

GEORGIA BOARD OF ELECTIONS MEETING

DATE: May 14th, 2025
TIME: 9:43 AM TO 3:01 PM
LOCATION: Georgia State Capitol Building
206 Washington Street SW
Room 341
Atlanta, GA 30334

REPORTED BY: Michael King
Notary Commission Georgia/W-00526283
Commission Expires: October 6th, 2025

APPEARANCES

Members of the Board:

Chairman John Fervier
Janelle King
Dr. Janice Johnston
Rick Jeffares

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1 P R O C E E D I N G

2 (Proceeding commences at 9:43 a.m.)

3 MR. FERVIER: Good morning, I'm calling to
4 order day two of the May 14th edition of the State
5 Election Board. We have quite a number of cases to
6 hear today, so we're going to try and get through
7 those as quickly as possible. We have a quorum
8 Member Jeffares, Member King, and Member Johnston is
9 here with me today and Alexandra, our paralegal, and
10 then our investigators and so we're very happy to be
11 back and hopefully we'll get through the rest of the
12 agenda today.

13 We're going to, you know, yesterday was a
14 little chaotic because I was trying to get all the
15 people had to travel long distances heard so they
16 wouldn't have to come back for a second day and
17 spend night in a hotel or whatever and created some
18 confusion. The next meeting that we have in July,
19 we're going to try and schedule it so that anybody
20 who travels a long distance is heard first on the
21 agenda that way and we may even break it up into two
22 days so that your case will either be heard on day
23 one or day two, and you'll have better direction on
24 when you need to show up and hopefully that'll help
25 with some of the confusion.

1 So, we have a whole lot of backlogged
2 cases that we'll be hearing this year and so I
3 imagine all of our meetings going forward will be
4 two day meetings at least to try and work down that
5 caseload. So, but we'll try and as we work through
6 this, schedule them a little bit better so people
7 don't have to sit here all day long or sit through
8 both days to -- your case gets here, but we're
9 always going to try and hear those people that have
10 to travel a long way first so that they can get
11 home.

12 That being noted, DeKalb County has asked
13 that they have their cases heard first because their
14 attorney is with us today and has another --
15 obligation this afternoon. So, we're going to go
16 through the DeKalb cases real quick, hopefully, and
17 hear those and then we'll get back onto the agenda.

18 So, the first case on the agenda today to
19 be heard -- was slated for dismissal and it's a
20 SEB2024-062. No, I'm sorry, SEB2022-369. It's tab
21 20 in your binders. Yes, Michael.

22 MR. BRUNSON: Name is Michael Brunson from
23 the Secretary of State's Investigations Division.
24 Okay, so this case involves three different
25 allegations and this is all connected to the

1 November 8, 2020 general election and really the
2 circumstances of allegation one and two are
3 basically very, very similar in that in the first
4 allegation, a voter submitted an absentee ballot
5 application, requested a mail ballot be set to a
6 Texas address. Additionally, the voter requested to
7 be added to the rollover list for the remainder of
8 the election cycle.

9 There's evidence to suggest that the
10 voter's November 2022 ballot was sent to the Texas
11 address as requested and was set within the time
12 required. However, the voter stated it was not
13 received. The voter returned to Georgia, canceled
14 the original requested mail ballot and voted
15 advanced in person. As a result of the ballot
16 cancellation, the system automatically removed the
17 voter from the rollover mailing list. DeKalb County
18 Elections provided their training and their
19 procedure for canceling ballots, which showed that
20 for a voter to remain on the rollover list, workers
21 need to manually return the voter back to the
22 elderly/disabled status after the ballot
23 cancellation was completed, or the voter would need
24 to resubmit an absentee ballot application
25 indicating their desire and in this first

1 allegation, it appears that -- was not done.
2 However, there is no law that says that -- has to be
3 done. That is a DeKalb county internal
4 administrative policy/training issue.

5 The second incident is very similar to
6 that where a voter requested a ballot be sent to an
7 alternative address out of state and then very
8 similar circumstances. So, to go through it would
9 be superfluous.

10 The third allegation, the voter requested
11 a mail ballot for the December 6th, 2022 election,
12 reported that was not received. All records
13 indicate the ballot was mailed to the address listed
14 on Election Net as well as the address listed on the
15 absentee ballot application and in that case, the
16 investigation was unable to determine why the voter
17 did not receive their ballot. So, that's -- the
18 crux of the case, is that in these instances,
19 there's no violation that we saw and so that's why
20 it was put in the dismissal section and not in the
21 violation section.

22 MR. FERVIER: So, there was evidence that
23 the ballots were sent and are, so possible the post
24 office just didn't get them delivered?

25 MR. BRUNSON: Yes.

1 MR. FERVIER: Dr. Johnston, do you have
2 some questions?

3 MS. JOHNSTON: I do.

4 MR. FERVIER: Okay.

5 MS. JOHNSTON: My Questions are for DeKalb
6 County. Does DeKalb County utilize ballot tracking?

7 MS. SMITH: Yes, good morning. I'm Keisha
8 Smith, the Director of DeKalb County of Voter
9 Registration and Elections and yes, we do utilize
10 the state system in terms of tracking.

11 MS. JOHNSTON: What sort of tracking is
12 utilized --

13 MS. SMITH: The ballots and so right.
14 There is a process where once we enter it into
15 Jarvis, there's a way to track when the ballots
16 anticipate -- when they would be mailed.

17 MS. JOHNSTON: Okay, is there a difference
18 between issuing a ballot and sending a ballot?

19 MS. SMITH: The issue is the date that we,
20 you know. Yes, there could be a difference between
21 issuing and sending, depending on who's mailing the
22 ballots.

23 MS. JOHNSTON: Okay, so I know DeKalb
24 County and other counties have a category where they
25 state the ballot has been issued and am I correct

1 that means the ballot was received into the office
2 and credit was given to the voter, is that correct?

3 MS. SMITH: Issued is when the ballot is
4 sent, not when it's received into the office.

5 MS. JOHNSTON: Okay, so it's issued, but
6 when it's actually put in the mail, is that the same
7 thing as issued?

8 MS. SMITH: It could be the same thing as
9 issued. It depends on if there's a third party
10 that's mailing the absentee ballot, which we do
11 utilize state approved vendors from time to time to
12 issue those ballots or mail those ballots.

13 MS. JOHNSTON: To mail the ballots?

14 MS. SMITH: Yes.

15 MS. JOHNSTON: So, the ballot application
16 is received and the County's put a notification in
17 their system that it was a ballot is issued?

18 MS. SMITH: That it should be issued and
19 then the third party would then pull the files with
20 the ballots that should be sent or mailed at that
21 time.

22 MS. JOHNSTON: But, it might be issued but
23 not actually delivered to the USPS or a day or two
24 or three. That's correct?

25 MS. SMITH: Yes.

1 MS. JOHNSTON: Okay, is there a
2 documentation of when it actually is put into the
3 mail carrier service?

4 MS. SMITH: I believe that we have an
5 estimate of when it should be delivered to the mail,
6 yes.

7 MS. JOHNSTON: Is there USPS tracking or
8 vendor tracking for absentee balance?

9 MS. SMITH: I believe that there are
10 several ways to track those and some counties
11 actually pay for additional services to track. We
12 do not pay for them.

13 MS. JOHNSTON: Okay, so once it's put into
14 the USPS system, you do not have a way to track that
15 it was actually delivered to the voter?

16 MS. SMITH: There's no certified part,
17 no --

18 MS. JOHNSTON: Or return from the voter to
19 the office until you receive it?

20 MS. SMITH: That's correct.

21 MS. JOHNSTON: Correct, okay, all right.
22 When a person meets the qualifications for being on
23 the rollover list and they vote in person, then
24 their rollover status changes, correct? They lose
25 that automatic rollover for that election?

1 MS. SMITH: Could you repeat that? I'm
2 not sure.

3 MS. JOHNSTON: Yes, so in this case, the
4 voter requested a ballot for the primary and they
5 also checked the box that said they wanted to be on
6 the rollover list to -- automatically receive
7 ballots for the rest of the election cycle. But,
8 when they voted in person for the primary, the
9 rollover status was canceled, correct?

10 MR. BRUNSON: Yes, so I can kind of answer
11 what you're saying here from the investigation. So,
12 the investigator spoke with Rebecca Anglin from the
13 Secretary of State's Elections Office, and she
14 confirmed the following information. If a mailed
15 absentee ballot is canceled, the voter is
16 automatically removed from the rollover list and
17 would have to reapply to opt back into the
18 reoccurring mail ballots.

19 Secondly, when a voter is added to the
20 automatic rollover mailing list, the address for all
21 future mailings defaults back to the voters
22 registered voting address and so in case two, that's
23 what happened in case two. The first part is what
24 happened in case one, where he went and he canceled
25 it and when he voted in person, then that took him

1 off the list.

2 MS. JOHNSTON: Okay, so not only are they
3 canceled from the automatic rollover of sending the
4 next absentee ballot for the next election, the
5 temporary address is also canceled and it reverts
6 back defaults back to the residence address? How
7 would a disabled or elderly person that gets
8 automatic rollover ballots know this?

9 MS. SMITH: They would have to be familiar
10 with the process.

11 MS. JOHNSTON: Correct, does DeKalb County
12 have a process or a procedure to notify voters that
13 they're now not on the rollover list and they have
14 to apply again?

15 MS. SMITH: Yes, our internal processes
16 have enhanced where we do reach out to individuals
17 who were on the rollover list before each election
18 when possible.

19 MS. JOHNSTON: When possible?

20 MS. SMITH: Yes.

21 MS. JOHNSTON: But, not automatic?

22 MS. SMITH: Well, the thing is, if they
23 don't have, if we're only mailing them, they may not
24 have a phone number, they may not have an email
25 address and so -- we attempt to contact them, yes.

1 MS. JOHNSTON: Okay, but the general
2 public doesn't -- know that, I feel sure to say.
3 So -- it's a convenience to have that automatic
4 rollover, but unless you're into this whole election
5 system and receiving and requesting absentee
6 ballots, I would think that, they would assume, that
7 they would still get another ballot because they
8 checked rollover and they were not informed when
9 they voted in person because their ballot did not
10 arrive and they so they presented to vote in person
11 that they're canceled.

12 Technically -- it's not a violation, but I
13 would kindly request that DeKalb County establish a
14 written policy of how to handle this, because many
15 of these people that are requesting absentee by mail
16 ballots are elderly, they are disabled, and to
17 expect them to be experts in the administration of
18 absentee voting, I think is asking too much.

19 So, I just wanted to raise these questions
20 that perhaps -- this would be something the Board
21 could focus on as something to benefit voters in the
22 area of absentee by mail voting. So, does anybody
23 else have any questions? Okay, Mr. Chair, I make a
24 motion that we dismiss this case.

25 MR. FERVIER: We have a motion to dismiss.

1 Is there a second?

2 MS. KING: Second.

3 MR. FERVIER: We have motions dismissing a
4 second. Any discussion? Hearing no discussion,
5 All those in favor dismissing case number SEB2022-
6 369. Signify by saying aye.

7 MS. KING: Aye.

8 MS. JOHNSTON: Aye.

9 MR. FERVIER: Any opposition? Hearing no
10 opposition, so moved carries 3 to 0. This sounds
11 like an opportunity for a rule.

12 MS. JOHNSTON: Right, if we have the
13 authority to make a rule.

14 MR. FERVIER: If we had the authority to
15 do something like that. The next item on the agenda
16 is SEB2024-062. DeKalb County -- voter registration
17 fraud.

18 MS. KING: Which?

19 MR. FERVIER: I'm sorry, 2024-062. It's
20 tab 24.

21 MS. KOTH: Okay, I'm Sara Koth with the
22 Secretary of State Investigations. Case number
23 SEB2024-062, voter registration fraud. We received
24 complaints regarding two unrelated DeKalb County
25 residents that received voter registration cards in

1 the name of whom they were unfamiliar with living at
2 their house. The first one, the complainant said
3 that she received one for James Cheek, who was her
4 husband's cousin and according to the complainant,
5 he had never lived there. The investigator spoke
6 with James and said that he had stayed there for
7 some time in Georgia. He is a resident of Florida.
8 He never registered in Georgia to vote, but he was
9 working here as a stunt double for the movies. He
10 said that he stayed at the DeKalb address
11 intermittently while working on different projects
12 and then he also stayed in Fayetteville for about
13 six months, but he does live in Florida, he had
14 never registered.

15 The Director of DeKalb County provided a
16 screenshot of his DDS application, but it didn't
17 really contain any pertinent information. So, it
18 appears at DDS registered him to vote, he did not,
19 but -- the paperwork didn't show that he registered.

20 The second one, the complainant advice she
21 received for Chantel Johnson (phonetic). We tried
22 all the information that was in Jarvis, the Georgia
23 Registered Voter Information System, could not find
24 anything that was legitimate for this person and we
25 tried all of the other databases we have access to

1 and could not find a Chantal Johnson in that area.

2 So, there would have been a violation if
3 we could have figured out if this was a real person
4 or not. That's why it was in the dismissal. So, if
5 we had found someone, we would have given them OCGA
6 21-2-561, false registration. but we don't know if
7 that's a real person.

8 MR. FERVIER: Dr. Johnston, you have some
9 questions?

10 MS. JOHNSTON: Question for the
11 investigator. Mr. Cheek said he'd never registered,
12 but in fact he had registered through DDS?

13 MS. KOTH: No -- he got a driver's
14 license.

15 MS. JOHNSTON: Right.

16 MS. KOTH: So, it looks like DDS may have
17 registered him to vote. He never voted in Georgia.
18 And, so it was a DDS application that must have put
19 him in there. He did not check that box.

20 MS. JOHNSTON: He opted out?

21 MS. KOTH: No, he left it blank.

22 MS. JOHNSTON: He left it blank. So, if
23 they leave it blank, then they are registering to
24 vote, correct?

25 MR. FERVIER: You can opt out, but you

1 don't opt in --

2 MS. KOTH: Possibly if we have a lot,
3 though, where -- people don't read that part because
4 it doesn't pertain to them, so they really need to
5 maybe put it on a separate piece of paper, but that
6 would be a DDS concern. It is in the middle of all
7 that paperwork and they just don't pay attention to
8 it and we get a lot where DDS registers to people
9 because they're like, oh, it's blank, cool. They
10 wanted to do it.

11 MS. JOHNSTON: Yeah, correct. So, DDS
12 automatically registers people to vote unless they
13 opt out and DDS accounts for the vast majority of
14 voter registrations in Georgia and DDS accounts for
15 the vast majority of duplicate or triplicate
16 registrations in Georgia. I find this an
17 opportunity to research this and perhaps work with
18 the Secretary of State, who works with the
19 Commissioner of Driver Services to try to find a
20 solution to this chronic problem that we have with
21 duplicate registrations or people that perhaps come
22 up as a potential violation or an allegation of a
23 violation or some issue and they -- state that
24 they're not aware that they were registered to vote,
25 but in fact they were.

1 Perhaps with DDS, this needs to be, I know
2 -- all they want to do is get people a driver's
3 license. That's their number one, two, and three
4 priority, is issuing driver's licenses, but because
5 of NVRA, they're obligated to offer voter
6 registration through DDS, which is convenient for
7 most folks, but it's also problematic for a lot of
8 voters and certainly we see this at State Election
9 Board.

10 So, I just wanted to make a point that'd
11 be an opportunity for improvement in the arena of
12 voter registrations. As far as Chantal Johnson, the
13 second complaint that appears to be a non-existent
14 person, is that correct?

15 MS. KOTH: Possibly, we couldn't confirm
16 or deny that. Couldn't find her.

17 MS. JOHNSTON: All right, so for DeKalb
18 County is Mr. Cheek still on the voter rolls in
19 DeKalb County?

20 MS. SMITH: I would have to check to
21 determine that. I don't know the answer right now,
22 but I will look into that.

23 MS. JOHNSTON: Yeah and is Ms. Chantel
24 Johnson on the voter rolls in DeKalb County?

25 MS. SMITH: I would have to check that as

1 well.

2 MS. KOTH: Now, they did try to remove her
3 off there. According to Ms. Hutton, when the
4 complainant had contacted DeKalb, they attended a
5 Board of Registration meeting on November 15th,
6 2019, and a motion was made to remove Chantal
7 Johnson from that residence and then there was
8 another meeting. The letter stated that the Board
9 of Registration reversed the cancellation and
10 maintained it, for whatever reason.

11 MS. SMITH: So, that was before my time in
12 2019, but I will check, have staff check, and can
13 get back with you on that.

14 MS. JOHNSTON: Was Ms. Chantel Johnson a
15 challenged voter? Was that part of it?

16 MS. KOTH: The way it reads it, I mean,
17 they didn't use that word. It said it was a motion
18 was made to remove her and then she was not, after
19 reviewing the Board minutes, they discovered that
20 the case was reviewed and she was removed by the
21 Board. However, due to a non-citizen lawsuit
22 against DeKalb County in February of 2020, the
23 County Board of Voter Registration decided to
24 rescind the removal in other entities. So, it
25 looked like it was a challenge that got reversed

1 then once everyone --

2 MR. FERVIER: Was she part of a mass
3 removal? I mean, or, yeah, we don't know --

4 MS. KOTH: This is due to some lawsuit
5 that had happened before --

6 MS. JOHNSTON: Does DeKalb County have a
7 response of why she was inexplicably put back on the
8 voter rolls?

9 MS. SMITH: That was before my arrival, so
10 I'm not sure of the lawsuit. I'm vaguely familiar
11 with a statewide lawsuit, but I don't have all of
12 the details of that or the actions after.

13 MS. JOHNSTON: Does the Registrar for
14 DeKalb County from time to time review the voter
15 registration list and challenge voters that appear
16 to not exist or live in other states?

17 MS. SMITH: Yes, there are daily list
18 maintenance activities that occur as well as annual
19 mass checks again, on the voter rolls in our office.
20 So, yes.

21 MS. JOHNSTON: Okay, does DeKalb County go
22 through the registrar challenge process where they
23 send a letter to the elector, the registrant on the
24 list, and have them appear to DeKalb County for a
25 hearing?

1 MS. SMITH: Yes, we do follow the laws
2 again around -- maintenance and that's one of them.
3 That's one of the processes.

4 MS. KING: When did you become the
5 election director?

6 MS. SMITH: I became the director in
7 February of 2022.

8 MS. KING: Okay, I thought you were fairly
9 new. Yeah, I've heard good things about you both on
10 both sides, but I know there are. I had to say it
11 like that, but I do think that there are some things
12 that we need to tweak a little bit, I'm sure you're
13 hearing that now as well, so.

14 MS. SMITH: Yeah, absolutely.

15 MS. JOHNSTON: Ms. Smith has a banker's
16 background, so she's good with process and numbers.
17 Mr. Chair, if there are no further questions, I'd
18 like to make a motion.

19 MR. FERVIER: Please.

20 MS. JOHNSTON: I move that we dismiss this
21 case, but I would send a request that DeKalb County
22 reply to the State Election Board as to the status
23 of these two registrants on the voter list.

24 MS. SMITH: Understood.

25 MR. FERVIER: We have a motion to dismiss

1 with the letter to follow up. Is there a second?

2 MS. KING: Second.

3 MR. FERVIER: A motion to dismiss with the
4 letter to follow up, a second. Any further
5 discussion? Hearing no discussion, all those in
6 favor, signify by saying aye.

7 MS. KING: Aye.

8 MS. JOHNSTON: Aye.

9 MR. FERVIER: Any opposition hearing? No
10 opposition, so moved. Case 2024-062 is dismissed.
11 Next case is SEB2024-156, which is tab 25. Dr.
12 Johnston, you had some questions on this one. All
13 right, we'll let him read that.

14 MS. JOHNSTON: Okay.

15 MR. BRUNSON: So, this was a complaint
16 filed regarding improper voter registration on
17 college campuses. A student contacted our office
18 alleging that Emory Voting Initiative operating on
19 Emory University campus is flatly informing
20 applicants of the wrong information regarding where
21 they may lawfully apply to register to vote.
22 Complainant reported she personally witnessed the
23 group tell students that they do not need a separate
24 residence and mailing address and instructed
25 students to register solely at the on campus mail

1 room. And if this is substantiated, it's a
2 potential violation of 21-2-217 sub A, sub 1, rules
3 for determining residents. Our investigator did try
4 to follow up against specific information from this
5 complainant and she wasn't able to provide that.

6 So, it was just her allegation that this
7 was going on. We did check into it. Our
8 investigator spoke with a representative. That's
9 his name is James Rowland. He's the senior director
10 of at the Center for Civic and Community Engagement
11 with Emory University and what he stated was that
12 Emory University provides on campus housing for
13 students with an assigned mailbox with a campus mail
14 room. Emory University students that do not have
15 mailboxes at their residence on campus housing
16 units. Additionally, students frequently change
17 dorm rooms within the housing units as semesters
18 change, but their assigned mailbox remains the same.

19 He said that based on previous guidance
20 given to Emory University from DeKalb County
21 elections. Emory students are allowed to register
22 to vote utilizing their on campus mailbox address,
23 as the only students with an on campus mailbox are
24 those residing on campus. And, then apparently they
25 did receive additional guidance in 2024 from DeKalb

1 County, where students are using their residence
2 hall address in addition to their campus mailbox.
3 And, then our investigator did do an audit to see,
4 you know, if this is happening and -- that's what we
5 see now with many of the individuals registered at
6 Emory as they're using their actual dorm room
7 locations to register.

8 So -- in this case, we weren't able to get
9 any specific individuals that we could talk to and
10 find out and say, okay, this individual. So that's
11 one of the reasons why and then they said the
12 guidance they received and the way that -- was
13 corrected in 2024 and so it seems that now students
14 are registering at their dorm room location,
15 apparently so and -- this is an issue with a lot of
16 universities and colleges where students that stay
17 in dorm rooms, and some of it -- I mean, I hate to
18 beat a dead horse here, but this is going to be
19 somewhat of a DDS issue too, where if they're
20 getting a driver's license, et cetera, and then
21 they're, you know, they're using, oh, hey, I live in
22 this, I live off campus, here's the address for the
23 university. That's what gets put on their driver's
24 license and bam, you just registered to vote also,
25 so.

1 MS. KING: I feel like we're continuing to
2 see a couple of issues. I think it's the DDS
3 situation obviously on the automatic and then also
4 we have a lot of these non-governmental
5 organizations that are coming into states and
6 assisting. But, if you're going to assist, you need
7 to know state law. They need to know our code.
8 They need to make sure they're accurately explaining
9 to people what we are doing and so when you have
10 several different organizations, as we saw
11 yesterday, organization, where we have an attorney
12 who doesn't know where the headquarters of the
13 organization is, we got these type of situations
14 occurring and then we want, now the student is in
15 trouble. If you were able to find this student,
16 then they would be in trouble for something that may
17 not have been their fault outright.

18 Now, obviously we all have a duty to know
19 our law, but this is -- concerning the number of
20 organizations that can just come into our state and
21 start registering people to vote without knowing
22 state law. So, I do think that as a Board, there's
23 something we need to -- look at that as well.

24 MS. JOHNSTON: Is there a representative
25 from Emory Voting Initiative here?

1 MR. FERVIER: You weren't able to identify
2 anybody, were you?

3 MR. BRUNSON: No, were not. Nobody
4 specific.

5 MR. FERVIER: Okay.

6 MR. BRUNSON: And, then when she followed
7 up with the complainant, the complainant never
8 responded to her. So, I don't know if because in
9 2024, they did actually apparently try to address
10 this issue, maybe because of her complaint, maybe
11 she felt, you know, hey, it's taken care of, so I'm,
12 you know, I don't need to be contacted because our
13 investigator did, and I pointedly asked that
14 question, hey, did we reach back out to her to try
15 to see if she's got anybody specific who was given
16 bad information? And we -- were unable to obtain
17 that information.

18 MS. KING: Does Emory, do they take
19 responsibility for this initiative? Do they own
20 this, or is this like, something --

21 MR. BRUNSON: Yeah, this looks like this
22 is a part of --

23 MS. KING: The university --

24 MR. BRUNSON: Yeah, the university. So,
25 this is not an outside group coming in. This is

1 the, you know, the name of the voting initiative,
2 so.

3 MS. KING: Okay.

4 MS. JOHNSTON: So, Mr. Chairman, Emory or
5 this Emory Voting Initiative, and many of these
6 other TPOs seem to be woefully lacking in
7 information and perhaps oversight. Whether they're
8 informing students correctly about residence address
9 versus the mailing address, or whether they're
10 informing students that are from out of state or out
11 of jurisdiction that when they register to vote,
12 they're signing an oath that they reside at that
13 location and along with that comes other obligations
14 to get a driver's license, to change their auto
15 insurance, to perhaps make adjustments to
16 scholarships that they're receiving from out of
17 state.

18 It might put in jeopardy their
19 qualifications for a scholarship if they're no
20 longer a resident of a different state and also
21 these students will need to contact the voter
22 registration office for every move they make while
23 they're in college to be properly addressed at the
24 residence where they live, because it makes a
25 difference on who they may vote for. It's different

1 for a statewide election, but if you're talking
2 about a school board or city council member or some
3 local office, that residence does make a difference.

4 I think this is an opportunity. We have a
5 number of rules, state election board rules that
6 deal with TPOs, third party organizations. If there
7 are no further questions, I'd like to make a motion.

8 MR. FERVIER: I was just researching Emory
9 Voting Initiative here to see exactly what the
10 association was, but please make a motion.

11 MS. JOHNSTON: Mr. Chair, I move that we
12 continue this case to provide an opportunity for our
13 investigators to research this TPO and other TPOs as
14 far as the product of the outcome of these voter
15 registrations and the qualifications and oversight
16 that are provided by these TPOs for voter
17 registration groups and then perhaps and then bring
18 this case back at that time.

19 I think we need more information. It
20 seemed like there was lacking information from the
21 complainant and I'm not real sure about connection
22 with Emory and who's responsible on the Emory campus
23 and it seems like in the report that there was an
24 issue with what they were informing students and
25 then when there was the first mention of this case,

1 I guess, or investigation, the policy changed. So,
2 I'd like to have a little more information about
3 what they have been telling students and what they
4 currently are informing students of.

