

In the Matter Of:
GEORGIA STATE ELECTION BOARD

SPECIAL CALLED ELECTION BOARD METTING

May 01, 2026



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IN RE: State Board of Elections
DATES OF MEETING: May 1st, 2026
PLACE: Atlanta, Georgia

The recorded Zoom meeting was taken down from an audio recording by Jamie White, Certified Court Reporter, GA. Cert. No. 4628-9611-1917-4656, in and for the State of Georgia, on August 1st, 2026.

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1 APPEARANCES 2 John Fervier, Chairman 3 Dr. Jane Johnston, Vice Chair 4 James Mills, Executive Director 5 Janelle King, Member 6 Salleigh Grubbs, Member 7 Sarah Ghazal, Member 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 2 1 our soldiers that are in harm's way, that you would 2 protect them, and God, bring them home safely. God, we 3 pray for all of our leaders, both national and 4 statewide, that you would help us all look to you. And 5 God, we ask that you would grant us your wisdom. We ask 6 this in Jesus' name. Amen. 7 CHAIRMAN FERVIER: Member Grubbs, would you lead us 8 in the Pledge of Allegiance? 9 MEMBER GRUBBS: Absolutely. 10 (Pledge of Allegiance conducted.) 11 CHAIRMAN FERVIER: Thank you, Member Grubbs. 12 Member Grubbs, did you have an issue? 13 MEMBER GRUBBS: I don't have an issue, but I would 14 like to add, after the petition presentation, I would 15 like to discuss a matter of drop bags. If we could add 16 that to the agenda after the petition, the rule 17 petition. I think that would be great to address -- 18 CHAIRMAN FERVIER: During what? 19 MEMBER GRUBBS: The drop bags. I think -- 20 MEMBER GHAZAL: Member Grubbs, does this involve 21 counties? 22 MEMBER GRUBBS: Well, it would involve all the 23 counties. And it's, I believe, an issue that Director 24 Mills brought forward, and I'd like to see what he has 25 to say about it.
Page 3 1 P R O C E E D I N G S 2 CHAIRMAN FERVIER: I'm going to call the board of 3 the special meeting of the Georgia State Election Board. 4 It's a special call meeting for Friday, May 1st, 2026. 5 This meeting is being held via Zoom. It is a special 6 called meeting for the purpose of considering petition 7 that was submitted to this board previously. We will 8 start the meeting today with the Pledge of Allegiance. 9 Executive Director Mills, would you please lead us 10 in a quick prayer? 11 EXECUTIVE DIRECTOR MILLS: Yes, sir. 12 MEMBER GRUBBS: Mr. Chairman? 13 CHAIRMAN FERVIER: Yes. 14 MEMBER GRUBBS: Just one quick thing -- I have one 15 quick thing I'd like to add to the agenda, if possible 16 today -- 17 CHAIRMAN FERVIER: After we do the prayer and the 18 Pledge of Allegiance, if you don't mind. Okay. 19 Executive Director Mills. 20 EXECUTIVE DIRECTOR MILLS: All right. Okay. Thank 21 you. Let's pray. Father God, we thank you that we can 22 come to you. We have nowhere else to go. God, you are 23 God, and we ask for your intervention in our matters. 24 Give us wisdom. Give us discernment. Father, we pray 25 for peace in Jerusalem and around the world. We pray for	Page 5 1 MEMBER GHAZAL: Without notice to the counties, 2 there can be no decisions made. 3 CHAIRMAN FERVIER: If this affects all the 4 counties, and this is a specially set meeting for the 5 single purpose of hearing this petition, is it possible 6 to wait and hear this at the June 3rd meeting? I mean, 7 is there a reason to do it today versus June 3rd? 8 MEMBER GRUBBS: Well, I think it's an ongoing issue 9 that is happening now. Director Mills, do you have some 10 input on that? 11 EXECUTIVE DIRECTOR MILLS: Yes, thank you. This is 12 something that I would like for the board to consider, 13 because it seems to me, as I read the law, the election 14 code deals with drop-boxes. It does not address drop- 15 bags, and I think it would be appropriate for some sort 16 of possible program to be put in place that observes the 17 chain of custody with the drop bags and drop boxes. 18 MEMBER GRUBBS: So, I just wanted to add it as an 19 item for discussion to the agenda. 20 THE WITNESS: Could we discuss this and deal with 21 this now, since the primary is ongoing, and it's my 22 understanding that drop bags are being implemented in at 23 least two counties now? 24 CHAIRMAN FERVIER: So, you're in favor of 25 discussing it, Dr. Johnston?

Page 6 1 THE WITNESS: Yes, sir, I am. 2 CHAIRMAN FERVIER: Okay. All right. Two members, 3 we'll add that, but we can't make any decisions because 4 it really wasn't properly noticed to the public, I 5 think, being considered. So, we can discuss it in need 6 be, we can do it after our future meetings, so. 7 EXECUTIVE DIRECTOR MILLS: Mr. Chairman, the board 8 can decide whatever it chooses to decide as a board. 9 Now, this is not anything that is going to engage 10 counties. It simply would be asking for some sort of 11 follow-up. We don't know, for example, anything that 12 applies to a dropbox. If someone knows, please tell me 13 what applies to a drop-bag? 14 MEMBER GHAZAL: There is nothing in statute, as far 15 as I know, that defines a drop-bag. However, statute 16 allows every county to establish additional registration 17 sites for the purpose of receiving absentee ballots. 18 And that's very clear in statute. So, I don't know what 19 you're referring to when you say drop-bag. And without 20 having somebody from a county here to define that, I'm 21 not sure what -- what -- whether we can get a 22 satisfactory response on that. 23 MEMBER GRUBBS: Well, I just wanted to add it for 24 discussion after the rule petition and presentation, 25 Member Ghazal.	Page 8 1 that got brought up. There are only two counties that 2 I'm aware of that use the drop bags right now, and that 3 is Gwinnett and Fulton. And if there's more, I would 4 love to hear about it. 5 CHAIRMAN FERVIER: Okay. We'll add it to the 6 agenda for after the petition. 7 MEMBER GRUBBS: Okay. 8 CHAIRMAN FERVIER: We'll have a discussion. I'm 9 not that familiar with the issue, so I'll be learning 10 today about all of this -- 11 MEMBER GRUBBS: Thank you, Mr. Chairman. I 12 appreciate you adding that. 13 THE WITNESS: Mr. Chairman, there are two other 14 items I'd like to discuss after the petition is heard 15 and voted on. And one is about the cases for the June 16 meeting. And the other item is to discuss presence of 17 state election board members in the election night 18 reporting at the Secretary of State's central location. 19 And that can be after the petition is addressed. 20 CHAIRMAN FERVIER: Okay. Anything else? Okay. 21 We'll start with the agenda then. The first item on the 22 agenda is a Petition for Rule Making submitted by 23 Coalition for Good Governance, Jeanne Dufort, Aileen 24 Nakamura, Marilyn Marks. It's amendment of rules 25 183-1-15-.02, 183-1-12-.01, and 183-1-12-.11.
Page 7 1 CHAIRMAN FERVIER: Okay. Well -- 2 MEMBER KING: I do remember drop-bags being brought 3 up at the last board meeting from a couple of people who 4 were there, who did work with some counties. And so, I 5 am familiar with this. And because it is something that 6 is new and has been presented, it kind of thrown on all 7 of us without any type of introduction, explanation, or 8 discussion. And I absolutely support having a 9 discussion now, considering early voting is taking place 10 and that this is something that is taking place as we 11 speak. 12 CHAIRMAN FERVIER: Okay. Well, we'll -- 13 EXECUTIVE DIRECTOR MILLS: If I may add, Mr. 14 Chairman, when Blake Evans, the elections director for 15 the Secretary of State, was scheduled to come before the 16 board and speak, he asked us to email him questions or 17 topics. This was one of the topics that I emailed him. 18 It's on record. And I said, this is something that has 19 come up recently, and I think the board would enjoy 20 hearing a discussion and your thoughts as elections 21 director on drop-bags. 22 I'm still learning about this myself, and I have 23 not gotten a response back. He, you know, canceled and 24 did not come to our meeting. So, this is not something 25 that I'm just, you know, dreaming up. It's something	Page 9 1 Definition of vote, compliance, back-up balloting. The 2 board is here to consider whether to advance petition in 3 the rule making process. 4 This is a petition that was brought before the 5 board, I believe, at the April 15th meeting. And then 6 we had another meeting last week to discuss it. And 7 some revisions were made. We discussed it extensively 8 at the last meeting, as you know, for a couple of hours. 9 And had presentations made and a couple of hours of 10 questions being made. There have been some minor 11 changes that have been told to the petition. The board 12 was given many new changes yesterday and had a chance to 13 look at them, among everything else. 14 So, really all we need to decide today is make a 15 final determination on this petition and make sure that 16 everybody is comfortable with the minor revisions that 17 were made. With that in mind, Ms. Marks is on here, 18 Marilyn Marks? 19 MS. MARKS: Yes. 20 CHAIRMAN FERVIER: Ms. Marks, this board has looked 21 at all the documents that were submitted with the 22 revisions to the petition. Like I said, we've 23 previously discussed the petitions and all the parts 24 related to it extensively at the last meeting. So, will 25 you just take five minutes and quickly go over the

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1 changes that were made from last week when we met? I
 2 believe there were just some minor changes at your
 3 event.
 4 MS. MARKS: Okay. I will try to do that.
 5 CHAIRMAN FERVIER: But the changes were minor, so
 6 it really shouldn't take long to describe what changes
 7 were made, so.
 8 MS. MARKS: Right. My slides don't address it in
 9 just that fashion. I did want to say for the record
 10 that we greatly appreciate the time that you spent last
 11 week in talking about the authority of this board to
 12 invoke the backup system and its authority and duty to
 13 define what constitutes a vote.
 14 Now, most of that extended discussion, which we're
 15 very grateful to have, related to authority. We did
 16 really not get into the substance of the petition. We
 17 did not cover the ballot secrecy issues. We did not
 18 cover things like the violations of logic and accuracy
 19 testing. And we did not cover the privacy issue, which
 20 is an addition that we made this time after it has come
 21 up in the last two board meetings that we were asked
 22 about.
 23 So, in many ways, what's been covered is the
 24 authority rather than the substance of the petition.
 25 And I'm a little concerned that there may have been

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1 questions about the substance of the petition that did
 2 not have time to get answered last time. But with that,
 3 could we go ahead and put up the slides that I brought
 4 along? And I will try to maybe hit a few points about
 5 what caused some of the agreed changes for the rules
 6 text. And perhaps we can answer any questions.
 7 MEMBER GRUBBS: Ms. Marks, while they're getting
 8 your slides up, I did want to bring up one thing, which
 9 I don't think that we really -- it was brought up by
 10 Member Ghazal, and it is a concern, which is the DVS
 11 order situation. And when you're presenting, if you
 12 could please include that information on the DVS order
 13 and how that affects how your rule petition would
 14 address that.
 15 MS. MARKS: Okay.
 16 CHAIRMAN FERVIER: Well, we are limiting this
 17 presentation because the board has received quite a bit
 18 of information already and had the opportunity to ask
 19 any questions at the last meeting. We extensively
 20 offered a couple of hours. And so, if they had
 21 questions pertaining to the other portions of the
 22 petition, they could have asked it last week. So, this
 23 week we're focusing on changes that were made to that
 24 original petition, really, so.
 25 MEMBER GRUBBS: Well, at the last meeting -- at the

