In the Matter Of:

GEORGIA STATE ELECTION BOARD MEETING

MEETING

April 15, 2026

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GEORGIA STATE ELECTION BOARD MEETING

Wednesday, April 15, 2026

9:00 a.m.

Dawson County Governmnent Center
25 Justice Way, Assembly Room 2303
Dawsonville, Georgia 30534

Reese Giles
Digital Reporter

APPEARANCES

CHAIR: John Fervier

VICE CHAIR: Janice Johnston, M.D.

BOARD MEMBERS: Sarah Tindall Ghaza
Salleigh Grubbs
James Mills
Janelle King

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(Proceedings recorded by digital sound recording: transcript produced by transcriptionist.)

(Proceedings commenced.)

CHAIR FERVIER: I'm calling to order the Wednesday, April 15th, 2026, meeting of the Georgia State Election Board. I want to welcome everybody today. My name is John Fervier. I'm chairman of the Board.

I am joined today by Members Janelle King, Members Dr. Janice Johnston, Members Salleigh Grubbs, and Member Sara Tindall Ghazal. We have a quorum. We're ready to begin.

I want to start by thanking Dawsonville and Dawson County for allowing us to use this -- this facility. It's a great facility. I feel like I'm almost at home since I'm an old Ellijay boy and getting back up here.

And I remember Dawsonville when it wasn't nearly as famous as it is now, but it is the home of Awesome Bill from Dawsonville, the world-famous NASCAR driver who we all love here from the mountains. And I get to drive by his old place today where they built his race cars. It's always good to come back and see the home of Awesome Bill from Dawsonville and maybe hit the pool hall on our way out.

So great city, though. I noticed on the news this morning that Dawsonville is actually the fastest

growing county in the state of Georgia for the last five years. It has grown like 36 percent in the last five years. So I know the people that are natives up here probably hate that.

As I much hate to see the way that Ellijay turned out after growing up in Ellijay and all the commercial -- commercialization that is taking place there, but it's great opportunities for people. It's still a great county, and I love getting back up here in the mountains, even though Dawsonville is kind of on the beginning of the mountains part. So thank you.

We -- we do have a full agenda today, although it's not quite as long as it was before. So due to some issues with the reports, we're not going to be hearing as many cases as were on the agenda originally. I think there were 18 or 19 cases.

We're probably only going to hear a few today. And the people that were scheduled to attend have been notified that they no longer need to attend for today's hearings, and we'll -- we'll continue those cases. We'll vote on continuing those cases in a few minutes.

The -- so we'll begin today with the prayer. Do we have a volunteer for a prayer today?

DR. JOHNSTON: Sure.

CHAIR FERVIER: Dr. Johnston?

DR. JOHNSTON: This is a prayer from general and former president Dwight D. Eisenhower. Let us pray.

Almighty God, as we sit here, join me in beseeching that Thou will make full and complete our dedication to the service of the people in this throng and their fellow citizens everywhere. Give us, we pray, the power to discern clearly right from wrong, and allow all our words and actions to be governed thereby and by the laws of this land.

Especially, we pray that our concern shall be for all the people, regardless of station, race, or calling. May cooperation be permitted and be the mutual aim of those who, under the concepts of our constitution, hold to differing political faiths so that all may work for the good of our beloved country and Thy glory. Amen.

CHAIR FERVIER: Next we'll have the Pledge of Allegiance.

Member Grubbs, would you lead us in the Pledge of Allegiance? We do have a flag up here in front.

MS. GRUBBS: 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.

CHAIR FERVIER: Thank you, Member Johnston and Member Grubbs for that.

The first item on the agenda today -- and there will be some changes made to the agenda at a later point, but we're going to try and dive right in to get some of this minutes thing done, and -- but there will be some changes after we get through the minutes and the public comments real quick. There will be some changes to the agenda.

MS. GRUBBS: Mr. Chairman?

CHAIR FERVIER: Yes.

MS. GRUBBS: Sorry. Yes. I would like to amend the agenda on two items and when it comes to one of our speakers. We have a speaker, Professor Appel, and considering that Director Blake Evans was not able to be with us today, I would like to move that up to Item Number 3 on the agenda.

And then also, we have a Rule Petition that is being presented, or I would like to have presented today, and I would like to get that on the agenda as well.

CHAIR FERVIER: Well, I don't -- I mean, I certainly don't mind adding things to agenda. We seem to do it at every meeting, but I, you know, I'd rather put the -- in the new business section or the old

business where it would belong. It's -- it's not what was on the agenda before. And people are waiting to have their cases heard and --

MS. GRUBBS: I understand, but considering Professor Appel is going -- was going to speak to some of the items that Director Evans was going to discuss, I would like to put Professor -- and being mindful of the fact that he is attending a conference and set aside time, I would like to have him speak under Item Number 3.

And then adding the petition. You know, if you want to add it under new business, that's fine. But I think that -- that that needs to be addressed. So I would like to make a motion to amend the agenda to have any speakers under Item Number 3 that had been invited to speak, and then a -- an amendment to add a Rule -- Rule Petition presentation under new business.

CHAIR FERVIER: There's a motion. Is there a second?

MS. KING: What was his name again? I'm looking for it.

MS. GRUBBS: Professor Andrew Appel.

CHAIR FERVIER: He's not on the agenda.

MS. GRUBBS: It was -- it is not on the agenda, and we discussed it and --

CHAIR FERVIER: Well, it came -- came -- I -- I found out about this at 8:00 last night or 7:00 last night or sometime last night.

MS. GRUBBS: My apologies. It slipped through the cracks. We discussed -- well, I had discussions about adding him to the agenda and apparently it slipped through the cracks, so...

DR. JOHNSTON: There -- there are requests for other speakers.

MS. GRUBBS: Yes. And I -- I mean, I'm open to discussion on where it goes on the agenda, but I figured that since -- since Director Evans was no longer able to be here and considering the fact that it was addressing some of those items, it would be good to be mindful of -- of time and put him in that spot.

CHAIR FERVIER: I -- I don't mind being accommodating, I guess, in adding to the agenda, okay, my problem is that I didn't know about it until last night. I understand it was last minute, but I started trying to research -- I don't know who this gentleman is -- research it. And I think I have some questions, but I hadn't been able to fully develop those yet because it was a late breaking thing.

And I would like a little bit of time this morning with other things going on to -- and I think I

have some -- some questions for this gentleman that I'd like to be able to ask him. If he's coming first, then I just don't have the opportunity to really even consider that, so...

MS. KING: Member Grubbs, would you consider just placing him under new business so that by lunch break, he can -- Chairman -- our chairman can do some research and prepare questions.

CHAIR FERVIER: And I don't know if anybody else has the same issue, but I do.

DR. JOHNSTON: Could -- could we perhaps place these requested speakers after the public comment and after a break by the Board?

MS. GRUBBS: Yeah. That's fine. So I'll amend my motion.

CHAIR FERVIER: So, we -- we have a -- a motion. I'm sorry.

MR. WHITE: Please do it after the break. Sorry.

CHAIR FERVIER: Please do it after the break?

MR. WHITE: Yes. Please.

MS. GRUBBS: After public comment, after the break.

MS. KING: After the break.

MS. GRUBBS: Okay. That's fine.

MR. WHITE: We have --
MS. GRUBBS: Before Item Number 5.
CHAIR FERVIER: I'm sorry?
MR. WHITE: I'm sorry. We have technical issues we need to fix before we can --
CHAIR FERVIER: Is he attending by Zoom?
MS. GRUBBS: By Zoom.
MR. WHITE: Yes.
CHAIR FERVIER: All right.
MR. MILLS: Mr. Chairman, I was going to wait and -- and bring this up, but this seems the most appropriate time to bring it up now.
CHAIR FERVIER: Okay.
MR. MILLS: The agency, before every meeting, we have people, you know, calling at the last minute, requesting things. And at the last minute, of course, we had Blake Evans from the Secretary of State, who canceled late last night, and you didn't know about that until last night. I didn't know about it.
CHAIR FERVIER: Right.
MR. MILLS: I don't even know if all the members are aware of it. I forwarded the email. But what we -- in the office, it puts us in the agency in an extremely difficult situation. We have very good, concerned citizens who want a certain person to speak.

Well, they -- they send an email to Hope or they send an email to me. And frankly, it is a Board decision.

It's not an executive director decision. It's not a executive administrator assistant decision. And -- and we've had three people. One was this person, this Andrew Appel, I think, from -- from Marilyn Marks, that she's contacted Hope a couple of times. Another was Ben -- Ben Cotton from Sam Carnline I believe. And then Peter Ticktin from, I believe, Ms. Jan Morrow.

And so I just want to express that to the Board. The Board can decide. I don't have a -- an agenda that I'm trying to push. I'm just making the Board aware of these things and -- and you-all can decide.

CHAIR FERVIER: Are the other ones also wanting to speak?

MR. MILLS: Yeah. Those three names I just mentioned, we have gotten requests from. And I've told, we're not in a position to make those decisions. That's the Board decision.

CHAIR FERVIER: Can you write those down on a piece of paper for me, so I -- I -- this is the first I've heard of these other individuals. All right. So, we -- we have a motion to move Dr. Appel until --

MS. KING: After the --

CHAIR FERVIER: After public comment and after the break. Is there a second?

MS. KING: Second.

CHAIR FERVIER: Any comments? This motion is seconded. All in favor --

DR. JOHNSTON: Comment.

CHAIR FERVIER: I'm sorry?

DR. JOHNSTON: Comment. I would like to -- to consider these other two speakers after the break also.

CHAIR FERVIER: Yeah. I -- I would like to know who they are and what exactly they're going to speak on before we do things like this. It -- it's really difficult for Board members to be able to respond to people that they don't know who they are or what they're hear to speak on or -- I don't even know what questions to ask. It just seems very difficult.

MS. GHAZAL: What is -- what is this -- what are we doing here?

CHAIR FERVIER: I don't know.

MS. GHAZAL: This is -- this is feeling like a shadow hearing on -- that I'm not any part of planning. I'm not any part of understanding. I just -- I came here expecting that we would be hearing the cases that are on the agenda and not that we would be having

speakers that we had no notice of, no awareness of, and we're platforming through an official Board here. This -- I mean, this is -- this is incredibly irregular.

CHAIR FERVIER: I know.

MS. KING: So --

MS. GHAZAL: With no notice whatsoever.

MS. KING: So, are you saying that when -- when a member from the public requests to present to the Board that we are to vote on whether they can speak to the Board?

MS. GHAZAL: We have -- we have public comment. That's what it's for.

CHAIR FERVIER: Well, and -- and we also have -- we issued the agenda the week before, and usually when the speakers want to come before the Board, the Board will add that to the agenda so that we have time to know what the agenda is going to be and --

MS. GHAZAL: Right.

CHAIR FERVIER: -- and who's going to speak and what questions we can develop. It's just hard for me to respond to speakers, who you can ask questions of, when I hear at the last minute that they're going to talk.

MS. GRUBBS: It's also --

CHAIR FERVIER: I don't even know what they're going to talk about.

MS. GRUBBS: It's also very hard, you know, when we anticipate having people here. When we have a very serious issue facing us as of July 1st, and we're expecting to hear from someone, the Secretary of State's Office, and at the last minute, there is no one.

So there's, all the time, very frustrating things, and I personally don't see anything wrong. The reason I want to hear from Professor Appel has to also do with a double blind counting situation that a letter was sent from Charlene McGowan and Blake Evans to Blue-Ribbon Committee members. And I want to understand what this double blind count is.

If you asked me, double blind has no place in elections. We need to be open and transparent. We don't need to be blind, much less double blind. And I want to understand the concept and the theory, and that's why I wanted to hear from Professor Appel.

So that's my reasoning. And I wanted to be sure, you know, that we had the opportunity to find out from the Secretary of State's office what was meant when that letter was sent.

I just became aware of it. There was a news

article done on it. And I -- I believe the public has a right to understand what double blind has to do with elections.

CHAIR FERVIER: Listen, I don't -- this Board has been very generous in allowing speakers to speak before it, when it's been done timely and we can actually understand what's coming to us. When given time to consider it.

It's just these last-minute additions, the morning of where I have no -- I really have no idea who these people are. And like I said, the only reason I know Dr. Appel is because I was able to Google his name last night and see that he went to Princeton and was an election integrity individual. And so I --

MS. GRUBBS: I understand, Mr. Chair, and it's not meant to be, you know, a surprise or anything else like that, but everything -- there are many things that happen at the last minute here. And I think there are many things that are in flux, including the way we vote in the state of Georgia. And I think the public has every right to hear from professionals and experts in the field of counting and double blind things and elections.

And, you know, I would like to hear from Professor Appel. I would like the public to hear from

Professor Appel. I would like the public to be informed on what's facing us with Senate Bill 189 going into effect July 1st, without having any action from the -- the legislature.

There are many things that people need to hear from. And it's not meant to be an inconvenience. But, you know, my thought was that considering the fact that Director Evans did not come, that that would be a perfect place to insert it.

You don't want to insert it there, you want to insert it after the break. I'm perfectly fine with that. But, you know, I'm not trying to be difficult or anything. I'm not trying to be last minute.

But when you just become aware of things like this letter from Charlene McGowan and Blake Evans, that we weren't even included on, to the Blue-Ribbon Committee concerning significant things, I would like to talk to an expert about it and get perspective.

CHAIR FERVIER: I understand Dr. Appel. What about the other two individuals?

DR. JOHNSTON: So, Chairman Fervier, in the last couple of days, there was a request to -- for Ben Cotton to speak. I was contacted by Sam Carnline and he is a cybersecurity expert.

And since we are dealing with SB 189 and the

removal of the QR codes, I think it would be only prudent for us to learn if there are issues surrounding the QR codes, and if the legislature calls a special session and continues the use of the Dominion Voting System, what perhaps a cybersecurity expert might address about the use of QR codes in our voting system.

There was also a request by Ms. Jan Morrow. Is she here?

MR. WHITE: Yes.

DR. JOHNSTON: To request that Mr. Peter Ticktin, a lawyer, speak about the election system, the voting system, and what issues we need -- legal issues we need to be aware of with using QR codes or removing QR codes and where -- where we stand in Georgia.

We're -- we're facing somewhat of a crisis here as of July 1st, and I've -- I've asked quite a number of legislators in the last week since the session ended, what are -- what is going to happen? And I -- 100 percent of the time, I've had a response of, I don't know.

Well, I don't know is not good enough for the state of Georgia. The election supervisors are in a bind, and they're being quoted in the paper as also saying, I don't know. Well, that's not acceptable.

We -- if -- if there is nothing that occurs

out of a special session, the supervisors of elections in this state will be left with their own devices of how to conduct an election this year after July 1st. So I think all the information and gathering and help and also the direction not only to our supervisors, but our -- our willingness to support the election directors and supervisors and election officials in the state is -- is very important.

I don't think we -- us doing nothing is not helpful either. So my advice would be to gather information and hear voices. I'm not -- I -- I don't know these requested speakers.

I'm not saying I -- I don't -- I don't know -- I'm not saying that it's the stance of the Board. They're not representing the Board. They're -- I -- I -- and I -- I'm not really sure what they will say.

So I -- I can't, you know, speak for them. They're speaking for themselves and their opinions. And I -- and I, you know, I -- I don't know what that may be, but it's not to say that we're -- we're in -- in agreement with anything that they may say.

But I do think we should hear. We should hear from all sides. Just like Nikhel Sus was brought down from Washington, and we heard his opinions without any notice, without any informing of the Board. Much to my

surprise and the Board's surprise.

So speakers do come into this room or in virtually or in person and speak without notice. And I think we should afford the request of these speakers since they bring expertise or experience that may be helpful to us in Georgia.

CHAIR FERVIER: Thank you. And that clarifies it. And that would seem then for those speakers to fall easily under our discussion of SB 189?

DR. JOHNSTON: I think that would be very appropriate.

CHAIR FERVIER: So we can -- I mean, this -- this Board has been very generous in allowing speakers to come and Board members to be able to ask whatever questions they want of any individuals in the past. And if they're relating to 189 discussion, then that's where they should be on the agenda.

MS. KING: Well, I just have a question. Member Grubbs, did you say that the speaker you were recommending had to leave early or had somewhere else to be?

MS. GRUBBS: Yeah. That was the issue. He's at a conference and set aside time to -- to devote and, you know, kind of trying to thumbnail where it could go. It would be helpful if it was earlier before the

later discussion. And I know we're even eating up time even talking about it.

So if we could have him after the break and hopefully the technical issues are resolved and then the other speakers are, you know, 189, that's fine with me, too. That's relative.

CHAIR FERVIER: Okay.

MS. GRUBBS: So, would you like me to amend the motion to say to have Professor Appel after the break and then the other speakers during the discussion of 189?

CHAIR FERVIER: Without dissent, Ben Cotton and Peter Ticktin will be added to discussion 189. If the Board wants to call them and ask questions of them at that time, the Chair will add them to the agenda of 189. I don't think we need to vote on it.

MS. GRUBBS: Okay. All right.

CHAIR FERVIER: And we will allow Dr. Appel to speak after the break when the board's had time to consider it speaking, so --

MS. GRUBBS: Okay.

CHAIR FERVIER: All right?

MS. GRUBBS: Mr. Chairman, may I say something real quick? I know that -- that sometimes meetings can be somewhat contentious and --

CHAIR FERVIER: No.

MS. GRUBBS: -- stating the obvious.

CHAIR FERVIER: Not -- not one of our meetings.

MS. GRUBBS: But I was thinking about the word "prejudice" last night. And according to Dr. DuckDuckGo, "The act or state of holding unreasonable preconceived judgments or convictions." And it comes to mind as we're discussing who to hear from, who not to hear from, who's on what side, I would just like to reaffirm the fact that my position on this Board is without regard to party, it is without regard to person.

It is about the facts. It is about searching the facts. And I know the election directors in the state carry a huge burden right now. We have 159 counties that are wondering, what are we going to do, how are we going to do it? Where are we going to get the people to do it?

And my heart is with the election directors right now because God knows, if -- if a power outage happens, it's going to be, it was her fault. She made, you know, she made the sun cover the solar panels that, you know, run the machines or what -- whatever the case may be. It's, everybody's going to point their fingers

at the election directors and say it's their fault.

And I want to say right now that the election directors carry no fault. These are good people that are trying to do a good job in a highly, highly overcomplicated system. And when I say I want to hear from people, I want election directors to contact us and say, you know what, we've talked to this vendor, or we've talked to this expert, or we have had this -- you know what, our election director is retiring, but they have all this tribal knowledge. We need to glean that knowledge and share it with other counties.

We have some election directors who are way more engaged than others. We have some of them here today. We have some election directors and Board members, election Board members, across the state that carry a ton of weight and burden for seeing that we have free and fair elections in the state.

So please hear me when I tell you, when we walk in that door or any door when we have an SEB meeting, the attacks should stop, and we should all come together as Georgians to say, this is a big problem, let's work it out together. And so it's in that spirit that I'm saying, election directors, Board members, if there are people that you want to hear from that would be beneficial to other election offices

across the state, please call me.

You have my number. If you don't, I will be happy to give it to you right now. Because this should be about elections. This should not be about politics, this should not be about posturing, and this should not be focusing on differences. It should be focusing on what we have in common, which is free and fair elections. So that's all I have to say about it.

CHAIR FERVIER: Thank you. And then comments from the Board?

MS. KING: I -- I think I would be disingenuous if I did not share my frustration with Blake Evans canceling at the last minute last night. At this point, I think we're at a point as a -- as a populace, where we kind of surpassed confusion, we surpass frustration. We're a little over-angry. At this point, I feel like we're at a point of disrespect.

I carefully prepared my questions for Mr. Blake Evans. The agenda was out for weeks. He knew about this for a very, very long time. And to cancel without as much as a recommendation of another person that can come from the office to represent him shows a blatant disregard and disrespect for not only this board, but for the people of Georgia. That is unacceptable.

It's 100 percent unacceptable. We have sat here numerous times. We have listened to several different people. And honestly, when I look at what's happening, I feel like they're playing in our faces. I feel gaslit, and I'm not understanding why.

People who are frustrated with the lack of leadership from our General Assembly are frustrated because two years ago, they were told that the QR codes would be removed. That's what they said. There are people who believe that our legislature is there to make laws, and if they decide they don't want to enforce them, they can then change it or not do it, while everybody else is just getting whiplash from the lack of leadership.

That, again, is unacceptable, and to be quite frank with you, it is extremely disrespectful to the people of Georgia. I'm tired of the whiplash. I'm tired of the get in line, be quiet. There's not -- those who are in power, that's not the only voice that matters. Matter of fact, their voice is supposed to be our voice.

So, the fact that it's so distinctively different is a problem within itself. So, I'm not going to let it slide. I'm not going to just say, oh, you know, things happen. Yeah, of course, things

happen. But as a leader, you make the decision to either recommend that someone else from that office gets down here and answer our questions, or you come and you have the courage to do it yourself.

But the cowardice behavior that we continue to see displayed is beyond frustrating. It's just disrespectful.

And I -- I would hope, Mr. Chair, that you would agree that this is beyond frustrating. At some point, those who are in positions to represent the people have got to answer to the people. I'm tired of the excuses. I'm tired of the, oh, let's just see.

And to Member Grubbs' point, our election staff are the ones that have to bear the weight of all of these decisions, decisions that we make, decisions that the legislature make. The frustration and the confusion of the people, it's on the back of election directors that I don't think are paid well, to be quite frank, considering all that they have to endure.

So, no, I'm not going to let it slide. I'm going to say my peace. It's -- it's disrespectful, and I need the Secretary State's Office, who put us in this crisis in the first place, to do their job, show up and answer to the people.

MS. GRUBBS: Member King, just -- just to

clarify, I did text Blake Evans. I did call and leave a voicemail last night because God forbid, and I hope it's not some personal issue where there's a personal crisis. So, I do tend to give benefit of the doubt when it comes to a reason not to show. But you're right, someone else could have done --

MS. KING: Yeah, recommend someone else. Where is the Secretary of State? He could have showed up.

CHAIR FERVIER: I'm sorry. Just for the court reporter's sake, just one comment at a time.

MS. KING: Sorry. You're right.

CHAIR FERVIER: So that they could -- so that young gentleman over there can make sure he gets everything.

MS. KING: Sorry.

MS. GRUBBS: But I did -- I did want to acknowledge, you know, if there's some personal reason that he could not come, but I cannot think of any other justifiable reason to not be here. And you're right.

And for the record, I will say I have talked to election directors who have said they get very little to no direction from the Secretary of State's Office and, quote unquote, said to me, we're on our own. And that's not acceptable for election directors

either.

MS. KING: Nope.

CHAIR FERVIER: Any further comments from the Board? We're going to move forward with approving the minutes from the February 18th --

MR. MILLS: Mr. Chairman, do we adopt the speakers or you just did that without a vote?

CHAIR FERVIER: I did it without dissent.

MS. GRUBBS: Okay. And the petition?

CHAIR FERVIER: Without dissent, yes.

MS. GRUBBS: The petition adding that --

CHAIR FERVIER: Petition's been added. Yes.

MS. GRUBBS: It's added under new business?

CHAIR FERVIER: Yeah.

MS. GRUBBS: Okay.

MR. MILLS: Then I have one more issue I'd like to ask the Board to consider, and that is, we've had some employment changes in our agency, and I would like for the Board to consider an executive session at lunch, just to go over those. It shouldn't take long, but --

CHAIR FERVIER: We'll make -- we'll make a motion at lunchtime when we go into executive session. We don't have anybody from the Attorney General's office here, do we? Okay.

The next item on the agenda is approval of the minutes from the February 18th and 19th, 2026, State Election Board meeting. A copy of those minutes have been distributed to the Board.

Are there any -- I'll give the Board a half a second to review those minutes. Are there any comments or corrections needed on those minutes?

MS. GRUBBS: They're very long. It will take more than a half a second.

CHAIR FERVIER: Hopefully you've reviewed them prior to this, but if you would like to go ahead and take the time now, then certainly do so.

MS. GRUBBS: That's 25 pages long. I will -- I will spare everyone.

Mr. Chair, make a motion to approve the minutes.

CHAIR FERVIER: We have a motion to approve the minutes as presented. Is there a second?

DR. JOHNSTON: Second.

CHAIR FERVIER: We have a motion and second to approve the minutes from the February 18th and 19th, 2026, State Election Board meeting. And a second. Any discussion?

Hearing no discussion, all those in favor of approving those minutes signify by saying aye.

(Ayes were heard.)

CHAIR FERVIER: Any opposition? Hearing no opposition, so move those minutes are approved. Next item on the agenda is public comment. We're going to -- I think maybe the Board will change the name of public comment to the Chairman's favorite part of the meeting. So we --

MS. KING: Depends on the day.

MS. GRUBBS: The expressions of love are awesome.

CHAIR FERVIER: I -- I keep telling my wife, I have this fan club out there. But we -- we do have a new procedure. I just want to reiterate -- reiterate that this time, that we're going to pull those lists at 9:00 when the meeting starts because we just had a number of people that keep coming up and coming up and wanting to add to it. And we need to have some consistency on those things.

So if you want to speak, you need to be here by 9:00 and sign your name on the list, and then you'll be allowed to speak. And we have a lot of speakers. I'm going to do the same speech that I give every time, is that you're going to hear people you don't like or you don't like their opinion or an opposing opinion or whatever. And I just ask everybody to please be

respectful.

We all have different opinions, and we need to respect everybody's opinion and calmly listen to them. And, you know, if you really want to irritate the Chairman, then do the jazz hands things, you know. But please, no clapping, no hooting, no yelling, no nothing like that.

You know, feel free to do as many jazz hands as you want. We have our very capable executive director right here that will do the timing.

Or is Shaun doing the time now?

MR. WHITE: I don't have the timer up, but are you going to call the 15 seconds?

MR. MILLS: I am. Well, we'll -- we have a new system. Shaun White, our open records officer, has a timer and he will hold it up so that if you're speaking, you're -- you're going to see that.

Shaun, does that -- does a beeper go off?

MS. HOPE: Yes.

MR. WHITE: Yeah.

MR. MILLS: Okay.

MR. WHITE: I'll put it down on the desk right here, but it turns red when you have a minute left, and then that will let you know that your time is almost up.

MR. MILLS: Okay. And then once it hits that time, this mic will be cut off; is that right?

MR. WHITE: I'll cut the mic and it'll start ringing a bell on this.

MR. MILLS: Okay. All right. Just -- just so you know what we're -- the system is here, and we appreciate everybody coming out. We have -- you'll have two minutes to speak if you -- you sign up. We've got quite a few.

And I'm going to call -- go ahead and call the first three or four names, and if you could line up along either side so that it will expedite things. But I'll ask for Tony [sic], is it -- is it Bratz -- to come, Tom Talbot, Kristin Nabers, and Field Seary --

CHAIR FERVIER: Searcy.

MR. MILLS: Searcy, I'm sorry, if you would come on down.

CHAIR FERVIER: Now, if you're saying anything that we particularly don't like, we have the ability to hack that timer and shorten your time significantly. So, you know, please be kind.

So -- oh, so you don't even need this?

MR. MILLS: I don't think so.

CHAIR FERVIER: Well, if they go long, you're going to need to, you know...

MR. BRATZ: Good morning.

MR. MILLS: If you would tell us your name and where you're from and then proceed.

MR. BRATZ: Good morning. My name is Tom Bratz. I am an election official in Hall County. I'm not the director. I am a boots-on-the-ground grunt that does the work of preparing for our elections. And in particular, I wanted to bring some data to you because the devil's in the details, and we're going to let the data lead us.

So what you have in front of you is a characterization of the ballot in Hall County for the upcoming May 19th general primary. And as you can see, it's a rather lengthy ballot. And so the -- the consolidated ballot document is quite large. There are -- oh, by the way, this is in the public domain. So if you -- if you would like to scan those QR codes, you'll see those documents are on our Hall County website as well.

We have 74 contests. We have 160 choices for those 74 contests. 64 of them are, you know, elected positions, ten are questions. The point of this is that in preparing for the election, the BMD generated ballot will handle all of the that content on ten screens and get it in one QR code.

This ballot created by the BMD is 15 cents, a little less than 15 cents each, and it'll scan in about 15 seconds. The content on a hand-marked pre-printed paper ballot is two 18-inch pages, which are 35 cents each or 70 cents a ballot. That's a --

MR. WHITE: 15 seconds.

MR. BRATZ: -- 55 cent differential. And so this scans in about 42 seconds. So if you'll go to the last page and look at the values, you can see the impacts in cost and time between the BMD marked ballot and --

MR. WHITE: Time has expired.

MR. MILLS: All right. Thank you, Mr. Tom.

MS. GRUBBS: May I ask a question?

MR. MILLS: Yeah.

CHAIR FERVIER: Absolutely.

MR. MILLS: Sure.

MS. GRUBBS: Mr. Talbot [sic], did you do any -- any studies on labor costs to set up?

MR. BRATZ: This is -- this is ballot paper alone. There's no, you know, staffing costs included in this at all.

MS. GRUBBS: Okay. Thank you.

CHAIR FERVIER: Let me ask a question. We're going to -- every time you turn around, we're going to

ask you another question. I just want to -- just -- so what you -- what you're trying to tell us is it's a lot more expensive to do the hand-marked paper ballots than it is the --

MR. BRATZ: Over $300,000 just for Hall County for the primary alone.

CHAIR FERVIER: And that's just for the paper?

MR. BRATZ: That's just for the paper.

CHAIR FERVIER: And doesn't include --

MR. BRATZ: Doesn't include staffing costs, doesn't include the librarians, if we were to put paper in a polling place.

CHAIR FERVIER: How many voters do you have in Hall County?

MR. BRATZ: 155,000 eligible.

CHAIR FERVIER: Okay. How many did you have a vote in the last election?

MR. BRATZ: Last -- the 2024 general was 102,000.

CHAIR FERVIER: Okay.

MR. BRATZ: 20 -- by '25, I think we were a 17 percent turnout, whatever that works out to be. But that was a PSC and a -- a SPLOST. So it wasn't very well attended.

CHAIR FERVIER: Okay.

DR. JOHNSTON: How -- how many -- how many -- what percent voted four years ago in the primary?

MR. BRATZ: That one, I don't have a number off the top of my head, but it's probably in the 60 percent range. Typically for --

DR. JOHNSTON: Is 50 percent statewide four years ago.

MR. BRATZ: Yeah. That sounds about right.

DR. JOHNSTON: Okay.

MS. KING: Last question.

MR. BRATZ: Yes.

CHAIR FERVIER: Make him turn around and walk and then call him back.

MS. KING: Are you familiar with the budget? You are familiar with the budget?

MR. BRATZ: I don't do any of the budgeting, but I do get -- I do get into some discussions about specific items. Maybe I know, I don't --

MS. KING: Okay.

MR. BRATZ: -- probably not.

MS. KING: Is there -- do you -- do you know if there's an item in the budget for the county that is paid to Dominion for tech services or any of those other --

MR. BRATZ: There is a maintenance contract

that Hall County has, yes. And it's --

MS. KING: Do you know how much it is?

MR. BRATZ: It's about, as I understand, about 90 grand a year.

MS. KING: $90,000?

MR. BRATZ: Yeah.

MS. KING: So that would be removed, right, if Dominion was no longer -- we were no longer using the machine --

MR. BRATZ: Well, we still have tabulators. You know, there's -- there's equipment in there. The EMS. So there's components that -- our high speed scanner.

MS. KING: So it'll still -- you -- you anticipate that the amount, the 90,000, will still be there --

MR. BRATZ: Some of it, yeah.

MS. KING: -- as long as there's any aspect of Dominion still a part of this, correct?

MR. BRATZ: Correct.

MS. KING: But if there's no portion of Dominion, if there's, you know, totally different scanners, just --

MR. BRATZ: That's a whole different cost model.

MS. KING: -- and the cost does shift? Okay. Thank you.

MR. BRATZ: Yeah. Yeah.

Any other questions?

DR. JOHNSTON: Tom?

MR. BRATZ: Yes, ma'am?

DR. JOHNSTON: Would you be willing to conference and meet with other election direct -- well, with election directors and supervisors and members of the state Election Board to solve the SB 189?

MR. BRATZ: I would love to. I would welcome that opportunity.

DR. JOHNSTON: Like, next week?

MR. BRATZ: Sure. We can do it tomorrow if you want. SB 189, Section 7 is, you know, we -- the QR code doesn't go away. We just don't use it for the official tally. So I anticipate the way we'll do the election in November will be just like we do it today. We just will have an issue with tallying.

Yes, ma'am?

MS. GHAZAL: How many early voting locations do you run?

MR. BRATZ: We run between six and eight. For the upcoming election, this primary will have six.

MS. GHAZAL: So were we to move to a

hand-marked ballot system, you would need -- you would move to one?

MR. BRATZ: One. That's just, I -- I mean, that hasn't been a consensus decision, a discussion, but the logistics of it, I mean, in the data that you have that I analyzed there, there's 160 different documents in terms of what would be in the active polling places. So that's a huge library to -- would be complicated.

And, you know, if you contemplate the poll workers going and finding exactly the right ballot and then giving it to exactly the correct voter and then documenting that for chain of custody, you know, I can't see that getting -- being administrated in more than one location.

MS. GHAZAL: Have you gone to the MIT website because they have -- they have the time test?

MR. BRATZ: I have not gone into those details, but I am familiar with that resource. I'll take a look.

MS. GHAZAL: That would help estimate throughput waiting times based on consolidating six to eight into a single site.

MR. BRATZ: Yeah. It would be a bit of a challenge for us. We'd clearly have lower turnout in

early voting as a result of this if we were to go to one location.

MS. GHAZAL: Do you -- have you secured your election day precincts for November yet?

MR. BRATZ: Yes. Unless there's something obviously unforeseen, which happens from time to time.

MS. GHAZAL: Thank you.

CHAIR FERVIER: I -- I promise we're not going to do this to every speaker. We will be here until 9:00 tonight if we do so. I'm may have to -- I'm going to have to silence the Board at some point and just -- sorry. Sorry.

MS. GRUBBS: That'll be in the paper.

CHAIR FERVIER: Yeah.

MR. MILLS: All right. Let me get us back on track here. Tom Talbot. And if you would tell us your name.

And we'll start the timer, Shaun.

MR. TALBOT: Tom Talbot, Oakwood, Georgia. First of all, I have a comment, and it's about the process. And I think the process has been very well handled this morning and making it even better.

The question I have in the process is, why do we have what I call jaywalking issues brought to this Board that should be handled at the County level,

instead of murder and bank robbery issues that -- that could be handled at this level? Your time and your input should be only dealing with the most severe issues of election integrity.

And so with that said, I really appreciate the way you're trying to get things to be more open, more transparent, and all of this.

The next buzz word I have is "accountability." As someone that's attended these meetings for a number of years, I applaud what you've done. I saw what happened in Fulton County that day and about the fine and everything else. Where is the accountability?

We saw the Secretary of State's Office do a no-show today. Accountability issue. We see this time and time again that there is no accountability. I applaud what you do, but unless there's accountability, where are we? Thank you.

CHAIR FERVIER: Thank you, Mr. Talbot.

We should -- should give more time to those people that like us.

MS. GRUBBS: Those people get ten minutes, and the others 30 seconds.

MR. MILLS: Let's see, we got Kristin Nabers, and we're not going to do anything unethical, like hand out coupons for people who --

CHAIR FERVIER: Yeah, well, I --

MR. MILLS: Let's go ahead. Kristin Nabers.

MS. NABERS: Good morning, Board. I'm Kristin Nabers with All Voting is Local. And last fall, I appeared before this Board regarding a letter that Dr. Johnston had sent to the Election Assistance Commission regarding voter registration.

Dr. Johnston had claimed that she sent the letter in her personal capacity, but after seeing the letter itself, it was clear that it had in fact been sent on behalf of the State Election Board, despite at least one member having declined to add her name. After these facts came to light, Dr. Johnston pushed for a retroactive appeal of the letter, but I think anyone agreed that approving a Board submission after the fact isn't really how things are supposed to work.

So, why am I bringing this up now? The letter feels newly relevant because something similar has happened again. The AJC published a piece yesterday regarding American oversights claims that three members of this Board may have violated our state Sunshine laws by submitting an amicus brief in Pitts v. United States.

As far as anyone can tell right now, the other two Board members who are not on the amicus were not

consulted beforehand, and at least one of them learned about the amicus only after it was submitted to the Court. All this despite the fact that the filing makes it seem as though the Board supports the raid in the Fulton County warehouse.

Dr. Johnston used her official SEB email on the filing and also included the SEB office address. So, this raises questions about whether the law was followed. Did you tell all the members about the brief before it was submitted? Did the Board discuss it?

Did all the members know that Dr. Johnston would be submitting it using her SEB email and the Board's office address? What forms of communication did you use to discuss the brief with Members King and Grubbs?

Did you meet? Did you talk on the phone? Did you send messages? Were any of those communications preserved? I would be remiss if I didn't point out that the very transparency we're asking for is the same transparency you want from the counties.

The SEB represents all Georgia's voters and as such, must hold itself --

MR. WHITE: 15 seconds.

MS. NABERS: -- to the highest standards of transparency, ethics, and accountability. I would

encourage the Board to formally review its communications and disclosure policies to restore public confidence in this body.

MR. MILLS: Time has expired.

MS. NABERS: Thank you.

MR. MILLS: Thank you.

Field, if you would come forward and tell us who you are and begin.

MR. SEARCY: Good morning. My name is Field Searcy from Grady County. Have you ever heard the phrase, "kick against the pricks?" It's an idiom meaning to struggle futilely against authority, fate, or truth, a rebellion that only causes more harm to oneself.

Time and time again, the people have petitioned the County officials, the legislature, this Board with evidence of cybersecurity vulnerabilities and machine errors, voter roll irregularities, and failures to follow and enforce election laws. The QR code doesn't become illegal on July 1st. It was found to violate Georgia law in October of 2020 by US Federal Court Judge, Amy Totenberg, continuing 24 years of unconstitutional voting in the state of Georgia.

Why does Georgia continue to be lawless? This Board needs to act. The bedrock principle of

sovereignty of the people over their government can only be assured by the people themselves being responsible for casting and counting their votes of their representatives.

It cannot be outsourced to bureaucrats, corporations, NGOs, or technology. Those things can assist, but they can -- but the right and responsibility rests with the people.

George Washington said it very eloquently. The power under the Constitution will always be in the people. Let's follow the law. Let's go to hand-marked paper ballots and hand-counting before certification. Thank you very much.

MR. MILLS: Thank you for your time.

Next speaker, Sam Carnline.

If you would come forward, Vernon Jones, Beth Hendrickson, and Kendra.

And Sam, if you would, when you get situated there, tell us who you are and your time will begin.

MR. CARNLINE: Good morning, Sam Carnline. I'm from Grady County down where we grow pecans, peanuts, pine trees. You can make a lot of paper ballots out of the pine trees that are on the Grady County line.

And I can -- I want to mention the guy back in

Hall County. If a government contract gets looked at, the -- the price of the paper printing goes down the more volume you do. So, you know, I think that can be worked out through that.

Another thing I want to tell you, and I want to make it clear, I -- I am a Grady County Election Board member. I am the vice chair. However, I am not speaking for the Grady County Election Board.

But Georgia is in a state of emergency. Why is Georgia in a state of emergency? Well, we're not following the law. It's obvious that the QR code has got to go. The law has said the QR code has got to go.

For several years, I've come up here and spoken to you fine people, and thank you so much for allowing me the opportunity to speak. The fix is here. It's real simple. The QR code has got to go July 1.

And it tells you that when it's impracticable to vote on the ballot marking device system under 281 and 334 of the Georgia Code, you go to the backup system, the emergency system, and we use hand-marked paper ballots. And that's all I got to say.

Thank you so much for serving on the State Election Board. I know sometimes it gets mighty hairy, but thank you for being there and serving our state.

CHAIR FERVIER: Mr. Carnline, get with me

later on. I just want to talk you for a second, if you don't mind.

MR. CARNLINE: Absolutely.

CHAIR FERVIER: Thank you.

MR. MILLS: Thank you for your time.

All right. Bernie Jones, if you would.

And then we have after that, Beth Hendrickson, if you'd be ready.

MR. JONES: Thank you, Mr. Chair, members of the Board, and the staff, as well as the voters that are here today. I'm a Georgia's longtime resident, and I'm here, I'm in a unique position here. My background, I -- actually, many of you know, I've served in the House of Representatives, but I've also been a county chief executive. I had to oversee elections, so I have a lot of experience.

What I have noted that has happened, the will of the people is to go back to the paper ballot. The legislature was clear. They took their constitutional authority and they passed law, where without law, and banned the QR code past July 1st.

Now, there's been two years that's gone and come, that they could have -- the State -- Secretary of State's Office and all the election boards could have moved forward, and the election supervisors moving

forward with carrying out that order. There are three branches of government. There are executive branch, there's a legislative branch, and there's a judiciary branch.

We all know they act independently, but what this Board can do is one of two things. One, this Board today can take a resolution or pass a resolution urging the General Assembly, calling on the governor to bring the legislature back into session and take the action that could -- can be taken. That's a strong signal coming from this Board that you are standing with the people and the people's will.

At the same time, this Board can also file a lawsuit, file an injunction in federal court, that we cannot hold our election because the Court -- because the law has been violated by the Secretary of State and others who have not duly carried out the election. That is eliminating the QR code.

Now, when you say that can I do it or can you not do this, yes, you can do it because this Board has used State funds, taxpayers dollars, to settle cases and do a number of other things. So I think it would be prudent if this Board would stand up, take action, hold them accountable because what would happen when the Courts would rule, I believe they would rule in our

favor --

MR. WHITE: 15 seconds.

MR. JONES: -- the fact that they violated the law and they could be held in contempt, that would include but not be limited to fines and/or prison. Somebody needs to be held accountable for violating the law, and that's what you all do, hold people accountable when they violate the law. So, we should do the same with those who violate the law. Thank you.

MR. WHITE: Your time is up.

MR. MILLS: Thank you for your time.

Beth Hendrickson?

MS. HENDRICKSON: My name is Elizabeth Hendrickson. I understand, though, I do not share concerns about our current system of voting, including the QR codes. I am not against using hand-marked paper ballots in the future, though I believe we should consider all options.

I am as frustrated as most with the General Assembly's lack of action. However, a hasty, ill-timed change will erode voter confidence, particularly among the overwhelming majority of voters who are satisfied with Georgia's current system.

Georgia election professionals are rational, thoughtful, and open to change. Their focus is on

serving the voters well, and they want unambiguous guidance on how to proceed. They've made it clear that a change of this magnitude is not as simple as some believe or wish.

There is not time before fall elections for a thorough procurement process, appropriating and distributing funds, acquiring and testing equipment, training all staff, and educating voters. The fallout from a poorly implemented change will almost certainly include litigation that could prevent Georgia from seating newly elected officials at both the State and Federal levels, leaving Georgia with critical jobs unfilled or without representation in Congress or the General Assembly.

Also, any SEB mandate directing counties to switch to paper ballots or manual counts would directly conflict with Georgia statute, which vests exclusive authority over voting equipment selection in the SOS, not this Board. And this Board is already on notice for previously promulgating rules that exceed their authority.

As you consider proposed rules or resolutions, please give great weight to the concerns of County elections professionals and the data they present, and to the views of the satisfied voters, though, they may

not be as vocal as those with concerns. Chaos would be worse than delay, frustrating as the delay will --

MR. WHITE: 15 seconds.

MS. HENDRICKSON: -- understandably be to some. Please support stable, responsible change rather than upending our elections, possibly disenfranchising Georgians. Thank you so much.

MR. MILLS: Thank you very much.

All right. We have Kendra Biegalski, if you would.

And then behind that, we have Mandy Schultz and James Coles.

DR. BIEGALSKI: Thank you so much. It's Biegalski. Good morning, Mr. Chairman and members of the State Election Board. My name is Dr. Kendra Biegalski. I'm chair of the DeKalb Republican Party. I have several years experience as a poll worker. And I have a PhD and a professional engineering license in nuclear engineering.

As you're all aware, we are in a serious predicament because the Georgia legislature adjourned without addressing the prohibition on QR codes that's coming up. And of course, our current system relies on those codes for tabulation.

Not only that, but the Dominion voting system,

Democracy Suite 5.5 A, has serious security issues that are unaddressed by any upgrades to the operating system as described in DeKalb Republican Party v. Raffensperger, and Voter GA, et al. v. the Elections Assistance Commission.

We hope that the US District Court of the Southern District of Georgia Savannah Division will soon rule in our favor to vacate certification of the election system altogether, as is warranted by the many security flaws easily exploited in this day and age of wireless networks and AI.

I encourage you all to issue very decisive guidance today, directed to our election supervisors to help them transition to a system that doesn't use the QR codes for tabulation. You know, a lot of people have been encouraging the hand-marked paper ballots --

MR. WHITE: 15 seconds.

DR. BIEGALSKI: -- and hand counting. I advocate both of those. I just -- I pray that you issue very, very good guidance, and I trust in your service. Thank you so much.

MR. WHITE: You're time's expired. Thank you.

MR. MILLS: Mandy Schultz.

MS. SCHULTZ: Good morning. My name is Mandy Schultz, and I'm a Fulton County voter. I want to

start just with a basic point about government or governmental authority. Georgia law explicitly states that the Board's authority must be consistent with law.

You can't exceed your statutory boundaries, regardless of the crisis or the pressure that you are facing. You may argue that this is an emergency and you need to act, but you can't use a crisis to grant power that you do not have.

The proper emergency response is a special session and not Board overreach. And please don't let advocacy groups manipulate you with twisted legal interpretations. Some Board members have claimed that HAVA, or Help America Voting Act, requires human readable only counting, but that's false. HAVA requires verification and correction, which voters already do by reviewing the printed ballot.

And if they really cared about HAVA compliance, they'd ask for QR scanners in polling places and not complete system overhauls. Today, you're giving 30 minutes to ELLY, a third-party voter challenge software that relies on external and often unreliable data.

These tools aren't more accurate than official state systems. They generate mass challenges that burn election officials, which you'll hear from, and risk

wrongly flag -- excuse me, wrongly flagging eligible voters.

And last month, you platformed Psephos. ELLY and Psephos are from that same software family. Election integrity depends on verified official data systems and not third-party sources. Will you please, please stop running vendor fairs here for voter suppression tools and focus on your actual statutory duties of uniform election standards?Thank you very much.

MR. WHITE: Thank you for your time.

MR. MILLS: James Coles.

MR. COLES: Thank you. My name is James Coles. I'm a election board member of Catoosa County, and we have a working board. So I get to work the polls, do LNA testing. I get to be involved in all aspects of the election.