5 MR. FERVIER: Well, the -- only part of
6 your motion I have an issue with is you TPOs are
7 wide ranging and could be all across the state. So,
8 I'm wondering if we want to focus on, since this
9 complaint is against Emory, focus on Emory, and have
10 Emory respond to it.

11 MS. JOHNSTON: Yes, I would like Emory to
12 respond to it. But, also colleges and universities
13 are located throughout the state. So, how we deal
14 with Emory I think may certainly send a message or
15 provide guidance to all the university systems and
16 colleges that we have in Georgia as far as how to
17 deal with either education, training, reporting,
18 record keeping, oversight of their volunteers, and
19 their employees and to make sure that they're
20 compliant with Georgia election laws.

21 MR. FERVIER: Well, let's, if you're okay
22 with doing this, let's task our investigators with
23 SEB with researching the TPOs and how they register
24 their students for voting and then we can ask the
25 SOS investigators to. We'll continue this case and

1 ask Emory to respond at a follow up meeting. The
2 Emory Voting Initiative. I mean they have a website
3 so we ought to be able to get in touch with
4 somebody.

5 MR. BRUNSON: No, I mentioned the guy from
6 university. He's in charge --

7 MR. FERVIER: Yeah, so we'd like them to
8 come in and talk to us about what they do.

9 MS. JOHNSTON: It would be nice to hear
10 from them, Mr. Rowland, yes.

11 MR. FERVIER: Okay, so we have a motion to
12 continue this case and requested Emory respond at a
13 future meeting do we have a second?

14 MS. KING: Second.

15 MR. FERVIER: We have motion to second.
16 Any discussion? Hearing no discussion, all is in
17 favor of continuing this case and having a response
18 signify by saying aye.

19 MS. JOHNSTON: Aye.

20 MS. KING: Aye, Mr. Chairman, on a
21 separate note, kind of testing this, but connected
22 to this, but some other things when it comes to --

23 MR. FERVIER: Are we changing the motion?

24 MS. KING: No.

25 MR. FERVIER: Let me finish this --

1 MS. KING: Okay --

2 MR. FERVIER: Any dissent? Hearing no
3 dissent, so moved the motion carries to continue
4 this case, 3 to 0. I'm sorry, continue.

5 MS. KING: That's okay, sorry about that.
6 So, I have some questions around. You know, we've
7 been talking about DDS and then there was a lot of
8 conversation around the ERIC System and we're
9 talking about college students. It's a high
10 probability that these students may be registered to
11 vote in other states as well, as well as here. So,
12 now we're having a situation of two registrations.

13 And I know we, there are some that, like
14 the ERIC System that supports half of our states.
15 But, I have a concern that DDS is not picking that
16 up. You know, there should be some type of
17 connection where people, when they register to go
18 get a driver's license, if they make a mistake and
19 don't opt out of the voter registration process,
20 there should be some type of alert or something that
21 says, hey, this person's registered to vote in
22 another state. So, I just think that, I just want
23 to make sure I'm on record stating that this is
24 another reason why I personally think that we need
25 to look at another system outside of ERIC, because

1 if the system is not representing every single
2 state, then that's, number one, a problem.

3 But, then number two, if the system is not
4 working in our state because we're now issuing
5 driver's license and voter registrations to people
6 who could be registered in another state, then why
7 are we spending taxpayers dollars for a system
8 that's not working? So, I just want to make sure
9 I'm on record.

10 MR. FERVIER: Thank you, okay.

11 MS. JOHNSTON: While we're at it, I'd
12 like --

13 MR. FERVIER: I can't write fast enough.

14 MS. JOHNSTON: I would also like to go on
15 record, as we heard cases yesterday involving
16 persons that were registered to vote in two states
17 and claim they did not know they had registered to
18 vote in a state or that they were still registered
19 to vote in Georgia or could come back to Georgia
20 when they're no longer eligible to vote in Georgia,
21 but they're still registered in another state.

22 I think it would be prudent for the State
23 Election Board to perhaps write a letter to the
24 voting rights department, the Department of Justice,
25 expressing our concern for registrants that are

1 found on multiple state voter registration lists and
2 that this, you know -- some people say it's okay to
3 be registered to vote in another state as long as
4 you don't vote or you don't vote twice. But, the
5 point is that we should have only eligible voters on
6 our active voter list and on the inactive voter
7 list. Those also should be eligible voters.

8 You're eligible and then you're active or
9 you're inactive and ineligible should be over here
10 on some canceled list. So, I think it's a national
11 problem also, and I think goes beyond the State of
12 Georgia and I just think an informative letter to
13 the DOJ might be in order.

14 MR. FERVIER: Are you volunteering to
15 write that letter?

16 MS. JOHNSTON: I will write that letter.

17 MR. FERVIER: Thank you. I'd appreciate
18 getting to see it first.

19 MS. JOHNSTON: And, I might show it to all
20 of you.

21 MR. FERVIER: Next item on the agenda is
22 SEB2024-177 DeKalb County, non-citizen voting. It's
23 tab number 26.

24 MS. KOTH: The Secretary of State's Office
25 received a list of some jurors that had claimed to

1 be non-citizens with the Georgia voter registration
2 system that have been registered to vote. So, they
3 had said that they were non-citizens for jury duty.
4 So, we got this list because they're registered
5 voters. So, we opened up separate cases per
6 allegation and on this one, Mr. Cain is a registered
7 voter and he's also born and raised in Ohio. So, he
8 is a citizen. The verbiage that he had used on his
9 paperwork was that he has renounced his declaration
10 of political status to his lawful birthright,
11 political status of Ohioan.

12 MR. FERVIER: Can you say that again?

13 MS. KOTH: He has renounced his
14 declaration of political status to his lawful
15 birthright, political status of Ohioan.

16 MR. FERVIER: I have no idea what that
17 means, but thank you.

18 MS. KOTH: He's from Ohio and he was
19 saying that he's declared that right. So, that's
20 why it was in the dismissal.

21 MR. FERVIER: Were there any questions on
22 this case?

23 MS. JOHNSTON: I have a question. This
24 was for the investigator. This was picked up on a
25 jury summons list. Is this correct?

1 MS. KOTH: It came from one of our
2 employees that had received the documents whose US
3 citizenship was in question based on conflicting
4 information provided on court juror applications.

5 MS. JOHNSTON: On the jury application?
6 So, does that mean that on the jury application he
7 claimed he was a non-citizen?

8 MS. KOTH: He claimed that he renounced
9 his declaration of political status to his lawful
10 birthright, political status of Ohioan. That's what
11 flagged it. So, he had marked that he wasn't a
12 citizenship because he has declared his Ohioan
13 status. Sounds like maybe a sovereign citizen.

14 MS. JOHNSTON: Sounds like what?

15 MS. KOTH: Possibly a sovereign citizen.
16 So, he said he wasn't. That's what I read from
17 that, but.

18 MS. KING: Oh, boy.

19 MS. KOTH: So, he wasn't on the jury
20 selection.

21 MS. KING: It always fascinates me, the
22 people that know such complicated laws, but don't
23 know basic laws. Like, that's just so fascinating.

24 MR. FERVIER: The Chair will entertain a
25 motion in this case.

1 MS. JOHNSTON: Motion to dismiss.

2 MR. FERVIER: We have motion to dismiss.

3 There a second?

4 MS. KING: Second.

5 MR. FERVIER: We have motion to second.

6 All those in favor signify by saying aye.

7 MS. JOHNSTON: Aye.

8 MS. KING: Aye.

9 MR. FERVIER: Hearing no opposition, so
10 moved, this case is dismissed. The next item on the
11 agenda is, I'm going to do SEB2023-039 DeKalb County
12 residency and voter registration issues is tab 49.

13 MS. KING: It's a party out there.

14 MR. BRUNSON: So, this is a case that is
15 connected to the general election, November 8th,
16 2022 and one of the things that we looked at in this
17 case, this is going to be another case. Like I
18 said, I know we're on the same thing with a number
19 of DDS registrations. This is a case that we will
20 take another look at upon further review. There is
21 one violator on this case, but there's potentially
22 more. There's some people we weren't able to
23 identify or to track down and so I'll go through the
24 allegations. There's actually four -- allegations
25 here.

1 So, the first allegation is that voters
2 that are in an inactive status are being returned to
3 an active status by simply applying for an absentee
4 ballot. The complainant identified a sampling of 43
5 voters there were inactive on the DeKalb County
6 Elections voter rolls on the 8/5/2022 and 10/3/
7 2022. According, to the Jarvis system. These
8 voters were listed. I'm sorry, it was actually E-
9 net in 2022, still. These voters were listed
10 inactive due to not responding to the voter
11 confirmation card set out by the DeKalb County voter
12 registration office or due to return mail from the
13 US Post office.

14 These voters were placed in the inactive
15 status described in OCGA 21-2-234 and OCGA 21-2-235,
16 which defines the term no contact as the elector has
17 not filed an updated voter registration card, has
18 not filed a change of name or address, has not
19 signed a petition which is required by law to be
20 verified by the election superintendent of a county
21 or municipality.

22 So, basically the first complaint from the
23 complainant is saying that these individuals are
24 being returned to an active status by simply
25 requesting an absentee ballot registration, which if

1 you look at the code section 234, that is one of
2 those things that consists of activity that would
3 cause somebody to be put back in the inactive
4 status. So, that the first part of that allegation
5 that is based on that is not sustained or that's our
6 recommendation. So, any questions on the or I'll go
7 to each one?

8 MR. FERVIER: Are there any questions on
9 that from the Board?

10 MS. JOHNSTON: A question. How many
11 registrants or voters pertain to allegation one?

12 MR. BRUNSON: 43, it looks like.

13 MS. JOHNSTON: 43 and your review of all
14 43 registrants where they were eligible, inactive
15 voters?

16 MR. BRUNSON: Pardon me?

17 MS. JOHNSTON: Were all 43 registrants
18 eligible voters? Eligible, but inactive voters?

19 MR. BRUNSON: Yes, that's what it looks
20 like. Yes, and then the 43, they requested an
21 absentee ballot for the November 8th, 2022 general
22 election and once the voter submitted that absentee
23 ballot application, contact was, that's considered
24 contact, which moved the vote from the inactive
25 status to the active status.

1 MR. FERVIER: Are you wanting to continue
2 which allegations. Are you wanting to continue
3 investigating?

4 MR. BRUNSON: So, in looking at allegation
5 number two, we want to continue because there's a
6 number of people. So -- number two involves
7 individuals registered at a business address.

8 MR. FERVIER: But there was, there was one
9 individual name there that we could deal with today,
10 correct?

11 MR. BRUNSON: So, we can -- deal with that
12 individual. We were able to determine that she
13 voted out of her district because the business
14 address that she was using does not correspond to
15 where we actually tracked her --

16 MR. FERVIER: All right -- so we'll deal
17 with her in a second. What about -- allegation
18 three and allegation four?

19 MR. BRUNSON: So, allegation three deals
20 with Agnes Scott College. So, there are some things
21 that we want to clear up with that one, too, because
22 we weren't able to track down. So, we'll continue
23 that one.

24 MR. FERVIER: Okay.

25 MR. BRUNSON: And then number four, we

1 can, we can go ahead and deal with. There's no --

2 MR. FERVIER: So, the allegation three
3 with Agnes Scott is. It sounds kind of similar to
4 the Emory --

5 MR. BRUNSON: It is going to be similar to
6 the whole one that I kind of talked about earlier.
7 Yes, sir --

8 MR. FERVIER: Are we going to add Agnes
9 Scott as a respondent then?

10 MR. BRUNSON: In this, the case, it's a
11 little different in that the Agnes Scott situation
12 does not --

13 MR. FERVIER: That's actually DeKalb
14 County issue, allowing them to use Agnes Scott
15 address --

16 MR. BRUNSON: Yeah. It's not, I don't
17 think it's a third party --

18 MR. FERVIER: Okay -- you want to continue
19 that one? What about number four --

20 MR. BRUNSON: Yeah, we'll continue that
21 one.

22 MR. FERVIER: Number four?

23 MR. BRUNSON: Yeah, and then number four.
24 Like I said, we can, I can go ahead and address
25 that.

1 MR. FERVIER: Okay, so you want to address
2 respondent number two and then address number four?

3 MS. JOHNSTON: I have a question about.

4 MR. FERVIER: Okay, Dr. Johnston has a
5 question.

6 MS. JOHNSTON: Question for DeKalb County,
7 are our only eligible voters on the inactive voter
8 list?

9 MR. FERVIER: You should be on.

10 MS. SMITH: Yes, there they should be
11 eligible voters. If they are found ineligible, then
12 measures are taken to ensure that they are not on
13 our rolls, so --

14 MS. JOHNSTON: So, everyone on the active
15 voter list and the inactive voter list meet all the
16 qualifications to vote in Georgia, is that a true
17 statement?

18 MS. SMITH: No, that's not a true
19 statement. I mean, we work with list maintenance
20 activities to ensure that everyone that's on DeKalb
21 County's record rolls are eligible to be on the
22 rolls. So to my knowledge, yes, everyone that, you
23 know, is on there that's on DeKalb County roles are
24 eligible.

25 MS. JOHNSTON: Okay, so anyone that is

1 moved from an inactive status to an active status,
2 DeKalb County has verified their eligibility to
3 vote, correct?

4 MS. SMITH: Yes, to my -- knowledge, yes.

5 MS. JOHNSTON: Okay.

6 MS. KING: So, Mr. Chair, for
7 clarification, we are looking at possibly dismissing
8 allegation one and two --

9 MR. FERVIER: No, continuing.

10 MS. KING: Sorry, one --

11 MR. FERVIER: Continuing one, three, and
12 continuing. Continuing one, portions of two and
13 number three, hearing the individual case in number
14 two and hearing number four, correct?

15 MR. BRUNSON: So, allegation one hearing
16 today, no charges in that one. Allegation two
17 continued except for Ms. Deed (phonetic) --

18 MR. FERVIER: I thought you told me you
19 had further information you wanted to look into for
20 number one --

21 MR. BRUNSON: No --

22 MS. KING: All right, so one in number
23 two --

24 MR. BRUNSON: Number two, we're going to
25 look at --

1 MS. JOHNSTON: All right.

2 MR. BRUNSON: Additional, but then we're
3 going to pull Ms. Deed out of that as a respondent
4 and discuss her case today. Number three was the
5 Agnes Scott, so we'll look at that and then four
6 we're going to talk about today.

7 MR. FERVIER: Okay. All right --

8 MR. BRUNSON: So, all right, so now it'll
9 be Ms. Deed and then four. Because I've already
10 talked about one. I know, it's confusing a little
11 bit.

12 MS. JOHNSTON: It is. These are four
13 different list of voters?

14 MR. BRUNSON: What's that?

15 MS. JOHNSTON: Allegation 1, 2, 3, and 4
16 involved four different lists of voters?

17 MR. BRUNSON: Yes, it was separate issues
18 as it relates to, so one was what I described about
19 the inactive to active. Two is folks registered at
20 a business address to vote. Three, Agnes Scott.
21 And then four is the NCOA National Change of Address
22 System. So -- it's four different issues.

23 MR. FERVIER: All right, let's all right,
24 let's deal with one, then -- we've heard your case
25 or any more questions relating to one?

1 MS. KING: No.

2 MR. FERVIER: Allegation one, Dr.
3 Johnston?

4 MS. JOHNSTON: No. So -- no one was
5 found that was moved from inactive to active as
6 being ineligible to vote? That was reviewed or it
7 was just the process of --

8 MR. BRUNSON: Yeah, we looked at the
9 process of what -- makes it lawful for someone to be
10 moved from inactive to active and the fact that
11 these individuals requested that, is listed in 234.
12 That is one of the definitions of contact which
13 allows someone to be placed --

14 MS. JOHNSTON: Okay --

15 MR. BRUNSON: In the active status from
16 inactive. So based on that, we said that there's no
17 violation of law there for that specific allegation.

18 MS. JOHNSTON: There is no violation, but
19 there was no allegation that these were ineligible
20 voters?

21 MR. BRUNSON: No.

22 MS. JOHNSTON: Okay.

23 MR. BRUNSON: No, it was just that. That
24 was just the crux of her first complaint.

25 MS. JOHNSTON: Okay.

1 MR. FERVIER: The Chair will entertain a
2 motion.

3 MS. JOHNSTON: I'll move, dismiss.

4 MR. FERVIER: We have a motion to dismiss.
5 Is there a second?

6 MS. KING: Second.

7 MR. FERVIER: We have motion dismiss on
8 the second. Any discussion? Hearing no discussion,
9 all is in favor of dismissing signify by saying aye.

10 MS. JOHNSTON: Aye.

11 MS. KING: Aye.

12 MR. FERVIER: Any opposition? Hearing no
13 opposition, so moved allegation number one is
14 dismissed. Now let's deal with number two.

15 MR. BRUNSON: Okay, so number two, we're
16 going to deal with Mrs. Deed, so there were four
17 challenge voters that were registered at a UPS store
18 at 2566 Shallow Road Northeast in Atlanta, Georgia.
19 Some of the voters we were not able to identify, but
20 we were able to identify Mrs. Nancy Deed, who voted
21 in the November 2020 election.

22 Our investigators spoke with her. She
23 stated she's a truck driver and is constantly on the
24 road traveling and was residing in Riverdale in
25 Clayton County, Georgia during 2020. She claimed

1 that she could not recall the residential address
2 where she resided in Riverdale, however. But, what
3 she stated was she was not aware she did not
4 register to vote with the UPS store address since
5 that was her mailing address when she obtained her
6 driver's license, she stated she received a letter
7 from DeKalb County Elections which stated she called
8 and left a message, but never received a call back.

9 Investigator explained to Mrs. Deed how to
10 update her residential address on the My Voter page
11 and sent Mrs. Deed an email with the link to the My
12 Voter page and now, apparently her address is
13 accurately reflected in Clayton County, Georgia.

14 So, at least we got that corrected, but
15 she did vote. She was one of the people we were
16 able to get in contact with her. She did vote out
17 of district because she lives in Clayton County.
18 She lived in Clayton County when she voted, and
19 she's, you know, DeKalb County, so.

20 MS. KING: So to be clear, she forgot her
21 home address, but remembered her business address to
22 get a driver's license, and then that automatically
23 registered her to vote and then it was time for her
24 to vote. She went to the county where she worked
25 and not the county where she lives.

1 MR. BRUNSON: Yes, that's correct.

2 MS. JOHNSTON: Okay.

3 MS. KING: And then again, another DDS
4 issue. Now, we don't know commercial addresses
5 versus residential to be able to again, reject
6 anyway. Okay, if they have any more questions, but.

7 MR. FERVIER: I can.

8 MS. JOHNSTON: Go ahead.

9 MR. BRUNSON: One of the things now with
10 the Jarvis system that makes it better than E-net is
11 that now counties can actually go in and flag
12 business addresses. So therefore, whenever someone
13 tries to do this now, at least that could be flagged
14 in the system where E-net didn't have that capacity.

15 So, counties were kind of at a
16 disadvantage with E-net because, I mean, you got
17 DeKalb County. How many businesses are in DeKalb
18 County? I mean, to have a county try to go through
19 and identify all the businesses and track and then
20 you have storage facilities where. Okay, yeah,
21 there's an apartment --

22 MS. KING: Right.

23 MR. BRUNSON: That someone actually may
24 live on it. So, now Jarvis has the process where
25 you can flag it and so it'll pop up. So, that makes

1 it much easier. So, you should see less of these
2 type of issues, hopefully, moving forward, you know,
3 as we, as we move forward, so --

4 MS. JOHNSTON: Do all 159 counties use
5 that process?

6 MR. BRUNSON: Jarvis. Yes.

7 MS. JOHNSTON: To --

8 MR. BRUNSON: I think that's part of the
9 training.

10 MS. JOHNSTON: Great, thank you.

11 MR. BRUNSON: Yeah, so that's why it's
12 disseminated as part of the training to, you know --
13 there's actually a manual that kind of shows, I
14 believe, how you can go in and do that and flag all
15 the different businesses in your county and so if
16 somebody tries to register, that will give an
17 indication that, hey, this is a business address.

18 MR. FERVIER: Ms. Lee, were you a
19 complainant for this particular for Ms. Deed? Do
20 you have any comments that you want to make, yes?

21 MS. LEE: On Ms. Deed specifically, I have
22 no comment, she was one of the many people in UPS
23 stores and or post office boxes and there's no way
24 to determine from a citizen's point of view if these
25 people actually exist because they don't live in the

1 post office box, which is what they're giving for
2 the residence address.

3 MR. FERVIER: Would you identify yourself
4 for the record, please?

5 MS. LEE: Gail Lee (phonetic),
6 complainant. As far as the first delegations, the
7 people were not only had inactive status because
8 they had returned mail, but they were many that were
9 NCOA for many months and so OCGA 21-2-235 specifies
10 how inactives can vote and all the ways that are set
11 out are in person at the polls and for our system to
12 allow absentee or inactives to just request an
13 absentee ballot after they filed an NCOA and gone
14 somewhere else. It leaves big holes in the system.

15 It's something that really needs to be
16 reviewed and that was the reason I did these
17 challenges for the policies to be reviewed and
18 guidance to be given to the state election offices
19 in the counties. Because the challenges are being
20 categorically denied. Just because there are
21 challenges and it used to be there was a variation
22 of how each county was dealing with different
23 situations, but now it seems to be everybody is
24 being denied and guidance is really needed. That's
25 all I want to say at this point.

1 MS. KING: Thank you.

2 MR. FERVIER: Thank you, Ms. Lee, Dr.
3 Johnston.

4 MS. JOHNSTON: So, that leads to a
5 question for DeKalb County. Are NCOA notifications
6 flagged in the Jarvis system?

7 MS. SMITH: Yes, it's my understanding
8 that we are aware of the NCOAs when the secretary --

9 MS. JOHNSTON: Flag the -- register, the
10 voter?

11 MS. SMITH: Yes, they are. They are
12 flagged when.

13 MS. JOHNSTON: When NCOA that's permanent
14 or out of state or to another county is --

15 MS. SMITH: All of the above.

16 MS. JOHNSTON: All of the above --

17 MS. SMITH: Yes --

18 MS. JOHNSTON: Okay and so then, Michael,
19 were any of these NCOA flagged voters?

20 MR. BRUNSON: For allegation one, I did
21 not see that.

22 MS. JOHNSTON: Or this is old election
23 net, right?

24 MR. BRUNSON: Yeah, it is an E-net. It's
25 not Jarvis, yes.

1 MS. JOHNSTON: So, currently NCOA gets
2 flagged in Jarvis, which should be an improvement.

3 MS. KING: So, going back to allegation
4 two, I think you have a motion as well. I have a
5 motion I want to refer to the Attorney General's
6 Office.

7 MR. FERVIER: Are there any further
8 questions on allegation two for Ms. Deed?

9 MS. KING: I make a motion that we refer
10 this case to the Attorney General's Office.

11 MR. FERVIER: We have a motion to refer
12 Ms. Deed to the Attorney General's office. Is there
13 a second?

14 MR. JEFFARES: Second.

15 MR. FERVIER: We have motion to second.
16 Any discussion? Hearing no further discussion, all
17 is in favor of referring Ms. Deed to the AG's office
18 signify by saying aye.

19 MS. KING: Aye.

20 MR. JEFFARES: Aye.

21 MR. FERVIER: Any opposition? Hearing no
22 opposition. No opposition, so moved.

23 MR. BRUNSON: Okay, now we'll go to
24 allegation number four --

25 MR. FERVIER: We need to vote to continue

1 number three.

2 MR. BRUNSON: Okay.

3 MR. FERVIER: The Chair will entertain a
4 motion on allegation three.

5 MS. KING: I make a motion we continue
6 allegation three.

7 MR. FERVIER: We have motion to continue
8 allegation three. Is there a second?

9 MS. JOHNSTON: Second.

10 MR. FERVIER: Any discussion? Hearing no
11 discussion, all those in favor of continuing
12 allegation number three, signify by saying aye.

13 MS. KING: Aye.

14 MR. FERVIER: Any oppositional opposition?
15 So moved, 3 to 0. Now, allegation number four.

16 MR. BRUNSON: The complainant alleges that
17 voters that have been reported by the National
18 Change of Address System have registered to vote in
19 another state should be removed from the electors
20 list. Complainant has identified 10 DeKalb County
21 voters who identified through the NCOA as having
22 moved to Florida and have registered with the
23 Florida Division of Elections.

24 She lists the voters names Edward Stewart
25 Nelson, Zenobia Williams, Lucretia May Drake, Sandra

1 Noreen, Ison Woodall, Rosemary Plurza, Terry Don
2 Tanner, Hazel Merrill McIntyre, Lamont Lawrence I.
3 West, Paul L. Freeman, Robert Wayne Blair
4 (phonetic).

5 According to E-net, as of June 30th, 2022,
6 nine of the 10 voters have been moved to inactive or
7 canceled status due to DeKalb County sending out
8 confirmation notices from the NCOA notifications.
9 Voter Lamont West is the only voter remaining with
10 an active status in Georgia. Mrs. Keisha Smith
11 advised that her office did not receive an NCOA
12 notice regarding Mr. West. Mr. West was most likely
13 not identified by the NCOA system because of the
14 name difference on his Florida's driver's license.

15 Mr. West is identified by his Georgia
16 driver's license as Lamont L. West and identified by
17 his Florida driver's license as Lamont Lawrence I
18 West. Our investigator was able to reach Mr. West,
19 who was unfamiliar that his voter registration in
20 Georgia did not automatically cancel when he
21 received his Florida's driver's license and opted in
22 to register to vote in Florida. Investigator
23 emailed him a link to the Georgia Secretary of State
24 Office voter registration cancellation or she mailed
25 him a cancellation form and he indicated that he

1 would resolve the issue.

2 Mr. West has canceled his Georgia voter
3 registration and that was done, 8/4/2024.
4 Investigator Stevens spoke with the Florida Division
5 of Elections, which confirmed that Mr. West had not
6 voted in Florida since his voter registration was
7 created on May 13th, 2021, and he last voted in
8 Georgia December 2020 for the runoff. So, that's it
9 on that.

10 MS. JOHNSTON: Could I get more
11 information of how many are inactive and how many
12 are canceled? The nine of the ten?

