In the Matter Of:

STATE ELECTION BOARD

VOLUME II

October 01, 2026

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THE OFFICE OF THE SECRETARY OF STATE

STATE OF GEORGIA

IN THE MATTER OF:
STATE ELECTION BOARD HEARING

MEETING VIA VIDEOCONFERENCE

OCTOBER 01, 2026
9:04 A.M.

PRESIDING OFFICER: John Fervier
Chairman, State Election Board

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APPEARANCE OF THE PANEL

John Fervier, Chairman

Janelle King, Vice Chairman

Carolyn Roddy, Member

Salleigh Grubbs, Member

Sara Tindall Ghazal, Member

James Mills, Executive Director

Ms. Sherry, Member

GUESTS

Ann Dover

Ben Adida

Marilyn Marks

I N D E X

SUBJECT	PAGE
CALL TO ORDER	
Invocation and Pledge of Allegiance	4
DISCUSSION OF EMERGENCY RULEMAKING REGARDING BALLOT SECRECY	7
DISCUSSION OF EMERGENCY COMPLAINT(S)	38
ADJOURNMENT	73

P R O C E E D I N G S

[9:04 a.m.]

MR. FERVIER: Let's get started. We've got a limited time. We're five minutes late already getting started. We'll have Ms. Roddy join us -- or Member Roddy when she is able to. I'm going to call to order the October 1st, 2026 special called meeting of the state election board. We have a quorum available, Member Grubbs, Member King, and Member Ghazal are with us today, and myself and the executive director and the staff and several guests. So, we'll call to order.

This is a special called meeting for the purpose of hearing some items that were on the agenda for September the 28th that this board was not able to get to. They were agenda items requested by Member Grubbs. We can start with our usual prayer. Member Grubbs, do you have a -- a prayer that you'd like to say for us?

INVOCATION AND PLEDGE OF ALLEGIANCE

MS. GRUBBS: Sure. Sure. And if we can all bow our heads. Heavenly Father, just be with us today and be with our good intentions to do good things for the state of Georgia, to bring things to light that we need to deal with. And Lord, I just pray for our servicemen and women across the globe and wherever they

serve and that you rain down blessing -- rain down blessings on America and the state of Georgia. In Jesus' name, amen.

MR. FERVIER: Thank you, Member Grubbs. If everybody will stand and face somewhat near a flag, then we'll say the Pledge of Allegiance. I believe that Member -- or Executive Director Mills has one right behind him, so that's the one I will use. I pledge allegiance to the flag --

MS. GRUBBS: To the flag --

MR. FERVIER: -- of the United States of America --

MS. GRUBBS: -- of the United States of America --

MR. FERVIER: -- and to the republic --

MS. GRUBBS: -- and to the --

MR. FERVIER: -- which it stands --

MS. GRUBBS: -- which it stands --

MR. FERVIER: -- one nation --

MS. GRUBBS: -- one nation --

MR. FERVIER: -- under God --

MS. GRUBBS: -- under God --

MR. FERVIER: -- indivisible --

MS. GRUBBS: -- indivisible --

MR. FERVIER: -- with liberty and justice for

all.

MS. GRUBBS: -- with liberty and justice for all.

MR. FERVIER: Thank you. Of course, we have a very short timeframe to conduct this meeting today. If we have to extend it in the future, we'll meet -- we'll think about that. The -- we do have some speakers that have been invited to speak today. Ann Dover, Ben Adida, I believe that Marilyn Marks.

I don't know if they -- if Member Grubbs has other people that she wants to hear from. So, Member Grubbs, since this is a meeting called to address issues that you had put on the agenda, would you like to go ahead -- move forward with it? And --

MS. GRUBBS: Sure.

MR. FERVIER: -- like I said, at some point, we do have -- Member Ghazal has Ben Adida that she's asked to speak. And I've asked Ann Dover. I don't know what order you want us to go in or what you would like to hear first, but if you don't mind, would you begin?

MS. GRUBBS: Sure. Thank you, Mr. Chairman. I had also sent a copy of the discussion draught to staff and had asked that it be posted. I don't know if it was posted anywhere for the public to see. I was

not able to find that. I'd like to find out from Director Mills if he -- if he was able to post the discussion draught for the public.

MR. MILLS: Let -- let me ask Hope or Sherry. They handle that. And I know we had a lot of discussion about, you know, I've just never heard of a discussion draught. We've never dealt with discussion draughts in the SEB since I've been here.

Hope or Sherry, was -- was that posted? I know that Sherry was trying to get that from Member Grubbs.

MS. SHERRY: I can go ahead and post that right now.

MR. MILLS: Okay.

MS. GRUBBS: That would be great.

MS. SHERRY: Okay. Yeah, I'll go ahead and work on that while y'all are meeting.

DISCUSSION OF EMERGENCY RULEMAKING REGARDING BALLOT SECRECY

MS. GRUBBS: Okay. So, for the -- for the members of the public to make you aware, the -- the purpose of this meeting is to do a discussion, not formal rule adoption today, so there's no confusion on that point. On September 17th, I sent an email to the -- to the fellow board members and to our attorney Beth

Young, and it was a proposed discussion draught of emergency rules with regard to ballot secrecy in light of the DVS order issue in the impending election.

As I'm sure everyone is aware, an emergency exists with regard to this very important constitutional mandate, which must be addressed. And I -- I'm reading to you from the letter that I sent on September 17th. I'm sending the -- these rules that we can discuss the proposed rules and adoption on an emergency basis at -- as the timeframe for dealing with this matter would necessitate an emergency.

I also, in that email, copied Chairman Watson, Chairman Anderson, Senator Burns, Chairman Fleming, Ms. Dover, and Ms. Holden as well. I would like to ensure -- and my purpose is to be sure that Senate ethics is they have oversight over elections as well as governmental affairs in the legislature.

And most importantly, two of the election directors whose opinions I value very much, and who I have discussed the ballot secrecy issues with. I'm aware that whatever we do does affect the election directors greatly, and so I wanted to be sure that they provided input.

Unfortunately, rather than dealing with the issues at hand, the Secretary of State's office has

chosen the path to restrict access to lawfully obliged documentation in order to verify our election results. Implementing this rule or something akin to this rule will resolve the guidance that the secretary sent out and not further violate the law.

As everyone knows, the SEB is charged with rulemaking and not the Secretary of State, and neither the Secretary nor the SEB or lawmakers are entitled to change the law on that at this time. Therefore, I offer the following rule proposals as discussions to seek input, guidance, and advice in doing what's best in the election and for the citizens of Georgia.

As everyone should know, the ballot secrecy is a -- is a big issue that's granted in the Constitution of Georgia. It's unfortunate that it's continued so long without being addressed, and with the advent of artificial intelligence, it has become even more easy to see how someone voted at a large scale.

So, some people are saying, "Well, the legislature is already looking at a new system. Why deal with it now?" Well, the reason is simple. Per testimony that's been -- that has come out at the Equipment Standards Committee meeting, looking at the timeline on developing procurement standards, passing legislation, going through RFQs, it will more likely be

in -- well into 2028 before a new system is implemented.

Therefore, we will still need to be voting on the current system for the rest of 2026 and all of 2027. We have municipal elections next year and any special elections. So, we cannot continue on the same path with these kinds of vulnerabilities. It must be addressed. It must be addressed before the November election and -- so that we can continue on to secure all future elections.

In summary, the rule provides for shuffling the ballots prior to scanning to break the sequence and alleviate the DVS order issue. It gives counties various options on how they prefer to do it, still staying within the law. It does not require any new technology. If this isn't satisfactory, we must together come up with another option.

So, the Georgia State Election Board is -- is vested with the ability to perform emergency rulemaking. It allows the state election board to bypass or shorten the ordinary 30-day notice and comment process, but it does not give the board additional substantive power.

So there -- there is a code in -- election code in -- in OCGA50-13-6, which gives the board the

ability and some ask, you know, as Director Mills just said never heard of a discussion draught. The reason that I proposed it as a discussion is because I would like input and thoughts from directors and other interested parties on how we should proceed with that.

So, here's the discussion draught and hopefully that'll get posted so people can see it, but it was sent out to everyone who was included in this email on September 17th. I did receive feedback from Chairman Anderson. I received feedback from Ms. Dover and from Ms. Holden.

So, at this time, Mr. Chairman, I think it would be appropriate to go ahead and hear from Ms. Dover and see what she has to say.

MR. FERVIER: Well, I -- I -- I -- Member Grubbs, I want to add to that. You and I have had conversations about this, and one of our first conversations, what I asked you to do was to connect with Ms. Dover and with Chairman Anderson and also the AG to get their input on this so we could have a wide variety of voices that -- the people are affected by it, frankly. And so that was my involvement. We -- we've had multiple conversations about this, you and I have, so.

MS. GRUBBS: (Inaudible.).

MS. KING: I would like to add, I also sent an email to Member Grubbs as well, expressing some of my concerns too. So, I just want to make sure that's on the record as well.

MR. FERVIER: Okay. Member Grubbs, did you say you wanted us to start with our guests?

MS. GRUBBS: Yeah, I think that would be a good plan.

MR. FERVIER: Member Ghazal, do you want to begin?

MS. GHAZAL: Yes, thank you. Actually, I am just going to immediately introduce Ben Adida, who is the founder and -- and chair of VotingWorks. Mr. Adida, please.

MR. ADIDA: Can you hear --

MR. FERVIER: Welcome to the board, Mr. Adida. We look forward to hearing you, and if you -- if you could keep it in 10 minutes or under, we'd appreciate it.

MR. ADIDA: I will do that. Can you hear me, okay?

MR. FERVIER: Yes, perfectly. Thank you.

MR. ADIDA: Great. All right. I have some prepared remarks. I'll go through them as quickly as possible, and then I'm open to questions, of course.

Thank you for inviting me to provide input on this really important topic.

My name's Ben Adida. I hold a PhD from MIT in cryptography applied to elections. I spent more than a decade implementing secure and privacy protecting systems at companies like Mozilla, Square, and Clever. And in 2018, I founded VotingWorks, a non-for-profit dedicated to election technology. I'm the executive director.

The equipment and software we make at VotingWorks is entirely open source, and I mention this only to emphasize my deep commitment to transparency in elections. So, for transparency, I want to highlight the ways in which my work currently intersects with the great state of Georgia. My organization, VotingWorks, assists the state of Georgia with post-election audits, and we've done so for the last six years.

Also, we intend to bid next year on Georgia's new voting system procurement. So, you might assume that I'm interested in highlighting the flaws in the current system, but actually I'm not. My goal today is only to inform and help you work through this important issue you're considering to help you secure Georgia's elections this fall.

My bottom line is this, the flaw you're

discussing today, known as DVS order, is real and serious. And most importantly, the Secretary of State has implemented mitigations that substantially address this flaw. There are two new proposals on the table as I understand it. I recommend against both of them as they are particularly high risk and offer little benefit over the mitigations the state has already implemented.

Before I get into the details, I want to stress again that DVS -- the DVS order flaw that was reported in 2022 by Braden Crimmins, Dhanya Narayanan, Drew Springall, and Alex Halderman is real and serious. I commend this team of researchers for their work. Ballot secrecy is a critical pillar of our democracy, and the flaw they discovered presents a very serious risk to Georgia elections.

I also want to praise Max Springer from Princeton, whose work released this summer, highlights the recent advances in AI software development and how they've greatly amplified the risk presented by the DVS order flaw. This is also important research, and it will also help make Georgia elections better.

Finally, I want to praise you, the state election board, for taking up this issue. Ballot secrecy is of paramount importance to the sanctity of

our elections, and threats to it should be taken very seriously.

All right, I hope you forgive me. I'm now going to get very specific and very nerdy. I want to explain, one, what exactly this flaw is, two, how the state's actions over the summer appropriately mitigate it, three, why I recommend against the last-minute software update, and four, why I recommend against the ballot casting process changes under consideration.

So, one, what is this DVS order flaw? When a voter inserts their ballot into a tabulator, a digital record of that ballot is created. Think of it as a row in a spreadsheet. One row is one scanned ballot. It's often called a cast vote record or CVR for short. In order to later retrieve the CVR, the tabulator assigns a unique identifier to each CVR at the time of scanning. This is standard operating procedure.

The unique identifier is usually a large number or sometimes a series of letters and numbers. It has no inherent meaning; it's just an identifier. Think of it as a UPS tracking number. That identifier is then used both to label the CVR and the scanned ballot images from which the CVR was created.

Now, it's well understood in the election security community that this identifier cannot be

sequential, one, two, three, four, five. A malicious individual could then just watch the order in which voters cast their ballot at the polls and then using the published cast vote records easily reconstruct who voted for what. That would be really bad. We all understand that.

Taking this point a little further, the identifier needs to be effectively random so that no matter how good someone is at detecting patterns in these identifiers, they cannot reconstruct the order of ballots cast. The research from 2022 found that unfortunately, in the version of the tabulator software that Georgia currently uses, while the identifier is not a serial number, thankfully, it's also not random enough.

At first glance, it looks random, but a little bit of math can easily reconstruct the order of the cast ballots. This is very bad and it needs to be addressed. In an ideal world, the tabulator software itself would be updated so that the CVR IDs it generates could be sufficiently random.

It's my understanding that your current vendor made available such a software update about three years ago, and I think it's reasonable to ask in the next few weeks and months what got in the way of

applying the software update over the last few years.

I think it's worth noting that in the original DVS order research paper, it says this, "However, 5.17, the updated version of the software, includes a host of other changes, making it a major upgrade rather than a focused patch. This adds to the cost and complexity of deployment." That's from the original research paper. So, I'm sure that has something to do with it.

Regardless of the why, here we are today, six weeks before a major election, less than two weeks before Georgia advanced voting begins, and that software update has not been performed. Instead, the state has recommended a few measures that are all focused on one thing, redacting from the public record these CVR identifiers.

They've also set up a central process to do this. Local counties upload their CVR files and ballot images to a central server, and the state takes care of the redaction of the identifiers. This is a very reasonable and right-sized mitigation for the problem at hand. Removing the identifiers is in fact one of the suggested remediations proposed in the original DVS order research paper. It's the first one they propose.

Because these identifiers are just

meaningless numbers, removing them is safe and minimally impactful. It's also my understanding that the state has implemented additional measures to further protect ballot secrecy.

The scanner system logs are no longer publicly released, and the exact check-in times of voters showing up at the polls are now redacted. This is what security experts call defense in depth, ensuring that there are multiple obstacles to the attacker's goal of breaking ballot secrecy. We want to prevent that.

So, the state's actions are a good mitigation of the current threat. They also do very little to affect the transparency of Georgia elections. The CVRs and ballot images are still publicly available for all to see, and Georgia still has one of the country's most advanced post-election audit implementations.