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1 last meeting, there was, you know, input requested by
 2 Member King and by me. So, I, you know, I can't -- I
 3 certainly don't want to vote on something that I don't
 4 feel comfortable having questions answered. So, there
 5 are a few questions. So, I would appreciate the ability
 6 for Ms. Marks to answer those.
 7 CHAIRMAN FERVIER: You'll be able to ask questions,
 8 but I didn't want to get to a long presentation.
 9 Because, like I said, we did a long presentation last
 10 time. And if the board has any questions, they can ask
 11 questions of Ms. Marks.
 12 MEMBER GRUBBS: Okay.
 13 CHAIRMAN FERVIER: But the text needs to be very
 14 short, so.
 15 MS. MARKS: All right --
 16 **THE WITNESS: Chairman Fervier, Chairman Fervier, I**
 17 **would recommend no more than five minutes, please.**
 18 CHAIRMAN FERVIER: Yes. All right. Let's start
 19 the clock now. Five minutes.
 20 MR. WHITE: I apologize real quick. Ms. Marks, are
 21 you allowed to share your screen if you want me to share
 22 your slides for you?
 23 MS. MARKS: Let me see if I can figure out how to
 24 do that.
 25 MR. WHITE: I can put it up, no problem, if you

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1 want me to.
 2 MS. MARKS: It says that you disabled my screen
 3 sharing. So, maybe we ought to let you do it.
 4 MR. WHITE: I'm sorry. I thought it was -- There
 5 we go.
 6 MS. MARKS: Okay. All right. We're going to have
 7 to flip through these really fast. Hit that next slide
 8 really quickly. And, again, Mr. Chairman, I would say
 9 that we never got a chance to cover the substance of the
 10 petition. So, I will hope that the members' questions
 11 will be sure that they understand all that we are
 12 covering in this fairly complex petition. Let's --
 13 oops, there we go. That's what we want to do.
 14 There's still a considerable misunderstanding about
 15 what we are trying to propose. I just want to cover,
 16 again, this is not emergency rule making at all.
 17 Nothing to do with emergency rule making. It's not
 18 legislation. It is not an enforcement action. And some
 19 people think we're talking about a change in the
 20 authorized voting system. Absolutely not. The backup
 21 system is fully authorized by law as the backup system.
 22 And it is not a hand counting proposal.
 23 Let's flip along to a couple more slides. Okay.
 24 Go back right there, Sean. Excuse me. Yeah, there you
 25 go. I just want to remind the board that what we're

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1 asking today is to initiate the 30-day period for rule
 2 making public comment where you can spend the time, the
 3 next 30 days, getting input from your local accounting,
 4 your local election officials, vendors, Secretary of
 5 State, the AG's office, but most importantly the two
 6 standing committees of the General Assembly who have
 7 oversight on election rule making.

8 And they have not taken an active participation in
 9 the past. I hope you will invite them to do that in the
 10 next 30 days. Okay. Sean, let's flip ahead a little
 11 bit. Okay. Let's go ahead. Go ahead on that one.
 12 Move ahead on that one. Just wanting to -- Okay. This
 13 is good. I wanted to remind you that what we're talking
 14 about today, one of the rules is in defining the vote.
 15 You have a statutory requirement to determine what
 16 constitutes a vote.

17 And that is core to all of this. And when you talk
 18 about do we have authority, do we not have authority,
 19 there is no question that you've got this duty. And in
 20 2020 when your previous board tried to address this
 21 duty, they more or less punted and said it's just
 22 whatever is on the paper. Let's go forward, Sean.
 23 Okay. This is what the previous board did. Let's jump
 24 back. There we go. What the previous board did in the
 25 rule that we are saying must be changed is they said

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1 that a vote, note that, a single vote cast in an optical
 2 scan system, electronic ballot marker, shall be the
 3 choices, plural.

4 MR. WHITE: Two minutes remaining.

5 MS. MARKS: I'm sorry?

6 MR. WHITE: Two minutes remaining.

7 MS. MARKS: Thank you. All right. So this shows
 8 that there absolutely must be a change to this rule
 9 because it really is nonsensical the way it is right
 10 now. Okay. Let's go forward and see what we can get
 11 done in two minutes. I want to be sure that you all
 12 know that SEB 189 is requiring the type of voting system
 13 where a ballot has been shown here on the right, where
 14 the official vote must be the text and not on the left a
 15 QR code, and that must be scanned by the voting system.
 16 We don't have such a voting system.

17 It is impossible and impracticable to try to comply
 18 with 189 or even the current statute. And, Sean, let's
 19 go ahead a little bit. And let's go to one more. Can
 20 you go ahead one more? There we go. Forgetting about
 21 the July 1 deadline, so-called deadline of 189,
 22 regardless of what happens to 189, even if it were to be
 23 repealed. Let's see.

24 I've missed the slide I wanted to go. Can you go
 25 back one? All right. That's the one we wanted to.

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1 Whatever happens to 189, you still have to use the text
 2 portion because it is the only human readable format
 3 that is required by 2019 HB 316. And you have to read
 4 the text portion in order --

5 MR. WHITE: 15 seconds.

6 MS. MARKS: Okay. So, therefore, you've got to go
 7 to the authorized backup system. And I just want to say
 8 for the record that much of this has not been gone over,
 9 and I really hope that you will be giving fair due
 10 diligence to this consideration before you. I would
 11 also say that we asked yesterday how much time we should
 12 be given and what should be in the presentation.

13 We asked for at least 20 minutes. We received no
 14 answer, so we came unprepared for a five-minute
 15 presentation. But I hope that you will ask us questions
 16 and go over the entire petition. Every member is
 17 thoroughly familiar with it. And, Sean, I did not send
 18 you a separate slide set, but hopefully you have got the
 19 petition text. I can email that PDF to you if you want
 20 it. And if the members need to have you show it on the
 21 screen to go over that petition text, we can be ready to
 22 do that. Do I need to send it to you or do you have it
 23 in the emails?

24 MR. WHITE: Can you go ahead and send it to me just
 25 in case?

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1 MS. MARKS: I sure will.

2 MR. WHITE: I'd rather be safe than sorry.

3 MS. MARKS: Sure. Sure. I'll do that right now.

4 MR. WHITE: Thank you.

5 CHAIRMAN FERVIER: Thank you. Now, like I said,
 6 I've never received a petition yet for this board that's
 7 been as well documented as this and has as many things
 8 to read. And I've read everything that's been sent.
 9 I've read the petition. I've read all the documents.
 10 I've read all the slides that have been presented. I've
 11 looked at everything myself. I'm sure the other board
 12 members have also done that. So, like I said, I've
 13 never received one that was as well documented as this.

14 So, I understood all the issues involved with it
 15 and all the -- what you're trying to explain to the
 16 board myself. So, I appreciate that. If a board member
 17 has any questions now, certainly, or would like to make
 18 any statements, please feel free. Raise your hands,
 19 though, if you don't mind, or stick to five minutes so I
 20 know who to call on. Member Grubbs, did you have
 21 something? You have -- is she frozen? Yeah. Sean, it
 22 appears Member Grubbs is out to -- I think she's dropped
 23 off now.

24 MR. WHITE: I'll keep her back on when she comes
 25 back online.

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1 CHAIRMAN FEVER: Okay. We'll give her a second.
2 Any other members have any questions that they would
3 like to address? Any comments?
4 MEMBER KING: No questions. My quick, quick, quick
5 comment is that I think we all agree that something has
6 to happen. I don't think anyone wants to be confused
7 about that. I also don't think that the confusion is in
8 the way we are currently -- I'm sorry, I believe the
9 confusion is the way that we're currently voting. We
10 all know that the QR codes are scheduled to go come July
11 1st.
12 So my position -- I still kind of -- I still stand
13 on where I stand, is that I believe that this rule will
14 cause us to have to create, essentially, several
15 subsequent rules in order for it to actually provide
16 guidance to the counties so that they can have a plan
17 going into this post-July 1st era as well. So I
18 personally -- and again, I understood that what I was
19 asking for would pretty much require an entire new rule
20 because it would change a lot of the existing rule. So
21 I understood that going into it.
22 But again, I just -- my concern is that I don't
23 want to create a scenario where there's a rule out there
24 that the counties are still a little confused on whether
25 or not we can use this rule to justify actions that they

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1 need to take or even present it to a judge and then the
2 judge is confused as well. So my position still remains
3 the same.
4 MS. MARKS: May I address that, Member King?
5 MEMBER KING: Absolutely.
6 MS. MARKS: Okay. And thank you for sending me
7 your questions and comments last week. And, you know, I
8 hear you that, yes, there will be some detailed
9 implementation and a transition plan that the counties
10 need to adopt. As I looked back through the rules, the
11 so-called emergency ballot procedures are pretty well
12 documented. And they -- and they're used to doing them.
13 And when you talk about an implementation plan, it
14 seemed to me that that was more appropriate for a set of
15 memos of guidance as opposed to rules because those
16 rules are meant to be ongoing and evergreen and not
17 necessarily a plan or you would ask about a budget.
18 And so it seems to me that this board would be well
19 advised after it meets in like an award session with
20 your election officials to then create a non-binding
21 guidance document for the transition as opposed to
22 making them permanent rules. And so that's why I gave
23 back to you a rule that you might want to propose, and
24 that was more documentation about how to do chain of
25 custody, etcetera, for ballot on demand printers, which

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1 is a new thing that is not documented.
2 MEMBER GHAZAL: I would also like to make the
3 point, Member King, it's really important that people
4 understand that this rule doesn't apply as of July 1st.
5 This rule applies as of adoption and therefore would
6 apply to a runoff. Counties would be required to move
7 to paper ballots as soon as the rule comes into force.
8 And we discussed this in the last meeting. Have you
9 changed that significantly?
10 MS. MARKS: Actually, we did not get a chance to
11 respond to that at the last meeting. We wanted to, but
12 as I understand it, the runoff is June the 16th. And so
13 that would occur, see, if you were to vote to adopt the
14 rule on June the 4th, that you're meeting on June the
15 4th, then there is a 20-day waiting period before it
16 becomes effective. So that puts you at, what, June the
17 24th, and that would be after the runoff period, unless
18 I have the calendar wrong.
19 MEMBER GHAZAL: And may I reply? Thank you for
20 clarifying. Let me finish this one point. But the
21 underlying reasoning is the same, that adopting this
22 rule is effectively saying that our election system, our
23 voting system, has been unlawful since it was adopted.
24 That is the legal basis of this rule, that every
25 election that we have held since we started implementing

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1 them on the BNB system has been unlawful.
2 MS. MARKS: Correct.
3 MEMBER GHAZAL: Very clear that that is -- that's
4 the legal theory here.
5 MS. MARKS: Yes, it is. And one of the things the
6 board could do, in terms of kind of having this
7 immediate change, is you could set an effective date for
8 your rule if you wanted to. And I know it gets to be
9 legally tricky to do this, but the board could say, we
10 want to make this effective September 1 to allow for a
11 little more transition, and work with your lawyers to
12 figure out how best to do that.
13 But, yes, we do think it is imperative that the
14 state get into compliance with all of these laws, from
15 ballot secrecy, to vote counting, to logic and accuracy
16 tests, and so on. And to have human readable,
17 verifiable votes. So yes, you're exactly right, but you
18 might want to consider putting a different effective
19 date on it, if that sudden change is of concern.
20 If I may, I have a very short slide deck that was
21 constructed to answer some of Member King's questions.
22 The question you have, Sarah, about timeline and some of
23 the feedback we've gotten from counties. So in terms of
24 you hearing what we have heard, both at the last meeting
25 and since then, you might want to let me walk through my

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1 slide deck, because that might help.

2 CHAIRMAN FERVIER: Member Ghazal, do you have any

3 questions on that?