13 MR. BRUNSON: Yeah, nine out of ten and
14 then the last one right is what I read off. Now
15 he's done too, so all of them, basically everybody
16 that was listed that was identified has been moved
17 now to inactive or him he's just totally --

18 MS. JOHNSTON: So inactive, as we just
19 discussed, means that they're eligible voters. So,
20 if these registrants have an NCOA and they've
21 registered in another state, then they're no longer
22 eligible. So, they should not be on the inactive
23 list. Only eligible voters should be on the active
24 list. Ms. Smith, do you have information?

25 MR. HARREN: Thank you, this is Brent

1 Harren (phonetic). I represent the DeKalb County
2 Board of Registration and Elections. They would
3 become ineligible if they were registered in another
4 state. Filing an NCOA, especially if it's a
5 temporary move, would not necessarily make them
6 ineligible to vote in Georgia. But, we take action
7 to regularly maintain. The Board takes action to
8 regularly maintain the list in accordance with the
9 National Voter Registration Act as well as Georgia
10 law to make sure we're doing what we need to do to
11 make sure the list is clean as possible. That makes
12 sense.

13 MS. JOHNSTON: So, National Voter
14 Registration Act states in section 8 that in order
15 to maintain eligible voter list, there are certain
16 provisions that must be met, but the key word is
17 eligible. So, if a person moves to another
18 residence and registers to vote in another
19 jurisdiction, they are no longer eligible. They are
20 ineligible.

21 MR. HARREN: That's correct, they would be
22 ineligible.

23 MS. JOHNSTON: Right, are you saying the
24 same thing?

25 MR. HARREN: Yeah, we're saying the same

1 thing. I think we're saying the same thing. I
2 think what I'm saying is I don't know because I
3 don't. I have what's in this report. I don't have
4 all the facts to know whether or not these folks
5 registered in another state to know whether or not
6 this was a permanent move. I don't, based on --
7 what's written here, I don't have that information
8 to be able to say, well, these people are eligible
9 or ineligible.

10 MS. JOHNSTON: Okay.

11 MR. FERVIER: You want to make motion?

12 MS. JOHNSTON: Mr. Chair, I make a motion
13 that we continue allegation number four in order to
14 obtain more information of whether these registrants
15 are eligible or ineligible to be on the registration
16 list in DeKalb County. The nine of the 10 with data
17 to include the NCOA information, whether it was
18 permanent or temporary, and whether indeed or not
19 they have registered to vote in another state.

20 MR. FERVIER: We have motion to continue
21 allegation number four, asking for the information
22 that was detailed by Dr. Johnston. Is there a
23 second?

24 MS. KING: Second.

25 MR. FERVIER: We have motion and a second.

1 Any discussion? Hearing no discussion, all is in
2 favor of continuing allegation number four, signify
3 by saying aye.

4 MS. JOHNSTON: Aye.

5 MS. KING: Aye.

6 MR. FERVIER: Any opposition? Hearing no
7 opposition, so moved. The next case in the agenda
8 is this is the last DeKalb County case, SEB2022-106,
9 DeKalb County and that is tab number 48. The
10 complainant in this case is the Secretary of State's
11 office, and the respondent is DeKalb County
12 Registration Elections.

13 MS. KOTH: This case was heard last year
14 in February and again in May. So, the questions
15 were specific for, like, a systems analyst and
16 DeKalb County. So, I believe the Secretary of State
17 had responded to all those written questions.

18 MR. FERVIER: Yeah, the Secretary of State
19 responded in writing and the Board's been provided a
20 copy of all the response, a hard copy and I
21 forwarded a soft copy to the Board on Monday.
22 Secretary of State responded to me on Friday, May
23 9th and so the Board should have copies of their
24 response letters in front of you. DeKalb County's
25 the respondent in this case. Does DeKalb want to

1 address the complaints made here?

2 MR. HARREN: Yes, Mr. Chairman, again, my
3 name is Brent Harren. I represent the DeKalb County
4 Board of Voter --

5 MR. FERVIER: I'm sorry. Excuse me --

6 MR. HARREN: Perfectly, perfectly fine.

7 MR. FERVIER: Give us a minute here.

8 MS. KOTH: This was seven different
9 issues. I'm just going to condense them on the
10 findings. The first one was there was insufficient
11 evidence to suggest that DeKalb County failed to
12 properly post notice of testing or successfully
13 conduct the LNA testing prior to the May 24th, 2022
14 election, that was for the posting.

15 Complaint two was the equipment failed to
16 satisfy the LNA testing requirements in advance of a
17 recount. There is sufficient evidence to suggest
18 that DeKalb County failed to properly conduct and
19 document LNA testing on the tabulation of scanners
20 prior to conducting a recount of a commissioner race
21 from the May 24th, 2022 election due to human error
22 during the recount, LNA testing, the recount had to
23 be conducted by manual hand count and then it kind
24 of led into three.

25 The hand count initiated without properly

1 following the State's legal requirements, which
2 included securing a court order. The SEB Rule 183-
3 115.03, subsection 2 stipulates that a recount shall
4 be conducted by manual hand count only pursuant to a
5 court order and two, if after testing all available
6 ballot scanners, that there are no ballot scanners
7 authorized to be used in the recount.

8 Ms. Smith asserts that due to an error
9 during the LNA testing that the impending
10 certification deadline, they were left with no
11 authorized ballot scanners that could be used in the
12 recount. This unavailability of properly certified
13 machines, led them to proceed with the manual hand
14 count pursuant to SEB Rule 183-115.032 A1. After
15 failing to comply with the SEB Rule 183-1-15.03,
16 subsection 1C, involving the LNA testing prior to
17 recounts and then led back to complaint two.

18 Prior to this decision to proceed with the
19 manual hand count, DeKalb Elections consulted with
20 DeKalb County Legal Department and the Georgia
21 Secretary of State General Counsel. There was no
22 evidence that a court order had been obtained for
23 the manual hand count. Therefore, the decision to
24 proceed with the manual hand count recount was based
25 on the in availability of unauthorized ballot

1 scanners which was a result of human error during
2 the LNA testing process. This appeared to be the
3 best option after consulting with the SOS.

4 Complaint four discrepancies between the
5 vote totals from Election Day and the vote totals
6 from the hand count, which included a significant
7 overall increase in the total number of votes cast
8 due to withdrawal of a candidate. Votes were
9 incorrectly sorted by the tabulator resulting in
10 boats being distributed incorrectly between the
11 candidates. The inaccuracies were identified by
12 DeKalb County during the LNA process and there were
13 several attempts by DeKalb Elections and the
14 Secretary of State and CES to correct the problem.
15 However, it was unable to be completely corrected.

16 There is insufficient evidence that DeKalb
17 Elections had any role in the technical issue caused
18 by the withdrawn candidate. The race results were
19 ultimately determined by conducting a manual hand
20 count.

21 The fifth complaint votes only declined
22 from one candidate's total count and seemingly went
23 to another candidate without explanation. The
24 explanation for this occurrence was addressed in the
25 fourth complaint, the improper reporting of the hand

1 count. Briar Vista Elementary and Johnson Estates
2 are separate precincts but reported together. The
3 same happened with Cross Keys High School and
4 Woodward. There is insufficient evidence to suggest
5 that these precincts were reported together. A
6 summary of votes cast report was obtained and showed
7 that each precinct was reported individually.

8 The last one, the securing of votes by the
9 withdrawn fourth candidate, though his name was
10 apparently not on the ballot, posed a risk that
11 multiple ballots for this race were published,
12 distributed and voted on with the withdrawn
13 candidate's name appearing on some ballots and not
14 others. There is insufficient evidence to suggest
15 that DeKalb County negligently sent out or issued
16 digital BMD ballots with the redrawn candidate's
17 name on it.

18 The candidate withdrew from the race after
19 printed ballots had already been ordered, printed,
20 and distribution had already begun. Efforts were
21 made to correct the programming problem prior to the
22 election. However, the problem persisted as LNA
23 testing continued. So, the potential violations
24 were for SEB Rule 183-1-15.03C recount procedure.
25 Do you want me to read the questions in the response

1 or no?

2 MR. FERVIER: No.

3 MS. KING: I do think because we have so
4 many complaints, I wonder if we could combine the
5 ones that we feel should be dismissed and then just
6 kind of focus on the ones that we want to focus on.

7 MR. FERVIER: Go through see 1, 4, 6 and 7
8 had insufficient evidence. Do you want to talk
9 about those with insufficient evidence?

10 MS. JOHNSTON: And, then we can I just go
11 down the line.

12 MR. FERVIER: Okay, point number one,
13 then. DeKalb County failed to properly test
14 Dominion Voting System. Do you want to address
15 that?

16 MR. HARREN: I think what I had prepared
17 to say was just kind of a broader response. Again,
18 my name is Brent Harren. I represent the DeKalb
19 County Board of Registration and Elections. In
20 tabulating election results, the Board's number one
21 goal is to ensure accurate results of an election.
22 DeKalb county agrees with the investigators report
23 that has been presented. We would show that we made
24 the decision to do a hand recount of this particular
25 election, of the ballots for this election, after

1 consultation with the Secretary of State's general
2 counsel as well as the DeKalb County Department of
3 Law related to election issues.

4 I wasn't involved in that matter, but
5 certainly the law department was. Since the time of
6 this election in 2022, DeKalb has put in place
7 multiple safeguards to ensure that this type of
8 error never happens again. There have been
9 replacement of staff members that were involved in
10 the errors that occurred. There has been more
11 oversight regarding logic and accuracy testing of
12 the machines. That includes that the deputy
13 director of elections has to approve of all logic
14 and accuracy testing of the machine. So, there's
15 forms that have to be filled out. They have to go
16 all the way up to the deputy director, multiple
17 steps to ensure that the machines have properly been
18 tested and that they have passed those tests.

19 Since that time, we've had more training
20 of staff members in the office. We have a new
21 training coordinator. We've hired a training
22 coordinator that trains staff members within the
23 office. We've identified training opportunities for
24 staff so they understand exactly what they're
25 supposed to be doing. Yearly, there's a week long

1 training for all staff members of the department, as
2 well as working with counterparts in other counties
3 to ensure best practices and how to run the
4 department. We've redeveloped and strengthened our
5 standard operating procedures since this time.
6 There's a new deputy director that oversees this
7 process.

8 I will say I think Ms. King, I think you
9 asked Ms. Smith a few moments ago when she took this
10 job and it was February 22nd of 2022, right before
11 this election. I can say as someone who's worked in
12 Georgia elections since 2002 and have been a poll
13 watcher in various places and understand how
14 election offices work. I haven't met anyone like
15 Ms. Smith who knows how to run an elections office.
16 I think she's really good and I think she's done a
17 really good job of getting DeKalb County running and
18 running properly.

19 She was put in this job right before this
20 election and again this was the third major election
21 in Georgia where we were using this new system. So,
22 I just want to point that out. I think Ms. Smith,
23 as well as her leadership team, sets high
24 expectations for the staff and holds staff
25 accountable for those expectations. Since this

1 time, the Board of Commissioners has increased
2 funding for staffing at the department and in fact,
3 the staff has increased for the Department of
4 Registration and elections by over 50 percent since
5 the 2022 election.

6 Again, ultimately, in this particular
7 case, the county was looking for some fail safes to
8 make sure we had accurate election results. The
9 issues identified by the investigator were the
10 result of the withdrawal of a candidate from the
11 election. He was the second candidate on the ballot
12 of four candidates, and the advice that was received
13 related to how to kind of fix that problem may have
14 resulted in additional problems. But ultimately,
15 DeKalb worked with CES to try to correct that issue.
16 But those corrections, unfortunately, didn't fix the
17 problem. On election night and the days following,
18 it appeared that the results that were coming off
19 the tabulating machines were not accurate, and the
20 Board of Registration and Elections voted to conduct
21 the recount.

22 The County admits that it failed to
23 properly document LNA testing for the recount in the
24 race. And after it was discovered, in consultation
25 again with the Secretary of State's General Counsel,

1 as well as the DeKalb County Law Department, a
2 decision by the Board was made to do a hand recount
3 to ensure accurate results of the election. Due to
4 the amount of time to count the ballots, the Board
5 was unable to meet the certification deadline, which
6 is the way this complaint is titled. But
7 ultimately, the election was certified after
8 conducting the hand count on June 3rd, 2022.

9 You guys have already talked to Ms. Smith.
10 She is here to answer any specific questions about
11 the facts of the matter. I'm here to answer any
12 questions about the legal issues to the extent that
13 you have any. I appreciate your time and I
14 certainly appreciate your consideration for allowing
15 us to go first this morning, so I don't miss my
16 afternoon commitment. Thank you.

17 MR. FERVIER: I imagine the Board may have
18 a couple of questions they want to ask about this.

19 MS. JOHNSTON: Couple of questions. Who
20 first reported the irregularities or that the
21 unexpected outcome?

22 MS. SMITH: Okay, so it's my recollection
23 that the candidate reported it. Yeah, that's how I
24 found out about it through my Board.

25 MS. JOHNSTON: Okay, Ms. Smith, were the

1 precinct tape vote totals correct?

2 MS. SMITH: The precinct --

3 MS. JOHNSTON: The tabulation tapes that
4 come off the scanners in the precincts. Were those
5 checked against the --

6 MS. SMITH: The initial --

7 MS. JOHNSTON: What showed up on the EMS?

8 MS. SMITH: No, we found that they were
9 not because of the misalignment.

10 MS. JOHNSTON: Okay.

11 MS. SMITH: That occurred --

12 MS. JOHNSTON: It looked like from reading
13 the -- report that there were several things that
14 happened. Mr. Broussard (phonetic) dropped out the
15 day or the day after the. The test deck was or the
16 ballot build was started. Correct?

17 MS. SMITH: So yes, April 12th is the date
18 that --

19 MS. JOHNSTON: April 12th. And, then
20 there was an issue with a question on the ballot
21 from one of the parties --

22 MS. SMITH: Parties, that's correct --

23 MS. JOHNSTON: Correct and then there was
24 a districting issue -- you had three things. What
25 would you do differently now, today, if you were

1 conducting this election, knowing what happened in
2 2022?

3 MS. SMITH: Quit, it really was a perfect
4 storm and I would say that just ask more questions
5 of everyone involved. You know, I tend to ask
6 questions anyway, but I didn't know what I didn't
7 know. So, I do know a little more now about the
8 process and I just would have asked, you know, more
9 questions of our partners and staff.

10 MS. JOHNSTON: Okay, so logic inaccuracy
11 testing was started and Mr. Broussard dropped out.
12 There was an issue with the ballot build. So,
13 basically about the ballot build is programming.
14 And, so it be the equivalent to printing a paper
15 ballot. So, just imagine if you were using paper
16 ballots. They would have been ordered and printed
17 and Mr. Broussard would have dropped out. So, what
18 would you do? What's the property thing to do in
19 that circumstance?

20 MS. SMITH: Again, we would rely on the
21 guidance of the ballot builder CES in this case.

22 MS. JOHNSTON: Right.

23 MS. SMITH: Yeah.

24 MS. JOHNSTON: So, the Dominion system
25 says it's very difficult. Once you've done the

1 ballot build, you either have to go all the way back
2 to beginning and start all over with ballot build,
3 or the patchwork or reprogramming that apparently
4 occurred was the first domino to fall, which ended
5 up compounding another patch, another attempt to
6 solve the problem is what this appears to be and
7 then CES inadvertently gave you the advice that --
8 you could use the disable feature in Dominion that
9 would just not count votes for a candidate.
10 Correct?

11 MS. SMITH: That's correct.

12 MS. JOHNSTON: Correct. And, so the BMDs
13 were not completely reprogrammed. Logic and
14 accuracy testing was not done on every single
15 machine. Correct?

16 MS. SMITH: Logic and accuracy testing was
17 done on every machine.

18 MS. JOHNSTON: On every machine?

19 MS. SMITH: Yes, we -- tested every
20 machine, but there were different projects. You
21 know, there was a second project that was introduced
22 in a two hour election due to redistricting and so
23 that occurred after the start of advanced voting.
24 And, so there were additional scanners that had to
25 go out to certain locations, you know, that were

1 tested, so throughout the process, yes, all of the
2 machines were tested but -- there were a lot of
3 different nuances taking place simultaneously.

4 MS. JOHNSTON: But, the report suggests
5 that there were still errors seen when. When the
6 machines were tested. Mr. Broussard was showing up
7 on some of the machines, on some of the ballots.

8 MS. SMITH: And, we notified CES of that
9 during logic and accuracy testing.

10 MS. JOHNSTON: And, so more steps were
11 taken to try to correct that and the disable feature
12 was used and so -- some votes were counted for a
13 candidate and not for another or, you know, position
14 on the ballot had that compounding error effect.
15 And, then when it came down to the -- final vote
16 totals, a certain vote number came out on election
17 day that was very different than the. I see three
18 dates here. I pulled all these off of the DeKalb
19 County. Thank you, you do great with reports. But,
20 there were three dates. One was reported on May
21 24th -- which is election day. There was another
22 count on June 1st. I'm not sure what occurred on
23 June 1st, and then there was a recount on June 3rd.

24 MS. SMITH: Yes, okay. So, June 24th, of
25 course, was the inaccurate machine count. So, that

1 was the night of the election when the votes were
2 misaligning and June 1st would have been the
3 unofficial hand count for the first hand count that
4 was recorded and June 3rd is actually when the
5 certification took place. So -- those are the
6 official and final --

7 MS. JOHNSTON: The final count. Was the
8 final count, final and official count, the hand
9 count?

10 MS. SMITH: Yes.

11 MS. JOHNSTON: Okay.

12 MS. SMITH: It was.

13 MS. JOHNSTON: Because the June 1st
14 numbers don't match the June 3rd numbers.

15 MS. SMITH: Yes, that -- was the first
16 hand count. That was our first attempt --

17 MS. JOHNSTON: At a second hand count.

18 MS. SMITH: It was a continued. Yes, so
19 that the final numbers were what -- after we also
20 implemented additional steps to ensure so we had a
21 spreadsheet that we were entering the batches that
22 were reported as being counted. So, other fail
23 safes that were in place before presenting it to
24 them, the Board for certification.

25 MS. JOHNSTON: Okay, just, the numbers

1 vary significantly. But, so that June 1st count,
2 there's a variation of about 500 votes and then the
3 June 3rd count, there's a one candidate, Ms. Spears,
4 she bumps up 37, almost 3,800 votes and Mr. Orson
5 drops down about 1,100 votes, and Alexander gains
6 500 votes. Mr. Broussard doesn't show on, well, he
7 shows a few votes still and then there's a large
8 category of no vote, and it's 2,779 no votes. Can
9 you explain to me what no votes are?

10 MS. SMITH: Yes and I believe I want to
11 just address your numbers that you mentioned. You
12 may be capturing the election day only counting
13 group and some of those and so on page five of the
14 report that was posted on our DeKalb County website,
15 that machine count on May 24th was election day
16 only. So, it doesn't capture absentee ballot.

17 MS. JOHNSTON: Okay.

18 MS. SMITH: Absentee, in person and as far
19 as no votes, so of course you have a large ballot.
20 And so, you know, an elector may come in and vote
21 for two of the contests and not all of the contest.
22 So, a no vote means that they didn't select, you
23 know, answer or a candidate for that particular
24 contest.

25 MS. JOHNSTON: Do you have detail about

1 what -- no votes were like? No vote is somebody
2 that just didn't vote at all? Or is a ballot with
3 no actually a blank ballot versus a no vote is a
4 double vote? Does that show up as a no vote?

5 MS. SMITH: We have a ballot review
6 committee that determines if there's a double vote.
7 You know, the intent determines the intent of that
8 individual voter. So a no vote, in my
9 understanding, is that there's no vote at all.

10 MS. JOHNSTON: Okay, or the scanner cannot
11 read an absentee ballot?

12 MS. SMITH: Yes.

13 MS. JOHNSTON: Does that show up as a no
14 vote?

15 MS. SMITH: Which would then be
16 adjudicated. Which would then be, you know, so --

17 MS. JOHNSTON: All -- 2,677 no votes were
18 reviewed? Is that correct?

19 MS. SMITH: Yes, they were reviewed.

20 MS. JOHNSTON: Okay, this is from DeKalb
21 County. I see Election Day and the totals for
22 Election day for the three candidates were -- 12,639
23 and for the June 1st count, which is 10 days or a
24 week later, the total count is 15,000. So, 12,000
25 to 15,000 and then there's a large number of no

1 votes, and then the final count comes out to 18,647.
2 So, those are pretty large numbers. Is there an
3 explanation for why the total count is so much
4 greater than the election day count?

5 MS. SMITH: Yes -- well, the trend for
6 Georgia, including DeKalb, is that there is an
7 increase in absentee in person voting and so you
8 would not capture those that went in person early
9 voting on Election day.

10 MS. JOHNSTON: I have the categories for
11 election day, advance, in person, absentee and
12 provisional. So, that's -- what I'm looking at are
13 the totals for all categories.

14 MS. SMITH: Could you repeat the question
15 then?

16 MS. JOHNSTON: I have all categories of
17 votes, and there's a significant difference between
18 election day of 12,000 to a recount of 15,000 to a
19 final count of 18,000.

20 MS. SMITH: Can you get. Are you looking
21 at the report? Which page are you?

22 MS. JOHNSTON: It doesn't have a page
23 number on it.

24 MR. HARREN: Could we see that what you're
25 looking at?

1 MS. SMITH: So, Board Member Johnston,
2 what you have is from the first project. So, there
3 were two databases, 1 and 2. So, if you add those
4 two on the report together, you'll get the total.

5 MS. JOHNSTON: Okay, so, question about
6 disabling feature. Who just uses the disable? Who
7 puts that in on the Dominion machines? Who triggers
8 a disable feature so that votes are not counted for
9 a candidate?

10 MS. SMITH: I believe that we, in
11 collaboration with CES, disabled them on our end.

12 MS. JOHNSTON: Okay, so, does the
13 Secretary of State. Are they informed that disabled
14 features been triggered or is somebody notified?

15 MS. SMITH: Yes, and we wouldn't do it
16 without guidance from the Secretary of State's
17 office and their CES area.

18 MS. JOHNSTON: Probably the administrator
19 of your Dominion voting system knows how to do that?
20 It's part of the --

21 MS. SMITH: That's correct.

22 MS. JOHNSTON: Project setup.

23 MS. SMITH: Yes.

24 MS. JOHNSTON: Okay, is it required that
25 you notify the Secretary of State when a disabled

1 feature is used?

2 MS. SMITH: It's our practice to receive
3 that information from them before disabling. We
4 would not do that on our own.

5 MS. JOHNSTON: Okay, in the code 21-2-322
6 it states that the qualifications of voting
7 equipment includes in number 16 in particular that
8 the. The voting system or machine shall count each
9 and every vote of each candidate using the disabling
10 feature is counter to that code?

11 MR. HARREN: What was that subsection
12 again?

13 MS. JOHNSTON: It's -- 21-2-322.16. So,
14 my question is it's a rhetorical question. I wonder
15 how we have a voting system that can be set to not
16 count each and every vote for a candidate.

17 MR. HARREN: If I could respond to that
18 briefly, I believe that the disabling feature wasn't
19 on the counting machine, right it was in the
20 reporting system when the results were uploaded.
21 And -- that's where we would disable the count. You
22 asked earlier kind of what would be done
23 differently. I think the best practice when someone
24 withdraws is to post a notice at each voting place
25 that says if you vote for this candidate, the votes

1 are not going to count. Right, not try to take that
2 candidate's name off the ballot. I think that would
3 be the best practice, especially in this particular
4 case where absentee ballots had already been
5 printed. So Mr. Broussard's name was already going
6 to be on the absentee ballot. So, there are going
7 to be people who are voting for Mr. Broussard on a
8 paper ballot and when that's put through the machine
9 to count, it's going to count that ballot and that's
10 going to be zeroed out because he's not in the race
11 anymore.

12 But, the best practice would be not to
13 mess with what's on those touch screens and leave it
14 alone and just post the notice. And, I think that
15 I'm not mistaken, that may have been done in the
16 presidential races last time when some people got
17 disqualified, if I'm not mistaken. So, I think that
18 is what happened in this past election.

19 MS. JOHNSTON: I really wanted to make a
20 point about the disabling feature, which I find very
21 concerning to have a feature of a voting system that
22 cannot count votes because when you upload those
23 memory cards, you're counting the votes.

24 MR. HARREN: Yeah and I will say we would
25 not. DeKalb County would not do that on its own.

1 That -- was a recommendation given to the County by
2 the Secretary of State. It wasn't something we came
3 up with. It was something that we were told to do
4 to try to fix that problem.

5 MS. JOHNSTON: Correct and you're exactly
6 right. The code says if the ballots have been
7 printed, if you have time to reprint the ballots
8 correctly, then you certainly are authorized to do
9 that. The Supervisor of Elections is authorized to
10 do that. However, if there's not time, which is
11 actually ballot build, once you've gotten your
12 ballot build done and you really -- Secretary of
13 State did not want to go back and redo the whole
14 ballot bill. I know y' all didn't either, because
15 there's a lot of back and forth that goes on there.

16 Then the proper thing to do is to simply
17 post a prominent sign at every voting location, at
18 every voting booth that if you vote for this person,
19 it will not count and that's the proper notice for a
20 situation like this and you're correct. Right, so
21 I'm ready to move along.

22 MR. FERVIER: Do you have any further
23 questions of anybody in the audience?

24 MS. JOHNSTON: There was a request by Mr.
25 Favorito to address this situation. If there's

1 something to present that hasn't been presented
2 before or discussed before.

3 MR. FAVORITO: I just have one question.
4 I'm looking at the DeKalb election materials from
5 documents this race, which I've submitted to you,
6 and I just wasn't clear on page 12, it shows that
7 the original count had 14,063 total votes canceled
8 the candidates and on the recount actually found
9 that there were 15,868 votes actually counted.

10 So, I don't think we've ever really quite
11 understood from the Secretary of State's office why
12 the 1,805 votes were never counted and I think that
13 has to do. We would just like to get an answer to
14 that question. As a result of everything that we
15 have submitted previously, I think that's the only
16 unanswered question that's left. I'm not sure if we
17 can answer that today. But, the concern is -- that
18 might, be related to the QR code signature rejection
19 mismatch error that has been prevalent in Georgia so
20 thank you for asking questions.

