



MINUTES STATE ELECTION BOARD MEETING

Wednesday, July 30, 2025

9:00 A.M.

Georgia State Capitol, Room 341

Atlanta, Georgia

I. CALL TO ORDER

Chairman John Fervier called the meeting to order at 9:00 a.m. A quorum was present for each Board action taken. The following Board members attended the meeting: Mr. John Fervier, Member Janelle King, Dr. Janice Johnston, and Member Rick Jeffares, resulting in a full Board.

II. INVESTIGATIONS REPORTS

Continued from the previous day. Presented by Secretary of State's Office Chief Investigator Sara Koth.

SEB2024-044 Hall County – City of Oakwood Special Election March 2024

After the presentation and discussion of the investigative findings, Vice Chair, Dr. Johnston moved with consideration of the circumstances and the timeline and the efforts that had been made to provide and conduct an accurate election and the understanding that there were shortfalls, not through the fault of Hall County, to dismiss the case. Member Jeffares seconded the motion. Passed 4-0 with no opposition. Member King asked the chair if it was possible to send a letter to the Secretary of State's Office about this case because of its gross neglect. Chairman Fervier asked if there was a 3rd member of the Board that wants to send the letters. Member Jeffares stated absolutely and added that the Board talked about this a year ago about certification. "It is in my true belief they should have never signed that certification." Member King agreed. Vice Chair, Dr. Johnston, stated "It is unfortunate the courts had ordered County Boards of Election to violate the law and sign an oath, a document, that the election was correct and accurate but knowing that is was not."

Chairman Fervier noted to Director Mills that at the will of the Board to prepare a letter to deliver to the Secretary of State, Legislators and perhaps the Governor's Office expressing the Boards concern over the results of the election that occurred in Hall County.

SEB2024-021 - Hall County - Security of Elections Equipment AV 2024 PPP

After presentation and discussion of the investigative findings, the Board voted to issue a Letter of Instruction. Member Ghazal moved to issue a letter of instruction regarding the security doors being locked and make sure the locks are functioning. Vice Chair, Dr. Johnston, seconded and asked to address not only

the functioning locks but to ensure that the equipment is secure and has not been tampered or hacked. Passed 4-0 with no opposition.

SEB2024-222 - Gwinnett County - Improper Processing of Absentee Ballots by Election Officials

After presentation and discussion of the investigative findings, the Board voted to issue a Letter of Reprimand. Member Ghazal moved to issue a letter of Reprimand. Member King seconded the motion. Passed 4-0 with no opposition.

SEB2024-198-Gwinnett County-Fraudulent Voter Registration

After presentation and discussion of the investigative findings, the Board voted to refer the case to the Attorney General's office. Member Ghazal moved to refer the case to the Attorney General's Office. Member King seconded the motion. Passed 4-0 with no opposition.

Chairman Fervier moved for a 5-minute break. Member King moved the motion. Member King seconded the motion. Passed 4-0 with no opposition.

The Session recessed at 10:32 a.m.

The Session resumed at 10:42 a.m.

SEB2022-155 - Gwinnett County - PO Box Voters

After presentation and discussion of the investigative findings, the Board voted to dismiss the allegations as to Ms. Allen. Member King moved the motion to dismiss Ms. Allen as a respondent to the case. Member Ghazal seconded the motion. Passed 4-0 with no opposition.

After presentation and discussion of the investigative findings on allegations to 6 individuals living in a commercial address were dismissed since there were no violations found. Member Ghazal moved to dismiss the 6 respondents who were found to be residents at the commercial address. Member Jeffares seconded the motion. Passed 4-0 with no opposition.

After presentation and discussion of the investigative findings on allegations to 6 individuals living in a commercial address, the Board issued a Letter of Reprimand. Member Ghazal moved to issue a Letter of Reprimand. Member Jeffares motioned a second. Passed 4-0 with no opposition.

Vice Chair, Dr. Johnston, moved to offer a 2nd motion to alert Gwinnett County as to the Respondents that are in violation of residence address. Vice Chair, Dr. Johnston moved to alert Gwinnett County by letter to identify the 6 individuals that are in violation due to incorrect residence address and to act, if possible, to correct the residence address. Member Jeffares and Member King seconded the motion. Passed 4-0 with no opposition.

After presentation and discussion of the investigative findings on allegations to 10 additional individuals on the list, Member King after verifying that they have already corrected their address to move to send a letter of instruction to the remaining 10. Member Ghazal seconded the motion. Passed 4-0 with no opposition.

