

In the Matter Of:
Georgia State Election Board Meeting

SECRETARY OF STATE

June 04, 2026



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IN RE: State Board of Elections
DATES OF MEETING: June 4th, 2026
PLACE: Atlanta, Georgia

The scheduled Georgia State Election Board Meeting was taken before Jamie White, Certified Court Reporter, GA. Cert. No. 4628-9611-1917-4656, in and for the State of Georgia, scheduled to commence at 9:00 a.m., June 4th, 2026, at the Lanier Technical College-Forsyth Conference Center, located at 3410 Ronald Reagan Blvd, Cumming, Georgia 30041.

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Page 2 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 4 1 then we will -- we have four cases, I believe. 2 ATTORNEY YOUNG: I'm Elizabeth Young from the 3 Attorney General's office. First case that we have on 4 our agenda is SEB2021-079, Gwinnett County. This is a 5 case from the 2020 general election in which a gentleman 6 named Tyler Alvin Morris showed up at the poll. He was 7 told he was not going to be able to vote, because he had 8 already voted. What had had happened was there is a 9 gentleman named Tyler R. Morris. He came to vote during 10 advanced voting. And the poll worker in checking him in 11 mistakenly clicked on Tyler A. Morris instead of Tyler 12 R. Morris. So Tyler A. Morris was given credit for 13 voting. 14 This was back in the (indiscernible) days, and we - 15 - now with the new system, it would be much harder for 16 this -- it's very easy mistake that a poll worker can 17 make, but it will be, you know, currently much more 18 difficult for something like this to happen. Because if 19 you're familiar with the way it works, they now, you 20 know show you on the screen like is this you. Is this 21 your address. Back in under ENET it was not quite as 22 robust of a process. 23 And so, an inadvertent but serious mistake like 24 this could very easily happen. We -- Gwinnett County 25 has been very cooperative and has agreed to pay a \$600
Page 3 1 PROCEEDINGS 2 CHAIRMAN FERVIER: Call to order the June 4th -- 3 Today's the 4th, right, yeah -- 2026 meeting of the 4 State Election Board. We are coming out of recess. Dr. 5 Johnston has a prayer that she'd like to grace us with 6 this morning. Dr. Johnston? 7 VICE CHAIR JOHNSTON: Let us pray. 8 (Whereupon, Dr. Johnston led the meeting with 9 prayer.) 10 CHAIRMAN FERVIER: Thank you for coming back today. 11 We have a much shorter agenda, hopefully, today to get 12 through. And that is a coke, not a beer. We're going 13 to dispense with the cases first this morning. We'll do 14 the attorney general's report, then we'll do the cases 15 that we have, and then we'll get back into the business 16 of the day. 17 The agenda will -- pledge, we did the pledge 18 yesterday. We decided to do the pledge on the first 19 day, and so it's coming out of recess, you don't have to 20 continue it, so that's the kind of thing. 21 So dispense of the cases first and we'll go back to 22 the other items of the agenda, the business and do it. 23 And so the first item is with the Attorney General's 24 report. Attorney Young, if you please come to the 25 podium and introduce yourself for a court reporter and	Page 5 1 fine, along with a cease and desist and reprimand. And 2 we would recommend that the Board accept that 3 resolution. 4 CHAIRMAN FERVIER: Any questions from the Board? 5 Okay. Chair will entertain a motion on the case 6 SEB2021-079, a consent order presented by the Attorney 7 General. 8 MEMBER KING: I make a motion we accept the consent 9 order. 10 CHAIRMAN FERVIER: We have a motion to accept the 11 consent order. Is there a second? 12 VICE CHAIR JOHNSTON: Second. 13 CHAIRMAN FERVIER: We have a motion to second. Any 14 discussion? Hearing no discussion -- I'm sorry. 15 VICE CHAIR JOHNSTON: Mr. Chairman, I would like to 16 -- I'd like to make note that with the rule that we 17 adopted yesterday of numbered list of voters, perhaps -- 18 perhaps, this will also be another way to catch an 19 inadvertent similar name as the voter list is kept in 20 written with contemporaneously, while the voter is in 21 the polling place as they write the voters name is in 22 the registration. Thank you. 23 CHAIRMAN FERVIER: We have a motion and a second to 24 accept consent order as presented. Any further 25 discussion? Hearing no further discussion, all those in

Page 6 1 favor signify by saying aye. Any opposition? Hearing 2 no opposition so moved accepted by four to zero vote. 3 Second item SEB2022-208. 4 ATTORNEY YOUNG: Okay. This case comes from Cooke 5 County from -- from the -- it's quite an old case from 6 the 2018 general primary, although it was just referred 7 to us in February of 2025. The there was a woman named 8 Gail Kember, who's the respondent, who did vote twice in 9 the elections, both in Cook County and Tift County. 10 And she was kind of going back and forth between 11 counties. She had a residence in one county and was 12 caring for her father in another county. And so there 13 was some ambiguity there, but, you know, she has 14 acknowledged that she did vote twice during an election. 15 This is something that we typically would seek a fairly 16 significant penalty for. Even in a case where there's 17 maybe sympathetic facts about the intent of the voter. 18 We take double voting very seriously. 19 However, attorneys on my team have had lengthy 20 conversations with Ms. Kember. She is disabled and on 21 very low income. And this board does have the authority 22 to take into account circumstances like ability to pay 23 in levying penalties. And after discussions with her 24 about what she could -- could do. We came up with a 25 plan for a payment of \$200 with payments over time,	Page 8 1 ATTORNEY YOUNG: I -- I feel pretty confident that 2 she's learned her lesson. 3 MEMBER KING: What was her explanation? 4 ATTORNEY YOUNG: So she was -- let's see, I'm 5 trying to figure out -- she had been staying with and 6 caring for her father in Tift County, but she had 7 resided in Cooke County. And she had an absentee ballot 8 request for Cooke. I think she requested her ballot 9 thinking, well, I'm going to be over here in Tift County 10 taking care of my dad. And so she had requested the 11 absentee ballot. And then she went in person to vote in 12 Tift County. 13 I am not sure whether she you know could credibly 14 claim that that there was a forgetfulness issue there I 15 don't want to sit and make that excuse for her. But I do 16 think that she you know, had some possible confusion 17 over whether what the right location was. But she does 18 acknowledge that you know, yes, she voted the absentee 19 ballot and then, yes, she went and voted in person and 20 that she should not have done that. 21 CHAIRMAN FEVERIER: Any further questions from the 22 board? Chair will entertain a motion on this case. 23 MEMBER KING: I make a motion we accept the consent 24 order with the -- that includes the fine. 25 CHAIRMAN FEVERIER: We have motion to accept the
Page 7 1 which, you know, we feel like that's going to be a 2 stretch for her as it is. We think that's a much better 3 resolution than taking it to getting a higher penalty 4 and then having an issue not being able to maybe collect 5 on that judgment. 6 So, given the circumstances, given our 7 conversations with Ms. Kember, we do feel like she's 8 being up front with us about her ability to pay issues. 9 We would recommend that the board accept this 10 resolution. 11 CHAIRMAN FEVERIER: Any questions for the AG's 12 office? 13 VICE CHAIR JOHNSTON: Yeah. Did -- did Ms. Kember 14 understand that it was wrong to vote twice? 15 ATTORNEY YOUNG: I believe, you know -- you know, 16 yes, I think so. She's been very cooperative and, you 17 know she had some things to say about why it happened. 18 But I don't think that she is making excuses for herself 19 or avoiding responsibility. The conversation has really 20 been focused on, you know, her ability to pay a more 21 significant penalty. You know, I think she's been 22 cooperative and, you know, acknowledges the severity of 23 what she's been doing. 24 VICE CHAIR JOHNSTON: Can we be reassured that she 25 will not do that again?	Page 9 1 consent order as presented. Is there a second? 2 VICE CHAIR JOHNSTON: Second. 3 CHAIRMAN FEVERIER: We have a motion to second. Any 4 further discussion? Hearing no further discussion, all 5 those in favor of accepting consent order on case 6 SEB2022-208 signified by saying aye. Any opposition? 7 Hearing no opposition, accepted four to zero. 8 CHAIRMAN FEVERIER: Next on the agenda is a final 9 order on SEB2022-041 10 ATTORNEY YOUNG: All right. This is a case from 11 Murray County. The election supervisor filed a 12 complaint after a voter reported to the county that she 13 had received a pre-filled absentee ballot application 14 from an organization called Push Black, despite not 15 having requested one. And this is one of these things 16 that it used to be pretty common practice for 17 organizations to send these pre-filled absentee ballots, 18 and then SB202, you know, clarified that -- that 19 organizations are not to do that. And if they do send 20 any absentee ballot applications, they have to have 21 identifying language on there in terms of where that 22 absentee ballot application is coming from. 23 This did not -- did not -- did not include the 24 required statutory language. This was referred to us in 25 September 2025. And then at the February meeting, this

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1 board had a very similar case involving America's Pack,
 2 in which, you know, we feel like the facts are
 3 sufficiently similar. That a like penalty should be
 4 applied in each case. The board decided that a
 5 reprimand was an appropriate penalty in that matter. So
 6 we felt it would be appropriate to recommend the same
 7 resolution here.

8 CHAIRMAN FERVIER: Any questions for the Attorney
 9 General?

10 MEMBER GRUBBS: So I have a question. It's got
 11 Push Black and Civitech [ph], are they one in the same
 12 organization?

13 ATTORNEY YOUNG: You know, that's a good question.
 14 And so Civitech is the organization that manages the
 15 Pushblack.org digital platform. And our final order has
 16 the reprimand being issued as to both Push Black and
 17 Civitech. So both of those organizations would be
 18 reprimanded if those organizations repeat that behavior
 19 in the future.

20 Doing that after a reprimand would definitely
 21 warrant a much stronger sanction, you know, if this
 22 action were to repeat itself.

23 MEMBER GRUBBS: So I just personally, we -- we
 24 just, you know, there's a consent order fining this --
 25 this woman, you know, \$200. And it says, you know,

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1 economics are an issue, and that kind of thing. And
 2 then you have these organizations that are spending tons
 3 and tons of money sending out pre-filled applications
 4 and things like that.

5 Just for me personally, I don't really understand
 6 why we're not assessing a fine associated with that. I
 7 think there should be something stronger, because I've
 8 gotten tons of calls from people that sometimes the
 9 information is, you know, behind schedule, or it may
 10 even not even have a correct voting date. And then
 11 people are calling me, asking me, you know, well, are we
 12 having an election now, or what's the deal?

13 I just -- personally, I feel like this is something
 14 that deserves a fine, that's just me.

15 ATTORNEY YOUNG: Well, we're -- our recommendation
 16 is based on what we saw from the board at the February
 17 meeting. Certainly, you know, the America's Pack case
 18 could have justified a penalty. This case could justify
 19 a penalty --

20 MEMBER GRUBBS: I agree with both of those.

21 ATTORNEY YOUNG: -- but when, you know, we do try to
 22 monitor things for consistency and to take that guidance
 23 from the board. So when we, you know, saw the board
 24 vote for a reprimand in that case, we did not see a
 25 basis for distinguishing this case and penalizing this

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1 organization more harshly than that other organization.

2 MEMBER GRUBBS: I think they both should be
 3 penalized. That's -- that's my view, is when -- when
 4 these organizations actually send out something that
 5 people interpret to be an official absentee ballot
 6 application, and it's got personal information on there.
 7 I think, you know, they're going an extra mile to try
 8 and get people to, you know -- I mean, I want to
 9 encourage voting, but I don't think that this is the way
 10 to do it from these partisan organizations, and I think
 11 they both deserve a fine. But that's just my opinion.

12 MEMBER KING: I agree with Member Grubbs, because I
 13 understand where you're coming from. However, the board
 14 decision was to send this case to the AGs office. If we
 15 wanted to give them a letter of reprimand, then that's
 16 what we would have done at that time. So we -- this
 17 particular case was sent to you because we felt like it
 18 should have been escalated to that point.

19 So I do agree that if we are going to have a
 20 citizen on a payment plan for \$200, which is a stretch
 21 for her, it does feel a little disingenuous to see an
 22 organization that is sending out pre-filled absentee
 23 ballots -- which are advocacy ballot applications, which
 24 could create confusion, particularly if it's someone who
 25 wasn't planning on voting absentee, thinking that maybe

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1 they can. So it's a little bit of a disruption in my
 2 opinion.

3 I do think that they should be fined, so I happen
 4 to agree with Salleigh with that one.

5 ATTORNEY YOUNG: Well, one thing I'll caution the
 6 word about, you know, we certainly have the option to
 7 take this to OSA, and I've had administrative law judges
 8 ask me what have boards and commissions done in similar
 9 cases, because -- because when the ALJ chooses a
 10 penalty, that's, you know, usually the thing that I'm
 11 asked about, you know, what other cases have that are
 12 like this one, what penalties that has boards and
 13 commissions awarded?

14 So, you know -- we would, in our duty of candor to
 15 the court, we would have to let them know that in
 16 February this board had voted for a reprimand. I think
 17 it'd be a very hard sell to an ALJ not to follow that
 18 precedent, because they do view these things as
 19 precedential. But, of course, we will respect the will
 20 of the board, and if it is the will of the board that we
 21 seek a penalty in this case, we will do our best.

22 VICE CHAIR JOHNSTON: Over the last four years,
 23 there have been hundreds of third-party organizations
 24 that have had complaints and allegations that were
 25 brought to this board. We've had sort of cases that

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1 included 200 complaints rolled into one that we heard of
 2 all sorts of third party organizations that were
 3 essentially in violation of what is current -- the
 4 current statute now. This is seems to be a sort of a
 5 leftover from what happened in 2020 when we -- there
 6 weren't the prohibitions as far as prefilled absentee
 7 ballot applications. And so voters received two, four,
 8 six, eight, you know, many, many applications that
 9 looked very official. And they -- and voters thought
 10 perhaps they were coming from the government, and they
 11 were not.

12 And so we had, we dealt with the fallout and the
 13 repercussions of that. I would recommend that -- that
 14 the third party organization rule by the SEB be reviewed
 15 and revamped, and if need be, legislation passed to
 16 monitor third-party organizations and their activities,
 17 and require that they be registered in the state of
 18 Georgia, and reviewed in the state of Georgia, and
 19 reports made every year in the state of Georgia.

20 And if they violate absentee ballot application
 21 processes, then their authority -- their ability be
 22 revoked, if they are not playing by the rules.

23 MEMBER GRUBBS: Well, as to these cases, in my
 24 view, and I realize that there's precedent of what's
 25 happened before, I am confused, because you said that we

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1 voted on these cases, and I remember the -- I don't
 2 remember the Push Black case. I do remember the America
 3 Pact case, and you're right, they are similar. But in
 4 my view, you know, unless they feel this some sort of
 5 sting, they're not really motivated to change their
 6 ways. And if we did vote for a letter of reprimand,
 7 then why did we end up sending it to the AGs office?

8 MEMBER KING: We did -- we didn't --

9 CHAIRMAN FERVIER: We voted for a letter of
 10 reprimand on the other case.

11 MEMBER GRUBBS: Oh, on the other case. Okay.

12 ATTORNEY YOUNG: Right. The timeline was -- this
 13 case was already in our office when y'all voted on the
 14 reprimand as to America's Pact. So we were actually
 15 looking at this as a penalty case and preparing this
 16 case in that regard. And then when we, you know, saw
 17 that the board had done the reprimand and the America's
 18 Pact case, and we don't -- we're not aware of any basis
 19 to distinguish these two cases, so we thought it would
 20 be appropriate for the same penalty to be applied here.

21 CHAIRMAN FERVIER: The violation was simply they
 22 didn't put the required statutory language on it?

23 ATTORNEY YOUNG: Correct.

24 CHAIRMAN FERVIER: I mean, that was the violations,
 25 just they didn't put statutory language.

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1 ATTORNEY YOUNG: And I think the pre-filling had
 2 been inappropriate as well.

3 MEMBER GHAZAL: May I also just point out that this
 4 was for a primary election in 2022. And the America's
 5 PAC was for the presidential election in 2024. So the
 6 law had been in place for significantly longer, and we
 7 still only applied a letter of reprimand.

8 Similarly, and just recently there was a case with
 9 a pro-life group, where again we submitted a letter --
 10 issued a letter of reprimand for similar. I do not
 11 recall whether or not there was pre-filling in that
 12 application as well. I would caution, I'm certain it's
 13 not -- could not possibly be the intent of this board,
 14 but I would definitely caution against an appearance of
 15 partisanship, given that this case that we are
 16 recommending a fine appear from the name could possibly
 17 be construed to be left. And America's PAC is Elon
 18 Musk's organization. I'm certain that the board would
 19 not wish to appear partisan in this case.

20 MEMBER GRUBBS: I certainly don't want to appear
 21 partisan. I mean, elections are nonpartisan in my view.
 22 And these violations are not definitely nonpartisan. I
 23 mean, what happens with one needs to happen with the
 24 other. On the America PAC, it's, it's on here for a
 25 final order.

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1 CHAIRMAN FERVIER: Well, that one's already been
 2 resolved. It won't go the AG, so it's complete.

3 MEMBER GRUBBS: Right.

4 ATTORNEY YOUNG: So the next item -- the next case
 5 on the agenda also involves America's PAC, which I
 6 haven't addressed that one yet. I think that what that
 7 one may be is a subset of the case that this board has
 8 already resolved. It's difficult for me to know for
 9 sure, because I don't have the investigative file on the
 10 case that the board already resolved. We only get the
 11 investigative files on the matters that are referred to
 12 us.

13 But it looks to us from what from the information
 14 that we have that the case that we have on today's
 15 agenda with America PAC is a single voter that
 16 complained about the same activity that this board has
 17 already resolved. And so that brings up issues of
 18 possible, it's called res judicata, which is the case
 19 has already been resolved. You can't come back and try
 20 it again.

21 So I don't know for sure that res judicata truly
 22 applies here, because I don't have the files to be able
 23 to put next to each other to be sure that it sure looks
 24 that way. So -- so our recommendation for number four
 25 is a little bit different than for number three, because

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1 we're looking at this as -- those two cases probably
 2 should have been consolidated into a single case,
 3 because they seem to be the same conduct and just coming
 4 from two different directions. One complaint was filed
 5 by a voter who got it, and then I don't remember who the
 6 complainant was in 2024-151, but it seems to be the same
 7 kind of batch of applications that went out into the
 8 world that generated two different complaints.
 9 VICE CHAIR JOHNSTON: Part of the problem we have
 10 here in Georgia is that other states do allow prefilled
 11 absentee ballot applications. So if it's a national
 12 organization, they may think that every state allows
 13 this, and they're not doing their homework to check and
 14 see if it's different in Georgia. But if we -- if we
 15 required a third party organization, any third party
 16 organization to register that they intend to send out
 17 absentee ballot applications, then -- then we could
 18 either inform them -- or inform them to read the Georgia
 19 election law and make sure they're not violating any of
 20 our particular laws. And I think these cases, both they
 21 apologized and said they did not realize that was the
 22 case in Georgia, and -- and I think that was that
 23 affected the decision the board made. But, right, I
 24 don't want us to have any appearance of partisanship.
 25 But it's a problem with third-party organizations,

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1 because we've had third-party organizations register
 2 children, dead people, people who don't live in Georgia,
 3 felons. So -- so there it's something to monitor and
 4 something to be aware of. But -- but these cases are, I
 5 think, just as you've presented.
 6 CHAIRMAN FERVIER: It does present a problem for
 7 us, though, with the Americas PAC case, because we
 8 issued a letter of reprimand on exactly the same
 9 allegation in February. And if we did different this
 10 time, it could create a problem for us.
 11 MEMBER KING: Exactly the same?
 12 CHAIRMAN FERVIER: It's the same -- it's the same
 13 election. It's --
 14 MEMBER KING: I thought this was coming from the
 15 AGs office. They're offering a reprimand.
 16 CHAIRMAN FERVIER: I know, but it was a -- I'm
 17 saying we -- it was the same election in America's PAC,
 18 and out these things. It was just two different voters
 19 that --
 20 MEMBER KING: But we also sent America PAC to the
 21 AGs office.
 22 CHAIRMAN FERVIER: Right.
 23 MEMBER GRUBBS: On one but not the other.
 24 CHAIRMAN FERVIER: On one but not the other.
 25 MEMBER KING: I just don't remember to say that

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1 it's exactly the same. But, I mean, that's why I can't
 2 --
 3 CHAIRMAN FERVIER: You said it was the same
 4 allegations, though, right?
 5 ATTORNEY YOUNG: Correct.
 6 MEMBER KING: The prefilled.
 7 ATTORNEY YOUNG: Yes.
 8 CHAIRMAN FERVIER: Yeah.
 9 MEMBER KING: Okay.
 10 CHAIRMAN FERVIER: Same allegation, one went to the
 11 AG and one a letter of reprimand.
 12 MEMBER KING: Okay. Okay.
 13 MEMBER GRUBBS: So, I mean, you know, we painted
 14 ourselves in the corner, so to speak.
 15 CHAIRMAN FERVIER: Yeah.
 16 MEMBER GRUBBS: And so we don't want to treat, you
 17 know, different groups different, you know, same
 18 circumstances differently. I would just say, in the
 19 future, when we have this situation come up, that it
 20 will be my recommendation to assess a fine when it's
 21 sent over to the AGs office. Because, you know, they're
 22 not -- they're not going to stop doing it unless they
 23 fill it in the pocketbook.
 24 And I just, you know, I do feel bad assessing fines
 25 to someone who can't afford it, and --

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1 ATTORNEY YOUNG: And we would have approached these
 2 cases that way, but for the board's decision to
 3 reprimand America's PAC in February. Like we were in
 4 the process of kind of starting to work these cases up,
 5 and then we see that, and then we look at our cases, and
 6 you know, we're like, well, we, you know, there's not a
 7 basis for distinction here. We should bring this back
 8 to the board and allow them to --
 9 CHAIRMAN FERVIER: You know the will of the board
 10 going forward.
 11 ATTORNEY YOUNG: Understood.
 12 CHAIRMAN FERVIER: Any more questions? Chair will
 13 entertain a motion on SEB2022-041.
 14 VICE CHAIR JOHNSTON: Mr. Chair, I recommend that
 15 we accept the Attorney General's recommendation for a
 16 final order and cease and deceit in reprimand.
 17 MEMBER GRUBBS: Second.
 18 CHAIRMAN FERVIER: We have a motion and a second to
 19 recommend or to accept the final order on SEB2022-041.
 20 All those in favor signify by saying aye. Any
 21 opposition? Hearing no opposition, so moved.
 22 EXECUTIVE DIRECTOR MILLS: Mr. Chairman?
 23 CHAIRMAN FERVIER: Yes.
 24 EXECUTIVE DIRECTOR MILLS: If I could, I just want
 25 to clarify something, because this discussion -- Beth

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1 brings this to mind that just because a board has made a
 2 wrong decision in the past, does not bind it to make
 3 another wrong decision in the future, just because it
 4 made a wrong decision in the past. Boards change this
 5 makeup of this board will change in the future. It has
 6 changed in the past to look back 10 years ago. What
 7 this board was doing and what this board might be doing
 8 10 years forward could be entirely different.

9 So I would really encourage the board that you know
 10 you have the right to look at each decision
 11 individually, while you do not want to appear partisan,
 12 while you do not want to appear unfair in any manner,
 13 you know, to paint yourself in a corner, to use Member
 14 Grubbs' terms. I mean, no, we -- none of us are
 15 perfect.

16 Some days we make good decisions, some days we make
 17 bad decisions, but to bind yourself because you made a
 18 bad decision in the past, to make another bad decision
 19 in the future. I just need to say that, and try to
 20 balance the discussion here.

21 ATTORNEY YOUNG: Well, it's not our prerogative to
 22 decide whether or not the board has made a bad decision.
 23 And we do not look at the decisions of the board through
 24 a lens of it being a bad decision. I will say that this
 25 board's decisions can be precedential. And that, that

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1 is a challenge that we would have if we were to have
 2 inconsistent and differing penalties being applied by
 3 the board.

4 You know, administrative law judges look to those
 5 things as precedent. That does not mean you're correct
 6 that you are always, you know, locked into a particular
 7 penalty or a particular fine. You certainly can look at
 8 things in a case by case basis, and the board does have
 9 the prerogative to change its mind as it evolves and as
 10 members change, certainly.

11 But -- but when that happens, you know, we do ask
 12 that the board recognizes that there may be challenges
 13 associated with that in terms of getting those penalties
 14 applied.

15 CHAIRMAN FERVIER: I think going forward, it'd be
 16 perfectly acceptable for this board to issue penalties
 17 on these kind of cases. But this one bothers me,
 18 because it's the America PAC again, when we just rolled
 19 on that same substantially --

20 ATTORNEY YOUNG: Right. And I think if -- if --
 21 and I mean, if we're ready to move to 2024-159, if you
 22 had two different elections, you know, if they had done
 23 it and then done it again in a subsequent election, I
 24 think that would be totally different. But what the
 25 problem with this one is, it appears to be part and

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1 parcel of the earlier case that's already been resolved.
 2 **A ras judicata would prevent the board from, you know,**
 3 **going back after it's already issued a penalty and a**
 4 **reprimand -- a penalty in the form of a reprimand.**
 5 **From re-penalizing the same organization for the**
 6 **same conduct, in a perfect world, I think these cases**
 7 **probably would have been consolidated together and**
 8 **adjudicated together, and that's just not practical**
 9 **reality. When you have complaints coming from two**
 10 **different directions about the same conduct, that's it's**
 11 **very easy to see why they didn't get put together.**

12 CHAIRMAN FERVIER: Organizations should be on
 13 notice now anyway. So, there's no excuse going forward.
 14 SEB2024-159. Okay. The board -- the Chair will
 15 entertain a motion on SEB2024-159.

16 MEMBER KING: Yeah, I make a motion that we accept
 17 the consent order.

18 CHAIRMAN FERVIER: We have motion to accept. Is
 19 there a second?

20 MEMBER GRUBBS: Second.

21 CHAIRMAN FERVIER: We have a motion to second. Any
 22 discussion? We have a motion and a second to accept the
 23 final order on SEB2024-159. All those in favor signify
 24 by saying aye. Any opposition? Hearing no opposition,
 25 so moved.

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1 EXECUTIVE DIRECTOR MILLS: Mr. Chairman, since we
 2 have Attorney General Lawyer here, Beth Young with us,
 3 we had a subject yesterday that came up, and you were
 4 going to --

5 CHAIRMAN FERVIER: She already responded. I sent
 6 it out yesterday.

7 EXECUTIVE DIRECTOR MILLS: I know, and thank you
 8 for doing that. And I just wanted -- since we have her
 9 here, I know in her response in the email it was
 10 questioning about -- and since we have Rick Richards
 11 here --

12 ATTORNEY YOUNG: This is about whether or not the
 13 SEB website can --

14 EXECUTIVE DIRECTOR MILLS: Right.

15 ATTORNEY YOUNG: I will try to answer your
 16 question, but I will say this is not a topic that I'm
 17 particularly familiar with. And I probably would need
 18 to research it further, and you know. Before giving any
 19 definitive advice, I want to -- because GTA, I know, has
 20 some rules and regulations about linking to websites.
 21 But that's not, as an elections lawyer, something I deal
 22 with on a day to day basis.

23 So I'd want to make sure that I don't give any
 24 improper advice. But -- but I did find some guidelines
 25 that the board could look at, you know, if the board

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1 wants to start thinking about that.

2 EXECUTIVE DIRECTOR MILLS: And I noticed in the

3 email, I think you said if you -- if the board desired

4 for you to do further research on it, which I appreciate

5 that, and that's the point I'm getting to.

6 CHAIRMAN FERVIER: I've already talked to her about

7 it this morning.

8 EXECUTIVE DIRECTOR MILLS: Okay.

9 CHAIRMAN FERVIER: I read the link that she said,

10 and I believe there's a part of it that allowed this to

11 happen. But I want to point that out to her and ask her

12 to research that particular point. So I believe -- I --

13 I'm not an attorney. I think it'll be allowed. I want

14 her to look into the section --

15 ATTORNEY YOUNG: I will follow up --

16 VICE CHAIR JOHNSTON: I'm very interested in a

17 pilot project with Dr. Richards to go -- to use Elly in

18 five to 10 counties, and come up with his findings, his

19 results to see if it's workable, beneficial, that is

20 helpful for the county. So we would very much be

21 interested in that. But we want to make sure that it's

22 --

23 ATTORNEY YOUNG: Well, and I would just ask that we

24 make sure that we're clear on what the questions being

25 presented to us are. Because you know, I don't know if

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1 we're talking about just a simple link on a website or

2 something more detailed. And so I'd like to get some

3 specifics about what I should be researching in that

4 regard.

5 EXECUTIVE DIRECTOR MILLS: To clarify yesterday was

6 just a link. That's all. Just --

7 ATTORNEY YOUNG: And a pilot project may implicate

8 other types of things that I have to think about. So

9 but I can certainly flush out the link issue.

10 VICE CHAIR JOHNSTON: But at this point in time,

11 there's no prohibition for any county registrar to

12 access Dr. Richards' Elly. Is that correct? I mean,

13 it's public information. It's just like accessing the

14 internet to find out an address of a building or

15 something.

16 ATTORNEY YOUNG: I'm not aware of anything. I

17 probably want to look further, just to make sure that

18 I'm not missing something. But, you know, as I stand

19 here today, I'm not aware of. My understanding is

20 counties can look at a variety of information from a

21 variety of sources, they would want to make sure that

22 those sources are -- are accurate.

23 CHAIRMAN FERVIER: The only -- the only difference

24 that I can see, it's all publicly -- it's all drawn from

25 public data sources, it's free to everybody, you can

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1 access it, but you have to be credentialed to be able to

2 get into it. And so it's just, but you have to have

3 other websites too, sometimes, and sign up, and --

4 ATTORNEY YOUNG: So, like I said, I'd want to have

5 a little time to look at this in a little more detail,

6 make sure that I understand the product first, you know,

7 so that I can make sure that I could spot any issues

8 that could be associated with it.

9 CHAIRMAN FERVIER: Yeah, I just asked you back and

10 watch a discussion that happened yesterday, so that you

11 can --

12 ATTORNEY YOUNG: Sure.

13 CHAIRMAN FERVIER: -- I think we talked about most

14 of those issues, so.

15 ATTORNEY YOUNG: And I did -- I was able to view

16 most of that, but I did have some interruptions during

17 the day.

18 MEMBER GRUBBS: Spell binding isn't it?

19 ATTORNEY YOUNG: Always is.

20 CHAIRMAN FERVIER: Thank you.

21 MEMBER GRUBBS: Thank you very, very much for all

22 you do for us.

23 ATTORNEY YOUNG: Thank you.

24 CHAIRMAN FERVIER: We're going to go into the

25 violation cases now. The first item, the agenda is

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1 SCB2022-107, Henry County districting issues. The first

2 case we will hear is SCB2025-105, Lamar County, illegal

3 campaigning by candidates. It's tab number 43. Okay.