4 MEMBER GHAZAL: No, I'm quite clear on this.

5 CHAIRMAN FERVIER: Okay. Any further questions

6 from the board?

7 MS. MARKS: Ms. Grubbs, you had asked me to go over

8 the ballot, the DVS order --

9 MEMBER GRUBBS: Yes.

10 MS. MARKS: -- and I just wanted to let you know

11 while you got kicked off there for a moment, I did not

12 get a chance to do that, time was called. So I have not

13 answered that question for you or the public.

14 MEMBER GRUBBS: Could you please answer that? And

15 then I also had a question on logic and accuracy,

16 because that's one aspect that was never addressed

17 either last week. So I'd like the DVS question answered

18 first.

19 MS. MARKS: All right. Let's go to the slide

20 number 19, if we could do that, Sean. Which the law

21 requires on one side, and it's got a slide of, and it

22 says absolute ballot secrecy. There you go. Thank you.

23 All right. So DVS order is, it means Dominion Voting

24 System order. There is a privacy violation that --

25 **THE WITNESS: Ms. Grubbs -- I mean, Ms. Marks,**

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1 **would you limit this to one or two minutes, please?**

2 MS. MARKS: It's pretty complex and it's hard to

3 do, and I'm sorry that this board is so impatient with

4 getting the information that you need to make a good

5 decision.

6 **THE WITNESS: Ms. Marks, I don't think the board is**

7 **impatient. We were very patient for three and a half**

8 **hours last week. If you could limit this to one or two**

9 **minutes, the board would appreciate it.**

10 CHAIRMAN FERVIER: Let me just say, we're not

11 impatient. We have been given a great deal of documents

12 that all the board members have looked at and read, and

13 I understood them. I understood the comments made, and

14 I understood the issues involved with it, so.

15 MS. MARKS: So the current software, there is no

16 question that it violates ballot secrecy, violates

17 everyone. Everyone is at risk of having their vote

18 disclosed. It is a gross violation of the Constitution

19 and ballot secrecy, and what needs to happen is that the

20 updated software that has not been installed be

21 installed as you go to the hand-marked paper ballot

22 system, the backup system. That is what will cure the

23 DVS work problem.

24 MEMBER GRUBBS: Thank you so much.

25 **THE WITNESS: My comment on that is absentee**

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1 **ballots by voting by mail also violates ballot secrecy,**

2 **and we are not proposing to do away with absentee by**

3 **mail voting.**

4 MS. MARKS: We would disagree. It does not violate

5 ballot secrecy so long as the processes are followed,

6 and it has been our experience in observing the

7 counties. Yes, we have seen a few violations, but for

8 the most part they are really good at keeping the

9 secrecy sleeve separated from the marked envelope that

10 comes in, and once it is in that secrecy sleeve and

11 shuffled off to the mail ballot processing, there is no

12 secrecy violation. If I were --

13 **THE WITNESS: There -- there's no -- there is no**

14 **protection for a voter with an absentee by mail ballot**

15 **in their home or in their apartment or in any location**

16 **where they receive the ballot, it guarantees them**

17 **secrecy. They are not provided any supervision or**

18 **oversight or protection by election officials at that**

19 **point.**

20 MS. MARKS: But if they follow the law, they cannot

21 show it to anyone. So --

22 **THE WITNESS: Has anyone demonstrated this DVS**

23 **order? Has somebody identified who a voter voted for?**

24 MS. MARKS: Yes.

25 **THE WITNESS: Who? Provide the evidence, please.**

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1 MS. MARKS: I don't intend to do that because it

2 would be illegal for me to do that, and I'm not going to

3 do it. But I can -- if you'd like to get on a Zoom call

4 at some point, I can show you how to do it and show you

5 how easy it is to do. I don't know --

6 **THE WITNESS: Right. It would be illegal, and**

7 **anybody that's doing that should be investigated and**

8 **prosecuted.**

9 MS. MARKS: I don't know that it is illegal to look

10 at it. It is illegal to disclose it, I believe. But

11 regardless, we should not have a -- it should not be a

12 test of, you know, whether or not it's disclosed aloud

13 to the public. No one should be able to know and look

14 up how someone is voting. And there's just no way to

15 have a defense of a system that allows ballots to be

16 traceable to the voter. It cannot be sustained.

17 **THE WITNESS: No one should steal an absentee by**

18 **mail ballot, but it's not that we're going to prohibit**

19 **absentee by mail voting because somebody could steal an**

20 **absentee by mail ballot.**

21 MS. MARKS: This is a very different situation.

22 You're talking about committing a crime and stealing an

23 absentee ballot. But what you're talking about is

24 completely violating the Georgia Constitution in many

25 statutes and federal law, when you have a system that

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1 systematically creates traceable ballots.

2 **THE WITNESS: It takes a bit of work to do what**

3 **you're claiming it will do. Five minutes.**

4 MS. MARKS: Three minutes.

5 **THE WITNESS: Right. Is this happening regularly?**

6 MS. MARKS: Probably. I mean, I cannot tell you

7 what other people are doing. But I think you're focused

8 on people actually doing this behind closed doors and

9 calling them the criminals, when the problem is that

10 we're creating the invitation to do it. When I say, we,

11 the state is creating the invitation to do it. The

12 state is the one violating the law here by creating

13 traceable ballots.

14 There is no question that it's being done. I filed

15 a complaint with this board in October of 2022 about it,

16 after Professor Halderman [ph] filed a letter with,

17 after notifying Dominion, then filed a letter with

18 Secretary of State asking that this violation be

19 addressed and stopped, and Dominion did change their

20 software. They realized it was a problem. They changed

21 their software, but the state has not chosen to deploy

22 that software fix yet.

23 **THE WITNESS: And, Ms. Marks, election fraud and**

24 **voter fraud can happen in any way with any method.**

25 **Ballots can be duplicated, and that doesn't mean that we**

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1 do away with ballots. You know, there's all sorts of

2 ways to commit voter fraud, so election management

3 systems that tabulate votes, those can be hacked, but we

4 don't do away with election management systems to

5 produce the tabulation of the votes.

6 So you're speaking, you're speculating about a risk

7 or a possibility and recommending that certain

8 safeguards and protections like the numbered voter lists

9 not be kept, and I think --

10 MS. MARKS: That's not --

11 **THE WITNESS: That's what it sounds like. So are**

12 **you trying or maybe justifying the use of a particular**

13 **part of the equipment?**

14 MS. MARKS: Member Grubbs, please go ahead, but I

15 would like to respond to Dr. Johnston if possible.

16 CHAIRMAN FERVIER: Well, let me gain a little bit

17 of control here. Let's let Dr. Johnston and Marilyn

18 Marks finish their conversation before we --

19 MS. MARKS: Sorry, I thought I interrupted her. I

20 apologize. Now, Dr. Johnston, I wrote you all a cover

21 letter yesterday, and I specifically addressed the

22 point, and you might have missed it, but I spent about

23 half a page addressing that very point. The numbered

24 list of voters. I completely agree with you that that

25 numbered list of voters ought to be publishable on a

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1 billboard. It ought to be available to everybody.

2 That numbered list of voters should be a very quick

3 public record, and I gave you examples in the letter of

4 what my history was in other states in working with this

5 public record. The problem, the reason that people are

6 obstructing the numbered list of voters is because of a

7 flaw in the system. It's not because it shouldn't be a

8 public record. It damn sure should -- excuse me -- It

9 should be a public record, and we shouldn't have to

10 worry about the fact that it is in order and it has time

11 stamps.

12 The reason everybody's worried about that is

13 because there's a major flaw in the scanner. Once you

14 take care of the flaw in the scanner and that software,

15 then of course the numbered list of voters would

16 certainly be free for everyone to see, and should be,

17 and should be available during the day.

18 **THE WITNESS: We're a bit off topic, and the issue**

19 **is that the Secretary of State has not performed an**

20 **upgrade on the Dominion Voting System. It was purchased**

21 **by Georgia five years ago, and the Secretary of State**

22 **made that decision long ago, and it has not performed as**

23 **it should have been performed. But we need to deal with**

24 **the petition. So --**

25 MS. MARKS: And the petition --

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1 **THE WITNESS: -- this is a conversation for another**

2 **time. We need to deal with the petition.**

3 CHAIRMAN FERVIER: Let's get back to the petition.

4 We're here today to --

5 MS. MARKS: It is -- it is in the petition.

6 CHAIRMAN FERVIER: All right. Let's get back to

7 dealing with the petition --

8 MS. MARKS: Okay. May I say this about the

9 petition? The petition specifically asks, and its

10 Exhibit 4, that you tell -- you command the Secretary of

11 State to update that software as part of this petition.

12 That is in there.

13 MEMBER GRUBBS: Ms. Marks, how much does it cost to

14 update the software from Dominion, the provided

15 software? How much does that cost, the state, for the

16 software?

17 MS. MARKS: Well, it's my understanding that it's

18 already been provided and is part of the master

19 contract. Software upgrades were available for free, so

20 they already have it. They've already tested 5.17.

21 Whether they have tested later versions, I don't know,

22 but they certainly have them available for free. All

23 they need to do is pay to install that software, and our

24 recommendation is it would be installed as you were

25 using the backup system.

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1 So for a limited number of touchscreens that would
 2 be used for accessibility, then your precinct scanners,
 3 which only take 20 minutes to update, and your EMS
 4 server, which I don't know how much time that is, but
 5 probably not a lot of time.

6 MEMBER GRUBBS: So just to be clear, Dominion has
 7 provided or can provide the updated software for free as
 8 part of the initial purchase under the original contract
 9 with Dominion. The Secretary of State just has not
 10 implemented it because of the questionable, I guess,
 11 labor cost in doing so. Is that correct?

12 MS. MARKS: I can't tell you all of the reasons
 13 that he would have had for not doing it, but he has not
 14 done it, I'll put it that way. And the way he was
 15 talking about doing it is keeping all of the BMDs, which
 16 would have been 35,000 or so BMDs, and would have had to
 17 change out the operating system and then install this
 18 software, which we understood would take, he had said
 19 90,000 labor hours. It wouldn't take anything close to
 20 that if you were just doing your accessibility units and
 21 your precinct scanners and EMF servers.

22 That's why we think that when you apply the law,
 23 you will find it is impossible and practicable to
 24 continue to use the system. Therefore, what do you do?
 25 You've got the backup system. Now the backup system

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1 makes it possible and quite feasible and inexpensive to
 2 apply the patch.

3 MEMBER GRUBBS: Thank you.

4 CHAIRMAN FERVIER: Are there any further comments
 5 or questions from the members of the board? Has the
 6 board had sufficient time to fully consider this
 7 petition?

8 MEMBER GRUBBS: Well, Mr. Chairman, I'm just going
 9 to tell you, I think this is a very complex problem.
 10 There's a lot of moving parts to it. I -- Personally, I
 11 mean, I know that we gave a lot of time to Ms. Marks
 12 during the last meeting, but she did not get through all
 13 of her presentation as comprehensively as I personally
 14 think that she deserved the time to do. I know it was a
 15 long meeting, and, you know, we were to take time and go
 16 over things and then have this meeting today.

17 You know, I know everybody's all in a dither to get
 18 through it and rush her along, which I think is
 19 unfortunate. I'm just being honest. I think it's very
 20 unfortunate. I think that maybe I have a difference of
 21 opinion. I think these details of the DVS order issue,
 22 which, you know, I didn't realize the significance of
 23 that issue until I went back and researched things based
 24 on what members have all said, because we certainly
 25 don't want to, you know, out people in their voting, you

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1 know, if they're protected.