SEB2023-066 - Gwinnett County - Voter Residency Challenge

After presentation and discussion of the investigative findings, the Board voted to send a Letter of reprimand only to Mr. Yarbrough and to continue the portion of the case related to Mr. Lovelace. Member King moved to issue a Letter of Reprimand. Member Ghazal seconded the motion. Passed 4-0 with no opposition.

SEB2023-029 - Gwinnett County - Absentee Ballot Issues

After presentation and discussion of the investigative findings, the Board voted to send a Letter of Reprimand. Member Ghazal moved to issue a Letter of Reprimand. Member King seconded the motion. Passed 4-0 with no opposition.

SEB2023-011 - Gwinnett County - Improper Processing of Ballots

After presentation and discussion of the investigative findings, the Board voted to send a Letter of Reprimand. Member Ghazal moved to issue a Letter of Reprimand. Vice Chair, Dr. Johnston, seconded the motion. Passed 4-0 with no opposition.

The Chair entertained a motion for a 30-minute lunch break. Member King moved to break for lunch. Vice Chair, Dr. Johnston, seconded the motion. Passed 4-0 with no opposition.

The Session recessed at 12:08 p.m. for Lunch

The Session resumed at 12:44 p.m.

SEB2022-243 - Fulton County - AB Fraud Address

After presentation and discussion of the investigative findings, the Board voted to dismiss the allegations as to Marcus N, Maren P, Vicky R, and Satish V. Member Ghazal moved to dismiss the allegations on 3 individuals. After discussion, a 4th person was recognized as also updating their residence, so Member Ghazal amended her motion to include the 4th individual. Member Jeffares seconded the motion. Passed 4-0 with no opposition.

The board voted to issue a Letter of Instruction to Mr. Millben. Member King moved to issue a Letter of Instruction. Member Jeffares seconded the motion. Passed 5-0 including the Chair, with no opposition.

The board voted to issue a Letter of Instruction to Ms. Scott. Member King moved to issue of Letter of Instruction. Member Ghazal seconded the motion. Passed 5-0 including the Chair, with no opposition.

The board voted to issue a Letter of Instruction to the remaining 13 respondents: Ms. Butts, Ms. Felder, Mr. Ferguson, Mr. Hill, Member Jones, Ms. March, Mr. Minyard, Mr. Rome, Member Stelly, Mr. Talley, Ms.

Tatum, Ms. Tippet, and Ms. Wilson. Vice Chair, Dr Johnston, moved to issue a Letter of Instruction. Member Ghazal seconded the motion. Passed 4-0 with no opposition.

Member King stated for the record, "I know Mr. Frazier who was one of those that was recommended to be a part of the Fulton Election Board by the Republican party was rejected by the county commissioner's office. I think –it sounds like he may be needed, but I do think that I want to thank Mr. Frazier for doing that as a citizen to assist the county and I hope that you continue to do that."

SEB2024-156 - Addendum - DeKalb County - Improper Voter Registration on College Campus

After presentation and discussion of the investigative findings, the Board voted to dismiss the case. Vice Chair, Dr. Johnston, moved to dismiss the case. Member King seconded the motion. Passed 4-0 with no opposition.

The Chair stated that Case SEB2024-200 has been continued.

SEB2024-159-DeKalb County-Third Party Pre-Filled Absentee Ballot

After presentation and discussion of the investigative findings, the Board voted to refer the case to the Attorney General's office. Vice Chair, Dr. Johnston, moved to refer the case to the Attorney General's Office. Member King seconded the motion. Passed 3-0 with no opposition.

Member Ghazal state for the record, "a district court in Kansas and earlier this month found a – a similar provision of restricting the mailing of pre-filled ballots as a violation of the First Amendment. So, you know, there are some – some federal constitutional issues with this law. I don't know that it is being challenged in this circuit, but I just wanted to put that out there on the record."

SEB2023-039 - DeKalb County - Residency and Voter Registration Issues

After presentation and discussion of the investigative findings of allegation #2, Vice Chair, Dr. Johnston, moved to issue a letter of instruction to first 13 respondents (David K., Alex R., Timoth S., Raymond G., Lakeisha L., James S., Curtis S., David E., Christopher R., Nathan, Powell, Rodneika P. Kimberly D., Montario F., David R., Gloria S., and Chantel L. in violation of 21-2-216 (a).(1) rules for determining residence. Member Jeffares seconded the motion. Passed 4-0 with no opposition.