Now, as I understand it, there are two measures on the table for the board to consider. Before we talk about them in detail, let's remember, the state has already mitigated the DVS order threat. So, the incremental benefit of these new proposals is very small, arguably non-existent.

In the interest of careful system design, if a proposed late-breaking change has no incremental

benefit, then it should be dismissed. There's no point in risking a change if it has no benefit. But let's go further, because unfortunately, these two proposals are quite risky. They present a particularly high risk.

A statewide software upgrade two weeks before an election, in particular, is very risky, especially since we know that the only upgrade available comes bundled with a host of other significant changes that do not pertain to the issue at hand.

This is a course of action as a systems architect that I would recommend only if it was meant to address a catastrophic threat with no other remediation possible. If the DVS order threat had no other way of being addressed, this risky move might be worth considering. Might be worth considering. But since the threat has been addressed, performing the software upgrade so close to an election is really ill-advised.

The risk of the software update causing equivalent or bigger problems is quite high. That's usually the problem with last minute software updates. You may all know this, if you choose to upgrade your iPhone just before an important meeting or choose to upgrade your version of Zoom right before you dial in, like, things can go wrong, right?

Separately, the second proposal -- the procedural proposal, having voters deposit ballots in a separate bin and then asking poll workers to periodically shuffle them and scan them, which I think is what the proposal is last time I -- I saw the draught, that is particularly fraught as a general matter, and even more so when deployed on short notice.

The risk of implementing this incorrectly is very high, as it depends on retraining poll workers statewide with a process -- with a process that's never been used. Voters would then lose the chance to correct an unreadable ballot, which is what precinct tabulators are meant to protect.

There's an uncomfortably large opportunity for poll workers to make mistakes. Shuffling large amounts of paper is a lot harder than it sounds, and the perception risk of voters not being allowed to scan their own ballot must also be considered. So, this is very high stakes and a very high-risk proposal. And once again, the benefit is almost zero because there's already a mitigation in place.

So, it's my expert recommendation that these two measures be dropped from consideration. They present a very high risk to the proper operation of Georgia elections, and once again, they present zero

additional benefit.

Looking to the future, as states, including Georgia, choose to release more and more information for transparency, logs, CVRs, ballot images, in order to be maximally transparent and build trust, which is a really good thing, when you do that, more risks to ballot secrecy will emerge. There's this tension between transparency and ballot secrecy. So, this board should continue to keep an eye on these emerging risks. I think it's important to have these meetings and it's important to have these discussions.

One notable area of exploration that I want to highlight, the older federal standard under which Georgia's current voting system is certified, VVSG 1.0, did not anticipate the public sharing of cast vote records that Georgia is now doing and other states are doing. The newer standard, VVSG 2.0, does a much better job of testing to ensure issues like DVS order are prevented. This may be an important criteria for you to consider in your selection of your next voting system.

So, in summary, the DVS order flaw is real and serious. It's very, very good that you're taking this issue seriously. The state's existing recommendations mitigate the issue well as per the

original DVS order paper. So, further changes should be looked at with a lot of skepticism because every change brings risk and you only take risk if there's a clear benefit.

The proposal to upgrade software with two weeks to go is really fraught and risky. The proposal to alter the vote casting process statewide is fraught whether you have two weeks or two or six months, frankly, of lead time. And in my opinion, it's -- it's far too risky to consider.

There's always going to be a tension between transparency and ballot secrecy, and this board being continually diligent is the right thing to do. And again, I commend you for this discussion and this debate.

In my opinion, with the state's existing mitigation plan in place, ballot secrecy will be adequately protected in Georgia elections this November. Thank you, and I welcome your questions.

MS. GRUBBS: Mr. Adida --

MR. FERVIER: Mr. Adida, thank you very much. That was very helpful. Member Grubbs?

MS. GRUBBS: So, I wanted to say thank you for -- for coming on this morning. It's a pleasure to meet you. I hope to --

MR. ADIDA: Pleasure to meet you.

MS. GRUBBS: -- meet you in person soon.

MR. ADIDA: (Inaudible.).

MS. GRUBBS: And would like to continue the discussion. So, with regard to the proposed mitigation procedures -- and I agree, it's too late to update the system.

MR. ADIDA: Mm-hmm.

MS. GRUBBS: I've been working on that for quite some time. There's no time to do it before this election. Unfortunately, the can got kicked down the road.

MR. ADIDA: Mm-hmm.

MS. GRUBBS: However, are you aware that the -- the proposal by the Secretary of State and his mitigation procedures is against Georgia law and withholding that information? And on top of that, in withholding that information, not only that not being a legal path to do it, it very much limits citizens' rights and abilities to audit the election and to do reconciliations.

MR. ADIDA: So, I'm not a lawyer. I cannot comment on what is legal or not legal in Georgia. I can only give you my technical opinion. My technical opinion -- and -- and so a couple technical details

that are worth knowing, in the original DVS order paper, it talks about how the order of the ballots is actually on the memory card, even with the software update.

There's -- the memory card that is on the tabulator records the order of the ballots, and it's only when you export the data that the randomized ID is added, and in this case, a not sufficiently random ID.

MS. GRUBBS: Right.

MR. ADIDA: So, effectively, there's -- in the process, there is always some redaction of data, whether you're doing it through the vendor's export process or whether you're doing it through the state's ID cleansing process, that redaction exists for the sake of protecting ballot secrecy.

So, I don't know how the law would look at it, but from a technical perspective, it doesn't seem that different to me than what is being done through the -- the export itself. And I -- I did -- I -- I forget the second part of your question now. I apologize.

MS. GRUBBS: Well, it just -- it would very much limit, you know, there have been a lot of issues --

MR. ADIDA: Oh, yeah.

MS. GRUBBS: -- that have arisen, and then there's also the final -- the audit procedures --

MR. ADIDA: Right.

MS. GRUBBS: -- when it comes to RLA and that kind of thing that would -- you know, I have an issue when it comes to, you know, vendors and certain officials having access information where the public is not able to have that information.

MR. ADIDA: Absolutely.

MS. GRUBBS: That's not a conversation we need to get into, you know, at this time, but --

MR. ADIDA: No, it's a -- it's a very good point. I -- I don't think vendors should have access to more information than -- than the state, certainly, and than the public. It's my understanding that the vendor does not have access to those memory cards or to --

MS. GRUBBS: Mm-hmm.

MR. ADIDA: -- those files. Now, that's -- I -- I'm stepping outside of my lane here. I'll let you --

MS. GRUBBS: Right.

MR. ADIDA: I'll let you have that discussion. To the point about audits and to the point about transparency, the one thing I will say is, it's

my understanding that the cast vote records and the ballot images are still publicly released, and my knowledge of the audit process, all we need for the audit is the batch counts and the -- the process of actually going to look at paper ballots.

So, the digital record of the individual CVRs actually does not matter for the audit process. So, as far as I know, none -- the -- the -- the redaction process that the state is recommending does not affect audits and does not affect the public's ability to re-perform the tally on their own if they wanted to.

MS. GRUBBS: Got you. Well, thank you so much for being here with us, and I hope to --

MR. ADIDA: Thank you.

MS. GRUBBS: -- be able to meet you soon.

MR. ADIDA: Same. Thank you so much for taking this issue seriously.

MR. FERVIER: Any of the --

MS. GHAZAL: Yes.

MR. FERVIER: -- board members have a question?

MS. GHAZAL: Yes, I -- I did. Mr. Adida, you mentioned early on that one of the safeguards that the Secretary of State is -- is undertaking is removing the time in which -- from -- from the released --

information released based on poll pad check-ins. They're removing the time. Are they -- are they randomizing the order in which voters check in through the data that they're releasing? Do -- are you aware of that or?

MR. ADIDA: My understanding is that the data that was released was just voter lists and their check-in times, probably in alphabetical order, so -- of -- of -- of voter names. And so, by redacting the check-in times, they would effectively be removing the order in which the voters are checking in from the -- but -- but this is where I'm -- I'm extrapolating a little bit from what I've read.

MS. GHAZAL: Okay.

MR. ADIDA: So, it's possible I -- I'm missing something. Yeah.

MS. GHAZAL: So, the -- the reason I ask is that this is the first election during which a new rule that this board passed is being implemented. And that requires taking down by hand in sequential order voters as they check in. And I'm wondering whether or not that rule is in fact exacerbating this issue by -- by creating a hard record of the --

MR. ADIDA: Yeah.

MS. GHAZAL: -- the temporal order in which

voters come in.

MR. ADIDA: I see what you're saying.

MS. GHAZAL: And whether we should -- and whether we should consider actually suspending that rule for this election while this is still a live issue.

MR. ADIDA: Yeah. So, one thing I'll explain briefly and then I -- that -- that is -- that's something worth considering. You know, usually an -- what we call an exploit or an attack is a chain of a few vulnerabilities put together --

MS. GHAZAL: Right.

MR. ADIDA: -- right? One vulnerability, one weakness here, one -- each vulnerability on its own does not an exploit make, right? And so, releasing the order of the voters on its own does not make -- does not present a risk. But the reason that the state has been recommending that is because it doesn't add a whole lot of value to the public transparency.

And if there remains some other yet to be determined risk about other data that's been released, then maybe that could be combined and later violate ballot secrecy. That's what I call the defense in depth. So, this rule on its own does not present a risk, but might it weaken one of the layers of defense

in the sort of in the -- in the triple bagging, if you will, of -- of ballot secrecy? Possibly.

And so, you have to -- this is the -- the tension I was talking about. The tension between transparency and ballot secrecy will always exist. It's an inherent conflict in elections. And so that's exactly what this board should be weighing.

MS. GHAZAL: Thank you. That's very helpful.

MR. FERVIER: Any other questions from board members for Mr. Adida?

Thank you, Mr. Adida. We really appreciate your participation and hopefully if we need you to come back at some time, you'd be willing to do so.

MR. ADIDA: I'm happy to do so. Zoom makes it easy. Thank you.

MR. FERVIER: Great. Thank you.

MS. KING: Mr. Chair --

MR. FERVIER: Would you like me to bring on Ann Dover at this time, Member Grubbs?

MS. GRUBBS: Sure.

MR. FERVIER: Ms. Dover, are you online? Ann -- Ann Dover, are you online?

MS. DOVER: Okay, I'm unmuted now. Can you hear me?

MR. FERVIER: We can.

MS. DOVER: Okay.

MR. FERVIER: Can you can you -- the reason I want you to speak is I really wanted to hear from a election supervisor's position what effect this shuffling of ballots might have in this -- on the voter on -- on you. Could you summarize that in about five minutes for us?

MS. DOVER: Sure. I certainly will be happy to.

MR. FERVIER: Thank you.

MS. DOVER: I appreciate and understand the concerns over ballot secrecy. That is very important to me as an election director. My main concern -- I have two main concerns. The first one I want to say it's the voter. I'm very concerned about how the voters are going to feel when a ballot is placed in a box and poll workers are going to scan that throughout the day.

I've talked to several voters and they are very concerned about that. I -- I feel like it's going to be a big, huge deal when they're placing their ballot in a box like that and depending on poll workers to scan later.

I also have witnessed times when our scanners have gone down and poll workers have had to instruct

voters to place their ballots in emergency bins. They don't even like doing that, placing it in an emergency bin. They want to come back at the end of the night and watch the poll workers scan their ballots into the scanner. So, that is my number one concern because the voters are most important to me.

My second concern is the cost and the number of poll workers that's -- that it's going to take, because voting cannot cease during this procedure when poll workers are scanning the ballots. We have a policy here that there's always three people with ballots. So, I went ahead and started trying to plan how we were going to do this if this rule passed.

We would need three additional poll workers at each polling location, which would require 126 additional poll workers countywide. Also, we have seven early voting locations. We would need three additional workers at those locations just for the scanning process. This would add approximately over $80,000 to our poll worker payroll budget just for the November election.

Here in Cherokee County, I just cut my budget. Fiscal year starts today. I just cut my budget $500,000. So, this is something that needs to be considered as well. There are no policies written,

no procedures written. Counties do not have boxes to place these in. I just find that this is a huge risk. It -- it's a significant change to a voting process. How do we have time to even educate the voters that we're making this change? That's really my -- my big concerns.

We've -- today and tomorrow, our last two days of poll worker training, I know a lot of counties are already finished with poll worker training. This would require us going back and training poll workers once the procedures were developed. We start logic and accuracy testing on Monday, October the 5th, and then we start early voting the following week. So, the time is really short for us to make this huge change.

And I know y'all get tired of hearing us say that, but we say it for a reason. We don't just say this because we don't want to do it. We do not want to be set up for failure. We do not want to be before the state election board for not doing our jobs appropriately and following the law and following the rules. Because when one of us fails, we all fail. And that's kind of my motto in elections. I don't want to be set -- I don't want y'all to set us up to failure -- for failure by putting this on us the last minute. And I'll be glad to take any questions.

MR. FERVIER: Thank you, Ms. Dover. Does any board member have a question for Ms. Dover?

MS. KING: Yes, Mr. Chair. I -- so it's interesting we're talking about this because those -- that was the exact questions that I sent to Member Grubbs when she sent out the draught, which I anticipated there would be a final at some point for us to fully review that would include the -- the -- the answers to some of my questions along with some more of the procedural details.

My exact question that I asked Member Grubbs about this rule proposal -- or draught was whether or not she had contacted the counties to see if this is financially feasible. One of the things that I learned over my time of being on the board is that each of our counties, they already have a very strained budget. Not only that, but we have some counties where a large portion of their budget is being pulled to pay for fees for the Dominion machines.

So, as someone who is not a fan of this machine at all, I understand that there are some heavy financial constraints that may fall on our counties. And then for counties -- I didn't know Cherokee would be one of those counties, but for counties that do not have the amount of people that is required to be at

certain points in this process, then that means that they would either have to pay for more people or pull individuals from other areas.

So, my concern is right in line with Ms. Dover's concerns is that we are asking our election officials to completely retrain everybody that has been a part of this process up until this point, retrain them on how to administer the election. I also have major concerns about dropping our ballots into a secured box and then having other individuals scan my ballot. How do I know that in the shuffling something doesn't fall out?

I mean, I just have some major concerns about whether or not we are creating more problems while we are trying to address a problem. That is an important issue, but I want to make sure that our steps and whatever we take towards addressing those issues are done in a way where we're not creating more problems.

So, that's my -- my little two cents. I will go back to being quiet and listening to everyone. But thank you all for -- for presenting. I just want to make sure I gave my perspective because it -- it -- it's right in alignment with Ms. Dover's at this time.

MR. FERVIER: Thank you Vice Chair King. Member Grubbs, the floor is yours.