2 And, you know, I think it's -- I think it's a very
 3 important, crucial issue, and I'm appreciative of the
 4 presentation and the level of detail that you've got in.
 5 I'd also just like to remind, you know, I'm in favor of
 6 putting this into rule making and having rule making the
 7 30 days to hear from people. We've heard from some, but
 8 until it's officially into the rule making process, this
 9 is not a final decision on passing the rule.

10 It is putting it out there so that we can invite
 11 the public to be part of the process and to perhaps have
 12 a demonstration. I think it would be perfectly
 13 reasonable to have the executive director and his team
 14 to come up with a work session where people can see how
 15 this could feasibly work and to engage all the election
 16 directors that have concerns about it. I think it's a
 17 pretty big, significant process, and I -- you know, I
 18 think it's worthy of consideration. I know that, you
 19 know, not everybody's time is my time, and I understand
 20 that.

21 CHAIRMAN FERVIER: Thank you. Any further comments
 22 from other members of the board? I would like to say, I
 23 think I've had sufficient time to look at this. It's
 24 been on our plate for almost a month now, and like I
 25 said, it's the most documented petition I've seen in my

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1 time on this board, multiple documents, multiple
 2 presentations, and multiple slideshows. I've looked at
 3 it. I've also had time to go out and ask people,
 4 election directors, how they felt about it, and I think
 5 there was a pretty good one that came in today from
 6 Baldwin County that talked about the impact of passing
 7 this rule on the counties, and that's not the only
 8 county I've heard from.

9 I've heard from other counties, many other
 10 counties, on the impact of this, as well as legislative
 11 people and other people. My opinion is that this rule
 12 changes things in the law, requires new definitions of
 13 what constitutes a vote. And --

14 MEMBER GRUBBS: That's our job.

15 CHAIRMAN FERVIER: Pardon me?

16 MEMBER GRUBBS: That's our job, is to determine
 17 what constitutes a vote.

18 CHAIRMAN FERVIER: Well, we don't change the
 19 definition. Constitutes a vote, it changes the primary
 20 voting method for almost everybody in the state of
 21 Georgia. I simply don't think that it's grounded in
 22 statute. I don't think that the board has the authority
 23 to pass this legislation. I'm not -- I am not opining
 24 on the value of going to hand-marked ballots. It's
 25 simply this particular petition.

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1 And if there are no other questions from the board
 2 at this time, then I'm prepared to exercise my option as
 3 a chairman and make a motion. And my motion is that
 4 this petition be denied, and the reason that it does is
 5 it does not, it's not grounded in statute, and the board
 6 does not have the authority to make this change, and it
 7 changes definitions.

8 Now, as a chairman, in making that motion, it does
 9 not require a second, so the chair will call a vote at
 10 this time. And we will call in order of seniority, as
 11 we have in the past, since we're on Zoom, and I can't
 12 see or hear everybody concurrently. So, Member Ghazal,
 13 how do you vote?

14 MEMBER GHAZAL: Aye.

15 CHAIRMAN FERVIER: Member Johnston, how do you
 16 vote?

17 **THE WITNESS: Aye.**

18 CHAIRMAN FERVIER: Member King, how do you vote?

19 MEMBER KING: Aye.

20 CHAIRMAN FERVIER: Member Grubbs, how do you vote?

21 MEMBER GRUBBS: Nay.

22 CHAIRMAN FERVIER: The chairman will exercise his
 23 vote and vote aye. The motion passes four to one. It
 24 denies the petition. Thank you. We will move on to the
 25 next item on the agenda, which is drop bags. I believe

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1 that was brought up by Member Grubbs. Member Grubbs,
 2 would you like to start this discussion?

3 MEMBER GRUBBS: Yes, Mr. Chairman. I would like to
 4 have Mr. Mills explain his position and view on this.
 5 As you know, the issue has come up at Fulton County, and
 6 I believe another county, where they're delivering
 7 things to a drop bag, and I don't think it's the, you
 8 know, as Member Ghazal said, I don't know that there's a
 9 prohibition to it, but I think that there probably are
 10 some guardrails that need to be put around it. And can
 11 you further explain, Mr. Mills?

12 EXECUTIVE DIRECTOR MILLS: Thank you, Member
 13 Grubbs. My understanding is that, you know, this has
 14 recently been brought to light, specifically by Fulton
 15 County, who is implementing in this election cycle,
 16 recently just started with the early voting of these
 17 drop bags that are apparently being delivered each
 18 night, and they're being delivered to the voting hub.
 19 We don't even know at this point if they're -- I would
 20 assume they adopted a procedure.

21 If Gwinnett County is doing it as well, I would
 22 assume they probably have a drop bag procedure. But at
 23 this point, I don't know what that procedure is. And
 24 chain of custody is important to this board and this
 25 agency. And so I would like to come up with a program

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1 that we could ensure chain of custody, or at least
 2 observe the chain of custody with the drop bags and the
 3 drop boxes and the recent surveillance rule that this
 4 board passed, you know, has been sent out this week by
 5 Sherrie and Hope in our office to all the counties, just
 6 making them aware that, you know, the current law talks
 7 about drop boxes are supposed to be under surveillance.

8 And there's a number of things that that includes,
 9 either a video, either a designated officer, I believe,
 10 or some, an election official. And whether or not that
 11 is going on or not, we don't really know, but I think it
 12 would be important to know. And I think it would, if
 13 the drop bags have been created, I don't know why
 14 they've been created.

15 You know, that's a new term that kind of goes
 16 around the existing law. I don't know what law there is
 17 that addresses the drop bag term, since it's not a legal
 18 term in the code at this point.

19 MEMBER GHAZAL: We previously had contemplated,
 20 we've had a couple of different drafts of rules that
 21 would address counties accepting absentee ballots
 22 delivered in person at these additional registrar sites.
 23 At some point, I had just pulled up the statutory
 24 provision. I have no idea what the term drop bag means,
 25 but many counties have done this for many years.

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1 To my knowledge, Fulton County has not done this in
 2 previous years, but I know that Gwinnett County has long
 3 had set standard written procedures for this. DeKalb
 4 County has long done this. I don't know which other
 5 counties conduct this, because it's allowed under
 6 statute, but this would be an area where I think it
 7 would be right for rule making to standardize these
 8 procedures and ensure that there are standard chain of
 9 custody, again, within the confines of the law.

10 We can't create additional requirements that the
 11 law does not provide, which is why there was a rule that
 12 got struck down because it was extra -- extra legal, but
 13 I think we could probably look again at this. I would
 14 be perfectly happy to work with any other board members
 15 to try to help draft something. That does not address
 16 the current right now, and obviously it can't come into
 17 place right now, but I think it would certainly be
 18 acceptable to observe or reach out and ask what the
 19 written rules are that have been put in place by each
 20 county, and it might be useful to look at that in order
 21 to inform rule making.

22 CHAIRMAN FERVIER: Is there a volunteer that's
 23 willing to work with Member Ghazal?

24 **THE WITNESS: I have a question. I have a question**
 25 **for Member Ghazal. Are these additional registration**

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1 sites, Member Ghazal?

2 MEMBER GHAZAL: That is -- that -- Well, that is

3 the provision of law under which Gwinnett County and

4 DeKalb County previously have undertaken accepting

5 absentee ballots delivered in person. Yes. I have no

6 idea what's going on in Fulton County. I don't know

7 what that looks like. But I'm just saying that in the

8 past, that is the provision of statute that has

9 authorized other counties to accept absentee ballots to

10 be delivered in person.

11 THE WITNESS: So I think the statute mentions

12 additional registrar sites.

13 MEMBER GHAZAL: That's right.

14 THE WITNESS: But are early voting locations

15 registrar sites?

16 MEMBER GHAZAL: If --

17 THE WITNESS: Do they register voters?

18 MEMBER GHAZAL: If there's -- These are additional

19 registration sites for purposes of accepting ballots.

20 It's at 21-2-382. Let me pull that up.

21 THE WITNESS: If it's a registration site that does

22 not accept voter registrations --

23 MEMBER GHAZAL: I imagine it could, but it's in the

24 blackout period. So that would be -- they would have to

25 be held in abeyance. Any other provisions of this

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1 chapter -- the contrary notwithstanding, the Board of

2 Registrars may establish additional registrar's offices

3 or places of registration for the purpose of receiving

4 absentee ballots under Code Section 21-2-381 and for the

5 purpose of advanced voting under Code Section 21-2-385.

6 So that is extremely clear that the statute and the

7 legislature have provided for establishing these sites

8 to accept absentee ballots because 21-2-381 are absentee

9 ballots by mail and 21-2-385 are absentee ballots in

10 person.

11 Because recall, our early voting technically is

12 absentee in-person voting. And so that is overseen by

13 the registrar as opposed to the election director. Now,

14 in many counties that's the same person, but we even

15 have one county in the state that have entirely

16 different boards. So the Board of Registrars oversees

17 early voting and absentee voting as well as voter

18 registration. So it is not necessary for these sites to

19 accept voter registration. I assume that they would,

20 though.

21 And in fact, there are other provisions of code

22 that say, that direct the county to provide a voter

23 registration form to update people's registered address

24 if they moved and their registered address in the poll

25 ads as recorded by the county is out of date.

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1 THE WITNESS: Well, I voted earlier this week and I

2 asked about registering to vote at the early voting

3 site. And the poll officer said, oh, no, you cannot do

4 that here. So I'm trying to understand the

5 inconsistency that these are registrar sites. Is a

6 registrar located in each of these early voting sites?

7 MEMBER GHAZAL: I would imagine that in order to

8 qualify, that there is somebody who has been qualified

9 as a deputy registrar.

10 THE WITNESS: So they're officially, they've been

11 to the course, they've taken the course and they're

12 officially a deputy registrar. I just -- I'm concerned

13 about this sort of yet another way to return ballots

14 that is -- I'm not sure how protected it is or what the

15 safeguards are, that the ballots will actually be

16 handled as securely and safely as they should be.

17 And that there is some assurity that the ballots

18 will actually make it back to the election office to be

19 processed and counted. Is there, I mean, I'd kind of

20 like to look into this, you know, a chain of custody of

21 this or maybe we need to have an investigation about

22 this. We're outside of the postal service where you

23 have the safeguards of the United States Post Office and

24 it's not an official election office.

25 We're just having early voting sites where ballots

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1 are dropped off. Who's being accountable for these

2 ballots and are they keeping a record of it? Do we know

3 exactly -- do we know how many are dropped off and are

4 they carefully packaged and sealed and secured and sent

5 back to the election office without being thrown in the

6 trash or added to in a bag -- in a ballot bag, like

7 what's this called, a drop bag?

8 MEMBER GHAZAL: The problem is since there was no

9 notice, and this has been done for years and we've had

10 cases of, in fact, we've sent cases and we've sent

11 counties to the Attorney General's office because their

12 method of securing the ballots we determined was not

13 adequate. And this is why I say that it is absolutely

14 right for rule making, but in the absence of any

15 allegation of wrongdoing, I'm not sure what an

16 investigation would do.

17 And I think it would behoove us to actually find

18 out more and invite the counties that are undertaking

19 this and who have been doing it for years to discuss it.

20 But it is very, very clear in statute that this is a

21 lawful activity.

22 CHAIRMAN FEVERIER: Well, why don't we send a letter

23 to Gwinnett County and Fulton County the next day or two

24 and ask them for their written procedures on dealing

25 with the drop bags. And we'll get the procedures and

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1 then we can decide whether to invite them to the June
2 meeting to discuss it with us.