21 MR. FERVIER: No further questions? Let's
22 deal with these complaints one by one. Then
23 complaint number one failed to find sufficient
24 evidence. Chair would entertain a motion on
25 complaint number one.

1 MS. JOHNSTON: Mr. Chair, I would like to
2 make a motion to that there is a violation of 21-2-
3 374 proper testing and Rule 183-1-12.08 logic and
4 accuracy testing to send a letter of instruction to
5 DeKalb County.

6 MR. FERVIER: The motion is send her an
7 LOI to DeKalb County related to complaint number
8 one. Is there a second?

9 MS. KING: Second.

10 MR. FERVIER: We have a motion and a
11 second to send LOI to complaint number one. Any
12 discussion? Hearing no further discussion, all
13 those in favor, signify by saying aye.

14 MS. KING: Aye.

15 MR. FERVIER: Any opposition? Hearing no
16 opposition, the motion carries 3 to 0. Complaint
17 number two deals with going to -- logic and accuracy
18 testing requirements in advance of a recount. We
19 found sufficient evidence to suggest DeKalb County
20 failed to properly conduct and document LNA testing
21 on the tabulation scanners. The chair entertain a
22 motion on that. Any questions or comments? If not,
23 the Chair would entertain a motion on complaint
24 number two.

25 MS. JOHNSTON: Mr. Chair, the equipment

1 did fail to satisfy logic and accuracy testing and
2 DeKalb County acted in accordance with that
3 procedure. I'd recommend that we dismiss complaint
4 number two.

5 MR. FERVIER: We have a motion to dismiss
6 complaint number two. Is there a second?

7 MS. KING: Second.

8 MR. FERVIER: We have a motion and a
9 second. Any discussion? All those in favor of
10 dismissing complaint number two, signify by saying
11 aye.

12 MS. KING: Aye.

13 MR. FERVIER: Any opposition? Hearing,
14 no opposition, so moved. Complaint number three
15 deals with the hand recount being initiated without
16 properly notifying or following the State's legal
17 requirements, which included securing a court order.
18 Any discussion on complaint number three? Any
19 questions?

20 MS. JOHNSTON: The issue with complaint
21 number three is that the equipment did fail the
22 logic and accuracy testing before a recount. The
23 100 ballots, I believe, correct me if I'm wrong, but
24 they were tested and found to not be adequately
25 producing the right results and according to the

1 code, that is an appropriate step to take is to
2 proceed with a hand count because the machines are
3 not counting correctly. So, I would recommend a
4 dismissal of complaint number three.

5 MR. FERVIER: We have a motion to dismiss
6 complaint number three is there a second?

7 MS. KING: Second.

8 MR. FERVIER: We have a motion to second.
9 Any discussion? Hearing, no discussion all those in
10 favor of dismissing complaint number 365 by saying
11 aye.

12 MS. KING: Aye.

13 MR. FERVIER: Any opposition? Hearing no
14 opposition, so moved. Complaint number four deals
15 with discrepancies between vote totals from election
16 day and the vote totals from the hand count which
17 included a overall increase until number of votes
18 cast. There's insufficient evidence found by the
19 investigators that DeKalb Elections had any role in
20 technical issue caused by the withdrawn candidates.
21 Any questions or discussion from the Board on
22 complaint number four?

23 MS. JOHNSTON: My issue with complaint
24 number four is the complaint number four results
25 from a cascading effect of an initial problem that

1 was for whatever reason, not corrected and even
2 though the problem persisted, continued efforts to
3 correct the problem only compounded the
4 discrepancies and the outcome. So, I would
5 recommend a letter of reprimand with complaint
6 number four.

7 MR. FERVIER: Yeah, I certainly support
8 that given the. That's kind of the genesis of the
9 whole issue to begin with, we have a recommendation
10 issue a letter of reprimand in complaint number
11 four. Is there a second?

12 MS. KING: Second.

13 MR. FERVIER: We have a motion to second.
14 Any further discussion? Hearing no discussion, all
15 is in favor of issuing a letter of reprimand on
16 complaint number four, signify by saying aye.

17 MS. JOHNSTON: Aye.

18 MS. KING: Aye.

19 MR. FERVIER: Any opposition? Hearing no
20 opposition, so moved a letter of reprimand be issued
21 on complaint number four. Complaint number five
22 votes only declined from one cast total vote and
23 similarly went to another without explanation this
24 was point five was related to complaint number four,
25 which had to deal with the initial problem. Does

1 the Board wish to take any action on complaint
2 number five?

3 MS. JOHNSTON: Similarly, letter of
4 reprimand is so much a part of complaint number four
5 that I would recommend a letter of reprimand.

6 MR. FERVIER: We have a motion to issue a
7 letter of recommend on compliant number five. Is
8 there a second?

9 MS. KING: Yes.

10 MR. FERVIER: There's a second. Any
11 discussion? Hearing no discussion, all is in favor
12 of issuing a letter reprimand on compliant number
13 five. Signify by saying yes.

14 MS. JOHNSTON: Aye.

15 MS. KING: Aye.

16 MR. FERVIER: Aye, Any dissension?
17 Hearing no dissension, so moved, a letter of
18 reprimand will be issued on complaint number five.
19 Complaint number six deals with the improper
20 reporting of the hand count. Briar Vista Elementary
21 and Johnson Estates were separate precincts that
22 reported together. Same happened with Cross Keys
23 and Woodward. There's insufficient evidence to
24 suggest these were reported together. Summary votes
25 cast reported that each precinct was reported

1 individually. There's insufficient evidence on this
2 one by some of the investigators. Is there a
3 comments or questions from the Board on this
4 complaint number six? Chair will entertain a motion
5 on that.

6 MS. JOHNSTON: Mr. Chair, I move to
7 dismiss number six.

8 MR. FERVIER: We have a motion to dismiss.
9 Complaint number six. Is there a second?

10 MS. KING: Second.

11 MR. FERVIER: We have a motion to second.
12 Any discussion? Hearing no discussion, all those in
13 favor of dismissing complaint number six signify by
14 saying aye.

15 MS. KING: Aye.

16 MR. FERVIER: Any opposition? Hearing no
17 opposition, so moved 3 to 0. Complaint number seven
18 deals with securing the votes of by a withdrawn
19 fourth candidate. There was insufficient evidence
20 to suggest that DeKalb County negligently sent out
21 or issued digital BMD ballots with the withdrawn
22 candidate's name of it. The candidate withdrew from
23 the race after printed ballots had already been
24 ordered, printed and distributed had already begun.
25 Is there any questions or discussion concerning

1 complaint number seven? Board will entertain a
2 motion on number seven.

3 MS. JOHNSTON: Mr. Chair, I move we refer
4 complaint number seven to the Attorney General.

5 MR. FERVIER: What is your reasoning
6 behind that?

7 MS. JOHNSTON: The number of missteps that
8 occurred that resulted in complaint number seven are
9 significant and if it weren't for the reporting by
10 the candidate herself that the vote outcomes were
11 not correct, I hope somebody else would have
12 noticed. But, it was a significant -- problem that
13 resulted in significant delay and tabulating and
14 counting the votes and certification of the
15 election. I think the -- office did the correct
16 thing by moving to the hand count and I guess if
17 there's ever a reason to delay certification, this
18 is one of those, but the multiple errors that
19 occurred in this -- contest, in this election, I
20 think are sufficient to refer to the Attorney
21 General.

22 MR. FERVIER: I'm a little confused. This
23 complaint deals with a name being on the ballot
24 after he withdrew from the race. The ballots were
25 already printed and sent and then he withdrew. So,

1 so I'm trying to connect that to a --

2 MS. JOHNSTON: Correct. It's the --
3 mistake, the correction mistakes that resulted in
4 incorrect vote counting and election results.

5 MS. KING: So, you're saying because this,
6 this issue is connected to all the other issues or
7 the other issues, I'm sorry, are connected to this
8 one. So -- you're saying DeKalb County mistakes
9 caused this to be a problem and that's why we're
10 sending it to the Attorney General?

11 MS. JOHNSTON: Yes, I mean it's -- the
12 totality of the case is that there were -- errors in
13 districting, there's errors in ballot proofing,
14 there were errors in correcting a ballot before
15 voting would actually voting had already started.
16 It was maybe some advice that, you know, to correct
17 the problem. It would have been very easy to have
18 just posted notices at all the polling sites.

19 But the effort, and maybe it was lack of
20 experience or some reason to account for this, but
21 it resulted in a lot of angst for a particular
22 candidate. There are actually a number of
23 candidates that were running for office and I think
24 the totality of the -- issues here suggests that
25 this should be considered by the Attorney General.

1 MR. FERVIER: Yeah, my only thing is that
2 this particular complaint to me deals with this
3 candidate name being on the ballot when and he
4 withdrew afterwards and so when proper ballots were
5 sent out, had already been sent out where he had
6 withdrawn from the contest and they didn't properly
7 notify voters, I guess, in the precincts that and I
8 agree with you on totality of everything else. I'm
9 not sure the totality ends up in this one complaint,
10 though. I'm not making that connection. How the --

11 MS. KING: Yeah, that's been my concern is
12 that we send this one complaint that the Attorney
13 General is going to dismiss it and just kind of move
14 on because it's clearly. I wonder if there was a
15 better way to handle that. I just don't know if
16 this one complaint is going to trigger their
17 thoughts and look at the totality of the issues.

18 Maybe we can send a letter or something to
19 them explaining that we think that, you know, this
20 should be looked into, but I also am considering the
21 fact that Ms. Smith -- she was very, very new at
22 that time, and I wonder how far back she will be
23 able to go as far as looking into this as well, but
24 my specific concern is that -- one complaint would
25 not trigger the thought or the process to look into

1 the whole issue.

2 MR. FERVIER: Ms. Smith, you have some
3 comments you want to make?

4 MS. SMITH: Yes, thank you. I just want
5 to just state that although the candidate brought it
6 to our attention first, you know, right after the
7 polls closed, we would have caught this through
8 during our very rigorous internal auditing process
9 which takes place after each election and so that is
10 a process of reconciling our records with the
11 voters, the ballots cast, and the election results.
12 So, we have that very short time period in between
13 election and certification that we work around the
14 clock to reconcile and so I am sure that we would
15 have caught the error.

16 MS. KING: Dr. Jan, would you be open to
17 sending a letter of reprimand that outlines all of
18 these issues and asking that they provide us an
19 update that they've been rectified, their process?

20 MS. JOHNSTON: I'll consider that.

21 MS. KING: So, I'll make a motion that
22 we --

23 MR. FERVIER: She made a motion. Do you
24 want to withdraw your motion?

25 MS. JOHNSTON: I'll withdraw my motion.

1 MR. FERVIER: Okay.

2 MS. KING: And, I make a motion that we
3 send a letter of reprimand that just outlines the
4 totality of the issue and what we believe will help
5 rectify the issue and then if you could just report
6 back to us that these issues have been secured.

7 MR. FERVIER: We have a motion to issue a
8 letter reprimanded that outlines the totality of the
9 issues involved with this, all these complaints. Is
10 there a second?

11 MS. JOHNSTON: Second.

12 MR. FERVIER: We have motion to second.
13 Any further discussion? All those in favor of
14 sending that letter of reprimand signify by saying
15 aye.

16 MS. KING: Aye.

17 MS. JOHNSTON: Aye.

18 MR. FERVIER: Any opposition? Hearing no
19 opposition, so moved. That completes --

20 MS. JOHNSTON: Mr. Chair.

21 MR. FERVIER: Yes ma'am.

22 MS. JOHNSTON: To finalize this, I would
23 request a letter be sent to the Secretary of State
24 expressing my concern and or hopefully our concern
25 in question about the Dominion voting system that

1 has a feature that can disable votes given to a
2 particular candidate or actually contest that --
3 seems to be in conflict with Georgia's statute that
4 says any voting system should count each and every
5 vote of each candidate.

6 MR. FERVIER: Dr. Johnston, if you would
7 write that letter and give it to the Board for
8 review, I'd be happy to. You're the one that has
9 the most knowledge of that, so I would. I'd be
10 happy to help you with that or assist with it if
11 you'd just do that.

12 MR. HARREN: Thank you again for
13 accommodating me for this afternoon. I really
14 appreciate it.

15 MR. FERVIER: Thank you.

16 MR. HARREN: Thank you, we have other
17 cases. May we be excused?

18 MR. FERVIER: Oh, absolutely.

19 MR. HARREN: Thank you.

20 MR. FERVIER: We've had enough of you.

21 MR. HARREN: Fair enough.

22 MR. FERVIER: Mr. Gasaway (phonetic),
23 we're going to hear your case next, but we're going
24 to take a short comfort break unless you want me to
25 run out of the room screaming in the middle of it.

1 Chair will entertain a motion for a five minute
2 break.

3 MS. JOHNSTON: So move.

4 MR. FERVIER: Get a second?

5 MS. KING: Second.

6 MR. FERVIER: The votes unanimous, five
7 minutes, please, just a real quick break.

8 (Recess taken)

9 MR. FERVIER: Okay, and that is tab number
10 36, 2018-104. Hang on a second, okay.

11 MS. KOTH: This case was heard a couple.
12 I'm not sure exactly when I have it written in here,
13 but it was a couple years ago and the Board had
14 wanted. The County wasn't listed as a respondent
15 and the people were and so they were cited. They
16 were sanctioned and they wanted to add that it was
17 continued because they wanted to have the counties
18 added. So, they were and it was re-presented, I
19 think October 24th and then the Board heard from the
20 complainant and wished to review some investigative
21 reports and findings. That was an independent
22 investigation into the matter. I don't think there
23 was any more questions on our report. It was the
24 complainant that had gotten up, but we had
25 violations for Habersham County Board of Registrars

1 for the two allegations 21-2-218 for the two
2 different people. Laurel Ellison and, oh, no, that
3 was the two. Yeah, we already took the people out
4 of that original report. So, it's just for those
5 two cases, the two people.

6 MR. FERVIER: So, the first three
7 allegations 1, 2, and 3, all three of those
8 individuals were convicted, correct?

9 MS. KOTH: Convicted? I don't know.

10 MR. FERVIER: Well, they were -- found
11 guilty. How about that?

12 MS. KOTH: Yeah, they were --

13 MR. FERVIER: Found guilty of voted
14 illegally. That's conviction to me.

15 MS. KOTH: For allegation two and three,
16 they wanted. The previous Board wanted the County
17 cited for those two.

18 MR. FERVIER: Right, so we don't need to
19 deal with those individuals. This was all about.

20 MS. KOTH: It's just the County.

21 MR. FERVIER: County, yeah. You want to
22 read those allegations out against the County?

23 MS. KOTH: The two allegations were the
24 one voter was found by the Superior Court to have
25 voted illegally due to her having moved to a

1 residence outside of House District 28 while voting
2 in the May 22, 2018, general primary. She had
3 presented to Habersham poll workers her driver's
4 license displaying her new address, and had written
5 her new address upon the voter certificate.

6 She repeated the same action during the
7 general election of November 6th, 2018, and during
8 the special primary of December 4th, 2018. Ms.
9 Franklin had believed she had fulfilled her
10 obligation of informing elections personnel of her
11 change of address.

12 And, then the third one, Patricia Bauer,
13 was found by the Superior Court to have voted
14 illegally due to her having moved to a residence
15 outside of House District 28 while voting in the May
16 22nd, 2018, general primary. She had presented to
17 Habersham poll worker her driver's license,
18 displaying that new address and had written her new
19 address upon the voter certificate. She believed
20 she had fulfilled her obligation of informing
21 elections personnel of her change of address.

22 So, those were both the two and then the
23 previous Board had wanted the County cited as well
24 for allowing that. So, the violations were for 21-
25 2-218 for the two people for the same situation

1 times two. But it was, they failed to correct the
2 voter registration address for Constance Franklin
3 and Patricia Bauer.

4 MR. FERVIER: Mr. Gasaway, you the
5 complainant in this, do you want to speak before or
6 after the respondent?

7 MR. GASAWAY: Thank you, Mr. Chairman. I
8 think that it'd be appropriate to speak now and sort
9 of reconfirm my assertion. There's never been an
10 appropriate investigation done of this case. There
11 are 80 violations in this case, 8-0, we have
12 violations by multiple counties in this case.
13 There's never been a proper investigation done by
14 anybody except my team and I don't feel like it's
15 fair to and I know this is an old case, but I want
16 to reassert the fact and I'll speak today about some
17 specifics because we've got some federal violations
18 as part of this case now, because there was never an
19 investigation done.

20 Now we have federal electors being
21 assigned to the wrong congressional district. It
22 wasn't a congressional boundary when this was going
23 on, but now it is a congressional boundary because
24 of the 2023 redistricting, because of neglect and
25 I'm not trying to be critical, but if my team can

1 find 80 violations and they only find four,
2 something's wrong and now that it's morphed into a
3 federal violation, we have at least 100 electors
4 associated with this case that are now voting in the
5 wrong United States Congressional District.

6 So, I mean, I'm hearing what they're
7 saying. She's not said anything that's not wrong.
8 I think if she explained Ms. Bowers voting history
9 more clearly to the Board, an agreement to sanction
10 Habersham County would be unanimous. So, they've
11 not been clear in how they're explaining the
12 specific voter history of Mrs. Bauer. Also how Mrs.
13 Bauer was involved in the first case.

14 The reason we're here on this case. One
15 of the primary reasons we are here on this case.
16 Ms. Bauer was identified in my first court case.
17 This is connected to my second court case. Ms.
18 Bauer was ordered not to vote in the first court
19 case, and Habersham County let her vote again
20 illegally, with me and the President, the Chairman
21 of the Habersham County Republican Party saying, you
22 can't do this. Ms. Ellison counted her vote again.
23 That should have been told to this Board.

24 If they had done an appropriate
25 investigation, you would have heard that

1 information, and I believe it would inform your
2 position on whether to cite or possibly sanction
3 Habersham County. They changed the outcome of an
4 election. This needs to be given more attention
5 than what you're getting from the Secretary of
6 State. But, this has become a bigger case now
7 because of their neglect. We have federal
8 violations, which that's really why I'm here to talk
9 to you about today, is we have a lot of electors
10 that are now voting in the wrong United States
11 Congressional district, which is a federal crime.

12 So, that's what I want to share with y'
13 all, more than this. But, I want to make sure y'
14 all understand you are being. I don't know if you
15 call it a sin of omission. They are not telling you
16 the whole story for whatever reason. I shared maybe
17 too bluntly last time, what I believe happened, but
18 all I know for sure is there are undoubtedly 80
19 violations of the Georgia election law in this case,
20 and I can prove it every day the sun comes up in the
21 State of Georgia, so I will take your direction.

22 What I'm really here today to talk to you
23 about is a bigger problem that is now existing
24 because they didn't handle this case properly in
25 Secretary State's Office.

1 MR. FERVIER: Which is the federal lawsuit
2 you're talking about?

3 MR. GASAWAY: Well, which is, I hope we
4 can find a way to resolve this because Statewide we
5 have 20 to 30,000 federal electors voting in the
6 wrong United States Congressional district. I'm
7 here today to show you some of them as compared to
8 this case, as it relates to this case. But, that is
9 something we've got to take seriously. That is a
10 federal crime and if we could find a Federal Judge
11 that could order the Secretary of State to force the
12 counties to follow the law of Georgia, I don't know
13 what the remedy is a federal lawsuit obviously, is
14 the worst case scenario.

15 I have to spend another \$100,000 to get a
16 Federal Judge to order Brad Raffensperger's office
17 to follow state and federal law. Think how, how far
18 down we're following when that has to happen. But,
19 I'm here today to because this case is up. If this
20 case had been handled properly by appropriate
21 investigators, we wouldn't probably be here because
22 this issue that I'm the serious federal issue would
23 have been brought to the surface much sooner. And,
24 and if I'm talking in circles, I'm sorry, and I'll
25 answer any questions I will again, I know my friend,

1 the Democrat Party appointee the State Election
2 Board was interested in citing Habersham County in
3 this case. If you look at what happened with Ms.
4 Bauer in this case, because this, she's on both
5 cases, Ms. Bauer's, on the previous lawsuit that led
6 to this lawsuit, they let her vote twice or three
7 times illegally and she checked -- her voter
8 registration moved, her voter certificate changed
9 back and forth.

10 There's all kinds of stuff, so much worse
11 than anything I've heard in the last two days down
12 here with y' all that's gone on in this case and
13 you're not hearing it for some reason, you're not
14 hearing the details of this case and I've always
15 asserted it's because there's been no investigation.

16 MR. FERVIER: Well, I can say we can only
17 deal with what's before us today, which is these two
18 allegations that we'll deal with today. I think I
19 made the same comment to you last time at the last
20 meeting when you delivered all evidence. I'm
21 willing to sit down with you and go through
22 everything you have. If you want to have a meeting
23 with me, I'm willing to do that.

24 MR. GASAWAY: Okay, well, I have sent it,
25 I've sent sort of the gist. Now, what I want to

1 share with you is this, okay. So, there was three
2 voters in this case --

3 MR. FERVIER: Well, I -- don't disagree
4 with you, but I, you know, instead of hashing that
5 out, I would rather you and I sit down and you go
6 through it with me line by line where I can
7 understand it.

8 MR. GASAWAY: Yeah.

9 MR. FERVIER: And, and see all that and
10 then we can decide whether or not this Board needs
11 to. If we, if this Board has any jurisdiction on
12 any of that.

13 MR. GASAWAY: Let me give you one nugget,
14 okay, and I'll stop. So, there are three voters
15 that should have been part of this case, that are
16 Banks County voters that are not part of this case,
17 that the Banks County Board of Commissioners last
18 night passed a map saying those three voters don't
19 live in the county and one of them is the Sheriff of
20 Banks County.

21 MR. FERVIER: I'm familiar with that.

22 MR. GASAWAY: Okay, they passed a
23 resolution last night that he does not, he doesn't
24 live in the County. So, not only did they defraud
25 the court in this case we're talking about here, the

1 county government defrauded the court, you know,
2 perjured themselves. That boundary line is now a
3 federal boundary. So, those three voters should be
4 assigned to Congressional District 10. Yet they're
5 still saying they can vote in Congressional District
6 9. It's a big problem. It's a statewide problem.
7 It would have been fixed if this case had been
8 handled properly.

9 So, I will work with anybody. Your
10 investigators and I offered that in October. Now, I
11 did not know at the time that the Banks County
12 government and the Franklin County government have
13 worked with the -- and I hope my Secretary of State
14 friends will listen to this. The Banks County
15 government, the Franklin County government and the
16 Georgia Mountain Regional Commission have now worked
17 to defraud the United States Census Bureau in order
18 to falsify a federal election boundary and I have
19 all the FOIA information I got late Monday that
20 shows the paper trail of all this.

21 So, now we've got two counties in the
22 State of Georgia working to fabricate a federal
23 election boundary, which is a federal crime. That's
24 all part of this case that needs to be, I work with
25 anybody. The Attorney General's Office. Blair

1 McGowan (phonetic) in the Attorney General's Office
2 knows everything about this. Me and two of my
3 expensive lawyers met with her two years ago, and
4 they've done nothing, zero, Brad Raffensperger's
5 office has known about this for six years.

6 So, I don't see any hope except a federal
7 judge at this point. But, I can prove to you all
8 this. Banks County is now confessing to the crime.
9 I don't know if Franklin County is going to confess
10 to the crime or not, but we have a law in this state
11 and it's not being followed at all by any of these
12 counties. I could give you all kind of cites. It
13 doesn't matter because, you know, and I want this
14 last thing I'll say.

15 I promise you this is the last thing I'm
16 going to say. So, we just had a case in DeKalb
17 County where the legislature drew statutory county
18 commission districts. Are y' all familiar with that
19 case? And it was challenged to, basically, it
20 appears to me, push out a specific county
21 commissioner in Cobb County, the courts ruled
22 correctly the legislature, statutory districts,
23 statutory boundaries are the law. Okay, we all
24 should agree that's the law. In this case the
25 statutory boundaries aren't being respected at all.

1 So, for every one of y'all are Republican
2 appointed people, it's not that long ago we came out
3 from under Federal pre-clearance. 2013, Shelby
4 versus Holder. Y'all know all about this, this case
5 right here because it has been handled so poorly by
6 the Secretary of State's office. If anybody really
7 stopped to understand this. This is a case that
8 demands we go back under pre-clearance because it's
9 been handled so poorly. We've basically loading
10 illegal all white voters into Congressional District
11 9. Somebody has got to pay attention to that and
12 they know if Mark Elias is down there at 11th
13 Circuit arguing the case I was involved in right
14 now, if he really understood what's going on here.

15 The State of Georgia has a serious problem
16 and it needs to get fixed. This has cost me a lot
17 of money. I don't want to spend a lot more money.
18 But as I said, we'll do whatever we got to do. But,
19 I would like to work with anybody that is serious
20 about fixing these because this is not make believe.
21 We now have a county confessing to all kinds of
22 criminal activity. But, this is a serious civil
23 rights violation we've got here.

24 MR. FERVIER: Well, I'll make the same
25 offer. I mean, in actually three weeks, I don't

1 have a lot more time on my hand. Well, I want, I'm
2 willing to sit down with you and go through all of
3 this. I mean, I've read all the documents you've
4 sent, and I'll bring one of our investigators. You
5 know, we'll take a look at it and see what's what --
6 the case is. Today we have to deal with what --

7 MR. GASAWAY: I understand and I want to
8 tell you. Because you've been misled by the
9 Secretary of State's Office, without them
10 illustrating the true depth of what happened with
11 Patricia Bauer's vote, it may influence your
12 decision on whether to sanction or not sanction the
13 county. Because if you really understood what went
14 on there --

15 MR. FERVIER: Well, there can be further
16 investigation and further complaints made based on
17 our conversation. So, this may not be the end of
18 it. It may be the end of this particular case, but
19 it may not end what occurred --

20 MR. GASAWAY: So, but the last thing I'll
21 say is because of all the stress and financial loss
22 and losing my state house seat because of rigging
23 elections, I have to, my therapist has ordered me to
24 spend all my summers on the North Shore of Hawaii.
25 So, I will be leaving on the 13th of June. So, if

1 you're gonna get with me, I have to be before then.