4 Come to the podium, please.

5 EXECUTIVE DIRECTOR MILLS: The Secretary of State's

6 office initiated this investigation in the course of

7 conducting the polling place inspection for November

8 2025 special election, where it was observed that a

9 candidate sign was placed within 150 feet of an active

10 polling place, a potential violation of official code of

11 Georgia OCGA 21-2-414 restrictions on campaign

12 activities.

13 CHAIRMAN FERVIER: Complaint is Investigator Wendy

14 Stevens. The respondent is Tim Turner. Is Mr. Turner

15 here? There is a statement. I'll read the statement in

16 his absence. I'll try to get some additional

17 information. This is my first time running for any type

18 of office. I decided to run for tax commissioner for

19 Lamar County. I qualified and began ordering my signs.

20 I live across a narrow street from Barnesville, Lamar

21 County Library, which is used for a voter spot.

22 I had a small sign on the sign of my yard. When I

23 qualified, I wasn't told anything about the legal laws

24 or ordinance on displaying a political sign, so I had no

25 clue I could not put a sign in my yard. In the report

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1 you sent, the person said I said I was using my First
 2 Amendment rights to put my sign there. I don't remember
 3 saying that at all. I said that I don't know -- I
 4 didn't know I could not put a sign in my yard that would
 5 conflict with anything during the election.
 6 No one from the library came over and said that the
 7 sign was any kind of violation. If they had, I would
 8 gladly remove it. I'd never campaigned before and had
 9 no idea. I don't remember seeing a sign at the library
 10 saying that you did not put a sign up. It was an honest
 11 mistake. I had no idea that I was doing anything that
 12 should not be done. Thanks again for reaching out and
 13 let me know if there's anything else need to do. Best
 14 regards.
 15 MEMBER KING: Yeah, it just sounds like it's
 16 another candidate didn't -- and it's his private
 17 property. That's kind of tricky.
 18 CHAIRMAN FERVIER: It is, but the code does not
 19 distinguish property.
 20 MEMBER KING: Right.
 21 CHAIRMAN FERVIER: Yeah, I had that very question
 22 asked, discuss that with an investigator, so.
 23 MEMBER KING: Yeah.
 24 CHAIRMAN FERVIER: If there is no questions, the
 25 Chair will entertain a motion on this case.

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1 MEMBER KING: I make a motion we issue a letter of
 2 instruction.
 3 CHAIRMAN FERVIER: We have motion to show a letter
 4 of instruction to Mr. Turner. Is there a second?
 5 DR. JOHNSTON: Second.
 6 CHAIRMAN FERVIER: We have a motion and a second.
 7 Any discussion? Hearing no discussion, all those in
 8 favor signify by saying aye. Any opposition? Hearing
 9 no opposition. So moved by voted four to zero.
 10 Next item is SCB2025-028, Henry County, City of
 11 Hampton, publishing qualifying fee, number 42.
 12 EXECUTIVE DIRECTOR MILLS: On May the 28th 2025 the
 13 Secretary of State's Investigation Division opened an
 14 investigation after receiving an email from Nicholas
 15 McKinnon, election support and research specialist,
 16 advising that he spoke to Alex Cohelles [ph], city
 17 manager of the city of Hampton, who self-reported that
 18 the city of Hampton did not publish the qualifying fees
 19 as required in OCGA 21-2-131 fixing and publishing of
 20 qualification fees, manner of payment, distribution fees
 21 paid.
 22 CHAIRMAN FERVIER: The complainant is, Alex
 23 Cohelles, City Manager, City Hampton, and the respondent
 24 is Henry County Board of Elections and Voter
 25 Registration, and Carmen Blunt, Interim City Clerk.

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1 ALICIA THOMPSON: Good morning, Mr. Chair, and good
 2 morning to the State Board of Elections. Ms. Blunt is
 3 here today. And just to provide some context on the
 4 matter --
 5 CHAIRMAN FERVIER: Would you introduce yourself,
 6 please?
 7 ALICIA THOMPSON: I'm sorry, my name is Alicia
 8 Thompson, and I represent the City of Hampton.
 9 CHAIRMAN FERVIER: Okay.
 10 ALICIA THOMPSON: Ms. Blunt is here today, and just
 11 as it stated in 2025 of course, the city was required to
 12 publish the qualification fees for the election on
 13 February one. They were not published until June the
 14 4th of 2025. And just to provide some context around
 15 the matter, Ms. Blunt was put in the position rather at
 16 the last minute. The city clerk at the time had to go
 17 on leave, and so there was oversight in those duties of
 18 making sure that the publishing went out on February
 19 one.
 20 So Ms. Blunt was serving in an interim capacity,
 21 filling in for the city clerk, because there was an
 22 emergency that she had to go on leave for. And during
 23 that time frame it was overlooked that the fees would be
 24 published by February 1st. When it was acknowledged and
 25 understood that they needed to be published, they were

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1 published by June the 4th, of course, ahead of the date
 2 of qualification for candidates.
 3 And so again the publishing fees were published in
 4 time for the candidates to have noticed them and paid,
 5 but just not by the February 1st deadline.
 6 CHAIRMAN FERVIER: Is Ms. Blunt still the city
 7 clerk?
 8 ALICIA THOMPSON: No. at the moment I believe she
 9 -- she's not the city clerk, but does she still work for
 10 the City of Hampton.
 11 CHAIRMAN FERVIER: Okay.
 12 MEMBER GRUBBS: So what role -- what role does the
 13 Henry County Board of Elections play?
 14 ALICIA THOMPSON: Henry County Board of Elections,
 15 they -- they're the entity, or they're the election
 16 superintendent for the City of Hampton. But each
 17 municipality is still required to publish fees for
 18 candidates that are going to be for -- for offices that
 19 are going to be filled in within that municipality.
 20 MEMBER GRUBBS: Okay. And Lee Phillips was the
 21 director of the board of elections?
 22 ALICIA THOMPSON: Yes, that is a county official
 23 that worked with the City of Hampton. Yes.
 24 MEMBER GHAZAL: Mr. Chairman?
 25 CHAIRMAN FERVIER: Yes, Member Ghazal.

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1 MEMBER GHAZAL: I want to clarify this. This is a
 2 self-report by the --
 3 ATTORNEY YOUNG: Yes, by the city. Yes.
 4 MEMBER GHAZAL: Did you receive any complaints from
 5 any candidates in relation to --
 6 MS. BLUNT: No, ma'am.
 7 MEMBER GHAZAL: Okay.
 8 CHAIRMAN FERVIER: Self-report. No complaints.
 9 Complained on yourself.
 10 MEMBER KING: That's the right thing to do.
 11 MEMBER GRUBBS: What's your name?
 12 CARMEN BLUNT: I'm Carmen Blunt.
 13 MEMBER GRUBBS: Okay.
 14 CHAIRMAN FERVIER: Have you disciplined yourself
 15 already?
 16 CARMEN BLUNT: I didn't actually file a complaint.
 17 I -- at the time that this was brought up, I had already
 18 been moved over to the municipal court. So it was
 19 brought to my attention after the fact.
 20 CHAIRMAN FERVIER: Okay. It's been corrected,
 21 obviously. Any questions? The chair will entertain a
 22 motion.
 23 MEMBER GHAZAL: I would move that we issue a letter
 24 of reprimand.
 25 CHAIRMAN FERVIER: Why a letter of reprimand is

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1 letter of instruction?
 2 MEMBER GHAZAL: I'm fine with that. I will amend
 3 my motion that we issue a letter of instruction.
 4 CHAIRMAN FERVIER: I mean, it seems like a very
 5 unfortunate mistake of nobody's real fault. So
 6 unfortunate circumstances. We have motion to issue a
 7 letter of instruction. Is there a second?
 8 MEMBER KING: Second.
 9 CHAIRMAN FERVIER: We have a motion to second. All
 10 those in favor, signify by saying aye. Any opposition?
 11 Hearing no opposition, so move. You understand what a
 12 letter of instruction is?
 13 CARMEN BLUNT: I do not. I'm not in that position.
 14 CHAIRMAN FERVIER: All right. Well, it's simply a
 15 letter sent out that said that you've violated a code,
 16 please don't do that again.
 17 CARMEN BLUNT: Okay.
 18 CHAIRMAN FERVIER: All right. Thank you. Safe
 19 travels back. Other two Hampton -- I mean, the other
 20 two Henry are coming later, right?
 21 MEMBER KING: Yes.
 22 CHAIRMAN FERVIER: Okay. All right. Next on the
 23 agenda is SCB2023-084, Houston County, City of Warner
 24 Robins, illegal campaigning.
 25 EXECUTIVE DIRECTOR MILLS: It was reported to the

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1 Secretary of State that on the election night of
 2 November 7th, 2023, Charlie Bibb, candidate for Warner
 3 Robins City Council, entered the Mossy Creek Middle
 4 School polling precinct prior to the polls closing.
 5 CHAIRMAN FERVIER: Complainant is, Kristen Kiefer.
 6 The respondent is Charlie Bibb. Is Mr. Bibb here?
 7 Charlie Bibb is not here. Is Kristen Kiefer here,
 8 complainant? No. The -- based on information standard
 9 report appears violation has been identified. OCGA 21-
 10 2-414(d), restrictions on campaign activities, is the
 11 code section. So it was substantiated, Charlie Bibb,
 12 candidate for Warner Robert City Council did enter the
 13 Mossy Creek Middle School polling precinct before the
 14 polls had closed.
 15 VICE CHAIR JOHNSTON: 10 minutes.
 16 CHAIRMAN FERVIER: 10 minutes. Yes, at 6:50 p.m.
 17 VICE CHAIR JOHNSTON: 10-minute violation.
 18 CHAIRMAN FERVIER: Yes. Any questions from the
 19 board?
 20 SHERRIE PHILLIPS: Charlie Bibb statement --
 21 CHAIRMAN FERVIER: Yeah, do you have it?
 22 EXECUTIVE DIRECTOR MILLS: Can she read it to us?
 23 CHAIRMAN FERVIER: Yeah.
 24 SHERRIE PHILLIPS: First of all, I like to
 25 apologize that I couldn't be there in person for the

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1 hearing. I'm on a family vacation that has been
 2 planning for quite some time. I would like to tell the
 3 panel, I did go to the Mossy Creek polling place to
 4 collect all of my signs that were at this location.
 5 After packing up all my signs, I noticed it was very
 6 close to the poll closing.
 7 I decided to wait and get the polling information -
 8 - get the polling numbers from the polling location. I
 9 waited in the parking lot beyond the 150 feet polling
 10 sign. When it came time for the poll to close, I walked
 11 up to the school. There were no voters outside or
 12 inside. They started taking down the polling equipment,
 13 so I walked past where the voting machines were, and
 14 walked all the way to the end of the hallway, away from
 15 the voting booths.
 16 I sat in a chair next to the police officer that
 17 was on duty. I stayed in that location until they were
 18 finished taking down the equipment and run the numbers.
 19 I retrieved the numbers and left the polling location.
 20 I have stated that I may have walked in a couple minutes
 21 early into the polling location, but I never
 22 communicated with any voter at that polling location,
 23 because there were none.
 24 It was also stated in the complaint that I had a
 25 campaign T-shirt on that was totally false and debunked

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1 by the polling location volunteers. I deeply regret the
 2 miscalculation of time on my part that I made that
 3 night. My intentions were not to force in any way,
 4 shape, form, or fashion. I deeply apologize for my
 5 mistake.

6 One more note, nobody has come forward saying that
 7 I was trying to get people to vote for me at the polling
 8 location because there were no voters there. It was
 9 very late, and the polls were closing. The situation
 10 was all over the news in my community, and I've already
 11 suffered a lot of embarrassment for a stupid mistake,
 12 but again, nobody came forward saying that I was trying
 13 to get people to vote for me inside the polling
 14 location. Councilman Charlie Bibb.

15 CHAIRMAN FERVIER: Any questions for the board?

16 MEMBER KING: I think Sherrie should read all of
 17 them.

18 CHAIRMAN FERVIER: I'm hurt by that.

19 MEMBER KING: Sorry, James. I hate that they put
 20 this on the news. Geez.

21 CHAIRMAN FERVIER: Small town.

22 MEMBER KING: I make a motion that we issue a
 23 letter of instruction.

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

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1 MEMBER GRUBBS: Second.

2 CHAIRMAN FERVIER: Got a motion to second. Any
 3 discussion? Hearing no discussion, all those in favor
 4 signify by saying aye. Any opposition? Hearing no
 5 opposition, so moved. Letter of instruction will be
 6 issued. Next on the agenda is SCB2025-024, Burke
 7 County, City of Keysville, Vidette, failure to hold
 8 election in 2023.

9 EXECUTIVE DIRECTOR MILLS: The Secretary of State's
 10 office received the following complaint regarding the
 11 November 7th, 2023, municipal general /special election
 12 in the city of Keysville, Burke County, Georgia. It was
 13 reported that the city of Keysville and the City of
 14 Vidette failed to conduct the required municipal
 15 election on November 7th, 2023.

16 VICE CHAIR JOHNSTON: The Keysville situation was
 17 handled with SEB2023-054.

18 CHAIRMAN FERVIER: Yes.

19 VICE CHAIR JOHNSTON: So this is really
 20 consideration of Vidette.

21 CHAIRMAN FERVIER: City of Vidette, I was
 22 interested to know a little bit about the City of
 23 Vidette. They have a population of 103. And they're
 24 one square mile in size. And it seems like they never
 25 have anybody wants to run for anything, so you just kind

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1 of rotate who gets to be mayor. And they don't even
 2 have enough people on the city council, because nobody
 3 will volunteer to be on city council. So it's a very --
 4 very small community. If you want to be the mayor of
 5 Vidette, move to Vidette.

6 MEMBER KING: I mean, did they not conduct the
 7 election because no one was running?

8 CHAIRMAN FERVIER: I don't even know if they had
 9 the resources to -- I mean, it's such a very small
 10 community. They -- back in the 1920s, they had a
 11 population over 500. And so it's a decreasing city.

12 MEMBER GRUBBS: I bet they use hand marked paper
 13 ballots

14 CHAIRMAN FERVIER: For all four ballots, probably.

15 VICE CHAIR JOHNSTON: They probably use raised
 16 hands.

17 CHAIRMAN FERVIER: There -- there's no financial
 18 records indicating where city money was spent. There's
 19 no documentation showing officials took office when the
 20 last election had been held. They are attempting to
 21 reestablish a functioning council, but their efforts
 22 have been hindered by a lack of willing participants

23 EXECUTIVE DIRECTOR MILLS: Do they have an address
 24 for us to send a letter to?

25 MEMBER KING: Who filed the complaint -- Oh, the

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1 Secretary of State's office. Okay.

2 MEMBER GHAZAL: Mr. Chairman, may I ask --

3 CHAIRMAN FERVIER: I'm not done reading yet. Three
 4 different mayors serving between 2022 and 2025, and
 5 explained the previous two resigned. All the mayors
 6 were appointed by council, and all council members
 7 volunteered for their positions. No elections were held
 8 for any of the seats, and no members were sworn in
 9 through a formal process. They currently do not have
 10 enough members to constitute a functioning council.

11 Vidette does not have necessary equipment or
 12 certified individual to administer an election. He
 13 advised that their goal is to hold their first properly
 14 conducted election in 2027. I have great sympathy for
 15 these people. Yes, your question.

16 MEMBER GHAZAL: If I could ask, Counsel, if no
 17 candidate qualifies for office, is -- there is no
 18 obligation to actually (indiscernible) an election, is
 19 that . . .

20 ATTORNEY YOUNG: I would have to look at that. I
 21 know that there are procedures for nominating
 22 replacement candidates sometimes when you have this
 23 situation. But they're pretty technical, and I'd have
 24 to take a look at it.

25 MEMBER GHAZAL: Right. I was -- I was quickly

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1 trying to -- trying to look at that. I couldn't find
2 it. I was hoping that you would --
3 ATTORNEY YOUNG: Yeah, I would also have to look at
4 that.
5 MEMBER GHAZAL: Okay. But failure to, like, I know
6 that there are some very technical things to replace
7 candidates, but when, like, nobody qualifies, they don't
8 know that there is even a legal obligation to hold an
9 election.
10 ATTORNEY YOUNG: When no one is qualifies.
11 MEMBER GHAZAL: They don't know that there's even a
12 legal obligation to hold an election --
13 ATTORNEY YOUNG: I'm not sure that there is one.
14 MEMBER GHAZAL: Right.
15 ATTORNEY YOUNG: But I'd really want to look before
16 I --
17 MEMBER GHAZAL: That's why I asked you.
18 ATTORNEY YOUNG: Yeah. I will say I'm not aware of
19 a statute that would place that legal obligation on a
20 county in that particular scenario.
21 MEMBER GHAZAL: Thank you.
22 CHAIRMAN FERVIER: Chair will entertain a motion at
23 this time.
24 MEMBER KING: Yeah, I make a motion that we dismiss
25 this case. It's clear that this county -- that this

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1 city is not prepared, and no one was running, then no
2 real harm.
3 CHAIRMAN FERVIER: We have motion to dismiss. Is
4 there a second?
5 MEMBER GHAZAL: Second.
6 CHAIRMAN FERVIER: We have motion to dismiss and a
7 second. All those in favor signify by saying aye. Any
8 opposition? Hearing no opposition, so moved. This case
9 is dismissed. Somebody, please identify the city of
10 Vidette that --
11 MEMBER KING: I know. I think I'm going to visit
12 the city.
13 CHAIRMAN FERVIER: It would be a quick visit.
14 MEMBER KING: They should have a restaurant or
15 something.
16 CHAIRMAN FERVIER: I don't think they have
17 anything. I couldn't even find any pictures online. I
18 went down a rabbit hole one night trying to --
19 MEMBER KING: I want to see. I think I'll drive
20 out there just to see.
21 CHAIRMAN FERVIER: You can eat in Augusta, because
22 it's not too far from there. Next item on the agenda is
23 SCB2025-104, Irwin County, City of Ocilla, buying votes.
24 They are attending by Zoom. SCB2025-104, Irwin County,
25 City of Ocilla, buying votes. It's tab number 46.

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1 EXECUTIVE DIRECTOR MILLS: The office of the
2 Secretary of State received the following complaint or
3 allegation concerning the November 4th, 2025, municipal
4 general election in the city of Ocilla, Irwin County,
5 Georgia. Irwin County Election Supervisor Ethan Compton
6 reported that Courtney Austin, a candidate for Oscilla
7 City Council, had offered food to encourage residents to
8 vote in the 11/04/2025 municipal general election.
9 An additional complaint was made by Stephen Hudson,
10 in which he made the same allegation. Both complainants
11 were combined for the investigation.
12 CHAIRMAN FERVIER: The complainant is Ethan
13 Compton, Irwin County, and Stephen Hudson. And the
14 respondent is Courtney Austin. Ms. Austin, are you on?
15 COURTNEY AUSTIN: Good morning. Yes, I'm here.
16 CHAIRMAN FERVIER: Ms. Austin, are you online?
17 COURTNEY AUSTIN: Yes, I'm here.
18 CHAIRMAN FERVIER: Can you turn her up so we can
19 hear? Ms. Austin?
20 COURTNEY AUSTIN: Yes.
21 CHAIRMAN FERVIER: Okay. We can hear you fine now.
22 You're on loud speaker, so the audience can hear you
23 also. Would you like to make a statement on this case?
24 COURTNEY AUSTIN: Yes, I would like to make a
25 statement.

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1 CHAIRMAN FERVIER: Okay.
2 COURTNEY AUSTIN: I already sent in like the post
3 and stuff, but this was my first time running for
4 election. I was not bribing people out of votes. Ethan
5 himself even came over to me the day of election, the
6 day that I was giving out food, and told me that the
7 only thing was that I would have to feed everyone that
8 came up for plates. I ended up feeding everybody that
9 came, even people that did not vote.
10 Prior to the election, like a couple months before,
11 I was at a district that could not even vote for me. I
12 was at College Hill Park, and I gave away free meals
13 just to the community, just giving back to the
14 community. My goal was to get everybody to vote. It
15 didn't matter if they voted for me or not. This was put
16 in the Ocilla Star in the newspaper, which bought me
17 embarrassment, which was not true.
18 I even -- I spoke with Ethan. Ethan, only problem
19 was, make sure you feed everybody, not just District
20 One. I fed so many people in the community. People
21 that sat across the street, they came and ate. And they
22 did not even vote. I even offered my opponent food. I
23 was not bribing no one to vote for me at all.
24 CHAIRMAN FERVIER: The Secretary of State found
25 potential violations to OCGA 21-2-570, any person who

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1 gives or receives offers or gives to receive or
 2 participates are giving or receiving of money or gifts
 3 for the purpose of registering for a particular
 4 candidate. Any questions from the board?
 5 MEMBER KING: Yes. Ms. Austin, when you were
 6 passing out food, did you ask them to provide their
 7 voter sticker in exchange for a plate of food?
 8 COURTNEY AUSTIN: I did not. Someone requested
 9 that I do that just to show that they voted, and I did
 10 put that in the post. But once I spoke with Ethan and
 11 he made it clear that I had to feed everyone that asked
 12 for a plate, anyways, I did not ask for no stickers.
 13 Not one person provided a voter sticker.
 14 MEMBER KING: All right. And are you familiar with
 15 -- well, I guess prior to this, were you familiar with
 16 the policies in relation in regards to handing out food
 17 and drink?
 18 COURTNEY AUSTIN: I didn't know that that would be
 19 considered like buying votes or a bribe. I did not,
 20 because, like I said, this is something that I do --
 21 even before I ran, I always try to find ways to give
 22 back to the community. Like I said, I was at College
 23 Hill Park, which is not even in my district, maybe like
 24 a month or two before the election, giving back food to
 25 the community, and not one person that was there could

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1 even vote for me.
 2 MEMBER KING: Okay. Thank you.
 3 COURTNEY AUSTIN: Yes, ma'am.
 4 CHAIRMAN FERVIER: Any more questions? Chair will
 5 entertain a motion on this case.
 6 MEMBER KING: I make a motion that we issue a
 7 letter of instruction, so that she has the code and
 8 she's fully aware.
 9 CHAIRMAN FERVIER: We have motion issue of letter
 10 of instructions. Is there a second?
 11 MEMBER GHAZAL: Second.
 12 CHAIRMAN FERVIER: We have motion and a second
 13 issue of letter of instruction. Any discussion?
 14 Hearing no discussion, all those in favor signify by
 15 saying aye. Any opposition? Hearing no opposition, so
 16 moved. Ms. Austin, do you understand what letter of
 17 instruction is?
 18 COURTNEY AUSTIN: Yes, sir, I do.
 19 CHAIRMAN FERVIER: Okay. Well, thank you for
 20 participating. We appreciate you.
 21 COURTNEY AUSTIN: No, thank you.
 22 CHAIRMAN FERVIER: Thank you. Next item on the
 23 agenda is SEB2023-089, Sumter County poll worker issues,
 24 a continued case. I'm sorry, that case was continued.
 25 Next item is SCB2025-100, Stewart County, City of

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1 Richland, FC ballot drop box.
 2 EXECUTIVE DIRECTOR MILLS: On the election day,
 3 November 4th, 2025 at 10:44 a.m., Investigator Monroe
 4 was conducting election monitoring at the Richland Parks
 5 Memorial Public Library in Stewart County when he found
 6 a drop -- when he found a ballot drop box set up in the
 7 lobby of the library. The box was accessible to the
 8 public as they entered to vote, and at the voting room,
 9 which was located directly next to the lobby.
 10 The investigator took photos of the ballot drop
 11 box, which clearly shows the drop slot was open,
 12 allowing absentee ballots to be deposited.
 13 CHAIRMAN FERVIER: The respondent, Stewart County
 14 Board of Elections and Registrations, Alfreda Hudson,
 15 election supervisor. Ms. Hudson, are you here? The
 16 findings were substantiated -- the allegations were
 17 substantiated, OCGA 21-2-382, additional buildings as
 18 registers -- as additional registers office or place of
 19 registration for receiving FC ballots, and for advanced
 20 voting drop boxes. That's the violation number. And
 21 this is actually Investigator Monroe was conducting
 22 election monitoring and found this. It's substantiated.
 23 Any questions?
 24 EXECUTIVE DIRECTOR MILLS: Mr. Chairman, I just had
 25 one for future reference here. So an investigator from

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1 the SOS or the SEB can take pictures inside a voting
 2 precinct?
 3 CHAIRMAN FERVIER: This was not inside the voting
 4 precinct.
 5 EXECUTIVE DIRECTOR MILLS: Okay. That's what I
 6 want to clarify.
 7 CHAIRMAN FERVIER: Yeah, this was not inside the
 8 voting precinct.
 9 MEMBER GHAZAL: When -- when there's a polling
 10 location that's set up inside a public building, there's
 11 an enclosed space, and -- and the area outside the
 12 enclosed space is not considered inside the precinct.
 13 And therefore within the prohibitions. So if -- if this
 14 -- if the drop box was outside the enclosed location, it
 15 wouldn't -- wouldn't be covered by those prohibitions.
 16 CHAIRMAN FERVIER: Chair will entertain a motion.
 17 MEMBER KING: I make a motion we issue a letter of
 18 reprimand.
 19 CHAIRMAN FERVIER: We have motion to issue a letter
 20 of reprimand on SEB2025-100. Is there a second? I'll
 21 second the motion. We have motion to second. Any
 22 discussion?
 23 VICE CHAIR JOHNSTON: Yes. I would like to know if
 24 this practice has been changed, and if there are
 25 actually providing proper surveillance or oversight of

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1 the drop box at this time.

2 MEMBER KING: I'm open to --

3 MEMBER GHAZAL: Can we confirm, so Stewart County

4 is not here, and they have not provided any sort of

5 statement?

6 CHAIRMAN FERVIER: No.

7 MEMBER GHAZAL: My preference would be to send this

8 to the Attorney General's office.

9 MEMBER KING: I don't mind amending my motion.

10 CHAIRMAN FERVIER: We have a motion to amend the

11 motion sentence to the AG. Is there a second?

12 MEMBER GRUBBS: Second.

13 VICE CHAIR JOHNSTON: Second.

14 CHAIRMAN FERVIER: Amended motion send it to the

15 AGs office. Any discussion? Hearing no discussion, all

16 those in favor signify by saying aye. Any opposition?

17 Hearing no opposition, so moved.

18 MEMBER GRUBBS: Just one thing to clarify, they did

19 receive proper notice, right?

20 SHERRIE PHILLIPS: Yes, ma'am.

21 MEMBER GRUBBS: Okay. And no -- and did you get

22 any word back from them?

23 SHERRIE PHILLIPS: No, ma'am.

24 CHAIRMAN FERVIER: Next on the agenda is SCB2024-

25 038, Wilkinson County ballot selections not on the

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1 printed ballot.

2 EXECUTIVE DIRECTOR MILLS: The Georgia Secretary of

3 State's office received a complaint from Robert Kitchen

4 alleging that his printed ballot only had a QR code and

5 not his candidate selections.

6 CHAIRMAN FERVIER: The complainant is, Richard

7 Kitchen. The respondent is Kelly Chapman, Election

8 Supervisor Irwinton, and the Wilkinson County Board of

9 Elections and Registration. Is Wilkinson County here

10 for Kelly Chapman?

11 The investigator found potential violations based

12 on information contained reported. Appears the

13 violations been identified. During the interview, the

14 Deputy Registrar and Election Equipment Technician

15 identified the scanner issued as a configuration error

16 on an election event designer with a Lourd's precinct

17 one improperly linked with the Ivy precinct. She said

18 the problem was resolved by creating new memory card,

19 after which ballots scanned successfully. This would

20 have likely been discovered if proper procedures were

21 followed during LNA testing.

22 So it's about SEB rule 183-1-12-.08 subsection

23 three subsection D, logic and accuracy testing.

24 MEMBER KING: No one's here.

25 CHAIRMAN FERVIER: No one's here.

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1 MEMBER KING: Oh, they're on Zoom.

2 MEMBER GHAZAL: I think there's someone on Zoom.

3 Before we hear that, I want to make sure that it's clear

4 to everybody who's listening that the initial allegation

5 about a ballot that did not print, the voters' choices

6 was found to be unsubstantiated because the

7 investigators reviewed the ballots. Because this is not

8 the first time we've heard allegations where voters

9 believe that the print did not -- or that their ballots

10 weren't properly printed. And then the investigators go

11 back, they look at the ballots and discover that it was

12 a faulty memory and not a faulty printer.

13 CHAIRMAN FERVIER: Is Kelly Chapman online?

14 EXECUTIVE DIRECTOR MILLS: Yes, I'm here.

15 CHAIRMAN FERVIER: Who's online?

16 MEMBER KING: Kelly Chapman.

17 CHAIRMAN FERVIER: Ms. Mahone? Ms. Mahone, can you

18 hear us?:

19 KELLY CHAPMAN: I'm Ms. Chapman.

20 (Technical difficulty hearing Kelly Chapman via

21 Zoom.)

22 CHAIRMAN FERVIER: Ms. Chapman, can you hear us?

23 KELLY CHAPMAN: Yes, I can hear you.

24 CHAIRMAN FERVIER: Would you like to make a

25 statement on this?

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1 KELLY CHAPMAN: Yes, I would. So, the initial

2 allegation was found to be unfounded. Because what

3 happened is the voter actually had a QR code. He just

4 didn't understand what he was looking at. And as far as

5 the encoding of the cards, that was my second election.

6 I had only been here not even six months, so I actually

7 had a technician, as well as a registrar who were

8 working.

9 And when the issue was discovered, we immediately

10 fixed it and got everything taken care of. Everyone was

11 allowed to vote. I am now more hands on. I'm actually

12 training to do all of my stuff myself. And I've not had

13 this issue since, and I'm also in the process of

14 creating standard operating procedures for my office, so

15 that these type of things will not happen again in the

16 future.

17 CHAIRMAN FERVIER: This board have any questions

18 for Ms. Chapman?

19 MEMBER KING: One question, what -- you said that

20 he didn't understand what he was looking at. So you

21 said his ballot was perfectly fine, but he just was

22 misreading it. Is that what happened?