The Board voted to refer the allegations against Nathan Powell to the Attorney General's office. Member King moved to refer Nathan Powell to the Attorney General's Office. Vice Chair, Dr. Johnston, seconded the motion. Passed 4-0 with no opposition.

The board voted to dismiss allegation 3. Member Ghazal moved to dismiss allegation 3 violations. Member Jeffares seconded the motion. Passed 3-1 with opposition from Vice Chair, Dr. Johnston.

The board voted to dismiss allegation 4. Member King moved to dismiss allegation 4 where the investigators found insufficient evidence to suggest that a violation had occurred. Member Ghazal seconded the motion. Passed 3-0 with no opposition.

Chair called for a five- minute break.

The session recessed at 2:43 p.m.

The session resumed at 2:52 p.m.

SEB2024-017 - Fulton County - Advanced Voting Technical Issues 2024 PPP

After presentation and discussion of the investigative findings, the Board voted to issue a letter of Reprimand. Member King moved to issue a letter of Reprimand. Member Ghazal seconded the motion. Passed 4-0 with no opposition.

SEB2022-354 - Fulton County - Out of State Double Voter

After presentation and discussion of the investigative findings, the Board voted to refer the case to the Attorney General's Office. Member Ghazal moved to refer the case to the Attorney General's Office. Vice Chair, Dr. Johnston, seconded the motion. Passed 4-0 with no opposition.

SEB2022-119 - Fulton County - Improper Federal Ballot

After presentation and discussion of the investigative findings, the Board voted to issue a letter of Reprimand. Member King moved to issue a Letter of Reprimand. Member Ghazal seconded the motion. Passed 4-0 with no opposition.

SEB2022-070 - Fulton County - Double Voter

After presentation and discussion of the investigative findings, the Board voted to issue a Letter of Reprimand for Mr. Williams and Mr. Fogarty. Member Ghazal moved that both individuals be issued a Letter of Reprimand. Member King seconded the motion. Passed 3-0 with no opposition.

SEB2022-050 - Fulton County - Required Seals

After presentation and discussion of the investigative findings, the Board voted to issue a Letter of Reprimand. Member King moved to issue a Letter of Reprimand. Johnston seconded the motion. Passed 4-0 with no opposition.

SEB2020-140-Fulton County- Wrong Ballot Style

After presentation and discussion of the investigative findings, the Board voted to issue a Letter of Reprimand. Member King moved to issue a Letter of Reprimand. Vice Chair, Dr. Johnston and Member Jeffares, seconded the motion. Passed 4-0 with no opposition.

The board broke at 2:43 P.M. and returned at 2:50 P.M.

III. NEW BUSINESS

A. Report from the Executive Director, James Mills

Phone and installation of secured Wi-Fi in the office. All Board members received agency laptops and transitioned to SEB email addresses, enhancing data security and compliance. Executive Director Mills worked prudently with the Office of Planning and Budget and the Governor's Office to get the approval to obtain to use surplus funds for critical needs. 2 new investigators were recently provided to the agency, and the vehicle procurement process for their statewide duties was expedited, with final approval for purchase. 2 additional staff members joined the SEB. Hope Coan, as a full-time Executive Administrative Assistant and Autumn Miller, as part-time Paralegal, will be the Open Records Request Officer. The SEB investigators currently lack access to critical investigative tools available to the Secretary of State's Investigators, possession zero tools now. An MOU is the recommendation and in the process of being presented to the SOS. The investigators are developing a state-of-the art and very intensive complaint tracking program with a company called Windswept, designed to provide end-to-end visibility and accountability for all complaints.

B. Discussion and presentation by Garland Favorito on Memory Card rule

The rule was necessary to make current SEB rule 183-1-12-13(c) comply with federal and state law. Mr. Favorito addressed the Board regarding the Memory Card Rule. The counties, whether the rule is in place or not, the counties' obligation is still to the state and federal law. Main concern is to make sure the State Election Boards are complying with the law, and the counties are going to have to ensure that they comply whether they were or not, the law still hasn't changed. Member King had concerns about the counties' budgets to support the rule recommending that there is the ability to keep some money to the side to ensure that there is funds available once they know how to move forward. Mr. Favorita asked the Board to make the rule comply with the law. He asked the Board to issue letter of instructions to counties when they don't comply, so they understand.

C. Discussion of purchase of Code books for election officials under O.C.G.A. § 21-2-31(3).

The board tasked the Executive Director to research the specifics of the purchase, including cost and quantity from the Secretary of State's Office, who historically managed the purchase of the books.