2 MR. FERVIER: I was born in Hawaii. I'm
3 happy to meet you out there again.

4 MR. GASAWAY: We can get Poke from the
5 food land -- sit out on the beach.

6 MR. FERVIER: I was born in Honolulu, so
7 I, you know, I'll be glad to go back home, so.

8 MS. KING: No, but in all seriousness, I
9 would like to be a part of that meeting.

10 MR. FERVIER: In Hawaii?

11 MS. KING: No, with you. Well, of course
12 in Hawaii, but no, with your meeting. I would like
13 to be a part of that.

14 MR. FERVIER: Thank you. Mr. Gasaway --

15 MS. KING: Is Habersham County here?
16 Board of Elections?

17 MR. FERVIER: They're online.

18 MS. KING: They're on the phone, okay.

19 MR. FERVIER: Yep, Ms. Ellison, would you
20 like to respond to the allegations today?

21 MR. TAYLOR: Ray Taylor, an attorney that
22 represents the Habersham County and today we're
23 representing the Board of Registrar --

24 MR. FERVIER: Can you, let's see if we can
25 put him a little bit closer to the mic and if he

1 would reintroduce himself so that the court reporter
2 can hear him. Put it a little closer to the mic.

3 MS. KING: Can you just pull the mic down?

4 MR. FERVIER: Okay, could you reintroduce
5 yourself for the benefit of the court reporter,
6 please?

7 MR. TAYLOR: Yes, thank you. This is
8 Ralph Taylor. I'm an attorney with Hunt and Taylor
9 Law Group in Gainesville, Georgia, and we represent
10 Habersham County and today particularly, we are
11 representing the Habersham County Board of
12 Registrars and Ms. Ellison here today. I'd like to
13 thank the Board for accommodating this telephone
14 appearance. It's not the best situation, but Ms.
15 Ellison has care giving responsibilities for her
16 elderly mother, and we appreciate the Board's
17 accommodation.

18 I would like to start by just procedurally
19 stating that under your regulations, I don't believe
20 the complainant has the floor, as we have just
21 heard. Unfortunately, I couldn't hear a bunch of
22 what was said, but the issue before this Board today
23 is whether there's evidence of a violation of 21-2-
24 218C. That's the only issue before this Board and
25 we contend that there is no evidence showing any

1 violation of this statutory provision. What are the
2 duties of the Board according to 21-2-218C? The
3 duty says the Board of Registrars shall then correct
4 the elector's record to reflect the change of
5 address and place the elector in the proper precinct
6 and voting -- district. That is after the elector
7 has provided the change of address form. The change
8 of address form is required to be provided in
9 subsection D.

10 So, what are the duties here? The duties
11 are when we receive the change of address form, then
12 the Board changes the address in their system. Now,
13 in the case before you, in May, these two electors
14 came and noted their change of address on the voter
15 certificate and they were provided the change of
16 address forms on that date. That is what the poll
17 workers are instructed to do, but the duty of
18 returning the change of address form is on the
19 elector.

20 The voter certificates, and I'll remind
21 the Board, this election took place in 2018 into
22 electronic voting. Voter certificates were not the
23 proper methodology to trigger a change of address in
24 their system. Mrs. Ellison has provided a written
25 summary to you and I hope the Board has copies of

1 it. Her statement for the May 23rd, 2025 SEB
2 meeting where Ms. Ellison points out the
3 methodologies for changing addresses through
4 completing the change of address form or by updating
5 the driver's license with new information or by
6 updating their information online through the online
7 photo registration or by completing the absentee
8 ballot mail in application. That was how an
9 electoral properly submits a change of address to
10 the county.

11 Now, the county did in fact receive those
12 change of address forms, but not until December and
13 at that point they did change their addresses. They
14 fulfilled their statutory duty because when they
15 received the change of address forms from the
16 elector, they changed it within their system. Mrs.
17 Ellison also has submitted a survey that she
18 conducted of other counties with regard to the voter
19 certificates. Because you need to understand that
20 prior to electronic voting, the voter certificates
21 were used by elections offices to register the votes
22 of the elector.

23 However, with the transition to electronic
24 voting, that data was transmitted electronically to
25 the Secretary of State's Office and so the Secretary

1 of State's Office directed the election
2 superintendents that they no longer needed to rely
3 on the voter certificate forms in order to change
4 addresses on their system. Ms. Ellison's survey of
5 other counties showed that there are numerous other
6 counties like Habersham that did not rely on the
7 voter certificate forms for the change of address.

8 And, so we don't believe there's any
9 evidence of a violation of the statute and that is
10 the only issue that this Board is dealing with here
11 today. Now, I'm in the room with Ms. Ellison and I
12 will turn the floor to her to answer any questions
13 or to add any information that may be important to
14 this issue. Again, I appreciate the Board's
15 accommodation to us, Ms. Ellison.

16 MS. ELLISON: Yes, I would just like to
17 say, I mean in my statement it does show or I did
18 state that in 2012 it was the year at the end of the
19 year and before 2013 we were transitioning into E-
20 net from the Go System. So, we had training letting
21 us know that there would be different procedures and
22 that we would be sending the memory cards from the
23 express hall to the State after the election for
24 them to give credit for voting instead of us going
25 through the voter certificate to do that because

1 when we didn't do that, if we noticed a change of
2 address for a voter on the voter certificate, we
3 would make those changes or do a name change at that
4 time, but once this changed, they told us that we
5 would no longer have to go through the voter
6 certificates and that we'd be responsible for
7 providing change of address forms at the precincts
8 on election day and we instructed our poll workers
9 to hand those out anytime that a voter notated an
10 address change or a name change and they would
11 either leave it there or take it with them they gave
12 them a mail in form that had postage paid on it if
13 they said they didn't have time to fill those out at
14 the fall.

15 So, that was their instructions to get our
16 change of addresses on election day and then the
17 again we received at Franklin on December 19th
18 through a mail and better registration application
19 and or it was changed. Sorry, I apologize, it was
20 placed on December 19th in 2018, we received her
21 address On November (inaudible) of voter
22 registration which would have been October 9th and
23 then for Patricia Bauer, she was placed correctly in
24 HD10 or House District 10 on December 27th due to
25 receiving her DDS application of her address change

1 on December the 13th.

2 So, poll workers now being made aware of
3 an address change via voter certificate on election
4 day. It's not the proper procedure to trigger an
5 update to voters from a group after 2012 and during
6 the 2018 election.

7 MR. TAYLOR: Have you made any additions
8 or changes to that ma'am?

9 MS. ELLISON: Yes, now that -- we have the
10 poll (inaudible) when the voter comes to sign in,
11 they give us driver's license. The voter's
12 instructed to initial below their address if it's
13 correct, if it's not correct while they're there
14 with the poll worker before they go and vote.

15 (Mr. Taylor and Ms. Ellison called in via cellphone)

16 MR. FERVIER: Yeah -- I guess my only
17 question here is, I mean, the code says, in the
18 event that elector moves to a residence within the
19 county or municipality and has a different address
20 from the address contained on the person's
21 registration card, it shall be the duty of the
22 elector to notify the Board of Registers of such
23 fact by the fifth Monday prior to the primary
24 election in which elector wishes to vote. By
25 submitting the change of address in writing, the

1 Board of Registers shall then correct the elector's
2 record to reflect the change of address and place
3 the elector in the proper precinct of voting
4 districts. So the question, I guess you know, what,
5 what constitutes notifying them in writing? Because
6 they, I mean, the lady did present her ID card and
7 then had written her new address upon the voter
8 certificate when she tried to vote. So, does that
9 constitute notifying the county in writing the
10 change of address?

11 MS. ELLISON: I think it was probably
12 implemented in 2014 after E-net was implemented in
13 2013. In 2014, we would have the governor's race,
14 so we no longer went through those voter
15 certificates, so we would not have seen the change
16 of address on the voter certificate. The poll
17 workers gave the voters change of addresses to fill
18 out to either leave with them or to turn back into
19 our office (inaudible) --

20 MR. FERVIER: So, the fact that she shows
21 you --

22 MS. ELLISON: District (inaudible) so that
23 was the only time those were pulled because the
24 first lawsuit was only about the districting issues.

25 MR. FERVIER: So, the fact that she

1 presents an ID with a different address and fills
2 out the, the voter certificate with her new address
3 is not enough for you to indicate that there's an
4 issue here, that her address has changed?

5 MS. ELLISON: I mean, the election and
6 they've given us to go ahead and start making
7 changes, address changes, and name changes and any
8 new voter registration --

9 MR. FERVIER: Right, right, but she filled
10 those out in May and then was able to vote at her
11 old address in November. She filled out that form
12 in May. She showed the ID and filled out the voter
13 certificate in May with her new address, but was
14 able to vote at her old address in November still
15 because it hadn't been changed in your system?
16 That's correct, right?

17 MS. ELLISON: But, we (inaudible)

18 MR. FERVIER: I understand that, I
19 understand you didn't get a change of address form,
20 but you had notification in May of her submitting
21 her driver's license and filling out the voter
22 certificate that she had a new address.

23 MR. TAYLOR: The point is the voter
24 certificates were not the methodology used to prompt
25 a change of address.

1 MR. FERVIER: I get that, but it doesn't
2 say that in the statute. It says they have to
3 notify in writing and so the question I have is
4 changing putting your new address in writing on the
5 voter certificate. Is that notification of the
6 county in writing?

7 MR. TAYLOR: Well, but you have to look at
8 the two statutes together and (inaudible) you have
9 this language that says that the duty of the
10 elections office is to make forms available for the
11 change of address.

12 MR. FERVIER: It doesn't stipulate what
13 that form is. Am I, does anybody else have a
14 different opinion?

15 MS. KING: I'm with you a thousand
16 percent. It's very concerning. I mean, I think
17 what's concerning is that you have several people
18 who are able to vote illegally several times, and
19 the argument is that they didn't do something
20 correctly. I mean, what is the responsibility or
21 when does the responsibility fall in the county to
22 ensure that their constituents are educated on what
23 they need to do in these circumstances?

24 I mean, how many times do we allow people
25 to vote illegally before we don't put any type of

1 responsibility on the county? That's a concern of
2 mine and then if the argument is what she used the
3 wrong form --

4 MR. FERVIER: It doesn't stipulate what
5 the form is.

6 MS. KING: Right, that's another thing and
7 then again that's you're looking at someone who's
8 not supposed to vote and you're allowing them to
9 vote. This is a problem. I'm concerned about this
10 one. I have a recommendation.

11 MR. FERVIER: Any other questions from the
12 Board?

13 MS. JOHNSTON: No.

14 MR. FERVIER: Would the respondent like to
15 make any more comments?

16 MR. TAYLOR: I'm sorry, didn't hear.

17 MR. FERVIER: Would you like to make any
18 more comments?

19 MR. TAYLOR: I'm sorry.

20 MR. FERVIER: I'm sorry.

21 MS. HARDIN: Would you like to make more
22 comments?

23 MR. TAYLOR: Again, I think you have to go
24 back to 2018 at a time when the transition was being
25 made to electronic voting in terms of how this

1 procedure was followed by --

2 MS. KING: It wasn't, I think that's the
3 problem. Right, it wasn't followed and the argument
4 just it cannot be we were having issues with the
5 electronic machine, or we didn't know, or the person
6 didn't do. At some point, after having individuals
7 vote illegally several times, something has to
8 happen, right? I mean, do we just keep letting them
9 vote until they find the form that you want them to
10 find?

11 MS. ELLISON: We weren't aware of the
12 address changes until this lawsuit in December
13 because the procedures had changed. So, the times
14 when we got there, time to address, we didn't know
15 that she had moved because technically Ms. Bauer was
16 placed in the May lawsuit. By the way, that first
17 lawsuit after the May election was about
18 redistricting or the districting issues and she was
19 listed as being incorrectly placed in State House
20 District 10 at that time and that her address as
21 listed was in House District 28. So, when we
22 checked, she was correct and she should have been
23 placed with that address in House District 28. So,
24 we changed her at that time to House District 28.

25 So, he was saying that she should have

1 been allowed to vote for him, so we didn't she was
2 brought back up on the lawsuit even though she had
3 moved we pulled the voter certificates, then saw the
4 address change on her application for absentee
5 ballot in October. It still showed her old address
6 that she was listed at in May on our system that --
7 was in House District 28 that we had changed her to
8 due to the first lawsuit and it had that listed on
9 the absentee ballot in person application. She had
10 it on it twice the oath at the bottom has the
11 address listed and the poll worker -- probably would
12 have been me or my assistant.

13 We instructed the voters to review the
14 application and make sure everything is corrected.
15 If it's not correct to let us know or to if their
16 address is different, then they could mark through
17 it and put the correct address and then sign and she
18 signed both places and the oath with that address as
19 being the old address from May. So, we had to
20 assumed that was her correct address and then for
21 the December again, we were made aware in December
22 after the lawsuit that she had moved and then
23 that's, you know, we didn't sign any public that she
24 had moved and we got her changed once she, you know,
25 we had that, we got the voter registration change of

1 address on November and we had to wait until after
2 (inaudible) when these cards come through, they go
3 into a stack of (inaudible) that we have to do once
4 the elections are certified and that deadline of
5 October the 9th applies to the runoff and the
6 special election as well.

7 MS. KING: So basically again --

8 MS. ELLISON: She didn't get changed until
9 after that --

10 MS. KING: So, basically we have election
11 results that were accepted. However, we have
12 individuals who voted illegally several times.

13 MS. ELLISON: (inaudible)

14 MS. KING: Okay, so once again we have
15 election results that were accepted, although we
16 clearly see individuals that were voting illegally
17 several times. This is where the confusion comes
18 in. This is where the mistrust comes in. This is,
19 this is really, this is a major, in my opinion.

20 MR. FERVIER: Yeah, if --

21 MS. KING: If it was one or two times,
22 that's one thing. But, five times we have people
23 that we have people that are voting illegally
24 several times repeatedly.

25 MR. FERVIER: Are you -- her name is

1 Laurel Ellison -- so I'll give you the exact the
2 Habersham County Elections Director -- L-A-U-R-E-L E
3 L-L-I-S-O-N. Yeah, I -- guess I'm just kind of
4 stuck on the fact that in May she appears to have
5 alerted the county that there was a change of
6 address by showing her ID and by showing the, you
7 know, writing it on the voter certificate and I
8 can't seem to get past that. That the county
9 somehow should have identified that in May.

10 MS. KING: Right, no one thought to give
11 her the correct form.

12 MR. FERVIER: Yeah, that somehow that
13 should have.

14 MS. KING: Yeah.

15 MR. FERVIER: So, that's -- kind of where
16 I stand at this. So, are there any questions from
17 the Board?

18 MS. JOHNSTON: No questions.

19 MR. FERVIER: The Chair will entertain a
20 motion at this point.

21 MS. KING: Yeah, I make a motion that we
22 refer this to the Attorney General's Office.

23 MR. FERVIER: For would you explain your
24 reasoning behind that a little bit?

25 MS. KING: I think if, or you know what,

1 actually, I want to withdraw that. I think we
2 should send our investigators to look into this. I
3 think we should continue the case and have our
4 investigators look into this more in depth.

5 MR. FERVIER: What I'm just curious, what
6 does the --

7 MS. KING: Well, because this could be
8 connected to a bigger issue, considering the fact
9 that you have individuals who voted illegally
10 several times the election was still counted.

11 MR. FERVIER: Yeah, I don't disagree with
12 you on that. I think that I think we ought to
13 continue investigating, but I think we need to deal
14 with the allegations that are in this complaint
15 today. We can always look at different issues.

16 MS. KING: Well, my concern is that if we
17 rule on this as is, it may position us where we
18 can't go back, right? Like we can't go back and
19 look at additional issues because this is
20 concerning.

21 MR. FERVIER: What is the Board. We have
22 Member King's comments, so Dr. Johnston?

23 MR. JEFFARES: You know, I will say this
24 because I've moved several times in my life. When I
25 move, I know I'm not voting at the same precinct I

1 used to vote at. Why would I have showed up there?

2 MS. KING: That's --

3 MR. JEFFARES: I mean, that's another way
4 to look at this.

5 MS. KING: That too, so it's like, why do
6 they feel comfortable continuing to show up at the
7 same precinct and voting again and again?

8 MR. FERVIER: There is a motion on the
9 table to continue the case for further
10 investigation.

11 MR. JEFFARES: I'll second.

12 MR. FERVIER: There's a motion and a
13 second, to continue this case for further
14 investigation. Any further comments? Hearing no
15 comments, all those in favor of continuing this case
16 for further investigation. Signify by saying aye.

17 MR. JEFFARES: Aye.

18 MS. KING: Aye.

19 MR. FERVIER: I any descent? Hearing no
20 dissent so moved, this case will be continued for
21 further consideration. Thank you, thank you for
22 attending today. The Board or the Chair would
23 entertain a motion for a short lunch break at this
24 time. 30 minutes.

25 MR. JEFFARES: So moved.

1 MR. FERVIER: We have motion. Do we have
2 a second to --

3 MS. KING: Second.

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

6 MS. JOHNSTON: Aye.

7 MS. KING: Aye.

8 MR. FERVIER: The motion carries 3 to 0
9 We'll break for a 30 minute. Let's be back here at
10 1:10 please.

11 (Recess taken)

12 MR. FERVIER: Calling back to order the
13 State Election Board after a very brief lunch.
14 First case we will here is SEB2022-231 it's tab
15 number 61 in your folder. We appreciate the
16 respondent sitting here through a day and a half of
17 citing stuff.

18 MR. BRUNSON: Okay, this is a case that
19 involves two groups. That when they submitted their
20 transmittal summary sheets it did not have the
21 appropriate information. So, this was reported by
22 Henry County, they received several voter
23 registration applications that were not completed
24 collected during voter registration drives.
25 They noticed the applications they received were

1 copies of the originals and unsealed.

2 There was also an issue of one of the
3 organizations utilizing self-created transmittal
4 sheet that lacked the required information. Two
5 entities were identified, The Atlanta Voter Project
6 and Vote Georgia 2022. Our investigator was unable
7 to identify anybody regarding the entity The Atlanta
8 Voter Registration Project. He was able to find the
9 name, but he was unable to track down that
10 individual. He was ultimately able to track down
11 the information for Verdugo Strategies who was
12 behind the Vote Georgia 2022 voter drive
13 organization.

14 He identified Greg Diamond as the owner of
15 the company and the individual who signed the
16 paperwork for the lease for the office -- he was
17 able to track down the office for Vote Georgia 2022.
18 Ultimately he sent some correspondence and
19 ultimately their attorney was contacted our
20 investigator. He did ask that attorney for
21 information on who specifically from the
22 organization submitted those forms. The attorney
23 was not able to identify that individual. He said
24 basically based on the busyness of the election
25 season and the various campaigns and things of that

1 nature that the organization was involved in and so
2 ultimately we determined that Greg Diamond as the
3 owner and Vote Georgia 2022 was in violation of SEB
4 Rule 183-1-6.02 sub 8 sub C rules for voter
5 registration by private entities when they fail to
6 provide the minimum required information on two
7 transmittal sheets submitted to the Henry County
8 election office in September of 2022.

9 Transmittal sheets contain the name of the
10 voter registration program, the number of voter
11 registration applications delivered and one
12 transmittal sheet had a non-legible signature. They
13 were lacking the name of the submitting individual,
14 name of private entity sponsoring the voter
15 registration program, and the address of the
16 submitting individual and phone number of the
17 submitting individual.

18 MR. FERVIER: Does the Board have any
19 questions related to this case? Dr. Johnston.

20 MS. JOHNSTON: For the investigator the
21 report investigation named four different what
22 appear to be four different TPOs third party
23 organizations Register Georgia 2024, Vote GA 2022,
24 Vote Georgia 2022 and The Atlanta Voter Registration
25 Project. Are those four different entities or are

1 they one in the same?

2 MR. BRUNSON: Looks like I know that
3 Verdugo. Did you name Verdugo? Because they're
4 like --

5 MS. JOHNSTON: I did not. I didn't know
6 if -- the way these are just joints, right.

7 MR. BRUNSON: Okay, on page three, is that
8 what you're looking at from the ROI? So, it looks
9 like it's naming two and two on those bullets is
10 that what you're referring to?

11 MS. JOHNSTON: Well, throughout, yes,
12 throughout the -- report there are different names
13 written down and I just didn't know if there were
14 some of these were shortened or these are actually
15 four different voter registration groups.

16 MR. BRUNSON: Yeah, so in the ROI I'm
17 looking on page three. He's got the bullet
18 points --

19 MS. JOHNSTON: Right.

20 MR. BRUNSON: And, the first two are the
21 same and then the second two are the same. So, I
22 see where you're going to additional groups.

23 MS. JOHNSTON: So, Register Georgia 2024
24 doing business as is it Vote Georgia 2022 or?

25 MR. BRUNSON: I see three mentioned in the

1 page your on.

2 MS. JOHNSTON: Okay.

3 MR. BRUNSON: Because I just, I see the
4 Verdugo, obviously, which both, Georgia 2022 is a
5 subsidiary of that connected to it and then it's the
6 other, the Atlanta Voter Registration Project that
7 we were unable to identify anyone regarding that.
8 He tracked the lady down, lady by the name of Kathy
9 Ireland (phonetic). We used our methods to try to
10 find out where she lived, got an address, sent out
11 letters, all those things and we weren't able to
12 identify that young lady that's behind The Atlanta
13 Voter Registration Project, but.

14 MS. JOHNSTON: Okay, so Registered Georgia
15 is on respondent one is included with respondent
16 one?

17 MR. BRUNSON: You're talking about the
18 Atlanta Voter Registration Project? Is that what
19 you're --

20 MS. JOHNSTON: Well --

21 MR. BRUNSON: Because, so Verdugo
22 Strategies and Vote Georgia 2022 are one of the same
23 and they're the ones we were able to track down.
24 Greg Diamond is the owner.

25 MS. JOHNSTON: Okay.

1 MR. BRUNSON: So -- that's the entity and
2 the individual that we were able to connect to this
3 whole entity because we couldn't or they wouldn't
4 either way, whatever identify who specifically that
5 was working for this organization, handled this
6 voter drive and filled out the paperwork and made
7 the omissions.

8 MS. JOHNSTON: Okay, were you provided by
9 these organizations training documents that they
10 have for their workers?

11 MR. BRUNSON: No, I don't think we
12 obtained training documents.

13 MS. JOHNSTON: Do either of these have a
14 record of participants or employees? Volunteers or
15 employees?

16 MR. BRUNSON: They have a record of that?

17 MS. JOHNSTON: Did they provide a record
18 of who -- the volunteers were or the employ or who
19 they employed to perform voter registration?

20 MR. BRUNSON: No, they did not.

21 MS. JOHNSTON: Did any of them indicate --

22 MR. BRUNSON: Briefly, I'm just looking at
23 the exhibits here.

24 MS. JOHNSTON: Yeah.

25 MR. BRUNSON: No, nope, I don't see

1 anything about employee or training documents or any
2 of that stuff in the exhibits. Certified letters,
3 the interviews with the attorney, printouts from
4 their website, copy of lease agreement, property
5 search.

6 MS. JOHNSTON: Are the respondents here?

7 MR. FERVIER: Mr. Sparks is here too.

8 MR. SPARKS: Good afternoon, Dr. Johnston.
9 Adam Sparks of Krevolin and Horst here for Verdugo
10 Strategies have been doing business name of Vote
11 Georgia 2022 and Register Georgia 2024. That is one
12 entity with multiple different doing business as
13 names registered in its home state of Delaware.

14 MS. JOHNSTON: Okay, so vote Georgia 2022.
15 Is the original entity?

16 MR. SPARKS: The original entity. The
17 actual corporate name is Verdugo Strategies LLC. It
18 is a Delaware corporation with its principal place
19 of business in California. It is registered as a
20 foreign corporation here in with the Secretary of
21 State's Office and it had two doing business as
22 names, both of which I disclosed to the
23 investigator.

24 The first is Vote Georgia 2022. So, while
25 there are two letters that I received on their

1 behalf, one is for Verdugo, the other is for its
2 doing business name in 2022. So, in reality there
3 is one entity. I then voluntarily disclosed that
4 they had received contracts to do a voter
5 registration drive in connection with the 2024
6 general election and the registered DBA name was
7 Register Georgia 2024. So to be clear, it's one
8 entity.

9 MR. FERVIER: It's all the same people?

10 MR. SPARKS: It is one corporate entity.
11 I can't tell you that every single person working
12 for the entity was identical between 2022 and 2024.
13 Greg Diamond is the owner of Verdugo. He is
14 improperly named as a respondent in the summary of
15 ROI that I received for the first time. Named as a
16 respondent, I might add, but he is the owner and the
17 primary contact person whom I've worked with.

18 MS. JOHNSTON: Did Verdugo Strategies have
19 a written contract or an agreement with the
20 Secretary of State for any purpose?

21 MR. SPARKS: I don't believe Verdugo would
22 be required to have a written contract with the
23 Secretary to operate a voter registration --

24 MS. JOHNSTON: Just asking --

25 MR. SPARKS: Yes, of course, none to my

1 knowledge. It's possible, I suppose, but there's no
2 requirement to do so and I'm not aware of any.

3 MS. JOHNSTON: Okay, is there an
4 explanation why copies of voter registration were
5 sent in rather than the actual voter registration
6 forms that are provided by the Secretary of State?

7 MR. SPARKS: That allegation was not
8 substantiated according to the summary of ROI that I
9 received. So, I don't believe that's here before
10 you today, respectfully, and I'm happy to address
11 any of this at further length. I do have a couple
12 of reasons why I think you should actually dismiss
13 this complaint here today, but I don't want to
14 forestall your questions for the investigator.

15 MS. JOHNSTON: Is there an explanation why
16 the transmittal sheets were not provided?

17 MR. SPARKS: Yes, I'd be happy to get into
18 that at this time. Again, Adam Sparks for Verdugo
19 Strategies LLC. I do appreciate your time. We
20 talked a little bit about the corporate form here.
21 To address your question directly, I don't have a
22 factual explanation, but for two reasons, I can't
23 concede that a violation actually occurred here.