3 **THE WITNESS: Is DeKalb County doing this also?**

4 MEMBER GHAZAL: I know in years past they have
5 absolutely accepted absentee ballots, but I cannot speak
6 on behalf of DeKalb County and they're not here. And
7 again, there was no notice of this being on the agenda
8 today.

9 **THE WITNESS: I think it would be prudent of us to**
10 **be proactive rather than reactive. And I don't want to**
11 **hear of a voter who complains after the election that**
12 **they dropped their ballot off and it never got back to**
13 **the election office and was not counted and they lost**
14 **their vote and they were disenfranchised from voting.**
15 **That's reactive.**

16 I think we probably should make sure that the
17 safeguards are in place, especially for a large county
18 that sometimes has difficulty with record keeping and
19 chain of custody issues.

20 CHAIRMAN FERVIER: Executive Director Mills, did
21 you have a comment?

22 EXECUTIVE DIRECTOR MILLS: Yes, sir. Thank you for
23 recognizing me. My whole intention here was, one, we're
24 in the middle of early voting -- not the middle -- we're
25 in the beginning stages of early voting right now. My

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1 understanding and listening to what I read, Fulton
2 County was there's 20-something drop-bag locations being
3 added. They're going to require, I think, someone to
4 query those from the drop-bag location back to the
5 Fulton County hub.

6 And my thinking was that if this board would grant
7 me the approval to implement a program that allowed me
8 to contract or make agreements for somebody to observe
9 the drop-bag chain of custody, then we would simply
10 observe what's going on and make notes.

11 For example, you know, what time were they picked
12 up? What time were they dropped off? Who -- who --
13 What is the chain of custody? None of us know that
14 right now. And this is a very serious matter. You're
15 talking about votes being delivered from point A to
16 point B, and we don't know what the chain of custody is.

17 If you would allow me to put together a program, I
18 could -- I could just spot pick, and this would change.
19 If you wanted to do Fulton and DeKalb and Gwinnett, I'd
20 be okay with that. I don't want to get too big. But,
21 you know, I could easily put together a program where
22 this could be done, and somebody could just be given a
23 clipboard and sort of a manual log of the things that we
24 would like for them to check off. You know, what is
25 their policy and procedures on drop-bag? That would be

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1 the first thing they would get.

2 That was one of the first things I had thought
3 about, Mr. Chairman, in getting that, because we need to
4 know, are they following their own procedure? And it's
5 very dangerous to have this in place and not know what
6 the chain of custody is. So why not put a program in
7 place that allows me to have somebody observe what this
8 drop-bag and drop-box chain of custody is?

9 The drop-box is pretty easy because that's already
10 in place. That's law. We just want to check and make
11 sure that it's been done right.

12 CHAIRMAN FERVIER: Can we not get Mr. Dunnport [ph]
13 to do that?

14 EXECUTIVE DIRECTOR MILLS: Yes, but he can't do it
15 by himself. And, you know, that -- that could be
16 included in the contract that I have with him to help me
17 administrate this. But, you know, you got -- For
18 example, you have somebody delivering those bags every
19 night right now, is my understanding. I think we all
20 want to make sure it's being done in proper chain of
21 custody.

22 And we can hire -- what I was thinking about doing
23 was contracting with seven or eight different people,
24 giving them a manual -- a clipboard sheet with a manual
25 log that says, you know, basically what time were they

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1 picked up, what time were they delivered. I'm not --
2 I'm told that they put serial numbers on the zip bag tie
3 and make sure that those are in compliance with whatever
4 their procedures are. Because this is very -- it's very
5 important.

6 I mean, there's been lots of questions around
7 drop-boxes. You know, frankly, I'm not even sure why we
8 still have them, but I don't want to get out of my lane
9 here. All I'm asking -- I'd like to ask the board to
10 consider, you know, giving me the approval to implement
11 a program. And I would, you know, report back to you
12 and report back to everything that we find. It wouldn't
13 be not secretive or -- that's why -- the reason it's
14 being brought up now, if we don't do something now in a
15 primary and you've got a general coming up, I hope
16 everything -- everybody's doing it correct. But if
17 they're not, now is the time to deal with it, in my
18 opinion.

19 CHAIRMAN FERVIER: Member Grubbs, just -- I don't
20 disagree that we need to figure out what's going on out
21 there. My question is, if we hire some outside
22 resources to do this, what authority would they have to
23 go in and be able to monitor?

24 MEMBER GRUBBS: They can --

25 EXECUTIVE DIRECTOR MILLS: Yeah, we wouldn't hire

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1 them. I would contract with them and basically be an
 2 SEB. We can call it whatever we want, part of the
 3 observation team. But, you know, I would, of course,
 4 come up with some type of authoritative email that the
 5 board approved that said, you know, they're here to
 6 observe only on behalf of the State Election Board in
 7 regards to the chain of custody of drop-bags and drop-
 8 boxes. And they would have to abide by the law, of
 9 course.

10 I would -- I already have in my mind -- I don't
 11 mind sharing with you -- you know, I don't -- we would
 12 have to train those individuals. They would have to go
 13 through training with us quickly, and we would go over
 14 the law. I mean, we can't have people out there taking
 15 pictures. We can't have people out there violating
 16 current election laws. All of that would have to be
 17 gone over with them.

18 And, you know, I'd make them sign an agreement so
 19 that we could hold their feet to the fire and that they
 20 couldn't -- we wouldn't be liable in any way for
 21 anything. But I think this chain of custody with drop-
 22 bags and drop-boxes is very important to this board.

23 CHAIRMAN FERVIER: Member Grubbs?

24 MEMBER GRUBBS: So to Dr. Johnston's point, it
 25 certainly would be -- it would be disastrous for people

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1 to deposit their votes. Every vote is precious as far
 2 as I'm concerned. And, you know, it would be horrible
 3 for anyone's vote not to make it back to the hub or to
 4 any other central location. And I happen to feel the
 5 same way about every vote that is cast on an illegal
 6 machine, but that's beside the point.

7 Given everything that's been said, I would like to
 8 make a motion to give the Executive Director the
 9 approval to implement a program to include a contractor
 10 agreement to observe the drop-bags and drop-box chain of
 11 custody in the counties that he sees fit where they've
 12 implemented this program.

13 CHAIRMAN FERVIER: Member King?

14 MEMBER KING: I was going to second. I agree a
 15 thousand percent. Thank you, Member Grubbs, for
 16 bringing this to the meeting. I know there's been a lot
 17 of conversations about things being implemented and
 18 timing and all of that, but this has kind of been thrown
 19 in. Whether they have the authority or not, it wasn't
 20 something that was discussed, at least to the board, in
 21 past months. I mean, it seems very, very new.

22 And I do believe that since this is happening right
 23 now, I also agree that there should be a rule in the
 24 future, but I am not opposed to us putting together,
 25 having Executive Director Mills put together an

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1 observation team of some sort to at least ensure that we
 2 have a proactive approach to this. Because I can see
 3 this being a major problem in the future, particularly
 4 when we're talking about counties who have come before
 5 us several times over due to lack of good data keeping
 6 and record keeping. So I'm seconding the motion.

7 CHAIRMAN FERVIER: Yeah, I think this is likely a
 8 much bigger issue than what we think it is, because I
 9 just got an email that came in from Cobb County saying
 10 that they allow drops at all their locations. And I'm
 11 not sure how they handle that. The person sending the
 12 email said that they don't have any policy on it,
 13 really, any written policy.

14 So this may be a larger issue than what we're even
 15 thinking about it being at this point, so.

16 EXECUTIVE DIRECTOR MILLS: Okay. And, Mr.
 17 Chairman, that's exactly what these people would report
 18 back on their clipboard. The first thing they would do
 19 is check in and tell them who they are, and they would
 20 say, do you have -- can you give the board your policy
 21 and procedures on this? And if they say no, it would
 22 come back.

23 I would turn those back over to the board and let
 24 you look through them and sort through them. Then you
 25 would say, oh, here's an overwhelming, reoccurring

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1 situation that we can address, however the board chooses
 2 to address it. But until you observe it and see what's
 3 going on, and I think we have an opportunity right now
 4 in front of us, I couldn't -- we couldn't do all of
 5 Fulton County. We couldn't do all of DeKalb, all of
 6 Gwinnett.

7 We could spot maybe, you know, three or four
 8 precincts in one county, three or four precincts in
 9 another, and just randomly pick. I'm not -- I don't
 10 care. I just would say that we want to make sure it's
 11 being done right.

12 MEMBER GHAZAL: So, I just want to clarify a couple
 13 of things. I'm not sure that the people who are
 14 assigned to do the pickup would actually have the
 15 written policies, but each county election office
 16 should, and that's where we should --

17 EXECUTIVE DIRECTOR MILLS: Yes, I agree.

18 MEMBER GHAZAL: I want to be very careful with the
 19 use of language. Precincts are only election day, and
 20 there are hundreds and hundreds of those. We're talking
 21 about early voting locations. I am not aware of any
 22 county, in fact, I don't think it is lawful to accept
 23 absentee ballots at a precinct. So, that would be
 24 extremely troubling, I agree, but that is not lawful.

25 I believe, I'm not going to like put my -- sign my

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1 name to that, but I'm 90 percent certain that that is
 2 not allowed under Georgia statute. In the five years
 3 that I have been on the board, I have not once heard a
 4 report that a ballot being delivered to an early voting
 5 location not being counted later. So, I think that's
 6 something that, well, of course it's a concern.

7 It has never happened in my time on the board here,
 8 and I know that counties have been accepting absentee
 9 ballots at early voting locations for my entire time on
 10 the board here. The only thing that's new to my
 11 knowledge right now is that Fulton is doing it. They
 12 previously did not, these other counties have, for many
 13 years. I would also ask that the parties and their poll
 14 watchers be allowed to observe this process as well.
 15 But it must be in a way that does not interfere with the
 16 activities of the poll workers.

17 EXECUTIVE DIRECTOR MILLS: That one is written in
 18 the agreement that I have, that they can't interfere and
 19 they must keep all election laws.

20 CHAIRMAN FERVIER: Member Grubbs?

21 MEMBER GRUBBS: So, this came up in Cobb County
 22 where they started doing this at libraries, and it
 23 became a big issue because they actually called the
 24 Sheriff's Department on me because I was there to
 25 observe, and they didn't even want to -- I know, go

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1 ahead, laugh.

2 CHAIRMAN FERVIER: I have so many comments I want
 3 to make about the police being called on you, but I'll
 4 hold those to myself.

5 MEMBER GRUBBS: Yeah, well, I mean, the truth is
 6 that I was not doing anything wrong and it was to be
 7 treated as a -- as a poll location. And I think there
 8 are rules that need to be written about that, that if
 9 those locations are going to be used, that there have to
 10 be procedures in place. So, that's a definite must.

11 But to the point with Director Mills is until we
 12 observe and see how that happens, you don't know what
 13 the rule needs to encompass. So I think it's a good
 14 idea. And, you know, I would just say that, you know,
 15 this is -- this is a distinction of difference sometimes
 16 with counties. There are some counties that go, you
 17 know, I'm very encouraged by some of the counties.

18 I had one from a smaller county talking about the
 19 number of list of voters and what they do and how they
 20 go over and above to do things. And then there are some
 21 counties that just don't want that level of
 22 accountability. But I think it's a good idea to know
 23 what needs to be included in the rule, and I think
 24 observing the process would be helpful in doing so.

25 CHAIRMAN FERVIER: Any further comments, questions?

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1 THE WITNESS: Yes, I do think -- thank you for the
 2 question about public access. There needs to be public
 3 access and ability to view this process from start to
 4 finish. And I don't know how you would be able to
 5 observe this in a polling place where you cannot be
 6 inside a polling place while voting is going on unless
 7 you're voting or you're a poll watcher.