23 KELLY CHAPMAN: With the guy, what he did was like

24 the ballot, he only saw the QR code. He didn't see the

25 wording, but when the investigator came, we pulled every

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1 single ballot. He took a photograph of every single
 2 ballot, and every single ballot had the wording on it.
 3 This particular voter actually put his ballot into
 4 the scanner and cast his ballot, and then said, I didn't
 5 see my results going to vote again. And we advised him,
 6 because he had cast his ballot, that we could not pull
 7 his ballot back and let him revoke, because he cast it
 8 before he said anything.
 9 MEMBER KING: Got it. Okay. Thank you.
 10 CHAIRMAN FERVIER: Any further questions for Ms.
 11 Chapman? Chair will entertain a motion on SEB2024-038.
 12 MEMBER GHAZAL: I move that we issue a letter of
 13 instruction with regard to logic and accuracy testing.
 14 CHAIRMAN FERVIER: We have motion issue of letter
 15 instruction in regard to LNA testing. Is there a
 16 second?
 17 VICE CHAIR JOHNSTON: Second.
 18 CHAIRMAN FERVIER: We have motion and a second.
 19 Any discussion?
 20 MEMBER KING: Just really quick. Was logic and
 21 accuracy testing done at all?
 22 KELLY CHAPMAN: Yes, ma'am, it was. What we all
 23 discovered is that when I went back and looked at
 24 everything and all of the paperwork, because I had only
 25 been -- I had not even been here six months. I knew

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1 what had happened when I went through it, and I realized
 2 they had just gotten some things mixed up, as far as the
 3 cards go. And so I actually -- we got the issue
 4 corrected. We followed -- you know, we followed all the
 5 paperwork. I now document everything I used -- We
 6 actually use the LMA accuracy checklist. Because at
 7 that time that was not being used.
 8 I did implement that, that is a requirement. Now
 9 is that the large logic and accuracy check testing
 10 checklist is always used, and I actually now myself is
 11 hand -- or I'm really hands on with everything, and I
 12 double and triple check everything to make sure that
 13 everything is done correctly. And the only reason I'm
 14 not there today is because I am conducting LNA testing.
 15 MEMBER KING: Okay. All right. Well, thank you.
 16 CHAIRMAN FERVIER: We have motion second to issue a
 17 letter of instruction on LNA testing. Any further
 18 discussion? All those in favor signify by saying aye.
 19 Any opposition? He no opposition, so moved. Thank you,
 20 Ms. Chapman.
 21 MEMBER GRUBBS: Mr. Chair, it says in here that the
 22 investigator obtained a court order to review election
 23 records. I would like -- I would like to further review
 24 this case, even though we've, you know, issued a
 25 decision on it. And would like to understand exactly

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1 what that court order says. If we can get a copy of
 2 that order, that would be great from the investigator.
 3 CHAIRMAN FERVIER: If you'll send me an email, I'll
 4 see if I can get that, okay? The next item on the
 5 agenda is SCB2025-038, Fulton County, disability issue
 6 of polling place.
 7 EXECUTIVE DIRECTOR MILLS: This investigation was
 8 opened after the Georgia Secretary of State's office
 9 received a complaint referral from complainant Maria
 10 Santikova [ph], stating that she encountered a
 11 disability access issue where the audio tactile
 12 interference -- the ATI -- was not working correctly
 13 during July 15th, 2025 special primary runoff, Public
 14 Service Commissioner/special election.
 15 CHAIRMAN FERVIER: The complainant's, Maria
 16 Santikova, the respondents are Nadine Williams of Fulton
 17 County Board of Elections and Alexis Mahone. Okay.
 18 Please proceed.
 19 KAREN BASHUDA: Yes, Karen Bashuda for Fulton
 20 County. So I think a lot of this appears to be there
 21 was a family dynamic going on at one point. So the ATI
 22 system was working. The mom, father, and daughter, who
 23 was the one that needed assistance or to use the ATI all
 24 came in together.
 25 When they checked into the poll pad, the father

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1 signed the voter assistance portion, and I do -- Sorry,
 2 I don't have printed copies, but I do have a copy of the
 3 voter certificate and the father signing for voter
 4 assistance. But then when they went to vote, the
 5 daughter indicated, she wanted to use the ATI. But the
 6 card at that point was programmed for voter assistance.
 7 It has to be programmed separately for ATI.
 8 So, in order to use the ATI, the poll worker would
 9 have needed the card back to cancel that out on the poll
 10 pad. Nadine Williams is on the line, she can explain
 11 the actual poll process. But the card would have to be
 12 reprogrammed to use the ATI. But she decided -- she
 13 declined to have it reprogrammed, but she did not want
 14 her father to help her. So she asked the poll worker if
 15 she could help her select the screens.
 16 But that's because the father had signed the voter
 17 certificate, the poll worker needed to be more assertive
 18 and make clear that the father then had to assist her,
 19 or to return the card, and either reprogram it for the
 20 ATI or reprogram it with the poll worker signing as the
 21 voter assistant. And Ms. Williams should be on the
 22 line, she can speak to that as well.
 23 And the voter did vote, but it was the poll worker
 24 that assisted her, but because the card wasn't returned
 25 and reprogrammed, it still has the father listed as the

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1 voter assistant. And -- and the card just out in the --
 2 it wasn't that the ATI machine was down, it just hadn't
 3 been programmed for that.
 4 CHAIRMAN FERVIER: And the voter asked the
 5 assistant manager to help her?
 6 KAREN BASHUDA: Yes.
 7 CHAIRMAN FERVIER: She didn't want the father to
 8 help her?
 9 KAREN BASHUDA: Yes, that is my understanding. She
 10 didn't want her father to help her. She either wanted to
 11 use the ATI, either way, with ATI or the poll manager
 12 assisting her. The card would have had to be
 13 reprogrammed to do that. But the poll worker assisted
 14 her, but the father's the one still listed on the voter
 15 certificate as the assister.
 16 CHAIRMAN FERVIER: Sounds like Fulton County got
 17 caught up in some family dynamic.
 18 KAREN BASHUDA: There might have been some family
 19 dynamics, you know, we would ask either that this case
 20 be dismissed or a letter of instruction. And I think a
 21 lot of this is not necessarily that -- I think the
 22 training, everything is fine. I think there just needed
 23 to be probably a little bit more assertiveness with the
 24 poll worker, and even though there was some family
 25 dynamic going on.

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1 CHAIRMAN FERVIER: Is Ms. Mahone online? Ms.
 2 Mahone, can you hear us?
 3 MS. MAHONE: Hey, good morning. Can you hear me?
 4 CHAIRMAN FERVIER: Yes, would you just like to
 5 confirm exactly what happened there?
 6 MS. MAHONE: Yes, I would like to agree with what
 7 she stated is what happened. I was called up to assist
 8 the voter and she was having difficulty using the
 9 equipment. By the time I came involved, the card had
 10 already been created by the poll worker on the poll pad,
 11 and I asked her when I came up, because I did see that
 12 it wasn't connected, as she already stated, it wasn't
 13 connected.
 14 The ATS machine was working, it just wasn't
 15 connected to the card. I asked her if we could go back
 16 to the poll pad station, and, like, as she stated, there
 17 was some type of family dynamic. I don't know what was
 18 happening, but she didn't want to go back. She didn't
 19 want to return. She didn't want the assistance from her
 20 dad, and she was like, will you just please help me?
 21 Will you please help me?
 22 It seemed to be a lot in that moment, and so I did
 23 proceed with assisting her with voting, and she was able
 24 to cast her ballot. So that is essentially what took
 25 place.

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1 CHAIRMAN FERVIER: Any more questions? Chair will
 2 entertainer a motion.
 3 MEMBER KING: I make a motion we --
 4 CHAIRMAN FERVIER: I'm sorry?
 5 MEMBER KING: -- Sorry, go ahead.
 6 MEMBER GRUBBS: So the -- the audio tactile
 7 interface is what was not working correctly, was that
 8 addressed?
 9 KAREN BASHUDA: So it was working if the card had
 10 been programmed for it. So and I think Nadine's on the
 11 line. She can explain that technical part better than I
 12 can, but the card has to be programmed to use the ATI.
 13 And since it hadn't been, it wouldn't connect with card.
 14 CHAIRMAN FERVIER: Program for assistance --
 15 MEMBER GHAZAL: Can I confirm that that request has
 16 to be made at check-in of the yes check-in?
 17 KAREN BASHUDA: It was checked in as voter
 18 assistance required, and the father signed that part of
 19 --
 20 MEMBER GHAZAL: And there -- as far as we know,
 21 there was no request made at check-in to use the
 22 assistance equipment?
 23 KAREN BASHUDA: Not that I'm aware of, not the
 24 information that I got from the poll workers that they
 25 recall.

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1 CHAIRMAN FERVIER: Chair will entertain a motion.
 2 MEMBER KING: Yeah, I make a motion we issue a
 3 letter of instruction.
 4 EXECUTIVE DIRECTOR MILLS: Did Nadine want to say
 5 anything?
 6 MS. NADINE: I am on the call.
 7 CHAIRMAN FERVIER: If the board doesn't have any
 8 questions, we'll --
 9 MEMBER GRUBBS: Well, I have a question, and it's
 10 unrelated to this matter, but since Ms. Williams is on
 11 the line, I'd like to see if she would remain on the
 12 line for another matter.
 13 CHAIRMAN FERVIER: Another matter?
 14 MEMBER GRUBBS: Uh-huh.
 15 CHAIRMAN FERVIER: Okay.
 16 KAREN BASHUDA: Is that getting added to the agenda
 17 that we have notice for any matter?
 18 MEMBER GRUBBS: Well, there was an emergency
 19 complaint that's -- that has come in overnight, and then
 20 I would like to add that --
 21 KAREN BASHUDA: I do not know anything about it.
 22 CHAIRMAN FERVIER: Let's -- let's -- let's resolve
 23 this one. We have a motion to issue a letter of
 24 instruction on this. Is there a second?
 25 MEMBER GRUBBS: Second.

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1 CHAIRMAN FERVIER: There's a motion to second to
2 issue a letter of instruction. Any discussion? Hearing
3 no discussion, all those in favor signify by saying aye.
4 Any opposition? Hearing no opposition, so moved.
5 Ms. Williams, we appreciate you attending. We just
6 had no questions for you, so thank you.
7 EXECUTIVE DIRECTOR MILLS: Were you going to
8 address the thank you with Ms. Williams about the
9 emergency?
10 CHAIRMAN FERVIER: I don't even know what this is
11 about.
12 MEMBER GRUBBS: It was email, I'm pretty sure you
13 got a copy of it.
14 CHAIRMAN FERVIER: If it was given last night, I
15 didn't
16 MEMBER GHAZAL: And it was also -- No, the Chair --
17 Neither you nor I received it, Mr. Chairman.
18 CHAIRMAN FERVIER: Okay. I don't really --
19 MEMBER GRUBBS: I just forwarded it to you. I
20 mean, I'm not saying that we need to hear the complaint
21 per se, but I think we need to address investigating the
22 complaint.
23 CHAIRMAN FERVIER: Let's not do that here.
24 MEMBER GRUBBS: That's fine.
25 CHAIRMAN FERVIER: Okay. All right. Thank you.

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1 We're done. Henry County, are they ready? Okay. We
2 have two more cases to hear of Henry County. We got to
3 get them online. Chair will entertain a motion for a
4 short break. Are you Henry?
5 MEMBER KING: Are you representing the county, or
6 are representing yourself.
7 UNIDENTIFIED SPEAKER: Myself.
8 CHAIRMAN FERVIER: Okay. We need the county up.
9 We'll be back -- the Chair will entertain a motion for a
10 short break.
11 MEMBER GHAZAL: So move.
12 CHAIRMAN FERVIER: And with that dissent, we will
13 break for approximately five to seven minutes, about
14 10:40. Thank you.
15 (Whereupon, a break was taken during the
16 proceeding.)
17 CHAIRMAN FERVIER: Next item on the agenda is SEB
18 2022-107, Henry County, redistricting issues. Mr.
19 Executive Director. 40.
20 EXECUTIVE DIRECTOR MILLS: On June 6th, 2022, the
21 Georgia Secretary of State's office assigned a complaint
22 alleging election errors that occurred in the May 24th,
23 2022, Board of Education District 4 general primary
24 election race. It is alleged during the redistricting
25 process, 140 voters from District 3 were moved to

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1 District 4, but were mistakenly given District 3
2 ballots.
3 The complaint included the following supporting
4 documents. Letter dated June 7th, 2022, from Amika
5 Pitts. Contest petition filed in Henry County Superior
6 Court on June 13th, 2022. Henry County Elections and
7 Voter Registration notice dated May 27th, 2022. Email
8 dated June 11th, 2022. Address to Secretary of State's
9 office and others.
10 On August 19, 2022, Dr. Deborah Sykes filed a
11 subsequent complaint with a copy of the May 24th, 2022,
12 general primary election certification.
13 CHAIRMAN FERVIER: The complainant is Dr. Deborah
14 Sykes. The respondent is Henry County Elections and
15 Registration Office, and Amika Pitts Banks, a former
16 director. The complaint was substantiated by the
17 investigation team. Is Henry County available and also
18 Amika Pitts?
19 RACHEL MACK: Yes, Mr. Chair. My name is Rachel
20 Mack and I'm the county attorney for Henry County,
21 Georgia, and I represent the Henry County Board of
22 Elections and Voter Registration.
23 CHAIRMAN FERVIER: Is Ms. Pitts Banks available?
24 RACHEL MACK: I have no idea. Ms. Pitts Banks no
25 longer works with the county. She left around 2024.

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1 CHAIRMAN FERVIER: I'm sorry, I didn't hear that.
2 SEAN WHITE: She left in 2024. She no longer works
3 with the county.
4 CHAIRMAN FERVIER: Are you representing Ms. Pitts
5 also?
6 RACHEL MACK: No, just the Board of Elections and
7 Voter Registration.
8 CHAIRMAN FERVIER: Great. Please proceed then.
9 RACHEL MACK: Based off of the -- we reviewed of
10 the initial file from the investigations. And
11 unfortunately I'm relatively new to Henry County and we
12 have all new leadership, so no one was familiar with
13 this incident that occurred. So all we can do is go
14 with what the findings were for the investigator.
15 However, I will say that Henry County is committed
16 to following all of the laws, the rules and regulations,
17 and the guidance provided for all of the elections. And
18 as well as there are now structured operating procedures
19 in place and checklists that prevent what happened in
20 the election from happening again. That's our
21 commitment to Henry County.
22 CHAIRMAN FERVIER: So you've read the allegations
23 that there were 140 voters that were redistricted
24 incorrectly. Do you deny that? Do you accept that?
25 RACHEL MACK: Since I don't have any firsthand

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1 knowledge and none of my members have any knowledge of
 2 it, I really can't confirm or deny what was found. But
 3 if we're going to rely on the report of the
 4 investigator, that's all I can do. I can't confirm or
 5 deny it.

6 CHAIRMAN FERVIER: The investigation revealed that
 7 electors who had been moved to District 4 were
 8 incorrectly issued District 3 ballots. The error was
 9 discovered on May 11th, 13 days before the May 24th
 10 general primary election day. Dr. Sykes ultimately lost
 11 the race by 93 votes. The court petition contesting the
 12 election was filed by the Superior Court.

13 The court issued its decision on September 29th
 14 dismissing the petition on the grounds the election
 15 contest must be filed within five days of certification.
 16 In this case, it was filed 13 days after certification.
 17 So it apparently did occur.

18 MEMBER KING: So based on what we're reading, the
 19 outcome of the election could have been impacted by this
 20 error. Ms. Mack, did you reach out to Amika Pitts to
 21 try to get any understanding of this on this case?

22 RACHEL MACK: We do not have any contact
 23 information from Ms. Pitts.

24 MEMBER KING: So you weren't able to speak to
 25 anyone that was around during the time that this

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1 happened?

2 RACHEL MACK: That's correct.

3 MEMBER KING: Is everyone gone, like they've moved
 4 on and they don't have contact information?

5 RACHEL MACK: As far as I could find, we don't have
 6 any of the contact information for anyone that was here
 7 during the 2022 cycle. All the people that are
 8 currently working for the elections board and staff can
 9 be in 2025.

10 CHAIRMAN FERVIER: And Ms. Pitts explained -- Ms.
 11 Pitts explained there are 140 voters adversely affected
 12 and were given District 3 ballots after being
 13 redistricted to District 4. She acknowledged it
 14 happened and provided no further context besides the
 15 situation being an honest mistake and was without intent
 16 or malice.

17 MEMBER GHAZAL: Mr. Chairman?

18 CHAIRMAN FERVIER: Yes.

19 MEMBER GHAZAL: If I recall correctly, Ms. Pitts
 20 was removed from her position during the early voting
 21 period in 2024 by the superintendent and replaced. At
 22 the appropriate time, I would make a motion to refer
 23 this to the Attorney General's office.

24 MEMBER GRUBBS: Second.

25 MEMBER GHAZAL: At the appropriate time.

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1 CHAIRMAN FERVIER: I just want to see if there's
 2 anything else in here. The voters adversely impacted
 3 were unable to vote in the District 4 board education
 4 race also. Any further questions?

5 MEMBER GHAZAL: I would make one comment, which is
 6 that I would -- if we are having an ongoing list of
 7 recommendations to the legislature, I believe, I
 8 understand the policy of wanting finality as quickly as
 9 possible. A five-day window for challenging the outcome
 10 of an election, I believe is prohibitively short.
 11 Especially for candidates in smaller races.

12 I would request that the legislature consider
 13 extending that to 10 days, simply to allow for
 14 candidates to acquire appropriate counsel in time.
 15 Because this is the clearest possible grounds for
 16 overturning an election.

17 CHAIRMAN FERVIER: If you'd like to write up a
 18 resolution and have this board consider it, send it to
 19 the legislature, they'd be more than happy to do so.

20 MEMBER GRUBBS: Well, as it happens, I emailed you
 21 my list of recommendations to the legislature, and we
 22 can just add it to the list.

23 CHAIRMAN FERVIER: Okay.

24 EXECUTIVE DIRECTOR MILLS: Mr. Chairman, I
 25 apologize. I just want to point out one very important

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1 thing here, and that is that this investigation,
 2 according to the report, was assigned on June 6th, 2022.
 3 We're hearing it today. I've been begging for cases for
 4 the last five months from the Secretary of State's
 5 office. And the date of this report says it was
 6 November 3rd, 2025.

7 So while I've been begging for these cases, this
 8 has been sitting somewhere. And it's not just this one
 9 case, but the reason I'm highlighting this one case is
 10 this infuriates me that a person, I don't care what
 11 race, what party you're from, they ran a race, they
 12 could have won, and because somebody didn't follow
 13 through quickly and do their job, we're talking about
 14 this in 2026 and it happened in 2022. And I hope every
 15 one of us are a little upset about that.

16 MEMBER GRUBBS: Well, I would like to also add that
 17 I don't know what the packet looks like that the
 18 Secretary of State provides to candidates, but are there
 19 any people that have run for office here? Anybody in
 20 the room? Because what I would be curious to find out
 21 is are candidates notified of their rights in the event
 22 that there is their election issues? Are they told how
 23 many days that they have to contest an election? Are
 24 they told the process to go through?

25 So that brings up that issue. I think that we need

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1 to ask that the Secretary of State put that in for
2 distribution to the counties that candidates understand.
3 Ms. Dover, do you know if candidates are given their
4 rights as far as being a candidate by anybody?
5 MS. DOVER: (Indiscernible due to audio volume.)
6 MEMBER GRUBBS: Do you know if it includes their
7 rights as far as their election, like the right to have
8 poll watchers or the right to, you know, the
9 notification deadline or what to do in case they
10 question their election?
11 MS. DOVER: I'm not sure what (indiscernible).
12 MEMBER GRUBBS: But there's no pamphlets that
13 you're aware of that the Secretary --
14 MS. DOVER: My experience with what we give our
15 candidates, we give information about the campaign and
16 things like that. And they still don't read it. So we
17 sort of -- we sort of give all that back (indiscernible)
18 and they're not reading it. We still have campaign time
19 violations left and right. So the information I feel
20 like is there, if somebody would just read it.
21 MEMBER GRUBBS: Yeah, I think it would probably be
22 a good idea to have candidates sign an acknowledgment
23 that I received this, this, this, this, and this, and
24 I'm aware of this, this, this, and this, and make them,
25 you know. Unfortunately people just tend not to read

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1 things like that. I get that. But I agree with Member
2 Ghazal that five days to be able to review election
3 results is just -- I don't know where they came up with
4 five days, but you can't hardly do anything in five days
5 when it comes to reviewing. Especially when you have
6 instances where counties don't turn over information or
7 it takes -- you have to do it by ORR and then there's a
8 three-day lag time and that's if you get it on time.
9 Knowing Ms. Dover and what a great election
10 director she is, I'm sure she's on top of that, but you
11 do have some offices where they clearly don't turn that
12 information over and the only way they have to get it is
13 through an ORR. So I would like to see us, because of
14 situations like this, put that on the legislative list
15 and then also ask that the Secretary of State take steps
16 to notify candidates of what their rights are because
17 candidates do have rights.
18 EXECUTIVE DIRECTOR MILLS: They do have rights,
19 Member Grubbs, and you make an excellent point. But I
20 want us to see the clear picture of what happened here.
21 This person could or could not have won the race. She
22 filed a complaint in Superior Court. The judge then
23 made the proper legal ruling she didn't do it within
24 five days. She was eight days late.
25 Then she made her complaint with us and it went to

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1 the Secretary of State's investigator and it sat and it
2 sat and it sat and somebody read this, that the Superior
3 Court had thrown this out and she was eight days late.
4 Advocate for the citizen and that's all I'm doing right
5 here today is I'm just saying, this is inexcusable.
6 And, you know, I realize everything can't be done in a
7 timely fashion. I realize they're humans. There's
8 going to be human error involved, but this business of
9 these late cases is just over the top.
10 MEMBER GRUBBS: Well, it's our job to investigate
11 cases and when we don't know what cases are in existence
12 we need to be able to prioritize things. There are some
13 cases that clearly have more, I don't want to say more
14 importance because I take every complaint seriously, but
15 there are some that are more time sensitive than others.
16 And if we don't have a list of those and know what the
17 possible violations are or we don't know what the status
18 it's like the one that came up yesterday, it was a 2021
19 complaint and phone calls weren't even made until 2025.
20 We have to be able to prioritize these cases.
21 EXECUTIVE DIRECTOR MILLS: As soon as we got them -
22 - the SEB got them -- as soon as we got them, they're on
23 the agenda and that's why you're seeing it quickly now.
24 But it took us this long to get them and that's my
25 point. And we're right back at it again, Mr. Chairman.

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1 We're begging for cases again. When I came on a year
2 ago we were being berated, this board was being beat up
3 in the press, it was being a false narrative presented
4 that there was a backlog of cases with the SEB, not
5 true. The backlog was in the SOS.
6 CHAIRMAN FERVIER: Chair will entertain a motion on
7 this case.
8 MEMBER GHAZAL: I move we refer this to the
9 Attorney General's office.
10 MEMBER GRUBBS: I second.
11 CHAIRMAN FERVIER: Let me do my job.
12 MEMBER GRUBBS: I'm sorry.
13 CHAIRMAN FERVIER: We have a motion to refer
14 SEB2022-107 to the Attorney General. Is there a second?
15 MEMBER GRUBBS: Second.
16 CHAIRMAN FERVIER: We have a motion and a second.
17 Any discussion? Hearing no further discussion, all
18 those in favor signify by saying aye. Any opposition?
19 Hearing no opposition, so moved by a vote of four to
20 zero. Final case on the agenda is SEB2022-363 Henry
21 County, deceased voter, voter registered in Georgia and
22 Florida. It's tab number 41.
23 EXECUTIVE DIRECTOR MILLS: On December 16th, 2022,
24 the Georgia Secretary of State's office opened an
25 investigation after it received two separate complaints

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1 related to a potential deceased voter and a voter being
 2 registered in more than one state. Potential violations
 3 of official code of Georgia Annotated 21-5-562,
 4 subsection one, fraudulent entries, and 21-2-217(2) (13),
 5 rules for determining residents respectively. A
 6 Complainant One and Complainant Two.

7 CHAIRMAN FERVIER: Well, the respondents -- Yeah,
 8 the complainant is Lou Anne Fessmeyer [ph], Supervisor
 9 of Henry County Elections and Voter Registration.
 10 Respondent for Complainant Number One, there's an
 11 unknown respondent for Complaint Number One. And the
 12 respondent for Complaint Number Two is Phoebe Robinson.
 13 Is Ms. Robinson available? All right. Just a moment,
 14 Ms. Robinson. Let's deal with Complaint Number One
 15 first. The Complaint Number One was substantiated.
 16 Unfortunately, there was no -- they couldn't identify
 17 the violator.

18 MEMBER GHAZAL: Mr. Chairman?

19 CHAIRMAN FERVIER: Yes.

20 MEMBER GHAZAL: I just want to confirm that I read
 21 this correctly, that the county did properly identify
 22 the ballot as being from a voter who had deceased and
 23 the ballot was not counted.

24 CHAIRMAN FERVIER: Correct.

25 MEMBER GHAZAL: Okay. I wanted to make sure that

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1 that was clear.

2 CHAIRMAN FERVIER: They could not identify who
 3 signed it though. And it didn't match any of the
 4 signatures of close relatives.

5 MEMBER KING: I can make a motion on Complaint
 6 Number One.

7 CHAIRMAN FERVIER: Okay. Chair will entertain a
 8 motion on Complaint Number One.

9 MEMBER KING: I make a motion that we issue
 10 Complaint Number One to the Attorney General's Office
 11 for further investigation. Because, I mean, we need to
 12 find out who did this, right?

13 CHAIRMAN FERVIER: The problem is they don't
 14 investigate. They don't investigate, so. So the --
 15 Yeah, we can -- we can continue that one.

16 MEMBER KING: Yeah, I'll amend my motion. My new
 17 motion is that we continue Complaint One and allow our
 18 investigators to look into this.

19 CHAIRMAN FERVIER: We have a motion to continue
 20 Complaint Number One. Is there a second?

21 VICE CHAIR JOHNSTON: Second.

22 CHAIRMAN FERVIER: We have a motion and a second.
 23 Any discussion?

24 MEMBER GHAZAL: What further actions are you
 25 recommending?

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1 CHAIRMAN FERVIER: Just see if they can identify --
 2 not all the family members were able to be contacted.
 3 Possibly they were unable to make contact with Ms.
 4 Steele by phone. The wife of the son, I guess the
 5 daughter-in-law, so.

6 MEMBER KING: I mean, if no one responds, then . .
 7 .

8 CHAIRMAN FERVIER: Yeah. It's just some further
 9 investigation to see if they're able to identify
 10 somebody.

11 MEMBER GRUBBS: I'm not clear on how much time
 12 elapsed from when the person died and this election, or
 13 maybe I'm just not seeing it.

14 MEMBER GHAZAL: The decedent passed on October
 15 24th. And the ballot was received December 5th.

16 MEMBER GRUBBS: So it was close. I mean,
 17 relatively close. I would tend to agree with you, but
 18 my mail at work sometimes takes two months.

19 MEMBER KING: I didn't think it took two months for
 20 the ballot to come in.

21 MEMBER GRUBBS: I mean, it is possible that she did
 22 it. I mean, my thought is that for one thing, we don't
 23 have a handwriting expert.

24 MEMBER KING: The investigation would call the
 25 additional family members that weren't contacted.

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1 MEMBER GRUBBS: I mean, I'm fine with continuing
 2 it. I just don't know what it's going to yield.

3 MEMBER KING: So what would you recommend,
 4 dismissing it?

5 MEMBER GRUBBS: Oh, no.

6 MEMBER KING: So what --

7 MEMBER GRUBBS: I'm not a dismissal person.

8 MEMBER KING: So what would you recommend?

9 MEMBER GRUBBS: I mean, I'm fine with continuing it
 10 and doing further investigation. I just kind of don't
 11 know that it's going to go anywhere. The only thing
 12 that raises a red flag to me is that she discontinued
 13 the conversation and hung up the phone. So that's
 14 concerning, but.

15 MEMBER KING: I mean, if you send it to the AG's
 16 office, you're not going to do anything but . . .

17 MEMBER GRUBBS: No, I'm fine with having our
 18 investigators look at it.

19 EXECUTIVE DIRECTOR MILLS: Well, if we send this to
 20 the SOS investigators, you might see it before you
 21 rotate off the board, or you might not. If our
 22 investigators look into this, I mean, I'm sure they
 23 would get on it. But I also say to you that we've got,
 24 you know, a limited number of two, and they, you know, I
 25 definitely want them doing the important things, not

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1 what I would call jaywalking.

2 MEMBER GRUBBS: Well, voting for dead voters is

3 pretty significant.

4 EXECUTIVE DIRECTOR MILLS: It is.

5 MEMBER GRUBBS: I'm sorry, dead voter doesn't sound

6 right.

7 MEMBER GHAZAL: Decedent.

8 MEMBER GRUBBS: Decedent, yes.

9 MEMBER GHAZAL: Election fraud.

10 CHAIRMAN FEVER: It seems obvious that somebody

11 signed it. She died on October 24th, didn't get mailed

12 until December 2nd. Somebody else signed it. The

13 question is who signed it, and they weren't able to

14 identify who signed it. They weren't able to talk to

15 all the family members. So our investigators would just

16 try and make contact with the family members that they

17 weren't able to contact and see if that's -- So, we have

18 a motion to continue. We have a second to continue.

19 All those in favor signify by saying aye. Any

20 opposition? Hearing no opposition, so moved. We'll

21 continue Complaint One.

22 Now, Complaint Two is Ms. Robinson. Phoebe

23 Robinson. Ms. Robinson, would you come up here and

24 identify yourself, please, for the court reporter. And

25 then any statement that you would like to make, please.

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1 Please, speak into the mic so everybody can hear you

2 there.

3 EXECUTIVE DIRECTOR MILLS: Good morning. I'm

4 Phoebe Robinson, here for the chair and the board to

5 explain this letter where I received the hearing

6 reference me of voting in dual places in Georgia and

7 Florida. I moved up here in '19, but I didn't give up

8 my Florida residence. I commute to Florida and Georgia.

9 I have a home in Georgia and I have a home in Florida.

10 And there was an election that was really important

11 in my neighborhood in Hampton. And I did want to vote

12 and I went to the elections to find out if I could vote

13 and they told me I could. I just had to bring my tax

14 bill, my identification, and I would be able to vote at

15 the municipal place where I live and that's what I did.

16 MEMBER KING: In Florida or Georgia?

17 PHOEBE ROBINSON: In Georgia.

18 MEMBER KING: Georgia. Okay.

19 PHOEBE ROBINSON: So, at that time, I showed them

20 my Florida license. I let them know that I'm keeping my

21 Florida license, a Florida residency, but I'm here in

22 Georgia as well and it's a dual residency. I go to

23 Florida partially and I live in Georgia part-time. Also

24 in reviewing this here, I noticed they made comments

25 that I was voting in Florida and Georgia, as well as odd

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1 and even years, which doesn't make sense whatsoever.

2 Once I started voting in Georgia, I was -- you

3 know, so I could only vote in one place, Georgia or

4 Florida, so I decided to vote in Georgia. All my voting

5 has been in Georgia since the time I registered and

6 actually voted. In fact, I pulled up my voter status in

7 Broward County in Florida to even see what it showed and

8 it says there's no record found. They don't even show

9 me as a voter in Florida.