I'm coming before you today for a couple of reasons. First of all, to tell you that I'm a GAVREO member, and GAVREO's position is going to be to push this, kick the can down the road, continue with the same things because we don't have enough time. I'm here to tell you as a GAVREO member with a lot of other members, I disagree with that position.

I think that we have plenty of time. We've

got seven months. And to reiterate that, you guys put a rule in 2024 to hand count ballots, not tabulate, but to hand count them. In Catoosa County, we implemented that. And we have done that in 2024, and we just did it in our special election last week. Went off without a hitch.

Adds about 30 minutes. So, I just want you to understand it can be done. Nobody's hair has to go on fire. We can -- we can do this. Our county is prepared to do this if we go to hand-marked paper ballots, whether you machine tabulate them or not. But they need to be hand counted before certification.

So please, I'm asking, I'm beseeching the Board to make the decision to -- for 189 to go through, we -- we get rid of the QR codes. We can handle this. We've got this. Thank you for your time.

MR. WHITE: Thank you for your time.

MS. KING: Just --

CHAIR FERVIER: Excuse me?

MR. MILLS: James Coles.

CHAIR FERVIER: Sir -- oh, sorry. That's all right. You can sit back down. I thought we had a question for you. False alarm.

MS. KING: Sorry.

CHAIR FERVIER: False alarm.

MR. MILLS: Maria Gallio [phonetic]. And then there's Janet Grant and Debbie Fisher, if you would be ready.

MS. GALLIO: Good morning. Well, I have it on good authority from the Secretary of State's Office that that's a Dominion timer and it should be trusted.

Ballot procedures under current OCGA 21-2-281 and Rules 183-1-12.11 should have been rehearsed. Those backup procedures should have been rehearsed like a fire drill by current election directors. That's why they're not prepared.

Every elementary school, junior high, and high school can manage paper ballot elections for homeroom representatives, class officers, school senators, student body president, vice president, secretary, treasurer, by voting, and tabulating, and announcing the winners by lunchtime.

The average Metro Atlanta High School has over 2,000 students, comparable to the population of the average precinct. If the kids can manage their elections timely and efficiently, maybe we should hire the kids to do what the elections officials cannot. Kids don't have school on election day. I hear they're available and they're willing to make that $250 a day.

The QR codes have always been illegal as per

Amy Totenberg in October 2020, stating that the code -- QR code violates Georgia Law 21-2-300. They've always been illegal, and now they're coming up on very illegal. What is the difference between being --

MR. WHITE: 15 seconds.

MS. GALLIO: -- illegal and very illegal? Let's get to paper ballots. Thank you.

MR. WHITE: Thank you for your time.

MR. MILLS: Janet Grant?

MS. GRANT: Thank you. My name is Janet Grant, and I'm a resident of DeKalb County and serve as an area poll manager responsible for the election day polls in the City of Decatur. I've been tracking the election related bills in the Georgia General Assembly this legislative session, and, like many of you, was disappointed that they took no action to address the QR code requirement in SB 189 that was passed in 2024.

There are now various calls to action, including asking the governor to order a special session and petitions to you to implement hand-marked, and in some pleas, hand-counted ballots after July 1st. The responsible legislation was SB 214. While not perfect, it was a bipartisan bill that delayed the SB 189 deadline to 2028 to give our counties the time needed to implement changes.

It would have transitioned us to the use of hand-marked paper ballots with on-demand ballot printers to ensure that each voter gets the correct ballot, as is automated today with our current voting cards and ballot marking devices. As we learned at this week's DeKalb Board of Registration and Election meeting, DeKalb will have 666 ballot styles in the May primary and anticipates about 275 in November.

As our Board chair there said, a move this year to hand-marked paper ballots will result in chaos. In particular for early voting, the method that's used by most of our voters, with not the required time to implement checks and balances for ballot security, chain of custody, and to ensure that each voter gets the correct ballot.

MR. WHITE: 15 seconds.

MS. GRANT: While the legislature did not pass the bill to address this issue or appropriate the funding for transition, I remind you, you do not have the authority to fill this void. The Supreme Court clearly ruled in [inaudible 01:04:48] vigilance that you cannot engage in rulemaking.

MR. WHITE: Your time has expired. Thank you for your time.

MS. GRANT: Thank you.

MS. GRUBBS: Ms. Grant?
CHAIR FERVIER: There she goes.
MS. GRUBBS: There she goes back again.
I have a quick question. As a poll manager, do you all have emergency ballots on hand?
MS. GRANT: Yes, we do.
MS. GRUBBS: And so how do you handle that? If the power goes out and people can't use a ballot marking device, or if they can't use a scanner, what would you do?
MS. GRANT: So we do have emergency procedures in place for those kinds of situations. I personally have not had one where we've had to go to hand-marked paper ballots. I've had situations where the poll pads didn't work or the scanner breaks down. But I have not had that particular situation.
MS. GRUBBS: So -- but do you know of situations where that's happened in DeKalb County?
MS. GRANT: Yes.
MS. GRUBBS: And so was there abject chaos when that happened?
MS. GRANT: Well, I think the difference is one isolated incident in a precinct where all of us would be there. I'm, as a regional manager, I would be there immediately. We would have folks on the phone to

deal with how to make that actually happen because it's a very small part of our training.

That compared to implementing that across a large county like DeKalb, is a very different undertaking.

MS. GRUBBS: Okay.

MS. GRANT: And we can get there. It's just we need time to put all the checks and balances in place.

MS. GRUBBS: Okay. Would you consider, you know, if there's any kind of group that comes together to look at procedures and potential -- I know you said that we can't make rules. You just said we can't make rules. But that's not what the Supreme Court said, that we can't make rules. But if --

MS. GRANT: No. And that's not what I -- I'm sorry. That's not what I -- I meant. You can make rules. You can't -- you can't legislate in place of the legislature.

MS. GRUBBS: Yeah. Nor would I want to. Believe me, I don't want that job. You know, I'm -- I'm happy right here among all the election people. But if there's a group that comes together, would you be willing to serve as --

MS. GRANT: I think those kind of productive

conversations are absolutely needed. And this is the direction we're going, whether it's now or in 2028, that makes sense.

MS. GRUBBS: Okay. Thank you very much.

MR. MILLS: All right. Debbie Fisher.

And then Ms. Sandra, and then Victoria.

MS. FISHER: Good morning, Debbie Fisher, Cobb County, speaking on my own behalf, not that of the Cobb County Board of Elections. In preparing for the Congressional District 14 runoff race, I pulled the absentee ballot -- absentee -- excuse me, advanced voting report to look at the absentee ballot numbers.

What I noticed almost immediately in looking at UOCAVA, one of my hot topics, is this, you see all the red numbers? There's 12 pages of this. 12 pages. Do you know what those numbers are? Those numbers are the application date, the issue date, and the return date.

And guess what? The issue date and the return date on about 80 percent of them are two days later. Two days. These are UOCAVA ballots. How does that happen?

So I questioned it because I'm required to certify an election and say it was accurate. Well, upon getting answers to my questions, what happened is

Enhanced Voting, in combination with GARViS, has some kind of new formula that automatically put in those dates. And not only did they put in the wrong dates, they sent two ballots to the UOCAVA voters, not one.

MR. WHITE: 15 seconds.

MS. FISHER: This isn't -- this isn't just a data error. This is a serious strategic error in which I'm being asked to certify, but I can't with that data, but I did.

MR. WHITE: Thank you very much. Your time has expired.

MS. KING: Mr. Chair?

CHAIR FERVIER: Debbie, I had a question, but I'll wait until you turn around and walk -- no. No. I do -- I do have a question. I just got the -- the documents that we're seeing yesterday. I read them, and I'm curious -- it may be too early in the investigation, but do you know whether it was a technical issue or a human issue? Or -- and usually technical issues are human issues because they -- they create the technology.

MS. FISHER: It is a technical issue. You saw the -- the email or maybe you didn't. I included that in my email to all of you from the Secretary of State's Office. They asked us to go in there and put the

accurate dates in. So our team went in and tried to change those dates, and it would not allow them. Thus, the reason those dates are still in there today.

And they said, well, just go ahead and wait. We are going to be doing a system update, and hopefully -- hopefully, that will correct the problem. Well, guess what? In another two weeks, we're going to be voting.

CHAIR FERVIER: And so it appears to be a programming issue, it appears at this point.

MS. FISHER: Well, I want to know why Enhanced Voting has access to GARViS and why they're involved in it. I mean, there's a lot of questions I have. We can take that offline. But they put our election department in an untenable situation.

And as a result, me as a board member, who is one of the few who actually look at the numbers before I put my name on that little certificate that says I certify. I certified this.

CHAIR FERVIER: Do UOCAVA voters get two ballots in cases of runoff?

MS. FISHER: No. They actually get -- we do ranked-choice voting for UOCAVA in the cases of a potential runoff. And the reason is the runoff time between the primary and the runoff, or the election and

the runoff, is so short. And most of the time they're required to mail their ballots. They don't have time.

So they do a ranked-choice voting. And I also find it very hard to believe that you could do all that in two days. Those dates are inaccurate. We have no idea when they were mailed and -- and when they were received.

CHAIR FERVIER: So you used the same ballot for the primary and for the -- for the regional election and the runoff?

MS. FISHER: Correct. Correct. But they got two of them, so they could have voted twice.

CHAIR FERVIER: Does -- does every county do the same thing?

MS. FISHER: Yes. That's a statewide -- I believe that law was enacted in '22, maybe.

CHAIR FERVIER: Learn something new every day.

MS. KING: Ms. Fisher, I have a question. Of the ballots that you are -- are in question, are you certain that they -- did do you have all of them, even though the dates is wrong -- the date are wrong as it relates to when they were received?

MS. FISHER: I do not. I have not actually seen the ballots. I could do -- get them probably through an open records request. I would like to see

those UOCAVA ballots. There were 20 candidates on that election. So in ranked-choice voting, and it boils down to two candidates, but you get to choose from 20.

MS. KING: So, for clarification, just so I'm clear, what you're telling us is that they received two ballots, each person. The date at which they were mailed was already -- that you have -- you have questions about that as well, correct?

MS. FISHER: Yes.

MS. KING: When they were mailed. And then the date in which they were received, you have questions about that as well?

MS. FISHER: Well, the application date is good for the whole period. So the application date, I really didn't even highlight. For example, there's four pages where the ballot was issued on 3-20 and the ballot return date was 3-23. And that goes on and on and on.

And it isn't just UOCAVA that's affected by this, let's call it technical error. It's all of the absent --

MS. KING: Clerical error. I think that's the word for that.

MS. FISHER: Clerical. Yeah. I think it might be a programming error that was not tested, but

12 pages, same thing.

MS. GHAZAL: Ms. Fisher. Before you -- before you go, this is being formally --

MS. FISHER: Wait a minute.

MS. GHAZAL: This is being formally investigated, correct? So, we -- we should be able to -- to understand more. Has this -- has this been submitted as a self-report to the -- to the Secretary of State or to our --

MS. FISHER: The Secretary of State is aware of it and sent out a message to all counties that had special elections telling them of this issue. Member Grubbs asked if Cobb was going to self-report, and I do not feel that Cobb needs to self-report. The Secretary of State ought to be the one self-reporting, and this kind of thing really should be made public.

And had I not gone to the trouble to look up the -- up the advanced voting records, no one would have known about it.

MS. GHAZAL: Well, we have the authority to initiate our own investigations, and I'm certain -- I feel confident that we will do that. We don't need a vote. We can initiate an investigation because I think it's really important that we get to the bottom of exactly what happened and what's being done to make

sure it does not recur.

MS. FISHER: I do hope that -- that you will. Let me know if you need more information. I did ask quite a few follow-up questions that I don't have answers to yet. I don't understand why Enhanced Voting is the one mailing the UOCAVA ballots. That I didn't know that was occurring. And I also question on the dates for the absentee ballots, if there's ever a question, how do you ever go back and fix this?

MS. GHAZAL: Well, I appreciate you bringing it to our attention. I have many more questions, but I -- I don't expect you to be able to answer them, so that's why I want the investigation. I appreciate that.

MS. FISHER: I'll give you my number.

DR. JOHNSTON: Ms. Fisher. Just a question.

MS. FISHER: Yes.

DR. JOHNSTON: For the audience, were these UOCAVA ballots mailed electronically?

MS. FISHER: Yes, ma'am.

DR. JOHNSTON: 100 percent?

MS. FISHER: 100 percent.

DR. JOHNSTON: Okay. And they were returned by US mail, correct?

MS. FISHER: They're supposed to be.

DR. JOHNSTON: Okay.

MS. FISHER: But I can pretty much assure you all of these addresses were in -- in probably at least five, six different countries. I doubt they made it in three days.

DR. JOHNSTON: Correct.

MS. FISHER: And so I don't know. It -- I do believe that we need to preserve these documents and pull them --

DR. JOHNSTON: This needs to be looked at --

MS. FISHER: -- and see what really happened here. And, you know, I wanted to spend my time today complaining about the legislature, but I thought this might be more important.

MS. GHAZAL: Ms. Fisher, I'm not going to let you get away for -- I'm sorry about that. No. I would just say I would give you extra time to complain about the legislature.

MS. KING: We would all agree with that one.

MS. GRUBBS: Just to be clear, this was this for the Congressional 14 --

MS. FISHER: Yes, ma'am.

MS. GRUBBS: -- election only? So this was only for a portion of Cobb. I'd like to ask anyone else in the audience who is an election director or a

board member if you've had any special elections, if you've looked into this matter because things like this don't tend to be one-offs, just, you know, a small portion of Cob County. Do you know or have you checked with adjoining counties to see for that election if they had any of the issues with UOCAVAs?

MS. FISHER: I have not. The only counties that I really should check with are those ten that are in 14.

MS. GRUBBS: Right.

MS. FISHER: But there were four -- four or five special elections at the same time.

MS. GRUBBS: Catoosa was one. I know with the board member who's here from Catoosa, you might want to check into that. And I would just say as a -- as a general thing, anyone who's had a special election, but, you know, and especially with this congressional race because it is a UOCAVA ballot, that's something that other people would want to check on as well.

MR. COLES: I mean, I can talk to you one on one.

MS. GRUBBS: If you all could confer, that would be great.

MS. FISHER: That's fine. I think I did check Catoosa's absentee records and you guys only had maybe

two UOCAVA ballots.

MR. COLES: I was going to say, we have very few.

MS. FISHER: Yeah. The smaller counties, I think, had almost nothing. One or two, maybe three. Paulding, Floyd -- is Dalton Whitfield? What county is it?

MS. GRUBBS: Whitfield County.

MS. FISHER: Whitfield, yeah. I think those are the ones I probably need to check with. But the concern here is, you have no way of verifying this. None. So it is concerning.

DR. JOHNSTON: And did you see an issue with absentee by mail balance with issue and return?

MS. FISHER: Yeah. With the dates. Yeah. Now, not all the dates are just the three days apart. A couple of them actually took four or five, but they're all consistent. They all were issued the same day. They all -- I mean, it's almost as if they were done in batches.

I'm guessing, considering who was in charge of this data, Enhanced Voting, this could be a situation where these dates that were put in there could have been when they were scanned. I don't know.

DR. JOHNSTON: All right. Thank you. We will

need to move along with --

MR. MILLS: Ms. -- Ms. Debbie, this is a very serious issue, but I've got the task of keeping us on track here. If you would please, get -- make sure that Shaun White, the gentleman just to the right of Board Member Sara Ghazal, gets that information and you-all can maybe exchange emails.

MS. FISHER: Okay.

MR. MILLS: But we want to make sure we follow up on this properly.

MS. FISHER: Oh, thank you very much.

MR. MILLS: All right. Thank you.

MS. FISHER: Again, I did complain on my own. The Board doesn't know I'm here complaining, so --

MS. GRUBBS: Oh, they know you're here now.

MR. MILLS: All right. Ms. Sandra.

MS. BURKHART: My name is Sandra Burkhart. It is an honor to be in this country and to have people that truly care about our elections. I am a woman of prayer, and I am a woman that is passionate about truth and justice. I come to these meetings frequently to pray for truth and justice.

I know my vote does not count. I'm a legal voter in Georgia, and I have seen the results of using machines that are outlawed in country and cities,

states, because they're fraudulent and we are required to use them here. It breaks my heart.

I am not a paid observer. There's nothing to my financial advantage to showing them. But I am so tired of people running elections that select winners before my vote or any other vote is counted.

I am so grateful for the people that volunteer their time and paid people that will stand for truth and justice. Thank you so much for your time and your willingness to fight for us. God bless you.

MR. MILLS: Thank you, Ms. Sandra.

Ms. Victoria Cruz. And after that, we have Julie Adams and Stephen Aleshire.

MS. CRUZ: Hello, my name is Victoria Cruz. I'm a resident and voter in Oconee County, Georgia. I'm going to talk about something different right now, although I do have concerns about SB 189 implementation.

In 2020 -- before 2020, we didn't have drop boxes in Georgia. None. The drop boxes were introduced by Secretary of State Raffensperger under a consent agreement with Marc Elias and Stacey Abrams, and also with the help of tens of thousands of dollars of "Zuckerbuck" -- the "Zuckerbuck" funds. And most of those funds went to Democratic counties to get the mail

ballot issue and drop box thing going very strong.

Notably, there was a significant surge in absentee ballots, 147,000 in Fulton County when there had been less than 30,000. So in response to that, the legislature instituted some guardrails and limited drop boxes to one per 100,000 voting age -- or voting population, registered voters. For Fulton County, that means seven drop boxes that they have. They have 32 advanced voting locations.

So, what they have decided to do this year, they voted on it already, is to put what they call drop bags, not boxes or, you know, because they -- they don't want to violate the letter of the law, right? Drop bags in all advance voting locations, which they will now designate as additional registrar --

MR. WHITE: 15 seconds.

MS. CRUZ: -- and they will deputize people to monitor those bags and keep those ballots safe and do all the things that they're supposed to do, except for video surveillance. There will be none. There will not be much surveillance at all.

MR. WHITE: Your time has expired. Thank you for your time.

MR. MILLS: Thank you, Ms. Cruz.

Julie Adams.

MS. ADAMS: Hi. Thank you. I'm Julie Adams. I'm from the Fulton Board of Elections. I'm here on my own capacity. So we heard a lot about SB 189 two years ago. The Secretary of State had ample opportunity to address that. And it's interesting because everybody says the media coverage says that the SOS tried to fix that, but the -- they didn't get appropriations for the money.

I was at a senate ethics hearing this year that the -- the senator said, Brad Raffensperger never even came to them and suggested a fix, nor did they turn down money because he didn't request money. Obviously -- and with Blake Evans not showing up today, obviously, the Secretary of State is not going to fix the 189 problem. They're not interested in it.

The legislators, the House, put the Blue-Ribbon Committee together for elections, six meetings across the state last summer, and they had no serious input whatsoever, no solutions. The legislators have not had a solution.

Now, there's talk, which I was part of the talk at the beginning of the special session. But I think if we called a special session, A, it would be probably after the primaries, probably after the primary runoffs. Everybody was worried about seven

months implementing a change.

I don't think a special session -- I don't think they've come to an agreement, to tell you the truth. So it is within your authority. And --

MR. WHITE: 15 seconds.

MS. ADAMS: -- do need guidance, and we need to be compliant with Georgia law. We don't need to kick it down the road, and we need to be compliant with HAVA. Thank you.

MR. WHITE: Thank you for your time.

MR. MILLS: Thank you.

Stephen?

MR. ALESHIRE: I'm Stephen Aleshire from Oconee County. The following is raw, unfiltered opinion. People and so-called election officials are very exercised about this dilemma of the QR code persistence and the likelihood of an illegal election.

Apparently, even the ACLU has become concerned because of the possibility that a democratic victory would be ruled invalid because of the use of QR codes with hackable machines known to be vulnerable in multiple parameters. No special session, as Julie just said, is going to correct these concerns.

Simply eliminating the QR code will not correct the underlying vulnerability of the machines.

Removing the QR code will not prevent known cheating mechanisms with mail-in ballots, including UOCAVA, and God knows how many drop bags.

The attempts by the ACLU to get a special session likely is an attempt to get an imprimatur on a well healed -- well-oiled, insecure system. We still need hack-proof simplicity of paper ballots with hand counting, even though people in the back say this is impracticable in itself. Electronic voting of any kind is dishonest by its very nature. Thank you.

MR. WHITE: Thank you for your time.

MR. MILLS: The next speaker is Michael Beach, Marla Tepper, and Max.

MR. BEACH: I'm Michael Beach, poll manager from DeKalb County. We've heard a lot about this. The legislature has left a mess. We need to let the legislature fix that. I don't really believe you do have the authority, and it's not your job to legislate and fix this. Leave it to the folks who messed it up in the first place.

Don't feed that fear by attempting to address it. It'll only result in rapid litigation and lots of lost taxpayer money. So I'm going to skip to just impromptu. I'm also frustrated by the SOS not being here today. I've heard two of you express umbrage

about that.

I want to say, it's not just about you guys. It's about the voters in this state. And adding things at the last second is not open government. It's not right, it's not transparent. I can't look anything up. So I -- I hear what you say, Ms. Grubbs, but you're not helping me by bringing things at the last second.

It's getting things on the agenda and sticking with them. I've worked for the federal government for 33 years. We would never do that. We are held to the agenda. If somebody cancels, fine. But putting petitions platforming specific speakers without basically alternative speakers to balance those is not good government.

It's not transparent. You are breaking all the rules of open government. So please come up with some rules for this group that actually do this in a fair, open, transparent, and publicly accessible fashion. Thank you so much.

MR. WHITE: Thank you for your time.

MS. GRUBBS: Sir, I have a quick comment. And that was to -- to the counter. You said, you know, like a pro and con. That was the plan until Director Evans canceled last night.

MR. BEACH: Okay.

MS. GRUBBS: We wanted to get varying opinions, but I hear what you're saying.

MR. BEACH: But those should both be at the same time. The conference was scheduled months ago. We could have scheduled it so that two people were on at the same time. I just -- please, as a member of the public, transparency is paramount to me.

I want to be able to be prepared just like you do, and I can't if you drop these bombs every -- this seems to be a recurring theme on the Board. Please stop.

MR. MILLS: All right. Marla Tapper -- Topper. I'm sorry. Is it Tapper or Topper?

MS. TEPPER: It's Tepper. Thank you.

MR. MILLS: Oh, I'm sorry. Neither one. Tepper.

MS. TEPPER: I'm Marla Tepper. I'm a resident of DeKalb County, and I'm a voter. I share the concerns Mr. Beach just expressed and that you expressed about last-minute changes to the agenda. Like all of you, I appreciate notice so that I can come prepared to these meetings.

I also have a question which, as you move forward in -- in establishing rules for how these meetings run about how speakers are denominated. Is

someone a speaker or just a member of the public when they offer comments on a system that are partisan?

And if they are denominated as a speaker and have partisan views, I would suggest that you also have an opportunity for another speaker with differing views to come up and speak. That would actually provide you with an opportunity to learn everything you need to know for decision making. I think that would be very helpful, and it would be helpful to the public as well.

On another note, you heard earlier about concerns raised about conflicts of interest. In an earlier life, I served as the general counsel to a city agency, New York City Agency, and I had to offer a lot of opinions on conflicts of interest.

I know you are here to do the right thing and to serve the public, but when you do so in a partisan way, that undercuts your role as a Board member. We heard this morning about the allegations in the American Oversight Lawsuit. I think those are --

MR. WHITE: 15 seconds.

MS. TEPPER: -- very serious allegations. We also know that one member of this Board introduced a candidate for government. That's not non-partisan. That is very partisan. And not transparent --

MR. WHITE: Your time has expired. Thank you

very much.

MS. TEPPER: Thank you very much for considering my views.

MS. KING: Mr. Chair?

CHAIR FERVIER: Yes?

MS. KING: I want to speak to one of the things that you stated. You were --

CHAIR FERVIER: Did you have a question for her or you just want to speak?

MS. KING: I guess, I mean, I guess more of a -- I -- I want to assure her that I agree with her on this.

CHAIR FERVIER: Okay. I just want to know whether we need to leave her up there or not.

MS. KING: Oh, no. But just, you -- you talked about having different speakers, and I am more than welcome to hear from differing opinions. The speakers that are going to speak, we have not seen their presentation. There's an assumption that they are on a certain position or a certain side. However, that's not something that I -- I can speak to as a fact.

But I'm more than welcome if you hear from a speaker and you have someone that has a rebuttal or has something that they would like to share, please let us

know because I do think that we should open it up. I'm okay with having speakers from the public because that's the way a republic is supposed to work.

I -- I do not want to hear from a bunch of elected officials over and over and over again because the people that are affected are the public. So, I just want to make sure you feel comfortable providing any type of request for anyone to speak as well.

MS. TEPPER: Thank you. I appreciate that. And that speaks also to the point that we need notice of who is going to appear so that we can suggest other speakers as well. But I appreciate your point of view here. Thank you.

MS. KING: You're welcome.

MR. MILLS: Max?

CHAIR FERVIER: If you -- if you have somebody that wants to speak and you send me that person, I'll let the rest of the Board know so that they can respond to it if they want to ahead of time, all right?

MS. TEPPER: Okay.

CHAIR FERVIER: So we -- I mean, we can -- both sides can do that, so...

MR. CLAVIJO: Good morning. I'm Max Clavijo from Forsyth County. I'm a Board member, but I am not representing the Forsyth County BRE. For at least the

last 25 years, elections in Georgia have been questioned. This came into the limelight, the spotlight, in 2020, with all of the controversy that everybody is very aware of.

But over the last two years, we have had hope that our legislature and our governor would do something to address some of the election integrity issues that we know exist, but they have failed us. They have shown a significant lack of conviction and courage and did nothing.

Our Secretary of State has the responsibility to manage our elections for the last seven years. They have also done nothing in the terms of election integrity. In fact, they've exacerbated the problem. They, too, have let the people of Georgia down.

Then we have GAVREO, the organization that represents the election workers throughout Georgia. Now, by definition, boards of registration and elections are 40 percent, at least, Democrat and 40 percent, at least, Republican.

It seems like the leadership must be dominated by people on the Democrat side of the aisle. They released a public statement that they support extending the deadline for changes to our system at least until 2028. And many of us vehemently disagree with that.

So in my opinion, they have let down their constituency, the election workers of Georgia as well.

MR. WHITE: 15 seconds.

MR. CLAVIJO: So I have two requests. Let's establish rules that mandate accounting-like controls over election procedures and develop a list of things that counties can do in their authority and notate which ones you recommend.

MR. WHITE: Your time has expired. Thank you very much.

MR. MILLS: All right. Next is Garland Favorito and then Tamara Favorito, and Scott Turner. If you would make your way.

MR. FAVORITO: Thank you. I -- is this on?

MR. WHITE: Sorry. Go ahead.

MR. FAVORITO: Thank you. I had prepared remarks today, but I was going to change them because I was thrilled and surprised to hear that you're going to listen to Ben Cotton this afternoon. I wanted to introduce him to the Board because I want to make sure everybody knows who he is.

Ben Cotton is a top forensic expert who has examined more Dominion systems than anyone I know. He forensically examined an authenticated copy of the Georgia County server and provided unrefuted expert

witness testimony in the 2024 DeKalb v. Raffensperger case.

He found that the system stored encryption keys and clear plain text and relied upon hard coded passwords. This violates the requirements under which the system was allegedly certified in 2019, and it creates a state of emergency. Mr. Parikh, who you know, who has testified here before, exploited these vulnerabilities on 00 and on the same authenticated server and changed the election results in three minutes with six lines of code in front of the Fulton Superior Court.

As a result of all this, we are in federal court right now against the EAC to vacate the Dominion 5.5 certification. Most importantly, though, Mr. Cotton also found Internet connectivity, 3,000 program files were modified after the County server was installed without detection, and he found a compiler on the server that can be used to create and deliver malware to all County equipment without detection.

So the problem that you're going to hear today is that it's bigger than QR codes, that it is actually involves the --

MR. WHITE: 15 seconds.

MR. FAVORITO: -- the servers and the

tabulators. And we would ask that you pass a resolution today to instruct the counties, with your opinion, that this system is impracticable and impossible to use legally.

MR. WHITE: Your time has expired. Thank you very much.

CHAIR FERVIER: Let me ask a question. Shaun, is the system working right? I just got an email that said that the live stream audio was off a little bit.

MR. WHITE: We -- we tested it not too long ago because we got another report from someone, from Salleigh, and they listened to it and checked it in.

UNIDENTIFIED MALE 2: Someone texted me and heard me speak.

CHAIR FERVIER: Okay. I just want to make sure that we --

UNIDENTIFIED MALE 3: There's people on the other end.

CHAIR FERVIER: Okay. All right. I just, you know --

MR. MILLS: It might just be a --

CHAIR FERVIER: It could be that I just read my emails an hour and a half after they come in, so...

MR. MILLS: Okay. Ms. Favorito, can you tell us who you are, please?

MS. FAVORITO: Thank you. Tamara Favorito with Voter GA. In your September 2024 meeting, Garland Favorito presented a minor change to your storage of returns rule so that the memory cards would be retained long enough to comply with both federal and state two year retention periods.

Then let's look at last month. When this rule was used in public comments to falsely attack Dr. Johnston over a social media post, the attacker claimed Dr. Johnston, "incorrectly alleged ballot images were -- were required to be retained in 2020." Dr. Johnston was absolutely correct. Ballot images are election records that were always required to be retained for two years under both federal and state law.

The attacker, Marisa Pyle, not only lied about Dr. Johnston, but showed her ignorance of federal and state law --

CHAIR FERVIER: I just -- I just want to stop and talk about, let's not insult other people.

MS. FAVORITO: She did Dr. Johnston. And I want to correct her.

CHAIR FERVIER: I understand. You're making a claim, making a statement she was incorrect is fine. I just thing we need to --

MS. FAVORITO: Okay.

CHAIR FERVIER: -- ignorant or -- and I just -- I want to --

MS. FAVORITO: She was incorrect.

CHAIR FERVIER: Okay. I'm good with that.

MR. MILLS: Who's running this part of the meeting?

CHAIR FERVIER: I am.

MR. MILLS: No, you're not. I am.

CHAIR FERVIER: Well, I am the chairman --

MR. MILLS: I'm doing the -- I'm doing the public speaking part. And frankly, there's been a lot of other speakers who have said similar things, and you've sat here and said nothing. So, please don't pick and choose.

Go ahead. Let's finish up.

MS. FAVORITO: All right. Many of us attendees are really sick of listening to these misinformed, paid activists personally attack the Board members.

Mr. Mills, since this is your part of the meeting, you have warned her once already. I think last month was a second strike, and I would ask that you impose a three strikes rule on her so that we don't have to hear this anymore. Thank you.

MR. WHITE: Thank you for your time.

MR. MILLS: All right. Next speaker is Scot Turner and then Janelle Clodfelter and Richard Schroeder.

MR. TURNER: Good morning, Scot Turner, Eternal Vigilance Action. I have four suggestions I want to ask for you-all. And the first is to make a formal finding that the law is in conflict. We know this because the law still requires a valid [inaudible 01:42:14] license, still requires the use of the scanners.

And you can have the opportunity, either today or in the near future, to issue a formal finding that that's your opinion as well. It's important for that because the second suggestion would be to take that to the Attorney General and ask for an opinion so that the executive branch has a single position on what the current state of the law is.

The Attorney General is your attorney and the State's attorney, and you are members of the executive branch. Third thing I would -- I would suggest is for you to officially call for a special session. You're not going to be able to regulate your way out of this.

Our lawsuit with you-all pretty much solidified the fact you cannot go beyond the law. You

cannot redefine terms. The emergency process is for emergencies. Emergency is defined in the law. A statutory conflict is not an emergency.

Is -- the fourth suggestion is, if there is no special session, vote saying that judicial clarification is necessary. Ask the suit. Because we need the Courts to -- to weigh in. This really should be fixed in the legislature. I'm not going to belabor that point. I think we all agree that the current situation is untenable.

And here's my ask. Do not, please, be tempted by those who come before you and ask you to be lawmakers. We did settle that. So please don't let us repeat the mistakes of the past. Please do not decide to become lawmakers. That's not your role. And I hope you've learned that.

MR. WHITE: 15 seconds.

MR. TURNER: That's my time. Thank you.

MR. WHITE: Thank you.

MR. MILLS: Thank you.

MS. GRUBBS: Mr. Turner, I have a question.

MR. TURNER: Yes, ma'am.

MS. GRUBBS: Are -- are you an attorney?

MR. TURNER: I am not.

MS. GRUBBS: You're not an attorney?

MR. TURNER: I made the law. I didn't practice the law.

MS. GRUBBS: Understood. So -- and you're with Eternal Vigilance Action?

MR. TURNER: Correct.

MS. GRUBBS: You know, so we have this -- this relationship because, you know, I took it personal. I did. It was the rule I presented.

MR. TURNER: It was not personal, ma'am. I promise you. I wasn't thinking about you, Ms. Grubbs, at all.

MS. GRUBBS: I'm sure you were not. But first of all, I want to make it clear. It is -- it is not the job of the Board to legislate, but I believe that there is some confusion over rulemaking versus enforcing the law.

Now, as -- as things go as far as this Board is concerned, making a rule consistent with legislation, again, we are not lawmakers and I'm certainly not seeking to be a lawmaker. If I was, I would run for office, and then I would be ringing my hands over this moment at the thought of being pulled off the road unfairly to go back for a special session for business that should have been completed in the legislative session.

That said, I understand that. But would you please, considering your -- you have this -- this group, you know, you-all raise a lot of money, I guess, from what I hear, and you're taking all this action, what do you determine to be different from rulemaking versus enforcing the law?

MR. TURNER: The answer to your question is not my answer. I'll read from you a direct quote from the EBA v. State of Georgia case, that the unanimous opinion of the Supreme Court stated that "The State Election Board cannot go beyond, change, or contradict the statutory scheme."

MS. GRUBBS: And I would agree with that.

MR. TURNER: And the statutory scheme, as we understand it today, is that the ballot marking devices in Section 2-2-300 -- or 21-2-300, still requires, the language is "shall be conducted" on ballot marking devices then tabulated using scanners. We have an operational disconnect because those ballot marking devices that we currently have only produce ballots using QR codes.

The scanners can be configured to use a ballot style, old-style ballot, but the ballot that is required to be produced by the law cannot be read using that function. So, there is a conflict. And you --

that was my first suggestion -- as a Board, and I hope that you can speak in one voice here, see that conflict, and issue a formal finding that the law is in conflict.

And -- and because the law is in conflict and it uses words like "shall," you can't change that. The legislature has to do that.

MS. GRUBBS: So, since it's in -- since, in your view, it's in conflict and since that's such a big deal, why do you think the legislature didn't address that during this legislative session?

MR. TURNER: I mean, you're -- you're asking me to -- to speculate on -- on different motives. What I --

MS. GRUBBS: In your expertise as --

MR. TURNER: In my expertise, this is what I saw. I -- I was at the legislative Capital for 38 of the 48 legislative days, plus a handful of the committee days. And this is what I saw. I saw two different chambers trying to solve the problem. And the big red line between the two chambers, the source of the -- of the disconnect was the start date for implementation.

You had one chamber that wanted to go with this July 1st date, and you had another one that wanted

to reconfigure the entire system and -- and present a -- a more holistic solution to the problem, which would have required more time. It was the deadline that was the difference. So I think they both -- both chambers tried to do something, but that one point of contention remained unresolved.

MS. GRUBBS: One last question. In 2020, when the rules were changed before the 2020 election, how much time elapsed between the State Election Board making rules and implementing the election?

MR. TURNER: So different time, different set of laws, different --

MS. GRUBBS: Just that one simple question.

MR. TURNER: Yeah. Back then, I didn't pay as much attention as a member of the legislature to what the SEB rulemaking timeline was. I just simply didn't.

MS. GRUBBS: Shocker, right? Shocker.

MR. TURNER: But -- but the reality is -- well, I mean, the -- the -- you guys are responsible for enforcing the law as executive branch. Ours was to --

MS. GRUBBS: Right.

MR. TURNER: -- make the law, right?

MS. GRUBBS: Right. So, enforcing Senate Bill 189 would -- would be within the scope of doing that.

MR. TURNER: Right. But -- I'm sorry, I was just answering the question.

CHAIR FERVIER: That's okay.

MS. GRUBBS: I'm sorry. I'm sorry, Mr. Chair --

MR. MILLS: I -- I'm trying to I'm trying to move along here. We could debate all day. Each person, I don't think that's what --

MR. TURNER: I -- I'm happy to continue the conversation.

MS. GRUBBS: I would like to continue that conversation.

MR. TURNER: I would like to --

MS. GRUBBS: Especially since you have the expertise of being a legislator.

MR. MILLS: All right. Thank you, Mr. Turner.

MR. TURNER: Thank you.

MR. MILLS: Janelle Clodfelter.

MS. CLODFELTER: I want to tell you a story.

CHAIR FERVIER: Your name, please.

MS. CLODFELTER: Janelle Clodfelter. I want to tell you a story. You walk in at 4:30 in the morning to the polling location, and you have to set up 29 machines, and you only have four poll workers. Lo and behold, the assistance BMD doesn't work. So you

literally have to take parts out of another BMD and place them into that BMD so that you're not disenfranchising the handicapped voter or those that need assistance, all under the watchful eye of the DOJ.

Now, let's look at the manager who's untrained and tells the poll worker to take every single solitary seal off of every single machine. And you look up and you ask, what are you doing? Well, she told me to. Every seal is gone, so we have to use every seal we have.

We replace the seals before elections start, and at 1:00 a.m. in the morning, we received the seals we needed to pack up. Now, I have lobbyists, who are taxpayer funded, telling you and everybody else that you cannot count ballots at the end of the day to make sure that they match what the tabulator says, to make sure you haven't left one ballot in that machine.

They're telling you that's a burden. Can we rewind and let me tell you what I just told you a minute ago? Now, I don't consider anything a burden if it secures our elections.

MR. WHITE: 15 seconds.

MS. CLODFELTER: I'll do what I must do. But paper ballots are not a COVID shot. Paper ballots are the most proven method for security. We absolutely

have to have them and we have to get rid of the --

MR. WHITE: Thank you for your time. Your time's expired.

MS. CLODFELTER: Thank you.

MR. MILLS: Thank you.

Richard Schroeder. Then we have Janet Hill and Tori McFarland.

MR. SCHROEDER: Richard Schroeder from Hall County. I'm a precinct chair in Hall County. I request a minute just to clarify some of the items that were talked about from our first speaker from Hall County because I was at the Board of Commissioner meeting and the Board of Election meeting in Hall, and it will only take less than one minute.

CHAIR FERVIER: Okay. Well you got two minutes, so...

MR. SCHROEDER: No, no, not on my time.

MR. MILLS: The clock's ticking, Mr. Schroeder, so...

MR. SCHROEDER: The Dominion extended warranty yearly, it's every year. It was 88,000, and 92,000. This year they passed it for 94,000 on equipment that's void and obsolete in three months because of the QR code. Enough of that. I got real talk here.

Our legislators have failed us. I want to

vote and I want to know it counts. I'd like to work the polls according to the law, but I cannot. She knows it. She helped me.

State Election Board has a role to play in protecting the integrity and process of elections in Georgia. The Board of Directors in a business protect the shareholders. Board of Deacons in a church protects the congregation. You, as a State Election Board, must protect the election process for the electors in Georgia.

We're coming to the midterm elections with no plan in place to ensure every Georgia voter a fair and honest election. President Trump has laid out two very good executive orders, which have been totally ignored. SB 21-2-334 should be our saving grace that allows every Georgia vote to count.

The counting machines are impractical, and we have plenty of evidence to the electronic voting systems that are very impractical. Enforce it. Write every county superintendent a strongly worded letter advising every county election employee of their oaths and responsibilities.

MR. WHITE: 15 seconds.

MR. SCHROEDER: Just like a traffic ticket, ignorance is no excuse. Let's move today to protect

Georgia electors and let them know that their votes, instead of making Richard Jordan for questioning an illegal QR code. Do it today.

MR. WHITE: Thank you, sir. Your time has expired.

MR. SCHROEDER: I appreciate that.

CHAIR FERVIER: Mr. Schroeder, it's always good to see you. Thank you for your service.

MR. MILLS: Janet Hill. And then Tori McFarland and Cindy Battles.

MS. HILL: Good morning. I'm Ms. Hill, an advocate for property owners who have lost and continue to lose their right to vote due to something called deed fraud and property theft crimes. In Fulton County, Georgia, according to Che' Alexander and Candidate Mo Ivory, there is nothing that can be done.

We demand stolen properties be returned to allow voters to have their IDs maintained and to be accurate. We demand that there's no interference with voting rights. We know that the FBI, AARP, have issued warnings against these crimes.

We encourage you to support the return of stolen properties so that vulnerable voters like seniors, single women, veterans, and disabled will have a right to vote. Thank you.

CHAIR FERVIER: Can I ask you -- I -- I'm unfamiliar with this topic. If you would send me an email --

MS. HILL: Absolutely.

CHAIR FERVIER: -- explaining behind it --

MS. HILL: Absolutely.

CHAIR FERVIER: -- I would love to read about this. Okay. Thank you.

MS. HILL: Thank you.

MS. KING: Mr. Chair, I have a question as well.

CHAIR FERVIER: Yes, Member King.

MS. KING: I -- I know someone that has gone through this.

MS. HILL: Oh, yeah.

MS. KING: And her home was taken literally from right underneath her because of fraud. The -- the scammers came in and they pretty much took over her deed and put their information on there. And then she had to move out of her home.

Because she fought in court, but it's -- it's really hard to fight. So my question is, one, have you spoken to your state legislative -- well, your state rep or senator about this?

MS. HILL: Yes. In fact, I was part of a

small group of homeowners who is responsible for the new law currently that we have, where it is required that you now have an ID when a deed is recorded. So we actually got together and -- and provided that recommendation, and it is now a state law as of 2025.

But we've been fighting this now. In fact, there's a homeowner here today who had her property stolen in 20 -- or 2000. So this has been going on for several decades.

MS. KING: Yeah.

MS. HILL: And we're tired of it. It crosses state lines. We have a homeowner right now who has -- who lives in New York because they had to come to Georgia to fight because there was an issue with a probate judge in Georgia.

MS. KING: When people -- when this happens, what I'm thinking is the reason why you're before us is because, you know, you're obviously, you vote, you decide where to vote based on your address.

MS. HILL: Exactly.

MS. KING: So, when this is done, someone steals your home --

MS. HILL: Exactly.

MS. KING: -- now, you're kind of left in limbo. Because if you vote using that address --

MS. HILL: Right.

MS. KING: -- now, it's like, it's not your address.

MS. HILL: Exactly. And the homeowner is challenged because they don't have the ID to match to their property because either they're homeless, and if you're homeless, you can't vote, or the scammers take loans out on these properties and they abandon the properties, then you have other people coming in to use those properties as their ID to vote, and they're not registered voters or homeowners in the state of Georgia.

MS. KING: Okay. Thank you for bringing this. This is --

MS. HILL: Thank you.

MS. KING: -- it's very serious.

MS. HILL: It is very serious crime.

MS. KING: Thank you.

MS. HILL: Thank you.

MR. MILLS: Thank you.

Tori McFarland. And then Cindy Battles and Rachel Glover, if you would make your way.

MR. MCFARLAND: Good morning, Board. My name is Tori McFarland, and I'm a community organizer for the ACLU of Georgia. I appreciate the opportunity

you're giving me to speak today. I want to raise concerns about the use of third-party data tools like ELLY to generate voter challenges.

At their core, these tools rely on cross-referencing external data sets and using matching algorithms to flag potential inconsistencies to voter records. But it's important to be clear that these systems are not more accurate than the official systems already used by counties.

Local election officials work directly with verified voter registration databases, they receive updates through State managed systems, and follow established processes to confirm eligibility. These systems are built for accuracy, accountability, and compliance with the State law.

By contrast, third-party tools rely on data that can be outdated, incomplete, or mismatched. Common names, recent moves, and delays in data updates can all lead to voters being incorrectly flagged by these third-party systems. When those flags are used to generate voter challenges, the result is that eligible voters may be pulled into the challenge process without sufficient basis.

This not only creates unnecessary administrative burden for counties who receive these

mass challenges, but also risks introducing confusion and could potentially rob eligible persons of their right to vote. Accuracy should be the standard when it comes to something as fundamental as the right to vote. Systems that are one step removed from official records should not be treated as a reliable basis for large-scale challenges.

So, I urge this body to not prioritize giving time to systems like ELLY, and focus instead on the integrity and reliability of official data systems and carefully consider the impact --

MR. WHITE: 15 seconds.

MR. MCFARLAND: -- that reliance on these less accurate third-party tools can have on both voters and county election officials. Thank you.

MR. WHITE: Thank you for your time.

DR. JOHNSTON: Tori? Is it McFarland?

MR. MCFARLAND: Yes.

DR. JOHNSTON: McFarland. Okay. Does ACLU have a lawsuit planned concerning SB 189?

MR. MCFARLAND: I cannot speak to that at this time, ma'am.

DR. JOHNSTON: Are you a lawyer?

MR. MCFARLAND: I am not.

DR. JOHNSTON: Do you represent ACLU?

MR. MCFARLAND: I am here in capacity of representing ACLU today. I have worked on Board of Elections work for the past six years. Thank you.

MS. KING: What --

CHAIR FERVIER: I'm sorry?

MR. MCFARLAND: Yes?

MS. KING: What's your official title with the ACLU?

MR. MCFARLAND: I am the community organizer for the ACLU of Georgia.

MS. KING: Okay. Thank you.

MR. MILLS: Okay. Ms. Cindy Battles?

MS. BATTLES: It's always fun when people are really happy to see me. Hi, everyone. My name is Cindy Battles. I am the policy and engagement director for the Georgia Coalition for the People's Agenda. I had a couple of things that I was going to speak on, but just at -- the beginnings of this meeting have me wanting to speak again about not just following the letter of the law when it comes to the Open Meetings Act, but kind of following the spirit of the law, right?

We heard a lot about, well, this person didn't show up, and we wanted to hear, like, conflicting viewpoints and that kind of thing. But it's a --

there's a big difference when someone doesn't show up than when we add people and no one knew that it was happening except for a few select members of the Board, apparently. So that we're not aware of what is happening as the public because the public deserves to know that this is something that is going to happen.

The -- the public deserves to have a say so or come to this meeting if they want to speak to this. And I have concerns about the fact that when we keep doing this, it seems kind of -- maybe it's coincidence, but the speakers that are being added and the things that are being done are definitely leaning in one direction.

And if you want to make it look like this isn't a nonpartisan thing, and -- and hear me when I tell you, like, I appreciate that. But if you're doing that and it looks like it's leaning in one direction, and you're giving interviews on Steve Bannon's podcast with a Trump sign in the background, and then you're doing this, it is going to cause suspicions.