MS. GRUBBS: So, yeah, the -- the -- I can assure you, Ms. Dover, I was not trying to wait till the last minute. I brought this issue up and I had requested a meeting numerous times previously so that we could -- so that we could get into these issues. And I do believe in open dialogue and getting the input from the counties because for years I have been in the -- in the location seeing what you guys go through both at -- as a poll watcher at polling locations and at the central offices, seeing what goes on.

And so, I definitely identify with that. I see what y'all go through in fighting for your budgets just like we on the SEB have to fight for our budget. Y'all have to do the same thing. And I do see the constraints and I see the burden that the cost of Dominion has put on the counties as well, even when it comes down to something like memory cards and printer cartridges.

So, I know that there are a lot of challenges, which is why I did bring this up quite some time ago to go through. And it's -- it is unfortunate that we're at this period of time. So -- so we know what those issues are, but my issue is how can we compromise -- we're talking about legal issues of compromising constitutional and codified ballot

secrecy, and a plan that, you know, a "mitigation plan" that the secretary came up with that -- that is frankly illegal.

So, my question to you is, do you have ideas of how to work around that, that are within the framework of being legal that, you know, if -- if -- and that's why, to Member King's point, I didn't have a final rule proposal because I wasn't going to try and present something that you all couldn't live with or couldn't comply with without having your input and the input of others.

So, that's why there's not a final rule. And I also felt that it was very important to have input on specific verbiage for the rule from other members as well. So, my question to you is, do you see a way in -- in doing this in a legal fashion that is something that election directors can live with?

MS. DOVER: At this short notice, I do not see any way feasible without hiring the extra poll workers, without bringing back -- we train approximately 400 poll workers for this election cycle. This would mean bringing back those 400 and additional poll workers. It has taken us an -- an entire month. We don't have an entire month. That's concerning to me.

Of course, Cherokee County is always awesome. The commissioners, if I need money, they're going to find the money. So, that's -- that would not be as big of an issue, I don't think. I don't like doing it because we've set our budget. We are on a strict budget this next fiscal year. If it's a mandated something, they will take care of us. I know that for a fact.

But my main concern is the voters' -- the perception. I fear that I will have poll workers that will say, "I'm not touching ballots of voters because I don't want to be accused of something." Elections officials are put in a very difficult position.

We take a lot of criticism. We've been accused of fraud. We've been accused of being criminals. Our poll workers have been accused of doing things they shouldn't do. And this atmosphere just gets worse for us as elections officials and poll workers.

And I'm afraid we will lose poll workers if something like this is mandated because they're going to feel that pressure not to make a mistake. I mean, it -- it's to the point now that if we make a clerical mistake, even as -- as Mr. Mills said at the last board meeting, the administrative staff there made a clerical

mistake.

People are human. We make mistakes. But when elections officials make mistakes, we're called criminals. We've done something wrong. We've stolen an election. We've lost a ballot. We've scanned something twice. And this just opens it up for more of that to be placed on us and on our poll workers. And I really didn't mean to go into that, but that's just on my heart and I needed to say it.

MS. GRUBBS: No, I understand. And I've -- I've -- I've seen, you know, social media can enlighten you to a lot of things. And so, I have -- I have seen a lot of that and we certainly don't want that to happen. And again, which is why I wanted an open meeting for this kind of discussion.

So, I think at this -- it's 9:46. I know that we have a short period of time, Mr. Chairman, so I think it would be appropriate to hear from Ms. Marks. And she has the pending emergency complaint. Also Mr. Moniqua has a pending emergency complaint that we need to -- we need to address. But if we can go to Ms. Marks now, I think that would be a good idea.

MR. FERVIER: Sure. Ms. Marks, please.

DISCUSSION OF EMERGENCY COMPLAINT(S)

MS. MARKS: Okay. Thank you very much. I'm

Marilyn Marks, executive director, Coalition for Good Governance. And we do have before you a pending complaint, an emergency complaint. And we can make short work of this if the board can --

MR. FERVIER: All right. Everybody froze for me.

MS. MARKS: Oh, and you were frozen, John.

MR. FERVIER: Okay.

MS. MARKS: I mean Mr. Chair.

MR. FERVIER: I'm back in.

MS. MARKS: Okay. Was it just me that did that?

MR. FERVIER: No, go --

MS. MARKS: Just kidding.

MR. FERVIER: -- go forward.

MS. MARKS: Just kidding.

MR. FERVIER: I -- I -- I think I got really low bandwidth here, so.

MS. MARKS: Okay. No. And we can make short work of this. If the board can just go ahead and say, "Yes, we will notice the case for a very near-term hearing." I think, Mr. Chair, you said that Monday could be available. If we could notice the case for a near-term hearing, what that would allow this board to do is to hear the pros and cons and hear the rebuttals

to some of the information presented today.

We very much agree with Dr. Adida about the seriousness and the technical issues. We would disagree with him quite vociferously about the validity of the secretary's mitigations. They do not work either technically or certainly legally, they do not work. And I think that the input of lawyers is needed for that.

The -- hearing a case will provide exactly that kind of environment where the pro and con in a quasi-judicial setting that you all would conduct would allow the board to get all of the facts. And, you know, rather than my making a presentation to you today with so little time, you know, and I will do it if -- if you haven't decided that you can go ahead and notice the hearing, I would suggest that you notice the hearing with the idea that it is tentative.

And if rules can be made before that -- that case is heard, then great. There would be -- the case would be mooted out. But I think that given that this board has the duty to ensure compliance with law, either through rulemaking or through enforcement actions, and you are considering both, you are considering rulemaking, and that would be the easiest way to do this, but I think there needs to be a

parallel track for an enforcement action if the rulemaking does not occur right away.

So, I would ask for at least a tentatively noticed date of Monday for a full hearing on the record where respondents, and this would be Cobb County and Gwinnett County, who both have sophisticated legal counsel, they have sophisticated IT departments and -- and election supervisors.

And I think that this board needs to hear a lot from the election supervisors and officials and give it the right time to do it. And the environment, I would say, of a quasi-judicial hearing is exactly the right way to do that. So, I would ask that you tentatively notice the case to be heard.

MR. FERVIER: Do -- do -- do you want to address Mr. Adida's comments? I

MS. MARKS: Well, it would take quite a while, and I know you've only got 10 minutes left. I would be happy to --

MR. FERVIER: Well, I think Member Ghazal has to leave at 10 o'clock. She has a flight to catch. I'm not sure what Member Roddy schedule is. And I know Member King has a -- a 10:30 hard stop. Member Roddy, how much longer are you available?

MS. RODDY: I'm -- I'm fine. I'm available

all morning as needed.

MR. FERVIER: Okay. So, I mean, I think that we probably have a few minutes past 10:00, but there's probably going to be a hard stop at 10:30, so.

MS. MARKS: Oh, okay.

MS. GRUBBS: Ms. Marks, could you -- could you at least -- well, first, I think we need to do -- get an answer on setting that and along with the complaint that kind of parallels with Mr. Moniqua (sic), the emergency complaint that he filed as well. And I know that he was going to send in a statement about that. So, we'll need to agree on that, but can you kind of address the legality or the illegality of the mitigation?

MS. MARKS: Yes. And -- and I'm going to give you an inadequate brief overview. And I would again say that this board needs the opportunity to read and hear the legal arguments in detail to please do not give this short shrift of just taking my word for it or not -- or rejecting this. This needs to be done in a proper deliberative environment.

Basically, what Dr. Adida was saying is the mitigations are sufficient. They would be sufficient in a perfect world if nobody ever matched up the data, looked at the data, and it was truly kept separate, and

it wasn't shared with anyone, but that is not the world we're living in. Remember that Georgia has the strongest, as far as I know, the strongest secret ballot protections of any state in -- in the union probably, including the constitutional protection of a secret ballot for every voter.

And the statutes are quite clear that there must be absolute secrecy so that the words are clear. No one may see or know how another voter has voted. If you move forward with using this software it immediately de-anonymizes the anonymous ballot that the voter cast.

At the moment that that goes into the scanner, you've broken the law. It is a non-secret ballot that violates the constitution, that violates the statutes, that violates HAVA, it violates really the -- the -- one of the most fundamental guarantees of a democratic election.

And at that point, the state -- the -- the Secretary of State, the -- the counties now the vendors can know how any of the individual voted. This sets this up for, at a minima post-election controversy. And to -- to have this board move forward and do nothing about the fact that you are conducting a -- an unconstitutional election begs for post-election

challenges.

And -- and people coming in and saying the -- the election was not conducted in a constitutional manner, and it is therefore void of -- void ab initio, in other words, void from its very beginning. You really do not want that when there are available, even if they are clumsy and expensive, and I'm completely sympathetic with everything that Ms. Dover said, that is she is right to be worried about the operational impacts.

However, I don't think this board and the county election officials in particular have any option in terms of continuing to use the equipment as it is, because it is not an optional choice as to whether or not the Constitution of Georgia is honored and all of the statutes. They -- they must be obeyed. And when the machines that are in use by the county superintendents -- I'm sorry, I thought you said something, Mr. Chair.

But when those machines are used in the current way without breaking that order of the voters, you have de-anonymized the ballot the minute it goes into that scanner. That is just not appropriate, and it is not an option to say, "Well, it costs too much. It's too inconvenient. It's going to cause us to lose

poll workers." The Constitution doesn't say if it's, you know, we -- we want you to -- we -- you must have a secret ballot if it's not too expensive, if the poll workers aren't upset.

I just want to address the poll workers for one moment and say I really believe that even though this is going to be a burden on the poll workers, every poll worker I've ever met would -- would go to extra lengths to make sure that the voter's privacy was protected. They would work those extra hours. They -- they would put in the effort. No one wants to be creating a ballot that is not legitimately cast because it is a non-private ballot.

There are a number of ways in which the secretary's mitigation plan does not work. You all need more time to hear it. Dr. Adida may not be familiar with the fact that the redaction does not work. We've been able to prove it in a brute force attack when I -- that sounds like a whole lot of work. No, it was about 15 minutes of computer time. It's -- a redaction alone does not does not help.

And you need to hear that from an expert, not me, who I'm definitely not the computer expert like Dr. Adida is. But this needs more time and deliberation and not just a quick decision. And that's why I'm

asking for you to consider both the technical arguments and a -- and the legal arguments in a forum where the pros and cons can be heard and deliberated even though the time is short.

And that is -- is really kind of the -- this in a nutshell is the secretary's directives are not appropriate. They're not legal. He did not have the legal authority to issue those. We're going to get in a huge controversy again about the election and the post-election auditing, including the image auditing that is done if you go forward.

So, Ms. Grubbs is there any other thing that I need to address right now? Obviously, the legal arguments are extensive, the technical arguments are extensive, and I know your time is short. Is there anything else that you think would be helpful right now?

MS. GRUBBS: Well, one of the things that I think is, you know, the -- it goes without saying that having a secret ballot in Georgia is the law, it's in the Constitution. We've known that and argued that for a long time. And, you know, I resent the -- the way that we are kind of stuck in this situation. It's not right. It's not right to the citizens. It's not right to the election directors. It's not right to the poll

workers.

So, the question is, do people go with what is easiest or do they go with what is legal? And I think that boils down the argument pretty well of -- and, you know, and unfortunately, what is, you know, we're in this overall situation in Georgia where there's a cloud over things, and the transparency is so, so, so important.

And so, when you take that transparency and you put it in the hands of third-party vendors and only elite people that have access, and, you know, John Doe is not able to go back and say, "Yeah, the total number of people that checked in is the total number of people that cast a ballot, and that's the total number of ballots we have." When you have a secretary issuing orders, when he doesn't have the authority to do that to take action that limits the transparency, that's where we have a big problem.

MS. MARKS: May I say in response, I -- I completely agree, and you're -- you -- the question you ask, "Are we going to do what's easy and convenient and doesn't cause too much of a burden, or are we going to do what's legal?" And -- and while it might be the easiest route now to say, "Let's just keep doing what we're doing," it's not going to be so easy when we

start seeing threats to seize the machines that are -- that are creating this problem or seeing post-election challenges.

And those -- those will get really messy and it will not be so easy. And this board has the ability to direct compliance with the law, to direct a prophylactic measure that will prevent those things from happening. And I think that a very rigorous debate is needed in a time where you can debate it, you can have experts, and I think that having this done in a case environment where Cobb and Gwinnett, very sophisticated counties, can speak to the pros and cons would be a very good way to have that deliberation.

Is there anything else I -- I should address for anyone? And -- and again, we would -- we would be happy to withdraw the complaint if this board adopts effective rules that -- that give -- grant the relief we are seeking.

But obviously, the time is short. And -- and I know that you've got these rules on the table, Ms. Grubbs, and so I -- I don't know -- I don't know what we can do other than to say, "Please hear our case and get it scheduled for a very quick hearing," at least tentatively.

MS. GRUBBS: Yeah. I -- I mean, I agree that

both cases need to be heard and they're on this issue and they have been, you know, properly filed. Mr. Chairman, can we -- can we take care of that and notice it for hearing early next week?

MR. FERVIER: I -- I have to get with the board members, Member Grubbs. I got to talk to Member Gizella -- Member Gizella. Member King -- Vice Chair King after this, and Director Mills, and we'll see what the availability of people is. I -- I told you that I was tentatively available Monday, but I, as I've told you many times, I'm in court next week too, and I don't know what that court date starts yet.

So, we will talk about today. I will call Vice Chair King this afternoon and we'll have -- or after this meeting, have a discussion about what's -- what's potentially available, so. And I -- I -- I will look into it at your request, yes.

MS. GRUBBS: Okay. And then I would just ask for the public, you know, the staff has let me know that the -- the discussion draught is, I've called it, is -- is out there in the public. And, you know, I would still like to have public input on that and see what -- what other ideas people have and see how it might continue to work.

MR. FERVIER: Did you -- you had some --

mentioned that you had some election directors that you wanted to speak this morning too? Is that -- were they --

MS. GRUBBS: Well, Ann -- Ann Dover is -- is mainly who I wanted to hear from, but anybody --

MR. FERVIER: Okay.

MS. GRUBBS: -- else -- any other election directors that, you know, would provide input, I would love to hear from because -- here's the -- my fear, Mr. Chair, is that, you know, they -- this has put the election directors between a rock and a hard place, legitimately. They are being told to do something by a secretary that he doesn't have the -- the authority to tell them to do.

And then if they do it and there's issues in the election and people contest elections as being unconstitutional because there was not appropriate ballot secrecy, they're going to be the ones to have to deal with that. And to me, that, you know, I don't want to set people up for failure, but by his directives, he's the one actually setting people up for failure. Because when election contests come, and I'm sure they will, over this issue, they're going to be the ones in the hot seat.

And that's the reason why I wanted this to be

a discussion, is because I don't want to see them in the hot seat, nor do I want us to be in the hot seat by not trying to mitigate this issue at the direction of someone who did not have the authority to issue that guidance. And Ms. Dover has her hand up.