10 All my voting has been here in Georgia once I

11 started voting and I vote right there in Hampton,

12 Georgia and that's in Hampton, Georgia, even the early

13 voting is at the church there that I attend. I have no

14 intentions, never have and never will to defraud or try

15 to vote in multiple places and I think voting is very

16 important, so I do want to vote and that was my only

17 intent is to be able to legally cast my ballot.

18 MEMBER KING: When was the last time you remember

19 voting in Florida?

20 PHOEBE ROBINSON: I don't recall, maybe 2019 or

21 2018.

22 MEMBER KING: Okay. So the first time you remember

23 -- or the last time you remember voting in Florida was

24 either 2018 or 2019. And the first time you voted in

25 Georgia was also 2019?

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1 PHOEBE ROBINSON: I think, according to this, it

2 was 2020.

3 MEMBER KING: Oh, 2020. Okay.

4 PHOEBE ROBINSON: I don't remember the --

5 MEMBER KING: You registered in Georgia in 2019?

6 PHOEBE ROBINSON: I bought my house in Georgia

7 there, in '19.

8 MEMBER KING: Okay. Okay. So --

9 PHOEBE ROBINSON: And I've been back and forth

10 since then and I've been voting and showing my Florida

11 driver's license every time I vote. I've never been

12 turned down. I've never been told I was in violation or

13 anything or I would have addressed it.

14 MEMBER KING: Okay. Thank you.

15 CHAIRMAN FEVER: So this says that you voted in

16 Georgia in the following years. 2024, 2023, 2022, 2021,

17 2020, 2019, 2018, and 2017. It says you've been voting

18 in Georgia since 2017.

19 PHOEBE ROBINSON: Well, I had a house in Georgia

20 here as well.

21 CHAIRMAN FEVER: Would you agree you've been

22 voting in Georgia since 2017?

23 PHOEBE ROBINSON: I don't recall -- I don't know

24 the exact year, but I've been -- once I started voting

25 and got my voter's registration here, I have continued

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1 to vote and vote on a regular basis.

2 CHAIRMAN FERVIER: And it also says that you voted

3 in Florida in 2020, 2018, and 2016.

4 EXECUTIVE DIRECTOR MILLS: Now, I've only voted in

5 one location. Because, like I said, I think I had made

6 a vote there and then once I got my voter's registration

7 here in Georgia, I no longer voted there. I only voted

8 in Georgia.

9 CHAIRMAN FERVIER: But it says you voted in the

10 2020 presidential primary in Florida. 2020, it says you

11 voted in the 2020 presidential primary in Florida in

12 March of 2020. And in Georgia, in the 2020 presidential

13 primary, that was postponed until May because of COVID.

14 And it actually postponed until June. It was postponed

15 twice. So it says you voted in the primary in Florida

16 in 2020, March 2020, and voted in Georgia in the primary

17 in June of 2020.

18 PHOEBE ROBINSON: I don't recall that, and I know I

19 wouldn't vote within three months' time for the same

20 election. That doesn't even make sense. And I know

21 that I can only vote, especially for presidential, you

22 know, one time. You know, either I'm going to vote in

23 Georgia or I'm going to vote in Florida. And I've been

24 voting, once -- like I said, I've been voting in

25 Georgia. It has been in Georgia.

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1 MEMBER GHAZAL: Mr. Chairman?

2 CHAIRMAN FERVIER: Yes.

3 MEMBER GHAZAL: If I recall correctly, the 2020

4 primary in Georgia actually was combined. It was both

5 the presidential preference primary and the general

6 primary. With the multiple changes, it was extremely

7 confusing, even for very high-information voters. So

8 there were two separate elections that were run.

9 And they were actually treated as separate

10 elections, I believe, because some people voted in the

11 presidential preference primary in March before it got

12 shut down, and then they were only eligible to vote in

13 the general primary. I think I'm remembering this

14 correctly. They were run coterminously. But they were

15 actually separate ballots. I don't know how that was

16 necessarily recorded in ENET, because it was ENET at the

17 time.

18 CHAIRMAN FERVIER: I think the problem is that

19 within three months she voted in both Florida and

20 Georgia, allegedly, in presidential primary seats.

21 MEMBER GHAZAL: I mean, it's entirely possible to

22 change residency within three months if you move from

23 one state to the other. According to this, they were

24 both presidential preference primary votes. It's not

25 entirely clear how that was recorded. And I think,

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1 actually, I would like to clarify that. I would like to

2 make sure that that May, June, Georgia vote was, in

3 fact, for the presidential preference primary and not

4 for the general primary.

5 CHAIRMAN FERVIER: You know, like I said earlier,

6 apparently she voted in Georgia from 2017 through 2024

7 every year. And she voted in Florida -- I'm sorry, this

8 is what the report says --

9 PHOEBE ROBINSON: No problem.

10 CHAIRMAN FERVIER: And it alleges that she voted.

11 So, continually from 2017 to 2024 in Georgia and then

12 voted in Florida in 2016, 2018, and 2020, which, you

13 know, two of those years are same years she voted in

14 Georgia, according to the report.

15 MEMBER GHAZAL: Right.

16 VICE CHAIR JOHNSTON: Ms. Robinson, what state are

17 you a resident of?

18 PHOEBE ROBINSON: My primary residence is Florida.

19 VICE CHAIR JOHNSTON: Is Florida.

20 PHOEBE ROBINSON: Right. And my other residence is

21 Georgia. I feel just like the snowbirds that come in

22 part of the year and part of the year they're gone.

23 VICE CHAIR JOHNSTON: Do you have a Georgia

24 driver's license?

25 PHOEBE ROBINSON: No, ma'am. You can only have one

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1 license.

2 VICE CHAIR JOHNSTON: Do you realize that you have

3 a limited amount of time to keep a Florida driver's

4 license if you're living in Georgia?

5 PHOEBE ROBINSON: I go to Florida half of the year

6 and half the year I'm in Georgia.

7 CHAIRMAN FERVIER: Where's your homestead?

8 PHOEBE ROBINSON: In Florida.

9 VICE CHAIR JOHNSTON: Ms. Robinson, you can only be

10 a resident of one state. And if you're not a resident

11 of one state, Georgia, you're not eligible to register

12 to vote or to vote.

13 PHOEBE ROBINSON: Well, I wasn't made aware of

14 that. And like I said, if that be the case, you know,

15 I'm going to exercise my vote. And if it has to be in

16 Florida, then I'll vote in Florida. But I was told I

17 could vote in Georgia. And therefore, that's what I was

18 doing.

19 And each time I went to vote, in fact, even this

20 year, I showed my Florida driver's license. And my

21 residence where I live here in Georgia as well. No one

22 has said it was a problem or that I could not vote or I

23 would not have voted or I would have voted in Florida.

24 But I'm going to vote. But I just need to know if I

25 can't vote here, then let me know. And I won't vote

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1 here. That's not a problem. The problem is the fact
 2 that I do want to vote. And I want to vote legally.
 3 VICE CHAIR JOHNSTON: Exactly. Exactly. But you
 4 can only vote in the state that you're a legal resident
 5 of, which is Florida. And we want you to vote, but we
 6 want you to vote in Florida. If you move to Georgia and
 7 you change your residence to Georgia, you have every
 8 right to change that residence, change your driver's
 9 license, register to vote, and vote in Georgia. But you
 10 cannot go back and forth just at will and not be a legal
 11 resident of the state and properly registered.
 12 PHOEBE ROBINSON: Well, like I said, I have my
 13 residency. And when I went to register to vote, to be
 14 able to vote, I gave them the same information. I gave
 15 them the same credentials I have today. No one said I
 16 couldn't. No one said I was in violation that I
 17 couldn't vote. I mean, they issued me a voter's card
 18 with the information that was given.
 19 MEMBER GRUBBS: So do you have a voter's card when
 20 you go to --
 21 PHOEBE ROBINSON: Yes, ma'am.
 22 MEMBER GRUBBS: -- check in in Georgia to vote? Do
 23 you show them your voter card or do you show them your
 24 driver's license?
 25 PHOEBE ROBINSON: I show them my driver's license.

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1 I have the voter's card. I think I misplaced it, but I
 2 do have an actual Georgia voter's card.
 3 CHAIRMAN FERVIER: When you registered in Georgia,
 4 what address did you use?
 5 PHOEBE ROBINSON: Originally, I was at 314 Megan
 6 Drive, Hampton, Georgia.
 7 CHAIRMAN FERVIER: You used your Georgia address?
 8 PHOEBE ROBINSON: Yes, sir.
 9 CHAIRMAN FERVIER: And when you registered in
 10 Florida, what address did you use?
 11 PHOEBE ROBINSON: I used 5116 Southwest 22nd
 12 Street, Hollywood, West Park, Florida.
 13 MEMBER GRUBBS: So you own both properties, right?
 14 PHOEBE ROBINSON: Yes, ma'am.
 15 MEMBER GRUBBS: And so do you claim homestead
 16 exemption for either one?
 17 PHOEBE ROBINSON: No, I don't.
 18 MEMBER GRUBBS: Not for either one?
 19 PHOEBE ROBINSON: I just pay the taxes, but I don't
 20 pay -- I don't have homestead.
 21 CHAIRMAN FERVIER: You don't claim homestead on
 22 either one?
 23 PHOEBE ROBINSON: In Florida, I do, but not in
 24 Georgia.
 25 CHAIRMAN FERVIER: In Florida. You're legally a

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1 resident of Florida. You are. For legal purposes,
 2 you're a resident of Florida, not Georgia. Because
 3 that's where you claim your homestead.
 4 PHOEBE ROBINSON: Right.
 5 CHAIRMAN FERVIER: And that's where your driver's
 6 license is and everything else. Do you spend at least
 7 six months of the year in Florida?
 8 PHOEBE ROBINSON: Yes.
 9 CHAIRMAN FERVIER: Yeah, you're legally a resident
 10 of Florida, not Georgia. It doesn't matter if you go
 11 back and forth. Where you claim your homestead and
 12 where you spend most of your time, or at least six
 13 months of the year, that's where your legal residence
 14 is.
 15 MEMBER GRUBBS: Are you employed still?
 16 PHOEBE ROBINSON: No, I'm retired.
 17 MEMBER GRUBBS: You're retired.
 18 VICE CHAIR JOHNSTON: Ms. Robinson, you read well,
 19 I'm sure. Do you realize when you sign the oath to
 20 vote, every time you go in to vote, this is what the
 21 oath says in Georgia. I do swear that I am a citizen of
 22 the United States and the state of Georgia. Georgia.
 23 That I am eligible to vote in this election and that I'm
 24 not serving a sentence for a felony involving moral
 25 turpitude, that I have not been judicially declared

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1 mentally incompetent, and that the information I have
 2 provided is true.
 3 PHOEBE ROBINSON: Well, ma'am, that's correct. I
 4 am a citizen. I am. My residency in Georgia was the
 5 fact that I own property and I live here in Georgia. I
 6 have a voter's card where I went and requested and was
 7 approved for it, got it, and over many, many years no
 8 one has ever denied it or have told me I was in
 9 violation or that I could not vote here.
 10 MEMBER GRUBBS: So when you go vote, you present
 11 your Florida driver's license and no one's ever
 12 questioned it?
 13 PHOEBE ROBINSON: No, ma'am. No, ma'am.
 14 CHAIRMAN FERVIER: Have you ever had a Georgia
 15 license?
 16 PHOEBE ROBINSON: No, sir. I went to Georgia --
 17 You can only have one license at one state.
 18 VICE CHAIR JOHNSTON: Who told you you could vote
 19 in Henry County?
 20 PHOEBE ROBINSON: The elections department in
 21 McDonough, Georgia, where you go and do the application
 22 to vote.
 23 MEMBER KING: I do think that it is our personal
 24 responsibility to read what we're signing. I know that
 25 it's not something we -- I think we're all guilty of

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1 signing something and not necessarily reading it and
 2 going through it, but that is our personal
 3 responsibility. So that does fall on you.
 4 But I do believe that this is the county's fault.
 5 How is this possible that you're able -- I don't even
 6 know how that's possible, that the county is continuing
 7 to let you vote in Georgia with a Florida license.
 8 MEMBER GHAZAL: Yes. So I think -- Mr. Chairman, I
 9 think, I believe you had a good faith belief that you
 10 were a legal resident of Georgia.
 11 PHOEBE ROBINSON: Yes, ma'am.
 12 MEMBER GHAZAL: I agree that under the law that
 13 your residency is actually in Florida. I believe that
 14 you did not -- you were not -- you believed what you
 15 were signing, reading it, you believed it 100 percent.
 16 Out-of-state driver's licenses are wholly acceptable
 17 because the photo ID requirement under Georgia law
 18 proves identity, not residency. That's the way our law
 19 -- that's the way our law is written. And as long as it
 20 is an out-of-state valid driver's license, it is wholly
 21 lawful.
 22 I've said before, I know people don't necessarily
 23 agree with me, residency law is complicated. It is
 24 confusing. It is not -- there is not a crystal clear
 25 cut line. Based on the facts as laid out here, I do

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1 believe that you are a resident of Florida, not of
 2 Georgia. I do not believe that there was any intention.
 3 I believe that you were told that you had the legal
 4 right to vote here in Georgia.
 5 I believe that was an incorrect assessment on the
 6 part of the county. And I think the real violation here
 7 is an apparent double vote in the same election in two
 8 different states in 2020. And again, I'm not suggesting
 9 that you even were aware that that happened necessarily.
 10 I'm not fully convinced by what we have here that you,
 11 whether it's absolutely clear that you voted twice in
 12 the presidential preference primary because of the
 13 confusion of what happened in Georgia in 2020.
 14 Moving forward, if you were going to maintain your
 15 homestead exemption in Florida, register to vote in
 16 Florida, please. Do you register in Georgia, register
 17 to vote in Florida moving forward. We still have to
 18 address the violation at hand.
 19 CHAIRMAN FERVIER: And, Ms. Robinson, it's clear to
 20 me anyway that there's a violation of the code here
 21 because you voted in Georgia when you're a resident of
 22 Florida. Okay. I think that for me, though, I always
 23 want to understand the intent and the character of a
 24 person who's done something. Could you, for my sake,
 25 just give me a little bit about your background? Tell

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1 me about yourself.
 2 PHOEBE ROBINSON: Well, first and foremost, I'm a
 3 believer of God, and I feel like not only with man that
 4 I have a higher standard to do the right thing and
 5 righteous unto God. And I'm not going to try and
 6 defraud anybody in any way, shape, or form. I was a
 7 police officer for 11 years. Then I was a firefighter,
 8 lieutenant paramedic for 17 years. I've been a servant
 9 for the state for over 29 years. I've always tried to
 10 do the right thing.
 11 And it just really baffles me to even be here and
 12 feel like I did something wrong or I'm doing something
 13 wrong.
 14 CHAIRMAN FERVIER: Did you retire as a firefighter?
 15 PHOEBE ROBINSON: Yes, sir.
 16 CHAIRMAN FERVIER: Were you a firefighter in
 17 Georgia?
 18 PHOEBE ROBINSON: I was a firefighter, lieutenant
 19 paramedic for the Miami-Dade Fire Department.
 20 CHAIRMAN FERVIER: In what state?
 21 PHOEBE ROBINSON: Florida, Miami-Dade.
 22 CHAIRMAN FERVIER: Okay.
 23 PHOEBE ROBINSON: I did all my service working in
 24 Florida. And then when I retired, we bought a home here
 25 and we lived in Florida and in Georgia.

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1 CHAIRMAN FERVIER: And you were a police officer in
 2 Miami-Dade too?
 3 PHOEBE ROBINSON: Yes, sir, I was.
 4 CHAIRMAN FERVIER: Okay. All right.
 5 VICE CHAIR JOHNSTON: Now, are you a permanent
 6 resident of Georgia now?
 7 PHOEBE ROBINSON: I live in my -- I'm six months
 8 here and I'm six months there. I go back and forth.
 9 Usually when it gets really cold here, I go to Florida.
 10 MEMBER GHAZAL: It never gets really cold here.
 11 PHOEBE ROBINSON: It's cold for me. Very cold.
 12 MEMBER GHAZAL: I mean, Miami, absolutely.
 13 MEMBER KING: I know there's some that may disagree
 14 with this, but it just -- I guess that I like common
 15 sense and I understand how someone can think that
 16 they're a citizen of Georgia. If they have property
 17 here, they're here six months out of the year. And if
 18 you go to the counties and you ask them to register and
 19 they tell you it's okay, I can understand how that can
 20 be confusing, not considering where you have homestead
 21 and, like you said, all the intricate details around
 22 residency.
 23 So I agree with Member Ghazal that I don't think
 24 your intent was to defraud. I do think that you were
 25 misled by the counties. I think they should have asked

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1 additional questions prior to allowing you to register.
 2 VICE CHAIR JOHNSTON: So the proper thing to do
 3 would be to vote absentee by mail from Florida if you're
 4 a Florida resident. Not because you happen to be in
 5 Georgia during an election. To choose to vote in
 6 Georgia where you're not a legal resident is to reach
 7 out to your Florida home and get an absentee by mail
 8 ballot and certainly exercise your right to vote.
 9 PHOEBE ROBINSON: I will forth going. But like I
 10 said, I'm not even registered to vote in Florida
 11 anymore. So, but I will.
 12 CHAIRMAN FERVIER: Yeah, you need to change that.
 13 PHOEBE ROBINSON: Not a problem. Like I said, when
 14 you know better, you do better. That's all I can do.
 15 VICE CHAIR JOHNSTON: I have a motion. Mr. Chair,
 16 I move that we continue this case and add Henry County
 17 as a respondent.
 18 MEMBER KING: Should we release?
 19 VICE CHAIR JOHNSTON: And bring both parties back
 20 once the investigation is complete.
 21 CHAIRMAN FERVIER: I just want to comment. I have
 22 a special place in my heart for first responders and
 23 police officers and fire people and people that put
 24 their lives on the line every day for us. I also
 25 recognize that you violated the law -- violated the

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1 code, you know, the statute by doing that.
 2 And but somebody with a outstanding record deserves
 3 some grace from me every now and then. And I would be
 4 in favor of issuing a letter of reprimand to this
 5 individual, but I'm also okay with bringing it back. I
 6 just wanted to state that for the record, so.
 7 MEMBER KING: I'm okay with bringing it back. I
 8 will say that I don't -- I agree with the letter of
 9 reprimand for the complainant -- I mean the respondent
 10 considering what we're bringing it back so we can talk
 11 to the county about the registration process. We know
 12 that they were wrong in allowing her to register, but I
 13 don't know what more she will add to the conversation.
 14 You've already admitted that you made these
 15 decisions. Now you know that they're wrong. So I'm not
 16 sure what would be the point of bringing her back as
 17 well.
 18 CHAIRMAN FERVIER: We do have a motion on the table
 19 to --
 20 VICE CHAIR JOHNSTON: I'll withdraw my motion.
 21 CHAIRMAN FERVIER: Would you -- would you like to
 22 restate your motion to bring back Henry County. So we
 23 would add them as a respondent on this case and we would
 24 have to make a new motion on complaint --
 25 MEMBER KING: Two.

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1 CHAIRMAN FERVIER: Number Two, yeah.
 2 MEMBER KING: Yeah. I make a motion that we
 3 continue this case and add Henry County as the
 4 respondent. Do we need to do it as two separate motions
 5 or?
 6 CHAIRMAN FERVIER: No, I think we can do it all in
 7 one.
 8 MEMBER KING: And that we issue a letter of
 9 reprimand to Phoebe, is that your first name?
 10 PHOEBE ROBINSON: Yes.
 11 MEMBER KING: I'm sorry.
 12 PHOEBE ROBINSON: No problem.
 13 MEMBER GHAZAL: Ms. Robinson.
 14 MEMBER KING: To Ms. Robinson. I have it Aunt
 15 Phoebe. To Ms. Robinson.
 16 CHAIRMAN FERVIER: We have a motion to continue the
 17 case and add Henry County as a respondent for Complaint
 18 Number One, and to issue a letter of reprimand on
 19 Complaint Number Two to Ms. Robinson. Is there a
 20 second?
 21 MEMBER GHAZAL: Second.
 22 CHAIRMAN FERVIER: We have a motion and a second.
 23 Any further discussion? All those in favor signify by
 24 saying aye. Any opposition? Hearing no opposition,
 25 vote carries three to one. And I -- you know, Ms.

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1 Robinson so you will be issued a letter of reprimand.
 2 The reason being it's a serious violation because of the
 3 length of time and what occurred here with the Florida
 4 and Georgia thing. A letter of reprimand is not a
 5 criminal conviction.
 6 It's just a letter of reprimand saying you've done
 7 something serious that you'll be given in voting. I
 8 understand the intent. I understand all that. But it
 9 still occurred over quite a number of years and quite a
 10 number of times. And so that was the decision of the
 11 board on this one. Okay.
 12 MEMBER GRUBBS: Mr. Chairman?
 13 CHAIRMAN FERVIER: Yes, Member Grubbs.
 14 MEMBER GRUBBS: I would like to just point out the
 15 case number is 2022 and we're in 2026. And had this
 16 been brought to her attention sooner then it probably
 17 would not have been as big an issue, and she would be
 18 able to vote with a clear conscience in Florida and not
 19 be voting in Georgia.
 20 CHAIRMAN FERVIER: Yeah. The point noted. Thank
 21 you.
 22 MEMBER KING: Anytime you vote in a state when
 23 you're not a resident, you're canceling out a resident's
 24 vote. So that's what makes it really serious. So,
 25 yeah, so the letter of reprimand is in order.

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1 MEMBER GRUBBS: Also and this is an internal thing,
2 Ms. Robinson, this doesn't have anything to do with you,
3 but the case number is 2022 which is when it was opened.
4 The date of the report was September 3rd 2024. And I
5 don't understand why this is 2026 and we're just hearing
6 it because, you know, and I'm sure -- when were you
7 first notified that this was a situation?
8 PHOEBE ROBINSON: When they told me to come here
9 for this hearing.
10 MEMBER GRUBBS: You didn't even -- you didn't know
11 anything about it until then?
12 PHOEBE ROBINSON: Right. There was an
13 investigator. Someone called me and I almost didn't
14 take the call and I wasn't sure is that an investigator.
15 But he asked me about the election and I told him, you
16 know, I wouldn't dare vote in two places then as I was
17 voting in Georgia and not in Florida. It was a phone
18 call and that was it. I didn't hear anymore. They
19 didn't write me or say anything. They didn't tell me
20 this was forthcoming. They didn't tell me the results
21 of the conversation not until this year in May 11th I
22 received a letter to come here for a hearing.
23
24 MEMBER GRUBBS: May 11th of this year?
25 PHOEBE ROBINSON: Of this year.

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1 MEMBER GRUBBS: So my point is, as I say all the
2 time, justice delayed is justice denied. And it's for
3 the residents of the state of Georgia, as well as people
4 like yourself who is a person who worked hard, is
5 honorable, done the right thing, is terrified of the
6 fact that you maybe did something wrong. And the length
7 of time for this case to have been open to get to today
8 is ridiculous. And I'm sorry.
9 PHOEBE ROBINSON: Thank you.
10 DR. JOHNSTON: I would also like to share that in
11 the report, the investigative report, the supervisor of
12 Henry County knew of the situation with Ms. Robinson and
13 even relayed to the investigator that Ms. Robinson would
14 travel back and forth between two states and vote in
15 whichever state she was in at the time. I find it quite
16 alarming that a county supervisor is aware of this and
17 does not take the immediate opportunity to educate Ms.
18 Robinson to prevent Ms. Robinson from committing
19 election violations.
20 PHOEBE ROBINSON: If they told me not to, I would
21 not have.
22 VICE CHAIR JOHNSTON: Exactly. Exactly.
23 CHAIRMAN FERVIER: The individual involved was
24 Amika Pitts-Banks.
25 VICE CHAIR JOHNSTON: Well, the person named is not

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1 Amika Pitts-Banks.
2 CHAIRMAN FERVIER: No. No, she was the executive
3 director of Henry County at the time.
4 MEMBER GHAZAL: They don't have any notice of this,
5 because --
6 CHAIRMAN FERVIER: They're not named.
7 MEMBER KING: They aren't named.
8 MEMBER GHAZAL: They're not named?
9 CHAIRMAN FERVIER: Yeah. All right. Any further
10 comments on this case? No. Thank you. Thank you for
11 your service as a police officer and a firefighter and
12 an EMT.
13 PHOEBE ROBINSON: You're very welcome. My
14 pleasure.
15 CHAIRMAN FERVIER: That finishes our cases. We're
16 going to go back and clean up some of the old business
17 and new business that we were not able to hear
18 yesterday. The first item that we will consider is a
19 petition by Member King, a resolution by Member King
20 that she submitted to the board. Since the public has
21 not had access to this, if you would read it out,
22 please.
23 MEMBER KING: Yes. So I submitted a resolution to
24 the board for their consideration and for discussion.
25 It says, it starts with rationale. The integrity of our

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1 electoral process rests on fundamental pillars,
2 including accountability and transparency.
3 As we approach the upcoming elections, the legal
4 and administrative status of our primary voting
5 equipment, especially the utilization of QR codes for
6 ballot tabulation, faces severe legal uncertainty.
7 Without a guarantee extension permitting the continued
8 use of the Liberty Vote Dominion systems that will be
9 debated during the upcoming special session, the State
10 Election Board must act decisively to prevent an
11 administrative vacuum that will cause systemic confusion
12 at the precinct level.
13 This resolution is firmly grounded in the statutory
14 duties and enforcement powers vested in this board by
15 the state of Georgia. Pursuant to OCGA 21-2-311, it
16 explicitly -- it is the explicit duty of the State
17 Election Board to obtain uniformity in the practices and
18 proceedings of superintendents, registrars, deputy
19 registrars, poll officers, and other officials, and to
20 maintain legality and purity in all primaries and
21 elections.
22 In accordance with OCGA 21-2-310, this board is
23 empowered to take all necessary actions consistent with
24 the law to ensure the fair, legal, and orderly conduct
25 of primaries and elections across all jurisdictions.

Page 102 1 Under OCGA 21-2-33.1(a) section one, the State Election 2 Board is uniquely vested with the authority to issue a 3 cease and desist orders and make provisions requiring 4 any violator to stop committing acts that breach the 5 state election code. 6 The continued employment of these machines methods 7 where the voter is unable to verify their selections on 8 paper according to state code is fundamentally unlawful. 9 Operating under an unauthorized voting method instantly 10 places county election offices out of compliance, 11 exposing local superintendents and the state to severe 12 legal liability for violating the statutory protections 13 guaranteed to voters. 14 To allow counties to proceed without a clear 15 alternative directive would be a failure of oversight. 16 Because an unauthorized voting method constitutes an 17 explicit violation of state law, this board is utilizing 18 its statutory authority to proactively guide all 159 19 counties into full legal compliance through emergency 20 paper ballot procedures. 21 This resolution is necessitated by the following 22 factors. Legal continuity, to ensure that all 159 23 counties are operating under a uniform legally codified 24 standard should current system legality issues remain 25 unresolved. Voter confidence, by transitioning to human	Page 104 1 statewide security update or patch to remediate these 2 known vulnerabilities since their initial deployment. 3 This resolution is not merely a contingency. It is a 4 commitment to the voters of this state that we are 5 ensuring that the election process remains 6 uninterrupted, that every vote is cast securely, and 7 that the transition to emergency procedures is seamless, 8 standardized, and beyond reproach. 9 Subject, guidance and authorization of emergency 10 paper palette procedures for the November 2026 general 11 election and this should be for ongoing elections as 12 well for all elections. So that would be corrected. 13 Whereas the State Board of Elections is charged with the 14 duty to promulgate rules and regulations to ensure the 15 uniform, efficient, and secure administration of 16 elections across 159 counties, and whereas the current 17 voting system manufactured by Dominion, now referred to 18 as Liberty Vote, utilizes QR codes for the purposes of 19 recording and tabulating voter selections. And whereas 20 the legal extension permitting the use of QR coded 21 ballots as the primary method of tabulation is subject 22 to expiration on July 1st, 2026. And whereas in the 23 event that a further extension is not granted by the 24 appropriate judicial and legislative bodies, the use of 25 such machines of the November 2026 general election or
Page 103 1 readable hand marked paper ballots in the absence of 2 machine extensions, we provide a voting method that is 3 verifiable by the elector and the auditor alike. 4 Operational readiness, election superintendents 5 require ample lead time to secure supplies, train poll 6 workers, and inform the public waiting for a last minute 7 legislative action or judicial ruling without a 8 preauthorized contingency plan would jeopardize the 9 stability of the election. 10 System vulnerabilities and documented issues, 11 independent technical analysis and experts have 12 confirmed severe vulnerabilities within the Dominion Now 13 Liberty Vote software. The U.S. Cybersecurity 14 Infrastructure Security Agency, CISA, officially 15 validated these technical findings issuing an active 16 advisory warning that the system's vulnerabilities 17 present distinct security risk regarding urgent 18 migration. 19 Documented software abnormalities and barcode 20 mismatches, a/k/a coding errors, have previously 21 resulted in severe miscounts and altered initial 22 election night results requiring emergency manual 23 recounts to establish the correct outcome. The core 24 software infrastructure and underlining operating 25 configurations have not received a comprehensive	Page 105 1 ongoing elections would be prohibited under current 2 state statutes. And whereas it is the responsibility of 3 this board to provide clear written guidance to county 4 election superintendents to prevent disenfranchisement 5 and ensure the continuity of the democratic process. 6 Now therefore be it resolved by the State Board of 7 Elections that one, authorization of emergency 8 procedures in the event that the extension of the 9 Liberty Dominion QR code tabulation system is not 10 granted during the upcoming special session June, it's 11 called for June 17th, 2026, or is otherwise vacated 12 prior to the commencement of the upcoming elections. 13 All 159 county offices are hereby authorized and 14 directed to implement emergency paper ballot procedures. 15 Legal authority. This resolution is issued 16 pursuant to the following authorities. OCGA 21-2-334 17 provides that if the use of voting machines and 18 equipment is not possible or practical, the election may 19 be conducted by paper ballots. OCGA 21-2-281, governing 20 the use of paper ballots with the use of voting 21 equipment is impossible. The state election board rule 22 183-1-2-.11 emergency procedures outlines the specific 23 conditions under which the county may transition to hand 24 marked paper ballots to ensure the election proceeds 25 without interruption.