So if we really want this to look the way that it should, then I think we need to stop making these additions to the agenda last minute.

MR. WHITE: 15 seconds.

MS. BATTLES: Thank you.

And also, please don't overreach. Send the governor a letter, tell him to call a special session. You do not have the authority to change these laws. Thank you.

MS. GRUBBS: Ms. Battles?

MS. BATTLES: Yes.

MS. GRUBBS: We maintained eye contact during all that, and you appear to be speaking to me.

MS. BATTLES: Oh, no. You're the only one looking at me.

MS. GRUBBS: Oh.

MS. BATTLES: If the chairman is looking at me, I have a -- I have a camera in front of me.

MS. KING: Yeah, you have a camera blocking.

She can't see.

MS. BATTLES: You're literally, like, the only one because of the cameras and the way that everything is looking, you're literally the only one looking at me.

MS. GRUBBS: Okay.

MS. BATTLES: Sorry.

MS. GRUBBS: So letting me know, I'm the only one up here paying attention.

MS. KING: Okay. And I agree, the camera is blocking you.

MS. BATTLES: No. It's a little wild up here.

MS. GRUBBS: Okay. So, I apologize for that. But I want to -- to assure you, there's no question I'm a Republican. There's no question that I'm the senate appointee to the State Election Board. So that's clear. But I have a longstanding process of engaging with Democrats.

I talk to Democrats. And I want to know, because the speaker that I was wanting to hear from, Professor Appel, are you aware of his -- I started to say religious affiliation -- his political affiliation? Do you -- do you have any --

MS. BATTLES: I am aware of some of the beliefs and the things that -- that this person espouses as it -- as far as it goes with our election systems.

MS. GRUBBS: And that's it. That's all I'm concerned about --

MS. BATTLES: Yes.

MS. GRUBBS: -- is election systems. But so when I have -- you know, no question, I voted for President Trump. I admit that. I'm a Republican. I have been since I first voted for Ronald Reagan. So I don't deny that fact.

But that seems to, as I brought up the word

"prejudice," to prevent people from working strictly for elections. Do you believe that you can't believe in free and fair elections if you're a Republican?

MS. BATTLES: Oh, absolutely not. If you know of my work at the state legislature, I spend more time talking to Republicans than I do Democrats. So I -- I don't think that that's true at all. What I do think that is if you were going to add people to the agenda last minute, that you need to have a -- if this is what this person believes, then you get to find someone who has a different opinion and you add them as well, because then you're hearing information from both sides, right?

Because that is how education and learning and how -- going back to what you were saying, you and I may vote completely differently. Sometimes I vote one way, sometimes I vote another. I can't be the "I am this party" person. But if we're talking to each other, then it's important because if I'm talking to you about a policy and I bring up something that you haven't thought about before, that may change a thing.

But the way that we educate the public, the way that we create a fully informed electorate, is we present more than just one side. And what I'm saying is, not only during the Blue-Ribbon Study Committee,

but in this Board, it seems to be very bent on one side. And as someone who does this work, I'm fully aware of the fact --

MR. MILLS: Okay. Okay.

MS. BATTLES: -- that more than one --

MR. MILLS: You made your point. I'm sorry. We got other speakers to get through, so --

MS. GRUBBS: And I agree. I just want -- I just want to be sure. I have no clue what Professor Appel's political persuasion is. I have not discussed that. And I don't look at that when I want to hear from people. Just so -- just so you know.

MS. BATTLES: I don't think I said political persuasion. I said messaging.

MS. KING: You said bent on one side.

MS. GRUBBS: And there's a lot of things that are printed, too, that is incorrect messaging as well, so --

MR. MILLS: All right. Let's hear --

MS. BATTLES: Thank you.

MR. MILLS: -- Rachel Glover is next. And then after that is Kyle Gomez and Mr. Earl Ferguson.

MS. GLOVER: Good morning. My name is Rachel Glover and I'm the associate director of the Voter Access Project with the ACLU of Georgia. I want to

speak clearly about the limits of authority and the importance of following the law as written.

The State Election Board does not have the power to decide what voting system Georgia will use in the upcoming November election. That responsibility belongs to the legislator. The Georgia Supreme Court has already addressed this issue.

In RNC v. Eternal Vigilance Action, Incorporated, the Court made it clear that the Board's rulemaking authority is not unlimited. When rules go beyond the boundaries set by statute, they violate the non-delegation doctrine embedded in our state constitution. In plain terms, an agency cannot make policy where the legislature has not acted.

Right now, the legislature has not passed any law establishing a replacement for the current QR code based voting system. That matters because without a statute in place, any attempt by the Board to create or impose a new statewide voting system through rulemaking would be an overreach into legislative power.

The Courts have already shown that they will strike down such actions as they did with several rules in the Eternal Vigilance case. The same principle applies to so-called emergency powers. The Board cannot expand or reinterpret law or reinterpret

emergency triggers beyond what the law explicitly allows. Rulemaking cannot override the legislature, period.

There have also been repeated claims that Georgia's current voting system fails to meet federal standards. But these claims have already been tested in Court and rejected. If they had merit, they would have been upheld by now. Under the Help America Vote Act, voting systems must allow voters to verify --

MR. WHITE: 15 seconds.

MS. GLOVER: -- their ballot before it's cast, and they must produce a permanent paper record. Georgia's current system does both. Voters can review and correct their choices, and the printed ballot includes human readable text that serves as the lasting record. This is ultimately about respecting the rule of law --

MR. WHITE: Your time has expired. Thank you very much.

MR. MILLS: Okay. We have Kyle Gomez.

MR. GOMEZ-LEINEWEBER: Thank you. Good morning. My name is Kyle Gomez-Leineweber, and I'm the policy director for Common Cause Georgia. I want to address something that has been talked about a number of times today, the July 1st, 2026, deadline

established under SB 189 requiring the transition away from QR code based ballot making systems.

As you all know, Georgia law places the responsibility for furnishing and maintaining voter equipment on election superintendents, subject to the SEB rules and certification by the Secretary of State. At the same time, this Board is vested with a limited authority that includes promulgating rules and ensuring uniformity and compliance across counties.

That framework, that statutory framework only works when counties are given both the time and the resources to comply. Right now, we have a State imposed deadline that requires a fundamental shift in voting system infrastructure without a clearly defined funding mechanism or fully implemented statewide guidance.

Counties are being asked to procure new equipment, retrain poll workers, and redesign ballot on-demand processes and meet accessibility requirements under both State and Federal law, all within a matter of months and between the primary and general elections. Superintendents are still legally responsible for the conduct of elections in their jurisdictions.

If this transition is rushed or uneven, the

liability and operational risk will fall squarely on them. That creates a real tension in the law. The State is setting the mandate, but counties are carrying the burden without adequate support. If uniformity, security, and voter confidence are the goals, then implementation must be realistic, coordinated, and funded. Otherwise, we risk inconsistent application across counties --

MR. WHITE: 15 seconds.

MR. GOMEZ-LEINEWEBER: -- and avoidable disruption for voters. In the immediate what is needed is a special session that is solely focused on ensuring the mandated transition away from QR codes is done on a workable timeline and with proper resources that local officials need. I urge the Board to not go beyond --

MR. WHITE: Your time is up. Thank you very much.

CHAIR FERVIER: We've been going on for quite some time and the Chair would entertain a motion at this point to take a very short break, a comfort break.

DR. JOHNSTON: Sure. I had one question for Mr. Gomez.

CHAIR FERVIER: Mr. Gomez.

DR. JOHNSTON: Mr. Gomez, are you with Common Cause?

MR. GOMEZ-LEINEWEBER: Yes.
DR. JOHNSTON: Are you a lawyer?
MR. GOMEZ-LEINEWEBER: I'm not a lawyer. No.
DR. JOHNSTON: Okay. Is it not true that Common Cause is planning to sue concerning SB 189?
MR. GOMEZ-LEINEWEBER: I would refer you to our --
MR. WHITE: Mic's gone off. I'm sorry.
MR. GOMEZ-LEINEWEBER: I would refer you to our litigation team.
CHAIR FERVIER: Thank you. We have a motion for a quick seven-minute break.
MS. KING: Second.
CHAIR FERVIER: All those in favor, signify by saying aye.
(Ayes were heard.)
CHAIR FERVIER: Any opposition? Hearing no opposition, moved up. Seven minutes, we'll be back here. Thank you.
(A recess was taken.)
CHAIR FERVIER: This meeting is called -- this meeting is back in session. Please bring down the noise a little so we can continue with our next speakers, please. Thank you.
MR. MILLS: Okay. We have the next three

speakers. The first one is Earl Ferguson and then Joy Wasson and Liz Troop.

Mr. Earl?

MR. FERGUSON: Earl Ferguson, Fulton County. Houston, we have a problem. The General Assembly didn't act. The Secretary of State dropped the ball. The governor has not yet indicated that he's going to do a special election recall. So we are faced with a situation where we have an emergency.

I believe they can qualify that. We have a conflict which does not allow us to continue to vote. You as a Board are now the point person in trying to resolve this. You cannot change the law, but we do have one provision in law which could be applied here to -- to at least provide guidance back to those who are having to conduct the elections, and that's 21-2-234, which provides for the use of paper ballots in the event that the machines are not -- I don't try to pronounce that word, but it eliminates the machines, and that's where we are.

I'm one of those who signed the request to you to take action. And here is an opportunity for you to do so without writing the law to make it clear that -- so that the people who are running elections will have the guidance that they need and the time to prepare.

Thank you very much.

MR. MILLS: Thank you, Mr. Ferguson.

CHAIR FERVIER: Old mountain town boy, right, Mr. Ferguson? Very good. That's near Ellijay, so I, you know, we bonded over that now.

MR. MILLS: Ms. Joy Wasson.

MS. WASSON: I'm DeKalb County voter, Joy Wasson, and I'm basing my comments on the letter you received from Free Speech for Peoples' senior advisor for Election Security. With SB 189's deadline prohibiting QR codes and the midterms approaching, Georgia is facing a legal catastrophe if it does not act to comply.

Georgia's election law already provides for a voting method that's available, accessible, secure, reliable, and legal. Using emergency backup paper ballots that can be hand-marked by the voter. State law already directs counties to prepare these emergency ballots, which can be counted by existing polling place scanners without any modifications, and county workers should already be trained on these procedures.

Some have said that transitioning would be too difficult to accomplish before November, but this does not take into account how common and successful the use of hand-marked ballots is across the country.

Hand-marked paper ballots are the most common method of voting in the nation, with over 70 percent of the nation voting this way.

Georgia is and always has been an outlier in using electronic ballot marking devices for all voters. States larger than Georgia, with larger cities and counties than Georgia, and with more complex ballots than Georgia, consistently and successfully conduct hand-marked ballot elections. And they also successfully do this during early voting at vote centers.

Saying there's no time is also not based on what has been shown in practice. Jurisdictions have moved from electronic voting to hand-marked ballots successfully in far less time. In early September 2017, Virginia's election director decertified its voting machines, forcing all impacted counties in the Commonwealth to purchase and implement an entirely new system.

MR. WHITE: 15 seconds.

MS. WASSON: Those counties completed the transition successfully less than two months later.

MR. MILLS: Thank you, Ms. Joy.

Ms. Liz?

MS. TROOP: Hi. Thank you. I'm Liz Troop of

DeKalb County. Thank you for letting me speak. I'd like everyone, especially those who have predicted chaos if we use hand-marked ballots in the fall, to reflect on what might happen if we instead hire an outside vendor, not to count the actual votes on paper, but count -- but to count images of votes of -- on that paper, infinitely reproducible images of votes.

Calling such a count based on optical character recognition the official vote would not be EAC certified as required by Georgia law. It can't be the legal vote, even if it matches the tabulation from QR codes. After all, SB 189 outlaws a tabulation from QR code accounting for anything.

Both methods of arriving at a count fail on the basis of legality. If you think that hand-marked ballots caused chaos, please consider what count -- what courts might make of results based on optical character recognition of images of computer output. Thank you.

MR. WHITE: Thank you for your time.

MR. MILLS: Thank you.

Aileen Nakamura and then Marilyn Marks and Ted Metz.

MS. NAKAMURA: Good morning. I'm Aileen Nakamura from Fulton County. I'm grateful that later

today I will be able to present to you, with my colleagues, some rule changes that we are proposing to initiate the rulemaking process. That would be a very simple solution to the SB 189 issue.

Because the legislature did not act, it's up to you now, the State Election Board, to put rules into place to allow for our backup balloting system to be used instead of the BMDs. But when it comes to hand-marked paper ballots, there is so much misinformation that's swirling around that I'd like to address a couple of them.

My county's election director at one of our recent BRE meetings, actually said that if Fulton went to hand-marked paper ballots, we would have to find larger polling places. It's just not true. I've also heard it said that there is no way to switch to backup balloting system by November because there's just -- it's just impossible, right?

But we've done this very transition in two months back in 2019, if you recall, right? When Secretary Raffensperger certified the -- the Dominion election system in August of 2019, there were six counties that did pilot BMD elections. Cobb County, a seventh county, did pilot hand-marked paper ballot elections. Those early voting elections started in

October. That's two months.

And I went to visit multiple locations. I think it was 11 locations in all, watching both systems. Guess which system --

MR. WHITE: 15 seconds.

MS. NAKAMURA: -- was so smooth? It was -- it was not even a comparison. So I am -- I am just so confident that our very dedicated county election directors can do this given seven months. Thank you.

MR. MILLS: Thank you.

MR. WHITE: Thank you.

MR. MILLS: Ms. Marilyn Marks.

MS. MARKS: Good morning. Thank you. I'm Marilyn Marks, Executive Director of Coalition for Good Governance. And I just really wanted to comment about some of your comments and comments we've heard earlier today.

I'm so sorry. Is this better? Okay. Great. Thank you.

Ms. Grubbs asked Ms. Grant if she would be willing to participate in a work session, if you will, of election directors, of experts, of voting activist groups. I'm maybe adding more to that group than you were thinking of, but it seems so very appropriate that this is the proper forum, the forum that the

legislature missed, of hearing from experts, hearing from the people on the ground who run our elections, who know what it's like, and then hearing from people in other states who run elections, who can tell us how they run hand-marked paper ballot elections.

And I just wanted to encourage this Board to very promptly, before -- before early voting begins in a couple of weeks or maybe less, to go ahead and try to have that work session. Dr. Johnston said, what about next week? And I want to reinforce the idea of next week because otherwise, our election officials are going to be busy accommodating voters, hopefully in a high turnout election.

And so I wanted to ask that you all do everything you can to try to have a prompt work session, invite all voices, including election lawyers. We've heard a lot today from people who have extremely differing opinions --

MR. WHITE: 15 seconds.

MS. MARKS: -- and there's been a lot of confusion and some inaccurate descriptions. So I just am here to reinforce that conversation and hope you'll make a decision today on that. Thank you so much.

MR. MILLS: Thank you.

Ted Metz. If you would state your name and --

and proceed.

MR. METZ: I, state your name. Hi, I'm Ted Metz. I am a Cobb County voter. And for the TV audience out there, I wear my hair like this because I'm a cancer survivor and I have no hair on this side. It's pretty gross. Okay. So now you know why I have funny hair.

All right. What I -- what is being handed out right now is a compilation of several years worth of notifications that we have given all 159 county boards of elections. The first page, of course, comes from 2023. What's really important is the following page, on Page 2, where I have a citation from Judge Batten in the Pearson v. Kemp case, where it's clearly stated that the Secretary of State has no authority over the county boards of election.

The reason I want that to be double emphasized is because you've heard a lot about 21-2-300, 21-2-334, 21-2-234, 334, 437, and all these other parts of the code, including the Rhoden v. Athens-Clarke County, where the Georgia Supreme Court says that we have elections that are on paper ballots and the paper ballot rules apply.

The Election Code 21-2-437 specifies how the counties are to count the votes on election day at the

precinct using the caller and the tallier method. It is the most simple thing ever. It's totally publicly transparent. It's already part of Georgia law. And the election machines do not pass the EAC certification --

MR. WHITE: 15 seconds.

MR. METZ: -- part that says, if the election machines don't -- if they fault more than one in 500,000 votes, they need to be thrown out. And we know from Fulton County alone that the systems do not meet the code --

MR. WHITE: Thank you very much. Your time has expired.

(Applause.)

CHAIR FERVIER: Come on. Come on. We all know the rules. Come on.

MR. MILLS: Thank you, Mr. Ted.

Let's see. Brad Fogel, Jan Morrow. Brad Fogel and Jan Morrow.

MR. FOGEL: I would like to withdraw. I'm Brad Fogel.

MR. MILLS: Okay. Brad Fogel is withdrawn. That comes to then Jan Morrow. And after her is Rita -- I'm sorry, I can't read the name very clearly.

CHAIR FERVIER: Robinson?

MR. MILLS: Is it Robinson or --

MS. ROHRSSEN: Rohrssen.

MR. MILLS: Okay. Rohrssen.

MS. MORROW: I think it's still morning. My name is Jan Morrow, Canton, Ohio. Excuse me. I'm so sorry. I'm from Ohio. I always do that. Canton, Georgia. I can't help it. I guess you can't get it out of me.

Anyways, I just want to thank you for all the things that you guys are talking about today. And I think it's very important to understand that we do have problems with these machines. I think that's going to be addressed. It's been already addressed later.

I'm for a hand-marked, hand-counted paper ballots at the precinct on the day of the election. And I think that that makes a lot of sense because as a precinct chair, it says that I am supposed to be there to possibly oversee that, and that's not being done either. And I think that is -- that's the transparency at the local level in the precinct. So that's my say in that.

The other reason I'm -- I'm speaking is I did ask a question one time at my -- my polling station. After the 2020 election, I went in to vote another time and I said, oh, no, we have those same machines again.

I heard about those QR codes. That's supposed to be illegal.

And the person there said, no, that's what we have, and that's what, you know, that's what we have to work with. So I really didn't like that, but I felt like that I needed to go vote. And I just want to say that that person at the polling station was very kind to me.

And I asked a question. I think it's important for the public to be able to ask questions. And it was simple. There was no animosity.

MR. WHITE: 15 seconds.

MS. MORROW: And I'm here to support Richard Jordan because I know him to be a person that is cool-headed, kind, considerate, and doesn't show any temper. When he asked about the QR code, he was treated differently.

MR. WHITE: Thank you very much. Your time has expired.

MR. MILLS: Thank you.

Ms. Rita, you're next. And is it Rohrssen?

MS. ROHRSSEN: Rohrssen.

MR. MILLS: Okay.

MS. ROHRSSEN: Rita Rohrssen from Cherokee County. And I second what Jan said about Richard

Jordan. He was just asking a question. I have that question, too. Every time I go vote, I -- my vote is not going to count because who knows where it goes.

And then I just have some scattered comments today. One is the fact that for four years and in our county, we have been talking about 21-2-437, and we were told by our Board that there's a newer law. Well, there's no law, no newer law. So why aren't we just following the law? It would be so simple just to follow the darn law.

We don't have to make up new things, just do what we're supposed to do. And why aren't we? And who's accountable? You know, when we poll watchers or poll workers, we're helping at the polls, but really, when that vote should not be certified, that poll manager is signing for something that is not legal. So, we're asking them to disobey the law.

It's upside down. It's got to change. We're frustrated. We've had four years of this, and we're still where we started. And also, you knew that the QR codes had to disappear July 1st. We were asking our boards, what's going to do? What's going to happen? What's going to happen? Nobody knew.

You know, maybe there needs to be new leadership, maybe there needs to be new supervisors,

but, you know, something has to happen. Thank you.

MR. MILLS: Thank you, Ms. Rita.

Lois Finlay. Ms. Lois Finlay, if you would come forward and just state your name.

MS. FINLAY: Hi, my name is Lois Finlay from Hall County. We, the people, have had our rights and freedom of speech neglected by the Georgia State Board of Elections since 2020. We each have a right to free and fair elections, and we have a right to speak up about anything we see that is not above board. Pardon the pun.

Can you tell me where we've gotten in fighting for free and fair elections every year since 2020? We have gotten absolutely nowhere. The State Board of Elections, the governor, the Secretary of State, the Attorney General have been trying to condition us since 2020. We've been told to sit down, don't speak, don't clap, don't wave your arms, don't sigh or make any sounds. Had the door slammed in our faces and not led into the room.

This is abuse of our First Amendment rights. If I am not mistaken, President Trump has issued an executive order that there will be paper ballots for the 2026 election, but the Georgia General Assembly just voted this down. How can this happen when the

president has issued an executive order?

It has been proven by thousands of us that the Dominion machines are fraudulent. I'm a poll worker and a poll watcher. I'm officers in three or four different big organizations. I mean, it's -- it's absurd.

I'm also here to support my good friend and fellow worker, Richard Jordan, seventh District GOP chair and GRA Chapter president, who will be going through a hearing today for asking questions from the poll worker. Really? We have a right to ask questions; do we not?

I'm a poll worker. People ask me questions all the time. Richard just worked with me as one of my co-chairs for the GRA state candidate --

MR. WHITE: 15 seconds.

MS. FINLAY: -- convention. Where -- where we had paper ballots. There is no one in politics that works harder, fights more for free and fair elections and our right to speak freely than Richard. I've never heard him raise his voice, especially when under a --

MR. WHITE: Thank you for your time. Your time has expired.

MR. MILLS: Thank you. Thank you for your comments.

Mr. Chairman, that's it.

CHAIR FERVIER: Thank you. I think this would be a great time for the Board to break for lunch. Is it here? Pardon me?

MS. HOPE: Shaun can let you know.

CHAIR FERVIER: Lunch?

MR. WHITE: They didn't notify me.

CHAIR FERVIER: [inaudible 02:31:03] . Is it here?

MR. WHITE: They didn't notify me.

CHAIR FERVIER: Just one minute. Can we find out?

All right. All right. We're going to the speaker that we tried to rearrange earlier is online and ready to speak. So we're going to go through that first, Dr. Appel, I believe. And then we will -- this Board will -- the Chair is going to take a motion at that point to break for an executive session, at which point you-all can leave for lunch. So at this time -- let me find my agenda -- we have Dr. Appel, who is online, correct?

MR. WHITE: Yes, sir.

CHAIR FERVIER: Now, we're going forward.

MS. HOPE: There is a technical issue with screen sharing right now. So he said that he would be

fine with waiting if you-all wanted to go to lunch. To make sure the technical part gets taken care of.

MR. WHITE: We have a technical issue to deal with.

CHAIR FERVIER: All right. The Chair has just been informed we have a technical -- another technical issue to deal with with -- with Dr. Appel. So we are -- the Chair at this time will --

MS. HOPE: Well, it's with Zoom.

CHAIR FERVIER: With Zoom.

MS. HOPE: On our part.

CHAIR FERVIER: Which is on our part. So, the Chair at this time will entertain a motion to go into executive session to discuss personnel matters.

MS. KING: So moved.

CHAIR FERVIER: We have a motion and is there a second to go into executive session?

DR. JOHNSTON: Second.

CHAIR FERVIER: We have a motion and a second to go into executive session. Any discussion? Hearing no discussion, all those in favor signify by saying aye.

(Ayes were heard.)

CHAIR FERVIER: Any opposition? Hearing no opposition, the Chair will move. We'll be in executive

session for 30 to 40 minutes. So please take that time to go out and eat if you want to. Dawsonville has some wonderful, wonderful restaurants.

(Exit Public Session; enter Executive Session.)

(A recess was taken.)

(Exit Executive Session; enter Public Session.)

CHAIR FERVIER: Calling back into session, the meeting of the State Election Board. Sorry. Calling back into the session meeting of the State Election Board. As you know, we broke for executive session to discuss personnel issues. We completed the executive session. There are no votes to be taken in public pertaining to the executive session.

So the next item on the agenda is to hear from Dr. Professor -- or Professor Dr. Appel.

MS. KING: Mr. Chair, I -- I know we -- what we discussed in executive session, is that going -- are you going to bring that up?

CHAIR FERVIER: The executive director will bring it up.

MS. KING: Got it.

CHAIR FERVIER: The director --

MS. KING: Okay.

CHAIR FERVIER: Yes. So -- so the next item on the agenda is a presentation from Andrew Appel, Dr. -- professor and --

Dr. Appel, I remember when I was in college, if I called a professor Professor and he was a doctor, he used to always get mad at me. So, if I'm wrong, please let me know.

DR. APPEL: I'm not too picky about that.

CHAIR FERVIER: We have some feedback here?

MR. WHITE: Kind of just let them talk one at a time because the only way they can feed the sound through here is through the TV screen.

CHAIR FERVIER: Was he talking, too?

MR. WHITE: Yeah. He was just talking, too.

CHAIR FERVIER: Oh, I thought it was feedback.

MR. WHITE: Yeah.

CHAIR FERVIER: All right. So, Dr. Appel, if you'd like to proceed.

DR. APPEL: All right. Is Shaun able to put up my slides for you to see?

CHAIR FERVIER: Yes.

DR. APPEL: Okay. I can't see the slides from where I am, but I'll just -- we'll make it work. The main point of my presentation is to explain my understanding of what Secretary Raffensperger proposes

for the tabulation or verification by optical character recognition. And then what I see as the problem with that. But first, I have a few background and introductory slides.

Slide 2, please.

Just a little bit about myself. I'm a computer scientist --

CHAIR FERVIER: Mute mics. Mics are all off?

DR. APPEL: Do you have your feedback problem fixed?

CHAIR FERVIER: We need a computer scientist here to help us with this.

MR. WHITE: I muted everybody.

CHAIR FERVIER: Please proceed.

DR. APPEL: All right. I'm a computer scientist. I specialize in cybersecurity software verification, and for more than 20 years, I've been studying voting systems, voting machines, election procedures, and the security, and accuracy of those processes. I published at least five articles in scientific journals and law journals about these issues, and over 90 blog articles explaining these issues to the public over the last 20 years.

Recently, I was appointed by the State of Texas to their Voting Machine Examination Committee. I

do this in a non-partisan way. There have been a lot of elections since 2003 when I started doing this. It's really about the technology and how we can have integrity in elections.

Next slide, please. We seem to be missing a slide. Yes. Okay.

Well, a lot of what I'm going to present today, I wrote up a blog article last Friday at blog.CITP.Princeton.edu about ballot tabulation by uploading scanned images for OCR.

Next slide.

Most states, most counties in most states vote by hand-marked optical-scan paper ballots counted by optical-scan voting machines in the polling place or in the elections office.

Next slide.

To accommodate voters with disabilities who cannot mark a paper ballot by hand. The usual accommodation is a ballot marking device with both a touch screen and an audio tactile interface.

Next slide.

So, here's just a map of the counties marked in green, both on hand-marked paper ballots counted by optical scanners. Counties marked in yellow count by and vote by ballot marking devices for all voters with

an optical scanning of those paper ballots. And the counties marked in red use paperless touch screens with no paper trail at all where you've got to completely take the computer's word for it.

Next slide.

So, you know, there's a issue with the use of ballot marking devices for all voters.

Next slide.

The problem is that BMDs are computers that can be hacked just as easily as other voting machines or other computers. If the -- if the BMD is hacked, it can print fraudulent votes onto the ballot paper. Any audit or recount will count fraudulent votes.

Next slide.

Most voters don't examine the ballot paper closely enough to catch differences from what they indicated on the touch screen if such differences occur. There's been several studies of the behavior of real voters in different places that all come to the same conclusion. And what that means --

Next slide.

-- is that even, you know, those seven percent of the voters that check their ballots carefully enough that would catch the BMD cheating, if it were cheating, they might be safe against having their vote stolen.

But the other 93 percent of voters are vulnerable to vote hacking. And once it's marked on the paper that way, then any recount, even a recount by hand, will count the fraudulent votes marked on the paper.

Next slide.

Then there's the issue of encoding votes in QR codes. And I know you're very familiar with this issue.

Next slide.

But the problem here is the scanner counts the votes in the QR code, as you know, and these are not the votes that the voter can read printed on the paper, so the voter has no way to verify the actual vote will be counted. So all of that's background and I'm sure you're quite familiar with it. And also, as you know --

Next slide.

-- Georgia Legislature passed a bill that would remove the QR codes and bar codes from those ballots. And that's a step forward. Not just in my opinion, as a cybersecurity expert, but the consensus opinion of election cybersecurity experts who studied these issues is, it's definitely a step forward.

So next slide.

I'm going to talk about what Secretary of

State Raffensperger plans to do. But before I do that --

Next slide.

-- I want to talk about how elections are normally run, including in Georgia. Voters mark paper ballots with a pen or with a ballot marking device. The paper ballots are scanned by optical scanners. To reduce the danger of computer hacking, voting machines, such as optical scanners are not directly connected to the Internet.

Scanners tabulate the votes. They can print out those results, and they do print out those results immediately at the close of the polls on paper. And they also write those results to removable media for transfer to the election office. So -- and even in the election office, the best practice is that election office computers that do the aggregation of votes are not directly connected to the Internet.

So these practices, they're not perfectly secure, but they're basically the best we know how to do in general.

And next slide.

Now, I want to talk about the Secretary of State's plans for optical scanning. And I'm basing my explanation on his testimony and documents at the

legislative hearing on January 21st. The State budget bill that has a certain line item passed in March. The report illustrated here from a company called Enhanced Voting, about how they conducted the 2024 optical character recognition audit for the State of Georgia. And the instruction manual from Enhanced Voting from that same audit.

And so I can't know exactly what your Secretary of State plans to do, but I can explain it as -- as best I can from all of these sources.

Next slide.

And by the way, the Secretary of State refers to this as a double blind system. I don't actually see what this has to do with the term "double blind," so I'll just refer to it as OCR based tabulation. And the basic idea is to tabulate the votes from the text on these ballots. It's the same ballots that your Dominion ICX ballot marking devices are currently (audio interruption) from the human readable text instead of from the QR code.

Next slide. Next slide.

Okay. So the idea is that the voters will use the same Dominion ICX touch screens, which will produce the same paper ballot with the QR code and the text.

Next slide.

You'll scan the ballots with the same Dominion ICP scanners, which will tabulate votes from the QR codes. The scanners also routinely produce 200-dot-per-inch digital images of the ballots in a computer file, 200-dot-per-inch is sort of medium resolution.

And next slide.

The procedure --

Next slide, please.

The procedure used in the 2024 OCR audit and the procedure, as I understand it to be used to tabulate votes in the November 2026 election, is to upload these digital images from the scanners to county election computers. This is actually normally part of the process.

The -- the digital images are conveyed from the Dominion scanners to the Dominion election database at the county election headquarters, along with other election results from that polling place. They'll go into the county election database, which is managed by the Dominion election management software.

Next slide, please.

Then this is the new part, the OCR upload part. The digital image files from each county's election database will be uploaded to a cloud computing

server managed by the Enhanced Voting company. And that company will use optical character recognition software to tabulate votes based on the human readable text printed on -- well, I was going to say printed on the paper ballots, but they're going to do it based on the text that's in those digital image files. And -- and that's one of the issues.

And then Enhanced Voting will transmit results, tabulations, back to Georgia election officials, who will then report them as certified election results. So that's, as best I understand it, Secretary Raffensperger's plan.

And here's the problem. In contrast to standard collection procedures in Georgia and everywhere else, where you tabulate votes within a single optical scanner in each -- or, you know, or multiple optical scanners, but each -- each set of votes is within one optical scanner from the time its scanned to the close of the polls, where the results are printed on paper, witnessed by witnesses in the polling place, available for upload, and where the cybersecurity of those voting machines is far from perfect, but the attack surface for fraud is limited to that one machine.

In contrast, the whole procedure of uploading

the files to county election database, and we know that the security of the Dominion election database files is not very good. It really would be possible for people to replace one set of digital images with another.

Then the upload of that on the Internet to somebody else's cloud computing server. And then there's a question of who's doing that upload and which files get uploaded. Then the optical character recognition software itself is not an EAC certified, you know, voting system.

So I'm not a lawyer, and I'm not going to opine on whether it's legal, but if a state required that its election tabulation be done with election equipment certified by a test lab that in turn was certified by the US Election Assistance Commission, I haven't seen any evidence that this procedure fits into that process.

So next slide.

So, again, compared with the standard method, this proposed method has many, many more steps where there's opportunity for substitution or -- substitution of data files or the fraudulent use of different software than was expected. And that's really where I see a problem with this approach.

Next slide.

And I don't, you know, I'm not going to tell you exactly how you should proceed. That's up to you, the director of legislature, the governor, the -- the Secretary of State. But it really is true that the optical scanners you already have can tabulate hand-marked paper ballots.

Those Dominion ICP scanners are used in many states to tabulate hand-marked paper ballots. They're used in Georgia to tabulate hand-marked paper emergency ballots.

Next slide.

You don't need to apply any software upgrades to those machines to use them for that purpose. There are some software upgrades that you could apply that would fix some security vulnerabilities, but that's really a completely separate issue from whether they can tabulate hand-marked paper ballots.

It would mean that your counties would have to make a real adjustment to use paper ballots. And you could do it with pre-printed paper ballots or with ballot on-demand printers. Either way works well in other states, even for vote centers with many ballot styles in urban areas.

And I've talked to election administrators in other states about their use of either ballot on-demand

printers or -- or all pre-printed ballots without any ballot on-demand printers. And there's better and worse ways of doing it. There are better and worse ballot on-demand systems, but it's totally practical and it's routine in other states.

Next slide.

And I -- basically all I have, and I'm happy to answer your questions.

CHAIR FERVIER: Shall I go first or would somebody else like to go first?

MS. GRUBBS: I'm happy to go first.

CHAIR FERVIER: You're going to be long and I'm not.

MS. GRUBBS: Okay.

CHAIR FERVIER: If you want to go first, please.

MS. GRUBBS: Mics on or mic off?

MR. WHITE: They're on. You're good.

MS. GRUBBS: Okay.

Go ahead, Mr. Chair.

CHAIR FERVIER: No, it's -- this is your -- your witness, please --

MS. GRUBBS: My witness.

CHAIR FERVIER: -- please proceed.

MS. GRUBBS: Professor Appel, thank you so, so

much for being here. This was highly informative, and I appreciate you doing it very much and the work that you do for elections. As you know that there was -- or as I believe you to know, that on November 7th, 2025, there was a letter sent from the Office of the Secretary of State, which was sent by Counsel Charlene McGowan and the elections director, Blake Evans.

And it was sent to Representative Victor Anderson and Representative Tim Fleming that were part of and continue to be, the committee still is in existence, the House Blue-Ribbon Study Committee on Election Procedures. And in there, it references a, quote, unquote, double blind count using human readable text.

It says, "The tabulated results for every race on the general election ballot would be done by OCR. The OCR tabulation, based on human readable text, confirmed the scanner tabulation with 100 percent accuracy." Is there any industry standard for some kind of double blind review or counting in the election world?

DR. APPEL: The term "double blind" is not normally used in the election world. You know, it's used in other areas where you're studying human subjects or where there's peer review of scientific

papers. So I don't actually know what double blind means in that context. And I'm not actually familiar with that letter that you referenced. I haven't read it, so I can't help you with that one.

MS. GRUBBS: Okay. And then -- and then also, Enhanced Voting seems to be in a lot of procedures that we're doing. And they are doing our election night reporting, and then they're also involved in these audits. So just from a simple view, it looks like they're auditing their own work.

And then this would be adding another layer of involvement with Enhanced Voting. Would it be a good idea to consistently have conflicted vendors involved in this process?

DR. APPEL: I think if you're going to have audits, it would be a good idea to have them sort of transparent and -- and under the control of a public entity. And really, I'm unclear about whether this OCR scan is meant as an audit or as raw tabulation.

MS. GRUBBS: So that was going to be my next question because as you're explaining it and I'm envisioning how this would happen, you know, I was having a conversation with a friend the other day, and we were talking about the differences between the ballots as they look now versus a full face ballot.

And, you know, we go through, you know, as, you know, part of the public, we go through these voting things. We're in a hurry, you know, we have things on our agenda to do when we go to vote.

And it's, like, you know, I remember voting before where you had all the options on the ballot and you chose your options and that kind of thing. And since this advent of this wonderful new machine voting with these awesome BMDs, when your ballot prints out, it only prints out your selection. It doesn't print out every selection that -- that you have in options to vote for.

So when this, quote, unquote, audit would happen, and the scanning would take place, it's only scanning what's printed on the ballot, and then that's -- that goes to the tabulator. But then the -- I'm confused as to how this would work with the image audit, and it seems like the Secretary is saying that the image audit would be the official tabulation of the results in the election. Is that your understanding, too?

DR. APPEL: He has said it both ways. In some of his written materials and in the State budget line item that was passed on March 3rd, it's referred to as a tabulation. In the legislative hearing on January

21st, Senator Burns asked him, is it a tabulation or is it a verification? And he said it's a verification, even though the written materials he provided to the legislature for that hearing, used the word "tabulation."

So, you know, whether it's a tabulation or a verification, let's just assume that the ballot scanners are going to read the QR code because that's the only thing they can read on that file of BMD printed ballot. And they're going to print out a tabulation, because that's what they do.

And the optical character recognition is going to work by the procedure that I described. And we can let the lawyers or the public representatives decide which thing is the tabulation and which thing is the verification.

MS. GRUBBS: Okay. And then is there anyplace else in the country that relies on image results as official vote tabulations?

DR. APPEL: No, not -- not to my knowledge in this way. That -- official results are obtained from the optical scan voting machines, which are self-contained. And then in some states, they do a risk-limiting audit before the certification of official results, and in other states they do not. But

in all the states that I know of, they derive their tabulation from -- directly from voting machines.

There are a few states that have a few counties that do hand-counting of paper ballots, and they derive their results from the hand-count. That's mostly in counties with small population, you know, maybe up to 5,000 or 8,000 voters. But other than that, it's all, you know, the machine counts.

MS. GRUBBS: Okay. And lastly, so, therefore, do you see that there's a conflict of interest in having an uncertified system produce tabulation results and the same vendor aggregate and report those results, and then that same vendor to do an audit of those results? Would that -- would that kind of be a conflict in your opinion?

DR. APPEL: Well, again, I'm not a lawyer, but it does seem like you're putting all your trust in one vendor. And, you know, the principles of running US elections are that we have bipartisan election boards, bipartisan teams of poll workers, because it shouldn't be up to one party to have to trust the other party to run the election right. It should be sort of transparent and visible to all that the election is -- is fair.

MS. GRUBBS: Thank you so much, Dr. Appel. I

appreciate it greatly, and I'll let some of the other Board members ask you some questions.

CHAIR FERVIER: Thank you. Thank you very much. Dr. Appel, thank you for attending today. As I -- I was laying in bed last night about 11:00 reading your stuff and trying to develop some questions for this. As I've told people before, I'm the most boring man in the world, and that's kind of what I do.

But I -- I had a few questions. I -- I do not oppose the removal of the QR codes. I have stated I'm indifferent towards them, but I do not oppose the removal of QR codes. But I have some questions about the QR codes, and specifically about how big of a problem it's been, and then also about this optical scan proposal.

So have you done any research to find out how many times in past elections the QR codes have been hacked successfully?

DR. APPEL: I have never seen any evidence that they've actually been hacked in a real election.

CHAIR FERVIER: Okay.

DR. APPEL: You know, these voting machines are quite accurate when they haven't been hacked. We hope they've never been hacked. It may be true they've never been hacked, but we also know how vulnerable they

are to hacking, and that's been clearly demonstrated by a scientific examination.

CHAIR FERVIER: Right. And well, we know that any kind of technology can be hacked, just about, correct?

DR. APPEL: Yes.

CHAIR FERVIER: And so it -- so it's -- anytime you're using a -- any kind of technology, it's susceptible to being hacked, whether it's --

DR. APPEL: Right. Any --

CHAIR FERVIER: -- a voting machine or your phone or your computer or your car or whatever else. So it's --

DR. APPEL: Even -- even hand-marked paper ballots counted by optical standards, those optical standards can be hacked --

CHAIR FERVIER: Right.

DR. APPEL: -- which is why it's a good idea to have human examination of the paper ballots as well. Not necessarily a full recount, which would be quite expensive and impractical, but a statistical risk-limiting audit, where you sample some of the ballots and make sure that, you know, that the -- the machines weren't hacked this time.

CHAIR FERVIER: Yeah. Yeah, I wasn't

question -- I was just saying that it -- anything can be hacked.

DR. APPEL: Anything can be hacked.

CHAIR FERVIER: So let me see if I can explain this without getting too confusing. So a certain percentage of the people actually read their ballot after they voted, correct? I'm one of those. I read every line to see if it showed up exactly who I voted for.

DR. APPEL: It would not surprise me that --

CHAIR FERVIER: So I'm -- I'm one of that ten percent or whatever, right?

DR. APPEL: It wouldn't surprise me that the Chair of the State Election Board is careful about his ballot.

CHAIR FERVIER: I'm careful about a lot of things. Not always the things I should be careful about, but -- but I do, I read -- I read every line to make sure that what I voted for is what is printed on the paper. I've always done that my entire life, voting life.

So, a certain percentage of people -- and -- and would it be -- you said seven percent. I mean, is that roughly what it is? And is that what the statistics show, that only seven percent of the people

read their ballot?

DR. APPEL: There's different ways to measure it, but yeah, seven percent read their ballot carefully enough to notice when it's actually been hacked. When -- when one contest on the ballot is marked differently on the paper than what they actually did on the touch screen.

CHAIR FERVIER: And they assume that's hacking instead of just pushing the wrong button on the screen?

DR. APPEL: Well, indeed, if you noticed it -- what's marked on your ballot is different than what you thought you did on the screen, it could be that the machine was hacked, and it could be that -- that you made a mistake. But I can explain how that seven percent was measured, if you're interested.

CHAIR FERVIER: I'd love -- I'd love -- I have a degree in math, so I love numbers.

DR. APPEL: So is that a yes? I'm sorry. I can't hear you now?

CHAIR FERVIER: Yes.

DR. APPEL: Okay. All right. So there's different ways to measure what voters do with their ballots. One way is to -- and this is one way it was done in Tennessee, or in Georgia, actually -- is you stand at the side of the room where observers are

allowed to see during a real election. You can't see what's on the voters' ballots, but you can observe how much time the voter spends looking at their ballot.

And you notice that the vast majority of voters don't look at their ballot for more than -- well, half of them don't look at their ballot at all before they put it in the scanner, and half look for, you know, three or four seconds or something. But here's a way to measure what would happen if -- if the machine were actually hacked.

And so this experiment was done in a public library about a week after a real election in Michigan. And the voters, you know, citizens walking by were asked, are you a registered voter in this town? And would you like to try out a new kind of voting machine. And they were shown to a ballot marking device that was programmed with a ballot from the very same election they may have voted in the previous week.

And they were asked to vote as they did in the election the previous week. And this machine -- this was not a real election. If you do this experiment in a real election, that's probably a felony. So you want to do it in -- in a controlled -- so the machine was actually hacked, so it would change one of their votes.

So we -- we know for sure that it would change

one of their votes. And what they measured was how many people brought this to the attention of the poll worker, and that was the seven percent. So, you know, all sorts of ways of knowing that --

CHAIR FERVIER: Okay. So you'll understand where I'm --

(Audio interruption.)

MR. WHITE: He was continuing to talk and -- right when you started. So I've got to -- I've got to, like, manually go back and forth.

UNIDENTIFIED MALE 2: So it's kind of -- you can't -- you can't banter back and forth. You have to let him talk, then --

CHAIR FERVIER: I'm going to look at you and you do a thumbs up when I can speak, okay?

MR. WHITE: Go ahead.

CHAIR FERVIER: So let me -- let me see if I can get to where I'm going. So we understand that seven percent of the people look at their ballots after they vote on the machine. And in Georgia, if you have 7 million voters, you're talking about 490,000 voters that actually look at their ballots after they vote, correct?

DR. APPEL: Yeah, something like that.

CHAIR FERVIER: (Audio interruption.)

DR. APPEL: I think I know where you're driving at. And let me answer the question I think you're about to ask because you're laying out something that -- that is a real issue. So suppose -- so seven percent of the voters check their ballots carefully. And let's suppose I hack the machine to shift only five percent of the votes from Smith to Jones. That's enough to shift major elections, especially in Georgia. Five percent is a lot.

And what that means is that about one out of every 200 voters -- seven percent times five percent, that's about one out of every 200 voters -- is going to notice that what's marked on their paper is not what they did on the touch screen. And so then what happens?

Well, what's the voter supposed to do in that circumstance? They're supposed to tell the poll worker, this is not how I voted on the touch screen. And what's the poll worker supposed to do? They're supposed to say, that's all right, sir, we'll avoid that one, and you can have another chance. And you, I suppose use the touch screen again. It comes out fine. You cast your ballot.

So now you're one of the seven percent of voters that they didn't have a chance to steal a vote

from. But what else? You caught the machine cheating red-handed. Surely, you should be able to do something about that. Okay. What can you do? The poll worker can't know whether you made a mistake or whether the machine was cheating because what was on the touch screen a minute ago isn't there anymore.

And the director of elections can't cancel a set of election results and call for a do-over because one out of every 200 voters raised their hand and went to the poll worker and said, this isn't what I marked on the touch screen. So the problem is that even though some voters will -- in this hypothetical scenario where the machine is cheating, even though some voters will catch it, they can't prove it, and there's nothing useful the election director can do about it. There's no recourse. That's the problem.

CHAIR FERVIER: No, that's not where I was going. So, we got seven percent of the voters actually look at their ballot. And then once you get your ballot, you take it and have it scanned in -- in the scanner, right, and count it. And the QR code is scan -- is what's counted. The voters on the QR code, correct?

DR. APPEL: Yes.

CHAIR FERVIER: And the Secretary of State

wants to do an optical scan of the printable -- of the readable print on there, correct? To verify -- to verify whether the QR code is correct. And this is where I get a little confused.

So in the last election in 2024, when they did the optical scan comparison, statewide, they found very few differences between the optical scan and the QR code, which is -- could happen because maybe no machines were hacked in the state of Georgia, correct?

DR. APPEL: Right. So --

CHAIR FERVIER: But it would seem to me that if you have -- if you have 490,000 voters that's being both QR code scanned and optically scanned, you're going to find a big difference, you know, if there was some manipulation of the QR code.

DR. APPEL: Right. So --

CHAIR FERVIER: And which would lead you to believe to a particular -- would lead you to go to a particular polling place or scanner, and you could back that up with a hand-count of the votes at that point.

DR. APPEL: Right. So these kinds of voting machines are extremely accurate when they're not hacked. And I'm totally willing to believe that in the 2024 election in Georgia, these machines were not hacked. And if they were not hacked, you would expect

to see almost perfect agreement between the QR codes and the human readable text.