24 If you disagree with me, we can talk about
25 a letter of instruction, which I think would be the

1 appropriate remedy in that instance. But, let me
2 first briefly recount, at least for the record, why
3 I think dismissal is appropriate here.

4 First, we've never seen the sheets as
5 alleged. We looked for them. We couldn't find
6 them. I was unable to determine who the person
7 might have been in this Albany office who sent them
8 to the Henry County Board of Registration and
9 Elections. I've asked to see them. I was denied
10 access to see them. I was told that I could only
11 see them in person without making copies if I
12 produced either the person whom we could not find or
13 Mr. Diamond who lives in California for an in person
14 interview. So, I have some problems with that,
15 having not been able to see --

16 MS. KING: Who denied you, the county?

17 MR. SPARKS: The investigator.

18 MS. KING: The investigator.

19 MR. SPARKS: Yes, Investigator Blanchard.
20 I believe, if I want to be accurate about this,
21 because he was actually reasonable to work with, I
22 believe he asked for permission and was denied to
23 share those sheets. So, I actually haven't seen
24 them. It's certainly possible that they are missing
25 some of the information, although I would argue that

1 the sponsoring entity was in fact included because
2 Vote Georgia 2022 was a registered DBA, name of
3 Verdugo Strategies. So, I would contest that
4 factually in any event.

5 So number one, I haven't seen the
6 evidence, so I can't concede a violation of any sort
7 actually occurred and I might note that under the
8 Board's own rules, voter registration private
9 entities are not permitted to keep voter
10 registration application copies at all without
11 express written consent of the applicant or beyond
12 90 days in any event and even then they can only use
13 them for certain non-commercial purposes aimed at
14 ensuring that the applicant's registration is fully
15 considered and properly delivered.

16 So, there are some restrictions here in
17 terms of the records any of these entities actually
18 can keep under current law and I point that out
19 simply to say that we weren't asked for training
20 documents, we weren't asked for other employee
21 records, and some of those I'm sure that they have,
22 I might have even considered producing some, but
23 having not been asked any of them and contesting
24 that there's a violation to begin with, I contest
25 the connotation that somehow any of the documents

1 weren't provided.

2 I think we've been fully cooperative with
3 the investigation. Now, second Board, I believe
4 there's not actually been a violation here and the
5 reason why is if you actually look at Rule 8C that
6 Investigator Brunson cited, if we actually look at
7 the rule about the information recited therein to be
8 included on a cover transmittal summary sheet. It
9 says should include. Now why is that important?
10 It's because the word shall is used elsewhere in the
11 provision. It's used twice about things that are
12 mandatory, mandatory directives, but should
13 indicates a directory requirement. That's
14 different. Just forgive me for belaboring the legal
15 niceties here, but there's a difference in mandatory
16 directive and permissive language as it's used in a
17 statute provision or rule.

18 Mandatory includes words like shall or
19 must and that's clear from the case law. Permissive
20 requirements include things like may. They're
21 things that you're allowed to do but not necessarily
22 required. Directory requirements are somewhere in
23 the middle and I'll read this for the record from
24 Black's Law Dictionary. A directory requirement is
25 quote, "A statutory or contractual instruction to

1 act in a way that is advisable but not absolutely
2 essential. In contrast to a mandatory requirement,
3 a directory requirement is frequently introduced by
4 the word should, or less frequently shall, which is
5 more typically a mandatory word." And, I won't ruin
6 the reporter's day by trying to quote the original
7 Latin, but there's a canon of how you interpret
8 these things that says if the writer of the law or
9 the rule used certain words in the provision and
10 didn't use them elsewhere, then that decision was
11 intentional and so by the very language, the text
12 and the structure of the rule, this information
13 actually isn't required strictly to have been
14 included in the summary sheet at all and so the
15 allegation that it wasn't, although advisable, and
16 although my client immediately upon notice of
17 receiving this letter, sought out counsel, that is
18 me to guide them on this subject, and I have
19 provided that guidance, it's not actually required
20 by the rule, it's not clearly illegal.

21 So, whether you're looking at this under
22 the rule of lenity, under common sense, under just
23 reading the plain text, it's not obvious that a
24 violation occurred.

25 MR. FERVIER: I want to further state.

1 I'm sorry to interrupt you.

2 MR. SPARKS: No problem, Mr. Chair.

3 MR. FERVIER: The failure to include the
4 transmittal summary sheet shall not by itself be
5 grounds for rejecting the submitted applications.

6 MR. SPARKS: And, that is a very important
7 point and I'm glad you made it, Mr. Chair, because
8 it's important to note here that unlike some other
9 cases the Board has heard over the last 36 hours,
10 this case doesn't involve any allegation of
11 impropriety or wrong information being given to a
12 voter.

13 It doesn't involve any flaw in a voter
14 registration application at all. It has nothing to
15 do with whether the voter applicants rights were
16 impinged. This has to do with the cover paperwork.
17 And, I think we all agree that all the information
18 that the Board has suggested should be included be
19 included on those papers and I've heard no
20 complaints from any other county or from any other
21 date of this entity submitting applications in this
22 way that were somehow rejected or improper or caused
23 any other sort of problem, indicating it's a minor
24 technical error.

25 It simply doesn't have to do with the

1 allegations of problems with the voter registration
2 applicants or the or Georgia citizens themselves.
3 And, so I think that's an important point to make,
4 Mr. Chair, and I do appreciate it.

5 MS. JOHNSTON: Mr. Sparks, are you saying
6 that -- Register Georgia 2024 does not use
7 transmittal sheets or summary sheets?

8 MR. SPARKS: No, Doctor, I'm not saying
9 that at all. What I'm saying is that Verdugo
10 strategies under either of the DBAs it used in 2022
11 at issue in this case, or 2024, which is not at
12 issue in this case, they absolutely do use these
13 covered transmittal summary sheets and in fact, they
14 did use them as a -- regular course of business in
15 2022 throughout its operations running that voter
16 registration drive.

17 It appears that these two alone that Henry
18 County has alleged was missing certain information.
19 That's the only substantiated allegation. So
20 certainly, as a matter of practice, yes, they are
21 using the cover sheets. Yes, they have received
22 legal guidance on that particular subject and
23 they'll continue to, to my knowledge.

24 MR. FERVIER: I think that this is
25 certainly a Board rule that should be changed, the

1 one word change from "should" to "shall" in the
2 future, because I have to agree with the attorney
3 that should versus shall. I've dealt with that many
4 times in my career for different things and it is an
5 argument, and I think that we as a Board should fix
6 that problem at some point with that one word change
7 in that in that rule.

8 MS. JOHNSTON: For the investigator were
9 the voter registration applications found by Henry
10 County? So voter registration applications are to
11 be retained or -- an electronic copy of such?

12 MR. BRUNSON: Yeah, the investigator could
13 not identify them specifically with the group
14 because they were disseminated. Unfortunately,
15 that's why that part -- of the investigation was not
16 sustained because they were already disseminated
17 before he could go and say, okay, these all came in
18 from this --

19 MS. JOHNSTON: Right, okay, so the names
20 of the applicants or -- their voter registration
21 forms were not retained by Henry County -- to help
22 with this investigation?

23 MR. BRUNSON: Yeah, well, we couldn't tie
24 to that group because they have been disseminated.

25 MS. JOHNSTON: Mr. Sparks, does Verdugo

1 Strategies, I know they don't they would not keep
2 applications to be consistent with law, do they keep
3 summary sheets?

4 MR. SPARKS: Whey were unable to find.
5 Let me be kind to my client here. They were unable
6 to find an organized fashion a retention of summary
7 sheets of their copies. My suspicion is that
8 because they're not allowed to keep the voter
9 registration applications themselves, in fact, they
10 can only keep the information in them in a certain
11 way, in a certain kind of list, and use it for
12 certain kind purposes. Is that any copied cover
13 sheets, let me try that one more time. Any copied
14 cover transmittal summary sheets would have been
15 kept with the copies of the applications themselves
16 and disposed of in compliant fashion in the same
17 way.

18 They were able to find a couple that were
19 submitted to a couple of counties, they were unable
20 to find any that were submitted to Henry County,
21 certainly much less from this location and those all
22 had the information and there were no objections
23 provided from the local election officials in 2022.

24 MS. JOHNSTON: Nobody's making that
25 accusation. It's just the record keeping. They put

1 in writing that they looked and could not find the
2 summary sheets that were sent to Henry County or
3 provided for Henry County?

4 MR. SPARKS: I can tell you they conducted
5 a search under my guidance and they were unable to
6 locate these specific sheets. In fact, any sheets,
7 if I recall correctly, from September 2022 that were
8 sent from Dougherty County to Henry County.

9 MS. JOHNSTON: Do you know, by any chance,
10 do you know how many counties in Georgia Verdugo
11 Strategies has voter registration drives in?

12 MR. SPARKS: I don't know offhand. I know
13 as a matter of practice, drives can focus on certain
14 parts of the state or statewide, but it doesn't
15 really matter because if you come across someone who
16 wants to register to vote, swears that they're
17 eligible, completes the form, it's going to be for
18 whatever county they reside in and so that may be if
19 -- the drive is conducted at, I'm making this out of
20 thin air at a mall in Fulton County. Could be
21 someone who lives in Fulton County. Could be
22 someone across the county line in DeKalb. Could be
23 someone who's there on holiday from Chatham or Ben
24 Hill or Grady or where, wherever and so it would
25 stand to reason that regardless of the geographic

1 focus of any drive, they're going to be sending
2 applications back to the county of residence for the
3 applicant for whose registration application is
4 placed in their care and so they would be sending
5 them to potentially all 159 counties.

6 If I could just make one more point before
7 I forget, because my goldfish memory will come back
8 for me someday should the Board not agree with me.
9 I do think this is a dismissal case, but should the
10 Board not agree and think not only that the evidence
11 shows what's been proffered and also that it is a
12 violation of the rule, I would ask that a letter of
13 instruction be sent and that it be sent to the two
14 named respondents, Vote Georgia 2022 and Verdugo
15 Strategies LLC. I would ask that it not be sent to
16 Mr. Diamond in his individual capacity.

17 For one, I don't represent Mr. Diamond in
18 his individual capacity, and so he would go
19 unrepresented in this proceeding without notice.
20 That's a problem. Second, the first time there was
21 any indication he might be so named was in this
22 letter last month that I received and third, and
23 perhaps most importantly, if not legally, Mr.
24 Diamond and his family are residents of Altadena.
25 They've been directly affected, I think I can say,

1 by the wildfires and the last thing he needs is his
2 name on government paperwork where it really should
3 not be in the first place, because he is not a
4 properly named respondent. So, while I might be
5 willing to overlook this in the main or even a
6 letter of instruction to be issued, I don't want to
7 cause any more issues for him in their residential
8 and insurance concerns than necessary. So, I would
9 ask that from the Board, should a letter be issued.

10 MR. FERVIER: Yeah, we can't take that
11 last into consideration.

12 MR. SPARKS: I understand you can't as a
13 legal matter, I let you know it's a humanitarian
14 concern. But, it's also improper, Mr. Chair, and
15 I'm sorry to step on you, but it is also improper as
16 a legal matter to sort of name him as a new
17 respondent at the end of this process.

18 MR. FERVIER: Yes, thank you.

19 MS. KING: Question.

20 MR. FERVIER: Yes.

21 MS. KING: So, why is it that you will not
22 provide the original copies of the voter
23 registrations?

24 MR. SPARKS: I don't understand the
25 question.

1 MS. KING: Well, I'm just reading the
2 finding that -- we requested the original voter
3 registration applications and instead you provided
4 copies of them, right?

5 MR. SPARKS: I don't see where that is.
6 Can you guide me on the summary, which is the only
7 paper I have?

8 MS. KING: It's in the findings, am I
9 reading something wrong? What I'm reading is it
10 says it's under findings as private voter
11 registration entity. The complainant reported that
12 the private voter registration entity failed to
13 provide the original voter registration application,
14 instead provided copies.

15 The complainant sought guidance from the
16 representative of the Secretary of State's Office
17 with instructions to provide the applications as
18 normal unless they are believed to be fraudulent.
19 The county processed applications and processed the
20 applications as instructed in an effort to obtain
21 the originals. Attempted to contact the
22 representative of the private voter registration
23 entity to no avail. Do you know anything about
24 that?

25 MR. SPARKS: No, I can't say I do. I will

1 say I can't speak for Henry County, but again, the
2 allegation about the originals versus the copies
3 being submitted to the county authority, again, A,
4 that wasn't substantiated and so B, haven't spent a
5 lot of my, my clients time.

6 MS. KING: You said it's not
7 substantiated. What was not substantiated? That
8 they -- did not provide the originals?

9 MR. SPARKS: Correct, ma'am --

10 MS. KING: So, you're saying that it's
11 possibility that you did provide the originals to
12 the county?

13 MR. SPARKS: I'm sure it could be a
14 possibility. Again, I have not been able to track
15 down whoever sent this cover sheet or was purported
16 to have sent this cover sheet to Henry County, so no
17 way for me to investigate that particular issue. I
18 can tell you --

19 MS. KING: That you're unsure whether you
20 did or didn't?

21 MR. SPARKS: I was not there in 2022, so
22 I'm not sure or unsure of anything. I can say that
23 in discussing this with my client, there's no reason
24 to think that they would have sent copies. But, I
25 am not able to sit here and tell you today

1 definitively one way or the other, just as I am for
2 Fulton County, DeKalb County, Cobb County
3 investigation of that allegation was found not to be
4 substantiated according to the paperwork I've
5 received. That's really the extent of what I can
6 tell you.

7 MR. FERVIER: Any further questions? You
8 know, the Chair will entertain a motion, but like I
9 said earlier, I have concerns about that shall
10 versus -- should language and since this deal --

11 MS. KING: I have a concern about or
12 again, organizations coming into the state and kind
13 of running things the way they want to. I mean, the
14 fact of the matter is we, even if, even -- though it
15 may be ambiguous, you know, as to what you should
16 do, I would think that you would lean on the side of
17 the state that you're inside of.

18 MR. SPARKS: Respectfully, Member King, I
19 don't think my client leans on the side of
20 observation and I think it has strived 110 percent
21 to meet all of these legal guidance and that's one
22 reason actually I wrote the follow up letter to the
23 investigator because the initial information I got
24 was that they wouldn't be conducting activities in
25 2024 and then I got word that they had just signed a

1 contract to do so and so I immediately let the
2 investigator know this and specifically that they
3 had asked for and received guidance on this very
4 issue.

5 Again, I don't think it's a legal
6 violation given the wording of the rule, but they
7 were concerned enough about it to reach back out to
8 me and let me know. So, I do think that they are
9 striving to meet dot every I and cross every T of
10 Georgia law. Rest assured about that.

11 MR. FERVIER: Any further questions?

12 MS. JOHNSTON: No further questions.

13 MR. FERVIER: Chair to entertain a motion.

14 MR. JEFFARES: I'll make a motion to
15 dismiss.

16 MR. FERVIER: We have motion to dismiss.
17 Is there a second?

18 MS. JOHNSTON: Second.

19 MR. FERVIER: We have motion and a second
20 to dismiss his claim. Any discussion? Hearing no
21 discussion, all those in favor dismissing this
22 claim, signify by saying.

23 MS. KING: Aye.

24 MR. FERVIER: Any dissent? Hearing no
25 dissent, so moved. This claim is dismissed. Thank

1 you. You are dismissed. Thank you.

2 MR. SPARKS: Thank you, Mr. Chair, and
3 thank you to the Board and to Ms. Hardin for
4 accommodating my schedule.

5 MR. FERVIER: Alex, will you remind us,
6 the Board to revisit this rule and see if we can
7 come up with a change on that one particular word?

8 MR. SPARKS: Mr. Chair, I'm trying to turn
9 off the mic, but I don't see --

10 MR. FERVIER: Oh, I'm gonna cut you off.
11 You are cut. Well, now we're going to hear from one
12 of my favorite counties for Forsyth County, which I
13 lived at for 10 to 12 years at some time in the
14 past, a long time ago. We're going to hear SEB2021-
15 162. Before we hear that, is there anybody else
16 here that's here as a respondent? Ms. Lee, are you
17 not responding to anything else, are you? No,
18 nothing, good. You're our last respondent -- you
19 win the prize.

20 MS. KING: Doing 162?

21 MR. FERVIER: Yeah -- tab 54. Are you Ms.
22 Impaduglia (phonetic)? Is that a good Italian name?
23 There you go, yes.

24 MR. BRUNSON: This case involves a voter
25 in forsyth County, Marianne Impaduglia, who went to

1 vote -- on 11/20/21, at the 8 Mashburn Precinct
2 Lanyard United Methodist Church. She took a
3 photograph of her ballot from her phone. Poll
4 manager Ken Lindbergh addressed the issue directly
5 with Mrs. Impaduglia, informing her of the violation
6 and directing her to postage signage informing the
7 public that photography is not allowed inside the
8 polling place and asked her to delete the photo,
9 she refused.

10 Lindbergh called the county elections
11 office and Mandy Smith spoke directly to Mrs.
12 Impaduglia. Smith read parts of code section 21-2-
13 413E and 21-2-568.2 to her. Lindbergh gave a
14 handout to Mrs. Impaduglia that was made available
15 to voters with questions about this requirement.
16 She loudly protested, maintaining that it is her
17 right and she is willing to challenge the rule.

18 MR. FERVIER: I think that's enough, Ms.
19 Impaduglia this Board hears multiple cases similar
20 to this it seems like every time that we have a
21 meeting and I would love to hear from you on this.
22 Could you press your button and if you would just
23 identify yourself and explain to us what occurred in
24 your own words?

25 MS. IMPADUGLIA: I'm Marianne Impaduglia

1 and by the way, I do want to say that I have a newly
2 found appreciation for, for what election officials
3 do based on what I've seen in the past two days up
4 here. You're very thorough, detail oriented and
5 you're committed to getting to a conclusion and it's
6 the first time I've experienced that with anything
7 election related, this case and other things too.

8 So, I really appreciate that and I hope
9 that you consider that as I tell you because I did
10 get frustrated because I didn't experience any of
11 that in speaking with Mandy Smith. So, I tried to
12 get a copy of that narrative. I don't know where
13 that narrative came from, but when I first got a
14 letter from Mr. Coulter, the investigator, it was, I
15 thought it was a scam. It was a poor photocopy, not
16 a poor photocopy, but it didn't look like it was
17 official letterhead and it said that there was a
18 complaint and there was a blank form and the letter
19 requested me to fill out the form on what happened
20 and to sign it.

21 It just didn't make any sense to me. It
22 was almost like trying to get me to write a
23 confession, a signed confession or something and I
24 responded to that letter saying, well, I would like
25 to see what the complaint was like, the actual

1 document. I'm assuming that the superintendent
2 wrote the document or whatever and so I could
3 respond to that in writing and I never got anything,
4 never heard again after that and this letter came a
5 few months after the incident.

6 Actually, I don't remember when. All I
7 remember is that it was a long time after the
8 incident. Maybe office was backed up or something.
9 But, I don't remember when and I didn't keep any of
10 it after I wrote to that to Mr. Coulter and said,
11 please send me this, whatever this narrative, you
12 know, what was given to you guys to investigate. I
13 never heard anything. So, I thought it was just a
14 one and done. So, and then I got this last month.

15 So, I'm not sure why I got all this so far
16 after it all happened, but the narrative that was
17 just read to you is not how it happened. It's not
18 how I recall how it happened, and it's not how it
19 happened. So, but I did take a photo, so I went in.
20 I took a photo because I feel like we should be able
21 to take a photo of (inaudible) so we have a copy of
22 it when we go, when we leave. Because some of the
23 elections have so many different offices that we're
24 voting for and since 2020, I have heard all the
25 narratives, you know, in the news and everything.

1 And, I've seen all the evidence, you know,
2 over the time that has come up, you know, election
3 abuse, election fraud, election inconsistencies,
4 blah, blah, blah, that I feel like we should be able
5 to just basically a receipt of how we voted. That's
6 when we go get a receipt when we buy stuff at the
7 grocery store, we go to the doctor's office why
8 can't we just have a copy of our how we voted so
9 that if there's an issue moving forward, we have an
10 actual copy of how we voted?

11 And, I thought that should be a good thing
12 that they should put in the law. So, I took a
13 picture, and it was a bad case. I shouldn't have
14 done it that time because it was a special election,
15 and there was only one item on the whole thing that
16 we were voting on. It was for the SPLOST, which is
17 important to me because it's only local. So, I'm
18 thinking we should have, you know, something out
19 here, and that's a whole different story. Maybe,
20 maybe not is relative. Maybe you want to know about
21 it. Because it was kind of weird the whole thing
22 was weird, but so I took a photo, and three people
23 swooped down on me. You can't take a photo. You
24 can't take a photo. I just want a photo of mine.
25 You know how I voted before I put the paper in the

1 scanner, because once it goes in the scanner, you
2 never see it again. And they were saying, no, you
3 can't. You're not allowed. Why am I not allowed?
4 And the supervisor at the facility, and he was a
5 nice fellow, he said, no. And he pointed to, he
6 said, you know, outside the voting room, there's
7 like the lobby area, the actual statute, it's over
8 there. So I went out first, I put my thing in the
9 scanner, because I knew I was leaving the room.

10 Wanted to make sure that was nothing weird
11 about that. And then I went out and I read it, the
12 statue. And I read it, and it said, oh, it says
13 here that the superintendent has discretion to allow
14 you to take a picture. So, I went and I told him
15 that, and I said, can you please call the
16 supervisor? I didn't even know who it was at the
17 time, and ask if it's okay for me to get that
18 picture and so he did ask me about deleting it, but
19 I said, well, it's saying on there that I can take a
20 picture and I already threw it in the scanner, so
21 can you call her and get permission from her? I'd
22 like permission and so he did, he got her on the
23 phone, and we're talking, and I said, yeah, I'm
24 asking you to use your discretionary authority to
25 allow me to take a picture of my ballot, just my

1 ballot.

2 And she said, I don't have the
3 discretionary authority to do that. And I said, you
4 do it says right here and I read the statute to her,
5 and she kept saying, I don't have the discretionary
6 authority to do. She would not change that response
7 and I felt like either she doesn't understand what
8 her law is, or, I mean, I just could not understand
9 why she would not simply say, no, yes or no and so
10 every time she said, I don't, I can't do that, I
11 don't have the discretionary authority to do that, I
12 would respond with something a little bit more
13 detailed and said, well, it says here that you do.
14 And I would read part of it, and she would just keep
15 saying, I don't have the discretionary authority to
16 do it.

17 So, I was getting kind of frustrated, and
18 that's what is represented in her narrative, because
19 I was getting angry. I was saying, you know, but it
20 says right here and eventually nothing came of it.
21 At some point during all that, I do remember, I
22 don't know if it was someone on inside first or she
23 said, I don't remember who said it, but I remember
24 saying something like, you know, if you don't get
25 rid of it, then you going to, you know, call the

1 Sheriff and have you arrested and we came to an
2 impasse. Nothing ever came of it and I did
3 eventually delete it, because I'm not, I don't want
4 to get arrested over it.

5 You know, we just had the one thing on
6 there, by the way, with the QR code, too. So, I'm
7 thinking, well, this piece of work, anyway. So I
8 did the, so that's how it went down. So, some of my
9 main concern is that the reason why I kept. Why I
10 was argumentative is because I felt like, as
11 superintendent, she should have been able to either
12 use her discretionary authority to say yes or use it
13 to say no, you cannot. And if she had said no, you
14 cannot, I would have documented, I would have asked
15 her why and I would have documented that. So, that
16 way I could use this information moving forward to
17 try to get the law change to say, why can't we get a
18 copy of our vote when we leave? Why can't we get a
19 copy of that? There's nothing unreasonable about
20 asking that.

21 And you know, and so it never. That is
22 the whole reason why I was trying to get her to be
23 accountable to her decision. But she basically, and
24 I really had come to the conclusion that she
25 intentionally deferred her responsibility. She

1 should have, or she could have said, you know, of
2 each of these things, pointed out why, because none
3 of them, I believe I'm reading it is any reason why
4 she should deny me for me to take a picture of my
5 ballot. So I didn't have a chance do any of this in
6 advance to respond to her narrative and all that.
7 So, that's why I'm here today and I'm really hoping
8 you'll just dismiss it because I am so over it, it's
9 I can't tell you how frustrating --

10 MR. FERVIER: I understand and I always
11 appreciate when people vote and we appreciate you
12 voting. I appreciate you sitting through this and
13 listening. And maybe the signage wasn't clear
14 enough, but when you read the actual code, which is
15 22-4-13, it says I'm just going to read part --

16 MS. IMPADUGLIA: I have a copy of code,
17 but I don't think both parts honestly don't
18 remember, but I don't think both parts were
19 prominent --

20 MR. FERVIER: 21-2-568 is even more
21 definitive on whether you can take photographs or
22 not. But 21-2-413 says that the, let me just read a
23 little bit. "No person shall use photographic or
24 other electronic monitoring or recording devices,
25 cameras or cell phone telephones while such person

1 is in a polling place while voting is taking place.
2 Provided, however, that a poll manager at his or her
3 discretion may allow the use of photographic devices
4 in the polling place under such conditions
5 limitations as the election superintendent finds
6 appropriate and provided further, no photography
7 shall be allowed of a ballot or the face of a voting
8 machine or DRE unit or electronic ballot marker
9 while the elector is voting such ballot or machine
10 or"

11 So it says, yeah, she has some discretion
12 to allow videotaping or photography and that mostly
13 has to do with poll watchers, but it goes on to say,
14 you know, she has discretion on those areas, but she
15 can't allow you to take a picture of the ballot.
16 Even those people are not allowed to take pictures
17 of ballots. So, that's, I mean, it's, it's further
18 clarification of that rule and I don't know, I don't
19 know exactly what -- I don't have that poster in
20 front of me.

21 But, the rule is pretty clear that she has
22 some discretion, he or she has some discretion and
23 like I said, it's mostly when you're talking about
24 poll watchers and things, but, but it further
25 clarifies that you can never take a picture of the

1 ballot while voting is taking place and you know,
2 this Board has ruled on this same topic so many
3 times in the past. And, I understand there might
4 have been some miscommunication as, and she probably
5 could have explained it earlier and read that out to
6 you and said, no, she doesn't have any discretion
7 when it comes to taking pictures of a ballot. She
8 has no discretion with that. She, I mean, she
9 really has none.