Page 106 1 Administrative emergency procedures, should these 2 procedures be triggered, county election superintendent 3 shall adhere to the following administrative protocol. 4 The transition of hand marked paper ballots in 5 accordance with OCGA 21-2-281 and 21-2-334, which 6 authorize the use of paper ballots when the use of the 7 voting system is impossible and impractical, the 8 following marking protocol shall apply. 9 Standardized ballots. All voters shall be provided 10 with an official paper ballot as defined in OCGA 21-2-2 11 according -- remarking instruments. Per OCGA 12 21-2-438(a), ballots must be marked using a pen or 13 pencil to ensure compatibility with optical scanners and 14 archival clarity. This board directs the use of blue or 15 black ink pens, correction of errors. 16 Voters should make an error, should, voters who 17 make an error shall be instructed to return the spoiled 18 ballot to the poll official to be voided and receive a 19 replacement as provided by OCGA 21-2-433. Tabulation 20 method. Vote inherent. Should the Liberty Vote 21 Dominion scanning software be unable to function without 22 QR code reliance, the following tabulation hierarchy is 23 mandated. 24 Optical scanning human readable. Scanners shall be 25 utilized only if they are configured to read visible	Page 108 1 transport of the ballots to the central counting center. 2 Sealing and documentation. Upon the close of 3 polls, ballot boxes must be sealed with numbered 4 security seals. A chain of custody form must be signed 5 by the team regarding the sealed numbers and the total 6 number of ballots cast as required by OCGA 21-2-440. 7 Public notice requirements. Transparency and public 8 notification are mandated under OCGA 21-2-265. 9 Courthouse and digital posting. Notice of the 10 shift to emergency paper ballots must be posted promptly 11 at the county courthouse and on the county's official 12 website within 24 hours of the determination. Precinct 13 posting. A copy of this resolution and the specific 14 state code authorization shall be posted at the entrance 15 of every affected polling place for advanced in-person 16 voting and on election day to inform electors of the 17 change in voting method. 18 Emergency supply audit and inventory. While SEB 19 183-1-2 -- I mean, -12-.11 section two subsection C 20 requires a minimum of 10 percent backup of unvoted 21 preprinted paper ballots, this board finds that a 22 transition to a full paper ballot election requires 23 enhanced readiness. Inventory requirements. 24 Superintendents are directed to procure and maintain a 25 sufficient stock of paper ballots for each ballot style
Page 107 1 human readable marks filled, e.g. filled in bubbles 2 rather than QR codes in alignment with the requirements 3 of SB189 that went into effect in 2024. 4 And OCGA 21-2-379.23 manual hand count in compliant 5 I mean if complaint -- Wait -- Yeah, sorry. If 6 compliant scanning is unavailable, counties shall 7 conduct a manual count as the precinct and the county 8 tabulation centers on election night for advance -- I 9 mean, advance in person voted ballots pursuant to OCGA 10 21-2-437. 11 Voter intent standard in all counting scenarios, 12 the voter intent standard established is OCGA 21-2-438 13 section C shall be the primary metric. Any ballot that 14 clearly and without question indicates the candidate for 15 whom the elector desires to vote shall be counted 16 regardless of the regular -- regularity of the mark. 17 Secure chain of custody, to maintain the security of the 18 vote as required by OCGA 21-2-440 and SEB rule 19 183-1-12-13 immediate deposit. 20 Immediately after marking the voter will place the 21 paper ballot in the scanner or put into a provisional 22 ballot bag or whatever is used as the acceptable means 23 of submitting the ballot. For oversight, a minimum of 24 two poll officers must remain with the ballot box at all 25 times during the hours of voting and during the	Page 109 1 within their jurisdiction calculated using total 2 registered voter counts and historical election data. 3 This number may be reduced for advanced in-person 4 voting by the number of mail-in ballots sent to voters 5 in the election. This number may be reduced by election 6 day precinct voting by the number of mail-in ballots 7 sent and the number of early voting ballots cast. This 8 ensures a surplus to accommodate high turnout, spoiled 9 ballots, and provisional needs. 10 Reporting. All 159 counties shall submit a 11 certification of ballot readiness to the Secretary of 12 State's office no later than 21 days before the 13 election, the general election, verifying that 14 sufficient supplies and marking pens are on hand. Final 15 confirmation. This resolution serves as the official 16 written confirmation for all 159 counties that the move 17 to hand-marked paper ballots is the only approved 18 contingency should the Liberty Vote Dominion QR code 19 extension fail to be secured or the machines are found 20 to be unlawful. Duly resolved, this is on the 3rd of 21 June, 2026. 22 CHAIRMAN FERVIER: Before we begin discussion, Ms. 23 Robinson, I didn't know if you thought you had to stay, 24 but you don't have to stay if you don't want to. I 25 didn't want you to feel like you had to. It's fine if

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1 you want to. If you want to enjoy this, please feel
2 free.

3 MEMBER GRUBBS: Enjoy.

4 CHAIRMAN FERVIER: Enjoy all you want to. Okay.

5 MEMBER KING: Yeah, so that's the resolution. I'll
6 send it to you, James.

7 CHAIRMAN FERVIER: Any comments from the board on
8 this resolution?

9 MEMBER GHAZAL: Mr. Chairman? I would -- I'm
10 hesitant to put the Attorney General's office on the
11 spot, but I would like to ask if you have had any
12 opportunity to review this? You -- No. Okay. In
13 general, if we are issuing a resolution that is 100
14 percent contrary to advice that has been issued by the
15 Secretary of State's office, how would you?

16 ATTORNEY YOUNG: Well, I haven't reviewed any
17 advice -- I don't know what advice has been issued by
18 the Secretary of State's office either. If there has
19 been something that has been published, I have not seen
20 it. And I haven't -- I did listen as you were reading,
21 but I don't have the actual copy. You know, I guess you
22 could have two agencies issuing resolutions that
23 conflict with each other.

24 Resolutions are not inherently binding. So, you
25 know, I don't think that there is any express

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1 requirement of consistency across agencies, but
2 obviously it would cause confusion for elections
3 superintendents if they are getting differing
4 instructions from two agencies, both of which have some
5 authority over what they're doing.

6 MEMBER KING: I think we all know that we are at
7 risk of there being confusion regardless. The purpose
8 of the resolution is so that the counties will have
9 something in case they would like to go this route.
10 This is an option. The fact is they don't have an
11 option other than, you know, to, I guess, wait and see
12 what happens in the special session. And if nothing
13 happens, then you're just kind of stuck.

14 And my concern is that the counties are going to
15 get lawsuits from candidates, from citizens, from people
16 who feel as though they're voting unlawfully when
17 there's no guidance. But having a resolution allows you
18 to have something that you can hold to say this is what
19 we're utilizing. This is what we are -- why we are
20 transitioning this particular county to ensure that
21 we're prepared.

22 And it also allows the counties to start having a
23 discussion amongst themselves about whether or not we
24 want to move forward with this direction under the guise
25 that we don't know what's going to happen in the special

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1 session.

2 The whole thing -- the purpose of this is that
3 we're getting closer and closer and closer to this
4 deadline and we also have elections that are coming up
5 and there's more elections that are there. We already
6 are in question whether or not we are properly verifying
7 our ballot as it is right now.

8 And so what I think is that we need to have
9 something in the hands of these counties so that they
10 can have support from us, as well as support in the
11 county so that when they're communicating with citizens
12 they won't feel as though they don't have a plan of
13 action going forward.

14 VICE CHAIR JOHNSTON: I see this, the resolution is
15 to generally proceed with what is written in the code to
16 move to emergency paper ballots for use for an election.
17 Is that -- Am I understanding what the resolution says
18 in whole and total. I'm also looking at a letter issued
19 I believe last -- I don't know when, a couple of days
20 ago by Blake Evans from the SOS Elections Office
21 describing a procedure of using the QR codes, which
22 right now will be prohibited as of July 1st. But Blake
23 Evans is recommending the continued use of the QR code
24 and which will be in violation of law. And he has moved
25 forward even further and said this state used optical

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1 character read of ballots or ballot images perhaps which
2 he intends to use to tabulate the votes.

3 That is a methodology that is not legal to tabulate
4 votes. It is not election EAC certified to tabulate
5 votes. It was introduced to the state of Georgia as a
6 pilot project to review ballots and it was not even
7 conducted correctly as the pilot project. It conducted
8 a review, an optical character read of ballot images
9 which are very different than ballots.

10 Ballot images are simply images that could have
11 been -- could be altered, could be deleted, could be
12 missing. We all know that we have chronic problems with
13 missing ballot images, and there's certainly plenty of
14 questions about altered ballot images. But the bottom
15 line is it's not a legal system to tabulate elections.
16 And I'm astounded that he sent this letter to the
17 counties planning to use this method of tabulating an
18 election or any election or elections for this year in
19 Georgia.

20 MEMBER GRUBBS: So is it my turn?

21 CHAIRMAN FERVIER: Yes.

22 VICE CHAIR JOHNSTON: It's your turn.

23 CHAIRMAN FERVIER: Member Grubbs.

24 MEMBER GRUBBS: Okay. So, Member King, I really
25 appreciate you doing this, and I definitely agree with

Page 114 1 the spirit of it. There's some functional things that I 2 think are an issue. In the first paragraph when you're 3 talking about the utilization of QR codes for ballot 4 tabulations faces severe legal uncertainty. As of this 5 moment there is no legal uncertainty. 6 At this moment the QR codes cannot be used to 7 tabulate as July 1st. I mean that's given law. The 8 only thing that's uncertain is the rumor of them kicking 9 the can down the road, which I hope and pray that they 10 do not. The guidance that came out from Blake Evans the 11 day before yesterday, which to be clear the State Board 12 of Elections was not copied on. It went out to counties 13 and we were not made aware of what his plan is, is in my 14 view a disaster in the making. 15 And I was thinking about it this morning with the 16 image tabulation is this is why my rule proposal that I 17 presented yesterday when we're talking about the 18 definition of a ballot is so critical and the definition 19 of a vote is so critical, is because my vote is not some 20 image that is scanned and uploaded through the internet 21 to some server in the sky to some cloud based program 22 where it can be compromised or changed or deleted or 23 whatever. That is not my vote. 24 My vote is the direct expression that I use 25 unfortunately we've been having to use ballot marking	Page 116 1 software to update the BMD's that are required for ADA 2 compliance and that kind of thing. That could have been 3 done two years ago and he's chosen not to do it. 4 He has discretionary funds that he could have used 5 to at least upgrade the ADA units and has not done that. 6 So that's not addressed in the resolution. Also, I 7 don't like the verbiage of in the absence of machine 8 extensions, because I refuse to accept any extensions in 9 the state of Georgia for these voting machines. I just 10 refuse. 11 CHAIRMAN FERVIER: Excuse me. One second. I want 12 to make one alteration to the Dr. Johnson polite 13 clapping rule. If you clap while somebody's speaking, 14 it's a real problem for the people online to hear and 15 also for our court reporter. So please hold applause 16 until after someone finishes speaking the Dr. Johnson 17 clap until after someone finishes, please. Thank you. 18 MEMBER GRUBBS: And then when you get to the 19 whereas's, when it says, whereas in the event that 20 further extension is not granted by the appropriate 21 judicial or legislative bodies, the use of such machines 22 for the November 2026 general election would be 23 prohibited under current state statutes. 24 Well, we have an election that is coming up right 25 now in Congressional 13, which is why that was added in
Page 115 1 devices. But this is what I use for my direct 2 expression. I use it all the time in writing on pieces 3 of paper and my direct expression should be my vote that 4 is counted not some Frankenstein system that uploads to 5 some cloud in the sky. 6 And I was just having a conversation yesterday 7 about where the Secretary of State's data is hosted -- 8 it's hosted on a program in a system that was developed 9 and is sold here in the United States developed by two 10 Russian oligarchs. So why Blake Evans thinks he can 11 take something that is precious that is at the end of my 12 pen and manipulate it and upload it through the internet 13 to some cloud in the sky and then have a conflicted 14 company do OCR audits of images, not even the real 15 ballots, when our own board of election members cannot 16 get all the documents they need to certify an election 17 within the five days which is a ridiculously short 18 amount of time. 19 This is reaching the level of insanity in the state 20 of Georgia. And this is really a huge problem and I 21 appreciate you, Member King, for doing the resolution. 22 And I told you I would support the resolution, but 23 there's some functional issues that we have here. One 24 of which it does not address the ADA compliance. 25 The Secretary of State has in his possession the	Page 117 1 the rule proposal that I had that we never got to before 2 getting to this situation, which is not going to matter 3 because we're running out of time for that, because 4 advanced voting begins July 6th. 5 And so to even get our rule proposals to affect 6 Congressional 13, you know, that was one of those 7 unforeseen circumstances. We didn't anticipate that 8 Congressman Scott was going to pass away and we would 9 have an election immediately forthcoming. So this is 10 not only about the November election, which we're 11 already running out of time on that too. This is also 12 about the Congressional -- Do we just not care about the 13 Congressional 13 race? Does that not matter to people? 14 I mean I live in Congressional 11, but I think the 15 people that are voting as of July 6th in Congressional 16 13 deserve an election that complies with law. And I 17 think they deserve to vote on hand marked paper ballots. 18 And I think we deserve to have verifiable elections. So 19 as far as that paragraph, I have an issue with that 20 because I am not going to presuppose that they're going 21 to kick the can down the road. 22 I'm going to presuppose that the legislature is 23 going to do its job based on commitments that have been 24 made based on what makes sense. And also the fact that 25 Georgia does not need to spend another \$150 million or

Page 118 1 more on a complete new voting system when this is my 2 direct expression right here. 3 Also, on the next page under the, now therefore, 4 it says in the event of the extension for Liberty Vote, 5 Dominion and all of that I get that. Again, I'm not 6 presupposing they're going to kick the can down the 7 road, but again we don't have provision for ADA voting 8 in here. And in my view, you did a great job in the 9 beginning laying out the rationale because that's the 10 rationale I have been screaming since 2022. 11 I have been screaming that it is the explicit duty 12 of the State Election Board to obtain uniformity in the 13 practices and proceedings of superintendents, 14 registrars, deputy registrars poll officers and other 15 officials and to maintain the legality and purity in all 16 primaries and elections. That is our job. 17 The second paragraph I completely agree with. In 18 accordance with OCGA 21-2-310, this board is empowered 19 to take all necessary actions consistent with the law to 20 ensure the fair, legal and orderly conduct of primaries 21 and elections across all jurisdictions. How much 22 clearer could it be? 23 I agree with your third point. Under OCGA 24 21-2-33.1(a)(1), the State Election Board is uniquely 25 vested with the authority to issue cease and desist	Page 120 1 the QR codes are supposed to be utilized right now. 2 Regardless of how we feel about it. 3 But, so the point I'm making is that, again, I'm 4 all for hearing rules and even additional resolutions, 5 whatever, you know, but my understanding is that as of 6 right now, the QR codes are in place. We can disagree. 7 We know that they're unlawful. We know that the voter 8 is not able to verify their vote. But when you are a 9 county election official, having to explain why you're 10 not following what is written in the law, whether we 11 agree or disagree, positions them in a bad place. It 12 puts them in a bad place. 13 MEMBER GRUBBS: I agree that election officials 14 have been put in a terrible place. A lot of the cases 15 that we've heard, we would not have to have heard had we 16 had a better way of doing things in place. I agree with 17 you 100 percent. There's a lot of people, and people 18 who are not even particularly politically active. I've 19 seen it from people on the right, on the left, in the 20 middle, that have no faith and confidence in the QR 21 code. 22 Yes, I get that that is the law right now. It's an 23 unfortunate situation. It's unfortunate that Georgia is 24 one of the only states in the United States of America 25 that is stuck in this quagmire right now. It's
Page 119 1 orders. Make provisions requiring any violator to stop 2 committing acts that breach the state election code. 3 And right now I would like to issue a cease and desist 4 order to Blake Evans. I get it. I get it. It's not 5 funny to me. I understand. 6 But to say that you are going to count our votes by 7 images and not the direct expression of what our vote is 8 without any kind of even communication. He just issues 9 an edict from the Secretary of State's office. That's 10 where my mind is. So I appreciate the intent of the 11 resolution. I think if you took that, along with some 12 of the interim guidance which I had to present, that we 13 could come up with a good resolution. 14 But the resolution that I want to sign is not a 15 resolution that is going to empower the legislature to 16 kick the can down the road. 17 MEMBER KING: Well, Member Grubbs, first this 18 resolution was created after speaking with election 19 officials and board members. The reason why I did it 20 the way I did it is because regardless of how we feel 21 about it, regardless of what we believe and we can be 22 right, we have to position the counties to where they 23 can withstand a lawsuit, where they can justify their 24 actions stating that the law, you know, whether we agree 25 with it or not, but stating that Georgia law says that	Page 121 1 unfortunate that during the legislative session since 2 2024, this has not been fixed. I get all of that. I 3 agree. I agree that the counties need to have 4 instruction. 5 I'm just saying that if we do it by resolution, 6 first of all, remember I come from the world of the GOP, 7 and I know how much resolutions hold water. 8 MEMBER KING: Gives the county the opportunity to 9 utilize it. They still have autonomy. 10 MEMBER GRUBBS: Of course. That's why I did what I 11 did with the presenting the interim guidance. I agree. 12 I just -- if you -- Since you consulted with county 13 people, I'm surprised they didn't talk about upgrading 14 the ADA units to the current software. 15 MEMBER KING: Well, that's something that the 16 counties have autonomy to do anything additional around 17 the resolution. But here's the thing, too. When I was 18 drafting this, it's important that I have to set my 19 activism side to the side and sit in my board member 20 seat. 21 As a board member, even if there is an extension, 22 if there is an extension that occurs, I cannot tell 23 counties to ignore what the legislature said and do 24 something else. Because now, we're now putting them in 25 a bad position, and then are we prepared to fight their

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1 lawsuits. It's unfair. It's not right. It's where we
 2 are. But I believe in taking baby steps if necessary.
 3 Sometimes you've got to do giant leaps, but there are
 4 other times you've got to make baby steps in order to
 5 just create uniformity, create and give our counties an
 6 option that they can utilize and that they can go back
 7 to their board with, justify, explain, and be able to
 8 use.

9 CHAIRMAN FERVIER: Any further comments from the
 10 board?

11 VICE CHAIR JOHNSTON: I want to comment. The
 12 simplest thing to do is to move to hand-marked paper
 13 ballots with an optical scan on the machines that
 14 currently can accept optical scans and move that
 15 immediately. And for the election in July to utilize
 16 emergency ballots if necessary.

17 I'd like to make a motion that we support the
 18 resolution of Ms. King -- Member King.

19 CHAIRMAN FERVIER: There's a motion to support the
 20 resolution of Member King. Is there a second?

21 MEMBER GHAZAL: Second.

22 CHAIRMAN FERVIER: There's a motion and a second to
 23 support the resolution of Member King. Any further
 24 discussion?

25 MEMBER GRUBBS: Ms. King, I want to support the

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1 resolution, but there's some wording in it that I can't
 2 support. I'm open to, you know, any changes. I
 3 likewise have draft guidance that I was hoping that we
 4 could work through that incorporates some of this that
 5 also takes into consideration the Congressional 13 race.

6 I definitely want to vote yes on this, but I can't
 7 vote yes on it in the current form.

8 CHAIRMAN FERVIER: Any further comments?

9 EXECUTIVE DIRECTOR MILLS: Mr. Chairman?

10 CHAIRMAN FERVIER: Yes.

11 EXECUTIVE DIRECTOR MILLS: Could we consider
 12 tabling this until after lunch maybe and see if they
 13 could get together on some agreement and bring it back?

14 CHAIRMAN FERVIER: There's a motion on the table
 15 right now that she'd have to withdraw the motion and
 16 then we'd have to break for lunch.

17 VICE CHAIR JOHNSTON: Mr. Chair, I will withdraw
 18 that motion and make a motion to table this to
 19 consideration of this until after lunch.

20 CHAIRMAN FERVIER: We don't need a table. We'll
 21 just leave it open. And there's a motion to withdraw.
 22 You've withdrawn your motion. So at this time is there
 23 a motion to break for lunch?

24 MEMBER KING: So moved.

25 CHAIRMAN FERVIER: We have a motion with that

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1 dissent that we will break for lunch for approximately
 2 40 minutes. We'll come back at 1:10. Thank you.

3 (Whereupon, a break was taken during the
 4 proceeding.)

5 CHAIRMAN FERVIER: We are now back in session. I
 6 hope everybody enjoyed their lunch. We're going to try
 7 and quickly move through the rest of the agenda today.
 8 The next item on the table at this time is a resolution
 9 by Member Janelle King. Still open for comments from
 10 this board on this resolution. Any comments?

11 MEMBER KING: Salleigh and I met right before lunch
 12 and I agreed with Salleigh that there should be
 13 something in here that referenced ADA voters. So what
 14 we did was under authorization of emergency procedures,
 15 the paragraph, it's a short paragraph, but it now reads,
 16 in the event of -- well, I'm adjusting that too. Oh no,
 17 we kept that one. Never mind. Sorry, Salleigh.

18 MEMBER GRUBBS: That's okay.

19 MEMBER KING: In the event of the extension of the
 20 Liberty Vote Dominion QR code tabulation system is not
 21 granted during the upcoming special session called on
 22 June 17th, 2026, or is otherwise vacated prior to the
 23 commencement of the upcoming elections.

24 All 159 county election offices are hereby
 25 authorized to direct and directed to implement emergency

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1 paper ballot procedures for non-ADA voters. So that you
 2 don't have any confusion there. And then in the section
 3 where I have the whereas, the fourth whereas, the
 4 adjustment states whereas in the event that the current
 5 voting system issue is unresolved, the use of such
 6 machines for any election after July 1st would be
 7 prohibited under current state statutes. So those were
 8 the adjustments, the changes.

9 MEMBER GRUBBS: And then I also have the draft
 10 guidance that I sent out, the interim guidance to the
 11 counties, which we can address whenever. But I'd like
 12 to see if we can make that part of the -- as a working
 13 document, as part of the guidance to the counties.

14 MEMBER KING: It has a lot more details and it can
 15 be attached as an addendum.

16 CHAIRMAN FERVIER: Any further comments, members of
 17 the board?

18 VICE CHAIR JOHNSTON: Salleigh, have your guidance
 19 -- guidelines been distributed to the board?

20 MEMBER GRUBBS: Yes, they have. They were all
 21 emailed out with -- I sent the guidance along with the
 22 proposed legislation, along with the proposed rule
 23 amendment on the, quote unquote, "bunker". I sent all
 24 that out a couple of days ago. And then it's in the
 25 packet that I gave everybody yesterday morning. So I

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1 emailed it and I gave written copies.

2 CHAIRMAN FERVIER: Anything else from the board on

3 this?

4

5 VICE CHAIR JOHNSTON: I think this is helpful. It

6 covers polling place operations, ballot on demand

7 printing, ballot on demand security and accounting

8 controls and accessibility.

9 CHAIRMAN FERVIER: Anything else from the board on

10 this topic? Anything else from the board?

11 MEMBER GRUBBS: On this?

12 CHAIRMAN FERVIER: On this topic, yes.

13 MEMBER GRUBBS: Mr. Chairman, I'll make a motion.

14 CHAIRMAN FERVIER: Okay.

15 MEMBER GRUBBS: Is that what you're waiting for?

16 CHAIRMAN FERVIER: I'm waiting for anything else

17 from the board.

18 MEMBER GRUBBS: That we accept the proposed

19 resolution as presented by Member King with the edits.

20 And then along with afterwards consideration of the

21 draft interim guidance.

22 VICE CHAIR JOHNSTON: Second.

23 CHAIRMAN FERVIER: We have a motion and a second to

24 accept the resolution presented by Members King and

25 Grubbs.

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1 VICE CHAIR JOHNSTON: I have a question. What is

2 proposed to do with this resolution?

3 MEMBER KING: To be sent to the counties that they

4 can utilize it for guidance in their board meetings.

5 CHAIRMAN FERVIER: Are you going to do this ahead

6 of the legislature meeting?

7 MEMBER KING: Correct.

8 CHAIRMAN FERVIER: Okay.

9 MEMBER KING: So they'll have it now. It's for

10 them to use at their will.

11 CHAIRMAN FERVIER: We have a motion and a second.

12 Any further discussion? All those in favor signify by

13 saying aye. Any opposition?

14 MEMBER GHAZAL: Nay.

15 CHAIRMAN FERVIER: Motion carries three to one.

16 EXECUTIVE DIRECTOR MILLS: Mr. Chairman?

17 CHAIRMAN FERVIER: Yes.

18 EXECUTIVE DIRECTOR MILLS: Could I just make sure

19 that I get either from Member Grubbs or Member King the

20 condensed correct version?

21 MEMBER KING: I'll email it to you.

22 EXECUTIVE DIRECTOR MILLS: Okay. Perfect.

23 MEMBER GRUBBS: And, Mr. Chairman, there were

24 several issues that we needed to bring up. Can you just

25 kind of go over where we are on the agenda?

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1 CHAIRMAN FERVIER: Let me see. Under new business

2 we have to discuss guidance from SOS to counties. And

3 then we will go into old business, which we haven't

4 completed any of the old business yet. Although I did

5 want to discuss one of the old business next, the

6 election night reporting next, and then go to your

7 rules.

8 MEMBER GRUBBS: Okay. Well, there's the issue with

9 the -- Phil Searcy [ph] has a presentation.

10 CHAIRMAN FERVIER: That's going to be last in the

11 agenda.

12 MEMBER GRUBBS: Okay. I must have missed that

13 memo.

14 CHAIRMAN FERVIER: Well, Dr. Johnston and I

15 discussed that yesterday and since it was a --

16 MEMBER GRUBBS: A late addition.

17 CHAIRMAN FERVIER: -- late addition, we decided to

18 put it at the end of the agenda.

19 VICE CHAIR JOHNSTON: Mr. Chair, would you consider

20 hearing them since they have such a long travel time?

21 CHAIRMAN FERVIER: When did you want to hear them?

22 VICE CHAIR JOHNSTON: Now would be appropriate.

23 MEMBER GHAZAL: I'm confused about a special

24 presentation. Has there been a complaint filed? I

25 don't know anything about this.

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1 CHAIRMAN FERVIER: Dr. Johnston, you want to

2 explain what this is going to be about?

3 VICE CHAIR JOHNSTON: Yes, I will. There is a

4 complaint that about the log files and review and

5 findings in log files. And I believe Director Mills

6 will be assigning this for an investigation. But it's

7 so important to hear the findings of the seven counties.

8

9 I think it would be beneficial for this board to

10 hear what they've studied and what they've found and

11 consider what we should do next as far as investigation.

12 I'm not a log expert or computer expert and it raises a

13 lot of questions. And so I would like the whole board

14 to benefit from hearing this so that we might direct a

15 proper investigation of this.

16 MEMBER GHAZAL: So none of the counties that are

17 involved have received notice of any of this?

18 VICE CHAIR JOHNSTON: No, this is just a report on

19 a study of log files. It's not a complaint of an

20 election violation.

21 CHAIRMAN FERVIER: No counties will be mentioned

22 today?

23 VICE CHAIR JOHNSTON: Well, counties may be

24 mentioned but they're not defending a violation.

25 CHAIRMAN FERVIER: Can we do it by just county one,

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1 county two, county three? I mean, if a county is being
2 named, I'd rather keep them anonymous at this time and
3 just do county one, county two, county three.

4 VICE CHAIR JOHNSTON: Mr. Searcy, can you do that?

5 PHIL SEARCY: Well, our presentation, we have a
6 PowerPoint. We're not making any allegations of the
7 county (indiscernible due to audio volume).

8 VICE CHAIR JOHNSTON: I think the concerns, Member
9 Ghazal, is an equipment concern, not a county concern or
10 an individual concern. It's a concern about the
11 equipment and the functionality of the equipment. It
12 may be for nothing. I do not know.

13 MEMBER GHAZAL: Do we have anybody -- has there
14 been any notice provided to the state or to the
15 Secretary of State or the custodian of the equipment,
16 and the software to provide any kind of explanation or
17 is it just going to be, once again, a presentation
18 without any opportunity to get an explanation?

19 VICE CHAIR JOHNSTON: I'm going to have to ask Mr.
20 Searcy if it's been presented or sent to the state.

21 EXECUTIVE DIRECTOR MILLS: My understanding, wasn't
22 this presented to senators and representatives?

23 PHIL SEARCY: We did present this to the
24 legislature in the general session. We had a briefing
25 on it and we had a press conference on it. And we also

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1 delivered a copy to the Secretary of State's office.

2 MEMBER GHAZAL: Okay. So why are we doing this
3 again then?

4 PHIL SEARCY: Well, this is a complaint I feel like
5 the board needs to address and we've actually filed a
6 complaint with the SEB. We've been assigned a case
7 number and we thank for taking the urgency of it and
8 trying to elevate it to today. But we've got 15
9 minutes. Myself and Charlene Alexander are here to
10 present and explain to you just an overview of what our
11 complaint is about and I believe there may be an
12 investigator that's already assigned that we're prepared
13 to answer any questions.

14 CHAIRMAN FERVIER: That presents a little bit of a
15 problem if it's an ongoing investigation. And I didn't
16 realize -- if it's an ongoing investigation -- if your
17 presentation is dealing with an ongoing investigation,
18 that presents a problem for this board to hear it prior
19 to the investigation being performed.

20 PHIL SEARCY: Well, I don't know if he started or
21 not.

22 CHAIRMAN FERVIER: I mean, if you've already
23 complained on him, the investigation has been assigned,
24 so it's an investigation. And we can't really hear
25 anything about that until the investigation has been

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1 completed. It would be . . .

2 VICE CHAIR JOHNSTON: Has the investigation been
3 started?

4 EXECUTIVE DIRECTOR MILLS: Let me check. Sherrie,
5 can you see if that's been assigned a number? The case
6 number has not been assigned.

7 CHAIRMAN FERVIER: The complaint's been made,
8 right, to this board?

9 EXECUTIVE DIRECTOR MILLS: Yes.

10 CHAIRMAN FERVIER: When was the complaint made?

11 PHIL SEARCY: When did we mail that? It's been
12 about three weeks ago I think. I can tell you. Well, I
13 have it in my briefcase. I have the e-sign of all of
14 our signatures on it. There's seven complainants from
15 the seven counties.

16 EXECUTIVE DIRECTOR MILLS: I'd like to ask the
17 board to hear the complaint and if the board determines
18 that it doesn't need to be investigated, then we'll live
19 by that. And if you decide it does need to be
20 investigated, then we'll live by that.

21 CHAIRMAN FERVIER: The problem is that they're
22 making a presentation on a complaint of -- Who's the
23 complaint against? Right. I mean it's a complaint
24 against somebody. The respondent isn't able to be here
25 to respond to the complaint. It hasn't been

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1 investigated yet. The complaint's been made. It seems
2 overly prejudicial to me to hear evidence without having
3 it been investigated yet.

4 MEMBER GHAZAL: We also have no jurisdiction over
5 what systems the Secretary of State chooses to use. And
6 we don't know what level of authority the legislature is
7 going to grant moving forward. I mean, this isn't just
8 a free-for-all. We have specific legal jurisdiction,
9 but that's not one of the issues that we have
10 jurisdiction over.

11 PHIL SEARCY: Well, I'll say this. The analysis of
12 the investigation reveals that U.S. Federal Code is
13 being violated. Georgia state code is being violated.
14 And the Georgia Constitution is being violated because
15 Georgia must comply. In a federal election, we must
16 comply with 52 U.S.C. 21081 paragraph five where it
17 says, the equipment, if it produces any errors or
18 misfeeds, it has to be corrected.