The problem is, these machines are insecure. They are vulnerable to hacking in the next election. And the next election is important, too.

CHAIR FERVIER: Yeah. I'm not disagreeing with you on being vulnerable to hack. I mean, like I said, any technology is vulnerable to being hacked, any technology. But my question is: If you had an optical scan as a second set of eyes, and there were -- there was a machine that was hacked, there would be a lot of inconsistencies between the optical scan and the QR code.

I mean, there has to be when you have -- when you have 490,000 voters there that you're, you know --

DR. APPEL: Well --

CHAIR FERVIER: -- you'll see some inconsistencies if there's a difference between the -- the QR code and what they see on their paper.

DR. APPEL: If I were -- if I were the bad guy and hacking your voting machines, I would hack the optical scanners to -- to cheat in the following way: Produce fraudulent ballot images. You know, you're relying on the optical scanner to scan the ballot image of the paper that's, you know, presented to them and

put that in the computer file for upload. Why don't you just put a different ballot image?

When you do an OCR on digital pictures of something, you're also relying on that that's a picture of the true piece of paper, and the computers can manipulate that. The -- it's almost the case that what's on the paper is going to be more reliable than a computer image that's been transferred from one computer to another to another.

I think this optical scan procedure was not useless as a kind of audit to see what we can tell about the ballot scanners, but as a tabulation mechanism, I think it has too many steps of transfer of digital files to be as secure as the methods that most states call for.

CHAIR FERVIER: Well, I agree with you. But if I'm going to hack something and I want to make sure that I'm not caught, I'm going to hack the scanner and not the BMD. Because using the optical scanner along with the QR code, when you've got some -- and then the 490,000 people that are looking at the ball, there's some sort of audit trail or some sort of audit going on. So I'm going to go after the tabulator and try and hack the QR code and hack the ballot image at the same time.

So how difficult is it to hack that? How much time does that take? And can you do it while somebody is standing there watching the scanner go on, you know?

DR. APPEL: You don't hack the scanner during the election. You hack the scanner well before the election. You hack some central database that loads software into all the scanners in the state or in the county. It's not a question of what you do when somebody is standing there watching.

CHAIR FERVIER: But the scanners are not connected to each other, so you have to scan -- you'd have to hack each individual one the same as the BMDs, right?

DR. APPEL: Software is loaded into the scanners from a central place. Election definition files are loaded into the scanners, every scanner, before every election to tell the scanner what's on the ballot. You know, scanners don't have to be hacked at retail. And that's why paper ballots are important.

And Georgia now has paper ballots, which is an improvement on the way things were, you know, ten years ago. But this particular method of counting the paper ballots by transferring ballot images from one place to another to another to another and then doing OCR just doesn't seem very reliable to me.

CHAIR FERVIER: Yeah. I -- you know, I -- I'm not arguing with you. I just find that when I want to know the answer, I always ask the opposing questions. So thank you very much. I appreciate it.

Member Ghazal?

MS. GHAZAL: I appreciate you coming, especially with other commitments of your time, Dr. Appel. But going back to the -- the hypothetical about hacking a scanner, that could happen regardless of the -- of the medium. Like, whether -- how the ballot was marked, whether by machine or by -- by hand, hacking a -- a tabulator would have the same impact, correct?

DR. APPEL: Not quite. If you only hack the tabulator, then an audit or recount of the actual paper ballots will see what the voter marked on the paper ballot. If you hack the BMD, then you get a mark on the paper ballot that will survive a recount. And the paper ballot is not as useful as sort of ground truth.

MS. GHAZAL: But that wasn't my question. My question was hacking the tabulator as opposed to hacking the BMD.

DR. APPEL: Right.

MS. GHAZAL: So a tabulator can be hacked no matter how the -- the ballot is marked, correct?

DR. APPEL: That is correct.

MS. GHAZAL: And an audit, assuming that the -- assuming that the source is accurate, then an audit would identify that sort of hack regardless?

DR. APPEL: If the audit is of the actual physical pieces of paper, then you can detect hacking in the scanner. If the audit is of the digital ballot images, then you're trusting that very same scanner that produced them to audit itself in effect.

MS. GHAZAL: But a software independent scan would be different. In other words, if -- if the ballots were re-scanned and different software were used to capture the -- the digital images, and that would be -- that would create another separation, correct?

DR. APPEL: The term "software independent," as it's used in elections, means independent of any software. So it technically, the software independent way to audit or count is to look at the actual pieces of paper by -- without software. But again, even the concept of trying to use software that is different and independent from the other software, when you do that OCR scan of the digital ballot images produced by the optical scanner, then you're taking the word of the optical scanner for what it saw on the paper.

MS. GHAZAL: So I wanted to ask about a more recent study on verifiability and correction of errors on BMD ballots because the Center for Civic Design conducted a study in -- it was published in July of 2024. I don't know exactly when it was undertaken, but it suggested that, in fact, voters were far more likely to correct errors on BMD ballots versus hand-marked ballots, like, to a really significant degree.

I was wondering if you had had an opportunity to review that study.

DR. APPEL: I have not.

MS. GHAZAL: Because it's contrary to -- to some of the older studies that were conducted.

DR. APPEL: I haven't seen that study. I have seen one or two of the older usability studies of BMDs. And some of these studies are done to say not only what the voters do, but how could we help them do better. And it's not so easy to help them do better because they're people, like the rest of us.

And partly, it has to do with the readability of the BMD ballot. But you have a particular kind of BMD ballot, and it's as readable as it is or as it was last year. So I'm just not that optimistic about our ability to change human behavior in the way they review their ballots.

MS. GHAZAL: Thank you, Dr. Appel. I appreciate your time.

CHAIR FERVIER: Member King.

MS. KING: Okay. Man, it feels like you have to be a tech genius to run elections in Georgia. Good Lord. So, I -- I know we -- we had a lot of mention about hacking. I'm concerned about coding errors. Because when we look at the case that we've all talked about several times, with -- with Michelle Long Spears, in her instance, her text was correct, but the QR code index was wrong.

So my question to start is: Is it possible to hack the index in the QR code, or if there was a coding error and the QR code was wrong, but the text was correct, what -- what will happen in that case?

In the case of Michelle Long Spears, if we were doing -- if we were using this method that you're speaking of, how would -- how would that be explained or how would it be reconciled if the QR code is wrong but the text is right?

DR. APPEL: Right. So we naively used to think that the QR code would disagree with the text only if there's hacking, but it turns out that's not the case.

MS. KING: Correct.

DR. APPEL: And I'm not familiar with the incident you cite, but I can explain a similar instance that occurred in Northampton County, Pennsylvania, in the 2024 election. It was using a different make of ballot making device from ES&S. And in that election, the bar codes that encoded the votes disagreed with the human readable text.

And it wasn't that yes was swapped with no. It was in one Judge retention race, the yes for that Judge was swapped with the yes for a different Judge in a different Judge retention race. So some alert voters discovered this early in the day, and they must have been voters who voted yes on one Judge and no on the other Judge.

And the election administrators studied it and figured out that there had been a mistake in their ballot definition, and that they had put one Judge's name over here in the barcode list, but over there in the human readable text list. And they figured out that the one in the bar code was actually correct and the one in the text was wrong.

And they had to advise voters, don't worry if the text says the Judge you didn't vote for, it'll be recorded correctly, which is not a happy thing for voters to hear as you can imagine. So Northampton

County, Pennsylvania, was very unhappy with their election equipment in that case.

But it does demonstrate that you're exactly right. There can be coding errors that cause the human readable text to be different from the bar code. And in that case, you know, it can take some sort of forensic examination to figure out which one might actually be what the voter did on the touch screen.

MS. KING: Okay. So now that we know that, if that was the case and there was a conflict there, using this method, what's -- what will be counted is the ballot image of the text, but that ballot image will be created based off of the QR code's data, correct?

DR. APPEL: In the case you're describing where it's a mistake and not deliberate hacking, I would assume that the -- let's assume then that the ballot image is a accurate scan of the picture of the ballot, including its QR code. And this separate OCR step would probably discover that the -- the tabulation from the human readable text OCR differed from the tabulation in the QR code. And then there would be a big kerfuffle and maybe, you know, election administrators would be able to get to the bottom of what actually happened.

MS. KING: But the voter will have no idea

that this is happening because this will be taking place long after the voter is gone. The voter feels like they've validated, they -- they've looked at their ballot, they've read their text, they walk out feeling confident. And all of this could be happening behind the scenes, correct?

DR. APPEL: That's correct. And it would be good to have -- if you're, you know, if -- if the state of Georgia really proceeds with this method, it would be good to have some rulemaking for which vote governs in such a case.

MS. KING: Such a case. Okay. So -- and my -- my next question is: So, are you basically saying that this method here -- and it's interesting because last -- I think it was just last night, I heard a former employee from the SOS Office, Gabe Sterling, state that this is something that they are seriously considering, is counting using this method. So, I know this is extremely important.

But this method would essentially eliminate the source document from being a part of the tabulation process, correct?

DR. APPEL: That's correct.

MS. KING: Okay. So, it -- it appears to me that we are creating a more complicated method on top

of an already complicated method to justify the complications. It feels like we're working backwards at this point.

Would you say that -- or what would you recommend as it relates to this? Is it to just not do this at all or where do you stand on this? I know you -- you see the irregularities, but --

DR. APPEL: Right. I agree with your --

MS. KING: -- what would be your recommendation?

DR. APPEL: -- I agree with your characterization of it as a complicated method, layered on another complicated method. And my recommendation is to do what most states do, and which Georgia already has all the equipment it needs to do, which is print out those pre-printed bubble ballots, hand the ballot to the voter. The voter can mark it, feed it into the very same Dominion scanners that you have already.

And for your vote centers in large cities that have a lot of ballot styles, you have a decision to make between using ballot on-demand printers or just pre-printing all the different ballot styles and having them available in envelopes at the vote center. And you may think that sounds crazy impractical, but it's used very successfully in other states, including in

large cities.

So there are plenty of other election administrators out there who are familiar with these procedures in their counties that probably could give you advice about which ballot on-demand printers work well and which don't, and which methods of pre-printed ballots work well and which don't. That would be my basic recommendation.

MS. KING: Thank you. And thank you so much for coming.

CHAIR FERVIER: Dr. Johnston, do you have a question or two you would like to ask?

DR. JOHNSTON: Just -- just a couple of questions.

Dr. Appel?

MR. WHITE: Her mic's not on.

CHAIR FERVIER: It is on. It shows green. Here, use this one.

DR. JOHNSTON: Hello, Dr. Appel. Thank you for being here today and answering our questions. Since you've worked so many years in elections, what would you say to the question of cost of a voting method such as the one that Georgia currently uses compared to a hand-marked paper ballot method of voting? An overall cost.

DR. APPEL: Yes. So one thing about hand-marked paper ballots is you don't need a whole lot of ballot marking devices in each polling place that all need to be programmed. There's just one for -- used by voters who can't mark a paper ballot with a pen.

And other places that had previously been using BMDs and switched to hand-marked paper ballots found that sort of the preparation and licensing and maintenance fees for all those extra BMDs that you need if everybody voter is using them, was a big savings. Printing of pre-printed paper ballots can be done in expensive ways or inexpensive ways. And we know that savvy election administrators in, like, Colorado and Utah and so on, shop around for expert election printers that can do things at a cost effective price.

So I think in the end, it does not cost more money to use pre-printed paper ballots when you factor in not only the cost of the paper, but the cost of maintenance fees and lease fees and so on, on all the extra equipment you need if everybody is using ballot marking devices.

DR. JOHNSTON: I think there's probably -- just eyeballing the figure -- 32,000 BMDs are required for the state of Georgia. If we used hand-marked paper

ballots, we'd only need 3,200 BMDs for accessibility purposes.

Is it true that the time to vote a ballot has been studied and tracked? I read -- read a study that said it takes an average voter five minutes to vote on a hand-marked paper ballot, compared to eight minutes to vote on the ballot marking device and print the paper and produce the ballot summary.

DR. APPEL: That's very possible, but I'm not familiar with that particular study. But I will remark this about hand-marked paper ballots. If you're operating a polling place with hand-marked paper ballots, you need one poll book, whether it's an old-fashioned printed one or an e-poll book, you hand the ballot -- the paper -- the paper ballot to the voter.

You need maybe, depending on the size of the precinct, five or six cardboard privacy screens where they can go to mark their ballot. You need five or six pens, and that's instead of five or six ballot marking devices. But you still only need one scanner. The voter takes their ballot, spends their five minutes marking it, using equipment that costs $100 at most for the privacy screen and the pen, and then comes back and feeds it into the scanner.

And that process, as you know, that takes only a few seconds because it's the same for whether it was marked with a QR code or marked by hand. So it's really a question of how many minutes does the voter spend occupying expensive election equipment, and there the -- the BMDs really are a problem.

DR. JOHNSTON: It appears to me that the proposal by -- that's coming from the Secretary of State's Office or perhaps some people in the General Assembly, is that we are now trying to implement two electronic voting methods stacked on top of -- one on top of the other. However, my question is: Is if the QR code calculation on Dominion scanners isn't -- will not be legal as of July 1st, are the closing tabulator tapes illegal also?

DR. APPEL: I'm not a lawyer, but I would say no. The tabulator tapes produced on election night by the voting machines are calculated only from the QR codes.

DR. JOHNSTON: So the -- and I'm not a lawyer either, but OCR tabulation of ballot images is not EAC certified as far as I know, and would not be considered an acceptable method of tabulating votes as proposed. Do you -- do you have an opinion on that?

DR. APPEL: It's not impossible to imagine

that there could be a voting machine that uses OCR and could pass EAC certification, but I don't know of any that has been. And certainly, the software used by Enhanced Voting in the 2024 Georgia audit is not such software. So there's no --

DR. JOHNSTON: Correct.

DR. APPEL: -- voting machine that I know of that uses OCR and is EAC certified.

DR. JOHNSTON: Enhanced Voting called the procedure that they -- they followed in the 2024 election and audit. At best, I would call it a review of ballot images. I could not call it an audit. Well, thank you. And thank you for pointing out that once a voter leaves the BMD and the image of the ballot that they have just felt like they had voted on on a touch screen, that image disappears.

So that if there's ever any question about the choice they made or what was seen on the ballot that they thought they voted on, the ballot image they thought they voted on, they have no way to go back and recover that actual document because the image has disappeared, which creates, you know, a validation issue for every election. But we oftentimes have voters complain that the choice they saw on the computer, on the -- the ballot marking device, they did

not have their candidate, and they're almost always convinced that it was their mistake and at their lack of attention and not the ballot marking device.

And one last question, audits. Audits are -- machine count sometimes, or recounts are required to be machine count recounts, but a recount using the machines would also just produce the same results, even if the results were hacked or not true results; is that correct?

DR. APPEL: Well, best practice is to do recounts by hand, especially if the reason for doing the recount is that you have questions about the machines. If you recount QR code ballots afresh, then if the first scanners were hacked and if the recount scanners are hacked the same way, then the fraud will survive. And if they're not hacked the same way or they're not hacked at all, you'll get a fresh count from those QR codes.

And now you have to ask, were the BMDs hacked? You know, the -- the standard recommendation is if you have hand-marked paper ballots, you count by an optical scanner, and you're going to recount them, recount them by human beings looked at -- looking at them and, you know, in teams of multiple people keeping track of each other, and recounts by machine are not a best practice.

DR. JOHNSTON: Thank you. I agree with you. And are RLAs valid with ballot-marked device ballots?

DR. APPEL: RLAs cannot detect or correct fraud that came from hacked ballot marking devices because all the RLA can do is look at the paper ballot. And if that's already fraudulent, there's nothing an RLA can do to correct that.

DR. JOHNSTON: Okay. Thank you very much.

MS. KING: Mr. Chair, I have one more question.

CHAIR FERVIER: Yes. Member King.

MS. KING: One more question. Would this -- if there were coding errors, would it be caught in logic and accuracy testing?

DR. APPEL: In principle, yes. You know, as we know, logic and accuracy testing is not a good way to detect deliberate fraud, but it can detect coding errors. But it's -- it's -- it can be hard to do logic and accuracy testing that's so thorough that will catch every possible error.

I'm sure that Northampton County, Pennsylvania, did logic and accuracy testing, but they didn't catch that one, so -- but in principle, yes, it could be caught by logic and accuracy testing.

MS. KING: Well, yeah, because, I mean,

logic -- logic and accuracy testing also did not catch the Michelle Long Spears error either in DeKalb County. So thank you.

CHAIR FERVIER: Any further questions for the Professor?

MR. MILLS: I have one question.

CHAIR FERVIER: Yes, sir. Mr. -- Mr. Executive Director.

MR. MILLS: Professor Appel, could you just give me an update if you happen to know? I understand that when Dominion was implemented, that, I mean, there's been numerous vulnerabilities -- whether or not it's ever been hacked or not, that's not what I'm talking about.

There's been numerous vulnerabilities that have been cited that there could be a hacker. And so much so that I think in the Curling v. Raffensperger case, after all of those documents were unsealed by the Courts, that Dominion came out with a patch of software. And that patched software was supposed to address some of those vulnerabilities.

In Georgia, I believe we still have the 5.5 Dominion version. And while it was suggested through the Curling v. Raffensperger case that that patch software be applied, I don't think Georgia has ever

done that.

DR. APPEL: I think you are absolutely right in every respect, that the -- in the legislative hearing on January 21st, I think it was Senator Dolezal asked Secretary Raffensperger that question, and he said, no, that it's still 5.5A that you're using, which is the unpatched software. So in general, it would be a good idea to install the newer version of the Dominion firmware, which would have fewer security vulnerabilities.

MR. MILLS: And with the 5.5 Dominion software that we currently have, do you know the date when that software was originally created?

DR. APPEL: No, I don't. I imagine it would be sometime around 2018, but that's just a guess.

MR. MILLS: Yes. I -- I've read different reports. I've read 2016, '15, and -- and 18. Either way, it doesn't matter. We'll go with 2018. So we're talking about a software that is 7 years old. What is the common upgrade of a software program for voting? Do you -- do you know that?

DR. APPEL: Seven years by itself is not ridiculous, you know, all other things being equal, that jurisdictions would like to be able to purchase equipment and not have to spend time and money

upgrading it every single year. So -- so I don't want to make a judgment just based on seven or nine years. But when the manufacturer does produce an update with improved security, it's probably a good idea to install.

MR. MILLS: Yes. And it was recommended by the Court in the Curling v. Raffensperger, that be done. That I think what Secretary of State Raffensperger decided to do, what I've read -- I -- I wish they were here to address this question, so I have to just say it out loud and let it lay -- but I wish that they would have applied that software patch at a minimum, as opposed to doing what they refer to as health checks, is what I understand, which is where they would go around to certain precincts and -- and check on the software, had it been hacked, had it not been hacked.

DR. APPEL: I'm not sure if that's a question, but it makes sense to me.

MR. MILLS: It's not. It's a -- it's a statement and we -- we were supposed to have someone here from the Secretary of State Office to address some of these questions, and -- and they had a last-minute cancellation. So that was one of my questions.

And had they been here, I would -- I wanted to

hear where we are as of this date in our current Dominion software. Because clearly, it's been shown. And again, I think we get lost sometimes in saying that it's been hacked. That -- that's not the point.

If you've got a system that is very vulnerable to over 25 cybersecurity software people that independently looked at this, then you should surely take a look at what you've got. And that -- those were some of the questions I wanted to ask Blake Evans today.

CHAIR FERVIER: Any further questions from the Board?

Dr. Appel, we greatly appreciate you sitting through this and answering some questions, taking your time. I understand you're at a conference, and we appreciate you taking the time to answer questions for the Board and for the public today, so --

DR. APPEL: I'm happy to do it and --

CHAIR FERVIER: We'll let you get back to that fun.

DR. APPEL: -- thank you for being willing to listen to me.

CHAIR FERVIER: Thank you.

I think we're finished with him, Shaun.

MS. GRUBBS: Thank you.

CHAIR FERVIER: The next item on the agenda today is cases. You will note that there are, I believe, 19, 18 cases on the report. We are going to continue the vast majority of those cases because the reports that were presented were not adequate for presentation to some members of the Board.

So, I think that the Board, would you like to vote to continue those cases en masse, or do you want to go over each individual one?

MS. KING: En masse.

MS. GRUBBS: En masse.

CHAIR FERVIER: En masse? Then let me just call out the cases, and then the Chair will entertain a motion. So I believe that Case SEB2022-005 has already been continued. And Case SEB2021-105 has already been continued as it has been continued prior to this meeting.

The case SEB2022-006, Chatham County residency issue. Case SEB2025-091, Chatham County absentee ballot mailing issue. Case SEB2026-029, Chatham County subcase from a previous case. Case SEB2025-088, Bulloch County restriction on campaign activities.

SEB2025-076, Brooks County, photograph of a ballot. SEB2025-048, Atkinson County candidate qualifying issue. SEB2024-096, Dougherty County poll

worker conduct issues for voter intimidation. SEB2025-053, Crisp County, City of Arabi candidate qualifying issue.

SEB2025-044, Clayton County polling place change issue. SEB2025-037, Fulton County double voter in Georgia and Florida, November 2024. SEB2025-038, Fulton County disability issue of polling place.

SEB2024-028, Cherokee County Union Hill Community Center issues. And SEB2025-036, Cherokee County failure to post polling location change, July 25.

The Chair will entertain a motion on continuing those cases.

MS. GRUBBS: Motion to continue the cases you just read.

CHAIR FERVIER: We have a motion to continue those cases. Is there a second?

DR. JOHNSTON: Second.

CHAIR FERVIER: We have a motion and second from Dr. Johnston. Any discussion?

MS. GHAZAL: Mr. Chairman?

CHAIR FERVIER: Yes? Member Ghazal.

MS. GHAZAL: How much notice did the counties get that their cases were being continued?

CHAIR FERVIER: I don't know the answer to

that question.

MS. GHAZAL: How was the decision made to continue all of these cases? I was not aware of that until I got here.

CHAIR FERVIER: Dr. Johnston.

DR. JOHNSTON: I'll speak to that. These -- these cases were posted with the -- the need to -- to finish the report of investigation and summary of investigation reports by the Secretary of State investigators six weeks ago. They communicated to the Board that they would work on that.

They promised the Board that they would complete the investigative summaries as -- as needed. And as of -- as of yesterday morning, that had not occurred, and these counties were notified immediately.

MS. GHAZAL: So yesterday morning the counties were notified?

DR. JOHNSTON: Yesterday morning.

MS. GHAZAL: So how many of them had retained attorneys and incurred costs already on this?

DR. JOHNSTON: One county, Chatham, I believe, was not notified by their registrar until last night and they came.

MS. GHAZAL: So they actually traveled?

DR. JOHNSTON: They actually traveled.

MS. KING: I mean, they had the information. They -- they weren't notified by their registrar office to not come.

MS. GHAZAL: They got the information yesterday.

MS. KING: Yesterday morning.

MS. HOPE: 2:21. At 2:21.

MS. KING: So yesterday at early afternoon.

MS. GHAZAL: Yesterday afternoon?

DR. JOHNSTON: Mid-afternoon.

MS. KING: Either way, the reason why we're -- the reason why this is happening is because the SOS was asked to provide additional information to complete the packet, and they did not up until the day before. So, we were putting it -- we were put in a bind as a Board as well. They didn't do it.

MS. GHAZAL: I received multiple emails from the Secretary of State's Office asking for a meeting for this. For weeks, I've been seeing emails.

DR. JOHNSTON: No meeting was necessary. They knew exactly what they needed to do to complete the investigative summaries.

MS. KING: They've done it before. We were just asking for them to do what they've done before. I mean, if you think about it, we have investigators that

don't show up, so we can't ask them any questions. We've worked through that.

So, asking them to provide us with complete information as they've done before does not require a meeting. It just means to do what you've been doing. And if you can't do it, then you put us in a bind, and we're not in a position where we want to make a decision on an incomplete packet.

CHAIR FERVIER: Let me explain a little bit for the audience sake in layman's terms. So when this Board receives a summary of investigation, report investigation, it details what occurred during the investigation, but it doesn't come with all the backup documentation associated with it because it could be reams of paper in backup documentation.

And in the past, there's been a section of that where the potential violation, recommended violation, code violation or rule is included in that report. And that was not done on the most recent reports. Instead, a spreadsheet was sent to us that included the cases and included potential violations on the spreadsheet, but they weren't --they weren't included in all the reports themselves in a separate paragraph.

And so this Board has asked that the Secretary

of State's Office add those back to the reports, which makes it easier for the Board. I have worked with the Secretary of State or -- or been in contact with them to add those back, and they have agreed to add those back. It wasn't done in time for this meeting, but they have agreed to add the violations, potential violations -- they're just potential violations until this Board adjudicates them.

So potential violations back to the reports themselves, which will make the reports much easier for the Board to determine and read. So that -- that's a synopsis of what had occurred, so --

MS. GHAZAL: But to be clear, we have been given the statutory reference to cross-reference ourselves?

CHAIR FERVIER: We were provided a spreadsheet, a single-page spreadsheet that included the case numbers, a brief description, just a few words, and the potential violation for the -- for the cases. And -- but they weren't included in the -- in a number of the particular SOI or ROIs.

And so this Board would like to see them included in there in the future. So -- and I have, like I said, I have worked with the Secretary of State's Office and they've agreed to add those back to

the reports. So we would expect, hopefully, to have them going forward soon.

MS. KING: And to be clear, it's not just the potential violation, it's also whether they believe it's substantiated or unsubstantiated. So that part is extremely important because they have all of the evidence, all the documents, everything that they've received to complete the investigation.

So putting it on us to determine whether it's substantiated with having a portion of the data, it is not fair to the counties and it's not fair to us. Especially when we can't ask the investigator any questions because they don't show up to our meetings.

So, asking them to provide us with a detailed explanation of why this potential violation was either substantiated or not -- or not substantiated is important for us to be able to do our job effectively. And what I -- I personally do not want to do is put our counties in a position where they're now coming before us, and we are now making decisions without the investigators, without the investigator's data, and without whether -- knowing whether or not the investigators believe this is substantiated or not.

So that is why we were -- we're in this position. And I -- we talked about it earlier. I felt

terrible that someone from Savannah drove six hours to get here just to be told that, you know, they did not get their information in time from their registrar office. And that's unfortunate, and I think it's definitely a problem.

However, I will feel even worse if I was making a decision on a case without having all the information. I think that's unacceptable, too.

CHAIR FERVIER: Yeah. Let me -- and let me clarify some more. This Board, these five members, we do not conduct the investigations ourselves. There are investigators that do that. And like I said, that can entail reams of paper, a lot of stuff, depending on what the particular case is and how many counties are involved, and how many individuals.

But we receive a summary report, which is smaller, and then a report of investigation which gives more detail into the individual investigation itself. And I will tell you, we -- we are -- we're all volunteer members up here, and -- but we all spend a great number of hours, even having to go through the summary investigations and report investigations in preparation for one of these meetings.

Because you also, when I do it, I -- I look through the reports, I look, and then I read the code,

the potential violation code, to make sure that it falls in with -- with what they're alleging there. And, you know, that -- that takes a great deal of time. If I had to go through every piece of paper in the investigation, I couldn't do that, you know, I mean, it would just be an enormous amount of work.

So we depend on those SOIs and ROIs to help guide us in making decisions up here. And if we have additional questions or need information, then we can ask for that information to be provided to us, that backup documentation. I've rarely had to do that in the past because there's been enough detail in those reports for me to be able to determine what -- what I think is relevant.

So that's just kind of it. Now, other members may treat it differently than they do, but that's been my -- the way that I've handled it, so --

DR. JOHNSTON: I would just like to point out that this sudden change occurred six weeks ago, and -- and the change came from the Secretary of State's Office, that they -- they decided on their own to change how the reports were written, and they stripped out the potential code violation, and they stripped out the investigator's report and whether they thought, based on their investigation, if a violation had

occurred.

CHAIR FERVIER: So basically, we got a blind report, and we also have investigators that have been told that they will not be coming to our meetings. We also have meetings now where cases are reported where we do not have the case files.

So we're -- we're working in the dark, and it is absolutely -- and we're -- we're making a decision based on two documents that will become a public document and perhaps a legal document if it goes to -- to further proceedings or appeals. And that's -- that's not fair to us. It's not fair to the -- to the election officials. It's not fair to the complainants, it's not fair to the respondents.

And -- and so we -- we are -- we've been trying to work for six weeks with the Secretary of State's Office to correct these -- these summaries and put the potential allegations back into the report and their decision, their opinion about the findings. And it's just an opinion, but it's necessary because they have all of the information of the case file.

And I would be glad to read the emails that started six weeks ago to all of the members of the Board if anybody is protesting because everybody was copied on these emails, on the back and forth. So I --

CHAIR FERVIER: I think --

DR. JOHNSTON: -- I think it's enough, and we'll move along.

CHAIR FERVIER: Okay.

MR. MILLS: Mr. Chairman --

CHAIR FERVIER: I think we have a motion and a second. I don't recall us voting on it. So can I -- if you don't mind, I'll go ahead and get the vote over with.

So, we have a motion and a second to continue the above named cases. I'm not going to read them out again. Any further discussion? No further -- no further discussion. All those in favor, signify by saying aye.

(Ayes were heard.)

CHAIR FERVIER: I'm sorry, Doctor?

DR. JOHNSTON: Aye.

CHAIR FERVIER: Any opposition? Hearing no opposition, so move those above named cases will be continued.

MR. MILLS: I was just going to follow up on Vice Chair Johnston's comments that a month ago, prior to the starting of the meeting, I shared with you, you, just me and you, the importance of this. You agreed, we all agreed it was important. And you later relayed

to me, what, a few days ago, that there was a misunderstanding between when you had been talking to SOS and what they were supposed to produce or something.

But I just want to point out this Board should not be blamed for this because those reports come from the SOS. It's been six weeks of pushing, and even this week, we were hopeful that we would get them in time. But we waited as long as we could. When we saw that they weren't there and the Board made its decision, which I think was the right decision in the grand scheme of things, we did our best to contact everybody that was involved.

CHAIR FERVIER: Thank you. We will continue with hearing the remaining cases. And the first case in the agenda is SEB2022-068, Fulton County. It's a continued case, double voter. And it should be Number 13 in your files. If you'll give me a minute so I can get back into this.

I -- I've got to find it.

MR. MILLS: Should've been more prepared there.

CHAIR FERVIER: Okay.

MR. MILLS: The Secretary of State's Office received, from a citizen, a list of several electors

who potentially have two voter identification numbers assigned to one person and who may have also cast double ballots in past elections. After the Elections Division -- Division refined the list, the Investigations Division received a list of 20 pairs of voters who potentially violated OCGA 21-2-572, repeat voting in the same primary or election.

CHAIR FERVIER: I see that Fulton County is here to respond to this. The --

MS. PACHUTA: Yes.

CHAIR FERVIER: -- the complainant's Jason Frazier and the respondent is Fulton County.

MS. PACHUTA: Yeah. And when we were here last time, I think this was one of the cases in which you had requested the Secretary of State provide information because the internal My Voter records, only show, like, all these records have been merged, but only show one vote per person. At one time, each of these people had a duplicate registration.

Now, after that last meeting, we did speak with the Secretary of State's Office about this issue. Because anytime I've ever -- I have seen this recently has been when there has been, at some point, a duplicate registration that was later merged, and it's showing up as a double vote.

And I don't want to speak for what I learned from staff at the Secretary of State necessarily, just in -- I will try to relay what they told me, but I don't want to assert that I'm remembering completely correctly as far as the technical aspect. But my understanding was that when some -- even in eNet, when someone had a duplicate registration, if staff checked them in, either at the poll or when they were issuing an absentee ballot, with the most recent registration, it would show a credit for both.

And that this didn't occur if they used the older registration. It only occurred when they used the newer registration. It would show credit on both the newer and the older.

CHAIR FERVIER: Can I stop you for a moment?

MS. PACHUTA: Yes.

CHAIR FERVIER: Sorry.

George, is this camera in the middle of yours? Yeah. Could you move it, please? I --

MR. GEORGE: No worries. How about that?

CHAIR FERVIER: I'm just trying to -- well --

MR. GEORGE: All right. That's what happens.

CHAIR FERVIER: That's better. So it's hard for us to see. It's hard for me to see.

MR. GEORGE: Not going to be as pretty.

CHAIR FERVIER: Well --
MR. GEORGE: I know, it --
MS. GRUBBS: You're a perfectionist, I know it.
MR. GEORGE: Yeah.
CHAIR FERVIER: You say, I'm not going to be as pretty or --
MR. GEORGE: You're not going to be as pretty.
CHAIR FERVIER: You know, I keep telling my hairdresser to make me prettier and she says can't do magic, so -- thank you.
Please proceed. I'm sorry. All I could see was --
MS. PACHUTA: Yes. So my understanding is this was a problem in eNet that -- that GARViS is much better at, when there's a duplicate registration, like, this doesn't occur. And then, of course, when they were migrated over, even if they were merged, I think -- I don't know if it's the public facing documents that are showing --
MS. GLENN: Public facing that will show you the --
MS. PACHUTA: Right.
MS. GLENN: -- true vote.
MS. PACHUTA: Because the internal -- the My

Voter Page documents, which staff can pull up to have the full date of birth and everything, when you look at each person with their two registrations, even if they were, it only has the credit of voting going to one of those registrations.

MS. GRUBBS: Can you please state your names? I don't think we got names from -- just so that everyone's aware.

MS. PACHUTA: Karen Pachuta, representing Fulton County.

MS. GLENN: Kathryn Glenn, Fulton County registration chief.

CHAIR FERVIER: So, the -- the potential violations listed in here are 21-2-562, neglect or refusal to deliver documents, and 21-2-73, preservation of primary and election records.

MS. PACHUTA: Well, and my position is, what they were looking for was evidence of that double vote, which doesn't exist because there wasn't actually a vote, like, the person didn't actually vote under both registration numbers. They only came in and voted once, and we have the records for the one vote, but there are no records to produce or to maintain for -- because there wasn't a second vote.

MS. GRUBBS: So you can't prove a negative is

what you're saying?

MS. PACHUTA: Correct.

MS. GRUBBS: Mr. Chair, I have a couple --

CHAIR FERVIER: Yeah, we -- we used to say you can't squeeze blood out of a turnip or something like that, so --

MS. PACHUTA: And I'm not aware, because we don't get the report, the full report, I don't know if any of these electors were ever contacted by the Secretary of State's Office or anything. I -- I don't know.

CHAIR FERVIER: Yeah. We -- we dealt with all the electors, I believe. This -- this -- the remainder is just these two potential violations of not providing documents and -- and preservation of election records. You're saying there are records to preserve, there've been no documents provided, so that's your contention.

So you had a question?

MS. GRUBBS: Yeah. I just have a couple of quick questions. One of the things is, is that, Ms. Glenn, I had -- I have a heart for your position and where you were, and that's one of the reasons why we were looking forward to someone from the Secretary of State's office to come because I don't -- what I'd like to do, I'm a big fan of doing a show of hands, and

I doubt anybody really wants to show hands.

But if, you know, what I would say to people who are election directors or election workers is, do you feel fully supported by the Secretary of State? Do you feel like you get the answers that you need? Do you feel like you get the responsive information that you need to have?

Do you feel like you have enough education from the Secretary of State? And do you feel like the Secretary of State's software and hardware that you're forced to use, that you don't have any choice in choosing, do you feel like those things are working for you as election workers?

And another question that I would like to ask is, you know, there are candidates out there that say, you know, we have the cleanest voter rolls in the country and that kind of thing. And clean voter rolls can mean a lot of different things, whether we have intentional double registered people or we have intentional voting and that kind of thing.

And then just sometimes, there's mistakes, like in this situation, there's just things that are not quite right. So from your position, do you feel like Fulton County has clean voter rolls?

MS. GLENN: That was a lot, but they're as

clean as the time of day is allowed for us to clean them up. Certainly, there are errors. There are people that we have to keep on the voter roll to comply with NVRA. We cannot take them off --

MS. GRUBBS: Sure.

MS. GLENN: -- without their signature saying that they can be taken off. We can do the confirmation notices. So those types of people, yes, they're still there --

MS. GRUBBS: But they would be inactive, so they would --

MS. GLENN: -- like, they -- some. Some. There -- there's inactive, there's active. But even if you're inactive, if you were to come in to vote, as long as you verify, have something to show that that is your address, we're going to allow you to vote, even if it happens to be that you vote provisionally, you're not going to be turned away.

So with that being said, we as election workers, that is what we do. As me, as a registration chief, that is what I do all day, every day, and sometimes seven days a week because of the size of my county. So, do we want the voter rolls to have people on there that are not eligible to vote? No. But you cannot just clean it in the wave of a wand. It's work

involved.

MS. GRUBBS: Well, and -- and I -- I hear you and I know you all work very, very hard.

MS. GLENN: And let me just say this, for the Secretary of State's Office, they are good partners with me. I don't know about other counties, but I hold them accountable, and I go get the answers that I need from them. And if I have to go from one person to the next, I will.

But I'm going to get the answers that I need, and I get the support that I need. I have certain people that I can call on to get that done. But yes, I get what I need from them.

MS. GRUBBS: That's a little bit different than when we discussed it before because before, you felt, it was conveyed that you felt like that they were not being supportive and they were not holding up their end of the deal when it came to -- to ensuring that you had the tools that you needed to get the job done.

MS. GLENN: That must be someone else. I always --

MS. GRUBBS: Oh, no. I remember. I remember.

MS. PACHUTA: I think I'm trying to convey, especially with some of these issues that are appearing with, like, eNet and the migration of data, we're not

the ones controlling that overall State database.

MS. GLENN: No, not that.

MS. PACHUTA: So some of those technical issues, you know, I'm not -- we're not in a good position to explain, you know, some of that why. I will say we represent many counties. All the directors I've talked to have said that GARViS is much better than eNet.

It was a little bumpy when it first started, but the same issues that they had in eNet and some of the things that were occurring, like voter credit going to an old and a new registration, aren't happening in -- and, like, GARViS has taken care of some of -- of those issues there may still be, you know, leftover just from, you know, the migration, but everyone I've talked to has just talked about the tools in GARViS. It is just -- it's definitely a step forward in helping the counties and in helping keeping the rolls clean.

And, you know, and the roll -- that a voter roll for any county is never the same for any two days between, I mean, just people moving counties and everything else or moving -- like, it's constantly changing. You know, that's why someone at Secretary of State told me, like, there are groups who get the voter roll every week and they'll check it against, you know,

the last -- it's just --

MS. GRUBBS: Well, one of the -- I think one of the -- when we were talking about it before, one of the things was that I wanted to know from the Secretary of State's Office is that they have a data analyst or did Fulton County have a data analyst, which you do not have --

MS. GLENN: Correct.

MS. GRUBBS: -- to go through the voter rolls to help identify people who are on the rolls that should not be on the rolls. You don't have that?

MS. GLENN: No, ma'am. We don't -- we don't have a data analyst, but the Secretary of State have -- they have added additional tools to assist us with that data analysis, which pulls out people who are older than 104, people that are registered at vacant lots, people -- those are new reports that they have added. So they are listening to our needs and trying to provide additional resources.

MS. GRUBBS: So tools, what kind of tools would they be? Are they, like, add-ons to GARViS?

MS. GLENN: It's in GARViS, and they're called the Records to Review tile. And there are several areas that the Secretary of State has added for us to review, these may be potential ineligible voters.

People -- ten or more people vote -- registered to one address, 50 or more people registered to the same address, vacant lots, UPS stores, FedEx. You know, I use my GIS, but even my GIS doesn't catch all of those, where the Secretary of State has given us additional addresses to look for.

So when I say that they support us, I think what you're remembering back with me was when I said I saw the same thing where the double voter, the -- both records had -- it looked like they voted twice. And so I had to call them, but they did give me an answer and tell me where to go look on MVP where I can see where the real vote was. Mr. Frazier couldn't see that, so -- and that was where we left it that day.

CHAIR FERVIER: Member King, did you --

MS. PACHUTA: I will say that some of the tools, like, I know, one that recently went out to the county maybe a few months ago --

CHAIR FERVIER: Thanks. I think we're ready to make a motion.

MS. PACHUTA: Okay.

CHAIR FERVIER: No, wait.

MS. KING: No. Well, what I was going to -- I didn't ask him to cut you off.

CHAIR FERVIER: Jumped the gun on that one.

MS. KING: I -- I think I understand this a little bit better, what happened. I know, Mr. Kirk, if I'm wrong, correct me. But we kind of talked about this a little bit. I believe this is what we were talking about a while back. When you are checking on the poll pad, it almost -- that it kind of counts you checked in. You may not actually have voted.

MS. GLENN: Right.

MS. KING: But you're checked in as someone who came to vote, basically.

MS. GLENN: Yes.

MS. KING: So, that, when I found that out, I -- that kind of blew my mind. Because if it says it looks like the person voted, but it could be that they were just checked in; is that correct?

MS. GLENN: That does happen.

MS. KING: That happens. Okay.

MS. GLENN: But hopefully, at the polling location, they correct that because they won't reconcile. If you got this many -- you got ten check-ins, you got nine votes, you got to figure out where that one is missing. So, you can go back and fix the poll pad to make nine and nine.

MS. KING: Okay. How do you reconcile it? Do you -- do you count the ballots? How do you -- how do

you reconcile the check-ins to the ballots?

MS. GLENN: Well, they -- at the -- at the polling location, it's going to have ten check-ins and nine scanned ballots.

MS. KING: Okay.

MS. GLENN: So then either someone came up to you or someone walked out of the door with their ballot. That happens. So you just have to try to reconcile what could have happened if no one turned in the ballot to you or said, I decided -- they can decide not to vote. If they do, and the poll manager knows, they can go in and take that person off the poll pad.

MS. KING: Okay.

MS. GLENN: And so then you're back nine and nine.

MS. KING: So -- but the only way of determining that is if you count the ballots, correct? Like, you would have to count the ballots at the end of the night, the actual pieces of paper to determine if it matches.

MS. PACHUTA: I think it's the number on the scanner.

MS. GLENN: It's the number on the scanner.

MS. PACHUTA: So the entire scanner --

MS. GLENN: We check the poll pad.

MS. PACHUTA: Yeah.

MS. KING: So you check the scanner and the poll pad number to see if it reconciles?

MS. PACHUTA: Yeah.

MS. KING: Okay. Okay.

DR. JOHNSTON: Question.

CHAIR FERVIER: I'm sorry?

DR. JOHNSTON: Question, please.

Ms. Glenn, do the total number of voter credits equal the number of ballots cast?

MS. GLENN: It should.

DR. JOHNSTON: It should.

MS. GLENN: Yes.

DR. JOHNSTON: So if you look at the end of the election, those numbers should be the same?

MS. GLENN: They should be the same or you have a -- a reason why they don't.

DR. JOHNSTON: Okay. All right.

Would the complainant want to say anything? Mr. Frazier's here.

MR. FRAZIER: Yeah. I guess I've got some disappointment.

CHAIR FERVIER: Would you introduce yourself, please?

MR. FRAZIER: My name is Jason Frazier. I was

nominated to be on the Fulton County Board of Elections. Fulton County has been blocking me for almost a year. We're going to the Georgia Supreme Court to -- to get an answer to that.

And I -- I think you'll probably see why every time I come up here, why they don't want me there. I -- I can look at data and I see things that they don't want me to see. For example, we just had the attorney tell you that every one of the people that I said the data shows a double vote, she says they only voted once.

However, I think we were here, we were all here when one of the individuals said, yes, I had a mail in ballot. My wife turned it in, and I voted in person. That's a double vote.

I'm sorry, you weren't here. You just started, last time you said it was your first day. It's not your first day anymore. These are called lies. You have to be --

CHAIR FERVIER: I -- let's --

MR. FRAZIER: You are here to --

CHAIR FERVIER: -- I understand --

MR. FRAZIER: -- you allowed her to just lie to you.

CHAIR FERVIER: Please, please, I -- I

understand.

MR. FRAZIER: They weren't all one person, one vote. You were here. You did not correct her.

CHAIR FERVIER: No. I -- I understand.

MR. FRAZIER: That's frustrating. That makes me look bad.

CHAIR FERVIER: I appreciate that. I -- I do. I understand that. I would just ask that you make your comments towards the Board instead of other people in the --

MR. FRAZIER: My comment to you --

CHAIR FERVIER: Okay.

MR. FRAZIER: -- is, why did you allow her to just lie up here? How about that?

CHAIR FERVIER: I typically don't --

(Applause.)

CHAIR FERVIER: Please, please.

I typically don't challenge people when they give comments up there. I mean, then the Board decides --

MR. FRAZIER: You're challenging me.

CHAIR FERVIER: No, I'm not. No, no, I -- I'm challenging you because you challenged her directly. And I'm just trying to keep calm and -- and help the Board understand what you're trying to tell us.

MR. FRAZIER: The -- the facts are, some people do double vote, whether intentional -- I believe that one gentleman, if he was telling the truth, I have no reason to believe he wasn't telling the truth, unintentionally voted twice because he was registered twice. He turned in a mail in ballot. If he looked on My Voter Page under his second ID, it would show he never even got a mail in ballot.

So if I were him, I would have voted in person to make sure my vote counted. That was in 2020. That's what he said he did. He got credit for voting twice. That individual said he did. So saying the system says he only voted once it is not accurate, okay? The system showed that he voted on the absentee voter file, his mail in ballot, and in person with two IDs.

That one is indisputable, he voted twice. I'm not saying he should be convicted. I'm not saying he did it intentionally, voted illegally, but the data is the data. When you allow people to be registered twice, double votes happen. They happen all the time.

We need to get to a system where we are checking with SOS number, with driver's license number, with full date of birth, auditing the election -- the -- the voter rolls to make sure people are only

registered one time, so this can't happen intentionally or on purpose.

And as far as the last two items -- give me one second. The last two folks that we have been talking about, I'm not sure how we can say that it was a GARViS issue or what have you, because just looking at the voter roll before they were merged, those last two people, Clark and Williams, on the voter roll before they were merged, so nobody knew they were a duplicate yet. It showed a date last voted for all four of those unique IDs.

So, the system didn't know they were double registered. So how on earth does that happen? That -- that's a question to me. So that would make me think, okay, what gives credit? How is the system set up? I think we do need to ask the Secretary of State, as Fulton County mentioned at the last hearing, My Voter Page is the gospel. That's what we need to look at, and they touched on that today.

The public doesn't have access to My Voter Page. But we have access to the voter history files, sometimes the number of listed voters if the Secretary of State will give that to us. And the vote -- so the voter history file, number of listed voters, and the -- the absentee voter file. Those are the ones we can

get. We can't get the My Voter Page.

