: I'll take a second.

MR. FERVIER: Okay, we're going to hear two of them. There's one other one, we'll hear them both. Okay, 2023-064, 62. This is simply another case where a individual drove his.

MR. BRUNSON: Yes, it is --

MR. FERVIER: Volkswagen Atlas within 150 feet --

MR. BRUNSON: In almost every respect to the one we heard yesterday.

MR. FERVIER: It was verified through video surveillance?

MR. BRUNSON: Yep.

MS. KING: So, he was there?

MR. FERVIER: Yes.

MS. KING: Okay.

MR. FERVIER: Did he have something on his vehicle?

MR. BRUNSON: What's that?

MR. FERVIER: Did he have something on his vehicle?

MR. BRUNSON: Yes, so and this one, let's see.

MR. FERVIER: Okay, Chair will make a motion.

MS. KING: I make a motion that we send this to the Attorney General's Office or letter of reprimand, letter of reprimand.

MR. FERVIER: We have motion to issue a letter of reprimand on this case. Do we have a second?

MS. JOHNSTON: Second.

MR. FERVIER: We have a motion to second. Any discussion? Hearing no discussion, all those in favor, signify by saying aye.

MS. JOHNSTON: Aye.

MS. KING: Aye.

MR. FERVIER: Any opposition? Hearing no opposition, motion carries 3 to 0. Let's go back and finish this one of the Henry County. Wait a minute, no, they're involved in that one, never mind. All right, 2021-178 Oconee County. That's number 68.

MR. BRUNSON: Okay, this is a situation in which an individual stole the previous tenant's identity and used her information to obtain a voter

ID card. She was ultimately arrested, prosecuted, and actually sentenced. However, the administrative charges and the violation of State statute regarding false registration and the respondent is Cheryl Chase (phonetic), is OCGA 21-2-561 false registration, she registered as an elector under a name that was not her own and gave false information while registering.

MR. FERVIER: She's already been prosecuted?

MR. BRUNSON: Correct.

MR. FERVIER: Criminally prosecuted?

MR. BRUNSON: Yes.

MR. FERVIER: We're looking at a civil violation here then --

MR. BRUNSON: She did, yeah this is about check cash and fraud, so. But ultimately, we're just dealing with the election --

MR. FERVIER: We're dealing with the election --

MS. KING: Yeah --

MR. BRUNSON: In obtaining that ID of the previous tenant in order to commit the crime of fraud that she committed later and was prosecuted.

MR. FERVIER: If there's no questions, the

Board would consider a motion.

MS. KING: Yeah, I make a motion. We send this one to the Attorney General's Office.

MR. FERVIER: We have a motion -- to send this to AG. Is there a second?

MS. JOHNSTON: Second.

MR. FERVIER: We have motion to second. Any discussion? Hearing no discussion, all those in favor, signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Any opposition? Hearing no opposition, so moved, by 3 to 0. Next one is SEB2021-144 City of Richland early voting. It's number 69.

MS. KOTH: This complaint came in from a Mr. Ross and also a self report from the City of Richland and advised that the city did not have early voting for two Saturdays, just the one Saturday. Ms. Hudson, the election supervisor, advised it was a misinterpretation of the amended Senate bill and after a call with their Election Board added a Sunday to early voting October 24th, and they still had early voting on Saturday the 23rd. Ms. Hudson advised that the voter turnout for

October 24th that Sunday was approximately 8 to 12 electors, which matched typical voter turnout for early voting and she said they didn't receive any complaints regarding not being able to vote on October 16th.

Sufficient evidence to show that Alfreda Hudson and the Stewart County Board of Elections violated OCGA 21-2-385, subsection D1B, procedure for voting by absentee ballot, and 21-2-385 subsection D1B3, when the dates, times, and locations of the ability of advanced voting were not published 14 days prior to the beginning of the advanced voting period.