10 I mean, that's what the rule says. That's
11 the law that we have to, that we have to live by for
12 everybody. Now, if you think that the rule needs to
13 be changed or law needs to be changed, by all means,
14 go to the legislator and you know, ask them to, you
15 know, change it. You know, that's, that's your
16 prerogative and you know, but the Board is really
17 limited in what we're allowed we can only follow the
18 law here and what the law says, you know, and we
19 can't make decisions based on what people think
20 should happen. We have to make decisions on what
21 the law says, what the rules say. So, please
22 respond.

23 MS. IMPADUGLIA: Okay, so what you read
24 back to me does not match what I have here and I'm
25 looking at the 413 of the 2021 code, which is what

1 would apply.

2 MR. FERVIER: Are you looking at
3 subparagraph E?

4 MS. IMPADUGLIA: Yes, 413 subparagraph E.
5 And what I have says --

6 MR. FERVIER: This is the 2024 edition.

7 MS. IMPADUGLIA: Okay, but this didn't
8 happen in 2024. This happened in 2021.

9 MR. FERVIER: Right? I don't have that
10 one, do you?

11 MS. IMPADUGLIA: So, I did make a note of
12 that.

13 MS. KING: That's a good point.

14 MS. IMPADUGLIA: That's why I appreciate
15 taking the time for me to respond and go through
16 this because I have a copy of what I read on the
17 board and that's what I was using to try to get a
18 response from the superintendent, but that was
19 consistent with the law, as I understood. So, it
20 says on here, "No person shall use photograph or
21 other electronic monitoring or recording device,
22 cameras, cellular phones, while a person is in a
23 polling place while voting is taking place.
24 Provided, however, that a poll manager in his or her
25 discretion may allow the use of photographic devices

1 in the polling place under such conditions and
2 limitations as the election superintendent finds
3 appropriate." And, so she first of all has the
4 discretionary authority. But then it says, goes on
5 to say, and these are things that I believe, that
6 she cannot have the discretionary authority change.
7 No photograph shall be allowed of a ballot or the
8 face of a voting machine or DRE unit or electronic
9 ballot marker while an elector is voting such a
10 ballot.

11 MR. FERVIER: Well, yeah, and that means
12 any elector. So, there were people in there voting.

13 MS. IMPADUGLIA: Yeah, I know.

14 MR. FERVIER: Yeah, I mean, that's --
15 pretty much the same language which says it --

16 MS. IMPADUGLIA: But, it's saying that you
17 can't take a picture of it while it's being voted.
18 I was not taking a picture of the machine. I voted
19 and then the paper comes out and I don't know if all
20 the counties do this in Georgia, but Forsyth County,
21 you vote electronically on the machine with a
22 touchpad and when you're done, a piece of paper
23 prints out and you walk that paper over to the
24 scanner and feed it in and you never see it again.

25 So, what I was asking her was to take a

1 picture of the piece of paper after I was done
2 voting. I wasn't by any of the machines. I wasn't
3 looking at any other people. I wasn't doing any of
4 that. It was just my paper ballot before putting it
5 in the scanner. So this says that, you know, you
6 can't take a picture of the ballot while it's being
7 voted. That would be on the screen.

8 Okay, so I wasn't trying to do that, which
9 is kind of interesting because one of the methods,
10 the narratives that has been out there is that votes
11 were flipping on the screen. People would vote for
12 one thing, but it would flip on screen something
13 else. So, I find it kind of interesting that you
14 can't even take a photo of the screen, but no
15 matter, that's aside from this, because I didn't
16 take a picture of the, any of the equipment or any
17 of that, Just my piece of paper.

18 MS. JOHNSTON: Marianne?

19 MS. IMPADUGLIA: Yes?

20 MS. JOHNSTON: Did you sell your vote?
21 Did you take, did you show your picture to someone
22 to get money for it?

23 MS. IMPADUGLIA: Okay, I -- that's private
24 and I would never have. The reason I took the photo
25 was if by some chance something came up later in the

1 future that says, you know, if you have, like, if
2 the election people say you have proof of, blah,
3 blah, blah, I have evidence. That's the only reason
4 why I took it.

5 MS. JOHNSTON: The reason for not allowing
6 photographing of ballots is for the prevention of
7 buying or selling votes. Some people might take a
8 photo of their ballot and then walk out the door and
9 show someone who's willing to pay them to prove that
10 they voted for a certain issue or candidate or
11 amendment. So, that is the reason for not
12 photographing ballots.

13 MS. IMPADUGLIA: Okay.

14 MS. JOHNSTON: Okay, well, it's, it's a
15 big one and it's a problem and we're all so
16 connected to our phones and I'm addicted to my phone
17 and -- we use the camera all the time, and it just
18 seems natural. It's great for, you know, looking up
19 your Peachtree Road Race time and taking a photo of
20 that. But, it's not okay in the voting booth
21 because we want to prevent buying and selling of
22 votes. So, it's against the statute that statute
23 was effective March 25th, 2021. So it is in effect
24 at the time for that election.

25 MS. IMPADUGLIA: And again, if she had

1 said that, if she had said, no, I'm not going to,
2 you can't take the pictures, you're not allowed to,
3 then I would say, well, why not? And if she had
4 said something like that or even anything that it
5 didn't have to be that exact example, but something
6 like that, I would have gone, oh, okay, and that
7 would be the end of it , but that's not what
8 happened.

9 All she kept saying was, I don't have the
10 authority to do that and I just have gotten to the
11 point where I feel like there are people at the
12 lower levels that just either don't think it through
13 or don't want to think it through, or are just not,
14 you know, worried about it, you know, fixing it,
15 making it better or any --

16 MS. JOHNSTON: That's the reason. So, I
17 think we're ready to --

18 MR. FERVIER: Yeah, and then some people
19 don't like conflict. I mean, there's a lot of
20 reasons -- this Board, though, it's important for
21 this Board to remain consistent on what we do with
22 these kind of issues and we voted on this multiple,
23 multiple times on things like that and, and like I
24 said, if you feel it's necessary to change the law,
25 please, you know, it's --

1 MS. IMPADUGLIA: And I guess my, the end
2 game is that I would hope that you dismiss this or
3 at the very least maybe make a referral that the
4 superintendents get better training, better
5 education or better something to be able to respond
6 when a voter does something like this, you know that
7 it's just not intended to be, you know, invade
8 someone else's privacy or to do anything like that.
9 But if there's potential for that --

10 MS. JOHNSTON: We're trying to help you,
11 the voter, protect secret ballot, your privacy, your
12 ability to vote freely. That's freely of your
13 choice without somebody twisting your arm and making
14 you vote and prove that you voted a certain way,
15 Okay.

16 MS. IMPADUGLIA: So there's been, there
17 would not really be a way to change that because --

18 MS. KING: Yeah.

19 MS. IMPADUGLIA: To change the law because
20 there's not a way to. Unless I can come up with an
21 idea or an option, a suggestion to be able to get a
22 receipt without it being sold. Then there really
23 wouldn't be.

24 MR. FERVIER: Could be difficult.

25 MS. JOHNSTON: It has been said that a

1 ballot is worth 40 to 200 dollars. So, it is worth
2 protecting the privacy of your ballot and my ballot
3 and everyone's ballot.

4 MR. FERVIER: Chair is ready to entertain
5 a motion.

6 MS. IMPADUGLIA: One other thing too that
7 was --

8 MS. JOHNSTON: I think we've heard enough
9 and we'd like to move along with the meeting now.

10 MS. KING: I was going to make a motion
11 that we dismiss this case but it sounds like being
12 consistent with prior it would be okay --

13 MS. JOHNSTON: Would you consider a letter
14 of instruction?

15 MS. KING: Yeah, so I'll make the --
16 recommendation that we submit a letter of
17 instruction to you. Just giving you further
18 explanation as to why this is important and why you
19 shouldn't take pictures of your ballot. It just the
20 law.

21 MR. FERVIER: Right, we have motion to
22 issue a letter of instruction.

23 MS. JOHNSTON: Second.

24 MR. FERVIER: And there's a second, any
25 discussion? Hearing no discussion, all those is in

1 favor of issuing of LOI, letter of instruction.

2 Please signify by saying aye.

3 MS. JOHNSTON: Aye.

4 MS. KING: Aye.

5 MR. FERVIER: Any dissension? Hearing no
6 dissension, the motion carries 3 to 0. Thank you
7 ma'am appreciate your patience. Thanks for coming
8 and giving us your side of the story. We do
9 appreciate it. We're going to move back to the
10 cases slated for dismissal and there were two quick
11 ones that Dr. Johnston had some -- questions on and
12 then we'll vote on the rest of them en masse. So,
13 the very first one, SEB2024-211 Bryan County which
14 is a tab 18.

15 MS. JOHNSTON: Michael, you want me to
16 save you a little time?

17 MR. BRUNSON: Yes.

18 MS. JOHNSTON: Just briefly this case is
19 an allegation of vote switching on the BMD. There
20 was evidence was not able to be presented to
21 demonstrate that or prove that. So, it will be
22 recommended to dismiss it. But, I just wanted to
23 make a point that a problem with BMD ballots are
24 that -- it's an electronic image of your ballot, but
25 as soon as you hit the completed or print button on

1 the BMD, the image disappears and a ballot summary
2 is printed out and so if you thought you saw
3 something on that BMD, you will not be able to see
4 it again and no matter what you thought you saw, you
5 can't prove it. Now you can look at your ballot
6 summary and make sure that it has who you think
7 you're voting for or what you're voting about. If
8 you review that and also once you put that in the
9 scanner, it's forever voted. It's a counted ballot
10 and you can and it's secret ballot at that point
11 because there's no identifying marks to it and you
12 can't retrieve it that way.

13 So, a word of caution is if a BMD ballot
14 image comes up and you don't think it's correct,
15 don't let it disappear. Call the poll manager to
16 look at that image and address it if you think that
17 it's not the right ballot and once you get your
18 printed ballot summary, please review it before you
19 put it in the scanner because once it's scanned,
20 it's no longer identified as your ballot. So, Mr.
21 Chairman, I recommend that we dismiss this case.

22 MR. FERVIER: I'm going to dismiss all of
23 them one time. Let's address the other case you
24 have real quick and I'm going to, I will make the
25 motion to dismiss all the rest of them and name

1 them.

2 MS. JOHNSTON: Well, there's one that I
3 want.

4 MR. FERVIER: The other one was SEB2024-
5 163 and it's number 32.

6 MS. KOTH: This is one about the third
7 party.

8 MS. JOHNSTON: Yeah.

9 MR. FERVIER: You want to continue? All
10 right, then we'll make a motion to continue it,
11 okay.

12 MS. JOHNSTON: Okay, SEB2024-163 pertains
13 to alleged fraudulent voter registration
14 applications. And my reading of this summary
15 suggests an investigation, suggests that we need
16 more investigation and I'd recommend that we
17 continue this case.

18 MR. FERVIER: We have most continue.
19 SEB2024-163. We have a second?

20 MS. KING: Second.

21 MR. FERVIER: Any discussion? Hearing no
22 discussion. All those in favor of continuing case
23 SEB2024-163 signify by saying aye.

24 MS. JOHNSTON: Aye.

25 MS. KING: Aye.

1 MR. FERVIER: Any dissension? Hearing no
2 dissension, so moved --

3 MS. KOTH: This is the one where the
4 person whose application it was wouldn't say who her
5 friend was that filled out her application.

6 MS. JOHNSTON: Correct, I would like to
7 continue that case to investigate further and see if
8 we can determine the third the TPO that the co
9 worker was working for.

10 MR. FERVIER: Okay, the Chair is going to
11 exercise his right to make a motion. The Chair is
12 going to make a motion that cases SEB2024-211 Bryan
13 County, SEB2024-166 Chatham County, SEB2021-018
14 Fulton County, SEB2024-253 Glynn County, SEB2024-126
15 Henry County be dismissed. Is there a second?

16 MS. KING: Second.

17 MR. FERVIER: There's a motion and a
18 second. Is there any discussion on those cases?

19 MS. JOHNSTON: Mr. Chair, did you mention
20 SEB2024-166 Chatham County?

21 MR. FERVIER: Yes.

22 MS. JOHNSTON: I would like that to be
23 heard.

24 MR. FERVIER: Oh, you -- want it heard?

25 MS. JOHNSTON: Yes.

1 MR. FERVIER: Okay, then I'll revise my
2 motion and my motion is to dismiss cases SEB2024-
3 211, case SEB2021-018, SEB2024-253, SEB2024-126
4 recommending all those for dismissal. Is there a
5 second?

6 MS. KING: Second.

7 MR. FERVIER: We have a second. Any
8 discussion? Hearing no discussion, all those in
9 favor of dismissing those above named cases signify
10 by saying Aye.

11 MS. KING: Aye.

12 MR. FERVIER: Dr. Johnston.

13 MS. JOHNSTON: Aye.

14 MR. FERVIER: Any dissent? Hearing no
15 dissent, so moved. Those cases are dismissed by
16 vote of 3 to 0, and we'll now hear SEB2024-166.

17 MS. KOTH: This case was opened up when
18 Ms. Patty said that the arrangements of the BMD
19 machines at the Mosquito Control polling precinct
20 were set up in a way that the public could see the
21 elector's ballot. Sent the investigator down there.
22 He had taken some photos and the BMD machines were
23 set up kind of like horseshoe looking, so if no one
24 was at them, it would look like you could see
25 everything, but if somebody was standing in front of

1 them, you could not see anything. So no, there was
2 no privacy issues with the setup of the BMD
3 machines.

4 MS. JOHNSTON: The question were the BMDs
5 rearranged? They were not. So, my issue with this
6 is voter privacy. It's a really big issue for some
7 people and certainly in some small counties or even
8 in a large county and there's a huge difference
9 between a 6 foot 3, 240 pound person voting in front
10 of a BMD, of course you can't see the ballot. But,
11 a 5 foot 100 pound voter does not cover the BMD and
12 does not afford that privacy and I know when it's
13 oftentimes stated when the voters in front of the
14 BMD, you can't see it, but that is not true.

15 It's true for big people, but it's not
16 true for small, short, slight people and we have
17 this issue almost every election where they're
18 arranged so that a voter walks in and the poll
19 workers can watch how people vote or people standing
20 in line can watch how voters are voting. So, if
21 anybody complains about it, I think it should be
22 taken seriously and I think a letter of instruction
23 to Chatham County would be in order.

24 MR. FERVIER: Yeah, I don't disagree with
25 you when I was visiting polling locations at this

1 last election, probably 25 percent of them were in
2 facilities that were much too small for what they
3 were trying to do and it's all was available and you
4 had a lot of machines that we had to move around the
5 best we could to try and protect the viewpoint, but
6 it is a -- huge problem across the State with
7 facilities. A letter of instructions seems
8 appropriate. You want to make a motion?

9 MS. JOHNSTON: Mr. Chairman, I make a
10 motion that we issue a letter of instruction to
11 Chatham County. The respondents not listed on this,
12 but I assume it's Chatham County.

13 MR. FERVIER: What'd you say? It's a
14 letter of instruction. It's not a --

15 MS. KOTH: They were notified that this
16 case was being pulled though to be discussed. Do
17 what? Yeah, all the ones that were being pulled
18 that were dismissals, we notified the counties with
19 the SOS.

20 MR. FERVIER: Yeah.

21 MS. JOHNSTON: Okay, so I recommended
22 dismissal with a letter of instruction?

23 MR. FERVIER: Yes, a letter of
24 instruction. Yeah, we have a motion to send a
25 letter of instruction on this case. Is there a

1 second?

2 MS. KING: Second.

3 MR. FERVIER: We have a motion and a
4 second. Any discussion? Hearing no discussion all
5 those in favor signify by saying aye.

6 MS. JOHNSTON: Aye.

7 MS. KING: Aye.

8 MR. FERVIER: Any opposition? Hearing no
9 opposition, so moved by 3 to 0. Okay, we're done
10 with those cases. Let's move on to go to SEB2021-
11 109 statewide deceased voter. It's tab number 40.

12 MS. KOTH: This was one where, I don't
13 know, I think it was a lady from yesterday was on
14 this list where she said she was alive. We were
15 given a list of 12 potential deceased voters. Out
16 of those 12, allegation one never voted.
17 Allegations 3, 4, 11 and 12 were not deceased.
18 Allegation 2 was a date entry error that was
19 corrected. The Deceased name was Daniel Joseph
20 Fitzpatrick and the actual voter was Daniel John
21 Fitzpatrick. So, they just gave credit to the
22 deceased voter instead of the other voter.

23 Allegations 5, 6, 9, and 10 voted prior to
24 death. 7 and 13 were unable to be substantiated and
25 allegation 8 received credit after death. So, for 7

1 Lane Reed (phonetic) shows her date of death at --
2 12/17/2020 election that showed that her absentee
3 ballot was accepted by the elections office on
4 12/29/2020, twelve days after her death. The
5 investigator contacted DeKalb County requesting a
6 copy of the application. They noted that the
7 envelope was postmarked as being processed by the
8 Atlanta Post office on 12/22/20. That was five days
9 after the death. They traveled over to her
10 residence and Investigator Lebenhard (phonetic)
11 their card and someone called that said Ms. Reed was
12 her mother. She did not give any further
13 information.

14 The woman yelled at the investigator,
15 refused to answer any investigations and shouted ask
16 the post office why it was late. She shouted that
17 several times, told the investigator not to come
18 back to her door. She hung up the phone.
19 Allegation 13 was Carlene (phonetic). The State of
20 Georgia showed her death certificate at 8/19/2020.
21 The check through election it shows that her
22 absentee ballot was requested on 9/1/2020. This was
23 likely automatic as this was before the general
24 election and the runoff election was not known at
25 the this time.

1 Her ballot was received 5/21 it was 139
2 days after her death. The check of the election
3 that shows that her death was marked. A change was
4 made in Election Net on 9/1/20 by the code and a
5 name. But, there were changes made on 10/8/20,
6 10:16 by another name and on 12/18/20 and 11:21 the
7 changes were made by another name. The investigator
8 located the address where the absentee ballots were
9 sent onto Koa Circle (phonetic).

10 The investigator left a card on the door.
11 The person called him and advised that Carlene was
12 his mother. Confirmed that an absentee ballot was
13 sent to his address automatically. He said when he
14 received it, he shredded it. He did not vote it.
15 He additionally advised that he is the only person
16 who lives at that location. Don't know how that
17 ballot got back couldn't confirm.

18 MR. FERVIER: It seems to me that 7, 8,
19 and 13 are the ones that this Board needs to --

20 MS. KOTH: Yeah, that was 7 and 13 and
21 then 8 is. The investigator interviewed Daniel's
22 mother, Raynell (phonetic). She advised that she'd
23 been helping her son who was disabled with his
24 ballots before his death. She advised that things
25 were very confusing during that time and she thought

1 that when she signed for him that he was still
2 alive. She stated that the first time the ballot
3 was sent she was sure he was alive. She also
4 confirmed that the handwriting signature on both the
5 application and the ballot were from her hand. So
6 there was evidence to suggest that Raynell violated
7 21-2-562, subsection A1.

8 MR. FERVIER: And in 13, it just seems to
9 me that. That there's something there to be found
10 by somebody.

11 MS. KOTH: That's with the Election Net
12 part like that section there, but there -- wasn't
13 anything else.

14 MR. FERVIER: I mean this is, Carlene
15 Vines was passed and her son was the only one who
16 lived in the house at the time. And the ballot was
17 voted, right?

18 MS. KOTH: Yes.

19 MR. FERVIER: Yes, I would seems to me
20 that those three were the appropriate to send to the
21 AG for further investigation. Are there any
22 questions from the Board on any of these? Chair
23 will entertain a motion on those three cases.

24 MS. KING: Yeah, I make a motion that we
25 send those three cases -- allegations 7, 8, and 13

1 to the Attorney General's Office.

2 MS. JOHNSTON: Second.

3 MR. FERVIER: We have a motion that
4 allegations 7, 8, and 13 be sent to the AG for
5 further investigation. The Chair will entertain a
6 motion to dismiss all the other allegations. Voting
7 all the other ones to dismiss.

8 MR. JEFFARES: I'll make that motion.

9 MR. FERVIER: We have a motion from Member
10 Jeffares to dismiss all the other allegations.

11 MS. KING: Second.

12 MR. FERVIER: We have motion to second.
13 Any discussion? Hearing no discussion, all is in
14 favor of dismissing all the other allegations
15 signify by saying aye.

16 MS. JOHNSTON: Aye.

17 MS. KING: Aye.

18 MR. FERVIER: Any opposition? Hearing no
19 opposition, so moved.

20 MS. JOHNSTON: We didn't vote on AG.

21 MR. FERVIER: We sent 7, 8, and 13 to the
22 AG.

23 MS. JOHNSTON: Well, we made a motion.

24 MR. FERVIER: There's a motion and a
25 second to send allegations 7, 8, and 13 to the

1 Attorney General. Hearing no discussion all those
2 in favor signify by saying aye.

3 MS. KING: Aye.

4 MS. JOHNSTON: Aye.

5 MR. FERVIER: Any opposition? Hearing no
6 opposition, so moved. All right, let's go to
7 SEB2022-306 Bryan County, number 42 in your book.
8 Bryan County was supposed to respond to this
9 regarding the broken seal. We had continued this
10 case.

11 MS. KING: They didn't reply. Did they?
12 Did they respond?

13 MR. FERVIER: Okay, I didn't -- get a
14 response to. Alex, did we get a response that, you
15 know of?

16 MR. BRUNSON: We'll recommend a dismissal
17 on this case. It was not a violation. This was one
18 of those deals where the original complainant, or
19 I'm sorry, the original respondent took a photo of
20 the broken seal. She demanded to be allowed to look
21 at it. Initially, someone told her she couldn't.
22 Ultimately, the poll manager said, okay, I'll take
23 you to go look at the -- seal.

24 So she did, she was allowed to see the
25 seal. Well, the recommended statute does not cover

1 average citizens. It's only for representatives,
2 candidates, et cetera and so what that means is that
3 no citizen could just show up and say hey I want to
4 look at the while voting is going on I want to look
5 at your machines. She does not have that
6 authorization.

7 So, this case there's no law that the
8 county violated by not allowing her initially to not
9 view that seal even though she saw it within minutes
10 because somebody came and allowed her to look at it
11 anyway. That was a discretionary act by the poll
12 manager. So, this case there's no violation of SEB
13 rule or State statute.

14 MR. FERVIER: But, you have a potential
15 violation here of -- Anastasia Knight (phonetic)
16 elector.

17 MR. BRUNSON: Pardon me? She got an LOI.

18 MR. FERVIER: Okay, that's right. We had
19 asked Bryan County to come back and talk to us about
20 the broken seal so --

21 MR. BRUNSON: But, once we looked at the
22 statute we said she had no right to demand to go see
23 it.

24 MS. KING: Yeah.

25 MR. BRUNSON: They let her do it anyway

1 but it was discretionary.

2 MR. FERVIER: Got it.

3 MR. BRUNSON: Yeah.

4 MR. FERVIER: The Chair will entertain a
5 motion.

6 MS. KING: Yeah, I make a motion. We
7 dismiss.

8 MR. FERVIER: We have motion to dismiss.
9 Is there a second?

10 MR. JEFFARES: Second.

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

13 MS. KING: Aye.

14 MR. FERVIER: All is opposed. You can
15 signify by saying no.

16 MS. JOHNSTON: No.

17 MR. FERVIER: Vote carries 3 to 1. Next
18 case in the agenda is SEB2022-103 Chatham County
19 failure to open poll at 7 AM, it's tab number 44.

20 MS. KOTH: This case was continued from
21 the February it was the LOI to the County and it was
22 continued on what the pole pad issue was. I believe
23 you received a response from the Secretary of State
24 about this.

25 MR. FERVIER: So, go ahead and get the

1 potential violations real quick.

2 MS. KOTH: The LOI that was to the County
3 already?

4 MR. FERVIER: Why did we continue this
5 then?

6 MS. KOTH: Case was continued because
7 there was -- you guys had wanted an explanation
8 about what the poll pad issue was from the Secretary
9 of State.

10 MS. KOTH: I was under the impression --

11 MR. FERVIER: We're going to continue this
12 case again until we get an answer.

13 MS. KOTH: Didn't you?

14 MR. FERVIER: Did we get an answer? Oh,
15 okay. All right, I'm sorry. My brain's a little
16 bit of mush right now. Yep, let me see.

17 MS. KING: She said it only to the
18 Chairman?

19 MR. FERVIER: I may or may not have
20 forwarded it. "In response to your inquiry below I
21 have talked to our elections director in the poll
22 pad vendor and below is the feedback they offered.
23 First, it's worth noting that the check in process
24 during early voting in May 2022 is very different
25 than it is now in May 2022 in Chatham poll workers

1 would have been looking at voters in E-net and
2 assigning credit for voting.

3 Now, counties use a cellular poll pads to
4 check in voters under the past E-net system. While
5 it was still aware it was possible that a poll
6 worker might have selected an incorrect voter when
7 checking someone in. According to our vendor, under
8 the old system, the poll pad would have shown one of
9 the following voter statuses on the initial lookup
10 screen checked in a green bar indicating the voter
11 had been processed in the polling place on election
12 day and issued a green voter activation card advance
13 in person a red bar indicating that based on data
14 provided from E-net and imported to the poll pad
15 system, the voter had been processed by the county
16 during advancement in person voting.

17 Absentee accepted a red bar indicating
18 that based on data provided from E-net and imported
19 to the pole pad system, the county had accepted the
20 voters absentee by mail ballot. Absentee issued a
21 red bar indicating that based on data provided from
22 E-net and imported to the poll pad system, the
23 county had issued the voter an absentee by mail
24 ballot which had not been returned to the county.

25 While we don't know specifically what

1 happened in this instance, it appears that when the
2 county conducted further investigation, it was able
3 to resolve the issue. Again, it's important to note
4 that to help counties avoid these kinds of mistakes
5 going forward, we have already -- completely
6 overhauled the check in process since it's
7 occurred."