So, if that's gospel, that needs to be shared with everyone. The system needs to be designed to where you have one master file that disseminates into all the other data files so we can accurately look at this. I've been trying to get a list of canceled voters for almost two months now. Secretary of State is ghosting me again.

They -- they calendar it out, they calendar it out, they calendar it out, and then now they don't answer my emails. Without being able to see who has been canceled, who has been merged, I can't audit an election. That is important data.

But going back to these again, the data sets don't match. The voter history file on these last two, as -- as I said when -- when the attorney claimed it was her first day and it was not my first day, that it was a GARViS issue. Well, I've got the pre and post data, as I mentioned before, and it is before they were merged.

So we really need to get to the bottom of this so we can audit elections. We're not there yet. So, the suggestion is we need to dismiss it today because we've gone through it. We need answers from the Secretary of State on how our systems are run so we can

have clean elections.

CHAIR FERVIER: The -- in the initial report, there were ten individuals that were identified as voting twice.

MR. FRAZIER: Then why -- why were you just told by the attorney that the data only shows one vote per person?

CHAIR FERVIER: I'm -- I'm just telling you what the report says.

MR. FRAZIER: Okay. I appreciate you backing me up because, I mean, I'm not -- I'm not just coming out of -- out of the woodwork here.

CHAIR FERVIER: Yeah. And two of them had previously been adjudicated in a -- in a different case. So of the list, there were -- yeah, how many I told you, so --

MR. FRAZIER: And I hope you will fact check some of the statements that come up here.

CHAIR FERVIER: Well, you know, the Board sits up here and listens to the testimony or to the comments made by everybody, and then the Board decides what's relevant, what's not relevant, and what they believe, what they don't believe.

MR. FRAZIER: Yes.

CHAIR FERVIER: And so because we don't

challenge somebody when they make a statement, it doesn't mean we're not challenging somebody when they make a statement. So --

MR. FRAZIER: Or maybe ask the question. Say, well, you know, you're -- you're saying they only voted once, but I'm showing different.

CHAIR FERVIER: You know, I -- I've done investigations for a long, long time. And when I know someone is lying, I don't have to ask them if they're lying.

MR. FRAZIER: Okay. I appreciate that. But the public watching this may not know that, and it makes me look bad. Again, I've been trying to get on the Fulton County Board of Elections. I've been blocked by Fulton County. They keep making up reasons why I shouldn't be there.

I'm not a -- a -- what do they call it -- a reasonable candidate, what -- whatever the terms they want to say, election denier, whatever made up term. But it doesn't help when you've got an attorney here that's hired to represent Fulton County that makes untruthful statements.

(Applause.)

MS. PACHUTA: Okay. There is a list of potential voters --

CHAIR FERVIER: Come on. come on.

MS. PACHUTA: -- and then there's the list of potential violations, and the people that he mentioned are not on this list of potential violations. And I -- I don't know what he's talking about with someone whose wife voted or something, that may have been on a day before I was here.

But the records we looked at are in the list of potential violations on the investigations division summary and the last name Clark is not on that list. I don't remember what the other last name was, but --

MS. GLENN: Williams.

MS. PACHUTA: -- and the last name Williams is not on that list.

MS. GLENN: And we don't get what you have.

CHAIR FERVIER: Yeah. Unfortunately, I don't have the --

MS. GLENN: And he supplied it to you. I don't --

MS. PACHUTA: So whatever those two names are, those are not on the notice that we received or any investigation that I've done because they are not on our notice as a potential violation.

CHAIR FERVIER: Correct. Correct. They -- they're not. The -- the names that I looked at earlier

were on the original complaint, and I don't know what -- how we adjudicated those individuals because I don't have those case -- cases in front of me where we adjudicated them. So I'm just telling you that there were potential violations in the number of voters, Clark and Williams were not on that particular list.

MR. FRAZIER: All right. Those are the last two that we need to look at.

MS. GRUBBS: Mr. Chair?

CHAIR FERVIER: Yes?

Pardon me?

MR. FRAZIER: Those are the last two that we need -- we need to understand why the system data files don't match up because we need a system where all the data sets match up.

MS. PACHUTA: I -- I do -- I take issue being accused of lying when those people were not even -- we weren't even provided notice of that as a potential violation. That's not someone I've been referring to or even know about.

CHAIR FERVIER: I understand.

MS. KING: Do we have names? I mean, we're talking about people. But you're saying, when you came up, what -- I'm confused because I'm -- I'm just hearing those people. I need names. Like, who are we

talking about?

MR. FRAZIER: This case has been continued since --

MS. KING: Right.

MR. FRAZIER: -- October, November time frame, and we -- we hit a few on each of the hearings, and some of the early ones out of that batch of 20, I turned in a lot more than then --

MS. KING: Yeah.

MR. FRAZIER: -- than them, but for some reason, it was culled down to the 20. And of those 20, it sounds like ten of them, I lost track myself, were -- there was enough evidence to show a double vote, whether on purpose or on accident. And so those were the ones.

And -- and it would be great if the Secretary of State would give a summary of that. I don't get anything back at all from the Secretary of State. I -- I can't even call them.

MS. GRUBBS: Well, don't -- don't --

CHAIR FERVIER: I can tell you about Clark and Williams. I can tell you about Clark and Williams. So on Hyacinth Clark, "The election note -- the election note showed that both voter ID numbers were requested mail in ballots for the November 3rd, 2020, general

election. However, there is no record of either ballot being returned. Voter ID indicates that the ballot was spoiled.

Discrepancies in the voter's information include the middle name is spelled out in one and not the other. All other information matches, including the last four of the Social Security number." That's the information we have on Clark.

Williams was, "The election note shows that both voter IDs voted in the November 20 -- or November 3rd, 2020, general election. One of the numbers shows in person early voting and the other shows absentee. However, there's no record of a AIP ballot being issued to the first one.

The second one shows an advanced in person ballot was issued and received on October 22nd, 2020. On August 3rd, 2022, the two records were merged, which caused the same vote to be recorded on both profiles."

So there's only one -- I'm sorry. There was only one -- one ballot that was returned, apparently, and then the -- the files were merged?

MR. FRAZIER: Yeah. That -- that's where we got to at --

CHAIR FERVIER: Yeah.

MR. FRAZIER: -- the last hearing, the

previous one.

CHAIR FERVIER: And there's discrepancies, one included the suffix Junior. The months of birth were different, February through April, and all the other information matches, including the last four Social Security number. So that's -- that's Williams. So those were cases that we had adjudicated, apparently, and they were found to not be double voters.

MR. FRAZIER: Sure. But I mean, what it really comes down to is, I mean, if you want to look at root cause analysis and keep this from happening, you just mentioned that names were slightly different. One had a middle initial, one didn't have a -- or one had a full middle name spelled out. One of them had a misspelling of the first name. One of the birth months were off.

It would be a simple process to just validate when somebody is entered into the poll books, full legal name, full date of birth, just a data comparison. I mean, if I set up a bank account, they verify my date of birth.

It doesn't feel like, with all the thousands of errors, and -- and I -- you don't know this, but I did an analysis of a 2020 voter roll to a current voter roll, and almost 8,000 years of births have changed

over that time. So that tells me that they're not verifying date of birth, and that's just year of birth. So you get into date of birth, and that's probably ten X that number.

So we need to get to a system where full legal name is verified, full date of birth is verified, and address, it sounds like now they're checking addresses to where you have real addresses and -- and not PO boxes or not a typo-ed address. If we could just do those things, those would be very, very simple checks.

It's going to greatly reduce the duplicates that are ever added because you don't have a mismatch of birthdays. You're going to get one person, one vote because you've only got one person, one registration. I think that -- I mean, that's my biggest goal. That's what I'm trying to expose so we can get to that.

But when we come up here and say we have the cleanest voter rolls in the world, well, you're not saying that there's room to improve. You've got to admit there's a problem to show that there's room to improve. And that's -- that's really what we need. And I -- I believe you -- you think that, too.

CHAIR FERVIER: And there's always room to improve.

MR. FRAZIER: There's room to improve.

CHAIR FERVIER: I think that there was a slight miscommunication on what Fulton County was responding to because we had adjudicated those two cases before. And so actually, they -- there was no potential violations for those two, so --

MR. FRAZIER: And that could be.

CHAIR FERVIER: Yeah. So it's just a little miscommunication on that.

So, yes, Dr. Johnston?

DR. JOHNSTON: Yes. I have a question about three of these voters that were listed in this complaint. One was the -- the man who voted twice or admitted that his wife sent the ballot in mistakenly, and he voted in person, that there is a document, a November 20th oath envelope. I have this list. It is a vote record summary.

I don't know where this came from, but it says exhibit -- exhibit. So I assume it's the investigator's exhibit. So -- and the document provided was one oath envelope, but for the other voter registration number that this man had, there are no responsive documents. Well, if he voted twice, surely there's -- must be responsive election documents for both these votes.

MR. FRAZIER: One would think.

DR. JOHNSTON: One would think.

MS. PACHUTA: What last name is that?

DR. JOHNSTON: Bauer. This -- this was adjudicated. He apologized profusely, and we -- he was issued a letter of instruction. The second person that was just mentioned, Ms. Clark, says that in neither voter registration number for the two -- for the one person, two voter registration numbers for Clark, there were no responsive documents identified, yet, both numbers, voter registration numbers received voter credit.

So I -- I can't reconcile, what does voter credit mean? Is it just like -- I -- I asked multiple times, is this just junk data?

MS. GLENN: This is where the Secretary of State's Office, in eNet, let us know that if credit was given to the newest record, credit was given to both records. That's where the -- the error in the credit, it was in the system of eNet. If you chose the wrong record, the wrong VR number, then both records got the credit.

DR. JOHNSTON: Okay.

MS. GLENN: If the person voted once.

DR. JOHNSTON: Thank you. But Chairman Fervier just said that person didn't vote under either

number. Ms. Clark --

MS. PACHUTA: I don't have --

DR. JOHNSTON: -- is that what you said?

CHAIR FERVIER: It says there's no record of any ballot either -- of no record of either ballot being returned.

DR. JOHNSTON: Okay. But there's -- but she got credit twice. So -- so that -- that doesn't --

CHAIR FERVIER: Well --

MS. GLENN: Most -- most of that in eNet was manual if it was in advance, in in-person voting.

DR. JOHNSTON: Right.

MS. GLENN: The only electronic credit was given for election day vote. So AIP, someone could have manually given the credit.

CHAIR FERVIER: Well, let me ask you, because one of them was spoiled. Is it possible that when they spoiled it, they gave him credit for voting?

MS. GLENN: When -- they could have given him credit and didn't take it out based on the spoiled ballot.

CHAIR FERVIER: Yeah.

DR. JOHNSTON: All right. So that's four votes, that this should equal up to the total number of votes in this election. And then Mr. Williams said

that -- I can't remember if there's a discrepancy with -- this was actually Chatham County.

MS. GLENN: Well, I have Bauer here. His MVP shows that he returned his ballot on 10-19-2020. So he did vote absentee. He requested it August 20th. He -- it was issued 9-18, and then he returned it October 19th, 2020.

DR. JOHNSTON: That -- that's consistent with his story, but he said he also voted in person, but there's no election document to support -- he said he voted in person, but there's no election document to confirm that.

MS. GLENN: Yeah, I can't read that. It's too light.

MS. PACHUTA: He shows up as voting absentee by mail.

CHAIR FERVIER: It says absentee in person.

MS. GLENN: Those are --

MS. PACHUTA: Oh, I'm sorry.

MS. GLENN: [inaudible 04:33:35] .

MS. PACHUTA: Okay. Okay.

MS. GLENN: This is the canceled one.

MS. PACHUTA: Right. So we provided the investigator with his oath envelope on November -- from November -- oh, no, that's -- sorry, that's the wrong

one.

DR. JOHNSTON: And finally, Mr. Williams apparently voted, according to Chairman Fervier, but there are no documents for either voter registration number for Mr. Williams. But that's Chatham County.

Again, I wish that -- it would have been great if somebody from the Secretary of State's Office could have been here to address these discrepancies. It's a database problem. It's a recordkeeping problem. It -- it certainly suggests that the data is not reliable or -- or trustworthy. I -- I don't -- it's hard to tell.

MS. PACHUTA: Yeah, what I have is we -- we gave the Secretary of State the oath envelope for November 20th. There were no records found for the other identification or the other registration number. And my understanding is, is that GARViS -- well, this was an issue in eNet, but that GARViS should be eliminating some of the issues that they had in eNet.

DR. JOHNSTON: Should be.

MS. KING: Here's -- here's my -- my issue with this is, it's that you have people who may have been credited as voting, who didn't vote because it could be a scenario like we mentioned earlier, where they were checked in, but they didn't actually cast the

ballot, but they were relying on the scanner number to match the poll pad. But then we also have cases where there's no zero tapes. So we don't know if they were ballots already in the scanner.

And if this is the case, if we are -- if we are looking at those two numbers, the poll pad and the scanner number to reconcile, then when we have cases like this where we have people who voted in person, but now we're saying that they weren't credited, but it says they were credited as voting in person, that -- that would have been caught at the precinct level had we pulled those ballots out and hand counted to make sure, especially if we are -- especially if we don't have zero tapes for some of these scanners.

So, this is not necessarily -- because I know you're not at every single precinct. You're not going around and, you know, so this is how -- this is why checks and balances, even though it may be tedious, it may be uncomfortable, but this is why it's necessary.

Because now here we are, light years down the road, scrounging through paper, trying to figure out what happened, you know, and it puts your records at stake because you're trying to keep good records, I'm sure. And you --

MS. GLENN: Two systems as well.

MS. KING: -- and you have two systems.

MS. GLENN: Three systems back then.

MS. KING: Three systems, all trying to merge. Then we have the SOS doing something over here, other people doing something over here, and it just gets so convoluted. And so -- and then -- and then we have a citizen who had the time to go through it to find these errors, and we have a Fulton County Commission Board who won't put him on the Fulton County Registration Election Board to help assist with this issue.

Because it looks like if you're working seven days a week, I -- I can assure you you're not being paid for working seven days a week. I can assure you you're working overtime. So, I feel like there should be, again, we're in a scenario where the solutions are being pushed to the side and then the problems are being, you know, we're trying to patchwork what's happening with the -- the problem. So please.

MS. GLENN: I just want to say that the day that I met Mr. Frazier in 2023, he asked me if I would be willing to, if he provided me with some data, I would look at it. What did I say?

MR. FRAZIER: You -- I -- I don't think you're the problem.

MS. KING: No.

MR. FRAZIER: I -- I think --
MS. GLENN: But what did I say? And what -- have you ever given me anything that -- for me to review?
MR. FRAZIER: Your leadership wouldn't even accept my last voter registration challenge. They denied it. They have denied every challenge.
MS. GLENN: We did not deny it.
MR. FRAZIER: Okay. Whenever I had litigation, they calendared it out because due to litigation, and they never brought it back. Call it what you want. They never had a hearing. They claim that --
MS. GLENN: [inaudible 04:39:33] --
CHAIR FERVIER: Hang --
MR. FRAZIER: Not you, I don't think you're the problem.
MS. GLENN: Me personally --
CHAIR FERVIER: Please, please.
MS. KING: So, what you're saying is you would like him to bypass them and just sending it to you directly.
MS. GLENN: That is what he said he was going to do, not a challenge. I can't accept a challenge from him. He said to help me in my job, he was going

to provide me with data if I would tell him I was going to look at it.

MS. KING: And you're okay -- so -- so it's okay. So just so I know, it's -- it's proper to bypass the Election Board and not go through the hearing process, but --

MS. PACHUTA: Yeah.

MS. KING: -- and just hand you the data.

MS. PACHUTA: I will -- I will say, and I know that other counties that do this, not necessarily challenging someone's right to be on the roll or that they should be on the roll. But they've told me if you see what you think are errors, like, if you see duplicate registrations that we haven't caught, or if you see a date of birth that seems wrong or someone's missing a first name or something, like, go ahead and just point that out to staff because sometimes that is something that they can do from their administrative, you know, correcting issues.

That's not, you know, challenging necessarily someone's right to be on the roll or whether they're living at that address or something like that, but there can be typos or missing information or something that they might be able to fix administratively.

MS. KING: In this case, your records show

that they either voted or -- but you don't -- didn't have the documents. So, I agree that, I mean, I didn't know that was possible, that he could just hand it directly to you and not go through the process. So, I think that's definitely beneficial.

But what could you have really done had he done that? I mean, could you have gone in and said, okay, I'm going to remove this extra record?

MS. GLENN: I would merge the records.

MS. KING: You would have merged it? Okay.

MR. FRAZIER: And for the record, I think some of you have seen the emails. The last 5,000 registrations that I had challenged, I submitted it to Fulton County, and I said, please review these. They look like clerical errors, but if you will not -- if you will not fix it, consider it a challenge. And they considered all 5,000 of them a challenge.

So, I gave that opportunity. That was before your turn. That was before -- before you existed. I mean, you existed somewhere, just not -- but I -- I tried that path once, and I -- I do believe I can work with her, and I -- I believe you. I think you're very honest when -- when you say that. And I -- I would, at some point, we probably will work together. But --

MS. KING: I would like to see that.

MR. FRAZIER: Yes. But --

MS. KING: I mean, I think -- I think the two of you could work together very well because I do believe that -- I personally think that the problem is not with you. I think it's somewhere else. I think you're -- I think you're managing bad data, too, as best as you can. And like I said, if you're working seven days a week to try to clean this up, that -- that's a bit concerning. I feel like you need more help.

And I do believe that there's something else that's going on because that -- it shouldn't be that hard to do this. And to Mr. Frazier's point, the registration cards are very, very clear. It says full name, not an initial. And I don't know why people continue to enter in registrations that are incomplete, but -- but yeah, I would -- I would love to see you all work together.

CHAIR FERVIER: Okay. Member Ghazal?

MS. GHAZAL: I think this is -- I think nobody will contest the fact that we need clean -- clean lists and whatever can be done is great. I want to get back to the actual case at hand, which is whether or not Fulton provided the proper paperwork when we -- when we requested it.

DR. JOHNSTON: Well, they didn't because they didn't have it.

CHAIR FERVIER: They -- they didn't have it. There was no paperwork to provide, according to them.

So if there's no further questions, the Chair would entertain a motion at this point.

MS. KING: The reason why I'm kind of stumped, because I -- I do believe that this is a bigger issue. I mean, this is the whole reason why we -- we asked the Secretary of State to show up. Because if I make a rule -- if I -- if I say I make a motion to issue a letter of reprimand, we're reprimanding Fulton County when we should be reprimanding the SOS, too.

CHAIR FERVIER: You're right. The facts of this case are just dealing with these documents and whether there was documents available for this particular case. And so you're right, there's a big bigger issue that needs to be dealt with. So I think that we have to limit our decision just based on the facts of this particular case and whether they had the documents to provide on this case. So --

MS. PACHUTA: And I have -- sorry. I don't know what you look at, but I have a list of the documents that we did provide.

CHAIR FERVIER: Okay. You want to just

provide that to Member King real quick?

But you're right, Member King, there's -- there's a bigger issue to deal with, but today we need to narrow it down to this particular -- this particular case.

MS. GRUBBS: Well, it makes me, unfortunately, want to continue the case until the Secretary of State -- you-all, calm down. Calm down. It makes me want to continue the case until the cows come home and someone comes from the Secretary of State's Office to help fix this situation.

My question to other election directors is: Do you have the same problem? I'm asking that as a rhetorical question, or is this unique to Fulton County? I would like to hear from you to know if you have these similar type issues on the voter rolls.

I'm very pleased to hear that you and Mr. Frazier could work together. I think that's part of the problem, like I said from the beginning of the meeting, is there's all this, you know, my team, your team, you know, red fish, blue fish, kind of stuff. When we have -- there's clearly a problem that you recognize, Ms. Glenn, and I think you would like to get it resolved as well.

I think other election offices would like to

as well. But I can tell you in Cobb, when you bring voter challenges and they just want to shut it down and not do any voter challenges at all, it does not lend itself to truth and transparency when you know those voter rolls are not clean. You know, your voter rolls are not 100 percent clean.

And you know that it is a -- it is just an -- if we want to talk about untrue statements, it is an untrue statement for a candidate for Secretary of State to go across the state and say, we have the cleanest voter rolls in the country, we have the best elections in the country, when we deal with these cases all the time.

So thank you for wanting to work together to provide some truth and transparency. Now, that said, yes, it makes me want to continue the case to hold the Secretary of State's Office feet to the fire. But the Chairman is correct in that we're dealing with this case in particular right now, and that's what we have to be mindful of.

CHAIR FERVIER: Right. Right. And the question is whether they had the documents available to provide, and they have stated --

MS. GRUBBS: Some of it.

CHAIR FERVIER: -- with a -- with the

certainty that -- that they did not have particular documents to provide that were requested. So I think we need to stick to that today. If we want to go into larger issues about voter challenges and why all this happened, it's another thing. But the question before us today is: Did they have these documents?

DR. JOHNSTON: Mr. Chair, I have a motion.

CHAIR FERVIER: Yes, Dr. Johnston.

DR. JOHNSTON: With the document provided by Ms. Pachuca?

MS. PACHUTA: Pachuta.

DR. JOHNSTON: Pachuta. Sorry. The remaining missing documents for potential double voters or even admitted double voters, Mr. Bauer, Brown, McIntosh, and Yurfez, missing absentee in person application, a second oath envelope, both oath envelopes, and an absentee in person application, I'd recommend a letter of reprimand.

MS. GRUBBS: Second.

CHAIR FERVIER: Well, I didn't call for a second yet.

MS. GRUBBS: I'm ready to second it when you're ready.

CHAIR FERVIER: We have a motion and a second to issue a letter of reprimand. Is there any further

discussion? All those in favor, signify by saying aye.

(Ayes were heard.)

CHAIR FERVIER: Any opposition? Hearing no opposition, so moved.

Thank you.

MS. GLENN: Thank you.

CHAIR FERVIER: Thank you very much. Thank you for --

MS. PACHUTA: If you would indulge me just for a second.

CHAIR FERVIER: Oh, it better not be too long.

MS. PACHUTA: -- Ms. Grubbs' question. I represent also Habersham County and Walker County. I know Walker County did have that same issue with the duplicate registrations. That was a December case. And then Habersham County as well, and that's one of the continued cases.

MS. GRUBBS: Thank you.

CHAIR FERVIER: Oh, no. The next item on the agenda is SEB2023-021, Multi County/DeKalb County, continued case, cross-state double voter fraud from November of 2022, general election. This was a continued case. The complainant was the Georgia Secretary of State.

There was a number of respondents, and I

believe the respondent that we're here to discuss today is Jennifer Bartlett Rockhill is the respondent that we're here to talk about today. The other ones that the Board has adjudicated at an earlier meeting. And so I'm going to tell you that we have Ms. Rockhill up here, and either her best friend or her attorney, one or the other.

MS. GHEESLING: I'm her attorney, Sara Gheesling.

CHAIR FERVIER: Would you speak in the microphone so this young gentleman here can hear you?

MS. GHEESLING: Of course. My name is Sara Gheesling. I'm her attorney.

CHAIR FERVIER: Okay. And would you like to address the Board on this?

MS. GHEESLING: We would.

CHAIR FERVIER: Tell us what happened.

MS. GHEESLING: We would. I don't have the investigation. I was only provided a summary of the investigation. So all we're aware of is that she is accused of voting in both DeKalb County and in Florida, and that that was substantiated by confirming a -- a date of birth and name and the last four of her Social Security number from a voter roll in Florida.

CHAIR FERVIER: Let me -- let me read the

results of the investigation on Ms. Rockhill real quick. "eNet revealed this voter voted absentee ballot for the Georgia November 2022 general election. On October 28th, 2022, DeKalb County provided a copy of Rockhill's absentee ballot application and oath envelope.

The Florida Department of State confirmed there was a match and that Rockhill voted absentee ballot in which her ballot was received on October 31st, 2022, in Pasco County, Florida for the November 2022 general election. Investigator Stevens spoke with Rockhill by telephone in which she stated that she hasn't lived in Florida since 2008, didn't vote in Florida in 2022.

Rockhill then became defensive" -- Ms. Rockhill -- "accusing the call of being a spam and disconnected the line. A statement form was mailed to Rockhill, but no response was received at the time of the report. As of March 19th, 2024, Rockhill's Georgia voter registration status is active." Is that all correct?

MS. ROCKHILL: Can I respond?

CHAIR FERVIER: Absolutely. Please step up here and introduce yourself.

MS. ROCKHILL: Yes, sir. Jennifer Rockhill.

I got a phone call saying, can you please verify your name? Can you please verify your phone number? Can you please verify your date of birth? And then, can you please verify if you have an AOL, and so of course, I'm like, yeah, I'm Jennifer. Yeah.

And then towards the middle, I was like, wait a minute, I'm giving you all of my information. You could be a spammer. You could be somebody saying -- or stealing my identity. You could be somebody, you know, I didn't know who they were, but they were asking me to identify all of my information and give them all of my information.

And it was just a phone number. It was just a phone call through. And midway through, yeah, I got scared. I was like, wait a minute, I don't know who you are, and I don't know why you're asking me all my personal information. And I hate to be one of those persons like, like, I gave him, yeah, I gave him a lot of my information.

And then I -- towards the middle, I was like, oh my God, this is one of those people that call up and say, your grandma needs money or, you know, I don't know what it was, but I didn't know who it was, and I don't know why they were asking me -- me to give them all of my information. So did I get defensive? I was

probably scared, I probably --did I hang up on him? Yeah. I'm sure I did because I'm not comfortable just divulging all of my information to somebody I have no idea who they are and why they want my information.

CHAIR FERVIER: And can you explain to this Board why you didn't vote in Florida?

MS. ROCKHILL: No, sir. I haven't lived in Florida -- I -- I moved to Georgia in 2007 -- excuse me, sorry -- seven. So I -- I wouldn't vote in Florida. I haven't lived there since 2007.

CHAIR FERVIER: Are you alleging this is a fraud then?

MS. ROCKHILL: Most likely, yes, sir. Yeah.

CHAIR FERVIER: Okay. Any further questions from the Board?

MS. KING: Did they say that -- I couldn't remember, does -- did she vote -- they said she vote in person or absentee?

CHAIR FERVIER: Absentee ballot.

MS. KING: Absentee in Florida?

CHAIR FERVIER: Both, I believe. Absentee -- yeah, absentee both.

MS. KING: Okay. Thank you.

CHAIR FERVIER: Did you vote absentee in Georgia?

MS. ROCKHILL: Yeah. I believe so. Yes, sir.
CHAIR FERVIER: Okay.
MS. ROCKHILL: I haven't had a Florida driver's license since I moved here in 2007, so I wouldn't --
MS. KING: Did you -- when you lived in Florida, did you vote absentee?
MS. ROCKHILL: No, I probably didn't vote. No.
CHAIR FERVIER: You haven't lived in Florida since 2008, correct?
MS. ROCKHILL: 2007, yes, sir.
CHAIR FERVIER: 2007.
MS. ROCKHILL: 2007, yes, sir.
MS. GHEESLING: I have a copy of her driver's license that was issued in 2008, if that's helpful at all.
MS. KING: Well, I was wondering if she voted absentee in Florida, even then, if there was a ballot that was sent to the address. Even though it's not her, you know, that could have been significant.
MS. ROCKHILL: Oh, it could have. Yes, ma'am. I mean, I don't know. I'm going to be honest with you, I don't --
MS. GHEESLING: She owned a home in Florida

until 2018 when she sold it. We also have the closing statement.

CHAIR FERVIER: Let me just see the driver's license, if you don't mind so I can say I did my job.

MS. GHEESLING: I'll -- I'll provide the closing statement as well.

CHAIR FERVIER: All right.

MS. ROCKHILL: So, yes, ma'am. I did have -- own a house. I had a rental property, and I sold that in 2018. So that's still even well before.

MS. KING: So there could have been, like, a ballot requested to that address?

MS. ROCKHILL: He -- whoever --

MS. KING: Yeah.

MS. ROCKHILL: -- the person that brought it. I don't know why they would do that to me, but, you know, I don't know.

MS. GHEESLING: And as I'm sure you all are all aware, I mean, I -- especially around tax time, I've -- I've received four or five notices from various, like, 1099 interest statements and my 1095A, like, health insurance verification, that all had my last four Social on it. My birthday is on my social media. My name is very Googleable. I mean, I'm sure the same can be said for my client.

CHAIR FERVIER: Anybody want to see this? It's just her driver's license stating that she was -- it 2017, it was issued in Georgia.

MS. GHEESLING: Oh, is that for 2017? Well, I have one 2008.

CHAIR FERVIER: This one's ten years old. It's good enough for me.

Any further questions from the Board for Ms. Rockhill?

CHAIR FERVIER: Chair will entertain a motion.

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

CHAIR FERVIER: We have a motion to dismiss. Is there a second?

MS. GRUBBS: I just have another -- I have a question. minute for a question.

CHAIR FERVIER: Please.

MS. GRUBBS: So on the signature thing, this for Pasco County, it shows a signature from October 17th of 2022.

MS. GHEESLING: It wouldn't be her signature.

MS. GRUBBS: But it looks like the same handwriting as October 6th of 2020.

MS. GHEESLING: I can tell you -- I can show you also, we have a --

CHAIR FERVIER: There's -- there's a telltale

thing in there. The Js, one of them has a line at the top and one does not.

MS. GRUBBS: But it would have to be somebody who knows her, to have her --

MS. ROCKHILL: It wouldn't have to be.

MS. GRUBBS: Well, I mean, you would think to know --

MS. GHEESLING: I have a request for verification of her mortgage from the people who lease to own the home that she sold in Florida that has her signature on it, and the buyer of the home in Florida would have a copy of her signature.

MS. GHAZAL: If you were to see a copy of your Georgia absentee ballot application, could you verify whether this is your signature?

MS. ROCKHILL: I would have to see it, ma'am.

MS. GHAZAL: Okay.

Do you --

This is your -- this is the Georgia.

MS. ROCKHILL: Would I know if somebody copied it? I --

MS. GHAZAL: This is your Georgia application.

MS. ROCKHILL: I would have no idea if someone copied it. There's something that says, Copy over it. I can't see the signature. There's something in the

way.

MS. GHAZAL: Oh, sorry.

MS. ROCKHILL: I didn't vote.

MS. GHAZAL: Can you verify?

MS. ROCKHILL: That does look like my signature, but I don't -- I --

MS. GHAZAL: And you -- you testified here that you did, in fact, vote in Georgia?

MS. ROCKHILL: Yes. So yes. Yeah. I'm just saying that I didn't in Florida.

CHAIR FERVIER: We have a -- we have a motion to dismiss on the table. Is there any further questions? Is there a second?

DR. JOHNSTON: Second.

CHAIR FERVIER: We have a motion and a second to dismiss. Any further discussion? Hearing no further discussion, all those in favor of dismissing, signify by saying aye.

(Ayes were heard.)

CHAIR FERVIER: Any opposition?

MS. GRUBBS: Nay.

MS. GHAZAL: Nay.

CHAIR FERVIER: The vote is two to two. The Chairman will exercise his right to vote and will vote dismiss -- will vote aye to dismiss.

MS. ROCKHILL: Thank you.

MS. KING: Thank you.

CHAIR FERVIER: Thank you. Can we just take a really quick five-minute break? Without dissent, we will take a five-minute break and return.

(A recess was taken.)

CHAIR FERVIER: Thank you. Obviously, my watch doesn't work too well, and five minutes really means ten. We're going to hear our last case today. How about that? SEB2025-047.

Mr. Executive Director, would you?

MR. MILLS: "The Secretary of State's Office initiated this investigation on August 18th, 2025, based on a complaint received from Ms. Anne Dover, Director of Cherokee County Elections and Voter Registration. Her complaint states that on August 7th, 2025, the respondent, Mr. Richard Jordan, displayed unacceptable behavior while inside of Cherokee County Elections and Voter Registration office located at 193 Lamar Haley Parkway in Canton, Georgia.

This occurred during the advanced voting period for the August 26th, 2025, special election for Senate District 21 and Board of Commissioners 1. This is a potential violation of the official code of Georgia annotated 21-2-569 -- 569, interfering with

poll workers."

CHAIR FERVIER: Now, I understand that there's been some issues going on for a while, so we're going to have an opportunity for the complainant and the respondent to speak. But when the complainant is speaking, of course, stay there. When the respondent comes up to speak, I would ask that the complainant step to one side of the respondent so that it's not all at the podium together, and then we don't end up with any issues.

And let's not talk to each other, necessarily. Please direct all of your comments to the Board, if you would, please. And the Board will ask whatever questions they want to ask. And, you know, I would just ask that you not, please, speak to each other. So, okay? We're all in agreement, correct?

MR. OLES: Yes.

CHAIR FERVIER: Thank you very much. And I am happy that you were able to come back this time and speak to us again. So we have the -- we've read out the complaint. The -- the complainant is Anne Dover, Director of Cherokee County Elections and Voter Registration, Respondent is Richard Jordan.

Mr. Jordan's here, along with his attorney. We'll let the respondents start first. And if you'd

please identify yourself as you come to the microphone, that'd be very helpful.

MR. OLES: Thank you, Mr. Chairman, and Board members for this opportunity this afternoon. My name, of course, is David Oles. I'm an attorney here. I've been an attorney in Georgia for almost 30 years, practicing, among other things, election law.

I am here today representing Mr. Richard Jordan, who is the respondent in the case. We are here at request, direction of the Board. It is our intention here today -- I will have some prepared argument, but I am basically going to allow Mr. Jordan to describe for this Board what happened in that poll location on the date in question. And I'm going to allow him to entertain questions from the Board.

So with that, Mr. Jordan.

MR. JORDAN: Thank you. Mr. Chairman, lady Board members, good to be with you here today. I wanted to first of all, say that the late Charlie Kirk said, whatever you believe about the US Constitution, you need to speak up. He said, you need to ask questions or we will lose our constitutional freedoms.

I'm a Cherokee resident, Cherokee County resident, an elector, I'm a voter, a poll watcher, at Mountain Road precinct. I'm a precinct chair. I have

been for about 15 to 18 years in various capacities. I ask questions, and I think it's important to ask questions. That's what we're here today to do. Ask questions.

I'd like to say that since I was not allowed to submit my story to the Secretary of State investigator, I would like to make a couple of statements to bring context to this polling incident, just to better understand my criminal defense of this serious felony accusation. I now seek full and complete vindication from criminal accusations for merely asking two legitimate questions of a trained poll worker.

I stand here before you today as an elector who knows full well my rights and responsibilities in exercising my solemn and lawful right to vote my conscience. A procedural question was asked to verify my confidence that the QR code and the specified printed name read by the tabulator accurately reflected my candidate of choice.

So two days before the polling incident, I called the elections office to find out where the locations were for early voting. And Ms. Anne Dover, the elections director, answered the phone. It surprised me, but she and I had a pleasant

conversation, and she told me the two locations, and I thanked her for her time.

However, there is now reason to believe that she coached the poll managers to scrutinize Richard Jordan specifically, if he dares to ask any question about the QR code on the ballot. And I've got the documentation. I believe that's -- and I'll be submitting that to you as well. And there's -- because there is a -- a pattern of targeting political opposition for political retribution.

Previously, I served as spokesman for a -- for the truth seekers. They had a press conference and asked me to be the spokesman. We gathered 150 sworn affidavits from electors, at least three in each of the 40 -- 42 precincts. And we gathered those, we organized them.

We had a press conference at the Board of Elections Office where Ms. Dover's office is, and she came out. We went in, we made a couple of statements outside, and then we came -- and I think I've shared this with all of you. I've sent it to you previously. And she would not even sign for the transmittal letter, the acknowledgment that we were leaving 150 sworn affidavits by electors demanding a -- a hand count, a hand-marked hand count of the ballots.

However, there's now reason to believe that she discarded those ballots, that petition. That was our right of petitioning our elected officials. We wanted to follow the law. We have reason to believe that they were discarded. It was never brought to a public hearing before our Board of Elections that we taxpayers fund, and we attend the meetings every month, and we ask questions. They never get answered.

However, you know, as I said, there's now reason to believe that she coached the poll managers to scrutinize me if -- if I dare to ask any question, you know, when I -- when I was there, as I initially shared with you. But the motive of the -- we believe that the motive of targeting me for retribution was the fact that we actually presented the press conference, and that some way, I don't know if it embarrassed her, but at that time, that was the -- that was the point of convergence when she began to say that I was -- well, she -- she began to look for opportunities to try to silence dissent, if you will, because I was part of the Truth Seekers.

And by the way, that's a group of about 75 to 100, I call them mama bears, you know, they're going to protect their children, they're going to protect the vote. And -- and I -- so I've been a part of them for

now, about five years.

But upon arrival at the election warehouse polling location, I greeted the poll workers. I promptly marked my ballot on the ballot marking device, and then I turned around to politely request permission to ask two questions of the polling clerk. She was there staring at me while I was standing about -- she was standing about five feet away when I turned around.

Here are the two questions I asked. This is all I said. I asked no other questions. I said nothing else. I asked two questions. Number one, I said, is the commission election being held at this early voting polling location? I needed to know as a poll -- a poll watcher, as a chairman of my precinct, I've got 3,300 people in the Mountain Road precinct that look to me as the spokesman.

Yes, to ask questions, but they -- that's something that needs to be needs to be known. Is this the right polling location?

Secondly, I asked the question, how do I know for certain that this QR code accurately reflects my candidate of choice? And the poll worker overreacted because when I said that about the QR code, that was the -- that was what she was listening for, I believe. But the poll worker overreacted by raising her voice

and seemed to be concerned about the content of the question regarding the QR code.

So I want to share with you what -- what I felt through that process. And -- and I've not been able to tell this story because the -- well, with the Investigation Division of the Secretary of State's Office, as we know, the -- the first, I call it Polling Incident 1.0, back in 2022, when it was -- there's not a fair investigation that's conducted through the Secretary of State's Office when it comes to anyone that's dealing with the QR code or asking questions about the ballot marking device.

So those are the two questions that I asked, and here's my story. I was very precise in how I asked the question. I even asked permission to ask the question. Her response to the first question was polite and informative. She told -- she -- she responded very politely.

And then I asked the second question in the same tone of voice as the first question, as I'm speaking right now. And I'm direct and I'm straightforward, but I ask questions. So, apparently, it was because of the content of the second question that the poll clerk overreacted. She began talking louder, almost like, I don't know if she was trying to

provoke me or whatever, but I don't know.

But I was asking a question. The ballot was held in my left hand, and I pointed at it, and I asked her, I said, how do I know for certain that this QR code accurately reflects my candidate of choice? It's a genuine question. I genuinely do not know to this day, if the QR code accurately reflects my candidate of choice.

I have many of my -- many of the electors in my precinct are asking me questions about the ballot marking device, if -- if the QR code accurately reflects the candidate of choice. I'm going to ask that question. If it's not answered at the monthly meetings, logical place is when you're at the polling location is -- and you're exercising your constitutional privileges, not constitutional, but your lawful privilege of casting your ballot, to ask a question of a trained poll worker.

So, as the -- as I was holding the ballot in my left hand and I pointed at it and I -- and I showed that -- and I said, how do I know for certain if this QR code accurately reflects my candidate of choice? This -- I held the ballot in my left hand directly in front of me while pointing at my ballot and asking the second question.

So there's no possible way the young lady could see the front of my ballot to know who I voted for. Under no circumstances would I have any reason whatsoever to push a ballot in the poll worker's face. I would not do that. That's not who I am. I have no reason to be impolite or to be disrespectful. I've served -- as I said, I've served as a poll watcher for 15 years. Some of my best friends are poll watchers and poll workers.

Matter of fact, I serve there at the Mountain Road precinct, and I'll probably be there for this -- this next primary election with other -- with another poll watcher. And we have lunch together. I mean, I -- these are my friends, many of them.

So I want to say that one last thing is that the -- you know, even if the poll worker construed -- even if it was construed by the poll worker to be some kind of interference with a poll worker, my intention was simply to get information. The poll worker training, and it's my understanding, changes from year to year, annually. I mean, the Georgia legislature, they change the laws.

It's a logical thing to ask questions, how do I know for certain that this QR code accurately reflects my candidate of choice? Does it now read

the -- the name that's in English below the QR code? Does the tabulator read the QR code and the name that's written there? I don't know. I genuinely don't know. Right now, I don't know.

I know we have a lot of discussion on it, but I genuinely do not know. We have -- and I -- this is the last thing I will close on is that many of you might remember the 2025 primary. There were less than two and a half percent of the registered voters even bothered to go to the polls and vote. Elections have consequences, but people think that their vote doesn't matter.

And so as a precinct manager, that's my role is to ask questions, to be the spokesman. I've got -- I've got seven children and 18 grandchildren. They're asking me questions that I can't answer, and most of them don't vote. And it's disheartening, it's disappointing, but I believe that if we don't ask questions, we're going to lose our constitutional freedoms. And whatever I believe about the constitution, I'm going to speak up.

So I thank you for your time and I look forward to answering any questions that you might have. But this is -- my attorney has several things that he wanted to bring up, but I just wanted to share my

story. It's from my heart. I am the witness there to share with you what transpired, and that's why I'm here. Thank you.

CHAIR FERVIER: Let me ask a couple of questions if you don't mind. I mean, you can stand up there by him if you want to.

MR. OLES: No, no, no, that -- that's fine. Mr. Chairman, I was going to invite the Board to ask their questions.

CHAIR FERVIER: The Board okay if I start this off?

All right. You've been a poll worker a long time, right? Did you -- did I mishear you on that?

MR. JORDAN: I've not been a poll worker. I'm a poll watcher.

CHAIR FERVIER: Poll watcher.

MR. JORDAN: Right. I have a lot of friends that are poll workers and I work closely with them, yes. And a lot of the poll workers are my dear friends.

CHAIR FERVIER: How would you answer that question that you asked?

MR. JORDAN: What question?

CHAIR FERVIER: Does this reflect my vote?

MR. JORDAN: Say again.

CHAIR FERVIER: The question that you asked of the poll worker, how would you answer that question?

MR. JORDAN: I'm not a poll worker. I'm not privy to the training. That's why I asked the question. I don't know.

CHAIR FERVIER: But you've asked the question before, right? Is that the first time you ever asked that question?

MR. JORDAN: I ask the question just about every month that I'm at the Board of -- Board of Elections, yes.

CHAIR FERVIER: And you called the office and asked that question before that incident at the poll?

MR. JORDAN: Called the office --

CHAIR FERVIER: With --

MR. JORDAN: -- Board of Elections?

CHAIR FERVIER: Yeah.

MR. JORDAN: I -- I don't know that I've done that, but no.

CHAIR FERVIER: Okay. Do you -- were you aggravated at the time that you were there?

MR. JORDAN: Absolutely not.

CHAIR FERVIER: Not at all?

MR. JORDAN: Not at all.

CHAIR FERVIER: You've been asking the

question time and time again over a period of months, I guess?

MR. JORDAN: Pardon me?

CHAIR FERVIER: You've been asking that same question time and time again over a period of months, right?

MR. JORDAN: I've had a lot of electors in my precinct ask me the question. We have meetings, and we were concerned about the poll -- of the -- the entire process. We're concerned about the ballot marking device, the QR code, just as we've discussed today. The question is asked often, yes.

CHAIR FERVIER: Okay. You know, my -- why do you think that the individual there at the scanner would be able to answer that question if you've asked election officials and all other kinds of people then? I mean, why -- why ask that individual?

MR. JORDAN: Well, I mean, she was -- when I turned around, she was standing about five feet away from me, staring at me, and I thought, you know, I don't know who she was. And I step -- stepped around. I stepped up, and that's when I asked her the question. She's a trained poll worker, should have proper training and know that you answer questions, procedural questions about the ballot, and you offer a provisional

paper ballot if one is -- one is not -- that's -- that's the process.

If there's -- and I've even looked on the Secretary of State's website, and Brad Raffensperger himself says that if ever in doubt, hand it out, talking about provisional paper ballots. That's on the website. So I -- I've never filled out a provisional paper ballot, but if there's any change in the law that -- from the legislature with the ballot marking device, I'm not privy to it. I'm not a trained poll worker.

CHAIR FERVIER: You knew before you voted that there was a QR code on the ballot, though, right?

MR. JORDAN: I assume that, yes.

CHAIR FERVIER: You knew that. Why didn't you ask for a provisional ballot on the front end then, before you voted? When you walked in there, why didn't you ask for one?

MR. JORDAN: Well, I wasn't concerned about it when I walked in. I -- I just voted. And when she -- I was going to vote and deposit in the tabulator, and when I asked her the first question and I asked her that second question, that would have -- it would have been welcomed to have a provisional paper ballot. Yes, sir.

CHAIR FERVIER: All right. But you -- but you knew when you voted, you were going to end up with a QR code on there and then a list of -- well, I guess you only voted for one person, so you'd get the QR code and the one person you voted for, correct?

MR. JORDAN: Yeah, I assume. Yeah.

CHAIR FERVIER: So you knew -- so why, when you walked in the voting location, didn't you ask for a provisional ballot if you didn't trust the QR code at that time? Why didn't you ask for one on the front end?

MR. JORDAN: You're not given that option. I mean, when you go in -- and I just was a -- I just wanted to vote and vote my conscience, but I did want to ask the question because that's a question that needs to be asked.

CHAIR FERVIER: But you -- you've asked the question multiple times?

MR. JORDAN: Yes. And I will continue to ask questions. That's what I do. That's who I am as a precinct chair.

CHAIR FERVIER: Right. So the -- the respondent, or the lady that you asked the question to, claims that you held the ballot in her face, or she said shoved it or whatever. There was another witness

that claimed that that occurred. There was another person who said that you were at the scanner for an extended period of time, and they had to come ask you to leave. I mean, do you deny all of that?

MR. JORDAN: Absolutely.

CHAIR FERVIER: So, all three of those individuals are coming together to -- to lie against you?

MR. JORDAN: My statement stands for itself, yes.

CHAIR FERVIER: Okay.

MS. KING: [inaudible 05:24:14] I feel like you were a little biased.

CHAIR FERVIER: Well, I'm going to ask him the same questions. I'm just -- I'm just trying to ask his statement to us.

MS. KING: Just making sure.

CHAIR FERVIER: And I -- I'll ask him the same questions. I mean, his -- his statement is contrary to what the report says. That's why I'm trying to clarify what the report says versus what the statement is.

MS. KING: It just -- it just -- in my opinion, it just sounds as if we're questioning, like, when you asked, were you frustrated because you've asked several times, it just kind of feels as though

we're pushing it in a direction when he's already stated that he wasn't upset and that he didn't do these things. So, I think we -- I think it's good to hear the other side, but I don't know. I'm just trying to make sure we're not hearing --

CHAIR FERVIER: And I'll try not to sound like a prosecutor.