19 MEMBER GHAZAL: Well, that's a court -- that's
20 federal court. Then the proper jurisdiction for hearing
21 that claim would be federal court, not the state
22 election board.

23 PHIL SEARCY: What about the state 21-2-374? It's
24 also in violation the ballot scanner should not be
25 approved unless it produces an errorless count. If any

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1 error is detected, the cause therefore shall be
 2 ascertained and corrected and the errorless count shall
 3 be made before the ballot scanner is approved.
 4 And we've looked at seven counties. It's systemic
 5 in every county. And from the 2024 general election out
 6 of those seven counties, they had 870,000 ballots.
 7 There were 716,794 errors and 299,412 misfeeds. And the
 8 law doesn't allow that. The law allows six errors and
 9 1,744 misfeeds.
 10 MEMBER GHAZAL: Is this the same error code that
 11 was examined a few years ago when there was an
 12 accusation that -- there was a suggestion that the error
 13 that had happened in Tennessee with a different -- when
 14 they were not properly accounting for provisional
 15 ballots because they use a different version of the
 16 Dominion software --
 17 PHIL SEARCY: (Indiscernible due to cross talk
 18 interruption.)
 19 MEMBER GHAZAL: -- Right. But it's not just that --
 20 --
 21 PHIL SEARCY: It's not just that. That's part of
 22 it, but that's not all of it. There were 22,000 QR code
 23 mismatch errors in our analysis in every county.
 24 MEMBER GHAZAL: And this exact same claim has been
 25 made it was investigated and it was determined that the

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1 error codes were coming when a ballot is misfed and it
 2 gets rejected. And that's happened to me probably half
 3 the times that I've voted. That the error code comes up
 4 in the files simply because there's a misfeed, the
 5 ballot is returned, it gets refed.
 6 PHIL SEARCY: That's called a misfeed?
 7 MEMBER GHAZAL: Yes.
 8 PHIL SEARCY: And the standards require no more
 9 than one in 500 ballot scans. And we're having -- in
 10 this batch of counties 299,000 times we had ballot
 11 misfeeds and the law only allows 1744. So it's -- so
 12 massively outside of the federal standards this must be
 13 addressed.
 14 MEMBER GRUBBS: So is your concern with impending
 15 elections that it continues to happen?
 16 PHIL SEARCY: Yes. But we don't know what these
 17 errors -- we're not making any claims that there's a
 18 change in the count. We don't know that. We just know
 19 that these Sarahvin error messages.
 20 MEMBER GRUBBS: And they exceed what's acceptable?
 21 PHIL SEARCY: By massively. For example, don't
 22 read numbers -- 49 percent of the ballots had errors,
 23 these errors. 26.95 percent of the voters were affected
 24 by the ballot reversals. 26.95 percent are affected by
 25 these ballot reversals in the seven counties.

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1 CHAIRMAN FERVIER: Here's my problem, Mr. Searcy,
 2 I'm sorry. The problem is that a complaint's already
 3 been filed it's already been signed a case number. So
 4 there's an active complaint out there. And a
 5 complainant coming and addressing the board on this case
 6 prior to the case being investigated really sets a bad
 7 precedence for us as a board. Because then it opens a
 8 door to any other complainant coming in before the case
 9 has had a chance to be investigated.
 10 I mean, it's -- being educated, I understand that
 11 but it prejudices, you know, us to do that. I just I
 12 can't agree with that, you know. And I'm sorry that you
 13 came all the way up here. I wish I'd known about the
 14 forehand, but this is an open complaint. It's been
 15 assigned a number. So it's under investigation.
 16 PHIL SEARCY: So, what I would ask the board then --
 17 --
 18 CHAIRMAN FERVIER: Okay.
 19 PHIL SEARCY: -- is that this investigation that's
 20 being done be put as high as priority, and that we have
 21 a chance to come back next month. And if our findings
 22 are confirmed, that this board will make a decision to
 23 put some countermeasures in place. Already your
 24 resolution is one thing. The QR code is one thing. But
 25 the ballot scanning is another whole issue that must be

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1 addressed.
 2 And you talk about a Frankenstein system, this
 3 software suite we're using in this state which we've
 4 used from the very beginning, it has over 120 software
 5 and hardware components that make up the entire suite.
 6 It is a Frankenstein system and the error message we're
 7 showing here are coming from the proprietary part of
 8 that suite.
 9 Most of that software is off the shelf but the
 10 proprietary part is in the ICP and the ICC scanners.
 11 That's where all these errors are being generated and
 12 nobody knows what's in there and that needs to be
 13 resolved.
 14 CHAIRMAN FERVIER: Well, your presentation needs to
 15 be sent to the investigator who's handling this, so they
 16 can have that information before them. And this board
 17 will give your case due consideration like every other
 18 one based on the facts that we received from the
 19 investigation itself.
 20 But to hear the complainant prior to the
 21 investigation, is really improper for the way that we
 22 need to handle things, so.
 23 PHIL SEARCY: I can understand your viewpoint on
 24 that. I just don't want this case --
 25 MEMBER GRUBBS: Taken four years.

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1 PHIL SEARCY: -- to be like a bunch of the others
2 we've seen today from four or five years ago that have
3 not been resolved.

4 CHAIRMAN FERVIER: I understand that and the
5 gentleman that assigns investigators to cases is sitting
6 right next to me, so.

7 MEMBER KING: I was going to say, in this case we
8 know this case exists. So we can track it.

9 CHAIRMAN FERVIER: Yes.

10 MEMBER GRUBBS: See, a lot of the other cases that
11 come in and have been assigned through the SOS's office,
12 that's why I always encourage people to email me and
13 contact me directly because we don't know what we don't
14 know. And when it goes through that portal or it goes
15 to the SOS's office, I can't even get a list of the ones
16 that they have now. And I've been asking since I came
17 on this board in January for a list and as a board
18 member I can't get a list. I guess I need to do an ORR.

19 PHIL SEARCY: Yeah, good luck with that. Well,
20 yeah, I understand that and that's why I sent it
21 directly to the SEB because I knew of that situation.
22 I've been coming to these meetings as you know since
23 2003 and two minute public comment. You probably don't
24 know a lot about me, but my background in IT has nothing
25 to do with our analysis.

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1 Anybody that can read and use a computer with basic
2 computer skills and do a search can do the analysis that
3 we did and come to the same findings that we did. That
4 these errors exist and they far exceed the federal
5 standards that are required that the 51 Code requires,
6 as well as the Georgia Code requires and Georgia, under
7 Georgia Constitution, we must use election procedures
8 that are provided by law.

9 And if our procedures are not in accordance with
10 what's provided by law, we're in violation of the
11 Constitution and everyone's rights not just mine but
12 everybody's in the state.

13 CHAIRMAN FERVIER: I promise you you'll have ample
14 time to make your case when the case comes before the
15 board. I promise you that. But I need to be fair about
16 the way this is handled and consistent, so.

17 PHIL SEARCY: Well, I appreciate even the
18 consideration of the day. I was going to say that in
19 the very beginning. Thank you for recognizing the
20 urgency and wanting to accelerate it.

21 VICE CHAIR JOHNSTON: Mr. Searcy, if also in your
22 research, if any information you have on ES&S would be
23 greatly appreciated too.

24 PHIL SEARCY: Yeah, I haven't done any research on
25 them.

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1 CHAIRMAN FERVIER: Okay. Thank you, sir.

2 PHIL SEARCY: Thank you.

3 CHAIRMAN FERVIER: There was a request to talk
4 about election night reporting first which is under old
5 business. Ms. Grubbs -- or, Member Grubbs, is that your
6 . . .

7 MEMBER GRUBBS: Yeah, I have a -- you know,
8 clearly, you know, we are in a situation because we are
9 not -- we haven't -- the rest of us haven't been lucky
10 enough to go to election night reporting like you have,
11 Mr. Chair, and I know that it's -- you know, maybe
12 there's nothing that goes on there. I don't know. But
13 --

14 CHAIRMAN FERVIER: I don't think that's an insult.
15 It's late in the day. It might be. I don't know.

16 MEMBER GRUBBS: I would never insult you. You just
17 must be hanging with a different crowd.

18 CHAIRMAN FERVIER: I've been accused of that
19 before.

20 MEMBER GRUBBS: But anyway, you know, as everyone
21 knows there's a lawsuit that's been filed about
22 attending election night reporting, about the Secretary
23 performing his duties in public and so on and so forth.
24 And that we were not invited and not allowed to go. And
25 so I believe that that is an urgent matter that is the

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1 reason why I've done this, or am presenting this rule
2 petition -- or not petition, but this rule proposal for
3 Rule 183-1-12-.12. I don't know who came up with that
4 numbering system. It makes no sense to me.

5 So maybe one day we can go through the rules and
6 renumber them in some fashion that makes sense. But
7 it's under subparagraph 8(b)(3). When it previously
8 said the tabulation and consolidation shall be performed
9 in public. However, the election superintendent may
10 make reasonable rules and regulations for conduct at the
11 tabulating center for the security of the results and
12 returns to avoid interference with the tabulating center
13 personnel.

14 The way it's been changed is the tabulation and
15 consolidation at the county and state level, including
16 state election officials activities to review and
17 approve tabulation reporting, shall be performed in
18 public with meaningful poll watcher visual access
19 permitted. However, the election superintendent and the
20 Secretary of State may make reasonable rules and
21 regulations for conduct at the tabulating or central
22 reporting center for the security of the results and the
23 returns and to avoid interference with the tabulating
24 center in review activities.

25 So there's a change to that paragraph. There's a

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1 change to paragraph 8(b) (5) (c) (c). Which has said at
 2 the same time that such information is publicly posted,
 3 it shall be transmitted to the Secretary of State in a
 4 manner determined by the Secretary of State. And then
 5 this language adds, which shall be subject to in person
 6 contemporaneous review by authorized poll watchers and
 7 observers.
 8 And then the following subparagraph D adds the
 9 language -- what exists, says such results shall be
 10 transmitted in a format prescribed by the Secretary of
 11 State. And then the language added here says in
 12 reviewable contemporaneously by authorized poll watchers
 13 and observers in person and subject to public review
 14 under provisions of OCGA 21-2-72.
 15 And that's all there is to the changes to this
 16 particular rule. It's just to add observation and
 17 oversight to what's going on at election night reporting
 18 while the Secretary of State should be doing those
 19 activities in public.
 20 CHAIRMAN FERVIER: Now are you asking the board to
 21 rule on these line by line or?
 22 MEMBER GRUBBS: No, this is just -- somebody had
 23 their smart pills at lunch. We can do it that way
 24 because technically they are that way, but I'll deal
 25 with you later on the other rules.

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1 MEMBER KING: I agree. You know, I think not
 2 having representation in that room is important. I
 3 mean, regardless of what's happening there, telling us
 4 nothing's happening. So no one else needs to see it or
 5 be in there. I mean, that's just show us, right. Show
 6 us the nothing. But I do think that it just provides
 7 additional level of security and transparency to our
 8 voters.
 9 VICE CHAIR JOHNSTON: I agree. And especially in
 10 light of the incorrectly reported results to a
 11 candidate, Gambrel, in the last election not
 12 understanding the cause of that incorrect report. If it
 13 originated in the election night reporting or somewhere
 14 else, I think one yet that is yet another reason to be
 15 present. Ms. Grubbs, would you have the complete
 16 documentation that goes with a rule petition amendment?
 17 I know we just got the petition changes, do you have the
 18 rest of the --
 19 MEMBER GRUBBS: I don't have it with me, but I can
 20 do that. And I know that we're going to have to --
 21 we're going to have to have another meeting pretty soon,
 22 so.
 23 CHAIRMAN FERVIER: Well, there is a court hearing
 24 on this next week I believe. So it may validate this,
 25 it may --

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1 MEMBER GRUBBS: Well, and I'm sure there will be a
 2 hearing and then there will be an appeal and then there
 3 will be another appeal. So I'm sure --
 4 CHAIRMAN FERVIER: I'm not making a comment either
 5 way. I'm just saying that there's a hearing next week
 6 that may invalidate this or validate it or who knows
 7 what's going to happen, so.
 8 VICE CHAIR JOHNSTON: Mr. Chair, I have a motion.
 9 CHAIRMAN FERVIER: Yes, Dr. Johnston.
 10 VICE CHAIR JOHNSTON: I move that we proceed with
 11 consideration for rulemaking for Ms. Grubbs rule 183-1-
 12 12-.12, tabulating results.
 13 CHAIRMAN FERVIER: Dr. Johnston, the proper motion
 14 will be to initiate rulemaking procedures.
 15 VICE CHAIR JOHNSTON: I move that we initiate
 16 rulemaking procedures for 183-1-12-.12.
 17 CHAIRMAN FERVIER: We have a motion to initiate
 18 rulemaking procedures in rule 183-1-12-.12. Is there a
 19 second?
 20 MEMBER KING: Second.
 21 CHAIRMAN FERVIER: We have a motion and second.
 22 Any discussion? Member Ghazal?
 23 MEMBER GHAZAL: I just want to make it clear that
 24 from my perspective, I have no horse in this race. I
 25 have no dog in this fight. And until a judge has ruled

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1 that there is a legal right, I'm not comfortable
 2 pursuing what I believe may be beyond the scope of our
 3 legal authority.
 4 MEMBER GRUBBS: Well, I'm fighting for your right
 5 to be there too, just saying.
 6 CHAIRMAN FERVIER: Any further comments?
 7 VICE CHAIR JOHNSTON: The only comment, it may be
 8 that there will be a ruling on this before the next
 9 meeting. And that may direct what this board does with
 10 whether to adopt or deny this rule.
 11 CHAIRMAN FERVIER: Correct, that's the reason I
 12 mentioned that.
 13 MEMBER GRUBBS: I mean, I get that. I agree that
 14 the court may do something that would affect it. But as
 15 where we sit right now, you know, it is what it is. And
 16 I feel like the people of Georgia deserve oversight of
 17 that process.
 18 CHAIRMAN FERVIER: Any further comments? We have a
 19 motion and a second to approve this, initiate rulemaking
 20 procedures on this rule. All those in favor signify by
 21 saying aye. I don't think you can vote on your own
 22 rule. Maybe. I think in the past we --
 23 EXECUTIVE DIRECTOR MILLS: You can vote on your own
 24 rule, your own measure.
 25 MEMBER GRUBBS: What says I can't?

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1 CHAIRMAN FERVIER: Did we? All right. All right.
2 Any in opposition?
3 MEMBER GHAZAL: Nay.
4 CHAIRMAN FERVIER: Vote carries three to one.
5 EXECUTIVE DIRECTOR MILLS: Mr. Chairman.
6 CHAIRMAN FERVIER: Okay. I'm not going to question
7 you, I'm just --
8 EXECUTIVE DIRECTOR MILLS: No, no, no, I'm not --
9 I'm moving on to the next subject.
10 CHAIRMAN FERVIER: Okay. We're moving on to the
11 next one? Good.
12 EXECUTIVE DIRECTOR MILLS: Well, we're still the
13 same subject, but we have a runoff election coming up in
14 just a few days. I'd like to ask this board to consider
15 the thought of asking the chairman and maybe the vice
16 chair, or maybe the -- any way you'd like to go about
17 it, but I believe the Secretary of State should be asked
18 again for attendance.
19 I mean, this is all the marbles, the runoff, and to
20 be shut out of a room and not allowed sight, visual
21 observation is frankly unbelievable.
22 MEMBER KING: I don't mind sending an email to
23 them.
24 CHAIRMAN FERVIER: I don't mind asking again, we'll
25 both ask. I'll ask and copy you. All right.

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1 EXECUTIVE DIRECTOR MILLS: Well, Mr. Chairman, I'm
2 not asking for a frivolous worded email. Would you
3 plead on the cause and on behalf of this board that we
4 would like to be in attendance?
5 CHAIRMAN FERVIER: Yes, I did that one time. I'll
6 do it again.
7 EXECUTIVE DIRECTOR MILLS: Well, would you take
8 somebody with you on this board so that all ears can
9 hear what's said?
10 CHAIRMAN FERVIER: Well, I'm happy to.
11 EXECUTIVE DIRECTOR MILLS: Can't ask for any more
12 than that.
13 CHAIRMAN FERVIER: Where am I on this agenda? Next
14 item on the agenda is rulemaking petitions and proposed
15 rules by Member Salleigh Grubbs.
16 MEMBER GRUBBS: Here we go again.
17 CHAIRMAN FERVIER: Oh, boy.
18 MEMBER GRUBBS: Okay. So here's the deal is we had
19 all this. I know there's been ample time to review it.
20 To Dr. Johnston's point, and we're looking at the
21 proposed rules, Exhibit 2, subparagraph two, optical
22 scan voting systems, defining the vote. The permanent
23 change would say a vote cast on an optical scan ballot
24 shall be detected and tabulated directly from the
25 original paper ballot and not an electronic copy or

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1 image of the ballot exported.
2 And then because of what Dr. Johnston said
3 yesterday, added the language exported from the
4 certified voting system. So the --
5 CHAIRMAN FERVIER: Another change?
6 MEMBER GRUBBS: Well, I mean, I can leave it the
7 way that it was. But I was addressing that the concern
8 that she had a vote cast on an optical scan ballot shall
9 be detected and tabulated directly from the original
10 paper ballot and not an electronic copy or image of the
11 ballot exported from the certified voting system,
12 showing what the root origin of the ballot is.
13 CHAIRMAN FERVIER: Are there new copies for the
14 board?
15 MEMBER GRUBBS: Well, no, because I wasn't -- I
16 mean, I can send you a screenshot.
17 CHAIRMAN FERVIER: That's all right.
18 MEMBER GRUBBS: It would just be adding the words
19 at the end of subparagraph two --
20 CHAIRMAN FERVIER: Okay.
21 MEMBER GRUBBS: -- exported from the certified
22 voting system.
23 CHAIRMAN FERVIER: Okay. Are there other changes
24 besides that one?
25 MEMBER GRUBBS: No. And what I'm going to ask the

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1 board's indulgence is to just take up this, and I'll
2 just forget the rest of the proposed rules at this point
3 in time. We can bring them up at another time. So I'm
4 just asking that we define the vote, and that's it.
5 VICE CHAIR JOHNSTON: Can I see your paper, please?
6 So, Ms. Grubbs, are you not requesting the changes that
7 are made in the rest of definition about the temporary
8 changes and the green mark changes?
9 MEMBER GRUBBS: Yeah. The rest of the -- on the
10 following pages, I'm just -- it was just getting too
11 difficult to try and get any of that done. So I'm just
12 -- I'm asking right now just to make the changes in
13 subparagraph two. Yeah, 183-1-15-.02. That is the
14 definition of the vote.
15 I'm just asking to define the vote under
16 subparagraph two to say, optical scan voting systems, a
17 vote cast on an optical scan ballot shall be detected
18 and tabulated directly from the original paper ballot
19 and not an electronic copy or image of the ballot. And
20 then addressing what you had said yesterday, added the
21 words -- I have to look at it on my phone. Give me just
22 a second. I gave it -- I gave my copy to Mr. Fervier.
23 Exported from the certified voting system.
24 CHAIRMAN FERVIER: Well, here's my question. Does
25 the official tabulation take place in the scanner at

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1 polling location, or does it take place at the
 2 tabulation center after it's all sent to the -- sent in?
 3 MEMBER GRUBBS: That's it.
 4 CHAIRMAN FERVIER: Where does the official
 5 tabulation take place for the votes?
 6 MEMBER GHAZAL: Mr. Chairman?
 7 CHAIRMAN FERVIER: Yes.
 8 MEMBER GHAZAL: If I may. So in a precinct,
 9 tabulation happens when the polls are closed. So when
 10 you close down the scanner, that's when the tabulation
 11 takes place. And it takes place according to what has
 12 already been scanned. So the -- when the ballots are
 13 scanned in, the precinct scanner takes a digital image
 14 of that. The tabulation doesn't happen at that moment,
 15 just like during early voting.
 16 So the problem that Dr. Johnston pointed out here
 17 still exists. That if, according to this, the vote cast
 18 shall be detected and tabulated directly from the
 19 original paper ballot. Because the scanner is taking a
 20 digital image and tabulating it only when the closed
 21 down procedures are started, I don't think that that
 22 would meet this definition.
 23 CHAIRMAN FERVIER: That's what I was going for.
 24 MEMBER GHAZAL: And so that -- I believe that is
 25 exactly the way it's done when -- in the high speed

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1 scanners at the county level, that when the absentee
 2 ballots are scanned, it scans it, but the actual
 3 tabulation is done based on the electronic scan.
 4 Only like an old school Scantron is tabulated
 5 directly from the paper. So it goes -- the tabulation
 6 process, I believe, goes from the paper ballot into the
 7 memory and the software. And then the software is going
 8 to tabulate based on the digital image that it has
 9 captured. And I think technically that does not qualify
 10 under this definition.
 11 And therefore there would not be any electronic
 12 tabulation software or hardware available to us if we
 13 pass this.
 14 MEMBER GRUBBS: So, first of all, it's just to
 15 initiate. And I think there's some questions that we
 16 don't have answered. I understand what you're saying,
 17 that it's capturing an image in the scanner. So, but do
 18 you understand what I'm trying to achieve here? That it
 19 is -- because right now, like I'd said earlier in the
 20 meeting, what I don't want to have happen is people's
 21 votes being tabulated by images that are not the direct
 22 reflection of how they voted.
 23 You know, transmitting from scanning a ballot into
 24 a scanner and tabulating from that versus scanning a
 25 ballot, taking an image, and then those images being

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1 uploaded into a cloud and being tabulated from a cloud
 2 source where you're not sure of the security, you're not
 3 sure whether the images have been manipulated and things
 4 like that.
 5 So I'm all open to hearing suggestions, but
 6 scanning a ballot, and the most -- first of all, I don't
 7 think we have all of the information to say exactly the
 8 mechanism like you explained. Not sure when that
 9 actually happens.
 10 VICE CHAIR JOHNSTON: Well, but let me add, when
 11 the ballot is scanned, the vote is captured. Okay.
 12 It's captured, and that's when the vote is actually
 13 cast. So it's not that it's held until the close of
 14 polls, it is accumulating those votes as the ballots are
 15 scanned and that vote is captured.
 16 MEMBER GHAZAL: But it's not tabulated, and the
 17 language says tabulated directly from the paper.
 18 MEMBER GRUBBS: Well, the reason --
 19 VICE CHAIR JOHNSTON: It is. It is. It's just --
 20 it's a simple Dominion software, like a formula, like in
 21 an Excel spreadsheet. So as you add the vote, it
 22 increments it up one for that candidate. It doesn't
 23 wait until the end of the day to increment all the
 24 votes.
 25 MEMBER GHAZAL: But I think it does. I think it

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1 waits until -- because it's not legal to tabulate before
 2 polls are closed.
 3 VICE CHAIR JOHNSTON: It's in the scanner.
 4 MEMBER GHAZAL: Right. It's in the scanner.
 5 VICE CHAIR JOHNSTON: It's not visible.
 6 MEMBER GHAZAL: But it hasn't been tabulated. I
 7 don't -- I think the actual -- so I don't want to put
 8 ourselves in a position where somebody can come back and
 9 say, well, now you have to hand tabulate all your
 10 ballots. Because you just passed a rule that said you
 11 have to tabulate off the paper.
 12 VICE CHAIR JOHNSTON: I think what Ms. Grubbs is
 13 trying to say is you shall not take the ballot images
 14 and tabulate from those images -- from the images of the
 15 ballots. That it needs to be held within the scanner
 16 that you have just scanned the ballots.
 17 MEMBER GRUBBS: That's correct.
 18 MEMBER GHAZAL: Not exactly what this says. I
 19 understand the --
 20 VICE CHAIR JOHNSTON: That's the intent, I think.
 21 MEMBER GHAZAL: -- attempt, but we're not quite
 22 there.
 23 MEMBER GRUBBS: So how would you suggest changing
 24 the wording to get that point across?
 25 MEMBER GHAZAL: Well, I would have to wordsmith

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1 that, and I'm not going to do that here. I'm very slow
 2 at that sort of thing. I'm just not in a position to do
 3 that.

4 VICE CHAIR JOHNSTON: Perhaps you need an engineer,
 5 Member Grubbs. But the tabulation is actually occurring
 6 throughout the day as the ballots are scanned. And
 7 they're accumulated during the day, and the totals are
 8 printed out, which we oftentimes call tabulation. But
 9 those are actually, you're just presenting the totals.
 10 But it's not that it does the add up at 7:00 p.m.

11 CHAIRMAN FERVIER: Well, don't they go to a --

12 MEMBER GRUBBS: But we don't really know that for
 13 sure, do we?

14 CHAIRMAN FERVIER: Well, we don't. And then they
 15 go to a center to where they're all -- from all the
 16 different precincts, are put together and tabulated.

17 VICE CHAIR JOHNSTON: That is consolidated.

18 CHAIRMAN FERVIER: Consolidated, yeah. You could
 19 call it tabulated.

20 MEMBER KING: So wouldn't that be -- if you were to
 21 initiate rulemaking, wouldn't that be the time when we
 22 are to debate it, rework it, speak to the attorneys?

23 MEMBER GRUBBS: Exactly, that's my point, is that
 24 initiating rulemaking doesn't mean that it's become a
 25 rule.

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1 MEMBER KING: Right.

2 MEMBER GRUBBS: It means that we're investigating
 3 the process of making it, and I'm totally open, you know
 4 --

5 CHAIRMAN FERVIER: Well --

6 MEMBER KING: In considering that there is
 7 discussion happening where there are -- the SOS is
 8 considering tabulating based off of ballot images and
 9 not the original document, I do think this is necessary
 10 to be clear and to define it. But I do think that it's
 11 okay to start the rule initiation process so that we can
 12 discuss that, and then maybe once, you know, during that
 13 time period, Member Ghazal, as well as any other
 14 attorneys, can assist with the wording of it, which may
 15 adjust prior to it coming back.

16 CHAIRMAN FERVIER: That would probably -- I mean,
 17 if you initiate rulemaking procedures and make
 18 substantial changes to it, then --

19 MEMBER KING: Well, just not substantial, it may
 20 just be a few --

21 CHAIRMAN FERVIER: Yeah, we don't know.

22 MEMBER KING: -- we don't know.

23 MEMBER GRUBBS: I mean, you know, it would be fine
 24 with me to stop after a vote cast on an optical scan
 25 ballot shall be detected and tabulated directly from the

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1 original paper ballot period, and take out, and not an
 2 electronic copy or image of the ballot.

3 MEMBER KING: I don't have a problem with the
 4 electronic copy of the image because I think that part
 5 is the part that speaks directly to what I'm concerned
 6 about with the SOS direction that I feel like they're
 7 going.

8 VICE CHAIR JOHNSTON: It seems like our concern is
 9 that there's a consideration that's in the works of
 10 tabulating, not using the ballot scanner tabulator to
 11 actually tabulate the votes, but to use another method
 12 to tabulate votes. This optical character read, which
 13 means literally the images are removed, essentially
 14 removed from the original ballot scanner tabulator and
 15 tabulated by a different device, a different piece of
 16 equipment.

17 And that's not legal and it's not certified. And I
 18 think that perhaps some people on this board want to
 19 prohibit that from occurring.

20 MEMBER GRUBBS: That's exactly right. And I think
 21 that the edict that came out day before yesterday is
 22 further evidence of trying to judge our ballots and our
 23 votes, but I'm going to call them pie in the sky
 24 Frankenstein processes, rather than what voters intend
 25 when they cast their ballot. And I feel like it's very

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1 important for us to define that.

2 I believe that it is in accordance with law,
 3 exactly what Georgia code says. And so, if there's some
 4 tweaks that need to be made, then that's fine. But I
 5 think we can do that during the rulemaking process. And
 6 in the meantime, we get the conversation going.

7 VICE CHAIR JOHNSTON: This also fringes on the
 8 emergency complaint we just received that Fulton County
 9 is scanning ballots after the election, that they have
 10 re-scanned thousands of ballots after the primary
 11 election and are intending to use those as official
 12 ballot counts. This type of process or procedure is
 13 illegal.

14 It's not allowed. You can't do that. You can't
 15 tabulate votes and then take them somewhere else and
 16 tabulate them again and call it good. It's a break in
 17 chain of custody. It's an abuse of the election
 18 process. And apparently it was done in secret. Well,
 19 anyway, it's very concerning and raises additional
 20 issues about all of this.

21 MEMBER GRUBBS: Mr. Chair, since I'm not a member
 22 of the public and trying to petition the board, I don't
 23 need to do the petition. I mean, on the other rule is
 24 what I was going to say. But anyway, I would appreciate
 25 the opportunity to initiate rulemaking on this.

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1 If we find out some other language, if we can find
2 out other language or some information, I'm happy to
3 revisit it. But I would like -- I would appreciate the
4 board's vote on initiating rulemaking on this.

5 CHAIRMAN FERVIER: I just wonder if language was
6 added that said this will not preclude the use of
7 optical scanners for the counting of ballots generated
8 by the ballot marking devices or something. I don't
9 want this rule to lead to a situation where somebody
10 thinks that they can only hand count ballots.

11 MEMBER GRUBBS: Well, it's under optical scan
12 voting systems.

13 CHAIRMAN FERVIER: Yeah, I'm just further
14 clarifying that.

15 MEMBER GRUBBS: I mean, the rest of the rule is
16 dealing with optical scan voting. So, I mean, it's
17 literally under that, under that section. I mean, and
18 maybe one day we'll have, we can remove the language
19 about lever-type voting machines, unless those are going
20 to come back.

21 CHAIRMAN FERVIER: You never know. The
22 legislature's meeting in a couple of weeks, we'll find
23 out. Any further questions from the board on this? So,
24 your proposal is to just -- this one comments are --
25 this one section on the 183-1-15-.02 definition of a

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1 vote, number two in the language would be, a vote cast
2 in an optical scan ballot should be detected and
3 tabulated directly from the original paper ballot and
4 not an electronic copy or image of the ballot exported
5 from the certified voting system.

6 MEMBER GRUBBS: Correct.

7 CHAIRMAN FERVIER: And then everything else in this
8 proposal, you're withdrawing, correct?

9 MEMBER GRUBBS: I mean, yes, because clearly y'all
10 don't want to -- y'all don't want to vote on it as a
11 whole and then don't want to take it individually. I
12 can break it up into 26 different rule proposals.

13 CHAIRMAN FERVIER: Not today.

14 MEMBER GRUBBS: Which I'm happy to do at another
15 time. But for now, no, that's the only -- that's the
16 only thing I'm asking for a vote on.

17 CHAIRMAN FERVIER: Okay. So, the only thing before
18 this board today is that one -- one paragraph?

19 MEMBER GRUBBS: Yep.

20 CHAIRMAN FERVIER: Any further comments or anything
21 from the board?

22 MEMBER KING: Mr. Chair, I'd make a motion that we
23 initiate rulemaking procedures on the amendment one, or
24 A, and send this into the process of reviewing this to
25 see if we can move forward.