8 That was sent to me. Is that Monday the
9 12th? Yeah -- Monday the 12th. We've already
10 adjudicated this case, right?

11 MS. KOTH: You LOI'd for the county.

12 MR. FERVIER: What?

13 MS. KOTH: You did an LOI for the county.

14 MR. FERVIER: So, there's nothing left to
15 do on it then?

16 MS. KOTH: No, that was just a question
17 that was asked. That was continued for that.

18 MR. FERVIER: Okay, so the question's been
19 answered?

20 MS. JOHNSTON: Yes --

21 MR. FERVIER: Alex is forwarding that to
22 you all now. Let's go to SEB2021-160. City of
23 Cuthbert, illegal campaigning.

24 MS. KING: So, we're coming back to this
25 or something? We're coming back to that we're just

1 let. What are we doing with this?

2 MR. FERVIER: Well, there was -- no action
3 to be taken. It's just a question to be asked on of
4 the Secretary of State Office.

5 MS. KING: Okay.

6 MR. FERVIER: The City of Cuthbert,
7 illegal campaigning is number 46.

8 MS. KOTH: This case was for illegal
9 campaigning. Gino Carreras (phonetic) advised that
10 the respondent, Bobby Jenkins drove to the poll with
11 campaign signs on his vehicle. Gino stated that he,
12 his supporters and other candidates were campaigning
13 across the street from the polling location. Around
14 2:30 PM another candidate, Bobby Jenkins left the
15 campaigning area and drove his wife to the polling
16 location across the street and within the 150 foot
17 rule, Gino gave a list of three witnesses and the
18 investigator was able to speak to two of them who
19 collaborated the story.

20 One said late morning when Gino said 2:30
21 in the afternoon, that was the only discrepancy.
22 The third witness never responded to the
23 communication attempts.

24 MR. FERVIER: This was confirmed by two
25 witnesses that occurred?

1 MS. KOTH: Yeah, he called Bobby, who
2 referred him to an attorney and the attorney said,
3 we're not going to speak with you unless you show us
4 evidence.

5 MR. FERVIER: The attorney said what?

6 MS. KOTH: He had nothing to say unless
7 they could prove with evidence that his client did
8 that, they weren't going to respond to it and there
9 was no surveillance cameras. So, this was a
10 potential violation due to the witnesses.

11 MR. FERVIER: You spoke with the
12 witnesses?

13 MS. KOTH: He investigated it.

14 MR. FERVIER: You found them to be
15 believable?

16 MS. KOTH: He did.

17 MR. FERVIER: He did --

18 MS. KOTH: Attorney because they wouldn't
19 cooperate unless they showed him --

20 MS. KING: Yeah, I'll make a motion that
21 we send a letter of reprimand.

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

24 MR. JEFFARES: Second.

25 MR. FERVIER: We have motion to second.

1 Any discussion? Hearing no discussion, all is in
2 favor, signify by saying aye.

3 MS. KING: Aye.

4 MR. JEFFARES: Aye.

5 MR. FERVIER: Any opposition? Hearing no
6 opposition, so moved. Go to SEB2021-034 Hancock
7 County -- tab 60. Let me ask the Board before we
8 get started. Let's go forward with SEB2021-034.

9 MR. BRUNSON: This is a complaint from the
10 complainant, Nancy Stevens, regarding the November
11 2020 general election. So -- there's four different
12 allegations that she made. We only substantiated
13 the third one. So, the first she said that a
14 individual by the name of Marion Warren had a tent
15 set up at the skating rink/youth center. Polling
16 location located at 12560 Augusta Highway in Sparta,
17 Georgia and he was passing out free food and she
18 claimed that they were asking for information on how
19 electors voted. There was also concerns about the
20 location of the tents, that they should have been
21 moved further back from the polling location. You
22 want to just go through the whole and then go
23 through the first or you want to just read all four
24 of them off at one time one after the other?

25 MR. FERVIER: Just read them all four off

1 quickly.

2 MR. BRUNSON: Okay, all right, her second
3 complaint was a camera located at the skating rink/
4 youth center polling location located that same
5 location that I just mentioned was turned on and
6 could monitor voters while casting their ballots.

7 Her third one was, the camera monitoring
8 the dropbox at the board office was malfunctioning.
9 Her fourth complaint was, student volunteers were
10 handling memory cards, delivering them to the
11 skating rink precinct and a chain of custody was not
12 completed.

13 So for the first allegation, we didn't
14 have any evidence to indicate that that's what this
15 individual was doing. She was just basing it off of
16 her own opinion. The investigator spoke with Mr.
17 Warren, he was beyond 150 feet. He said that
18 someone, he often does community events and he was
19 handing out food at that location. So, we didn't
20 find any evidence to indicate that he violated code.

21 The second one, regarding the camera,
22 Nancy Stevens, even herself, the actual complainant,
23 stated later that the camera could only record
24 voters coming in and not casting their vote. So she
25 -- basically handled that one for us herself. The

1 third one was the one that was stained. Apparently
2 the camera that was supposed to be monitoring the
3 dropbox malfunctioned. IT had to step in and make
4 some fixes to that camera. She did, apparently she
5 did a, I think she was trying to do an open records
6 request and they didn't have it and that's how it
7 was discovered and so ultimately that was the
8 violation and at the time there was no State statute
9 that covered drop boxes. However, there was a SEB
10 rule, Rule 183-1-14-0.6-.14 regarding secure
11 absentee ballot drop boxes that was violated in this
12 particular case.

13 The fourth allegation was unsubstantiated
14 and then unfortunately though, he asked for the
15 chain of custody forms and it was beyond the two
16 year holding requirements. So, they didn't have
17 those forms but they vehemently denied that kids
18 were handling. I don't know where that, well, it
19 came from, I guess to complainant it, but we
20 couldn't prove that -- was occurring.

21 So, that's the whole gist of the case and
22 the violation is, as I stated in allegation three
23 with the camera not being on that dropbox. The
24 absentee ballot dropbox.

25 MR. FERVIER: Because the malfunction,

1 right, the camera?

2 MR. BRUNSON: Malfunction, yeah, they
3 fixed it, obviously .

4 MS. KING: They have fixed it?

5 MR. BRUNSON: Yeah, oh, yeah. They fixed
6 it then.

7 MS. KING: Okay.

8 MR. FERVIER: Dealing with over 20,000
9 cameras countrywide. I'm a little sensitive to that
10 issue.

11 MS. JOHNSTON: Michael, did they provide
12 the video to the complainant?

13 MR. BRUNSON: Open records request?

14 MS. JOHNSTON: Yes.

15 MR. BRUNSON: I don't know if we asked for
16 that.

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

19 MR. BRUNSON: That wasn't part of her
20 complaint though. Open records request, that's
21 just, it's just that the camera wasn't functioning.
22 Which -- wasn't the requirement.

23 MS. JOHNSTON: It wasn't a requirement to
24 function?

25 MR. FERVIER: The camera wasn't

1 functioning as required.

2 MR. BRUNSON: That was a violation of the
3 law. The rule, I'm sorry.

4 MR. FERVIER: Yeah.

5 MS. JOHNSTON: Gotcha.

6 MS. KING: Well, they since fixed it.
7 They fix it immediately.

8 MR. BRUNSON: It was fixed within two
9 days.

10 MS. KING: Okay, I recommend that we send
11 them a letter of instruction.

12 MR. FERVIER: We have a motion to issue a
13 letter of instruction on allegation number three.
14 Are you making a motion to dismiss the other ones?

15 MS. KING: Yes.

16 MR. FERVIER: And, dismiss the other
17 allegations. Is there a second?

18 MR. JEFFARES: Second.

19 MR. FERVIER: We have motion to second.
20 Issue a LOI on violation number three and dismiss
21 the others. Any discussion? All those in favor
22 signify by saying aye.

23 MS. KING: Aye.

24 MR. JEFFARES: Aye.

25 MR. FERVIER: Any opposition? Hearing no

1 opposition, so moved 3-0. We're going to hear this
2 one Henry County case because they're not a
3 respondent on it. So ,it's SEB2023-064. Rick, do
4 you want to?

5 MR. JEFFARES: I'll take a second.

6 MR. FERVIER: Okay, we're going to hear
7 two of them. There's one other one, we'll hear them
8 both. Okay, 2023-064, 62. This is simply another
9 case where a individual drove his.

10 MR. BRUNSON: Yes, it is --

11 MR. FERVIER: Volkswagen Atlas within 150
12 feet --

13 MR. BRUNSON: In almost every respect to
14 the one we heard yesterday.

15 MR. FERVIER: It was verified through
16 video surveillance?

17 MR. BRUNSON: Yep.

18 MS. KING: So, he was there?

19 MR. FERVIER: Yes.

20 MS. KING: Okay.

21 MR. FERVIER: Did he have something on his
22 vehicle?

23 MR. BRUNSON: What's that?

24 MR. FERVIER: Did he have something on his
25 vehicle?

1 MR. BRUNSON: Yes, so and this one, let's
2 see.

3 MR. FERVIER: Okay, Chair will make a
4 motion.

5 MS. KING: I make a motion that we send
6 this to the Attorney General's Office or letter of
7 reprimand, letter of reprimand.

8 MR. FERVIER: We have motion to issue a
9 letter of reprimand on this case. Do we have a
10 second?

11 MS. JOHNSTON: Second.

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

15 MS. JOHNSTON: Aye.

16 MS. KING: Aye.

17 MR. FERVIER: Any opposition? Hearing no
18 opposition, motion carries 3 to 0. Let's go back
19 and finish this one of the Henry County. Wait a
20 minute, no, they're involved in that one, never
21 mind. All right, 2021-178 Oconee County. That's
22 number 68.

23 MR. BRUNSON: Okay, this is a situation in
24 which an individual stole the previous tenant's
25 identity and used her information to obtain a voter

1 ID card. She was ultimately arrested, prosecuted,
2 and actually sentenced. However, the administrative
3 charges and the violation of State statute regarding
4 false registration and the respondent is Cheryl
5 Chase (phonetic), is OCGA 21-2-561 false
6 registration, she registered as an elector under a
7 name that was not her own and gave false information
8 while registering.

9 MR. FERVIER: She's already been
10 prosecuted?

11 MR. BRUNSON: Correct.

12 MR. FERVIER: Criminally prosecuted?

13 MR. BRUNSON: Yes.

14 MR. FERVIER: We're looking at a civil
15 violation here then --

16 MR. BRUNSON: She did, yeah this is about
17 check cash and fraud, so. But ultimately, we're
18 just dealing with the election --

19 MR. FERVIER: We're dealing with the
20 election --

21 MS. KING: Yeah --

22 MR. BRUNSON: In obtaining that ID of the
23 previous tenant in order to commit the crime of
24 fraud that she committed later and was prosecuted.

25 MR. FERVIER: If there's no questions, the

1 Board would consider a motion.

2 MS. KING: Yeah, I make a motion. We send
3 this one to the Attorney General's Office.

4 MR. FERVIER: We have a motion -- to send
5 this to AG. Is there a second?

6 MS. JOHNSTON: Second.

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

10 MS. KING: Aye.

11 MS. JOHNSTON: Aye.

12 MR. FERVIER: Any opposition? Hearing no
13 opposition, so moved, by 3 to 0. Next one is
14 SEB2021-144 City of Richland early voting. It's
15 number 69.

16 MS. KOTH: This complaint came in from a
17 Mr. Ross and also a self report from the City of
18 Richland and advised that the city did not have
19 early voting for two Saturdays, just the one
20 Saturday. Ms. Hudson, the election supervisor,
21 advised it was a misinterpretation of the amended
22 Senate bill and after a call with their Election
23 Board added a Sunday to early voting October 24th,
24 and they still had early voting on Saturday the
25 23rd. Ms. Hudson advised that the voter turnout for

1 October 24th that Sunday was approximately 8 to 12
2 electors, which matched typical voter turnout for
3 early voting and she said they didn't receive any
4 complaints regarding not being able to vote on
5 October 16th.

6 Sufficient evidence to show that Alfreda
7 Hudson and the Stewart County Board of Elections
8 violated OCGA 21-2-385, subsection D1B, procedure
9 for voting by absentee ballot, and 21-2-385
10 subsection D1B3, when the dates, times, and
11 locations of the ability of advanced voting were not
12 published 14 days prior to the beginning of the
13 advanced voting period.

14 MR. FERVIER: If the Board -- wants to do
15 anything besides a dismissal or LOI, I would
16 recommend that we continue this case and allow them
17 to respond to it, since --

18 MS. JOHNSTON: Mr. Chair, the population
19 of Stewart County, Georgia is 4,674. I think having
20 missed one day of early voting, but having
21 substituting another day on a weekend day for early
22 voting is -- quite sufficient for an election in
23 Stewart County, I'd recommend dismissal.

24 MR. FERVIER: We have a motion to dismiss
25 this case.

1 MS. KING: Well, I do have a question
2 about, I mean, they didn't notify them in time of
3 the change, right?

4 MR. FERVIER: That's right that's the
5 second violations it didn't notify them for --

6 MS. KING: They weren't notified of that
7 new date.

8 MS. KOTH: Well, they couldn't do the 14
9 days because they were already in the 14 days of
10 early voting. To add that day would have been
11 impossible to hit the 14 day.

12 MS. KING: How many days did they give
13 them?

14 MS. KOTH: When they realized they'd made
15 a mistake, I mean, it was put out there. That's how
16 they had people voting, but it just wasn't within
17 the 14 days because they didn't catch it until then.

18 MS. JOHNSTON: Okay.

19 MR. FERVIER: Would you consider an LOI
20 instead?

21 MS. KING: I like the LOI because going
22 forward, just can't decide we're going to change
23 this in the middle of the election. I think it sets
24 precedent and if it happens with a bigger county, I
25 think, you know, we can't dismiss theirs.

1 MR. FERVIER: Would you withdraw a motion?

2 MS. JOHNSTON: I'll withdraw my motion.

3 MS. KING: I make a motion we send them a
4 letter of instruction.

5 MR. FERVIER: We have motion to send a
6 letter of instruction, do we have a second?

7 MR. JEFFARES: Second.

8 MR. FERVIER: We have motion to second.
9 Any discussion? Hearing no discussion, all those in
10 favor sending a letter of instruction, please
11 signify by saying aye.

12 MR. JEFFARES: Aye.

13 MS. KING: Aye.

14 MR. FERVIER: Any opposition? Did you
15 vote?

16 MS. JOHNSTON: Aye.

17 MR. FERVIER: Motion carries 3 to 0.
18 We're down to our last two next one's SEB2021-176
19 Screven County. Number 71, Screven County. I got
20 all the hard names right.

21 MS. KOTH: Okay, 21-176, Screven County.
22 The investigations received a complaint alleging
23 that Screven County Registrar and the Registrar's
24 Office does not maintain courthouse office hours
25 Monday through Friday from 8 to 5. The

1 investigation centered on the Screven County
2 Registrar's Office, whether it remained open to the
3 public during those times. Interviews with the
4 courthouse personnel to include the Screven County
5 Probate Court Judge, County Clerk, and Superior
6 Court County Manager and the former election
7 supervisor indicated that it had been common
8 knowledge as well as having personally witnessed the
9 office being closed during the normal course of the
10 workday. The registrar acknowledged --

11 MR. FERVIER: Excuse me, does anybody need
12 to hear anything else about this? No, the Chair
13 will entertain a motion.

14 MS. JOHNSTON: Hang on.

15 MR. FERVIER: You have questions?

16 MS. JOHNSTON: Is anyone here from Screven
17 County?

18 MR. FERVIER: No.

19 MS. JOHNSTON: Okay, looking into this.
20 This supervisor is now retired. She's 86 years old.
21 She was the only employee in this office. I beg the
22 question of how would she go to the restroom or eat
23 lunch or go to a doctor's visit without having to
24 put a note on the door and provide a phone number
25 which apparently in the statement by the Probate

1 Judge and two other interviewees said that she did.

2 There's one person that was interviewed
3 that had negative things to say which are not really
4 documented. They're just hearsay and this woman was
5 president of Gabrielle a couple of years ago, which
6 makes me think that she was highly regarded in the
7 election supervisor circuit. So, I would recommend
8 that we kindly dismiss this case.

9 MR. FERVIER: We have a motion to dismiss
10 this case or a second?

11 MS. JOHNSTON: Second.

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

15 MS. KING: Aye.

16 MS. JOHNSTON: Aye.

17 MR. FERVIER: Any opposition? Hearing no
18 opposition, so moved, case is dismissed. Next one's
19 SEB2021-116 Toombs County, it's number 73.

20 MR. BRUNSON: All right, so this complaint
21 is regarding the July 13th, 2021 special election
22 runoff in Toombs county and we received a complaint
23 regarding this, indicating that Toombs County had a
24 problem with their polling pads not encoding the
25 voter access cards. They did not have enough

1 emergency ballots on hand. A tech had to -- reboot
2 the poll pass, get them up and running, and the poll
3 managers did not know how to manually create a
4 ballot on the BMD.

5 So, ultimately our investigation revealed
6 that basically they weren't doing the training that
7 they needed to and they did not have sufficient
8 emergency ballots. Once the investigator went
9 there, he actually quizzed them and asked them and
10 he -- that none of them knew what emergency ballots
11 were, et cetera and as he dug into it a little more,
12 Mrs. Alli Good, I believe her name is from Toombs
13 county, basically said that they only had two
14 election training sessions in 2021.

15 So, based on the investigation, it
16 suggests that Toombs County Board of Elections and
17 Registration and Carrie Alli Good violated OCGA 21-
18 2-099 instructions of poll officers and workers and
19 election procedures and there's also evidence that
20 suggests that they violated SEB Rule 183-1-12.11 sub
21 2 sub C conducting elections they did not have the
22 appropriate amount of emergency ballots on hand.
23 Yeah, Alli Good, yes. A-L-L-I G-O-O-D.

24 MR. FERVIER: They were notified to show
25 up for this, Alexandra? If we were going to take

1 any substantial action. I would recommend that we
2 continue this case and see if they will show up at
3 the next meeting and if they don't show up, then
4 we'll be forced to take whatever actions.

5 MS. JOHNSTON: Okay.

6 MR. FERVIER: Necessary. Is there a
7 motion to continue this case?

8 MS. JOHNSTON: I'll make it.

9 MR. FERVIER: Is there a second?

10 MS. KING: Second.

11 MR. FERVIER: All those in favor, signify
12 by saying aye.

13 MS. KING: Aye.

14 MS. JOHNSTON: Aye.

15 MR. FERVIER: This case is continued, 3 to
16 0. Okay, we have -- four Henry County cases where
17 Henry County was notified and they showed up
18 yesterday and we're not able to make it today.
19 These cases are SEB2020-296, SEB2023-073, SEB 2024-
20 022 and SEB2024-092. I would recommend that we
21 continue those cases and allow them an opportunity
22 to show up next time. They did show up this time.
23 They just weren't able to come the second day and we
24 can put them first in the agenda next time if we
25 need to or put them up in the agenda make sure that

1 we cognizant of time. The Chair will entertain a
2 motion on that.

3 MS. JOHNSTON: So moved.

4 MR. FERVIER: There is a motion to
5 continue the following named cases. SEB2020-296,
6 SEB2023-073, SEB2024-022, and SEB2024-092. We have
7 motion second, all those in favor signify by saying
8 aye.

9 MS. KING: Aye.

10 MS. JOHNSTON: Aye.

11 MR. FERVIER: Any opposition? Hearing no
12 opposition, so moved.

13 MS. JOHNSTON: Mr. Chair.

14 MR. FERVIER: Yes.

15 MS. JOHNSTON: Just like to say a word of
16 thanks to the investigators for the cases that we
17 heard over the last two days that have been quite
18 timely and more recent than I think, which I very
19 much appreciate. It really improves the
20 investigation and evidence being able to be
21 presented and I think it eases the burden of our job
22 as far as making a decision such that the statutes
23 are current, the equipment is being used as being
24 described, and that we can properly hear these cases
25 for the voters and the election workers.

1 MS. KING: Yeah, thank you.

2 MS. JOHNSTON: Thank you very much.

3 MR. FERVIER: Yes, thank you. Yes.

4 MR. BRUNSON: Chair, I just have one
5 question.

6 MR. FERVIER: Yes.

7 MR. BRUNSON: If I may, and thank you,
8 but. 150. 2021-150. Did we skip that --

9 MR. FERVIER: 150?

10 MR. BRUNSON: Yes --

11 MR. FERVIER: 150. We dismissed that --

12 MS. KING: Yeah, I think we dismissed that
13 one --

14 MS. JOHNSTON: There's two 150s --

15 MR. FERVIER: We dismissed --

16 MS. KING: Oh, no, this is --

17 MR. FERVIER: I have 2021-150. Dismissed
18 allegation number one. Dismissed, 3 to 0 allegation
19 number one.

20 MR. BRUNSON: Eight allegations on that
21 complaint, so, yes.

22 MR. FERVIER: Yeah, we just dealt with
23 allegation one. Yeah -- we continued the others on
24 that. That was -- a Henry County too, right? I
25 know we talked about it because we --

1 MR. BRUNSON: It's a long case. I mean,
2 it's a lot of allegations --

3 MS. KING: And, they're all substantiate.

4 MR. FERVIER: I know we talked about it
5 because --

6 MR. BRUNSON: I mean, but it's up to you,
7 of course.

8 MR. FERVIER: Well, I know we dismissed
9 allegation number. I have, dismissing allegation
10 number one.

11 MS. KING: Yeah, let's see if they'll come
12 in. Some of the respondents, they may.

13 MR. FERVIER: All right we had three other
14 things on the agenda. Four of the things to --
15 Discussion of the proposed rule has been continued
16 at the request of the petitioner. Executive
17 session, there's no need for that, so we'll take
18 that off the agenda.

19 MS. KING: Can we also continue the Rules
20 Committee discussion? As I'm still, I have one
21 other person I'm thinking about.

22 MR. FERVIER: Well -- we're not going to
23 put people on today. My reason for bringing this up
24 is that Dr. Johnston and I have had multiple
25 conversations about forming a rules committee and

1 with the thought of allowing all parties to have a
2 voice in upcoming rules and my thought was that we
3 would have the Board, each Board Member, be able to
4 place two people on that rules committee and we'd
5 like to see a combination of, you know, election
6 directors. We'd like to see a legislator two, if we
7 can get them on there. We'd like to see, you know,
8 citizens and -- some attorneys, some election
9 attorneys to where we can send rules, if we feel
10 it's necessary to this committee and have them vet
11 it and smooth it out before it gets comes before
12 this full Board for hearing.

13 MR. JEFFARES: How often they going to
14 meet?

15 MR. FERVIER: Well, it will be whatever
16 the need is. And we'll, the Chair will be of the
17 committee. They'll vote on their Chairman and these
18 Board, I feel like our Board Members should be able
19 to monitor it as they feel necessary. But, if this
20 Board would agree to allow Dr. Johnston and I to
21 move forward with that and get that set up, and we
22 will inquire with each of you as to -- what two
23 members you'd like to put on the committee
24 yourselves and so if the Board would make a motion
25 to form the rules committee and allow Dr. Johnston

1 and I to work towards that, then we'll proceed down
2 that road, so.

3 MS. KING: So moved.

4 MR. FERVIER: So, we have -- a motion from
5 member Jeffares to form the rules committee. and we
6 have a second from Member King to form the rules
7 committee with and Dr. Johnston. and I will work
8 together. All those in favor, signify by saying
9 aye.

10 MS. KING: Aye.

11 MS. JOHNSTON: Aye.

12 MR. FERVIER: Vote carries, 4 to 0. The
13 last item on the agenda today is to adjourn. Is
14 there a motion to adjourn?

15 MS. KING: So moved.

16 MR. FERVIER: We have motion to adjourn.
17 Is there a second?

18 MS. JOHNSTON: Second.

19 MR. FERVIER: All those in favor signify
20 by saying aye.

21 MS. KING: Aye.

22 MS. JOHNSTON: Aye.

23 MR. JEFFARES: Aye.

24 MR. FERVIER: Aye, motion carries, 4 to 0.

25 Thank you all for attending.

(Proceedings ended at 3:01 p.m.)

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CERTIFICATE OF TRANSCRIPTIONIST

I, Brandon Diaz, CER, a Legal Transcriptionist do
hereby certify:

That the foregoing is a complete and true
transcription of the original digital audio recording
of the testimony and proceedings captured in the
above-entitled matter. As the transcriptionist, I
have reviewed and transcribed the entirety of the
original digital audio recording of the proceeding to
ensure a verbatim record to the best of my ability.

I further certify that I am neither attorney
for nor a relative or employee of any of the parties
to the action; further, that I am not a relative or
employee of any attorney employed by the parties
hereto, nor financially or otherwise interested in the
outcome of this matter.

IN WITNESS THEREOF, I have hereunto set my hand
this 31st day of May, 2025.

Brandon Diaz

Brandon Diaz, CER

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CERTIFICATE OF DIGITAL REPORTER

I, Michael King, a Digital Reporter and Notary public within the State of Georgia, do hereby certify:

That on May 14th, 2025 I digitally reported the proceedings had and the evidence given, together with the objections of counsel thereto, and that said testimony was accurately captured with annotations by me during the proceeding, taken at said time and place.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS THEREOF, I have hereunto set my hand the 15th day of May, 2025.



Michael King
Notary Commission Georgia/W-00526283
Commission Expires: October 6th, 2025

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Georgia Code

Title 9, Chapter 11

Article 5, Section 9-11-30

(e) Review by witness; changes; signing.

If requested by the deponent or a party before completion of the deposition, the deponent shall have 30 days after being notified by the officer that the transcript or recording is available in which to review the transcript or recording and, if there are changes in form or substance, to sign a statement reciting such changes and the reasons given by the deponent for making them. The officer shall indicate in the certificate prescribed by paragraph (1) of subsection (f) of this Code section whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed. If the deposition is not reviewed and signed by the witness within 30 days of its submission to him or her, the officer shall sign it and state on the record that the deposition was not reviewed and signed by the deponent within 30 days. The deposition may then be used as fully as though signed unless, on a motion to suppress under paragraph (4) of subsection (d) of Code

Section 9-11-32, the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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