D. Discussion Financial Report and Budget planning

Securing an independent Legal Counsel dedicated to the SEB was proposed to include in the budget for the Board's counsel.

E. Next meeting date, time, and place

After discussion, Vice Chair, Dr. Johnston moved that the Executive Director, James Mills, be given the approval and consent of the Board to schedule date, time and place of Board meetings. To contact the Secretary of State IT Department, if necessary, directly to post meetings that are called by the Chair or any two Board Members and the duty of the Chair to notify the Board members of

such. Member King seconded the motion. Passed 3-2 with Member Ghazal in opposition because she wasn't confident that it adheres to their statutory obligations. Chairman John Fervier opposed because he believed that the Attorney General would agree, but he'd inquire with the Attorney General about that.

Executive Director was concerned that if he made a call to the Secretary of State's IT, that they would not recognize him as authorized to make meeting request for postings. Member King stated, "I mean that's the understanding. That's—that's why we took this step to ensure that it is on the record that you are responsible for that so, yes, they should respond to you."

Upcoming Board Meetings: September 23-24 & December 9&10

IV. OLD BUSINESS

A. Enhanced Voting Paper Ballot Image Oversight

Vice Chair, Dr. Johnston wanted clarification if there was budgeting in the State Election Board Budget for an enhanced voting paper ballot image audit for this year. And if there is, how much is in the budget and is the State Election Board tasked with providing oversight—financial oversight of this audit. Chairman John Fervier stated, "to my understanding there was an original 5 Million Dollars that was budgeted. The legislature took back 3 Million dollars of that, left a balance of 2 Million dollars approximately, and don't hold me to this number, 1.85 Million of it was spend on the original budget, I mean, ballot audit project leaving a balance of approximately 150,000, give or take, and I don't know how that is to be fund—how—how to be used other than the Secretary of State's Office to use that for future audits, if necessary. So...."

After discussion, Vice Chairman Dr. Johnston moved to delegate the authority to Executive Director, James Mills, to approve and provide signature for payment of invoices less than \$5,000 and require the notification and consent of the Board for payment of invoices greater than \$5,000. The motion was *tabled* till the September 23-24th meeting so that Executive James Mills could get clarification from the Attorney General's office on the word approval and consent to make sure the correct word was in the motion so that Executive Director Mills could to sign and pay invoices greater than \$5,000 with the Board's approval through email rather than calling a formal meeting for approval .

B. Human Resources

After discussion, *the board voted and approved* to give Executive Director James Mills the approval and consent of the Board allowing him the authority to contact the Secretary of State's Human Resources directly for personnel matters, including posting jobs, reviewing all applicants, interviewing and hiring individuals as he deems fit for any replacement of the current staff and future staff positions , and to use Teams or other employment agencies for individual search methods to search for the best candidate to employ for the necessary operations of the State Election Board.

Vice Chair, Dr. Johnston, moved that Executive Director, James Mills, be given the approval and consent of the Board to contact Secretary of State, HR Department, directly, to handle personnel matters and job posts for replacement of any current staff positions, and to use TEAMS or other Employment Agencies or Individual Search Methods to search for the best candidate to employ for the necessary operation of the State Election Board. Member King seconded the motion. Board Members expressed concerns about the process the Secretary of State's Office was implementing after the SEB found instances where applications from highly qualified candidates, including a Board Member's own application and those of 2 investigators, were not forwarded to the SEB until additional pressure was applied.. To clear up the confusion, Member King stated, "Basically, we're just asking that those who apply to work with the SEB that all those applications go to the SEB and allow us to comb through them and determine who's

qualified and who's unqualified rather than having the Secretary of State acting as a third-party. We're just eliminating. We're furthering, separating the SEB from the SOS by ensuring that the agency acts as a full agency and that being receiving our own applications and reviewing them and deciding for ourselves who's qualified and who's unqualified, not that the SOS has done anything wrong. Or that they are, you know, we-we appreciate having them up until this point, but we would like to be in a position where we can stand on our own feet."

Member Jeffares pushed the discussion along by also seconding Vice Chair, Dr. Johnston's original motion. Passed 4-0 with no opposition.

C. SEB Investigators

Vice Chair, Dr. Johnston, asked the Chair if they could strike through this topic on the agenda. No further discussion or action was made.