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1 MEMBER GRUBBS: An I would request -- Okay. I'm
2 sorry, go ahead.

3 CHAIRMAN FERVIER: We have a motion to initiate
4 rulemaking procedures on 183-1-15-.02, definition of
5 vote, paragraph number two, the starting with optical
6 scan voting systems. Is there a second?

7 VICE CHAIR JOHNSTON: Second.

8 CHAIRMAN FERVIER: There's a motion and a second.
9 Any further discussion? Hearing no discussion --

10 VICE CHAIR JOHNSTON: Just a question. Does this
11 meet the new criteria required from the Supreme Court?

12 CHAIRMAN FERVIER: That would be a question for the
13 petitioner.

14 MEMBER GRUBBS: What new criteria are you talking
15 about? Are you talking about eternal vigilance?

16 VICE CHAIR JOHNSTON: Yes.

17 MEMBER GRUBBS: I believe it does, in my opinion.

18 CHAIRMAN FERVIER: Any further comments, questions?
19 All those in favor signify by saying aye. Any
20 opposition?

21 MEMBER GHAZAL: Nay.

22 CHAIRMAN FERVIER: The motion carries three to one.
23

24 MEMBER GRUBBS: I would ask the Executive Director
25 to please be sure that this is transmitted to

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1 legislative council tomorrow for sure, to get their
2 review and input.

3 EXECUTIVE DIRECTOR MILLS: This is to initiate the
4 rulemaking process, right?

5 CHAIRMAN FERVIER: Procedures.

6 MEMBER KING: Member Grubbs.

7 MEMBER GRUBBS: You're welcome. I didn't make you
8 sit through 25 more.

9 CHAIRMAN FERVIER: Oh, my gosh. Are you
10 withdrawing your petitions -- all the remainder of the
11 petitions?

12 MEMBER GRUBBS: I'm suspending them for now.

13 CHAIRMAN FERVIER: Okay. Next item on the agenda
14 is -- let me see. You're right, the Director's report.

15 MEMBER GRUBBS: Draft -- remember I've got draft
16 legislation and entering guidance, too.

17 CHAIRMAN FERVIER: Don't worry, I've got all kinds
18 of clarity on my notes here. Mr. Executive Director.

19 EXECUTIVE DIRECTOR MILLS: Sure. Mr. Chairman,
20 I'll make this short and brief.

21 CHAIRMAN FERVIER: Thank you.

22 EXECUTIVE DIRECTOR MILLS: I would just say that
23 this has been a busy month as it always is when you have
24 an election in the month and in the office. We've been
25 extremely busy. As you know, we started out exploring

Page 162 1 the possibility of drop bags and the multiple drop bag 2 locations that were added in specifically certain 3 counties, specifically Fulton County, who added a large 4 number. 5 We came up with a plan to follow up on that and 6 then we learned that we were not able to do it unless we 7 had done some necessary background checks even to use 8 volunteers. So we had to back off of that. However, I 9 think Member Ghazal had shared that they had stopped the 10 drop ballot. 11 MEMBER GHAZAL: That was my information that was 12 shared with me. 13 EXECUTIVE DIRECTOR MILLS: Yes. And one of the 14 reasons I think was that somebody was writing down car 15 tag numbers. So it was reported. But anyway, I would 16 say to you, if writing down the car tag numbers of 17 couriers is enough to stop a program, then we made 18 progress. If somebody's doing something questionable, 19 you know, then I appreciate those that came out, 20 received the training. 21 And so while it was not a success, it did at least 22 increase chain of custody in certain situations. And 23 also this past month, we brought on board into the 24 agency licensed private investigator, Larry Duckworth to 25 be one of our part-time investigators. And then we also	Page 164 1 investigator that investigated it, what was the decision 2 when the case was adjudicated by the board and what date 3 and what the decision made, who the forms were sent to 4 or letters or did the AG take it up. All of that will 5 be recorded. 6 And in regards to the slog file complaint that has 7 come in, while the board was not able to hear that 8 today, I personally think it bears tremendous 9 information that needs to be checked into. Now, is it 10 right or wrong? I don't know. I haven't studied it 11 enough to know. I'm not an expert in slog files, but I 12 will say this, that I commit to you that we're going to 13 investigate this. And if there's nothing to it, we'll 14 come back and tell you that there's nothing to it. And 15 if there is something to it, then hopefully we'll find 16 out, because what we don't need is another election full 17 of errors. 18 And I think that's the grand goal of everyone. 19 During the primary election, we had Investigator Larry 20 Duckworth, we had Investigator Jason Frazier, as well as 21 the chairman, was at the Fulton County Hub on election 22 night and Shawn White, our open records officer, 23 part-time bailiff for the SEB. 24 CHAIRMAN FERVIER: Sean. 25 EXECUTIVE DIRECTOR MILLS: Sean, I said Shane, I'm
Page 163 1 brought on part-time investigator, Jason Frazier to be 2 part of our data investigating and also to help in other 3 areas as well. 4 We brought on a full-time employee by the name of 5 Jennifer Sanders, and we're excited to have Jennifer 6 Sanders with us. She has previous experience in county 7 elections. She was a poll worker. She's been an 8 assistant manager. She's also been a precinct manager. 9 And so Jennifer Sanders started with us the 1st of June 10 and we're extremely excited to have her on board as 11 we're going to continue to develop the tracking software 12 for complaints that come in. 13 In the past, there's been no way to track these 14 complaints. We now have a system that will allow us to 15 do that and the agency will be moving full speed ahead 16 on implementing this program. And hopefully in the 17 future, when questions come up about complaints that 18 have come in from this date and beyond, we'll be able to 19 say, hey, this is exactly where the complaint is at in 20 the process, by using this tracking system. 21 It's going to be extremely valuable and it will 22 help us have a better record ongoing when all of us are 23 no longer here. Somebody can stand on our shoulders and 24 keep a record of what happened to that particular 25 complaint, when it became a case, who was the	Page 165 1 sorry. 2 CHAIRMAN FERVIER: I like Shane. 3 EXECUTIVE DIRECTOR MILLS: All right. I apologize, 4 Sean. Sean was there as well and they were observing 5 and we're going to continue to take proactive measures 6 in regards to voting in Georgia. It's not our desire to 7 catch somebody and say, gotcha, we want to work with 8 counties. We want to -- we realize that you're there 9 because you believe in the voting system. You want to 10 make it better, and we do as well. So we will be taking 11 proactive measures. 12 And in regards to that, I sent a list of about six 13 things we had asked for from both Fulton County and Cobb 14 County in way of, in the results of this past election. 15 Cobb County was very responsive and said that they would 16 provide the documents that we'd asked for, such as 17 tabulation tapes, closing, opening, just simple things 18 that every county should have and should have access to. 19 And Fulton County notified me that they would send 20 it to their open records department and they would get 21 back with us. And I notified the attorney that was here 22 earlier for Fulton County. We all know there's a time 23 limit of certification and once certification takes 24 place after that, then those are stored with the clerk 25 of court. The only way you can get those documents then

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1 is to go to Superior Court and get a judge to grant you.
 2 What we were attempting to do was just to validate those
 3 before that happened.
 4 And I'm hopeful that Fulton County will change
 5 their attitude toward this and be as cooperative as Cobb
 6 County seems to be. Again, I'd love nothing more to say
 7 than this county's moving in the right direction. And I
 8 want to say, there was a time not too many months ago
 9 when there were several hundred birthdays that were
 10 around the year of 1900 and 1800 that were on Fulton
 11 County's registrar.
 12 We brought that to their attention. And without a
 13 formal complaint now, Fulton County made the adjustments
 14 and the last report I had gotten is that that's down
 15 into the teens, which I hope it'll soon be to zero, but
 16 to get it down to that low is fabulous progress. And so
 17 I congratulate Fulton County or any county. We all want
 18 voter rolls to be cleaned up. We want them to be
 19 correct. We don't want to have situations like we heard
 20 earlier today.
 21 And, Mr. Chairman, I'm going to stop there. We've
 22 had some great additions and I can't say enough about
 23 Hope Cohen, Sherrie Pilgrim, Sean White, Larry
 24 Duckworth, Jason Frazier, and our new hire, Jennifer
 25 Sanders. She's going to be stellar as well. Thank you.

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1 CHAIRMAN FERVIER: I'm sorry, did you have a
 2 comment?
 3 MEMBER KING: Yeah. I was going to say, I think, I
 4 don't want to skip over the fact that Fulton did reduce
 5 and clean up that portion of their voter rolls. I mean,
 6 Fulton has a long way to go. And, but I do think that
 7 it's important that if you're going to continue to beat
 8 up on them and highlight all the negatives that we do
 9 highlight when they do something positive. And so I
 10 appreciate you adding that. And I thought Sherrie's
 11 last name was Phillips. Is it Pilgrim?
 12 SHERRIE PHILLIPS: No, it's Phillips.
 13 EXECUTIVE DIRECTOR MILLS: It is Phillips, did I
 14 say Pilgrim? I'm sorry, I apologize.
 15 CHAIRMAN FERVIER: Call her Shane too.
 16 EXECUTIVE DIRECTOR MILLS: What is it? Men have
 17 12,000 words a day, women have 25,000. I'm at my 12,000
 18 limit.
 19 CHAIRMAN FERVIER: Next on the agenda is a former
 20 SEB employer, Alexander Hardin, archives, state election
 21 board, text messages involving state business from
 22 government issued and personal phones during their
 23 employment with the state election board. Who added
 24 that one to the agenda?
 25 MEMBER KING: I didn't add that, but that was added

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1 a long time ago. Did we ever get her documents?
 2 CHAIRMAN FERVIER: We got her emails.
 3 MEMBER KING: We got her emails --
 4 CHAIRMAN FERVIER: Yes.
 5 MEMBER KING: -- but not her phone.
 6 CHAIRMAN FERVIER: No.
 7 MEMBER GRUBBS: Why did we not get the phone?
 8 CHAIRMAN FERVIER: I'm going to tell you -- I'm
 9 only going to repeat what I've been told. Is that when
 10 she was no longer employed by the SEB, she turned in her
 11 government issued phone and it goes to IT, and they do a
 12 factory reset on it and they reissue the phone to
 13 somebody new. That's what I've been told.
 14 MEMBER KING: So all of the SEB business that was
 15 on that phone is now deleted?
 16 CHAIRMAN FERVIER: That's all I know. That's all I
 17 know, is that they do a factory reset and that it gets
 18 reissued.
 19 EXECUTIVE DIRECTOR MILLS: So when you were told
 20 that, you just said what, nothing?
 21 CHAIRMAN FERVIER: Well, I said, is that standard
 22 policy? And they said, yes. I mean, they do not
 23 download anything off of that. They do a factory reset
 24 on it and reissue the phone.
 25 EXECUTIVE DIRECTOR MILLS: That is archived

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1 information. It should have been from the SEB. I'm not
 2 going to argue whether or not it's our phone or their
 3 phone. If they issued the phone, they got a point.
 4 It's theirs. What is not theirs is the historical data
 5 and archived information that was on that phone. And
 6 for anybody to wipe it without talking to this board.
 7 MEMBER GRUBBS: It wasn't theirs to do.
 8 EXECUTIVE DIRECTOR MILLS: Mr. Chairman, I don't --
 9 you just accepted that?
 10 CHAIRMAN FERVIER: Well, it's been done. I'm not
 11 quite sure what you wanted me to do about it at that
 12 point, but it's been done.
 13 VICE CHAIR JOHNSTON: What do you do about an
 14 agency that deletes public documents, government
 15 documents?
 16 MEMBER GRUBBS: I mean, you know, it's the same
 17 thing. I know as far as, you know, the next item with
 18 emails and stuff like that. I mean, I go through great
 19 pains to have a separate phone and to, you know, not
 20 even not delete spam emails I get. And she was the
 21 paralegal for the SEB and handled a ton of business.
 22 And I know the policy, at least when Chris Harvey
 23 was at the, you know, ahead of elections, it was, you
 24 know, keep everything and all that kind of stuff. I
 25 just -- I believe you, Mr. Chairman, that that's what

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1 you were told. But it is hard for me to believe that a
 2 state agency goes and just automatically deletes and
 3 resets a phone without some kind of oversight to know
 4 whether that was important information.

5 And while they paid for the phone, I guess I'm sure
 6 they billed us for it. That data and that kind of
 7 thing, it's just, it's unbelievable to me that this --
 8 they just get away with doing whatever they want. You
 9 know, it just gets old.

10 DR. JOHNSTON: I mean, what if we deleted our text
 11 messages? And then American oversight comes calling
 12 again.

13 EXECUTIVE DIRECTOR MILLS: This has been being
 14 asked for since July of last year. It started when Vice
 15 Chair Johnston was asking for it. And so it's -- this
 16 has been going on a while. And, Mr. Chairman, you have
 17 to advocate for this board when you communicate with the
 18 SOS.

19 Otherwise, you're just a mouthpiece of the SOS and
 20 that's not what the chairman of the SOB is for.

21 VICE CHAIR JOHNSTON: He can only convey what he's
 22 told, I know. I don't blame the chairman for this
 23 situation. I do blame, you know, I believe that it's a
 24 typical pattern of delay, deny, deflect, delay, deny,
 25 deflect. And that's with every aspect of what we deal

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1 with -- with the Secretary of State's office.
 2 And it says with the bunker, delay, deny, deflect.
 3 I mean, the three Ds of the Secretary of State's office
 4 in Georgia.

5 MEMBER KING: I think my question is when was this
 6 done? Because we've been asking for this since she
 7 left. And we -- I mean, did we get this update
 8 recently?

9 CHAIRMAN FEVERIER: No, no, my understanding was
 10 that that's -- no, I've told this to the board before.
 11 So my understanding was it was done as soon as she
 12 transitioned from the SEB to the SOS. She turned in her
 13 phone, government issued phone. They factory reset it
 14 and they reissued it, so.

15 MEMBER KING: I thought the last time when you
 16 mentioned it, you weren't sure. Like it was -- I think
 17 it was a --

18 CHAIRMAN FEVERIER: That's what I was told, I went
 19 back and asked again. So it's the same thing. Yeah, I
 20 mean, we have talked about this for six months and I
 21 have said the same thing for six months.

22 MEMBER GRUBBS: Let's just take it off the agenda
 23 because it's never going to go anywhere anyway.

24 CHAIRMAN FEVERIER: All right.

25 MEMBER GRUBBS: I mean, clearly they're not going

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1 to produce what they don't want to produce. So there's
 2 no point wasting any more time talking about it. And
 3 the election board emails and that kind of thing --

4 CHAIRMAN FEVERIER: Let me go with that one,
 5 election board emails and text messages and this related
 6 to Addison Brooks and Sheila Pinnup. And those emails,
 7 I understand have been given to us. They were not
 8 issued government phones. So they do not have any
 9 government phones, those two. Right. And my
 10 understanding is that we were provided those emails, so.
 11 Next item on the agenda is SEB189.

12 MEMBER GRUBBS: SB189.

13 CHAIRMAN FEVERIER: I'm sorry, SB, not SEB, it's a
 14 long day.

15 MEMBER GRUBBS: Well, also have the draft
 16 legislation.

17 CHAIRMAN FEVERIER: That's not on the agenda.

18 MEMBER GRUBBS: I mean, I asked about it yesterday
 19 and I sent it along with the emails and we've talked
 20 about it in the meeting. I mean, wherever you want to
 21 talk about it, or if you don't want to talk about it.

22 VICE CHAIR JOHNSTON: I confess I have not had time
 23 to read through and study all of that.

24 CHAIRMAN FEVERIER: What's the legislation for the
 25 next legislative session?

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1 MEMBER GRUBBS: I think it's draft legislation, you
 2 know, that includes, you know, temporary use of the
 3 backup balloting. It's important legislation now
 4 considering that they're about to have a special
 5 session. So, that's why I was presenting it.

6 It was taking into account the fact that they're
 7 going into special session. I mean, do we not have any
 8 recommendations for the special session?

9 MEMBER KING: I don't think we need to take a vote
 10 on that, do we? Can we all just add -- Well, I read it
 11 and it was good and I do -- I want to add Member
 12 Ghazal's point too about extending those five days and
 13 then -- But I mean, we all could just send -- I mean,
 14 can't we all just add items and then create one master
 15 list that can go to them?

16 EXECUTIVE DIRECTOR MILLS: If I may, the special
 17 sessions that are called by the governor usually have
 18 specific requirements that are issued that go out with
 19 them about items that can be discussed past. Usually
 20 they allow for, I haven't read this one, usually it
 21 allows for local legislation and then the specific
 22 topics that he mentions. So, I don't know if these will
 23 be within that or outside of that.

24 MEMBER GRUBBS: Well, dealing with SB189 is one of
 25 the reasons they're going back into session. And I

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1 thought it would be nice if we could -- novel idea here,
 2 so stick with me -- if we could be united in legislative
 3 recommendations to the legislature as they go into
 4 special session.
 5 CHAIRMAN FERVIER: I would -- I would suggest at
 6 this point, I mean, have you sent it via email?
 7 MEMBER GRUBBS: Yes, you have it.
 8 CHAIRMAN FERVIER: Okay.
 9 MEMBER GRUBBS: And I put it also in the written
 10 packet I gave you.
 11 CHAIRMAN FERVIER: Then any -- yeah, any board
 12 member that wants to add on to it and support it, can
 13 let you know that and you can send it over to them, how
 14 about that?
 15 MEMBER GRUBBS: I will wait with bated breath.
 16 CHAIRMAN FERVIER: You can hold your breath, or
 17 bated breath.
 18 MEMBER GRUBBS: You can't get that lucky.
 19 MEMBER KING: So basically -- basically what you
 20 have, I mean, we're okay with her sharing that with
 21 them.
 22 CHAIRMAN FERVIER: I haven't looked at it, so I'm -
 23 -
 24 MEMBER GRUBBS: I would -- I would really -- so
 25 y'all know from the amount of emails you get from me,

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1 because I'm an emailer because I don't have time to stay
 2 on the phone a lot. And I try to be communicative and
 3 to, you know, as this board, we have varying opinions
 4 and we're going to all vote differently from time to
 5 time. But I want us to be united in the mission of
 6 free, fair, accountable elections for the people of the
 7 state of Georgia.
 8 And part of that's communicating and some of us
 9 like to communicate and some of us don't. I happen to
 10 be an emailer and a communicator. So I would really
 11 appreciate the email input and I will send this on to --
 12 you know, to the House Governmental Affairs Committee
 13 and to the Senate Ethics Committee because they, you
 14 know.
 15 But what I didn't want to have happen is the SEB
 16 not to have a voice in the impending session that's
 17 happening. I wanted us to be united in some of the
 18 things that we can agree on. So if you read things that
 19 you agree on, then please let me know and I'll do two
 20 columns. Here's where we all agree. You know, this is
 21 what our recommendations are to the legislature because
 22 we eat, sleep, and drink elections all the time.
 23 And I dare say, I don't really think that a lot in
 24 the legislature do. So it would be helpful to hear from
 25 us. Otherwise, you're going to get, you know, one side

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1 of the story from the Secretary of State and I don't
 2 think that's right. We're here with the people.
 3 CHAIRMAN FERVIER: I will respond to your email
 4 when I --
 5 MEMBER KING: And just for the, so that the public
 6 doesn't think that we don't -- we -- every session, we
 7 do send recommendations as a board to the Electoral
 8 Assembly. But, I mean, I do agree that if we can add
 9 something for this special session, I'm fine with it. I
 10 was fine with her list.
 11 CHAIRMAN FERVIER: Yeah, I just wanted to clarify,
 12 I don't drink elections.
 13 MEMBER GRUBBS: I did last night.
 14 CHAIRMAN FERVIER: What I was drinking.
 15 MEMBER GRUBBS: And I would like to address, since
 16 we have people from boards of election and election
 17 directors in here, it also includes funding 2026 ballot
 18 printing. If there are concerns about the cost or
 19 expense of printing ballots for hand-marked paper
 20 ballots, what we've got in here is provides for state
 21 reimbursement of commercial or onsite ballot printing
 22 for elections conducted in 2026 after the effective date
 23 of the legislation.
 24 Although paper ballot voting will reduce operating
 25 cost, counties will experience some transition cost in

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1 training and planning. The legislation charges the SEB
 2 with rulemaking to set minimum ballot stock requirements
 3 for paper ballot availability and polling places, so on
 4 and so forth. So I just want the counties to know that
 5 as far as I'm concerned, the cost you bear and the
 6 things that you have to go through with training and
 7 that kind of thing is very much in my mind when it comes
 8 to recommending legislation and what we do.
 9 So I just want you to know that. And if you want
 10 to see a copy of this, I'm happy to provide it.
 11 CHAIRMAN FERVIER: We're coming to our final item
 12 on the agenda. Second to final. The final one's going
 13 to be adjournment. To my favorite portion, which is
 14 public comment.
 15 MEMBER GRUBBS: We have the emergency complaint
 16 that came in.
 17 CHAIRMAN FERVIER: That's not going to be -- we
 18 don't discuss complaints. No, that needs to be
 19 investigated.
 20 MEMBER GRUBBS: Okay. And then --
 21 CHAIRMAN FERVIER: We don't have to vote on
 22 investigating things.
 23 MEMBER GRUBBS: And I have one question before you
 24 get to public comment.
 25 CHAIRMAN FERVIER: All right.

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1 MEMBER GRUBBS: So in the January meeting, which
2 was my first meeting, there was a presentation by Joe
3 Rossi. And I wanted to go back and read the transcript
4 of that because it seemed like there was some action
5 that should be taken or some new information on that
6 case. And we don't have the transcript. So I have not
7 been able to go back and dig into that. But I think
8 that there's still some issues to be resolved there.
9 And I would just like to say, as soon as we can get
10 the transcript and figure that out, I would want to
11 initiate another complaint based on the new information.
12 CHAIRMAN FERVIER: If you direct that to Executive
13 Director, then that would be appropriate.
14 MEMBER GRUBBS: Okay.
15 CHAIRMAN FERVIER: Okay. Back to my favorite
16 portion of the meeting, which is the public comment
17 section. Our Executive Director will handle that along
18 with our part-time bailiff, Shane, Sean White.
19 EXECUTIVE DIRECTOR MILLS: Okay. We had a little
20 bit of confusion yesterday and I want to make sure that
21 nobody gets left out that signed up. So I'm going to
22 read through these names here. And if you signed up
23 yesterday with the intention of speaking yesterday and
24 we didn't call on you because you had to leave or
25 whatever, let me just read these names off.

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1 And if you would just raise your hand if you're
2 here, then that way I'll know, or if you plan on
3 speaking. If you don't, if you're here and you don't
4 plan on speaking, then that's fine. Betsy Shackelford, I
5 believe she spoke yesterday. Okay. Elizabeth
6 Hendrickson. Okay. And you're going to speak today?
7 Okay. C.S. Eller. Okay. Mandy Shultz, were you going
8 to speak today too? Okay. Raenell Solter. Okay. Pam
9 Woodley. Okay.
10 Now we're back to today's list. All right. First
11 person, if we could have Elizabeth Hendrickson, Max.
12 CHAIRMAN FERVIER: Why don't you call out that list
13 and see who's here real quick.
14 EXECUTIVE DIRECTOR MILLS: Okay. Elizabeth
15 Hendrickson, Max Cleland --
16 MAX CLAVIGO: Clavigo.
17 EXECUTIVE DIRECTOR MILLS: Clavigo. I'm going to
18 get that right one day. Sam Carlin. I believe Sam, did
19 he leave? Okay. There you are. All right. Ms.
20 Elizabeth, if you would come and start off and then
21 it'll be Max and then Sam after.
22 ELIZABETH HENDRICKSON: Good afternoon. My name is
23 Elizabeth Hendrickson and I'm from Cobb County. I would
24 like to encourage this board to consistently seek
25 balanced information when making decisions about matters

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1 before them. The loudest voices are not always
2 representative of the majority and are not always the
3 best informed.
4 In cases, the board always seeks statements or
5 testimony from both the complainant and the respondent,
6 often revealing circumstances that significantly affect
7 the decision of the board. The same would likely be
8 true of other rules and recommendations.
9 As a recent example, I'd like to thank Chairman
10 Fervier for his remarks in support of further
11 investigation before this board's endorsement of an
12 outside tool for one of the myriad duties of county
13 elections departments, voter roll maintenance. Making
14 certain that only eligible voters participate in our
15 elections is important. And I applaud all efforts to
16 make sure that our elections are free and fair.
17 I appreciate the time and effort of citizens who
18 assist when they have personal knowledge of a voter
19 whose circumstances may have changed. However, the
20 overall job belongs to counties, not private citizens
21 who rightfully have no access to protected private
22 information. This board is wise to use caution in
23 evaluating all such tools before endorsing them.
24 I encourage the board to seek broad input and
25 opinions from other experts about these tools, as Ms.

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1 Ghazal suggested yesterday. The data is -- the data is
2 certainly true, but also incomplete. The usefulness and
3 reliability of any tool is certainly subject to debate
4 and scrutiny and consulting data experts not associated
5 with any tool or system under consideration would be a
6 prudent step to take before promoting it.
7 I would also encourage this board to continue to
8 enforce rules preventing members of the public, prior
9 speakers or complainants inserting themselves into board
10 discussions unless invited by the board to add further
11 details or answer questions. I also thank the chair for
12 stopping the presentation on an ongoing investigation
13 that was out of order. Thank you all for your service
14 and for your commitment to balance and considering the
15 important matters before you. Thank you.
16 EXECUTIVE DIRECTOR MILLS: Thank you. Max.
17 MAX CLAVIGO: I'm Max Clavigo from Forsyth County.
18 We have witnessed tremendous amount of speculation about
19 the upcoming special session of the Georgia General
20 Assembly. The legislature must address the July 1st
21 deadline for the elimination of QR codes on Georgia
22 ballots.
23 Most election integrity advocates would like to see
24 a mandate for hand-marked paper ballots. Blake Evans
25 tells us that the legislature will require that votes

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1 are tabulated using optical scanners. Managing
 2 expectations is one of the keys to a happy and
 3 successful life. Whether the interaction is at your
 4 job, socially with friends or with your personal
 5 relationships, we must manage expectations.
 6 Think about it. If you tell your spouse that
 7 you'll be home at six o'clock for dinner, you have set
 8 an expectation. If you get home at eight o'clock,
 9 dinner is ruined and your spouse is furious. You have
 10 failed to meet your expectation. If you get home at
 11 5:30, you have time to relax with your spouse and enjoy
 12 your dinner. You have exceeded expectations.
 13 Election integrity advocates are now left with two
 14 choices. Wait for a possible executive action or look
 15 to the state election board to establish rules for
 16 election procedures that will give us confidence in the
 17 tabulation of our votes. One thing the legislature
 18 won't do is implement new controls. This is where the
 19 SEB comes in. The SEB must boldly take unprecedented
 20 steps to implement controls to assure that election
 21 results are accurate.
 22 Rules can be implemented to perform unbiased audits
 23 of the voter tabulation. I hereby offer to assist in
 24 any way that I can. The people of Georgia need your
 25 help. We expect you to take bold action. Don't be late

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1 for dinner.
 2 EXECUTIVE DIRECTOR MILLS: Thank you, Max. Mr. Sam
 3 Carnline.
 4 SAM CARNLINE: Thank you, Board. Sam Carnline,
 5 Grady County, where we grow a lot of pine trees and we
 6 can make hand-marked paper ballots out of all the pine
 7 trees we grow in Grady County. I want to commend Dr.
 8 Johnston on such a great run as vice chair. Thank you
 9 so much. Thank you, Member King, for coming up with
 10 that resolution today that will hopefully correct some
 11 of the things that we're looking into.
 12 Ms. Grubbs, thank you for finding a way to support
 13 that. And then I want to also thank Ms. -- Member
 14 Ghazal for pointing out that maybe Field's presentation
 15 was not appropriate today. And you, John, for agreeing
 16 with that because we don't want to cause a problem with
 17 Field's, it's so important. There are multiple,
 18 multiple, multiple errors in what he's found.
 19 And the State Election Board needs to let the
 20 legislator and they need to know it now. That's the
 21 reason he was trying to get it put in today. Y'all look
 22 in that package. You got it. Please make sure that the
 23 legislator know what we've got is a major malfunction.
 24 We're voting outside of HAVA.
 25 We need to be voting within the guidelines of HAVA.