MS. DOVER: Yes.

MR. FERVIER: Should we ignore her or should we let her speak?

MS. GRUBBS: I, you know, I'm all for Ms. Dover speaking.

MR. FERVIER: All right.

MS. DOVER: I usually don't allow people to ignore me very often.

MR. FERVIER: I -- I know that well.

MS. DOVER: So, you know, just thinking through some of this, what if a poll worker leaves a ballot in that box and it doesn't get scanned? Then you have a voter's vote that did not get counted. What if a ballot, when they're taking it out of that box and it falls into the floor and it slides up under a table and that ballot does not get scanned? I -- I mean, I can see this happening all over the state. You -- as a -- an elections director, you see these kinds of things, these -- these kinds of things that can cause a nightmare.

MS. GRUBBS: So -- so those are not things that don't already happen. So -- so, it's not necessarily being caused in a change in a new process. It's things that already happen that you've seen happen before, even without this process.

MS. DOVER: But you're increasing -- to me, you are increasing the chances of things like that happening. The more a ballot is handled, the more you -- the more opportunity there is. You know, what if a voter -- a -- a poll worker decides, "Oh, I -- I want to do something nefarious," and they just say, "I'm not going to scan these," and they shove them in a trash can.

I mean, which I really don't think that would happen, but you're opening up a lot of problems with ballot security. And I know ballot secrecy is just as important as ballot security, but I'm very, very concerned that we just don't have enough time to plan this out. I -- I would -- I'd love to work on planning something out if --

MS. GRUBBS: So --

MS. DOVER: -- there was time.

MS. GRUBBS: So, let me ask you this, Ms. Dover. If -- considering the fact that we have the November election -- and I get the timeframe --

MS. DOVER: Yes.

MS. GRUBBS: -- believe me, that's why I started beating the drum a long time ago. So, I get that. But what would be your plan after the November election, knowing that we have other elections coming up, what -- what would you plan on that? We've got, you know, I'm sure after January, we're probably going to have special elections.

MS. DOVER: Mm-hmm.

MS. GRUBBS: And then we're going to have the municipals next year. We're still going to be voting on this system for quite some time. How much time do you think it would take to come up with a plan?

MS. DOVER: I certainly think you could train your poll workers on this process during -- if we had a municipal election, you would just add the process. If you had a good process, if you had policy, and if you have procedures, you could train your poll workers for these small municipal elections and implement this next year.

You're still going to have ballot security and chain of custody concerns, but at least you could take the time to plan it out, organize it, train your poll workers well, inform the voters of this new change. We're trying to inform voters now of just the

-- the new numbered list rule.

And the response we're getting from voters on that is why this is stupid. And so, we're trying to explain, you know, why we're doing that. And that is a minor change, a very minor change. We're even trying to plan out what the poll workers are going to say when somebody says, "Don't write my name down on that list," because that's going to happen. Somebody's going to get mad.

So, I'm looking at it because I deal with voters and I deal with poll workers. Ms. Marks can say she's -- has spoken with many poll workers, and I'm sure she has, but I'm in the trenches with these poll workers. I've been to every single poll worker training except for today because I'm in here, you know, talking to y'all. And then on Monday, because I was at the SEB meeting.

I go and I listen to my poll workers, and I listen to the voters. And I'm sorry, I must disagree with Ms. Marks. The poll workers are going to be scared. They're going to be concerned about this. And we had some that were going to quit when they thought they were going to have to count the ballot paper. We will have poll workers that quit.

We will have poll workers that say, "This is

not worth $200 a day and the stress that this is going to cost me." If we miss a ballot being scanned, or if we miss five ballots being scanned, they get left in a box. Are y'all going to dismiss that case before -- I mean, is the SEB going to dismiss that case? No. That puts us at risk again because we have a short time to plan and implement policy and procedure.

MS. KING: Thank you, Ms. Dover.

MR. FERVIER: And I -- I'm sorry. Please, Member King, go ahead.

MS. KING: Yeah. Thank you, Ms. Dover. I -- I want to correct the record for something that I continue to hear. Member Grubbs keeps alluding to the fact that she's saying that she's presenting these issues to us and that it's almost giving the illusion like we are overlooking these concerns or that this is something that we've been talking about for a long period of time and we just haven't come up with a solution.

The problem I have with that statement is that it's kind of what we're doing right now. Today could have been the meeting where a rule was being presented. This could have been the emergency rule meeting.

We -- what -- what we're getting -- and --

and just again, for the record, communication with the board has not been positive. I have not spoken with Member Grubbs on the phone at all for -- since the last -- what, two meetings? I've only spoken with her during these meetings.

And so, if -- and then when I provided the email expressing my concern regarding the draught that was sent on the 17th of September, I didn't even get a response back.

So, when we're talking about timeframes and we're talking about how we're managing this process, I think we have to include the fact that we're continuing to have listening sessions and meetings where I feel as though we are trying to be convinced in one direction or the other, rather than presenting us with something that is finalized, that is complete, that we can actually take a vote on, and that addresses some of the concerns that we've all presented.

So, the time constraint is not only because we have, you know, we were thrown into this situation because the legislature and the general assembly did not take care of it. It's not only because the Secretary of State has not taken care of it, but it's also because I'm continuing to be presented with draughts. I need to see complete rules because those

complete rules will address a lot of these concerns that have already been expressed.

So, I'm not understanding why we're not taking the already expressed concerns, putting them in a finalized rule, and then asking us to have the emergency meeting to actually vote on it. That could have been taken care of a long time ago, but it appears to me that what -- what matters more is that we are trying to almost force the hand to support something that a lot of people have concerns about rather than taking those concerns and creating a rule that -- whether we all can live with it or not, whether it lives or dies, at least something's on the table.

But I just -- I want to correct the record. I do not want to continue to make it seem as though we're in a situation where this board continues to be presented with rules, and for some reason, we're not moving forward with them. I have not been presented with a complete rule since we've started this entire process months ago.

It's been highlights here, portions here, take this rule, but take this part out. All of that has been happening at board meetings when that should have been happening in your home, and then you present to us something final. So, I don't want to continue to

carry this burden as if the board is not doing their job, which I've heard that several times too, that we're somehow not doing our job. My job is to review a rule if you have one, present it before us, and then allow us to vote on it.

Having -- asking us to come up with all of this stuff and piecemealing and parsing here and changing up here and all of this stuff, that's what's elongating the process. So, just come up with something that we can all support or not support, but just come up with something final, and I think that will address the time constraints.

Outside of that, I think we have to accept the fact that there are people that have concerns. I do think that this is something that can happen.

Now, I -- I'm not a fan of the secured box situation. I feel like if we're -- in -- in one -- on one side, we're telling people that they can't review their ballot before they cast it because of the QR code, but now on this side, we're saying that you can review your ballot, but you can't cast it because we're going to cast it later after we shuffle it a bunch of times.

That, to me, causes the same problem that we are trying to present when we talk about the QR code.

So, there are things that has been expressed. If we can address those, maybe we can come up with something. However, I think we all know that given the time constraints, it's virtually impossible to try to ask 159 counties to retrain.

And then I have questions about, are we changing the election process? If we're telling people to take their ballot and put it in a box instead of the scanner, is that changing the election? We have complaints on the table. We want to have tentative hearings, but we haven't even had an investigation. We're circumventing our own process.

Whenever we're trying to fit a -- a -- a -- a -- a square peg in a circle hole, that's a problem. We're forcing something. So, if we're going to talk about this, let's have an honest conversation. The communication has been bad. We haven't seen a final rule. Nothing's been presented to us that's been finalized. Now we're having all of this information here being presented. So, now we want a tentative date for another meeting. I leave Saturday morning to go out of town. I have no plans of being on a meeting next week.

So, this is -- all of this is what we need to be talking about, because as of right now, everything

that we have discussed, we can adjust it, create a whole another rule, but is there a -- will we have a rule? I mean, I don't even know. So, I just want to stop putting pressure and making it seem like the SEB is dropping the ball when we're not being honest about this process. So, that's my point. I just want to make that for the record.

MR. FERVIER: Thank you, Vice Chair King. Member Grubbs, do you have any other individuals who want to speak today on this?

MS. GRUBBS: No, sir.

MR. FERVIER: Any other comments, Member Roddy?

MS. RODDY: Basically, I -- we -- we -- I have voted against a -- a very similar proposal on it, you know, at the meeting before last. And I'm not convinced in any way that I will vote for it in any form at this point in time. I am certainly concerned about ballot secrecy, but I'm also concerned -- and -- and I -- and I have made it clear that I think the Secretary of State should have put in the updates that were required to fix this and a whole host of other problems.

But I'm not -- I'm not in favor of putting election officials through the -- the -- the ringer on

this thing. I think that it will cause incredible conflict that will deter us from other missions. And the bottom line is it's -- it's -- it's -- it's not like your name is attached. There's a whole process that you have to do. You have to really be motivated to track somebody's vote. And I'm not convinced in any way that it will alter the outcomes of the elections.

Because of that, I -- I want to just tell you, I can't see that I will likely be convinced by any other information that is presented. Now, I think there is an elephant in the room, which is that the Georgia GOP and the RNC have sent a letter in support of this proposal. I did not participate in the discussion or the development of that letter. And I think if they had heard what I had to say, that letter might not have been sent.

But right now, I don't see any reason -- I can make myself available, but I do not believe that I will -- that there is anything that can be said that -- that will allow me or encourage me to vote to implement rules. I am concerned about the mitigation problem. And I -- I think that the intense focus on ballot secrecy has resulted in an SOS response that in any -- that in some ways puts us in a worse spot than we were before.

But I just want to -- I -- I want you to understand, Mr. Chairman, and also Member Grubbs, that I am available and I will participate and I will make my schedule available, but I don't know how useful, you know, me being in a meeting is going to be if you want this thing passed.

MS. KING: Mr. Chair, really quickly. Thank you, Member -- Member Roddy. I -- I agree with you. Member Chair, very quickly, I -- I have something that even comes from CISA. Even CISA, which is our federal -- on the federal side, they stated that even though there are these cyber vulnerabilities and these vulnerabilities are here, they say that it's -- require a timely remediation. They even talk about harmonizing the process.

And so, I -- and after speaking with someone who's been with CISA, I -- they also see the -- some of the concerns in all of this. And then even when I saw the letter from the RNC and the GOP, my question was, what are they talking about? Because there's no rule proposal. So, they're -- basically, we're saying they support the draught. What do they support? I don't -- I haven't yet to have seen an actual rule. So, we're doing all of this backwards.

It's like we're getting support. Support for

what? The idea of it or they're just -- they're -- they're acknowledging that there are concerns? I think we all agree with that. We -- we can all agree with that. But I don't know what they are supporting when we do not have a actual proposal.

So again, it's all backwards to me. It's very confusing. The communication is terrible. So, I mean, I -- I don't know what exactly we're being asked to do. I'm just tired of us setting up meetings, spending five to $6,000 of taxpayers' money every single time we have to have a virtual meeting. And then we're doing this based off of just talking about what the problem is.

Give us something that we can actually make a decision on. Then we can -- then we can bring in letters and -- of support and all of that. But I just don't get it. I don't get it. I'm very confused.

MS. RODDY: Mr. Chairman, may I -- may -- may I say also, you know, ballot -- ballot security and -- and -- and chain of custody issues are presented by the proposal. Member Grubbs has sort of outlined a shuffling process and -- and -- and we've seen sort of a -- it's not finalized, but we have seen, you know, something of a proposal. But it causes me great concerns that we would implement something like that,

not only at -- at -- at the last minute.

I think this is the fourth time something similar has been presented to the SEB. I've only been on here since the end of June, so I've only had one chance to vote against it. But, you know, it just brings, you know, so many concerns up. And I think, you know, do no harm. It just does more harm than good. I don't think the risk of -- of -- of a motivated, abusive spouse or a -- a controlling boss, I don't think those circumstances or those opportunities are going to control any election.

I think it is a very small thing. I'm not minimizing the importance of ballot secrecy. I want -- you know, I'm pretty open about who I support, but nonetheless, it is my business. It is each of -- of the voters' businesses as to -- to how they vote. I'm not saying that ballot secrecy is not important, but I think cause no harm is a great motto to take in this. And again, I just don't see anything that is going to convince me to vote for any rule that is basically along these lines at this point in time.

MR. FERVIER: Thank you. I think we lost Member Ghazal at this point. Member Grubbs, do you have any more comments that you'd like to make?

MS. GRUBBS: No, sir.

MR. FERVIER: Okay. Any other comments by anybody?

MR. MILLS: Mr. Chairman.

MR. FERVIER: Yes.

MR. MILLS: I just wanted to -- to say for the record, I've heard several comments and I -- I -- I think you agreed also with Member Grubbs that the email was sent of this discussion draught on September 17th. If anybody wants to go back and look at that email, you'll see stamped in yellow, bold block at the top, it says, "Do not Disseminate." So, we could not send it out until we were -- until that was removed. And if it wanted to be discussed, then you had to send us something.

Usually the way this process works, somebody comes before the board with a rule proposal. The board then can either amend, substitute, make changes, whatever the board decides -- the majority of the board. But since I've been in this position as executive director, I've never seen us take up something called a discussion draught.

And I raised this question earlier in the week. You know, it's -- it's an expensive discussion. If you want to keep having discussions, it's -- it's kind of costly. And I -- I -- I would just encourage

everybody to reflect on. Yesterday I had a -- a conversation with Chairman Victor Anderson, who is chairman of the Intergovernmental Affairs Committee in the House of Representatives of Georgia.

He responded to this when asked for input, and I think you all know what his response was. I asked him if I could -- if I had his permission to use his name today, and he said, "By all means." And you all read his response.

He thought -- while he recognized there was an issue with ballot secrecy that this timing was -- was not appropriate. There were also questions about our authority as an SEB, making sure that we don't get over into the lane of legislating. So, you read his emails. I won't say anymore. But I -- I think those are important to take into consideration.

MR. FERVIER: Thank you. The -- the purpose of this meeting was to conduct unfinished business from Monday's meeting. Member Grubbs had asked to have these added to the agenda, and we added them to the agenda. We weren't able to get to them on Monday's meeting because we're -- we're dealing with a lot of other issues, and so we weren't able to get them. So, I -- I asked the board members if we could do this this morning so we could finish unfinished business from

Monday's meeting.

And it was -- purpose was to have discussion about these things. Board members obviously have a right to want to discuss whatever topic is appropriate at the time, and Member Grubbs wanted to discuss this. I think it's an appropriate discussion for, you know, to have among the board members.

There are obviously disagreements on it. There are disagreements on how it should be implemented, whether it should be implemented. I mean, all, you know, we -- we're -- we're five members. We all have different opinions. We're all able to express those hopefully in freely. So, it wasn't just --

MS. GRUBBS: Mr. Chairman, I have a question and -- when you're done.