**Vice Chair, Dr. Johnston, asked the Chair if they could attend to the last item first and then complaints last?
Chairman Fervier agreed and made the next item on the agenda IT Update/ Website.**

D. IT update/Website

After discussion, the board voted and passed to establish a website for the State Election Board along with social media. Vice Chair, Dr. Johnston, moved that the State Election Board, includes a portal for election complaints and the Board consider social media for the State Election Board in order to fulfill its duties with public information, voter education. Member King seconded the motion. Passed 4-0 with no opposition.

Vice Chair, Dr. Johnston, requested a five-minute break so the members could review a copy of the resolution she would like to present.

The session recessed at 4:39 p.m.

The session resumed at 4:45 p.m.

E. SEB Complaints

The resolution listed below was proposed by Vice Chairman Dr. Johnston pertaining to complaints of potential violations of both Georgia and federal election law. After discussion, the board *voted to adopt the resolution* presented by Vice Chairman Dr. Johnston.

WHEREAS, the General Assembly of Georgia, as the State Legislature of Georgia, has charged the State Election Board with the duty to “promulgate rules and regulations as to obtain uniformity in the practices and procedures” for all primaries and elections in Georgia as well as “the legality and purity” of those elections under OCGA§21-2-31(1); and

WHEREAS, the Board is also charged to investigate or have investigated the administration of primary and election laws and fraud and irregularities and primaries and elections in Georgia under OSGA§21-2-31(5); and

WHEREAS, the board is charged to take other action, consistent with law, as the Board may determine to be conducive to the fair, legal, and orderly conduct of primaries and elections in Georgia under OCGA§21-2-31(10); and

WHEREAS, considering the foregoing, elections in Georgia include both state and local elections and federal elections, and the U.S. Constitution further protects the voting rights of all the citizens of Georgia in a nondiscriminatory and equal manner and requires that elections be conducted uniformly in all counties to ensure equal protection of those rights;

WHEREAS, the Board relies on assistance from other state actors, including the Attorney General and the Secretary of State to assist it in the conduct of its operations and the Secretary of State is charged with assisting the Board under

OCGA§21-2-33.1(h) and the Attorney General is charged with providing independent and effective assistance of counsel to the Board without conflicts of interest that might impair its abilities;

WHEREAS, the Board has heard complaints of potential violations of both Georgia and federal election law over the last few years and the investigations of some complaints, including SEB2023-025, are still incomplete with respect to basic documents required by law to be maintained, despite the extensive efforts of the Board to exhaust all remedies available to it, including the lack of a response to a subpoena issued by the Board issued to Fulton County;

NOW, THEREFORE, BE IT RESOLVED that the Board calls on the assistance of the Secretary of State to assist it as fully as possible and suggests that the Secretary of State and the Attorney General seek the assistance of appropriate local authorities or federal authorities, including the Department of Justice, to take any action necessary to bring a prompt resolution of these issues, including obtaining all necessary voting records and documents.

Chairman John Fervier - - “Uh I'd like to state for the record that uh I am adamantly opposed to this resolution for a number of reasons. Number 1, uh SEB2023-025 has been adjudicated by this uh Board, previously. And the resolution was uh achieved in that and therefore it shouldn't be mentioned in this. Um

number 2, is the -- my understanding and I hope I got this correct is that uh Fulton County filed a motion to quash the subpoenas that were issued. At five o'clock on election day uh without the knowledge of uh myself and it was reported by former Executive Director that the reason they did not tell me about it is because uh I was an obstructionist or something to that uh matter and therefore I was not aware that those subpoenas were being issued at five o'clock on election day to Fulton County's headquarters. Um, that be so, uh, Fulton County did respond to it with a motion to quash. It's currently in litigation. This Board has not, uh, had an opportunity to yet to discuss that litigation -- ongoing litigation with the Attorney General, but it is a matter that is being litigated and, uh, like I said, I oppose this on a number of reasons and, uh, will not support this. So..."

After discussion, the Board Passed to adopt the resolution. Vice Chair, Dr. Johnston moved to adopt the resolution. Member King seconded the motion. The motion passed 3-2. Member Ghazal opposed the motion. Chairman John Fervier stated, "I will exercise my right to vote and vote a strong nay."

V. PUBLIC COMMENT

Richard Schroeder and Bill Henderson provided public comments.

VI. ADJOURNMENT

Member King moved to adjourn the meeting . Member Ghazal seconded the motion. The motion to adjourn the meeting passed 4-0.

The Board adjourned at 5:10 p.m.