MR. FERVIER: If the Board -- wants to do anything besides a dismissal or LOI, I would recommend that we continue this case and allow them to respond to it, since --

MS. JOHNSTON: Mr. Chair, the population of Stewart County, Georgia is 4,674. I think having missed one day of early voting, but having substituting another day on a weekend day for early voting is -- quite sufficient for an election in Stewart County, I'd recommend dismissal.

MR. FERVIER: We have a motion to dismiss this case.

MS. KING: Well, I do have a question about, I mean, they didn't notify them in time of the change, right?

MR. FERVIER: That's right that's the second violations it didn't notify them for --

MS. KING: They weren't notified of that new date.

MS. KOTH: Well, they couldn't do the 14 days because they were already in the 14 days of early voting. To add that day would have been impossible to hit the 14 day.

MS. KING: How many days did they give them?

MS. KOTH: When they realized they'd made a mistake, I mean, it was put out there. That's how they had people voting, but it just wasn't within the 14 days because they didn't catch it until then.

MS. JOHNSTON: Okay.

MR. FERVIER: Would you consider an LOI instead?

MS. KING: I like the LOI because going forward, just can't decide we're going to change this in the middle of the election. I think it sets precedent and if it happens with a bigger county, I think, you know, we can't dismiss theirs.

MR. FERVIER: Would you withdraw a motion?
MS. JOHNSTON: I'll withdraw my motion.
MS. KING: I make a motion we send them a letter of instruction.
MR. FERVIER: We have motion to send a letter of instruction, do we have a second?
MR. JEFFARES: Second.
MR. FERVIER: We have motion to second. Any discussion? Hearing no discussion, all those in favor sending a letter of instruction, please signify by saying aye.
MR. JEFFARES: Aye.
MS. KING: Aye.
MR. FERVIER: Any opposition? Did you vote?
MS. JOHNSTON: Aye.
MR. FERVIER: Motion carries 3 to 0. We're down to our last two next one's SEB2021-176 Screven County. Number 71, Screven County. I got all the hard names right.
MS. KOTH: Okay, 21-176, Screven County. The investigations received a complaint alleging that Screven County Registrar and the Registrar's Office does not maintain courthouse office hours Monday through Friday from 8 to 5. The

investigation centered on the Screven County Registrar's Office, whether it remained open to the public during those times. Interviews with the courthouse personnel to include the Screven County Probate Court Judge, County Clerk, and Superior Court County Manager and the former election supervisor indicated that it had been common knowledge as well as having personally witnessed the office being closed during the normal course of the workday. The registrar acknowledged --

MR. FERVIER: Excuse me, does anybody need to hear anything else about this? No, the Chair will entertain a motion.

MS. JOHNSTON: Hang on.

MR. FERVIER: You have questions?

MS. JOHNSTON: Is anyone here from Screven County?

MR. FERVIER: No.

MS. JOHNSTON: Okay, looking into this. This supervisor is now retired. She's 86 years old. She was the only employee in this office. I beg the question of how would she go to the restroom or eat lunch or go to a doctor's visit without having to put a note on the door and provide a phone number which apparently in the statement by the Probate

Judge and two other interviewees said that she did.

There's one person that was interviewed that had negative things to say which are not really documented. They're just hearsay and this woman was president of Gabrielle a couple of years ago, which makes me think that she was highly regarded in the election supervisor circuit. So, I would recommend that we kindly dismiss this case.

MR. FERVIER: We have a motion to dismiss this case or a second?

MS. JOHNSTON: Second.

MR. FERVIER: We have motion to second. Any discussion? Hearing no discussion, all those in favor, signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Any opposition? Hearing no opposition, so moved, case is dismissed. Next one's SEB2021-116 Toombs County, it's number 73.

MR. BRUNSON: All right, so this complaint is regarding the July 13th, 2021 special election runoff in Toombs county and we received a complaint regarding this, indicating that Toombs County had a problem with their polling pads not encoding the voter access cards. They did not have enough

emergency ballots on hand. A tech had to -- reboot the poll pass, get them up and running, and the poll managers did not know how to manually create a ballot on the BMD.