MS. KING: Right.

MR. JORDAN: Mr. Chairman, if I could make one other comment, that after, when she began to speak loud and -- I didn't ask, I didn't say anything else. I just walked over to the tabulator to deposit my ballot. And I did ask the lady at the tabulator if I could watch the clicker change as I put the ballot in so I could confirm my vote and have confidence that my vote mattered.

Then I put on the "I Voted" sticker. I didn't speak to anyone. I walked out immediately. No one asked me to leave. There was no lingering around. I was in there probably no more than three, four minutes. It was -- and there was nothing to it.

I just walked in. I walked over to the tabulator, deposited, and when I left, two or three days later, I got another call from the Secretary of State's Investigation Division saying that, you know,

he wanted a statement from me, and I think, wow, for what? And so it just -- it was a surprise. But that was all that transpired. And I'll let my statement stand for itself.

CHAIR FERVIER: Okay. All right. I appreciate it. I, you know, sometimes up here for this Board, we have to try and determine the -- the veracity of people, you know, and one way that I do that is to ask questions sometimes.

MR. JORDAN: Well, this is the civic reasoning process of self-government, and that's what this is all about. So I thank you all for your service and for evaluating this, but it's all made up as far as shoving things or pushing things in people's face or talking or me doing things. No, I'm the one that asked the question, and it was just a -- there was no response.

And then when she began to overreact to that buzz -- I think it was the QR code, when I said QR code, and she began to talk louder, that's when I -- I just walked over to the tabulator.

CHAIR FERVIER: Well, I'm used to people overreacting.

Are there any questions for Mr. Jordan from the Board?

MS. GRUBBS: I have a question.

CHAIR FERVIER: Yes.
MS. GRUBBS: So this incident happened in 2020 --
CHAIR FERVIER: Your -- turn your mic on, please.
MS. GRUBBS: Sorry.
Please confirm again with me the date of the incident. August 26th, 2025?
MR. JORDAN: That's correct.
CHAIR FERVIER: Is that correct? So --
MR. JORDAN: Senate -- it's the Senate District 21 race, the special election.
MS. GRUBBS: Yeah. So you -- you voted a bunch of times from -- since -- since 2020 to 2025, you've voted a bunch of times?
MR. JORDAN: I voted a bunch of times all my life. I've been involved with the Georgia Republican Party for over 50 years.
MS. GRUBBS: Right. And you and I know each other, and I've always known you to be a gentleman. I've never had any -- I've never heard you raise -- raise your voice or anything like that. So it would surprise me to know that there was aggression. However, I have to make the point that there's a lot of people, including myself, who have been extremely

frustrated over the use of the QR code, the use of an unverifiable system, the use of a system that is illegal to be using, you know, that generates -- and I'm very passionate about our votes.

I always have been, but particularly over the last few years. So it's very aggravating to have to use a system that I, as a citizen, did not advocate for, did not want, you know, go back to the Diebold systems. That was an issue.

So over time, however, and especially being involved, I know you're active and involved in -- in things like this, you know, political things, election things, you knew when you went into the precinct to vote that you were going to be voting on a machine with a QR code. You absolutely know that.

MR. JORDAN: I assumed that.

MS. GRUBBS: Right. And you also --

MR. JORDAN: I didn't know if there was any -- any change in legislation or any new poll worker training that may have changed.

MS. GRUBBS: Training wouldn't have changed the physical aspects of how we cast our ballot.

MR. JORDAN: Well, I didn't know that. That's why I asked the question.

MS. GRUBBS: Right.

MR. JORDAN: Just for clarification and for my confidence to know that I could go back and any of those in my precinct that would -- electors that would ask me, I would be able to let them know what I found out.

MS. GRUBBS: Let them know the system still sucks. They're not listening to us, they're not making any changes. We're still voting illegally. You got it. And I understand. But the thing is, is that here's where my -- my issues kind of come up, is that sometimes we -- we say things to make a point.

You know, we want to make a point that this is a bad system. This system should have been dealt with a long time ago. This was after the legislation happened in 2024 to get rid of the QR code, but it didn't take effect until July 1 of 2026, and all that kind of stuff.

But all of that, just to be clear, is not the election director's fault, and it's not the poll worker's fault. They are just doing what they have to do.

MR. JORDAN: That's right.

MS. GRUBBS: And so I just want to make a point that we should never -- and I'm not directing this at you specifically -- but to anybody who wants a

point to make a point, go make the point in the legislature. Go make the point down at the gold dome. Invest time in that, and don't make the point with election directors who have a lot to deal with. And that's all I got to say about that.

MR. JORDAN: Well, let me respond to that and say that, you know, Ms. Dover has been a friend of mine for several years. You know, back in 2019, I invited her into the Family Tradition Restaurant where I host my Republican precinct dinners every third Monday evening. I have for about 15 or 20 years.

It was her first public speaking engagement, and it was back in 2019, and I encouraged her to speak up and, you know, tell people about this process, you know, let's just be transparent because people -- I guess that was about the time that Trump's first term was finishing up. And there were, you know, a lot of the things going on on the national level and -- and she was going to be the new elections director to represent us and -- and bring the staff together.

And so, you know, I -- I've always been -- want to be part of the process and, you know, and you do business with your friends, you know, and friendship is based on trust, loyalty, and God's grace.

CHAIR FERVIER: Member Grubbs --

Thank you.

Member Grubbs, I have to bring this up since you mentioned that you have a long-term friendship, relationship --

MS. GRUBBS: Not a long-term -- I mean, I see him at -- at political events and things like that. I know him.

CHAIR FERVIER: Okay.

MS. GRUBBS: But I would feel like I need to recuse myself.

CHAIR FERVIER: You do?

MS. GRUBBS: I do.

CHAIR FERVIER: Okay. I just wanted to -- I wanted to clarify that since you mentioned that you had known him for a while.

MS. GRUBBS: Yeah. I do feel like I -- and no -- no offense to you or anything or no benefit to you is that because we do know each other through the Republican party, I think that it would be the best thing for me to recuse myself.

CHAIR FERVIER: Well, I -- I mean, we'll -- we'll do what you want to do. I -- I know a whole lot of people in this room, as you do. So the question is the extent of your, for lack of a better word, relationship with him, is it purely you see him at an

event and you say, hey, or is it something where you --

MS. GRUBBS: We say hey, but I'm on the executive committee and he's also on the executive committee.

CHAIR FERVIER: Then that's the reason to recuse yourself. Okay. Okay.

MS. KING: I don't have any comments. I would like to hear from Cherokee --

CHAIR FERVIER: Absolutely.

MS. KING: -- and then I can --

CHAIR FERVIER: I was going to say, do you -- do you have any -- does the attorney have any comments you'd like to make?

MR. OLES: I -- I would appreciate making that now before you proceed to the other side.

CHAIR FERVIER: Absolutely. Okay.

MR. OLES: Members of the Board, thank you. May it please this Board. I represent Richard Jordan. Richard is a lawful elector residing in Cherokee County, and he is a frequently outspoken advocate for free and open elections in the state of Georgia. As the result of his advocacy, Richard has been, and I can confirm it, the target of repeated attacks by the Cherokee County election staff. I'm here to defend him today.

The right to vote is among the most fundamental rights in our Constitutional Republic, protected by the first and 14th Amendments to the United States Constitution, and also Article 2 of the Georgia Constitution. And I'll cite to the case of Reynolds v. Sims, 377 US 533. By the way, I did submit this. I don't know if it got distributed to the Board.

But essential to the meaningful exercise of this right is a voter's ability to understand and inquire about the voting process and the equipment being used for that purpose. The First Amendment further safeguards the right to petition the government officials and to seek information regarding the conduct of public affairs, including election administration, principles that promote transparency, public trust, and informed participation in our democracy.

In Georgia, this principle is codified explicitly in this Board's Rule 183-1-12-.11, Subsection 9, which states, "A voter may request information from poll officers concerning how to use the electronic ballot marker or any other voting system component at any time during the voting process. This mutual right is reinforced by Georgia law, expressly permitting, and in many cases requiring, poll officers to instruct voters on the operation of the election

equipment."

And I cite to Statute 21-2-410, which says, "If any elector, before or after entering the voting booth, shall ask for instructions concerning the manner of voting, a poll officer may give such election -- such elector such instructions." In addition, State Election Board 183-1-12-.11, Subsection 1, requires poll officers to offer instructions to voters in the method of voting on the voting system.

Similarly, Rule 183-1-12-.115 expressly authorizes poll officers to assist with the voter access card and explain the operation of the ballot marking device without it constituting prohibited assistance under 21-2-409. These provisions reflect the State's clear intent that peaceful, good faith questions from electors about voting equipment and the poll officer's responsive guidance are not only lawful, but they're affirmatively protected to ensure that every voter can cast their ballot accurately and confidently.

I respectfully, but firmly oppose this Board's consideration of any complaint filed against my client, an elector, who, by his own testimony, in a peaceful and respectful manner, inquired of a poll worker about the operation of Georgia's electronic voting system,

including the ballot marking device or scanner. Such an inquiry does not constitute voter intimidation, election interference, or any violation of Georgia law.

On the contrary, it is expressly authorized by the very laws and rules quoted above. Georgia laws prohibiting interference with poll workers, specifically OCGA 21-2-566 and 569, which is the charge here, are intended to prevent willful obstruction of elections, threats or use of violence against poll workers, or material interference with their duties.

These statutes exist to safeguard the orderly administration of elections and to protect poll workers from actual misconduct that hinders voting. Not to punish or chill peaceful, lawful, and statutorily authorized inquiries by voters seeking to understand the election equipment. Notably, no decided case in Georgia, or federal law that I could find, has ever held an elector criminally liable for merely asking a poll worker about the operation of a voting system.

Moreover, even in a non-public forum, which as my colleague, who filed a letter one day before the last hearing that we were not aware of, pointed out, that voting polling locations are non-public forums. But even in non-public forums, there is -- there -- the constitutional rights still exists. There is a

limitation on the government's ability to curtail speech, even in that section.

And I cited in my letter, Minnesota Voters Alliance v. Mansky, the US Supreme Court ruled in 2018 that in a non-public forum such as a polling place, government restrictions on speech must still be reasonable and not an effort to -- to suppress expression merely because public officials oppose the speaker -- the speaker's view.

Now, there are no accusations here that Richard threatened a poll worker, or that he restrained or abused a poll worker, or that he impeded the progress of any other voter. What is clear is that he asked for a poll worker who, as we all know, must be trained and certified on that training and informed about the operation of the voting system every year and every election.

He asked her to explain to him, a lawful elector with the right to be present to cast his vote, about the operation of the system. And as Richard explained, the poll where he had not ever worked as a poll worker. He had no knowledge of what the training was, and he had every reason to be able to ask whether or not there was information shared with the poll worker that he might now be able to take advantage of.

We know this stuff changes from year to year.

A word about the statute that he's being charged with violation, 21-2-569. I think the Board is very familiar with it, which says that any person, including any poll officer, who willfully prevents any poll officer from performing the duties imposed on him or her by this chapter shall be guilty of a felony. And a felony is a serious charge, and it reflects the -- the legislature's understanding and appreciation that this is not mere communication. What we are talking about are serious incidences where someone comes in, pulls a gun, threatens people, runs around, knocks things over.

We're talking about serious interference with an election. We're not just talking about asking a question. But the important thing here, there are two parts in that statute that really matter, and I would ask the Board to consider. The first is, it has to be willful, which means that he had to intend to interfere with the conduct of the -- of the election.

And then, secondly, that he had to prevent a poll officer from doing their duty. And I'll suggest to this Board that on the accusations that were made, neither one can be found. There is no testimony that he held up any other voter or that he prevented the

poll workers from doing their duty. Likewise, there is no testimony that he intended to hold them up.

And when it comes to his attention -- his intention, there is only one person with firsthand knowledge, and that's Richard Jordan. And Richard just got up here and testified, and this is backed up by the -- the complainants, that he was asking about the workings of the election system. That is not an intention to interfere with the election.

In this particular case, though, the complaint is particularly troubling because it appears to stem from a demonstrated pattern of intentional hostility by the Cherokee County election supervisor toward Elector Jordan. As Richard testified, he previously prevented -- presented Supervisor Dover with a petition for a hand count of ballots, a form of relief that the supervisor has publicly opposed in her official capacity. In fact, she refused to accept the transmittal of that petition.

And then -- and she has -- and since then, she has publicly lobbied against hand count relief that is sought by Elector Jordan. Nor is this the first time that Supervisor Dover has sought to retaliate against Richard Jordan. As the Board knows, in 2022, she was the complainant behind another complaint, intended --

that was intended to sanction Richard Jordan for asking questions about the system and attempting then to use a provisional ballot.

Using the threat of criminal sanctions under the poll worker interference statute to suppress legitimate inquiries in retaliation for the electors protected petitioning activity is a clear abuse of administrative authority, and government officials are not immune from intentional violation of an individual's constitutional rights.

Penalizing or even investigating an elector for asking a legitimate question permitted by this State Election Board's rules would have a severely chilling effect on voter participation. It would undermine public confidence in our elections, and invert this Board's core mission under OCGA 21-2-31.

I respectfully request that this Board immediately dismiss any complaint against Richard in its entirety. And then issue a clear public statement affirming that electors have the right to ask poll workers questions about the operation of the voting equipment, and that -- and reinforce that poll workers are authorized to provide answers and instruction.

Georgia voters deserve the reassurance that their good faith efforts to understand the process will

be protected and not punished. I want to thank every one of you for your attention today and for your dedicated service on this Board. It is so very important, and for your commitment to fair, transparent, and accessible elections for all Jordans.

You all are to be congratulated. I urge you to uphold these constitutional and statutory principles that I have outlined by rejecting any attempt, as was done here, to sanction peaceful voter inquiries. Thank you.

CHAIR FERVIER: Thank you.

Cherokee County, would you like to respond?

MR. OLES: Mr. Chairman?

CHAIR FERVIER: Yes?

MR. OLES: Can I submit this into the record?

CHAIR FERVIER: Absolutely. Right there.

MS. BRUMBAUGH: Good afternoon. Do you all want to ask me questions or do you want me to give you a presentation?

CHAIR FERVIER: We'd like you to give a presentation. Identify yourself, please, for our court reporter, and then a short presentation, please.

MS. BRUMBAUGH: I'll do my best. My name is Ann Brumbaugh. I am the attorney for the -- the Cherokee County Board of Elections and Registration.

Here today is Ms. Dover, as well as four members of her staff. We also have three of our five Board members. We have Larry Hand, John Wallace, and Chairman Glenn Johnson here as well.

Mr. Jordan -- this case does begin in 2022, but it doesn't begin the way Mr. Jordan says it does. Yes, there were petitions that were presented. Ms. Dover took them. The Board at the time opted not to do anything with them. This is a red herring.

What started in 2022 was a pattern of harassing poll workers. The first incident was on May 20th, 2022, when Mr. Jordan did ask some questions. And that incident was not reported, okay? And nobody has said that on May 20th, 2022, his behavior constituted a violation of the Georgia Election Code.

However, like subsequent incidents, culminating in this incident on -- in August of 2025, in May of 2022, Mr. Jordan walked into an early voting location and asked about the QR codes. The poll manager attempted to respond to him respectfully. Mr. Jordan accused the poll manager of, quote, being a Democrat. The poll manager explained she was non-partisan. She did write a statement.

Again, we didn't submit it. We didn't allege this was a violation. But according to the poll

manager at the time on May 20th, 2022, Mr. Jordan's behavior was aggressive and spirited and threatening to me. So that was on May 20th, 2022.

Fast-forward a month to the June 17th, 2022, primary runoff. Mr. Jordan comes in to vote again. It's the same technology, it's the same QR codes. He again starts asking questions about the QR codes. He was there for over an hour. The police had to be called.

I'm going to read you some excerpts from some of the statements taken at that time. This is also from SEB2022-131, which is pending at the Attorney General's Office. Quote, "I was unable to perform my duties as manager because of his intimidating manner. I was upset and shaking and almost cried."

Quote, "Mr. Jordan didn't come across as a concerned voter with real questions, but one that was trying to cause an issue. I was getting quite shaken up with his demeanor, could barely finish processing the voter in front of me. At this point, I was concerned for my manager, myself, fellow coworkers, and voters in our enclosed space. Not certain if his behavior was going to escalate.

I was totally frazzled, told coworkers I could no longer process voters as I was afraid of this man.

He appeared to me to be unsettled and had a service dog with him, so I truly had no idea what his mental state could be. Mr. Jordan's demeanor was very unsettling. He was disruptive to our entire team and voters, causing a distraction and impeding the poll manager from doing her job.

I personally had a hard time continuing my role as poll officer for the entire day because of all the ruckus the man caused. It caused me much fear to think about how what he may have done had the police officers not come into the building. I was also scared to approach and assist the poll manager with Mr. Jordan and only approached him with officers in the room. Even with law enforcement in the room, he presented an unsettled, unpredictable, aggressive type of behavior."

Quote, "I observed Mr. Jordan harassing another poll worker at the poll pads about the QR codes. After the poll manager stepped in, he became increasingly belligerent, abusive, and abrasive."

MR. OLES: Mr. Chairman?

MS. BRUMBAUGH: So this is 2022-131.

CHAIR FERVIER: Just one moment.

Sir, we're going to -- we're going to allow her to finish, and then we'll allow you to -- to make whatever comments you'd like to. I mean, the Board

typically allows people to make their statements and then -- and then respond to them. So you'll have an opportunity to respond to her comments.

MR. OLES: Well, that's the issue, Mr. Chairman. We were not apprised that we were going to come in here and be charged again, which is the 2022 case that this Board has already adjudicated.

CHAIR FERVIER: Yeah.

MR. OLES: We are not prepared. So this is a due process violation. We have not had notice that we need to come in here -- and there's a double jeopardy issue here as well because this Board referred that matter to the -- the District Attorney, all right? So, this is, I mean, this is a serious violation of due process it gets. They cannot come in here and try to retry that case inside of this one.

MS. BRUMBAUGH: Can I respond? I'd like to say a few things. First of all, they started this talking about 2022. So in -- in the trial world, we would say they opened the door, okay? So when they started talking about 2022, that gave me the opportunity to talk about 2022. There is no double jeopardy issue here. That case is pending in the Attorney General's Office.

But all of this is very relevant to whether

Mr. Jordan's behavior in August of 2025 was willful. Mr. Oles is correct. Willful is a -- an element of this election code. His past shows that he knew what he was doing in August of 2025. He had done this before. He had gotten people upset before.

If I could finish my statement, what I would say is that was in 2022. The case became before the Attorney General -- or this Board in 2023. This -- that version of the Board found probable cause to refer that case to the Attorney General's office, where it is still pending.

2024 comes, he votes. Same QR codes, poll workers. Then for some reason in August of 2025, he walks back in. And actually, before he walks back in, he calls Ms. Dover, and he asks Ms. Dover these same questions again. Who's on the ballot in August of 2025, and what about these QR codes? So he's been doing this for years.

He did it two days before. He walked in in August of 2025. He voted knowing that he was going to have a QR code, and then he began accosting a poll worker with this same issue. And I'm going to read that poll worker's full statement.

CHAIR FERVIER: I -- the other Board members might feel different about this. I -- he is correct in

that we're not here to adjudicate what happened in 2022, although I think it's relevant to the case because if you have a pattern and history of doing the same thing over again, that may be relevant, but I'm not sure that we need to read all the statements of what occurred.

MS. BRUMBAUGH: Well, I'm moving on to '25 now. I'm --

CHAIR FERVIER: Yeah, that's fine. I'm -- what -- what somebody has done in the past is relevant to what they're doing, obviously, in my sense. But you could be overly prejudicial if you get into some of the details, I think, extensive details. So I would like, you know, what date, what time, what was the allegation, you know. And then -- but you're at 2025 now?

MS. BRUMBAUGH: I'm at 2025 now.

CHAIR FERVIER: Okay. All right.

MS. BRUMBAUGH: All right.

CHAIR FERVIER: Thank you.

MS. BRUMBAUGH: So this is the statement of the poll worker on August 7th, not August 26th, August 7th, 2025. "Gentleman walked up and pulled his ballot in my face when I was in the middle of the room. He said very loudly, quote, Look and see if you can see

who I voted for. He also said who he voted for very loudly. I covered his ballot with my hands as not to see who he voted for. I told him we aren't allowed to look at people's ballots.

He asked about the QR code, and I got a little flustered and was trying to get him out quickly as there were other people trying to vote. He then went to the scanner and cast his ballot. After reporting this incident to the director, we looked on the poll pad voter certificate, and this voter was Richard Jordan."

So contrary to Mr. Jordan's statement earlier, this poll worker didn't even know who -- who this man was. It was just a man that shoved a ballot into her face in the enclosed space and said, can you see who I -- who I voted for. So this was witnessed by another -- another member of the election staff. I won't read her statement or -- but she is here, if you want to talk to her about it.

CHAIR FERVIER: Her testimony would be important for us, I think.

MS. BRUMBAUGH: So, that is where we are today. We have asked -- we -- we reported this because this is an upsetting thing that is interfering with the poll workers. When they get upset, they are very

likely to make mistakes. And we all know that these mistakes cause a lot of doubt and questions in the elections.

So, it is important that the electors follow what the Supreme Court stated less than ten years ago and observe the sacredness and the quietness of the enclosed space. Certainly, questions are permitted. You had two Cherokee County voters come up here in public comment today and say, we ask questions. We're not reporting them.

We don't -- I don't know what they -- I assume they asked the questions, but they did it in a way that didn't harass, that didn't interfere, that didn't cause people to get so upset that they couldn't do their job. And that's what we have here. This is a degree issue. This is a situation in which Mr. Jordan has a pattern of coming in and asking questions and doing it in a way that is very, very upsetting to the poll workers.

And all we are asking today is that you find probable cause to refer this case to the Attorney General's Office. All we want is for the two cases to be handled as quickly and as expeditiously as possible, and for Mr. Jordan not to ever do this again. That's all we're asking for.

He's not going to be convicted of a felony if

you vote to refer it to the Attorney General's Office. He's not even going to be convicted of a felony if the Attorney General comes up back with a sanction. That's something only the District Attorney's Office can do.

It is very unfortunate, the way this code is written, and I have been, you know, since 2009, when I sat on this dais as the attorney for this Board, I thought this is ridiculous that we have these code sections that are listed as statutes -- as criminal statutes, and we've decided to, you know, prosecute them administratively. But that's what the legislature has done.

This is -- this -- there's -- Mr. Jordan is not going to be a felon at the end of this proceeding. And all we are asking is that this case be referred to the Attorney General's Office so that it can be handled with the other ones, and that Mr. Jordan never do this again.

CHAIR FERVIER: I would like to hear -- unless you have any questions for Mr. Brumbaugh -- Ms. Brumbaugh -- it's so late in the day already. Does anybody have any questions for Attorney Brumbaugh?

MS. KING: I just have one quick question. I want to make sure I heard this correctly. Did you say earlier that he didn't have concern questions? Like,

you -- you made it seem as though, if I'm not mistaken, you stated that his questions weren't questions of concern?

MS. BRUMBAUGH: No, I don't -- I didn't -- if I said it, that's not -- his questions were not -- I don't remember what I said, and I -- I didn't think I said that. So it's hard for me to --

MS. KING: Okay.

MS. BRUMBAUGH: My point is, the questions went beyond just simple questions. The questions went beyond whatever these other two people who made public comments said their kinds of questions. These questions have escalated. They've escalated repeatedly to a situation where he is scaring coworkers and he is harassing them, and they are unable to do their job.

And that is -- that is interference, and he's done it willfully because he has a pattern, and he knows what he's doing when he does it. And like I said, all we want is for you to find probable cause, affirm what the attorney -- the -- the Secretary of State investigator found, that this is a possible violation. I'm not asking you to make a final decision.

He is certainly entitled to a due process hearing if that's what he wants down the road, but

we're asking for a probable cause decision to handle this case consistent with the other one.

CHAIR FERVIER: Thank you. I would like to hear from the other witness to the incident --

DR. JOHNSTON: I have a question.

CHAIR FERVIER: I'm sorry, Dr. Johnston.

DR. JOHNSTON: Ms. Brumbaugh, was -- was a complaint filed during the year 2023 against Mr. Jordan?

MS. BRUMBAUGH: No.

DR. JOHNSTON: Did he vote in 2023?

MS. BRUMBAUGH: I assume he did. I don't --

DR. JOHNSTON: Was a complaint filed in 2024?

MS. BRUMBAUGH: No.

DR. JOHNSTON: Did Mr. Jordan threaten physical harm to the poll worker or poll manager or election official?

MS. BRUMBAUGH: Not in 2025, no.

DR. JOHNSTON: Did he touch or have some sort of physical interaction with the election official?

MS. BRUMBAUGH: I think that he got in her physical space and was very intimidating. So, was there physical contact? No. But the code section doesn't require that.

DR. JOHNSTON: Did he approach her in an

aggressive manner?

MS. BRUMBAUGH: I would defer to Ms. Waddell for that, but I believe that, yes. According to Ms. Waddell's statement, "After reviewing his ballot, he walked up to the same poll worker, put his ballot in her face, and proceeded to verbally announce the candidate he voted for, asking if the poll worker could see if that candidate's name was listed on the ballot.

The poll worker put up her hands to shield her face so that she could not see Mr. Jordan's ballot and told Mr. Jordan she was not allowed to look at his ballot." And it goes on, "and the poll worker began to get flustered and shuffled Mr. Jordan along to the scanner." He was in her space.

DR. JOHNSTON: And there's a response from the respondent attorney? Or the poll worker?

CHAIR FERVIER: The poll worker. The poll worker. Yes.

MS. WADDELL: Here. I'm not the poll worker.

DR. JOHNSTON: Oh.

MS. WADDELL: No.

MS. BRUMBAUGH: She's the witness.

MS. WADDELL: I am one of the witnesses. Yes. My name is Grace Waddell. I am the electronic systems and training manager for Cherokee County. I did

witness this, though. Yes. And I did witness that he got into her space, and he did put his ballot into her face, just like I had put in that statement, saying, can you read the -- the candidate that he had chosen, can you read this on my ballot?

And she put her hands into her face as to shield it so that she could not read his ballot. And this poll worker, I can testify to her, she is not loud, as Mr. Jordan had stated, that she got louder as he was asking questions. She is actually a very timid person. She is a very good worker, but she is not one to raise her voice at all.

DR. JOHNSTON: Mr. Jordan raised his voice?

MS. WADDELL: He did get loud. Yes, ma'am.

DR. JOHNSTON: Did he shout?

MS. WADDELL: I can't exactly say if he shouted or not, but he did raise his voice.

DR. JOHNSTON: Were there other voters in the location?

MS. WADDELL: From what I can recall, no, ma'am.

CHAIR FERVIER: Any further questions?

MS. KING: In 2022, did he threaten to harm anyone in 2022?

MS. BRUMBAUGH: He did threaten the police

officer. He said he was going to get the police officer fired.

MS. KING: No, I mean, did he threaten physical harm? I should have been more clear. In 2022.

MS. BRUMBAUGH: Not that I -- not that I -- I think I would have had that in my notes if I was --

MS. KING: Okay. Because you said not in 2025 when --

MS. BRUMBAUGH: Right.

MS. KING: -- Dr. Jane -- so I wanted to make sure --

MS. BRUMBAUGH: I was trying to be specific.

MS. KING: Okay. Okay. And when you say he has a pattern of doing this, you're referring to it being done in 2022 and in 2025?

MS. BRUMBAUGH: Twice in 2022 and once in 2025. There's actually a fourth incident, which is a little bit different and also wasn't reported. This was in 2024. He was a poll -- he was a poll watcher on election night in 2024. And the poll manager got in her car to bring the memory cards back to the main elections office, and he followed her back down.

And then in Cherokee, the way they do it is they have the poll managers from the various precincts

lining up to drop off their -- they're lining up in their cars, and they're -- to drop off the memory cards and -- and the bags. And he -- he, in fact, got in that line and was making comments to the woman, and she's not here today, but in that line. I just found out about this last week.

CHAIR FERVIER: Well, why wasn't that -- why wasn't that reported?

MS. BRUMBAUGH: I -- I didn't know about it until last week -- until last week or last month.

CHAIR FERVIER: Yeah. The problem I have with something like that is, you know, not being reported and the witness not being here and trying to take that into consideration when I don't have a witness here, when I don't have anybody that was involved in it here.

MS. BRUMBAUGH: Well, if you want to -- I understand that. I'm just trying to give you all, all the information I have. Certainly, that's understandable. It wasn't reported, so --

CHAIR FERVIER: It's almost -- it's almost hearsay type stuff, so I have -- sorry --

MS. BRUMBAUGH: Well, probable cause hearings allow hearsay, but --

CHAIR FERVIER: I -- I know. There -- there are some facts surrounding the 2022 allegation --

MS. BRUMBAUGH: I'm -- I'm a lawyer. What can I say?

CHAIR FERVIER: Yeah. I'm not an attorney. I just pretend to be one.

MS. BRUMBAUGH: Okay. Here's --

CHAIR FERVIER: I'm not even a good Judge.

MS. DOVER: I'm Anne Dover. I'm the director of Cherokee County Elections. I would like to make a statement about that night. He did do, in fact, do what --

MR. OLES: Mr. Chairman, I'm going to object. Ms. Dover was never there. She was never a witness to anything. And I'm going to object to her self-serving statement.

CHAIR FERVIER: I understand. And I -- but let's let her continue a little bit and see what she has to say before we --

MS. DOVER: That was election night. I most certainly was at the elections office. That's my job. He did -- was in that line. I didn't -- in fact, I spoke to Mr. Jordan in the front lobby after the incident. I did not report it because I tried not -- I tried to give him some leeway because I didn't -- I -- I don't want to report him all the time. He didn't upset one of my poll workers that night. He upset one

of the staff members.

We are tough. We kind of deal with those kinds of things. So that's why I did not report that because that's kind of part of our job. We're -- but when it comes to somebody upsetting one of our poll workers, that's where I find cause that I need to tell somebody about it.

Because this young lady that was a poll worker, as Grace said, she's very meek. She's very mild. I don't even think she has a driver's license. She still lives at home and rides with her mom and dad places. She is a young lady. So that's why I did not report that because we dealt with it.

CHAIR FERVIER: Did you -- did you talk to Mr. Jordan about that particular incident that night?

MS. DOVER: We -- we talked that night, but no, we didn't particularly discuss that.

CHAIR FERVIER: You didn't talk about that incident?

MS. DOVER: No, we didn't. We -- he knew I was there. He talked to me.

CHAIR FERVIER: Okay. All right. I -- yeah. Because I just -- I -- if it had occurred, I wish it had been reported, but --

MS. DOVER: And like I said, I -- I fail -- I

did not report that --

CHAIR FERVIER: Okay.

MS. DOVER: -- because it -- it was a -- a situation with the staff and not a poll worker.

CHAIR FERVIER: Okay. I got it. I understand.

MS. KING: After the 2022 incident, he was still allowed to be a poll watcher?

MS. BRUMBAUGH: So you --

MS. KING: There was no --

MS. BRUMBAUGH: Well, the -- the code section really favors people being poll watchers. And the way the code section works is you have to give them warning before you can kind of kick them out of being a poll watcher. So he was given a letter, you know, saying, this is your warning and did not -- then -- then that was the end of it.

MS. KING: Yeah. So -- so you gave him a warning after 2022, and then he was okay in 2023. And then in 2024, you said he was following someone, and then you allowed him to poll watch again in 2025.

MS. BRUMBAUGH: Well, we don't -- they don't have the right to kick them off. The -- the parties present the list. And if you read the code section, it says -- let me find it. 408. This is 408D. "If a

poll watcher persists in interfering with the conduct of the election or in violating any of the provisions of this code section after being duly warned by the poll manager or superintendent, he or she may be removed by such official."

So, even though what had happened in 2022 had happened, we read this very, very conservatively. We issued him a letter saying, consider this your warning. And then there were no incidents in his capacity as a poll watcher in 2023, and I guess for most of 2024.

Like I said, I didn't -- but again, they couldn't -- they couldn't -- they don't -- they can't -- the code is pretty clear, you know, the -- the parties give the list and -- and then the person needs an affirmative warning, and then they have to do something. So you can't just strike somebody off the list. And of course, this -- this other case from 2022 is still not adjudicated. It's still pending.

MS. KING: Well, I guess I'm asking because the -- the picture that's being painted is that Mr. Jordan is an extreme aggressor, that everyone's afraid of him. In the office, all the women, everyone's concerned, the police was threatened, but yet, he was issued a warning, but there was no additional action taken.

I mean, are you telling me that there -- once you issue the warning, that there's nothing you can do to -- did anyone request that he not be a poll watcher?

MS. BRUMBAUGH: There -- there's no provision for that.

MS. KING: Well, I mean --

MS. BRUMBAUGH: "If a poll watcher persists in interfering with the conduct of the election or in violating any of the provisions of this code section after being duly warned." So, he was sent a letter --

MS. KING: After being duly warned --

MS. BRUMBAUGH: After --

MS. KING: -- in what --

MS. BRUMBAUGH: -- the warning. Then there was no additional --

MS. KING: So you just --

MS. BRUMBAUGH: So, he was a poll watcher.

MS. KING: Because you basically -- what -- what I'm hearing is all you can do --

CHAIR FERVIER: Janelle, Janelle, if you'd speak into the microphone, please.

MS. KING: Yeah. I'm --

CHAIR FERVIER: Thank you.

MS. KING: -- I'm -- what I'm hearing is you're saying all you can do is issue a warning, but

then once the warning occur -- once the warning is out there, if he persists, then there's nothing -- you have to just keep working with him?

MS. BRUMBAUGH: No. If he persists, then he can be removed.

MS. KING: Correct. So, the warning was issued in 2022, correct? Because you -- I mean, I would assume so because you --

MS. BRUMBAUGH: 2020 -- it was 2022 or 2023.

MS. DOVER: The parties are the one --

MS. BRUMBAUGH: But the parties give the list.

MS. KING: Who removes them? Who -- who --

CHAIR FERVIER: We can't -- we can't speak from there because the court reporter can't pick it up. So --

MS. KING: Let me be clear. Who -- who removes them after they -- if you -- you've sent a warning and then they did it again. Now, who's responsible for removing?

MS. BRUMBAUGH: This is the poll --

MS. KING: The party?

MS. BRUMBAUGH: -- the poll manager or the superintendent --

MS. KING: Okay.

MS. BRUMBAUGH: -- but that is in the context

of being a poll watcher.

MS. KING: Correct.

MS. BRUMBAUGH: So, right. So that's not really relevant to this case because in this case, he is just a voter who walks in and --

MS. KING: But in 2024, he was a poll watcher, right? When that occurred. So, the point I'm making is -- the point I'm making is that I'm -- I'm -- this is what I'm trying to do. I'm trying to paint a picture because I'm hearing, excuse me, two different sides of the story, right? So, Mr. Jordan is saying, I wasn't the aggressor. You're saying he is the aggressor.

So, I'm trying to piece all this together. And if he was, if he -- if everyone was afraid of him. I just don't understand how we -- we keep having multiple issues without just asking -- removing him.

MS. DOVER: May I speak?

MS. KING: Yeah.

MS. DOVER: Okay. So when I found out that he was going to be a poll watcher, again, I did email my board and express my concerns about him being a poll watcher. But I wanted to give him that opportunity to be a poll watcher because I felt like that was fair.

MS. KING: Okay.

MS. DOVER: So --

MS. KING: This is after 2022, after you gave him the warning?

MS. DOVER: Yes.

MS. KING: Okay. And then in 2024, is that when you let them know that you were, like, I'm still concerned about this?

MS. DOVER: I -- I have never said that he could not be a poll watcher.

MS. KING: Yeah.

MS. DOVER: Because I -- that's his right to be a poll watcher. I just want him to -- to treat people the way they need to be treated.

MS. KING: Okay. Because you're asking -- not you, your attorney is asking us to send this to the AG's Office so that he can have another case in the AG's Office. Yet, he wasn't a threat enough to where you felt like he couldn't be a poll watcher again.

MS. DOVER: Well, there's two -- that's two separate incidents. He was a voter when this happened with the poll worker. The incident at the -- at our location, he was a poll watcher.

MS. KING: But you're saying that this was a pattern, which you said proves will, right? Like, this is his will. Like, so if it's a pattern of

aggressiveness, and you want us to send this to the AG's Office, I guess what I -- I was just wanting to know what was the -- like, where was that energy, without a better word, lack of a better word, where was that when it comes to what -- what you're in authority to do when it, you know --

MS. DOVER: I did not want him to be a poll watcher. I sent that to my board, and my board felt like that it was the right thing to do to allow him to be a poll watcher.

MS. KING: Oh, so you told the board you --

MS. DOVER: I told the board --

MS. KING: -- did not want him to be a poll watcher, and they said, well, we think he should?

MS. DOVER: Yes. Because that was his right to be a poll watcher.

MS. KING: But I thought you said that you also felt like he should.

MS. DOVER: Well, I do because I think it's his right. But at that moment, when he frightens people, I don't feel like he should be a poll watcher. But I was not going to go against that because I feel like it was his right. It concerned me enough that I didn't want him to be. I was on the fence with that.

MS. KING: Okay. Okay. Thank you.

MS. DOVER: I didn't want to make the situation worse than it already was.

MS. KING: Okay.

MS. DOVER: I was trying to be amenable with the situation. Does that make sense? This is -- this is hard.

MS. KING: And what -- what I think --

MS. DOVER: Because I -- as Richard stated, I did go speak at his -- at his event he had, we have had a halfway decent relationship. And so I do try to go back to that. But when he does something with the poll workers, so -- so, yeah, I have been on the fence with him.

MS. KING: Okay. Because what I'm -- what I'm assessing is -- or what I'm thinking is that it -- it's heightened emotions on both sides. You -- you all are tired of him. You're tired of dealing with him on a regular basis, right? You -- you said this is the pattern.

And then, Mr. Jordan is also frustrated with things that's out of your control.

MS. DOVER: That's a fair statement.

MS. KING: You know, he's frustrated, too, and it collided. But the collide wasn't enough to advocate strongly for him to be removed as a poll watcher. But

you're -- but what you're asking us to do is pretty much the extent, right? Go to the extreme when it comes -- right now, when it comes to punishment. And so, that's what I'm trying to reconcile.

MS. BRUMBAUGH: Well, we're not asking for any specific punishment. We're --

MS. KING: Well, you asked that we send it to the AG's Office.

MS. BRUMBAUGH: That's not asking for a punishment. That's --

MS. KING: Well, I mean, you're asking for --

MS. BRUMBAUGH: -- probable cause that there is a violation.

MS. KING: Out of everything that we can provide -- dismiss, LOI, LOR, AG's Office -- we -- that is the more -- I guess, that -- that's the action you take based on a more egregious behavior. So, I want to make sure that his behavior is that egregious.

MS. BRUMBAUGH: Okay. Well, the -- the Secretary of State found a violation. We have a pattern. And talking about this poll watcher issue, I think that the -- the law is very -- as with everything in elections, the law doesn't really meet this situation. So, what do you do?

And I think there is -- there are issues if --

because the law doesn't give the counties the right to say, no, you can't be a poll watcher until you've been warned and then you do something in that moment, I don't know that that is a -- that's -- that's -- the Board and -- and they're -- they're constrained by who the parties send.

And the other thing I would point out is when he did the thing as a poll watcher, which was the following the -- that was in '24, and then we don't have another incident until '25, when now he's a voter again. So -- so there are two different --

MS. KING: But the warning came after '22.

MS. BRUMBAUGH: Right. The warning came --

MS. KING: So, that means the 2024 incident should have been, like, the next thing, right?

CHAIR FERVIER: Well, we -- we're not really concerning the 2024 incident.

MS. KING: No, we're not. But what I'm -- but I -- I'm just trying to -- I'm getting confused because I feel like we're going to -- because you said that the warning was issued after the 2022 incident.

MS. BRUMBAUGH: Right.

MS. KING: So, what -- all I'm -- all I'm saying is that I want to make sure that I'm looking at it with clear eyes. Is it a heightened emotion on both

ends? Is it -- is -- is he aggressive? Are you fearful for your life? Did you feel like he was going to be physically, you know, I mean, I just want to make sure because you're asking us to send this to the AG's Office.

MS. BRUMBAUGH: Well, again, the statute doesn't require fearful for your life. The statute requires willfully preventing any poll officer from performing her duties. That's all it requires. And we have willfulness because we have a pattern. He knows he's getting them upset.

He had the police called on him in 2022. He knows what he's doing. And then we have the fact that when people get harassed and they get upset and they get flustered, they make mistakes. So, that is --

MS. KING: I understand that. And this is my last point, I promise. Last point. I promise. I -- I honestly understand what Ms. Dover is -- her -- her perspective. I do. Like, I think -- I think they are extremely frustrated because they're tired of all the questions, Mr. Jordan. I think that they are tired of the, I guess, the heightened emotion behind the questions, that does fluster the election workers.

But I just want to make sure that, you know, you're -- again, you're asking us to do something while

not having followed through completely with what you can do. You issued a warning, and then now you can ask him to be removed. If you came up here and said, you know, we've asked him to be removed --

MS. BRUMBAUGH: The issue here has nothing to do with poll watching. So, even if we had asked him to be removed, he still could have come in, and voted, and done what he did. So, to say that we can't hold him accountable for what happened on August 7th, 2025, or ask the Attorney General's Office to continue looking at this, what happened on August 7th, 2025, in his capacity as a voter because of something that happened as a poll watcher is -- it's apples and oranges.

MS. KING: No, I mean --

MS. BRUMBAUGH: Even if -- but even if we'd asked him not to be a poll -- or told him, which again, I'm not sure the law lets us do, I think that could have been a violation if we'd done that. But he still could have come in, let's say he's not allowed to be a poll watcher for the rest of his life, and that's completely legal, and the law backs that up. He still could have come in on August 7th, 2025, and done exactly what he did.

So, one, the failure to not, you know, remove him as a poll watcher, which is legally dubious --

MS. KING: Well, she says she did ask them to remove him. She just said it.

MS. BRUMBAUGH: She said she --

MS. KING: You said you asked your board.

MS. DOVER: I should have -- yes, I did.

MS. KING: Okay. Okay. Okay. So that --

MS. BRUMBAUGH: Okay. But the point is he still could have done what he did on August 7th, 2025.

MS. KING: I understand that.

MS. GRUBBS: Ms. Brumbaugh --

MS. KING: I just want to make sure that --

MS. GRUBBS: Ms. Brumbaugh, real quick. According to the code, what actions were -- was the poll worker unable to do because of his actions?

MS. BRUMBAUGH: Well, I think they said they just -- but this poll worker, the statement doesn't -- doesn't go that far. But I think the -- the fact that they were flustered, they can't do their work. And that --

MS. GRUBBS: That was -- but that would be their reaction to his actions. That wouldn't be -- like, he didn't physically prevent them from doing their job. He didn't stand in the way of equipment. He didn't do anything physical to prevent them from doing their job. I'm just trying to make sure things

line up with the code. That's all.

MS. BRUMBAUGH: Well, he doesn't have to physically prevent anything. That's not in the code. Physical prevention is not -- it's just willful.

CHAIR FERVIER: Okay. Dr. Johnston, you want to make a quick comment?

DR. JOHNSTON: A few comments, if I may. One is, there is such a thing as free speech, and the -- the right to ask questions, we all should afford and provide for each other. So I -- I can't take issue with anybody asking questions of poll workers or poll workers asking questions of observers or back and forth -- whatever is done.

The question here, I think, was what was described as disruptive and threatening behavior. And as best I can tell from the report, it was holding a piece of paper in the face of a poll worker within her personal space. I think it's the behavior that really is the -- the allegation here, although it's been conflated with asking questions.

And he has every right to ask the same question every election and be patiently told that nobody knows the answer to that. We just had a 35-minute talk from a Princeton computer science expert that says they don't know what the QR code says. So,

you know, Mr. Jordan should learn that the poll workers are not going to know the answer to the question, and he should probably learn not to ask that question because they don't know. You don't know. I don't know.

So please, Mr. Jordan, wherever you are, quit asking the poll workers that question. And it becomes -- it becomes kind of harassing and kind of mean-spirited to ask some poll manager or assistant manager or poll clerk that question every time. Yes, we're all very frustrated with the QR codes, but don't -- please don't take it out on poll workers and election officials. They don't know the answer.

And that's why it would have been great to have the Secretary of State here. Maybe he would know the answer to that. So -- but as far as threat, in this report, is -- is the word used "threat?" And I don't think that Mr. Jordan meets the criteria, the legal definition of threat, which is actions, gestures, writings, communications that are intended to cause -- reasonably cause harm, injury, death, or unlawful violence.

So "threat" is a very strong word to use, and I would -- I would respectfully ask people to be very careful when they talk about threat. He can be a pest.

He -- he can be, you know, a pain in the neck, but -- and that kind of goes both ways sometimes, too. But it's -- it's -- talk is -- is free. We have freedom of speech, and we should be able to -- to ask questions, but he should not interfere with the duties of election workers.

And it was just apparently two or three minutes. I've talked to poll workers for more than two or three minutes and I didn't get, you know, cited with a violation, but -- heaven forbid. But -- so I think more -- more appropriate thing to consider, and I'll -- that is 597, which is intentional interference with performance of election duties, and it's a misdemeanor.

It doesn't carry that awful word "felony" with it. And so I'd ask the Board to consider that. And perhaps I'll leave it up to the Board because I'm going to have to recuse myself, I believe. I'm on the Republican Executive Committee. And if Ms. --

CHAIR FERVIER: Which code section?

DR. JOHNSTON: 597.

CHAIR FERVIER: Sorry.

DR. JOHNSTON: I -- I would think perhaps some letter that could be -- that he's already been -- has a case before -- with the Attorney General at this time, that I'm sure they will be aware or could be informed,

or if this letter could be added to the consideration of that case, I think, but it's up to the Board, but I will recuse myself.

MS. BRUMBAUGH: Are there any further questions from us? Okay. Thank you.

CHAIR FERVIER: No, we've -- we've had you up there long enough. We have two Board members that have recused themselves now. I may do it just so I can go home.

The Chair would entertain a motion at this time.

MR. OLES: Mr. Chair?

CHAIR FERVIER: I'm sorry. How long is your speech going to be?

MR. OLES: Oh, I've made my speech. I just got one or two remarks.

CHAIR FERVIER: Small remarks?

MR. OLES: Small remarks.

CHAIR FERVIER: Okay.

MR. OLES: Thank you. I just want to remind the Board, when considering the charge, is there was only one charge in -- in the information that we received, and that's what we came here prepared to defend. If we're being charged with a separate charge, I respectfully suggest that this Board's got to send a

new one so that we can come in prepared to respond to a different charge. Due process issue there.