8 But also the return of these ballots to the
 9 election central location, that should be completely
 10 public and accessible for public viewing when these drop
 11 bags are returned and logged in at the central election
 12 office. And I wonder if this is just yet another
 13 maneuver to make an end run around drop boxes. I would
 14 wonder if the General Assembly would have something to
 15 say about bringing drop boxes to Georgia and now we're
 16 just going to go around drop boxes and just provide
 17 essentially the same thing, a drop box, and every early
 18 voting site would call it a drop bag. This seems to be
 19 rather exalting to the General Assembly.

20 And finally -- finally, I think there's an
 21 avoidance of using a federal agency like the post office
 22 such that if voter fraud is occurring, they're avoiding
 23 the laws that apply to postal services and violations of
 24 law through the post office. So if you commit voter
 25 fraud using the post office, you might -- you might find

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1 yourself in violation of federal laws. But using a drop
 2 box to drop off a fraudulent ballot, no federal law
 3 applies to the drop box.

4 CHAIRMAN FERVIER: Any further comments?

5 EXECUTIVE DIRECTOR MILLS: Mr. Chairman, if I may,
 6 I just want -- I think the board needs to be aware.
 7 I've sort of calculated out, and I was thinking Fulton
 8 and Gwinnett because that's the only two I knew of. I'm
 9 happy to add more if a member would like, but we can't
 10 do them all. It would have to be, you know, only a few
 11 precincts here to get a true sample, a few precincts
 12 there.

13 But if it was two counties, if it was Fulton and
 14 Gwinnett, I've calculated with using about eight people,
 15 then I think it could probably be done for \$7,500. And
 16 we have that money now. We may not have it going into
 17 the next, you know, our budgets are year-to-year like
 18 every other state agency. And if we've got the ability
 19 to do it, I think now is a good time. I think it sets
 20 the tone for just ensuring that these are done right.

21 CHAIRMAN FERVIER: I think -- we have a motion and
 22 a second. Member Ghazal, did you have a comment?

23 MEMBER GHAZAL: Yeah, a couple of things. I want
 24 to make sure I understood Dr. Johnston's point that
 25 people are using this to avoid a federal crime. You're

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1 saying that people are going in person to deliver a
 2 ballot to another person as a way of avoiding federal
 3 criminal statute when it's completely anonymous to drop
 4 it into a mailbox? Is that what you're asserting?
 5 **THE WITNESS: Yeah, using a federal agency, Postal**
 6 **Service. If there is a violation of law, there's**
 7 **federal law that might apply to that. I'm not saying**
 8 **it's happening, but it's --**
 9 MEMBER GHAZAL: Okay.
 10 **THE WITNESS: -- it's an avoidance of the U.S.**
 11 **Postal Service.**
 12 MEMBER GHAZAL: I also just want to register my
 13 frustration that clearly this -- this was -- this
 14 conversation was in the works. We've got numbers that
 15 are already assigned to this. It really lacks
 16 transparency when folks bring things and put them on the
 17 agenda in the meeting. We now have -- we could have
 18 collected some of the procedures and the policies in
 19 advance of this meeting if we'd known it.
 20 It's just very frustrating to me that there was
 21 clearly a plan to have this discussion. It was -- There
 22 was homework done, and some of us didn't know anything
 23 about it until the meeting was initiated. And I think
 24 that really undermines the trust in the public in this
 25 institution when stuff is being cooked up and presented

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1 as a fait accompli without any sort of notice to even
 2 some of the board members and certainly to the public
 3 and to the counties that this will apply to.
 4 CHAIRMAN FERVIER: Member Grubbs?
 5 MEMBER GRUBBS: So I didn't cook up anything with
 6 anybody. I was asked a question, and, you know, I'm
 7 sorry, that -- that's very frustrating, Member Ghazal.
 8 I totally support you, and, you know, I support every
 9 member of this board. I didn't cook up anything. There
 10 was a quick question and a discussion.
 11 If anything, you know, we have to -- and I have no
 12 problem discussing things out in public, but I feel like
 13 you're damned if you do, and you're damned if you don't.
 14 If you have a conversation with someone that is not in
 15 the format of a meeting, then that's an issue. And then
 16 if you try to discuss it in the meeting, then that's an
 17 issue.
 18 So someone please tell me when it's appropriate to
 19 communicate with the other members.
 20 MEMBER GHAZAL: Just some advance notice. If it
 21 was put on the agenda, we could have reached out. We
 22 could have gotten -- gotten -- could have answered some
 23 of the questions here. I mean, if we know how much this
 24 is going to cost, that means that the plan is already in
 25 place, right?

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1 CHAIRMAN FERVIER: One at a time, please. One at a
 2 time.
 3 MEMBER GHAZAL: This would have been a more
 4 informed discussion if we'd known in advance we could
 5 have gotten the written policies, because I know there
 6 are policies. I have somewhere in my email, I have
 7 Gwinnett's entire procedures because we looked at this.
 8 I drafted some rules that didn't go anywhere, but we
 9 were trying to put some guardrails on this for years.
 10 I'm just -- I'm just voicing my frustration of
 11 having agendas changed in the middle of the meeting
 12 again.
 13 MEMBER GRUBBS: I agree and I apologize for making,
 14 you know, I make -- I'm used to doing meetings by making
 15 a motion, and someone can either approve it or not
 16 approve it. You know, I was asked a question. It was
 17 an important enough issue to have the discussion. It
 18 doesn't mean that we're making some life-changing
 19 decision here. Simply putting in some observation plan
 20 is not like making the counties do anything. The county
 21 doesn't have to do squat. All we're asking is for
 22 observation.
 23 So again, you know, I am all for having
 24 conversations in public, and I'm all for not throwing
 25 something on the agenda at the last minute. That was

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1 not the intent. I have not talked to one other single
 2 board member about this matter. I did have a
 3 conversation with Director Mills, and that's it. But
 4 it's like, somebody please tell me when it's appropriate
 5 to speak.
 6 CHAIRMAN FERVIER: Both of you all have good
 7 points, and I appreciate them both. The fact of the
 8 matter is there are some members on this board that have
 9 dealt with something that we were just bringing up. And
 10 so it would be helpful if you have a question about a
 11 particular policy, that you just send something to all
 12 the board and say, hey, has anybody ever dealt with this
 13 before? And then maybe, Member Ghazal and Member
 14 Johnston has been here much longer than me, or Member
 15 King or anybody else would be able to say, yeah, we've
 16 dealt with this before. You know, here's what -- what
 17 we know about it. That's just, you know, a way to make
 18 things move a little quicker sometimes.
 19 So we have a motion. We have a second. All those
 20 in favor signify by saying aye.
 21 (Board members signified with aye.)
 22 CHAIRMAN FERVIER: Any opposition? Hearing no
 23 opposition, the motion carries by a vote of four to
 24 zero. Next item on the agenda is cases for the June
 25 meeting. Jan, you want this one?

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1 **THE WITNESS:** Yes. We have been asking for the
2 cases to be revised to the standard format for actually
3 months now, and the Secretary of State's office has been
4 unable to provide the format for SOIs that has been
5 standard for 15 years to the state election board. So as
6 of this day, Chairman Fervier, we just talked about this
7 before the meeting. You and I talked about this. Sorry
8 it wasn't communicated to everybody.

9 But we have no new cases that are ready for the
10 June meeting. And as we discussed and I was unhappy
11 about is notification needs to be sent to complainants
12 and respondents, particularly respondents and people
13 that bring lawyers with them to these cases. It costs
14 them time and money. And talk about frustration, I have
15 a frustration that we are not getting a response from
16 the Secretary of State's office about this.

17 I keep hearing promises, promises, but nobody is
18 delivering, and this is hampering the functioning of
19 this board. And we have been the recipient of many
20 unpleasant comments and criticisms, not only about the
21 Secretary of State, but the media about backlog of
22 cases, and we cannot get the Secretary of State to
23 provide for us adequate format and investigative
24 summaries. And I just counted up how many cases the
25 Secretary of State investigators are working on. I

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1 think it's 146.

2 So we're here waiting. And I don't know if the
3 board has other information that they could share about
4 this.

5 **CHAIRMAN FERVIER:** Let me share what I've shared
6 with you and Director Mills both. I called and spoke
7 with them yesterday. Again, I spoke with Chief Kauf
8 [ph] and asked them for some cases for June. I was told
9 that we would have at least 30 cases in the old format
10 provided to us by Tuesday, that we could work forward in
11 June. And then I will call them again Monday to verify
12 that we'll have those cases.

13 I'm also going to ask them for all the other cases
14 that are ready for presentation, that they can have
15 ready, be delivered just by the end of May, so we can
16 hear those cases at the July meeting. They have agreed
17 to put back in the SOIs and ROIs the recommendations or
18 their potential violations, and so they'll go back to
19 that format. And so I am optimistic that we will have
20 cases Monday or Tuesday that we'll be able to hear for
21 May.

22 I understand that it is only 30 days out, but
23 hopefully I can at least get a list of the cases Monday
24 morning, and we'll be able to send notification to those
25 counties by email that those cases will be heard, and

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1 then we can follow up with the SOIs when we receive the
2 actual SOIs on Tuesday and give them at least 30 days
3 notice for June, so.

4 **THE WITNESS:** Chairman Fervier, who is doing the
5 pre-meeting now?

6 **CHAIRMAN FERVIER:** I don't believe there is a
7 pre-meeting that takes place. I'm not doing a
8 pre-meeting, so.

9 **THE WITNESS:** Is there anyone that's reviewing or
10 scanning these cases to be brought to the board? Is
11 there anybody that is making a decision about these
12 cases, whether they're coming to the board or if they're
13 being prioritized? We made a point of prioritizing
14 serious allegations and violations, and who's in charge
15 of that now?

16 **CHAIRMAN FERVIER:** Nobody that I know of. I don't
17 recall what I told your Director Mills earlier today
18 that, you know, it may be time for me to get back
19 involved and start doing the pre-meetings again with the
20 Secretary of State to kind of organize that a little bit
21 better than it's been the last few months, so.

22 **EXECUTIVE DIRECTOR MILLS:** Mr. Chairman, I think
23 that was me, and what you shared with me, I want to make
24 sure I state it right, was that Chief Kauf gets the
25 cases together and then sends them to Charlene McGowan,

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1 the Attorney for the Secretary of State. She then
2 approves them, and then they come to us.

3 **CHAIRMAN FERVIER:** That's my understanding, yes.
4 She reviews them and approves them, and then they come
5 to us, yes. That's my understanding.

6 **EXECUTIVE DIRECTOR MILLS:** Well, I would just say
7 to the board, you know, you're right back in the
8 situation that you were before you asked for all the
9 cases. Because now she becomes the gatekeeper of what
10 gets on the agenda for the SEB. And frankly, I don't
11 think that's the way this was meant to be set up.

12 **CHAIRMAN FERVIER:** Well, I will -- when I speak --

13 **THE WITNESS:** I agree.

14 **CHAIRMAN FERVIER:** -- when I speak with them Monday
15 morning, I will talk about procedures and how these will
16 be going forward. Like I said, if we have to start
17 doing the pre-meetings again, we'll work on that so we
18 can stay ahead of these things and decide what we want
19 to hear, so.