MR. FERVIER: I mean, I -- I -- I said, but the -- but the purpose of this meeting, the reason the meeting was called was to complete business that wasn't completed at Monday's meeting that was on the agenda for that. And so, Member Grubbs?

MS. GRUBBS: So, I believe Member King or Member Roddy, I don't remember which one said that these Zoom meetings cost five or $6,000 a piece; is that correct?

MS. KING: That's correct. On average, we're

talking about between five to $6,000.

MS. GRUBBS: For these meetings?

MS. KING: On average, we're talking about -- yes, these meetings.

MS. GRUBBS: Okay. And how -- how do you know that?

MS. KING: What do you mean how do I -- okay, so I know that because I've asked, and not only that, because we -- I've been on the board since 2024. We've been having these meetings, so I've asked.

MS. GRUBBS: Okay. I was just curious because I'd requested a copy of the budget to -- to see, so I would know, you know, what the expense --

MS. KING: Do you not have a copy of the budget? Was -- were you not provided a copy of the budget by anybody?

MS. GRUBBS: I have -- I asked Director Mills for a copy of the budget and he still --

MR. MILLS: Did you --

MS. GRUBBS: -- has never given me a copy.

MR. MILLS: No, you --

MS. KING: Well, to be clear --

MR. MILLS: -- you told me not to give it to you, Member Grubbs.

MR. FERVIER: Excuse me.

MR. MILLS: You told me not --
MS. GRUBBS: I don't --
MR. MILLS: -- to give it to you.
MS. GRUBBS: I don't --
MR. MILLS: But you got a copy, right?
MS. GRUBBS: I do not have a copy of your budget.
MS. KING: No one --
MS. GRUBBS: A prepared budget for you.
MR. MILLS: The budget.
MS. GRUBBS: I have not been given a copy of the budget by you to know what the expenses are --
MR. MILLS: That's not what I asked.
MS. GRUBBS: -- for items like this.
MR. MILLS: Have you received a copy of this budget of this agency?
MS. GRUBBS: I received a copy that Mr. Fervier sent, but that was not the budget that you said that you had prepared, that I was just --
MR. MILLS: Okay, so you had a copy.
MS. GRUBBS: -- trying to find out about -- and I was told it was not correct.
MS. KING: So -- so here -- to be clear --
MS. GRUBBS: By you.
MS. KING: -- I did not -- just -- let me be

clear. I don't know how this shifted into a budget conversation because I don't have a copy.

MS. GRUBBS: I just wanted to --

MS. RODDY: I don't have a copy.

MR. FERVIER: We -- we --

MS. KING: I want to answer what I'm -- let me state what I'm saying.

MR. FERVIER: Okay.

MS. KING: You asked me a question, "How did I know the cost?" It's because I asked. And I did not -- I do not have a copy of the budget. Matter of fact, you have the budget. I do not, Member Grubbs. So, I don't know where this is going or what this is. However, the budget itself that is -- is created with the Secretary of State's office, there are some challenges with that, that we are trying to work out with the SOS.

So, that's why we haven't had a discussion as of yet with the -- in a public meeting when it comes to the budget. However, my statement had nothing to do with me seeing the budget. I don't know what type of game was trying to be played or trying to trick that was trying to be played on me to make it seem like I have something that you don't have. All of that is silliness.

The fact of the matter is --

MS. GRUBBS: I'm not trying to play a game, Member King.

MS. KING: -- I asked a question -- the fact is I asked the question because I wanted to know, and I found out how much it costs to have these meetings. It has nothing to do with the -- me having the budget. You have the budget. I do not.

MS. GRUBBS: I have a budget.

MR. FERVIER: Let's -- but let's -- let's get back to the topic at hand, if y'all don't mind. I -- we can have this discussion when it's on the agenda and it wasn't on the agenda for today. Let's -- Member Grubbs, do you have anything further that you want to present on these two topics?

MS. GRUBBS: No, sir.

MR. FERVIER: Any -- any -- any other questions from the board for Member Grubbs on these two topics?

MS. RODDY: No.

MR. FERVIER: The chair will entertain a motion to adjourn at this time.

MR. MILLS: Mr. Chairman, before you adjourn --

MR. FERVIER: Yes. Yes.

MR. MILLS: -- I -- I promised at our meeting on Monday that I would extend the opportunity to you to sign on the letter requesting access to Jarvis for -- to the Secretary of State. And so, I'm -- I'm going to keep my promise. And I -- I also want to extend that offer to Member Ghazal and then to Member Grubbs. It -- our investigators need access to Jarvis, and this is a letter that is, you know, I'd like to send again to the Secretary of State and ask that they give our SEB investigators access to Jarvis to do their investigations. So, Mr. Chairman, would you like to sign this?

MR. FERVIER: My -- my understanding is that that letter's already been sent to the Secretary of State.

MR. MILLS: Yes, and I've not received a response from them. So, I asked for help on Monday from the board and had a place for -- for y'all to sign as well. So, would -- would you like to sign it and support our investigators having access to Jarvis?

MR. FERVIER: I -- I didn't come here today prepared to discuss that topic. I'm not going to discuss it here at this meeting.

MR. MILLS: Yeah, I -- I told you on Monday we were going to do it in the meeting publicly. You

can go back and watch the video.

MR. FERVIER: No, I'm -- I'm not going to have that discussion here today.

MR. MILLS: Okay. So, you don't -- I -- I -- I will have to -- anyway, I'll have it available if you want to sign it through today. And -- and Member Grubbs, Member Ghazal, I would love to have everybody's support for our investigators to have access to Jarvis. SOS investigators have access to it. And I can't understand why anybody on this board would not support our state election board investigators having access to Jarvis.

I want to thank Vice Chairman King for signing on it. I want to thank Member Carolyn Roddy for signing onto this. And I'm hopeful that everyone will, but right now that's all that has signed.

ADJOURNMENT

MR. FERVIER: Thank you. The chair at any time will entertain a motion to adjourn.

MS. GRUBBS: Motion to adjourn.

MR. FERVIER: Is there a second?

MS. KING: Second.

MR. FERVIER: All those in favor signify by saying aye.

MS. RODDY: Aye.

MR. FERVIER: Right. Any opposition? Hearing no opposition, so move. This meeting is adjourned. Thank everyone for attending today. I appreciate it. Thank you.

(Whereupon the Meeting was adjourned at 10:32 A.M.)

C E R T I F I C A T E

STATE OF GEORGIA

COUNTY OF PAULDING

I, Roni Parks, Certified Court Reporter, do hereby certify that the foregoing transcript is a true and accurate accounting of evidence and testimony taken by me to the best of my ability.

I further certify that the foregoing pages represent a true and correct record of the evidence given of the proceedings hereinbefore set forth, as reported by me and transcribed by me or under my supervision.

And I further certify that I am not a relative by blood or marriage, nor an employee of attorney or counsel of any of the parties in the case, nor am I financially or in no way interested in the outcome of the action.

This 4th day of November, 2026.

_____

Roni Parks

CERTIFIED COURT REPORTER

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$200 55:1

$500,000 31:24

$6,000 63:10 67:23 68:1

$80,000 31:20

1

1.0 21:14

10 12:18 41:18,21

10:00 42:3

10:30 41:23 42:4

10:32 74:5

126 31:15

15 45:20

159 59:5

17th 7:24 8:8 11:9 56:8 65:8

1st 4:7

2

2.0 21:17

2018 13:7

2022 14:11 16:11

2024 68:9

2026 4:7 10:4 75:18

2027 10:5

2028 10:1

28th 4:14

3

30-day 10:21

4

400 36:21,22

4th 75:18

5

5.17 17:4

5th 32:12

9

9:04 4:2

9:46 38:16

A

a.m. 4:2 74:6

ab 44:4

abilities 23:20

ability 10:19 11:1 26:10 48:5 75:8

absolute 43:8

Absolutely 25:9

abusive 64:9

accept 58:13

access 9:1 25:7,13,16 47:11 72:3,7,10,20 73:8,9,11

accounting 75:7

accuracy 32:12

accurate 75:6

accused 37:12,15,16

acknowledging 63:2

action 19:10 41:1 47:17 75:16

actions 15:6 18:12 40:23

actual 62:23 63:5

add 11:16 12:1 28:18 31:19 53:16

added 24:8 66:20

additional 10:23 18:3 21:1 31:14,16,18 36:22

address 6:12 14:3 19:12 34:15 38:21 41:16 42:13 45:5 46:13 48:14 57:1 58:12 59:2

addressed 8:6 9:16 10:8 16:19 19:14,16

addresses 56:17

addressing 34:17

adds 17:6

adequately 22:18

Adida 6:9,17 12:12,14,15,17,20, 23 13:3 22:20,21 23:1,3,8,13,22 24:10,25 25:3,9,12,19,23 26:14, 16,22 27:6,15,24 28:2,7,13 29:10, 11,14 40:2 42:22 45:16,24

Adida's 41:16

adjourn 71:22,23 73:19,20

adjourned 74:3,5

ADJOURNMENT 73:17

adjust 60:1

administer 34:8

administrative 37:25

adoption 7:23 8:9

adopts 48:16

advanced 17:12 18:17

advances 14:19

advent 9:17

advice 9:11

advised 19:18

affairs 8:17 66:3

affect 8:21 18:14 26:9,10

affected 11:21

afraid 37:20

afternoon 49:14

AG 11:20

agency 69:16

agenda 4:13,15 6:13 66:20,21 67:19 71:12,13

agree 23:6 40:2 42:12 47:20 48:25 62:8 63:3

agreed 65:7

ahead 6:14 7:12,16 11:13 31:12 39:20 40:15 55:10

AI 14:19

akin 9:3

Alex 14:12
alignment 34:23
allegiance 4:19 5:6,9
alleviate 10:13
allowed 20:17
alluding 55:13
alphabetical 27:8
alter 22:7 61:7
amen 5:3
amend 65:17
America 5:2,12,14
amount 33:25
amounts 20:16
amplified 14:20
Anderson 8:13 11:10,19 66:2
Ann 6:8,18 29:19,21,22 50:4
anonymous 43:11
answers 33:9
anticipate 21:15
anticipated 33:7
anymore 66:15
apologize 24:21
appears 57:7
applied 13:4
applying 17:1
appropriately 15:6 32:20
approximately 31:19 36:21
architect 19:11
area 21:12
areas 34:3
arguably 18:23
argued 46:21
argument 47:4
arguments 42:18 46:1,2,14
arisen 25:1
artificial 9:17
assembly 56:21
assigns 15:15
assists 13:16
assume 13:19
assure 35:2
atmosphere 37:17
attached 61:4
attack 28:10 45:19
attacker's 18:10
attending 74:3
attorney 7:25 75:14
audit 18:17 23:20 25:2 26:3,4,7
auditing 46:10
audits 13:16 25:24 26:10
authority 46:8 47:16 50:13 51:4 66:13
availability 49:9
average 67:25 68:3
aware 7:21 8:4,21 23:14 27:4
awesome 37:1
aye 73:24,25

B

back 29:13 31:3 32:10 34:20 36:20,22 39:10 47:12 56:9 65:9 71:11 73:1
backwards 62:24 63:6
bad 16:5,18 59:17
bagging 29:1
ball 60:5
ballot 7:19 8:2,20 9:13 14:14,24 15:9,11,12,13,23 16:3 17:18 18:4, 10,15 20:12,18 21:4,7,8 22:12,17 24:15 26:2 28:23 29:2,5 30:12,16, 22 34:11 35:25 38:5 43:4,6,11,15 44:22 45:3,12,13 46:20 47:14 50:18 51:17,19,21 52:8,16,17 53:21 54:23 55:2 58:19,21 59:8 60:19 61:22 63:19 64:13,17 66:11
ballots 10:12 16:11,18 20:2 24:2, 6 26:5 30:5 31:1,4,10,12 34:9 37:11 47:15 55:3
bandwidth 39:18
based 27:1 63:12
basically 42:22 60:14 62:21 64:20
basis 8:10
batch 26:4
beating 53:3
begin 6:21 12:10
beginning 44:5
begins 17:12
begs 43:25
Ben 6:9,17 12:12 13:3
benefit 14:7 18:22 19:1,2 20:20 21:1 22:4
Beth 7:25
bid 13:18
big 9:14 30:21 32:5 37:3 47:18
bigger 19:20
bin 20:3 31:3
bins 31:1
bit 16:17 27:12
blessing 5:1
blessings 5:2
block 65:10
blood 75:14
board 4:8,14 7:25 10:18,20,22,25 12:16 14:24 18:19 21:9 22:12 26:20 27:19 29:7,9 32:19 33:2,15 37:24 39:4,20,24 40:12,21 41:9 42:17 43:23 44:11 48:5,16 49:6 56:2 57:16,23 58:1 65:16,18,19 66:24 67:3,7 68:9 71:18 72:18 73:10,11
boils 47:4
bold 65:10
boss 64:9
bottom 13:25 61:3
bow 4:21
box 30:17,22 34:10 51:17,19 55:4 58:16 59:8

boxes 32:1
Braden 14:11
break 10:12
breaking 18:10 44:21
briefly 28:8
bring 4:23 29:18 35:20 63:15
bringing 36:20,22
brings 22:3 64:6
broken 43:14
brought 35:3
brute 45:18
budget 31:20,23,24 33:16,18 35:13 37:5,6 68:12,15,16,18 69:7, 9,10,12,16,18 70:1,11,12,14,20, 21 71:7,8,9
budgets 35:12
build 21:5
bunch 58:22
bundled 19:8
burden 35:15 45:7 47:22 58:1
Burns 8:13
business 64:15 66:18,25 67:18
businesses 64:16
bypass 10:21