But secondly, the statute that he is charged with says willful interference, and those two parts are interlinked. The willfulness is not just the action. I could walk across the polling -- inside the enclosed space and run into the poll worker. And that was willful because I meant to walk, but I didn't mean to interfere.

And that's important because what Richard did was to go and ask questions, and he intended to do that. He did that, but he didn't mean to interfere. And in fact, the testimony here today from the County is that there was no interference. There were no other voters in the polling location, ergo, there could not have been any interference. He was their only entertainment that day. Thank you.

CHAIR FERVIER: Yeah. The -- the 597, "Any person who intentionally interferes with, hinders, or delays or attempts to interfere with, hinder, or delay any other person in the performance of any act or duty authorized or imposed by this chapter shall be guilty of a misdemeanor," which is a much lesser charge than the 569 charge.

MS. GHAZAL: Mr. Chairman?

CHAIR FERVIER: Yes.
MS. GHAZAL: We -- this is not a criminal --
CHAIR FERVIER: Right.
MS. GHAZAL: -- proceeding. I'm going to -- all we can do is issue a letter or refer it to the Attorney General's Office for a civil proceeding.
CHAIR FERVIER: Right.
MS. GHAZAL: I have no intention of making any referral to the District Attorney. So -- so misdemeanor or felony is not really relevant for what we're looking at. We just have to decide whether or not there's sufficient evidence to refer to the Attorney General's Office to consider that to make further consideration.
CHAIR FERVIER: I -- I do agree with the -- Dr. Johnston, that in my mind, 597 seems more appropriate than 569.
MS. GHAZAL: I -- I agree with that as well.
CHAIR FERVIER: Yeah.
MS. GHAZAL: I agree.
CHAIR FERVIER: But, I mean, I just -- it just seems more appropriate to me that -- given -- given what we've heard today.
MS. GHAZAL: We -- we have the authority on our own to issue a cease and desist as well.

CHAIR FERVIER: Right.

MS. GHAZAL: So...

CHAIR FERVIER: Does -- a cease and desist with a -- accompanying a letter of reprimand or a cease and desist letter on its own? We can do whatever we want to.

MS. GHAZAL: Cease and desist accompanying a letter of reprimand with a copy sent to the Attorney General's office to consider alongside. But not asking them to take any action on this case, but simply as evidence to consider alongside the continuing case.

CHAIR FERVIER: Member King?

MS. KING: I don't -- I mean, I feel like you-all just want him to stop harassing you.

MS. DOVER: Yes.

MS. KING: Like --

MS. DOVER: That's what the cease and desist is about.

MS. KING: And I mean, I'm using that because that's what they feel, is that you're harassing them, that you're asking the same question over and over again. Does a cease and desist mean that he can -- I mean, he --

MS. GHAZAL: It means that if --

CHAIR FERVIER: He could quit asking about the

QR code?

MS. KING: But he can still go -- he can still poll watch, he can still --

MS. GHAZAL: Absolutely.

MS. KING: -- he just can't ask that question.

MS. GHAZAL: If -- if he continues in the same behavior in the future, then that's when the Attorney General would take that into account, and perhaps we would do a different kind of referral.

MS. KING: All right.

And, Mr. Jordan, you're not denying that you did ask this question multiple times throughout the years?

MR. JORDAN: I asked the question one time previously in 2022, and I asked the question one time in 2025. And --

MS. KING: The same question?

MR. JORDAN: The same question, yes. Yes. Same question.

MS. KING: Okay. Okay. I think -- I think you do agree that --

Well, I mean, but there's -- he can ask the question as many times he wants, but that's not against the law. Like, I mean, it's not wrong --

MS. GHAZAL: Asking questions is not against

the law. Getting in somebody's face, especially a young poll worker, shoving people -- papers in people's faces is disruptive, is --

MS. KING: Well, you're -- you're saying that as if you saw it.

MS. GHAZAL: I am -- I'm believing the witnesses that -- that the --

MS. KING: So you're not believing him?

MS. GHAZAL: Well, it is --

MS. KING: See, that's the hard part is that we --

MS. GHAZAL: -- weigh --

MS. KING: I mean --

MS. GHAZAL: -- to weigh the evidence and determine whether or not we believe -- which side we believe the evidence is correct. That --

MS. KING: But the evidence is hearsay on both sides.

MS. GHAZAL: It's witness, eyewitness testimony. That's not hearsay.

MS. KING: Well, he -- I mean, he --

MS. GHAZAL: It's not hearsay on either party --

MS. KING: Well, we have the actual -- we have the person being accused as well, saying that it didn't

happen, right? And, I mean --

MS. GHAZAL: It's up to us to weigh. That's our job.

CHAIR FERVIER: And someone who saw it.

MS. GHAZAL: That's our job is to weigh the evidence and -- and determine who we -- where we believe the weight falls.

MS. KING: My -- I -- I must say that I -- we -- we have not issued a cease and desist since I've been on the Board at all, and I feel a little uncomfortable about adding that part. I do feel -- I'm okay with a letter of reprimand because it -- it did -- the action happened. There's a witness. They felt a certain way. I'm okay with a letter of reprimand.

But the cease and desist part does make me uncomfortable because there were other cases where there were people who said that they felt threat -- I mean, we heard cases like this before, and we didn't issue a cease and desist.

CHAIR FERVIER: I almost think that a letter of reprimand does almost the same thing. I mean, I understand. And I -- I don't know. I'm -- I'm really thinking about recusing myself, but --

The Chair would entertain a motion at this point.

MS. KING: I make a motion that we issue a letter of reprimand. And that letter will be, I mean, obviously, it's going to be in conjunction with what's already pending. But I just don't feel comfortable issuing a cease and desist, having not done that in the past with -- with other cases that were very, very similar, and in some cases, even worse. So...

MR. OLES: May the Board -- please the Board. I think what I'm understanding from this is that the members are expressing that if there was objectionable conduct, it would have been approaching and holding that letter close, not the mere fact that he asked the question, even if it was the same question --

MS. KING: Right.

MR. OLES: -- the second time. So if there is to be a letter issued here, I would ask that the Board carefully draw that because what you do here today is going to have an effect on these people out here and --

CHAIR FERVIER: Correct. We're not -- we're not denying his right to ask the question. It's the manner in which the question is asked, okay?

MS. KING: That's why I --

CHAIR FERVIER: That's the reason that we're considering the 269 charge -- or the 297 charge versus the 269, which is a much less aggressive charge, sir.

All right. 57.

DR. JOHNSTON: 597.

MS. KING: 597.

CHAIR FERVIER: I'm sorry, 597. I -- my eyesight is going, my voice is going, and I might be going soon. So --

MR. JORDAN: And, sir, since I was the witness and I was asked a question, can I respond?

CHAIR FERVIER: Sure. If you do it really shortly.

MR. JORDAN: Yes. This is all made up. It's political retribution. I did not push a ballot or anything in anybody's face. I pointed at it. I asked a question in the same tone of voice, and then I walked over to the tabulator. That's all it was. And we're talking about reprimand letter, send it to the Attorney General.

That is absolutely -- I mean, this is in your purview to determine if I'm telling a lie or there's political retribution for the six or eight items that we've already enumerated and that I've presented to you that -- that need to be taken into consideration.

There's political retribution. I'm taking the brunt end of it. This is not right. This is not right. It's all made up. Now, do I speak direct?

Yes, I do. I speak in the same tone of voice. I did not raise my voice. She raised her voice when I said QR code, and I just immediately backed away. I didn't ask any other questions.

I didn't say anything else. I walked away. There is no criminal activity involved whatsoever. There's nothing to justify sending a -- a reprimand letter to some Attorney General. That's out of order.

MS. KING: No, no, no, no, no.

CHAIR FERVIER: No. Sending this to the Attorney General is not under consideration.

MS. KING: No.

CHAIR FERVIER: It's simply to issue a letter of reprimand is what's under consideration. And it's not a criminal -- it's not a criminal letter of reprimand. It's a letter of reprimand that says, we found you guilty of violating this code section here, and don't do it again.

It -- it's not -- it doesn't go in your criminal file. There's no -- there's nothing in your -- in your record about this beside the fact that it was in your letter of reprimand --

MR. JORDAN: Yes, sir. I --

CHAIR FERVIER: -- guilty of this -- this code section, and that's it. It doesn't --

MR. JORDAN: Mr. Chairman, I understand that, but I am -- I am not -- I cannot be implicated in that. It's not true. I am not telling a lie. I'm telling you the truth. I need --

MS. KING: Well, did you ask -- did you ask them to read your ballot? Did you ask her if she can read the QR code?

MR. JORDAN: I asked one question: How do I know for certain that this QR code accurately reflects my candidate of choice?

MS. KING: So, you're saying you never showed her your ballot?

MR. JORDAN: No, I pointed at it. No, I did not. So --

MS. KING: You never held it up?

MR. JORDAN: Never. I held it right in my hand, just like I'm holding this, and I pointed. I said, how do I know for certain that this QR code accurately reflects my candidate of choice? And she said, and it was that word, and she began to -- I don't -- she just overreacted and I thought -- and when she started speaking loud, I just thought, this is not good.

And I just walked over to the tabulator, deposited my ballot. But I'm not going to be falsely

accused a second time. The first time I had armed police officers show up at my site demanding that I leave the location, demanding that I leave immediately. And I told them I'd leave after I finished voting.

I was standing there filling out a response form to get it to the Board of Elections. I was given consent to -- they gave me the form. I was filling it out, and I give it to -- so it would go to the Board of Elections and they could respond to me. As I said, for four or five years, we've asked for a response and we've got no response.

And to Ms. Dover's credit, they did send me a response and said, talk with your legislature. That's what we did. So -- and it just -- it goes on and on. But I am -- I have no reason to be discourteous or to be disrespectful to a young lady that's working at the polls.

As I said, I have -- there's no reason. I have friends, my best friends who are poll workers and poll managers. You know, this --

CHAIR FERVIER: I -- we -- we've heard -- I understand you want to continue speaking to us. I understand that. We've heard from both sides now, and I don't want to give them another opportunity. But I -- I appreciate your comments. I really do.

And this Board needs to decide, the three remaining members.

MR. OLES: If the Board is to do anything here, I would request that the Board consider simply a letter of instruction to get some clarity on these issues because we have a very vague statute in a situation where, as Board members have pointed out, there -- there is frustration, there's unclear -- what we're talking about is one person's normal versus another person's normal.

And this Board is being called upon to decide then, if that indicates some sort of hostility, which my client is very clear. And to anybody that knows him, he is very direct. He speaks in a firm tone of voice. And that's just --

CHAIR FERVIER: So sometimes in situations like this, both part -- both parties can be correct, frankly.

MS. KING: Right.

CHAIR FERVIER: You know, you're -- you're -- you didn't have the intention to intimidate somebody, but somebody was intimidated, okay? And it would be hard for us to say that a person wasn't intimidated.

We have a witness here who saw somebody that was intimidated. The lady expressed that she was

intimidated. So sometimes both parties can be correct in this. And what we have to decide is what's -- what -- what is that? What do we -- what do we need to do about it?

MR. OLES: Well --

CHAIR FERVIER: You know, so I -- I appreciate what you say. I've been told that I intimidate a lot of people, and I don't intend to do that. In, you know, my previous career, well, you're intimidating. Well, no, I'm not, I'm just -- I'm just trying, you know --

MR. JORDAN: Well, Mr. Chairman, thank you. Thank you for your perspective. But I would have, you know, please see this. There's a room full of paid poll workers, and there's me. I have no one to corroborate my witness or my testimony.

I walk in. I can't have a recording device. I can't have anybody --

CHAIR FERVIER: Well, that will cause a lot of other problems for you, so --

MR. JORDAN: -- it's their word against mine, and it's -- and they're all paid poll workers. Be loyal to the elections director is what --

CHAIR FERVIER: Yep, I understand. Thank you. Thank you so much.

Member Ghazal, anymore comments?

Member King, anymore comments?

We're not giving Member Grubbs and Member Johnston a chance to make anymore comments. The Chair will entertain a motion at this time.

MS. GHAZAL: I thought we had a motion on the table.

CHAIR FERVIER: Oh, I'm sorry. I -- I don't know what my brain is doing.

MS. KING: I know, I --

CHAIR FERVIER: What is your motion? Please restate your motion. I believe your motion was to issue a letter of reprimand without a cease and desist.

MS. KING: Yeah.

CHAIR FERVIER: Is there a second to issue a letter of reprimand without a cease and desist?

MS. GHAZAL: It's 5:30. I second.

CHAIR FERVIER: We have a motion and a second. Hearing no further discussion, we will now vote. All those in favor of issuing a letter of reprimand, please signify by saying aye.

(Ayes were heard.)

CHAIR FERVIER: The Chair, in order to make a quorum, will vote aye also, and the letter of reprimand will be issued. Thank you all.

We will now move on to the next item on the agenda, which is a report by Executive Director Mills. Please proceed. I'm going to back here and try and --

MS. GRUBBS: Mr. Chairman?

CHAIR FERVIER: Yes.

MS. GRUBBS: Due to -- due to the hour, I think there are people here that have traveled from places far and wide --

CHAIR FERVIER: Yep.

MS. GRUBBS: -- with an expectation of getting through this agenda and that kind of thing. Can you give us an expectation? We're going until we get done, right?

CHAIR FERVIER: We have to be kicked out by 8:00. I mean, we can -- we can adjust the agenda if you want to move some things around.

MS. GRUBBS: I knew you were stepping away if you want to do --

CHAIR FERVIER: That's all right. No. No. No. Would -- would you -- any recommendation on adjusting the agenda?

DR. JOHNSTON: Remove KNOWiNK from the --

CHAIR FERVIER: Remove KNOWiNK? We'll vote on that in a second. Is there anything that needs to come up right now that -- or next, that -- that --

MS. GRUBBS: I would -- Mr. Chairman, I would move that we move up the discussion of SB 189 and immediately thereafter, consider the petition.

CHAIR FERVIER: Without dissent, we will change it --

MS. GRUBBS: Well, petitions. There's two rule petitions.

CHAIR FERVIER: There's two of them. Yeah. Without dissent, we're going to hear SB 189 next. So, if you-all go ahead and set up for, whoever needs -- whoever the speakers are going to be on 189, and please proceed. I will be --

MR. MILLS: Quick report?

CHAIR FERVIER: No.

MR. MILLS: We'll get to it afterwards. All right.

CHAIR FERVIER: Let's just move on with that.

Who's here to speak on behalf of 189?

MR. WHITE: They're on Zoom.

CHAIR FERVIER: One quick moment. The -- our executive director would like to make announcement.

MR. MILLS: In executive session, we came out with a decision. No, a couple of --

CHAIR FERVIER: We did not make a decision.

MR. MILLS: No, we didn't make a decision. We

made a decision reflecting back on a previous decision to look into a investigator, a private investigator, and I have done what the Board has asked me to do. I have contacted somebody that comes with high credentials.

He has a 6:00 appointment to go to, and so I just want to introduce him to the Board, to the audience. This is Mr. Larry Duckworth. He's a decorated veteran in many, many circles. He's a former president and CEO of multiple self-insured, public, private, and governmental companies.

He's former decorated MP detective and security leader. He's owned and operated PI security firms, and I don't want to take up more time, but he has a resume that is impressive, to say the least. And I'd just like everybody on the Board to know who Mr. Larry Duckworth is and that we'll be working with him.

MS. KING: Mr. Chair?

CHAIR FERVIER: Yes.

MS. KING: Thank you, Mr. Duckworth.

I think that because of the nature of his work, I do think we should approve it as a Board. I know that -- I know that our executive director has the right to hire, but just for records, because of what

he's doing, to ensure that we are fully -- it shows we're fully backing his -- what we're hiring him to do. I just think that maybe we should go on the record and just take a vote about it.

MR. MILLS: And to be clear, it's not a hire, it's a contract.

MS. KING: A contract. Right. He's contracting. Right.

DR. JOHNSTON: Second.

CHAIR FERVIER: So we have a motion to approve the hiring of this contract and we have a second. Any discussion? Hearing no discussion, all those in favor, signify by saying aye.

(Ayes were heard.)

CHAIR FERVIER: Member Grubbs?

MS. GRUBBS: I said, aye.

CHAIR FERVIER: Oh, sorry. If you don't say it in your microphone, I --

MS. GRUBBS: Aye.

CHAIR FERVIER: The vote caries, two to zero.

MS. KING: Thank you.

CHAIR FERVIER: Thank you.

Thank you, Mr. Duckworth.

MR. MILLS: Thank you for being so patient.

He's sat here all day.

CHAIR FERVIER: Well, sometimes you have to --
MR. MILLS: Have to do that.
CHAIR FERVIER: -- suffer a little bit to get a job.
MS. GRUBBS: Even a volunteer one.
CHAIR FERVIER: The next item on the agenda is, we moved up SB 189. Who added this to the agenda?
MS. GRUBBS: It's been on the agenda.
CHAIR FERVIER: Who added it?
DR. JOHNSTON: Probably me.
CHAIR FERVIER: All right, Dr. Johnston, then please lead the discussion.
DR. JOHNSTON: All right. No. It was put on the agenda when the legislative session ended, and no decision -- or no legislation was made to address the change that will occur on July 1st, 2026, to eliminate QR codes from the ballots for voting. So I thought we should not stand idle as far as discussing this. And offering some support for the counties and the supervisors and election directors.
If they have not already started planning for the use of paper ballots, then they're behind the eight ball. They should have -- that should always be a contingency plan, even over the past four years. But if they have not -- if the counties have not started

planning, I think they -- it would behoove them to immediately plan for the use of paper ballots.

It may not come about because absent -- I mean, perhaps there will be a special session, but we don't know that. And it would not bode well to just sit here and not make any recommendation between now and July 1st. This is April 15th, and I -- I want every county to start working on a working plan to -- to move toward that.

Shaun, can you put up that slide, 189, little slide?

MR. WHITE: Yes.

DR. JOHNSTON: Thank you.

I -- I just have a couple of slides. All right. Next slide.

Just to inform the -- inform the crowd, counties that have -- the big bugaboo with paper ballots came down to what to do with early voting and the challenge of early voting. Election day voting is very simple. You simply print the ballots for that polling place, and as voters come in, they get the correct ballot.

But how do you make sure that the correct ballot is given to voters at early voting sites? There -- counties with one to three early voting sites

amounts to 140 counties in Georgia. 140 out of 159 counties have one to three early voting sites. 119 are -- have one voting site. It's very -- early voting site.

So very easy for counties with one early voting site to simply pre-print the ballots and have them at their one early voting site, and then on election day, distribute the unused, already printed ballots to their polling places. There's really no need for a ballot on-demand printer. It can be predicted by simply looking at past elections of how many to print -- to print.

I know all the counties have at least one OKI ballot on-demand printer that was provided with the purchase of Dominion. But if you look back at 2022, which is the same election four years ago, the turnout was -- was 52 percent, just shy of 52 percent. So if one would plan in Georgia what to do in 2026, you would -- you would plan on a turnout of 52 percent plus five, okay? It's cost plus, right?

So about 57 percent of anticipated ballots of active voters could be pre-printed. Also, look at the stats and early in-person voting is now around 72 percent of the vote, depending -- maybe it varies from county to county. And 23 percent of voters vote on

election day.

And in the last election, we've -- we've trended way back down. Absentee by mail voting is around five percent. So just planning ahead goes -- goes great distances on doing the right thing and -- and figuring out what you need, what you need to do.

Next slide.

Early voting sites, counties with one early voting -- here are the real numbers here -- 106 with one early voting site. 21 counties had two early voting sites, 13 counties had three early voting sites for a total of 140. So counties with two early voting sites is simply split -- two or three would -- would split their pre-printed ballots to those three early -- two or three early voting sites and do the same thing.

And they could certainly call upon the other voting site if they were running short, or if push come to shove, use a ballot on-demand printer, or call the printer for some more ballots if there's an unusually increase in the number of turnout.

Next slide.

Early voting, counties with -- here's -- here's the bugaboo -- 19 counties. 14 of those have four to eight early voting sites, and five have more than eight early voting sites. Those are the challenge

counties. And that's where if -- if one were to go to hand-marked paper ballots, one would need to have a combination, at least, of hand-marked pre-printed -- I mean, pre-printed hand-marked paper ballots and ballot on-demand printers.

If you know that 23 percent of the -- the voters turn out on election day, you know that you can automatically pre-print 23 percent of the expected turnout. And then for the others, you could -- you could estimate and pre-print ballots, the most common ballot styles that you need, and utilize ballot on-demand printers.

Of course, with this comes absolutely required secure tracking, documenting, following, counting, and making sure that every piece of paper, every ballot, every unused ballot is accounted for.

Next slide.

These are the -- these are the counties -- see if your county's on there -- with two to three early voting sites. I'm sorry for the poor quality of the slide. That's granny making that. The next slide are counties with more than three early voting sites -- or more than -- or four or more, sorry.

Top of the line is Fulton with 32, and you can see there are about five with only four voting sites,

and it just increments up. But it's about seven counties that -- that have the most voting sites. One consideration could be that the county could decide to not have so many early voting sites. That would consolidate the -- the requirement issues. But you don't want to do it to, in any way, harm the voter.

Next slide.

So there might be a plan, a four-month implementation plan, a Phase 1, a Phase 2, a Phase 3. Do not wait until July 1st to start this, please start thinking about it now. Thinking about it as if it's going to happen tomorrow. And what harm would it do to have that plan already and be -- be prepared, and if the legislature comes in and -- and you know, gallops in and -- and passes legislation, which they still should do, so be it. As Mr. Turner said, there is a statutory conflict.

So next slide.

Again, critical focus. No voter is turned away due to missing a ballot style. That is the goal. You need a high-volume plan. You need to -- to anticipate, if you need additional ballots, how do you get them? Where do you get them? How -- how fast can you get them, and so that you do not inconvenience voters.

And then daily end of day procedures. As always, there's the accounting and the scan -- sealing, and the forms to be completed, and zero tapes, and status tapes. You still have scanners, tabulators, so you still produce those tapes every day. And numbered list of voters, which I have petitioned for to talk about.

Accessibility, of course, needs have to be met every day. And then, of course, post-election issues to consider, which are typical of any election. I would highly recommend prepared inventory tracks for ballots that are documented, along with video monitoring of any storage site of ballots.

And if ballots are being returned to the election office, then there should be video monitoring of every -- every place that ballot is moved and stored and retained until, you know, after the election. And of course, the canvas should include a paper trail, paper audit trail, and there should be planned audits.

If optical scanners, the Dominion optical scanners are to be used, there absolutely should be planned audits, manual audits to confirm that the ballots are indeed as counted correctly.

Next slide.

MR. WHITE: That's the last slide.

DR. JOHNSTON: Very good. That's it. Thank you very much.

CHAIR FERVIER: Any questions from the Board on Dr. Johnston's presentation?

MS. GHAZAL: I -- I've got a couple of questions. To me, the -- my concern is not in the number of early voting locations, but in the number of ballot combos that are available in each county. The races that would be most impacted by getting the wrong ballot combo are our district race, so our House seats, our Senate seats, and -- and the county level seats. Because if -- if too many voters get the wrong ballot, then the entire election can be thrown out.

And our poll workers are simply not trained to select, hand select from a panoply of 100 ballot styles, which one. We've lost over 200 polling locations since -- over the past year -- ten -- ten years, due to precinct consolidation. So, even on election day, there are precincts all across the state that have five, six, seven ballot combinations.

So even -- even pre-printing, there's still a heavy burden on the poll workers that they -- and they're not trained to do this, to provide the right -- to identify the -- the right ballot combo for that -- that particular voter. And that is -- that is the

concern that I have heard reflected repeatedly from our election directors.

I have no doubt whatsoever that they could pull this off easily, given enough time to train, given enough time to develop appropriate rules and regulations, and -- and making sure that we have, because you're absolutely right, that -- that management of the materials, chain of custody forms, all of that is absolutely critical to a successful program.

But I can't help but think that we keep ignoring the -- the feedback that we get from the people that we rely on to carry out our elections. Because our -- our election directors, the people who've been doing this year in, year out, have told us, have told the legislature, have told the voters, we can do this. It would be next to impossible to do it in the timeline that we would -- to do it by November.

My understanding is that there has been a -- a market survey about the availability of ballot on-demand printers, and there just -- there aren't that many out there right now for purchase on the market. Large purchases would have to be -- would -- well, first, they're expensive. They probably would have to go through a bidding process. And just the timing to

do that is, it's incredibly tight.

And at the end of the day, this is the legislature's decision. We can have all the opinions that -- that we want, but we don't have the authority to dictate this.

DR. JOHNSTON: I agree. We -- we do not legislate. We do not have the authority to -- to conduct elections. But that -- that doesn't mean we don't have the authority to instruct and advise supervisors and election directors all over the state to plan and be prepared. Be prepared. Not -- not doing anything is the wrong message to send. It's the wrong thing to do.

And I'm heartened that Cobb County was able to pull off hand-marked paper ballot pilot in 2020 or 2019. If they can do that in two months, I have full confidence that everyone in this state can do this in six months, or what is it? Eight months now. So I -- I don't think the "not enough time" excuse is a valid excuse.

And as far as ballot on-demand printers, there are plenty of ballot on-demand printers. There are expensive ones, and there are inexpensive ones. Every county in the state was given a BOD with the Dominion purchase five years ago. There -- some are not working

so well, maybe they've been overused. I don't know.

But of the 159 counties, perhaps the counties that really don't need one could lend their BOD printer to the counties that will need them, like the larger counties, if -- if there is a -- an inventory issue or availability issue. So I -- I think it's very doable and a can-do attitude would go a long way. The -- this -- this will be -- I think it will be up to the legislature. I predict there will be a special session.

But nevertheless, I think it's -- I think it's time that Georgia move in the direction to hand-marked paper ballots like the majority of the country, so we can have legitimate audit ballot -- auditable ballot for -- for audits or investigations or recounts.

CHAIR FERVIER: Yeah. I want to say I completely agree with Dr. Johnston that the counties need to prepare. We don't know what the legislature is going to do. I, too, am very hopeful that they will have a special session to fix this. I was extremely upset that they weren't able to fix it in regular session. They -- they should have.

But, you know, the counties need to prepare for the worst-case scenario where they have to move to hand-marked paper ballots on short notice. And there's

no harm in preparing. There's no harm in educating, no harm in preparing. Hopefully, we will know fairly soon the direction the legislature will take on this, so...

MS. KING: I -- I would like to speak to the comment about just ignoring listening to election officials. I actually spoke to someone today who I -- and I asked, what -- where do you stand on this? How do you feel? And this is not someone that was necessarily for going to hand-marked paper ballots right now. However, I asked him, I said, well, what's your plan in case we don't have a special session?

Because that's a realistic -- a realistic case because June is going to be runoff time. So the -- trying to figure out when they're going to have it is also a challenge. And so when I asked the question, they looked at me and said, I don't know what we're going to do. I said, have you discussed a plan within the office? We haven't. Do you have any idea of this?

So my concern is, and I believe this is all of our concerns now, is that if there isn't any type of guidance provided that says, okay, in case the session is not held, they -- they're not called back in, in case we are -- you find out in a few months that you're going to have to do something in the next two to three months, I do think that we should, as a Board, provide

them with guidance that says, here's a plan that you can implement, and you have the backing of the State Election Board to implement it in case they run into a scenario where -- where now there's no law.

I mean, come July, there's no statute. So there's -- there's no legislating, by giving them a plan in case they are no longer under the law. So, lastly, I think what we're doing is about timing. So, I definitely support the SEB providing guidance to our election officials with a clear plan that they can then go back and start discussing right now so that in case they are in this terrible situation, they'll have something that they can go fall back on.

DR. JOHNSTON: I also feel like it's -- it's not acceptable to layer one electronic voting system, Dominion voting system, with another layer, Enhanced Voting OCR system that's -- that's not EAC certified, and there's a question about whether Dominion is actually EAC certified -- EAC certified. It's time to move to a real auditable paper ballot and not layer two complex, non-transparent systems onto the people of Georgia.

CHAIR FERVIER: Did we have some speakers that were going to speak on this topic?

MS. GRUBBS: Can I say something?

CHAIR FERVIER: No. Of course, of course you can.

MS. GRUBBS: So, what some people are describing as -- as a big fat storm is another -- another person's answer to prayer. And, you know, going to hand-marked paper ballots is something that I've been an advocate for since -- for many, many years and, you know, came before this Board in its different configuration in 2022. And it's my opinion, I don't think the legislature can legislate their way out of the situation that we're in right now.

And I am not -- I'm not in the camp of calling a special session at this point in time because the legislature had 40 days to get this done at the beginning of the year and did not come up with a resolution. And now we have a situation where we have people who are in the legislature that are running for office that there is going to be a primary for in May, and then there will more than likely be a primary runoff involving many of those candidates.

And, you know, in one way, you could say it would be tantamount to election interference to call a special session while these people are campaigning for office. It is not fair to the candidates to pull them off, make them stop fundraising, to have a special

session to deal with what should have been dealt with years ago.

And in fact, if you go back and you look at HB 316 that brought in Dominion to begin with, it was always supposed to be human readable text. And for some reason, the Secretary of State has gotten away with the blasted QR codes for years that should have been stopped years ago. And here we are allowing him to get away with that after all this time, and now it's a big shock and surprise that we need to go to hand-marked paper ballots.

And we need to go to hand-marked paper ballots. And any counties that have not trained on emergency procedures, that's something they should have been doing all along anyway. Granted, it was at a much smaller scale, but now I think we, as the State Election Board, need to advise the counties to pull out their training, see where it's lacking, see what's needing, and to start the conversation and the training tomorrow, to train everyone on the ballot styles.

And I agree. We are at a point with consolidation of precincts, which I'm not a fan of it. You know, there -- and there are ones -- I'm sure our Board member, Ms. Adams, could attest to consolidation of precincts in Fulton County. Fulton County is one of

the big four counties. It is always going to be the outlier on that. But these counties need to be prepared for the backup balloting procedures immediately.

I believe that we, as a Board, need to develop rules. We need to hear rules from people who are willing to present rule proposals on dealing with this. We do not need to delay. We need to be proactive.

And by the way, on the money issue, as we see from the budget from the Secretary of State, there's $15 million, Line Item 311.5, increase funds for grants to county election offices from state general funds. $15 million. It's on Page 192 of 230 of the budget, where the secretary was allocated plenty of money in grant funds, that there doesn't need to be a large -- in my opinion, what do I know? I'm just, you know, a bump on a pickle. But there doesn't need to be a huge allocation done for this.

This is something that there's money already allocated for. Counties can generate the expense for the equipment that they need, and then they can be given grants out of this $15 million. We don't need to waste money. Clearly, we heard today from Professor Appel about the OCR audit. We know that we have already paid tens of thousands of millions of dollars

for audit tools and audit situation for OCR audit, that, you know, we could be doing auditing in another -- another fashion that doesn't cost so much money without conflicted companies who are doing election night reporting, who are also doing the, quote, unquote, audit, and now they're going to be even more involved.

I mean, the list of conflicts that we have been involved in with the Secretary of State's Office is staggering, and this is not beneficial to the citizens of the State of Georgia. These are your tax dollars that have been spent and wasted in situations like this, where all we're asking for are free and fair elections that are auditable and that are secure.

And we do not need more legislation that puts us in another contract with another vendor, having to go through more lobbyists to -- to have legislation that is drafted to be in favor of one vendor over another vendor because one piece of equipment might be able to do one thing where another piece of equipment can't. This needs to be open and transparent.

And I am saying that we as the State Election Board, need to notify counties that they need to prepare for hand-marked paper ballots. And I am willing to work with any election directors who are

wanting to put forth common sense rules to make sure that we have safe, secure elections in the state.

And by the way, I will tell you that the Lieutenant Governor put out a letter today, if you have not seen it. I have one copy right here. I gave copies to the rest of the Election Board. It's dated April 14th. It is worth the read. It's two-and a half pages that Lieutenant Governor Burt Jones put forth.

I would say that the Senate worked very hard to get common sense legislation passed, and I'm very appreciative of the Senate's support in this matter.

CHAIR FERVIER: Any further questions? Also, I think we have two people online that you had asked to speak?

MS. GRUBBS: I have not.

CHAIR FERVIER: Pardon me?

MS. GRUBBS: I had not asked. Dr. Johnston.

CHAIR FERVIER: Oh, Dr. Johnston.

DR. JOHNSTON: They had asked to speak.

CHAIR FERVIER: Which -- which order would you like to go in, Dr. Johnston?

DR. JOHNSTON: Either one.

CHAIR FERVIER: Do we have Mr. Cotton? Ben Cotton online? Mr. Cotton, are you there?

MR. COTTON: Yeah.

CHAIR FERVIER: Given the late hour of the day, and I appreciate you watching this fun event all day long, but, I mean, can we -- can we keep your comments to ten minutes or less?

MR. COTTON: I can certainly try. I appreciate everyone's patience and --

CHAIR FERVIER: Thank you.

MR. COTTON: -- I thank you for the opportunity to come and speak on a very important matter. I'm a cybersecurity expert. I've been performing incident response and forensics examination as an expert witness since 2007. I've been conducting forensics since the late '80s. So I -- I've got a few years under my belt on this.

I would like to start out just with making one comment. I know that the -- the question at hand here is about the QR codes, but when you're looking at the voting systems utilized in Georgia, that problem extends to the entire system, not just the QR code component. I had the opportunity, as part of a legal activity, to examine the voting systems from Coffee County, Georgia, that were used in the 2020 election, okay?

Those findings, I released a report. I provided that for dissemination to the Board.

Hopefully, you have a chance to read that. It goes in great detail the significant cybersecurity failures and the vulnerabilities of the Dominion voting system as it is currently configured within the state of Georgia.

I also testified in -- in an injunction hearing by the DeKalb Republican Party v. Secretary of State Raffensperger, that was held in September 30th and October 1st of 2024, and provided detailed testimony consistent with that report that I have disseminated.

The -- I think the most surprising fact here is that when you think about our voting systems and you think about the security protections that -- that HAVA put in place to certify those systems, and the fact that your legislature had -- had actually enacted a requirement through legislation to purchase a EAC certified system, that you would think that the voting systems in Georgia currently are secure -- one, are secure; two, they still meet those certification standards by the EAC; and three, that -- that they are not vulnerable to hacking.

I will tell you in all three cases, that is not the case. So, let's talk about the cybersecurity posture for a minute. I'm going to make a statement here that if you own a home computer, then that

computer is better protected from a cybersecurity perspective than the voting systems are within the state of Georgia. Now, why is that? Well, one, the -- the home computers have updated antivirus. They get updated every Thursday, okay?

Those home computers have system patches, okay? Those home computers typically will have a unique username and unique password for every user that accesses that computer. I will tell you that your voting systems, as configured, do not meet those three requirements. They have an antivirus, but that antivirus has never been updated since the date that it was installed and certified by the State.

In the case of Coffee County, that was almost two years before we looked at that system. The system had never been patched. So all the vulnerabilities that existed within the Microsoft operating system and other programs from September of 19 -- or 2019 until December of 2021, had not been addressed. They were extremely vulnerable. There are over 1 million vulnerabilities that would provide access to those systems that there was no protection provided for.

Okay. Two, let me talk a little bit about the purposes of certification. So, the purpose of certification under the HAVA Act and by the State, is

to ensure that those systems are secure, that they are not vulnerable to unauthorized access, and that their baseline can be in a static position so that you know the programs that are on there are not going to harm the system, nor are they going to provide unauthorized users access to that system.

I -- I find an argument by the State very interesting. So if you ask someone why they did not update the antivirus on those systems, they will typically tell you, well, if we update or change anything on those systems, it invalidates the certification from the EAC. And that is true, okay? Theoretically, it would invalidate that certification.

But the problem comes in the fact that those systems actually contain multiple copies of compilers. Now, compilers actually change human readable code into machine executable code. And it is shocking to me that in my examination of the Coffee County voting system, the EMS and the ICC, that the EMS alone had over 3,098 executable files that were either created or modified after the date of certification and the installation of the certified version by the Secretary of State onto those systems.

Now, That would mean that the system is -- is not certifiable, that it should be uncertified at this

point for activities involving voting elections. The -- the response by the State during the hearing in October of '24 was quite frankly shocking and alarming. None of the presentation on the cyber vulnerabilities that we presented was ever refuted.

Their argument was, yes, I know we have a legal requirement to purchase a certified system, but there is no legal requirement for us to maintain the certified state of that system. I have also distributed the appellate reply by the Secretary of State's attorneys in that very matter. And if you look on Pages 11, 12, and 16, you will see that argument and that argument is signed by the attorneys representing the Secretary of State.

That is shocking to me, especially given the fact that following the 2020 election, there were very public statements made by the Secretary of State's Office that the systems were secure, that there was nothing changed on those systems, and that it -- it was preposterous to think that any manipulation or anything could have occurred on those systems. Well, the system that I examined in Coffee County certainly did not meet that description that was publicly broadcast to the Georgia public.

We've often been asked, well, prove that --

have you proven that there was any manipulation that occurred on those systems? And the answer is, we cannot definitively prove that because -- one way or the other, either yes or no -- because the security mechanisms that control the logging and the monitoring of those systems simply don't record enough of the right data and don't record all of the right data.

So, for example, the window security logs on that system are only configured to retain 20 megabytes of data. That is enough coverage to hold approximately five days worth of logging. And as you know, with the -- with early voting, et cetera, et cetera, you're talking about 35, 40 days that should be retained as part of those logs. The system that I examined, the security logs did not actually cover the election voting system time frame.

The other piece that they don't monitor or log at all is what programs are executed on that system, okay? Is it only the EAC approved executable files? You don't know because they don't log it and they don't alert on those things. What happened on the networks? Well, they don't log any network activity. So you don't know if a rogue device was joined to the network to get unauthorized access to that system or not, period. It just simply does not exist.

I have also, as part of that Coffee County Cybersecurity Report, I outlined the DHS best practices for securing election systems. And I've detailed that in depth, and for the purpose of brevity here, I will tell you that none of those recommendations are fully implemented on the Dominion voting systems.

I'll give you an example. One of those categories is voting -- is the voting system username and password. It is true that those systems do have a voting username and password. However, they have the same usernames on every system. And in every jurisdiction that I have examined, all of the usernames are the same for each user account. And those usernames and those user passwords have never been changed since the day that that system was installed.

So, in the case of Coffee County, those usernames and passwords have not been modified or changed for almost two years. Now, think about the number of election volunteers that go through in the course of two years of local, municipal, state elections. You have a totally insecure system with the knowledge of those passwords running wild, essentially.

Now, just to make myself clear, usernames are used to control your accesses within a system. There are admin accounts and there are user accounts.

Anybody who is only designated as a user can use that same password to gain admin privileges. Okay. I am running tight on time. I appreciate your patience with this.

I'm going to put one simple analogy here and an -- an observation. These vulnerabilities have been known in these voting systems since March of 2021. The legislatures have failed to act to respond and address those well-known -- those well-known vulnerabilities at this point. And here we are shortly before another election cycle.

And what we hear as an argument is, well, it's too close to an election. We can't modify our procedures. We can't adapt to secure our elections. And I say, what were you doing for the last five years?

As parents, if you give your teenager a car, and you know that the tires are going to blow out, you know the brakes are bad, you know, the motor is about to go out and it's smoking out the tailpipe like, you know, my Uncle Clyde's cigars, you're not going to let them drive that car to -- to a dance. You're not going to let them take that out.

Why would we do less with our elections systems? There's never going to be a good time to address this problem, but it's even worse if we let

this go on and on and on and on without addressing the problem. These are the foundation of our democracy, and I encourage you to debate and come up with the best possible plan to ensure that our voting systems and our voter integrity is secure. I thank you and I'd be willing to address questions.

CHAIR FERVIER: Okay. Any questions?

MR. WHITE: Go ahead.

CHAIR FERVIER: You got to give me the thumbs up. Okay.

MS. GHAZAL: Mr. Cotton, I have -- I have a few questions, and I'm just going to -- just to make it easier, I'm going to run through them quickly. First is, you're talking about the EM -- I'm just going to run through the questions so that -- so that you can answer them and we don't have to worry about the -- the feedback back and forth.

You're talking about the -- the election management system here, which is not what we're talking about. As far as I know, there's no plan to change the election management system because that would require a significant amount of procurement and -- and that sort of thing. I understand that you are -- have been equally as -- as critical of election -- election management systems used in other states that use

hand-marked paper ballots, such as Arizona when you worked with Cyber Ninjas.

I know you were granted immunity by a Court in Michigan to testify there, and Michigan uses hand-marked paper ballots. So I'm not quite sure what you're suggesting should be done since there is no -- there is no talk about our changing our election management system at this time.

And I also want to hear, how did you get hold of the election management system from Coffee County in Georgia that you reviewed? Those are my questions.

MR. COTTON: Okay. So, let me address the access first. So, I was retained as an expert for the -- one of the election officials in Coffee County, Misty Hampton. By her attorney as she was concerned and facing possible criminal charges following the 2020 election. So, as an expert, I was given the opportunity to examine those images that were lawfully acquired, and that is how I got access to those -- to those images.

I have examined the Dominion voting system in five jurisdictions in Georgia and Coffee County. I -- oh, and I might add that the -- the images and the -- the devices that I had access to were also part of a federal investigation, and that was, you know, that was

part of the -- the whole environment surrounding the acquisition of those images. But they were lawfully obtained. I had lawful access to those systems.

I have examined systems in Michigan, in Pennsylvania, specifically Fulton County, Pennsylvania, in Mesa -- Mesa, Arizona. In -- and then, of course, in Maricopa County, and in Michigan. So, in all cases, access to the devices and the forensics images was lawfully obtained.

The -- given the political nature of the prosecution of certain attorneys in Michigan, I requested and received the immunity to testify in Michigan, as I didn't want that to turn into a political witch hunt against me.

Now, all of the findings that I have found in Georgia are consistent across each of those other jurisdictions that utilize a Dominion voting system -- systems, the Dominion voting -- Dominion Democracy Suite voting system. It is important to understand that while you are talking about the QR code, how are you actually going to tabulate your votes?

You tabulate your votes by, one, doing OCR recognition, or doing another scanning on the Dominion ICP, and then those results are then put on a SD card at the tabulator level, or they're transmitted via

cellular communications into the very EMS that I'm talking about with all the vulnerabilities and the weaknesses.

If you would happen to review the video recording of the hearing in October of '24, you will see that there were presentations made in which the entire votes were flipped through the access of the EMS. So once again, I'd like to stress that this is not just a QR code problem. This is an entire integrated system problem that you will be dealing with one way or the other here.

CHAIR FERVIER: Mr. Cotton, I just want to clarify one statement you made. You made it several times about being lawfully obtained. And you obtained those images. Are you saying that you obtained them lawfully -- I'm sorry. We can't talk at the same time because we have feedback here. So are you saying that you obtained them lawfully or that they were lawfully obtained from Coffee County when you had the individuals that went into Coffee County and took them off the machines there?

MR. COTTON: So, they were lawfully -- lawfully obtained from Coffey County. I did not do the acquisition. So --

CHAIR FERVIER: Well, let me --

MR. COTTON: -- it's my understanding, and you can certainly talk to the --

CHAIR FERVIER: So, you -- you obtained them lawfully from Coffee County yourself? Or did the --

MR. COTTON: No.

CHAIR FERVIER: Okay.

MR. COTTON: So, I obtained a copy of the images that were produced by SullivanStrickler in response to a preservation notice by one of the political campaigns following the 2020 election. Then I was provided access to those forensic images by the attorneys.

CHAIR FERVIER: So -- so you're not saying that the original -- obtaining of the images from Coffee County by other parties was lawful? It's just your -- your access to them, correct?

MR. COTTON: Well, my access was lawful as well because I -- I was an expert witness representing an attorney who was representing a defendant, and she had authorized access to those images. But the people who imaged those systems were a law firm named SullivanStrickler out of Atlanta. And it's my understanding that was a lawful acquisition.

CHAIR FERVIER: Okay. Any further questions from the Board for Mr. Cotton? No? Okay.

Thank you, Mr. Cotton. We appreciate your time today. I know it's been a long day, and we appreciate it. Thank you, sir.

MR. COTTON: Thank you.

CHAIR FERVIER: The next person to speak for us is Mr. Peter Ticktin, I believe. Is Mr. Ticktin online?

MR. WHITE: Yes.

CHAIR FERVIER: Mr. Ticktin, can you hear us?

MR. TICKTIN: I can. Yes, I can.

CHAIR FERVIER: Okay. Now, we can't speak at the same time, so you'll speak and then we'll have to turn your mic off and one of us will speak, and then we have to do it that way to prevent feedback from occurring. So we're just asking that you please keep your comments to ten minutes or less if -- if you can do that, please, sir. Please proceed.

MR. TICKTIN: Thank you very much. I appreciate the opportunity to be here and to appear rather on a group through Zoom. Having spent the whole day watching you folks, I'm very impressed. I just wanted to say that your -- your integrity is -- is ringing through. Your concern to make sure that you have fair elections is -- is coming across and -- and thank God for -- for folks like you.

I -- I'm not going to get into the nitty gritty. I -- I'm glad I was able to watch Ben Cotton because he is one of the experts in this field that has hands-on experience and knows what he's talking about in terms of the different problems that exist. I look at this thing from a different point of view. Looking at it from, let's say, 30,000 feet, as well as getting into the trenches to some extent.

So looking at it from 30,000 feet, what are we actually seeing here? I mean, when we think in terms of election fraud, this isn't the old kind of election fraud where you have two different candidates and one of them is, one way or the other, arranging to -- to manipulate the vote so that they can win the election. What we're seeing here and what we're concerned with is foreign interference.

So, what really is foreign interference when it comes to election fraud? It's war. It's a war without bullets, but it's a way of a foreign entity taking over our country. Now, I'd say -- and this is an important factor -- that about 50 percent of the country believe that the 2020 election was stolen, or rigged, I should say, which would mean that the that the country was stolen.

And I realize this is a partisan thing, and

that, you know, many people are going to have to get their backs up as soon as I say that. But, you know, Biden wasn't the person who did this. It took something far more than -- than for one person.

When did this start? With the machines, as far as we can tell. The first election that was stolen by machines was in 2004, August of 2004, where Hugo Chavez in Venezuela had worked up to get these machines using Serbian programmers to basically get their machines in such a way that they could actually cause a different result. He was up for election for recall. He was extremely unpopular.

By 2006, these machines had come to America. First it was Sequoia, then it was Smartmatic, and then it's Dominion, and it's all the same. It's all the same. I'm sorry if I'm -- I like to be able to -- I -- I worry when I see the notes passing whether or not I'm saying things you already know or don't want to hear.