20 **THE WITNESS:** Chairman Fervier, that was part of
21 the whole controversy last September was the issue that
22 we did not know how many cases there were, what kind of
23 cases there were, and we insisted that we get all of the
24 cases and found that there were some serious cases that
25 really needed to be presented. Now it sounds like we're

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1 backsliding and having somebody at the Secretary of
 2 State's office decide which cases might get prioritized
 3 to send to us.
 4 I think we need to be in charge of prioritizing and
 5 knowing what cases are out there. It's just a matter
 6 that the Secretary of State investigators are performing
 7 these investigations. I don't think Ms. McGowan needs
 8 to be deciding which cases get sent to us.
 9 CHAIRMAN FEVER: Yeah, I don't -- I don't know
 10 how that process goes at the Secretary of State. I
 11 don't know who decides what goes to her from Chief Kauf.
 12 I don't know. I'd like to sit down with them and figure
 13 out exactly what's occurring and then come up with a
 14 procedure on how these could be going forward, so.
 15 EXECUTIVE DIRECTOR MILLS: But it is true that you
 16 said to me on the phone today, right, that Sarah Kauf
 17 delivers those cases to Charlene McGowan and then
 18 Charlene goes over them and makes sure that they're okay
 19 and then they're sent to us. Isn't that what you said?
 20 CHAIRMAN FEVER: That's my understanding of how
 21 it works, yes.
 22 THE WITNESS: I just question that there might be a
 23 conflict of interest with this back process. That's
 24 probably how it used to be. And we worked hard to get
 25 all of these cases delivered to the State Election Board

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1 to review and pre-meet and make decisions about which
 2 ones are high priority for presentation. And now we're
 3 reversing that?
 4 CHAIRMAN FEVER: What do you mean, conflict of
 5 interest?
 6 THE WITNESS: Well, the Secretary of State might
 7 have a conflict of interest in having a case that
 8 perhaps would have an allegation that they did not
 9 perform some election conduct as they should have or
 10 some process. Or they might be interested in just --
 11 CHAIRMAN FEVER: I understand. I understand.
 12 Yeah, we -- but we -- Next, when I meet with them, I
 13 will try and have a list of all the cases and discuss
 14 which ones we think are important or which ones are
 15 significant cases. And then we can try and drive those
 16 to be delivered to us first. So, I understand what
 17 you're talking about. Yeah, I don't disagree with you
 18 at all.
 19 I'd like to sit with them and put in some more
 20 procedures on how this is going to work more smoothly
 21 going forward. I understand your frustration. I don't
 22 disagree with it. I want to sit down and try to work it
 23 out with them.
 24 EXECUTIVE DIRECTOR MILLS: Mr. Chairman, you know,
 25 when we got sent the last batch of cases from the

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1 Secretary of State's office, it didn't have the code
 2 violations in it and it didn't have sometimes the SEB
 3 rule violations. Those are usually assigned on the very
 4 front end of the complaint process. So, if that was
 5 done normal, that means somehow those had to get
 6 deleted. And I don't understand what is difficult about
 7 just putting that back in there.
 8 CHAIRMAN FEVER: They're going to.
 9 EXECUTIVE DIRECTOR MILLS: Yeah, but why is it --
 10 You know, this has been two months. They were supposed
 11 to have been delivered. You and I talked about it in
 12 March, the middle of March. And then it was supposed to
 13 have been delivered one day before the April 15th
 14 meeting. That's over two weeks ago. Now, here we are
 15 again. You know, so all you got to do is put on -- I
 16 don't know how many cases it was. I want to say maybe
 17 30 or something. But all you got to do is put back
 18 those codes, the state code violation and the SEB rule
 19 violation. Somebody had to take that out, I would
 20 think. And it wasn't us.
 21 CHAIRMAN FEVER: That was the April 15th meeting.
 22 I think we had 19 cases, and we only heard three of the
 23 19, I think it was, because it was -- they were not --
 24 Dr. Johnston wasn't happy with the -- I understand the -
 25 - I understand the problem, and I'm going to try to fix

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1 it for us.
 2 EXECUTIVE DIRECTOR MILLS: Well, it was the April
 3 15th meeting, but the month before that was in the March
 4 meeting, and I briefly met with you right before we
 5 started, and I said, we need to get this settled. And
 6 you said you were going to meet with Matt Teister [ph]
 7 and the SOS and get this settled. And then, you know, I
 8 think you may have tried, and there was some
 9 misunderstanding, you said. I don't want to put words
 10 in your mouth. But that was almost two months ago.
 11 CHAIRMAN FEVER: You're right. I will work on
 12 this. I'm on it.
 13 EXECUTIVE DIRECTOR MILLS: Thank you.
 14 CHAIRMAN FEVER: I'll meet with them Monday
 15 morning.
 16 EXECUTIVE DIRECTOR MILLS: Okay. Thank you.
 17 CHAIRMAN FEVER: Any further comments on that?
 18 Next on the agenda is the State Board Members of
 19 Election Night Collection, Dr. Johnston.
 20 THE WITNESS: Yes, sir. Member Grubbs brought this
 21 up last meeting, and the desire is to have at least two
 22 members of the Election Board present where election
 23 night reporting is occurring for the receipt of
 24 tabulation from all the counties. So some questions are
 25 raised, and I thought they were very good questions of

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1 Member Grubbs, about why there are not more members
 2 present.
 3 I know you've been at this election night reporting
 4 location. My question is why aren't at least two
 5 members present or perhaps rotating two members being
 6 present in the election night reporting location? I'm
 7 not sure if I understand the secrecy or the concealment
 8 of election night reporting at the Secretary of State
 9 level.
 10 CHAIRMAN FERVIER: Is that a question for me?
 11 THE WITNESS: Yes, you've been there. I haven't
 12 been there.
 13 CHAIRMAN FERVIER: I don't -- I don't make that
 14 decision. Like I said before, that's not my decision
 15 who gets invited. And I -- I was invited at the
 16 beginning of my term on this board, and I do not make
 17 the decision. I'm happy to address that with the
 18 Secretary of State when I sit down with him. But that's
 19 not my call. It really isn't.
 20 THE WITNESS: Is it an invitation to a party? This
 21 is an election process. This is the tabulation of votes
 22 for the whole state of Georgia, and the State Election
 23 Board should be present to observe and be aware of the
 24 processes that are going on at the state level.
 25 CHAIRMAN FERVIER: I understand. Like I said, our

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1 last meeting last week or the week before, I'm happy to
 2 address that with him. I have not addressed that with
 3 him yet. I have not sat down with him. I'm happy to do
 4 that, but I have not addressed that with the
 5 administration, so.
 6 MEMBER KING: Do you have a date as to when you're
 7 going to reach out to them? Because it feels like
 8 you're -- not that I disagree with you, I believe you're
 9 going to talk to them. But Election Day is coming up
 10 fairly quickly. May 19th will be here. And there
 11 hasn't been a conversation, even though we've all been
 12 talking about this for the last few weeks. So, at some
 13 point, when do you plan on having this conversation?
 14 CHAIRMAN FERVIER: I'm going to call them Monday
 15 morning. I'll try to sit down with them next week, so.
 16 MEMBER KING: Okay. All right.
 17 CHAIRMAN FERVIER: Yeah.
 18 THE WITNESS: Mr. Chairman, could the board request
 19 that there be -- that no candidate that is running for
 20 office be present at that location on election night, or
 21 all candidates be present?
 22 CHAIRMAN FERVIER: I don't think it's allowed by
 23 law for a candidate to be there.
 24 MEMBER KING: Well, Raffensperger is going to be
 25 there.

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1 CHAIRMAN FERVIER: I'm not sure that's correct,
 2 Member King.
 3 MEMBER KING: That's something -- I agree with
 4 Member Johnston. We need to make sure that that spirit
 5 is clear.
 6 CHAIRMAN FERVIER: I'll verify that, but I'm not
 7 sure that's correct.
 8 EXECUTIVE DIRECTOR MILLS: Was he there the night
 9 you were there, Mr. Chairman?
 10 CHAIRMAN FERVIER: He wasn't running for office
 11 then.
 12 EXECUTIVE DIRECTOR MILLS: But he was there?
 13 MEMBER GHAZAL: To be clear, this is a core
 14 constitutional function of the Secretary of State's
 15 office. I agree that there are complications when the
 16 Secretary of State is on the ballot, but the
 17 Constitution assigns exactly this function to the
 18 Secretary of State, so.
 19 THE WITNESS: And I agree with you it does, but is
 20 it secret?
 21 CHAIRMAN FERVIER: I don't recall --
 22 THE WITNESS: Does it need to be secret?
 23 MEMBER GHAZAL: Beg your pardon?
 24 THE WITNESS: Is election night reporting secret?
 25 MEMBER KING: It's not supposed to be.

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1 CHAIRMAN FERVIER: Member Grubbs?
 2 MEMBER GRUBBS: So we haven't just been talking
 3 about this the last few weeks. I specifically recall
 4 bringing it up again when we were at the meeting at the
 5 Marietta City Hall. It's been brought up several times,
 6 and consistently we get the comment that it will be
 7 addressed, it will be addressed. However, I've sent --
 8 you know, if I've sent one email, I've sent five to
 9 Director Blake Evans.
 10 I've also responded to Charlene McGowan or done an
 11 email. I've sent another email. I don't get responses
 12 to the emails requesting observation at the election
 13 night reporting location. This has been brought up
 14 multiple times, and I don't know what to do to get a
 15 response. I mean, I understand you're the Chairman of
 16 the Board, Chairman Fervier, and I appreciate you being
 17 willing to do it, but I'm not even getting responses to
 18 my emails as to this issue.
 19 This is a critical issue where, yes, I agree with
 20 Member Ghazal. It's a constitutional obligation on
 21 overseeing elections. However, there does remain a
 22 conflict of interest there. There's also the conflict
 23 of interest with election night recording being done by
 24 Enhanced Voting, who is also auditing themselves. So I
 25 would like to know in advance, is the election night

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1 recording being done by Enhanced Voting? What is the
 2 process? Where's the location? What is the parameters
 3 for oversight?

4 There's a lot of issues here, and today is May 1st.
 5 The primary election night is May 19th, and I would like
 6 to plan for it, and I would like to be there, and I do
 7 not understand why this has to be by invitation. It
 8 should be by obligation by members of the State Election
 9 Board and Republican servers. It is only fair to
 10 candidates to know that election night recording is
 11 aggregated appropriately and whether or not there are
 12 any alterations to the numbers that are being recorded
 13 by the counties or if there are any issues from the
 14 counties going to the state when the numbers are
 15 aggregated.

16 This is a matter of utmost importance, and it needs
 17 to be addressed not Monday. It needs to be addressed
 18 today. We need an answer from the Secretary of State
 19 today on credentials required, what the process is, and
 20 any information ahead of time to be able to fully
 21 understand how this process is done. It has completely
 22 been silent on this, and this is an urgent matter that I
 23 cannot overstate.

24 MEMBER KING: Agreed.

25 **THE WITNESS: Mr. Chairman, should this board**

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1 consider requesting that a communication be sent to the
 2 Department of Justice to have someone present at
 3 election night recording? There seems to be an
 4 avoidance of addressing this as a safeguard of
 5 protecting our election at the level of the statewide
 6 tabulation and compilation of votes. So if we're
 7 getting no response, I would want to consider to move up
 8 the ladder.

9 I would think the Attorney General would be very
 10 interested in this being a public process. And if
 11 they're not, then I think this board should reach out to
 12 the Department of Justice.

13 MEMBER GHAZAL: I'm sorry, again, this is a core
 14 constitutional function of the Secretary of State's
 15 office. My understanding is this also deals with public
 16 safety issues. This is how most states do it. I have
 17 never been there, but most states have a joint room
 18 dealing with public safety, and so they deal with highly
 19 sensitive issues that have nothing to do with vote
 20 counts, that have everything to do. If there is a
 21 security issue, it's dealt with in the same room, and
 22 that is highly sensitive. And that is not something
 23 that would necessarily be something available to the
 24 public. And it --

25 MEMBER GRUBBS: How would we know that? How would

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1 we know that when the Secretary won't even respond,
 2 number one. And number two, as to the public safety
 3 issue, was that the case when it was being done at KSU?