So, ultimately our investigation revealed that basically they weren't doing the training that they needed to and they did not have sufficient emergency ballots. Once the investigator went there, he actually quizzed them and asked them and he -- that none of them knew what emergency ballots were, et cetera and as he dug into it a little more, Mrs. Alli Good, I believe her name is from Toombs county, basically said that they only had two election training sessions in 2021.

So, based on the investigation, it suggests that Toombs County Board of Elections and Registration and Carrie Alli Good violated OCGA 21-2-099 instructions of poll officers and workers and election procedures and there's also evidence that suggests that they violated SEB Rule 183-1-12.11 sub 2 sub C conducting elections they did not have the appropriate amount of emergency ballots on hand. Yeah, Alli Good, yes. A-L-L-I G-O-O-D.

MR. FERVIER: They were notified to show up for this, Alexandra? If we were going to take

any substantial action. I would recommend that we continue this case and see if they will show up at the next meeting and if they don't show up, then we'll be forced to take whatever actions.

MS. JOHNSTON: Okay.

MR. FERVIER: Necessary. Is there a motion to continue this case?

MS. JOHNSTON: I'll make it.

MR. FERVIER: Is there a second?

MS. KING: Second.

MR. FERVIER: All those in favor, signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: This case is continued, 3 to 0. Okay, we have -- four Henry County cases where Henry County was notified and they showed up yesterday and we're not able to make it today. These cases are SEB2020-296, SEB2023-073, SEB 2024-022 and SEB2024-092. I would recommend that we continue those cases and allow them an opportunity to show up next time. They did show up this time. They just weren't able to come the second day and we can put them first in the agenda next time if we need to or put them up in the agenda make sure that

we cognizant of time. The Chair will entertain a motion on that.

MS. JOHNSTON: So moved.

MR. FERVIER: There is a motion to continue the following named cases. SEB2020-296, SEB2023-073, SEB2024-022, and SEB2024-092. We have motion second, all those in favor signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

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

MS. JOHNSTON: Mr. Chair.

MR. FERVIER: Yes.

MS. JOHNSTON: Just like to say a word of thanks to the investigators for the cases that we heard over the last two days that have been quite timely and more recent than I think, which I very much appreciate. It really improves the investigation and evidence being able to be presented and I think it eases the burden of our job as far as making a decision such that the statutes are current, the equipment is being used as being described, and that we can properly hear these cases for the voters and the election workers.

MS. KING: Yeah, thank you.
MS. JOHNSTON: Thank you very much.
MR. FERVIER: Yes, thank you. Yes.
MR. BRUNSON: Chair, I just have one question.
MR. FERVIER: Yes.
MR. BRUNSON: If I may, and thank you, but. 150. 2021-150. Did we skip that --
MR. FERVIER: 150?
MR. BRUNSON: Yes --
MR. FERVIER: 150. We dismissed that --
MS. KING: Yeah, I think we dismissed that one --
MS. JOHNSTON: There's two 150s --
MR. FERVIER: We dismissed --
MS. KING: Oh, no, this is --
MR. FERVIER: I have 2021-150. Dismissed allegation number one. Dismissed, 3 to 0 allegation number one.
MR. BRUNSON: Eight allegations on that complaint, so, yes.
MR. FERVIER: Yeah, we just dealt with allegation one. Yeah -- we continued the others on that. That was -- a Henry County too, right? I know we talked about it because we --

MR. BRUNSON: It's a long case. I mean, it's a lot of allegations --

MS. KING: And, they're all substantiate.

MR. FERVIER: I know we talked about it because --

MR. BRUNSON: I mean, but it's up to you, of course.

MR. FERVIER: Well, I know we dismissed allegation number. I have, dismissing allegation number one.

MS. KING: Yeah, let's see if they'll come in. Some of the respondents, they may.

MR. FERVIER: All right we had three other things on the agenda. Four of the things to -- Discussion of the proposed rule has been continued at the request of the petitioner. Executive session, there's no need for that, so we'll take that off the agenda.