CHAIR FERVIER: No, I'm passing Tic Tacs.

MR. TICKTIN: But in any event, this is a very serious matter. It's much more serious than what I was describing as another way in the past that these things could have been looked at. We know that the countries that were involved in this were China, Iran, Serbia, and Venezuela. And hopefully, in the near future,

we'll be hearing from Maduro, who will be telling us what he needs to tell us.

He certainly is going to have incentives for him to become someone who will part with information because his prospects are the supermax. Venezuela was not only exporting cocaine and Fentanyl, they were also exporting election results for 72 countries, of which the United States is only one.

We've seen since the beginning of this, that the world has changed. We see the lack of -- we -- we've had our vice president speak to -- to European leaders, and we have seen that in many countries, the freedom of speech is basically being eroded, to put it nicely. In the United Kingdom, at this point, they are arresting 30 to 50 people a day for what they say on social media. We know that in Australia, we -- they no longer have the freedom of speech.

In Canada, we know that people are in prison because of what they said in regard to their government. This is where we could be going if we don't get control of the elections. We need honest, transparent elections, and the machines cannot be trusted. So where do we go? That's why hand counting is what's been recommended. Hand counting would solve the problem.

And there are people, there's a -- there -- there are different people that would be able to help us immensely and quickly. So -- but, you know, that -- you know, a fellow named Tim Meisburger, who has set up foreign countries to have fair elections. He's an expert on it. He's somebody that could be consulted and somebody that can show you how. Because the hand counting, so easy to just say, oh, no, that's just too difficult. It's going to take so long.

But there are methods where it can be done and done quickly. And I would also suggest that you can have -- I mean, there are many possibilities, but one of the things that could be done is you could actually split the -- the ballot so you have all the different candidates and initiatives that you would have on a state ballot separate from that of the federal.

Because this is really much more important in terms of federal races, especially this race that's coming up. Just think about it for a second. I mean, assume for a moment that I'm right. Just -- just assume arguendo, as we lawyers like to say, that I'm right and that the 2020 election was rigged. And -- and done brazenly. I mean, look, we all knew. The people on my side of the aisle, we knew. We could see it.

No state ever stopped the count before. And all of a sudden, at the same time, four states stopped the count. I'm talking about war. I'm talking about storms, I'm talking about fires, whatever it is. No state ever stopped the count ever in the United States. And then all of a sudden, we have four swing states that stop the count at the same time. And we're supposed to believe that everything's fine.

Well, then we wake up in the morning and we see that Donald Trump, who was ahead, is now behind and lost the election. And we see a straight-up graph for the hours that these would close. We saw in your county, in -- in Fulton County, we saw from a camera on the -- on the ceiling of the counting room. I mean, we're not fools. We -- maybe some of us are, but we're not all fools. And we're not stupid.

When we see that you've got tables in the counting room that are aproned all the way around, and that there's supposed to be a broken water main, and then with the broken water main, everybody has to leave and four people remain. And those people reach under the tables and pull out suitcases that were hidden by the aprons. And they open up the suitcases and what's in the suitcases? Unfolded ballots.

So they didn't get there by mail, and they

didn't get there by voters.

DR. JOHNSTON: Mr. Ticktin --

MR. TICKTIN: And then we see them putting these ballots through the machines over and over and over again. And we're supposed to say that this election of 2020 was an honest election. Well, we know better.

DR. JOHNSTON: Mr. Ticktin -- Mr. Ticktin, we're -- we're so focused on SB 189 in July 1st, and the legislation that is before us and the issues that we need to deal with. Could you give us your thought on the use of hand-marked paper ballots for the future elections?

MR. TICKTIN: It's absolutely necessary. Nobody trusts, you know, touching screens anymore. I mean, you -- you need -- you need paper ballots. I mean, I can't even understand how anybody would think that anything else will do. And at least with hand paper ballots, even if you're not giving it a hand count, you can at least give partial hand counts. You can -- you can find ways of -- of making sure that things are going according to Hoyle.

Now, one of the things that we found, and I'll be very brief on this, I don't know whether any of you have dealt with what we call modified duplicates. But,

you know, your --

DR. JOHNSTON: Mr. Ticktin --

MR. TICKTIN: -- voter rolls, our voter rolls in every state except North Dakota that doesn't have voter rolls, are -- basically have two parts to it. The active part of what's in the computer that you can see, the active voters.

DR. JOHNSTON: Mr. Ticktin --

MR. TICKTIN: And then when some --

DR. JOHNSTON: Mr. Ticktin, we -- we've got more things on the agenda that -- that we've really got to deal with. And we're -- we're dealing with the voting system for Georgia. So if you could perhaps give us your final thoughts with that and we could ask questions. And we -- we've got work to do in a limited amount of time today.

MR. TICKTIN: Again, and I -- believe me, I -- I've watched you patiently listening to people all day and -- and I appreciate your patience with me as well. I just want to say the one thing you need to do is you need to clean up not just the voter rolls, you need to clean up the archives of those voter rolls because these machines are able to get into the archives, re-establish that person, vote that person, and put them back into the archives.

So, you know, so by just taking somebody who's died and you know they're dead, and you put them in the archives, nobody's ever deleted in the voter rolls, and that's where we have the problem. So that's the last thought that I want to give you is please, make sure when you clean up the voter rolls, you don't just put all these people into the archives, but you get rid of them out of the archives, put them anyplace else, but don't have them in that system.

DR. JOHNSTON: Thank you, Mr. Ticktin. Current and accurate federal rules are -- are a necessity. They're -- they're critical to the very -- the beginning premise of -- of holding a free and fair election. Thank you so much.

Are there any questions?

CHAIR FERVIER: Any further questions?

Member Ghazal?

MS. GHAZAL: Yes. Mr. Ticktin, I'm curious, are you still advocating for the president to pass a -- an executive order to take over Georgia elections, which is what you very recently advocated for?

MR. TICKTIN: I never advocated for him to take over the elections. I never advocated for the federal government to take over the elections. What I've advocated for is to declare an emergency because

it's the only -- because there is a national emergency for voter -- voter fraud because the machines are in play. And so I -- I advocate for the president to declare what's -- the emergency that we actually have.

Because without the emergency, he doesn't have the power of the Constitution to regulate the way that the elections are conducted, okay? That's just not in -- and that's left for the legislature, the states, and for Congress, not for the president. But with this national emergency that we are having, with foreign involvement in our elections, this is the time when that -- that emergency does need to be declared.

And with that, he can make certain rules that the states, who are still going to have to conduct the elections, would -- would be able to orchestrate. That's my recommendation. I never suggested that anybody take over anything to do with the -- the purview of what the states have to -- to control.

MS. GHAZAL: Well, just further on the -- the difference between a machine tabulation and hand counting, because I've been observing elections since the 1990s. I've observed hand counts, I've observed machine counts. I've seen lots of rigged elections. The rigged elections that I've seen are hand-marked, hand counted, just -- just for the record.

But I want to make it really clear. With the machine tabulation, you have -- the -- the backup that you have are the tabulator tapes. You have the actual tabulation totals on the -- on the machines. You have the digital ballot images, and the ballots themselves. The ballots themselves are the ultimate record.

When you're talking about a hand -- a hand count, literally, the only record you have is the ballots themselves and -- and the word of the people who are hand tabulating. So, in my mind, having four backups, including having those paper ballots that will be audited because Georgia has audits and we can have -- we could do 100 percent hand audit of any races that we want. That which is a backup count, is a far more secure system than simply a hand tabulation, which is virtually impossible with the number of -- of different ballots we have, the number of races that we have, and the size of the -- the precincts that we have.

And I do have lots of experience with this, more than most people in the United States, and I absolutely believe that hand tabulation is a non-starter.

MR. TICKTIN: Yes. I understand. There's so many things that are impossible. But I would say, my

understanding is that the audits that are done basically just count the number of ballots and if the numbers of ballots match --

MS. GHAZAL: No.

MR. TICKTIN: -- and there's no actually going through. Okay. I see you're shaking your head and -- and you know better than I, I'm sure. But there have been many things that have been declared by many people through the ages to be impossible that turned out to not be impossible. I'm telling you, there are people that know how to make this -- you -- you never spoke, I'm sure, with Tim Meisburger, because he can show you how it can be done.

He's done it for country after country after country. And -- and you -- you may not know everything. You may not be aware that there are ways that this could be done. I -- I get it. Your experience is incredible. I -- I get it, and I accept it. I respect it. But what are you going to do if you've got people that can get into your machine and change whatever numbers that need to change and causes this to happen?

I -- I will say it would be good if we had an attorney general that's really ready to jump on these things as soon as the election is -- is over, you know,

to make it really fast. Hopefully, we'll have an attorney general appointed that will be on top of this going forward.

CHAIR FERVIER: Any further questions?

Thank you, Mr. Ticktin. We appreciate your attendance here today and the comments you made here proceeding. So thank you very much.

MR. TICKTIN: Well, thank you so much. I do appreciate it.

CHAIR FERVIER: Thank you, sir.

All right. We're going to make some changes to the agenda again. The item under old business -- well, the reports by the executive director, we will not do today. The -- under old business, Items A, B, C, and D will be moved to the June agenda. We've just completed Item E.

Under new business, presentation by Rick Richards. Mr. Richards had just asked to speak for two minutes. Get your timer out. And -- and then we will move his presentation to June also. On the last page, Item B, the KNOWiNK will be moved to the June agenda. The petition for rulemaking by Dr. Johnston will be heard right after Rick Richards.

The tabulator tapes will be moved to the June agenda. The preservation of records for county

officials will be moved to the June agenda. The next state Board meeting will be on June the 3rd. And then we will hear the petition by Marilyn Marks last. So, let's proceed with that.

And is Mr. Richards online?

MR. WHITE: He's -- he's --

CHAIR FERVIER: Oh, I'm sorry. Mr. Richards?

MR. RICHARDS: Yes, sir.

CHAIR FERVIER: Please. We're going to put a timer on you and at 15 minutes -- at 15 seconds, he's going to --

MR. RICHARDS: How about ten minutes? I just -- I just had a quick comment.

CHAIR FERVIER: All right.

MR. RICHARDS: I'm giving up my time and I'm happy to come back on June 3rd, but there were comments made by two speakers during the two minute session of public comments that I would like to comment on because they were not true.

CHAIR FERVIER: Okay.

MR. RICHARDS: So very quickly, the first speaker said, ELLY, the electoral system, used unreliable data. ELLY, the electoral system has no data. It uses the state voter roll data. And the whole purpose for it is because there is unreliable

data in the secretary's database. She accused ELLY of wrongly flagging cases. The only flags in ELLY are from the US Post Office and property tax records. ELLY does not flag any cases.

That we -- ELLY used third-party sources. The third party sources are the same ones that ERIC uses, BCC software, which uses NCOA and the CAS data. And the SOS recommends certain Internet sites as third-party sites, and they list them in their training videos. And that's all that ELLY does. So nothing different than what's currently being done.

The afternoon -- the later speaker, sorry, mentioned ELLY had outdated data. ELLY actually updates the Georgia data monthly. ERIC does it every two months. So it's fresher than Georgia data, or the ERIC data. ERIC has 24 states. ELLY has 47 states worth of data that is a full affidavit certified chain of custody process directly from the source.

The afternoon speaker, or the later speaker said that ELLY was one step removed when, in fact, it's closer than ERIC. And I'll finish the story in June. Thank you for the opportunity.

CHAIR FERVIER: What does ELLY stand for?

MR. RICHARDS: Sir?

CHAIR FERVIER: What does ELLY stand for?

MR. RICHARDS: It doesn't stand for anything.

CHAIR FERVIER: Is it named after somebody special?

MR. RICHARDS: No. It was just that every time I talked to the county registrars about what do you do about this and what do you do about that, and what do you do that, they would always say the elector list. We check the elector list. And if you go to the electorlist.com, you'll be able to look up your own registration and your own voter history, and you'll be able to get credentials to use all the data we are making, the entire 47 states voter roll and all the corollary associated county property tax and post office and BCC data to the public, for free. So you can look it up. But saying the elector list every time gets a little old. So we just said, call it ELLY.

CHAIR FERVIER: Love it. Thank you very much for your brevity. We appreciate that.

MR. RICHARDS: Yes, sir. See you all on June 3rd.

CHAIR FERVIER: I know that you enjoyed staying here all day long, so --

MR. RICHARDS: I'll talk about that later.

MS. GRUBBS: Mr. Chairman, there's one thing that I -- that I was going to talk to Blake Evans about

was -- and we've talked about this by email -- is access to the election night tabulation center, affectionately referred to as the bunker. And I just -- we're not meeting again until after the primary. And so I would like to know what can be done about us being there to observe the tabulation of the election night results for the primary.

CHAIR FERVIER: I don't know the answer to that. I -- I don't -- I don't control that, obviously.

MR. RICHARDS: I do. If you can get the information to me, I can turn it around in 24 hours and put it online free to everybody.

CHAIR FERVIER: No. She's talking --

MS. GRUBBS: I'm talking about being present for observation.

CHAIR FERVIER: Being present at the --

MR. RICHARDS: Oh, I'm sorry. I'm talking about the results.

MS. GRUBBS: I'm sorry. No.

I just, I think it's very important because there is an aggregation of -- of votes down there, and it's basically an unsecured, clandestine, in my view, closed location, and I believe that we do need to have observation there. So before -- before we close out this meeting, I would just like to know, you know, the

emails have been sent and that kind of thing.

But I think the public deserves the right to know that -- that the voting process and the election night results are being overseen in public view, in public, with public knowledge from beginning to end. And that's something that I would love some assistance with the Secretary of State of being sure that we're there for oversight.

CHAIR FERVIER: Okay.

MR. RICHARDS: Well, to that question of, I'm going to address the bigger issue, which you said earlier in the day, that that's what we needed to do. ELLY is going to send credentials to all 159 Georgia county election offices, and we're going to grant them a free subscription for 24/7/365 data availability to every vote, every history, every registration, every registration change, all of the information is going to be universally available to the United States starting tomorrow.

MS. GRUBBS: That's amazing.

CHAIR FERVIER: Thank you.

(Applause.)

CHAIR FERVIER: That's the only time you get to clap. That, and when we finish. When we adjourn, you can clap as much as you want to. I'll clap with

you.

MR. MILLS: Mr. Chairman, what --

CHAIR FERVIER: Yes?

MR. MILLS: -- what is, I mean, I've heard this war room, this bunker room talked about. Have you ever been there? Can you tell us?

CHAIR FERVIER: I -- I have. I have been there.

MR. MILLS: What is it?

CHAIR FERVIER: It is -- it is a room at the Georgia Emergency Management Center to where all the election returns come in on election night.

MR. MILLS: So any -- any corrections, any tabulations made? What -- what -- I mean, it seems like, I mean, I've heard it over the course of time, kind of secretly talked about. There's, you know, no address given. Who invites somebody to come to this?

CHAIR FERVIER: I don't really know the answer to that. I -- and I -- I don't know a lot of the technology behind it either, because when I was there, I was simply saying, hey, to people. I spent a limited amount of time there.

MR. MILLS: Who invited you to go?

CHAIR FERVIER: I was invited by the Secretary of State.

MR. MILLS: So the Secretary --

CHAIR FERVIER: Well, no, not -- not the Secretary of State, somebody who's in the office. Yeah.

MR. MILLS: So -- so the Secretary of State has an inviting power.

CHAIR FERVIER: Well, I don't know -- I don't know what protocols they have to go through. I -- I don't know the answer to that.

MR. MILLS: Okay. I'm -- I'm not asking you about protocols. I'm -- I'm asking, I mean, this is where all the data information, I'm told, comes in on election night. We have a Secretary of State who is running for governor of this state, who's going to be in that room, who has other people against -- running against him.

Why wouldn't this entire Board be there to, I mean, you got people from all circles to say, hey, this is being done right. This is being done legitimate. But instead, was anybody from the press there when you were there?

CHAIR FERVIER: Not that I recall, but I don't really know everybody in the press, so I don't know the answer to that.

MR. MILLS: Anybody in the press that's here,

has anybody in the press ever been in the war room or invited? If you have -- the bunker room, the war room, can you raise your hand if you have? If you're here with the press, could you raise your hand so we know how many people we got here? So, we -- we've got several press people here. I mean, this just doesn't sound good at all.

MS. KING: Is it a secret to be the press? They can't raise their hand? Is it a secret to be press? I'm confused.

MR. MILLS: The point I'm making is this -- we need to just turn the light on. We -- we don't -- something should not be done in darkness and in secret. And the State Election Board is the highest group of what I would refer to as poll watchers for the entire state. And why a Board member is told that basically, you can't come, you need to go check it out at the county. But yet, you got invited. You got to go.

MS. GRUBBS: He's special.

MR. MILLS: So, I'm -- I'm just asking what -- what's going on. This is not -- I'm not pointing a finger at anybody. I'm saying the process should be open.

MS. GRUBBS: Well, I think -- I think, Mr. Mills, the -- the point is, is I'm stating

publicly, that we ought to be able, as a Board, to have access to the election night reporting in the bunker where all the votes are aggregated. I'm advocating for my friend, Sara Tindall Ghazal, to be there as well. She's never been --

MS. GHAZAL: Leave me out of it.

MS. GRUBBS: -- and she says, leave me out of it. But I think Republicans and Democrats both need to be there for election night observing. This is not something that needs to be behind closed doors without a fair process. And so I'm calling on the Secretary of State to make sure that we are there to fairly observe for the primary election night reporting.

(Applause.)

CHAIR FERVIER: Now, Member King, we're going to have to have a discussion about this clapping.

MS. KING: Well, I mean, look --

CHAIR FERVIER: As soon as we adjourn, clap all you want.

MR. MILLS: Clapping is good.

MS. GRUBBS: I want -- I want to be sure that -- that the rule petitions have plenty of time, so --

CHAIR FERVIER: Yeah. The first item -- or the next item on the agenda is the petition for

rulemaking. Dr. Johnston has a petition to present to the Board.

DR. JOHNSTON: Thank you very much.

Shaun, can you --

MR. WHITE: Yes, ma'am.

DR. JOHNSTON: -- put that up? Thank you.

Thank you for the opportunity to propose this petition for rulemaking. The -- the intent of this petition is to adopt a rule to provide clarity and instruction for conduct of elections to comply with existing Georgia election law of the numbered list of voters. This rule is necessary to add definition of the numbered list of voters as found in OCGA 21-2 -- 21-2-2, and instruct election officials to keep a handwritten, numbered list of voters that has received a ballot at any voting location for early or election day voting.

Next slide.

Definition. Numbered list of voters as found in Georgia law, "One or more sheets of uniform size containing consecutively numbered blank spaces for the insertion of voters' names at the time of and in the order of receiving ballots or number slips governing admissions to the voting machines."

Next slide.

This is a blank numbered list of voters. With the introduction of electronic devices to the voting processes promoted as time saving and automated conveniences, the paper record of numbered list of voters has inadvertently been removed from election conduct and documentation.

Digital counters and electronic poll books provide central office information and allow for rapid voter credit capture, however inaccurate that may be. However, an audible -- auditable paper document is lacking.

Next slide.

Georgia Law speaks of the numbered list of voters, not once, not twice, but 16 times. And these are the codes that are involved. The numbered list of voters serves as the paper election document to supplement the electronic numbered list of voters and fulfills the requirement for an auditable paper election record.

Election officials who work in poll places and process voters shall record and keep the numbered list of voters. Election workers shall incorporate and implement the record as part of the check-in process for voters. The cost will be the cost of paper and pen. No additional poll workers will be required.

However, a poll worker will need to be assigned the task of check-in and writing the voter's name, voter's registered full name as recorded in the elector's list on the numbered list of voters in a legible manner. Chapter 21 defines these mentions of numbered list of voters. 21-2, the definition is found in the very early chapter of definitions of list of voters.

386 defines list of voters, the elector's names so certified shall be listed by the registrar clerk on the numbered list of voters prepared for the precinct. 386 states, "Three copies of a numbered list of voters shall also be prepared for such rejected absentee electors. Three copies of the numbered list of certified voters for each precinct shall be turned over to the poll manager in charge of counting the absentee ballots and shall be distributed as required for law."

For numbered list of voters, 405 states, "In all precincts, the chief manager shall assign an assistant manager or a clerk to keep a numbered list of voters and sufficient counterparts during the progress of voting." 411 states, "Return of checked list of voters and voter certificates to superintendent, disposition of the list and certificates by registrars.

The chief manager in each precinct shall return a checked list of electors reflecting those who voted the chief to the superintendent to be deposited with the registrars. The Board of registrars shall keep such voter certificates for at least 24 months and such electors lists for five years."

431 states, "As each elector is found to be qualified in votes, the poll officer shall check off the elector's name on the elector's list. As each elector votes, his or her name in the order of voting shall be recorded in the numbered list of voters provided for that purpose."

Duties of poll officers at the close of the polls. "Poll officers shall compare the number of electors voting as shown on the stubs, by the electors list, voter certificates, and the numbered list of voters, and shall announce the result. Otherwise, they shall be noted on the general returns. The electors list, the voter certificates, the numbered list of voters, the stubs of all ballots, together with all the unused ballots, full ballots, shall be sealed before the ballots box is opened."

440 is the same. A general return sheet with a one numbered list of voters. 451. It goes on and on. Execution of the voter certificate, procedural,

qualification of elector, elector unable to sign the name, voting outside the precinct.

As each elector votes, his or her name and the order of voting shall be recorded -- emphasis added, I might say -- in the numbered list of voters provided for that purpose. Duties of poll officers, "Shall show -- shall compare the number as shown on the counter with the names of -- the names of those appearing in the numbered list of electors.

455, canvas and return of votes. 456, the general return sheet. 496, preparation and filing by the superintendent of four copies, including the numbered list of voters for each precinct and the numbered list of absentee electors. 497 and 500, delivery of voting materials for preservation. So you can see that --

Next slide, please.

-- here's an old-fashioned numbered list of voters, and you can see that the names are written in two columns, numbered each, and just good legible writing.

Next slide.

Where is the numbered list of voters? Well, it is not found in definitions in our SEB rules. So this provides to put -- this petition puts the same

definition of numbered list of voters that's found in the beginning of OCGA into these SEB rules.

Next slide.

The rule will -- the petition asks that the voter's name, as the definition applies, shall be placed in that in conducting elections.

Next slide.

These are the two rules that would be changed. Definitions would add the definition of numbered list of voters as just as it is in OCGA, and in conducting elections.

Next slide. Again, next slide.

That's the definition.

Next slide.

Numbered list of voters, what are the advantages? It's a paper record. It's consistent with federal law, it's consistent with Georgia law. It provides for daily reconciliation. It's an auditable record. It provides a redundancy and safeguard. It's cost efficient.

There's no WiFi or cellular connection. There are no software glitches. There are no software update requirements. There's no cybersecurity vulnerability. There's no malware, ransomware, hacking, or remote access, and there's not a single point failure risk.

Next slide.

And the rule to be amended is 183-1-12-.11(2)(a) will be added as -- as you see in red, it shall say that the voter's name shall then be recorded in ink and entered on the appropriate numbered list of voters. Numbered -- and then the definition is repeated, "Numbered list of voters means one or more sheets of uniform size containing consecutively numbered blank spaces for the insertion of voters' names at the time of and in the order of receiving their ballots or number slips governing admission to the voting machines."

Next slide.

As you see on form -- forms that are to be kept and who gets to keep them, the numbered list of voters is highlighted. It's hard to read there, but it's highlighted. And these are the very important election documents that are kept by the superintendent for two years.

Next slide.

What is the cost of numbered -- to -- to produce a numbered list of voters? For the largest county, this is an estimate, for this general election, it would be about 312,000 in person voters at 100 per sheet, 100 names on a list per sheet, That'd be 3,120

sheets of numbered paper, six reams of paper, about $10 for a ream of paper. That's $60 for the largest county in the state. So you can figure less for that.

Next slide.

MR. WHITE: That's the last one.

DR. JOHNSTON: That's the last one? Thank you.

And finally, for rulemaking, of course, we -- we have to certainly be aware of the questions of the recent Georgia Supreme Court decisions. Does this rule meet the three-step framework for non-delegation challenges to rulemaking? Is it -- and the first is -- question is, is there actual delegation? Well, yes. This is just already in OCGA and -- and the State Election Board has been delegated by OCGA 21-2, 31-2 and 10, to promulgate rules.

Is there a -- next question is, is there a legislative possession of power? Well, certainly the legislature -- legislature plainly holds power over elections. No question. And Question Number 3, is it permissible delegation? Are there sufficient guidelines? Are -- is the State Election Board limited and directed appropriately?

Well, the law is clear and this rule is promulgated to clarify and ensure that the law is

enforced. Simply that. So we are very careful and aware that our rules must be consistent with law. They cannot go beyond, change or contradict statutory scheme.

And is the law sufficiently clear and objective so that the review of the rule confirms it is within bounds? Well, of course, it's within bounds because there's nothing that's changing any law. We're just asking the counties to -- to enforce the -- the 16 laws that are already on the books. Thank you.

CHAIR FERVIER: Any questions on this for Dr. Johnston? Member Ghazal?

MS. GHAZAL: I've got a couple of questions. One, I know you drew the definition directly from statute, but I think it would be a mistake to carry over some of that language because it -- it refers to an old version that we no longer use, specifically, number slips governing admissions to the voting machines. Those are the old lever machines, and I think it would just cause confusion. So I think that just a full stop after ballots would make more sense, given we're updating that.

And I wanted to clarify in the actual conduct, are you envisioning a single poll worker at an early voting site, like one person taking all this down, or

out of the -- the poll workers who do the check-in and each will have a list? Which -- which configuration are you -- it -- it reads like the latter because the -- the order of operations here is that the voter checks in, the voter gets their certificate or their -- their card, and the voter's name is then recorded.

But, I mean, there are two ways of doing it. You either do the -- the poll worker who is doing the check-in has the list and that responsibility, or there would be an additional step which would create a chokehold, quite frankly.

DR. JOHNSTON: I -- I've seen precincts implement or -- or address voters in both ways. I have been to precincts where there is one person that checks in everyone and then processes -- gives them to several clerks to provide the voter access cards. So that the question there would be that might be a bottleneck.

MS. GHAZAL: Especially for early voting, because my -- my bigger concern are early voting locations because having a single -- a single point --

DR. JOHNSTON: Right.

MS. GHAZAL: -- bottleneck.

DR. JOHNSTON: What I -- what I had found through -- through the five years with Dominion is the bottleneck is actually looking up the voter on the poll

pad. It's -- it's the people at -- the line accumulates as they're waiting to get to a poll pad station. If there were one person with -- with access to the voter rolls that had good legible writing, they could do that.

Depending on, you know, who knows what sort of legislation is going to be passed between now and November. But I think it would be acceptable for anyone that is checking in voters that they could each have a numbered voter list.

MS. GHAZAL: Okay. Two more quick questions. One, and I don't know the answer to this, but I don't know whether voters who are on the restricted list because they have protective orders, I don't know if those voters are -- if the names of those voters are suppressed currently by our electronic poll pads. I know that their addresses are suppressed on the -- on the list.

Can anybody -- is there anybody who can help me here, is there any of you left, I promise I wouldn't call on anybody specific. So that's just a question I have. Because if -- if there are, particularly domestic violence victims who have protective orders and their names are suppressed, their -- their information is suppressed electronically under -- under

law, whether that -- this would impact them and be identified. So --

DR. JOHNSTON: I think it would be best to check with legal --

MS. GHAZAL: Yeah.

DR. JOHNSTON: -- counsel about that.

MS. GHAZAL: Yeah. And -- and last is a bit of a concern about low turnout elections when it's -- when it's a sequential list, because I do think it's randomized electronically. I'm concerned about identifying, because of the -- the way the -- the cast vote records and the digital images are -- they are recorded sequentially. And so if you've got five people who show up in a -- in a poll -- in an early voting location, and you know the -- the order they showed up in, you can -- you can link them.

MS. GRUBBS: I don't think that's accurate on the -- I think, aren't they already editing the images as they are -- as it is any -- or moving the images?

MS. GHAZAL: I -- I had asked somebody and they said it was sequential, but I think it's -- it's worth having that conversation, making sure --

DR. JOHNSTON: Right.

MS. GHAZAL: -- that those are not.

DR. JOHNSTON: The -- Marilyn may know more

about this than anybody else. There's not a identifier on the ballot image.

MS. GHAZAL: Are they sequential, though? Are they saved sequentially? That -- so that's my concern.

DR. JOHNSTON: Right.

UNIDENTIFIED MALE 3: Aren't you talking about advanced voting? Because nobody would know what the tabulation was during advanced voting until election day.

MS. GHAZAL: No. But my point is you can -- you can pull up the list, like, okay, on -- on April 20 -- 20th, these five people voted, and you can figure out on -- on the -- the cast vote -- vote record, these are the five ballots and they were cast in this order. And because this, by definition, has the -- the time, you'll know, like, okay, I voted at 8:05 and -- and there was a cast vote record.

I -- I came in, I got my ballot at 8:05. At 8:10, there was a cast vote record. It -- for small counties, it's a big deal.

CHAIR FERVIER: Or even in small municipalities, they maybe have, you know --

MS. GHAZAL: Yeah.

CHAIR FERVIER: -- 200 citizens and they only have a few people that vote and on any single day, they

may have three or four or five people come in and vote, so...

MS. GHAZAL: So I'm -- I'm not categorically opposed to this. I think it's absolutely within the scope of our rulemaking. I just -- there are -- these are concerns that -- that arose since I read this yesterday.

DR. JOHNSTON: Right. Perhaps a remedy for that would be to -- there was supposed to be some randomization of valid images, although I've heard a claim of reverse engineering and -- and figuring that out. But I don't think that's a reason to not have a -- a numbered voter list, especially a paper auditable document to -- to back up the poll books.

So I think that the Election Division needs to figure out how to accommodate that. You could -- one could hold the first hundred ballots in the emergency ballot bin and then scan them, so there's not a -- you're not going to figure out that time sequence.

But, you know, you know, this is more -- this is so important, and it's been absent from our availability. And even though knowing claims to have a numbered voter list, it's been nearly impossible to obtain one. And so you don't know who voted.

CHAIR FERVIER: We've already got the problem,

though, don't we? I mean, you have a list of voters, a voter list that comes out. And so --

DR. JOHNSTON: No, this is -- this is your audit.

CHAIR FERVIER: Well, I understand, but I'm saying, but there's an electronic list of voters now that's created when you --

MS. GHAZAL: Well, the other thing that would need to -- there would need to be an analog for absentee ballots, too. If you want the full -- the full auditable handwritten list.

DR. JOHNSTON: I would love it.

MS. GRUBBS: Well, part of the problem --

DR. JOHNSTON: Nothing could be better.

MS. GRUBBS: -- part of the problem is that -- that we have these third-party vendors who are actually maintaining that and the counties can't even --

MS. GHAZAL: But not on the -- not -- not on the receipt.

MS. GRUBBS: Not on the receipt.

MS. GHAZAL: Because this --

DR. JOHNSTON: Right.

MS. GHAZAL: -- and I think that would be when you would have to do it because you -- if you do a numbered list of voters where people who receive

absentee ballots, the -- the rate of voters who don't return it would really skew those numbers.

MS. GRUBBS: All right.

CHAIR FERVIER: Let me -- I understand it's a very important discussion. However, we have a hard stop and we have to be out of the building at 8:00. Which means that we have to stop up here at about 20 minutes before that so they have time to clear everything. Now, that gives us 15, 25 minutes.

MS. KING: We need to leave 45.

CHAIR FERVIER: Well, you all better start cleaning up now then because we're 45 minutes out.

MR. WHITE: I just have to stop the live feed because it has to download from Zoom and when there's a meeting that's that's this long, it's going to take an hour to download.

MS. HOPE: So he's going to download it and then George is going to give us the --

CHAIR FERVIER: We got a problem, don't we?

MS. HOPE: No, we don't. Because George is going to give us his -- he's going to pick up.

CHAIR FERVIER: So, we can leave at --

MR. GEORGE: Yeah. It's like we did for December.

CHAIR FERVIER: We can leave --

MR. GEORGE: It wasn't recorded --

CHAIR FERVIER: -- we need to we need to stop at 20 until 8:00.

MS. HOPE: Right.

MR. GEORGE: And I'll give it -- I'll give it to you tonight.

CHAIR FERVIER: All right. Don't give it to me. I'll lose it.

MR. GEORGE: I'll give it to Hope.

CHAIR FERVIER: Yeah. We need to stop at 20 until 8:00. So, are there any -- are there any questions from the Board on this? Or is there a motion to be made on this proposal?

MS. GHAZAL: Member Johnston, would you be willing to get some of these answers and come back to us in June?

DR. JOHNSTON: I will.

MS. GHAZAL: Okay. Thank you.

CHAIR FERVIER: Then, is there a motion to continue this to the June meeting?

MS. KING: So moved.

CHAIR FERVIER: We have a motion to continue --

MS. GHAZAL: Second.

CHAIR FERVIER: to the June meeting. Is there

a second? There's a second. Any discussion here? Hearing no discussion, all in favor, signify by saying aye.

(Ayes were heard.)

CHAIR FERVIER: Any opposition? Hearing no opposition, so move this to continue to the June meeting. Next item on the agenda is the petition -- a petition submitted by several individuals.

Now, I have just advised you of our time constraints, so...

MS. MARKS: Thank you, Mr. Chairman. Yes, I'm Marilyn Marks, Executive Director of Coalition for Good Governance. I just want to say I understood what you said about the time constraints. I will also say that this topic has been central to all of the -- many of the discussions today. And it is, for sure, one of the most important decisions you will make this entire year. And to be said, okay, we have to do it in 20 minutes.

CHAIR FERVIER: Well, ma'am, I'm just telling you, I'm not going to be stuck in here all night long.

MS. MARKS: I understand.

CHAIR FERVIER: Yeah.

MS. MARKS: But I want to say --

CHAIR FERVIER: They're -- they're going to

lock the building up at 8:00.

MS. MARKS: I understand. But I think you all know the grave importance of this, and you all understand it would not be prudent to rush through this. So --

MS. KING: Do we have a deadline with you? Do we -- can we hear in June if you need more time?

MS. MARKS: I don't need more time. I mean, I need -- I need my -- I need more than -- and I think you are going to need more than the, what, 20 minutes we have left.

MS. KING: We have a hard stop with the courthouse.

MS. MARKS: I understand, but I'm trying to suggest to you that you all have a grave responsibility to make a decision and make a decision very soon, within 30 or so days. And I want to say that if you can't finish this tonight, I would urge you to complete this by Zoom or something tomorrow or the next day because you're not going to have time to have the kind of deliberations you really need on this.

MS. KING: I agree. So are you saying -- so is June too late? June 3rd.

MS. MARKS: June is absolutely too late. Because we've been talking all day about your election

directors who served 7 million voters, and they don't have direction, they don't understand what you want them to do, what the General Assembly wants them to do, and waiting until June to start the clock on, oh, we're now going to have a 30-day period start for a rulemaking to start when your effective date that you all are working with is July 1st. But I would tell you your effective date was some time ago.

So I think perhaps our last few minutes might be best spent figuring out a very near-term time, even if it is by Zoom, that you can hear this and fully deliberate and not attempt to let's get it done quick and rush out the door. You've heard so many questions today about what are we going to do and what's the process. I'm asking you, let's don't rush through this.

MS. GRUBBS: Well, personally, I think that there are so many pressing issues that I -- I agree with you. I think -- and can you just give a quick overview of what the rule would do so everybody who's listening, who's still currently listening and in the audience will know.

MS. MARKS: Yes. And are we -- can you put up a slide or two of mine?

Oh, sorry. You can put up a slide or two of

mine? Okay. Yes. If you would put up that first slide of what I want to just make a point because we've heard it all day, what this petition is not doing. It is not making laws. It has nothing to do with legislation. The laws have been made.

It's you all's job to follow those laws and the election director's job to follow those laws. This is not an enforcement action. It is absolutely not authorizing a new voting system. It is not emergency rulemaking, it's not hand counting, and it is not taking the duty away from the local election -- election directors to make this decision on their own now.

And I'll come back to that later. But what we are asking you to do --

Yeah, let me get you to a slide that says, Petition to Update. Go forward. Go forward. Yes. Okay.

So, the petition is being submitted to ask you to define what the vote is. One of your duties --

Okay. Let's go to another slide. Go -- go forward. Go forward.

All right. General Assembly has done the rulemaking. They have given you guys the responsibility to enforce the law, to make rules. And

that is what we are asking you to do today -- or not today, the petition is going to be asking you to do, is to make rules for the legal conduct. And specifically, the instruction -- they've instructed you to define what constitutes a vote.

And let's go forward -- and I would say on that, think where this will get you. When you begin to try to define properly, which was not done in 2020, what constitutes a vote, you will find that -- that what will be required is the immediate adoption of the backup system. There is no way to define, legally define, what constitutes a vote and keep using the system we have today.

All right. In terms of your duty to define what constitutes a vote --

Let's go forward just another slide. And I will make sure that --

Hope, if -- if you will make sure that they have got these slides --

MS. HOPE: They have all of them.

MS. MARKS: -- available to look at before the next time.

MS. HOPE: Yeah.

MS. MARKS: All right.

And even the Eternal Vigilance law's court

finding. In the next slide, I've got a little bit from that Court finding, the Supreme Court said, when we talk about rulemaking or in the -- the Election Board's rulemaking authority and duty, one of their enumerated duties is to define, what is a vote?

Your previous -- and none of you all were on the Board at the time, but the previous Board did not do a good job of that. And we can get into the details of that. Right now, it's quite ambiguous. It is on the slide that you will see that says the current rule for counting the BMD votes, and we -- it'll take a while to parse that. But essentially, what we are asking you to do --

And let's -- let's go to the summary slide at the very end.

But I want to be able to walk through this with you, of course, and you not make a decision on this today. But in -- in the summary slide at the end, we are asking you to define what constitutes a vote. And it is a mandatory duty to define that vote.

Whether or not a new -- any new legislation or the SEB 189 goes into effect in July or not, this updated rule is still needed because we have chronic and ongoing legal violations, including the use of the QR code before and after July. The BMD primary method

of voting is impossible and impracticable to use. The backup system is the one that is authorized by law. It is what the General Assembly says you must use in a case like this.

So we want to go through how -- how we get there, when we actually meet and talk about this and put it before you for a decision to begin the rulemaking process. What we would like to do, even today, and we would like for you to do, is encourage the counties today to begin to have their boards undertake their own evaluation of, can we use our system legally? And when they do that analysis, whether they're talking about it today or after July a 1st, they will have to come to the conclusion, we need to use the backup system. They have the authority and the duty to make that decision.

If they don't, this Board has the duty and the authority to make that decision. And we will need to go to the hand-marked paper ballot backup process.

So that is what we will be asking of you, Ms. Grubbs, when -- when we do have this meeting. And I want to urge that it be very soon, within the next few days. We submitted this petition to you when we saw the General Assembly not act. Really, the General Assembly could have only done one thing based on where

we stand in time right now.

The only thing they could have really done that would have been effective is just to come back to you guys and say, you know, we told you what the law is, the backup law is. We know we haven't funded, nor has Secretary Raffensperger told us he wants to fund, the patch for the system and the update for the system to -- and the ability to have non QR code ballots.

All they could have done is to say to you guys, we want to reinforce what we told you before. We told you before you needed to use this -- the backup ballot system. We're telling you again. That's really all they could do. It would be effective. And if they had a special session, that's exactly what they would have to tell you.

Yeah. They can talk about what voting system they want in the future down the road, but they've got to do something for 2026. And there is only one answer. And it's already in the law, and it is already in your core responsibilities. So that's what we wanted to talk about.

MS. GRUBBS: So, Ms. Marks, the one thing that they're going to say is they're going to try to go back, call a special session, go into session, and kick the can down the road and put an effective date

somewhere out in the future. Right now, I would expect it to be in 2029 or, you know, because that's what keeps happening.

We keep expecting something different and they keep delivering a big goose egg. And so what do you say about kicking the can further down the road?

MS. MARKS: Okay. Could you go to Slide Number 5 that says, What is the Current Law?

We put out an explainer a couple of weeks ago that says, this is an unkickable can. You can't kick this can down the road. You can pretend that you're kicking a can down the road and that somehow something starts in July. But let's look at what -- when the effective dates of these things really were.

So yeah, we have SB 189 that requires a July start, that it be human readable. But since the day that voting system was in place, January 1, 2020, HB 316 that ushered it in said, you must have a human readable vote, not a human readable interpretation. That's what we've got is a human readable interpretation.

It said you must have a human readable vote. The -- the vote that is marked on the ballot. And it must be cast in absolute secrecy so that no one can know how another person voted. That wasn't effective

next July or this July. It was effective in January of 2020.

The votes must be able to be manually recounted. The votes, not the human interpretation, but the votes themselves, must be able to be manually recounted according to federal law. We can't do that. The votes must -- the machines must be able to be tested for logic and accuracy according to Georgia law.

Judge Totenberg ruled that, and everybody agreed, it can't be done with the current machines. It's violating the law. She asked this Board and the Secretary of State in 2020 to solve that problem by January of 2021. And it hasn't been done.

So, in other words, we've got a state of the law that we should be following. It's -- it's been in effect, and we have chronic violations. So there is really nothing that this state -- that -- that the legislature could do to take away all of those laws. They can't legislate away the federal law. And that's why we say, it's an unkickable can.

They can pretend, but it doesn't do the trick. And we know we have very contentious elections in 2026, and we need to get in compliance right now, rather than living with the challenges that are going to come. Can -- and I want to say one other thing about the

ballot secrecy and the KNOWiNK poll pad and the numbered list of voters.

The numbered lists of voters is quite available, and it is quite available from KNOWiNK. It's a question about whether there -- it should be or not, but it's available. The -- and it is in sequential order with the timestamp down to the second. And the -- as long as you all keep 5.5A and don't do the security patch, the -- what is called the DVS order problem. The -- the ballots, the cast vote records and the ballots are not properly randomized.

The randomization algorithm is flawed. It has been proven. I filed a complaint with you in 2022 about it, and nothing has been done about it. The Secretary has decided he doesn't care about the absolute secrecy requirements.

But you are right, Ms. Ghazal, the -- when you take the KNOWiNK information and the cast vote records, you can trace a lot of people's ballots, particularly in small towns, particularly in early voting. And if -- one of the beauties of going to hand-marked paper ballots is that you would be able to apply the security patch that you've heard so much is needed.

That security patch, we believe, based on representations of Dominion, we believe that it has the

fix for the algorithm problem, the randomization. So it will randomize the scanning of the ballots, not the scan -- not the scanning, excuse me, but the number assigned to them, and would randomize the -- the cast vote records so that it would make the ballots not traceable.

CHAIR FERVIER: Ms. Marks, if we -- if this Board chooses to have a meeting, you'll be the only item on the agenda, and we'll have plenty of time to discuss all of that, and the Board will decide. As you know, at least two members of the Board can call for a special meeting, and it can be arranged that way, so, but, I mean, unless there's something that really driving we have to hear today, I'd like to give people an opportunity to get out of here and let them clean up, so --

MS. MARKS: Okay. May I have 30 more seconds?

CHAIR FERVIER: 30 seconds.

MS. MARKS: And that is -- that's what I'm about to do. Yes. And -- and that is, could I ask you to set that meeting while you're here because you know what happens when we leave, that it all gets harder and harder to set. And Dr. Johnston and -- and, Ms. Grubbs, you mentioned, we need to have a work session.

We need to have a work session with -- let the election directors, the vendors, the Secretary of State, cybersecurity experts, come together and answer -- and some legal experts -- answer some of these questions that have been put before you guys today. There's been a lot of misunderstanding, misinformation, unintentional. More facts are needed.

And that work session, is, as you suggested, Dr. Johnston, next week would be very appropriate because your election directors are going to be doing early voting on April the 27th. So, I would like to recommend --

CHAIR FERVIER: I -- I don't --

MS. MARKS: -- making petition meeting and a work session.

CHAIR FERVIER: I -- I don't think it's possible for this Board to set a meeting date right now. I have multiple calendars I work off, as I know some other people do, and I don't have those right in front of me. So I can't tell you if I can meet next Wednesday at 2:00 or -- I mean, it's impossible.

MS. MARKS: Okay. Could you ask the staff to try to put together a work session with allowing the election directors, vendors, et cetera, come in, doesn't -- does not need to be a decision making

session for your Board. But a work session to allow exchange of information.

CHAIR FERVIER: I think Dr. Johnston and -- and Member Grubbs has already put that forward. So, I mean, it's -- the Board members can have any kind of work sessions they want to have. And so if they want to put together a committee to do that, they're -- certainly their right to do so, so --

MS. MARKS: Okay. We would just encourage it to be sooner rather than later, obviously.

CHAIR FERVIER: Yeah. Yeah.

MS. MARKS: Okay. Well, we will look to hear from you soon, and I hope the urgency of what we are asking for is understood.

CHAIR FERVIER: Thank you. I -- I swore to my wife I would be out of here by 1:00 or 2:00 a.m.

MS. GRUBBS: And I -- I want to apologize to you, Ms. Marks, because I know you drive all the way from out of state and to not be -- to not have enough time to present, I understand, is gut wrenching.

MS. MARKS: I appreciate that. I will have to say it is hard to understand sometimes this Board's priorities of what it -- what it considers to be time worthy and be put on the priority.

MS. GRUBBS: Well, I understand that you're

trying to put forth tangible solutions, and that's what we want is tangible solutions, and that's why we want to hear from people like you and election directors and so on and so forth.

MS. MARKS: Thank you.

DR. JOHNSTON: Just a quick notice, the next meeting, scheduled meeting is June 3rd at Lanier Technical College, Forsyth Conference Center, 3110 -- or 3410 Ronald Reagan Boulevard, Cumming, Georgia.

MR. MILLS: Are we going to make a move to adjourn?

CHAIR FERVIER: Chair will entertain a motion to adjourn.

MS. GHAZAL: I move that we adjourn.

CHAIR FERVIER: We have a motion. Do we have a second?

DR. JOHNSTON: Second.

CHAIR FERVIER: We have motion and a second. All in favor, signify by saying aye.

(Ayes were heard.)

CHAIR FERVIER: The motion carries unanimously. Thank you.

(Proceedings concluded.)

CERTIFICATE OF REPORTER

I, Reese Giles, a Digital Reporter within and for the State of Georgia, do hereby certify:

That the said testimony was accurately captured with annotations by me during the proceeding.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am not interested in the outcome of this matter, financial or otherwise.

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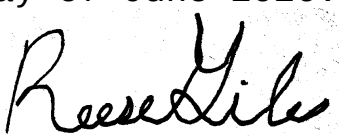

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Rachael Marlin

Rachael Marlin

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