4 MEMBER GHAZAL: I have no knowledge of how that was
 5 done, and I don't know if election night reporting was
 6 done at KSU or if that was simply the back end. I can't
 7 answer that.

8 MEMBER KING: The fact of the matter is, we've
 9 already had a board member in there, so this is not -- I
 10 mean, we're not asking for anything that hasn't already
 11 occurred.

12 MEMBER GRUBBS: Well, he wasn't the first one
 13 anyway. There were previous board members who had been.

14 MEMBER KING: That --

15 MEMBER GHAZAL: Well, previously the Secretary of
 16 State was the chairman of the board.

17 MEMBER KING: Well, okay, so the fact that he's no
 18 longer the chairman of the board does not mean that now
 19 the board is no longer allowed to participate in this
 20 process. So, again, I think we're over complicating it.
 21 The fact is, number one, how -- how you vote is the only
 22 aspect of the voting process that's secret. That's it.
 23 Outside of that, there needs to be public transparency.

24 That being said, asking to be present in this room
 25 as board members shouldn't take weeks to get a response.

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1 And the fact that it is, I agree with Member Johnston,
 2 that if they don't know how to respond or can't respond
 3 or is having trouble responding, then we do need to ask
 4 them. I don't mind asking the Attorney General, can you
 5 get involved? Do you mind helping us push this along?
 6 If he doesn't want to or they don't want to, then I
 7 totally agree, we have to move it up. This is a serious
 8 thing.

9 It's an issue that is a concern of the public. I
 10 understand their concern. We have the same concern. So
 11 if they don't know how to respond appropriately, then we
 12 have to do something because this is not something we
 13 can continue to play with. I'm actually tired of
 14 waiting on them for answers they can give us in five
 15 minutes. Blake did not show up, but yet there's emails
 16 out there to him, there's questions, he said in his
 17 email that he would respond to our questions, he hasn't.

18 So at some point, this is just getting absolutely
 19 ridiculous. We cannot keep pushing it and pushing it
 20 and pushing it, and the next thing you know, it's May
 21 19th, and then all of a sudden, the day before, we get a
 22 response. We're not going to be played with. Either
 23 they respond or they don't, and I agree, this is not
 24 something we can keep pushing out.

25 If nothing happens this week, Monday, this coming

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1 Monday through Friday, then this is a major problem I
2 think we need to escalate.

3 CHAIRMAN FERVIER: Member Grubbs?

4 MEMBER GRUBBS: It's also my understanding that the
5 press has been present at an election night recording.
6 How is it that if it's such a security issue that the
7 press is allowed in but the public is not or
8 representatives of the public are not allowed in?

9 THE WITNESS: I'd like to hear more about what is
10 public safety, what is meant by public safety and what
11 is meant by highly sensitive numbers. I don't think
12 they're highly sensitive. And the public safety, I'm
13 not sure where that comes from.

14 MEMBER GHAZAL: Well, when we had bomb threats
15 across the state in 2024, I think that this was the
16 office that dealt with them along with the local
17 election offices and local law enforcement. That's what
18 I mean by public safety and highly sensitive.

19 THE WITNESS: What does that have to do with
20 election night reporting?

21 MEMBER GHAZAL: It's the office where all of that
22 happens. I don't think election night -- I don't -- I -
23 - I've never been there. I don't know for a fact. But
24 I suspect that people are in that office prior to 7:00
25 p.m.

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1 MEMBER KING: Again, this is speculation. We don't
2 have to speculate, but we should have direct contact to
3 the person who has the answers. So I think this goes
4 back to our original point. They need to respond. If
5 they don't, we need to escalate it. So I'm okay with
6 hearing back from you, Mr. Chair, on whether or not you
7 hear from them on Monday and whatever the meeting is.
8 But that doesn't mean that I don't agree with Member
9 Grubbs that this is something that I think should be
10 handled today. I don't know why.

11 We're always having to wait on everybody else. And
12 this is not something that I think we should keep
13 pushing out and pushing out. So considering that you
14 haven't reached out to them until -- you plan to reach
15 out to them on Monday, that has to happen. If it
16 doesn't, I absolutely believe we should do something.
17 We've got to move forward.

18 THE WITNESS: Personally, I think there should be
19 required two members of the state election board in that
20 room. I think there should be a representative of each
21 candidate for a statewide office in that room, a
22 representative of the candidate to make sure that
23 whatever tabulation is occurring, that they're satisfied
24 that it's done in a safe and secure way. And I think
25 there should be actually a representative of both major

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1 state parties.

2 I think Member Ghazal could have somebody from her
3 party there and the Democrat party, and I could have
4 somebody from the Republican party there. You know,
5 there's nothing like a little sunshine to give people
6 confidence that the elections are being conducted and
7 tabulated and consolidated in a secure and transparent
8 way. This would build confidence in the elections in
9 Georgia as we announce results.

10 CHAIRMAN FERVIER: When I meet next week, I will
11 invite them to watch this portion of the meeting so that
12 they can understand your concerns. I think you all
13 effectively addressed it more than I could, so. Yes,
14 sir?

15 EXECUTIVE DIRECTOR MILLS: Mr. Chairman, I think
16 the vice chair has brought up a very good point just
17 now, and that is that if this board decides that they're
18 going to limit it to a certain number of board members,
19 I think it would be critical that you have both parties
20 represented. Somebody, one of the board members that's
21 represented by the Democrat party, one of the board
22 members that's represented by the Republican party. And
23 I can't overstate this enough right now.

24 Member Grubbs has been bringing this up for over
25 two months in writing, orally, in meetings, and Mr.

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1 Chairman, I say this to you as kind as I know how, this
2 has been brought to your attention again and again, and
3 this board needs you to advocate for them, not to just
4 say they want to be there. This board needs you to
5 advocate for Member Grubbs that's been bringing this up
6 for over two months.

7 This is not, you know, I don't want to speak for
8 you, Member Grubbs. You're more than capable to speak
9 for yourself, but you have brought this to the
10 forefront, and I applaud you for it. It should be open.
11 It should be an open process, and if not, there should
12 be a very educated, well-response and reason given why.
13 And, you know, I would hope that it would be more than
14 just the delivery of a message. I would hope it would
15 be advocating on behalf of this board.

16 MEMBER GRUBBS: And let me just say, I don't care
17 whether it's me there or not. You know, I do believe at
18 least two members need to be there, and I do happen to
19 believe that it should be a Democrat representative and
20 a Republican representative, just the same way we do
21 better review panels and duplication and things of that
22 nature. It needs to be oversight. You know, yes, I
23 would like to tour the facility to see what exactly
24 happens. It does not have to be on election night.
25 But that is, we are the State Board of Elections.

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1 We should have some kind of concept of what happens at
2 that location and how the votes are aggregated and
3 ensuring there's not a conflict of interest with
4 election night reporting and audits and things of that
5 nature. So I don't care if it's me or not, but
6 definitely equal representation and oversight needs to
7 be done.

8 CHAIRMAN FERVIER: Dr. Johnston?

9 **THE WITNESS: Mr. Chairman, I'd like to make a**
10 **motion that if there's no response from the Secretary of**
11 **State's office to include an arrangement for State**
12 **Election Board member observation of election night**
13 **reporting at the Secretary of State's location within a**
14 **week, that we move this up the chain and request**
15 **assistance by the Department of Justice.**

16 MEMBER GRUBBS: Would you consider an amendment?

17 **THE WITNESS: Yes, I would.**

18 MEMBER GRUBBS: Dr. Johnston, I'm not sure that the
19 Department of Justice would be the appropriate avenue.
20 I think the Attorney General's office would be, which is
21 kind of unfortunate because he's on the ballot too. But
22 I don't know that the Department of Justice is the
23 proper way to go, considering I don't know that it's
24 within their scope. But that's something that's worth
25 consideration.

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1 So if you would just amend the motion to say, or
2 other appropriate entity to say that we have adequate
3 representation there, then I think that would be
4 appropriate.

5 CHAIRMAN FERVIER: I tend to agree with Member
6 Grubbs. I'm just not sure the DOJ has any authority
7 over that constitutionally. You know, elections are
8 left up to the states.

9 **THE WITNESS: Mr. Chair, I'll amend the motion to**
10 **reach out to the Attorney General for assistance in this**
11 **matter. I do know that there can be requests to have**
12 **Department of Justice observers come to observe**
13 **elections in the state if we ask. But I will amend the**
14 **motion to first reach out to the Attorney General's**
15 **office.**

16 CHAIRMAN FERVIER: We have a motion and a second?

17 MEMBER KING: Second.

18 CHAIRMAN FERVIER: No, we have a motion. Is there
19 a second? Okay. Any further discussion?

20 MEMBER GHAZAL: Just a point of privilege here that
21 just as the adjectival form of republic is republican,
22 it is a democratic party, not the democrat party.
23 Democrat is a noun.

24 CHAIRMAN FERVIER: Thank you. And all of those in
25 favor signify by saying aye.

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1 THE BOARD MEMBERS: Aye.

2 CHAIRMAN FERVIER: Any opposition?

3 MEMBER GHAZAL: Nay.

4 CHAIRMAN FERVIER: The vote carries three to one.
5 Thank you.

6 EXECUTIVE DIRECTOR MILLS: Mr. Chairman, could
7 there be clarification of that motion that just passed?
8 Because I was a little confused myself. Is it both the
9 Attorney General and the DOJ, or is it?

10 CHAIRMAN FERVIER: It's Attorney General.

11 EXECUTIVE DIRECTOR MILLS: Okay. The motion was
12 amended to substitute the DOJ for the Attorney General.

13 EXECUTIVE DIRECTOR MILLS: Okay. Just wanted to
14 clarify.

15 CHAIRMAN FERVIER: Is there any further business
16 come before this board today? Thank you all for
17 attending. I appreciate it. Chair will entertain a
18 motion to adjourn.

19 **THE WITNESS: So moved.**

20 CHAIRMAN FERVIER: Is there a second?

21 MEMBER GRUBBS: Second.

22 CHAIRMAN FERVIER: All those in favor signify by
23 saying aye.

24 THE BOARD MEMBERS: Aye.

25 CHAIRMAN FERVIER: Any opposition? Hearing no

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1 opposition, so moved. This meeting is adjourned. Thank
2 you all.

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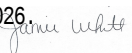
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Page 82 1 C E R T I F I C A T E 2 STATE OF GEORGIA) 3 COUNTY OF BULLOCH) 4 I, the undersigned Certified Court Reporter and duly 5 authorized officer pursuant to Rule 28 of the Federal Rules 6 of Civil Procedure, do hereby certify: 7 8 That the foregoing deposition of the witness named 9 herein was taken before me and reduced to a typed format 10 under my direction; 11 12 That, pursuant to Rule 30(e) of the Federal Rules of 13 Civil Procedure, the witness was given the opportunity to 14 examine, read, and sign the deposition after it was 15 transcribed, unless otherwise indicated in the record; 16 17 That I am not a relative, employee, attorney, or 18 counsel of any party or participant in this action, nor am I 19 financially or otherwise interested in the outcome of the 20 matter; 21 22 That the deposition, as transcribed, is a full, true, 23 and correct record of the testimony given, including all 24 questions, answers, objections, motions, and examinations, to 25 the best of my ability.	
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