C

call 4:6,11 18:8 28:10,23 49:13
called 4:7,12 6:12 15:14 38:3 49:20 65:21 67:18
card 24:3,5
cards 25:16 35:17
care 17:19 37:7 49:3 56:22,23 57:7
careful 18:24
Carolyn 73:14
carry 58:1
cartridges 35:18
case 24:8 39:21,23 40:9,19 41:14 48:11,22 55:4,5 75:15
cases 49:1
cast 15:14 16:3,4,11,18 21:15 26:1 43:12 45:12 47:14 58:19,21, 22
casting 15:9 22:7
catastrophic 19:12
catch 41:21
caused 52:3
causing 19:19
cease 31:9
central 17:17,19 35:10
cents 34:19
certified 21:14 75:5,23
certify 75:6,9,13
chain 28:10 53:22 63:20
chair 12:13 29:17 33:3 34:24 39:9,22 44:19 49:7,14 50:10 60:8 62:7,9 71:21 73:18
chairman 6:22 8:12,13 11:10,12, 19 38:17 49:3 62:2 63:18 65:3 66:2,3 67:14 71:23 72:11 73:13
challenges 35:20 44:1 48:3 70:16
chance 20:11 64:5
chances 52:7
change 9:9 18:25 19:2 22:3 32:3, 5,14 52:3 53:25 54:5
changing 58:8 59:7,9
charged 9:6
check 27:3,21
check- 27:7,9
check-in 18:6
check-ins 27:1
checked 47:13
checking 27:11
Cherokee 31:22 33:23 37:1
choice 44:14
choose 19:22,23 21:3
chosen 9:1
circle 59:14
circumstances 64:10
circumventing 59:12
CISA 62:10,17
citizens 9:12 46:24
citizens' 23:19
cleansing 24:14
clear 22:4 43:7,8 60:20 68:22 69:23 70:1
clerical 37:23,25
Clever 13:7
close 19:17
cloud 47:7
clumsy 44:7
Coalition 39:1
Cobb 41:5 48:11
code 10:24,25 58:20,25
codified 35:25
combined 28:22
commend 14:13 22:14
comment 10:22 23:23
comments 41:16 60:12 64:24 65:1,6
commissioners 37:2
commitment 13:12
Committee 9:23 66:3
communication 56:1 59:17 63:7
community 15:25
companies 13:6
complaint 38:19,20 39:3 42:9,10 48:16
COMPLAINT(S) 38:24
complaints 59:10
complete 56:16,25 57:1,19 67:18
completed 67:19
completely 34:6 44:7 47:20

complexity 17:7
compliance 40:21 48:6
comply 36:10
compromise 35:24
compromising 35:25
computer 45:20,23
con 40:10
concern 30:13 31:5,7 34:4 37:9 56:7
concerned 30:15,20 52:18 54:21 60:18,19 61:21
concerns 12:3 30:12,14 32:6 34:5,9,13 53:22 55:16 56:18 57:1, 4,10,11 58:14 62:18 63:2,25 64:6
conduct 6:5 40:11 66:18
conducted 44:3
conducting 43:24
conflict 29:6 61:2
confused 63:17
confusing 63:7
confusion 7:23
connect 11:18
cons 39:25 46:3 48:12
consideration 15:9 20:23 66:16
considered 20:18 31:25
constitution 9:15 43:15 44:15 45:1 46:21
constitutional 8:6 35:25 43:5 44:3
constraint 56:19
constraints 33:22 35:15 58:12 59:4
contacted 33:13
contest 50:16
contests 50:22
continually 22:13
continue 10:6,9 21:9 23:4 49:24 55:13 57:15,25
continued 9:16
continues 57:16
continuing 44:13 56:12,24
control 64:11
controlling 64:9
controversy 43:22 46:9
convenient 47:21
conversation 25:10 59:16 66:2 70:2
conversations 11:17,18,23
convince 64:20
convinced 56:14 60:17 61:6,9
copied 8:12
copy 6:23 68:12,14,15,18,20 69:5,6,11,15,17,20 70:2,4,11
correct 20:12 55:12 57:14 67:24, 25 69:22 75:10
cost 17:7 31:7 35:15 55:2 67:23 70:10
costly 65:25
costs 44:24 71:6
counsel 41:7 75:14
count 54:23
counted 51:18
counties 10:13 17:18 32:1,8 33:13,16,17,22,23,24 35:7,16 43:20 48:12 59:5
country's 18:16
counts 26:4
county 31:22 37:1 41:5,6 44:12, 17 75:3
countywide 31:16
couple 23:25
court 49:11,12 75:5,23
create 60:1
created 15:12,23 70:14
creating 27:23 34:14,18 45:12 48:2 57:11
criminals 37:16 38:4
Crimmins 14:11
criteria 21:19
critical 14:14
criticism 37:14
cryptography 13:4
curious 68:11
current 10:4 13:21 16:22 18:13 21:14 44:21
custody 53:22 63:20
cut 31:22,23
CVR 15:14,15,16,22,23 16:20 17:16,18
CVRS 18:14 21:4 26:6
cyber 62:12
cycle 36:21

D

data 24:7,11 27:4,6 28:21 42:24, 25
date 41:4 49:12 59:20
day 30:18 55:1 75:18
days 32:8
de-anonymized 44:22
de-anonymizes 43:11
deal 4:24 9:21 30:21 50:19 54:10, 11
dealing 8:10,24 66:22
dealt 7:7
debate 22:15 48:9
decade 13:5
decided 40:15
decides 52:10 65:18
decision 45:25 63:15
dedicated 13:8
deep 13:12
defense 18:8 28:23,25
deliberated 46:3
deliberation 45:24 48:13
deliberative 42:21

democracy 14:14
democratic 43:18
departments 41:7
depending 30:22
depends 20:9
deployed 20:7
deployment 17:7
deposit 20:2
depth 18:8 28:24
design 18:24
detail 18:20 42:18
details 14:9 23:25 33:10
detecting 16:9
deter 61:2
determined 28:21
developed 32:11
developing 9:24
development 14:19 61:14
Dhanya 14:11
dial 19:24
dialogue 35:6
dies 57:13
difficult 37:13
digital 15:11 26:6
diligent 22:13
direct 48:6
direction 51:3 56:14
directives 46:6 50:21
director 4:10 5:7 7:2 11:1 13:9 30:13 39:1 49:8 51:23 65:20 68:17
directors 8:19,22 11:4 36:17 46:25 50:1,8,11
disagree 40:4 54:19
disagreements 67:8,9
discovered 14:15
discuss 8:9 67:4,5 72:22,23
discussed 8:20 60:1 65:13
discussing 14:1
discussion 6:23 7:3,6,7,18,22 8:1 11:2,3,6 22:14 23:5 25:24 38:15,24 49:15,20 51:1 61:14 65:8,21,23 67:2,6 70:18 71:12 73:3
discussions 9:10 21:11 65:24
dismiss 55:4,5
dismissed 19:1
Disseminate 65:11
documentation 9:2
Doe 47:11
Dominion 33:19 35:16
Dover 6:9,18 8:14 11:10,14,19 29:19,21,22,23 30:1,8,11 33:1,2 35:2 36:18 44:8 50:4 51:5,6,10, 12,15 52:6,22,24 53:1,9,14 55:8, 11
Dover's 34:5,23
draught 6:23 7:3,7 8:1 11:2,6 20:6 33:6,12 49:20 56:7 62:22 65:8,21
draughts 7:8 56:25
Drew 14:12
dropped 20:23
dropping 34:9 60:5
drum 53:3
duty 40:21
DVS 8:3 10:13 14:1,10,20 15:10 17:3,23 18:21 19:13 21:18,22 22:1 24:1

E

earlier 65:22
early 26:23 31:17 32:13 49:4
easiest 40:24 47:3,24
easily 16:4,17
easy 9:18 29:15 47:21,25 48:5
educate 32:4
effect 30:4
effective 48:17
effectively 16:8 24:10 27:10
effort 45:11
election 4:8 8:3,18,21 9:2,12 10:9,18,20,24 13:8 14:24 15:24 17:11 19:6,17 23:11,20 27:18 28:5 30:4,13 31:21 32:19 34:5,8 36:17,21 38:5 41:8,10 43:18,25 44:3,12 46:9,25 50:1,7,11,16,22 52:25 53:5,16 59:7,9 60:25 64:11 73:11
elections 8:16 10:5,6,10 13:4,13, 24 14:16,22 15:1 18:14 20:25 22:18 29:6 32:22 37:12,18 38:3 50:16 51:23 53:5,8,19 61:7
elephant 61:11
elite 47:11
elongating 58:9
email 7:24 8:12 11:9 12:2 56:7 65:7,9
emails 66:15
emerge 21:7
emergency 7:18 8:2,4,10,11 10:19 31:1,2 38:19,20,24 39:3 42:10 55:23 57:6
emerging 21:9
emphasize 13:12
employee 75:14
encourage 61:20 65:25
end 31:3 64:4
enforcement 40:22 41:1
enlighten 38:11
ensure 8:15 21:18 40:21
ensuring 18:9
entertain 71:21 73:19
entire 36:23,24 57:19
entitled 9:8
environment 40:10 41:11 42:21 48:11
equipment 9:23 13:10 44:13
equivalent 19:20
ethics 8:16

everybody's 73:7
evidence 75:7,10
exacerbating 27:22
exact 18:6 33:5,11
Excuse 68:25
executive 4:10 5:7 13:9 39:1 65:20
exist 29:5
existing 21:24 22:16
exists 8:5 24:14
expense 68:13
expenses 69:12
expensive 44:7 45:3 65:23
expert 20:22 45:22,23
experts 18:8 48:10
explain 15:5 28:7 54:4
exploit 28:10,15
exploration 21:12
export 24:7,12,19
express 67:12
expressed 57:2,4 59:1
expressing 12:2 56:7
extend 6:6 72:2,5
extensive 46:14,15
extra 36:19 45:8,10
extrapolating 27:12
eye 21:9

F

face 5:5
fact 17:22 27:22 37:8 43:24 45:17 52:24 55:14 56:12 58:14 70:11 71:1,4
facts 40:12
fail 32:21
fails 32:21
failure 32:18,23,24 50:20,22
fall 13:24 33:22 34:12
falls 51:20
familiar 45:17
fan 33:20 58:16
fashion 36:16
Father 4:21
favor 60:24 73:23
fear 37:10 50:9
feasible 33:14 36:19
federal 21:13 62:10,11
feedback 11:9,10
feel 30:16,20 37:22 56:13 58:17
fees 33:18
fellow 7:25
felt 36:13
Fervier 4:3 5:4,11,15,17,19,21, 23,25 6:4,16 11:15 12:5,9,16,22 22:21 26:18,20 29:9,16,18,21,25 30:2,10 33:1 34:24 38:23 39:5,8, 10,13,15,17 41:15,20 42:2 49:5, 25 50:6 51:7,11,14 55:9 60:8,12 64:22 65:1,4 66:17 67:16 68:25 69:18 70:5,8 71:10,17,21,25 72:13,21 73:2,18,21,23 74:1
fight 35:13
fighting 35:12
filed 42:10 49:2
files 17:18 25:19
final 25:2 33:7 36:8,12 57:25 58:11 59:17
finalized 56:16 57:5 59:19 63:23
Finally 14:23
financial 33:22
financially 33:14 75:15
find 7:1 32:2 37:3 69:21
fine 41:25
finish 66:25
finished 32:9
fiscal 31:23 37:6
fit 59:13
fix 60:22
flag 5:5,9,10
flaw 13:25 14:4,10,15,21 15:5,10 21:22
flaws 13:20
Fleming 8:14
flight 41:21
floor 34:25 51:20
focus 61:22
focused 17:6,15
for-profit 13:8
force 45:18 57:9
forcing 59:15
foregoing 75:6,9
forget 24:20
forgive 15:3
form 60:18
formal 7:23
forum 46:2
forward 6:14 12:17 39:15 43:10, 23 46:11 57:18
found 16:11 71:6
founded 13:7
founder 12:13
fourth 64:2
framework 36:6
frankly 11:22 22:9 36:2
fraud 37:15
fraught 20:6 22:6,7
freely 67:13
froze 39:5
frozen 39:7
full 41:4
fully 33:8
fundamental 43:17
future 6:6 10:10 21:2

G

game 70:22 71:2

gave 34:22

general 20:6 56:21

generates 16:21

Georgia 4:23 5:2 9:12,15 10:18 13:15,16 14:16,22 16:13 17:12 18:14,16 20:25 21:3,16 22:18 23:16,23 43:2 44:15 46:20 47:6 61:12 66:4 75:2

Georgia's 13:18,23 21:14

get all 40:12

Ghazal 4:9 6:17 12:9,11 26:19,22 27:14,17,25 28:3,12 29:8 41:20 64:23 72:6 73:7

give 10:22 23:24 41:11 42:16,19 48:17 63:14 68:23 69:3 72:9

giving 55:15

Gizella 49:7

glad 32:25

glance 16:16

globe 4:25

goal 13:21 18:10

God 5:21,22

good 4:22 12:8 16:9 18:12 21:6, 23 25:12 38:22 39:1 48:13 53:17 64:8

GOP 61:12 62:19

Governance 39:2

governmental 8:17

grant 48:17

granted 9:14

great 7:15 12:23 13:15 29:16 40:19 63:24 64:18

greatly 8:22 14:20

Grubbs 4:9,16,17,20 5:4,10,13, 16,18,20,22,24 6:2,10,12,15,22 7:11,15,20 11:16,25 12:2,5,7 22:20,22,23 23:2,4,9,14 24:9,22 25:1,4,10,18,22 26:12,15 29:19, 20 33:6,11 34:25 35:1 38:10 42:6 46:12,18 48:21,25 49:6,18 50:4,7 51:9 52:1,21,23 53:2,10 55:13 56:3 60:9,11 62:2 63:21 64:23,25 65:7 66:19 67:5,14,20,21 68:2,5, 11,17,20,24 69:2,4,6,9,11,14,17, 21,24 70:3,12 71:2,9,14,16,18 72:6 73:7,20

guarantees 43:17

guests 4:11 12:6

guidance 9:4,11 51:5

guys 35:8

Gwinnett 41:6 48:11

H

Halderman 14:12

hand 8:25 17:22 19:9 27:20 51:5 57:9 71:11

handle 7:5

handled 52:8

hands 47:10

happen 38:14 52:2,4,15 54:8 58:15

happening 48:8 51:22 52:8 57:23,24

happy 29:14 30:8 41:19 48:16

hard 27:23 41:23 42:4 50:11

harder 20:16

harm 64:7,18

harmonizing 62:14

HAVA 43:16

heads 4:21

hear 6:11,20 11:13 12:15,20 29:24 30:3 38:18 39:25 41:9 42:18 45:16,22 48:22 50:5,9 55:13