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1 Thank you all for what you do. Thank you for hearing me
 2 today and God bless United States.
 3 CHAIRMAN FERVIER: Safe travels.
 4 EXECUTIVE DIRECTOR MILLS: All right. We've got
 5 Debbie Fisher. And then after that is Debbie Stare and
 6 Rick Schroeder.
 7 DEBBIE FISHER: Thank you. Debbie Fisher, Cobb
 8 County. And I'm here to talk about a couple of things
 9 that were discussed yesterday that are near and dear to
 10 my heart being from Cobb County Board of Elections. And
 11 one of them is charging people for exercising their
 12 right to challenge voters. I was highly opposed to that
 13 policy that we wrote and I'm still opposed. And I
 14 applaud you for taking this up for consideration on
 15 actually prohibiting charges from being made. And I'm
 16 going to give you an excuse why.
 17 I did a analysis on our voter rolls. I came up
 18 with 7,000 voters that were all on the inactive voter
 19 list for over 10 years. There was about 3,800 that had
 20 been on there over 12 years. Need I say more? You're
 21 going to charge me, but tell me, oh no, we can't do that
 22 because they'll come off eventually. So I really
 23 applaud you for doing the challenge on the charging.
 24 And then also I want to talk a little bit about the
 25 poll pass in Cobb County. We had a bit of interesting

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1 election for the primary. Dr. Jan went through a lot of
 2 the issues earlier, but I want to say one thing. I'm
 3 mandated to certify the election no matter what. It's a
 4 ministerial duty. I'm just there as a check mark.
 5 But what I couldn't determine from those poll
 6 passes did the votes cast match the ballots cast and I
 7 could not determine it. And the reason I couldn't
 8 determine it, I was not given the reports that I
 9 requested.
 10 SEAN WHITE: Your time has expired.
 11 MEMBER GRUBBS: Ms. Fisher, I want to make one
 12 comment, and I would really appreciate it if you could
 13 get with some other board members and get me a list of
 14 all the documents you need.
 15 DEBBIE FISHER: Well, give me five more minutes to
 16 talk.
 17 MEMBER GRUBBS: I can't do that.
 18 DEBBIE FISHER: I'm kidding.
 19 EXECUTIVE DIRECTOR MILLS: Thank you.
 20 MEMBER GRUBBS: Is this an agreement with your
 21 other counterparts over here? Can you let them see it
 22 and see if there's anything?
 23 DEBBIE FISHER: What do they have to do with my
 24 list?
 25 MEMBER GRUBBS: I'm trying to look for uniformity

Page 186 1 in what board members need in order to certify. 2 DEBBIE FISHER: I'll email them. 3 EXECUTIVE DIRECTOR MILLS: Okay. All right. Next 4 Debbie Staire and then after that Mr. Schroeder and then 5 Kristen Neighbors. 6 DEBBIE STAIRE: Hi, I'm Debbie Staire. I'm a 7 Forsyth County BRE member, but my statements are my own. 8 At the last meeting in Dawsonville, an election director 9 talked about working on Sundays. This is a regular 10 occurrence for many directors. I feel appreciation for 11 the tireless work of elections employees has been lost. 12 Laws, rules and petitions are seemingly made without 13 consulting elections officials. The opinions and needs 14 of elections officials should be considered. They are 15 the ones implementing elections. They have much 16 experience and advice to offer. Thank you to all 17 election workers. 18 EXECUTIVE DIRECTOR MILLS: Thank you. Rick 19 Schroeder and then after that Cindy Battles. 20 RICK SCHROEDER: I'm Richard Schroeder. I want to 21 extend my sincere appreciation to Janelle and Kelvin 22 King for their extreme efforts in Kelvin's campaign for 23 Secretary of State. I regret that despite the hundreds 24 of thousands of dollars, the thousands of miles and the 25 hundreds of locations around the state that they both	Page 188 1 You called Raffensperger in to answer the questions 2 relating to the certification of the 2020 Fulton County. 3 He did not show up. Just like he did not go to the 4 Kerling versus Secretary of State trial. These 5 discrepancies -- look, we get our dominion from the 6 first page in the Bible. If we aren't voting on paper 7 ballots and checking them in the precinct -- 8 SEAN WHITE: Your time has expired. 9 RICK SCHROEDER: God is not pleased. 10 CHAIRMAN FERVIER: Thank you, Mr. Schroeder. 11 EXECUTIVE DIRECTOR MILLS: Thank you, Mr. 12 Schroeder. And, Mr. Schroeder, I do want you to know 13 when this board adjudicated that -- if I remember this 14 right, the 2022-015 cross tabulation case, this board 15 sent that to the AG's office with fines associated with 16 it. And that is in the process. I just want you to 17 know, that is in the process. 18 RICK SCHROEDER: Oh, I thank you for your efforts. 19 And all day today, we've been talking about, send it to 20 the AG, the AG. You know, our first meeting way back 21 when Duffy was here -- 22 EXECUTIVE DIRECTOR MILLS: Well, now, I can't let 23 you keep going. 24 RICK SCHROEDER: No, I'm not going to keep going. 25 But those three are crooked as a dog's hind leg.
Page 187 1 attended, he did not even get in the runoff. His name 2 is added to the list of honorable candidates who have 3 been thrown into the loser pool. 4 I'm very disappointed along with so many Georgia 5 electors who are thoroughly disgusted with the control 6 of election. The vulnerable Dominion machines got to 7 go. We know they're designed and built to control 8 elections with no detection. We have tens of thousands 9 of known violations just through Joe Rossi's position. 10 We have tens of thousands of challenges against Fulton 11 County that have yet to be explained how they certified 12 an election with so many unexplained violations up by 13 Joe and Jason Frazier. We have hundreds of thousands of 14 votes that were certified in Fulton County challenged by 15 David Cross and acknowledged by the county 16 superintendent that had no signatures on the tabulator 17 tapes. 18 I do not see any corrective action. Just three 19 weeks ago, I had forced to vote on the same illegal 20 system again. It's for this reason that I demand 21 charges against our secretary of state for the failure 22 to perform his duties as secretary of state as stated in 23 368. It's your duty -- your duty to promulgate the laws 24 and investigations that nobody has been charged for any 25 of these transgressions nor crimes.	Page 189 1 EXECUTIVE DIRECTOR MILLS: All right. Ms. Cindy 2 Battles, hold on to that Bible, put it a little closer 3 to your heart. 4 CINDY BATTLES: I don't know quite how to follow 5 that. Hi, everybody. My name is Cindy Battles. I am 6 the policy director with the People's Agenda. I 7 appreciate the opportunity to speak. I am going to be a 8 little bit of a, beat a dead horse kind of person, 9 because we've talked several times about the Open 10 Meetings Act and sort of this kind of one foot in, one 11 foot out situation that we have going on with the Open 12 Meetings Act. 13 The last meeting during what was described as the 14 executive director's report, we had appropriations 15 requests. The last minute edition of this presentation 16 that was almost in conflict with the fact that there was 17 an ongoing investigation. It is creating issues that I 18 don't think y'all mean to create. I think that y'all 19 have the best of intentions. 20 I just think that we need to be a little more 21 careful about how we're adding things to the agenda for 22 transparency's sake, and so that we are, I say we, like 23 I'm up there, so that you are -- I apologize, not only 24 fully committed to the letter of the law, but the spirit 25 of law as well. Thank you very much.

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1 EXECUTIVE DIRECTOR MILLS: Thank you. All right.
2 Let's see. Victoria Cruz, Garland Favarito, and Mandy
3 Schultz.
4 VERONICA CRUZ: Good afternoon. I'm Victoria Cruz
5 from Oconee County. I did not attend yesterday, but I
6 was watching from the home, and I just want to commend
7 Dr. Richards on his fantastic presentation of ELLY. And
8 I learned a lot about his background from you, Dr.
9 Johnston. Thank you. I had no idea. The man is
10 brilliant. He is recognized as brilliant outside of his
11 home state of Georgia.
12 But here, as I was watching the comments in the
13 Zoom, and also the people who were coming up here, they
14 were saying that he was a fraud, that he has no
15 credentials, that nothing he does is worthwhile, and
16 should be very suspect, and I just think they do a
17 disservice to Dr. Richards, who is brilliant, who is
18 recognized as helpful in other states, and soon, I hope,
19 will be recognized as helpful here, because God knows,
20 Georgia needs help with its voter rolls.
21 The voter rolls are terrible. There's a lot of
22 reasons for that. It's the NVRA with motor voter. It's
23 Governor Kemp, or whoever did, put in automatic voter
24 registration and won't let it come out. There is no
25 reason why everybody who gets a driver's license, or

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1 comes and renews and gets another driver's, another
2 voter ID, this is the cause for our terrible voter
3 rolls, and that should be changed. We should change
4 that. Also, Eric -- Eric does nothing. It doesn't
5 check for citizenship. It can't find dead people.
6 There are so many, Eric's only expertise is adding
7 more voters to the voter roll, because they send things
8 back. They send people who didn't wanna be registered
9 back to the counties to be registered. Forces them to
10 contact over 90 percent of them every couple months, and
11 then -- well, I won't go into what Biden did when he was
12 in. Anyway, Georgia ranks very low across the world --
13 SEAN WHITE: Your time has expired.
14 VERONICA CRUZ: -- in elections, and it needs to be
15 fixed.
16 EXECUTIVE DIRECTOR MILLS: All right. Thank you.
17 Garland Favarito, and then Mandy Schultz.
18 GARLAND FAVARITO: I want to thank the board for
19 representing all voters and Republicans, Democrats, and
20 independents like myself for election night transparency
21 in regards to the secret bunker. Member Grubbs and
22 Member Johnston, which is with a T, Mr. Chairman, they
23 cited 21-2-406. I wanted to read for you a paragraph,
24 though, from a motion to dismiss filed by Secretary of
25 State's attorney, Mr. Anulowitz. He cites the code

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1 section.
2 Superintendents, poll officers, and other officials
3 engaged in the conducting of primaries and elections
4 held under this chapter, it's chapter two, shall perform
5 their duties in public. Then in the next sentence, he
6 says, the secretary is not an official engaged in the
7 conducting of primaries and elections. We call that a
8 lie where I come from. The secretary is not engaged in
9 official conduct of primaries and elections. So I was
10 wondering, where did he get this from? Did he just make
11 this up?
12 And, no, he happened to attach Exhibit B, which is
13 a May 12th letter from Elizabeth Young to Mr. Fervier,
14 Chairman Fervier, and it says the same thing. County
15 superintendents and other officials, local officials,
16 conducting primaries and elections. The county
17 superintendents and other local officials conduct
18 primary elections, not the secretary.
19 Now, we all know in this room that the secretary
20 verifies, aggregates, publishes, and certifies
21 elections, and yet we are listening to these lies, and
22 this lie was propagated to the board. Ms. Young goes on
23 to say that Article 11 and 12 make that okay, but it's
24 chapter two. They all apply to chapter two.
25 So, Ms. Young, I would ask you to resign. This is

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1 false. You can find a job where you don't need to lie
2 like this.
3 SEAN WHITE: Your time has expired.
4 EXECUTIVE DIRECTOR MILLS: Okay. Let's see, next
5 is Mandy Schultz and then Marla Tepper. Did I pronounce
6 that right?
7 MANDY SCHULTZ: Hi, my name is Mandy Schultz. I'm
8 a Fulton County voter. This board replaced two
9 investigators with law enforcement backgrounds who
10 resigned in March with a man who has none. Jason
11 Frazier started work May 18th at \$70 an hour of taxpayer
12 money, announced only as one of several unnamed
13 part-time investigators on a Zoom meeting. No law
14 enforcement background, no investigative credentials,
15 just a resume that couldn't get him appointed to the
16 Fulton County Election Board twice because commissioners
17 saw exactly who he is.
18 Three weeks before starting, he was on Steve
19 Bannon's podcast trashing Georgia's elections. In
20 January, he was photographed cheering outside Fulton
21 County as FBI trucks hauled away the 2020 election
22 records. The DOJ has brought zero charges from that
23 raid, zero. This is the same man who challenged nearly
24 10,000 Fulton County voter registrations and 25,000
25 statewide by his own count.

Page 194 1 Dismissed, the vast majority dismissed. Yet this 2 board handed him a badge and a taxpayer paycheck. When 3 the AJC started asking questions, then Vice Chair 4 Johnston didn't fend him on the merits. She asked who 5 told them and floated filing an ethics complaint against 6 the newspaper. Her word, should we file an ethics 7 complaint? I don't know who to file it against other 8 than AJC or an unknown leaker. 9 The board finally named Jason Frazier publicly 10 today, one week after the AJC had to file an open 11 records request to find out who he was. Member Ghazal 12 called it, this will foment public distrust in our 13 elections and further marginalize themselves, beating 14 the board into further irrelevance. She's right. 15 And regarding public comment, the board's decision 16 to restrict public comment on day one to roll petitions 17 only, it's enforcing everyone else to the end of day two 18 is suppression dressed up as procedure. Citizens are 19 carving time out of their day and you don't get to 20 dictate their speech. Thank you. 21 EXECUTIVE DIRECTOR MILLS: All right. Let's see. 22 Marla Tepper. 23 MARLA TEPPER: Good afternoon. My name is Marla 24 Tepper and I'm a voter in Georgia and also a poll 25 worker. I'm going to address three points. First, I	Page 196 1 Also as a poll worker, I know that significant 2 operational changes require training, planning and clear 3 procedures. Such changes should not be implemented 4 through a resolution that effectively bypasses the 5 rulemaking process. Thank you for your consideration of 6 my thoughts and also for your service. 7 EXECUTIVE DIRECTOR MILLS: Thank you. I believe 8 Randall Jordan is next -- I'm sorry, Richard Jordan. 9 RICHARD JORDAN: Mr. Chairman, board members, for 10 the record, my name is Richard Jordan. I'm hereby 11 formally filing notice of criminal complaint entitled 12 Richard Jordan and Truthseekers versus Cherokee County 13 Board of Elections. This notice ensures compliance with 14 all applicable statutes of limitation. 15 The evidentiary statement of facts and laws will be 16 submitted separately, specifying federal and Georgia 17 statutes allegedly violated over a four-year period. 18 Evidence will demonstrate a continuing pattern of 19 unlawful conduct, warranting, investigation, and where 20 appropriate, criminal prosecution. 21 Please note two primary alleged violations. First, 22 complainant's constitutional right to petition 23 government for redress of grievance. In support of this 24 effort, approximately 150 sworn affidavits were gathered 25 and lawfully submitted, including affidavits from at
Page 195 1 agree with an earlier speaker about balanced 2 presentations. When the board invites presenters as it 3 did yesterday, I encourage you to seek balanced 4 participation by including speakers with differing 5 perspectives and expertise. Both the board and the 6 public are best served when important issues, especially 7 technical issues are examined from multiple viewpoints. 8 Second, an earlier speaker spoke about transparency 9 and the Open Meetings Act. I agree with those comments. 10 The public deserves meaningful notice of board business. 11 Agendas, proposed actions and emergency meetings should 12 be noticed as early as possible. This ensures that 13 voters, election officials and poll workers and those of 14 us who attend meetings have a genuine opportunity to 15 review and respond consistent with the spirit of 16 Georgia's Open Meetings Act. 17 Finally, I'm concerned about the resolution adopted 18 today regarding election procedures that will happen in 19 the absence of action by the General Assembly. This was 20 described as guidance to counties, but it appears to 21 contemplate substantive changes to election 22 administration. If new requirements are being created, 23 they should be adopted through notice and comment, 24 rulemaking or lawful emergency rulemaking if 25 circumstances require it.	Page 197 1 least three electors from each of the 42 precincts in 2 Cherokee County. 3 The petition was allegedly ignored and subsequently 4 discarded without consideration. Second, Georgia's RICO 5 statutes, based upon multiple alleged criminal acts, 6 collectively demonstrate a pattern of unlawful conduct. 7 The constitutional and statutory rights of American 8 citizens are fundamental and must be protected. 9 These rights include petitioning government, 10 participating in elections, receiving equal protection 11 under the law, and preventing abuses of authority. Of 12 particular importance is the right of every elector to 13 cast a ballot freely and lawfully, with confidence that 14 election procedures will be faithfully followed. The 15 integrity of the election process depends upon 16 safeguarding these rights and ensuring due process under 17 the law. I thank you for your time. Thank you. I want 18 to submit this into the record, please. 19 EXECUTIVE DIRECTOR MILLS: Okay. 20 SEAN WHITE: I'll take it. I'll take it. 21 EXECUTIVE DIRECTOR MILLS: Yeah, if you'll hand it 22 to Sean. Okay. Ms. Julie Adams. 23 JULIE ADAMS: Thank you. I'm Julie Adams from 24 Fulton County. I just want to talk about our last 25 election on May 26th, which was the day that we were

Page 198 1 certifying the election. And I just want to say that 2 I'm very proud of that day. I came into the department 3 to find out that we were receiving ballots. Now, in all 4 honesty, they did text me the afternoon before, or not 5 text me, email me the afternoon before to let me know 6 that that was Memorial Day and I was able to check my 7 email then. 8 When we were re-scanning ballots, we re-scanned six 9 early voting locations and six election day locations. 10 That's a lot of ballots we were re-scanning. So the 11 email that I got, actually mine didn't say anything, but 12 the one that was sent to the Republican Party said that 13 they would be starting at 7:00, and that they would be 14 done by 3:00. We didn't get our statement of votes cast 15 until 4:14 on Tuesday when we were certifying by 5:00 16 because they were re-scanning the ballots. 17 As a matter of fact, they didn't even have time to 18 give us a copy. It was on the computers that we can 19 see. They're all locked up. It's hard to see anything. 20 But I did get a copy of it. They chased me out, walking 21 out of the building, gave me a warm copy of the 22 statement of votes cast before five o'clock, right 23 before five o'clock on certification day. 24 Another thing I want to tell you really quick 25 that's really concerning to me, I don't know if it's	Page 200 1 United States. 15 million addresses were void in 2 AVIDOTE, seven percent of them all. In Georgia, we have 3 about two million names that are void in instance. We 4 have 3.7 million addresses that need to be reviewed. 5 The U.S. Postal Service says they are void in 6 AVIDOTE. They are fictitious. These need to be 7 reviewed. At this point, we have roughly 2.2 million 8 registrations on the Georgia voter rolls that have no 9 eligibility to vote in the next election. They are 10 classified according to the definition, strict guidance, 11 the same as somebody who shows up dead to vote. They 12 have no eligibility. 13 I'm going to skip through that, and I'll leave it 14 with you to think about. I'm just letting you know, 15 it's a heads up. There's nothing I can do about it, but 16 somebody is going to challenge it someday. Thank you 17 for your time. Thank you for being generous with me and 18 allowing my comments. You all are doing wonderful work 19 for the state of Georgia and its citizens, and I thank 20 you graciously. 21 CHAIRMAN FERVIER: For those of you who aren't 22 familiar with the term, it means void from the 23 beginning. I had to look that up last night. 24 EXECUTIVE DIRECTOR MILLS: One more speaker, and I 25 would ask for everyone's undivided attention, please.
Page 199 1 legal, but on Friday, which was the pre-certification 2 meeting, because we had so many changes in our 3 processes, I asked for ballot recap sheets, which were 4 not on our list for our policy. And I didn't get a 5 second vote to be able to see ballot recap sheets, the 6 most fundamental from the precinct -- 7 SEAN WHITE: Your time has expired. 8 JULIE ADAMS: Thank you. 9 EXECUTIVE DIRECTOR MILLS: Okay. Let's see. We're 10 close. We're getting close. Dr. Rick Richards. 11 DR. RICHARDS: I want to start out talking about 12 compliance. I've listed two helpful guys, one on the 13 left and one on the right. The National Mail Voter 14 Registration form requires full name, requires home 15 address or equivalent. Then on the form itself, it 16 requires a full name. The DOJ guidance stated that 17 states can remove people who were ineligible or 18 improperly registered in the first instance, including 19 those with fictitious names, fictitious registrations, 20 and similar circumstances. And Georgia's own 21 application declares it a felony to do a void in 22 AVIDOTE. 23 The address is void in AVIDOTE. I looked through 24 the data for 46 states, and I found 101 names were void 25 in AVIDOTE. 43 percent of all registrations in the	Page 201 1 And that is former Vice Chair, Dr. Jane Johnston. 2 VICE CHAIR JOHNSTON: The talk today is what 3 counts. The Oxford Dictionary gives several definitions 4 of the word count. Count, first, to determine the total 5 number of something, like voters, ballots, votes, 6 batches loaded report, opening count, protected count, 7 closing count, results tallied and pointed. It's no 8 secret I like to count. I like numbers. I like data. 9 I like measurable, verifiable results. 10 Number two count, to take into account, to include, 11 like active and inactive voter registrations, risk 12 benefits, vaccine to voting, election security, 13 mitigation of security risks, voter confidence, 14 transparency, accountability, and every factor that 15 contributes to a trusted election process. And the 16 third definition, count, to be significant, to matter, 17 to stand for integrity, truth, freedom, life, liberty, 18 the pursuit of happiness. And the principles that 19 define us as a people. 20 So what counts? Who counts? Why does it count? 21 Where, when, and how does it count? In other words, 22 what matters? What matters in elections? What matters 23 in public service? What matters in Georgia, our 24 country, in our lives? The answer to those questions 25 reveal our character, our values, our priorities, and

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1 our commitment to those we serve.

2 From the first day of my appointment to the state

3 election board until today, I have been committed to the

4 election integrity of the people of Georgia, for the

5 voters of Georgia, and for the future of Georgia.

6 Serving on this board in the years following one of the

7 most scrutinized and debated elections in our state's

8 history was both challenging and meaningful. Questions

9 raised by citizens deserved attention, and the concerns

10 expressed by voters deserved to be heard.

11 A former board member told a New Yorker, we're

12 supposed to be a quiet group of lawyers making sure the

13 trains run on time. The board did not know that the

14 train had gone off the track. If the board did not take

15 the measure, take measure, of the 2020 election, learn

16 from the experience, it would lose the opportunity to

17 correct, to improve, and prevent a repeat of the same

18 mistakes.

19 What the 2020 election really did was to awaken the

20 whole country to question our elections and how they're

21 conducted. And that is good, and that is needed. I've

22 always believed that examining our processes of learning

23 from experience and pursuing continual improvement

24 strengthens our elections and strengthens public

25 confidence.

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1 Over the past four years, I've remained steadfast

2 in my conviction that election integrity is not a

3 destination, but an ongoing responsibility, regardless

4 of where we stand on specific policies. Every Georgian

5 deserves elections that are secure, transparent,

6 accurate, and worthy of public trust. When I look back

7 at remarks I shared with this board four years ago, I

8 realize something remarkable.

9 My core beliefs have not changed. If anything, my

10 commitment to these principles has only grown stronger.

11 My priorities regarding election policy remain accurate

12 and current voter rolls, excuse-only absentee voting,

13 zealous protection of vulnerable voters, shortened

14 number of voting days, photo identification and

15 signature match, U.S. citizen-only voting, hand-marked

16 paper ballots, no more electric voting systems,

17 handwritten numbered list of voters, end-of-all-voting

18 of the polls closed on election day, and transparency in

19 all aspects of elections.

20 But today, I want to leave you with a different

21 list, not election priorities, but life priorities. Ten

22 things that count. Ten things that matter. Purpose and

23 commitment. Integrity. Truth and honesty. Respect.

24 Freedom and opportunity. Country and constitution.

25 Courage. Friendship. Family. And faith. These are

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1 the things that endure long after meetings adjourn,

2 letters are sent, notifications are sent, terms of

3 service have come to an end.

4 It's difficult to say, but today will be my last

5 day serving on the state election board. It has been an

6 honor to represent the Republican Party as a member of

7 this board. I'm grateful for the opportunity, the

8 responsibility, and the trust that was placed in me.

9 Most of all, I am grateful for the people I've met along

10 the way.

11 During the past four years, I've had the privilege

12 of working with board members, legislators, dedicated

13 citizens, election officials, advocates, volunteers,

14 friends who care deeply about our state and our country.

15 Your encouragement, support, and friendship have meant

16 more to me than words can adequately express.

17 Challenges have been a way of revealing character, and

18 I've been blessed to discover the kindness, loyalty, and

19 generosity of so many people during this journey.

20 The decision was not an easy one. Family and

21 personal responsibilities require my attention at this

22 time, and they must come first. While I may be leaving

23 the board, I'm not leaving the cause. My commitment to

24 election integrity remains as strong as ever, and I will

25 continue supporting efforts to strengthen confidence,

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1 transparency, and trust in our elections.

2 Thank you to my political partners, to the staff,

3 to elected officials across Georgia, and to the

4 countless citizens who have engaged in this process.

5 Thank you.

6 CHAIRMAN FERVIER: She's not done yet.

7 VICE CHAIR JOHNSTON: I only have five more pages.

8 CHAIRMAN FERVIER: Give it to Salleigh Grubbs.

9 VICE CHAIR JOHNSTON: Thank you for your service,

10 your dedication, your willingness to participate in the

11 work of self-government. May we never stop striving to

12 make our elections better, our communities stronger, and

13 our state a place where every citizen can have

14 confidence that their voice matters and their voice

15 counts. Thank you. God bless you. God bless the great

16 state of Georgia and the United States of America.

17 So when I was appointed to the board, after a year

18 or so, the challenges that I faced, somebody said, how

19 do you sleep? Isn't it tough? Isn't it stressful? I

20 said, no problem. I sleep like a baby. I wake up every

21 two hours and cry, and then go back to sleep. I wake up

22 every two hours and cry and go back to sleep.

23 Anyway. Thank you from the bottom of my heart.

24 CHAIRMAN FERVIER: Dr. Johnston, I want to thank

25 you for your service to the state of Georgia. You know,

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1 you and I have battled over a lot of things. We've been
 2 co-workers. We've been opponents. We've done it all.
 3 But I always appreciate your dedication and the time
 4 that you spend. I don't think that people really
 5 appreciate what all these people do.
 6 You know, we get paid a very small per diem for a
 7 nine-hour meeting. But we all spend so many hours
 8 outside of these meetings, preparing for meetings and
 9 doing other things. I know Dr. Johnston spends probably
 10 more than anybody on this board, frankly. And, you
 11 know, that's the unseen part and the really
 12 unappreciated part.
 13 And she's always been extremely dedicated to our
 14 police. And I told her a long time ago that she and I
 15 both want to get to the same place. We're just some
 16 kind of different on how we want to get there. But
 17 we're both believe in fair and honest elections with
 18 integrity. And I appreciate anybody, much like I said
 19 to the worker earlier who was a policeman in the past, I
 20 appreciate anybody that gives up that kind of time and
 21 commitment to the state of Georgia or to our nation.
 22 So I personally want to thank you. This is a big
 23 surprise to me, but you surprise me a lot at these
 24 meetings. But I want to thank you for your commitment
 25 and your time to the state of Georgia. And I appreciate

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1 everything you've given to the state of, I really do.
 2 Sincerely do.
 3 MEMBER KING: I'm going to say a few words to my
 4 friend. I'm a little emotional, because we became more
 5 than board members. And I'm grateful. You know, it's a
 6 blessing to have people in your life who are mature, who
 7 exemplify what they expect from you. And she's taught
 8 me a lot. When I got on this board, I was nervous. And
 9 having her beside me to help and answer questions and be
 10 a part of it encouraged me. It's been fabulous.
 11 So, yeah, we've laughed a lot. I'm going to miss
 12 you. I know that we'll have a replacement. But I'm
 13 going to miss you. But just know that you've been more
 14 to me than just a board member. Thank you for the phone
 15 calls, the advice, the lady advice, all the good stuff.
 16 I love you.
 17 CHAIRMAN FERVIER: Anybody else?
 18 MEMBER GRUBBS: So, I know that there's some of the
 19 room that are going to be really unhappy that was not on
 20 the agenda. But -- Yeah, he violated Sunshine Laws by
 21 not putting an announcement on the agenda. I love Dr.
 22 Johnston. And what has broken my heart sometimes are
 23 the attacks that have been lodged by the public against
 24 Dr. Johnston.
 25 The attacks sometimes that are lodged under the

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1 Gold Dome. I was so disappointed this last session to
 2 see Dr. Johnston just advocating for some legislation to
 3 make elections better. And this one legislator was so
 4 dismissive. And, y'all, this was not even a Democrat.
 5 This is a Republican, okay. Just so you know, elections
 6 for us is not a partisan issue. It is a non-partisan
 7 issue.
 8 And, you know, Dr. Johnston and Janelle have been
 9 attacked for being the MAGA extremists, the right-wing
 10 extremists. It was never about a president. It's never
 11 been about proving something stolen. You can see every
 12 single election board meeting that we have, there's
 13 constantly new issues that happen. There are constantly
 14 imbalances in voter rolls. There's constantly a lack of
 15 process. There's constantly runaway decisions. There's
 16 constantly us not having, you know, full support as
 17 other boards do in the state of Georgia.
 18 Administrative boards are just part of the
 19 government. And yet, we are treated like the renegade
 20 stepchild most of the time. I will say just about all
 21 the time. Even the Marijuana Board gets over a million
 22 dollars more than we get. No offense to them, but it's
 23 just, you're right, it has priorities. And I can say
 24 that Dr. Johnston has stood in the gap and in the void
 25 for so long.

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1 When she came on board, I don't think people
 2 realized how difficult it was at the time. It was
 3 fighting uphill constantly by herself. And so, thank
 4 you to the people that have supported her. I, early on
 5 in conversations, happened about who to put on the
 6 board. And Dr. Johnston was the choice, and I fought
 7 very hard to get her on the board. And she's probably
 8 mad at me for it. But she has always been so supportive
 9 and so thoughtful. Even with, you know, little events
 10 and cards and things like that. I don't think I've met
 11 a more thoughtful person.
 12 And so, I don't think people realize how much time
 13 we go through. Like the chairman said, goes into
 14 preparing for the meetings, it takes an awful lot of
 15 time to do it. And she has done nothing but devote all
 16 of her time, effort, and energy, including traveling all
 17 over the state, traveling to other states on her own
 18 dime. I don't think she's even put in for any per diem
 19 reimbursement for the state.
 20 So, I just thank you, Dr. Johnston. I love you. I
 21 appreciate you. I appreciate you. And you leave shoes
 22 that will be very difficult to fit.
 23 VICE CHAIR JOHNSTON: Thank you, Salleigh. I went
 24 to my doctor, and the doctor said I only had a few
 25 months to live. And I said, well, gosh, what should I

Page 210 1 do? And he said, why don't you get appointed to the 2 election board, it will seem like an eternity. 3 CHAIRMAN FERVIER: When I got appointed, they told 4 me it was a day and a half every other month max. 5 EXECUTIVE DIRECTOR MILLS: I just want to say, Dr. 6 Johnston, thank you for your service. Thank you for 7 your friendship. You're one of the strongest ladies 8 I've ever known. And you're to be commended for 9 sticking to your beliefs. 10 You know, sometimes we have to learn in life, and 11 I'm still in the learning process. Some things are what 12 I call just things that we maybe might prefer. And then 13 there are what I call our basic beliefs that we just 14 can't compromise on. But whether or not I wear Converse 15 tennis shoes or whether or not I wear Nike tennis shoes, 16 you know, that's something we can negotiate on. But 17 you're one of those people who decided early on what you 18 could negotiate on and what you couldn't compromise on. 19 And you're to be complimented for that. 20 The persecution that you have endured has only made 21 you a stronger, better person. And it would go without 22 saying, I don't know. A lot of people probably don't 23 know, and I don't know your husband that well, but I've 24 met Frank, and he is to be commended as well. Because 25 what he has endured and him allowing you to serve on	Page 212 1 MEMBER KING: So move. 2 VICE CHAIR JOHNSTON: Is there a second? 3 CHAIRMAN FERVIER: Second. 4 VICE CHAIR JOHNSTON: Meeting adjourned. 5 6 (Whereupon, the proceeding adjourned at 3:41 p.m.) 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
Page 211 1 this board and take our phone calls, our messages, and 2 trying to figure things out. 3 And I just can't say thank you enough for your 4 service. Thank you for what you've done. You're a 5 wonderful, wonderful person. And a lot of people across 6 this state have great respect for you and admiration. 7 VICE CHAIR JOHNSTON: Every day I get up, I first 8 read the paper, and I look to see if I'm in the 9 obituary. I mean, I am older -- 10 MEMBER GRUBBS: She wants to take herself off the 11 voter roll, that's why. 12 VICE CHAIR JOHNSTON: And if I'm not in the 13 obituary, I look at the front page to see if I'm on the 14 front page. 15 CHAIRMAN FERVIER: You've been practicing these 16 jokes for a while, haven't you? 17 VICE CHAIR JOHNSTON: And if I'm not on the front 18 page, I get dressed and come to the SEB meeting. 19 EXECUTIVE DIRECTOR MILLS: And I'll take my 20 payments in Ben Franklin's, please. 21 CHAIRMAN FERVIER: I am going to turn over the 22 gavel one last time and let Dr. Johnston adjourn this 23 meeting. 24 VICE CHAIR JOHNSTON: Did I hear a motion to 25 adjourn?	Page 213 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.

1 This 17th day of June, 2026. *Jamie White*
2

3 Jamie White, CCR
4 Certified Court Reporter
5 No. 4628-9611-1917-4656
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