MS. KING: Can we also continue the Rules Committee discussion? As I'm still, I have one other person I'm thinking about.

MR. FERVIER: Well -- we're not going to put people on today. My reason for bringing this up is that Dr. Johnston and I have had multiple conversations about forming a rules committee and

with the thought of allowing all parties to have a voice in upcoming rules and my thought was that we would have the Board, each Board Member, be able to place two people on that rules committee and we'd like to see a combination of, you know, election directors. We'd like to see a legislator two, if we can get them on there. We'd like to see, you know, citizens and -- some attorneys, some election attorneys to where we can send rules, if we feel it's necessary to this committee and have them vet it and smooth it out before it gets comes before this full Board for hearing.

MR. JEFFARES: How often they going to meet?

MR. FERVIER: Well, it will be whatever the need is. And we'll, the Chair will be of the committee. They'll vote on their Chairman and these Board, I feel like our Board Members should be able to monitor it as they feel necessary. But, if this Board would agree to allow Dr. Johnston and I to move forward with that and get that set up, and we will inquire with each of you as to -- what two members you'd like to put on the committee yourselves and so if the Board would make a motion to form the rules committee and allow Dr. Johnston

and I to work towards that, then we'll proceed down that road, so.

MS. KING: So moved.

MR. FERVIER: So, we have -- a motion from member Jeffares to form the rules committee. and we have a second from Member King to form the rules committee with and Dr. Johnston. and I will work together. All those in favor, signify by saying aye.

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. FERVIER: Vote carries, 4 to 0. The last item on the agenda today is to adjourn. Is there a motion to adjourn?

MS. KING: So moved.

MR. FERVIER: We have motion to adjourn. Is there a second?

MS. JOHNSTON: Second.

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

MS. KING: Aye.

MS. JOHNSTON: Aye.

MR. JEFFARES: Aye.

MR. FERVIER: Aye, motion carries, 4 to 0. Thank you all for attending.

(Proceedings ended at 3:01 p.m.)

CERTIFICATE OF TRANSCRIPTIONIST

I, Brandon Diaz, CER, a Legal Transcriptionist do hereby certify:

That the foregoing is a complete and true transcription of the original digital audio recording of the testimony and proceedings captured in the above-entitled matter. As the transcriptionist, I have reviewed and transcribed the entirety of the original digital audio recording of the proceeding to ensure a verbatim record to the best of my ability.

I further certify that I am neither attorney for nor a relative or employee of any of the parties to the action; further, that I am not a relative or employee of any attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this matter.

IN WITNESS THEREOF, I have hereunto set my hand this 31st day of May, 2025.

Brandon Diaz

Brandon Diaz, CER

CERTIFICATE OF DIGITAL REPORTER

I, Michael King, a Digital Reporter and Notary public within the State of Georgia, do hereby certify:

That on May 14th, 2025 I digitally reported the proceedings had and the evidence given, together with the objections of counsel thereto, and that said testimony was accurately captured with annotations by me during the proceeding, taken at said time and place.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS THEREOF, I have hereunto set my hand the 15th day of May, 2025.

Michael King

Michael King
Notary Commission Georgia/W-00526283
Commission Expires: October 6th, 2025

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Georgia Code

Title 9, Chapter 11

Article 5, Section 9-11-30

(e) Review by witness; changes; signing.

If requested by the deponent or a party before completion of the deposition, the deponent shall have 30 days after being notified by the officer that the transcript or recording is available in which to review the transcript or recording and, if there are changes in form or substance, to sign a statement reciting such changes and the reasons given by the deponent for making them. The officer shall indicate in the certificate prescribed by paragraph (1) of subsection (f) of this Code section whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed. If the deposition is not reviewed and signed by the witness within 30 days of its submission to him or her, the officer shall sign it and state on the record that the deposition was not reviewed and signed by the deponent within 30 days. The deposition may then be used as fully as though signed unless, on a motion to suppress under paragraph (4) of subsection (d) of Code

Section 9-11-32, the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

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