heard 7:6 11:2 40:19 41:14 46:3 49:1 58:2 61:15 65:6

hearing 4:13 12:17 32:15 39:22, 24 40:9,16,17 41:4,12 48:23 49:4 74:2

hearings 59:11

heart 38:9

Heavenly 4:21

heavy 33:21

helpful 22:22 29:8 46:16

hereinbefore 75:11

high 14:6 19:4,20 20:9,19,24

high-risk 20:19

highlight 13:13 21:13

highlighting 13:20

highlights 14:18 57:21

hiring 36:19

hold 13:3

Holden 8:14 11:11

hole 59:14

home 57:24

honest 59:16 60:5

honored 44:15

hope 7:4,9 15:3 22:25 26:13

hopeful 73:15

host 17:5 19:8 60:22

hot 50:24 51:2

hours 45:10

House 66:4

huge 30:21 32:2,14 46:9

human 38:2

I

ID 24:7,8,14

idea 38:22 40:17 63:1

ideal 16:19

ideas 36:4 49:23

identifier 15:16,18,20,21,25 16:8,13

identifiers 16:10 17:16,20,22,25

identify 35:11

IDS 16:20

ignore 51:7,13

ill- 19:17

illegal 36:3
illegality 42:13
illusion 55:15
image 46:10
images 15:23 17:19 18:15 21:4 26:2
immediately 12:12 43:11
impactful 18:2
impacts 44:10
impending 8:3
implement 53:19 55:7 61:20 63:25
implementations 18:17
implemented 10:2 14:3,8 18:3 27:19 67:10
implementing 9:3 13:5 20:8
importance 14:25 64:13
important 8:5 13:2,22 14:21 19:23 21:10,11,19 30:12 31:6 34:15 36:13 47:8 52:17 64:17 66:16
importantly 8:18 14:2
impossible 59:4
inadequate 42:16
Inaudible 11:25 23:3
include 33:8 56:12
included 11:8
includes 17:5
including 21:2 43:5 46:10
inconvenient 44:25
incorrectly 20:8
increasing 52:6,7
incredible 61:1
incremental 18:22,25
individual 16:2 26:6 43:21
individuals 34:3,10 60:9
indivisible 5:23,24
inform 13:22 53:24,25
information 21:3 23:17,18 25:7, 8,14 27:1 40:1 59:19 61:10
inherent 15:20 29:6
initio 44:4
input 8:23 9:11 11:4,20 13:1 35:6 36:10,11,13 40:7 49:22 50:8 66:5
inserts 15:11
instruct 30:25
intelligence 9:17
intend 13:18
intense 61:22
intentions 4:22
interest 18:24
interested 11:5 13:20 75:16
interesting 33:4
Intergovernmental 66:3
intersects 13:14
introduce 12:12
investigation 59:11
investigations 72:11
investigators 72:7,10,20 73:8,9, 11
invited 6:8
inviting 13:1
INVOCATION 4:19
involvement 11:22
iphone 19:23
issue 8:3 9:14 10:13 13:23 14:24 19:9 21:24,25 25:5 26:17 27:22 28:6 34:16 35:3,23 37:4 46:8 49:1 50:23 51:3,4 66:11
issues 6:13 8:20,25 21:18 24:23 34:17 35:5,23,24 40:3 50:15 55:15 63:20 66:23
issuing 47:15
items 4:13,15 69:14

J

January 53:7
Jarvis 72:3,7,10,20 73:8,12
Jesus' 5:3
job 21:18 58:2,3
jobs 32:19
John 39:7 47:11
join 4:5
June 64:4
justice 5:25 6:2

K

kicked 23:11
kidding 39:14,16
kind 25:5 32:22 38:15 40:10 42:9, 13 46:5,23 55:21 65:25
kinds 10:7 51:23,24
King 4:9 12:1 29:17 33:3 34:24 41:23 49:7,8,14 55:8,10,11 60:8 62:7 67:21,25 68:3,7,14,22 69:8, 23,25 70:6,9 71:3,4 73:13,22
King's 36:7
knowing 24:1 53:5
knowledge 26:3

L

label 15:22
lane 25:20 66:14
large 9:18 15:18 20:14,15 33:17
last-minute 15:7
late 4:4 23:6
late-breaking 18:25
law 9:5,9 10:15 23:16 24:16 32:20 40:21 43:14 46:20 48:6
lawfully 9:1
lawmakers 9:8
lawyer 23:22
lawyers 40:7
layers 28:25
lead 22:9
learned 33:14

leave 41:21 59:21

leaves 51:16

left 41:18 55:3

legal 23:19,23 35:24 36:6,16 41:6 42:18 46:2,7,8,13 47:3,23

legality 42:13

legally 40:6

legislating 66:14

legislation 9:25

legislature 8:17 9:20 56:21

legitimately 45:12 50:12

lengths 45:9

letter 8:7 61:12,14,15 62:19 72:3, 8

letter's 72:14

letters 15:19 63:16

liberty 5:25 6:2

light 4:23 8:2

limit 24:23

limited 4:4

limits 23:19 47:17

lines 64:21

list 54:1,7

listen 54:18,19

listening 34:20 56:13

lists 27:7

live 28:5 36:9,17 57:12

lives 57:13

living 43:2

Local 17:18

location 31:15 35:8

locations 31:17,18 35:9

logic 32:11

logs 18:5 21:4

long 9:16 46:22 53:3 55:17 57:7

longer 18:5 41:24

looked 22:2 42:25

Lord 4:24

lose 20:11 37:20 44:25

lost 38:5 64:22

lot 7:5 20:16 22:2 24:23 28:19 32:8 35:19 37:14 38:12,13 41:10 45:19 52:15 57:1,10 66:22

love 50:9 52:19 73:7

low 39:18

M

machine 33:21

machines 33:19 44:17,20 48:1

mad 54:9

made 16:23 37:25 40:18 60:20

main 30:13,14 37:9

major 17:5,11 34:9,13

majority 65:18

make 7:21 12:3 13:10 14:22 20:15 28:15,16 32:14 34:16,22 37:22,23 38:2,3 39:3,19 45:9 57:15 60:7 61:18 62:3 63:14 64:24 65:17 70:23

makes 29:14

making 17:5 32:5 40:13 60:4 66:13

malicious 16:1

managing 56:11

mandate 8:6

mandated 37:6,21

manner 44:4

Marilyn 6:9 39:1

Marks 6:9 38:18,22,23,25 39:1,7, 9,11,14,16,19 41:17 42:5,6,15 47:19 54:11,20

marriage 75:14

matched 42:24

math 16:17

matter 8:11 16:9 20:7 26:7 70:11 71:1

matters 57:8

Max 14:17

maximally 21:5

meaning 15:20

meaningless 18:1

means 34:1 66:8

meant 19:11 20:13

measure 48:7

measures 17:14 18:3,19 20:23

media 38:11

meet 6:6 22:25 23:1,2 26:15

meeting 4:7,12 6:5,12 7:17,22 9:23 19:23 35:4 37:25 38:15 49:15 54:17 55:22,24 57:6 59:21, 22 60:16 62:5 63:11 66:18,19,22 67:1,17,18,19 70:19 72:1,23,25 74:2,5

meetings 21:10 56:4,5,13 57:23 63:9 67:23 68:2,4,10 71:6

member 4:5,9,15,16 5:4,7 6:10, 11,17 7:10 11:15 12:2,5,9 22:22 29:19 33:2,5,11 34:25 36:7 41:20, 22,23 49:6,7 55:10,13 56:3 60:9, 12 62:2,8,9 63:21 64:23 65:7 66:19 67:5,20,21,22 68:24 70:12 71:3,13,18 72:6 73:6,7,14

members 7:21,25 26:20 29:10 36:14 49:6 66:24 67:3,7,11

memory 24:3,5 25:16 35:17

mention 13:11

mentioned 26:23 50:1

messy 48:4

met 45:8

Mills 5:7 7:2,4,14 11:1 37:24 49:8 65:3,5 68:17,19,21,23 69:1,3,5, 10,13,15,20 71:23 72:1,16,24 73:4

mind 6:20 71:11

minima 43:22

minimally 18:2

minimizing 64:13

minor 54:5

minute 19:21 32:24 35:3 44:22 64:1

minutes 4:4 12:18 30:7 41:18 42:3 45:20
missing 27:16
missions 61:2
mistake 37:22,24 38:1
mistakes 20:15 38:2,3
MIT 13:3
mitigate 15:6 21:25 51:3
mitigated 18:21
mitigation 17:21 18:12 20:21 22:17 23:5,16 36:1 42:14 45:15 61:21
mitigations 14:3,7 40:5 42:23
Mm-hmm 23:8,13 25:18 53:9
moment 43:13 45:6
Monday 32:12 39:22 41:4 49:10 54:16 72:2,17,24
Monday's 66:19,21 67:1,19
money 37:2,3 63:10
Moniqua 38:20 42:9
month 36:23,24
months 16:25 22:8 57:20
mooted 40:20
morning 22:24 42:1 50:2 59:21 66:25
motion 71:22 73:19,20
motivated 61:5 64:9
motto 32:22 64:18
move 6:14 19:14 43:10,23 74:2
moving 57:18
Mozilla 13:6
multiple 11:23 18:9
municipal 10:5 53:16,19
municipals 53:11

N

name's 13:3
names 27:9
Narayanan 14:11
nation 5:19,20
near-term 39:21,24
necessarily 52:3
necessitate 8:11
needed 38:9 40:7 42:1 48:9
nefarious 52:11
nerdy 15:4
newer 21:17
night 31:3
nightmare 51:25
non- 13:7
non-existent 18:23
non-private 45:13
non-secret 43:14
nonetheless 64:15
notable 21:12
Nothing's 59:18
notice 10:21 20:7 36:18 39:21,23 40:15,16 41:14 49:3
noticed 41:4
noting 17:2
November 10:8 22:19 31:21 52:25 53:4 75:18
number 15:19,21 16:14 31:5,7 45:14 47:12,13,14
numbered 54:1
numbers 15:19 18:1
numerous 35:4
nutshell 46:6

O

obeyed 44:16
obliged 9:1
obstacles 18:9
occur 41:2
OCGA50-13-6 10:25
October 4:7 32:12
offer 9:10 14:6 72:6
office 8:25 70:15
offices 35:10
officials 25:7 34:6 37:13,18 38:3 41:10 44:12 60:25
older 21:13
online 29:21,22
open 12:25 13:11 35:6 38:14 64:14
opening 52:15
opens 38:6
operating 15:17
operation 20:24
operational 44:9
opinion 22:9,16 23:24,25
opinions 8:19 67:12
opportunities 64:10
opportunity 20:14 42:17 52:9 72:2
opposition 74:1,2
option 10:17 44:12,24
optional 44:14
options 10:14
order 4:6,11 6:19 8:3 9:2 10:13 14:1,10,21 15:10,15 16:2,10,17 17:3,24 18:21 19:13 21:4,18,22 22:1 24:1,2,6 27:3,8,10,20,25 28:16 44:21
orders 47:16
ordinary 10:21
organization 13:15
organize 53:23
original 17:3,8,23 22:1 24:1
outcome 75:16
outcomes 61:7
outlined 63:21
overlooking 55:16
oversight 8:16
overview 42:16

P

pad 27:1

pages 75:9

paper 17:3,8,24 20:16 22:1 24:2 26:5 54:23

parallel 41:1

parallels 42:9

paramount 14:25

Parks 75:5,22

parsing 58:7

part 24:20 34:7 57:22

participate 61:13 62:3

participation 29:12

parties 11:5 75:15

passed 27:19 31:13 62:6

passing 9:24

past 42:3

patch 17:6

path 9:1 10:7 23:19

patterns 16:9

PAULDING 75:3

pay 33:18 34:2

payroll 31:20

peg 59:14

pending 38:19,20 39:2

people 6:11 9:19 11:7,21 31:11 33:25 34:2 38:2 44:2 47:2,11,13 49:9,23 50:16,20,21 51:12 57:10 58:14,18 59:7

perception 20:17 37:10

perfect 42:24

perfectly 12:22

perform 10:19 26:11

performed 17:13

performing 19:16

period 35:22 38:17 55:18

periodically 20:4

permission 66:7

person 23:2

perspective 24:17 34:22

pertain 19:9

Phd 13:3

phone 56:3

piece 67:23

piecemealing 58:7

pillar 14:14

place 20:21 22:17 31:1 32:2 50:11 72:18

placing 30:21 31:2

plan 12:8 22:17 31:12 36:1 45:15 52:18 53:4,6,13,23 54:6 55:7

planning 52:19

plans 59:22

play 71:2

played 70:22,23

pleasure 22:24 23:1

pledge 4:19 5:6,9

point 6:16 7:24 16:7 19:1 25:13, 24 33:7 34:7 36:7 37:23 43:19 60:6,18 64:21,23

points 34:1

policies 31:25

policy 31:11 53:17 55:7

poll 20:3,9,15 27:1 30:17,22,25 31:4,8,10,14,16,20 32:8,9,10 35:9 36:19,21,23 37:10,16,18,20 38:7 45:1,3,5,7,8 46:25 51:16 52:10 53:15,18,24 54:6,11,12,13,14,18, 20,24,25

polling 31:15 35:9

polls 16:3 18:7

portion 33:18

portions 57:21

position 30:4 37:13 65:19

positive 56:2

Possibly 29:2

post 7:2,12

post-election 13:16 18:17 43:22,25 46:10 48:2

posted 6:24,25 7:9 11:7

potentially 49:16

power 10:23

praise 14:17,23

pray 4:24

prayer 4:16,17

precinct 20:12

prefer 10:14

prepared 12:24 69:9,19 72:22

present 19:4 20:24,25 28:17,24 36:9 57:24 58:4,25 71:15

presentation 40:13

presented 14:20 40:1 55:23 56:18,24 57:17,18 59:18,20 61:10 63:20 64:3

presenting 34:21 55:14 56:15

presents 14:15

pressure 37:22 60:4

pretty 47:4 64:14

prevent 18:11 48:7

prevented 21:19

previously 35:4

Princeton 14:18

printer 35:17

prior 10:12

privacy 13:5 45:9

pro 40:10

problem 17:21 19:21 34:15 47:18 48:2 55:20 58:24 59:14 61:21 63:13

problems 19:20 34:14,18 52:15 60:23

procedural 20:2 33:10

procedure 15:17 31:9 55:7

procedures 23:6,16 25:2 32:1, 11 53:18

proceed 11:5

proceedings 75:11

process 10:22 15:9 17:17 20:10 22:7 24:11,13,14 26:3,4,7,9 31:19 32:3 34:1,7 52:3,5 53:15,16,17 56:11 57:20 58:9 59:7,12 60:6 61:4 62:15 63:22 65:15

procurement 9:24 13:19

promise 72:5

promised 72:1

proper 20:24 42:21

properly 49:2

prophylactic 48:7

proposal 20:1,2,5,19 22:5,6 23:15 33:12 36:8 60:15 61:13 62:21 63:5,21,24 65:16

proposals 9:10 14:4 18:22 19:3

propose 17:24

proposed 8:1,9 11:3 17:23 18:25 23:5

pros 39:25 46:3 48:12

protect 18:4 20:13

protected 22:18 45:10

protecting 13:6 24:15

protection 43:5

protections 43:4

prove 45:18

provide 13:1 40:9 50:8

provided 8:23 56:6 68:15

public 6:25 7:3,21 17:15 21:15 25:7,15 28:19 49:19,21,22 70:19

public's 26:10

publicly 18:6,15 26:2 72:25

published 16:4

pull 34:2

pulled 33:18

purpose 4:13 7:22 8:15 66:17 67:2,17

put 6:13 28:11 35:16 37:13 45:11 47:10 50:10 59:8 60:21

puts 55:6 61:24

putting 32:24 57:4 60:4,24

Q

QR 58:19,25

quasi-judicial 40:11 41:12

question 24:20 26:21 33:2,11 36:4,15 47:2,20 62:19 65:22 67:14 70:9 71:4,5

questions 12:25 22:19 29:9 32:25 33:5,9 59:6 66:12 71:18

quick 45:25 48:23

quickly 12:24 62:7,9

quiet 34:20

quit 54:22,24

quorum 4:8

R

rain 5:1

raised 65:22

random 16:8,14,16,21 24:8

randomized 24:7

randomizing 27:3

re- 26:10

read 27:13 42:17 66:9,14

reading 8:7

real 14:1,12 21:22

reason 9:21 11:2 27:17 28:17 30:2 32:16 50:25 57:17 61:17 67:17

reasonable 16:24 17:21

rebuttals 39:25

receive 11:9

received 11:10 69:15,17 72:16

recent 14:19

recognized 66:10

recommend 14:5 15:7,8 19:11

recommendation 20:22

recommendations 21:25

recommended 17:14

recommending 26:9 28:18

reconciliations 23:21

reconstruct 16:4,10,17

record 12:4 15:12,14 17:15 26:6 27:23 41:4 55:12 56:1 57:14 60:7 65:6 75:10

records 16:4 21:16 24:6 26:1

redacted 18:7

redacting 17:15 27:9

redaction 17:20 24:11,14 26:8 45:17,21

reflect 66:1

regard 8:2,5 23:5

rejecting 42:20

relative 75:13

release 21:3

released 14:18 18:6 26:2,25 27:1,7 28:21

releasing 27:4 28:15

relief 48:17

remains 28:20

remarks 12:24

remediation 19:13 62:14

remediations 17:23

remember 18:20 43:2 67:22

removed 65:12

removing 17:22 18:1 26:24 27:2, 10

reported 14:11 75:11

Reporter 75:5,23

represent 75:10

Representatives 66:4

republic 5:15

request 49:17

requested 4:15 35:4 68:12

requesting 72:3

require 10:15 31:15 32:10 62:13

required 33:25 60:22
requires 27:20
research 14:21 16:11 17:3,8,24
researchers 14:13
resent 46:22
resolve 9:4
responded 66:5
respondents 41:5
response 47:19 54:2 56:9 61:23 66:6,9 72:17
rest 10:4
restrict 9:1
resulted 61:23
results 9:2
retrain 34:6,7 59:5
retraining 20:9
retrieve 15:15
review 33:8 58:3,18,21
RFQS 9:25
right-sized 17:21
rights 23:20
rigorous 48:8
ringer 60:25
risk 14:6,16,20 19:4,19 20:8,17, 24 22:3 28:17,21,25 32:2 55:6 64:8
risking 19:2
risks 21:6,10
risky 19:4,6,14 22:6,10
RLA 25:4
RNC 61:12 62:19
road 23:12
rock 50:11
Roddy 4:5,6 41:22,23,25 60:13, 14 62:8 63:18 67:22 70:4 71:20 73:14,25
Roni 75:5,22
room 61:11
route 47:24
row 15:12,13
rule 7:23 9:3,10 10:11 27:18,22 28:5,24 31:13 33:12 36:8,12,14 54:1 55:22,23 57:5,11,19,22 58:4 59:18 60:2,3 62:20,23 64:20 65:16
rulemaking 7:18 9:7 10:20 40:22,24 41:2
rules 8:2,8,9 32:21 40:18 48:17, 20 56:25 57:1,17 61:21

S

safe 18:1
safeguards 26:23
sake 24:15
sanctity 14:25
satisfactory 10:16
Saturday 59:21
scale 9:18
scan 20:4,17 30:17,23 31:4 34:10 52:12
scanned 15:13,22 38:5 51:17,21 55:2,3
scanner 18:5 31:5 43:14 44:23 59:9
scanners 30:24
scanning 10:12 15:17 31:10,19
scared 54:21
schedule 41:22 62:4
scheduled 48:23
seat 50:24 51:2
SEB 7:8 9:6,8 35:13 54:17 55:5 60:4 64:3 66:13 72:9
secrecy 7:19 8:2,20 9:13 14:14, 25 18:4,10 21:7,8 22:12,17 24:15 28:23 29:2,5 30:12 36:1 43:8 50:18 52:16 60:19 61:23 64:13,17 66:11
secret 43:3,6 45:3 46:20
secretary 8:25 9:4,7,8 14:2 23:15 26:24 36:2 43:20 47:15 50:13 56:23 60:21 70:15 72:4,9, 14
secretary's 40:5 45:15 46:6
secure 10:9 13:5,23
secured 34:10 58:16
security 15:25 18:8 52:16,17 53:21 63:19
seek 9:11
seeking 48:18
seize 48:1
selection 21:20
Senate 8:16
Senator 8:13
send 42:11 65:11,13 72:8
sending 8:8
separate 20:3 42:25
Separately 20:1
September 4:14 7:24 8:8 11:9 56:8 65:8
sequence 10:12
sequential 16:1 27:20
serial 16:14
series 15:19
seriousness 40:3
serve 5:1
server 17:19
servicemen 4:25
sessions 56:13
set 17:17 32:18,23 37:5 50:20 75:11
sets 43:21
setting 40:11 42:8 50:21 63:9
shared 43:1
sharing 21:15
Sherry 7:4,9,10,12,16
shifted 70:1
short 6:5 15:14 20:7 32:14 36:18 38:17 39:4,19 42:19 46:4,15 48:19 55:6

shorten 10:21
shove 52:12
showing 18:7
shrift 42:19
shuffle 20:4 58:22
shuffling 10:11 20:15 30:5 34:11 63:22
sic 42:10
side 58:18,20 62:11
sign 72:3,12,18,19 73:6
signed 73:16
significant 19:8 32:3
signify 73:23
signing 73:14,15
silliness 70:25
similar 60:15 64:3
simple 9:21
single 54:14 63:11
sir 60:11 64:25 71:16
situation 46:23 47:6 56:20 57:16 58:17
skepticism 22:2
slides 51:20
small 18:23 53:19 64:12
social 38:11
software 13:10 14:19 15:8 16:12, 19,23 17:1,4,13 19:5,17,19,21 22:5 24:3 43:10
solution 55:19
somebody's 54:8 61:6
something's 57:13
sophisticated 41:6,7 48:12
sort 29:1 63:21,22
SOS 61:23 70:17 73:9
sounds 20:16 45:19
source 13:11
speak 6:8,18 30:3 48:12 50:2 51:8 60:10
speakers 6:8
speaking 51:10 62:16
special 4:7,12 10:6 53:8
specific 15:4 36:14
spending 63:10
spent 13:4
spoken 54:12 56:2,4
spot 61:24
spouse 64:9
spreadsheet 15:13
Springall 14:12
Springer 14:17
square 13:6 59:14
staff 4:11 6:24 37:25 49:19
stakes 20:19
stamped 65:10
stand 5:5
standard 15:17 21:13,17
standards 9:23,24
stands 5:17,18
start 4:16 12:6 32:11,13 48:1
started 4:3,5 31:12 53:3 57:19
starts 31:23 49:12
state 4:8,23 5:2 9:7 10:18,20 13:15,16 14:2,7,23 17:14,19 18:3, 21 23:15 25:14 26:9,24 28:17 32:19 43:4,19,20 51:22 56:23 60:21 70:7 72:4,9,15 73:11 75:2
state's 8:25 15:6 18:12 21:24 22:16 24:13 70:15
stated 62:11
statement 42:11 55:20 70:20
states 5:11,13 21:2,16
statewide 19:5 20:10 22:7
statutes 43:7,16 44:16
staying 10:15
stepping 25:20
steps 34:16
stolen 38:4
stop 41:23 42:4 60:4
strained 33:16
stress 14:10 55:1
strict 37:5
strongest 43:3
stuck 46:23
stuff 58:7,8
stupid 54:3
substantially 14:3
substantive 10:23
substitute 65:17
sufficient 42:23
sufficiently 16:21 24:8
suggest 40:16
suggested 17:23
summarize 30:6
summary 10:11 21:22
summer 14:18 15:6
superintendents 44:18
supervision 75:12
supervisor's 30:4
supervisors 41:8,10
support 57:9 58:10 61:12 62:22, 25 63:16 64:14 72:20 73:8,10
supporting 63:4
suspending 28:4
sympathetic 44:8
system 9:20 10:1,4 13:19,21 18:5,24 21:14,21 23:7 53:12
systems 13:6 19:10

T

table 14:4 18:19 48:20 51:20 57:13 59:10
tabulator 15:11,15 16:12,19 24:6
tabulators 20:13
takes 17:19

taking 14:24 16:7 21:23 26:17 27:20 42:19 51:19 57:4,11

talk 18:20 49:6,13 58:25 59:15 62:14

talked 30:19

talking 29:4 33:4 35:24 54:16 55:17 56:10,11 59:25 62:20 63:12 68:1,3

talks 24:2

tally 26:11

taxpayers' 63:10

team 14:13

technical 23:24,25 24:17 40:3 46:1,14

technically 40:6

technology 10:16 13:8

telling 58:18 59:7

temporal 27:25

tension 21:7 22:11 29:4

tentative 40:17 59:10,20

tentatively 41:3,14 48:24 49:10

terms 44:13

terrible 63:7

testimony 9:22 75:7

testing 21:18 32:12

thankfully 16:14

that'll 11:7

thing 17:15 21:6 22:13 25:5,25 28:7 35:14 46:12 61:1 62:6 64:12

things 4:22,23 19:25 33:14 37:17 38:12 46:18 47:7 48:7 51:24 52:1, 4,7 59:1 67:3

thinking 51:15

third-party 47:10

thought 44:18 54:22 66:10

thoughts 11:4

threat 18:13,21 19:12,13,16

threats 15:1 48:1

thrown 56:20

till 35:2

time 4:4 9:9 11:12 15:16 20:5 22:9 23:10 25:11 26:25 27:2 29:13,19 32:4,13 33:15 34:23 35:21,22 38:17 40:14 41:11 45:16,20,24 46:4,15,22 48:9,19 52:18,22 53:3,12,23 55:6,18 56:19 57:7 58:12 59:3 60:18 63:11 64:2,21 67:5 71:22 73:19

timeframe 6:5 8:10 52:25

timeframes 56:10

timeline 9:24

timely 62:14

times 18:6 27:8,10 30:24 35:4 49:11 58:2,23

timing 66:11

tired 32:15 63:9

today 4:10,21 6:5,8 7:23 13:21 14:1 17:10 31:23 32:7 40:1,13 49:13 54:15 55:21 60:10 66:8 71:13 72:21 73:3,6 74:3

told 49:9,10 50:12 68:23 69:1,22 72:24

tomorrow 32:7

top 23:17 65:10

topic 13:2 67:4 71:11 72:22

topics 71:15,19

total 47:12,13,14

touching 37:11

town 59:22

track 41:1 61:6

tracking 15:21

train 36:20 53:14,18,23

training 32:8,9,10 54:15

transcribed 75:12

transcript 75:6

transparency 13:12,13 18:14 21:4,8 22:12 25:25 28:19 29:5 47:7,9,17

transparent 21:5

trash 52:12

trenches 54:13

trick 70:22

triple 29:1

true 75:6,10

trust 21:5

type 70:21

U

uncomfortably 20:14

unconstitutional 43:25 50:17

understand 14:5 16:6 18:18 30:11 33:21 38:10 62:2 73:10

understanding 16:22 18:2 25:15 26:1 27:6 57:3 72:13

understood 15:24

undertaking 26:24

unfinished 66:18,25

unfortunate 9:15 35:21

union 43:4

unique 15:16,18

United 5:11,13

unmuted 29:23

unreadable 20:12

update 15:8 16:23 17:1,13 19:19 23:6 24:4

updated 16:20 17:4

updates 19:21 60:21

upgrade 17:6 19:5,7,17,22,24 22:5

upload 17:18

UPS 15:21

upset 45:4

usual 4:16

V

validity 40:4

variety 11:21

vendor 16:23 25:16

vendor's 24:12
vendors 25:6,13 43:20 47:10
verbiage 36:14
verify 9:2
version 16:12 17:4 19:24
vested 10:19
Vice 34:24 49:7,14 60:8 73:13
Victor 66:2
video 73:1
violate 9:5 28:22
violates 43:15,16
virtual 63:11
virtually 59:4
vociferously 40:4
voices 11:21
void 44:4,5
vote 15:14 16:4 21:15 22:7 26:1 51:18 56:17 57:6 58:5 60:17 61:6, 20 64:5,16,20
voted 9:18 16:5 43:9,21 60:15
voter 15:11 27:7,9 30:5,15 43:6, 9,12 52:10
voter's 45:9 51:18
voters 16:3 18:7 20:2,11,17 27:3, 11,20 28:1,16 30:16,19 31:1,6 32:4 37:11 44:21 53:24,25 54:2, 11,19
voters' 37:9 64:16
voting 10:3 13:19 17:12 21:14,20 31:9,17 32:3,13 53:11
Votingworks 12:13 13:7,11,15
vulnerabilities 10:7 28:11 62:12,13
vulnerability 28:13,14
VVSG 21:14,17

W

wait 35:2
wanted 8:22 12:6 22:23 26:11 30:3 38:14 50:2,5,25 65:5,13 67:5 70:3 71:5
watch 16:2 31:4 73:1
watcher 35:9
Watson 8:13
ways 13:14 45:14 61:24
weaken 28:25
weakness 28:14
week 32:13 49:4,11 59:23 65:23
weeks 16:25 17:11 19:5 22:6,8
weighing 29:7
wide 11:20
withdraw 48:16
withholding 23:17,18
witnessed 30:24
women 4:25
wondering 27:21
word 42:19
words 43:8 44:5
work 7:17 13:14,22 14:13,18 36:5 39:4,20 40:5,7 45:10,15,18,19 49:24 52:19 70:16
worker 31:20 32:8,9 45:8 51:16 52:10 54:14
workers 20:3,9,15 30:17,22,25 31:4,8,10,14,16,18 32:10 36:20, 21,23 37:10,16,19,20 38:7 45:1,4, 5,7 47:1 53:15,18,24 54:6,11,12, 14,18,20,24,25
working 23:9
works 65:15
world 16:19 42:24 43:1
worried 44:9
worse 37:18 61:24
worth 17:2 19:15 24:1 28:9 55:1
write 54:7
written 31:25 32:1
wrong 19:25 38:4

Y

y'all 7:17 32:15,23 35:12,14 54:16 55:4 71:11 72:18
year 10:5 13:18 31:23 37:6 53:11, 20
years 13:17 16:24 17:1 35:7
yellow 65:10
Yesterday 66:1
Young 8:1

Z

Zoom 19:24 29:14 67:23